

115TH CONGRESS
1ST SESSION

H. R. 2936

AN ACT

To expedite under the National Environmental Policy Act of 1969 and improve forest management activities on National Forest System lands, on public lands under the jurisdiction of the Bureau of Land Management, and on Tribal lands to return resilience to overgrown, fire-prone forested lands, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
 2 *tives of the United States of America in Congress assembled,*

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

4 (a) SHORT TITLE.—This Act may be cited as the
 5 “Resilient Federal Forests Act of 2017”.

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

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

Sec. 3. Rule of application for National Forest System lands and public lands.

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

Subtitle A—Analysis of Proposed Collaborative Forest Management Activities

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

Subtitle B—Categorical Exclusions

Sec. 111. Categorical exclusion to expedite certain critical response actions.

Sec. 112. Categorical exclusion to expedite salvage operations in response to catastrophic events.

Sec. 113. Categorical exclusion to meet forest plan goals for early successional forests.

Sec. 114. Categorical exclusion for road side projects.

Sec. 115. Categorical exclusion to improve or restore National Forest System Lands or public land or reduce the risk of wildfire.

Subtitle C—General Provisions for Forest Management Activities

Sec. 121. Compliance with forest plans.

Sec. 122. Consultation under the National Historic Preservation Act.

Sec. 123. Consultation under the Endangered Species Act.

Sec. 124. Forest management activities considered non-discretionary actions.

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 injunctions pending appeal.

TITLE III—FOREST MANAGEMENT LITIGATION

Subtitle A—General Litigation Provisions

- Sec. 301. No attorney fees for forest management activity challenges.
 Sec. 302. Injunctive relief.

Subtitle B—Forest Management Activity Arbitration Pilot Program

- Sec. 311. Use of arbitration instead of litigation to address challenges to 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.
 Sec. 405. Treatment as supplemental funding.

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.
 Sec. 505. Fire liability provision.
 Sec. 506. Extension of stewardship contracting maximum term limits.

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.
 Sec. 703. Tribal forest management demonstration project.
 Sec. 704. Rule of application.

TITLE VIII—EXPEDITING INTERAGENCY CONSULTATION

Subtitle A—Forest Plans Not Considered Major Federal Actions

- Sec. 801. Forest plans not considered major Federal actions.

Subtitle B—Agency Consultation

- Sec. 811. Consultation under Forest and Rangeland Renewable Resources Planning Act of 1974.
- Sec. 812. Consultation under Federal Land Policy and Management Act of 1976.

TITLE IX—MISCELLANEOUS

Subtitle A—Forest Management Provisions

- Sec. 901. Clarification of existing categorical exclusion authority related to insect and disease infestation.
- Sec. 902. Revision of alternate consultation agreement regulations.
- Sec. 903. Revision of extraordinary circumstances regulations.
- Sec. 904. Conditions on Forest Service road decommissioning.
- Sec. 905. Prohibition on application of Eastside Screens requirements on National Forest System lands.
- Sec. 906. Use of site-specific forest plan amendments for certain projects and activities.
- Sec. 907. Knutson-Vandenberg Act modifications.
- Sec. 908. Application of Northwest Forest Plan Survey and Manage Mitigation Measure Standard and Guidelines.
- Sec. 909. Reconstruction and repair included in good neighbor agreements.
- Sec. 910. Logging and mechanized operations.
- Sec. 910A. Study on use of unmanned aerial vehicles to support wildland fire response and management.
- Sec. 910B. Pilot project for forest health, watershed improvement, and habitat restoration in New Mexico.

Subtitle B—Oregon and California Railroad Grant Lands and Coos Bay Wagon Road Grant Lands

- Sec. 911. Amendments to the Act of August 28, 1937.
- Sec. 912. Oregon and California Railroad Grant Lands and Coos Bay Wagon Road Grant lands permanent rights of access.
- Sec. 913. Management of Bureau of Land Management lands in Western Oregon.

Subtitle C—Timber Innovation

- Sec. 921. Definitions.
- Sec. 922. Clarification of research and development program for wood building construction.

TITLE X—MAJOR DISASTER FOR WILDFIRE ON FEDERAL LAND

- Sec. 1001. Wildfire on Federal lands.
- Sec. 1002. Declaration of a major disaster for wildfire on Federal lands.
- Sec. 1003. Prohibition on transfers.

TITLE XI—DISASTER RELIEF AND WILDFIRE ADJUSTMENT

- Sec. 1101. Increase in maximum adjustment to accommodate wildfire funding.

1 **SEC. 2. DEFINITIONS.**

2 In titles I through IX:

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

8 (2) COLLABORATIVE PROCESS.—The term “col-
9 laborative process” refers to a process relating to the
10 management of National Forest System lands or
11 public lands by which a project or forest manage-
12 ment activity is developed and implemented by the
13 Secretary concerned through collaboration with in-
14 terested persons, as described in section
15 603(b)(1)(C) of the Healthy Forests Restoration Act
16 of 2003 (16 U.S.C. 6591b(b)(1)(C)).

17 (3) COMMUNITY WILDFIRE PROTECTION
18 PLAN.—The term “community wildfire protection
19 plan” has the meaning given that term in section
20 101 of the Healthy Forests Restoration Act of 2003
21 (16 U.S.C. 6511).

22 (4) COOS BAY WAGON ROAD GRANT LANDS.—
23 The term “Coos Bay Wagon Road Grant lands”
24 means the lands reconveyed to the United States

1 pursuant to the first section of the Act of February
2 26, 1919 (40 Stat. 1179).

3 (5) FOREST MANAGEMENT ACTIVITY.—The
4 term “forest management activity” means a project
5 or activity carried out by the Secretary concerned on
6 National Forest System lands or public lands con-
7 sistent with the forest plan covering the lands.

8 (6) FOREST PLAN.—The term “forest plan”
9 means—

10 (A) a land use plan prepared by the Bu-
11 reau of Land Management for public lands pur-
12 suant to section 202 of the Federal Land Policy
13 and Management Act of 1976 (43 U.S.C.
14 1712); or

15 (B) a land and resource management plan
16 prepared by the Forest Service for a unit of the
17 National Forest System pursuant to section 6
18 of the Forest and Rangeland Renewable Re-
19 sources Planning Act of 1974 (16 U.S.C.
20 1604).

21 (7) LARGE-SCALE CATASTROPHIC EVENT.—The
22 term “large-scale catastrophic event” means a cata-
23 strophic event that adversely impacts at least 5,000
24 acres of reasonably contiguous National Forest Sys-

1 tem lands or public lands, as determined by the Sec-
2 retary concerned.

3 (8) 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)).

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

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

18 (B) All lands in that State obtained by the
19 Secretary of the Interior pursuant to the land
20 exchanges authorized and directed by section 2
21 of the Act of June 24, 1954 (43 U.S.C. 1181h).

22 (C) All lands in that State acquired by the
23 United States at any time and made subject to
24 the provisions of title II of the Act of August
25 28, 1937 (43 U.S.C. 1181f).

1 (10) PUBLIC LANDS.—The term “public lands”
2 has the meaning given that term in section 103 of
3 the Federal Land Policy and Management Act of
4 1976 (43 U.S.C. 1702), except that the term in-
5 cludes Coos Bay Wagon Road Grant lands and Or-
6 egon and California Railroad Grant lands.

7 (11) REFORESTATION ACTIVITY.—The term
8 “reforestation activity” means a project or forest
9 management activity carried out by the Secretary
10 concerned whose primary purpose is the reforest-
11 ation of impacted lands following a large-scale cata-
12 strophic event. The term includes planting, evalu-
13 ating and enhancing natural regeneration, clearing
14 competing vegetation, and other activities related to
15 reestablishment of forest species on the impacted
16 lands.

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

22 (13) SALVAGE OPERATION.—The term “salvage
23 operation” means a forest management activity and
24 restoration activities carried out in response to a
25 catastrophic event where the primary purpose is—

1 (A) to prevent wildfire as a result of the
2 catastrophic event, or, if the catastrophic event
3 was wildfire, to prevent a re-burn of the fire-im-
4 pacted area;

5 (B) to provide an opportunity for utiliza-
6 tion of forest materials damaged as a result of
7 the catastrophic event; or

8 (C) to provide a funding source for refor-
9 estation and other restoration activities for the
10 National Forest System lands or public lands
11 impacted by the catastrophic event.

12 (14) SECRETARY CONCERNED.—The term
13 “Secretary concerned” means—

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

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

18 **SEC. 3. RULE OF APPLICATION FOR NATIONAL FOREST**
19 **SYSTEM LANDS AND PUBLIC LANDS.**

20 Unless specifically provided by a provision of titles
21 I through IX, the authorities provided by such titles do
22 not apply with respect to any National Forest System
23 lands or public lands—

24 (1) that are included in the National Wilderness
25 Preservation System;

1 (2) that are located within a national or State-
2 specific inventoried roadless area established by the
3 Secretary of Agriculture through regulation, un-
4 less—

5 (A) the forest management activity to be
6 carried out under such authority is consistent
7 with the forest plan applicable to the area; or

8 (B) the Secretary concerned determines
9 the activity is allowed under the applicable
10 roadless rule governing such lands; or

11 (3) on which timber harvesting for any purpose
12 is prohibited by Federal statute.

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 **Subtitle A—Analysis of Proposed**
8 **Collaborative Forest Manage-**
9 **ment Activities**

10 **SEC. 101. ANALYSIS OF ONLY TWO ALTERNATIVES (ACTION**
11 **VERSUS NO ACTION) IN PROPOSED COLLABO-**
12 **RATIVE FOREST MANAGEMENT ACTIVITIES.**

13 (a) APPLICATION TO CERTAIN ENVIRONMENTAL AS-
14 SESSMENTS AND ENVIRONMENTAL IMPACT STATE-
15 MENTS.—This section shall apply whenever the Secretary
16 concerned prepares an environmental assessment or an en-
17 vironmental impact statement pursuant to section 102 of
18 the National Environmental Policy Act of 1969 (42 U.S.C.
19 4332) for a forest management activity that—

20 (1) is developed through a collaborative process;

21 (2) is proposed by a resource advisory com-
22 mittee;

23 (3) will occur on lands identified by the Sec-
24 retary concerned as suitable for timber production;

1 (4) will occur on lands designated by the Sec-
2 retary (or designee thereof) pursuant to section
3 602(b) of the Healthy Forests Restoration Act of
4 2003 (16 U.S.C. 6591a(b)), notwithstanding wheth-
5 er such forest management activity is initiated prior
6 to September 30, 2018; or

7 (5) is covered by a community wildfire protec-
8 tion plan.

9 (b) CONSIDERATION OF ALTERNATIVES.—In an envi-
10 ronmental assessment or environmental impact statement
11 described in subsection (a), the Secretary concerned shall
12 study, develop, and describe only the following two alter-
13 natives:

14 (1) The forest management activity.

15 (2) The alternative of no action.

16 (c) ELEMENTS OF NO ACTION ALTERNATIVE.—In
17 the case of the alternative of no action, the Secretary con-
18 cerned shall consider whether to evaluate—

19 (1) the effect of no action on—

20 (A) forest health;

21 (B) habitat diversity;

22 (C) wildfire potential;

23 (D) insect and disease potential; and

24 (E) timber production; and

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

5 (A) domestic water supply in the project
6 area;

7 (B) wildlife habitat loss; and

8 (C) other economic and social factors.

9 **Subtitle B—Categorical Exclusions**

10 **SEC. 111. CATEGORICAL EXCLUSION TO EXPEDITE CER-** 11 **TAIN CRITICAL RESPONSE ACTIONS.**

12 (a) CATEGORICAL EXCLUSION ESTABLISHED.—For-
13 est management activities described in subsection (b) are
14 a category of actions hereby designated as being categori-
15 cally excluded from the preparation of an environmental
16 assessment or an environmental impact statement under
17 section 102 of the National Environmental Policy Act of
18 1969 (42 U.S.C. 4332).

19 (b) FOREST MANAGEMENT ACTIVITIES DESIGNATED
20 FOR CATEGORICAL EXCLUSION.—The forest management
21 activities designated under this section for a categorical
22 exclusion are forest management activities carried out by
23 the Secretary concerned on National Forest System lands
24 or public lands where the primary purpose of such activity
25 is—

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

9 (c) AVAILABILITY OF CATEGORICAL EXCLUSION.—

10 On and after the date of the enactment of this Act, the
11 Secretary concerned may use the categorical exclusion es-
12 tablished under subsection (a) in accordance with this sec-
13 tion.

14 (d) ACREAGE LIMITATIONS.—

15 (1) IN GENERAL.—Except in the case of a for-
16 est management activity described in paragraph (2),
17 a forest management activity covered by the categor-
18 ical exclusion established under subsection (a) may
19 not contain treatment units exceeding a total of
20 10,000 acres.

21 (2) LARGER AREAS AUTHORIZED.—A forest
22 management activity covered by the categorical ex-
23 clusion established under subsection (a) may contain
24 treatment units exceeding a total of 10,000 acres

1 but not more than a total of 30,000 acres if the for-
2 est 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. 112. CATEGORICAL EXCLUSION TO EXPEDITE SAL-**
10 **VAGE OPERATIONS IN RESPONSE TO CATA-**
11 **STROPHIC EVENTS.**

12 (a) CATEGORICAL EXCLUSION ESTABLISHED.—Sal-
13 vage operations carried out by the Secretary concerned on
14 National Forest System lands or public lands are a cat-
15 egory of actions hereby designated as being categorically
16 excluded from the preparation of an environmental assess-
17 ment or an environmental impact statement under section
18 102 of the National Environmental Policy Act of 1969 (42
19 U.S.C. 4332).

20 (b) AVAILABILITY OF CATEGORICAL EXCLUSION.—
21 On and after the date of the enactment of this Act, the
22 Secretary concerned may use the categorical exclusion es-
23 tablished under subsection (a) in accordance with this sec-
24 tion.

1 (c) ACREAGE LIMITATION.—A salvage operation cov-
2 ered by the categorical exclusion established under sub-
3 section (a) may not contain treatment units exceeding a
4 total of 10,000 acres.

5 (d) ADDITIONAL REQUIREMENTS.—

6 (1) STREAM BUFFERS.—A salvage operation
7 covered by the categorical exclusion established
8 under subsection (a) shall comply with the standards
9 and guidelines for stream buffers contained in the
10 applicable forest plan unless waived by the Regional
11 Forester, in the case of National Forest System
12 lands, or the State Director of the Bureau of Land
13 Management, in the case of public lands.

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

20 **SEC. 113. CATEGORICAL EXCLUSION TO MEET FOREST**
21 **PLAN GOALS FOR EARLY SUCCESSIONAL**
22 **FORESTS.**

23 (a) CATEGORICAL EXCLUSION ESTABLISHED.—For-
24 est management activities described in subsection (b) are
25 a category of actions hereby designated as being categori-

1 cally excluded from the preparation of an environmental
2 assessment or an environmental impact statement under
3 section 102 of the National Environmental Policy Act of
4 1969 (42 U.S.C. 4332).

5 (b) FOREST MANAGEMENT ACTIVITIES DESIGNATED
6 FOR CATEGORICAL EXCLUSION.—The forest management
7 activities designated under this section for a categorical
8 exclusion are forest management activities carried out by
9 the Secretary concerned on National Forest System lands
10 or public lands where the primary purpose of such activity
11 is to modify, improve, enhance, or create early successional
12 forests for wildlife habitat improvement and other pur-
13 poses, consistent with the applicable forest plan.

14 (c) AVAILABILITY OF CATEGORICAL EXCLUSION.—
15 On and after the date of the enactment of this Act, the
16 Secretary concerned may use the categorical exclusion es-
17 tablished under subsection (a) in accordance with this sec-
18 tion.

19 (d) PROJECT GOALS.—To the maximum extent prac-
20 ticable, the Secretary concerned shall design a forest man-
21 agement activity under this section to meet early succes-
22 sional forest goals in such a manner so as to maximize
23 production and regeneration of priority species, as identi-
24 fied in the forest plan and consistent with the capability
25 of the activity site.

1 (e) ACREAGE LIMITATIONS.—A forest management
2 activity covered by the categorical exclusion established
3 under subsection (a) may not contain treatment units ex-
4 ceeding a total of 10,000 acres.

5 **SEC. 114. CATEGORICAL EXCLUSION FOR ROAD SIDE**
6 **PROJECTS.**

7 (a) CATEGORICAL EXCLUSION ESTABLISHED.—
8 Projects carried out by the Secretary concerned to remove
9 hazard trees or to salvage timber for purposes of the pro-
10 tection of public health or safety, water supply, or public
11 infrastructure are a category of actions hereby designated
12 as being categorically excluded from the preparation of an
13 environmental assessment or an environmental impact
14 statement under section 102 of the National Environ-
15 mental Policy Act of 1969 (42 U.S.C. 4332).

16 (b) AVAILABILITY OF CATEGORICAL EXCLUSION.—
17 On and after the date of the enactment of this Act, the
18 Secretary concerned may use the categorical exclusion es-
19 tablished under subsection (a) in accordance with this sec-
20 tion.

21 (c) HEALTHY FORESTS RESTORATION ACT RE-
22 QUIREMENTS.—

23 (1) ADMINISTRATIVE REVIEW.—A project that
24 is categorically excluded under this section shall be
25 subject to the requirements of subsections (d), (e),

1 and (f) of section 603 of the Healthy Forests Res-
2 toration Act of 2003 (16 U.S.C. 6591).

3 (2) HAZARDOUS FUEL REDUCTION ON FED-
4 ERAL LAND.—A project that is categorically ex-
5 cluded under this section shall be subject to the re-
6 quirements of sections 102, 104, 105, and 106 of
7 title I of the Healthy Forests Restoration Act of
8 2003 (16 U.S.C. 6511 et seq.).

9 **SEC. 115. CATEGORICAL EXCLUSION TO IMPROVE OR RE-**
10 **STORE NATIONAL FOREST SYSTEM LANDS OR**
11 **PUBLIC LAND OR REDUCE THE RISK OF**
12 **WILDFIRE.**

13 (a) CATEGORICAL EXCLUSION ESTABLISHED.—For-
14 est management activities described in subsection (b) are
15 a category of actions hereby designated as being categori-
16 cally excluded from the preparation of an environmental
17 assessment or an environmental impact statement under
18 section 102 of the National Environmental Policy Act of
19 1969 (42 U.S.C. 4332).

20 (b) FOREST MANAGEMENT ACTIVITIES DESIGNATED
21 FOR CATEGORICAL EXCLUSION.—

22 (1) DESIGNATION.—The forest management ac-
23 tivities designated under this section for a categori-
24 cal exclusion are forest management activities de-
25 scribed in paragraph (2) that are carried out by the

1 Secretary concerned on National Forest System
2 Lands or public lands where the primary purpose of
3 such activity is to improve or restore such lands or
4 reduce the risk of wildfire on those lands.

5 (2) ACTIVITIES AUTHORIZED.—The follow ac-
6 tivities may be carried out pursuant to the categor-
7 ical exclusion established under subsection (a):

8 (A) Removal of juniper trees, medusahead
9 rye, conifer trees, piñon pine trees, cheatgrass,
10 and other noxious or invasive weeds specified on
11 Federal or State noxious weeds lists through
12 late-season livestock grazing, targeted livestock
13 grazing, prescribed burns, and mechanical
14 treatments.

15 (B) Performance of hazardous fuels man-
16 agement.

17 (C) Creation of fuel and fire breaks.

18 (D) Modification of existing fences in order
19 to distribute livestock and help improve wildlife
20 habitat.

21 (E) Installation of erosion control devices.

22 (F) Construction of new and maintenance
23 of permanent infrastructure, including stock
24 ponds, water catchments, and water spring

1 boxes used to benefit livestock and improve
2 wildlife habitat.

3 (G) Performance of soil treatments, native
4 and non-native seeding, and planting of and
5 transplanting sagebrush, grass, forb, shrub, and
6 other species.

7 (H) Use of herbicides, so long as the Sec-
8 retary concerned determines that the activity is
9 otherwise conducted consistently with agency
10 procedures, including any forest plan applicable
11 to the area covered by the activity.

12 (c) AVAILABILITY OF CATEGORICAL EXCLUSION.—
13 On and after the date of the enactment of this Act, the
14 Secretary concerned may use the categorical exclusion es-
15 tablished under subsection (a) in accordance with this sec-
16 tion.

17 (d) ACREAGE LIMITATIONS.—A forest management
18 activity covered by the categorical exclusion established
19 under subsection (a) may not exceed 10,000 acres.

20 (e) DEFINITIONS.—In this section:

21 (1) HAZARDOUS FUELS MANAGEMENT.—The
22 term “hazardous fuels management” means any
23 vegetation management activities that reduce the
24 risk of wildfire.

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

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

10 **Subtitle C—General Provisions for** 11 **Forest Management Activities**

12 **SEC. 121. COMPLIANCE WITH FOREST PLANS.**

13 A forest management activity carried out pursuant
14 to this Act shall be conducted in a manner consistent with
15 the forest plan applicable to the National Forest System
16 land or public lands covered by the forest management ac-
17 tivity.

18 **SEC. 122. CONSULTATION UNDER THE NATIONAL HISTORIC** 19 **PRESERVATION ACT.**

20 (a) IN GENERAL.—Not later than 12 months after
21 the date of enactment of this Act, the Secretary concerned
22 shall each develop, in consultation with relevant consulting
23 parties, a programmatic agreement or other appropriate
24 program alternative pursuant to section 800.14 of title 36,
25 Code of Federal Regulations, or successor regulation, for

1 expediting reviews under section 306108 of title 54,
2 United States Code, for forest management activities car-
3 ried out pursuant to this Act.

4 (b) REQUIREMENT.—A programmatic agreement or
5 other program alternative developed under subsection (a)
6 shall incorporate the concepts of phased identification and
7 evaluation set forth in section 800.4(b)(2) of title 36, Code
8 of Federal Regulations, or successor regulation.

9 **SEC. 123. CONSULTATION UNDER THE ENDANGERED SPE-**
10 **CIES ACT.**

11 (a) NO CONSULTATION IF ACTION NOT LIKELY TO
12 ADVERSELY AFFECT A LISTED SPECIES OR DESIGNATED
13 CRITICAL HABITAT.—With respect to a forest manage-
14 ment activity carried out pursuant to this Act, consulta-
15 tion under section 7 of the Endangered Species Act of
16 1973 (16 U.S.C. 1536) shall not be required if the Sec-
17 retary concerned determines that the such forest manage-
18 ment activity is not likely to adversely affect a listed spe-
19 cies or designated critical habitat.

20 (b) EXPEDITED CONSULTATION.—

21 (1) IN GENERAL.—With respect to a forest
22 management activity carried out pursuant to this
23 Act, consultation required under section 7 of the En-
24 dangered Species Act of 1973 (16 U.S.C. 1536)
25 shall be concluded within the 90-day period begin-

1 ning on the date on which such consultation was re-
2 quested by the Secretary concerned.

3 (2) NO CONCLUSION.—In the case of a con-
4 sultation described in paragraph (1) that is not con-
5 cluded within the 90-day period, the forest manage-
6 ment activity for which such consultation was initi-
7 ated—

8 (A) shall be considered to have not violated
9 section 7 of the Endangered Species Act of
10 1973 (16 U.S.C. 1536(a)(2)); and

11 (B) may be carried out.

12 **SEC. 124. FOREST MANAGEMENT ACTIVITIES CONSIDERED**
13 **NON-DISCRETIONARY ACTIONS.**

14 For purposes of the Endangered Species Act of 1973
15 (16 U.S.C. 1531 et seq.), a forest management activity
16 carried out by the Secretary concerned pursuant to this
17 Act shall be considered a non-discretionary action.

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, an environ-

1 mental assessment prepared by the Secretary concerned
2 pursuant to section 102 of the National Environmental
3 Policy Act of 1969 (42 U.S.C. 4332) 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 60 days after the conclusion of the cata-
8 strophic 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, to the maximum extent practicable,
14 achieve reforestation of at least 75 percent of the impacted
15 lands during the 5-year period following the conclusion of
16 the catastrophic event.

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

23 (d) TIMELINE FOR PUBLIC INPUT PROCESS.—Not-
24 withstanding any other provision of law, in the case of a
25 salvage operation or reforestation activity proposed to be

1 conducted on National Forest System lands or public
2 lands adversely impacted by a large-scale catastrophic
3 event, the Secretary concerned shall allow 30 days for pub-
4 lic scoping and comment, 15 days for filing an objection,
5 and 15 days for the agency response to the filing of an
6 objection. Upon completion of this process and expiration
7 of the period specified in subsection (a), the Secretary con-
8 cerned shall implement the project immediately.

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

10 A salvage operation or reforestation activity author-
11 ized by this title shall be conducted in a manner consistent
12 with the forest plan applicable to the National Forest Sys-
13 tem lands or public lands covered by the salvage operation
14 or reforestation activity.

15 **SEC. 203. PROHIBITION ON RESTRAINING ORDERS, PRE-**
16 **LIMINARY INJUNCTIONS, AND INJUNCTIONS**
17 **PENDING APPEAL.**

18 No restraining order, preliminary injunction, or in-
19 junction pending appeal shall be issued by any court of
20 the United States with respect to any decision to prepare
21 or conduct a salvage operation or reforestation activity in
22 response to a large-scale catastrophic event. Section 705
23 of title 5, United States Code, shall not apply to any chal-
24 lenge to the salvage operation or reforestation activity.

1 **TITLE III—FOREST**
2 **MANAGEMENT LITIGATION**
3 **Subtitle A—General Litigation**
4 **Provisions**

5 **SEC. 301. NO ATTORNEY FEES FOR FOREST MANAGEMENT**
6 **ACTIVITY CHALLENGES.**

7 Notwithstanding section 1304 of title 31, United
8 States Code, no award may be made under section 2412
9 of title 28, United States Code, and no amounts may be
10 obligated or expended from the Claims and Judgment
11 Fund of the United States Treasury to pay any fees or
12 other expenses under such sections to any plaintiff related
13 to an action challenging a forest management activity car-
14 ried out pursuant to this Act.

15 **SEC. 302. INJUNCTIVE RELIEF.**

16 (a) **BALANCING SHORT- AND LONG-TERM EFFECTS**
17 **OF FOREST MANAGEMENT ACTIVITIES IN CONSIDERING**
18 **INJUNCTIVE RELIEF.**—As part of its weighing the equities
19 while considering any request for an injunction that ap-
20 plies to any agency action as part of a forest management
21 activity under titles I through IX, the court reviewing the
22 agency action shall balance the impact to the ecosystem
23 likely affected by the forest management activity of—

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

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

3 (b) TIME LIMITATIONS FOR INJUNCTIVE RELIEF.—

4 (1) IN GENERAL.—Subject to paragraph (2) the
5 length of any preliminary injunctive relief and stays
6 pending appeal that applies to any agency action as
7 part of a forest management activity under titles I
8 through IX, shall not exceed 60 days.

9 (2) RENEWAL.—

10 (A) IN GENERAL.—A court of competent
11 jurisdiction may issue one or more renewals of
12 any preliminary injunction, or stay pending ap-
13 peal, granted under paragraph (1).

14 (B) UPDATES.—In each renewal of an in-
15 junction in an action, the parties to the action
16 shall present the court with updated informa-
17 tion on the status of the authorized forest man-
18 agement activity.

19 **Subtitle B—Forest Management**
20 **Activity Arbitration Pilot Program**

21 **SEC. 311. USE OF ARBITRATION INSTEAD OF LITIGATION**
22 **TO ADDRESS CHALLENGES TO FOREST MAN-**
23 **AGEMENT ACTIVITIES.**

24 (a) DISCRETIONARY ARBITRATION PROCESS PILOT
25 PROGRAM.—

1 (1) IN GENERAL.—The Secretary of Agri-
2 culture, with respect to National Forest System
3 lands, and the Secretary of the Interior, with respect
4 to public lands, shall each establish a discretionary
5 arbitration pilot program as an alternative dispute
6 resolution process in lieu of judicial review for the
7 activities described in paragraph (2).

8 (2) ACTIVITIES DESCRIBED.—The Secretary
9 concerned, at the sole discretion of the Secretary,
10 may designate objections or protests to forest man-
11 agement activities for arbitration under the arbitra-
12 tion pilot program established under paragraph (1).

13 (3) MAXIMUM AMOUNT OF ARBITRATIONS.—
14 Under the arbitration pilot program, the Secretary
15 concerned may not arbitrate more than 10 objec-
16 tions or protests to forest management activities in
17 a fiscal year in—

18 (A) each Forest Service Region; and

19 (B) each State Region of the Bureau of
20 Land Management.

21 (4) DETERMINING AMOUNT OF ARBITRA-
22 TIONS.—An objection or protest to a forest manage-
23 ment activity shall not be counted towards the limi-
24 tation on number of arbitrations under paragraph
25 (3) unless—

1 (A) on the date such objection or protest
2 is designated for arbitration, the forest manage-
3 ment activity for which such objection or pro-
4 test is filed has not been the subject of arbitra-
5 tion proceedings under the pilot program; and

6 (B) the arbitration proceeding has com-
7 menced with respect to such objection or pro-
8 test.

9 (5) TERMINATION.—The pilot programs estab-
10 lished pursuant to paragraph (1) shall terminate on
11 the date that is 7 years after the date of the enact-
12 ment of this Act.

13 (b) INTERVENING PARTIES.—

14 (1) REQUIREMENTS.—Any person that sub-
15 mitted a public comment on the forest management
16 activity that is subject to arbitration may intervene
17 in the arbitration—

18 (A) by endorsing—

19 (i) the forest management activity; or

20 (ii) the modification proposal sub-
21 mitted under subparagraph (B); or

22 (B) by submitting a proposal to further
23 modify the forest management activity.

24 (2) DEADLINE FOR SUBMISSION.—With respect
25 to an objection or protest that is designated for arbi-

1 tration under this subsection (a), a request to inter-
2 vene in an arbitration must be submitted not later
3 than the date that is 30 days after the date on
4 which such objection or protest was designated for
5 arbitration.

6 (3) MULTIPLE PARTIES.—Multiple intervening
7 parties may submit a joint proposal so long as each
8 intervening party meets the eligibility requirements
9 of paragraph (1).

10 (c) APPOINTMENT OF ARBITRATOR.—

11 (1) APPOINTMENT.—The Secretary of Agri-
12 culture and the Secretary of the Interior shall jointly
13 develop and publish a list of not fewer than 20 indi-
14 viduals eligible to serve as arbitrators for the pilot
15 programs under this section.

16 (2) QUALIFICATIONS.—In order to be eligible to
17 serve as an arbitrator under this subsection, an indi-
18 vidual shall be, on the date of the appointment of
19 such arbitrator—

20 (A) certified by the American Arbitration
21 Association; and

22 (B) not a registered lobbyist.

23 (3) SELECTION OF ARBITRATOR.—

24 (A) IN GENERAL.—For each arbitration
25 commenced under this section, the Secretary

1 concerned and each applicable objector or
2 protestor shall agree, not later than 14 days
3 after the agreement process is initiated, on a
4 mutually acceptable arbitrator from the list
5 published under subsection.

6 (B) APPOINTMENT AFTER 14-DAYS.—In
7 the case of an agreement with respect to a mu-
8 tually acceptable arbitrator not being reached
9 within the 14-day limit described in subpara-
10 graph (A), the Secretary concerned shall ap-
11 point an arbitrator from the list published
12 under this subsection.

13 (d) SELECTION OF PROPOSALS.—

14 (1) IN GENERAL.—The arbitrator appointed
15 under subsection (c)—

16 (A) may not modify any of the proposals
17 submitted with the objection, protest, or request
18 to intervene; and

19 (B) shall select to be conducted—

20 (i) the forest management activity, as
21 approved by the Secretary; or

22 (ii) a proposal submitted by an objec-
23 tor or an intervening party.

24 (2) SELECTION CRITERIA.—An arbitrator shall,
25 when selecting a proposal, consider—

1 (A) whether the proposal is consistent with
2 the applicable forest plan, laws, and regula-
3 tions;

4 (B) whether the proposal can be carried
5 out by the Secretary concerned; and

6 (C) the effect of each proposal on—

7 (i) forest health;

8 (ii) habitat diversity;

9 (iii) wildfire potential;

10 (iv) insect and disease potential;

11 (v) timber production; and

12 (vi) the implications of a resulting de-
13 cline in forest health, loss of habitat diver-
14 sity, wildfire, or insect or disease infesta-
15 tion, given fire and insect and disease his-
16 toric cycles, on—

17 (I) domestic water costs;

18 (II) wildlife habitat loss; and

19 (III) other economic and social
20 factors.

21 (e) EFFECT OF DECISION.—The decision of an arbi-
22 trator with respect to the forest management activity—

23 (1) shall not be considered a major Federal ac-
24 tion;

25 (2) shall be binding; and

1 (3) shall not be subject to judicial review, ex-
2 cept as provided in section 10(a) of title 9, United
3 States Code.

4 (f) DEADLINE FOR COMPLETION.—Not later than 90
5 days after the date on which the arbitration is filed with
6 respect to the forest management activity, the arbitration
7 process shall be completed.

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

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

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

20 (b) REQUIREMENTS FOR PROJECT FUNDS.—Section
21 204(f) of the Secure Rural Schools and Community Self-
22 Determination Act of 2000 (16 U.S.C. 7124(f)) is amend-
23 ed to read as follows:

24 “(f) REQUIREMENTS FOR PROJECT FUNDS.—

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

6 “(A) include the sale of timber or other
7 forest products, reduce fire risks, or improve
8 water supplies; and

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

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

19 **SEC. 402. RESOURCE ADVISORY COMMITTEES.**

20 (a) RECOGNITION OF RESOURCE ADVISORY COMMIT-
21 TEES.—Section 205(a)(4) of the Secure Rural Schools
22 and Community Self-Determination Act of 2000 (16
23 U.S.C. 7125(a)(4)) is amended by striking “2012” each
24 place it appears and inserting “2022”.

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

5 (1) in paragraph (1), by striking “15 members”
6 and inserting “9 members”; and

7 (2) by striking “5 persons” each place it ap-
8 pears and inserting “3 persons”.

9 (c) EXPANDING LOCAL PARTICIPATION ON COMMIT-
10 TEES.—Section 205(d) of the Secure Rural Schools and
11 Community Self-Determination Act of 2000 (16 U.S.C.
12 7125(d)) is amended—

13 (1) in paragraph (3), by inserting before the pe-
14 riod at the end the following: “, consistent with the
15 requirements of paragraph (4)”; and

16 (2) by striking paragraph (4) and inserting the
17 following new paragraph:

18 “(4) GEOGRAPHIC DISTRIBUTION.—The mem-
19 bers of a resource advisory committee shall reside
20 within the county or counties in which the committee
21 has jurisdiction or an adjacent county.”.

22 (d) APPOINTMENT OF RESOURCE ADVISORY COM-
23 MITTEES BY APPLICABLE DESIGNEE.—

1 (1) IN GENERAL.—Section 205 of the Secure
2 Rural Schools and Community Self-Determination
3 Act of 2000 (16 U.S.C. 7125) is further amended—

4 (A) in subsection (a)—

5 (i) in paragraph (1), by inserting “(or
6 applicable designee)” after “The Secretary
7 concerned”;

8 (ii) in paragraph (3), by inserting
9 “(or applicable designee)” after “the Sec-
10 retary concerned”; and

11 (iii) in paragraph (4), by inserting
12 “(or applicable designee)” after “the Sec-
13 retary concerned” both places it appears;

14 (B) in subsection (b)(6), by inserting “(or
15 applicable designee)” after “the Secretary con-
16 cerned”;

17 (C) in subsection (c)—

18 (i) in the subsection heading, by in-
19 serting “OR APPLICABLE DESIGNEE” after
20 “BY THE SECRETARY”;

21 (ii) in paragraph (1), by inserting
22 “(or applicable designee)” after “The Sec-
23 retary concerned” both places it appears;

1 (iii) in paragraph (2), by inserting
2 “(or applicable designee)” after “The Sec-
3 retary concerned”;

4 (iv) in paragraph (4), by inserting
5 “(or applicable designee)” after “The Sec-
6 retary concerned”; and

7 (v) by adding at the end the following
8 new paragraph:

9 “(6) APPLICABLE DESIGNEE.—In this section,
10 the term ‘applicable designee’ means—

11 “(A) with respect to Federal land de-
12 scribed in section 3(7)(A), the applicable Re-
13 gional Forester; and

14 “(B) with respect to Federal land de-
15 scribed in section 3(7)(B), the applicable Bu-
16 reau of Land Management State Director.”;

17 (D) in subsection (d)(3), by inserting “(or
18 applicable designee)” after “the Secretary con-
19 cerned”; and

20 (E) in subsection (f)(1)—

21 (i) by inserting “(or applicable des-
22 igned)” after “the Secretary concerned”;
23 and

24 (ii) by inserting “(or applicable des-
25 igned)” after “of the Secretary”.

1 (2) CONFORMING AMENDMENT.—Section
2 201(3) of the Secure Rural Schools and Community
3 Self-Determination Act of 2000 (16 U.S.C. 7121(3))
4 is amended by inserting “(or applicable designee (as
5 defined in section 205(c)(6)))” after “Secretary con-
6 cerned” both places it appears.

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

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

14 **“SEC. 209. PROGRAM FOR SELF-SUSTAINING RESOURCE AD-**
15 **VISORY COMMITTEE PROJECTS.**

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

23 “(b) SELECTION OF PARTICIPATING RESOURCE AD-
24 VISORY COMMITTEES.—The selection of resource advisory

1 committees to participate in the RAC program is in the
2 sole discretion of the Chief of the Forest Service.

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

7 “(1) accomplish forest management objectives
8 or support community development; and

9 “(2) generate receipts.

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

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

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

20 “(e) TERMINATION OF AUTHORITY.—

21 “(1) IN GENERAL.—The authority to initiate a
22 project under the RAC program shall terminate on
23 September 30, 2022.

24 “(2) DEPOSITS IN TREASURY.—Any funds
25 available for projects under the RAC program and

1 not obligated by September 30, 2023, shall be depos-
2 ited in the Treasury of the United States.”.

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

9 **SEC. 404. ADDITIONAL AUTHORIZED USE OF RESERVED**
10 **FUNDS FOR TITLE III COUNTY PROJECTS.**

11 Section 302(a) of the Secure Rural Schools and Com-
12 munity Self-Determination Act of 2000 (16 U.S.C.
13 7142(a)) is amended—

14 (1) in paragraph (2)—

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

17 (B) by striking “and” at the end;

18 (2) in paragraph (3), by inserting “and carry
19 out” after “develop”;

20 (3) by redesignating paragraph (3) as para-
21 graph (4); and

22 (4) by inserting after paragraph (2) the fol-
23 lowing new paragraph (3):

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

4 **SEC. 405. TREATMENT AS SUPPLEMENTAL FUNDING.**

5 (a) IN GENERAL.—Section 102 of the Secure Rural
6 Schools and Community Self-Determination Act of 2000
7 (16 U.S.C. 7112) is amended by adding at the end the
8 following new subsection:

9 “(f) TREATMENT AS SUPPLEMENTAL FUNDING.—
10 None of the funds made available to a beneficiary county
11 or other political subdivision of a State under this Act
12 shall be used in lieu of or to otherwise offset State funding
13 sources for local schools, facilities, or educational pur-
14 poses.”.

15 (b) CONTINUATION OF DIRECT PAYMENTS.—Pay-
16 ments to States made under the Secure Rural Schools and
17 Community Self-Determination Act of 2000 (16 U.S.C.
18 7101 et seq.) and 25-percent payments made to States
19 and Territories under the Acts of May 23, 1908, and
20 March 1, 1911 (16 U.S.C. 500), shall continue to be made
21 as direct payments.

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.—Notwithstanding section
14 3903(b)(1) of title 41, United States Code, the Chief
15 and the Director may obligate funds in stages that
16 are economically or programmatically viable to cover
17 any potential cancellation or termination costs for an
18 agreement or contract under subsection (b) in stages
19 that are economically or programmatically viable.

20 “(2) ADVANCE NOTICE TO CONGRESS OF CAN-
21 CELLATION CEILING IN EXCESS OF \$25 MILLION.—

22 Not later than 30 days before entering into a
23 multiyear agreement or contract under subsection
24 (b) that includes a cancellation ceiling in excess of
25 \$25 million, but does not include proposed funding

1 for the costs of cancelling the agreement or contract
2 up to such cancellation ceiling, the Chief or the Di-
3 rector, as the case may be, shall submit to the Com-
4 mittee on Energy and Natural Resources and the
5 Committee on Agriculture, Nutrition, and Forestry
6 of the Senate and the Committee on Natural Re-
7 sources and the Committee on Agriculture of the
8 House of Representatives a written notice that in-
9 cludes—

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

13 “(B) the reasons why such cancellation
14 ceiling amounts were selected;

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

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

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

1 transmit a copy of the notice to the Director of the
2 Office of Management and Budget.”.

3 (b) RELATION TO OTHER LAWS.—Section 604(d)(5)
4 of the Healthy Forests Restoration Act of 2003 (16
5 U.S.C. 6591c(d)(5)) is amended—

6 (1) by striking “, the Chief may” and inserting
7 “and section 2(a)(1) of the Act of July 31, 1947
8 (commonly known as the Materials Act of 1947; 30
9 U.S.C. 602(a)(1)), the Chief and the Director may”;
10 and

11 (2) by striking the last sentence.

12 **SEC. 502. EXCESS OFFSET VALUE.**

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

17 “(A) use the excess to satisfy any out-
18 standing liabilities for cancelled agreements or
19 contracts; or

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

1 **SEC. 503. PAYMENT OF PORTION OF STEWARDSHIP**
2 **PROJECT REVENUES TO COUNTY IN WHICH**
3 **STEWARDSHIP PROJECT OCCURS.**

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

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

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

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

21 Subsection (j) of section 604 of the Healthy Forests
22 Restoration Act of 2003 (16 U.S.C. 6591c), as redesign-
23 nated by section 501(a)(1), is amended by striking “report
24 to the Committee on Agriculture, Nutrition, and Forestry
25 of the Senate and the Committee on Agriculture of the
26 House of Representatives” and inserting “submit to the

1 congressional committees specified in subsection (h)(2) a
2 report”.

3 **SEC. 505. FIRE LIABILITY PROVISION.**

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

7 “(8) MODIFICATION.—Upon the request of the
8 contractor, a contract or agreement under this sec-
9 tion awarded before February 7, 2014, shall be
10 modified by the Chief or Director to include the fire
11 liability provisions described in paragraph (7).”.

12 **SEC. 506. EXTENSION OF STEWARDSHIP CONTRACTING**
13 **MAXIMUM TERM LIMITS.**

14 (a) HEALTH FORESTS RESTORATION ACT.—Section
15 604(d)(3)(B) of the Healthy Forests Restoration Act of
16 2003 (16 U.S.C. 6591c(d)(3)(B)) is amended by striking
17 “10 years” and inserting “20 years”.

18 (b) NATIONAL FOREST MANAGEMENT ACT.—Section
19 14(c) of the National Forest Management Act of 1976 (16
20 U.S.C. 472a(c)) is amended by striking “ten years” and
21 inserting “20 years”.

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 102
8 of the National Environmental Policy Act of 1969 (42
9 U.S.C. 4332)), carrying out, and monitoring certain forest
10 management activities on National Forest System lands
11 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;

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”;
15 and

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

18 “(4) TIME PERIODS FOR CONSIDERATION.—

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

1 “(i) whether the request may meet the
2 selection criteria described in subsection
3 (c); and

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

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

13 “(C) COMPLETION.—Not later than 2
14 years after the date on which the Secretary re-
15 ceives a Tribal request under paragraph (1),
16 other than a Tribal request denied under sub-
17 section (d), the Secretary shall—

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

22 “(ii) enter into the agreement or con-
23 tract with the Indian tribe under para-
24 graph (2).”.

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

4 (1) in subsections (b)(1) and (f)(1), by striking
5 “section 347 of the Department of the Interior and
6 Related Agencies Appropriations Act, 1999 (16
7 U.S.C. 2104 note; Public Law 105–277) (as amend-
8 ed by section 323 of the Department of the Interior
9 and Related Agencies Appropriations Act, 2003 (117
10 Stat. 275))” and inserting “section 604 of the
11 Healthy Forests Restoration Act of 2003 (16 U.S.C.
12 6591e)”;

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

17 **SEC. 702. MANAGEMENT OF INDIAN FOREST LAND AUTHOR-**
18 **IZED TO INCLUDE RELATED NATIONAL FOR-**
19 **EST SYSTEM LANDS AND PUBLIC LANDS.**

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

23 “(c) INCLUSION OF CERTAIN NATIONAL FOREST
24 SYSTEM LAND AND PUBLIC LAND.—

1 “(1) AUTHORITY.—At the request of an Indian
2 Tribe, the Secretary concerned may agree to treat
3 Federal forest land as Indian forest land for pur-
4 poses of planning and conducting forest land man-
5 agement activities under this section if the Federal
6 forest land is located within, or mostly within, a geo-
7 graphic area that presents a feature or involves cir-
8 cumstances principally relevant to that Indian Tribe,
9 such as Federal forest land ceded to the United
10 States by treaty, Federal forest land within the
11 boundaries of a current or former reservation, or
12 Federal forest land adjudicated to be Tribal home-
13 lands.

14 “(2) REQUIREMENTS.—As part of the agree-
15 ment to treat Federal forest land as Indian forest
16 land under paragraph (1), the Secretary concerned
17 and the Indian Tribe making the request shall—

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

23 “(B) continue sharing revenue generated
24 by the Federal forest land with State and local
25 governments either—

1 “(i) on the terms applicable to the
2 Federal forest land prior to the agreement,
3 including, where applicable, 25-percent
4 payments or 50-percent payments; or

5 “(ii) at the option of the Indian Tribe,
6 on terms agreed upon by the Indian Tribe,
7 the Secretary concerned, and State and
8 county governments participating in a rev-
9 enue sharing agreement for the Federal
10 forest land;

11 “(C) comply with applicable prohibitions
12 on the export of unprocessed logs harvested
13 from the Federal forest land;

14 “(D) recognize all right-of-way agreements
15 in place on Federal forest land prior to com-
16 mencement of Tribal management activities;

17 “(E) ensure that all commercial timber re-
18 moved from the Federal forest land is sold on
19 a competitive bid basis; and

20 “(F) cooperate with the appropriate State
21 fish and wildlife agency to achieve mutual
22 agreement on the management of fish and wild-
23 life.

24 “(3) LIMITATION.—Treating Federal forest
25 land as Indian forest land for purposes of planning

1 and conducting management activities pursuant to
2 paragraph (1) shall not be construed to designate
3 the Federal forest land as Indian forest lands for
4 any other purpose.

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

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

8 “(i) National Forest System lands;
9 and

10 “(ii) public lands (as defined in sec-
11 tion 103(e) of the Federal Land Policy and
12 Management Act of 1976 (43 U.S.C.
13 1702(e))), including Coos Bay Wagon
14 Road Grant lands reconveyed to the
15 United States pursuant to the first section
16 of the Act of February 26, 1919 (40 Stat.
17 1179), and Oregon and California Railroad
18 Grant lands.

19 “(B) SECRETARY CONCERNED.—The term
20 ‘Secretary concerned’ means—

21 “(i) the Secretary of Agriculture, with
22 respect to the Federal forest land referred
23 to in subparagraph (A)(i); and

1 “(ii) the Secretary of the Interior,
2 with respect to the Federal forest land re-
3 ferred to in subparagraph (A)(ii).”.

4 **SEC. 703. TRIBAL FOREST MANAGEMENT DEMONSTRATION**
5 **PROJECT.**

6 The Secretary of the Interior and the Secretary of
7 Agriculture may carry out demonstration projects by
8 which federally recognized Indian Tribes or Tribal organi-
9 zations may contract to perform administrative, manage-
10 ment, and other functions of programs of the Tribal For-
11 est Protection Act of 2004 (25 U.S.C. 3115a et seq.)
12 through contracts entered into under the Indian Self-De-
13 termination and Education Assistance Act (25 U.S.C.
14 5304 et seq.).

15 **SEC. 704. RULE OF APPLICATION.**

16 Nothing in this title, or the amendments made by this
17 title, shall be construed as interfering with, diminishing,
18 or conflicting with the authority, jurisdiction, or responsi-
19 bility of any State to exercise primary management, con-
20 trol, or regulation of fish and wildlife on land or water
21 within the State (including on public land) under State
22 law.

1 “(A) IN GENERAL.—Notwithstanding any
2 other provision of law, the Secretary shall not
3 be required to engage in consultation under this
4 subsection or any other provision of law (includ-
5 ing section 7 of the Endangered Species Act
6 (16 U.S.C. 1536) and section 402.16 of title
7 50, Code of Federal Regulations (or a successor
8 regulation)) with respect to—

9 “(i) if a land management plan ap-
10 proved by the Secretary—

11 “(I) the listing of a species as
12 threatened or endangered, or a des-
13 ignation of critical habitat pursuant to
14 the Endangered Species Act (16
15 U.S.C. 1531 et seq.);

16 “(II) whether the amount or ex-
17 tent of taking specified in the inci-
18 dental take statement is exceeded;

19 “(III) whether new information
20 reveals effects of the action that may
21 affect listed species or critical habitat
22 in a manner or to an extent not pre-
23 viously considered; or

24 “(IV) whether the identified ac-
25 tion is subsequently modified in a

1 manner that causes an effect to the
2 listed species or critical habitat that
3 was not considered in the biological
4 opinion; or

5 “(ii) any provision of a land manage-
6 ment plan adopted as described in clause
7 (i).

8 “(B) EFFECT OF PARAGRAPH.—Nothing
9 in this paragraph affects any applica-
10 ble require-
11 ment of the Secretary to consult with the head
12 of any other Federal department or agency—

13 “(i) regarding any project, including a
14 project carried out, or proposed to be car-
15 ried out, in an area designated as critical
16 habitat pursuant to the Endangered Spe-
17 cies Act (16 U.S.C. 1531 et seq.); or

18 “(ii) with respect to the development
19 of an amendment to a land management
20 plan that would result in a significant
21 change in the land management plan.

22 “(3) LAND MANAGEMENT PLAN CONSIDERED A
23 NON-DISCRETIONARY ACTION.—For purposes of the
24 Endangered Species Act of 1973 (16 U.S.C. 1531 et
seq.), a forest management activity carried out by

1 the Secretary concerned pursuant to this Act shall
 2 be considered a non-discretionary action.”.

3 (b) DEFINITION OF SECRETARY; CONFORMING
 4 AMENDMENTS.—

5 (1) DEFINITION OF SECRETARY.—Section 3(a)
 6 of the Forest and Rangeland Renewable Resources
 7 Planning Act of 1974 (16 U.S.C. 1601(a)) is
 8 amended, in the first sentence of the matter pre-
 9 ceding paragraph (1), by inserting “(referred to in
 10 this Act as the ‘Secretary’)” after “Secretary of Ag-
 11 riculture”.

12 (2) CONFORMING AMENDMENTS.—The Forest
 13 and Rangeland Renewable Resources Planning Act
 14 of 1974 (16 U.S.C. 1600 et seq.) is amended, in sec-
 15 tions 4 through 9, 12, 13, and 15, by striking “Sec-
 16 retary of Agriculture” each place it appears and in-
 17 serting “Secretary”.

18 **SEC. 812. CONSULTATION UNDER FEDERAL LAND POLICY**
 19 **AND MANAGEMENT ACT OF 1976.**

20 Section 202(f) of the Federal Land Policy and Man-
 21 agement Act of 1976 (43 U.S.C. 1712(f)) is amended—

22 (1) by striking “(f) The Secretary” and insert-
 23 ing the following:

24 “(f) PUBLIC INVOLVEMENT.—

25 “(1) IN GENERAL.—The Secretary”; and

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

2 “(2) NO ADDITIONAL CONSULTATION RE-
3 QUIRED AFTER APPROVAL OF LAND USE PLANS.—

4 “(A) IN GENERAL.—Notwithstanding any
5 other provision of law, the Secretary shall not
6 be required to engage in consultation under this
7 subsection or any other provision of law (includ-
8 ing section 7 of the Endangered Species Act
9 (16 U.S.C. 1536) and section 402.16 of title
10 50, Code of Federal Regulations (or a successor
11 regulation)), with respect to—

12 “(i) the listing of a species as threat-
13 ened or endangered, or a designation of
14 critical habitat, pursuant to the Endan-
15 gered Species Act (16 U.S.C. 1531 et
16 seq.), if a land use plan has been adopted
17 by the Secretary as of the date of listing
18 or designation; or

19 “(ii) any provision of a land use plan
20 adopted as described in clause (i).

21 “(B) EFFECT OF PARAGRAPH.—

22 “(i) DEFINITION OF SIGNIFICANT
23 CHANGE.—In this subparagraph, the term
24 ‘significant change’ means a significant
25 change within the meaning of section

1 219.13(b)(3) of title 36, Code of Federal
2 Regulations (as in effect on the date of en-
3 actment of this subparagraph), except
4 that—

5 “(I) any reference contained in
6 that section to a land management
7 plan shall be deemed to be a reference
8 to a land use plan;

9 “(II) any reference contained in
10 that section to the Forest Service
11 shall be deemed to be a reference to
12 the Bureau of Land Management; and

13 “(III) any reference contained in
14 that section to the National Forest
15 Management Act of 1976 (Public Law
16 94–588; 90 Stat. 2949) shall be
17 deemed to be a reference to this Act.

18 “(ii) EFFECT.—Nothing in this para-
19 graph affects any applicable requirement of
20 the Secretary to consult with the head of
21 any other Federal department or agency—

22 “(I) regarding a project carried
23 out, or proposed to be carried out,
24 with respect to a species listed as
25 threatened or endangered, or in an

1 area designated as critical habitat,
2 pursuant to the Endangered Species
3 Act (16 U.S.C. 1531 et seq.); or

4 “(II) with respect to the develop-
5 ment of a new land use plan or the re-
6 vision of or other significant change to
7 an existing land use plan.

8 “(3) LAND USE PLAN CONSIDERED NON-DIS-
9 CRETIONARY ACTION.—For purposes of the Endan-
10 gered Species Act of 1973 (16 U.S.C. 1531 et seq.),
11 a forest management activity carried out by the Sec-
12 retary concerned pursuant to this Act shall be con-
13 sidered a non-discretionary action.”.

14 **TITLE IX—MISCELLANEOUS**
15 **Subtitle A—Forest Management**
16 **Provisions**

17 **SEC. 901. CLARIFICATION OF EXISTING CATEGORICAL EX-**
18 **CLUSION AUTHORITY RELATED TO INSECT**
19 **AND DISEASE INFESTATION.**

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

1 **SEC. 902. REVISION OF ALTERNATE CONSULTATION**
2 **AGREEMENT REGULATIONS.**

3 Not later than 90 days after the date of the enact-
4 ment of this section, the Secretary of the Interior and the
5 Secretary of Commerce shall revise section 402.13 of title
6 50, Code of Federal Regulations, to—

7 (1) authorize Federal agencies to enter into al-
8 ternative consultation agreements under which the
9 Federal agency may determine if an action such
10 agency authorizes is likely to adversely affect listed
11 species or critical habitat; and

12 (2) if an agency determines such action will not
13 likely adversely affect listed species or critical habi-
14 tat pursuant to paragraph (1), not require such
15 agency to complete a formal consultation, informal
16 consultation, or written concurrence of the U.S. Fish
17 and Wildlife Service or the National Marine Fish-
18 eries Service with respect to such action.

19 **SEC. 903. REVISION OF EXTRAORDINARY CIRCUMSTANCES**
20 **REGULATIONS.**

21 (a) DETERMINATIONS OF EXTRAORDINARY CIR-
22 CUMSTANCES.—In determining whether extraordinary cir-
23 cumstances related to a proposed action preclude use of
24 a categorical exclusion, the Forest Service shall not be re-
25 quired to—

1 (1) consider whether a proposed action is within
2 a potential wilderness area;

3 (2) consider whether a proposed action affects
4 a Forest Service sensitive species;

5 (3) conduct an analysis under section 220.4(f)
6 of title 36, Code of Federal Regulations, of the pro-
7 posed action's cumulative impact (as the term is de-
8 fined in section 1508.7 of title 40, Code of Federal
9 Regulations);

10 (4) consider a determination under section 7 of
11 the Endangered Species Act of 1973 (16 U.S.C.
12 1536) that a proposed action may affect, but is not
13 likely to adversely affect, threatened, endangered, or
14 candidate species, or designated critical habitats; or

15 (5) consider a determination under section 7 of
16 the Endangered Species Act of 1973 (16 U.S.C.
17 1536) that a proposed action may affect, and is like-
18 ly to adversely affect threatened, endangered, can-
19 didate species, or designated critical habitat if the
20 agency is in compliance with the applicable provi-
21 sions of the biological opinion.

22 (b) PROPOSED RULEMAKING.—Not later than 60
23 days after the date of enactment of this Act, the Secretary
24 of Agriculture shall publish a notice of proposed rule-
25 making to revise section 220.6(b) of title 36, Code of Fed-

1 eral Regulations to conform such section with subsection
2 (a).

3 (c) **ADDITIONAL REVISION.**—As part of the proposed
4 rulemaking described in subsection (b), the Secretary of
5 Agriculture shall revise section 220.5(a)(2) of title 36,
6 Code of Federal Regulations, to provide that the Forest
7 Service shall not be required to consider proposals that
8 would substantially alter a potential wilderness area as a
9 class of actions normally requiring environmental impact
10 statements.

11 (d) **ADDITIONAL ACTIONS.**—Not later than 120 days
12 after the date of enactment of this Act, the Secretary of
13 Agriculture shall issue final regulations to carry out the
14 revisions described in subsections (b) and (c).

15 **SEC. 904. CONDITIONS ON FOREST SERVICE ROAD DECOM-**
16 **MISSIONING.**

17 (a) **CONSULTATION WITH AFFECTED COUNTY.**—
18 Whenever any Forest Service defined maintenance level
19 one- or two-system road within a designated high-fire
20 prone area of a unit of the National Forest System is con-
21 sidered for decommissioning, the Forest Supervisor of that
22 unit of the National Forest System shall—

23 (1) consult with the government of the county
24 containing the road regarding the merits and pos-
25 sible consequences of decommissioning the road; and

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

3 (b) PERIOD PRIOR TO DECOMMISSION.—A Forest
4 Service road described in subsection (a) may not be de-
5 commissioned without the advance approval of the Re-
6 gional Forester.

7 **SEC. 905. PROHIBITION ON APPLICATION OF EASTSIDE**
8 **SCREENS REQUIREMENTS ON NATIONAL**
9 **FOREST SYSTEM LANDS.**

10 (a) REPEAL OF EASTSIDE SCREENS REQUIRE-
11 MENTS.—Notwithstanding any other provision of law, the
12 Secretary of Agriculture shall immediately withdraw the
13 Interim Management Direction Establishing Riparian,
14 Ecosystem, and Wildlife Standards for Timber Sales
15 (commonly known as the Eastside Screens requirements),
16 including all preceding or associated versions of these
17 amendments.

18 (b) EFFECT OF REPEAL.—On and after the date of
19 the enactment of this Act, the Secretary of Agriculture
20 may not apply to National Forest System lands any of
21 the amendments repealed under subsection (a).

1 **SEC. 906. USE OF SITE-SPECIFIC FOREST PLAN AMEND-**
2 **MENTS FOR CERTAIN PROJECTS AND ACTIVI-**
3 **TIES.**

4 If the Secretary concerned determines that, in order
5 to conduct a project or carry out an activity implementing
6 a forest plan, an amendment to the forest plan is required,
7 the Secretary concerned shall execute such amendment as
8 a nonsignificant plan amendment through the record of
9 decision or decision notice for the project or activity.

10 **SEC. 907. KNUTSON-VANDENBERG ACT MODIFICATIONS.**

11 (a) DEPOSITS OF FUNDS FROM NATIONAL FOREST
12 TIMBER PURCHASERS REQUIRED.—Section 3(a) of the
13 Act of June 9, 1930 (commonly known as the Knutson-
14 Vandenberg Act; 16 U.S.C. 576b(a)), is amended by strik-
15 ing “The Secretary” and all that follows through “any
16 purchaser” and inserting the following: “The Secretary of
17 Agriculture shall require each purchaser”.

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

21 (1) by striking “Such deposits” and inserting
22 the following:

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

24 (2) by redesignating subsection (c) as sub-
25 section (d); and

1 (A) in clause (ii), by striking “and”;

2 (B) by redesignating clause (iii) as clause
3 (iv); and

4 (C) by inserting after clause (ii) the fol-
5 lowing new clause:

6 “(iii) construction, reconstruction, re-
7 pair or restoration of roads as necessary to
8 achieve project objectives; and”; and

9 (2) by amending subparagraph (B) to read as
10 follows:

11 “(B) EXCLUSIONS.—The term ‘forest,
12 rangeland, and watershed restoration services’
13 does not include construction, alteration, repair
14 or replacement of public buildings or works.”.

15 **SEC. 910. LOGGING AND MECHANIZED OPERATIONS.**

16 The Fair Labor Standards Act of 1938 (29 U.S.C.
17 201 et seq.) is amended—

18 (1) in section 3 (29 U.S.C. 203)—

19 (A) in subsection (l), by striking “well-
20 being.” and inserting “well-being, and that em-
21 ployment of employees ages sixteen or seventeen
22 years in a logging or mechanized operation in
23 an occupation that the Secretary of Labor finds
24 and declares to be particularly hazardous for
25 the employment of individuals of such ages

1 shall not be deemed to constitute oppressive
2 child labor if such employee is employed by his
3 parent or by a person standing in the place of
4 his parent in a logging or mechanized operation
5 owned or operated by such parent or person.”;
6 and

7 (B) by adding at the end the following:

8 “(z)(1) ‘Logging’—

9 “(A) means—

10 “(i) the felling, skidding, yarding, loading
11 and processing of timber by equipment other
12 than manually operated chainsaws and cable
13 skidders;

14 “(ii) the felling of timber in mechanized
15 operations;

16 “(iii) the bucking or converting of timber
17 into logs, poles, ties, bolts, pulpwood, chemical
18 wood, excelsior wood, cordwood, fence posts, or
19 similar products;

20 “(iv) the collecting, skidding, yarding,
21 loading, transporting and unloading of such
22 products in connection with logging;

23 “(v) the constructing, repairing and main-
24 taining of roads or camps used in connection
25 with logging; the constructing, repairing, and

1 maintenance of machinery or equipment used in
2 logging; and

3 “(vi) other work performed in connection
4 with logging; and

5 “(B) does not include the manual use of chain
6 saws to fell and process timber and the use of cable
7 skidders to bring the timber to the landing.

8 “(2) ‘Mechanized operation’—

9 “(A) means the felling, skidding, yarding, load-
10 ing and processing of timber by equipment other
11 than manually operated chainsaws and cable skid-
12 ders; and

13 “(B) includes whole tree processors, cut-to-
14 length processors, stroke boom delimiters, wheeled
15 and track feller-bunchers, pull thru delimiters,
16 wheeled and track forwarders, chippers, grinders,
17 mechanical debarkers, wheeled and track grapple
18 skidders, yarders, bulldozers, excavators, and log
19 loaders.”; and

20 (2) in section 13(e) (29 U.S.C. 211(e)), by add-
21 ing at the end the following:

22 “(8) The provisions of section 12 relating to child
23 labor shall apply to an employee who is 16 or 17 years
24 old employed in a logging or mechanized operation in an
25 occupation that the Secretary of Labor finds and declares

1 to be particularly hazardous for the employment of chil-
2 dren ages 16 or 17, except where such employee is em-
3 ployed by his parent or by a person standing in the place
4 of his parent in a logging or mechanized operation owned
5 or operated by such parent or person.”.

6 **SEC. 910A. STUDY ON USE OF UNMANNED AERIAL VEHI-**
7 **CLES TO SUPPORT WILDLAND FIRE RE-**
8 **SPONSE AND MANAGEMENT.**

9 (a) **STUDY REQUIRED.**—The Secretary of Agriculture
10 shall conduct a study to evaluate—

11 (1) the feasibility, safety, and cost effectiveness
12 of using unmanned aerial vehicles for the purposes
13 of supporting wildland fire response and suppression
14 and forest restoration and management; and

15 (2) the effect that increased use of unmanned
16 aerial vehicles for such purposes will have on em-
17 ployment.

18 (b) **CONSULTATION.**—In conducting the study, the
19 Secretary of Agriculture shall consult with the heads of
20 other Federal agencies involved in wildfire suppression
21 and aviation, including the Secretary of the Interior, the
22 Secretary of Homeland Security, the Secretary of Defense,
23 and the Secretary of Transportation.

24 (c) **REPORTING REQUIREMENT.**—Not later than two
25 years after the date of the enactment of this Act, the Sec-

1 retary of Agriculture shall submit to Congress a report
2 containing the results of the study.

3 **SEC. 910B. PILOT PROJECT FOR FOREST HEALTH, WATER-**
4 **SHED IMPROVEMENT, AND HABITAT RES-**
5 **TORATION IN NEW MEXICO.**

6 (a) PILOT PROJECT ESTABLISHED.—The Secretary
7 of Agriculture, acting through the Chief of the Forest
8 Service, shall conduct a pilot project within the Lincoln
9 National Forest, Cibola National Forest, and Gila Na-
10 tional Forest in the State of New Mexico to analyze and
11 demonstrate the effectiveness of various tools and tech-
12 niques to address the following natural resource concerns:

13 (1) Thinning for forest health.

14 (2) Watershed improvement.

15 (3) Habitat restoration.

16 (b) AUTHORIZED ACTIVITIES.—The Secretary of Ag-
17 riculture in carrying out the pilot project established
18 under subsection (a) may conduct applied silvicultural in-
19 vestigations and treatments, including—

20 (1) silvicultural investigations conducted for the
21 purposes of information gathering and research re-
22 lating to the natural resource concerns described in
23 subsection (a); and

24 (2) mechanical thinning.

1 (c) OBJECTIONS TO SILVICULTURAL INVESTIGATION
2 OR TREATMENT.— The Secretary may not carry out a sil-
3 vicultural investigation or treatment under this section if
4 a county in which such investigation or treatment would
5 be conducted objects to such investigation or treatment.

6 (d) ENVIRONMENTAL ASSESSMENT UNDER THE NA-
7 TIONAL ENVIRONMENTAL POLICY ACT.—Forest manage-
8 ment activities carried out by the Secretary of Agriculture
9 under this section are a category of actions hereby des-
10 igned as being categorically excluded from the prepara-
11 tion of an environmental assessment or an environmental
12 impact statement under section 102 of the National Envi-
13 ronmental Policy Act of 1969 (42 U.S.C. 4332).

14 (e) CONSULTATION UNDER THE ENDANGERED SPE-
15 CIES ACT.—Forest management activities carried out by
16 the Secretary of Agriculture under this section shall be
17 subject to section 123, including subsection (b) of such
18 section.

19 (f) PUBLIC PARTICIPATION.—The Secretary shall en-
20 courage meaningful public participation during prepara-
21 tion of a silvicultural investigation or treatment under this
22 section.

23 (g) ARBITRATION PILOT PROGRAM RESOLUTION.—

24 (1) IN GENERAL.—An objection or protest to a
25 forest management activity carried out pursuant to

1 this section shall be addressed through the arbitra-
 2 tion program established under section 311.

3 (2) LIMITATION ON NUMBER OF ARBITRA-
 4 TIONS.—An arbitration described in paragraph (1)
 5 shall not be counted towards the limitation on num-
 6 ber of arbitrations under section 311(a)(3).

7 (h) TERMINATION.—The authority to carry out this
 8 section shall terminate on the date that is 7 years after
 9 the date of the enactment of this section.

10 **Subtitle B—Oregon and California**
 11 **Railroad Grant Lands and Coos**
 12 **Bay Wagon Road Grant Lands**

13 **SEC. 911. AMENDMENTS TO THE ACT OF AUGUST 28, 1937.**

14 The first section of the Act of August 28, 1937 (50
 15 Stat. 874; 43 U.S.C. 2601 et seq.), is amended—

16 (1) by striking “principal of sustained yield”
 17 and inserting “principle of sustained yield”;

18 (2) by striking “facilities” and inserting “facili-
 19 ties”; and

20 (3) by striking “That timber from said lands in
 21 an amount” and inserting “That timber from said
 22 lands in the amount that is the greater of:”.

1 **SEC. 912. OREGON AND CALIFORNIA RAILROAD GRANT**
2 **LANDS AND COOS BAY WAGON ROAD GRANT**
3 **LANDS PERMANENT RIGHTS OF ACCESS.**

4 (a) CREATION OF PERMANENT RIGHTS OF ACCESS
5 REQUIRED.—Notwithstanding any other provision of law,
6 on the date of the enactment of this section, reciprocal
7 road right-of-way permits, grants, and agreements issued
8 to a private landowner by the Secretary of the Interior
9 pursuant to subpart 2812 of part 2810 of title 43, Code
10 of Federal Regulations, or its predecessor regulation shall
11 become permanent rights of access that are recordable and
12 that shall run with the land.

13 (b) RECORDS UPDATED.—Not later than 60 days
14 after the date of the enactment of this Act, the reciprocal
15 road right-of-way permits, grants, and agreements de-
16 scribed in subsection (a) shall be amended to reflect the
17 permanent rights of access required under subsection (a)
18 and recorded by the Secretary of the Interior in each coun-
19 ty where the lands are located. No other amendments shall
20 be made to such right-of-way permits, grants, and agree-
21 ments.

22 **SEC. 913. MANAGEMENT OF BUREAU OF LAND MANAGE-**
23 **MENT LANDS IN WESTERN OREGON.**

24 (a) IN GENERAL.—All of the public land managed
25 by the Bureau of Land Management in the Northwest
26 District, Roseburg District, Coos Bay District, Medford

1 District, and the Klamath Resource Area of the Lakeview
2 District in the State of Oregon shall hereafter be managed
3 pursuant to title I of the Act of August 28, 1937 (43
4 U.S.C. 1181a through 1181e). Except as provided in sub-
5 section (b), all of the revenue produced from such land
6 shall be deposited in the Treasury of the United States
7 in the Oregon and California land-grant fund and be sub-
8 ject to the provisions of title II of the Act of August 28,
9 1937 (43 U.S.C. 1181f).

10 (b) CERTAIN EXCLUSIONS.—

11 (1) CERTAIN LANDS EXCLUDED.—Subsection
12 (a) does not apply to—

13 (A) the Yaquina Head Outstanding Nat-
14 ural Area established under section 119 of Pub-
15 lic Law 96–199 (43 U.S.C. 1783);

16 (B) lands managed under the Wild and
17 Scenic Rivers Act (16 U.S.C. 1271 et seq.);

18 (C) lands managed under the Wilderness
19 Act (16 U.S.C. 1131 et seq.); and

20 (D) lands managed under the National
21 Trails System Act (16 U.S.C. 1241 et seq.).

22 (2) CERTAIN REVENUE EXCLUDED.—Sub-
23 section (a) does not apply to any revenue that is re-
24 quired to be deposited in the Coos Bay Wagon Road

1 grant fund pursuant to sections 1 through 4 of the
2 Act of May 24, 1939 (43 U.S.C. 2621–2624).

3 **Subtitle C—Timber Innovation**

4 **SEC. 921. DEFINITIONS.**

5 In this subtitle:

6 (1) **INNOVATIVE WOOD PRODUCT.**—The term
7 “innovative wood product” means a type of building
8 component or system that uses large panelized wood
9 construction, including mass timber.

10 (2) **MASS TIMBER.**—The term “mass timber”
11 includes—

12 (A) cross-laminated timber;

13 (B) nail laminated timber;

14 (C) glue laminated timber;

15 (D) laminated strand lumber; and

16 (E) laminated veneer lumber.

17 (3) **SECRETARY.**—The term “Secretary” means
18 the Secretary of Agriculture, acting through the Re-
19 search and Development deputy area and the State
20 and Private Forestry deputy area of the Forest
21 Service.

22 (4) **TALL WOOD BUILDING.**—The term “tall
23 wood building” means a building designed to be—

24 (A) constructed with mass timber; and

25 (B) more than 85 feet in height.

1 **SEC. 922. CLARIFICATION OF RESEARCH AND DEVELOP-**
2 **MENT PROGRAM FOR WOOD BUILDING CON-**
3 **STRUCTION.**

4 (a) IN GENERAL.—The Secretary shall conduct per-
5 formance-driven research and development, education, and
6 technical assistance for the purpose of facilitating the use
7 of innovative wood products in wood building construction
8 in the United States.

9 (b) ACTIVITIES.—In carrying out subsection (a), the
10 Secretary shall—

11 (1) after receipt of input and guidance from,
12 and collaboration with, the wood products industry,
13 conservation organizations, and institutions of high-
14 er education, conduct research and development,
15 education, and technical assistance at the Forest
16 Products Laboratory or through the State and Pri-
17 vate Forestry deputy area that meets measurable
18 performance goals for the achievement of the prior-
19 ities described in subsection (c); and

20 (2) after coordination and collaboration with
21 the wood products industry and conservation organi-
22 zations, make competitive grants to institutions of
23 higher education to conduct research and develop-
24 ment, education, and technical assistance that meets
25 measurable performance goals for the achievement
26 of the priorities described in subsection (c).

1 (c) PRIORITIES.—The research and development,
2 education, and technical assistance conducted under sub-
3 section (a) shall give priority to—

4 (1) ways to improve the commercialization of
5 innovative wood products;

6 (2) analyzing the safety of tall wood building
7 materials;

8 (3) calculations by the Forest Products Labora-
9 tory of the life cycle environmental footprint, from
10 extraction of raw materials through the manufac-
11 turing process, of tall wood building construction;

12 (4) analyzing methods to reduce the life cycle
13 environmental footprint of tall wood building con-
14 struction;

15 (5) analyzing the potential implications of the
16 use of innovative wood products in building con-
17 struction on wildlife; and

18 (6) one or more other research areas identified
19 by the Secretary, in consultation with conservation
20 organizations, institutions of higher education, and
21 the wood products industry.

22 (d) TIMEFRAME.—To the maximum extent prac-
23 ticable, the measurable performance goals for the research
24 and development, education, and technical assistance con-

1 ducted under subsection (a) shall be achievable within a
2 5-year timeframe.

3 **TITLE X—MAJOR DISASTER FOR**
4 **WILDFIRE ON FEDERAL LAND**

5 **SEC. 1001. WILDFIRE ON FEDERAL LANDS.**

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

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

11 “(2) MAJOR DISASTER.—

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

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

15 “(B) MAJOR DISASTER FOR WILDFIRE ON
16 FEDERAL LANDS.—The term ‘major disaster
17 for wildfire on Federal lands’ means any wild-
18 fire or wildfires, which in the determination of
19 the President under section 802 warrants as-
20 sistance under section 803 to supplement the
21 efforts and resources of the Department of the
22 Interior or the Department of Agriculture—

23 “(i) on Federal lands; or

1 “(ii) on non-Federal lands pursuant
2 to a fire protection agreement or coopera-
3 tive agreement.”.

4 **SEC. 1002. DECLARATION OF A MAJOR DISASTER FOR**
5 **WILDFIRE ON FEDERAL LANDS.**

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

9 **“TITLE VIII—MAJOR DISASTER**
10 **FOR WILDFIRE ON FEDERAL**
11 **LAND**

12 **“SEC. 801. DEFINITIONS.**

13 “As used in this title—

14 “(1) FEDERAL LAND.—The term ‘Federal land’
15 means—

16 “(A) any land under the jurisdiction of the
17 Department of the Interior; and

18 “(B) any land under the jurisdiction of the
19 United States Forest Service.

20 “(2) FEDERAL LAND MANAGEMENT AGEN-
21 CIES.—The term ‘Federal land management agen-
22 cies’ means—

23 “(A) the Bureau of Land Management;

24 “(B) the National Park Service;

25 “(C) the Bureau of Indian Affairs;

1 “(D) the United States Fish and Wildlife
2 Service; and

3 “(E) the United States Forest Service.

4 “(3) WILDFIRE SUPPRESSION OPERATIONS.—

5 The term ‘wildfire suppression operations’ means the
6 emergency and unpredictable aspects of wildland
7 firefighting, including support, response, emergency
8 stabilization activities, and other emergency manage-
9 ment activities of wildland firefighting on Federal
10 lands (or on non-Federal lands pursuant to a fire
11 protection agreement or cooperative agreement) by
12 the Federal land management agencies covered by
13 the wildfire suppression subactivity of the Wildland
14 Fire Management account or the FLAME Wildfire
15 Suppression Reserve Fund account of the Federal
16 land management agencies.

17 **“SEC. 802. PROCEDURE FOR DECLARATION OF A MAJOR**
18 **DISASTER FOR WILDFIRE ON FEDERAL**
19 **LANDS.**

20 “(a) IN GENERAL.—The Secretary of the Interior or
21 the Secretary of Agriculture may submit a request to the
22 President consistent with the requirements of this title for
23 a declaration by the President that a major disaster for
24 wildfire on Federal lands exists.

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

4 “(1) be made in writing by the respective Sec-
5 retary;

6 “(2) certify that the amount appropriated in
7 the current fiscal year for wildfire suppression oper-
8 ations of the Federal land management agencies
9 under the jurisdiction of the respective Secretary,
10 net of any concurrently enacted rescissions of wild-
11 fire suppression funds, increases the total unobli-
12 gated balance of amounts available for wildfire sup-
13 pression by an amount equal to or greater than the
14 average total costs incurred by the Federal land
15 management agencies per year for wildfire suppres-
16 sion operations, including the suppression costs in
17 excess of appropriated amounts, over the previous
18 ten fiscal years;

19 “(3) certify that the amount available for wild-
20 fire suppression operations of the Federal land man-
21 agement agencies under the jurisdiction of the re-
22 spective Secretary will be obligated not later than 30
23 days after such Secretary notifies the President that
24 wildfire suppression funds will be exhausted to fund
25 ongoing and anticipated wildfire suppression oper-

1 ations related to the wildfire on which the request
2 for the declaration of a major disaster for wildfire
3 on Federal lands pursuant to this title is based; and

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

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

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

14 “(a) IN GENERAL.—In a major disaster for wildfire
15 on Federal lands, the President may transfer funds, only
16 from the account established pursuant to subsection (b),
17 to the Secretary of the Interior or the Secretary of Agri-
18 culture to conduct wildfire suppression operations on Fed-
19 eral lands (and non-Federal lands pursuant to a fire pro-
20 tection agreement or cooperative agreement).

21 “(b) WILDFIRE SUPPRESSION OPERATIONS AC-
22 COUNT.—The President shall establish a specific account
23 for the assistance available pursuant to a declaration
24 under section 802. Such account may only be used to fund
25 assistance pursuant to this title.

1 “(c) LIMITATION.—

2 “(1) LIMITATION OF TRANSFER.—The assist-
3 ance available pursuant to a declaration under sec-
4 tion 802 is limited to the transfer of the amount re-
5 quested pursuant to section 802(b)(4). The assist-
6 ance available for transfer shall not exceed the
7 amount contained in the wildfire suppression oper-
8 ations account established pursuant to subsection
9 (b).

10 “(2) TRANSFER OF FUNDS.—Funds under this
11 section shall be transferred from the wildfire sup-
12 pression operations account to the wildfire suppres-
13 sion subactivity of the Wildland Fire Management
14 Account.

15 “(d) PROHIBITION OF OTHER TRANSFERS.—Except
16 as provided in this section, no funds may be transferred
17 to or from the account established pursuant to subsection
18 (b) to or from any other fund or account.

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

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

4 “(2) transfer the amounts received as reim-
5 bursement to the wildfire suppression operations ac-
6 count established pursuant to subsection (b).

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

19 “(1) The risk-based factors that influenced
20 management decisions regarding wildfire suppression
21 operations of the Federal land management agencies
22 under the jurisdiction of the Secretary concerned.

23 “(2) Specific discussion of a statistically signifi-
24 cant sample of large fires, in which each fire is ana-
25 lyzed for cost drivers, effectiveness of risk manage-

1 ment techniques, resulting positive or negative im-
2 pacts of fire on the landscape, impact of investments
3 in preparedness, suggested corrective actions, and
4 such other factors as the respective Secretary con-
5 siders appropriate.

6 “(3) Total expenditures for wildfire suppression
7 operations of the Federal land management agencies
8 under the jurisdiction of the respective Secretary,
9 broken out by fire sizes, cost, regional location, and
10 such other factors as the such Secretary considers
11 appropriate.

12 “(4) Lessons learned.

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

15 “(g) SAVINGS PROVISION.—Nothing in this title shall
16 limit the Secretary of the Interior, the Secretary of Agri-
17 culture, Indian Tribe, or a State from receiving assistance
18 through a declaration made by the President under this
19 Act when the criteria for such declaration have been
20 met.”.

21 **SEC. 1003. PROHIBITION ON TRANSFERS.**

22 No funds may be transferred to or from the Federal
23 land management agencies’ wildfire suppression oper-
24 ations accounts referred to in section 801(3) of the Robert
25 T. Stafford Disaster Relief and Emergency Assistance Act

1 to or from any account or subactivity of the Federal land
2 management agencies, as defined in section 801(2) of such
3 Act, that is not used to cover the cost of wildfire suppres-
4 sion operations.

5 **TITLE XI—DISASTER RELIEF**
6 **AND WILDFIRE ADJUSTMENT**

7 **SEC. 1101. INCREASE IN MAXIMUM ADJUSTMENT TO AC-**
8 **COMMODATE WILDFIRE FUNDING.**

9 Section 251(b)(2)(D) of the Balanced Budget and
10 Emergency Deficit Control of 1985 is amended—

11 (1) in clause (i), by striking subclause (I) and
12 inserting the following:

13 “(I) the average over the pre-
14 vious 10 years (excluding the highest
15 and lowest years) of the sum of—

16 “(aa) funding provided for
17 disaster relief (as that term is de-
18 fined on the date immediately be-
19 fore the date of enactment of the
20 Resilient Federal Forests Act of
21 2017);

22 “(bb) non-emergency fund-
23 ing provided for wildfire suppres-
24 sion and other wildfire related ac-
25 tivities under the ‘Wildland Fire

1 Management’ and ‘FLAME
2 Wildfire Suppression Reserve
3 Fund’ accounts of the Depart-
4 ment of Agriculture and the De-
5 partment of the Interior; and

6 “(cc) 10 percent of the
7 funding for disaster relief des-
8 ignated as an emergency under
9 subparagraph (A)(i); and”;

10 (2) in clause (ii), by striking “the Budget Con-
11 trol Act of 2011” and inserting “the Resilient Fed-
12 eral Forests Act of 2017”; and

13 (3) by striking clause (iii) and inserting the fol-
14 lowing:

15 “(iii) For the purposes of this sub-
16 paragraph, the term ‘disaster relief’
17 means—

18 “(I) activities carried out pursu-
19 ant to a determination under section
20 102(2) of the Robert T. Stafford Dis-
21 aster Relief and Emergency Assist-
22 ance Act (42 U.S.C. 5122(2)); or

23 “(II) amounts made available,
24 pursuant to a declaration under sec-
25 tion 802 of such Act that a major dis-

1 aster for wildfire on Federal lands ex-
2 ists, to the wildfire suppression oper-
3 ations account established under sec-
4 tion 803 of such Act.”.

Passed the House of Representatives November 1,
2017.

Attest:

Clerk.

115TH CONGRESS
1ST SESSION

H. R. 2936

AN ACT

To expedite under the National Environmental Policy Act of 1969 and improve forest management activities on National Forest System lands, on public lands under the jurisdiction of the Bureau of Land Management, and on Tribal lands to return resilience to overgrown, fire-prone forested lands, and for other purposes.