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Forestry Assistance Programs

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Forestry Assistance Programs

Summary

The Department of Agriculture has numerous programs to support management of state and private forestlands. These programs are under the jurisdiction of the Agriculture Committees of Congress and are often examined in the periodic legislation to reauthorize agricultural programs, commonly known as farm bills. The 2002 farm bill (P.L. 107-171) included a forestry title that replaced two landowner assistance programs with a new program, and created a new program to protect communities from forest fires.

Most of the forestry assistance programs are administered by the Forest Service, with permanent authorization of funding as needed. Some programs provide technical assistance, ranging from relevant literature and research to advice and aid on specific projects. Other programs provide financial assistance, typically through grants (with or without contributions from recipients) or cost-sharing (with varying levels of contributions from recipients). Many programs provide both technical and financial assistance.

Several programs provide assistance to states and to private landowners for planning and implementing forestry and related land management practices — site preparation for reforestation, tree planting, thinning, pruning, fertilizing, prescribed burning, restoring watersheds, improving wildlife habitats, and other activities. Other programs provide support for protecting forestlands from wildfires, insects and diseases, and from clearing for nonforest uses (such as growing crops or building houses). Both forest practices programs and forest protection programs provide assistance that can reduce the threat of wildfires to nonfederal lands and resources. Additional programs provide development assistance for communities in or near federal forests whose economies have traditionally relied on forests and forest resources. In addition, the International Forestry Program is often included as a forestry assistance program, because it provides technical help on forest practices and protection and because it has often been funded out of Forest Service appropriations for forestry assistance programs.

Finally, states are authorized to request consolidated payments under these programs, for flexibility in their administration, and several coordinating or advisory groups exist to coordinate programs or for specific purposes under one or more programs.

The forest protection programs — forest legacy (for easements to prevent forest clearing), wildfire assistance, and forest health (for insect and disease identification and control) — have grown substantially over the past five years. The programs for forestry assistance — forest stewardship, urban and community forestry, and landowner assistance — have grown more slowly. Economic assistance programs have declined after peaking in FY2001.

This is a background report that will not be updated unless enacted legislation modifies the programs.

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Forestry Assistance Programs

The federal government has numerous programs to support forest management on state and private forestlands, primarily administered by the Forest Service (FS) in the U.S. Department of Agriculture (USDA). The House and Senate Agriculture Committees often examine these programs in the periodic legislation to reauthorize agriculture programs, commonly known as farm bills. The past three farm bills each took a different approach to forestry topics. The 1990 Farm Bill included a major forestry title, adding several programs and modifying others. In contrast, the 1996 Farm Bill made relatively modest changes in forestry assistance programs as part of the conservation title. The 2002 Farm Bill contained a forestry title that replaced two landowner assistance programs with a new program and created a new community wildfire protection program.

This report describes the current forestry assistance programs funded through the State and Private Forestry (S&PF) branch of the Forest Service. Following a brief overview, the report presents basic information on the programs to assist forestry practices, forest protection, and rural economies — purposes of the programs, types of activities funded, eligibility requirements, and authorized program duration and funding level, with recent program appropriations.

Overview

Federal forestry assistance for nonfederal landowners has been a part of USDA programs for more than a century. Initial forestry assistance efforts began with the creation of the USDA Division of Forestry in 1881 (to complement forestry research begun with funding in 1876). Forestry assistance and research programs grew slowly, and in 1901 the Division was upgraded to the USDA Bureau of Forestry. In 1905, the USDA Bureau merged with the Interior Department's Division of Forestry (which administered the forest reserves, later renamed national forests) and became the USDA Forest Service. Forestry assistance, the primary mission of the State and Private Forestry branch (S&PF), together with forestry research and management of the National Forest System, comprise the three primary FS missions.

Authority for the forestry assistance programs was reestablished and coordinated in the Clarke-McNary Act of 1924 (ch. 348, 43 Stat. 653). This law guided these programs for more than half a century, until it was revised in the Cooperative Forestry Assistance Act of 1978 (P.L. 95-313, 92 Stat. 365; 16 U.S.C. 2101, et seq.). This act has been amended several times, including in the three most recent farm bills. The Food, Agriculture, Conservation, and Trade Act of 1990 — the 1990 Farm Bill (P.L. 101-624) — added and rewrote several sections in the 1978 Act; the Federal Agriculture Improvement and Reform Act of 1996 — the 1996 Farm Bill (P.L. 104-127) — made a few additions and modifications to the 1978 Act (as

amended). The Farm Security and Rural Investment Act of 2002 — the 2002 Farm Bill (P.L. 107-171) — replaced two provisions of the 1978 Act (as amended) with a new provision, and created another new program.

There are currently more than a dozen forestry assistance programs, as shown in **table 1**. The programs are administered by the FS, generally with permanently authorized funding at levels deemed necessary to achieve the program purposes. **Table 1** identifies the codification, the authorized duration and level of funding, and FY2003 funding for each program. They are listed in decreasing order of FY2003 appropriations, although programs with combined funding are listed together.

Table 1. USDA Forestry Assistance Programs

Program	Codification	Authorization		FY2003 Funding
		Duration	Funding	
Rural Fire Protection ^{1/}	16 U.S.C. §2106	permanent	as needed	\$105 million
Forest Health Protection	16 U.S.C. §2104	permanent	as needed	\$98 million
Forest Legacy	16 U.S.C. §2103c	permanent	as needed	\$68 million
Forest Stewardship	16 U.S.C. §2103a	permanent	as needed	\$32 million
Rural Forestry Assistance	16 U.S.C. §2102	permanent	as needed	^{2/}
Assistance to States	16 U.S.C. §2107	permanent	as needed	^{2/}
Urban Forestry	16 U.S.C. §2105	permanent	as needed	\$36 million
Economic Action	7 U.S.C. §§6611-6617	permanent	as needed ^{3/}	\$31 million
Pacific NW Assistance	unspecified	unspecified	unspecified	^{4/}
Wood Product Marketing	16 U.S.C. §2112	permanent	as needed	^{4/}
Forest Land Enhancement	16 U.S.C. §2103	through FY2007	\$100 million	\$20 million
International Forestry	16 U.S.C. §§4501-4505	permanent	as needed	\$6 million
Emergency Reforestation	16 U.S.C. §2106a	unspecified	unspecified	\$0
Community Fire Protection	16 U.S.C. §2106c	permanent	as needed ^{5/}	\$0

^{1/} Includes both State Fire Assistance and Volunteer Fire Assistance programs. Authorized funding is \$35 million annually in cost sharing and “as needed” for other activities.

^{2/} Funded as part of the Forest Stewardship program account since FY1993.

^{3/} Up to 5% of Forest Service receipts from sales and user fees, plus added funds “as needed.”

^{4/} Funded as part of the Economic Action program account in FY2003.

^{5/} Authorized at \$35 million annually for FY2002–FY2007, “as needed” thereafter.

Many forestry assistance programs are intended to provide assistance to the states or to private landowners (often through the states) for undertaking forestry practices intended to improve timber productivity or to enhance other resource values; these are shown in **table 2** as forestry assistance programs. Some programs provide assistance for protecting forestlands from wildfire, insects, diseases, and

preventing conversion of forests to nonforest uses (e.g., agriculture, residences); **table 2** shows these as forest protection programs. Others assist communities whose economic well-being has traditionally depended on federal forests, shown as economic assistance programs in **table 2**. Finally, the International Forestry Program has been included, because (a) it provides technical assistance to other nations on forestry practices and protection, and (b) it has often been funded out of FS–S&PF appropriations. **Table 2** briefly describes the authorized activities of each program.

Table 2. Forestry Assistance Program Activities

Program	Type of Aid	Eligible Recipient	Primary Activities
Forestry Practices			
Urban & Community Forestry	tech. & financial	state & local gov., private orgs.	planning; education; tree planting & maintenance
Forest Stewardship	technical	private landowners (via states)	planning; tree planting; thinning; watershed restoration; wildlife habitat improvement
Forest Land Enhancement	financial	states & private landowners	tree planting; thinning; habitat & water quality improvement; site restoration; fuel reduction
Emergency Reforestation	financial	private landowners	site preparation & tree planting for areas with trees killed by natural disasters
Rural Forestry Assistance	tech. & financial	states	planning; produce & distribute tree seeds & seedlings; protect soils
Assistance to States	tech. & financial	states	planning, organization, & management; data collection & management
Forest Protection			
Rural Fire Protection	tech. & financial	states; volunteer fire departments	systems for fire prevention, control, & use; fire equipment & training; etc.
Forest Health Protection	tech. & financial	government & private landowners	survey, prevent, retard, or control insects & diseases
Forest Legacy	financial	states & private landowners	purchase forestlands or easements for forests threatened with conversion to other uses
Community Fire Protection	tech. & financial	communities & private landowners	planning; fuel reduction; education; wood utilization & marketing
Economic Assistance			
Economic Action	tech. & financial	rural communities	planning; training & education; loans for infrastructure & facilities
Pacific Northwest Assistance	tech. & financial	timber industry, rural communities	small-log milling; economic diversification projects; watershed improvement
Wood Product Marketing	tech. & financial	states, firms, & private landowners	domestic & export marketing
International Forestry	technical	other countries	planning & management; forest rehabilitation; fire, insect, & disease prevention & control

Table 2 also shows the type of assistance available under each program. Some programs provide only technical assistance, which can range from relevant existing information to advice and aid on specific projects. Other programs provide financial assistance. Typically these programs are grants (with or without contributions from recipients) or cost-sharing (with varying levels of contributions from recipients), although two programs have other “financial” provisions — (1) the Forest Health program funds Forest Service activities to survey and to control insects or diseases on state or private lands (with the consent and cooperation of the landowner), and (2) the Forest Legacy program includes federal purchase of lands or easements. Finally, many programs include both technical and financial assistance.

Assistance for Forest Practices

While there are more than a dozen authorized forestry assistance programs, seven provide financial and/or technical aid for planning and implementing forestry practices (establishing and managing stands of trees) on nonfederal lands. Only three of the programs have been funded directly in recent years, although two (Rural Assistance and Assistance to States) have been funded through one of the other programs (Forest Stewardship). The programs are discussed below in descending order of FY2003 expenditures.

Urban and Community Forestry Assistance

Purposes. The Urban and Community Forestry Assistance Program was created to expand knowledge and awareness of the value of urban trees and to encourage the maintenance and expansion of urban tree cover. The Secretary of Agriculture, acting through the Forest Service, is authorized 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 ... in maintaining forested lands and individual trees ...;
- (4) provide assistance through competitive matching grants ... 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 ...;
- (6) promote the establishment of demonstration projects ...;
- (7) enhance the technical skills and understanding of sound tree maintenance and arboricultural practices ... of individuals involved in the planning, development, and maintenance of urban and community forests and trees; and
- (8) expand existing research and educational efforts ...

Activities. The Secretary is authorized to provide financial, technical, and related assistance to state foresters, to establish and support state efforts to provide information and technical assistance to local governments to 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 ...” The Secretary is also authorized to cooperate directly with local governments and with interested members of the public.

The Urban and Community Forestry Program is directed to:

- (1) assist urban areas and communities in conducting inventories of their forest resources, ... identifying [tree planting] opportunities ..., and determining the status of related resources ...;
- (2) assist State and local organizations ... in organizing and conducting urban and community forestry projects and programs;
- (3) improve education and technical support in —
 - (A) selecting [appropriate] tree species ...;
 - (B) providing for proper tree planting, maintenance, and protection ...;
 - (C) protecting individual trees and preserving open spaces with or without tree cover; and
 - (D) identifying opportunities for expanding tree cover ...;
- (4) assist in the development of State and local management plans for trees ...; 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

In addition, the Secretary is directed to establish an “urban and community forestry challenge cost-share program.” This program provides competitive grants to eligible communities and organizations for up to 50% of project costs. State foresters make recommendations on project proposals, and the Secretary awards grants based on criteria developed in consultation with the National Urban and Community Forestry Advisory Council (established under §9(g) of the Cooperative Forestry Assistance Act as amended, and described later in this report).

Eligibility. No criteria for eligibility are specified in law. Apparently, any community, private nonprofit organization, or individual can apply for assistance.

Authorization and Appropriations. The urban and community forestry program was established as §6 of the 1978 Cooperative Forestry Assistance Act, and rewritten and renumbered as §9 in §1219 of the 1990 Farm Bill. It is codified at 16 U.S.C. §2105. The authorization of appropriations for Urban and Community Forestry Assistance was \$30 million annually for FY1991–FY1995, with “such sums as may be necessary thereafter ...” and does not expire. Annual appropriations for FY1999–FY2003 are shown in **table 3**.

Table 3. Appropriations for Urban and Community Forestry, FY1999-FY2003
(in millions of dollars)

	FY1999	FY2000	FY2001	FY2002	FY2003
Urban & Community Forestry	30.243	30.896	35.642	36.000	35.999

Forest Stewardship Program

Purposes. The Forest Stewardship Program was created to improve timber production and environmental protection on nonfederal forest lands. The Secretary of Agriculture is authorized “to encourage the long-term stewardship of nonindustrial private forest lands” These lands are defined as “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.”¹ Forest stewardship is not defined directly or by reference to any listing of forest stewardship practices or standards.

Activities. The program provides technical assistance to private landowners to help them:

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 ...; and

(4) protecting their [private landowner] forests from damage caused by fire, insects, disease, and damaging weather.

Eligibility. Private landowners are eligible for information and technical assistance, if they have a forest stewardship plan approved by the state forester² and if they agree that all activities conducted on the land will be consistent with that plan.³ Landowners receive information and technical assistance from state programs, with the Forest Service providing technical and financial aid to the states for such programs.

Authorization and Appropriations. The Forest Stewardship Program was added as a new §5 to the Cooperative Forestry Assistance Act of 1978 by §1215 of the 1990 Farm Bill. It is codified at 16 U.S.C. §2103a. The authorization of appropriations for the Forest Stewardship Program was \$25 million annually for

¹Typically, “nonindustrial private forest lands” exclude forest lands owned by companies engaged in manufacturing wood products, but the definition for the forest stewardship program, in 16 U.S.C. §2103a(c), apparently allows the program to be available for timber industry lands, as well.

²For all the programs discussed in this report, the term *state forester* means the state forester or “equivalent state official.”

³In addition, as of November 28, 1990, the lands must not have been managed under a federal, state, or private financial or technical assistance program, unless the management activities are “expanded and enhanced” and the landowner meets the other requirements. This provision was included to prevent landowners from “double-dipping” — i.e., from receiving payments under two (or more) programs for the same on-the-ground activity.

FY1991– FY1995, with “such sums as may be necessary thereafter ...”. It does not expire. Annual appropriations are shown in **table 4**.

**Table 4. Appropriations for Forest Stewardship,
FY1999-FY2003**
(in millions of dollars)

	FY1999	FY2000	FY2001	FY2002	FY2003
Forest Stewardship	29.374	29.833	32.782	33.171	32.012

Forest Land Enhancement Program

Purposes. The Forest Land Enhancement Program was created to provide financial assistance for forest management on nonfederal lands. The Secretary of Agriculture is authorized “to encourage the long-term sustainability of nonindustrial private forest lands....”

Activities. The program provides federal cost sharing to implement “approved forestry practices” identified for each state by the Secretary in consultation with the state forester and the Committee⁴ for that state. Approved activities “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, fires 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.

⁴This is the State Coordinating Committee established under §19 of the Cooperative Forestry Assistance Act of 1978, as amended (16 U.S.C. §2113(b)), and described later in this report.

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

Eligibility. Private landowners are eligible if they agree (A) to develop forest management plans developed in cooperation with the state forester or professional resource managers that provide for treatment of not more than 1,000 acres (or not more than 5,000 acres, if the Secretary finds that “significant public benefits will accrue”), and (B) to implement the approved activities consistent with the plan for not less than 10 years. The cost sharing is limited to 75%, or less as determined by the state forester, of actual costs, with the Secretary determining the maximum total payment. The funds are to be allocated among the states “after giving appropriate consideration to the following factors:” the resulting public benefits, total private forest acreage, the productivity of private lands, the number of eligible owners, the opportunities to enhance nontimber resources, the anticipated resource demands, and the need to improve forest health, to implement agroforestry, and to afforest, reforest, and improve forest stands.

Authorization and Appropriations. The Forest Land Enhancement Program was established as §4 of the Cooperative Forestry Assistance Act of 1978, and is codified at 16 U.S.C. §2103. It was enacted in §8002 of the 2002 Farm Bill to replace the Forestry Incentives Program (previously codified at 16 U.S.C. §2103) as well as the Stewardship Incentives Program (16 U.S.C. §2103b). The authorization is for mandatory appropriations of a total of \$100 million of funds from the Commodity Credit Corporation between the date of enactment (May 13, 2002) and the end of FY2007.⁵

Rural Forestry Assistance

Purposes. The Rural Forestry Assistance Program was created to assist in the management and protection of nonfederal forests. The Secretary of Agriculture, acting through the Forest Service, is authorized to assist landowners in “protecting, maintaining, enhancing, restoring, and preserving” forestlands and the values and uses they provide (e.g., timber, fish and wildlife habitat, recreation and aesthetics) and in protecting forests from insects, diseases, fire, and conversion to alternative uses. The program also assists states in providing support for establishing and managing timber stands on nonfederal lands and for protecting and improving soils and water yields.

Activities. The Secretary is authorized to provide “financial, technical, educational, and related assistance” for “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

⁵In the summer of 2003, the Forest Service borrowed (as authorized) \$50 million from the Program to pay for firefighting after wildfire appropriations were exhausted. Congress repaid \$9.97 million in the FY2004 Interior Appropriations Act (P.L. 108-108). The other \$40 million has not been repaid, and in its FY2005 budget request, the Administration asked that Congress cancel the remaining \$40 million of mandatory spending. In hearings before the House Agriculture Committee on July 20, 2004, Undersecretary Mark Rey promised a revised budget request to spend the mandatory appropriations for the Program.

purposes ...” of the program. The program may also provide “financial, technical, and related assistance” to the states to produce, distribute, and plant tree seeds and seedlings, to assist forest management practices, and to protect soil fertility and water quality and flows.

Eligibility. The Secretary is directed to provide assistance to state foresters for the entire program, and to state extension directors for assisting forest landowners.

Authorization and Appropriations. The Rural Forestry Assistance Program was established in §3 of the 1978 Cooperative Forestry Assistance Act, and rewritten in §1213 of the 1990 Farm Bill. It is codified at 16 U.S.C. §2102. The authorization of appropriations for Rural Forestry Assistance is “such sums as may be necessary,” and does not expire. Since FY1993, the program has not been funded separately, but rather has been included as part of the Forest Stewardship program. (See above.)

Financial, Technical, and Related Assistance to States

Purpose. The State Assistance Program was created to foster coordination of state and federal organizations in providing assistance to private landowners. The Secretary of Agriculture, acting through the Forest Service, is authorized to assist in developing “stronger and more efficient State organizations,” to ensure that forest data are available and comparable, and to foster adoption of new technologies.

Activities. The Secretary is authorized to provide “financial, technical, and related assistance” to state foresters for improving organizational management and forest data collection and use. Specifically, the program is to “enable them to better fulfill their responsibilities for the protection and management on non-Federal forest lands [including] ... assistance in matters related to organizational management, program planning and management, budget and fiscal accounting services, personnel training and management, information services, and recordkeeping.” The program may also be used “in the assembly, analysis, display, and reporting of State forest resources data, in the training of State forest resources planners, and in participating in natural resources planning” In addition, the Secretary is authorized to create “a program of technology implementation.”

Eligibility. The Secretary is directed to provide assistance to state foresters, and for technology implementation, to “cooperators.”

Authorization and Appropriations. The Financial, Technical, and Related Assistance to States Program was established in §8 of the 1978 Cooperative Forestry Assistance Act, and renumbered as §11 by the 1990 Farm Bill; it is codified at 16 U.S.C. §2107. The authorization for State Forestry Assistance is “such sums as may be necessary,” and does not expire. Since FY1993, the program has not been funded separately, but rather has been included as part of the Forest Stewardship program. (See above.)

Emergency Reforestation Assistance

Purpose. The Emergency Reforestation Assistance Program was created to reforest stands damaged by natural disasters. The Secretary of Agriculture, acting through the Forest Service, is authorized to provide seedlings or to reimburse some reforestation costs to eligible landowners.

Activities. The Secretary has the discretion to provide either tree seedlings or reimbursement of up to 65% of reforestation costs for tree stands with at least 35% mortality from wildfire, damaging weather, defined as “drought, hail, excessive moisture, freeze, tornado, hurricane, excessive wind, or any combination thereof”; or a related condition, defined as “insect infestations, disease, or other deterioration of a tree stand that is accelerated or exacerbated by damaging weather”.

Eligibility. Eligible landowners include (a) persons who produce annual commercial crops from up to 500 acres of trees; (b) persons who own up to 1,000 acres of forestland; and (c) persons who own 1,000–5,000 acres of forestland, if the Secretary determines the person to be eligible. To be eligible, the landowner must not have “qualifying gross revenues” of more than \$2 million; “qualifying gross revenues” generally include gross revenues from farming, ranching, and forestry operations.⁶ The Secretary is prohibited from making payments of more than \$25,000 (or equivalent value in tree seedlings) to a landowner in any fiscal year, and from providing payments to persons who receive other payments or assistance for forestry practices.

Authorization and Appropriations. Emergency reforestation assistance was established by §1271 of the 1990 Farm Bill, and is codified at 16 U.S.C. §2106a. The authorization includes no reference to funding level or expiration date. This was enacted to allow compensation to landowners who suffered substantial damage when Hurricane Hugo hit South Carolina in late 1989. Congress has not appropriated any funds for the program since FY1993, the last appropriations for assistance related to Hurricanes Andrew and Iniki.

Assistance for Forest Protection

There are currently four authorized programs that provide financial and technical assistance for protecting nonfederal forests, although one program (Rural Fire Protection) has two separately funded components and another (Community Fire Protection) has not been funded, to date. The programs are discussed below in descending order of FY2003 funding.

⁶Qualifying gross revenues defined at 16 U.S.C. §2106a(d)(3) as

“(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 from 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....”

Rural Fire Protection

Purpose. The Rural Fire Protection (technically, Rural Fire Prevention and Control) program was created to assist in preventing and controlling wildfires, to protect human lives, crops and livestock, property and other improvements, and natural resources in rural areas. The Secretary of Agriculture, acting through the Forest Service, is authorized to coordinate efforts and to “provide prompt and adequate assistance whenever a rural fire emergency overwhelms, or threatens to overwhelm, the firefighting capability” of states or local agencies. The program has two components, with separate funds: state fire assistance and rural volunteer fire assistance.

Activities. The Secretary is authorized, in cooperation with state foresters, to develop systems and methods, and assist in their implementation, for fire prevention, fire control, and use of prescribed fire by state foresters, and through them, by other agencies and organizations, including rural volunteer fire departments. The Secretary is also authorized to provide 50% cost share assistance “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.” Finally, the Secretary is directed to cooperate with the Administrator of General Services (GSA) to “encourage the use of excess personal property ... by State and local fire forces receiving assistance....”

Eligibility. The Secretary is authorized to provide financial, technical, and related assistance to state foresters and to rural volunteer fire departments. The latter are defined as “any organized, not for profit, fire protection organization that provides service primarily to a community or city” of up to 10,000 people, “whose firefighting personnel is 80 percent or more volunteer, and that is recognized as a fire department by the laws of the State”

Authorization and Appropriations. The Rural Fire Protection program was established as §7 of the Cooperative Forestry Assistance Act of 1978, and renumbered as §10 by the 1990 Farm Bill. It is codified at 16 U.S.C. §2106. The authorization of appropriations for Rural Fire Protection is “such sums as may be needed” for most activities, and up to \$70 million annually, with half available only for state foresters and half only for rural volunteer fire departments, for cost-share assistance. The authorization does not expire. Annual appropriations rose steadily from \$17 million in FY1996 to \$27 million in FY2000, then jumped to \$124 million in FY2001. Appropriations since FY1999 are shown in **table 5**.

In addition, Congress continues to appropriate funds for grants for Volunteer Fire Assistance. This program was authorized as the Rural Community Fire Protection Program in §27 of the Agriculture and Consumer Protection Act of 1973 (P.L. 93-86), which added a new §816 to the Agriculture Act of 1970 (P.L. 91-524; the 1970 Farm Bill), which in turn added a new paragraph 13 to §306(a) of the 1961 Consolidated Farm and Rural Development Act (P.L. 87-128; the 1961 Farm Bill). It was codified at 7 U.S.C. 1926(a)(13). However, the program was struck, and replaced by an unrelated program, in §741(a)(4) and (5) of the 1996 Farm Bill. Congress continued to fund the program under the Rural Housing Service in the annual Agriculture Appropriations Acts through FY1998. Since FY1999, the

program, Volunteer Fire Assistance, has been funded under Cooperative Fire Protection in the Forest Service S&PF branch in the annual Interior Appropriations Acts, apparently under the broader authorization for Rural Fire Protection. Appropriations have averaged about \$2 million annually for FY1996–FY2000, but have risen substantially since, as shown in **table 5**. The table shows appropriations for both state and volunteer fire assistance programs, and includes funding through the Wildland Fire Management account as well as through the S&PF account.

**Table 5. Appropriations for Rural Fire Protection,
FY1999-FY2003**

(in millions of dollars)

	FY1999	FY2000	FY2001	FY2002	FY2003
State Fire Assistance	20.866	23.929	110.251	81.693	91.738
Volunteer Fire Assistance	1.998	3.240	13.251	13.315	13.193
Total	22.864	27.169	123.502	95.008	104.931

Forest Health Protection

Purposes. The Forest Health Protection Program was created to protect forests, trees, and wood products. The Secretary of Agriculture, acting through the Forest Service, is authorized to:

- 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.

Activities. The Secretary is authorized, directly for the national forests and in cooperation with others for other lands, to:

- conduct surveys of insect infestations, disease conditions, and man-made stresses affecting trees, and to monitor changes;
- determine measures needed to prevent, retard, control, or suppress insect infestations and disease epidemics;
- plan, organize, direct, and perform those measures;
- provide information, advice, and assistance for maintaining healthy forests and coordinate use of pesticides and other toxic substances;
- develop technologies and test research results prior to full-scale application; and

- promote silvicultural and management techniques to protect or improve forest health.

Eligibility. The Secretary is authorized to act on Forest Service lands. On other lands, operations “to prevent, retard, control, or suppress insects or diseases ... shall not be conducted without the consent, cooperation, and participation [including financial contributions] of the entity having ownership of or jurisdiction over the affected land.” Appropriations may not be used to pay for cutting or removing dead or dying trees, unless necessary to prevent the spread of the epidemic, or to compensate for property injured, damaged, or destroyed. The Secretary may also, by contract or agreement, provide financial assistance to state foresters or private organizations to monitor forest health and protect forest lands. Finally, the Secretary, in cooperation with state foresters, may provide 50%-75% cost shares to cooperators who have established acceptable integrated pest management strategies for gypsy moths, southern pine beetles, spruce budworms, or other major insect infestations.

Authorization and Appropriations. The Forest Health Protection program was established as §5 of the 1978 Cooperative Forestry Assistance Act, and rewritten and renumbered as §8 in §1218 of the 1990 Farm Bill. It is codified at 16 U.S.C. §2104. The authorization of appropriations for Forest Health Protection is “such sums as may be necessary,” except for a \$10 million annual authorization for cost-sharing to cooperators on integrated pest management strategies. The authorization does not expire. Annual appropriations for the forest health protection program are shown in **table 6**; the table distinguishes funds for Forest Service lands from cooperative lands, and includes funding through the Wildland Fire Management account as well as through the S&PF account.

Table 6. Appropriations for Forest Health Protection, FY1999-FY2003
(in millions of dollars)

	FY1999	FY2000	FY2001	FY2002	FY2003
Forest Service lands	39.205	40.303	48.274	50.286	56.957
Cooperative lands	17.505	21.772	27.503	29.992	40.750
Total	56.710	62.075	^a 88.251	80.278	97.707

^a Included \$12.472 million of emergency supplemental funds provided for unspecified lands.

Forest Legacy Program

Purposes. The Forest Legacy program was created to protect forests that might soon be cleared for nonforest uses, such as agriculture or residential construction. The Secretary of Agriculture, acting through the Forest Service, is authorized to establish a program for “ascertaining and protecting environmentally important forest areas that are threatened by conversion to nonforest uses and ... 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.”

Activities. The Secretary is authorized to “acquire from willing landowners lands and interests therein, including conservation easements and rights of public access” The Secretary is also authorized to provide grants to states to carry out the program.

The Secretary is authorized to delegate management of the lands or interests acquired “only to another governmental agency.” For easements or other interests acquired, the landowner is required to manage the property “consistent with purposes for which the land was entered in the Forest Legacy Program Hunting, fishing, hiking, and similar recreational uses shall not be considered inconsistent with the purposes of this program.” Activities may include “forest management activities, including timber management, ... insofar as the Secretary deems such activities consistent with the purposes” of the program.

Eligibility. The law establishes a three-step process for acquiring lands or easements. First, in consultation with state forest stewardship coordinating committees (established under §19(b) of the Cooperative Forestry Assistance Act as amended and described below), the Secretary establishes criteria for identifying eligible areas in each state, which “shall have significant environmental values or shall be threatened by present or future conversion to nonforest uses.” Then, also in consultation with the state committees, the Secretary selects appropriate areas giving “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.” Finally, private landowners with lands in eligible areas may submit applications for participation to the Forest Service.

In addition, the Secretary may, at the request of participating states, provide grants to the states to carry out the program.

Authorization and Appropriations. The Forest Legacy program was added as a new §7 to the Cooperative Forestry Assistance Act of 1978 by §1217 of the 1990 Farm Bill. It is codified at 16 U.S.C. §2103c. The subsection authorizing “optional State grants” was added by §374 of the 1996 Farm Bill. The authorization of appropriations for the Forest Legacy Program is “such sums as may be necessary,” and does not expire. Appropriations averaged \$3 million annually for FY1996–FY1998, but have risen substantially since, as shown in **table 7**. President Bush has requested further increases, asking for \$100.019 million for FY2005.

Table 7. Appropriations for Forest Legacy, FY1999-FY2003
(in millions of dollars)

	FY1999	FY2000	FY2001	FY2002	FY2003
Forest Legacy	7.033	29.933	59.868	65.000	68.380

Community Fire Protection Program

Purpose. The Community Fire Protection Program was created to assist communities in reducing the threat from wildfires, and for other purposes. The Secretary of Agriculture is directed to establish a program to focus federal efforts in promoting optimal firefighting efficiency, to augment federal fire protection efforts, to expand homeowner and community outreach and education, and to establish defensible space around private homes and property.

Activities. The Secretary is authorized, cooperating with and implemented through state foresters, to act on nonfederal lands, with the landowner's consent, in:

- (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.

Eligibility. The Secretary is authorized to act, through state foresters, on nonfederal lands, with the landowner's consent. It is unclear whether or when a community might be eligible for assistance or federal action.

Authorization and Appropriations. The Community Fire Protection Program was established as §10A of the Cooperative Forestry Assistance Act of 1978 in §8003 of the 2002 Farm Bill. It is codified at 16 U.S.C. §2106c. The authorization of appropriations is \$35 million annually for FY2002–FY2007, and “such sums as are necessary” thereafter. The authorization does not expire. To date, no funds have been appropriated for this program.

Economic Assistance

Three programs are currently authorized to provide economic assistance for communities that have traditionally depended on federal forests (especially federal timber harvests), although one of the programs (wood products marketing) has been funded as part of the broader Economic Action program. These programs are discussed below in descending order of FY2003 funding.

Economic Action Program

Purpose. The Economic Action program was created to assist communities and their leaders in improving the efficiency and marketing of natural resource-based industries and in diversifying rural community economic bases. The Secretary of Agriculture, acting through the Forest Service, is authorized to assist rural communities “that are located in or near National Forest System land and that are

economically dependent upon natural resources or are likely to be economically disadvantaged by Federal or private sector land management practices”

Activities. The Secretary is authorized to establish “rural forestry and economic diversification action teams to prepare an action plan to provide technical assistance to economically disadvantaged communities.” The teams are to be designed “to meet the unique needs of the requesting rural community.” They are to be directed by a Forest Service employee, and may include personnel from other federal and state agencies and from the private sector. The program can include training and education for businesses, officials, and individuals, and loans to expand or improve existing infrastructure and facilities and to support “new industries or commercial ventures unrelated to National Forest System resources.”

Eligibility. “Economically disadvantaged rural communities” may request assistance. Rural community is defined as “any town, township, municipality, or other similar unit of general purpose local government, or any area represented by a not-for-profit corporation or institution organized ... to promote broad based economic development ... as approved by the Secretary” that:

- has a population of no more than 10,000 people;
- is in a county in which at least 15% of total primary and secondary income is derived from forestry, wood products, or other forest-related industry (such as recreation, livestock grazing, or tourism), and
- is within the boundary, or within 100 miles of the boundary, of a national forest.

A rural community can also be “any county that is not contained within a Metropolitan Statistical Area” that meets the income and location requirements identified above.

An economically disadvantaged area is defined as an area suffering “economic hardship due to the loss of jobs or income” derived from forestry or forest-related enterprises.

Authorization and Appropriations. The Economic Action program was established by the National Forest-Dependent Rural Communities Economic Diversification Act of 1990, in §§2372-2379 of the 1990 Farm Bill. It is codified at 7 U.S.C. §§6611-6617. The authorization of appropriations for the Economic Action program is “an amount not to exceed 5 percent of” Forest Service user fees and resource sale receipts, plus “such additional sums as may be necessary”; the authorization does not expire. Annual appropriations rose from \$14.5 million for FY1996 to \$20.2 million for FY2000, then jumped to \$54.0 million in FY2001 to provide additional compensation for communities affected by severe wildfires during the summer of 2000. Subsequent appropriations have declined, as shown in **table 8**. For FY2005, the Bush Administration has again proposed to terminate funding for the program.

Table 8. Appropriations for Economic Action, FY1999-FY2003
(in millions of dollars)

	FY1999	FY2000	FY2001	FY2002	FY2003
Economic Action	17.465	20.198	54.010	48.152	31.234

Pacific Northwest Assistance Program

Purpose. The Pacific Northwest Assistance Program provides for the Secretary of Agriculture, acting through the Forest Service, and the Secretary of the Interior, acting through the Bureau of Land Management, to render technical and financial assistance to workers, businesses, and communities affected by the decline in federal harvests of old-growth timber in Washington, Oregon, and California.⁷

Activities. The Secretaries are authorized to provide technical assistance for the wood products industry to use small-diameter logs, to provide technical help and “seed money” for rural community economic diversification projects, and to employ local workers for watershed improvement and other tasks on federal lands.

Eligibility. No eligibility criteria are specified, but the program was created to serve the portions of Washington, Oregon, and California where timber harvests were reduced or halted to protect forests inhabited by northern spotted owls.

Authorization and Appropriations. In 1993, President Clinton proposed *The Forest Plan for a Sustainable Economy and a Sustainable Environment* to address the gridlock over federal forest management in the Pacific Northwest and the resulting impacts on communities and the regional economy.⁸ This proposal included the Northwest Economic Adjustment Initiative, to increase and target funding for several federal economic assistance programs in various agencies (e.g., title III of the Job Training Partnership Act; the Rural Development Administration’s Community Development Block Grants; and the Small Business Administration). Congress enacted funding for a Pacific Northwest Assistance Program in the FY1994 Interior Appropriations Act, shortly after the Clinton proposal was offered. Congress continued to fund this program in the Interior appropriations acts, but reduced the funding from more than \$15 million annually prior to FY1998 to less than \$10 million annually for FY1999–FY2002, as shown in **table 9**. In FY2003, Congress responded to the Bush Administration’s proposal to terminate the program by directing funding as part of the Economic Action Program.

⁷Federal timber sales in Washington and Oregon fell from their peak of 7.3 billion board feet in FY1986 to 0.4 billion board feet in FY1994, largely due to litigation to protect the habitat of the northern spotted owl, but for other reasons as well.

⁸For more on this proposal, see CRS Report 93-664 ENR, *The Clinton Administration’s Forest Plan for the Pacific Northwest*.

Table 9. Appropriations for Pacific Northwest Assistance, FY1999-FY2003
(in millions of dollars)

	FY1999	FY2000	FY2001	FY2002	FY2003
Pacific Northwest Assistance	8.841	7.856	9.579	9.425	^a 0.000

^a Funding included in the Economic Action program.

Cooperative National Forest Products Marketing Program

Purpose. The Cooperative National Forest Products Marketing Program was created to authorize the Secretary of Agriculture, acting through the Forest Service, to provide assistance to improve the marketing of forest products, especially for small- and medium-sized producers.

Activities. The program includes two components. Technical assistance can be provided directly to states, landowners, and small- to medium-sized firms on ways to improve domestic and export marketing. Also, states can apply for matching grants to support state and regional marketing efforts targeted at assisting small- to medium-sized firms and nonindustrial private landowners.

Eligibility. For technical assistance, no criteria for eligibility are specified in law. Apparently, any state, landowner, or “small-sized to medium-sized forest products firms” can apply for assistance. For financial assistance, eligible states must have a targeted forest products marketing effort, or be participating in a targeted regional effort.

Authorization and Appropriations. The Cooperative National Forest Products Marketing Program was added as a new §15 in the Cooperative Forestry Assistance Act of 1978 by §4403 of the Omnibus Trade and Competitiveness Act of 1988 (P.L. 100-418). It was renumbered as §18 by the 1990 Farm Bill, and is codified at 16 U.S.C. §2112. The authorization of appropriations for Cooperative Forest Products Marketing was \$5 million annually for FY1988–FY1991. It has not been reauthorized. However, since FY1993, Congress has continued to fund this program as part of the Economic Action program. (See above.)

International Forestry

Purpose. The International Forestry Program was created for the Secretary of Agriculture, acting through the Forest Service, to provide technical assistance to other nations, especially in the tropics, on forest management for “sustainable development and global environmental stability”

Activities. The Secretary is authorized to provide assistance to other nations for forest conservation; forest plantation management; rehabilitation of damaged

forestlands; prevention and control of insects, diseases, and other damaging agents; wood utilization; rangeland conservation; and wildlife and fish habitat protection. Assistance can include sharing technical and managerial skills, providing education and training opportunities, cooperating on and exchanging scientific research, and cooperating with domestic and international organizations for these purposes.

Eligibility. Assistance is provided to countries “that receive assistance from the U.S. Agency for International Development [AID] only at the request, or with the concurrence, of the Administrator” of AID. Also, the Secretary is directed to focus efforts “on key countries which could have a substantial impact on emissions of greenhouse gases related to global warming.”

Authorization and Appropriations. The International Forestry Program was established in the International Forestry Cooperation Act of 1990, title VI of the Foreign Operations, Export Financing, and Related Programs Appropriations Act of FY1991 (P.L. 101-513), as amended by the Hawaii Tropical Forest Recovery Act (P.L. 102-574).⁹ It is codified at 16 U.S.C. §§4501-4505. The authorization of appropriations is “such sums as may be necessary,” and does not expire. In addition, the Forest Service’s Office of International Forestry and Institutes of Tropical Forestry were authorized in §2405 and §2407 of the 1990 Farm Bill, and are codified at 7 U.S.C. §6704 and §6706, respectively. The 1990 Farm Bill also directed a separate budget line for Forest Service international cooperation and assistance. Appropriations were transferred from other Forest Service programs for FY1992 and FY1993, then enacted at nearly \$7 million for FY1994 and again for FY1995. In FY1996, the Forest Service was directed to use not more than \$4 million of other S&PF appropriations for international programs; this approach was continued through FY2000. Since FY2001, Congress has enacted a separate appropriation for International Forestry, as shown in **table 10**.

**Table 10. Appropriations for International Forestry,
FY1999-FY2003**
(in millions of dollars)

	FY1999	FY2000	FY2001	FY2002	FY2003
International Forestry	3.500	3.500	4.989	5.263	5.713

Related Provisions

In addition to these several cooperative forestry assistance programs, the 1978 Cooperative Forestry Assistance Act, as amended, authorizes consolidated payments to the states and establishes three groups to oversee certain programs. These are described below.

⁹International cooperation in forestry had been a long-established tradition in the Forest Service, dating back to the early 1900s, but was not formally authorized until 1990.

Consolidation of Payments. Consolidated payments are authorized in §9 of the 1978 Cooperative Forestry Assistance Act, renumbered as §12 and amended by the 1990 Farm Bill; codified at 16 U.S.C. §2108. To provide greater flexibility in implementing programs, states may request consolidated payments for the authorized cooperative forestry assistance programs.

The National Urban and Community Forestry Advisory Council. The National Urban and Community Forestry Advisory Council was created under the 1978 Cooperative Forestry Assistance Act, as rewritten in §1219 of the 1990 Farm Bill; it is codified at 16 U.S.C. §2105(g). The Council is to evaluate implementation of the national urban and community forestry action plan and to develop criteria and submit recommendations for the urban and community forestry challenge cost-share program. The Council is composed of 15 members, appointed by the Secretary, representing:

- national nonprofit forestry and conservation citizen organizations (2);
- state, county, and city or town governments (1 each);
- forest products, nursery, or related industry (1);
- urban forestry, landscape, or design consultant (1);
- academic institutions, with relevant expertise (2);
- state forestry (or equivalent) agencies (1);
- professional renewable natural resource or arboricultural society (1);
- USDA Extension Service (1);
- USDA Forest Service (1); and
- others with expertise and experience in urban and community forestry and who are not governmental officers or employees, at least one of whom is a resident of a community of fewer than 50,000 people (2).

Department of Agriculture Coordinating Committee. The Forest Resource Coordinating Committee was created in §1222 of the 1990 Farm Bill, which added a new §19 to the Cooperative Forestry Assistance Act of 1978; it is codified at 16 U.S.C. §2113(a). This intradepartmental committee is to assist in coordinating forestry assistance programs, clarify agency responsibilities, and advise the Secretary on intradepartmental differences in implementation. The Committee is chaired by the Chief of the Forest Service, and composed of representatives from “the Agricultural Research Service, Agricultural Stabilization and Conservation Service, Extension Service, Forest Service, and Soil Conservation Service.”¹⁰

State Coordinating Committees. State Coordinating Committees were directed to be created by the Secretary of Agriculture, in consultation with each state’s forester, in §1222 of the 1990 Farm Bill, which added a new §19 to the Cooperative Forestry Assistance Act of 1978; the direction is codified at 16 U.S.C.

¹⁰The Department of Agriculture was substantially reorganized in title II of P.L. 103-354, the Federal Crop Insurance Reform and Department of Agriculture Reorganization Act of 1994. The Agricultural Stabilization and Conservation Service and Soil Conservation Service were renamed the Farm Services Agency and Natural Resources Conservation Service, respectively, and the Extension Service was merged with other USDA agencies into the Cooperative State Research, Education, and Extension Service. The 1978 Cooperative Forestry Assistance Act has not been amended to reflect the current USDA agency names.

§2113(b). Each state coordinating committee is to consult with other USDA and state committees on cooperative forestry programs and to make recommendations on priorities and responsibilities, on state forest stewardship plans, and on priorities for the forest legacy program. Each state coordinating committee is chaired by the state forester, and composed of federal representatives from “the Forest Service, Soil Conservation Service, Agricultural Stabilization and Conservation Service, and Extension Service,” and of others appointed by the state forester to represent:

- local government;
- consulting foresters;
- environmental organizations;
- the forest products industry;
- forest landowners;
- land trust organizations (if applicable);
- conservation organizations; and
- the state’s fish and wildlife agency.

Summary and Conclusions

The U.S. Department of Agriculture has numerous programs to support the management of state and private forestlands. Several programs provide financial and/or technical assistance for planning and implementing forestry practices — tree planting, site preparation for reforestation, thinning, pruning, fertilizing, prescribed burning, and other activities — and sometimes practices to enhance other resources — restoring watersheds, improving wildlife habitat, and other activities. Some of the programs have been effectively combined through the appropriations process; others have overlapping objectives.

Additional programs provide financial and technical support for protecting nonfederal forests from wildfire, insects, diseases, and clearing for nonforest uses. These programs cover many threats to forests, but other threats (e.g., from noxious weeds and exotic plant species) are not covered, and more funds for the Forest Health Program (to address insect and disease problems) focus on protecting federal lands than on protecting cooperative lands. The Community Fire Protection Program established in the 2002 Farm Bill has, to date, not been funded. These programs, as well as many of the forest practices programs noted above, can help to protect state and private lands from catastrophic wildfires.

Other forestry assistance programs address rural economic development for communities in or near federal forests. Each program appears to authorize some unique activities, but other responsibilities appear to overlap. It is unclear the extent to which these activities duplicate efforts of other USDA agencies which emphasize rural economic development, and which agency might be most efficient and effective at providing such economic assistance.

The forest protection programs — forest legacy (for easements to prevent forest clearing), wildfire assistance, and forest health (for insect and disease identification and control) — have grown substantially over the past five years. The programs for

forestry assistance — forest stewardship, urban and community forestry, and landowner assistance — have grown more slowly. Economic assistance programs have declined after peaking in FY2001. International forestry has continued to grow slowly over the past five years.