

**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 1526
OFFERED BY MR. HUFFMAN OF CALIFORNIA**

Strike section 1 and titles I and II and insert the following:

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Responsible Forest
3 Management in the 21st Century Act”.

4 **TITLE I—DESIGNATION OF NA-**
5 **TIONAL FOREST TREATMENT**
6 **AREAS TO ADDRESS INSECT**
7 **AND DISEASE INFESTATION**

8 **SEC. 101. INSECT AND DISEASE INFESTATION.**

9 Title VI of the Healthy Forests Restoration Act of
10 2003 (16 U.S.C. 6591 et seq.) is amended by adding at
11 the end the following new section:

12 **“SEC. 602. DESIGNATION OF TREATMENT AREAS.**

13 “(a) DEFINITION OF DECLINING FOREST
14 HEALTH.—In this section, the term ‘declining forest
15 health’ means a forest that is experiencing—

16 “(1) substantially increased tree mortality due
17 to insect or disease infestation; or

1 “(2) dieback due to infestation or defoliation by
2 insects or disease.

3 “(b) DESIGNATION OF TREATMENT AREAS.—

4 “(1) INITIAL AREAS.—Not later than 60 days
5 after the date of the enactment of this section, the
6 Secretary shall, if requested by the Governor of the
7 State, designate as part of an insect and disease
8 treatment program 1 or more subwatersheds (sixth-
9 level hydrologic units, according to the System of
10 Hydrologic Unit Codes of the United States Geologi-
11 cal Survey) in at least 1 national forest in each
12 State that is experiencing an insect or disease epi-
13 demic.

14 “(2) ADDITIONAL AREAS.—After the end of the
15 60-day period described in paragraph (1), the Sec-
16 retary may designate additional subwatersheds
17 under this section as needed to address insect or dis-
18 ease threats.

19 “(c) REQUIREMENTS.—To be designated a subwater-
20 shed under subsection (b), the subwatershed shall be—

21 “(1) experiencing declining forest health, based
22 on annual forest health surveys conducted by the
23 Secretary;

24 “(2) at risk of experiencing substantially in-
25 creased tree mortality over the next 15 years due to

1 insect or disease infestation, based on the most re-
2 cent National Insect and Disease Risk Map pub-
3 lished by the Forest Service; or

4 “(3) in an area in which the risk of hazard
5 trees poses an imminent risk to public infrastruc-
6 ture, health, or safety.

7 “(d) TREATMENT OF AREAS.—

8 “(1) IN GENERAL.—The Secretary may carry
9 out priority projects on Federal land in the sub-
10 watersheds designated under subsection (b) to re-
11 duce the risk or extent of, or increase the resilience
12 to, insect or disease infestation in the subwater-
13 sheds.

14 “(2) AUTHORITY.—Any project under para-
15 graph (1) for which a public notice to initiate
16 scoping is issued on or before September 30, 2018,
17 may be carried out in accordance with subsections
18 (b), (c), and (d) of section 102, and sections 104,
19 105, and 106.

20 “(3) EFFECT.—Projects carried out under this
21 subsection shall be considered authorized hazardous
22 fuel reduction projects for purposes of the authori-
23 ties described in paragraph (2).

1 “(4) REPORT.—Not later than September 30,
2 2018, the Secretary shall issue a report on actions
3 taken to carry out this subsection, including—

4 “(A) an evaluation of the progress towards
5 project goals; and

6 “(B) recommendations for modifications to
7 the projects and management treatments.

8 “(e) TREE RETENTION.—The Secretary shall carry
9 out projects under subsection (d) in a manner that maxi-
10 mizes the retention of old-growth and large trees, as ap-
11 propriate for the forest type, to the extent that the trees
12 promote stands that are resilient to insects and disease.

13 “(f) AUTHORIZATION OF APPROPRIATIONS.—There
14 is authorized to be appropriated to carry out this section
15 \$200,000,000 for each of fiscal years 2014 through
16 2018.”.

17 **TITLE II—GOOD NEIGHBOR**
18 **FORESTRY**

19 **SEC. 201. DEFINITIONS.**

20 In this title:

21 (1) AUTHORIZED RESTORATION SERVICES.—

22 The term “authorized restoration services” means
23 similar and complementary forest, rangeland, and
24 watershed restoration services carried out—

1 (A) on Federal land and non-Federal land;
2 and

3 (B) by either the Secretary or a Governor
4 pursuant to a good neighbor agreement.

5 (2) FEDERAL LAND.—

6 (A) IN GENERAL.—The term “Federal
7 land” means land in a State located in whole or
8 in part west of the 100th meridian that is—

9 (i) National Forest System land; or

10 (ii) public land (as defined in section
11 103 of the Federal Land Policy and Man-
12 agement Act of 1976 (43 U.S.C. 1702)).

13 (B) EXCLUSIONS.—The term “Federal
14 land” does not include—

15 (i) a component of the National Wil-
16 derness Preservation System;

17 (ii) Federal land on which the removal
18 of vegetation is prohibited or restricted by
19 Act of Congress or Presidential proclama-
20 tion (including the applicable implementa-
21 tion plan); or

22 (iii) a wilderness study area.

23 (3) FOREST, RANGELAND, AND WATERSHED
24 RESTORATION SERVICES.—

1 (A) IN GENERAL.—The term “forest,
2 rangeland, and watershed restoration services”
3 means—

4 (i) activities to treat insect- and dis-
5 ease-infected trees;

6 (ii) activities to reduce hazardous
7 fuels; and

8 (iii) any other activities to restore or
9 improve forest, rangeland, and watershed
10 health, including fish and wildlife habitat.

11 (B) EXCLUSIONS.—The term “forest,
12 rangeland, and watershed restoration services”
13 does not include—

14 (i) construction, reconstruction, re-
15 pair, or restoration of roads or parking
16 areas; or

17 (ii) construction, alteration, repair or
18 replacement of public buildings or works.

19 (4) GOOD NEIGHBOR AGREEMENT.—The term
20 “good neighbor agreement” means a cooperative
21 agreement or contract (including a sole source con-
22 tract) entered into between the Secretary and a Gov-
23 ernor to carry out authorized restoration services
24 under this Act.

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

4 (6) ROAD.—The term “road” has the meaning
5 given the term in section 212.1 of title 36, Code of
6 Federal Regulations (as in effect on the date of en-
7 actment of this Act).

8 (7) SECRETARY.—The term “Secretary
9 means—

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

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

14 **SEC. 202. GOOD NEIGHBOR AGREEMENTS.**

15 (a) GOOD NEIGHBOR AGREEMENTS.—

16 (1) IN GENERAL.—The Secretary may enter
17 into a good neighbor agreement with a Governor to
18 coordinate the procurement and implementation of
19 authorized restoration services in accordance with
20 this section.

21 (2) PUBLIC AVAILABILITY.—The Secretary
22 shall make each good neighbor agreement available
23 to the public.

24 (b) TIMBER SALES.—

1 (1) IN GENERAL.—Subsections (d) and (g) of
2 section 14 of the National Forest Management Act
3 of 1976 (16 U.S.C. 472a(d) and (g)) shall not apply
4 to services performed under a cooperative agreement
5 or contract entered into under subsection (a).

6 (2) APPROVAL OF SILVICULTURE PRESCRIP-
7 TIONS AND MARKING GUIDES.—The Secretary shall
8 provide or approve all silviculture prescriptions and
9 marking guides to be applied on Federal land in all
10 timber sale projects conducted under this title.

11 (c) RETENTION OF NEPA RESPONSIBILITIES.—Any
12 decision required to be made under the National Environ-
13 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with
14 respect to any authorized restoration services to be pro-
15 vided under this title on Federal land shall not be dele-
16 gated to a Governor.

Strike title IV and insert the following:

17 **TITLE IV—STEWARDSHIP END**
18 **RESULT CONTRACTING**
19 **SEC. 401. STEWARDSHIP END RESULT CONTRACTING**
20 **PROJECTS.**

21 (a) IN GENERAL.—Title VI of the Healthy Forests
22 Restoration Act of 2003 (16 U.S.C. 6591) is amended by
23 inserting after section 602 (as added by section 101 of
24 this Act) the following:

1 **“SEC. 603. STEWARDSHIP END RESULT CONTRACTING**
2 **PROJECTS.**

3 “(a) DEFINITIONS.—In this section:

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

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

8 “(b) PROJECTS.—Until September 30, 2023, the
9 Chief and the Director, via agreement or contract as ap-
10 propriate, may enter into stewardship contracting projects
11 with private persons or other public or private entities to
12 perform services to achieve land management goals for the
13 national forests and the public lands that meet local and
14 rural community needs.

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

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

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

22 “(3) setting of prescribed fires to improve the
23 composition, structure, condition, and health of
24 stands or to improve wildlife habitat;

1 “(4) removing vegetation or other activities to
2 promote healthy forest stands, reduce fire hazards,
3 or achieve other land management objectives;

4 “(5) watershed restoration and maintenance;

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

7 “(7) control of noxious and exotic weeds and re-
8 establishing native plant species.

9 “(d) AGREEMENTS OR CONTRACTS.—

10 “(1) PROCUREMENT PROCEDURE.—A source
11 for performance of an agreement or contract under
12 subsection (b) shall be selected on a best-value basis,
13 including consideration of source under other public
14 and private agreements or contracts.

15 “(2) CONTRACT FOR SALE OF PROPERTY.—A
16 contract entered into under this section may, at the
17 discretion of the Secretary of Agriculture, be consid-
18 ered a contract for the sale of property under such
19 terms as the Secretary may prescribe without regard
20 to any other provision of law.

21 “(3) TERM.—

22 “(A) IN GENERAL.—Except as provided in
23 subparagraph (B), the Chief and the Director
24 may enter into a contract under subsection (b)

1 in accordance with section 3903 of title 41,
2 United States Code.

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

6 “(4) OFFSETS.—

7 “(A) IN GENERAL.—The Chief and the Di-
8 rector may apply the value of timber or other
9 forest products removed as an offset against the
10 cost of services received under the agreement or
11 contract described in subsection (b).

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

15 “(i) shall be determined using appro-
16 priate methods of appraisal commensurate
17 with the quantity of products to be re-
18 moved; and

19 “(ii) may—

20 “(I) be determined using a unit
21 of measure appropriate to the con-
22 tracts; and

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

25 “(5) CANCELLATION CEILINGS.—

1 “(A) IN GENERAL.—The Chief and the Di-
2 rector may obligate funds to cover any potential
3 cancellation or termination costs for an agree-
4 ment or contract under subsection (b) in stages
5 that are economically or programmatically via-
6 ble.

7 “(B) NOTICE.—

8 “(i) SUBMISSION TO CONGRESS.—Not
9 later than 30 days before entering into a
10 multiyear agreement or contract under
11 subsection (b) that includes a cancellation
12 ceiling in excess of \$25,000,000, but does
13 not include proposed funding for the costs
14 of cancelling the agreement or contract up
15 to the cancellation ceiling established in
16 the agreement or contract, the Chief and
17 the Director shall submit to the Committee
18 on Energy and Natural Resources of the
19 Senate and the Committee on Natural Re-
20 sources of the House of Representatives a
21 written notice that includes—

22 “(I)(aa) the cancellation ceiling
23 amounts proposed for each program
24 year in the agreement or contract;
25 and

1 “(bb) the reasons for the can-
2 cellation ceiling amounts proposed
3 under item (aa);

4 “(II) the extent to which the
5 costs of contract cancellation are not
6 included in the budget for the agree-
7 ment or contract; and

8 “(III) a financial risk assessment
9 of not including budgeting for the
10 costs of agreement or contract can-
11 cellation.

12 “(ii) TRANSMITTAL TO OMB.—At least
13 14 days before the date on which the Chief
14 and Director enter into an agreement or
15 contract under subsection (b), the Chief
16 and Director shall transmit to the Director
17 of the Office of Management and Budget
18 a copy of the written notice submitted
19 under clause (i).

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

1 “(7) CONTRACTING OFFICER.—Notwithstanding
2 any other provision of law, the Secretary or the Sec-
3 retary of the Interior may determine the appropriate
4 contracting officer to enter into and administer an
5 agreement or contract under subsection (b).

6 “(8) FIRE LIABILITY PROVISIONS.—Not later
7 than 90 days after the date of enactment of this sec-
8 tion, the Chief and the Director shall issue for use
9 in all contracts and agreements under subsection (b)
10 fire liability provisions that are in substantially the
11 same form as the fire liability provisions contained
12 in—

13 “(A) integrated resource timber contracts,
14 as described in the Forest Service contract
15 numbered 2400–13, part H, section H.4; and

16 “(B) timber sale contracts conducted pur-
17 suant to section 14 of the National Forest
18 Management Act of 1976 (16 U.S.C. 472a).

19 “(e) RECEIPTS.—

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

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

3 “(A) may be retained by the Chief and the
4 Director; and

5 “(B) shall be available for expenditure
6 without further appropriation at the project site
7 from which the monies are collected or at an-
8 other project site.

9 “(3) RELATION TO OTHER LAWS.—

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

19 “(B) KNUTSON-VANDERBERG ACT.—The
20 Act of June 9, 1930 (commonly known as the
21 ‘Knutson-Vanderberg Act’) (16 U.S.C. 576 et
22 seq.) shall not apply to any agreement or con-
23 tract under subsection (b).

24 “(f) COSTS OF REMOVAL.—Notwithstanding the fact
25 that a contractor did not harvest the timber, the Chief

1 may collect deposits from a contractor covering the costs
2 of removal of timber or other forest products under—

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

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

6 “(g) PERFORMANCE AND PAYMENT GUARANTEES.—

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

16 “(2) EXCESS OFFSET VALUE.—If the offset
17 value of the forest products exceeds the value of the
18 resource improvement treatments, the Chief and the
19 Director shall—

20 “(A) use the excess to satisfy any out-
21 standing liabilities for cancelled agreements or
22 contracts; or

23 “(B) if there are no outstanding liabilities
24 under subparagraph (A), apply the excess to
25 other authorized stewardship projects.

1 “(h) MONITORING AND EVALUATION.—

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

6 “(2) PARTICIPANTS.—Other than the Chief and
7 Director, participants in the process described in
8 paragraph (1) may include—

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

11 “(B) any other interested groups or indi-
12 viduals.

13 “(i) REPORTING.—Not later than 1 year after the
14 date of enactment of this section, and annually thereafter,
15 the Chief and the Director shall report to the Committee
16 on Energy and Natural Resources of the Senate and the
17 Committee on Natural Resources of the House of Rep-
18 resentatives on—

19 “(1) the status of development, execution, and
20 administration of agreements or contracts under
21 subsection (b);

22 “(2) the specific accomplishments that have re-
23 sulted; and

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

1 (b) OFFSET.—To the extent necessary, the Chief of
2 the Forest Service and the Director of the Bureau of Land
3 Management shall offset any direct spending authorized
4 under section 603 of the Healthy Forests Restoration Act
5 of 2003 (as added by subsection (a)) using any additional
6 amounts that may be made available to the Chief or the
7 Director for the applicable fiscal year.

8 (c) CONFORMING AMENDMENT.—Section 347 of the
9 Department of the Interior and Related Agencies Appro-
10 priations Act, 1999 (16 U.S.C. 2104 note; Public Law
11 105–277) is repealed.

Strike sections 502, 503, and 504 and insert the fol-
lowing new section:

12 **SEC. 502. EMERGENCY WATERSHED PROTECTION PRO-**
13 **GRAM.**

14 Section 403 of the Agricultural Credit Act of 1978
15 (16 U.S.C. 2203) is amended by adding at the end the
16 following new sentence: “In evaluating requests for assist-
17 ance under this section, the Secretary shall give priority
18 consideration to projects that address runoff retardation
19 and soil-erosion preventive measures needed to mitigate
20 the risks and remediate the effects of catastrophic wildfire
21 on land that is the source of drinking water for landowners
22 and land users.”.

