

1 Congress a report on the results of the study con-
2 ducted under paragraph (1).

3 **TITLE VI—OTHER PROVISIONS**

4 **SEC. 601. SECURE RURAL SCHOOLS AND COMMUNITY SELF-**
5 **DETERMINATION PROGRAM.**

6 (a) *REAUTHORIZATION OF THE SECURE RURAL*
7 *SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT OF*
8 *2000.—The Secure Rural Schools and Community Self-De-*
9 *termination Act of 2000 (16 U.S.C. 500 note; Public Law*
10 *106–393) is amended by striking sections 1 through 403*
11 *and inserting the following:*

12 **“SECTION 1. SHORT TITLE.**

13 *“This Act may be cited as the ‘Secure Rural Schools*
14 *and Community Self-Determination Act of 2000’.*

15 **“SEC. 2. PURPOSES.**

16 *“The purposes of this Act are—*

17 *“(1) to stabilize and transition payments to*
18 *counties to provide funding for schools and roads that*
19 *supplements other available funds;*

20 *“(2) to make additional investments in, and cre-*
21 *ate additional employment opportunities through,*
22 *projects that—*

23 *“(A)(i) improve the maintenance of existing*
24 *infrastructure;*

1 “(i) implement stewardship objectives that
2 enhance forest ecosystems; and

3 “(iii) restore and improve land health and
4 water quality;

5 “(B) enjoy broad-based support; and

6 “(C) have objectives that may include—

7 “(i) road, trail, and infrastructure
8 maintenance or obliteration;

9 “(ii) soil productivity improvement;

10 “(iii) improvements in forest ecosystem
11 health;

12 “(iv) watershed restoration and main-
13 tenance;

14 “(v) the restoration, maintenance, and
15 improvement of wildlife and fish habitat;

16 “(vi) the control of noxious and exotic
17 weeds; and

18 “(vii) the reestablishment of native spe-
19 cies; and

20 “(3) to improve cooperative relationships
21 among—

22 “(A) the people that use and care for Fed-
23 eral land; and

24 “(B) the agencies that manage the Federal
25 land.

1 **“SEC. 3. DEFINITIONS.**

2 *“In this Act:*

3 *“(1) ADJUSTED SHARE.—The term ‘adjusted*
4 *share’ means the number equal to the quotient ob-*
5 *tained by dividing—*

6 *“(A) the number equal to the quotient ob-*
7 *tained by dividing—*

8 *“(i) the base share for the eligible coun-*
9 *ty; by*

10 *“(ii) the income adjustment for the eli-*
11 *gible county; by*

12 *“(B) the number equal to the sum of the*
13 *quotients obtained under subparagraph (A) and*
14 *paragraph (8)(A) for all eligible counties.*

15 *“(2) BASE SHARE.—The term ‘base share’ means*
16 *the number equal to the average of—*

17 *“(A) the quotient obtained by dividing—*

18 *“(i) the number of acres of Federal*
19 *land described in paragraph (7)(A) in each*
20 *eligible county; by*

21 *“(ii) the total number acres of Federal*
22 *land in all eligible counties in all eligible*
23 *States; and*

24 *“(B) the quotient obtained by dividing—*

25 *“(i) the amount equal to the average of*
26 *the 3 highest 25-percent payments and safe-*

1 *ty net payments made to each eligible State*
2 *for each eligible county during the eligi-*
3 *bility period; by*

4 *“(ii) the amount equal to the sum of*
5 *the amounts calculated under clause (i) and*
6 *paragraph (9)(B)(i) for all eligible counties*
7 *in all eligible States during the eligibility*
8 *period.*

9 *“(3) COUNTY PAYMENT.—The term ‘county pay-*
10 *ment’ means the payment for an eligible county cal-*
11 *culated under section 101(b).*

12 *“(4) ELIGIBLE COUNTY.—The term ‘eligible*
13 *county’ means any county that—*

14 *“(A) contains Federal land (as defined in*
15 *paragraph (7)); and*

16 *“(B) elects to receive a share of the State*
17 *payment or the county payment under section*
18 *102(b).*

19 *“(5) ELIGIBILITY PERIOD.—The term ‘eligibility*
20 *period’ means fiscal year 1986 through fiscal year*
21 *1999.*

22 *“(6) ELIGIBLE STATE.—The term ‘eligible State’*
23 *means a State or territory of the United States that*
24 *received a 25-percent payment for 1 or more fiscal*
25 *years of the eligibility period.*

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

3 “(A) *land within the National Forest Sys-*
4 *tem, as defined in section 11(a) of the Forest and*
5 *Rangeland Renewable Resources Planning Act of*
6 *1974 (16 U.S.C. 1609(a)) exclusive of the Na-*
7 *tional Grasslands and land utilization projects*
8 *designated as National Grasslands administered*
9 *pursuant to the Act of July 22, 1937 (7 U.S.C.*
10 *1010–1012); and*

11 “(B) *such portions of the revested Oregon*
12 *and California Railroad and reconveyed Coos*
13 *Bay Wagon Road grant land as are or may*
14 *hereafter come under the jurisdiction of the De-*
15 *partment of the Interior, which have heretofore*
16 *or may hereafter be classified as timberlands,*
17 *and power-site land valuable for timber, that*
18 *shall be managed, except as provided in the*
19 *former section 3 of the Act of August 28, 1937*
20 *(50 Stat. 875; 43 U.S.C. 1181c), for permanent*
21 *forest production.*

22 “(8) *50-PERCENT ADJUSTED SHARE*.—*The term*
23 *‘50-percent adjusted share’ means the number equal to*
24 *the quotient obtained by dividing—*

1 “(A) the number equal to the quotient ob-
2 tained by dividing—

3 “(i) the 50-percent base share for the
4 eligible county; by

5 “(ii) the income adjustment for the eli-
6 gible county; by

7 “(B) the number equal to the sum of the
8 quotients obtained under subparagraph (A) and
9 paragraph (1)(A) for all eligible counties.

10 “(9) 50-PERCENT BASE SHARE.—The term ‘50-
11 percent base share’ means the number equal to the av-
12 erage of—

13 “(A) the quotient obtained by dividing—

14 “(i) the number of acres of Federal
15 land described in paragraph (7)(B) in each
16 eligible county; by

17 “(ii) the total number acres of Federal
18 land in all eligible counties in all eligible
19 States; and

20 “(B) the quotient obtained by dividing—

21 “(i) the amount equal to the average of
22 the 3 highest 50-percent payments made to
23 each eligible county during the eligibility
24 period; by

1 “(i) the amount equal to the sum of
2 the amounts calculated under clause (i) and
3 paragraph (2)(B)(i) for all eligible counties
4 in all eligible States during the eligibility
5 period.

6 “(10) 50-PERCENT PAYMENT.—The term ‘50-per-
7 cent payment’ means the payment that is the sum of
8 the 50-percent share otherwise paid to a county pur-
9 suant to title II of the Act of August 28, 1937 (chap-
10 ter 876; 50 Stat. 875; 43 U.S.C. 1181f), and the pay-
11 ment made to a county pursuant to the Act of May
12 24, 1939 (chapter 144; 53 Stat. 753; 43 U.S.C. 1181f-
13 1 et seq.).

14 “(11) FULL FUNDING AMOUNT.—The term ‘full
15 funding amount’ means—

16 “(A) \$500,000,000 for fiscal year 2008; and

17 “(B) for fiscal year 2009 and each fiscal
18 year thereafter, the amount that is equal to 90
19 percent of the full funding amount for the pre-
20 ceding fiscal year.

21 “(12) INCOME ADJUSTMENT.—The term ‘income
22 adjustment’ means the square of the quotient obtained
23 by dividing—

24 “(A) the per capita personal income for
25 each eligible county; by

1 “(B) *the median per capita personal income*
2 *of all eligible counties.*

3 “(13) *PER CAPITA PERSONAL INCOME.*—*The*
4 *term ‘per capita personal income’ means the most re-*
5 *cent per capita personal income data, as determined*
6 *by the Bureau of Economic Analysis.*

7 “(14) *SAFETY NET PAYMENTS.*—*The term ‘safety*
8 *net payments’ means the special payment amounts*
9 *paid to States and counties required by section 13982*
10 *or 13983 of the Omnibus Budget Reconciliation Act*
11 *of 1993 (Public Law 103–66; 16 U.S.C. 500 note; 43*
12 *U.S.C. 1181f note).*

13 “(15) *SECRETARY CONCERNED.*—*The term ‘Sec-*
14 *retary concerned’ means—*

15 “(A) *the Secretary of Agriculture or the des-*
16 *ignee of the Secretary of Agriculture with respect*
17 *to the Federal land described in paragraph*
18 *(7)(A); and*

19 “(B) *the Secretary of the Interior or the des-*
20 *ignee of the Secretary of the Interior with respect*
21 *to the Federal land described in paragraph*
22 *(7)(B).*

23 “(16) *STATE PAYMENT.*—*The term ‘State pay-*
24 *ment’ means the payment for an eligible State cal-*
25 *culated under section 101(a).*

1 “(17) 25-PERCENT PAYMENT.—The term ‘25-per-
2 cent payment’ means the payment to States required
3 by the sixth paragraph under the heading of ‘FOR-
4 EST SERVICE’ in the Act of May 23, 1908 (35 Stat.
5 260; 16 U.S.C. 500), and section 13 of the Act of
6 March 1, 1911 (36 Stat. 963; 16 U.S.C. 500).

7 **“TITLE I—SECURE PAYMENTS**
8 **FOR STATES AND COUNTIES**
9 **CONTAINING FEDERAL LAND**

10 **“SEC. 101. SECURE PAYMENTS FOR STATES CONTAINING**
11 **FEDERAL LAND.**

12 “(a) STATE PAYMENT.—For each of fiscal years 2008
13 through 2011, the Secretary of Agriculture shall calculate
14 for each eligible State an amount equal to the sum of the
15 products obtained by multiplying—

16 “(1) the adjusted share for each eligible county
17 within the eligible State; by

18 “(2) the full funding amount for the fiscal year.

19 “(b) COUNTY PAYMENT.—For each of fiscal years 2008
20 through 2011, the Secretary of the Interior shall calculate
21 for each eligible county that received a 50-percent payment
22 during the eligibility period an amount equal to the product
23 obtained by multiplying—

24 “(1) the 50-percent adjusted share for the eligible
25 county; by

1 “(2) *the full funding amount for the fiscal year.*

2 **“SEC. 102. PAYMENTS TO STATES AND COUNTIES.**

3 “(a) *PAYMENT AMOUNTS.—Except as provided in sec-*
4 *tion 103, the Secretary of the Treasury shall pay to—*

5 “(1) *a State or territory of the United States an*
6 *amount equal to the sum of the amounts elected under*
7 *subsection (b) by each county within the State or ter-*
8 *ritory for—*

9 “(A) *if the county is eligible for the 25-per-*
10 *cent payment, the share of the 25-percent pay-*
11 *ment; or*

12 “(B) *the share of the State payment of the*
13 *eligible county; and*

14 “(2) *a county an amount equal to the amount*
15 *elected under subsection (b) by each county for—*

16 “(A) *if the county is eligible for the 50-per-*
17 *cent payment, the 50-percent payment; or*

18 “(B) *the county payment for the eligible*
19 *county.*

20 “(b) *ELECTION TO RECEIVE PAYMENT AMOUNT.—*

21 “(1) *ELECTION; SUBMISSION OF RESULTS.—*

22 “(A) *IN GENERAL.—The election to receive*
23 *a share of the State payment, the county pay-*
24 *ment, a share of the State payment and the*
25 *county payment, a share of the 25-percent pay-*

1 *ment, the 50-percent payment, or a share of the*
2 *25-percent payment and the 50-percent payment,*
3 *as applicable, shall be made at the discretion of*
4 *each affected county by August 1, 2008 (or as*
5 *soon thereafter as the Secretary concerned deter-*
6 *mines is practicable), and August 1 of each sec-*
7 *ond fiscal year thereafter, in accordance with*
8 *paragraph (2), and transmitted to the Secretary*
9 *concerned by the Governor of each eligible State.*

10 *“(B) FAILURE TO TRANSMIT.—If an elec-*
11 *tion for an affected county is not transmitted to*
12 *the Secretary concerned by the date specified*
13 *under subparagraph (A), the affected county*
14 *shall be considered to have elected to receive a*
15 *share of the State payment, the county payment,*
16 *or a share of the State payment and the county*
17 *payment, as applicable.*

18 *“(2) DURATION OF ELECTION.—*

19 *“(A) IN GENERAL.—A county election to re-*
20 *ceive a share of the 25-percent payment or 50-*
21 *percent payment, as applicable, shall be effective*
22 *for 2 fiscal years.*

23 *“(B) FULL FUNDING AMOUNT.—If a county*
24 *elects to receive a share of the State payment or*
25 *the county payment, the election shall be effective*

1 *for all subsequent fiscal years through fiscal year*
2 *2011.*

3 “(3) *SOURCE OF PAYMENT AMOUNTS.—The pay-*
4 *ment to an eligible State or eligible county under this*
5 *section for a fiscal year shall be derived from—*

6 “(A) *any amounts that are appropriated to*
7 *carry out this Act;*

8 “(B) *any revenues, fees, penalties, or mis-*
9 *cellaneous receipts, exclusive of deposits to any*
10 *relevant trust fund, special account, or perma-*
11 *nent operating funds, received by the Federal*
12 *Government from activities by the Bureau of*
13 *Land Management or the Forest Service on the*
14 *applicable Federal land; and*

15 “(C) *to the extent of any shortfall, out of*
16 *any amounts in the Treasury of the United*
17 *States not otherwise appropriated.*

18 “(c) *DISTRIBUTION AND EXPENDITURE OF PAY-*
19 *MENTS.—*

20 “(1) *DISTRIBUTION METHOD.—A State that re-*
21 *ceives a payment under subsection (a) for Federal*
22 *land described in section 3(7)(A) shall distribute the*
23 *appropriate payment amount among the appropriate*
24 *counties in the State in accordance with—*

1 “(A) *the Act of May 23, 1908 (16 U.S.C.*
2 *500); and*

3 “(B) *section 13 of the Act of March 1, 1911*
4 *(36 Stat. 963; 16 U.S.C. 500).*

5 “(2) *EXPENDITURE PURPOSES.—Subject to sub-*
6 *section (d), payments received by a State under sub-*
7 *section (a) and distributed to counties in accordance*
8 *with paragraph (1) shall be expended as required by*
9 *the laws referred to in paragraph (1).*

10 “(d) *EXPENDITURE RULES FOR ELIGIBLE COUN-*
11 *TIES.—*

12 “(1) *ALLOCATIONS.—*

13 “(A) *USE OF PORTION IN SAME MANNER AS*
14 *25-PERCENT PAYMENT OR 50-PERCENT PAYMENT,*
15 *AS APPLICABLE.—Except as provided in para-*
16 *graph (3)(B), if an eligible county elects to re-*
17 *ceive its share of the State payment or the coun-*
18 *ty payment, not less than 80 percent, but not*
19 *more than 85 percent, of the funds shall be ex-*
20 *pended in the same manner in which the 25-per-*
21 *cent payments or 50-percent payment, as appli-*
22 *able, are required to be expended.*

23 “(B) *ELECTION AS TO USE OF BALANCE.—*
24 *Except as provided in subparagraph (C), an eli-*
25 *gible county shall elect to do 1 or more of the fol-*

1 *lowing with the balance of any funds not ex-*
2 *pende d pursuant to subparagraph (A):*

3 *“(i) Reserve any portion of the balance*
4 *for projects in accordance with title II.*

5 *“(ii) Reserve not more than 7 percent*
6 *of the total share for the eligible county of*
7 *the State payment or the county payment*
8 *for projects in accordance with title III.*

9 *“(iii) Return the portion of the balance*
10 *not reserved under clauses (i) and (ii) to the*
11 *Treasury of the United States.*

12 *“(C) COUNTIES WITH MODEST DISTRIBUTIONS.—In the case of each eligible county to*
13 *which more than \$100,000, but less than*
14 *\$350,000, is distributed for any fiscal year pur-*
15 *suant to either or both of paragraphs (1)(B) and*
16 *(2)(B) of subsection (a), the eligible county, with*
17 *respect to the balance of any funds not expended*
18 *pursuant to subparagraph (A) for that fiscal*
19 *year, shall—*

20 *“(i) reserve any portion of the balance*
21 *for—*

22 *“(I) carrying out projects under*
23 *title II;*
24

1 “(II) carrying out projects under
2 title III; or

3 “(III) a combination of the pur-
4 poses described in subclauses (I) and
5 (II); or

6 “(ii) return the portion of the balance
7 not reserved under clause (i) to the Treas-
8 ury of the United States.

9 “(2) DISTRIBUTION OF FUNDS.—

10 “(A) IN GENERAL.—Funds reserved by an
11 eligible county under subparagraph (B)(i) or
12 (C)(i) of paragraph (1) for carrying out projects
13 under title II shall be deposited in a special ac-
14 count in the Treasury of the United States.

15 “(B) AVAILABILITY.—Amounts deposited
16 under subparagraph (A) shall—

17 “(i) be available for expenditure by the
18 Secretary concerned, without further appro-
19 priation; and

20 “(ii) remain available until expended
21 in accordance with title II.

22 “(3) ELECTION.—

23 “(A) NOTIFICATION.—

24 “(i) IN GENERAL.—An eligible county
25 shall notify the Secretary concerned of an

1 *election by the eligible county under this*
2 *subsection not later than September 30,*
3 *2008 (or as soon thereafter as the Secretary*
4 *concerned determines is practicable), and*
5 *each September 30 thereafter for each suc-*
6 *ceeding fiscal year.*

7 “(i) *FAILURE TO ELECT.*—*Except as*
8 *provided in subparagraph (B), if the eligi-*
9 *ble county fails to make an election by the*
10 *date specified in clause (i), the eligible*
11 *county shall—*

12 “(I) *be considered to have elected*
13 *to expend 85 percent of the funds in*
14 *accordance with paragraph (1)(A); and*

15 “(II) *return the balance to the*
16 *Treasury of the United States.*

17 “(B) *COUNTIES WITH MINOR DISTRIBUTIONS.*—*In the case of each eligible county to*
18 *which less than \$100,000 is distributed for any*
19 *fiscal year pursuant to either or both of para-*
20 *graphs (1)(B) and (2)(B) of subsection (a), the*
21 *eligible county may elect to expend all the funds*
22 *in the same manner in which the 25-percent*
23 *payments or 50-percent payments, as applicable,*
24 *are required to be expended.*
25

1 “(e) *TIME FOR PAYMENT.*—*The payments required*
2 *under this section for a fiscal year shall be made as soon*
3 *as practicable after the end of that fiscal year.*

4 **“SEC. 103. TRANSITION PAYMENTS TO STATES.**

5 “(a) *DEFINITIONS.*—*In this section:*

6 “(1) *ADJUSTED AMOUNT.*—*The term ‘adjusted*
7 *amount’ means, with respect to a covered State—*

8 “(A) *for fiscal year 2008, 90 percent of—*

9 “(i) *the sum of the amounts paid for*
10 *fiscal year 2006 under section 102(a)(2) (as*
11 *in effect on September 29, 2006) for the eli-*
12 *gible counties in the covered State that have*
13 *elected under section 102(b) to receive a*
14 *share of the State payment for fiscal year*
15 *2008; and*

16 “(ii) *the sum of the amounts paid for*
17 *fiscal year 2006 under section 103(a)(2) (as*
18 *in effect on September 29, 2006) for the eli-*
19 *gible counties in the State of Oregon that*
20 *have elected under section 102(b) to receive*
21 *the county payment for fiscal year 2008;*

22 “(B) *for fiscal year 2009, 81 percent of—*

23 “(i) *the sum of the amounts paid for*
24 *fiscal year 2006 under section 102(a)(2) (as*
25 *in effect on September 29, 2006) for the eli-*

1 *gible counties in the covered State that have*
2 *elected under section 102(b) to receive a*
3 *share of the State payment for fiscal year*
4 *2009; and*

5 *“(ii) the sum of the amounts paid for*
6 *fiscal year 2006 under section 103(a)(2) (as*
7 *in effect on September 29, 2006) for the eli-*
8 *gible counties in the State of Oregon that*
9 *have elected under section 102(b) to receive*
10 *the county payment for fiscal year 2009;*
11 *and*

12 *“(C) for fiscal year 2010, 73 percent of—*

13 *“(i) the sum of the amounts paid for*
14 *fiscal year 2006 under section 102(a)(2) (as*
15 *in effect on September 29, 2006) for the eli-*
16 *gible counties in the covered State that have*
17 *elected under section 102(b) to receive a*
18 *share of the State payment for fiscal year*
19 *2010; and*

20 *“(ii) the sum of the amounts paid for*
21 *fiscal year 2006 under section 103(a)(2) (as*
22 *in effect on September 29, 2006) for the eli-*
23 *gible counties in the State of Oregon that*
24 *have elected under section 102(b) to receive*
25 *the county payment for fiscal year 2010.*

1 “(2) *COVERED STATE*.—The term ‘covered State’
2 *means each of the States of California, Louisiana, Or-*
3 *egon, Pennsylvania, South Carolina, South Dakota,*
4 *Texas, and Washington.*

5 “(b) *TRANSITION PAYMENTS*.—For each of fiscal years
6 2008 through 2010, in lieu of the payment amounts that
7 otherwise would have been made under paragraphs (1)(B)
8 and (2)(B) of section 102(a), the Secretary of the Treasury
9 shall pay the adjusted amount to each covered State and
10 the eligible counties within the covered State, as applicable.

11 “(c) *DISTRIBUTION OF ADJUSTED AMOUNT*.—Except
12 as provided in subsection (d), it is the intent of Congress
13 that the method of distributing the payments under sub-
14 section (b) among the counties in the covered States for each
15 of fiscal years 2008 through 2010 be in the same proportion
16 that the payments were distributed to the eligible counties
17 in fiscal year 2006.

18 “(d) *DISTRIBUTION OF PAYMENTS IN CALIFORNIA*.—
19 The following payments shall be distributed among the eli-
20 gible counties in the State of California in the same propor-
21 tion that payments under section 102(a)(2) (as in effect on
22 September 29, 2006) were distributed to the eligible counties
23 for fiscal year 2006:

24 “(1) *Payments to the State of California under*
25 *subsection (b).*

1 “(2) *The shares of the eligible counties of the*
2 *State payment for California under section 102 for*
3 *fiscal year 2011.*

4 “(e) *TREATMENT OF PAYMENTS.—For purposes of this*
5 *Act, any payment made under subsection (b) shall be con-*
6 *sidered to be a payment made under section 102(a).*

7 **“TITLE II—SPECIAL PROJECTS**
8 **ON FEDERAL LAND**

9 **“SEC. 201. DEFINITIONS.**

10 *“In this title:*

11 “(1) *PARTICIPATING COUNTY.—The term ‘par-*
12 *ticipating county’ means an eligible county that elects*
13 *under section 102(d) to expend a portion of the Fed-*
14 *eral funds received under section 102 in accordance*
15 *with this title.*

16 “(2) *PROJECT FUNDS.—The term ‘project funds’*
17 *means all funds an eligible county elects under section*
18 *102(d) to reserve for expenditure in accordance with*
19 *this title.*

20 “(3) *RESOURCE ADVISORY COMMITTEE.—The*
21 *term ‘resource advisory committee’ means—*

22 “(A) *an advisory committee established by*
23 *the Secretary concerned under section 205; or*

1 “(B) an advisory committee determined by
2 the Secretary concerned to meet the requirements
3 of section 205.

4 “(4) *RESOURCE MANAGEMENT PLAN*.—The term
5 ‘resource management plan’ means—

6 “(A) a land use plan prepared by the Bu-
7 reau of Land Management for units of the Fed-
8 eral land described in section 3(7)(B) pursuant
9 to section 202 of the Federal Land Policy and
10 Management Act of 1976 (43 U.S.C. 1712); or

11 “(B) a land and resource management plan
12 prepared by the Forest Service for units of the
13 National Forest System pursuant to section 6 of
14 the Forest and Rangeland Renewable Resources
15 Planning Act of 1974 (16 U.S.C. 1604).

16 **“SEC. 202. GENERAL LIMITATION ON USE OF PROJECT**
17 **FUNDS.**

18 “(a) *LIMITATION*.—Project funds shall be expended
19 solely on projects that meet the requirements of this title.

20 “(b) *AUTHORIZED USES*.—Project funds may be used
21 by the Secretary concerned for the purpose of entering into
22 and implementing cooperative agreements with willing
23 Federal agencies, State and local governments, private and
24 nonprofit entities, and landowners for protection, restora-
25 tion, and enhancement of fish and wildlife habitat, and

1 *other resource objectives consistent with the purposes of this*
2 *Act on Federal land and on non-Federal land where projects*
3 *would benefit the resources on Federal land.*

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

5 *“(a) SUBMISSION OF PROJECT PROPOSALS TO SEC-*
6 *RETARY CONCERNED.—*

7 *“(1) PROJECTS FUNDED USING PROJECT*
8 *FUNDS.—Not later than September 30 for fiscal year*
9 *2008 (or as soon thereafter as the Secretary concerned*
10 *determines is practicable), and each September 30*
11 *thereafter for each succeeding fiscal year through fis-*
12 *cal year 2011, each resource advisory committee shall*
13 *submit to the Secretary concerned a description of*
14 *any projects that the resource advisory committee pro-*
15 *poses the Secretary undertake using any project funds*
16 *reserved by eligible counties in the area in which the*
17 *resource advisory committee has geographic jurisdic-*
18 *tion.*

19 *“(2) PROJECTS FUNDED USING OTHER FUNDS.—*
20 *A resource advisory committee may submit to the Sec-*
21 *retary concerned a description of any projects that the*
22 *committee proposes the Secretary undertake using*
23 *funds from State or local governments, or from the*
24 *private sector, other than project funds and funds ap-*

1 *propriated and otherwise available to do similar*
2 *work.*

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

8 “(b) *REQUIRED DESCRIPTION OF PROJECTS.—In sub-*
9 *mitting proposed projects to the Secretary concerned under*
10 *subsection (a), a resource advisory committee shall include*
11 *in the description of each proposed project the following in-*
12 *formation:*

13 “(1) *The purpose of the project and a description*
14 *of how the project will meet the purposes of this title.*

15 “(2) *The anticipated duration of the project.*

16 “(3) *The anticipated cost of the project.*

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

19 “(5)(A) *Expected outcomes, including how the*
20 *project will meet or exceed desired ecological condi-*
21 *tions, maintenance objectives, or stewardship objec-*
22 *tives.*

23 “(B) *An estimate of the amount of any timber,*
24 *forage, and other commodities and other economic ac-*

1 *tivity, including jobs generated, if any, anticipated as*
2 *part of the project.*

3 *“(6) A detailed monitoring plan, including fund-*
4 *ing needs and sources, that—*

5 *“(A) tracks and identifies the positive or*
6 *negative impacts of the project, implementation,*
7 *and provides for validation monitoring; and*

8 *“(B) includes an assessment of the fol-*
9 *lowing:*

10 *“(i) Whether or not the project met or*
11 *exceeded desired ecological conditions; cre-*
12 *ated local employment or training opportu-*
13 *nities, including summer youth jobs pro-*
14 *grams such as the Youth Conservation*
15 *Corps where appropriate.*

16 *“(ii) Whether the project improved the*
17 *use of, or added value to, any products re-*
18 *moved from land consistent with the pur-*
19 *poses of this title.*

20 *“(7) An assessment that the project is to be in*
21 *the public interest.*

22 *“(c) AUTHORIZED PROJECTS.—Projects proposed*
23 *under subsection (a) shall be consistent with section 2.*

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

3 “(a) *CONDITIONS FOR APPROVAL OF PROPOSED*
4 *PROJECT.—The Secretary concerned may make a decision*
5 *to approve a project submitted by a resource advisory com-*
6 *mittee under section 203 only if the proposed project satis-*
7 *fies each of the following conditions:*

8 “(1) *The project complies with all applicable*
9 *Federal laws (including regulations).*

10 “(2) *The project is consistent with the applicable*
11 *resource management plan and with any watershed*
12 *or subsequent plan developed pursuant to the resource*
13 *management plan and approved by the Secretary*
14 *concerned.*

15 “(3) *The project has been approved by the re-*
16 *source advisory committee in accordance with section*
17 *205, including the procedures issued under subsection*
18 *(e) of that section.*

19 “(4) *A project description has been submitted by*
20 *the resource advisory committee to the Secretary con-*
21 *cerned in accordance with section 203.*

22 “(5) *The project will improve the maintenance of*
23 *existing infrastructure, implement stewardship objec-*
24 *tives that enhance forest ecosystems, and restore and*
25 *improve land health and water quality.*

26 “(b) *ENVIRONMENTAL REVIEWS.—*

1 “(1) *REQUEST FOR PAYMENT BY COUNTY.*—*The*
2 *Secretary concerned may request the resource advi-*
3 *sory committee submitting a proposed project to agree*
4 *to the use of project funds to pay for any environ-*
5 *mental review, consultation, or compliance with ap-*
6 *plicable environmental laws required in connection*
7 *with the project.*

8 “(2) *CONDUCT OF ENVIRONMENTAL REVIEW.*—*If*
9 *a payment is requested under paragraph (1) and the*
10 *resource advisory committee agrees to the expenditure*
11 *of funds for this purpose, the Secretary concerned*
12 *shall conduct environmental review, consultation, or*
13 *other compliance responsibilities in accordance with*
14 *Federal laws (including regulations).*

15 “(3) *EFFECT OF REFUSAL TO PAY.*—

16 “(A) *IN GENERAL.*—*If a resource advisory*
17 *committee does not agree to the expenditure of*
18 *funds under paragraph (1), the project shall be*
19 *deemed withdrawn from further consideration by*
20 *the Secretary concerned pursuant to this title.*

21 “(B) *EFFECT OF WITHDRAWAL.*—*A with-*
22 *drawal under subparagraph (A) shall be deemed*
23 *to be a rejection of the project for purposes of sec-*
24 *tion 207(c).*

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

1 “(1) *REJECTION OF PROJECTS.*—

2 “(A) *IN GENERAL.*—A decision by the Sec-
3 retary concerned to reject a proposed project
4 shall be at the sole discretion of the Secretary
5 concerned.

6 “(B) *NO ADMINISTRATIVE APPEAL OR JUDI-*
7 *CIAL REVIEW.*—Notwithstanding any other pro-
8 vision of law, a decision by the Secretary con-
9 cerned to reject a proposed project shall not be
10 subject to administrative appeal or judicial re-
11 view.

12 “(C) *NOTICE OF REJECTION.*—Not later
13 than 30 days after the date on which the Sec-
14 retary concerned makes the rejection decision, the
15 Secretary concerned shall notify in writing the
16 resource advisory committee that submitted the
17 proposed project of the rejection and the reasons
18 for rejection.

19 “(2) *NOTICE OF PROJECT APPROVAL.*—The Sec-
20 retary concerned shall publish in the *Federal Register*
21 notice of each project approved under subsection (a)
22 if the notice would be required had the project origi-
23 nated with the Secretary.

24 “(d) *SOURCE AND CONDUCT OF PROJECT.*—Once the
25 Secretary concerned accepts a project for review under sec-

1 *tion 203, the acceptance shall be deemed a Federal action*
2 *for all purposes.*

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

4 “(1) *COOPERATION.—Notwithstanding chapter*
5 *63 of title 31, United States Code, using project funds*
6 *the Secretary concerned may enter into contracts,*
7 *grants, and cooperative agreements with States and*
8 *local governments, private and nonprofit entities, and*
9 *landowners and other persons to assist the Secretary*
10 *in carrying out an approved project.*

11 “(2) *BEST VALUE CONTRACTING.—*

12 “(A) *IN GENERAL.—For any project involv-*
13 *ing a contract authorized by paragraph (1) the*
14 *Secretary concerned may elect a source for per-*
15 *formance of the contract on a best value basis.*

16 “(B) *FACTORS.—The Secretary concerned*
17 *shall determine best value based on such factors*
18 *as—*

19 “(i) *the technical demands and com-*
20 *plexity of the work to be done;*

21 “(ii)(I) *the ecological objectives of the*
22 *project; and*

23 “(II) *the sensitivity of the resources*
24 *being treated;*

1 “(iii) the past experience by the con-
2 tractor with the type of work being done,
3 using the type of equipment proposed for
4 the project, and meeting or exceeding de-
5 sired ecological conditions; and

6 “(iv) the commitment of the contractor
7 to hiring highly qualified workers and local
8 residents.

9 “(3) *MERCHANTABLE TIMBER CONTRACTING*
10 *PILOT PROGRAM.*—

11 “(A) *ESTABLISHMENT.*—*The Secretary con-*
12 *cerned shall establish a pilot program to imple-*
13 *ment a certain percentage of approved projects*
14 *involving the sale of merchantable timber using*
15 *separate contracts for—*

16 “(i) the harvesting or collection of mer-
17 chantable timber; and

18 “(ii) the sale of the timber.

19 “(B) *ANNUAL PERCENTAGES.*—*Under the*
20 *pilot program, the Secretary concerned shall en-*
21 *sure that, on a nationwide basis, not less than*
22 *the following percentage of all approved projects*
23 *involving the sale of merchantable timber are*
24 *implemented using separate contracts:*

25 “(i) *For fiscal year 2008, 35 percent.*

1 “(ii) For fiscal year 2009, 45 percent.

2 “(iii) For each of fiscal years 2010 and
3 2011, 50 percent.

4 “(C) *INCLUSION IN PILOT PROGRAM.*—*The*
5 *decision whether to use separate contracts to im-*
6 *plement a project involving the sale of merchant-*
7 *able timber shall be made by the Secretary con-*
8 *cerned after the approval of the project under*
9 *this title.*

10 “(D) *ASSISTANCE.*—

11 “(i) *IN GENERAL.*—*The Secretary con-*
12 *cerned may use funds from any appro-*
13 *propriated account available to the Secretary*
14 *for the Federal land to assist in the admin-*
15 *istration of projects conducted under the*
16 *pilot program.*

17 “(ii) *MAXIMUM AMOUNT OF ASSIST-*
18 *ANCE.*—*The total amount obligated under*
19 *this subparagraph may not exceed*
20 *\$1,000,000 for any fiscal year during which*
21 *the pilot program is in effect.*

22 “(E) *REVIEW AND REPORT.*—

23 “(i) *INITIAL REPORT.*—*Not later than*
24 *September 30, 2010, the Comptroller Gen-*
25 *eral shall submit to the Committees on Ag-*

1 *riculture, Nutrition, and Forestry and En-*
2 *ergy and Natural Resources of the Senate*
3 *and the Committees on Agriculture and*
4 *Natural Resources of the House of Rep-*
5 *resentatives a report assessing the pilot pro-*
6 *gram.*

7 “(ii) *ANNUAL REPORT.—The Secretary*
8 *concerned shall submit to the Committees on*
9 *Agriculture, Nutrition, and Forestry and*
10 *Energy and Natural Resources of the Senate*
11 *and the Committees on Agriculture and*
12 *Natural Resources of the House of Rep-*
13 *resentatives an annual report describing the*
14 *results of the pilot program.*

15 “(f) *REQUIREMENTS FOR PROJECT FUNDS.—The Sec-*
16 *retary shall ensure that at least 50 percent of all project*
17 *funds be used for projects that are primarily dedicated—*

18 “(1) *to road maintenance, decommissioning, or*
19 *obliteration; or*

20 “(2) *to restoration of streams and watersheds.*

21 **“SEC. 205. RESOURCE ADVISORY COMMITTEES.**

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

24 “(1) *ESTABLISHMENT.—The Secretary concerned*
25 *shall establish and maintain resource advisory com-*

1 *mittees to perform the duties in subsection (b), except*
2 *as provided in paragraph (4).*

3 “(2) *PURPOSE.—The purpose of a resource advi-*
4 *sory committee shall be—*

5 “(A) *to improve collaborative relationships;*
6 *and*

7 “(B) *to provide advice and recommenda-*
8 *tions to the land management agencies consistent*
9 *with the purposes of this title.*

10 “(3) *ACCESS TO RESOURCE ADVISORY COMMIT-*
11 *TEES.—To ensure that each unit of Federal land has*
12 *access to a resource advisory committee, and that*
13 *there is sufficient interest in participation on a com-*
14 *mittee to ensure that membership can be balanced in*
15 *terms of the points of view represented and the func-*
16 *tions to be performed, the Secretary concerned may,*
17 *establish resource advisory committees for part of, or*
18 *1 or more, units of Federal land.*

19 “(4) *EXISTING ADVISORY COMMITTEES.—*

20 “(A) *IN GENERAL.—An advisory committee*
21 *that meets the requirements of this section, a re-*
22 *source advisory committee established before Sep-*
23 *tember 29, 2006, or an advisory committee deter-*
24 *mined by the Secretary concerned before Sep-*
25 *tember 29, 2006, to meet the requirements of this*

1 *section may be deemed by the Secretary con-*
2 *cerned to be a resource advisory committee for*
3 *the purposes of this title.*

4 “(B) *CHARTER.*—*A charter for a committee*
5 *described in subparagraph (A) that was filed on*
6 *or before September 29, 2006, shall be considered*
7 *to be filed for purposes of this Act.*

8 “(C) *BUREAU OF LAND MANAGEMENT ADVI-*
9 *SORY COMMITTEES.*—*The Secretary of the Inte-*
10 *rior may deem a resource advisory committee*
11 *meeting the requirements of subpart 1784 of part*
12 *1780 of title 43, Code of Federal Regulations, as*
13 *a resource advisory committee for the purposes of*
14 *this title.*

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

16 “(1) *review projects proposed under this title by*
17 *participating counties and other persons;*

18 “(2) *propose projects and funding to the Sec-*
19 *retary concerned under section 203;*

20 “(3) *provide early and continuous coordination*
21 *with appropriate land management agency officials*
22 *in recommending projects consistent with purposes of*
23 *this Act under this title;*

24 “(4) *provide frequent opportunities for citizens,*
25 *organizations, tribes, land management agencies, and*

1 *other interested parties to participate openly and*
2 *meaningfully, beginning at the early stages of the*
3 *project development process under this title;*

4 *“(5)(A) monitor projects that have been approved*
5 *under section 204; and*

6 *“(B) advise the designated Federal official on the*
7 *progress of the monitoring efforts under subparagraph*
8 *(A); and*

9 *“(6) make recommendations to the Secretary*
10 *concerned for any appropriate changes or adjustments*
11 *to the projects being monitored by the resource advi-*
12 *sory committee.*

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

14 *“(1) APPOINTMENT AND TERM.—*

15 *“(A) IN GENERAL.—The Secretary con-*
16 *cerned, shall appoint the members of resource ad-*
17 *visory committees for a term of 4 years begin-*
18 *ning on the date of appointment.*

19 *“(B) REAPPOINTMENT.—The Secretary con-*
20 *cerned may reappoint members to subsequent 4-*
21 *year terms.*

22 *“(2) BASIC REQUIREMENTS.—The Secretary con-*
23 *cerned shall ensure that each resource advisory com-*
24 *mittee established meets the requirements of subsection*
25 *(d).*

1 “(3) *INITIAL APPOINTMENT.*—Not later than 180
2 *days after the date of the enactment of this Act, the*
3 *Secretary concerned shall make initial appointments*
4 *to the resource advisory committees.*

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

9 “(5) *COMPENSATION.*—*Members of the resource*
10 *advisory committees shall not receive any compensa-*
11 *tion.*

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

13 “(1) *NUMBER.*—*Each resource advisory com-*
14 *mittee shall be comprised of 15 members.*

15 “(2) *COMMUNITY INTERESTS REPRESENTED.*—
16 *Committee members shall be representative of the in-*
17 *terests of the following 3 categories:*

18 “(A) *5 persons that—*

19 “(i) *represent organized labor or non-*
20 *timber forest product harvester groups;*

21 “(ii) *represent developed outdoor recre-*
22 *ation, off highway vehicle users, or commer-*
23 *cial recreation activities;*

24 “(iii) *represent—*

1 “(I) energy and mineral develop-
2 ment interests; or

3 “(II) commercial or recreational
4 fishing interests;

5 “(iv) represent the commercial timber
6 industry; or

7 “(v) hold Federal grazing or other land
8 use permits, or represent nonindustrial pri-
9 vate forest land owners, within the area for
10 which the committee is organized.

11 “(B) 5 persons that represent—

12 “(i) nationally recognized environ-
13 mental organizations;

14 “(ii) regionally or locally recognized
15 environmental organizations;

16 “(iii) dispersed recreational activities;

17 “(iv) archaeological and historical in-
18 terests; or

19 “(v) nationally or regionally recog-
20 nized wild horse and burro interest groups,
21 wildlife or hunting organizations, or water-
22 shed associations.

23 “(C) 5 persons that—

24 “(i) hold State elected office (or a des-
25 ignee);

1 “(ii) hold county or local elected office;

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

5 “(iv) are school officials or teachers; or

6 “(v) represent the affected public at
7 large.

8 “(3) *BALANCED REPRESENTATION.*—*In appoint-*
9 *ing committee members from the 3 categories in para-*
10 *graph (2), the Secretary concerned shall provide for*
11 *balanced and broad representation from within each*
12 *category.*

13 “(4) *GEOGRAPHIC DISTRIBUTION.*—*The members*
14 *of a resource advisory committee shall reside within*
15 *the State in which the committee has jurisdiction*
16 *and, to extent practicable, the Secretary concerned*
17 *shall ensure local representation in each category in*
18 *paragraph (2).*

19 “(5) *CHAIRPERSON.*—*A majority on each re-*
20 *source advisory committee shall select the chairperson*
21 *of the committee.*

22 “(e) *APPROVAL PROCEDURES.*—

23 “(1) *IN GENERAL.*—*Subject to paragraph (3),*
24 *each resource advisory committee shall establish pro-*

1 *cedures for proposing projects to the Secretary con-*
2 *cerned under this title.*

3 “(2) *QUORUM.*—*A quorum must be present to*
4 *constitute an official meeting of the committee.*

5 “(3) *APPROVAL BY MAJORITY OF MEMBERS.*—*A*
6 *project may be proposed by a resource advisory com-*
7 *mittee to the Secretary concerned under section*
8 *203(a), if the project has been approved by a majority*
9 *of members of the committee from each of the 3 cat-*
10 *egories in subsection (d)(2).*

11 “(f) *OTHER COMMITTEE AUTHORITIES AND REQUIRE-*
12 *MENTS.*—

13 “(1) *STAFF ASSISTANCE.*—*A resource advisory*
14 *committee may submit to the Secretary concerned a*
15 *request for periodic staff assistance from Federal em-*
16 *ployees under the jurisdiction of the Secretary.*

17 “(2) *MEETINGS.*—*All meetings of a resource ad-*
18 *visory committee shall be announced at least 1 week*
19 *in advance in a local newspaper of record and shall*
20 *be open to the public.*

21 “(3) *RECORDS.*—*A resource advisory committee*
22 *shall maintain records of the meetings of the com-*
23 *mittee and make the records available for public in-*
24 *spection.*

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

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

4 “(1) *AGREEMENT BETWEEN PARTIES.*—*The Sec-*
5 *retary concerned may carry out a project submitted*
6 *by a resource advisory committee under section*
7 *203(a) using project funds or other funds described in*
8 *section 203(a)(2), if, as soon as practicable after the*
9 *issuance of a decision document for the project and*
10 *the exhaustion of all administrative appeals and judi-*
11 *cial review of the project decision, the Secretary con-*
12 *cerned and the resource advisory committee enter into*
13 *an agreement addressing, at a minimum, the fol-*
14 *lowing:*

15 “(A) *The schedule for completing the*
16 *project.*

17 “(B) *The total cost of the project, including*
18 *the level of agency overhead to be assessed*
19 *against the project.*

20 “(C) *For a multiyear project, the estimated*
21 *cost of the project for each of the fiscal years in*
22 *which it will be carried out.*

23 “(D) *The remedies for failure of the Sec-*
24 *retary concerned to comply with the terms of the*
25 *agreement consistent with current Federal law.*

1 “(2) *LIMITED USE OF FEDERAL FUNDS.*—*The*
2 *Secretary concerned may decide, at the sole discretion*
3 *of the Secretary concerned, to cover the costs of a por-*
4 *tion of an approved project using Federal funds ap-*
5 *propriated or otherwise available to the Secretary for*
6 *the same purposes as the project.*

7 “(b) *TRANSFER OF PROJECT FUNDS.*—

8 “(1) *INITIAL TRANSFER REQUIRED.*—*As soon as*
9 *practicable after the agreement is reached under sub-*
10 *section (a) with regard to a project to be funded in*
11 *whole or in part using project funds, or other funds*
12 *described in section 203(a)(2), the Secretary con-*
13 *cerned shall transfer to the applicable unit of Na-*
14 *tional Forest System land or Bureau of Land Man-*
15 *agement District an amount of project funds equal*
16 *to—*

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

21 “(B) *in the case of a multiyear project, the*
22 *amount specified in the agreement to be paid*
23 *using project funds, or other funds described in*
24 *section 203(a)(2) for the first fiscal year.*

1 “(2) *CONDITION ON PROJECT COMMENCEMENT.*—

2 *The unit of National Forest System land or Bureau*
3 *of Land Management District concerned, shall not*
4 *commence a project until the project funds, or other*
5 *funds described in section 203(a)(2) required to be*
6 *transferred under paragraph (1) for the project, have*
7 *been made available by the Secretary concerned.*

8 “(3) *SUBSEQUENT TRANSFERS FOR MULTIYEAR*
9 *PROJECTS.*—

10 “(A) *IN GENERAL.*—*For the second and sub-*
11 *sequent fiscal years of a multiyear project to be*
12 *funded in whole or in part using project funds,*
13 *the unit of National Forest System land or Bu-*
14 *reau of Land Management District concerned*
15 *shall use the amount of project funds required to*
16 *continue the project in that fiscal year according*
17 *to the agreement entered into under subsection*
18 *(a).*

19 “(B) *SUSPENSION OF WORK.*—*The Sec-*
20 *retary concerned shall suspend work on the*
21 *project if the project funds required by the agree-*
22 *ment in the second and subsequent fiscal years*
23 *are not available.*

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

2 “(a) *SUBMISSION OF PROPOSED PROJECTS TO OBLI-*
3 *GATE FUNDS.—By September 30, 2008 (or as soon there-*
4 *after as the Secretary concerned determines is practicable),*
5 *and each September 30 thereafter for each succeeding fiscal*
6 *year through fiscal year 2011, a resource advisory com-*
7 *mittee shall submit to the Secretary concerned pursuant to*
8 *section 203(a)(1) a sufficient number of project proposals*
9 *that, if approved, would result in the obligation of at least*
10 *the full amount of the project funds reserved by the partici-*
11 *pating county in the preceding fiscal year.*

12 “(b) *USE OR TRANSFER OF UNOBLIGATED FUNDS.—*
13 *Subject to section 208, if a resource advisory committee fails*
14 *to comply with subsection (a) for a fiscal year, any project*
15 *funds reserved by the participating county in the preceding*
16 *fiscal year and remaining unobligated shall be available for*
17 *use as part of the project submissions in the next fiscal year.*

18 “(c) *EFFECT OF REJECTION OF PROJECTS.—Subject*
19 *to section 208, any project funds reserved by a partici-*
20 *pating county in the preceding fiscal year that are unobli-*
21 *gated at the end of a fiscal year because the Secretary con-*
22 *cerned has rejected one or more proposed projects shall be*
23 *available for use as part of the project submissions in the*
24 *next fiscal year.*

25 “(d) *EFFECT OF COURT ORDERS.—*

1 “(1) *IN GENERAL.*—*If an approved project under*
 2 *this Act is enjoined or prohibited by a Federal court,*
 3 *the Secretary concerned shall return the unobligated*
 4 *project funds related to the project to the partici-*
 5 *parting county or counties that reserved the funds.*

6 “(2) *EXPENDITURE OF FUNDS.*—*The returned*
 7 *funds shall be available for the county to expend in*
 8 *the same manner as the funds reserved by the county*
 9 *under subparagraph (B) or (C)(i) of section*
 10 *102(d)(1).*

11 **“SEC. 208. TERMINATION OF AUTHORITY.**

12 “(a) *IN GENERAL.*—*The authority to initiate projects*
 13 *under this title shall terminate on September 30, 2011.*

14 “(b) *DEPOSITS IN TREASURY.*—*Any project funds not*
 15 *obligated by September 30, 2012, shall be deposited in the*
 16 *Treasury of the United States.*

17 **“TITLE III—COUNTY FUNDS**

18 **“SEC. 301. DEFINITIONS.**

19 *“In this title:*

20 “(1) *COUNTY FUNDS.*—*The term ‘county funds’*
 21 *means all funds an eligible county elects under section*
 22 *102(d) to reserve for expenditure in accordance with*
 23 *this title.*

24 “(2) *PARTICIPATING COUNTY.*—*The term ‘par-*
 25 *ticipating county’ means an eligible county that elects*

1 *under section 102(d) to expend a portion of the Fed-*
2 *eral funds received under section 102 in accordance*
3 *with this title.*

4 **“SEC. 302. USE.**

5 “(a) *AUTHORIZED USES.—A participating county,*
6 *including any applicable agencies of the participating*
7 *county, shall use county funds, in accordance with this title,*
8 *only—*

9 “(1) *to carry out activities under the Firewise*
10 *Communities program to provide to homeowners in*
11 *fire-sensitive ecosystems education on, and assistance*
12 *with implementing, techniques in home siting, home*
13 *construction, and home landscaping that can increase*
14 *the protection of people and property from wildfires;*

15 “(2) *to reimburse the participating county for*
16 *search and rescue and other emergency services, in-*
17 *cluding firefighting, that are—*

18 “(A) *performed on Federal land after the*
19 *date on which the use was approved under sub-*
20 *section (b);*

21 “(B) *paid for by the participating county;*
22 *and*

23 “(3) *to develop community wildfire protection*
24 *plans in coordination with the appropriate Secretary*
25 *concerned.*

1 “(b) *PROPOSALS.*—A participating county shall use
2 county funds for a use described in subsection (a) only after
3 a 45-day public comment period, at the beginning of which
4 the participating county shall—

5 “(1) publish in any publications of local record
6 a proposal that describes the proposed use of the coun-
7 ty funds; and

8 “(2) submit the proposal to any resource advi-
9 sory committee established under section 205 for the
10 participating county.

11 **“SEC. 303. CERTIFICATION.**

12 “(a) *IN GENERAL.*—Not later than February 1 of the
13 year after the year in which any county funds were ex-
14 pended by a participating county, the appropriate official
15 of the participating county shall submit to the Secretary
16 concerned a certification that the county funds expended in
17 the applicable year have been used for the uses authorized
18 under section 302(a), including a description of the
19 amounts expended and the uses for which the amounts were
20 expended.

21 “(b) *REVIEW.*—The Secretary concerned shall review
22 the certifications submitted under subsection (a) as the Sec-
23 retary concerned determines to be appropriate.

1 **“SEC. 304. TERMINATION OF AUTHORITY.**

2 “(a) *IN GENERAL.*—*The authority to initiate projects*
3 *under this title terminates on September 30, 2011.*

4 “(b) *AVAILABILITY.*—*Any county funds not obligated*
5 *by September 30, 2012, shall be returned to the Treasury*
6 *of the United States.*

7 **“TITLE IV—MISCELLANEOUS**
8 **PROVISIONS**

9 **“SEC. 401. REGULATIONS.**

10 *“The Secretary of Agriculture and the Secretary of the*
11 *Interior shall issue regulations to carry out the purposes*
12 *of this Act.*

13 **“SEC. 402. AUTHORIZATION OF APPROPRIATIONS.**

14 *“There are authorized to be appropriated such sums*
15 *as are necessary to carry out this Act for each of fiscal years*
16 *2008 through 2011.*

17 **“SEC. 403. TREATMENT OF FUNDS AND REVENUES.**

18 “(a) *RELATION TO OTHER APPROPRIATIONS.*—*Funds*
19 *made available under section 402 and funds made available*
20 *to a Secretary concerned under section 206 shall be in addi-*
21 *tion to any other annual appropriations for the Forest*
22 *Service and the Bureau of Land Management.*

23 “(b) *DEPOSIT OF REVENUES AND OTHER FUNDS.*—
24 *All revenues generated from projects pursuant to title II,*
25 *including any interest accrued from the revenues, shall be*
26 *deposited in the Treasury of the United States.”.*

1 **(b) FOREST RECEIPT PAYMENTS TO ELIGIBLE STATES**
2 **AND COUNTIES.**—

3 (1) *ACT OF MAY 23, 1908.*—*The sixth paragraph*
4 *under the heading “FOREST SERVICE” in the Act*
5 *of May 23, 1908 (16 U.S.C. 500) is amended in the*
6 *first sentence by striking “twenty-five percentum”*
7 *and all that follows through “shall be paid” and in-*
8 *serting the following: “an amount equal to the annual*
9 *average of 25 percent of all amounts received for the*
10 *applicable fiscal year and each of the preceding 6 fis-*
11 *cal years from each national forest shall be paid”.*

12 (2) *WEEKS LAW.*—*Section 13 of the Act of*
13 *March 1, 1911 (commonly known as the “Weeks*
14 *Law”)* (16 U.S.C. 500) *is amended in the first sen-*
15 *tence by striking “twenty-five percentum” and all*
16 *that follows through “shall be paid” and inserting the*
17 *following: “an amount equal to the annual average of*
18 *25 percent of all amounts received for the applicable*
19 *fiscal year and each of the preceding 6 fiscal years*
20 *from each national forest shall be paid”.*

21 **(c) PAYMENTS IN LIEU OF TAXES.**—

22 (1) *IN GENERAL.*—*Section 6906 of title 31,*
23 *United States Code, is amended to read as follows:*

24 **“§ 6906. Funding**

25 *“For each of fiscal years 2008 through 2012—*

1 “(1) each county or other eligible unit of local
2 government shall be entitled to payment under this
3 chapter; and

4 “(2) sums shall be made available to the Sec-
5 retary of the Interior for obligation or expenditure in
6 accordance with this chapter.”.

7 (2) *CONFORMING AMENDMENT.*—The table of sec-
8 tions for chapter 69 of title 31, United States Code,
9 is amended by striking the item relating to section
10 6906 and inserting the following:

“6906. *Funding.*”.

11 (3) *BUDGET SCOREKEEPING.*—

12 (A) *IN GENERAL.*—Notwithstanding the
13 Budget Scorekeeping Guidelines and the accom-
14 panying list of programs and accounts set forth
15 in the joint explanatory statement of the com-
16 mittee of conference accompanying Conference
17 Report 105–217, the section in this title regard-
18 ing Payments in Lieu of Taxes shall be treated
19 in the baseline for purposes of section 257 of the
20 Balanced Budget and Emergency Deficit Control
21 Act of 1985 (as in effect prior to September 30,
22 2002), and by the Chairmen of the House and
23 Senate Budget Committees, as appropriate, for
24 purposes of budget enforcement in the House and
25 Senate, and under the Congressional Budget Act

1 of 1974 as if Payment in Lieu of Taxes (14–
2 1114–0–1–806) were an account designated as
3 Appropriated Entitlements and Mandatories for
4 Fiscal Year 1997 in the joint explanatory state-
5 ment of the committee of conference accom-
6 panying Conference Report 105–217.

7 (B) *EFFECTIVE DATE.*—This paragraph
8 shall remain in effect for the fiscal years to
9 which the entitlement in section 6906 of title 31,
10 United States Code (as amended by paragraph
11 (1)), applies.

12 **SEC. 602. TRANSFER TO ABANDONED MINE RECLAMATION**
13 **FUND.**

14 Subparagraph (C) of section 402(i)(1) of the Surface
15 Mining Control and Reclamation Act of 1977 (30 U.S.C.
16 1232(i)(1)) is amended by striking “and \$9,000,000 on Oc-
17 tober 1, 2009” and inserting “\$9,000,000 on October 1,
18 2009, and \$9,000,000 on October 1, 2010”.

19 **TITLE VII—DISASTER RELIEF**
20 **Subtitle A—Heartland and**
21 **Hurricane Ike Disaster Relief**

22 **SEC. 701. SHORT TITLE.**

23 This subtitle may be cited as the “Heartland Disaster
24 Tax Relief Act of 2008”.