

106TH CONGRESS
1ST SESSION

S. 1320

To provide to the Federal land management agencies the authority and capability to manage effectively the Federal lands, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 1, 1999

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, 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 Planning and Management Improvement
6 Act of 1999”.

7 (b) TABLE OF CONTENTS.—The table of contents of
8 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. Consideration of communities dependent on Federal lands and resources.
 Sec. 109. Ecosystem management principles.

PART C—ENCOURAGEMENT OF COLLABORATIVE PLANNING

- Sec. 110. Participation of local multi-interest committees.
 Sec. 111. Citizen petitions for plan amendments or revisions.
 Sec. 112. Notice and comment on management activities.

PART D. CONSIDERATION AND DISCLOSURE OF BUDGET AND FUNDING
 EFFECTS

- Sec. 113. Disclosure of funding constraints on planning and management.
 Sec. 114. Fully allocated costs.
 Sec. 115. Budget and cost disclosures.

PART E—MONITORING AND ADAPTIVE MANAGEMENT

- Sec. 116. Monitoring.
 Sec. 117. Adaptive management and other changes due to monitoring.
 Sec. 118. Monitoring funds.

PART F—PLANNING-RELATED ASSESSMENTS

- Sec. 119. Purpose and authorization of ecoregion and other assessments.
 Sec. 120. Status, effect, and application of assessments.
 Sec. 121. Reports to Congress on assessments.

PART G—CHALLENGES TO PLANNING

- Sec. 122. Administrative appeals.
 Sec. 123. 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 A GLOBAL RENEWABLE
RESOURCES ASSESSMENT

- Sec. 301. Purposes.
- Sec. 302. Global Renewable Resources Assessment.
- Sec. 303. National Council on Renewable Resources Policy.
- Sec. 304. Repeal of certain provisions of the Forest and Rangeland Renewable Resources Planning Act.

TITLE IV—ADMINISTRATION

PART A—IN GENERAL

- Sec. 401. Confirmation of the Chief of the Forest Service.
- Sec. 402. Interagency transfer and interchange authority.
- Sec. 403. Commercial film and photography fees.
- Sec. 404. Forest Service visitor facilities improvement demonstration program.
- Sec. 405. Fees for linear rights-of-way.
- Sec. 406. Fees for processing records requests.
- Sec. 407. Off-budget study.
- Sec. 408. Exemption from strict liability for the recovery of fire suppression costs.

PART B—NON-FEDERAL LANDS

- Sec. 409. Access to adjacent or intermingled non-Federal lands.
- Sec. 410. Exchanges of Federal lands for non-Federal lands.

PART C—THE FOREST RESOURCE

- Sec. 411. Timber sale preparation user fee.
- Sec. 412. Forest health credits in sales of forest products.
- Sec. 413. Special funds.
- Sec. 414. Private contractors.
- Sec. 415. Timber and special forest products.

TITLE V—MISCELLANEOUS

- Sec. 501. Regulations.
- Sec. 502. Authorization for appropriations.
- Sec. 503. Effective date.
- Sec. 504. Savings clauses.
- Sec. 505. 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-

1 sionals with considerable expertise and judgment to
2 manage Federal lands within their jurisdictions.

3 (2) In 1976, the Congress enacted the Federal
4 Land Planning and Management Act and the Na-
5 tional Forest Management Act which declared mul-
6 tiple use and sustained yield to be the basic prin-
7 ciples under which the two land management agen-
8 cies are to manage their Federal lands.

9 (3) These principles of multiple use and sus-
10 tained yield enjoy strong support from the American
11 public and among the diverse stakeholders in Fed-
12 eral land management.

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

20 (5) Nevertheless, as documented by the Com-
21 mittee of Scientists established by the Secretary of
22 Agriculture in the March 15, 1999 report entitled
23 "Sustaining the People's Lands: Recommendations
24 for Stewardship of the National Forest and Grass-
25 lands into the Next Century" and by the authors of

1 an April 1999 report commissioned by the Society of
2 American Foresters entitled “Forest Discord: Op-
3 tions for Governing Our Forests and Federal Public
4 Lands,” in the two decades since the Management
5 Acts were passed, fundamental flaws in the planning
6 and decision making processes established by these
7 Acts have become apparent and have caused all
8 stakeholders, whether they favor resource protection
9 or resource extraction, to express increasing dis-
10 satisfaction with and distrust of these processes.

11 (6) The report of the Committee of Scientists
12 and the report commissioned by the Society of
13 American Foresters concurred with these numerous
14 flaws threaten the integrity of the Federal lands
15 planning and decision making processes and under-
16 mine the ability of the agencies to fulfill their statu-
17 tory land management responsibilities and accom-
18 plish management that is well grounded in science.

19 (7) The intent of the Congress that the land
20 management agencies would complete the planning
21 required by the Management Acts within a discrete
22 time frame and the new resource management plans
23 would provide secure guidance for subsequent man-
24 agement activities has not been met.

1 (8) Although mid-eighties deadlines were set by
2 statute or regulation for completing the new re-
3 source management plans, initial planning remains
4 unfinished more than two decades after enactment
5 of the Management Acts even as new planning is un-
6 dertaken.

7 (9) The land management agencies are engaged
8 in a perpetual cycle of planning through the contin-
9 uous preparation of interim policies, plan amend-
10 ments, and plan revisions that precludes the provi-
11 sion to both agency professionals and the public of
12 any secure guidance for predictable management of
13 the Federal lands.

14 (10) Although the Management Acts antici-
15 pated and directed that only two layers of plan-
16 ning—multiple-use resource management planning
17 for each national forest, Bureau of Land Manage-
18 ment district, or other designated planning unit, and
19 site-specific planning for management activities—be
20 undertaken, the agencies have engaged in planning
21 at multiple layers—regional, ecoregion, watershed,
22 etc.—without license or direction from statute or
23 regulation.

24 (11) As described in the report commissioned
25 by the Society of American Foresters, the Manage-

1 ment Acts do not assign particular decisions to spe-
2 cific levels of planning, thereby resulting in repeti-
3 tious or haphazard decision making in an “ambig-
4 uous” decision making process.

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

17 (13) As described in the report commissioned
18 by the Society of American Foresters, the proce-
19 dures and requirements of other environmental laws
20 often burden with increased costs and delays, con-
21 flict with, and frustrate the planning and manage-
22 ment processes established by the Management Acts;
23 effectively transfer the planning and management
24 decision making authority from the professionals in
25 the land management agencies to officials of other

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

8 (14) Both the report of the Committee of Sci-
9 entists and the report commissioned by the Society
10 of American Foresters found that the land manage-
11 ment agencies conduct their planning without regard
12 to the funding likely to be available for plan imple-
13 mentation, and that the agencies' budgets and ap-
14 propriations of Congress are not linked to the agen-
15 cies' plans.

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

1 provisions to restore land management authority to
2 the agencies.

3 (16) The loss in goods and services from Fed-
4 eral lands resulting from these numerous flaws in
5 Federal land planning and decision making has in-
6 creased this Nation's dependency on foreign sources
7 for certain resources and has encouraged imports
8 from countries with land management policies and
9 priorities that are far less environmentally respon-
10 sive than those applicable to the Federal lands.

11 (17) As described in the report of the Com-
12 mittee of Scientists, new concepts in Federal land
13 planning and management, such as ecosystem man-
14 agement and adaptive management, have developed
15 since passage of the Management Acts. Yet, these
16 new concepts are being imposed on or incorporated
17 in Federal land planning and management without
18 adequate statutory authority.

19 (18) New processes developed by stakeholders
20 to better participate in Federal land planning and
21 decision making, such as the community-based col-
22 laborative deliberations of the Quincy Library Group
23 and Applegate Partnership, are not recognized or
24 encouraged by the Management Acts.

1 (19) The provisions of section 322 of Public
2 Law 102–381 (106 Stat. 1419) requiring the Forest
3 Service to provide notice and an opportunity for
4 public comment on, and establish a streamlined ad-
5 ministrative appeals process for, management activi-
6 ties have expired and these well-received congres-
7 sional requirements for inviting public comment and
8 processing administrative appeals should be restored
9 and expanded to include decisions concerning plan-
10 ning, as well as decisions on management activities,
11 made by the Bureau of Land Management, as well
12 as the Forest Service.

13 (20) The Management Acts were passed at a
14 time when the ecosystems on the Federal lands were
15 regarded generally as healthy, but now critical wa-
16 tersheds have become degraded, numerous species
17 are declining because of significant habitat loss, and
18 many, extensive forested areas are undergoing or are
19 threatened by an unprecedented forest health crisis.

20 (21) Although the Management Acts and their
21 implementing regulations contain detailed instruc-
22 tions to the land management agencies on planning
23 procedures and contents, they are virtually silent in
24 providing guidance or authority to enable the agen-
25 cies to implement resource management plans,

1 thereby devaluing the term “Management” common
2 to both titles of both statutes.

3 (22) The report of the Committee of Scientists
4 judged monitoring to be a “key component of plan-
5 ning.” Yet both that report and the report commis-
6 sioned by the Society of American Foresters found
7 that the land management agencies neither incor-
8 porated monitoring into planning procedures nor
9 conducted adequate monitoring to determine wheth-
10 er the planning has been properly implemented or
11 whether conditions have changed sufficiently to war-
12 rant new planning in accordance with the concept of
13 adaptive management.

14 (23) These numerous flaws in the laws per-
15 taining to Federal land management and in the
16 planning and decision making for Federal lands,
17 particularly the multiple layers and perpetual exist-
18 ence of planning, the increasing intervention of other
19 agencies, and the constant barrage of administrative
20 and judicial challenges, have escalated the land man-
21 agement agencies’ costs of managing the Federal
22 lands even as their ability to secure actual manage-
23 ment accomplishments on these lands has dimin-
24 ished substantially.

1 (24) All stakeholders have incurred injuries—
2 both environmental and economic—from these plan-
3 ning and decision making flaws, but none more than
4 the local resource-dependent communities, which
5 have little or no protection under the Management
6 Acts and have experienced the loss of wages, reve-
7 nues, and public services, and resultant social insta-
8 bility.

9 (25) 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 com-
18 pounded by the lack of a clear mission statement for
19 the land management agencies.

20 (26) 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 au-
2 thority is provided for use of ecosystem management
3 and other new concepts of land planning and man-
4 agement, that planning and management decisions
5 are made in a collaborative manner which ensures
6 the public is heard, and that the adverse environ-
7 mental effects and economic and social dislocation
8 which result from the present flaws in the planning
9 processes are avoided.

10 **SEC. 3. DEFINITIONS.**

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

13 (1) “Agencies” or “Agency” means the Bureau
14 of Land Management, Department of the Interior,
15 with respect to the lands described in paragraph
16 (4)(A), and/or the Forest Service, Department of
17 Agriculture, with respect to the lands described in
18 paragraph (4)(B).

19 (2) “Committees of Congress” means the Com-
20 mittee on Resources and Committee on Agriculture
21 of the House of Representatives, and the Committee
22 on Energy and Natural Resources and the Com-
23 mittee on Agriculture, Nutrition, and Forestry of
24 the United States Senate;

1 (3) “ecosystem management” means an ap-
2 proach to implementation of the principles of multi-
3 use and sustained-yield on the Federal lands which
4 employs current understanding of ecosystem proc-
5 esses to evaluate the effects of management strate-
6 gies on ecosystem health, sustainability, and produc-
7 tivity in conjunction with attainment of planned out-
8 puts of goods, services, and amenities; the effective-
9 ness of management strategies in pursuing and
10 achieving ecological, economic, and social sustain-
11 ability on Federal lands, and contributing to such
12 sustainability on a national and international scale.

13 (4) “Federal lands” means—

14 (A) those lands managed by the Bureau of
15 Land Management and defined in section
16 103(e) of the Federal Land Policy and Manage-
17 ment Act of 1976 (43 U.S.C. § 1702(e)); and

18 (B) those lands in the National Forest
19 System, including units of the national grass-
20 lands, managed by the Forest Service and de-
21 fined in section 11(a) of the Forest and Range-
22 land Renewable Resources Planning Act of
23 1974 (16 U.S.C. § 1609(a));

1 (5) “non-Federal lands” means lands, other
2 than Federal lands, owned or administered by the
3 federal government and lands of other ownership;

4 (6) “resource management plans” means land
5 use plans prepared by the Bureau of Land Manage-
6 ment for units of the Federal lands described in
7 paragraph (4)(A) pursuant to section 202 of the
8 Federal Land Policy and Management Act of 1976
9 (43 U.S.C. § 1712) and this Act, and land and re-
10 source management plans prepared by the Forest
11 Service for units of the lands described in paragraph
12 (4)(B) pursuant to section 6 of the Forest and
13 Rangeland Renewable Resources Planning Act of
14 1974, as amended by the National Forest Manage-
15 ment Act of 1976 (16 U.S.C. § 1604), and this Act;
16 and

17 (7) “Secretaries” or “Secretary” means the
18 Secretary of the Interior with respect to the Federal
19 lands described in paragraph (4)(A) and/or the Sec-
20 retary of Agriculture with respect to the Federal
21 lands described in paragraph (4)(B).

22 (b) OTHER TERMS.—Terms used in this Act shall
23 have the same meaning they are accorded in the Federal
24 Land Policy and Management Act of 1976 (43 U.S.C.
25 § 1701 et seq.) with respect to the Federal lands described

1 in subsection (a)(4)(A) and in the Forest and Rangeland
2 Renewable Resources Planning Act of 1974 (16 U.S.C.
3 § 1600 et seq.) with respect to the Federal lands described
4 in subsection (a)(4)(B).

5 **SEC. 4. SUPPLEMENTAL AUTHORITY.**

6 The provisions of this Act apply to all Federal lands
7 and supplement the Federal Land Policy and Management
8 Act of 1976 (43 U.S.C. § 1701 et seq.), the Forest and
9 Rangeland Renewable Resources Planning Act of 1974, as
10 amended by the National Forest Management Act of 1976
11 (16 U.S.C. § 1600 et seq.), and other laws applicable to
12 the Federal lands. Except as otherwise provided in this
13 Act, in the event of conflict or inconsistency between this
14 Act and the Federal Land Policy and Management Act
15 of 1976 or the Forest and Rangeland Renewable Re-
16 sources Planning Act of 1974, this Act shall prevail. For
17 any Federal lands designated as units of the National Wil-
18 derness Preservation System, National Wild and Scenic
19 Rivers System, or National Trails System, the provisions
20 of law governing management of those systems or specific
21 units shall prevail whenever such provisions conflict or are
22 inconsistent with this Act.

23 **SEC. 5. TRANSITION.**

24 Except as otherwise provided in this Act, any plan,
25 policy, or guidance of the Agencies with respect to the

1 Federal lands in effect on the date of enactment of this
2 Act shall continue to apply to such lands until such plan,
3 policy, or guidance is revised, changed, modified, or termi-
4 nated in accordance with the provisions of this Act.

5 **TITLE I—ENSURING THE EFFEC-**
6 **TIVENESS AND IMPLEMENTA-**
7 **TION OF FEDERAL LAND**
8 **PLANNING**

9 **SEC. 101. PURPOSES.**

10 The purposes of this title are to establish a mission
11 for the Agencies in the management of the Federal lands;
12 to provide Congressional direction on, and eliminate fun-
13 damental flaws in, the conducting and implementing of
14 planning for the Federal lands; to avoid the environ-
15 mental, economic, and social injuries that result from
16 those flaws and the past absence of direction; and to
17 achieve predictability in the management of, and timely
18 and cost-effective accomplishment of management activi-
19 ties on, the Federal lands.

20 **PART A—IN GENERAL**

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

22 The mission of the Secretary of Agriculture and the
23 Forest Service, and of the Secretary of the Interior and
24 the Bureau of Land Management, shall be to manage the
25 Federal lands under their respective jurisdictions to assure

1 the health, sustainability, and productivity of the lands'
 2 ecosystems; consistent with this objective, to furnish a sus-
 3 tainable flow of multiple goods, services, and amenities;
 4 to preserve or establish a full range and diversity of nat-
 5 ural habitats of native species in a dynamic manner over
 6 the landscape; and, where necessary or appropriate, to
 7 designate discrete areas to conserve certain resources or
 8 allow certain uses.

9 **SEC. 103. SCIENTIFIC BASIS FOR FEDERAL LANDS DECI-**
 10 **SIONS.**

11 In rendering decisions concerning resource manage-
 12 ment plans for and management activities on Federal
 13 lands, each Secretary shall utilize the best scientific and
 14 commercial data available to the Secretary.

15 **PART B—RESOURCE MANAGEMENT AND**
 16 **MANAGEMENT ACTIVITY PLANNING**

17 **SEC. 104. LEVELS OF PLANNING.**

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

21 (1) multiple-use planning in the form of re-
 22 source management plans for planning units des-
 23 igned pursuant to subsection (b); and

24 (2) site-specific or area-specific planning for
 25 management activities.

1 (b) PLANNING UNIT SIZE.—Each Secretary may des-
2 ignate planning units of whatever geographic size, ecologi-
3 cal scale, and number the Secretary deems appropriate.

4 (c) OTHER ANALYSES OR ASSESSMENTS.—Pursuant
5 to section 119, each Secretary may conduct assessments
6 for regions or other geographical areas that are not plan-
7 ning units designated pursuant to subsection (b), and may
8 apply the results of such analyses or assessments to the
9 affected Federal lands by amendment to or revision of re-
10 source management plans for the planning units encom-
11 passing such lands in accordance with section 120(b),
12 other applicable provisions of this Act, and other applica-
13 ble law.

14 (d) NONCOMPLYING PLANS.—(1) Consistent with
15 subsection (a), the Secretaries shall have 3 years from the
16 date of enactment of this Act to amend or revise in accord-
17 ance with this Act the resource management plans and
18 management activity plans described in subsection (a) to
19 incorporate, where appropriate and with such modifica-
20 tions as may be warranted, any policies which may be ap-
21 plicable to the Federal lands subject to, but which are con-
22 tained in plans other than, such resource management
23 plans and management activity plans.

1 (2) Except as provided in paragraph (3), all plans
2 other than the plans described in subsection (a) shall ter-
3minate 3 years from the date of enactment of this Act.

4 (3) A plan other than a plan described in subsection
5 (a) shall no longer apply to Federal lands in a planning
6 unit upon its termination date established by paragraph
7 (2) or when the resource management plan or manage-
8ment activity plan for such lands has been amended or
9 revised pursuant to paragraph (1), whichever is earlier.

10 **SEC. 105. CONTENTS OF PLANNING AND ALLOCATION OF**
11 **DECISIONS TO EACH PLANNING LEVEL.**

12 (a) PLAN CONTENTS.—(1)(A) Each resource man-
13 agement plan shall contain the following basic elements:

14 (i) A statement of goals and objectives for the
15 management of the Federal lands to which the plan
16 applies during the term of the plan;

17 (ii) The classification for suitable types of re-
18 source management of, or allocation of land uses to,
19 areas of the Federal lands to which the plan applies
20 for the term of the plan;

21 (iii) Determinations of outputs of goods and
22 services from the Federal lands to which the plan
23 applies annually and for the term of the plan;

24 (iv) Policies and standards necessary to ensure
25 compliance with the requirements of this Act and

1 other applicable law for the conservation of the re-
2 sources and protection of the environment on the
3 Federal lands to which the plan applies: *Provided*,
4 That, to the extent feasible consistent with this Act
5 and other applicable law, such policies and standards
6 shall avoid the application of prescriptive require-
7 ments generally applicable to the planning unit and,
8 instead, shall provide guidance for the determina-
9 tion, during the planning for each management ac-
10 tivity, of specific requirements that are addressed to
11 the precise conditions of the lands and resources to
12 be affected by such activity; and

13 (v) A description of the desired future condi-
14 tions of the Federal lands subject to the plan, a
15 statement of the expected durations of time nec-
16 essary to achieve such conditions consistent with the
17 other basic elements of the plan described in this
18 subparagraph, and a discussion of how such ele-
19 ments assist in the achievement of such conditions.

20 (B) Each of the basic elements described in subpara-
21 graph (A) shall be accorded equal consequence by the Sec-
22 retary, and no one element shall be elevated or given pref-
23 erence over any other element in the resource management
24 plan or in the management of the Federal lands to which
25 the plan applies.

1 (C) To the extent feasible, each of the basic elements
2 described in subparagraph (A) shall be set forth in the
3 resource management plan in a manner that provides a
4 basis for monitoring pursuant to section 116 and adaptive
5 management pursuant to section 117.

6 (2) Each resource management plan also shall—

7 (A) contain a statement of historical uses, and
8 trends in conditions, of the resources on the Federal
9 lands subject to the plan;

10 (B) compare and contrast the projected results
11 of the basic elements described in paragraph (1)(A)
12 with recent performance by the Agency on the Fed-
13 eral lands subject to the plan and discuss in detail
14 any significant change in direction that is proposed
15 or expected, including any steps that will be taken
16 to ameliorate any adverse economic, social, or envi-
17 ronmental consequences that will or could result
18 from such change;

19 (C) a schedule and procedure, including the
20 type, location, and intensity of measurements need-
21 ed, for monitoring the implementation of the plan,
22 the management of the Federal lands subject to the
23 plan, and trends in the conditions and use of re-
24 sources on the Federal lands subject to the plan, as
25 required by section 116; and

1 (D) criteria for determining what circumstances
2 on the Federal lands subject to the plan warrant
3 adaptive management of the resources of such lands
4 pursuant to section 116(a)(3) and section 117(c).

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

10 (B) All analysis and decisions to be assigned by or
11 pursuant to this subsection to a particular level of plan-
12 ning for Federal lands shall be conducted or made solely
13 at that level and may not be conducted or made, or recon-
14 sidered, at the level to which they are not assigned.

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

17 (A) in a resource management plan: in addition
18 to the matters specified in subsection (a) and sec-
19 tions 108, 109, 112, and 113, resource inventories
20 and analyses of cumulative effects of planning deci-
21 sions and subsequent management activities on the
22 various resources (including water quality) and val-
23 ues of the Federal lands to which the plan applies
24 shall be conducted; the relationship of the plan to
25 relevant State and local plans shall be discussed;

1 Federal land which may be exchanged or otherwise
2 made available for disposal shall be identified; and
3 decisions concerning wilderness, lands unsuitable for
4 certain activities, and visual objectives, shall be
5 made; and

6 (B) in the planning for a specific management
7 activity: analyses of site-specific resources and ef-
8 fects shall be conducted; decisions concerning the de-
9 sign of and requirements for the activity, including
10 decisions related to water quality effects of the activ-
11 ity, method for harvesting forest products, and rev-
12 enue benefits of the activity, shall be made; and a
13 schedule and procedures for monitoring the effects
14 of the activity shall be established.

15 **SEC. 106. PLANNING DEADLINES.**

16 (a) IN GENERAL.—Except as provided in section
17 104(d), the deadlines for completing planning and man-
18 agement activities and all decisions associated therewith
19 on Federal lands shall be—

20 (1) for preparation of a resource management
21 plan, 36 months;

22 (2) for development of an amendment to a re-
23 source management plan which is determined to be
24 significant, 18 months, and for development of an

1 amendment to a resource management plan which is
2 determined not to be significant, 12 months;

3 (3) for revision of a resource management plan,
4 30 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, 12 months,
8 and for a decision on a management activity which
9 is determined to be not significant in accordance
10 with regulations that define not significant, 9
11 months.

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

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

19 (a) INCONSISTENT OR CONFLICTING PLAN PROVI-
20 SIONS OR FEDERAL LANDS POLICIES OR DECISIONS.—
21 Except by amendment to or revision of the applicable re-
22 source management plan or as provided in subsection (c),
23 no policy may be applied to or decision made on a manage-
24 ment activity on the Federal lands subject to the plan if
25 that policy or decision is inconsistent with any provision

1 of the plan, including any basic element described in sec-
2 tion 105(a)(1)(A).

3 (b) PLAN CONTRIBUTION STATEMENT.—Each Sec-
4 retary shall report in writing in each decision to undertake
5 a management activity on the Federal lands that such de-
6 cision contributes to, or at a minimum does not preclude,
7 achievement of any of the basic elements of the applicable
8 resource management plan described in section
9 105(a)(1)(A) or take such action as required by subsection
10 (c)(1).

11 (c) RESTORING PLAN CONFORMITY; MAKING RE-
12 QUIRED PLANNING CHANGES.—(1) Whenever, as a result
13 of monitoring the implementation of a resource manage-
14 ment plan pursuant to section 116, planning a manage-
15 ment activity on Federal lands to which the plan applies,
16 or other circumstance, the Secretary concerned determines
17 that a conflict exists between any of the provisions of the
18 plan or that a policy or decision the Secretary would other-
19 wise establish or make is inconsistent with a provision of
20 the plan, whether the provision concerns a goal or objec-
21 tive, land allocation, output determination, environmental
22 policy or standard, or desired future condition, the Sec-
23 retary shall initiate immediately the process to amend or
24 review the plan to eliminate the conflict, inconsistency, or
25 departure: *Provided*, That the Secretary may waive for a

1 single specific management activity within any class of
2 management activities any provision in a resource man-
3 agement plan without an amendment to or revision of the
4 plan if such provision does not implement a nondis-
5 cretionary statutory requirement, no waiver of such provi-
6 sion has been provided previously during the term of the
7 plan for any activity within such class of management ac-
8 tivities, and the Secretary determines in writing that the
9 waiver is in the public interest.

10 (2) Any change in the management of any Federal
11 lands that is required by a law enacted, regulation promul-
12 gated, or court order issued, or is warranted by new infor-
13 mation that becomes available, after the adoption of the
14 resource management plan which applies to such lands
15 shall be effected by an amendment to or revision of the
16 plan, and, except where the Secretary determines such law
17 or court order requires otherwise and publishes the deter-
18 mination in the Federal Register, shall not become effec-
19 tive until a final decision is made on the amendment or
20 revision.

21 (d) PLAN REVISIONS.—Whenever a resource manage-
22 ment plan is revised, the Secretary shall consider all provi-
23 sions of the plan and all Federal lands and resources sub-
24 ject to the plan in the decision and environmental analysis
25 documents associated with the revision and may not ad-

1 dress only those particular provisions, lands, or resources
2 which may be identified by the Agency, any other Federal
3 agency, or any segment of the public at the time of revi-
4 sion as requiring review or alteration.

5 (e) CONTINUATION OF MANAGEMENT ACTIVITIES
6 DURING PLANNING.—(1) No management activities shall
7 be stayed during the process of preparing an amendment
8 to or revision of a resource management plan in anticipa-
9 tion of changes to be made by the amendment or revision,
10 except as otherwise required by this Act, court order, or
11 a formal declaration of the Secretary published in the Fed-
12 eral Register: *Provided*, That a specific management activ-
13 ity may be stayed by the responsible agency official for
14 a purpose that is unrelated to the purpose or likely effect
15 of the amendment or revision.

16 (2) The authority of the Secretary to make a formal
17 declaration pursuant to paragraph (1) may not be dele-
18 gated.

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

1 **SEC. 108. CONSIDERATION OF COMMUNITIES DEPENDENT**
2 **ON FEDERAL LANDS AND RESOURCES.**

3 (a) **RESPONSIBILITY FOR CONSIDERATION OF COM-**
4 **MUNITIES.**—In preparing, amending, or revising a re-
5 source management plan, the Secretary shall consider if,
6 and explain whether, the plan maintains to the maximum
7 extent feasible under this Act and other applicable law the
8 stability of each community dependent on the commodity
9 or non-commodity resources of the Federal lands to which
10 the plan applies.

11 (b) **PROCEDURE.**—The Secretary shall conduct dur-
12 ing, and publish in the environmental analysis document
13 prepared in, the process of developing a resource manage-
14 ment plan, or an amendment to or revision of such a plan,
15 an analysis for each community dependent on the com-
16 modity or non-commodity resources of the Federal lands
17 to which the plan applies that—

18 (1) examines the impacts of planning alter-
19 natives on the community, including its revenues
20 and budget, the level and quality of its public serv-
21 ices, wages for its residents, and its social condi-
22 tions:

23 (2) explains how resource allocations for the
24 planning alternatives would comport with or differ
25 from historic community expectations; and

1 (3) describes how those impacts were considered
2 in selecting a preferred alternative.

3 (c) DEFINITION.—The term “community dependent
4 on the commodity or non-commodity resources of the Fed-
5 eral lands” means a community which is located in a prox-
6 imity to Federal lands and is significantly affected so-
7 cially, economically, or environmentally by the allocation
8 of uses affecting one or more of the commodity or non-
9 commodity resources of those lands.

10 (d) REGULATIONS.—The Secretaries, in consultation
11 with the Secretaries of Commerce and Labor, shall estab-
12 lish by regulations the criteria for identifying communities
13 dependent on the commodity or non-commodity resources
14 of the Federal lands as defined in subsection (c).

15 **SEC. 109. ECOSYSTEM MANAGEMENT PRINCIPLES.**

16 The Secretaries shall consider and discuss ecosystem
17 management principles in the environmental analysis doc-
18 uments prepared for resource management plans, and
19 amendments to and revisions of such plans. Such prin-
20 ciples shall implement section 102, and shall be consistent,
21 and not be authority for noncompliance, with the other
22 requirements of this Act and other law applicable to re-
23 source management plan documents and decisions.

1 **PART C—ENCOURAGEMENT OF COLLABORATIVE**
2 **PLANNING**

3 **SEC. 110. PARTICIPATION OF LOCAL, MULTI-INTEREST**
4 **COMMITTEES.**

5 (a) INDEPENDENT COMMITTEES.—(1) The Secre-
6 taries shall include and analyze in any documentation
7 under section 102(2) of the National Environmental Pol-
8 icy Act of 1969 (42 U.S.C. § 4332(2)) related to the devel-
9 opment of a resource management plan, or an amendment
10 to or revision of such plan, and consider and discuss in
11 any decision document on such plan, amendment, or revi-
12 sion, any alternative for such plan, amendment, or revision
13 developed by an independent committee of local interests
14 as defined in paragraph (5).

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

1 (3) If the entirety or a significant part of an alter-
2 native of an independent committee of local interests ana-
3 lyzed pursuant to paragraph (1) is adopted by the Sec-
4 retary, the Secretary may provide to the committee ade-
5 quate monies from the appropriate fund established pur-
6 suant to section 118 or, if such monies are insufficient,
7 appropriated funds to enable the committee to monitor the
8 implementation and effects of the plan, amendment, or re-
9 vision referred to in paragraph (1) in accordance with the
10 schedule and procedures for monitoring provided in the
11 plan, amendment, or revision pursuant to section
12 105(a)(2)(C).

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

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

1 use or protection of a non-commodity resource or re-
2 sources on such lands.

3 (b) COMMITTEES ESTABLISHED BY THE SECRE-
4 TARIES.—(1) Each Secretary is authorized and encour-
5 aged to establish committees corresponding to the plan-
6 ning units established pursuant to section 104.

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

12 (3) Each committee established pursuant to para-
13 graph (1) is authorized to—

14 (A) advise the Secretary with jurisdiction over
15 the planning unit for which the committee is estab-
16 lished during the preparation of the resource man-
17 agement plan, or an amendment to or revision of the
18 plan, applicable to the unit; and

19 (B) monitor the implementation of the plan,
20 amendment, or revision.

21 (4) Each Secretary shall—

22 (A) in accordance with procedures established
23 by regulation, seek the advice of the committees es-
24 tablished pursuant to paragraph (1) as provided in
25 paragraph (3)(A); and

1 (B) provide to the committees established pur-
2 suant to paragraph (1) adequate monies from the
3 appropriate fund established pursuant to section 118
4 or, if such monies are insufficient, appropriated
5 funds to permit the committees to conduct the moni-
6 toring provided for in paragraph (3)(B).

7 **SEC. 111. CITIZEN PETITIONS FOR PLAN AMENDMENTS OR**
8 **REVISIONS.**

9 (a) PETITION FILING.—(1) A person may challenge
10 a resource management plan, or an amendment to or revi-
11 sion of such plan, after the deadline for filing an adminis-
12 trative appeal thereof established pursuant to section
13 122(b)(4) solely—

14 (A) on the basis of new information, law, or
15 regulation, as defined in subsection (d), that is perti-
16 nent to the issue on which the challenge is based;
17 and

18 (B) by a petition to the concerned Secretary for
19 amendment to or revision of the plan.

20 (2) The petition for plan amendment or revision shall
21 be filed in accordance with regulations adopted by the Sec-
22 retary and may include a request for a stay of any activi-
23 ties to which the requested amendment or revision would
24 apply.

1 (b) PETITION DECISION.—(1) The Secretary shall
2 accept or deny in writing a petition pursuant to subsection
3 (a) within 90 days, and any request for a stay within 5
4 days, of receipt of the petition.

5 (2) The decision of the Secretary to accept or deny
6 a petition shall not be subject to section 7 of the Endan-
7 gered Species Act of 1973 (16 U.S.C. § 1536) or section
8 102 of the National Environmental Policy Act of 1969 (42
9 U.S.C. § 4332).

10 (c) EFFECT OF PETITION DECISION.—(1) If the Sec-
11 retary accepts a petition pursuant to subsection (b), the
12 amendment or revision process shall begin on the date of
13 acceptance.

14 (2) If the Secretary denies a petition, or any part
15 thereof, or a request for a stay, pursuant to subsection
16 (b), or fails to render a decision on such petition within
17 90 days, or a request for a stay within 5 days, of receipt
18 of the petition, the person who filed the petition may seek
19 immediate judicial review pursuant to section 123.

20 (d) DEFINITION.—For purposes of this section, “new
21 information, law, or regulation” means any material and
22 significant information related to a resource management
23 plan, or an amendment to or revision of such plan, that
24 was not known to and considered by the Secretary in the
25 development of the plan, amendment, or revision, or any

1 law or regulation not in effect when the decision was made
2 to adopt the plan, amendment, or revision.

3 **SEC. 112. NOTICE AND COMMENT ON MANAGEMENT ACTIVI-**
4 **TIES.**

5 (a) IN GENERAL.—Each Secretary shall establish a
6 notice and comment process for proposed actions of the
7 Agency under the Secretary’s jurisdiction concerning ac-
8 tivities implementing resource management plans.

9 (b) NOTICE AND COMMENT.—(1) Prior to making a
10 final decision to undertake or authorize an action referred
11 to in subsection (a), the Secretary shall give notice of the
12 proposed action, and the availability of the proposed action
13 for public comment by—

14 (A) promptly mailing notice of the proposed ac-
15 tion to any person who has requested it in writing,
16 and to persons who are known to have participated
17 in the decisionmaking process; and,

18 (B)(i) in the case of any other action by the
19 Chief, Forest Service, or Director, Bureau of Land
20 Management, publishing notice of the action in the
21 Federal Register; or

22 (ii) in the case of any other action referred to
23 in subsection (a), publishing notice of the action in
24 a newspaper of general circulation that has pre-
25 viously been identified in the Federal Register as the

1 newspaper in which notice under this paragraph may
2 be published.

3 (2) Each Secretary shall accept comments on an ac-
4 tion referred to in subsection (a) within 30 days after the
5 publication in accordance with paragraph (1).

6 **PART D—CONSIDERATION AND DISCLOSURE OF**
7 **BUDGET AND FUNDING EFFECTS**

8 **SEC. 113. DISCLOSURE OF FUNDING CONSTRAINTS ON**
9 **PLANNING AND MANAGEMENT.**

10 The environmental analysis accompanying each re-
11 source management plan, or amendment to or revision of
12 a resource management plan, shall consider generally for
13 each alternative, and the decision on such plan shall deter-
14 mine specifically for the plan, how implementation of the
15 alternative or plan will be affected by, and what goals and
16 objectives, land allocations, outputs, environmental poli-
17 cies and standards, and desired future conditions as de-
18 scribed in section 105(a)(1)(A), shall be effective for the
19 alternative or plan within a range of possible levels of
20 funding of Agency programs determined reasonable by the
21 Secretary, with at least one level which provides less funds
22 annually, and one level which provides more funds annu-
23 ally, than the level of funding for the current fiscal year.

1 **SEC. 114. FULLY ALLOCATED COSTS ANALYSIS.**

2 The Secretaries shall specify, in the environmental
3 analysis documents prepared for resource management
4 plans, and amendments to and revisions of such plans, the
5 economic value and fully allocated cost (including foregone
6 revenues), expressed as a user fee or cost-per-beneficiary,
7 of each non-commodity output from the Federal lands to
8 which the plans apply.

9 **SEC. 115. BUDGET AND COST DISCLOSURES.**

10 (a) **PLAN IMPLEMENTATION.**—Commencing with the
11 fiscal budget for the fiscal year following enactment of this
12 Act, the requests presented by the President to the Con-
13 gress governing the planning and management of Federal
14 lands shall include as an appendix to the budget a state-
15 ment of what funds would be required to achieve 100 per
16 centum of annual outputs specified in, and to otherwise
17 implement fully the basic elements as described in, section
18 105(a)(1)(A) in the resource management plan for each
19 planning unit of the Federal lands.

20 (b) **PLAN PREPARATION.**—On or before July 1 of
21 each year after the date of enactment of this Act, each
22 Secretary shall submit a report to the Committees of Con-
23 gress that provides the total cost and costs per function
24 or procedure incurred in the preparation of each resource
25 management plan, significant amendment to or revision
26 of any such plan, and assessment pursuant to section 119,

1 which is published in the preceding calendar year. Such
2 costs shall include the costs of the Agency responsible for
3 preparation of the plan, amendment, revision, or assess-
4 ment and of any other Federal agency which participates
5 in the preparation of the plan, amendment, revision, or
6 assessment or prepares an opinion concerning or com-
7 ments on the compliance of the plan, amendment, revision,
8 or assessment with any Federal law or regulation adminis-
9 tered by such Federal agency.

10 **PART E—MONITORING AND ADAPTIVE**
11 **MANAGEMENT**

12 **SEC. 116. MONITORING.**

13 (a) IN GENERAL.—Using monies from the Moni-
14 toring Funds established pursuant to section 118 and,
15 where such monies are insufficient, appropriated funds,
16 each Secretary shall monitor, on a schedule established by
17 each resource management plan pursuant to section
18 105(a)(2)(C) but no less than every 2 years, the imple-
19 mentation of the plan and management of the Federal
20 lands subject to the plan and trends in the conditions and
21 uses of the resources on such lands to—

22 (1) ensure that no basic element of the plan as
23 described in section 105(a)(1)(A) is constructively
24 changed through a pattern of management activities

1 or of failures to undertake management activities;
2 and

3 (2) determine that no conflict has arisen be-
4 tween any of the basic elements of the plan as de-
5 scribed in section 105(a)(1)(A); and

6 (3) determine if circumstances warrant adaptive
7 management of any of the resources, to be author-
8 ized either—

9 (A) in accordance with requirements and
10 procedures prescribed in the plan, if such man-
11 agement will not require or result in any change
12 in the basic elements of the plan as described
13 in section 105(a)(1)(A), or

14 (B) by amendment to or revision of the
15 plan.

16 (b) MONITORING PROCEDURES.—The monitoring re-
17 quired by subsection (a) shall be conducted in accordance
18 with the procedures for monitoring prescribed in the appli-
19 cable resource management plan pursuant to section
20 105(a)(2)(C).

21 (c) ADAPTIVE MANAGEMENT CIRCUMSTANCES.—The
22 determination of circumstances warranting adaptive man-
23 agement pursuant to subsection (a)(3) shall be made in
24 accordance with the criteria for such determination con-

1 tained in the applicable resource management plan pursu-
2 ant to section 105(a)(2)(D).

3 **SEC. 117. ADAPTIVE MANAGEMENT AND OTHER CHANGES**
4 **DUE TO MONITORING.**

5 (a) CORRECTING CONSTRUCTIVE PLAN CHANGES.—
6 If, as a consequence of monitoring pursuant to section
7 116, the Secretary finds that a change described in section
8 116(a)(1) has occurred, the Secretary shall direct that
9 corrective management activities be undertaken to restore
10 compliance with the affected resource management plan
11 or that the plan be amended or revised.

12 (b) CORRECTING CONFLICTS BETWEEN PLAN ELE-
13 MENTS.—If, as a consequence of monitoring pursuant to
14 section 116, the Secretary finds that a conflict between
15 any of the basic elements of the affected resource manage-
16 ment described in section 105(a)(1)(A) exists, the Sec-
17 retary should take such action as required by section
18 107(e)(1).

19 (c) ENSURING ADAPTIVE MANAGEMENT.—If, as a
20 consequence of monitoring pursuant to section 116, the
21 Secretary finds pursuant to section 116(a)(3) that the cir-
22 cumstances warranting adaptive management to exist and
23 require an amendment to or revision of the affected re-
24 source management plan, the plan shall be amended or
25 revised.

1 **SEC. 118. 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 116 or pursuant to section 110(a)(3)
4 or 110(b)(4)(B) on Federal lands described in section
5 3(a)(4)(A).

6 (2) Funds deposited in the Forest Lands Monitoring
7 Fund shall be available, without fiscal year limitation or
8 further appropriation, to the Secretary of Agriculture to
9 conduct the monitoring required by section 116 or pursu-
10 ant to section 110(a)(3) or 110(b)(4)(B) on Federal lands
11 described in section 3(a)(4)(B).

12 (d) PRIVATE CONTRACTORS.—To conserve personnel
13 resources, each Secretary is encouraged to use private con-
14 tractors, including contractors under the Jobs in the
15 Woods Program, to conduct the monitoring required by
16 section 116 and any other monitoring related to the Fed-
17 eral lands, except monitoring conducted pursuant to sec-
18 tion 110(a)(3) and section 110(b)(4)(B). Any contracts
19 issued pursuant to this subsection shall comply with the
20 requirements of the McNamara-O’Hara Service Contract
21 Act (11 U.S.C. 351(a)).

1 **PART F—PLANNING-RELATED ASSESSMENTS**

2 **SEC. 119. PURPOSE AND AUTHORIZATION OF ECOREGION**
3 **AND OTHER ASSESSMENTS.**

4 (a) **PURPOSE.**—The purpose of this part is to author-
5 ize the development and prescribe the use, of assessments
6 of environmental, economic, and social issues and condi-
7 tions that transcend the boundaries of planning units es-
8 tablished pursuant to section 102 in order to inform re-
9 source management planning and the planning of manage-
10 ment activities on the Federal lands.

11 (b) **AUTHORIZATION.**—Each Secretary is authorized
12 to prepare or participate in the preparation of assessments
13 which may encompass all Federal lands and non-Federal
14 lands within a region or other geographic area that is not
15 a planning unit established pursuant to section 104(b) and
16 that is specified by the Secretary: *Provided*, That non-Fed-
17 eral lands that are not subject to the jurisdiction of a fed-
18 erally-recognized Indian tribe may be included in an as-
19 sessment only upon the written concurrence of the Gov-
20 ernor or Governors in whose States the lands are located
21 and non-Federal lands that are subject to the jurisdiction
22 of a federally-recognized tribe may be included in an as-
23 sessment only upon written concurrence of the tribe.

24 (c) **CONGRESSIONAL AND PUBLIC NOTIFICATION.**—
25 (1) Ninety days prior to initiating any assessment pursu-
26 ant to subsection (b), the Secretary or Secretaries shall

1 submit to the Committees of Congress and publish in the
2 Federal Register a notice of intention to prepare the as-
3 sessment.

4 (2) The notice required by paragraph (1) shall in-
5 clude a description of the region or geographic area and
6 the Federal lands and non-Federal lands, if any, to be in-
7 cluded in the assessment; the officials to be responsible
8 for the assessment; the estimated cost of, and deadlines
9 for, the assessment; the charter for, or other instructions
10 concerning the conduct and substance of the assessment;
11 the procedures for ensuring participation of the affected
12 States, local governments, and tribes and the public in the
13 preparation of the assessment; a thorough explanation of
14 how the region or geographic area that is the subject of
15 the assessment was identified and the attributes which es-
16 tablish the region or area; and the detailed reasons for
17 the decision to initiate the assessment.

18 **SEC. 120. STATUS, EFFECT, AND APPLICATION OF ASSESS-**
19 **MENTS.**

20 (a) **NONDECISIONAL STATUS.**—The assessments pre-
21 pared pursuant to section 119 shall not contain any deci-
22 sions concerning resource management planning or man-
23 agement activities on the Federal lands. Any decision con-
24 cerning resource management planning or management
25 activities which reflects or employs information or analyses

1 contained in an assessment prepared pursuant to section
2 119 shall be made in accordance with section 104(c) and
3 this section.

4 (b) APPLICATION OF ASSESSMENTS.—(1) Within 180
5 days of the completion of an assessment pursuant to sec-
6 tion 119, each Forest Supervisor of the Forest Service and
7 State Director of the Bureau of Land Management with
8 jurisdiction over Federal lands to which the assessment
9 applies shall review the assessment and determine whether
10 the information contained therein warrants an amendment
11 to or revision of any resource management plan applicable
12 to such lands as required by section 104(c).

13 (2) If an amendment to or revision of a resource
14 management plan is determined warranted pursuant to
15 paragraph (1), such amendment or revision shall be com-
16 pleted within the applicable deadline established by section
17 106 and otherwise comply with the requirements of this
18 Act and other applicable law.

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

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

4 (c) APPLICABILITY OF OTHER LAWS.—In accordance
5 with the limited status provided in subsection (a) for an
6 assessment prepared pursuant to section 119, each such
7 assessment shall not be subject to section 102(2) of the
8 National Environmental Policy Act of 1969 (42 U.S.C.
9 § 4332(2)), and subsections (a) through (d) of section 7
10 of the Endangered Species Act of 1973 (16 U.S.C.
11 § 1536(a)–(d)).

12 **SEC. 121. REPORTS TO CONGRESS ON ASSESSMENTS.**

13 (a) REPORTS OF THE SECRETARIES.—Each Sec-
14 retary shall submit a report to the Committees of Con-
15 gress on or before January 1 of the year following the
16 date of enactment of this Act, and of each second year
17 thereafter, on any assessment prepared pursuant to sec-
18 tion 119, any implementations for Federal land manage-
19 ment derived from such assessments, and any amend-
20 ments to or revisions of resource management plans based
21 on such assessments. Each report also shall contain an
22 analysis by the Secretary of the benefits and detriments
23 of such assessments and any recommendations of the Sec-
24 retary for improving the content and application of such
25 assessments.

1 (b) GAO REPORTS.—The United States General Ac-
2 counting Office shall prepare and submit to the Commit-
3 tees of Congress—

4 (1) on or before the date three years after the
5 date of publication of each assessment prepared pur-
6 suant to section 119, a report on the assessment
7 which shall contain—

8 (A) a review of the degree of protection for
9 non-commodity resources on, and the level of
10 goods and services from, the Federal lands sub-
11 ject to the assessment that are projected by the
12 assessment;

13 (B) an evaluation of whether such re-
14 sources were protected and such goods and
15 services were provided as projected and, if not,
16 the reasons therefore; and

17 (C) recommendations concerning changes
18 to the assessment or in management of the af-
19 fected Federal lands to provide more accurate
20 projections of, or better delivery of, resource
21 protection and goods and services on and from
22 such lands; and

23 (2) on or before the date seven years after the
24 date of enactment of this Act, a report on the effi-
25 cacy of assessments conducted pursuant to section

1 119 in assisting the Agencies to comply with the re-
2 requirements of this Act and other applicable law.

3 **PART G—CHALLENGES TO PLANNING**

4 **SEC. 122. ADMINISTRATIVE APPEALS.**

5 (a) APPEALS REGULATIONS.—Each Secretary shall
6 promulgate regulations to govern administrative appeals
7 of decisions to approve resource management plans, and
8 amendments to and revisions of such plans, and to ap-
9 prove or disapprove management activities for or on the
10 Federal lands.

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

13 (1) provide that any person may bring an ad-
14 ministrative appeal of a decision to approve a re-
15 source management plan, or an amendment to or re-
16 vision of such a plan, or to approve, disapprove, or
17 otherwise take final action on a management activity
18 if he or she has submitted written comments during
19 the preparation of such plan, amendment, revision,
20 or activity on the issue or issues for which adminis-
21 trative review is sought: *Provided*, That this para-
22 graph shall not apply when either no opportunity
23 was accorded to the public to submit comments or
24 when no opportunity was available to raise such
25 issue or issues because such issue or issues were

1 manifest only after the close of the comment period
2 or other demonstrated reason;

3 (2) provide that an administrative appeal of a
4 decision to approve a resource management plan, or
5 an amendment to or revision of such a plan, may
6 not challenge any analysis or decision assigned to
7 management activities pursuant to section
8 105(b)(2)(B) and an administrative appeal of a deci-
9 sion to approve, disapprove, or otherwise take final
10 action on a management activity may not challenge
11 any analysis or decision assigned to resource man-
12 agement plans pursuant to section 105(b)(2)(A);

13 (3) require that a person who seeks administra-
14 tive review of a resource management plan, or an
15 amendment to or revision of such a plan, on the
16 basis of new information, law, or regulation as de-
17 fined in section 111(d) must petition for an amend-
18 ment or revision of the affected plan in accordance
19 with section 111;

20 (4) establish deadlines after the final decision to
21 adopt a plan, amendment, or revision, or to approve,
22 disapprove, or take final action on an activity, by
23 which any administrative appeal, other than a peti-
24 tion pursuant to section 111, must be filed: *Pro-*
25 *vided*, That such deadlines shall be not more than

1 120 days after a plan or revision decision, 90 days
2 after an amendment decision, and 45 days after an
3 activity decision;

4 (5) establish deadlines after the filing of admin-
5 istrative appeals pursuant to paragraph (4) by which
6 final decisions on the appeals must be rendered: *Pro-*
7 *vided*, That such deadlines shall be not more than
8 120 days after the date of filing of an appeal of a
9 plan or a revision, 90 days after the date of filing
10 of an appeal of an amendment, and 45 days after
11 the date of filing of an appeal of an activity: *Pro-*
12 *vided further*, That the Secretary may extend the
13 deadline for a specific appeal for not more than 15
14 days by a written statement which provides the rea-
15 sons for such extension.

16 (6) provide that, in the event of a failure to
17 render a final decision on an administrative appeal
18 by the deadline established pursuant to paragraph
19 (5), the decision on which the appeal is based is
20 deemed to be a final agency action for the purpose
21 of chapter 7 of title 5, United States Code.

22 (7) provide that the Secretary shall consider
23 and balance the environmental and/or economic in-
24 jury to any affected persons in determining whether
25 to issue a stay pending the appeal or petition;

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

3 (A) the conclusion of the applicable period
4 for filing an administrative appeal established
5 pursuant to paragraph (4) if no appeal is timely
6 filed;

7 (B) 30 days from the date of, or deadline
8 established pursuant to paragraph (5) for, a
9 final decision on an appeal of a resource man-
10 agement plan or an amendment to or revision
11 of such a plan; and

12 (C) 15 days from the date of, or deadline
13 established pursuant to paragraph (5) for, a
14 final decision on an appeal of a management
15 activity; and

16 (9) establish categories of or criteria for man-
17 agement activities which, because of emergency,
18 time-sensitive, or other exigent circumstances, shall
19 not be eligible for administrative appeals and for
20 which lawsuits may be filed immediately after the
21 decisions to authorize such activities.

22 (c) REPEALER.—The regulations required of the For-
23 est Service by this section and section 116 shall replace
24 any regulations promulgated pursuant to section 322 of
25 Public Law 102–381 (106 Stat. 1419–1420). Upon the

1 effective date of the regulations of the Forest Service re-
2 quired by this section, such section 322 is repealed.

3 **SEC. 123. JUDICIAL REVIEW.**

4 (a) VENUES.—(1) Any suit to challenge a resource
5 management plan, or an amendment to or a revision of
6 such a plan, shall be filed in the United States Circuit
7 Court of Appeals for the circuit in which are located the
8 Federal lands to which the plan applies: *Provided*, That
9 if the Federal lands to which a plan applies are located
10 in more than one circuit, the suit shall be filed in the
11 Court of Appeals for the circuit which contains the largest
12 portion of such lands.

13 (2) Any suit filed to challenge a management activity
14 or decision to deny a petition for amendment to or revision
15 of a resource management plan shall be filed in the United
16 States district court for the district in which are located
17 the Federal lands on which the activity would occur or
18 to which the plan applies: *Provided*, That if the Federal
19 lands to which the plan applies are located in more than
20 one district, the suit shall be filed in the district court
21 for the district which contains the largest portion of such
22 lands.

23 (b) STANDING.—(1) Subject to paragraph (2), any
24 person (including a person that sustains economic injury
25 as a direct or indirect result of the implementation of, or

1 a violation of, this Act, the Federal Land Policy and Man-
2 agement Act of 1976 (43 U.S.C. § 1701 et seq.), or the
3 Forest and Rangeland Renewable Resources Planning Act
4 of 1974 (16 U.S.C. § 1600 et seq.), or a regulation issued
5 under any such Act by the United States or any agency
6 or official of the United States) may—

7 (A) to the full extent permitted by the Constitu-
8 tion without regard to any prudential limitations,
9 commence a civil suit to—

10 (i) remedy any violation of any such Act or
11 a regulation issued under any such Act by the
12 United States or any agency or official of the
13 United States; or

14 (ii) challenge any such Act or a regulation
15 issued under any such Act or the implementa-
16 tion of the Act or the regulation; and

17 (B) intervene as a matter of right in any suit
18 brought under any such Act that threatens to cause
19 injury to the person or relates to any injury sus-
20 tained by the person, which intervenor shall have the
21 same right to present argument as do the parties to
22 the suit and the right to participate in any settle-
23 ment discussions.

24 (2) Standing to obtain judicial review of a resource
25 management plan, an amendment to or a revision of such

1 a plan, or a management activity shall be available only
2 to persons who have—

3 (A) participated in the preparation of such
4 plan, amendment, revision, or activity through the
5 submission of written comments on the issue or
6 issues for which judicial review is sought, unless an
7 opportunity to submit such comments was not pro-
8 vided to the public or no opportunity was available
9 to raise such issue or issues because such issue or
10 issues were manifest only after the close of the com-
11 ment period or other demonstrated reason.

12 (B) raised such issue or issues in seeking, or
13 demonstrated that such issue or issues have been
14 raised in, administrative review pursuant to section
15 122 of such plan, amendment, revision, or activity,
16 other than an activity subject to section 122(b)(9);
17 and

18 (C) exhausted the opportunities for administra-
19 tive review pursuant to section 122, except for an
20 activity subject to section 122(b)(9).

21 (c) DEADLINES.—(1) Any suit brought pursuant to
22 this section must be filed not more than 90 days after
23 the final decision on the administrative appeal of a re-
24 source management plan or an amendment to or a revision
25 of such plan, and not more than 30 days after the decision

1 to deny a petition for amendment to or revision of a re-
2 source management plan, the final decision on an adminis-
3 trative appeal of a management activity not subject to sec-
4 tion 122(b)(9), or the decision to approve or disapprove
5 a management activity subject to section 122(b)(9).

6 (2) Except as provided in subsection (d), the plan,
7 amendment, revision, activity, or petition shall not be re-
8 viewable either directly or indirectly as part of any other
9 decision concerning the Federal lands for compliance with
10 any provision of law or regulation in existence at the con-
11 clusion of the applicable period established by paragraph
12 (1).

13 (d) SUITS BASED ON NEW INFORMATION, LAW, OR
14 REGULATION.—A suit brought pursuant to this section
15 shall not allege or rely upon new information, law, or regu-
16 lation as defined in section 111(d) unless the party has
17 petitioned the Secretary pursuant to section 111 and the
18 Secretary has denied such petition or approved such peti-
19 tion and completed the amendment or revision process.

20 (e) ADMINISTRATIVE RECORD.—The record before
21 the court in any suit brought pursuant to this section shall
22 be limited to the administrative record and such additional
23 written evidence as the court shall permit.

24 (f) OTHER CITIZEN SUITS.—Subsections (b)(1)(A)
25 and (c) through (e) shall not apply to any suit brought

1 under a provision authorizing citizen suits in any law not
2 referred to in subsection (b)(1): *Provided*, That the dead-
3 line for filing any such suit shall be no later than 7 days
4 after the conclusion of any period of advanced notice by
5 such provision.

6 **TITLE II—COORDINATION AND**
7 **COMPLIANCE WITH OTHER**
8 **ENVIRONMENTAL LAWS**

9 **SEC. 201. PURPOSES.**

10 The purposes of this title are to coordinate, and elimi-
11 nate conflicting procedures of the Federal land manage-
12 ment and other environmental laws; to assign clear re-
13 sponsibility for meeting the standards and requirements
14 of such laws, and securing protection of the environment
15 and resources, on the Federal lands; and to reduce the
16 time and cost, and thereby improve the efficiency and ef-
17 fectiveness, in achieving such protection.

18 **SEC. 202. ENVIRONMENTAL ANALYSIS.**

19 (a) RESOURCE MANAGEMENT PLAN ANALYSIS.—(1)
20 In developing a resource management plan or a revision
21 to such a plan, the Secretary shall prepare an environ-
22 mental impact statement pursuant to section 102(2)(C)
23 of the National Environmental Policy Act of 1969 (42
24 U.S.C. § 4332(2)(C)).

1 (2) The environmental impact statement required by
2 paragraph (1) shall analyze all matters in the resource
3 management plan, including those assigned to resource
4 management plans by or pursuant to subsections (a) and
5 (b)(2)(A) of section 105, and contain all other analyses
6 required to be included in environmental impact state-
7 ments by this Act and the National Environmental Policy
8 Act of 1969 (42 U.S.C. § 4321, et seq.).

9 (3) In developing an amendment to a resource man-
10 agement plan, the Secretary shall prepare either an envi-
11 ronmental impact statement or an environmental assess-
12 ment as may be required by section 102(2) of the National
13 Environmental Policy Act of 1969 (42 U.S.C. 4332(2)).
14 The statement or assessment shall contain all analyses re-
15 quired by this Act and the National Environmental Policy
16 Act of 1969 (42 U.S.C. § 4321, et seq.).

17 (b) MANAGEMENT ACTIVITY ANALYSIS.—(1) In plan-
18 ning a management activity on the Federal lands, other
19 than an activity which the Secretary determines to be cat-
20 egorically excluded from the requirements of section
21 102(2) of the National Environmental Policy Act of 1969
22 (42 U.S.C. § 4332(2)), the Secretary shall prepare an en-
23 vironmental assessment pursuant to section 102(2)(E) of
24 such Act (42 U.S.C. § 4332(2)(E)) which shall be tiered
25 to, and incorporate by reference the relevant analysis in,

1 the environmental impact statement on the applicable re-
2 source management plan: *Provided*, That, if the Secretary,
3 in the discretion of, and in accordance with regulations
4 promulgated by, the Secretary, determines that the nature
5 or scope of potential environmental consequences of a
6 management activity is substantially different from or
7 greater than the nature or scope of the consequences con-
8 sidered in the environmental impact statement on the ap-
9 plicable resource management plan, the environmental
10 analysis document for the activity shall be an environ-
11 mental impact statement pursuant to section 102(2)(C)
12 of such Act.

13 (2) The environmental assessment or environmental
14 impact statement required by paragraph (1) shall analyze
15 the matters associated with the management activity
16 which are assigned to management activities by or pursu-
17 ant to section 105(b)(2)(B).

18 **SEC. 203. WILDLIFE PROTECTION.**

19 (a) ENDANGERED SPECIES ACT ANALYSIS.—(1) In
20 developing a resource management plan, an amendment
21 to or revision of such a plan, or a management activity
22 on the Federal lands, the Agency, on the basis of the best
23 scientific and commercial data available, shall ensure, pur-
24 suant to section 7 of the Endangered Species Act of 1973
25 (16 U.S.C. § 1536), that the plan, amendment, revision,

1 or activity is not likely to jeopardize the continued exist-
2 ence of any species determined to be endangered or threat-
3 ened, or result in the destruction or adverse modification
4 of habitat of such species designated as critical, pursuant
5 to section 4 of such Act, except that the Agency, upon
6 certification pursuant to paragraph (2), shall perform all
7 functions in the processes established in subsections (a)
8 through (c) of such section 7 (16 U.S.C. § 1536 (a)–(c))
9 which are assigned by such subsections or implementing
10 regulations to the Secretary of the Interior, as delegated
11 to the U.S. Fish and Wildlife Service, or the Secretary
12 of Commerce, as delegated to the National Marine Fish-
13 eries Service.

14 (2)(A) Each Agency may apply to the Director, U.S.
15 Fish and Wildlife Service, to be certified to perform, pur-
16 suant to paragraph (1), all functions in the processes es-
17 tablished in subsections (a) through (c) of section 7 of the
18 Endangered Species Act of 1973. The application shall
19 contain a detailed summary of the personnel and funds
20 available to, and the procedures adopted by, the Agency
21 to perform such functions.

22 (B) The Director shall have 30 days from the date
23 of submission to notify the Agency of any further informa-
24 tion required by the Director to consider the application
25 submitted pursuant to subparagraph (A).

1 (C) The Director, in consultation with the Director
2 of the National Marine Fisheries Service, shall render a
3 decision on an application submitted pursuant to subpara-
4 graph (A) within 90 days of the receipt thereof or of the
5 submission by the Agency of further information pursuant
6 to subparagraph (B), whichever is later: *Provided*, That
7 if the Director fails to render a decision by such date, the
8 Agency shall be deemed certified to perform the functions
9 described in subparagraph (A).

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

14 (E) The decision of the Director on an application
15 submitted pursuant to subparagraph (A) shall not be sub-
16 ject to subsections (a) through (e) of section 7 of the En-
17 dangered Species Act of 1973 and section 102(2) of the
18 National Environmental Policy Act of 1969 (42 U.S.C.
19 § 4332(2)).

20 (F) If an application of an Agency to be certified pur-
21 suant to this paragraph is denied, the Agency may file
22 a subsequent application or applications pursuant to sub-
23 paragraph (A) at intervals of no less than one year each
24 until such time as it receives certification.

1 (b) EFFECT ON MANAGEMENT ACTIVITIES.—(1)
2 Whenever a species is determined to be an endangered
3 species or a threatened species, or critical habitat is des-
4 ignated, pursuant to section 4 of the Endangered Species
5 Act of 1973 (16 U.S.C. § 1533) and the species or habitat
6 is located on Federal lands, the Agency with jurisdiction
7 over such lands shall determine whether the procedure es-
8 tablished by section 7(a)(2) of such Act (16 U.S.C.
9 § 1536(a)(2)) and subsection (a) of this section is required
10 on each resource management plan applicable to such
11 lands within 90 days of the date of the determination or
12 designation. Any amendment to or revision of a resource
13 management plan resulting from the determination or des-
14 ignation that such procedure is required shall be com-
15 pleted within 12 months or 18 months, respectively, from
16 the date of the determination or designation.

17 (2) If the procedure prescribed by section 7(a)(2) of
18 such Act and subsection (a) of this section is required on
19 a resource management plan (or an amendment to or revi-
20 sion of the plan), the Agency implementing the plan may
21 authorize, fund, or carry out any agency action that is
22 consistent with the plan prior to completion of the proce-
23 dure on the plan if the procedure prescribed by such sec-
24 tion 7(a)(2) and subsection (a) of this section concerning

1 the same species or critical habitat is conducted on the
2 action or if such procedure is not required on the action.

3 **SEC. 204. WATER QUALITY PROTECTION.**

4 Any management activity on the Federal lands which
5 constitutes a nonpoint source of water pollution, including,
6 but not limited to, any activity associated with the har-
7 vesting and transporting of forest products, which is cer-
8 tified by the State in which such Federal lands are located
9 to meet best management practices or the functional
10 equivalent thereof shall be deemed to be in compliance
11 with any applicable requirements arising from sections
12 208(b), 303(d), and 319(b) of the Clean Water Act (33
13 U.S.C. §§ 1288(b), 1313(d), and 1329(b)) and section
14 6217 of the Coastal Zone Act Reauthorization Amend-
15 ments of 1990 (16 U.S.C. § 1455b): *Provided*, That the
16 Agency is not required to seek such certification for any
17 management activity.

18 **SEC. 205. AIR QUALITY PROTECTION.**

19 Notwithstanding the provisions of section 118(a) of
20 the Clean Air Act (42 U.S.C. § 7418), upon a finding by
21 a forest supervisor of the Forest Service or a district man-
22 ager of the Bureau of Land Management that a prescribed
23 use of fire on Federal lands within the jurisdiction of such
24 official would reduce the risk of greater emissions from
25 a wildfire and will be conducted in a manner that mini-

1 mizes impacts on air quality to the extent practicable,
2 after an opportunity for review by the governor, such use
3 shall be deemed to be in compliance with any applicable
4 requirements of any State implementation plan under sec-
5 tion 110 of such Act (42 U.S.C. § 7410), and any require-
6 ments imposed by the U.S. Environmental Protection
7 Agency under such Act.

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

9 To improve and coordinate the management of Fed-
10 eral lands, the Secretary may, in his discretion, meet to
11 discuss matters of mutual concern with one or more: hold-
12 ers of or applicants for permits, leases, contracts, or other
13 authorizations for use of the Federal lands; other persons
14 who conduct activities on the Federal lands; and persons
15 who own or manage lands adjacent to the Federal lands;
16 or their representatives. The Federal Advisory Committee
17 Act (5 U.S.C. App.) shall not apply to meetings with any
18 such individuals under this section: *Provided*, That noth-
19 ing in this section shall be deemed to affect the exemption
20 from the Federal Advisory Committee Act provided for
21 meetings with elected officers of State, local and tribal
22 governments by section 204(b) of the Unfunded Mandates
23 Reform Act of 1995 (2 U.S.C. § 1534(b)).

1 **TITLE III—DEVELOPMENT OF A**
2 **GLOBAL RENEWABLE RE-**
3 **SOURCES ASSESSMENT**

4 **SEC. 301. PURPOSES.**

5 The purposes of this title are to eliminate a level of
6 Forest Service planning in accordance with section 104(a);
7 to repeal the provisions of the Forest and Rangeland Re-
8 newable Resources Planning Act of 1974 concerning the
9 Renewable Resource Assessment and Renewable Resource
10 Program, which continually have been altered by other
11 agencies and political appointees within the Executive
12 Branch and routinely have been ignored by the Forest
13 Service as a guide to the development of resource manage-
14 ment plans and management activities; to provide for the
15 preparation of a Global Renewable Resources Assessment;
16 and to establish an independent National Council on Re-
17 newable Resources Policy to be responsible for the Assess-
18 ment.

19 **SEC. 302. GLOBAL RENEWABLE RESOURCES ASSESSMENT.**

20 (a) ASSESSMENT.—(1) In recognition of the vital im-
21 portance of renewable resources of the forest, range, and
22 other associated lands to national and international social,
23 economic, and environmental well-being, and of the neces-
24 sity for a long term perspective in the use and conserva-
25 tion of such resources and lands, the National Council on

1 Renewable Resources Policy established under section 303
2 shall prepare a Global Renewable Resources Assessment
3 (hereinafter in this title referred to as the “Assessment”).

4 (2) The Assessment shall be prepared and submitted
5 to the Committees of Congress not later than 5 years from
6 the date of enactment of this Act and within each succes-
7 sive 5-year period thereafter.

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

10 (1) an analysis of present and anticipated na-
11 tional and international uses of, demand for, and
12 supply of the renewable resources, with an emphasis
13 on pertinent supply and demand and price relation-
14 ship trends;

15 (2) an inventory of present and potential na-
16 tional and international renewable resources, and an
17 evaluation of opportunities for improving the yield of
18 tangible and intangible goods and services from
19 these resources, together with estimates of invest-
20 ment costs and direct and indirect returns to the
21 various governments;

22 (3) an analysis of the environmental con-
23 straints, and the effects thereof, on production of
24 the renewable resources in the United States and in
25 other countries;

1 (1) to prepare and submit to the committees of
2 Congress the Global Renewable Resources Assess-
3 ment required by section 302;

4 (2) from time to time during the 5-year periods
5 between each assessment, as it deems appropriate,
6 to submit recommendations for administrative
7 changes or initiatives to the agencies or legislative
8 changes or initiatives to the committees of Congress;
9 and

10 (3) to conduct such analyses as requested by
11 the committees of Congress or the agencies.

12 (c) MEMBERSHIP; CHAIR.—(1) The Council shall be
13 composed of 15 members, including 5 members appointed
14 by the President, 5 members appointed by the President
15 pro tempore of the Senate, and 5 members appointed by
16 the Speaker of the House of Representatives.

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

19 (d) TERMS; VACANCIES.—(1) Except as provided in
20 paragraphs (2) and (3), each member of the Council shall
21 hold office for a term of 7 years and until a successor
22 is appointed.

23 (2) Any member appointed to fill a vacancy occurring
24 prior to the expiration of the term for which the member's

1 predecessor was appointed shall be appointed for the re-
2 mainder of such term.

3 (3) The terms of the 5 members appointed by each
4 official which first take office after the enactment of this
5 Act shall expire as designated by the official at the time
6 of the appointment, one at the end of 3 years, one at the
7 end of 4 years, one at the end of 5 years, one at the end
8 of 6 years, and one at the end of 7 years.

9 (4) A vacancy in the Council shall not impair the
10 right of the remaining members to perform the functions
11 authorized in subsection (b).

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

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

19 (f) COMPENSATION.—(1) The members of the Coun-
20 cil who are not officers or employees of the United States,
21 while attending conferences, hearings or meetings of the
22 Council or while otherwise serving at the request of the
23 Chair shall each be entitled to receive compensation at a
24 rate not in excess of the maximum rate of pay for grade
25 GS-18, as provided in the General Schedule under section

1 5332 of title 5, United States Code, including travel time,
2 and while away from their homes or regular places of busi-
3 ness shall each be reimbursed for travel expenses, includ-
4 ing per diem in lieu of subsistence as authorized by section
5 5703 of title 5, United States Code, for persons in Govern-
6 ment service employed intermittently.

7 (2) The Executive Director shall be paid at a rate
8 of pay not in excess of the rate of pay for grade GS-18,
9 as provided in the General Schedule under section 5332
10 of title 5, United States Code.

11 (g) CONTRACT AUTHORITY; FEDERAL AGENCY CO-
12 OPERATION.—(1) In the performance of its functions, the
13 Council is authorized to contract with the National Acad-
14 emy of Sciences and the National Academy of Engineering
15 (acting through the National Research Council), and other
16 nongovernmental entities, for the investigation of matters
17 within their competence.

18 (2) The heads of the departments, agencies, and in-
19 strumentalities of the executive branch of the Federal
20 Government shall cooperate with the Council in the per-
21 formance of its functions, and shall furnish to the Council
22 such information as the Council deems necessary to carry
23 out its functions. To the maximum extent feasible, the
24 Council shall avoid undertaking, and shall incorporate in
25 the Assessment as warranted, survey, inventory, or data

1 collection activities otherwise conducted or capable of
2 being conducted by agencies of the executive branch of the
3 Federal Government, including the Forest Inventory and
4 Analysis prepared by the Forest Service.

5 (3) Nothing in this title shall be deemed to diminish
6 or otherwise restrict the authority and obligation of the
7 Forest Service to conduct the Forest Inventory and Anal-
8 ysis and any other analyses authorized or required by law.

9 (h) APPOINTMENT OF PERSONNEL.—In addition to
10 authority to appoint personnel subject to the provisions
11 of title 5, United States Code, governing appointments in
12 the competitive service, and to pay such personnel in ac-
13 cordance with the provisions of chapter 51 and subchapter
14 III of chapter 53 of such title relating to classification and
15 General Schedule pay rates, the Council shall have author-
16 ity to enter into contracts with private or public organiza-
17 tions who may furnish the Council with such administra-
18 tive and technical personnel as may be necessary to carry
19 out the purposes of this title. Personnel furnished by such
20 organizations under this subsection are not, and shall not
21 be considered to be, Federal employees for any purposes,
22 but in the performance of their duties shall be guided by
23 the standards which apply to employees of the legislative
24 branches under rules 41 and 43 of the Senate and House
25 of Representatives, respectively.

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

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

9 (j) TRANSMITTALS OF THE ASSESSMENT, BUDGET
10 REQUESTS, AND LEGISLATIVE RECOMMENDATIONS.—(1)
11 Whenever the Council submits any budget estimate or re-
12 quest to the President or the Office of Management and
13 Budget, it shall transmit concurrently copies of that esti-
14 mate or request to the Appropriations Committees of the
15 Senate and House of Representatives.

16 (2) Whenever the Council transmits the Assessment,
17 analyses, or recommendations referred to in subsection (b)
18 or any testimony or any comments on legislation to the
19 Agencies, the President, or the Office of Management and
20 Budget, it shall transmit concurrently copies thereof to the
21 Committees of Congress. No officer or agency of the
22 United States shall have any authority to require the
23 Council to submit its Assessment, analyses, or rec-
24 ommendations referred to in subsection (b), or any testi-
25 mony or any comments on legislation, to any officer or

1 agency of the United States for approval, comments, or
2 review prior to the submission of the Assessment, anal-
3 yses, recommendations, testimony or comments to the
4 Committees of Congress. In instances where the Council
5 voluntarily seeks to obtain such comments or review of any
6 officer or agency of the United States, the Council shall
7 include a description of such action in the Assessment,
8 analyses, recommendations, testimony, or comments which
9 it transmits to the Congress.

10 **SEC. 304. REPEAL OF CERTAIN PROVISIONS OF THE FOR-**
11 **EST AND RANGELAND RENEWABLE RE-**
12 **SOURCES PLANNING ACT.**

13 The following sections of the Forest and Rangeland
14 Renewable Resources Planning Act (16 U.S.C. §§ 1601 et
15 seq.) (as redesignated by section 2 of, and otherwise
16 amended by, the National Forest Management Act of
17 1976 (90 Stat. 2949)) are amended—

18 (1) in section 3—

19 (A) by deleting subsections (a), (b), and
20 (c);

21 (B) in subsection (d)—

22 (i) by redesignating paragraphs (1),
23 (2), and (3) as subsections (a), (b), and
24 (c), respectively;

- 1 (ii) in paragraph (1), redesignated as
2 subsection (a) by clause (i), by deleting
3 “budget together with the annual report
4 provided for under section 8(c) of this
5 Act,” and inserting “budget,”; and
- 6 (iii) in paragraph (3), redesignated as
7 subsection (c) by clause (i), by deleting
8 “subsection (d)” and inserting “section”;
9 and
- 10 (C) by redesignating subsection (e) as sub-
11 section (d);
- 12 (2) by deleting section 4 in its entirety;
- 13 (3) in section 5, by deleting “As a part of the
14 Assessment, the” and inserting “The”;
- 15 (4) in section 6—
- 16 (A) in subsection (a), by deleting “As a
17 part of the Program provided for by section 3
18 of this Act, the” and inserting “The”; and
- 19 (B) in subsection (g)(3), by deleting “de-
20 veloped to achieve the goals of the Program”;
- 21 (5) in section 7, by deleting “Assessment, re-
22 source surveys, and Program” and inserting “re-
23 source surveys”; and
- 24 (6) by deleting section 8 in its entirety.

TITLE IV—ADMINISTRATION

PART A—IN GENERAL

SEC. 401. CONFIRMATION OF THE CHIEF OF THE FOREST SERVICE.

(a) CONFIRMATION.—The Forest Service, Department of Agriculture, shall be headed by the Chief who shall be appointed by the President, by and with the advice and consent of the Senate. As an exercise of the rule-making power of the Senate, any nomination of the Chief submitted to the Senate for confirmation, and referred to a committee, shall be referred to the Committee on Agriculture, Nutrition, and Forestry and the Committee on Energy and Natural Resources. No person may undertake the functions or exercise the authority of a Chief for more than 180 days without the advice and consent of the Senate.

(b) QUALIFICATIONS.—In nominating a Chief for appointment pursuant to subsection (a), the President shall select a person who is exceptionally qualified for such position by virtue of—

(1) possession of a degree in a scientific or engineering discipline that is relevant to decisions concerning management of the Federal lands;

(2) for a period of not less than 5 years, having had direct responsibility for, and possessed and exer-

1 cised authority to make decisions concerning, the
2 management, or research pertaining to the manage-
3 ment, of Federal lands or other lands administered
4 for purposes that are not dissimilar to the purposes
5 for which Federal lands are managed; and

6 (3) for a period of not less than 5 years, having
7 administered a program or office which has or had
8 a number of employees equal to or greater than the
9 average number of full-time equivalent employees in
10 national forest supervisors offices of the Forest
11 Service on or about the date of the appointment.

12 **SEC. 402. INTERAGENCY TRANSFER AND INTERCHANGE AU-**
13 **THORITY.**

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

1 (b) CONDITIONS.—(1) Transfers or interchanges
2 made pursuant to subsection (a) shall be without reim-
3 bursement or transfer of funds.

4 (2) Lands transferred or interchanged pursuant to
5 subsection (a) shall become a part of the Federal lands
6 under the jurisdiction of, and managed in accordance with
7 the laws pertaining to and regulations of, the Agency
8 which receives the lands: *Provided*, That no special des-
9 ignation of, or special management direction applicable to,
10 such lands provided by Act of Congress may be modified
11 or removed except by another Act of Congress and no spe-
12 cial designation of such lands in a resource management
13 plan applicable to such lands prior to the transfer or inter-
14 change may be removed or altered except by amendment
15 to or revision of the resource management plan applicable
16 to such lands after the transfer or interchange.

17 (3) The transfer or interchange of lands pursuant to
18 subsection (a) shall be subject to valid existing rights.

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

1 **SEC. 403. COMMERCIAL FILM AND PHOTOGRAPHY FEES.**

2 (a) AUTHORITY.—(1) The Secretaries may permit
3 the use of land and facilities on Federal lands for—

4 (A) motion picture production;

5 (B) television production;

6 (C) soundtrack production;

7 (D) the production of an advertisement using a
8 prop or a model; or

9 (E) any similar commercial project.

10 (2) The Secretary shall not permit a use of land or
11 a facility described in paragraph (1) if the Secretary deter-
12 mines that a proposed use—

13 (A) is not appropriate; or

14 (B) will impair the value or resources of the
15 land or facility.

16 (b) BONDING AND INSURANCE.—The Secretary may
17 require a bond, insurance, or such other means as is nec-
18 essary to protect the interests of the United States in con-
19 nection with an activity conducted under a permit issued
20 pursuant to subsection (a).

21 (c) FEES.—(1) For any use of land or a facility on
22 Federal lands authorized pursuant to subsection (a), the
23 Secretary shall assess—

24 (A) a reimbursement fee as described in para-
25 graph (2); and

1 (B) a special use fee as described in paragraph
2 (3).

3 (2)(A) The Secretary shall require the payment of a
4 reimbursement fee in an amount that is not less than the
5 amount of any direct and indirect costs to the Government
6 incurred—

7 (i) in processing the application for a permit for
8 a use of land or facilities issued pursuant to sub-
9 section (a); and

10 (ii) as a result of the use of land and facilities
11 under the permit, including any necessary costs of
12 cleanup and restoration.

13 (B) An amount equal to the amount of a reimburse-
14 ment fee collected under this subparagraph shall—

15 (i) be retained by the Secretary; and

16 (ii) be available for use by the Secretary, with-
17 out further Act of appropriation, in the unit of the
18 Federal lands in which the reimbursement fee is col-
19 lected.

20 (3)(A) To determine the amount of a special use fee,
21 the Secretary shall establish a schedule of rates sufficient
22 to provide a fair return to the Government, based on fac-
23 tors such as—

24 (i) the number of people on site under the per-
25 mit issued pursuant to subsection (a);

1 (ii) the duration of activities under the permit;

2 (iii) the conduct of activities under the permit

3 in any area designated by a statute or regulation as

4 a special use area, including a wilderness or research

5 natural area;

6 (iv) the amount of equipment on site under the

7 permit; and

8 (v) any disruption of normal function on, or ac-

9 cessibility to, the unit on Federal lands including

10 temporary closure of land or a facility to the public.

11 (B) A special use fee under this paragraph shall be

12 distributed as follows—

13 (i) 80 percent shall be deposited in a special ac-

14 count in the Treasury, and shall be available, with-

15 out further Act of appropriation, for use by the su-

16 pervisors of units of Federal land where the fee was

17 collected; and

18 (ii) 20 percent shall be deposited in a special

19 account in the Treasury, and shall be available,

20 without further Act of appropriation, for use by su-

21 pervisors of units of Federal lands in the Forest

22 Service region or jurisdiction of the Bureau of Land

23 Management State Office where the fee was col-

24 lected.

1 (d) FEE EXCEPTIONS.—(1) The Secretary may waive
2 a special use fee or charge a reduced special use fee if
3 the activity for which the fee is charged provides clear edu-
4 cational or interpretive benefits for the public.

5 (2) Nothing in this subsection affects the requirement
6 that, in addition to fees under subsection (c), each indi-
7 vidual entering a unit of the Federal lands for purposes
8 described in subsection (a) shall pay any regular visitor
9 entrance fee charged to visitors to the unit.

10 (e) REGULATIONS.—(1) Not later than 180 days
11 after the date of enactment of this Act, each Secretary
12 shall promulgate regulations that establish a schedule of
13 rates for fees collected under subsection (c) based on fac-
14 tors listed in subsection (c)(3)(A).

15 (2) Not later than 3 years after the date of enactment
16 of this Act, and periodically thereafter, each Secretary
17 shall review and, as appropriate, revise the regulations
18 promulgated under this subsection.

19 (3) The prohibition on fees set forth in section
20 5.1(b)(1) of title 43, Code of Federal Regulations, shall
21 cease to apply beginning on the effective date of regula-
22 tions promulgated under this subsection.

23 (4) Nothing in this Act, other than paragraph (3),
24 affects the regulations set forth in part 5 of title 43, Code
25 of Federal Regulations.

1 (f) CIVIL PENALTY.—(1) A person that violates any
2 regulation promulgated under subsection (e), or conducts
3 or attempts to conduct an activity under subsection (a)(1)
4 without obtaining a permit or paying a fee, shall be as-
5 sessed a civil penalty—

6 (A) for the first violation, in the amount that
7 is equal to twice the amount of the fees charged (or
8 fees that would have been charged) under subsection
9 (c)(2);

10 (B) for the second violation, in the amount that
11 is equal to 5 times the amount of the fees charged
12 (or fees that would have been charged) under sub-
13 section (c)(2); and

14 (C) for the third and each subsequent violation,
15 in the amount that is equal to 10 times the amount
16 of the fees charged (or fees that would have been
17 charged) under subsection (c)(2).

18 (2) A person that violates this section or any regula-
19 tion promulgated under subsection (e) shall be required
20 to pay all costs of any proceedings instituted to enforce
21 this section.

22 (g) EFFECTIVE DATE.—(1) Except as provided in
23 paragraph (2), this section and the regulations promul-
24 gated under subsection (d) take effect 180 days after the
25 date of enactment of this Act.

1 (2) This section and the authority of the Secretary
2 to promulgate regulations under subsection (e) take effect
3 on the date of enactment of this Act.

4 **SEC. 404. FOREST SERVICE VISITOR FACILITIES IMPROVE-**
5 **MENT DEMONSTRATION PROGRAM.**

6 (a) IN GENERAL.—The Secretary of Agriculture shall
7 implement a public/private venture demonstration pro-
8 gram of not more than 15 projects for purposes of evalu-
9 ating the feasibility of utilizing non-Federal funds to con-
10 struct, rehabilitate, maintain, and operate federally owned
11 visitor facilities (including resorts, campgrounds, and ma-
12 rinas) on Federal lands described in section 3(a)(4)(B)
13 and to conduct the requisite environmental analysis associ-
14 ated with those activities.

15 (b) AUTHORIZATION.—In accordance with the appli-
16 cable resource management plans, the Secretary of Agri-
17 culture shall authorize individuals, corporations, public
18 agencies, and nonprofit groups to construct, maintain, and
19 operate new visitor facilities and rehabilitate, maintain,
20 and operate existing visitor facilities on the Federal lands
21 described in section 3(a)(4)(B). The Secretary of Agri-
22 culture shall provide for competition in the selection of any
23 concessionaire under this section to ensure the highest
24 quality visitor services consistent with the best financial
25 return to the Federal Government.

1 (c) TERM OF AUTHORIZATION AND DEPRECIA-
2 TION.—(1) The term of each authorization provided pur-
3 suant to subsection (b) shall be based on the estimate by
4 the Secretary of Agriculture of the time needed to allow
5 the concessionaire to depreciate its capital investment, ex-
6 cept that in no event shall the term of authorization exceed
7 30 years.

8 (2) Any authorization provided pursuant to sub-
9 section (b) shall provide for the purchase by the Forest
10 Service or succeeding concessionaire of any value in the
11 authorized improvements attributable to the conces-
12 sionaire's capital investment that is not fully
13 depreciated—

14 (A) upon termination of the authorization; or

15 (B) upon revocation of the authorization for
16 reasons in the public interest.

17 (3) For the purposes of paragraph (2), the
18 underpreciated value of the improvements shall be deter-
19 mined by appraisal conducted by an independent third
20 party approved by the Forest Service and paid for by the
21 concessionaire.

22 (d) DISPOSAL OF EXISTING FACILITIES.—(1) Not-
23 withstanding any other provision of law, the Secretary of
24 Agriculture is authorized to sell at fair market value exist-
25 ing federally owned visitor facilities on Federal lands de-

1 scribed in section 3(a)(4)(B) to a concessionaire author-
2 ized under this section, if the Secretary of Agriculture de-
3 termines sale of the facilities is in the best interest of the
4 Federal Government and if the concessionaire agrees that
5 any construction, renovation, or improvement of such fa-
6 cilities will be consistent with applicable resource manage-
7 ment plans and Federal and State laws.

8 (2) The fair market value of the facilities referred
9 to in paragraph (1) will be determined by appraisal con-
10 ducted by an independent third party approved by the
11 agency and paid for by the concessionaire.

12 (e) CONCESSION FEES.—(1) The Secretary of Agri-
13 culture shall charge and collect concession fees established
14 by bid as a percentage of the concessionaire's gross rev-
15 enue from authorized activities associated with the bid.

16 (2) Funds collected in accordance with this sub-
17 section shall be deposited in a special account in the
18 Treasury of the United States.

19 (f) AUTHORITY TO USE FUNDS.—(1) Funds depos-
20 ited pursuant to subsection (e)(2) shall be available for
21 expenditure by the Secretary of Agriculture without fur-
22 ther appropriation, and shall remain available until ex-
23 pended for purpose of enhancing visitor services, including
24 infrastructure at non-fee recreation facilities, facilities
25 maintenance, project and program monitoring, interpre-

1 tive programs, environmental analysis, and environmental
2 restoration.

3 (2) Five years before the termination of an authoriza-
4 tion provided pursuant to subsection (b), the Secretary of
5 Agriculture shall require bonding from the concessionaire
6 to ensure that federally owned facilities are in satisfactory
7 condition for future use by the Federal Government or a
8 successive concessionaire.

9 (h) REPORT TO CONGRESS.—Within four years of the
10 date of enactment of this Act, the Secretary of Agriculture
11 shall submit to the Committees of Congress a report evalu-
12 ating the program established pursuant to this section and
13 providing recommendations for permanent authority to
14 undertake a public/private venture program.

15 (i) EXPIRATION OF AUTHORITY.—This section shall
16 expire at the end of 30 full fiscal years after the date of
17 enactment of this Act, except that the authority to issue
18 new authorizations under this section shall expire at the
19 end of one full fiscal year after the date of enactment of
20 this Act.

21 (j) RELATION TO OTHER LAWS.—Amounts collected
22 under this subsection (e) shall not be taken into account
23 for the purposes of the sixth paragraph under the heading
24 of “Forest Service” of the Act of May 23, 1908 (7 U.S.C.
25 § 500); section 13 of the Act of March 1, 1911 (16 U.S.C.

1 § 500); the Act of March 4, 1913 (16 U.S.C. § 501); the
2 Act of July 22, 1937 (7 U.S.C. § 1012); the Acts of Au-
3 gust 8, 1937 and of May 24, 1939 (43 U.S.C. §§ 1181
4 et seq.); the Act of June 14, 1926 (43 U.S.C. § 869–4);
5 chapter 69 of title 31, United States Code; section 401
6 of the Act of June 15, 1935 (16 U.S.C. § 715s); the Land
7 and Water Conservation Fund Act of 1965 (16 U.S.C.
8 460l–6a); and any other provision of law relating to rev-
9 enue allocation.

10 **SEC. 405. FEES FOR LINEAR RIGHT-OF-WAY.**

11 (a) DEFINITION.—For purposes of this section, the
12 term “linear rights-of-way” means a right-of-way author-
13 ized by the Secretary—

14 (1) under section 501 of the Federal Land Pol-
15 icy and Management Act of 1976 (43 U.S.C.
16 § 1761) for a power line, telephone line, fiberoptic
17 communication line, ditch, canal, road, trail, or pipe-
18 line; or

19 (2) under the Act of February 25, 1920 (30
20 U.S.C. § 185) for an oil and gas pipeline.

21 (b) FEES.—(1) Each Secretary shall charge and col-
22 lect rental fees for linear rights-of-way based on the fair
23 market value of the rights and privileges authorized, ex-
24 cept where the linear rights-of-way are exempt from such

1 fees under laws in existence on the date of enactment of
2 this Act.

3 (2) Each Secretary may waive the application of
4 paragraph (1) in accordance with applicable regulations.

5 **SEC. 406. FEES FOR PROCESSING RECORDS REQUESTS.**

6 Notwithstanding any other provision of law, the Sec-
7 retaries may not waive or reduce any fee applicable to the
8 processing of a request that exceeds \$1,000, or of multiple
9 requests from the same company, organization, or other
10 entity, including any affiliates or members of the same
11 company, organization or other entity, that exceed \$1,000
12 within a 6-month period, for records under section 1 of
13 the Act of September 6, 1966, as amended (5 U.S.C.
14 § 552).

15 **SEC. 407. OFF-BUDGET STUDY.**

16 Within twelve months from the date of enactment of
17 this Act, the United States General Accounting Office
18 shall conduct, and report to the Committees of Congress
19 the results of, a study of the feasibility and likely effects
20 of prohibiting any appropriations of funds to the Forest
21 Service and Bureau of Land Management, except for ac-
22 tivities of such agencies conducted on or related to non-
23 Federal lands, and permitting such agencies to retain for
24 their use, without further approval of, or appropriation by,
25 Congress and without fiscal year limitation, all revenues

1 collected from the Federal lands, with revenues from min-
 2 eral activities on Federal lands described in section
 3 3(a)(4)(B) retained by the Forest Service, minus the
 4 funds necessary to make payments to State and local gov-
 5 ernments under other laws concerning the distribution of
 6 revenues derived from the Federal lands.

7 **SEC. 408. EXEMPTION FROM STRICT LIABILITY FOR THE**
 8 **RECOVERY OF FIRE SUPPRESSION COSTS.**

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

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

19 **PART B—NON-FEDERAL LANDS**

20 **SEC. 409. ACCESS TO ADJACENT OR INTERMINGLED NON-**
 21 **FEDERAL LANDS.**

22 (a) DEADLINES.—(1) Each Secretary shall process
 23 any application for access over, upon, under, or through
 24 Federal lands within the jurisdiction of the Secretary to
 25 non-Federal land pursuant to section 1323 of the Alaska

1 National Interest Lands Conservation Act (16 U.S.C.
2 § 3210) within 180 days of receipt of a complete applica-
3 tion.

4 (2)(A) Each Secretary shall notify in writing an ap-
5 plicant for access in accordance with this section whether
6 an application is complete within 15 days of receipt there-
7 of.

8 (B) If a Secretary finds an application for access in
9 accordance with this section to be incomplete, the Sec-
10 retary shall describe in detail in the notification required
11 by subparagraph (A) what additional information is nec-
12 essary to render the application complete.

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

17 (B) If the Secretary fails to notify an applicant for
18 access in accordance with this section by the deadline es-
19 tablished in paragraph (2)(A), the application shall be
20 deemed complete.

21 (b) ENVIRONMENTAL ANALYSIS AND REQUIRE-
22 MENTS.—(1) The environmental analysis documents re-
23 quired by section 102(2) of the National Environmental
24 Policy Act of 1969 (42 U.S.C. § 4332(2)) and section 7
25 of the Endangered Species Act of 1973 (16 U.S.C. § 1536)

1 shall consider the environmental effects of the construc-
2 tion, maintenance, and use of the access across the Fed-
3 eral lands and shall not consider the use of the non-Fed-
4 eral lands to be accessed.

5 (2) Any limitation or condition on the access which
6 the Secretary is permitted to impose pursuant to section
7 1323 of the Alaska National Interests Lands Conservation
8 Act shall limit or condition solely the construction, mainte-
9 nance, or use of the access across the Federal lands and
10 not the use of the non-Federal lands to be accessed.

11 **SEC. 410. EXCHANGES OF FEDERAL LANDS FOR NON-FED-**
12 **ERAL LANDS.**

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

15 (1) in subsection (b), by inserting “(1)” after
16 “(b)” and adding at the end thereof the following
17 paragraphs:

18 “(2)(A) An environmental assessment shall be the
19 document prepared for any exchange under this Act pur-
20 suant to section 102(2) of the National Environmental
21 Policy Act of 1969 (42 U.S.C. § 4332(2)). Such document
22 shall not include any assessment of the future use or de-
23 velopment of the land transferred out of Federal owner-
24 ship, except for consideration of any plans or proposals

1 for such land available to the Secretary concerned prior
2 to publication of the environmental assessment.

3 “(B) For any land exchange required by an Act of
4 Congress in which the specific lands or interests in lands
5 to be exchanged are described, unless otherwise required
6 by such Act, no documentation pursuant to section 102(2)
7 of the National Environmental Policy Act of 1969 (42
8 U.S.C. § 4332(2)) shall be required.

9 “(C) Any procedure pursuant to section 7(a) of the
10 Endangered Species Act of 1973 (16 U.S.C. § 1536(a))
11 for an exchange under this Act shall be completed within
12 45 days after the date on which the procedure is initiated.

13 “(D) After completion of an exchange under this Act,
14 the Secretary concerned shall not, except as otherwise pro-
15 vided by law or regulation, undertake or authorize any ac-
16 tion on the non-Federal lands or interests in land acquired
17 in the exchange until the Secretary has complied with sec-
18 tion 102(2) of the National Environmental Policy Act of
19 1969 and section 7(a) of the Endangered Species Act of
20 1973 concerning such action, and completed any necessary
21 amendment to or revision of the land use plan or land
22 and resource management plan applicable to such land.

23 “(3) The Secretary concerned shall complete the
24 processing of, and make a final decision on, any exchange

1 under this Act within one year from the date of submission
2 of the application for the exchange.

3 “(4) The non-Federal lands or interests in land to
4 be included in any exchange under this Act shall be valued
5 without the application of any Federal or State restriction
6 concerning an environmental value or a resource the pro-
7 tection of which is considered by the Secretary concerned
8 as a public benefit to be obtained by the exchange.

9 “(5) The Secretary concerned may employ competi-
10 tive methods to dispose by exchange of Federal lands or
11 interests in lands which are unique in character, which
12 have values atypical of the general market, for which mar-
13 ket data is limited, or for which competitive interest is
14 demonstrated. The Secretary concerned is not obligated
15 to select the highest value property offered in exchange
16 for such Federal lands or interests and may reject any
17 and all proposals for exchange.

18 “(6) the Secretary concerned may prequalify Federal
19 lands or interests in lands for exchange as a means of
20 preliminary identification of lands or interests suitable for
21 disposal. For the purposes of this paragraph, the term
22 ‘prequalify’ means conducting the necessary assessments
23 and inventories for Federal lands or interests with the rec-
24 ognition that such assessments and inventories may need
25 to be updated or completed in greater detail to reflect

1 changes occurring after the date on which the Secretary
2 prequalified the lands or interests.

3 “(7) For Federal lands or interests in lands acquired
4 by a State in exchange for school trust lands held by the
5 State, the Secretary concerned, in lieu of conducting a cul-
6 tural assessment under section 106 of the National His-
7 toric Preservation Act (16 U.S.C. § 470f) on such lands
8 or interests prior to their transfer, may enter into an
9 agreement with the State which provides for protection of
10 archaeological resources and sites known or later discov-
11 ered on such lands or interests to the maximum extent
12 practicable under State law.

13 “(8) Existing exchange authorities of the Secretary
14 of Agriculture may be used to exchange federally owned
15 subsurface rights underlying non-Federal surface lands lo-
16 cated within the boundaries of a unit of the National For-
17 est System, or where the Federal subsurface rights were
18 acquired under the Bankhead-Jones Farm Tenant Act of
19 1937 (7 U.S.C. §§ 1010–1012) and are administered as
20 part of the National Forest System. Any such exchange
21 shall not conflict with any prior Federal sale or lease of
22 subsurface resources as determined through consultation
23 between the Secretary of Agriculture and the Secretary
24 of the Interior prior to any such exchange.

1 “(9)(A) Amounts received by the Secretary concerned
2 under paragraph (1) shall be deposited in special funds
3 established in the Treasury of the United States for the
4 Bureau of Land Management and Forest Service, subject
5 to subparagraph (B). Amounts in each fund, subject to
6 appropriations, shall be available to the Secretary con-
7 cerned for processing exchanges under this Act, including
8 cash equalization.

9 “(B) Amounts in each fund referred to in subpara-
10 graph (A) may not exceed \$12,000,000 at any time.
11 Amounts received by the Secretary concerned under this
12 section which, but for this subparagraph, would be added
13 to each fund shall instead be covered into the Treasury
14 of the United States as miscellaneous receipts.”; and

15 (2) in subsection (h), by striking out
16 “\$150,000” and inserting in lieu thereof
17 “\$500,000”.

18 **PART C. THE FOREST RESOURCE**

19 **SEC. 411. TIMBER SALE PREPARATION USER FEE.**

20 (a) IN GENERAL.—The Secretary of Agriculture shall
21 establish a pilot program to charge and collect fees, at the
22 time of the timber contract award, to cover the direct costs
23 to the Department of Agriculture of timber sale prepara-
24 tion and harvest administration, including timber design,

1 layout, and marking, on Federal lands described in section
2 3(a)(4)(B).

3 (b) EXCEPTIONS.—Subsection (a) shall not apply to
4 timber sale preparation and harvest administration costs
5 for—

6 (1) preparing an environmental analysis under
7 section 102(2) of the National Environmental Policy
8 Act of 1969 (42 U.S.C. § 4332(2));

9 (2) conducting timber sales for stewardship
10 purposes under section 347 of the Department of In-
11 terior and Related Agencies Appropriations Act,
12 1999; and

13 (3) conducting timber sales when the Secretary
14 of Agriculture determines that the fee would ad-
15 versely affect the marketability of the timber sale, or
16 the ability of small businesses (as defined in the
17 Small Business Act (15 U.S.C. §§ 631 et seq.) to bid
18 competitively on the timber sale.

19 (c) COLLECTION AND USE OF FUNDS.—(1) Fees col-
20 lected under this section shall be deposited in a special
21 fund in the Treasury of the United States.

22 (2) Funds deposited in the Treasury of the United
23 States in accordance with paragraph (1) shall be made
24 available to the Secretary of Agriculture to the extent and
25 in such amounts as provided in advance in appropriation

1 Acts to remain available until expended to pay for the ac-
2 tivities for which the fee is authorized.

3 (d) PURCHASER ELECTION.—(1) A purchaser of a
4 timber sale for which fees have been or will be charged
5 pursuant to this section may elect to contract for any har-
6 vest administration activities subject to fees in lieu of pay-
7 ment of such fees.

8 (2) A purchaser may not enter into a contract pursu-
9 ant to paragraph (1) with any party other than a party
10 selected by the purchaser from a list prepared by the Sec-
11 retary of Agriculture of parties who the Secretary of Agri-
12 culture has determined are qualified to conduct the spe-
13 cific harvest administration activities subject to the con-
14 tract.

15 (3) The Secretary of Agriculture shall prepare the list
16 or lists necessary to implement paragraph (2) prior to
17 charging or collecting any fees under this section.

18 (e) TERM.—The authority to charge fees under this
19 section shall commence on the date of enactment of this
20 Act and shall continue for a period of 8 full fiscal years
21 thereafter.

22 **SEC. 412. FOREST HEALTH CREDITS IN SALES OF FOREST**
23 **PRODUCTS.**

24 (a) AUTHORITY TO ISSUE FOREST HEALTH CRED-
25 ITS.—(1) The Secretaries are authorized to require, as a

1 condition of any specific salvage sale of forest products
2 from the Federal lands or any sale of forest products con-
3 stituting a forest health enhancement project pursuant to
4 section 413, that the purchaser undertake a forest health
5 management activity or activities as defined in subsection
6 (j) which address effects of the operation of the sale or
7 past sales of forest products or involve vegetation manage-
8 ment within the area of the sale or the area in which such
9 effects occur or occurred.

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

13 (A) the land management objectives of the for-
14 est health management activity or activities can be
15 accomplished most efficiently when performed as
16 part of the sale contract; and

17 (B) it is unlikely that the forest health manage-
18 ment activity or activities will be performed except
19 under the authority of subsection (a).

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

22 (b) FINANCING AND SUPPLEMENTAL FUNDING.—(1)
23 Financing of the forest health management activity or ac-
24 tivities in a contract for a sale under the authority of sub-
25 section (a) shall be accomplished by including provisions

1 in the contract for amortization of the cost of such activity
2 or activities through issuance of forest health credits to
3 the purchaser which offset such cost against the pur-
4 chaser's payment for the forest products materials.

5 (2)(A) Appropriated funds may be used to assist the
6 forest health management activity or activities in a con-
7 tract for sale under the authority of subsection (a) if such
8 funds are provided by the resource function or functions
9 that directly benefit from the performance of the activity
10 or activities and are available from the annual appropria-
11 tion of such function or functions during the fiscal year
12 in which the sale is offered.

13 (B) The amount to be paid from appropriated funds
14 for each forest health management activity shall be in-
15 cluded in the prospectus, and published in the advertise-
16 ment, for the sale.

17 (c) DETERMINING FOREST HEALTH CREDITS.—(1)
18 Prior to the advertisement of a sale under the authority
19 of subsection (a), the Secretary shall determine the
20 amount of forest health credits to be allocated to each for-
21 est health management activity to be performed by the
22 purchaser under the contract.

23 (2) A description of the forest health management ac-
24 tivity or activities to be performed by the purchaser, and
25 the amount of forest health credits allocated to each activ-

1 ity, shall be included in the prospectus, and published in
2 the advertisement, for the sale.

3 (d) CHANGED CONDITIONS.—The Secretary, with the
4 concurrence of the purchaser of a sale under the authority
5 of subsection (a), may alter the scope of work of a forest
6 health management activity or activities, and the amount
7 of forest health credits for the activity or activities, in the
8 sale after award of the sale and prior to operation of the
9 sale when warranted by a change in conditions.

10 (e) TRANSFER OF FOREST HEALTH CREDITS.—Each
11 Secretary may permit the transfer of unused forest health
12 credits from one sale under the authority of subsection
13 (a) to another such sale held by the same purchaser if
14 such other sale applies to Federal lands that are under
15 the jurisdiction of such Secretary and located in the same
16 State as the original sale.

17 (f) EXISTING PROCEDURES AND REQUIREMENTS.—
18 Nothing in this section shall be deemed to require or au-
19 thorize any alteration in the procedures or requirements
20 for sales of forest products under section 4(2) including
21 the applicable provisions of the small business set-aside
22 program and procedures for calculating payments to coun-
23 ties of a portion of sale receipts.

24 (g) COST CONSIDERATIONS.—Sales under the au-
25 thority of subsection (a) shall not be precluded because

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

6 (h) MONITORING AND REPORT.—The Secretaries
7 shall monitor the performance of contracts for sales issued
8 under the authority of subsection (a) and, no later than
9 the date 4 years from the date of enactment of this Act,
10 shall submit a joint report to the Committees of Congress
11 which assesses the effectiveness of such contracts, dis-
12 cusses whether continued use of such contracts is advis-
13 able, and offers any changes in the law or regulations gov-
14 erning, or in the administration of, such contracts which
15 the Secretaries deem appropriate.

16 (i) TERMINATION OF AUTHORITY.—(1) The author-
17 ity to offer sales of forest products pursuant to this section
18 shall terminate 5 years after the date of enactment of this
19 Act.

20 (2) Any contract for sale under the authority of sub-
21 section (a) that is issued prior to, and is in effect upon,
22 the termination date established by paragraph (1) shall
23 remain in effect under the terms of the contract for the
24 duration of the contract.

1 (j) DEFINITION OF FOREST HEALTH MANAGEMENT

2 ACTIVITY.—For purposes of this section, the term “forest
3 health management activity” means any thinning, salvage,
4 forest stand improvement, reforestation, prescribed burn-
5 ing (including natural ignition) or other fuels manage-
6 ment, insect or disease control, riparian or other habitat
7 improvement, or other activity, the purpose of which is
8 to—

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

16 (2) safeguard human life, property, and com-
17 munities on and near the Federal land, particularly
18 in wildland/urban interface areas;

19 (3) protect the various forest resources of the
20 Federal lands placed at risk by adverse forest health
21 conditions, including air and water quality, wildlife,
22 and recreation and visual values;

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

1 (5) protect existing Federal investments in the
2 forest resources of the Federal lands, and future
3 Federal, State, and local revenues that otherwise
4 would be forgone.

5 **SEC. 413. SPECIAL FUNDS.**

6 (a) BUREAU OF LAND MANAGEMENT.—The Sec-
7 retary of the Interior shall maintain a special fund estab-
8 lished pursuant to Public Law 102–381, which shall be
9 derived from the Federal share of all monies received from
10 the salvage sales of forest products from all Federal lands
11 described in section 3(a)(4)(A), and which shall be avail-
12 able, without further appropriation, for the purposes of
13 planning and preparing salvage sales of forest products,
14 the administration of salvage sales, and subsequent site
15 preparation and reforestation, and forest health enhance-
16 ment projects, including, but not limited to, prescribed
17 burning (including natural ignition) or other fuels man-
18 agement, site preparation, tree planting, protection of
19 seedlings from animals and other environmental elements,
20 release from competing vegetation, and stand thinning.
21 The Federal share of any revenues received from forest
22 health enhancement projects shall be returned to the spe-
23 cial fund and be made available for the purpose provided
24 in this subsection.

1 (b) FOREST SERVICE.—The Federal share of all
2 monies received from the salvage sales of forest products
3 from, and any other activities funded pursuant to this sub-
4 section on, Federal lands described in section 3(a)(4)(B)
5 may be credited to the Forest Service Permanent Appro-
6 priations to be expended on such lands for: salvage sales
7 of forest products; preparation of sales of forest products
8 to replace sales lost to fire or other causes; preparation
9 of sales of forest products to replace sales inventory on
10 the shelf for any national forest to a level sufficient to
11 maintain new sales availability equal to a rolling 5-year
12 average of the total sales offerings; design, engineering,
13 and supervision of construction of roads lost to fire or
14 other causes associated with the sales programs described
15 in this subsection; watershed assessment activities; and
16 forest health enhancement projects, including, but not lim-
17 ited to prescribed burning (including natural ignition) or
18 other fuels management, site preparation, tree planting,
19 protection of seedlings from animals and other environ-
20 mental elements, release from competing vegetation, and
21 stand thinning.

22 (c) PAYMENTS TO LOCAL GOVERNMENTS.—Revenues
23 received from the salvage sales of forest products, and
24 other activities, funded pursuant to this section shall be
25 considered as money received for purposes of computing

1 and distributing payments to State and local governments
2 under other law concerning the distribution of revenues
3 derived from forest resources from the affected Federal
4 lands.

5 **SEC. 414. PRIVATE CONTRACTORS.**

6 To conserve budgetary and personnel resources, each
7 Secretary shall use to the maximum extent feasible private
8 contractors, including contractors pursuant to the Jobs in
9 the Woods Program, to prepare sales of forest products
10 from the Federal lands under the Secretary's jurisdiction:

11 *Provided, That—*

12 (1) any work conducted by a contractor on a
13 sale shall be reviewed and approved by the Secretary
14 before any decision on the design of, conditions for,
15 or approval or disapproval of the sale may be made
16 by the Secretary;

17 (2) a contractor who worked on a sale may not
18 submit comments on, or otherwise participate in,
19 any decision by the Secretary on the design of, con-
20 ditions for, or approval or disapproval of the sale;

21 (3) a contractor who conducted work on a sale,
22 any entity owned or controlled by the contractor, or
23 any member of the family of the contractor, may not
24 bid on the sale or provide any information to poten-

1 tial bidders and bidders on the sale prior to award
2 of the sale; and

3 (4) any contracts issued pursuant to this sec-
4 tion shall comply with the requirements of the
5 McNamara-O'Hara Service Contract Act (11 U.S.C.
6 § 351(a)).

7 **SEC. 415. TIMBER AND SPECIAL FOREST PRODUCTS.**

8 (a) DEFINITION OF SPECIAL FOREST PRODUCT.—
9 For purposes of this section, the term “special forest prod-
10 uct” means any vegetation or other life form, that grows
11 on Federal lands described in section 3(a)(4)(B), exclud-
12 ing trees, animals, insects, or fish except as provided in
13 regulations issued under this section by the Secretary of
14 Agriculture.

15 (b) FAIR MARKET VALUE FOR SPECIAL FOREST
16 PRODUCTS.—The Secretary of Agriculture shall charge
17 and collect not less than the fair market value for special
18 forest products harvested on Federal lands described in
19 section 3(a)(4)(B). The Secretary of Agriculture shall es-
20 tablish appraisal methods and bidding procedures to en-
21 sure that the amounts collected for special forest products
22 are not less than fair market value.

23 (c) FEES.—

24 (1) IN GENERAL.—The Secretary of Agriculture
25 shall charge and collect from persons who harvest

1 special forest products all costs to the Department
2 of Agriculture associated with the granting, modi-
3 fying, or monitoring the authorization for harvest of
4 the special forest products, including the costs of
5 any environmental or other analysis.

6 (2) SECURITY.—The Secretary of Agriculture
7 may require a person that is assessed a fee under
8 this subsection to provide security to ensure that the
9 Secretary of Agriculture receives fees authorized
10 under this subsection from such person.

11 (d) WAIVER.—The Secretary of Agriculture may
12 waive the application of subsection (b) or subsection (c)
13 pursuant to such regulations as the Secretary of Agri-
14 culture may prescribe.

15 (e) COLLECTION AND USE OF FUNDS.—(1) Funds
16 collected in accordance with subsection (b) and subsection
17 (c) shall be deposited into a special account in the Treas-
18 ury of the United States.

19 (2) Funds deposited into the special account in the
20 Treasury in accordance with this section shall be available
21 for expenditure by the Secretary of Agriculture, without
22 further appropriation, and shall remain available until ex-
23 pended to pay for—

24 (A) in the case of funds collected pursuant to
25 subsection (b), the costs of conducting inventories of

1 special forest products, monitoring and assessing the
 2 impacts of harvest levels and methods, and for res-
 3 toration activities, including any necessary vegeta-
 4 tion; and

5 (B) in the case of fees collected pursuant to
 6 subsection (c), the costs for which the fees were col-
 7 lected.

8 (3) Amounts collected under subsection (b) and sub-
 9 section (c) shall not be taken into account for the purposes
 10 of the sixth paragraph under the heading of “Forest Serv-
 11 ice” of the Act of May 23, 1908 (16 U.S.C. § 500); section
 12 13 of the Act of March 1, 1911 (16 U.S.C. § 500); the
 13 Act of March 4, 1913 (16 U.S.C. § 501); the Act of July
 14 22, 1937 (7 U.S.C. § 1012); the Acts of August 8, 1937
 15 and of May 24, 1939 (43 U.S.C. §§ 1181 et seq.); the Act
 16 of June 14, 1926 (43 U.S.C. § 869–4); chapter 69 of title
 17 31 United States Code; section 401 of the Act of June
 18 15, 1935 (16 U.S.C. § 715s); the Land and Water Con-
 19 servation Fund Act of 1965 (16 U.S.C. § 4601–6a); and
 20 any other provision of law relating to revenue allocation.

21 **TITLE V—MISCELLANEOUS**

22 **SEC. 501. REGULATIONS.**

23 Not later than 18 months from the date of enactment
 24 of this Act, each Secretary shall promulgate any regula-

1 tions necessary to carry out the purposes and provisions
2 of this Act.

3 **SEC. 502. AUTHORIZATION OF APPROPRIATIONS.**

4 There are authorized to be appropriated in the fiscal
5 year in which this Act is enacted and each fiscal year for
6 10 fiscal years thereafter such sums as may be necessary
7 to carry out the provisions of this Act. Notwithstanding
8 any other provision of law, all other authorizations of ap-
9 propriations for the management of Federal lands shall
10 expire on the same date as the expiration of the appropria-
11 tions authority of this section.

12 **SEC. 503. EFFECTIVE DATE.**

13 The provisions of this Act shall take effect on the
14 date of enactment of this Act. No decision or action re-
15 quired or authorized by this Act shall be delayed pending
16 promulgation of any regulation to carry out the provisions
17 of this Act.

18 **SEC. 504. SAVINGS CLAUSES.**

19 (a) O & C LANDS ACT.—Notwithstanding any provi-
20 sion of this Act, in the event of conflict with or inconsist-
21 ency between this Act and the Acts of August 28, 1937
22 (50 Stat. 874; 43 U.S.C. §§ a–1181j) and May 24, 1939
23 (53 Stat. 753), the latter Acts shall prevail.

24 (b) LAND USE RIGHTS AND AUTHORIZATIONS.—

25 Nothing in this Act shall be construed as—

1 (1) terminating any valid lease, permit, patent,
2 right-of-way, or other right of, or authorization for,
3 use of the Federal lands existing on the date of en-
4 actment of this Act; or

5 (2) altering in any manner any Native Amer-
6 ican treaty right.

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

10 **SEC. 505. SEVERABILITY.**

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

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