AMENDMENT TO RULES COMM. PRINT 114-21
OFFERED BY MS. MICHELLE LUJAN GRISHAM OF
NEW MEXICO

(HR 2647)

In section 302, strike subsection (a) and insert the following new subsection:

1   (a) BOND REQUIRED.—

2   (1) IN GENERAL.—In the case of a forest man-

3   agement activity developed through a collaborative

4   process or proposed by a resource advisory com-

5   mittee, any plaintiff or plaintiffs challenging the for-

6   est management activity shall be required to post a

7   bond or other security equal to the anticipated costs,

8   expenses, and attorneys fees of the Secretary con-

9   cerned as defendant, as reasonably estimated by the

10   Secretary concerned. All proceedings in the action

11   shall be stayed until the required bond or security is

12   provided.

13   (2) EXCEPTIONS TO BONDING REQUIRE-

14   MENT.—

15   (A) EXCEPTIONS.—This section shall not

16   apply to a plaintiff challenging a forest manage-

17   ment activity if the plaintiff is—

1   (i) a landowner whose land is located
2   in the same county in which the forest
3   management activity will be conducted or
4   an adjacent county;

5   (ii) a nonprofit organization with 100
6   or fewer members; or

7   (iii) a corporation, partnership, or
8   other commercial enterprise with 50 or
9   fewer employees, excluding any employee
10   who is temporary or uncompensated.

11   (B) EFFECT OF MULTIPLE PLAINTIFFS.—
12   In the case of multiple plaintiffs challenging the
13   same forest management activity, if at least one
14   plaintiff is described in subparagraph (A), the
15   exception applies to all plaintiffs challenging
16   that forest management activity.

17   (C) EFFECT OF COMMON CONTROL.—All
18   entities under common control (determined
19   under rules similar to the rules of section 52(b)
20   of the Internal Revenue Code of 1986) shall be
21   treated as a single entity for purposes of deter-
22   mining whether an organization has 100 or
23   fewer members under subparagraph (A)(ii) or a
24   corporation, partnership, or other commercial

3

1   enterprise has 50 or fewer employees under

2   subparagraph (A)(iii) .

☒