

107TH CONGRESS
1ST SESSION

H. R. 2119

To establish a program to designate, restore, and sustain historic native forests on National Forest System lands, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 8, 2001

Mr. SIMPSON introduced the following bill; which was referred to the Committee on Agriculture, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To establish a program to designate, restore, and sustain historic native forests on National Forest System 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “National Historic Forests Act of 2001”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Definitions, findings, and policy Statement.

TITLE I—NATIONAL REGISTER OF HISTORIC FORESTS

- Sec. 101. Establishment and maintenance of National Register of Historic Forests.
- Sec. 102. Administration and management of national historic forests.
- Sec. 103. Restoration of national historic forests.
- Sec. 104. Maintenance of restored national historic forests.
- Sec. 105. Forest plan amendments.
- Sec. 106. Grants.
- Sec. 107. National Historic Forest Restoration Fund.
- Sec. 108. Donations.
- Sec. 109. Reports and public participation.

TITLE II—ADVISORY COUNCIL ON FOREST RESTORATION

- Sec. 201. Establishment.
- Sec. 202. Duties.
- Sec. 203. Membership.
- Sec. 204. Director, general counsel, and staff of Council; experts and consultants.
- Sec. 205. Powers of Council.
- Sec. 206. Applicability of the Federal Advisory Committee Act.
- Sec. 207. Authorization of appropriations.

TITLE III—LOCAL MANAGEMENT ADVISORY COMMITTEES

- Sec. 301. Establishment.
- Sec. 302. Duties.
- Sec. 303. Membership.
- Sec. 304. Powers of Committee.
- Sec. 305. Applicability of the Federal Advisory Committee Act.

1 SEC. 2. DEFINITIONS, FINDINGS, AND POLICY STATEMENT.

2 (a) DEFINITIONS.—In this Act:

3 (1) COMMITTEE.—The term “Committee”
 4 means a Local Management Advisory Committee es-
 5 tablished by the Council under section 301.

6 (2) COUNCIL.—The term “Council” means the
 7 Advisory Council on Forest Restoration established
 8 under section 201.

9 (3) MANAGEMENT PLAN.—The term “manage-
 10 ment plan” means the management plan required
 11 for a national historic forest by section 102.

1 (4) NATIONAL FOREST SYSTEM.—The term
2 “National Forest System” means all national forest
3 lands reserved or withdrawn from the public domain
4 of the United States.

5 (5) NATIONAL HISTORIC FOREST.—The term
6 “national historic forest” means a parcel of National
7 Forest System lands, or a collection of such parcels,
8 included on the National Register of Historic For-
9 ests.

10 (6) NATIONAL REGISTER.—The term “National
11 Register” means the National Register of Historic
12 Forests established and maintained by the Secretary
13 under section 101.

14 (7) REFERENCE NATIVE FOREST.—The term
15 “reference native forest”, with respect to a par-
16 ticular national historic forest, means the way the
17 forest appeared at or about the time it was first seen
18 by Europeans. The Secretary may modify the de-
19 scription of a reference native forest to account for
20 advances in knowledge or changes in climate or
21 other forces of nature.

22 (8) RESTORATION FUND.—The term “Restora-
23 tion Fund” means the National Historic Forest Res-
24 toration Fund.

1 (9) SECRETARY.—The term “Secretary” means
2 the Secretary of Agriculture.

3 (b) FINDINGS.—The Congress finds the following:

4 (1) The spirit and direction of the United
5 States are influenced and reflected in its native for-
6 ests and cultural heritage.

7 (2) Native forests in the United States devel-
8 oped in response to lightning fires and other phys-
9 ical forces, including thousands of years of steward-
10 ship and use by America’s native peoples.

11 (3) Forests significant to the Nation’s natural
12 and cultural heritage are being lost or substantially
13 altered due to—

14 (A) high tree densities;

15 (B) large and destructive fires, insect in-
16 festations, and disease outbreaks;

17 (C) successional replacement of trees and
18 other plants that require abundant sunlight by
19 those that grow in shade;

20 (D) large patch sizes and a low variety of
21 successional stages in forest mosaics which
22 make forests more uniform and less diverse;

23 (E) invasive non-native species; and

24 (F) development and other influences.

1 (4) Examples of native forests that are being
2 lost or substantially altered include:

3 (A) In the East—

4 (i) white pine forests, which no longer
5 cover large areas and contain few trees
6 that reach the great size of those that ex-
7 isted at the time of settlement;

8 (ii) oak-chestnut forests, which are
9 nearly extinct; and

10 (iii) hardwood forests (including oak),
11 which are being replaced by maple.

12 (B) In the South, longleaf pine savannas,
13 which had the highest species richness of any
14 forest in North America and are nearly extinct.

15 (C) In the Great Plains, the oak-hickory
16 savanna, which once held early travelers spell-
17 bound because of its richness and beauty.

18 (D) In the Inland West—

19 (i) piñon-juniper woodlands, which are
20 being taken over by juniper;

21 (ii) ponderosa pine forests, which are
22 becoming so thick with small trees that
23 grass and wildflowers can no longer grow
24 within the forest; and

1 (iii) aspen forests, which because of
2 increases in the density of pine and other
3 conifers are rapidly disappearing as a dis-
4 tinct forest type throughout their range.

5 (E) In the Southwest, Douglas-fir forests,
6 which are being replaced by white fir.

7 (F) In the northern Rocky Mountains,
8 lodgepole pine and western larch forests, which
9 are being replaced by spruce and fir.

10 (G) In California and the Pacific
11 Northwest—

12 (i) ponderosa pine, giant sequoia, and
13 mixed-conifer forests, which were once
14 open and patchy and are being replaced
15 with thick forests of shorter lived and
16 smaller white fir;

17 (ii) open oak woodlands, which used
18 to spread over vast areas and are being re-
19 placed with brush and conifers;

20 (iii) cathedral groves of Douglas-fir,
21 which are reaching the end of their life ex-
22 pectancy and are being replaced by less
23 stately forests of shade tolerant species
24 such as western hemlock; and

1 (iv) redwood forests, which are likely
2 to dwindle in area and be replaced by a
3 more shade tolerant forest of hemlock, fir,
4 and bay.

5 (5) Fire hazards are increasing in many forests
6 as they grow older and become denser, and these
7 conditions are placing greater risks on public health,
8 public safety, and property.

9 (6) The ecological and cultural heritage of na-
10 tive forests in the United States should be restored
11 and sustained as a living part of the country's his-
12 tory, community life, and development in order to
13 give a sense of orientation to the American people.

14 (7) The restoration and maintenance of this ir-
15 replaceable forest heritage is in the public interest so
16 that its legacy of biological, cultural, educational, es-
17 thetic, inspirational, historical, and economic bene-
18 fits will be sustained and enriched for future genera-
19 tions of Americans.

20 (8) The restoration and maintenance of native
21 forests in the United States is also in the public in-
22 terest because it will significantly reduce risks to
23 public health, safety, and property while enhancing
24 the economies of local communities.

1 (9) The present Federal and non-Federal forest
2 restoration and management programs are inad-
3 equiate to ensure future generations an opportunity
4 to appreciate and enjoy the rich forest heritage of
5 the United States.

6 (10) The increased knowledge of our prehistoric
7 and historic native forests, the establishment of bet-
8 ter means of identifying and administering them,
9 and the encouragement of their restoration and
10 maintenance will improve the health and diversity of
11 the Nation's forests, reduce threats to local commu-
12 nities from wildfires, greatly improve habitat for
13 threatened and endangered species, and assist eco-
14 nomic growth and development.

15 (11) Although the restoration of forests on non-
16 Federal land has been carried out by States, local
17 governments, Indian tribes, and private entities and
18 individuals, it is nevertheless necessary and appro-
19 priate for the Forest Service to accelerate its res-
20 toration programs and activities on National Forest
21 System lands and to give encouragement to and as-
22 sist States, local governments, Indian tribes, and
23 private entities and individuals to expand and accel-
24 erate their forest restoration programs and activi-
25 ties.

1 (c) POLICY.—It shall be the policy of the Federal
2 Government, in cooperation with other nations and in
3 partnership with the States, local governments, Indian
4 tribes, and private entities and individuals, to—

5 (1) use measures, including financial and tech-
6 nical assistance, to foster conditions under which
7 modern society and native forests in the United
8 States can exist in productive harmony and fulfill
9 the historical, social, economic, and other needs of
10 present and future generations;

11 (2) provide leadership in the restoration and
12 maintenance of the prehistoric and historic charac-
13 teristics of native forests of the United States and
14 the international community and in the administra-
15 tion of the forest restoration and maintenance pro-
16 grams;

17 (3) administer native forests on National Forest
18 System lands in a spirit of historical stewardship for
19 the inspiration and benefit of present and future
20 generations; and

21 (4) contribute to the restoration and mainte-
22 nance of non-federally owned native forests and give
23 encouragement to States, local governments, and
24 private entities and individuals to undertake, ex-

1 pand, and accelerate their forest restoration pro-
2 grams and activities.

3 **TITLE I—NATIONAL REGISTER**
4 **OF HISTORIC FORESTS**

5 **SEC. 101. ESTABLISHMENT AND MAINTENANCE OF NA-**
6 **TIONAL REGISTER OF HISTORIC FORESTS.**

7 (a) REGISTER AUTHORIZED.—The Secretary of Agri-
8 culture shall establish and maintain a National Register
9 of Historic Forests consisting of designated National For-
10 est System lands that are or, after reasonable restoration,
11 will be representative of prehistoric or historic landscapes
12 significant in the history and culture of the United States.

13 (b) CRITERIA FOR INCLUSION OR REMOVAL.—

14 (1) ESTABLISHMENT.—The Secretary shall es-
15 tablish (and revise as necessary) the criteria to be
16 used by the Secretary to include National Forest
17 System lands on the National Register as a national
18 historic forest or remove previously designated Na-
19 tional Forest System lands from the National Reg-
20 ister.

21 (2) SUSTAINABILITY.—The Secretary shall give
22 due consideration to the size and location of a parcel
23 of National Forest System lands being considered
24 for inclusion on the National Register to ensure the

1 long-term ecological and economic sustainability of
2 the lands.

3 (c) NOMINATIONS.—The Secretary may accept nomi-
4 nations for the inclusion on, or removal from, the National
5 Register of certain National Forest System lands.

6 (d) PUBLIC NOTICE AND COMMENT.—When Na-
7 tional Forest System lands are being considered for inclu-
8 sion on, or removal from, the National Register, the Sec-
9 retary shall provide—

10 (1) notice to the State in which the lands are
11 located, appropriate local governments, and the gen-
12 eral public; and

13 (2) an opportunity for public comment.

14 (e) ADMINISTRATIVE APPEALS.—The Secretary shall
15 issue rules providing for the administrative appeal of a
16 decision of the Secretary to designate a national historic
17 forest, refuse to include National Forest System lands on
18 the National Register, or remove designated National For-
19 est System lands from the National Register.

20 (f) CONSULTATION WITH COUNCIL.—The Secretary
21 shall establish and revise the criteria required by sub-
22 section (b), review nominations received under subsection
23 (c), and make decisions regarding the inclusion of Na-
24 tional Forest System lands on, or the removal of such

1 lands from, the National Register in consultation with the
2 Advisory Council on Forest Restoration.

3 (g) MAP AND LEGAL DESCRIPTION.—

4 (1) PREPARATION.—As soon as practicable
5 after the designation of a national historic forest,
6 the Secretary shall prepare a map and legal descrip-
7 tion of the national historic forest. The map and
8 legal description shall have the same force and effect
9 as if included in this Act, except that the Secretary
10 may correct clerical and typographical errors in the
11 map and legal description.

12 (2) SUBMISSION AND AVAILABILITY.—The Sec-
13 retary shall submit the map and legal description to
14 the Committee on Agriculture, Nutrition, and For-
15 estry of the Senate and the Committee on Resources
16 of the House of Representatives. Each map and
17 legal description shall also be on file and available
18 for public inspection in the Office of the Chief of the
19 Forest Service.

20 **SEC. 102. ADMINISTRATION AND MANAGEMENT OF NA-**
21 **TIONAL HISTORIC FORESTS.**

22 (a) ADMINISTRATION.—Subject to valid existing
23 rights, the Secretary, acting through the Forest Service,
24 shall administer the national historic forests in accordance

1 with this Act and rules issued by the Secretary to carry
2 out this Act.

3 (b) MANAGEMENT PLAN.—

4 (1) PREPARATION.—The Committee responsible
5 for a national historic forest shall prepare a draft
6 management plan for the restoration and mainte-
7 nance of the national historic forest. The manage-
8 ment plan shall be based on documentation of the
9 reference native forest and shall be consistent with
10 this Act.

11 (2) SPECIAL CONSIDERATION.—The manage-
12 ment plan for a national historic forest shall give
13 special consideration to —

14 (A) protecting human health and safety
15 and public and private property;

16 (B) helping sustain the economies of local
17 communities;

18 (C) providing recreational access; and

19 (D) reducing visible signs of management
20 to the minimum level practicable without im-
21 pairing the activities required to achieve the
22 restoration goal.

23 (3) SUBMISSION AND REVIEW.—The Committee
24 shall submit the draft management plan to the

1 Council and the Secretary for review and, subject to
2 approval by the Secretary, implementation.

3 (4) RELATIONSHIP TO ENVIRONMENTAL
4 LAWS.—Nothing in this section exempts the develop-
5 ment or implementation of a management plan from
6 any Federal environmental law.

7 (c) APPROVAL, REVISION, SUSPENSION, REVOCATION.—
8

9 (1) RESPONSIBILITIES OF SECRETARY.—The
10 Secretary may approve for implementation a draft
11 management plan for a national historic forest, re-
12 vise a management plan as a condition on approval
13 or after approval, or suspend or revoke a manage-
14 ment plan after approval, as necessary to satisfy the
15 policy specified in section 2(c).

16 (2) MANAGEMENT EVALUATION.—Not less than
17 once every four years after the designation of a na-
18 tional historic forest, the Secretary shall evaluate the
19 management of the national historic forest to deter-
20 mine whether the restoration and management of
21 the forest is consistent with the approved manage-
22 ment plan and in compliance with this Act.

23 (3) EFFECT OF NONCOMPLIANCE.—If, at any
24 time, the Secretary determines that a major aspect
25 of the management plan for a national historic for-

1 est is not consistent with this Act, or that restora-
2 tion and management activities are being carried out
3 contrary to the management plan, the Secretary
4 shall—

5 (A) revoke the management plan, including
6 any contracts or cooperative agreements entered
7 into under the management plan;

8 (B) suspend in whole or in part the man-
9 agement plan, including any contracts or coop-
10 erative agreements entered into under the man-
11 agement plan, until the plan or activities are
12 consistent with this Act; or

13 (C) take such steps as are necessary to en-
14 sure that the management plan and restoration
15 and management activities under the plan are
16 once again consistent with this Act within a
17 reasonable period of time.

18 (4) OVERSIGHT METHODS.—The Secretary
19 shall establish oversight methods that, while ensur-
20 ing the consistency and quality of management
21 plans, do not impose undue review burdens on the
22 Forest Service.

23 (d) FISCAL AUDITS.—The Secretary may conduct
24 periodic fiscal audits of restoration and management ac-
25 tivities carried out under an approved management plan

1 as needed and shall ensure that such activities meet appli-
2 cable accountability standards.

3 (e) CONSULTATION WITH COUNCIL.—The Secretary
4 shall carry out this section in consultation with the Coun-
5 cil.

6 **SEC. 103. RESTORATION OF NATIONAL HISTORIC FORESTS.**

7 (a) RESTORATION GOAL.—The goal of restoration is
8 to restore and sustain, to the extent practicable, a national
9 historic forest to a condition that simulates or resembles
10 the structure and function of the reference native forest
11 while also serving society’s contemporary need for forest
12 products and services.

13 (b) SPECIAL CONSIDERATIONS.—In attempting to
14 achieve the restoration goal for a national historic forest,
15 special consideration shall be given to ensuring the ecologi-
16 cal and economic sustainability of a restored forest, main-
17 taining native biological diversity, controlling or reducing
18 or eliminating invasive nonnative species, maintaining soil
19 productivity, and improving water quality.

20 (c) ROLE OF LOCAL COMMITTEE.—The Local Com-
21 mittee for a national historic forest shall assist the Sec-
22 retary in documenting the reference native forest and in
23 monitoring and assessing the effectiveness of restoration,
24 based on—

1 (1) the relative proportions of patches of vege-
2 tation in various stages of development that formed
3 the reference native forest mosaic;

4 (2) the sizes, shapes, structures, and orienta-
5 tion of vegetation patches on the landscape;

6 (3) the composition, ages, sizes, and density of
7 plants and standing and fallen dead trees within
8 patches; and

9 (4) the composition and populations of native
10 wildlife that depended on the reference native forest
11 mosaic.

12 (d) **USE OF COST-EFFECTIVE RESTORATION METH-**
13 **ODS.**—The restoration of a national historic forest shall
14 be conducted with the most cost-effective methods avail-
15 able, including timber harvesting, reintroduction or control
16 of plant and animal species, planting, precommercial and
17 commercial thinning, grazing, prescribed burning, control
18 or suppression of fire, or, where appropriate and effective,
19 temporary or permanent protection.

20 **SEC. 104. MAINTENANCE OF RESTORED NATIONAL HIS-**
21 **TORIC FORESTS.**

22 (a) **COST-EFFECTIVE MANAGEMENT.**—When the ini-
23 tial restoration of a national historic forest is achieved,
24 the Forest Service shall use the most cost-effective meth-
25 ods available to mimic the natural and cultural historical

1 processes that created and sustained the reference native
 2 forest including timber harvesting, control of plant and
 3 animal species, planting, precommercial and commercial
 4 thinning, grazing, prescribed burning, control or suppres-
 5 sion of fire, or, where appropriate and effective, temporary
 6 or permanent protection.

7 (b) ROLE OF NATURAL FOREST DISTURBANCES.—
 8 When the Secretary considers it to be safe, effective, and
 9 ecologically and economically acceptable, management to
 10 sustain a restored national historic forest should accom-
 11 modate the effects of natural disturbances, such as wind,
 12 lightning fires, and insect and disease infestations.

13 **SEC. 105. FOREST PLAN AMENDMENTS.**

14 (a) CORRESPONDING FOREST PLAN AMEND-
 15 MENTS.—Within two years after the designation of a na-
 16 tional historic forest, the Secretary shall initiate the proc-
 17 ess to amend or revise the land and resource management
 18 plan for the unit of the National Forest System encom-
 19 passing the national historic forest—

20 (1) to incorporate the national historic forest
 21 and its approved management plan; and

22 (2) to make other changes warranted by the
 23 analyses conducted in compliance with section
 24 102(2) of the National Environmental Policy Act of
 25 1969 (42 U.S.C. 4332(2)), section 6 of the Forest

1 and Rangeland Renewable Resources Planning Act
2 of 1974 (16 U.S.C. 1604), and other applicable
3 laws.

4 (b) REVIEW OF FOREST THREATS.—At least once
5 every four years, the Secretary shall review significant
6 threats to national historic forests and National Forest
7 System lands, not yet designated as a national historic for-
8 est but appropriate for inclusion on the National Register,
9 to —

10 (1) determine the kinds of threats to these for-
11 ests and lands and the severity of these threats;

12 (2) ascertain the causes of the threats; and

13 (3) develop and submit to the Congress rec-
14 ommendations for appropriate action.

15 (c) CONSULTATION WITH COUNCIL.—The Secretary
16 shall carry out this section in consultation with the Coun-
17 cil.

18 **SEC. 106. GRANTS.**

19 (a) GRANTS AUTHORIZED.—The Secretary shall ad-
20 minister a program of matching or direct grants to States,
21 local governments, Indian tribes, and private entities and
22 individuals for the purposes of carrying out this Act,
23 including—

1 (1) the establishment and conduct of education,
2 training, and technical assistance programs in forest
3 restoration;

4 (2) the distribution of forest restoration infor-
5 mation and technologies; and

6 (3) the support for research, analysis, conserva-
7 tion, curation, demonstration projects, interpreta-
8 tion, and display related to forest restoration.

9 (b) SPECIAL ROLE FOR INDIAN TRIBES.—The Sec-
10 retary, in consultation with the Council, may enter into
11 an agreement with an Indian tribe to permit traditional
12 land use and management practices in a national historic
13 forest that the Secretary determines will help to restore
14 the national historic forest, or sustain the restored na-
15 tional historic forest, so long as the traditional land use
16 and management practices were part of the history of the
17 reference native forest, are consistent with the approved
18 management plan, and otherwise further the policy speci-
19 fied in section 2(c).

20 (c) RULES.—No grant may be made or agreement
21 entered into under this section unless—

22 (1) an application therefore is submitted to the
23 Secretary in such form and containing such informa-
24 tion as the Secretary may require; and

1 (2) the grantee agrees to make such reports, in
2 such form and containing such information, as the
3 Secretary may require, and complies with such other
4 terms and conditions as the Secretary may require.

5 **SEC. 107. NATIONAL HISTORIC FOREST RESTORATION**
6 **FUND.**

7 (a) ESTABLISHMENT.—There is established on the
8 books of the Treasury an account to be known as the Na-
9 tional Historic Forest Restoration Fund.

10 (b) CREDITS TO RESTORATION FUND.—There shall
11 be credited to the Restoration Fund the following:

12 (1) Revenues due and payable to the United
13 States under the Outer Continental Shelf Lands Act
14 (43 U.S.C. 1331 et seq.), in the following amounts:

15 (A) \$25,000,000 for fiscal year 2002.

16 (B) \$50,000,000 for fiscal year 2003.

17 (C) \$100,000,000 for each of fiscal years
18 2004 through 2010.

19 (2) If revenues from the source described in
20 paragraph (1) are insufficient, given other require-
21 ments on the deposit and use of such revenues, the
22 difference shall be derived from amounts paid into
23 the Treasury under section 35 the Act of February
24 25, 1920 (30 U.S.C. 191; commonly known as the
25 Mineral Leasing Act).

1 (3) Amounts appropriated to the Restoration
2 Fund.

3 (4) Revenues generated from the sale of goods
4 and services produced on national historic forests.

5 (5) Donations received under section 108.

6 (c) USE OF RESTORATION FUND.—In such amounts
7 as provided in appropriation Acts, the Secretary shall use
8 the Restoration Fund to carry out this title. Amounts ap-
9 propriated shall remain available until expended.

10 (d) OVERHEAD.—The Secretary shall seek to ensure
11 that of the amounts made available to carry out this Act
12 for a fiscal year, not more than 12 percent is used or allo-
13 cated for general administration or other overhead by the
14 Department of Agriculture.

15 **SEC. 108. DONATIONS.**

16 (a) ACCEPTANCE.—In furtherance of this Act, the
17 Secretary may accept the donation of funds for deposit
18 in the Restoration Fund.

19 (b) USE OF DONATIONS.—In expending donated
20 funds, the Secretary shall give due consideration to the
21 expressed intentions of the donor. Donated funds obli-
22 gated under section 106 as grants may be made available
23 without regard to any matching requirement imposed by
24 the Secretary under such section.

1 **SEC. 109. REPORTS AND PUBLIC PARTICIPATION.**

2 (a) IMPLEMENTATION REPORT.—Not later than one
 3 year after the date of the enactment of this Act, the Sec-
 4 retary shall submit to the Congress a report describing
 5 the manner in which National Forest System lands are
 6 being included on the National Register or determined to
 7 be eligible for inclusion on the National Register, including
 8 the appropriateness of the criteria used in determining
 9 such eligibility and the effect, if any, of inclusion of lands
 10 on the National Register.

11 (b) PUBLIC PARTICIPATION.—In preparing the re-
 12 port, the Secretary shall consult with, and consider the
 13 views and comments of other Federal agencies, as well as
 14 interested individuals and public and private organiza-
 15 tions, and shall include representative comments received
 16 as an appendix to the report.

17 **TITLE II—ADVISORY COUNCIL**
 18 **ON FOREST RESTORATION**

19 **SEC. 201. ESTABLISHMENT.**

20 There is established a council to be known as the
 21 “Advisory Council on Forest Restoration”.

22 **SEC. 202. DUTIES.**

23 (a) ADVISORY FUNCTIONS.—

24 (1) RECOMMENDATIONS TO THE SECRETARY.—

25 The Council shall advise and make recommendations
 26 to the Secretary regarding—

1 (A) the designation of National Historic
2 Forests;

3 (B) the restoration of National Historic
4 Forests;

5 (C) the review and approval or disapproval
6 of management plans prepared by any Com-
7 mittee under section 302(a)(3);

8 (D) methods to coordinate the activities of
9 Federal, State, and local agencies and private
10 persons relating to forest restoration;

11 (E) research, practices, and information
12 dissemination related to forest restoration;

13 (F) the need for, and implementation of,
14 studies related to forest restoration activities
15 (including studies related to the adequacy of
16 legislation and regulations related to forest res-
17 toration); and

18 (G) the development of guidelines to assist
19 State and local governments in drafting legisla-
20 tion related to forest restoration.

21 (2) RECOMMENDATIONS TO OTHER FEDERAL
22 AGENCIES.—The Council shall review the policies
23 and programs of other Federal agencies related to
24 forest restoration, and shall recommend to such
25 agencies methods to coordinate such policies and

1 programs with the policies and programs carried out
2 under this act to improve the overall effectiveness of
3 such policies and programs.

4 (b) SUBMISSION OF REPORTS.—

5 (1) ANNUAL REPORTS.—The Council shall sub-
6 mit annually a report to the Secretary and the Con-
7 gress. The report shall contain a detailed statement
8 regarding each of the following:

9 (A) The activities of the Council.

10 (B) The results of any studies conducted
11 by the Council.

12 (C) The effectiveness of the programs con-
13 ducted under this Act.

14 (D) Any current or emerging problems re-
15 garding forest restoration.

16 (E) Any recommendations for legislation or
17 administrative actions that the Council con-
18 siders appropriate.

19 (F) Any actions by the Council to obtain
20 comments on, or review of, such recommenda-
21 tions by any officer, agency, or department of
22 the United States.

23 (2) INTERIM REPORTS.—The Council may sub-
24 mit interim reports to the Secretary and the Con-
25 gress as the Council considers appropriate.

1 (3) AUTHORITY OF OTHER AGENCIES TO RE-
2 VIEW.—No officer, agency, or department of the
3 United States shall have any authority to require the
4 Council to submit any report or to reveal the con-
5 tents of any report (including any recommendations
6 for legislation or administrative actions) to any offi-
7 cer, agency, or department of the United States be-
8 fore the Council submits such report to the Sec-
9 retary and the Congress under paragraph (1) or (2).

10 (c) EDUCATIONAL FUNCTIONS.—The Council shall
11 conduct appropriate programs to inform and educate—

12 (1) the public, in cooperation with appropriate
13 public and private agencies and institutions, regard-
14 ing forest restoration, opportunities to participate in
15 forest restoration, and training and educational op-
16 portunities in the field of forest restoration; and

17 (2) Federal departments and agencies, State
18 and local governments, Indian tribes, foreign na-
19 tions, and private persons regarding the activities of
20 the Council.

21 (d) SUBMISSION OF BUDGET.—

22 (1) TIME OF SUBMISSION.—The Council shall
23 submit its budget annually as a related agency of
24 the Department of Agriculture.

1 (2) NOTIFICATION OF CONGRESS.—Whenever
2 the Council submits any budget estimate or request
3 to the Secretary or the Office of Management and
4 Budget, it shall concurrently transmit copies of that
5 estimate or request to Congress.

6 **SEC. 203. MEMBERSHIP.**

7 (a) NUMBER AND APPOINTMENT.—The Council shall
8 be composed of 9 members, who represent a broad range
9 of interests, as follows:

10 (1) The Under Secretary for Natural Resources
11 and Environment of the Department of Agriculture
12 (or the Under Secretary’s delegate).

13 (2) The Chief of the Forest Service (or the
14 Chief’s delegate).

15 (3) 2 individuals appointed by the Secretary
16 who are not employees of the Federal Government
17 and who have a knowledge of, or interest in, Na-
18 tional Historic Forests.

19 (4) 2 individuals appointed by the Secretary
20 who are not employees of the Federal Government
21 and who are specially qualified to serve on the Coun-
22 cil by virtue of their education, training, or experi-
23 ence in the field of forest restoration.

1 (5) 2 individuals appointed by the Secretary
2 who are not employees of the Federal Government
3 and who have forest management experience.

4 (6) 1 individual appointed by the Secretary who
5 is not an employee of the Federal Government and
6 who will represent the views of Indian tribes.

7 (b) CONTINUATION OF MEMBERSHIP.—If a member
8 was appointed to the Council because the member was not
9 an employee of the Federal Government and later becomes
10 an employee of the Government, that member may con-
11 tinue as a member for not longer than the 60-day period
12 beginning on the date that the member becomes such an
13 employee.

14 (c) TERMS.—

15 (1) IN GENERAL.—Each member appointed
16 under paragraphs (3) through (6) of subsection (a)
17 shall be appointed for a term of 4 years, except as
18 otherwise provided in this subsection. Members of
19 the Council may be reappointed.

20 (2) INITIAL APPOINTMENTS.—The Secretary
21 shall make initial appointments under this section
22 not later than 180 days after the date of the enact-
23 ment of this Act. As designated by the Secretary at
24 the time of appointment, of the members first
25 appointed—

1 (A) 2 members shall be appointed for
2 terms of 3 years;

3 (B) 2 members shall be appointed for
4 terms of 2 years; and

5 (C) 1 member shall be appointed for a
6 term of 1 year.

7 (3) VACANCIES.—A member may serve after
8 the expiration of that member's term until a suc-
9 cessor has taken office. A vacancy in the Council
10 shall not affect the powers of the Council, shall be
11 filled not later than 60 days after the vacancy com-
12 mences, and shall be filled in the manner in which
13 the original appointment was made. Any member ap-
14 pointed to fill a vacancy occurring before the expira-
15 tion of the term for which the member's predecessor
16 was appointed shall be appointed only for the re-
17 mainder of that term.

18 (d) CHAIRPERSON; VICE CHAIRPERSON.—The Chair-
19 person and Vice Chairperson of the Council shall be des-
20 ignated by the Secretary from among the members ap-
21 pointed under paragraphs (3) through (6) of subsection
22 (a) at the time of such appointment. The Vice Chairperson
23 may act in place of the Chairperson during the absence
24 or disability of the Chairperson or when the office of
25 Chairperson is vacant.

1 (e) MEETINGS.—The Council shall meet at the call
2 of the Chairperson or upon the written request of a major-
3 ity of its members, but shall meet not less than annually.

4 (f) QUORUM.—7 members of the Council shall con-
5 stitute a quorum, but a lesser number may hold hearings.

6 (g) COMPENSATION AND REIMBURSEMENT.—

7 (1) IN GENERAL.—To the extent provided in
8 advance in appropriation Acts and except as pro-
9 vided in paragraph (2), members of the Council shall
10 each be entitled to receive \$200 for each day (in-
11 cluding travel time) during which they are engaged
12 in the actual performance of duties vested in the
13 Council.

14 (2) PROHIBITION OF COMPENSATION OF FED-
15 ERAL EMPLOYEES.—Members of the Council who
16 are full-time officers or employees of the United
17 States may not receive additional pay, allowances, or
18 benefits by reason of their service on the Council.

19 (3) TRAVEL EXPENSES.—Each member shall
20 receive travel expenses, including per diem in lieu of
21 subsistence, in accordance with applicable provisions
22 under subchapter I of chapter 57 of title 5, United
23 States Code.

1 **SEC. 204. DIRECTOR, GENERAL COUNSEL, AND STAFF OF**
2 **COUNCIL; EXPERTS AND CONSULTANTS.**

3 (a) DIRECTOR.—The Council shall have a Director
4 who shall be appointed by the Chairperson with the con-
5 currence of the Council and the Secretary. The Director
6 shall report to the Council and shall perform such func-
7 tions and duties as the Council shall prescribe.

8 (b) GENERAL COUNSEL.—The Council shall have a
9 General Counsel who shall be appointed by the Director.
10 The General Counsel shall report to the Director and shall
11 provide such legal functions and duties as the Council
12 shall prescribe.

13 (c) STAFF.—The Director may appoint not more
14 than 3 additional employees of the Council as are nec-
15 essary to perform the functions of the Council.

16 (d) APPLICABILITY OF CERTAIN CIVIL SERVICE
17 LAWS.—The Director, General Counsel, and staff of the
18 Council shall be appointed subject to the provisions of title
19 5, United States Code, governing appointments in the
20 competitive service, and shall be paid in accordance with
21 the provisions of chapter 51 and subchapter III of chapter
22 53 of such title, relating to classification and General
23 Schedule pay rates.

24 (e) EXPERTS AND CONSULTANTS.—The Director
25 may procure temporary and intermittent services under
26 section 3109(b) of title 5, United States Code.

1 (f) STAFF OF FEDERAL AGENCIES.—Upon request
2 of the Director, the head of any Federal department or
3 agency may detail, on a reimbursable basis, any of the
4 personnel of that department or agency to the Council to
5 assist it in carrying out its duties under this Act.

6 **SEC. 205. POWERS OF COUNCIL.**

7 (a) HEARINGS AND SESSIONS.—The Council may, for
8 the purposes of carrying out this Act, hold hearings, sit
9 and act at times and places, take testimony, and receive
10 evidence as the Council considers appropriate.

11 (b) POWERS OF MEMBERS AND AGENTS.—Any mem-
12 ber or agent of the Council may, if authorized by the
13 Council, take any action which the Council is authorized
14 to take by this section.

15 (c) OBTAINING OFFICIAL DATA.—

16 (1) IN GENERAL.—The Council may secure di-
17 rectly from any department or agency of the United
18 States information necessary to enable it to carry
19 out this Act. Upon request of the Chairperson, the
20 head of that department or agency shall furnish that
21 information to the Council.

22 (2) REPORTS FROM THE SECRETARY.—To as-
23 sist the Council in carrying out this Act, the Sec-
24 retary, at the request of the Chairperson, shall pro-

1 vide a report to the Council which describes in
2 detail—

3 (A) the significance of any National Forest
4 System lands nominated for inclusion on the
5 National Register;

6 (B) the anticipated effects of any proposed
7 undertaking on National Forest System lands
8 nominated for, or on, the National Register;
9 and

10 (C) any recommendations of the Secretary
11 regarding measures to avoid, minimize, or miti-
12 gate any adverse effects on such lands.

13 (d) GIFTS, BEQUESTS, AND DEVISES.—To the
14 extent provided in advance in appropriation Acts,
15 the Council may accept, use, and dispose of gifts, be-
16 quests, or devises of services or property, both real
17 and personal, for the purpose of aiding the work of
18 the Council.

19 (e) ADMINISTRATIVE SUPPORT SERVICES.—
20 Upon the request of the Council, the Secretary of
21 Agriculture shall provide to the Council, on a reim-
22 bursable basis, the administrative support services
23 (including services related to budgeting, accounting,
24 financial reporting, personnel and procurement) nec-

1 necessary for the Council to carry out its responsibil-
 2 ities under this Act.

3 (f) CONTRACT AUTHORITY.—To the extent pro-
 4 vided in advance in appropriation Acts, the Council
 5 may contract with and compensate government and
 6 private agencies or persons for supplies and services
 7 necessary for the Council to carry out its responsibil-
 8 ities under this Act.

9 **SEC. 206. APPLICABILITY OF THE FEDERAL ADVISORY**
 10 **COMMITTEE ACT.**

11 The Federal Advisory Committee Act shall not apply
 12 to the Council.

13 **SEC. 207. AUTHORIZATION OF APPROPRIATIONS.**

14 There are authorized to be appropriated \$500,000 for
 15 the fiscal years 2002 through 2010 to carry out this title.

16 **TITLE III—LOCAL MANAGEMENT**
 17 **ADVISORY COMMITTEES**

18 **SEC. 301. ESTABLISHMENT.**

19 The Council, in consultation with the Secretary, shall
 20 establish such number of committees, as it may from time
 21 to time determine to be appropriate. Each such committee
 22 shall be established to carry out the purposes of this title
 23 with respect to 1 or more national historic forests. Each
 24 such committee shall be known as the “Local Management
 25 Advisory Committee” for such national historic forests.

1 **SEC. 302. DUTIES.**

2 (a) IN GENERAL.—Each Committee, with respect to
3 each of the 1 or more national historic forests for which
4 the Committee was established, shall—

5 (1) recommend to the Secretary and the Coun-
6 cil National Forest System lands, which are geo-
7 graphically proximate to such national historic for-
8 ests and which the Committee considers appropriate
9 to list on the National Register;

10 (2) document and describe the relevant ref-
11 erence forest;

12 (3) prepare management plans consistent with
13 the requirements of section 102;

14 (4) monitor and assess the effectiveness of res-
15 toration activities;

16 (5) conduct any studies necessary to carry out
17 the duties of the Committee described in paragraphs
18 (1) through (4);

19 (6) advise the Council regarding forest restora-
20 tion practices, assessments, and information dissemi-
21 nation;

22 (7) encourage public interest and participation
23 in forest restoration; and

24 (8) inform and educate appropriate State and
25 local governments, Indian tribes, and private persons
26 regarding the activities of the Committee.

1 (b) CONSULTATION.—In carrying out its duties
2 under subsection (a), each Committee shall consult with
3 appropriate Federal and State officials, businesses,
4 loggers, professional foresters, scientists, Native Ameri-
5 cans, land owners, and other knowledgeable persons.

6 (c) REPORTS.—

7 (1) ANNUAL REPORTS.—Each Committee shall
8 submit annually to the Council a report that con-
9 tains a detailed and comprehensive description of the
10 activities of the Committee and of the results of any
11 studies conducted by the Committee under sub-
12 section (a)(5).

13 (2) INTERIM REPORTS.—

14 (A) VOLUNTARY.—Except as provided in
15 subparagraph (B), each Committee may submit
16 interim reports to the Council as the Committee
17 considers appropriate.

18 (B) MANDATORY.—Each Committee shall
19 submit interim reports to the Council at the re-
20 quest of the Council.

21 **SEC. 303. MEMBERSHIP.**

22 (a) COMPOSITION OF COMMITTEES.—

23 (1) IN GENERAL.—Each Committee shall be
24 composed of a number of members, who represent a
25 broad range of interests, as follows:

1 (A) 1 forester in the Forest Service.

2 (B) 1 employee of the Forest Service who
3 is specially qualified to serve on the Committee
4 by virtue of his education, training, or experi-
5 ence in the field of forest restoration.

6 (C) 1 individual who is not an employee of
7 the Federal Government and who is specially
8 qualified to serve on the Committee by virtue of
9 his education, training, or experience regarding
10 Native American culture and subsistence prac-
11 tices.

12 (D) 1 individual who is not an employee of
13 the Federal Government and who is specially
14 qualified to serve on the Committee by virtue of
15 his education, training, or experience in the
16 field of forest restoration.

17 (E) 2 individuals who are not employees of
18 the Federal Government and who have forest
19 management experience.

20 (F) 1 individual who is not an employee of
21 the Federal Government and who will represent
22 the views of local governments.

23 (G) 1 individual who is not an employee of
24 the Federal Government, who has a knowledge
25 of, or interest in, National Historic Forests,

1 and who, if the Council determines it to be ap-
2 propriate, may be a member of an appropriate
3 Indian tribe and may represent the views of
4 such tribe.

5 (H) the State forester (or the State for-
6 ester's delegate) of each State in which the 1 or
7 more national historic forests for which the
8 Committee was established are located.

9 (2) COMMITTEE SPECIFIC CRITERIA.—Members
10 of each Committee shall be selected from among in-
11 dividuals who are most familiar with the 1 or more
12 national historic forests for which the Committee
13 was established, and with the local communities,
14 conditions, and forest types relevant to such forests.

15 (b) APPOINTMENT AUTHORITY.—

16 (1) IN GENERAL.—Appointments under para-
17 graphs (A) through (G) of subsection (a)(1) shall be
18 made by the Council in consultation with the Sec-
19 retary.

20 (2) EMPLOYEES OF THE FOREST SERVICE.—
21 Appointments made under subparagraphs (A) and
22 (B) of subsection (a)(1) shall be made in consulta-
23 tion with the Secretary and the Chief of the Forest
24 Service.

1 (c) CONTINUATION OF MEMBERSHIP.—If a member
2 was appointed to a Committee because the member was
3 employed as a forester in the Forest Service or because
4 the member was employed in the Forest Service and later
5 ceases to be so employed, or was appointed to a Committee
6 because the member was not an employee of the Federal
7 Government and later becomes an employee of the Govern-
8 ment, that member may continue as a member for not
9 longer than the 60-day period beginning on the date that
10 the member ceases to be so employed or becomes an em-
11 ployee of the Government, as the case may be.

12 (d) TERMS.—

13 (1) IN GENERAL.—Each member shall serve at
14 the pleasure of the Council.

15 (2) VACANCIES.—A vacancy in any Committee
16 shall not affect the powers of the Committee, shall
17 be filled not later than 60 days after the vacancy
18 commences, and shall be filled in the manner in
19 which the original appointment was made.

20 (e) CHAIRPERSON; VICE CHAIRPERSON.—The Chair-
21 person and Vice Chairperson of each Committee shall be
22 designated by the Council, in consultation with the Sec-
23 retary, from among the members appointed under sub-
24 paragraphs (C) through (G) of subsection (a)(1) at the
25 time of such appointment. The Vice Chairperson may act

1 in place of the Chairperson during the absence or dis-
2 ability of the Chairperson or the when the office of Chair-
3 person is vacant.

4 (f) MEETINGS.—Each Committee shall meet at the
5 call of its Chairperson or upon the written request of a
6 majority of its members, but shall meet not less than an-
7 nually.

8 (g) QUORUM.—7 members of a Committee shall con-
9 stitute a quorum, but a lesser number may hold hearings.

10 (h) NONCOMPENSATION AND REIMBURSEMENT.—

11 (1) NONCOMPENSATION.—Each member shall
12 serve without pay.

13 (2) TRAVEL EXPENSES.—Each member shall
14 receive travel expenses, including per diem in lieu of
15 subsistence, in accordance with applicable provisions
16 under subchapter I of chapter 57 of title 5, United
17 States Code.

18 **SEC. 304. POWERS OF COMMITTEE.**

19 (a) HEARINGS AND SESSIONS.—Each committee
20 may, for the purposes of carrying out this Act, hold hear-
21 ings, sit and act at times and places, take testimony, and
22 receive evidence as the Committee considers appropriate.

23 (b) POWERS OF MEMBERS AND AGENTS.—Any mem-
24 ber or agent of any Committee may, if authorized by the

1 Committee, take any action which the Committee is au-
2 thorized to take by this section.

3 (c) OBTAINING OFFICIAL DATA.—Each Committee,
4 in consultation with the Council, may secure from any de-
5 partment or agency of the United States information nec-
6 essary to enable it to carry out this Act. Upon request
7 of the Chairperson of the Committee, the head of that de-
8 partment or agency shall furnish that information to the
9 Committee.

10 (d) GIFTS, BEQUESTS, AND DEVISES.—To the extent
11 provided in advance in appropriation Acts, each Com-
12 mittee may accept, use, and dispose of gifts, bequests, or
13 devises of services or property, both real and personal, for
14 the purpose of aiding the work of the Committee.

15 (e) PROVISION OF FACILITIES, SUPPLIES, AND SERV-
16 ICES.—Upon the request of any Committee, the Secretary
17 shall provide to the Committee, on a reimbursable basis,
18 such facilities, supplies, and services as are necessary for
19 the Committee to carry out its responsibilities under this
20 Act.

21 **SEC. 305. APPLICABILITY OF THE FEDERAL ADVISORY**
22 **COMMITTEE ACT.**

23 The Federal Advisory Committee Act shall not apply
24 to any Committee.

○