

**AMENDMENT TO H.R. 8790, AS REPORTED
OFFERED BY MS. PEREZ OF WASHINGTON**

At the end of the bill add the following:

1 TITLE IV—CHARGES AND FEES
2 FOR HARVEST OF FOREST BO-
3 TANICAL PRODUCTS

4 SEC. 401. CHARGES AND FEES FOR HARVEST OF FOREST
5 BOTANICAL PRODUCTS.

6 (a) RECOVERY OF FAIR MARKET VALUE FOR PROD-
7 UCTS.—

8 (1) IN GENERAL.—The Secretary shall establish
9 and carry out a program to charge and collect fees
10 under subsection (b) for forest botanical products
11 harvested on National Forest System lands.

12 (2) APPRAISAL METHODS; BIDDING PROCE-
13 DURES.—The Secretary shall establish appraisal
14 methods and bidding procedures to ensure that the
15 amounts collected for forest botanical products are
16 not less than fair market value.

17 (b) FEES.—

18 (1) IMPOSITION AND COLLECTION.—The Sec-
19 retary shall charge and collect fees from persons who

1 harvest forest botanical products on National Forest
2 System lands.

3 (2) AMOUNT OF FEE.—The fees collected under
4 paragraph (1) shall be in an amount established by
5 the Secretary to recover at least a portion of the fair
6 market value of the harvested forest botanical prod-
7 ucts and a portion of all the costs incurred by the
8 Department of Agriculture associated with the
9 granting, modifying, or monitoring the authorization
10 for harvest of the forest botanical products, includ-
11 ing the costs of any environmental or other analysis.

12 (3) SECURITY.—The Secretary may require a
13 person assessed a fee under this subsection to pro-
14 vide security to ensure that the Secretary receives
15 the fees imposed under this subsection from the per-
16 son.

17 (c) SUSTAINABLE HARVEST LEVELS FOR FOREST
18 BOTANICAL PRODUCTS.—

19 (1) IN GENERAL.—The Secretary shall—

20 (A) conduct appropriate analyses to deter-
21 mine whether and how the harvest of forest bo-
22 tanical products on National Forest System
23 lands can be conducted on a sustainable basis;
24 and

1 (B) establish procedures and timeframes to
2 monitor and revise the harvest levels established
3 for forest botanical products.

4 (2) PROHIBITION ON HARVEST IN EXCESS OF
5 SUSTAINABLE LEVELS.—The Secretary may not per-
6 mit under the program under this section the har-
7 vest of forest botanical products at levels in excess
8 of sustainable harvest levels, as defined under sec-
9 tion 4 of the Multiple-Use Sustained-Yield Act of
10 1960 (16 U.S.C. 531).

11 (d) WAIVER AUTHORITY.—

12 (1) PERSONAL USE.—The Secretary shall es-
13 tablish a personal use harvest level for each forest
14 botanical product, and the harvest of a forest botan-
15 ical product below that level by a person for personal
16 use shall not be subject to charges and fees under
17 subsections (a) and (b).

18 (2) OTHER EXCEPTIONS.—The Secretary may
19 also waive the application of subsection (a) or (b)
20 pursuant to such regulations as the Secretary may
21 prescribe.

22 (e) DEPOSIT AND USE OF FUNDS.—

23 (1) DEPOSIT.—Funds collected under the pro-
24 gram in accordance with subsections (a) and (b)

1 shall be deposited into a special account in the
2 Treasury of the United States.

3 (2) FUNDS AVAILABLE.—Funds deposited into
4 the special account in accordance with paragraph (1)
5 shall remain available until expended without further
6 appropriation.

7 (3) AUTHORIZED USES.—The funds made avail-
8 able under paragraph (2) shall be expended at units
9 of the National Forest System in proportion to the
10 charges and fees collected at that unit under the
11 program under this section to pay for—

12 (A) the costs of conducting inventories of
13 forest botanical products, determining sustain-
14 able levels of harvest, monitoring and assessing
15 the impacts of harvest levels and methods, and
16 for restoration activities, including any nec-
17 essary vegetation; and

18 (B) the costs described in subsection
19 (b)(2).

20 (4) TREATMENT OF FEES.—Funds collected
21 under the program in accordance with subsections
22 (a) and (b) shall not be taken into account for the
23 purposes of the following laws:

24 (A) The sixth paragraph under the head-
25 ing “forest service” in the Act of May 23, 1908

1 (16 U.S.C. 500), and section 13 of the Act of
2 March 1, 1911 (commonly known as the Weeks
3 Act; 16 U.S.C. 500).

4 (B) The fourteenth paragraph under the
5 heading “forest service” in the Act of March 4,
6 1913 (16 U.S.C. 501).

7 (C) Section 33 of the Bankhead-Jones
8 Farm Tenant Act (7 U.S.C. 1012).

9 (D) The Act of August 8, 1937, and the
10 Act of May 24, 1939 (43 U.S.C. 1181a et seq.).

11 (E) Section 6 of the Act of June 14, 1926
12 (commonly known as the Recreation and Public
13 Purposes Act; 43 U.S.C. 869–4).

14 (F) Chapter 69 of title 31, United States
15 Code. (G) Section 401 of the Act of June 15,
16 1935 (16 U.S.C. 715s).

17 (G) Section 4 of the Land and Water Con-
18 servation Fund Act of 1965 (16 U.S.C. 460l–
19 6a).

20 (H) Any other provision of law relating to
21 revenue allocation.

22 (f) REPORTING REQUIREMENTS.—As soon as prac-
23 ticable after the end of each fiscal year in which the Sec-
24 retary collects charges and fees under the program in ac-
25 cordance with subsections (a) and (b) or expends funds

1 from the special account under subsection (e), the Sec-
2 retary shall submit to the Congress a report summarizing
3 the activities of the Secretary under the program under
4 this section, including the funds collected under the pro-
5 gram in accordance with subsections (a) and (b), the ex-
6 penses incurred to carry out the program under this sec-
7 tion, and the expenditures made from the special account
8 during that fiscal year.

9 (g) FOREST BOTANICAL PRODUCT DEFINED.—In
10 this section, the term “forest botanical product”—

11 (1) means any naturally occurring mushroom,
12 fungus, flower, seed, root, bark, leaf, or other vege-
13 tation (or portion thereof) that grows on National
14 Forest System lands; and

15 (2) does not include trees, or portions of trees,
16 except as provided in regulations issued under this
17 section by the Secretary.

