

Mr. REID. Mr. President, I ask unanimous consent that Russ Holland, a fellow in my office, be granted floor privileges during the consideration of H.R. 4444.

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

## SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT OF 2000

On September 13, 2000, the Senate amended and passed S. 1608, as follows:

S. 1608

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### 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.
- Sec. 4. Conforming amendment.

### 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 National 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.
- Sec. 208. Allocation of proceeds.
- Sec. 209. Termination of authority.

### TITLE III—COUNTY PROJECTS

- Sec. 301. Definitions.
- Sec. 302. Use of county funds.
- Sec. 303. Termination of authority.

### TITLE IV—MISCELLANEOUS PROVISIONS

- Sec. 401. Authorization of appropriations.
- Sec. 402. Treatment of funds and revenues.
- Sec. 403. Regulations.
- Sec. 404. Conforming amendments.

### TITLE V—THE MINERAL REVENUE PAYMENTS CLARIFICATION ACT OF 2000

- Sec. 501. Short title.
- Sec. 502. Findings.
- Sec. 503. Amendment of the Mineral Leasing Act.

### 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 re-vested 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 re-vested 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 im-

prove 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 weeds; and

(G) reestablishment of native species; and

(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 and land utilization projects designated as National Grasslands administered pursuant to the Act of July 22, 1937 (7 U.S.C. 1010–1012); and

(B) such portions of the re-vested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands as are or may hereafter come under the jurisdiction of the Department of the Interior, which have heretofore or may hereafter be classified as timberlands, and power-site lands valuable for timber, that shall be managed, except as provided in section 1181c of title 43, United States Code, for permanent forest production.

(2) ELIGIBILITY PERIOD.—The term “eligibility period” means fiscal year 1986 through fiscal year 1999.

(3) ELIGIBLE COUNTY.—The term “eligible county” means a county that received 50-percent payments for one or more fiscal years of the eligibility period or a county 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 established after the date of the enactment of this Act so long as the county includes all or a portion of a county 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 as amended (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 special payment amounts paid 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).

#### SEC. 4. CONFORMING AMENDMENT.

Section 6903(a)(1)(C) of title 31, United States Code, is amended by adding after “(16 U.S.C. 500)” the following: “or the Secure Rural Schools and Community Self-Determination Act of 2000”.

### 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.**—For fiscal years 2001 through 2006, the Secretary of the Treasury shall calculate for each eligible State that received a 25-percent payment during the eligibility period an amount equal to the average of the three highest 25-percent payments and safety net payments made to that eligible State for the fiscal years of the eligibility period.

(2) **BUREAU OF LAND MANAGEMENT (BLM) COUNTIES.**—For fiscal years 2001 through 2006, 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 the 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 50 percent of the 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) **PAYMENT AMOUNTS.**—The Secretary of the Treasury shall pay an eligible State the sum of the amounts elected under subsection (b) by each eligible county for either—

(1) the 25-percent payment under the Act of May 23, 1908, as amended (16 U.S.C. 500), or

(2) the full payment amount in place of the 25-percent payment.

(b) **ELECTION TO RECEIVE PAYMENT AMOUNT.**—(1) The election to receive either the full payment amount or the 25-percent payment shall be made at the discretion of each affected county and transmitted to the Secretary by the Governor of a State.

(2) A county election to receive the 25-percent payment shall be effective for two fiscal years.

(3) When a county elects to receive the full payment amount, such election shall be effective for all the subsequent fiscal years through fiscal year 2006.

(4) The payment to an eligible State under this subsection for a fiscal year shall be derived 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 section 3(1)(A) and

to the extent of any shortfall, out of any funds in the Treasury not otherwise appropriated.

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

(1) **DISTRIBUTION METHOD.**—A State that receives a payment under subsection (b) shall distribute the payment among all eligible counties in the State in accordance with the Act of May 23, 1908, as amended.

(2) **EXPENDITURE PURPOSES.**—Subject to subsection (d), payments received by a State under subsection (b) and distributed to eligible counties shall be expended as required by section 500 of title 16, United States Code.

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

(1) **IN GENERAL.**—If an eligible county elects to receive its share of the full payment amount—

(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 402(b).

(2) **DISTRIBUTION OF FUNDS.**—(A) Funds reserved by an eligible county under paragraph (1)(B)(i) 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.

(B) Funds reserved by an eligible county under paragraph (1)(B)(ii) shall be available for expenditure by the county and shall remain available, until expended, in accordance with title III.

(3) **ELECTION.**—

(A) **IN 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 (b) in the same manner in which the 25-percent payments are required to be expended, and shall remit the balance to the Treasury of the United States in accordance with section 402(b).

(B) **COUNTIES WITH MINOR DISTRIBUTIONS.**—Notwithstanding any adjustment made pursuant to section 101 (b) in the case of each eligible county to which less than \$100,000 is distributed for any fiscal year pursuant to subsection (b), the eligible county may elect to expend all such funds in accordance with subsection (c)(2).

#### 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) **PAYMENT.**—The Secretary of the Treasury shall pay an eligible county either—

(1) the 50-percent payment under the Act of August 28, 1937, as amended (43 U.S.C. 1181f) or the Act of May 24, 1939 (43 U.S.C. 1181f-1) as appropriate, or

(2) the full payment amount in place of the 50-percent payment.

(b) **ELECTION TO RECEIVE PAYMENT AMOUNT.**—(1) The election to receive the full payment amount 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 through fiscal year 2006.

(2) The payment to an eligible county under this subsection for a fiscal year shall be derived from any revenues, fees, penalties, or miscellaneous receipts, exclusive of deposits to any relevant trust fund, or permanent operating funds, received by the Federal Government from activities by the Bureau of Land Management on the Federal lands described in section 3(1)(B) and to the extent of any shortfall, out of any funds in the Treasury not otherwise appropriated.

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

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

(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—

(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 402(b).

(2) **DISTRIBUTION OF FUNDS.**—(A) Funds reserved by an eligible county under paragraph (1)(B)(i) 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.

(B) Funds reserved by an eligible county under paragraph (1)(B)(ii) shall be available for expenditure by the county and shall remain available, until expended, in accordance with title III.

(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 (b). 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 received under subsection (b) in the same manner in which the 50-percent payments are required to be expended and shall remit the balance to the Treasury of the United States in accordance with section 402(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(b)(1) or 103(b)(1); and

(B) elects under section 102(d)(1)(B)(i) or 103(c)(1)(B)(i) to expend a portion of those funds in accordance with this title.

(2) **PROJECT FUNDS.**—The term “project funds” means all funds an eligible county elects under sections 102(d)(1)(B)(i) and 103(c)(1)(B)(i) to reserve 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) or 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 Federal land and on non-Federal land where projects would benefit these resources on Federal land.

## 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 through fiscal year 2006, each resource advisory committee 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, or from the private sector, 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 and identifies the positive or negative impacts of the project, implementation, and provides for validation monitoring. The monitoring plan shall include an assessment of the following: Whether or not the project met or exceeded desired ecological conditions; 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.**—Projects proposed under subsection (a) shall be consistent with section 2(b).

## 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.

(5) The project will improve the maintenance of existing infrastructure, implement stewardship objectives that enhance forest ecosystems, and restore and improve land health and water quality.

(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 resource 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 203, 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, using

project funds 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.**

(A) **ESTABLISHMENT.**—The Secretary concerned shall establish a pilot program regarding the sale of merchantable material under this title. Such a program shall ensure that, on an annual basis, no less than 75 percent of all projects involving merchantable material shall be implemented using separate contracts for—

(i) the harvesting or collection of merchantable material; and

(ii) the sale of such material.

(B) **DURATION AND EXTENT.**—(i) The Secretary concerned shall ensure that, on an annual basis beginning in fiscal year 2001, no less than 75 percent of projects involving merchantable material shall be included in the pilot program.

(ii) Not later than September 30, 2003, the General Accounting Office (GAO) shall submit a report to the Senate Energy and Natural Resources Committee, the House of Representatives Agriculture Committee and the House of Representatives Resources Committee assessing the pilot program.

(iii) If the GAO determines that the pilot program is ineffective at that time, then the Secretary concerned shall ensure that, on an annual basis beginning in fiscal year 2004, no less than 50 percent of projects involving merchantable material shall be implemented using separate contracts.

(f) **REQUIREMENTS FOR PROJECT FUNDS.**—The Secretary shall ensure that at least 50 percent of all project funds be used for projects that are primarily dedicated to the following purposes—

(1) road maintenance, decommissioning or obliteration; and

(2) restoration of streams and watersheds.

## SEC. 205. RESOURCE ADVISORY COMMITTEES.

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

(1) **ESTABLISHMENT.**—The Secretary concerned shall establish and maintain resource advisory committees to perform the duties in subsection (b), except as provided in paragraph (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 this 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 under this title and under title III by participating counties and other persons;

(2) propose projects and funding to the Secretary concerned under section 203 and to the participating county under title III;

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

(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 three 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 proposing projects to the Secretary concerned under this title and the participating county under title III. 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), or to the participating county under section 302, if it has been approved by a majority of members of the committee from each of the three categories in subsection (d)(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 multiyear 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 multiyear 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 MULTIYEAR PROJECTS.**—For the second and subsequent fiscal years of a multiyear 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 fiscal years are not available.

#### SEC. 207. AVAILABILITY OF PROJECT FUNDS.

(a) **SUBMISSION OF PROPOSED PROJECTS TO OBLIGATE FUNDS.**—By September 30 of each fiscal year through fiscal year 2006, 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.**—Subject to section 209, 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.

(c) **EFFECT OF REJECTION OF PROJECTS.**—Subject to section 209, 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 under this Act is enjoined or prohibited by a Federal court, 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(d)(1)(B) or 103(c)(1)(B), whichever applies to the funds involved.

#### SEC. 208. ALLOCATION OF PROCEEDS.

The proceeds from any joint project under section 203(a)(3) using both Federal and non-Federal funds shall be equitably divided between the Treasury of the United States and

the non-Federal funding source in direct proportion to the contribution of funds to the overall cost of the project.

#### SEC. 209. TERMINATION OF AUTHORITY.

The authority to initiate projects under this title shall terminate on September 30, 2006. Any project funds not obligated by September 30, 2007, shall be deposited in the Treasury of the United States.

### TITLE III—COUNTY PROJECTS

#### SEC. 301. DEFINITIONS.

In this title:

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

(A) receives Federal funds pursuant to section 102(b)(1) or 103(b)(1); and

(B) elects under section 102(d)(1)(B)(ii) or 103(c)(1)(B)(ii) to expend a portion of those funds in accordance with this title.

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

#### SEC. 302. USE OF COUNTY FUNDS.

(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.

(b) **AUTHORIZED USES.**—

(1) **SEARCH, RESCUE, AND EMERGENCY SERVICES.**—An eligible county or applicable sheriff's department may use these funds as reimbursement for search and rescue and other emergency services, including fire fighting, performed on Federal lands and paid for by the county.

(2) **COMMUNITY SERVICE WORK CAMPS.**—An eligible county may use these funds as 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.

(3) **EASEMENT PURCHASES.**—An eligible county may use these funds to acquire—

(A) easements, on a willing seller basis, to provide for nonmotorized access to public lands for hunting, fishing, and other recreational purposes;

(B) conservation easements; or

(C) both.

(4) **FOREST RELATED EDUCATIONAL OPPORTUNITIES.**—A county may use these funds to establish and conduct forest-related after school programs.

(5) **FIRE PREVENTION AND COUNTY PLANNING.**—A county may use these funds for—

(A) efforts to educate homeowners in fire-sensitive ecosystems about the consequences of wildfires and techniques in home siting, home construction, and home landscaping that can increase the protection of people and property from wildfires; and

(B) planning efforts to reduce or mitigate the impact of development on adjacent Federal lands and to increase the protection of people and property from wildfires.

(6) **COMMUNITY FORESTRY.**—A county may use these funds towards non-Federal cost-share provisions of section 9 of the Cooperative Forestry Assistance Act (Public Law 95-313).

#### SEC. 303. TERMINATION OF AUTHORITY.

The authority to initiate projects under this title shall terminate on September 30, 2006. Any county funds not obligated by September 30, 2007 shall be available to be expended by the county for the uses identified in section 302(b).

### TITLE IV—MISCELLANEOUS PROVISIONS

#### SEC. 401. AUTHORIZATION OF APPROPRIATIONS.

There are hereby authorized to be appropriated such sums as may be necessary to carry out this Act for fiscal years 2001 through 2006.

#### SEC. 402. TREATMENT OF FUNDS AND REVENUES.

(a) Funds appropriated pursuant to the authorization of appropriations in section 401 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) All revenues generated from projects pursuant to title II, any funds remitted by counties pursuant to section 102(d)(1)(B) or section 103(c)(1)(B), and any interest accrued from such funds shall be deposited in the Treasury of the United States.

#### SEC. 403. REGULATIONS.

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

#### SEC. 404. CONFORMING AMENDMENTS.

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) are repealed.

### TITLE V—THE MINERAL REVENUE PAYMENTS CLARIFICATION ACT OF 2000

#### SEC. 501. SHORT TITLE.

This title may be cited as the “Mineral Revenue Payments Clarification Act of 2000”.

#### SEC. 502. FINDINGS.

The Congress finds the following:

(1) Subtitle C of title X of the Omnibus Budget Reconciliation Act of 1993 (Public Law 103-66) changed the sharing of onshore mineral revenues and revenues from geothermal steam from a 50:50 split between the Federal Government and the States to a complicated formula that entailed deducting from the State share of leasing revenues “50 percent of the portion of the enacted appropriations of the Department of the Interior and any other agency during the preceding fiscal year allocable to the administration of all laws providing for the leasing of any onshore lands or interest in land owned by the United States for the production of the same types of minerals leasable under this Act or of geothermal steam, and to enforcement of such laws . . .”.

(2) There is no legislative record to suggest a sound public policy rationale for deducting prior-year administrative expenses from the sharing of current-year receipts, indicating that this change was made primarily for budget scoring reasons.

(3) The system put in place by this change in law has proved difficult to administer and has given rise to disputes between the Federal Government and the States as to the nature of allocable expenses. Federal accounting systems have proven to be poorly suited to breaking down administrative costs in the manner required by the law. Different Federal agencies implementing this law have used varying methodologies to identify allocable costs, resulting in an inequitable distribution of costs during fiscal years 1994 through 1996. In November 1997, the Inspector General of the Department of the Interior found that “the congressionally approved method for cost sharing deductions effective in fiscal year 1997 may not accurately compute the deductions”.

(4) Given the lack of a substantive rationale for the 1993 change in law and the complexity and administrative burden involved, a return to the sharing formula prior to the enactment of the Omnibus Budget Reconciliation Act of 1993 is justified.

#### SEC. 503. AMENDMENT OF THE MINERAL LEASING ACT.

Section 35(b) of the Mineral Leasing Act (30 U.S.C. sec. 191(b)) is amended to read as follows: “(b) In determining the amount of payments to the States under this section, the amount of such payments shall not be reduced by any administrative or other costs incurred by the United States.”.

Mr. DORGAN. Mr. President, I ask unanimous consent to speak in morning business for as much time as I consume.

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

### PRESCRIPTION DRUG BENEFIT

Mr. DORGAN. Mr. President, my colleague from Nevada, Senator REID, and I were discussing some dialog that had taken place on the floor of the Senate earlier today, and we wanted to visit a bit about the issue of a prescription drug benefit for the Medicare program.

We are in session in this 106th Congress perhaps only another 4 or 5 weeks at the outset, and much is left to be done prior to the adjournment of this Congress.

One of the issues that most people think is very important to the American people is for this Congress to add a prescription drug benefit to the Medicare program. Almost everyone in this country now understands that the price of prescription drugs is moving up very quickly. Last year, the price of prescription drugs increased very rapidly. In fact, the cost of prescription drugs last year alone, because of increased utilization, price inflation and other things, increased 16 percent.

The senior citizens in this country are 12 percent of our country's population but consume one-third of all the prescription drugs in America. Senior citizens are at a point in their lives where they have reached declining and diminished income years and they are least able, in many cases, to be able to afford to pay increasing prescription drug prices.

There are a range of issues with prescription drugs. I talked about some of these in this Chamber before. There are wild price variations. The same drug in the same bottle made by the same company is being sold in Canada for a tenth of the price that it is sold to a consumer in the United States.

The other day I held up two pill bottles of medicine on the floor of the Senate—exact same medicine, made by the same company, put in the same bottle, shipped to two different pharmacies, one in the U.S. and one in Canada. One was priced three times higher than the other. Guess which. The U.S. consumer was asked to pay three times more than the Canadian consumer for the same prescription drug. That is one issue.

There is a second issue changing or altering the Medicare program to add a prescription drug benefit to the Medicare program. There is no question that if the Medicare program were being written today instead of the