

Calendar No. 586

104TH CONGRESS
2^D SESSION

S. 391

[Report No. 104-321]

A BILL

To authorize and direct the Secretaries of the Interior and Agriculture to undertake activities to halt and reverse the decline in forest health on Federal lands, and for other purposes.

SEPTEMBER 11, 1996

Committees discharged pursuant to the order of February 10, 1995, and placed on the calendar

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To authorize and direct the Secretaries of the Interior and Agriculture to undertake activities to halt and reverse the decline in forest health on Federal lands, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 10 (legislative day, JANUARY 30), 1995

Mr. CRAIG (for himself, Mr. HEFLIN, Mr. BURNS, Mr. DOMENICI, Mr. GORTON, Mr. KEMPTHORNE, Mr. MURKOWSKI, Mr. PACKWOOD, Mr. PRESSLER, Mr. BENNETT, Mr. STEVENS, Mr. FAIRCLOTH, Mr. BROWN, Mr. COCHRAN, Mr. SIMPSON, Mr. KYL, Mr. LOTT, and Mr. THOMAS) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources with instructions that when reported the bill be referred jointly to the Committees on Agriculture, Nutrition, and Forestry and Environment and Public Works for a period not to exceed 20 days of session to report or be discharged

JULY 16, 1996

Reported by Mr. MURKOWSKI, with an amendment and an amendment to the title

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

Referred jointly to the Committees on Agriculture, Nutrition, and Forestry and Environment and Public Works pursuant to the order of February 10, 1995

SEPTEMBER 11, 1996

Committees discharged pursuant to the order of February 10, 1995, and placed on the calendar

A BILL

To authorize and direct the Secretaries of the Interior and Agriculture to undertake activities to halt and reverse the decline in forest health on Federal lands, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Federal Lands Forest
 5 Health Protection and Restoration Act”.

6 **SEC. 2. DEFINITIONS.**

7 For purposes of this Act, the term—

8 (1) “Federal lands” means—

9 (A) public lands as defined in section
 10 103(e) of the Federal Land Policy and Manage-
 11 ment Act of 1976 (43 U.S.C. 1702(e));

12 (B) lands reserved or withdrawn from the
 13 public domain and designated to the National
 14 Wildlife Refuge System as defined in 16 U.S.C.
 15 668dd(a); and

16 (C) lands within the National Forest Sys-
 17 tem as defined in section 11(a) of the Forest
 18 and Rangeland Renewable Resources Planning
 19 Act of 1974 (16 U.S.C. 1609(a));

20 (2) “forest health management activity” means
 21 any thinning, salvage, timber stand improvement, re-

1 forestation, controlled burning or other fuels man-
2 agement, insect or disease control, riparian or other
3 habitat improvement, soil stabilization or other
4 water quality improvement, or other activity, the
5 purpose of which is to meet one or more of the ob-
6 jectives set forth in section 3(e)(1);

7 (3) “land management plan” means—

8 (A) a land use plan prepared by the Bu-
9 reau of Land Management pursuant to section
10 202 of the Federal Land Policy and Manage-
11 ment Act of 1976 (43 U.S.C. 1712), or other
12 multiple use plan currently in effect, for a unit
13 of the Federal lands described in paragraph
14 (1)(A); or

15 (B) a land and resource management plan
16 (or, if no final plan is currently in effect, a
17 draft land and resource management plan) pre-
18 pared by the Forest Service pursuant to section
19 6 of the Forest and Rangeland Renewable Re-
20 sources Planning Act of 1974 (16 U.S.C. 1604)
21 for one or more units of the Federal lands de-
22 scribed in paragraph (1)(C); and

23 (4) “Secretary” means—

1 (A) with respect to Federal lands described
 2 in paragraph (1)(A), the Secretary of the Inte-
 3 rior, or, except for section 6, a designee;

4 (B) with respect to Federal lands described
 5 in paragraph (1)(B), the Secretary of the Inte-
 6 rior, or except for section 6, a designee; and

7 (C) with respect to Federal lands described
 8 in paragraph (1)(C), the Secretary of Agri-
 9 culture, or, except for section 6, a designee.

10 **SEC. 3. DESIGNATION OF AREAS AND SELECTION AND AU-**
 11 **THORIZATION OF ACTIVITIES.**

12 (a) **GENERAL DIRECTION.**—The Secretary of the In-
 13 terior and the Secretary of Agriculture are each directed—

14 (1) as frequently as necessary but no less than
 15 annually, to review the forest health conditions on
 16 the federal lands; and

17 (2) from time to time, or pursuant to a petition
 18 submitted in accordance with subsection (d), when
 19 warranted by conditions set forth in subsection (b),
 20 to designate a specific area of the Federal lands as
 21 a forest health emergency or high risk area and se-
 22 lect and authorize the forest health management ac-
 23 tivity or activities to be undertaken in such area.

24 (b) **FOREST HEALTH EMERGENCY AND HIGH RISK**
 25 **AREAS.**—(1) An area of the Federal lands shall be des-

1 ignated as a forest health emergency area pursuant to
2 subsection (a)(2) if the Secretary concerned finds that—

3 (A) forests on such lands have experienced dis-
4 turbances, from wildfires, insect infestations, dis-
5 ease, or other natural causes that have caused more
6 than 50 percent of the trees to be dead or dying,
7 and will suffer further environmental degradation,
8 such as soil erosion, stream damage, or habitat loss;
9 and

10 (B) implementation of one or more forest
11 health management activities on such lands can re-
12 duce or eliminate such degradation.

13 (2) An area of the Federal lands shall be designated
14 as a forest health high risk area pursuant to subsection
15 (a)(2) if the Secretary concerned finds that—

16 (A) the forest structure, function, or composi-
17 tion on such lands has been so altered by human or
18 natural causes as to increase substantially the risk
19 of insect infestation, disease, or wildfire and the con-
20 sequent risks of significant ecosystem, watershed, or
21 habitat damage or loss of life or property; and

22 (B) implementation of one or more forest
23 health management activities on such lands can re-
24 duce or eliminate such risks.

1 (3) Each Secretary shall accord priority in the des-
2 ignation of forest health emergency and high risk areas
3 to—

4 (A) areas where the Secretary determines the
5 need to reduce or eliminate the degradation or risk
6 specified in paragraph (1) or paragraph (2) is the
7 greatest; and

8 (B) wildland/urban interface areas where the
9 Secretary determines human life and property are
10 threatened by wildfire from the affected Federal
11 lands.

12 (c) FOREST HEALTH MANAGEMENT ACTIVITIES.—

13 (1) The forest health management activity or activities se-
14 lected and authorized for each forest health emergency or
15 high risk area pursuant to subsection (a)(2) shall be those
16 activities which the Secretary determines are designated
17 to address the specific site conditions of the areas with
18 the combination of management practices, treatment, and
19 protection needed to arrest the decline in forest health and
20 restore forest health to a condition capable of supporting
21 and sustaining the uses within the historic range of varia-
22 bility of the area as determined in the applicable land
23 management plan or plans, and to meet the following addi-
24 tional objectives:

1 (A) safeguard human life, property, and com-
2 munities;

3 (B) protect the various forest resources placed
4 at risk, including air and water quality, wildlife, and
5 recreation and visual values;

6 (C) restore, maintain, or enhance the integrity
7 of ecosystems, watersheds and habitats damaged or
8 placed at risk; and

9 (D) protect previous Federal investments in the
10 Federal land resources and environmental values,
11 and future Federal, State, and local revenues that
12 otherwise will be foregone.

13 (2) No forest health management activity shall be
14 precluded because the costs thereof are likely to exceed
15 the revenues therefrom.

16 (3) The Secretary concerned shall publish a schedule
17 for initiating, completing, and monitoring the forest health
18 management activity or activities in each forest health
19 emergency or high risk area in the document containing
20 the Secretary's final decision designating the area and se-
21 lecting and authorizing the activity or activities pursuant
22 to subsection (a)(2).

23 (4) Whenever the harvest of live trees is expected to
24 occur in a forest health management activity, the Sec-
25 retary concerned shall provide in the document containing

1 the Secretary's final decision selecting and authorizing
2 such activity pursuant to subsection (a)(2) a statement of
3 whether the removal of live trees is necessary to meet one
4 or more of the objectives set forth in paragraph (1) of
5 this subsection.

6 ~~(5) Each Secretary may undertake forest health man-~~
7 ~~agement activities not selected and authorized pursuant~~
8 ~~to subsection (a)(2) in accordance with applicable provi-~~
9 ~~sions of law other than this Act.~~

10 (d) PETITION PROCESS.—Any interested person may
11 petition either Secretary to designate a specific area of
12 lands of at least 100 acres in size within the Secretary's
13 jurisdiction as a forest health emergency or high risk area
14 pursuant to subsection (a)(2). The petition shall contain
15 a reasonably precise description of the boundaries of the
16 area and the reasons why the petitioner believes the condi-
17 tions set forth in subsection (b)(1)(A) or subsection
18 (b)(2)(A) exist in such area. The Secretary to which the
19 petition is submitted shall make a decision within 45 days
20 of the date of submission of the petition whether the des-
21 ignation sought by the petition may be warranted. If the
22 Secretary determines that the designation may be war-
23 ranted, the Secretary shall accept the petition and render
24 a final decision whether to make such designation pursu-
25 ant to subsection (a)(2) within 90 days of the date of sub-

1 mission in the case of a petition to designate a forest
2 health emergency area or 150 days of the date of submis-
3 sion in the case of a petition to designate a forest health
4 high risk area. If the Secretary decides not to accept the
5 petition, the Secretary shall provide promptly to the peti-
6 tioner a written statement of the decision and the reasons
7 therefor.

8 **SEC. 4. EXPEDITED PROCEDURES FOR THE DECISION TO**
9 **DESIGNATE AN AREA AND SELECT AND AU-**
10 **THORIZE ACTIVITIES.**

11 (a) NOTICE.—(1) Each Secretary shall publish in the
12 Federal Register notice of the prospective decision to des-
13 ignate a forest health emergency or high risk area and
14 select and authorize a forest health management activity
15 or activities therefor pursuant to section 3(a)(2).

16 (2) The notice shall—

17 (A) set forth the location of the affected area;

18 (B) describe the forest health conditions in such
19 area;

20 (C) provide the reasons for proposing to des-
21 ignate such area; and

22 (D) contain a detailed description of the forest
23 health management activity or activities which the
24 Secretary proposes to select for such area (and
25 which shall constitute the preferred alternative in

1 any documentation prepared pursuant to section
2 102(2) of the National Environmental Policy Act
3 and subsection (b)(1) of this section).

4 (b) COMPLIANCE WITH CERTAIN LAWS.—(1) Except
5 as provided in paragraph (2), if the decision of a Secretary
6 designating a forest health emergency or high risk area
7 and selecting and authorizing a forest health management
8 activity or activities therefor pursuant to section 3(a)(2)
9 requires documentation pursuant to section 102(2) of the
10 National Environmental Policy Act of 1969 (42 U.S.C.
11 4332(2))—

12 (A) in the case of a forest health emergency
13 area, the document required shall be an environ-
14 mental assessment prepared pursuant to subpara-
15 graph (E) of such section 102(2); or

16 (B) in the case of a forest health high risk area,
17 the Secretary, in his or her discretion, may prepare
18 such an environmental assessment.

19 (2) Each Secretary shall provide by regulation a pol-
20 icy establishing categorical exclusions from the docu-
21 mentation requirements of section 102(2) of the National
22 Environmental Policy Act of 1969 for decisions pursuant
23 to section 3(a)(2) for forest health management activities
24 which remove 250,000 board feet or less of merchantable
25 wood products or salvage 1,000,000 board feet or less of

1 merchantable wood products, which require one mile or
2 less of standard road construction, and which assure re-
3 generation of harvested or salvaged areas, where required.

4 (3) If the decision of a Secretary designating a forest
5 health emergency or high risk area and selecting and au-
6 thorizing a forest health management activity or activities
7 therefor pursuant to section 3(a)(2) requires formal con-
8 sultation pursuant to section 7 of the Endangered Species
9 Act of 1973 (16 U.S.C. 1536), such consultation shall be
10 concluded within 45 days of the publication of the Federal
11 Register notice of the prospective decision pursuant to
12 subsection (a).

13 (c) PUBLIC COMMENT.—The Secretary concerned
14 shall provide a period of 30 days from the date of publica-
15 tion of a Federal Register notice pursuant to subsection
16 (a) for submission of public comment on the prospective
17 decision pursuant to section 3(a)(2). The Secretary may
18 hold a hearing on such decision during such period. The
19 Secretary shall respond in writing to the public comment
20 received during such period in the document containing
21 the Secretary's final decision.

22 (d) ADMINISTRATIVE REVIEW.—(1) Any decision of
23 a Secretary pursuant to section 3(a)(2) which includes
24 designation of a forest health emergency area shall be a

1 final agency action and shall not be subject to administra-
2 tive review.

3 (2) Administrative review of any decision by a Sec-
4 retary pursuant to section 3(a)(2) which includes designa-
5 tion of a forest health risk area shall be governed by appli-
6 cable existing statutory or regulatory administrative ap-
7 peal requirements, including, for Federal lands described
8 in section 2(1)(C), the administrative appeal provisions
9 section 322 of the Fiscal Year 1993 Interior and Related
10 Agencies Appropriation Act (106 Stat. 1419): *Provided*,
11 That no extension of the 30-day period for disposition of
12 the appeal authorized by subsection (d)(3) of such section
13 322 may be granted, and subsection (d)(4) of such section
14 322 shall apply at the conclusion of the 30-day period.

15 (c) JUDICIAL REVIEW.—(1) Any decision by a Sec-
16 retary pursuant to section 3(a)(2) to designate a forest
17 health emergency or high risk area and to select and au-
18 thorize a forest health management activity or activities
19 therefor, or any decision by a Secretary pursuant to sec-
20 tion 3(d) not to accept a petition to designate such an
21 area shall be subject to judicial review only by the United
22 States District Court for the District in which the affected
23 Federal lands are located.

24 (2) Any action brought pursuant to this subsection
25 shall be filed not later than 45 days after the date of publi-

1 eation of the final decision of the Secretary or, for those
2 decisions for which administrative review is available and
3 undertaken, 30 days after the publication of the decision
4 on review.

5 (3) Any appeal from the final decision of a District
6 Court in an action brought pursuant to this subsection
7 shall be filed not later than 30 days after the date of the
8 decision.

9 (4) In an action brought pursuant to this subsection,
10 the District Court shall render a final decision and dis-
11 solve any temporary restraining order or preliminary in-
12 junction not later than 90 days after the date of the filing
13 of the action when the action concerns a forest health
14 emergency area, or 120 days after the date of filing of
15 the action when the action concerns a forest health high
16 risk area.

17 (5) In any appeal brought pursuant to this sub-
18 section, the Court of Appeals shall render a final decision
19 on the appeal and dissolve any injunction pending appeal
20 not later than 90 days after the date of the filing of the
21 appeal when the appeal concerns a forest health emer-
22 gency area, or 120 days after the date of filing of the ap-
23 peal when the appeal concerns a forest health high risk
24 area.

1 **SEC. 5. EXCLUDED LANDS.**

2 Neither Secretary may select, authorize, or undertake
3 any forest health management activity pursuant to section
4 3(a)(2) on any Federal lands located within—

5 (1) any unit of the National Wilderness Preser-
6 vation System;

7 (2) any roadless area designated by the Con-
8 gress for wilderness study;

9 (3) any roadless area recommended by the Bu-
10 reau of Land Management, Fish and Wildlife Serv-
11 ice, or Forest Service for wilderness designation; or

12 (4) any other area in which implementation of
13 the specific forest health management activity for
14 any purpose is expressly prohibited by law or by any
15 applicable land management plan, unless the plan is
16 amended to permit the activity to occur in accord-
17 ance with section 202 of the Federal Land Policy
18 and Management Act of 1976 (43 U.S.C. 1712) or
19 section 6 of the Forest and Rangeland Renewable
20 Resources Planning Act of 1974 (16 U.S.C. 1604).

21 **SEC. 6. ANNUAL FOREST HEALTH REPORT.**

22 (a) REPORT REQUIRED.—The Secretary of the Inte-
23 rior and the Secretary of Agriculture shall prepare jointly
24 an annual Forest Health Report to evaluate forest health
25 on the Federal lands.

1 (b) CONTENT OF REPORT.—Each report required to
2 subsection (a) shall contain—

3 (1) qualitative and quantitative data on forest
4 health on the Federal lands;

5 (2) assessment of the factors generally respon-
6 sible for forest problems;

7 (3) judgment of each Secretary on the status of
8 and trend in forest health of the Federal lands
9 under such Secretary's jurisdiction;

10 (4) maps disclosing the status of forest health
11 on all Federal lands at a scale sufficient to display
12 discrete areas, including areas designated as forest
13 health emergency or high risk areas, in each unit of
14 the Federal lands;

15 (5) identification of the forest health emergency
16 areas and high risk areas designated pursuant to
17 section 3(a)(2) during the previous fiscal year and
18 the reasons for such designations;

19 (6) identification of areas in which adverse for-
20 est health conditions are equal to or more severe
21 than the areas identified in paragraph (5) and a de-
22 tailed discussion of the reasons of the Secretary con-
23 cerned for not designating such areas as forest
24 health emergency or high risk areas pursuant to sec-
25 tion 3(a)(2);

1 (7) discussion of any expenditures or actions,
2 other than any forest health management activities,
3 made or taken by the Bureau of Land Management,
4 Fish and Wildlife Service, or Forest Service in the
5 areas identified in paragraph (6) and a statement of
6 the reasons therefor;

7 (8) a description of the forest health manage-
8 ment activities selected and authorized pursuant to
9 section 3(a)(2) during the previous fiscal year;

10 (9) a description of all forest health activities
11 undertaken in designated forest health emergency or
12 high risk areas in the previous fiscal year;

13 (10) a summary of the estimated impacts, in
14 terms of changed conditions or risks, resulting from
15 each forest health management activity described in
16 paragraph (8);

17 (11) a report on the timeliness, effectiveness
18 and cost of each forest health management activity
19 described in paragraph (8);

20 (12) the total of the acres treated under this
21 Act at the end of the previous fiscal years and a
22 comparison thereof to the total acres planned for,
23 and total acres requiring, forest health management
24 activities both within and outside of designated for-
25 est health emergency or high risk areas;

1 (13) a discussion of any delays encountered in
2 the previous fiscal years and likely in the present fis-
3 cal year in meeting the schedules established pursu-
4 ant to section 3(c)(3), for initiating, accomplishing,
5 and monitoring forest health management activities
6 in designated forest health emergency or high risk
7 areas, the reasons for such delays, and the specific
8 steps which the Secretary concerned has directed to
9 be taken to ensure timely adherence to the estab-
10 lished schedules or any changes in such schedules
11 which the Secretary concerned has made;

12 (14) identification of forest health emergency
13 areas and high risk areas which no longer require
14 forest health management activities pursuant to this
15 Act and from which the Secretaries will remove the
16 emergency area or high risk area designations 60
17 days after submission of the report;

18 (15) an estimate of the funding needs in future
19 years to address fully the forest health conditions
20 disclosed in paragraphs (1) and (3) to ensure that
21 all Federal lands are capable of supporting and sus-
22 taining the uses within the historic range of varia-
23 bility as determined in the applicable land manage-
24 ment plans; and

1 (16) a description of additional authorities, if
2 any, needed to carry out the purposes of this Act.

3 (c) **SUBMISSION OF REPORT.**—The report required
4 by subsection (a) shall be completed not later than April
5 1 of each year beginning in the first year after the first
6 full fiscal year following the date of enactment of this Act
7 and shall cover conditions and activities during the pre-
8 vious fiscal years. The Secretary of the Interior and the
9 Secretary of Agriculture shall submit the report to Chairs
10 and ranking members of the Senate Energy and Natural
11 Resources and Agriculture, Nutrition, and Forestry and
12 House Resources and Agriculture Committees.

13 **SEC. 7. BUDGET DISCLOSURES.**

14 Beginning with the fiscal budget for the first full fis-
15 cal year following the date of enactment of this Act, re-
16 quests presented by the President to the Congress govern-
17 ing activities of the Bureau of Land Management, Fish
18 and Wildlife Service, or Forest Service shall summarize
19 the current forest health situation as described in the re-
20 port prepared pursuant to section 6, report on costs in-
21 curred and revenues generated through forest health ac-
22 tivities conducted pursuant to this Act, and express in
23 qualitative and quantitative terms the extent to which the
24 projected activities under the budget fully achieve the pur-
25 poses, and implement the provisions, of this Act. The reve-

1 nces generated by forest health activities conducted pursu-
2 ant to this Act shall be displayed as offsetting Federal
3 costs in current and future fiscal years.

4 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

5 There are authorized to be appropriated in fiscal
6 years 1996 through 2006 such sums as may be necessary
7 to carry out the provisions of this Act.

8 **SECTION 1. SHORT TITLE.**

9 *This Act may be cited as the “Federal Lands Forest*
10 *Health Protection and Restoration Act.”*

11 **SEC. 2. PURPOSES AND DEFINITIONS.**

12 *(a) PURPOSES.—(1) The purposes of this Act are to*
13 *arrest the dramatic decline in forest health on the Federal*
14 *lands and restore forest health to a condition capable of sup-*
15 *porting and sustaining the uses of those lands within the*
16 *lands’ historic ranges of variability; safeguard human life,*
17 *property, and communities on and near the Federal lands,*
18 *particularly in wildland/urban interface areas; protect air*
19 *and water quality, wildlife, recreation and visual values,*
20 *and other forest resources of the Federal lands placed at*
21 *risk by declining forest health; restore, maintain or enhance*
22 *the integrity of ecosystems, watersheds, and habitats on the*
23 *Federal lands damaged or placed at risk by declining forest*
24 *health; protect existing Federal investments in the forest re-*
25 *sources of the Federal lands, and future Federal, State, and*

1 *local revenues from those lands that otherwise will be fore-*
2 *gone if forest health trends continue; and provide opportu-*
3 *nities to accomplish similar purposes on adjacent non-Fed-*
4 *eral lands with similar forest health conditions.*

5 (2) *Congress recognizes that the management of the*
6 *Federal lands has been characterized by large cyclical vari-*
7 *ations in fire suppression policies, timber harvesting levels,*
8 *and the attention paid to commodity and non-commodity*
9 *values. The inconsistent management of the Federal lands*
10 *is not in the long-term interest of the nation. Management*
11 *of the Federal lands should be conducted through the enact-*
12 *ment of authorizing legislation, and through the faithful*
13 *implementation of that legislation by the executive branch.*

14 (3) *It is the purpose of this authorizing legislation to*
15 *manage the Federal lands in a more consistent manner by*
16 *establishing a rational system for selecting and implement-*
17 *ing forest health activities to provide a long-term approach*
18 *to addressing forest health concerns.*

19 (b) *DEFINITIONS.—As used in this Act, the term—*

20 (1) *“Federal lands” means—*

21 (A) *public lands as defined in section*
22 *103(e) of the Federal Land Policy and Manage-*
23 *ment Act of 1976 (43 U.S.C. 1702(e));*

24 (B) *lands within the National Forest Sys-*
25 *tem as defined in section 11(a) of the Forest and*

1 *Rangeland Renewable Resources Planning Act of*
2 *1974 (16 U.S.C. 1609(a)); and*

3 (C) *lands within the Kenai National Wild-*
4 *life Refuge, as redesignated by section 303(4) of*
5 *the Alaska National Interest Lands Conservation*
6 *Act (94 Stat. 2391, 16 U.S.C. 668dd noted);*

7 (2) *“forest health management activity” means*
8 *any thinning, salvage, timber stand improvement, re-*
9 *forestation, prescribed burning (including natural ig-*
10 *nitiation) or other fuels management, insect or disease*
11 *control, riparian or other habitat improvement, soil*
12 *stabilization or other water quality improvement, or*
13 *other activity, the purpose of which is to meet one or*
14 *more of the objectives set forth in section 3(a)(1)(C);*

15 (3) *“land management plan” means—*

16 (A) *with respect to Federal lands adminis-*
17 *tered by the Secretary of the Interior, a land use*
18 *plan prepared by the Bureau of Land Manage-*
19 *ment pursuant to section 202 of the Federal*
20 *Land Policy and Management Act of 1976 (43*
21 *U.S.C. 1712), or other multiple-use plan cur-*
22 *rently in effect;*

23 (B) *with respect to Federal lands adminis-*
24 *tered by the Secretary of Agriculture, a land and*
25 *resource management plan (or, if no final plan*

1 *is currently in effect, a draft land and resource*
2 *management plan) prepared by the Forest Serv-*
3 *ice pursuant to section 6 of the Forest and*
4 *Rangeland Renewable Resources Planning Act of*
5 *1974 (16 U.S.C. 1604); or*

6 *(C) a comprehensive conservation plan for*
7 *the Kenai National Wildlife Refuge pursuant to*
8 *section 304(g) of the Alaska National Interest*
9 *Lands Conservation Act (94 Stat. 2394), and a*
10 *determination of compatibility with the purpose*
11 *for which the Refuge was established pursuant to*
12 *the National Wildlife Refuge System Adminis-*
13 *tration Act and*

14 *(4) “Secretary” means—*

15 *(A) with respect to Federal lands described*
16 *in subparagraphs (A) and (C) of paragraph (1),*
17 *the Secretary of the Interior, or, except for sec-*
18 *tion 6, the Secretary’s designee; and*

19 *(B) with respect to Federal lands described*
20 *in paragraph (1)(B), the Secretary of Agri-*
21 *culture, or, except for section 6, the Secretary’s*
22 *designee.*

1 **SEC. 3. DESIGNATION OF AREAS AND SELECTION AND AU-**
2 **THORIZATION OF ACTIVITIES.**

3 (a) *GENERAL DIRECTION.*—(1) *The Secretary of the*
4 *Interior and the Secretary of Agriculture are each directed*
5 *to review the forest health conditions on the Federal lands*
6 *and—*

7 (A) *identify on or before March 1 of each year,*
8 *those areas on the Federal lands on which the forest*
9 *health conditions described in subsection (b) exist;*
10 *and*

11 (B) *subsequent to the identification of areas*
12 *under paragraph (A), and in accordance with the*
13 *priorities prescribed in subsection (b)(3), designate in*
14 *a timely fashion as forest health emergency areas or*
15 *forest health high risk areas those areas on the Fed-*
16 *eral lands on which the forest health conditions de-*
17 *scribed in subsection (b) exist; and*

18 (C) *select and authorize the proposed forest*
19 *health management activities to be undertaken in*
20 *such areas in order to—*

21 (i) *arrest the decline of forest health and re-*
22 *store forest health to a condition capable of sup-*
23 *porting and sustaining the uses of such areas*
24 *within the historic ranges of variability of such*
25 *areas or as determined in the applicable land*
26 *management plan or plans;*

1 (ii) safeguard human life, property, and
2 communities on and near the Federal lands, par-
3 ticularly in wildland/urban interface areas;

4 (iii) protect the various forest resources of
5 the Federal lands placed at risk by the forest
6 health conditions, including air and water qual-
7 ity, wildlife, and recreation and visual values;

8 (iv) restore, maintain, or enhance the integ-
9 rity of ecosystems, watersheds, and habitats dam-
10 aged or placed at risk by the forest health condi-
11 tions; or

12 (v) protect existing Federal investments in
13 the forest resources of the Federal lands, and fu-
14 ture Federal, State, and local revenues that oth-
15 erwise will be foregone.

16 (2) In addition to the requirements of paragraph (1),
17 each Secretary shall designate a forest health emergency
18 area or a forest health high risk area and select and author-
19 ize a forest health management activity or activities where
20 the forest health conditions described in subsection (b) of
21 this section exist for any area of Federal lands of more than
22 500 acres on which a wildlife or catastrophic event occurs,
23 within 120 days of the termination of the wildfire or cata-
24 strophic event.

1 (3) *Prior to designating a forest health emergency area*
2 *or a forest health high risk area pursuant to this subsection,*
3 *the Secretary concerned shall consult with the head of the*
4 *forestry agency in the State in which such area is located.*

5 (b) *FOREST HEALTH EMERGENCY AND HIGH RISK*
6 *AREAS.—(1) An area of the Federal lands shall be des-*
7 *ignated as a forest health emergency area pursuant to sub-*
8 *section (a) if the Secretary concerned finds that—*

9 (i) *forests on such lands have experienced dis-*
10 *turbances from wildfires, insect infestations, disease,*
11 *or other natural causes that have caused more than*
12 *50 percent of the trees to be dead or to exhibit phys-*
13 *ical evidence of imminent mortality, and will suffer*
14 *further environmental degradation, such as soil ero-*
15 *sion, stream damage, or habitat loss; and*

16 (ii) *implementation of one or more forest health*
17 *management activities on such lands is likely to re-*
18 *duce or eliminate such degradation.*

19 (2) *An area of the Federal lands shall be designated*
20 *as a forest health high risk area pursuant to subsection (a)*
21 *if the Secretary concerned finds that—*

22 (A) *the forest structure, function, or composition*
23 *on such lands has been so altered by human or natu-*
24 *ral causes as to increase substantially the risk of in-*
25 *sect infestation, disease, or wildfire and the con-*

1 *sequent risks of significant ecosystem, watershed, or*
2 *habitat damage or loss of life or property; and*

3 *(B) implementation of one or more forest health*
4 *management activities on such lands is likely to re-*
5 *duce or eliminate such risks.*

6 *(3) Each Secretary shall accord priority in the des-*
7 *ignation of forest health emergency areas and forest high*
8 *risk areas to—*

9 *(A) wildland/urban interface areas where the*
10 *Secretary determines human life and property are*
11 *threatened by wildfire from the affected Federal lands;*
12 *or*

13 *(B) areas where the Secretary determines the*
14 *need to reduce or eliminate the degradation or risk*
15 *specified in paragraph (1) or paragraph (2) is the*
16 *greatest.*

17 *(c) FOREST HEALTH MANAGEMENT ACTIVITIES.—(1)*
18 *The forest health management activity or activities selected*
19 *and authorized for each forest health emergency area or for-*
20 *est health high risk area pursuant to subsection (a) shall*
21 *be those activities which the Secretary determines are des-*
22 *ignated to address the specific site conditions of the areas*
23 *with the combination of management practices, treatment,*
24 *and protection needed to meet the objectives set forth in sub-*
25 *section (a)(1)(C).*

1 (2) *The generation of revenues should not be the pri-*
2 *mary consideration of any forest health management activ-*
3 *ity selected and authorized pursuant to subsection (a).*

4 (3) *The Secretary concerned shall publish a schedule*
5 *for initiating, completing, and monitoring the forest health*
6 *management activity or activities in each forest health*
7 *emergency area or forest health high risk area in the docu-*
8 *ment containing the Secretary's final decision designating*
9 *the area and selecting and authorizing the activity or ac-*
10 *tivities pursuant to subsection (a).*

11 (4) *Whenever the harvest of live trees is expected to*
12 *occur in a forest health management activity, the Secretary*
13 *concerned shall provide in the document containing the Sec-*
14 *retary's final decision selecting and authorizing such activ-*
15 *ity pursuant to subsection (a) a statement of whether jus-*
16 *tification as to why the removal of live trees is necessary*
17 *to meet one or more of the objectives set forth in subsection*
18 *(a)(1)(C).*

19 (d) *EFFECT ON EXISTING SALVAGE AUTHORITIES.—*
20 *Except as provided in section 11 of this Act, nothing in*
21 *this Act shall affect or limit any existing authority of the*
22 *Secretary to undertake forest health management or timber*
23 *salvage activities on Federal lands.*

24 (e) *PETITION PROCESS.—In addition to the require-*
25 *ments of subsection (a)(1), after March 1 of the first full*

1 *year following the date of enactment of this Act, any inter-*
2 *ested person may petition either Secretary to designate a*
3 *specific area of lands comprising not less than 500 acres*
4 *in size within the Secretary's jurisdiction as a forest health*
5 *emergency area or high risk area pursuant to this sub-*
6 *section. The petition shall contain a detailed description of*
7 *the boundaries of the area and the reasons why the peti-*
8 *tioner believes the conditions set forth in subsection*
9 *(b)(1)(A)(i) or subsection (b)(2)(A) exist in such area. The*
10 *Secretary to which the petition is submitted shall, within*
11 *45 days of the date of submission of the petition, make a*
12 *decision whether the designation sought by the petitioner*
13 *is warranted and provide to the petitioner a written state-*
14 *ment of the decision and the reasons therefor. If the Sec-*
15 *retary determines that the designation is warranted, the*
16 *Secretary shall publish a notice in the Federal Register pur-*
17 *suant to section 4(a). A decision that a designation is not*
18 *warranted shall not be subject to administrative appeal or*
19 *judicial review.*

20 **SEC. 4. EXPEDITED PROCEDURES FOR THE DECISION TO**
21 **DESIGNATE AN AREA AND SELECT AND AU-**
22 **THORIZE ACTIVITIES.**

23 (a) NOTICE.—(1) *Each Secretary shall publish in the*
24 *Federal Register notice of the prospective decision to des-*
25 *ignate a forest health emergency area or forest health high*

1 *risk area and select and authorize a forest health manage-*
2 *ment activity or activities therefor pursuant to section 3.*

3 (2) *The notice shall—*

4 (A) *set forth the location of the affected area;*

5 (B) *describe the forest health conditions in such*
6 *area;*

7 (C) *provide the reasons for proposing to des-*
8 *ignate such area; and*

9 (D) *contain a brief description of the forest*
10 *health management activity or activities which the*
11 *Secretary proposes to select for such area.*

12 (b) *PUBLIC COMMENT.—The Secretary concerned shall*
13 *provide a period of 30 days from the date of publication*
14 *of draft environmental documents required by subsection*
15 *(d)(1) of this section for submission of public comment on*
16 *the prospective decision pursuant to section 3. The Sec-*
17 *retary may hold a hearing on such decision during the com-*
18 *ment period.*

19 (c) *AGENCY RESPONSE.—The Secretary concerned*
20 *shall respond in writing to any public comment received*
21 *pursuant to subsection (b) in the document containing the*
22 *Secretary’s final decision.*

23 (d) *COMPLIANCE WITH CERTAIN LAWS.—(1) Prior to*
24 *the identification of the first list of areas pursuant to sec-*
25 *tion 3(a)(1)(A) of this Act, the Secretary concerned shall,*

1 *with the assistance of the Council on Environmental Qual-*
2 *ity, provide expedited procedures to prepare the documenta-*
3 *tion pursuant to section 102(2) required for a decision des-*
4 *ignating a forest health emergency or high risk area and*
5 *selecting and authorizing a forest health management activ-*
6 *ity or activities therefore pursuant to section 3(a): Provided*
7 *further, That in no instance involving the designating of*
8 *a forest health emergency area shall the time necessary for*
9 *the preparation of such final documents exceed 120 days*
10 *from the date of notice of proposed designation or initiation*
11 *of such preparation, whichever is earlier. Existing regula-*
12 *tions and Council on Environmental Quality guidelines*
13 *shall be modified as necessary to conform to this time pe-*
14 *riod.*

15 (2) *No documentation pursuant to section 102(2) of*
16 *the National Environmental Policy Act of 1969 shall be re-*
17 *quired for the identification of areas pursuant to section*
18 *3(a)(1)(A) or for decisions pursuant to section 3 for forest*
19 *health management activities which—*

20 (A) *remove 250,000 board feet of less of mer-*
21 *chantable wood products or salvage 1,000,000 board*
22 *feet or less of merchantable wood products; and*

23 (B) *require one mile or less of standard road*
24 *construction; and*

1 (C) assure regeneration of harvested or salvaged
2 areas, where required.

3 (3) The Secretary, as defined in section 2(b)(4) of this
4 Act, shall consult or confer with the appropriate agency
5 pursuant to section 7(a)(2) or section 7(a)(4) of the Endan-
6 gered Species Act of 1973 (16 U.S.C. 1536(a)(2) or (4)) on
7 a decision designating a forest health emergency area or
8 forest health high risk area and selecting and authorizing
9 a forest health management activity or activities therefor
10 pursuant to section 3(a) only if such Secretary determines
11 that such decision is likely to significantly and adversely
12 affect a species determined or proposed to be an endangered
13 species or a threatened species pursuant to section 4(a) of
14 such Act (16 U.S.C. 1533(a)). Such consultation or con-
15 ferencing shall be concluded within 90 days of the publica-
16 tion of the Federal Register notice of the prospective deci-
17 sion pursuant to subsection (a). The Secretary, as defined
18 in section 3(15) of such Act (16 U.S.C. 1532(15)), shall ac-
19 cord priority to consultation or conferencing on a decision
20 pursuant to section 3(a) over any other agency actions sub-
21 mitted to such Secretary for consultation or conferencing.
22 The Secretary as defined in section 2(b)(4) of this Act shall
23 not consult in fulfilling the requirements of section
24 3(a)(1)(A) of this Act.

1 (4) *The documents prepared pursuant to section*
2 *102(2) of the National Environmental Policy Act of 1969*
3 *(42 U.S.C. 4332(2)) and under the provisions of this sub-*
4 *section must be reviewed by the Secretary concerned at least*
5 *every three years. If the Secretary concerned determines that*
6 *conditions in the area designated have significantly*
7 *changed and are not reflected in the existing documents,*
8 *appropriate supplements or new documents shall be pre-*
9 *pared pursuant to the requirements of this subsection: Pro-*
10 *vided, That any forest health management activities al-*
11 *ready underway pursuant to a decision of the Secretary*
12 *under section 3(a) of this Act shall not be suspended, halted,*
13 *or otherwise enjoined, except at the sole discretion of the*
14 *Secretary concerned, during the development of supplements*
15 *or new documents pursuant to the subsection.*

16 (e) *ADMINISTRATIVE REVIEW.—(1) Any decision of a*
17 *Secretary pursuant to section 3 which includes designation*
18 *of a forest health emergency area, or the selection of forest*
19 *health management activities pursuant to paragraph (d)(2)*
20 *of this section, shall be a final agency action and shall not*
21 *be subject to administrative review.*

22 (2) *Administrative review of any decision by a Sec-*
23 *retary pursuant to section 3 which includes designation of*
24 *a forest health high risk area shall be governed by applicable*
25 *existing statutory or regulatory administrative appeal re-*

1 *quirements, including, for Federal lands described in sec-*
2 *tion 2(b)(1)(B), the administrative appeal provisions of sec-*
3 *tion 322 of the Fiscal Year 1993 Interior and Related Agen-*
4 *cies Appropriation Act (106 Stat. 1419): Provided, That*
5 *no extension of the 30-day period for disposition of the ap-*
6 *peal authorized by subsection (d)(3) of such section 322 may*
7 *be granted, and subsection (d)(4) of such section 322 shall*
8 *apply at the conclusion of the 30-day period.*

9 *(f) JUDICIAL REVIEW.—(1) Any decision by a Sec-*
10 *retary pursuant to section 3 to designate a forest health*
11 *emergency area or forest health high risk area and to select*
12 *and authorize a forest health management activity or ac-*
13 *tivities therefor shall be subject to judicial review only by*
14 *the United States District Court for the District in which*
15 *the affected Federal lands are located.*

16 *(2)(A) Any action brought pursuant to this subsection*
17 *shall be filed not later than 45 days after the date of publi-*
18 *cation of the final decision of the Secretary or, for those*
19 *decisions for which administrative review is available and*
20 *undertaken, 30 days after the publication of the decision*
21 *on review.*

22 *(B) Any appeal from the final decision of a district*
23 *court in an action brought pursuant to this subsection shall*
24 *be filed not later than 30 days after the date of the decision.*

1 (3) *Administrative stays may be imposed during, and*
2 *shall not be extended beyond, the periods provided in para-*
3 *graph (2) for filing and appealing actions brought pursu-*
4 *ant to this subsection.*

5 (4)(A) *In an action brought pursuant to this sub-*
6 *section, the District Court is encouraged to render a final*
7 *decision not later than 90 days after the date of the filing*
8 *of the action when the action concerns a forest health emer-*
9 *gency area, or 120 days after the date of filing of the action*
10 *when the action concerns a forest health high risk area.*

11 (B) *In any appeal of an action brought pursuant to*
12 *this subsection, the court of appeals is encouraged to render*
13 *a final decision on the appeal not later than 90 days after*
14 *the date of the filing of the appeal when the action concerns*
15 *a forest health emergency area, or 120 days after the date*
16 *of filing of the appeal when the action concerns a forest*
17 *health high risk area.*

18 **SEC. 5. EXCLUDED LANDS AND ACTIVITIES.**

19 (a) *Neither Secretary may select, authorize, or under-*
20 *take pursuant to this Act any forest health management ac-*
21 *tivity on any Federal lands located within—*

22 (1) *any unit of the National Wilderness Preser-*
23 *vation System;*

24 (2) *any roadless area designated by the Congress*
25 *for wilderness study;*

1 (3) any roadless area recommended by the Bu-
2 reau of Land Management, Fish and Wildlife Service,
3 or Forest Service for wilderness designation; or

4 (4) any other area in which implementation of
5 the specific forest health management activity for any
6 purpose is prohibited by law or a court order, or by
7 an applicable land management plan, unless the plan
8 is amended to permit the activity to occur in accord-
9 ance with section 202 of the Federal Land Policy and
10 Management Act of 1976 (43 U.S.C. 1712) or section
11 6 of the Forest and Rangeland Renewable Resources
12 Planning Act of 1974 (16 U.S.C. 1604).

13 (b) Any forest health management activity which (i)
14 is a salvage timber sale as defined under subsection (a)(4),
15 or a timber sale described in subsection (d), and has a deci-
16 sion notice or record of decision completed prior to the date
17 set forth in subsection (j), of section 2001 of Public Law
18 104–19 (109 Stat. 194, 240), or (ii) is a timber sale con-
19 tract identified in subsection (k) of such section, shall be
20 conducted under the authority, and in accordance with the
21 applicable provisions, of such section and not be subject to
22 this Act.

23 **SEC. 6. FOREST HEALTH REPORTS.**

24 (a) ANNUAL REPORT.—(1) The Secretary of the Inte-
25 rior and the Secretary of Agriculture shall each prepare an

1 *Annual Forest Health Report which shall provide, for the*
2 *Federal lands within the Secretary's jurisdiction—*

3 (A) *identification of the total area of forest*
4 *health emergency areas and forest health high risk*
5 *areas designated pursuant to section 3 in each unit*
6 *of the Federal lands during the previous fiscal year*
7 *and the forest health conditions thereof;*

8 (B) *identification of areas which are not des-*
9 *ignated as forest health emergency areas or forest*
10 *health high risk areas and which have adverse forest*
11 *health conditions equal to or more severe than the des-*
12 *ignated areas, and a discussion of the reasons of the*
13 *Secretary for not designating such areas as forest*
14 *health emergency areas or forest health high risk areas*
15 *pursuant to section 3;*

16 (C) *a summary of all forest health management*
17 *activities undertaken in designated forest health emer-*
18 *gency areas or forest health high risk areas in the pre-*
19 *vious fiscal year;*

20 (D) *a discussion of any significant delays en-*
21 *countered in the previous fiscal year and likely to*
22 *occur in the present fiscal year in meeting the sched-*
23 *ules established pursuant to section 3(c)(3) for initiat-*
24 *ing, accomplishing, and monitoring forest health*
25 *management activities in designated forest health*

1 *emergency areas or forest health high risk areas, the*
2 *reasons for such delays, and any specific steps which*
3 *the Secretary has directed to be taken to ensure timely*
4 *adherence to the established schedules or any changes*
5 *in such schedules which the Secretary has made;*

6 *(E) identification of any forest health emergency*
7 *areas and forest health high risk areas which no*
8 *longer require forest health management activities*
9 *pursuant to this Act and from which the Secretary*
10 *shall remove the emergency area or high risk area des-*
11 *ignations by publication of notice in the Federal Reg-*
12 *ister no later than 60 days after submission of the re-*
13 *port pursuant to paragraph (2).*

14 *(2) For the Forest Service the report required by para-*
15 *graph (1) shall be completed and accompany the Annual*
16 *Report of the Forest Service in the first fiscal year after*
17 *the full fiscal year following the date of enactment of this*
18 *Act and shall cover conditions and activities during the pre-*
19 *vious fiscal year. For the Bureau of Land Management, the*
20 *report required by paragraph (1) shall be completed not*
21 *later than April 1 of each year beginning in the first fiscal*
22 *year after the full fiscal year following the date of enactment*
23 *of this Act and shall cover conditions and activities during*
24 *the previous fiscal year.*

1 (B) *FOUR YEAR REPORT.*—(1) *The Secretary of the*
2 *Interior and the Secretary of Agriculture shall each prepare*
3 *at the end of each period of four full fiscal years after the*
4 *date of enactment of this Act a Comprehensive Forest*
5 *Health Report to evaluate forest health conditions on the*
6 *Federal lands within the Secretary’s jurisdiction.*

7 (2) *Each report required by paragraph (1) shall pro-*
8 *vide, for the Federal lands within the Secretary’s jurisdic-*
9 *tion,—*

10 (A) *qualitative and quantitative data on forest*
11 *health;*

12 (B) *an assessment of the factors generally re-*
13 *sponsible for forest health problems;*

14 (C) *the judgment of the Secretary on the status*
15 *of and trend in forest health;*

16 (D) *maps generally disclosing the status of forest*
17 *health;*

18 (E) *a summary of the estimated impacts, in*
19 *terms of changed conditions or risk, resulting from*
20 *forest health management activities undertaken pur-*
21 *suant to this Act;*

22 (F) *a report on the timeliness, effectiveness and*
23 *cost of such forest health management activities; and*

24 (G) *a description of additional authorities, if*
25 *any, needed to carry out the purposes of this Act.*

1 (c) *SUBMISSION OF REPORTS TO CONGRESS.*—The
2 *Secretary of the Interior and the Secretary of Agriculture*
3 *shall submit the reports required by this section to the*
4 *Chairs and ranking members of the Energy and Natural*
5 *Resources Committee and Agriculture, Nutrition, and For-*
6 *estry Committee of the Senate and the Resources Committee*
7 *and Agriculture Committee of the House of Representatives.*

8 **SEC. 7. BUDGET DISCLOSURES.**

9 *Beginning with the fiscal budget for the first full fiscal*
10 *year following the date of enactment of this Act, requests*
11 *presented by the President to the Congress governing activi-*
12 *ties of the Bureau of Land Management, Fish and Wildlife*
13 *Service, or Forest Service shall summarize the information*
14 *and the current forest health situation on Federal lands,*
15 *and report on costs incurred and revenues generated*
16 *through forest health management activities conducted pur-*
17 *suant to this Act, and express in qualitative and quan-*
18 *titative terms the extent to which the projected activities*
19 *under the budget fully achieve the purposes, and implement*
20 *the provisions, of this Act. The revenues generated by forest*
21 *health management activities conducted pursuant to this*
22 *Act and not distributed to State or local governments pur-*
23 *suant to other law shall be displayed as offsetting Federal*
24 *costs in current and future fiscal years.*

1 **SEC. 8. SPECIAL FUNDS.**

2 (a) *BUREAU OF LAND MANAGEMENT.*—*The Secretary*
3 *of the Interior shall maintain a special fund established*
4 *pursuant to Public Law 102–381, which shall be derived*
5 *from the Federal share of moneys received from the disposal*
6 *of salvage timber from all lands administered by the Bu-*
7 *reau of Land Management, Department of the Interior, and*
8 *which shall be available, without further appropriation, for*
9 *the purposes of planning and preparing of salvage timber*
10 *for disposal, the administration of salvage timber sales, and*
11 *subsequent site preparation and reforestation, and forest*
12 *health enhancement activities, including, but not limited to,*
13 *prescribed burning (including natural ignition) or other*
14 *fuel, site preparation, tree planting, protection of seedlings*
15 *from animals and other environmental elements, release*
16 *from competing vegetation, and stand thinning.*

17 (b) *FOREST SERVICE.*—*All funds received from the*
18 *disposal of salvage timber from lands within the National*
19 *Forest System may be credited to the Forest Service Perma-*
20 *nent Appropriations to be expended for timber salvage sales*
21 *from any national forest, and for timber sales preparation*
22 *to replace sales lost to fire or other causes, and sales prepa-*
23 *ration to replace sales inventory on the shelf for any na-*
24 *tional forest to a level sufficient to maintain new sales*
25 *availability equal to a rolling five-year average of the total*
26 *sales offerings, and for design, engineering, and supervision*

1 *of construction of roads lost to fire or other causes associated*
2 *with the timber sales programs described above, for water-*
3 *shed assessment activities, and for forest health enhance-*
4 *ment activities, including, but not limited to, prescribed*
5 *burning (including natural ignition) or other fuel manage-*
6 *ment, site preparation, tree planting, protection of seedlings*
7 *from animals and other environmental elements, release*
8 *from competing vegetation, and stand thinning.*

9 (c) *PAYMENTS TO LOCAL GOVERNMENTS.*—*Moneys re-*
10 *ceived from the disposal of salvage timber pursuant to this*
11 *section shall be considered as money received for purposes*
12 *of computing and distributing payments to State or local*
13 *governments under other law concerning the distribution of*
14 *revenues derived from timber resources from the affected*
15 *lands.*

16 **SEC. 9. ASSISTANCE TO OWNERS OF ADJACENT NONINDUS-**
17 **TRIAL PRIVATE FOREST LANDS.**

18 **SEC. 10. FOREST HEALTH CREDITS IN TIMBER SALE.**

19 (a) *AUTHORITY TO ISSUE FOREST HEALTH CRED-*
20 *ITS.*—

21 (1) *The Secretary of Agriculture and the Sec-*
22 *retary of the Interior are each authorized to require,*
23 *as a condition of the sale of timber or other forest*
24 *products from the Federal lands under the Secretary's*

1 *jurisdiction, that the purchaser undertake a forest*
2 *health management activity or activities which—*

3 *(A) are selected and authorized pursuant to*
4 *section 3; and*

5 *(B) address effects of the operation of the*
6 *sale or past sales of timber or other forest prod-*
7 *ucts or involve vegetation management within*
8 *the area of the sale or the area in which such ef-*
9 *forts are located.*

10 *(2) A condition described in paragraph (1) may*
11 *be included in a contract for the sale of timber or*
12 *other forest products only when the Secretary deter-*
13 *mines that—*

14 *(A) the land management objectives of the*
15 *forest health management activity or activities*
16 *can be accomplished most efficiently when per-*
17 *formed as part of the sale contract; and*

18 *(B) it is unlikely that the forest health man-*
19 *agement activity or activities would be per-*
20 *formed except under the authority of this section.*

21 *(3) The term of any sale contract with a condi-*
22 *tion described in paragraph (4) shall not exceed 3*
23 *years.*

24 *(b) FINANCING AND SUPPLEMENTAL FUNDING.—*

1 (1) *Financing of the forest health management*
2 *activity or activities in a sale contract authorized by*
3 *subsection (a) shall be accomplished by including pro-*
4 *visions in the contract for amortization of the cost of*
5 *such activity or activities through issuance of forest*
6 *health credits to the purchaser which offset such cost*
7 *against the purchaser's payment for the timber or*
8 *other forest products.*

9 (2) *Appropriated funds may be used to assist the*
10 *forest health management activity or activities in a*
11 *sale contract authorized by subsection (a) if such*
12 *funds are provided by the resource function or func-*
13 *tions that directly benefit from the performance of the*
14 *activity or activities. Such funds must be available*
15 *from the annual appropriation of the benefited func-*
16 *tion or functions during the fiscal year in which the*
17 *sale is offered. The amount to be paid for each for*
18 *health management activity shall be included in the*
19 *prospectus and published in the advertisement, for the*
20 *sale contract.*

21 (c) *DETERMINING FOREST HEALTH CREDITS.—Prior*
22 *to the advertisement of a sale authorized by subsection (a),*
23 *the Secretary concerned shall determine the amount of forest*
24 *health credits to be allocated to each forest health manage-*
25 *ment activity to be performed by the purchaser under the*

1 *contract. A description of the forest health management ac-*
2 *tivity to be performed by the purchaser under the contract.*
3 *A description of the forest health management activity or*
4 *activities to be performed by the purchaser, and amount*
5 *of the forest health credits allocated to each activity, shall*
6 *be included in the prospectus, and published in the adver-*
7 *tisement, for the sale.*

8 (d) *TRANSFER OF FOREST HEALTH CREDITS.—Each*
9 *Secretary may permit the transfer of unused forest health*
10 *credits from one sale authorized by subsection (a) to another*
11 *such sale held by the same purchaser if such other applies*
12 *to Federal lands that are under the jurisdiction of such Sec-*
13 *retary and located in the same state as the original sale.*

14 (e) *EXISTING PROCEDURES.—To the extent feasible, in*
15 *preparing, awarding, and administering sales authorized*
16 *by subsection (a), each Secretary shall adhere to the proce-*
17 *dures and requirements developed by the Forest Service for*
18 *timber sales requiring road construction by timber pur-*
19 *chasers pursuant to section 4(2) of the National Forest*
20 *Roads and Trails Act (16 U.S.C. 535(2)). Nothing in this*
21 *section shall be deemed to require or authorize any alter-*
22 *ation in the procedures or requirements for timber sales*
23 *under such section 4(2) including the applicable provisions*
24 *of the small business set-aside program and procedure for*

1 *calculating payments to counties of a portion of timber sale*
2 *receipts.*

3 (f) *TERMINATION OF AUTHORITY.—The authority to*
4 *offer sales of timber and other forest products pursuant to*
5 *this section shall terminate five years after the date of en-*
6 *actment of this Act. Any sale contract issued under the au-*
7 *thority of subsection (a) and in effect at the end of such*
8 *five year period shall remain in effect under its terms there-*
9 *after.*

10 **SEC. 11. EFFECTIVE DATE.**

11 *The provisions of this Act shall take effect on the date*
12 *of enactment of this Act. No decision or action required or*
13 *authorized by this Act shall be delayed pending promulga-*
14 *tion of any regulation to implement this Act. Effective, Jan-*
15 *uary 1, 1997, the provisions of section 2001 of the Emer-*
16 *gency Supplemental Appropriations Act are repealed and,*
17 *except as provided under section 5(b) of this Act, any subse-*
18 *quent timber salvage sales on federal lands shall be carried*
19 *out in accordance with the provisions of this Act and other*
20 *applicable law.*

21 **SEC. 12. AUTHORIZATION OF APPROPRIATIONS.**

22 *There are authorized to be appropriated in fiscal years*
23 *1997 through 2007 such sums as may be necessary to carry*
24 *out the provisions of this Act.*

Amend the title so as to read: “A bill to authorize and direct the Secretaries of the Interior and Agriculture

to undertake certain activities to halt and reverse the decline in forest health on Federal lands, and for other purposes.”.