(Aug. 11, 1939, ch. 717, § 10, as added Oct. 14, 1940, ch. 861, 54 Stat. 1125.)

REFERENCES IN TEXT

The Federal reclamation laws, referred to in subsecs. (a) and (b), are classified generally to chapter 12 (§ 371 et seq.) of Title 43, Public Lands.

Act of June 17, 1902 (32 Stat. 388), referred to in subsec. (a), is popularly known as the ''Reclamation Act'' and is classified generally to chapter 12 (§ 371 et seq.) of Title 43. For complete classification of this Act to the Code, see Short Title note set out under section 371 of Title 43 and Tables.

§ 590z–9. Powers and duties of Secretaries of the Interior and Agriculture; rules and regulations

The Secretary of the Interior and the Secretary of Agriculture are authorized to perform any and all Acts[1] and to make such rules and regulations as may be necessary and proper for the purpose of carrying out their respective functions under this subchapter and for the purpose of carrying the provisions of this subchapter into full force and effect.

(Aug. 11, 1939, ch. 717, § 11, as added Oct. 14, 1940, ch. 861, 54 Stat. 1125.)

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

§ 590z–10. Authorization of appropriations

To carry out the purposes of this subchapter there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated (1) for the Department of the Interior such sums as may be necessary to carry out its functions under this subchapter, and (2) for the Department of Agriculture such sums as may be necessary to carry out its functions under this subchapter.

(Aug. 11, 1939, ch. 717, § 12, as added Oct. 14, 1940, ch. 861, 54 Stat. 1125.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 590y, 590z–1, 590z–2, 590z–3, 590z–7 of this title.

§ 590z–11. Delegation of powers and duties by Secretary of the Interior

For the purpose of facilitating and simplifying the administration of the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto) and this subchapter, the Secretary of the Interior is authorized to delegate, from time to time and to the extent and under such regulations as he deems proper, his powers and duties under said laws to the Commissioner of Reclamation, an Assistant Commissioner, or the officer in charge of any office, division, district, or project of the Bureau of Reclamation.

(Dec. 19, 1941, ch. 595, 55 Stat. 842.)

[1] So in original.

REFERENCES IN TEXT

The Federal reclamation laws, referred to in text, are classified generally to chapter 12 (§ 371 et seq.) of Title 43, Public Lands.

Act of June 17, 1902, 32 Stat. 388, referred to in text, is popularly known as the ''Reclamation Act'' and is classified generally to chapter 12 (§ 371 et seq.) of Title 43. For complete classification of this Act to the Code, see Short Title note set out under section 371 of Title 43 and Tables.

CODIFICATION

This section was not enacted as part of act Aug. 11, 1939, ch. 717, 53 Stat. 1418, which comprises this subchapter.

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

CHAPTER 4—PROTECTION OF TIMBER, AND DEPREDATIONS

Sec.
591, 592. Repealed.
593. Protection of timber in Florida.
594. Protection of timber owned by United States from fire, disease, or insect ravages.
594–1 to 600. Repealed.
601. Disposition of moneys collected for depredations.
602. Seizure of timber cut.
603. Omitted.
604. Cutting timber on certain mineral lands; permits to corporations; railroad corporations.
605. Unlawful cutting on mineral lands; notice to Secretary.
606. Offense for unlawful cutting on mineral lands; punishment.
607. Cutting and removal of timber on certain public lands for certain purposes.
607a. Cutting and use of timber in Alaska by settlers, residents, miners, etc.
608. Permits to cut and remove timber; citizens of Malheur County, Oregon.
609. Permits to cut and remove timber; citizens of Modoc County, California.
610. Permits to cut and remove timber; citizens of Washington County and Kane County, Utah.
611. Permits to cut and remove timber; citizens of Idaho and Wyoming.
611a. Permits to cut and remove timber; citizens of Bear Lake County, Idaho.
612. Permits to cut and remove timber to certain corporations.
613. Limitations of use of timber taken not to apply to certain territory.
614, 615. Repealed.
615a. Sale of timber in Alaska; appraisal; local consumption; accounting; deposit in Treasury.
615b. Exportation of timber pulp wood and wood pulp from Alaska.
616. Exportation of timber cut on national forest or public land in Alaska.
617. Exportation of unprocessed timber from Federal lands.
(a) Limitation of quantity available for export.
(b) Surplus quantities and species available for export; public hearing; administrative finding.
(c) Rules and regulations; prevention of substitution of Federal for non-Federal timber.

Sec.
(d) Limitations inapplicable to sales of prescribed minimum value.
618. Timber contract payment modification.
(a) Statement of purpose, authorization, scope, qualifications, financial requirements, etc., for buy-out.
(b) Extension of time for performance of contracts; covered contracts; damages for default.
(c) Monitoring of bidding patterns on timber sale contracts; discouragement of bids; reporting requirements.
(d) Cash down-payment and periodic payments for contracts; effective date.
619. Emergency stumpage rate redeterminations in Alaska.
(a) Application; applicable period.
(b) Competitive effect of modification of contracts.
(c) Excepted contracts.
620. Findings and purposes.
(a) Findings.
(b) Purposes.
620a. Restrictions on exports of unprocessed timber originating from Federal lands.
(a) Prohibition on export of unprocessed timber originating from Federal lands.
(b) Surpluses.
620b. Limitations on substitution of unprocessed Federal timber for unprocessed timber exported from private lands.
(a) Direct substitution.
(b) Indirect substitution.
(c) Sourcing areas.
(d) Domestic transportation and processing of private timber.
620c. Restriction on exports of unprocessed timber from State and other public lands.
(a) Order to prohibit export of unprocessed timber originating from State or other public lands.
(b) Schedule for determination to prohibit export of unprocessed timber originating from State or other public lands.
(c) Federal program.
(d) Authorized State programs.
(e) Prior contracts.
(f) Western red cedar.
(g) Presidential authority.
(h) Removal or modifications of State restrictions.
(i) Effect of prior Federal law.
(j) Surplus timber.
(k) Suspension of prohibitions.
(*l*) Existing authority not affected.
620d. Monitoring and enforcement.
(a) Monitoring and reports.
(b) Report to Congress.
(c) Civil penalties for violation.
(d) Administrative remedies.
(e) Exception.
620e. Definitions.
620f. Regulations and review.
(a) Regulations.
(b) Review.
620g. Authorization of appropriations.
620h. Savings provision.
620i. Eastern hardwoods study.
(a) Study.
(b) Report to Congress.
620j. Authority of Export Administration Act of 1979.

§§ 591, 592. Repealed. Feb. 28, 1933, ch. 131, § 1, 47 Stat. 1349

Sections, R.S. §§ 2458, 2459, related to lands producing live oak and red cedar timbers needed by Navy.

§ 593. Protection of timber in Florida

The President is authorized to employ so much of the land and naval forces of the United States as may be necessary effectually to prevent the felling, cutting down, or other destruction of the timber of the United States in Florida, and to prevent the transportation or carrying away any such timber as may be already felled or cut down; and to take such other and further measures as may be deemed advisable for the preservation of the timber of the United States in Florida.

(R.S. § 2460.)

CODIFICATION

R.S. § 2460 derived from act Feb. 23, 1882, ch. 9, 3 Stat. 651.

§ 594. Protection of timber owned by United States from fire, disease, or insect ravages

The Secretary of the Interior is authorized to protect and preserve, from fire, disease, or the ravages of beetles, or other insects, timber owned by the United States upon the public lands, national parks, national monuments, Indian reservations, or other lands under the jurisdiction of the Department of the Interior owned by the United States, either directly or in cooperation with other departments of the Federal Government, with States, or with owners of timber; and appropriations are authorized to be made for such purposes.

(Sept. 20, 1922, ch. 349, 42 Stat. 857.)

§§ 594–1 to 594–5. Repealed. Pub. L. 95–313, § 16(a)(3), formerly § 13(a)(3), July 1, 1978, 92 Stat. 374; renumbered § 16(a)(3), Pub. L. 101–624, title XII, § 1215(1), Nov. 28, 1990, 104 Stat. 3525

Section 594–1, act June 25, 1947, ch. 141, § 1, 61 Stat. 177, set forth policy of Federal Government respecting protection of all forest lands from insects and diseases.

Section 594–2, act June 25, 1947, ch. 141, § 2, 61 Stat. 177, related to conduct of surveys by Secretary of Agriculture to detect infestation by forest insect pests and tree diseases.

Section 594–3, act June 25, 1947, ch. 141, § 3, 61 Stat. 177, related to allocation of funds for pest and plant disease control.

Section 594–4, act June 25, 1947, ch. 141, § 4, 61 Stat. 177, related to contributions for insect or disease control carried out on non-federally owned forest land.

Section 594–5, acts June 25, 1947, ch. 141, § 5, 61 Stat. 177; June 20, 1975, Pub. L. 94–40, 89 Stat. 224, set forth funding requirements for Federal program.

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1978, see section 17 of Pub. L. 95–313, set out as an Effective Date note under section 2101 of this title.

SHORT TITLE

Act June 25, 1947, ch. 141, § 7, 61 Stat. 177, providing that sections 594–1 to 594–5 of this title be known as the ''Forest Pest Control Act'', was repealed by Pub. L. 95–313, § 16(a)(3), formerly § 13(a)(3), July 1, 1978, 92 Stat. 374, renumbered § 16(a)(3), Pub. L. 101–624, title XII, § 1215(1), Nov. 28, 1990, 104 Stat. 3525.

CONSTRUCTION

Act June 25, 1947, ch. 141, § 6, 61 Stat. 177, providing that sections 594–1 to 594–5 of this title not be construed

as limiting or repealing existing legislation, was repealed by Pub. L. 95–313, § 16(a)(3), formerly § 13(a)(3), July 1, 1978, 92 Stat. 374, renumbered § 16(a)(3), Pub. L. 101–624, title XII, § 1215(1), Nov. 28, 1990, 104 Stat. 3525.

PLAN FOR CONTROL OF DUTCH ELM DISEASE

Pub. L. 94–588, § 20, Oct. 22, 1976, 90 Stat. 2963, provided that the Secretary of Agriculture, in consultation with officials of both the States and political subdivisions thereof, conduct a study of the incidence of Dutch elm disease and evaluate methods for controlling the spread of such disease and submit a report on the results of such study to the President and the Congress on or before Mar. 1, 1977.

§ 594a. Repealed. Pub. L. 95–313, § 16(a)(2), formerly § 13(a)(2), July 1, 1978, 92 Stat. 374; renumbered § 16(a)(2), Pub. L. 101–624, title XII, § 1215(1), Nov. 28, 1990, 104 Stat. 3525

Section, act Apr. 26, 1940, ch. 159, 54 Stat. 168, set forth provisions relating to white-pine blister rust control by the Secretary of Agriculture, and local authorities.

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1978, see section 17 of Pub. L. 95–313, set out as an Effective Date note under section 2101 of this title.

§§ 595, 596. Repealed. Feb. 28, 1933, ch. 131, § 1, 47 Stat. 1349

Sections, R.S. §§ 2461, 2462, penalized cutting and provided for forfeiture of vessels carrying away timber on lands reserved or purchased to supply timber for Navy.

§§ 597 to 600. Repealed. Dec. 16, 1930, ch. 14, § 1, 46 Stat. 1028

Sections, R.S. § 2463, acts Mar. 3, 1879, ch. 189, §§ 1, 2, 20 Stat. 470, 471; Mar. 2, 1895, ch. 182, 28 Stat. 814, related to red cedar timber and reservation of lands for naval purposes.

§ 601. Disposition of moneys collected for depredations

All moneys collected for depredations upon the public lands shall be covered into the Treasury of the United States as other moneys received from the sale of public lands.

(Apr. 30, 1878, ch. 76, § 2, 20 Stat. 46.)

§ 602. Seizure of timber cut

If any timber cut on the public lands shall be exported from the Territories of the United States, it shall be liable to seizure by United States authority wherever found.

(Apr. 30, 1878, ch. 76, § 2, 20 Stat. 46.)

§ 603. Omitted

CODIFICATION

Section, act June 3, 1878, ch. 151, § 5, 20 Stat. 90, related to prosecutions for violating former section 595 of this title.

§ 604. Cutting timber on certain mineral lands; permits to corporations; railroad corporations

All citizens of the United States and other persons, bona fide residents of the States of Colorado, Nevada, New Mexico, Arizona, Utah, Wyoming, North Dakota, South Dakota, Idaho, or Montana, and all other mineral districts of the United States, are authorized and permitted to fell and remove, for building, agricultural, mining, or other domestic purposes, any timber or other trees growing or being on the public lands, said lands being mineral, and not subject to entry under existing laws of the United States, except for mineral entry, in said States or districts of which such citizens or persons may be at the time bona fide residents, subject to such rules and regulations as the Secretary of the Interior may prescribe for the protection of the timber and of the undergrowth growing upon such lands, and for other purposes. It shall be lawful for the Secretary of the Interior to grant permits in accordance with the provisions of this section, to corporations incorporated under a Federal law of the United States or incorporated under the laws of a State or Territory of the United States, other than the State in which the privilege is requested. Such permits to confer the same rights and benefits upon such corporations as are conferred upon corporations incorporated in the State in which the privilege is to be exercised, but all such corporations shall first have complied with the laws of that State so as to entitle them to do business therein. The provisions of this section and sections 605 and 606 of this title shall not extend to railroad corporations.

(June 3, 1878, ch. 150, § 1, 20 Stat. 88; Jan. 11, 1921, ch. 22, 41 Stat. 1088.)

CODIFICATION

The first sentence of this section is from section 1 of act June 3, 1878.

The words of this section reading ''bona fide residents of the States of Colorado, Nevada, New Mexico, Arizona, Utah, Wyoming, North Dakota, South Dakota, Idaho, or Montana,'' read in the original section, ''bona fide residents of the State of Colorado, or Nevada, or either of the Territories of New Mexico, Arizona, Utah, Wyoming, Dakota, Idaho, or Montana.''

A proviso at the close of section 1 of act June 3, 1878, was combined with a similar proviso in act Jan. 11, 1921, to form the last sentence of this section.

Act of Jan. 11, 1921, is the source of the remainder of the section.

As originally enacted that act began with the following language: ''Section 1 of an Act entitled 'An Act authorizing the citizens of Colorado, Nevada, and the Territories to fell and remove timber on the public domain for mining and domestic purposes,' approved June 3, 1878, chapter 150, page 88, volume 20, United States Statutes at Large, and section 8 of an Act entitled 'An Act to repeal timber-culture laws, and for other purposes,' approved March 3, 1891, as amended by an Act approved March 3, 1891, chapter 559, page 1093, volume 26, United States Statutes at Large, and the several Acts amendatory thereof, be, and the same are hereby, extended so that,'' etc.

This language was omitted as having been given effect by the combination of the remaining language of the act with section 1 of act June 3, 1878, to form this section, by section 612 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 605, 606, 607 of this title.

§ 605. Unlawful cutting on mineral lands; notice to Secretary

It shall be the duty of such officer as the Secretary of the Interior may designate in whose

district any mineral land may be situated to ascertain from time to time whether any timber is being cut or used upon any such lands, except for the purposes authorized by section 604 of this title, within such land district; and, if so, he shall immediately notify the Secretary of the Interior of that fact; and all necessary expenses incurred in making such proper examinations shall be paid for and allowed such officer in making up his next quarterly account.

(June 3, 1878, ch. 150, § 2, 20 Stat. 88; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

''Such officer as the Secretary of the Interior may designate'' substituted in text for ''the register and the receiver of any local land office'', ''Secretary of the Interior'' for ''Commissioner of the General Land Office'', and ''such officer'' for ''such register and receiver'' on authority of Reorg. Plan No. 3 of 1946, set out in the Appendix to Title 5.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 604, 606, 607 of this title.

§ 606. Offense for unlawful cutting on mineral lands; punishment

Any person or persons who shall violate the provisions of sections 604 and 605 of this title, or any rules and regulations in pursuance thereof made by the Secretary of the Interior, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined in any sum not exceeding $500, and to which may be added imprisonment for any term not exceeding six months.

(June 3, 1878, ch. 150, § 3, 20 Stat. 89.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 604, 607 of this title.

§ 607. Cutting and removal of timber on certain public lands for certain purposes

In the States of Alaska, Colorado, Montana, Idaho, North Dakota, and South Dakota, Wyoming, New Mexico, and Arizona, and the gold and silver regions of Nevada, California, Oregon, Washington, and Utah in any criminal prosecution or civil action by the United States for a trespass on such public timber lands or to recover timber or lumber cut thereon it shall be a defense if the defendant shall show that the said timber was so cut or removed from the timber lands for use in such State by a resident thereof for agricultural, mining, manufacturing, or domestic purposes under rules and regulations made and prescribed by the Secretary of the Interior and has not been transported out of the same, but nothing herein contained shall operate to enlarge the rights of any railway company to cut timber on the public domain. The Secretary of the Interior may make suitable rules and regulations to carry out the provisions of this section, and he may designate the sections or tracts of land where timber may be cut, and it shall not be lawful to cut or remove any timber except as may be prescribed by such rules and regulations, but this section shall not operate to repeal sections 604 to 606 of this title.

(Mar. 3, 1891, ch. 559, 26 Stat. 1093; Mar. 3, 1891, ch. 561, § 8, 26 Stat. 1099; Feb. 13, 1893, ch. 103, 27 Stat. 444; July 1, 1898, ch. 546, § 1, 30 Stat. 618; Mar. 3, 1901, ch. 855, 31 Stat. 1436; Mar. 3, 1901, ch. 862, 31 Stat. 1439; Mar. 3, 1919, ch. 111, 40 Stat. 1321; Mar. 3, 1919, ch. 115, 40 Stat. 1322; Feb. 27, 1922, ch. 82, 42 Stat. 398; Aug. 21, 1935, ch. 591, 49 Stat. 665; Pub. L. 86–70, § 41, June 25, 1959, 73 Stat. 151.)

CODIFICATION

Section was derived from section 8 of act Mar. 3, 1891, ch. 561. The portion of that section set forth here, as originally enacted was as follows: ''And in the States of Colorado, Montana, Idaho, North Dakota, and South Dakota, Wyoming, and in the District of Alaska and the gold and silver regions of Nevada, and the Territory of Utah, in any criminal prosecution or civil action by the United States for a trespass on such public timber lands or to recover timber or lumber cut thereon, it shall be a defense if the defendant shall show that the said timber was so cut or removed from the timber lands for use in such State or Territory by a resident thereof for agricultural, mining, manufacturing, or domestic purposes, and has not been transported out of the same; but nothing herein contained shall apply to operate to enlarge the rights of any railway company to cut timber on the public domain: *Provided*, That the Secretary of the Interior may make suitable rules and regulations to carry out the provisions of this section''. It was amended to read as set forth here by act Mar. 3, 1891, ch. 559, except that after the word ''Wyoming,'' the words ''New Mexico and Arizona,'' were inserted by act Feb. 13, 1893, and after the word ''Nevada,'' the words ''California, Oregon, and Washington'' were inserted by act Mar. 3, 1901, ch. 855.

In the section as originally enacted the words ''Territory of Alaska'' read ''District of Alaska,'' and the words ''the Territory of,'' preceded the word ''Utah''.

Act July 1, 1898, amended section in the manner set out in section 611 of this title.

Act Mar. 3, 1919, ch. 111, amended section in the manner set out in section 608 of this title.

Act Mar. 3, 1919, ch. 115, amended section in the manner set out in section 609 of this title.

Act Feb. 27, 1922, amended section in the manner set out in section 610 of this title.

Act Aug. 21, 1935, amended section in the manner set out in section 611a of this title.

The portion of the section omitted here prescribed the time within which suits by the United States to annul patents should be brought, and is classified to section 1166 of Title 43, Public Lands.

AMENDMENTS

1959—Pub. L. 86–70 included Alaska within the enumeration of States and struck out provisions which related to Territory of Alaska.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 608, 609, 610, 611, 611a, 612, 613 of this title.

§ 607a. Cutting and use of timber in Alaska by settlers, residents, miners, etc.

The Secretary of the Interior may permit under regulations to be prescribed by him the use of timber found upon the public land in

Alaska by actual settlers, residents, individual miners, and prospectors for minerals, for firewood, fencing, buildings, mining, prospecting, and for domestic purposes, as may actually be needed by such persons for such purposes and may permit such use by churches, hospitals, and charitable institutions in Alaska for firewood, fencing, buildings, and for domestic purposes.

(May 14, 1898, ch. 299, § 11, 30 Stat. 414; June 15, 1938, ch. 437, 52 Stat. 699.)

CODIFICATION

Section is comprised of the last sentence of section 11 of act May 14, 1898. The remainder of section 11 of act May 14, 1898, is classified to section 615a of this title.

Section was formerly classified to section 423 of Title 48, Territories and Insular Possessions.

AMENDMENTS

1938—Act June 15, 1938, inserted last clause relating to use of timber by churches, hospitals, and charitable institutions.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3215 of this title; title 43 sections 942–1, 942–3 to 942–8.

§ 608. Permits to cut and remove timber; citizens of Malheur County, Oregon

It shall be lawful for the Secretary of the Interior to grant permits under the provisions of section 607 of this title to citizens of Malheur County, Oregon, to cut timber in the State of Idaho for agricultural, mining, or other domestic purposes, and to remove the timber so cut to Malheur County, State of Oregon.

(Mar. 3, 1891, ch. 561, § 8 [part], as added Mar. 3, 1919, ch. 111, 40 Stat. 1321.)

CODIFICATION

Section is derived from act Mar. 3, 1919, which recites that it amends section 8 of act Mar. 3, 1891, which is the source of section 607 of this title, by adding this section thereto. Section 8 of act Mar. 3, 1891, is classified to sections 607, 608 to 611a of this title.

§ 609. Permits to cut and remove timber; citizens of Modoc County, California

It shall be lawful for the Secretary of the Interior to grant permits under the provisions of section 607 of this title, to citizens of Modoc County, California, to cut timber in the State of Nevada for agricultural, mining, or other domestic purposes, and to remove the timber so cut to Modoc County, State of California.

(Mar. 3, 1891, ch. 561, § 8 [part], as added Mar. 3, 1919, ch. 115, 40 Stat. 1322.)

CODIFICATION

Section is derived from act Mar. 3, 1919, which recites that it amends section 8 of act Mar. 3, 1891, which is the source of section 607 of this title, by adding this section thereto. Section 8 of act Mar. 3, 1891, is classified to sections 607, 608 to 611a of this title.

§ 610. Permits to cut and remove timber; citizens of Washington County and Kane County, Utah

It shall be lawful for the Secretary of the Interior to grant permits under the provisions of section 607 of this title, to citizens of Washington County and of Kane County, Utah, to cut timber on the public lands of the counties of Mohave and Coconino, Arizona, for agricultural, mining, or other domestic purposes, and remove the timber so cut to said Washington County and Kane County, Utah.

(Mar. 3, 1891, ch. 561, § 8 [part], as added Feb. 27, 1922, ch. 82, 42 Stat. 398.)

CODIFICATION

Section is derived from act Feb. 27, 1922, which recites that it amends section 8 of act Mar. 3, 1891, which is the source of section 607 of this title, by adding this section thereto. Section 8 of act Mar. 3, 1891, is classified to sections 607, 608 to 611a of this title.

§ 611. Permits to cut and remove timber; citizens of Idaho and Wyoming

It shall be lawful for the Secretary of the Interior to grant permits under the provisions of section 607 of this title, to citizens of Idaho and Wyoming to cut timber in the State of Wyoming west of the Continental Divide on the Snake River and its tributaries to the boundary line of Idaho, for agricultural, mining, or other domestic purposes, and to remove the timber so cut to the State of Idaho.

(Mar. 3, 1891, ch. 561, § 8 [part], as added July 1, 1898, ch. 546, § 1, 30 Stat. 618.)

CODIFICATION

Section is derived from act July 1, 1898, which recites that it amends section 8 of act Mar. 3, 1891, which is the source of section 607 of this title, by adding this section thereto. Section 8 of act Mar. 3, 1891, is classified to sections 607, 608 to 611a of this title.

§ 611a. Permits to cut and remove timber; citizens of Bear Lake County, Idaho

The Secretary of the Interior is authorized to grant permits, subject to the provisions of section 607 of this title, to citizens of Bear Lake County, Idaho, to cut and remove timber on the unappropriated public domain in Lincoln County, Wyoming, for domestic use in Bear Lake County, Idaho: *Provided*, That no live standing timber shall be taken without compensation.

(Mar. 3, 1891, ch. 561, § 8 [part], as added Aug. 21, 1935, ch. 591, 49 Stat. 665.)

CODIFICATION

Section is derived from act Aug. 1, 1935, which recites that it amends section 8 of act Mar. 31, 1891, which is the source of section 607 of this title, by adding this section thereto. Section 8 of act Mar. 3, 1891, is classified to sections 607, 608 to 611a of this title.

§ 612. Permits to cut and remove timber to certain corporations

It shall be lawful for the Secretary of the Interior to grant permits in accordance with the provisions of section 607 of this title, to corporations incorporated under a Federal law of the United States or incorporated under the laws of a State or Territory of the United States, other than the State in which the privilege is requested, said permits to confer the same rights and benefits upon such corporations as are conferred upon corporations incorporated in the State in which the privilege is to be exercised:

Provided, That all such corporations shall first have complied with the laws of that State so as to entitle them to do business therein; but nothing herein shall operate to enlarge the rights of any railway company to cut timber on the public domain.

(Jan. 11, 1921, ch. 22, 41 Stat. 1088.)

CODIFICATION

See portion of note under section 604 of this title relative to act Jan. 11, 1921, which is applicable equally to this section.

§ 613. Limitations of use of timber taken not to apply to certain territory

The provisions of section 607 of this title, limiting the use of timber taken from public lands to residents of the State in which such timber is found, for use within said State, shall not apply to the south slope of Pryor Mountains, in the State of Montana, lying south of the Crow Reservation, west of the Big Horn River, and east of Sage Creek; but within the above-described boundaries the provisions of said section shall apply equally to the residents of the States of Wyoming and Montana, and to the use of timber taken from the above-described tract in either of the above-named States.

(Mar. 3, 1901, ch. 862, 31 Stat. 1439.)

§§ 614, 615. Repealed. Pub. L. 87–689, § 2, Sept. 25, 1962, 76 Stat. 588

Sections, acts Mar. 4, 1913, ch. 165, §§ 1, 2, 37 Stat. 1015, 1016; July 3, 1926, ch. 779, §§ 1, 2, 44 Stat. 890, 891, related to sale of timber killed or damaged by forest-fires and to disposal of proceeds of sale of burnt timber on an existing claim.

SAVINGS PROVISION

Section 2 of Pub. L. 87–689 provided in part that rights and liabilities existing under sections 614 and 615 of this title on Sept. 25, 1962, shall not be affected thereby.

§ 615a. Sale of timber in Alaska; appraisal; local consumption; accounting; deposit in Treasury

The Secretary of the Interior, under such rules and regulations as he may prescribe, may cause to be appraised the timber or any part thereof upon public lands in Alaska, and may from time to time sell so much thereof as he may deem proper for not less than the appraised value thereof, in such quantities to each purchaser as he shall prescribe, to be used in Alaska except as aforesaid, but not for export therefrom except as provided under section 615b of this title. And such sales shall at all times be limited to actual necessities for consumption in Alaska from year to year, and payments for such timber shall be made to such officer as the Secretary of the Interior may designate of the local land office of the land district in which said timber may be sold, under such rules and regulations as the Secretary of the Interior may prescribe, and the moneys arising therefrom shall be accounted for by such officer as the Secretary of the Interior may designate to the Secretary of the Interior in a separate account, and shall be covered into the Treasury.

(May 14, 1898, ch. 299, § 11, 30 Stat. 414; Oct. 28, 1921, ch. 114, § 1, 42 Stat. 208; Mar. 3, 1925, ch. 462, 43 Stat. 1144; 1946 Reorg. Plan. No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

CODIFICATION

Section is comprised of the first two sentences of section 11 of act May 14, 1898, the remainder of section 11 of act May 14, 1898, is classified to section 607a of this title.

Section was formerly classified to section 421 of Title 48, Territories and Insular Possessions.

CHANGE OF NAME

Acts Oct. 28, 1921, and Mar. 3, 1925, consolidated offices of register and receiver and provided for a single officer to be known as register.

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

Functions of Commissioner of General Land Office and registers transferred to Secretary of the Interior or that officer as the Secretary may designate, see Reorg. Plan No. 3 of 1946, set out in the Appendix to Title 5.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3215 of this title; title 43 sections 942–1, 942–3 to 942–8.

§ 615b. Exportation of timber pulp wood and wood pulp from Alaska

Birch timber and pulp wood or wood pulp manufactured from timber in Alaska may be exported therefrom.

(Feb. 1, 1905, ch. 288, § 2, 33 Stat. 628; June 5, 1920, ch. 235, § 1, 41 Stat. 917.)

CODIFICATION

Section was formerly classified to section 422 of Title 48, Territories and Insular Possessions.

AMENDMENTS

1920—Act June 5, 1920, authorized exportation of birch timber.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 615a of this title.

§ 616. Exportation of timber cut on national forest or public land in Alaska

Timber lawfully cut on any national forest, or on the public lands in Alaska, may be exported from the State or Territory where grown if, in the judgment of the Secretary of the department administering the national forests, or the public lands in Alaska, the supply of timber for local use will not be endangered thereby, and the respective Secretaries concerned are authorized to issue rules and regulations to carry out the purposes of this section.

(Apr. 12, 1926, § 1, ch. 117, 44 Stat. 242.)

ADMISSION OF ALASKA AS STATE

Admission of Alaska into the Union was accomplished Jan. 3, 1959, on issuance of Proc. No. 3269, Jan. 3, 1959, 24 F.R. 81, 73 Stat. c16, as required by sections 1 and 8(c) of Pub. L. 85–508, July 7, 1958, 72 Stat. 339, set

out as notes preceding section 21 of Title 48, Territories and Insular Possessions.

§ 617. Exportation of unprocessed timber from Federal lands

(a) Limitation of quantity available for export

For each of the calendar years 1969 through 1973, inclusive, not more than 350 million board feet, in the aggregate, of unprocessed timber may be sold for export from the United States from Federal lands located west of the 100th meridian.

(b) Surplus quantities and species available for export; public hearing; administrative finding

After public hearing and a finding by the appropriate Secretary of the department administering Federal lands referred to in subsection (a) of this section that specific quantities and species of unprocessed timber are surplus to the needs of domestic users and processors, such quantities and species may be designated by the said Secretary as available for export from the United States in addition to that quantity stated in subsection (a) of this section.

(c) Rules and regulations; prevention of substitution of Federal for non-Federal timber

The Secretaries of the departments administering lands referred to in subsection (a) of this section may issue rules and regulations to carry out the purposes of this section, including the prevention of substitution of timber restricted from export by this section for exported non-Federal timber.

(d) Limitations inapplicable to sales of prescribed minimum value

In issuing rules and regulations pursuant to subsection (c) of this section, the appropriate Secretaries may include therein provisions authorizing the said Secretaries, in their discretion, to exclude from the limitations imposed by this section sales having an appraised value of less than $2,000.

(Apr. 12, 1926, ch. 117, § 2, as added Pub. L. 90–554, pt. IV, § 401, Oct. 8, 1968, 82 Stat. 966; amended Pub. L. 91–609, title IX, § 921, Dec. 31, 1970, 84 Stat. 1817.)

AMENDMENTS

1970—Subsec. (a). Pub. L. 91–609 extended date for application of limitation provision from 1971 to 1973 calendar year.

§ 618. Timber contract payment modification

(a) Statement of purpose, authorization, scope, qualifications, financial requirements, etc., for buy-out

(1) Notwithstanding any other provisions of law, in order to retain jobs, to preserve free competition, to utilize the potential productive capacity of plants, to preserve small communities dependent on a single economic sector to assure an open and competitive market for future sales of Government timber, and to lessen the impact of unemployment, the Secretary of Agriculture for national forest lands and the Secretary of the Interior for public lands under their respective jurisdictions are authorized and directed to permit a requesting purchaser to return to the Government a volume of the purchaser's timber contracts as determined under paragraph (2) upon payment of a buy-out charge from such purchaser in an amount as determined under paragraph (3). The purchaser shall be released from further obligation to cut, remove, and pay for timber under such contract upon payment, or arrangement for payment as provided under paragraph (3)(E), of such buy-out charge and completion of any obligation required pursuant to paragraph (4)(B). The Government does not hereby surrender any other claim against a purchaser which arose under a contract prior to effectuation of this release and not in connection with this release from obligation to cut, harvest and pay for timber.

(2)(A) To qualify for buy-out under this section, a timber sales contract must have been bid prior to January 1, 1982, for an original contract period of 10 years or less, and be held as of June 1, 1984: *Provided*, That any such contract that was defaulted after January 1, 1981 may qualify for buy-out under this section so long as (i) settlement for damages has not been reached between the purchaser and the United States; and (ii) the purchaser's loss on all of its qualifying timber sales contracts, as determined in paragraph (3)(A), is in excess of 50 per centum of the net book worth of the purchaser. A contract is qualified for buy-out notwithstanding the fact that it was reformed after October 1, 1983, pursuant to Bureau of Land Management Instructional Memorandum 83–743 or is included in a Forest Service multisale plan pursuant to the President's program of July 28, 1983.

(B) A purchaser holding more than twenty-seven million three hundred thousand board feet of net merchantable sawtimber as of January 1, 1982, in qualifying contracts as provided in subparagraph (A) shall be entitled to buy out up to 55 per centum of such timber volume up to a maximum of two hundred million board feet.

(C) A purchaser holding twenty-seven million three hundred thousand or less board feet of net merchantable sawtimber as of January 1, 1982, in qualifying contracts as provided in subparagraph (A) shall be entitled to buy out up to fifteen million board feet of such timber volume or one contract, whichever is greater in volume.

(D) So long as the volume limitation of two hundred million board feet is not exceeded, the percentage limitation of subparagraph (B) or the volume limitation of subparagraph (C) may be exceeded by a volume amount not to exceed the volume of the smallest volume contract bought out by the purchaser if the purchaser could not otherwise attain his percentage or volume entitlement.

(E) Timber returned to the Government pursuant to this subsection shall be available for resale by the Government upon payment, or arrangement for payment, of the buy-out charge and completion of obligations, if any, under paragraph (4)(B).

(3)(A) Sums collected by the appropriate Secretary in connection with the buy-out of contracts pursuant to this subsection shall be deposited in and paid from the Treasury in the same manner as moneys received from timber sales from such lands and shall be determined as

follows: The purchaser's loss on any qualifying timber sales contracts shall be determined by the Forest Service or the Bureau of Land Management by subtracting the current delivered log value (as determined by such agency) from the delivered log cost based on the current contract return (as determined by such agency) of any such contracts. If such loss is—

(i) in excess of 100 per centum of the net book worth of the purchaser, the buy-out cost shall be $10 per one thousand board feet of currently held volume bought out;

(ii) in excess of 50 per centum up to 100 per centum of the net book worth of the purchaser, the buy-out cost shall be 10 per centum of the contract overbid but at least $10 per one thousand board feet of currently held volume bought out; or

(iii) up to 50 per centum or less of the net book worth of the purchaser, the buy-out cost shall be 15 per centum for the purchaser's first one hundred twenty-five million board feet, 20 per centum for additional board feet above one hundred twenty-five million up to one hundred fifty million, 25 per centum for additional board feet above one hundred fifty million up to one hundred seventy-five million, and 30 per centum for additional board feet above one hundred seventy-five million up to two hundred million, of the contract overbid but at least $10 per one thousand board feet of currently held volume bought out.

(B) For purposes of this paragraph, the term ''net book worth'' does not include the value of any outstanding uncut Federal timber sales contracts.

(C) Net book worth shall be, subject to agency verification, as determined by an independent certified public accountant in accordance with generally accepted accounting standards for the timber industry.

(D) A purchaser may elect to pay the buy-out cost imposed by subparagraph (A)(iii) in lieu of utilizing loss and net book worth determinations.

(E) Where a purchaser is not able to obtain sufficient credit elsewhere to finance the buy-out charge at reasonable rates and terms, purchaser may, upon payment of 5 per centum of the buy-out charge, pay the remainder of the buy-out charge in equal quarterly payments over a period not to exceed 5 years at an interest rate adjusted with each payment equal to the average market yield of outstanding Treasury obligations with remaining years to maturity of five years payment must be secured by bond, deposited securities or other forms of security acceptable to the appropriate Secretary in an amount sufficient to cover the entire buy-out payment.

(F) For purposes of this paragraph, the term ''contract overbid'' is the difference between the advertised contract rate and the rate the purchaser bid.

(4)(A) Contracts returned pursuant to this subsection under which no harvest has begun shall be returned in full.

(B) Contracts returned to the appropriate Secretary pursuant to this subsection under which harvest has begun, shall be returned conditionally and shall not be considered as part of the outstanding volume of timber under contract for the purposes of this Act. The return shall become final after the purchaser has completed stages of contractual obligations for the units on which the harvest has begun, including work on roads, to logical stopping points as determined by the Secretary after consultation with the purchaser. All remaining unharvested units must be returned.

(C) The appropriate Secretary may reject return of a contract on which harvest has begun if he determines, in his discretion, that the remaining unharvested portion is substantially unrepresentative of the original sale as a whole in terms of species, logging methods, or other appropriate criteria, and that accepting the return of such contract would seriously disadvantage the Government.

(5)(A) Timber from returned or defaulted contracts shall be offered for resale in an orderly fashion as part of, and not in addition to, the normal congressionally authorized timber sales program, and in a manner which does not disrupt regional markets or artificially depress domestic timber prices. Timber from returned or defaulted contracts shall be given preference for resale in the Forest Service timber sales programs.

(B) Timber sales in Forest Service region 6 shall not exceed four billion three hundred million board feet of net merchantable sawtimber in fiscal year 1984.

(C) Beginning in fiscal year 1985 and continuing through fiscal year 1991 or the fiscal year in which timber contract extensions in region 6 granted under the President's program of July 28, 1983 (as constituted on October 16, 1984), are completed, whichever is later, the Secretary of Agriculture shall set, and periodically adjust as necessary, the maximum annual timber sale volume in region 6. Such maximum sale volume shall be set so as to achieve a volume of region 6 net merchantable sawtimber under contract at the end of each fiscal year which does not exceed twelve billion three hundred million board feet: *Provided, however*, That such maximum annual sale volume shall not exceed five billion two hundred million board feet of net merchantable sawtimber. The sale of timber within region 6 shall be made in such a manner as not to result in discriminatory treatment as between different forests in the region.

(6)(A) The Secretary of the Interior and the Secretary of Agriculture shall publish final rules for the implementation of this subsection in the Federal Register within ninety days after October 16, 1984.

(B) Such final rules shall require purchasers to submit buy-out requests to the appropriate Secretary within ninety days after the publication of such rules.

(7)(A) For purposes only of determining a purchaser's buy-out limitation under paragraph (2) and net worth in connection with buy-out cost under paragraph (3), concerns which are affiliates as defined under subparagraph (B) of this paragraph shall be treated as a single entity.

(B) Definition of affiliates: Concerns are affiliates of each other when either directly or indirectly, one concern controls or has the power to control the other, or a third party or parties

controls or has the power to control both. In determining whether or not affiliation exists, consideration shall be given to all appropriate factors, including, but not limited to, common ownership, common management, and contractual relationships.

(C) Definition of purchaser: For the purposes of this Act, a purchaser is the holder of a contract to purchase timber from the Secretary of Agriculture or the Secretary of the Interior.

(b) Extension of time for performance of contracts; covered contracts; damages for default

(1) Timber contracts bid prior to January 1, 1982, not bought out pursuant to subsection (a) of this section and included in the President's program of July 28, 1983, shall not be subject to any further extension of time for performance except as permitted under the President's program of July 28, 1983, as implemented by the Secretary of Agriculture and the Secretary of the Interior, providing for the extension of certain timber sale contracts and requiring the phased harvesting of such extended contracts, which program is hereby ratified except as modified by paragraph (2).

(2) Notwithstanding any other provision of law, timber contracts extended pursuant to the President's program of July 28, 1983, as implemented by the Secretary of Agriculture shall not be subject to inclusion of additional provisions for calculating damages for default.

(c) Monitoring of bidding patterns on timber sale contracts; discouragement of bids; reporting requirements

The Secretary of Agriculture and the Secretary of the Interior shall monitor bidding patterns on timber sale contracts and take action to discourage bidding at such a rate as would indicate that the bidder, if awarded the contract, would be unable to perform the obligations as required, or that the bid is otherwise for the purpose of speculation. Each Secretary shall include in the annual report to Congress information concerning actions taken under this subsection.

(d) Cash down-payment and periodic payments for contracts; effective date

Effective January 1, 1985, in any contract for the sale of timber from the National Forests, the Secretary of Agriculture shall require a cash down-payment at the time the contract is executed and periodic payments to be made over the remaining period of the contract.

(Pub. L. 98–478, § 2, Oct. 16, 1984, 98 Stat. 2213.)

REFERENCES IN TEXT

This Act, referred to in subsec. (a)(4)(B), (7)(C), is Pub. L. 98–478, Oct. 16, 1984, 98 Stat. 2213, which enacted sections 539f, 618, and 619 of this title and provisions set out as a note under this section. For complete classification of this Act to the Code, see Short Title note below and Tables.

SHORT TITLE

Section 1 of Pub. L. 98–478 provided: ''That this Act [enacting this section and sections 539f and 619 of this title] may be cited as 'Federal Timber Contract Payment Modification Act'.''

ADMINISTRATIVE APPEALS OF TIMBER SALES

Pub. L. 99–500, § 101(h) [title III, § 320], Oct. 18, 1986, 100 Stat. 1783–242, 1783–286, and Pub. L. 99–591, § 101(h) [title III, § 320], Oct. 30, 1986, 100 Stat. 3341–242, 3341–287, provided that: ''To assure that National Forest and Bureau of Land Management timber included in sales defaulted by the purchaser, or returned under the Federal Timber Contract Payment Modification Act (Public Law 98–478) [see Short Title note above], is available for resale in a timely manner, such sales shall be subject only to one level of administrative appeal. This limitation shall not abridge the right of judicial review. Actions on such administrative appeals should be completed within 90 days of receipt of the notice of appeal. Sales that are reoffered shall be modified, including minor additions or deletions, as appropriate, to reduce adverse environmental impacts, pursuant to current land management plans and guidelines, and such modifications in themselves should not be construed to require the preparation of new or supplemental environmental assessments. This section shall not apply to any decision on the determination of damages due to the Government for defaulted or canceled contracts.''

§ 619. Emergency stumpage rate redeterminations in Alaska

(a) Application; applicable period

Emergency stumpage rate redetermination shall be made upon the written application of the purchaser of National Forest timber in Alaska, bid after January 1, 1974, and rates established as a result thereof shall be effective for timber scaled during a period between January 1, 1981, and five years from October 16, 1984.

(b) Competitive effect of modification of contracts

In making the emergency rate redeterminations the Secretary may modify existing contract terms, including the amount of the bid premium, in order to provide rates which will permit the holders of contracts bid after January 1, 1974, to be competitive with other purchasers of National Forest timber.

(c) Excepted contracts

The provisions of this section shall not apply to contracts held by the holders of 50-year timber sale contracts in Alaska.

(Pub. L. 98–478, § 4, Oct. 16, 1984, 98 Stat. 2217.)

§ 620. Findings and purposes

(a) Findings

The Congress makes the following findings:

(1) Timber is essential to the United States.

(2) Forests, forest resources, and the forest environment are exhaustible natural resources that require efficient and effective conservation efforts.

(3) In the interest of conserving those resources, the United States has set aside millions of acres of otherwise harvestable timberlands in the western United States, representing well over 100,000,000,000 board feet of otherwise harvestable timber.

(4) In recent years, administrative, statutory, or judicial action has been taken to set aside an increased amount of otherwise harvestable timberlands for conservation purposes.

(5) In the next few months and years, additional amounts of otherwise harvestable

timberlands may be set aside for conservation purposes, pursuant to the Endangered Species Act of 1973 [16 U.S.C. 1531 et seq.], the National Forest Management Act of 1976, or other expected statutory, administrative, and judicial actions.

(6) There is evidence of a shortfall in the supply of unprocessed timber in the western United States.

(7) There is reason to believe that any shortfall which may already exist may worsen unless action is taken.

(8) In conjunction with the broad conservation actions expected in the next few months and years, conservation action is necessary with respect to exports of unprocessed timber.

(b) Purposes

The purposes of sections 620 to 620j of this title are—

(1) to promote the conservation of forest resources in conjunction with State and Federal resources management plans, and other actions or decisions, affecting the use of forest resources;

(2) to take action essential for the acquisition and distribution of forest resources or products in short supply in the western United States;

(3) to take action necessary, to meet the goals of Article XI 2.(a) of the GATT 1994 (as defined in section 3501(1)(B) of title 19), to ensure sufficient supplies of certain forest resources or products which are essential to the United States;

(4) to continue and refine the existing Federal policy of restricting the export of unprocessed timber harvested from Federal lands in the western United States; and

(5) to effect measures aimed at meeting these objectives in conformity with the obligations of the United States under the WTO Agreement and the multilateral trade agreements (as such terms are defined in paragraphs (9) and (4), respectively, of section 3501 of title 19).

(Pub. L. 101–382, title IV, § 488, Aug. 20, 1990, 104 Stat. 714; Pub. L. 106–36, title I, § 1002(a)(1), June 25, 1999, 113 Stat. 132.)

REFERENCES IN TEXT

The Endangered Species Act of 1973, referred to in subsec. (a)(5), is Pub. L. 93–205, Dec. 28, 1973, 87 Stat. 884, as amended, which is classified generally to chapter 35 (§ 1531 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1531 of this title and Tables.

The National Forest Management Act of 1976, referred to in subsec. (a)(5), is Pub. L. 94–588, Oct. 22, 1976, 90 Stat. 2949, as amended, which enacted sections 472a, 521b, 1600, and 1611 to 1614 of this title, amended sections 500, 515, 516, 518, 576b, 581h, and 1601 to 1610 of this title, repealed sections 476, 513, and 514 of this title, and enacted provisions set out as notes under sections 476, 513, 528, 594–2, and 1600 of this title. For complete classification of this Act to the Code, see Short Title of 1976 Amendment note set out under section 1600 of this title and Tables.

Sections 620 to 620j of this title, referred to in subsec. (b), was in the original ''this title'', meaning title IV of Pub. L. 101–382, Aug. 20, 1990, 104 Stat. 714, which enacted sections 620 to 620j of this title and provisions set out as notes below. For complete classification of this Act to the Code, see Short Title note below and Tables.

AMENDMENTS

1999—Subsec. (b)(3). Pub. L. 106–36, § 1002(a)(1)(A), substituted ''GATT 1994 (as defined in section 3501(1)(B) of title 19)'' for ''General Agreement on Tariffs and Trade''.

Subsec. (b)(5). Pub. L. 106–36, § 1002(a)(1)(B), substituted ''WTO Agreement and the multilateral trade agreements (as such terms are defined in paragraphs (9) and (4), respectively, of section 3501 of title 19)'' for ''General Agreement on Tariffs and Trade''.

EFFECTIVE DATE

Section 494 of title IV of Pub. L. 101–382 provided that: ''Except as otherwise provided in this title, the provisions of this title [enacting this section and sections 620a to 620j of this title and provisions set out as a note below] take effect on the date of the enactment of this Act [Aug. 20, 1990].''

SHORT TITLE OF 1997 AMENDMENT

Pub. L. 105–83, title VI, § 601, Nov. 14, 1997, 111 Stat. 1617, provided that: ''This title [amending sections 620b to 620f of this title] may be cited as the 'Forest Resources Conservation and Shortage Relief Act of 1997'.''

SHORT TITLE OF 1993 AMENDMENT

Pub. L. 103–45, § 1, July 1, 1993, 107 Stat. 223, provided that: ''This Act [amending sections 620c and 620d of this title and enacting provisions set out as a note under section 620c of this title] may be cited as the 'Forest Resources Conservation and Shortage Relief Amendments Act of 1993'.''

SHORT TITLE

Section 487 of title IV of Pub. L. 101–382 provided that: ''This title [enacting this section and sections 620a to 620j of this title and provisions set out as a note above] may be cited as the 'Forest Resources Conservation and Shortage Relief Act of 1990'.''

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 620b, 620c, 620d, 620e, 620f, 620g, 620h, 620j of this title.

§ 620a. Restrictions on exports of unprocessed timber originating from Federal lands

(a) Prohibition on export of unprocessed timber originating from Federal lands

No person who acquires unprocessed timber originating from Federal lands west of the 100th meridian in the contiguous 48 States may export such timber from the United States, or sell, trade, exchange, or otherwise convey such timber to any other person for the purpose of exporting such timber from the United States, unless such timber has been determined under subsection (b) of this section to be surplus to the needs of timber manufacturing facilities in the United States.

(b) Surpluses

(1) Determinations by Secretary concerned

The prohibition contained in subsection (a) of this section shall not apply to specific quantities of grades and species of unprocessed timber originating from Federal lands which the Secretary concerned determines to be surplus to domestic manufacturing needs.

(2) Procedures

Any determination under paragraph (1) shall be made in regulations issued in accordance with section 553 of title 5. Any such determination shall be reviewed at least once in

every 3-year period. The Secretary concerned shall publish notice of such review in the Federal Register, and shall give the public an opportunity to comment on such review.

(Pub. L. 101–382, title IV, § 489, Aug. 20, 1990, 104 Stat. 715.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 620d, 620f of this title.

§ 620b. Limitations on substitution of unprocessed Federal timber for unprocessed timber exported from private lands

(a) Direct substitution

(1) Except as provided in paragraph (3) and subsection (c) of this section, no person may purchase directly from any department or agency of the United States unprocessed timber originating from Federal lands west of the 100th meridian in the contiguous 48 States if—

(A) such unprocessed timber is to be used in substitution for exported unprocessed timber originating from private lands; or

(B) such person has, during the preceding 24-month period, exported unprocessed timber originating from private lands.

(2) Notwithstanding paragraph (1)—

(A) Federal timber purchased pursuant to a contract entered into between the purchaser and the Secretary concerned before the date on which regulations to carry out this subsection are issued under section 620f of this title shall be governed by the regulations of the Secretary concerned in effect before such date that restrict the substitution of unprocessed timber originating from Federal lands for exported timber originating from private lands;

(B) in the 1-year period beginning on August 20, 1990, any person who operates under a Cooperative Sustained Yield Unit Agreement, and who has an historic export quota shall be limited to entering into contracts under such a quota to a volume equal to not more than 66 percent of the person's historic export quota used during fiscal year 1989;

(C) a person referred to in subparagraph (B) shall reduce the person's remaining substitution volume by an equal amount each year thereafter such that no volume is substituted under such a quota in fiscal year 1995 or thereafter; and

(D) the 24-month period referred to in paragraph (1)(B) shall not apply to any person who—

(i) before August 20, 1990, has, under an historic export quota approved by the Secretary concerned, purchased unprocessed timber originating from Federal lands west of the 100th meridian in the contiguous 48 States in substitution for exported unprocessed timber originating from private lands;

(ii) certifies to the Secretary concerned, within 3 months after August 20, 1990, that the person will, within 6 months after August 20, 1990, cease exporting unprocessed timber originating from private lands; and

(iii) ceases exports in accordance with such certification.

(3) APPLICABILITY.—In the case of the purchase by a person of unprocessed timber originating from Federal lands west of the 119th meridian in the State of Washington, paragraph (1) shall apply only if—

(A) the private lands referred to in paragraph (1) are owned by the person; or

(B) the person has the exclusive right to harvest timber from the private lands described in paragraph (1) during a period of more than 7 years, and may exercise that right at any time of the person's choosing.

(b) Indirect substitution

(1) In general

Except as provided in paragraph (2), no person may, beginning 21 days after August 20, 1990, purchase from any other person unprocessed timber originating from Federal lands west of the 100th meridian in the contiguous 48 States if such person would be prohibited from purchasing such timber directly from a department or agency of the United States. Acquisitions of western red cedar which are domestically processed into finished products to be sold into domestic or international markets are exempt from the prohibition contained in this paragraph.

(2) Exceptions

(A) The Secretary of Agriculture shall, as soon as practicable but not later than 9 months after August 20, 1990, establish, by rule, a limited amount of unprocessed timber originating from Federal lands described in subparagraph (B) which may be purchased by a person otherwise covered by the prohibition contained in paragraph (1). Such limit shall equal—

(i) the amount of such timber acquired by such person, based on the higher of the applicant's actual timber purchasing receipts or the appropriate Federal agency's records, during fiscal years 1988, 1989, and 1990, divided by 3, or

(ii) 15 million board feet,

whichever is less, except that such limit shall not exceed such person's proportionate share, with respect to all persons covered under this paragraph, of 50 million board feet.

(B) The Federal lands referred to in subparagraph (A) are Federal lands administered by the United States Forest Service Region 6 that are located north of the Columbia River from its mouth and east to its first intersection with the 119th meridian, and from that point north of the 46th parallel and east.

(C) Any person may sell, trade, or otherwise exchange with any other person the rights obtained under subparagraph (A), except that such rights may not be sold, traded, or otherwise exchanged to persons already in possession of such rights obtained under subparagraph (A).

(D) Federal timber purchased from Federal lands described in subparagraph (B) pursuant to a contract entered into between the purchaser and the Secretary of Agriculture before the date on which regulations to carry out this subsection are issued under section 620f of this title shall be governed by the regulations

of the Secretary of Agriculture in effect before such date that restrict the substitution of unprocessed timber originating from Federal lands for exported timber originating from private lands.

(c) Sourcing areas

(1) In general

The prohibitions contained in subsections (a) and (b) of this section shall not apply with respect to the acquisition of unprocessed timber originating from Federal lands within a sourcing area west of the 100th meridian in the contiguous 48 States approved by the Secretary concerned under this subsection by a person who—

(A) in the previous 24 months, has not exported unprocessed timber originating from private lands within the sourcing area; and

(B) during the period in which such approval is in effect, does not export unprocessed timber originating from private lands within the sourcing area.

The Secretary concerned may waive the 24-month requirement set forth in subparagraph (A) for any person who, within 3 months after August 20, 1990, certifies that, within 6 months after August 20, 1990, such person will, for a period of not less than 3 years, cease exporting unprocessed timber originating from private lands within the sourcing area.

(2) Requirements for application for sourcing areas for processing facilities located outside the northwestern private timber open market area

The Secretaries concerned shall, not later than 3 months after August 20, 1990, prescribe procedures to be used by a person applying for approval of a sourcing area under paragraph (1). Such procedures shall require, at a minimum, the applicant to provide—

(A) information regarding the location of private lands (except private land located in the northwestern private timber open market area) from which such person has, within the previous year, harvested or otherwise acquired unprocessed timber which has been exported from the United States; and

(B) information regarding the location of each timber manufacturing facility owned or operated by such person within the proposed sourcing area boundaries at which the applicant proposes to process timber originating from Federal lands.

The prohibition contained in subsection (a) of this section shall not apply to a person before the date which is 1 month after the procedures referred to in this paragraph are prescribed. With respect to any person who submits an application in accordance with such procedures by the end of the time period set forth in the preceding sentence, the prohibition contained in subsection (a) of this section shall not apply to such person before the date on which the Secretary concerned approves or disapproves such application.

(3) Grant of approval for sourcing areas for processing facilities located outside of the northwestern private timber open market area

(A) In general

For each applicant, the Secretary concerned shall, on the record and after an opportunity for a hearing, not later than 4 months after receipt of the application for a sourcing area, either approve or disapprove the application. The Secretary concerned may approve such application only if the Secretary determines that the area that is the subject of the application, in which the timber manufacturing facilities at which the applicant desires to process timber originating from Federal lands are located, is geographically and economically separate from any geographic area from which that person harvests for export any unprocessed timber originating from private lands.

(B) For timber manufacturing facilities located in Idaho

Except as provided in subparagraph (D), in making a determination referred to in subparagraph (A), the Secretary concerned shall consider the private timber export and the private and Federal timber sourcing patterns for the applicant's timber manufacturing facilities, as well as the private and Federal timber sourcing patterns for the timber manufacturing facilities of other persons in the same local vicinity of the applicant, and the relative similarity of such private and Federal timber sourcing patterns.

(C) For timber manufacturing facilities located in States other than Idaho

Except as provided in subparagraph (D), in making the determination referred to in subparagraph (A), the Secretary concerned shall consider the private timber export and the Federal timber sourcing patterns for the applicant's timber manufacturing facilities, as well as the Federal timber sourcing patterns for the timber manufacturing facilities of other persons in the same local vicinity of the applicant, and the relative similarity of such Federal timber sourcing patterns. Private timber sourcing patterns shall not be a factor in such determinations in States other than Idaho.

(D) Area not included

In deciding whether to approve or disapprove an application, the Secretary shall not—

(i) consider land located in the northwestern private timber open market area; or

(ii) condition approval of the application on the inclusion of any such land in the applicant's sourcing area, such land being includable in the sourcing area only to the extent requested by the applicant.

(4) Denial of application for sourcing areas for processing facilities located outside the northwestern private timber open market area

(A) Subject to subparagraph (B), and notwithstanding any other provision of law, in

the 9-month period after receiving disapproval of an application submitted pursuant to this subsection, the applicant may purchase unprocessed timber originating from Federal lands in the area which is the subject of the application in an amount not to exceed 75 percent of the annual average of such person's purchases of unprocessed timber originating from Federal lands in the same area during the 5 full fiscal years immediately prior to submission of the application. In the subsequent 6-month period, such person may purchase not more than 25 percent of such annual average, after which time the prohibitions contained in subsection (a) of this section shall fully apply.

(B) If a person referred to in subparagraph (A) certifies to the Secretary concerned, within 90 days after receiving disapproval of such application, that such person shall, within 15 months after such disapproval, cease the export of unprocessed timber originating from private lands from the geographic area determined by the Secretary for which the application would have been approved, such person may continue to purchase unprocessed timber originating from Federal lands in the area which is the subject of the application, without being subject to the restrictions of subparagraph (A), except that such purchases during that 15-month period may not exceed 125 percent of the annual average of such person's purchases of unprocessed timber originating from Federal lands in the same area during the 5 full fiscal years immediately prior to submission of the application which was denied.

(C) Any person to whom subparagraph (B) applies may not, during the 15-month period after the person's application for sourcing area boundaries is denied, export unprocessed timber originating from private lands in the geographic area determined by the Secretary concerned for which the application would have been approved in amounts that exceed 125 percent of the annual average of such person's exports of unprocessed timber from such private lands during the 5 full fiscal years immediately prior to submission of the application.

(5) Review of determinations for sourcing areas for processing facilities located outside the northwestern private timber open market area

Determinations made under paragraph (3) shall be reviewed, in accordance with the procedures prescribed in sections 620 to 620j of this title, not less often than every 5 years.

(6) Sourcing areas for processing facilities located in the northwestern private timber open market area

(A) Establishment

In the northwestern private timber open market area—

(i) a sourcing area boundary shall be a circle around the processing facility of the sourcing area applicant or holder;

(ii) the radius of the circle—

(I) shall be the furthest distance that the sourcing area applicant or holder proposes to haul Federal timber for processing at the processing facility; and

(II) shall be determined solely by the sourcing area applicant or holder;

(iii) a sourcing area shall become effective on written notice to the Regional Forester for Region 6 of the Forest Service of the location of the boundary of the sourcing area;

(iv) the 24-month requirement in paragraph (1)(A) shall not apply;

(v) a sourcing area holder—

(I) may adjust the radius of the sourcing area not more frequently than once every 24 months; and

(II) shall provide written notice to the Regional Forester for Region 6 of the adjusted boundary of its sourcing area before using the adjusted sourcing area; and

(vi) a sourcing area holder that relinquishes a sourcing area may not reestablish a sourcing area for that processing facility before the date that is 24 months after the date on which the sourcing area was relinquished.

(B) Transition

With respect to a portion of a sourcing area established before November 14, 1997, that contains Federal timber under contract before November 14, 1997, and is outside the boundary of a new sourcing area established under subparagraph (A)—

(i) that portion shall continue to be a sourcing area only until unprocessed Federal timber from the portion is no longer in the possession of the sourcing area holder; and

(ii) unprocessed timber from private land in that portion shall be exportable immediately after unprocessed timber from Federal land in the portion is no longer in the possession of the sourcing area holder.

(7) Relinquishment and termination of sourcing areas

(A) In general

A sourcing area may be relinquished at any time.

(B) Effective date

A relinquishment of a sourcing area shall be effective as of the date on which written notice is provided by the sourcing area holder to the Regional Forester with jurisdiction over the sourcing area where the processing facility of the holder is located.

(C) Exportability

(i) In general

On relinquishment or termination of a sourcing area, unprocessed timber from private land within the former boundary of the relinquished or terminated sourcing area is exportable immediately after unprocessed timber from Federal land from within that area is no longer in the possession of the former sourcing area holder.

(ii) No restriction

The exportability of unprocessed timber from private land located outside of a

sourcing area shall not be restricted or in any way affected by relinquishment or termination of a sourcing area.

(d) Domestic transportation and processing of private timber

Nothing in this section restricts or authorizes any restriction on the domestic transportation or processing of timber harvested from private land, except that the Secretary may prohibit processing facilities located in the State of Idaho that have sourcing areas from processing timber harvested from private land outside of the boundaries of those sourcing areas.

(Pub. L. 101–382, title IV, § 490, Aug. 20, 1990, 104 Stat. 715; Pub. L. 105–83, title VI, § 602(a), Nov. 14, 1997, 111 Stat. 1618.)

REFERENCES IN TEXT

August 20, 1990, referred to in subsec. (a)(2)(B), was in the original ''the effective date of this title'', which is the date of enactment of title IV of Pub. L. 101–382, approved Aug. 20, 1990, except as otherwise provided in sections 620 to 620j of this title, see section 494 of Pub. L. 101–382, set out as an Effective Date note under section 620 of this title.

AMENDMENTS

1997—Subsec. (a)(1). Pub. L. 105–83, § 602(a)(1)(A), inserted ''paragraph (3) and'' after ''Except as provided in''.

Subsec. (a)(3). Pub. L. 105–83, § 602(a)(1)(B), added par. (3).

Subsec. (c). Pub. L. 105–83, § 602(a)(2)(A), struck out ''Approval of'' before ''Sourcing areas'' in heading.

Subsec. (c)(2). Pub. L. 105–83, § 602(a)(2)(B)(i), inserted ''for sourcing areas for processing facilities located outside the northwestern private timber open market area'' after ''application'' in heading.

Subsec. (c)(2)(A). Pub. L. 105–83, § 602(a)(2)(B)(ii), inserted ''(except private land located in the northwestern private timber open market area)'' after ''private lands''.

Subsec. (c)(3). Pub. L. 105–83, § 602(a)(2)(C), inserted ''for sourcing areas for processing facilities located outside of the northwestern private timber open market area'' in heading, designated existing provisions as subpar. (A), inserted heading, and struck out at end ''In making a determination referred to in this paragraph, the Secretary concerned shall consider equally the timber purchasing patterns, on private and Federal lands, of the applicant as well as other persons in the same local vicinity as the applicant, and the relative similarity of such purchasing patterns.'', and added subpars. (B) to (D).

Subsec. (c)(4), (5). Pub. L. 105–83, § 602(a)(2)(D), (E), inserted ''for sourcing areas for processing facilities located outside the northwestern private timber open market area'' in headings.

Subsec. (c)(6), (7). Pub. L. 105–83, § 602(a)(2)(F), added pars. (6) and (7).

Subsec. (d). Pub. L. 105–83, § 602(a)(3), added subsec. (d).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 620d, 620f of this title.

§ 620c. Restriction on exports of unprocessed timber from State and other public lands

(a) Order to prohibit export of unprocessed timber originating from State or other public lands

Except as provided in subsection (g) of this section, the Secretary of Commerce shall issue orders to prohibit the export from the United States of unprocessed timber originating from public lands, as provided in subsection (b) of this section.

(b) Schedule for determination to prohibit export of unprocessed timber originating from State or other public lands

(1) States with annual sales of 400,000,000 board feet or less

With respect to States with annual sales volumes of 400,000,000 board feet or less, the Secretary of Commerce shall issue an order referred to in subsection (a) of this section to prohibit, notwithstanding any other provision of law, the export of unprocessed timber originating from public lands, effective June 1, 1993.

(2) States with annual sales of greater than 400,000,000 board feet

With respect to any State with an annual sales volume greater than 400,000,000 board feet, the Secretary of Commerce shall issue an order referred to in subsection (a) of this section to prohibit, notwithstanding any other provision of law, the export of unprocessed timber originating from public lands, effective as of November 14, 1997.

(3) Prohibition on substitution

(A) Prohibition

Subject to subparagraph (B), each order of the Secretary of Commerce under paragraph (1) or (2) shall also prohibit, notwithstanding any other provision of law, any person from purchasing, directly or indirectly, unprocessed timber originating from public lands in a State if—

(i) such unprocessed timber would be used in substitution for exported unprocessed timber originating from private lands in that State; or

(ii) such person has, during the preceding 24-month period, exported unprocessed timber originating from private lands in that State.

(B) Exemption

The prohibitions referred to in subparagraph (A) shall not apply in a State on or after the date on which—

(i) the Governor of that State provides the Secretary of Commerce with notification of a prior program under subparagraph (C) of subsection (d)(2) of this section,

(ii) the Secretary of Commerce approves a program of that State under subparagraph (A) of subsection (d)(2) of this section, or

(iii) regulations of the Secretary of Commerce issued under subsection (c) of this section to carry out this section take effect,

whichever occurs first.

(4) Report to Congress

Not later than June 1, 1995, the Secretary of Commerce, in conjunction with the Secretaries of Agriculture and Interior, shall issue a report to the Congress on the effects of the re-

allocation, as a result of the enactment of sections 620 to 620j of this title, of public lands timber resources to the domestic timber processing sector, the ability of the domestic timber processing sector to meet domestic demand for forest products, the volume of transshipment of timber originating from public lands across State borders, the effectiveness of rules issued and administered by the Secretary of Commerce pursuant to sections 620 to 620j of this title and the effectiveness of State programs authorized under subsection (d) of this section, and trends in growth and productivity in the domestic timber processing sector.

(c) Federal program

(1) Administration by the Secretary of Commerce

(A) In general

Subject to subparagraph (B), the Secretary of Commerce shall, as soon as possible after July 1, 1993—

(i) determine the species, grades, and geographic origin of unprocessed timber to be prohibited from export in each State that is subject to an order issued under subsection (a) of this section;

(ii) administer the prohibitions consistent with sections 620 to 620j of this title;

(iii) ensure that the species, grades, and geographic origin of unprocessed timber prohibited from export within each State is representative of the species, grades, and geographic origin of timber comprising the total timber sales program of the State; and

(iv) issue such regulations as are necessary to carry out this section.

(B) Exemption

The actions and regulations of the Secretary under subparagraph (A) shall not apply with respect to a State that is administering and enforcing a program under subsection (d) of this section.

(2) Cooperation with other agencies

The Secretary of Commerce is authorized to enter into agreements with Federal and State agencies with appropriate jurisdiction to assist the Secretary in carrying out sections 620 to 620j of this title.

(d) Authorized State programs

(1) Authorization of new State programs

Notwithstanding subsection (c) of this section, the Governor of any State may submit a program to the Secretary of Commerce for approval that—

(A) implements, with respect to unprocessed timber originating from public lands in that State, the prohibition on exports set forth in the Secretary's order under subsection (a) of this section; and

(B) ensures that the species, grades, and geographic origin of unprocessed timber prohibited from export within the State is representative of the species, grades, and geographic origin of timber comprising the total timber sales program of the State.

(2) Approval of State programs

(A) Program approval

Not later than 30 days after the submission of a program under paragraph (1), the Secretary of Commerce shall approve the program unless the Secretary finds that the program will result in the export of unprocessed timber from public lands in violation of sections 620 to 620j of this title and publishes that finding in the Federal Register.

(B) State program in lieu of Federal program

If the Secretary of Commerce approves a program submitted under paragraph (1), the Governor of the State for which the program was submitted, or such other official of that State as the Governor may designate, may administer and enforce the program, which shall apply in that State in lieu of the regulations issued under subsection (c) of this section.

(C) Prior State programs

Not later than 30 days after July 1, 1993, the Governor of any State that had, before May 4, 1993, issued regulations under this subsection as in effect before May 4, 1993, may provide the Secretary of Commerce with written notification that the State has a program that was in effect on May 3, 1993, and that meets the requirements of paragraph (1). Upon such notification, that State may administer and enforce that program in that State until the end of the 9-month period beginning on the date on which the Secretary of Commerce issues regulations under subsection (c) of this section, and that program shall, during the period in which it is so administered and enforced, apply in that State in lieu of the regulations issued under subsection (c) of this section. Such Governor may submit, with such notification, the program for approval by the Secretary under paragraph (1).

(e) Prior contracts

Nothing in this section shall apply to—

(1) any contract for the purchase of unprocessed timber originating from public lands that was entered into before—

(A) September 10, 1990, with respect to States with annual sales volumes of 400,000,000 board feet or less; or

(B) January 1, 1991, with respect to States with annual sales volumes greater than 400,000,000 board feet; or

(2) any contract under which exports of unprocessed timber were permitted pursuant to an order of the Secretary of Commerce in effect under this section before October 23, 1992.

(f) Western red cedar

Nothing in this section shall be construed to supersede section 2406(i) of title 50, Appendix.

(g) Presidential authority

The President is authorized, after suitable notice and a public comment period of not less than 120 days, to suspend the provisions of this section if a panel of experts has reported to the Dispute Settlement Body of the World Trade Organization (as the term ''World Trade Organiza-

tion'' is defined in section 3501(8) of title 19), or a ruling issued under the formal dispute settlement proceeding provided under any other trade agreement finds, that the provisions of this section are in violation of, or inconsistent with, United States obligations under that trade agreement.

(h) Removal or modifications of State restrictions

Based upon a determination that it is in the national economic interest, the President may remove or modify any prohibition on exports from public lands in a State if that State petitions the President to remove or modify such prohibition.

(i) Effect of prior Federal law

No provision of Federal law which imposes requirements with respect to the generation of revenue from State timberlands and was enacted before August 20, 1990, shall be construed to invalidate, supersede, or otherwise affect any action of a State or political subdivision of a State pursuant to sections 620 to 620j of this title.

(j) Surplus timber

The prohibitions on exports contained in orders of the Secretary of Commerce issued under subsection (a) of this section shall not apply to specific quantities of grades and species of unprocessed timber originating from public lands which the Secretary concerned determines by rule to be surplus to the needs of timber manufacturing facilities in the United States. Any such determination may, by rule, be withdrawn by the Secretary concerned if the Secretary determines that the affected timber is no longer surplus to the needs of timber manufacturing facilities in the United States.

(k) Suspension of prohibitions

Notwithstanding any other provision of this section, beginning on January 1, 1998, and annually thereafter, if the President finds, upon review of the purposes and implementation of sections 620 to 620j of this title, that the prohibitions on exports required by subsection (a) of this section no longer promote the purposes of sections 620 to 620j of this title, then the President may suspend such prohibitions, except that such suspension shall not take effect until 90 days after the President notifies the Congress of such finding.

(*l*) Existing authority not affected

Nothing in sections 620 to 620j of this title shall be construed to limit the authority of the President or the United States Trade Representative to take action authorized by law to respond appropriately to any measures taken by a foreign government in connection with sections 620 to 620j of this title.

(Pub. L. 101–382, title IV, § 491, Aug. 20, 1990, 104 Stat. 719; Pub. L. 103–45, § 2, July 1, 1993, 107 Stat. 223; Pub. L. 105–83, title VI, § 602(b), Nov. 14, 1997, 111 Stat. 1620; Pub. L. 106–36, title I, § 1002(a)(2), June 25, 1999, 113 Stat. 133.)

AMENDMENTS

1999—Subsec. (g). Pub. L. 106–36 substituted ''Dispute Settlement Body of the World Trade Organization (as the term 'World Trade Organization' is defined in section 3501(8) of title 19)'' for ''Contracting Parties to the General Agreement on Tariffs and Trade''.

1997—Subsec. (b)(2). Pub. L. 105–83 struck out ''the following shall apply:'' in introductory provisions, substituted ''the Secretary'' for ''(A) The Secretary'' and ''as of November 14, 1997'' for ''during the period beginning on June 1, 1993, and ending on December 31, 1995'', and struck out subpar. (B) which read as follows: ''For all periods on or after January 1, 1996, the Secretary of Commerce shall issue an order referred to in subsection (a) of this section not later than September 30, 1995. Such order shall prohibit the export of the lesser of 400,000,000 board feet or the annual sales volume in that State of unprocessed timber originating from public lands.''

1993—Subsec. (a). Pub. L. 103–45, § 2(1), substituted ''(g)'' for ''(e)'' and ''as provided'' for ''in the amounts specified''.

Subsec. (b)(1). Pub. L. 103–45, § 2(2)(A), inserted '', notwithstanding any other provision of law,'' after ''prohibit'' and substituted '', effective June 1, 1993'' for ''not later than 21 days after August 20, 1990''.

Subsec. (b)(2). Pub. L. 103–45, § 2(2)(B), added subpar. (A) and struck out former subpar. (A), redesignated subpar. (D) as (B) and substituted ''annual sales volume in that State of unprocessed timber originating from public lands'' for ''total annual sales volume'' at end, and struck out former subpars. (B) and (C). Prior to amendment, former subpars. (A) to (C) read as follows:

''(A) The Secretary of Commerce shall issue an order referred to in subsection (a) of this section not later than 21 days after August 20, 1990. Such order shall cover a period beginning 120 days after the issuance of such an order, or January 1, 1991, whichever is earlier, and shall extend to December 31, 1991. Such order shall prohibit the export of 75 percent of the annual sales volume in such State of unprocessed timber from public lands.

''(B) For the period beginning on January 1, 1992, and ending on December 31, 1993, the Secretary of Commerce shall, after notice and an opportunity for a hearing, issue an order referred to in subsection (a) of this section not later than September 30, 1991. Such order shall prohibit the export of at least 75 percent of such State's annual sales volume for this 2-year period.

''(C) For the period beginning on January 1, 1994, and ending on December 31, 1995, the Secretary of Commerce shall, after notice and an opportunity for a hearing, issue an order referred to in subsection (a) of this section not later than September 30, 1993. Such order shall prohibit the export of at least 75 percent of such State's annual sales volume for this 2-year period.''

Subsec. (b)(3), (4). Pub. L. 103–45, § 2(2)(C), (D), added par. (3), redesignated former par. (3) as (4), and substituted ''the Secretary of Commerce pursuant to sections 620 to 620j of this title and the effectiveness of State programs authorized under subsection (d) of this section'' for ''States pursuant to sections 620 to 620j of this title''.

Subsecs. (c) to (*l*). Pub. L. 103–45, § 2(3), (4), added subsecs. (c) to (f), struck out former subsecs. (c) and (d) which related to basis for increase in volume prohibited from export and administrative provisions, respectively, and redesignated former subsecs. (e) to (j) as (g) to (*l*), respectively.

SEVERABILITY OF PROVISIONS

Section 4 of Pub. L. 103–45 provided that: ''If any provision of this Act [amending this section and section 620d of this title and enacting provisions set out as a note under section 620 of this title], or the amendments made by this Act, or the application thereof to any person or circumstance is held invalid, the remainder of this Act and such amendments and the application of such provision to other persons not similarly situated or to other circumstances shall not be affected by such invalidation.''

EXTENSION AND ISSUANCE OF ORDER UNDER SUBSECTION (b)(2)

Pub. L. 104–208, div. A, title I, § 101(d) [title III], Sept. 30, 1996, 110 Stat. 3009–181, 3009–223, which in part directed Secretary of Commerce to extend until Sept. 30, 1997, the order issued under subsec. (b)(2)(A) of this section and to issue an order under subsec. (b)(2)(B) of this section effective Oct. 1, 1997, was from the Department of the Interior and Related Agencies Appropriations Act, 1997, and was not repeated in subsequent appropriations acts. Similar provisions were contained in the following prior appropriation acts:

Pub. L. 104–134, title I, § 101(c) [title III, § 333], Apr. 26, 1996, 110 Stat. 1321–156, 1321–210; renumbered title I, Pub. L. 104–140, § 1(a), May 2, 1996, 110 Stat. 1327.

Pub. L. 104–99, title I, § 130, Jan. 26, 1996, 110 Stat. 34.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 620d, 620f of this title.

§ 620d. Monitoring and enforcement

(a) Monitoring and reports

In accordance with regulations issued under this section—

(1) each person who acquires, either directly or indirectly, unprocessed timber originating from Federal lands west of the 100th meridian in the contiguous 48 States shall report the receipt and disposition of such timber to the Secretary concerned, in such form as such Secretary may by rule prescribe; except that nothing in this paragraph shall be construed to hold any person responsible for the reporting of the disposition of any such timber held by subsequent persons;

(2) each person who transfers to another person unprocessed timber originating from Federal lands west of the 100th meridian in the contiguous 48 States shall, before completing such transfer—

(A) provide to such other person a written notice, in such form as the Secretary concerned may prescribe, which shall identify the Federal origin of such timber;

(B) receive from such other person a written acknowledgment of such notice and a written agreement that such other person will comply with the requirements of sections 620 to 620j of this title, in such form as the Secretary concerned may prescribe; and

(C) provide to the Secretary concerned copies of all notices, acknowledgments, and agreements referred to in subparagraphs (A) and (B);

(3) each person who acquires, either directly or indirectly, unprocessed timber originating from public lands in a State that is subject to an order issued by the Secretary of Commerce under section 620c(a) of this title, other than a State that is administering and enforcing a program under section 620c(d) of this title, shall report the receipt and disposition of the timber to the Secretary of Commerce, in such form as the Secretary may by rule prescribe, except that nothing in this paragraph shall be construed to hold any person responsible for reporting the disposition of any timber held by subsequent persons; and

(4) each person who transfers to another person unprocessed timber originating from public lands in a State that is subject to an order issued by the Secretary of Commerce under section 620c(a) of this title, other than a State that is administering and enforcing a program under section 620c(d) of this title, shall, before completing the transfer—

(A) provide to such other person a written notice, in such form as the Secretary of Commerce may prescribe, that shall identify the public lands from which the timber originated; and

(B) receive from such other person—

(i) a written acknowledgment of the notice, and

(ii) a written agreement that the recipient of the timber will comply with the requirements of sections 620 to 620j of this title,

in such form as the Secretary of Commerce may prescribe; and

(C) provide to the Secretary of Commerce copies of all notices, acknowledgments, and agreements referred to in subparagraphs (A) and (B).

(b) Report to Congress

Using the information gathered under subsection (a) of this section, the Secretaries of Agriculture and Interior shall, not later than June 1, 1995, submit to the Congress a report on the disposition of unprocessed timber harvested from Federal lands west of the 100th meridian in the contiguous 48 States, and recommendations concerning the practice of indirect substitution of such timber for exported timber harvested from private lands. Specifically, such report shall—

(1) analyze the effects of indirect substitution on market efficiency;

(2) analyze the effects of indirect substitution on domestic log supply;

(3) offer any recommendations that the Secretaries consider necessary for specific statutory or regulatory changes regarding indirect substitution;

(4) provide summaries of the data collected;

(5) analyze the effects of the provisions of section 620b(b)(2)(C) of this title; and

(6) provide such other information as the Secretaries consider appropriate.

(c) Civil penalties for violation

(1) Exports

(A) If the Secretary concerned finds, on the record and after an opportunity for a hearing, that a person, with willful disregard for the prohibition contained in sections 620 to 620j of this title against exporting Federal timber, exported or caused to be exported unprocessed timber originating from Federal lands in violation of sections 620 to 620j of this title, such Secretary may assess against such person a civil penalty of not more than $500,000 for each violation, or 3 times the gross value of the unprocessed timber involved in the violation, whichever amount is greater.

(B)(i) Subject to clause (ii), if the Secretary of Commerce finds, on the record and after an opportunity for a hearing, that a person, with willful disregard for the restrictions contained in an order of the Secretary under section

620c(a) of this title on exports of unprocessed timber from public lands, exported or caused to be exported unprocessed timber originating from public lands in violation of such order, the Secretary may assess against such person a civil penalty of not more than $500,000 for each violation, or 3 times the gross value of the unprocessed timber involved in the violation, whichever amount is greater.

(ii) Clause (i) shall not apply with respect to exports of unprocessed timber originating from public lands in a State that is administering and enforcing a program under section 620c(d) of this title.

(2) Other violations

(A) If the Secretary concerned finds, on the record and after an opportunity for a hearing, that a person has violated any provision of sections 620 to 620j of this title or any regulation issued under sections 620 to 620j of this title relating to lands which they administer (notwithstanding that such violation may not have caused the export of unprocessed Federal timber in violation of sections 620 to 620j of this title), such Secretary may—

(i) assess against such person a civil penalty of not more than $75,000 for each violation if the Secretary determines that the person committed such violation in disregard of such provision or regulation;

(ii) assess against such person a civil penalty of not more than $50,000 for each violation if the Secretary determines that the person should have known that the action constituted a violation; or

(iii) assess against such person a civil penalty of not more than $500,000 if the Secretary determines that the person committed such violation willfully.

(B)(i) Subject to clause (ii), if the Secretary of Commerce finds, on the record and after an opportunity for a hearing, that a person has violated, on or after June 1, 1993, any provision of sections 620 to 620j of this title or any regulation issued under sections 620 to 620j of this title relating to the export of unprocessed timber originating from public lands (whether or not the violation caused the export of unprocessed timber from public lands in violation of sections 620 to 620j of this title), the Secretary may assess against such person a civil penalty to the same extent as the Secretary concerned may impose a penalty under clause (i), (ii), or (iii) of subparagraph (A).

(ii) Clause (i) shall not apply with respect to unprocessed timber originating from public lands in a State that is administering and enforcing a program under section 620c(d) of this title.

(C) MITIGATION OF PENALTIES.—

(i) IN GENERAL.—The Secretary concerned—

(I) in determining the applicability of any penalty imposed under this paragraph, shall take into account all relevant mitigating factors, including mistake, inadvertence, and error; and

(II) based on any mitigating factor, may, with respect to any penalty imposed under this paragraph—

(aa) reduce the penalty;

(bb) not impose the penalty; or

(cc) on condition of there being no further violation under this paragraph for a prescribed period, suspend imposition of the penalty.

(ii) CONTRACTURAL REMEDIES.—In the case of a minor violation of sections 620 to 620j of this title (including a regulation), the Secretary concerned shall, to the maximum extent practicable, permit a contracting officer to redress the violation in accordance with the applicable timber sale contract rather than assess a penalty under this paragraph.

(3) Penalties not exclusive; judicial review

A penalty assessed under this subsection shall not be exclusive of any other penalty provided by law and shall be subject to review in an appropriate United States district court.

(d) Administrative remedies

(1) Debarment

(A) In general

Subject to subparagraph (B), the head of the appropriate Federal department or agency under sections 620 to 620j of this title may debar any person who violates sections 620 to 620j of this title, or any regulation or contract issued under sections 620 to 620j of this title, from entering into any contract for the purchase of unprocessed timber from Federal lands for a period of not more than 5 years. Such person shall also be precluded from taking delivery of Federal timber purchased by another party for the period of debarment.

(B) Prerequisites for debarment

(i) In general

No person may be debarred from bidding for or entering into a contract for the purchase of unprocessed timber from Federal lands under subparagraph (A) unless the head of the appropriate Federal department or agency first finds, on the record and after an opportunity for a hearing, that debarment is warranted.

(ii) Withholding of awards during debarment proceedings

The head of an appropriate Federal department or agency may withhold an award under sections 620 to 620j of this title of a contract for the purchase of unprocessed timber from Federal lands during a debarment proceeding.

(2) Cancellation of contracts

The head of the appropriate Federal department or agency under sections 620 to 620j of this title may cancel any contract entered into with a person found to have violated sections 620 to 620j of this title or regulations issued under sections 620 to 620j of this title.

(e) Exception

Subsections (c) and (d) of this section do not apply to violations of section 620i of this title.

(Pub. L. 101–382, title IV, § 492, Aug. 20, 1990, 104 Stat. 722; Pub. L. 103–45, § 3, July 1, 1993, 107 Stat.

226; Pub. L. 105–83, title VI, § 603, Nov. 14, 1997, 111 Stat. 1620.)

AMENDMENTS

1997—Subsec. (c)(2)(C). Pub. L. 105–83, § 603(1), added subpar. (C).

Subsec. (d)(1). Pub. L. 105–83, § 603(2), inserted subpar. (A) designation and heading, substituted ''Subject to subparagraph (B), the head'' for ''The head'', and added subpar. (B).

1993—Subsec. (a)(3), (4). Pub. L. 103–45, § 3(a), added pars. (3) and (4).

Subsec. (c)(1). Pub. L. 103–45, § 3(b)(1), designated existing provisions as subpar. (A) and added subpar. (B).

Subsec. (c)(2). Pub. L. 103–45, § 3(b)(2), designated existing provisions as subpar. (A), redesignated former subpars. (A) to (C) as cls. (i) to (iii) of subpar. (A), and added subpar. (B).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 620f of this title.

§ 620e. Definitions

For purposes of sections 620 to 620j of this title:

(1) The term ''acquire'' means to come into possession of, whether directly or indirectly, through a sale, trade, exchange, or other transaction, and the term ''acquisition'' means the act of acquiring.

(2) The term ''Federal lands'' means lands that are owned by the United States, but does not include any lands the title to which is—

(A) held in trust by the United States for the benefit of any Indian tribe or individual,

(B) held by any Indian tribe or individual subject to a restriction by the United States against alienation, or

(C) held by any Native Corporation as defined in section 1602 of title 43.

(3) MINOR VIOLATION.—The term ''minor violation'' means a violation, other than an intentional violation, involving a single contract, purchase order, processing facility, or log yard involving a quantity of logs that is less than 25 logs and has a total value (at the time of the violation) of less than $10,000.

(4) NORTHWESTERN PRIVATE TIMBER OPEN MARKET AREA.—The term ''northwestern private timber open market area'' means the State of Washington.

(5) The term ''person'' means any individual, partnership, corporation, association, or other legal entity and includes any subsidiary, subcontractor, or parent company, and business affiliates where 1 affiliate controls or has the power to control the other or when both are controlled directly or indirectly by a third person.

(6) The term ''private lands'' means lands held or owned by a person. Such term does not include Federal lands or public lands, or any lands the title to which is—

(A) held in trust by the United States for the benefit of any Indian tribe or individual,

(B) held by any Indian tribe or individual subject to a restriction by the United States against alienation, or

(C) held by any Native Corporation as defined in section 1602 of title 43.

(7) The term ''public lands'' means lands west of the 100th meridian in the contiguous 48 States, that are held or owned by a State or political subdivision thereof, or any other public agency. Such term does not include any lands the title to which is—

(A) held by the United States;

(B) held in trust by the United States for the benefit of any Indian tribe or individual,

(C) held by any Indian tribe or individual subject to a restriction by the United States against alienation, or

(D) held by any Native Corporation as defined in section 1602 of title 43.

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

(A) the Secretary of Agriculture, with respect to Federal lands administered by that Secretary; and

(B) the Secretary of the Interior with respect to Federal lands administered by that Secretary.

(9)(A) The term ''unprocessed timber'' means trees or portions of trees or other roundwood not processed to standards and specifications suitable for end product use.

(B) The term ''unprocessed timber'' does not include timber processed into any one of the following:

(i) Lumber or construction timbers, except Western Red Cedar, meeting current American Lumber Standards Grades or Pacific Lumber Inspection Bureau Export R or N list grades, sawn on 4 sides, not intended for remanufacture.

(ii) Lumber, construction timbers, or cants for remanufacture, except Western Red Cedar, meeting current American Lumber Standards Grades or Pacific Lumber Inspection Bureau Export R or N list clear grades, sawn on 4 sides, not to exceed 12 inches in thickness.

(iii) Lumber, construction timbers, or cants for remanufacture, except Western Red Cedar, that do not meet the grades referred to in clause (ii) and are sawn on 4 sides, with wane less than ¼ of any face, not exceeding 8¾ inches in thickness.

(iv) Chips, pulp, or pulp products.

(v) Veneer or plywood.

(vi) Poles, posts, or piling cut or treated with preservatives for use as such.

(vii) Shakes or shingles.

(viii) Aspen or other pulpwood bolts, not exceeding 100 inches in length, exported for processing into pulp.

(ix) Pulp logs, cull logs, and incidental volumes of grade 3 and 4 sawlogs processed at domestic pulp mills, domestic chip plants, or other domestic operations for the primary purpose of conversion of the logs into chips, or to the extent that a small quantity of such logs are processed, into other products at domestic processing facilities.

(10) The acquisition of unprocessed timber from Federal lands west of the 100th meridian in the contiguous 48 States to be used in ''substitution'' for exported unprocessed timber originating from private lands means acquiring unprocessed timber from such Federal lands and engaging in exporting, or selling for export, unprocessed timber originating from private lands within the same geographic and economic area.

(11) VIOLATION.—The term ''violation'' means a violation of sections 620 to 620j of this title (including a regulation issued to implement sections 620 to 620j of this title) with regard to a course of action, including—

(A) in the case of a violation by the original purchaser of unprocessed timber, an act or omission with respect to a single timber sale; and

(B) in the case of a violation of a subsequent purchaser of the timber, an act or omission with respect to an operation at a particular processing facility or log yard.

(Pub. L. 101–382, title IV, § 493, Aug. 20, 1990, 104 Stat. 723; Pub. L. 105–83, title VI, § 604, Nov. 14, 1997, 111 Stat. 1621.)

REFERENCES IN TEXT

Sections 620 to 620j of this title, referred to in par. (11), was in the original ''this Act'' and was translated as reading ''this title'', meaning title IV of Pub. L. 101–382, Aug. 20, 1990, 104 Stat. 714, as amended, known as the Forest Resources Conservation and Shortage Relief Act of 1990, which enacted sections 620 to 620j of this title and provisions set out as notes under section 620 of this title, to reflect the probable intent of Congress. For complete classification of this Act to the Code, see Short Title note set out under section 620 of this title and Tables.

AMENDMENTS

1997—Pars. (3) to (8). Pub. L. 105–83, § 604(1), (2), added pars. (3) and (4) and redesignated former pars. (3) to (6) as (5) to (8), respectively. Former pars. (7) and (8) redesignated (9) and (10), respectively.

Par. (9). Pub. L. 105–83, § 604(1), redesignated par. (7) as (9).

Par. (9)(B)(ix). Pub. L. 105–83, § 604(3), substituted ''Pulp logs, cull logs, and incidental volumes of grade 3 and 4 sawlogs'' for ''Pulp logs or cull logs'' and inserted ''primary'' before ''purpose'' and '', or to the extent that a small quantity of such logs are processed, into other products at domestic processing facilities'' before period at end.

Par. (10). Pub. L. 105–83, § 604(1), redesignated par. (8) as (10).

Par. (11). Pub. L. 105–83, § 604(4), added par. (11).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 620d, 620f of this title.

§ 620f. Regulations and review

(a) Regulations

(1) Agriculture and Interior

The Secretaries of Agriculture and Interior shall, in consultation, each prescribe new coordinated and consistent regulations to implement sections 620 to 620j of this title on lands which they administer.

(2) Commerce

The Secretary of Commerce shall promulgate such rules and guidelines as may be necessary to carry out sections 620 to 620j of this title.

(3) Deadline

(A) IN GENERAL.—Except as otherwise provided in sections 620 to 620j of this title, regulations and guidelines required under this subsection shall be issued not later than June 1, 1998.

(B) The regulations and guidelines issued under sections 620 to 620j of this title that were in effect prior to September 8, 1995 shall remain in effect until new regulations and guidelines are issued under subparagraph (A).

(4) Painting and branding

(A) In general

The Secretary concerned shall issue regulations that impose reasonable painting, branding, or other forms of marking or tracking requirements on unprocessed timber if—

(i) the benefits of the requirements outweigh the cost of complying with the requirements; and

(ii) the Secretary determines that, without the requirements, it is likely that the unprocessed timber—

(I) would be exported in violation of sections 620 to 620j of this title; or

(II) if the unprocessed timber originated from Federal lands, would be substituted for unprocessed timber originating from private lands west of the 100th Meridian in the contiguous 48 States in violation of sections 620 to 620j of this title.

(B) Minimum size

The Secretary concerned shall not impose painting, branding, or other forms of marking or tracking requirements on—

(i) the face of a log that is less than 7 inches in diameter; or

(ii) unprocessed timber that is less than 8 feet in length or less than ⅓ sound wood.

(C) Waivers

(i) In general

The Secretary concerned may waive log painting and branding requirements—

(I) for a geographic area, if the Secretary determines that the risk of the unprocessed timber being exported from the area or used in substitution is low;

(II) with respect to unprocessed timber originating from private lands located within an approved sourcing area for a person who certifies that the timber will be processed at a specific domestic processing facility to the extent that the processing does occur; or

(III) as part of a log yard agreement that is consistent with the purposes of the export and substitution restrictions imposed under sections 620 to 620j of this title.

(ii) Review and termination of waivers

A waiver granted under clause (i)—

(I) shall, to the maximum extent practicable, be reviewed once a year; and

(II) shall remain effective until terminated by the Secretary.

(D) Factors

In making a determination under this paragraph, the Secretary concerned shall consider—

(i) the risk of unprocessed timber of that species, grade, and size being exported or used in substitution;

(ii) the location of the unprocessed timber and the effect of the location on its being exported or used in substitution;

(iii) the history of the person involved with respect to compliance with log painting and branding requirements; and

(iv) any other factor that is relevant to determining the likelihood of the unprocessed timber being exported or used in substitution.

(5) Reporting

(A) In general

Subject to subparagraph (B), the Secretary concerned shall issue regulations that impose reasonable documentation and reporting requirements if the benefits of the requirements outweigh the cost of complying with the requirements.

(B) Waivers

(i) In general

The Secretary concerned may waive documentation and reporting requirements for a person if—

(I) an audit of the records of the facility of the person reveals substantial compliance with all notice, reporting, painting, and branding requirements during the preceding year; or

(II) the person transferring the unprocessed timber and the person processing the unprocessed timber enter into an advance agreement with the Secretary concerned regarding the disposition of the unprocessed timber by domestic processing.

(ii) Review and termination of waivers

A waiver granted under clause (i)—

(I) shall, to the maximum extent practicable, be reviewed once a year; and

(II) shall remain effective until terminated by the Secretary.

(b) Review

The Secretaries of Agriculture and Interior shall, in consultation, review the definition of unprocessed timber under section 620e(7) of this title for purposes of sections 620 to 620j of this title and, not later than 18 months after August 20, 1990, submit to the Congress any recommendations they have with respect to such definition. Specifically, the Secretaries shall report on the effects of maintaining 2 size standards under section 620e(B)(ii)[1] and (iii) of this title.

(Pub. L. 101–382, title IV, § 495, Aug. 20, 1990, 104 Stat. 725; Pub. L. 105–83, title VI, § 605, Nov. 14, 1997, 111 Stat. 1622.)

AMENDMENTS

1997—Subsec. (a). Pub. L. 105–83 redesignated first two sentences as pars. (1) and (2), respectively, and inserted headings, and substituted pars. (3) to (5) for last sentence which read as follows: ''Except as otherwise provided in sections 620 to 620j of this title, regulations and guidelines under this subsection shall be issued not later than 9 months after August 20, 1990.''

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 620b, 620d of this title.

[1] So in original. Probably should be section ''620e(7)(B)(ii)''.

§ 620g. Authorization of appropriations

There are authorized to be appropriated such sums as may be necessary to carry out sections 620 to 620j of this title.

(Pub. L. 101–382, title IV, § 496, Aug. 20, 1990, 104 Stat. 725.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 620d, 620f of this title.

§ 620h. Savings provision

Nothing in sections 620 to 620j of this title, or regulations issued under sections 620 to 620j of this title, shall be construed to abrogate or affect any timber sale contract entered into before August 20, 1990.

(Pub. L. 101–382, title IV, § 497, Aug. 20, 1990, 104 Stat. 725.)

REFERENCES IN TEXT

August 20, 1990, referred to in text, was in the original ''the effective date of this title'', which is the date of enactment of title IV of Pub. L. 101–382, approved Aug. 20, 1990, except as otherwise provided in sections 620 to 620j of this title, see section 494 of Pub. L. 101–382, set out as an Effective Date note under section 620 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 620d, 620f of this title.

§ 620i. Eastern hardwoods study

(a) Study

The Secretary of Commerce, in conjunction with the Secretary of Agriculture and the Secretary of the Interior, shall conduct a study of the export from the United States, during the 2-year period beginning on January 1, 1991, of unprocessed hardwood timber harvested from Federal lands or public lands east of the 100th meridian. In order to carry out the provisions of this section—

(1) the Secretary of Commerce shall require each person exporting such timber from the United States to declare, in addition to the information normally required in the Shipper's Export Declarations, the State in which the timber was grown and harvested; and

(2) the Secretary of Agriculture and the Secretary of the Interior shall ensure that all hardwood saw timber harvested from Federal lands east of the 100th meridian is marked in such a manner as to make it readily identifiable at all times before its manufacture, and shall take such steps as each Secretary considers appropriate to ensure that such markings are not altered or destroyed before manufacturing.

(b) Report to Congress

Not later than April 1, 1993, the Secretary of Commerce shall submit to the Committees on Agriculture, Natural Resources, and Foreign Affairs of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report describing the volume and value of unprocessed timber grown and harvested from Federal lands or public lands

east of the 100th meridian that is exported from the United States during the 2-year period beginning on January 1, 1991, the country to which such timber is exported, and the State in which such timber was grown and harvested.

(Pub. L. 101–382, title IV, § 498, Aug. 20, 1990, 104 Stat. 725; Pub. L. 103–437, § 6(d)(35), Nov. 2, 1994, 108 Stat. 4585.)

AMENDMENTS

1994—Subsec. (b). Pub. L. 103–437 substituted ''Natural Resources'' for ''Interior and Insular Affairs''.

CHANGE OF NAME

Committee on Natural Resources of House of Representatives treated as referring to Committee on Resources of House of Representatives by section 1(a) of Pub. L. 104–14, set out as a note preceding section 21 of Title 2, The Congress.

Committee on Foreign Affairs of House of Representatives treated as referring to Committee on International Relations of House of Representatives by section 1(a) of Pub. L. 104–14, set out as a note preceding section 21 of Title 2.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 620d, 620f of this title.

§ 620j. Authority of Export Administration Act of 1979

Nothing in sections 620 to 620j of this title shall be construed to—

(1) prejudice the outcome of pending or prospective petitions filed under, or

(2) warrant the exercise of the authority contained in,

section 7 of the Export Administration Act of 1979 [50 App. U.S.C. 2406] with respect to the export of unprocessed timber.

(Pub. L. 101–382, title IV, § 499, Aug. 20, 1990, 104 Stat. 726.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 620, 620b, 620c, 620d, 620e, 620f, 620g, 620h of this title.

CHAPTER 5—PROTECTION OF FUR SEALS AND OTHER FUR-BEARING ANIMALS

Sec.
631 to 654. Omitted or Repealed.
655. Agents to be disinterested.
656. Agents; administering oaths and taking testimony.
657, 658. Repealed.
659. Sea lions; acts prohibiting killing repealed.

§ 631. Omitted

CODIFICATION

Section, acts Feb. 14, 1903, ch. 552, § 7, 32 Stat. 828; Mar. 4, 1913, ch. 141, § 1, 37 Stat. 736, vested control over fur seal, salmon, and other fisheries in Alaska in Department of the Interior.

§§ 631a to 631q. Repealed. Pub. L. 89–702, title IV, § 408(a), Nov. 2, 1966, 80 Stat. 1098

Sections were from act Feb. 26, 1944, ch. 65, §§ 1–17, 58 Stat. 100.

Section 631e amended by act Sept. 27, 1950, ch. 1056, 64 Stat. 1071.

Sections related to protection of fur seals and other fur-bearing animals as follows:

631a, Definitions,

631b, Pelagic sealing, sealing, or sea otter hunting in certain waters of North Pacific prohibited; use of ports of United States; importing illegally taken skins,

631c, Natives permitted to carry on pelagic sealing or sea otter hunting,

631d, Killing of seals on Pribilof Islands, other islands, and shores of waters under United States jurisdiction; permission to designated Fish and Wildlife Service officers and employees and Alaskan natives; pelagic sealing in emergencies,

631e, Sale of seal or sea otter skins; deposit of proceeds,

631f, Pribilof Islands a special reservation; landing on islands unlawful; penalties,

631g, Employment of Pribilof Islands native in killing seals and curing skins,

631h, Depots for and transportation of provisions from mainland to Pribilof Islands; care of natives,

631i, Investigations as to seal life on the Pribilof Islands,

631j, Persons authorized to enforce provisions of seal fisheries law; powers of arrest, search, and seizure; execution of warrants; forfeiture,

631k, Punishment for violation of law; forfeiture,

631*l*, Duties of collectors of customs regarding importation of skins of fur seal and see otter,

631m, Seizure of persons or vessels outside of jurisdiction of signatory powers; procedure,

631n, Guard or patrol of waters; composition,

631*o*, Receipt and disposal of skins by United States,

631p, Killing, capturing, etc., certain fur-bearing animals for scientific purposes,

631q, Secretary's powers and duties; employment of personnel.

Subject matter is covered by section 1151 et seq. of this title.

§ 631r. Repealed. July 25, 1947, ch. 327, § 1, 61 Stat. 449

Section, act Feb. 26, 1944, ch. 65, § 19, 58 Stat. 104, limited the duration of the provisions of sections 631a–631q of this title which implement the Provisional Fur-Seal Agreement of 1942 to twelve months after the cessation of hostilities of World War II.

§§ 632 to 644. Repealed. Feb. 26, 1944, ch. 65, § 18, 58 Stat. 104

Section 632, act Aug. 24, 1912, ch. 373, § 1, 37 Stat. 499, prohibited killing seal or sea otter in certain waters of North Pacific.

Section 633, act Aug. 24, 1912, ch. 373, § 2, 37 Stat. 500, forbade equipping vessels for pelagic sealing or sea-otter hunting and use of ports of United States by such vessels.

Section 634, act Aug. 24, 1912, ch. 373, § 3, 37 Stat. 500, permitted natives to carry on pelagic fishing.

Section 635, act Aug. 24, 1912, ch. 373, § 4, 37 Stat. 500, prohibited importing illegally taken skins, and forfeiture thereof.

Section 636, acts Aug. 24, 1912, ch. 373, § 5, 37 Stat. 500; Mar. 4, 1913, ch. 141, § 1, 37 Stat. 736; 1939 Reorg. Plan No. II, § 4(e) eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433, related to regulations made by President, and enforcement of law and regulations.

Section 637, act Aug. 24, 1912, ch. 373, § 6, 37 Stat. 501, related to punishment for violation of law, and forfeitures.

Section 638, act Aug. 24, 1912, ch. 373, § 7, 37 Stat. 501, related to presumption as to violations.

Section 639, act Aug. 24, 1912, ch. 373, § 8, 37 Stat. 501, related to venue of prosecutions.

Section 640, act Aug. 24, 1912, ch. 373, § 9, 37 Stat. 501, related to guard or patrol of waters, and seizure and search of certain vessels.

Section 641, act Aug. 24, 1912, ch. 373, § 10, 37 Stat. 501, related to seizure of vessels outside of jurisdiction of signatory powers, and procedure.