

109TH CONGRESS  
1ST SESSION

# H. R. 3420

To save taxpayers money, reduce the deficit, cut corporate welfare, protect communities from wildfires, encourage Federal land management agency reform and accountability, and protect and restore America's natural heritage by eliminating the fiscally wasteful and ecologically destructive commercial logging program on Federal public lands, restoring native biodiversity in our Federal public forests, and facilitating the economic recovery and diversification of communities affected by the Federal logging program.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 25, 2005

Mr. LEACH (for himself, Ms. SLAUGHTER, Mr. BROWN of Ohio, Mrs. MALONEY, Mr. HONDA, Mr. McDERMOTT, Mr. LYNCH, Mr. LARSON of Connecticut, Ms. JACKSON-LEE of Texas, Ms. WOOLSEY, Mr. WEINER, Mr. HINCHEY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. OLVER, Mr. RANGEL, Mr. LANTOS, Mrs. MCCARTHY, Mrs. DAVIS of California, Mr. SERRANO, Mr. SHERMAN, Ms. SCHAKOWSKY, Mr. FRANK of Massachusetts, Mr. GRIJALVA, Mr. MCGOVERN, Mr. MOORE of Kansas, Mr. McNULTY, Mr. BERMAN, Ms. DELAURO, Mr. SHAYS, Mrs. CAPPS, Mr. PALLONE, Mr. LEWIS of Georgia, Ms. LEE, Mr. PAYNE, Mr. NADLER, Mrs. NAPOLITANO, Mr. OWENS, Mr. CONYERS, Mrs. TAUSCHER, Mr. ANDREWS, Mr. FILNER, Mr. GUTIERREZ, Mr. WYNN, Mr. HOLT, Mr. NEAL of Massachusetts, Ms. BALDWIN, Mr. MEEKS of New York, Mr. ACKERMAN, Mr. VAN HOLLEN, and Mr. KUCINICH) introduced the following bill; which was referred to the Committee on Resources, and in addition to the Committees on Agriculture and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To save taxpayers money, reduce the deficit, cut corporate

welfare, protect communities from wildfires, encourage Federal land management agency reform and accountability, and protect and restore America’s natural heritage by eliminating the fiscally wasteful and ecologically destructive commercial logging program on Federal public lands, restoring native biodiversity in our Federal public forests, and facilitating the economic recovery and diversification of communities affected by the Federal logging program.

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        “National Forest Protection and Restoration Act”.

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

- Sec. 1. Short title; table of contents.
- Sec. 2. Definitions.
- Sec. 3. Findings.
- Sec. 4. Prohibition on timber sales to protect Federal public lands.
- Sec. 5. Effect of prohibition on existing timber sale contracts.
- Sec. 6. Authorization of appropriations.
- Sec. 7. Natural heritage restoration.
- Sec. 8. Worker retraining.
- Sec. 9. Allocation of funds.
- Sec. 10. Continuation of payments for States and counties containing Federal  
    public lands under Public Law 106–393.
- Sec. 11. Enforcement by citizens.

8        **SEC. 2. DEFINITIONS.**

9        For purposes of this Act:

10                (1) AGENCIES.—The term “agencies” means  
 11        the Forest Service, the National Park Service, the

Bureau of Land Management, and the United States Fish and Wildlife Service.

(2) COMMERCIAL LOGGING.—

(A) IN GENERAL.—The term “commercial logging” means—

(i) the sale of timber;

(ii) the execution of a timber sale; or

(iii) any other transfer of timber or biomass to an individual, company, corporation, or other entity, which then offers the transferred timber or biomass, or any product produced from that timber or biomass, for sale or uses the transferred timber or biomass for other commercial purposes.

(B) INCLUSIONS.—The term “commercial logging” includes a sale, execution, or other transfer specified in subparagraph (A) regardless of—

(i) the stated reason for the sale, execution, or transfer; or

(ii) whether the timber is standing, fallen, living, or dead.

(3) FEDERAL PUBLIC LANDS.—The term “Federal public lands” means—

1 (A) all lands in the United States included  
2 in the National Forest System;

3 (B) all lands in the United States included  
4 in the National Wildlife Refuge System;

5 (C) all lands in the United States included  
6 in the National Park System; and

7 (D) all lands under the jurisdiction of the  
8 Bureau of Land Management.

9 (4) NATIVE BIODIVERSITY.—

10 (A) IN GENERAL.—The term “native bio-  
11 diversity” means—

12 (i) the full range of variety and varia-  
13 bility within and among living organisms;  
14 and

15 (ii) the ecological complexes in which  
16 the living organisms would have occurred  
17 in the absence of significant human im-  
18 pact.

19 (B) INCLUSIONS.—The term “native bio-  
20 diversity” includes diversity—

21 (i) within a species (including genetic  
22 diversity, species diversity, and age diver-  
23 sity);

24 (ii) within a community of species;

25 (iii) between communities of species;

1 (iv) within a total area, such as a wa-  
2 tershed;

3 (v) along a vertical plane from ground  
4 to sky, including application of the plane  
5 to all the other types of diversity; and

6 (vi) along the horizontal plane of the  
7 earth-surface, including application of the  
8 plane to all the other types of diversity.

9 (C) EXCLUSIONS.—The term “native bio-  
10 diversity” excludes genetically modified or engi-  
11 neered organisms.

12 (5) LATE-SUCCESSIONAL/OLD GROWTH FOR-  
13 EST.—The term “late-successional/old growth for-  
14 est” refers to any stand of forest within the bound-  
15 aries of a timber sale that may contain trees that ex-  
16 ceed 80 years in age.

17 (6) ROADLESS AREA.—The term “roadless  
18 area” means each of the following:

19 (A) Any inventoried roadless area.

20 (B) Any area of at least 1,000 contiguous  
21 acres meeting Forest Service road density  
22 guidelines.

23 (C) Any area of less than 1,000 contiguous  
24 acres meeting Forest Service road density  
25 guidelines, if the area is adjacent to a unit of

the National Wilderness Preservation System, a unit of the National Park System, an inventories roadless area, or a designated Wilderness Study Area.

(7) TIMBER SALE.—

(A) IN GENERAL.—The term “timber sale” means—

(i) the sale of timber;

(ii) the offering of timber for sale or consideration; or

(iii) any other transfer of timber or biomass to an individual, company, corporation, or other entity, which then offers the transferred timber or biomass, or any product produced from that timber or biomass, for sale or uses the transferred timber or biomass for other commercial purposes.

(B) INCLUSIONS.—The term “timber sale” includes a sale, offer, or other transfer specified in subparagraph (A) regardless of—

(i) the stated reason for the sale, offer, or transfer; or

(ii) whether the timber is standing, fallen, living, or dead.

1 **SEC. 3. FINDINGS.**

2 Congress finds the following:

3 (1) Polls conducted by the Forest Service show  
4 that a strong majority of the American people think  
5 that natural resources on Federal public lands  
6 should not be made available to produce consumer  
7 goods.

8 (2) The 1995 Forest Service draft report enti-  
9 tled “Forest Service Program for Forest and Range-  
10 land Resources: A Long-Term Strategic Plan” shows  
11 that recreation and tourism in the National Forest  
12 System creates over 30 times more jobs, and gen-  
13 erates over 30 times more income, than commercial  
14 logging on national forests.

15 (3) According to Forest Service figures, timber  
16 cut from Federal public lands comprises less than  
17 five percent of the annual timber consumption of the  
18 United States.

19 (4) The vast majority of America’s original  
20 pristine forests have been logged, and what little pri-  
21 mary forest that remains exists almost entirely on  
22 public lands.

23 (5) The ecological crisis resulting from this se-  
24 vere habitat loss and fragmentation of American for-  
25 ests requires bold action to protect this Nation’s  
26 natural heritage so that pristine forests may remain

1       pristine, and damaged forests may have an oppor-  
2       tunity to recover.

3           (6) It is in the interests of the American people  
4       and the international community to protect and re-  
5       store native biodiversity in our Federal public lands  
6       for its inherent benefits, the resulting economic ben-  
7       efits, and for the protection of this natural heritage  
8       for current and future generations.

9           (7) The 1995 report of the Comptroller General  
10       regarding distribution of Forest Service timber sales  
11       receipts (GAO/RCED-95-237FS) and the 1998 fol-  
12       low-up report (GAO/RCED-99-24) reveal that, of  
13       the hundreds of millions of dollars of taxpayer  
14       money that is annually expended on the Forest Serv-  
15       ice timber sales program, only a small fraction finds  
16       its way back to the Federal Treasury, resulting in  
17       an enormous net loss to taxpayers.

18          (8) In September 2001, the General Accounting  
19       Office stated that it was ‘impractical, if not impos-  
20       sible, for us or anyone to accurately determine the  
21       Forest Service’s timber sales program cost.” (GAO-  
22       01-1101R Forest Service Timber Costs), and this  
23       lack of accurate accounting results in waste and  
24       abuse of taxpayer funds and natural resources.



1           (9) Forests absorb rainfall, retard stream run-  
2       off, reduce floods, increase slope stability, and retain  
3       topsoil, and retard soil erosion and siltation in  
4       streams, irrigation ditches, and reservoirs.

5           (10) Commercial logging has many indirect  
6       costs which are very significant, but not easily meas-  
7       ured, such as flooding damage and relief of flooding  
8       damage through Federal funds, damage to the salm-  
9       on fishing industry; and harm to the recreation and  
10      tourism industries.

11          (11) A congressionally commissioned scientific  
12      study of the Sierra Nevada forests found that more  
13      than any other human activity, commercial logging  
14      has increased the risk and severity of fires by remov-  
15      ing the cooling shade of trees and leaving flammable  
16      debris (see Sierra Nevada Ecosystem Project Final  
17      Report to Congress, Vol. 1, Assessment Summaries  
18      and Management Strategies, 1996).

19          (12) Forest Service studies have confirmed the  
20      finding that logging, including both thinning and  
21      clearcutting, increases fire severity (United States  
22      Forest Service, Historical and Current Forest Land-  
23      scapes in Eastern Oregon and Washington, Part II:  
24      Linking Vegetation Characteristics to Potential Fire  
25      Behavior and Related Smoke Production, PNW-

1 GTR-355, p. 22 (1995); United States Forest Serv-  
2 ice, Integrated Scientific Assessment for Ecosystem  
3 Management in Interior Columbia Basin, PNW-  
4 GTR-382, p. 61 (1996)).

5 (13) The Forest Service's chief fire specialist  
6 has stated that the material that needs to be re-  
7 duced to prevent unnaturally severe forest fires is  
8 underbrush that is less than two or three inches in  
9 diameter, not mature trees (Washington Journal, C-  
10 SPAN, Aug. 10, 2000).

11 (14) The Forest Service's own fire research sta-  
12 tion found that the only effective way to protect  
13 homes in the urban/wildland interface from forest  
14 fires is to reduce the flammability of the home itself  
15 and its immediate surroundings within 40 meters,  
16 not engage in logging activities on Federal public  
17 lands (Jack Cohen, Reducing the Wildland Fire  
18 Threat to Homes: where and how much?, United  
19 States Forest Service, Fire Sciences Laboratory,  
20 Rocky Mountain Research Station, Missoula, Mon-  
21 tana, report presented at the Fire Economics, Policy  
22 and Planning: Bottom Line Symposium, April 5-9,  
23 1999, San Diego, California).

24 (15) It is in the interests of the American peo-  
25 ple to protect watersheds on Federal public lands in

1 order to prevent potentially damaging and deadly  
2 floods.

3 **SEC. 4. PROHIBITION ON TIMBER SALES TO PROTECT FED-**  
4 **ERAL PUBLIC LANDS.**

5 (a) PROHIBITION ON NEW TIMBER SALES.—Not-  
6 withstanding any other provision of law, effective as of the  
7 date of the enactment of this Act, no timber sales shall  
8 be prepared, advertised, offered, or awarded on Federal  
9 public lands and, except as provided in section 5, no com-  
10 mercial logging shall occur on Federal public lands.

11 (b) EXCEPTIONS.—The use of forest materials for  
12 noncommercial use, including personal-use permits under  
13 the personal use component of the forest management pro-  
14 gram of the Forest Service or an equivalent program of  
15 the Bureau of Land Management, the National Park Serv-  
16 ice, or the United States Fish and Wildlife Service, to the  
17 extent allowed under existing law, is not prohibited by sub-  
18 section (a), but any such use of forest materials for non-  
19 commercial use must be consistent with section 7, includ-  
20 ing subsection (k) of such section.

21 (c) NATIVE AMERICAN TRIBES.—Nothing contained  
22 in this Act shall be construed to modify, amend, or breach  
23 any treaty in existence on the date of enactment of this  
24 Act with any Native American tribe.

1 **SEC. 5. EFFECT OF PROHIBITION ON EXISTING TIMBER**  
2 **SALE CONTRACTS.**

3 (a) REMAINING SALVAGE RIDER SALES.—Notwith-  
4 standing any outstanding judicial order or administrative  
5 proceeding interpreting section 2001 of Public Law 104–  
6 19 (109 Stat. 240; 16 U.S.C. 1611 note), the Secretary  
7 of Agriculture and the Secretary of the Interior shall im-  
8 mediately suspend each timber sale or activity that was  
9 being undertaken in whole or in part under the authority  
10 provided in such section.

11 (b) ROADLESS AREAS AND LATE-SUCCESSIONAL/  
12 OLD GROWTH FORESTS.—Notwithstanding any other  
13 provision of law, the Secretary of Agriculture and the Sec-  
14 retary of the Interior shall immediately suspend each tim-  
15 ber sale in any roadless area or late-successional/old  
16 growth forest on Federal public lands.

17 (c) PHASE-OUT PERIOD AUTHORIZED.—There shall  
18 be a 2-year period to phase out those timber sale contracts  
19 in existence as of the date of the enactment of this Act.  
20 The phase-out period shall begin on the date of the enact-  
21 ment of this Act. Any remaining timber sales on Federal  
22 public lands shall be automatically suspended upon the ex-  
23 piration of the phase-out period. Notwithstanding any  
24 other provision of law, no commercial logging shall occur  
25 anywhere on Federal public lands after the end of the  
26 phase-out period.

1 (d) EARLY TERMINATION.—For all timber sales sus-  
2 pended under subsection (a), subsection (b), and sub-  
3 section (c) of this subsection, the Secretary concerned  
4 shall—

5 (1) exercise any provision of the original con-  
6 tract that authorizes termination and payment of  
7 specified damages; or

8 (2) terminate the contract to avoid adverse ef-  
9 fects on the environment or natural resources.

10 (e) PAYMENT FOR TIMBER SALE CONTRACTS RELIN-  
11 QUISHED.—Any claim, whether as a result of a judgment  
12 or an agreement against the Federal Government, arising  
13 from termination of any timber sale contract under sub-  
14 section (d) of this subsection, may be—

15 (1) paid from funds made available under sec-  
16 tion 1304 of title 31, United States Code, and shall  
17 not require reimbursement under section 13(c) of  
18 the Contract Disputes Act of 1978 (41 U.S.C.  
19 612(c));

20 (2) offset by forgiveness of a Federal Govern-  
21 ment loan or loan guarantee;

22 (3) paid through funds appropriated for the  
23 purpose; or

24 (4) paid through the transfer of funds from  
25 Forest Service or Bureau of Land Management ac-

1 counts for forest management, road construction, or  
2 general administration for such purposes.

3 (f) DISPUTES.—Any claim by a purchaser against the  
4 Federal Government relating to a contract terminated  
5 under this section shall be subject to the Contract Dis-  
6 putes Act of 1978 (41 U.S.C. 601 et seq.).

7 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

8 (a) CALCULATION OF TAXPAYER LOSSES FROM LOG-  
9 GING.—The Secretary of Agriculture, in consultation with  
10 the Secretary of the Interior, shall determine the average  
11 amount of Federal funds appropriated annually from the  
12 General Fund of the Treasury over the five fiscal years  
13 immediately preceding the date of the enactment of this  
14 Act for commercial logging and commercial logging-re-  
15 lated activities on Federal public lands. In making this  
16 determination, the Secretary shall include amounts ex-  
17 pended for the following, using estimates when necessary:

- 18 (1) Timber sales management.
- 19 (2) Forest-land vegetation management.
- 20 (3) Land management planning, inventory, and  
21 monitoring related to commercial logging.
- 22 (4) Research related to commercial logging.
- 23 (5) The portion of the forest roads and road  
24 maintenance program related to commercial logging.

1           (6) General administration expenses related to  
2       commercial logging.

3           (7) Landline location related to commercial log-  
4       ging.

5           (8) Law enforcement related to commercial log-  
6       ging.

7           (9) The portion of the forest fire fighting and  
8       prevention program related to commercial logging.

9           (10) The portion of any other activities related  
10      to commercial logging.

11       (b) AUTHORIZATION.—There are authorized to be ap-  
12      propriated such sums as may be necessary to carry out  
13      this Act in the fiscal years beginning after the date of the  
14      enactment of this Act, but not to exceed for any fiscal  
15      year two-thirds of the amount calculated in subsection (a)  
16      as the taxpayer losses from logging.

17       (c) ADMINISTRATIVE EXPENSES.—Not more than  
18      ten percent of the funds appropriated or allocated to carry  
19      out sections 7 and 8 may be reserved for the administra-  
20      tion of activities authorized under those sections.

21      **SEC. 7. NATURAL HERITAGE RESTORATION.**

22       (a) GENERAL REQUIREMENT.—Notwithstanding any  
23      other provision of law, agency projects or programs to re-  
24      store biological diversity and ecological processes on Fed-  
25      eral public lands shall be carried out in a manner con-

1 sistent with this section and shall be integrated into the  
2 program established by this section.

3 (b) PURPOSES AND BASIC MANAGEMENT REQUIRE-  
4 MENTS.—

5 (1) GENERAL PURPOSES.—The purpose of this  
6 section is to protect and restore the natural heritage  
7 of the Federal public lands through the restoration  
8 of native biodiversity and natural ecological com-  
9 plexes and processes. In most circumstances, natural  
10 processes will heal damaged areas without assist-  
11 ance, but, in many circumstances, where extensive  
12 damage from logging and road-building is evident, it  
13 is necessary to take immediate action to stop soil  
14 erosion and pervasive resource damage. The primary  
15 emphasis of this section is to change circumstances  
16 that effectively act as barriers to natural restoration  
17 processes. This section does not envision the broad  
18 application of largely experimental techniques or tac-  
19 tics for which there is no solid scientific support or  
20 concrete evidence of effectiveness.

21 (2) GUIDING PRINCIPLE.—It is also the purpose  
22 of this section to provide guidance and limitations  
23 for the protection and restoration of native biological  
24 diversity. The inherent guiding principle or basic ap-  
25 proach that managers shall use to implement the ec-



1       ological restoration provisions of this section is to  
2       “do no harm” to ecosystems when implementing ac-  
3       tive management projects and programs.

4               (3) PRECAUTIONARY APPROACH.—Scientific un-  
5       certainty about complex ecosystems requires a pre-  
6       cautionary approach to active management. There-  
7       fore, proposed projects that are intended to restore  
8       ecological processes must have short- and long-term  
9       benefits that significantly outweigh any short- or  
10      long-term risks.

11             (4) EMPHASIS OF ECOLOGICAL RESTORATION  
12      PROJECTS.—In most cases, ecosystems are inher-  
13      ently resilient if left to function without interference  
14      from man, but in some cases action is necessary to  
15      stop immediate resource damage. Therefore, ecologi-  
16      cal restoration projects shall emphasize the removal  
17      of barriers that prevent ecosystems from restoring  
18      themselves. Some examples of such barriers are  
19      roads, erosion, landslides, nonnative invasive species,  
20      fire suppression, certain types of hazardous fuels,  
21      dams or man-made barriers in streams, and other  
22      significant man-made damage and developments that  
23      interfere with natural ecological processes.

24             (5) REQUIRED EVALUATION.—In other cases  
25      ecosystems require the reintroduction of native spe-

1       cies that once contributed to natural ecological proc-  
2       esses. Therefore, each ecological restoration project  
3       shall include an evaluation of which native species  
4       may be missing from the ecosystem and shall ensure  
5       the presence of adequate habitat and forage or prey  
6       for the native species, to be followed by a scheduled  
7       reintroduction of the native species in coordination  
8       with State natural heritage and wildlife agencies and  
9       the United States Fish and Wildlife Service.

10       (c) NATURAL HERITAGE RESTORATION CORPS.—

11               (1) ESTABLISHMENT.—The Secretary of the In-  
12       terior and the Secretary of Agriculture shall each es-  
13       tablish a special unit (to be known as the “Natural  
14       Heritage Restoration Corps”) for the purposes of—

15               (A) conducting ecological restoration of na-  
16       tive biodiversity in areas of Federal public lands  
17       where the integrity of natural ecosystems has  
18       been degraded;

19               (B) assisting in the monitoring of forest  
20       resources, including effectiveness monitoring of  
21       ecological restoration projects; and

22               (C) in cooperation with each agency’s law  
23       enforcement programs, monitoring and pro-  
24       tecting public resources from various illegal ac-  
25       tivities, including timber theft and poaching.

1           (2) USE OF PERSONNEL FROM EXISTING PRO-  
2           GRAMS.—The Natural Heritage Restoration Corps  
3           may be created using personnel in existing programs  
4           in the agencies.

5           (3) OTHER PERSONNEL AND EQUIPMENT.—In  
6           addition to the personnel selected under paragraph  
7           (2), the Natural Heritage Restoration Corps may  
8           hire other personnel, which may include private con-  
9           tractors, and purchase or lease the necessary equip-  
10          ment to implement the Natural Heritage Restoration  
11          Plans to achieve the goals and objectives as set forth  
12          by the Secretary of Agriculture and the Secretary of  
13          the Interior under this section. There shall be a hir-  
14          ing preference for dislocated workers who have been  
15          terminated or laid off, or have received a notice of  
16          termination or lay off, as a consequence of the en-  
17          actment of this Act.

18          (4) TRAINING.—Personnel of the Natural Her-  
19          itage Restoration Corps shall be properly trained so  
20          that they are able to carry out the activities specified  
21          in paragraph (1) consistent with this section.

22          (d) NATURAL HERITAGE RESTORATION PLAN-  
23          NING.—

24                (1) NATIONAL FOREST SYSTEM LANDS.—For  
25          lands in the National Forest System, the Secretary

1 of Agriculture shall develop Natural Heritage Res-  
2 toration Plans at the regional level to carry out an  
3 ecological restoration program in each region con-  
4 sistent with this section and incorporating the stand-  
5 ards, guidelines, and procedures developed in sub-  
6 section (e). Such Plans shall be completed no later  
7 than 18 months after the date of enactment of this  
8 Act and shall be revised at least every 10 years.

9 (2) BLM, NATIONAL WILDLIFE REFUGE, AND  
10 NATIONAL PARK LANDS.—For lands under the juris-  
11 diction of the Bureau of Land Management, and, as  
12 necessary for National Wildlife Refuges and units of  
13 the National Park System, the Secretary of the Inte-  
14 rior shall develop Natural Heritage Restoration  
15 Plans at the regional level to carry out an ecological  
16 restoration program in each region consistent with  
17 this section and incorporating the standards, guide-  
18 lines, and procedures developed in subsection (e).  
19 Such Plans shall be completed no later than 18  
20 months after the date of enactment of this Act and  
21 shall be revised at least every 10 years.

22 (3) MONITORING.—The Secretary of the Inte-  
23 rior and the Secretary of Agriculture shall include in  
24 the Natural Heritage Restoration Plans—

1 (A) monitoring provisions to ensure the ef-  
2 fectiveness of each ecological restoration  
3 project; and

4 (B) provisions to gauge each Plan's  
5 progress in achieving any restoration goals and  
6 objectives that are developed in accordance with  
7 subsection (g).

8 (4) FOLLOW-UP EVALUATIONS AND CORREC-  
9 TIONS.—The Secretary of Interior and the Secretary  
10 of Agriculture shall provide for appropriate follow-up  
11 evaluations and actions to ensure the long-term suc-  
12 cess of ecological restoration projects. The failure of  
13 any restoration project shall be evaluated and re-  
14 ported to the appropriate Secretary, who shall take  
15 prompt action to provide new solutions to correct the  
16 failed restoration projects.

17 (e) DEVELOPING STANDARDS, GUIDELINES, AND  
18 PROCEDURES FOR RESTORATION.—

19 (1) RESPONSIBILITIES OF THE SECRETARIES.—

20 (A) The Secretary of Agriculture and Secretary of  
21 the Interior shall develop regional standards, guide-  
22 lines, and procedures for restoration, consistent with  
23 this section, as soon as practicable after the date of  
24 the enactment of this Act, and shall incorporate  
25 these regional standards, guidelines, and procedures,

1 as well as regional Natural Heritage Restoration  
2 Plans, into land management plans for each unit of  
3 Federal public lands in accordance with existing  
4 land management planning regulations, by no later  
5 than two years after the date of enactment of this  
6 Act.

7 (B) The Secretaries shall report to the Con-  
8 gress on the progress of implementing this section in  
9 the annual report required by section 8(c) of the  
10 Forest and Rangeland Renewable Resources Plan-  
11 ning Act of 1974 (16 U.S.C. 1606(c)) and section  
12 311 of the Federal Land Policy and Management  
13 Act of 1976 (43 U.S.C. 1741).

14 (2) COMMITTEE OF SCIENTISTS.—(A) In car-  
15 rying out the purposes of this subsection, the Sec-  
16 retary of the Interior, in consultation with the Sec-  
17 retary of Agriculture, shall appoint a committee of  
18 scientists, for each of the various administrative re-  
19 gions in the United States who are not officers or  
20 employees of the Forest Service, the Bureau of Land  
21 Management, or the timber industry, and who are  
22 not contractors for the timber industry.

23 (B) The committee shall provide scientific and  
24 technical advice and counsel on the proposed stand-  
25 ards, guidelines, and procedures of this subsection to

1 assure that an effective interdisciplinary approach is  
2 proposed and adopted for the development of Nat-  
3 ural Heritage Restoration Plans in each region.

4 (C) The committee shall terminate upon pro-  
5 mulgation of the standards, guidelines, and proce-  
6 dures, but the Secretary shall appoint similar com-  
7 mittees, at least every 10 years, to consider revisions  
8 of regional standards, guidelines, and procedures  
9 based on new scientific information and the knowl-  
10 edge gained from implementing ecological restora-  
11 tion projects. Standards, guidelines, and procedures  
12 for developing Natural Heritage Restoration Plans  
13 or their revisions for each region shall be completed  
14 no later than one year after the date of the enact-  
15 ment of this Act or the initiation of the revision  
16 process. The views of the committees shall be in-  
17 cluded in the public information supplied when the  
18 standards and guidelines are proposed for adoption.

19 (3) CLERICAL AND TECHNICAL ASSISTANCE.—  
20 Clerical and technical assistance, as may be nec-  
21 essary to discharge the duties of the committee of  
22 scientists established under paragraph (2), shall be  
23 provided from the personnel of the Department of  
24 Agriculture or the Department of Interior, as appro-  
25 priate.

1           (4) COMPENSATION.—While attending meetings  
2       of the committee, the members shall be entitled to  
3       receive compensation at a rate of \$200 per diem, in-  
4       cluding travel time, and while away from their  
5       homes or regular places of business they may be al-  
6       lowed travel expenses, including per diem in lieu of  
7       subsistence, as authorized by section 5703 of title 5,  
8       United States Code, for persons in the Government  
9       service employed intermittently.

10          (5) REGIONAL BOUNDARIES.—The Secretary of  
11       the Interior, in consultation with the Secretary of  
12       Agriculture, shall determine each region's bound-  
13       aries for which the standards, guidelines, and proce-  
14       dures are to be developed under this subsection.

15          (f) INTERIM NEEDS FOR RESTORATION.—During the  
16       interim period while regional standards, guidelines, and  
17       procedures, as well as regional Natural Heritage Restora-  
18       tion Plans, are being developed and incorporated into land  
19       management plans, the Secretary of Agriculture and Sec-  
20       retary of the Interior shall identify interim needs for eco-  
21       logical restoration and shall take prompt action to begin  
22       this restoration work with available personnel. Interim  
23       needs for restoration under this section shall be limited  
24       to the following:



1           (1) Prescribed or managed fire or manual pre-  
2       treatments to reduce severe fire incidence and haz-  
3       ardous fuels pursuant to subsection (j).

4           (2) Stabilization of slopes and soils so as to  
5       prevent or reduce further erosion and land sliding.

6           (3) Decommissioning and obliteration of roads.

7           (4) Removal of nonnative invasive species.

8           (5) Removal of manmade developments that  
9       interfere with natural ecological processes.

10       (g) RESTORATION GOALS AND OBJECTIVES.—Within  
11   two years after the date of the enactment of this Act, the  
12   Secretary of Agriculture and the Secretary of the Interior  
13   shall develop specific restoration goals and objectives for  
14   each unit of Federal public lands, and shall, within the  
15   same time period, develop a specific schedule to accom-  
16   plish those goals and objectives with any funds made avail-  
17   able to the Secretaries, including those funds authorized  
18   to be appropriated in section 6.

19       (h) PUBLIC PARTICIPATION.—Any program or  
20   project provided in this section shall be carried out in com-  
21   pliance with the National Environmental Policy Act of  
22   1969 (42 U.S.C. 4321 et seq.) and its implementing regu-  
23   lations, and any other public involvement processes pro-  
24   vided by law, regulation, or agency policy.

1 (i) PROHIBITIONS.—Road construction or re-con-  
2 struction shall be prohibited when conducting projects or  
3 programs provided by this section. This prohibition in-  
4 cludes any projects to reduce the incidence of severe fire  
5 and hazardous fuels pursuant to subsection (j).

6 (j) SPECIAL PROVISIONS FOR REDUCING THE INCI-  
7 DENCE OF SEVERE FIRE AND HAZARDOUS FUELS.—

8 (1) PRESCRIBED OR MANAGED FIRES.—The use  
9 of prescribed or managed fires—

10 (A) shall be the primary tool for reducing  
11 severe fire incidence and hazardous fuels;

12 (B) shall only be prescribed in areas that  
13 have been scientifically identified as fire-adapt-  
14 ed ecosystems;

15 (C) shall be carried out in a manner de-  
16 signed to maintain habitat quality for any pro-  
17 posed, threatened, endangered, or sensitive spe-  
18 cies, or their prey; and

19 (D) shall be carried out during a time of  
20 year and with a frequency that is most eco-  
21 logically appropriate, while also minimizing ad-  
22 verse effects on air quality.

23 (2) REQUIREMENTS REGARDING MANUAL PRE-  
24 TREATMENTS.—Manual pre-treatments to reduce se-  
25 vere fire incidence and hazardous fuels—

1 (A) shall include use of prescribed or man-  
2 aged fire, where appropriate, as the primary  
3 treatment of the project in accordance with  
4 paragraph (1);

5 (B) may only be implemented in areas  
6 which have a moderate to high risk of severe  
7 fire incidence;

8 (C) shall be prioritized for urban-wildland  
9 interface areas;

10 (D) shall not reduce the overstory canopy  
11 component of the pre-treatment area;

12 (E) shall maintain habitat quality for any  
13 proposed, threatened, endangered, or sensitive  
14 species, or their prey;

15 (F) may remove hazardous fuels to mini-  
16 mize occurrences of prescribed fires reaching  
17 the forest canopy; and

18 (G) shall only be prescribed in areas that  
19 have been scientifically identified as fire-adapt-  
20 ed ecosystems.

21 (3) APPLICATION TO OTHER PROJECTS.—Not-  
22 withstanding any other provision of law, any treat-  
23 ments or manual pre-treatments to reduce severe  
24 fire incidence and hazardous fuels as part of any  
25 agency projects or programs to reduce the incidence

1 of severe fire and hazardous fuels on Federal public  
2 lands shall be performed in a manner consistent  
3 with this subsection, this section, and section 4.

4 (k) USES OF FOREST MATERIALS THAT RESULT  
5 FROM ECOLOGICAL RESTORATION OR PRE-TREATMENTS  
6 TO REDUCE SEVERE FIRE INCIDENCE AND HAZARDOUS  
7 FUELS.—A hierarchy of use of forest materials that result  
8 from manual pre-treatments in fire-adapted ecosystems or  
9 ecological restoration (such as saplings, bushes, fine sur-  
10 face fuels, and materials from plantations that are being  
11 restored back to native forests) is established in the fol-  
12 lowing order:

13 (1) Forest materials shall be—

14 (A) left as biomass on the forest floor,  
15 lopped, scattered, masticated, or piled and  
16 burned (or a combination of such treatments),  
17 as appropriate; or

18 (B) left as species habitat in the form of  
19 downed woody debris in the project area.

20 (2) If removal of forest material is necessary  
21 for ecological restoration or because the area is pre-  
22 treated in accordance with subsection (j), that mate-  
23 rial shall be used for recreation or maintenance  
24 projects in the same unit of Federal public land,  
25 such as trails, bridges or facilities, or for restoration

1 projects such as woody debris in streams, woody de-  
2bris to provide species habitat, or for biomass to  
3 build soil in other areas of the same unit of Federal  
4 public land.

5 (3) Any excess material not used as described  
6 in paragraph (2) may only be used for public pur-  
7 poses, and not for private or public commercial gain.  
8 This material may be provided for personal non-  
9 commercial uses, such as firewood or other subsist-  
10 ence uses, or for other public noncommercial pur-  
11 poses. Other public purposes may include, but are  
12 not limited to, the processing of these forest mate-  
13 rials for uses such as fuel for low-income households,  
14 or, in limited circumstances, timber for low-income  
15 housing provided by a not for profit venture reg-  
16 istered by the Department of Housing and Urban  
17 Development.

18 (l) RELATION TO OTHER REQUIREMENTS.—Any ac-  
19 tivities undertaken pursuant to subsection (k) or the rest  
20 of this section must be undertaken in strict compliance  
21 with section 4.

22 **SEC. 8. WORKER RETRAINING.**

23 (a) ELIGIBLE INDIVIDUAL DEFINED.—For the pur-  
24 poses of this section, the term “eligible individual” means  
25 an individual who—

1           (1) is a dislocated worker, as that term is de-  
2       fined in section 101 of the Workforce Investment  
3       Act of 1998 (29 U.S.C. 2801); and

4           (2) has been terminated or laid off, or has re-  
5       ceived a notice of termination or lay off, as a con-  
6       sequence of the enactment of this Act, or as a con-  
7       sequence of management decisions on Federal public  
8       lands prior to the enactment of this Act.

9       (b) DETERMINATIONS OF ELIGIBILITY.—The deter-  
10     mination of whether an individual is an eligible individual  
11     shall be made by the Secretary of Labor, pursuant to cri-  
12     teria established by the Secretary of Labor, in consultation  
13     with the Secretaries of Agriculture and the Interior.

14     (c) GRANTS AUTHORIZED.—The Secretary of Labor  
15     may make grants to States, employers, employer associa-  
16     tions, and representatives of employees—

17           (1) to provide training, adjustment assistance,  
18       and employment services to eligible individuals; and

19           (2) to make needs-related payments to eligible  
20     individuals in accordance with subsection (h).

21     (d) PRIORITY AND APPROVAL.—

22           (1) PRIORITY.—In reviewing applications for  
23     grants under subsection (c), the Secretary of Labor  
24     shall give priority to applications proposing to pro-  
25     vide training, adjustment assistance, and services in

1 areas which have the greatest number or percentage  
2 of eligible individuals.

3 (2) NEEDS-RELATED PAYMENTS REQUIRED.—

4 The Secretary of Labor shall not approve an appli-  
5 cation for a grant under subsection (c) unless the  
6 application contains assurances that the applicant  
7 will use grant funds to provide needs-related pay-  
8 ments in accordance with subsection (h).

9 (e) USE OF FUNDS.—Subject to the requirements of  
10 subsections (f), (g), and (h), grants under subsection (c)  
11 may be used for any purpose for which funds may be used  
12 under section 134 of the Workforce Investment Act of  
13 1998 (29 U.S.C. 2864).

14 (f) JOB SEARCH ALLOWANCE.—

15 (1) ALLOWANCE AUTHORIZED.—Grants under  
16 subsection (c) for adjustment assistance may be  
17 used to provide job search allowances to eligible indi-  
18 viduals. Such allowance, if granted, shall provide re-  
19 imbursement to the individual of not more than 90  
20 percent of the cost of necessary job search expenses,  
21 as prescribed by regulations of the Secretary of  
22 Labor, but may not exceed \$1,200 unless the need  
23 for a greater amount is justified in the application  
24 and approved by the Secretary of Labor.

1           (2) CRITERIA FOR GRANTING JOB SEARCH AL-  
2           LOWANCES.—A job search allowance may be granted  
3           only—

4                   (A) to assist an eligible individual who has  
5                   been totally separated in securing a job within  
6                   the United States; and

7                   (B) where the Secretary of Labor deter-  
8                   mines that such employee cannot reasonably be  
9                   expected to secure suitable employment in the  
10                  commuting area in which the worker resides.

11          (g) RELOCATION ALLOWANCE.—

12               (1) ALLOWANCE AUTHORIZED.—Grants under  
13               subsection (c) for adjustment assistance may be  
14               used to provide relocation allowances to eligible indi-  
15               viduals. Such an allowance may only be granted to  
16               assist an eligible individual in relocating within the  
17               United States and only if the Secretary of Labor de-  
18               termines that such employee—

19                   (A) cannot reasonably be expected to se-  
20                   cure suitable employment in the commuting  
21                   area in which the employee resides;

22                   (B) has obtained suitable employment af-  
23                   fording a reasonable expectation of long-term  
24                   duration in the area in which the employee



1 wishes to relocate, or has obtained a bona fide  
2 offer of such employment; and

3 (C) is totally separated from employment  
4 at the time relocation commences.

5 (2) AMOUNT OF RELOCATION ALLOWANCE.—

6 The amount of any relocation allowance for any eli-  
7 gible individual may not exceed the amount which is  
8 equal to the sum of—

9 (A) 90 percent of the reasonable and nec-  
10 essary expenses, specified in regulations pre-  
11 scribed by the Secretary, incurred in trans-  
12 porting an individual and the individual's fam-  
13 ily, if any, and household effects; and

14 (B) a lump sum equivalent to 3 times the  
15 employee's average weekly wage, up to a max-  
16 imum payment of \$1,200, unless the need for  
17 a greater amount is justified in the application  
18 and approved by the Secretary of Labor.

19 (h) NEEDS-RELATED PAYMENTS.—The Secretary of  
20 Labor shall prescribe regulations with respect to the use  
21 of funds from grants under subsection (c) for needs-re-  
22 lated payments in order to enable eligible individuals to  
23 complete training or education programs under this sec-  
24 tion. Such regulations shall—

1           (1) require that such payments shall be pro-  
2       vided to an eligible individual only if such indi-  
3       vidual—

4                   (A) does not qualify or has ceased to qual-  
5       ify for unemployment compensation;

6                   (B) has been enrolled in training by the  
7       end of the 13th week of the individual's initial  
8       unemployment compensation benefit period, or,  
9       if later, the end of the 8th week after an indi-  
10      vidual is informed that a short-term layoff will  
11      in fact exceed six months; and

12                  (C) is participating in training or edu-  
13      cation programs under this section, except that  
14      such regulations shall protect an individual  
15      from being disqualified pursuant to this clause  
16      for a failure to participate that is not the fault  
17      of the individual;

18           (2) provide that to qualify for such payments  
19      the individual currently receives, or is a member of  
20      a family which currently receives, a total family in-  
21      come (exclusive of unemployment compensation,  
22      child support payments, and welfare payments)  
23      which, in relation to family size, is not in excess of  
24      the lower living standard income level;

1           (3) provide that the levels of such payments  
2       shall be equal to the higher of—

3           (A) the applicable level of unemployment  
4       compensation; or

5           (B) the poverty level determined in accord-  
6       ance with criteria established by the Director of  
7       the Office of Management and Budget;

8           (4) provide for the adjustment of payments to  
9       reflect changes in total family income; and

10          (5) provide that the grantee shall obtain infor-  
11       mation with respect to such income, and changes  
12       therein, from the eligible individual.

13          (i) REGULATIONS.—The Secretary of Labor shall  
14       prescribe regulations to carry out this section not later  
15       than 180 days after the date of enactment of this Act.

16       **SEC. 9. ALLOCATION OF FUNDS.**

17          (a) AVAILABILITY OF CERTAIN ACCOUNTS.—Not-  
18       withstanding any other provision of law, from the date of  
19       the enactment of this Act through the duration of the two-  
20       year phase-out period provided in section 5 plus two years  
21       thereafter, all funds in each of the following Forest Service  
22       and Bureau of Land Management accounts, including any  
23       funds deposited into these accounts during the two-year  
24       phase-out period, shall be used only to carry out this Act:

1           (1) Timber salvage funds (including the Salvage  
2       Sale Fund established under section 14(h) of the  
3       National Forest Management Act of 1976 (16  
4       U.S.C. 472a(h))).

5           (2) The fund established under section 3 of the  
6       Act of June 9, 1930 (commonly known as the  
7       Knutson-Vandenberg Act; 16 U.S.C. 576b).

8           (3) The fund containing moneys associated with  
9       the Purchaser-Elect Roads Program under section 6  
10      of Public Law 88–657 (commonly known as the For-  
11      est Roads And Trails Act; 16 U.S.C. 537).

12      (b) ALLOCATION OF TIMBER SALES REVENUES DUR-  
13      ING PHASE-OUT PERIOD.—Notwithstanding any other  
14      provision of law, from the date of the enactment of this  
15      Act through the duration of the two-year phase-out period,  
16      all timber sale revenues from Federal public lands shall  
17      be deposited in the fund established under section 3 of  
18      the Act of June 9, 1930 (commonly known as the  
19      Knutson-Vandenberg Act; 16 U.S.C. 576b).

20      (c) ABOLISHMENT OF ACCOUNTS.—Notwithstanding  
21      any other provision of law, the funds referred to in sub-  
22      section (a) shall be used to carry out this section until  
23      no funds remain in such accounts, after which these ac-  
24      counts shall be abolished.

1       (d) WORKER RETRAINING.—Monies shall be distrib-  
2       uted from the funds referred to in subsection (a) to carry  
3       out section 8. Such distributions shall be made in amounts  
4       up to \$80,000,000 in the first year of the phase-out pe-  
5       riod, and \$80,000,000 and \$120,000,000, respectively, in  
6       the subsequent two years.

7       (e) NATURAL HERITAGE RESTORATION PLAN-  
8       NING.—From the funds referred to in subsection (a), up  
9       to a sum of \$100,000,000 shall be made available to the  
10      Secretary of the Interior and the Secretary of Agriculture  
11      to carry out subsections (d) and (e) of section 7 until such  
12      time as the Natural Heritage Restoration Plans required  
13      by subsection (d) of such section have been incorporated  
14      into the management plans for each unit of Federal public  
15      lands.

16      (f) ALTERNATIVES TO WOOD.—From the funds re-  
17      ferred to in subsection (a), at least \$1,000,000 and up  
18      to \$3,000,000 shall be distributed to the Environmental  
19      Protection Agency to fund an investigation into wood-free  
20      alternative products for paper and construction. Within  
21      one year after the date of the enactment of this Act, the  
22      Administrator of the Environmental Protection Agency  
23      shall make recommendations for grants to entities involved  
24      in the development and production of the most environ-  
25      mentally sound nonwood alternatives for paper and con-

1 struction products, including entities involved in using ag-  
2 ricultural residues to produce paper. Up to \$100,000,000  
3 from the funds referred to in subsection (a) shall be made  
4 available to the Environmental Protection Agency for such  
5 grants, which shall be made within three years after the  
6 date of the enactment of this Act.

7 (g) PUBLIC EDUCATION AND ASSISTANCE TO RE-  
8 DUCE STRUCTURE FLAMMABILITY IN URBAN-WILDLAND  
9 INTERFACE AREAS.—From the funds referred to in sub-  
10 section (a), up to \$15,000,000 shall be used annually to  
11 educate owners of structures on non-Federal land adjacent  
12 to Federal public lands about ways in which these struc-  
13 tures can be protected from forest fires by reducing the  
14 flammability of a structure and the area within 40 meters  
15 of a structure. Both technical support and financial assist-  
16 ance, in coordination or collaboration with existing State  
17 and local programs, to the extent possible, shall be pro-  
18 vided where, and to the extent, appropriate.

19 (h) ALLOCATION OF REMAINING FUNDS.—Any funds  
20 remaining in the accounts referred to in subsection (a) in  
21 the fourth year after the date of the enactment of this  
22 Act shall be deposited into the general fund of the United  
23 States Treasury.

1 **SEC. 10. CONTINUATION OF PAYMENTS FOR STATES AND**  
2 **COUNTIES CONTAINING FEDERAL PUBLIC**  
3 **LANDS UNDER PUBLIC LAW 106-393.**

4 (a) CONTINUATION OF PAYMENTS AFTER FISCAL  
5 YEAR 2006.—The Secure Rural Schools and Community  
6 Self-Determination Act of 2000 (Public Law 106-393; 16  
7 U.S.C. 500 note) is amended—

8 (1) in section 101(a), by striking “years 2001  
9 through 2006,” both places it appears and inserting  
10 “year 2001 and thereafter,”;

11 (2) in section 102(b)(2), by striking “through  
12 fiscal year 2006”; and

13 (3) in section 103(b)(1), by striking “through  
14 fiscal year 2006”.

15 (b) TERMINATION OF REQUIREMENT TO RESERVE  
16 FUNDS FOR FOREST PROJECTS.—(1) Section 102(d) of  
17 such Act is amended by adding at the end the following  
18 new paragraph:

19 “(4) TERMINATION OF ALLOCATION AND ELEC-  
20 TION REQUIREMENTS.—This subsection shall not  
21 apply in the case of payments made under sub-  
22 section (a) for fiscal year 2007 and thereafter.”.

23 (2) Section 103(c) of such Act is amended by adding  
24 at the end the following new paragraph:

25 “(4) TERMINATION OF ALLOCATION AND ELEC-  
26 TION REQUIREMENTS.—This subsection shall not

1        apply in the case of payments made under sub-  
2        section (a) for fiscal year 2007 and thereafter. The  
3        entire payment amount shall be expended as re-  
4        quired by the laws referred to in subsection (a)(1).”.

5    **SEC. 11. ENFORCEMENT BY CITIZENS.**

6        (a) PURPOSE AND FINDING.—The purpose of this  
7        section is to foster the widest possible enforcement of this  
8        Act. Congress finds that all people of the United States  
9        are injured by any action that violates the provisions of  
10       this Act on all lands to which this Act applies.

11       (b) CITIZEN SUITS AUTHORIZED.—Any person may  
12       commence a civil action against any person, including the  
13       United States, who is alleged to be in violation of this Act.  
14       The action shall be brought in the district court for the  
15       district in which the alleged violation occurred or the  
16       United States District Court for the District of Columbia.  
17       When the United States is a defendant, venue may also  
18       be in the district court for the district in which the office  
19       of any officer or employee of the United States who is  
20       alleged to be involved in the violation is located. The dis-  
21       trict court shall have jurisdiction without regard to the  
22       amount in controversy or the citizenship of the parties.

23       (c) RELIEF.—If the court determines that a violation  
24       of this Act has occurred, the court may issue an injunction  
25       and provide other appropriate equitable relief as the court



1 considers necessary. If the plaintiff is the prevailing or  
2 substantially prevailing party, the court may award to the  
3 plaintiff reasonable costs of the litigation, including attor-  
4 ney fees, witness fees, and other necessary expenses. When  
5 the United States is a defendant, any award of costs of  
6 litigation against the United States shall be paid by the  
7 United States within 40 days after judgment.

8 (d) STANDARD OF PROOF.—The standard of proof  
9 in all actions brought under this section shall be the pre-  
10 ponderance of the evidence and the trial shall be de novo.

11 (e) WAIVER OF SOVEREIGN IMMUNITY.—The United  
12 States, including its agencies, agents, and employees,  
13 waives its sovereign immunity in all respects in all actions  
14 under this section. No notice is required to enforce this  
15 section.

○