

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 6089
OFFERED BY MR. LUJÁN OF NEW MEXICO**

Strike all after the enacting clause and insert the following:

1 **SECTION 1. STEWARDSHIP END RESULT CONTRACTING**
2 **PROJECTS.**

3 (a) IN GENERAL.—Title VI of the Healthy Forests
4 Restoration Act of 2003 (16 U.S.C. 6591) is amended by
5 adding at the end the following:

6 **“SEC. 602. STEWARDSHIP END RESULT CONTRACTING**
7 **PROJECTS.**

8 “(a) DEFINITIONS.—In this section:

9 “(1) CHIEF.—The term ‘Chief’ means the Chief
10 of the Forest Service.

11 “(2) DIRECTOR.—The term ‘Director’ means
12 the Director of the Bureau of Land Management.

13 “(b) PROJECTS.—The Chief and the Director, via
14 agreement or contract as appropriate, may enter into
15 stewardship contracting projects with private persons or
16 other public or private entities to perform services to
17 achieve land management goals for the national forests

1 and the public lands that meet local and rural community
2 needs.

3 “(c) LAND MANAGEMENT GOALS.—The land man-
4 agement goals of a project under subsection (b) may in-
5 clude—

6 “(1) road and trail maintenance or obliteration
7 to restore or maintain water quality;

8 “(2) soil productivity, habitat for wildlife and
9 fisheries, or other resource values;

10 “(3) setting of prescribed fires to improve the
11 composition, structure, condition, and health of
12 stands or to improve wildlife habitat;

13 “(4) removing vegetation or other activities to
14 promote healthy forest stands, reduce fire hazards,
15 or achieve other land management objectives;

16 “(5) watershed restoration and maintenance;

17 “(6) restoration and maintenance of wildlife
18 and fish; or

19 “(7) control of noxious and exotic weeds and re-
20 establishing.

21 “(d) AGREEMENTS OR CONTRACTS.—

22 “(1) PROCUREMENT PROCEDURE.—A source
23 for performance of an agreement or contract under
24 subsection (b) shall be selected on a best-value basis,

1 including consideration of source under other public
2 and private agreements or contracts.

3 “(2) CONTRACT FOR SALE OF PROPERTY.—A
4 contract entered into under this section may, at the
5 discretion of the Secretary of Agriculture, be consid-
6 ered a contract for the sale of property under such
7 terms as the Secretary may prescribe without regard
8 to any other provision of law.

9 “(3) TERM.—

10 “(A) IN GENERAL.—Except as provided in
11 subparagraph (B), the Chief and the Director
12 may enter into a contract under subsection (b)
13 in accordance with section 3903 of title 41,
14 United States Code.

15 “(B) MAXIMUM.—The period of the con-
16 tract under subsection (b) may exceed 5 years
17 but may not exceed 10 years.

18 “(4) OFFSETS.—

19 “(A) IN GENERAL.—The Chief and the Di-
20 rector may apply the value of timber or other
21 forest products removed as an offset against the
22 cost of services received under the agreement or
23 contract described in subsection (b).

1 “(B) METHODS OF APPRAISAL.—The value
2 of timber or other forest products used as an
3 offset under subparagraph (A)—

4 “(i) shall be determined using appro-
5 priate methods of appraisal commensurate
6 with the quantity of products to be re-
7 moved; and

8 “(ii) may—

9 “(I) be determined using a unit
10 of measure appropriate to the con-
11 tracts; and

12 “(II) may include valuing prod-
13 ucts on a per-acre basis.

14 “(5) RELATION TO OTHER LAWS.—Notwith-
15 standing subsections (d) and (g) of section 14 of the
16 National Forest Management Act of 1976 (16
17 U.S.C. 472a), the Chief may enter into an agree-
18 ment or contract under subsection (b).

19 “(6) CONTRACTING OFFICER.—Notwithstanding
20 any other provision of law, the Secretary or the Sec-
21 retary of the Interior may determine the appropriate
22 contracting officer to enter into and administer an
23 agreement or contract under subsection (b).

24 “(e) RECEIPTS.—

1 “(1) IN GENERAL.—The Chief and the Director
2 may collect monies from an agreement or contract
3 under subsection (b) if the collection is a secondary
4 objective of negotiating the contract that will best
5 achieve the purposes of this section.

6 “(2) USE.—Monies from an agreement or con-
7 tract under subsection (b)—

8 “(A) may be retained by the Chief and the
9 Director; and

10 “(B) shall be available for expenditure
11 without further appropriation at the project site
12 from which the monies are collected or at an-
13 other project site.

14 “(3) RELATION TO OTHER LAWS.—

15 “(A) IN GENERAL.—Notwithstanding any
16 other provision of law, the value of services re-
17 ceived by the Chief or the Director under a
18 stewardship contract project conducted under
19 this section, and any payments made or re-
20 sources provided by the contractor, Chief, or
21 Director shall not be considered monies received
22 from the National Forest System or the public
23 lands.

24 “(B) KNUTSON-VANDERBERG ACT.—The
25 Act of June 9, 1930 (commonly known as the

1 ‘Knutson-Vanderberg Act’) (16 U.S.C. 576 et
2 seq.) shall not apply to any agreement or con-
3 tract under subsection (b).

4 “(f) COSTS OF REMOVAL.—Notwithstanding the fact
5 that a contractor did not harvest the timber, the Chief
6 may collect deposits from a contractor covering the costs
7 of removal of timber or other forest products under—

8 “(1) the Act of August 11, 1916 (16 U.S.C.
9 490); and

10 “(2) and the Act of June 30, 1914 (16 U.S.C.
11 498).

12 “(g) PERFORMANCE AND PAYMENT GUARANTEES.—

13 “(1) IN GENERAL.—The Chief and the Director
14 may require performance and payment bonds under
15 sections 28.103–2 and 28.103–3 of the Federal Ac-
16 quisition Regulation, in an amount that the con-
17 tracting officer considers sufficient to protect the in-
18 vestment in receipts by the Federal Government
19 generated by the contractor from the estimated
20 value of the forest products to be removed under a
21 contract under subsection (b).

22 “(2) EXCESS OFFSET VALUE.—If the offset
23 value of the forest products exceeds the value of the
24 resource improvement treatments, the Chief and the
25 Director may—

1 “(A) collect any residual receipts under the
2 Act of June 9, 1930 (commonly known as the
3 ‘Knutson-Vanderberg Act’) (16 U.S.C. 576 et
4 seq.); and

5 “(B) apply the excess to other authorized
6 stewardship projects.

7 “(h) MONITORING AND EVALUATION.—

8 “(1) IN GENERAL.—The Chief and the Director
9 shall establish a multiparty monitoring and evalua-
10 tion process that accesses the stewardship con-
11 tracting projects conducted under this section.

12 “(2) PARTICIPANTS.—Other than the Chief and
13 Director, participants in the process described in
14 paragraph (1) may include—

15 “(A) any cooperating governmental agen-
16 cies, including tribal governments; and

17 “(B) any other interested groups or indi-
18 viduals.

19 “(i) REPORTING.—Not later than 1 year after the
20 date of enactment of this section, and annually thereafter,
21 the Chief and the Director shall report to the Committee
22 on Agriculture, Nutrition, and Forestry of the Senate and
23 the Committee on Agriculture of the House of Representa-
24 tives on—

1 “(1) the status of development, execution, and
2 administration of agreements or contracts under
3 subsection (b);

4 “(2) the specific accomplishments that have re-
5 sulted; and

6 “(3) the role of local communities in the devel-
7 opment of agreements or contract plans.”.

8 (b) REPEAL OF SUPERSEDED PROGRAM.—Section
9 347 of the Department of the Interior and Related Agen-
10 cies Appropriations Act, 1999 (16 U.S.C. 2104 note; Pub-
11 lic Law 105–277) is repealed.

12 **SEC. 2. FOREST SERVICE AND BUREAU OF LAND MANAGE-**
13 **MENT GOOD NEIGHBOR AUTHORITY.**

14 (a) DEFINITIONS.—In this section:

15 (1) AUTHORIZED RESTORATION SERVICES.—

16 The term “authorized restoration services” means
17 similar and complementary forest, rangeland, and
18 watershed restoration services carried out on adja-
19 cent Federal land and non-Federal land by either
20 the Secretary or a Governor pursuant to—

21 (A) a good neighbor agreement; and

22 (B) a cooperative agreement or contract
23 entered into under subsection (c).

24 (2) FEDERAL LAND.—

1 (A) IN GENERAL.—The term “Federal
2 land” means the following land in a State lo-
3 cated in whole or in part west of the 100th me-
4 ridian:

5 (i) National Forest System land.

6 (ii) Public lands (as defined in section
7 103 of the Federal Land Policy and Man-
8 agement Act of 1976 (43 U.S.C. 1702)).

9 (B) EXCLUSIONS.—The term “Federal
10 land” does not include—

11 (i) a component of the National Wil-
12 derness Preservation System, National
13 Wild and Scenic Rivers System, National
14 Trails System, or National Landscape
15 Conservation System;

16 (ii) a National Monument, National
17 Preserve, National Scenic Area, or Na-
18 tional Recreation Area; or

19 (iii) a wilderness study area.

20 (3) FOREST, RANGELAND, AND WATERSHED
21 RESTORATION SERVICES.—The term “forest, range-
22 land, and watershed restoration services” means—

23 (A) activities to treat insect- and disease-
24 infected trees;

25 (B) activities to reduce hazardous fuels;

1 (C) activities to maintain roads and trails
2 that cross a boundary between Federal land
3 and non-Federal land; and

4 (D) any other activities to restore or im-
5 prove forest, rangeland, or watershed health, in-
6 cluding fish and wildlife habitat.

7 (4) GOOD NEIGHBOR AGREEMENT.—The term
8 “good neighbor agreement” means—

9 (A) a nonfunding master cooperative
10 agreement entered into between the Secretary
11 and a Governor under chapter 63 of title 31,
12 United States Code; or

13 (B) a memorandum of agreement or un-
14 derstanding entered into between the Secretary
15 and a Governor.

16 (5) GOVERNOR.—The term “Governor” means
17 the Governor or any other appropriate executive offi-
18 cial of an affected State.

19 (6) SECRETARY.—The term “Secretary”
20 means—

21 (A) the Secretary of Agriculture, with re-
22 spect to National Forest System land; and

23 (B) the Secretary of the Interior, with re-
24 spect to Bureau of Land Management land.

25 (b) GOOD NEIGHBOR AGREEMENTS.—

1 (1) IN GENERAL.—The Secretary may enter
2 into a good neighbor agreement with a Governor to
3 coordinate the procurement and implementation of
4 authorized restoration services in accordance with
5 this section.

6 (2) PUBLIC NOTICE AND COMMENT.—The Sec-
7 retary shall make each good neighbor agreement
8 available to the public.

9 (c) TASK ORDERS, CONTRACTS, AND COOPERATIVE
10 AGREEMENTS.—

11 (1) IN GENERAL.—The Secretary may issue a
12 task order for, or enter into a contract (including a
13 sole source contract) or cooperative agreement with,
14 a Governor to carry out authorized restoration serv-
15 ices.

16 (2) REQUIREMENTS.—Each task order, con-
17 tract, or cooperative agreement entered into under
18 paragraph (1) shall be executed in accordance
19 with—

20 (A) chapter 63 of title 31, United States
21 Code; and

22 (B) the applicable good neighbor agree-
23 ment.

24 (d) CONTRACT AND SUBCONTRACT REQUIRE-
25 MENTS.—

1 (1) REQUIREMENTS FOR SERVICES ON FED-
2 ERAL LAND.—

3 (A) IN GENERAL.—For authorized restora-
4 tion services carried out on Federal land under
5 subsection (c), each contract and subcontract
6 issued under the authority of a Governor shall
7 include the provisions described in subpara-
8 graph (B) that would have been included in the
9 contract had the Secretary been a party to the
10 contract.

11 (B) APPLICABLE PROVISIONS.—The provi-
12 sions referred to in subparagraph (A) are provi-
13 sions for—

14 (i) wages and benefits for workers em-
15 ployed by contractors and subcontractors
16 required by—

17 (I) subchapter IV of chapter 31
18 of part A of subtitle II of title 40,
19 United States Code; and

20 (II) chapter 6 of title 41, United
21 States Code;

22 (ii) nondiscrimination; and

23 (iii) worker safety and protection.

24 (2) REQUIREMENTS FOR SMALL BUSINESSES.—

25 Each contract and subcontract for authorized res-

1 toration services under subsection (c) shall comply
2 with provisions for small business assistance and
3 protection that would have been applicable to the
4 contract had the Secretary been a party to the con-
5 tract.

6 (3) LIABILITY.—The Secretary shall include
7 provisions in each good neighbor agreement, con-
8 tract, or cooperative agreement, as appropriate, gov-
9 erning the potential liability of the State and the
10 Secretary for actions carried out under this Act.

11 (e) TERMINATION OF EFFECTIVENESS.—

12 (1) IN GENERAL.—The authority of the Sec-
13 retary to enter into cooperative agreements and con-
14 tracts under this section terminates on September
15 30, 2019.

16 (2) CONTRACT DATE.—The termination date of
17 a cooperative agreement or contract entered into
18 under this section shall not extend beyond Sep-
19 tember 30, 2020.

20 (3) CONSOLIDATED AUTHORITY.—

21 (A) FEDERAL AND STATE COOPERATIVE
22 WATERSHED RESTORATION AND PROTECTION
23 IN COLORADO.—Section 331 of the Department
24 of the Interior and Related Agencies Appropria-

1 tions Act, 2001 (Public Law 106–291; 114
2 Stat. 996) is repealed.

3 (B) FEDERAL AND STATE COOPERATIVE
4 FOREST, RANGELAND, AND WATERSHED RES-
5 TORATION IN UTAH.—Section 337 of the De-
6 partment of the Interior and Related Agencies
7 Appropriations Act, 2005 (Public Law 108–
8 447; 118 Stat. 3102) is repealed.

9 (4) EXISTING CONTRACTS.—Nothing in the
10 amendments made by this section affects contracts
11 in effect on the day before the date of enactment of
12 this Act.

Amend the title so as to read: “A bill to codify stewardship end result contracting authority and the good neighbor authorities of the Forest Service and the Bureau of Land Management, and for other purposes.”.

