

106TH CONGRESS
1ST SESSION

S. 1031

To amend the National Forest Management Act of 1976 to prohibit below-cost timber sales in the Shawnee National Forest.

IN THE SENATE OF THE UNITED STATES

MAY 13, 1999

Mr. DURBIN introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

A BILL

To amend the National Forest Management Act of 1976 to prohibit below-cost timber sales in the Shawnee National Forest.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Taxpayer and Shawnee
5 National Forest Protection Act”.

6 **SEC. 2. PROHIBITION OF BELOW-COST TIMBER SALES IN**
7 **THE SHAWNEE NATIONAL FOREST.**

8 (a) IN GENERAL.—Section 14 of the National Forest
9 Management Act of 1976 (16 U.S.C. 472a) is amended
10 by adding at the end the following:

1 “(j) PROHIBITION OF BELOW-COST TIMBER SALES
2 IN THE SHAWNEE NATIONAL FOREST.—

3 “(1) DEFINITIONS.—In this subsection:

4 “(A) BELOW-COST SALE.—The term
5 ‘below-cost sale’ means a sale of timber from
6 which the expected cost of making timber avail-
7 able for sale are greater than the anticipated
8 revenues from the sale.

9 “(B) COST.—The term ‘cost of making
10 timber available for sale’ includes the costs in-
11 curred for sale preparation, harvest administra-
12 tion, timber resource planning, silvicultural ex-
13 amination, road design and construction (in-
14 cluding road base, road surface, culverts, and
15 bridges), road maintenance, transportation
16 planning, reforestation, timber stand improve-
17 ment, forest genetics tree improvement, timber
18 program general administration, facilities con-
19 struction, payments to counties, and a portion
20 of timber program expenses for the national
21 and regional offices of the Forest Service allo-
22 cated to the Shawnee National Forest on the
23 basis of harvest volume.

1 “(C) REVENUE.—The term ‘revenue’
 2 means amounts deposited in the Treasury of
 3 the United States.

4 “(2) PROHIBITION.—The Secretary of Agri-
 5 culture shall not make a below-cost sale of timber
 6 for commodity purposes produced on land in the
 7 Shawnee National Forest.”.

8 (b) APPLICABILITY OF AMENDMENT.—

9 (1) IN GENERAL.—The amendment made by
 10 subsection (a) takes effect on October 1, 1999.

11 (2) PENDING SOLICITATIONS.—The amendment
 12 made by subsection (a) does not prohibit the Sec-
 13 retary of Agriculture from entering into a below-cost
 14 sale of timber for commodity purposes produced on
 15 land in the Shawnee National Forest if the Sec-
 16 retary determines that a prospective contractor has
 17 incurred substantial bid preparation costs in re-
 18 sponse to a solicitation for bids for the sale issued
 19 by the Secretary before the date of enactment of this
 20 Act.

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