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

IN THE HOUSE OF REPRESENTATIVES

JUNE 20, 2017

Mr. WESTERMAN (for himself, Mr. NOLAN, Mr. TIPTON, Mr. LABRADOR, Mr. MCCLINTOCK, Mr. PETERSON, and Mrs. McMORRIS RODGERS) introduced the following bill; which was referred to the Committee on Agriculture, and in addition to the Committees on Natural Resources, Education and the Workforce, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

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

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 “Resilient Federal Forests Act of 2017”.

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

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.
Sec. 3. Rule of application for National Forest System lands and public lands.

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

Subtitle A—Analysis of Proposed Collaborative Forest Management Activities
Sec. 101. Analysis of only two alternatives (action versus no action) in proposed collaborative forest management activities.

Subtitle B—Categorical Exclusions
Sec. 111. Categorical exclusion to expedite certain critical response actions.
Sec. 112. Categorical exclusion to expedite salvage operations in response to catastrophic events.
Sec. 113. Categorical exclusion to meet forest plan goals for early successional forests.
Sec. 114. Categorical exclusion for road side projects.
Sec. 115. Categorical exclusion to improve or restore National Forest System Lands or public land or reduce the risk of wildfire.

Subtitle C—General Provisions for Forest Management Activities
Sec. 121. Compliance with forest plans.
Sec. 122. Consultation under the National Historic Preservation Act.
Sec. 123. Consultation under the Endangered Species Act.
Sec. 124. Forest management activities considered non-discretionary actions.

TITLE II—SALVAGE AND REFORESTATION IN RESPONSE TO CATASTROPHIC EVENTS
Sec. 201. Expedited salvage operations and reforestation activities following large-scale catastrophic events.
Sec. 202. Compliance with forest plan.
Sec. 203. Prohibition on restraining orders, preliminary injunctions, and injunctions pending appeal.

TITLE III—FOREST MANAGEMENT LITIGATION
Subtitle A—General Litigation Provisions
Sec. 311. No attorney fees for forest management activity challenges.
Sec. 312. Injunctive relief.
Subtitle B—Forest Management Activity Arbitration Pilot Program

Sec. 321. Use of arbitration instead of litigation to address challenges to forest management activities.

TITLE IV—SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT AMENDMENTS

Sec. 401. Use of reserved funds for title II projects on Federal land and certain non-Federal land.
Sec. 402. Resource advisory committees.
Sec. 403. Program for title II self-sustaining resource advisory committee projects.
Sec. 404. Additional authorized use of reserved funds for title III county projects.
Sec. 405. Treatment as supplemental funding.

TITLE V—STEWARDSHIP END RESULT CONTRACTING

Sec. 501. Cancellation ceilings for stewardship end result contracting projects.
Sec. 502. Excess offset value.
Sec. 503. Payment of portion of stewardship project revenues to county in which stewardship project occurs.
Sec. 504. Submission of existing annual report.
Sec. 505. Fire liability provision.
Sec. 506. Extension of stewardship contracting maximum term limits.

TITLE VI—ADDITIONAL FUNDING SOURCES FOR FOREST MANAGEMENT ACTIVITIES

Sec. 601. Definitions.
Sec. 602. Availability of stewardship project revenues and Collaborative Forest Landscape Restoration Fund to cover forest management activity planning costs.
Sec. 603. State-supported planning of forest management activities.

TITLE VII—TRIBAL FORESTRY PARTICIPATION AND PROTECTION

Sec. 701. Protection of Tribal forest assets through use of stewardship end result contracting and other authorities.
Sec. 702. Management of Indian forest land authorized to include related National Forest System lands and public lands.
Sec. 703. Tribal forest management demonstration project.
Sec. 704. Rule of application.

TITLE VIII—EXPEDITING INTERAGENCY CONSULTATION

Subtitle A—Forest Plans Not Considered Major Federal Actions

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

Subtitle B—Agency Consultation

Sec. 811. Consultation under Forest and Rangeland Renewable Resources Planning Act of 1974.

TITLE IX—MISCELLANEOUS

Sec. 901. Clarification of existing categorical exclusion authority related to insect and disease infestation.
Sec. 902. Revision of alternate consultation agreement regulations.
Sec. 903. Revision of extraordinary circumstances regulations.
Sec. 904. Conditions on Forest Service road decommissioning.
Sec. 905. Prohibition on application of Eastside Screens requirements on National Forest System lands.
Sec. 906. Use of site-specific forest plan amendments for certain projects and activities.
Sec. 907. Knutson-Vandenbarg Act modifications.
Sec. 908. Application of Northwest Forest Plan Survey and Manage Mitigation Measure Standard and Guidelines.
Sec. 909. Reconstruction and repair included in good neighbor agreements.
Sec. 910. Logging and mechanized operations.

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

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

TITLE X—MAJOR DISASTER FOR WILDFIRE ON FEDERAL LAND

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

1 SEC. 2. DEFINITIONS.

2 In titles I through IX:

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

(2) COLLABORATIVE PROCESS.—The term “collaborative process” refers to a process relating to the
management of National Forest System lands or public lands by which a project or forest management activity is developed and implemented by the Secretary concerned through collaboration with interested persons, as described in section 603(b)(1)(C) of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6591b(b)(1)(C)).

(3) Community wildfire protection plan.—The term “community wildfire protection plan” has the meaning given that term in section 101 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6511).

(4) Coos Bay Wagon Road Grant lands.—The term “Coos Bay Wagon Road Grant lands” means the lands reconveyed to the United States pursuant to the first section of the Act of February 26, 1919 (40 Stat. 1179).

(5) Forest management activity.—The term “forest management activity” means a project or activity carried out by the Secretary concerned on National Forest System lands or public lands consistent with the forest plan covering the lands.

(6) Forest plan.—The term “forest plan” means—
(A) a land use plan prepared by the Bureau of Land Management for public lands pursuant to section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712); or

(B) a land and resource management plan prepared by the Forest Service for a unit 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).

(7) LARGE-SCALE CATASTROPHIC EVENT.—The term “large-scale catastrophic event” means a catastrophic event that adversely impacts at least 5,000 acres of reasonably contiguous National Forest System lands or public lands, as determined by the Secretary concerned.

(8) NATIONAL FOREST SYSTEM.—The term “National Forest System” has the meaning given that term in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a)).

(9) OREGON AND CALIFORNIA RAILROAD GRANT LANDS.—The term “Oregon and California Railroad Grant lands” means the following lands:
(A) All lands in the State of Oregon re-

vested in the United States under the Act of

June 9, 1916 (39 Stat. 218), that are adminis-

tered by the Secretary of the Interior, acting

through the Bureau of Land Management, pur-

suant to the first section of the Act of August


(B) All lands in that State obtained by the

Secretary of the Interior pursuant to the land

exchanges authorized and directed by section 2


(C) All lands in that State acquired by the

United States at any time and made subject to

the provisions of title II of the Act of August


(10) PUBLIC LANDS.—The term “public lands”

has the meaning given that term in section 103 of

the Federal Land Policy and Management Act of

1976 (43 U.S.C. 1702), except that the term in-

cludes Coos Bay Wagon Road Grant lands and Or-

gon and California Railroad Grant lands.

(11) REFORESTATION ACTIVITY.—The term

“reforestation activity” means a project or forest

management activity carried out by the Secretary

concerned whose primary purpose is the reforest-
atation of impacted lands following a large-scale catastrophic event. The term includes planting, evaluating and enhancing natural regeneration, clearing competing vegetation, and other activities related to reestablishment of forest species on the impacted lands.

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

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

(A) to prevent wildfire as a result of the catastrophic event, or, if the catastrophic event was wildfire, to prevent a re-burn of the fire-impacted area;

(B) to provide an opportunity for utilization of forest materials damaged as a result of the catastrophic event; or

(C) to provide a funding source for reforestation and other restoration activities for the
National Forest System lands or public lands impacted by the catastrophic event.

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

(A) the Secretary of Agriculture, with respect to National Forest System lands; and

(B) the Secretary of the Interior, with respect to public lands.

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

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

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

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

(A) the forest management activity to be carried out under such authority is consistent with the forest plan applicable to the area; or
(B) the Secretary concerned determines
the activity is allowed under the applicable
roadless rule governing such lands; or

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

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

Subtitle A—Analysis of Proposed Collaborative Forest Management Activities

**SEC. 101. ANALYSIS OF ONLY TWO ALTERNATIVES (ACTION VERSUS NO ACTION) IN PROPOSED COLLABORATIVE FOREST MANAGEMENT ACTIVITIES.**

(a) Application to Certain Environmental Assessments and Environmental Impact Statements.—This section shall apply whenever the Secretary concerned prepares an environmental assessment or an environmental impact statement pursuant to section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332) for a forest management activity that—

(1) is developed through a collaborative process;
(2) is proposed by a resource advisory committee;

(3) will occur on lands identified by the Secretary concerned as suitable for timber production;

(4) will occur on lands designated by the Secretary (or designee thereof) pursuant to section 602(b) of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6591a(b)), notwithstanding whether such forest management activity is initiated prior to September 30, 2018; or

(5) is covered by a community wildfire protection plan.

(b) CONSIDERATION OF ALTERNATIVES.—In an environmental assessment or environmental impact statement described in subsection (a), the Secretary concerned shall study, develop, and describe only the following two alternatives:

(1) The forest management activity.

(2) The alternative of no action.

(c) ELEMENTS OF NO ACTION ALTERNATIVE.—In the case of the alternative of no action, the Secretary concerned shall consider whether to evaluate—

(1) the effect of no action on—

(A) forest health;

(B) habitat diversity;
(C) wildfire potential;

(D) insect and disease potential; and

(E) timber production; and

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

(A) domestic water supply in the project area;

(B) wildlife habitat loss; and

(C) other economic and social factors.

Subtitle B—Categorical Exclusions

SEC. 111. CATEGORICAL EXCLUSION TO EXPEDITE CERTAIN CRITICAL RESPONSE ACTIONS.

(a) Categorical Exclusion Established.—Forest management activities described in subsection (b) are a category of actions hereby designated as being categorically excluded from the preparation of an environmental assessment or an environmental impact statement under section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332).

(b) Forest Management Activities Designated for Categorical Exclusion.—The forest management activities designated under this section for a categorical exclusion are forest management activities carried out by
the Secretary concerned on National Forest System lands
or public lands where the primary purpose of such activity
is—

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

(c) Availability of Categorical Exclusion.—
On and after the date of the enactment of this Act, the
Secretary concerned may use the categorical exclusion es-
tablished under subsection (a) in accordance with this sec-
tion.

(d) Acreage Limitations.—

(1) In general.—Except in the case of a for-
est management activity described in paragraph (2),
a forest management activity covered by the categor-
ical exclusion established under subsection (a) may
not contain treatment units exceeding a total of
10,000 acres.
(2) LARGER AREAS AUTHORIZED.—A forest management activity covered by the categorical exclusion established under subsection (a) may contain treatment units exceeding a total of 10,000 acres but not more than a total of 30,000 acres if the forest management activity—

(A) is developed through a collaborative process;

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

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

SEC. 112. CATEGORICAL EXCLUSION TO EXPEDITE SALVAGE OPERATIONS IN RESPONSE TO CATASTROPHIC EVENTS.

(a) CATEGORICAL EXCLUSION ESTABLISHED.—Salvage operations carried out by the Secretary concerned on National Forest System lands or public lands are a category of actions hereby designated as being categorically excluded from the preparation of an environmental assessment or an environmental impact statement under section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332).

(b) AVAILABILITY OF CATEGORICAL EXCLUSION.—On and after the date of the enactment of this Act, the
Secretary concerned may use the categorical exclusion established under subsection (a) in accordance with this section.

(c) ACREAGE LIMITATION.—A salvage operation covered by the categorical exclusion established under subsection (a) may not contain treatment units exceeding a total of 10,000 acres.

(d) ADDITIONAL REQUIREMENTS.—

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

(2) REFORESTATION PLAN.—A reforestation plan shall be developed under section 3 of the Act of June 9, 1930 (commonly known as the Knutson-Vandenberg Act; 16 U.S.C. 576b), as part of a salvage operation covered by the categorical exclusion established under subsection (a).
SEC. 113. CATEGORICAL EXCLUSION TO MEET FOREST PLAN GOALS FOR EARLY SUCCESSIONAL FORESTS.

(a) Categorical Exclusion Established.—Forest management activities described in subsection (b) are a category of actions hereby designated as being categorically excluded from the preparation of an environmental assessment or an environmental impact statement under section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332).

(b) Forest Management Activities Designated for Categorical Exclusion.—The forest management activities designated under this section for a categorical exclusion are forest management activities carried out by the Secretary concerned on National Forest System lands or public lands where the primary purpose of such activity is to modify, improve, enhance, or create early successional forests for wildlife habitat improvement and other purposes, consistent with the applicable forest plan.

(c) Availability of Categorical Exclusion.—On and after the date of the enactment of this Act, the Secretary concerned may use the categorical exclusion established under subsection (a) in accordance with this section.

(d) Project Goals.—To the maximum extent practicable, the Secretary concerned shall design a forest man-
agement activity under this section to meet early succes-
sional forest goals in such a manner so as to maximize
production and regeneration of priority species, as identi-
fied in the forest plan and consistent with the capability
of the activity site.

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

SEC. 114. CATEGORICAL EXCLUSION FOR ROAD SIDE
PROJECTS.

(a) CATEGORICAL EXCLUSION ESTABLISHED.—
Projects carried out by the Secretary concerned to remove
hazard trees or to salvage timber for purposes of the pro-
tection of public health or safety, water supply, or public
infrastructure are a category of actions hereby designated
as being categorically excluded from the preparation of an
environmental assessment or an environmental impact
statement under section 102 of the National Environ-

(b) AVAILABILITY OF CATEGORICAL EXCLUSION.—
On and after the date of the enactment of this Act, the
Secretary concerned may use the categorical exclusion es-
tablished under subsection (a) in accordance with this sec-
tion.
(c) Healthy Forests Restoration Act Requirements.—

(1) Administrative review.—A project that is categorically excluded under this section shall be subject to the requirements of subsections (d), (e), and (f) of section 603 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6591).

(2) Hazardous fuel reduction on federal land.—A project that is categorically excluded under this section shall be subject to the requirements of sections 102, 104, 105, and 106 of title I of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6511 et seq.).

SEC. 115. CATEGORICAL EXCLUSION TO IMPROVE OR RESTORE NATIONAL FOREST SYSTEM LANDS OR PUBLIC LAND OR REDUCE THE RISK OF WILDFIRE.

(a) Categorical Exclusion Established.—Forest management activities described in subsection (b) are a category of actions hereby designated as being categorically excluded from the preparation of an environmental assessment or an environmental impact statement under section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332).
(b) Forest Management Activities Designated for Categorical Exclusion.—

(1) Designation.—The forest management activities designated under this section for a categorical exclusion are forest management activities described in paragraph (2) that are carried out by the Secretary concerned on National Forest System Lands or public lands where the primary purpose of such activity is to improve or restore such lands or reduce the risk of wildfire on those lands.

(2) Activities Authorized.—The following activities may be carried out pursuant to the categorical exclusion established under subsection (a):

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

(B) Performance of hazardous fuels management.

(C) Creation of fuel and fire breaks.
(D) Modification of existing fences in order to distribute livestock and help improve wildlife habitat.

(E) Installation of erosion control devices.

(F) Construction of new and maintenance of permanent infrastructure, including stock ponds, water catchments, and water spring boxes used to benefit livestock and improve wildlife habitat.

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

(H) Use of herbicides, so long as the Secretary concerned determines that the activity is otherwise conducted consistently with agency procedures, including any forest plan applicable to the area covered by the activity.

(c) Availability of Categorical Exclusion.—On and after the date of the enactment of this Act, the Secretary concerned may use the categorical exclusion established under subsection (a) in accordance with this section.
(d) Acreage Limitations.—A forest management activity covered by the categorical exclusion established under subsection (a) may not exceed 10,000 acres.

(e) Definitions.—In this section:

(1) Hazardous Fuels Management.—The term “hazardous fuels management” means any vegetation management activities that reduce the risk of wildfire.

(2) Late-Season Grazing.—The term “late-season grazing” means grazing activities that occur after both the invasive species and native perennial species have completed their current-year annual growth cycle until new plant growth begins to appear in the following year.

(3) Targeted Livestock Grazing.—The term “targeted livestock grazing” means grazing used for purposes of hazardous fuel reduction.

Subtitle C—General Provisions for Forest Management Activities

SEC. 121. Compliance with Forest Plans.

A forest management activity carried out pursuant to this Act shall be conducted in a manner consistent with the forest plan applicable to the National Forest System land or public lands covered by the forest management activity.
SEC. 122. CONSULTATION UNDER THE NATIONAL HISTORIC PRESERVATION ACT.

(a) Effect of Undertaking on Historic Property.—With respect to a forest management activity carried out pursuant to this Act, in taking into account the effect of a Federal undertaking on any historic property under section 306108 of title 54, United States Code, the Secretary concerned may, without consultation with the State Historic Preservation Officer, Tribal Historic Preservation Officer, or any other entity—

(1) conduct a phased identification and evaluation under section 800.4(b)(2) of title 36, Code of Federal Regulations, or successor regulation; and

(2) with respect to the phased identification and evaluation described in paragraph (1), apply the criteria of adverse effect consistent with phased identification and evaluation under section 800.5(a)(3) of title 36, Code of Federal Regulations, or successor regulation.

(b) Expedited Consultation.—

(1) In general.—In the case of a forest management activity carried out pursuant to this Act that is not the subject of a phased identification and evaluation under subsection (a), consultation under section 106 of the National Historic Preservation Act (54 U.S.C. 306108) shall be concluded within
the 90-day period beginning on the date on which
such consultation was requested by the Secretary
concerned.

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

(A) shall be considered to have not violated
section 106 of the National Historic Preserva-
tion Act (54 U.S.C. 306108); and

(B) may be carried out.

SEC. 123. CONSULTATION UNDER THE ENDANGERED SPE-
CIES ACT.

(a) No Consultation if Action Not Likely To
Adversely Affect a Listed Species or Designated
Critical Habitat.—With respect to a forest manage-
ment activity carried out pursuant to this Act, consulta-
tion under section 7 of the Endangered Species Act of
1973 (16 U.S.C. 1536) shall not be required if the Sec-
retary concerned determines that the such forest manage-
ment activity is not likely to adversely affect a listed spe-
cies or designated critical habitat.

(b) Expedited Consultation.—
(1) **IN GENERAL.**—With respect to a forest management activity carried out pursuant to this Act, consultation required under section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536) shall be concluded within the 90-day period beginning on the date on which such consultation was requested by the Secretary concerned.

(2) **NO CONCLUSION.**—In the case of a consultation described in paragraph (1) that is not concluded within the 90-day period, the forest management activity for which such consultation was initiated—

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

(B) may be carried out.

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

For purposes of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), a forest management activity carried out by the Secretary concerned pursuant to this Act shall be considered a non-discretionary action.
TITLE II—SALVAGE AND REFORESTATION IN RESPONSE TO CATASTROPHIC EVENTS

SEC. 201. EXPEDITED SALVAGE OPERATIONS AND Reforestation Activities Following Large-Scale Catastrophic Events.

(a) Expedited Environmental Assessment.—Notwithstanding any other provision of law, an environmental assessment prepared by the Secretary concerned pursuant to section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332) for a salvage operation or reforestation activity proposed to be conducted on National Forest System lands or public lands adversely impacted by a large-scale catastrophic event shall be completed within 60 days after the conclusion of the catastrophic event.

(b) Expedited Implementation and Completion.—In the case of reforestation activities conducted on National Forest System lands or public lands adversely impacted by a large-scale catastrophic event, the Secretary concerned shall achieve reforestation of at least 75 percent of the impacted lands during the 5-year period following the conclusion of the catastrophic event.

(c) Availability of Knutson-Vandenbergs Funds.—Amounts in the special fund established pursu-
ant to section 3 of the Act of June 9, 1930 (commonly known as the Knutson-Vandenberg Act; 16 U.S.C. 576b) shall be available to the Secretary of Agriculture for reforestation activities authorized by this title.

(d) **Timeline for Public Input Process.**—Notwithstanding any other provision of law, in the case of a salvage operation or reforestation activity proposed to be conducted on National Forest System lands or public lands adversely impacted by a large-scale catastrophic event, the Secretary concerned shall allow 30 days for public scoping and comment, 15 days for filing an objection, and 15 days for the agency response to the filing of an objection. Upon completion of this process and expiration of the period specified in subsection (a), the Secretary concerned shall implement the project immediately.

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

A salvage operation or reforestation activity authorized by this title shall be conducted in a manner consistent with the forest plan applicable to the National Forest System lands or public lands covered by the salvage operation or reforestation activity.
SEC. 203. PROHIBITION ON RESTRAINING ORDERS, PRELIMINARY INJUNCTIONS, AND INJUNCTIONS PENDING APPEAL.

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

TITLE III—FOREST MANAGEMENT LITIGATION
Subtitle A—General Litigation Provisions

SEC. 311. NO ATTORNEY FEES FOR FOREST MANAGEMENT ACTIVITY CHALLENGES.

Notwithstanding section 1304 of title 31, United States Code, no award may be made under section 2412 of title 28, United States Code, and no amounts may be obligated or expended from the Claims and Judgment Fund of the United States Treasury to pay any fees or other expenses under such sections to any plaintiff related to an action challenging a forest management activity carried out pursuant to this Act.
SEC. 312. INJUNCTIVE RELIEF.

(a) Balancing Short- and Long-Term Effects of Forest Management Activities in Considering Injunctive Relief.—As part of its weighing the equities while considering any request for an injunction that applies to any agency action as part of a forest management activity under titles I through IX, the court reviewing the agency action shall balance the impact to the ecosystem likely affected by the forest management activity of—

(1) the short- and long-term effects of undertaking the agency action; against

(2) the short- and long-term effects of not undertaking the action.

(b) Time Limitations for Injunctive Relief.—

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

(2) Renewal.—

(A) In General.—A court of competent jurisdiction may issue one or more renewals of any preliminary injunction, or stay pending appeal, granted under paragraph (1).

(B) Updates.—In each renewal of an injunction in an action, the parties to the action
shall present the court with updated information on the status of the authorized forest management activity.

Subtitle B—Forest Management Activity Arbitration Pilot Program

SEC. 321. USE OF ARBITRATION INSTEAD OF LITIGATION TO ADDRESS CHALLENGES TO FOREST MANAGEMENT ACTIVITIES.

(a) DISCRETIONARY ARBITRATION PROCESS PILOT PROGRAM.—

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

(2) ACTIVITIES DESCRIBED.—The Secretary concerned, at the sole discretion of the Secretary, may designate objections or protests to forest management activities for arbitration under the arbitration pilot program established under paragraph (1).

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

(A) each Forest Service Region; and

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

(4) Determining Amount of Arbitrations.—An objection or protest to a forest management activity shall not be counted towards the limitation on number of arbitrations under paragraph (3) unless—

(A) on the date such objection or protest is designated for arbitration, the forest management activity for which such objection or protest is filed has not been the subject of arbitration proceedings under the pilot program; and

(B) the arbitration proceeding has commenced with respect to such objection or protest.

(5) Termination.—The pilot programs established pursuant to paragraph (1) shall terminate on the date that is 7 years after the date of the enactment of this Act.

(b) Intervening Parties.—

(1) Requirements.—Any person that submitted a public comment on the forest management
activity that is subject to arbitration may intervene in the arbitration—

(A) by endorsing—

(i) the forest management activity; or

(ii) the modification proposal submitted under subparagraph (B); or

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

(2) DEADLINE FOR SUBMISSION.—With respect to an objection or protest that is designated for arbitration under this subsection (a), a request to intervene in an arbitration must be submitted not later than the date that is 30 days after the date on which such objection or protest was designated for arbitration.

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

(c) APPOINTMENT OF ARBITRATOR.—

(1) APPOINTMENT.—The Secretary of Agriculture and the Secretary of the Interior shall jointly develop and publish a list of not fewer than 20 individuals eligible to serve as arbitrators for the pilot programs under this section.
(2) QUALIFICATIONS.—In order to be eligible to serve as an arbitrator under this subsection, an individual shall be, on the date of the appointment of such arbitrator, certified by the American Arbitration Association.

(3) SELECTION OF ARBITRATOR.—

(A) IN GENERAL.—For each arbitration commenced under this section, the Secretary concerned and each applicable objector or protestor shall agree, not later than 14 days after the agreement process is initiated, on a mutually acceptable arbitrator from the list published under subsection.

(B) APPOINTMENT AFTER 14-DAYS.—In the case of an agreement with respect to a mutually acceptable arbitrator not being reached within the 14-day limit described in subparagraph (A), the Secretary concerned shall appoint an arbitrator from the list published under this subsection.

(d) SELECTION OF PROPOSALS.—

(1) IN GENERAL.—The arbitrator appointed under subsection (c)—
(A) may not modify any of the proposals
submitted with the objection, protest, or request
to intervene; and

(B) shall select to be conducted—

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

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

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

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

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

(C) the effect of each proposal on—

(i) forest health;

(ii) habitat diversity;

(iii) wildfire potential;

(iv) insect and disease potential;

(v) timber production; and

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

(I) domestic water costs;
(II) wildlife habitat loss; and
(III) other economic and social factors.

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

(1) shall not be considered a major Federal ac-
tion;
(2) shall be binding; and
(3) shall not be subject to judicial review, ex-
cept as provided in section 10(a) of title 9, United
States Code.

(f) DEADLINE FOR COMPLETION.—Not later than 90
days after the date on which the arbitration is filed with
respect to the forest management activity, the arbitration
process shall be completed.
TITLE IV—SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT AMENDMENTS

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

(a) REPEAL OF MERCHANTABLE TIMBER CONTRACTING PILOT PROGRAM.—Section 204(e) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7124(e)) is amended by striking paragraph (3).

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

“(f) REQUIREMENTS FOR PROJECT FUNDS.—

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

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

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

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

SEC. 402. RESOURCE ADVISORY COMMITTEES.

(a) Recognition of Resource Advisory Commit-
tees.—Section 205(a)(4) of the Secure Rural Schools
and Community Self-Determination Act of 2000 (16
U.S.C. 7125(a)(4)) is amended by striking “2012” each
place it appears and inserting “2022”.

(b) Reduction in Composition of Committees.—
Section 205(d) of the Secure Rural Schools and Commu-
nity Self-Determination Act of 2000 (16 U.S.C. 7125(d))
is amended—

(1) by striking “15 members” and inserting “9
members”; and

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

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

(1) in paragraph (3), by inserting before the period at the end the following: “, consistent with the requirements of paragraph (4)”; and

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

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

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

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

(A) in subsection (a)—

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

(ii) in paragraph (3), by inserting “(or applicable designee)” after “the Sec-
(iii) in paragraph (4), by inserting
“(or applicable designee)” after “the Sec- 
retary concerned” both places it appears;

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

(C) in subsection (c)—

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

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

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

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

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

“(6) APPLICABLE DESIGNEE.—In this section, 
the term ‘applicable designee’ means—
“(A) with respect to Federal land described in section 3(7)(A), the applicable Regional Forester; and

“(B) with respect to Federal land described in section 3(7)(B), the applicable Bureau of Land Management State Director.”;

(D) in subsection (d), by inserting “(or applicable designee)" after “the Secretary concerned”; and

(E) in subsection (f)(1)—

(i) by inserting “(or applicable designee)" after “the Secretary concerned”;

and

(ii) by inserting “(or applicable designee)" after “of the Secretary”.

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

SEC. 403. PROGRAM FOR TITLE II SELF-SUSTAINING RESOURCE ADVISORY COMMITTEE PROJECTS.

(a) Self-Sustaining Resource Advisory Committee Projects.—Title II of the Secure Rural Schools
and Community Self-Determination Act of 2000 (16 U.S.C. 7121 et seq.) is amended by adding at the end the following new section:

“SEC. 209. PROGRAM FOR SELF-SUSTAINING RESOURCE ADVISORY COMMITTEE PROJECTS.

“(a) RAC PROGRAM.—The Chief of the Forest Service shall conduct a program (to be known as the ‘self-sustaining resource advisory committee program’ or ‘RAC program’) under which 10 resource advisory committees will propose projects authorized by subsection (c) to be carried out using project funds reserved by a participating county under section 102(d).

“(b) SELECTION OF PARTICIPATING RESOURCE ADVISORY COMMITTEES.—The selection of resource advisory committees to participate in the RAC program is in the sole discretion of the Chief of the Forest Service.

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

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

“(2) generate receipts.

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

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

“(2) available, in such amounts as may be provided in advance in appropriation Acts, for additional projects under the RAC program.

“(e) TERMINATION OF AUTHORITY.—

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

“(2) Deposits in Treasury.—Any funds available for projects under the RAC program and not obligated by September 30, 2023, shall be deposited in the Treasury of the United States.”.

(b) EXCEPTION TO GENERAL RULE REGARDING TREATMENT OF RECEIPTS.—Section 403(b) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7153(b)) is amended by striking “All revenues” and inserting “Except as provided in section 209, all revenues”.
SEC. 404. ADDITIONAL AUTHORIZED USE OF RESERVED FUNDS FOR TITLE III COUNTY PROJECTS.

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

(1) in paragraph (2)—

(A) by inserting “and law enforcement patrols” after “including firefighting”; and

(B) by striking “and” at the end;

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

(3) by redesignating paragraph (3) as paragraph (4); and

(4) by inserting after paragraph (2) the following new paragraph (3):

“(3) to cover training costs and equipment purchases directly related to the emergency services described in paragraph (2); and”.

SEC. 405. TREATMENT AS SUPPLEMENTAL FUNDING.

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

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

(b) Continuation of Direct Payments.—Payments to States made under the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7101 et seq.) and 25-percent payments made to States and Territories under the Acts of May 23, 1908, and March 1, 1911 (16 U.S.C. 500), shall continue to be made as direct payments.

TITLE V—STEWARDSHIP END RESULT CONTRACTING

SEC. 501. CANCELLATION CEILINGS FOR STEWARDSHIP END RESULT CONTRACTING PROJECTS.

(a) Cancellation Ceilings.—Section 604 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6591c) is amended—

(1) by redesignating subsections (h) and (i) as subsections (i) and (j), respectively; and

(2) by inserting after subsection (g) the following new subsection (h):

“(h) Cancellation Ceilings.—

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

“(2) ADVANCE NOTICE TO CONGRESS OF CANCELLATION CEILING IN EXCESS OF $25 MILLION.— Not later than 30 days before entering into a multiyear agreement or contract under subsection (b) that includes a cancellation ceiling in excess of $25 million, but does not include proposed funding for the costs of cancelling the agreement or contract up to such cancellation ceiling, the Chief or the Director, as the case may be, shall submit to the Committee on Energy and Natural Resources and the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Natural Resources and the Committee on Agriculture of the House of Representatives a written notice that includes—

“(A) the cancellation ceiling amounts proposed for each program year in the agreement or contract;

“(B) the reasons why such cancellation ceiling amounts were selected;
“(C) the extent to which the costs of contract cancellation are not included in the budget for the agreement or contract; and

“(D) an assessment of the financial risk of not including budgeting for the costs of agreement or contract cancellation.

“(3) TRANSMITTAL OF NOTICE TO OMB.—Not later than 14 days after the date on which written notice is provided under paragraph (2) with respect to an agreement or contract under subsection (b), the Chief or the Director, as the case may be, shall transmit a copy of the notice to the Director of the Office of Management and Budget.”.

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

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

and

(2) by striking the last sentence.

SEC. 502. EXCESS OFFSET VALUE.

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

“(A) use the excess to satisfy any outstanding liabilities for cancelled agreements or contracts; or

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

SEC. 503. PAYMENT OF PORTION OF STEWARDSHIP PROJECT REVENUES TO COUNTY IN WHICH STEWARDSHIP PROJECT OCCURS.

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

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

(2) in paragraph (3)(A), by striking “services received by the Chief or the Director” and all that follows through the period at the end and inserting the following: “services and in-kind resources received by the Chief or the Director under a stewardship contract project conducted under this section shall not be considered monies received from the National Forest System or the public lands, but any payments made by the contractor to the Chief or Director under the project shall be considered monies
received from the National Forest System or the public lands.”.

SEC. 504. SUBMISSION OF EXISTING ANNUAL REPORT.

Subsection (j) of section 604 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6591c), as redesignated by section 501(a)(1), is amended by striking “report to the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Agriculture of the House of Representatives” and inserting “submit to the congressional committees specified in subsection (h)(2) a report”.

SEC. 505. FIRE LIABILITY PROVISION.

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

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

SEC. 506. EXTENSION OF STEWARDSHIP CONTRACTING MAXIMUM TERM LIMITS.

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

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

TITLE VI—ADDITIONAL FUNDING SOURCES FOR FOREST MANAGEMENT ACTIVITIES

SEC. 601. DEFINITIONS.

In this title:

(1) Eligible entity.—The term “eligible entity” means—

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

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

(C) a rural electric company; and

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

(2) Fund.—The term “Fund” means the State-Supported Forest Management Fund established by section 603.
SEC. 602. AVAILABILITY OF STEWARDSHIP PROJECT REVENUES AND COLLABORATIVE FOREST LANDSCAPE RESTORATION FUND TO COVER FOREST MANAGEMENT ACTIVITY PLANNING COSTS.

(a) Availability of Stewardship Project Revenues.—Section 604(e)(2)(B) of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6591c(e)(2)(B)), as amended by section 503, is further amended by striking “appropriation at the project site from which the monies are collected or at another project site.” and inserting the following: “appropriation—

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

“(ii) to cover not more than 25 percent of the cost of planning additional stewardship contracting projects.”.

(b) Availability of Collaborative Forest Landscape Restoration Fund.—Section 4003(f)(1) of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 7303(f)(1)) is amended by striking “carrying out and” and inserting “planning, carrying out, and”.
SEC. 603. STATE-SUPPORTED PLANNING OF FOREST MANAGEMENT ACTIVITIES.

(a) State-Supported Forest Management Fund.—There is established in the Treasury of the United States a fund, to be known as the “State-Supported Forest Management Fund”, to cover the cost of planning (especially related to compliance with section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332)), carrying out, and monitoring certain forest management activities on National Forest System lands or public lands.

(b) Contents.—The State-Supported Forest Management Fund shall consist of such amounts as may be—

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

(2) appropriated to the Fund; or

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

(c) Geographical and Use Limitations.—In making a contribution under subsection (b)(1), an eligible entity may—

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

(2) limit the types of forest management activities for which the contribution may be expended.
(d) **AUTHORIZED FOREST MANAGEMENT ACTIVITIES.**—In such amounts as may be provided in advance in appropriation Acts, the Secretary concerned may use the Fund to plan, carry out, and monitor a forest management activity that—

(1) is developed through a collaborative process;

(2) is proposed by a resource advisory committee;

(3) is covered by a community wildfire protection plan.

(e) **IMPLEMENTATION METHODS.**—A forest management activity carried out using amounts in the Fund may be carried out using a contract or agreement under section 604 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6591c), the good neighbor authority provided by section 8206 of the Agricultural Act of 2014 (16 U.S.C. 2113a), a contract under section 14 of the National Forest Management Act of 1976 (16 U.S.C. 472a), or other authority available to the Secretary concerned, but revenues generated by the forest management activity shall be used to reimburse the Fund for planning costs covered using amounts in the Fund.

(f) **RELATION TO OTHER LAWS.**—

(1) **REVENUE SHARING.**—Subject to subsection (e), revenues generated by a forest management ac-

(g) Termination of Fund.—

(1) Termination.—The Fund shall terminate 10 years after the date of the enactment of this Act.

(2) Effect of termination.—Upon the termination of the Fund pursuant to paragraph (1) or pursuant to any other provision of law, unobligated contributions remaining in the Fund shall be returned to the eligible entity that made the contribution.
TITLE VII—TRIBAL FORESTRY
PARTICIPATION AND PROTECTION

SEC. 701. PROTECTION OF TRIBAL FOREST ASSETS THROUGH USE OF STEWARDSHIP END RESULT CONTRACTING AND OTHER AUTHORITIES.

(a) Prompt Consideration of Tribal Requests.—Section 2(b) of the Tribal Forest Protection Act of 2004 (25 U.S.C. 3115a(b)) is amended—

(1) in paragraph (1), by striking “Not later than 120 days after the date on which an Indian tribe submits to the Secretary” and inserting “In response to the submission by an Indian Tribe of”;

and

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

“(4) Time periods for consideration.—

“(A) Initial response.—Not later than 120 days after the date on which the Secretary receives a Tribal request under paragraph (1), the Secretary shall provide an initial response to the Indian Tribe regarding—
“(i) whether the request may meet the selection criteria described in subsection (c); and

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

“(B) NOTICE OF DENIAL.—Notice under subsection (d) of the denial of a Tribal request under paragraph (1) shall be provided not later than 1 year after the date on which the Secretary received the request.

“(C) COMPLETION.—Not later than 2 years after the date on which the Secretary receives a Tribal request under paragraph (1), other than a Tribal request denied under subsection (d), the Secretary shall—

“(i) complete all environmental reviews necessary in connection with the agreement or contract and proposed activities under the agreement or contract; and

“(ii) enter into the agreement or contract with the Indian tribe under paragraph (2).”.
(b) CONFORMING AND TECHNICAL AMENDMENTS.—

Section 2 of the Tribal Forest Protection Act of 2004 (25 U.S.C. 3115a) is amended—


and

(2) in subsection (d), by striking “subsection (b)(1), the Secretary may” and inserting “paragraphs (1) and (4)(B) of subsection (b), the Secretary shall”.

SEC. 702. MANAGEMENT OF INDIAN FOREST LAND AUTHORIZED TO INCLUDE RELATED NATIONAL FOREST SYSTEM LANDS AND PUBLIC LANDS.

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

“(e) INCLUSION OF CERTAIN NATIONAL FOREST SYSTEM LAND AND PUBLIC LAND.—
“(1) AUTHORITY.—At the request of an Indian Tribe, the Secretary concerned may agree to treat Federal forest land as Indian forest land for purposes of planning and conducting forest land management activities under this section if the Federal forest land is located within, or mostly within, a geographic area that presents a feature or involves circumstances principally relevant to that Indian Tribe, such as Federal forest land ceded to the United States by treaty, Federal forest land within the boundaries of a current or former reservation, or Federal forest land adjudicated to be Tribal homelands.

“(2) REQUIREMENTS.—As part of the agreement to treat Federal forest land as Indian forest land under paragraph (1), the Secretary concerned and the Indian Tribe making the request shall—

“(A) provide for continued public access applicable to the Federal forest land prior to the agreement, except that the Secretary concerned may limit or prohibit such access as needed;

“(B) continue sharing revenue generated by the Federal forest land with State and local governments either—
“(i) on the terms applicable to the
Federal forest land prior to the agreement,
including, where applicable, 25-percent
payments or 50-percent payments; or

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

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

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

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

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

“(3) LIMITATION.—Treating Federal forest
land as Indian forest land for purposes of planning
and conducting management activities pursuant to paragraph (1) shall not be construed to designate the Federal forest land as Indian forest lands for any other purpose.

“(4) DEFINITIONS.—In this subsection:

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

“(i) National Forest System lands; and

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

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

“(i) the Secretary of Agriculture, with respect to the Federal forest land referred to in subparagraph (A)(i); and
“(ii) the Secretary of the Interior, with respect to the Federal forest land referred to in subparagraph (A)(ii).”.

SEC. 703. TRIBAL FOREST MANAGEMENT DEMONSTRATION PROJECT.

The Secretary of the Interior and the Secretary of Agriculture may carry out demonstration projects by which federally recognized Indian Tribes or Tribal organizations may contract to perform administrative, management, and other functions of programs of the Tribal Forest Protection Act of 2004 (25 U.S.C. 3115a et seq.) through contracts entered into under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304 et seq.).

SEC. 704. RULE OF APPLICATION.

Nothing in this title, or the amendments made by this title, shall be construed as interfering with, diminishing, or conflicting with the authority, jurisdiction, or responsibility of any State to exercise primary management, control, or regulation of fish and wildlife on land or water within the State (including on public land) under State law.
TITLE VIII—EXPEDITING
INTERAGENCY CONSULTATION
Subtitle A—Forest Plans Not
Considered Major Federal Actions

SEC. 801. FOREST PLANS NOT CONSIDERED MAJOR FEDERAL ACTIONS.

The development, maintenance, amendment, and revision of a forest plan shall not be considered a major Federal action for purposes of section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332).

Subtitle B—Agency Consultation


(a) In General.—Section 6(d) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(d)) is amended—

(1) by striking “(d) The Secretary” and inserting the following:

“(d) PUBLIC PARTICIPATION AND CONSULTATION.—

“(1) IN GENERAL.—The Secretary”; and

(2) by adding at the end the following:

“(2) NO ADDITIONAL CONSULTATION REQUIRED AFTER APPROVAL OF LAND MANAGEMENT PLANS.—
“(A) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall not be required to engage in consultation under this subsection or any other provision of law (including section 7 of the Endangered Species Act (16 U.S.C. 1536) and section 402.16 of title 50, Code of Federal Regulations (or a successor regulation)) with respect to—

“(i) if a land management plan approved by the Secretary—

“(I) the listing of a species as threatened or endangered, or a designation of critical habitat pursuant to the Endangered Species Act (16 U.S.C. 1531 et seq.);

“(II) whether the amount or extent of taking specified in the incidental take statement is exceeded;

“(III) whether new information reveals effects of the action that may affect listed species or critical habitat in a manner or to an extent not previously considered; or

“(IV) whether the identified action is subsequently modified in a
manner that causes an effect to the
listed species or critical habitat that
was not considered in the biological
opinion; or
“(ii) any provision of a land manage-
ment plan adopted as described in clause
(i).
“(B) EFFECT OF PARAGRAPH.—Nothing
in this paragraph affects any applicable require-
ment of the Secretary to consult with the head
of any other Federal department or agency—
“(i) regarding any project, including a
project carried out, or proposed to be car-
rried out, in an area designated as critical
habitat pursuant to the Endangered Spe-
cies Act (16 U.S.C. 1531 et seq.); or
“(ii) with respect to the development
of an amendment to a land management
plan that would result in a significant
change in the land management plan.
“(3) LAND MANAGEMENT PLAN CONSIDERED A
NON-DISCRETIONARY ACTION.—For purposes of the
seq.), a forest management activity carried out by
the Secretary concerned pursuant to this Act shall be considered a non-discretionary action.”.

(b) Definition of Secretary; Conforming Amendments.—

(1) Definition of Secretary.—Section 3(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1601(a)) is amended, in the first sentence of the matter preceding paragraph (1), by inserting “(referred to in this Act as the ‘Secretary’)” after “Secretary of Agriculture”.

(2) Conforming Amendments.—The Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.) is amended, in sections 4 through 9, 12, 13, and 15, by striking “Secretary of Agriculture” each place it appears and inserting “Secretary”.


Section 202(f) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712(f)) is amended—

(1) by striking “(f) The Secretary” and inserting the following:

“(f) Public Involvement.—

“(1) In general.—The Secretary”; and
(2) by adding at the end the following:

“(2) NO ADDITIONAL CONSULTATION REQUIRED AFTER APPROVAL OF LAND USE PLANS.—

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

“(i) the listing of a species as threatened or endangered, or a designation of critical habitat, pursuant to the Endangered Species Act (16 U.S.C. 1531 et seq.), if a land use plan has been adopted by the Secretary as of the date of listing or designation; or

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

“(B) EFFECT OF PARAGRAPH.—

“(i) DEFINITION OF SIGNIFICANT CHANGE.—In this subparagraph, the term ‘significant change’ means a significant change within the meaning of section
219.13(b)(3) of title 36, Code of Federal Regulations (as in effect on the date of enactment of this subparagraph), except that—

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

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

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

“(ii) EFFECT.—Nothing in this paragraph affects any applicable requirement of the Secretary to consult with the head of any other Federal department or agency—

“(I) regarding a project carried out, or proposed to be carried out, with respect to a species listed as threatened or endangered, or in an
area designated as critical habitat, pursuant to the Endangered Species Act (16 U.S.C. 1531 et seq.); or

“(II) with respect to the development of a new land use plan or the revision of or other significant change to an existing land use plan.

“(3) LAND USE PLAN CONSIDERED NON-DISCRETIONARY ACTION.—For purposes of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), a forest management activity carried out by the Secretary concerned pursuant to this Act shall be considered a non-discretionary action.”.

**TITLE IX—MISCELLANEOUS**

**Subtitle A—Forest Management Provisions**

**SEC. 901. CLARIFICATION OF EXISTING CATEGORICAL EXCLUSION AUTHORITY RELATED TO INSECT AND DISEASE INFESTATION.**


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SEC. 902. REVISION OF ALTERNATE CONSULTATION AGREEMENT REGULATIONS.

Not later than 90 days after the date of the enactment of this section, the Secretary of the Interior and the Secretary of Commerce shall revise section 402.13 of title 50, Code of Federal Regulations, to—

(1) authorize Federal agencies to enter into alternative consultation agreements under which the Federal agency may determine if an action such agency authorizes is likely to adversely affect listed species or critical habitat; and

(2) if an agency determines such action will not likely adversely affect listed species or critical habitat pursuant to paragraph (1), not require such agency to complete a formal consultation, informal consultation, or written concurrence of the U.S. Fish and Wildlife Service or the National Marine Fisheries Service with respect to such action.

SEC. 903. REVISION OF EXTRAORDINARY CIRCUMSTANCES REGULATIONS.

(a) Determinations of Extraordinary Circumstances.—In determining whether extraordinary circumstances related to a proposed action preclude use of a categorical exclusion, the Forest Service shall not be required to—

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

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

(3) conduct an analysis under section 220.4(f) of title 36, Code of Federal Regulations, of the proposed action’s cumulative impact (as the term is defined in section 1508.7 of title 40, Code of Federal Regulations);

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

(5) consider a determination under section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536) that a proposed action may affect, and is likely to adversely affect threatened, endangered, candidate species, or designated critical habitat if the agency is in compliance with the applicable provisions of the biological opinion.

(b) PROPOSED RULEMAKING.—Not later than 60 days after the date of enactment of this Act, the Secretary of Agriculture shall publish a notice of proposed rule-making to revise section 220.6(b) of title 36, Code of Fed-
eral Regulations to conform such section with subsection (a).

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

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

SEC. 904. CONDITIONS ON FOREST SERVICE ROAD DECOMMISSIONING.

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

(1) consult with the government of the county containing the road regarding the merits and possible consequences of decommissioning the road; and
(2) solicit possible alternatives to decommissioning the road.

(b) PERIOD PRIOR TO DECOMMISSION.—A Forest Service road described in subsection (a) may not be decommissioned without the advance approval of the Regional Forester.

SEC. 905. PROHIBITION ON APPLICATION OF EASTSIDE SCREENS REQUIREMENTS ON NATIONAL FOREST SYSTEM LANDS.

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

(b) EFFECT OF REPEAL.—On and after the date of the enactment of this Act, the Secretary of Agriculture may not apply to National Forest System lands any of the amendments repealed under subsection (a).
SEC. 906. USE OF SITE-SPECIFIC FOREST PLAN AMENDMENTS FOR CERTAIN PROJECTS AND ACTIVITIES.

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

SEC. 907. KNUTSON-VANDENBERG ACT MODIFICATIONS.

(a) Deposits of Funds From National Forest Timber Purchasers Required.—Section 3(a) of the Act of June 9, 1930 (commonly known as the Knutson-Vandenberg Act; 16 U.S.C. 576b(a)), is amended by striking “The Secretary” and all that follows through “any purchaser” and inserting the following: “The Secretary of Agriculture shall require each purchaser”.

(b) Conditions on Use of Deposits.—Section 3 of the Act of June 9, 1930 (commonly known as the Knutson-Vandenberg Act; 16 U.S.C. 576b), is amended—

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

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

(2) by redesignating subsection (c) as subsection (d); and
(3) by inserting before subsection (d), as so re-designated, the following new subsection (c):

“(c)(1) Amounts in the special fund established pursuant to this section—

“(A) shall be used exclusively to implement activities authorized by subsection (a); and

“(B) may be used anywhere within the Forest Service Region from which the original deposits were collected.

“(2) The Secretary of Agriculture may not deduct overhead costs from the funds collected under subsection (a), except as needed to fund personnel of the responsible Ranger District for the planning and implementation of the activities authorized by subsection (a).”.

SEC. 908. APPLICATION OF NORTHWEST FOREST PLAN SURVEY AND MANAGE MITIGATION MEASURE STANDARD AND GUIDELINES.

The Northwest Forest Plan Survey and Manage Mitigation Measure Standard and Guidelines shall not apply to any National Forest System lands or public lands.

SEC. 909. RECONSTRUCTION AND REPAIR INCLUDED IN GOOD NEIGHBOR AGREEMENTS.

Section 8206(a)(3) of the Agricultural Act of 2014 (16 U.S.C. 2113a(a)(3)) is amended—

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

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

(C) by inserting after clause (ii) the following new clause:

“(iii) construction, reconstruction, repair or restoration of roads as necessary to achieve project objectives; and”.

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

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

SEC. 910. LOGGING AND MECHANIZED OPERATIONS.

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

(1) in section 3 (29 U.S.C. 203)—

(A) in subsection (l), by striking “well-being.” and inserting “well-being, and that employment of employees ages sixteen or seventeen years in a logging or mechanized operation in an occupation that the Secretary of Labor finds and declares to be particularly hazardous for the employment of individuals of such ages
shall not be deemed to constitute oppressive
child labor if such employee is employed by his
parent or by a person standing in the place of
his parent in a logging or mechanized operation
owned or operated by such parent or person”;
and

(B) by adding at the end the following:

“(z)(1) ‘Logging’—

“(A) means—

“(i) the felling, skidding, yarding, loading

and processing of timber by equipment other

than manually operated chainsaws and cable

skidders;

“(ii) the felling of timber in mechanized

operations;

“(iii) the bucking or converting of timber

into logs, poles, ties, bolts, pulpwood, chemical

wood, excelsior wood, cordwood, fence posts, or

similar products;

“(iv) the collecting, skidding, yarding,

loading, transporting and unloading of such

products in connection with logging;

“(v) the constructing, repairing and main-

taining of roads or camps used in connection

with logging; the constructing, repairing, and
maintenance of machinery or equipment used in logging; and

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

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

“(2) ‘Mechanized operation’—

“(A) means the felling, skidding, yarding, loading and processing of timber by equipment other than manually operated chainsaws and cable skidders; and

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

(2) in section 13(e) (29 U.S.C. 211(e)), by adding at the end the following:

“(8) The provisions of section 12 relating to child labor shall apply to an employee who is 16 or 17 years old employed in a logging or mechanized operation in an occupation that the Secretary of Labor finds and declares
to be particularly hazardous for the employment of children ages 16 or 17, except where such employee is employed by his parent or by a person standing in the place of his parent in a logging or mechanized operation owned or operated by such parent or person.”.

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

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

The Act of August 28, 1937 (50 Stat. 874), is amended—

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

(2) by striking “facilities” and inserting “facilities”; and

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

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

(a) Creation of Permanent Rights of Access Required.—Notwithstanding any other provision of law, on the date of the enactment of this section, reciprocal road right-of-way permits, grants, and agreements issued
to a private landowner by the Secretary of the Interior pursuant to subpart 2812 of part 2810 of title 43, Code of Federal Regulations, or its predecessor regulation shall become permanent rights of access that are recordable and that shall run with the land.

(b) RECORDS UPDATED.—Not later than 60 days after the date of the enactment of this Act, the reciprocal road right-of-way permits, grants, and agreements described in subsection (a) shall be amended to reflect the permanent rights of access required under subsection (a) and recorded by the Secretary of the Interior in each county where the lands are located. No other amendments shall be made to such right-of-way permits, grants, and agreements.

SEC. 913. MANAGEMENT OF BUREAU OF LAND MANAGEMENT LANDS IN WESTERN OREGON.

(a) IN GENERAL.—All of the public land managed by the Bureau of Land Management in the Northwest District, Roseburg District, Coos Bay District, Medford District, and the Klamath Resource Area of the Lakeview District in the State of Oregon shall hereafter be managed pursuant to title I of the Act of August 28, 1937 (43 U.S.C. 1181a through 1181e). Except as provided in subsection (b), all of the revenue produced from such land shall be deposited in the Treasury of the United States
in the Oregon and California land-grant fund and be sub-
ject to the provisions of title II of the Act of August 28,
1937 (43 U.S.C. 1181f).

(b) Certain Lands Excluded.—Subsection (a) does not apply to any revenue that is required to be depos-
ited in the Coos Bay Wagon Road grant fund pursuant
to sections 1 through 4 of the Act of May 24, 1939 (43
U.S.C. 1181f et seq.).

TITLE X—MAJOR DISASTER FOR
WILDFIRE ON FEDERAL LAND

SEC. 1001. WILDFIRE ON FEDERAL LANDS.

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

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

“(2) Major disaster.—

“(A) Major disaster.—The term ‘major
disaster’ means”; and

(2) by adding at the end the following:

“(B) Major disaster for wildfire on
federal lands.—The term ‘major disaster
for wildfire on Federal lands’ means any wild-
fire or wildfires, which in the determination of
the President under section 802 warrants as-
sistance under section 803 to supplement the
efforts and resources of the Department of the
Interior or the Department of Agriculture—
“(i) on Federal lands; or
“(ii) on non-Federal lands pursuant
to a fire protection agreement or coopera-
tive agreement.”.

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

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

“TITLE VIII—MAJOR DISASTER
FOR WILDFIRE ON FEDERAL
LAND

“SEC. 801. DEFINITIONS.

“As used in this title—

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

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

“(B) any land under the jurisdiction of the
United States Forest Service.
“(2) Federal land management agencies.—The term ‘Federal land management agencies’ means—

“(A) the Bureau of Land Management;
“(B) the National Park Service;
“(C) the Bureau of Indian Affairs;
“(D) the United States Fish and Wildlife Service; and
“(E) the United States Forest Service.

“(3) Wildfire suppression operations.—

The term ‘wildfire suppression operations’ means the emergency and unpredictable aspects of wildland firefighting, including support, response, emergency stabilization activities, and other emergency management activities of wildland firefighting on Federal lands (or on non-Federal lands pursuant to a fire protection agreement or cooperative agreement) by the Federal land management agencies covered by the wildfire suppression subactivity of the Wildland Fire Management account or the FLAME Wildfire Suppression Reserve Fund account of the Federal land management agencies.
“SEC. 802. PROCEDURE FOR DECLARATION OF A MAJOR DISASTER FOR WILDFIRE ON FEDERAL LANDS.

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

“(b) REQUIREMENTS.—A request for a declaration by the President that a major disaster for wildfire on Federal lands exists shall—

“(1) be made in writing by the respective Secretary;

“(2) certify that the amount appropriated in the current fiscal year for wildfire suppression operations of the Federal land management agencies under the jurisdiction of the respective Secretary, net of any concurrently enacted rescissions of wildfire suppression funds, increases the total unobligated balance of amounts available for wildfire suppression by an amount equal to or greater than the average total costs incurred by the Federal land management agencies per year for wildfire suppression operations, including the suppression costs in excess of appropriated amounts, over the previous ten fiscal years;
“(3) certify that the amount available for wildfire suppression operations of the Federal land management agencies under the jurisdiction of the respective Secretary will be obligated not later than 30 days after such Secretary notifies the President that wildfire suppression funds will be exhausted to fund ongoing and anticipated wildfire suppression operations related to the wildfire on which the request for the declaration of a major disaster for wildfire on Federal lands pursuant to this title is based; and

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

“(c) Declaration.—Based on the request of the respective Secretary under this title, the President may declare that a major disaster for wildfire on Federal lands exists.

“SEC. 803. WILDFIRE ON FEDERAL LANDS ASSISTANCE.

“(a) In General.—In a major disaster for wildfire on Federal lands, the President may transfer funds, only from the account established pursuant to subsection (b), to the Secretary of the Interior or the Secretary of Agriculture to conduct wildfire suppression operations on Fed-
eral lands (and non-Federal lands pursuant to a fire pro-
tection agreement or cooperative agreement).

“(b) Wildfire Suppression Operations Ac-
count.—The President shall establish a specific account
for the assistance available pursuant to a declaration
under section 802. Such account may only be used to fund
assistance pursuant to this title.

“(c) Limitation.—

“(1) Limitation of transfer.—The assist-
ance available pursuant to a declaration under sec-
tion 802 is limited to the transfer of the amount re-
quested pursuant to section 802(b)(4). The assist-
ance available for transfer shall not exceed the
amount contained in the wildfire suppression oper-
ations account established pursuant to subsection
(b).

“(2) Transfer of funds.—Funds under this
section shall be transferred from the wildfire sup-
pression operations account to the wildfire suppres-
sion subactivity of the Wildland Fire Management
Account.

“(d) Prohibition of Other Transfers.—Except
as provided in this section, no funds may be transferred
to or from the account established pursuant to subsection
(b) to or from any other fund or account.
“(e) Reimbursement for Wildfire Suppression Operations on Non-Federal Land.—If amounts transferred under subsection (c) are used to conduct wildfire suppression operations on non-Federal land, the respective Secretary shall—

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

“(2) transfer the amounts received as reimbursement to the wildfire suppression operations account established pursuant to subsection (b).

“(f) Annual Accounting and Reporting Requirements.—Not later than 90 days after the end of each fiscal year for which assistance is received pursuant to this section, the respective Secretary shall submit to the Committees on Agriculture, Appropriations, the Budget, Natural Resources, and Transportation and Infrastructure of the House of Representatives and the Committees on Agriculture, Nutrition, and Forestry, Appropriations, the Budget, Energy and Natural Resources, Homeland Security and Governmental Affairs, and Indian Affairs of the Senate, and make available to the public, a report that includes the following:

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

“(2) Specific discussion of a statistically signifi-
cant sample of large fires, in which each fire is ana-
lyzed for cost drivers, effectiveness of risk manage-
ment techniques, resulting positive or negative im-
pacts of fire on the landscape, impact of investments
in preparedness, suggested corrective actions, and
such other factors as the respective Secretary con-
siders appropriate.

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

“(4) Lessons learned.

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

“(g) SAVINGS PROVISION.—Nothing in this title shall
limit the Secretary of the Interior, the Secretary of Agri-
culture, Indian Tribe, or a State from receiving assistance
through a declaration made by the President under this
Act when the criteria for such declaration have been
met.”.
No funds may be transferred to or from the Federal land management agencies' wildfire suppression operations accounts referred to in section 801(3) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act to or from any account or subactivity of the Federal land management agencies, as defined in section 801(2) of such Act, that is not used to cover the cost of wildfire suppression operations.