

AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 3818
OFFERED BY MR. WALDEN

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

2 (a) SHORT TITLE.—This Act may be cited as the
3 “Forest Service Partnership Enhancement Act of 2005”.

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

Sec. 1. Short title and table of contents.

Sec. 2. Findings and purposes.

Sec. 3. Definitions.

Sec. 4. Authority for Forest Service agreements with cooperators.

Sec. 5. Cost sharing under agreements.

Sec. 6. Treatment of funds received under agreements.

Sec. 7. Repeal of superseded authorities.

Sec. 8. Regulations.

Sec. 9. Relation to agreements otherwise authorized by law.

6 SEC. 2. FINDINGS AND PURPOSES.

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

8 (1) The Forest Service, managing national for-
9 ests and grasslands covering 192,000,000 acres,
10 plays an integral role in the protection, enhance-
11 ment, and conservation of the natural resources of
12 the United States.



1 (2) The Forest Service has a long history of
2 successful cooperation with non-Federal entities in
3 fulfilling all mission areas and responsibilities of the
4 Forest Service.

5 (3) Such cooperation is becoming increasingly
6 more important in the research and development
7 mission area of the Forest Service as the number of
8 staff research scientists has declined from 985 sci-
9 entists in 1985 to only ⁴⁸⁶~~468~~ scientists in 2005. To
10 accomplish its research mission to meet current for-
11 estry challenges and ensure that forest managers
12 have the latest science and technology to manage the
13 National Forest System sustainably over the long-
14 term, it is critical that the Forest Service cooperate
15 with other research organizations, including forestry
16 schools, land-grant colleges and universities, and
17 1890 institutions.

18 (4) By expanding and clarifying Forest Service
19 authorities to work with cooperators, the Forest
20 Service can improve the ability of the Forest Service
21 to administer National Forest System lands by in-
22 creasing local community involvement in collabo-
23 rative restoration and building the capacity of rural
24 public land communities in fulfilling the Forest
25 Service's mission.



1 (5) The Forest Service can benefit from maxi-
2 mizing use of existing authorities and establishing
3 new authority to improve local community involve-
4 ment in, and support of, fulfilling the Forest Serv-
5 ice's mission.

6 (6) Encouraging conservation education will in-
7 crease public awareness of Forest Service programs
8 and activities, will heighten public understanding of
9 the need to sustain natural and cultural resources,
10 and will promote public participation in the con-
11 servation of these resources.

12 (7) Encouraging partnerships with public land
13 communities will expedite the implementation of pri-
14 ority restoration projects on National Forest System
15 lands.

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

17 (1) to encourage agreements between the For-
18 est Service and cooperators to promote public aware-
19 ness and participation in the restoration and man-
20 agement of the resources and programs of the For-
21 est Service;

22 (2) to affirm Congress' support for agreements
23 between the Forest Service and cooperators that fur-
24 ther the Forest Service's mission by assisting the



1 Forest Service in the administration of all Forest
2 Service programs;

3 (3) to clarify and create additional authority for
4 the Forest Service to work with cooperators; and

5 (4) to leverage Forest Service resources with
6 the resources of cooperators.

7 **SEC. 3. DEFINITIONS.**

8 In this Act:

9 (1) COOPERATOR.—The term “cooperator”
10 means any Federal agency, State or local govern-
11 ment, tribal government, public or private agency,
12 nonprofit organization, institution (including edu-
13 cational institution), small and local business, cor-
14 poration, or other legal entity within the United
15 States, or individual.

16 (2) NATIONAL FOREST SYSTEM LANDS.—The
17 term “National Forest System lands” means lands
18 included in the National Forest System (as defined
19 in section 11(a) of the Forest and Rangeland Re-
20 newable Resources Planning Act of 1974 (16 U.S.C.
21 1609(a))).

22 (3) SECRETARY.—The term “Secretary” means
23 the Secretary of Agriculture, acting through the
24 Chief of the Forest Service.



1 (4) NONPROFIT ORGANIZATION.—The term
2 “nonprofit organization” means any organization de-
3 scribed in section 501(c)(3) of the Internal Revenue
4 Code of 1986 and exempt from tax under section
5 501(a) of such Code.

6 **SEC. 4. AUTHORITY FOR FOREST SERVICE AGREEMENTS**
7 **WITH COOPERATORS.**

8 (a) AGREEMENT AUTHORITY.—Using amounts ap-
9 propriated or otherwise made available for the Forest
10 Service, the Secretary of Agriculture, acting through the
11 Chief of the Forest Service, may enter into agreements,
12 including cost-share agreements, with cooperators for the
13 mutual benefit of the parties to the agreement for the fol-
14 lowing types of activities:

15 (1) Developing, producing, publishing, distrib-
16 uting, or selling education and interpretive materials
17 and products.

18 (2) Developing, conducting, or selling edu-
19 cational and interpretive programs and services.

20 (3) Constructing, maintaining, or improving fa-
21 cilities (not under the jurisdiction, custody, or con-
22 trol of the Administrator of General Services) on or
23 in the vicinity of National Forest System lands for
24 the sale or distribution of educational and interpre-
25 tive materials, products, programs, and services.



1 (4) Operating facilities, including providing the
2 services of Forest Service employees to staff facili-
3 ties, in or on any public or private building, facility,
4 or land (not under the jurisdiction, custody, or con-
5 trol of the Administrator of General Services) for
6 the sale or distribution of educational materials,
7 products, programs, and services pertaining to Na-
8 tional Forest System lands, private lands, and lands
9 administered by other public entities.

10 (5) Selling health and safety convenience prod-
11 ucts, photography supplies, or other similar items,
12 as determined by the Secretary, on or in the vicinity
13 of National Forest System lands.

14 (6) Collecting funds from the sale of materials,
15 products, programs, and services on behalf of co-
16 operators.

17 (7) Activities to restore and maintain the eco-
18 logical integrity and biodiversity of National Forest
19 System lands.

20 (8) Watershed restoration and enhancement ac-
21 tivities on National Forest System lands, or on other
22 lands that benefit resources on National Forest Sys-
23 tem land within the same watershed, for—

24 (A) protecting, restoring, and enhancing
25 resources, including fish and wildlife habitat; or



1 (B) reducing risk from natural disaster
2 where public safety is threatened.

3 (9) Such other cooperative activities as the Sec-
4 retary considers to be appropriate.

5 (b) TERMS AND CONDITIONS.—The Secretary shall
6 require such terms and conditions in an agreement en-
7 tered into under this section as the Secretary considers
8 to be necessary to protect the investments to be made by
9 the United States under the agreement, including terms
10 related to the ownership of any facilities or improvements
11 constructed or improved under such an agreement, and
12 such additional terms and conditions as are mutually
13 agreed to by the Secretary and the cooperator.

14 (c) RELATION TO OTHER CONTRACT, GRANT, AND
15 AGREEMENT REQUIREMENTS.—The Secretary may enter
16 into an agreement under this section notwithstanding
17 chapter 63 of title 31, United States Code.

18 **SEC. 5. COST SHARING UNDER AGREEMENTS.**

19 (a) SHARING OF COSTS.—The manner in which costs
20 shall be shared between the Secretary and a cooperator
21 under an agreement entered into under section 4, includ-
22 ing the acceptance of in-kind contributions, shall be pro-
23 vided for in terms and conditions imposed under sub-
24 section (b) of such section in connection with the agree-



1 ment. The Secretary shall issue guidance for cost sharing
2 with cooperators.

3 (b) TREATMENT OF CONTRIBUTIONS OF VOLUN-
4 TEERS.—The value of services performed by persons who
5 volunteer their services to the Forest Service and who are
6 recruited, trained, and supported by a cooperator under
7 an agreement under section 4 may be considered an in-
8 kind contribution of the cooperator for purposes of cost
9 sharing under subsection (a).

10 **SEC. 6. TREATMENT OF FUNDS RECEIVED UNDER AGREE-**
11 **MENTS.**

12 (a) DEPOSIT OF FUNDS.—Except as provided in sub-
13 section (b), all monies received from a cooperator as con-
14 tributions toward cooperative activities under an agree-
15 ment entered into under section 4 shall be—

16 (1) deposited in the Forest Service Cooperative
17 Work Trust Fund established pursuant to the penul-
18 timate paragraph under the heading “FOREST SERV-
19 ICE” in the Act of June 30, 1914 (16 U.S.C. 498),
20 or the successor of that fund; and

21 (2) available to the Secretary, without further
22 appropriation and until expended, to carry out the
23 agreement.

24 (b) FUNDS COLLECTED ON BEHALF OF COOP-
25 ERATOR.—Funds collected under an agreement entered



1 into under section 4 from the sale of materials, products,
2 programs, and services on behalf of a cooperator, as au-
3 thorized by subsection (a)(6) of such section, are not the
4 property of the United States, and the Secretary shall for-
5 ward such funds to the cooperator.

6 (c) ADVANCEMENT OR REIMBURSEMENT OF
7 FUNDS.—In an agreement entered into under section 4,
8 the Secretary may advance or reimburse funds to a coop-
9 erator from any Forest Service appropriation available for
10 similar work without regard to subsections (a) and (b) of
11 section 3324 of title 31, United States Code, and may fur-
12 nish or share supplies, facilities, or equipment. The Sec-
13 retary may advance funds under this subsection only when
14 the advancement represents the Secretary's share of costs
15 of activities or services under the agreement and the coop-
16 erator is not obligated to reimburse the Secretary.

17 **SEC. 7. REPEAL OF SUPERSEDED AUTHORITIES.**

18 (a) EDUCATIONAL MATERIALS AND CHALLENGE
19 COST-SHARE PROGRAM.—The thirteenth paragraph
20 under the heading "ADMINISTRATIVE PROVISIONS, FOR-
21 EST SERVICE" in title II of the Department of the Interior
22 and Related Agencies Appropriations Act, 1992 (Public
23 Law 102-154; 105 Stat. 1018; 31 U.S.C. 6305 note), is
24 repealed.



1 (b) WATERSHED RESTORATION AND ENHANCEMENT
2 AGREEMENTS.—Section 323 of the Department of the In-
3 terior and Related Agencies Appropriations Act, 1999 (as
4 contained in section 101(e) of division A of Public Law
5 105–277; 112 Stat. 2681–290; 16 U.S.C. 1011 note), is
6 repealed.

7 **SEC. 8. REGULATIONS.**

8 The Secretary shall issue such regulations as may be
9 necessary to accomplish the purposes of this Act.

10 **SEC. 9. RELATION TO AGREEMENTS OTHERWISE AUTHOR-**
11 **IZED BY LAW.**

12 Except in the case of the provisions of law repealed
13 by section 7, the authority of the Secretary to enter into
14 agreements with cooperators under section 4 is in addition
15 to the authorities provided the Secretary in any other pro-
16 vision of law, and nothing in this Act shall be construed
17 as limiting or modifying the authority of the Secretary to
18 enter into agreements otherwise authorized by law.

