



(Original Signature of Member)

119TH CONGRESS  
2D SESSION

**H. R.** \_\_\_\_\_

To provide financial assistance to forest product harvesting and hauling businesses impacted by a significant market disruption, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

Mr. ALLEN introduced the following bill; which was referred to the Committee  
on \_\_\_\_\_

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**A BILL**

To provide financial assistance to forest product harvesting and hauling businesses impacted by a significant market disruption, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Timber Harvesters,  
5 Haulers, and Landowners Market Disruptions Relief  
6 Act”.

1 **SEC. 2. FINANCIAL ASSISTANCE TO FOREST HARVESTING**  
2 **AND HAULING BUSINESSES.**

3 (a) IN GENERAL.—If the Secretary declares a market  
4 disruption under subsection (b), from amounts appro-  
5 priated in subsection (f), the Secretary shall provide finan-  
6 cial assistance payments to eligible entities in accordance  
7 with subsection (c).

8 (b) PROCESS FOR DECLARATION OF A MARKET DIS-  
9 RUPTION.—

10 (1) IN GENERAL.—The Governor of a State or  
11 the Chief of the Forest Service may petition the Sec-  
12 retary to declare a market disruption under para-  
13 graph (2).

14 (2) DECLARATION OF A MARKET DISRUP-  
15 TION.—Not later than 14 days after receiving a peti-  
16 tion under paragraph (1), the Secretary shall—

17 (A) declare a market disruption; or

18 (B) if the Secretary determines such mar-  
19 ket disruption relating to the petition does not  
20 exist, notify the petitioner with an explanation  
21 for such determination.

22 (c) PAYMENTS TO ELIGIBLE ENTITIES.—

23 (1) SOLICITATION.—Not later than 30 days  
24 after declaring a market disruption, the Secretary  
25 shall publish on the website of the United States De-  
26 partment of Agriculture or in the Federal Register

1 a notice of funding availability under this section re-  
2 lating to such market disruption.

3 (2) APPLICATIONS.—

4 (A) APPLICATION DATE.—Not later than  
5 30 days after the publication of a notice of  
6 funding availability under paragraph (1), an eli-  
7 gible entity may apply for financial assistance  
8 by submitting the application described in sub-  
9 section (d)(3) to the Secretary.

10 (B) REVIEW.—Not later than 30 days  
11 after receiving an application under subpara-  
12 graph (A), the Secretary shall approve the ap-  
13 plication, deny the application, or request addi-  
14 tional information from the applicant.

15 (3) PAYMENTS.—

16 (A) INITIAL PAYMENT.—Not later than 14  
17 days after approving an application under para-  
18 graph (2), from amounts appropriated in sub-  
19 section (f), the Secretary shall provide a pay-  
20 ment, to be determined by the Secretary, of not  
21 more than \$20,000 to the applicant.

22 (B) SECOND PAYMENT.—On September 30  
23 following the date of the payment made under  
24 subparagraph (A), the Secretary may provide to  
25 an applicant that received funds under subpara-

1 graph (A) a payment of the difference be-  
2 tween—

3 (i) the payment made to the applicant  
4 under subparagraph (A); and

5 (ii) 30 percent of—

6 (I) the estimated gross revenue  
7 of the eligible entity for the calendar  
8 year of such market disruption; minus

9 (II) the gross revenue of the eli-  
10 gible entity for the preceding calendar  
11 year.

12 (C) SUBSEQUENT PAYMENTS.—

13 (i) REQUEST FOR CONTINUING PAY-  
14 MENT.—In each of the 5 years following  
15 the declaration of a market disruption, the  
16 Governor of a State or the Chief of the  
17 Forest Service that petitioned for the dec-  
18 laration of such market disruption under  
19 subsection (b)(1) may request the Sec-  
20 retary to continue providing payments  
21 under this section.

22 (ii) DETERMINATION.—Upon receiv-  
23 ing a request described in clause (i), the  
24 Secretary shall—

1 (I) determine whether the market  
2 conditions described in the applicable  
3 petition under subsection (b)(1) have  
4 improved; and

5 (II) if such market conditions  
6 have not improved, pay an eligible en-  
7 tity an amount equal to 50 percent of  
8 the sum of payments under subpara-  
9 graphs (A) and (B) previously made  
10 to such eligible entity.

11 (4) PRORATION.—To the extent that amounts  
12 appropriated under subsection (f) to carry out sub-  
13 paragraphs (B) and (C) of paragraph (3) are insuf-  
14 ficient, the Secretary shall prorate amounts provided  
15 under such subparagraphs.

16 (5) ALLOWABLE USES.—An eligible entity that  
17 receives a payment under this section may only use  
18 the funds from such payment for—

19 (A) an operational expense (which may in-  
20 clude payroll, fuel, equipment repairs, and debt  
21 service related to forest product harvesting or  
22 hauling); or

23 (B) expanding access to another market  
24 opportunity in the forest product sector.

25 (d) PROCEDURES.—

1 (1) APPEALS.—

2 (A) SUBMISSION.—Not later than 30 days  
3 after the Secretary denies an application for  
4 payment under subsection (c)(2)(B), an appli-  
5 cant may submit an appeal to the National Ap-  
6 peals Division of the Department of Agri-  
7 culture.

8 (B) DECISION.—Not later than 30 days  
9 after receiving an appeal under subparagraph  
10 (A), the National Appeals Division of the De-  
11 partment of Agriculture shall issue a decision  
12 on such appeal.

13 (2) FALSE CLAIMS.—An entity that submits  
14 fraudulent information in any application under this  
15 section—

16 (A) may not receive any funds under this  
17 section; and

18 (B) shall be subject to fines, as determined  
19 to be appropriate by the Secretary.

20 (3) DEVELOPMENT OF APPLICATION.—Not  
21 later than 60 days after the date of the enactment  
22 of this section, the Secretary shall—

23 (A) establish an application for purposes of  
24 applying for payments under this section; and

1 (B) develop such application without re-  
2 gard to—

3 (i) the notice and comment provisions  
4 of section 553 of title 5, United States  
5 Code; and

6 (ii) chapter 35 of title 44, United  
7 States Code (commonly known as the “Pa-  
8 perwork Reduction Act”).

9 (e) REPORT.—For each year in which the Secretary  
10 makes a payment under this section, the Secretary shall  
11 submit a report to Congress that summarizes each pay-  
12 ment made and each activity carried out under this section  
13 during such year.

14 (f) APPROPRIATION.—There is appropriated to carry  
15 out this section for each fiscal year an amount equal to  
16 the total amount collected in anti-dumping and counter-  
17 vailing duties on articles the Secretary determines are  
18 softwood lumber articles imported into the United States  
19 from Canada during that fiscal year.

20 (g) DEFINITIONS.—In this section:

21 (1) The term “eligible entity” means a forest  
22 product harvesting business (including a landowner  
23 that profits from timber grown on such land) or a  
24 forest product hauling business, that—

1 (A) has suffered revenue loss related to a  
2 market disruption;

3 (B) has, in the calendar year preceding  
4 such market disruption, earned at least  
5 \$35,000 in Federal taxable income by selling,  
6 harvesting, or hauling an unrefined forest prod-  
7 uct;

8 (C) derives not less than 75 percent of its  
9 gross revenue from—

10 (i) forest product harvesting; or

11 (ii) forest product hauling activity;

12 and

13 (D) in the case of a landowner that profits  
14 from timber grown on such land, has in at least  
15 4 of the 5 previous calendar years sold not less  
16 than—

17 (i) 1,000,000 board feet of sawtimber;

18 (ii) 2,000 cords of pulpwood; or

19 (iii) 5,000 green tons of any form of  
20 timber.

21 (2) The term “gross revenue” means the gross  
22 revenue generated by an eligible entity from forest  
23 product harvesting or forest product hauling service,  
24 within the normal range of operation of an eligible  
25 entity, as determined by the Secretary.



1 (3) The term “region” means a—

2 (A) State; or

3 (B) one of two portions of a State, as de-  
4 lineated by the Governor of that State or the  
5 Chief of the Forest Service.

6 (4) The term “Secretary” means the Secretary  
7 of Agriculture, acting through the Administrator of  
8 the Farm Services Agency.

9 (5) The term “market disruption” means—

10 (A) the closure or idling, during the 5  
11 years preceding the date of the petition under  
12 subsection (b), of one or more processing facil-  
13 ity for a particular forest product, including a  
14 pulp mill that process pine pulpwood, that rep-  
15 resents a loss of at least 20 percent processing  
16 capacity for that forest product within a region;

17 (B) a trade barrier imposed by a foreign  
18 entity that results in a national reduction of at  
19 least 50 percent in export receipts for a par-  
20 ticular forest product, including hardwood lum-  
21 ber and Douglas-fir sawlogs, as compared to  
22 the export receipts from the year preceding the  
23 date of the petition under subsection (b);

24 (C) a decrease, during the 2 years pre-  
25 ceding the date of the petition under subsection

1 (b), of at least 50 percent of the average  
2 stumpage price or delivered price of a particular  
3 forest product in a region;

4 (D) at least 20 percent of a region by area  
5 has, during the 10 years preceding the date of  
6 the petition under subsection (b), lost access to  
7 previously existing markets for a particular for-  
8 est product; or

9 (E) an event that poses a significant threat  
10 to the viability of timber harvesting and hauling  
11 operations in the United States.