

105TH CONGRESS
1ST SESSION

S. 1467

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.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 8, 1997

Mr. SMITH of Oregon introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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
5 “Forest Recovery and Protection Act of 1997”.

1 (b) TABLE OF CONTENTS.—The table of contents of
 2 this 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 for National Forest System lands.
- Sec. 8. Expansion of purpose of Forest Ecosystems Health and Recovery Fund for BLM lands.
- Sec. 9. Effect of failure to comply with time limitations.
- Sec. 10. Authorization of appropriations.
- Sec. 11. Audit requirements.

3 **SEC. 2. FINDINGS.**

4 Congress finds the following:

5 (1) There are tradeoffs in values associated
 6 with proactive, passive, or delayed forest manage-
 7 ment, but the values gained by proactive manage-
 8 ment outweigh the values gained by delayed or pas-
 9 sive management of certain Federal forest lands.

10 (2) Increases in both the number and severity
 11 of wildfire, insect infestation, and disease outbreaks
 12 on Federal forest lands are occurring as a result of
 13 high tree densities, species composition, and struc-
 14 ture that are outside the historic range of variability.
 15 These disturbances cause or contribute to significant
 16 soil erosion, degradation of air and water quality,
 17 loss of watershed values, habitat loss, and damage to
 18 other forest resources.

1 (3) Serious forest health problems occur in all
2 regions of the United States. Management activities
3 to restore and protect forest health are needed in
4 each region and should be designed to address re-
5 gion-specific needs.

6 (4) Between 35,000,000 and 40,000,000 of the
7 191,000,000 acres of Federal forest lands managed
8 by the Forest Service are at an unacceptable risk of
9 destruction by catastrophic wildfire. Additional tens
10 of millions of Bureau of Land Management lands
11 are in the same situation. The condition of these for-
12 ests can pose a significant threat of destruction to
13 human life as well as fish and wildlife habitats, pub-
14 lic recreation areas, timber, and other important for-
15 est resources.

16 (5) Restoration of forest health requires active
17 forest management involving a range of management
18 activities, including thinning, salvage, prescribed fire
19 (after appropriate thinning), insect and disease con-
20 trol, riparian and other habitat improvement, soil
21 stabilization and other water quality improvement,
22 and seedling planting and protection.

23 (6) A comprehensive, nationwide effort is need-
24 ed to address forest health decline in an organized,
25 timely, and scientific manner. There should be im-

1 mediate action to improve the areas of Federal for-
2 est lands where forest health decline has been thor-
3 oughly inventoried and assessed or where serious re-
4 source destruction or degradation by natural dis-
5 turbance is imminent.

6 (7) Frequent forest inventory and analysis of
7 the status and trends in the conditions of forests
8 and their resources are needed to identify and re-
9 verse declining forest health in a timely and effective
10 manner. The present average 12- to 15-year cycle of
11 forest inventory and analysis to comply with existing
12 statutory requirements is too prolonged to provide
13 forest managers with the data necessary to make
14 timely and effective management decisions, particu-
15 larly decisions responsive to changing forest health
16 conditions.

17 **SEC. 3. DEFINITIONS.**

18 For purposes of this Act:

19 (1) FEDERAL FOREST LANDS.—The term
20 “Federal forest lands” means—

21 (A) forested lands created from the public
22 domain that are under the jurisdiction of the
23 Bureau of Land Management; and

1 (B) forested lands created from the public
2 domain that are within the National Forest
3 System.

4 (2) SECRETARY CONCERNED.—The term “Sec-
5 retary concerned” means—

6 (A) with respect to Federal forest lands
7 described in paragraph (1)(A), the Secretary of
8 the Interior or the Secretary’s designee; and

9 (B) with respect to Federal forest lands
10 described in paragraph (1)(B), the Secretary of
11 Agriculture or the Secretary’s designee.

12 (3) LAND MANAGEMENT PLAN.—The term
13 “land management plan” means—

14 (A) a land use plan prepared by the Bu-
15 reau of Land Management pursuant to section
16 202 of the Federal Land Policy and Manage-
17 ment Act of 1976 (43 U.S.C. 1712), or other
18 multiple use plan in effect, for a unit of the
19 Federal forest lands described in paragraph
20 (1)(A); or

21 (B) a land and resource management plan
22 (or, if no final plan is in effect, a draft land
23 and resource management plan) prepared by
24 the Forest Service pursuant to section 6 of the
25 Forest and Rangeland Renewable Resources

1 Planning Act of 1974 (16 U.S.C. 1604) for
2 Federal forest lands described in paragraph
3 (1)(B).

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

7 (5) SCIENTIFIC ADVISORY PANEL.—The term
8 “Scientific Advisory Panel” means the advisory com-
9 mittee appointed under section 5.

10 (6) RECOVERY AREA.—The term “recovery
11 area” means an area of Federal forest lands, des-
12 ignated by the Secretary concerned under section
13 4(c)—

14 (A) that has experienced disturbances from
15 wildfires, insect infestations, wind, flood, or
16 other causes, which have caused or contributed
17 to significant soil erosion, degradation of water
18 quality, loss of watershed values, habitat loss,
19 or damage to other forest resources of the area;
20 or

21 (B) in which the forest structure, function,
22 or composition has been altered so as to in-
23 crease substantially the likelihood of wildfire,
24 insect infestation, or disease in the area and the
25 consequent risks of damage to soils, water qual-

1 ity, watershed values, habitat, and other forest
2 resources from wildfire, insect infestation, or
3 disease.

4 (7) RECOVERY PROJECT.—The terms “recovery
5 project” and “forest health recovery project” mean
6 a project designed by the Secretary concerned to im-
7 prove, preserve, or protect the soils, water quality,
8 watershed values, habitat, and other forest resources
9 within a designated recovery area, including stand
10 thinning, salvage, and other harvesting activities, as
11 well as activities in which the cutting of trees is not
12 primarily featured, such as prescribed burning (after
13 appropriate thinning), insect and disease control, ri-
14 parian and other habitat improvement, soil stabiliza-
15 tion and other water quality improvement, and seed-
16 ling planting and protection.

17 (8) IMPLEMENTATION DATE.—The term “im-
18 plementation date” means the first day of the first
19 month beginning after the end of the 18-month pe-
20 riod beginning on the date of enactment of this Act.
21 However, if the implementation date would occur
22 within 6 months before August 31 of the same fiscal
23 year in which the implementation date would occur,
24 the Secretary concerned may deem that August 31
25 to be the implementation date.

1 (9) FUND.—The terms “Fund” and “affected
2 Fund” mean—

3 (A) with respect to implementation of the
4 national program on Federal forest lands de-
5 scribed in paragraph (1)(A), the revolving fund
6 established under the heading “(REVOLVING
7 FUND, SPECIAL ACCOUNT)” under the heading
8 “FOREST ECOSYSTEMS HEALTH AND RECOV-
9 ERY” under the heading “BUREAU OF LAND
10 MANAGEMENT” in title I of the Department of
11 the Interior and Related Agencies Appropria-
12 tions Act, 1993 (Public Law 102–381; 106
13 Stat. 1376; 43 U.S.C. 1736a); and

14 (B) with respect to implementation of the
15 national program on Federal forest lands de-
16 scribed in paragraph (1)(B), the Forest Recov-
17 ery and Protection Fund established under sec-
18 tion 7.

19 **SEC. 4. NATIONAL PROGRAM OF FOREST RECOVERY AND**
20 **PROTECTION.**

21 (a) NATIONAL PROGRAM REQUIRED.—Not later than
22 the implementation date, the Secretary concerned shall
23 commence a national program to restore and protect the
24 health of forests located on Federal forest lands in the

1 United States through the performance of recovery
2 projects in designated recovery areas.

3 (b) STANDARDS AND CRITERIA.—

4 (1) INITIAL PUBLICATION.—Not later than the
5 implementation date, the Secretary concerned shall
6 publish in the Federal Register the standards and
7 criteria to be used for the designation of, and the as-
8 signment of management priority rankings to, recov-
9 ery areas. In establishing the standards and criteria,
10 the Secretary concerned shall consider the standards
11 and criteria recommended by the Scientific Advisory
12 Panel under section 5. The Secretary concerned
13 shall include in the Federal Register entry required
14 by this paragraph an explanation of any significant
15 differences between the recommendations of the Sci-
16 entific Advisory Panel and the standards and cri-
17 teria actually established by the Secretary con-
18 cerned.

19 (2) MODIFICATION.—The Secretary concerned
20 may modify the standards and criteria established
21 pursuant to paragraph (1). Any such modification
22 shall also be published in the Federal Register.

23 (c) ANNUAL NATIONAL PROGRAM DECISION.—

24 (1) DECISION REQUIRED.—To carry out the na-
25 tional program, the Secretary concerned shall render

1 a decision for each fiscal year during the period of
2 the national program regarding the designation and
3 ranking of recovery areas and the selection of recov-
4 ery projects for inclusion in the national program. In
5 rendering the decision, the Secretary concerned shall
6 comply with the requirements of subsections (d) and
7 (e).

8 (2) PROPOSED DECISION.—For each fiscal year
9 during the period of the national program, the Sec-
10 retary concerned shall publish in the Federal Reg-
11 ister a proposed decision regarding the designation
12 and ranking of recovery areas and the selection of
13 recovery projects. The proposed decision shall be
14 published not later than the following:

15 (A) In the case of the initial proposal, the
16 implementation date.

17 (B) In the case of each subsequent pro-
18 posed decision, August 31 of each fiscal year
19 after the fiscal year in which the implementa-
20 tion date occurs.

21 (3) FINAL DECISION.—Not later than 120 days
22 after the date on which the proposed decision of the
23 Secretary concerned is published for a fiscal year
24 under paragraph (2), the Secretary concerned shall
25 publish in the Federal Register the final decision of

1 the Secretary concerned for that fiscal year regard-
2 ing the designation and ranking of recovery areas
3 and the selection of recovery projects (including the
4 determinations required under subsection (e)(3)).

5 (d) REQUIREMENTS FOR AREA DESIGNATION AND
6 RANKING.—In making the annual decision required by
7 subsection (c), the Secretary concerned shall, in accord-
8 ance with the standards and criteria established and in
9 effect under subsection (b)—

10 (1) determine the total acreage requiring treat-
11 ment under the national program during the fiscal
12 year;

13 (2) identify recovery areas within which recov-
14 ery projects would be appropriate; and

15 (3) rank the recovery areas for the purpose of
16 determining the order in which the recovery areas
17 will receive recovery projects.

18 (e) REQUIREMENTS FOR RECOVERY PROJECT SE-
19 LECTION.—

20 (1) COMPLIANCE WITH LAND MANAGEMENT
21 PLANS.—In making the annual decision required by
22 subsection (c), the Secretary concerned shall ensure
23 that each recovery project selected is consistent with
24 the land management plan applicable to the recovery
25 area within which the project will occur.

1 (2) CONSIDERATION OF ECONOMIC BENE-
2 FITS.—In the selection of forest health recovery
3 projects, the Secretary concerned shall consider the
4 economic benefits to be provided to local commu-
5 nities as a result of the forest health recovery
6 projects, but only to the extent that such consider-
7 ations are consistent with the standards and criteria
8 for recovery areas established and in effect under
9 subsection (b) and the priorities for ranking recovery
10 areas under subsection (d)(3).

11 (3) TREATMENT ACREAGE AND COSTS.—As
12 part of the selection of each forest project, the Sec-
13 retary concerned shall determine the total acreage
14 requiring treatment and the estimated costs for
15 preparation and implementation of the project.

16 (4) TOTAL ACREAGE.—The total acreage in-
17 cluded in recovery projects selected for a fiscal year
18 under the national program shall not be less than
19 the total acreage determined by the Secretary con-
20 cerned under paragraphs (2) and (3) of subsection
21 (c).

22 (5) PROHIBITED PROJECT LOCATIONS.—The
23 Secretary concerned may not select or implement a
24 recovery project under the authority of this Act in
25 any unit of the National Wilderness Preservation

1 System, any roadless area on Federal forest lands
2 designated by Congress for study for possible inclu-
3 sion in such System, or any other area in which the
4 implementation of recovery projects is prohibited by
5 law, a court order, or the applicable land manage-
6 ment plan.

7 (f) PETITION PROCESS.—

8 (1) REQUEST FOR DESIGNATION.—Not later
9 than May 31 of each fiscal year after the fiscal year
10 in which the implementation date occurs, any inter-
11 ested person may petition the Secretary concerned to
12 designate a specific area of the Federal forest lands
13 of at least 1,000 acres in size as a recovery area.

14 (2) CONTENT.—The petition shall contain a
15 reasonably precise description of the boundaries of
16 the area included in the petition and the reasons
17 why the petitioner believes the area meets the stand-
18 ards and criteria, established pursuant to subsection
19 (b), required for designation as a recovery area.

20 (3) DETERMINATION.—If the Secretary con-
21 cerned determines that an area described in a peti-
22 tion under this subsection warrants designation as a
23 recovery area, the Secretary concerned shall include
24 the area in the proposed and final decisions issued
25 under paragraphs (2) and (3) of subsection (c). If

1 the Secretary concerned determines that the area
2 does not warrant designation as a recovery area, the
3 Secretary concerned shall provide the reasons there-
4 for in the same Federal Register entry containing
5 the proposed or final decision under such subsection.

6 (g) ANNUAL REPORT TO CONGRESS.—

7 (1) REPORT REQUIRED.—Not later than the
8 implementation date, and each August 31 thereafter,
9 the Secretary concerned shall submit to Congress a
10 report on the proposed decision regarding the des-
11 ignation and ranking of recovery areas and the selec-
12 tion of recovery projects to be published pursuant to
13 subsection (c)(2).

14 (2) REPORT CONTENTS.—Each report required
15 by paragraph (1) shall include the following:

16 (A) The reasons for each proposed des-
17 ignation of a recovery area and each proposed
18 selection of a recovery project.

19 (B) The total acreage requiring treatment
20 nationally during the fiscal year and the acre-
21 age proposed to be treated during that fiscal
22 year by each proposed recovery project.

23 (C) The estimated preparation and imple-
24 mentation costs of each proposed recovery
25 project.

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

4 (A) A description of the improvements to
5 forest health achieved by each completed recov-
6 ery project.

7 (B) An explanation of why any proposed
8 recovery projects covered by the previous report
9 were not begun, undertaken, or completed as
10 scheduled.

11 (C) A comparison of projected and actual
12 preparation and implementation costs for each
13 completed recovery project.

14 (D) A description of the economic benefits
15 to local communities achieved by each com-
16 pleted recovery project.

17 (4) NOTICE OF AVAILABILITY.—The Federal
18 Register entry required for each fiscal year under
19 subsection (c)(2) shall contain a notice of availability
20 of the most recent report to Congress required by
21 this subsection.

22 (h) EXCEPTIONS TO AGENCY ACTION.—The follow-
23 ing do not constitute agency action for purposes of imple-
24 menting or carrying out the provisions of this Act:

1 (1) The establishment and publication in the
2 Federal Register of standards and criteria to be
3 used for the designation and ranking of recovery
4 areas under subsection (b).

5 (2) The proposed decision of the Secretary to
6 designate and rank recovery areas and to select re-
7 covery projects under subsection (c) and the publica-
8 tion of such proposed decision in the Federal Reg-
9 ister.

10 (3) The preparation and submission of the an-
11 nual report to Congress under subsection (g).

12 (i) RULEMAKING.—To ensure commencement of the
13 national program by the implementation date, the Sec-
14 retary concerned shall promulgate rules governing oper-
15 ation of the national program by that date. The rules shall
16 address the development of procedures that, within the
17 discretion provided by other laws, would permit the Sec-
18 retary concerned to make the final decision on the des-
19 ignation and ranking of recovery areas and the selection
20 of recovery projects within the 120-day period required by
21 subsection (c)(3).

22 **SEC. 5. SCIENTIFIC ADVISORY PANEL.**

23 (a) ESTABLISHMENT.—There is established a panel
24 of scientific advisers to the Secretary of Agriculture and

1 the Secretary of the Interior to be known as the “Scientific
2 Advisory Panel”.

3 (b) MEMBERSHIP.—The Scientific Advisory Panel
4 shall consist of the following members:

5 (1) 2 members, consisting of 1 scientist special-
6 izing in natural resources and 1 State forester (or
7 an individual with similar management or super-
8 visory experience), appointed jointly by the Chair-
9 man of the Committee on Agriculture and the Chair-
10 man of the Committee on Resources of the House of
11 Representatives, in consultation with their respective
12 ranking Minority Members.

13 (2) 2 members, consisting of 1 scientist special-
14 izing in natural resources and 1 State forester (or
15 an individual with similar management or super-
16 visory experience), appointed jointly by the Chair-
17 man of the Committee on Agriculture, Nutrition,
18 and Forestry and the Chairman of the Committee
19 on Energy and Natural Resources of the Senate, in
20 consultation with their respective ranking Minority
21 Members.

22 (3) 2 members, consisting of 1 scientist special-
23 izing in natural resources and 1 State forester (or
24 an individual with similar management or super-

1 visory experience), appointed by the Secretary of Ag-
2 riculture.

3 (4) 2 members, consisting of 1 scientist special-
4 izing in natural resources and 1 State forester (or
5 individual with similar management or supervisory
6 experience), appointed by the Secretary of the Inte-
7 rior.

8 (5) 1 member, consisting of a scientist specializ-
9 ing in natural resources, appointed by the National
10 Academy of Sciences.

11 (c) APPOINTMENT.—

12 (1) TIME FOR APPOINTMENT.—Appointments
13 shall be made within 90 days after the date of the
14 enactment of this Act. Appointments shall be pub-
15 lished in the Federal Register.

16 (2) TERM.—A member of the Scientific Advi-
17 sory Panel shall be appointed for a term beginning
18 on the date of the appointment and ending on the
19 implementation date. A vacancy on the Scientific
20 Advisory Panel shall be filled within 90 days in the
21 manner in which the original appointment was
22 made.

23 (d) QUALIFICATIONS.—

24 (1) NATURAL RESOURCE SCIENTISTS.—Sci-
25 entists who are appointed as members of the Sci-

1 entific Advisory Panel shall be required to have ex-
2 pertise in, and experience with, matters related to
3 forest health, taking into account their breadth of
4 knowledge in the natural sciences as such sciences
5 relate to Federal forest lands and their familiarity
6 with specific issues regarding Federal forest lands
7 likely to be designated as recovery areas.

8 (2) OTHER MEMBERS.—State foresters (or indi-
9 viduals with similar management or supervisory ex-
10 perience) who are appointed as members of the Sci-
11 entific Advisory Panel shall be required to have ex-
12 pertise with, and experience in, matters relating to
13 forest management, taking into account their
14 breadth of knowledge in management science and
15 their familiarity with specific issues regarding Fed-
16 eral forest lands likely to be designated as recovery
17 areas.

18 (e) CHAIRPERSON; INITIAL MEETING.—The Sci-
19 entific Advisory Panel shall conduct its initial meeting as
20 soon as possible after the first 4 members of the Panel
21 are appointed. At the initial meeting, the members of the
22 Scientific Advisory Panel shall select 1 member to serve
23 as chairperson.

24 (f) DUTIES IN CONNECTION WITH IMPLEMENTA-
25 TION.—During the period beginning on the initial meeting

1 of the Scientific Advisory Panel and ending on the imple-
2 mentation date, the Scientific Advisory Panel shall be re-
3 sponsible for the following:

4 (1) The preparation and submission to the Sec-
5 retary concerned and the Congress of recommenda-
6 tions regarding the standards and criteria that
7 should be used to designate recovery areas.

8 (2) The preparation and submission to the Sec-
9 retary concerned and the Congress of recommenda-
10 tions regarding the ranking of recovery areas in the
11 order in which the areas should host recovery
12 projects.

13 (3) The preparation of and submission to the
14 Secretary concerned and the Congress of a monitor-
15 ing plan for the national program of sufficient dura-
16 tion to determine the long-term impacts of the na-
17 tional program.

18 (g) CONSIDERATIONS.—In the development of its rec-
19 ommendations under subsection (f), the Scientific Advi-
20 sory Panel shall consider—

21 (1) the most current scientific literature regard-
22 ing the duties undertaken by the Panel; and

23 (2) information gathered during the implemen-
24 tation of the advance recovery projects required
25 under section 6.

1 (h) ALLOCATION OF FOREST SERVICE AND BUREAU
2 OF LAND MANAGEMENT PERSONNEL.—The Forest Serv-
3 ice and the Bureau of Land Management shall allocate
4 administrative support staff to the Scientific Advisory
5 Panel to assist the Panel in the performance of its duties
6 as outlined in this section.

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

11 **SEC. 6. ADVANCE RECOVERY PROJECTS.**

12 (a) SELECTION OF ADVANCE PROJECTS.—During
13 the 18-month period beginning on the date of enactment
14 of this Act, the Secretary concerned shall conduct a lim-
15 ited number (as determined by the Secretary concerned)
16 of advance recovery projects on Federal forest lands. Sub-
17 ject to the approval of the Secretary concerned, advance
18 recovery projects shall be selected by—

19 (1) regional foresters of the Forest Service, in
20 consultation with State foresters of the States in
21 which the projects will be conducted, with respect to
22 recovery projects on Federal forest lands described
23 in section 3(1)(B); and

24 (2) State directors of the Bureau of Land Man-
25 agement, in consultation with State foresters of the

1 States in which the projects will be conducted, with
2 respect to recovery projects on Federal forest lands
3 described in section 3(1)(A).

4 (b) SELECTION CRITERIA.—To be eligible for selec-
5 tion as an advance recovery project, a proposed project
6 shall be required to satisfy the requirements of section
7 4(e) for recovery projects conducted under the national
8 program. Priority shall be given to those Federal forest
9 lands—

10 (1) that pose a significant risk of loss to human
11 life and property or serious resource degradation or
12 destruction due to wildfire, disease epidemic, or se-
13 vere insect infestation; or

14 (2) for which thorough forest health assess-
15 ments and inventories have been completed, includ-
16 ing Federal forest lands in the Pacific Northwest,
17 the Interior Columbia Basin, the Sierra Nevada, the
18 Southern Appalachian Region, and the Northern
19 Forests of Maine, Vermont, New Hampshire, and
20 New York.

21 (c) TIME PERIODS FOR SELECTION, IMPLEMENTA-
22 TION, AND COMPLETION.—Final selection of advance re-
23 covery projects shall be completed within the 90-day pe-
24 riod beginning on the date of enactment of this Act, and
25 the Secretary concerned shall publish the list of selected

1 advance recovery projects in the Federal Register by the
2 end of that period. An advance recovery project shall be
3 initiated (if the project is to be conducted by Federal em-
4 ployees) or awarded (if the project is to be conducted by
5 an outside party) within 180 days after the date of enact-
6 ment of this Act.

7 (d) REPORTING REQUIREMENTS.—Not later than the
8 implementation date, and annually thereafter until com-
9 pletion of all advance recovery projects, the Secretary con-
10 cerned shall submit to Congress a report on the implemen-
11 tation of advance recovery projects. The report shall con-
12 sist of a description of the accomplishments of each ad-
13 vance recovery project and incorporate the requirements
14 under paragraphs (2) and (3) of section 4(g).

15 (e) RULEMAKING.—No new rulemaking is required in
16 order for the Secretary concerned to carry out this section.

17 **SEC. 7. FOREST RECOVERY AND PROTECTION FUND FOR**
18 **NATIONAL FOREST SYSTEM LANDS.**

19 (a) ESTABLISHMENT.—There is established on the
20 books of the Treasury a revolving fund to be known as
21 the “Forest Recovery and Protection Fund”. The Chief
22 of the Forest Service shall be responsible for administering
23 the Fund.

24 (b) CREDITS TO FUND.—There shall be credited to
25 the Fund the following:

1 (1) Amounts authorized for and appropriated to
2 the Fund.

3 (2) Unobligated amounts in the roads and trails
4 fund provided for in the fourteenth paragraph under
5 the heading “FOREST SERVICE.” of the Act of
6 March 4, 1913 (37 Stat. 843, chapter 145; 16
7 U.S.C. 501) as of the date of enactment of this Act,
8 and all amounts that would otherwise be deposited
9 in such fund after such date.

10 (3) A 1-time transfer of \$50,000,000 from
11 amounts appropriated for fire operations under the
12 heading “WILDLAND FIRE MANAGEMENT” under the
13 heading “BUREAU OF LAND MANAGEMENT” in title
14 I of the Department of the Interior and Related
15 Agencies Appropriations Act, 1998.

16 (4) Subject to subsection (e), revenues gen-
17 erated by recovery projects undertaken pursuant to
18 sections 4 and 6.

19 (5) Amounts required to be deposited in the
20 Fund under section 9.

21 (c) USE OF FUND.—During the time period specified
22 in section 10(a), amounts in the Fund shall be available
23 to the Chief of the Forest Service, without further appro-
24 priation, to carry out the national program, to plan, carry

1 out, and administer recovery projects under sections 4 and
2 6, and to administer the Scientific Advisory Panel.

3 (d) LIMITATION ON OVERHEAD EXPENSES.—Over-
4 head expenses for a fiscal year for administration of the
5 national program, including the cost of preparation of re-
6 ports required by this Act and administration of the Fund,
7 shall not exceed 12 percent of the amounts made available
8 from the Fund for that fiscal year. In addition, not more
9 than \$1,000,000 may be expended from the Fund to fi-
10 nance the operation of the Scientific Advisory Panel.

11 (e) TREATMENT OF REVENUES AS MONEYS RE-
12 CEIVED.—Revenues generated by recovery projects under-
13 taken pursuant to sections 4 and 6 shall be considered
14 to be money received for purposes of the sixth paragraph
15 under the heading “FOREST SERVICE.” in the Act of
16 May 23, 1908 (35 Stat. 260, chapter 192; 16 U.S.C. 500),
17 and section 13 of the Act of March 1, 1911 (commonly
18 known as the “Weeks Act”) (36 Stat. 963, chapter 186;
19 16 U.S.C. 500).

20 (f) CONFORMING AMENDMENT.—The fourteenth
21 paragraph under the heading “FOREST SERVICE.” of
22 the Act of March 4, 1913 (37 Stat. 843, chapter 145; 16
23 U.S.C. 501), is amended by adding at the end the follow-
24 ing: “During the term of the Forest Recovery and Protec-
25 tion Fund, as established by section 7 of the Forest Recov-

1 ery and Protection Act of 1997, amounts reserved under
 2 the authority of this paragraph shall be deposited into that
 3 Fund.”.

4 **SEC. 8. EXPANSION OF PURPOSE OF FOREST ECOSYSTEMS**
 5 **HEALTH AND RECOVERY FUND FOR BLM**
 6 **LANDS.**

7 The first paragraph under the heading “(REVOLVING
 8 FUND, SPECIAL ACCOUNTS)” under the heading “FOREST
 9 ECOSYSTEMS HEALTH AND RECOVERY” under the heading
 10 “BUREAU OF LAND MANAGEMENT” in title I of the De-
 11 partment of the Interior and Related Agencies Appropria-
 12 tions Act, 1993 (Public Law 102–381; 106 Stat. 1376;
 13 43 U.S.C. 1736a), is amended by adding at the end the
 14 following: “During the term of the National Program of
 15 Forest Recovery and Protection established by the Forest
 16 Recovery and Protection Act of 1997, unobligated
 17 amounts in the fund shall be available to carry out the
 18 national program and to plan, carry out, and administer
 19 recovery projects under sections 4 and 6 of that Act.”.

20 **SEC. 9. EFFECT OF FAILURE TO COMPLY WITH TIME LIM-**
 21 **TATIONS.**

22 (a) NATIONAL PROGRAM.—If the final selection of a
 23 recovery project under the national program is not made
 24 within the time period specified in section 4(c)(3), the Sec-
 25 retary concerned may not use amounts in the affected

1 Fund to carry out the project and shall promptly reim-
2 burse the affected Fund for any expenditures previously
3 made from that Fund in connection with the project.

4 (b) ADVANCE RECOVERY PROJECTS.—In the case of
5 an advance recovery project under section 6, if the project
6 is not selected, implemented, and completed within the
7 time periods specified in subsection (c) of that section, the
8 Secretary concerned may not use amounts in the affected
9 Fund to carry out the project and shall promptly reim-
10 burse the affected Fund for any expenditures previously
11 made from that Fund in connection with the project.

12 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

13 (a) AUTHORIZATION OF APPROPRIATIONS.—There
14 are authorized to be appropriated such sums as may be
15 necessary to carry out the provisions of this Act for fiscal
16 year 1998 and each fiscal year thereafter through the fifth
17 full fiscal year following the implementation date.

18 (b) DEPOSIT IN FUND.—All sums appropriated pur-
19 suant to this section for implementation of the national
20 program on Federal forest lands described in section
21 3(1)(B) shall be deposited in the Forest Recovery and
22 Protection Fund established under section 7. All sums ap-
23 propriated pursuant to this section for implementation of
24 the national program on Federal forest lands described in
25 section 3(1)(A) shall be deposited in the revolving fund

1 established under the heading “(REVOLVING FUND, SPE-
2 CIAL ACCOUNTS)” under the heading “FOREST
3 ECOSYSTEMS HEALTH AND RECOVERY” under the heading
4 “BUREAU OF LAND MANAGEMENT” in title I of the De-
5 partment of the Interior and Related Agencies Appropria-
6 tions Act, 1993 (Public Law 102–381; 106 Stat. 1376;
7 43 U.S.C. 1736a).

8 (c) EFFECT ON EXISTING PROJECTS.—Any contract
9 regarding a recovery project entered into before the end
10 of the final fiscal year specified in subsection (a), and still
11 in effect at the end of such fiscal year, shall remain in
12 effect until completed pursuant to the terms of the con-
13 tract.

14 **SEC. 11. AUDIT REQUIREMENTS.**

15 (a) AUDIT REQUIRED.—The Comptroller General
16 shall conduct an audit of the national program at the end
17 of the fourth-full fiscal year of the national program and
18 submit such audit to the Congress by June 1 of the next
19 fiscal year.

20 (b) ELEMENTS.—The audit shall include an analysis
21 of—

22 (1) whether the program was carried out in a
23 manner consistent with the provisions of this Act;

- 1 (2) the impact on the development and imple-
2 mentation of the national program of the advance
3 recovery projects conducted under section 6;
- 4 (3) the extent to which the recommendations of
5 the Scientific Advisory Panel were used to develop
6 and implement the national program;
- 7 (4) the current and projected future financial
8 status of each Fund; and
- 9 (5) the cost savings and efficiencies achieved
10 under the national program.

○