

[DISCUSSION DRAFT]

112<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

**H. R.** \_\_\_\_\_

To increase employment and educational opportunities in, and improve the economic stability of, counties containing Federal forest lands, while also reducing the cost of managing such lands, by providing such counties a dependable source of revenue from such lands.

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IN THE HOUSE OF REPRESENTATIVES

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

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**A BILL**

To increase employment and educational opportunities in, and improve the economic stability of, counties containing Federal forest lands, while also reducing the cost of managing such lands, by providing such counties a dependable source of revenue from such lands.

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 County Revenue, Schools, and Jobs Act  
6 of 2011”.

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

Sec. 1. Short title; table of contents.

TITLE I—COUNTY, SCHOOLS, AND REVENUE TRUST FOR  
NATIONAL FOREST SYSTEM LAND

Sec. 101. Definitions.

Sec. 102. County, Schools, and Revenue Trust.

Sec. 103. Opt out option.

Sec. 104. Determination of annual revenue requirement and minimum sale  
level.

Sec. 105. County, Schools, and Revenue Trust Projects.

Sec. 106. Distribution of amounts from trust projects.

Sec. 107. Payments to beneficiary counties from County, Schools, and Revenue  
Trust.

TITLE II—OTHER FEDERAL FOREST LANDS

3 **TITLE I—COUNTY, SCHOOLS,**  
4 **AND REVENUE TRUST FOR**  
5 **NATIONAL FOREST SYSTEM**  
6 **LAND**

7 **SEC. 101. DEFINITIONS.**

8 In this title:

9 (1) ANNUAL REVENUE REQUIREMENT.—The  
10 term “annual revenue requirement”, with respect to  
11 a unit of the National Forest System, means the  
12 amount equal to \_\_\_\_ percent of the average annual  
13 gross receipts derived from the unit during the pe-  
14 riod beginning with fiscal year 1980 through fiscal  
15 year 2000, as determined under section 104.

16 (2) BENEFICIARY COUNTY.—

17 (A) IN GENERAL.—The term “beneficiary  
18 county” means a political subdivision of a State

1 or territory of the United States that, on ac-  
2 count of containing National Forest System  
3 land, was eligible to receive payments through  
4 the State or territory under title I of the Secure  
5 Rural Schools and Community Self-Determina-  
6 tion Act of 2000 (16 U.S.C. 7111 et seq.).

7 (B) EXCLUSION OF CERTAIN COUNTIES.—  
8 The term does not include a political subdivi-  
9 sion of a State or territory that elects not to  
10 participate under section 103. A political sub-  
11 division that opts out of participation may still  
12 receive payments as provided in the sixth para-  
13 graph under the heading of “FOREST SERV-  
14 ICE” in the Act of May 23, 1908 (35 Stat.  
15 260; 16 U.S.C. 500) and section 13 of the Act  
16 of March 1, 1911 (36 Stat. 963; 16 U.S.C.  
17 500).

18 (3) CATASTROPHIC EVENT.—The term “cata-  
19 strophic event” means an event that the Secretary  
20 of Agriculture determines will cause or has caused  
21 severe damage to National Forest System land, in-  
22 cluding severe fire, insect or disease infestations,  
23 windthrow, or other extreme weather or natural dis-  
24 aster.

25 (4) CHARGEABLE VOLUME.—

1 (A) IN GENERAL.—The term “chargeable  
2 volume” means only the volume of timber and  
3 other forest products that is counted toward  
4 meeting the allowable sale quantity of a unit of  
5 the National Forest System based on the re-  
6 gionally applicable utilization and  
7 merchantability standards.

8 (B) EXCLUSION.—The term does not in-  
9 clude post and pole sales and personal use fire-  
10 wood.

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

16 (6) COUNTY, SCHOOLS, AND REVENUE  
17 TRUST.—The terms “County, Schools, and Revenue  
18 Trust” and “Trust” mean the trust fund established  
19 under section 102.

20 (7) COUNTY, SCHOOLS, AND REVENUE TRUST  
21 PROJECT.—The terms “County, Schools, and Rev-  
22 enue Trust Project” and “trust project” mean a  
23 project designated by the Secretary as a project to  
24 generate amounts to help meet the annual revenue  
25 requirement.

1           (8) MINIMUM SALE LEVEL.—The term “min-  
2           imum sale level”, for a unit of the National Forest  
3           System for a fiscal year, means a quantity equal to  
4           \_\_\_\_\_ percent of the average annual chargeable tim-  
5           ber volume (as measured in net sawtimber volume)  
6           sold from the unit during the period beginning with  
7           fiscal year 1980 through fiscal year 2000, as deter-  
8           mined under section 104.

9           (9) NATIONAL FOREST SYSTEM.—

10           (A) IN GENERAL.—The term “National  
11           Forest System” has the meaning given that  
12           term in section 11(a) of the Forest and Range-  
13           land Renewable Resources Planning Act of  
14           1974 (16 U.S.C. 1609(a)).

15           (B) EXCLUSION.—The term does not in-  
16           clude the National Grasslands and land utiliza-  
17           tion projects designated as National Grasslands  
18           administered pursuant to the Act of July 22,  
19           1937 (7 U.S.C. 1010–1012).

20           (10) SECRETARY.—The term “Secretary”  
21           means the Secretary of Agriculture.

22           (11) TRUSTEE.—The term “Trustee” means  
23           the Secretary, acting as the trustee of the County,  
24           Schools, and Revenue Trust.

1 **SEC. 102. COUNTY, SCHOOLS, AND REVENUE TRUST.**

2 (a) ESTABLISHMENT OF TRUST.—There is estab-  
3 lished in the Treasury a fund to be known as the “County,  
4 Schools, and Revenue Trust”.

5 (b) TRUST PURPOSE.—The purpose of the Trust is  
6 to provide a dependable source of revenue for each bene-  
7 ficiary county.

8 (c) FIDUCIARY RESPONSIBILITY.—

9 (1) IN GENERAL.—The Trustee has a fiduciary  
10 responsibility to each beneficiary county to use  
11 County, Schools, and Revenue Trust Projects to  
12 generate amounts sufficient to satisfy the annual  
13 revenue requirement established for the unit of the  
14 National Forest System containing land located in  
15 that beneficiary county.

16 (2) ENFORCEMENT.—The usual powers and ob-  
17 ligations of a trustee, including the power to sue and  
18 to be sued, apply to the Trustee to ensure that the  
19 Trustee complies with the fiduciary responsibility to  
20 the beneficiary counties.

21 (d) TRUST ASSETS.—

22 (1) INITIAL DEPOSITS.—To allow the transition  
23 necessary to identify and prepare County, Schools,  
24 and Revenue Trust Projects, there is hereby appro-  
25 priated to the Trust, out of amounts in the Treasury  
26 not otherwise appropriated, an amount equal to

1       \$\_\_\_\_\_ to provide payments to bene-  
2       ficiary counties under section 107(e) during fiscal  
3       years 2012 through \_\_\_\_\_.

4           (2) PORTION OF RECEIPTS FROM TRUST  
5       PROJECTS.—There shall be credited to the Trust all  
6       amounts required by section 106(a)(1) to be depos-  
7       ited in the Trust from County, Schools, and Revenue  
8       Trust Projects.

9       (e) LIMITATIONS.—The assets of the Trust shall  
10      not—

11           (1) be subject to garnishment by, or otherwise  
12      paid to, a creditor of a beneficiary county;

13           (2) be expended other than for the purposes au-  
14      thorized in subsections (b) and (c) of section 107; or

15           (3) be used in lieu of or to otherwise offset  
16      State funding sources for local schools, facilities, or  
17      educational purposes.

18       (f) REPORTING.—Not later than 90 days after the  
19      end of each fiscal year (beginning with fiscal year 2013),  
20      the Secretary shall submit to Congress a report specifying  
21      the deposits into, and distributions from, the Trust during  
22      the preceding fiscal year.

23      **SEC. 103. OPT OUT OPTION.**

24           (a) ELECTION.—A political subdivision of a State or  
25      territory of the United States that otherwise satisfies the

1 definition of beneficiary county may elect not to partici-  
2 pate under this title.

3 (b) TIME AND DURATION OF ELECTION.—An elec-  
4 tion to opt out under subsection (a) is effective for a single  
5 fiscal year and must be submitted to the Secretary before  
6 the start of that fiscal year.

7 (c) EFFECT OF ELECTION.—

8 (1) NO TRUST PROJECTS.—No County, Schools,  
9 and Revenue Trust Project may be commenced on  
10 National Forest System land located in any political  
11 subdivision that has opted out under subsection (a).  
12 Other activities of the Forest Service on National  
13 Forest System land in the political subdivision may  
14 be carried out in accordance with other laws applica-  
15 ble to the National Forest System.

16 (2) COMPLETION OF EXISTING PROJECTS.—  
17 Trust projects underway before the effective date of  
18 the opt out may be completed.

19 **SEC. 104. DETERMINATION OF ANNUAL REVENUE REQUIRE-**  
20 **MENT AND MINIMUM SALE LEVEL.**

21 Not later than 60 days after the date of the enact-  
22 ment of this Act, the Secretary shall determine for each  
23 unit of the National Forest System—

24 (1) the annual revenue requirement for the  
25 unit; and

1 (2) the minimum sale level for the unit.

2 **SEC. 105. COUNTY, SCHOOLS, AND REVENUE TRUST**  
3 **PROJECTS.**

4 (a) **NEED FOR PROJECTS.**—Effective for fiscal year  
5 \_\_\_\_\_ and each fiscal year thereafter, the Secretary shall  
6 carry out County, Schools, and Revenue Trust Projects  
7 in units of the National Forest System as necessary to  
8 achieve the annual revenue requirement for the unit. The  
9 Secretary is authorized and encouraged to commence the  
10 implementation of trust projects before fiscal year \_\_\_\_\_  
11 to begin generating amounts for deposit in the Trust to  
12 supplement the funds made available under section  
13 102(d)(1).

14 (b) **DESIGNATION OF PROJECTS.**—

15 (1) **IN GENERAL.**—Except as otherwise pro-  
16 vided in this subsection, the Secretary may designate  
17 any project involving National Forest System land  
18 (other than National Forest System land located in  
19 a political subdivision that opted out under section  
20 103) as a County, Schools, and Revenue Trust  
21 Project.

22 (2) **TYPES OF PROJECTS.**—Trust projects may  
23 include a timber sale, issuance of a grazing permit,  
24 issuance of a special use permit involving land use,  
25 mineral development, power generation, or rec-

1 reational use, and projects implementing a commu-  
2 nity wildfire protection plan.

3 (3) EXCLUSION OF CERTAIN LAND FROM TRUST  
4 PROJECTS.—A trust project shall not be designated  
5 on National Forest System land—

6 (A) that is a component of the National  
7 Wilderness Preservation System; or

8 (B) on which the removal of vegetation is  
9 specifically prohibited by Federal law.

10 (4) MAXIMUM NUMBER OF DESIGNATED  
11 PROJECTS.—The maximum number of trust projects  
12 designated by the Secretary for a unit of the Na-  
13 tional Forest System for a fiscal year may not ex-  
14 ceed the number of projects necessary to meet the  
15 annual revenue requirement for the unit.

16 (5) STANDARDS FOR TRUST PROJECTS.—A  
17 County, Schools, and Revenue Trust Project shall be  
18 consistent with standards and guidelines contained  
19 in the land and resource management plan for the  
20 unit of the National Forest System in which the  
21 project will occur, except that the Secretary may  
22 modify such standards and guidelines for a specific  
23 trust project.

24 (c) SPECIAL AUTHORITY TO RESPOND TO CATA-  
25 STROPHIC EVENTS.—Notwithstanding subsection (b)(4),

1 the Secretary may designate any project conducted in re-  
2 sponse to a catastrophic event as a County, Schools, and  
3 Revenue Trust Project.

4 (d) PUBLIC REVIEW AND REQUIRED ENVIRON-  
5 MENTAL ANALYSIS.—

6 (1) PUBLIC NOTICE AND COMMENT.—

7 (A) PROPOSED PROJECT.—The Secretary  
8 shall publish in the Federal Register notice of  
9 a proposed County, Schools, and Revenue Trust  
10 Project. The public may submit to the Sec-  
11 retary specific written comments that relate to  
12 the trust project within 30 days after the date  
13 of the publication of the notice.

14 (B) FINAL DECISION.—Not later than 120  
15 days after the date on which notice was pub-  
16 lished under subparagraph (A) with regard to a  
17 proposed County, Schools, and Revenue Trust  
18 Project, and after taking into account any com-  
19 ments received under such subparagraph, the  
20 Secretary shall designate the final trust project  
21 and publish in the Federal Register notice of  
22 the final designated trust project. Only persons  
23 who submitted comments regarding the pro-  
24 posed trust project under subparagraph (A)  
25 may submit to the Secretary specific written

1           comments that relate to the final designated  
2           trust project. Any comments regarding the final  
3           trust project must be submitted within 30 days  
4           after the date of the publication of the notice.

5           (2) ENVIRONMENTAL REPORT REQUIREMENT.—

6                 (A) IN GENERAL.—Except as provided  
7           under subparagraph (C), the Secretary shall  
8           prepare an environmental report for each final  
9           designated County, Schools, and Revenues  
10          Trust Project within 180 days after the date on  
11          which notice was published under paragraph  
12          (1)(A) with regard to the project.

13                (B) ELEMENTS OF REPORT.—The environ-  
14          mental report for a trust project shall include  
15          at a minimum the following:

16                   (i) An evaluation of the environmental  
17                  impacts of the proposed project, including  
18                  the effect, if any, on threatened or endan-  
19                  gered species listed under the Endangered  
20                  Species Act of 1973 (16 U.S.C. 1531 et  
21                  seq.).

22                   (ii) Public comments received by the  
23                  Secretary regarding the project under sub-  
24                  paragraphs (A) and (B) of paragraph (1)  
25                  and any response to those comments.

1 (iii) Any modifications to the project  
2 to ensure that the annual revenue require-  
3 ment is met.

4 (C) SPECIAL DEADLINES FOR PROJECTS IN  
5 RESPONSE TO CATASTROPHIC EVENT.—In the  
6 case of a trust project proposed in response to  
7 a catastrophic event, the Secretary shall com-  
8 plete the environmental report required by this  
9 paragraph within 30 days after the date on  
10 which notice was published under paragraph  
11 (1)(A) with regard to the proposed project. The  
12 Secretary shall adjust the deadlines for public  
13 comments specified in subparagraphs (A) and  
14 (B) of paragraph (1) as necessary to achieve  
15 the expedited reporting requirement imposed by  
16 this subparagraph.

17 (3) SOLE MEANS FOR ADMINISTRATIVE RE-  
18 VIEW.—The procedures provided by this subsection  
19 are the sole means by which a person may seek ad-  
20 ministrative review of a County, Schools, and Rev-  
21 enue Trust Project.

22 (4) NO JUDICIAL REVIEW.—There shall be no  
23 judicial review of the environmental report for a  
24 County, Schools, and Revenue Trust Project.

1 (e) COMPLIANCE.—Compliance with this section shall  
2 be deemed to be compliance with the requirements of the  
3 Forest and Rangeland Renewable Resources Planning Act  
4 of 1974 (16 U.S.C. 1601 et seq.), the National Environ-  
5 mental Policy Act of 1969 (42 U.S.C. 4331 et seq.), sec-  
6 tion 14 of the National Forest Management Act of 1976  
7 (16 U.S.C. 472a), the Endangered Species Act of 1973  
8 (16 U.S.C. 1531 et seq.), and the Multiple-Use Sustained-  
9 Yield Act of 1960 (16 U.S.C. 528 et seq.).

10 **SEC. 106. DISTRIBUTION OF AMOUNTS FROM TRUST**  
11 **PROJECTS.**

12 (a) PERCENTAGE DISTRIBUTION.—The amounts de-  
13 rived from a County, Schools, and Revenue Trust Project  
14 shall be distributed as follows:

15 (1) 75 percent shall be deposited in the County,  
16 Schools, and Revenue Trust.

17 (2) 20 percent may be retained by the unit of  
18 the National Forest System in which the Trust  
19 Project was conducted.

20 (3) 5 percent shall be deposited in the general  
21 fund of the Treasury.

22 (b) USE OF AMOUNTS RETAINED BY NATIONAL FOR-  
23 ESTS.—

24 (1) IN GENERAL.—Except as provided in para-  
25 graph (2), amounts retained by the unit of the Na-

1 tional Forest System under subsection (a)(2) shall  
2 be available, as provided in appropriation Acts, for  
3 management of the unit.

4 (2) FUNDS FOR PERFORMANCE BASED CASH  
5 AWARDS.—Of the amounts retained by a unit of the  
6 National Forest System under subsection (a)(2) for  
7 a fiscal year, up to one percent may be used by the  
8 responsible official for the unit to provide perform-  
9 ance based cash awards under section 4505a of title  
10 5, United States Code, to employees of the Forest  
11 Service in that unit who assist the unit in exceeding  
12 its minimum sale level for the fiscal year.

13 **SEC. 107. PAYMENTS TO BENEFICIARY COUNTIES FROM**  
14 **COUNTY, SCHOOLS, AND REVENUE TRUST.**

15 (a) DISTRIBUTION METHOD.—As soon as practicable  
16 at the end of each fiscal year, the Secretary shall dis-  
17 tribute all amounts that were deposited in the County,  
18 Schools, and Revenue Trust from trust projects for that  
19 fiscal year to the States and territories of the United  
20 States for distribution to beneficiary counties in the man-  
21 ner provided by section 102(c)(1) of the Secure Rural  
22 Schools and Community Self-Determination Act of 2000  
23 (16 U.S.C. 7112(c)(1)).

24 (b) USE OF FUNDS.—The use of amounts received  
25 by a beneficiary county under this section shall be subject

1 to subsections (c)(2) and (d) of section 102 of the Secure  
2 Rural Schools and Community Self-Determination Act of  
3 2000 (16 U.S.C. 7112).

4 (c) INITIAL PAYMENTS PENDING IMPLEMENTATION  
5 OF TRUST PROJECTS.—

6 (1) FISCAL YEAR 2012 .—As soon as practicable  
7 after the end of fiscal year 2012, the Secretary shall  
8 distribute to each beneficiary county a payment  
9 equal to the amount distributed to the beneficiary  
10 county for fiscal year 201\_\_ under section 102(c)(1)  
11 of the Secure Rural Schools and Community Self-  
12 Determination Act of 2000 (16 U.S.C. 7112(c)(1)).

13 (2) FISCAL YEAR 2013 THROUGH 201\_\_.—As  
14 soon as practicable at the end of each of fiscal years  
15 2013 through 201\_\_, the Secretary shall distribute  
16 to each beneficiary county a payment equal to \_\_\_\_  
17 percent of the amount distributed to the beneficiary  
18 county under paragraph (1).

19 **TITLE II—OTHER FEDERAL**  
20 **FOREST LANDS**