



Food Agriculture Conservation and Trade Act of 1990

Pub. L. No. 101-624, 104 Stat. 3359

Part 3 of 11

Title XII-State & Private Forestry (pp. 3521-3558)

Title XIII-Fruits, Vegetables, and Marketing (pp. 3559-3568)

- (1) in the first sentence—
 - (A) by inserting “(a)” before “The Secretary”; and
 - (B) by striking “as follows:” and inserting “in accordance with this title.”;
 - (2) in subsection (c), by striking “subsection (d)” and inserting “section 204”; and
 - (3) by redesignating subsection (c) (as amended) as subsection (b).
- (c) SUGAR.—Section 902(a) of the Food Security Act of 1985 (7 U.S.C. 1446 note) is amended by striking “section 201 of the Agricultural Act of 1949 (7 U.S.C. 1446)” and inserting “section 206 of the Agricultural Act of 1949”.
- (d) HONEY.—Section 405A(a) of the Agricultural Act of 1949 (7 U.S.C. 1425a(a)) is amended—
- (1) by striking “section 201(b) of this Act” and inserting “section 207”; and
 - (2) by striking “section 201(b)(2)(B)” and inserting “section 207(b)(2)”.

Subtitle G—Effective Date

SEC. 1171. EFFECTIVE DATE.

7 USC 1421 note.

(a) IN GENERAL.—Except as otherwise specifically provided in title I through this title, such titles and the amendments made by such titles shall become effective beginning with the 1991 crop of an agricultural commodity.

(b) PRIOR CROPS.—Except as otherwise specifically provided and notwithstanding any other provision of law, title I through this title, and the amendments made by such titles, shall not affect the authority of the Secretary of Agriculture to carry out a price support or production adjustment program for any of the 1986 through 1990 crops of an agricultural commodity established under a provision of law in effect immediately before the effective date prescribed by subsection (a).

TITLE XII—STATE AND PRIVATE FORESTRY

SEC. 1201. SHORT TITLE.

This title may be cited as the “Forest Stewardship Act of 1990”.

Subtitle A—Cooperative Forestry Assistance Act of 1978

Forest Stewardship Act of 1990.
Fish.
Wildlife.
Technical assistance.
Public lands.
16 USC 2101 note.

SEC. 1211. REFERENCES.

Whenever in this subtitle an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101 et seq.).

SEC. 1212. FINDINGS, PURPOSE, AND POLICY.

Section 2 of the Act (16 U.S.C. 2101) is amended to read as follows:

“SEC. 2. FINDINGS, PURPOSE, AND POLICY.**“(a) FINDINGS.—Congress finds that—**

“(1) most of the productive forest land of the United States is in private, State, and local governmental ownership, and the capacity of the United States to produce renewable forest resources is significantly dependent on such non-Federal forest lands;

“(2) adequate supplies of timber and other forest resources are essential to the United States, and adequate supplies are dependent on efficient methods for establishing, managing, and harvesting trees and processing, marketing, and using wood and wood products;

“(3) nearly one-half of the wood supply of the United States comes from nonindustrial private timberlands and such percentage could rise with expanded assistance programs;

“(4) managed forest lands provide habitats for fish and wildlife, as well as aesthetics, outdoor recreation opportunities, and other forest resources;

“(5) the soil, water, and air quality of the United States can be maintained and improved through good stewardship of privately held forest resources;

“(6) insects and diseases affecting trees occur and sometimes create emergency conditions on all land, whether Federal or non-Federal, and efforts to prevent and control such insects and diseases often require coordinated action by both Federal and non-Federal land managers;

“(7) fires in rural areas threaten human lives, property, forests and other resources, and Federal-State cooperation in forest fire protection has proven effective and valuable;

“(8) trees and forests are of great environmental and economic value to urban areas;

“(9) managed forests contribute to improving the quality, quantity, and timing of water yields that are of broad benefit to society;

“(10) over half the forest lands of the United States are in need of some type of conservation treatment;

“(11) forest landowners are being faced with increased pressure to convert their forest land to development and other purposes;

“(12) increased population pressures and user demands are being placed on private, as well as public, landholders to provide a wide variety of products and services, including fish and wildlife habitat, aesthetic quality, and recreational opportunities;

“(13) stewardship of privately held forest resources requires a long-term commitment that can be fostered through local, State, and Federal governmental actions;

“(14) the Department of Agriculture, through the coordinated efforts of its agencies with forestry responsibilities, cooperating with other Federal agencies, State foresters, and State political subdivisions, has the expertise and experience to assist private landowners in achieving individual goals and public benefits regarding forestry;

“(15) the products and services resulting from nonindustrial private forest land stewardship provide income and employ-

ment that contribute to the economic health and diversity of rural communities; and

“(16) sustainable agroforestry systems and tree planting in semiarid lands can improve environmental quality and maintain farm yields and income.

“(b) PURPOSE.—It is the purpose of this Act to authorize the Secretary of Agriculture (hereafter in this Act referred to as the ‘Secretary’), with respect to non-Federal forest lands of the United States, to assist in—

“(1) the establishment of a coordinated and cooperative Federal, State, and local forest stewardship program for management of the non-Federal forest lands;

“(2) the encouragement of the production of timber;

“(3) the prevention and control of insects and diseases affecting trees and forests;

“(4) the prevention and control of rural fires;

“(5) the efficient utilization of wood and wood residues, including the recycling of wood fiber;

“(6) the improvement and maintenance of fish and wildlife habitat;

“(7) the planning and conduct of urban forestry programs;

“(8) broadening existing forest management, fire protection, and insect and disease protection programs on non-Federal forest lands to meet the multiple use objectives of landowners in an environmentally sensitive manner;

“(9) providing opportunities to private landowners to protect ecologically valuable and threatened non-Federal forest lands; and

“(10) strengthening educational, technical, and financial assistance programs that provide assistance to owners of non-Federal forest lands.

“(c) POLICY.—It is the policy of Congress that it is in the national interest for the Secretary to work through and in cooperation with State foresters, or equivalent State officials, nongovernmental organizations, and the private sector in implementing Federal programs affecting non-Federal forest lands.

“(d) CONSTRUCTION.—This Act shall be construed to complement the policies and direction under the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.).”.

SEC. 1213. RURAL FORESTRY ASSISTANCE.

Section 3 of the Act (16 U.S.C. 2102) is amended to read as follows:

“SEC. 3. RURAL FORESTRY ASSISTANCE.

“(a) ASSISTANCE TO FOREST LANDOWNERS AND OTHERS.—The Secretary may provide financial, technical, educational, and related assistance to State foresters or equivalent State officials, and State extension directors, to enable such officials to provide technical information, advice, and related assistance to private forest land owners and managers, vendors, forest resource operators, forest resource professionals, public agencies, and individuals to enable such persons to carry out activities that are consistent with the purposes of this Act, including—

“(1) protecting, maintaining, enhancing, restoring, and preserving forest lands and the multiple values and uses that depend on such lands;

“(2) identifying, protecting, maintaining, enhancing, and preserving wildlife and fish species, including threatened and endangered species, and their habitats;

“(3) implementing forest management technologies;

“(4) selecting, producing, and marketing alternative forest crops, products and services from forest lands;

“(5) protecting forest land from damage caused by fire, insects, disease, and damaging weather;

“(6) managing the rural-land and urban-land interface to balance the use of forest resources in and adjacent to urban and community areas;

“(7) identifying and managing recreational forest land resources;

“(8) identifying and protecting the aesthetic character of forest lands;

“(9) protecting forest land from conversion to alternative uses; and

“(10) the management of resources of forest lands, including—

“(A) the harvesting, processing, and marketing of timber and other forest resources and the marketing and utilization of wood and wood products;

“(B) the conversion of wood to energy for domestic, industrial, municipal, and other uses;

“(C) the planning, management, and treatment of forest land, including site preparation, reforestation, thinning, prescribed burning, and other silvicultural activities designed to increase the quantity and improve the quality of timber and other forest resources;

“(D) ensuring that forest regeneration or reforestation occurs if needed to sustain long-term resource productivity;

“(E) protecting and improving forest soil fertility and the quality, quantity, and timing of water yields; and

“(F) encouraging the investment of a portion of the proceeds from the sale of timber or other forest resources in stewardship activities that preserve, protect, maintain, and enhance their forest land.

“(b) **STATE FORESTRY ASSISTANCE.**—The Secretary is authorized to provide financial, technical, and related assistance to State foresters, or equivalent State officials, to—

“(1) develop genetically improved tree seeds;

“(2) develop and contract for the development of field arboreums, greenhouses, and tree nurseries, in cooperation with a State, to facilitate production and distribution of tree seeds and seedlings in States where the Secretary determines that there is an inadequate capacity to carry out present and future reforestation needs;

“(3) procure, produce, and distribute tree seeds and trees for the purpose of establishing forests, windbreaks, shelterbelts, woodlots, and other plantings;

“(4) plant tree seeds and seedlings on non-Federal forest lands that are suitable for the production of timber, recreation, and for other benefits associated with the growing of trees;

“(5) plan, organize, and implement measures on non-Federal forest lands, including thinning, prescribed burning, and other silvicultural activities designed to increase the quantity and improve the quality of trees and other vegetation, fish and wildlife habitat, and water yielded therefrom; and

“(6) protect or improve soil fertility on non-Federal forest lands and the quality, quantity, and timing of water yields therefrom.

“(c) IMPLEMENTATION.—In implementing this section, the Secretary shall cooperate with other Federal, State, and local natural resource management agencies, universities and the private sector.

“(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.”.

SEC. 1214. FOREST INCENTIVES PROGRAM.

Section 4 of the Act (16 U.S.C. 2103) is amended by adding at the end the following new subsection:

“(k) The program developed by the Secretary under this section shall terminate on December 31, 1995.”.

Termination
date.

SEC. 1215. FOREST STEWARDSHIP PROGRAM.

The Act (16 U.S.C. 2101 et seq.) is amended—

(1) by redesignating sections 5 through 15 as sections 8 through 18, respectively; and

16 USC
2104-2112.

(2) by inserting after section 4 the following new section:

“SEC. 5. FOREST STEWARDSHIP PROGRAM.

16 USC 2103a.

“(a) ESTABLISHMENT.—The Secretary, in consultation with State foresters or equivalent State officials, shall establish a Forest Stewardship Program (hereafter referred to in this section as the ‘Program’) to encourage the long-term stewardship of nonindustrial private forest lands by assisting owners of such lands to more actively manage their forest and related resources by utilizing existing State, Federal, and private sector resource management expertise and assistance programs.

“(b) GOAL.—The goal of the Program shall be to enter at least 25,000,000 acres of nonindustrial private forest lands in the Program by December 31, 1995.

“(c) DEFINITION.—For the purposes of this section, the term ‘nonindustrial private forest lands’ means rural, as determined by the Secretary, lands with existing tree cover, or suitable for growing trees, and owned by any private individual, group, association, corporation, Indian tribe, or other private legal entity.

“(d) IMPLEMENTATION.—In carrying out the Program the Secretary, in consultation with State Foresters or equivalent State officials, shall provide financial, technical, educational, and related assistance to State Foresters or equivalent State officials, including assistance to help such State Foresters or equivalent officials to provide financial assistance to other State and local natural resource entities, both public and private, and land-grant universities for the delivery of information and professional assistance to owners of nonindustrial private forest lands. Such information and assistance shall be directed to help such owners understand and evaluate alternative actions they might take, including—

“(1) managing and enhancing the productivity of timber, fish and wildlife habitat, water quality, wetlands, recreational resources, and the aesthetic value of forest lands;

“(2) investing in practices to protect, maintain, and enhance the resources identified in paragraph (1);

“(3) ensuring that afforestation, reforestation, improvement of poorly stocked stands, timber stand improvement, practices

necessary to improve seedling growth and survival, and growth enhancement practices occur where needed to enhance and sustain the long-term productivity of timber and nontimber forest resources to help meet future public demand for all forest resources and provide the environmental benefits that result; and

“(4) protecting their forests from damage caused by fire, insects, disease, and damaging weather.

“(e) **ELIGIBILITY.**—All nonindustrial private forest lands that are not in management under Federal, State, or private sector financial and technical assistance programs existing on the date of enactment of this section are eligible for assistance under the Program. Nonindustrial private forest lands that are managed under such existing programs are eligible for assistance under the Program if forest management activities are expanded and enhanced and the landowner agrees to meet the requirements of this Act.

“(f) **DUTIES OF OWNERS.**—To enter forest land into the Program, landowners shall—

“(1) prepare and submit to the State forester or equivalent State official a forest stewardship plan that meets the requirements of this section and that—

“(A) is prepared by a professional resource manager;

“(B) identifies and describes actions to be taken by the landowner to protect soil, water, range, aesthetic quality, recreation, timber, water, and fish and wildlife resources on such land in a manner that is compatible with the objectives of the landowner; and

“(C) is approved by the State forester, or equivalent State official; and

“(2) agree that all activities conducted on such land shall be consistent with the stewardship plan.

“(g) **STEWARDSHIP RECOGNITION.**—The Secretary, in consultation with State foresters or equivalent State officials, is encouraged to develop an appropriate recognition program for landowners who practice stewardship management on their lands, with an appropriate, special recognition symbol and title.

“(h) **AUTHORIZATION OF APPROPRIATIONS.**—There are hereby authorized to be appropriated \$25,000,000 for each of the fiscal years 1991 through 1995, and such sums as may be necessary thereafter, to carry out this section.”

SEC. 1216. STEWARDSHIP INCENTIVE PROGRAM.

The Act (16 U.S.C. 2101 et seq.) is amended by inserting after section 5 (as added by section 1215 of this Act) the following new section:

16 USC 2103b.

“SEC. 6. STEWARDSHIP INCENTIVE PROGRAM.

“(a) **ESTABLISHMENT.**—The Secretary, in consultation with State foresters or equivalent State officials, shall establish a program within the Forest Service, to be known as the ‘Stewardship Incentive Program’ (hereafter referred to in this section as the ‘Program’), to meet the objectives and goals of section 5.

“(b) **ELIGIBILITY.**—

“(1) **IN GENERAL.**—Owners of nonindustrial private forest lands shall be eligible for cost-sharing assistance under the Program if such owners—

“(A) have developed an approved forest stewardship plan pursuant to section 5(f);

“(B) agree to implement approved activities pursuant to paragraph (4) in accordance with the plan for a period of not less than 10 years unless the State forester or equivalent State official approves a modification to such plan; and

“(C) own not more than 1,000 acres of nonindustrial private forest land, except that the Secretary may approve the provision of cost-sharing assistance to landowners that own more than 1,000 acres of such land if the Secretary determines that significant public benefits will accrue from such approval.

“(2) LIMITATION.—

“(A) SECRETARY.—The Secretary shall not approve of the provision of cost-sharing assistance to any landowner owning in excess of 5,000 acres of nonindustrial private forest land.

“(B) LANDOWNER.—A landowner shall not receive cost-share assistance for management on acreage under this section if such landowner receives cost-share assistance on the same acreage under section 4.

“(3) STATE PRIORITIES.—The Secretary in consultation with the State forester, or equivalent State official, other State natural resource management agencies, and the State Coordinating Committee established pursuant to section 19(b), may develop State priorities for cost sharing under this section that will promote unique forest management objectives in that State.

“(4) APPROVED ACTIVITIES.—

“(A) DEVELOPMENT.—The Secretary, in consultation with the State Coordinating Committees established pursuant to section 19(b), shall develop a list of approved forest activities and practices that will be eligible for cost-share assistance under the Program within each State.

“(B) TYPE OF ACTIVITIES.—The Secretary, in developing a list of approved activities and practices under subparagraph (A), shall attempt to achieve landowner and public purposes including—

“(i) the establishment, management, maintenance, and restoration of forests for shelterbelts, windbreaks, aesthetic quality, and other conservation purposes;

“(ii) the sustainable growth and management of forests for timber production;

“(iii) the protection, restoration, and use of forest wetlands;

“(iv) the enhanced management and maintenance of native vegetation on other lands vital to water quality;

“(v) the growth and management of trees for energy conservation purposes;

“(vi) the management and maintenance of fish and wildlife habitat;

“(vii) the management of outdoor recreational opportunities; and

“(viii) other activities approved by the Secretary.

“(c) REIMBURSEMENT OF ELIGIBLE ACTIVITIES.—

“(1) IN GENERAL.—The Secretary shall share the cost of developing and carrying out the forest stewardship plan under section 5(f), and in implementing the approved activities that the

Secretary determines are appropriate and in the public interest, with a landowner who has entered in an agreement to place the forest land of such owner into the Program.

“(2) **RATE.**—The Secretary, in consultation with the State forester, or equivalent State official, shall determine the appropriate reimbursement rate for cost-share payments under paragraph (1) and the schedule for making such payments.

“(3) **MAXIMUM.**—The Secretary shall not make cost-share payments under this subsection to a landowner in an amount in excess of 75 percent of the total cost to such landowner of developing the forest stewardship plan and implementing eligible activities under the plan. The maximum payments to any one landowner shall be determined by the Secretary.

“(d) **RECAPTURE.**—

“(1) **IN GENERAL.**—The Secretary shall establish and implement a mechanism to recapture payments made to a landowner in the event that the landowner fails to implement any approved activity specified in the forest stewardship plan for which such owner received cost-share payments.

“(2) **ADDITIONAL PROVISION.**—The provisions of paragraph (1) are in addition to any other provision available.

“(e) **DISTRIBUTION.**—The Secretary shall distribute funds available for cost sharing under this section among the States only after assessing the public benefit incident to such distribution and after giving appropriate consideration to—

“(1) the total acreage of nonindustrial private forest land in each State;

“(2) the potential productivity of such land;

“(3) the number of owners eligible for cost sharing in each State;

“(4) the need for reforestation in each State;

“(5) the opportunities to enhance nontimber resources on such forest lands; and

“(6) the anticipated demand for timber and nontimber resources in each State.

“(f) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated \$100,000,000 for each of the fiscal years 1991 through 1995, and such sums as may be necessary thereafter, to carry out this section.”

SEC. 1217. FOREST LEGACY PROGRAM.

The Act (16 U.S.C. 2101 et seq.) is amended by inserting after section 6 (as added by section 1216 of this Act) the following new section:

16 USC 2103c.

“SEC. 7. FOREST LEGACY PROGRAM.

“(a) **ESTABLISHMENT AND PURPOSE.**—The Secretary shall establish a program, to be known as the Forest Legacy Program, in cooperation with appropriate State, regional, and other units of government for the purposes of ascertaining and protecting environmentally important forest areas that are threatened by conversion to nonforest uses and, through the use of conservation easements and other mechanisms, for promoting forest land protection and other conservation opportunities. Such purposes shall also include the protection of important scenic, cultural, fish, wildlife, and recreational resources, riparian areas, and other ecological values.

“(b) **STATE AND REGIONAL FOREST LEGACY PROGRAMS.**—The Secretary shall exercise the authority under subsection (a) in conjunction with State or regional programs that the Secretary deems consistent with this section.

“(c) **INTERESTS IN LAND.**—In addition to the authorities granted under section 6 of the Act of March 1, 1911 (16 U.S.C. 515), and section 11(a) of the Department of Agriculture Organic Act of 1956 (7 U.S.C. 428a(a)), the Secretary may acquire from willing landowners lands and interests therein, including conservation easements and rights of public access, for Forest Legacy Program purposes. The Secretary shall not acquire conservation easements with title held in common ownership with any other entity.

“(d) **IMPLEMENTATION.**—

“(1) **IN GENERAL.**—Lands and interests therein acquired under subsection (c) may be held in perpetuity for program and easement administration purposes as the Secretary may provide. In administering lands and interests therein under the program, the Secretary shall identify the environmental values to be protected by entry of the lands into the program, management activities which are planned and the manner in which they may affect the values identified, and obtain from the landowner other information determined appropriate for administration and management purposes.

“(2) **INITIAL PROGRAMS.**—Not later than 1 year after the date of enactment of this section, the Secretary shall establish a regional program in furtherance of the Northern Forest Lands Study in the States of New York, New Hampshire, Vermont, and Maine under Public Law 100-446. The Secretary shall establish additional programs in each of the Northeast, Midwest, South, and Western regions of the United States, and the Pacific Northwest (including the State of Washington), on the preparation of an assessment of the need for such programs.

State listing.

“(e) **ELIGIBILITY.**—Within 1 year from the date of enactment of this section and in consultation with State Forest Stewardship Advisory Committees established under section 15(b) and similar regional organizations, the Secretary shall establish eligibility criteria for the designation of forest areas from which lands may be entered into the Forest Legacy Program and subsequently select such appropriate areas. To be eligible, such areas shall have significant environmental values or shall be threatened by present or future conversion to nonforest uses. Of land proposed to be included in the Forest Legacy Program, the Secretary shall give priority to lands which can be effectively protected and managed, and which have important scenic or recreational values; riparian areas; fish and wildlife values, including threatened and endangered species; or other ecological values.

“(f) **APPLICATION.**—For areas included in the Forest Legacy Program, an owner of lands or interests in lands who wishes to participate may prepare and submit an application at such time in such form and containing such information as the Secretary may prescribe. The Secretary shall give reasonable advance notice for the submission of all applications to the State forester, equivalent State official, or other appropriate State or regional natural resource management agency. If applications exceed the ability of the Secretary to fund them, priority shall be given to those forest areas having the greatest need for protection pursuant to the criteria described in subsection (d).

“(g) **STATE CONSENT.**—Where a State has not approved the acquisition of land under section 6 of the Act of March 1, 1911 (16 U.S.C. 515), the Secretary shall not acquire lands or interests therein under authority granted by this section outside an area of that State designated as a part of a program established under subsection (b).

“(h) **FOREST MANAGEMENT ACTIVITIES.**—

“(1) **IN GENERAL.**—Conservation easements or deed reservations acquired or reserved pursuant to this section may allow forest management activities, including timber management, on areas entered in the Forest Legacy Program insofar as the Secretary deems such activities consistent with the purposes of this section.

“(2) **ASSIGNMENT OF RESPONSIBILITIES.**—For Forest Legacy Program areas, the Secretary may delegate or assign management and enforcement responsibilities over federally owned lands and interests in lands only to another governmental entity.

“(i) **DUTIES OF OWNERS.**—Under the terms of a conservation easement or other property interest acquired under subsection (b), the landowner shall be required to manage property in a manner that is consistent with the purposes for which the land was entered in the Forest Legacy Program and shall not convert such property to other uses. Hunting, fishing, hiking, and similar recreational uses shall not be considered inconsistent with the purposes of this program.

“(j) **COMPENSATION AND COST SHARING.**—

“(1) **COMPENSATION.**—The Secretary shall pay the fair market value of any property interest acquired under this section. Payments under this section shall be in accordance with Federal appraisal and acquisition standards and procedures.

“(2) **COST SHARING.**—In accordance with terms and conditions that the Secretary shall prescribe, costs for the acquisition of lands or interests therein or project costs shall be shared among participating entities including regional organizations, State and other governmental units, landowners, corporations, or private organizations. Such costs may include, but are not limited to, those associated with planning, administration, property acquisition, and property management. To the extent practicable, the Federal share of total program costs shall not exceed 75 percent, including any in-kind contribution.

“(k) **EASEMENTS.**—

“(1) **RESERVED INTEREST DEEDS.**—As used in this section, the term ‘conservation easement’ includes an easement utilizing a reserved interest deed where the grantee acquires all rights, title, and interests in a property, except those rights, title, and interests that may run with the land that are expressly reserved by a grantor.

“(2) **PROHIBITIONS ON LIMITATIONS.**—Notwithstanding any provision of State law, no conservation easement held by the United States or its successors or assigns under this section shall be limited in duration or scope or be defeasible by—

“(A) the conservation easement being in gross or appurtenant;

“(B) the management of the conservation easement having been delegated or assigned to a non-Federal entity;

“(C) any requirement under State law for re-recording or renewal of the easement; or

“(D) any future disestablishment of a Forest Legacy Program area or other Federal project for which the conservation easement was originally acquired.

“(3) CONSTRUCTION.—Notwithstanding any provision of State law, conservation easements shall be construed to effect the Federal purposes for which they were acquired and, in interpreting their terms, there shall be no presumption favoring the conservation easement holder or fee owner.

“(1) APPROPRIATION.—There are authorized to be appropriated such sums as may be necessary to carry out this section.”.

SEC. 1218. FOREST HEALTH PROTECTION.

Section 8 of the Act (as redesignated by section 1215 of this Act) (16 U.S.C. 2104) is amended to read as follows:

“SEC. 8. FOREST HEALTH PROTECTION.

“(a) IN GENERAL.—The Secretary may protect trees and forests and wood products, stored wood, and wood in use directly on the National Forest System and, in cooperation with others, on other lands in the United States, from natural and man-made causes, to—

“(1) enhance the growth and maintenance of trees and forests;

“(2) promote the stability of forest-related industries and employment associated therewith through the protection of forest resources;

“(3) aid in forest fire prevention and control;

“(4) conserve forest cover on watersheds, shelterbelts, and windbreaks;

“(5) protect outdoor recreation opportunities and other forest resources; and

“(6) extend timber supplies by protecting wood products, stored wood, and wood in use.

“(b) ACTIVITIES.—Subject to subsections (c), (d), and (e) and to such other conditions the Secretary may prescribe, the Secretary may, directly on the National Forest System, in cooperation with other Federal departments on other Federal lands, and in cooperation with State foresters, or equivalent State officials, subdivisions of States, agencies, institutions, organizations, or individuals on non-Federal lands—

“(1) conduct surveys to detect and appraise insect infestations and disease conditions and man-made stresses affecting trees and establish a monitoring system throughout the forests of the United States to determine detrimental changes or improvements that occur over time, and report annually concerning such surveys and monitoring;

“(2) determine the biological, chemical, and mechanical measures necessary to prevent, retard, control, or suppress incipient, potential, threatening, or emergency insect infestations and disease conditions affecting trees;

“(3) plan, organize, direct, and perform measures the Secretary determines necessary to prevent, retard, control, or suppress incipient, potential, threatening, or emergency insect infestations and disease epidemics affecting trees;

“(4) provide technical information, advice, and related assistance on the various techniques available to maintain a healthy forest and in managing and coordinating the use of pesticides and other toxic substances applied to trees and other vegetation, and to wood products, stored wood, and wood in use;

“(5) develop applied technology and conduct pilot tests of research results prior to the full-scale application of such technology in affected forests;

“(6) promote the implementation of appropriate silvicultural or management techniques that may improve or protect the health of the forests of the United States; and

“(7) take any other actions the Secretary determines necessary to accomplish the objectives and purposes of this section.

“(c) CONSENT OF ENTITY.—Operations under this section to prevent, retard, control, or suppress insects or diseases affecting forests and trees on land not controlled or administered by the Secretary shall not be conducted without the consent, cooperation, and participation of the entity having ownership of or jurisdiction over the affected land.

“(d) CONTRIBUTION BY ENTITY.—No money appropriated to implement this section shall be expended to prevent, retard, control, or suppress insects or diseases affecting trees on non-Federal land until the entity having ownership of or jurisdiction over the affected land contributes, or agrees to contribute, to the work to be done in the amount and in the manner determined appropriate by the Secretary.

“(e) ALLOTMENTS TO OTHER AGENCIES.—The Secretary may, in the Secretary’s discretion, and out of any money appropriated to implement this section, make allocations to Federal agencies having jurisdiction over lands held or owned by the United States in the amounts the Secretary determines necessary to prevent, retard, control, or suppress insect infestations and disease epidemics affecting trees on those lands.

“(f) LIMITATION ON USE OF APPROPRIATIONS.—

“(1) REMOVING DEAD TREES.—No amounts appropriated shall be used to—

“(A) pay the cost of felling and removing dead or dying trees unless the Secretary determines that such actions are necessary to prevent the spread of a major insect infestation or disease epidemic severely affecting trees; or

“(B) compensate for the value of any property injured, damaged, or destroyed by any cause.

“(2) INSECTS AND DISEASES AFFECTING TREES.—The Secretary may procure materials and equipment necessary to prevent, retard, control, or suppress insects and diseases affecting trees without regard to section 3709 of the Revised Statutes (41 U.S.C. 5), under whatever procedures the Secretary may prescribe, if the Secretary determines that such action is necessary and in the public interest.

“(g) PARTNERSHIPS.—The Secretary, by contract or cooperative agreement, may provide financial assistance through the Forest Service to State foresters or equivalent State officials, and private forestry and other organizations, to monitor forest health and protect the forest lands of the United States. The Secretary shall require contribution by the non-Federal entity in the amount and in the manner determined appropriate. Such non-Federal share may be in the form of cash, services, or equipment, as determined appropriate by the Secretary.

“(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated annually such sums as may be necessary to carry out subsections (a) through (g).

“(i) INTEGRATED PEST MANAGEMENT.—

“(1) IN GENERAL.—Subject to the provisions of subsections (c) and (e), the Secretary shall, in cooperation with State foresters or equivalent State officials, subdivisions of States, or other entities on non-Federal lands (hereafter in this subsection referred to as the ‘cooperator’)—

“(A) provide cost-share assistance to such cooperators who have established an acceptable integrated pest management strategy, as determined by the Secretary, that will prevent, retard, control, or suppress gypsy moth, southern pine beetle, spruce budworm infestations, or other major insect infestations in an amount no less than 50 percent nor greater than 75 percent of the cost of implementing such strategy; and

“(B) upon request, assist the cooperator in the development of such integrated pest management strategy.

“(2) AUTHORIZATION OF APPROPRIATIONS.—There are hereby authorized to be appropriated annually \$10,000,000 to implement this subsection.”

SEC. 1219. URBAN AND COMMUNITY FORESTRY ASSISTANCE.

(a) AMENDMENT TO COOPERATIVE FORESTRY ASSISTANCE ACT.—Section 9 of the Act (16 U.S.C. 2105) (as redesignated by section 1215) is amended to read as follows:

“SEC. 9. URBAN AND COMMUNITY FORESTRY ASSISTANCE.

Education.
Grant programs.

“(a) FINDINGS.—The Congress finds that—

“(1) the health of forests in urban areas and communities, including cities, their suburbs, and towns, in the United States is on the decline;

“(2) forest lands, shade trees, and open spaces in urban areas and communities improve the quality of life for residents;

“(3) forest lands and associated natural resources enhance the economic value of residential and commercial property in urban and community settings;

“(4) urban trees are 15 times more effective than forest trees at reducing the buildup of carbon dioxide and aid in promoting energy conservation through mitigation of the heat island effect in urban areas;

“(5) tree plantings and ground covers such as low growing dense perennial turfgrass sod in urban areas and communities can aid in reducing carbon dioxide emissions, mitigating the heat island effect, and reducing energy consumption, thus contributing to efforts to reduce global warming trends;

“(6) efforts to encourage tree plantings and protect existing open spaces in urban areas and communities can contribute to the social well-being and promote a sense of community in these areas; and

“(7) strengthened research, education, technical assistance, and public information and participation in tree planting and maintenance programs for trees and complementary ground covers for urban and community forests are needed to provide for the protection and expansion of tree cover and open space in urban areas and communities.

“(b) PURPOSES.—The purposes of this section are to—

“(1) improve understanding of the benefits of preserving existing tree cover in urban areas and communities;

“(2) encourage owners of private residences and commercial properties to maintain trees and expand forest cover on their properties;

“(3) provide education programs and technical assistance to State and local organizations (including community associations and schools) in maintaining forested lands and individual trees in urban and community settings and identifying appropriate tree species and sites for expanding forest cover;

“(4) provide assistance through competitive matching grants awarded to local units of government, approved organizations that meet the requirements of section 501(c)(3) of the Internal Revenue Code of 1986, or other local community tree volunteer groups, for urban and community forestry projects;

“(5) implement a tree planting program to complement urban and community tree maintenance and open space programs and to reduce carbon dioxide emissions, conserve energy, and improve air quality in addition to providing other environmental benefits;

“(6) promote the establishment of demonstration projects in selected urban and community settings to illustrate the benefits of maintaining and creating forest cover and trees;

“(7) enhance the technical skills and understanding of sound tree maintenance and arboricultural practices including practices involving the cultivation of trees, shrubs and complementary ground covers, of individuals involved in the planning, development, and maintenance of urban and community forests and trees; and

“(8) expand existing research and educational efforts intended to improve understanding of—

“(A) tree growth and maintenance, tree physiology and morphology, species adaptations, and forest ecology,

“(B) the value of integrating trees and ground covers,

“(C) the economic, environmental, social, and psychological benefits of trees and forest cover in urban and community environments, and

“(D) the role of urban trees in conserving energy and mitigating the urban heat island.

Inter-
governmental
relations.

“(c) **GENERAL AUTHORITY.**—The Secretary is authorized to provide financial, technical, and related assistance to State foresters or equivalent State officials for the purpose of encouraging States to provide information and technical assistance to units of local government and others that will encourage cooperative efforts to plan urban forestry programs and to plant, protect, and maintain, and utilize wood from, trees in open spaces, greenbelts, roadside screens, parks, woodlands, curb areas, and residential developments in urban areas. In providing such assistance, the Secretary is authorized to cooperate with interested members of the public, including nonprofit private organizations. The Secretary is also authorized to cooperate directly with units of local government and others in implementing this section whenever the Secretary and the affected State forester or equivalent State official agree that direct cooperation would better achieve the purposes of this section.

Cooperative
agreements.

“(d) **PROGRAM OF EDUCATION AND TECHNICAL ASSISTANCE.**—The Secretary, in cooperation with State foresters and State extension directors or equivalent State officials and interested members of the public, including nonprofit private organizations, shall implement a

program of education and technical assistance for urban and community forest resources. The program shall be designed to—

“(1) assist urban areas and communities in conducting inventories of their forest resources, including inventories of the species, number, location, and health of trees in urban areas and communities, identifying opportunities for the establishment of plantings for the purposes of conserving energy, and determining the status of related resources (including fish and wildlife habitat, water resources, and trails);

“(2) assist State and local organizations (including community associations and schools) in organizing and conducting urban and community forestry projects and programs;

“(3) improve education and technical support in—

“(A) selecting tree species appropriate for planting in urban and community environments and for promotion of energy conservation;

“(B) providing for proper tree planting, maintenance, and protection in urban areas and communities;

“(C) protecting individual trees and preserving existing open spaces with or without tree cover; and

“(D) identifying opportunities for expanding tree cover in urban areas and communities;

“(4) assist in the development of State and local management plans for trees and associated resources in urban areas and communities; and

“(5) increase public understanding of the energy conservation, economic, social, environmental, and psychological values of trees and open space in urban and community environments and expand knowledge of the ecological relationships and benefits of trees and related resources in these environments.

“(e) **PROCUREMENT OF PLANT MATERIALS.**—The Secretary, in cooperation with State foresters or equivalent State officials, shall assist in identifying sources of plant materials and may procure or otherwise obtain such plant materials from public or private sources and may make such plant materials available to urban areas and communities for the purpose of reforesting open spaces, replacing dead and dying urban trees, promoting energy conservation, and providing other environmental benefits through expanding tree cover in urban areas and communities.

“(f) **CHALLENGE COST-SHARE PROGRAM.**—

“(1) **IN GENERAL.**—The Secretary shall establish an urban and community forestry challenge cost-share program. Funds or other support shall be provided under such program to eligible communities and organizations, on a competitive basis, for urban and community forestry projects. The Secretary shall annually make awards under the program in accordance with criteria developed in consultation with, and after consideration of recommendations received from, the National Urban and Community Forestry Advisory Council established under subsection (g). Each State forester or equivalent State official may make recommendations to the Secretary for awards under the program for project proposals in their State which meet such criteria. Awards shall be consistent with the cost-share requirements of this section.

“(2) **COST-SHARING.**—The Federal share of support for a project provided under this subsection may not exceed 50 percent of the support for that project and shall be provided on a

Decorations,
medals, awards.

matching basis. The non-Federal share of such support may be in the form of cash, services, or in-kind contributions.

“(g) FORESTRY ADVISORY COUNCIL.—

“(1) ESTABLISHMENT AND PURPOSE.—The Secretary shall establish a National Urban and Community Forestry Advisory Council (hereafter in this section referred to as the ‘Council’) for the purpose of—

“(A) developing a national urban and community forestry action plan;

“(B) evaluating the implementation of that plan; and

“(C) developing criteria for, and submitting recommendations with respect to, the urban and community forestry challenge cost-share program under subsection (e).

“(2) COMPOSITION AND OPERATION.—

“(A) COMPOSITION.—The Council shall be composed of 15 members appointed by the Secretary, as follows:

“(i) 2 members representing national nonprofit forestry and conservation citizen organizations,

“(ii) 3 members, 1 each representing State, county, and city and town governments,

“(iii) 1 member representing the forest products, nursery, or related industries,

“(iv) 1 member representing urban forestry, landscape, or design consultants,

“(v) 2 members representing academic institutions with an expertise in urban and community forestry activities,

“(vi) 1 member representing State forestry agencies or equivalent State agencies,

“(vii) 1 member representing a professional renewable natural resource or arboricultural society,

“(viii) 1 member from the Extension Service,

“(ix) 1 member from the Forest Service, and

“(x) 2 members who are not officers or employees of any governmental body, 1 of whom is a resident of a community with a population of less than 50,000 as of the most recent census and both of whom have expertise and have been active in urban and community forestry.

“(B) VACANCY.—A vacancy in the Council shall be filled in the manner in which the original appointment was made.

“(C) CHAIRPERSON.—The Secretary shall select 1 member, from members appointed to the Council, who is not an officer or employee of the United States nor any State, county, city, or town government, who shall serve as the chairperson of the Council.

“(D) TERMS.—

“(i) IN GENERAL.—Except as provided in clauses (ii) and (iii) of this paragraph, members shall be appointed for terms of 3 years, and no member may serve more than 2 consecutive terms on the Council.

“(ii) STAGGERED TERMS.—Of the members first appointed—

“(I) 5, including the chairperson and 2 governmental employees, shall be appointed for a term of 3 years,

“(II) 5, including 2 governmental employees, shall be appointed for a term of 2 years, and

“(III) 5, including 2 governmental employees, shall be appointed for a term of 1 year, as designated by the Secretary at the time of appointment.

“(iii) CONTINUATION.—Any member appointed to fill a vacancy occurring before the expiration of the term of the member's predecessor shall be appointed only for the remainder of such term. A member may serve after the expiration of the member's term until the member's successor has taken office.

“(E) COMPENSATION.—

“(i) IN GENERAL.—Except as provided in clause (ii), members of the Council shall serve without pay, but may be reimbursed for reasonable costs incurred while in the actual performance of duties vested in the Council.

“(ii) FEDERAL OFFICERS AND EMPLOYEES.—Members of the Council who are full-time officers or employees of the United States shall receive no additional pay, allowances, or benefits by reason of their service on the Council.

“(iii) FINANCIAL AND ADMINISTRATIVE SUPPORT.—The Secretary shall provide financial and administrative support for the Council.

“(3) URBAN AND COMMUNITY FORESTRY ACTION PLAN.—Within 1 year after the date of enactment of this subsection and every 10 years thereafter, the Council shall prepare a National Urban and Community Forestry Action Plan. The plan shall include (but not be limited to) the following:

“(A) An assessment of the current status of urban forest resources in the United States.

“(B) A review of urban and community forestry programs and activities in the United States, including education and technical assistance activities conducted by the Department of Agriculture, and other Federal agencies, the State forestry organizations, private industry, private nonprofit organizations, community and civic organizations and interested others.

“(C) Recommendations for improving the status of the Nation's urban and community forest resources, including education and technical assistance and modifications required in existing programs and policies of relevant Federal agencies.

“(D) A review of urban and community forestry research, including—

“(i) a review of all ongoing research associated with urban and community forests, arboricultural practices, and the economic, social, and psychological benefits of trees and forest cover in urban and community environments being conducted by the Forest Service, other Federal agencies, and associated land grant colleges and universities;

“(ii) recommendations for new and expanded research efforts directed toward urban and community forestry concerns; and

“(iii) a summary of research priorities and an estimate of the funds needed to implement such research, on an annual basis, for the next 10 years.

“(E) Proposed criteria for evaluating proposed projects under the urban and community forestry challenge cost share program under subsection (e), with special emphasis given to projects that would demonstrate the benefits of improved forest management (including the maintenance and establishment of forest cover and trees) in urban areas and communities.

“(F) An estimate of the resources needed to implement the National Urban and Community Forestry Action Plan for the succeeding 10 fiscal years.

“(4) AMENDMENT OF THE PLAN.—The plan may be amended by a majority of the Council members. Such amendments shall be incorporated into the Council’s annual review of the plan submitted to the Secretary pursuant to paragraph (5) of this subsection.

“(5) REVIEW OF THE PLAN.—The Council shall submit the plan to the Secretary and the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate upon its completion. Beginning no later than one year after the plan is submitted and annually thereafter, the Council shall submit a review of the plan to the Secretary no later than December 31. The review shall consist of—

“(A) the Council’s assessment of prior year accomplishments in research, education, technical assistance, and related activities in urban and community forestry;

“(B) the Council’s recommendations for research, education, technical assistance, and related activities in the succeeding year; and

“(C) the Council’s recommendations for the urban and community forestry challenge cost share projects to be funded during the succeeding year.

The review submitted to the Secretary shall be incorporated into the annual report required under section 3(d) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1601(d)).

“(6) DETAIL OF PERSONNEL.—Upon request of the Council, the Secretary is authorized to detail, on a reimbursable basis, any of the personnel of the Department of Agriculture to the Council to assist the Council in carrying out its duties under this Act.

“(h) DEFINITIONS.—For the purposes of this section—

“(1) the term ‘Council’ means the National Urban and Community Forestry Advisory Council established under subsection (f);

“(2) the term ‘plan’ means the National Urban and Community Forestry Action Plan developed under subsection (f)(3); and

“(3) the term ‘urban and community area’ includes cities, their suburbs, and towns.

“(i) AUTHORIZATION OF APPROPRIATIONS.—There are hereby authorized to be appropriated \$30,000,000 for each of the fiscal years 1991 through 1995, and such sums as may be necessary for each fiscal year thereafter, for the implementation of this section.”.

(b) AMENDMENT TO RENEWABLE RESOURCES EXTENSION ACT.—

(1) **PROMOTION OF PUBLIC UNDERSTANDING.**—Section 3(a) of the Renewable Resources Extension Act of 1978 (16 U.S.C. 1672(a)) is amended—

(A) by striking “and” at the end of paragraph (7);

(B) by striking the period at the end of paragraph (8) and inserting “; and”; and

(C) by adding at the end the following new paragraph:

“(9) in cooperation with State foresters or equivalent State officials, promote public understanding of the energy conservation, economic, social, environmental, and psychological values of trees and open space in urban and community area environments and expand knowledge of the ecological relationships and benefits of trees and related resources in urban and community environments.”.

(2) **URBAN AND COMMUNITY FORESTRY.**—Section 5(a) of the Renewable Resources Extension Act of 1978 (16 U.S.C. 1674(a)) is amended in the final sentence by striking “for planting and management of trees and forests in urban areas,” and inserting “for urban and community forestry activities,”.

SEC. 1220. FIREFIGHTING PREPAREDNESS AND MOBILIZATION ASSISTANCE.

(a) **ASSISTANCE TO STATE FORESTERS.**—Section 10(b) of the Act (16 U.S.C. 2106(b)) (as redesignated by section 1215 of this Act) is amended—

(1) by striking “and” at the end of paragraph (2);

(2) by striking the period at the end of paragraph (3) and inserting “; and”; and

(3) by adding at the end the following:

“(4) provide financial, technical, and related assistance to State foresters or equivalent State officials, and through them to other agencies and individuals, including rural volunteer fire departments, to conduct preparedness and mobilization activities, including training, equipping, and otherwise enabling State and local firefighting agencies to respond to requests for fire suppression assistance.”.

(b) **APPROPRIATIONS.**—Section 10(e) of the Act (16 U.S.C. 2106(e)) is amended—

(1) by striking “(e)” and inserting “(e)(1)”; and

(2) in paragraph (1) (as so redesignated), by inserting “paragraphs (1), (2), and (3) of” after “implement”; and

(3) by adding at the end thereof the following:

“(2)(A) There are hereby authorized to be appropriated annually \$70,000,000 to carry out subsection (b)(4). Of the total amount appropriated to carry out subsection (b)(4)—

“(i) one-half shall be available only for State foresters or equivalent State officials, and through them to other agencies and individuals, of which not less than \$100,000 shall be made available to each State; and

“(ii) one-half shall be available only for rural volunteer fire departments.

“(B) The Federal share of the cost of any activity carried out with funds made available pursuant to this paragraph may not exceed 50 percent of the cost of that activity. The non-Federal share for such activity may be in the form of cash, services, or in kind contributions.”.

(c) **DEFINITIONS.**—Section 10 of the Act (16 U.S.C. 2106) (as amended by section 1215) is amended by adding at the end the following:

“(g) As used in this section—

“(1) the term ‘rural volunteer fire department’ means any organized, not for profit, fire protection organization that provides service primarily to a community or city with a population of 10,000 or less or to a rural area, as defined by the Secretary, whose firefighting personnel is 80 percent or more volunteer, and that is recognized as a fire department by the laws of the State; and

“(2) the term ‘mobilization’ means any activity in which one fire fighting organization assists another that has requested assistance.”.

SEC. 1221. STATEMENT OF LIMITATION.

Section 14 of the Act (16 U.S.C. 2110) (as redesignated by section 1215 of this Act) is amended to read as follows:

Real property.

“SEC. 14. STATEMENT OF LIMITATION.

“This Act shall not authorize the Federal Government to regulate the use of private land or to deprive owners of land of their rights to property or to income from the sale of property, unless such property rights are voluntarily conveyed or limited by contract or other agreement. This Act does not diminish in any way the rights and responsibilities of the States and political subdivisions of States.”.

SEC. 1222. FEDERAL, STATE, AND LOCAL COORDINATION AND COOPERATION.

The Act (16 U.S.C. 2101 et seq.) (as amended by section 1215 of this Act) is further amended by adding at the end thereof the following new section:

16 USC 2113.

“SEC. 19. FEDERAL, STATE, AND LOCAL COORDINATION AND COOPERATION.

“(a) DEPARTMENT OF AGRICULTURE COORDINATING COMMITTEE.—

“(1) ESTABLISHMENT.—The Secretary shall establish an intradepartmental committee, to be known as the ‘Forest Resource Coordinating Committee’ (hereafter referred to in this section as the ‘Coordinating Committee’), to coordinate forestry activities.

“(2) COMPOSITION.—The Coordinating Committee shall be composed of representatives, appointed by the Secretary, from the Agricultural Research Service, Agricultural Stabilization and Conservation Service, Extension Service, Forest Service, and Soil Conservation Service.

“(3) CHAIRPERSON.—The Secretary shall designate the Chief of the Forest Service as chairperson.

“(4) DUTIES.—The Coordinating Committee shall—

“(A) provide assistance in directing and coordinating actions of the Department of Agriculture that relate to educational, technical, and financial assistance concerning forest land to private landowners;

“(B) clarify individual agency responsibilities concerning forest land of each agency represented on the Committee; and

“(C) advise the Secretary of intradepartmental differences regarding the implementation of this Act, and any

other Act related to the authority of the Secretary concerning non-Federal forest lands.

“(b) STATE COORDINATING COMMITTEES.—

“(1) ESTABLISHMENT.—

“(A) IN GENERAL.—The Secretary, in consultation with the State forester or equivalent State official of each State, shall establish a State Forest Stewardship Coordinating Committee (hereafter referred to in this section as the ‘State Coordinating Committee’) for each such State.

“(B) COMPOSITION.—The State Coordinating Committee shall be chaired and administered by the State forester, or equivalent State official, or the designee thereof, and shall be composed, to the extent practicable, of—

“(i) representatives from the Forest Service, Soil Conservation Service, Agricultural Stabilization and Conservation Service, and Extension Service;

“(ii) representatives, to be appointed by the State forester or equivalent State official, representative of—

“(I) local government;

“(II) consulting foresters;

“(III) environmental organizations;

“(IV) forest products industry;

“(V) forest land owners;

“(VI) land-trust organizations, if applicable in the State;

“(VII) conservation organizations; and

“(VIII) the State fish and wildlife agency; and

“(iii) any other individuals determined appropriate by the Secretary.

“(C) TERMS.—The members of the State Coordinating Committee appointed under subparagraph (B)(ii) shall serve 3-year terms, with the initial members serving staggered terms as determined by the State forester or equivalent State official, and may be reappointed for consecutive terms.

“(D) EXISTING COMMITTEES.—Existing State forestry committees may be used to complement, formulate, or replace the State Coordinating Committees to avoid duplication of efforts if such existing committees are made up of membership that is similar to that described in subparagraph (B)(ii), and if such existing committees include landowners and the general public in their memberships.

“(2) DUTIES.—A State Coordinating Committee shall—

“(A) consult with other Department of Agriculture and State committees that address State and private forestry issues;

“(B) make recommendations to the Secretary concerning the assignment of priorities and the coordination of responsibilities for the implementation of this Act by the various Federal and State forest management agencies that take into consideration the mandates of each such agency;

“(C) make recommendations to the State forester or equivalent State official concerning the development of a Forest Stewardship Plan under paragraph (3); and

“(D) make recommendations to the Secretary concerning those forest lands that should be given priority for inclusion

in the Forest Legacy Program established pursuant to section 7.

“(3) **FOREST STEWARDSHIP PLAN.**—The State forester or equivalent State official of each State, in consultation with the State Coordinating Committee of such State, shall develop a Forest Stewardship Plan that shall—

“(A) provide baseline data on the forest resources of the State;

“(B) outline threats to the forest resources of the State;

“(C) describe economic and environmental opportunities that are linked with the forest resources of the State;

“(D) address management problems, opportunities, and objectives associated with intermingled Federal, State, and private land ownership patterns within the State; and

“(E) make planning recommendations for Federal, State, and local implementation of this Act.

“(4) **OTHER PLANS.**—Other State forest management plans may be used as the basis for or in lieu of establishing a plan for the State under paragraph (3) if such plans fully conform to the objectives of this section.

“(5) **TERMINATION.**—The State Coordinating Committees shall not terminate.

“(6) **RULE OF CONSTRUCTION.**—Nothing in this section shall be construed to compel action by any State official.”.

SEC. 1223. ADMINISTRATION.

The Act (16 U.S.C. 2101 et seq.) (as amended by section 1222 of this Act) is further amended by adding at the end thereof the following new section:

16 USC 2114.

Regulations.

“SEC. 20. ADMINISTRATION.

“(a) **IN GENERAL.**—The Secretary shall administer this Act in accordance with regulations that the Secretary shall develop.

“(b) **GUIDELINES.**—The regulations promulgated under this Act shall include guidelines for the administration of this Act at the Federal and State levels and shall identify the measures and activities that are eligible for cost sharing under this Act.

“(c) **EXISTING MECHANISMS.**—Existing mechanisms shall be used to the extent possible to make payments and deliver services to the landowner under this Act.

“(d) **LAND GRANT UNIVERSITIES.**—The Secretary, in consultation with State foresters or equivalent State officials, may provide assistance directly to other State and local natural resource management agencies and land grant universities in implementing this Act in cases in which the State foresters or equivalent State officials are not able to make fund transfers to other State and local agencies.”.

SEC. 1224. CONFORMING AMENDMENTS.

The Act is amended—

(1) in subsections (d) and (f) of section 4 (16 U.S.C. 2103 (d) and (f)), by striking “10(c)” each place that such occurs and inserting “13(c)”;

(2) in section 12(f) (as redesignated by section 1215 of this Act) (16 U.S.C. 2108(f)) by striking “13” in subsection (f) and inserting “16”; and

(3) in section 13(g) (as redesignated by section 1215 of this Act) (16 U.S.C. 2109(g)), by striking “13” and inserting “16”.

Subtitle B—Research and Education**CHAPTER 1—GENERAL RESEARCH PROGRAMS****SEC. 1231. MCINTIRE-STENNIS RESEARCH PROGRAM.**16 USC 582a
note.

It is the sense of Congress to reaffirm the importance of Public Law 87-788 (16 U.S.C. 582a et seq.) commonly known as the McIntire-Stennis Cooperative Forestry Act.

SEC. 1232. COMPETITIVE FORESTRY, NATURAL RESOURCES, AND ENVIRONMENTAL GRANTS PROGRAM. 16 USC 582a-8.

(a) **ESTABLISHMENT.**—The Secretary of Agriculture (hereafter referred to in this section as the “Secretary”) shall establish a competitive forestry, natural resources, and environmental grant program to award grants for the conduct of research as described in subsection (c).

(b) **ELIGIBLE ENTITIES.**—To be eligible to receive a grant under subsection (a), an entity shall—

(1) be a State agricultural experiment station, a college or university, a research institution or organization, a Federal agency, a private organization, or a corporation that has a demonstrable capacity to conduct forestry, natural resources, and environmental research as determined by the Secretary; and

(2) prepare and submit to the Secretary, an application at such time, in such manner, and containing such information as the Secretary shall require, including the proposed use of the amounts that may be received under a grant.

(c) **USE.**—In awarding the initial grants under subsection (a) the Secretary shall give priority to applicants who will use such grants for research concerning—

(1) the biology of forest organisms, including physiology, genetic mechanisms, and biotechnology;

(2) ecosystem function and management, including forest ecosystem research, biodiversity, forest productivity, pest management, water resources, and alternative silvicultural systems;

(3) wood as a raw material, including forest products and harvesting;

(4) human forest interactions, including outdoor recreation, public policy formulation, economics, sociology, and administrative behavior;

(5) international trade, competition, and cooperation related to forest products;

(6) alternative native crops, products, and services that can be produced from renewable natural resources associated with privately held forest lands;

(7) viable economic production and marketing systems for alternative natural resource products and services;

(8) economic and environmental benefits of various conservation practices on forest lands;

(9) genetic tree improvement; and

(10) market expansion.

(d) **FACILITIES AND EQUIPMENT.**—

(1) **AUTHORITY.**—Grants made under this section may be used to update research facilities and equipment available to facili-

tate the conduct of state-of-the-art research in forestry, natural resources, and the environment.

(2) **PRIORITIES AND CRITERIA.**—The Secretary, in consultation with the Cooperative Forestry Research Council appointed under section 5(b) of Public Law 87-788 (16 U.S.C. 582e(b)), may develop criteria and priorities for the awarding of grants for use under paragraph (1).

(e) **RECOMMENDATIONS.**—The Secretary shall request the Cooperative Forestry Research Council referred to in subsection (d)(2) to provide recommendations regarding grant priorities.

(f) **TERM.**—The Secretary may make grants under this section for periods of not to exceed 5 years.

(g) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as may be necessary to carry out this section.

CHAPTER 2—SPECIALIZED RESEARCH

SEC. 1241. RESEARCH AND UTILIZATION.

(a) **REFORESTATION RESEARCH; APPROPRIATIONS; PRIVATE FORESTRY.**—Section 3 of the Forest and Rangeland Renewable Resources Research Act of 1978 (16 U.S.C. 1642) is amended—

(1) in subsection (a)(1) by inserting after “energy conservation, and other purposes” the following: “, including activities for encouraging improved reforestation of forest lands from which timber has been harvested”;

(2) in subsection (b) by—

(A) inserting “(1)” immediately prior to the words “To ensure the availability,”; and

(B) adding at the end the following:

“(2) In implementing this subsection, the Secretary is authorized to develop and implement improved methods of survey and analysis of forest inventory information, for which purposes there are hereby authorized to be appropriated annually \$10,000,000.”; and

(3) by adding at the end the following:

“(d) The Secretary is authorized to conduct, support, and cooperate in studies and other activities the Secretary deems necessary to—

“(1) evaluate renewable resource management problems associated with urban-forest interface;

“(2) assess effects of changes in Federal revenue codes on private forest management and investment; and

“(3) develop improved delivery systems for information and technical assistance provided to private landowners.”.

(b) **RECYCLING RESEARCH.**—Section 9 of the Forest and Rangeland Renewable Resources Research Act of 1978 (16 U.S.C. 1641 et seq.) is amended to read as follows:

“SEC. 9. RECYCLING RESEARCH.

“(a) **FINDINGS.**—Congress finds that—

“(1) the United States is amassing vast amounts of solid wastes, which is presenting an increasing problem for municipalities in locating suitable disposal sites;

“(2) a large proportion of these wastes consists of paper and other wood wastes;

“(3) less than one-third of these paper and wood wastes are recycled;

“(4) additional recycling would result in reduced solid waste landfill disposal and would contribute to a reduced rate of removal of standing timber from forest lands; and

“(5) additional research is needed to develop technological advances to address barriers to increased recycling of paper and wood wastes and utilization of products consisting of recycled materials.

“(b) **RECYCLING RESEARCH PROGRAM.**—The Secretary is authorized to conduct, support, and cooperate in an expanded wood fiber recycling research program, including the acquisition of necessary equipment. The Secretary shall seek to ensure that the program includes the cooperation and support of private industry and that program goals include the application of such research to industry and consumer needs.

“(c) **AUTHORIZATION OF APPROPRIATIONS.**—In addition to any other funds made available to implement section 3 of this Act, for the 5-year period beginning on October 1, 1990, there are authorized to be appropriated annually \$10,000,000 to implement this section.”.

(c) **MODERN TIMBER BRIDGE INITIATIVE.**—

(1) **IN GENERAL.**—The Secretary of Agriculture is authorized to continue the Modern Timber Bridge Initiative to provide Federal funds, on a cost share basis as determined by the Secretary, for the construction of demonstration bridges, modern bridge technology transfer projects, and conferences.

(2) **APPROPRIATIONS.**—There are hereby authorized to be appropriated annually \$5,000,000 to carry out this subsection.

(d) **FORESTRY RESEARCH NEEDS ASSESSMENTS.**—Within 6 months after the date of enactment of this Act, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that responds to the recommendations contained in the report of the National Research Council entitled “Forestry Research: A Mandate for Change”. The report shall include—

(1) an assessment of the capability of current forestry research programs to address research areas specified in the report, including research on ecosystem functions and management;

(2) an evaluation of alternatives to current organizational frameworks for providing guidance to forestry research programs and establishing research priorities, including the establishment of a National Forestry Research Council; and

(3) recommendations for changes in current forestry research programs, including levels of research funding, that may be needed to address existing deficiencies.

SEC. 1242. SOUTHERN FOREST REGENERATION PROGRAM.

(a) **ESTABLISHMENT.**—The Secretary of Agriculture shall make a grant to a State for the establishment, within such State, of a center, to be known as the “Southern Forest Regeneration Center” (hereafter referred to in this section as the “Center”), to study forest regeneration problems and forest productivity in the southern region of the United States.

(b) **DUTIES OF CENTER.**—The Center shall study forest regeneration problems and forest productivity in the southern region of the United States, including—

(1) nursery management concerns that will lead to improved seedling quality;

Reports.

16 USC 1642
note.

(2) forest management practices that account for environmental stresses; and

(3) the development of low-cost forest regeneration methods that provide options for wood products, species diversity, wildlife habitat, and production of clean air and water.

(c) **ESTABLISHMENT OF OTHER PROGRAMS.**—The Secretary of Agriculture may establish other programs in other regions of the United States, or a comprehensive National program, to carry out the purposes of this section as the Secretary determines appropriate.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as may be necessary to carry out this section.

Establishment.
Nebraska.
16 USC 1642
note.

SEC. 1243. SEMIARID AGROFORESTRY RESEARCH CENTER.

(a) **SEMIARID AGROFORESTRY RESEARCH, DEVELOPMENT, AND DEMONSTRATION CENTER.**—The Secretary of Agriculture shall establish at the Forestry Sciences Laboratory of the United States Forest Service, in Lincoln, Nebraska, a Semiarid Agroforestry Research, Development, and Demonstration Center (hereafter referred to in this section as the “Center”) and appoint a Director to manage and coordinate the program established at the Center under subsection (b).

(b) **PROGRAM.**—The Secretary shall establish a program at the Center and seek the participation of Federal or State governmental entities, land-grant colleges or universities, State agricultural experiment stations, State and private foresters, the National Arbor Day Foundation, and other nonprofit foundations in such program to conduct or assist research, investigations, studies, and surveys to—

(1) develop sustainable agroforestry systems on semiarid lands that minimize topsoil loss and water contamination and stabilize or enhance crop productivity;

(2) adapt, demonstrate, document, and model the effectiveness of agroforestry systems under different farming systems and soil or climate conditions;

(3) develop dual use agroforestry systems compatible with paragraphs (1) and (2) which would provide high-value forestry products for commercial sale from semiarid land;

(4) develop and improve the drought and pest resistance characteristics of trees for conservation forestry and agroforestry applications in semiarid regions, including the introduction and breeding of trees suited for the Great Plains region of the United States;

(5) develop technology transfer programs that increase farmer and public acceptance of sustainable agroforestry systems;

(6) develop improved windbreak and shelterbelt technologies for drought preparedness, soil and water conservation, environmental quality, and biological diversity on semiarid lands;

(7) develop technical and economic concepts for sustainable agroforestry on semiarid lands, including the conduct of economic analyses of the costs and benefits of agroforestry systems and the development of models to predict the economic benefits under soil or climate conditions;

(8) provide international leadership in the development and exchange of agroforestry practices on semiarid lands worldwide;

(9) support research on the effects of agroforestry systems on semiarid lands in mitigating nonpoint source water pollution;

(10) support research on the design, establishment, and maintenance of tree and shrub plantings to regulate the deposition of snow along roadways; and

(11) conduct sociological, demographic, and economic studies as needed to develop strategies for increasing the use of forestry conservation and agroforestry practices.

(c) **INFORMATION COLLECTION AND DISSEMINATION.**—The Secretary shall establish at the Center a program, to be known as the National Clearinghouse on Agroforestry Conservation and Promotion to—

(1) collect, analyze, and disseminate information on agroforestry conservation technologies and practices; and

(2) promote the use of such information by landowners and those organizations associated with forestry and tree promotion.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated \$5,000,000 annually to carry out this section.

SEC. 1244. FOREST LAND PROTECTION.

(a) **NORTHERN FOREST LANDS.**—In furtherance of Public Law 100-446, the Secretary of Agriculture (hereafter in this section referred to as the “Secretary”) is authorized to continue support for the study of changing land ownership and management patterns in the northern forest lands of Maine, New Hampshire, Vermont, and New York. State listing.

(b) **NEW YORK-NEW JERSEY HIGHLANDS.**—

(1) **IN GENERAL.**—The Secretary is authorized to conduct a study of the region known as the New York-New Jersey Highlands, located in the States of New York, New Jersey, and Pennsylvania, including the Sterling Forest in Orange County, New York. Pennsylvania.

(2) **SCOPE OF STUDY.**—The study authorized under this subsection (hereafter in this subsection referred to as the “study”) shall include an identification and assessment of—

(A) the physiographic boundaries of the region referred to in this subsection (hereafter in this subsection referred to as the “region”);

(B) forest resources of the region, including (but not limited to) timber and other forest products, fish and wildlife, lakes and rivers, and recreation;

(C) historical land ownership patterns in the region and projected future land ownership, management, and use, including future recreational demands and deficits and the potential economic benefits of recreation to the region;

(D) the likely impacts of changes in land and resource ownership, management, and use on traditional land use patterns in the region, including economic stability and employment, public use of private lands, natural integrity, and local culture and quality of life; and

(E) alternative conservation strategies to protect the long-term integrity and traditional uses of lands within the region.

(3) **ALTERNATIVE CONSERVATION STRATEGIES.**—The alternative conservation strategies referred to in paragraph (2)(E) shall include a consideration of—

(A) sustained flow of renewable resources in a combination that will meet the present and future needs of society;

(B) public access for recreation;

(C) protection of fish and wildlife habitat;

(D) preservation of biological diversity and critical natural areas; and

(E) new local, State, or Federal designations.

(4) **PUBLIC PARTICIPATION.**—In conducting the study, the Secretary shall provide an opportunity for public participation.

(5) **APPROPRIATIONS.**—There are hereby authorized to be appropriated \$250,000 to carry out this subsection.

16 USC 1601
note.
President.

SEC. 1245. PRESIDENTIAL COMMISSION ON STATE AND PRIVATE FORESTS.

(a) **ESTABLISHMENT.**—The President shall establish a Commission on State and Private Forests (hereafter in this section referred to as the “Commission”) which shall assess the status of the State and private forest lands of the United States, the problems affecting these lands, and the potential contribution of these lands to the renewable natural resource needs of the United States associated with their improved management and protection.

(b) **COMPOSITION.**—The Commission shall be composed of 25 members to be appointed by the President, including Federal, State, and local officials, timber industry representatives, nonindustrial private forest landowners, conservationists, and community leaders. No more than five members shall be appointed from any one State. Not fewer than 20 members shall be appointed by the President from nominations submitted by the following Members of Congress:

(1) The chairman of the Committee on Agriculture of the House of Representatives.

(2) The ranking minority member of the Committee on Agriculture of the House of Representatives.

(3) The chairman of the Committee on Agriculture, Nutrition, and Forestry of the Senate.

(4) The ranking minority member of the Committee on Agriculture, Nutrition, and Forestry of the Senate.

(c) **VACANCY.**—A vacancy on the Commission shall be filled by appointment by the President in the manner provided in subsection (b).

(d) **CHAIRPERSON.**—The Commission shall elect a chairperson from among the members of the Commission by a majority vote.

(e) **MEETINGS.**—The Commission shall meet at the call of the chairperson or a majority of the members of the Commission.

(f) **DUTIES.**—

(1) **STUDY.**—The Commission shall conduct a study that shall include—

(A) an assessment using existing inventories of the current status of the State and private forest lands of the United States, including—

(i) ownership status and past and future trends;

(ii) the production of timber and nontimber resources from such lands; and

(iii) landowner attitudes toward the protection and management of these lands;

(B) a review of the problems affecting the State and private forest lands of the United States, including—

(i) resource losses to insects, disease, fire, and damaging weather;

(ii) inadequate reforestation;

(iii) fragmentation and conversion of the forest land base; and

(iv) management options;

(C) constraints on, and opportunities for, providing multiresource outputs from forest lands;

(D) administrative and legislative recommendations for addressing the problems and capitalizing on the potential of these lands for contributing to the renewable natural resource needs of the United States.

(2) FINDINGS AND RECOMMENDATIONS.—On the basis of its study, the Commission shall make findings and develop recommendations for consideration by the President with respect to the future demands placed on State and private forests in meeting both commodity and noncommodity needs of the United States in anticipation of impending changes in the management of the national forests, especially with regard to timber harvest. This assessment should focus on the role of State and private forest lands and help to identify means of improving their contribution to meeting the timber and nontimber needs of the United States.

(3) REPORT.—The Commission shall submit to the President, not later than December 1, 1992, a report containing its findings and recommendations. The President shall submit the report to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate, and the report is authorized to be printed as a House Document.

President.

(g) OPERATIONS IN GENERAL.—

(1) AGENCY COOPERATION.—The heads of executive agencies, the General Accounting Office, the Office of Technology Assessment, and the Congressional Budget Office shall cooperate with the Commission.

(2) COMPENSATION.—Members of the Commission shall serve without compensation for work on the Commission. While away from their homes or regular places of business in the performance of duties of the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law for persons serving intermittently in the Government service under section 5703 of title 5 of the United States Code.

(3) DIRECTOR.—To the extent there are sufficient funds available to the Commission and subject to such rules as may be adopted by the Commission, the Commission, without regard to the provisions of title 5 of the United States Code governing appointments in the competitive service and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to the classification and General Schedule pay rates, may—

(A) appoint and fix the compensation of a director; and

(B) appoint and fix the compensation of such additional personnel as the Commission determines necessary to assist it to carry out its duties and functions.

(4) STAFF AND SERVICES.—On the request of the Commission, the heads of executive agencies, the Comptroller General, and the Director of the Office Technology Assessment may furnish the Director of the Office of Technology Assessment may furnish the Commission with such office, personnel or support services as the head of the agency, or office, and the chairperson of the Commission agree are necessary to assist the Commission to carry out its duties and functions. The Commission shall not

be required to pay, or reimburse, any agency for office, personnel or support services provided by this subsection.

(5) EXEMPTIONS.—

(A) FACCA.—The Commission shall be exempt from sections 7(d), 10(e), 10(f), and 14 of the Federal Advisory Committee Act (5 U.S.C. App. 2, 1 et seq.).

(B) TITLE 5.—The Commission shall be exempt from the requirements of sections 4301 through 4305 of title 5 of the United States Code.

(h) AUTHORIZATION OF APPROPRIATIONS AND SPENDING AUTHORITY.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as are necessary to implement this section.

(2) SPENDING AUTHORITY.—Any spending authority (as defined in section 401 of the Congressional Budget Act of 1974) provided in this title shall be effective for any fiscal year only to such extent or in such amounts as are provided in appropriation Acts.

(i) TERMINATION.—The Presidential Commission on State and Private Forests shall cease to exist 90 days following the submission of its report to the President.

Washington.
Oregon.

SEC. 1246. BLUE MOUNTAIN NATURAL RESOURCE INSTITUTE.

(a) FINDINGS.—The Congress finds that—

(1) the forests and rangelands in the States of Washington and Oregon east of the Cascade Crest do not yield their productive capacity of multiple products, services and benefits, yet these forests and rangelands are expected to yield more;

(2) these forests are among the most insect infested and disease infected in North America due to previous management practices, including the exclusion of fire and past management treatments, which have allowed these forests to become overstocked or to succeed to pest-susceptible forest types;

(3) forage productivity of these forests and rangelands is reduced due to the spread of nonactive grasses, juniper, and noxious weeds;

(4) the unprecedented build-up of fuel loads in these forests places them under continual threat of catastrophic fire;

(5) losses due to insects, disease, and fire and reduced productivity of these forests and rangelands have far reaching environmental and economic consequences to local communities and a region entirely dependent on land-based resources; and

(6) concerns over global climate change, water quality and quantity, air quality, fish and wildlife habitat, biodiversity, long-term forest and rangeland health and productivity, welfare of resource-dependent communities and regional economies, catastrophic fire, and scenic quality of landscapes set the dimensions of multifaceted resources issues which are straining the effectiveness of policy makers and land managers.

(b) ESTABLISHMENT OF RESEARCH AND DEMONSTRATION PROGRAM.—The Secretary of Agriculture shall establish, plan, and initiate a research, development, and application program for the forests and rangelands of the States of Oregon and Washington located east of the Cascade Crest which shall address research, development, and application needs of the Blue Mountain area in Washington and

Oregon. The program, through research, technology development and application, and public involvement, shall—

- (1) compile and develop basic biological and ecological information to improve forest and rangeland health and vigor;
- (2) focus research on joint management and production of timber, wildlife, grazing, fish, water quality, and recreation;
- (3) stimulate cooperative research between universities and Federal and State agencies;
- (4) identify and evaluate opportunities to enhance the long-term economic and social benefits derived from the region's forest and rangeland resources in concert with county and regional economic strategies;
- (5) convert results of research into technology development products and apply new information in a timely manner;
- (6) develop technology to guide intensive multiresource management and policy decisions for sustaining long-term productivity and ecological values into the early decades of the 21st century;
- (7) develop new technologies that will enable forest and range managers to maximize multiresource benefits and minimize the hazards of fire, insect, and disease outbreaks;
- (8) develop forest management practices for use by land managers and landowners that are appropriate at the wildland-urban interface and in concert with public values for these areas;
- (9) demonstrate the application of technology and resource knowledge on specific management areas; and
- (10) establish mutually beneficial relations with the public to inform them regarding research and technology development and new management directions and to obtain feedback.

(c) **PARTNERSHIP.**—The Secretary of Agriculture shall establish and carry out the program under subsection (b) in consultation and cooperation with Federal, State, and local agencies, universities, and the private sector. In addition, the Secretary of Agriculture shall establish an advisory committee representing broad interests and perspectives to assist in the formulation of plans for implementing the program.

SEC. 1247. INTERNATIONAL FOREST PRODUCTS TRADE INSTITUTE.

(a) **ESTABLISHMENT.**—The Secretary of Agriculture may establish an International Forest Products Trade Institute (hereafter in this section referred to in this section as the "Institute").

(b) **MISSION.**—The mission of the Institute will be to increase the competitive position of the forest industries of the northeastern United States as major producers of international forest products in order to increase domestic employment and stimulate rural development, and to provide a knowledgeable, objective analysis of global forest resource problems.

(c) **FUNCTIONS.**—The Institute shall—

- (1) emphasize the application of existing knowledge to the manufacturing and international marketing of forest products as well as conduct new research related to the competitiveness of the northeastern forest products industry;
- (2) study and evaluate domestic and international forest, forest sector, agroforestry, development, economic, and trade policies;

Employment.
Rural areas.
16 USC 2112
note.

(3) design, analyze and test technologically appropriate manufacturing, processing and marketing systems which are supportive of and consistent with forest policy and management strategies formulated by the Institute and which enhance opportunities for markets in forest products; and

(4) formulate and test management strategies for—

(A) United States forests, and

(B) manufacturing facilities that promote ecologically sustainable use, and long-term management, of international forests.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this section.

CHAPTER 3—EDUCATION

SEC. 1251. EXTENSION.

(a) **EXPANSION OF PROGRAMS.**—The Renewable Resources Extension Act of 1978 (16 U.S.C. 1671 et seq.) is amended by inserting after section 5 the following new section:

16 USC 1674a.

“SEC. 5A. EXPANDED PROGRAMS.

“(a) **IN GENERAL.**—The Secretary, acting through the Extension Service and the State cooperative extension services, and in consultation with State foresters or equivalent State officials, school boards, and universities, shall expand forestry and natural resources education programs conducted under this Act for private forest owners and managers, public officials, youth, and the general public, and shall include guidelines for the transfer of technology.

“(b) **ACTIVITIES.**—

“(1) **IN GENERAL.**—In expanding the programs conducted under this Act, the Secretary shall ensure that activities are undertaken to promote policies and practices that enhance the health, vitality, productivity, economic value, and environmental attributes of the forest lands of the United States.

“(2) **TYPES.**—The activities referred to in paragraph (1) shall include—

“(A) demonstrating and teaching landowners and forest managers the concepts of multiple-use and sustainable natural resource management;

“(B) conducting comprehensive environmental education programs that assist citizens to participate in environmentally positive activities such as tree planting, recycling, erosion prevention, and waste management; and

“(C) educational programs and materials that will improve the capacity of schools, local governments and resource agencies to deliver forestry and natural resources information to young people, environmentally concerned citizens, and action groups.”.

(b) **PROGRAM AUTHORIZATIONS.**—Section 3(a) of such Act (16 U.S.C. 1672(a)) is amended—

(1) in paragraph (7), by striking “and” at the end thereof;

(2) in paragraph (8), by striking the period and inserting “; and”; and

(3) by adding at the end thereof the following new paragraph:

“(9) conduct a comprehensive natural resource and environmental education program for landowners and managers, public officials, and the public, with particular emphasis on youth.”.

(c) **EXTENSION PROGRAM PLAN.**—Section 5(a) of such Act (16 U.S.C. 1674(a)) is amended by inserting before the period at the end thereof the following: “, and give special attention to water quality protection and natural resource and environmental education for landowners and managers, public officials, and the public”.

SEC. 1252. FORESTRY STUDENT GRANT PROGRAM.

The Forest and Rangeland Renewable Resources Research Act of 1978 (16 U.S.C. 1641 et seq.) is amended by adding at the end thereof the following new section:

“SEC. 10. FORESTRY STUDENT GRANT PROGRAM.

16 USC 1649.

“(a) **ESTABLISHMENT.**—The Secretary shall establish a program, to be known as the ‘Forestry Student Grant Program’ (hereafter referred to in this section as the ‘Program’), to provide assistance to expand the professional education of forestry, natural resources, and environmental scientists.

“(b) **STUDENT GRANTS.**—Under the Program the Secretary shall provide assistance for the establishment of a competitive grant fellowship program to assist graduate, and undergraduate minority and female, students attending institutions having programs in forestry and natural resources.

“(c) **ELIGIBILITY.**—The Secretary shall ensure that students concentrating in the following studies shall be eligible for assistance under subsection (b):

“(1) Forestry.

“(2) Biology and forest organisms.

“(3) Ecosystem function and management.

“(4) Human-forest interaction.

“(5) International trade, competition, and cooperation.

“(6) Wood as a raw material.

“(7) Economics and policy.

“(d) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as may be necessary to carry out this section.”.

Subtitle C—America the Beautiful

America the
Beautiful Act of
1990.
16 USC 2101
note.

SEC. 1261. SHORT TITLE.

This subtitle may be cited as the “America the Beautiful Act of 1990”.

SEC. 1262. FINDINGS.

Congress finds that—

(1) trees and forests provide beauty and diversity to both rural and urban landscapes;

(2) trees and forests protect the United States’s soil, water, and wetland resources by filtering runoff and preventing erosion;

(3) trees and forests provide food and cover for many species of wildlife;

(4) trees and forests provide shade, block winds, and add moisture to the air, thereby mitigating the urban “heat island” effect and significantly reducing energy use;

(5) trees and forests make important contributions to the environmental, social, and economic well-being of both rural and urban areas across the United States; and

(6) stewardship of trees and forests could be significantly enhanced by encouraging, promoting, and supporting partnerships and community service projects involving individuals, youth groups, organizations, businesses and governments at all levels.

SEC. 1263. PURPOSES.

The purposes of this subtitle are to—

(1) authorize the President to designate a private nonprofit foundation as eligible for a one-time grant from the Secretary of Agriculture, to be used for promoting public awareness and a spirit of volunteerism, soliciting private sector contributions, and overseeing the use of these contributions to encourage tree planting projects in communities and urban areas;

(2) promote the principles of basic forest stewardship through the nationwide planting, improvement, and maintenance of trees in order to increase reforestation, enhance the environmental and aesthetic qualities of the United States’s rural and urban areas, and reduce global carbon dioxide levels;

(3) authorize the Secretary of Agriculture to provide increased financial and technical assistance to State forestry agencies and others, and enter into cost-sharing agreements with individuals, for the purpose of encouraging owners of nonindustrial private lands to plant and maintain trees and improve forests in rural areas; and

(4) authorize the Secretary of Agriculture to provide increased financial and technical assistance to State forestry agencies and others for the purpose of encouraging units of local government, civic groups, and individuals to plant and maintain trees and improve forests in communities and urban areas.

SEC. 1264. TREE PLANTING FOUNDATION.

(a) PURPOSE.—The purpose of this section is to authorize the President to designate a private nonprofit Foundation as eligible to receive a grant from the Department of Agriculture to be used—

(1) to provide grants, including matching grants, to qualifying nonprofit organizations (including youth groups), municipalities, counties, towns and townships for the implementation of programs to promote public awareness and a spirit of volunteerism in support of tree planting, maintenance, management, protection, and cultivation projects in rural areas, communities and urban areas throughout the United States;

(2) to solicit public and private sector contributions through the mobilization of individuals, businesses, governments, and community organizations with the goal of increasing the number of trees planted, maintained, managed, and protected in rural areas, communities and urban environments;

(3) to accept and administer public and private gifts and make grants, including matching grants, to encourage local participation, for the planting, maintenance, management, protection, and cultivation of trees; and

(4) to ensure that our descendants will be able to share their ancestors' pride when referring to their land as "America the Beautiful".

(b) **AUTHORITY.**—The President is authorized to designate a private nonprofit organization (hereafter in this section referred to as the "Foundation") as eligible to receive funds pursuant to subsections (d) and (e) upon determining that such organization can, consistent with its charter, carry out the purposes stated in subsection (a), and that the officers of such organization have the experience and expertise necessary to direct the activities of the organization. Nothing in this section shall be construed to make officers, employees, or members of the board of directors of the Foundation officers or employees of the United States. The Foundation shall be a private and nonprofit organization and not an agency or establishment of the United States. President.

(c) **IMPLEMENTATION.**—The Foundation shall carry out this section in accordance with the purposes stated in subsection (a).

(d) **FUNDING.**—For fiscal year 1991, the Secretary is authorized to make a grant of not to exceed \$25,000,000 to the Foundation.

(e) **USE OF FUNDS.**—Funds made available pursuant to subsection (d) shall be granted to the Foundation by the Secretary to enable the Foundation to carry out the purposes specified in subsection (a).

(f) **INTEREST.**—Notwithstanding any other provision of law, the Foundation may hold funds made available pursuant to subsection (e) in interest-bearing accounts prior to the disbursement of the funds for purposes specified in subsection (a) and may retain to carry out such purposes any interest earned on the deposits.

(g) **LIMITATIONS ON USES OF FUNDS.**—

(1) **IN GENERAL.**—The Foundation may use funds provided by this section only for making grants to qualified organizations, municipalities, counties, towns and townships for the implementation of projects and activities that are consistent with the purposes specified in subsection (a).

(2) **QUALIFIED ORGANIZATIONS.**—For the purposes of this section, qualified organizations shall consist of those organizations that meet the requirements of section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 501(c)(3)) and have demonstrated a capability to implement the project or activity for which the Foundation funds will be used.

(h) **COMPENSATION FROM OUTSIDE SOURCES.**—An officer or employee of the Foundation may not receive any salary or other compensation for services rendered to the Foundation from any source other than the Foundation.

(i) **STOCK AND DIVIDENDS.**—The Foundation shall not issue any shares of stock or declare or pay any dividends.

(j) **LOBBYING.**—The Foundation shall not engage in lobbying or propaganda for the purpose of influencing legislation and shall not participate or intervene in any political campaign on behalf of any candidate for public office.

(k) **SALARY; TRAVEL AND EXPENSES; CONFLICTS OF INTEREST.**—

(1) **PERSONAL BENEFIT FROM FUNDS.**—No part of the funds of the Foundation shall inure to the benefit of any board member, officer, or employee of the Foundation, except as salary or reasonable compensation for services or expenses.

(2) **TRAVEL AND EXPENSE REIMBURSEMENT.**—Compensation for board members shall be limited to reimbursement for reasonable costs of travel and expenses.

(3) **CONFLICTS OF INTEREST.**—No director, officer, or employee of the Foundation shall participate, directly or indirectly, in the consideration or determination of any question before the Foundation affecting—

(A) the financial interests of the director, officer, or employee; or

(B) the interests of any corporation, partnership, entity, or organization in which such director, officer, or employee—

(i) is an officer, director, or trustee; or

(ii) has any direct or indirect financial interest.

(l) **RECORDS; AUDITS.**—The Foundation shall ensure that—

(1) each recipient of assistance provided through the Foundation under this section maintains, for at least 5 years after the receipt of the assistance, separate accounts with respect to the assistance and such records as may be reasonably necessary to disclose fully—

(A) the amount and the disposition by the recipient of the proceeds of the assistance;

(B) the total cost of the project or undertaking in connection with which the assistance is given or used;

(C) the amount and nature of that portion of the cost of the project or undertaking supplied by other sources; and

(D) such other records as will facilitate an effective audit; and

(2) the Foundation and any duly authorized representative of the Foundation shall have access, for the purpose of audit and examination, to any books, documents, papers, and records of the recipient that are pertinent to assistance provided through the Foundation under this section.

(m) **AUDITS.**—

(1) **INDEPENDENT AUDITS.**—For the fiscal year in which the Foundation receives the grant awarded under subsection (e), and for the succeeding 5 fiscal years, the accounts of the Foundation shall be audited annually in accordance with generally accepted auditing standards by an independent certified public accountant or an independent licensed public accountant certified or licensed by a regulatory authority of a State or other political subdivision of the United States. The report of each such independent audit shall be included in the annual report required by subsection (n).

(2) **AGENCY AUDITS.**—For the fiscal year in which the Foundation receives the grant awarded under subsection (d), and for the succeeding 5 fiscal years, the financial transactions undertaken pursuant to this section by the Foundation may be audited by any agency designated by the President.

(n) **ANNUAL REPORTS.**—

(1) **IN GENERAL.**—Not later than 3 months after the conclusion of each fiscal year, the Foundation shall publish an annual report that includes a comprehensive and detailed report of the operations, activities, financial condition, and accomplishments of the Foundation under this Act during the fiscal year.

(2) **TERMINATION.**—The obligation of the Foundation to publish annual reports pursuant to this subsection shall terminate after publication of the report incorporating the findings of the final audit in accordance with procedures required by subsection (l).

(o) **PROHIBITION ON COMMERCIAL HARVEST.**—Trees planted pursuant to a program receiving funds under this section may not be commercially harvested and sold for Christmas trees.

(p) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated \$25,000,000 to be granted by the Secretary of Agriculture to the Foundation. All funds appropriated under this section may remain available until expended.

SEC. 1265. RURAL TREE PLANTING AND FOREST MANAGEMENT PROGRAM.

The Secretary of Agriculture is authorized to establish a rural tree planting and forest management program as a special component of the forest stewardship program and the stewardship incentive program established under sections 5 and 6 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2102) (as amended by subtitle A). Such program shall terminate on December 31, 2001.

SEC. 1266. COMMUNITY TREE PLANTING AND IMPROVEMENT PROGRAM.

The Secretary of Agriculture is authorized to establish a community tree planting and improvement program as a special component of the urban and community forestry assistance program established under section 9 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2105) (as amended by section 1219). Such program shall terminate on December 31, 2001.

Subtitle D—Miscellaneous Provisions

SEC. 1271. EMERGENCY REFORESTATION ASSISTANCE.

16 USC 2106a.

(a) **IN GENERAL.**—The Secretary of Agriculture is authorized to provide assistance under this section to eligible landowners who suffer destruction of 35 percent or more of a commercial tree stand due to damaging weather, related condition, or wildfire.

(b) **FORM OF ASSISTANCE.**—The assistance, if any, provided by the Secretary under this section shall consist of either—

(1) reimbursement of up to 65 percent of the cost of reestablishing such tree stand damaged by the damaging weather, related condition, or wildfire in excess of 35 percent mortality; or

(2) at the discretion of the Secretary, provision of sufficient tree seedlings to reestablish such tree stand.

(c) **CONDITIONS.**—

(1) **LIMITATION ON ASSISTANCE.**—No person may receive an amount in excess of \$25,000 in any fiscal year, or an equivalent value in tree seedlings, under this section.

(2) **INELIGIBILITY.**—A person who has qualifying gross revenues in excess of \$2,000,000 annually, as determined by the Secretary, shall not be eligible to receive any disaster payment or other benefits under this section.

(3) **IMPLEMENTATION.**—In implementing this section, the Secretary shall issue regulations—

Regulations.

(A) defining the term “person” for the purposes of this section that shall conform, to the extent practicable, to the regulations defining the term “person” issued under section 1001 of the Food Security Act of 1985 (7 U.S.C. 1308);

(B) prescribing such rules as the Secretary determines necessary to ensure a fair and reasonable application of the limitations established under this subsection; and

(C) ensuring that no person receives duplicative payments or assistance under this section, the Cooperative Forestry Assistance Act of 1978, and the Agricultural Conservation Program established under section 16(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h, 590l, or 590p), or other Federal program.

(d) DEFINITIONS.—As used in this section—

(1) the term “damaging weather” includes drought, hail, excessive moisture, freeze, tornado, hurricane, excessive wind, or any combination thereof;

(2) the term “eligible landowner” means a person who—

(A) produces annual crops from trees for commercial purposes and owns 500 acres or less of such trees;

(B) owns 1,000 acres or less of private forest land; or

(C) owns more than 1,000 acres but less than 5,000 acres of private forest land if the Secretary, in the Secretary’s discretion, determines the person eligible;

(3) the term “qualifying gross revenues” means—

(A) if a majority of the person’s annual income is received from farming, ranching, and forestry operations, the gross revenue from the person’s farming, ranching, and forestry operations; and

(B) if less than a majority of the person’s annual income is received from farming, ranching, and forestry operations, the person’s gross revenue from all sources;

(4) the term “related condition” includes insect infestations, disease, or other deterioration of a tree stand that is accelerated or exacerbated by damaging weather;

(5) the term “reestablish” includes site preparation, reforestation of a damaged stand, and timber stand improvement practices, including thinning, prescribed burning, and other practices approved by the Secretary for reforestation;

(6) the term “Secretary” means the Secretary of Agriculture; and

(7) the term “wildfire” means any forest or range fire.

(e) RETROACTIVE ASSISTANCE.—The Secretary shall use funds provided under this section to reimburse landowners for approved reforestation practices that were implemented before the date of enactment of this section. The Secretary shall not make reimbursements for reforestation practices that were implemented prior to September 1, 1989.

SEC. 1272. TALLADEGA NATIONAL FOREST EXPANSION.

The boundaries of the Talladega National Forest are hereby modified to include all lands depicted on a map entitled “Talladega Forest Expansion” and dated October 1990, which shall be on file and available for public inspection in the Office of the Chief of the Forest Service, Washington, District of Columbia. Within the area delineated on such map, the Secretary shall utilize his authorities under the Act of March 1, 1911 (Chapter 186, 36 Stat. 961), to acquire lands, waters, and interests therein. Lands so acquired shall be managed under such Act for National Forest purposes. It is the intent of the Congress that, to the extent practicable, private lands be acquired on a willing seller basis without undue delay.

TITLE XIII—FRUITS, VEGETABLES, AND MARKETING

Subtitle A—Fruits and Vegetables

Nutrition.
Domestic
producers.

7 USC 499a note.

SEC. 1301. FINDINGS.

Congress finds that—

(1) fruits, vegetables, and specialty crops are a vital and important source of nutrition for the general health and welfare of the people of the United States; and

(2) fruits and vegetables are recommended as an essential part of a healthy, nutritious diet by numerous health officials and organizations including the Surgeon General of the United States; the National Institutes of Health; the National Cancer Institute; the American Heart Association; the Committee on Diet, Nutrition and Cancer of the National Academy of Sciences; the Department of Agriculture; and the Department of Health and Human Services.

SEC. 1302. PURPOSES.

7 USC 499a note.

The purposes of this subtitle are to—

(1) improve the Nation's dietary and nutritional standards by promoting domestically produced wholesome and nutritious fruit and vegetable products;

(2) increase the public awareness as to the difficulties domestic producers experience regarding the production, harvesting, and marketing of these products; and

(3) aid in the development of new technology and techniques that will assist domestic producers in meeting the challenges of increased demands for fruit and vegetable products in the future.

SEC. 1303. DECLARATION.

7 USC 499a note.

Congress declares that the domestic production of fruits and vegetables is an integral part of this Nation's farm policy.

SEC. 1304. STUDY OF THE FRUIT AND VEGETABLE INDUSTRY.

7 USC 499a note.

(a) STUDY.—

(1) IN GENERAL.—The Secretary of Agriculture shall conduct a study to determine the state of the domestic fruit and vegetable industry. In conducting such study, the Secretary of Agriculture shall consult with such agencies or departments, as determined necessary by the Secretary of Agriculture, including the Environmental Protection Agency, the Department of Health and Human Services, the Department of Commerce, the Department of Labor, and the Department of Education.

(2) CONTENTS.—The study conducted under paragraph (1) shall include—

(A) a review of the availability of an adequate labor supply for maintaining and harvesting of fruits and vegetables;

(B) a review of the availability of crop insurance or disaster assistance for fruit and vegetable producers;

(C) a review of scientific and technological advances in the areas of genetics, biotechnology, integrated pest

management, post harvest protection, and other scientific developments related to the production and marketing of fruits and vegetables;

(D) an examination of the availability of safe and effective chemicals for use in the production of fruits and vegetables, and an evaluation of the value of national uniformity to both consumers and producers;

(E) a review of the requirements and cost of labeling fruits and vegetables in the industry, and the benefits that would result from the labeling of such products; and

(F) a review of Federal educational programs that teach the importance of fruits and vegetables to a proper diet.

(b) **REPORT.**—Not later than 18 months after the date of enactment of this title, the Secretary of Agriculture shall prepare and submit, to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate, a report containing the results of the study described in subsection (a). Such report shall include—

(1) the recommendations of the Secretary concerning the manner in which producers of domestic fruit and vegetable commodities that are not receiving assistance under the programs that provide market enhancement assistance (such as the export enhancement program under subtitle B of title XI of the Food Security Act of 1985 (7 U.S.C. 1736p et seq.) to producers of domestic fruit and vegetable commodities, could participate in such programs; and

(2) the recommendations to the Secretary concerning the establishment of additional programs of the type described in paragraph (1) to assist producers of domestic fruit and vegetable commodities in increasing their production and in expanding domestic and foreign markets for the products of such producers.

7 USC 499a note. **SEC. 1305. COUNTRY OF ORIGIN LABELING PROGRAMS.**

(a) **GROWN IN THE U.S. PROGRAM.**—The Secretary of Agriculture (hereafter referred to in this section as the “Secretary”) shall implement a program defining the conditions under which non-perishable agricultural products may be designated as “grown in the U.S.”.

(b) **PILOT PROGRAM.**—

(1) **IN GENERAL.**—The Secretary shall implement a 2-year pilot program during which time perishable agricultural products (fresh fruits and vegetables) are labeled or marked as to their country of origin. This program shall be conducted nationwide. After the 2-year period, the Secretary shall conduct a study to determine the results of the program. The Secretary shall submit to the Congress the results of the study within 18 months from the date of completion of the program.

(2) **DETAILS OF THE PILOT PROGRAM.**—

(A) **DESIGNATION OF COUNTRY OF ORIGIN.**—The program shall require that the country of origin of perishable agricultural products be indicated on any such products or on the package, display, holding unit, or bin by means of a label, stamp, mark, placard, or other clear and visible indication at the point of sale by any commission merchant, dealer, broker, or grocer. A sign near the products shall be an acceptable indication of the country of origin.

(B) **APPLICATION OF PROGRAM.**—

(i) **IMPORTED AND DOMESTIC PRODUCTS.**—The program shall apply to imported and domestic perishable agricultural products (including fresh fruits and vegetables).

(ii) **IMPORTED PERISHABLE AGRICULTURAL PRODUCTS.**—The labeling program shall apply to imported perishable agricultural products that enter the United States marked as to the country of origin and that are in compliance with section 304(a) of the Tariff Act of 1930.

(C) **EXEMPTIONS.**—The Secretary may provide for exemptions for products that are exempted, under section 304(a)(3)(J) of the Tariff Act of 1930, from the country of origin marking requirements of that Act.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 1306. ENFORCEMENT OF HANDLER ASSESSMENTS.

Section 8c(14) of the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 608c(14)) is amended—

(1) in subparagraph (A) by—

(A) striking “(other than a provision calling for payment of a pro rata share of expenses)”; and

(B) striking “: *Provided*, That if” and inserting “. If”; and

(2) in subparagraph (B) by striking “(other than a provision calling for payment of a pro rata share of expenses)”.

SEC. 1307. KIWIFRUIT AND OTHER FRUIT.

The first sentence of section 8e(a) of the Agricultural Adjustment Act (7 U.S.C. 608e-1), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended by striking “or eggplants” and inserting “eggplants, kiwifruit, nectarines, plums, pistachios, or apples”.

SEC. 1308. MARKETING ORDERS.

Section 8e of the Agricultural Adjustment Act (7 U.S.C. 608e-1), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended by—

(1) striking “(a) Notwithstanding any other provision of law,” in the first sentence, and inserting in its place “(a) Subject to the provisions of subsections (c) and (d) and notwithstanding any other provision of law,”;

(2) adding at the end thereof the following new subsections:

“(c) Prior to any import prohibition or regulation under this section being made effective with respect to any commodity—

“(1) the Secretary of Agriculture shall notify the United States Trade Representative of such import prohibition or regulation; and

“(2) the United States Trade Representative shall advise the Secretary of Agriculture, within 60 days of the notification under paragraph (1), to ensure that the application of the grade, size, quality, and maturity provisions of the relevant marketing order, or comparable restrictions, to imports is not inconsistent with United States international obligations under any trade agreement, including the General Agreement on Tariffs and Trade.

“(d) The Secretary may proceed with the proposed prohibition or regulation if the Secretary receives the advice and concurrence of

Imports.

the United States Trade Representative within 60 days of the notification under subsection (c)(1).”.

7 USC 499b-1.

SEC. 1309. PRODUCTS PRODUCED IN DISTINCT GEOGRAPHIC AREAS.

(a) **IN GENERAL.**—In the case of a perishable agricultural commodity (as defined under the Perishable Agricultural Commodity Act (7 U.S.C. 499a(4))—

- (1) subject to a Federal marketing order under the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 601 et seq.);
 - (2) traditionally identified as being produced in a distinct geographic area, State, or region; and
 - (3) the unique identity, based on such distinct geographic area, of which has been promoted with funds collected through producer contributions pursuant to such marketing order,
- no person may use the unique name or geographical designation of such commodity to promote the sale of a similar commodity produced outside such area, State, or region.

(b) **PENALTIES.**—A violation of this section shall be considered a violation of paragraphs (4) and (5) of section 2 of the Perishable Agricultural Commodities Act (7 U.S.C. 499b (4) and (5)).

(c) **REIMBURSEMENT.**—A person bringing a complaint under this section shall reimburse the Secretary of Agriculture for any and all costs associated with the enforcement of this section.

(d) **PROHIBITION.**—The Secretary of Agriculture shall not increase any fees charged under the Perishable Agricultural Commodities Act (7 U.S.C. 499 et seq.) to offset costs associated with the operation of this section.

(e) **REGULATIONS.**—The Secretary shall promulgate regulations to carry out this section.

Subtitle B—National Laboratory Accreditation

7 USC 138.

SEC. 1321. DEFINITIONS.

As used in this subtitle:

(1) **AGRICULTURAL PRODUCT.**—The term “agricultural product” means any fresh fruit or vegetable or any commodity or product derived from livestock or fowl, that is marketed in the United States for human consumption.

(2) **CERTIFICATE.**—The term “certificate” means a certificate of accreditation issued under this subtitle.

(3) **LABORATORY.**—The term “laboratory” means any facility or vehicle that is owned by an individual or a public or private entity and is equipped and operated for the purpose of carrying out pesticide residue analysis on agricultural products for commercial purposes.

(4) **PESTICIDE.**—The term “pesticide” means any substance that alone, in chemical combination, or in any formulation with one or more substances, is defined as a pesticide in section 2(u) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136(u)).

(5) **SECRETARY.**—The term “Secretary” means the Secretary of Agriculture.

7 USC 138a.

SEC. 1322. NATIONAL LABORATORY ACCREDITATION PROGRAM.

(a) **ESTABLISHMENT OF PROGRAM.**—The Secretary shall administer a National Laboratory Accreditation Program under which labora-

tories that request accreditation and conduct residue testing of agricultural products, or that make claims to the public or buyers of agricultural products concerning chemical residue levels on agricultural products, shall be determined to meet certain minimum quality and reliability standards.

(b) **STANDARDS.**—The Secretary of Health and Human Services, after consultation with the Secretary and the Administrator of the Environmental Protection Agency, shall establish, through regulations, standards for the National Laboratory Accreditation program that shall include—

Regulations.

- (1) standards applicable to laboratories;
- (2) qualifications for directors and other personnel; and
- (3) standards and procedures for quality assurance programs.

(c) **ACCREDITING BODIES.**—The Secretary of Health and Human Services shall approve State agencies or private, nonprofit entities as accrediting bodies to act on behalf of such Secretary in implementing the certification and quality assurance programs in accordance with the requirements of this section. In making such approvals the Secretary of Health and Human Services shall—

Inter-governmental relations.
Nonprofit organizations.

- (1) oversee and review the performance of any accrediting body acting on behalf of the Secretary to ensure that such accrediting body is in compliance with the requirements of the certification program under this section; and
- (2) have the right to obtain from an accrediting body acting on behalf of the Secretary and from any laboratory that may be certified by such a body all records and materials that may be necessary for the oversight and review required by paragraph (1).

Records.

(d) **REQUIREMENTS.**—To be accredited under this subtitle, a laboratory shall—

- (1) prepare and submit an application for accreditation to the Secretary; and
- (2) comply with such terms and conditions as are determined necessary by the Secretary and the Secretary of Health and Human Services.

(e) **EXCEPTIONS.**—This subtitle shall not apply to—

- (1) a laboratory operated by a government agency;
- (2) a laboratory operated by a corporation that only performs analysis of residues on agricultural products for such corporation or any wholly owned subsidiary of such corporation and does not make claims to the public or buyers based on such analysis;
- (3) a laboratory operated by a partnership that only performs analysis of residues on agricultural products for the partners of such partnership and does not make claims to the public or buyers based on such analysis; or
- (4) a laboratory not operated for commercial purposes that performs pesticide chemical residue analysis on agricultural products for research or quality control for the internal use of a person who is initiating the analysis.

SEC. 1323. ACCREDITATION.

7 USC 138b.

(a) **IN GENERAL.**—The Secretary shall issue certificates of accreditation to laboratories that meet the requirements of this subtitle, as determined by the Secretary.

(b) **REQUIREMENTS FOR ACCREDITATION.**—To receive accreditation under this subtitle, a laboratory shall prepare and submit an ap-

plication for accreditation to the Secretary and shall complete such required tests, and meet such standards as established under section 1322.

(c) **FAILURE TO MEET ACCREDITATION STANDARDS.**—The Secretary shall deny an application for accreditation or shall revoke any existing accreditation with respect to any laboratory that fails to meet the requirements for accreditation under this subtitle.

(d) **LIMITED ACCREDITATION.**—The Secretary may issue certificates of accreditation to laboratories that are limited to specific fields of testing.

7 USC 138c.

SEC. 1324. SAMPLES.**(a) PERFORMANCE EVALUATION SAMPLES.**—

(1) **PROVIDED BY SECRETARY.**—The Secretary shall ensure that performance evaluation samples are provided to any laboratory that has applied for accreditation under this subtitle.

(2) **ANALYSIS BY LABORATORY.**—A laboratory described in paragraph (1) shall analyze such performance evaluation samples and submit the results of such analysis to the Secretary, as provided for in section 1322.

(3) **TESTING METHODS.**—Samples shall be tested by the laboratory according to methods specifically approved for such purpose by alternate methods of demonstrated adequacy or equivalence, as determined in regulations established under this subtitle.

(b) RESULTS OF TESTING.—

(1) **SUBMISSION OF RESULTS.**—The laboratory shall submit the results of the tests conducted under subsection (a) to the Secretary on forms provided by the Secretary, on or before the date determined by the Secretary.

(2) **EVALUATION OF TESTS.**—The Secretary shall evaluate the results of such tests achieved by the laboratory and shall determine whether such laboratory is capable of undertaking an accurate analysis of chemical residues in agricultural products.

(c) **REVIEW OF ACCREDITATION.**—The Secretary shall ensure that performance evaluation samples for analysis are provided to laboratories accredited under this subtitle not less than two times a year.

7 USC 138d.

SEC. 1325. APPLICATION.

(a) **CONTENTS OF APPLICATION.**—An application for accreditation under this subtitle shall be prepared and submitted to the Secretary and shall include—

(1) the name and address of the laboratory;

(2) the name and address of the owners and managers of such laboratory;

(3) a statement concerning the type of analysis the laboratory intends to conduct;

(4) a brief history of the laboratory and its previous operations; and

(5) such other information as may be required by the Secretary.

(b) **RESTRICTIONS ON SUBMISSION OF APPLICATION.**—A laboratory that has been denied, or has lost, accreditation under this subtitle shall not reapply for accreditation until the expiration of at least 6 months after such denial or loss of accreditation. Corrective actions taken by the laboratory to address deficiencies upon which the

denial or loss of accreditation was based must accompany the reapplication.

SEC. 1326. REPORTING.

7 USC 138e.

(a) **IN GENERAL.**—Each laboratory or individual that performs, brokers, or otherwise arranges for the performance of a pesticide chemical analysis of food shall prepare and submit a report, simultaneously to the Secretary, the Secretary of Health and Human Services, and to the owner of such food, that shall contain any finding of pesticide chemical residues in such food—

(1) for which no chemical residue tolerance or exemption has been established;

(2) that is in excess of residue tolerances; or

(3) for which the chemical residue tolerance has been revoked or the chemical residue is otherwise not permitted by the Environmental Protection Agency.

(b) **TIMING OF REPORT.**—A laboratory shall submit the report required under subsection (a) to the Secretary, the Secretary of Health and Human Services, and the owner of such food as soon as practicable after the completion of the analysis of such food.

(c) **GUIDELINES.**—The Secretary shall adopt standardized reporting guidelines to be applied to laboratories under this section and shall provide such guidelines to laboratories accredited under this subtitle, as well as other sources of information regarding applicable pesticide chemical tolerances.

SEC. 1327. FEES.

7 USC 138f.

(a) **IN GENERAL.**—At the time that an application for accreditation is received by the Secretary, and annually thereafter, a laboratory seeking such accreditation under this subtitle shall pay a non-refundable accreditation fee.

(b) **AMOUNT OF FEE.**—The fee required under subsection (a) shall be established by the Secretary in an amount that will offset the cost of the program established by this subtitle.

(c) **REIMBURSEMENT OF EXPENSES.**—Each laboratory that is accredited under this subtitle or that has applied for accreditation under this subtitle shall reimburse the Secretary for reasonable travel and other expenses necessary to perform onsite inspections of such laboratory.

(d) **ADJUSTMENT OF FEES.**—The Secretary may, on an annual basis, adjust the fees imposed under this section as necessary to support the full costs of the program established by this subtitle.

SEC. 1328. PUBLIC DISCLOSURE.

7 USC 138g.

The results of the evaluations of laboratories conducted by the Secretary under this subtitle shall be made available to the Secretary of Health and Human Services and to the public on request.

SEC. 1329. REGULATIONS.

7 USC 138h.

The Secretary shall promulgate regulations to carry out this subtitle.

SEC. 1330. EFFECT OF OTHER LAWS.

7 USC 138i.

Nothing in this subtitle shall alter the authority of the Secretary of Health and Human Services under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).

Subtitle C—Cosmetic Appearance**SEC. 1351. DEFINITION.**

As used in this subtitle, the term “cosmetic appearance” means the exterior appearance of an agricultural commodity, including changes to that appearance resulting from superficial damage or other alteration that do not significantly affect yield, taste, or nutritional value.

SEC. 1352. RESEARCH.

(a) **REQUIREMENT.**—The Secretary of Agriculture shall conduct research to examine the effects, to the extent listed in subsection (b), of grade standards and other regulations, as developed and promulgated pursuant to the Agricultural Marketing Act of 1946 (7 U.S.C. 1621 et seq.), and other statutes governing cosmetic appearance.

(b) **SCOPE OF RESEARCH.**—The primary goal of this research is to investigate the extent to which grade standards and other regulations governing cosmetic appearance affect pesticide use in the production of perishable commodities. The research shall also—

(1) determine pesticide application levels for United States perishable commodity production and assess trends, and factors influencing those trends, of pesticide application levels since 1975;

(2) determine the extent to which Federal grade standards and other regulations affect pesticide use in agriculture for cosmetic appearance;

(3) determine the effect of reducing emphasis on cosmetic appearance in grade standards and other regulations on—

(A) the application and availability of pesticides in agriculture;

(B) the adoption of agricultural practices that result in reduced pesticide use;

(C) production and marketing costs;

(D) domestic and international markets and trade for perishable commodities;

(4) determine the extent to which grade standards and other regulations reflect consumer preferences;

(5) develop options for implementation of food marketing policies and practices that will remove obstacles that may exist to pesticide use reduction, based on the findings of research conducted under this section.

(c) **FIELD RESEARCH.**—

(1) **LENGTH OF PROJECTS.**—The Secretary of Agriculture shall implement, not later than 12 months after the date of enactment of this Act, a minimum of three, 2-year market research projects, in at least three States, to demonstrate and evaluate the feasibility of consumer education and information programs.

(2) **SCOPE OF FIELD RESEARCH.**—Research under paragraph (1) shall be conducted to evaluate programs designed to—

(A) offer consumers choices among perishable commodities produced with different production practices;

(B) provide consumers with information about agricultural practices used in the production of perishable commodities; or

(C) educate the public about the relationship, as determined in the research conducted under this subtitle, between the cosmetic appearance of perishable commodities and pesticide use.

(d) **DISSEMINATION OF RESULTS.**—The Secretary of Agriculture shall disseminate to concerned parties the results obtained from prior scientifically valid research concerning Federal marketing policies and practices described in this section to avoid any duplication of effort and to ensure that current knowledge concerning such policies and practices is enhanced.

(e) **ADVISORY COMMITTEE.**—

(1) **ESTABLISHMENT.**—The Secretary of Agriculture shall establish an advisory committee for the purpose of providing ongoing review of the implementation of the requirements in this section and providing the Secretary of Agriculture with recommendations regarding the implementation of those requirements.

(2) **MEMBERSHIP.**—The Advisory Committee shall consist of 12 members comprised of three representatives from not-for-profit consumer organizations, three representatives from not-for-profit environmental organizations, three representatives from production agriculture and the perishable commodity grower and shipper community, and three representatives from the food retailing sector, each with experience in the policy issues discussed in this section.

(f) **REPORT.**—The Secretary of Agriculture shall report to Congress on the research conducted under this section no later than September 30, 1992. The Secretary shall report on the research conducted under subsection (c) no later than September 30, 1993.

SEC. 1353. CHANGES IN PROCEDURAL REGULATIONS.

With regard to Federal grade standards developed and promulgated pursuant to the Agricultural Marketing Act of 1946 (7 U.S.C. 1621 et seq), the Secretary of Agriculture shall:

(1) Take into account the impact of those standards on the ability of perishable commodity growers to reduce the use of pesticides.

(2) Provide for citizens outside of the perishable commodity industry fair and reasonable opportunity to formally petition a change in grade standards.

(3) Provide for a comment period after a formal petition to change grade standards has been made to enable all interested parties to submit information. The Secretary of Agriculture shall evaluate the information and consider it in the revision process.

(4) Provide interested parties with annual status reports during the period 1992 through 1994, updated upon request, on all pending grade standard changes the Department of Agriculture is considering. Reports.

SEC. 1354. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out the activities required under this subtitle, \$4,000,000 for each fiscal year.

Subtitle D—Miscellaneous

SEC. 1361. AMENDMENT TO THE PERISHABLE AGRICULTURAL COMMODITIES ACT.

Section 3(b) of the Perishable Agricultural Commodities Act of 1930 (7 U.S.C. 499c(b)) is amended—

- (1) by striking “: *Provided*, That the” and inserting the following: “. Any reserve funds in the Perishable Agricultural Commodities Act Fund may be invested by the Secretary in insured or fully-collateralized interest-bearing accounts or, at the discretion of the Secretary, by the Secretary of the Treasury in United States Government debt instruments. Any interest earned on such reserve funds shall be credited to the Perishable Agricultural Commodities Act Fund and shall be available for the same purposes as the fees deposited in such fund. The”; and
- (2) by striking “: *Provided further*, That financial” and inserting “. Financial”.

SEC. 1362. WINE AND WINEGRAPE INDUSTRY STUDY.

(a) **STUDY.**—The Secretary of Agriculture shall conduct a study to determine how the Department of Agriculture might best work with and support the United States wine and winegrape industry. Such study shall—

- (1) be designed to determine whether existing Department of Agriculture programs could be improved to better assist and support the United States wine and winegrape industry;
- (2) be designed to determine whether new methods or programs implemented by the Department of Agriculture could enhance wine and winegrape production and processing and expand markets for United States wine and winegrapes;
- (3) be conducted in consultation with local, state, and national associations or organizations of wine and winegrape producers;
- (4) give special emphasis to States or other geographic areas that have not traditionally had a wine and winegrape industry.

(b) **REPORT.**—The Secretary of Agriculture shall submit a report detailing the determinations made in the study under subsection (a) to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate not later than December 31, 1991. Such report shall also include any recommendations to the Congress for legislation the Secretary determines may be necessary to implement the programs or methods specified under subsection (a).

Conservation
Program
Improvements
Act.
16 USC 3801
note.

TITLE XIV—CONSERVATION

SEC. 1401. SHORT TITLE.

This title may be cited as the “Conservation Program Improvements Act”.