

116TH CONGRESS
1ST SESSION

H. R. 4057

To restore employment and educational opportunities in, and improve the economic stability of, counties containing National Forest System land, while also reducing Forest Service management costs, by ensuring that such counties have a dependable source of revenue from timber sales conducted on National Forest System land, to reduce payments under the Secure Rural Schools and Community Self-Determination Act of 2000 to reflect such counties' receipt of timber sale revenues, to strengthen stewardship end result contracting, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 25, 2019

Mrs. RODGERS of Washington (for herself and Mr. NEWHOUSE) introduced the following bill; which was referred to the Committee on Agriculture, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To restore employment and educational opportunities in, and improve the economic stability of, counties containing National Forest System land, while also reducing Forest Service management costs, by ensuring that such counties have a dependable source of revenue from timber sales conducted on National Forest System land, to reduce payments under the Secure Rural Schools and Community Self-Determination Act of 2000 to reflect such counties' receipt of timber sale revenues, to strengthen

stewardship end result contracting, 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
 5 “Fostering Opportunities for Resources and Education
 6 Spending through Timber Sales Act of 2019” or the
 7 “FORESTS Act of 2019”.

8 (b) TABLE OF CONTENTS.—The table of contents of
 9 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Purposes.

TITLE I—FOREST ACTIVE MANAGEMENT AREAS

Sec. 101. Definitions.

Sec. 102. Establishment of Forest Active Management Areas and annual volume requirements.

Sec. 103. Management of Forest Active Management Areas.

Sec. 104. Environmental analysis process for covered active management projects.

Sec. 105. Expedited compliance with Endangered Species Act.

Sec. 106. Administrative review.

Sec. 107. Use of arbitration instead of litigation to address challenge to covered active management project developed through collaborative process.

Sec. 108. Distribution of forest active management revenues.

Sec. 109. Annual report.

TITLE II—TRANSITION OF SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT OF 2000 AND 25-PERCENT PAYMENTS

Sec. 201. Extension of secure rural schools and community self-determination act of 2000 payments through fiscal year 2020.

Sec. 202. Effect of receipt of forest active management revenues or stewardship project payments.

Sec. 203. Restoring original calculation method for 25-percent payments.

Sec. 204. Prohibition on State retention of portion of 25-percent payments made on behalf of beneficiary counties.

TITLE III—STEWARDSHIP END RESULT CONTRACTING
AUTHORITY

- Sec. 301. Maximum authorized duration of stewardship end result contracts.
 Sec. 302. Cancellation ceiling authority and requirements.
 Sec. 303. Payment of portion of stewardship project revenues to county in which stewardship project occurs.
 Sec. 304. Use of contractors to perform environmental analysis in connection with stewardship end result contracting projects.

TITLE IV—OTHER MATTERS

- Sec. 401. Treatment as supplemental funding.
 Sec. 402. Definition of fire suppression to include certain related activities.
 Sec. 403. Prohibition on certain actions regarding Forest Service roads and trails.

1 SEC. 2. PURPOSES.

2 The purposes of this Act are as follows:

3 (1) To restore employment and educational op-
 4 portunities in, and improve the economic stability of,
 5 counties containing National Forest System land.

6 (2) To ensure that such counties have a de-
 7 pendable source of revenue from National Forest
 8 System land.

9 (3) To reduce Forest Service management costs
 10 while also ensuring the protection of United States
 11 forest resources.

12 (4) To reduce the frequency and severity of cat-
 13 astrophic wildfires on Federal lands and to lessen
 14 the need for the Forest Service to borrow resources
 15 from other important forest management accounts
 16 to combat fires.

TITLE I—FOREST ACTIVE MANAGEMENT AREAS

SEC. 101. DEFINITIONS.

In this title:

(1) ANNUAL VOLUME REQUIREMENT.—

(A) IN GENERAL.—The term “annual volume requirement”, with respect to a Forest Active Management Area, means a volume of national forest materials that, subject to adjustment pursuant to section 102(e)(2), is equal to not less than 50 percent of the sustained yield of the Forest Active Management Area.

(B) EXCLUSIONS.—In determining the volume of national forest materials or the sustained yield of a Forest Active Management Area, the Secretary may not include non-commercial post and pole sales and personal use firewood.

(2) BENEFICIARY COUNTY.—The term “beneficiary county” means a political subdivision of a State that, on account of containing National Forest System land, was eligible to receive payments for any of the fiscal years 2001 through 2015 through the State under title I of the Secure Rural Schools

1 and Community Self-Determination Act of 2000 (16
2 U.S.C. 7111 et seq.).

3 (3) COLLABORATIVE PROCESS.—The term “col-
4 laborative process” refers to a planning, decision-
5 making, and management process that, as deter-
6 mined by the forest manager of the unit of the Na-
7 tional Forest System for which the process will occur
8 and as confirmed by the Regional Forester—

9 (A) includes multiple interested persons
10 representing diverse interests; and

11 (B) is transparent and nonexclusive or
12 meets the requirements for a resource advisory
13 committee under subsections (c) through (f) of
14 section 205 of the Secure Rural Schools and
15 Community Self-Determination Act of 2000 (16
16 U.S.C. 7125).

17 (4) COVERED ACTIVE MANAGEMENT
18 PROJECT.—The terms “covered active management
19 project” and “covered project” mean a project in-
20 volving the management or sale of national forest
21 materials within a Forest Active Management Area
22 to generate forest active management revenues and
23 achieve the annual volume requirement for the For-
24 est Active Management Area.

25 (5) FOREST ACTIVE MANAGEMENT AREA.—

1 (A) IN GENERAL.—The term “Forest Ac-
2 tive Management Area” means National Forest
3 System land in a unit of the National Forest
4 System designated for sustainable forest man-
5 agement for the production of national forest
6 materials and forest active management reve-
7 nues.

8 (B) INCLUSIONS.—Subject to subpara-
9 graph (C) and any adjustment made pursuant
10 to section 102(f)(3), but otherwise notwith-
11 standing any other provision of law, including
12 Executive orders and regulations, the Secretary
13 shall include in Forest Active Management
14 Areas not less than 50 percent of the National
15 Forest System lands identified as commercial
16 forest land capable of producing twenty cubic
17 feet of timber per acre.

18 (C) EXCLUSIONS.—A Forest Active Man-
19 agement Area may not include National Forest
20 System land—

- 21 (i) that is a component of the Na-
22 tional Wilderness Preservation System;
- 23 (ii) on which the removal of vegetation
24 is specifically prohibited by Federal stat-
25 ute; or

1 (iii) that is included within a National
2 Monument as of the date of the enactment
3 of this Act.

4 (6) FOREST ACTIVE MANAGEMENT REVE-
5 NUES.—The term “forest active management reve-
6 nues” means revenues derived from the sale of na-
7 tional forest materials in a Forest Active Manage-
8 ment Area.

9 (7) NATIONAL FOREST MATERIALS.—The term
10 “national forest materials” has the meaning given
11 that term in section 14(e)(1) of the National Forest
12 Management Act of 1976 (16 U.S.C. 472a(e)(1)).

13 (8) NATIONAL FOREST SYSTEM.—The term
14 “National Forest System” has the meaning given
15 that term in section 11(a) of the Forest and Range-
16 land Renewable Resources Planning Act of 1974 (16
17 U.S.C. 1609(a)), except that the term does not in-
18 clude the National Grasslands and land utilization
19 projects designated as National Grasslands adminis-
20 tered pursuant to the Act of July 22, 1937 (7
21 U.S.C. 1010–1012).

22 (9) SECRETARY.—The term “Secretary” means
23 the Secretary of Agriculture.

24 (10) SUSTAINED YIELD.—The term “sustained
25 yield” means the maximum annual growth potential

1 of a forest calculated on the basis of the culmination
2 of mean annual increment using cubic measurement.

3 (11) STATE.—The term “State” includes the
4 Commonwealth of Puerto Rico.

5 (12) 25-PERCENT PAYMENT.—The term “25-
6 percent payment” means the payment to States re-
7 quired by the sixth paragraph under the heading of
8 “FOREST SERVICE” in the Act of May 23, 1908
9 (35 Stat. 260; 16 U.S.C. 500), and section 13 of the
10 Act of March 1, 1911 (36 Stat. 963; 16 U.S.C.
11 500).

12 **SEC. 102. ESTABLISHMENT OF FOREST ACTIVE MANAGE-**
13 **MENT AREAS AND ANNUAL VOLUME RE-**
14 **QUIREMENTS.**

15 (a) ESTABLISHMENT OF FOREST ACTIVE MANAGE-
16 MENT AREAS.—Notwithstanding any other provision of
17 law, the Secretary shall establish one or more Forest Ac-
18 tive Management Areas within each unit of the National
19 Forest System.

20 (b) DEADLINE FOR ESTABLISHMENT.—To the max-
21 imum extent practicable, the Secretary shall complete the
22 establishment of Forest Active Management Areas not
23 later than 60 days after the date of the enactment of this
24 Act.

1 (c) PURPOSE.—The purpose of a Forest Active Man-
2 agement Area is to provide a dependable source of 25-
3 percent payments and economic activity through sustain-
4 able forest management for each beneficiary county con-
5 taining National Forest System land included within that
6 Forest Active Management Area.

7 (d) FIDUCIARY RESPONSIBILITY.—The Secretary
8 shall have a fiduciary responsibility to beneficiary counties
9 to manage a Forest Active Management Area to satisfy
10 the annual volume requirement established for that Forest
11 Active Management Area.

12 (e) ANNUAL VOLUME REQUIREMENT.—

13 (1) DEADLINE FOR ESTABLISHMENT.—Not
14 later than 30 days after the date of the establish-
15 ment of a Forest Active Management Area or as
16 soon thereafter as practicable, the Secretary shall es-
17 tablish the annual volume requirement for that For-
18 est Active Management Area.

19 (2) COLLABORATIVE ADJUSTMENT AUTHOR-
20 ITY.—The Secretary may establish the annual vol-
21 ume requirement for a Forest Active Management
22 Area at a level below 50 percent of the sustained
23 yield of that Forest Active Management Area if the
24 lower level is developed and agreed upon through a
25 collaborative process.

1 (f) SIZE OF FOREST ACTIVE MANAGEMENT AREA.—

2 (1) MINIMUM SIZE.—Except as provided in
3 paragraph (3), the Forest Active Management Areas
4 established within a unit of the National Forest Sys-
5 tem shall include not less than 50 percent of the Na-
6 tional Forest System lands in that unit identified as
7 commercial forest land capable of producing twenty
8 cubic feet of timber per acre.

9 (2) REDUCTION PROHIBITED.—Except as pro-
10 vided in paragraph (3), once a Forest Active Man-
11 agement Area is established, the Secretary may not
12 reduce the number of acres of National Forest Sys-
13 tem land included in that Forest Active Management
14 Area.

15 (3) COLLABORATIVE ADJUSTMENT AUTHOR-
16 ITY.—The Secretary may reduce the number of
17 acres of National Forest System land included in a
18 Forest Active Management Area, including an acre-
19 age reduction resulting in the inclusion of a quantity
20 of commercial forest land below the percentage re-
21 quired by paragraph (1) and section 101(5)(B), if
22 the reduction is developed and agreed upon through
23 a collaborative process.

24 (g) MAP.—The Secretary shall submit a map of all
25 Forest Active Management Areas established under sub-

1 section (a) and a map of any Forest Active Management
2 Area whose acreage is adjusted made pursuant to sub-
3 section (f)(3)—

4 (1) to the Committee on Agriculture and the
5 Committee on Natural Resources of the House of
6 Representatives; and

7 (2) to the Committee on Agriculture, Nutrition,
8 and Forestry and the Committee on Energy and
9 Natural Resources of the Senate.

10 (h) RECOGNITION OF VALID AND EXISTING
11 RIGHTS.—Neither the establishment of Forest Active
12 Management Areas under subsection (a) nor any other
13 provision of this title shall be construed to limit or re-
14 strict—

15 (1) access to National Forest System land for
16 hunting, fishing, recreation, and other related pur-
17 poses; or

18 (2) valid and existing rights regarding National
19 Forest System land, including rights of any federally
20 recognized Indian tribe.

21 **SEC. 103. MANAGEMENT OF FOREST ACTIVE MANAGEMENT**
22 **AREAS.**

23 (a) REQUIREMENT TO ACHIEVE ANNUAL VOLUME
24 REQUIREMENT.—Immediately upon the establishment of
25 a Forest Active Management Area, the Secretary shall

1 manage the Forest Active Management Area in the man-
2 ner necessary to achieve the annual volume requirement
3 for the Forest Active Management Area. The Secretary
4 is authorized and encouraged to commence covered active
5 management projects as soon as practicable after the date
6 of the enactment of this Act to begin generating forest
7 active management revenues.

8 (b) STANDARDS FOR PROJECTS WITHIN FOREST AC-
9 TIVE MANAGEMENT AREAS.—The Secretary shall conduct
10 covered active management projects within Forest Active
11 Management Areas in accordance with this section and
12 sections 104 and 105, which shall serve as the sole means
13 by which the Secretary will comply with the National En-
14 vironmental Policy Act of 1969 (42 U.S.C. 4331 et seq.)
15 and other laws applicable to the covered projects.

16 (c) USE OF COLLABORATIVE PROCESS.—The Sec-
17 retary is authorized and encouraged to develop covered ac-
18 tive management projects for a Forest Active Management
19 Area through a collaborative process. The decision notice
20 for a covered active management project shall describe the
21 collaborative process by which the project was developed,
22 including a description of—

23 (1) participation by or consultation with State,
24 local, and tribal governments; and

1 (2) any established record of successful collabo-
2 rative planning and implementation of forest man-
3 agement projects by the collaborators.

4 (d) USE OF CONTRACTORS TO PERFORM ENVIRON-
5 MENTAL ANALYSIS.—

6 (1) IN GENERAL.—As part of a covered active
7 management project, or as a separate agreement or
8 contract in connection with one or more covered ac-
9 tive management projects, the Secretary may pro-
10 cure the services of persons who are not Federal em-
11 ployees to perform activities necessary to ensure
12 project for compliance with the National Environ-
13 mental Policy Act of 1969 (42 U.S.C. 4331 et seq.)
14 and the Endangered Species Act of 1973 (16 U.S.C.
15 1531 et seq.).

16 (2) APPROVAL REQUIREMENT.—Services per-
17 formed under this subsection are subject to approval
18 by the Chief of the Forest Service or other respon-
19 sible official of the Forest Service.

20 (3) FUNDING SOURCE.—As provided in section
21 108(c)(2), the Secretary shall use forest active man-
22 agement revenues to cover the cost of services pro-
23 cured under this subsection.

24 (e) APPLICATION OF LAND AND RESOURCE MANAGE-
25 MENT PLAN.—

1 (1) MODIFICATION AUTHORITY.—The Secretary
 2 may modify the standards and guidelines contained
 3 in the land and resource management plan for the
 4 unit of the National Forest System in which the cov-
 5 ered active management project will be carried out
 6 as necessary to achieve the requirements of this Act.

7 (2) HARVESTING SYSTEM.—Section
 8 6(g)(3)(E)(iv) of the Forest and Rangeland Renew-
 9 able Resources Planning Act of 1974 (16 U.S.C.
 10 1604(g)(3)(E)(iv)) shall not apply to a covered ac-
 11 tive management project.

12 (f) USE OF ALL-TERRAIN VEHICLES FOR MANAGE-
 13 MENT ACTIVITIES.—The Secretary may allow the use of
 14 all-terrain vehicles within the Forest Active Management
 15 Areas for the purpose of activities associated with the sale
 16 of national forest materials in a Forest Active Manage-
 17 ment Area.

18 **SEC. 104. ENVIRONMENTAL ANALYSIS PROCESS FOR COV-**
 19 **ERED ACTIVE MANAGEMENT PROJECTS.**

20 (a) ENVIRONMENTAL ASSESSMENT.—Except in the
 21 case of a covered active management project for which a
 22 categorical exclusion is available under subsection (e) or
 23 a Forest Active Management Area for which a pro-
 24 grammatic environmental impact statement is in effect
 25 under subsection (f), the Secretary shall—

1 (1) publish advance notice of each covered ac-
2 tive management project proposed to be conducted
3 within a Forest Active Management Area; and

4 (2) complete an environmental assessment pur-
5 suant to section 102(2) of the National Environ-
6 mental Policy Act of 1969 (42 U.S.C. 4332(2)) for
7 the proposed covered active management project.

8 (b) NO ALTERNATIVE VERSION.—The Secretary is
9 not required to study, develop, or describe any alternative
10 to the proposed agency action.

11 (c) CUMULATIVE EFFECTS.—The Secretary shall
12 consider cumulative effects solely by evaluating the im-
13 pacts of a proposed covered active management project
14 combined with the impacts of any other projects that were
15 approved with a Decision Notice or Record of Decision be-
16 fore the date on which the Secretary published notice of
17 the proposed covered project. The cumulative effects of
18 past projects may be considered in the environmental as-
19 sessment by using a description of the current environ-
20 mental conditions.

21 (d) TREATMENT OF DECISION NOTICE.—The deci-
22 sion notice for a covered active management project shall
23 be considered a final agency action and no additional anal-
24 ysis under the National Environmental Policy Act of 1969

1 (42 U.S.C. 4331 et seq.) shall be required to implement
2 any portion of the covered project.

3 (e) CATEGORICAL EXCLUSION.—

4 (1) APPLICATION OF CATEGORICAL EXCLU-
5 SION.—A covered active management project de-
6 scribed in paragraph (2) is categorically excluded
7 from the requirements of the National Environ-
8 mental Policy Act of 1969 (42 U.S.C. 4331 et seq.).

9 (2) DESCRIPTION OF COVERED ACTIVE MAN-
10 AGEMENT PROJECTS.—The categorical exclusion
11 granted by paragraph (1) applies with respect to a
12 covered active management project that—

13 (A) is prepared using a collaborative proc-
14 ess; and

15 (B) covers an area of 10,000 acres or less.

16 (f) PROGRAMMATIC ENVIRONMENTAL IMPACT
17 STATEMENT ALTERNATIVE.—In lieu of preparing an envi-
18 ronmental assessment on a covered project-by-covered
19 project basis under this section, the Secretary may pre-
20 pare a draft and final programmatic environmental impact
21 statement applicable to all or a portion of a Forest Active
22 Management Area. The programmatic environmental im-
23 pact statement shall be prepared utilizing a collaborative
24 process.

1 **SEC. 105. EXPEDITED COMPLIANCE WITH ENDANGERED**
2 **SPECIES ACT.**

3 (a) NON-JEOPARDY ASSESSMENT.—If the Secretary
4 makes a determination that a proposed covered active
5 management project is not likely to jeopardize the contin-
6 ued existence of any species listed as endangered or
7 threatened under section 4 of the Endangered Species Act
8 of 1973 (16 U.S.C. 1533), the Secretary shall—

9 (1) prepare an explanation of the basis for the
10 determination; and

11 (2) submit the determination and explanation
12 to the Secretary of the Interior or the Secretary of
13 Commerce, as appropriate.

14 (b) REVIEW AND RESPONSE.—

15 (1) IN GENERAL.—Within 30 days after receiv-
16 ing a determination made by the Secretary under
17 subsection (a), the Secretary of the Interior or the
18 Secretary of Commerce, as appropriate, shall provide
19 a written response to the Secretary concurring in or
20 rejecting the Secretary's determination.

21 (2) EFFECT OF REJECTION.—If the Secretary
22 of the Interior or the Secretary of Commerce rejects
23 the determination made by the Secretary under sub-
24 section (a), the written response of the Secretary of
25 the Interior or the Secretary of Commerce under

1 paragraph (1) shall include recommendations for
2 measures that—

3 (A) will avoid the likelihood of jeopardy to
4 an endangered or threatened species;

5 (B) can be implemented in a manner con-
6 sistent with the intended purpose of the covered
7 active management project;

8 (C) can be implemented consistent with the
9 scope of the Secretary's legal authority and ju-
10 risdiction; and

11 (D) are economically and technologically
12 feasible.

13 (c) FORMAL CONSULTATION.—In addition to rec-
14 ommendations made under subsection (b)(2) when the
15 Secretary of the Interior or the Secretary of Commerce
16 rejects a determination issued by the Secretary under sub-
17 section (a), the Secretary of the Interior or the Secretary
18 of Commerce, as the case may be, shall engage in formal
19 consultation with the Secretary pursuant to section 7 of
20 the Endangered Species Act of 1973 (16 U.S.C. 1536).
21 The Secretaries shall complete such consultation within 90
22 days after the submission of the written response under
23 subsection (b).

1 **SEC. 106. ADMINISTRATIVE REVIEW.**

2 Administrative review of a covered active manage-
3 ment project shall occur only in accordance with the spe-
4 cial administrative review process and requirements estab-
5 lished under section 105 of the Healthy Forests Restora-
6 tion Act of 2003 (16 U.S.C. 6515), including the project-
7 level predecisional administrative review process estab-
8 lished in part 218 of title 36, Code of Federal Regulations.

9 **SEC. 107. USE OF ARBITRATION INSTEAD OF LITIGATION**
10 **TO ADDRESS CHALLENGE TO COVERED AC-**
11 **TIVE MANAGEMENT PROJECT DEVELOPED**
12 **THROUGH COLLABORATIVE PROCESS.**

13 (a) ARBITRATION PROCESS.—

14 (1) IN GENERAL.—In the case of a covered ac-
15 tive management project that was developed through
16 a collaborative process, any challenge to the covered
17 project made after the special administrative review
18 process required by section 106 shall be addressed
19 using arbitration consistent with this section instead
20 of through judicial review.

21 (2) WHO MAY SEEK.—Any person who sought
22 administrative review for the covered project de-
23 scribed in paragraph (1) and who is not satisfied
24 with the decision made under the administrative re-
25 view process may file a demand for arbitration re-

1 garding the covered project in accordance with chap-
2 ter 1 of title 9, United States Code.

3 (b) REQUIREMENTS FOR DEMAND.—The demand for
4 arbitration under subsection (a)(2) shall—

5 (1) be filed not more than 30 days after the
6 date on which the administrative review decision was
7 issued; and

8 (2) include a proposal describing the modifica-
9 tions sought to the covered project.

10 (c) INTERVENING PARTIES.—

11 (1) REQUIREMENTS.—Any person that sub-
12 mitted a public comment on the covered active man-
13 agement project subject to arbitration may intervene
14 in the arbitration—

15 (A) by endorsing the covered project or the
16 modification proposal submitted under sub-
17 section (b)(2); or

18 (B) by submitting a proposal to further
19 modify the covered project.

20 (2) DEADLINE FOR SUBMISSION.—A request to
21 intervene in an arbitration must be submitted not
22 later than the date that is 30 days after the date on
23 which the demand for arbitration was filed.

24 (3) MULTIPLE PARTIES.—Multiple objectors or
25 intervening parties may submit a joint proposal so

1 long as each objector or intervening party meets the
2 eligibility requirements of subsection (a)(2) or para-
3 graph (1), whichever applies.

4 (d) APPOINTMENT OF ARBITRATOR.—The United
5 States District Court in the district in which the covered
6 active management project is located shall appoint the ar-
7 bitrator to conduct the arbitration proceedings in accord-
8 ance with this section and chapter 1 of title 9, United
9 States Code.

10 (e) SELECTION OF PROPOSALS.—

11 (1) IN GENERAL.—The arbitrator appointed
12 under subsection (d)—

13 (A) may not modify any of the proposals
14 submitted with the demand for arbitration or a
15 request to intervene; and

16 (B) shall select to be conducted—

17 (i) a proposal submitted by an objec-
18 tor or an intervening party; or

19 (ii) the covered active management
20 project, as approved by the Secretary.

21 (2) SELECTION CRITERIA.—An arbitrator shall
22 select the proposal that best meets the purpose and
23 needs described in the environmental analysis con-
24 ducted for the covered project.

1 (f) EFFECT OF DECISION.—The decision of an arbi-
2 trator with respect to the covered active management
3 project—

4 (1) shall not be considered a major Federal ac-
5 tion;

6 (2) shall be binding; and

7 (3) shall not be subject to judicial review.

8 (g) DEADLINE FOR COMPLETION.—Not later than 90
9 days after the date on which the demand for arbitration
10 is filed with respect to the covered active management
11 project, the arbitration process shall be completed.

12 **SEC. 108. DISTRIBUTION OF FOREST ACTIVE MANAGEMENT**
13 **REVENUES.**

14 (a) USE TO MAKE 25-PERCENT PAYMENTS.—The
15 Secretary shall use forest active management revenues
16 generated by covered active management projects to make
17 25-percent payments to States for payment to beneficiary
18 counties.

19 (b) RELATION TO PAYMENTS UNDER SECURE
20 RURAL SCHOOLS AND COMMUNITY SELF-DETERMINA-
21 TION ACT OF 2000.—Subject to the offset required by
22 subsection (f) of section 102 of the Secure Rural Schools
23 and Community Self-Determination Act of 2000 (16
24 U.S.C. 7112), as added by section 202(a) of this Act, a
25 beneficiary county may receive both—

1 (1) a share of the 25-percent payments made to
2 a State under subsection (a); and

3 (2) a share of the payment for the State
4 (known as the State payment) calculated under sec-
5 tion 101(a) of the Secure Rural Schools and Com-
6 munity Self-Determination Act of 2000 (16 U.S.C.
7 7111(a)) for which the beneficiary county made an
8 election (or was deemed to make an election) under
9 section 102(b)(1) of such Act (16 U.S.C.
10 7112(b)(1)).

11 (c) OTHER USES OF REVENUES.—After compliance
12 with subsection (a), the Secretary shall use forest active
13 management revenues—

14 (1) to make deposits into the fund established
15 under section 3 of the Act of June 9, 1930 (16
16 U.S.C. 576b; commonly known as the Knutson-Van-
17 denberg Fund), and the fund established under sec-
18 tion 14(h) of the National Forest Management Act
19 of 1976 (16 U.S.C. 472a(h); commonly known as
20 the salvage sale fund) in contributions equal to the
21 monies otherwise collected under those Acts for
22 projects conducted on National Forest System land;
23 and

24 (2) to cover the cost of project services pro-
25 cured under section 103(d).

1 (d) DEPOSIT IN GENERAL FUND OF THE TREAS-
2 URY.—After compliance with subsections (a) and (c), the
3 Secretary shall deposit remaining forest active manage-
4 ment revenues into the general fund of the Treasury.

5 **SEC. 109. ANNUAL REPORT.**

6 (a) REPORT REQUIRED.—Not later than 60 days
7 after the end of each fiscal year, the Secretary shall sub-
8 mit to Congress an annual report specifying the following:

9 (1) The annual volume requirement in effect for
10 that fiscal year for each Forest Active Management
11 Area.

12 (2) The volume of board feet actually harvested
13 for each Forest Active Management Area during
14 that fiscal year.

15 (3) The average cost of preparation for timber
16 sales for each Forest Active Management Area dur-
17 ing that fiscal year.

18 (4) The forest active management revenues
19 generated from such sales.

20 (5) The total amount of 25-percent payments
21 made to States under section 108(a) during that fis-
22 cal year for the benefit of beneficiary counties and
23 the amount of forest active management revenues
24 distributed to each beneficiary county.

1 (b) FORM OF REPORT.—The information required by
 2 subsection (a) to be provided with respect to a Forest Ac-
 3 tive Management Area shall be presented on a single page.

4 (c) PUBLIC AVAILABILITY.—The Secretary shall
 5 make each annual report available on the website of the
 6 Forest Service.

7 **TITLE II—TRANSITION OF SE-**
 8 **CURE RURAL SCHOOLS AND**
 9 **COMMUNITY SELF-DETER-**
 10 **MINATION ACT OF 2000 AND**
 11 **25-PERCENT PAYMENTS**

12 **SEC. 201. EXTENSION OF SECURE RURAL SCHOOLS AND**
 13 **COMMUNITY SELF-DETERMINATION ACT OF**
 14 **2000 PAYMENTS THROUGH FISCAL YEAR 2020.**

15 (a) EXTENSION OF PAYMENT AUTHORITY AND RE-
 16 LATED PROVISIONS.—The Secure Rural Schools and
 17 Community Self-Determination Act of 2000 (16 U.S.C.
 18 7101 et seq.) is amended—

19 (1) in section 101, by striking “2015, 2017,
 20 and 2018” both places it appears and inserting
 21 “2020”;

22 (2) in section 102(b)(2)(B), by striking “2015
 23 and for fiscal years 2017 and 2018” and inserting
 24 “2020”; and

1 (3) in section 103(d)(2), by striking “and for
2 fiscal years 2017 and 2018” and inserting “fiscal
3 year 2020”.

4 (b) RESET OF FULL FUNDING AMOUNT TO 2010
5 LEVEL.—Section 3(11) of the Secure Rural Schools and
6 Community Self-Determination Act of 2000 (16 U.S.C.
7 7102(11)) is amended—

8 (1) by striking “and” at the end of subpara-
9 graph (D);

10 (2) in subparagraph (E)—

11 (A) by striking “and each fiscal year there-
12 after” and insert “and fiscal year 2019”; and

13 (B) by striking the period at the end and
14 inserting “; and”; and

15 (3) by adding at the end the following new sub-
16 paragraph:

17 “(D) \$405,000,000 for fiscal year 2020.”.

18 **SEC. 202. EFFECT OF RECEIPT OF FOREST ACTIVE MAN-**
19 **AGEMENT REVENUES OR STEWARDSHIP**
20 **PROJECT PAYMENTS.**

21 Section 102 of the Secure Rural Schools and Commu-
22 nity Self-Determination Act of 2000 (16 U.S.C. 7112) is
23 amended by adding at the end the following new sub-
24 section:

1 “(g) EFFECT OF RECEIPT OF FOREST ACTIVE MAN-
2 AGEMENT REVENUES OR STEWARDSHIP PROJECT PAY-
3 MENTS.—An eligible county that receives for a fiscal year
4 revenues derived from the sale of national forest materials
5 in a Forest Active Management Area in the form of a
6 share of the 25-percent payment made to a State under
7 section 108 of the Fostering Opportunities for Resources
8 and Education Spending through Timber Sales Act of
9 2019 or a stewardship project payment made to the coun-
10 ty for a stewardship project involving National Forest Sys-
11 tem land under section 604 of the Healthy Forests Res-
12 toration Act of 2003 (16 U.S.C. 6591c) may still receive
13 the share of the State payment of the eligible county for
14 that fiscal year, except that—

15 “(1) the amount of the share of the State pay-
16 ment received by the eligible county for that fiscal
17 year shall be reduced by the amount of the forest ac-
18 tive management revenues and stewardship project
19 payments involving National Forest System land re-
20 ceived by the eligible county for that fiscal year; and

21 “(2) the total amount received by the eligible
22 State under subsection (a)(1) for that fiscal year
23 shall be reduced by the sum of the amounts of forest
24 active management revenues and stewardship project
25 payments involving National Forest System land re-

1 ceived by eligible counties in that State for that fis-
2 cal year.”.

3 **SEC. 203. RESTORING ORIGINAL CALCULATION METHOD**
4 **FOR 25-PERCENT PAYMENTS.**

5 (a) AMENDMENT OF ACT OF MAY 23, 1908.—The
6 sixth paragraph under the heading “FOREST SERV-
7 ICE” in the Act of May 23, 1908 (16 U.S.C. 500), is
8 amended in the first sentence—

9 (1) by striking “the annual average of 25 per-
10 cent of all amounts received for the applicable fiscal
11 year and each of the preceding 6 fiscal years” and
12 inserting “25 percent of all amounts received for the
13 applicable fiscal year”;

14 (2) by striking “said reserve” both places it ap-
15 pears and inserting “the national forest”; and

16 (3) by striking “forest reserve” both places it
17 appears and inserting “national forest”.

18 (b) CONFORMING AMENDMENT TO WEEKS LAW.—
19 Section 13 of the Act of March 1, 1911 (commonly known
20 as the Weeks Law; 16 U.S.C. 500), is amended in the
21 first sentence by striking “the annual average of 25 per-
22 cent of all amounts received for the applicable fiscal year
23 and each of the preceding 6 fiscal years” and inserting
24 “25 percent of all amounts received for the applicable fis-
25 cal year”.

1 **SEC. 204. PROHIBITION ON STATE RETENTION OF PORTION**
2 **OF 25-PERCENT PAYMENTS MADE ON BEHALF**
3 **OF BENEFICIARY COUNTIES.**

4 (a) AMENDMENT OF ACT OF MAY 23, 1908.—The
5 sixth paragraph under the heading “FOREST SERV-
6 ICE” in the Act of May 23, 1908 (16 U.S.C. 500), as
7 amended by section 203(a), is further amended in the first
8 sentence by striking “situated: *Provided*, That when” and
9 inserting the following: “situated. Beginning October 1,
10 2015, the State or Territorial legislature may not withhold
11 any of the amount paid under this paragraph from dis-
12 tribution to the county or counties in which the national
13 forest is situated. When”.

14 (b) CONFORMING AMENDMENT TO WEEKS LAW.—
15 Section 13 of the Act of March 1, 1911 (commonly known
16 as the Weeks Law; 16 U.S.C. 500), as amended by section
17 203(b), is further amended in the first sentence by strik-
18 ing “situated: *Provided*, That when” and inserting the fol-
19 lowing: “situated. Beginning October 1, 2015, the State
20 legislature may not withhold any of the amount paid under
21 this section from distribution to the county or counties in
22 which such national forest is situated. When”.

1 **TITLE III—STEWARDSHIP END**
 2 **RESULT CONTRACTING AU-**
 3 **THORITY**

4 **SEC. 301. MAXIMUM AUTHORIZED DURATION OF STEWARD-**
 5 **SHIP END RESULT CONTRACTS.**

6 Section 604(d)(3)(B) of the Healthy Forests Restora-
 7 tion Act of 2003 (16 U.S.C. 6591c(d)(3)(B)) is amended
 8 by striking “10 years” and inserting “20 years”.

9 **SEC. 302. CANCELLATION CEILING AUTHORITY AND RE-**
 10 **QUIREMENTS.**

11 (a) IN GENERAL.—Section 604(g) of the Healthy
 12 Forests Restoration Act of 2003 (16 U.S.C.
 13 6591c(d)(3)(B)) is amended by adding at the end the fol-
 14 lowing new paragraph:

15 “(3) CANCELLATION CEILING.—

16 “(A) AUTHORITY.—The Chief and the Di-
 17 rector may obligate funds to cover any potential
 18 cancellation or termination costs for an agree-
 19 ment or contract under subsection (b) in stages
 20 that are economically or programmatically via-
 21 ble.

22 “(B) NOTICE TO CONGRESS.—Not later
 23 than 30 days before entering into a multiyear
 24 agreement or contract under subsection (b) that
 25 includes a cancellation ceiling in excess of

1 \$25,000,000, but does not include proposed
2 funding for the costs of canceling the agree-
3 ment or contract up to the cancellation ceiling
4 established in the agreement or contract, the
5 Chief or the Director, as the case may be, shall
6 submit to the appropriate congressional com-
7 mittees a written notice that includes—

8 “(i) the cancellation ceiling amounts
9 proposed for each program year in the
10 agreement or contract and the reasons for
11 such cancellation ceiling amounts;

12 “(ii) the extent to which the costs of
13 contract cancellation are not included in
14 the budget for the agreement or contract;
15 and

16 “(iii) an assessment of the financial
17 risk of not including budgeting for the
18 costs of agreement or contract cancellation.

19 “(C) NOTICE TO OMB.—At least 14 days
20 before the date on which the Chief or Director
21 enters into an agreement or contract under sub-
22 section (b), the Chief or Director shall transmit
23 to the Director of the Office of Management
24 and Budget a copy of any written notice sub-

mitted under subparagraph (B) with regard to such agreement or contract.”.

(b) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—Section 604 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6591c) is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively; and

(B) by inserting before paragraph (2), as so redesignated, the following new paragraph (1):

“(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ‘appropriate congressional committees’ means—

“(A) the Committee on Agriculture, Nutrition, and Forestry and the Committee on Energy and Natural Resources of the Senate; and

“(B) the Committee on Agriculture and the Committee on Natural Resources of the House of Representatives.”; and

(2) in subsection (i), by striking “the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Agriculture of the House of Representatives” and inserting “the appropriate congressional committees”.

1 **SEC. 303. PAYMENT OF PORTION OF STEWARDSHIP**
 2 **PROJECT REVENUES TO COUNTY IN WHICH**
 3 **STEWARDSHIP PROJECT OCCURS.**

4 Section 604(e) of the Healthy Forests Restoration
 5 Act of 2003 (16 U.S.C. 6591c(e)) is amended by adding
 6 at the end the following new paragraph:

7 “(4) PAYMENT OF PORTION OF STEWARDSHIP
 8 PROJECT REVENUES TO COUNTIES.—Of the monies
 9 retained under paragraph (2) from an agreement or
 10 contract under subsection (b), the Chief or the Di-
 11 rector, as the case may be, shall pay 25 percent of
 12 the retained monies to the county or counties in
 13 which the project site is situated.”.

14 **SEC. 304. USE OF CONTRACTORS TO PERFORM ENVIRON-**
 15 **MENTAL ANALYSIS IN CONNECTION WITH**
 16 **STEWARDSHIP END RESULT CONTRACTING**
 17 **PROJECTS.**

18 Section 604(b) of the Healthy Forests Restoration
 19 Act of 2003 (16 U.S.C. 6591c(b)) is amended—

20 (1) by striking “The Chief” and inserting the
 21 following:

22 “(1) PROJECT AUTHORITY.—The Chief”; and

23 (2) by adding at the end the following new
 24 paragraph:

25 “(2) RELATED PROJECT PREPARATION AU-
 26 THORITY.—

1 “(A) IN GENERAL.—As part of an agree-
2 ment or contract under paragraph (1) for a
3 stewardship contracting project, or as a sepa-
4 rate agreement or contract in connection with
5 one or more stewardship contracting projects,
6 the Chief or Director may procure the services
7 of persons who are not Federal employees to
8 perform activities necessary to ensure project
9 for compliance with the National Environmental
10 Policy Act of 1969 (42 U.S.C. 4331 et seq.)
11 and the Endangered Species Act of 1973 (16
12 U.S.C. 1531 et seq.).

13 “(B) APPROVAL REQUIREMENT.—Services
14 performed under this paragraph are subject to
15 approval by the Chief, Director, or other re-
16 sponsible official of the Forest Service or Bu-
17 reau of Land Management.

18 “(C) FUNDING SOURCES.—The offset au-
19 thority provided by subsection (d)(4)(A) and re-
20 ceipts available for expenditure under sub-
21 section (e)(2)(B) may be used to cover the cost
22 of services procured under this paragraph.”.

1 **TITLE IV—OTHER MATTERS**

2 **SEC. 401. TREATMENT AS SUPPLEMENTAL FUNDING.**

3 None of the funds made available to a beneficiary
4 county (as defined in section 101(2) of this Act) or other
5 political subdivision of a State under this Act shall be used
6 in lieu of or to otherwise offset State funding sources for
7 local schools, facilities, or educational purposes.

8 **SEC. 402. DEFINITION OF FIRE SUPPRESSION TO INCLUDE**
9 **CERTAIN RELATED ACTIVITIES.**

10 For purposes of utilizing amounts made available to
11 the Secretary of Agriculture or the Secretary of the Inte-
12 rior for fire suppression activities, including funds made
13 available from the FLAME Fund, the term “fire suppres-
14 sion” includes reforestation, site rehabilitation, salvage op-
15 erations, and replanting occurring following fire damage
16 on lands under the jurisdiction of the Secretary concerned
17 or following fire suppression efforts on such lands by the
18 Secretary concerned.

19 **SEC. 403. PROHIBITION ON CERTAIN ACTIONS REGARDING**
20 **FOREST SERVICE ROADS AND TRAILS.**

21 The Forest Service shall not remove or otherwise
22 eliminate or obliterate any legally created road or trail un-
23 less there has been a specific decision, which included ade-
24 quate and appropriate public involvement, to decommis-
25 sion the specific road or trail in question. The fact that

- 1 any road or trail is not a Forest System road or trail,
- 2 or does not appear on a Motor Vehicle Use Map, shall
- 3 not constitute a decision.

