

105TH CONGRESS
1ST SESSION

S. 1253

To provide to the Federal land management agencies the authority and capability to manage effectively the Federal lands in accordance with the principles of multiple use and sustained yield, and for other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 3, 1997

Mr. CRAIG introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To provide to the Federal land management agencies the authority and capability to manage effectively the Federal lands in accordance with the principles of multiple use and sustained yield, 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; TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
5 “Public Lands Management Improvement Act of 1997”.

6 (b) **TABLE OF CONTENTS.**—The table of contents of
7 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings.
- Sec. 3. Definitions.

- Sec. 4. Supplemental authority.
- Sec. 5. Transition.

TITLE I—ENSURING THE EFFECTIVENESS AND
IMPLEMENTATION OF FEDERAL LAND PLANNING

- Sec. 101. Purposes.

PART A—IN GENERAL

- Sec. 102. Mission of the land management agencies.
- Sec. 103. Scientific basis for Federal lands decisions.

PART B—RESOURCE MANAGEMENT AND MANAGEMENT ACTIVITY PLANNING

- Sec. 104. Levels of planning.
- Sec. 105. Contents of planning and allocation of decisions to each planning level.
- Sec. 106. Planning deadlines.
- Sec. 107. Plan amendments and revisions.
- Sec. 108. Disclosure of funding constraints on planning and management.
- Sec. 109. Consideration of Federal lands-dependent communities.
- Sec. 110. Participation of local, multi-interest committees.
- Sec. 111. Ecosystem management principles.
- Sec. 112. Fully allocated costs.
- Sec. 113. Citizen petitions for plan amendments or revisions.
- Sec. 114. Budget and cost disclosures.
- Sec. 115. Monitoring and maintenance of planning; adaptive management.

PART C—CHALLENGES TO PLANNING

- Sec. 116. Administrative appeals.
- Sec. 117. Judicial review.

TITLE II—COORDINATION AND COMPLIANCE WITH OTHER
ENVIRONMENTAL LAWS

- Sec. 201. Purposes.
- Sec. 202. Environmental analysis.
- Sec. 203. Wildlife protection.
- Sec. 204. Water quality protection.
- Sec. 205. Air quality protection.
- Sec. 206. Meetings with users of the Federal lands.

TITLE III—DEVELOPMENT OF ECOREGION ASSESSMENTS

- Sec. 301. Purpose.
- Sec. 302. Authorization and notice of assessments.
- Sec. 303. Status, effect, and application of assessments.
- Sec. 304. Applicability of other laws.
- Sec. 305. Report to Congress.
- Sec. 306. Pacific Northwest Forest Plan review.

TITLE IV—DEVELOPMENT OF A GLOBAL RENEWABLE
RESOURCES ASSESSMENT

- Sec. 401. Purposes.
- Sec. 402. Global Renewable Resources Assessment.

- Sec. 403. National Council on Renewable Resources Policy.
 Sec. 404. Repeal of certain provisions of the Forest and Rangeland Renewable Resources Planning Act.

TITLE V—ADMINISTRATION

PART A—IN GENERAL

- Sec. 501. Confirmation of the Chief of the Forest Service.
 Sec. 502. Monitoring funds.
 Sec. 503. Interagency transfer and interchange authority.
 Sec. 504. Fees for processing records requests.
 Sec. 505. Off-budget study.

PART B—NONFEDERAL LANDS

- Sec. 506. Access to adjacent or intermingled non-Federal lands.
 Sec. 507. Exchanges of Federal lands for non-Federal lands.

PART C—THE FOREST RESOURCE

- Sec. 508. Forest health credits in sales of forest products.
 Sec. 509. Special funds.
 Sec. 510. Private contractors.
 Sec. 511. Non-harvested forest products sales.
 Sec. 512. Exemption from strict liability for the recovery of fire suppression costs.

TITLE VI—MISCELLANEOUS

- Sec. 601. Regulations.
 Sec. 602. Authorization for appropriations.
 Sec. 603. Effective date.
 Sec. 604. Savings clauses.
 Sec. 605. Severability.

1 **SEC. 2. FINDINGS.**

2 The Congress finds as follows:

3 (1) The Bureau of Land Management, Depart-
 4 ment of the Interior, and the Forest Service, De-
 5 partment of Agriculture, are comprised of profes-
 6 sionals with considerable expertise and judgment to
 7 manage Federal lands within their jurisdictions.

8 (2) In 1976, the Congress enacted the Federal
 9 Land Planning and Management Act and the Na-
 10 tional Forest Management Act which declared mul-

1 multiple use and sustained yield to be the basic prin-
2 ciples under which the two land management agen-
3 cies are to manage their Federal lands.

4 (3) These principles of multiple use and sus-
5 tained yield enjoy strong support from the American
6 public and among the diverse stakeholders in Fed-
7 eral land management.

8 (4) These same Management Acts established
9 resource management planning processes as the
10 method for engaging the land management agencies'
11 expertise and professional judgment in, applying the
12 multiple use and sustained yield principles to, and
13 obtaining the views of the public on, management of
14 these Federal lands.

15 (5) Nevertheless, in the two decades since the
16 Management Acts were passed, fundamental flaws in
17 the planning and decision making processes estab-
18 lished by these Acts have become apparent and have
19 caused all stakeholders, whether they favor resource
20 protection or resource extraction, to express increas-
21 ing dissatisfaction with and distrust of these proc-
22 esses.

23 (6) These numerous flaws threaten the integrity
24 of the Federal lands planning and decision making
25 processes and undermine the ability of the agencies

1 to fulfill their statutory land management respon-
2 sibilities and accomplish management that is well
3 grounded in science.

4 (7) The intent of the Congress that the land
5 management agencies would complete the planning
6 required by the Management Acts within a discrete
7 time frame and the new resource management plans
8 would provide secure guidance for subsequent man-
9 agement activities has not been met.

10 (8) Although mid-eighties deadlines were set by
11 statute or regulation for completing the new re-
12 source management plan, initial planning remains
13 unfinished twenty years after enactment of the Man-
14 agement Acts even as new planning is undertaken.

15 (9) The land management agencies are engaged
16 in a perpetual cycle of planning through the continu-
17 ous preparation of interim policies, plan amend-
18 ments, and plan revisions that preclude the provision
19 to both agency professionals and the public of any
20 secure guidance for predictable management of the
21 Federal lands.

22 (10) Although the Management Acts antici-
23 pated and directed that only two layers of plan-
24 ning—multiple-use resource management planning
25 for each national forest, Bureau of Land Manage-

1 ment district, or other designated planning unit, and
2 site-specific planning for management activities—be
3 undertaken, the agencies have engaged in planning
4 at multiple layers—regional, ecoregion, watershed,
5 etc.—without license or direction from statute or
6 regulation.

7 (11) These new layers of planning have not
8 been applied uniformly on the Federal lands; fre-
9 quently have ignored the multiple use mandates of
10 the Management Acts and, instead, have focussed
11 narrowly on a single resource, even a single species
12 of wildlife; have been undertaken without consistent
13 agency-wide direction; have been conducted without
14 the meaningful opportunities for public participation
15 established for planning by the Management Acts;
16 and have resulted in guidance that often conflicts
17 with the planning that is prescribed by the Manage-
18 ment Acts.

19 (12) The procedures and requirements of other
20 environmental laws often burden with increased
21 costs and delays, conflict with, and frustrate the
22 planning and management processes established by
23 the Management Acts; effectively transfer the plan-
24 ning and management decision making authority
25 from the professionals in the land management

1 agencies to officials of other agencies; and sanction
2 decisions by those officials who are not expert in
3 land management and are less familiar with the af-
4 fected resources, activities, and sites. Without doubt,
5 Congress has failed to reconcile the procedures and
6 requirements of other environmental laws with the
7 planning and management processes established by
8 the Management Acts.

9 (13) Increasingly, even after the land manage-
10 ment agencies reach decisions on the planning and
11 management of Federal lands implementation of
12 those decisions is barred by administrative appeals
13 and litigation. These myriad administrative appeals
14 and lawsuits have delayed substantially completion
15 of planning; encumbered and, at times, paralyzed
16 plan implementation and management activities;
17 drained scarce agency resources; and, on several oc-
18 casions, compelled the Congress to enact emergency
19 provisions to restore land management authority to
20 the agencies.

21 (14) The loss in goods and services from Fed-
22 eral lands resulting from these numerous flaws in
23 Federal land planning and decisionmaking has in-
24 creased this Nation's dependency on foreign sources
25 for certain resources and has encouraged imports

1 from countries with land management policies and
2 priorities that are far less environmentally respon-
3 sive.

4 (15) New concepts in Federal land manage-
5 ment, such as ecosystem management and adaptive
6 management, are not recognized in the Management
7 Acts and are being imposed on or incorporated in
8 Federal land planning and management without
9 statutory authority.

10 (16) New processes developed by stakeholders
11 to better participate in Federal land planning and
12 decision making, such as the community-based col-
13 laborative deliberations of the Quincy Library Group
14 and Applegate Partnership, are not recognized or
15 encouraged by the Management Acts.

16 (17) The provisions of section 322 of Public
17 Law 102–381 (106 Stat. 1419) requiring the Forest
18 Service to establish a streamlined administrative ap-
19 peals process for management activities has expired
20 and these well-received Congressional requirements
21 for processing administrative appeals should be re-
22 stored and expanded to include appeals of decisions
23 concerning planning, as well as decisions on manage-
24 ment activities, made by the Bureau of Land Man-
25 agement, as well as the Forest Service.

1 (18) The Management Acts were passed at a
2 time when the ecosystems on the Federal lands were
3 regarded generally as healthy, but now many, exten-
4 sive forested areas of Federal lands are undergoing
5 or are threatened by an unprecedented forest health
6 crisis.

7 (19) These numerous flaws in the laws pertain-
8 ing to Federal land management and in the planning
9 and decisionmaking for Federal lands, particularly
10 the multiple layers and perpetual existence of plan-
11 ning, the increasing intervention of other agencies,
12 and the constant barrage of administrative and judi-
13 cial challenges, have escalated the land management
14 agencies' costs of managing the Federal lands even
15 as their ability to secure actual management accom-
16 plishments on these lands has diminished substan-
17 tially.

18 (20) All stakeholders have incurred injuries—
19 both environmental and economic—from these plan-
20 ning and decision making flaws, but none more than
21 the local resource dependent communities, which
22 have little or no protection under the Management
23 Acts and have experienced the loss of wages, reve-
24 nues, and public services, and resultant social insta-
25 bility.

1 (21) Although the Management Acts and their
2 implementing regulations contain detailed instruc-
3 tions to the land management agencies on planning
4 procedures and contents, they are virtually silent in
5 providing guidance or authority to enable the agen-
6 cies to implement resource management plans,
7 thereby devaluing the term “Management” common
8 to both their titles.

9 (22) As described in the United States General
10 Accounting Office report, “Forest Service Decision-
11 making: A Framework for Improving Performance,”
12 April 1997, these flaws in the laws pertaining to
13 Federal land management and in the planning and
14 decision making for Federal lands, and the increas-
15 ing distrust in the laws and decision making experi-
16 enced by virtually all stakeholders in the Federal
17 lands, have both contributed to and been
18 compounded by the lack of a clear mission statement
19 for the land management agencies.

20 (23) Additional Congressional direction for the
21 planning of, and implementation of planning on, the
22 Federal lands is required to ensure that the predict-
23 ability in Federal land management intended by the
24 Management Acts is achieved, that the land manage-
25 ment agencies are able to exercise fully their consid-

1 erable management expertise and judgment, that the
2 public can be heard in land management decisions,
3 and that the adverse environmental effects and eco-
4 nomic and social dislocation which result from the
5 present flaws in the planning processes are avoided.

6 **SEC. 3. DEFINITIONS.**

7 (a) **SPECIFIC TERMS.**—As used in this Act, the
8 term—

9 (1) “Agencies” means the Bureau of Land
10 Management, Department of the Interior, with re-
11 spect to the lands described in paragraph (4)(A),
12 and the Forest Service, Department of Agriculture,
13 with respect to the lands described in paragraph
14 (4)(B).

15 (2) “Committees of Congress” means the Com-
16 mittee on Resources and Committee on Agriculture
17 of the House of Representatives, and the Committee
18 on Energy and Natural Resources and the Commit-
19 tee on Agriculture, Nutrition, and Forestry of the
20 United States Senate;

21 (3) “ecosystem management” means an ap-
22 proach to implementation of the principles of mul-
23 tiple-use and sustained-yield on the Federal lands
24 which employs current understanding of ecosystem
25 processes to evaluate the effects of management

1 strategies on ecosystem health and productivity in
2 conjunction with attainment of planned outputs of
3 goods, services, and amenities.

4 (4) “Federal lands” means—

5 (A) those lands managed by the Bureau of
6 Land Management and defined in section
7 103(e) of the Federal Land Policy and Manage-
8 ment Act of 1976 (43 U.S.C. § 1702(e)); and

9 (B) those lands in the National Forest
10 System, including units of the national grass-
11 lands, managed by the Forest Service and de-
12 fined in section 11(a) of the Forest and Range-
13 land Renewable Resources Planning Act of
14 1974 (16 U.S.C. § 1609(a));

15 (5) “resource management plans” means land
16 use plans prepared by the Bureau of Land Manage-
17 ment for units of the lands described in paragraph
18 (4)(A) pursuant to section 202 of the Federal Land
19 Policy and Management Act of 1976 (43 U.S.C.
20 § 1712) and this Act, and land and resource man-
21 agement plans prepared by the Forest Service for
22 units of the lands described in paragraph (4)(B)
23 pursuant to section 6 of the Forest and Rangeland
24 Renewable Resources Planning Act of 1974, as

1 amended by the National Forest Management Act of
2 1976 (16 U.S.C. § 1604), and this Act; and

3 (6) “Secretaries” or “Secretary” means the
4 Secretary of the Interior with respect to the lands
5 described in paragraph (4)(A) and the Secretary of
6 Agriculture with respect to the lands described in
7 paragraph (4)(B).

8 (b) OTHER TERMS.—Terms used in this Act shall
9 have the same meaning they are accorded in the Federal
10 Land Policy and Management Act of 1976 (43 U.S.C.
11 § 1701 et seq.) with respect to the lands described in para-
12 graph (4)(A) and in the Forest and Rangeland Renewable
13 Resources Planning Act of 1974 (16 U.S.C. § 1600 et
14 seq.) with respect to the lands described in paragraph
15 (4)(B).

16 **SEC. 4. SUPPLEMENTAL AUTHORITY.**

17 The provisions of this Act apply to all Federal lands
18 and supplement the Federal Land Policy and Management
19 Act of 1976 (43 U.S.C. § 1701 et seq.), the Forest and
20 Rangeland Renewable Resources Planning Act of 1974, as
21 amended by the National Forest Management Act of 1976
22 (16 U.S.C. § 1600 et seq.), and other laws applicable to
23 the Federal lands. Except as otherwise provided in this
24 Act, in the event of conflict or inconsistency between this
25 Act and any other law referred to in this section, this Act

1 shall prevail: *Provided*, That, for any Federal lands des-
2 ignated as units of the National Wilderness Preservation
3 System, National Wild and Scenic Rivers System, or Na-
4 tional Trails System, the provisions of law governing man-
5 agement of those systems or specific units shall prevail
6 whenever such provisions conflict or are inconsistent with
7 this Act.

8 **SEC. 5. TRANSITION.**

9 Except as otherwise provided in this Act, any plan,
10 policy, or guidance of the Agencies with respect to the
11 Federal lands in effect on the date of enactment of this
12 Act shall continue to apply to such lands until such plan,
13 policy, or guidance is revised, amended, changed, or termi-
14 nated in accordance with the provisions of this Act.

15 **TITLE I—ENSURING THE EFFEC-**
16 **TIVENESS AND IMPLEMENTA-**
17 **TION OF FEDERAL LAND**
18 **PLANNING**

19 **SEC. 101. PURPOSES.**

20 The purposes of this title are to establish a mission
21 for the Agencies in the management of the Federal lands;
22 to provide Congressional direction on, and eliminate fun-
23 damental flaws in, the conducting and implementing of
24 planning for the Federal lands; to avoid the environ-
25 mental, economic, and social injuries that result from

1 those flaws and the past absence of direction; and to
2 achieve predictability in the management of, and timely
3 and cost-effective accomplishment of management activi-
4 ties on, the Federal lands.

5 **PART A—IN GENERAL**

6 **SEC. 102. MISSION OF THE LAND MANAGEMENT AGENCIES.**

7 The mission of the Secretary of Agriculture and the
8 Forest Service, and of the Secretary of the Interior and
9 the Bureau of Land Management, shall be to manage the
10 Federal lands under their respective jurisdictions to fur-
11 nish a sustainable flow of multiple goods, services, and
12 amenities while protecting and providing a full range and
13 diversity of natural habitats of native species in a dynamic
14 manner over the landscape.

15 **SEC. 103. SCIENTIFIC BASIS FOR FEDERAL LANDS DECISIONS.**

16
17 In rendering decisions concerning resource manage-
18 ment plans for and management activities on Federal
19 lands, each Secretary shall utilize the best scientific and
20 commercial data available to the Secretary.

1 **PART B—RESOURCE MANAGEMENT AND**
2 **MANAGEMENT ACTIVITY PLANNING**

3 **SEC. 104. LEVELS OF PLANNING.**

4 (a) **PLANNING LEVELS.**—Subject to subsection (c),
5 the Secretaries shall conduct no more than two levels of
6 planning for the Federal lands, comprised of—

7 (1) multiple-use planning in the form of re-
8 source management plans for planning units; and

9 (2) site or area specific planning for manage-
10 ment activities.

11 (b) **PLANNING UNIT SIZE.**—Each Secretary may des-
12 ignate planning units of whatever size and number the
13 Secretary deems appropriate.

14 (c) **OTHER ANALYSES OR ASSESSMENTS.**—Each Sec-
15 retary may conduct analyses or assessments for geographi-
16 cal areas larger or smaller than the designated planning
17 units, including ecoregion assessments pursuant to title
18 III, but shall not apply the results of such analyses or
19 assessments to the affected Federal lands unless the re-
20 source management plans for the planning units encom-
21 passing such lands are amended or revised in accordance
22 with this Act and other applicable law.

23 (d) **NONCOMPLYING PLANS.**—(1) The Secretaries
24 shall have three years from the date of enactment of this
25 Act to amend or revise resource management plans in ac-
26 cordance with this Act to modify and incorporate any poli-

1 cies contained in any plans applicable to the Federal lands
2 which are effective on the date of enactment of this Act
3 and which do not comply with subsection (a).

4 (2) All noncomplying plans referred to in paragraph
5 (1) shall terminate three years from the date of enactment
6 of this Act.

7 (3) A noncomplying plan referred to in paragraph (1)
8 shall no longer apply to Federal lands in a planning unit
9 upon its termination date established by paragraph (2) or
10 when the resource management plan for such lands has
11 been amended pursuant to paragraph (1), whichever is
12 earlier.

13 **SEC. 105. CONTENTS OF PLANNING AND ALLOCATION OF**
14 **DECISIONS TO EACH PLANNING LEVEL.**

15 (a) PLAN CONTENTS.—(1) Each resource manage-
16 ment plan shall contain the following basic elements which
17 shall be accorded equal consequence by the Secretary con-
18 cerned:

19 (A) a statement of goals and objectives for the
20 management of the Federal lands to which the plan
21 applies during the term of the plan;

22 (B) the allocation of land uses to areas of the
23 Federal lands to which the plan applies;

1 (C) determinations of outputs of goods and
2 services from the Federal lands to which the plan
3 applies annually and for the term of the plan; and

4 (D) policies necessary to ensure compliance
5 with the requirements of this Act and other applica-
6 ble law for the conservation of the resources and
7 protection of the environment on the Federal lands
8 to which the plan applies: *Provided*, That, to the
9 maximum extent feasible consistent with this Act
10 and other applicable law, such policies shall not be
11 prescriptive requirements generally applicable to the
12 planning unit and, instead, shall provide guidance
13 for the determination, during the planning for each
14 management activity, of specific requirements that
15 are addressed to the precise conditions of the lands
16 and resources to be affected by such activity.

17 (2) Each resource management plan also shall con-
18 tain—

19 (A) a statement of historical uses, and trends
20 in conditions, of the resources on the Federal lands
21 subject to the plan;

22 (B) a schedule and procedure for monitoring
23 the implementation of the plan, the management of
24 the Federal lands subject to the plan, and trends in
25 the conditions and uses of resources on the Federal

1 lands subject to the plan, as required by section
2 115(b)(1); and

3 (C) criteria for determining when circumstances
4 on the Federal lands subject to the plan warrant
5 adaptive management of the resources of such lands
6 pursuant to section 115(b).

7 (b) ASSIGNMENT OF DECISIONS TO PLANNING LEV-
8 ELS.—(1)(A) Each Secretary shall promulgate regulations
9 that assign to each level of planning for Federal lands au-
10 thorized by section 104(a) the analyses and decisions to
11 be made at that level.

12 (B) All analyses and decisions to be conducted in the
13 levels of planning for Federal lands authorized in sub-
14 section (a) shall be assigned exclusively to a specific level
15 and may not be conducted or made, or reconsidered, at
16 the level to which they are not assigned.

17 (2) The regulations required by paragraph (1) shall
18 provide that, among other matters—

19 (A) in resource management plans: in addition
20 to the matters specified in subsection (a) and sec-
21 tions 108, 109, 111, and 112, resource inventories
22 and analyses of cumulative effects of planning deci-
23 sions and subsequent management activities shall be
24 conducted; the relationship of each plan to relevant
25 State and local plans shall be discussed; Federal

1 land which may be exchanged or otherwise made
2 available for disposal shall be identified; and deci-
3 sions concerning wilderness, lands unsuitable for cer-
4 tain activities, and visual objectives, shall be made;
5 and

6 (B) in the planning for specific management ac-
7 tivities: Analyses of site specific resources and ef-
8 fects shall be conducted; decisions concerning the de-
9 sign of and requirements for a management activity,
10 including decisions related to water quality, method
11 for harvesting forest products, and revenue benefits
12 from other economic matters pertaining to the activ-
13 ity, shall be made; and a schedule and procedures
14 for monitoring the effects of the activity shall be es-
15 tablished.

16 **SEC. 106. PLANNING DEADLINES.**

17 (a) Except as provided in section 104(d), the dead-
18 lines for completing planning and management activities
19 and all decisions associated therewith on the Federal lands
20 shall be:

21 (1) for preparation of a resource management
22 plan, 30 months;

23 (2) for development of an amendment to a re-
24 source management plan which is determined to be
25 significant, 12 months, and for development of an

1 amendment to a resource management plan which is
2 determined not to be significant, 9 months;

3 (3) for revision of a resource management plan,
4 24 months; and

5 (4) for a decision on a management activity
6 which is determined to be significant in accordance
7 with regulations that define significant, 9 months,
8 and for a decision on a management activity which
9 is determined not be significant in accordance with
10 regulations that define not significant, 6 months.

11 (b) The deadline established in subsection (a) for any
12 activity or decision deemed to be a “rule” as defined in
13 5 U.S.C. § 804(3) shall be the date on which such activity
14 or decision is submitted to each House of the Congress
15 and the Comptroller General pursuant to 5 U.S.C.
16 § 801(a)(1)(A).

17 **SEC. 107. PLAN AMENDMENTS AND REVISIONS.**

18 (a) INCONSISTENT OR CONFLICTING PLAN PROVI-
19 SIONS OR FEDERAL LANDS POLICIES OR DECISIONS.—
20 Except as provided in subsection (b), no policy may be
21 applied to or decision made on a resource management
22 plan or a management activity, or the Federal lands sub-
23 ject to such plan or activity, if that policy or decision is
24 inconsistent with any provisions of the plan, including any
25 of the basic elements specified in section 105(a)(1).

1 (b) RESTORING PLAN CONFORMITY; MAKING RE-
2 QUIRED PLANNING CHANGES.—(1) Whenever, as a result
3 of monitoring the implementation of a resource manage-
4 ment plan pursuant to section 115(b), planning a manage-
5 ment activity on Federal lands to which the plan applies,
6 or other circumstance, the Secretary concerned determines
7 that a conflict exists between any of the provisions of the
8 plan or that a policy or decision the Secretary would other-
9 wise establish or make is inconsistent with a provision of
10 the plan, whether the provision concerns a goal, land allo-
11 cation, output determination, or environmental require-
12 ment, the Secretary shall initiate immediately the process
13 to amend or revise the plan to eliminate the conflict, in-
14 consistency, or departure: *Provided*, That the Secretary,
15 for a single specific management activity within any class
16 of management activities, may waive any provision in a
17 resource management plan without an amendment to or
18 revision of the plan if such provision does not implement
19 a nondiscretionary statutory requirement and the Sec-
20 retary determines in writing that the waiver is in the pub-
21 lic interest.

22 (2) Any change in the management of any Federal
23 lands that is required by a law enacted, regulation promul-
24 gated, or court order issued, or is warranted by new infor-
25 mation that becomes available, after the resource manage-

1 ment plan which applies to such lands is adopted shall
2 be effected by an amendment to or revision of the plan,
3 and, except where the Secretary determines such law or
4 court order requires otherwise and publishes the deter-
5 mination in the Federal Register, shall not become effec-
6 tive until the amendment or revision is adopted.

7 (c) PLAN REVISIONS.—Whenever a resource manage-
8 ment plan is revised, the Secretary shall consider all provi-
9 sions of the plan and all Federal lands and resources sub-
10 ject to the plan in the decision and environmental analysis
11 documents associated with the revision and may not ad-
12 dress only those provisions, lands, or resources which may
13 be identified by the Agency, any other Federal agency, or
14 any segment of the public at the time of revision as requir-
15 ing review or alteration.

16 (d) CONTINUATION OF MANAGEMENT ACTIVITIES
17 DURING PLANNING.—(1) No management activities shall
18 be stayed during the process of preparing an amendment
19 to or revision of a resource management plan in anticipa-
20 tion of changes to be made by the amendment or revision,
21 except as otherwise required by this Act, court order, or
22 a formal declaration of the Secretary published in the Fed-
23 eral Register: *Provided*, That a specific management activ-
24 ity may be stayed by the responsible agency official for

1 a purpose that is unrelated to the purpose or likely effect
2 of the amendment or revision.

3 (2) The authority for a formal declaration pursuant
4 to paragraph (1) may not be delegated.

5 (3) Except as provided in paragraph (1) or required
6 by court order, an amendment to or revision of a resource
7 management plan shall not become effective until final de-
8 cisions on management activities on the Federal lands to
9 which the plan applies that are scheduled to be made dur-
10 ing the amendment or revision process have been made.

11 (e) EFFECT OF PLAN AMENDMENT OR REVISION.—
12 Whenever a resource management plan is amended or re-
13 vised, the Secretary shall consider, and discuss in the envi-
14 ronmental analysis documents, associated with the amend-
15 ment or revision, any effect which such amendment or re-
16 vision may have on the basic elements, as identified in sec-
17 tion 105(a)(1), that are contained in the plan prior to
18 completion of the amendment or revision process. The de-
19 cision document on the amendment or revision shall in-
20 clude a discussion of the reasons why such effect is nec-
21 essary and any steps that were or shall be undertaken to
22 ameliorate any adverse economic or social consequences
23 which will or could result from such effect.

1 **SEC. 108. DISCLOSURE OF FUNDING CONSTRAINTS ON**
2 **PLANNING AND MANAGEMENT.**

3 The environmental analysis accompanying each re-
4 source management plan, or amendment to or revision of
5 a resource management plan, shall consider generally for
6 each alternative, and the decision on such plan shall deter-
7 mine specifically for the plan, how implementation of the
8 alternative or plan will be affected by, and what goals and
9 objectives, land allocations, outputs, and policies as set
10 forth in section 105(a)(1) shall be effective for the alter-
11 native or plan, within a range of possible levels of funding
12 of Agency programs determined reasonable by the Sec-
13 retary, with at least one level which provides less funds
14 annually, and one level which provides more funds annu-
15 ally, than the level of funding for the current fiscal year.

16 **SEC. 109. CONSIDERATION OF FEDERAL LANDS-DEPEND-**
17 **ENT COMMUNITIES.**

18 (a) **RESPONSIBILITY FOR CONSIDERATION OF COM-**
19 **MUNITIES.**—In preparing, amending, or revising a re-
20 source management plan, the Secretary shall consider if,
21 and explain whether, the plan maintains to the maximum
22 extent feasible under this Act and other applicable law the
23 stability of each community dependent on the resources
24 of the Federal lands to which the plan applies.

25 (b) **PROCEDURE.**—The Secretary shall conduct dur-
26 ing, and publish in the environmental analysis document

1 prepared in, the process of preparing a resource manage-
2 ment plan, or an amendment to or revision of such a plan,
3 an analysis for each community dependent on the re-
4 sources of the Federal lands to which the plan applies
5 that: (i) Examines the impacts of planning alternatives on
6 the community, including its revenues and budget, the
7 level and quality of its public services, wages for its resi-
8 dents, and its social conditions; (ii) explains how resource
9 allocations for the planning alternatives would comport
10 with or differ from historic community expectations; and
11 (iii) describe how those impacts were considered in select-
12 ing a preferred alternative.

13 (c) DEFINITION.—(1) The term “community depend-
14 ent on the resources of the Federal lands” means a com-
15 munity which is located in a proximity to Federal lands
16 and is significantly affected socially, economically, or envi-
17 ronmentally by the allocation of uses of one or more of
18 the resources of those lands.

19 (2) The Secretaries, in consultation with the Sec-
20 retaries of Commerce and Labor, shall establish by regula-
21 tions the criteria for identifying communities dependent
22 on the resources of the Federal lands as defined in para-
23 graph (1).

1 **SEC. 110. PARTICIPATION OF LOCAL, MULTI-INTEREST**
2 **COMMITTEES.**

3 (a) INDEPENDENT COMMITTEES.—(1) The Secretar-
4 ies shall include and analyze in any documentation under
5 section 102(2) of the National Environmental Policy Act
6 of 1969 (42 U.S.C. § 4332(2)) related to the development
7 of a resource management plan, or an amendment of or
8 revision to such plan, and consider and discuss in any de-
9 cision document on such plan, amendment, or revision,
10 any alternative for such plan, amendment, or revision de-
11 veloped by an independent committee of local interests as
12 defined in paragraph (5).

13 (2) If more than two independent committees of local
14 interests are established and submit alternatives pursuant
15 to paragraph (1), the Secretary shall conduct the analysis
16 required by paragraph (1) on the alternative submitted by
17 each of the two committees which the Secretary deter-
18 mines to be most broadly representative of the various
19 local interests likely to be affected by the plan, amend-
20 ment, or revision referred to in paragraph (1). The Sec-
21 retary shall endeavor to consolidate for analysis or other-
22 wise discuss alternatives propounded by committees other
23 than the two selected committees.

24 (3) If the entirety or a significant part of an alter-
25 native of an independent committee of local interests ana-
26 lyzed pursuant to paragraph (1) is adopted by the Sec-

1 retary, the Secretary may provide to the committee ade-
2 quate monies from the appropriate fund established pur-
3 suant to section 502 or, if such monies are insufficient,
4 appropriated funds to enable the committee to monitor the
5 implementation and effects of the plan, amendment, or re-
6 vision in accordance with the schedule and procedures for
7 monitoring provided in the plan, amendment, revision, or
8 activity referred to in paragraph (1).

9 (4) Independent committees of local interests shall
10 not be established or funded by either Secretary and shall
11 not be subject to the provisions of the Federal Advisory
12 Committee Act (5 U.S.C. App.).

13 (5) For purposes of this section “independent com-
14 mittee of local interests” shall mean a committee or other
15 entity formed by and composed of representatives of two
16 or more interests active on the Federal lands to which the
17 plan, amendment, revision, or activity referred to in para-
18 graph (1) would apply: *Provided*, That at least one such
19 interest shall be concerned principally with the production
20 of a commodity resource or resources from such lands and
21 at least one such interest shall be concerned principally
22 with use or protection of a noncommodity resource or re-
23 sources on such lands.

24 (b) COMMITTEES ESTABLISHED BY THE SECRETAR-
25 IES.—(1) Each Secretary is authorized and encouraged to

1 establish committees corresponding to the planning units
2 established pursuant to section 104.

3 (2) The membership of each committee established
4 pursuant to paragraph (1) shall be broadly representative
5 of the various local interests likely to be affected by the
6 planning and management of the Federal lands within the
7 planning unit for which the committee is established.

8 (3) Each committee established pursuant to para-
9 graph (1) is authorized to—

10 (A) advise each Secretary prior to any decision
11 by the Secretary to adopt a resource management
12 plan, or an amendment to or revision of the resource
13 management plan, applicable to the planning unit
14 for which the committee is established; and

15 (B) monitor the implementation of the plan,
16 amendment, or revision.

17 (4) Each Secretary shall—

18 (A) in accordance with procedures established
19 by regulation, seek the advice of the committees es-
20 tablished pursuant to paragraph (1) as provided in
21 paragraph (3)(A); and

22 (B) provide to the committees established pur-
23 suant to paragraph (1) adequate monies from the
24 appropriate fund established pursuant to section 502
25 or, if such monies are insufficient, appropriated

1 funds to permit the committees to conduct the mon-
2 itoring provided for in paragraph (3)(B).

3 **SEC. 111. ECOSYSTEM MANAGEMENT PRINCIPLES.**

4 The Secretaries shall consider and discuss in the en-
5 vironmental analysis documents prepared for resource
6 management plans, and amendments to and revisions of
7 such plans, ecosystem management principles. Such prin-
8 ciples shall be consistent, and shall not be authority for
9 noncompliance, with the other requirement of this Act and
10 other law applicable to resource management plan docu-
11 ments and decisions.

12 **SEC. 112. FULLY ALLOCATED COSTS ANALYSIS.**

13 The Secretaries shall specify, in the environmental
14 analysis documents prepared for resource management
15 plans, and amendments to and revisions of such plans, the
16 fully allocated cost including foregone revenues, expressed
17 as a user or cost-per-beneficiary, of each noncommodity
18 output from the Federal lands to which the plans apply.

19 **SEC. 113. CITIZEN PETITIONS FOR PLAN AMENDMENTS OR**
20 **REVISIONS.**

21 (a) PETITION FILING.—(1) A person may challenge
22 a resource management plan, or an amendment to or revi-
23 sion of such plan, after the deadline for filing an adminis-
24 trative appeal thereof established pursuant to section
25 116(b)(3) solely—

1 (A) on the basis of new information, law, or
2 regulation, as defined in this section, that is perti-
3 nent to the issue on which challenge is based; and

4 (B) by a petition to the concerned Secretary of
5 amendment or revision of the plan.

6 (2) The petition shall be filed in accordance with reg-
7 ulations adopted by the Secretary.

8 (b) PETITION DECISION.—(1) The Secretary shall
9 accept or deny a petition pursuant to subsection (a) in
10 writing within 90 days of receipt thereof.

11 (2) The decision of the Secretary to accept or deny
12 a petition shall be subject to section 7 of the Endangered
13 Species Act of 1973 (16 U.S.C. § 1536) and shall not be
14 subject to section 102 of the National Environmental Pol-
15 icy Act of 1969 (42 U.S.C. § 4332).

16 (c) EFFECT OF PETITION DECISION.—(1) If the Sec-
17 retary accepts a petition pursuant to subsection (a), the
18 amendment or revision process shall begin on the date of
19 acceptance.

20 (2) If the Secretary denies a petition pursuant to sub-
21 section (a), or fails to render a decision on such petition
22 within 90 days of receipt thereof, the petition may seek
23 immediate judicial review pursuant to section 117.

24 (d) DEFINITION.—For purposes of this section, “new
25 information, law, or regulation” means any material and

1 significant information related to resource management
2 plan, or an amendment to or revision of such plan, that
3 was not known to and considered by the Secretary in the
4 development of the plan, amendment, or revision, and any
5 law or regulation not in effect when the decision was made
6 to adopt the plan, amendment, or revision.

7 **SEC. 114. BUDGET AND COST DISCLOSURES.**

8 (a) **PLAN IMPLEMENTATION.**—Commencing with the
9 fiscal budget for the fiscal year following enactment of this
10 Act, the requests presented by the President to the Con-
11 gress governing the planning and management of Federal
12 lands shall include as an appendix to the budget a state-
13 ment of what funds would be required to achieve 100
14 percentum of annual outputs specified in, and otherwise
15 implement fully, the resource management plan for each
16 planning unit of the Federal lands.

17 (b) **PLAN PREPARATION.**—On or before July 1 of
18 each year after the date of enactment of this Act, each
19 Secretary shall submit a report to the Committees of Con-
20 gress that provides the total cost and costs per function
21 or procedure incurred in the preparation of each resource
22 management plan, ecoregion assessment, and significant
23 amendment to or revision of any such plan or assessment,
24 which is published in the preceding calendar year. Such
25 costs shall include the costs of the Agency responsible for

1 preparation of the plan, amendment, or revision and of
2 any other Federal agency which participates in the prepara-
3 tion of the plan, amendment, or revision or prepares an
4 opinion, report, or comments on the compliance of the
5 plan, amendment, or revision with any Federal law or reg-
6 ulation administered by such agency.

7 **SEC. 115. MONITORING AND MAINTENANCE OF PLANNING;**
8 **ADAPTIVE MANAGEMENT.**

9 (a) **PLAN CONTRIBUTION STATEMENT.**—Each Sec-
10 retary shall report in writing in each decision to undertake
11 a management activity on the Federal lands that such de-
12 cision contributes to or, at a minimum does not preclude,
13 achievement of the goals, land allocations, outputs, or poli-
14 cies of the applicable resource management plan.

15 (b) **MONITORING FOR PLAN COMPLIANCE.**—(1)
16 Using monies from the Monitoring Funds established pur-
17 suant to section 502 and, where such monies are insuffi-
18 cient, appropriated funds, each Secretary shall monitor,
19 on a schedule established by each resource management
20 plan but no less than every two years, the implementation
21 of the plan and management of the Federal lands subject
22 to the plan and trends in the conditions or uses of the
23 resources on such lands to—

24 (A) ensure that no goal, land allocation, output,
25 or policy of the plan is constructively changed

1 through a pattern of management activities or of
 2 failures to undertake management activities; and

3 (B) determine if circumstances warrant adapt-
 4 ive management of any of the resources, to be au-
 5 thorized either—

6 (i) in accordance with requirements and
 7 procedures prescribed in the plan, if such man-
 8 agement will not require or result in any change
 9 in the basic elements of the plan as described
 10 in section 105(a), or

11 (ii) by amendment to or revision of the
 12 plan.

13 (2)(A) If the Secretary finds that a change described
 14 in paragraph (1)(A) has occurred, the Secretary shall di-
 15 rect that corrective management activities be undertaken
 16 to restore compliance with the affected resource manage-
 17 ment plan or that the plan be amended or revised.

18 (B) If the Secretary finds the circumstances de-
 19 scribed in paragraph (1)(B) to exist and to require an
 20 amendment to or revision of the plan, the plan shall be
 21 amended or revised.

22 **PART C—CHALLENGES TO PLANNING**

23 **SEC. 116. ADMINISTRATIVE APPEALS.**

24 (a) APPEALS REGULATIONS.—Each Secretary shall
 25 promulgate regulations to govern administrative appeals

1 of decisions to approve resource management plans, and
2 amendments to and revisions of such plans, and to ap-
3 prove or disapprove management activities for or on the
4 Federal lands.

5 (b) APPEALS REQUIREMENTS.—The regulations re-
6 quired by subsection (a) shall—

7 (1) provide that any person may bring an ad-
8 ministrative appeal of a decision to approve a re-
9 source management plan, or amendment to or revi-
10 sion of such a plan, or to approve, disapprove, or
11 otherwise take final action on a management activity
12 if he or she has submitted written comments during
13 the preparation of such plan, amendment, revision,
14 or activity on the issue or issues for which adminis-
15 trative review is sought: *Provided*, That this para-
16 graph shall not apply when no opportunity is ac-
17 corded to the public to present such written com-
18 ments;

19 (2) provide that an administrative appeal of a
20 decision to approve a resource management plan, or
21 amendment to or revision of such a plan, may not
22 challenge any analysis or decision assigned to man-
23 agement activities pursuant to section 105(b)(2)(B)
24 and an administrative appeal of a decision to ap-
25 prove, disapprove, or otherwise take final action on

1 a management activity may not challenge any analy-
2 sis or decision assigned to resource management
3 plans pursuant to section 105(b)(2)(A).

4 (3) require that a person who seeks administra-
5 tive review of a resource management plan, or an
6 amendment to or revision of such plan, on the basis
7 of new information, law, or regulation as defined in
8 section 113(d) must petition for an amendment or
9 revision of the affected plan in accordance with such
10 section;

11 (4) establish deadlines after the final decisions
12 to adopt a plan, amendment, or revision, or to ap-
13 prove, disapprove, or take final action on an activity,
14 by which any administrative appeal, other than a pe-
15 tition pursuant to section 113, must be filed: *Pro-*
16 *vided*, That such deadlines shall be not more than
17 120 days after a plan or revision decision, 90 days
18 after an amendment decision, and 45 days after an
19 activity decision;

20 (5) establish deadlines after the filing of admin-
21 istrative appeals pursuant to paragraph (4) by which
22 final decision on the appeals must be rendered: *Pro-*
23 *vided*, That such deadlines shall be not more than
24 120 days after the date of filing of an appeal of a
25 plan or a revision, 90 days after the date of filing

1 of an appeal of an amendment, and 45 days after
2 the date of filing of an appeal of an activity: *Pro-*
3 *vided further*, That the Secretary may extend the
4 deadline for a specific appeal for more than 15 days
5 by a written statement which provides the reasons
6 for such extension;

7 (6) provide that, in the event of a failure to
8 render a final decision on an administrative appeal
9 by the deadline established pursuant to paragraph
10 (5), the decision on which the appeal is based is
11 deemed to be a final agency action for the purpose
12 of chapter 7 of title 5, United States Code;

13 (7) provide that the Secretary shall consider
14 and balance the environmental and/or economic in-
15 jury to any affected persons in determining whether
16 to issue a stay pending the appeal or petition;

17 (8) provide that no administrative stay shall ex-
18 tend beyond, or be imposed after—

19 (A) the conclusion of the applicable period
20 for filing an administrative appeal established
21 pursuant to paragraph (4) if no appeal is timely
22 filed;

23 (B) 30 days from the date of, or deadline
24 established pursuant to paragraph (4) for a
25 final decision on an appeal of a resource man-

1 agement plan or an amendment to or revision
2 of such a plan;

3 (C) 30 days from the date of, or deadline
4 established pursuant to paragraph (5); and

5 (D) 15 days from the date of, or deadline
6 established pursuant to paragraph (5) for, a
7 final decision on an appeal of a management
8 activity; and

9 (9) establish categories of or criteria for man-
10 agement activities which, because of emergency,
11 time-sensitive, or other exigent circumstances, shall
12 not be eligible for administrative appeals and for
13 which lawsuits may be filed immediately after the
14 decisions to authorize such activities.

15 (c) REPEALER.—The regulations required of the For-
16 est Service by this section shall replace any regulations
17 promulgated pursuant to section 322 of Public Law 102–
18 381 (106 Stat. 1419–1420). Upon the effective date of
19 the regulations of the Forest Service required by this sec-
20 tion, such section 322 is repealed.

21 **SEC. 117. JUDICIAL REVIEW.**

22 (a) VENUES.—(1) Any suit to challenge a resource
23 management plan, or an amendment of or a revision to
24 such a plan, shall be filed in the United States Circuit
25 Court of Appeals for the circuit in which are located the

1 Federal lands to which the plan applies: *Provided*, That
2 if the Federal lands to which a plan applies are located
3 in more than one circuit, the suit shall be filed in the
4 Court of Appeals for the circuit which contains the largest
5 portion of such lands.

6 (2) Any suit filed to challenge a management activity
7 or decision to deny a petition for amendment or revision
8 of a resource management plan shall be filed in the United
9 States district court for the district in which are located
10 the Federal lands on which the activity would occur or
11 to which the plan applies: *Provided*, That if the Federal
12 lands to which the plan applies are located in more than
13 one district, the suit shall be filed in the district court
14 for the district which contains the largest portion of such
15 lands.

16 (b) STANDING.—(1) Subject to paragraph (2), any
17 person (including a person that sustains economic injury
18 as a direct or indirect result of the implementation of, or
19 a violation of, this Act, the Federal Land Policy and Man-
20 agement Act of 1976 (43 U.S.C. § 1701 et seq.), or the
21 Forest and Rangeland Renewable Resources Planning Act
22 of 1974 (16 U.S.C. § 1600 et seq.), or a regulation issued
23 under any such Act by the United States or any agency
24 or official of the United States) may—

1 (A) To the full extent permitted by the Con-
2 stitution without regard to any prudential limita-
3 tions, commence a civil suit to—

4 (i) remedy any violation of any such Act or
5 a regulation issued under any such Act by the
6 United States or any agency or official of the
7 United States; or

8 (ii) challenge any such Act or a regulation
9 issued under any such Act or the implementa-
10 tion of the Act or the regulation; and

11 (B) intervene as a matter of right in any suit
12 brought under any such Act that threatens to cause
13 injury to the person or relates to any injury sus-
14 tained by the person, which intervenor shall have the
15 same right to present argument and to accept or re-
16 ject potential settlements as do the parties to the
17 suit.

18 (2) Standing to obtain judicial review of a resource
19 management plan, an amendment of or a revision to such
20 a plan, or a management activity shall be available only
21 to persons who have—

22 (A) participated in the preparation of such
23 plan, amendment, revision, or activity through the
24 submission of written comments on the issue or is-
25 sues for which judicial review is sought, unless an

1 opportunity to submit such comments was not pro-
2 vided to the public;

3 (B) raised such issue or issues in seeking ad-
4 ministrative review pursuant to section 116 of such
5 plan, amendment, revision, or activity, other than an
6 activity subject to section 116(b)(9); and

7 (C) exhausted the opportunities for administra-
8 tive review pursuant to section 116, except for an
9 activity subject to section 116(b)(9).

10 (c) DEADLINES.—(1) Any suit brought pursuant to
11 this section must be filed not more than 90 days after
12 the final decision on the administrative appeal of a re-
13 source management plan, or an amendment or a revision
14 of such plan, and not more than 30 days after the decision
15 to deny a petition for amendment or revision of a resource
16 management plan, the final decision on an administrative
17 appeal of a management activity not subject to section
18 116(b)(9), or the decision to approve or disapprove a man-
19 agement activity subject to section 116(b)(9): *Provided,*
20 That, for any suit based on a law which requires advanced
21 notice of suit, the notice must be filed by the applicable
22 deadline and the suit must be filed within 7 days after
23 the conclusion of the notice period.

24 (2) Except as provided in subsection (d), the plan,
25 amendment, revision, activity, or petition shall not be

1 reviewable either directly or indirectly as part of any other
2 decision concerning the Federal lands for compliance with
3 any provision of law or regulation in existence at the con-
4 clusion of the applicable period established by paragraph
5 (1).

6 (d) SUITS BASED ON NEW INFORMATION, LAW, OR
7 REGULATION.—A suit brought pursuant to this section
8 shall not allege or rely upon new information, law, or regu-
9 lation as defined in section 113(d) unless the party has
10 petitioned the Secretary pursuant to such section and the
11 Secretary has denied such petition or approved such peti-
12 tion and completed the amendment or revision process.

13 (e) ADMINISTRATIVE RECORD.—The record before
14 the court in any suit brought pursuant to this section shall
15 be limited to the administrative record and such additional
16 written evidence as the court shall permit.

17 **TITLE II—COORDINATION AND**
18 **COMPLIANCE WITH OTHER**
19 **ENVIRONMENTAL LAWS**

20 **SEC. 201. PURPOSES.**

21 The purposes of this title are to coordinate, and elimi-
22 nate conflicting, procedures of the Federal land manage-
23 ment and other environmental laws; to assign clear re-
24 sponsibility for meeting the standards and requirements
25 of such laws, and securing protection of the environment

1 and resources, on the Federal lands; and to reduce the
2 time and cost, and thereby improve the efficiency and ef-
3 fectiveness, in achieving such protection.

4 **SEC. 202. ENVIRONMENTAL ANALYSIS.**

5 (a) RESOURCE MANAGEMENT PLAN ANALYSIS.—(1)
6 In developing a resource management plan or a revision
7 to such a plan, the Secretary shall prepare an environ-
8 mental impact statement pursuant to section 102(2)(C)
9 of the National Environmental Policy Act of 1969 (42
10 U.S.C. § 4332(2)(C)).

11 (2) The environmental impact statement required by
12 paragraph (1) shall analyze all matters in the resource
13 management plan, including those assigned to resource
14 management plans by subsections (a) and (c)(1), and by
15 regulation pursuant to subsection (b), of section 103 of
16 this Act, and contain all other analyses required to be in-
17 cluded in environmental impact statements by this Act
18 and the National Environmental Policy Act of 1969 (42
19 U.S.C. § 4321, et seq.).

20 (3) In developing an amendment to a resource man-
21 agement plan, the Secretary shall prepare either an envi-
22 ronmental impact statement or an environmental assess-
23 ment as may be required by section 102(2) of the National
24 Environmental Policy Act of 1969 (42 U.S.C. § 4332(2)).
25 The statement or assessment shall contain all analyses re-

1 quired by this Act and the National Environmental Policy
2 Act of 1969 (42 U.S.C. § 4321, et seq.).

3 (b) MANAGEMENT ACTIVITY ANALYSIS.—(1) In plan-
4 ning a management activity on the Federal lands, other
5 than an activity which the Secretary determines to be cat-
6 egorically excluded from the requirements of section
7 102(2) of the National Environmental Policy Act of 1969
8 (42 U.S.C. § 4332(2)), the Secretary shall prepare an en-
9 vironmental assessment pursuant to section 102(2)(E) of
10 such Act (42 U.S.C. § 4332(2)(E)) which shall be tiered
11 to, and incorporate by reference the relevant analysis in,
12 the environmental impact statement on the applicable re-
13 source management plan: *Provided*, That, if the Secretary,
14 in the discretion of, and in accordance with regulations
15 promulgated by, the Secretary, determines that the nature
16 or scope of potential environmental consequences of a
17 management activity is substantially different from or
18 greater than the nature or scope of the consequences con-
19 sidered in the environmental impact statement on the ap-
20 plicable resource management plan, the environmental
21 analysis document for the activity shall be an environ-
22 mental impact statement pursuant to section 102(2)(C)
23 of such Act.

24 (2) The environmental assessment or environmental
25 impact statement required by paragraph (1) shall analyze

1 the matters associated with the management activity
2 which are assigned to management activities by subsection
3 (c)(2), and by regulation pursuant to subsection (b), of
4 section 105.

5 **SEC. 203. WILDLIFE PROTECTION.**

6 (a) ENDANGERED SPECIES ACT ANALYSIS.—(1) In
7 developing a resource management plan, an amendment
8 to or revision of such a plan, or a management activity
9 on the Federal lands, the Agency, on the basis of the best
10 scientific and commercial data available, shall ensure, pur-
11 suant to section 7 of the Endangered Species Act of 1973
12 (16 U.S.C. § 1536), that the plan, amendment, revision,
13 or activity is not likely to jeopardize the continued exist-
14 ence of any species determined to be endangered or threat-
15 ened, or result in the destruction or adverse modification
16 of habitat of such species designated as critical, pursuant
17 to section 4 of such Act, except that the Agency, upon
18 certification pursuant to paragraph (2), shall perform all
19 functions in the processes established in subsections (a)
20 through (c) of such section 7 (16 U.S.C. § 1536(a)–(c))
21 which are assigned by such subsections or implementing
22 regulations to the Secretary of the Interior (other than
23 functions to be performed by the Bureau of Land Manage-
24 ment) or the Secretary of Commerce, or their designees.

1 (2)(A) Each Agency may apply to the Director, U.S.
2 Fish and Wildlife Service, to be certified to perform, pur-
3 suant to paragraph (1), all functions in the processes es-
4 tablished in subsection (a) through (c) of section 7 of the
5 Endangered Species Act of 1973. The application shall
6 contain a detailed summary of the personnel and funds
7 available to, and the procedures adopted by, the Agency
8 to perform such functions.

9 (B) The Director shall have 30 days from the date
10 of submission to notify the Agency of any further informa-
11 tion required by the Director to consider the application
12 submitted pursuant to subparagraph (A).

13 (C) The Director, in consultation with the Director
14 of the National Marine Fisheries Service, shall render a
15 decision on an application submitted pursuant to subpara-
16 graph (A) within 90 days of the receipt thereof or of the
17 submission by the Agency of further information pursuant
18 to subparagraph (B), whichever is later: *Provided*, That
19 if the Director fails to render a decision by such date, the
20 Agency shall be deemed certified to perform the functions
21 described in subparagraph (A).

22 (D) The decision of the Director on an application
23 submitted pursuant to subparagraph (A) shall provide a
24 detailed explanation of the reasons therefor and be pub-
25 lished in the Federal Register.

1 (E) The decision of the Director on an application
2 submitted pursuant to paragraph (A) shall not be subject
3 to subsections (a) through (c) of section 7 of the Endan-
4 gered Species Act of 1973 and section 102(2) of the Na-
5 tional Environmental Policy Act of 1969 (42 U.S.C.
6 § 4332(2)).

7 (F) If an application of an Agency to be certified pur-
8 suant to this paragraph is denied, the Agency may file
9 a subsequent application or applications pursuant to sub-
10 paragraph (B) until such time as it receives certification.

11 (b) EFFECT ON MANAGEMENT ACTIVITIES.—(1)
12 Whenever a species is determined to be an endangered
13 species or threatened species, or critical habitat is des-
14 igned, pursuant to section 4 of the Endangered Species
15 Act of 1973 (16 U.S.C. § 1533) and the species or habitat
16 is located on Federal lands, the Agency with jurisdiction
17 over such lands shall determine whether the procedure es-
18 tablished by section 7(a)(2) of such Act (16 U.S.C.
19 § 1536(a)(2)) and subsection (a) of this section is required
20 on each resource management plan applicable to such
21 lands within 90 days of the date of the determination or
22 designation. Any amendment to or revision of a resource
23 management plan resulting from the determination or des-
24 ignation which requires such procedure shall be completed

1 within 12 months or 18 months, respectively, from the
2 date of the determination or designation.

3 (2) If the procedure prescribed by section 7(a)(2) of
4 such Act and subsection (a) of this section is required on
5 a resource management plan (or an amendment to or revi-
6 sion of the plan), the Agency implementing the plan may
7 authorize, fund, or carry out any agency action that is
8 consistent with the plan prior to completion of the proce-
9 dure on the plan if the procedure prescribed by such sec-
10 tion 7(a)(2) and subsection (a) of this section concerning
11 the same species or critical habitat is conducted on the
12 action or if such procedure is not required on the action.

13 **SEC. 204. WATER QUALITY PROTECTION.**

14 Any management activity on the Federal lands which
15 constitutes a nonpoint source of water pollution, including,
16 but not limited to, any activity associated with the harvest-
17 ing and transporting of forest products, which is certified
18 by the State in which such Federal lands are located to
19 meet best management practices or the functional equiva-
20 lent thereof shall be deemed to be in compliance with any
21 applicable requirements arising from any area wide waste
22 treatment management plan under section 208, and any
23 management program under section 319(b), of the Clean
24 Water Act (33 U.S.C. §§ 1288 and 1329(b)): *Provided,*

1 That the Agency is not required to seek such certification
2 for any management activity.

3 **SEC. 205. AIR QUALITY PROTECTION.**

4 Notwithstanding the provisions of section 118(a) of
5 the Clean Air Act (42 U.S.C. § 7418), upon a finding
6 by a forest supervisor of the Forest Service or a district
7 manager of the Bureau of Land Management that a pre-
8 scribed use of fire on Federal lands within the jurisdiction
9 of such official would reduce the risk of greater emissions
10 from a wildfire and will be conducted in a manner that
11 minimizes impacts on air quality to the extent practicable,
12 such use shall be deemed to be in compliance with any
13 applicable requirements of any State implementation plan
14 under section 110 of such Act (42 U.S.C. § 7410), and
15 any requirements imposed by the U.S. Environmental
16 Protection Agency under such Act.

17 **SEC. 206. MEETINGS WITH USERS OF THE FEDERAL LANDS.**

18 To improve and coordinate the management of Fed-
19 eral lands, the Secretary may, in his discretion, meet to
20 discuss matters of mutual concern with one or more: hold-
21 ers of or applicants for permits, leases, contracts, or other
22 authorizations for use of the Federal lands; other persons
23 who conduct activities on the Federal lands; persons who
24 own or manage lands adjacent to the Federal lands; or
25 representatives thereof. The Federal Advisory Committee

1 Act (5 U.S.C. App.) shall not apply to meetings with any
2 such individuals under this section: *Provided*, That noth-
3 ing in this section shall be deemed to affect the exemption
4 from the Federal Advisory Committee Act provided for
5 meetings with elected officers of State, local and tribal
6 governments by section 204(b) of the Unfunded Mandates
7 Reform Act of 1995 (2 U.S.C. § 1534(b)).

8 **TITLE III—DEVELOPMENT OF**
9 **ECOREGION ASSESSMENTS**

10 **SEC. 301. PURPOSE.**

11 The purpose of this title is to authorize the develop-
12 ment, and prescribe the use, of assessments of manage-
13 ment issues that transcend the boundaries of Federal land
14 planning units established pursuant to section 102 and
15 land ownerships in order to inform resource management
16 planning and the planning of management activities on the
17 Federal lands.

18 **SEC. 302. AUTHORIZATION AND NOTICE OF ASSESSMENTS.**

19 (a) **AUTHORIZATION.**—Each Secretary is authorized
20 to prepare or participate in the preparation of ecoregion
21 assessments, which, in the Secretary’s discretion, may en-
22 compass all Federal lands and lands of other ownership
23 within a region specified by the Secretary: *Provided*, That
24 non-Federal lands may be included in an assessment only

1 upon the written concurrence of the Governor or Gov-
2 ernors in whose States the lands are located.

3 (b) CONGRESSIONAL AND PUBLIC NOTIFICATION.—

4 (1) Ninety days prior to initiating any ecoregion assess-
5 ment pursuant to subsection (a), the Secretary or Sec-
6 retaries shall submit to the Committees of Congress as
7 defined in section 3(2) and publish in the Federal Register
8 a notice of intention to prepare the assessment.

9 (2) The notice required by paragraph (1) shall in-
10 clude a description of the region and lands to be included
11 in the assessment; the officials to be responsible for the
12 ecoregion assessment; the estimated cost of, and deadlines
13 for, the assessment; the charter for, or other instructions
14 concerning, the conduct and substance of the assessment;
15 the procedures for ensuring participation of the affected
16 States, local governments, and tribes and the public in the
17 preparation of the assessment; a thorough explanation of
18 how the ecoregion was identified and the attributes which
19 establish the ecoregion; and the detailed reasons for the
20 decision to initiate the assessment.

21 **SEC. 303. STATUS, EFFECT, AND APPLICATION OF ASSESS-**
22 **MENTS.**

23 (a) NON-DECISIONAL STATUS.—The assessments
24 prepared pursuant to section 302 shall not contain any
25 decisions concerning resource management planning or

1 management activities on the Federal lands. Any decision
2 concerning resource management planning or manage-
3 ment activities which reflects or employs information or
4 analyses contained in an assessment prepared pursuant to
5 section 302 shall be made in accordance with section
6 104(c) and this section.

7 (b) APPLICATION OF ASSESSMENTS.—(1) Within 180
8 days of the completion of an assessment pursuant to sec-
9 tion 302, each Forest Supervisor of the Forest Service and
10 State Director of the Bureau of Land Management with
11 jurisdiction over Federal lands to which the assessment
12 applies shall review the assessment and determine whether
13 the information contained therein warrants an amendment
14 to or revision of any resource management plan applicable
15 to such lands as required by section 104(c).

16 (2) If an amendment or revision is determined war-
17 ranted pursuant to paragraph (1), such amendment or re-
18 vision shall be completed within the applicable deadline es-
19 tablished by section 106 and otherwise comply with the
20 requirements of this Act and other applicable law.

21 (3) Until an amendment of or revision to a resource
22 management plan based on an assessment is completed
23 pursuant to paragraph (2), no management activity on
24 Federal lands to which the plan applies shall be delayed
25 or altered on the basis of the assessment.

1 (4) No Federal official shall use an assessment, or
2 any documents prepared pursuant to this title, to regulate,
3 or otherwise apply the assessment or documents to, non-
4 Federal lands.

5 **SEC. 304. APPLICABILITY OF OTHER LAWS.**

6 In accordance with the limited status provided in sec-
7 tion 303(a) for an assessment prepared pursuant to this
8 title, each such assessment shall not be subject to section
9 102(2) of the National Environmental Policy Act of 1969
10 (42 U.S.C. § 4332(2)), and subsections (a) through (d) of
11 section 7 of the Endangered Species Act of 1973 (16
12 U.S.C. § 1536(a)–(d)).

13 **SEC. 305. REPORT TO CONGRESS.**

14 Each Secretary shall submit a report to the Commit-
15 tees of Congress as defined in section 3(a)(2) on or before
16 January 1, 1998, and January 1 of each second year
17 thereafter, on any assessments prepared pursuant to sec-
18 tion 302, any implications for Federal land management
19 derived from such assessments, and any amendments of
20 or revisions to resource management plans based on such
21 assessments. Each report also shall contain an analysis
22 by the Secretary of the benefits and detriments of such
23 assessments and any recommendations of the Secretary
24 for improving the content and application of such assess-
25 ments.

1 **SEC. 306. PACIFIC NORTHWEST FOREST PLAN REVIEW.**

2 (a) REVIEW.—With funds appropriated pursuant to
3 subsection (d) or other Act, the Consortium of Regional
4 Forest Assessment Centers, through the University of
5 Washington, (hereinafter in this section referred to as the
6 “Consortium”) is authorized to conduct a review of the
7 Pacific Northwest Forest Plan, and supporting docu-
8 mentation, including the April 13, 1994, “Record of Deci-
9 sion for Amendments to Forest Service and Bureau of
10 Land Management Planning Documents Within the
11 Range of the Northern Spotted Owl”; February 1994
12 “Final Environmental Impact Statement on Management
13 of Habitat for Late-Successional and Old-Growth Forest
14 Related Species Within the Range of the Northern Spotted
15 Owl”; and the July 1993 Report of the Forest Ecosystem
16 Management Assessment Team, entitled “Forest Eco-
17 system Management: An Ecological, Economic, and Social
18 Assessment” (hereinafter in this section referred to as the
19 “Plan”).

20 (b) CONTENTS.—The review authorized by subsection
21 (a) shall include assessments of the following—

22 (1) the significance, validity, and appropriate-
23 ness of the scientific information, assumptions, and
24 modelling employed in the decision to adopt the
25 Plan;

1 (2) the significance, validity, and appropriate-
2 ness of any pertinent information, assumptions, and
3 modelling not employed in the decision to adopt the
4 Plan;

5 (3) whether the Plan will achieve the resource
6 protection purposes, goals, or objectives established
7 in, or underlying, it;

8 (4) whether the Plan is achieving and will
9 achieve the resource production purposes, goals, or
10 objectives established in, or underlying, it;

11 (5) the operational and cost efficiencies to be
12 effected by the Plan and whether other methods or
13 alternative approaches would be more efficient; and

14 (6) any recommendations for changes in the
15 Plan, including any suggestions for administrative or
16 legislative action.

17 (c) COMPLETION AND SUBMISSION.—(1) The review
18 authorized by subsection (a) shall be completed not later
19 than 180 days after receipt of the funds appropriated pur-
20 suant to subsection (d).

21 (2) The review authorized by subsection (a) shall be
22 submitted by the Consortium to the Committees of Con-
23 gress.

24 (3) The Consortium shall not submit, nor shall any
25 officer or agency of the United States have any authority

1 to require the Consortium to submit, the review authorized
 2 by subsection (a), or any testimony concerning the review,
 3 to any officer or agency of the United States for approval,
 4 comments, or review prior to the submission of the review
 5 or testimony to the Committees of Congress.

6 (d) APPROPRIATION AUTHORIZATION.—There are
 7 authorized to be appropriated for use by the Consortium
 8 to conduct the review authorized by subsection (a) such
 9 sums as are necessary, but not more than \$5,000,000.
 10 Such sums shall be disbursed to the Consortium by the
 11 Secretary of the Treasury.

12 (e) AGENCY COOPERATION.—Each department,
 13 agency, or instrumentality of the executive branch of the
 14 Federal government shall respond promptly and fully to
 15 any request for information or documents pertaining to
 16 the Plan submitted to it by the Consortium.

17 **TITLE IV—DEVELOPMENT OF A**
 18 **GLOBAL RENEWABLE RE-**
 19 **SOURCES ASSESSMENT**

20 **SEC. 401. PURPOSES.**

21 The purposes of this title are to eliminate a level of
 22 Forest Service planning in accordance with section 104(a);
 23 to repeal the provisions of the Forest and Rangeland Re-
 24 newable Resources Planning Act of 1974 concerning the
 25 Renewable Resources Assessment and Renewable Re-

1 source Program, which continually have been altered by
2 other agencies and political appointees within the Execu-
3 tive Branch and routinely have been ignored by the Forest
4 Service as a guide to the development of resource manage-
5 ment plans and management activities; to provide for the
6 preparation of a Global Renewable Resources Assessment;
7 and to establish an independent National Council on Re-
8 newable Resources Policy to be responsible for the Assess-
9 ment.

10 **SEC. 402. GLOBAL RENEWABLE RESOURCES ASSESSMENT.**

11 (a) ASSESSMENT.—(1) In recognition of the vital im-
12 portance of renewable resources of the forest, range, and
13 other associated lands to national and international social,
14 economic, and environmental well-being, and of the neces-
15 sity for a long term perspective in the use and conserva-
16 tion of such resources and lands, the National Council on
17 Renewable Resources Policy established under section 403
18 shall prepare a Global Renewable Resources Assessment
19 (hereinafter in this title referred to as the “Assessment”).

20 (2) The Assessment shall be prepared and submitted
21 to the Committees of Congress not later than five years
22 from the date of enactment of this Act and within each
23 successive five year period thereafter.

24 (b) ASSESSMENT CONTENTS.—The Assessment shall
25 include but not be limited to—

1 (1) an analysis of present and anticipated na-
2 tional and international uses, demand for, and sup-
3 ply of the renewable resources, with an emphasis on
4 pertinent supply and demand and price relationship
5 trends;

6 (2) an inventory of present and potential na-
7 tional and international renewable resources, and an
8 evaluation of opportunities for improving their yield
9 of tangible and intangible goods and services, to-
10 gether with estimates of investment costs and direct
11 and indirect returns the various governments;

12 (3) an analysis of the environmental con-
13 straints, and the effects thereof, on production of
14 the renewable resources in the United States and in
15 other countries;

16 (4) an analysis of the extent to which the pro-
17 grams of other countries for management of renew-
18 able resources ensure sustainable use and production
19 of such resources;

20 (5) a description of national and international
21 programs and responsibilities in research on renew-
22 able resources and management of public and pri-
23 vate forest, range, and other associated lands;

24 (6) a discussion of important policy consider-
25 ations, laws, regulations, and other factors expected

1 to influence and affect significantly the use, owner-
2 ship, and management of public and private forest,
3 range, and other associated lands; and

4 (7) recommendations for administrative or leg-
5 islative changes or initiatives to be undertaken by
6 the Agencies or Congress.

7 **SEC. 403. NATIONAL COUNCIL ON RENEWABLE RESOURCES**
8 **POLICY.**

9 (a) ESTABLISHMENT.—There is hereby established a
10 National Council on Renewable Resources Policy (herein-
11 after in this title referred to as the “Council”) to perform
12 the functions authorized in subsection (b).

13 (b) FUNCTIONS.—The functions of the Council shall
14 be—

15 (1) to prepare and submit to the Committees of
16 Congress of the Global Renewable Resources Assess-
17 ment required by section 402;

18 (2) from time to time during the five year peri-
19 ods between each Assessment, as it deems appro-
20 priate, to submit recommendations for administra-
21 tive changes or initiatives to the Agencies or legisla-
22 tive changes or initiatives to the Committees of Con-
23 gress; and

24 (3) to conduct such analyses as requested by
25 the Committees of Congress or the Agencies.

1 (c) MEMBERSHIP; CHAIR.—(1) The Council shall be
2 composed of fifteen members, including five members ap-
3 pointed by the President, five members appointed by the
4 President pro tempore of the Senate, and five members
5 appointed by the Speaker of the House of Representatives.

6 (2) The Chair of the Council shall be selected from
7 among its members.

8 (d) TERMS; VACANCIES.—(1) Except as provided in
9 paragraphs (2) and (3), each member of the Council shall
10 hold office for a term of seven years and until a successor
11 is appointed.

12 (2) Any member appointed to fill a vacancy occurring
13 prior to the expiration of the term for which the member's
14 predecessor was appointed shall be appointed for the re-
15 mainder of such term.

16 (3) The terms of the five members appointed by each
17 official which first take office after the enactment of this
18 Act shall expire as designated by the official at the time
19 of the appointment, one at the end of three years, one
20 at the end of four years, one at the end of five years, one
21 at the end of six years, and one at the end of seven years.

22 (4) A vacancy in the Council shall not impair the
23 right of the remaining members to perform the functions
24 authorized in subsection (b).

1 (e) EXECUTIVE DIRECTOR.—(1) The Council shall
2 have an Executive Director, who shall be appointed (with-
3 out regard to the provisions of title 5, United States Code,
4 governing appointments in the competitive service) by the
5 Council and serve at the pleasure of the Council.

6 (2) The Executive Director shall report to the Council
7 and assume such duties as the Council may assign.

8 (f) COMPENSATION.—(1) The members of the Coun-
9 cil who are not officers or employees of the United States,
10 while attending conferences, hearings, or meetings of the
11 Council or while otherwise serving at the request of the
12 Chair shall each be entitled to receive compensation at a
13 rate not in excess of the maximum rate of pay for grade
14 GS–18, as provided in the General Schedule under section
15 5332 of title 5, United States Code, including travel time,
16 and while away from their homes or regular places of busi-
17 ness shall each be reimbursed for travel expenses, includ-
18 ing per diem in lieu of subsistence as authorized by section
19 5703 of title 5, United States Code, for persons in Govern-
20 ment service employed intermittently.

21 (2) The Executive Director shall be paid at a rate
22 of pay not in excess of the rate of pay for grade GS–18,
23 as provided in the General Schedule under section 5332
24 of title 5, United States Code.

1 (g) CONTRACT AUTHORITY; FEDERAL AGENCY CO-
2 OPERATION.—(1) In the performance of its functions, the
3 Council is authorized to contract with the National Acad-
4 emy of Sciences and the National Academy of Engineering
5 (acting through the National Research Council), the Con-
6 sortium of Regional Forest Assessment Centers, and other
7 nongovernmental entities, for the investigation of matters
8 within their competence.

9 (2) The heads of the departments, agencies, and in-
10 strumentalities of the executive branch of the Federal
11 Government shall cooperate with the Council in the per-
12 formance of its functions, and shall furnish to the Council
13 such information as the Council deems necessary to carry
14 out its functions. To the maximum extent feasible, the
15 Council shall avoid undertaking, and shall incorporate in
16 the Assessment as warranted, survey, inventory, or data
17 collection activities otherwise conducted or capable of
18 being conducted by agencies of the executive branch of the
19 Federal Government, including the Forest Inventory and
20 Analysis prepared by the Forest Service.

21 (h) APPOINTMENT OF PERSONNEL.—In addition to
22 authority to appoint personnel subject to the provisions
23 of title 5, United States Code, governing appointments in
24 the competitive service, and to pay such personnel in ac-
25 cordance with the provisions of chapter 51 and subchapter

1 III of chapter 53 of such title relating to classification and
2 General Schedule pay rates, the Council shall have author-
3 ity to enter into contracts with private or public organiza-
4 tions who may furnish the Council with such administra-
5 tive and technical personnel as may be necessary to carry
6 out the purposes of this title. Personnel furnished by such
7 organizations under this subsection are not, and shall not
8 be considered to be, Federal employees for any purposes,
9 but in the performance of their duties shall be guided by
10 the standards which apply to employees of the legislative
11 branches under rules 41 and 43 of the Senate and House
12 of Representatives, respectively.

13 (i) RULES AND POWERS OF THE COUNCIL.—(1) The
14 Council is authorized to establish such procedural and ad-
15 ministrative rules as are necessary for the performance of
16 its functions.

17 (2) The Council, by one or more of its members or
18 by such agents as it may designate, may conduct any hear-
19 ing or other inquiry necessary or appropriate to its func-
20 tions.

21 (j) TRANSMITTALS OF THE ASSESSMENT, BUDGET
22 REQUESTS, AND LEGISLATIVE RECOMMENDATIONS.—(1)
23 Whenever the Council submits any budget estimate or re-
24 quest to the President or the Office of Management and
25 Budget, it shall transmit concurrently copies of that esti-

1 mate or request to the Appropriations Committees of the
2 Senate and House of Representatives.

3 (2) Whenever the Council transmits the Assessment,
4 analyses, or recommendations referred to in subsection (b)
5 or any testimony or any comments on legislation to the
6 Agencies, the President, or the Office of Management and
7 Budget, it shall transmit concurrently copies thereof to the
8 Committees of Congress. No officer or agency of the Unit-
9 ed States shall have any authority to require the Council
10 to submit its Assessment, analyses, recommendations re-
11 ferred to in subsection (b), or any testimony or any com-
12 ments on legislation, to any officer or agency of the United
13 States for approval, comments, or review prior to the sub-
14 mission of the Assessment, analyses, recommendations,
15 testimony or comments to the Committees of Congress.
16 In instances where the Council voluntarily seeks to obtain
17 such comments or review of any officer or agency of the
18 United States, the Council shall include a description of
19 such actions in the Assessment, analyses, recommenda-
20 tions, testimony, or comments which it transmits to the
21 Congress.

1 **SEC. 404. REPEAL OF CERTAIN PROVISIONS OF THE FOR-**
2 **EST AND RANGELAND RENEWABLE RE-**
3 **SOURCES PLANNING ACT.**

4 The following sections of the Forest and Rangeland
5 Renewable Resources Planning Act (16 U.S.C. §§ 1601 et
6 seq.) (as redesignated by section 2 of, and otherwise
7 amended by, the National Forest Management Act of
8 1976 (90 Stat. 2949) are amended—

9 (1) in section 3—

10 (A) by deleting subsections (a), (b), and
11 (c);

12 (B) in subsection (d)—

13 (i) by redesignating paragraphs (1),
14 (2), and (3) as subsections (a), (b), (c), re-
15 spectively;

16 (ii) in paragraph (1), redesignated as
17 subsection (a) by clause (i), by deleting
18 “budget together with the annual report
19 provided for under section 8(c) of this
20 Act,” and inserting “budget,”; and

21 (iii) in paragraph (3), redesignated as
22 subsection (c) by clause (i), by deleting
23 “subsection (d)” and inserting “section”;
24 and

25 (C) by redesignating subsection (e) as sub-
26 section (d);

1 (2) by deleting section 4 in its entirety;

2 (3) in section 5, by deleting “As a part of the
3 Assessment, the” and inserting “The”;

4 (4) in section 6—

5 (A) in subsection (a), by deleting “As a
6 part of the Program provided for by section 3
7 of this Act, the” and inserting “The”; and

8 (B) in subsection (g)(3), by deleting “de-
9 veloped to achieve the goals of the Program”;

10 (5) in section 7, by deleting “Assessment, re-
11 source surveys, and Program” and inserting “re-
12 source surveys”; and

13 (6) by deleting section 8 in its entirety.

14 **TITLE V—ADMINISTRATION**

15 **PART A—IN GENERAL**

16 **SEC 501. CONFIRMATION OF THE CHIEF OF THE FOREST**
17 **SERVICE.**

18 (a) CONFIRMATION.—The Forest Service, Depart-
19 ment of Agriculture, shall be headed by the Chief who
20 shall be appointed by the President, by and with the advice
21 and consent of the Senate. As an exercise of the rule-
22 making power of the Senate, any nomination of the Chief
23 submitted to the Senate for confirmation, and referred to
24 a committee, shall be referred to the Committee on Agri-
25 culture, Nutrition, and Forestry and the Committee on

1 Energy and Natural Resources. No person may undertake
2 the functions or exercise the authority of a Chief for more
3 than 180 days without the advice and consent of the Sen-
4 ate.

5 (b) QUALIFICATIONS.—In nominating a Chief for ap-
6 pointment pursuant to paragraph (1), the President shall
7 select a person who is exceptionally qualified for such posi-
8 tion by virtue of:

9 (1) Possession of a degree in a scientific or en-
10 gineering discipline that is relevant to decisions con-
11 cerning management of the Federal lands;

12 (2) for a period of not less than 5 years, having
13 had direct responsibility for, and possessed and exer-
14 cised authority to make decisions concerning, the
15 management, or research pertaining to the manage-
16 ment, of Federal lands or other lands administered
17 for purposes that are not dissimilar to the purposes
18 for which Federal lands are managed; and

19 (3) for a period of not less than 5 years, having
20 administered a program or office which has or had
21 a number of employees equal to or greater than the
22 average number of full-time equivalent employees in
23 national forest supervisors' offices of the Forest
24 Service on or about the date of the appointment.

1 **SEC. 502. MONITORING FUNDS.**

2 (a) ESTABLISHMENT OF FUNDS.—The Secretary of
3 the Interior shall establish a Public Lands Monitoring
4 Fund and the Secretary of Agriculture shall establish a
5 Forest Lands Monitoring Fund.

6 (b) PAYMENT INTO FUNDS.—(1) Any revenues from
7 Federal lands described in section 3(a)(4)(A) received by
8 the Secretary of the Interior in any fiscal year in excess
9 of revenues from such lands projected for the Bureau of
10 Land Management in the baseline budget of the President
11 for such fiscal year, minus the funds necessary to make
12 payments to States or local governments under other laws
13 concerning the distribution of revenues derived from such
14 lands, shall be deposited into the Public Lands Monitoring
15 Fund.

16 (2) Any revenues from Federal lands described in sec-
17 tion 3(a)(4)(B) received by the Secretary of Agriculture
18 in any fiscal year in excess of revenues from such lands
19 projected for the Forest Service in the baseline budget of
20 the President for such fiscal year, minus the funds nec-
21 essary to make payments to States or local governments
22 under other laws concerning the distribution of revenues
23 derived from such lands, shall be deposited in the Forest
24 Lands Monitoring Fund.

25 (c) USE OF FUND MONIES.—(1) Funds deposited
26 into the Public Lands Monitoring Fund shall be available,

1 without fiscal year limitation or further appropriation, to
2 the Secretary of the Interior to conduct the monitoring
3 required by section 115(b) or pursuant to section
4 110(a)(3) or 110(b)(4)(B).

5 (2) Funds deposited in the Forest Lands Monitoring
6 Fund shall be available, without fiscal year limitation or
7 further appropriation, to the Secretary of Agriculture to
8 conduct the monitoring required by section 115(b) or pur-
9 suant to section 110(a)(3) or 110(b)(4)(B).

10 **SEC. 503. INTERAGENCY TRANSFER AND INTERCHANGE AU-**
11 **THORITY.**

12 (a) TRANSFER AND INTERCHANGE AUTHORITY.—To
13 facilitate land management or achieve other authorized
14 public purposes, the Secretary of the Interior, with respect
15 to Federal lands described in section 3(a)(4)(A) which are
16 within or adjacent to Federal lands described in section
17 3(a)(4)(B), and the Secretary of Agriculture, with respect
18 to Federal lands described in section 3(a)(4)(B) which are
19 within or adjacent to Federal lands described in section
20 3(a)(4)(A), are authorized to transfer to the other Sec-
21 retary jurisdiction over lands not exceeding 5,000 acres
22 in size or to interchange jurisdiction over lands not exceed-
23 ing an aggregate of 10,000 acres per transaction.

1 (b) CONDITIONS.—(1) Transfers or interchanges
2 made pursuant to this section shall be without reimburse-
3 ment or transfer of funds.

4 (2) Lands transferred or interchanged pursuant to
5 this section shall become a part of the unit and managed
6 in accordance with the laws, rules, and regulations of the
7 agency and administrative unit to which jurisdiction has
8 been transferred.

9 (3) A transfer or interchange pursuant to this section
10 shall not alter, amend, or modify any legislative designa-
11 tion or provisions applicable to the affected lands prior
12 to the transaction.

13 (4) The transfer of lands under this section shall be
14 subject to valid existing rights.

15 (c) PUBLIC NOTICE.—The Secretaries shall publish
16 in the Federal Register at least 30 days prior to any trans-
17 fer or interchange to be made pursuant to this section a
18 notice of such transaction, together with a description of
19 the resource management objectives or public interest to
20 be served by such transaction.

21 **SEC. 504. FEES FOR PROCESSING RECORDS REQUESTS.**

22 Notwithstanding any other provision of law, the Sec-
23 retaries may not waive or reduce any fee applicable to the
24 processing of a request that exceeds \$1,000, or of multiple
25 requests from the same company, organization, or other

1 entity, including any affiliates or members of the same
2 company, organization or other entity, that exceed \$1,000
3 within a 6-month period, for records under section 1 of
4 the Act of September 6, 1996, as amended (5 U.S.C.
5 § 552).

6 **SEC. 505. OFF-BUDGET STUDY.**

7 Within twelve months from the date of enactment of
8 this Act, the United States General Accounting Office
9 shall conduct, and report to the Committees of Congress
10 the results of, a study of the feasibility and likely effects
11 of prohibiting any appropriations of funds to the Forest
12 Service and Bureau of Land Management, except for ac-
13 tivities of such agencies conducted on or related to non-
14 Federal lands, and permitting such agencies to retain for
15 their use, without further approval of, or appropriation by,
16 Congress and without fiscal year limitation, all revenues
17 collected from the Federal lands, with revenues from min-
18 eral activities on Federal lands identified in section
19 3(a)(4)(B) retained by the Forest Service, minus the
20 funds necessary to make payments to State and local gov-
21 ernments under other laws concerning the distribution of
22 revenues from the Federal lands.

PART B—NON-FEDERAL LANDS**SEC. 506. ACCESS TO ADJACENT OR INTERMINGLED NON-FEDERAL LANDS.**

(a) DEADLINES.—(1) Each Secretary shall process any application for access over, upon, under, or through Federal lands within the jurisdiction of the Secretary to nonFederal land pursuant to section 1323 of the Alaska National Interest Lands Conservation Act (16 U.S.C. § 3210) within 180 days of receipt of a complete application.

(2)(A) Each Secretary shall notify in writing an applicant for access in accordance with this section whether an application is complete within 15 days of receipt thereof.

(B) If a Secretary finds an application for access in accordance with this section to be incomplete, the Secretary shall describe in detail in the notice required by subparagraph (A) what additional information is necessary to render the application complete.

(3)(A) If an application for access in accordance with this section has not been fully processed by the deadline established in paragraph (1), it shall be deemed approved as described in the application.

(B) If the Secretary fails to notify an applicant for access in accordance with this section by the deadline es-

1 tablished in paragraph (2)(A), the application shall be
2 deemed complete.

3 (b) ENVIRONMENTAL ANALYSIS AND REQUIRE-
4 MENTS.—(1) The environmental analysis documents re-
5 quired by section 102(2) of the National Environmental
6 Policy Act of 1969 (42 U.S.C. § 4332(2)) and section 7
7 of the Endangered Species Act of 1973 (16 U.S.C. § 1536)
8 shall consider the environmental effects of the construc-
9 tion, maintenance and use of the access across the Federal
10 lands and shall not consider the use of the non-Federal
11 lands to be accessed.

12 (2) Any limitation or condition on the access which
13 the Secretary is permitted to impose pursuant to section
14 1323 of the Alaska National Interests Lands Conservation
15 Act shall limit or condition solely the construction, mainte-
16 nance, or use of the access across the Federal lands and
17 not the use of the non-Federal lands to be accessed.

18 **SEC. 507. EXCHANGES OF FEDERAL LANDS FOR NON-**

19 **FEDERAL LANDS.**

20 Section 206 of the Federal Land Policy and Manage-
21 ment Act of 1976 (43 U.S.C. § 1716) is amended:

22 (1) In subsection (b), by inserting “(1)” after
23 “(b)” and adding at the end thereof the following
24 paragraphs:

1 “(2)(A) An environmental assessment shall be
2 the document prepared for any exchange under this
3 Act pursuant to section 102(2) of the National Envi-
4 ronmental Policy Act of 1969 (42 U.S.C. § 4332(2)).
5 Such document shall not include any assessment of
6 the future use or development of the Federal land
7 after it is conveyed by exchange, except for consider-
8 ation of any plans or proposals for such land avail-
9 able to the Secretary concerned prior to publication
10 of the environmental assessment.

11 “(B) For any land exchange required by an Act
12 of Congress in which the specific lands or interests
13 in lands to be exchanged are described, unless other-
14 wise required by such Act, no documentation pursu-
15 ant to section 102(2) of the National Environmental
16 Policy Act of 1969 (42 U.S.C. § 4332(2)) shall be
17 required.

18 “(C) Any procedure required for an exchange
19 under this Act pursuant to section 7(a) of the En-
20 dangered Species Act of 1973 (16 U.S.C. § 1536(a))
21 shall be completed within 45 days after the date on
22 which the procedure is initiated.

23 “(D) After completion of an exchange under
24 this Act, the Secretary concerned shall not, except as
25 otherwise provided by law or regulation, undertake

1 or authorize any action on the non-Federal land or
2 interest in land acquired in the exchange until the
3 Secretary has complied with section 102(2) of the
4 National Environmental Policy Act of 1969 and sec-
5 tion 7(a) of the Endangered Species Act of 1973
6 concerning such action, and completed any necessary
7 amendment to or revision of the land management
8 plan applicable to such land.

9 “(3) The Secretary concerned shall complete
10 processing, and make a final decision, on any ex-
11 change under this Act within one year from the date
12 of submission of the application for the exchange.

13 “(4) The non-Federal land or interest in land
14 to be included in any exchange under this Act shall
15 be valued without the application of any Federal or
16 State restriction concerning an environmental value
17 or resource the protection of which is considered by
18 the Secretary concerned as a public benefit to be ob-
19 tained by the exchange.

20 “(5) The Secretary concerned may employ com-
21 petitive methods to dispose by exchange of Federal
22 lands or interests in lands which are unique in char-
23 acter, which have values atypical of the general mar-
24 ket, for which market data is limited, or for which
25 competitive interest is demonstrated. The Secretary

1 concerned is not obligated to select the highest value
2 property offered in exchange for such Federal lands
3 or interests and may reject any and all proposals for
4 exchange.

5 “(6) The Secretary concerned may prequalify
6 Federal lands or interests in lands for exchange as
7 a means of preliminary identification of lands or in-
8 terests suitable for disposal. For the purposes of this
9 paragraph, the term “prequalify” means conducting
10 the necessary assessments and inventories for lands
11 or interests with the recognition that such assess-
12 ments and inventories may need to be updated or
13 completed in greater detail to reflect changes occur-
14 ring after the date on which the Secretary
15 prequalified the lands or interests.

16 “(7) For Federal lands or interests in lands ac-
17 quired by a State in exchange for school trust lands
18 held by the State, the Secretary concerned, in lieu
19 of conducting a cultural assessment under section
20 106 of the National Historic Preservation Act (16
21 U.S.C. 470f) on such lands or interests prior to
22 their transfer, may enter into an agreement with the
23 State which provides for protection of archaeological
24 resources and sites known or later discovered on

1 such lands or interests to the maximum extent prac-
2 ticable under State law.

3 “(8) Existing exchange authorities of the Sec-
4 retary of Agriculture may be used to exchange feder-
5 ally owned subsurface rights underlying non-Federal
6 surface lands located within the boundaries of a unit
7 of the National Forest System, or where the Federal
8 subsurface rights were acquired under the
9 Bankhead-Jones Farm Tenant Act of 1937 (7
10 U.S.C. 1010–1012) which are administered as part
11 of the National Forest System. Any such exchange
12 shall not conflict with any prior Federal sale or lease
13 of subsurface resources as determined through con-
14 sultation between the Secretary of Agriculture and
15 the Secretary of the Interior prior to any such ex-
16 change.

17 “(9)(A) Amounts received by the Secretary con-
18 cerned under paragraph (1) shall be deposited in
19 special funds established in the Treasury of the
20 United States for the Bureau of Land Management
21 and Forest Service, subject to subparagraph (B).
22 Amounts in each fund, subject to appropriations,
23 shall be available to the Secretary concerned for
24 processing land exchanges, including cash equali-
25 zation.

1 “(B) Amounts in each fund referred to in sub-
2 paragraph (A) may not exceed \$12,000,000 at any
3 time. Amounts received by the Secretary concerned
4 under this section which, but for this subparagraph,
5 would be added to each fund shall instead be covered
6 into the Treasury of the United States as mis-
7 cellaneous receipts.”.

8 (2) In subsection (h), by striking out “\$150,000”
9 and inserting in lieu thereof “\$500,000”.

10 **PART C—THE FOREST RESOURCE**

11 **SEC. 508. FOREST HEALTH CREDITS IN SALES OF FOREST**
12 **PRODUCTS.**

13 (a) **AUTHORITY TO ISSUE FOREST HEALTH CRED-**
14 **ITS.—**(1) The Secretaries are authorized to require, as a
15 condition of any specific salvage sale of forest products
16 from the Federal lands or any sale of forest products con-
17 stituting a forest health enhancement project pursuant to
18 section 509, that the purchaser undertake a forest health
19 management activity or activities as defined in subsection
20 (j) which address effects of the operation of the sale or
21 past sales of forest products or involve vegetation manage-
22 ment within the area of the sale or the area in which such
23 effects are located.

1 (2) A condition described in paragraph (1) may be
2 included in a contract of sale only when the Secretary de-
3 termines that—

4 (A) the land management objectives of the for-
5 est health management activity or activities can be
6 accomplished most efficiently when performed as
7 part of the sale contract; and

8 (B) it is unlikely that the forest health manage-
9 ment activity or activities will be performed except
10 under the authority of this section.

11 (3) The original term of any sale contract with a con-
12 dition described in paragraph (1) shall not exceed three
13 years.

14 (b) FINANCING AND SUPPLEMENTAL FUNDING.—(1)
15 Financing of the forest health management activity or ac-
16 tivities in a contract for a sale under the authority of sub-
17 section (a) shall be accomplished by including provisions
18 in the contract for amortization of the cost of such activity
19 or activities through issuance of forest health credits to
20 the purchaser which offset such cost against the pur-
21 chaser's payment for the forest products materials.

22 (2)(A) Appropriated funds may be used to assist the
23 forest health management activity or activities in a con-
24 tract for sale under the authority of subsection (a) if such
25 funds are provided by the resource function or functions

1 that directly benefit from the performance of the activity
2 or activities and are available from the annual appropria-
3 tion of such function or functions during the fiscal year
4 in which the sale is offered.

5 (B) The amount to be paid from appropriated funds
6 for each forest health management activity shall be in-
7 cluded in the prospectus, and published in the advertise-
8 ment, for the sale.

9 (c) DETERMINING FOREST HEALTH CREDITS.—(1)
10 Prior to the advertisement of a sale under the authority
11 of subsection (a), the Secretary shall determine the
12 amount of forest health credits to be allocated to each for-
13 est health management activity to be performed by the
14 purchaser under the contract.

15 (2) A description of the forest health management ac-
16 tivity or activities to be performed by the purchaser, and
17 the amount of forest health credits allocated to each activ-
18 ity, shall be included in the prospectus, and published in
19 the advertisement, for the sale.

20 (d) CHANGED CONDITIONS.—The Secretary, with the
21 concurrence of the purchaser of a sale under the authority
22 of subsection (a), may alter the scope of work of a forest
23 health management activity or activities, and the amount
24 of forest health credits for the activity or activities, in the

1 sale after award of the sale and prior to operation of the
2 sale when warranted by a change in conditions.

3 (e) TRANSFER OF FOREST HEALTH CREDITS.—

4 Each Secretary may permit the transfer of unused forest
5 health credits from one sale under the authority of sub-
6 section (a) to another such sale held by the same pur-
7 chaser if such other sale applies to Federal lands that are
8 under the jurisdiction of such Secretary and located in the
9 same State as the original sale.

10 (f) EXISTING PROCEDURES.—To the extent feasible,

11 in preparing, awarding, and administering sales under the
12 authority of subsection (a), each Secretary shall adhere
13 to the procedures and requirements developed by the For-
14 est Service for sales of forest products requiring road con-
15 struction by sale purchasers pursuant to section 4(2) of
16 the National Forest Roads and Trails Act (16 U.S.C.
17 § 535(2)): *Provided*, That nothing in this section shall be
18 deemed to require or authorize any alteration in the proce-
19 dures or requirements for sales of forest products under
20 section 4(2) including the applicable provisions of the
21 small business set-aside program and procedures for cal-
22 culating payments to counties of a portion of sale receipts.

23 (g) COST CONSIDERATIONS.—Sales under the au-

24 thority of subsection (a) shall not be precluded because
25 the costs of such sales are likely to exceed the revenues

1 derived from such sales nor shall such sales be considered
2 in any calculations concerning the revenue effects of forest
3 products sales programs for the Federal lands or units
4 thereof.

5 (h) MONITORING AND REPORT.—The Secretaries
6 shall monitor the performance of contracts for sales issued
7 under the authority of subsection (a) and submit a joint
8 report to the committees of Congress no later than the
9 date four years from the date of enactment of this Act
10 which assesses the effectiveness of such contracts, dis-
11 cusses whether continued use of such contracts is advis-
12 able, and offers any changes in the law or regulations gov-
13 erning, or in the administration of, such contracts which
14 the Secretaries deem appropriate.

15 (i) TERMINATION OF AUTHORITY.—(1) The author-
16 ity to offer sales of forest products pursuant to this section
17 shall terminate five years after the date of enactment of
18 this Act.

19 (2) Any contract for sale under the authority of sub-
20 section (a) that is issued prior to, and is in effect at, the
21 end of such five year period shall remain in effect under
22 its terms thereafter.

23 (j) DEFINITION.—For purposes of this section, the
24 term “forest health management activity” means any
25 thinning, salvage, forest stand improvement, reforestation,

1 prescribed burning (including natural ignition) or other
2 fuels management, insect or disease control, riparian or
3 other habitat improvement, or other activity, the purpose
4 of which is to—

5 (1) arrest the decline in forest health and re-
6 store forest health in the area in which the activity
7 is to be undertaken to a condition capable of sup-
8 porting and sustaining the uses of the area within
9 the historic range of variability of such area or as
10 determined in the land management plan or plans
11 applicable to such area;

12 (2) safeguard human life, property, and com-
13 munities on and near the Federal lands, particularly
14 in wildland/urban interface areas;

15 (3) protect the various forest resources of the
16 Federal lands placed at risk by adverse forest health
17 conditions, including air and water quality, wildlife,
18 and recreation and visual values;

19 (4) restore, maintain, or enhance the integrity
20 of ecosystems, watersheds, and habitats damaged or
21 placed at risk by adverse forest health conditions; or

22 (5) protect existing Federal investments in the
23 forest resources of the Federal lands, and future
24 Federal, State, and local revenues that otherwise
25 would be foregone.

1 **SEC. 509. SPECIAL FUNDS.**

2 (a) BUREAU OF LAND MANAGEMENT.—The Sec-
3 retary of the Interior shall maintain a special fund estab-
4 lished pursuant to Public Law 102–381, which shall be
5 derived from the Federal share of all monies received from
6 the salvage sales of forest products from all lands adminis-
7 tered by the Bureau of Land Management, Department
8 of the Interior, and which shall be available, without fur-
9 ther appropriation, for the purposes of planning and pre-
10 paring salvage sales of forest products, the administration
11 of salvage sales, and subsequent site preparation and re-
12 forestation, and forest health enhancement projects, in-
13 cluding, but not limited to, prescribed burning (including
14 natural ignition) or other fuels management, site prepara-
15 tion, tree planting, protection of seedlings from animals
16 and other environmental elements, release from competing
17 vegetation, and stand thinning. The Federal share of any
18 revenues received from forest health enhancement projects
19 shall be returned to the special fund and be made available
20 for the purposes provided in this subsection.

21 (b) FOREST SERVICE.—The Federal share of all
22 monies received from the salvage sales of forest products
23 from, and any other activities funded pursuant to this sub-
24 section on, lands within the National Forest System may
25 be credited to the Forest Service Permanent Appropria-
26 tions to the expended for: salvage sales of forest products

1 from any national forest; preparation of sales of forest
2 products to replace sales lost to fire or other causes; prep-
3 aration of sales of forest products to replace sales inven-
4 tory on the shelf for any national forest to a level sufficient
5 to maintain new sales availability equal to a rolling 5-year
6 average of the total sales offering; design, engineering, and
7 supervision of construction of roads lost to fire or other
8 causes associated with the sales programs described in this
9 subsection; watershed assessment activities; and forest
10 health enhancement projects, including, but not limited to
11 prescribed burning (including natural ignition or other
12 fuels management, site preparation, tree planting, protec-
13 tion of seedlings from animals and other environmental
14 elements, release from competing vegetation, and stand
15 thinning.

16 (c) PAYMENTS TO LOCAL GOVERNMENTS.—Moneys
17 received from the salvage sales of forest products, and
18 other activities funded, pursuant to this section shall be
19 considered as money received for purposes of computing
20 and distributing payments to State and local governments
21 under other law concerning the distribution of revenues
22 derived from forest resources from the affected lands.

23 **SEC. 510. PRIVATE CONTRACTORS.**

24 To preserve budgetary and personnel resources, each
25 Secretary shall use to the maximum extent feasible private

1 contractors to prepare sales for forest products: *Provided*,
2 That—

3 (1) any work conducted by a contractor on a
4 sale shall be reviewed and approved by the Secretary
5 before any decision on the design of, conditions for,
6 or approval or disapproval of the sale may be made
7 by the Secretary;

8 (2) a contractor who worked on a sale may not
9 submit comments on, or otherwise participate in,
10 any decision by the Secretary on the design, condi-
11 tions for, or approval or disapproval of the sale; and

12 (3) a contractor who conducted work on a sale,
13 any entity owned or controlled by the contractor, or
14 any member of the family of the contractor, may not
15 bid on the sale or provide any information to poten-
16 tial bidders and bidders on the sale prior to award
17 of the sale.

18 **SEC. 511. NON-HARVESTED FOREST PRODUCTS SALES.**

19 (a) QUALIFYING SALES.—Notwithstanding any other
20 provision of law, a purchaser of a sale of forest products
21 from the Federal lands, other than a sale pursuant to sec-
22 tion 508(a) or section 509 or a sale which has its primary
23 purpose vegetative management or land management
24 other than the disposal of forest products, may elect not
25 to harvest the stand or stands of trees subject to the sale

1 (hereinafter referred to in this section as “an election
2 sale”).

3 (b) CONTRACT TERM.—Any election sale shall have
4 a term the length of which corresponds to the expected
5 silvicultural rotation in a sale designed to regenerate even-
6 aged stands or the period prior to the next scheduled entry
7 for a sale designed to develop and maintain uneven-aged
8 stands.

9 (c) CONTRACT TERMINATION.—If, during the con-
10 tract term of an election sale, the stand or stands of trees
11 subject to the sale are substantially damaged by fire,
12 windthrow, disease, insect infestation, or other natural
13 event, and the Secretary determines, after an opportunity
14 for public hearing, that harvesting of the stand or stands
15 is necessary to avoid damage to adjacent forested areas,
16 the Secretary may terminate the contract and return a
17 pro-rata share of the purchase price, together with interest
18 thereon, to the purchaser. The decision to terminate a con-
19 tract pursuant to this subsection shall not be subject to
20 section 102(2) of the National Environmental Policy Act
21 of 1969 (42 U.S.C. § 4332(2)) or section 7 of the Endan-
22 gered Species Act of 1973 (16 U.S.C. § 1536): *Provided*,
23 That any new sale of the stand or stands of trees subject
24 to the contract shall comply with such provisions of law.

1 (d) SALE ANNOUNCEMENT.—The notice of sale for
2 each sale of forest products from the Federal lands shall
3 disclose if the sale is offered pursuant to section 508(a)
4 or section 509 or for the primary purpose of land manage-
5 ment or treatment. If the sale is qualified to be an election
6 sale, the notice shall also state the term of the contract
7 for any purchaser who intends not to harvest the stand
8 or stands of trees subject to the sale.

9 (e) NOTICE OF INTENT.—A prospective purchaser of
10 a sale of forest products from the Federal lands qualified
11 to be an election sale which intends not to harvest the
12 stand or stands subject to the sale shall provide written
13 notice of such intention to the Agency with the submission
14 of its bid for the sale.

15 (f) WINNING BID DETERMINATION.—In determining
16 the winning bidder for an election sale that has specifica-
17 tions for road construction or reconstruction, the Sec-
18 retary shall deduct from the bid of any prospective pur-
19 chaser which has provided notice of intent not to harvest
20 pursuant to subsection (e) the estimated cost of such con-
21 struction or reconstruction.

22 (g) DEFINITION.—Within 90 days of enactment of
23 this Act, each Secretary shall publish in the Federal Reg-
24 ister a definition of the term “vegetative management or
25 land management other than disposal of forest products”

1 in subsection (a) and guidance concerning the determina-
 2 tion of whether a sale of forest products from the Federal
 3 lands meets such definition.

4 **SEC. 512. EXEMPTION FROM STRICT LIABILITY FOR THE**
 5 **RECOVERY OF FIRE SUPPRESSION COSTS.**

6 Section 504(h) of the Federal Land Policy and Man-
 7 agement Act of 1976 (43 U.S.C. § 1764(h)) is amended
 8 by adding at the end thereof the following new paragraph:

9 “(3) No regulation shall impose liability without
 10 fault for fire suppression costs with respect to a
 11 right-of-way granted, issued, or renewed under this
 12 Act to or for a non-profit entity, including a non-
 13 profit entity that uses such right-of-way for the de-
 14 livery of electricity to parties having an equity inter-
 15 est in such entity.”.

16 **TITLE VI—MISCELLANEOUS**

17 **SEC. 601. REGULATIONS.**

18 Not later than eighteen months from the date of en-
 19 actment of this Act, each Secretary shall promulgate any
 20 regulations necessary to carry out the purposes and provi-
 21 sions of this Act.

22 **SEC. 602. AUTHORIZATION OF APPROPRIATIONS.**

23 There are authorized to be appropriated in the fiscal
 24 year in which this Act is enacted and each fiscal year for
 25 ten fiscal years thereafter such sums as may be necessary

1 to carry out the provisions of this Act. Notwithstanding
2 any other provision of law, all other authorizations for ap-
3 propriations for the management of Federal lands shall
4 expire on the same date as the expiration of the appropria-
5 tions authority of this section.

6 **SEC. 603. EFFECTIVE DATE.**

7 The provisions of this Act shall take effect on the
8 date of enactment of this Act. No decision or action re-
9 quired or authorized by this Act shall be delayed pending
10 promulgation of any regulation to carry out the provisions
11 of this Act.

12 **SEC. 604. SAVINGS CLAUSES.**

13 (a) O & C LANDS ACT.—Notwithstanding any provi-
14 sion of this Act, except title VI, in the event of conflict
15 with or inconsistency between this Act and the Acts of
16 August 28, 1937 (50 Stat. 874; 43 U.S.C. §§ 1181a–
17 1181j) and May 24, 1939 (53 Stat. 753), the latter Acts
18 shall prevail.

19 (b) LAND USE RIGHTS AND AUTHORIZATIONS.—
20 Nothing in this Act shall be construed as terminating any
21 valid lease, permit, patent, right-of-way, or other right of,
22 or authorization for, use of the Federal lands, including
23 any Native American treaty right, existing on the date of
24 enactment of this Act.

1 (c) VALID EXISTING RIGHTS.—All actions taken by
2 the Secretaries under this Act shall be subject to valid ex-
3 isting rights.

4 **SEC. 605. SEVERABILITY.**

5 If any provision of this Act or the application thereof
6 is held invalid, the remainder of the Act, or any other ap-
7 plication thereof, shall not be affected thereby.

○