

[DISCUSSION DRAFT]

114TH CONGRESS
1ST SESSION

H. R. _____

To expedite and improve forest management activities in units of the National Forest System derived from the public domain, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

M. _____ introduced the following bill; which was referred to the
Committee on _____

A BILL

To expedite and improve forest management activities in units of the National Forest System derived from the public domain, 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 “National Forest Management Improvement Act of
6 2015”.

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

Sec. 1. Short title; table of contents.

TITLE I—EXPEDITED ENVIRONMENTAL ANALYSIS AND AVAILABILITY OF CATEGORICAL EXCLUSIONS TO EXPEDITE FOREST MANAGEMENT ACTIVITIES

Sec. 101. Definitions.

Sec. 102. Analysis of only two alternatives (action versus no action) in proposed collaborative forest management activities.

Sec. 103. Categorical exclusion to expedite certain critical response actions.

Sec. 104. Categorical exclusion to expedite certain salvage operations in response to wildfire.

Sec. 105. Categorical exclusion to meet forest plan goals for early successional forests.

Sec. 106. Clarification of existing categorical exclusion authority related to insect and disease infestation.

Sec. 107. Compliance with forest plan.

TITLE II—LARGE-SCALE WILDFIRE REFORESTATION

Sec. 201. Definitions.

Sec. 202. Expedited reforestation of National Forest System land following large-scale wildfire.

Sec. 203. Compliance with forest plan.

Sec. 204. Prohibition on restraining orders, preliminary injunctions, and relief pending review.

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—MISCELLANEOUS FOREST MANAGEMENT PROVISIONS

Sec. 701. Balancing short- and long-term effects of forest management activities in considering injunctive relief.

Sec. 702. Conditions on road decommissioning.

Sec. 703. Prohibition on application of Eastside Screens requirements on National Forest lands.

Sec. 704. Use of site-specific land and resource management plan amendments for certain projects and activities on National Forest lands.

Sec. 705. Exclusion of certain National Forest System land.

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. DEFINITIONS.**

8 In this title:

9 (1) CATEGORICAL EXCLUSION.—The term “cat-
10 egorical exclusion” refers to an exception to the re-
11 quirements of the National Environmental Policy
12 Act of 1969 (42 U.S.C. 4331 et seq.) for a project
13 or activity relating to the management of National
14 Forest System lands that would otherwise be consid-
15 ered a major Federal action.

16 (2) COLLABORATIVE PROCESS.—The term “col-
17 laborative process” refers to a process relating to the
18 management of National Forest System lands by

1 which a project or activity is developed and imple-
2 mented by the Secretary through collaboration with
3 interested persons, as described in section
4 603(b)(1)(C) of the Healthy Forests Restoration Act
5 of 2003 (16 U.S.C. 6591b(b)(1)(C)).

6 (3) COMMUNITY WILDFIRE PROTECTION
7 PLAN.—The term “community wildfire protection
8 plan” has the meaning given that term in section
9 101(3) of the Healthy Forests Restoration Act of
10 2003 (16 U.S.C. 6511(3)).

11 (4) FOREST MANAGEMENT ACTIVITY.—The
12 term “forest management activity” means a project
13 or activity carried out by the Secretary on National
14 Forest System lands in concert with the forest plan
15 covering the lands.

16 (5) FOREST PLAN.—The term “forest plan”
17 means a land and resource management plan pre-
18 pared by the Secretary for a unit of the National
19 Forest System pursuant to section 6 of the Forest
20 and Rangeland Renewable Resources Planning Act
21 of 1974 (16 U.S.C. 1604).

22 (6) NATIONAL FOREST SYSTEM.—The term
23 “National Forest System” has the meaning given
24 that term in section 11(a) of the Forest and Range-

1 land Renewable Resources Planning Act of 1974 (16
2 U.S.C. 1609(a)), except that the term—

3 (A) includes only National Forest System
4 lands derived from the public domain; and

5 (B) does not include the National Grass-
6 lands and land utilization projects designated as
7 National Grasslands administered pursuant to
8 the Act of July 22, 1937 (7 U.S.C. 1010–
9 1012).

10 (7) RESOURCE ADVISORY COMMITTEE.—The
11 term “resource advisory committee” has the mean-
12 ing given that term in section 201(3) of the Secure
13 Rural Schools and Community Self-Determination
14 Act of 2000 (16 U.S.C. 7121(3)).

15 (8) SECRETARY.—The term “Secretary” means
16 the Secretary of Agriculture, acting through the
17 Chief of the Forest Service.

18 **SEC. 102. ANALYSIS OF ONLY TWO ALTERNATIVES (ACTION**
19 **VERSUS NO ACTION) IN PROPOSED COLLABO-**
20 **RATIVE FOREST MANAGEMENT ACTIVITIES.**

21 (a) APPLICATION TO CERTAIN ENVIRONMENTAL AS-
22 SESSMENTS AND ENVIRONMENTAL IMPACT STATE-
23 MENTS.—This section shall apply whenever the Secretary
24 prepares an environmental assessment or an environ-
25 mental impact statement pursuant to section 102(2) of the

1 National Environmental Policy Act of 1969 (42 U.S.C.
2 4332(2)) for a forest management activity that—

3 (1) is developed through a collaborative process;

4 (2) is proposed by a resource advisory com-
5 mittee; or

6 (3) is covered by a community wildfire protec-
7 tion plan.

8 (b) CONSIDERATION OF ALTERNATIVES.—In an envi-
9 ronmental assessment or environmental impact statement
10 described in subsection (a), the Secretary shall study, de-
11 velop, and describe—

12 (1) the forest management activity, as proposed
13 pursuant to paragraph (1), (2), or (3) of subsection
14 (a); and

15 (2) the alternative of no action.

16 (c) ELEMENTS OF NON-ACTION ALTERNATIVE.—In
17 the case of the alternative of no action, the Secretary shall
18 evaluate—

19 (1) the effect of no action on wildfire potential
20 and insect and disease potential; and

21 (2) the implications of a resulting wildfire or in-
22 sect or disease infestation, given fire and insect and
23 disease historic cycles, on domestic water costs, wild-
24 life habitat loss, and other economic and social fac-
25 tors.

1 **SEC. 103. CATEGORICAL EXCLUSION TO EXPEDITE CER-**
2 **TAIN CRITICAL RESPONSE ACTIONS.**

3 (a) AVAILABILITY OF CATEGORICAL EXCLUSION.—A
4 categorical exclusion is available to the Secretary to de-
5 velop and carry out a forest management activity on Na-
6 tional Forest System lands when the primary purpose of
7 the forest management activity is—

8 (1) to address an insect or disease infestation;

9 (2) to reduce hazardous fuel loads;

10 (3) to protect a municipal water source;

11 (4) to maintain or enhance critical habitat for
12 a threatened or endangered species under the En-
13 dangered Species Act of 1973 (16 U.S.C. 1533)
14 when wildfire is a threat to the lands;

15 (5) to increase water yield; or

16 (6) any combination of the purposes specified in
17 paragraphs (1) through (5).

18 (b) ACREAGE LIMITATIONS.—

19 (1) IN GENERAL.—Except in the case of a for-
20 est management activity described in paragraph (2),
21 a forest management activity covered by the categor-
22 ical exclusion granted by subsection (a) may not ex-
23 ceed 5,000 acres.

24 (2) LARGER AREAS AUTHORIZED.—A forest
25 management activity covered by the categorical ex-
26 clusion granted by subsection (a) may exceed 5,000

1 acres, but not exceed 15,000 acres, if the forest
2 management activity—

3 (A) is developed through a collaborative
4 process;

5 (B) is proposed by a resource advisory
6 committee; or

7 (C) is covered by a community wildfire
8 protection plan.

9 **SEC. 104. CATEGORICAL EXCLUSION TO EXPEDITE CER-**
10 **TAIN SALVAGE OPERATIONS IN RESPONSE**
11 **TO WILDFIRE.**

12 (a) AVAILABILITY OF CATEGORICAL EXCLUSION.—A
13 categorical exclusion is available to the Secretary to de-
14 velop and carry out a forest management activity as part
15 of the restoration of National Forest System lands fol-
16 lowing wildfire when the primary purpose of the forest
17 management activity is—

18 (1) to prevent re-burn;

19 (2) to provide an opportunity for utilization of
20 burned material; or

21 (3) to provide a funding source for reforestation
22 and other restoration activities to prepare a burned
23 site for rapid reforestation to resume carbon seques-
24 tration.

25 (b) ACREAGE LIMITATIONS.—

1 (1) IN GENERAL.—A forest management activ-
2 ity covered by the categorical exclusion granted by
3 subsection (a) may not exceed 5,000 acres.

4 (2) HARVEST AREA.—In addition to the acreage
5 limitation imposed by paragraph (1), the harvest
6 area covered by the categorical exclusion granted by
7 subsection (a) may not exceed one-third of the area
8 burned by the wildfire.

9 (c) ADDITIONAL REQUIREMENTS.—

10 (1) ROAD BUILDING.—A forest management ac-
11 tivity covered by the categorical exclusion granted by
12 subsection (a) may not include any permanent road
13 building. Temporary roads constructed as part of
14 the forest management project may not exceed one
15 mile per square mile and shall be decommissioned
16 upon completion of the project.

17 (2) STREAM BUFFERS.—A forest management
18 activity covered by the categorical exclusion granted
19 by subsection (a) shall comply with the standards
20 and guidelines for stream buffers contained in the
21 applicable forest plan unless waived by the Regional
22 Forester for the purposes described in such sub-
23 section.

24 (3) REFORESTATION PLAN.—A reforestation
25 plan shall be developed under section 3 of the Act

1 of June 9, 1930 (commonly known as the Knutson-
2 Vandenberg Act; 16 U.S.C. 576b) as part of a forest
3 management activity covered by the categorical ex-
4 clusion granted by subsection (a).

5 **SEC. 105. CATEGORICAL EXCLUSION TO MEET FOREST**
6 **PLAN GOALS FOR EARLY SUCCESSIONAL**
7 **FORESTS.**

8 (a) AVAILABILITY OF CATEGORICAL EXCLUSION.—A
9 categorical exclusion is available to the Secretary to de-
10 velop and carry out a forest management activity on Na-
11 tional Forest System lands when the primary purpose of
12 the forest management activity is to improve, enhance, or
13 create early successional forests for wildlife habitat im-
14 provement and other purposes, consistent with the appli-
15 cable forest plan.

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

19 **SEC. 106. CLARIFICATION OF EXISTING CATEGORICAL EX-**
20 **CLUSION AUTHORITY RELATED TO INSECT**
21 **AND DISEASE INFESTATION.**

22 Section 603(c)(2)(B) of the Healthy Forests Restora-
23 tion Act of 2003 (16 U.S.C. 6591b(c)(2)(B)) is amended
24 by striking “Fire Regime Groups I, II, or III” and insert-

1 ing “Fire Regime I, Fire Regime II, Fire Regime III, or
2 Fire Regime IV”.

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

4 A forest management activity covered by a categorical
5 exclusion granted by this title shall be conducted in a man-
6 ner consistent with the forest plan applicable to the Na-
7 tional Forest System land covered by the forest manage-
8 ment activity.

9 **TITLE II—LARGE-SCALE**
10 **WILDFIRE REFORESTATION**

11 **SEC. 201. DEFINITIONS.**

12 In this title:

13 (1) FIRE-IMPACTED LANDS.—The term “fire-
14 impacted lands” means an area of reasonably contig-
15 uous National Forest System land that has been
16 subjected to a large-scale wildfire.

17 (2) FOREST PLAN.—The term “forest plan”
18 means a land and resource management plan pre-
19 pared by the Secretary for National Forest System
20 lands pursuant to section 6 of the Forest and
21 Rangeland Renewable Resources Planning Act of
22 1974 (16 U.S.C. 1604).

23 (3) LARGE-SCALE WILDFIRE.—The term
24 “large-scale wildfire” means one or more wildfires
25 within a two-year period that burned at least 10,000

1 acres, counting all Federal and non-Federal land
2 subjected to wildfire.

3 (4) NATIONAL FOREST SYSTEM.—The term
4 “National Forest System” has the meaning given
5 that term in section 11(a) of the Forest and Range-
6 land Renewable Resources Planning Act of 1974 (16
7 U.S.C. 1609(a)), except that the term—

8 (A) includes only National Forest System
9 lands derived from the public domain; and

10 (B) does not include the National Grass-
11 lands and land utilization projects designated as
12 National Grasslands administered pursuant to
13 the Act of July 22, 1937 (7 U.S.C. 1010–
14 1012).

15 (5) REFORESTATION ACTIVITY.—The term “re-
16 forestation activity” means a project or activity car-
17 ried out by the Secretary whose primary purpose is
18 the reforestation of fire-impacted lands within the
19 National Forest System following a large-scale wild-
20 fire. The term includes planting, evaluating and en-
21 hancing natural regeneration, clearing competing
22 vegetation, and other activities related to reestablish-
23 ment of forest species on the fire-impacted lands.

1 (6) SECRETARY.—The term “Secretary” means
2 the Secretary of Agriculture, acting through the
3 Chief of the Forest Service.

4 **SEC. 202. EXPEDITED REFORESTATION OF NATIONAL FOR-**
5 **EST SYSTEM LAND FOLLOWING LARGE-SCALE**
6 **WILDFIRE.**

7 (a) EXPEDITED ENVIRONMENTAL ASSESSMENT.—
8 Notwithstanding any other provision of law, any environ-
9 mental assessment prepared by the Secretary pursuant to
10 section 102(2) of the National Environmental Policy Act
11 of 1969 (42 U.S.C. 4332(2)) for reforestation activities
12 proposed to be conducted on fire-impacted lands in re-
13 sponse to a large-scale wildfire shall be completed within
14 three months after the conclusion of the wildfire.

15 (b) EXPEDITED IMPLEMENTATION AND COMPLE-
16 TION.—Reforestation activities on fire-impacted lands in
17 response to a large-scale wildfire shall achieve reforest-
18 ation of at least 50 percent the fire-impacted lands during
19 the two-year period following the conclusion of the wild-
20 fire. In applying this requirement, the Secretary may ex-
21 clude fire-impacted land—

22 (1) that is included in the National Wilderness
23 Preservation System;

1 (2) that is located within an inventoried
2 roadless area unless the reforestation activity is con-
3 sistent with the forest plan; or

4 (3) on which timber harvesting for any purpose
5 is prohibited by statute.

6 **SEC. 203. COMPLIANCE WITH FOREST PLAN.**

7 A reforestation activity authorized by this title shall
8 be conducted in a manner consistent with the forest plan
9 applicable to the National Forest System land covered by
10 the reforestation activity.

11 **SEC. 204. PROHIBITION ON RESTRAINING ORDERS, PRE-**
12 **LIMINARY INJUNCTIONS, AND RELIEF PEND-**
13 **ING REVIEW.**

14 No restraining order or preliminary injunction shall
15 be issued by any court of the United States with respect
16 to any decision to prepare or conduct a reforestation activ-
17 ity on fire-impacted lands in response to a large-scale wild-
18 fire. Section 705 of title 5, United States Code, shall not
19 apply to any challenge to such a reforestation activity.

20 **TITLE III—COLLABORATIVE**
21 **PROJECT LITIGATION RE-**
22 **QUIREMENT**

23 **SEC. 301. DEFINITIONS.**

24 In this title:

1 (1) COLLABORATIVE PROCESS.—The term “col-
2 laborative process” refers to a process relating to the
3 management of National Forest System lands by
4 which a project or activity is developed and imple-
5 mented by the Secretary through collaboration with
6 interested persons, as described in section
7 603(b)(1)(C) of the Healthy Forests Restoration Act
8 of 2003 (16 U.S.C. 6591b(b)(1)(C)).

9 (2) COSTS.—The term “costs” refers to the
10 fees and costs described in section 1920 of title 28,
11 United States Code.

12 (3) EXPENSES.—The term “expenses” includes
13 the expenditures incurred by the staff of the Sec-
14 retary in preparing for a legal challenge to a collabo-
15 rative forest management activity and in partici-
16 pating in litigation that challenges the forest man-
17 agement activity, including such staff time as may
18 be used to prepare the administrative record, exhib-
19 its, declarations, and affidavits in connection with
20 the litigation.

21 (4) FOREST MANAGEMENT ACTIVITY.—The
22 term “forest management activity” means a project
23 or activity carried out by the Secretary on National
24 Forest System lands in concert with the forest plan
25 covering the lands.

1 (5) FOREST PLAN.—The term “forest plan”
2 means a land and resource management plan pre-
3 pared by the Secretary for a unit of the National
4 Forest System pursuant to section 6 of the Forest
5 and Rangeland Renewable Resources Planning Act
6 of 1974 (16 U.S.C. 1604).

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

12 (A) includes only National Forest System
13 lands derived from the public domain; and

14 (B) does not include the National Grass-
15 lands and land utilization projects designated as
16 National Grasslands administered pursuant to
17 the Act of July 22, 1937 (7 U.S.C. 1010–
18 1012).

19 (7) RESOURCE ADVISORY COMMITTEE.—The
20 term “resource advisory committee” has the mean-
21 ing given that term in section 201(3) of the Secure
22 Rural Schools and Community Self-Determination
23 Act of 2000 (16 U.S.C. 7121(3)).

1 (8) SECRETARY.—The term “Secretary” means
2 the Secretary of Agriculture, acting though the Chief
3 of the Forest Service.

4 **SEC. 302. BOND REQUIREMENT AS PART OF LEGAL CHAL-**
5 **LENGE OF CERTAIN FOREST MANAGEMENT**
6 **ACTIVITIES.**

7 (a) BOND REQUIRED.—In the case of a forest man-
8 agement activity developed through a collaborative process
9 or proposed by a resource advisory committee, any plain-
10 tiff or plaintiffs challenging the forest management activ-
11 ity shall be required to post a bond or other security ac-
12 ceptable to the court equal to the anticipated costs, ex-
13 penses, and attorneys fees of the Secretary as defendant,
14 as reasonably estimated by the Secretary. All proceedings
15 in the action shall be stayed until the required bond or
16 security is provided.

17 (b) RECOVERY OF LITIGATION COSTS, EXPENSES,
18 AND ATTORNEYS FEES.—

19 (1) MOTION FOR PAYMENT.—If the Secretary
20 prevails in an action challenging a forest manage-
21 ment activity described in subsection (a), the Sec-
22 retary shall submit to the court a motion for pay-
23 ment, from the bond or other security posted under
24 subsection (a) in such action, of the reasonable

1 costs, expenses, and attorneys fees incurred by the
2 Secretary.

3 (2) MAXIMUM AMOUNT RECOVERED.—The
4 amount of costs, expenses, and attorneys fees recov-
5 ered by the Secretary under paragraph (1) as a re-
6 sult of prevailing in an action challenging the forest
7 management activity may not exceed the amount of
8 the bond or other security posted under subsection
9 (a) in such action.

10 (3) RETURN OF REMAINDER.—Any funds re-
11 maining from the bond or other security posted
12 under subsection (a) after the payment of costs, ex-
13 penses, and attorneys fees under paragraph (1) shall
14 be returned to the plaintiff or plaintiffs that posted
15 the bond or security in the action.

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

17 (1) IN GENERAL.—If the plaintiff ultimately
18 prevails on the merits in all actions brought by the
19 plaintiff challenging a forest management activity
20 described in subsection (a), the court shall return to
21 the plaintiff any bond or security provided by the
22 plaintiff under subsection (a), plus interest from the
23 date the bond or security was provided.

24 (2) ULTIMATELY PREVAILS ON THE MERITS.—

25 In this subsection, the phrase “ultimately prevails on

1 the merits” means, in a final enforceable judgment
2 on the merits, a court rules in favor of the plaintiff
3 on all causes of action in all actions brought by the
4 plaintiff challenging the forest management activity.

5 (d) EFFECT OF SETTLEMENT.—If a challenge to a
6 forest management activity described in subsection (a) for
7 which a bond or other security was provided by the plain-
8 tiff under such subsection is resolved by settlement be-
9 tween the Secretary and the plaintiff, the settlement
10 agreement shall provide for sharing the costs, expenses,
11 and attorneys fees incurred by the parties.

12 (e) LIMITATION ON CERTAIN PAYMENTS.—Notwith-
13 standing section 1304 of title 31, United States Code, no
14 award may be made under section 2412 of title 28, United
15 States Code, and no amounts may be obligated or ex-
16 pended from the Claims and Judgment Fund of the
17 United States Treasury to pay any fees or other expenses
18 under such sections to any plaintiff related to an action
19 challenging a forest management activity described in sub-
20 section (a).

1 **TITLE IV—SECURE RURAL**
2 **SCHOOLS AND COMMUNITY**
3 **SELF-DETERMINATION ACT**
4 **AMENDMENTS**

5 **SEC. 401. USE OF RESERVED FUNDS FOR TITLE II**
6 **PROJECTS ON FEDERAL LAND AND CERTAIN**
7 **NON-FEDERAL LAND.**

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

13 (b) REQUIREMENTS FOR PROJECT FUNDS.—Section
14 204 of the Secure Rural Schools and Community Self-De-
15 termination Act of 2000 (16 U.S.C. 7124) is amended by
16 striking subsection (f) and inserting the following new
17 subsection:

18 “(f) REQUIREMENTS FOR PROJECT FUNDS.—

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

24 “(A) include the sale of timber or other
25 forest products; and

1 “(B) implement stewardship objectives
2 that enhance forest ecosystems or restore and
3 improve land health and water quality.

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

11 **SEC. 402. RESOURCE ADVISORY COMMITTEES.**

12 (a) RECOGNITION OF RESOURCE ADVISORY COMMIT-
13 TEES.—Section 205(a)(4) of the Secure Rural Schools
14 and Community Self-Determination Act of 2000 (16
15 U.S.C. 7125(a)(4)) is amended by striking “2012” each
16 place it appears and inserting “2020”.

17 (b) TEMPORARY REDUCTION IN COMPOSITION OF
18 COMMITTEES.—Section 205(d) of the Secure Rural
19 Schools and Community Self-Determination Act of 2000
20 (16 U.S.C. 7125(d)) is amended—

21 (1) in paragraph (1), by striking “Each” and
22 inserting “Except during the period specified in
23 paragraph (6), each”; and

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

1 “(6) TEMPORARY REDUCTION IN MINIMUM
2 NUMBER OF MEMBERS.—

3 “(A) TEMPORARY 6-MEMBER MINIMUM.—
4 During the period beginning on the date of the
5 enactment of this paragraph and ending on
6 September 30, 2020, a resource advisory com-
7 mittee established under this section may be
8 comprised of 6 or more members—

9 “(i) 2 or more of whom shall be rep-
10 resentative of interests described in sub-
11 paragraph (A) of paragraph (2);

12 “(ii) 2 or more of whom shall be rep-
13 resentative of interests described in sub-
14 paragraph (B) of paragraph (2); and

15 “(iii) 2 or more of whom shall be rep-
16 resentative of interests described in sub-
17 paragraph (C) of paragraph (2).

18 “(B) ADDITIONAL REQUIREMENT.—In ap-
19 pointing members of a resource advisory com-
20 mittee from the 3 categories described in para-
21 graph (2), as provided in subparagraph (A), the
22 Secretary concerned shall ensure balanced and
23 broad representation in each category.

24 “(C) CHARTER.—A charter for a resource
25 advisory committee with 15 members that was

1 filed on or before the date of the enactment of
2 this paragraph shall be considered to be filed
3 for a resource advisory committee described in
4 this paragraph.”.

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

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

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

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

23 “(4) GEOGRAPHIC DISTRIBUTION.—The mem-
24 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.) by adding at the end the following
9 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 OF REVENUES.—Any revenue gen-
9 erated by a project conducted under the RAC program,
10 including any interest accrued from the revenues, shall be
11 deposited in the special account in the Treasury estab-
12 lished under section 102(d)(2)(A) and shall be available
13 for additional projects under the RAC program.

14 “(e) TERMINATION OF AUTHORITY.—

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

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

22 (b) EXCEPTION TO GENERAL RULE REGARDING
23 TREATMENT OF RECEIPTS.—Section 403(b) of the Secure
24 Rural Schools and Community Self-Determination Act of
25 2000 (16 U.S.C. 7153(b)) is amended by striking “All rev-

1 enues” and inserting “Except as provided in section 209,
2 all revenues”.

3 **SEC. 404. ADDITIONAL AUTHORIZED USE OF RESERVED**
4 **FUNDS FOR TITLE III COUNTY PROJECTS.**

5 Section 302(a) of the Secure Rural Schools and Com-
6 munity Self-Determination Act of 2000 (16 U.S.C.
7 7142(a)) is amended—

8 (1) in paragraph (2)—

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

11 (B) by striking “and” at the end of para-
12 graph (2);

13 (2) by redesignating paragraph (3) as para-
14 graph (4); and

15 (3) by inserting after paragraph (2) the fol-
16 lowing new paragraph (3):

17 “(3) to cover training costs and equipment pur-
18 chases directly related to the emergency services de-
19 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 Forest Restoration Act
22 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) **COLLABORATIVE PROCESS.**—The term “col-
7 laborative process” refers to a process relating to the
8 management of National Forest System lands by
9 which a project or activity is developed and imple-
10 mented by the Secretary through collaboration with
11 interested persons, as described in section
12 603(b)(1)(C) of the Healthy Forests Restoration Act
13 of 2003 (16 U.S.C. 6591b(b)(1)(C)).

14 (2) **COMMUNITY WILDFIRE PROTECTION**
15 **PLAN.**—The term “community wildfire protection
16 plan” has the meaning given that term in section
17 101(3) of the Healthy Forests Restoration Act of
18 2003 (16 U.S.C. 6511(3)).

19 (3) **ELIGIBLE ENTITY.**—The term “eligible enti-
20 ty” means—

21 (A) a State or political subdivision of a
22 State containing National Forest System lands;

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

25 (C) a rural electric company; and

1 (D) any other entity determined by the
2 Secretary to be appropriate for participation in
3 the Fund.

4 (4) FOREST MANAGEMENT ACTIVITY.—The
5 term “forest management activity” means a project
6 or activity carried out by the Secretary on National
7 Forest System lands in concert with the forest plan
8 covering the lands.

9 (5) FOREST PLAN.—The term “forest plan”
10 means a land and resource management plan pre-
11 pared by the Secretary for a unit of the National
12 Forest System pursuant to section 6 of the Forest
13 and Rangeland Renewable Resources Planning Act
14 of 1974 (16 U.S.C. 1604).

15 (6) FUND.—The term “Fund” means the
16 State-Supported Forest Management Fund estab-
17 lished by section 503.

18 (7) NATIONAL FOREST SYSTEM.—The term
19 “National Forest System” has the meaning given
20 that term in section 11(a) of the Forest and Range-
21 land Renewable Resources Planning Act of 1974 (16
22 U.S.C. 1609(a)), except that the term—

23 (A) includes only National Forest System
24 lands derived from the public domain; and

1 (B) does not include the National Grass-
2 lands and land utilization projects designated as
3 National Grasslands administered pursuant to
4 the Act of July 22, 1937 (7 U.S.C. 1010–
5 1012).

6 (8) RESOURCE ADVISORY COMMITTEE.—The
7 term “resource advisory committee” has the mean-
8 ing given that term in section 201(3) of the Secure
9 Rural Schools and Community Self-Determination
10 Act of 2000 (16 U.S.C. 7121(3)).

11 (9) SECRETARY.—The term “Secretary” means
12 the Secretary of Agriculture, acting through the
13 Chief of the Forest Service.

14 **SEC. 602. AVAILABILITY OF STEWARDSHIP PROJECT REVE-**
15 **NUES AND COLLABORATIVE FOREST LAND-**
16 **SCAPE RESTORATION FUND TO COVER FOR-**
17 **EST MANAGEMENT ACTIVITY PLANNING**
18 **COSTS.**

19 (a) AVAILABILITY OF STEWARDSHIP PROJECT REVE-
20 NUES.—Section 604(e)(2)(B) of the Healthy Forest Res-
21 toration Act of 2003 (16 U.S.C. 6591c(e)(2)(B)), as
22 amended by section 503, is further amended by striking
23 “appropriation at the project site from which the monies
24 are collected or at another project site.” and inserting the
25 following: “appropriation—

1 “(i) at the project site from which the
2 monies are collected or at another project
3 site; and

4 “(ii) to cover not more than 25 per-
5 cent of the cost of planning additional
6 stewardship contracting projects.”.

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

12 **SEC. 603. STATE-SUPPORTED PLANNING OF FOREST MAN-**
13 **AGEMENT ACTIVITIES.**

14 (a) STATE-SUPPORTED FOREST MANAGEMENT
15 FUND.—There is established in the Treasury of the
16 United States a fund, to be known as the “State-Sup-
17 ported Forest Management Fund”, to cover the cost of
18 planning, carrying out, and monitoring certain forest man-
19 agement activities on National Forest System lands.

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

22 (1) contributed by an eligible entity for deposit
23 in the Fund;

24 (2) appropriated to the Fund; or

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

3 (c) GEOGRAPHICAL AND USE LIMITATIONS.—In
4 making a contribution under subsection (b)(1), an eligible
5 entity may—

6 (1) specify the National Forest System lands
7 for which the contribution may be expended; or

8 (2) subject to subsection (d), limit the types of
9 forest management activities for which the contribu-
10 tion may be expended.

11 (d) AUTHORIZED FOREST MANAGEMENT ACTIVI-
12 TIES.—A forest management activity may be planned, car-
13 ried out, or monitored using amounts in the Fund only
14 if the activity—

15 (1) is developed through a collaborative process;

16 (2) is proposed by a resource advisory com-
17 mittee; or

18 (3) is covered by a community wildfire protec-
19 tion plan.

20 (e) IMPLEMENTATION METHODS.—A forest manage-
21 ment activity carried out using amounts in the Fund may
22 be carried out using a contract or agreement under section
23 604 of the Healthy Forests Restoration Act of 2003 (16
24 U.S.C. 6591c), the good neighbor authority provided by
25 section 8206 of the Agricultural Act of 2014 (16 U.S.C.

1 2113a), a contract under section 14 of the National Forest
2 Management Act of 1976 (16 U.S.C. 472a), or other au-
3 thority available to the Secretary, but revenues generated
4 by the forest management activity shall be used reimburse
5 the Fund for planning costs covered using amounts in the
6 Fund.

7 (f) RELATION TO OTHER LAWS.—

8 (1) REVENUE SHARING.—Subject to subsection
9 (e), revenues generated by a forest management ac-
10 tivity carried out using amounts from the Fund shall
11 be considered monies received from the National
12 Forest System.

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

18 (g) TERMINATION OF FUND.—

19 (1) TERMINATION.—The Fund shall terminate
20 on September 30, 2025.

21 (2) EFFECT OF TERMINATION.—Upon the ter-
22 mination of the Fund pursuant to paragraph (1) or
23 pursuant to any other provision of law, unobligated
24 contributions remaining in the Fund shall be re-

1 turned to the eligible entity that made the contribu-
2 tion.

3 **TITLE VII—MISCELLANEOUS**
4 **FOREST MANAGEMENT PRO-**
5 **VISIONS**

6 **SEC. 701. BALANCING SHORT- AND LONG-TERM EFFECTS**
7 **OF FOREST MANAGEMENT ACTIVITIES IN**
8 **CONSIDERING INJUNCTIVE RELIEF.**

9 As part of its weighing the equities while considering
10 any request for an injunction that applies to any Forest
11 Service action as part of a forest management activity
12 under this Act, the court reviewing the Forest Service ac-
13 tion shall balance the impact to the ecosystem likely af-
14 fected by the forest management activity of—

15 (1) the short- and long-term effects of under-
16 taking the Forest Service action; against

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

19 **SEC. 702. CONDITIONS ON ROAD DECOMMISSIONING.**

20 (a) **CONSULTATION WITH AFFECTED COUNTY.—**

21 Whenever any Forest Service defined maintenance level
22 one or two system road within a designated high fire prone
23 area of a unit of the National Forest System derived from
24 the public domain is considered for decommissioning, the

1 Forest Supervisor of that unit of the National Forest Sys-
2 tem shall—

3 (1) consult with the government of the county
4 containing the road regarding the merits and pos-
5 sible consequences of decommissioning the road; and

6 (2) solicit possible alternatives to decommis-
7 sioning the road.

8 (b) REGIONAL FORESTER APPROVAL.—A Forest
9 Service road described in subsection (a) may not be de-
10 commissioned without the advance approval of the Re-
11 gional Forester.

12 **SEC. 703. PROHIBITION ON APPLICATION OF EASTSIDE**
13 **SCREENS REQUIREMENTS ON NATIONAL**
14 **FOREST LANDS.**

15 On and after the date of the enactment of this Act,
16 the Secretary of Agriculture may not apply to National
17 Forest lands derived from the public domain any of the
18 amendments to land and resource management plans
19 adopted in the Decision Notice for the Revised Continu-
20 ation of Interim Management Direction Establishing Ri-
21 parian, Ecosystem and Wildlife Standards for Timber
22 Sales (commonly known as the Eastside Screens require-
23 ments), including all preceding or associated versions of
24 these amendments.

1 **SEC. 704. USE OF SITE-SPECIFIC LAND AND RESOURCE**
2 **MANAGEMENT PLAN AMENDMENTS FOR CER-**
3 **TAIN PROJECTS AND ACTIVITIES ON NA-**
4 **TIONAL FOREST LANDS.**

5 If the Secretary of Agriculture determines that, in
6 order to conduct a project or carry out an activity imple-
7 menting a land and resource management plan prepared
8 pursuant to section 6 of the Forest and Rangeland Renew-
9 able Resources Planning Act of 1974 (16 U.S.C. 1604),
10 an amendment to the land and resource management plan
11 is required, the Secretary shall execute such amendment
12 as a non-significant plan amendment through the record
13 of decision or decision notice for the project or activity.

14 **SEC. 705. EXCLUSION OF CERTAIN NATIONAL FOREST SYS-**
15 **TEM LAND.**

16 Unless specifically provided by a provision of this Act,
17 the authorities provided by this Act do not apply with re-
18 spect to any National Forest System land derived from
19 the public domain—

20 (1) that is included in the National Wilderness
21 Preservation System;

22 (2) that is located within an inventoried
23 roadless area unless the forest management activity
24 to be carried out under such authority is consistent
25 with the land and resource management plan pre-
26 pared pursuant to section 6 of the Forest and

1 Rangeland Renewable Resources Planning Act of
2 1974 (16 U.S.C. 1604) and applicable to the area;
3 or
4 (3) on which timber harvesting for any purpose
5 is prohibited by statute.