

In the Senate of the United States,

October 6 (legislative day, September 22), 2000.

Resolved, That the bill from the House of Representatives (H.R. 2389) entitled “An Act to restore stability and predictability to the annual payments made to States and counties containing National Forest System lands and public domain lands managed by the Bureau of Land Management for use by the counties for the benefit of public schools, roads, and other purposes.”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

1 ***SECTION 1. SHORT TITLE; TABLE OF CONTENTS.***

2 (a) *SHORT TITLE.*—*This Act may be cited as the “Se-*
3 *cure Rural Schools and Community Self-Determination Act*
4 *of 2000”.*

5 (b) *Table of Contents.*—*The table of contents of this*
6 *Act is as follows:*

Sec. 1. Short title; table of contents.

Sec. 2. Findings and purposes.

Sec. 3. Definitions.

Sec. 4. Conforming amendment.

*TITLE I—SECURE PAYMENTS FOR STATES AND COUNTIES
CONTAINING FEDERAL LANDS*

- Sec. 101. Determination of full payment amount for eligible States and counties.*
Sec. 102. Payments to States from National Forest Service lands for use by counties to benefit public education and transportation.
Sec. 103. Payments to counties from Bureau of Land Management lands for use to benefit public safety, law enforcement, education, and other public purposes.

TITLE II—SPECIAL PROJECTS ON FEDERAL LANDS

- Sec. 201. Definitions.*
Sec. 202. General limitation on use of project funds.
Sec. 203. Submission of project proposals.
Sec. 204. Evaluation and approval of projects by Secretary concerned.
Sec. 205. Resource advisory committees.
Sec. 206. Use of project funds.
Sec. 207. Availability of project funds.
Sec. 208. Termination of authority.

TITLE III—COUNTY PROJECTS

- Sec. 301. Definitions.*
Sec. 302. Use of county funds.
Sec. 303. Termination of authority.

TITLE IV—MISCELLANEOUS PROVISIONS

- Sec. 401. Authorization of appropriations.*
Sec. 402. Treatment of funds and revenues.
Sec. 403. Regulations.
Sec. 404. Conforming amendments.

TITLE V—MINERAL REVENUE PAYMENTS CLARIFICATION

- Sec. 501. Short title.*
Sec. 502. Findings.
Sec. 503. Amendment of the Mineral Leasing Act.

TITLE VI—COMMUNITY FOREST RESTORATION

- Sec. 601. Short title.*
Sec. 602. Findings.
Sec. 603. Purposes.
Sec. 604. Definitions.
Sec. 605. Establishment of program.
Sec. 606. Selection process.
Sec. 607. Monitoring and evaluation.
Sec. 608. Report.
Sec. 609. Authorization of appropriations.

1 SEC. 2. FINDINGS AND PURPOSES.

- 2 (a) FINDINGS.**—*The Congress finds the following:*

1 (1) *The National Forest System, which is man-*
2 *aged by the United States Forest Service, was estab-*
3 *lished in 1907 and has grown to include approxi-*
4 *mately 192,000,000 acres of Federal lands.*

5 (2) *The public domain lands known as revested*
6 *Oregon and California Railroad grant lands and the*
7 *reconveyed Coos Bay Wagon Road grant lands, which*
8 *are managed predominantly by the Bureau of Land*
9 *Management were returned to Federal ownership in*
10 *1916 and 1919 and now comprise approximately*
11 *2,600,000 acres of Federal lands.*

12 (3) *Congress recognized that, by its decision to*
13 *secure these lands in Federal ownership, the counties*
14 *in which these lands are situated would be deprived*
15 *of revenues they would otherwise receive if the lands*
16 *were held in private ownership.*

17 (4) *These same counties have expended public*
18 *funds year after year to provide services, such as edu-*
19 *cation, road construction and maintenance, search*
20 *and rescue, law enforcement, waste removal, and fire*
21 *protection, that directly benefit these Federal lands*
22 *and people who use these lands.*

23 (5) *To accord a measure of compensation to the*
24 *affected counties for the critical services they provide*
25 *to both county residents and visitors to these Federal*

1 *lands, Congress determined that the Federal Govern-*
2 *ment should share with these counties a portion of the*
3 *revenues the United States receives from these Federal*
4 *lands.*

5 *(6) Congress enacted in 1908 and subsequently*
6 *amended a law that requires that 25 percent of the*
7 *revenues derived from National Forest System lands*
8 *be paid to States for use by the counties in which the*
9 *lands are situated for the benefit of public schools and*
10 *roads.*

11 *(7) Congress enacted in 1937 and subsequently*
12 *amended a law that requires that 75 percent of the*
13 *revenues derived from the revested and reconveyed*
14 *grant lands be paid to the counties in which those*
15 *lands are situated to be used as are other county*
16 *funds, of which 50 percent is to be used as other coun-*
17 *ty funds.*

18 *(8) For several decades primarily due to the*
19 *growth of the Federal timber sale program, counties*
20 *dependent on and supportive of these Federal lands*
21 *received and relied on increasing shares of these reve-*
22 *nuces to provide funding for schools and road mainte-*
23 *nance.*

24 *(9) In recent years, the principal source of these*
25 *revenues, Federal timber sales, has been sharply cur-*

1 *tailed and, as the volume of timber sold annually*
2 *from most of the Federal lands has decreased precipi-*
3 *tously, so too have the revenues shared with the af-*
4 *ected counties.*

5 *(10) This decline in shared revenues has affected*
6 *educational funding and road maintenance for many*
7 *counties.*

8 *(11) In the Omnibus Budget Reconciliation Act*
9 *of 1993, Congress recognized this trend and amelio-*
10 *rated its adverse consequences by providing an alter-*
11 *native annual safety net payment to 72 counties in*
12 *Oregon, Washington, and northern California in*
13 *which Federal timber sales had been restricted or pro-*
14 *hibited by administrative and judicial decisions to*
15 *protect the northern spotted owl.*

16 *(12) The authority for these particular safety net*
17 *payments is expiring and no comparable authority*
18 *has been granted for alternative payments to counties*
19 *elsewhere in the United States that have suffered*
20 *similar losses in shared revenues from the Federal*
21 *lands and in the funding for schools and roads those*
22 *revenues provide.*

23 *(13) There is a need to stabilize education and*
24 *road maintenance funding through predictable pay-*
25 *ments to the affected counties, job creation in those*

1 *counties, and other opportunities associated with res-*
2 *toration, maintenance, and stewardship of Federal*
3 *lands.*

4 *(14) Both the Forest Service and the Bureau of*
5 *Land Management face significant backlogs in infra-*
6 *structure maintenance and ecosystem restoration that*
7 *are difficult to address through annual appropria-*
8 *tions.*

9 *(15) There is a need to build new, and strength-*
10 *en existing, relationships and to improve manage-*
11 *ment of public lands and waters.*

12 *(b) PURPOSES.—The purposes of this Act are as fol-*
13 *lows:*

14 *(1) To stabilize payments to counties to provide*
15 *funding for schools and roads that supplements other*
16 *available funds.*

17 *(2) To make additional investments in, and cre-*
18 *ate additional employment opportunities through,*
19 *projects that improve the maintenance of existing in-*
20 *frastructure, implement stewardship objectives that*
21 *enhance forest ecosystems, and restore and improve*
22 *land health and water quality. Such projects shall*
23 *enjoy broad-based support with objectives that may*
24 *include, but are not limited to—*

1 (A) road, trail, and infrastructure mainte-
2 nance or obliteration;

3 (B) soil productivity improvement;

4 (C) improvements in forest ecosystem
5 health;

6 (D) watershed restoration and maintenance;

7 (E) restoration, maintenance and improve-
8 ment of wildlife and fish habitat;

9 (F) control of noxious and exotic weeds; and

10 (G) reestablishment of native species.

11 (3) To improve cooperative relationships among
12 the people that use and care for Federal lands and the
13 agencies that manage these lands.

14 **SEC. 3. DEFINITIONS.**

15 *In this Act:*

16 (1) **FEDERAL LANDS.**—The term “Federal lands”
17 means—

18 (A) lands within the National Forest Sys-
19 tem, as defined in section 11(a) of the Forest and
20 Rangeland Renewable Resources Planning Act of
21 1974 (16 U.S.C. 1609(a)) exclusive of the Na-
22 tional Grasslands and land utilization projects
23 designated as National Grasslands administered
24 pursuant to the Act of July 22, 1937 (7 U.S.C.
25 1010–1012); and

1 (B) such portions of the revested Oregon
2 and California Railroad and reconveyed Coos
3 Bay Wagon Road grant lands as are or may
4 hereafter come under the jurisdiction of the De-
5 partment of the Interior, which have heretofore
6 or may hereafter be classified as timberlands,
7 and power-site lands valuable for timber, that
8 shall be managed, except as provided in the
9 former section 3 of the Act of August 28, 1937
10 (50 Stat. 875; 43 U.S.C. 1181c), for permanent
11 forest production.

12 (2) *ELIGIBILITY PERIOD.*—The term “eligibility
13 period” means fiscal year 1986 through fiscal year
14 1999.

15 (3) *ELIGIBLE COUNTY.*—The term “eligible coun-
16 ty” means a county that received 50-percent pay-
17 ments for one or more fiscal years of the eligibility
18 period or a county that received a portion of an eligi-
19 ble State’s 25-percent payments for one or more fiscal
20 years of the eligibility period. The term includes a
21 county established after the date of the enactment of
22 this Act so long as the county includes all or a por-
23 tion of a county described in the preceding sentence.

1 (4) *ELIGIBLE STATE.*—The term “eligible State”
2 means a State that received 25-percent payments for
3 one or more fiscal years of the eligibility period.

4 (5) *FULL PAYMENT AMOUNT.*—The term “full
5 payment amount” means the amount calculated for
6 each eligible State and eligible county under section
7 101.

8 (6) *25-PERCENT PAYMENT.*—The term “25-per-
9 cent payment” means the payment to States required
10 by the sixth paragraph under the heading of “FOR-
11 EST SERVICE” in the Act of May 23, 1908 (35
12 Stat. 260; 16 U.S.C. 500), and section 13 of the Act
13 of March 1, 1911 (36 Stat. 963; 16 U.S.C. 500).

14 (7) *50-PERCENT PAYMENT.*—The term “50-per-
15 cent payment” means the payment that is the sum of
16 the 50-percent share otherwise paid to a county pur-
17 suant to title II of the Act of August 28, 1937 (chap-
18 ter 876; 50 Stat. 875; 43 U.S.C. 1181f), and the pay-
19 ment made to a county pursuant to the Act of May
20 24, 1939 (chapter 144; 53 Stat. 753; 43 U.S.C. 1181f-
21 1 et seq.).

22 (8) *SAFETY NET PAYMENTS.*—The term “safety
23 net payments” means the special payment amounts
24 paid to States and counties required by section 13982
25 or 13983 of the Omnibus Budget Reconciliation Act

1 of 1993 (Public Law 103–66; 16 U.S.C. 500 note; 43
2 U.S.C. 1181f note).

3 **SEC. 4. CONFORMING AMENDMENT.**

4 Section 6903(a)(1)(C) of title 31, United States Code,
5 is amended by inserting after “(16 U.S.C. 500)” the fol-
6 lowing: “or the Secure Rural Schools and Community Self-
7 Determination Act of 2000”.

8 **TITLE I—SECURE PAYMENTS**
9 **FOR STATES AND COUNTIES**
10 **CONTAINING FEDERAL LANDS**

11 **SEC. 101. DETERMINATION OF FULL PAYMENT AMOUNT**
12 **FOR ELIGIBLE STATES AND COUNTIES.**

13 (a) *CALCULATION REQUIRED.*—

14 (1) *ELIGIBLE STATES.*—For fiscal years 2001
15 through 2006, the Secretary of the Treasury shall cal-
16 culate for each eligible State that received a 25-per-
17 cent payment during the eligibility period an amount
18 equal to the average of the three highest 25-percent
19 payments and safety net payments made to that eligi-
20 ble State for the fiscal years of the eligibility period.

21 (2) *BUREAU OF LAND MANAGEMENT COUN-*
22 *TIES.*—For fiscal years 2001 through 2006, the Sec-
23 retary of the Treasury shall calculate for each eligible
24 county that received a 50-percent payment during the
25 eligibility period an amount equal to the average of

1 *the three highest 50-percent payments and safety net*
2 *payments made to that eligible county for the fiscal*
3 *years of the eligibility period.*

4 *(b) ANNUAL ADJUSTMENT.—For each fiscal year in*
5 *which payments are required to be made to eligible States*
6 *and eligible counties under this title, the Secretary of the*
7 *Treasury shall adjust the full payment amount for the pre-*
8 *vious fiscal year for each eligible State and eligible county*
9 *to reflect 50 percent of the changes in the consumer price*
10 *index for rural areas (as published in the Bureau of Labor*
11 *Statistics) that occur after publication of that index for fis-*
12 *cal year 2000.*

13 **SEC. 102. PAYMENTS TO STATES FROM NATIONAL FOREST**
14 **SYSTEM LANDS FOR USE BY COUNTIES TO**
15 **BENEFIT PUBLIC EDUCATION AND TRANS-**
16 **PORTATION.**

17 *(a) PAYMENT AMOUNTS.—The Secretary of the Treas-*
18 *ury shall pay an eligible State the sum of the amounts elect-*
19 *ed under subsection (b) by each eligible county for either—*

20 *(1) the 25-percent payment under the Act of May*
21 *23, 1908 (16 U.S.C. 500), and section 13 of the Act*
22 *of March 1, 1911 (16 U.S.C. 500); or*

23 *(2) the full payment amount in place of the 25-*
24 *percent payment.*

25 *(b) ELECTION TO RECEIVE PAYMENT AMOUNT.—*

1 (1) *ELECTION; SUBMISSION OF RESULTS.*—*The*
2 *election to receive either the full payment amount or*
3 *the 25-percent payment shall be made at the discre-*
4 *tion of each affected county and transmitted to the*
5 *Secretary by the Governor of a State.*

6 (2) *DURATION OF ELECTION.*—*A county election*
7 *to receive the 25-percent payment shall be effective for*
8 *two fiscal years. When a county elects to receive the*
9 *full payment amount, such election shall be effective*
10 *for all the subsequent fiscal years through fiscal year*
11 *2006.*

12 (3) *SOURCE OF PAYMENT AMOUNTS.*—*The pay-*
13 *ment to an eligible State under this section for a fis-*
14 *cal year shall be derived from any revenues, fees, pen-*
15 *alties, or miscellaneous receipts, exclusive of deposits*
16 *to any relevant trust fund, or special accounts, re-*
17 *ceived by the Federal Government from activities by*
18 *the Forest Service on the Federal lands described in*
19 *section 3(1)(A) and to the extent of any shortfall, out*
20 *of any funds in the Treasury not otherwise appro-*
21 *priated.*

22 (c) *DISTRIBUTION AND EXPENDITURE OF PAY-*
23 *MENTS.*—

24 (1) *DISTRIBUTION METHOD.*—*A State that re-*
25 *ceives a payment under subsection (a) shall distribute*

1 *the payment among all eligible counties in the State*
2 *in accordance with the Act of May 23, 1908 (16*
3 *U.S.C. 500), and section 13 of the Act of March 1,*
4 *1911 (36 Stat. 963; 16 U.S.C. 500).*

5 (2) *EXPENDITURE PURPOSES.—Subject to sub-*
6 *section (d), payments received by a State under sub-*
7 *section (a) and distributed to eligible counties shall be*
8 *expended as required by the laws referred to in para-*
9 *graph (1).*

10 (d) *EXPENDITURE RULES FOR ELIGIBLE COUNTIES.—*

11 (1) *ALLOCATIONS.—*

12 (A) *USE OF PORTION IN SAME MANNER AS*
13 *25-PERCENT PAYMENTS.—If an eligible county*
14 *elects to receive its share of the full payment*
15 *amount, not less than 80 percent, but not more*
16 *than 85 percent, of the funds shall be expended*
17 *in the same manner in which the 25-percent*
18 *payments are required to be expended.*

19 (B) *ELECTION AS TO USE OF BALANCE.—*
20 *An eligible county shall elect to do one or more*
21 *of the following with the balance of the funds not*
22 *expended pursuant to subparagraph (A):*

23 (i) *Reserve the balance for projects in*
24 *accordance with title II.*

1 (ii) Reserve the balance for projects in
2 accordance with title III.

3 (iii) Return the balance to the General
4 Treasury in accordance with section 402(b).

5 (2) DISTRIBUTION OF FUNDS.—

6 (A) TREATMENT OF TITLE II FUNDS.—
7 Funds reserved by an eligible county under
8 paragraph (1)(B)(i) shall be deposited in a spe-
9 cial account in the Treasury of the United States
10 and shall be available for expenditure by the Sec-
11 retary of Agriculture, without further appropria-
12 tion, and shall remain available until expended
13 in accordance with title II.

14 (B) TREATMENT OF TITLE III FUNDS.—
15 Funds reserved by an eligible county under
16 paragraph (1)(B)(ii) shall be available for ex-
17 penditure by the county and shall remain avail-
18 able, until expended, in accordance with title III.

19 (3) ELECTION.—

20 (A) IN GENERAL.—An eligible county shall
21 notify the Secretary of Agriculture of its election
22 under this subsection not later than September
23 30 of each fiscal year. If the eligible county fails
24 to make an election by that date, the county is
25 deemed to have elected to expend 85 percent of

1 *the funds to be received under this section in the*
2 *same manner in which the 25-percent payments*
3 *are required to be expended, and shall remit the*
4 *balance to the Treasury of the United States in*
5 *accordance with section 402(b).*

6 *(B) COUNTIES WITH MINOR DISTRIBUTIONS.—Notwithstanding any adjustment made*
7 *pursuant to section 101(b) in the case of each eli-*
8 *gible county to which less than \$100,000 is dis-*
9 *tributed for any fiscal year pursuant to sub-*
10 *section (c)(1), the eligible county may elect to ex-*
11 *pend all such funds in accordance with sub-*
12 *section (c)(2).*

13 *(e) TIME FOR PAYMENT.—The payment to an eligible*
14 *State under this section for a fiscal year shall be made as*
15 *soon as practicable after the end of that fiscal year.*

16 **SEC. 103. PAYMENTS TO COUNTIES FROM BUREAU OF LAND**
17 **MANAGEMENT LANDS FOR USE TO BENEFIT**
18 **PUBLIC SAFETY, LAW ENFORCEMENT, EDU-**
19 **CATION, AND OTHER PUBLIC PURPOSES.**

20 *(a) PAYMENT.—The Secretary of the Treasury shall*
21 *pay an eligible county either—*

22 *(1) the 50-percent payment under the Act of Au-*
23 *gust 28, 1937 (43 U.S.C. 1181f), or the Act of May*
24 *24, 1939 (43 U.S.C. 1181f–1) as appropriate; or*
25

1 (2) *the full payment amount in place of the 50-*
2 *percent payment.*

3 (b) *ELECTION TO RECEIVE FULL PAYMENT*
4 *AMOUNT.—*

5 (1) *ELECTION; DURATION.—The election to re-*
6 *ceive the full payment amount shall be made at the*
7 *discretion of the county. Once the election is made, it*
8 *shall be effective for the fiscal year in which the elec-*
9 *tion is made and all subsequent fiscal years through*
10 *fiscal year 2006.*

11 (2) *SOURCE OF PAYMENT AMOUNTS.—The pay-*
12 *ment to an eligible county under this section for a fis-*
13 *cal year shall be derived from any revenues, fees, pen-*
14 *alties, or miscellaneous receipts, exclusive of deposits*
15 *to any relevant trust fund, or permanent operating*
16 *funds, received by the Federal Government from ac-*
17 *tivities by the Bureau of Land Management on the*
18 *Federal lands described in section 3(1)(B) and to the*
19 *extent of any shortfall, out of any funds in the Treas-*
20 *ury not otherwise appropriated.*

21 (c) *EXPENDITURE RULES FOR ELIGIBLE COUNTIES.—*

22 (1) *ALLOCATIONS.—*

23 (A) *USE OF PORTION IN SAME MANNER AS*
24 *50-PERCENT PAYMENTS.—Of the funds to be paid*
25 *to an eligible county pursuant to subsection*

1 (a)(2), not less than 80 percent, but not more
2 than 85 percent, of the funds distributed to the
3 eligible county shall be expended in the same
4 manner in which the 50-percent payments are
5 required to be expended.

6 (B) *ELECTION AS TO USE OF BALANCE.*—

7 An eligible county shall elect to do one or more
8 of the following with the balance of the funds not
9 expended pursuant to subparagraph (A):

10 (i) Reserve the balance for projects in
11 accordance with title II.

12 (ii) Reserve the balance for projects in
13 accordance with title III.

14 (iii) Return the balance to the General
15 Treasury in accordance with section 402(b).

16 (2) *DISTRIBUTION OF FUNDS.*—

17 (A) *TREATMENT OF TITLE II FUNDS.*—

18 Funds reserved by an eligible county under
19 paragraph (1)(B)(i) shall be deposited in a spe-
20 cial account in the Treasury of the United States
21 and shall be available for expenditure by the Sec-
22 retary of the Interior, without further appropria-
23 tion, and shall remain available until expended
24 in accordance with title II.

1 (B) *TREATMENT OF TITLE III FUNDS.*—
2 *Funds reserved by an eligible county under*
3 *paragraph (1)(B)(ii) shall be available for ex-*
4 *penditure by the county and shall remain avail-*
5 *able, until expended, in accordance with title III.*

6 (3) *ELECTION.*—*An eligible county shall notify*
7 *the Secretary of the Interior of its election under this*
8 *subsection not later than September 30 of each fiscal*
9 *year. If the eligible county fails to make an election*
10 *by that date, the county is deemed to have elected to*
11 *expend 85 percent of the funds received under sub-*
12 *section (a)(2) in the same manner in which the 50-*
13 *percent payments are required to be expended and*
14 *shall remit the balance to the Treasury of the United*
15 *States in accordance with section 402(b).*

16 (d) *TIME FOR PAYMENT.*—*The payment to an eligible*
17 *county under this section for a fiscal year shall be made*
18 *as soon as practicable after the end of that fiscal year.*

19 **TITLE II—SPECIAL PROJECTS ON** 20 **FEDERAL LANDS**

21 **SEC. 201. DEFINITIONS.**

22 *In this title:*

23 (1) *PARTICIPATING COUNTY.*—*The term “partici-*
24 *pating county” means an eligible county that elects*
25 *under section 102(d)(1)(B)(i) or 103(c)(1)(B)(i) to ex-*

1 *pend a portion of the Federal funds received under*
2 *section 102 or 103 in accordance with this title.*

3 (2) *PROJECT FUNDS.*—*The term “project funds”*
4 *means all funds an eligible county elects under sec-*
5 *tions 102(d)(1)(B)(i) and 103(c)(1)(B)(i) to reserve*
6 *for expenditure in accordance with this title.*

7 (3) *RESOURCE ADVISORY COMMITTEE.*—*The*
8 *term “resource advisory committee” means an advi-*
9 *sory committee established by the Secretary concerned*
10 *under section 205, or determined by the Secretary*
11 *concerned to meet the requirements of section 205.*

12 (4) *RESOURCE MANAGEMENT PLAN.*—*The term*
13 *“resource management plan” means a land use plan*
14 *prepared by the Bureau of Land Management for*
15 *units of the Federal lands described in section 3(1)(B)*
16 *pursuant to section 202 of the Federal Land Policy*
17 *and Management Act of 1976 (43 U.S.C. 1712) or a*
18 *land and resource management plan prepared by the*
19 *Forest Service for units of the National Forest System*
20 *pursuant to section 6 of the Forest and Rangeland*
21 *Renewable Resources Planning Act of 1974 (16*
22 *U.S.C. 1604).*

23 (5) *SECRETARY CONCERNED.*—*The term “Sec-*
24 *retary concerned” means—*

1 (A) the Secretary of Agriculture or the des-
2 ignee of the Secretary of Agriculture with respect
3 to the Federal lands described in section 3(1)(A);
4 and

5 (B) the Secretary of the Interior or the des-
6 ignee of the Secretary of the Interior with respect
7 to the Federal lands described in section 3(1)(B).

8 **SEC. 202. GENERAL LIMITATION ON USE OF PROJECT**
9 **FUNDS.**

10 *Project funds shall be expended solely on projects that*
11 *meet the requirements of this title. Project funds may be*
12 *used by the Secretary concerned for the purpose of entering*
13 *into and implementing cooperative agreements with willing*
14 *Federal agencies, State and local governments, private and*
15 *nonprofit entities, and landowners for protection, restora-*
16 *tion and enhancement of fish and wildlife habitat, and*
17 *other resource objectives consistent with the purposes of this*
18 *title on Federal land and on non-Federal land where*
19 *projects would benefit these resources on Federal land.*

20 **SEC. 203. SUBMISSION OF PROJECT PROPOSALS.**

21 (a) *SUBMISSION OF PROJECT PROPOSALS TO SEC-*
22 *RETARY CONCERNED.—*

23 (1) *PROJECTS FUNDED USING PROJECT*
24 *FUNDS.—Not later than September 30 for fiscal year*
25 *2001, and each September 30 thereafter for each suc-*

1 *ceeding fiscal year through fiscal year 2006, each re-*
2 *source advisory committee shall submit to the Sec-*
3 *retary concerned a description of any projects that the*
4 *resource advisory committee proposes the Secretary*
5 *undertake using any project funds reserved by eligible*
6 *counties in the area in which the resource advisory*
7 *committee has geographic jurisdiction.*

8 *(2) PROJECTS FUNDED USING OTHER FUNDS.—*
9 *A resource advisory committee may submit to the Sec-*
10 *retary concerned a description of any projects that the*
11 *committee proposes the Secretary undertake using*
12 *funds from State or local governments, or from the*
13 *private sector, other than project funds and funds ap-*
14 *propriated and otherwise available to do similar*
15 *work.*

16 *(3) JOINT PROJECTS.—Participating counties or*
17 *other persons may propose to pool project funds or*
18 *other funds, described in paragraph (2), and jointly*
19 *propose a project or group of projects to a resource*
20 *advisory committee established under section 205.*

21 *(b) REQUIRED DESCRIPTION OF PROJECTS.—In sub-*
22 *mitting proposed projects to the Secretary concerned under*
23 *subsection (a), a resource advisory committee shall include*
24 *in the description of each proposed project the following in-*
25 *formation:*

1 (1) *The purpose of the project and a description*
2 *of how the project will meet the purposes of this Act.*

3 (2) *The anticipated duration of the project.*

4 (3) *The anticipated cost of the project.*

5 (4) *The proposed source of funding for the*
6 *project, whether project funds or other funds.*

7 (5) *Expected outcomes, including how the project*
8 *will meet or exceed desired ecological conditions,*
9 *maintenance objectives, or stewardship objectives, as*
10 *well as an estimation of the amount of any timber,*
11 *forage, and other commodities and other economic ac-*
12 *tivity, including jobs generated, if any, anticipated as*
13 *part of the project.*

14 (6) *A detailed monitoring plan, including fund-*
15 *ing needs and sources, that tracks and identifies the*
16 *positive or negative impacts of the project, implemen-*
17 *tation, and provides for validation monitoring. The*
18 *monitoring plan shall include an assessment of the*
19 *following: Whether or not the project met or exceeded*
20 *desired ecological conditions; created local employ-*
21 *ment or training opportunities, including summer*
22 *youth jobs programs such as the Youth Conservation*
23 *Corps where appropriate; and whether the project im-*
24 *proved the use of, or added value to, any products re-*

1 *moved from lands consistent with the purposes of this*
2 *Act.*

3 *(7) An assessment that the project is to be in the*
4 *public interest.*

5 *(c) AUTHORIZED PROJECTS.—Projects proposed under*
6 *subsection (a) shall be consistent with section 2(b).*

7 **SEC. 204. EVALUATION AND APPROVAL OF PROJECTS BY**
8 **SECRETARY CONCERNED.**

9 *(a) CONDITIONS FOR APPROVAL OF PROPOSED*
10 *PROJECT.—The Secretary concerned may make a decision*
11 *to approve a project submitted by a resource advisory com-*
12 *mittee under section 203 only if the proposed project satis-*
13 *fies each of the following conditions:*

14 *(1) The project complies with all applicable Fed-*
15 *eral laws and regulations.*

16 *(2) The project is consistent with the applicable*
17 *resource management plan and with any watershed*
18 *or subsequent plan developed pursuant to the resource*
19 *management plan and approved by the Secretary*
20 *concerned.*

21 *(3) The project has been approved by the resource*
22 *advisory committee in accordance with section 205,*
23 *including the procedures issued under subsection (e)*
24 *of such section.*

1 (4) *A project description has been submitted by*
2 *the resource advisory committee to the Secretary con-*
3 *cerned in accordance with section 203.*

4 (5) *The project will improve the maintenance of*
5 *existing infrastructure, implement stewardship objec-*
6 *tives that enhance forest ecosystems, and restore and*
7 *improve land health and water quality.*

8 (b) *ENVIRONMENTAL REVIEWS.—*

9 (1) *PAYMENT OF REVIEW COSTS.—*

10 (A) *REQUEST FOR PAYMENT BY COUNTY.—*

11 *The Secretary concerned may request the re-*
12 *source advisory committee submitting a proposed*
13 *project to agree to the use of project funds to pay*
14 *for any environmental review, consultation, or*
15 *compliance with applicable environmental laws*
16 *required in connection with the project. When*
17 *such a payment is requested and the resource ad-*
18 *visory committee agrees to the expenditure of*
19 *funds for this purpose, the Secretary concerned*
20 *shall conduct environmental review, consultation,*
21 *or other compliance responsibilities in accord-*
22 *ance with Federal law and regulations.*

23 (B) *EFFECT OF REFUSAL TO PAY.—If a re-*
24 *source advisory committee does not agree to the*
25 *expenditure of funds under subparagraph (A),*

1 *the project shall be deemed withdrawn from fur-*
2 *ther consideration by the Secretary concerned*
3 *pursuant to this title. Such a withdrawal shall*
4 *be deemed to be a rejection of the project for pur-*
5 *poses of section 207(c).*

6 *(c) DECISIONS OF SECRETARY CONCERNED.—*

7 *(1) REJECTION OF PROJECTS.—A decision by the*
8 *Secretary concerned to reject a proposed project shall*
9 *be at the Secretary's sole discretion. Notwithstanding*
10 *any other provision of law, a decision by the Sec-*
11 *retary concerned to reject a proposed project shall not*
12 *be subject to administrative appeal or judicial review.*
13 *Within 30 days after making the rejection decision,*
14 *the Secretary concerned shall notify in writing the re-*
15 *source advisory committee that submitted the pro-*
16 *posed project of the rejection and the reasons for rejec-*
17 *tion.*

18 *(2) NOTICE OF PROJECT APPROVAL.—The Sec-*
19 *retary concerned shall publish in the Federal Register*
20 *notice of each project approved under subsection (a)*
21 *if such notice would be required had the project origi-*
22 *nated with the Secretary.*

23 *(d) SOURCE AND CONDUCT OF PROJECT.—Once the*
24 *Secretary concerned accepts a project for review under sec-*

1 *tion 203, it shall be deemed a Federal action for all pur-*
2 *poses.*

3 *(e) IMPLEMENTATION OF APPROVED PROJECTS.—*

4 *(1) COOPERATION.—Notwithstanding chapter 63*
5 *of title 31, United States Code, using project funds*
6 *the Secretary concerned may enter into contracts,*
7 *grants, and cooperative agreements with States and*
8 *local governments, private and nonprofit entities, and*
9 *landowners and other persons to assist the Secretary*
10 *in carrying out an approved project.*

11 *(2) BEST VALUE CONTRACTING.—For any project*
12 *involving a contract authorized by paragraph (1) the*
13 *Secretary concerned may elect a source for perform-*
14 *ance of the contract on a best value basis. The Sec-*
15 *retary concerned shall determine best value based on*
16 *such factors as:*

17 *(A) The technical demands and complexity*
18 *of the work to be done.*

19 *(B) The ecological objectives of the project*
20 *and the sensitivity of the resources being treated.*

21 *(C) The past experience by the contractor*
22 *with the type of work being done, using the type*
23 *of equipment proposed for the project, and meet-*
24 *ing or exceeding desired ecological conditions.*

1 (D) *The commitment of the contractor to*
2 *hiring highly qualified workers and local resi-*
3 *dents.*

4 (3) *MERCHANTABLE MATERIAL CONTRACTING*
5 *PILOT PROGRAM.—*

6 (A) *ESTABLISHMENT.—The Secretary con-*
7 *cerned shall establish a pilot program to imple-*
8 *ment a certain percentage of approved projects*
9 *involving the sale of merchantable material*
10 *using separate contracts for—*

11 (i) *the harvesting or collection of mer-*
12 *chantable material; and*

13 (ii) *the sale of such material.*

14 (B) *ANNUAL PERCENTAGES.—Under the*
15 *pilot program, the Secretary concerned shall en-*
16 *sure that, on a nationwide basis, not less than*
17 *the following percentage of all approved projects*
18 *involving the sale of merchantable material are*
19 *implemented using separate contracts:*

20 (i) *For fiscal year 2001, 15 percent.*

21 (ii) *For fiscal year 2002, 25 percent.*

22 (iii) *For fiscal year 2003, 25 percent.*

23 (iv) *For fiscal year 2004, 50 percent.*

24 (v) *For fiscal year 2005, 50 percent.*

25 (vi) *For fiscal year 2006, 50 percent.*

1 (C) *INCLUSION IN PILOT PROGRAM.*—*The*
2 *decision whether to use separate contracts to im-*
3 *plement a project involving the sale of merchant-*
4 *able material shall be made by the Secretary*
5 *concerned after the approval of the project under*
6 *this title.*

7 (D) *ASSISTANCE.*—*The Secretary concerned*
8 *may use funds from any appropriated account*
9 *available to the Secretary for the Federal lands*
10 *to assist in the administration of projects con-*
11 *ducted under the pilot program. The total*
12 *amount obligated under this subparagraph may*
13 *not exceed \$1,000,000 for any fiscal year during*
14 *which the pilot program is in effect.*

15 (E) *REVIEW AND REPORT.*—*Not later than*
16 *September 30, 2003, the Comptroller General*
17 *shall submit to the Committee on Agriculture,*
18 *Nutrition, and Forestry of the Senate, the Com-*
19 *mittee on Energy and Natural Resources of the*
20 *Senate, the Committee on Agriculture of the*
21 *House of Representatives, and the Committee on*
22 *Resources of the House of Representatives a re-*
23 *port assessing the pilot program. The Secretary*
24 *concerned shall submit to such committees an*

1 *annual report describing the results of the pilot*
2 *program.*

3 (f) *REQUIREMENTS FOR PROJECT FUNDS.*—*The Sec-*
4 *retary shall ensure that at least 50 percent of all project*
5 *funds be used for projects that are primarily dedicated—*

6 (1) *to road maintenance, decommissioning, or*
7 *obliteration; or*

8 (2) *to restoration of streams and watersheds.*

9 **SEC. 205. RESOURCE ADVISORY COMMITTEES.**

10 (a) *ESTABLISHMENT AND PURPOSE OF RESOURCE AD-*
11 *VISORY COMMITTEES.*—

12 (1) *ESTABLISHMENT.*—*The Secretary concerned*
13 *shall establish and maintain resource advisory com-*
14 *mittees to perform the duties in subsection (b), except*
15 *as provided in paragraph (4).*

16 (2) *PURPOSE.*—*The purpose of a resource advi-*
17 *sory committee shall be to improve collaborative rela-*
18 *tionships and to provide advice and recommendations*
19 *to the land management agencies consistent with the*
20 *purposes of this Act.*

21 (3) *ACCESS TO RESOURCE ADVISORY COMMIT-*
22 *TEES.*—*To ensure that each unit of Federal land has*
23 *access to a resource advisory committee, and that*
24 *there is sufficient interest in participation on a com-*
25 *mittee to ensure that membership can be balanced in*

1 *terms of the points of view represented and the func-*
2 *tions to be performed, the Secretary concerned may,*
3 *establish resource advisory committees for part of, or*
4 *one or more, units of Federal lands.*

5 (4) *EXISTING ADVISORY COMMITTEES.—Existing*
6 *advisory committees meeting the requirements of this*
7 *section may be deemed by the Secretary concerned, as*
8 *a resource advisory committee for the purposes of this*
9 *title. The Secretary of the Interior may deem a re-*
10 *source advisory committee meeting the requirements*
11 *of subpart 1784 of part 1780 of title 43, Code of Fed-*
12 *eral Regulations, as a resource advisory committee for*
13 *the purposes of this title.*

14 (b) *DUTIES.—A resource advisory committee shall—*

15 (1) *review projects proposed under this title by*
16 *participating counties and other persons;*

17 (2) *propose projects and funding to the Secretary*
18 *concerned under section 203;*

19 (3) *provide early and continuous coordination*
20 *with appropriate land management agency officials*
21 *in recommending projects consistent with purposes of*
22 *this Act under this title; and*

23 (4) *provide frequent opportunities for citizens,*
24 *organizations, tribes, land management agencies, and*
25 *other interested parties to participate openly and*

1 *meaningfully, beginning at the early stages of the*
2 *project development process under this title.*

3 *(c) APPOINTMENT BY THE SECRETARY.—*

4 *(1) APPOINTMENT AND TERM.—The Secretary*
5 *concerned, shall appoint the members of resource ad-*
6 *visory committees for a term of 3 years beginning on*
7 *the date of appointment. The Secretary concerned*
8 *may reappoint members to subsequent 3-year terms.*

9 *(2) BASIC REQUIREMENTS.—The Secretary con-*
10 *cerned shall ensure that each resource advisory com-*
11 *mittee established meets the requirements of subsection*
12 *(d).*

13 *(3) INITIAL APPOINTMENT.—The Secretary con-*
14 *cerned shall make initial appointments to the re-*
15 *source advisory committees not later than 180 days*
16 *after the date of the enactment of this Act.*

17 *(4) VACANCIES.—The Secretary concerned shall*
18 *make appointments to fill vacancies on any resource*
19 *advisory committee as soon as practicable after the*
20 *vacancy has occurred.*

21 *(5) COMPENSATION.—Members of the resource*
22 *advisory committees shall not receive any compensa-*
23 *tion.*

24 *(d) COMPOSITION OF ADVISORY COMMITTEE.—*

1 (1) *NUMBER.*—*Each resource advisory committee*
2 *shall be comprised of 15 members.*

3 (2) *COMMUNITY INTERESTS REPRESENTED.*—
4 *Committee members shall be representative of the in-*
5 *terests of the following three categories:*

6 (A) *5 persons who—*

7 (i) *represent organized labor;*

8 (ii) *represent developed outdoor recre-*
9 *ation, off highway vehicle users, or commer-*
10 *cial recreation activities;*

11 (iii) *represent energy and mineral de-*
12 *velopment interests;*

13 (iv) *represent the commercial timber*
14 *industry; or*

15 (v) *hold Federal grazing permits, or*
16 *other land use permits within the area for*
17 *which the committee is organized.*

18 (B) *5 persons representing—*

19 (i) *nationally recognized environ-*
20 *mental organizations;*

21 (ii) *regionally or locally recognized en-*
22 *vironmental organizations;*

23 (iii) *dispersed recreational activities;*

24 (iv) *archaeological and historical inter-*
25 *ests; or*

1 (v) nationally or regionally recognized
2 wild horse and burro interest groups.

3 (C) 5 persons who—

4 (i) hold State elected office or their des-
5 ignee;

6 (ii) hold county or local elected office;

7 (iii) represent American Indian tribes
8 within or adjacent to the area for which the
9 committee is organized;

10 (iv) are school officials or teachers; or

11 (v) represent the affected public at
12 large.

13 (3) *BALANCED REPRESENTATION.*—In appoint-
14 ing committee members from the three categories in
15 paragraph (2), the Secretary concerned shall provide
16 for balanced and broad representation from within
17 each category.

18 (4) *GEOGRAPHIC DISTRIBUTION.*—The members
19 of a resource advisory committee shall reside within
20 the State in which the committee has jurisdiction
21 and, to extent practicable, the Secretary concerned
22 shall ensure local representation in each category in
23 paragraph (2).

1 (5) *CHAIRPERSON.*—*A majority on each resource*
2 *advisory committee shall select the chairperson of the*
3 *committee.*

4 (e) *APPROVAL PROCEDURES.*—(1) *Subject to para-*
5 *graph (2), each resource advisory committee shall establish*
6 *procedures for proposing projects to the Secretary concerned*
7 *under this title. A quorum must be present to constitute*
8 *an official meeting of the committee.*

9 (2) *A project may be proposed by a resource advisory*
10 *committee to the Secretary concerned under section 203(a),*
11 *if it has been approved by a majority of members of the*
12 *committee from each of the three categories in subsection*
13 *(d)(2).*

14 (f) *OTHER COMMITTEE AUTHORITIES AND REQUIRE-*
15 *MENTS.*—

16 (1) *STAFF ASSISTANCE.*—*A resource advisory*
17 *committee may submit to the Secretary concerned a*
18 *request for periodic staff assistance from Federal em-*
19 *ployees under the jurisdiction of the Secretary.*

20 (2) *MEETINGS.*—*All meetings of a resource advi-*
21 *sory committee shall be announced at least one week*
22 *in advance in a local newspaper of record and shall*
23 *be open to the public.*

24 (3) *RECORDS.*—*A resource advisory committee*
25 *shall maintain records of the meetings of the com-*

1 *mittee and make the records available for public in-*
2 *spection.*

3 **SEC. 206. USE OF PROJECT FUNDS.**

4 *(a) AGREEMENT REGARDING SCHEDULE AND COST OF*
5 *PROJECT.—*

6 *(1) AGREEMENT BETWEEN PARTIES.—The Sec-*
7 *retary concerned may carry out a project submitted*
8 *by a resource advisory committee under section*
9 *203(a) using project funds or other funds described in*
10 *section 203(a)(2), if, as soon as practicable after the*
11 *issuance of a decision document for the project and*
12 *the exhaustion of all administrative appeals and judi-*
13 *cial review of the project decision, the Secretary con-*
14 *cerned and the resource advisory committee enter into*
15 *an agreement addressing, at a minimum, the fol-*
16 *lowing:*

17 *(A) The schedule for completing the project.*

18 *(B) The total cost of the project, including*
19 *the level of agency overhead to be assessed*
20 *against the project.*

21 *(C) For a multiyear project, the estimated*
22 *cost of the project for each of the fiscal years in*
23 *which it will be carried out.*

1 (D) *The remedies for failure of the Sec-*
2 *retary concerned to comply with the terms of the*
3 *agreement consistent with current Federal law.*

4 (2) *LIMITED USE OF FEDERAL FUNDS.—The Sec-*
5 *retary concerned may decide, at the Secretary’s sole*
6 *discretion, to cover the costs of a portion of an ap-*
7 *proved project using Federal funds appropriated or*
8 *otherwise available to the Secretary for the same pur-*
9 *poses as the project.*

10 (b) *TRANSFER OF PROJECT FUNDS.—*

11 (1) *INITIAL TRANSFER REQUIRED.—As soon as*
12 *practicable after the agreement is reached under sub-*
13 *section (a) with regard to a project to be funded in*
14 *whole or in part using project funds, or other funds*
15 *described in section 203(a)(2), the Secretary con-*
16 *cerned shall transfer to the applicable unit of Na-*
17 *tional Forest System lands or BLM District an*
18 *amount of project funds equal to—*

19 (A) *in the case of a project to be completed*
20 *in a single fiscal year, the total amount specified*
21 *in the agreement to be paid using project funds,*
22 *or other funds described in section 203(a)(2); or*

23 (B) *in the case of a multiyear project, the*
24 *amount specified in the agreement to be paid*

1 *using project funds, or other funds described in*
2 *section 203(a)(2) for the first fiscal year.*

3 (2) *CONDITION ON PROJECT COMMENCEMENT.—*

4 *The unit of National Forest System lands or BLM*
5 *District concerned, shall not commence a project until*
6 *the project funds, or other funds described in section*
7 *203(a)(2) required to be transferred under paragraph*
8 *(1) for the project, have been made available by the*
9 *Secretary concerned.*

10 (3) *SUBSEQUENT TRANSFERS FOR MULTIYEAR*
11 *PROJECTS.—For the second and subsequent fiscal*
12 *years of a multiyear project to be funded in whole or*
13 *in part using project funds, the unit of National For-*
14 *est System lands or BLM District concerned shall use*
15 *the amount of project funds required to continue the*
16 *project in that fiscal year according to the agreement*
17 *entered into under subsection (a). The Secretary con-*
18 *cerned shall suspend work on the project if the project*
19 *funds required by the agreement in the second and*
20 *subsequent fiscal years are not available.*

21 **SEC. 207. AVAILABILITY OF PROJECT FUNDS.**

22 (a) *SUBMISSION OF PROPOSED PROJECTS TO OBLI-*
23 *GATE FUNDS.—By September 30 of each fiscal year through*
24 *fiscal year 2006, a resource advisory committee shall submit*
25 *to the Secretary concerned pursuant to section 203(a)(1) a*

1 *sufficient number of project proposals that, if approved,*
2 *would result in the obligation of at least the full amount*
3 *of the project funds reserved by the participating county*
4 *in the preceding fiscal year.*

5 **(b) USE OR TRANSFER OF UNOBLIGATED FUNDS.—**
6 *Subject to section 208, if a resource advisory committee fails*
7 *to comply with subsection (a) for a fiscal year, any project*
8 *funds reserved by the participating county in the preceding*
9 *fiscal year and remaining unobligated shall be available for*
10 *use as part of the project submissions in the next fiscal year.*

11 **(c) EFFECT OF REJECTION OF PROJECTS.—***Subject to*
12 *section 208, any project funds reserved by a participating*
13 *county in the preceding fiscal year that are unobligated at*
14 *the end of a fiscal year because the Secretary concerned has*
15 *rejected one or more proposed projects shall be available for*
16 *use as part of the project submissions in the next fiscal year.*

17 **(d) EFFECT OF COURT ORDERS.—***If an approved*
18 *project under this Act is enjoined or prohibited by a Federal*
19 *court, the Secretary concerned shall return the unobligated*
20 *project funds related to that project to the participating*
21 *county or counties that reserved the funds. The returned*
22 *funds shall be available for the county to expend in the same*
23 *manner as the funds reserved by the county under section*
24 *102(d)(1)(B)(i) or 103(c)(1)(B)(i), whichever applies to the*
25 *funds involved.*

1 **SEC. 208. TERMINATION OF AUTHORITY.**

2 *The authority to initiate projects under this title shall*
3 *terminate on September 30, 2006. Any project funds not*
4 *obligated by September 30, 2007, shall be deposited in the*
5 *Treasury of the United States.*

6 **TITLE III—COUNTY PROJECTS**

7 **SEC. 301. DEFINITIONS.**

8 *In this title:*

9 (1) *PARTICIPATING COUNTY.*—*The term “participating county” means an eligible county that elects*
10 *under section 102(d)(1)(B)(ii) or 103(c)(1)(B)(ii) to*
11 *expend a portion of the Federal funds received under*
12 *section 102 or 103 in accordance with this title.*

13
14 (2) *COUNTY FUNDS.*—*The term “county funds”*
15 *means all funds an eligible county elects under sec-*
16 *tions 102(d)(1)(B)(ii) and 103(c)(1)(B)(ii) to reserve*
17 *for expenditure in accordance with this title.*

18 **SEC. 302. USE OF COUNTY FUNDS.**

19 (a) *LIMITATION ON COUNTY FUND USE.*—*County*
20 *funds shall be expended solely on projects that meet the re-*
21 *quirements of this title. A project under this title shall be*
22 *approved by the participating county only following a 45-*
23 *day public comment period, at the beginning of which the*
24 *county shall—*

25 (1) *publish a description of the proposed project*
26 *in the publications of local record; and*

1 (2) *send the proposed project to the appropriate*
2 *resource advisory committee established under section*
3 *205, if one exists for the county.*

4 ***(b) AUTHORIZED USES.—***

5 (1) ***SEARCH, RESCUE, AND EMERGENCY SERV-***
6 ***ICES.—An eligible county or applicable sheriff's de-***
7 ***partment may use these funds as reimbursement for***
8 ***search and rescue and other emergency services, in-***
9 ***cluding fire fighting, performed on Federal lands and***
10 ***paid for by the county.***

11 (2) ***COMMUNITY SERVICE WORK CAMPS.—An eli-***
12 ***gible county may use these funds as reimbursement***
13 ***for all or part of the costs incurred by the county to***
14 ***pay the salaries and benefits of county employees who***
15 ***supervise adults or juveniles performing mandatory***
16 ***community service on Federal lands.***

17 (3) ***EASEMENT PURCHASES.—An eligible county***
18 ***may use these funds to acquire—***

19 ***(A) easements, on a willing seller basis, to***
20 ***provide for nonmotorized access to public lands***
21 ***for hunting, fishing, and other recreational pur-***
22 ***poses;***

23 ***(B) conservation easements; or***

24 ***(C) both.***

1 (4) *FOREST RELATED EDUCATIONAL OPPORTUNI-*
2 *TIES.—A county may use these funds to establish and*
3 *conduct forest-related after school programs.*

4 (5) *FIRE PREVENTION AND COUNTY PLANNING.—*
5 *A county may use these funds for—*

6 (A) *efforts to educate homeowners in fire-*
7 *sensitive ecosystems about the consequences of*
8 *wildfires and techniques in home siting, home*
9 *construction, and home landscaping that can in-*
10 *crease the protection of people and property from*
11 *wildfires; and*

12 (B) *planning efforts to reduce or mitigate*
13 *the impact of development on adjacent Federal*
14 *lands and to increase the protection of people*
15 *and property from wildfires.*

16 (6) *COMMUNITY FORESTRY.—A county may use*
17 *these funds towards non-Federal cost-share require-*
18 *ments of section 9 of the Cooperative Forestry Assist-*
19 *ance Act of 1978 (16 U.S.C. 2105).*

20 **SEC. 303. TERMINATION OF AUTHORITY.**

21 *The authority to initiate projects under this title shall*
22 *terminate on September 30, 2006. Any county funds not*
23 *obligated by September 30, 2007 shall be available to be*
24 *expended by the county for the uses identified in section*
25 *302(b).*

1 **TITLE IV—MISCELLANEOUS**
2 **PROVISIONS**

3 **SEC. 401. AUTHORIZATION OF APPROPRIATIONS.**

4 *There are hereby authorized to be appropriated such*
5 *sums as may be necessary to carry out this Act for fiscal*
6 *years 2001 through 2006.*

7 **SEC. 402. TREATMENT OF FUNDS AND REVENUES.**

8 *(a) RELATION TO OTHER APPROPRIATIONS.—Funds*
9 *appropriated pursuant to the authorization of appropria-*
10 *tions in section 401 and funds made available to a Sec-*
11 *retary concerned under section 206 shall be in addition to*
12 *any other annual appropriations for the Forest Service and*
13 *the Bureau of Land Management.*

14 *(b) DEPOSIT OF REVENUES AND OTHER FUNDS.—All*
15 *revenues generated from projects pursuant to title II, any*
16 *funds remitted by counties pursuant to section*
17 *102(d)(1)(B)(iii) or section 103(c)(1)(B)(iii), and any in-*
18 *terest accrued from such funds shall be deposited in the*
19 *Treasury of the United States.*

20 **SEC. 403. REGULATIONS.**

21 *The Secretaries concerned may jointly issue regula-*
22 *tions to carry out the purposes of this Act.*

1 **SEC. 404. CONFORMING AMENDMENTS.**

2 *Sections 13982 and 13983 of the Omnibus Budget Rec-*
3 *onciliation Act of 1993 (Public Law 103–66; 16 U.S.C. 500*
4 *note; 43 U.S.C. 1181f note) are repealed.*

5 **TITLE V—MINERAL REVENUE**
6 **PAYMENTS CLARIFICATION**

7 **SEC. 501. SHORT TITLE.**

8 *This title may be cited as the “Mineral Revenue Pay-*
9 *ments Clarification Act of 2000”.*

10 **SEC. 502. FINDINGS.**

11 *The Congress finds the following:*

12 *(1) Section 10201 of the Omnibus Budget Rec-*
13 *onciliation Act of 1993 (Public Law 103–66; 107*
14 *Stat. 407) amended section 35 of the Mineral Leasing*
15 *Act (30 U.S.C. 191) to change the sharing of onshore*
16 *mineral revenues and revenues from geothermal steam*
17 *from a 50:50 split between the Federal Government*
18 *and the States to a complicated formula that entailed*
19 *deducting from the State share of leasing revenues*
20 *“50 percent of the portion of the enacted appropri-*
21 *ations of the Department of the Interior and any other*
22 *agency during the preceding fiscal year allocable to*
23 *the administration of all laws providing for the leas-*
24 *ing of any onshore lands or interest in land owned*
25 *by the United States for the production of the same*
26 *types of minerals leasable under this Act or of geo-*

1 *thermal steam, and to enforcement of such*
2 *laws . . .”.*

3 *(2) There is no legislative record to suggest a*
4 *sound public policy rationale for deducting prior-year*
5 *administrative expenses from the sharing of current-*
6 *year receipts, indicating that this change was made*
7 *primarily for budget scoring reasons.*

8 *(3) The system put in place by this change in*
9 *law has proved difficult to administer and has given*
10 *rise to disputes between the Federal Government and*
11 *the States as to the nature of allocable expenses. Fed-*
12 *eral accounting systems have proven to be poorly suit-*
13 *ed to breaking down administrative costs in the man-*
14 *ner required by the law. Different Federal agencies*
15 *implementing this law have used varying methodolo-*
16 *gies to identify allocable costs, resulting in an inequi-*
17 *table distribution of costs during fiscal years 1994*
18 *through 1996. In November 1997, the Inspector Gen-*
19 *eral of the Department of the Interior found that “the*
20 *congressionally approved method for cost sharing de-*
21 *ductions effective in fiscal year 1997 may not accu-*
22 *rately compute the deductions”.*

23 *(4) Given the lack of a substantive rationale for*
24 *the 1993 change in law and the complexity and ad-*
25 *ministrative burden involved, a return to the sharing*

1 *formula prior to the enactment of the Omnibus Budg-*
2 *et Reconciliation Act of 1993 is justified.*

3 **SEC. 503. AMENDMENT OF THE MINERAL LEASING ACT.**

4 *Section 35(b) of the Mineral Leasing Act (30 U.S.C.*
5 *191(b)) is amended to read as follows:*

6 “(b) *In determining the amount of payments to the*
7 *States under this section, the amount of such payments*
8 *shall not be reduced by any administrative or other costs*
9 *incurred by the United States.”.*

10 **TITLE VI—COMMUNITY FOREST**
11 **RESTORATION**

12 **SEC. 601. SHORT TITLE.**

13 *This title may be cited as the “Community Forest Res-*
14 *toration Act”.*

15 **SEC. 602. FINDINGS.**

16 *The Congress finds the following:*

17 (1) *A century of fire suppression, logging, and*
18 *livestock grazing has altered the ecological balance of*
19 *New Mexico’s forests.*

20 (2) *Some forest lands in New Mexico contain an*
21 *unnaturally high number of small diameter trees that*
22 *are subject to large, high intensity wildfires that can*
23 *endanger human lives, livelihoods, and ecological sta-*
24 *bility.*

1 (3) *Forest lands that contain an unnaturally*
2 *high number of small diameter trees have reduced bio-*
3 *diversity and provide fewer benefits to human com-*
4 *munities, wildlife, and watersheds.*

5 (4) *Healthy and productive watersheds minimize*
6 *the threat of large, high intensity wildfires, provide*
7 *abundant and diverse wildlife habitat, and produce a*
8 *variety of timber and non-timber products including*
9 *better quality water and increased water flows.*

10 (5) *Restoration efforts are more successful when*
11 *there is involvement from neighboring communities*
12 *and better stewardship will evolve from more diverse*
13 *involvement.*

14 (6) *Designing demonstration restoration projects*
15 *through a collaborative approach may—*

16 (A) *lead to the development of cost effective*
17 *restoration activities;*

18 (B) *empower diverse organizations to im-*
19 *plement activities which value local and tradi-*
20 *tional knowledge;*

21 (C) *build ownership and civic pride; and*

22 (D) *ensure healthy, diverse, and productive*
23 *forests and watersheds.*

24 **SEC. 603. PURPOSES.**

25 *The purposes of this title are—*

1 (1) *to promote healthy watersheds and reduce the*
2 *threat of large, high intensity wildfires, insect infesta-*
3 *tion, and disease in the forests in New Mexico;*

4 (2) *to improve the functioning of forest eco-*
5 *systems and enhance plant and wildlife biodiversity*
6 *by reducing the unnaturally high number and density*
7 *of small diameter trees on Federal, Tribal, State,*
8 *County, and Municipal forest lands;*

9 (3) *to improve communication and joint problem*
10 *solving among individuals and groups who are inter-*
11 *ested in restoring the diversity and productivity of*
12 *forested watersheds in New Mexico;*

13 (4) *to improve the use of, or add value to, small*
14 *diameter trees;*

15 (5) *to encourage sustainable communities and*
16 *sustainable forests through collaborative partnerships,*
17 *whose objectives are forest restoration; and*

18 (6) *to develop, demonstrate, and evaluate eco-*
19 *logically sound forest restoration techniques.*

20 **SEC. 604. DEFINITIONS.**

21 *As used in this title—*

22 (1) *the term “Secretary” means the Secretary of*
23 *Agriculture acting through the Chief of the Forest*
24 *Service; and*

1 (2) *the term “stakeholder” includes: tribal gov-*
2 *ernments, educational institutions, landowners, and*
3 *other interested public and private entities.*

4 **SEC. 605. ESTABLISHMENT OF PROGRAM.**

5 (a) *FOREST RESTORATION PROGRAM.*—*The Secretary*
6 *shall establish a cooperative forest restoration program in*
7 *New Mexico in order to provide cost-share grants to stake-*
8 *holders for experimental forest restoration projects that are*
9 *designed through a collaborative process (hereinafter re-*
10 *ferred to as the “Collaborative Forest Restoration Pro-*
11 *gram”). The projects may be entirely on, or on any com-*
12 *bination of, Federal, Tribal, State, County, or Municipal*
13 *forest lands. The Federal share of an individual project cost*
14 *shall not exceed 80 percent of the total cost. The 20-percent*
15 *matching may be in the form of cash or in-kind contribu-*
16 *tion.*

17 (b) *ELIGIBILITY REQUIREMENTS.*—*To be eligible to re-*
18 *ceive funding under this title, a project shall—*

19 (1) *address the following objectives—*

20 (A) *reduce the threat of large, high intensity*
21 *wildfires and the negative effects of excessive*
22 *competition between trees by restoring ecosystem*
23 *functions, structures, and species composition,*
24 *including the reduction of non-native species*
25 *populations;*

1 (B) re-establish fire regimes approximating
2 those that shaped forest ecosystems prior to fire
3 suppression;

4 (C) preserve old and large trees;

5 (D) replant trees in deforested areas if they
6 exist in the proposed project area; and

7 (E) improve the use of, or add value to,
8 small diameter trees;

9 (2) comply with all Federal and State environ-
10 mental laws;

11 (3) include a diverse and balanced group of
12 stakeholders as well as appropriate Federal, Tribal,
13 State, County, and Municipal government representa-
14 tives in the design, implementation, and monitoring
15 of the project;

16 (4) incorporate current scientific forest restora-
17 tion information; and

18 (5) include a multiparty assessment to—

19 (A) identify both the existing ecological con-
20 dition of the proposed project area and the de-
21 sired future condition; and

22 (B) report, upon project completion, on the
23 positive or negative impact and effectiveness of
24 the project including improvements in local
25 management skills and on the ground results;

1 (6) *create local employment or training opportu-*
2 *nities within the context of accomplishing restoration*
3 *objectives, that are consistent with the purposes of this*
4 *title, including summer youth jobs programs such as*
5 *the Youth Conservation Corps where appropriate;*

6 (7) *not exceed 4 years in length;*

7 (8) *not exceed a total annual cost of \$150,000,*
8 *with the Federal portion not exceeding \$120,000 an-*
9 *nually, nor exceed a total cost of \$450,000 for the*
10 *project, with the Federal portion of the total cost not*
11 *exceeding \$360,000;*

12 (9) *leverage Federal funding through in-kind or*
13 *matching contributions; and*

14 (10) *include an agreement by each stakeholder to*
15 *attend an annual workshop with other stakeholders*
16 *for the purpose of discussing the cooperative forest res-*
17 *toration program and projects implemented under*
18 *this title. The Secretary shall coordinate and fund the*
19 *annual workshop. Stakeholders may use funding for*
20 *projects authorized under this title to pay for their*
21 *travel and per diem expenses to attend the workshop.*

22 **SEC. 606. SELECTION PROCESS.**

23 (a) *After consulting with the technical advisory panel*
24 *established in subsection (b), the Secretary shall select the*

1 *proposals that will receive funding through the Collaborative Forest Restoration Program.*

3 **(b)** *The Secretary shall convene a technical advisory*
4 *panel to evaluate the proposals for forest restoration grants*
5 *and provide recommendations regarding which proposals*
6 *would best meet the objectives of the Collaborative Forest*
7 *Restoration Program. The technical advisory panel shall*
8 *consider eligibility criteria established in section 605, the*
9 *effect on long-term management, and seek to use a con-*
10 *sensus-based decisionmaking process to develop such rec-*
11 *ommendations. The panel shall be composed of 12 to 15*
12 *members, to be appointed by the Secretary as follows:*

13 **(1)** *A State Natural Resource official from the*
14 *State of New Mexico.*

15 **(2)** *At least two representatives from Federal*
16 *land management agencies.*

17 **(3)** *At least one tribal or pueblo representative.*

18 **(4)** *At least two independent scientists with expe-*
19 *rience in forest ecosystem restoration.*

20 **(5)** *Equal representation from—*

21 **(A)** *conservation interests;*

22 **(B)** *local communities; and*

23 **(C)** *commodity interests.*

1 **SEC. 607. MONITORING AND EVALUATION.**

2 *The Secretary shall establish a multiparty monitoring*
3 *and evaluation process in order to assess the cumulative*
4 *accomplishments or adverse impacts of the Collaborative*
5 *Forest Restoration Program. The Secretary shall include*
6 *any interested individual or organization in the monitoring*
7 *and evaluation process. The Secretary also shall conduct a*
8 *monitoring program to assess the short- and long-term eco-*
9 *logical effects of the restoration treatments, if any, for a*
10 *minimum of 15 years.*

11 **SEC. 608. REPORT.**

12 *No later than 5 years after the first fiscal year in*
13 *which funding is made available for this program, the Sec-*
14 *retary shall submit a report to the Committee on Energy*
15 *and Natural Resources of the United States Senate and the*
16 *Committee on Resources of the United States House of Rep-*
17 *resentatives. The report shall include an assessment on*
18 *whether, and to what extent, the projects funded pursuant*
19 *to this title are meeting the purposes of the Collaborative*
20 *Forest Restoration Program.*

1 **SEC. 609. AUTHORIZATION OF APPROPRIATIONS.**

2 *There are authorized to be appropriated \$5,000,000*

3 *annually to carry out this title.*

Attest:

Secretary.

106TH CONGRESS
2D SESSION

H. R. 2389

AMENDMENT

HR 2389 EAS1S—2

HR 2389 EAS1S—3

HR 2389 EAS1S—4

HR 2389 EAS1S—5