

104TH CONGRESS  
2D SESSION

# S. 1595

To repeal the emergency salvage timber sale program, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

MARCH 6, 1996

Mr. BRADLEY (for himself, Mr. LEAHY, Mr. SIMON, Mr. LAUTENBERG, Mr. GRAHAM, Mr. BRYAN, Mr. PELL, Ms. MOSELEY-BRAUN, and Mr. KERRY) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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## A BILL

To repeal the emergency salvage timber sale 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 “Restoration of Natural  
5 Resources Laws on the Public Lands Act of 1996”.

6 **SEC. 2. REPEAL OF EMERGENCY SALVAGE TIMBER SALE**  
7 **PROGRAM.**

8 (a) DEFINITION OF SECRETARY CONCERNED.—In  
9 this section, the term “Secretary concerned” means—

1           (1) the Secretary of Agriculture, with respect to  
2           an activity involving land in the National Forest  
3           System; and

4           (2) the Secretary of the Interior, with respect  
5           to an activity involving land under the jurisdiction of  
6           the Bureau of Land Management.

7           (b) REPEAL.—Section 2001 of Public Law 104–19  
8 (109 Stat. 240; 16 U.S.C. 1611 note) is repealed.

9           (c) SUSPENSION.—

10           (1) IN GENERAL.—Notwithstanding any out-  
11           standing judicial order or administrative decision in-  
12           terpreting section 2001 of Public Law 104–19 (109  
13           Stat. 240; 16 U.S.C. 1611 note) (as in existence  
14           prior to the date of enactment of this Act), the Sec-  
15           retary of Agriculture and the Secretary of the Inte-  
16           rior shall suspend each activity that was being un-  
17           dertaken in whole or in part under the authority  
18           provided in the section, unless the Secretary con-  
19           cerned determines that the activity would have been  
20           undertaken even in the absence of the subsection.

21           (2) RESUMPTION OF AN ACTIVITY.—The Sec-  
22           retary concerned may not resume an activity sus-  
23           pended under paragraph (1) until the Secretary con-  
24           cerned determines that the activity (including any  
25           modification after the date of enactment of this Act)

1 complies with environmental and natural resource  
2 laws.

3 **SEC. 3. STUDIES.**

4 (a) PURPOSE.—The purpose of this section is to pro-  
5 vide factual information useful to the President and Con-  
6 gress in setting funding and operational levels for the pub-  
7 lic forests in order to ensure that the public forests are  
8 operated so that the health of forest resources is secured  
9 with ecological and financial effectiveness.

10 (b) NATURE AND EXTENT OF THE SITUATION.—

11 (1) IN GENERAL.—The Secretary of Agri-  
12 culture, through the research branch of the Forest  
13 Service, shall undertake a study to report on the na-  
14 ture and extent of the forest health situation in the  
15 National Forest System.

16 (2) NATURE.—The nature of forest health shall  
17 be categorized into types of situations, including—

18 (A) overstocked stands of unmerchantable-  
19 size trees;

20 (B) stands with excessive fuel loads;

21 (C) mixed conifer stands with an inappro-  
22 priate mix of tree species; and

23 (D) combinations of the situations de-  
24 scribed in subparagraphs (A) through (C).

1           (3) EXTENT.—The extent of forest health shall  
2 include acreage estimates of each situation type and  
3 shall distinguish variations in severity.

4           (4) REPRESENTATIVE SAMPLE MEASURE-  
5 MENTS.—If feasible, the Secretary shall use rep-  
6 resentative sample measurements with a specified  
7 degree of confidence in extending the measurements  
8 to the whole population.

9           (5) PRESENTATION.—The report shall present  
10 data at the national forest or a comparable level and  
11 shall be displayed geographically and tabularly.

12           (6) REVIEW.—The report shall be properly re-  
13 viewed by the scientific community prior to trans-  
14 mission under paragraph (7).

15           (7) TRANSMISSION.—The report shall be trans-  
16 mitted to Congress not later than 1 year after the  
17 date of enactment of this Act.

18 (c) ECOLOGICAL EFFICACY OF ACTIVITIES.—

19           (1) IN GENERAL.—Not later than 90 days after  
20 the date of enactment of this Act, the Secretary of  
21 Agriculture shall enter into a contract with the Na-  
22 tional Academy of Sciences for the purpose of con-  
23 ducting a study of the ecological and forest health  
24 consequences of various activities intended, at least  
25 in part, to improve forest health.

1           (2) ACTIVITIES EXAMINED.—The activities ex-  
2           amined under paragraph (1) shall include—

3                   (A) site preparation for reforestation, arti-  
4                   ficial reforestation, natural regeneration, stand  
5                   release, precommercial thinning, fertilization,  
6                   other stand improvement activities, salvage har-  
7                   vesting, and brush disposal;

8                   (B) historical as well as recent examples  
9                   and a variety of conditions in ecological regions;  
10                  and

11                  (C) a comparison of various activities with-  
12                  in a watershed, including activities conducted  
13                  by other Federal land management agencies.

14           (3) TRANSMISSION.—The report shall be trans-  
15           mitted to the Chief of the Forest Service and to  
16           Congress not later than 2 years after the date of en-  
17           actment of this Act.

18           (d) ECONOMIC EFFICACY OF ACTIVITIES.—

19                   (1) IN GENERAL.—The Comptroller General of  
20                   the United States, through the General Accounting  
21                   Office, shall conduct a study of the Federal, State,  
22                   and local fiscal and other economic consequences of  
23                   activities intended, at least in part, to improve forest  
24                   health.

1           (2) COORDINATION.—The study conducted  
2 under this subsection shall be coordinated with the  
3 study conducted under subsection (c)—

4           (A) to ensure that the same groups of ac-  
5 tivities in the same geographic area are exam-  
6 ined; and

7           (B) to develop historic as well as recent ef-  
8 fects that illustrate financial and economic  
9 trends.

10          (3) FEDERAL FISCAL EFFECTS.—In assessing  
11 the Federal fiscal effects, the Comptroller General  
12 shall distinguish the net effects on the Treasury of  
13 the United States from changes in the balances in  
14 the various special accounts and trust funds, includ-  
15 ing appropriated funds used to conduct the plan-  
16 ning, execution, sale administration, support from  
17 other programs, regeneration, site restoration, agen-  
18 cy overhead, and payments in lieu of taxes associ-  
19 ated with timber cutting.

20          (4) TRANSMISSION.—The study shall be trans-  
21 mitted to the Chief of the Forest Service and to  
22 Congress not later than 2 years after the date of en-  
23 actment of this Act.

24          (e) IMPROVEMENT OF ACTIVITIES.—In response to  
25 the findings of the National Academy of Sciences and the

1 Comptroller General under subsections (c) and (d), the  
2 Chief of the Forest Service shall assess opportunities for  
3 improvement of, and progress in improving, the ecological,  
4 economic, and fiscal consequences and efficacy for each  
5 national forest.

6 (f) FOREST SERVICE STUDY.—

7 (1) IN GENERAL.—The Chief of the Forest  
8 Service shall conduct a study of alternative systems  
9 for administering forest health-related activities, in-  
10 cluding, modification of special account and trust  
11 fund management and reporting, land management  
12 service contracting, and government logging.

13 (2) SIMILARITIES AND DIFFERENCES.—The  
14 study shall compare and contrast the various alter-  
15 natives with systems in existence on the date of the  
16 study, including—

17 (A) ecological effects;

18 (B) forest health changes;

19 (C) Federal, State, and local fiscal and  
20 other economic consequences; and

21 (D) opportunities for the public to be in-  
22 volved in decisionmaking before activities are  
23 undertaken.

24 (3) REQUIREMENTS OF STUDY.—To ensure the  
25 validity of the study, in measuring the effect of the

1 use of contracting, the study shall specify the costs  
2 that contractors would bear for health care, retire-  
3 ment, and other benefits afforded public employees  
4 performing the same tasks.

5 (4) TRANSMITTAL.—The report shall be trans-  
6 mitted to Congress not later than 1 year after the  
7 studies conducted under subsections (c) and (d) are  
8 transmitted to Congress.

9 (g) PUBLIC AVAILABILITY.—The reports conducted  
10 under this section shall be published in a form available  
11 to the public at the same time the reports are transmitted  
12 to Congress. Both a summary and a full report shall be  
13 published.

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