

107TH CONGRESS
2^D SESSION

H. R. 5281

To provide temporary legal exemptions for certain land management activities of the Federal land management agencies undertaken in federally declared disaster areas.

IN THE HOUSE OF REPRESENTATIVES

JULY 26, 2002

Mr. FLAKE (for himself, Mr. SHADEGG, Mr. JONES of North Carolina, Mr. CANNON, and Mr. HAYWORTH) introduced the following bill; which was referred to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide temporary legal exemptions for certain land management activities of the Federal land management agencies undertaken in federally declared disaster areas.

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 “Federally Declared
5 Disaster Area Exemption Act of 2002”.

1 **SEC. 2. TEMPORARY EXEMPTION FROM CERTAIN LAWS FOR**
2 **LAND MANAGEMENT ACTIVITIES UNDER-**
3 **TAKEN IN FEDERALLY DECLARED DISASTER**
4 **AREAS.**

5 (a) DEFINITIONS.—In this section:

6 (1) FEDERAL LAND MANAGEMENT AGENCY.—

7 The term “Federal land management agency”
8 means the National Park Service, United States
9 Forest Service, United States Fish and Wildlife
10 Service, and the Bureau of Land Management.

11 (2) FEDERALLY DECLARED DISASTER AREA.—

12 The term “federally declared disaster area” means
13 an area covered by a Presidential declaration of
14 major disaster issued under section 401 of the Rob-
15 ert T. Stafford Disaster Relief and Emergency As-
16 sistance Act (42 U.S.C. 5170).

17 (b) EXEMPTION.—Due to the extraordinary cir-
18 cumstances present in a federally declared disaster area,
19 land management activities of the Federal land manage-
20 ment agencies undertaken in the federally declared dis-
21 aster area in response to the conditions that necessitated
22 the Presidential declaration shall proceed immediately and
23 to completion notwithstanding any other provision of law
24 including, but not limited to, the National Environmental
25 Policy Act of 1969 (42 U.S.C. 4321 et seq.) and the Na-
26 tional Forest Management Act (16 U.S.C. 1601 et seq.).

1 In addition, such activities shall not be subject to the no-
2 tice, comment, and appeal requirements of section 322 of
3 Public Law 102–381 (commonly known as the Appeals
4 Reform Act; 16 U.S.C. 1612 note) or to judicial review
5 by any court of the United States.

6 (c) DURATION.—Subsection (b) shall apply to a fed-
7 erally declared disaster area during the two-year period
8 beginning on the date of the Presidential declaration and
9 to any land management activity described in such sub-
10 section commenced in the area during such period.

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