

109TH CONGRESS
1ST SESSION

H. R. 3420

To save taxpayers money, reduce the deficit, cut corporate welfare, protect communities from wildfires, encourage Federal land management agency reform and accountability, and protect and restore America's natural heritage by eliminating the fiscally wasteful and ecologically destructive commercial logging program on Federal public lands, restoring native biodiversity in our Federal public forests, and facilitating the economic recovery and diversification of communities affected by the Federal logging program.

IN THE HOUSE OF REPRESENTATIVES

JULY 25, 2005

Mr. LEACH (for himself, Ms. SLAUGHTER, Mr. BROWN of Ohio, Mrs. MALONEY, Mr. HONDA, Mr. McDERMOTT, Mr. LYNCH, Mr. LARSON of Connecticut, Ms. JACKSON-LEE of Texas, Ms. WOOLSEY, Mr. WEINER, Mr. HINCHEY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. OLVER, Mr. RANGEL, Mr. LANTOS, Mrs. MCCARTHY, Mrs. DAVIS of California, Mr. SERRANO, Mr. SHERMAN, Ms. SCHAKOWSKY, Mr. FRANK of Massachusetts, Mr. GRIJALVA, Mr. MCGOVERN, Mr. MOORE of Kansas, Mr. McNULTY, Mr. BERMAN, Ms. DELAURO, Mr. SHAYS, Mrs. CAPPs, Mr. PALLONE, Mr. LEWIS of Georgia, Ms. LEE, Mr. PAYNE, Mr. NADLER, Mrs. NAPOLITANO, Mr. OWENS, Mr. CONYERS, Mrs. TAUSCHER, Mr. ANDREWS, Mr. FILNER, Mr. GUTIERREZ, Mr. WYNN, Mr. HOLT, Mr. NEAL of Massachusetts, Ms. BALDWIN, Mr. MEEKS of New York, Mr. ACKERMAN, Mr. VAN HOLLEN, and Mr. KUCINICH) introduced the following bill; which was referred to the Committee on Resources, and in addition to the Committees on Agriculture and Education and the Workforce, 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 save taxpayers money, reduce the deficit, cut corporate

1 Bureau of Land Management, and the United
2 States Fish and Wildlife Service.

3 (2) COMMERCIAL LOGGING.—

4 (A) IN GENERAL.—The term “commercial
5 logging” means—

6 (i) the sale of timber;

7 (ii) the execution of a timber sale; or

8 (iii) any other transfer of timber or
9 biomass to an individual, company, cor-
10 poration, or other entity, which then offers
11 the transferred timber or biomass, or any
12 product produced from that timber or bio-
13 mass, for sale or uses the transferred tim-
14 ber or biomass for other commercial pur-
15 poses.

16 (B) INCLUSIONS.—The term “commercial
17 logging” includes a sale, execution, or other
18 transfer specified in subparagraph (A) regard-
19 less of—

20 (i) the stated reason for the sale, exe-
21 cution, or transfer; or

22 (ii) whether the timber is standing,
23 fallen, living, or dead.

24 (3) FEDERAL PUBLIC LANDS.—The term “Fed-
25 eral public lands” means—

1 (A) all lands in the United States included
2 in the National Forest System;

3 (B) all lands in the United States included
4 in the National Wildlife Refuge System;

5 (C) all lands in the United States included
6 in the National Park System; and

7 (D) all lands under the jurisdiction of the
8 Bureau of Land Management.

9 (4) NATIVE BIODIVERSITY.—

10 (A) IN GENERAL.—The term “native bio-
11 diversity” means—

12 (i) the full range of variety and varia-
13 bility within and among living organisms;
14 and

15 (ii) the ecological complexes in which
16 the living organisms would have occurred
17 in the absence of significant human im-
18 pact.

19 (B) INCLUSIONS.—The term “native bio-
20 diversity” includes diversity—

21 (i) within a species (including genetic
22 diversity, species diversity, and age diver-
23 sity);

24 (ii) within a community of species;

25 (iii) between communities of species;

1 (iv) within a total area, such as a wa-
2 tershed;

3 (v) along a vertical plane from ground
4 to sky, including application of the plane
5 to all the other types of diversity; and

6 (vi) along the horizontal plane of the
7 earth-surface, including application of the
8 plane to all the other types of diversity.

9 (C) EXCLUSIONS.—The term “native bio-
10 diversity” excludes genetically modified or engi-
11 neered organisms.

12 (5) LATE-SUCCESSIONAL/OLD GROWTH FOR-
13 EST.—The term “late-successional/old growth for-
14 est” refers to any stand of forest within the bound-
15 aries of a timber sale that may contain trees that ex-
16 ceed 80 years in age.

17 (6) ROADLESS AREA.—The term “roadless
18 area” means each of the following:

19 (A) Any inventoried roadless area.

20 (B) Any area of at least 1,000 contiguous
21 acres meeting Forest Service road density
22 guidelines.

23 (C) Any area of less than 1,000 contiguous
24 acres meeting Forest Service road density
25 guidelines, if the area is adjacent to a unit of

1 the National Wilderness Preservation System, a
2 unit of the National Park System, an inven-
3 tories roadless area, or a designated Wilderness
4 Study Area.

5 (7) TIMBER SALE.—

6 (A) IN GENERAL.—The term “timber sale”
7 means—

8 (i) the sale of timber;

9 (ii) the offering of timber for sale or
10 consideration; or

11 (iii) any other transfer of timber or
12 biomass to an individual, company, cor-
13 poration, or other entity, which then offers
14 the transferred timber or biomass, or any
15 product produced from that timber or bio-
16 mass, for sale or uses the transferred tim-
17 ber or biomass for other commercial pur-
18 poses.

19 (B) INCLUSIONS.—The term “timber sale”
20 includes a sale, offer, or other transfer specified
21 in subparagraph (A) regardless of—

22 (i) the stated reason for the sale,
23 offer, or transfer; or

24 (ii) whether the timber is standing,
25 fallen, living, or dead.

1 **SEC. 3. FINDINGS.**

2 Congress finds the following:

3 (1) Polls conducted by the Forest Service show
4 that a strong majority of the American people think
5 that natural resources on Federal public lands
6 should not be made available to produce consumer
7 goods.

8 (2) The 1995 Forest Service draft report enti-
9 tled “Forest Service Program for Forest and Range-
10 land Resources: A Long-Term Strategic Plan” shows
11 that recreation and tourism in the National Forest
12 System creates over 30 times more jobs, and gen-
13 erates over 30 times more income, than commercial
14 logging on national forests.

15 (3) According to Forest Service figures, timber
16 cut from Federal public lands comprises less than
17 five percent of the annual timber consumption of the
18 United States.

19 (4) The vast majority of America’s original
20 pristine forests have been logged, and what little pri-
21 mary forest that remains exists almost entirely on
22 public lands.

23 (5) The ecological crisis resulting from this se-
24 vere habitat loss and fragmentation of American for-
25 ests requires bold action to protect this Nation’s
26 natural heritage so that pristine forests may remain

1 pristine, and damaged forests may have an oppor-
2 tunity to recover.

3 (6) It is in the interests of the American people
4 and the international community to protect and re-
5 store native biodiversity in our Federal public lands
6 for its inherent benefits, the resulting economic ben-
7 efits, and for the protection of this natural heritage
8 for current and future generations.

9 (7) The 1995 report of the Comptroller General
10 regarding distribution of Forest Service timber sales
11 receipts (GAO/RCED-95-237FS) and the 1998 fol-
12 low-up report (GAO/RCED-99-24) reveal that, of
13 the hundreds of millions of dollars of taxpayer
14 money that is annually expended on the Forest Serv-
15 ice timber sales program, only a small fraction finds
16 its way back to the Federal Treasury, resulting in
17 an enormous net loss to taxpayers.

18 (8) In September 2001, the General Accounting
19 Office stated that it was ‘impractical, if not impos-
20 sible, for us or anyone to accurately determine the
21 Forest Service’s timber sales program cost.’ (GAO-
22 01-1101R Forest Service Timber Costs), and this
23 lack of accurate accounting results in waste and
24 abuse of taxpayer funds and natural resources.

1 (9) Forests absorb rainfall, retard stream run-
2 off, reduce floods, increase slope stability, and retain
3 topsoil, and retard soil erosion and siltation in
4 streams, irrigation ditches, and reservoirs.

5 (10) Commercial logging has many indirect
6 costs which are very significant, but not easily meas-
7 ured, such as flooding damage and relief of flooding
8 damage through Federal funds, damage to the salm-
9 on fishing industry; and harm to the recreation and
10 tourism industries.

11 (11) A congressionally commissioned scientific
12 study of the Sierra Nevada forests found that more
13 than any other human activity, commercial logging
14 has increased the risk and severity of fires by remov-
15 ing the cooling shade of trees and leaving flammable
16 debris (see Sierra Nevada Ecosystem Project Final
17 Report to Congress, Vol. 1, Assessment Summaries
18 and Management Strategies, 1996).

19 (12) Forest Service studies have confirmed the
20 finding that logging, including both thinning and
21 clearcutting, increases fire severity (United States
22 Forest Service, Historical and Current Forest Land-
23 scapes in Eastern Oregon and Washington, Part II:
24 Linking Vegetation Characteristics to Potential Fire
25 Behavior and Related Smoke Production, PNW-

1 GTR-355, p. 22 (1995); United States Forest Serv-
2 ice, Integrated Scientific Assessment for Ecosystem
3 Management in Interior Columbia Basin, PNW-
4 GTR-382, p. 61 (1996)).

5 (13) The Forest Service's chief fire specialist
6 has stated that the material that needs to be re-
7 duced to prevent unnaturally severe forest fires is
8 underbrush that is less than two or three inches in
9 diameter, not mature trees (Washington Journal, C-
10 SPAN, Aug. 10, 2000).

11 (14) The Forest Service's own fire research sta-
12 tion found that the only effective way to protect
13 homes in the urban/wildland interface from forest
14 fires is to reduce the flammability of the home itself
15 and its immediate surroundings within 40 meters,
16 not engage in logging activities on Federal public
17 lands (Jack Cohen, Reducing the Wildland Fire
18 Threat to Homes: where and how much?, United
19 States Forest Service, Fire Sciences Laboratory,
20 Rocky Mountain Research Station, Missoula, Mon-
21 tana, report presented at the Fire Economics, Policy
22 and Planning: Bottom Line Symposium, April 5-9,
23 1999, San Diego, California).

24 (15) It is in the interests of the American peo-
25 ple to protect watersheds on Federal public lands in

1 **SEC. 5. EFFECT OF PROHIBITION ON EXISTING TIMBER**
2 **SALE CONTRACTS.**

3 (a) REMAINING SALVAGE RIDER SALES.—Notwith-
4 standing any outstanding judicial order or administrative
5 proceeding interpreting section 2001 of Public Law 104-
6 19 (109 Stat. 240; 16 U.S.C. 1611 note), the Secretary
7 of Agriculture and the Secretary of the Interior shall im-
8 mediately suspend each timber sale or activity that was
9 being undertaken in whole or in part under the authority
10 provided in such section.

11 (b) ROADLESS AREAS AND LATE-SUCCESSIONAL/
12 OLD GROWTH FORESTS.—Notwithstanding any other
13 provision of law, the Secretary of Agriculture and the Sec-
14 retary of the Interior shall immediately suspend each tim-
15 ber sale in any roadless area or late-successional/old
16 growth forest on Federal public lands.

17 (c) PHASE-OUT PERIOD AUTHORIZED.—There shall
18 be a 2-year period to phase out those timber sale contracts
19 in existence as of the date of the enactment of this Act.
20 The phase-out period shall begin on the date of the enact-
21 ment of this Act. Any remaining timber sales on Federal
22 public lands shall be automatically suspended upon the ex-
23 piration of the phase-out period. Notwithstanding any
24 other provision of law, no commercial logging shall occur
25 anywhere on Federal public lands after the end of the
26 phase-out period.

1 (d) EARLY TERMINATION.—For all timber sales sus-
2 pended under subsection (a), subsection (b), and sub-
3 section (c) of this subsection, the Secretary concerned
4 shall—

5 (1) exercise any provision of the original con-
6 tract that authorizes termination and payment of
7 specified damages; or

8 (2) terminate the contract to avoid adverse ef-
9 fects on the environment or natural resources.

10 (e) PAYMENT FOR TIMBER SALE CONTRACTS RELIN-
11 QUISHED.—Any claim, whether as a result of a judgment
12 or an agreement against the Federal Government, arising
13 from termination of any timber sale contract under sub-
14 section (d) of this subsection, may be—

15 (1) paid from funds made available under sec-
16 tion 1304 of title 31, United States Code, and shall
17 not require reimbursement under section 13(c) of
18 the Contract Disputes Act of 1978 (41 U.S.C.
19 612(c));

20 (2) offset by forgiveness of a Federal Govern-
21 ment loan or loan guarantee;

22 (3) paid through funds appropriated for the
23 purpose; or

24 (4) paid through the transfer of funds from
25 Forest Service or Bureau of Land Management ac-

1 counts for forest management, road construction, or
2 general administration for such purposes.

3 (f) DISPUTES.—Any claim by a purchaser against the
4 Federal Government relating to a contract terminated
5 under this section shall be subject to the Contract Dis-
6 putes Act of 1978 (41 U.S.C. 601 et seq.).

7 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

8 (a) CALCULATION OF TAXPAYER LOSSES FROM LOG-
9 GING.—The Secretary of Agriculture, in consultation with
10 the Secretary of the Interior, shall determine the average
11 amount of Federal funds appropriated annually from the
12 General Fund of the Treasury over the five fiscal years
13 immediately preceding the date of the enactment of this
14 Act for commercial logging and commercial logging-re-
15 lated activities on Federal public lands. In making this
16 determination, the Secretary shall include amounts ex-
17 pended for the following, using estimates when necessary:

18 (1) Timber sales management.

19 (2) Forest-land vegetation management.

20 (3) Land management planning, inventory, and
21 monitoring related to commercial logging.

22 (4) Research related to commercial logging.

23 (5) The portion of the forest roads and road
24 maintenance program related to commercial logging.

1 (6) General administration expenses related to
2 commercial logging.

3 (7) Landline location related to commercial log-
4 ging.

5 (8) Law enforcement related to commercial log-
6 ging.

7 (9) The portion of the forest fire fighting and
8 prevention program related to commercial logging.

9 (10) The portion of any other activities related
10 to commercial logging.

11 (b) AUTHORIZATION.—There are authorized to be ap-
12 propriated such sums as may be necessary to carry out
13 this Act in the fiscal years beginning after the date of the
14 enactment of this Act, but not to exceed for any fiscal
15 year two-thirds of the amount calculated in subsection (a)
16 as the taxpayer losses from logging.

17 (c) ADMINISTRATIVE EXPENSES.—Not more than
18 ten percent of the funds appropriated or allocated to carry
19 out sections 7 and 8 may be reserved for the administra-
20 tion of activities authorized under those sections.

21 **SEC. 7. NATURAL HERITAGE RESTORATION.**

22 (a) GENERAL REQUIREMENT.—Notwithstanding any
23 other provision of law, agency projects or programs to re-
24 store biological diversity and ecological processes on Fed-
25 eral public lands shall be carried out in a manner con-

1 sistent with this section and shall be integrated into the
2 program established by this section.

3 (b) PURPOSES AND BASIC MANAGEMENT REQUIRE-
4 MENTS.—

5 (1) GENERAL PURPOSES.—The purpose of this
6 section is to protect and restore the natural heritage
7 of the Federal public lands through the restoration
8 of native biodiversity and natural ecological com-
9 plexes and processes. In most circumstances, natural
10 processes will heal damaged areas without assist-
11 ance, but, in many circumstances, where extensive
12 damage from logging and road-building is evident, it
13 is necessary to take immediate action to stop soil
14 erosion and pervasive resource damage. The primary
15 emphasis of this section is to change circumstances
16 that effectively act as barriers to natural restoration
17 processes. This section does not envision the broad
18 application of largely experimental techniques or tac-
19 tics for which there is no solid scientific support or
20 concrete evidence of effectiveness.

21 (2) GUIDING PRINCIPLE.—It is also the purpose
22 of this section to provide guidance and limitations
23 for the protection and restoration of native biological
24 diversity. The inherent guiding principle or basic ap-
25 proach that managers shall use to implement the ec-

1 ological restoration provisions of this section is to
2 “do no harm” to ecosystems when implementing ac-
3 tive management projects and programs.

4 (3) PRECAUTIONARY APPROACH.—Scientific un-
5 certainty about complex ecosystems requires a pre-
6 cautionary approach to active management. There-
7 fore, proposed projects that are intended to restore
8 ecological processes must have short- and long-term
9 benefits that significantly outweigh any short- or
10 long-term risks.

11 (4) EMPHASIS OF ECOLOGICAL RESTORATION
12 PROJECTS.—In most cases, ecosystems are inher-
13 ently resilient if left to function without interference
14 from man, but in some cases action is necessary to
15 stop immediate resource damage. Therefore, ecologi-
16 cal restoration projects shall emphasize the removal
17 of barriers that prevent ecosystems from restoring
18 themselves. Some examples of such barriers are
19 roads, erosion, landslides, nonnative invasive species,
20 fire suppression, certain types of hazardous fuels,
21 dams or man-made barriers in streams, and other
22 significant man-made damage and developments that
23 interfere with natural ecological processes.

24 (5) REQUIRED EVALUATION.—In other cases
25 ecosystems require the reintroduction of native spe-

1 cies that once contributed to natural ecological proc-
2 esses. Therefore, each ecological restoration project
3 shall include an evaluation of which native species
4 may be missing from the ecosystem and shall ensure
5 the presence of adequate habitat and forage or prey
6 for the native species, to be followed by a scheduled
7 reintroduction of the native species in coordination
8 with State natural heritage and wildlife agencies and
9 the United States Fish and Wildlife Service.

10 (c) NATURAL HERITAGE RESTORATION CORPS.—

11 (1) ESTABLISHMENT.—The Secretary of the In-
12 terior and the Secretary of Agriculture shall each es-
13 tablish a special unit (to be known as the “Natural
14 Heritage Restoration Corps”) for the purposes of—

15 (A) conducting ecological restoration of na-
16 tive biodiversity in areas of Federal public lands
17 where the integrity of natural ecosystems has
18 been degraded;

19 (B) assisting in the monitoring of forest
20 resources, including effectiveness monitoring of
21 ecological restoration projects; and

22 (C) in cooperation with each agency’s law
23 enforcement programs, monitoring and pro-
24 tecting public resources from various illegal ac-
25 tivities, including timber theft and poaching.

1 (2) USE OF PERSONNEL FROM EXISTING PRO-
2 GRAMS.—The Natural Heritage Restoration Corps
3 may be created using personnel in existing programs
4 in the agencies.

5 (3) OTHER PERSONNEL AND EQUIPMENT.—In
6 addition to the personnel selected under paragraph
7 (2), the Natural Heritage Restoration Corps may
8 hire other personnel, which may include private con-
9 tractors, and purchase or lease the necessary equip-
10 ment to implement the Natural Heritage Restoration
11 Plans to achieve the goals and objectives as set forth
12 by the Secretary of Agriculture and the Secretary of
13 the Interior under this section. There shall be a hir-
14 ing preference for dislocated workers who have been
15 terminated or laid off, or have received a notice of
16 termination or lay off, as a consequence of the en-
17 actment of this Act.

18 (4) TRAINING.—Personnel of the Natural Her-
19 itage Restoration Corps shall be properly trained so
20 that they are able to carry out the activities specified
21 in paragraph (1) consistent with this section.

22 (d) NATURAL HERITAGE RESTORATION PLAN-
23 NING.—

24 (1) NATIONAL FOREST SYSTEM LANDS.—For
25 lands in the National Forest System, the Secretary

1 of Agriculture shall develop Natural Heritage Res-
2 toration Plans at the regional level to carry out an
3 ecological restoration program in each region con-
4 sistent with this section and incorporating the stand-
5 ards, guidelines, and procedures developed in sub-
6 section (e). Such Plans shall be completed no later
7 than 18 months after the date of enactment of this
8 Act and shall be revised at least every 10 years.

9 (2) BLM, NATIONAL WILDLIFE REFUGE, AND
10 NATIONAL PARK LANDS.—For lands under the juris-
11 diction of the Bureau of Land Management, and, as
12 necessary for National Wildlife Refuges and units of
13 the National Park System, the Secretary of the Inte-
14 rior shall develop Natural Heritage Restoration
15 Plans at the regional level to carry out an ecological
16 restoration program in each region consistent with
17 this section and incorporating the standards, guide-
18 lines, and procedures developed in subsection (e).
19 Such Plans shall be completed no later than 18
20 months after the date of enactment of this Act and
21 shall be revised at least every 10 years.

22 (3) MONITORING.—The Secretary of the Inte-
23 rior and the Secretary of Agriculture shall include in
24 the Natural Heritage Restoration Plans—

1 (A) monitoring provisions to ensure the ef-
2 fectiveness of each ecological restoration
3 project; and

4 (B) provisions to gauge each Plan's
5 progress in achieving any restoration goals and
6 objectives that are developed in accordance with
7 subsection (g).

8 (4) FOLLOW-UP EVALUATIONS AND CORREC-
9 TIONS.—The Secretary of Interior and the Secretary
10 of Agriculture shall provide for appropriate follow-up
11 evaluations and actions to ensure the long-term suc-
12 cess of ecological restoration projects. The failure of
13 any restoration project shall be evaluated and re-
14 ported to the appropriate Secretary, who shall take
15 prompt action to provide new solutions to correct the
16 failed restoration projects.

17 (e) DEVELOPING STANDARDS, GUIDELINES, AND
18 PROCEDURES FOR RESTORATION.—

19 (1) RESPONSIBILITIES OF THE SECRETARIES.—

20 (A) The Secretary of Agriculture and Secretary of
21 the Interior shall develop regional standards, guide-
22 lines, and procedures for restoration, consistent with
23 this section, as soon as practicable after the date of
24 the enactment of this Act, and shall incorporate
25 these regional standards, guidelines, and procedures,

1 as well as regional Natural Heritage Restoration
2 Plans, into land management plans for each unit of
3 Federal public lands in accordance with existing
4 land management planning regulations, by no later
5 than two years after the date of enactment of this
6 Act.

7 (B) The Secretaries shall report to the Con-
8 gress on the progress of implementing this section in
9 the annual report required by section 8(c) of the
10 Forest and Rangeland Renewable Resources Plan-
11 ning Act of 1974 (16 U.S.C. 1606(c)) and section
12 311 of the Federal Land Policy and Management
13 Act of 1976 (43 U.S.C. 1741).

14 (2) COMMITTEE OF SCIENTISTS.—(A) In car-
15 rying out the purposes of this subsection, the Sec-
16 retary of the Interior, in consultation with the Sec-
17 retary of Agriculture, shall appoint a committee of
18 scientists, for each of the various administrative re-
19 gions in the United States who are not officers or
20 employees of the Forest Service, the Bureau of Land
21 Management, or the timber industry, and who are
22 not contractors for the timber industry.

23 (B) The committee shall provide scientific and
24 technical advice and counsel on the proposed stand-
25 ards, guidelines, and procedures of this subsection to

1 assure that an effective interdisciplinary approach is
2 proposed and adopted for the development of Nat-
3 ural Heritage Restoration Plans in each region.

4 (C) The committee shall terminate upon pro-
5 mulgation of the standards, guidelines, and proce-
6 dures, but the Secretary shall appoint similar com-
7 mittees, at least every 10 years, to consider revisions
8 of regional standards, guidelines, and procedures
9 based on new scientific information and the knowl-
10 edge gained from implementing ecological restora-
11 tion projects. Standards, guidelines, and procedures
12 for developing Natural Heritage Restoration Plans
13 or their revisions for each region shall be completed
14 no later than one year after the date of the enact-
15 ment of this Act or the initiation of the revision
16 process. The views of the committees shall be in-
17 cluded in the public information supplied when the
18 standards and guidelines are proposed for adoption.

19 (3) CLERICAL AND TECHNICAL ASSISTANCE.—
20 Clerical and technical assistance, as may be nec-
21 essary to discharge the duties of the committee of
22 scientists established under paragraph (2), shall be
23 provided from the personnel of the Department of
24 Agriculture or the Department of Interior, as appro-
25 priate.

1 (4) COMPENSATION.—While attending meetings
2 of the committee, the members shall be entitled to
3 receive compensation at a rate of \$200 per diem, in-
4 cluding travel time, and while away from their
5 homes or regular places of business they may be al-
6 lowed travel expenses, including per diem in lieu of
7 subsistence, as authorized by section 5703 of title 5,
8 United States Code, for persons in the Government
9 service employed intermittently.

10 (5) REGIONAL BOUNDARIES.—The Secretary of
11 the Interior, in consultation with the Secretary of
12 Agriculture, shall determine each region’s bound-
13 aries for which the standards, guidelines, and proce-
14 dures are to be developed under this subsection.

15 (f) INTERIM NEEDS FOR RESTORATION.—During the
16 interim period while regional standards, guidelines, and
17 procedures, as well as regional Natural Heritage Restora-
18 tion Plans, are being developed and incorporated into land
19 management plans, the Secretary of Agriculture and Sec-
20 retary of the Interior shall identify interim needs for eco-
21 logical restoration and shall take prompt action to begin
22 this restoration work with available personnel. Interim
23 needs for restoration under this section shall be limited
24 to the following:

1 (1) Prescribed or managed fire or manual pre-
2 treatments to reduce severe fire incidence and haz-
3 ardous fuels pursuant to subsection (j).

4 (2) Stabilization of slopes and soils so as to
5 prevent or reduce further erosion and land sliding.

6 (3) Decommissioning and obliteration of roads.

7 (4) Removal of nonnative invasive species.

8 (5) Removal of manmade developments that
9 interfere with natural ecological processes.

10 (g) RESTORATION GOALS AND OBJECTIVES.—Within
11 two years after the date of the enactment of this Act, the
12 Secretary of Agriculture and the Secretary of the Interior
13 shall develop specific restoration goals and objectives for
14 each unit of Federal public lands, and shall, within the
15 same time period, develop a specific schedule to accom-
16 plish those goals and objectives with any funds made avail-
17 able to the Secretaries, including those funds authorized
18 to be appropriated in section 6.

19 (h) PUBLIC PARTICIPATION.—Any program or
20 project provided in this section shall be carried out in com-
21 pliance with the National Environmental Policy Act of
22 1969 (42 U.S.C. 4321 et seq.) and its implementing regu-
23 lations, and any other public involvement processes pro-
24 vided by law, regulation, or agency policy.

1 (i) PROHIBITIONS.—Road construction or re-con-
2 struction shall be prohibited when conducting projects or
3 programs provided by this section. This prohibition in-
4 cludes any projects to reduce the incidence of severe fire
5 and hazardous fuels pursuant to subsection (j).

6 (j) SPECIAL PROVISIONS FOR REDUCING THE INCI-
7 DENCE OF SEVERE FIRE AND HAZARDOUS FUELS.—

8 (1) PRESCRIBED OR MANAGED FIRES.—The use
9 of prescribed or managed fires—

10 (A) shall be the primary tool for reducing
11 severe fire incidence and hazardous fuels;

12 (B) shall only be prescribed in areas that
13 have been scientifically identified as fire-adapt-
14 ed ecosystems;

15 (C) shall be carried out in a manner de-
16 signed to maintain habitat quality for any pro-
17 posed, threatened, endangered, or sensitive spe-
18 cies, or their prey; and

19 (D) shall be carried out during a time of
20 year and with a frequency that is most eco-
21 logically appropriate, while also minimizing ad-
22 verse effects on air quality.

23 (2) REQUIREMENTS REGARDING MANUAL PRE-
24 TREATMENTS.—Manual pre-treatments to reduce se-
25 vere fire incidence and hazardous fuels—

1 (A) shall include use of prescribed or man-
2 aged fire, where appropriate, as the primary
3 treatment of the project in accordance with
4 paragraph (1);

5 (B) may only be implemented in areas
6 which have a moderate to high risk of severe
7 fire incidence;

8 (C) shall be prioritized for urban-wildland
9 interface areas;

10 (D) shall not reduce the overstory canopy
11 component of the pre-treatment area;

12 (E) shall maintain habitat quality for any
13 proposed, threatened, endangered, or sensitive
14 species, or their prey;

15 (F) may remove hazardous fuels to mini-
16 mize occurrences of prescribed fires reaching
17 the forest canopy; and

18 (G) shall only be prescribed in areas that
19 have been scientifically identified as fire-adapt-
20 ed ecosystems.

21 (3) APPLICATION TO OTHER PROJECTS.—Not-
22 withstanding any other provision of law, any treat-
23 ments or manual pre-treatments to reduce severe
24 fire incidence and hazardous fuels as part of any
25 agency projects or programs to reduce the incidence

1 of severe fire and hazardous fuels on Federal public
2 lands shall be performed in a manner consistent
3 with this subsection, this section, and section 4.

4 (k) USES OF FOREST MATERIALS THAT RESULT
5 FROM ECOLOGICAL RESTORATION OR PRE-TREATMENTS
6 TO REDUCE SEVERE FIRE INCIDENCE AND HAZARDOUS
7 FUELS.—A hierarchy of use of forest materials that result
8 from manual pre-treatments in fire-adapted ecosystems or
9 ecological restoration (such as saplings, bushes, fine sur-
10 face fuels, and materials from plantations that are being
11 restored back to native forests) is established in the fol-
12 lowing order:

13 (1) Forest materials shall be—

14 (A) left as biomass on the forest floor,
15 lopped, scattered, masticated, or piled and
16 burned (or a combination of such treatments),
17 as appropriate; or

18 (B) left as species habitat in the form of
19 downed woody debris in the project area.

20 (2) If removal of forest material is necessary
21 for ecological restoration or because the area is pre-
22 treated in accordance with subsection (j), that mate-
23 rial shall be used for recreation or maintenance
24 projects in the same unit of Federal public land,
25 such as trails, bridges or facilities, or for restoration

1 projects such as woody debris in streams, woody de-
2bris to provide species habitat, or for biomass to
3 build soil in other areas of the same unit of Federal
4 public land.

5 (3) Any excess material not used as described
6 in paragraph (2) may only be used for public pur-
7 poses, and not for private or public commercial gain.
8 This material may be provided for personal non-
9 commercial uses, such as firewood or other subsist-
10 ence uses, or for other public noncommercial pur-
11 poses. Other public purposes may include, but are
12 not limited to, the processing of these forest mate-
13 rials for uses such as fuel for low-income households,
14 or, in limited circumstances, timber for low-income
15 housing provided by a not for profit venture reg-
16 istered by the Department of Housing and Urban
17 Development.

18 (l) RELATION TO OTHER REQUIREMENTS.—Any ac-
19 tivities undertaken pursuant to subsection (k) or the rest
20 of this section must be undertaken in strict compliance
21 with section 4.

22 **SEC. 8. WORKER RETRAINING.**

23 (a) ELIGIBLE INDIVIDUAL DEFINED.—For the pur-
24 poses of this section, the term “eligible individual” means
25 an individual who—

1 (1) is a dislocated worker, as that term is de-
2 fined in section 101 of the Workforce Investment
3 Act of 1998 (29 U.S.C. 2801); and

4 (2) has been terminated or laid off, or has re-
5 ceived a notice of termination or lay off, as a con-
6 sequence of the enactment of this Act, or as a con-
7 sequence of management decisions on Federal public
8 lands prior to the enactment of this Act.

9 (b) DETERMINATIONS OF ELIGIBILITY.—The deter-
10 mination of whether an individual is an eligible individual
11 shall be made by the Secretary of Labor, pursuant to cri-
12 teria established by the Secretary of Labor, in consultation
13 with the Secretaries of Agriculture and the Interior.

14 (c) GRANTS AUTHORIZED.—The Secretary of Labor
15 may make grants to States, employers, employer associa-
16 tions, and representatives of employees—

17 (1) to provide training, adjustment assistance,
18 and employment services to eligible individuals; and

19 (2) to make needs-related payments to eligible
20 individuals in accordance with subsection (h).

21 (d) PRIORITY AND APPROVAL.—

22 (1) PRIORITY.—In reviewing applications for
23 grants under subsection (c), the Secretary of Labor
24 shall give priority to applications proposing to pro-
25 vide training, adjustment assistance, and services in

1 areas which have the greatest number or percentage
2 of eligible individuals.

3 (2) NEEDS-RELATED PAYMENTS REQUIRED.—

4 The Secretary of Labor shall not approve an appli-
5 cation for a grant under subsection (c) unless the
6 application contains assurances that the applicant
7 will use grant funds to provide needs-related pay-
8 ments in accordance with subsection (h).

9 (e) USE OF FUNDS.—Subject to the requirements of
10 subsections (f), (g), and (h), grants under subsection (c)
11 may be used for any purpose for which funds may be used
12 under section 134 of the Workforce Investment Act of
13 1998 (29 U.S.C. 2864).

14 (f) JOB SEARCH ALLOWANCE.—

15 (1) ALLOWANCE AUTHORIZED.—Grants under
16 subsection (c) for adjustment assistance may be
17 used to provide job search allowances to eligible indi-
18 viduals. Such allowance, if granted, shall provide re-
19 imbursement to the individual of not more than 90
20 percent of the cost of necessary job search expenses,
21 as prescribed by regulations of the Secretary of
22 Labor, but may not exceed \$1,200 unless the need
23 for a greater amount is justified in the application
24 and approved by the Secretary of Labor.

1 (2) CRITERIA FOR GRANTING JOB SEARCH AL-
2 LOWANCES.—A job search allowance may be granted
3 only—

4 (A) to assist an eligible individual who has
5 been totally separated in securing a job within
6 the United States; and

7 (B) where the Secretary of Labor deter-
8 mines that such employee cannot reasonably be
9 expected to secure suitable employment in the
10 commuting area in which the worker resides.

11 (g) RELOCATION ALLOWANCE.—

12 (1) ALLOWANCE AUTHORIZED.—Grants under
13 subsection (c) for adjustment assistance may be
14 used to provide relocation allowances to eligible indi-
15 viduals. Such an allowance may only be granted to
16 assist an eligible individual in relocating within the
17 United States and only if the Secretary of Labor de-
18 termines that such employee—

19 (A) cannot reasonably be expected to se-
20 cure suitable employment in the commuting
21 area in which the employee resides;

22 (B) has obtained suitable employment af-
23 fording a reasonable expectation of long-term
24 duration in the area in which the employee

1 wishes to relocate, or has obtained a bona fide
2 offer of such employment; and

3 (C) is totally separated from employment
4 at the time relocation commences.

5 (2) AMOUNT OF RELOCATION ALLOWANCE.—

6 The amount of any relocation allowance for any eli-
7 gible individual may not exceed the amount which is
8 equal to the sum of—

9 (A) 90 percent of the reasonable and nec-
10 essary expenses, specified in regulations pre-
11 scribed by the Secretary, incurred in trans-
12 porting an individual and the individual's fam-
13 ily, if any, and household effects; and

14 (B) a lump sum equivalent to 3 times the
15 employee's average weekly wage, up to a max-
16 imum payment of \$1,200, unless the need for
17 a greater amount is justified in the application
18 and approved by the Secretary of Labor.

19 (h) NEEDS-RELATED PAYMENTS.—The Secretary of
20 Labor shall prescribe regulations with respect to the use
21 of funds from grants under subsection (c) for needs-re-
22 lated payments in order to enable eligible individuals to
23 complete training or education programs under this sec-
24 tion. Such regulations shall—

1 (1) require that such payments shall be pro-
2 vided to an eligible individual only if such indi-
3 vidual—

4 (A) does not qualify or has ceased to qual-
5 ify for unemployment compensation;

6 (B) has been enrolled in training by the
7 end of the 13th week of the individual's initial
8 unemployment compensation benefit period, or,
9 if later, the end of the 8th week after an indi-
10 vidual is informed that a short-term layoff will
11 in fact exceed six months; and

12 (C) is participating in training or edu-
13 cation programs under this section, except that
14 such regulations shall protect an individual
15 from being disqualified pursuant to this clause
16 for a failure to participate that is not the fault
17 of the individual;

18 (2) provide that to qualify for such payments
19 the individual currently receives, or is a member of
20 a family which currently receives, a total family in-
21 come (exclusive of unemployment compensation,
22 child support payments, and welfare payments)
23 which, in relation to family size, is not in excess of
24 the lower living standard income level;

1 (3) provide that the levels of such payments
2 shall be equal to the higher of—

3 (A) the applicable level of unemployment
4 compensation; or

5 (B) the poverty level determined in accord-
6 ance with criteria established by the Director of
7 the Office of Management and Budget;

8 (4) provide for the adjustment of payments to
9 reflect changes in total family income; and

10 (5) provide that the grantee shall obtain infor-
11 mation with respect to such income, and changes
12 therein, from the eligible individual.

13 (i) REGULATIONS.—The Secretary of Labor shall
14 prescribe regulations to carry out this section not later
15 than 180 days after the date of enactment of this Act.

16 **SEC. 9. ALLOCATION OF FUNDS.**

17 (a) AVAILABILITY OF CERTAIN ACCOUNTS.—Not-
18 withstanding any other provision of law, from the date of
19 the enactment of this Act through the duration of the two-
20 year phase-out period provided in section 5 plus two years
21 thereafter, all funds in each of the following Forest Service
22 and Bureau of Land Management accounts, including any
23 funds deposited into these accounts during the two-year
24 phase-out period, shall be used only to carry out this Act:

1 (1) Timber salvage funds (including the Salvage
2 Sale Fund established under section 14(h) of the
3 National Forest Management Act of 1976 (16
4 U.S.C. 472a(h))).

5 (2) The fund established under section 3 of the
6 Act of June 9, 1930 (commonly known as the
7 Knutson-Vandenberg Act; 16 U.S.C. 576b).

8 (3) The fund containing moneys associated with
9 the Purchaser-Elect Roads Program under section 6
10 of Public Law 88–657 (commonly known as the For-
11 est Roads And Trails Act; 16 U.S.C. 537).

12 (b) ALLOCATION OF TIMBER SALES REVENUES DUR-
13 ING PHASE-OUT PERIOD.—Notwithstanding any other
14 provision of law, from the date of the enactment of this
15 Act through the duration of the two-year phase-out period,
16 all timber sale revenues from Federal public lands shall
17 be deposited in the fund established under section 3 of
18 the Act of June 9, 1930 (commonly known as the
19 Knutson-Vandenberg Act; 16 U.S.C. 576b).

20 (c) ABOLISHMENT OF ACCOUNTS.—Notwithstanding
21 any other provision of law, the funds referred to in sub-
22 section (a) shall be used to carry out this section until
23 no funds remain in such accounts, after which these ac-
24 counts shall be abolished.

1 (d) WORKER RETRAINING.—Monies shall be distrib-
2 uted from the funds referred to in subsection (a) to carry
3 out section 8. Such distributions shall be made in amounts
4 up to \$80,000,000 in the first year of the phase-out pe-
5 riod, and \$80,000,000 and \$120,000,000, respectively, in
6 the subsequent two years.

7 (e) NATURAL HERITAGE RESTORATION PLAN-
8 NING.—From the funds referred to in subsection (a), up
9 to a sum of \$100,000,000 shall be made available to the
10 Secretary of the Interior and the Secretary of Agriculture
11 to carry out subsections (d) and (e) of section 7 until such
12 time as the Natural Heritage Restoration Plans required
13 by subsection (d) of such section have been incorporated
14 into the management plans for each unit of Federal public
15 lands.

16 (f) ALTERNATIVES TO WOOD.—From the funds re-
17 ferred to in subsection (a), at least \$1,000,000 and up
18 to \$3,000,000 shall be distributed to the Environmental
19 Protection Agency to fund an investigation into wood-free
20 alternative products for paper and construction. Within
21 one year after the date of the enactment of this Act, the
22 Administrator of the Environmental Protection Agency
23 shall make recommendations for grants to entities involved
24 in the development and production of the most environ-
25 mentally sound nonwood alternatives for paper and con-

1 struction products, including entities involved in using ag-
2 ricultural residues to produce paper. Up to \$100,000,000
3 from the funds referred to in subsection (a) shall be made
4 available to the Environmental Protection Agency for such
5 grants, which shall be made within three years after the
6 date of the enactment of this Act.

7 (g) PUBLIC EDUCATION AND ASSISTANCE TO RE-
8 DUCE STRUCTURE FLAMMABILITY IN URBAN-WILDLAND
9 INTERFACE AREAS.—From the funds referred to in sub-
10 section (a), up to \$15,000,000 shall be used annually to
11 educate owners of structures on non-Federal land adjacent
12 to Federal public lands about ways in which these struc-
13 tures can be protected from forest fires by reducing the
14 flammability of a structure and the area within 40 meters
15 of a structure. Both technical support and financial assist-
16 ance, in coordination or collaboration with existing State
17 and local programs, to the extent possible, shall be pro-
18 vided where, and to the extent, appropriate.

19 (h) ALLOCATION OF REMAINING FUNDS.—Any funds
20 remaining in the accounts referred to in subsection (a) in
21 the fourth year after the date of the enactment of this
22 Act shall be deposited into the general fund of the United
23 States Treasury.

1 **SEC. 10. CONTINUATION OF PAYMENTS FOR STATES AND**
2 **COUNTIES CONTAINING FEDERAL PUBLIC**
3 **LANDS UNDER PUBLIC LAW 106-393.**

4 (a) CONTINUATION OF PAYMENTS AFTER FISCAL
5 YEAR 2006.—The Secure Rural Schools and Community
6 Self-Determination Act of 2000 (Public Law 106-393; 16
7 U.S.C. 500 note) is amended—

8 (1) in section 101(a), by striking “years 2001
9 through 2006,” both places it appears and inserting
10 “year 2001 and thereafter,”;

11 (2) in section 102(b)(2), by striking “through
12 fiscal year 2006”; and

13 (3) in section 103(b)(1), by striking “through
14 fiscal year 2006”.

15 (b) TERMINATION OF REQUIREMENT TO RESERVE
16 FUNDS FOR FOREST PROJECTS.—(1) Section 102(d) of
17 such Act is amended by adding at the end the following
18 new paragraph:

19 “(4) TERMINATION OF ALLOCATION AND ELEC-
20 TION REQUIREMENTS.—This subsection shall not
21 apply in the case of payments made under sub-
22 section (a) for fiscal year 2007 and thereafter.”.

23 (2) Section 103(c) of such Act is amended by adding
24 at the end the following new paragraph:

25 “(4) TERMINATION OF ALLOCATION AND ELEC-
26 TION REQUIREMENTS.—This subsection shall not

1 apply in the case of payments made under sub-
2 section (a) for fiscal year 2007 and thereafter. The
3 entire payment amount shall be expended as re-
4 quired by the laws referred to in subsection (a)(1).”.

5 **SEC. 11. ENFORCEMENT BY CITIZENS.**

6 (a) **PURPOSE AND FINDING.**—The purpose of this
7 section is to foster the widest possible enforcement of this
8 Act. Congress finds that all people of the United States
9 are injured by any action that violates the provisions of
10 this Act on all lands to which this Act applies.

11 (b) **CITIZEN SUITS AUTHORIZED.**—Any person may
12 commence a civil action against any person, including the
13 United States, who is alleged to be in violation of this Act.
14 The action shall be brought in the district court for the
15 district in which the alleged violation occurred or the
16 United States District Court for the District of Columbia.
17 When the United States is a defendant, venue may also
18 be in the district court for the district in which the office
19 of any officer or employee of the United States who is
20 alleged to be involved in the violation is located. The dis-
21 trict court shall have jurisdiction without regard to the
22 amount in controversy or the citizenship of the parties.

23 (c) **RELIEF.**—If the court determines that a violation
24 of this Act has occurred, the court may issue an injunction
25 and provide other appropriate equitable relief as the court

1 considers necessary. If the plaintiff is the prevailing or
2 substantially prevailing party, the court may award to the
3 plaintiff reasonable costs of the litigation, including attor-
4 ney fees, witness fees, and other necessary expenses. When
5 the United States is a defendant, any award of costs of
6 litigation against the United States shall be paid by the
7 United States within 40 days after judgment.

8 (d) STANDARD OF PROOF.—The standard of proof
9 in all actions brought under this section shall be the pre-
10 ponderance of the evidence and the trial shall be de novo.

11 (e) WAIVER OF SOVEREIGN IMMUNITY.—The United
12 States, including its agencies, agents, and employees,
13 waives its sovereign immunity in all respects in all actions
14 under this section. No notice is required to enforce this
15 section.

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