

118TH CONGRESS
1ST SESSION

H. R. 4228

To restore employment and educational opportunities in, and improve the economic stability of, counties containing National Forest System land, while also reducing Forest Service management costs, by ensuring that such counties have a dependable source of revenue from timber sales conducted on National Forest System land, to reduce payments under the Secure Rural Schools and Community Self-Determination Act of 2000 to reflect such counties' receipt of timber sale revenues, to strengthen stewardship end result contracting, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 20, 2023

Mrs. RODGERS of Washington introduced the following bill; which was referred to the Committee on Agriculture, and in addition to the Committee on Natural Resources, 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 restore employment and educational opportunities in, and improve the economic stability of, counties containing National Forest System land, while also reducing Forest Service management costs, by ensuring that such counties have a dependable source of revenue from timber sales conducted on National Forest System land, to reduce payments under the Secure Rural Schools and Community Self-Determination Act of 2000 to reflect such counties' receipt of timber sale revenues, to strengthen

stewardship end result contracting, and for other purposes.

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

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

4 (a) SHORT TITLE.—This Act may be cited as the
 5 “Fostering Opportunities for Resources and Education
 6 Spending through Timber Sales Act of 2023” or the
 7 “FORESTS Act of 2023”.

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

Sec. 1. Short title; table of contents.

Sec. 2. Purposes.

TITLE I—FOREST ACTIVE MANAGEMENT AREAS

Sec. 101. Definitions.

Sec. 102. Establishment of Forest Active Management Areas and annual volume requirements.

Sec. 103. Management of Forest Active Management Areas.

Sec. 104. Environmental analysis process for covered active management projects.

Sec. 105. Expedited compliance with Endangered Species Act.

Sec. 106. Administrative review.

Sec. 107. Use of arbitration instead of litigation to address challenge to covered active management project developed through collaborative process.

Sec. 108. Distribution of forest active management revenues.

Sec. 109. Annual report.

TITLE II—TRANSITION OF SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT OF 2000 AND 25-PERCENT PAYMENTS

Sec. 201. Prohibition on State retention of portion of 25-percent payments made on behalf of beneficiary counties.

TITLE III—STEWARDSHIP END RESULT CONTRACTING AUTHORITY

Sec. 301. Maximum authorized duration of stewardship end result contracts.

Sec. 302. Payment of portion of stewardship project revenues to county in which stewardship project occurs.

Sec. 303. Use of contractors to perform environmental analysis in connection with stewardship end result contracting projects.

TITLE IV—OTHER MATTERS

Sec. 401. Treatment as supplemental funding.

Sec. 402. Definition of fire suppression to include certain related activities.

Sec. 403. Prohibition on certain actions regarding Forest Service roads and trails.

1 **SEC. 2. PURPOSES.**

2 The purposes of this Act are as follows:

3 (1) To restore employment and educational op-
4 portunities in, and improve the economic stability of,
5 counties containing National Forest System land.

6 (2) To ensure that such counties have a de-
7 pendable source of revenue from National Forest
8 System land.

9 (3) To reduce Forest Service management costs
10 while also ensuring the protection of United States
11 forest resources.

12 (4) To reduce the frequency and severity of cat-
13 astrophic wildfires on Federal lands.

14 **TITLE I—FOREST ACTIVE** 15 **MANAGEMENT AREAS**

16 **SEC. 101. DEFINITIONS.**

17 In this title:

18 (1) ANNUAL VOLUME REQUIREMENT.—

19 (A) IN GENERAL.—The term “annual vol-
20 ume requirement”, with respect to a Forest Ac-
21 tive Management Area, means, the annual vol-

1 ume of national forest materials from such For-
2 est Active Management Area that, subject to an
3 adjustment pursuant to section 102(e)(2), is
4 equal to or greater than—

5 (i) the allowable sale quantity estab-
6 lished in the applicable forest plan for such
7 Area,

8 (ii) divided by 10.

9 (B) EXCLUSIONS.—In determining the vol-
10 ume of national forest materials or the sus-
11 tained yield of a Forest Active Management
12 Area, the Secretary may not include non-com-
13 mercial post and pole sales and personal use
14 firewood.

15 (2) BENEFICIARY COUNTY.—The term “bene-
16 ficiary county” means a political subdivision of a
17 State that, on account of containing National Forest
18 System land, was eligible to receive payments for
19 any of the fiscal years 2001 through 2015 through
20 the State under title I of the Secure Rural Schools
21 and Community Self-Determination Act of 2000 (16
22 U.S.C. 7111 et seq.).

23 (3) COLLABORATIVE PROCESS.—The term “col-
24 laborative process” refers to a planning, decision-
25 making, and management process that, as deter-

1 mined by the forest manager of the unit of the Na-
2 tional Forest System for which the process will occur
3 and as confirmed by the Regional Forester—

4 (A) includes multiple interested persons
5 representing diverse interests; and

6 (B) is transparent and nonexclusive or
7 meets the requirements for a resource advisory
8 committee under subsections (e) through (f) of
9 section 205 of the Secure Rural Schools and
10 Community Self-Determination Act of 2000 (16
11 U.S.C. 7125).

12 (4) COVERED ACTIVE MANAGEMENT
13 PROJECT.—The terms “covered active management
14 project” and “covered project” mean a project in-
15 volving the management or sale of national forest
16 materials within a Forest Active Management Area
17 to generate forest active management revenues and
18 achieve the annual volume requirement for the For-
19 est Active Management Area.

20 (5) FOREST ACTIVE MANAGEMENT AREA.—

21 (A) IN GENERAL.—The term “Forest Ac-
22 tive Management Area” means National Forest
23 System land in a unit of the National Forest
24 System that has been identified in the 5-year
25 period preceding the date of such identification

1 as being overstocked based off of basal area or
2 at risk of wildfire and suitable for timber pro-
3 duction.

4 (B) EXCLUSIONS.—A Forest Active Man-
5 agement Area may not include National Forest
6 System land—

7 (i) that is a component of the Na-
8 tional Wilderness Preservation System;

9 (ii) on which the removal of vegetation
10 is specifically prohibited by Federal stat-
11 ute; or

12 (iii) that is included within a National
13 Monument as of the date of the enactment
14 of this Act.

15 (6) FOREST ACTIVE MANAGEMENT REVE-
16 NUES.—The term “forest active management reve-
17 nues” means revenues derived from the sale of na-
18 tional forest materials in a Forest Active Manage-
19 ment Area.

20 (7) NATIONAL FOREST MATERIALS.—The term
21 “national forest materials” has the meaning given
22 that term in section 14(e)(1) of the National Forest
23 Management Act of 1976 (16 U.S.C. 472a(e)(1)).

24 (8) NATIONAL FOREST SYSTEM.—The term
25 “National Forest System” has the meaning given

1 that term in section 11(a) of the Forest and Range-
2 land Renewable Resources Planning Act of 1974 (16
3 U.S.C. 1609(a)), except that the term does not in-
4 clude the National Grasslands and land utilization
5 projects designated as National Grasslands adminis-
6 tered pursuant to the Act of July 22, 1937 (7
7 U.S.C. 1010–1012).

8 (9) SECRETARY.—The term “Secretary” means
9 the Secretary of Agriculture.

10 (10) SUSTAINED YIELD.—The term “sustained
11 yield” means the maximum annual growth potential
12 of a forest calculated on the basis of the culmination
13 of mean annual increment using cubic measurement.

14 (11) STATE.—The term “State” includes the
15 Commonwealth of Puerto Rico.

16 (12) 25-PERCENT PAYMENT.—The term “25-
17 percent payment” means the payment to States re-
18 quired by the sixth paragraph under the heading of
19 “FOREST SERVICE” in the Act of May 23, 1908
20 (35 Stat. 260; 16 U.S.C. 500), and section 13 of the
21 Act of March 1, 1911 (36 Stat. 963; 16 U.S.C.
22 500).

1 **SEC. 102. ESTABLISHMENT OF FOREST ACTIVE MANAGE-**
2 **MENT AREAS AND ANNUAL VOLUME RE-**
3 **QUIREMENTS.**

4 (a) **ESTABLISHMENT OF FOREST ACTIVE MANAGE-**
5 **MENT AREAS.**—Notwithstanding any other provision of
6 law, the Secretary shall establish one or more Forest Ac-
7 tive Management Areas within each unit of the National
8 Forest System.

9 (b) **DEADLINE FOR ESTABLISHMENT.**—The Sec-
10 retary shall complete the establishment of Forest Active
11 Management Areas not later than 60 days after the date
12 of the enactment of this Act.

13 (c) **PURPOSE.**—The purpose of a Forest Active Man-
14 agement Area is to provide a dependable source of 25-
15 percent payments and economic activity through sustain-
16 able forest management for each beneficiary county con-
17 taining National Forest System land included within that
18 Forest Active Management Area.

19 (d) **FIDUCIARY RESPONSIBILITY.**—The Secretary
20 shall have a fiduciary responsibility to beneficiary counties
21 to manage a Forest Active Management Area to satisfy
22 the annual volume requirement established for that Forest
23 Active Management Area.

24 (e) **ANNUAL VOLUME REQUIREMENT.**—

25 (1) **DEADLINE FOR ESTABLISHMENT.**—Not
26 later than 30 days after the date of the establish-

1 ment of a Forest Active Management Area, the Sec-
2 retary shall establish the annual volume requirement
3 for that Forest Active Management Area.

4 (2) COLLABORATIVE ADJUSTMENT AUTHOR-
5 ITY.—

6 (A) IN GENERAL.—The Secretary shall
7 make publicly available the annual volume re-
8 quirement for a Forest Active Management
9 Area.

10 (B) PETITION FOR ADJUSTMENT.—Not
11 later than 30 days after an annual volume re-
12 quirement for a Forest Management Area is
13 made publicly available under subparagraph
14 (A), a forest management collaborative located
15 in the same Forest Service region as the Forest
16 Active Management Area may petition the Sec-
17 retary to adjust such annual volume require-
18 ment.

19 (C) DETERMINATION.—In the case of a
20 petition under subparagraph (B), the Secretary
21 shall make a determination on such petition not
22 later than 60 days after receiving such petition.

23 (f) SIZE OF FOREST ACTIVE MANAGEMENT AREA.—

24 (1) MINIMUM SIZE.—Except as provided in
25 paragraph (3), the Forest Active Management Areas

1 established within a unit of the National Forest Sys-
2 tem shall include not less than 50 percent of the Na-
3 tional Forest System lands in that unit identified as
4 commercial forest land capable of producing twenty
5 cubic feet of timber per acre.

6 (2) REDUCTION PROHIBITED.—Except as pro-
7 vided in paragraph (3), once a Forest Active Man-
8 agement Area is established, the Secretary may not
9 reduce the number of acres of National Forest Sys-
10 tem land included in that Forest Active Management
11 Area.

12 (3) COLLABORATIVE ADJUSTMENT AUTHOR-
13 ITY.—The Secretary may reduce the number of
14 acres of National Forest System land included in a
15 Forest Active Management Area, including an acre-
16 age reduction resulting in the inclusion of a quantity
17 of commercial forest land below the percentage re-
18 quired by paragraph (1) and section 101(5)(B), if
19 the reduction is developed and agreed upon through
20 a collaborative process.

21 (g) MAP.—The Secretary shall submit a map of all
22 Forest Active Management Areas established under sub-
23 section (a) and a map of any Forest Active Management
24 Area whose acreage is adjusted made pursuant to sub-
25 section (f)(3)—

1 (1) to the Committee on Agriculture and the
2 Committee on Natural Resources of the House of
3 Representatives; and

4 (2) to the Committee on Agriculture, Nutrition,
5 and Forestry and the Committee on Energy and
6 Natural Resources of the Senate.

7 (h) **RECOGNITION OF VALID AND EXISTING**
8 **RIGHTS.**—Neither the establishment of Forest Active
9 Management Areas under subsection (a) nor any other
10 provision of this title shall be construed to limit or re-
11 strict—

12 (1) access to National Forest System land for
13 hunting, fishing, recreation, and other related pur-
14 poses; or

15 (2) valid and existing rights regarding National
16 Forest System land, including rights of any federally
17 recognized Indian tribe.

18 **SEC. 103. MANAGEMENT OF FOREST ACTIVE MANAGEMENT**

19 **AREAS.**

20 (a) **REQUIREMENT TO ACHIEVE ANNUAL VOLUME**
21 **REQUIREMENT.**—Immediately upon the establishment of
22 a Forest Active Management Area, the Secretary shall
23 manage the Forest Active Management Area in the man-
24 ner necessary to achieve the annual volume requirement
25 for the Forest Active Management Area. Not later than

1 1 year after the date of the enactment of this Act, the
2 Secretary shall commence covered active management
3 projects to begin generating forest active management rev-
4 enues.

5 (b) STANDARDS FOR PROJECTS WITHIN FOREST AC-
6 TIVE MANAGEMENT AREAS.—The Secretary shall conduct
7 covered active management projects within Forest Active
8 Management Areas in accordance with this section and
9 sections 104 and 105, which shall serve as the sole means
10 by which the Secretary will comply with the National En-
11 vironmental Policy Act of 1969 (42 U.S.C. 4331 et seq.)
12 and other laws applicable to the covered projects.

13 (c) USE OF COLLABORATIVE PROCESS.—The Sec-
14 retary is authorized and encouraged to develop covered ac-
15 tive management projects for a Forest Active Management
16 Area through a collaborative process. The decision notice
17 for a covered active management project shall describe the
18 collaborative process by which the project was developed,
19 including a description of—

20 (1) participation by or consultation with State,
21 local, and tribal governments; and

22 (2) any established record of successful collabo-
23 rative planning and implementation of forest man-
24 agement projects by the collaborators.

1 (d) USE OF CONTRACTORS TO PERFORM ENVIRON-
2 MENTAL ANALYSIS.—

3 (1) IN GENERAL.—As part of a covered active
4 management project, or as a separate agreement or
5 contract in connection with one or more covered ac-
6 tive management projects, the Secretary may pro-
7 cure the services of persons who are not Federal em-
8 ployees to perform activities necessary to ensure
9 project for compliance with the National Environ-
10 mental Policy Act of 1969 (42 U.S.C. 4331 et seq.)
11 and the Endangered Species Act of 1973 (16 U.S.C.
12 1531 et seq.).

13 (2) APPROVAL REQUIREMENT.—Services per-
14 formed under this subsection are subject to approval
15 by the Chief of the Forest Service or other respon-
16 sible official of the Forest Service.

17 (3) FUNDING SOURCE.—As provided in section
18 108(c)(2), the Secretary shall use forest active man-
19 agement revenues to cover the cost of services pro-
20 cured under this subsection.

21 (e) APPLICATION OF LAND AND RESOURCE MANAGE-
22 MENT PLAN.—

23 (1) MODIFICATION AUTHORITY.—The Secretary
24 may modify the standards and guidelines contained
25 in the land and resource management plan for the

1 unit of the National Forest System in which the cov-
2 ered active management project will be carried out
3 as necessary to achieve the requirements of this Act.

4 (2) HARVESTING SYSTEM.—Section
5 6(g)(3)(E)(iv) of the Forest and Rangeland Renew-
6 able Resources Planning Act of 1974 (16 U.S.C.
7 1604(g)(3)(E)(iv)) shall not apply to a covered ac-
8 tive management project.

9 (f) USE OF ALL-TERRAIN VEHICLES FOR MANAGE-
10 MENT ACTIVITIES.—The Secretary may allow the use of
11 all-terrain vehicles within the Forest Active Management
12 Areas for the purpose of activities associated with the sale
13 of national forest materials in a Forest Active Manage-
14 ment Area.

15 **SEC. 104. ENVIRONMENTAL ANALYSIS PROCESS FOR COV-**
16 **ERED ACTIVE MANAGEMENT PROJECTS.**

17 (a) ENVIRONMENTAL ASSESSMENT.—Except in the
18 case of a covered active management project for which a
19 categorical exclusion is available under subsection (e) or
20 a Forest Active Management Area for which a pro-
21 grammatic environmental impact statement is in effect
22 under subsection (f), the Secretary shall—

23 (1) publish advance notice of each covered ac-
24 tive management project proposed to be conducted
25 within a Forest Active Management Area; and

1 (2) complete an environmental assessment pur-
2 suant to section 102(2) of the National Environ-
3 mental Policy Act of 1969 (42 U.S.C. 4332(2)) for
4 the proposed covered active management project.

5 (b) NO ALTERNATIVE VERSION.—The Secretary is
6 not required to study, develop, or describe any alternative
7 to the proposed agency action.

8 (c) CUMULATIVE EFFECTS.—The Secretary shall
9 consider cumulative effects solely by evaluating the im-
10 pacts of a proposed covered active management project
11 combined with the impacts of any other projects that were
12 approved with a Decision Notice or Record of Decision be-
13 fore the date on which the Secretary published notice of
14 the proposed covered project. The cumulative effects of
15 past projects may be considered in the environmental as-
16 sessment by using a description of the current environ-
17 mental conditions.

18 (d) TREATMENT OF DECISION NOTICE.—The deci-
19 sion notice for a covered active management project shall
20 be considered a final agency action and no additional anal-
21 ysis under the National Environmental Policy Act of 1969
22 (42 U.S.C. 4331 et seq.) shall be required to implement
23 any portion of the covered project.

24 (e) APPLICABILITY OF NEPA.—The designation and
25 management of a Forest Active Management Area under

1 this Act shall not be subject to the requirements of the
2 National Environmental Policy Act of 1969 (42 U.S.C.
3 4331 et seq.).

4 **SEC. 105. EXPEDITED COMPLIANCE WITH ENDANGERED**
5 **SPECIES ACT.**

6 (a) **NON-JEOPARDY ASSESSMENT.**—If the Secretary
7 makes a determination that a proposed covered active
8 management project is not likely to jeopardize the contin-
9 ued existence of any species listed as endangered or
10 threatened under section 4 of the Endangered Species Act
11 of 1973 (16 U.S.C. 1533), the Secretary shall—

12 (1) prepare an explanation of the basis for the
13 determination; and

14 (2) submit the determination and explanation
15 to the Secretary of the Interior or the Secretary of
16 Commerce, as appropriate.

17 (b) **REVIEW AND RESPONSE.**—

18 (1) **IN GENERAL.**—Within 30 days after receiv-
19 ing a determination made by the Secretary under
20 subsection (a), the Secretary of the Interior or the
21 Secretary of Commerce, as appropriate, shall provide
22 a written response to the Secretary concurring in or
23 rejecting the Secretary's determination.

24 (2) **EFFECT OF REJECTION.**—If the Secretary
25 of the Interior or the Secretary of Commerce rejects

1 the determination made by the Secretary under sub-
2 section (a), the written response of the Secretary of
3 the Interior or the Secretary of Commerce under
4 paragraph (1) shall include recommendations for
5 measures that—

6 (A) will avoid the likelihood of jeopardy to
7 an endangered or threatened species;

8 (B) can be implemented in a manner con-
9 sistent with the intended purpose of the covered
10 active management project;

11 (C) can be implemented consistent with the
12 scope of the Secretary's legal authority and ju-
13 risdiction; and

14 (D) are economically and technologically
15 feasible.

16 (c) FORMAL CONSULTATION.—In addition to rec-
17 ommendations made under subsection (b)(2) when the
18 Secretary of the Interior or the Secretary of Commerce
19 rejects a determination issued by the Secretary under sub-
20 section (a), the Secretary of the Interior or the Secretary
21 of Commerce, as the case may be, shall engage in formal
22 consultation with the Secretary pursuant to section 7 of
23 the Endangered Species Act of 1973 (16 U.S.C. 1536).
24 The Secretaries shall complete such consultation within 90

1 days after the submission of the written response under
2 subsection (b).

3 **SEC. 106. ADMINISTRATIVE REVIEW.**

4 Administrative review of a covered active manage-
5 ment project shall occur only in accordance with the spe-
6 cial administrative review process and requirements estab-
7 lished under section 105 of the Healthy Forests Restora-
8 tion Act of 2003 (16 U.S.C. 6515), including the project-
9 level predecisional administrative review process estab-
10 lished in part 218 of title 36, Code of Federal Regulations.

11 **SEC. 107. USE OF ARBITRATION INSTEAD OF LITIGATION**
12 **TO ADDRESS CHALLENGE TO COVERED AC-**
13 **TIVE MANAGEMENT PROJECT DEVELOPED**
14 **THROUGH COLLABORATIVE PROCESS.**

15 (a) ARBITRATION PROCESS.—

16 (1) IN GENERAL.—In the case of a covered ac-
17 tive management project that was developed through
18 a collaborative process, any challenge to the covered
19 project made after the special administrative review
20 process required by section 106 shall be addressed
21 using arbitration consistent with this section instead
22 of through judicial review.

23 (2) WHO MAY SEEK.—Any person who sought
24 administrative review for the covered project de-
25 scribed in paragraph (1) and who is not satisfied

1 with the decision made under the administrative re-
2 view process may file a demand for arbitration re-
3 garding the covered project in accordance with chap-
4 ter 1 of title 9, United States Code.

5 (b) REQUIREMENTS FOR DEMAND.—The demand for
6 arbitration under subsection (a)(2) shall—

7 (1) be filed not more than 30 days after the
8 date on which the administrative review decision was
9 issued; and

10 (2) include a proposal describing the modifica-
11 tions sought to the covered project.

12 (c) INTERVENING PARTIES.—

13 (1) REQUIREMENTS.—Any person that sub-
14 mitted a public comment on the covered active man-
15 agement project subject to arbitration may intervene
16 in the arbitration—

17 (A) by endorsing the covered project or the
18 modification proposal submitted under sub-
19 section (b)(2); or

20 (B) by submitting a proposal to further
21 modify the covered project.

22 (2) DEADLINE FOR SUBMISSION.—A request to
23 intervene in an arbitration must be submitted not
24 later than the date that is 30 days after the date on
25 which the demand for arbitration was filed.

1 (3) MULTIPLE PARTIES.—Multiple objectors or
2 intervening parties may submit a joint proposal so
3 long as each objector or intervening party meets the
4 eligibility requirements of subsection (a)(2) or para-
5 graph (1), whichever applies.

6 (d) APPOINTMENT OF ARBITRATOR.—The United
7 States District Court in the district in which the covered
8 active management project is located shall appoint the ar-
9 bitrator to conduct the arbitration proceedings in accord-
10 ance with this section and chapter 1 of title 9, United
11 States Code.

12 (e) SELECTION OF PROPOSALS.—

13 (1) IN GENERAL.—The arbitrator appointed
14 under subsection (d)—

15 (A) may not modify any of the proposals
16 submitted with the demand for arbitration or a
17 request to intervene; and

18 (B) shall select to be conducted—

19 (i) a proposal submitted by an objec-
20 tor or an intervening party; or

21 (ii) the covered active management
22 project, as approved by the Secretary.

23 (2) SELECTION CRITERIA.—An arbitrator shall
24 select the proposal that best meets the purpose and

1 needs described in the environmental analysis con-
2 ducted for the covered project.

3 (f) EFFECT OF DECISION.—The decision of an arbi-
4 trator with respect to the covered active management
5 project—

6 (1) shall not be considered a major Federal ac-
7 tion;

8 (2) shall be binding; and

9 (3) shall not be subject to judicial review.

10 (g) DEADLINE FOR COMPLETION.—Not later than 90
11 days after the date on which the demand for arbitration
12 is filed with respect to the covered active management
13 project, the arbitration process shall be completed.

14 **SEC. 108. DISTRIBUTION OF FOREST ACTIVE MANAGEMENT**
15 **REVENUES.**

16 (a) USE TO MAKE 25-PERCENT PAYMENTS.—The
17 Secretary shall use forest active management revenues
18 generated by covered active management projects to make
19 25-percent payments to States for payment to beneficiary
20 counties.

21 (b) RELATION TO PAYMENTS UNDER SECURE
22 RURAL SCHOOLS AND COMMUNITY SELF-DETERMINA-
23 TION ACT OF 2000.—Subject to the offset required by
24 subsection (f) of section 102 of the Secure Rural Schools

1 and Community Self-Determination Act of 2000 (16
2 U.S.C. 7112), a beneficiary county may receive both—

3 (1) a share of the 25-percent payments made to
4 a State under subsection (a); and

5 (2) a share of the payment for the State
6 (known as the State payment) calculated under sec-
7 tion 101(a) of the Secure Rural Schools and Com-
8 munity Self-Determination Act of 2000 (16 U.S.C.
9 7111(a)) for which the beneficiary county made an
10 election (or was deemed to make an election) under
11 section 102(b)(1) of such Act (16 U.S.C.
12 7112(b)(1)).

13 (c) OTHER USES OF REVENUES.—After compliance
14 with subsection (a), the Secretary shall use forest active
15 management revenues—

16 (1) to make deposits into the fund established
17 under section 3 of the Act of June 9, 1930 (16
18 U.S.C. 576b; commonly known as the Knutson-Van-
19 denberg Fund), and the fund established under sec-
20 tion 14(h) of the National Forest Management Act
21 of 1976 (16 U.S.C. 472a(h); commonly known as
22 the salvage sale fund) in contributions equal to the
23 monies otherwise collected under those Acts for
24 projects conducted on National Forest System land;
25 and

1 (2) to cover the cost of project services pro-
2 cured under section 103(d).

3 (d) DEPOSIT IN GENERAL FUND OF THE TREAS-
4 URY.—After compliance with subsections (a) and (c), the
5 Secretary shall deposit remaining forest active manage-
6 ment revenues into the general fund of the Treasury.

7 **SEC. 109. ANNUAL REPORT.**

8 (a) REPORT REQUIRED.—Not later than 60 days
9 after the end of each fiscal year, the Secretary shall sub-
10 mit to Congress an annual report specifying the following:

11 (1) The annual volume requirement in effect for
12 that fiscal year for each Forest Active Management
13 Area.

14 (2) The volume of board feet actually harvested
15 for each Forest Active Management Area during
16 that fiscal year.

17 (3) The average cost of preparation for timber
18 sales for each Forest Active Management Area dur-
19 ing that fiscal year.

20 (4) The forest active management revenues
21 generated from such sales.

22 (5) The total amount of 25-percent payments
23 made to States under section 108(a) during that fis-
24 cal year for the benefit of beneficiary counties and

1 the amount of forest active management revenues
2 distributed to each beneficiary county.

3 (b) FORM OF REPORT.—The information required by
4 subsection (a) to be provided with respect to a Forest Ac-
5 tive Management Area shall be presented on a single page.

6 (c) PUBLIC AVAILABILITY.—The Secretary shall
7 make each annual report available on the website of the
8 Forest Service.

9 **TITLE II—TRANSITION OF SE-**
10 **CURE RURAL SCHOOLS AND**
11 **COMMUNITY SELF-DETER-**
12 **MINATION ACT OF 2000 AND**
13 **25-PERCENT PAYMENTS**

14 **SEC. 201. PROHIBITION ON STATE RETENTION OF PORTION**
15 **OF 25-PERCENT PAYMENTS MADE ON BEHALF**
16 **OF BENEFICIARY COUNTIES.**

17 (a) AMENDMENT OF ACT OF MAY 23, 1908.—The
18 sixth paragraph under the heading “FOREST SERV-
19 ICE” in the Act of May 23, 1908 (16 U.S.C. 500), is
20 amended in the first sentence by striking “situated: *Pro-*
21 *vided*, That when” and inserting the following: “situated.
22 Beginning on the date of the enactment of the FORESTS
23 Act of 2023, the State or Territorial legislature may not
24 withhold any of the amount paid under this paragraph

1 from distribution to the county or counties in which the
2 national forest is situated. When”.

3 (b) CONFORMING AMENDMENT TO WEEKS LAW.—
4 Section 13 of the Act of March 1, 1911 (commonly known
5 as the Weeks Law; 16 U.S.C. 500), is amended in the
6 first sentence by striking “situated: *Provided*, That when”
7 and inserting the following: “situated. Beginning on the
8 date of the enactment of the FORESTS Act of 2023, the
9 State legislature may not withhold any of the amount paid
10 under this section from distribution to the county or coun-
11 ties in which such national forest is situated. When”.

12 **TITLE III—STEWARDSHIP END**
13 **RESULT CONTRACTING AU-**
14 **THORITY**

15 **SEC. 301. MAXIMUM AUTHORIZED DURATION OF STEWARD-**
16 **SHIP END RESULT CONTRACTS.**

17 Section 604(d)(3)(B) of the Healthy Forests Restora-
18 tion Act of 2003 (16 U.S.C. 6591c(d)(3)(B)) is amended
19 by striking “10 years” and inserting “20 years”.

20 **SEC. 302. PAYMENT OF PORTION OF STEWARDSHIP**
21 **PROJECT REVENUES TO COUNTY IN WHICH**
22 **STEWARDSHIP PROJECT OCCURS.**

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

1 “(4) PAYMENT OF PORTION OF STEWARDSHIP
2 PROJECT REVENUES TO COUNTIES.—Of the monies
3 retained under paragraph (2) from an agreement or
4 contract under subsection (b), the Chief or the Di-
5 rector, as the case may be, shall pay 25 percent of
6 the retained monies to the county or counties in
7 which the project site is situated.”.

8 **SEC. 303. USE OF CONTRACTORS TO PERFORM ENVIRON-**
9 **MENTAL ANALYSIS IN CONNECTION WITH**
10 **STEWARDSHIP END RESULT CONTRACTING**
11 **PROJECTS.**

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

14 (1) by striking “The Chief” and inserting the
15 following:

16 “(1) PROJECT AUTHORITY.—The Chief”; and

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

19 “(2) RELATED PROJECT PREPARATION AU-
20 THORITY.—

21 “(A) IN GENERAL.—As part of an agree-
22 ment or contract under paragraph (1) for a
23 stewardship contracting project, or as a sepa-
24 rate agreement or contract in connection with
25 one or more stewardship contracting projects,

1 the Chief or Director may procure the services
2 of persons who are not Federal employees to
3 perform activities necessary to ensure project
4 for compliance with the National Environmental
5 Policy Act of 1969 (42 U.S.C. 4331 et seq.)
6 and the Endangered Species Act of 1973 (16
7 U.S.C. 1531 et seq.).

8 “(B) APPROVAL REQUIREMENT.—Services
9 performed under this paragraph are subject to
10 approval by the Chief, Director, or other re-
11 sponsible official of the Forest Service or Bu-
12 reau of Land Management.

13 “(C) FUNDING SOURCES.—The offset au-
14 thority provided by subsection (d)(4)(A) and re-
15 cepts available for expenditure under sub-
16 section (e)(2)(B) may be used to cover the cost
17 of services procured under this paragraph.”.

18 **TITLE IV—OTHER MATTERS**

19 **SEC. 401. TREATMENT AS SUPPLEMENTAL FUNDING.**

20 None of the funds made available to a beneficiary
21 county (as defined in section 101(2) of this Act) or other
22 political subdivision of a State under this Act shall be used
23 in lieu of or to otherwise offset State funding sources for
24 local schools, facilities, or educational purposes.

1 **SEC. 402. DEFINITION OF FIRE SUPPRESSION TO INCLUDE**
2 **CERTAIN RELATED ACTIVITIES.**

3 For purposes of utilizing amounts made available to
4 the Secretary of Agriculture or the Secretary of the Inte-
5 rior for fire suppression activities, including funds made
6 available from the FLAME Fund, the term “fire suppres-
7 sion” includes reforestation, site rehabilitation, salvage op-
8 erations, and replanting occurring following fire damage
9 on lands under the jurisdiction of the Secretary concerned
10 or following fire suppression efforts on such lands by the
11 Secretary concerned.

12 **SEC. 403. PROHIBITION ON CERTAIN ACTIONS REGARDING**
13 **FOREST SERVICE ROADS AND TRAILS.**

14 The Forest Service shall not remove or otherwise
15 eliminate or obliterate any legally created road or trail un-
16 less there has been a specific decision, which included ade-
17 quate and appropriate public involvement, to decommis-
18 sion the specific road or trail in question. The fact that
19 any road or trail is not a Forest System road or trail,
20 or does not appear on a Motor Vehicle Use Map, shall
21 not constitute a decision.

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