

113TH CONGRESS
1ST SESSION

H. R. 2588

To reauthorize and expand authorities used by the Forest Service and the Bureau of Land Management for hazardous fuels reduction, forest health, forest restoration, and watershed restoration, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 28, 2013

Mr. DUFFY introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To reauthorize and expand authorities used by the Forest Service and the Bureau of Land Management for hazardous fuels reduction, forest health, forest restoration, and watershed restoration, 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.**

4 This Act may be cited as the “Fulfilling Our Respon-
5 sibility for Efficient and Sustainable Timber Supply Act
6 of 2013” or the “FORESTS Act of 2013”.

1 **SEC. 2. STEWARDSHIP END RESULT CONTRACTING AU-**
2 **THORITY.**

3 (a) EXTENSION OF AUTHORITY.—Subsection (a) of
4 section 347 of the Department of the Interior and Related
5 Agencies Appropriations Act, 1999 (as contained in sec-
6 tion 101(e) of division A of Public Law 105–277; 16
7 U.S.C. 2104 note), as most recently amended by section
8 323 of Public Law 108–7 (117 Stat. 275), is amended
9 by striking “Until September 30, 2013” and inserting
10 “Until September 30, 2023”.

11 (b) CONTRACT DURATION AND TERMS.—Subsection
12 (c) of such section is amended—

13 (1) in paragraph (2), by striking “10 years”
14 and inserting “20 years”; and

15 (2) in paragraph (4), by adding at the end the
16 following new sentence: “However, when the timber
17 sale component of a Forest Service agreement or
18 contracts under subsection (a) exceeds the resource
19 component of agreement or contract, the timber sale
20 contract authority applies to the timber sale.”.

21 (c) CANCELLATION OR TERMINATION COSTS.—Sub-
22 section (c) of such section is amended by adding at the
23 end the following new paragraph:

24 “(6) CANCELLATION OR TERMINATION
25 COSTS.—

1 “(A) IN GENERAL.—Notwithstanding sec-
2 tion 3903 of title 41, United States Code, the
3 Secretary of Agriculture and the Secretary of
4 the Interior are not required to obligate funds
5 to cover the cost of cancelling or terminating a
6 multiyear stewardship contract or agreement
7 until such contract or agreement is cancelled or
8 terminated.

9 “(B) FUNDING SOURCES.—The costs of
10 cancelling or terminating of a multiyear stew-
11 ardship contract or agreement may be paid
12 from—

13 “(i) appropriations originally made
14 available for the performance of the con-
15 tract or agreement;

16 “(ii) appropriations currently available
17 for procurement of the type of service con-
18 cerned, and not otherwise obligated; or

19 “(iii) funds appropriated for payments
20 for that performance or procurement.

21 “(C) ANTI-DEFICIENCY ACT VIOLATIONS.—
22 In a case in which payment or obligation of
23 funds under this paragraph would constitute a
24 violation of section 1341 of title 31, United

1 States Code (commonly known as the Anti-Defi-
2 ciency Act), the Secretary may—

3 “(i) seek a supplemental appropria-
4 tion; or

5 “(ii) request funds from the perma-
6 nent judgment appropriation established
7 pursuant to section 1304 of such title.”.

8 (d) PAYMENTS TO COUNTIES.—Subsection (d) of
9 such section is amended by adding at the end the following
10 new paragraph:

11 “(4) PAYMENTS TO COUNTIES.—25 percent of
12 timber sale receipts from a contract or agreement
13 entered into under the authority of this section and
14 after the date of the enactment of this paragraph
15 shall be paid to the county within whose boundaries
16 the receipts are derived. Payments to a county made
17 under this paragraph shall be in addition to the
18 amounts received under chapter 69 of title 31,
19 United States Code (Payment in Lieu of Taxes; 31
20 U.S.C. 6901 et seq.).”.

21 **SEC. 3. FOREST SERVICE AND BUREAU OF LAND MANAGE-**
22 **MENT GOOD-NEIGHBOR COOPERATION.**

23 (a) DEFINITIONS.—In this section:

1 (1) ELIGIBLE STATE.—The term “eligible
2 State” means a State that contains National Forest
3 System land or Bureau of Land Management land.

4 (2) FEDERAL LAND.—The term “Federal land”
5 means—

6 (A) land of the National Forest System (as
7 defined in section 11(a) of the Forest and
8 Rangeland Renewable Resources Planning Act
9 of 1974 (16 U.S.C. 1609(a))); or

10 (B) public lands (as defined in section 103
11 of the Federal Land Policy and Management
12 Act of 1976 (43 U.S.C. 1702)).

13 (3) SECRETARY CONCERNED.—The term “Sec-
14 retary concerned” means—

15 (A) the Secretary of Agriculture, in the
16 case of National Forest System land; and

17 (B) the Secretary of the Interior, in the
18 case of public lands administered by the Sec-
19 retary of the Interior through the Bureau of
20 Land Management.

21 (4) STATE FORESTER.—The term “State For-
22 ester” means the head of a State agency with juris-
23 diction over State forestry programs in an eligible
24 State.

25 (b) COOPERATIVE AGREEMENTS AND CONTRACTS.—

1 (1) IN GENERAL.—The Secretary concerned
2 may enter into a cooperative agreement or contract
3 (including a sole source contract) with a State For-
4 ester to authorize the State Forester to provide the
5 forest, rangeland, and watershed restoration, man-
6 agement, and protection services described in para-
7 graph (2) on Federal lands administered by the Sec-
8 retary concerned in the eligible State.

9 (2) AUTHORIZED SERVICES.—The forest,
10 rangeland, and watershed restoration, management,
11 and protection services referred to in paragraph (1)
12 include the conduct of—

13 (A) activities to treat insect infected for-
14 ests;

15 (B) activities to reduce hazardous fuels;

16 (C) activities involving commercial har-
17 vesting or other mechanical vegetative treat-
18 ments; or

19 (D) any other activities determined by the
20 Secretary concerned to be appropriate to re-
21 store or improve forest, rangeland, and water-
22 shed health, including fish and wildlife habitat.

23 (3) STATE AS AGENT.—Except as provided in
24 paragraph (6), a cooperative agreement or contract
25 entered into under paragraph (1) may authorize the

1 State Forester to serve as the agent for the Sec-
2 retary concerned in providing the restoration, man-
3 agement, and protection services authorized under
4 that paragraph. Even though the State Forester
5 serves as the agent for the Secretary concerned, the
6 employment laws otherwise applicable to the State,
7 rather than the employment laws applicable to the
8 Forest Service or Bureau of Land Management,
9 shall control with regard to the cooperative agree-
10 ment or contract and any subcontract.

11 (4) SUBCONTRACTS.—In accordance with appli-
12 cable contract procedures for the eligible State, a
13 State Forester may enter into subcontracts to pro-
14 vide the restoration, management, and protection
15 services authorized under a cooperative agreement or
16 contract entered into under paragraph (1).

17 (5) TIMBER SALES.—Subsections (d) and (g) of
18 section 14 of the National Forest Management Act
19 of 1976 (16 U.S.C. 472a) shall not apply to services
20 performed under a cooperative agreement or con-
21 tract entered into under paragraph (1).

22 (6) RETENTION OF NEPA RESPONSIBILITIES.—
23 Any decision required to be made under the Na-
24 tional Environmental Policy Act of 1969 (42 U.S.C.
25 4321 et seq.) with respect to any restoration, man-

1 agement, and protection services to be provided
2 under this section by a State Forester on Federal
3 land, shall not be delegated to a State Forester or
4 any other officer or employee of the eligible State.

5 (c) APPLICABLE LAW.—The restoration, manage-
6 ment, and protection services to be provided under this
7 section shall be carried out on a project-to-project basis
8 under existing applicable authorities of the Forest Service
9 and the Bureau of Land Management.

10 (d) TERMINATION OF EFFECTIVENESS.—The au-
11 thority of the Secretary concerned to enter into coopera-
12 tive agreements and contracts under this Act terminates
13 on September 30, 2023.

14 (e) DURATION OF CONTRACTS.—A cooperative agree-
15 ment or contract entered into under this Act shall not ex-
16 tend beyond 20 years.

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