

in and to certain property in Washington County, Utah, to be vested in the United States; H.R. 3676, a bill to establish the Santa Rosa and San Jacinto Mountains National Monument in the State of California; and its companion, S. 2784, a bill entitled, "Santa Rosa and San Jacinto Mountains National Monument Act of 2000"; S. 2865, a bill to designate certain land of the National Forest System located in the State of Virginia as wilderness; S. 2956 and its companion bill, H.R. 4275, a bill to establish the Colorado Canyons National Conservation Area and the Black Ridge Canyons Wilderness, and for other purposes; and S. 2977, a bill to assist in the establishment of an interpretive center and museum in the vicinity of the Diamond Valley Lake in southern California to ensure the protection and interpretation of the paleontology discoveries made at the lake and to develop a trail system for the lake for use by pedestrians and nonmotorized vehicles.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT OF 1999

Mr. CRAIG. Mr. President, I am pleased my colleague from Oregon has joined with me on the floor as we now consider, by unanimous consent, a key piece of legislation on which he, Senator WYDEN, and I have been working.

I ask unanimous consent the Senate now proceed to the consideration of Calendar No. 520, S. 1608.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1608) to provide annual payments to the States and counties from National Forest System lands managed by the Forest Service, and the revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands managed predominantly by the Bureau of Land Management, for use by the counties in which the lands are situated for the benefit of the public schools, roads, emergency and other public purposes; to encourage and provide new mechanisms for cooperation between counties and the Forest Service and the Bureau of Land Management to make necessary investments in Federal lands, and reaffirm the positive connection between Federal Lands counties and Federal Lands; and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) *SHORT TITLE.*—This Act may be cited as the "Secure Rural Schools and Community Self-Determination Act of 2000".

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

Sec. 1. Short title; table of contents.

Sec. 2. Findings and purpose.

Sec. 3. Definitions.

#### TITLE I—SECURE PAYMENTS FOR STATES AND COUNTIES CONTAINING FEDERAL LANDS

Sec. 101. Determination of full payment amount for eligible States and counties.

Sec. 102. Payments to States from Forest Service lands for use by counties to benefit public education and transportation.

Sec. 103. Payments to counties from Bureau of Land Management lands for use to benefit public safety, law enforcement, education, and other public purposes.

#### TITLE II—SPECIAL PROJECTS ON FEDERAL LANDS

Sec. 201. Definitions.

Sec. 202. General limitation on use of project funds.

Sec. 203. Submission of project proposals.

Sec. 204. Evaluation and approval of projects by Secretary concerned.

Sec. 205. Resource advisory committees.

Sec. 206. Use of project funds.

Sec. 207. Availability of project funds.

#### TITLE III—MISCELLANEOUS PROVISIONS

Sec. 301. Authorization of appropriations.

Sec. 302. Treatment of funds and revenues.

Sec. 303. Regulations.

Sec. 304. Conforming amendments.

#### SEC. 2. FINDINGS AND PURPOSE.

(a) *FINDINGS.*—The Congress finds the following:

(1) The National Forest System, which is managed by the United States Forest Service, was established in 1907 and has grown to include approximately 192,000,000 acres of Federal lands.

(2) The public domain lands known as revested Oregon and California Railroad grant lands and the reconveyed Coos Bay Wagon Road grant lands, which are managed predominantly by the Bureau of Land Management were returned to Federal ownership in 1916 and 1919 and now comprise approximately 2,600,000 acres of Federal lands.

(3) Congress recognized that, by its decision to secure these lands in Federal ownership, the counties in which these lands are situated would be deprived of revenues they would otherwise receive if the lands were held in private ownership.

(4) These same counties have expended public funds year after year to provide services, such as education, road construction and maintenance, search and rescue, law enforcement, waste removal, and fire protection, that directly benefit these Federal lands and people who use these lands.

(5) To accord a measure of compensation to the affected counties for the critical services they provide to both county residents and visitors to these Federal lands, Congress determined that the Federal Government should share with these counties a portion of the revenues the United States receives from these Federal lands.

(6) Congress enacted in 1908 and subsequently amended a law that requires that 25 percent of the revenues derived from National Forest System lands be paid to States for use by the counties in which the lands are situated for the benefit of public schools and roads.

(7) Congress enacted in 1937 and subsequently amended a law that requires that 75 percent of the revenues derived from the revested and reconveyed grant lands be paid to the counties in which those lands are situated to be used as are other county funds, of which 50 percent is to be used as other county funds.

(8) For several decades primarily due to the growth of the Federal timber sale program,

counties dependent on and supportive of these Federal lands received and relied on increasing shares of these revenues to provide funding for schools and road maintenance.

(9) In recent years, the principal source of these revenues, Federal timber sales, has been sharply curtailed and, as the volume of timber sold annually from most of the Federal lands has decreased precipitously, so too have the revenues shared with the affected counties.

(10) This decline in shared revenues has affected educational funding and road maintenance for many counties.

(11) In the Omnibus Budget Reconciliation Act of 1993, Congress recognized this trend and ameliorated its adverse consequences by providing an alternative annual safety net payment to 72 counties in Oregon, Washington, and northern California in which Federal timber sales had been restricted or prohibited by administrative and judicial decisions to protect the northern spotted owl.

(12) The authority for these particular safety net payments is expiring and no comparable authority has been granted for alternative payments to counties elsewhere in the United States that have suffered similar losses in shared revenues from the Federal lands and in the funding for schools and roads those revenues provide.

(13) There is a need to stabilize education and road maintenance funding through predictable payments to the affected counties, job creation in those counties, and other opportunities associated with restoration, maintenance, and stewardship of federal lands.

(14) Both the Forest Service and the Bureau of Land Management face significant backlogs in infrastructure maintenance and ecosystem restoration that are difficult to address through annual appropriations.

(15) There is a need to build new, and strengthen existing, relationships and to improve management of public lands and waters.

(b) *PURPOSES.*—The purposes of this Act are—

(1) to stabilize and make permanent payments to counties to provide funding for schools and roads;

(2) to make additional investments in, and create additional employment opportunities through, projects that improve the maintenance of existing infrastructure, implement stewardship objectives that enhance forest ecosystems, and restore and improve land health and water quality. Such projects shall enjoy broad-based support with objectives that may include, but are not limited to:

(A) Road, trail, and infrastructure maintenance or obliteration;

(B) Soil productivity improvement;

(C) Improvements in forest ecosystem health;

(D) Watershed restoration and maintenance;

(E) Restoration, maintenance and improvement of wildlife and fish habitat;

(F) Control of noxious and exotic species;

(G) Reestablishment of native species; and

(H) General resource stewardship.

(3) to improve cooperative relationships among the people that use and care for Federal lands and the agencies that manage these lands.

#### SEC. 3. DEFINITIONS.

In this Act:

(1) *FEDERAL LANDS.*—The term "Federal lands" means—

(A) lands within the National Forest System, as defined in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a)) exclusive of the National Grasslands administered pursuant to the Act of July 22, 1937 (7 U.S.C. 1010–10912); and

(B) the Oregon and California Railroad grant lands revested in the United States by the Act of June 9, 1916 (chapter 137; 39 Stat. 218), Coos Bay Wagon Road grant lands reconveyed to the United States by the Act of February 26, 1919

(chapter 47; 40 Stat. 1179), and subsequent additions to such lands.

(2) **ELIGIBILITY PERIOD.**—The term “eligibility period” means fiscal year 1984 through fiscal year 1999.

(3) **ELIGIBLE COUNTY.**—The term “eligible county” means a county or borough that received 50-percent payments for one or more fiscal years of the eligibility period or a county or borough that received a portion of an eligible State’s 25-percent payments for one or more fiscal years of the eligibility period. The term includes a county or borough established after the date of the enactment of this Act so long as the county or borough includes all or a portion of a county or borough described in the preceding sentence.

(4) **ELIGIBLE STATE.**—The term “eligible State” means a State that received 25-percent payments for one or more fiscal years of the eligibility period.

(5) **FULL PAYMENT AMOUNT.**—The term “full payment amount” means the amount calculated for each eligible State and eligible county under section 101.

(6) **25-PERCENT PAYMENTS.**—The term “25-percent payments” means the payments to States required by the sixth paragraph under the heading of “FOREST SERVICE” in the Act of May 23, 1908 (35 Stat. 260; 16 U.S.C. 500), and section 13 of the Act of March 1, 1911 (36 Stat. 963; 16 U.S.C. 500).

(7) **50-PERCENT PAYMENTS.**—The term “50-percent payments” means the payments that are the sum of the 50-percent share otherwise paid to a county pursuant to title II of the Act of August 28, 1937 (chapter 876; 50 Stat. 875; 43 U.S.C. 1181f), and the payment made to a county pursuant to the Act of May 24, 1939 (chapter 144; 53 Stat. 753; 43 U.S.C. 1181f–1 et seq.).

(8) **SAFETY NET PAYMENTS.**—The term “safety net payments” means the payments to States and counties required by section 13982 or 13983 of the Omnibus Budget Reconciliation Act of 1993 (Public Law 103–66; 16 U.S.C. 500 note; 43 U.S.C. 1181f note).

#### **TITLE I—SECURE PAYMENTS FOR STATES AND COUNTIES CONTAINING FEDERAL LANDS**

##### **SEC. 101. DETERMINATION OF FULL PAYMENT AMOUNT FOR ELIGIBLE STATES AND COUNTIES.**

(a) **CALCULATION REQUIRED.**—

(1) **ELIGIBLE STATES.**—The Secretary of the Treasury shall calculate for each eligible State an amount equal to the average of the three highest 25-percent payments and safety net payments made to the eligible counties in that State for fiscal years of the eligibility period.

(2) **BLM COUNTIES.**—The Secretary of the Treasury shall calculate for each eligible county that received a 50-percent payment during the eligibility period an amount equal to the average of the three highest 50-percent payments and safety net payments made to that eligible county for fiscal years of the eligibility period.

(b) **ANNUAL ADJUSTMENT.**—For each fiscal year in which payments are required to be made to eligible States and eligible counties under this title, the Secretary of the Treasury shall adjust the full payment amount for the previous fiscal year for each eligible State and eligible county to reflect changes in the consumer price index for rural areas (as published in the Bureau of Labor Statistics) that occur after publication of that index for fiscal year 2000.

##### **SEC. 102. PAYMENTS TO STATES FROM NATIONAL FOREST SYSTEM LANDS FOR USE BY COUNTIES TO BENEFIT PUBLIC EDUCATION AND TRANSPORTATION.**

(a) **REQUIREMENT FOR PAYMENTS TO ELIGIBLE STATES.**—The Secretary of the Treasury shall make to each eligible State a payment in accordance with subsection (b) for each fiscal year be-

ginning in fiscal year 2000. The payment for a fiscal year shall be made as soon as practicable after the end of that fiscal year.

(b) **PAYMENT AMOUNTS.**—Except as provided in subsection (c), the payment to an eligible State for a fiscal year shall consist of the 25-percent payment applicable to that State for that fiscal year as described in section 3(6).

(c) **ELECTION TO RECEIVE FULL PAYMENT AMOUNT.**—

(1) An eligible State may elect to receive the full payment amount as described in sections 101(a)(1) and 101(b), in lieu of the payment described in subsection (b). The election shall be made at the discretion of each affected county and transmitted to the Secretary by the Governor of a State. Each such county election shall be effective for two fiscal years.

(2) Except that, when a county elects to receive the full payment amount, such election shall be effective for all the subsequent fiscal years.

(3) The payment to an eligible State under this subsection for a fiscal year shall be derived first from any revenues, fees, penalties, or miscellaneous receipts, exclusive of deposits to any relevant trust fund, or special accounts, received by the Federal Government from activities by the Forest Service on the Federal lands described in subsection 3(1)(A) and/or secondly, as determined by the Secretary of the Treasury, from any funds in the Treasury not otherwise appropriated.

(d) **DISTRIBUTION AND EXPENDITURE OF PAYMENTS.**—

(1) **DISTRIBUTION METHOD.**—An eligible State that elects to receive a payment under subsection (c) shall distribute the payment among all eligible counties in the State, with each eligible county receiving the amount calculated for that county in Section 101(a).

(2) **EXPENDITURE PURPOSES.**—Subject to subsection (e), payments received by eligible States under subsection (a) and distributed to eligible counties shall be expended in the same manner in which 25-percent payments are required to be expended.

(e) **EXPENDITURE RULES FOR ELIGIBLE COUNTIES.**—

(1) **IN GENERAL.**—Of the funds to be distributed to an eligible county pursuant to subsection (d)—

(A) not less than 80 percent but not more than 85 percent of the funds shall be expended in the same manner in which the 25-percent payments are required to be expended; and

(B) at the election of an eligible county, the balance of the funds not expended pursuant to subparagraph (A) shall either be reserved for projects in accordance with title II, or remitted to the fund created by section 302(b).

(2) **DEPOSIT OF FUNDS IN SPECIAL ACCOUNT.**—Funds reserved by an eligible county under paragraph (1) shall be deposited in a special account in the Treasury of the United States and shall be available for expenditure by the Secretary of Agriculture, without further appropriation, and shall remain available until expended in accordance with title II.

(3) **ELECTION.**—

(A) **GENERAL.**—An eligible county shall notify the Secretary of Agriculture of its election under this subsection not later than September 30 of each fiscal year. If the eligible county fails to make an election by that date, the county is deemed to have elected to expend 85 percent of the funds to be received under subsection (c) in the same manner in which the 25-percent payments are required to be expended, and remitted the balance to the fund created by Section 302(b).

(B) **COUNTIES WITH MINOR DISTRIBUTIONS.**—Notwithstanding the expenditure rules in this subsection, in the case of each eligible county to

which less than \$100,000 is distributed for any fiscal year pursuant to subsection (c), the eligible county may elect to expend all such funds in accordance with subsection (d).

##### **SEC. 103. PAYMENTS TO COUNTIES FROM BUREAU OF LAND MANAGEMENT LANDS FOR USE TO BENEFIT PUBLIC SAFETY, LAW ENFORCEMENT, EDUCATION, AND OTHER PUBLIC PURPOSES.**

(a) **REQUIREMENT FOR PAYMENTS TO ELIGIBLE COUNTIES.**—The Secretary of the Treasury shall make to each eligible county that received a 50-percent payment during the eligibility period a payment in accordance with subsection (b) for each of fiscal year in fiscal year 2000. The payment for a fiscal year shall be made as soon as practicable after the end of that fiscal year.

(b) **PAYMENT AMOUNTS.**—Except as provided in subsection (c), the payments to an eligible county for a fiscal year shall consist of the 50-percent payment applicable to that county for that fiscal year as described in section 3(7).

(c) **ELECTION TO RECEIVE FULL PAYMENT AMOUNT.**—

(1) An eligible county may elect to receive the full payment amount, as described in sections 101(a)(2) and 101(b) in lieu of the payment described in subsection (b). The election shall be made at the discretion of the county. Once the election is made, it shall be effective for the fiscal year in which the election is made and all subsequent fiscal years.

(2) The payment to an eligible county under this subsection for a fiscal year shall be derived first from any revenues, fees, penalties, or miscellaneous receipts, exclusive of deposits to any relevant trust fund, or special accounts, received by the Federal Government from activities by the Bureau of Land Management on the Federal Lands described in subsection 3(1)(B) and/or secondly, as determined by the Secretary of the Treasury, from any funds in the Treasury not otherwise appropriated.

(d) **EXPENDITURE RULES FOR ELIGIBLE COUNTIES.**—

(1) **IN GENERAL.**—Of the funds to be distributed to an eligible county pursuant to subsection (d)—

(A) Not less than 80 percent but not more than 85 percent of the funds distributed to the eligible county shall be expended in the same manner in which the 50-percent payments are required to be expended; and

(B) At the election of an eligible county, the balance of the funds not expended pursuant to subparagraph (A) shall either be reserved for projects in accordance with title II, or remitted to the fund created by section 302(b).

(2) **DEPOSIT OF FUNDS IN SPECIAL ACCOUNT.**—Funds reserved by an eligible county under paragraph (1) shall be deposited in a special account in the Treasury of the United States and shall be available for expenditure by the Secretary of the Interior, without further appropriation, and shall remain available until expended in accordance with title II.

(3) **ELECTION.**—An eligible county shall notify the Secretary of the Interior of its election under this subsection not later than September 30 of each fiscal year under subsection (d). If the eligible county fails to make an election by that date, the county is deemed to have elected to expend 85 percent on the funds received under subsection (c) in the same manner in which the 50-percent payments are required to be expended and remitted the balance to the fund created by section 302(b).

#### **TITLE II—SPECIAL PROJECTS ON FEDERAL LANDS**

##### **SEC. 201. DEFINITIONS.**

In this title:

(1) **PARTICIPATING COUNTY.**—The term “participating county” means an eligible county that—

(A) receives Federal funds pursuant to section 102 or 103; and

(B) elects under sections 102(e)(3) or 103(d)(3) to expend a portion of those funds in accordance with sections 102(e)(1)(B) or 103(d)(3).

(2) **PROJECT FUNDS.**—The term “project funds” means all funds an eligible county elects under sections 102(e)(3) and 103(d)(3) to reserve for expenditure under sections 102(e)(1)(B) or 103(d)(2) for expenditure in accordance with this title.

(3) **RESOURCE ADVISORY COMMITTEE.**—The term “resource advisory committee” means an advisory committee established by the Secretary concerned under section 205, or determined by the Secretary concerned to meet the requirements of section 205.

(4) **RESOURCE MANAGEMENT PLAN.**—The term “resource management plan” means a land use plan prepared by the Bureau of Land Management for units of the Federal lands described in section 3(1)(B) pursuant to section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712) and a land and resource management plan prepared by the Forest Service for units of the National Forest System pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604).

(5) **SECRETARY CONCERNED.**—The term “Secretary concerned” means the Secretary of the Interior or his designee with respect to the Federal lands described in section 3(1)(B) and the Secretary of Agriculture or his designee with respect to the Federal lands described in section 3(1)(A).

**SEC. 202. GENERAL LIMITATION ON USE OF PROJECT FUNDS.**

Project funds shall be expended solely on projects that meet the requirements of this title. Project funds may be used by the Secretary concerned for the purpose of entering into and implementing cooperative agreements with willing Federal agencies, State and local governments, private and nonprofit entities, and landowners for protection, restoration and enhancement of fish and wildlife habitat, and other resource objectives consistent with the purposes of this title on public or private land or both that benefit these resources within the watershed.

**SEC. 203. SUBMISSION OF PROJECT PROPOSALS.**

(a) **SUBMISSION OF PROJECT PROPOSALS TO SECRETARY CONCERNED.**—

(1) **PROJECTS FUNDED USING PROJECT FUNDS.**—Not later than September 30 for fiscal year 2001, and each September 30 thereafter for each succeeding fiscal year, each resource advisory committee established under section 205 shall submit to the Secretary concerned a description of any projects that the resource advisory committee proposes the Secretary undertake using any project funds reserved.

(2) **PROJECTS FUNDED USING OTHER FUNDS.**—A resource advisory committee may submit to the Secretary concerned a description of any projects that the committee proposes the Secretary undertake using funds from State or local governments, from the private sector, or funds held by the Secretary concerned pursuant to section 302(b), other than project funds and funds appropriated and otherwise available to do similar work.

(3) **JOINT PROJECTS.**—Participating counties or other persons may propose to pool project funds or other funds, described in paragraph (2), and jointly propose a project or group of projects to a resource advisory committee established under section 205.

(b) **REQUIRED DESCRIPTION OF PROJECTS.**—In submitting proposed projects to the Secretary concerned under subsection (a), a resource advisory committee shall include in the description of each proposed project the following information:

(1) The purpose of the project and a description of how the project will meet the purposes of this Act.

(2) The anticipated duration of the project.

(3) The anticipated cost of the project.

(4) The proposed source of funding for the project, whether project funds or other funds.

(5) Expected outcomes, including how the project will meet or exceed desired ecological conditions, maintenance objectives, or stewardship objectives, as well as an estimation of the amount of any timber, forage, and other commodities and other economic activity, including jobs generated, if any, anticipated as part of the project.

(6) A detailed monitoring plan, including funding needs and sources, that tracks project effectiveness, implementation, and provides for validation monitoring. The monitoring plan shall include an assessment of the following: whether or not the project created local employment or training opportunities, including summer youth jobs programs such as the Youth Conservation Corps where appropriate; and whether the project improved the use of, or added value to, any products removed from lands consistent with the purposes of this Act.

(7) An assessment that the project is to be in the public interest.

(c) **AUTHORIZED PROJECTS.**—

(1) **IN GENERAL.**—Projects proposed under subsection (a) shall be consistent with section 2(b).

(2) **SEARCH, RESCUE, AND EMERGENCY SERVICES.**—Notwithstanding paragraph (1), a resource advisory committee may submit as a proposed project under subsection (a) a proposal that the participating county or sheriff's department receive reimbursement for search and rescue and other emergency services performed on Federal lands and paid for by the county. The source of funding for an approved project of this type must be the fund created by section 302(b).

(3) **COMMUNITY SERVICE WORK CAMPS.**—Notwithstanding paragraph (1), a resource advisory committee may submit as a proposed project under subsection (a) a proposal that the participating county receive reimbursement for all or part of the costs incurred by the county to pay the salaries and benefits of county employees who supervise adults or juveniles performing mandatory community service on Federal lands.

**SEC. 204. EVALUATION AND APPROVAL OF PROJECTS BY SECRETARY CONCERNED.**

(a) **CONDITIONS FOR APPROVAL OF PROPOSED PROJECT.**—The Secretary concerned may make a decision to approve a project submitted by a resource advisory committee under section 203 only if the proposed project satisfies each of the following conditions:

(1) The project complies with all applicable Federal laws and regulations.

(2) The project is consistent with the applicable resource management plan and with any watershed or subsequent plan developed pursuant to the resource management plan and approved by the Secretary concerned.

(3) The project has been approved by the resource advisory committee in accordance with section 205, including the procedures issued under subsection (e) of such section.

(4) A project description has been submitted by the resource advisory committee to the Secretary concerned in accordance with section 203.

(b) **ENVIRONMENTAL REVIEWS.**—

(1) **PAYMENT OF REVIEW COSTS.**—

(A) **REQUEST FOR PAYMENT BY COUNTY.**—The Secretary concerned may request the resource advisory committee submitting a proposed project to agree to the use of project funds to pay for any environmental review, consultation, or compliance with applicable environmental laws required in connection with the project. When such a payment is requested and the re-

source advisory committee agrees to the expenditure of funds for this purpose, the Secretary concerned shall conduct environmental review, consultation, or other compliance responsibilities in accordance with Federal law and regulations.

(B) **EFFECT OF REFUSAL TO PAY.**—If a resource advisory committee does not agree to the expenditure of funds under subparagraph (A), the project shall be deemed withdrawn from further consideration by the Secretary concerned pursuant to this title. Such a withdrawal shall be deemed to be a rejection of the project for purposes of section 207(c).

(c) **DECISIONS OF SECRETARY CONCERNED.**—

(1) **REJECTION OF PROJECTS.**—A decision by the Secretary concerned to reject a proposed project shall be at the Secretary's sole discretion. Notwithstanding any other provision of law, a decision by the Secretary concerned to reject a proposed project shall not be subject to administrative appeal or judicial review. Within 30 days after making the rejection decision, the Secretary concerned shall notify in writing the resource advisory committee that submitted the proposed project of the rejection and the reasons for rejection.

(2) **NOTICE OF PROJECT APPROVAL.**—The Secretary concerned shall publish in the Federal Register notice of each project approved under subsection (a) if such notice would be required had the project originated with the Secretary.

(d) **SOURCE AND CONDUCT OF PROJECT.**—Once the Secretary concerned accepts a project for review under section 204, it shall be deemed a Federal action for all purposes.

(e) **IMPLEMENTATION OF APPROVED PROJECTS.**—

(1) **COOPERATION.**—Notwithstanding chapter 63 of title 31, United States Code, the Secretary concerned may enter into contracts, grants, and cooperative agreements with States and local governments, private and nonprofit entities, and landowners and other persons to assist the Secretary in carrying out an approved project.

(2) **BEST VALUE CONTRACTING.**—For any project involving a contract authorized by paragraph (1) the Secretary concerned may elect a source for performance of the contract on a best value basis. The Secretary concerned shall determine best value based on such factors as:

(A) The technical demands and complexity of the work to be done.

(B) The ecological objectives of the project and the sensitivity of the resources being treated.

(C) The past experience by the contractor with the type of work being done, using the type of equipment proposed for the project, and meeting or exceeding desired ecological conditions.

(D) The commitment of the contractor to hiring highly qualified workers and local residents.

(3) **MERCHANTABLE MATERIALS SALES CONTRACTING PILOT PROJECTS.**—Until September 30, 2004, for a portion of the contracts issued under this paragraph, the Secretary concerned shall provide for the disposal of the forest products under a separate contract. Within one year of the completion of the contracts authorized under this paragraph, the Secretary shall report to the Committee on Energy and Natural Resources of the United States Senate and the Committee of Resources of the United States House of Representatives on the environmental and fiscal results of these projects.

**SEC. 205. RESOURCE ADVISORY COMMITTEES.**

(a) **ESTABLISHMENT AND PURPOSE OF RESOURCE ADVISORY COMMITTEES.**—

(1) **ESTABLISHMENT.**—The Secretary concerned shall establish and maintain a resource advisory committee to perform the duties in subsection (b), except as provided in paragraphs (3) and (4).

(2) **PURPOSE.**—The purpose of a resource advisory committee shall be to improve collaborative

relationships and to provide advice and recommendations to the land management agencies consistent with the purposes of this Act.

(3) **ACCESS TO RESOURCE ADVISORY COMMITTEES.**—To ensure that each unit of Federal land has access to a resource advisory committee, and that there is sufficient interest in participation on a committee to ensure that membership can be balanced in terms of the points of view represented and the functions to be performed, the Secretary concerned may, establish resource advisory committees for part of, or one or more, units of Federal lands.

(4) **EXISTING ADVISORY COMMITTEES.**—Existing advisory committees meeting the requirements of this section may be deemed by the Secretary concerned, as a resource advisory committee for the purposes of the title. The Secretary of the Interior may deem a resource advisory committee meeting the requirements of part 1780, subpart 1784 of title 43, Code of Federal Regulations, as a resource advisory committee for the purposes of this title.

(b) **DUTIES.**—A resource advisory committee shall—

(1) review projects proposed by participating counties and other persons;

(2) propose projects and funding to the Secretary concerned under section 203;

(3) provide early and continuous coordination with appropriate land management agency officials in recommending projects consistent with purposes of this Act; and

(4) provide frequent opportunities for citizens, organizations, Tribes, land management agencies, and other interested parties to participate openly and meaningfully, beginning at the early stages of the project development process.

(c) **APPOINTMENT BY THE SECRETARY.**—

(1) **APPOINTMENT AND TERM.**—The Secretary concerned, shall appoint the members of resource advisory committees for a term of 3 years beginning on the date of appointment. The Secretary concerned may reappoint members to subsequent 3-year terms.

(2) **BASIC REQUIREMENTS.**—The Secretary concerned shall ensure that each resource advisory committee established meets the requirements of subsection (d).

(3) **INITIAL APPOINTMENT.**—The Secretary concerned shall make initial appointments to the resource advisory committees not later than 180 days after the date of the enactment of this Act.

(4) **VACANCIES.**—The Secretary concerned shall make appointments to fill vacancies on any resource advisory committee as soon as practicable after the vacancy has occurred.

(5) **COMPENSATION.**—Members of the resource advisory committees shall not receive any compensation.

(d) **COMPOSITION OF ADVISORY COMMITTEE.**—

(1) **NUMBER.**—Each resource advisory committee shall be comprised of 15 members.

(2) **COMMUNITY INTERESTS REPRESENTED.**—Committee members shall be representative of the interests of the following categories:

(A) 5 persons who—

(i) represent organized labor;

(ii) represent developed outdoor recreation, off highway vehicle users, or commercial recreation activities;

(iii) represent energy and mineral development interests;

(iv) represent the commercial timber industry; or

(v) hold Federal grazing permits, or other land use permits within the area for which the committee is organized.

(B) 5 persons representing—

(i) nationally recognized environmental organizations;

(ii) regionally or locally recognized environmental organizations;

(iii) dispersed recreational activities;

(iv) archeological and historical interests; or

(v) nationally or regionally recognized wild horse and burro interest groups.

(C) 5 persons who—

(i) hold state elected office or their designee;

(ii) hold county or local elected office;

(iii) represent American Indian tribes within or adjacent to the area for which the committee is organized;

(iv) are school officials or teachers; or

(v) represent the affected public at large.

(3) **BALANCED REPRESENTATION.**—In appointing committee members from the three categories in paragraph (2), the Secretary concerned shall provide for balanced and broad representation from within each category.

(4) **GEOGRAPHIC DISTRIBUTION.**—The members of a resource advisory committee shall reside within the State in which the committee has geographic jurisdiction.

(5) **CHAIRPERSON.**—A majority on each resource advisory committee shall select the chairperson of the committee.

(e) **APPROVAL PROCEDURES.**—

(1) Subject to paragraph (2), each resource advisory committee shall establish procedures for defining a quorum and proposing projects to the Secretary concerned. A quorum must be present to constitute an official meeting of the committee.

(2) A project may be proposed by a resource advisory committee to the Secretary concerned under section 203(a) if it has been approved by a majority of members of the committee from each of the three categories in subsection (c)(2).

(f) **OTHER COMMITTEE AUTHORITIES AND REQUIREMENTS.**—

(1) **STAFF ASSISTANCE.**—A resource advisory committee may submit to the Secretary concerned a request for periodic staff assistance from Federal employees under the jurisdiction of the Secretary.

(2) **MEETINGS.**—All meetings of a resource advisory committee shall be announced at least one week in advance in a local newspaper of record and shall be open to the public.

(3) **RECORDS.**—A resource advisory committee shall maintain records of the meetings of the committee and make the records available for public inspection.

**SEC. 206. USE OF PROJECT FUNDS.**

(a) **AGREEMENT REGARDING SCHEDULE AND COST OF PROJECT.**—

(1) **AGREEMENT BETWEEN PARTIES.**—The Secretary concerned may carry out a project submitted by a resource advisory committee under section 203(a) using project funds or other funds described in section 203(a)(2), if, as soon as practicable after the issuance of a decision document for the project and the exhaustion of all administrative appeals and judicial review of the project decision, the Secretary concerned and the resource advisory committee enter into an agreement addressing, at a minimum, the following:

(A) The schedule for completing the project.

(B) The total cost of the project, including the level of agency overhead to be assessed against the project.

(C) For a multi-year project, the estimated cost of the project for each of the fiscal years in which it will be carried out.

(D) The remedies for failure of the Secretary concerned to comply with the terms of the agreement consistent with current Federal law.

(2) **LIMITED USE OF FEDERAL FUNDS.**—The Secretary concerned may decide, at the Secretary's sole discretion, to cover the costs of a portion of an approved project using Federal funds appropriated or otherwise available to the Secretary for the same purposes as the project.

(b) **TRANSFER OF PROJECT FUNDS.**—

(1) **INITIAL TRANSFER REQUIRED.**—As soon as practicable after the agreement is reached under

subsection (a) with regard to a project to be funded in whole or in part using project funds, or other funds described in section 203(a)(2), the Secretary concerned shall transfer to the applicable unit of National Forest System lands or BLM District an amount of project funds equal to—

(A) in the case of a project to be completed in a single fiscal year, the total amount specified in the agreement to be paid using project funds, or other funds described in section 203(a)(2); or

(B) in the case of a multi-year project, the amount specified in the agreement to be paid using project funds, or other funds described in section 203(a)(2) for the first fiscal year.

(2) **CONDITION ON PROJECT COMMENCEMENT.**—The unit of National Forest System lands or BLM District concerned, shall not commence a project until the project funds, or other funds described in section 203(a)(2) required to be transferred under paragraph (1) for the project, have been made available by the Secretary concerned.

(3) **SUBSEQUENT TRANSFERS FOR MULTI-YEAR PROJECTS.**—For the second and subsequent fiscal years of a multi-year project to be funded in whole or in part using project funds, the unit of National Forest System lands or BLM District concerned shall use the amount of project funds required to continue the project in that fiscal year according to the agreement entered into under subsection (a). The Secretary concerned shall suspend work on the project if the project funds required by the agreement in the second and subsequent years fiscal years are not available.

**SEC. 207. AVAILABILITY OF PROJECT FUNDS.**

(a) **SUBMISSION OF PROPOSED PROJECTS TO OBLIGATE FUNDS.**—By the end of each fiscal year, a resource advisory committee shall submit to the Secretary concerned pursuant to section 203(a)(1) a sufficient number of project proposals that, if approved, would result in the obligation of at least the full amount of the project funds reserved by the participating county in the preceding fiscal year.

(b) **USE OR TRANSFER OF UNOBLIGATED FUNDS.**—

(1) If a resource advisory committee fails to comply with subsection (a) for a fiscal year, any project funds reserved by the participating county in the preceding fiscal year and remaining unobligated shall be available for use as part of the project submissions in the next fiscal year.

(2) Any funds not used because a county fails to elect under section 102(e)(3) or section 103(d)(3) to expend monies for local projects shall be remitted to the fund created by section 302(b).

(c) **EFFECT OF REJECTION OF PROJECTS.**—Any project funds reserved by a participating county in the preceding fiscal year that are unobligated at the end of a fiscal year because the Secretary concerned has rejected one or more proposed projects shall be available for use as part of the project submissions in the next fiscal year.

(d) **EFFECT OF COURT ORDERS.**—If an approved project is enjoined or prohibited by a Federal court under this Act, the Secretary concerned shall use unobligated project funds related to that project in the participating county or counties that reserved the funds. The returned funds shall be available for the county to expend in the same manner as the funds reserved by the county under section 102(e)(1)(B) or 103(d)(1)(B), whichever applies to the funds involved.

**TITLE III—MISCELLANEOUS PROVISIONS**

**SEC. 301. AUTHORIZATION OF APPROPRIATIONS.**

There are hereby authorized to be appropriated such sums as are necessary to carry out this Act for fiscal years 2001 through 2007.

**SEC. 302. TREATMENT OF FUNDS AND REVENUES.**

(a) Funds appropriated pursuant to the authorization of appropriations in section 301 and funds made available to a Secretary concerned under section 206 shall be in addition to any other annual appropriations for the Forest Service and the Bureau of Land Management.

(b) Any and all revenues generated from projects pursuant to title II, any funds remitted by counties pursuant to section 102(e)(1)(B) or section 103(d)(1)(B), and any interest accrued from any such funds shall be deposited and retained without further appropriation in a national fund and available to the Secretary concerned to fund projects authorized pursuant to section 203. The Secretary concerned shall prioritize expenditures from this fund and shall identify, in an annual report to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives, all projects receiving funds pursuant to this subsection.

**SEC. 303. REGULATIONS.**

The Secretaries concerned may jointly issue regulations to carry out the purposes of this Act.

**SEC. 304. CONFORMING AMENDMENTS.**

Section 13982 of the Omnibus Budget Reconciliation Act of 1993 (116 U.S.C. 500 note) is repealed. Sections 13982 and 13983 of the Omnibus Budget Reconciliation Act of 1993 (Public Law 103-66; 16 U.S.C. 500 note; 43 U.S.C. 1181f note) is repealed.

Mr. CRAIG. Mr. President, S. 1608, the Secure Rural Schools and Community Self-Determination Act of 1999, solves a severe crisis in America's rural, forest counties driven by the precipitous decline in federal timber receipts over the last decade. The bill provides vital payments to schools and counties, while providing option to direct a portion of the payments to the development of local projects to address the needs of our families and forests.

S. 1608 provides equity and increased educational opportunities for rural school children. States that are dominated by federally owned lands are facing a dual economic and educational crisis.

Our nation contains almost 800 forest counties; 2,000 forest school districts; 600,000 rural families, and more than 4 million school children who depend upon rural public schools for their education. These children deserve the same educational opportunities as their counterparts in urban areas.

Mosr urban areas across America witnessed unprecedented prosperity throughout the 1990s. However, in our rural forest counties, the decade has been a one-way slide toward poverty, unemployment, and a lower standard of living for communities, families and children.

And it is our children who have borne the brunt of the harm. Rural children have been faced with:

School closings; school days and weeks shortened; class sizes increased due to teacher layoffs; classroom aides eliminated; counseling, nursing, and psychological services cut or eliminated; music, art, athletic, and aca-

demic enrichment programs eliminated; and student transportation services and winter road maintenance scaled back or eliminated.

The bill's guaranteed payments will provide critical resources for our children. It will allow our teachers to once again provide them with a quality education.

In crafting S. 1608, Senator WYDEN and I were assisted by local community representatives who work, live, and represent thousands of rural citizens. The bill is supported by a unique coalition of more than 1000 organizations across 50 states including county officials, educators, teachers unions, labor unions, and local businesses. This bill is truly a community-based solution to a national crisis. It is very, very rare indeed, to bring a bill to the Senate floor that enjoys the breadth of support represented by the groups in favor of S. 1608.

S. 1608 also provides funds to invest in collaborative improvement projects to address high priority forest management needs such as: infrastructure improvement, fuel and fire reduction, ecosystem restoration, stewardship projects and watershed protection and restoration. In addition, these cooperative county projects will contribute to local community economic self-sufficiency and family social stability. As reported, S. 1608 is a win-win solution for all of rural America; our school children, our educators, our working families, our counties, and our forestlands.

Mr. WYDEN. Mr. President, many folks in rural Oregon and other parts of rural America believe the Federal Government has abandoned them. They think Washington, D.C. has reneged on a decades-long commitment to support their schools and roads with revenue from timber harvested on Federal lands. People in timber-dependent rural America think they are being left behind to live in economic sacrifice zones.

Policy changes in Washington, DC., affecting logging on national forest across this country have caused timber receipts to fall an average of 70 percent over the last 15 years, and by as much as 90 percent in some areas. As timber receipts disappeared, roads fell deeper into disrepair, school programs were cut to the bone, and some schools even had to close their doors at least 1 day a week. Our fellow citizens who live in rural America should not be just an afterthought in our warp-speed world. The legislation before us, the Secure Rural Schools and Community Self-Determination Act, will renew the compact with timber-dependent communities without compromising our commitment to environmentally sound stewardship of our forests. It will give people in rural counties the financial predictability they need to step into the 21st century.

Since 1908, people in rural counties across this country have lived by a compact with the Federal Government. As compensation for paying no property taxes, the Federal Government would give the counties a quarter of the timber revenue. For decades, this arrangement provide adequate funds to sustain schools, roads and other basic county services, like emergency rescue. But when timber harvests began to drop off and timber jobs were lost, little effort was made to help offset the shortfall, and citizens in rural counties felt betrayed by the government in Washington, DC. We are not talking about a few isolated communities in remote areas of America. Timber-dependent communities are found in 709 counties in 42 states. Some 800,000 school children and millions of people live in these counties. Thirty-one of 36 counties in my State of Oregon receive timber payments. Counties in the western part of Oregon have been able to survive because of Spotted Owl safety net payments, but no such safety net exists for those in eastern Oregon. There, Grant County, has lost 90 percent of its timber receipts, from more than \$12 million down to \$1 million, and the county has turned to such cost-cutting measures as a 4-day school week.

Under this legislation, Oregon counties will get a total of \$261 million a year—an increase of \$115 million, or 79 percent. Of the \$261 million, \$222 million would be available for schools and roads and \$39 million will remain for the counties either to invest in their backyard national forests or in forest-related county services.

The purpose of S. 1608 is to help rural communities adapt to changing national forest management policies by creating a funding formula alternative to timber receipts. The legislation will ensure that the future relationship between the people living in the 709 affected rural counties and the Federal Government does not depend on how many trees are cut. Rural communities will be connected to Federal lands through stewardship projects, maintenance of existing forest infrastructure, ecosystem restoration and improvement of land and water quality. Counties will choose how to spend the Federal payment, and projects will be developed by broad-based groups of local citizens. Collaboration with Federal land managers will help ensure projects comply with all existing environmental laws and regulations. The legislation would restore stability to the 25 percent payments compact by ensuring a predictable payment level to forest communities for six years. The amount going toward schools and roads would represent 80-85 percent of the three-year average of the highest payment years from 1985 to the present. Unlike today's system, a county will receive its payment from the general Treasury, regardless of whether a single tree is cut from national forests.

Counties will decide for themselves how to invest the remaining 15-to-20 percent of the average amount described above for projects recommended by local community advisory committees if those projects are approved by the appropriate Federal land management agency. Although locally-conceived, every project must comply with all environmental laws and regulations, as well as all applicable forest plans. Counties might also opt to pursue projects related to the forest—rather than in the forest—through Title III. These projects might include fire prevention, the purchase of easements or forest-related afterschool programs. In addition, each project must—and I quote from the bill here—“improve the maintenance of existing infrastructure, implement stewardship objectives that enhance forest ecosystems, and restore and improve land health and water quality” on the national forests.

County choice is critical to the bill. Counties that opt not to join the program—such as those anticipating higher timber receipts in the immediate future—will continue to receive payments based on the existing formula, and they also have the option of joining the program two years down the road. Counties that opt to join the program will get stable payments based on a new formula.

There is no doubt about it. This legislation will change the traditional dynamic between logging and Federal payments to schools and counties. But altering the link between timber harvest and county payments does not mean we seek to sever the ties between people and land. S. 1608 will strengthen the bond between communities and neighboring Federal forests. The projects that would be authorized by S. 1608 are a way for the Federal government to recognize—without relaxing or compromising our environmental commitments—that timber towns grow not just trees, but people, too.

When this debate began, the issues were highly polarized. On the one side were those who would punish the Forest Service for not cutting enough trees; on the other were those who, unintentionally, would punish our rural communities and school children by not providing them the funding they so desperately need. After listening to both sides and after many long discussions, Senator CRAIG and I rejected the extremes and sought out a middle path that would break the gridlock. The legislation we bring to the Senate will establish a foundation to move rural communities beyond this time of crisis, and, with the forest ecosystem restoration projects, put them on a path toward sustainability in this new century.

One of my goals for this legislation was to assure the counties have as much choice as possible, and I believe

this goal has been met. As I said earlier, first, counties can choose whether they would like to be part of this program and receive a stable payment. If they choose not to be part of the program, they may revisit this decision every 2 years. Second, a county that chooses to be part of the program and receive stable payments must decide the type of projects they want to invest in: projects in the forest, like stream and watershed restoration; or projects related to the forests, such as wildfire prevention or afterschool programs for their children. Also, a county can opt simply to have the money sent back to the U.S. Treasury without pursuing projects. Finally, these choices may be revisited every year.

The ecological health of the forests is a key to survival for many of these communities, making forest restoration a cornerstone of the bill. Counties have choices as to how and how much they receive so they are able to determine the best allocation of funds: whether to support forest health, job creation, ecosystem restoration or a combination of these. Whatever the choice, it is an investment in both the future of the forest and the community. This legislation is the product of many months of painstaking work. Since the beginning, it has been a bipartisan effort. The Energy and Natural Resources Committee reported the legislation by voice vote last April, and through negotiations with many other interested Senators, we have a managers' amendment that represents a further refinement of the bill.

I particularly want to thank Senators CRAIG and BINGAMAN, the Chair and ranking member of the Energy Committee. Without their dedication and willingness to put long hours into this effort, we would not have such a solid piece of legislation. I would also like to make special note of the help of Senator BAUCUS in crafting Title III and bringing a strong focus on wildfire prevention. I would also like to acknowledge the work of the staff on S. 1608. In particular, Jose Kardon, my chief of staff, and Sarah Bittleman, my Natural Resources counsel, have done yeoman's work on this legislation. Carole Grunberg, my legislative director, and Jeff Gagne, my Education advisor, also contributed to the effort. Special thanks also goes to Mark Rey of the Energy Committee staff, whose steady hand and creativity helped resolve so many problems successfully; to Bob Simon and Kira Finkler, of the Energy Committee Democratic staff; and to Brian Kuehl with Senator BAUCUS and Sara Barth with Senator BOXER.

S. 1608 is supported by thousands of groups, hundreds of counties, labor organizations and school groups including the National Education Association, National Association of Counties, the American Federation of State, County and Municipal Employees, as well as the AFL-CIO.

I urge my colleagues to support this legislation.

AMENDMENT NO. 4139

Mr. CRAIG. Mr. President, there is a substitute amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Idaho [Mr. CRAIG], for himself and Mr. WYDEN, proposes an amendment numbered 4139.

Mr. CRAIG. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. CRAIG. Mr. President, in conjunction with the administration, and the members of the Budget Committee, we have made a series of technical changes to S. 1608 as it was reported by the committee. These changes are designed to: (1) respond to the concerns of some members with the bill as reported; (2) address some additional issues raised by the Administration; (3) rectify technical problems with the bill; as well as (4) bring the bill's costs in line with the amount provided in fiscal year 2001 budget resolution. Let me briefly describe the most important changes for the benefit of the Senate. We have modified the formula used to calculate the "full payment amount" to which states are entitled from the Forest Service under this bill. Rather than having this payment calculated on the average of the three highest 25 percent payments for each eligible county within each state, the calculations will be based upon the average of the three highest 25 percent payments for each state during the fiscal years of the eligible years period. We also reduced the annual adjustment for inflation. These changes will reduce the cost of the bill as estimated by the Congressional Budget Office from \$1.46 billion over a 5-year period to around \$1.1 billion over the same period.

In section 102(a) and section 103(a), we clarify that the duration of the bill will be fiscal year 2001 through fiscal year 2006. It is the manager's intent that this bill be sunsetted after six years. This language, and new language in section 209 and section 303 added by the manager's amendment emphasizes this for the purpose of clarity. We made a minor change to clarify that eligible counties that receive less than \$100,000 in payments for fiscal year 2001 may elect to expend all of this money for schools and roads, whether or not the payment increases slightly in out-years as a result of the inflation adjustment. This change will assist counties with small revenue distributions.

In section 202, we clarify that projects funded under this bill can be

conducted on public or private lands as long as there is a benefit to federally managed resources. The committee bill was not sufficiently precise in this regard. In section 203(b)(6), we added language to more fully describe the kind of monitoring plans that we would like to see associated with projects approved under the bill. In section 204(e)(3), we elected to put some quantitative targets on the pilot projects that the bill authorizes for merchantable materials, with an out-year adjustment based upon the results of a GAO audit. We are hopeful that the administration will move aggressively to implement this pilot project, and report on its progress promptly and thoroughly to Congress. In section 401, we clarified that the bill authorizes appropriations for fiscal year 2001 through 2006. This is to emphasize that this is a six-year bill.

In section 402(b), we specify that any revenues generated by projected funded by monies authorized under this bill should be returned to the Treasury, except in the single case where a project is jointly funded by both project and non-federal revenues. The portion of revenues associated with funds provided by this bill would be retained by the appropriate Secretary. The proportion of revenues associated with funds provided by non-federal sources would be shared with those sources. This change is designed to address the concern that allowing revenues generated by projects to be retained by federal agencies would create an unwelcome incentive to focus exclusively on revenue-generating projects. Our amendment addresses this concern in an equitable fashion.

With regard to the projects funded under this bill, we added language in section 204 to assure that projects will improve the maintenance of existing infrastructure, implement stewardship objectives that enhance forest ecosystems, or restore and improve land health and water quality. We also specify that fifty percent of the project money shall be used for projects that involve road maintenance or obliteration, or the restoration of streams and watersheds. These changes are designed to encourage the development of projects that foster resource stewardship. To provide the counties that elect to participate in projects a wider range of choices, we have added a title III to the bill. Under the provisions of title III, counties may choose to invest their project money in a list of authorized uses including: (1) search, rescue, and emergency services; (2) community service work camps; (3) easement purchases from willing sellers to provide access to public lands; (4) forest related educational programs; (5) local fire prevention and fire risk reduction planning activities; and (6) community forestry projects. These projects would still be developed and recommended

through the local resource advisory committees established in title II of the bill. They will function much as they do in title II, except that the projects will not require the approval of the Secretary, as would title II projects. Also, under the specific terms of section 102(d)(1)(B) and section 102(c)(1)(B) counties could split their project funds between titles II and III as they choose.

We have also added a new title V to the bill to remedy a serious problem caused by the Omnibus Budget Reconciliation Act of 1993 involving the sharing with the states of onshore mineral revenues and revenues from geothermal steam. Prior to the 1993 act the federal government and the states split these revenues on a fifty-fifty basis. The 1993 act requires that the federal government deduct its previous years expenses for administering these programs from the receipts before the fifty-fifty split is made. This requirement has proven very difficult to implement due to general sloppiness of federal accounting systems. The federal agencies and the states have become involved in numerous disputes over the federal government's calculation of its administrative expenses. In light of these problems, with the advice and the assistance of Senators DOMENICI and BINGAMAN, we propose to return to the pre-1993 system of calculating shared receipts.

Finally, we have added a conforming amendment in section 4 of the bill. This amendment specifies that payments required by this bill would be included in the calculation of the payment in lieu of taxes (PILT) payments that each state receives. This change will result in payments under this act being treated in the same fashion as other natural resource payments to the states.

I appreciate the cooperation of several of my colleagues in developing the changes that went into the manager's amendment. I particularly want to thank Senator DOMENICI and Senator BINGAMAN and their staffs for their assistance in putting together the manager's amendment. The bill is a much better product because of their contribution.

Mr. MURKOWSKI. Mr. President, I rise today to support passage of S. 1608, the Secure Rural Schools and Community Self-Determination Act of 2000.

This bill will restore the financial and resource management links between the rural communities of America and our natural resource agencies.

The precipitous drop in financial support for education and infrastructure needs of our rural counties will be restored by S. 1608.

These payments will now be steady and reliable. This bill also reverses the inward turning, and belt-way centered, thinking of resource managers by creating collaborative processes for nat-

ural resources management in our rural communities.

S. 1608 will provide rural communities and their public lands managers the opportunity to work together to improve the ecosystems by investing in the public lands.

I would like to express my appreciation for the months of work that have been put in on this bill by my fellow members of the Energy Committee: Senator CRAIG and Senator WYDEN.

Bringing this bill to the floor today is the result of countless hours of briefings, dialog and negotiation with Senator CRAIG, Senator WYDEN, their staff, the National Forest County & Schools Coalition, and all the other groups that have expended time and effort to assure that the educational needs of the kids in rural communities would not be neglected.

I would also like to express my appreciation to the Forest Service, Department of Agriculture, and others in the Administration who have been helpful in coming to the final product we see here today.

In closing I thank all those who have contributed to crafting S. 1608 for their hard work.

I urge my colleagues to vote for this bill.

And finally I look forward to the federal government reestablishing its support to the rural communities of this country so that they can maintain their school systems and provide other needed county services.

Mr. SMITH of Oregon. Mr. President, I am pleased to speak to the Senate today in strong support of S. 1608, the Secure Rural Schools and Community Self-determination Act of 2000. As an original co-sponsor of this legislation, I commend Senator CRAIG and Senator WYDEN for their leadership in crafting a bill which brings all sides of the issue together. I want to take a minute to salute Oregon's county commissioners, who kept this issue on top of their priority list, and who made frequent trips to meetings in Oregon and here in Washington, D.C. to make sure this legislation moved forward. Oregon is a remarkably diverse state, but as I have traveled throughout Oregon, I hear the same thing in each of our 36 counties—and that's the fact that passage of S. 1608 is their number one priority. I also want to thank President Clinton for his statement that he will sign this legislation when it reaches his desk.

S. 1608 re-establishes the federal government's compact with rural communities—one that dates back to the early days of settlement in the West—while providing much needed funding for environmentally sound, locally developed projects to restore the health of federal watersheds and forests. Perhaps more importantly, this bill will ensure that the federal government provides fair compensation to local governments so that they in turn will

be able to meet their communities' needs for schools and roads. I want to make sure my colleagues understand why this legislation is needed, and how the counties in my State, as well as nearly 800 other rural counties in 41 other States, will suffer if we do not pass S. 1608 today.

Nearly a century ago, the "forest reserves", precursors of our national forests, were transferred from the Department of the Interior to the Department of Agriculture. At that time, the Congress understood that placing these forest reserves in the federal government's trust would have very negative effects on the property taxes local governments and local school systems could collect. To remedy this, Congress passed a law in 1908 to share 25 percent of the Forest Service's gross receipts with the counties to partially compensate the counties for the lost taxes. In addition, Congress designated these funds to be spent on schools and county roads. Having directed the Forest Service to pay very close attention to the needs of the local citizens and industries in the "1905 Transfer Act," coupled with the passage of the "1908 25 Percent Payment Act," Congress had developed a fair and workable compact with rural communities and counties. It was a compact that worked very well for nearly 90 years.

Over the last ten years, however, as federal timber sales have declined by nearly 70 percent across the nation, rural counties in many states began to see serious short-falls in their annual 25 percent payments. In Oregon, where federal timber sales have declined by an even greater margin, these short-falls have been truly devastating for local governments.

As Federal lands have increasingly been declared "off limits" in recent years, rural communities have worked hard to diversify their economies. While tourism has flourished in certain pockets, to this point it has not been a substitute for the family wage jobs the timber industry once offered. Ultimately, there is only so much that local governments can do when 70 percent, 80 percent, or even more, of the land is tied up in federal holdings. The fact that local governments are no longer being adequately compensated for federal land ownership only adds to the burdens of rural communities trying to bring in new industries, provide education and health services, and bridge the digital divide. This is what we are trying to address with S. 1608.

Lane County, Oregon, for example, has seen receipts from federal lands shrink by 65 percent over the last ten years. This has created a gaping \$7 million hole in the resources the County uses to provide families with basic needs, including public health and safety services, strong education systems, and safe roads and highways. If S. 1608 is not passed, Lane County faces the

prospect of slashing its public works engineering staff by 50 percent, leaving roads and bridges threatened with disrepair.

Perhaps Grant County in eastern Oregon makes an even more compelling case for the passage of S. 1608. There, the local government has been forced to cut back to four day school weeks to make up for the shortfall in 25 percent payments. It is outrageous that the educational opportunities for children in rural areas of this country are being put in jeopardy by the decline of federal timber receipts.

Throughout my state and in communities in many other states with forest counties, sports and extra curricular activities have been dropped, and special programs for gifted and talented students have been sharply cut back. These communities have been forced to make heart-breaking decisions over whether to cut back social service programs or school funding, or to sharply reduce sheriffs' patrols and close jails, or to cut out all extra curricular activities at their schools. We have an opportunity today to answer the call of rural America by passing this legislation and show our support for education and rural communities. The vote we cast today is not just a vote for or against legislation, it is a vote for or against the future of rural schools, roads, and children.

Now let me turn briefly to the objections raised by some in the environmental community regarding the resource projects authorized by this bill. Apparently, the special interest groups that oppose S. 1608 over this issue would prefer that the historic relationship between the local community and the management of their neighboring federal lands be severed completely. Of course, if we were to sever the long-standing relationship between federal lands and the communities that host them, these same special interest groups would merely have to hold sway over the land management bureaucracy in Washington or the federal courts, never having to face the people most affected by their policies.

Some of these groups have gone so far as to run slick attack ads against my colleague from Oregon, Senator WYDEN, implying that the resource projects authorized by S. 1608 would open the door to clearcutting on our national forests. Colleagues, please don't be fooled by the Washington tactics being employed by the national environmental interest groups in opposition to S. 1608. This bill makes clear that these projects must be in compliance with federal environmental protection laws and that they must be formulated by a Resource Advisory Committee made up of interested stakeholders, including environmentalists.

S. 1608 is supported by the National Forest Counties and Schools Coalition, a coalition of educators, county gov-

ernmental officials, private companies, and many of the unions who represent people who live, work, and teach in or near our federal forests. It is a Coalition of over 1,000 organizations that represents over 25 million people. In supporting S. 1608, I am choosing to stand with those 25 million people, to stand with thousands of rural communities in States stretching across America.

In closing, Mr. President, I ask my colleagues to put themselves in the position of a local government official from a small town in a county dominated by federal forest lands. We have many of them in my state. Towns like John Day, Oakridge, and Riddle. Perhaps you have counties with towns like these in your state. Imagine that your major resource-based industries have largely been shut down by various federal actions over the last decade. Too many of the young people are having to move away to find jobs. As a local government leader you try and build up your community and yet you find—because your community is surrounded by federal lands—that you often can't expand the land under development to bring in new industry, you often can't build roads or recreation sites to bring in more tourism, nor can you tax federal forest lands to help pay for the kind of infrastructure or human resources you need to attract high tech companies to your area. What would you do? How would you try and turn around the local economy with the federal government turning a blind eye to the economic consequences of its actions? That is what we are trying to remedy today.

Shutting down our public lands in the name of the public good comes with a price—and it should not be rural America alone that has to pay it. It is long past time the federal government lived up to its financial obligation to these rural communities. A vote for S. 1608 is a step toward that end. I thank my colleagues for joining us in this effort today.

Mr. BAUCUS. Mr. President, I rise in support of Senate bill 1608, the Secure Rural Schools and Community Self-Determination Act of 2000. I would like to begin my comments today by drawing attention to the determined efforts of my friend and colleague from Oregon, Senator RON WYDEN, on behalf of rural counties. Senator WYDEN has worked tirelessly to ensure that counties with federal lands get a fair deal. He has not been alone in his efforts. Senator CRAIG from Idaho has been a vocal champion of this legislation. And many other senators, notably Senator BOXER of California, have offered constructive input that has greatly improved the legislation now before us.

As we all know, counties containing large amounts of public lands are not able to raise sufficient revenues from taxes since the federal government is

not required to pay state or local taxes. Montana has one of the highest percentages of federally owned land of any state. This has a very significant impact on the tax base of our counties, and they have suffered because of it. As revenues from our national forests have decreased, so too have the payments to counties. Fortunately, Senator WYDEN stepped in with a creative solution that ensures that counties have the option to receive much more steady funding. S. 1608 recognizes both the value of these public lands and the needs of the affected counties. It is a wise compromise which allows counties the freedom to choose the plan that best serves their needs.

Mr. President, I would like to say just a few comments about title III of S. 1608. I felt that it was very important that counties have flexibility, not only in how their funding is determined but also in how it is spent. This is why I proposed title III of this bill, and I am very pleased that the sponsors of the bill have accepted it.

Under this bill, each year counties may spend 15–20 percent of their funding on either title II projects or on title III projects. As originally drafted, S. 1608 focused primarily on activities occurring on federal lands. Title III was an effort to give counties the option to focus on activities that are not necessarily “on” federal lands, but that clearly relate to federal lands.

First, under title III, counties may use the funds as reimbursement for search, rescue and emergency services, including fire fighting performed on federal lands and paid for by the county. Mr. President, after the ravages of the recent fires in Montana, many of which are still burning, it is abundantly clear that counties desperately need this funding for both fire prevention and fire fighting. Counties that are stretching to make ends meet for basic services, such as road building and funding schools, simply can't afford to suddenly incur the massive costs associated with fighting wildfires.

I can't impress upon you enough the catastrophic impact that this summer's fires have had upon my state. The fires have raged out of control on our federal lands, such as the fire picture here (in the Beaverhead-Deerlodge National Forest which covered nearly 85,000 acres and has not yet been contained. Cities have spent weeks under a cloud of smoke, as you can see in this photo of Helena. People, houses, and wildlife have all been threatened, and it is thanks only to the heroic efforts of our firefighters that so few lives and structures have been lost. I was honored to spend some time with these courageous individuals, and I can tell you, you have never met a more hard-working, determined crowd of folks. We owe them a heartfelt thank you, and I would like to express my personal

gratitude for everything they have done.

The process of rehabilitation and clean-up has only begun, and the work we do now will be critical to ensuring the full recovery of our lands and our communities. For all of these reasons, I am very pleased that we were able to change this bill to make sure that counties in Montana and across the West could get much-needed funds for firefighting and related efforts this year and in future years.

It has also become clear that we need to do more to prevent danger from fires before they start. I've heard from many counties in Montana who have said that they could prevent loss of life and property if they had funding available to educate new homebuilders about where to build or not build their houses to reduce their exposure to wildfires and to make sure that emergency equipment can get to their homes. Homeowners need to know that a house built in the woods, especially if trees are not cleared away from the building, as shown, will be very difficult to save from fires. If the right materials are used in construction, however, homes can be made much less vulnerable. Under title III, counties will have the funding to do this kind of education. They will also be able to fund county planning efforts to increase the protection of people and property from wildfires.

Some of you may be under the mistaken impression that the entire state of Montana was on fire this summer, but let me assure you—the fires have not destroyed the beauty and value of our public lands. Under title III, counties can use funds to acquire easements to provide for nonmotorized access to public lands for hunting, fishing and other recreational purposes and to acquire conservation easements. These options are very important in states like Montana where growth is gradually shutting off access to public lands and eliminating important fish and wildlife habitat. These provisions will give counties the tools to make sure that we are able to pass the West's outdoor heritage on to our children and grandchildren.

This photo here is of Eric and Brittany Sharpe, children of Terry and Craig Sharpe of Helena. Eric and Brittany's dad is the head of the Montana Wildlife Federation, an organization that works non-stop to try to make sure that our children will be able to enjoy Montana's great fish and wildlife resource just as we do today.

Mr. President, let us never lose sight of the real reason we do the work we do. Let us never lose sight of the children or ever forget for even a moment that we have a moral obligation to pass this place on to them in as good a shape or better than we found it.

Finally, counties may also use funds to establish and conduct forest-related

after school programs. Mr. President, the Washington Post recently reported that 20 percent of all children in America are left unattended after school. In Montana, which has one of the highest incidents of parents having to work multiple jobs just to make ends meet, this number may be even higher. What is clear is that children are less likely to get into trouble, less likely to commit acts of violence, if they are involved in after school programs. In my mind, this provision gives us a tremendous opportunity to work with our most precious asset—the youth—and to give them opportunities to learn about our forests and to gain hands-on experience in working on matters relating to our forests.

I was very pleased to be able to add these important options to a bill that is critically needed to ensure the fair treatment of our rural counties. I urge my colleagues in the Senate to acknowledge the vital importance of these efforts and to give this bill, and the rural counties of America, their full support.

Mr. President, before I close, I want to take a moment to elaborate on two issues that were addressed in a colloquy between myself, Senator WYDEN and Senator BOXER.

First is the question of whether a county can choose to allocate funds to both title II and title III in the same year. As should be clear from that colloquy, the bill has been drafted so that counties may choose to send their funds to either title II or title III in any given year, but not to both.

Mr. President, I submit for the RECORD a legal memorandum from Janet A. Poling, Associate General Counsel for the U.S. Forest Service, which reaches the same conclusion about the effect of the language in S. 1608 as modified by the managers amendment. I ask unanimous consent that a copy of this legal memorandum be printed in the RECORD following this statement.

Second is the question of the role of the Resource Advisory Committees in administering funds that a county wishes to expend under title III. As should be abundantly clear from the language of S. 1608 as amended and from the colloquy between myself, Senator WYDEN and Senator BOXER, the Resource Advisory Committees are intended to have only an advisory role on projects under title III. In short, counties are to have full discretion to spend title III funds for the purposes enumerated under title III without any restrictions or limitations placed upon them by the Resource Advisory Committees.

Mr. President, a second legal memorandum from the Associate General Counsel for the U.S. Forest Service reaches this conclusion based on the plain reading of S. 1608 as modified by the managers amendment. Mr. President, I ask unanimous consent that a

copy of this legal memorandum be printed in the RECORD following the first legal memorandum that I submitted for the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF AGRICULTURE,  
OFFICE OF THE GENERAL COUNSEL,  
Washington, DC, September 12, 2000.  
Informational Memorandum for Anne Keys,  
Deputy Under Secretary for NRE  
From: Janet A. Poling, Associate General  
Counsel, Natural Resources.  
Subject: Request for Legal Interpretation of  
Section 102(d)(1)(B) in the Manager's  
Amendment dated September 8, 2000, for  
S. 1608, the "Secure Rural Schools and  
Community Self-Determination Act of  
2000."

Issue: This memorandum responds to your request for our legal interpretation of section 102(d)(1)(B) in the manager's amendment dated September 8, 2000, for S. 1608. You have asked whether an eligible county can elect to use the balance of its funds for a combination of the listed purposes or whether an eligible county can use the funds for only one of the listed purposes.

Discussion: Section 102(d)(1)(B) of the subject manager's amendment provides:

"(d) EXPENDITURE RULES FOR ELIGIBLE COUNTIES.—

(1) IN GENERAL.—Of the funds to be distributed to an eligible county pursuant to subsection (c)—

(A) not less than 80 percent but not more than 85 percent of the funds shall be expended in the same manner in which the 25-percent payments are required to be expended; and

(B) at the election of an eligible county, the balance of the funds not expended pursuant to subparagraph (A) shall—

(i) be reserved for projects in accordance with title II;

(ii) be spent in accordance with title III; or

(iii) be returned to the General Treasury in accordance with section 302(b)."

We interpret subparagraph (B) as allowing an eligible county to choose to use the balance of its funds for only one of the three listed purposes. The provision would not allow counties to use the funds for a combination of the purposes. For example, an eligible county could elect to reserve the funds for projects in accordance with title II or to spend the funds in accordance with title III, but could not allocate funds for both purposes.

Summary: Section 102(d)(1)(B) would allow an eligible county to choose to use the balance of its funds for only one of the three listed purposes.

U.S. DEPARTMENT OF AGRICULTURE,  
OFFICE OF THE GENERAL COUNSEL,  
Washington, DC, September 13, 2000.  
Informational Memorandum for Anne Keys,  
Deputy Under Secretary for NRE,  
From: Janet A. Poling, Associate General  
Counsel, Natural Resources.

Subject: Request for Legal Interpretation of  
Section 302(a) in the Manager's Amend-  
ment dated September 8, 2000, for S. 1608,  
the "Secure Rural Schools and Commu-  
nity Self-Determination Act of 2000."

Issue: This memorandum responds to your request for our legal interpretation of section 302(a) in the manager's amendment dated September 8, 2000, for S. 1608. You have asked whether a participating county may use county funds under the Title III on

projects that have not been recommended by a resource advisory committee.

Discussion: Section 302(a) provides:

"(a) LIMITATION OF COUNTY FUND USE.—  
County funds shall be expended solely on projects that meet the requirements of this title and section 205 of this Act except that: the projects shall be approved by the participating county rather than the Secretary concerned."

Section 302(b) provides for the authorized uses of "county funds" as that term is defined in section 301(2). Section 303 terminates the authority to initiate projects using county funds at the end of fiscal year 2006.

Section 302(a) also limits the use of county funds to projects that meet the requirements of section 205. Although the reference to section 205 is ambiguous, section 302(a) is most reasonably interpreted as requiring participating counties to submit their proposals for the use of county funds to the appropriate resource advisory committee for review in accordance with section 205(b)(1). We see nothing in the bill that requires approval of a proposed project by a resource advisory committee as a prerequisite for the use of county funds by a participating county. Our interpretation is based in part on the proviso in section 302(a) that places the final decision making authority for the use of county funds with the participating county. Additionally, Title III does not contain procedures similar to those in Title II regarding projects recommended by resource advisory committees.

Summary: We see nothing in the bill that requires approval of a proposed project by a resource advisory committee as a prerequisite for the use of county funds by a participating county.

Mr. BAUCUS. Mr. President, in closing, let me thank the bill's sponsors and all of the Senators who have exerted so much effort on the behalf of our rural counties. Especially, let me thank Senators WYDEN and CRAIG who have worked so hard to answer concerns that were raised by me and by other Senators, and who should receive full credit for the passage of this fine legislation.

Mr. President, I would like to draw attention to the determined efforts of my friend and colleague from Oregon, Senator RON WYDEN, on behalf of rural counties. Senator WYDEN has worked tirelessly to ensure that counties with federal lands get a fair deal. As we all know, counties containing large amounts of public lands are not able to raise sufficient revenues from taxes since the federal government is not required to pay state or local taxes. Recognizing that this is fundamentally unfair to these counties, Congress has tried for some time to rectify this situation by providing funding from revenue generated on our public lands from payments in lieu of taxes in an effort to make the counties financially whole.

Unfortunately, as revenue from our national forests has decreased, so too have the payments to counties. This has been seriously disruptive to counties across the West. Fortunately, Senator WYDEN stepped in with a creative solution that insures that counties

have the option to receive much more steady funding. The bill now before us, S. 1608, recognizes both the value of these public lands and the needs of the affected counties. It is a wise compromise which allows counties the freedom to choose the plan that best serves their needs.

Mr. WYDEN. Thank you for your very kind words, Senator BAUCUS. The compromise legislation before us would not have been achieved without the wise counsel and experience of the senior Senator from Montana, my good friend, Senator BAUCUS. He has made substantial contributions to this bill, particularly in developing title III and in championing the need for adequate funding for the prevention and fighting of wildfires, like those that have ravaged the West and his own State of Montana this summer.

Mr. BAUCUS. I thank my distinguished colleague from Oregon. Mr. President, I would like to say just a few comments about title III of S. 1608. Senators WYDEN and CRAIG agreed to include title III in this bill at my request. I felt that it was very important that counties have flexibility, not only in how their funding is determined but also in how it is spent. This is why I proposed title III of this bill, and I am very pleased that the sponsors of the bill have accepted it.

As explained by my colleague Senator WYDEN, under this bill, each year, counties may spend 15-20 percent of their funding either on title II projects or on title III projects. There has been some debate about whether counties should be able to "mix" funds in a given year between title II and title III. Regardless of whether it would be a better policy to allow such mixing to occur or to maintain the current separation between titles II and III, it is clear that, as drafted, S. 1608 will not allow such mixing to occur. And while this may not be a perfect solution, rarely is any legislation passed by Congress that could be characterized as "perfect."

Mr. WYDEN. Again, let me thank the senior Senator from Montana for his work on title III, and add that I agree with his interpretation of the separation between titles II and III. I would also express my willingness to continue to work with him to assure the effective implementation of this legislation, particularly of titles II and III.

This is just one of countless issues that we have grappled with as we have strived to make this bill as fair and responsive as possible to the needs of our rural counties. We have made giant strides in improving this legislation, and I thank all the Members who have been willing to put aside their differences and work in a bipartisan effort to make this possible.

Mr. BAUCUS. Mr. President, let me talk for a moment about the purposes of title III. As originally drafted, S.

1608 focused primarily on activities occurring on federal lands. Title III was an effort to give counties the option to focus on activities that are not necessarily "on" federal lands, but that clearly relate to federal lands.

First, under title III, counties may use the funds as reimbursement for search, rescue and emergency services, including firefighting performed on federal lands and paid for by the county. Mr. President, after the ravages of the recent fires in Montana, some of which are still burning, it is abundantly clear that counties desperately need this funding for both fire prevention and fire fighting. Counties that are stretching to make ends meet for basic services, such as road building and funding schools, simply can't afford to suddenly incur the massive costs associated with fighting wildfires. I am pleased that we were able to change this bill to make sure that counties in Montana and across the West could get much-needed funds for firefighting this year and in future years.

For similar reasons, I drafted title III to allow counties to use the funds to reimburse their expenses for search and rescue operations performed on federal lands and for the salaries and benefits of county employees who supervise adults or juveniles performing mandatory community service on public lands.

Second, under title III, counties may use the funds to acquire easements to provide for nonmotorized access to public lands for hunting, fishing and other recreational purposes and to acquire conservation easements. These options are very important in states like Montana where growth is gradually shutting off access to public lands and eliminating important fish and wildlife habitat. These provisions will give counties the tools to make sure that we are able to pass the West's outdoor heritage on to our children and grandchildren.

Third, counties may use funds to establish and conduct forest-related after school programs. Mr. President, the Washington Post recently reported that 20 percent of all children in America are left unattended after school. In Montana, which has one of the highest incidents of parents having to work multiple jobs just to make ends meet, this number may be even higher. What is clear is that children are less likely to get into trouble, less likely to commit acts of violence, if they are involved in after school programs. In my mind, this provision gives us a tremendous opportunity to work with our most precious asset—the youth—and to give them opportunities to learn about our forests and to gain hands-on experience in working on matters relating to our forests.

Finally, under title III, counties can use the funds for fire prevention and county planning.

These activities are vitally important. I've heard from many counties in Montana who have said that they could prevent loss of life and property if they had funding available to educate new homebuilders about where to build or not build their houses to reduce their exposure to wildfires and to make sure that emergency equipment can get to their homes. And the same thing is true with respect to the materials that homes are built out of and the manner in which homes are landscaped. Homeowners need to know that a house built in the woods should have a roof made out of tin or some other material that won't burn. Seemingly aesthetic decisions can make the difference between a home and ashes during a year like this one, and counties need funding to expand this type of awareness.

The same basic reasoning applies to county planning. Counties should have the funds available if they want to pass an ordinance requiring homeowners to clear brush away from their homes, this can help protect lives not only of homeowners, but also of the firefighters who will be called in to extinguish burning structure fires. This can allow counties to focus their emergency crews on problems that could not have been prevented. As written, this provision will also allow counties to fund other planning and zoning efforts to minimize the impact that unfettered development can have on our forests and streams. By providing local communities with the tools to address these types of problems, it is my sincere hope that this title will diminish the conflicts that occur around our public lands and will help ensure that our children and grandchildren can continue to enjoy these lands and the fish and wildlife that they support well in to the future.

Mr. WYDEN. I thank the senior Senator from Montana for his thorough explanation of the provisions he helped craft, which became title III of the bill.

Mr. BAUCUS. Mr. President, before I conclude, I just want to say a brief comment about the relationship between title III and the Resource Advisory Committees formed under title II. Unlike the projects in title II, the projects in title III are essentially local concerns. While they relate to the lands that are held in trust for the American people, the title III projects are not in any sense "federal" projects. Items such as county planning and zoning have always been seen as local matters and it is not the intent of this legislation to change that framework.

For that reason we have not given the Resource Advisory Committees the same role in title III as they have in title II. Under Section 204(a) of the bill, the Secretary may make a decision to approve a project only if it is submitted to the Secretary by the Resource Advisory Committee. By contrast, under title III, the counties ap-

prove the projects and the Resource Advisory Committee serves in an advisory capacity.

Mrs. BOXER. Senator WYDEN, it is my understanding, along with our colleague from Montana, that under section 302(a), counties must meet the purposes of title III and section 205. You will note that section 205 explicitly does not give the Resource Advisory Committees the power to either "approve" or "disapprove" projects. Rather, under section 205, the Resource Advisory Committees are given the power to "review" and "propose" projects. This is critical distinction. Because, while we want the Resource Advisory Committees to be involved—as indeed we want all members of the interested public involved—we do not wish for the Resource Advisory Committees to in any sense "drive" or "control" or "limit" the use of title III funds. These funds are set aside for the counties and the counties should use them in their best discretion.

Mr. WYDEN, would you agree that this is the intent of the bill?

Mr. WYDEN. Yes, that is the correct interpretation of the bill's language and intent. The purpose of S. 1608 is to increase both county funding and county choice. Unlike projects under title II, the role of the Resource Advisory Committees is much more limited under title III and is limited to an advisory role.

Mrs. BOXER. Because the legislation does not specify the timing for Resource Advisory Committee review of projects, is it the intent of the Senator from Oregon that the Resource Advisory Committee review projects in a timely manner?

Mr. WYDEN. That is correct. It is my intent that a Resource Advisory Committee would review projects in as expeditious a manner as possible, but that in any event, the failure of a Resource Advisory Committee to review a project in a timely manner would not under this bill be grounds for denying a county the ability to move forward with it.

Mrs. BOXER. And is it also your intent, Senator WYDEN, that projects under title III may be submitted by the Resource Advisory Committees, the public or the county itself?

Mr. WYDEN. Yes, that is correct. No one is excluded from submitting projects under this bill.

Mr. BAUCUS. Thank you, Senator WYDEN, for those responses to the questions from the Senator from California.

In closing I would like to reiterate my admiration for the valiant efforts of the senior Senator from Oregon on behalf of this bill and rural counties. He has spent countless hours working to create this legislation and to ensure that it passes through the Senate, and should be recognized as a true hero to rural America. I urge my colleagues in the Senate to acknowledge the critical

importance of this work and to give this bill, and the rural counties of America, their full support.

Mr. LOTT. Mr. President, I would like to begin my comments by commending the determined efforts of my friends from Oregon, Senator RON WYDEN, and my friend from Idaho, Senator LARRY CRAIG, on Behalf of rural counties. I would like to ask my colleague from Idaho a few questions about S. 1608. First, I am concerned about the composition of the resource advisory committees in section 205(d) of the bill. The bill identifies 3 groups of community interests that must be represented, and provides examples in each group. Is it the managers' intent that the Secretary concerned will pick a representative from each example interest if that interest resides in the local area served by the advisory committee?

Mr. CRAIG. Yes it is our intent that the Secretary would select an individual from each example group in each of the three categories of community interests listed in section 205(d) when representatives of that group are interested in the management of the public lands overseen by a particular advisory committee.

Mr. LOTT. Let me ask a second question. Is it your view that the language of section 102(d)(1)(B) and section 102(c)(1)(B) allows the counties to divide their project funds between title II and title III projects as they choose?

Mr. CRAIG. The plain language of these sections provides such flexibility. I agree with some who have stated that would be the best policy, and the language would provide such an opportunity. I will leave it to the implementing agencies to decide how to best express the flexibility provided by these sections of statute.

Mr. LOTT. Thank you. Now I have a final question. Do the advisory committees function in much the same way in reviewing title II and title III projects?

Mr. CRAIG. The bill language in titles II and III provides that they will function in much the same way, with a few differences. First, they are advisory to the Secretary in title II and to the relevant county in title III. In neither case do they actually approve projects, but their recommendation is required. If there is no recommendation under title II the money will ultimately be returned to Treasury under the terms of section 209. If there is no recommendation under title III, the counties can ultimately spend the money on title III projects under the terms of section 303. It is my expectation that the authority of neither of these sections will be required. I believe that the resource advisory committees will find consensus in developing and recommending title II and title III projects with the respective Secretaries or counties as the case may be.

Mr. LOTT. I thank the Senator for these clarifications, and hope that the affected agencies will implement this law accordingly.

Mr. DASCHLE. Mr. President, today the Senate is passing S. 1608, the Secure Rural Schools and Community Self-Determination Act of 2000. This legislation will provide counties dependent upon the federal timber program with critically-needed funding to support education, road-building and other county programs.

I want to commend Senator WYDEN in particular for his leadership and hard work on this legislation. He tirelessly engaged in months of discussions with our Republican counterparts, the administration and fellow Democrats to develop a bipartisan, compromise piece of legislation that will provide stability to timber-dependent counties for years to come.

Since early in the last century, counties with significant federal land-holdings have received 25 percent of the revenue earned from timber sales on those lands. Since federal lands cannot be taxed, these funds provide counties with a critical source of revenue to maintain schools and roads.

Over the past decade, it has become clear that counties can no longer depend upon these funds. In many areas, the timber program has declined or ceased altogether, reducing revenue that counties depend upon to make ends meet. As a result, many counties have had to cut educational programs for children significantly. While counties in the Black Hills of South Dakota continue to receive adequate funding under existing laws, recent challenges to the timber program in South Dakota and elsewhere have made it clear that we must have a safety net for all timber-dependent counties.

No child's education should be dependent upon the federal timber program. S. 1608 severs that link by providing counties with the option of choosing a set payment based upon timber revenues they received in the past or continuing with the current formula. This choice will provide counties with the continuity and funding they need to provide a quality education for children in their schools.

I'd like to take a few minutes to highlight some important provisions of this bill. Like any product of compromise, it is not perfect, and there are sections that I would like to see changed. Nonetheless, we cannot continue to sacrifice the education of schoolchildren while we debate this bill. We need to move forward.

First, 85 percent of the funds made available by this bill go directly to counties to fund roads and schools. These funds are generally equivalent, or greater to, the amount of funding that counties receive today. Additionally, it gives counties a choice of how to spend the remaining 15 percent. Re-

maining funds can either be used by counties to fund projects on federal lands, as described in Title II, or to fund county projects described in Title III such as search and rescue programs. If neither of these two options is chosen, the fund are returned to the Treasury.

While I am pleased that counties will have a choice of how to use the remaining 15 percent of funds, I have some reservations about the requirements on the use of Title III funds. Given the fact that these funds are used for programs normally carried out by counties, such as education and search and rescue operations, it would be preferable to leave these responsibilities in the hands of county commissioners who are elected to make these decisions. Therefore, if this issue is considered in the future, I hope that we can take another look at the process for approving Title III projects.

Once again, I'd like to commend Senator WYDEN, Senator CRAIG, Senator BAUCUS, Senator BINGAMAN, Senator BOXER and Senator TORRICELLI for their thoughtful consideration of this legislation.

Mr. LOTT. Mr. President, today marks the passage of S. 1608, the Secure Rural Schools and Community Self-Determination Act of 2000.

This bill is a promising example of bipartisanship and what can be accomplished when members of this body work together. Senator WYDEN and Senator CRAIG have worked furiously over the past year to put together a bill that gives relief to communities in economic stress due to changes in management on our Federal lands. Our national forests need the involvement of Federal, State, and local interests to restore ecosystems, provide stewardship opportunities and maintain forest infrastructure. This bill attempts to bring people together to solve land management issues, working to create healthy forests and healthy communities.

S. 1608 will create resource advisory committees with representatives from across the spectrum, to develop stewardship projects on their surrounding Federal lands. These projects, after approval from the Secretary, will create jobs for local people, and healthy forests for all.

As we watch our forests go up in smoke all over the west, and parts of the south, we are reminded how important healthy forests are to all of us. S. 1608 provides resources for healthy communities and forests.

By providing the mechanism, and the stable payments for counties to fund their local infrastructure, roads will be maintained, fire departments will be staffed and prepared, and rural communities will once again feel secure in knowing their families will be protected, because their community infrastructure is in place and has a stable source of funding.

S. 1608, the Secure Rural Schools and community Self Determination Act is a critical step toward guaranteeing adequate educational funding for forest communities, while ensuring a stable, consistent source of general treasury funding for ecosystem restoration, forest infrastructure maintenance and stewardship projects on our national forest land. Parents will see a substantial increase in the amount of money directed toward education in public schools. We have counties in this country who have been forced to reduce the school week to 4 days, eliminate after-school activities like band and athletics, because of a lack of money to fund the schools. S. 1608 works to remedy this problem by sending more money to these counties for the education of their children. In my home state of Mississippi, the timber industry is the lifeblood of many of these small counties.

We hear people say everyday that our children are our future. I will say it again today—our children are our future, and S. 1608 secures the education of our children in many of the communities in desperate need of help.

I care deeply about the health of this country's communities, schools, and forests, and therefore, I commend the valiant efforts of Senator CRAIG and Senator WYDEN for their work on S. 1608. I yield the floor.

Mr. CRAIG. Mr. President, I ask unanimous consent the amendment be agreed to, the committee substitute amendment be agreed to, the bill be read the third time and passed, the motion to reconsider be laid upon the table, the amendment to the title be agreed to, and that any statements related to the bill be printed in the RECORD as if read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4139) was agreed to.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 1608), as amended, was read the third time and passed.

(The bill will be printed in a future edition of the RECORD.)

The title was amended so as to read:

"A bill to provide stability and predictability to the annual payments made to States and counties containing National Forest System lands and public domain lands managed by the Bureau of Land Management for the benefit of public schools and roads and to enhance the health, diversity and productivity of federal lands."

The PRESIDING OFFICER. The distinguished Senator from Oregon.

Mr. WYDEN. Mr. President, I will be very brief. I thank my colleagues, particularly Chairman CRAIG, Senator GORDON SMITH, who was so extraordinarily helpful, Senator BINGAMAN, Senator BAUCUS, Senator BOXER, and

many of our colleagues who put in a great many hours on this legislation.

Frankly, 18 months ago, they said it could not be done. This legislation 18 months ago was an ideological magnet for those who wanted to debate natural resources policy. Senator CRAIG and I said this legislation, which funds basic services in rural America for schools, roads, and other essential services, was beyond that kind of discussion. It was too important to try to settle all of the divisive issues about natural resources on this legislation.

I am very pleased this bipartisan legislation has been passed because this legislation sends a strong message that it is not right for Federal policies to turn rural communities into economic sacrifice zones. I believe this reinvents the relationship between local communities and the Federal lands that are so important to them. It will ensure that we can provide for the economic livelihood of folks in rural communities, but also it ensures that in the future we are going to focus on watershed restoration and conservation easements and a wide variety of measures that are going to protect ecosystems.

I thank my colleague who is on the floor, Chairman CRAIG. As I said, 18 months ago no one would have thought that we could be here tonight with this extraordinarily important legislation for rural America.

I yield the floor.

The PRESIDING OFFICER. The distinguished Senator from Idaho.

Mr. CRAIG. Mr. President, I ask unanimous consent to proceed for no more than 1 minute. I want to respond to my colleague.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator is recognized.

Mr. CRAIG. Mr. President, I will briefly respond to my colleague from Oregon in relation to the legislation about which he has just spoken. I certainly agree with him. He and I, working together—I as chairman of the Forestry Subcommittee, he as the ranking member—saw and recognized a crisis in the rural communities of America that were once named timber dependent because they had derived a share of their revenue to fund their schools, roads, and bridge funds from the revenue of timber receipts which have faded dramatically. We began to work together on a resolution of the problem, and tonight we have brought that to the floor.

I certainly agree with Senator WYDEN. It was contentious at times, but we saw the need to respond to what literally had become a national crisis in rural resource-dependent communities across our country.

Well over 4,000 school districts and nearly 50,000 children were victimized by actions or policies that failed to recognize that we had to adjust law and/or change policy or we were simply going

to find these school districts beyond their capacities not only to fund but to educate. It was also true with counties' roads and bridge funds.

The legislation that has just passed the Senate tonight sets us in a direction of resolving that problem and bringing about a resolution through a collaborative process at the local level between so many stakeholders who have legitimate concerns and interests as to how the natural resources of our public lands be managed.

I am so pleased that we could work toward an end that we have arrived at tonight that is embodied in S. 1608. We still have work to do in adjusting our public policies to bring about the kind of balance we need.

As the Presiding Officer well understands, rural America, be it agricultural policy or resource policy, finds itself with very real problems today. It is going to be incumbent upon some of us in this body to try to address those problems, both in the adjustment of policy and certainly in the recognition of the necessary resources to help these communities. Tonight, in part, we will have responded to that need.

#### AUTHORIZATION OF DOCUMENT PRODUCTION

Mr. CRAIG. Mr. President, I ask unanimous consent the Senate now proceed to the immediate consideration of Senate Resolution No. 356 submitted earlier by Senator LOTT and Senator DASCHLE.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 356) to authorize documentary production by Select Committee on Intelligence.

There being no objection, the Senate proceeded to the immediate consideration of the resolution.

Mr. LOTT. Mr. President, the Select Committee on Intelligence has received a request from the Federal Bureau of Investigation for a certified copy of the testimony of former Director of Central Intelligence John M. Deutch during a February 22, 2000 closed committee hearing, in connection with the Bureau's pending inquiry into the alleged improper handling of classified information by Mr. Deutch.

This resolution would authorize the chairman and vice chairman of the Intelligence Committee, acting jointly, to provide the certified copy of the closed hearing transcript in response to this request, utilizing appropriate security procedures.

Mr. CRAIG. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and a statement of explanation be printed in the RECORD.