

Rescission

IB

Union Calendar No. 37

104TH CONGRESS
1ST SESSION

H. R. 1159

[Report No. 104-71]

Making supplemental appropriations and rescissions for the fiscal year ending September 30, 1995, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 8, 1995

Mr. LIVINGSTON, from the Committee on Appropriations, reported the following bill; which was committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

Making supplemental appropriations and rescissions for the fiscal year ending September 30, 1995, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the following sums are appropriated, out of any
4 money in the Treasury not otherwise appropriated, to pro-
5 vide supplemental appropriations and rescissions for the
6 fiscal year ending September 30, 1995, and for other pur-
7 poses, namely:

1 costs resulting from this provision shall be financed from
2 funds credited to the Corporation pursuant to section 426
3 of Public Law 103-465.

4 CHAPTER II

5 DEPARTMENTS OF COMMERCE, JUSTICE, AND
6 STATE, THE JUDICIARY, AND RELATED
7 AGENCIES

8 RELATED AGENCY

9 UNITED STATES INFORMATION AGENCY

10 INTERNATIONAL BROADCASTING OPERATIONS

11 For an additional amount for "International Broad-
12 casting Operations", \$7,290,000, for transfer to the
13 Board for International Broadcasting.

14 CHAPTER III

15 FOREIGN OPERATIONS, EXPORT FINANCING,

16 AND RELATED PROGRAMS

17 BILATERAL ECONOMIC ASSISTANCE

18 FUNDS APPROPRIATED TO THE PRESIDENT

19 DEBT RESTRUCTURING

20 DEBT RELIEF FOR JORDAN

21 For the cost, as defined in section 502 of the Con-
22 gressional Budget Act of 1974, as amended, of modifying
23 direct loans to Jordan issued by the Export-Import Bank
24 or by the Agency for International Development or by the
25 Department of Defense, as authorized under subsection

1 (a) under the heading "Debt Relief for Jordan", in title
2 VI of Public Law 103-306, \$50,000,000.

3

CHAPTER IV

4

LEGISLATIVE BRANCH

5

HOUSE OF REPRESENTATIVES

6

PAYMENTS TO WIDOWS AND HEIRS OF DECEASED

7

MEMBERS OF CONGRESS

8

For payment to the family trust of Dean A. Gallo,

9

late a Representative from the State of New Jersey,

10

\$133,600.

11

BOTANIC GARDEN

12

SALARIES AND EXPENSES

13

(TRANSFER OF FUNDS)

14

Of the funds made available until expended by trans-

15

fer under this heading in Public Law 103-283,

16

\$3,000,000 shall be transferred to the appropriation "Ar-

17

chitect of the Capitol, Capitol Buildings and Grounds,

18

Capitol Complex Security Enhancements", and shall re-

19

main available until expended.

1 CHAPTER V
2 DEPARTMENT OF TRANSPORTATION AND
3 RELATED AGENCIES

4 DEPARTMENT OF TRANSPORTATION

5 FEDERAL RAILROAD ADMINISTRATION

6 OFFICE OF THE ADMINISTRATOR

7 (TRANSFER OF FUNDS)

8 Section 341 of Public Law 103-331 is amended by
9 deleting "and received from the Delaware and Hudson
10 Railroad," after "amended,".

11 CHAPTER VI

12 TREASURY, POSTAL SERVICE, AND GENERAL
13 GOVERNMENT

14 DEPARTMENT OF THE TREASURY

15 DEPARTMENTAL OFFICES

16 SALARIES AND EXPENSES

17 (TRANSFER OF FUNDS)

18 In the paragraph under this heading in Public Law
19 103-329, delete "of which not less than \$6,443,000 and
20 85 full-time equivalent positions shall be available for en-
21 forcement activities;".

1 FEDERAL LAW ENFORCEMENT TRAINING CENTER

2 SALARIES AND EXPENSES

3 (TRANSFER OF FUNDS)

4 In the paragraph under this heading in Public Law
5 103-329, delete "first-aid and emergency" and insert
6 "short-term" before "medical services".

7 INTERNAL REVENUE SERVICE

8 INFORMATION SYSTEMS

9 (TRANSFER OF FUNDS)

10 In the paragraph under this heading in Public Law
11 103-329, delete "\$650,000,000" and insert
12 "\$640,000,000".

13 ADMINISTRATIVE PROVISIONS—INTERNAL REVENUE

14 SERVICE

15 In the paragraph under this heading in Public Law
16 103-329, in section 3, after "\$119,000,000", insert "an-
17 nually".

18 UNITED STATES MINT

19 SALARIES AND EXPENSES

20 (TRANSFER OF FUNDS)

21 In the paragraph under this heading in Public Law
22 103-329, insert "not to exceed" after "of which".

1 INDEPENDENT AGENCIES

2 GENERAL SERVICES ADMINISTRATION

3 FEDERAL BUILDINGS FUND

4 (TRANSFER OF FUNDS)

5 Of the funds made available for the Federal Build-
 6 ings Fund in Public Law 103-329, \$5,000,000 shall be
 7 made available by the General Services Administration to
 8 implement an agreement between the Food and Drug Ad-
 9 ministration and another entity for space, equipment and
 10 facilities related to seafood research.

11 OFFICE OF PERSONNEL MANAGEMENT

12 GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEE

13 LIFE INSURANCE BENEFITS

14 For an additional amount for "Government payment
 15 for annuitants, employee life insurance", \$9,000,000 to
 16 remain available until expended.

1 **TITLE II**
2 **RESCISSIONS**
3 **CHAPTER I**
4 **DEPARTMENT OF AGRICULTURE, RURAL DE-**
5 **VELOPMENT, FOOD AND DRUG ADMINIS-**
6 **TRATION, AND RELATED AGENCIES**
7 **DEPARTMENT OF AGRICULTURE**
8 **PUBLIC LAW 480 PROGRAM ACCOUNTS**
9 **(RESCISSION)**

10 Of the funds made available under this heading in
11 Public Law 103-330, \$20,000,000 for commodities sup-
12 plied in connection with dispositions abroad, pursuant to
13 title III of the Agricultural Trade Development and As-
14 sistance Act of 1954, as amended, are rescinded.

15 **CHAPTER II**
16 **DEPARTMENTS OF COMMERCE, JUSTICE, AND**
17 **STATE, THE JUDICIARY, AND RELATED**
18 **AGENCIES**
19 **DEPARTMENT OF COMMERCE**
20 **NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY**
21 **SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES**
22 **(RESCISSION)**

23 Of the funds made available under this heading in
24 Public Law 103-317, \$19,500,000 are rescinded.

1 DEPARTMENT OF STATE

2 ADMINISTRATION OF FOREIGN AFFAIRS

3 DIPLOMATIC AND CONSULAR PROGRAMS

4 (RESCISSION)

5 Of the funds made available under this heading in
6 Public Law 103-317, \$2,000,000 are rescinded.

7 ACQUISITION AND MAINTENANCE OF BUILDINGS ABROAD

8 (RESCISSION)

9 Of the funds made available under this heading in
10 Public Law 103-317 and prior appropriations Acts,
11 \$20,000,000 are rescinded.

12 INTERNATIONAL ORGANIZATIONS AND CONFERENCES

13 CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING

14 ACTIVITIES

15 (RESCISSION)

16 Of the funds made available under this heading in
17 Public Law 103-317, \$14,617,000 are rescinded.

18 RELATED AGENCIES

19 ARMS CONTROL AND DISARMAMENT AGENCY

20 ARMS CONTROL AND DISARMAMENT ACTIVITIES

21 (RESCISSION)

22 Of the funds made available under this heading in
23 Public Law 103-317, \$3,000,000 are rescinded, of which
24 \$2,000,000 are from funds made available for activities
25 related to the implementation of the Chemical Weapons
26 Convention.

1 UNITED STATES INFORMATION AGENCY
2 EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS
3 (RESCISSION)

4 Of the funds made available under this heading in
5 Public Law 103-317, \$5,000,000 are rescinded.

6 RADIO CONSTRUCTION
7 (RESCISSION)

8 Of the funds made available under this heading,
9 \$6,000,000 are rescinded.

10 CHAPTER III

11 FOREIGN OPERATIONS, EXPORT FINANCING,
12 AND RELATED PROGRAMS

13 BILATERAL ECONOMIC ASSISTANCE

14 FUNDS APPROPRIATED TO THE PRESIDENT

15 AGENCY FOR INTERNATIONAL DEVELOPMENT

16 DEBT RESTRUCTURING UNDER THE ENTERPRISE FOR

17 THE AMERICAS INITIATIVE

18 (RESCISSION)

19 Of the funds made available under this heading in
20 Public Law 102-391, \$2,400,000 are rescinded.

21 ECONOMIC SUPPORT FUND

22 (RESCISSIONS)

23 Of the unobligated balances of funds available under
24 this heading from funds provided in Public Law 103-306,
25 \$7,500,000 are rescinded.

1 Of the unobligated balances of funds available under
2 this heading from funds provided in Public Law 103-87,
3 \$20,000,000 are rescinded.

4 Of the unobligated balances of funds currently avail-
5 able under this heading, including earmarked funds, from
6 funds provided in Public Law 102-391 and prior appro-
7 priations Acts, \$15,475,000 are rescinded.

8 OPERATING EXPENSES OF THE AGENCY FOR

9 INTERNATIONAL DEVELOPMENT

10 (RESCISSION)

11 Of the funds made available under this heading in
12 Public Law 103-306, \$5,000,000 are rescinded.

13 ASSISTANCE FOR THE NEW INDEPENDENT STATES OF

14 THE FORMER SOVIET UNION

15 (RESCISSIONS)

16 Of the unobligated balances of funds available under
17 this heading from funds provided in Public Law 103-306,
18 \$17,500,000 are rescinded.

19 Of the unobligated or unexpended balances of funds
20 available under this heading from funds provided in Public
21 Law 103-87 and Public Law 102-391, \$30,200,000 are
22 rescinded.

1 CHAPTER IV

2 LEGISLATIVE BRANCH

3 CONGRESSIONAL BUDGET OFFICE

4 SALARIES AND EXPENSES

5 (RESCISSION)

6 Of the funds made available under this heading in
7 Public Law 103-283, \$187,000 are rescinded.

8 TITLE III

9 GENERAL PROVISIONS

10 SEC. 301. None of the funds made available in any
11 appropriations Act for fiscal year 1995 may be used to
12 issue, implement, administer, or enforce any executive
13 order, or other rule or order, that prohibits Federal con-
14 tracts with companies that hire permanent replacements
15 for striking employees.

16 SEC. 302. Hereafter, the requirement pursuant to
17 section 18(b)(3) of the United States Housing Act of
18 1937, for the provision of an additional dwelling unit for
19 each public housing dwelling unit to be demolished or dis-
20 posed of under an application submitted by a public hous-
21 ing agency under section 18(a) of such Act, shall not apply
22 to any such application approved by the Secretary of
23 Housing and Urban Development in fiscal year 1995 or
24 in any prior fiscal year: *Provided*, That no such application
25 submitted by a public housing agency to implement a final

1 order of a court issued, or a settlement approved by a
2 court, before the effective date of this public law, shall
3 be affected by this paragraph.

4 SEC. 303. None of the funds made available in any
5 appropriations Act for fiscal year 1995 may be used by
6 the Environmental Protection Agency to impose or enforce
7 any requirement that a State implement trip reduction
8 measures to reduce vehicular emissions.

9 SEC. 304. None of the funds made available in any
10 appropriations Act for fiscal year 1995 may be used by
11 the Environmental Protection Agency to impose or enforce
12 any requirement that a State implement an inspection and
13 maintenance program for vehicular emissions.

14 SEC. 305. The Congress finds that the 1990 amend-
15 ments to the Clean Air Act (Public Law 101-549) super-
16 seded prior requirements of the Clean Air Act regarding
17 the demonstration of attainment of national ambient air
18 quality standards and eliminated the obligation of the Ad-
19 ministrator of the Environmental Protection Agency to
20 promulgate a Federal implementation plan under section
21 110(e) of the Clean Air Act for the South Coast, Ventura,
22 or Sacramento areas of California. Upon the enactment
23 of this Act, any Federal implementation plan that has
24 been promulgated by the Administrator of the Environ-
25 mental Protection Agency under the Clean Air Act for the

1 South Coast, Ventura, or Sacramento areas of California
2 pursuant to a court order or settlement shall be rescinded
3 and shall have no further force and effect.

4 **LIMITATION ON FUNDING OF ABORTIONS**

5 **SEC. 306.** None of the funds appropriated under Pub-
6 lic Laws 103-112 and 103-333 shall be expended for any
7 abortion except when it is made known to the Federal en-
8 tity or official to which funds are appropriated under this
9 Act that such procedure is necessary to save the life of
10 the mother or that the pregnancy is the result of an act
11 of rape or incest: *Provided*, That, effective October 1,
12 1993, and notwithstanding any other law, each State is
13 and remains free not to fund abortions to the extent that
14 the State in its sole discretion deems appropriate, except
15 where the life of the mother would be endangered if the
16 fetus were carried to term.

17 **SEC. 307. EMERGENCY TWO-YEAR SALVAGE TIMBER SALE**
18 **PROGRAM.**

19 (a) **DEFINITIONS.**—For purposes of this section:

20 (1) The term “emergency period” means the
21 two-year period beginning on the date of the enact-
22 ment of this section.

23 (2) The term “Federal lands” means—

24 (A) lands within the National Forest Sys-
25 tem, as defined in section 11(a) of the Forest

1 and Rangeland Renewable Resources Planning
2 Act of 1974 (16 U.S.C. 1609(a)); and

3 (B) public lands, as defined in section
4 103(e) of the Federal Land Policy and Manage-
5 ment Act of 1976 (43 U.S.C. 1702(e)).

6 (3) The term "land management plan"
7 means—

8 (A) a land and resource management plan
9 (or, if no final plan is currently in effect, a
10 draft land and resource management plan) pre-
11 pared by the Forest Service pursuant to section
12 6 of the Forest and Rangeland Renewable Re-
13 sources Planning Act of 1974 (16 U.S.C. 1604)
14 for a unit or units of the Federal lands de-
15 scribed in paragraph (2)(A); or

16 (B) a land use plan prepared by the Bu-
17 reau of Land Management pursuant to section
18 202 of the Federal Land Policy and Manage-
19 ment Act of 1976 (43 U.S.C. 1712), or other
20 multiple-use plan in effect, for a unit of the
21 Federal lands described in paragraph (2)(B).

22 (4) The term "salvage timber sale" means a
23 timber sale for which an important reason for entry
24 includes the removal of disease- or insect-infested
25 trees, dead, damaged, or down trees, or trees af-

1 fected by fire or imminently susceptible to fire or in-
2 sect attack. Such term also includes the removal of
3 associated trees or trees lacking the characteristics
4 of a healthy and viable ecosystem for the purpose of
5 ecosystem improvement or rehabilitation, except that
6 any such sale must include an identifiable salvage
7 component of trees described in the first sentence.

8 (5) The term 'Secretary concerned' means—

9 (A) with respect to Federal lands described
10 in paragraph (2)(A), the Secretary of Agri-
11 culture; and

12 (B) with respect to Federal lands described
13 in paragraph (2)(B), the Secretary of the Inte-
14 rior.

15 (b) **TWO-YEAR EMERGENCY PROGRAM OF SALVAGE**
16 **TIMBER SALES FOR FEDERAL LANDS.—**

17 (1) **SALVAGE TIMBER SALES REQUIRED.—**Using
18 the expedited procedures provided in subsection (c),
19 the Secretary concerned shall prepare, advertise,
20 offer, and award contracts during the emergency pe-
21 riod for salvage timber sales from Federal lands to
22 satisfy the volume requirements of paragraph (2).

23 (2) **SALVAGE TIMBER SALE VOLUMES.—**The
24 salvage timber sales sold under this subsection dur-

1 ing the emergency period shall contain the following
2 total timber volumes (programmed or otherwise):

3 (A) For Federal lands described in sub-
4 section (a)(2)(A)—

5 (i) not less than 3,000,000,000 board
6 feet during the first year of the emergency
7 period; and

8 (ii) not less than 3,000,000,000 board
9 feet during the second year of the emer-
10 gency period.

11 (B) For Federal lands described in sub-
12 section (a)(2)(B)—

13 (i) not less than 115,000,000 board
14 feet during the first year of the emergency
15 period; and

16 (ii) not less than 115,000,000 board
17 feet during the second year of the emer-
18 gency period.

19 (3) USE OF SALVAGE SALE FUNDS.—To con-
20 duct salvage timber sales under this subsection, the
21 Secretary concerned may use salvage sale funds oth-
22 erwise available to the Secretary concerned.

23 (c) EXPEDITED PROCEDURES FOR EMERGENCY SAL-
24 VAGE TIMBER SALES.—

1 (1) SALE DOCUMENTATION.—For each salvage
2 timber sale conducted under subsection (b) to meet
3 the minimum salvage timber sale volumes specified
4 in paragraph (2) of such subsection, the Secretary
5 concerned shall prepare a document that combines
6 an environmental assessment under section 102(2)
7 and implementing regulations of the National Envi-
8 ronmental Policy Act of 1969 (42 U.S.C.
9 4332(2)(E)) and a biological evaluation under sec-
10 tion 7(a)(2) of the Endangered Species Act of 1973
11 (16 U.S.C. 1536(a)(2)) and other applicable Federal
12 law and implementing regulations. The environ-
13 mental assessment and biological evaluation must
14 consider the environmental effects of the salvage
15 timber sale and consider the effect, if any, on threat-
16 ened or endangered species. In lieu of preparing a
17 new document under this paragraph, the Secretary
18 concerned may use a document prepared pursuant to
19 the National Environmental Policy Act of 1969 be-
20 fore the date of the enactment of this section, a bio-
21 logical evaluation written before such date, or infor-
22 mation collected for such a document or evaluation
23 if the document, evaluation, or information applies
24 to the Federal lands covered by the proposed sale.

1 (2) TIME PERIODS FOR, AND REPORTING OF,
2 SALES.—

3 (A) FIRST YEAR.—For salvage timber
4 sales conducted pursuant to subsection (b) dur-
5 ing the first year of the emergency period, the
6 Secretary concerned shall—

7 (1) offer sales which contain fifty per-
8 cent of the total timber volume required
9 pursuant to subsection (b)(2)(A)(i) or
10 (b)(2)(B)(i), as the case may be, within the
11 first 3 months of the year; and

12 (2) offer sales which contain the re-
13 maining volume required pursuant to sub-
14 section (b)(2)(A)(i) or (b)(2)(B)(i), as the
15 case may be, evenly distributed throughout
16 the remainder of the year.

17 (B) SECOND YEAR.—For salvage timber
18 sales conducted pursuant to subsection (b) dur-
19 ing the second year of the emergency period,
20 the Secretary concerned shall—

21 (1) offer sales which contain fifty per-
22 cent of the total timber volume required
23 pursuant to subsection (b)(2)(A)(ii) or
24 (b)(2)(B)(ii), as the case may be, within

1 15 months of the date of enactment of this
2 Act, and

3 (2) offer sales which contain the re-
4 maining volume required pursuant to sub-
5 section (b)(2)(A)(ii) or (b)(2)(B)(ii), as the
6 case may be, within the remainder of the
7 year.

8 (i) Each Secretary shall report to
9 the Committee on Resources of the
10 House of Representatives and the
11 Committee on Energy and Natural
12 Resources of the United States Senate
13 90 days after the date of enactment of
14 this Act and on the final day of each
15 90-day period thereafter throughout
16 the emergency period on the number
17 of sales and volumes contained therein
18 offered during such 90 day period and
19 expected to be offered during the next
20 90 day period.

21 (ii) SPECIAL RULES FOR SECOND
22 YEAR SALES.—The Secretary con-
23 cerned may begin salvage sales in-
24 tended for the second year of the
25 emergency period before the start of

1 the second year if the Secretary con-
2 cerned determines that the prepara-
3 tion, advertisement, offering, award-
4 ing, and operation of such sales will
5 not interfere with salvage timber sales
6 required during the first year of the
7 emergency period.

8 (3) DECISIONS.—The Secretary concerned shall
9 design and select the specific salvage timber sales to
10 be offered under subsection (b) on the basis of the
11 analysis contained in the document or documents
12 prepared pursuant to paragraph (1) to satisfy the
13 applicable volume requirement in subsection (b)(2)
14 within the applicable schedule specified in paragraph
15 (2).

16 (4) SALE PREPARATION.—The Secretary con-
17 cerned shall make use of all available authority, in-
18 cluding the employment of private contractors and
19 the use of expedited fire contracting procedures, to
20 prepare and advertise salvage timber sales under
21 subsection (b) to meet the applicable schedule speci-
22 fied in paragraph (2). The provisions of section
23 3(d)(1) of the Federal Workforce Restructuring Act
24 of 1994 (Public Law 103–226) shall not apply to
25 any former employee of the Department of the Sec-

1 retary concerned who received a voluntary separa-
2 tion incentive payment authorized by such Act or ac-
3 cepts employment pursuant to this paragraph.

4 (5) COST CONSIDERATIONS.—Salvage timber
5 sales undertaken pursuant to this section shall not
6 be precluded because the costs of such activities are
7 likely to exceed the revenues derived from such ac-
8 tivities.

9 (6) EFFECT ON OTHER LAWS.—The documents
10 and procedures required by this section for the prep-
11 aration, advertisement, offering, awarding, and oper-
12 ation of any salvage timber sale subject to sub-
13 section (b) shall be deemed to satisfy the require-
14 ments of all applicable Federal laws (and regulations
15 implementing such laws) including but not limited
16 to:

17 (A) The Forest and Rangeland Renewable
18 Resources Planning Act of 1974 (16 U.S.C.
19 1600 et seq.).

20 (B) The Federal Land Policy and Manage-
21 ment Act of 1976 (43 U.S.C. 1701 et seq.).

22 (C) The National Environmental Policy
23 Act of 1969 (42 U.S.C. 4332).

24 (D) The Endangered Species Act of 1973
25 (16 U.S.C. 1531 et seq.).

1 (7) EFFECT OF SALVAGE SALES.—The Sec-
2 retary of Agriculture shall not substitute salvage
3 timber sales conducted under subsection (b) for
4 planned non-salvage timber sales.

5 (8) EFFECT ON JUDICIAL DECISIONS.—The
6 Secretary concerned may conduct salvage timber
7 sales under the authority of this section during the
8 emergency period and the first year after the end of
9 the emergency period notwithstanding any decision,
10 restraining order, or injunction issued by a United
11 States court issued before the date of the enactment
12 of this section.

13 (d) REFORESTATION OF SALVAGE TIMBER SALE
14 PARCELS.—The Secretary concerned shall plan and imple-
15 ment reforestation of each parcel of land harvested under
16 a salvage timber sale conducted under subsection (b) as
17 expeditiously as possible after completion of the harvest
18 on the parcel, but in no case later than any applicable
19 restocking period required by law or regulation.

20 (e) ADMINISTRATIVE REVIEW.—Salvage timber sales
21 conducted under subsection (b), and any decision of the
22 Secretary concerned in connection with such sales, shall
23 not be subject to administrative review.

24 (f) JUDICIAL REVIEW.—

1 (1) PLACE AND TIME OF FILING.—A salvage
2 timber sale to be conducted under subsection (b)
3 shall be subject to judicial review only in the United
4 States district court for the district in which the af-
5 fected Federal lands are located. Any challenge to
6 such sale must be filed in such district court within
7 15 days after the date of initial advertisement of the
8 challenged sale.

9 (2) EFFECT OF FILING ON AGENCY ACTION.—
10 For 45 days after the date of the filing of a chal-
11 lenge to a salvage timber sale to be conducted under
12 subsection (b), the Secretary concerned shall take no
13 action to award the challenged sale.

14 (3) PROHIBITION ON RESTRAINING ORDERS,
15 PRELIMINARY INJUNCTIONS, AND RELIEF PENDING
16 REVIEW.—No restraining order or preliminary in-
17 junction shall be issued by any court of the United
18 States with respect to any decision to prepare, ad-
19 vertise, offer, award, or operate a salvage timber
20 sale pursuant to subsection (b). Section 705 of title
21 5, United States Code, shall not apply to any chal-
22 lenge to such a sale.

23 (4) STANDARD OF REVIEW.—The courts shall
24 have authority to enjoin permanently, order modi-
25 fication of, or void an individual salvage timber sale

1 if it is determined by a trial on the merits that the
2 decision to prepare, advertise, offer, award, or oper-
3 ate such sale was arbitrary and capricious or other-
4 wise not in accordance with applicable law (other
5 than those laws specified in subsection (c)(6)).

6 (5) TIME FOR DECISION.—Civil actions filed
7 under this subsection shall be assigned for hearing
8 at the earliest possible date and shall take prece-
9 dence over all other matters pending on the docket
10 of the court at that time except for criminal cases.

11 The court shall render its final decision relative to
12 any challenge within 45 days from the date such
13 challenge is brought, unless the court determines
14 that a longer period of time is required to satisfy the
15 requirement of the United States Constitution. In
16 order to reach a decision within 45 days, the district
17 court may assign all or part of any such case or
18 cases to one or more Special Masters, for prompt re-
19 view and recommendations to the court.

20 (6) PROCEDURES.—Notwithstanding any other
21 provision of law, the court may set rules governing
22 the procedures of any proceeding brought under this
23 subsection which set page limits on briefs and time
24 limits on filing briefs and motions and other actions

1 which are shorter than the limits specified in the
2 Federal rules of civil or appellate procedure.

3 (7) APPEAL.—Any appeal from the final deci-
4 sion of a district court in an action brought pursu-
5 ant to this subsection shall be filed not later than 30
6 days after the date of decision.

7 (g) EXCLUSION OF CERTAIN FEDERAL LANDS.—

8 (1) EXCLUSION.—The Secretary concerned may
9 not select, authorize, or undertake any salvage tim-
10 ber sale under subsection (b) with respect to lands
11 described in paragraph (2).

12 (2) DESCRIPTION OF EXCLUDED LANDS.—The
13 lands referred to in paragraph (1) are as follows:

14 (A) Any area on Federal lands included in
15 the National Wilderness Preservation System.

16 (B) Any roadless area on Federal lands
17 designated by Congress for wilderness study in
18 Colorado or Montana.

19 (C) Any roadless area on Federal lands
20 recommended by the Forest Service or Bureau
21 of Land Management for wilderness designation
22 in its most recent land management plan in ef-
23 fect as of the date of the enactment of this Act.

1 (D) Any area on Federal lands on which
2 timber harvesting for any purpose is prohibited
3 by statute.

4 (h) RULEMAKING.—The Secretary concerned is not
5 required to issue formal rules under section 553 of title
6 5, United States Code, to implement this section or carry
7 out the authorities provided by this section.

8 (i) AWARD AND RELEASE OF PREVIOUSLY OFFERED
9 AND UNAWARDED TIMBER SALE CONTRACTS.—

10 (1) AWARD AND RELEASE REQUIRED.—Not-
11 withstanding any other provision of law, within 30
12 days after the date of the enactment of this section,
13 the Secretary concerned shall act to award, release,
14 and permit to be completed in fiscal years 1995 and
15 1996, with no change in originally advertised terms
16 and volumes, all timber sale contracts offered or
17 awarded before that date in any unit of the National
18 Forest System or district of the Bureau of Land
19 Management subject to section 318 of Public Law
20 101-121 (103 Stat. 745).

21 (2) EFFECT ON LAND MANAGEMENT PLANS.—
22 Compliance with paragraph (1) shall not require or
23 permit any change in any land management plan in
24 existence on the date of the enactment of this Act.

104TH CONGRESS
1ST SESSION

H. R. 1159

[Report No. 104-71]

A BILL

Making supplemental appropriations and rescissions
for the fiscal year ending September 30, 1995,
and for other purposes.

MARCH 8, 1995

Committed to the Committee of the Whole House on the
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