

106TH CONGRESS  
1ST SESSION

# H. R. 2389

To restore stability and predictability to the annual payments made to States and counties containing National Forest System lands and public domain lands managed by the Bureau of Land Management for use by the counties for the benefit of public schools, roads, and other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 30, 1999

Mr. DEAL of Georgia (for himself, Mr. BOYD, Ms. DUNN, Mr. TURNER, Mr. PETERSON of Pennsylvania, and Mr. THOMPSON of California) introduced the following bill; which was referred to the Committee on Agriculture, and in addition to the Committee on 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

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## A BILL

To restore stability and predictability to the annual payments made to States and counties containing National Forest System lands and public domain lands managed by the Bureau of Land Management for use by the counties for the benefit of public schools, roads, and other purposes.

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

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

2 (a) SHORT TITLE.—This Act may be cited as the  
3 “County Schools Funding Revitalization Act of 1999”.

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

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings and purpose.
- Sec. 3. Definitions.
- Sec. 4. Determination of full payment amount for eligible States and counties.
- Sec. 5. Forest Service payments to eligible States for affected counties to use for public education and transportation.
- Sec. 6. Bureau of Land Management payments to eligible counties to use for the benefit of public safety, law enforcement, and other public purposes.
- Sec. 7. Development of long-term methods to meet statutory obligation of Federal lands to contribute to public education and other public services.
- Sec. 8. Sense of Congress regarding Advisory Committee recommendations.
- Sec. 9. Authorization of appropriations.
- Sec. 10. Conforming amendments.

6 **SEC. 2. FINDINGS AND PURPOSE.**

7 (a) FINDINGS.—The Congress finds the following:

8 (1) The National Forest System, which is man-  
9 aged by the United States Forest Service, was estab-  
10 lished in 1907 and has grown to include  
11 192,000,000 acres of Federal lands.

12 (2) The public domain lands known as revested  
13 Oregon and California Railroad grant lands and the  
14 reconveyed Coos Bay Wagon Road grant lands,  
15 which are managed predominantly by the Bureau of  
16 Land Management were returned to Federal owner-  
17 ship in 1916 and 1919 and now comprise approxi-  
18 mately 2,600,000 acres of Federal lands.

1           (3) Congress recognized that, by securing these  
2 lands in Federal ownership, the counties in which  
3 these lands were situated would be deprived of reve-  
4 nues they would otherwise receive if the lands were  
5 held in private ownership.

6           (4) Even without such revenues, these same  
7 counties have expended public funds year after year  
8 to provide services, such as education, road construc-  
9 tion and maintenance, search and rescue, law en-  
10 forcement, waste removal, and fire protection, that  
11 directly benefit these Federal lands and people who  
12 use these lands.

13           (5) To accord a measure of compensation to the  
14 affected counties for their loss of future revenues  
15 and for the critical services they provide, Congress  
16 determined that the Federal Government should  
17 share with these counties a portion of the revenues  
18 the United States receives from these Federal lands.

19           (6) Congress enacted in 1908 and subsequently  
20 amended a law that requires 25 percent of the reve-  
21 nues derived from National Forest System lands be  
22 paid to States for use by the counties in which the  
23 lands are situated for the benefit of public schools  
24 and roads.

1           (7) Congress enacted in 1937 and subsequently  
2           amended a law that requires 50 percent of the reve-  
3           nues derived from the revested and reconveyed grant  
4           lands be paid to the counties in which those lands  
5           are situated to be used as are other county funds.

6           (8) For several decades during the dramatic  
7           growth of the American economy, counties depend-  
8           ent on and supportive of the Federal lands received  
9           and relied on increasing shares of these revenues to  
10          provide educational opportunities for the children of  
11          residents of these counties.

12          (9) In recent years, the principal source of  
13          these revenues, Federal timber sales, has been  
14          sharply curtailed and, as the volume of timber sold  
15          annually from most of the Federal lands has de-  
16          creased precipitously, so too have the revenues  
17          shared with the affected counties.

18          (10) This decline in shared revenues has se-  
19          verely impacted or crippled educational funding in,  
20          and the quality of education provided by, the af-  
21          fected counties.

22          (11) In the Omnibus Budget Reconciliation Act  
23          of 1993, Congress recognized this trend and amelio-  
24          rated its adverse consequences by providing an alter-  
25          native annual safety net payment to 72 counties in

1 Oregon, Washington, and northern California in  
2 which Federal timber sales had been restricted or  
3 prohibited by administrative and judicial decisions to  
4 protect the northern spotted owl.

5 (12) The authority for these particular safety  
6 net payments is expiring and no comparable author-  
7 ity has been granted for alternative payments to  
8 counties elsewhere in the United States that have  
9 suffered similar losses in shared revenues from the  
10 Federal lands and in the educational funding those  
11 revenues provide.

12 (13) Although such alternative payments are  
13 not an adequate substitute for the revenues, wages,  
14 purchasing of local goods and services, and social  
15 opportunities that are generated when the Federal  
16 lands are managed in a manner that encourages rev-  
17 enue-producing activities, they are critically needed  
18 now to stabilize educational funding in the affected  
19 counties.

20 (b) PURPOSES.—The purposes of this Act are—

21 (1) to arrest the decline in, and stabilize, the  
22 revenues derived from National Forest System lands  
23 and revested and reconveyed grant lands that the  
24 Federal Government shares with counties in which  
25 these Federal lands are situated;

1           (2) to assist the local governments that are so  
2 dependent on and supportive of the Federal lands to  
3 restore the quality of education that they were able  
4 to provide to the children of residents of these coun-  
5 ties before the recent severe reductions in or curtail-  
6 ments of revenue-producing activities on those lands;

7           (3) to provide this temporary relief in a form  
8 that will neither encourage the long-term reliance on  
9 appropriations, nor discourage the management of  
10 the Federal lands in a manner that will generate  
11 revenues, to meet the Federal Government's statu-  
12 tory obligations to the counties that contain these  
13 lands; and

14           (4) to facilitate the development by the Federal  
15 Government and the counties and school districts  
16 which benefit from the shared Federal land revenues  
17 of a long-term method to generate payments to  
18 States and counties that would avoid the need to  
19 provide further temporary relief.

20 **SEC. 3. DEFINITIONS.**

21 In this Act:

22           (1) **FEDERAL LANDS.**—The term “Federal  
23 Lands” means—

24                   (A) lands within the National Forest Sys-  
25 tem, as defined in section 11(a) of the Forest

1 and Rangeland Renewable Resources Planning  
2 Act of 1974 (16 U.S.C. 1609(a)); and

3 (B) the Oregon and California Railroad  
4 grant lands revested in the United States by  
5 the Act of June 9, 1916 (Chapter 137; 39 Stat.  
6 218), Coos Bay Wagon Road grant lands recon-  
7 veyed to the United States by the Act of Feb-  
8 ruary 26, 1919 (Chapter 47; 40 Stat. 1179),  
9 and subsequent additions to such lands.

10 (2) ADVISORY COMMITTEE.—The term “Advi-  
11 sory Committee” means the Forest Counties Pay-  
12 ments Committee established by section \_\_\_\_.

13 (3) ELIGIBILITY PERIOD.—The term “eligibility  
14 period” means the period beginning on October 1,  
15 1985, and ending on September 30, 1999.

16 (4) ELIGIBLE COUNTY.—The term “eligible  
17 county” means a county that received one or more  
18 50-percent payments during the eligibility period.

19 (5) ELIGIBLE STATE.—The term “eligible  
20 State” means a State that received one or more 25-  
21 percent payments during the eligibility period.

22 (6) FULL PAYMENT AMOUNT.—The term “full  
23 payment amount” means the amount calculated for  
24 each eligible State and eligible county under section  
25 4.

1           (7) 25-PERCENT PAYMENTS.—The term “25-  
2           percent payments” means the payments to States  
3           required by the 6th paragraph under the heading of  
4           “FOREST SERVICE” in the Act of May 23, 1908  
5           (35 Stat. 260; 16 U.S.C. 500), and section 13 of the  
6           Act of March 1, 1911 (36 Stat. 963; 16 U.S.C.  
7           500).

8           (8) 50-PERCENT PAYMENTS.—The term “50-  
9           percent payments” means the payments that are the  
10          sum of the 50-percent share otherwise paid to a  
11          county pursuant to title II of the Act of August 28,  
12          1937 (Chapter 876; 50 Stat. 875; 43 U.S.C. 1181f),  
13          and the payment made to a county pursuant to the  
14          Act of May 24, 1939 (chapter 144; 53 Stat. 753; 43  
15          U.S.C. 1181f-1 et seq.).

16          (9) SAFETY NET PAYMENTS.—The term “safety  
17          net payments” means the payments to States and  
18          counties required by sections 13982 and 13983 of  
19          the Omnibus Budget Reconciliation Act of 1993  
20          (Public Law 103–66; 16 U.S.C. 500 note; 43 U.S.C.  
21          1181f note).

22 **SEC. 4. DETERMINATION OF FULL PAYMENT AMOUNT FOR**  
23 **ELIGIBLE STATES AND COUNTIES.**

24          (a) CALCULATION REQUIRED.—The Secretary of the  
25 Treasury shall calculate for each eligible State and eligible

1 county an amount equal to the average of the three high-  
2 est 25-percent payments, 50-percent payments, or safety  
3 net payments made to that eligible State or eligible county  
4 during the eligibility period.

5 (b) ANNUAL ADJUSTMENT.—For the second and  
6 each subsequent fiscal year in which payments are re-  
7 quired to be made to eligible States and eligible counties  
8 under this Act, the Secretary of the Treasury shall adjust  
9 the full payment amount in effect for the previous fiscal  
10 year for each eligible State and eligible county to reflect  
11 changes in the consumer price index for urban areas (as  
12 published in the Bureau of Labor Statistics) that occur  
13 after publication of that index for fiscal year 1999.

14 **SEC. 5. FOREST SERVICE PAYMENTS TO ELIGIBLE STATES**  
15 **FOR AFFECTED COUNTIES TO USE FOR PUB-**  
16 **LIC EDUCATION AND TRANSPORTATION.**

17 (a) REQUIREMENT FOR PAYMENTS TO ELIGIBLE  
18 STATES.—The Secretary of the Treasury shall make a  
19 payment to each eligible State in accordance with sub-  
20 section (b) as early as practicable in each of fiscal years  
21 2000 through 2005.

22 (b) PAYMENT AMOUNTS.—Each payment to an eligi-  
23 ble State under subsection (a) shall consist of the fol-  
24 lowing:

1           (1) The amount of the 25-percent payments ap-  
2           plicable to that State.

3           (2) If the amount under paragraph (1) is less  
4           than the full payment amount for that State, such  
5           additional funds as are necessary to provide a total  
6           payment equal to the full payment amount.

7           (c) EXPENDITURE OF PAYMENTS.—Eligible States  
8           shall distribute and expend the payments received under  
9           subsection (a) in the same manner in which the 25-percent  
10          payments are required to be distributed and expended.

11          (d) SOURCE OF ADDITIONAL PAYMENT AMOUNTS.—  
12          Funds necessary to make the payment required by sub-  
13          section (b)(2), shall be derived, as determined by the Sec-  
14          retary of Agriculture, from any revenues received by the  
15          United States from activities on the Federal lands de-  
16          scribed in section 3(1)(A), funds appropriated for the For-  
17          est Service, or both sources, except—

18                 (1) programs from which the 25-percent pay-  
19                 ments are derived and funds which, if paid to eligi-  
20                 ble States, would contribute to a reduction in such  
21                 revenues; and

22                 (2) funds from trust or other special accounts  
23                 established by statute for use by the Forest Service  
24                 for specified purposes.

1 **SEC. 6. BUREAU OF LAND MANAGEMENT PAYMENTS TO EL-**  
2 **IGIBLE COUNTIES TO USE FOR THE BENEFIT**  
3 **OF PUBLIC SAFETY, LAW ENFORCEMENT,**  
4 **AND OTHER PUBLIC PURPOSES.**

5 (a) **REQUIREMENT FOR PAYMENTS TO ELIGIBLE**  
6 **COUNTIES.**—The Secretary of the Treasury shall make a  
7 payment to each eligible county in accordance with sub-  
8 section (b) as early as practicable in each of fiscal years  
9 2000 through 2005.

10 (b) **PAYMENT AMOUNTS.**—Each payment to an eligi-  
11 ble county under subsection (a) shall consist of the fol-  
12 lowing:

13 (1) The amount of the 50-percent payments ap-  
14 plicable to that county.

15 (2) If the amount under paragraph (1) is less  
16 than the full payment amount for that county, such  
17 additional funds as are necessary to provide a total  
18 payment equal to the full payment amount.

19 (c) **EXPENDITURE OF PAYMENTS.**—Eligible counties  
20 shall distribute and expend the payments received under  
21 subsection (a) in the same manner in which the 50-percent  
22 payments are required to be distributed and expended.

23 (d) **SOURCE OF ADDITIONAL PAYMENT AMOUNTS.**—  
24 Funds necessary to make the payment required by sub-  
25 section (b)(2), shall be derived, as determined by the Sec-  
26 retary of the Interior, from any revenues received by the

1 United States from activities on the Federal lands de-  
2 scribed in section 3(1)(B), funds appropriated for the Bu-  
3 reau of Land Management, or both, except—

4 (1) programs from which the 50-percent pay-  
5 ments are derived and funds, which, if paid to eligi-  
6 ble counties, would contribute to a reduction in such  
7 revenues; and

8 (2) funds from trust or other special accounts  
9 established by statute for use by the Bureau of Land  
10 Management for specified purposes.

11 **SEC. 7. DEVELOPMENT OF LONG-TERM METHODS TO MEET**  
12 **STATUTORY OBLIGATION OF FEDERAL**  
13 **LANDS TO CONTRIBUTE TO PUBLIC EDU-**  
14 **CATION AND OTHER PUBLIC SERVICES.**

15 (a) **FOREST COUNTIES PAYMENTS COMMITTEE.**—

16 There is hereby established an advisory committee, to be  
17 known as the Forest Counties Payments Committee, to  
18 develop recommendations regarding methods to ensure  
19 that States and counties in which Federal Lands are situ-  
20 ated receive adequate Federal payments to be used for the  
21 benefit of public education and other public purposes.

22 (b) **MEMBERS.**—The Advisory Committee shall be  
23 composed of the following members:

24 (1) The Chief of the Forest Service, or the  
25 Chief's designee.

1           (2) The Director of the Bureau of Land Man-  
2           agement, or the Director's designee.

3           (3) The Director of the Office of Management  
4           and Budget, or the Director's designee.

5           (4) Two members who are elected members of  
6           the governing branches of eligible counties, one ap-  
7           pointed by the President pro tempore of the Senate  
8           and one appointed by the Speaker of the House of  
9           Representatives within 60 days of the date of enact-  
10          ment of this Act.

11          (5) Two members who are elected members of  
12          school boards for, or superintendents from, school  
13          districts in eligible counties, one appointed by the  
14          President pro tempore of the Senate and 1 ap-  
15          pointed by the Speaker of the House of Representa-  
16          tives within 60 days of the date of enactment of this  
17          Act.

18          (c) ADVISORY COMMITTEE FUNCTIONS.—

19               (1) DEVELOPMENT OF RECOMMENDATIONS.—  
20          The Advisory Committee shall develop recommenda-  
21          tions for policy or legislative initiatives, or both, to  
22          substitute for the short-term payments required by  
23          this Act a long-term method to generate annual pay-  
24          ments to eligible States and eligible counties at or  
25          above the full payment amount. Not later than two

1 years after the date of the enactment of this Act, the  
2 Advisory Committee shall submit to the Committee  
3 on Agriculture, the Committee on Resources, and  
4 the Committee on Appropriations of the House of  
5 Representatives and the Committee on Agriculture,  
6 Nutrition, and Forestry, the Committee on Energy  
7 and Natural Resources, and the Committee on Ap-  
8 propriations of Senate a report containing the rec-  
9 ommendations developed under this paragraph.

10 (2) GUIDANCE.—In developing the rec-  
11 ommendations required by paragraph (1), the Advi-  
12 sory Committee shall—

13 (A) seek to maximize the amount of such  
14 payments contributed by revenues collected  
15 from the Federal lands, so as to minimize ad-  
16 verse budgetary effects and to generate the ad-  
17 ditional revenues, wages, purchases of goods  
18 and services, and other economic benefits to  
19 and for such States and counties; and

20 (B) ensure that the method is in accord  
21 with a definition of sustainable forest manage-  
22 ment in which ecological, economic, and social  
23 factors are accorded equal consideration in the  
24 management of the Federal lands.

1           (3) MONITORING ACTIVITIES.—The Advisory  
2           Committee shall monitor the payments made to eligi-  
3           ble States and eligible countries pursuant to this Act  
4           and submit to the congressional committees specified  
5           in paragraph (1) an annual report describing the  
6           amounts and sources of such payments and con-  
7           taining such comments as the Advisory Committee  
8           may have regarding such payments.

9           (4) TESTIMONY.—The Advisory Committee  
10          shall make itself available for testimony or com-  
11          ments on the report required by paragraph (1) and  
12          its recommendations, and on any legislation or regu-  
13          lations to implement the recommendations, in any  
14          congressional hearings or any rulemaking or other  
15          administrative decision process.

16          (d) ORGANIZATION OF ADVISORY COMMITTEE.—

17               (1) CHAIRPERSON.—The Chairperson of the  
18               Advisory Committee shall be selected from among  
19               the members appointed pursuant to paragraphs (4)  
20               and (5) of subsection (b).

21               (2) VACANCIES.—Any vacancy in the member-  
22               ship of the Advisory Committee shall be filled in the  
23               same manner as required by subsection (b). A va-  
24               cancy shall not impair the right of the remaining

1 members to perform the functions authorized by  
2 subsection (c).

3 (3) COMPENSATION.—The members of the Ad-  
4 visory Committee who are not officers or employees  
5 of the United States, while attending meetings or  
6 other events held by the Advisory Committee or at  
7 which the members serve as representatives of the  
8 Advisory Committee or while otherwise serving at  
9 the request of the Chairperson, shall each be entitled  
10 to receive compensation at a rate not in excess of  
11 the maximum rate of pay for grade GS–18, as pro-  
12 vided in the General Schedule under section 5532 of  
13 title 5, United States Code, including traveltime,  
14 and while away from their homes or regular places  
15 of business shall each be reimbursed for travel ex-  
16 penses, including per diem in lieu of subsistence as  
17 authorized by section 5703 of title 5, United States  
18 Code, for persons in Government service employed  
19 intermittently.

20 (e) STAFF AND RULES.—

21 (1) EXECUTIVE DIRECTOR.—The Advisory  
22 Committee shall have an Executive Director, who  
23 shall be appointed (without regard to the provisions  
24 of title 5, United States Code, governing appoint-  
25 ments in the competitive service) by the Advisory

1 Committee and serve at the pleasure of the Advisory  
2 Committee. The Executive Director shall report to  
3 the Advisory Committee and assume such duties as  
4 the Advisory Committee may assign. The Executive  
5 Director shall be paid at a rate of pay for grade  
6 GS-18, as provided in the General Schedule under  
7 5332 of title 5, United States Code.

8 (2) OTHER STAFF.—In addition to authority to  
9 appoint personnel subject to the provisions of title 5,  
10 United States Code, governing appointments to the  
11 competitive service, and to pay such personnel in ac-  
12 cordance with the provisions of chapter 51 and sub-  
13 chapter III of chapter 53 of such title relating to  
14 classification and General Schedule pay rates, the  
15 Advisory Committee shall have authority to enter  
16 into contracts with private or public organizations  
17 which may furnish the Advisory Committee with  
18 such administrative and technical personnel as may  
19 be necessary to carry out the functions authorized  
20 by subsection (c).

21 (3) COMMITTEE RULES.—The Advisory Com-  
22 mittee may establish such procedural and adminis-  
23 trative rules as are necessary for the performance of  
24 the functions authorized by subsection (c).

1 (f) FEDERAL AGENCY COOPERATION.—The heads of  
2 the departments, agencies, and instrumentalities of the ex-  
3 ecutive branch of the Federal Government shall cooperate  
4 with the Advisory Committee in the performance of its  
5 functions under subsection (c) and shall furnish to the Ad-  
6 visory Committee information which the Advisory Com-  
7 mittee deems necessary to carry out such functions.

8 (g) COMMITTEE TERMINATION.—The Advisory Com-  
9 mittee shall terminate three years after the date of the  
10 enactment of this Act.

11 **SEC. 8. SENSE OF CONGRESS REGARDING ADVISORY COM-**  
12 **MITTEE RECOMMENDATIONS.**

13 It is the sense of Congress that the payments to eligi-  
14 ble States and eligible counties required by this Act should  
15 be replaced by a long-term solution to generate payments  
16 conforming to the guidance provided by section 7(c)(2)  
17 and that any promulgation of regulations or enactment of  
18 legislation to establish such method should be completed  
19 within two years after the date of submission of the report  
20 required by section 7(c)(1).

21 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

22 There are hereby authorized to be appropriated such  
23 sums as are necessary to carry out this Act.

1 **SEC. 10. CONFORMING AMENDMENTS.**

2 (a) REPEAL OF SAFETY NET PAYMENTS.—Sections  
3 13982 and 13983 of the Omnibus Budget Reconciliation  
4 Act of 1993 (Public Law 103–66; 16 U.S.C. 500 note;  
5 43 U.S.C. 1181f note) are repealed.

6 (b) PAYMENTS FOR ENTITLEMENT LAND.—Section  
7 6903(a)(1) of title 31, United States Code, is amended—

8 (1) by redesignating subparagraphs (D)  
9 through (J) as subparagraphs (E) through (K), re-  
10 spectively; and

11 (2) by inserting after subparagraph (C) the fol-  
12 lowing new subparagraph:

13 “(D) the County Schools Funding Revital-  
14 ization Act of 1999;”.

○