

AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 184
OFFERED BY MR. MCCLINTOCK OF CALIFORNIA

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Action Versus No Ac-
3 tion Act”.

4 SEC. 2. ANALYSIS OF ONLY TWO ALTERNATIVES (ACTION
5 VERSUS NO ACTION) IN PROPOSED COLLABO-
6 RATIVE FOREST MANAGEMENT ACTIVITIES.

7 (a) APPLICATION TO CERTAIN ENVIRONMENTAL AS-
8 SESSMENTS AND ENVIRONMENTAL IMPACT STATE-
9 MENTS.—This section shall apply whenever the Secretary
10 concerned prepares an environmental assessment or an en-
11 vironmental impact statement pursuant to section 102 of
12 the National Environmental Policy Act of 1969 (42 U.S.C.
13 4332) for a forest management activity that—

14 (1) will occur on lands identified by the Sec-
15 retary concerned as—

16 (A) suitable for timber production; or

17 (B) in need of hazardous fuels treatment;

18 and

1 (2) meets at least one of the following condi-
2 tions:

3 (A) The forest management activity will
4 occur on lands designated by the Secretary (or
5 designee thereof) pursuant to section 602(b) of
6 the Healthy Forests Restoration Act of 2003
7 (16 U.S.C. 6591a(b)), notwithstanding whether
8 such forest management activity is initiated
9 prior to the date of enactment of this Act.

10 (B) The forest management activity is de-
11 veloped through a collaborative process.

12 (C) The forest management activity is pro-
13 posed by a resource advisory committee.

14 (D) The forest management activity is cov-
15 ered by a community wildfire protection plan.

16 (b) CONSIDERATION OF ALTERNATIVES.—

17 (1) ENVIRONMENTAL ASSESSMENT.—

18 (A) REQUIREMENT.—Except as provided
19 in subparagraph (B), in the case of an environ-
20 mental assessment described in subsection (a),
21 the Secretary concerned shall only study, de-
22 velop, and describe the forest management ac-
23 tivity.

24 (B) CONSIDERATION OF NO ACTION.—In
25 the case of an environmental assessment de-

1 scribed in subsection (a), the Secretary con-
2 cerned may study, develop, and describe the al-
3 ternative of no action, so long as the con-
4 sequences of taking no action are included as
5 part of any analysis of the environmental im-
6 pacts of no action.

7 (2) ENVIRONMENTAL IMPACT STATEMENT.—In
8 the case of an environmental impact statement de-
9 scribed in subsection (a), the Secretary concerned
10 shall study, develop, and describe only the following
11 two alternatives:

12 (A) The forest management activity.

13 (B) The alternative of no action.

14 (c) DEFINITIONS.—In this section:

15 (1) COLLABORATIVE PROCESS.—The term “col-
16 laborative process” means a process relating to the
17 management of National Forest System lands or
18 public lands by which a project or forest manage-
19 ment activity is developed and implemented by the
20 Secretary concerned through collaboration with in-
21 terested persons, as described in section
22 603(b)(1)(C) of the Healthy Forests Restoration Act
23 of 2003 (16 U.S.C. 6591b(b)(1)(C)).

24 (2) COMMUNITY WILDFIRE PROTECTION
25 PLAN.—The term “community wildfire protection

1 plan” has the meaning given the term in section 101
2 of the Healthy Forests Restoration Act of 2003 (16
3 U.S.C. 6511).

4 (3) RESOURCE ADVISORY COMMITTEE.—The
5 term “resource advisory committee” has the mean-
6 ing given the term in section 201 of the Secure
7 Rural Schools and Community Self-Determination
8 Act of 2000 (16 U.S.C. 7121).

9 (4) SECRETARY CONCERNED.—The term “Sec-
10 retary concerned” means—

11 (A) the Secretary of Agriculture, with re-
12 spect to National Forest System lands; and

13 (B) the Secretary of the Interior, with re-
14 spect to public lands.

