

105TH CONGRESS  
1ST SESSION

# S. 1253

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

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## IN THE SENATE OF THE UNITED STATES

OCTOBER 3, 1997

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

NOVEMBER 5, 1997

Ordered, that if and when reported by the Committee on Energy and Natural Resources, S. 1253 be referred to the Committee on Agriculture, Nutrition, and Forestry solely for consideration of matters within its jurisdiction for not to exceed 40 session days and if not reported by that time, the committee be discharged and the bill placed on the calendar

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## A BILL

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

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

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

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

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

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings.
- Sec. 3. Definitions.
- Sec. 4. Supplemental authority.
- Sec. 5. Transition.

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

- Sec. 101. Purposes.

PART A—IN GENERAL

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

PART B—RESOURCE MANAGEMENT AND MANAGEMENT ACTIVITY PLANNING

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

PART C—CHALLENGES TO PLANNING

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

TITLE II—COORDINATION AND COMPLIANCE WITH OTHER  
 ENVIRONMENTAL LAWS

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

TITLE III—DEVELOPMENT OF ECOREGION ASSESSMENTS

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

Sec. 306. Pacific Northwest Forest Plan review.

TITLE IV—DEVELOPMENT OF A GLOBAL RENEWABLE  
RESOURCES ASSESSMENT

Sec. 401. Purposes.

Sec. 402. Global Renewable Resources Assessment.

Sec. 403. National Council on Renewable Resources Policy.

Sec. 404. Repeal of certain provisions of the Forest and Rangeland Renewable Resources Planning Act.

TITLE V—ADMINISTRATION

PART A—IN GENERAL

Sec. 501. Confirmation of the Chief of the Forest Service.

Sec. 502. Monitoring funds.

Sec. 503. Interagency transfer and interchange authority.

Sec. 504. Fees for processing records requests.

Sec. 505. Off-budget study.

PART B—NONFEDERAL LANDS

Sec. 506. Access to adjacent or intermingled non-Federal lands.

Sec. 507. Exchanges of Federal lands for non-Federal lands.

PART C—THE FOREST RESOURCE

Sec. 508. Forest health credits in sales of forest products.

Sec. 509. Special funds.

Sec. 510. Private contractors.

Sec. 511. Non-harvested forest products sales.

Sec. 512. Exemption from strict liability for the recovery of fire suppression costs.

TITLE VI—MISCELLANEOUS

Sec. 601. Regulations.

Sec. 602. Authorization for appropriations.

Sec. 603. Effective date.

Sec. 604. Savings clauses.

Sec. 605. Severability.

**1 SEC. 2. FINDINGS.**

**2** The Congress finds as follows:

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

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

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

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

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

1           (6) These numerous flaws threaten the integrity  
2 of the Federal lands planning and decision making  
3 processes and undermine the ability of the agencies  
4 to fulfill their statutory land management respon-  
5 sibilities and accomplish management that is well  
6 grounded in science.

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

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

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

1           (10) Although the Management Acts antici-  
2           pated and directed that only two layers of plan-  
3           ning—multiple-use resource management planning  
4           for each national forest, Bureau of Land Manage-  
5           ment district, or other designated planning unit, and  
6           site-specific planning for management activities—be  
7           undertaken, the agencies have engaged in planning  
8           at multiple layers—regional, ecoregion, watershed,  
9           etc.—without license or direction from statute or  
10          regulation.

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

23          (12) The procedures and requirements of other  
24          environmental laws often burden with increased  
25          costs and delays, conflict with, and frustrate the

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

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

1           (14) The loss in goods and services from Fed-  
2           eral lands resulting from these numerous flaws in  
3           Federal land planning and decisionmaking has in-  
4           creased this Nation's dependency on foreign sources  
5           for certain resources and has encouraged imports  
6           from countries with land management policies and  
7           priorities that are far less environmentally respon-  
8           sive.

9           (15) New concepts in Federal land manage-  
10          ment, such as ecosystem management and adaptive  
11          management, are not recognized in the Management  
12          Acts and are being imposed on or incorporated in  
13          Federal land planning and management without  
14          statutory authority.

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

21          (17) The provisions of section 322 of Public  
22          Law 102-381 (106 Stat. 1419) requiring the Forest  
23          Service to establish a streamlined administrative ap-  
24          peals process for management activities has expired  
25          and these well-received Congressional requirements

1 for processing administrative appeals should be re-  
2 stored and expanded to include appeals of decisions  
3 concerning planning, as well as decisions on manage-  
4 ment activities, made by the Bureau of Land Man-  
5 agement, as well as the Forest Service.

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

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

23 (20) All stakeholders have incurred injuries—  
24 both environmental and economic—from these plan-  
25 ning and decision making flaws, but none more than

1 the local resource dependent communities, which  
2 have little or no protection under the Management  
3 Acts and have experienced the loss of wages, reve-  
4 nues, and public services, and resultant social insta-  
5 bility.

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

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

1           (23) Additional Congressional direction for the  
2           planning of, and implementation of planning on, the  
3           Federal lands is required to ensure that the predict-  
4           ability in Federal land management intended by the  
5           Management Acts is achieved, that the land manage-  
6           ment agencies are able to exercise fully their consid-  
7           erable management expertise and judgment, that the  
8           public can be heard in land management decisions,  
9           and that the adverse environmental effects and eco-  
10          nomic and social dislocation which result from the  
11          present flaws in the planning processes are avoided.

12 **SEC. 3. DEFINITIONS.**

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

15               (1) “Agencies” means the Bureau of Land  
16               Management, Department of the Interior, with re-  
17               spect to the lands described in paragraph (4)(A),  
18               and the Forest Service, Department of Agriculture,  
19               with respect to the lands described in paragraph  
20               (4)(B).

21               (2) “Committees of Congress” means the Com-  
22               mittee on Resources and Committee on Agriculture  
23               of the House of Representatives, and the Committee  
24               on Energy and Natural Resources and the Commit-

1       tee on Agriculture, Nutrition, and Forestry of the  
2       United States Senate;

3           (3) “ecosystem management” means an ap-  
4       proach to implementation of the principles of mul-  
5       tiple-use and sustained-yield on the Federal lands  
6       which employs current understanding of ecosystem  
7       processes to evaluate the effects of management  
8       strategies on ecosystem health and productivity in  
9       conjunction with attainment of planned outputs of  
10      goods, services, and amenities.

11           (4) “Federal lands” means—

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

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

22           (5) “resource management plans” means land  
23       use plans prepared by the Bureau of Land Manage-  
24       ment for units of the lands described in paragraph  
25       (4)(A) pursuant to section 202 of the Federal Land

1 Policy and Management Act of 1976 (43 U.S.C.  
2 § 1712) and this Act, and land and resource man-  
3 agement plans prepared by the Forest Service for  
4 units of the lands described in paragraph (4)(B)  
5 pursuant to section 6 of the Forest and Rangeland  
6 Renewable Resources Planning Act of 1974, as  
7 amended by the National Forest Management Act of  
8 1976 (16 U.S.C. § 1604), and this Act; and

9 (6) “Secretaries” or “Secretary” means the  
10 Secretary of the Interior with respect to the lands  
11 described in paragraph (4)(A) and the Secretary of  
12 Agriculture with respect to the lands described in  
13 paragraph (4)(B).

14 (b) OTHER TERMS.—Terms used in this Act shall  
15 have the same meaning they are accorded in the Federal  
16 Land Policy and Management Act of 1976 (43 U.S.C.  
17 § 1701 et seq.) with respect to the lands described in para-  
18 graph (4)(A) and in the Forest and Rangeland Renewable  
19 Resources Planning Act of 1974 (16 U.S.C. § 1600 et  
20 seq.) with respect to the lands described in paragraph  
21 (4)(B).

22 **SEC. 4. SUPPLEMENTAL AUTHORITY.**

23 The provisions of this Act apply to all Federal lands  
24 and supplement the Federal Land Policy and Management  
25 Act of 1976 (43 U.S.C. § 1701 et seq.), the Forest and

1 Rangeland Renewable Resources Planning Act of 1974, as  
2 amended by the National Forest Management Act of 1976  
3 (16 U.S.C. § 1600 et seq.), and other laws applicable to  
4 the Federal lands. Except as otherwise provided in this  
5 Act, in the event of conflict or inconsistency between this  
6 Act and any other law referred to in this section, this Act  
7 shall prevail: *Provided*, That, for any Federal lands des-  
8 ignated as units of the National Wilderness Preservation  
9 System, National Wild and Scenic Rivers System, or Na-  
10 tional Trails System, the provisions of law governing man-  
11 agement of those systems or specific units shall prevail  
12 whenever such provisions conflict or are inconsistent with  
13 this Act.

14 **SEC. 5. TRANSITION.**

15 Except as otherwise provided in this Act, any plan,  
16 policy, or guidance of the Agencies with respect to the  
17 Federal lands in effect on the date of enactment of this  
18 Act shall continue to apply to such lands until such plan,  
19 policy, or guidance is revised, amended, changed, or termi-  
20 nated in accordance with the provisions of this Act.

1 **TITLE I—ENSURING THE EFFEC-**  
2 **TIVENESS AND IMPLEMENTA-**  
3 **TION OF FEDERAL LAND**  
4 **PLANNING**

5 **SEC. 101. PURPOSES.**

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

16 **PART A—IN GENERAL**

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

18 The mission of the Secretary of Agriculture and the  
19 Forest Service, and of the Secretary of the Interior and  
20 the Bureau of Land Management, shall be to manage the  
21 Federal lands under their respective jurisdictions to fur-  
22 nish a sustainable flow of multiple goods, services, and  
23 amenities while protecting and providing a full range and  
24 diversity of natural habitats of native species in a dynamic  
25 manner over the landscape.

1 **SEC. 103. SCIENTIFIC BASIS FOR FEDERAL LANDS DECISIONS.**  
2

3 In rendering decisions concerning resource manage-  
4 ment plans for and management activities on Federal  
5 lands, each Secretary shall utilize the best scientific and  
6 commercial data available to the Secretary.

7 **PART B—RESOURCE MANAGEMENT AND**  
8 **MANAGEMENT ACTIVITY PLANNING**

9 **SEC. 104. LEVELS OF PLANNING.**

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

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

15 (2) site or area specific planning for manage-  
16 ment activities.

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

20 (c) **OTHER ANALYSES OR ASSESSMENTS.**—Each Sec-  
21 retary may conduct analyses or assessments for geographi-  
22 cal areas larger or smaller than the designated planning  
23 units, including ecoregion assessments pursuant to title  
24 III, but shall not apply the results of such analyses or  
25 assessments to the affected Federal lands unless the re-  
26 source management plans for the planning units encom-

1 passing such lands are amended or revised in accordance  
2 with this Act and other applicable law.

3 (d) NONCOMPLYING PLANS.—(1) The Secretaries  
4 shall have three years from the date of enactment of this  
5 Act to amend or revise resource management plans in ac-  
6 cordance with this Act to modify and incorporate any poli-  
7 cies contained in any plans applicable to the Federal lands  
8 which are effective on the date of enactment of this Act  
9 and which do not comply with subsection (a).

10 (2) All noncomplying plans referred to in paragraph  
11 (1) shall terminate three years from the date of enactment  
12 of this Act.

13 (3) A noncomplying plan referred to in paragraph (1)  
14 shall no longer apply to Federal lands in a planning unit  
15 upon its termination date established by paragraph (2) or  
16 when the resource management plan for such lands has  
17 been amended pursuant to paragraph (1), whichever is  
18 earlier.

19 **SEC. 105. CONTENTS OF PLANNING AND ALLOCATION OF**  
20 **DECISIONS TO EACH PLANNING LEVEL.**

21 (a) PLAN CONTENTS.—(1) Each resource manage-  
22 ment plan shall contain the following basic elements which  
23 shall be accorded equal consequence by the Secretary con-  
24 cerned:

1 (A) a statement of goals and objectives for the  
2 management of the Federal lands to which the plan  
3 applies during the term of the plan;

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

6 (C) determinations of outputs of goods and  
7 services from the Federal lands to which the plan  
8 applies annually and for the term of the plan; and

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

22 (2) Each resource management plan also shall con-  
23 tain—

1 (A) a statement of historical uses, and trends  
2 in conditions, of the resources on the Federal lands  
3 subject to the plan;

4 (B) a schedule and procedure for monitoring  
5 the implementation of the plan, the management of  
6 the Federal lands subject to the plan, and trends in  
7 the conditions and uses of resources on the Federal  
8 lands subject to the plan, as required by section  
9 115(b)(1); and

10 (C) criteria for determining when circumstances  
11 on the Federal lands subject to the plan warrant  
12 adaptive management of the resources of such lands  
13 pursuant to section 115(b).

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

19 (B) All analyses and decisions to be conducted in the  
20 levels of planning for Federal lands authorized in sub-  
21 section (a) shall be assigned exclusively to a specific level  
22 and may not be conducted or made, or reconsidered, at  
23 the level to which they are not assigned.

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

1 (A) in resource management plans: in addition  
2 to the matters specified in subsection (a) and sec-  
3 tions 108, 109, 111, and 112, resource inventories  
4 and analyses of cumulative effects of planning deci-  
5 sions and subsequent management activities shall be  
6 conducted; the relationship of each plan to relevant  
7 State and local plans shall be discussed; Federal  
8 land which may be exchanged or otherwise made  
9 available for disposal shall be identified; and deci-  
10 sions concerning wilderness, lands unsuitable for cer-  
11 tain activities, and visual objectives, shall be made;  
12 and

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

23 **SEC. 106. PLANNING DEADLINES.**

24 (a) Except as provided in section 104(d), the dead-  
25 lines for completing planning and management activities

1 and all decisions associated therewith on the Federal lands  
2 shall be:

3 (1) for preparation of a resource management  
4 plan, 30 months;

5 (2) for development of an amendment to a re-  
6 source management plan which is determined to be  
7 significant, 12 months, and for development of an  
8 amendment to a resource management plan which is  
9 determined not to be significant, 9 months;

10 (3) for revision of a resource management plan,  
11 24 months; and

12 (4) for a decision on a management activity  
13 which is determined to be significant in accordance  
14 with regulations that define significant, 9 months,  
15 and for a decision on a management activity which  
16 is determined not be significant in accordance with  
17 regulations that define not significant, 6 months.

18 (b) The deadline established in subsection (a) for any  
19 activity or decision deemed to be a “rule” as defined in  
20 5 U.S.C. § 804(3) shall be the date on which such activity  
21 or decision is submitted to each House of the Congress  
22 and the Comptroller General pursuant to 5 U.S.C.  
23 § 801(a)(1)(A).

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

2 (a) INCONSISTENT OR CONFLICTING PLAN PROVI-  
3 SIONS OR FEDERAL LANDS POLICIES OR DECISIONS.—  
4 Except as provided in subsection (b), no policy may be  
5 applied to or decision made on a resource management  
6 plan or a management activity, or the Federal lands sub-  
7 ject to such plan or activity, if that policy or decision is  
8 inconsistent with any provisions of the plan, including any  
9 of the basic elements specified in section 105(a)(1).

10 (b) RESTORING PLAN CONFORMITY; MAKING RE-  
11 QUIRED PLANNING CHANGES.—(1) Whenever, as a result  
12 of monitoring the implementation of a resource manage-  
13 ment plan pursuant to section 115(b), planning a manage-  
14 ment activity on Federal lands to which the plan applies,  
15 or other circumstance, the Secretary concerned determines  
16 that a conflict exists between any of the provisions of the  
17 plan or that a policy or decision the Secretary would other-  
18 wise establish or make is inconsistent with a provision of  
19 the plan, whether the provision concerns a goal, land allo-  
20 cation, output determination, or environmental require-  
21 ment, the Secretary shall initiate immediately the process  
22 to amend or revise the plan to eliminate the conflict, in-  
23 consistency, or departure: *Provided*, That the Secretary,  
24 for a single specific management activity within any class  
25 of management activities, may waive any provision in a  
26 resource management plan without an amendment to or

1 revision of the plan if such provision does not implement  
2 a nondiscretionary statutory requirement and the Sec-  
3 retary determines in writing that the waiver is in the pub-  
4 lic interest.

5 (2) Any change in the management of any Federal  
6 lands that is required by a law enacted, regulation promul-  
7 gated, or court order issued, or is warranted by new infor-  
8 mation that becomes available, after the resource manage-  
9 ment plan which applies to such lands is adopted shall  
10 be effected by an amendment to or revision of the plan,  
11 and, except where the Secretary determines such law or  
12 court order requires otherwise and publishes the deter-  
13 mination in the Federal Register, shall not become effec-  
14 tive until the amendment or revision is adopted.

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

24 (d) CONTINUATION OF MANAGEMENT ACTIVITIES  
25 DURING PLANNING.—(1) No management activities shall

1 be stayed during the process of preparing an amendment  
2 to or revision of a resource management plan in anticipa-  
3 tion of changes to be made by the amendment or revision,  
4 except as otherwise required by this Act, court order, or  
5 a formal declaration of the Secretary published in the Fed-  
6 eral Register: *Provided*, That a specific management activ-  
7 ity may be stayed by the responsible agency official for  
8 a purpose that is unrelated to the purpose or likely effect  
9 of the amendment or revision.

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

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

18 (e) EFFECT OF PLAN AMENDMENT OR REVISION.—  
19 Whenever a resource management plan is amended or re-  
20 vised, the Secretary shall consider, and discuss in the envi-  
21 ronmental analysis documents, associated with the amend-  
22 ment or revision, any effect which such amendment or re-  
23 vision may have on the basic elements, as identified in sec-  
24 tion 105(a)(1), that are contained in the plan prior to  
25 completion of the amendment or revision process. The de-

1 cision document on the amendment or revision shall in-  
2 clude a discussion of the reasons why such effect is nec-  
3 essary and any steps that were or shall be undertaken to  
4 ameliorate any adverse economic or social consequences  
5 which will or could result from such effect.

6 **SEC. 108. DISCLOSURE OF FUNDING CONSTRAINTS ON**  
7 **PLANNING AND MANAGEMENT.**

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

21 **SEC. 109. CONSIDERATION OF FEDERAL LANDS-DEPEND-**  
22 **ENT COMMUNITIES.**

23 (a) **RESPONSIBILITY FOR CONSIDERATION OF COM-**  
24 **MUNITIES.**—In preparing, amending, or revising a re-  
25 source management plan, the Secretary shall consider if,

1 and explain whether, the plan maintains to the maximum  
2 extent feasible under this Act and other applicable law the  
3 stability of each community dependent on the resources  
4 of the Federal lands to which the plan applies.

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

19 (c) DEFINITION.—(1) The term “community depend-  
20 ent on the resources of the Federal lands” means a com-  
21 munity which is located in a proximity to Federal lands  
22 and is significantly affected socially, economically, or envi-  
23 ronmentally by the allocation of uses of one or more of  
24 the resources of those lands.

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

6 **SEC. 110. PARTICIPATION OF LOCAL, MULTI-INTEREST**  
7 **COMMITTEES.**

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

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

1 retary shall endeavor to consolidate for analysis or other-  
2 wise discuss alternatives propounded by committees other  
3 than the two selected committees.

4 (3) If the entirety or a significant part of an alter-  
5 native of an independent committee of local interests ana-  
6 lyzed pursuant to paragraph (1) is adopted by the Sec-  
7 retary, the Secretary may provide to the committee ade-  
8 quate monies from the appropriate fund established pur-  
9 suant to section 502 or, if such monies are insufficient,  
10 appropriated funds to enable the committee to monitor the  
11 implementation and effects of the plan, amendment, or re-  
12 vision in accordance with the schedule and procedures for  
13 monitoring provided in the plan, amendment, revision, or  
14 activity referred to in paragraph (1).

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

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

1 of a commodity resource or resources from such lands and  
2 at least one such interest shall be concerned principally  
3 with use or protection of a noncommodity resource or re-  
4 sources on such lands.

5 (b) COMMITTEES ESTABLISHED BY THE SECRETAR-  
6 IES.—(1) Each Secretary is authorized and encouraged to  
7 establish committees corresponding to the planning units  
8 established pursuant to section 104.

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

14 (3) Each committee established pursuant to para-  
15 graph (1) is authorized to—

16 (A) advise each Secretary prior to any decision  
17 by the Secretary to adopt a resource management  
18 plan, or an amendment to or revision of the resource  
19 management plan, applicable to the planning unit  
20 for which the committee is established; and

21 (B) monitor the implementation of the plan,  
22 amendment, or revision.

23 (4) Each Secretary shall—

24 (A) in accordance with procedures established  
25 by regulation, seek the advice of the committees es-

1        established pursuant to paragraph (1) as provided in  
2        paragraph (3)(A); and

3                (B) provide to the committees established pur-  
4        suant to paragraph (1) adequate monies from the  
5        appropriate fund established pursuant to section 502  
6        or, if such monies are insufficient, appropriated  
7        funds to permit the committees to conduct the mon-  
8        itoring provided for in paragraph (3)(B).

9        **SEC. 111. ECOSYSTEM MANAGEMENT PRINCIPLES.**

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

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

19        The Secretaries shall specify, in the environmental  
20        analysis documents prepared for resource management  
21        plans, and amendments to and revisions of such plans, the  
22        fully allocated cost including foregone revenues, expressed  
23        as a user or cost-per-beneficiary, of each noncommodity  
24        output from the Federal lands to which the plans apply.

1 **SEC. 113. CITIZEN PETITIONS FOR PLAN AMENDMENTS OR**  
2 **REVISIONS.**

3 (a) PETITION FILING.—(1) A person may challenge  
4 a resource management plan, or an amendment to or revi-  
5 sion of such plan, after the deadline for filing an adminis-  
6 trative appeal thereof established pursuant to section  
7 116(b)(3) solely—

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

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

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

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

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

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

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

5           (d) DEFINITION.—For purposes of this section, “new  
6 information, law, or regulation” means any material and  
7 significant information related to resource management  
8 plan, or an amendment to or revision of such plan, that  
9 was not known to and considered by the Secretary in the  
10 development of the plan, amendment, or revision, and any  
11 law or regulation not in effect when the decision was made  
12 to adopt the plan, amendment, or revision.

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

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

23           (b) PLAN PREPARATION.—On or before July 1 of  
24 each year after the date of enactment of this Act, each  
25 Secretary shall submit a report to the Committees of Con-

1 gress that provides the total cost and costs per function  
2 or procedure incurred in the preparation of each resource  
3 management plan, ecoregion assessment, and significant  
4 amendment to or revision of any such plan or assessment,  
5 which is published in the preceding calendar year. Such  
6 costs shall include the costs of the Agency responsible for  
7 preparation of the plan, amendment, or revision and of  
8 any other Federal agency which participates in the prepa-  
9 ration of the plan, amendment, or revision or prepares an  
10 opinion, report, or comments on the compliance of the  
11 plan, amendment, or revision with any Federal law or reg-  
12 ulation administered by such agency.

13 **SEC. 115. MONITORING AND MAINTENANCE OF PLANNING;**

14 **ADAPTIVE MANAGEMENT.**

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

21 (b) **MONITORING FOR PLAN COMPLIANCE.**—(1)  
22 Using monies from the Monitoring Funds established pur-  
23 suant to section 502 and, where such monies are insuffi-  
24 cient, appropriated funds, each Secretary shall monitor,  
25 on a schedule established by each resource management

1 plan but no less than every two years, the implementation  
2 of the plan and management of the Federal lands subject  
3 to the plan and trends in the conditions or uses of the  
4 resources on such lands to—

5 (A) ensure that no goal, land allocation, output,  
6 or policy of the plan is constructively changed  
7 through a pattern of management activities or of  
8 failures to undertake management activities; and

9 (B) determine if circumstances warrant adapt-  
10 ive management of any of the resources, to be au-  
11 thorized either—

12 (i) in accordance with requirements and  
13 procedures prescribed in the plan, if such man-  
14 agement will not require or result in any change  
15 in the basic elements of the plan as described  
16 in section 105(a), or

17 (ii) by amendment to or revision of the  
18 plan.

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

24 (B) If the Secretary finds the circumstances de-  
25 scribed in paragraph (1)(B) to exist and to require an

1 amendment to or revision of the plan, the plan shall be  
2 amended or revised.

3 **PART C—CHALLENGES TO PLANNING**

4 **SEC. 116. 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 amendment to or revi-  
16 sion 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 no opportunity is ac-  
23 corded to the public to present such written com-  
24 ments;

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

11           (3) require that a person who seeks administra-  
12 tive review of a resource management plan, or an  
13 amendment to or revision of such plan, on the basis  
14 of new information, law, or regulation as defined in  
15 section 113(d) must petition for an amendment or  
16 revision of the affected plan in accordance with such  
17 section;

18           (4) establish deadlines after the final decisions  
19 to adopt a plan, amendment, or revision, or to ap-  
20 prove, disapprove, or take final action on an activity,  
21 by which any administrative appeal, other than a pe-  
22 tition pursuant to section 113, must be filed: *Pro-*  
23 *vided*, That such deadlines shall be not more than  
24 120 days after a plan or revision decision, 90 days

1 after an amendment decision, and 45 days after an  
2 activity decision;

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

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

21 (7) provide that the Secretary shall consider  
22 and balance the environmental and/or economic in-  
23 jury to any affected persons in determining whether  
24 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 (4) 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;

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

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

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

24           (c) REPEALER.—The regulations required of the For-  
25 est Service by this section shall replace any regulations

1 promulgated pursuant to section 322 of Public Law 102–  
2 381 (106 Stat. 1419–1420). Upon the effective date of  
3 the regulations of the Forest Service required by this sec-  
4 tion, such section 322 is repealed.

5 **SEC. 117. JUDICIAL REVIEW.**

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

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

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

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

13 (i) remedy any violation of any such Act or  
14 a regulation issued under any such Act by the  
15 United States or any agency or official of the  
16 United States; or

17 (ii) challenge any such Act or a regulation  
18 issued under any such Act or the implementa-  
19 tion of the Act or the regulation; and

20 (B) intervene as a matter of right in any suit  
21 brought under any such Act that threatens to cause  
22 injury to the person or relates to any injury sus-  
23 tained by the person, which intervenor shall have the  
24 same right to present argument and to accept or re-

1       ject potential settlements as do the parties to the  
2       suit.

3       (2) Standing to obtain judicial review of a resource  
4 management plan, an amendment of or a revision to such  
5 a plan, or a management activity shall be available only  
6 to persons who have—

7           (A) participated in the preparation of such  
8 plan, amendment, revision, or activity through the  
9 submission of written comments on the issue or is-  
10 sues for which judicial review is sought, unless an  
11 opportunity to submit such comments was not pro-  
12 vided to the public;

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

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

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

1 management plan, the final decision on an administrative  
2 appeal of a management activity not subject to section  
3 116(b)(9), or the decision to approve or disapprove a man-  
4 agement activity subject to section 116(b)(9): *Provided*,  
5 That, for any suit based on a law which requires advanced  
6 notice of suit, the notice must be filed by the applicable  
7 deadline and the suit must be filed within 7 days after  
8 the conclusion of the notice period.

9 (2) Except as provided in subsection (d), the plan,  
10 amendment, revision, activity, or petition shall not be  
11 reviewable either directly or indirectly as part of any other  
12 decision concerning the Federal lands for compliance with  
13 any provision of law or regulation in existence at the con-  
14 clusion of the applicable period established by paragraph  
15 (1).

16 (d) SUITS BASED ON NEW INFORMATION, LAW, OR  
17 REGULATION.—A suit brought pursuant to this section  
18 shall not allege or rely upon new information, law, or regu-  
19 lation as defined in section 113(d) unless the party has  
20 petitioned the Secretary pursuant to such section and the  
21 Secretary has denied such petition or approved such peti-  
22 tion and completed the amendment or revision process.

23 (e) ADMINISTRATIVE RECORD.—The record before  
24 the court in any suit brought pursuant to this section shall

1 be limited to the administrative record and such additional  
2 written evidence as the court shall permit.

3 **TITLE II—COORDINATION AND**  
4 **COMPLIANCE WITH OTHER**  
5 **ENVIRONMENTAL LAWS**

6 **SEC. 201. PURPOSES.**

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

15 **SEC. 202. ENVIRONMENTAL ANALYSIS.**

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

22 (2) The environmental impact statement required by  
23 paragraph (1) shall analyze all matters in the resource  
24 management plan, including those assigned to resource  
25 management plans by subsections (a) and (c)(1), and by

1 regulation pursuant to subsection (b), of section 103 of  
2 this Act, and contain all other analyses required to be in-  
3 cluded in environmental impact statements by this Act  
4 and the National Environmental Policy Act of 1969 (42  
5 U.S.C. § 4321, et seq.).

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

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

1 promulgated by, the Secretary, determines that the nature  
2 or scope of potential environmental consequences of a  
3 management activity is substantially different from or  
4 greater than the nature or scope of the consequences con-  
5 sidered in the environmental impact statement on the ap-  
6 plicable resource management plan, the environmental  
7 analysis document for the activity shall be an environ-  
8 mental impact statement pursuant to section 102(2)(C)  
9 of such Act.

10 (2) The environmental assessment or environmental  
11 impact statement required by paragraph (1) shall analyze  
12 the matters associated with the management activity  
13 which are assigned to management activities by subsection  
14 (c)(2), and by regulation pursuant to subsection (b), of  
15 section 105.

16 **SEC. 203. WILDLIFE PROTECTION.**

17 (a) ENDANGERED SPECIES ACT ANALYSIS.—(1) In  
18 developing a resource management plan, an amendment  
19 to or revision of such a plan, or a management activity  
20 on the Federal lands, the Agency, on the basis of the best  
21 scientific and commercial data available, shall ensure, pur-  
22 suant to section 7 of the Endangered Species Act of 1973  
23 (16 U.S.C. § 1536), that the plan, amendment, revision,  
24 or activity is not likely to jeopardize the continued exist-  
25 ence of any species determined to be endangered or threat-

1 ened, or result in the destruction or adverse modification  
2 of habitat of such species designated as critical, pursuant  
3 to section 4 of such Act, except that the Agency, upon  
4 certification pursuant to paragraph (2), shall perform all  
5 functions in the processes established in subsections (a)  
6 through (c) of such section 7 (16 U.S.C. § 1536(a)–(c))  
7 which are assigned by such subsections or implementing  
8 regulations to the Secretary of the Interior (other than  
9 functions to be performed by the Bureau of Land Manage-  
10 ment) or the Secretary of Commerce, or their designees.

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

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

23 (C) The Director, in consultation with the Director  
24 of the National Marine Fisheries Service, shall render a  
25 decision on an application submitted pursuant to subpara-

1 graph (A) within 90 days of the receipt thereof or of the  
2 submission by the Agency of further information pursuant  
3 to subparagraph (B), whichever is later: *Provided*, That  
4 if the Director fails to render a decision by such date, the  
5 Agency shall be deemed certified to perform the functions  
6 described in subparagraph (A).

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

11 (E) The decision of the Director on an application  
12 submitted pursuant to paragraph (A) shall not be subject  
13 to subsections (a) through (c) of section 7 of the Endan-  
14 gered Species Act of 1973 and section 102(2) of the Na-  
15 tional Environmental Policy Act of 1969 (42 U.S.C.  
16 § 4332(2)).

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

21 (b) EFFECT ON MANAGEMENT ACTIVITIES.—(1)  
22 Whenever a species is determined to be an endangered  
23 species or threatened species, or critical habitat is des-  
24 ignated, pursuant to section 4 of the Endangered Species  
25 Act of 1973 (16 U.S.C. § 1533) and the species or habitat

1 is located on Federal lands, the Agency with jurisdiction  
2 over such lands shall determine whether the procedure es-  
3 tablished by section 7(a)(2) of such Act (16 U.S.C.  
4 § 1536(a)(2)) and subsection (a) of this section is required  
5 on each resource management plan applicable to such  
6 lands within 90 days of the date of the determination or  
7 designation. Any amendment to or revision of a resource  
8 management plan resulting from the determination or des-  
9 ignation which requires such procedure shall be completed  
10 within 12 months or 18 months, respectively, from the  
11 date of the determination or designation.

12 (2) If the procedure prescribed by section 7(a)(2) of  
13 such Act and subsection (a) of this section is required on  
14 a resource management plan (or an amendment to or revi-  
15 sion of the plan), the Agency implementing the plan may  
16 authorize, fund, or carry out any agency action that is  
17 consistent with the plan prior to completion of the proce-  
18 dure on the plan if the procedure prescribed by such sec-  
19 tion 7(a)(2) and subsection (a) of this section concerning  
20 the same species or critical habitat is conducted on the  
21 action or if such procedure is not required on the action.

22 **SEC. 204. WATER QUALITY PROTECTION.**

23 Any management activity on the Federal lands which  
24 constitutes a nonpoint source of water pollution, including,  
25 but not limited to, any activity associated with the harvest-

1 ing and transporting of forest products, which is certified  
2 by the State in which such Federal lands are located to  
3 meet best management practices or the functional equiva-  
4 lent thereof shall be deemed to be in compliance with any  
5 applicable requirements arising from any area wide waste  
6 treatment management plan under section 208, and any  
7 management program under section 319(b), of the Clean  
8 Water Act (33 U.S.C. §§ 1288 and 1329(b)): *Provided,*  
9 That the Agency is not required to seek such certification  
10 for any management activity.

11 **SEC. 205. AIR QUALITY PROTECTION.**

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

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

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

17 **TITLE III—DEVELOPMENT OF**  
18 **ECOREGION ASSESSMENTS**

19 **SEC. 301. PURPOSE.**

20 The purpose of this title is to authorize the develop-  
21 ment, and prescribe the use, of assessments of manage-  
22 ment issues that transcend the boundaries of Federal land  
23 planning units established pursuant to section 102 and  
24 land ownerships in order to inform resource management  
25 planning and the planning of management activities on the  
26 Federal lands.

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

2 (a) AUTHORIZATION.—Each Secretary is authorized  
3 to prepare or participate in the preparation of ecoregion  
4 assessments, which, in the Secretary’s discretion, may en-  
5 compass all Federal lands and lands of other ownership  
6 within a region specified by the Secretary: *Provided*, That  
7 non-Federal lands may be included in an assessment only  
8 upon the written concurrence of the Governor or Gov-  
9 ernors in whose States the lands are located.

10 (b) CONGRESSIONAL AND PUBLIC NOTIFICATION.—

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

16 (2) The notice required by paragraph (1) shall in-  
17 clude a description of the region and lands to be included  
18 in the assessment; the officials to be responsible for the  
19 ecoregion assessment; the estimated cost of, and deadlines  
20 for, the assessment; the charter for, or other instructions  
21 concerning, the conduct and substance of the assessment;  
22 the procedures for ensuring participation of the affected  
23 States, local governments, and tribes and the public in the  
24 preparation of the assessment; a thorough explanation of  
25 how the ecoregion was identified and the attributes which

1 establish the ecoregion; and the detailed reasons for the  
2 decision to initiate the assessment.

3 **SEC. 303. STATUS, EFFECT, AND APPLICATION OF ASSESS-**  
4 **MENTS.**

5 (a) NON-DECISIONAL STATUS.—The assessments  
6 prepared pursuant to section 302 shall not contain any  
7 decisions concerning resource management planning or  
8 management activities on the Federal lands. Any decision  
9 concerning resource management planning or manage-  
10 ment activities which reflects or employs information or  
11 analyses contained in an assessment prepared pursuant to  
12 section 302 shall be made in accordance with section  
13 104(c) and this section.

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

23 (2) If an amendment or revision is determined war-  
24 ranted pursuant to paragraph (1), such amendment or re-  
25 vision shall be completed within the applicable deadline es-

1 tablished by section 106 and otherwise comply with the  
2 requirements of this Act and other applicable law.

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

8 (4) No Federal official shall use an assessment, or  
9 any documents prepared pursuant to this title, to regulate,  
10 or otherwise apply the assessment or documents to, non-  
11 Federal lands.

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

13 In accordance with the limited status provided in sec-  
14 tion 303(a) for an assessment prepared pursuant to this  
15 title, each such assessment shall not be subject to section  
16 102(2) of the National Environmental Policy Act of 1969  
17 (42 U.S.C. § 4332(2)), and subsections (a) through (d) of  
18 section 7 of the Endangered Species Act of 1973 (16  
19 U.S.C. § 1536(a)–(d)).

20 **SEC. 305. REPORT TO CONGRESS.**

21 Each Secretary shall submit a report to the Commit-  
22 tees of Congress as defined in section 3(a)(2) on or before  
23 January 1, 1998, and January 1 of each second year  
24 thereafter, on any assessments prepared pursuant to sec-  
25 tion 302, any implications for Federal land management

1 derived from such assessments, and any amendments of  
2 or revisions to resource management plans based on such  
3 assessments. Each report also shall contain an analysis  
4 by the Secretary of the benefits and detriments of such  
5 assessments and any recommendations of the Secretary  
6 for improving the content and application of such assess-  
7 ments.

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

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

1 Assessment” (hereinafter in this section referred to as the  
2 “Plan”).

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

5 (1) the significance, validity, and appropriate-  
6 ness of the scientific information, assumptions, and  
7 modelling employed in the decision to adopt the  
8 Plan;

9 (2) the significance, validity, and appropriate-  
10 ness of any pertinent information, assumptions, and  
11 modelling not employed in the decision to adopt the  
12 Plan;

13 (3) whether the Plan will achieve the resource  
14 protection purposes, goals, or objectives established  
15 in, or underlying, it;

16 (4) whether the Plan is achieving and will  
17 achieve the resource production purposes, goals, or  
18 objectives established in, or underlying, it;

19 (5) the operational and cost efficiencies to be  
20 effected by the Plan and whether other methods or  
21 alternative approaches would be more efficient; and

22 (6) any recommendations for changes in the  
23 Plan, including any suggestions for administrative or  
24 legislative action.

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

5 (2) The review authorized by subsection (a) shall be  
6 submitted by the Consortium to the Committees of Con-  
7 gress.

8 (3) The Consortium shall not submit, nor shall any  
9 officer or agency of the United States have any authority  
10 to require the Consortium to submit, the review authorized  
11 by subsection (a), or any testimony concerning the review,  
12 to any officer or agency of the United States for approval,  
13 comments, or review prior to the submission of the review  
14 or testimony to the Committees of Congress.

15 (d) APPROPRIATION AUTHORIZATION.—There are  
16 authorized to be appropriated for use by the Consortium  
17 to conduct the review authorized by subsection (a) such  
18 sums as are necessary, but not more than \$5,000,000.  
19 Such sums shall be disbursed to the Consortium by the  
20 Secretary of the Treasury.

21 (e) AGENCY COOPERATION.—Each department,  
22 agency, or instrumentality of the executive branch of the  
23 Federal government shall respond promptly and fully to  
24 any request for information or documents pertaining to  
25 the Plan submitted to it by the Consortium.

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

4 **SEC. 401. 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 Resources Assessment and Renewable Re-  
10 source Program, which continually have been altered by  
11 other agencies and political appointees within the Execu-  
12 tive 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. 402. 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 403  
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 five years  
6 from the date of enactment of this Act and within each  
7 successive five 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, demand for, and sup-  
12 ply of the renewable resources, with an emphasis on  
13 pertinent supply and demand and price relationship  
14 trends;

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

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



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

4           (2) from time to time during the five year peri-  
5           ods between each Assessment, as it deems appro-  
6           priate, to submit recommendations for administra-  
7           tive changes or initiatives to the Agencies or legisla-  
8           tive changes or initiatives to the Committees of Con-  
9           gress; 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 fifteen members, including five members ap-  
14          pointed by the President, five members appointed by the  
15          President pro tempore of the Senate, and five members  
16          appointed by 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 seven 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 five 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 three years, one  
7 at the end of four years, one at the end of five years, one  
8 at the end of six years, and one at the end of seven 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), the Con-  
16 sortium of Regional Forest Assessment Centers, and other  
17 nongovernmental entities, for the investigation of matters  
18 within their competence.

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

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

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

23 (i) RULES AND POWERS OF THE COUNCIL.—(1) The  
24 Council is authorized to establish such procedural and ad-

1 ministrative rules as are necessary for the performance of  
2 its functions.

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

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

14 (2) Whenever the Council transmits the Assessment,  
15 analyses, or recommendations referred to in subsection (b)  
16 or any testimony or any comments on legislation to the  
17 Agencies, the President, or the Office of Management and  
18 Budget, it shall transmit concurrently copies thereof to the  
19 Committees of Congress. No officer or agency of the Unit-  
20 ed States shall have any authority to require the Council  
21 to submit its Assessment, analyses, recommendations re-  
22 ferred to in subsection (b), or any testimony or any com-  
23 ments on legislation, to any officer or agency of the United  
24 States for approval, comments, or review prior to the sub-  
25 mission of the Assessment, analyses, recommendations,

1 testimony or comments to the Committees of Congress.  
2 In instances where the Council voluntarily seeks to obtain  
3 such comments or review of any officer or agency of the  
4 United States, the Council shall include a description of  
5 such actions in the Assessment, analyses, recommenda-  
6 tions, testimony, or comments which it transmits to the  
7 Congress.

8 **SEC. 404. REPEAL OF CERTAIN PROVISIONS OF THE FOR-**  
9 **EST AND RANGELAND RENEWABLE RE-**  
10 **SOURCES PLANNING ACT.**

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

16 (1) in section 3—

17 (A) by deleting subsections (a), (b), and  
18 (c);

19 (B) in subsection (d)—

20 (i) by redesignating paragraphs (1),  
21 (2), and (3) as subsections (a), (b), (c), re-  
22 spectively;

23 (ii) in paragraph (1), redesignated as  
24 subsection (a) by clause (i), by deleting  
25 “budget together with the annual report

1 provided for under section 8(c) of this  
2 Act,” and inserting “budget,”; and

3 (iii) in paragraph (3), redesignated as  
4 subsection (c) by clause (i), by deleting  
5 “subsection (d)” and inserting “section”;  
6 and

7 (C) by redesignating subsection (e) as sub-  
8 section (d);

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

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

12 (4) in section 6—

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

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

18 (5) in section 7, by deleting “Assessment, re-  
19 source surveys, and Program” and inserting “re-  
20 source surveys”; and

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

## 1 TITLE V—ADMINISTRATION

## 2 PART A—IN GENERAL

3 SEC 501. CONFIRMATION OF THE CHIEF OF THE FOREST  
4 SERVICE.

5 (a) CONFIRMATION.—The Forest Service, Depart-  
6 ment of Agriculture, shall be headed by the Chief who  
7 shall be appointed by the President, by and with the advice  
8 and consent of the Senate. As an exercise of the rule-  
9 making power of the Senate, any nomination of the Chief  
10 submitted to the Senate for confirmation, and referred to  
11 a committee, shall be referred to the Committee on Agri-  
12 culture, Nutrition, and Forestry and the Committee on  
13 Energy and Natural Resources. No person may undertake  
14 the functions or exercise the authority of a Chief for more  
15 than 180 days without the advice and consent of the Sen-  
16 ate.

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

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

24 (2) for a period of not less than 5 years, having  
25 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. 502. MONITORING FUNDS.**

13 (a) ESTABLISHMENT OF FUNDS.—The Secretary of  
14 the Interior shall establish a Public Lands Monitoring  
15 Fund and the Secretary of Agriculture shall establish a  
16 Forest Lands Monitoring Fund.

17 (b) PAYMENT INTO FUNDS.—(1) Any revenues from  
18 Federal lands described in section 3(a)(4)(A) received by  
19 the Secretary of the Interior in any fiscal year in excess  
20 of revenues from such lands projected for the Bureau of  
21 Land Management in the baseline budget of the President  
22 for such fiscal year, minus the funds necessary to make  
23 payments to States or local governments under other laws  
24 concerning the distribution of revenues derived from such

1 lands, shall be deposited into the Public Lands Monitoring  
2 Fund.

3       (2) Any revenues from Federal lands described in sec-  
4 tion 3(a)(4)(B) received by the Secretary of Agriculture  
5 in any fiscal year in excess of revenues from such lands  
6 projected for the Forest Service in the baseline budget of  
7 the President for such fiscal year, minus the funds nec-  
8 essary to make payments to States or local governments  
9 under other laws concerning the distribution of revenues  
10 derived from such lands, shall be deposited in the Forest  
11 Lands Monitoring Fund.

12       (c) USE OF FUND MONIES.—(1) Funds deposited  
13 into the Public Lands Monitoring Fund shall be available,  
14 without fiscal year limitation or further appropriation, to  
15 the Secretary of the Interior to conduct the monitoring  
16 required by section 115(b) or pursuant to section  
17 110(a)(3) or 110(b)(4)(B).

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

1 **SEC. 503. INTERAGENCY TRANSFER AND INTERCHANGE AU-**  
2 **THORITY.**

3 (a) TRANSFER AND INTERCHANGE AUTHORITY.—To  
4 facilitate land management or achieve other authorized  
5 public purposes, the Secretary of the Interior, with respect  
6 to Federal lands described in section 3(a)(4)(A) which are  
7 within or adjacent to Federal lands described in section  
8 3(a)(4)(B), and the Secretary of Agriculture, with respect  
9 to Federal lands described in section 3(a)(4)(B) which are  
10 within or adjacent to Federal lands described in section  
11 3(a)(4)(A), are authorized to transfer to the other Sec-  
12 retary jurisdiction over lands not exceeding 5,000 acres  
13 in size or to interchange jurisdiction over lands not exceed-  
14 ing an aggregate of 10,000 acres per transaction.

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

18 (2) Lands transferred or interchanged pursuant to  
19 this section shall become a part of the unit and managed  
20 in accordance with the laws, rules, and regulations of the  
21 agency and administrative unit to which jurisdiction has  
22 been transferred.

23 (3) A transfer or interchange pursuant to this section  
24 shall not alter, amend, or modify any legislative designa-  
25 tion or provisions applicable to the affected lands prior  
26 to the transaction.

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

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

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

10       Notwithstanding any other provision of law, the Sec-  
11 retaries may not waive or reduce any fee applicable to the  
12 processing of a request that exceeds \$1,000, or of multiple  
13 requests from the same company, organization, or other  
14 entity, including any affiliates or members of the same  
15 company, organization or other entity, that exceed \$1,000  
16 within a 6-month period, for records under section 1 of  
17 the Act of September 6, 1996, as amended (5 U.S.C.  
18 § 552).

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

20       Within twelve months from the date of enactment of  
21 this Act, the United States General Accounting Office  
22 shall conduct, and report to the Committees of Congress  
23 the results of, a study of the feasibility and likely effects  
24 of prohibiting any appropriations of funds to the Forest  
25 Service and Bureau of Land Management, except for ac-

1 tivities of such agencies conducted on or related to non-  
2 Federal lands, and permitting such agencies to retain for  
3 their use, without further approval of, or appropriation by,  
4 Congress and without fiscal year limitation, all revenues  
5 collected from the Federal lands, with revenues from min-  
6 eral activities on Federal lands identified in section  
7 3(a)(4)(B) retained by the Forest Service, minus the  
8 funds necessary to make payments to State and local gov-  
9 ernments under other laws concerning the distribution of  
10 revenues from the Federal lands.

11 **PART B—NON-FEDERAL LANDS**

12 **SEC. 506. ACCESS TO ADJACENT OR INTERMINGLED NON-**  
13 **FEDERAL LANDS.**

14 (a) DEADLINES.—(1) Each Secretary shall process  
15 any application for access over, upon, under, or through  
16 Federal lands within the jurisdiction of the Secretary to  
17 nonFederal land pursuant to section 1323 of the Alaska  
18 National Interest Lands Conservation Act (16 U.S.C.  
19 § 3210) within 180 days of receipt of a complete applica-  
20 tion.

21 (2)(A) Each Secretary shall notify in writing an ap-  
22 plicant for access in accordance with this section whether  
23 an application is complete within 15 days of receipt there-  
24 of.

1 (B) If a Secretary finds an application for access in  
2 accordance with this section to be incomplete, the Sec-  
3 retary shall describe in detail in the notice required by  
4 subparagraph (A) what additional information is nec-  
5 essary to render the application complete.

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

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

14 (b) ENVIRONMENTAL ANALYSIS AND REQUIRE-  
15 MENTS.—(1) The environmental analysis documents re-  
16 quired by section 102(2) of the National Environmental  
17 Policy Act of 1969 (42 U.S.C. § 4332(2)) and section 7  
18 of the Endangered Species Act of 1973 (16 U.S.C. § 1536)  
19 shall consider the environmental effects of the construc-  
20 tion, maintenance and use of the access across the Federal  
21 lands and shall not consider the use of the non-Federal  
22 lands to be accessed.

23 (2) Any limitation or condition on the access which  
24 the Secretary is permitted to impose pursuant to section  
25 1323 of the Alaska National Interests Lands Conservation

1 Act shall limit or condition solely the construction, mainte-  
2 nance, or use of the access across the Federal lands and  
3 not the use of the non-Federal lands to be accessed.

4 **SEC. 507. EXCHANGES OF FEDERAL LANDS FOR NON-**  
5 **FEDERAL LANDS.**

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

8 (1) In subsection (b), by inserting “(1)” after  
9 “(b)” and adding at the end thereof the following  
10 paragraphs:

11 “(2)(A) An environmental assessment shall be  
12 the document prepared for any exchange under this  
13 Act pursuant to section 102(2) of the National Envi-  
14 ronmental Policy Act of 1969 (42 U.S.C. § 4332(2)).  
15 Such document shall not include any assessment of  
16 the future use or development of the Federal land  
17 after it is conveyed by exchange, except for consider-  
18 ation of any plans or proposals for such land avail-  
19 able to the Secretary concerned prior to publication  
20 of the environmental assessment.

21 “(B) For any land exchange required by an Act  
22 of Congress in which the specific lands or interests  
23 in lands to be exchanged are described, unless other-  
24 wise required by such Act, no documentation pursu-  
25 ant to section 102(2) of the National Environmental

1 Policy Act of 1969 (42 U.S.C. § 4332(2)) shall be  
2 required.

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

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

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

23 “(4) The non-Federal land or interest in land  
24 to be included in any exchange under this Act shall  
25 be valued without the application of any Federal or

1 State restriction concerning an environmental value  
2 or resource the protection of which is considered by  
3 the Secretary concerned as a public benefit to be ob-  
4 tained by the exchange.

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

15 “(6) The Secretary concerned may prequalify  
16 Federal lands or interests in lands for exchange as  
17 a means of preliminary identification of lands or in-  
18 terests suitable for disposal. For the purposes of this  
19 paragraph, the term “prequalify” means conducting  
20 the necessary assessments and inventories for lands  
21 or interests with the recognition that such assess-  
22 ments and inventories may need to be updated or  
23 completed in greater detail to reflect changes occur-  
24 ring after the date on which the Secretary  
25 prequalified the lands or interests.

1           “(7) For Federal lands or interests in lands ac-  
2           quired by a State in exchange for school trust lands  
3           held by the State, the Secretary concerned, in lieu  
4           of conducting a cultural assessment under section  
5           106 of the National Historic Preservation Act (16  
6           U.S.C. 470f ) on such lands or interests prior to  
7           their transfer, may enter into an agreement with the  
8           State which provides for protection of archaeological  
9           resources and sites known or later discovered on  
10          such lands or interests to the maximum extent prac-  
11          ticable under State law.

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

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

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

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

## 19           **PART C—THE FOREST RESOURCE**

### 20           **SEC. 508. FOREST HEALTH CREDITS IN SALES OF FOREST** 21           **PRODUCTS.**

22           (a) **AUTHORITY TO ISSUE FOREST HEALTH CRED-**  
23           **ITS.**—(1) The Secretaries are authorized to require, as a  
24           condition of any specific salvage sale of forest products  
25           from the Federal lands or any sale of forest products con-

1 stituting a forest health enhancement project pursuant to  
2 section 509, that the purchaser undertake a forest health  
3 management activity or activities as defined in subsection  
4 (j) which address effects of the operation of the sale or  
5 past sales of forest products or involve vegetation manage-  
6 ment within the area of the sale or the area in which such  
7 effects are located.

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

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

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

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

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

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

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

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

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

22 (2) A description of the forest health management ac-  
23 tivity or activities to be performed by the purchaser, and  
24 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.—  
11 Each Secretary may permit the transfer of unused forest  
12 health credits from one sale under the authority of sub-  
13 section (a) to another such sale held by the same pur-  
14 chaser if such other sale applies to Federal lands that are  
15 under the jurisdiction of such Secretary and located in the  
16 same State as the original sale.

17 (f) EXISTING PROCEDURES.—To the extent feasible,  
18 in preparing, awarding, and administering sales under the  
19 authority of subsection (a), each Secretary shall adhere  
20 to the procedures and requirements developed by the For-  
21 est Service for sales of forest products requiring road con-  
22 struction by sale purchasers pursuant to section 4(2) of  
23 the National Forest Roads and Trails Act (16 U.S.C.  
24 § 535(2)): *Provided*, That nothing in this section shall be  
25 deemed to require or authorize any alteration in the proce-

1 dures or requirements for sales of forest products under  
2 section 4(2) including the applicable provisions of the  
3 small business set-aside program and procedures for cal-  
4 culating payments to counties of a portion of sale receipts.

5 (g) COST CONSIDERATIONS.—Sales under the au-  
6 thority of subsection (a) shall not be precluded because  
7 the costs of such sales are likely to exceed the revenues  
8 derived from such sales nor shall such sales be considered  
9 in any calculations concerning the revenue effects of forest  
10 products sales programs for the Federal lands or units  
11 thereof.

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

22 (i) TERMINATION OF AUTHORITY.—(1) The author-  
23 ity to offer sales of forest products pursuant to this section  
24 shall terminate five years after the date of enactment of  
25 this Act.

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

5           (j) DEFINITION.—For purposes of this section, the  
6 term “forest health management activity” means any  
7 thinning, salvage, forest stand improvement, reforestation,  
8 prescribed burning (including natural ignition) or other  
9 fuels management, insect or disease control, riparian or  
10 other habitat improvement, or other activity, the purpose  
11 of which is to—

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

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

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

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

4           (5) protect existing Federal investments in the  
5           forest resources of the Federal lands, and future  
6           Federal, State, and local revenues that otherwise  
7           would be foregone.

8 **SEC. 509. SPECIAL FUNDS.**

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

1 shall be returned to the special fund and be made available  
2 for the purposes provided in this subsection.

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

24 (c) PAYMENTS TO LOCAL GOVERNMENTS.—Moneys  
25 received from the salvage sales of forest products, and

1 other activities funded, pursuant to this section shall be  
2 considered as money received for purposes of computing  
3 and distributing payments to State and local governments  
4 under other law concerning the distribution of revenues  
5 derived from forest resources from the affected lands.

6 **SEC. 510. PRIVATE CONTRACTORS.**

7 To preserve budgetary and personnel resources, each  
8 Secretary shall use to the maximum extent feasible private  
9 contractors to prepare sales for forest products: *Provided,*  
10 That—

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

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

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

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

2 (a) QUALIFYING SALES.—Notwithstanding any other  
3 provision of law, a purchaser of a sale of forest products  
4 from the Federal lands, other than a sale pursuant to sec-  
5 tion 508(a) or section 509 or a sale which has its primary  
6 purpose vegetative management or land management  
7 other than the disposal of forest products, may elect not  
8 to harvest the stand or stands of trees subject to the sale  
9 (hereinafter referred to in this section as “an election  
10 sale”).

11 (b) CONTRACT TERM.—Any election sale shall have  
12 a term the length of which corresponds to the expected  
13 silvicultural rotation in a sale designed to regenerate even-  
14 aged stands or the period prior to the next scheduled entry  
15 for a sale designed to develop and maintain uneven-aged  
16 stands.

17 (c) CONTRACT TERMINATION.—If, during the con-  
18 tract term of an election sale, the stand or stands of trees  
19 subject to the sale are substantially damaged by fire,  
20 windthrow, disease, insect infestation, or other natural  
21 event, and the Secretary determines, after an opportunity  
22 for public hearing, that harvesting of the stand or stands  
23 is necessary to avoid damage to adjacent forested areas,  
24 the Secretary may terminate the contract and return a  
25 pro-rata share of the purchase price, together with interest  
26 thereon, to the purchaser. The decision to terminate a con-

1 tract pursuant to this subsection shall not be subject to  
2 section 102(2) of the National Environmental Policy Act  
3 of 1969 (42 U.S.C. § 4332(2)) or section 7 of the Endan-  
4 gered Species Act of 1973 (16 U.S.C. § 1536): *Provided*,  
5 That any new sale of the stand or stands of trees subject  
6 to the contract shall comply with such provisions of law.

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

15 (e) NOTICE OF INTENT.—A prospective purchaser of  
16 a sale of forest products from the Federal lands qualified  
17 to be an election sale which intends not to harvest the  
18 stand or stands subject to the sale shall provide written  
19 notice of such intention to the Agency with the submission  
20 of its bid for the sale.

21 (f) WINNING BID DETERMINATION.—In determining  
22 the winning bidder for an election sale that has specifica-  
23 tions for road construction or reconstruction, the Sec-  
24 retary shall deduct from the bid of any prospective pur-  
25 chaser which has provided notice of intent not to harvest

1 pursuant to subsection (e) the estimated cost of such con-  
 2 struction or reconstruction.

3 (g) DEFINITION.—Within 90 days of enactment of  
 4 this Act, each Secretary shall publish in the Federal Reg-  
 5 ister a definition of the term “vegetative management or  
 6 land management other than disposal of forest products”  
 7 in subsection (a) and guidance concerning the determina-  
 8 tion of whether a sale of forest products from the Federal  
 9 lands meets such definition.

10 **SEC. 512. EXEMPTION FROM STRICT LIABILITY FOR THE**  
 11 **RECOVERY OF FIRE SUPPRESSION COSTS.**

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

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

22 **TITLE VI—MISCELLANEOUS**

23 **SEC. 601. REGULATIONS.**

24 Not later than eighteen months from the date of en-  
 25 actment of this Act, each Secretary shall promulgate any

1 regulations necessary to carry out the purposes and provi-  
2 sions of this Act.

3 **SEC. 602. 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 ten 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 for 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. 603. 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. 604. SAVINGS CLAUSES.**

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

1           (b) LAND USE RIGHTS AND AUTHORIZATIONS.—  
2 Nothing in this Act shall be construed as terminating any  
3 valid lease, permit, patent, right-of-way, or other right of,  
4 or authorization for, use of the Federal lands, including  
5 any Native American treaty right, existing on the date of  
6 enactment of this Act.

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. 605. 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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