

109TH CONGRESS
2D SESSION

S. 2676

To authorize the Secretary of Agriculture to enter into partnership agreements with entities and local communities to encourage greater cooperation in the administration of Forest Service activities on and near National Forest System land, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 27, 2006

Mr. CRAPO (for himself and Mrs. LINCOLN) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

A BILL

To authorize the Secretary of Agriculture to enter into partnership agreements with entities and local communities to encourage greater cooperation in the administration of Forest Service activities on and near National Forest System land, 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Forest Service Partnership Enhancement Act of 2006”.

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

- Sec. 1. Short title; 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 Repeal of superseded authorities.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.
- Sec. 10. Extension of National Forest Foundation.

1 **SEC. 2. FINDINGS AND PURPOSES.**

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

3 (1) The Forest Service, managing national for-
 4 ests and grasslands covering 192,000,000 acres,
 5 plays an integral role in the protection, enhance-
 6 ment, and conservation of the natural resources of
 7 the United States.

8 (2) The Forest Service has a long history of
 9 successful cooperation with non-Federal entities in
 10 fulfilling all mission areas and responsibilities of the
 11 Forest Service.

12 (3) Such cooperation is becoming increasingly
 13 more important in the research and development
 14 mission area of the Forest Service as the number of
 15 staff research scientists has declined from 985 sci-
 16 entists in 1985 to only 486 scientists in 2005. To
 17 accomplish its research mission to meet current for-
 18 estry challenges and ensure that forest managers
 19 have the latest science and technology to manage the
 20 National Forest System sustainably over the long-

1 term, it is critical that the Forest Service cooperate
2 with other research organizations, including forestry
3 schools, land-grant colleges and universities, and
4 1890 institutions.

5 (4) By expanding and clarifying Forest Service
6 authorities to work with cooperators, the Forest
7 Service can improve the ability of the Forest Service
8 to administer National Forest System lands by in-
9 creasing local community involvement in collabo-
10 rative restoration and building the capacity of rural
11 public land communities in fulfilling the Forest
12 Service's mission.

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

18 (6) Encouraging conservation education will in-
19 crease public awareness of Forest Service programs
20 and activities, will heighten public understanding of
21 the need to sustain natural and cultural resources,
22 and will promote public participation in the con-
23 servation of these resources.

24 (7) Encouraging partnerships with public land
25 communities will expedite the implementation of pri-

1 ority restoration projects on National Forest System
2 lands.

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

4 (1) to encourage agreements between the For-
5 est Service and cooperators to promote public aware-
6 ness and participation in the restoration and man-
7 agement of the resources and programs of the For-
8 est Service;

9 (2) to affirm Congress’ support for agreements
10 between the Forest Service and cooperators that fur-
11 ther the Forest Service’s mission by assisting the
12 Forest Service in the administration of all Forest
13 Service programs;

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

16 (4) to leverage Forest Service resources with
17 the resources of cooperators.

18 **SEC. 3. DEFINITIONS.**

19 In this Act:

20 (1) COOPERATOR.—The term “cooperator”
21 means any Federal agency, State or local govern-
22 ment, tribal government, public or private agency,
23 nonprofit organization, institution (including edu-
24 cational institution), small and local business, cor-

1 poration, or other legal entity within the United
2 States, or individual.

3 (2) NATIONAL FOREST SYSTEM LANDS.—The
4 term “National Forest System lands” means lands
5 included in the National Forest System (as defined
6 in section 11(a) of the Forest and Rangeland Re-
7 newable Resources Planning Act of 1974 (16 U.S.C.
8 1609(a))).

9 (3) SECRETARY.—The term “Secretary” means
10 the Secretary of Agriculture, acting through the
11 Chief of the Forest Service.

12 (4) NONPROFIT ORGANIZATION.—The term
13 “nonprofit organization” means any organization de-
14 scribed in section 501(c)(3) of the Internal Revenue
15 Code of 1986 and exempt from tax under section
16 501(a) of such Code.

17 **SEC. 4. AUTHORITY FOR FOREST SERVICE AGREEMENTS**
18 **WITH COOPERATORS.**

19 (a) AGREEMENT AUTHORITY.—Using amounts ap-
20 propriated or otherwise made available for the Forest
21 Service, the Secretary of Agriculture, acting through the
22 Chief of the Forest Service, may enter into agreements,
23 including cost-share agreements, with cooperators for the
24 mutual benefit of the parties to the agreement for the fol-
25 lowing types of activities:

1 (1) Developing, producing, publishing, distrib-
2 uting, or selling education and interpretive materials
3 and products.

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

6 (3) Constructing, maintaining, or improving fa-
7 cilities (not under the jurisdiction, custody, or con-
8 trol of the Administrator of General Services) on or
9 in the vicinity of National Forest System lands for
10 the sale or distribution of educational and interpre-
11 tive materials, products, programs, and services.

12 (4) Operating facilities, including providing the
13 services of Forest Service employees to staff facili-
14 ties, in or on any public or private building, facility,
15 or land (not under the jurisdiction, custody, or con-
16 trol of the Administrator of General Services) for
17 the sale or distribution of educational materials,
18 products, programs, and services pertaining to Na-
19 tional Forest System lands, private lands, and lands
20 administered by other public entities.

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

1 (6) Collecting funds from the sale of materials,
2 products, programs, and services on behalf of co-
3 operators.

4 (7) Activities to restore and maintain the eco-
5 logical integrity and biodiversity of National Forest
6 System lands.

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

11 (A) protecting, restoring, and enhancing
12 resources, including fish and wildlife habitat; or

13 (B) reducing risk from natural disaster
14 where public safety is threatened.

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

17 (b) TERMS AND CONDITIONS.—The Secretary shall
18 require such terms and conditions in an agreement en-
19 tered into under this section as the Secretary considers
20 to be necessary to protect the investments to be made by
21 the United States under the agreement, including terms
22 related to the ownership of any facilities or improvements
23 constructed or improved under such an agreement, and
24 such additional terms and conditions as are mutually
25 agreed to by the Secretary and the cooperator.

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

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

6 (a) SHARING OF COSTS.—The manner in which costs
7 shall be shared between the Secretary and a cooperator
8 under an agreement entered into under section 4, includ-
9 ing the acceptance of in-kind contributions, shall be pro-
10 vided for in terms and conditions imposed under sub-
11 section (b) of such section in connection with the agree-
12 ment. The Secretary shall issue guidance for cost sharing
13 with cooperators.

14 (b) TREATMENT OF CONTRIBUTIONS OF VOLUN-
15 TEERS.—The value of services performed by persons who
16 volunteer their services to the Forest Service and who are
17 recruited, trained, and supported by a cooperator under
18 an agreement under section 4 may be considered an in-
19 kind contribution of the cooperator for purposes of cost
20 sharing under subsection (a).

21 **SEC. 6. TREATMENT OF FUNDS RECEIVED UNDER AGREE-**
22 **MENTS.**

23 (a) DEPOSIT OF FUNDS.—Except as provided in sub-
24 section (b), all monies received from a cooperator as con-

1 tributions toward cooperative activities under an agree-
2 ment entered into under section 4 shall be—

3 (1) deposited in the Forest Service Cooperative
4 Work Trust Fund established pursuant to the penul-
5 timate paragraph under the heading “**FOREST**
6 **SERVICE**” in the Act of June 30, 1914 (16 U.S.C.
7 498), or the successor of that fund; and

8 (2) available to the Secretary, without further
9 appropriation and until expended, to carry out the
10 agreement.

11 (b) FUNDS COLLECTED ON BEHALF OF COOP-
12 ERATOR.—Funds collected under an agreement entered
13 into under section 4 from the sale of materials, products,
14 programs, and services on behalf of a cooperator, as au-
15 thorized by subsection (a)(6) of such section, are not the
16 property of the United States, and the Secretary shall for-
17 ward such funds to the cooperator.

18 (c) ADVANCEMENT OR REIMBURSEMENT OF
19 FUNDS.—In an agreement entered into under section 4,
20 the Secretary may advance or reimburse funds to a coop-
21 erator from any Forest Service appropriation available for
22 similar work without regard to subsections (a) and (b) of
23 section 3324 of title 31, United States Code, and may fur-
24 nish or share supplies, facilities, or equipment. The Sec-
25 retary may advance funds under this subsection only when

1 the advancement represents the Secretary's share of costs
 2 of activities or services under the agreement and the coop-
 3 erator is not obligated to reimburse the Secretary.

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

5 (a) EDUCATIONAL MATERIALS AND CHALLENGE
 6 COST-SHARE PROGRAM.—The thirteenth paragraph
 7 under the heading “**ADMINISTRATIVE PROVISIONS,**
 8 **FOREST SERVICE**” in title II of the Department of the
 9 Interior and Related Agencies Appropriations Act, 1992
 10 (Public Law 102–154; 105 Stat. 1018; 31 U.S.C. 6305
 11 note), is repealed.

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

18 **SEC. 8. REGULATIONS.**

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

21 **SEC. 9. RELATION TO AGREEMENTS OTHERWISE AUTHOR-**
 22 **IZED BY LAW.**

23 Except in the case of the provisions of law repealed
 24 by section 7, the authority of the Secretary to enter into
 25 agreements with cooperators under section 4 is in addition

1 to the authorities provided the Secretary in any other pro-
 2 vision of law, and nothing in this Act shall be construed
 3 as limiting or modifying the authority of the Secretary to
 4 enter into agreements otherwise authorized by law.

5 **SEC. 10. EXTENSION OF NATIONAL FOREST FOUNDATION.**

6 (a) BOARD OF DIRECTORS OF FOUNDATION.—Sec-
 7 tion 403(a) of the National Forest Foundation Act (16
 8 U.S.C. 583j–1(a)) is amended—

9 (1) in the first sentence, by striking “fifteen Di-
 10 rectors” and inserting “30 Directors”; and

11 (2) by striking the second sentence.

12 (b) CORPORATE POWERS AND OBLIGATIONS.—Sec-
 13 tion 404(b) of the National Forest Foundation Act (16
 14 U.S.C. 583j–2(b)) is amended by striking “this para-
 15 graph” and inserting “this section”.

16 (c) MATCHING FUNDS.—Section 405(b) of the Na-
 17 tional Forest Foundation Act (16 U.S.C. 583j–3(b)) is
 18 amended by striking “1992” and inserting “2006”.

19 (d) AUTHORIZATION OF APPROPRIATIONS.—Section
 20 410(b) of the National Forest Foundation Act (16 U.S.C.
 21 583j–8(b)) is amended—

22 (1) by striking “1992” and inserting “2006”;

23 (2) by striking “\$1,000,000 annually”; and

- 1 (3) by inserting “such sums as are necessary”
- 2 before “to match”.

