

103^D CONGRESS
2^D SESSION

S. 2385

To require the Secretary of Agriculture to establish and carry out a Sustainable Ecosystems and Economies Demonstration Program, and for other purposes.

IN THE SENATE OF THE UNITED STATES

AUGUST 12 (legislative day, AUGUST 11), 1994

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

A BILL

To require the Secretary of Agriculture to establish and carry out a Sustainable Ecosystems and Economies Demonstration Program, 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.**

4 This Act may be cited as the “Sustainable
5 Ecosystems and Economies (SEE) Demonstration Act of
6 1994”.

7 **SEC. 2. FINDINGS AND PURPOSES.**

8 (a) FINDINGS.—Congress makes the following find-
9 ings:

1 (1) The successful implementation of new and
2 innovative processes is required to assist in deter-
3 mining ecosystem management practices for Federal
4 lands.

5 (2) A reduction in timber sales and the avail-
6 able volume of timber has had significant adverse
7 impacts on the economic health and well-being of
8 many small communities that are dependent on Fed-
9 eral timber resources.

10 (3) Conditions in many forests, including heavy
11 fuel loads, tree density, and increasing threats from
12 catastrophic fires, disease, and insect infestations
13 adversely affect the biodiversity, health, and sustain-
14 ability of forests.

15 (4) The achievement of ecosystem management
16 will be greatly hindered, unless the Federal Govern-
17 ment determines a means of balancing sustainable
18 ecosystem requirements with the growing demands
19 on timber resources in an expeditious manner.

20 (5) The authority granted to managers of Fed-
21 eral lands does not provide for the distribution of re-
22 ceipts of revenue from timber and other products to
23 fund actions properly or to achieve ecosystem man-
24 agement.

1 (b) PURPOSES.—The purposes of this Act are as fol-
2 lows:

3 (1) To provide for demonstration projects to es-
4 tablish and implement new ecosystem management
5 practices on specific lands managed by—

6 (A) the Secretary and the heads of other
7 Federal agencies; and

8 (B) States and private landowners.

9 (2) To test the feasibility of ecosystem manage-
10 ment contracts.

11 (3) To improve the health of forest resources.

12 (4) To provide for needed flexibility in contract-
13 ing and funding practices and distribution of re-
14 ceipts of revenue from timber and other products to
15 ensure that Federal land managers have the nec-
16 essary means to implement ecosystem management.

17 (5) To provide an economic stimulus to commu-
18 nities that are profoundly dependent on Federal tim-
19 ber resources.

20 (6) To provide the Secretary of Agriculture the
21 authority to enter into ecosystem management dem-
22 onstration contracts to achieve management require-
23 ments prescribed in the following provisions of law:

24 (A) The Multiple Use Sustained-Yield Act
25 of 1960 (16 U.S.C. 528 et seq.).

1 (B) The Forest and Rangeland Renewable
2 Resources Planning Act of 1974 (16 U.S.C.
3 1600 et seq.).

4 (C) The Act of June 7, 1924 (commonly
5 known as the “Clarke-McNary Act of 1924”)
6 (43 Stat. 653, chapter 348).

7 (D) The Act entitled “An Act to facilitate
8 and simplify national-forest administration”,
9 approved June 15, 1940 (54 Stat. 398; 41
10 U.S.C. 20a).

11 (E) The Soil and Water Resources Con-
12 servation Act of 1977 (16 U.S.C. 2001 et seq.).

13 (F) The last paragraph in the matter
14 under the heading “FOREST SERVICE.” in
15 the Act of May 23, 1908 (popularly referred to
16 as the “Twenty-Five Percent Fund Act”) (35
17 Stat. 260, chapter 192; 16 U.S.C. 500).

18 **SEC. 3. DEFINITIONS.**

19 As used in this Act:

20 (1) ACCOUNT.—The term “Account” means the
21 Sustainable Ecosystems and Economies Account es-
22 tablished under section 5.

23 (2) COORDINATOR.—The term “Coordinator”
24 means the Coordinator for the Forest Service se-
25 lected by the Secretary under section 4(b).

1 (3) DEMONSTRATION PROJECT.—The term
2 “demonstration project” means a demonstration
3 project carried out under the Program.

4 (4) ECOSYSTEM MANAGEMENT CONTRACT.—
5 The term “ecosystem management contract” means
6 a contract that a local land use manager enters into
7 pursuant to section 4 to carry out a demonstration
8 project.

9 (5) ECOSYSTEM MANAGEMENT AREA.—The
10 term “ecosystem management area” means any unit
11 of a national forest selected by a local land manager,
12 in consultation with the Coordinator, as a site for a
13 demonstration project pursuant to section 4(c).

14 (6) LOCAL LAND MANAGER.—The term “local
15 land manager” means the supervisor of each na-
16 tional forest selected as a site for demonstration
17 projects pursuant to section 4(d).

18 (7) PROGRAM.—The term “Program” means
19 the Sustainable Ecosystems and Economies Dem-
20 onstration Program established under section 4.

21 (8) SECRETARY.—The term “Secretary” means
22 the Secretary of Agriculture.

1 **SEC. 4. SUSTAINABLE ECOSYSTEMS AND ECONOMIES DEM-**
2 **ONSTRATION PROGRAM.**

3 (a) ESTABLISHMENT.—The Secretary shall establish
4 and implement in the Forest Service a Sustainable
5 Ecosystems and Economies (SEE) Demonstration Pro-
6 gram to investigate and demonstrate strategies to provide
7 for new management practices to—

- 8 (1) ensure sustainable ecosystems; and
9 (2) provide technical and economic assistance to
10 forest resource-dependent communities.

11 (b) ECOSYSTEM MANAGEMENT CONTRACTS.—Each
12 local land manager may enter into an ecosystem manage-
13 ment contract with a qualified non-Federal entity. The
14 contract shall contain a description of the elements of the
15 demonstration project, including the following:

- 16 (1) Site-specific criteria.
17 (2) Clearly delineated treatments and services.

18 (c) APPLICATION OF PRODUCT VALUE.—A local land
19 manager who is an official of the Forest Service may apply
20 all or part of the revenues received from the sale of timber
21 or any other forest product removed from within an eco-
22 system management area pursuant to an ecosystem man-
23 agement contract as an offset against the cost of steward-
24 ship services to carry out a demonstration project under
25 the Program. Such services may include site preparation,
26 recreation, replanting, wildlife habitat enhancement,

1 silviculture programs, watershed improvements, and other
2 enhancements made pursuant to the demonstration
3 project to achieve the ecosystem management objectives
4 prescribed in the contract.

5 (d) COORDINATOR FOR THE FOREST SERVICE.—As
6 soon as practicable after the date of enactment of this Act,
7 the Secretary shall appoint an individual to serve as Coor-
8 dinator for the Forest Service. The Coordinator shall—

9 (1) administer the Program; and

10 (2) provide, upon request, support and technical
11 assistance to local land managers.

12 (e) DESIGNATION OF ECOSYSTEM MANAGEMENT
13 AREAS.—Not later than 120 days after the date of the
14 enactment of this Act, the Secretary, acting through the
15 Coordinator, shall designate locations for ecosystem man-
16 agement areas, including the following:

17 (1) Not more than two districts located in each
18 of two national forests located in each region of the
19 Forest Service.

20 (2) Districts within a forest authorized to enter
21 into a stewardship end result contract, as described
22 in the twenty-third paragraph in the matter under
23 the heading “ADMINISTRATIVE PROVISIONS, FOREST
24 SERVICE” under the heading “FOREST SERVICE”
25 under title II of the Department of the Interior and

1 Related Agencies Appropriations Act, 1993 (Public
2 Law 102–381; 106 Stat. 1403).

3 (f) RESEARCH AND OTHER TECHNICAL ASSIST-
4 ANCE.—

5 (1) IN GENERAL.—To the maximum extent fea-
6 sible, in hiring part-time employees for conducting
7 inventories and related activities, the Secretary shall
8 ensure that priority is given to qualified unemployed
9 individuals in rural communities in close proximity
10 to national forests.

11 (2) PARTICIPATION BY NON-FEDERAL INDIVID-
12 UALS AND ENTITIES.—The Secretary shall ensure
13 that non-Federal individuals or entities are involved
14 in the design, monitoring, and evaluation of a suffi-
15 cient number of demonstration projects conducted
16 under this section to provide an adequate assess-
17 ment of such processes.

18 (g) SUSTAINABLE ECOSYSTEMS AND ECONOMIES
19 DEMONSTRATION PROGRAM ACCOUNT.—The Secretary,
20 acting through the Coordinator, shall advise the Secretary
21 of the Treasury concerning the administration of the Sus-
22 tainable Ecosystems and Economies Demonstration Pro-
23 gram Account established under section 5.

24 (h) REQUIREMENTS FOR SELECTION OF ECOSYSTEM
25 MANAGEMENT AREAS AND IMPLEMENTATION OF PRO-

1 GRAM.—To the maximum extent practicable, in selecting
2 ecosystem management areas and implementing the Pro-
3 gram, the Secretary, acting through the Coordinator, shall
4 provide for the use of existing land use plans, public review
5 processes, and current administrative review processes in
6 effect at the time of the implementation, and consult with
7 appropriate existing advisory councils.

8 (i) PROJECT PRIORITIES.—To the maximum extent
9 practicable, the demonstration projects shall be de-
10 signed—

11 (1) to serve communities that have been des-
12 igned by the Secretary as timber dependent or
13 have significant unemployment rates attributable to
14 land management decisions made by the Federal
15 Government, as determined by the Secretary;

16 (2) to maximize the employment of qualified
17 local individuals; and

18 (3) to initially give priority to wildland interface
19 areas (as defined by the Secretary) with respect to
20 reducing wildfire hazards and minimizing the effects
21 of insect or disease infestation in a manner consist-
22 ent with ecosystem management objectives estab-
23 lished by the local land manager.

1 (j) REGULATIONS.—To the maximum extent possible
2 the Secretary shall carry out the Program without pre-
3 scribing additional regulatory requirements.

4 (k) APPLICATION OF SMALL BUSINESS ACT.—In car-
5 rying out this Act, the Secretary shall give such pref-
6 erential treatment to small businesses, including small
7 business concerns (within the meaning of section 3(a) of
8 the Small Business Act (15 U.S.C. 632(a))), under exist-
9 ing laws and policies relating to the allocation of timber
10 sales programs in the Forest Service.

11 (l) TSPIRS.—Any timber offset made pursuant to
12 subsection (k), and any other value for timber that is ap-
13 proved by the Secretary as an offset pursuant to a dem-
14 onstration project, shall be credited as a revenue for the
15 purposes of the Timber Sales Program Information Re-
16 porting System (commonly referred to as the “TSPIRS”)
17 of the Forest Service.

18 (m) ACRES TREATED.—A local land manager may
19 use the number of acres subject to treatments and services
20 prescribed under an ecosystem management contract as
21 a standard for assessing the relative merit of a demonstra-
22 tion project.

23 (n) PAYMENT TO LOCAL GOVERNMENTS.—The Sec-
24 retary (acting through the Chief of the Forest Service)
25 shall consider the tract value (as defined and determined

1 by the Secretary) of timber or other product (as defined
2 and determined by the Secretary) removed pursuant to a
3 demonstration project as money received for the purposes
4 of computing and distributing payments to States under
5 the last paragraph in the matter under the heading
6 “FOREST SERVICE.” in the Act of May 23, 1908 (pop-
7 ularly referred to as the “Twenty-Five Percent Fund
8 Act”) (35 Stat. 260, chapter 192; 16 U.S.C. 500).

9 (o) JOINT OR COOPERATIVE DEMONSTRATION
10 PROJECTS.—As part of the Program, the Secretary may
11 enter into agreements and memoranda of understanding
12 to conduct joint or cooperative demonstration projects
13 with—

14 (1) the heads of other Federal agencies;

15 (2) appropriate officials of the governments of
16 States and political subdivisions of States; and

17 (3) appropriate officials of other public and pri-
18 vate entities that the Secretary considers appro-
19 priate for carrying out a demonstration project.

20 (p) COMPLIANCE WITH ENVIRONMENTAL LAWS.—
21 The Secretary shall ensure that the entity that intends
22 to carry out the demonstration project has met all applica-
23 ble Federal environmental laws (as determined by the Sec-
24 retary).

1 (q) TERMINATION OF PROGRAM.—The Program es-
2 tablished under this section shall terminate 5 years after
3 the date of enactment of this Act. A demonstration project
4 established under the Program shall terminate not later
5 than 5 years after the date on which a management con-
6 tract is executed, or with respect to a demonstration
7 project described in subsection (o), 5 years after the date
8 the Secretary executes an agreement or enters into a
9 memorandum of understanding under such subsection.

10 **SEC. 5. SUSTAINABLE ECOSYSTEMS AND ECONOMIES DEM-**
11 **ONSTRATION PROGRAM ACCOUNT; SUPPLE-**
12 **MENTAL FUNDING.**

13 (a) PURPOSE.—There is hereby established in the
14 Treasury of the United States a Sustainable Ecosystems
15 and Economies Account. The Secretary of the Treasury
16 shall maintain a subaccount in the Account for each na-
17 tional forest that is selected as a site for demonstration
18 projects under section 4.

19 (b) ADMINISTRATION OF ACCOUNT.—The Secretary
20 of the Treasury shall administer the Account in consulta-
21 tion with the Secretary of Agriculture, acting through the
22 Coordinator.

23 (c) DEPOSITS.—Notwithstanding any other provision
24 of law, the Secretary of the Treasury shall deposit in the
25 Account the amount of revenues received from demonstra-

1 tion projects in excess of any amount required to offset
2 the cost of stewardship services pursuant to section 4(b).

3 (d) EXPENDITURES.—On the request of the Sec-
4 retary, acting through the Coordinator, the Secretary of
5 the Treasury shall make available to the Secretary of Agri-
6 culture from the appropriate subaccount of the Account,
7 funds directly related to the development, planning, and
8 implementation of demonstration projects carried out in
9 a national forest in an amount equal to the revenues re-
10 ceived in the subaccount from the sale of forest products
11 from such national forest.

12 (e) TERMINATION DATE FOR DEPOSITS.—No depos-
13 its may be made into the Account after the earlier of—

14 (1) the date that is 5 years after the date of en-
15 actment of this Act; or

16 (2) the date on which all demonstration projects
17 authorized under this Act have been terminated.

18 (f) TRANSFER OF FUNDS.—Upon the termination of
19 the Account, funds remaining in the Account shall be
20 transferred to the general fund of the Treasury.

21 (g) SUPPLEMENTAL FUNDS.—In addition to using
22 funds from the Account established under this section, the
23 Secretary may use funds made available to the Secretary
24 by appropriations to carry out the mission of the Forest
25 Service (as defined and determined by the Secretary).

1 **SEC. 6. DISSEMINATION OF RESEARCH AND DEMONSTRATION RESULTS.**
2

3 (a) IN GENERAL.—The Secretary shall disseminate
4 to public and private forest owners the results of the re-
5 search and demonstration projects carried out under sec-
6 tion 4 that may be beneficial to such forest owners.

7 (b) APPLICATION OF AUTHORITIES.—In carrying out
8 this section, the Secretary may exercise the authorities re-
9 lated to the dissemination of information granted to the
10 Secretary under the following provisions of law:

11 (1) The Forest and Rangeland Renewable Re-
12 sources Research Act of 1978 (16 U.S.C. 1641 et
13 seq.).

14 (2) The Act commonly known as the “McIn-
15 tyre-Stennis Act of 1962” (Public Law 87–788).

16 (3) The Wood Residue Utilization Act of 1980
17 (16 U.S.C. 1681 et seq.).

18 (c) REPORTS TO CONGRESS.—Not later than 180
19 days after the date of termination of each demonstration
20 project, the Secretary shall prepare and submit to Con-
21 gress a summary and evaluation of the elements of the
22 demonstration project (as described in the applicable eco-
23 system management contract) and the results of the dem-
24 onstration project. The report may include the following:

1 (1) A summary of the beneficial and adverse
2 environmental impacts associated with the activities
3 conducted pursuant to the demonstration project.

4 (2) The functional role of the ecosystem man-
5 agement area that is the site of the demonstration
6 project with respect to—

7 (A) the ecosystem encompassing the eco-
8 system management area and other associated
9 ecosystems; and

10 (B) the long-term demands of the health
11 and biodiversity of the forest.

12 (3) The economic impacts on local employment
13 and adjacent rural communities of the activities con-
14 ducted under the demonstration project.

15 (4) The project costs and revenues and cost
16 savings, if any, resulting from coordinated treat-
17 ments, including an identification of revenues real-
18 ized from the sale of forest products.

19 (5) With respect to the ecosystem management
20 contract, a summary of the following:

21 (A) The benefits and limitations of the eco-
22 system management contract.

23 (B) The number of applicants for partici-
24 pation in the demonstration project.

1 (C) A description of the regulatory process
2 that governs the ecosystem management con-
3 tract.

4 (D) The effectiveness of the ecosystem
5 management contract in defining and achieving
6 results in the demonstration project.

7 (6) The impacts on small businesses.

8 (7) The effectiveness of the public involvement
9 process in the development and implementation of
10 the demonstration project.

11 (8) The number and nature of appeals associ-
12 ated with the development and implementation of
13 the demonstration project.

14 (9) The use of research in developing and im-
15 plementing the development project.

16 (10) An evaluation of the work conducted under
17 agreements or contracts with institutions of higher
18 education (as defined in section 1201(a) of the
19 Higher Education Act of 1965 (20 U.S.C. 1141(a)))
20 or other appropriate educational or research institu-
21 tions (including a nonprofit corporation, a private
22 foundation, or a consortium of such institutions) to
23 carry out research, establish project criteria, or con-
24 duct project end-result evaluations.

1 (11) A determination of measurable units that
2 were used to measure progress or improvement to-
3 ward achieving sustainability for the ecosystem.

4 (12) The relative effectiveness of the provisions
5 under the last paragraph in the matter under the
6 heading “FOREST SERVICE.” in the Act of May
7 23, 1908 (popularly referred to as the “Twenty-Five
8 Percent Fund Act”) (35 Stat. 260, chapter 192; 16
9 U.S.C. 500) in determining the amounts of pay-
10 ments to local governments in comparison with the
11 effectiveness of the determinations made under the
12 demonstration projects.

13 **SEC. 7. REPORT BY THE PRESIDENT.**

14 (a) **IN GENERAL.**—The President shall submit to
15 Congress an annual report concerning the status of the
16 Program. The President shall submit the first report not
17 later than 1 year after the date of enactment of this Act,
18 and shall submit a final report not later than 1 year after
19 the date on which the Program terminates.

20 (b) **FINAL REPORT.**—The final report submitted by
21 the President under this section shall contain the follow-
22 ing:

23 (1) An evaluation of the results of the dem-
24 onstration projects conducted under the Program
25 and an evaluation of the Program, on the basis of—

1 (A) costs and the quantities of outputs;
2 and

3 (B) environmental costs and benefits.

4 (2) Such recommendations concerning the
5 achievement of ecosystem management and other
6 matters related to the Program as the President de-
7 termines to be appropriate.

○

S 2385 IS—2