
CONFERENCE COMMITTEE PRINT

Title VIII – Forestry

**Comparing H.R. 2419, As Passed by the House
And the Senate Amendment Thereto**

HOUSE BILL (H.R. 2419)

SENATE AMENDMENT

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Subtitle A—Cooperative Forestry Assistance Act of 1978

SEC. 8001. NATIONAL PRIORITIES FOR PRIVATE FOREST CONSERVATION.

Section 2 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101) is amended—

- (1) by redesignating subsections (c) and (d) as subsections (e) and (f), respectively; and
- (2) by inserting after subsection (b) the following new subsections:

“(c) **PRIORITIES.**—In allocating funds appropriated or otherwise made available under this Act, the Secretary shall focus on the following national private forest conservation priorities, notwithstanding other priorities specified elsewhere in this Act:

“(1) Conserving and managing working forest landscapes for multiple values and uses.

“(2) Protecting forests from threats, including wildfire, hurricane, tornado, windstorm, snow or ice storm, flooding, drought, invasive species, or insect or disease outbreak, and restoring appropriate forest types in response to such threats.

“(3) Enhancing public benefits from private forests, including air and water quality, soil conservation, biological diversity, carbon storage, forest products, forestry-related jobs, production of renewable energy, wildlife and wildlife habitat, and recreation.

“(d) **REPORTING REQUIREMENT.**—Not later than September 30, 2011, the Secretary shall submit to Congress a report describing how funding was used under this Act and through other programs administered by the Secretary to address the national priorities specified in subsection (c) and the outcomes achieved in meeting the national priorities.”.

SEC. 8002. LONG-TERM, STATE-WIDE ASSESSMENTS AND STRATEGIES FOR FOREST RESOURCES.

The Cooperative Forestry Assistance Act of 1978 is amended by inserting after section 2 (16 U.S.C. 2101) the following new section:

SEC. 8001. NATIONAL PRIORITIES FOR PRIVATE FOREST CONSERVATION.

Section 2 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101) is amended—

- (1) by redesignating subsections (c) and (d) as subsections (e) and (f), respectively; and
- (2) by inserting after subsection (b) the following:

“(c) **Priorities-** In allocating funds appropriated or otherwise made available under this Act, the Secretary shall focus on the following national private forest conservation priorities:

“(1) Conserving and managing working forest landscapes for multiple values and uses.

“(2) Protecting forests from threats to forest and forest health, including unnaturally large wildfires, hurricanes, tornadoes, windstorms, snow or ice storms, flooding, drought, invasive species, insect or disease outbreak, or development, and restoring appropriate forest structures and ecological processes in response to such threats.

“(3) Enhancing public benefits from private forests, including air and water quality, forest products, forestry-related jobs, production of renewable energy, wildlife, enhanced biodiversity, the establishment or maintenance of wildlife corridors and wildlife habitat, and recreation.

“(d) **Reporting Requirement-** Not later than September 30, 2011, the Secretary shall submit to Congress a report describing how funding was used under this Act to address the national priorities specified in subsection (c) and the outcomes achieved in meeting the national priorities.’.

SEC. 8004. COMPREHENSIVE STATEWIDE FOREST PLANNING.

The Cooperative Forestry Assistance Act of 1978 is amended—

- (1) by redesignating section 20 (16 U.S.C. 2114) as section 22; and

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“SEC. 2A. STATE-WIDE ASSESSMENT AND STRATEGIES FOR FOREST RESOURCES.

“(a) **ASSESSMENT AND STRATEGIES FOR FOREST RESOURCES.**—For a State to be eligible to receive funds under the authorities of this Act, the State forester of the State or equivalent State official shall develop and submit to the Secretary, not later than two years after the date of the enactment of the Farm, Nutrition, and Bioenergy Act of 2007, the following:

- “(1) A State-wide assessment of forest resource conditions, including—
 - “(A) the conditions and trends of forest resources in that State;
 - “(B) the threats to forest lands and resources in that State consistent with the national priorities specified in section 2(c);
 - “(C) any areas or regions of that State that are of priority; and
 - “(D) any areas, known as multi-State areas, that are of priority to more than just that State.
- “(2) A State-wide forest resource strategy, including—
 - “(A) strategies for addressing threats to forest resources in the State outlined in the assessment required by paragraph (1); and
 - “(B) a description of the resources available to the State forester or equivalent State official from all sources to address the State-wide strategy required by subparagraph (A).

“(b) **UPDATING.**—The State forester or equivalent State official shall submit the State-wide strategy required by subsection (a)(2) on an annual basis. The State-wide assessment of forest resource conditions required by subsection (a)(1) shall be updated as the Secretary or State Forester or equivalent State official determines to be necessary.

“(c) **COORDINATION.**—In developing the State-wide assessment and annual strategy under subsection (a), the State forester or equivalent State official shall coordinate with—

- “(1) the State Forest Stewardship Coordinating Committee established for the State under section 19(b);
- “(2) the State wildlife agency to incorporate any overlapping priorities included in State wildlife action plans; and
- “(3) the State Technical Committee.

(2) by inserting after section 19 (16 U.S.C. 2113) the following:

“SEC. 20. COMPREHENSIVE STATEWIDE FOREST PLANNING.

“(a) **Establishment-** The Secretary shall establish a comprehensive statewide forest planning program under which the Secretary shall provide financial and technical assistance to States for use in the development and implementation of statewide forest resource assessments and plans.

“(b) **Statewide Forest Resource Assessment and Plan-** For a State to be eligible to receive funds under this Act, not later than 2 years after the date of enactment of the Food and Energy Security Act of 2007, the State Forester of the State, or an equivalent State official, shall develop a statewide forest resource assessment and plan that, at a minimum—

“(1) identifies each critical forest resource area in the State described in section 2(c);

“(2) to the maximum extent practicable—

- “(A) incorporates any forest management plan of the State in existence on the date of enactment of this section (including community wildfire protection plans);
- “(B) addresses the needs of the region, without regard to the borders of each State of the region (or the political subdivisions of each State of the region);
- “(C) provides a comprehensive statewide plan (including the opportunity for public participation in the development of the statewide plan) for—
 - “(i) managing the forest land in the State;
 - “(ii) achieving the national priorities specified in section 2(c)(2);
 - “(iii) monitoring the forest land in the State; and
 - “(iv) administering any forestry-related Federal, State, or private grants awarded to the State under this section or any other provisions of law; and

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“(d) **FUNDING.**—Of the funds available under this Act for a fiscal year, the Secretary may not use more than \$10,000,000 to implement this section for that fiscal year. Use of funds for implementing this section shall be consistent with the original authorities for such funds.”.

`(D) includes a multiyear, integrated forest management strategy that provides a management framework for—

`(i) the administration of each applicable program of the State; and

`(ii) the use of any funds made available for the management of the forest land in the State; and

`(3) is determined by the Secretary to be sufficient to satisfy all relevant State planning and assessment requirements under this Act.

`(c) **Coordination-** In developing the statewide assessment and plan under subsection (b), the State Forester or equivalent State official shall—

`(1) coordinate with—

`(A) the State Forest Stewardship Coordination Committee established for the State under section 19(b);

`(B) the State wildlife agency, with respect to strategies contained in the State wildlife action plans;

`(C) the State Technical Committee; and

`(D) applicable Federal land management agencies; and

`(2) for purposes of the Forest Legacy Program under section 7, work cooperatively with the State lead agency designated by the Governor.

`(d) **Authorization of Appropriations-** There is authorized to be appropriated to carry out this section \$10,000,000 for each fiscal year.!

NO SIMILAR PROVISION

SEC. 8002. COMMUNITY FOREST AND OPEN SPACE CONSERVATION PROGRAM.

(a) **Findings-** Congress finds that—

(1) the Forest Service projects that, by calendar year 2030, approximately 44,000,000 acres of privately-owned forest land will be developed throughout the

United States;

(2) public access to parcels of privately-owned forest land for outdoor recreational activities, including hunting, fishing, and trapping, has declined and, as a result, participation in those activities has also declined in cases in which public access is not secured;

(3) rising rates of obesity and other public health problems relating to the inactivity of the citizens of the United States have been shown to be ameliorated by improving public access to safe and attractive areas for outdoor recreation;

(4) in rapidly-growing communities of all sizes throughout the United States, remaining parcels of forest land play an essential role in protecting public water supplies;

(5) forest parcels owned by local governmental entities and nonprofit organizations are providing important demonstration sites for private landowners to learn forest management techniques;

(6) throughout the United States, communities of diverse types and sizes are deriving significant financial and community benefits from managing forest land owned by local governmental entities for timber and other forest products; and

(7) there is an urgent need for local governmental entities to be able to leverage financial resources in order to purchase important parcels of privately-owned forest land as the parcels are offered for sale.

(b) Community Forest and Open Space Conservation Program- The Cooperative Forestry Assistance Act of 1978 is amended by inserting after section 7 (16 U.S.C. 2103c) the following:

SEC. 7A. COMMUNITY FOREST AND OPEN SPACE CONSERVATION PROGRAM.

(a) Definitions- In this section:

(1) ELIGIBLE ENTITY- The term 'eligible entity' means a local governmental entity, Indian tribe, or nonprofit organization that owns or acquires a parcel under the program.

`(2) INDIAN TRIBE- The term `Indian tribe' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

`(3) LOCAL GOVERNMENTAL ENTITY- The term `local governmental entity' includes any municipal government, county government, or other local government body with jurisdiction over local land use decisions.

`(4) NONPROFIT ORGANIZATION- The term `nonprofit organization' means any organization that—

 `(A) is described in section 170(h)(3) of the Internal Revenue Code of 1986; and

 `(B) operates in accordance with 1 or more of the purposes specified in section 170(h)(4)(A) of that Code.

`(5) PROGRAM- The term `Program' means the community forest and open space conservation program established under subsection (b).

`(6) SECRETARY- The term `Secretary' means the Secretary of Agriculture, acting through the Chief of the Forest Service.

`(b) Establishment- The Secretary shall establish a program, to be known as the `community forest and open space conservation program'.

`(c) Grant Program-

 `(1) IN GENERAL- The Secretary may award grants to eligible entities to acquire private forest land, to be owned in fee simple, that—

 `(A) are threatened by conversion to nonforest uses; and

 `(B) provide public benefits to communities, including—

 `(i) economic benefits through sustainable forest management;

 `(ii) environmental benefits, including clean water and wildlife habitat;

`(iii) benefits from forest-based educational programs, including vocational education programs in forestry;

`(iv) benefits from serving as models of effectively-managed effective forest stewardship for private landowners; and

`(v) recreational benefits, including hunting and fishing.

`(2) FEDERAL COST SHARE- An eligible entity may receive a grant under the Program in an amount equal to not more than 50 percent of the cost of acquiring 1 or more parcels, as determined by the Secretary.

`(3) NON-FEDERAL SHARE- As a condition of receipt of the grant, an eligible entity that receives a grant under the Program shall provide, in cash, donation, or in kind, a non-Federal matching share in an amount that is at least equal to the amount of the grant received.

`(4) APPRAISAL OF PARCELS- To determine the non-Federal share of the cost of a parcel of privately-owned forest land under paragraph (2), an eligible entity shall require appraisals of the land that comply with the Uniform Appraisal Standards for Federal Land Acquisitions developed by the Interagency Land Acquisition Conference.

`(5) APPLICATION- An eligible entity that seeks to receive a grant under the Program shall submit to the State forester or equivalent official (or in the case of an eligible entity that is an Indian tribe, an equivalent official of the Indian tribe) an application that includes—

`(A) a description of the land to be acquired;

`(B) a forest plan that provides—

`(i) a description of community benefits to be achieved from the acquisition of the private forest land; and

`(ii) an explanation of the manner in which any private forest land to be acquired using funds from the grant will be managed; and

`(C) such other relevant information as the Secretary may require.

`(6) EFFECT ON TRUST LAND-

`(A) INELIGIBILITY- The Secretary shall not provide a grant under the Program for any project on land held in trust by the United States (including Indian reservations and allotment land).

`(B) ACQUIRED LAND- No land acquired using a grant provided under the Program shall be converted to land held in trust by the United States on behalf of any Indian tribe.

`(7) APPLICATIONS TO SECRETARY- The State forester or equivalent official (or in the case of an eligible entity that is an Indian tribe, an equivalent official of the Indian tribe) shall submit to the Secretary a list that includes a description of each project submitted by an eligible entity at such times and in such form as the Secretary shall prescribe.

`(d) Duties of Eligible Entity- An eligible entity—

`(1) shall provide public access to, and manage, forest land acquired with a grant under this section in a manner that is consistent with the purposes for which the land was acquired under the Program; and

`(2) shall not convert the property to other uses.

`(e) Prohibited Uses-

`(1) IN GENERAL- Subject to paragraphs (2) and (3), an eligible entity that acquires a parcel under the Program shall not sell the parcel or convert the parcel to nonforest use.

`(2) REIMBURSEMENT OF FUNDS- An eligible entity that sells or converts to nonforest use a parcel acquired under the Program shall pay to the Federal Government an amount equal to the greater of the current sale price, or current appraised value, of the parcel.

`(3) LOSS OF ELIGIBILITY- An eligible entity that sells or converts a parcel acquired under the Program shall not be eligible for additional grants under the Program.

`(f) State Administration and Technical Assistance- To assist model stewardship of

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	<p>parcels acquired under the Program, the Secretary may allocate not more than 10 percent of all funds made available to carry out the Program for each fiscal year to State foresters or equivalent officials (including an equivalent official of an Indian tribe) for Program administration and technical assistance.</p> <p>`(g) Authorization of Appropriations- There are authorized to be appropriated such sums as are necessary to carry out this section.'.</p>
<p>SEC. 8003. ASSISTANCE TO THE FEDERATED STATES OF MICRONESIA, THE REPUBLIC OF THE MARSHALL ISLANDS, AND THE REPUBLIC OF PALAU.</p> <p>Section 13(d)(1) of the Cooperative Forestry Act of 1978 (16 U.S.C. 2109(d)(1)) is amended by striking “the Trust Territory of the Pacific Islands,” and inserting “the Federated States of Micronesia, the Republic of the Marshall Islands, the Republic of Palau,”.</p>	<p>SEC. 8005. ASSISTANCE TO THE FEDERATED STATES OF MICRONESIA, THE REPUBLIC OF THE MARSHALL ISLANDS, AND THE REPUBLIC OF PALAU.</p> <p>Section 13(d)(1) of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2109(d)(1)) is amended by striking `the Trust Territory of the Pacific Islands,' and inserting `the Federated States of Micronesia, the Republic of the Marshall Islands, the Republic of Palau,'.</p>
<p>SEC. 8004. CHANGES TO FOREST RESOURCE COORDINATING COMMITTEE.</p> <p>Section 19 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2113) is amended by striking subsection (a) and inserting the following new subsection:</p> <p>“(a) FOREST RESOURCE COORDINATING COMMITTEE.—</p> <p>“(1) ESTABLISHMENT.—The Secretary shall establish a committee, to be known as the ‘Forest Resource Coordinating Committee’ (in this section referred to as the ‘Coordinating Committee’), to coordinate private non-industrial forestry activities within the Department of Agriculture and with the private sector.</p> <p>“(2) COMPOSITION.—The Coordinating Committee shall be composed of the following:</p> <p>“(A) The Chief of the Forest Service.</p> <p>“(B) The Chief of the Natural Resources Conservation Service.</p> <p>“(C) The Director of the Farm Service Agency.</p> <p>“(D) The Administrator of the Cooperative State Research, Education, and Extension Service.</p> <p>“(E) Non-Federal representatives appointed by the Secretary to 3 year terms, although initial appointees shall have staggered terms, including the</p>	<p>NO SIMILAR PROVISION</p>

following persons:

“(i) At least three State foresters or equivalent State officials from geographically diverse regions of the United States.

“(ii) A representative of a State fish and wildlife agency.

“(iii) A private non-industrial forest landowner.

“(iv) A forest industry representative.

“(v) A conservation organization representative.

“(vi) A land-grant university or college representative.

“(vii) A private forestry consultant.

“(viii) A representative from a State Technical Committee established under section 1261 of the Food Security Act of 1985 (16 U.S.C. 3861).

“(ix) Such other persons as determined by the Secretary to be appropriate.

“(3) **CHAIRPERSON.**—The Chief of the Forest Service shall serve as chairperson of the Coordinating Committee.

“(4) **DUTIES.**—The Coordinating Committee shall—

“(A) provide direction and coordination of actions within the Department of Agriculture, and coordination with State agencies and the private sector, to effectively address the national priorities specified in section 2(c), with specific focus on private non-industrial forest landowners;

“(B) clarify individual agency responsibilities of each agency represented on the Coordinating Committee concerning the national priorities specified in section 2(c), with specific focus on private non-industrial forested land;

“(C) provide advice on the allocation of funds, including the competitive funds set-aside by sections 8006 and 8007 of the Farm, Nutrition, and Bioenergy Act of 2007; and

“(D) assist the Secretary in developing and reviewing the report

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<p>required by section 2(d).</p> <p>“(5) MEETING.—The Coordinating Committee shall meet biannually to discuss progress in addressing the national priorities specified in section 2(c) and issues regarding non-industrial private forest land.</p> <p>“(6) COMPENSATION.—</p> <p> “(A) FEDERAL MEMBERS.—Members of the Coordinating Committee who are full-time officers or employees of the United States shall receive no additional pay, allowances, or benefits by reason of their service on the Committee.</p> <p> “(B) NON-FEDERAL MEMBERS.—Non-federal members of the Coordinating Committee shall serve without pay, but may be reimbursed for reasonable costs incurred while performing their duties on behalf of the Committee.”.</p>	
<p>SEC. 8005. CHANGES TO STATE FOREST STEWARDSHIP COORDINATING COMMITTEES.</p> <p>Section 19(b) of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2113(b)) is amended—</p> <p>(1) in paragraph (1)(B)(ii)—</p> <p> (A) by striking “and” at the end of subclause (VII); and</p> <p> (B) by adding at the end the following new subclause:</p> <p> “(IX) the State Technical Committee.”.</p> <p>(2) in paragraph (2)(C), by striking “a Forest Stewardship Plan under paragraph (3)” and inserting “the State-wide assessment and strategy regarding forest resource conditions under section 2A”;</p> <p>(3) by striking paragraphs (3) and (4); and</p> <p>(4) by redesignating paragraphs (5) and (6) as paragraphs (3) and (4), respectively.</p>	<p>NO SIMILAR PROVISION</p>

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<p style="text-align: center;">NO SIMILAR PROVISION</p>	<p style="text-align: center;">SEC. 8003. FEDERAL, STATE, AND LOCAL COORDINATION AND COOPERATION.</p> <p>Section 19(b)(2)(D) of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2113(b)(2)(D)) is amended by inserting `except for projects submitted by an Indian tribe,' before `make recommendations'.</p>
<p style="text-align: center;">SEC. 8006. COMPETITION IN PROGRAMS UNDER COOPERATIVE FORESTRY ASSISTANCE ACT OF 1978.</p> <p>(a) COMPETITION.—Beginning not later than 3 years after the date of the enactment of this Act, the Secretary of Agriculture shall competitively allocate a portion, to be determined by the Secretary, of the funds available under the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101 et seq.) to State foresters or equivalent State officials.</p> <p>(b) DETERMINATION.—In determining the competitive allocation of funds under subsection (a), the Secretary shall consult with the Forest Resource Coordinating Committee established by section 19(a) of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2113(a)).</p> <p>(c) PRIORITY.—The Secretary shall give priority for funding to States for which the strategies submitted under section 2A(a)(2) of the Cooperative Forestry Assistance Act of 1978 will best promote the national priorities specified in section 2(c) of such Act.</p>	<p style="text-align: center;">NO SIMILAR PROVISION</p>
<p style="text-align: center;">SEC. 8007. COOPERATIVE FOREST INNOVATION PARTNERSHIP PROJECTS.</p> <p>(a) COOPERATIVE FOREST INNOVATION PARTNERSHIP PROJECTS.—The Secretary of Agriculture may competitively allocate not more than 5 percent of funding available under the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101 et seq.) to support innovative national, regional, or local education, outreach, or technology transfer projects that the Secretary determines would substantially increase the ability of the Department of Agriculture to address the national priorities specified in section 2(c) of such Act.</p> <p>(b) ELIGIBILITY.—Notwithstanding the eligibility limitations contained within the Cooperative Forestry Assistance Act of 1978, any State or local government, Indian tribe, land-grant college or university, or private entity shall be eligible for funds under subsection (a).</p> <p>(c) COST-SHARE REQUIREMENT.—In carrying out subsection (a), the Secretary shall not cover more than 50 percent of the total cost of a project under such subsection. In calculating the total cost of a project and contributions made with regard to the project, the</p>	<p style="text-align: center;">NO SIMILAR PROVISION</p>

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Secretary shall include in-kind contributions.	
Subtitle B—Amendments to Other Laws	
<p>SEC. 8101. HEALTHY FOREST RESERVE PROGRAM.</p> <p>Section 508 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6578) is amended to read as follows:</p> <p>“SEC. 508. FUNDING.</p> <p>“Notwithstanding any other provision of law, of the funds of the Commodity Credit Corporation, the Secretary shall make available to carry out this title \$10,000,000 for each of fiscal years 2008 through 2012. Such funds shall remain available until expended.”.</p>	<p style="text-align: center;">Healthy Forests Reserve Program</p> <p style="text-align: center;">SEC. 2331. HEALTHY FORESTS RESERVE PROGRAM.</p> <p>(a) In General- Chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3831 et seq.) is amended by adding at the end the following:</p> <p> `Subchapter D--Healthy Forests Reserve Program</p> <p> `SEC. 1237M. ESTABLISHMENT OF HEALTHY FORESTS RESERVE PROGRAM.</p> <p> `(a) Establishment- The Secretary shall establish the healthy forests reserve program for the purpose of restoring and enhancing forest ecosystems--</p> <p> `(1) to promote the recovery of threatened and endangered species;</p> <p> `(2) to improve biodiversity; and</p> <p> `(3) to enhance carbon sequestration.</p> <p> `(b) Coordination- The Secretary shall carry out the healthy forests reserve program in coordination with the Secretary of the Interior and the Secretary of Commerce.</p> <p> `SEC. 1237N. ELIGIBILITY AND ENROLLMENT OF LANDS IN PROGRAM.</p> <p> `(a) In General- The Secretary, in coordination with the Secretary of the Interior and the Secretary of Commerce, shall describe and define forest ecosystems that are eligible for enrollment in the healthy forests reserve program.</p> <p> `(b) Eligibility- To be eligible for enrollment in the healthy forests reserve program, land shall be--</p> <p> `(1) private land the enrollment of which will restore, enhance, or otherwise measurably increase the likelihood of recovery of a species listed as endangered or threatened under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533); and</p> <p> `(2) private land the enrollment of which will restore, enhance, or otherwise measurably improve the well-being of species that--</p>

`(A) are not listed as endangered or threatened under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533); but

`(B) are candidates for such listing, State-listed species, or special concern species.

`(c) Other Considerations- In enrolling land that satisfies the criteria under subsection (b), the Secretary shall give additional consideration to land the enrollment of which will--

`(1) improve biological diversity; and

`(2) increase carbon sequestration.

`(d) Enrollment by Willing Owners- The Secretary shall enroll land in the healthy forests reserve program only with the consent of the owner of the land.

`(e) Methods of Enrollment-

`(1) IN GENERAL- Land may be enrolled in the healthy forests reserve program in accordance with—

`(A) a 10-year cost-share agreement;

`(B) a 30-year easement; or

`(C) a permanent easement.

`(2) PROPORTION- The extent to which each enrollment method is used shall be based on the approximate proportion of owner interest expressed in that method in comparison to the other methods.

`(3) ACREAGE OWNED BY INDIAN TRIBES- In the case of acreage owned by an Indian tribe, the Secretary may enroll acreage into the healthy forests reserve program through the use of—

`(A) a 30-year contract (the value of which shall be equivalent to the value of a 30-year easement);

`(B) a 10-year cost-share agreement; or

`(C) any combination of the options described in subparagraphs (A) and (B).

`(f) Enrollment Priority-

`(1) SPECIES- The Secretary shall give priority to the enrollment of land that provides the greatest conservation benefit to--

`(A) primarily, species listed as endangered or threatened under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533); and

`(B) secondarily, species that--

`(i) are not listed as endangered or threatened under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533); but

`(ii) are candidates for such listing, State-listed species, or special concern species.

`(2) COST-EFFECTIVENESS- The Secretary shall also consider the cost-effectiveness of each agreement or easement, and associated restoration plans, so as to maximize the environmental benefits per dollar expended.

`SEC. 1237O. RESTORATION PLANS.

`(a) In General- Land enrolled in the healthy forests reserve program shall be subject to a restoration plan, to be developed jointly by the landowner and the Secretary, in coordination with the Secretary of Interior.

`(b) Practices- The restoration plan shall require such restoration practices as are necessary to restore and enhance habitat for--

`(1) species listed as endangered or threatened under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533); and

`(2) animal or plant species before the species reach threatened or endangered status, such as candidate, State-listed species, and special concern species.

`SEC. 1237P. FINANCIAL ASSISTANCE.

`(a) Permanent Easements- In the case of land enrolled in the healthy forests reserve program using a permanent easement, the Secretary shall pay to the owner of the land an amount equal to not less than 75 percent, nor more than 100 percent, of (as determined by the Secretary)--

`(1) the fair market value of the enrolled land during the period the land is subject to the easement, less the fair market value of the land encumbered by the easement; and

`(2) the actual costs of the approved conservation practices or the average cost of approved practices carried out on the land during the period in which the land is subject to the easement.

`(b) 30-Year Easement or Contract- In the case of land enrolled in the healthy forests reserve program using a 30-year easement or contract, the Secretary shall pay the owner of the land an amount equal to not more than (as determined by the Secretary)--

`(1) 75 percent of the fair market value of the land, less the fair market value of the land encumbered by the easement or contract; and

`(2) 75 percent of the actual costs of the approved conservation practices or 75 percent of the average cost of approved practices.

`(c) 10-Year Agreement- In the case of land enrolled in the healthy forests reserve program using a 10-year cost-share agreement, the Secretary shall pay the owner of the land an amount equal to not more than (as determined by the Secretary)--

`(1) 50 percent of the actual costs of the approved conservation practices; or

`(2) 50 percent of the average cost of approved practices.

`(d) Acceptance of Contributions- The Secretary may accept and use contributions of non-Federal funds to make payments under this section.

SEC. 1237Q. TECHNICAL ASSISTANCE.

`(a) In General- The Secretary shall provide landowners with technical assistance to assist the owners in complying with the terms of plans (as included in agreements or easements) under the healthy forests reserve program.

`(b) Technical Service Providers- The Secretary may request the services of, and enter into cooperative agreements with, individuals or entities certified as technical service providers under section 1242, to assist the Secretary in providing technical assistance necessary to develop and implement the healthy forests reserve program.

SEC. 1237R. PROTECTIONS AND MEASURES.

(a) Protections- In the case of a landowner that enrolls land in the program and whose conservation activities result in a net conservation benefit for listed, candidate, or other species, the Secretary shall make available to the landowner safe harbor or similar assurances and protection under—

(1) section 7(b)(4) of the Endangered Species Act of 1973 (16 U.S.C. 1536(b)(4)); or

(2) section 10(a)(1) of that Act (16 U.S.C. 1539(a)(1)).

(b) Measures- If protection under subsection (a) requires the taking of measures that are in addition to the measures covered by the applicable restoration plan agreed to under section 1237O, the cost of the additional measures, as well as the cost of any permit, shall be considered part of the restoration plan for purposes of financial assistance under section 1237P.

SEC. 1237S. INVOLVEMENT BY OTHER AGENCIES AND ORGANIZATIONS.

In carrying out this subchapter, the Secretary may consult with--

(1) nonindustrial private forest landowners;

(2) other Federal agencies;

(3) State fish and wildlife agencies;

(4) State forestry agencies;

(5) State environmental quality agencies;

(6) other State conservation agencies; and

(7) nonprofit conservation organizations.

SEC. 1237T. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this subchapter such sums as are necessary for each of fiscal years 2008 through 2012.'

(b) Conforming Amendments- The Healthy Forests Restoration Act of 2003 (16 U.S.C. 6501 et seq.) is amended—

(1) by striking title V (16 U.S.C. 6571 et seq.); and

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(2) by redesignating title VI and section 601 (16 U.S.C. 6591) as title V and section 501, respectively.

SEC. 8102. EMERGENCY FOREST RESTORATION PROGRAM.

(a) **ESTABLISHMENT.**—Title IV of the Agricultural Credit Act of 1978 (16 U.S.C. 2201–2205) is amended—

(1) by redesignating sections 404, 405, and 406 as sections 405, 406, and 407, respectively; and

(2) by inserting after section 403 the following new section:

“SEC. 404. EMERGENCY FOREST RESTORATION PROGRAM.

“(a) **AVAILABILITY OF ASSISTANCE.**—The Secretary of Agriculture is authorized to provide financial and technical assistance to an owner of non-industrial private forest lands to assist with developing and implementing an approved plan in accordance with subsection (c)(2).

“(b) **AMOUNT OF ASSISTANCE.**—

“(1) **COST SHARE.**—Payments under subsection (a) may not cover more than 75 percent of the total cost of measures implemented pursuant to an approved plan in accordance with subsection (c)(2).

“(2) **ANNUAL LIMIT.**—An owner of non-industrial private forest lands may not receive more than \$50,000 per year under this section.

“(c) **ELIGIBILITY.**—To be eligible for assistance under this section, a landowner must—

“(1) have suffered a loss of, or damage to, non-industrial private forest land due to events, including wildfires, hurricanes, drought, windstorms, insect and disease, ice storms, or invasive species, as determined by the Secretary; and

“(2) develop a plan, in cooperation with the Secretary, and agree to implement the plan during the 10-year period beginning on the date of the loss, that—

“(A) provides for reforestation, rehabilitation, and related measures for the non-industrial private forest land;

“(B) restores the land and related natural resources;

“(C) uses best management practices on the forest land, in accordance

SEC. 2398. EMERGENCY LANDSCAPE RESTORATION PROGRAM.

(a) In General- Chapter 5 of subtitle D of the Food Security Act of 1985 (16 U.S.C. 3839bb et seq.) (as amended by section 2386) is amended by adding at the end the following:

SEC. 1240R. EMERGENCY LANDSCAPE RESTORATION PROGRAM.

(a) Definition of Eligible Recipient- In this section, the term ‘eligible recipient’ means--

(1) an organization that is eligible for technical assistance and cost-share payments under this section and assists working agricultural land and nonindustrial private forest land, including--

(A) a community-based association; and

(B) a city, county, or regional government, including a watershed council and a conservation district; and

(2) an individual who is eligible for technical assistance and cost-share payments under this section, including--

(A) a producer;

(B) a rancher;

(C) an operator;

(D) a nonindustrial private forest landowner; and

(E) a landlord on working agricultural land.

(b) Purpose- The purpose of the emergency landscape restoration program is to rehabilitate watersheds, nonindustrial private forest land, and working agricultural land adversely affected by natural catastrophic events, by--

(1) providing a source of assistance for restoration of the land back to a productive state;

(2) preventing further impairment of land and water, including prevention through the purchase of floodplain easements; and

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with the best management practices as determined by the Secretary; and

“(D) incorporates good stewardship and conservation practices on the land, while maintaining the land in a forested state.

“(d) **INSECT AND DISEASE THREATS.**—Notwithstanding subsection (c)(1), non-industrial private forest lands are eligible under this section if the Secretary determines that the lands are under an imminent threat of loss or damage by insect or disease and immediate action would help to avoid the loss or damage.

“(e) **NON-INDUSTRIAL PRIVATE FOREST LAND DEFINED.**—In this section, the term ‘non-industrial private forest land’ means rural lands, as determined by the Secretary, that—

“(1) have existing tree cover or had tree cover within the preceding 10 years; and

“(2) are owned by any non-industrial private individual, group, association, corporation, Indian tribe, or other private legal entity so long as the individual, group, association, corporation, tribe, or entity has definitive decision-making authority over the lands.”.

(b) **REGULATIONS.**—Not later than one year after the date of the enactment of this Act, the Secretary of Agriculture shall issue regulations to carry out section 404 of the Agricultural Credit Act of 1978, as added by subsection (a).

“(3) providing further protection of natural resources.

“(c) **Establishment-** The Secretary, acting through the Natural Resources Conservation Service, shall carry out an emergency landscape restoration program under which technical assistance and cost-share payments are made available to eligible recipients to carry out remedial activities to restore landscapes damaged by--

- “(1) fire;
- “(2) drought;
- “(3) flood;
- “(4) hurricane force or excessive winds;
- “(5) ice storms or blizzards; or
- “(6) other resource-impacting natural events, as determined by the Secretary.

“(d) **Prioritization-** The Secretary shall provide the highest priority for those activities that protect human health and safety.

“(e) **Technical Assistance and Cost-Share Payments-**

“(1) **IN GENERAL-** The Secretary shall provide technical assistance and cost-share payments in amounts of up to 75 percent of the cost of remedial activities described in paragraph (2) to rehabilitate watersheds, nonindustrial private forest land, and working agricultural land.

“(2) **REMEDIAL ACTIVITIES-** Remedial activities that are eligible for technical assistance and cost-share payments under this section include--

“(A) removal of debris from streams, agricultural land, and nonindustrial forest land, including--

“(i) the restoration of natural hydrology; and

“(ii) the removal of barriers for aquatic species;;

“(B) restoration of destabilized streambanks;

“(C) establishment of cover on critically eroding land;

“(D) restoration of fences;

- `(E) construction of conservation structures;
 - `(F) provision of water for livestock in drought situations;
 - `(G) rehabilitation of farm or ranch land;
 - `(H) restoration of damaged nonindustrial private forest land, including--
 - `(i) the removal of damaged standing trees and downed timber; and
 - `(ii) site preparation, tree planting, direct seeding, and firebreaks;
 - `(I) the carrying out of emergency water conservation measures;
 - `(J) restoration of wildlife habitat and corridors;
 - `(K) livestock carcass removal and disposal; and
 - `(L) such other remedial activities as are determined by the Secretary.
- `(f) Authorization of Appropriations- There are authorized to be appropriated to the Secretary to carry out this section such sums as are necessary for each of fiscal years 2008 through 2012, to remain available until expended.
- `(g) Temporary Administration of Emergency Landscape Restoration Program-
- `(1) IN GENERAL- During the period beginning on the date of enactment of this section and ending on the termination date described in paragraph (2), to ensure that technical assistance, cost-share payments, and other payments continue to be administered in an orderly manner until the date on which final regulations are promulgated to implement the emergency landscape restoration program, the Secretary shall, to the extent the terms and conditions of the programs described in clauses (i) and (ii) of subparagraph (A) are consistent with the emergency landscape restoration program, continue to--
 - `(A) provide technical assistance, cost-share payments, and other payments under the terms and conditions of--
 - `(i) the emergency conservation program established under title IV of the Agricultural Credit Act of 1978 (16 U.S.C. 2201 et seq.); and
 - `(ii) the emergency watershed protection program established under section 403 of the Agricultural Credit Act of 1978 (16 U.S.C. 2203); and

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	<p>(B) use for those purposes-- (i) any funds made available under those programs; and (ii) as the Secretary determines to be necessary, any funds made available to carry out the emergency landscape restoration program.</p> <p>(2) TERMINATION OF AUTHORITY- The authority of the Secretary to carry out paragraph (1) shall terminate on the effective date of final regulations to implement the emergency landscape restoration program.'</p> <p>(b) Conforming Amendments-</p> <p>(1) Effective on the effective date of final regulations to implement the emergency landscape restoration program under section 1240R of the Food Security Act of 1985 (as added by subsection (a)), title IV of the Agricultural Credit Act of 1978 (16 U.S.C. 2201 et seq.) is repealed.</p> <p>(2) Section 1211(a)(3)(C) of the Food Security Act of 1985 (16 U.S.C. 3811(a)(3)(C)) is amended by inserting `section 1240R or' after `a payment under'.</p> <p>(3) Section 1221(b)(3)(C) of the Food Security Act of 1985 (16 U.S.C. 3821(b)(3)(C)) is amended by inserting `section 1240R or' after `A payment under'.</p>
<p>SEC. 8103. OFFICE OF INTERNATIONAL FORESTRY.</p> <p>Section 2405(d) of the Global Climate Change Prevention Act of 1990 (7 U.S.C. 6704(d)) is amended by striking “2007” and inserting “2012”.</p>	<p>SEC. 8202. OFFICE OF INTERNATIONAL FORESTRY.</p> <p>Section 2405(d) of the Global Climate Change Prevention Act of 1990 (7 U.S.C. 6704(d)) is amended by striking `2007' and inserting `2012'.</p>
<p>SEC. 8104. RURAL REVITALIZATION TECHNOLOGIES.</p> <p>Section 2371(d)(2) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 6601(d)(2)) is amended by striking “2004 through 2008” and inserting “2008 through 2012”.</p>	<p>NO SIMILAR PROVISION</p>
<p>SEC. 7507. RENEWABLE RESOURCES EXTENSION ACT OF 1978.</p> <p>(a) AUTHORIZATION OF APPROPRIATIONS.—Section 6 of the Renewable Resources Extension Act of 1978 (16 U.S.C. 1675) is amended by striking “2007” and inserting “2012”.</p>	<p>SEC. 8201. RENEWABLE RESOURCES EXTENSION ACTIVITIES.</p> <p>(a) Authorization of Appropriations- Section 6 of the Renewable Resources Extension Act of 1978 (16 U.S.C. 1675) is amended in the first sentence by striking `2007' and</p>

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<p>(b) TERMINATION DATE.—Section 8 of the Renewable Resources Extension Act of 1978 (16 U.S.C. 1671 note; Public Law 95–306) is amended by striking “2007” and inserting “2012”.</p>	<p>inserting `2012'.</p> <p>(b) Termination Date- Section 8 of the Renewable Resources Extension Act of 1978 (16 U.S.C. 1671 note; Public Law 95-306) is amended by striking `2007' and inserting `2012'.</p>
	<p>Subtitle — Tribal-Forest Service Cooperative Relations</p>
<p>NO SIMILAR PROVISION</p>	<p style="text-align: center;">SEC. 8101. DEFINITIONS.</p> <p>In this subtitle:</p> <p>(1) INDIAN- The term `Indian' means an individual who is a member of an Indian tribe.</p> <p>(2) INDIAN TRIBE- The term `Indian tribe'—</p> <p style="padding-left: 40px;">(A) for purposes of title I, has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b); and</p> <p style="padding-left: 40px;">(B) for purposes of title II, means any Indian or Alaska Native tribe, band, nation, pueblo, village, or other community the name of which is included on a list published by the Secretary of the Interior pursuant to section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a-1).</p> <p>(3) NATIONAL FOREST SYSTEM- The term `National Forest System' has the meaning given the term in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a)).</p>
<p>NO SIMILAR PROVISION</p>	<p style="text-align: center;">SEC. 8111. FOREST LEGACY PROGRAM.</p> <p>(a) Participation by Indian Tribes- Section 7 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103c) is amended—</p> <p style="padding-left: 40px;">(1) in subsection (a), in the first sentence, by inserting `, including Indian tribes,' after `government';</p> <p style="padding-left: 40px;">(2) in subsection (b), by inserting `or programs of Indian tribes' after `regional</p>

programs';

(3) in subsection (f), in the second sentence, by striking `other appropriate State or regional natural resource management agency' and inserting `other appropriate natural resource management agency of a State, region, or Indian tribe';

(4) in subsection (h)(2), by inserting `, including an Indian tribe' before the period at the end; and

(5) in subsection (j)(2), in the first sentence, by inserting `including Indian tribes,' after `governmental units,'.

(b) Optional State and Tribal Grants- Section 7(l) of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103c(l)) is amended--

(1) in the subsection heading, by inserting `and Tribal' after `State';

(2) by redesignating paragraph (3) as paragraph (4); and

(3) by striking paragraphs (1) and (2) and inserting the following:

`(1) DEFINITION OF INDIAN TRIBE- In this subsection, the term `Indian tribe' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

`(2) GRANTS- On request of a participating State or Indian tribe, the Secretary shall provide a grant to the State or Indian tribe to carry out the Forest Legacy Program in the State or with the Indian tribe.

`(3) ADMINISTRATION- If a State or Indian tribe elects to receive a grant under this subsection—

 `(A) the Secretary shall use a portion of the funds made available under subsection (m), as determined by the Secretary, to provide a grant to the State or Indian tribe; and

 `(B) the State or Indian tribe shall use the grant to carry out the Forest Legacy Program in the State or with the Indian tribe, including through acquisition by the State or Indian tribe of land and interests in land.

`(4) EFFECT ON TRUST LAND-

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	<p>“(A) INELIGIBILITY- The Secretary shall not provide a grant under this subsection for any project on land held in trust by the United States (including Indian reservations and allotment land).</p> <p>“(B) ACQUIRED LAND- No land acquired using a grant provided under this subsection shall be converted to land held in trust by the United States on behalf of any Indian tribe.’.</p> <p>(c) Conforming Amendments- Section 7(j)(1) of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103c(j)(1)) is amended by striking the first sentence and inserting the following: ‘Fair market value shall be paid for any property interest acquired (other than by donation) under this section.’.</p>
<p>NO SIMILAR PROVISION</p>	<p>SEC. 8112. FORESTRY AND RESOURCE MANAGEMENT ASSISTANCE FOR INDIAN TRIBES.</p> <p>(a) Definition of Eligible Indian Land- In this section, the term ‘eligible Indian land’ means, with respect to each participating Indian tribe—</p> <ul style="list-style-type: none"> (1) trust land located within the boundaries of the reservation of the Indian tribe; (2) land owned in fee by the Indian tribe; and (3) trust land located outside the boundaries of the reservation of the Indian tribe that is eligible for use for land programs of the Indian tribe. <p>(b) Authority To Provide Assistance- The Secretary may provide financial, technical, educational, and related assistance to any Indian tribe for—</p> <ul style="list-style-type: none"> (1) tribal consultation and coordination with the Forest Service on issues relating to— <ul style="list-style-type: none"> (A) access and use by members of the Indian tribe to National Forest System land and resources for traditional, religious, and cultural purposes; (B) coordinated or cooperative management of resources shared by the Forest Service and the Indian tribe; or (C) the provision of tribal traditional, cultural, or other expertise or knowledge;

(2) projects and activities for conservation education and awareness with respect to forest land or grassland that is eligible Indian land; and

(3) technical assistance for forest resources planning, management, and conservation on eligible Indian land.

(c) Requirements-

(1) IN GENERAL- During any fiscal year, an Indian tribe may participate in only 1 approved activity that receives assistance under—

(A) subsection (b)(3); or

(B) the forest stewardship program under section 5 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103a).

(d) Implementation-

(1) IN GENERAL- Not later than 18 months after the date of enactment of this Act, the Secretary shall promulgate regulations to implement subsection (b), including rules for determining the distribution of assistance under that subsection.

(2) CONSULTATION- In developing regulations pursuant to paragraph (1), the Secretary shall conduct full, open, and substantive consultation with Indian tribal governments and other representatives of Indian tribes.

(e) Coordination With Secretary of Interior- In carrying out this section, the Secretary shall coordinate with the Secretary of the Interior to ensure that activities under subsection (b)—

(1) do not conflict with Indian tribal programs provided by the Department of the Interior; and

(2) achieve the goals established by the affected Indian tribes.

(f) Authorization of Appropriations- There are authorized to be appropriated such sums as are necessary to carry out this section.

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NO SIMILAR PROVISION

SEC. 8121. PURPOSES.

The purposes of this part are—

- (1) to authorize the reburial of human remains and cultural items, including human remains and cultural items repatriated under the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.), on National Forest System land;
- (2) to prevent the unauthorized disclosure of information regarding reburial sites, including—
 - (A) the quantity and identity of human remains and cultural items on the sites; and
 - (B) the location of the sites;
- (3) to authorize the Secretary to ensure access to National Forest System land, to the maximum extent practicable, by Indians and Indian tribes for traditional and cultural purposes;
- (4) to authorize the Secretary to provide forest products free of charge to Indian tribes for traditional and cultural purposes;
- (5) to authorize the Secretary to protect the confidentiality of certain information, including information that is culturally sensitive to Indian tribes;
- (6) to increase the availability of Forest Service programs and resources to Indian tribes in support of the policy of the United States to promote tribal sovereignty and self-determination; and
- (7) to strengthen support for the policy of the United States of protecting and preserving the traditional, cultural, and ceremonial rites and practices of Indian tribes, in accordance with Public Law 95-341 (commonly known as the `American Indian Religious Freedom Act') (42 U.S.C. 1996).

NO SIMILAR PROVISION

SEC. 8122. DEFINITIONS.

In this part:

- (1) ADJACENT SITE- The term `adjacent site' means a site that borders a

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	<p>boundary line of National Forest system land.</p> <p>(2) CULTURAL ITEMS-</p> <p>(A) IN GENERAL- The term `cultural items' has the meaning given the term in section 2 of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001).</p> <p>(B) EXCEPTION- The term `cultural items' does not include human remains.</p> <p>(3) HUMAN REMAINS- The term `human remains' means the physical remains of the body of a person of Indian ancestry.</p> <p>(4) LINEAL DESCENDANT- The term `lineal descendant' means an individual that can trace, directly and without interruption, the ancestry of the individual through the traditional kinship system of an Indian tribe, or through the common law system of descent, to a known Indian, the human remains, funerary objects, or other sacred objects of whom are claimed by the individual.</p> <p>(5) REBURIAL SITE- The term `reburial site' means a discrete physical location at which cultural items or human remains are reburied.</p> <p>(6) TRADITIONAL AND CULTURAL PURPOSE- The term `traditional and cultural purpose', with respect to a definable use, area, or practice, means that the use, area, or practice is identified by an Indian tribe as traditional or cultural because of the long-established significance or ceremonial nature of the use, area, or practice to the Indian tribe.</p>
<p>NO SIMILAR PROVISION</p>	<p>SEC. 8123. REBURIAL OF HUMAN REMAINS AND CULTURAL ITEMS.</p> <p>(a) Reburial Sites- In consultation with an affected Indian tribe or lineal descendant, the Secretary may authorize the use of National Forest System land by the Indian tribe or lineal descendant for the reburial of human remains or cultural items in the possession of the Indian tribe or lineal descendant that have been disinterred from National Forest System land or an adjacent site.</p> <p>(b) Reburial- With the consent of the affected Indian tribe or lineal descendant, the Secretary may recover and rebury, at Federal expense or using other available funds,</p>

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human remains and cultural items described in subsection (a) at the National Forest System land identified under that subsection.

(c) Authorization of Use-

(1) IN GENERAL- Subject to paragraph (2), the Secretary may authorize such uses on reburial sites or adjacent sites as the Secretary determines to be necessary for management of the National Forest System.

(2) AVOIDANCE OF ADVERSE IMPACTS- In carrying out paragraph (1), the Secretary shall avoid adverse impacts to cultural items and human remains, to the maximum extent practicable.

NO SIMILAR PROVISION

SEC. 8124. TEMPORARY CLOSURE FOR TRADITIONAL AND CULTURAL PURPOSES.

(a) Recognition of Historic Use- The Secretary shall, to the maximum extent practicable, ensure access to National Forest System land by Indians for traditional and cultural purposes, in accordance with subsection (b), in recognition of the historic use by Indians of National Forest System land.

(b) Closing Land From Public Access-

(1) IN GENERAL- On receipt of a request from an Indian tribe, the Secretary may temporarily close from public access specifically designated National Forest System land to protect the privacy of tribal activities for traditional and cultural purposes.

(2) LIMITATION- A closure of National Forest System land under paragraph (1) shall affect the smallest practicable area for the minimum period necessary for activities of the applicable Indian tribe.

(3) CONSISTENCY- Access by Indian tribes to National Forest System land under this subsection shall be consistent with the purposes of Public Law 95-341 (commonly known as the 'American Indian Religious Freedom Act') (42 U.S.C. 1996).

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<p>NO SIMILAR PROVISION</p>	<p>SEC. 8125. FOREST PRODUCTS FOR TRADITIONAL AND CULTURAL PURPOSES.</p> <p>(a) In General- Notwithstanding section 14 of the National Forest Management Act of 1976 (16 U.S.C. 472a), the Secretary may provide free of charge to Indian tribes any trees, portions of trees, or forest products from National Forest System land for traditional and cultural purposes.</p> <p>(b) Prohibition- Trees, portions of trees, or forest products provided under subsection (a) may not be used for commercial purposes.</p>
<p>NO SIMILAR PROVISION</p>	<p>SEC. 8126. PROHIBITION ON DISCLOSURE.</p> <p>(a) Nondisclosure of Information-</p> <p>(1) IN GENERAL- The Secretary shall not disclose under section 552 of title 5, United States Code (commonly known as the `Freedom of Information Act'), any information relating to—</p> <p>(A) subject to subsection (b)(1), human remains or cultural items reburied on National Forest System land under section 8123; or</p> <p>(B) subject to subsection (b)(2), resources, cultural items, uses, or activities that—</p> <p>(i) have a traditional and cultural purpose; and</p> <p>(ii) are provided to the Secretary by an Indian or Indian tribe under an express expectation of confidentiality in the context of forest and rangeland research activities carried out under the authority of the Forest Service.</p> <p>(2) LIMITATIONS ON DISCLOSURE- Subject to subsection (b)(2), the Secretary shall not be required to disclose information under section 552 of title 5, United States Code (commonly known as the `Freedom of Information Act'), concerning the identity, use, or specific location in the National Forest System of-</p> <p>(A) a site or resource used for traditional and cultural purposes by an Indian tribe; or</p>

(B) any cultural items not covered under section 8123.

(b) Limited Release of Information-

(1) REBURIAL- The Secretary may disclose information described in subsection (a)(1)(A) if, before the disclosure, the Secretary—

(A) consults with an affected Indian tribe or lineal descendent;

(B) determines that disclosure of the information—

(i) would advance the purposes of this part; and

(ii) is necessary to protect the human remains or cultural items from harm, theft, or destruction; and

(C) attempts to mitigate any adverse impacts identified by an Indian tribe or lineal descendant that reasonably could be expected to result from disclosure of the information.

(2) OTHER INFORMATION- The Secretary may disclose information described under paragraph (1)(B) or (2) of subsection if the Secretary determines that disclosure of the information to the public—

(A) would advance the purposes of this part;

(B) would not create an unreasonable risk of harm, theft, or destruction of the resource, site, or object, including individual organic or inorganic specimens; and

(C) would be consistent with other applicable laws.

NO SIMILAR PROVISION

SEC. 8127. SEVERABILITY AND SAVINGS PROVISIONS.

(a) Severability- If any provision of this part, or the application of any provision of this part to any person or circumstance, is held invalid, the application of such provision or circumstance and the remainder of this part shall not be affected thereby.

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	<p>(b) Savings- Nothing in this part—</p> <p>(1) diminishes or expands the trust responsibility of the United States to Indian tribes, or any legal obligation or remedy resulting from that responsibility;</p> <p>(2) alters, abridges, repeals, or affects any valid agreement between the Forest Service and an Indian tribe;</p> <p>(3) alters, abridges, diminishes, repeals, or affects any reserved or other right of an Indian tribe; or</p> <p>(4) alters, abridges, diminishes, repeals, or affects any other valid existing right relating to National Forest System land or other public land.</p>
<p>Subtitle C—Miscellaneous Provisions</p>	<p>NO SIMILAR PROVISION</p>
<p style="text-align: center;">SEC. 8201. HISPANIC-SERVING INSTITUTION AGRICULTURAL LAND NATIONAL RESOURCES LEADERSHIP PROGRAM.</p> <p>(a) GRANT AUTHORITY.—The Secretary of Agriculture may make grants, on a competitive basis, to Hispanic-serving institutions for the purpose of establishing an undergraduate scholarship program to assist in the recruitment, retention, and training of Hispanics and other under-represented groups in forestry and related fields.</p> <p>(b) USE OF GRANT FUNDS.—Grants made under this section shall be used to recruit, retain, train, and develop professionals to work in forestry and related fields with Federal agencies, such as the Forest Service, State agencies, and private-sector entities.</p> <p>(c) DEFINITION OF HISPANIC-SERVING INSTITUTION.—In this section, the term “Hispanic-serving institution” has the meaning given that term in section 502(a)(5) of the Higher Education Act of 1965 (20 U.S.C. 1101a(a)(5)).</p> <p>(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for each of fiscal years 2008 through 2012 such sums as may be necessary to carry out this section.</p>	
	<p style="text-align: center;">SEC. 8203. GREEN MOUNTAIN NATIONAL FOREST BOUNDARY ADJUSTMENT.</p> <p>(a) In General- The boundary of the Green Mountain National Forest is modified to include the 12 designated expansion units as generally depicted on the forest maps entitled `Green Mountain Expansion Area Map I' and `Green Mountain Expansion Area</p>

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Map II' and dated February 20, 2002 (copies of which shall be on file and available for public inspection in the Office of the Chief of the Forest Service, Washington, District of Columbia), and more particularly described according to the site specific maps and legal descriptions on file in the office of the Forest Supervisor, Green Mountain National Forest.

(b) Management- Federally owned land delineated on the maps acquired for National Forest purposes shall continue to be managed in accordance with the laws (including regulations) applicable to the National Forest System.

(c) Land and Water Conservation Fund- For the purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460 1-9), the boundaries of the Green Mountain National Forest, as adjusted by this section, shall be considered to be the boundaries of the national forest as of January 1, 1965.

NO SIMILAR PROVISION

SEC. 8204. PREVENTION OF ILLEGAL LOGGING PRACTICES.

(a) In General- The Lacey Act Amendments of 1981 are amended—

(1) in section 2 (16 U.S.C. 3371)—

(A) by striking subsection (f) and inserting the following:

`(f) Plant-

`(1) IN GENERAL- The term `plant' means any wild member of the plant kingdom, including roots, seeds, parts, and products thereof.

`(2) EXCLUSIONS-

`(A) IN GENERAL- Subject to subparagraph (B), the term `plant' excludes-

`(i) any cultivar or common food crop; or

`(ii) a plant intended to remain planted, to be planted, or replanted (including roots, seeds, and germplasm) that is—

`(I)(aa) imported into the United States accompanied by a

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phytosanitary certificate issued by the national plant protection organization of the country of origin or transshipment country;
or

`(bb) precleared for entry by the Secretary; or

`(II) a domestically produced plant, or derived from a domestically produced plant, that is—

`(aa) moving in interstate commerce; and

(bb) not listed pursuant to any State law that provides for the conservation of species threatened with extinction.

`(B) LIMITATION- The exclusions in subparagraph (A) do not apply to a plant listed—

`(i) on an appendix to the Convention on International Trade in Endangered Species of Wild Fauna and Flora, done at Washington on March 3, 1973 (27 UST 1087; TIAS 8249); or

`(ii) as an endangered or threatened species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).'

(B) in subsection (h), by inserting `also' after `plants the term'; and

(C) by striking subsection (j) and inserting the following:

`(j) Taken and Taking-

`(1) Taken- The term `taken' means captured, killed, or collected and, with respect to a plant, also means harvested, cut, logged, or removed.

`(2) Taking- The term `taking' means the act by which fish, wildlife, or plants are taken.';

(2) in section 3 (16 U.S.C. 3372)—

(A) in subsection (a)—

(i) in paragraph (2), by striking subparagraph (B) and inserting the following:

`(B) any plant—

`(i) taken, possessed, transported, or sold, in violation of any law or regulation of any State, or any foreign law, that protects plants or that regulates—

`(I) the theft of plants;

`(II) the taking of plants from a park, forest reserve, or other officially protected area;

`(III) the taking of plants from an officially designated area; or

`(IV) the taking of plants without, or contrary to, required authorization;

`(ii) taken, possessed, transported, or sold, without the payment of royalties, taxes, or stumpage fees required for the plant by any law or regulation of any State or any foreign law; or

`(iii) taken, possessed, transported, or sold, in violation of any limitation under any law or regulation of any State or under any foreign law; or'; and

(iv) in paragraph (3), by striking subparagraph (B) and inserting the following:

`(B) to possess any plant—

`(i) taken, possessed, transported, or sold, in violation of any law or regulation of any State, or any foreign law, that protects plants or that regulates—

`(I) the theft of plants;

`(II) the taking of plants from a park, forest reserve, or other

officially protected area;

`(III) the taking of plants from an officially designated area; or

`(IV) the taking of plants without, or contrary to, required authorization;

`(ii) taken, possessed, transported, or sold, without the payment of royalties, taxes, or stumpage fees required for the plant by any law or regulation of any State or any foreign law; or

`(iii) taken, possessed, transported, or sold, in violation of any limitation under any law or regulation of any State or under any foreign law; governing the export or transshipment of plants; or'; and

(C) by adding at the end the following:

`(f) Plant Declarations-

`(1) IN GENERAL- Effective 180 days from the date of enactment of this subsection and except as provided in paragraph (3), it shall be unlawful for any person to import any plant unless the person files upon importation where clearance is requested a declaration that contains—

`(A) the scientific name of any plant (including the genus and species of the plant) contained in the importation;

`(B) a description of—

`(i) the value of the importation; and

`(ii) the quantity, including the unit of measure, of the plant; and

`(C) the name of the country from which the plant was taken.

`(2) DECLARATION RELATING TO PLANT PRODUCTS- Until the date on which the Secretary promulgates a regulation under paragraph (6), a declaration relating to a plant product shall—

`(A) in the case in which the species of plant used to produce the plant product that is the subject of the importation varies, and the species used to produce the plant product is unknown, contain the name of each species of plant that may have been used to produce the plant product; and

`(B) in the case in which the species of plant used to produce the plant product that is the subject of the importation is commonly taken from more than 1 country, and the country from which the plant was taken and used to produce the plant product is unknown, contain the name of each country from which the plant may have been taken.

`(3) EXCLUSIONS- Paragraphs (1) and (2) shall not apply to plants used exclusively as packaging materials to support, protect, or carry another item, unless the packaging materials are the items being imported.

`(4) REVIEW-

`(A) IN GENERAL- Not later than 2 years after the date of enactment of this subsection, the Secretary shall review the implementation of each requirement described in paragraphs (1) and (2).

`(B) REVIEW OF EXCLUDED WOOD AND PAPER PACKAGING MATERIALS- The Secretary—

`(i) shall, in conducting the review under subparagraph (A), consider the effect of excluding the materials described in paragraph (3); and

`(ii) may limit the scope of the exclusions under paragraph (3) if the Secretary determines, based on the review, that the limitations in scope are warranted.

`(5) REPORT-

`(A) IN GENERAL- Not later than 180 days after the date on which the Secretary completes the review under paragraph (4), the Secretary shall submit to the appropriate committees of Congress a report containing—

`(i) an evaluation of—

`(I) the effectiveness of each type of information required

under paragraphs (1) and (2) in assisting enforcement of section 3; and

`(II) the potential to harmonize each requirement described in paragraphs (1) and (2) with other applicable import regulations in existence as of the date of the report;

`(ii) recommendations for such legislation as the Secretary determines to be appropriate to assist in the identification of plants that are imported into the United States in violation of section 3; and

`(iii) an analysis of the effect of the provisions of subsection (a) and (f) on—

`(I) the cost of legal plant imports; and

`(II) the extent and methodology of illegal logging practices and trafficking.

`(B) PUBLIC PARTICIPATION- In conducting the review under paragraph (4), the Secretary shall provide public notice and an opportunity for comment.

`(6) PROMULGATION OF REGULATIONS- Not later than 180 days after the date on which the Secretary completes the review under paragraph (4), the Secretary may promulgate regulations—

`(A) to limit the applicability of any requirement described in paragraph (2) to specific plant products;

`(B) to make any other necessary modification to any requirement described in paragraph (2), as determined by the Secretary based on the review under paragraph (4); and

`(C) to limit the scope of the exclusions under paragraph (3) if the Secretary determines, based on the review under paragraph (4), that the limitations in scope are warranted.';

(3) in section 4 (16 U.S.C. 3373)—

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(A) by striking `subsections (b) and (d)' each place it appears and inserting `subsections (b), (d), and (f)';

(B) by striking `section 3(d)' each place it appears and inserting `subsection (d) or (f) of section 3'; and

(C) in subsection (a)(2), by striking `subsection 3(b)' and inserting `subsection (b) or subsection (f) of section 3, except as provided in paragraph (1),';

(4) by adding at the end of section 5 (16 U.S.C. 3374) the following:

`(d) Civil Forfeitures- Civil forfeitures under this section shall be governed by the provisions of chapter 46 of title 18, United States Code.'; and

(5) in section 7(a)(1) (16 U.S.C. 3376(a)(1)), by striking `section 4' and inserting `section 3(f), section 4,'.

(b) Technical Correction-

(1) IN GENERAL- Section 102(c) of Public Law 100-653 (102 Stat. 3825) is amended by striking `(other than section 3(b))' and inserting `(other than subsection 3(b))'.

(2) EFFECTIVE DATE- The amendment made by paragraph (1) takes effect on November 14, 1988.

(c) Exclusions-

(A) The term plant excludes—

(i) any cultivar or common food crop; or

(ii) plants intended to remain planted, to be planted or replanted (including roots, seeds, and germplasm) that are—

(I) imported into the United States accompanied by a phytosanitary certificate issued by the national plant protection organization of the country of origin or transshipment country, or that have been precleared for entry by the Secretary; or

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	<p>(II) domestically produced, or derived from domestically produced plants, moving in interstate commerce; or</p> <p>(iii) non-woody plant material, from plants lacking a well-defined stem or stems and a more or less definite crown including roots, seeds, and germplasm, intended for research;</p> <p>(B) The exclusions in paragraph (A) do not apply to plants listed—</p> <p>(i) on an appendix to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (27 UST 1087; TIAS 8249);</p> <p>(ii) as an endangered or threatened species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); or</p> <p>(iii) pursuant to any State law that provides for the conservation of species threatened with extinction.</p>
<p>NO SIMILAR PROVISION</p>	<p>SEC. 8205. SALE AND EXCHANGE OF NATIONAL FOREST SYSTEM LAND, VERMONT.</p> <p>(a) Definitions- In this section:</p> <p>(1) BROMLEY- The term `Bromley' means Bromley Mountain Ski Resort, Inc.</p> <p>(2) MAP- The term `map' means the map entitled `Proposed Bromley Land Sale or Exchange' and dated April 7, 2004.</p> <p>(3) STATE- The term `State' means the State of Vermont.</p> <p>(b) Sale or Exchange of Green Mountain National Forest Land-</p> <p>(1) IN GENERAL- The Secretary may, under any terms and conditions that the Secretary may prescribe, sell or exchange any right, title, and interest of the United States in and to the parcels of National Forest System land described in paragraph (2).</p> <p>(2) DESCRIPTION OF LAND- The parcels of National Forest System land referred to in paragraph (1) are the 5 parcels of land in Bennington County in the</p>

State, as generally depicted on the map.

(3) MAP AND LEGAL DESCRIPTIONS-

(A) IN GENERAL- The map shall be on file and available for public inspection in—

(i) the office of the Chief of the Forest Service; and

(ii) the office of the Supervisor of the Green Mountain National Forest.

(B) MODIFICATIONS- The Secretary may modify the map and legal descriptions to—

(i) correct technical errors; or

(ii) facilitate the conveyance under paragraph (1).

(4) CONSIDERATION- Consideration for the sale or exchange of land described in paragraph (2)—

(A) shall be equal to an amount that is not less than the fair market value of the land sold or exchanged; and

(B) may be in the form of cash, land, or a combination of cash and land.

(5) APPRAISALS- Any appraisal carried out to facilitate the sale or exchange of land under paragraph (1) shall conform with the Uniform Appraisal Standards for Federal Land Acquisitions.

(6) METHODS OF SALE-

(A) CONVEYANCE TO BROMLEY-

(i) **IN GENERAL-** Before soliciting offers under subparagraph (B), the Secretary shall offer to convey to Bromley the land described in paragraph (2).

(ii) **CONTRACT DEADLINE-** If Bromley accepts the offer under

clause (i), the Secretary and Bromley shall have not more than 180 days after the date on which any environmental analyses with respect to the land are completed to enter into a contract for the sale or exchange of the land.

(B) PUBLIC OR PRIVATE SALE- If the Secretary and Bromley do not enter into a contract for the sale or exchange of the land by the date specified in subparagraph (A)(ii), the Secretary may sell or exchange the land at public or private sale (including auction), in accordance with such terms, conditions, and procedures as the Secretary determines to be in the public interest.

(C) REJECTION OF OFFERS- The Secretary may reject any offer received under this paragraph if the Secretary determines that the offer is not adequate or is not in the public interest.

(D) BROKERS- In any sale or exchange of land under this subsection, the Secretary may—

(i) use a real estate broker or other third party; and

(ii) pay the real estate broker or third party a commission in an amount comparable to the amounts of commission generally paid for real estate transactions in the area.

(7) CASH EQUALIZATION- Notwithstanding section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)), the Secretary may accept a cash equalization payment in excess of 25 percent of the value of any Federal land exchanged under this section.

(c) Disposition of Proceeds-

(1) IN GENERAL- The Secretary shall deposit the net proceeds from a sale or exchange under this section in the fund established under Public Law 90-171 (16 U.S.C. 484a) (commonly known as the `Sisk Act').

(2) USE- Amounts deposited under paragraph (1) shall be available to the Secretary until expended, without further appropriation, for—

(A) the location and relocation of the Appalachian National Scenic Trail

and the Long National Recreation Trail in the State;

(B) the acquisition of land and interests in land by the Secretary for National Forest System purposes within the boundary of the Green Mountain National Forest, including land for and adjacent to the Appalachian National Scenic Trail and the Long National Recreation Trail;

(C) the acquisition of wetland or an interest in wetland within the boundary of the Green Mountain National Forest to offset the loss of wetland from the parcels sold or exchanged; and

(D) the payment of direct administrative costs incurred in carrying out this section.

(3) LIMITATION- Amounts deposited under paragraph (1) shall not—

(A) be paid or distributed to the State or counties or towns in the State under any provision of law; or

(B) be considered to be money received from units of the National Forest System for purposes of—

(i) the Act of May 23, 1908 (16 U.S.C. 500); or

(ii) the Act of March 4, 1913 (16 U.S.C. 501).

(4) PROHIBITION OF TRANSFER OR REPROGRAMMING- Amounts deposited under paragraph (1) shall not be subject to transfer or reprogramming for wildfire management or any other emergency purposes.

(d) Acquisition of Land- The Secretary may acquire, using funds made available under subsection (c) or otherwise made available for acquisition, land or an interest in land for National Forest System purposes within the boundary of the Green Mountain National Forest.

(e) Exemption From Certain Laws- Subtitle I of title 40, United States Code, shall not apply to any sale or exchange of National Forest System land under this section.

NO SIMILAR PROVISION

SEC. 8301. QUALIFYING TIMBER CONTRACT OPTIONS.

(a) Definitions-

(1) **AUTHORIZED PRODUCER PRICE INDEX-** The term 'authorized Producer Price Index' includes—

(A) the softwood commodity index (code number 0811);

(B) the hardwood commodity index (code number 0812);

(C) the wood chip index (code number PCU 0000032135); and

(D) any other subsequent comparable index, as established by the Bureau of Labor Statistics of the Department of Labor.

(2) **QUALIFYING CONTRACT-** The term 'qualifying contract' means a contract for the sale of timber on National Forest System land—

(A) that was awarded during the period beginning on July 1, 2004, and ending on December 31, 2006;

(B) for which there is unharvested volume remaining on the parcel of land that is the subject of the contract;

(C) for which, not later than 90 days after the date of enactment of this Act, the timber purchaser makes a written request to the Secretary for any option described in subsection (b);

(D) that is not a salvage sale; and

(E) that is not in breach or in default.

(3) **SECRETARY-** The term 'Secretary' means the Secretary of Agriculture (acting through the Chief of the Forest Service).

(b) Options for Qualifying Contracts-

(1) **CANCELLATION; RATE REDETERMINATION-** Notwithstanding any

other provision of law, if the rate at which a qualifying contract would be advertised as of the date of enactment of this Act is at least 50 percent less than the sum of the original purchase rates for all of the species of timber that are the subject of the qualifying contract, the Secretary may, at the sole discretion of the Secretary—

(A) cancel the qualifying contract if the timber purchaser—

(i) pays 30 percent of the total value of the qualifying contract based on current contract rates;

(ii) completes each contractual obligation of the timber purchaser with respect to each unit on which harvest has begun, (including the removal of downed timber, the completion of road work, and the completion of erosion control work) to a logical stopping point, as determined by the Secretary, in consultation with the timber purchaser; and

(iii) terminates the rights of the timber purchaser under the qualifying contract; or

(B) redetermine the rate of the qualifying contract to equal the sum obtained by adding—

(i) 25 percent of the bid premium on the qualifying contract; and

(ii) the rate at which the qualifying contract would be advertised as of the date of enactment of this Act.

(2) SUBSTITUTION OF INDEX-

(A) IN GENERAL- Notwithstanding any other provision of law, the Secretary may, at the sole discretion of the Secretary, substitute the Producer Price Index in provision A20 of a qualifying contract if the timber purchaser of the qualifying contract identifies—

(i) each product that the timber purchaser intends to produce from the timber harvested from each unit of land that is the subject of the qualifying contract; and

(ii) a substitute index that contains products similar to each product identified in clause (i) from an authorized Producer Price Index.

(B) AUTHORITY OF SECRETARY TO MODIFY QUALIFYING CONTRACT- If the Secretary substitutes the Producer Price Index of a qualifying contract under subparagraph (A), the Secretary may modify the qualifying contract as the Secretary determines to be necessary to provide for an emergency rate redetermination.

(c) Extension of Qualifying Contracts- With respect to a qualifying contract for which the current contract rate is redetermined by the Secretary under subsection (b)(1)(B), or for which the Producer Price Index is substituted by the Secretary under subsection (b)(2), the Secretary may—

(1) extend the contract term for a 1-year period beginning on the contract termination date; and

(2) adjust the periodic payments required under the contract in accordance with applicable law (including regulations) and policies.

(d) Effect of Options-

(1) **IN GENERAL-** This section shall not have the effect of surrendering any claim by the United States against any timber purchaser that arose under a qualifying contract before the date on which the Secretary conducts a cancellation, rate redetermination, or index substitution under subsection (b).

(2) **RELEASE OF LIABILITY-** The United States shall be released from all liability, including further consideration or compensation, resulting from—

(A) a cancellation, rate redetermination, or index substitution conducted by the Secretary under subsection (b); or

(B) a determination made by the Secretary not to cancel, redetermine any rate, or substitute any index under subsection (b).

(3) **LIMITATION-** A cancellation, rate redetermination, or index substitution conducted by the Secretary under subsection (b) shall release the timber purchaser from liability for any damages resulting from the cancellation, rate redetermination, or index substitution.

