

“(A) enhance the nutritional content of agricultural products that can be grown in developing countries;

“(B) increase the yield and safety of agricultural products that can be grown in developing countries;

“(C) increase the yield of agricultural products that are drought- and stress-resistant and that can be grown in developing countries;

“(D) extend the growing range of crops that can be grown in developing countries;

“(E) enhance the shelf-life of fruits and vegetables grown in developing countries;

“(F) develop environmentally sustainable agricultural products that can be grown in developing countries; and

“(G) develop vaccines to immunize against life-threatening illnesses and other medications that can be administered by consuming genetically-engineered agricultural products.

“(c) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as may be necessary to carry out this section for each of fiscal years 2002 through 2007.”.

**SEC. 7506. LAND ACQUISITION AUTHORITY, NATIONAL PEANUT RESEARCH LABORATORY, DAWSON, GEORGIA.**

The limitation on the authority of the Agricultural Research Service to acquire lands by purchase using funds appropriated under the heading **AGRICULTURAL RESEARCH SERVICE—SALARIES AND EXPENSES** in the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2002 (Public Law 107–76; 115 Stat. 708), shall not apply to the purchase of land for a research farm for the National Peanut Research Laboratory in Dawson, Georgia, for which a lease with an option to purchase has been entered into before the date of enactment of this Act.

## **TITLE VIII—FORESTRY**

### **Subtitle A—Cooperative Forestry Assistance Act of 1978**

**SEC. 8001. REPEAL OF FORESTRY INCENTIVES PROGRAM AND STEWARDSHIP INCENTIVE PROGRAM.**

(a) **REPEAL.**—The Cooperative Forestry Assistance Act of 1978 is amended by striking section 4 (16 U.S.C. 2103) and section 6 (16 U.S.C. 2103b).

(b) **USE OF REMAINING FUNDS.**—Notwithstanding the amendment made by subsection (a), the Secretary of Agriculture may use funds appropriated for fiscal year 2002 for the forestry incentives program or the stewardship incentive program, but not expended before the date of enactment of this Act, to carry out sections 4 and 6 of the Cooperative Forestry Assistance Act of 1978, as in effect on the date before the date of enactment of this Act.

**SEC. 8002. ESTABLISHMENT OF FOREST LAND ENHANCEMENT PROGRAM.**

(a) *PURPOSES.*—*The purposes of this section are—*

(1) *to strengthen the commitment of the Secretary of Agriculture to sustainable forest management to enhance the productivity of timber, fish and wildlife habitat, soil and water quality, wetland, recreational resources, and aesthetic values of forest land; and*

(2) *to establish a coordinated and cooperative Federal, State, and local sustainable forestry program for the establishment, management, maintenance, enhancement, and restoration of forests on nonindustrial private forest land.*

(b) *FOREST LAND ENHANCEMENT PROGRAM.*—*The Cooperative Forestry Assistance Act of 1978 is amended by inserting after section 3 (16 U.S.C. 2102) the following:*

**“SEC. 4. FOREST LAND ENHANCEMENT PROGRAM.**

**“(a) ESTABLISHMENT.—**

**“(1) IN GENERAL.—***The Secretary of Agriculture shall establish a forest land enhancement program—*

**“(A) to provide financial assistance to State foresters; and**

**“(B) to encourage the long-term sustainability of nonindustrial private forest lands in the United States by assisting the owners of nonindustrial private forest lands, through State foresters, in more actively managing the nonindustrial private forest lands and related resources of those owners through the use of State, Federal, and private sector resource management expertise, financial assistance, and educational programs.**

**“(2) COORDINATION AND CONSULTATION.—***The Secretary, acting through State foresters, shall implement the program—*

**“(A) in coordination with the State Forest Stewardship Coordinating Committees; and**

**“(B) in consultation with other Federal, State, and local natural resource management agencies, institutions of higher education, and a broad range of private sector interests.**

**“(b) PROGRAM OBJECTIVES.—***In implementing the program, the Secretary shall target resources to achieve the following objectives:*

**“(1) Investing in practices to establish, restore, protect, manage, maintain, and enhance the health and productivity of the nonindustrial private forest lands in the United States for timber, habitat for flora and fauna, soil, water, and air quality, wetlands, and riparian buffers.**

**“(2) 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 environmental benefits.**

**“(3) Reducing the risks and helping restore, recover, and mitigate the damage to forests caused by fire, insects, invasive species, disease, and damaging weather.**

*“(4) Increasing and enhancing carbon sequestration opportunities.*

*“(5) Enhancing implementation of agroforestry practices.*

*“(6) Maintaining and enhancing the forest landbase and leverage State and local financial and technical assistance to owners that promote the same conservation and environmental values.*

*“(7) Preserving the aesthetic quality of nonindustrial private forest lands and providing opportunities for outdoor recreation.*

*“(c) STATE PRIORITY PLAN.—*

*“(1) DEVELOPMENT.—The State Forester and State Forest Stewardship Coordinating Committee of a State shall jointly develop and submit to the Secretary a State priority plan that is intended to promote forest management objectives in that State.*

*“(2) REPORT.—Not later than September 30, 2006, each State that implemented a State priority plan shall submit to the Secretary a report describing the status of all activities and practices funded under the program as of that date.*

*“(d) OWNER ELIGIBILITY FOR ASSISTANCE.—*

*“(1) ELIGIBILITY CRITERIA.—To be eligible for cost-share assistance under the program, an owner of nonindustrial private forest lands shall agree—*

*“(A) to develop and implement, in cooperation with a State forester, another State official, or a professional resources manager, a management plan that—*

*“(i) except as provided in paragraph (2) or (3), provides for the treatment of not more than 1,000 acres of nonindustrial private forest lands;*

*“(ii) is approved by the State forester; and*

*“(iii) addresses site specific activities and practices;*

*and*

*“(B) to implement approved activities and practices in a manner consistent with the management plan for a period of not less than 10 years, unless the State forester approves a modification to the plan.*

*“(2) PUBLIC BENEFIT EXCEPTION.—The Secretary may increase the acreage limitation specified in paragraph (1)(A)(i) to not more than 5,000 acres for an owner of nonindustrial private forest lands if the Secretary, in consultation with the State forester, determines that significant public benefits will accrue as a result of the provision of cost-share assistance under the program for the treatment of the additional acreage.*

*“(3) PLAN DEVELOPMENT EXCEPTION.—An owner may receive cost-share assistance under the program for the purpose of developing a management plan under subsection (e) that provides for the treatment of acreage in excess of the acreage limitations specified in paragraphs (1)(A)(i) and (2), except that the owner’s eligibility for cost-share assistance to implement approved activities and practices under the management plan remains subject to the acreage limitation specified in paragraph (1)(A)(i) or, if the Secretary makes the determination described*

*in paragraph (2), the acreage limitation specified in that paragraph.*

*“(e) MANAGEMENT PLAN.—*

*“(1) SUBMISSION AND CONTENT.—An owner of nonindustrial private forest lands that seeks to participate in the program shall submit to the State forester of the State in which the lands are located a management plan that—*

*“(A) identifies and describes projects and activities to be carried out by the owner to protect or enhance soil, water, air, range and aesthetic quality, recreation, timber, water, wetland, or fish and wildlife resources on the lands in a manner that is compatible with the objectives of the owner;*

*“(B) addresses any criteria established by the State and the applicable Committee; and*

*“(C) meets the other requirements of this section.*

*“(2) LANDS COVERED.—At a minimum, the management plan shall apply to those portions of the nonindustrial private forest lands of the owner on which any project or activity funded under the program will be carried out. In a case in which a project or activity may affect acreage outside the portion of the land on which the project or activity is carried out, the management plan shall apply to all lands of the owner that are in forest cover and may be affected by the project or activity.*

*“(f) APPROVED ACTIVITIES.—*

*“(1) STATE LIST.—The Secretary shall develop for each State a list of approved forest activities and practices eligible for cost-share assistance that meets the purposes of the program. The Secretary shall develop the list for a State in consultation with the State forester and the Committee for that State.*

*“(2) TYPES OF ACTIVITIES.—Approved activities and practices under paragraph (1) may consist of activities and practices for the following purposes:*

*“(A) The establishment, management, maintenance, and restoration of forests for shelterbelts, windbreaks, aesthetic quality, and other conservation purposes.*

*“(B) The sustainable growth and management of forests for timber production.*

*“(C) The restoration, use, and enhancement of forest wetland and riparian areas.*

*“(D) The protection of water quality and watersheds through—*

*“(i) the planting of trees in riparian areas; and*

*“(ii) the enhanced management and maintenance of native vegetation on land vital to water quality.*

*“(E) The management, maintenance, restoration, or development of habitat for plants, fish, and wildlife.*

*“(F) The control, detection, monitoring, and prevention of the spread of invasive species and pests on nonindustrial private forest lands.*

*“(G) The restoration of nonindustrial private forest land affected by invasive species and pests.*

*“(H) The conduct of other management activities, such as the reduction of hazardous fuels, that reduce the risks to forests posed by, and that restore, recover, and mitigate the damage to forests caused by, fire or any other catastrophic event, as determined by the Secretary.*

*“(I) The development of management plans;*

*“(J) The conduct of energy conservation and carbon sequestration activities.*

*“(K) The conduct of other activities approved by the Secretary, in consultation with the State forester and the appropriate Committees.*

*“(g) REIMBURSEMENT OF ELIGIBLE ACTIVITIES.—*

*“(1) IN GENERAL.—In the case of an eligible owner that has an approved management plan, the Secretary shall share the cost of implementing the approved activities and practices that the Secretary determines are appropriate.*

*“(2) RATE.—The Secretary shall determine the appropriate reimbursement rate for cost-share payments under paragraph (1) and the schedule for making those payments.*

*“(3) MAXIMUM COST SHARE.—The Secretary shall not make cost-share payments under this subsection to an owner in an amount in excess of 75 percent, or a lower percentage as determined by the State forester, of the total cost to the owner to implement the approved activities and practices under the management plan.*

*“(4) AGGREGATE PAYMENT LIMIT.—The Secretary shall determine the maximum aggregate amount of cost-share payments that an owner may receive under the program.*

*“(5) CONSULTATION.—The Secretary shall make determinations under this subsection in consultation with the State forester.*

*“(h) RECAPTURE.—*

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

*“(2) ADDITIONAL REMEDY.—The remedy provided in paragraph (1) is in addition to any other remedy available to the Secretary.*

*“(i) DISTRIBUTION OF COST-SHARE FUNDS.—The Secretary, acting through the State foresters, shall distribute funds available for cost sharing under the program only after giving appropriate consideration to the following factors:*

*“(1) The public benefits that would result from the distribution.*

*“(2) The total acreage of nonindustrial private forest lands in each State.*

*“(3) The potential productivity of those lands, as determined by the Secretary.*

*“(4) The number of owners eligible for cost sharing in each State.*

*“(5) The opportunities to enhance nontimber resources on those lands, including—*

“(A) the protection of riparian buffers and forest wetland;

“(B) the preservation of fish and wildlife habitat;

“(C) the enhancement of soil, air, and water quality; and

“(D) the preservation of aesthetic quality and opportunities for outdoor recreation.

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

“(7) The need to improve forest health to minimize the damaging effects of catastrophic fire, insects, disease, or weather.

“(8) The need and demand for agroforestry practices in each State.

“(9) The need to maintain and enhance the forest landbase.

“(10) The need for afforestation, reforestation, and timber stand improvement.

“(j) AVAILABILITY OF FUNDS.—The Secretary shall use \$100,000,000 of funds of the Commodity Credit Corporation to carry out the Program during the period beginning on the date of enactment of the Farm Security and Rural Investment Act of 2002 and ending on September 30, 2007.

“(k) DEFINITIONS.—In this section:

“(1) NONINDUSTRIAL PRIVATE FOREST LANDS.—The term ‘nonindustrial private forest lands’ means rural lands, as determined by the Secretary, that—

“(A) have existing tree cover or are suitable for growing trees; and

“(B) are owned by any nonindustrial private individual, group, association, corporation, Indian tribe, or other private legal entity so long as the individual, group, association, corporation, tribe, or entity has definitive decision-making authority over the lands.

“(2) COMMITTEE.—The terms ‘State Forest Stewardship Coordinating Committee’ and ‘Committee’ means a State Forest Stewardship Coordinating Committee established under section 19(b).

“(3) INDIAN TRIBE.—The term ‘Indian tribe’ has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

“(4) OWNER.—The term ‘owner’ means an owner of nonindustrial private forest land.

“(5) PROGRAM.—The term ‘program’ means the forest land enhancement program established by this section.

“(6) SECRETARY.—The term ‘Secretary’ means the Secretary of Agriculture.

“(7) STATE FORESTER.—The term ‘State forester’ means the director or other head of a State Forestry Agency or equivalent State official.”

(c) CONFORMING AMENDMENT.—Section 246(b)(2) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6962(b)(2)) is amended by striking “forestry incentive program” and inserting “forest land enhancement program”.

**SEC. 8003. ENHANCED COMMUNITY FIRE PROTECTION.**

(a) FINDINGS.—Congress finds the following:

(1) *The severity and intensity of wildland fires has increased dramatically over the past few decades as a result of past fire and land management policies.*

(2) *The record 2000 fire season is a prime example of what can be expected if action is not taken.*

(3) *Wildland fires threaten not only the forested resources of the United States, but also the thousands of communities intermingled with the wildlands in the wildland-urban interface.*

(4) *The National Fire Plan, if implemented to achieve appropriate priorities, is the proper, coordinated, and most effective means to address the issue of wildfires.*

(5) *While adequate authorities exist to tackle the wildfire issues at the landscape level on Federal lands, there is limited authority to take action on most private lands, and the largest threat to life and property exists on private lands.*

(6) *There is a significant Federal interest in enhancing community protection from wildfire.*

(b) *ENHANCED PROTECTION.—The Cooperative Forestry Assistance Act of 1978 is amended by inserting after section 10 (16 U.S.C. 2106) the following:*

**“SEC. 10A. ENHANCED COMMUNITY FIRE PROTECTION.**

*“(a) COOPERATIVE MANAGEMENT RELATED TO WILDFIRE THREATS.—The Secretary may cooperate with State foresters and equivalent State officials in the management of lands in the United States for the following purposes:*

*“(1) Aid in wildfire prevention and control.*

*“(2) Protect communities from wildfire threats.*

*“(3) Enhance the growth and maintenance of trees and forests that promote overall forest health.*

*“(4) Ensure the continued production of all forest resources, including timber, outdoor recreation opportunities, wildlife habitat, and clean water, through conservation of forest cover on watersheds, shelterbelts, and windbreaks.*

*“(b) COMMUNITY AND PRIVATE LAND FIRE ASSISTANCE PROGRAM.—*

*“(1) ESTABLISHMENT; PURPOSE.—The Secretary shall establish a Community and Private Land Fire Assistance program (in this subsection referred to as the ‘Program’)—*

*“(A) to focus the Federal role in promoting optimal fire-fighting efficiency at the Federal, State, and local levels;*

*“(B) to augment Federal projects that establish landscape level protection from wildfires;*

*“(C) to expand outreach and education programs to homeowners and communities about fire prevention; and*

*“(D) to establish space around homes and property of private landowners that is defensible against wildfires.*

*“(2) ADMINISTRATION AND IMPLEMENTATION.—The Program shall be administered by the Forest Service and implemented through State foresters or equivalent State officials.*

*“(3) COMPONENTS.—In coordination with existing authorities under this Act, the Secretary, in consultation with the State forester or equivalent State official, may undertake on non-Federal lands—*

- “(A) fuel hazard mitigation and prevention;
- “(B) invasive species management;
- “(C) multiresource wildfire planning;
- “(D) community protection planning;
- “(E) community and landowner education enterprises, including the program known as *FIREWISE*;
- “(F) market development and expansion;
- “(G) improved wood utilization; and
- “(H) special restoration projects.

“(4) *CONSENT REQUIRED.*—Program activities undertaken by the Secretary on non-Federal lands shall be undertaken only with the consent of the owner of the lands.

“(5) *CONSIDERATIONS.*—The Secretary shall use persons in the local community wherever possible to carry out projects under the Program.

“(c) *CONSULTATION.*—In carrying out this section, the Secretary shall consult with the Administrator of the United States Fire Administration, the Director of the National Institute of Standards and Technology, and the heads of other Federal agencies, as necessary.

“(d) *AUTHORIZATION OF APPROPRIATIONS.*—There are hereby authorized to be appropriated to the Secretary to carry out this section—

- (1) \$35,000,000 for each of fiscal years 2002 through 2007;
- and
- (2) such sums as are necessary for fiscal years thereafter.”.

## **Subtitle B—Amendments to Other Laws**

### **SEC. 8101. SUSTAINABLE FORESTRY OUTREACH INITIATIVE; RENEWABLE RESOURCES EXTENSION ACTIVITIES.**

(a) *SUSTAINABLE FORESTRY OUTREACH INITIATIVE.*—The Renewable Resources Extension Act of 1978 is amended by inserting after section 5A (16 U.S.C. 1674a) the following:

#### **“SEC. 5B. SUSTAINABLE FORESTRY OUTREACH INITIATIVE.**

“The Secretary shall establish a program, to be known as the ‘Sustainable Forestry Outreach Initiative’, to educate landowners concerning the following:

- “(1) The value and benefits of practicing sustainable forestry.
- “(2) The importance of professional forestry advice in achieving sustainable forestry objectives.
- “(3) The variety of public and private sector resources available to assist the landowners in planning for and practicing sustainable forestry.”.

#### **(b) RENEWABLE RESOURCES EXTENSION ACTIVITIES.—**

(1) *AUTHORIZATION OF APPROPRIATIONS.*—Section 6 of the Renewable Resources Extension Act of 1978 (16 U.S.C. 1675) is amended by striking the first sentence and inserting the following: “There is authorized to be appropriated to carry out this Act \$30,000,000 for each of fiscal years 2002 through 2007.”.

(2) *TERMINATION DATE.*—Section 8 of the Renewable Resources Extension Act of 1978 (16 U.S.C. 1671 note; Public Law 95–306) is amended by striking “2000” and inserting “2007”.

**SEC. 8102. OFFICE OF INTERNATIONAL FORESTRY.**

Section 2405(d) of the Global Climate Change Prevention Act of 1990 (7 U.S.C. 6704(d)) is amended by striking “2002” and inserting “2007”.

### **Subtitle C—Miscellaneous Provisions**

**SEC. 8201. MCINTIRE-STENNIS COOPERATIVE FORESTRY RESEARCH PROGRAM.**

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”.

## **TITLE IX—ENERGY**

**SEC. 9001. DEFINITIONS.**

In this title:

(1) *ADMINISTRATOR.*—The term “Administrator” means the Administrator of the Environmental Protection Agency.

(2) *BIOBASED PRODUCT.*—The term “biobased product” means a product determined by the Secretary to be a commercial or industrial product (other than food or feed) that is composed, in whole or in significant part, of biological products or renewable domestic agricultural materials (including plant, animal, and marine materials) or forestry materials.

(3) *BIOMASS.*—

(A) *IN GENERAL.*—The term “biomass” means any organic material that is available on a renewable or recurring basis.

(B) *INCLUSIONS.*—The term “biomass” includes—

- (i) agricultural crops;
- (ii) trees grown for energy production;
- (iii) wood waste and wood residues;
- (iv) plants (including aquatic plants and grasses);
- (v) residues;
- (vi) fibers;
- (vii) animal wastes and other waste materials; and
- (viii) fats, oils, and greases (including recycled fats, oils, and greases).

(C) *EXCLUSIONS.*—The term “biomass” does not include—

- (i) paper that is commonly recycled; or
- (ii) unsegregated solid waste.

(4) *RENEWABLE ENERGY.*—The term “renewable energy” means energy derived from—

- (A) a wind, solar, biomass, or geothermal source; or
- (B) hydrogen derived from biomass or water using an energy source described in subparagraph (A).