

27.5 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. BOEHLERT to the amendment submitted by Mr. SMITH of Oregon:

Amendment submitted by Mr. BOEHLERT:

In the last line of the amendment, insert after "law" the following: "or policy that is in effect or has been proposed in the Federal Register by the date of the enactment of this Act."

Amendment submitted by Mr. SMITH of Oregon:

On page 29, beginning on line 15, strike paragraph (4) and insert instead:

"(4) PROHIBITION ON USE OF ANY FUNDS TO CONSTRUCTION ROADS.—For purposes of recovery projects authorized by this Act, amounts in the Fund shall not be used, either directly through direct allocations from the Fund, or indirectly through allocations to recovery projects from other Forest Service accounts, for the construction of roads, in those areas within the recovery project where the construction of roads would be prohibited by any Federal environmental law or the applicable land management plan."

It was decided in the Yeas ..... 200 affirmative ..... Nays ..... 187

27.6 [Roll No. 79] AYES—200

- Abercrombie Franks (NJ)
Ackerman Frelinghuysen
Allen Furse
Andrews Ganske
Baesler Gejdenson
Baldacci Gephardt
Barrett (WI) Gilchrist
Bass Gillmor
Bentsen Gilman
Berman Goodling
Billbray Gordon
Bilirakis Goss
Blagojevich Green
Blumenauer Greenwood
Boehlert Gutierrez
Bonior Hall (OH)
Borski Hamilton
Boswell Hastings (FL)
Boucher Hefner
Brown (CA) Hinchey
Brown (OH) Holden
Capps Hooley
Carson Horn
Castle Hoyer
Chabot Hulshof
Clayton Jackson (IL)
Clement Johnson (CT)
Clyburn Johnson (WI)
Costello Kanjorski
Coyne Kaptur
Cummings Kelly
Davis (FL) Kennedy (MA)
Davis (IL) Kennedy (RI)
Davis (VA) Kennelly
DeFazio Kildee
DeGette Kilpatrick
DeLauro Kind (WI)
Deutsch Kleczka
Diaz-Balart Klug
Dingell Kucinich
Dixon LaFalce
Doggett Lampson
Ehlers Lantos
Engel Lazio
English Leach
Eshoo Levin
Etheridge Lewis (GA)
Evans LoBiondo
Farr Lofgren
Fattah Lowey
Fawell Luther
Fazio Maloney (CT)
Filner Manton
Foley Markey
Forbes Martinez
Fox Matsui
Frank (MA) McCarthy (MO)

- Slaughter Smith (NJ)
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stokes
Strickland
Sununu

- Tanner
Tauscher
Taylor (MS)
Thompson
Tierney
Torres
Towns
Velazquez
Vento
Visclosky

- Walsh
Waxman
Weldon (PA)
Wexler
Weygand
White
Woolsey
Wynn
Yates

NOES—187

- Aderholt
Archer
Arney
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Bishop
Bliley
Blunt
Boehner
Boyd
Brady
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Chambliss
Chenoweth
Coble
Collins
Combest
Condit
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Deal
Delahunt
DeLay
Dickey
Dickens
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
Ensign
Everett
Ewing
Fossella
Fowler
Gallegly
Gekas
Gibbons

- Goode
Goodlatte
Graham
Granger
Gutknecht
Hall (TX)
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hobson
Hoekstra
Hostettler
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson, Sam
Jones
Kasich
Kim
King (NY)
Kingston
Klink
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Livingston
Lucas
Manzullo
Mascara
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Minge
Mollohan
Moran (KS)
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Oberstar
Oxley

- Packard
Parker
Paul
Pease
Peterson (MN)
Peterson (PA)
Pickering
Pickett
Pitts
Pombo
Portman
Pryce (OH)
Radanovich
Rahall
Redmond
Regula
Riggs
Riley
Rogan
Rohrabacher
Ryun
Salmon
Sandlin
Schaefer, Dan
Schaffer, Bob
Sessions
Shadegg
Shimkus
Shuster
Sisisky
Skean
Smith (MI)
Smith (OR)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Stupak
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Thurman
Tiahrt
Traficant
Turner
Upton
Wamp
Watts (OK)
Weldon (FL)
Weller
Whitfield
Wise
Wolf
Young (FL)

NOT VOTING—43

- Becerra
Berry
Bonilla
Brown (FL)
Bryant
Cannon
Cardin
Christensen
Clay
Coburn
Conyers
Cook
Cooksey
Ford
Frost
Gonzalez
Hansen
Harman
Hinojosa
Houghton
Jackson-Lee
Jefferson
Johnson, E. B.
Lipinski
Maloney (NY)
McCollum
McDermott
McNulty
Meek (FL)
Millender-McDonald
Paxon
Payne
Pomeroy
Rangel
Rogers
Royce
Sanchez
Smith (TX)
Waters
Watkins
Watt (NC)
Wicker
Young (AK)

So the amendment to the amendment was agreed to.

After some further time,

The SPEAKER pro tempore, Mr. PEASE, assumed the Chair.

When Mr. LATOURETTE, Acting Chairman, pursuant to House Resolution 394, reported the bill back to the House with an amendment adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendment, reported from the Committee of the Whole House on the state of the Union, was agreed to:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

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

(b) TABLE OF CONTENTS.—The table of contents of 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.

SEC. 2. FINDINGS.

Congress finds the following:

(1) There are tradeoffs in values associated with proactive, passive, or delayed forest management. The values gained by proactive management outweigh the values gained by delayed or passive management of certain Federal forest lands.

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

(3) Serious destruction or degradation of important forest resources occurs in all regions of the United States. Management activities to restore and protect these resources in perpetuity are needed in each region and should be designed to address region-specific needs.

(4) According to the Chief of the United States Forest Service, between 35 and 40 million of the 191 million acres of Federal forest lands managed by the Forest Service are at an unacceptable risk of destruction by catastrophic wildfire. The condition of these forests can pose a significant threat of destruction to human life and property as well as to the habitat for fish and wildlife (including threatened and endangered species), public recreation areas, timber, watersheds, and other important forest resources.

(5) Restoration and protection of important forest resources require active forest management involving a range of management activities, including thinning, salvage, prescribed fire (after appropriate thinning), sanitation and other insect and disease control, riparian and other habitat improvement, soil stabilization and other water quality improvement, and seedling planting and protection.

(6) Many national forest units of the National Forest System have an increasing backlog of unfunded projects to restore and protect degraded forest resources. Adequate funding, structured so as to maximize the allocation of monies for on-the-ground

projects, is needed to address this backlog in an efficient, cost-effective way.

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

(8) Congress and the Comptroller General have identified the need to increase agency accountability for achieving measurable results at all levels of government, both in the management of fiscal resources and in carrying out statutory mandates. Additional funding to address the backlog of recovery projects in the National Forest System must, therefore, be accompanied by performance standards and accountability mechanisms that will clearly demonstrate the results achieved by any additional investment of taxpayer dollars.

(9) Frequent forest inventory and analysis of the status and trends in the conditions of forests and their resources are needed to identify and reverse the destruction or degradation of important forest resources in a timely and effective manner. The present average 12- to 15-year cycle of forest inventory and analysis to comply with existing statutory requirements is too prolonged to provide forest managers with the data necessary to make timely and effective management decisions, particularly decisions responsive to changing forest conditions.

#### SEC. 3. DEFINITIONS.

For purposes of this Act:

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

(2) **FUND.**—The terms “Forest Recovery and Protection Fund” and “Fund” mean the fund established under section 8.

(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.

(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.

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

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

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

(B) direct and indirect general administration expenses, as such terms are identified in Appendix D of the United States Forest Service Forest Management Program Annual Report, Fiscal Year 1996 (FS-614), dated December, 1997 (pages 110-111); and

(C) any other cost of line management or program support that cannot be directly attributable to specific projects or programs.

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

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

(B) in which the forest structure, function, or composition has been altered so as to increase substantially the likelihood of wildfire, insect infestation, or disease in the area and the consequent risks of damage to soils, water quality, watershed values, habitat, and other forest resources from wildfire, insect infestation, disease, wind, flood, or other causes.

(8) **RECOVERY PROJECT.**—The term “recovery project” means a project to improve, restore, or protect forest resources within an identified recovery area, including the following types of projects: riparian restoration; treatments to reduce stand density for the purpose of reducing risk of catastrophic loss; soil stabilization and other water quality improvement; removal of dead trees or trees being damaged by injurious agents other than competition; prescribed fire; integrated pest management, including the removal of trees to improve stand health by stopping or reducing actual or anticipated spread of insects or disease; vegetative treatments and other habitat improvement activities; and seedling planting and protection.

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

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

#### SEC. 4. NATIONAL PILOT PROGRAM OF FOREST RECOVERY AND PROTECTION.

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

(b) **STANDARDS AND CRITERIA.**—

(1) **INITIAL PUBLICATION.**—Not later than 210 days before the implementation date, the Secretary shall publish in the Federal Register the proposed standards and criteria to be used for the identification and prioritization of recovery areas. In establishing the standards and criteria, the Secretary shall consider the standards and criteria recommended by the Scientific Advisory Panel under section 5(f). The Secretary shall include in the Federal Register entry required by this paragraph an explanation of any significant differences between the recommendations of the Scientific Advisory Panel and the standards and criteria actually proposed by the Secretary.

(2) **COMMENT PERIOD AND FINAL PUBLICATION.**—Upon the publication of the proposed standards and criteria under paragraph (1), the Secretary shall provide a 45-day period for the submission of comments regarding the proposed standards and criteria. Not later than 30 days after the close of the comment period, the Secretary shall publish the final standards and criteria in the Federal Register.

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

(1) **INITIAL PUBLICATION.**—Not later than 105 days before the implementation date, the Secretary shall publish in the Federal Register a list, in order of priority, of the proposed recovery areas within which recovery projects are to be conducted under the national program in accordance with the standards and criteria established and in effect under subsection (b).

(2) **COMMENT PERIOD AND FINAL PUBLICATION.**—Upon the publication of the proposed

recovery areas under paragraph (1), the Secretary shall provide a 45-day period for the submission of comments regarding the proposed recovery areas. Not later than 30 days after the close of the comment period, the Secretary shall publish the final list of recovery areas, in order of priority, in the Federal Register.

(3) **MODIFICATION.**—The Secretary may not modify the final list of recovery areas published pursuant to paragraph (2).

(d) **ANNUAL ALLOCATION OF AMOUNTS TO RECOVERY AREAS.**—

(1) **ALLOCATION REQUIRED.**—Not later than the implementation date, and each January 15 thereafter, the Secretary shall allocate amounts from the Forest Recovery and Protection Fund to regions of the Forest Service for the purpose of conducting recovery projects in recovery areas identified in subsection (c). In making such allocations, the Secretary shall identify the total acreage nationally that the Secretary expects to be treated during the fiscal year using allocated amounts.

(2) **AUTHORIZED USE OF AMOUNTS FOR MULTI-YEAR PROJECTS.**—Amounts allocated by the Secretary pursuant to paragraph (1) shall be available, without further allocation by the Secretary, to carry out and administer multi-year recovery projects beyond the fiscal year in which the amounts are allocated by the Secretary.

(e) **RECOVERY PROJECTS.**—

(1) **INITIATION OF PROJECT LEVEL ANALYSIS.**—Not later than 30 days after the date on which the Secretary allocates amounts from the Forest Recovery and Protection Fund under subsection (d), the regional forester (or the designees of the regional forester) in each region to which amounts have been allocated shall initiate project planning, including any activities required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), for each recovery project to be conducted during that fiscal year.

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

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

(B) Any riparian area, late successional reserve, or old growth area within which the implementation of recovery projects is prohibited by the applicable land management plan.

(C) Any other area in which the implementation of recovery projects is prohibited by law, a court order, or the applicable land management plan.

(f) **REQUIREMENTS FOR RECOVERY PROJECT SELECTION.**—In selecting recovery projects as required under subsection (e), the regional forester (or the designees of the regional forester) in each region shall—

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

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

(3) ensure that each recovery project complies with the land management plan applicable to the recovery area within which the recovery project will be conducted;

(4) ensure that each recovery project is designed to be implemented in the most cost-

effective manner, except that a recovery project is not precluded simply because the cost of preparing and implementing the recovery project is likely to exceed the revenue derived from the recovery project; and

(5) ensure that each recovery project will maintain or enhance the ecological functions and conditions of the forest in which the project will be conducted.

(g) ANNUAL REPORT TO CONGRESS.—

(1) REPORT REQUIRED.—Not later than the implementation date, and each January 15 thereafter, the Secretary shall submit to Congress a report on the identification and prioritization of recovery areas required under subsection (c) and the allocation of amounts from the Forest Recovery and Protection Fund under subsection (d).

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

(A) A breakdown of the amounts allocated to each region of the Forest Service under subsection (d).

(B) The total acreage nationally expected to be treated by recovery projects during the fiscal year using amounts allocated under subsection (d).

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

(A) A list, by recovery area, of the recovery projects for which planning has been initiated during the prior fiscal year including, for each recovery project, the following:

(i) A description of the management objectives of the project that will be monitored for implementation and effectiveness using the monitoring plan established under section 7.

(ii) The total acreage requiring treatment, the estimated cost of preparation and implementation, and the estimated project duration.

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

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

(B) An explanation of the following:

(i) Whether the planning for recovery projects during the prior fiscal year was initiated within the timeframe required under subsection (e)(1) and an accounting of the steps taken by the Secretary relative to the projects pursuant to the requirements of section 8(d); and

(ii) An explanation of the status of recovery projects for which planning was initiated in prior fiscal years.

(C) A list, by recovery area, of the recovery projects completed during the prior fiscal year including, for each recovery project, a comparison of the following:

(i) The projected and actual management objectives achieved by the project, as determined using the monitoring plan established and in effect under section 7.

(ii) The projected and actual preparation and implementation costs and duration of the project.

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

(D) A description of any additional resources or authorities needed by the Secretary to implement and carry out the national pilot program in an efficient and cost-effective manner.

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

(h) APPLICABILITY OF FEDERAL LAWS.—Nothing in this section exempts any action

authorized or required by this section from any Federal law.

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

(a) ESTABLISHMENT.—There is established a panel of scientific advisers to the Secretary to be known as the "Scientific Advisory Panel".

(b) COMPOSITION OF PANEL.—

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

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

(B) State foresters (or persons with similar managerial expertise) who, through the publication of peer-reviewed scientific literature or other similar evidence of significant scientific or professional accomplishment, have demonstrated expertise in matters relevant to forest resource management.

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

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

(1) One member appointed by the Chairman of the Committee on Agriculture of the House of Representatives, in consultation with the ranking minority member of the Committee.

(2) One member appointed by the Chairman of the Committee on Resources of the House of Representatives, in consultation with the ranking minority member of the Committee.

(3) One member appointed by the Chairman of the Committee on Agriculture, Nutrition, and Forestry of the Senate, in consultation with the ranking minority member of the Committee.

(4) One member appointed by the Chairman of the Committee on Energy and Natural Resources of the Senate, in consultation with the ranking minority member of the Committee.

(5) Three members appointed by the Secretary.

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

(d) ADMINISTRATIVE MATTERS.—

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

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

(B) The appointment of members under paragraphs (5) and (6) of subsection (c) shall begin after the appointments required under paragraphs (1) through (4) of such subsection have been made so that the persons making the appointments under paragraphs (5) and (6) of such subsection can ensure that the requirement specified in subsection (e) for a balanced representation of scientific disciplines on the Scientific Advisory Panel is satisfied. The appointments shall be completed within 60 days after the date on which the list described in subsection (b) is first made available.

(2) TERM AND VACANCIES.—A member of the Scientific Advisory Panel shall be appointed for a term beginning on the date of the ap-

pointment and ending on the implementation date. A vacancy on the Scientific Advisory Panel shall be filled within 30 days in the manner in which the original appointment was made.

(3) COMMENCEMENT OF ACTIVITY.—The Scientific Advisory Panel may commence its duties under subsection (f) as soon as at least eight of the members have been appointed under subsection (c). At the initial meeting, the members of the Scientific Advisory Panel shall select one member to serve as chairperson.

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

(e) BALANCED REPRESENTATION OF SCIENTIFIC DISCIPLINES.—The Scientific Advisory Panel shall include at least one representative of each of the following:

- (1) Hydrologist.
- (2) Wildlife biologist.
- (3) Fisheries biologist.
- (4) Entomologist or pathologist.
- (5) Fire ecologist.
- (6) Silviculturist.
- (7) Economist.
- (8) Soil scientist.

(9) State forester or person with similar managerial expertise.

(f) DUTIES IN CONNECTION WITH IMPLEMENTATION.—During the period beginning on the initial meeting of the Scientific Advisory Panel and ending on the implementation date, the Scientific Advisory Panel shall be responsible for the following:

(1) The preparation and submission to the Secretary and the Congress of recommendations regarding the standards and criteria that should be used to identify and prioritize recovery areas.

(2) The preparation of and submission to the Secretary and the Congress of recommendations regarding a monitoring plan for the national pilot program of sufficient scope to monitor the implementation and effectiveness of recovery projects conducted under the national pilot program.

(g) CONSIDERATIONS.—In the development of its recommendations under subsection (f), the Scientific Advisory Panel shall—

(1) consult as appropriate with region-specific scientific experts in forest ecology, hydrology, wildlife biology, entomology, pathology, soil science, economics, social sciences, and other appropriate scientific disciplines;

(2) consider the most current peer-reviewed scientific literature regarding the duties undertaken by the Panel; and

(3) incorporate information gathered during the implementation of the advance recovery projects required under section 6.

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

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

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

(a) SELECTION OF ADVANCE PROJECTS.—Not later than 30 days after the date of the enactment of this Act, the Secretary shall allocate amounts from the Forest Recovery and Protection Fund to Forest Service regions for the purpose of conducting a limited number (as determined by the Secretary) of advance recovery projects on Federal forest

lands. The regional foresters of the Forest Service (or the designees of the regional foresters) shall select the advance recovery projects to be carried out under this section. However, the selection of an advance recovery project in a State shall be made in consultation with the State forester of that State.

(b) **SELECTION CRITERIA.**—In selecting advance recovery projects, the regional foresters (and their designees) shall comply with the requirements of subsections (e)(2) and (f) of section 4 applicable to the selection of recovery projects under the national pilot program. Priority shall be given to projects on those Federal forest lands—

(1) where the Regional Forester (in consultation with the appropriate State forester) has identified a significant risk of loss to human life and property or serious resource degradation or destruction due to wildfire, disease epidemic, severe insect infestation, wind, flood, or other causes; or

(2) for which thorough forest resource assessments have been completed, including Federal forest lands in the Pacific Northwest, the Interior Columbia Basin, the Sierra Nevada, the Southern Appalachian Region, and the northern forests of Maine, Vermont, New Hampshire, and New York.

(c) **INITIATION OF PROJECT LEVEL ANALYSIS.**—Not later than 30 days after the date on which the Secretary allocates amounts from the Forest Recovery and Protection Fund under subsection (a), the regional forester (or the designees of the regional forester) in each region to which amounts have been allocated shall initiate project planning, including any activities required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), for the advance recovery projects to be conducted in that region.

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

(e) **REPORTING REQUIREMENTS.**—Not later than the implementation date, and annually thereafter until completion of all advance recovery projects, the Secretary shall submit to Congress a report on the implementation of advance recovery projects. The report shall consist of a description of the accomplishments of each advance recovery project and incorporate the requirements of section 4(g)(3).

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

(g) **APPLICABILITY OF FEDERAL LAWS.**—Nothing in this section exempts any advance recovery project authorized or required by this section from any Federal law.

#### **SEC. 7. MONITORING PLAN.**

(a) **PLAN REQUIRED.**—Not later than the implementation date, the Secretary shall prepare and submit to Congress a monitoring plan for the national pilot program of sufficient scope to monitor the implementation and effectiveness of recovery projects conducted under sections 4 and 6.

(b) **RECOMMENDATIONS OF SCIENTIFIC ADVISORY PANEL.**—In preparing the monitoring plan required under subsection (a), the Secretary shall consider the monitoring plan recommended by the Scientific Advisory Panel under section 5(f). The Secretary shall include with the monitoring plan submitted to Congress under subsection (a) an explanation of any significant differences between

the recommendations of the Scientific Advisory Panel and the monitoring plan actually submitted to Congress.

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

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

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

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

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

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

(c) **USE OF FUND.**—

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

(A) to carry out the national pilot program;

(B) to plan, carry out, and administer recovery projects under sections 4 and 6;

(C) to administer the Scientific Advisory Panel; and

(D) to pay for the monitoring program established under section 7.

(2) **EFFECT OF COMPLETION.**—Upon completion of all recovery projects for which planning was initiated under section 4(e)(1), and the contracts identified in section 9(c), all remaining amounts in the Fund shall be transferred to the general fund of the Treasury.

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

(1) **PROHIBITION ON USE OF FUND.**—The Secretary may not use amounts in the Fund—

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

(B) to carry out a recovery project, if the final decision on project planning is not initiated within the time frame required by section 4(e)(1).

(2) **FUND REIMBURSEMENT.**—If the deadlines referred to in paragraph (1)(A) are not met for a particular fiscal year, the Secretary shall promptly reimburse the Fund for any expenditures previously made from the Fund in connection with the allocation of monies to regions of the Forest Service during that fiscal year. If the time frame referred to in paragraph (1)(B) is not met for a particular recovery project, the Secretary shall promptly reimburse the Fund for any expenditures previously made to carry out that recovery project.

(e) **LIMITATION ON OVERHEAD AND OTHER EXPENSES.**—

(1) **OVERHEAD EXPENSES.**—The Secretary shall not allocate or assign overhead expenses to the Fund or to any of the activities or programs authorized by sections 4 through 10.

(2) **SCIENTIFIC ADVISORY PANEL.**—The Secretary may allocate up to \$1,000,000 from the Fund to finance the operation of the Scientific Advisory Panel.

(3) **MONITORING PLAN.**—The Secretary may allocate up to \$500,000 from the Fund during a fiscal year to implement the monitoring plan established under section 7.

(4) **PROHIBITION ON USE OF ANY FUNDS TO CONSTRUCT NEW, PERMANENT ROADS.**—For purposes of the recovery projects authorized by

this Act, amounts in the Fund shall not be used, either directly through direct allocations from the Fund, or indirectly through allocations to recovery projects from other Forest Service accounts, for the construction of new, permanent roads.

(f) **TREATMENT OF REVENUES FROM RECOVERY PROJECTS.**—All revenues generated by recovery projects undertaken pursuant to sections 4 and 6 shall be paid, at the end of each fiscal year, to the States pursuant to the formula for distribution to the States under the sixth paragraph under the heading "FOREST SERVICE" in the Act of May 23, 1908 (35 Stat. 260; 16 U.S.C. 500), and section 13 of the Act of March 1, 1911 (36 Stat. 963; commonly known as the Weeks Act; 16 U.S.C. 500).

(g) **CONFORMING AMENDMENT.**—The fourteenth paragraph under the heading "FOREST SERVICE" of the Act of March 4, 1913 (37 Stat. 843; 16 U.S.C. 501), is amended by adding at the end the following new sentence: "During the term of the Forest Recovery and Protection Fund, as established by section 8 of the Forest Recovery and Protection Act of 1998, amounts reserved under the authority of this paragraph shall be deposited into that Fund."

#### **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

(a) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act for the fiscal year in which this Act is enacted and each fiscal year thereafter through September 30, 2005, or September 30 of the fifth full fiscal year following the implementation date, whichever is later.

(b) **DEPOSIT IN FUND.**—All sums appropriated pursuant to this section shall be deposited in the Forest Recovery and Protection Fund.

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

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

(a) **ANNUAL REPORT VERIFICATION.**—At the request of any committee chairman identified in section 5(c), the Comptroller General shall submit to Congress a report assessing the accuracy of an annual report prepared by the Secretary pursuant to section 4(g). The Comptroller General's report shall be completed as soon as practicable following the date of the publication by the Secretary of the annual report for which the request under this subsection was made.

(b) **NATIONAL PILOT PROGRAM AUDIT.**—At the request of any committee chairman identified in section 5(c), the Comptroller General shall conduct an audit of the national pilot program at the end of the fourth full fiscal year following the implementation date.

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

(1) Whether advance recovery projects, the national pilot program, and the administration of the Forest Recovery and Protection Fund were carried out in a manner consistent with the provisions of this Act.

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

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

(4) The extent to which the Secretary has carried out the monitoring plan required

under section 7 and the extent to which the monitoring plan has been successful in monitoring the implementation and effectiveness of recovery projects.

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

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

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

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, viva voce, Will the House pass said bill?

The SPEAKER pro tempore, Mr. PEASE, announced that the yeas had it.

Mr. MILLER of California demanded a recorded vote on passage of said bill, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the { Yeas ..... 181 negative ..... } Nays ..... 201

27.7 [Roll No. 80] AYES—181

- Aderholt Archer Arme... Goodlatte Goodling Graham... Packard Paxon Pease... Aderholt Archer Arme... Goodlatte Goodling Graham... Packard Paxon Pease...

- Weldon (FL) Whitfield Wolf Weller Wise Young (FL)

NOES—201

- Abercrombie Goss Neumann Ackerman Greenwood Obey Allen Gutierrez Olver Andrews Hall (OH) Ortiz Baldacci Hamilton Owens Barrett (WI) Hastings (FL) Pappas Bass Hefner Pascarell Bentsen Hilleary Pastor Berman Hinchev Paul Bilbray Holden Pelosi Bilirakis Hooley Porter Blagojevich Horn Blumenaer Hoyer Portman Boehlert Jackson (IL) Poshard Bonior Johnson (CT) Price (NC) Borski Johnson (WI) Quinn Boswell Kanjorski Ramstad Brown (CA) Kaptur Reyes Brown (OH) Kelly Rivers Campbell Kennedy (MA) Rodriguez Capps Kennedy (RI) Roemer Carson Kennelly Rogan Castle Kildee Rothman Chabot Kilpatrick Roukema Chenoweth Kind (WI) Roybal-Allard Clayton Kleczka Rush Clement Klink Sabo Clyburn Klug Sanders Condit Kucinich Sanford Costello LaFalce Sawyer Coyne Lampton Saxton Crapo Lantos Scarborough Cummings Davis (FL) LaTourette Schumer Davis (IL) Lazio Scott Davis (VA) Levin Sensenbrenner DeFazio Lewis (GA) Serrano DeGette LoBiondo Shays Delahunt Lofgren Sherman Skaggs DeLauro Lowey Slaughter Dicks Luther Smith (NJ) Deutsch Maloney (CT) Smith, Adam Dicks Maloney (NY) Snyder Dingell Manton Spratt Dixon Markey Stabenow Doggett Markey Stark Ehlert Martinez Stokes Engel Matsui Strickland Eshoo McCarthy (MO) Tauscher Etheridge McCarthy (NY) Thompson Evans McGovern Tierney Farr McHale Torres Fattah McIntyre Towns Fawell McKinney Velazquez Fazio Meehan Visclosky Filner Meek (FL) Walsh Foley Meeks (NY) Wamp Forbes Menendez Waxman Fox Miller (CA) Weldon (PA) Frank (MA) Minge Wexler Franks (NJ) Mink White Frelinghuysen Moakley Woolsey Furse Mollohan White Ganske Moran (VA) Yates Gejdenson Morella Wynn Gephardt Murtha Wicker Gilman Nadler Young (AK) Gordon Neal

NOT VOTING—48

- Ballenger Edwards Millender Becerra Ford McDonald Berry Frost Miller (FL) Bonilla Gonzalez Parker Boucher Green Payne Brown (FL) Hansen Pomeroy Bryant Harman Rangel Cannon Hinojosa Rogers Cardin Houghton Royce Christensen Jackson-Lee Sanchez Clay (TX) Smith (TX) Coburn Jefferson Waters Conyers Johnson, E. B. Watkins Cook Lipinski Watt (NC) Cooksey McCollum Wicker Cunningham McDermott Young (AK) DeLay McNulty

So the bill was not passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

27.8 COMMITTEE RESIGNATION—MINORITY

The SPEAKER pro tempore, Mr. PEASE, laid before the House the following communication, which was read as follows:

CONGRESS OF THE UNITED STATES, HOUSE OF REPRESENTATIVES, Washington, DC, March 27, 1998.

Hon. NEWT GINGRICH, Speaker of the House, Washington, DC.

DEAR MR. SPEAKER: Please accept this letter as my formal resignation from the House Committee on Small Business.

With best wishes, Sincerely,

JOHN E. BALDACCI, Member of Congress.

By unanimous consent, the resignation was accepted.

27.9 COMMITTEE ELECTION—MINORITY

Mr. FAZIO, by direction of the Democratic Caucus, submitted the following privileged resolution (H. Res. 400):

Resolved, that the following named Members be, and that they are hereby, elected to the following standing committees of the House of Representatives:

To the Committee on International Relations: Lois Capps of California.

To the Committee on Science: Lois Capps of California.

To the Committee on Transportation and Infrastructure: John Baldacci of Maine; Marion Berry of Arkansas.

When said resolution was considered and agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

27.10 50 STATES COMMEMORATIVE COIN PROGRAM

On motion of Mr. CASTLE, by unanimous consent, the Committee on Banking and Financial Services was discharged from further consideration of the bill (H.R. 3301) to amend chapter 51 of title 31, United States Code, to allow the Secretary of the Treasury greater discretion with regard to the placement of the required inscriptions on quarter dollars issued under the 50 States Commemorative Coin Program.

When said bill was considered, read twice, ordered to be engrossed and read a third time, was read a third time by title, and passed.

A motion to reconsider the vote whereby the bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

27.11 HOUR OF MEETING

On motion of Mr. LEWIS of Kentucky, by unanimous consent,

Ordered, That when the House adjourns today, it adjourn to meet on Monday, March 30, 1998, at 12:30 p.m. for "morning-hour debate".

27.12 CALENDAR WEDNESDAY BUSINESS DISPENSED WITH

On motion of Mr. LEWIS of Kentucky, by unanimous consent,

Ordered, That business in order for consideration on Wednesday, April 1,