

105TH CONGRESS  
1ST SESSION

# S. 1058

To amend the National Forest Management Act of 1976 to prohibit below-cost timber sales in the Shawnee National Forest.

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IN THE SENATE OF THE UNITED STATES

JULY 23, 1997

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

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## A BILL

To amend the National Forest Management Act of 1976 to prohibit below-cost timber sales in the Shawnee National Forest.

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 “Taxpayer and Shawnee  
5 National Forest Protection Act”.

6 **SEC. 2. PROHIBITION OF BELOW-COST TIMBER SALES IN**  
7 **THE SHAWNEE NATIONAL FOREST.**

8 (a) IN GENERAL.—Section 14 of the National Forest  
9 Management Act of 1976 (16 U.S.C. 472a) is amended  
10 by adding at the end the following:

1       “(j) PROHIBITION OF BELOW-COST TIMBER SALES  
2 IN THE SHAWNEE NATIONAL FOREST.—

3               “(1) DEFINITIONS.—In this subsection:

4                       “(A) BELOW-COST SALE.—The term  
5 ‘below-cost sale’ means a sale of timber from  
6 which the expected cost of making timber avail-  
7 able for sale are greater than the anticipated  
8 revenues from the sale.

9                       “(B) COST.—The term ‘cost of making  
10 timber available for sale’ includes the costs in-  
11 curred for sale preparation, harvest administra-  
12 tion, timber resource planning, silvicultural ex-  
13 amination, road design and construction (in-  
14 cluding road base, road surface, culverts, and  
15 bridges), road maintenance, transportation  
16 planning, reforestation, timber stand improve-  
17 ment, forest genetics tree improvement, timber  
18 program general administration, facilities con-  
19 struction, payments to counties, and a portion  
20 of timber program expenses for the national  
21 and regional offices of the Forest Service allo-  
22 cated to the Shawnee National Forest on the  
23 basis of harvest volume.

1           “(C) REVENUE.—The term ‘revenue’  
2           means amounts deposited in the Treasury of  
3           the United States.

4           “(2) PROHIBITION.—The Secretary of Agri-  
5           culture shall not make a below-cost sale of timber  
6           for commodity purposes produced on land in the  
7           Shawnee National Forest.”.

8           (b) APPLICABILITY OF AMENDMENT.—

9           (1) IN GENERAL.—The amendment made by  
10          subsection (a) takes effect on October 1, 1997.

11          (2) PENDING SOLICITATIONS.—The amendment  
12          made by subsection (a) does not prohibit the Sec-  
13          retary of Agriculture from entering into a below-cost  
14          sale of timber for commodity purposes produced on  
15          land in the Shawnee National Forest if the Sec-  
16          retary determines that a prospective contractor has  
17          incurred substantial bid preparation costs in re-  
18          sponse to a solicitation for bids for the sale issued  
19          by the Secretary before the date of enactment of this  
20          Act.

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