

109TH CONGRESS
1ST SESSION

H. R. 4200

To improve the ability of the Secretary of Agriculture and the Secretary of the Interior to promptly implement recovery treatments in response to catastrophic events affecting Federal lands under their jurisdiction, including the removal of dead and damaged trees and the implementation of reforestation treatments, to support the recovery of non-Federal lands damaged by catastrophic events, to revitalize Forest Service experimental forests, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 2, 2005

Mr. WALDEN of Oregon (for himself, Mr. BAIRD, Mr. GILCREST, Ms. HERSETH, Mr. FLAKE, Mr. THOMPSON of Mississippi, Mr. PETERSON of Pennsylvania, Mr. BOYD, Mr. PICKERING, Mr. OBERSTAR, Mr. SHADEGG, Mr. BERRY, Mr. WICKER, Mr. LEWIS of California, Mr. ROSS, Mr. HASTINGS of Washington, Mr. PETERSON of Minnesota, Mr. GOODLATTE, Mr. TERRY, Mr. POMBO, Mr. JINDAL, Mrs. DRAKE, Mr. OTTER, Mr. NORWOOD, Mr. DUNCAN, Mr. REHBERG, Mr. HAYWORTH, Mr. ROGERS of Michigan, Mr. PEARCE, Mr. GIBBONS, Mr. DEAL of Georgia, Mrs. CUBIN, Mr. CANNON, Mr. BROWN of South Carolina, Miss McMORRIS, Mr. TAYLOR of North Carolina, Mr. RADANOVICH, Mr. SIMPSON, Mr. RENZI, Mr. YOUNG of Alaska, Mr. MCCRERY, Mr. GOHMERT, Mr. HAYES, Mr. HERGER, Mr. HEFLEY, Mr. DOOLITTLE, Mr. BONNER, Mr. TANCREDO, Mr. BOEHNER, Mr. BRADY of Texas, Mr. BISHOP of Utah, Ms. FOXX, Mr. ISSA, Mr. HUNTER, Mr. MCKEON, Mr. BURGESS, Mr. CALVERT, Mr. ALEXANDER, Mr. COLE of Oklahoma, Mr. BARTLETT of Maryland, Mr. GOODE, Mr. GUTKNECHT, Mr. SHERWOOD, Mr. HOEKSTRA, Mrs. BLACKBURN, Mr. WILSON of South Carolina, Mr. ROHRABACHER, Mr. KNOLLENBERG, Mr. NUNES, Mr. SESSIONS, Mr. GINGREY, Mr. BARTON of Texas, Ms. GRANGER, Mr. REYNOLDS, Mr. TIAHRT, Mr. BLUNT, Mr. KINGSTON, Mr. CANTOR, Mr. BEAUPREZ, Mr. WHITFIELD, Mr. EVERETT, Mr. PLATTS, Mr. BOOZMAN, Mrs. MUSGRAVE, Mr. SOUDER, Mr. SAXTON, Mr. PUTNAM, Mr. LINDER, Mr. ENGLISH of Pennsylvania, Mr. THOMAS, Mr. CULBERSON, Mr. BASS, Mr. JONES of North Carolina, Mr. ROGERS of Kentucky, Mr. BARRETT of South Carolina, Mr. DAVIS of Kentucky, Mr. WAMP, Mr. LEWIS of Kentucky, and Mr. DANIEL E. LUNGREN of California) introduced the following bill; which was referred to the Committee on Resources, and in addition to the Committees on Agriculture and Transportation and Infra-

structure, 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 improve the ability of the Secretary of Agriculture and the Secretary of the Interior to promptly implement recovery treatments in response to catastrophic events affecting Federal lands under their jurisdiction, including the removal of dead and damaged trees and the implementation of reforestation treatments, to support the recovery of non-Federal lands damaged by catastrophic events, to revitalize Forest Service experimental forests, and for other purposes.

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

3 **SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as “Forest
 5 Emergency Recovery and Research Act”.

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

- Sec. 1. Short title and table of contents.
- Sec. 2. Findings.
- Sec. 3. Definitions.

TITLE I—RESPONSE TO CATASTROPHIC EVENTS ON FEDERAL
LANDS

- Sec. 101. Development of research protocols and use in catastrophic event re-
search projects.
- Sec. 102. Catastrophic event recovery evaluations.
- Sec. 103. Compliance with National Environmental Policy Act.
- Sec. 104. Availability and use of pre-approved management practices.
- Sec. 105. Availability and use of alternative arrangements.
- Sec. 106. Administrative and judicial review.

Sec. 107. Guidance regarding reforestation in response to catastrophic events.
 Sec. 108. Effect of title.

TITLE II—RESTORING LANDSCAPES AND COMMUNITIES
 IMPACTED BY CATASTROPHIC EVENTS

Subtitle A—Cooperative Forestry Assistance Act of 1978

Sec. 201. Assistance under Cooperative Forestry Assistance Act of 1978 to restore landscapes and communities affected by catastrophic events.

Subtitle B—Department of the Interior Assistance

Sec. 211. Restoring landscapes.
 Sec. 212. Restoring communities.

TITLE III—EXPERIMENTAL FORESTS

Sec. 301. Findings.
 Sec. 302. Availability and use of pre-approved management practices on National Forest experimental forests.
 Sec. 303. Availability and use of alternative arrangements for projects on National Forest experimental forests.

TITLE IV—GENERAL PROVISIONS

Sec. 401. Regulations.
 Sec. 402. Funding sources.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) The number and severity of catastrophic
 4 events causing resource damage to Federal land has
 5 significantly increased over the last 20 years, and
 6 such catastrophic events also create serious adverse
 7 environmental, social, and economic consequences
 8 for Federal land and adjacent non-Federal land and
 9 communities.

10 (2) Catastrophic events often devastate forest
 11 or rangeland ecosystems and eliminate sources of
 12 seed for desired tree and plant species, which—

1 (A) delays or even precludes the reestab-
2 lishment of appropriate forest or plant cover on
3 millions of acres of Federal land;

4 (B) increases the susceptibility of the dam-
5 aged land to wildfire and noxious or harmful
6 species and reduces the economic value of the
7 damaged land's resources;

8 (C) increases the susceptibility of adjacent
9 undamaged land to insect infestations, disease,
10 and noxious weeds;

11 (D) pollutes municipal water supplies and
12 damages water delivery infrastructure;

13 (E) exacerbates sediment production that
14 adversely impacts native fish habitat and soil
15 productivity;

16 (F) results in unsafe campgrounds, trails,
17 roads, and other infrastructure; and

18 (G) adversely impacts the sustainability of
19 ecosystems and the well-being of adjacent com-
20 munities.

21 (3) Program authorities and funding mecha-
22 nisms currently available to the Secretary of Agri-
23 culture and the Secretary of the Interior to respond
24 to catastrophic events on forested Federal land do

1 not provide for consistent and timely response activi-
2 ties.

3 (4) Alternative arrangements approved by the
4 Council on Environmental Quality have been used on
5 an inconsistent basis to respond to catastrophic
6 events on forested Federal land, but, when used in
7 the past, such alternative arrangements have encour-
8 aged expedited and successful recovery outcomes.

9 (5) A prompt and standardized management re-
10 sponse to a catastrophic event, which is also adapt-
11 ive to the unique characteristics of each catastrophic
12 event, is needed—

13 (A) to effectively recover the area damaged
14 by the catastrophic event,

15 (B) to minimize the impact on the re-
16 sources of the area and adjacent communities
17 adversely affected by the catastrophic event;
18 and

19 (C) to recover damaged, but still mer-
20 chantable, material before it losses economic
21 value.

22 (6) Reforestation treatments on forested Fed-
23 eral land after a catastrophic event helps to restore
24 appropriate forest cover, which provides multiple re-
25 newable resource benefits, including—

- 1 (A) protecting soil and water resources;
- 2 (B) providing habitat for wildlife and fish;
- 3 (C) contributing to aesthetics and enhanc-
- 4 ing the recreational experience for visitors;
- 5 (D) providing a future source of timber for
- 6 domestic use; and
- 7 (E) ensuring the health and resiliency of
- 8 affected ecosystems for present and future gen-
- 9 erations.

10 (7) According to the Comptroller General, the

11 reforestation backlog for Federal land has increased

12 since 2000 as a result of natural disturbances, such

13 as wildland fires, insect infestations, and diseases.

14 (8) Additional scientific and monitoring infor-

15 mation is needed regarding the effectiveness of re-

16 covery treatments to improve subsequent recovery

17 proposals in response to future catastrophic events.

18 (9) State, tribal, and local governments, local

19 communities, and other entities play a critical role in

20 restoring landscapes damaged by a catastrophic

21 event and in reducing the risks associated with the

22 catastrophic event.

23 (10) Greater resources and adaptive arrange-

24 ments must be made available to land managers to

25 facilitate the prompt implementation of recovery

1 treatments, including reforestation, following cata-
2 strophic events.

3 **SEC. 3. DEFINITIONS.**

4 In this Act:

5 (1) BURNED AREA EMERGENCY RESPONSE.—

6 The term “burned area emergency response” means
7 the process used by the Secretary concerned to plan
8 and implement emergency stabilization actions on
9 Federal land in response to a catastrophic event in
10 order to minimize threats to life or property or to
11 stabilize and prevent unacceptable degradation to
12 natural and cultural resources resulting from the ef-
13 fects of the catastrophic event.

14 (2) CATASTROPHIC EVENT.—The term “cata-
15 strophic event” means any natural disaster or any
16 fire, flood, or explosion, regardless of cause, that the
17 Secretary determines has caused or will cause dam-
18 age of significant severity and magnitude to Federal
19 land or, in the case of title II, non-Federal land. A
20 natural disaster may include a hurricane, tornado,
21 windstorm, snow or ice storm, rain storm, high
22 water, wind-driven water, tidal wave, earthquake,
23 volcanic eruption, landslide, mudslide, drought, or
24 insect or disease outbreak.

1 (3) CATASTROPHIC EVENT RECOVERY.—The
2 term “catastrophic event recovery”, with respect to
3 an area of Federal land damaged by a catastrophic
4 event, means—

5 (A) if the catastrophic event involved fire,
6 the rehabilitation and restoration activities
7 (other than any emergency stabilization treat-
8 ments undertaken as part of the burned area
9 emergency response) that are undertaken on
10 the damaged Federal land, including any infra-
11 structure or facilities thereon, in response to
12 the catastrophic event;

13 (B) if the catastrophic event did not in-
14 volve fire, the emergency stabilization and reha-
15 bilitation and restoration activities that are un-
16 dertaken on the damaged Federal land, includ-
17 ing infrastructure or facilities thereon, in re-
18 sponse to the catastrophic event; or

19 (C) the reforestation or revegetation of the
20 damaged Federal land in response to the cata-
21 strophic event using, to the extent practicable
22 and preferable, native or beneficial plants to
23 avoid creation of plantation forests and the re-
24 covery of trees on the damaged Federal land
25 through the use of timber harvesting in a man-

1 ner consistent with the applicable land and re-
2 source management plan.

3 (4) CATASTROPHIC EVENT RECOVERY EVALUA-
4 TION.—The term “catastrophic event recovery eval-
5 uation”, with respect to an area of Federal land
6 damaged by a catastrophic event, means an evalua-
7 tion of the damaged Federal land that is conducted
8 in accordance with section 102 for the purpose of
9 developing the catastrophic event recovery proposal
10 for the area.

11 (5) CATASTROPHIC EVENT RECOVERY PRO-
12 POSAL.—The term “catastrophic event recovery pro-
13 posal” means the list and brief description of cata-
14 strophic event recovery projects, catastrophic event
15 research projects, and pre-approved management
16 practices that are—

17 (A) prepared or identified as part of the
18 catastrophic event recovery evaluation of an
19 area of Federal land damaged by a catastrophic
20 event; and

21 (B) proposed to be undertaken to facilitate
22 the catastrophic event recovery of the area or
23 evaluate the effects and effectiveness of such re-
24 covery efforts.

1 (6) CATASTROPHIC EVENT RECOVERY
2 PROJECT.—The term “catastrophic event recovery
3 project” means an individual activity or a series of
4 activities identified in a catastrophic event recovery
5 proposal for an area of Federal land damaged by a
6 catastrophic event and proposed to be undertaken in
7 response to the catastrophic event to promote cata-
8 strophic event recovery.

9 (7) CATASTROPHIC EVENT RESEARCH
10 PROJECT.—The term “catastrophic event research
11 project” means a scientifically designed study of the
12 effects and effectiveness of—

13 (A) any catastrophic event recovery
14 projects undertaken in an area of land damaged
15 by a catastrophic event; and

16 (B) any emergency stabilization treatments
17 undertaken as part of a burned area emergency
18 response in the area of land damaged by a cata-
19 strophic event.

20 (8) COMMUNITY WILDFIRE PROTECTION
21 PLAN.—The term “community wildfire protection
22 plan” has the meaning given that term in section
23 101(3) of the Healthy Forest Restoration Act of
24 2003 (16 U.S.C. 6511(3)).

1 (9) ELIGIBLE ENTITY.—The term “eligible enti-
2 ty”, for purposes of providing assistance under sub-
3 title B of title II, means a State Forester or equiva-
4 lent State official, an Indian tribe, local government,
5 community-based organization, or other person.

6 (10) FEDERAL LAND.—The term “Federal
7 land” means land in the National Forest System
8 and lands managed by the Bureau of Land Manage-
9 ment, including lands held for the benefit of an In-
10 dian tribe. The term does not include any land con-
11 tained in a component of the National Wilderness
12 Preservation System or designated as a national
13 monument.

14 (11) INDIAN TRIBE.—The term “Indian tribe”
15 has the meaning given the term in section 4 of the
16 Indian Self-Determination and Education Assistance
17 Act (25 U.S.C. 450b).

18 (12) LAND AND RESOURCE MANAGEMENT
19 PLAN.—The term “land and resource management
20 plan” means—

21 (A) a land and resource management plan
22 developed for a unit of the National Forest Sys-
23 tem under section 6 of the Forest and Range-
24 land Renewable Resources Planning Act of
25 1974 (16 U.S.C. 1604); or

1 (B) a land use plan developed for an area
2 of the public lands under section 202 of the
3 Federal Land Policy and Management Act of
4 1976 (43 U.S.C. 1712).

5 (13) LAND-GRANT COLLEGES AND UNIVER-
6 SITIES.—The term “land-grant colleges and univer-
7 sities” has the meaning given that term in section
8 1404(11) of the National Agricultural Research, Ex-
9 tension, and Teaching Policy Act of 1977 (7 U.S.C.
10 3103(11)).

11 (14) LANDSCAPE ASSESSMENT.—The term
12 “landscape assessment” means an assessment de-
13 scribing catastrophic event conditions and recovery
14 needs and opportunities on non-Federal land af-
15 fected by a catastrophic event and including a list of
16 proposed special recovery projects to address those
17 needs and opportunities.

18 (15) NATIONAL FOREST SYSTEM.—The term
19 “National Forest System” has the meaning given
20 that term in section 11(a) of the Forest and Range-
21 land Renewable Resources Planning Act of 1974 (16
22 U.S.C. 1609(a)).

23 (16) PRE-APPROVED MANAGEMENT PRAC-
24 TICE.—The term “pre-approved management prac-
25 tice” means a management practice identified by the

1 Secretary concerned under section 104(a) that may
2 be immediately implemented as part of a cata-
3 strophic event recovery project or catastrophic event
4 research project to facilitate the catastrophic event
5 recovery of an area of Federal land damaged by a
6 catastrophic event.

7 (17) SECRETARY CONCERNED.—The term
8 “Secretary concerned” means—

9 (A) the Secretary of Agriculture, with re-
10 spect to National Forest System land; and

11 (B) the Secretary of the Interior, with re-
12 spect to lands managed by the Bureau of Land
13 Management, including lands held for the ben-
14 efit of an Indian tribe.

15 (18) SPECIAL RECOVERY PROJECT.—The term
16 “special recovery project” means an individual activ-
17 ity or a series of activities proposed to be under-
18 taken to rehabilitate, repair, and restore non-Federal
19 land damaged by a catastrophic event, community
20 infrastructure and facilities on the land, and eco-
21 nomic, social, and cultural conditions affected by the
22 catastrophic event.

1 **TITLE I—RESPONSE TO CATA-**
2 **STROPHIC EVENTS ON FED-**
3 **ERAL LANDS**

4 **SEC. 101. DEVELOPMENT OF RESEARCH PROTOCOLS AND**
5 **USE IN CATASTROPHIC EVENT RESEARCH**
6 **PROJECTS.**

7 (a) DEVELOPMENT OF PROTOCOLS; PURPOSE.—For
8 the purpose of collecting and analyzing scientific informa-
9 tion about the effectiveness and ecological impacts of cata-
10 strophic event recovery projects and emergency stabiliza-
11 tion treatments undertaken as part of a burned area emer-
12 gency response to increase the long-term benefits of man-
13 agement activities and to decrease short-term impacts, the
14 Secretary concerned shall develop research protocols con-
15 sisting of a research approach that is specifically designed
16 to improve knowledge, understanding, and predictive capa-
17 bilities, including an appropriate and scientifically sound
18 experimental design or set of sampling procedures, and ac-
19 companying methods of data analysis and interpretation.

20 (b) PEER REVIEW REQUIRED.—The research proto-
21 cols developed under subsection (a), and any subsequent
22 modification thereof, shall be subject to independent peer
23 review by scientific and land management experts.

24 (c) TIME FOR COMPLETION; MODIFICATION.—The
25 research protocols required by this section shall be sub-

1 mitted to Congress not later than 180 days after the date
2 of the enactment of this Act. The Secretary concerned
3 may modify the research protocols, as the Secretary deter-
4 mines necessary, after their submission to Congress. The
5 Secretary concerned shall notify Congress regarding any
6 such modification.

7 (d) CATASTROPHIC EVENT RESEARCH PROJECTS.—
8 In accordance with the research protocols developed under
9 this section, the Secretary concerned may conduct one or
10 more catastrophic event research projects in an area of
11 land damaged by a catastrophic event. The Secretary may
12 develop a proposed catastrophic event research project as
13 part of a catastrophic event recovery proposal or develop
14 a catastrophic event research project independently of the
15 catastrophic event recovery proposal during the cata-
16 strophic event recovery in response to changing conditions
17 in the area damaged by the catastrophic event.

18 (e) PUBLIC ACCESS.—

19 (1) PROTOCOLS.—The Secretary concerned
20 shall make the research protocols developed under
21 subsection (a), including any modification thereof,
22 publicly available, in a form determined to be appro-
23 priate by the Secretary.

24 (2) RESEARCH RESULTS.—After completion of
25 the independent peer review required by subsection

1 (b), the Secretary concerned shall make the results
2 of catastrophic event research projects publicly avail-
3 able, in a form determined to be appropriate by the
4 Secretary.

5 (f) FOREST HEALTH PARTNERSHIPS.—In developing
6 and using the research protocols required by this section,
7 the Secretary concerned shall enter into cooperative agree-
8 ments with land-grant colleges and universities to form
9 forest health partnerships, including regional institutes, to
10 utilize the education, research, and outreach capacity of
11 land-grant colleges and universities to address the recov-
12 ery of forested land after a catastrophic event. A forest
13 health partnership may be aligned with the current net-
14 work of Cooperative Ecosystem Studies Units.

15 **SEC. 102. CATASTROPHIC EVENT RECOVERY EVALUATIONS.**

16 (a) COMMENCEMENT.—

17 (1) EVALUATION REQUIRED.—In response to a
18 catastrophic event affecting 1,000 or more acres of
19 Federal land, the Secretary concerned shall conduct
20 a catastrophic event recovery evaluation of the dam-
21 aged Federal land.

22 (2) EVALUATION AUTHORIZED.—If a cata-
23 strophic event affects more than 250 acres of Fed-
24 eral land, but less than 1,000 acres, the Secretary
25 concerned is authorized, but not required, to conduct

1 a catastrophic event recovery evaluation of the dam-
2 aged Federal land.

3 (b) COMPLETION.—When a catastrophic event recov-
4 ery evaluation is required to be conducted under sub-
5 section (a), the Secretary concerned shall commence and
6 complete the catastrophic event recovery evaluation not
7 later than 30 days after the conclusion of the catastrophic
8 event in order to facilitate prompt—

9 (1) decision-making with regard to the cata-
10 strophic event recovery of the Federal land damaged
11 by the catastrophic event; and

12 (2) implementation of catastrophic event recov-
13 ery projects on the damaged Federal land.

14 (c) ELEMENTS OF CATASTROPHIC EVENT EVALUA-
15 TION.—In conducting the catastrophic event recovery eval-
16 uation for an area of Federal land damaged by a cata-
17 strophic event, the Secretary concerned shall prepare the
18 following:

19 (1) A description of catastrophic event condi-
20 tions on the damaged Federal land, recovery needs
21 and opportunities, and the areas where management
22 intervention would be helpful—

23 (A) to repair, maintain, or improve re-
24 source values;

25 (B) to maintain infrastructure;

1 (C) to foster reforestation or other recov-
2 ery of the damaged Federal land; and

3 (D) to achieve the goals and objectives of
4 the applicable land and resource management
5 plan.

6 (2) A preliminary determination of any cata-
7 strophic event research projects that best fit the cir-
8 cumstances of the particular catastrophic event envi-
9 ronment or would enhance scientific understanding
10 relevant to the damaged area.

11 (3) A catastrophic event recovery proposal con-
12 taining possible catastrophic event recovery projects
13 and catastrophic event research projects for the
14 damaged area and describing the anticipated size
15 and scope of these projects.

16 (4) One or more maps detailing the area of
17 damaged Federal land and the location of cata-
18 strophic event recovery proposals.

19 (5) A preliminary estimate of the funding that
20 would be needed to complete the catastrophic event
21 recovery projects and catastrophic event research
22 projects contained in the catastrophic event recovery
23 proposal.

24 (6) A preliminary estimate of the receipts to be
25 derived from the catastrophic event recovery projects

1 and catastrophic event research projects contained in
2 the catastrophic event recovery proposal.

3 (7) A preliminary schedule showing the timing
4 of possible catastrophic event recovery projects and
5 catastrophic event research projects by fiscal year,
6 assuming funding is available to undertake the
7 projects.

8 (d) USE OF PRE-APPROVED MANAGEMENT PRAC-
9 TICES OR ALTERNATIVE ARRANGEMENTS.—

10 (1) DETERMINATION.—In addition to com-
11 plying with the requirements specified in subsection
12 (c) for each catastrophic event recovery evaluation,
13 the Secretary concerned shall make a determination
14 of—

15 (A) whether or not any pre-approved man-
16 agement practices can be immediately imple-
17 mented under section 104 to facilitate the cata-
18 strophic event recovery of the area covered by
19 the catastrophic event recovery evaluation; and

20 (B) whether or not any catastrophic event
21 recovery project or catastrophic event research
22 project, or portion of such a project, contained
23 in the catastrophic event recovery proposal
24 should be developed and carried out using the

1 alternative arrangements authorized by section
2 105.

3 (2) FACTORS.—In making any determination
4 under paragraph (1)(B) to develop and carry out a
5 catastrophic event recovery project or catastrophic
6 event research project, or portion of such a project,
7 using alternative arrangements under section 105,
8 the Secretary concerned shall consider at a min-
9 imum the following:

10 (A) The necessity of promptly responding
11 to the catastrophic event on the damaged Fed-
12 eral land.

13 (B) The recovery needs and opportunities
14 identified under subsection (c)(1) with respect
15 to the damaged Federal land.

16 (C) The lack of pre-approved management
17 practices applicable to the damaged Federal
18 land.

19 (D) The threat to public health and safety.

20 (E) The likelihood of substantial loss of
21 adjacent private and public property or other
22 substantial economic losses.

23 (3) NOTIFICATION AND CONSULTATION.—The
24 Secretary concerned shall make the determinations
25 under paragraph (1) after notification of and in con-

1 sultation with the Council on Environmental Qual-
2 ity, but the determination remains in the sole discre-
3 tion of the Secretary.

4 (e) INTERDISCIPLINARY APPROACH.—To conduct the
5 catastrophic event recovery evaluation of an area of Fed-
6 eral land damaged by a catastrophic event, the Secretary
7 concerned shall use a systematic, interdisciplinary ap-
8 proach that insures the integrated use of appropriate nat-
9 ural and social sciences.

10 (f) COORDINATION WITH OTHER ACTIVITIES.—The
11 Secretary concerned may combine the preparation of a
12 catastrophic event recovery evaluation of Federal land
13 with the preparation of a landscape assessment for non-
14 Federal land in the vicinity of the damaged Federal land
15 prepared under subtitle B of title II or subsection (c) of
16 section 10A of the Cooperative Forestry Assistance Act
17 of 1978 (16 U.S.C. 2106c), as added by section 201.

18 (g) PUBLIC COLLABORATION.—To encourage mean-
19 ingful participation during the preparation of catastrophic
20 event recovery projects, the Secretary concerned shall fa-
21 cilitate collaboration among State and local governments,
22 Indian tribes, land-grant colleges and universities, and in-
23 terested persons during the preparation of catastrophic
24 event recovery evaluations and catastrophic event recovery
25 proposals.

1 (h) PUBLIC NOTICE.—

2 (1) NOTICE OF EVALUATION.—The Secretary
3 concerned shall provide public notice of each cata-
4 strophic event recovery evaluation, including the cat-
5 astrophic event recovery proposal prepared as part
6 of the evaluation. The notice shall be provided in a
7 form determined to be appropriate by the Secretary
8 concerned, such as publication in the Federal Reg-
9 ister.

10 (2) NOTICE OF PUBLIC MEETINGS.—The Sec-
11 retary concerned shall provide notice of public meet-
12 ings conducted in connection with a catastrophic
13 event recovery evaluation and the availability of pre-
14 liminary analyses or documents prepared as part of
15 the evaluation. The notice shall be provided at such
16 times and in such a manner as the Secretary con-
17 cerned considers appropriate.

18 **SEC. 103. COMPLIANCE WITH NATIONAL ENVIRONMENTAL**
19 **POLICY ACT.**

20 (a) COMPLIANCE REQUIRED.—Except as provided in
21 subsection (b), the Secretary concerned shall comply with
22 the National Environmental Policy Act of 1969 (42 U.S.C.
23 4331 et seq.), its implementing regulations, and other ap-
24 plicable laws in designing and conducting catastrophic

1 event recovery projects and catastrophic event research
2 projects.

3 (b) SATISFACTION OF NEPA REQUIREMENTS.—The
4 list of pre-approved management practices prepared under
5 subsection (a) of section 104, the use of pre-approved
6 management practices in the manner provided in such sec-
7 tion as part of the catastrophic event recovery of an area
8 of Federal land damaged by a catastrophic event, and the
9 use of alternative arrangements in the manner provided
10 in section 105 to design or conduct a catastrophic event
11 recovery project or catastrophic event research project, or
12 portion of such a project, are deemed to satisfy the re-
13 quirements of section 102 of the National Environmental
14 Policy Act of 1969 (42 U.S.C. 4332 et seq.) and its imple-
15 menting regulations.

16 **SEC. 104. AVAILABILITY AND USE OF PRE-APPROVED MAN-**
17 **AGEMENT PRACTICES.**

18 (a) LIST OF AVAILABLE PRE-APPROVED MANAGE-
19 MENT PRACTICES.—

20 (1) PREPARATION OF LIST.—The Secretary
21 concerned shall prepare a list of management prac-
22 tices that may be immediately implemented as part
23 of a catastrophic event recovery project or cata-
24 strophic event research project to facilitate the cata-

1 strophic event recovery of an area of Federal land
2 damaged by a catastrophic event.

3 (2) RULE MAKING.—The list of pre-approved
4 management practices shall be prepared using notice
5 and comment rule making under section 553 of title
6 5, United States Code.

7 (3) PEER REVIEW REQUIRED.—Before a man-
8 agement practice may be included on the list of pre-
9 approved management practices, the management
10 practice shall be subject to independent peer review
11 by scientific and land management experts. The re-
12 sults of the review shall be available to the public
13 during the comment period.

14 (4) REVISION OR AMENDMENT.—The Secretary
15 concerned may amend or revise the list of pre-ap-
16 proved management practices as necessary whenever
17 new scientific and managerial information becomes
18 available. Paragraphs (2) and (3) shall apply to the
19 amendment or revision process.

20 (b) USE OF PRE-APPROVED MANAGEMENT PRAC-
21 TICES.—Until the end of the two-year period beginning
22 on the date on which the catastrophic event recovery eval-
23 uation is completed for an area of Federal land damaged
24 by a catastrophic event, the Secretary concerned may im-
25 plement and carry out pre-approved management prac-

1 tices to facilitate the catastrophic event recovery of the
2 area.

3 (c) EFFECT OF TERMINATION OF PERIOD.—After
4 the expiration of the applicable time period under sub-
5 section (b), a pre-approved management practice may not
6 be initiated under the authority of such subsection for an
7 area of Federal land damaged by a catastrophic event.
8 Any pre-approved management practice initiated before
9 the date of the expiration of the applicable time period
10 may not be continued after that date.

11 (d) USE FOR CERTAIN ACTIVITIES PROHIBITED.—

12 (1) ROAD CONSTRUCTION.—A pre-approved
13 management practice may not authorize any perma-
14 nent road building. Any temporary road constructed
15 as part of a pre-approved management practice shall
16 be obliterated upon conclusion of the practice and
17 the road area restored to the extent practicable.

18 (2) TIMBER HARVESTING.—Timber harvesting
19 carried out as part of a pre-approved management
20 practice shall be limited to trees—

21 (A) that are already down, dead, broken,
22 or severely root sprung;

23 (B) regarding which mortality is highly
24 probable within five years after the end of the
25 catastrophic event; or

1 (C) that are required to be removed for
2 worker or public safety.

3 (e) REQUIRED CONSULTATION.—

4 (1) ESA CONSULTATION.—In the case of the
5 proposed use of a pre-approved management practice
6 under subsection (b), the Secretary concerned may
7 use the emergency procedures described in section
8 402.05 of title 50, Code of Federal Regulations, to
9 comply with section 7 of the Endangered Species
10 Act of 1973 (16 U.S.C. 1536). At the conclusion of
11 the consultation, the statement required by sub-
12 section (b)(4) of such section shall be issued for any
13 incidental taking that may occur while using the
14 pre-approved management practice, which shall be
15 effective beginning on the date the Secretary con-
16 cerned initiates the practice and shall apply to all
17 persons assisting or cooperating with the Secretary
18 in using the practice.

19 (2) OTHER REQUIRED CONSULTATION.—Any
20 consultation required under other laws, such as the
21 National Historic Preservation Act (16 U.S.C. 470
22 et seq.) or the Federal Water Pollution Control Act
23 (33 U.S.C. 1251 et seq.), may proceed simulta-
24 neously with the implementation of a pre-approved
25 management practice. Results of consultation shall

1 be immediately incorporated into the practice, to the
2 extent feasible, practical, and consistent with the re-
3 sponse, recovery, and rehabilitation objectives of the
4 project.

5 (f) ISSUANCE OF DECISION DOCUMENT.—Not later
6 than 30 days after the date on which the Secretary con-
7 cerned makes the determination under section 102(d) to
8 use a pre-approved management practice to facilitate the
9 catastrophic event recovery of an area of Federal land
10 damaged by a catastrophic event, the Secretary concerned
11 shall issue a concise decision document that contains—

12 (1) a description of the pre-approved manage-
13 ment practice to be implemented;

14 (2) the rationale for the agency decision;

15 (3) an economic analysis and justification; and

16 (4) an analysis of the environmental effects of
17 the pre-approved management practice and how
18 such effects will be minimized or mitigated con-
19 sistent with the applicable land and resource man-
20 agement plan.

21 (g) IMMEDIATE IMPLEMENTATION.—The Secretary
22 concerned shall implement a pre-approved management
23 practice immediately after the issuance of the decision
24 document under subsection (f), subject only to the avail-
25 ability of funds for the practice.

1 (h) MONITORING.—To monitor the implementation of
2 a pre-approved management practice, the Secretary con-
3 cerned may establish a third-party monitoring group, as
4 determined to be appropriate by the Secretary.

5 **SEC. 105. AVAILABILITY AND USE OF ALTERNATIVE AR-**
6 **RANGEMENTS.**

7 (a) LIMITED CONSIDERATION OF ALTERNATIVES.—
8 If the Secretary concerned determines under section
9 102(d) to utilize alternative arrangements to conduct a
10 catastrophic event recovery project or catastrophic event
11 research project, or portion of such a project, the Sec-
12 retary concerned is not required to study, develop, or de-
13 scribe more than the proposed agency action and the alter-
14 native of no action in designing that project or the portion
15 of the project for which the alternative arrangements are
16 utilized.

17 (b) USE FOR CERTAIN ACTIVITIES PROHIBITED.—

18 (1) ROAD CONSTRUCTION.—Alternative ar-
19 rangements under this section may not be used to
20 design or conduct a catastrophic event recovery
21 project or catastrophic event research project, or
22 portion of such a project, that provides for any per-
23 manent road building. Any temporary road con-
24 structed as part of the project shall be obliterated

1 upon completion of the project and the road area re-
2 stored to the extent practicable.

3 (2) TIMBER HARVESTING.—Timber harvesting
4 carried out as part of a catastrophic event recovery
5 project or catastrophic event research project, or
6 portion of such a project, for which alternative ar-
7 rangements under this section were used shall be
8 limited to trees—

9 (A) that are already down, dead, broken,
10 or severely root sprung;

11 (B) regarding which mortality is highly
12 probable; or

13 (C) that are required to be removed for
14 worker or public safety.

15 (c) REQUIRED CONSULTATION.—

16 (1) ESA CONSULTATION.—In the case of a cat-
17 astrophic event recovery project or catastrophic
18 event research project, or portion of such a project,
19 for which alternative arrangements under this sec-
20 tion are used, the Secretary concerned may use the
21 emergency procedures described in section 402.05 of
22 title 50, Code of Federal Regulations, to comply
23 with section 7 of the Endangered Species Act of
24 1973 (16 U.S.C. 1536). At the conclusion of the
25 consultation, the statement required by subsection

1 (b)(4) of such section shall be issued for any inci-
2 dental taking that may occur under the project,
3 which shall be effective beginning on the date the
4 Secretary concerned initiates action under the
5 project and shall apply to all persons assisting or co-
6 operating with the Secretary under the project.

7 (2) OTHER REQUIRED CONSULTATION.—Any
8 consultation required under other laws, such as the
9 National Historic Preservation Act (16 U.S.C. 470
10 et seq.) or the Federal Water Pollution Control Act
11 (33 U.S.C. 1251 et seq.), may proceed simulta-
12 neously with the design of a catastrophic event re-
13 covery project or catastrophic event research project,
14 or portion of such a project, for which alternative ar-
15 rangements under this section are used. Results of
16 consultation shall be immediately incorporated into
17 the project, to the extent feasible, practical, and con-
18 sistent with the response, recovery, and rehabilita-
19 tion objectives of the project.

20 (d) COMPLETION OF ALTERNATIVE ARRANGEMENTS
21 AND ISSUANCE OF DECISION DOCUMENT.—Not later than
22 90 days after the date on which the Secretary concerned
23 makes the determination under section 102(d) to develop
24 and carry out a catastrophic event recovery project or cat-
25 astrophic event research project, or portion of such a

1 project, using alternative arrangements, the Secretary
2 concerned shall—

3 (1) complete the alternative arrangements for
4 that catastrophic event recovery project or cata-
5 strophic event research project, or portion thereof,
6 under this section; and

7 (2) issue a concise decision document that con-
8 tains—

9 (A) the rationale for the agency decision;

10 (B) an economic analysis and justification;

11 and

12 (C) an analysis of the environmental ef-
13 fects of the project and how such effects will be
14 minimized or mitigated consistent with the ap-
15 plicable land and resource management plan.

16 (e) IMMEDIATE IMPLEMENTATION.—In the case of a
17 catastrophic event recovery project or catastrophic event
18 research project, or portion of such a project, for which
19 the alternative arrangements authorized by this section
20 are used, the Secretary concerned shall implement the
21 project, or portion of the project, immediately after the
22 issuance of the decision document under subsection (d),
23 subject only to the availability of funds for the project.

24 (f) MONITORING.—To monitor a catastrophic event
25 recovery project or catastrophic event research project, or

1 portion of such a project, for which the alternative ar-
2 rangements authorized by this section were used, the Sec-
3 retary concerned may establish a third-party monitoring
4 group, as determined to be appropriate by the Secretary.

5 **SEC. 106. ADMINISTRATIVE AND JUDICIAL REVIEW.**

6 (a) ADMINISTRATIVE REVIEW GENERALLY.—Except
7 as provided in subsection (b), nothing in this title af-
8 fects—

9 (1) the notice, comment, and appeal require-
10 ments of section 322 of the Department of the Inte-
11 rior and Related Agencies Appropriations Act, 1993
12 (Public 102–381; 16 U.S.C. 1612 note) and section
13 215 of title 36, Code of Federal Regulations; or

14 (2) the consideration or disposition of any legal
15 action brought with respect to such requirements.

16 (b) PREDECISIONAL ADMINISTRATIVE REVIEW.—
17 The predecisional administrative review process estab-
18 lished by the Secretary of Agriculture by regulation under
19 section 105 of the Healthy Forests Restoration Act of
20 2003 (16 U.S.C. 6515), and the Department of the Inte-
21 rior administrative hearings and appeals procedures re-
22 ferred to in subsection (c)(1)(B) of such section, shall
23 serve as the sole means by which a person can seek admin-
24 istrative review regarding—

1 (1) the proposed use of a pre-approved manage-
2 ment practice under section 104; or

3 (2) a catastrophic event recovery project or cat-
4 astrophic event research project, or portion of such
5 a project, for which the alternative arrangements
6 under section 105 are used.

7 (c) JUDICIAL REVIEW.—Section 106 of the Healthy
8 Forests Restoration Act of 2003 (16 U.S.C. 6516) shall
9 apply with respect to the implementation of a pre-ap-
10 proved management practice under section 104 or a cata-
11 strophic event recovery project or catastrophic event re-
12 search project regarding which the applicable administra-
13 tive review process has been exhausted. In any proceeding
14 for judicial review of agency action under this subsection,
15 attorney fees awarded to a prevailing party may not ex-
16 ceed the hourly rates established in section 3006A of title
17 18, United States Code.

18 **SEC. 107. GUIDANCE REGARDING REFORESTATION IN RE-**
19 **SPONSE TO CATASTROPHIC EVENTS.**

20 Not later than 180 days after the date of the enact-
21 ment of this Act, the Secretary concerned shall—

22 (1) standardize the collection, reporting, and re-
23 view procedures for data regarding more aggressive,
24 expedited, and comprehensive reforestation in re-
25 sponse to catastrophic events by clarifying agency-

1 wide guidance and developing standard protocols for
2 determining when and how reforestation can be best
3 achieved as part of the response to catastrophic
4 events; and

5 (2) clarify agency-wide guidance regarding re-
6 forestation in response to catastrophic events to en-
7 sure that such guidance is consistent with agency
8 goals and budget constraints.

9 **SEC. 108. EFFECT OF TITLE.**

10 (a) USE OF OTHER AUTHORITIES.—Nothing in this
11 title affects the use by the Secretary concerned of other
12 statutory or administrative authority, including categor-
13 ical exclusions adopted to implement the National Envi-
14 ronmental Policy Act of 1969 (42 U.S.C. 4321 et seq.),
15 to conduct a catastrophic event recovery project or cata-
16 strophic event research project, or portion of such a
17 project, that is not conducted using the alternative ar-
18 rangements authorized by section 105.

19 (b) ADVISORY COMMITTEES.—The Federal Advisory
20 Committee Act (5 U.S.C. App.) and title XVIII of the
21 Food and Agriculture Act of 1977 (7 U.S.C. 2281 et seq.)
22 shall not apply to—

23 (1) the independent peer review provided by sci-
24 entific and land management experts under section
25 101(b);

1 (2) the monitoring process under section 104(h)
2 or 105(f); and

3 (3) the preparation of a catastrophic event re-
4 covery evaluation or catastrophic event recovery pro-
5 posal.

6 **TITLE II—RESTORING LAND-**
7 **SCAPES AND COMMUNITIES**
8 **IMPACTED BY CATASTROPHIC**
9 **EVENTS**

10 **Subtitle A—Cooperative Forestry**
11 **Assistance Act of 1978**

12 **SEC. 201. ASSISTANCE UNDER COOPERATIVE FORESTRY**
13 **ASSISTANCE ACT OF 1978 TO RESTORE LAND-**
14 **SCAPES AND COMMUNITIES AFFECTED BY**
15 **CATASTROPHIC EVENTS.**

16 (a) ASSISTANCE AUTHORIZED.—Section 10A of the
17 Cooperative Forestry Assistance Act of 1978 (16 U.S.C.
18 2106c) is amended—

19 (1) by redesignating subsections (c) and (d) as
20 subsections (d) and (e), respectively; and

21 (2) by inserting after subsection (b) the fol-
22 lowing new subsection:

23 “(c) RESPONSE TO CATASTROPHIC EVENTS AFFECT-
24 ING NON-FEDERAL LANDS.—

1 “(1) LANDSCAPE ASSESSMENTS.—The Sec-
2 retary may cooperate with an eligible entity, at the
3 request of the eligible entity, in the preparation of
4 a landscape assessment for non-Federal lands af-
5 fected by a catastrophic event. The Secretary may
6 combine the preparation of a landscape assessment
7 with the preparation of a catastrophic event recovery
8 evaluation under title I of the Emergency Forest Re-
9 search and Reforestation Act regarding Federal land
10 in the vicinity of the damaged non-Federal land.

11 “(2) COMMUNITY ASSESSMENTS.—The Sec-
12 retary may cooperate with an eligible entity affected
13 by a catastrophic event, at the request of the eligible
14 entity, to assist in the preparation of a community
15 wildfire protection plan or related plan.

16 “(3) TYPES OF ASSISTANCE.—The Secretary
17 concerned may provide technical and financial cost-
18 share assistance to an eligible entity—

19 “(A) to assist in the preparation of a land-
20 scape assessment under paragraph (1) or a
21 community wildfire protection plan, community
22 assessment, or community action plan under
23 paragraph (2); and

24 “(B) to implement special recovery projects
25 identified in the landscape assessment or com-

1 community wildfire protection plan, community as-
2 sessment, or community action plan.

3 “(4) SPECIAL RECOVERY PROJECTS.—The Sec-
4 retary may provide assistance under this subsection
5 for special recovery projects, including projects in-
6 volving—

7 “(A) revegetation, tree planting, and other
8 management practices the Secretary determines
9 to be appropriate;

10 “(B) developing products from and mar-
11 kets for fire timber harvest and remaining for-
12 est resources;

13 “(C) training for the local workforce;

14 “(D) repair of public facilities, such as
15 water systems, roads, bridges and trails, af-
16 fected by a catastrophic event; and

17 “(E) such other activities as the Secretary
18 determines to be necessary to undertake the
19 special recovery project.

20 “(5) DEFINITIONS.—In this subsection:

21 “(A) The term ‘eligible entity’ means a
22 State Forester or equivalent State official, an
23 Indian tribe, local government, community-
24 based organization, or other person.

1 “(B) The terms ‘catastrophic event’, ‘land-
2 scape assessment’, and ‘special recovery project’
3 have the meanings given those terms in section
4 3 of the Emergency Forest Research and Refor-
5 estation Act.

6 “(C) The term ‘community wildfire protec-
7 tion plan’ has the meaning given that term in
8 section 101(3) of the Healthy Forest Restora-
9 tion Act of 2003 (16 U.S.C. 6511(3)).”.

10 (b) CLERICAL AMENDMENT.—The heading of such
11 section is amended by inserting before the period at the
12 end the following: “**AND RESPONSE TO CATASTROPHIC**
13 **EVENTS**”.

14 **Subtitle B—Department of the**
15 **Interior Assistance**

16 **SEC. 211. RESTORING LANDSCAPES.**

17 (a) LANDSCAPE ASSESSMENTS.—The Secretary of
18 the Interior may cooperate with an eligible entity, at the
19 request of the eligible entity, in the preparation of a land-
20 scape assessment for non-Federal lands affected by a cata-
21 strophic event. The Secretary may combine the prepara-
22 tion of a landscape assessment with the preparation of a
23 catastrophic event recovery evaluation under title I of the
24 Federal land in the vicinity of the damaged non-Federal
25 land.

1 (b) TYPES OF ASSISTANCE.—The Secretary of the
2 Interior may provide technical and financial cost-share as-
3 sistance to an eligible entity—

4 (1) to assist in the preparation of a landscape
5 assessment; and

6 (2) to implement special recovery projects iden-
7 tified in the landscape assessment.

8 (c) SPECIAL RECOVERY PROJECTS.—The Secretary
9 of the Interior may provide assistance under subsection
10 (b) for special recovery projects, including revegetation,
11 tree planting, and other practices the Secretary deter-
12 mines to be appropriate.

13 **SEC. 212. RESTORING COMMUNITIES.**

14 (a) COMMUNITY ASSESSMENTS.—The Secretary of
15 the Interior may cooperate with an eligible entity affected
16 by a catastrophic event, at the request of the eligible enti-
17 ty, to assist in the preparation of a community wildfire
18 protection plan or related plan.

19 (b) TYPES OF ASSISTANCE.—The Secretary of the
20 Interior may provide technical and financial cost-share as-
21 sistance to an eligible entity—

22 (1) to assist in the preparation of development
23 of a community wildfire protection plan, a commu-
24 nity assessment, or a community action plan; and

1 (2) to implement special recovery projects iden-
2 tified in a community wildfire protection plan, a
3 community assessment, or a community action plan.

4 (c) SPECIAL RECOVERY PROJECTS.—The Secretary
5 of the Interior may provide assistance under subsection
6 (b) for special recovery projects, including projects involv-
7 ing—

8 (1) developing products from and markets for
9 fire timber harvest and remaining forest resources;

10 (2) training for the local workforce;

11 (3) repair of public facilities, such as water sys-
12 tems, roads, bridges and trails, affected by a cata-
13 strophic event; and

14 (4) such other activities as the Secretary deter-
15 mines to be necessary to undertake the special recov-
16 ery project.

17 **TITLE III—EXPERIMENTAL**
18 **FORESTS**

19 **SEC. 301. FINDINGS.**

20 Congress finds the following:

21 (1) The experimental forests established pursu-
22 ant to section 4 of the Forest and Rangeland Re-
23 newable Resources Research Act of 1978 (16 U.S.C.
24 1643) or the organic administrative authorities of
25 the Secretary of Agriculture (16 U.S.C. 551) serve

1 as a natural laboratory for the Forest Service to
2 evaluate management practices generally and spe-
3 cific responses to catastrophic events that can be
4 eventually used throughout the National Forest Sys-
5 tem.

6 (2) To build upon the knowledge base to be de-
7 veloped using catastrophic events research projects
8 conducted under title I, the Secretary of Agriculture
9 should be authorized to use the same authorities
10 provided under sections 104 and 105 to design and
11 carry out projects in the experimental forests.

12 **SEC. 302. AVAILABILITY AND USE OF PRE-APPROVED MAN-**
13 **AGEMENT PRACTICES ON NATIONAL FOREST**
14 **EXPERIMENTAL FORESTS.**

15 Management practices included on the list of pre-ap-
16 proved management practices prepared under subsection
17 (a) of section 104 may be implemented, in the manner
18 provided by such section, in an experimental forest estab-
19 lished pursuant to section 4 of the Forest and Rangeland
20 Renewable Resources Research Act of 1978 (16 U.S.C.
21 1643) or the organic administrative authorities of the Sec-
22 retary of Agriculture (16 U.S.C. 551).

1 **SEC. 303. AVAILABILITY AND USE OF ALTERNATIVE AR-**
2 **RANGEMENTS FOR PROJECTS ON NATIONAL**
3 **FOREST EXPERIMENTAL FORESTS.**

4 Section 105 shall apply with respect to any individual
5 activity or a series of activities proposed to be undertaken
6 in an experimental forest established pursuant to section
7 4 of the Forest and Rangeland Renewable Resources Re-
8 search Act of 1978 (16 U.S.C. 1643) or the organic ad-
9 ministrative authorities of the Secretary of Agriculture
10 (16 U.S.C. 551).

11 **TITLE IV—GENERAL**
12 **PROVISIONS**

13 **SEC. 401. REGULATIONS.**

14 The Secretary concerned is not required to promul-
15 gate regulations to implement this Act.

16 **SEC. 402. FUNDING SOURCES.**

17 (a) **RESERVATION OF UNOBLIGATED BALANCES.—**
18 Funds appropriated for the Department of Agriculture or
19 the Department of the Interior for a fiscal year that re-
20 main unobligated at the end of that fiscal year shall be
21 available to the Secretary concerned, until expended and
22 without further appropriation, to implement and carry out
23 pre-approved management practices and catastrophic
24 event recovery projects and catastrophic event research
25 projects under title I.

1 (b) AVAILABILITY OF WILDLAND FIRES MANAGE-
2 MENT FUNDS.—Any funds appropriated for the Forest
3 Service or the Bureau of Land Management for a fiscal
4 year for wildland fires management may be used to imple-
5 ment and carry out pre-approved management practices
6 and catastrophic event recovery projects and catastrophic
7 event research projects under title I that are related to
8 wildland fire.

9 (c) AVAILABILITY OF KNUTSON-VANDENBERG
10 FUNDS.—Section 3 of the Act of June 9, 1930 (commonly
11 known as the Knutson-Vandenberg Act; 16 U.S.C. 576b),
12 as amended by section 318 of division E of Public Law
13 108–447 (118 Stat. 3096), is further amended—

14 (1) by striking “Such deposits shall be covered”
15 and inserting the following:

16 “(b) Amounts deposited under subsection (a) shall be
17 covered”;

18 (2) by inserting after the second proviso the fol-
19 lowing new sentence: “The Secretary of Agriculture
20 may also use excess amounts to cover the costs of
21 activities of the Secretary under title I of the Forest
22 Emergency Recovery and Research Act.”; and

23 (3) in subsection (c)—

24 (A) in paragraph (1), by striking “and”;

1 (B) by redesignating paragraph (2) as
2 paragraph (3); and

3 (c) by inserting after paragraph (1) the
4 following new paragraph:

5 “(2) the excess amounts will not be needed for
6 activities of the Secretary under title I of the Forest
7 Emergency Recovery and Research Act during the
8 fiscal year in which the transfer would be made;
9 and”.

10 (d) AVAILABILITY OF FOREST SERVICE SALVAGE
11 SALE FUNDS.—Section 14(h) of the National Forest
12 Management Act of 1976 (16 U.S.C. 472a(h)) is amend-
13 ed—

14 (1) in the fourth sentence, by inserting after
15 “the purposes for which deposited” the following:
16 “and to cover the costs of activities of the Secretary
17 under title I of the Forest Emergency Recovery and
18 Research Act”; and

19 (2) in last proviso, by striking “for which de-
20 posited on any national forest” and inserting “for
21 which deposits of money are available under this
22 subsection”.

23 (e) AVAILABILITY OF BLM REVOLVING FUND DE-
24 RIVED FROM DISPOSAL OF SALVAGE TIMBER.—The first
25 paragraph under the headings “FOREST ECOSYSTEMS

1 HEALTH AND RECOVERY” and “REVOLVING FUND, SPE-
2 CIAL ACCOUNT” in title I of the Department of the Interior
3 and Related Agencies Appropriations Act, 1993 (Public
4 Law 102–381; 106 Stat. 1376; 43 U.S.C. 1736a), is
5 amended by adding at the end the following new sentence:
6 “The money in this fund shall likewise be immediately
7 available to cover the costs of activities of the Bureau of
8 Land Management under title I of the Forest Emergency
9 Recovery and Research Act.”.

10 (f) EFFECT OF DECLARATION OF MAJOR DISASTER
11 OR EMERGENCY.—If an area of non-Federal land dam-
12 aged by a catastrophic event is also covered by a declara-
13 tion by the President under section 401 or 501 of the Rob-
14 ert T. Stafford Disaster Relief and Emergency Assistance
15 Act (42 U.S.C. 5170, 5191) that a major disaster or emer-
16 gency exists, the Director of Federal Emergency Manage-
17 ment Agency may use funds available for activities under
18 that Act to reimburse the Secretary concerned for assist-
19 ance in that area provided under subtitle B of title II or
20 subsection (c) of section 10A of the Cooperative Forestry
21 Assistance Act of 1978 (16 U.S.C. 2106e), as added by
22 section 201.

○