

Calendar No. 520106TH CONGRESS
2^D SESSION**S. 1608****[Report No. 106-275]**

To provide annual payments to the States and counties from National Forest System lands managed by the Forest Service, and the revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands managed predominantly by the Bureau of Land Management, for use by the counties in which the lands are situated for the benefit of public schools, roads, emergency, and other public purposes; to encourage and provide new mechanisms for cooperation between counties and the Forest Service and the Bureau of Land Management to make necessary investments in Federal lands, and reaffirm the positive connection between Federal Lands counties and Federal Lands; and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 21, 1999

Mr. WYDEN (for himself, Mr. CRAIG, Mr. SMITH of Oregon, Mr. CRAPO, Mr. JOHNSON, Mr. DEWINE, Mrs. HUTCHISON, and Mr. BURNS) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

APRIL 25, 2000

Reported by Mr. MURKOWSKI, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To provide annual payments to the States and counties from National Forest System lands managed by the Forest Service, and the revested Oregon and California Railroad

and reconveyed Coos Bay Wagon Road grant lands managed predominantly by the Bureau of Land Management, for use by the counties in which the lands are situated for the benefit of public schools, roads, emergency, and other public purposes; to encourage and provide new mechanisms for cooperation between counties and the Forest Service and the Bureau of Land Management to make necessary investments in Federal lands, and reaffirm the positive connection between Federal Lands counties and Federal Lands; 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 “Secure Rural Schools
 5 and Community Self-Determination Act of 1999”.

6 **SEC. 2. FINDINGS AND PURPOSE.**

7 (a) **FINDINGS.**—The Congress finds that—

8 (1) the National Forest System, managed by
 9 the Forest Service, was established in 1907 and has
 10 grown to include 192 million acres of Federal
 11 Lands;

12 (2) the revested Oregon and California Railroad
 13 and reconveyed Coos Bay Wagon Road grant lands,
 14 managed predominantly by the Bureau of Land
 15 Management, were returned to Federal ownership in
 16 1916 and 1919, and added to thereafter, and com-

1 prise approximately 2.6 million acres of Federal
2 Lands;

3 (3) Congress recognized that, by its decision to
4 secure these lands in Federal ownership, counties in
5 which the lands are situated are denied revenues
6 they would otherwise receive if the lands were sold
7 or transferred into, or the revested and reconveyed
8 grant lands had remained in, private ownership;

9 (4) counties expend public funds to provide edu-
10 cation, road construction and maintenance, search
11 and rescue, law enforcement, solid waste, fire protec-
12 tion, and other services based upon an artificially re-
13 duced tax base;

14 (5) to provide compensation to the affected
15 counties for their loss of tax revenues used for the
16 critical services they provide to both county citizens
17 and visitors to Federal Lands, Congress determined
18 that the Federal Government should share with
19 those jurisdictions the revenues received from the
20 Federal Lands;

21 (6) Congress enacted in 1908, and subsequently
22 amended, a law that requires 25 percent of the reve-
23 nues from National Forest lands be paid to States
24 for use by the counties in which those lands are situ-
25 ated for the benefit of public schools and roads;

1 (7) Congress enacted in 1937, and subsequently
2 amended, a law that requires 50 percent of the reve-
3 nues from the revested and reconveyed grant lands
4 be paid to the counties in which those lands are situ-
5 ated to be used in the same manner as are other
6 county funds;

7 (8) in recent years, as the volume of timber sold
8 annually from most of the Federal Lands has de-
9 creased precipitously, so too have the revenues
10 shared with the affected counties;

11 (9) this decline in shared revenues has severely
12 curtailed the quality of education in the affected
13 counties, as well as other county services;

14 (10) Congress recognized this trend as it re-
15 lated to protection of the Northern Spotted Owl and
16 moved to ameliorate its adverse consequences when,
17 in 1993, it enacted a law—soon to expire—that pro-
18 vided an alternative annual “safety net” payment to
19 72 counties in Oregon, Washington, and northern
20 California in which Federal timber sales had been
21 restricted or prohibited by administrative and judi-
22 cial decisions;

23 (11) no comparable authority has ever been
24 granted for alternative payments to counties else-
25 where that have suffered similar shared revenue

1 losses resulting from the general decreases in timber
2 harvests on Federal Lands;

3 ~~(12) changes in Federal Land management, in~~
4 ~~addition to having curtailed timber sales, have al-~~
5 ~~tered the historic, cooperative relationship between~~
6 ~~counties and the Forest Service and the Bureau of~~
7 ~~Land Management;~~

8 ~~(13) both the Forest Service and the Bureau of~~
9 ~~Land Management face significant backlogs in infra-~~
10 ~~structure maintenance and ecosystem restoration~~
11 ~~which are not likely to be addressed through annual~~
12 ~~appropriations; and~~

13 ~~(14) new relationships between Federal Lands~~
14 ~~counties and Federal Land managers need to be~~
15 ~~formed to benefit our natural resources and our~~
16 ~~rural communities as we enter the 21st century.~~

17 ~~(b) PURPOSES.—The purposes of this Act are—~~

18 ~~(1) to assist local governments dependent on~~
19 ~~Federal Lands to restore funding for education and~~
20 ~~other public services that the counties must provide~~
21 ~~to their citizens;~~

22 ~~(2) to provide this funding in a form that is en-~~
23 ~~vironmentally sound and consistent with applicable~~
24 ~~resource management plans;~~

1 (3) to facilitate the development, by the Federal
2 Government and the counties which benefit from the
3 shared revenues from the Federal Lands, of a new
4 cooperative relationship in Federal Land manage-
5 ment;

6 (4) to help develop local consensus in imple-
7 menting applicable plans for the Federal Lands;

8 (5) to identify and implement projects on the
9 Federal Lands that enjoy broad-based local support;
10 and

11 (6) to make additional investments in infra-
12 structure maintenance and ecosystem restoration on
13 the Federal Lands.

14 **SEC. 3. DEFINITIONS.**

15 As used in this Act—

16 (a) The term “Federal Lands” means—

17 (1) lands within the National Forest System, as
18 defined in section 11(a) of the Forest and Range-
19 land Renewable Resource Planning Act of 1974 (16
20 U.S.C. 1609(a)) and managed by the Forest Service,
21 Department of Agriculture; and

22 (2) revested Oregon and California Railroad
23 and reconveyed Coos Bay Wagon Road grant lands,
24 managed in part by the Bureau of Land Manage-

1 ment, Department of the Interior, and in part by the
2 Forest Service, Department of Agriculture.

3 (b) The term “eligible States” means each State that
4 received one or more 25 percent payments as defined in,
5 and during the period described in, subsection (d).

6 (c) The term “eligible counties” means each county
7 that received one or more 50 percent payments as defined
8 in, and during the period described in, subsection (e).

9 (d) The term “25 percent payments” means the pay-
10 ments to States authorized by the sixth paragraph under
11 the heading of “FOREST SERVICE” of the Act of May
12 23, 1908, as amended, or section 13 of the Act of March
13 1, 1911, as amended (35 Stat. 260, 36 Stat. 963, as
14 amended; 16 U.S.C. 500).

15 (e) The term “50 percent payments” means the pay-
16 ments that are the sum of the 50 percent share otherwise
17 paid to a county pursuant to title II of the Act of August
18 28, 1937 (50 Stat. 875, chapter 876; 43 U.S.C. 1181f),
19 and the payment made to a county pursuant to the Act
20 of May 24, 1939 (53 Stat. 753, chapter 144; 43 U.S.C.
21 1181f-1, et seq.).

22 (f) The term “full payment amount” means the
23 amount determined by calculating the average of the three
24 highest 25 percent payments, 50 percent payments, or
25 payments pursuant to section 13982 of the Omnibus

1 Budget Reconciliation Act of 1993 (16 U.S.C. 500 note)
2 made to the eligible State or eligible county during the
3 period beginning on October 1, 1985, and concluding on
4 September 30 of the last full fiscal year prior to the date
5 of enactment of this Act, adjusted each fiscal year in
6 which payments are required pursuant to subsection 4(a)
7 and subsection 5(a) to reflect changes in the consumer
8 price index for rural areas (as published in the Bureau
9 of Labor Statistics) that occur after publication of that
10 index for the fiscal year prior to the full fiscal year after
11 the date of enactment of this Act.

12 (g) The term “resource management plans” means
13 land use plans prepared by the Bureau of Land Manage-
14 ment for units of the Federal Lands described in sub-
15 section (a)(2) of this section pursuant to section 202 of
16 the Federal Land Policy Act of 1976 (43 U.S.C. § 1712);
17 and land and resource management plans prepared by the
18 Forest Service for units of the lands described in sub-
19 section (a)(1) of this section pursuant to section 6 of the
20 Forest and Rangeland Renewable Resources Planning Act
21 of 1974 (16 U.S.C. § 1604).

22 (h) The term “Secretaries” or “Secretary” means the
23 Secretary of the Interior with respect to the Federal
24 Lands described in subsection (a)(2) and/or the Secretary

1 of Agriculture with respect to Federal Lands described in
2 subsection (a)(1).

3 (i) The term “eligible projects” means any project or
4 projects conducted on Federal Lands paid for, in whole
5 or in part, by an eligible county which meets the require-
6 ments of subsection 6(b).

7 (j) The term “associated environmental analysis”
8 means any evaluation required by the National Environ-
9 mental Policy Act of 1969 (42 U.S.C. § 4321, et seq.) ac-
10 companying an eligible project, or any biological opinion
11 for a project required by the Endangered Species Act of
12 1973 (16 U.S.C. Sec. 1531, et seq.).

13 (k) The term “infrastructure maintenance” means
14 any road or facility maintenance, reconstruction, or sta-
15 bilization activity approved by the appropriate Secretary
16 and consistent with the applicable resource management
17 plan.

18 (l) The term “ecosystem restoration” means any wa-
19 tershed restoration, wildlife habitat improvement or res-
20 toration, or forest health treatment activity approved by
21 the appropriate Secretary and consistent with the applica-
22 ble resource management plan.

23 (m) The term “Committee” means an Investment
24 Project Advisory Committee established pursuant to sec-
25 tion 7.

1 (n) The term “best value stewardship contracting”
 2 means using contracts which secure, for the best price,
 3 the best quality service as determined by the Secretary
 4 based upon: the technical demands and complexity of the
 5 work to be done; the ecological sensitivity of the resources
 6 being treated; past experience by the contractor with the
 7 type of work being done; using the type of equipment pro-
 8 posed for the project, and meeting or exceeding desired
 9 ecological conditions; utilization of low value species and
 10 byproducts; commitment to hiring highly qualified work-
 11 ers; and commitment to hiring local people.

12 **SEC. 4. PAYMENTS TO STATES FROM FOREST SERVICE**
 13 **LANDS FOR AFFECTED COUNTIES TO USE**
 14 **FOR THE BENEFIT OF PUBLIC EDUCATION**
 15 **AND TRANSPORTATION.**

16 (a) **REQUIREMENT FOR PAYMENTS TO ELIGIBLE**
 17 **STATES.**—The Secretary of the Treasury shall make pay-
 18 ments in accordance with subsection (b) as early as prac-
 19 ticable in each fiscal year from the first full fiscal year
 20 after the date of enactment of this Act to eligible States
 21 as defined in subsection 3(b).

22 (b) **PAYMENT AMOUNTS.**—Each payment to a State
 23 pursuant to subsection (a) shall include the amount of the
 24 25 percent payments as defined in subsection 3(d) that
 25 is applicable to that State and, if such amount is less than

1 the full payment amount for that State as defined in, and
2 calculated pursuant to, subsection 3(f), such additional
3 funds as are necessary to provide a total payment equal
4 to the full payment amount as provided in subsection (d).

5 (c) EXPENDITURE OF PAYMENTS.—(1) Seventy-five
6 percent of the funds paid to the States pursuant to sub-
7 section (a) shall be distributed and expended in the same
8 manner in which the 25 percent payments are required
9 to be distributed and expended.

10 (2) Twenty-five percent of the funds paid to the
11 States pursuant to subsection (a) shall be distributed in
12 the same manner in which the 25 percent payments are
13 required to be distributed and expended in accordance
14 with section 6.

15 (d) SOURCE OF SPECIAL PAYMENTS.—Any funds
16 paid to the States in addition to the 25 percent payments
17 pursuant to this section and section 6 shall be derived first
18 from any revenues, fees, penalties, or miscellaneous re-
19 ceipts, exclusive of deposits to any relevant trust fund, re-
20 ceived by the Federal Government from activities by the
21 Forest Service on the Federal Lands described in sub-
22 section 3(a)(1) and/or secondly, as determined by the Sec-
23 retary of the Treasury, from any funds in the Treasury
24 not otherwise appropriated.

1 **SEC. 5. PAYMENTS TO COUNTIES FROM BUREAU OF LAND**
2 **MANAGEMENT LANDS TO USE FOR THE BEN-**
3 **EFIT OF PUBLIC SAFETY, LAW ENFORCE-**
4 **MENT, EDUCATION AND OTHER PUBLIC PUR-**
5 **POSES.**

6 (a) **REQUIREMENT FOR PAYMENTS TO ELIGIBLE**
7 **COUNTIES.**—The Secretary of the Treasury shall make
8 payments in accordance with subsection (b) as early as
9 practicable in each fiscal year from the first full fiscal year
10 after the date of enactment of this Act to eligible counties
11 as defined in subsection 3(e).

12 (b) **PAYMENT AMOUNTS.**—Each payment to a county
13 pursuant to subsection (a) shall include the amount of the
14 50 percent payments as defined in subsection 3(e) that
15 is applicable to that county and, if such amount is less
16 than the full payment amount for that county as defined
17 in, and calculated pursuant to, subsection 3(f), such addi-
18 tional funds as are necessary to provide a total payment
19 equal to the full payment amount as provided in sub-
20 section (d).

21 (c) **EXPENDITURE OF PAYMENTS.**—(1) Seventy-five
22 percent of the funds paid to the counties pursuant to sub-
23 section (a) shall be distributed and expended in the same
24 manner in which the 50 percent payments are required
25 to be distributed and expended.

1 (2) Twenty-five percent of the funds paid to the coun-
 2 ties pursuant to subsection (a) shall be distributed in the
 3 same manner in which the 50 percent payments are re-
 4 quired to be distributed, and expended in accordance with
 5 section 6.

6 (d) SOURCE OF SPECIAL PAYMENTS.—Any funds
 7 paid to the counties in addition to the 50 percent pay-
 8 ments pursuant to this section and section 6 shall be de-
 9 rived first from any revenues, fees, penalties, or miscella-
 10 neous receipts, exclusive of deposits to any relevant trust
 11 funds, received by the Federal Government from activities
 12 by the Bureau of Land Management on the Federal Lands
 13 described in subsection 3(a)(2) and/or secondly, as deter-
 14 mined by the Secretary of the Treasury, from any funds
 15 in the Treasury not otherwise appropriated.

16 **SEC. 6. PAYMENTS TO STATES AND COUNTIES FROM FOR-**
 17 **EST SERVICE AND BUREAU OF LAND MAN-**
 18 **AGEMENT LANDS FOR COMMUNITY SELF-DE-**
 19 **TERMINATION, RESOURCE INVESTMENT, AND**
 20 **AGENCY ACCOUNTABILITY.**

21 (a) PAYMENTS TO STATES AND COUNTIES FOR RE-
 22 SOURCE INVESTMENTS.—(1) To promote investments in
 23 resource management and restoration, and an ongoing re-
 24 lationship between eligible states and eligible counties and
 25 the Federal Lands, eligible states and counties shall be

1 provided twenty-five percent of the funds paid pursuant
2 to subsection 4(a) and subsection 5(a) to support invest-
3 ments in resource management and restoration on Federal
4 Lands.

5 (2) Investments referred to in paragraph (1) may
6 support eligible projects or groups of eligible projects
7 meeting the requirements of subsection (b), including both
8 commercial and noncommercial activities, involving re-
9 source management, stewardship, restoration, or develop-
10 ment.

11 (b) ELIGIBLE PROJECTS.—To be an eligible project
12 or projects for the purposes of receipt of funds under sub-
13 section (a)(1), the project or group of projects must—

14 (1) be nominated and paid for, in whole or in
15 part, by the eligible county;

16 (2) be in compliance with the applicable re-
17 source management plan, or with any watershed or
18 subsequent plan developed pursuant to the resource
19 management plan and approved by the appropriate
20 Secretary;

21 (3) be recommended by the appropriate invest-
22 ment project advisory committee formed pursuant to
23 section 7;

24 (4) be in compliance with all applicable environ-
25 mental laws;

1 (5) be approved by the appropriate Secretary
2 with whom the final project authority lies;

3 (6) assure that the sale of any commodity,
4 asset, lease, or right to use the Federal Lands shall
5 be on a competitive bid basis to receive at least fair
6 market value. For any eligible project not subject to
7 competitive bidding or involving ecosystem restora-
8 tion, infrastructure maintenance, or other resource
9 stewardship work, the appropriate Secretary shall, to
10 the maximum extent feasible, use best value stew-
11 ardship contracting; and

12 (7) be governed by a Memorandum of Under-
13 standing between the eligible county and the appro-
14 priate Secretary which specifies—

15 (A) a schedule with deadlines for comple-
16 tion;

17 (B) an agreed-upon level of overhead to be
18 assessed against each eligible project or group
19 of eligible projects by the appropriate Secretary;
20 and

21 (C) (i) the circumstances in which the ap-
22 propriate Secretary shall, at the eligible coun-
23 ty's request, reimburse the county the full
24 amount paid by the county pursuant to sub-
25 section (c) with interest if the Secretary fails to

1 carry out an approved project within the time
2 frame established pursuant to subparagraph
3 (A).

4 (ii) Any reimbursement pursuant to clause
5 (i) shall not include repayment of any funds al-
6 ready expended for projects enjoined or prohib-
7 ited by action of a Federal court.

8 (c) FUNDING OF PROJECTS.—Upon approval by the
9 appropriate Secretary of an eligible project or group of
10 eligible projects that meet the requirements of subsection
11 (b), the eligible county will convey the necessary funding
12 to the appropriate Secretary to undertake single-year or
13 multi-year projects or groups of projects.

14 (d) RETURN OF UNUSED FUNDS.—(1) If an eligible
15 county and the Secretary fail to agree on a sufficient num-
16 ber of eligible projects to fully obligate the funds provided
17 under subsection (a)(1) by the end of the fiscal year in
18 which the funds were provided, any remaining funds shall
19 be returned to the Secretary of the Treasury and redistrib-
20 uted in the following fiscal year to those eligible states
21 and counties that did fully expend such funds available
22 to them pursuant to subsection (a)(1) in the same propor-
23 tion as, and in addition to, funds distributed annually to
24 eligible states and counties under this section.

1 (2) Any funds returned to an eligible county by the
2 Secretary under subsection (b)(7)(B) shall be used by that
3 county to fund eligible projects meeting the requirements
4 of subsection (b) within one year from the date of reim-
5 bursement by the Secretary.

6 (c) FUNDS GENERATED BY ELIGIBLE PROJECTS.—

7 (1) DIVISION OF FUNDS.—Any fees, receipts, or
8 payments resulting from any revenue-generating
9 project receiving funds pursuant to subsection (a)(1)
10 shall be, after deposits to any relevant trust funds,
11 divided equally between the eligible county and the
12 Secretary.

13 (2) USE OF FUNDS.—

14 (A) The portion of the funds referred to in
15 paragraph (1) that is paid to the eligible county
16 shall be used by the county for the same pur-
17 poses as provided in subsection 4(e)(1) and sub-
18 section 5(e)(1) of this Act.

19 (B) The portion of funds referred to in
20 paragraph (1) that is received by the Secretary
21 shall be used by the National Forest or Bureau
22 of Land Management District from which the
23 funds originated for infrastructure maintenance
24 or ecosystem restoration.

1 (f) **RELATION OF FUNDS TO ANNUAL APPROPRIA-**
 2 **TIONS.**—Any funds provided to the Secretaries under this
 3 section shall be in addition to the annual appropriations
 4 for the Forest Service and the Bureau of Land Manage-
 5 ment.

6 **SEC. 7. INVESTMENT PROJECT ADVISORY COMMITTEES.**

7 (a) **ESTABLISHMENT AND PURPOSE OF INVESTMENT**
 8 **PROJECT ADVISORY COMMITTEES.**—(1) For each Na-
 9 tional Forest and Bureau of Land Management District
 10 managing Federal Lands, the appropriate Secretary shall
 11 establish and maintain an Investment Project Advisory
 12 Committee to recommend eligible projects or groups of eli-
 13 gible projects pursuant to subsection 6(b)(3) for funds
 14 provided pursuant to subsection 6(a)(1).

15 (2) No eligible project or groups of eligible projects
 16 may be funded under subsection 6(a)(1) without the rec-
 17 ommendation of the appropriate Committee.

18 (3) For the purposes of establishing Committees pur-
 19 suant to this section, the appropriate Secretary may, at
 20 his sole discretion, combine or divide National Forests or
 21 Bureau of Land Management Districts.

22 (b) **COMMITTEE MEMBERS.**—

23 (1) **APPOINTMENT.**—Each Committee shall be
 24 comprised of 15 members broadly representative of
 25 local resource users, environmental interests, forest

1 workers and organized labor representatives, county
2 elected officials, school administrators, teachers, and
3 other local interests as determined by the Secretary.

4 (2) CHAIR.—The Chair of each Committee shall
5 be selected by a majority of the members.

6 (3) VACANCIES.—

7 (A) A vacancy in the membership of any
8 Committee shall be filled by the Secretary in a
9 fashion which maintains the breadth of inter-
10 ests on the Committee.

11 (B) A vacancy in the membership of any
12 Committee shall not impair the right of the re-
13 maining members to fulfill the purposes of the
14 Committee provided in subsection (a).

15 (4) TERM.—Each Committee member shall
16 serve a term of two years from appointment. A Com-
17 mittee member shall be eligible for reappointment at
18 the sole discretion of the Secretary.

19 (c) COMMITTEE STAFF.—At the request of a Com-
20 mittee Chair, the appropriate Secretary may assign Fed-
21 eral employees to assist a Committee in fulfilling the pur-
22 poses pursuant to subsection (a).

23 (d) COMMITTEE RULES.—Each Committee is author-
24 ized to establish such procedural and administrative rules

1 as are necessary to achieve the purpose of the Committee
 2 pursuant to subsection (a).

3 (c) COMMITTEE MEETINGS.—

4 (1) Each Secretary shall develop procedures for
 5 the publication, public attendance, and development
 6 of a record for the meetings of the Committees.

7 (2) All Committee meetings shall be announced
 8 one week in advance of the meeting in a local news-
 9 paper of record, and shall be open to the public.

10 (f) FEDERAL ADVISORY COMMITTEE ACT REQUIRE-
 11 MENTS.—Except as may be provided by this section, the
 12 provisions of the Federal Advisory Committee Act (86
 13 Stat. 770; 5 U.S.C. App. 1) shall not apply to the Commit-
 14 tees.

15 **SEC. 8. APPROPRIATIONS AUTHORIZATION.**

16 There are hereby authorized to be appropriated such
 17 sums as are necessary to carry out the provisions of this
 18 Act.

19 **SEC. 9. CONFORMING AMENDMENTS.**

20 (a) Section 13982 of the Omnibus Budget Reconcili-
 21 ation Act of 1993 (16 U.S.C. 500 note) is repealed. Sec-
 22 tions 13982 and 13983 of the Omnibus Budget Reconcili-
 23 ation Act of 1993 (Public Law 103-66; 16 U.S.C. 500
 24 note; 43 U.S.C. 1181f note) is repealed.

1 (b) Section 6903(a)(1) of title 31, United States
2 Code, is amended by—

3 (1) re-designating subparagraphs (D) through
4 (J) as (E) through (K), respectively; and

5 (2) inserting after subparagraph (C) the fol-
6 lowing new subparagraph:

7 “(D) the Secure Rural Schools and Com-
8 munity Self-Determination Act of 1999;”.

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

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

13 (b) *TABLE OF CONTENTS.*—The table of contents of this
14 Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Findings and purpose.

Sec. 3. Definitions.

**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 Forest Service lands for use by counties to ben-
efit 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.

TITLE III—MISCELLANEOUS PROVISIONS

Sec. 301. Authorization of appropriations.

Sec. 302. Treatment of funds and revenues.

Sec. 303. Regulations.

Sec. 304. Conforming amendments.

1 **SEC. 2. FINDINGS AND PURPOSE.**

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

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

7 (2) *The public domain lands known as revested*
8 *Oregon and California Railroad grant lands and the*
9 *reconveyed Coos Bay Wagon Road grant lands, which*
10 *are managed predominately by the Bureau of Land*
11 *Management were returned to Federal ownership in*
12 *1916 and 1919 and now comprise approximately*
13 *2,600,000 acres of Federal lands.*

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

19 (4) *These same counties have expended public*
20 *funds year after year to provide services, such as edu-*
21 *cation, road construction and maintenance, search*
22 *and rescue, law enforcement, waste removal, and fire*

1 *protection, that directly benefit these Federal lands*
2 *and people who use these lands.*

3 *(5) To accord a measure of compensation to the*
4 *affected counties for the critical services they provide*
5 *to both county residents and visitors to these Federal*
6 *lands, Congress determined that the Federal Govern-*
7 *ment should share with these counties a portion of the*
8 *revenues the United States receives from these Federal*
9 *lands.*

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

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

23 *(8) For several decades primarily due to the*
24 *growth of the Federal timber sale program, counties*
25 *dependent on and supportive of these Federal lands*

1 *received and relied on increasing shares of these reve-*
2 *nuces to provide funding for schools and road mainte-*
3 *nance.*

4 (9) *In recent years, the principal source of these*
5 *revenues, Federal timber sales, has been sharply cur-*
6 *tailed and, as the volume of timber sold annually*
7 *from most of the Federal lands has decreased precipi-*
8 *tously, so too have the revenues shared with the af-*
9 *ected counties.*

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

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

21 (12) *The authority for these particular safety net*
22 *payments is expiring and no comparable authority*
23 *has been granted for alternative payments to counties*
24 *elsewhere in the United States that have suffered*
25 *similar losses in shared revenues from the Federal*

1 *lands and in the funding for schools and roads those*
2 *revenues provide.*

3 *(13) There is a need to stabilize education and*
4 *road maintenance funding through predictable pay-*
5 *ments to the affected counties, job creation in those*
6 *counties, and other opportunities associated with res-*
7 *toration, maintenance, and stewardship of federal*
8 *lands.*

9 *(14) Both the Forest Service and the Bureau of*
10 *Land Management face significant backlogs in infra-*
11 *structure maintenance and ecosystem restoration that*
12 *are difficult to address through annual appropri-*
13 *tions.*

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

17 *(b) PURPOSES.—The purposes of this Act are—*

18 *(1) to stabilize and make permanent payments*
19 *to counties to provide funding for schools and roads;*

20 *(2) to make additional investments in, and cre-*
21 *ate additional employment opportunities through,*
22 *projects that improve the maintenance of existing in-*
23 *frastructure, implement stewardship objectives that*
24 *enhance forest ecosystems, and restore and improve*
25 *land health and water quality. Such projects shall*

1 *enjoy broad-based support with objectives that may*
2 *include, but are not limited to:*

3 *(A) Road, trail, and infrastructure mainte-*
4 *nance or obliteration;*

5 *(B) Soil productivity improvement;*

6 *(C) Improvements in forest ecosystem*
7 *health;*

8 *(D) Watershed restoration and mainte-*
9 *nance;*

10 *(E) Restoration, maintenance and improve-*
11 *ment of wildlife and fish habitat;*

12 *(F) Control of noxious and exotic weeds;*

13 *(G) Reestablishment of native species; and*

14 *(H) General resource stewardship.*

15 *(3) to improve cooperative relationships among*
16 *the people that use and care for Federal lands and the*
17 *agencies that manage these lands.*

18 **SEC. 3. DEFINITIONS.**

19 *In this Act:*

20 *(1) FEDERAL LANDS.—The term “Federal lands”*
21 *means—*

22 *(A) lands within the National Forest Sys-*
23 *tem, as defined in section 11(a) of the Forest and*
24 *Rangeland Renewable Resources Planning Act of*
25 *1974 (16 U.S.C. 1609(a)) exclusive of the Na-*

1 *tional Grasslands administered pursuant to the*
2 *Act of July 22, 1937 (7 U.S.C. 1010–10912);*
3 *and*

4 *(B) the Oregon and California Railroad*
5 *grant lands revested in the United States by the*
6 *Act of June 9, 1916 (chapter 137; 39 Stat. 218),*
7 *Coos Bay Wagon Road grant lands reconveyed to*
8 *the United States by the Act of February 26,*
9 *1919 (chapter 47; 40 Stat. 1179), and subsequent*
10 *additions to such lands.*

11 (2) *ELIGIBILITY PERIOD.*—*The term “eligibility*
12 *period” means fiscal year 1984 through fiscal year*
13 *1999.*

14 (3) *ELIGIBLE COUNTY.*—*The term “eligible coun-*
15 *ty” means a county or borough that received 50-per-*
16 *cent payments for one or more fiscal years of the eli-*
17 *gibility period or a county or borough that received*
18 *a portion of an eligible State’s 25-percent payments*
19 *for one or more fiscal years of the eligibility period.*
20 *The term includes a county or borough established*
21 *after the date of the enactment of this Act so long as*
22 *the county or borough includes all or a portion of a*
23 *county or borough 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 PAYMENTS.*—*The term “25-per-*
9 *cent payments” means the payments to States re-*
10 *quired by the sixth paragraph under the heading of*
11 *“FOREST SERVICE” in the Act of May 23, 1908*
12 *(35 Stat. 260; 16 U.S.C. 500), and section 13 of the*
13 *Act of March 1, 1911 (36 Stat. 963; 16 U.S.C. 500).*

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

22 (8) *SAFETY NET PAYMENTS.*—*The term “safety*
23 *net payments” means the payments to States and*
24 *counties required by section 13982 or 13983 of the*
25 *Omnibus Budget Reconciliation Act of 1993 (Public*

1 *Law 103–66; 16 U.S.C. 500 note; 43 U.S.C. 1181f*
2 *note).*

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

6 **SEC. 101. DETERMINATION OF FULL PAYMENT AMOUNT**
7 **FOR ELIGIBLE STATES AND COUNTIES.**

8 (a) *CALCULATION REQUIRED.*—

9 (1) *ELIGIBLE STATES.*—*The Secretary of the*
10 *Treasury shall calculate for each eligible State an*
11 *amount equal to the average of the three highest 25-*
12 *percent payments and safety net payments made to*
13 *the eligible counties in that State for fiscal years of*
14 *the eligibility period,*

15 (2) *BLM COUNTIES.*—*The Secretary of the*
16 *Treasury shall calculate for each eligible county that*
17 *received a 50-percent payment during the eligibility*
18 *period an amount equal to the average of the three*
19 *highest 50-percent payments and safety net payments*
20 *made to that eligible county for fiscal years of the eli-*
21 *gibility period.*

22 (b) *ANNUAL ADJUSTMENT.*—*For each fiscal year in*
23 *which payments are required to be made to eligible States*
24 *and eligible counties under this title, the Secretary of the*
25 *Treasury shall adjust the full payment amount for the pre-*

1 *vious fiscal year for each eligible State and eligible county*
 2 *to reflect changes in the consumer price index for rural*
 3 *areas (as published in the Bureau of Labor Statistics) that*
 4 *occur after publication of that index for fiscal year 2000.*

5 **SEC. 102. PAYMENTS TO STATES FROM NATIONAL FOREST**
 6 **SYSTEM LANDS FOR USE BY COUNTIES TO**
 7 **BENEFIT PUBLIC EDUCATION AND TRANS-**
 8 **PORTATION.**

9 (a) *REQUIREMENT FOR PAYMENTS TO ELIGIBLE*
 10 *STATES.—The Secretary of the Treasury shall make to each*
 11 *eligible State a payment in accordance with subsection (b)*
 12 *for each fiscal year beginning in fiscal year 2000. The pay-*
 13 *ment for a fiscal year shall be made as soon as practicable*
 14 *after the end of that fiscal year.*

15 (b) *PAYMENT AMOUNTS.—Except as provided in sub-*
 16 *section (c), the payment to an eligible State for a fiscal year*
 17 *shall consist of the 25-percent payment applicable to that*
 18 *State for that fiscal year as described in section 3(6).*

19 (c) *ELECTION TO RECEIVE FULL PAYMENT*
 20 *AMOUNT.—*

21 (1) *An eligible State may elect to receive the full*
 22 *payment amount as described in sections 101(a)(1)*
 23 *and 101(b), in lieu of the payment described in sub-*
 24 *section (b). The election shall be made at the discre-*
 25 *tion of each affected county and transmitted to the*

1 *Secretary by the Governor of a State. Each such*
2 *county election shall be effective for two fiscal years.*

3 (2) *Except that, when a county elects to receive*
4 *the full payment amount, such election shall be effec-*
5 *tive for all the subsequent fiscal years.*

6 (3) *The payment to an eligible State under this*
7 *subsection for a fiscal year shall be derived first from*
8 *any revenues, fees, penalties, or miscellaneous re-*
9 *ceipts, exclusive of deposits to any relevant trust fund,*
10 *or special accounts, received by the Federal Govern-*
11 *ment from activities by the Forest Service on the Fed-*
12 *eral lands described in subsection 3(1)(A) and/or sec-*
13 *ondly, as determined by the Secretary of the Treas-*
14 *ury, from any funds in the Treasury not otherwise*
15 *appropriated.*

16 (d) *DISTRIBUTION AND EXPENDITURE OF PAY-*
17 *MENTS.—*

18 (1) *DISTRIBUTION METHOD.—An eligible State*
19 *that elects to receive a payment under subsection (c)*
20 *shall distribute the payment among all eligible coun-*
21 *ties in the State, with each eligible county receiving*
22 *the amount calculated for that county in Section*
23 *101(a).*

24 (2) *EXPENDITURE PURPOSES.—Subject to sub-*
25 *section (e), payments received by eligible States under*

1 subsection (a) and distributed to eligible counties
2 shall be expended in the same manner in which 25-
3 percent payments are required to be expended.

4 (e) *EXPENDITURE RULES FOR ELIGIBLE COUNTIES.*—

5 (1) *IN GENERAL.*—Of the funds to be distributed
6 to an eligible county pursuant to subsection (d)—

7 (A) not less than 80 percent but not more
8 than 85 percent of the funds shall be expended in
9 the same manner in which the 25-percent pay-
10 ments are required to be expended; and

11 (B) at the election of an eligible county, the
12 balance of the funds not expended pursuant to
13 subparagraph (A) shall either be reserved for
14 projects in accordance with title II, or remitted
15 to the fund created by section 302(b).

16 (2) *DEPOSIT OF FUNDS IN SPECIAL ACCOUNT.*—

17 Funds reserved by an eligible county under para-
18 graph (1) shall be deposited in a special account in
19 the Treasury of the United States and shall be avail-
20 able for expenditure by the Secretary of Agriculture,
21 without further appropriation, and shall remain
22 available until expended in accordance with title II.

23 (3) *ELECTION.*—

24 (A) *GENERAL.*—An eligible county shall no-
25 tify the Secretary of Agriculture of its election

1 *under this subsection not later than September*
 2 *30 of each fiscal year. If the eligible county fails*
 3 *to make an election by that date, the county is*
 4 *deemed to have elected to expend 85 percent of*
 5 *the funds to be received under subsection (c) in*
 6 *the same manner in which the 25-percent pay-*
 7 *ments are required to be expended, and remitted*
 8 *the balance to the fund created by Section*
 9 *302(b).*

10 (B) *COUNTIES WITH MINOR DISTRIBUTIONS.—Notwithstanding the expenditure rules*
 11 *in this subsection, in the case of each eligible*
 12 *county to which less than \$100,000 is distributed*
 13 *for any fiscal year pursuant to subsection (c),*
 14 *the eligible county may elect to expend all such*
 15 *funds in accordance with subsection (d).*

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

21 (a) *REQUIREMENT FOR PAYMENTS TO ELIGIBLE*
 22 *COUNTIES.—The Secretary of the Treasury shall make to*
 23 *each eligible county that received a 50-percent payment*
 24 *during the eligibility period a payment in accordance with*
 25 *subsection (b) for each of fiscal year in fiscal year 2000.*

1 *The payment for a fiscal year shall be made as soon as*
2 *practicable after the end of that fiscal year.*

3 **(b) PAYMENT AMOUNTS.**—*Except as provided in sub-*
4 *section (c), the payments to an eligible county for a fiscal*
5 *year shall consist of the 50-percent payment applicable to*
6 *that county for that fiscal year as described in section 3(7).*

7 **(c) ELECTION TO RECEIVE FULL PAYMENT**
8 **AMOUNT.**—

9 **(1)** *An eligible county may elect to receive the*
10 *full payment amount, as described in sections*
11 *101(a)(2) and 101(b) in lieu of the payment described*
12 *in subsection (b). The election shall be made at the*
13 *discretion of the county. Once the election is made, it*
14 *shall be effective for the fiscal year in which the elec-*
15 *tion is made and all subsequent fiscal years.*

16 **(2)** *The payment to an eligible county under this*
17 *subsection for a fiscal year shall be derived first from*
18 *any revenues, fees, penalties, or miscellaneous re-*
19 *ceipts, exclusive of deposits to any relevant trust fund,*
20 *or special accounts, received by the Federal Govern-*
21 *ment from activities by the Bureau of Land Manage-*
22 *ment on the Federal Lands described in subsection*
23 *3(1)(B) and/or secondly, as determined by the Sec-*
24 *retary of the Treasury, from any funds in the Treas-*
25 *ury not otherwise appropriated.*

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

2 (1) *IN GENERAL.*—*Of the funds to be distributed*
3 *to an eligible county pursuant to subsection (d)—*

4 (A) *Not less than 80 percent but not more*
5 *than 85 percent of the funds distributed to the el-*
6 *igible county shall be expended in the same man-*
7 *ner in which the 50-percent payments are re-*
8 *quired to be expended; and*

9 (B) *At the election of an eligible county, the*
10 *balance of the funds not expended pursuant to*
11 *subparagraph (A) shall either be reserved for*
12 *projects in accordance with title II, or remitted*
13 *to the fund created by section 302(b).*

14 (2) *DEPOSIT OF FUNDS IN SPECIAL ACCOUNT.*—
15 *Funds reserved by an eligible county under para-*
16 *graph (1) shall be deposited in a special account in*
17 *the Treasury of the United States and shall be avail-*
18 *able for expenditure by the Secretary of the Interior,*
19 *without further appropriation, and shall remain*
20 *available until expended in accordance with title II.*

21 (3) *ELECTION.*—*An eligible county shall notify*
22 *the Secretary of the Interior of its election under this*
23 *subsection not later than September 30 of each fiscal*
24 *year under subsection (d). If the eligible county fails*
25 *to make an election by that date, the county is deemed*

1 to have elected to expend 85 percent on the funds re-
 2 ceived under subsection (c) in the same manner in
 3 which the 50-percent payments are required to be ex-
 4 pended and remitted the balance to the fund created
 5 by section 302(b).

6 **TITLE II—SPECIAL PROJECTS ON**
 7 **FEDERAL LANDS**

8 **SEC. 201. DEFINITIONS.**

9 *In this title:*

10 (1) *PARTICIPATING COUNTY.*—The term “partici-
 11 pating county” means an eligible county that—

12 (A) receives Federal funds pursuant to sec-
 13 tion 102 or 103; and

14 (B) elects under sections 102(e)(3) or
 15 103(d)(3) to expend a portion of those funds in
 16 accordance with sections 102(e)(1)(B) or
 17 103(d)(3).

18 (2) *PROJECT FUNDS.*—The term “project funds”
 19 means all funds an eligible county elects under sec-
 20 tions 102(e)(3) and 103(d)(3) to reserve for expendi-
 21 ture under sections 102(e)(1)(B) or 103(d)(2) for ex-
 22 penditure in accordance with this title.

23 (3) *RESOURCE ADVISORY COMMITTEE.*—The
 24 term “resource advisory committee” means an advi-
 25 sory committee established by the Secretary concerned

1 *Federal agencies, State and local governments, private and*
 2 *nonprofit entities, and landowners for protection, restora-*
 3 *tion and enhancement of fish and wildlife habitat, and*
 4 *other resource objectives consistent with the purposes of this*
 5 *title on public or private land or both that benefit these*
 6 *resources within the watershed.*

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

8 (a) *SUBMISSION OF PROJECT PROPOSALS TO SEC-*
 9 *RETARY CONCERNED.—*

10 (1) *PROJECTS FUNDED USING PROJECT*
 11 *FUNDS.—Not later than September 30 for fiscal year*
 12 *2001, and each September 30 thereafter for each suc-*
 13 *ceeding fiscal year, each resource advisory committee*
 14 *established under section 205 shall submit to the Sec-*
 15 *retary concerned a description of any projects that the*
 16 *resource advisory committee proposes the Secretary*
 17 *undertake using any project funds reserved.*

18 (2) *PROJECTS FUNDED USING OTHER FUNDS.—*
 19 *A resource advisory committee may submit to the Sec-*
 20 *retary concerned a description of any projects that the*
 21 *committee proposes the Secretary undertake using*
 22 *funds from State or local governments, from the pri-*
 23 *vate sector, or funds held by the Secretary concerned*
 24 *pursuant to section 302(b), other than project funds*

1 *and funds appropriated and otherwise available to do*
2 *similar work.*

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

8 (b) *REQUIRED DESCRIPTION OF PROJECTS.—In sub-*
9 *mitting proposed projects to the Secretary concerned under*
10 *subsection (a), a resource advisory committee shall include*
11 *in the description of each proposed project the following in-*
12 *formation:*

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

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

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

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

19 (5) *Expected outcomes, including how the project*
20 *will meet or exceed desired ecological conditions,*
21 *maintenance objectives, or stewardship objectives, as*
22 *well as an estimation of the amount of any timber,*
23 *forage, and other commodities and other economic ac-*
24 *tivity, including jobs generated, if any, anticipated as*
25 *part of the project.*

1 (6) *A detailed monitoring plan, including fund-*
2 *ing needs and sources, that tracks project effectiveness,*
3 *implementation, and provides for validation moni-*
4 *toring. The monitoring plan shall include an assess-*
5 *ment of the following: whether or not the project cre-*
6 *ated local employment or training opportunities, in-*
7 *cluding summer youth jobs programs such as the*
8 *Youth Conservation Corps where appropriate; and*
9 *whether the project improved the use of, or added*
10 *value to, any products removed from lands consistent*
11 *with the purposes of this Act.*

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

14 (c) *AUTHORIZED PROJECTS.—*

15 (1) *IN GENERAL.—Projects proposed under sub-*
16 *section (a) shall be consistent with section 2(b).*

17 (2) *SEARCH, RESCUE, AND EMERGENCY SERV-*
18 *ICES.—Notwithstanding paragraph (1), a resource*
19 *advisory committee may submit as a proposed project*
20 *under subsection (a) a proposal that the participating*
21 *county or sheriff's department receive reimbursement*
22 *for search and rescue and other emergency services*
23 *performed on Federal lands and paid for by the coun-*
24 *ty. The source of funding for an approved project of*
25 *this type must be the fund created by section 302(b).*

1 (3) *COMMUNITY SERVICE WORK CAMPS.*—Not-
2 withstanding paragraph (1), a resource advisory com-
3 mittee may submit as a proposed project under sub-
4 section (a) a proposal that the participating county
5 receive reimbursement for all or part of the costs in-
6 curred by the county to pay the salaries and benefits
7 of county employees who supervise adults or juveniles
8 performing mandatory community service on Federal
9 lands.

10 **SEC. 204. EVALUATION AND APPROVAL OF PROJECTS BY**
11 **SECRETARY CONCERNED.**

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

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

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

24 (3) *The project has been approved by the resource*
25 *advisory committee in accordance with section 205,*

1 including the procedures issued under subsection (e)
2 of such section.

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

6 (b) ENVIRONMENTAL REVIEWS.—

7 (1) PAYMENT OF REVIEW COSTS.—

8 (A) REQUEST FOR PAYMENT BY COUNTY.—

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

21 (B) EFFECT OF REFUSAL TO PAY.—If a re-
22 source advisory committee does not agree to the
23 expenditure of funds under subparagraph (A),
24 the project shall be deemed withdrawn from fur-
25 ther consideration by the Secretary concerned

1 *pursuant to this title. Such a withdrawal shall*
2 *be deemed to be a rejection of the project for pur-*
3 *poses of section 207(c).*

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

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

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

21 *(d) SOURCE AND CONDUCT OF PROJECT.—Once the*
22 *Secretary concerned accepts a project for review under sec-*
23 *tion 204, it shall be deemed a Federal action for all pur-*
24 *poses.*

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

1 (1) *COOPERATION.*—*Notwithstanding chapter 63*
2 *of title 31, United States Code, the Secretary con-*
3 *cerned may enter into contracts, grants, and coopera-*
4 *tive agreements with States and local governments,*
5 *private and nonprofit entities, and landowners and*
6 *other persons to assist the Secretary in carrying out*
7 *an approved project.*

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

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

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

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

22 (D) *The commitment of the contractor to*
23 *hiring highly qualified workers and local resi-*
24 *dents.*

1 (3) *MERCHANTABLE MATERIALS SALES CON-*
2 *TRACTING PILOT PROJECTS.*—*Until September 30,*
3 *2004, for a portion of the contracts issued under this*
4 *paragraph, the Secretary concerned shall provide for*
5 *the disposal of the forest products under a separate*
6 *contract. Within one year of the completion of the*
7 *contracts authorized under this paragraph, the Sec-*
8 *retary shall report to the Committee on Energy and*
9 *Natural Resources of the United States Senate and*
10 *the Committee of Resources of the United States*
11 *House of Representatives on the environmental and*
12 *fiscal results of these projects.*

13 **SEC. 205. RESOURCE ADVISORY COMMITTEES.**

14 (a) *ESTABLISHMENT AND PURPOSE OF RESOURCE AD-*
15 *VISORY COMMITTEES.*—

16 (1) *ESTABLISHMENT.*—*The Secretary concerned*
17 *shall establish and maintain a resource advisory com-*
18 *mittee to perform the duties in subsection (b), except*
19 *as provided in paragraphs (3) and (4).*

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

1 (3) *ACCESS TO RESOURCE ADVISORY COMMIT-*
2 *TEES.—To ensure that each unit of Federal land has*
3 *access to a resource advisory committee, and that*
4 *there is sufficient interest in participation on a com-*
5 *mittee to ensure that membership can be balanced in*
6 *terms of the points of view represented and the func-*
7 *tions to be performed, the Secretary concerned may,*
8 *establish resource advisory committees for part of, or*
9 *one or more, units of Federal lands.*

10 (4) *EXISTING ADVISORY COMMITTEES.—Existing*
11 *advisory committees meeting the requirements of this*
12 *section may be deemed by the Secretary concerned, as*
13 *a resource advisory committee for the purposes of the*
14 *title. The Secretary of the Interior may deem a re-*
15 *source advisory committee meeting the requirements*
16 *of part 1780, subpart 1784 of title 43, Code of Federal*
17 *Regulations, as a resource advisory committee for the*
18 *purposes of this title.*

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

20 (1) *review projects proposed by participating*
21 *counties and other persons;*

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

24 (3) *provide early and continuous coordination*
25 *with appropriate land management agency officials*

1 *in recommending projects consistent with purposes of*
2 *this Act; and*

3 *(4) provide frequent opportunities for citizens,*
4 *organizations, Tribes, land management agencies, and*
5 *other interested parties to participate openly and*
6 *meaningfully, beginning at the early stages of the*
7 *project development process.*

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

9 *(1) APPOINTMENT AND TERM.—The Secretary*
10 *concerned, shall appoint the members of resource ad-*
11 *visory committees for a term of 3 years beginning on*
12 *the date of appointment. The Secretary concerned*
13 *may reappoint members to subsequent 3-year terms.*

14 *(2) BASIC REQUIREMENTS.—The Secretary con-*
15 *cerned shall ensure that each resource advisory com-*
16 *mittee established meets the requirements of subsection*
17 *(d).*

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

22 *(4) VACANCIES.—The Secretary concerned shall*
23 *make appointments to fill vacancies on any resource*
24 *advisory committee as soon as practicable after the*
25 *vacancy has occurred.*

1 (5) *COMPENSATION.*—*Members of the resource*
2 *advisory committees shall not receive any compensa-*
3 *tion.*

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

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

7 (2) *COMMUNITY INTERESTS REPRESENTED.*—
8 *Committee members shall be representative of the in-*
9 *terests of the following categories:*

10 (A) *5 persons who—*

11 (i) *represent organized labor;*

12 (ii) *represent developed outdoor recre-*
13 *ation, off highway vehicle users, or commer-*
14 *cial recreation activities;*

15 (iii) *represent energy and mineral de-*
16 *velopment interests;*

17 (iv) *represent the commercial timber*
18 *industry; or*

19 (v) *hold Federal grazing permits, or*
20 *other land use permits within the area for*
21 *which the committee is organized.*

22 (B) *5 persons representing—*

23 (i) *nationally recognized environ-*
24 *mental organizations;*

1 (ii) regionally or locally recognized en-
2 vironmental organizations;

3 (iii) dispersed recreational activities;

4 (iv) archeological and historical inter-
5 ests; or

6 (v) nationally or regionally recognized
7 wild horse and burro interest groups.

8 (C) 5 persons who—

9 (i) hold state elected office or their des-
10 ignee;

11 (ii) hold county or local elected office;

12 (iii) represent American Indian tribes
13 within or adjacent to the area for which the
14 committee is organized;

15 (iv) are school officials or teachers; or

16 (v) represent the affected public at
17 large.

18 (3) *BALANCED REPRESENTATION.*—In appoint-
19 ing committee members from the three categories in
20 paragraph (2), the Secretary concerned shall provide
21 for balanced and broad representation from within
22 each category.

23 (4) *GEOGRAPHIC DISTRIBUTION.*—The members
24 of a resource advisory committee shall reside within

1 *the State in which the committee has geographic ju-*
2 *risdiction.*

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

6 (e) *APPROVAL PROCEDURES.*—

7 (1) *Subject to paragraph (2), each resource advi-*
8 *sory committee shall establish procedures for defining*
9 *a quorum and proposing projects to the Secretary*
10 *concerned. A quorum must be present to constitute an*
11 *official meeting of the committee.*

12 (2) *A project may be proposed by a resource ad-*
13 *visory committee to the Secretary concerned under*
14 *section 203(a) if it has been approved by a majority*
15 *of members of the committee from each of the three*
16 *categories in subsection (c)(2).*

17 (f) *OTHER COMMITTEE AUTHORITIES AND REQUIRE-*
18 *MENTS.*—

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

23 (2) *MEETINGS.*—*All meetings of a resource advi-*
24 *sory committee shall be announced at least one week*

1 *in advance in a local newspaper of record and shall*
2 *be open to the public.*

3 (3) *RECORDS.*—*A resource advisory committee*
4 *shall maintain records of the meetings of the com-*
5 *mittee and make the records available for public in-*
6 *spection.*

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

8 (a) *AGREEMENT REGARDING SCHEDULE AND COST OF*
9 *PROJECT.*—

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

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

22 (B) *The total cost of the project, including*
23 *the level of agency overhead to be assessed*
24 *against the project.*

1 (C) *For a multi-year project, the estimated*
2 *cost of the project for each of the fiscal years in*
3 *which it will be carried out.*

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

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

13 (b) *TRANSFER OF PROJECT FUNDS.—*

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

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

1 (B) in the case of a multi-year project, the
2 amount specified in the agreement to be paid
3 using project funds, or other funds described in
4 section 203(a)(2) for the first fiscal year.

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

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

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

24 (a) *SUBMISSION OF PROPOSED PROJECTS TO OBLI-*
25 *GATE FUNDS.*—By the end of each fiscal year, a resource

1 *advisory committee shall submit to the Secretary concerned*
2 *pursuant to section 203(a)(1) a sufficient number of project*
3 *proposals that, if approved, would result in the obligation*
4 *of at least the full amount of the project funds reserved by*
5 *the participating county in the preceding fiscal year.*

6 *(b) USE OR TRANSFER OF UNOBLIGATED FUNDS.—*

7 *(1) If a resource advisory committee fails to com-*
8 *ply with subsection (a) for a fiscal year, any project*
9 *funds reserved by the participating county in the pre-*
10 *ceding fiscal year and remaining unobligated shall be*
11 *available for use as part of the project submissions in*
12 *the next fiscal year.*

13 *(2) Any funds not used because a county fails to*
14 *elect under section 102(e)(3) or section 103(d)(3) to*
15 *expend monies for local projects shall be remitted to*
16 *the fund created by section 302(b).*

17 *(c) EFFECT OF REJECTION OF PROJECTS.—Any*
18 *project funds reserved by a participating county in the pre-*
19 *ceding fiscal year that are unobligated at the end of a fiscal*
20 *year because the Secretary concerned has rejected one or*
21 *more proposed projects shall be available for use as part*
22 *of the project submissions in the next fiscal year.*

23 *(d) EFFECT OF COURT ORDERS.—If an approved*
24 *project is enjoined or prohibited by a Federal court under*
25 *this Act, the Secretary concerned shall use unobligated*

1 *project funds related to that project in the participating*
 2 *county or counties that reserved the funds. The returned*
 3 *funds shall be available for the county to expend in the same*
 4 *manner as the funds reserved by the county under section*
 5 *102(e)(1)(B) or 103(d)(1)(B), whichever applies to the*
 6 *funds involved.*

7 **TITLE III—MISCELLANEOUS**
 8 **PROVISIONS**

9 **SEC. 301. AUTHORIZATION OF APPROPRIATIONS.**

10 *There are hereby authorized to be appropriated such*
 11 *sums as are necessary to carry out this Act for fiscal years*
 12 *2001 through 2007.*

13 **SEC. 302. TREATMENT OF FUNDS AND REVENUES.**

14 *(a) Funds appropriated pursuant to the authorization*
 15 *of appropriations in section 301 and funds made available*
 16 *to a Secretary concerned under section 206 shall be in addi-*
 17 *tion to any other annual appropriations for the Forest*
 18 *Service and the Bureau of Land Management.*

19 *(b) Any and all revenues generated from projects pur-*
 20 *suant to title II, any funds remitted by counties pursuant*
 21 *to section 102(e)(1)(B) or section 103(d)(1)(B), and any in-*
 22 *terest accrued from any such funds shall be deposited and*
 23 *retained without further appropriation in a national fund*
 24 *and available to the Secretary concerned to fund projects*
 25 *authorized pursuant to section 203. The Secretary con-*

1 *cerned shall prioritize expenditures from this fund and shall*
2 *identify, in an annual report to the Committee on Energy*
3 *and Natural Resources of the United States Senate and the*
4 *Committee on Resources of the United States House of Rep-*
5 *resentatives, all projects receiving funds pursuant to this*
6 *subsection.*

7 **SEC. 303. REGULATIONS.**

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

10 **SEC. 304. CONFORMING AMENDMENTS.**

11 *Section 13982 of the Omnibus Budget Reconciliation*
12 *Act of 1993 (116 U.S.C. 500 note) is repealed. Sections*
13 *13982 and 13983 of the Omnibus Budget Reconciliation Act*
14 *of 1993 (Public Law 103–66; 16 U.S.C. 500 note; 43 U.S.C.*
15 *1181f note) is repealed.*

Calendar No. 520

106TH CONGRESS
2D SESSION

S. 1608

[Report No. 106-275]

A BILL

To provide annual payments to the States and counties from National Forest System lands managed by the Forest Service, and the revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands managed predominantly by the Bureau of Land Management, for use by the counties in which the lands are situated for the benefit of public schools, roads, emergency, and other public purposes; to encourage and provide new mechanisms for cooperation between counties and the Forest Service and the Bureau of Land Management to make necessary investments in Federal lands, and reaffirm the positive connection between Federal Lands counties and Federal Lands; and for other purposes.

APRIL 25, 2000

Reported with an amendment