

118TH CONGRESS
1ST SESSION

H. R. 5335

To require the Secretary of Agriculture to carry out a program to charge and collect not less than the fair market value for forest botanical products harvested on National Forest System lands, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 1, 2023

Ms. PEREZ (for herself and Mrs. CHAVEZ-DEREMER) introduced the following bill; which was referred to the Committee on Agriculture, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To require the Secretary of Agriculture to carry out a program to charge and collect not less than the fair market value for forest botanical products harvested on National Forest System lands, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Special Forest Prod-
5 ucts Program Reauthorization Act of 2023”.

1 **SEC. 2. CHARGES AND FEES FOR HARVEST OF FOREST BO-**
2 **TANICAL PRODUCTS.**

3 (a) RECOVERY OF FAIR MARKET VALUE FOR PROD-
4 UCTS.—

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

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

14 (b) FEES.—

15 (1) IMPOSITION AND COLLECTION.—The Sec-
16 retary shall charge and collect fees from persons who
17 harvest forest botanical products on National Forest
18 System lands.

19 (2) AMOUNT OF FEE.—The fees collected under
20 paragraph (1) shall be in an amount established by
21 the Secretary to recover at least a portion of the fair
22 market value of the harvested forest botanical prod-
23 ucts and a portion of all the costs incurred by the
24 Department of Agriculture associated with the
25 granting, modifying, or monitoring the authorization

1 for harvest of the forest botanical products, includ-
2 ing the costs of any environmental or other analysis.

3 (3) SECURITY.—The Secretary may require a
4 person assessed a fee under this subsection to pro-
5 vide security to ensure that the Secretary receives
6 the fees imposed under this subsection from the per-
7 son.

8 (c) SUSTAINABLE HARVEST LEVELS FOR FOREST
9 BOTANICAL PRODUCTS.—

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

11 (A) conduct appropriate analyses to deter-
12 mine whether and how the harvest of forest bo-
13 tanical products on National Forest System
14 lands can be conducted on a sustainable basis;
15 and

16 (B) establish procedures and timeframes to
17 monitor and revise the harvest levels established
18 for forest botanical products.

19 (2) PROHIBITION ON HARVEST IN EXCESS OF
20 SUSTAINABLE LEVELS.—The Secretary may not per-
21 mit under the program under this section the har-
22 vest of forest botanical products at levels in excess
23 of sustainable harvest levels, as defined under sec-
24 tion 4 of the Multiple-Use Sustained-Yield Act of
25 1960 (16 U.S.C. 531).

1 (d) WAIVER AUTHORITY.—

2 (1) PERSONAL USE.—The Secretary shall es-
3 tablish a personal use harvest level for each forest
4 botanical product, and the harvest of a forest botan-
5 ical product below that level by a person for personal
6 use shall not be subject to charges and fees under
7 subsections (a) and (b).

8 (2) OTHER EXCEPTIONS.—The Secretary may
9 also waive the application of subsection (a) or (b)
10 pursuant to such regulations as the Secretary may
11 prescribe.

12 (e) DEPOSIT AND USE OF FUNDS.—

13 (1) DEPOSIT.—Funds collected under the pro-
14 gram in accordance with subsections (a) and (b)
15 shall be deposited into a special account in the
16 Treasury of the United States.

17 (2) FUNDS AVAILABLE.—Funds deposited into
18 the special account in accordance with paragraph (1)
19 shall remain available until expended without further
20 appropriation.

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

1 (A) the costs of conducting inventories of
2 forest botanical products, determining sustain-
3 able levels of harvest, monitoring and assessing
4 the impacts of harvest levels and methods, and
5 for restoration activities, including any nec-
6 essary vegetation; and

7 (B) the costs described in subsection
8 (b)(2).

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

13 (A) The sixth paragraph under the head-
14 ing “forest service” in the Act of May 23, 1908
15 (16 U.S.C. 500), and section 13 of the Act of
16 March 1, 1911 (commonly known as the Weeks
17 Act; 16 U.S.C. 500).

18 (B) The fourteenth paragraph under the
19 heading “forest service” in the Act of March 4,
20 1913 (16 U.S.C. 501).

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

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

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

4 (F) Chapter 69 of title 31, United States
5 Code.

6 (G) Section 401 of the Act of June 15,
7 1935 (16 U.S.C. 715s).

8 (H) Section 4 of the Land and Water Con-
9 servation Fund Act of 1965 (16 U.S.C. 460l–
10 6a).

11 (I) Any other provision of law relating to
12 revenue allocation.

13 (f) REPORTING REQUIREMENTS.—As soon as prac-
14 ticable after the end of each fiscal year in which the Sec-
15 retary collects charges and fees under the program in ac-
16 cordance with subsections (a) and (b) or expends funds
17 from the special account under subsection (e), the Sec-
18 retary shall submit to the Congress a report summarizing
19 the activities of the Secretary under the program under
20 this section, including the funds collected under the pro-
21 gram in accordance with subsections (a) and (b), the ex-
22 penses incurred to carry out the program under this sec-
23 tion, and the expenditures made from the special account
24 during that fiscal year.

25 (g) DEFINITIONS.—For purposes of this section:

1 (1) FOREST BOTANICAL PRODUCT.—The term
2 “forest botanical product”—

3 (A) means any naturally occurring mush-
4 room, fungus, flower, seed, root, bark, leaf, or
5 other vegetation (or portion thereof) that grows
6 on National Forest System lands; and

7 (B) does not include trees, or portions of
8 trees, except as provided in regulations issued
9 under this section by the Secretary.

10 (2) NATIONAL FOREST SYSTEM.—The term
11 “National Forest System” has the meaning given
12 that term in section 11(a) of the Forest and Range-
13 land Renewable Resources Planning Act of 1974 (16
14 U.S.C. 1609(a)).

15 (3) SECRETARY.—The term “Secretary” means
16 the Secretary of Agriculture.

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