

116TH CONGRESS
1ST SESSION

S. _____

To amend title 36, United States Code, to grant a Federal charter to the Forest and Refuge County Foundation, to provide for the establishment of the Natural Resources Permanent Fund, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. WYDEN (for himself, Mr. CRAPO, Mr. MERKLEY, and Mr. RISCH) introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To amend title 36, United States Code, to grant a Federal charter to the Forest and Refuge County Foundation, to provide for the establishment of the Natural Resources Permanent Fund, 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.**

4 This Act may be cited as the “Forest Management
5 for Rural Stability Act”.

1 **SEC. 2. FEDERAL CHARTER FOR FOREST AND REFUGE**
 2 **COUNTY FOUNDATION AND ESTABLISHMENT**
 3 **OF NATURAL RESOURCES PERMANENT FUND.**

4 (a) FEDERAL CHARTER FOR FOREST AND REFUGE
 5 COUNTY FOUNDATION.—Subtitle III of title 36, United
 6 States Code, is amended by inserting after chapter 3001
 7 the following:

8 **“CHAPTER 3002—FOREST AND REFUGE**
 9 **COUNTY FOUNDATION**

“Sec.

“300201. Definitions.

“300202. Establishment.

“300203. Status and applicable laws.

“300204. Board of Directors.

“300205. Bylaws and duties.

“300206. Authority of Corporation.

“300207. Establishment of Natural Resources Permanent Fund.

10 **“§ 300201. Definitions**

11 “In this chapter:

12 “(1) AGENCY HEAD.—The term ‘agency head’
 13 means—

14 “(A) the Secretary of the Treasury;

15 “(B) the Chief of the Forest Service;

16 “(C) the Director of the Bureau of Land
 17 Management; and

18 “(D) the Director of the United States
 19 Fish and Wildlife Service.

20 “(2) BOARD.—The term ‘Board’ means the
 21 Board of Directors of the Corporation.

1 “(3) CHAIRPERSON.—The term ‘Chairperson’
2 means the Chairperson of the Board.

3 “(4) CORPORATION.—The term ‘Corporation’
4 means the Forest and Refuge County Foundation
5 established by section 300202.

6 “(5) COUNTY PAYMENT; FULL FUNDING
7 AMOUNT; STATE PAYMENT.—The terms ‘county pay-
8 ment’, ‘full funding amount’, and ‘State payment’
9 have the meanings given those terms in section 3 of
10 the Secure Rural Schools and Community Self-De-
11 termination Act of 2000 (16 U.S.C. 7102).

12 “(6) ELIGIBLE COUNTY.—

13 “(A) IN GENERAL.—The term ‘eligible
14 county’ means—

15 “(i) a county that is eligible for a pay-
16 ment under the Secure Rural Schools and
17 Community Self-Determination Act of
18 2000 (16 U.S.C. 7101 et seq.), with re-
19 spect to an account established by para-
20 graph (1) or (2) of section 300207(b); or

21 “(ii) a county that is eligible for a
22 payment under section 401(c) of the Act of
23 June 15, 1935 (commonly known as the
24 ‘Refuge Revenue Sharing Act’) (49 Stat.
25 383, chapter 261; 16 U.S.C. 715s(c)), with

1 respect to the account established by sec-
2 tion 300207(b)(3).

3 “(B) EXCLUSION.—The term ‘eligible
4 county’ does not include a county that has
5 elected to opt out of distributions from the
6 Fund under section 300207(e)(4)(A).

7 “(7) FUND.—The term ‘Fund’ means the Nat-
8 ural Resources Permanent Fund established by sec-
9 tion 300207(a).

10 “(8) HIGHEST HISTORIC PAYMENT.—The term
11 ‘highest historic payment’ means—

12 “(A) with respect to the Forest Service Ac-
13 count of the Fund, an amount equal to the
14 total amount of State payments received under
15 section 101(a) of the Secure Rural Schools and
16 Community Self-Determination Act of 2000 (16
17 U.S.C. 7111(a)) for fiscal year 2008 (as ad-
18 justed to reflect changes during the period be-
19 ginning on October 1, 2008, in the Consumer
20 Price Index for All Urban Consumers published
21 by the Bureau of Labor Statistics of the De-
22 partment of Labor); and

23 “(B) with respect to the Bureau of Land
24 Management Account of the Fund, an amount
25 equal to the total amount of county payments

1 received under section 101(b) of the Secure
2 Rural Schools and Community Self-Determina-
3 tion Act of 2000 (16 U.S.C. 7111(b)) for fiscal
4 year 2006 (as adjusted to reflect changes dur-
5 ing the period beginning on October 1, 2006, in
6 the Consumer Price Index for All Urban Con-
7 sumers published by the Bureau of Labor Sta-
8 tistics of the Department of Labor).

9 “(9) MANAGER.—The term ‘manager’ means
10 the manager of investments employed by the Board
11 pursuant to section 300205(c)(3).

12 “(10) RESOURCE ADVISORY COMMITTEE.—The
13 term ‘resource advisory committee’ means—

14 “(A) a resource advisory committee estab-
15 lished under section 205 of the Secure Rural
16 Schools and Community Self-Determination Act
17 of 2000 (16 U.S.C. 7125) (as in effect on the
18 day before the date of enactment of this chap-
19 ter); and

20 “(B) an advisory council established pursu-
21 ant to section 309(a) of the Federal Land Pol-
22 icy and Management Act of 1976 (43 U.S.C.
23 1739(a)).

24 “(11) SECRETARY CONCERNED.—The term
25 ‘Secretary concerned’ means—

1 “(A) the Secretary of Agriculture, with re-
2 spect to the account established by section
3 300207(b)(1); and

4 “(B) the Secretary of the Interior, with re-
5 spect to an account established by paragraph
6 (2) or (3) of section 300207(b).

7 **“§ 300202. Establishment**

8 “‘There is established a federally chartered, nonprofit
9 corporation, to be known as the ‘Forest and Refuge Coun-
10 ty Foundation’, which shall be incorporated in the State
11 of Oregon.

12 **“§ 300203. Status and applicable laws**

13 “(a) NON-FEDERAL ENTITY.—The Corporation is
14 not—

15 “(1) a department, agency, or instrumentality
16 of the United States Government; or

17 “(2) subject to title 31.

18 “(b) LIABILITY.—The United States Government
19 shall not be liable for the actions or inactions of the Cor-
20 poration.

21 “(c) NONPROFIT CORPORATION.—The Corporation
22 shall have and maintain the status of the Corporation as
23 a nonprofit corporation exempt from taxation under the
24 Internal Revenue Code of 1986.

1 **“§ 300204. Board of Directors**

2 “(a) **AUTHORITY.**—The powers of the Corporation
3 shall be vested in a Board of Directors that governs the
4 Corporation.

5 “(b) **MEMBERSHIP.**—

6 “(1) **COMPOSITION.**—The Board shall be com-
7 posed of 11 members, of whom—

8 “(A) 3 shall be appointed by the Chief of
9 the Forest Service;

10 “(B) 2 shall be appointed by the Director
11 of the Bureau of Land Management; and

12 “(C) 6 shall be appointed by the Secretary
13 of the Treasury.

14 “(2) **QUALIFICATIONS.**—In making appoint-
15 ments under paragraph (1), the agency heads
16 shall—

17 “(A) appoint members who represent the
18 various regions of the United States; and

19 “(B) ensure that the membership of the
20 Board is—

21 “(i) apolitical; and

22 “(ii) fairly balanced in terms of—

23 “(I) the points of view rep-
24 resented; and

25 “(II) the functions to be per-
26 formed by the Board, by appointing—

1 “(aa) 3 members who are
2 county elected officials, as of the
3 date of appointment of the mem-
4 bers, of whom—

5 “(AA) 1 shall be an
6 elected official of a county
7 that contains Federal land
8 described in section 3(7)(A)
9 of the Secure Rural Schools
10 and Community Self-Deter-
11 mination Act of 2000 (16
12 U.S.C. 7102(7)(A));

13 “(BB) 1 shall be an
14 elected official of a county
15 that contains Federal land
16 described in section 3(7)(B)
17 of the Secure Rural Schools
18 and Community Self-Deter-
19 mination Act of 2000 (16
20 U.S.C. 7102(7)(B)); and

21 “(CC) 1 shall be an
22 elected official of a county
23 that is eligible for a payment
24 under section 401(c) of the
25 Act of June 15, 1935 (com-

1 monly known as the ‘Refuge
2 Revenue Sharing Act’) (49
3 Stat. 383, chapter 261; 16
4 U.S.C. 715s(c));

5 “(bb) 1 member to represent
6 rural economic development in-
7 terests;

8 “(cc) 6 members with expert
9 experience in fund management
10 or finance; and

11 “(dd) 1 member to represent
12 education interests.

13 “(3) PROHIBITION.—A member of the Board,
14 other than a member described in paragraph
15 (2)(B)(ii)(II)(aa), shall not hold an office, position,
16 or employment in any political party.

17 “(4) DATE.—The appointments of the members
18 of the Board shall be made not later than 90 days
19 after the date of enactment of this chapter.

20 “(c) CHAIRPERSON.—

21 “(1) IN GENERAL.—The Chairperson of the
22 Board shall be selected from among the members of
23 the Board by a majority vote of the members.

24 “(2) TERM OF SERVICE.—The Chairperson of
25 the Board—

1 “(A) shall serve for a term of not longer
2 than 4 years; and

3 “(B) may be reelected to serve an addi-
4 tional term, subject to the condition that the
5 Chairperson may serve for not more than 2
6 consecutive terms.

7 “(d) TERMS.—

8 “(1) IN GENERAL.—The term of the members
9 of the Board shall be 6 years, except that the agency
10 heads shall designate staggered terms for the mem-
11 bers initially appointed to the Board.

12 “(2) REAPPOINTMENT.—A member of the
13 Board may be reappointed to serve an additional
14 term, subject to the condition that the member may
15 serve for not more than 2 consecutive terms.

16 “(e) VACANCY.—A vacancy on the Board shall be
17 filled—

18 “(1) by not later than 90 days after the date
19 on which the vacancy occurs; and

20 “(2) in the manner in which the original ap-
21 pointment was made.

22 “(f) TRANSITIONS.—Any member of the Board may
23 continue to serve after the expiration of the term for which
24 the member was appointed or elected until a qualified suc-
25 cessor has been appointed or elected.

1 “(g) MEETINGS AND QUORUM.—

2 “(1) MEETINGS.—

3 “(A) IN GENERAL.—The Board shall
4 meet—

5 “(i) not less frequently than once each
6 calendar year; and

7 “(ii)(I) at the call of—

8 “(aa) the Chairperson; or

9 “(bb) 3 or more members; or

10 “(II) as otherwise provided in the by-
11 laws of the Corporation.

12 “(B) INITIAL MEETING.—Not later than
13 150 days after the date of enactment of this
14 chapter, the Board shall hold an initial meeting
15 of the Board.

16 “(2) QUORUM.—A quorum of the Board, con-
17 sisting of a majority of the members of the Board,
18 shall be required to conduct any business of the
19 Board.

20 “(3) APPROVAL OF BOARD ACTIONS.—Except
21 as otherwise provided, the threshold for approving
22 Board actions shall be as set forth in the bylaws of
23 the Corporation.

24 “(h) REIMBURSEMENT OF EXPENSES.—

1 “(1) IN GENERAL.—A voting member of the
2 Board—

3 “(A) shall serve without pay; but

4 “(B) subject to paragraph (2), may be re-
5 imburSED for the actual and necessary traveling
6 and subsistence expenses incurred by the mem-
7 ber in the performance of duties for the Cor-
8 poration.

9 “(2) MAXIMUM AMOUNT.—The amount of reim-
10 bursement under paragraph (1)(B) may not exceed
11 the amount that would be authorized under section
12 5703 of title 5 for the payment of expenses and al-
13 lowances for an individual employed intermittently in
14 the Federal Government service.

15 **“§ 300205. Bylaws and duties**

16 “(a) IN GENERAL.—The Board shall adopt, and may
17 amend, the bylaws of the Corporation.

18 “(b) BYLAWS.—The bylaws of the Corporation shall
19 include, at a minimum—

20 “(1) the duties and responsibilities of the
21 Board; and

22 “(2) the operational procedures of the Corpora-
23 tion.

1 “(c) DUTIES AND RESPONSIBILITIES OF BOARD.—

2 The Board shall be responsible for actions of the Corpora-
3 tion, including—

4 “(1)(A) employing individuals at the Corpora-
5 tion to provide investment management services; or

6 “(B) retaining the services of investment man-
7 agement services providers;

8 “(2) employing individuals at the Corporation
9 to provide accounting and administrative services;

10 “(3) employing a manager of investments to
11 manage the amounts authorized to be invested by
12 the Board in accordance with subsection (d);

13 “(4) entering into a contract with 1 or more
14 banking or trust entities to act as the custodian of
15 the assets of the Fund; and

16 “(5) engaging other appropriate professional
17 service providers to support the Board and the em-
18 ployees of the Board in carrying out the duties and
19 responsibilities of the Board under this chapter.

20 “(d) AUTHORITY OF MANAGER.—Subject to the di-
21 rection of the Board, the manager shall have control over
22 the amounts under the jurisdiction of the Board in the
23 same manner as if the manager owned those amounts.

1 **“§ 300206. Authority of Corporation**

2 “Except as otherwise provided in this chapter, the
3 Corporation, acting through the manager, shall have the
4 authority—

5 “(1) to manage the Fund;

6 “(2) to make investments of amounts in the
7 Fund under section 300207(d);

8 “(3) to make distributions from the Fund
9 under section 300207(e)(2); and

10 “(4) to review certifications submitted by par-
11 ticipating counties under section 303(a) of the Se-
12 cure Rural Schools and Community Self-Determina-
13 tion Act of 2000 (16 U.S.C. 7143(a)).

14 **“§ 300207. Establishment of Natural Resources Per-
15 manent Fund**

16 “(a) ESTABLISHMENT.—There is established within
17 the Corporation a permanent fund, to be known as the
18 ‘Natural Resources Permanent Fund’, consisting of—

19 “(1) amounts deposited in the accounts under
20 subsection (b);

21 “(2) amounts deposited by an eligible county or
22 State under subsection (c)(1);

23 “(3) amounts credited to the Fund under sub-
24 section (d)(3); and

1 “(4) amounts appropriated to the Fund under
2 paragraph (1) of subsection (i), subject to paragraph
3 (2) of that subsection.

4 “(b) ACCOUNTS.—Within the Fund, there are estab-
5 lished the following accounts:

6 “(1) The Forest Service Account, consisting of
7 the amounts transferred under section 3(b)(2) of the
8 Forest Management for Rural Stability Act.

9 “(2) The Bureau of Land Management Ac-
10 count, consisting of the amounts transferred under
11 subsections (c)(2) and (d)(2) of section 3 of the For-
12 est Management for Rural Stability Act.

13 “(3) The United States Fish and Wildlife Serv-
14 ice Account, consisting of the amounts transferred
15 under section 3(e)(2) of the Forest Management for
16 Rural Stability Act.

17 “(4) The Voluntary County Savings Account,
18 consisting of voluntary contributions of additional
19 funds transferred under subsection (c)(2)(A)(i).

20 “(c) VOLUNTARY CONTRIBUTIONS OF ADDITIONAL
21 FUNDS.—

22 “(1) IN GENERAL.—Subject to paragraph (2),
23 the Corporation may at any time accept from eligible
24 counties and States voluntary contributions of

1 amounts to be deposited in the Fund, for investment
2 by the Corporation, in accordance with this chapter.

3 “(2) LIMITATION.—Any amounts contributed
4 under paragraph (1)—

5 “(A) shall be—

6 “(i) transferred to the Voluntary
7 County Savings Account; and

8 “(ii) maintained within a segregated
9 account in that Account for each contrib-
10 uting county; and

11 “(B) may only be distributed to the eligible
12 county or State that deposited the amounts, in
13 accordance with this chapter and paragraph
14 (3).

15 “(3) DISTRIBUTIONS.—Distributions to an eli-
16 gible county or a State under paragraph (2)(B)—

17 “(A) shall be made by not later than 30
18 days after the date of receipt of a written re-
19 quest of the applicable eligible county or State;

20 “(B) shall not be subject to any restric-
21 tions or limitations associated with distributions
22 made from an account established by paragraph
23 (1), (2), or (3) of subsection (b); and

1 “(C) may only be used for a governmental
2 purpose that complies with the budget laws of
3 the applicable State.

4 “(d) INVESTMENTS OF FUND.—

5 “(1) INVESTMENT POLICY.—

6 “(A) IN GENERAL.—Not later than 180
7 days after the date of enactment of this chap-
8 ter, the Board shall develop an investment pol-
9 icy for the investment of amounts in the Fund.

10 “(B) REQUIREMENT.—For purposes of the
11 investment policy developed under subpara-
12 graph (A), the Corporation shall—

13 “(i) seek to achieve at least a 5-per-
14 cent rate of return on investments of the
15 Fund, net of inflation; and

16 “(ii) adopt asset management strate-
17 gies that are consistent with the standard
18 of care established under the Uniform Pru-
19 dent Management of Institutional Funds
20 Act of 2007 (D.C. Code 44–1631 et seq.).

21 “(C) PERIODIC UPDATES.—The Corpora-
22 tion shall—

23 “(i) not less frequently than annually,
24 review the investment policy developed
25 under subparagraph (A); and

1 “(ii) based on a review conducted
2 under clause (i), modify the investment
3 policy as the Corporation determines to be
4 appropriate.

5 “(2) INVESTMENT SERVICES.—For purposes of
6 investing amounts in the Fund, the Corporation
7 may—

8 “(A) employ individuals at the Corporation
9 to provide investment management services; or

10 “(B) retain the services of investment
11 management services providers.

12 “(3) INCOME.—Income from any investments of
13 amounts from an account within the Fund shall be
14 credited to the applicable account within the Fund.

15 “(e) EXPENDITURES FROM FUND.—

16 “(1) AVAILABILITY OF FUNDS.—For each fiscal
17 year, the Corporation shall make available for dis-
18 tribution in accordance with this subsection 4.5 per-
19 cent of amounts in each account within the Fund es-
20 tablished by paragraph (1), (2), or (3) of subsection
21 (b), as determined by the Corporation, based on—

22 “(A) for the initial 3 fiscal years during
23 which the Fund is in operation, the average fis-
24 cal year-end balance of the applicable account;
25 and

1 “(B) thereafter, the average fiscal year-end
2 balance of the applicable account during the 3-
3 year period preceding the date of the deter-
4 mination.

5 “(2) DISTRIBUTIONS.—

6 “(A) FOREST SERVICE ACCOUNT AND BU-
7 REAU OF LAND MANAGEMENT ACCOUNT.—

8 “(i) IN GENERAL.—For each fiscal
9 year, of the amounts in each of the Forest
10 Service and the Bureau of Land Manage-
11 ment Accounts within the Fund available
12 for distribution for the fiscal year, as de-
13 termined under paragraph (1)—

14 “(I) 85 percent shall be used to
15 make payments to eligible States and
16 eligible counties in accordance with
17 title I of the Secure Rural Schools
18 and Community Self-Determination
19 Act of 2000 (16 U.S.C. 7111 et seq.)
20 and clause (ii); and

21 “(II) 15 percent shall be used to
22 make payments to eligible States and
23 eligible counties in accordance with
24 title III of the Secure Rural Schools

1 and Community Self-Determination
2 Act of 2000 (16 U.S.C. 7141 et seq.).

3 “(ii) CALCULATION AND DISTRIBUTION OF AUTHORIZED PAYMENTS.—

4
5 “(I) AVAILABILITY.—Not later
6 than 14 days after the beginning of
7 each fiscal year, the Corporation shall
8 submit to the Secretary concerned a
9 description of the amount available in
10 each of the Forest Service and the
11 Bureau of Land Management Ac-
12 counts within the Fund available to
13 make payments for the fiscal year, as
14 determined under paragraph (1), to—

15 “(aa) eligible States under
16 subsection (a) of section 101 of
17 the Secure Rural Schools and
18 Community Self-Determination
19 Act of 2000 (16 U.S.C. 7111),
20 with respect to the Forest Service
21 Account; and

22 “(bb) eligible counties under
23 subsection (b) of that section,
24 with respect to the Bureau of
25 Land Management Account.

1 “(II) CALCULATION.—Not later
2 than 14 days after the date on which
3 the Corporation submits the informa-
4 tion under subclause (I), based on the
5 information provided under that sub-
6 clause and the amounts otherwise
7 available to the Secretary concerned
8 for the fiscal year to make payments
9 to eligible counties under the Secure
10 Rural Schools and Community Self-
11 Determination Act of 2000 (16
12 U.S.C. 7101 et seq.), as determined
13 by the Secretary concerned, the Sec-
14 retary concerned shall, based on the
15 formulas for authorized payments es-
16 tablished under that Act, calculate
17 and submit to the Corporation the au-
18 thorized payment amount for each eli-
19 gible county, including—

20 “(aa) the amount of the au-
21 thorized payment for each eligible
22 county to be paid from the appli-
23 cable account in the Fund; and

24 “(bb) the amount of the au-
25 thorized payment to be paid for

1 each eligible county using
2 amounts made available under
3 section 402 of the Secure Rural
4 Schools and Community Self-De-
5 termination Act of 2000 (16
6 U.S.C. 7152).

7 “(III) DISTRIBUTION.—Subject
8 to subparagraphs (C) and (D), not
9 later than 40 days after the date on
10 which the Secretary concerned sub-
11 mits the information to the Corpora-
12 tion under subclause (II)—

13 “(aa) the Corporation
14 shall—

15 “(AA) distribute from
16 the Forest Service Account
17 within the Fund to States,
18 for redistribution to the eli-
19 gible counties, the amount of
20 the authorized payment to
21 be paid to eligible counties
22 within the State under sec-
23 tion 101(a) of the Secure
24 Rural Schools and Commu-
25 nity Self-Determination Act

1 of 2000 (16 U.S.C.
2 7111(a)), as determined
3 under subclause (II)(aa), to
4 be used for the purposes au-
5 thorized under title I or III
6 of that Act (16 U.S.C. 7111
7 et seq.);

8 “(BB) distribute from
9 the Bureau of Land Man-
10 agement Account within the
11 Fund to the eligible counties
12 the amount of the author-
13 ized payment to be paid to
14 eligible counties under sec-
15 tion 101(b) of the Secure
16 Rural Schools and Commu-
17 nity Self-Determination Act
18 of 2000 (16 U.S.C.
19 7111(b)), as determined
20 under subclause (II)(aa), to
21 be used for the purposes au-
22 thorized under title I or III
23 of that Act (16 U.S.C. 7111
24 et seq.); and

1 “(CC) submit to the
2 Secretary concerned a de-
3 scription of the amounts dis-
4 tributed under subitems
5 (AA) and (BB); and

6 “(bb) except as provided in
7 subparagraph (C)(ii)(II), the Sec-
8 retary concerned shall pay to eli-
9 gible counties, and to the State
10 for redistribution to eligible coun-
11 ties, the amount of the author-
12 ized payments under subclause
13 (II)(bb).

14 “(B) UNITED STATES FISH AND WILDLIFE
15 SERVICE ACCOUNT.—

16 “(i) IN GENERAL.—For each fiscal
17 year, amounts in the United States Fish
18 and Wildlife Service Account within the
19 Fund available for distribution for the fis-
20 cal year, as determined under paragraph
21 (1), shall be used to make payments to eli-
22 gible counties, in accordance with section
23 401(c) of the Act of June 15, 1935 (com-
24 monly known as the ‘Refuge Revenue

1 Sharing Act') (49 Stat. 383, chapter 261;
2 16 U.S.C. 715s(c)) and clause (ii).

3 “(ii) CALCULATION AND DISTRIBUTION OF AUTHORIZED PAYMENTS.—

4
5 “(I) AVAILABILITY.—Not later
6 than 14 days after the beginning of
7 each fiscal year, the Corporation shall
8 submit to the Secretary concerned a
9 description of the amount available in
10 United States Fish and Wildlife Service
11 Account within the Fund available
12 to make authorized payments to eligi-
13 ble counties for the fiscal year under
14 section 401(c) of the Act of June 15,
15 1935 (commonly known as the ‘Ref-
16 uge Revenue Sharing Act’) (49 Stat.
17 383, chapter 261; 16 U.S.C. 715s(c)),
18 as determined under paragraph (1).

19 “(II) CALCULATION.—Not later
20 than 14 days after the date on which
21 the Corporation submits the informa-
22 tion under subclause (I), based on the
23 information provided under that sub-
24 clause and the amounts otherwise
25 available to the Secretary concerned

1 for the fiscal year to make payments
2 to eligible counties under section
3 401(c) of the Act of June 15, 1935
4 (commonly known as the ‘Refuge Rev-
5 enue Sharing Act’) (49 Stat. 383,
6 chapter 261; 16 U.S.C. 715s(e)), as
7 determined by the Secretary con-
8 cerned, the Secretary concerned shall,
9 based on the formulas for authorized
10 payments established under that Act,
11 calculate and submit to the Corpora-
12 tion the authorized payment amount
13 for each eligible county, including—

14 “(aa) the amount of the au-
15 thorized payment for each eligible
16 county to be paid from the
17 United States Fish and Wildlife
18 Service Account within the Fund;
19 and

20 “(bb) the amount of the au-
21 thorized payment to be paid for
22 each eligible county using
23 amounts made available under
24 section 401(c) of the Act of June
25 15, 1935 (commonly known as

1 the ‘Refuge Revenue Sharing
2 Act’) (49 Stat. 383, chapter 261;
3 16 U.S.C. 715s(c)).

4 “(III) DISTRIBUTION.—Subject
5 to subparagraphs (C) and (D), not
6 later than 40 days after the date on
7 which the Secretary concerned sub-
8 mits the information to the Corpora-
9 tion under subclause (II)—

10 “(aa) the Corporation
11 shall—

12 “(AA) distribute from
13 the United States Fish and
14 Wildlife Service Account
15 within the Fund to the eligi-
16 ble counties the amount of
17 the authorized payment to
18 be paid from that Account
19 to eligible counties, as deter-
20 mined under subclause
21 (II)(aa), to be used for the
22 purposes authorized under
23 section 401(c)(5)(C) of the
24 Act of June 15, 1935 (com-
25 monly known as the ‘Refuge

1 Revenue Sharing Act') (49
2 Stat. 383, chapter 261; 16
3 U.S.C. 715s(e)(5)(C)); and

4 “(BB) submit to the
5 Secretary concerned a de-
6 scription of the amounts dis-
7 tributed under subitem
8 (AA); and

9 “(bb) except as provided in
10 subparagraph (C)(ii)(II), the Sec-
11 retary concerned shall pay to the
12 eligible counties the amount to be
13 paid for eligible counties under
14 subclause (II)(bb).

15 “(C) MINIMUM PAYMENT AMOUNT.—

16 “(i) IN GENERAL.—Notwithstanding
17 subparagraphs (A) and (B), the minimum
18 amount of a payment to be distributed to
19 a State or eligible county under subitem
20 (AA) or (BB) of subparagraph
21 (A)(ii)(III)(aa) or subparagraph
22 (B)(ii)(III)(aa)(AA) for a fiscal year shall
23 be the amount of the payment authorized
24 to be made to the State or eligible county
25 for fiscal year 2017 under the Secure

1 Rural Schools and Community Self-Deter-
2 mination Act of 2000 (16 U.S.C. 7101 et
3 seq.) or section 401(c) of the Act of June
4 15, 1935 (commonly known as the ‘Refuge
5 Revenue Sharing Act’) (49 Stat. 383,
6 chapter 261; 16 U.S.C. 715s(e)), as appli-
7 cable (as adjusted to reflect changes dur-
8 ing the period beginning on October 1,
9 2017, in the Consumer Price Index for All
10 Urban Consumers published by the Bureau
11 of Labor Statistics of the Department of
12 Labor).

13 “(ii) OBLIGATION OF SECRETARY.—
14 The Secretary concerned—

15 “(I) shall only make a payment
16 to a State or eligible county under
17 subparagraph (A)(ii)(III)(bb) or
18 (B)(ii)(III)(bb) for a fiscal year if the
19 Secretary concerned determines that
20 the amount of the payment to be dis-
21 tributed from the Fund to the State
22 or eligible county under subitem (AA)
23 or (BB) of subparagraph
24 (A)(ii)(III)(aa) or subparagraph
25 (B)(ii)(III)(aa)(AA) is less than the

1 minimum payment amount required
2 under clause (i); and

3 “(II) if the Secretary concerned
4 determines that the amount of a pay-
5 ment to be distributed to a State or
6 eligible county under subitem (AA) or
7 (BB) of subparagraph (A)(ii)(III)(aa)
8 or subparagraph (B)(ii)(III)(aa)(AA)
9 would exceed the minimum payment
10 amount required under clause (i),
11 shall not make the payment otherwise
12 required under subparagraph
13 (A)(ii)(III)(bb) or (B)(ii)(III)(bb), as
14 applicable, for the fiscal year.

15 “(D) MAXIMUM PAYMENT AMOUNT.—

16 “(i) IN GENERAL.—Notwithstanding
17 subparagraphs (A) and (B), in any case in
18 which the total amount of payments to be
19 distributed by the Corporation to States or
20 eligible counties, as applicable, from an ac-
21 count within the Fund for a fiscal year, as
22 calculated under subparagraph
23 (A)(ii)(II)(aa) or (B)(ii)(II)(aa), as appli-
24 cable, would exceed the applicable highest
25 historic payment, the Corporation shall re-

1 duce the total amount to be distributed
2 under subitem (AA) or (BB) of subpara-
3 graph (A)(ii)(III)(aa) or subparagraph
4 (B)(ii)(III)(aa)(AA), as applicable, to the
5 amount of the applicable highest historic
6 payment.

7 “(ii) EFFECT OF MEETING MAX-
8 IMUM.—For any fiscal year for which
9 amounts in the Fund are sufficient to en-
10 sure that each State and eligible county re-
11 ceives from an account within the Fund for
12 a fiscal year, as calculated under subpara-
13 graph (A)(ii)(II)(aa) or (B)(ii)(II)(aa), as
14 applicable, distributions equal to the appli-
15 cable highest historic payment, such that
16 the distributions from the account are re-
17 duced under clause (i), the States and eli-
18 gible counties shall receive, in addition to
19 those payments from the Fund, any pay-
20 ments authorized for the State or eligible
21 county under—

22 “(I) the sixth paragraph under
23 the heading ‘FOREST SERVICE’ in the
24 Act of May 23, 1908 (35 Stat. 260,
25 chapter 192; 16 U.S.C. 500), and sec-

1 tion 13 of the Act of March 1, 1911
2 (commonly known as the ‘Weeks
3 Law’) (36 Stat. 963, chapter 186; 16
4 U.S.C. 500);

5 “(II) subsection (a) of title II of
6 the Act of August 28, 1937 (50 Stat.
7 875, chapter 876; 43 U.S.C. 2605);

8 “(III) the first section of the Act
9 of May 24, 1939 (53 Stat. 753, chap-
10 ter 144; 43 U.S.C. 2621); or

11 “(IV) section 401(c) of the Act of
12 June 15, 1935 (commonly known as
13 the ‘Refuge Revenue Sharing Act’)
14 (49 Stat. 383, chapter 261; 16 U.S.C.
15 715s(c)).

16 “(3) ADMINISTRATIVE EXPENSES.—

17 “(A) IN GENERAL.—For each fiscal year,
18 of the total amounts in the Fund, there shall be
19 made available to the Corporation from the
20 Fund for the payment of administrative ex-
21 penses described in subparagraph (B)—

22 “(i) if the total amounts in the Fund
23 as of the date of the determination is not
24 less than \$100,000,000, an amount equal

1 to not more than 0.5 percent of the total
2 amounts in the Fund, as of that date; and

3 “(ii) if the total amounts in the Fund
4 as of the date of the determination is less
5 than \$100,000,000, an amount equal to
6 not more than 1.0 percent of the total
7 amounts in the Fund, as of that date.

8 “(B) USE.—Amounts made available for
9 administrative expenses under subparagraph
10 (A) may be used by the Corporation—

11 “(i) to ensure that amounts in Fund
12 are managed in a manner consistent with
13 the asset management strategies adopted
14 under subsection (d)(1);

15 “(ii) to pay other administrative costs
16 relating to the Fund, including the costs of
17 managing the Fund, conducting audits of
18 the Fund, and complying with reporting
19 requirements relating to the Fund; and

20 “(iii) to reimburse members of the
21 Board for actual and necessary traveling
22 and subsistence expenses, in accordance
23 with section 300204(h).

24 “(4) ELECTIONS TO OPT OUT AND OPT IN.—

25 “(A) OPTING OUT.—

1 “(i) IN GENERAL.—Not later than 3
2 years after the date of enactment of this
3 chapter, a county described in clause (i) or
4 (ii) of section 300201(6)(A) may make a
5 1-time election to opt out of distributions
6 from the Fund under this chapter by sub-
7 mitting to the Secretary concerned a writ-
8 ten notice of the election.

9 “(ii) EFFECT.—Subject to subpara-
10 graph (B), an election under clause (i) to
11 opt out of distributions from the Fund
12 shall be applicable for—

13 “(I) the fiscal year during which
14 the notice under that clause is sub-
15 mitted; and

16 “(II) each subsequent fiscal year.

17 “(iii) NO EFFECT ON OTHER PAY-
18 MENTS.—An election by a county to opt
19 out of distributions from the Fund under
20 clause (i) shall not affect the eligibility of
21 the county to receive any payment author-
22 ized for the county under—

23 “(I) the sixth paragraph under
24 the heading ‘FOREST SERVICE’ in the
25 Act of May 23, 1908 (35 Stat. 260,

1 chapter 192; 16 U.S.C. 500), and sec-
2 tion 13 of the Act of March 1, 1911
3 (commonly known as the ‘Weeks
4 Law’) (36 Stat. 963, chapter 186; 16
5 U.S.C. 500);

6 “(II) subsection (a) of title II of
7 the Act of August 28, 1937 (50 Stat.
8 875, chapter 876; 43 U.S.C. 2605);

9 “(III) the first section of the Act
10 of May 24, 1939 (53 Stat. 753, chap-
11 ter 144; 43 U.S.C. 2621); or

12 “(IV) section 401(c) of the Act of
13 June 15, 1935 (commonly known as
14 the ‘Refuge Revenue Sharing Act’)
15 (49 Stat. 383, chapter 261; 16 U.S.C.
16 715s(c)).

17 “(iv) TREATMENT.—A county de-
18 scribed in clause (i) or (ii) of section
19 300201(6)(A) that has not submitted to
20 the Secretary concerned a written notice of
21 an election to opt out of distributions from
22 the Fund under clause (i) shall be deemed
23 to have opted in to those distributions.

24 “(B) NOTICE TO OPT IN.—A county that
25 has elected to opt out of distributions from the

1 Fund under subparagraph (A) may opt back in
2 to the distributions for all subsequent fiscal
3 years by submitting to the Secretary concerned,
4 by not later than the date that is 2 years after
5 the date on which the county submits the writ-
6 ten notice under subparagraph (A)(i), a notice
7 of the intent of the county to opt back in.

8 “(f) REPORTS.—

9 “(1) QUARTERLY REPORTS.—Not later than 90
10 days after the date of enactment of this chapter and
11 every 90 days thereafter, the Corporation shall sub-
12 mit to the Secretary of the Treasury a quarterly re-
13 port that describes, with full transparency, for the
14 period covered by report—

15 “(A) the assets of the Fund, including a
16 description of the investment policy used for the
17 Fund; and

18 “(B) the performance of investments in the
19 Fund.

20 “(2) ANNUAL REPORT.—Annually, the Corpora-
21 tion shall submit to the Committee on Finance of
22 the Senate and the Committee on Ways and Means
23 of the House of Representatives, and make pub-
24 lically available in an online searchable database in
25 a machine-readable format, a report describing the

1 activities of the Corporation for the period covered
2 by the report, including, at a minimum, information
3 relating to—

4 “(A) the growth of the Fund; and

5 “(B) applicable sources of revenue.

6 “(g) ANNUAL AUDITS.—Not later than 1 year after
7 the date of enactment of this chapter and annually there-
8 after, the Inspector General of the Department of the
9 Treasury shall conduct an audit of the Fund.

10 “(h) OVERSIGHT.—The Inspector General of the De-
11 partment of the Treasury shall conduct periodic reviews
12 of the exercise by the Corporation of the fiduciary and
13 statutory duties of the Corporation.

14 “(i) FUNDING.—

15 “(1) IN GENERAL.—Out of any funds in the
16 Treasury not otherwise appropriated, the Secretary
17 of the Treasury shall transfer to the Fund such
18 sums as are necessary to ensure that the required
19 minimum payment amounts under subsection
20 (e)(2)(C)(i) can be provided.

21 “(2) ALLOCATION AMONG ACCOUNTS.—The
22 amounts appropriated to the Fund under paragraph
23 (1) shall be allocated among the Forest Service Ac-
24 count, the Bureau of Land Management Account,

1 and the United States Fish and Wildlife Service Ac-
2 count in a manner that ensures that—

3 “(A) the amount allocated to the Forest
4 Service Account is determined in accordance
5 with the ratio that—

6 “(i) the total amount of State pay-
7 ments under the Secure Rural Schools and
8 Community Self-Determination Act of
9 2000 (16 U.S.C. 7101 et seq.) for fiscal
10 year 2017; bears to

11 “(ii) an amount equal to the sum of—

12 “(I) the full funding amount for
13 the Secure Rural Schools and Com-
14 munity Self-Determination Act of
15 2000 (16 U.S.C. 7101 et seq.) for fis-
16 cal year 2017; and

17 “(II) the total amount of pay-
18 ments to counties under section
19 401(c) of the Act of June 15, 1935
20 (commonly known as the ‘Refuge Rev-
21 enue Sharing Act’) (49 Stat. 383,
22 chapter 261; 16 U.S.C. 715s(c)), for
23 fiscal year 2017;

1 “(B) the amount allocated to the Bureau
2 of Land Management Account is determined in
3 accordance with the ratio that—

4 “(i) the total amount of county pay-
5 ments under the Secure Rural Schools and
6 Community Self-Determination Act of
7 2000 (16 U.S.C. 7101 et seq.) for fiscal
8 year 2017; bears to

9 “(ii) an amount equal to the sum of—

10 “(I) the full funding amount for
11 the Secure Rural Schools and Com-
12 munity Self-Determination Act of
13 2000 (16 U.S.C. 7101 et seq.) for fis-
14 cal year 2017; and

15 “(II) the total amount of pay-
16 ments to counties under section
17 401(c) of the Act of June 15, 1935
18 (commonly known as the ‘Refuge Rev-
19 enue Sharing Act’) (49 Stat. 383,
20 chapter 261; 16 U.S.C. 715s(c)), for
21 fiscal year 2017; and

22 “(C) the amount allocated to the United
23 States Fish and Wildlife Service Account is de-
24 termined in accordance with the ratio that—

1 “(i) the total amount of payments to
2 counties under section 401(c) of the Act of
3 June 15, 1935 (commonly known as the
4 ‘Refuge Revenue Sharing Act’) (49 Stat.
5 383, chapter 261; 16 U.S.C. 715s(c)) for
6 fiscal year 2017; bears to

7 “(ii) an amount equal to the sum of—

8 “(I) the full funding amount for
9 the Secure Rural Schools and Com-
10 munity Self-Determination Act of
11 2000 (16 U.S.C. 7101 et seq.) for fis-
12 cal year 2017; and

13 “(II) the total amount of pay-
14 ments to counties under section
15 401(c) of the Act of June 15, 1935
16 (commonly known as the ‘Refuge Rev-
17 enue Sharing Act’) (49 Stat. 383,
18 chapter 261; 16 U.S.C. 715s(c)), for
19 fiscal year 2017.

20 “(j) AGENCY REPORTING.—

21 “(1) IN GENERAL.—Not later than 1 year after
22 the date of enactment of this chapter and annually
23 thereafter, the Secretary of Agriculture and the Sec-
24 retary of the Interior shall submit to the Corpora-
25 tion information describing activities on Federal

1 land described in subparagraphs (A) and (B), re-
2 spectively, of section 3(7) of the Secure Rural
3 Schools and Community Self-Determination Act of
4 2000 (16 U.S.C. 7102(7)), on a county-by-county
5 basis, for the period covered by the report, including
6 information regarding—

7 “(A) timber sales and associated acres
8 treated, volumes sold and harvested, and reve-
9 nues generated, including, at a minimum—

10 “(i) commercial treatment; and

11 “(ii) precommercial thinning;

12 “(B) stewardship projects, including, at a
13 minimum—

14 “(i) commercial treatment;

15 “(ii) prescribed fire; and

16 “(iii) precommercial thinning;

17 “(C) road work;

18 “(D) reforestation and associated acres
19 treated, including, at a minimum—

20 “(i) commercial treatment;

21 “(ii) prescribed fire; and

22 “(iii) precommercial thinning;

23 “(E) habitat created;

24 “(F) culverts replaced; and

25 “(G) miles of stream restoration.

1 (A) is eligible for a payment under section
2 401(c) of the Act of June 15, 1935 (commonly
3 known as the “Refuge Revenue Sharing Act”)
4 (49 Stat. 383, chapter 261; 16 U.S.C. 715s(c));
5 and

6 (B) has not elected to opt out of distribu-
7 tions from the Natural Resources Permanent
8 Fund under section 300207(e)(4)(A) of title 36,
9 United States Code.

10 (b) SUSPENSION OF PAYMENTS UNDER ACT OF MAY
11 23, 1908, AND ACT OF MARCH 1, 1911.—Except as pro-
12 vided in section 300207(e)(2)(D)(ii) of title 36, United
13 States Code, for fiscal year 2019 and each fiscal year
14 thereafter—

15 (1) all payments authorized for eligible non-
16 electing counties under the sixth paragraph under
17 the heading “FOREST SERVICE” in the Act of May
18 23, 1908 (35 Stat. 260, chapter 192; 16 U.S.C.
19 500), and section 13 of the Act of March 1, 1911
20 (commonly known as the “Weeks Law”) (36 Stat.
21 963, chapter 186; 16 U.S.C. 500), shall be sus-
22 pended; and

23 (2) the Secretary of the Treasury shall transfer
24 to the Forest Service Account within the Natural
25 Resources Permanent Fund established by section

1 300207(b)(1) of title 36, United States Code,
2 amounts equal to the amounts that would have oth-
3 erwise been distributed as payments to eligible non-
4 electing counties under the sixth paragraph under
5 the heading “FOREST SERVICE” in the Act of May
6 23, 1908 (35 Stat. 260, chapter 192; 16 U.S.C.
7 500), and section 13 of the Act of March 1, 1911
8 (commonly known as the “Weeks Law”) (36 Stat.
9 963, chapter 186; 16 U.S.C. 500).

10 (c) SUSPENSION OF PAYMENTS UNDER ACT OF AU-
11 GUST 28, 1937.—Except as provided in section
12 300207(e)(2)(D)(ii) of title 36, United States Code, for
13 fiscal year 2019 and each fiscal year thereafter—

14 (1) all payments authorized for eligible non-
15 electing counties under subsection (a) of title II of
16 the Act of August 28, 1937 (50 Stat. 875, chapter
17 876; 43 U.S.C. 2605), shall be suspended; and

18 (2) the Secretary of the Treasury shall transfer
19 to the Bureau of Land Management Account within
20 the Natural Resources Permanent Fund established
21 by section 300207(b)(2) of title 36, United States
22 Code, amounts equal to the amounts that would
23 have otherwise been distributed as payments to eligi-
24 ble nonelecting counties under subsection (a) of title

1 II of the Act of August 28, 1937 (50 Stat. 875,
2 chapter 876; 43 U.S.C. 2605).

3 (d) SUSPENSION OF PAYMENTS UNDER ACT OF MAY
4 24, 1939.—Except as provided in section
5 300207(e)(2)(D)(ii) of title 36, United States Code, for
6 fiscal year 2019 and each fiscal year thereafter—

7 (1) all payments authorized for eligible non-
8 electing counties under the first section of the Act
9 of May 24, 1939 (53 Stat. 753, chapter 144; 43
10 U.S.C. 2621), shall be suspended; and

11 (2) the Secretary of the Treasury shall transfer
12 to the Bureau of Land Management Account within
13 the Natural Resources Permanent Fund established
14 by section 300207(b)(2) of title 36, United States
15 Code, amounts equal to the amounts that would
16 have otherwise been distributed as payments to eligi-
17 ble nonelecting counties under the first section of
18 the Act of May 24, 1939 (53 Stat. 753, chapter
19 144; 43 U.S.C. 2621).

20 (e) SUSPENSION OF PAYMENTS UNDER REFUGE
21 REVENUE SHARING ACT.—Except as provided in section
22 300207(e)(2)(D)(ii) of title 36, United States Code, for
23 fiscal year 2019 and each fiscal year thereafter—

24 (1) all payments authorized for eligible non-
25 electing counties under section 401(e) of the Act of

1 June 15, 1935 (commonly known as the “Refuge
2 Revenue Sharing Act”) (49 Stat. 383, chapter 261;
3 16 U.S.C. 715s(c)), shall be suspended; and

4 (2) the Secretary of the Treasury shall transfer
5 to the United States Fish and Wildlife Service Ac-
6 count within the Natural Resources Permanent
7 Fund established by section 300207(b)(3) of title
8 36, United States Code, amounts equal to the
9 amounts that would have otherwise been distributed
10 as payments to eligible nonelecting counties under
11 section 401(c) of the Act of June 15, 1935 (com-
12 monly known as the “Refuge Revenue Sharing Act”)
13 (49 Stat. 383, chapter 261; 16 U.S.C. 715s(c)).

14 **SEC. 4. AMENDMENTS TO SECURE RURAL SCHOOLS AND**
15 **COMMUNITY SELF-DETERMINATION ACT OF**
16 **2000.**

17 (a) DEFINITIONS.—Section 3 of the Secure Rural
18 Schools and Community Self-Determination Act of 2000
19 (16 U.S.C. 7102) is amended—

20 (1) in paragraph (1)(B), by striking “and para-
21 graph (8)(A)”;

22 (2) in paragraph (2)—

23 (A) in subparagraph (A)(ii), by inserting
24 “described in paragraph (7)(A)” after “Federal
25 land”; and

1 (B) in subparagraph (B)(ii), by striking
2 “and paragraph (9)(B)(i)”;

3 (3) in paragraph (4)—

4 (A) in subparagraph (A), by striking
5 “and” at the end;

6 (B) in subparagraph (B), by striking the
7 period at the end and inserting “; and”; and

8 (C) by adding at the end the following:

9 “(C) has not elected to opt out of distribu-
10 tions from the Natural Resources Permanent
11 Fund under section 300207(e)(4)(A) of title 36,
12 United States Code.”;

13 (4) by striking paragraphs (8) and (9) and in-
14 serting the following:

15 “(8) 50-PERCENT ADJUSTED SHARE.—The
16 term ‘50-percent adjusted share’ means the quotient
17 obtained by dividing—

18 “(A) the number equal to the total of all
19 50-percent payments received by an eligible
20 county during the eligibility period; by

21 “(B) the number equal to the sum of all
22 50-percent payments received by all eligible
23 counties during the eligibility period.”;

24 (5) by redesignating paragraph (10) as para-
25 graph (9);

1 under section 300207(e)(2)(A) of title
2 36, United States Code; and

3 “(II) the total amount of all
4 State payments for fiscal year 2017
5 (as adjusted to reflect changes during
6 the period beginning on October 1,
7 2017, in the Consumer Price Index
8 for All Urban Consumers published by
9 the Bureau of Labor Statistics of the
10 Department of Labor); and

11 “(ii) for purposes of the calculations
12 under section 101(b), an amount equal to
13 the greater of—

14 “(I) the amount distributed from
15 the Bureau of Land Management Ac-
16 count within the Natural Resources
17 Permanent Fund under section
18 300207(e)(2)(A) of title 36, United
19 States Code; and

20 “(II) the total amount of all
21 county payments for fiscal year 2017
22 (as adjusted to reflect changes during
23 the period beginning on October 1,
24 2017, in the Consumer Price Index
25 for All Urban Consumers published by

1 the Bureau of Labor Statistics of the
2 Department of Labor).”;

3 (7) by redesignating paragraphs (12) through
4 (17) as paragraphs (11) through (16), respectively;
5 and

6 (8) in paragraph (11) (as so redesignated)—

7 (A) in subparagraph (A), by inserting
8 “containing Federal land described in para-
9 graph (7)(A)” after “eligible county”; and

10 (B) in subparagraph (B), by inserting
11 “containing Federal land described in para-
12 graph (7)(A)” after “eligible counties”.

13 (b) PERMANENT AUTHORIZATION; SOURCE OF PAY-
14 MENT AMOUNTS.—

15 (1) CALCULATION OF PAYMENTS.—Section 101
16 of the Secure Rural Schools and Community Self-
17 Determination Act of 2000 (16 U.S.C. 7111) is
18 amended by striking “of fiscal years 2008 through
19 2015, 2017, and 2018” each place it appears and
20 inserting “fiscal year”.

21 (2) ELECTIONS.—Section 102(b) of the Secure
22 Rural Schools and Community Self-Determination
23 Act of 2000 (16 U.S.C. 7112(b)) is amended—

24 (A) in paragraph (1)—

1 (i) in subparagraph (A), by inserting
2 “through fiscal year 2018” after “second
3 fiscal year thereafter”; and

4 (ii) by adding at the end the fol-
5 lowing:

6 “(E) FISCAL YEAR 2019 AND THERE-
7 AFTER.—For fiscal year 2019 and each fiscal
8 year thereafter—

9 “(i) the election otherwise required by
10 subparagraph (A) shall not apply; and

11 “(ii) each affected county shall receive
12 payments in accordance with chapter 3002
13 of title 36, United States Code, unless the
14 affected county elects to opt out of dis-
15 tributions under section 300207(e)(4)(A)
16 of that title.”;

17 (B) in paragraph (2)(B), by striking
18 “through fiscal year 2015 and for fiscal years
19 2017 and 2018”; and

20 (C) by striking paragraph (3) and insert-
21 ing the following:

22 “(3) SOURCE OF PAYMENT AMOUNTS.—

23 “(A) IN GENERAL.—With respect to an eli-
24 gible State or eligible county that has not elect-
25 ed to opt out of distributions under section

1 tion 13 of the Act of March 1, 1911
2 (commonly known as the ‘Weeks
3 Law’) (36 Stat. 963, chapter 186; 16
4 U.S.C. 500);

5 “(II) subsection (a) of title II of
6 the Act of August 28, 1937 (50 Stat.
7 875, chapter 876; 43 U.S.C. 2605);
8 and

9 “(III) the first section of the Act
10 of May 24, 1939 (53 Stat. 753, chap-
11 ter 144; 43 U.S.C. 2621).”.

12 (3) NOTIFICATION OF ELECTION.—Section
13 102(d)(1) of the Secure Rural Schools and Commu-
14 nity Self-Determination Act of 2000 (16 U.S.C.
15 7112(d)(1)) is amended—

16 (A) in subparagraph (A), by striking “sub-
17 paragraph (D)” and inserting “subparagraphs
18 (D) and (G)”; and

19 (B) by adding at the end the following:

20 “(G) FISCAL YEAR 2019 AND THERE-
21 AFTER.—For fiscal year 2019 and each fiscal
22 year thereafter—

23 “(i) the allocation of funds required
24 under subparagraph (A) shall not be re-
25 quired;

1 “(ii) of the amounts received for the
2 fiscal year—

3 “(I) 85 percent shall be expended
4 in the same manner in which the 25-
5 percent payments or 50-percent pay-
6 ments, as applicable, are required to
7 be expended; and

8 “(II) 15 percent shall be ex-
9 pended on county projects in accord-
10 ance with title III; and

11 “(iii) the elections otherwise required
12 by subparagraphs (B), (C), and (D), or
13 considered to be made under paragraph
14 (3)(B), as applicable, shall not apply or be
15 required for payments made for the fiscal
16 year.”.

17 (4) DISTRIBUTION OF PAYMENTS TO ELIGIBLE
18 COUNTIES.—Section 103(d)(2) of the Secure Rural
19 Schools and Community Self-Determination Act of
20 2000 (16 U.S.C. 7113(d)(2)) is amended by striking
21 “each of fiscal years 2011 through and for fiscal
22 years 2017 and 2018” and inserting “fiscal year
23 2011 and each fiscal year thereafter”.

24 (5) TERMINATION OF AUTHORITY.—The Secure
25 Rural Schools and Community Self-Determination

1 Act of 2000 is amended by striking section 304 (16
2 U.S.C. 7144).

3 (c) REPEAL OF AUTHORITY TO CONDUCT SPECIAL
4 PROJECTS ON FEDERAL LAND.—

5 (1) IN GENERAL.—Title II of the Secure Rural
6 Schools and Community Self-Determination Act of
7 2000 (16 U.S.C. 7121 et seq.) is repealed.

8 (2) CONFORMING AMENDMENTS.—

9 (A) Section 102(d) of the Secure Rural
10 Schools and Community Self-Determination Act
11 of 2000 (16 U.S.C. 7112(d)) is amended—

12 (i) in paragraph (1)—

13 (I) in subparagraph (B)—

14 (aa) by striking clause (i);

15 (bb) by redesignating
16 clauses (ii) and (iii) as clauses (i)
17 and (ii), respectively; and

18 (cc) in clause (ii) (as so re-
19 designated), by striking “clauses
20 (i) and (ii)” and inserting
21 “clause (i)”;

22 (II) in subparagraph (C)—

23 (aa) by striking clause (i);

1 (bb) by redesignating
2 clauses (ii) and (iii) as clauses (i)
3 and (ii), respectively; and

4 (cc) in clause (ii) (as so re-
5 designated), by striking “clauses
6 (i) and (ii)” and inserting
7 “clause (i)”; and

8 (III) in subparagraphs (E) and
9 (F), by striking “paragraph (3)(B)”
10 each place it appears and inserting
11 “paragraph (2)(B)”;

12 (ii) by striking paragraph (2);

13 (iii) by redesignating paragraph (3) as
14 paragraph (2); and

15 (iv) in subparagraph (B)(ii) of para-
16 graph (2) (as so redesignated), by insert-
17 ing “(as in effect on the day before the
18 date of enactment of the Forest Manage-
19 ment for Rural Stability Act)” after
20 “204(a)(5)”.

21 (B) Section 302(b) of the Secure Rural
22 Schools and Community Self-Determination Act
23 of 2000 (16 U.S.C. 7142(b)) is amended

24 (i) in paragraph (1), by striking “;
25 and” at the end and inserting a period;

1 (ii) in the matter preceding paragraph
2 (1), by striking “shall—” and all that fol-
3 lows through “publish” in paragraph (1)
4 and inserting “shall publish”; and
5 (iii) by striking paragraph (2).

6 (C) The Secure Rural Schools and Com-
7 munity Self-Determination Act of 2000 is
8 amended by striking section 403 (16 U.S.C.
9 7153) and inserting the following:

10 **“SEC. 403. TREATMENT OF FUNDS.**

11 “Funds made available under section 402 shall be in
12 addition to any other annual appropriations for the Forest
13 Service and the Bureau of Land Management.”.

14 (D) Section 603(b)(1)(C)(ii)(II) of the
15 Healthy Forests Restoration Act of 2003 (16
16 U.S.C. 6591b(b)(1)(C)(ii)(II)) is amended by
17 inserting “(as in effect on the day before the
18 date of enactment of the Forest Management
19 for Rural Stability Act”) before the period at
20 the end.

21 (E) Section 4003(b)(2)(B)(ii) of the Omni-
22 bus Public Land Management Act of 2009 (16
23 U.S.C. 7303(b)(2)(B)(ii)) is amended by strik-
24 ing “500 note)” and inserting “7125) (as in ef-
25 fect on the day before the date of enactment of

1 the Forest Management for Rural Stability
2 Act)”.

3 (d) USE OF FUNDS.—Section 302(a) of the Secure
4 Rural Schools and Community Self-Determination Act of
5 2000 (16 U.S.C. 7142(a)) is amended—

6 (1) in paragraph (1), by striking “to carry out
7 activities under the Firewise Communities pro-
8 gram”;

9 (2) in paragraph (2)(A), by striking “on Fed-
10 eral land”;

11 (3) in paragraph (3), by striking “and” at the
12 end;

13 (4) in paragraph (4), by striking the period at
14 the end and inserting a semicolon; and

15 (5) by adding at the end the following:

16 “(5) for job training or job creation activities;

17 “(6) for projects approved by—

18 “(A) a resource advisory committee; or

19 “(B) a forest collaborative;

20 “(7) for natural resource conservation projects;

21 “(8) for forest health treatments;

22 “(9) for economic development activities;

23 “(10) for transportation infrastructure projects
24 on county road systems that serve Federal land; or

1 “(11) to plan, develop, or carry out projects on
2 Federal land that—

3 “(A) are consistent with applicable Federal
4 laws (including regulations) and forest plans;

5 “(B) create private sector jobs, generate
6 county revenue, or provide merchantable forest
7 products; and

8 “(C) may include—

9 “(i) forest health treatments;

10 “(ii) implementation of work under a
11 Master Stewardship Agreement;

12 “(iii) implementation of work under a
13 good neighbor agreement (as defined in
14 section 8206(a) of the Agricultural Act of
15 2014 (16 U.S.C. 2113a(a))); or

16 “(iv) forest road replacement, reha-
17 bilitation, or reconstruction.”.

18 (e) CERTIFICATION.—Section 303 of the Secure
19 Rural Schools and Community Self-Determination Act of
20 2000 (16 U.S.C. 7143) is amended—

21 (1) in subsection (a), by striking “February 1”
22 and all that follows through “Secretary concerned”
23 and inserting “February 1 of each calendar year be-
24 ginning after a calendar year during which not less
25 than \$35,000 of county funds were expended by a

1 participating county, the appropriate official of the
2 participating county shall submit to the Forest and
3 Refuge County Foundation established by section
4 300202 of title 36, United States Code,”; and

5 (2) in subsection (b)—

6 (A) by striking “Secretary concerned
7 shall” and inserting “Forest and Refuge Coun-
8 ty Foundation shall”; and

9 (B) by striking “Secretary concerned de-
10 termines” and inserting “Foundation deter-
11 mines”.

12 (f) FUNDING.—The Secure Rural Schools and Com-
13 munity Self-Determination Act of 2000 is amended by
14 striking section 402 (16 U.S.C. 7152) and inserting the
15 following:

16 **“SEC. 402. FUNDING.**

17 “(a) IN GENERAL.—On October 1 of each fiscal year,
18 out of any funds in the Treasury not otherwise appro-
19 priated, the Secretary of the Treasury shall transfer to
20 the Secretary concerned such sums as are necessary to
21 carry out this Act, to remain available until expended.

22 “(b) RECEIPT AND ACCEPTANCE.—The Secretary
23 concerned shall be entitled to receive, shall accept, and
24 shall use to carry out this section the funds transferred
25 under subsection (a), without further appropriation.”.

1 **SEC. 5. FUNDING FOR REFUGE REVENUE SHARING ACT.**

2 (a) SOURCE OF PAYMENTS TO COUNTIES.—Section
3 401(c) of the Act of June 15, 1935 (commonly known as
4 the “Refuge Revenue Sharing Act”) (49 Stat. 383, chap-
5 ter 261; 16 U.S.C. 715s(c)), is amended adding at the
6 end the following:

7 “(6) SOURCE OF PAYMENTS TO COUNTIES.—
8 Notwithstanding any other provision of this section,
9 for fiscal year 2019 and each fiscal year thereafter,
10 with respect to counties that have not elected to opt
11 out of distributions under section 300207(e)(4)(A)
12 of title 36, United States Code, instead of making
13 the payments to the applicable counties required
14 under paragraphs (1) and (2) from the fund, the
15 payments shall be derived from—

16 “(A) distributions to be paid under section
17 300207(e)(2)(B)(ii)(III)(aa)(AA) of title 36,
18 United States Code; and

19 “(B) to the extent that amounts made
20 available under subparagraph (A) are insuffi-
21 cient, any amounts that are appropriated under
22 subsection (d), to be distributed in accordance
23 with section 300207(e)(2)(B)(ii)(III)(bb) of
24 title 36, United States Code.”.

25 (b) FUNDING.—Section 401 of the Act of June 15,
26 1935 (commonly known as the “Refuge Revenue Sharing

1 Act”) (49 Stat. 383, chapter 261; 16 U.S.C. 715s), is
2 amended by striking subsection (d) and inserting the fol-
3 lowing:

4 “(d) FUNDING FOR PAYMENTS.—

5 “(1) IN GENERAL.—On October 1 of each fiscal
6 year, out of any funds in the Treasury not otherwise
7 appropriated, the Secretary of the Treasury shall
8 transfer to the Secretary such sums as are necessary
9 to make payments under paragraphs (1) and (2) of
10 subsection (c) to counties, after taking into ac-
11 count—

12 “(A) amounts in the fund available for the
13 payments for the fiscal year; and

14 “(B) amounts made available for payments
15 from the National Resources Permanent Fund
16 established by section 300207(a) of title 36,
17 United States Code, for the fiscal year.

18 “(2) RECEIPT AND ACCEPTANCE.—The Sec-
19 retary shall be entitled to receive, shall accept, and
20 shall use to carry out this section the funds trans-
21 ferred under paragraph (1), without further appro-
22 priation.”.

1 **SEC. 6. EXEMPTION OF CERTAIN PAYMENTS FROM SEQUES-**
2 **TRATION.**

3 (a) IN GENERAL.—Section 255(g)(1)(A) of the Bal-
4 anced Budget and Emergency Deficit Control Act of 1985
5 (2 U.S.C. 905(g)(1)(A)) is amended by inserting after
6 “Payments to Social Security Trust Funds (28–0404–0–
7 1–651).” the following:

8 “Payments to States and eligible counties
9 from the National Resources Permanent Fund
10 established by section 300207(a) of title 36,
11 United States Code.”.

12 (b) APPLICABILITY.—The amendment made by this
13 section shall apply to any sequestration order issued under
14 the Balanced Budget and Emergency Deficit Control Act
15 of 1985 (2 U.S.C. 900 et seq.) on or after the date of
16 enactment of this Act.