

105TH CONGRESS  
2D SESSION

# H. R. 3530

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 and analyze public and private forests, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 24, 1998

Mr. SMITH of Oregon 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

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## 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 and analyze public and private forests, 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,*

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

2 (a) SHORT TITLE.—This Act may be cited as the  
3 “Forest Recovery and Protection Act of 1998”.

4 (b) TABLE OF CONTENTS.—The table of contents of  
5 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings.
- Sec. 3. Definitions.
- Sec. 4. National Pilot Program of Forest Recovery and Protection.
- Sec. 5. Scientific Advisory Panel.
- Sec. 6. Advance recovery projects.
- Sec. 7. Monitoring plan.
- Sec. 8. Forest Recovery and Protection Fund.
- Sec. 9. Authorization of appropriations.
- Sec. 10. Audit requirements.
- Sec. 11. Forest inventorying and analysis.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) There are tradeoffs in values associated  
9 with proactive, passive, or delayed forest manage-  
10 ment. The values gained by proactive management  
11 outweigh the values gained by delayed or passive  
12 management of certain Federal forest lands.

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

1 loss of watershed values, habitat loss, and damage to  
2 other forest resources.

3 (3) Serious destruction or degradation of im-  
4 portant forest resources occurs in all regions of the  
5 United States. Management activities to restore and  
6 protect these resources in perpetuity are needed in  
7 each region and should be designed to address re-  
8 gion-specific needs.

9 (4) According to the Chief of the United States  
10 Forest Service, between 35 and 40 million of the  
11 191 million acres of Federal forest lands managed  
12 by the Forest Service are at an unacceptable risk of  
13 destruction by catastrophic wildfire. The condition of  
14 these forests can pose a significant threat of de-  
15 struction to human life and property as well as to  
16 the habitat for fish and wildlife (including threat-  
17 ened and endangered species), public recreation  
18 areas, timber, watersheds, and other important for-  
19 est resources.

20 (5) Restoration and protection of important for-  
21 est resources require active forest management in-  
22 volving a range of management activities, including  
23 thinning, salvage, prescribed fire (after appropriate  
24 thinning), sanitation and other insect and disease  
25 control, riparian and other habitat improvement, soil

1 stabilization and other water quality improvement,  
2 and seedling planting and protection.

3 (6) Many national forest units of the National  
4 Forest System have an increasing backlog of un-  
5 funded projects to restore and protect degraded for-  
6 est resources. Adequate funding, structured so as to  
7 maximize the allocation of monies for on-the-ground  
8 projects, is needed to address this backlog in an effi-  
9 cient, cost-effective way.

10 (7) A comprehensive, nationwide effort is need-  
11 ed to restore and protect important forest resources  
12 in an organized, timely, and scientific manner. There  
13 should be immediate action to improve the areas of  
14 Federal forest lands where serious resource degrada-  
15 tion has been thoroughly identified and assessed or  
16 where serious resource destruction or degradation by  
17 natural disturbance is imminent.

18 (8) Congress and the Comptroller General have  
19 identified the need to increase agency accountability  
20 for achieving measurable results at all levels of gov-  
21 ernment, both in the management of fiscal resources  
22 and in carrying out statutory mandates. Additional  
23 funding to address the backlog of recovery projects  
24 in the National Forest System must, therefore, be  
25 accompanied by performance standards and account-

1 ability mechanisms that will clearly demonstrate the  
2 results achieved by any additional investment of tax-  
3 payer dollars.

4 (9) Frequent forest inventory and analysis of  
5 the status and trends in the conditions of forests  
6 and their resources are needed to identify and re-  
7 verse the destruction or degradation of important  
8 forest resources in a timely and effective manner.  
9 The present average 12- to 15-year cycle of forest  
10 inventory and analysis to comply with existing statu-  
11 tory requirements is too prolonged to provide forest  
12 managers with the data necessary to make timely  
13 and effective management decisions, particularly de-  
14 cisions responsive to changing forest conditions.

15 **SEC. 3. DEFINITIONS.**

16 For purposes of this Act:

17 (1) FEDERAL FOREST LANDS.—The term  
18 “Federal forest lands” means lands within the na-  
19 tional forest units of the National Forest System.

20 (2) FUND.—The terms “Forest Recovery and  
21 Protection Fund” and “Fund” mean the fund estab-  
22 lished under section 8.

23 (3) IMPLEMENTATION DATE.—The term “im-  
24 plementation date” means January 15, 2000, or the  
25 first day of the 19th full month following the date

1 of the enactment of this Act, whichever is later.  
2 However, if the implementation date under the sec-  
3 ond option would occur within six months of the  
4 next January 15, the Secretary may designate that  
5 January 15 as the implementation date.

6 (4) LAND MANAGEMENT PLAN.—The term  
7 “land management plan” means a land and resource  
8 management plan prepared by the Forest Service  
9 pursuant to section 6 of the Forest and Rangeland  
10 Renewable Resources Planning Act of 1974 (16  
11 U.S.C. 1604) for Federal forest lands under the ju-  
12 risdiction of the Secretary of Agriculture.

13 (5) NATIONAL PILOT PROGRAM.—The term  
14 “national pilot program” means the National Pilot  
15 Program of Forest Recovery and Protection required  
16 by section 4.

17 (6) OVERHEAD EXPENSES.—The terms “over-  
18 head expenses” and “overhead” mean—

19 (A) common services and indirect expenses,  
20 as such terms are defined by expense items 1–  
21 10 in Appendix E of the United States Forest  
22 Service Timber Cost Efficiency Study Final Re-  
23 port, dated April 16, 1993 (pages 125–126);

24 (B) direct and indirect general administra-  
25 tion expenses, as such terms are identified in

1 Appendix D of the United States Forest Service  
2 Forest Management Program Annual Report,  
3 Fiscal Year 1996 (FS-614), dated December,  
4 1997 (pages 110–111); and

5 (C) any other cost of line management or  
6 program support that cannot be directly attrib-  
7 utable to specific projects or programs.

8 (7) RECOVERY AREA.—The term “recovery  
9 area” means a national forest unit of the National  
10 Forest System, identified by the Secretary under  
11 section 4(c)—

12 (A) that has experienced disturbances from  
13 wildfires, insect infestations, disease, wind,  
14 flood, or other causes, which have caused or  
15 contributed to significant soil erosion, degrada-  
16 tion of water quality, loss of watershed values,  
17 habitat loss, or damage to other forest re-  
18 sources of the area; or

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

1 resources from wildfire, insect infestation, dis-  
2 ease, wind, flood, or other causes.

3 (8) RECOVERY PROJECT.—The term “recovery  
4 project” means a project to improve, restore, or pro-  
5 tect forest resources within an identified recovery  
6 area, including the following types of projects: ripar-  
7 ian restoration; treatments to reduce stand density  
8 for the purpose of reducing risk of catastrophic loss;  
9 soil stabilization and other water quality improve-  
10 ment; removal of dead trees or trees being damaged  
11 by injurious agents other than competition; pre-  
12 scribed fire; integrated pest management, including  
13 the removal of trees to improve stand health by stop-  
14 ping or reducing actual or anticipated spread of in-  
15 sects or disease; vegetative treatments and other  
16 habitat improvement activities; and seedling planting  
17 and protection.

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

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

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

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

9 (b) STANDARDS AND CRITERIA.—

10 (1) INITIAL PUBLICATION.—Not later than 210  
11 days before the implementation date, the Secretary  
12 shall publish in the Federal Register the proposed  
13 standards and criteria to be used for the identifica-  
14 tion and prioritization of recovery areas. In estab-  
15 lishing 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  
20 explanation of any significant differences between  
21 the recommendations of the Scientific Advisory  
22 Panel and the standards and criteria actually pro-  
23 posed by the Secretary.

24 (2) COMMENT PERIOD AND FINAL PUBLICA-  
25 TION.—Upon the publication of the proposed stand-  
26 ards and criteria under paragraph (1), the Secretary

1 shall provide a 45-day period for the submission of  
2 comments regarding the proposed standards and cri-  
3 teria. Not later than 30 days after the close of the  
4 comment period, the Secretary shall publish the final  
5 standards and criteria in the Federal Register.

6 (c) IDENTIFICATION OF RECOVERY AREAS.—

7 (1) INITIAL PUBLICATION.—Not later than 105  
8 days before the implementation date, the Secretary  
9 shall publish in the Federal Register a list, in order  
10 of priority, of the proposed recovery areas within  
11 which recovery projects are to be conducted under  
12 the national program in accordance with the stand-  
13 ards and criteria established and in effect under  
14 subsection (b).

15 (2) COMMENT PERIOD AND FINAL PUBLICA-  
16 TION.—Upon the publication of the proposed recov-  
17 ery areas under paragraph (1), the Secretary shall  
18 provide a 45-day period for the submission of com-  
19 ments regarding the proposed recovery areas. Not  
20 later than 30 days after the close of the comment  
21 period, the Secretary shall publish the final list of  
22 recovery areas, in order of priority, in the Federal  
23 Register.

1           (3) MODIFICATION.—The Secretary may not  
2       modify the final list of recovery areas published pur-  
3       suant to paragraph (2).

4           (d) ANNUAL ALLOCATION OF AMOUNTS TO RECOV-  
5       ERY AREAS.—

6           (1) ALLOCATION REQUIRED.—Not later than  
7       the implementation date, and each January 15  
8       thereafter, the Secretary shall allocate amounts from  
9       the Forest Recovery and Protection Fund to regions  
10      of the Forest Service for the purpose of conducting  
11      recovery projects in recovery areas identified in sub-  
12      section (c). In making such allocations, the Sec-  
13      retary shall identify the total acreage nationally that  
14      the Secretary expects to be treated during the fiscal  
15      year using allocated amounts.

16          (2) AUTHORIZED USE OF AMOUNTS FOR  
17      MULTI-YEAR PROJECTS.—Amounts allocated by the  
18      Secretary pursuant to paragraph (1) shall be avail-  
19      able, without further allocation by the Secretary, to  
20      carry out and administer multi-year recovery  
21      projects beyond the fiscal year in which the amounts  
22      are allocated by the Secretary.

23          (e) RECOVERY PROJECTS.—

24           (1) INITIATION OF PROJECT LEVEL ANALY-  
25      SIS.—Not later than 30 days after the date on which

1 the Secretary allocates amounts from the Forest Re-  
2 covery and Protection Fund under subsection (d),  
3 the regional forester (or the designees of the re-  
4 gional forester) in each region to which amounts  
5 have been allocated shall initiate project planning,  
6 including any activities required under the National  
7 Environmental Policy Act of 1969 (42 U.S.C. 4321  
8 et seq.), for each recovery project to be conducted  
9 during that fiscal year.

10 (2) PROHIBITED PROJECT LOCATIONS.—The  
11 regional forester (or the designees of the regional  
12 forester) shall not select or implement a recovery  
13 project under the authority of this Act in any of the  
14 following:

15 (A) Any unit of the National Wilderness  
16 Preservation System or any primitive area or  
17 area identified for study for possible inclusion  
18 in such system under the Wilderness Act (16  
19 U.S.C. 1131 et seq.).

20 (B) Any riparian area, late successional re-  
21 serve, or old growth area within which the im-  
22 plementation of recovery projects is prohibited  
23 by the applicable land management plan.

24 (C) Any other area in which the implemen-  
25 tation of recovery projects is prohibited by law,

1           a court order, or the applicable land manage-  
2           ment plan.

3           (f) REQUIREMENTS FOR RECOVERY PROJECT SELEC-  
4 TION.—In selecting recovery projects as required under  
5 subsection (e), the regional forester (or the designees of  
6 the regional forester) in each region shall—

7           (1) identify for each recovery project the total  
8           acreage requiring treatment, the estimated cost of  
9           preparation and implementation, and the estimated  
10          project duration;

11          (2) consider the economic benefits to be pro-  
12          vided to local communities as a result of each recov-  
13          ery project, but only to the extent that such consid-  
14          erations are consistent with the standards and cri-  
15          teria for recovery areas established and in effect  
16          under subsection (b) and the priorities established  
17          by the ranking of recovery areas under subsection  
18          (c);

19          (3) ensure that each recovery project complies  
20          with the land management plan applicable to the re-  
21          covery area within which the recovery project will be  
22          conducted;

23          (4) ensure that each recovery project is de-  
24          signed to be implemented in the most cost-effective  
25          manner, except that a recovery project is not pre-

1 included simply because the cost of preparing and im-  
2 plementing the recovery project is likely to exceed  
3 the revenue derived from the recovery project; and

4 (5) ensure that each recovery project will main-  
5 tain or enhance the ecological functions and condi-  
6 tions of the forest in which the project will be con-  
7 ducted.

8 (g) ANNUAL REPORT TO CONGRESS.—

9 (1) REPORT REQUIRED.—Not later than the  
10 implementation date, and each January 15 there-  
11 after, the Secretary shall submit to Congress a re-  
12 port on the identification and prioritization of recov-  
13 ery areas required under subsection (c) and the allo-  
14 cation of amounts from the Forest Recovery and  
15 Protection Fund under subsection (d).

16 (2) REPORT CONTENTS.—Each report required  
17 under paragraph (1) shall include the following:

18 (A) A breakdown of the amounts allocated  
19 to each region of the Forest Service under sub-  
20 section (d).

21 (B) The total acreage nationally expected  
22 to be treated by recovery projects during the  
23 fiscal year using amounts allocated under sub-  
24 section (d).

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 list, by recovery area, of the recovery  
5 projects for which planning has been initiated  
6 during the prior fiscal year including, for each  
7 recovery project, the following:

8           (i) A description of the management  
9 objectives of the project that will be mon-  
10 itored for implementation and effectiveness  
11 using the monitoring plan established  
12 under section 7.

13           (ii) The total acreage requiring treat-  
14 ment, the estimated cost of preparation  
15 and implementation, and the estimated  
16 project duration.

17           (iii) The total acreage treated by the  
18 recovery project during the fiscal year.

19           (iv) The projected economic benefits  
20 (if any) the project will provide to local  
21 communities.

22           (B) An explanation of the following:

23           (i) Whether the planning for recovery  
24 projects during the prior fiscal year was  
25 initiated within the timeframe required

1 under subsection (e)(1) and an accounting  
2 of the steps taken by the Secretary relative  
3 to the projects pursuant to the require-  
4 ments of section 8(d); and

5 (ii) An explanation of the status of re-  
6 covery projects for which planning was ini-  
7 tiated in prior fiscal years.

8 (C) A list, by recovery area, of the recovery  
9 projects completed during the prior fiscal year  
10 including, for each recovery project, a compari-  
11 son of the following:

12 (i) The projected and actual manage-  
13 ment objectives achieved by the project, as  
14 determined using the monitoring plan es-  
15 tablished and in effect under section 7.

16 (ii) The projected and actual prepara-  
17 tion and implementation costs and dura-  
18 tion of the project.

19 (iii) The projected and actual eco-  
20 nomic benefits to local communities pro-  
21 vided by the project.

22 (D) A description of any additional re-  
23 sources or authorities needed by the Secretary  
24 to implement and carry out the national pilot

1 program in an efficient and cost-effective man-  
2 ner.

3 (4) NOTICE OF AVAILABILITY.—Not later than  
4 the implementation date, and each January 15  
5 thereafter, the Secretary shall publish in the Federal  
6 Register a notice of availability of the most-recent  
7 report to Congress required by this subsection.

8 (h) APPLICABILITY OF FEDERAL LAWS.—Nothing in  
9 this section exempts any action authorized or required by  
10 this section from any Federal law.

11 **SEC. 5. SCIENTIFIC ADVISORY PANEL.**

12 (a) ESTABLISHMENT.—There is established a panel  
13 of scientific advisers to the Secretary to be known as the  
14 “Scientific Advisory Panel”.

15 (b) COMPOSITION OF PANEL.—

16 (1) APPOINTMENT FROM LIST OF EXPERTS.—  
17 The Scientific Advisory Panel shall consist of 11  
18 members appointed as provided in subsection (c)  
19 from a list, to be prepared by the National Academy  
20 of Sciences, that consists of—

21 (A) persons with expertise in the natural  
22 sciences who, through the publication of peer-  
23 reviewed scientific literature have demonstrated  
24 expertise in matters relevant to forest resource  
25 management; and

1           (B) State foresters (or persons with similar  
2           managerial expertise) who, through the publica-  
3           tion of peer-reviewed scientific literature or  
4           other similar evidence of significant scientific or  
5           professional accomplishment, have dem-  
6           onstrated expertise in matters relevant to forest  
7           resource management.

8           (2) PREPARATION OF LIST.—The National  
9           Academy of Sciences shall prepare the list required  
10          by paragraph (1) not later than 30 days after the  
11          date of the enactment of this Act. In the preparation  
12          of the list, the National Academy of Sciences shall  
13          consult with scientific and professional organizations  
14          whose members have relevant experience in forest re-  
15          source management.

16          (c) APPOINTMENT PROCESS.—The members of the  
17          Scientific Advisory Panel shall be selected from the list  
18          described in subsection (b) as follows:

19               (1) One member appointed by the Chairman of  
20               the Committee on Agriculture of the House of Rep-  
21               resentatives, in consultation with the ranking minor-  
22               ity member of the Committee.

23               (2) One member appointed by the Chairman of  
24               the Committee on Resources of the House of Rep-

1       representatives, in consultation with the ranking minor-  
2       ity member of the Committee.

3               (3) One member appointed by the Chairman of  
4       the Committee on Agriculture, Nutrition, and For-  
5       estry of the Senate, in consultation with the ranking  
6       minority member of the Committee.

7               (4) One member appointed by the Chairman of  
8       the Committee on Energy and Natural Resources of  
9       the Senate, in consultation with the ranking minor-  
10      ity member of the Committee.

11              (5) Three members appointed by the Secretary.

12              (6) Four members appointed by the National  
13      Academy of Sciences.

14      (d) ADMINISTRATIVE MATTERS.—

15              (1) TIME FOR APPOINTMENT.—Appointments  
16      of members of the Scientific Advisory Panel shall be  
17      made as follows:

18              (A) The appointment of members under  
19      paragraphs (1) through (4) of subsection (c)  
20      shall be made within 30 days after the date on  
21      which the list described in subsection (b) is first  
22      made available.

23              (B) The appointment of members under  
24      paragraphs (5) and (6) of subsection (c) shall  
25      begin after the appointments required under

1 paragraphs (1) through (4) of such subsection  
2 have been made so that the persons making the  
3 appointments under paragraphs (5) and (6) of  
4 such subsection can ensure that the require-  
5 ment specified in subsection (e) for a balanced  
6 representation of scientific disciplines on the  
7 Scientific Advisory Panel is satisfied. The ap-  
8 pointments shall be completed within 60 days  
9 after the date on which the list described in  
10 subsection (b) is first made available.

11 (2) TERM AND VACANCIES.—A member of the  
12 Scientific Advisory Panel shall be appointed for a  
13 term beginning on the date of the appointment and  
14 ending on the implementation date. A vacancy on  
15 the Scientific Advisory Panel shall be filled within  
16 30 days in the manner in which the original appoint-  
17 ment was made.

18 (3) COMMENCEMENT OF ACTIVITY.—The Sci-  
19 entific Advisory Panel may commence its duties  
20 under subsection (f) as soon as at least eight of the  
21 members have been appointed under subsection (e).  
22 At the initial meeting, the members of the Scientific  
23 Advisory Panel shall select one member to serve as  
24 chairperson.

1           (4) CONFLICT OF INTERESTS.—A person may  
2 not serve as a member of the Scientific Advisory  
3 Panel if the member has a conflict of interest with  
4 regard to any of the duties to be performed by the  
5 Scientific Advisory Panel under subsection (f). Deci-  
6 sions regarding the existence of a conflict of interest  
7 shall be made by the Scientific Advisory Panel.

8           (e) BALANCED REPRESENTATION OF SCIENTIFIC  
9 DISCIPLINES.—The Scientific Advisory Panel shall in-  
10 clude at least one representative of each of the following:

- 11           (1) Hydrologist.
- 12           (2) Wildlife biologist.
- 13           (3) Fisheries biologist.
- 14           (4) Entomologist or pathologist.
- 15           (5) Fire ecologist.
- 16           (6) Silviculturist.
- 17           (7) Economist.
- 18           (8) Soil scientist.
- 19           (9) State forester or person with similar mana-  
20 gerial expertise.

21           (f) DUTIES IN CONNECTION WITH IMPLEMENTA-  
22 TION.—During the period beginning on the initial meeting  
23 of the Scientific Advisory Panel and ending on the imple-  
24 mentation date, the Scientific Advisory Panel shall be re-  
25 sponsible for the following:

1           (1) The preparation and submission to the Sec-  
2           retary and the Congress of recommendations regard-  
3           ing the standards and criteria that should be used  
4           to identify and prioritize recovery areas.

5           (2) The preparation of and submission to the  
6           Secretary and the Congress of recommendations re-  
7           garding a monitoring plan for the national pilot pro-  
8           gram of sufficient scope to monitor the implementa-  
9           tion and effectiveness of recovery projects conducted  
10          under the national pilot program.

11          (g) CONSIDERATIONS.—In the development of its rec-  
12          ommendations under subsection (f), the Scientific Advi-  
13          sory Panel shall—

14                (1) consult as appropriate with region-specific  
15                scientific experts in forest ecology, hydrology, wild-  
16                life biology, entomology, pathology, soil science, eco-  
17                nomics, social sciences, and other appropriate sci-  
18                entific disciplines;

19                (2) consider the most current peer-reviewed sci-  
20                entific literature regarding the duties undertaken by  
21                the Panel; and

22                (3) incorporate information gathered during the  
23                implementation of the advance recovery projects re-  
24                quired under section 6.

1 (h) ALLOCATION OF FOREST SERVICE PERSON-  
2 NEL.—The Forest Service shall allocate administrative  
3 support staff to the Scientific Advisory Panel to assist the  
4 Panel in the performance of its duties as outlined in this  
5 section.

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

10 **SEC. 6. ADVANCE RECOVERY PROJECTS.**

11 (a) SELECTION OF ADVANCE PROJECTS.—Not later  
12 than 30 days after the date of the enactment of this Act,  
13 the Secretary shall allocate amounts from the Forest Re-  
14 covery and Protection Fund to Forest Service regions for  
15 the purpose of conducting a limited number (as deter-  
16 mined by the Secretary) of advance recovery projects on  
17 Federal forest lands. The regional foresters of the Forest  
18 Service (or the designees of the regional foresters) shall  
19 select the advance recovery projects to be carried out  
20 under this section. However, the selection of an advance  
21 recovery project in a State shall be made in consultation  
22 with the State forester of that State.

23 (b) SELECTION CRITERIA.—In selecting advance re-  
24 covery projects, the regional foresters (and their des-  
25 ignees) shall comply with the requirements of subsections

1 (e)(2) and (f) of section 4 applicable to the selection of  
2 recovery projects under the national pilot program. Prior-  
3 ity shall be given to projects on those Federal forest  
4 lands—

5 (1) where the Regional Forester (in consulta-  
6 tion with the appropriate State forester) has identi-  
7 fied a significant risk of loss to human life and prop-  
8 erty or serious resource degradation or destruction  
9 due to wildfire, disease epidemic, severe insect infes-  
10 tation, wind, flood, or other causes; or

11 (2) for which thorough forest resource assess-  
12 ments have been completed, including Federal forest  
13 lands in the Pacific Northwest, the Interior Colum-  
14 bia Basin, the Sierra Nevada, the Southern Appa-  
15 lachian Region, and the northern forests of Maine,  
16 Vermont, New Hampshire, and New York.

17 (c) INITIATION OF PROJECT LEVEL ANALYSIS.—Not  
18 later than 30 days after the date on which the Secretary  
19 allocates amounts from the Forest Recovery and Protec-  
20 tion Fund under subsection (a), the regional forester (or  
21 the designees of the regional forester) in each region to  
22 which amounts have been allocated shall initiate project  
23 planning, including any activities required under the Na-  
24 tional Environmental Policy Act of 1969 (42 U.S.C. 4321

1 et seq.), for the advance recovery projects to be conducted  
2 in that region.

3 (d) EFFECT OF FAILURE TO COMPLY WITH TIME  
4 PERIODS.—If the deadline for the initiation of project  
5 planning specified under subsection (c) is not met for any  
6 advance recovery project, the Secretary may not use  
7 amounts in the Forest Recovery and Protection Fund to  
8 carry out the project and shall promptly reimburse the  
9 Fund for any expenditures previously made from the Fund  
10 in connection with the project.

11 (e) REPORTING REQUIREMENTS.—Not later than the  
12 implementation date, and annually thereafter until com-  
13 pletion of all advance recovery projects, the Secretary shall  
14 submit to Congress a report on the implementation of ad-  
15 vance recovery projects. The report shall consist of a de-  
16 scription of the accomplishments of each advance recovery  
17 project and incorporate the requirements of section  
18 4(g)(3).

19 (f) NOTICE OF AVAILABILITY.—The Secretary shall  
20 publish in the Federal Register a notice of the availability  
21 of each report to Congress required by this section.

22 (g) APPLICABILITY OF FEDERAL LAWS.—Nothing in  
23 this section exempts any advance recovery project author-  
24 ized or required by this section from any Federal law.

1 **SEC. 7. MONITORING PLAN.**

2 (a) PLAN REQUIRED.—Not later than the implemen-  
3 tation date, the Secretary shall prepare and submit to  
4 Congress a monitoring plan for the national pilot program  
5 of sufficient scope to monitor the implementation and ef-  
6 fectiveness of recovery projects conducted under sections  
7 4 and 6.

8 (b) RECOMMENDATIONS OF SCIENTIFIC ADVISORY  
9 PANEL.—In preparing the monitoring plan required under  
10 subsection (a), the Secretary shall consider the monitoring  
11 plan recommended by the Scientific Advisory Panel under  
12 section 5(f). The Secretary shall include with the monitor-  
13 ing plan submitted to Congress under subsection (a) an  
14 explanation of any significant differences between the rec-  
15 ommendations of the Scientific Advisory Panel and the  
16 monitoring plan actually submitted to Congress.

17 **SEC. 8. FOREST RECOVERY AND PROTECTION FUND.**

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

22 (b) CREDITS TO FUND.—During the time period  
23 specified in section 9(a), there shall be credited to the  
24 Fund the following:

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

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

8           (3) Amounts required to be reimbursed to the  
9 Fund under subsection (d) or section 6(d).

10 (c) USE OF FUND.—

11           (1) AUTHORIZED USES.—Amounts in the Fund  
12 shall be available to the Secretary, without further  
13 appropriation—

14                   (A) to carry out the national pilot pro-  
15 gram;

16                   (B) to plan, carry out, and administer re-  
17 covery projects under sections 4 and 6;

18                   (C) to administer the Scientific Advisory  
19 Panel; and

20                   (D) to pay for the monitoring program es-  
21 tablished under section 7.

22           (2) EFFECT OF COMPLETION.—Upon comple-  
23 tion of all recovery projects for which planning was  
24 initiated under section 4(e)(1), and the contracts  
25 identified in section 9(e), all remaining amounts in

1 the Fund shall be transferred to the general fund of  
2 the Treasury.

3 (d) EFFECT OF FAILURE TO COMPLY WITH ANNUAL  
4 DEADLINES.—

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

7 (A) to allocate monies to regions of the  
8 Forest Service during a fiscal year under sec-  
9 tion 4(d)(1), if the deadlines specified in such  
10 section are not met for that fiscal year; or

11 (B) to carry out a recovery project, if the  
12 final decision on project planning is not initi-  
13 ated within the time frame required by section  
14 4(e)(1).

15 (2) FUND REIMBURSEMENT.—If the deadlines  
16 referred to in paragraph (1)(A) are not met for a  
17 particular fiscal year, the Secretary shall promptly  
18 reimburse the Fund for any expenditures previously  
19 made from the Fund in connection with the alloca-  
20 tion of monies to regions of the Forest Service dur-  
21 ing that fiscal year. If the time frame referred to in  
22 paragraph (1)(B) is not met for a particular recov-  
23 ery project, the Secretary shall promptly reimburse  
24 the Fund for any expenditures previously made to  
25 carry out that recovery project.

1 (e) LIMITATION ON OVERHEAD AND OTHER EX-  
2 PENSES.—

3 (1) OVERHEAD EXPENSES.—The Secretary  
4 shall not allocate or assign overhead expenses to the  
5 Fund or to any of the activities or programs author-  
6 ized by sections 4 through 10.

7 (2) SCIENTIFIC ADVISORY PANEL.—The Sec-  
8 retary may allocate up to \$1,000,000 from the Fund  
9 to finance the operation of the Scientific Advisory  
10 Panel.

11 (3) MONITORING PLAN.—The Secretary may al-  
12 locate up to \$500,000 from the Fund during a fiscal  
13 year to implement the monitoring plan established  
14 under section 7.

15 (4) PROHIBITION ON USE OF ANY FUNDS TO  
16 CONSTRUCT NEW, PERMANENT ROADS.—For pur-  
17 poses of the recovery projects authorized by this Act,  
18 amounts in the Fund shall not be used, either di-  
19 rectly through direct allocations from the Fund, or  
20 indirectly through allocations to recovery projects  
21 from other Forest Service accounts, for the con-  
22 struction of new, permanent roads.

23 (f) TREATMENT OF REVENUES FROM RECOVERY  
24 PROJECTS.—All revenues generated by recovery projects  
25 undertaken pursuant to sections 4 and 6 shall be paid,

1 at the end of each fiscal year, to the States pursuant to  
2 the formula for distribution to the States under the sixth  
3 paragraph under the heading “FOREST SERVICE” in  
4 the Act of May 23, 1908 (35 Stat. 260; 16 U.S.C. 500),  
5 and section 13 of the Act of March 1, 1911 (36 Stat. 963;  
6 commonly known as the Weeks Act; 16 U.S.C. 500).

7 (g) CONFORMING AMENDMENT.—The fourteenth  
8 paragraph under the heading “FOREST SERVICE” of  
9 the Act of March 4, 1913 (37 Stat. 843; 16 U.S.C. 501),  
10 is amended by adding at the end the following new sen-  
11 tence: “During the term of the Forest Recovery and Pro-  
12 tection Fund, as established by section 8 of the Forest  
13 Recovery and Protection Act of 1998, amounts reserved  
14 under the authority of this paragraph shall be deposited  
15 into that Fund.”.

16 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

17 (a) AUTHORIZATION OF APPROPRIATIONS.—There  
18 are authorized to be appropriated such sums as may be  
19 necessary to carry out the provisions of this Act for the  
20 fiscal year in which this Act is enacted and each fiscal  
21 year thereafter through September 30, 2005, or Septem-  
22 ber 30 of the fifth full fiscal year following the implemen-  
23 tation date, whichever is later.

1 (b) DEPOSIT IN FUND.—All sums appropriated pur-  
2 suant to this section shall be deposited in the Forest Re-  
3 covery and Protection Fund.

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

10 **SEC. 10. AUDIT REQUIREMENTS.**

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

20 (b) NATIONAL PILOT PROGRAM AUDIT.—At the re-  
21 quest of any committee chairman identified in section 5(c),  
22 the Comptroller General shall conduct an audit of the na-  
23 tional pilot program at the end of the fourth full fiscal  
24 year following the implementation date.

1 (c) ELEMENTS OF AUDIT.—The audit under sub-  
2 section (b) shall include an analysis of the following:

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

8 (2) The impact of the advance recovery projects  
9 conducted under section 6 on the development and  
10 implementation of the national pilot program.

11 (3) The extent to which the recommendations of  
12 the Scientific Advisory Panel were used to develop  
13 the standards and criteria established under section  
14 4(b) and the monitoring plan under section 7.

15 (4) The extent to which the Secretary has car-  
16 ried out the monitoring plan required under section  
17 7 and the extent to which the monitoring plan has  
18 been successful in monitoring the implementation  
19 and effectiveness of recovery projects.

20 (5) The current and projected future financial  
21 status of the Forest Recovery and Protection Fund.

22 (6) Any cost savings or efficiencies achieved  
23 under the national pilot program.

1           (7) Any other aspect of the implementation of  
2           this Act considered appropriate by the chairman or  
3           chairmen requesting the audit.

4 **SEC. 11. FOREST INVENTORY AND ANALYSIS.**

5           (a) PROGRAM REQUIRED.—The Secretary shall es-  
6           tablish a program to inventory and analyze, in a timely  
7           manner, public and private forests in the United States.

8           (b) ANNUAL STATE INVENTORY.—Subject to sub-  
9           section (c), not later than the end of each full fiscal year  
10          beginning after the date of the enactment of this Act, the  
11          Secretary shall prepare for each State, in cooperation with  
12          the State forester for that State, an inventory of the for-  
13          ests in that State. For purposes of preparing the inventory  
14          for a State, the Secretary shall measure annually 20 per-  
15          cent of all sample plots that are included in the inventory  
16          program for that State. Upon completion of each annual  
17          inventory, the Secretary shall make available to the public  
18          a compilation of all data collected from the year’s meas-  
19          urements of sample plots and any analysis of such sam-  
20          ples.

21          (c) MODIFICATIONS.—At the request of the State for-  
22          ester (or equivalent State officer) of a State, the Secretary  
23          may modify for that State the time interval for preparing  
24          forest inventories, the percentage of sample plots to be  
25          measured annually, or the requirements for making data

1 available to the public required under subsection (b), ex-  
2 cept that 100 percent of the sample plots in the inventory  
3 program for that State shall be measured, appropriate  
4 analysis of such samples shall be conducted, and cor-  
5 responding data shall be compiled during the time inter-  
6 vals described in subsection (d).

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

12 (1) contains a description of each State inven-  
13 tory of forests, incorporating all sample plot meas-  
14 urements conducted during the five years covered by  
15 the report;

16 (2) displays and analyzes on a nationwide basis  
17 the results of the State reports required by sub-  
18 section (b); and

19 (3) contains an analysis of forest health condi-  
20 tions and trends over the previous two decades, with  
21 an emphasis on such conditions and trends during  
22 the period subsequent to the immediately preceding  
23 report under this subsection.

24 (e) NATIONAL STANDARDS AND DEFINITIONS.—To  
25 ensure uniform and consistent data collection for all public

1 and private forest ownerships and each State, the Sec-  
2 retary shall develop, in consultation with State foresters  
3 and Federal land management agencies not within the ju-  
4 risdiction of the Secretary, and publish national standards  
5 and definitions to be applied in inventorying and analyzing  
6 forests under this section. The standards shall include a  
7 core set of variables to be measured on all sample plots  
8 under subsection (b) and a standard set of tables to be  
9 included in the reports under subsection (d).

10 (f) PROTECTION FOR PRIVATE PROPERTY RIGHTS.—

11 The Secretary shall obtain written authorization from  
12 property owners prior to collecting data from sample plots  
13 located on private property pursuant to subsections (b)  
14 and (c). Nothing in this section shall be construed to au-  
15 thorize the Secretary (directly or through the use of State  
16 foresters or other persons) to regulate privately held forest  
17 lands, the use of privately held forest lands, or the re-  
18 sources located on privately held forest lands.

19 (g) STRATEGIC PLAN.—Not later than 180 days after

20 the date of the enactment of this Act, the Secretary shall  
21 prepare and submit to Congress a strategic plan to imple-  
22 ment and carry out this section, including the annual up-  
23 dates required by subsection (b), any modifications made  
24 to pursuant to subsection (c), and the reports required by

1 subsection (d). The strategic plan shall describe in detail  
2 the following:

3           (1) The financial resources required to imple-  
4           ment and carry out this section, including the identi-  
5           fication of any resources required in excess of the  
6           amounts provided for forest inventorying and analy-  
7           sis in recent appropriations Acts.

8           (2) The personnel necessary to implement and  
9           carry out this section, including any personnel in ad-  
10          dition to personnel currently performing  
11          inventorying and analysis functions.

12          (3) The organization and procedures necessary  
13          to implement and carry out this section, including  
14          proposed coordination with Federal land manage-  
15          ment agencies and State foresters.

16          (4) The schedules for annual sample plot meas-  
17          urements in each State inventory required by sub-  
18          section (b), as modified for that State under sub-  
19          section (c), within the first five-year interval after  
20          the date of the enactment of this Act.

21          (5) The core set of variables to be measured in  
22          each sample plot under subsections (b) and (c) and  
23          the standard set of tables to be used in each State  
24          and national report under subsection (d).

1           (6) The process for employing, in coordination  
2           with the Department of Energy and the National  
3           Aeronautics and Space Administration, remote sens-  
4           ing, global positioning systems, and other advanced  
5           technologies to carry out this section, and the subse-  
6           quent use of such technologies.

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