

JULY 1, 2015

RULES COMMITTEE PRINT 114-21
TEXT OF H.R. 2647, RESILIENT FEDERAL
FORESTS ACT OF 2015

**[Showing text based on H.R. 2647, as reported by the
Committees on Agriculture and Natural Resources.]**

1 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

2 (a) SHORT TITLE.—This Act may be cited as the
3 “Resilient Federal Forests Act of 2015”.

4 (b) TABLE OF CONTENTS.—The table of contents for
5 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

**TITLE I—EXPEDITED ENVIRONMENTAL ANALYSIS AND AVAIL-
ABILITY OF CATEGORICAL EXCLUSIONS TO EXPEDITE FOREST
MANAGEMENT ACTIVITIES**

Sec. 101. Analysis of only two alternatives (action versus no action) in proposed
collaborative forest management activities.

Sec. 102. Categorical exclusion to expedite certain critical response actions.

Sec. 103. Categorical exclusion to expedite salvage operations in response to
catastrophic events.

Sec. 104. Categorical exclusion to meet forest plan goals for early successional
forests.

Sec. 105. Clarification of existing categorical exclusion authority related to in-
sect and disease infestation.

Sec. 106. Categorical exclusion to improve, restore, and reduce the risk of wild-
fire.

Sec. 107. Compliance with forest plan.

**TITLE II—SALVAGE AND REFORESTATION IN RESPONSE TO
CATASTROPHIC EVENTS**

Sec. 201. Expedited salvage operations and reforestation activities following
large-scale catastrophic events.

Sec. 202. Compliance with forest plan.

Sec. 203. Prohibition on restraining orders, preliminary injunctions, and injunc-
tions pending appeal.

Sec. 204. Exclusion of certain lands.

TITLE III—COLLABORATIVE PROJECT LITIGATION REQUIREMENT

- Sec. 301. Definitions.
- Sec. 302. Bond requirement as part of legal challenge of certain forest management activities.

TITLE IV—SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT AMENDMENTS

- Sec. 401. Use of reserved funds for title II projects on Federal land and certain non-Federal land.
- Sec. 402. Resource advisory committees.
- Sec. 403. Program for title II self-sustaining resource advisory committee projects.
- Sec. 404. Additional authorized use of reserved funds for title III county projects.

TITLE V—STEWARDSHIP END RESULT CONTRACTING

- Sec. 501. Cancellation ceilings for stewardship end result contracting projects.
- Sec. 502. Excess offset value.
- Sec. 503. Payment of portion of stewardship project revenues to county in which stewardship project occurs.
- Sec. 504. Submission of existing annual report.

TITLE VI—ADDITIONAL FUNDING SOURCES FOR FOREST MANAGEMENT ACTIVITIES

- Sec. 601. Definitions.
- Sec. 602. Availability of stewardship project revenues and Collaborative Forest Landscape Restoration Fund to cover forest management activity planning costs.
- Sec. 603. State-supported planning of forest management activities.

TITLE VII—TRIBAL FORESTRY PARTICIPATION AND PROTECTION

- Sec. 701. Protection of tribal forest assets through use of stewardship end result contracting and other authorities.
- Sec. 702. Management of Indian forest land authorized to include related National Forest System lands and public lands.

TITLE VIII—MISCELLANEOUS FOREST MANAGEMENT PROVISIONS

- Sec. 801. Balancing short- and long-term effects of forest management activities in considering injunctive relief.
- Sec. 802. Conditions on Forest Service road decommissioning.
- Sec. 803. Prohibition on application of Eastside Screens requirements on National Forest System lands.
- Sec. 804. Use of site-specific forest plan amendments for certain projects and activities.
- Sec. 805. Knutson-Vandenberg Act modifications.
- Sec. 806. Exclusion of certain National Forest System lands and public lands.

TITLE IX—MAJOR DISASTER FOR WILDFIRE ON FEDERAL LAND

- Sec. 901. Wildfire on Federal lands.
- Sec. 902. Declaration of a major disaster for wildfire on Federal lands.
- Sec. 903. Prohibition on transfers.

1 **SEC. 2. DEFINITIONS.**

2 In titles I through VIII:

3 (1) CATASTROPHIC EVENT.—The term “cata-
4 strophic event” means any natural disaster (such as
5 hurricane, tornado, windstorm, snow or ice storm,
6 rain storm, high water, wind-driven water, tidal
7 wave, earthquake, volcanic eruption, landslide,
8 mudslide, drought, or insect or disease outbreak) or
9 any fire, flood, or explosion, regardless of cause.

10 (2) CATEGORICAL EXCLUSION.—The term “cat-
11 egorical exclusion” refers to an exception to the re-
12 quirements of the National Environmental Policy
13 Act of 1969 (42 U.S.C. 4331 et seq.) for a project
14 or activity relating to the management of National
15 Forest System lands or public lands.

16 (3) COLLABORATIVE PROCESS.—The term “col-
17 laborative process” refers to a process relating to the
18 management of National Forest System lands or
19 public lands by which a project or activity is devel-
20 oped and implemented by the Secretary concerned
21 through collaboration with interested persons, as de-
22 scribed in section 603(b)(1)(C) of the Healthy For-
23 ests Restoration Act of 2003 (16 U.S.C.
24 6591b(b)(1)(C)).

25 (4) COMMUNITY WILDFIRE PROTECTION
26 PLAN.—The term “community wildfire protection

1 plan” has the meaning given that term in section
2 101(3) of the Healthy Forests Restoration Act of
3 2003 (16 U.S.C. 6511(3)).

4 (5) COOS BAY WAGON ROAD GRANT LANDS.—
5 The term “Coos Bay Wagon Road Grant lands”
6 means the lands reconveyed to the United States
7 pursuant to the first section of the Act of February
8 26, 1919 (40 Stat. 1179).

9 (6) FOREST MANAGEMENT ACTIVITY.—The
10 term “forest management activity” means a project
11 or activity carried out by the Secretary concerned on
12 National Forest System lands or public lands in con-
13 cert with the forest plan covering the lands.

14 (7) FOREST PLAN.—The term “forest plan”
15 means—

16 (A) a land use plan prepared by the Bu-
17 reau of Land Management for public lands pur-
18 suant to section 202 of the Federal Land Policy
19 and Management Act of 1976 (43 U.S.C.
20 1712); or

21 (B) a land and resource management plan
22 prepared by the Forest Service for a unit of the
23 National Forest System pursuant to section 6
24 of the Forest and Rangeland Renewable Re-

1 sources Planning Act of 1974 (16 U.S.C.
2 1604).

3 (8) LARGE-SCALE CATASTROPHIC EVENT.—The
4 term “large-scale catastrophic event” means a cata-
5 strophic event that adversely impacts at least 5,000
6 acres of reasonably contiguous National Forest Sys-
7 tem lands or public lands.

8 (9) NATIONAL FOREST SYSTEM.—The term
9 “National Forest System” has the meaning given
10 that term in section 11(a) of the Forest and Range-
11 land Renewable Resources Planning Act of 1974 (16
12 U.S.C. 1609(a)).

13 (10) OREGON AND CALIFORNIA RAILROAD
14 GRANT LANDS.—The term “Oregon and California
15 Railroad Grant lands” means the following lands:

16 (A) All lands in the State of Oregon re-
17 vested in the United States under the Act of
18 June 9, 1916 (39 Stat. 218), that are adminis-
19 tered by the Secretary of the Interior, acting
20 through the Bureau of Land Management, pur-
21 suant to the first section of the Act of August
22 28, 1937 (43 U.S.C. 1181a).

23 (B) All lands in that State obtained by the
24 Secretary of the Interior pursuant to the land

1 exchanges authorized and directed by section 2
2 of the Act of June 24, 1954 (43 U.S.C. 1181h).

3 (C) All lands in that State acquired by the
4 United States at any time and made subject to
5 the provisions of title II of the Act of August
6 28, 1937 (43 U.S.C. 1181f).

7 (11) PUBLIC LANDS.—The term “public lands”
8 has the meaning given that term in section 103(e)
9 of the Federal Land Policy and Management Act of
10 1976 (43 U.S.C. 1702(e)), except that the term in-
11 cludes Coos Bay Wagon Road Grant lands and Or-
12 egon and California Railroad Grant lands.

13 (12) REFORESTATION ACTIVITY.—The term
14 “reforestation activity” means a project or activity
15 carried out by the Secretary concerned whose pri-
16 mary purpose is the reforestation of fire-impacted
17 lands following a large-scale wildfire. The term in-
18 cludes planting, evaluating and enhancing natural
19 regeneration, clearing competing vegetation, and
20 other activities related to reestablishment of forest
21 species on the fire-impacted lands.

22 (13) RESOURCE ADVISORY COMMITTEE.—The
23 term “resource advisory committee” has the mean-
24 ing given that term in section 201(3) of the Secure

1 Rural Schools and Community Self-Determination
2 Act of 2000 (16 U.S.C. 7121(3)).

3 (14) SALVAGE OPERATION.—The term “salvage
4 operation” means a forest management activity un-
5 dertaken in response to a catastrophic event whose
6 primary purpose—

7 (A) is to prevent wildfire as a result of the
8 catastrophic event, or, if the catastrophic event
9 was wildfire, to prevent a re-burn of the fire-im-
10 pacted area;

11 (B) is to provide an opportunity for utiliza-
12 tion of forest materials damaged as a result of
13 the catastrophic event; or

14 (C) is to provide a funding source for re-
15 forestation and other restoration activities for
16 the National Forest System lands or public
17 lands impacted by the catastrophic event.

18 (15) SECRETARY CONCERNED.—The term
19 “Secretary concerned” means—

20 (A) the Secretary of Agriculture, with re-
21 spect to National Forest System lands; and

22 (B) the Secretary of the Interior, with re-
23 spect to public lands.

1 **TITLE I—EXPEDITED ENVIRON-**
2 **MENTAL ANALYSIS AND**
3 **AVAILABILITY OF CATEGOR-**
4 **ICAL EXCLUSIONS TO EXPE-**
5 **DITE FOREST MANAGEMENT**
6 **ACTIVITIES**

7 **SEC. 101. ANALYSIS OF ONLY TWO ALTERNATIVES (ACTION**
8 **VERSUS NO ACTION) IN PROPOSED COLLABO-**
9 **RATIVE FOREST MANAGEMENT ACTIVITIES.**

10 (a) APPLICATION TO CERTAIN ENVIRONMENTAL AS-
11 SESSMENTS AND ENVIRONMENTAL IMPACT STATE-
12 MENTS.—This section shall apply whenever the Secretary
13 concerned prepares an environmental assessment or an en-
14 vironmental impact statement pursuant to section 102(2)
15 of the National Environmental Policy Act of 1969 (42
16 U.S.C. 4332(2)) for a forest management activity that—

- 17 (1) is developed through a collaborative process;
18 (2) is proposed by a resource advisory com-
19 mittee; or
20 (3) is covered by a community wildfire protec-
21 tion plan.

22 (b) CONSIDERATION OF ALTERNATIVES.—In an envi-
23 ronmental assessment or environmental impact statement
24 described in subsection (a), the Secretary concerned shall

1 study, develop, and describe only the following two alter-
2 natives:

3 (1) The forest management activity, as pro-
4 posed pursuant to paragraph (1), (2), or (3) of sub-
5 section (a).

6 (2) The alternative of no action.

7 (c) ELEMENTS OF NON-ACTION ALTERNATIVE.—In
8 the case of the alternative of no action, the Secretary con-
9 cerned shall evaluate—

10 (1) the effect of no action on—

11 (A) forest health;

12 (B) habitat diversity;

13 (C) wildfire potential; and

14 (D) insect and disease potential; and

15 (2) the implications of a resulting decline in
16 forest health, loss of habitat diversity, wildfire, or in-
17 sect or disease infestation, given fire and insect and
18 disease historic cycles, on—

19 (A) domestic water costs;

20 (B) wildlife habitat loss; and

21 (C) other economic and social factors.

22 **SEC. 102. CATEGORICAL EXCLUSION TO EXPEDITE CER-**
23 **TAIN CRITICAL RESPONSE ACTIONS.**

24 (a) AVAILABILITY OF CATEGORICAL EXCLUSION.—A
25 categorical exclusion is available to the Secretary con-

1 cerned to develop and carry out a forest management ac-
2 tivity on National Forest System lands or public lands
3 when the primary purpose of the forest management activ-
4 ity is—

- 5 (1) to address an insect or disease infestation;
- 6 (2) to reduce hazardous fuel loads;
- 7 (3) to protect a municipal water source;
- 8 (4) to maintain, enhance, or modify critical
9 habitat to protect it from catastrophic disturbances;
- 10 (5) to increase water yield; or
- 11 (6) any combination of the purposes specified in
12 paragraphs (1) through (5).

13 (b) ACREAGE LIMITATIONS.—

14 (1) IN GENERAL.—Except in the case of a for-
15 est management activity described in paragraph (2),
16 a forest management activity covered by the categor-
17 ical exclusion granted by subsection (a) may not
18 contain harvest units exceeding a total of 5,000
19 acres.

20 (2) LARGER AREAS AUTHORIZED.—A forest
21 management activity covered by the categorical ex-
22 clusion granted by subsection (a) may not contain
23 harvest units exceeding a total of 15,000 acres if the
24 forest management activity—

1 (A) is developed through a collaborative
2 process;

3 (B) is proposed by a resource advisory
4 committee; or

5 (C) is covered by a community wildfire
6 protection plan.

7 **SEC. 103. CATEGORICAL EXCLUSION TO EXPEDITE SAL-**
8 **VAGE OPERATIONS IN RESPONSE TO CATA-**
9 **STROPHIC EVENTS.**

10 (a) AVAILABILITY OF CATEGORICAL EXCLUSION.—A
11 categorical exclusion is available to the Secretary con-
12 cerned to develop and carry out a salvage operation as
13 part of the restoration of National Forest System lands
14 or public lands following a catastrophic event.

15 (b) ACREAGE LIMITATIONS.—

16 (1) IN GENERAL.—A salvage operation covered
17 by the categorical exclusion granted by subsection
18 (a) may not contain harvest units exceeding a total
19 of 5,000 acres.

20 (2) HARVEST AREA.—In addition to the limita-
21 tion imposed by paragraph (1), the harvest units
22 covered by the categorical exclusion granted by sub-
23 section (a) may not exceed one-third of the area im-
24 pacted by the catastrophic event.

25 (c) ADDITIONAL REQUIREMENTS.—

1 (1) ROAD BUILDING.—A salvage operation cov-
2 ered by the categorical exclusion granted by sub-
3 section (a) may not include any new permanent
4 roads. Temporary roads constructed as part of the
5 salvage operation shall be retired before the end of
6 the second fiscal year beginning after the completion
7 of the salvage operation.

8 (2) STREAM BUFFERS.—A salvage operation
9 covered by the categorical exclusion granted by sub-
10 section (a) shall comply with the standards and
11 guidelines for stream buffers contained in the appli-
12 cable forest plan unless waived by the Regional For-
13 ester, in the case of National Forest System lands,
14 or the State Director of the Bureau of Land Man-
15 agement, in the case of public lands.

16 (3) REFORESTATION PLAN.—A reforestation
17 plan shall be developed under section 3 of the Act
18 of June 9, 1930 (commonly known as the Knutson-
19 Vandenberg Act; 16 U.S.C. 576b), as part of a sal-
20 vage operation covered by the categorical exclusion
21 granted by subsection (a).

1 **SEC. 104. CATEGORICAL EXCLUSION TO MEET FOREST**
2 **PLAN GOALS FOR EARLY SUCCESSIONAL**
3 **FORESTS.**

4 (a) AVAILABILITY OF CATEGORICAL EXCLUSION.—A
5 categorical exclusion is available to the Secretary con-
6 cerned to develop and carry out a forest management ac-
7 tivity on National Forest System lands or public lands
8 when the primary purpose of the forest management activ-
9 ity is to modify, improve, enhance, or create early succes-
10 sional forests for wildlife habitat improvement and other
11 purposes, consistent with the applicable forest plan.

12 (b) PROJECT GOALS.—To the maximum extent prac-
13 ticable, the Secretary concerned shall design a forest man-
14 agement activity under this section to meet early succes-
15 sional forest goals in such a manner so as to maximize
16 production and regeneration of priority species, as identi-
17 fied in the forest plan and consistent with the capability
18 of the activity site.

19 (c) ACREAGE LIMITATIONS.—A forest management
20 activity covered by the categorical exclusion granted by
21 subsection (a) may not contain harvest units exceeding a
22 total of 5,000 acres.

1 **SEC. 105. CLARIFICATION OF EXISTING CATEGORICAL EX-**
2 **CLUSION AUTHORITY RELATED TO INSECT**
3 **AND DISEASE INFESTATION.**

4 Section 603(c)(2)(B) of the Healthy Forests Restora-
5 tion Act of 2003 (16 U.S.C. 6591b(c)(2)(B)) is amended
6 by striking “Fire Regime Groups I, II, or III” and insert-
7 ing “Fire Regime I, Fire Regime II, Fire Regime III, or
8 Fire Regime IV”.

9 **SEC. 106. CATEGORICAL EXCLUSION TO IMPROVE, RE-**
10 **STORE, AND REDUCE THE RISK OF WILDFIRE.**

11 (a) AVAILABILITY OF CATEGORICAL EXCLUSION.—A
12 categorical exclusion is available to the Secretary con-
13 cerned to carry out a forest management activity described
14 in subsection (c) on National Forest System Lands or
15 public lands when the primary purpose of the activity is
16 to improve, restore, or reduce the risk of wildfire on those
17 lands.

18 (b) ACREAGE LIMITATIONS.—A forest management
19 activity covered by the categorical exclusion granted by
20 subsection (a) may not exceed 5,000 acres.

21 (c) AUTHORIZED ACTIVITIES.—The following activi-
22 ties may be carried out using a categorical exclusion
23 granted by subsection (a):

24 (1) Removal of juniper trees, medusahead rye,
25 conifer trees, piñon pine trees, cheatgrass, and other
26 noxious or invasive weeds specified on Federal or

1 State noxious weeds lists through late-season live-
2 stock grazing, targeted livestock grazing, prescribed
3 burns, and mechanical treatments.

4 (2) Performance of hazardous fuels manage-
5 ment.

6 (3) Creation of fuel and fire breaks.

7 (4) Modification of existing fences in order to
8 distribute livestock and help improve wildlife habitat.

9 (5) Installation of erosion control devices.

10 (6) Construction of new and maintenance of
11 permanent infrastructure, including stock ponds,
12 water catchments, and water spring boxes used to
13 benefit livestock and improve wildlife habitat.

14 (7) Performance of soil treatments, native and
15 non-native seeding, and planting of and trans-
16 planting sagebrush, grass, forb, shrub, and other
17 species.

18 (8) Use of herbicides, so long as the Secretary
19 concerned determines that the activity is otherwise
20 conducted consistently with agency procedures, in-
21 cluding any forest plan applicable to the area cov-
22 ered by the activity.

23 (d) DEFINITIONS.—In this section:

24 (1) HAZARDOUS FUELS MANAGEMENT.—The
25 term “hazardous fuels management” means any

1 vegetation management activities that reduce the
2 risk of wildfire.

3 (2) LATE-SEASON GRAZING.—The term “late-
4 season grazing” means grazing activities that occur
5 after both the invasive species and native perennial
6 species have completed their current-year annual
7 growth cycle until new plant growth begins to ap-
8 pear in the following year.

9 (3) TARGETED LIVESTOCK GRAZING.—The
10 term “targeted livestock grazing” means grazing
11 used to for purposes of hazardous fuel reduction.

12 **SEC. 107. COMPLIANCE WITH FOREST PLAN.**

13 A forest management activity covered by a categorical
14 exclusion granted by this title shall be conducted in a man-
15 ner consistent with the forest plan applicable to the Na-
16 tional Forest System land or public lands covered by the
17 forest management activity.

18 **TITLE II—SALVAGE AND REFOR-**
19 **ESTATION IN RESPONSE TO**
20 **CATASTROPHIC EVENTS**

21 **SEC. 201. EXPEDITED SALVAGE OPERATIONS AND REFOR-**
22 **ESTATION ACTIVITIES FOLLOWING LARGE-**
23 **SCALE CATASTROPHIC EVENTS.**

24 (a) EXPEDITED ENVIRONMENTAL ASSESSMENT.—
25 Notwithstanding any other provision of law, any environ-

1 mental assessment prepared by the Secretary concerned
2 pursuant to section 102(2) of the National Environmental
3 Policy Act of 1969 (42 U.S.C. 4332(2)) for a salvage oper-
4 ation or reforestation activity proposed to be conducted
5 on National Forest System lands or public lands adversely
6 impacted by a large-scale catastrophic event shall be com-
7 pleted within three months after the conclusion of the cat-
8 astrophic event.

9 (b) EXPEDITED IMPLEMENTATION AND COMPLE-
10 TION.—In the case of reforestation activities conducted on
11 National Forest System lands or public lands adversely
12 impacted by a large-scale catastrophic event, the Secretary
13 concerned shall achieve reforestation of at least 75 percent
14 of the impacted lands during the five-year period following
15 the conclusion of the catastrophic event.

16 (c) AVAILABILITY OF KNUTSON-VANDENBERG
17 FUNDS.—Amounts in the special fund established pursu-
18 ant to section 3 of the Act of June 9, 1930 (commonly
19 known as the Knutson-Vandenberg Act; 16 U.S.C. 576b)
20 shall be available to the Secretary of Agriculture for refor-
21 estation activities authorized by this title.

22 **SEC. 202. COMPLIANCE WITH FOREST PLAN.**

23 A salvage operation or reforestation activity author-
24 ized by this title shall be conducted in a manner consistent
25 with the forest plan applicable to the National Forest Sys-

1 tem lands or public lands covered by the salvage operation
2 or reforestation activity.

3 **SEC. 203. PROHIBITION ON RESTRAINING ORDERS, PRE-**
4 **LIMINARY INJUNCTIONS, AND INJUNCTIONS**
5 **PENDING APPEAL.**

6 No restraining order, preliminary injunction, or in-
7 junction pending appeal shall be issued by any court of
8 the United States with respect to any decision to prepare
9 or conduct a salvage operation or reforestation activity in
10 response to a large-scale catastrophic event. Section 705
11 of title 5, United States Code, shall not apply to any chal-
12 lenge to the salvage operation or reforestation activity.

13 **SEC. 204. EXCLUSION OF CERTAIN LANDS.**

14 In applying this title, the Secretary concerned may
15 not carry out salvage operations or reforestation activities
16 on National Forest System lands or public lands—

17 (1) that are included in the National Wilderness
18 Preservation System;

19 (2) that are located within an inventoried
20 roadless area unless the reforestation activity is con-
21 sistent with the forest plan; or

22 (3) on which timber harvesting for any purpose
23 is prohibited by statute.

1 **TITLE III—COLLABORATIVE**
2 **PROJECT LITIGATION RE-**
3 **QUIREMENT**

4 **SEC. 301. DEFINITIONS.**

5 In this title:

6 (1) **COSTS.**—The term “costs” refers to the
7 fees and costs described in section 1920 of title 28,
8 United States Code.

9 (2) **EXPENSES.**—The term “expenses” includes
10 the expenditures incurred by the staff of the Sec-
11 retary concerned in preparing for and responding to
12 a legal challenge to a collaborative forest manage-
13 ment activity and in participating in litigation that
14 challenges the forest management activity, including
15 such staff time as may be used to prepare the ad-
16 ministrative record, exhibits, declarations, and affi-
17 davits in connection with the litigation.

18 **SEC. 302. BOND REQUIREMENT AS PART OF LEGAL CHAL-**
19 **LENGE OF CERTAIN FOREST MANAGEMENT**
20 **ACTIVITIES.**

21 (a) **BOND REQUIRED.**—In the case of a forest man-
22 agement activity developed through a collaborative process
23 or proposed by a resource advisory committee, any plain-
24 tiff or plaintiffs challenging the forest management activ-
25 ity shall be required to post a bond or other security equal

1 to the anticipated costs, expenses, and attorneys fees of
2 the Secretary concerned as defendant, as reasonably esti-
3 mated by the Secretary concerned. All proceedings in the
4 action shall be stayed until the required bond or security
5 is provided.

6 (b) RECOVERY OF LITIGATION COSTS, EXPENSES,
7 AND ATTORNEYS FEES.—

8 (1) MOTION FOR PAYMENT.—If the Secretary
9 concerned prevails in an action challenging a forest
10 management activity described in subsection (a), the
11 Secretary concerned shall submit to the court a mo-
12 tion for payment, from the bond or other security
13 posted under subsection (a) in such action, of the
14 reasonable costs, expenses, and attorneys fees in-
15 curred by the Secretary concerned.

16 (2) MAXIMUM AMOUNT RECOVERED.—The
17 amount of costs, expenses, and attorneys fees recov-
18 ered by the Secretary concerned under paragraph
19 (1) as a result of prevailing in an action challenging
20 the forest management activity may not exceed the
21 amount of the bond or other security posted under
22 subsection (a) in such action.

23 (3) RETURN OF REMAINDER.—Any funds re-
24 maining from the bond or other security posted
25 under subsection (a) after the payment of costs, ex-

1 penses, and attorneys fees under paragraph (1) shall
2 be returned to the plaintiff or plaintiffs that posted
3 the bond or security in the action.

4 (c) RETURN OF BOND TO PREVAILING PLAINTIFF.—

5 (1) IN GENERAL.—If the plaintiff ultimately
6 prevails on the merits in every action brought by the
7 plaintiff challenging a forest management activity
8 described in subsection (a), the court shall return to
9 the plaintiff any bond or security provided by the
10 plaintiff under subsection (a), plus interest from the
11 date the bond or security was provided.

12 (2) ULTIMATELY PREVAILS ON THE MERITS.—

13 In this subsection, the phrase “ultimately prevails on
14 the merits” means, in a final enforceable judgment
15 on the merits, a court rules in favor of the plaintiff
16 on every cause of action in every action brought by
17 the plaintiff challenging the forest management ac-
18 tivity.

19 (d) EFFECT OF SETTLEMENT.—If a challenge to a
20 forest management activity described in subsection (a) for
21 which a bond or other security was provided by the plain-
22 tiff under such subsection is resolved by settlement be-
23 tween the Secretary concerned and the plaintiff, the settle-
24 ment agreement shall provide for sharing the costs, ex-
25 penses, and attorneys fees incurred by the parties.

1 (e) LIMITATION ON CERTAIN PAYMENTS.—Notwith-
2 standing section 1304 of title 31, United States Code, no
3 award may be made under section 2412 of title 28, United
4 States Code, and no amounts may be obligated or ex-
5 pended from the Claims and Judgment Fund of the
6 United States Treasury to pay any fees or other expenses
7 under such sections to any plaintiff related to an action
8 challenging a forest management activity described in sub-
9 section (a).

10 **TITLE IV—SECURE RURAL**
11 **SCHOOLS AND COMMUNITY**
12 **SELF-DETERMINATION ACT**
13 **AMENDMENTS**

14 **SEC. 401. USE OF RESERVED FUNDS FOR TITLE II**
15 **PROJECTS ON FEDERAL LAND AND CERTAIN**
16 **NON-FEDERAL LAND.**

17 (a) REPEAL OF MERCHANTABLE TIMBER CON-
18 TRACTING PILOT PROGRAM.—Section 204(e) of the Se-
19 cure Rural Schools and Community Self-Determination
20 Act of 2000 (16 U.S.C. 7124(e)) is amended by striking
21 paragraph (3).

22 (b) REQUIREMENTS FOR PROJECT FUNDS.—Section
23 204 of the Secure Rural Schools and Community Self-De-
24 termination Act of 2000 (16 U.S.C. 7124) is amended by

1 striking subsection (f) and inserting the following new
2 subsection:

3 “(f) REQUIREMENTS FOR PROJECT FUNDS.—

4 “(1) IN GENERAL.—Subject to paragraph (2),
5 the Secretary concerned shall ensure that at least 50
6 percent of the project funds reserved by a partici-
7 pating county under section 102(d) shall be available
8 only for projects that—

9 “(A) include the sale of timber or other
10 forest products; and

11 “(B) implement stewardship objectives
12 that enhance forest ecosystems or restore and
13 improve land health and water quality.

14 “(2) APPLICABILITY.—The requirement in
15 paragraph (1) shall apply only to project funds re-
16 served by a participating county whose boundaries
17 include Federal land that the Secretary concerned
18 determines has been subject to a timber or other for-
19 est products program within 5 fiscal years before the
20 fiscal year in which the funds are reserved.”.

21 **SEC. 402. RESOURCE ADVISORY COMMITTEES.**

22 (a) RECOGNITION OF RESOURCE ADVISORY COMMIT-
23 TEES.—Section 205(a)(4) of the Secure Rural Schools
24 and Community Self-Determination Act of 2000 (16

1 U.S.C. 7125(a)(4)) is amended by striking “2012” each
2 place it appears and inserting “2020”.

3 (b) TEMPORARY REDUCTION IN COMPOSITION OF
4 COMMITTEES.—Section 205(d) of the Secure Rural
5 Schools and Community Self-Determination Act of 2000
6 (16 U.S.C. 7125(d)) is amended—

7 (1) in paragraph (1), by striking “Each” and
8 inserting “Except during the period specified in
9 paragraph (6), each”; and

10 (2) by adding at the end the following new
11 paragraph:

12 “(6) TEMPORARY REDUCTION IN MINIMUM
13 NUMBER OF MEMBERS.—

14 “(A) TEMPORARY 6-MEMBER MINIMUM.—

15 During the period beginning on the date of the
16 enactment of this paragraph and ending on
17 September 30, 2020, a resource advisory com-
18 mittee established under this section may be
19 comprised of 6 or more members, of which—

20 “(i) at least 2 shall be representative
21 of interests described in subparagraph (A)
22 of paragraph (2);

23 “(ii) at least 2 shall be representative
24 of interests described in subparagraph (B)
25 of paragraph (2); and

1 “(iii) at least 2 shall be representative
2 of interests described in subparagraph (C)
3 of paragraph (2).

4 “(B) ADDITIONAL REQUIREMENTS.—In
5 appointing members of a resource advisory com-
6 mittee from the 3 categories described in para-
7 graph (2), as provided in subparagraph (A), the
8 Secretary concerned shall ensure balanced and
9 broad representation in each category. In the
10 case of a vacancy on a resource advisory com-
11 mittee, the vacancy shall be filled within 90
12 days after the date on which the vacancy oc-
13 curred. Appointments to a new resource advi-
14 sory committee shall be made within 90 days
15 after the date on which the decision to form the
16 new resource advisory committee was made.

17 “(C) CHARTER.—A charter for a resource
18 advisory committee with 15 members that was
19 filed on or before the date of the enactment of
20 this paragraph shall be considered to be filed
21 for a resource advisory committee described in
22 this paragraph. The charter of a resource advi-
23 sory committee shall be reapproved before the
24 expiration of the existing charter of the re-
25 source advisory committee. In the case of a new

1 resource advisory committee, the charter of the
2 resource advisory committee shall be approved
3 within 90 days after the date on which the deci-
4 sion to form the new resource advisory com-
5 mittee was made.”.

6 (c) CONFORMING CHANGE TO PROJECT APPROVAL
7 REQUIREMENTS.—Section 205(e)(3) of the Secure Rural
8 Schools and Community Self-Determination Act of 2000
9 (16 U.S.C. 7125(e)(3)) is amended by adding at the end
10 the following new sentence: “In the case of a resource ad-
11 visory committee consisting of fewer than 15 members, as
12 authorized by subsection (d)(6), a project may be proposed
13 to the Secretary concerned upon approval by a majority
14 of the members of the committee.”.

15 (d) EXPANDING LOCAL PARTICIPATION ON COMMIT-
16 TEES.—Section 205(d) of the Secure Rural Schools and
17 Community Self-Determination Act of 2000 (16 U.S.C.
18 7125(d)) is amended—

19 (1) in paragraph (3), by inserting before the pe-
20 riod at the end the following: “, consistent with the
21 requirements of paragraph (4)”;

22 (2) by striking paragraph (4) and inserting the
23 following new paragraph:

24 “(4) GEOGRAPHIC DISTRIBUTION.—The mem-
25 bers of a resource advisory committee shall reside

1 within the county or counties in which the committee
2 has jurisdiction or an adjacent county.”.

3 **SEC. 403. PROGRAM FOR TITLE II SELF-SUSTAINING RE-**
4 **SOURCE ADVISORY COMMITTEE PROJECTS.**

5 (a) SELF-SUSTAINING RESOURCE ADVISORY COM-
6 MITTEE PROJECTS.—Title II of the Secure Rural Schools
7 and Community Self-Determination Act of 2000 (16
8 U.S.C. 7121 et seq.) is amended by adding at the end
9 the following new section:

10 **“SEC. 209. PROGRAM FOR SELF-SUSTAINING RESOURCE AD-**
11 **VISORY COMMITTEE PROJECTS.**

12 “(a) RAC PROGRAM.—The Chief of the Forest Serv-
13 ice shall conduct a program (to be known as the ‘self-sus-
14 taining resource advisory committee program’ or ‘RAC
15 program’) under which 10 resource advisory committees
16 will propose projects authorized by subsection (c) to be
17 carried out using project funds reserved by a participating
18 county under section 102(d).

19 “(b) SELECTION OF PARTICIPATING RESOURCE AD-
20 VISORY COMMITTEES.—The selection of resource advisory
21 committees to participate in the RAC program is in the
22 sole discretion of the Chief of the Forest Service, except
23 that, consistent with section 205(d)(6), a selected resource
24 advisory committee must have a minimum of 6 members.

1 “(c) AUTHORIZED PROJECTS.—Notwithstanding the
2 project purposes specified in sections 202(b), 203(c), and
3 204(a)(5), projects under the RAC program are intended
4 to—

5 “(1) accomplish forest management objectives
6 or support community development; and

7 “(2) generate receipts.

8 “(d) DEPOSIT AND AVAILABILITY OF REVENUES.—
9 Any revenue generated by a project conducted under the
10 RAC program, including any interest accrued from the
11 revenues, shall be—

12 “(1) deposited in the special account in the
13 Treasury established under section 102(d)(2)(A);
14 and

15 “(2) available, in such amounts as may be pro-
16 vided in advance in appropriation Acts, for addi-
17 tional projects under the RAC program.

18 “(e) TERMINATION OF AUTHORITY.—

19 “(1) IN GENERAL.—The authority to initiate a
20 project under the RAC program shall terminate on
21 September 30, 2020.

22 “(2) DEPOSITS IN TREASURY.—Any funds
23 available for projects under the RAC program and
24 not obligated by September 30, 2021, shall be depos-
25 ited in the Treasury of the United States.”.

1 (b) EXCEPTION TO GENERAL RULE REGARDING
2 TREATMENT OF RECEIPTS.—Section 403(b) of the Secure
3 Rural Schools and Community Self-Determination Act of
4 2000 (16 U.S.C. 7153(b)) is amended by striking “All rev-
5 enues” and inserting “Except as provided in section 209,
6 all revenues”.

7 **SEC. 404. ADDITIONAL AUTHORIZED USE OF RESERVED**
8 **FUNDS FOR TITLE III COUNTY PROJECTS.**

9 Section 302(a) of the Secure Rural Schools and Com-
10 munity Self-Determination Act of 2000 (16 U.S.C.
11 7142(a)) is amended—

12 (1) in paragraph (2)—

13 (A) by inserting “and law enforcement pa-
14 trols” after “including firefighting”; and

15 (B) by striking “and” at the end;

16 (2) by redesignating paragraph (3) as para-
17 graph (4); and

18 (3) by inserting after paragraph (2) the fol-
19 lowing new paragraph (3):

20 “(3) to cover training costs and equipment pur-
21 chases directly related to the emergency services de-
22 scribed in paragraph (2); and”.

1 **TITLE V—STEWARDSHIP END**
2 **RESULT CONTRACTING**

3 **SEC. 501. CANCELLATION CEILINGS FOR STEWARDSHIP**
4 **END RESULT CONTRACTING PROJECTS.**

5 (a) CANCELLATION CEILINGS.—Section 604 of the
6 Healthy Forests Restoration Act of 2003 (16 U.S.C.
7 6591c) is amended—

8 (1) by redesignating subsections (h) and (i) as
9 subsections (i) and (j), respectively; and

10 (2) by inserting after subsection (g) the fol-
11 lowing new subsection (h):

12 “(h) CANCELLATION CEILINGS.—

13 “(1) IN GENERAL.—The Chief and the Director
14 may obligate funds to cover any potential cancella-
15 tion or termination costs for an agreement or con-
16 tract under subsection (b) in stages that are eco-
17 nomically or programmatically viable.

18 “(2) ADVANCE NOTICE TO CONGRESS OF CAN-
19 CELLATION CEILING IN EXCESS OF \$25,000,000.—Not
20 later than 30 days before entering into a multiyear
21 agreement or contract under subsection (b) that in-
22 cludes a cancellation ceiling in excess of
23 \$25,000,000, but does not include proposed funding
24 for the costs of cancelling the agreement or contract
25 up to such cancellation ceiling, the Chief or the Di-

1 rector, as the case may be, shall submit to the Com-
2 mittee on Energy and Natural Resources and the
3 Committee on Agriculture, Nutrition, and Forestry
4 of the Senate and the Committee on Natural Re-
5 sources and the Committee on Agriculture of the
6 House of Representatives a written notice that in-
7 cludes—

8 “(A) the cancellation ceiling amounts pro-
9 posed for each program year in the agreement
10 or contract;

11 “(B) the reasons why such cancellation
12 ceiling amounts were selected;

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

16 “(D) an assessment of the financial risk of
17 not including budgeting for the costs of agree-
18 ment or contract cancellation.

19 “(3) TRANSMITTAL OF NOTICE TO OMB.—Not
20 later than 14 days after the date on which written
21 notice is provided under paragraph (2) with respect
22 to an agreement or contract under subsection (b),
23 the Chief or the Director, as the case may be, shall
24 transmit a copy of the notice to the Director of the
25 Office of Management and Budget.”.

1 (b) RELATION TO OTHER LAWS.—Section 604(d)(5)
2 of the Healthy Forests Restoration Act of 2003 (16
3 U.S.C. 6591c(d)(5)) is amended by striking “, the Chief
4 may” and inserting “and section 2(a)(1) of the Act of July
5 31, 1947 (commonly known as the Materials Act of 1947;
6 30 U.S.C. 602(a)(1)), the Chief and the Director may”.

7 **SEC. 502. EXCESS OFFSET VALUE.**

8 Section 604(g)(2) of the Healthy Forests Restoration
9 Act of 2003 (16 U.S.C. 6591c(g)(2)) is amended by strik-
10 ing subparagraphs (A) and (B) and inserting the following
11 new subparagraphs:

12 “(A) use the excess to satisfy any out-
13 standing liabilities for cancelled agreements or
14 contracts; or

15 “(B) if there are no outstanding liabilities
16 under subparagraph (A), apply the excess to
17 other authorized stewardship projects.”.

18 **SEC. 503. PAYMENT OF PORTION OF STEWARDSHIP**
19 **PROJECT REVENUES TO COUNTY IN WHICH**
20 **STEWARDSHIP PROJECT OCCURS.**

21 Section 604(e) of the Healthy Forests Restoration
22 Act of 2003 (16 U.S.C. 6591c(e)) is amended—

23 (1) in paragraph (2)(B), by inserting “subject
24 to paragraph (3)(A),” before “shall”; and

1 (2) in paragraph (3)(A), by striking “services
2 received by the Chief or the Director” and all that
3 follows through the period at the end and inserting
4 the following: “services and in-kind resources re-
5 ceived by the Chief or the Director under a steward-
6 ship contract project conducted under this section
7 shall not be considered monies received from the Na-
8 tional Forest System or the public lands, but any
9 payments made by the contractor to the Chief or Di-
10 rector under the project shall be considered monies
11 received from the National Forest System or the
12 public lands.”.

13 **SEC. 504. SUBMISSION OF EXISTING ANNUAL REPORT.**

14 Subsection (j) of section 604 of the Healthy Forests
15 Restoration Act of 2003 (16 U.S.C. 6591c), as redesi-
16 gnated by section 501(a)(1), is amended by striking “report
17 to the Committee on Agriculture, Nutrition, and Forestry
18 of the Senate and the Committee on Agriculture of the
19 House of Representatives” and inserting “submit to the
20 congressional committees specified in subsection (h)(2) a
21 report”.

1 **TITLE VI—ADDITIONAL FUND-**
2 **ING SOURCES FOR FOREST**
3 **MANAGEMENT ACTIVITIES**

4 **SEC. 601. DEFINITIONS.**

5 In this title:

6 (1) **ELIGIBLE ENTITY.**—The term “eligible enti-
7 ty” means—

8 (A) a State or political subdivision of a
9 State containing National Forest System lands
10 or public lands;

11 (B) a publicly chartered utility serving one
12 or more States or a political subdivision thereof;

13 (C) a rural electric company; and

14 (D) any other entity determined by the
15 Secretary concerned to be appropriate for par-
16 ticipation in the Fund.

17 (2) **FUND.**—The term “Fund” means the
18 State-Supported Forest Management Fund estab-
19 lished by section 603.

1 **SEC. 602. AVAILABILITY OF STEWARDSHIP PROJECT REVE-**
2 **NUES AND COLLABORATIVE FOREST LAND-**
3 **SCAPE RESTORATION FUND TO COVER FOR-**
4 **EST MANAGEMENT ACTIVITY PLANNING**
5 **COSTS.**

6 (a) AVAILABILITY OF STEWARDSHIP PROJECT REVE-
7 NUES.—Section 604(e)(2)(B) of the Healthy Forests Res-
8 toration Act of 2003 (16 U.S.C. 6591c(e)(2)(B)), as
9 amended by section 503, is further amended by striking
10 “appropriation at the project site from which the monies
11 are collected or at another project site.” and inserting the
12 following: “appropriation—

13 “(i) at the project site from which the
14 monies are collected or at another project
15 site; and

16 “(ii) to cover not more than 25 per-
17 cent of the cost of planning additional
18 stewardship contracting projects.”.

19 (b) AVAILABILITY OF COLLABORATIVE FOREST
20 LANDSCAPE RESTORATION FUND.—Section 4003(f)(1) of
21 the Omnibus Public Land Management Act of 2009 (16
22 U.S.C. 7303(f)(1)) is amended by striking “carrying out
23 and” and inserting “planning, carrying out, and”.

1 **SEC. 603. STATE-SUPPORTED PLANNING OF FOREST MAN-**
2 **AGEMENT ACTIVITIES.**

3 (a) STATE-SUPPORTED FOREST MANAGEMENT
4 FUND.—There is established in the Treasury of the
5 United States a fund, to be known as the “State-Sup-
6 ported Forest Management Fund”, to cover the cost of
7 planning (especially related to compliance with section
8 102(2) of the National Environmental Policy Act of 1969
9 (42 U.S.C. 4332(2))), carrying out, and monitoring cer-
10 tain forest management activities on National Forest Sys-
11 tem lands or public lands.

12 (b) CONTENTS.—The State-Supported Forest Man-
13 agement Fund shall consist of such amounts as may be—

14 (1) contributed by an eligible entity for deposit
15 in the Fund;

16 (2) appropriated to the Fund; or

17 (3) generated by forest management activities
18 carried out using amounts in the Fund.

19 (c) GEOGRAPHICAL AND USE LIMITATIONS.—In
20 making a contribution under subsection (b)(1), an eligible
21 entity may—

22 (1) specify the National Forest System lands or
23 public lands for which the contribution may be ex-
24 pended; and

25 (2) limit the types of forest management activi-
26 ties for which the contribution may be expended.

1 (d) AUTHORIZED FOREST MANAGEMENT ACTIVI-
2 TIES.—In such amounts as may be provided in advance
3 in appropriation Acts, the Secretary concerned may use
4 the Fund to plan, carry out, and monitor a forest manage-
5 ment activity that—

6 (1) is developed through a collaborative process;

7 (2) is proposed by a resource advisory com-
8 mittee; or

9 (3) is covered by a community wildfire protec-
10 tion plan.

11 (e) IMPLEMENTATION METHODS.—A forest manage-
12 ment activity carried out using amounts in the Fund may
13 be carried out using a contract or agreement under section
14 604 of the Healthy Forests Restoration Act of 2003 (16
15 U.S.C. 6591c), the good neighbor authority provided by
16 section 8206 of the Agricultural Act of 2014 (16 U.S.C.
17 2113a), a contract under section 14 of the National Forest
18 Management Act of 1976 (16 U.S.C. 472a), or other au-
19 thority available to the Secretary concerned, but revenues
20 generated by the forest management activity shall be used
21 to reimburse the Fund for planning costs covered using
22 amounts in the Fund.

23 (f) RELATION TO OTHER LAWS.—

24 (1) REVENUE SHARING.—Subject to subsection

25 (e), revenues generated by a forest management ac-

1 tivity carried out using amounts from the Fund shall
2 be considered monies received from the National
3 Forest System.

4 (2) KNUTSON-VANDERBERG ACT.—The Act of
5 June 9, 1930 (commonly known as the Knutson-
6 Vanderberg Act; 16 U.S.C. 576 et seq.), shall apply
7 to any forest management activity carried out using
8 amounts in the Fund.

9 (g) TERMINATION OF FUND.—

10 (1) TERMINATION.—The Fund shall terminate
11 10 years after the date of the enactment of this Act.

12 (2) EFFECT OF TERMINATION.—Upon the ter-
13 mination of the Fund pursuant to paragraph (1) or
14 pursuant to any other provision of law, unobligated
15 contributions remaining in the Fund shall be re-
16 turned to the eligible entity that made the contribu-
17 tion.

1 **TITLE VII—TRIBAL FORESTRY**
2 **PARTICIPATION AND PRO-**
3 **TECTION**

4 **SEC. 701. PROTECTION OF TRIBAL FOREST ASSETS**
5 **THROUGH USE OF STEWARDSHIP END RE-**
6 **SULT CONTRACTING AND OTHER AUTHORI-**
7 **TIES.**

8 (a) PROMPT CONSIDERATION OF TRIBAL RE-
9 QUESTS.—Section 2(b) of the Tribal Forest Protection
10 Act of 2004 (25 U.S.C. 3115a(b)) is amended—

11 (1) in paragraph (1), by striking “Not later
12 than 120 days after the date on which an Indian
13 tribe submits to the Secretary” and inserting “In re-
14 sponse to the submission by an Indian tribe of”; and

15 (2) by adding at the end the following new
16 paragraph:

17 “(4) TIME PERIODS FOR CONSIDERATION.—

18 “(A) INITIAL RESPONSE.—Not later than
19 120 days after the date on which the Secretary
20 receives a tribal request under paragraph (1),
21 the Secretary shall provide an initial response
22 to the Indian tribe regarding—

23 “(i) whether the request may meet the
24 selection criteria described in subsection
25 (c); and

1 “(ii) the likelihood of the Secretary
2 entering into an agreement or contract
3 with the Indian tribe under paragraph (2)
4 for activities described in paragraph (3).

5 “(B) NOTICE OF DENIAL.—Notice under
6 subsection (d) of the denial of a tribal request
7 under paragraph (1) shall be provided not later
8 than one year after the date on which the Sec-
9 retary received the request.

10 “(C) COMPLETION.—Not later than two
11 years after the date on which the Secretary re-
12 ceives a tribal request under paragraph (1),
13 other than a tribal request denied under sub-
14 section (d), the Secretary shall—

15 “(i) complete all environmental re-
16 views necessary in connection with the
17 agreement or contract and proposed activi-
18 ties under the agreement or contract; and

19 “(ii) enter into the agreement or con-
20 tract with the Indian tribe under para-
21 graph (2).”.

22 (b) CONFORMING AND TECHNICAL AMENDMENTS.—
23 Section 2 of the Tribal Forest Protection Act of 2004 (25
24 U.S.C. 3115a) is amended—

1 (1) in subsections (b)(1) and (f)(1), by striking
2 “section 347 of the Department of the Interior and
3 Related Agencies Appropriations Act, 1999 (16
4 U.S.C. 2104 note; Public Law 105–277) (as amend-
5 ed by section 323 of the Department of the Interior
6 and Related Agencies Appropriations Act, 2003 (117
7 Stat. 275))” and inserting “section 604 of the
8 Healthy Forests Restoration Act of 2003 (16 U.S.C.
9 6591c)”;

10 (2) in subsection (d), by striking “subsection
11 (b)(1), the Secretary may” and inserting “para-
12 graphs (1) and (4)(B) of subsection (b), the Sec-
13 retary shall”.

14 **SEC. 702. MANAGEMENT OF INDIAN FOREST LAND AUTHOR-**
15 **IZED TO INCLUDE RELATED NATIONAL FOR-**
16 **EST SYSTEM LANDS AND PUBLIC LANDS.**

17 Section 305 of the National Indian Forest Resources
18 Management Act (25 U.S.C. 3104) is amended by adding
19 at the end the following new subsection:

20 “(c) INCLUSION OF CERTAIN NATIONAL FOREST
21 SYSTEM LAND AND PUBLIC LAND.—

22 “(1) AUTHORITY.—At the request of an Indian
23 tribe, the Secretary concerned may treat Federal
24 forest land as Indian forest land for purposes of
25 planning and conducting forest land management

1 activities under this section if the Federal forest
2 land is located within, or mostly within, a geographic
3 area that presents a feature or involves cir-
4 cumstances principally relevant to that Indian tribe,
5 such as Federal forest land ceded to the United
6 States by treaty, Federal forest land within the
7 boundaries of a current or former reservation, or
8 Federal forest land adjudicated to be tribal home-
9 lands.

10 “(2) REQUIREMENTS.—As part of the agree-
11 ment to treat Federal forest land as Indian forest
12 land under paragraph (1), the Secretary concerned
13 and the Indian tribe making the request shall—

14 “(A) provide for continued public access
15 applicable to the Federal forest land prior to
16 the agreement, except that the Secretary con-
17 cerned may limit or prohibit such access as
18 needed;

19 “(B) continue sharing revenue generated
20 by the Federal forest land with State and local
21 governments either—

22 “(i) on the terms applicable to the
23 Federal forest land prior to the agreement,
24 including, where applicable, 25-percent
25 payments or 50 percent payments; or

1 “(ii) at the option of the Indian tribe,
2 on terms agreed upon by the Indian tribe,
3 the Secretary concerned, and State and
4 county governments participating in a rev-
5 enue sharing agreement for the Federal
6 forest land;

7 “(C) comply with applicable prohibitions
8 on the export of unprocessed logs harvested
9 from the Federal forest land; and

10 “(D) recognize all right-of-way agreements
11 in place on Federal forest land prior to com-
12 mencement of tribal management activities.

13 “(3) LIMITATION.—Treating Federal forest
14 land as Indian forest land for purposes of planning
15 and conducting management activities pursuant to
16 paragraph (1) shall not be construed to designate
17 the Federal forest land as Indian forest lands for
18 any other purpose.

19 “(4) DEFINITIONS.—In this subsection:

20 “(A) FEDERAL FOREST LAND.—The term
21 ‘Federal forest land’ means—

22 “(i) National Forest System lands;
23 and

24 “(ii) public lands (as defined in sec-
25 tion 103(e) of the Federal Land Policy and

1 Management Act of 1976 (43 U.S.C.
2 1702(e))), including Coos Bay Wagon
3 Road Grant lands reconveyed to the
4 United States pursuant to the first section
5 of the Act of February 26, 1919 (40 Stat.
6 1179), and Oregon and California Railroad
7 Grant lands.

8 “(B) SECRETARY CONCERNED.—The term
9 ‘Secretary concerned’ means—

10 “(i) the Secretary of Agriculture, with
11 respect to the Federal forest land referred
12 to in subparagraph (A)(i); and

13 “(ii) the Secretary of the Interior,
14 with respect to the Federal forest land re-
15 ferred to in subparagraph (A)(ii).”.

16 **TITLE VIII—MISCELLANEOUS**
17 **FOREST MANAGEMENT PRO-**
18 **VISIONS**

19 **SEC. 801. BALANCING SHORT- AND LONG-TERM EFFECTS**
20 **OF FOREST MANAGEMENT ACTIVITIES IN**
21 **CONSIDERING INJUNCTIVE RELIEF.**

22 As part of its weighing the equities while considering
23 any request for an injunction that applies to any agency
24 action as part of a forest management activity under titles
25 I through VIII, the court reviewing the agency action shall

1 balance the impact to the ecosystem likely affected by the
2 forest management activity of—

3 (1) the short- and long-term effects of under-
4 taking the agency action; against

5 (2) the short- and long-term effects of not un-
6 dertaking the action.

7 **SEC. 802. CONDITIONS ON FOREST SERVICE ROAD DECOM-**
8 **MISSIONING.**

9 (a) CONSULTATION WITH AFFECTED COUNTY.—

10 Whenever any Forest Service defined maintenance level
11 one or two system road within a designated high fire prone
12 area of a unit of the National Forest System is considered
13 for decommissioning, the Forest Supervisor of that unit
14 of the National Forest System shall—

15 (1) consult with the government of the county
16 containing the road regarding the merits and pos-
17 sible consequences of decommissioning the road; and

18 (2) solicit possible alternatives to decommis-
19 sioning the road.

20 (b) REGIONAL FORESTER APPROVAL.—A Forest
21 Service road described in subsection (a) may not be de-
22 commissioned without the advance approval of the Re-
23 gional Forester.

1 **SEC. 803. PROHIBITION ON APPLICATION OF EASTSIDE**
2 **SCREENS REQUIREMENTS ON NATIONAL**
3 **FOREST SYSTEM LANDS.**

4 On and after the date of the enactment of this Act,
5 the Secretary of Agriculture may not apply to National
6 Forest System lands any of the amendments to forest
7 plans adopted in the Decision Notice for the Revised Con-
8 tinuation of Interim Management Direction Establishing
9 Riparian, Ecosystem and Wildlife Standards for Timber
10 Sales (commonly known as the Eastside Screens require-
11 ments), including all preceding or associated versions of
12 these amendments.

13 **SEC. 804. USE OF SITE-SPECIFIC FOREST PLAN AMEND-**
14 **MENTS FOR CERTAIN PROJECTS AND ACTIVI-**
15 **TIES.**

16 If the Secretary concerned determines that, in order
17 to conduct a project or carry out an activity implementing
18 a forest plan, an amendment to the forest plan is required,
19 the Secretary concerned shall execute such amendment as
20 a nonsignificant plan amendment through the record of
21 decision or decision notice for the project or activity.

22 **SEC. 805. KNUTSON-VANDENBERG ACT MODIFICATIONS.**

23 (a) **DEPOSITS OF FUNDS FROM NATIONAL FOREST**
24 **TIMBER PURCHASERS REQUIRED.**—Section 3(a) of the
25 Act of June 9, 1930 (commonly known as the Knutson-
26 Vandenberg Act; 16 U.S.C. 576b(a)), is amended by strik-

1 ing “The Secretary” and all that follows through “any
2 purchaser” and inserting the following: “The Secretary of
3 Agriculture shall require each purchaser”.

4 (b) CONDITIONS ON USE OF DEPOSITS.—Section 3
5 of the Act of June 9, 1930 (commonly known as the
6 Knutson-Vandenberg Act; 16 U.S.C. 576b), is amended—

7 (1) by striking “Such deposits” and inserting
8 the following:

9 “(b) Amounts deposited under subsection (a)”;

10 (2) by redesignating subsection (c) as sub-
11 section (d); and

12 (3) by inserting before subsection (d), as so re-
13 designated, the following new subsection (c):

14 “(c)(1) Amounts in the special fund established pur-
15 suant to this section—

16 “(A) shall be used exclusively to implement ac-
17 tivities authorized by subsection (a); and

18 “(B) may be used anywhere within the Forest
19 Service Region from which the original deposits were
20 collected.

21 “(2) The Secretary of Agriculture may not deduct
22 overhead costs from the funds collected under subsection
23 (a), except as needed to fund personnel of the responsible
24 Ranger District for the planning and implementation of
25 the activities authorized by subsection (a).”.

1 **SEC. 806. EXCLUSION OF CERTAIN NATIONAL FOREST SYS-**
2 **TEM LANDS AND PUBLIC LANDS.**

3 Unless specifically provided by a provision of titles
4 I through VIII, the authorities provided by such titles do
5 not apply with respect to any National Forest System
6 lands or public lands—

7 (1) that are included in the National Wilderness
8 Preservation System;

9 (2) that are located within an inventoried
10 roadless area unless the forest management activity
11 to be carried out under such authority is consistent
12 with the forest plan applicable to the area; or

13 (3) on which timber harvesting for any purpose
14 is prohibited by statute.

15 **TITLE IX—MAJOR DISASTER FOR**
16 **WILDFIRE ON FEDERAL LAND**

17 **SEC. 901. WILDFIRE ON FEDERAL LANDS.**

18 Section 102(2) of the Robert T. Stafford Disaster
19 Relief and Emergency Assistance Act (42 U.S.C. 5122(2))
20 is amended—

21 (1) by striking “(2)” and all that follows
22 through “means” and inserting the following:

23 “(2) MAJOR DISASTER.—

24 “(A) MAJOR DISASTER.—The term ‘major
25 disaster’ means”; and

26 (2) by adding at the end the following:

1 “(B) MAJOR DISASTER FOR WILDFIRE ON
2 FEDERAL LANDS.—The term ‘major disaster
3 for wildfire on Federal lands’ means any wild-
4 fire or wildfires, which in the determination of
5 the President under section 802 warrants as-
6 sistance under section 803 to supplement the
7 efforts and resources of the Department of the
8 Interior or the Department of Agriculture—

9 “(i) on Federal lands; or

10 “(ii) on non-Federal lands pursuant
11 to a fire protection agreement or coopera-
12 tive agreement.”.

13 **SEC. 902. DECLARATION OF A MAJOR DISASTER FOR WILD-**
14 **FIRE ON FEDERAL LANDS.**

15 The Robert T. Stafford Disaster Relief and Emer-
16 gency Assistance Act (42 U.S.C. 5170 et seq.) is amended
17 by adding at the end the following:

18 **“TITLE VIII—MAJOR DISASTER**
19 **FOR WILDFIRE ON FEDERAL**
20 **LAND**

21 **“SEC. 801. DEFINITIONS.**

22 “As used in this title—

23 “(1) FEDERAL LAND.—The term ‘Federal land’
24 means—

1 “(A) any land under the jurisdiction of the
2 Department of the Interior; and

3 “(B) any land under the jurisdiction of the
4 United States Forest Service.

5 “(2) FEDERAL LAND MANAGEMENT AGEN-
6 CIES.—The term ‘Federal land management agen-
7 cies’ means—

8 “(A) the Bureau of Land Management;

9 “(B) the National Park Service;

10 “(C) the Bureau of Indian Affairs;

11 “(D) the United States Fish and Wildlife
12 Service; and

13 “(E) the United States Forest Service.

14 “(3) WILDFIRE SUPPRESSION OPERATIONS.—

15 The term ‘wildfire suppression operations’ means the
16 emergency and unpredictable aspects of wildland
17 firefighting, including support, response, emergency
18 stabilization activities, and other emergency manage-
19 ment activities of wildland firefighting on Federal
20 lands (or on non-Federal lands pursuant to a fire
21 protection agreement or cooperative agreement) by
22 the Federal land management agencies covered by
23 the wildfire suppression subactivity of the Wildland
24 Fire Management account or the FLAME Wildfire

1 Suppression Reserve Fund account of the Federal
2 land management agencies.

3 **“SEC. 802. PROCEDURE FOR DECLARATION OF A MAJOR**
4 **DISASTER FOR WILDFIRE ON FEDERAL**
5 **LANDS.**

6 “(a) IN GENERAL.—The Secretary of the Interior or
7 the Secretary of Agriculture may submit a request to the
8 President consistent with the requirements of this title for
9 a declaration by the President that a major disaster for
10 wildfire on Federal lands exists.

11 “(b) REQUIREMENTS.—A request for a declaration
12 by the President that a major disaster for wildfire on Fed-
13 eral lands exists shall—

14 “(1) be made in writing by the respective Sec-
15 retary;

16 “(2) certify that the amount appropriated in
17 the current fiscal year for wildfire suppression oper-
18 ations of the Federal land management agencies
19 under the jurisdiction of the respective Secretary,
20 net of any concurrently enacted rescissions of wild-
21 fire suppression funds, increases the total unobli-
22 gated balance of amounts available for wildfire sup-
23 pression by an amount equal to or greater than the
24 average total costs incurred by the Federal land
25 management agencies per year for wildfire suppres-

1 sion operations, including the suppression costs in
2 excess of appropriated amounts, over the previous
3 ten fiscal years;

4 “(3) certify that the amount available for wild-
5 fire suppression operations of the Federal land man-
6 agement agencies under the jurisdiction of the re-
7 spective Secretary will be obligated not later than 30
8 days after such Secretary notifies the President that
9 wildfire suppression funds will be exhausted to fund
10 ongoing and anticipated wildfire suppression oper-
11 ations related to the wildfire on which the request
12 for the declaration of a major disaster for wildfire
13 on Federal lands pursuant to this title is based; and

14 “(4) specify the amount required in the current
15 fiscal year to fund wildfire suppression operations
16 related to the wildfire on which the request for the
17 declaration of a major disaster for wildfire on Fed-
18 eral lands pursuant to this title is based.

19 “(c) DECLARATION.—Based on the request of the re-
20 spective Secretary under this title, the President may de-
21 clare that a major disaster for wildfire on Federal lands
22 exists.

23 **“SEC. 803. WILDFIRE ON FEDERAL LANDS ASSISTANCE.**

24 “(a) IN GENERAL.—In a major disaster for wildfire
25 on Federal lands, the President may transfer funds to the

1 Secretary of the Interior or the Secretary of Agriculture
2 to conduct wildfire suppression operations on Federal
3 lands (and non-Federal lands pursuant to a fire protection
4 agreement or cooperative agreement).

5 “(b) WILDFIRE SUPPRESSION OPERATIONS AC-
6 COUNT.—The President shall establish a specific account
7 for the assistance available pursuant to a declaration
8 under section 802. Such account may only be used to fund
9 assistance pursuant to this title.

10 “(c) LIMITATION.—

11 “(1) LIMITATION OF TRANSFER.—The assist-
12 ance available pursuant to a declaration under sec-
13 tion 802 is limited to the transfer of the amount re-
14 quested pursuant to section 802(b)(4). The assist-
15 ance available for transfer shall not exceed the
16 amount contained in the wildfire suppression oper-
17 ations account established pursuant to subsection
18 (b).

19 “(2) TRANSFER OF FUNDS.—Funds under this
20 section shall be transferred from the wildfire sup-
21 pression operations account to the wildfire suppres-
22 sion subactivity of the Wildland Fire Management
23 Account.

24 “(d) PROHIBITION OF OTHER TRANSFERS.—Except
25 as provided in this section, no funds may be transferred

1 to or from the account established pursuant to subsection
2 (b) to or from any other fund or account.

3 “(e) REIMBURSEMENT FOR WILDFIRE SUPPRESSION
4 OPERATIONS ON NON-FEDERAL LAND.—If amounts
5 transferred under subsection (c) are used to conduct wild-
6 fire suppression operations on non-Federal land, the re-
7 spective Secretary shall—

8 “(1) secure reimbursement for the cost of such
9 wildfire suppression operations conducted on the
10 non-Federal land; and

11 “(2) transfer the amounts received as reim-
12 bursement to the wildfire suppression operations ac-
13 count established pursuant to subsection (b).

14 “(f) ANNUAL ACCOUNTING AND REPORTING RE-
15 QUIREMENTS.—Not later than 90 days after the end of
16 each fiscal year for which assistance is received pursuant
17 to this section, the respective Secretary shall submit to
18 the Committees on Agriculture, Appropriations, the Budg-
19 et, Natural Resources, and Transportation and Infrastruc-
20 ture of the House of Representatives and the Committees
21 on Agriculture, Nutrition, and Forestry, Appropriations,
22 the Budget, Energy and Natural Resources, Homeland
23 Security and Governmental Affairs, and Indian Affairs of
24 the Senate, and make available to the public, a report that
25 includes the following:

1 “(1) The risk-based factors that influenced
2 management decisions regarding wildfire suppression
3 operations of the Federal land management agencies
4 under the jurisdiction of the Secretary concerned.

5 “(2) Specific discussion of a statistically signifi-
6 cant sample of large fires, in which each fire is ana-
7 lyzed for cost drivers, effectiveness of risk manage-
8 ment techniques, resulting positive or negative im-
9 pacts of fire on the landscape, impact of investments
10 in preparedness, suggested corrective actions, and
11 such other factors as the respective Secretary con-
12 siders appropriate.

13 “(3) Total expenditures for wildfire suppression
14 operations of the Federal land management agencies
15 under the jurisdiction of the respective Secretary,
16 broken out by fire sizes, cost, regional location, and
17 such other factors as the such Secretary considers
18 appropriate.

19 “(4) Lessons learned.

20 “(5) Such other matters as the respective Sec-
21 retary considers appropriate.

22 “(g) SAVINGS PROVISION.—Nothing in this title shall
23 limit the Secretary of the Interior, the Secretary of Agri-
24 culture, Indian tribe, or a State from receiving assistance
25 through a declaration made by the President under this

1 Act when the criteria for such declaration have been
2 met.”.

3 **SEC. 903. PROHIBITION ON TRANSFERS.**

4 No funds may be transferred to or from the Federal
5 land management agencies’ wildfire suppression oper-
6 ations accounts referred to in section 801(3) of the Robert
7 T. Stafford Disaster Relief and Emergency Assistance Act
8 to or from any account or subactivity of the Federal land
9 management agencies, as defined in section 801(2) of such
10 Act, that is not used to cover the cost of wildfire suppres-
11 sion operations.

