

113TH CONGRESS
1ST SESSION

S. 816

To amend the Omnibus Public Land Management Act of 2009 to provide for the conduct of stewardship end result contracting projects.

IN THE SENATE OF THE UNITED STATES

APRIL 25, 2013

Mr. UDALL of Colorado (for himself and Mr. BENNET) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To amend the Omnibus Public Land Management Act of 2009 to provide for the conduct of stewardship end result contracting projects.

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 “Stewardship End Re-
5 sult Contracting Project Act”.

6 **SEC. 2. STEWARDSHIP END RESULT CONTRACTING**
7 **PROJECTS.**

8 (a) IN GENERAL.—Title IV of the Omnibus Public
9 Land Management Act of 2009 is amended—

1 (1) by redesignating section 4004 (16 U.S.C.
2 7304) as section 4005;

3 (2) by inserting after section 4003 (16 U.S.C.
4 7303) the following:

5 **“SEC. 4004. STEWARDSHIP END RESULT CONTRACTING**
6 **PROJECTS.**

7 “(a) DEFINITIONS.—In this section:

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

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

12 “(3) ELIGIBLE LAND.—The term ‘eligible land’
13 means land located on National Forest System land
14 or Bureau of Land Management land located west
15 of the 100th meridian.

16 “(b) PROJECTS.—The Chief and the Director, via
17 agreement or contract as appropriate, may enter into
18 stewardship contracting projects with private persons or
19 other public or private entities to perform services to
20 achieve land management goals for eligible land that
21 meets local and rural community needs.

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

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

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

5 “(3) setting of prescribed fires to improve the
6 composition, structure, condition, and health of
7 stands or to improve wildlife habitat;

8 “(4) removing vegetation or other activities to
9 promote healthy forest stands, reduce fire hazards,
10 or achieve other land management objectives;

11 “(5) watershed restoration and maintenance;

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

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

16 “(d) AGREEMENTS OR CONTRACTS.—

17 “(1) PROCUREMENT PROCEDURE.—A source
18 for performance of an agreement or contract under
19 subsection (b) shall be selected on a best-value basis,
20 including consideration of source under other public
21 and private agreements or contracts.

22 “(2) CONTRACT FOR SALE OF PROPERTY.—A
23 contract entered into under this section may, at the
24 discretion of the Secretary of Agriculture, be consid-
25 ered a contract for the sale of property under such

terms as the Secretary may prescribe without regard to any other provision of law.

“(3) TERM.—

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

“(B) MAXIMUM.—The period of the contract under subsection (b) may exceed 5 years but may not exceed 10 years.

“(4) OFFSETS.—

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

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

“(i) shall be determined using appropriate methods of appraisal commensurate with the quantity of products to be removed; and

“(ii) may—

1 “(I) be determined using a unit
2 of measure appropriate to the con-
3 tracts; and

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

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

11 “(6) CONTRACTING OFFICER.—Notwithstanding
12 any other provision of law, the Secretary or the Sec-
13 retary of the Interior may determine the appropriate
14 contracting officer to enter into and administer an
15 agreement or contract under subsection (b).

16 “(e) RECEIPTS.—

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

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

24 “(A) may be retained by the Chief and the
25 Director; and

1 “(B) shall be available for expenditure
 2 without further appropriation at the project site
 3 from which the monies are collected or at an-
 4 other project site.

5 “(3) RELATION TO OTHER LAWS.—

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

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

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

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

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

3 “(g) PERFORMANCE AND PAYMENT GUARANTEES.—

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

13 “(2) EXCESS OFFSET VALUE.—If the offset
14 value of the forest products exceeds the value of the
15 resource improvement treatments, the Chief and the
16 Director may—

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

21 “(B) apply the excess to other authorized
22 stewardship projects.

23 “(h) MONITORING AND EVALUATION.—

24 “(1) IN GENERAL.—The Chief and the Director
25 shall establish a multiparty monitoring and evalua-

1 tion process that accesses the stewardship con-
 2 tracting projects conducted under this section.

3 “(2) PARTICIPANTS.—Other than the Chief and
 4 Director, participants in the process described in
 5 paragraph (1) may include—

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

8 “(B) any other interested groups or indi-
 9 viduals.

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

16 “(1) the status of development, execution, and
 17 administration of agreements or contracts under
 18 subsection (b);

19 “(2) the specific accomplishments that have re-
 20 sulted; and

21 “(3) the role of local communities in the devel-
 22 opment of agreements or contract plans.”; and

23 (3) in section 4005 (as so redesignated), by in-
 24 serting “, other than section 4004” after “title”.

1 (b) CONFORMING AMENDMENT.—Section 347 of the
2 Department of the Interior and Related Agencies Appro-
3 priations Act, 1999 (16 U.S.C. 2104 note; Public Law
4 105–277) is repealed.

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