

106TH CONGRESS
2D SESSION

H. R. 5223

To require the Secretary of Agriculture to carry out a pilot program to evaluate the feasibility and merits of State administration of units of the National Forest System.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 20, 2000

Mr. SANFORD introduced the following bill; which was referred to the Committee on Agriculture

A BILL

To require the Secretary of Agriculture to carry out a pilot program to evaluate the feasibility and merits of State administration of units of the National Forest System.

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.**

4 This Act may be cited as the “National Forests Im-
5 provement Pilot Program Act”.

6 **SEC. 2. FINDINGS AND DEFINITIONS.**

7 (a) FINDINGS.—Congress finds the following:

8 (1) National forest management costs taxpayers
9 over \$2,000,000,000 per year.

1 (2) The Forest Service has failed in four Gen-
2 eral Accounting Office audits to account for how it
3 spent hundreds of millions of taxpayer dollars in the
4 1990's, and the General Accounting Office has listed
5 the Forest Service as being at "high risk" of waste,
6 fraud, abuse, or mismanagement.

7 (3) Over 54,000,000 acres of Forest Service
8 land are currently at risk of catastrophic fire.

9 (4) In States where environmental audits are
10 performed, typically States are shown to have a bet-
11 ter performance record on the forest lands they
12 manage than the Forest Service has on the lands the
13 Forest Service manages.

14 (5) At the same time, most States are required
15 by law to show a return from State-owned forest
16 lands.

17 (b) DEFINITIONS.—In this Act:

18 (1) COUNCIL.—The term "Council" means the
19 Forest Stewardship Council.

20 (2) TEST FOREST.—The term "test forest"
21 means a unit of the National Forest System in-
22 cluded in the pilot program.

23 (3) SECRETARY.—The term "Secretary" means
24 the Secretary of Agriculture.

1 **SEC. 3. PILOT PROGRAM OF STATE ADMINISTRATION OF**
2 **NATIONAL FOREST SYSTEM LANDS.**

3 (a) PROGRAM REQUIRED; PURPOSE.—The Secretary
4 shall carry out a pilot program in three Forest Service
5 regions to evaluate whether State governments can man-
6 age and improve National Forest System lands more effec-
7 tively and efficiently than the Forest Service and reduce
8 Federal expenditures for the National Forest System. The
9 Secretary shall ensure that the Forest Service regions se-
10 lected represent three different forest ecosystems.

11 (b) CONTRACTS WITH STATES.—The Secretary shall
12 enter into a contract with one State in each Forest Service
13 region selected for the pilot program under which the
14 State will assume management of one unit of the National
15 Forest System in that State on behalf of the Secretary.

16 (c) APPLICABLE LAWS.—The Federal and State laws
17 applicable to a test forest as a unit of the National Forest
18 System shall continue to apply to the test forest notwith-
19 standing State administration of the test forest under the
20 pilot program, except that the State is not required to fol-
21 low the standard operating procedures and guidelines con-
22 tained in the Forest Service handbook.

23 (d) TREATMENT OF FOREST SERVICE EMPLOY-
24 EES.—Subchapter VI of chapter 33 of title 5, United
25 States Code, shall apply with respect to any employee of
26 the Forest Service who is assigned to duty in a test forest

1 under a contract entered into under subsection (b). For
2 purposes of section 3373 of such title, an employee so as-
3 signed shall be deemed to be on detail to a regular work
4 assignment in the Forest Service, as provided in sub-
5 section (a)(1) of such section.

6 **SEC. 4. TEST FOREST EVALUATION.**

7 (a) FOREST STEWARDSHIP COUNCIL CONTRACT.—
8 The Secretary shall enter into a contract with the Forest
9 Stewardship Council under which the Council shall evalu-
10 ate the test forests every two years during the course of
11 the pilot program to assess the environmental progress of
12 the test forests under State management. The assessment
13 of environmental progress shall be based on criteria estab-
14 lished by the Council not later than six months after the
15 date of the enactment of this Act and revised thereafter
16 as the Council considers necessary.

17 (b) REPORT.—The Council shall submit to Congress
18 a report containing the results each biannual evaluation
19 of the test forests' environmental progress of such lands.

20 (c) EARLY TERMINATION OF PILOT PROGRAM.—Not-
21 withstanding section 6, if the Council finds that the envi-
22 ronmental progress of a test forest is worsening based on
23 the criteria established under subsection (a), the Secretary
24 shall terminate the pilot program with respect to that test
25 forest. The State managing the test forest under the pilot

1 program shall return the test forest to Federal manage-
2 ment and return all unobligated funds received by the
3 State under section 5 to manage the test forest.

4 **SEC. 5. FUNDING.**

5 (a) USE OF FOREST SERVICE FUNDS.—The Sec-
6 retary shall carry out the pilot program by reserving those
7 funds appropriated for the operations of the Forest Serv-
8 ice that would be used for the management of the test
9 forests in the absence of the pilot program. In anticipation
10 of the more efficient management of the test forests under
11 the pilot program, the Secretary shall incrementally re-
12 duce the amount reserved for each test forest from the
13 amount expended for the test forest during fiscal year
14 2000 to 50 percent of that amount over 10 years.

15 (b) REVENUES.—A State may keep the revenues it
16 receives from the management of a test forest for contin-
17 ued management of those lands, except that the sixth
18 paragraph under the heading “FOREST SERVICE” in
19 the Act of May 23, 1908, and section 13 of the Act of
20 March 1, 1911 (16 U.S.C. 500), shall continue to apply
21 to such revenues.

22 **SEC. 6. DURATION OF PILOT PROGRAM.**

23 Subject to section 4(c), the Secretary shall carry out
24 the pilot program over a 10-fiscal year period. After con-

- 1 sultation with the Council, the Secretary may extend the
- 2 pilot program for an additional 10 years.

