

113TH CONGRESS
1ST SESSION

S. 849

To amend the Healthy Forests Restoration Act of 2003 to provide for the conduct of stewardship contracting projects, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 25, 2013

Mr. BENNET (for himself, Mr. BAUCUS, and Mr. UDALL of Colorado) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

A BILL

To amend the Healthy Forests Restoration Act of 2003 to provide for the conduct of stewardship contracting projects, 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 “Permanent Steward-
5 ship Contracting Authority Act of 2013”.

1 **SEC. 2. 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
 18 and public lands that meet local and rural community
 19 needs.

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

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

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

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

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

7 “(5) watershed restoration and maintenance;

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

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

12 “(d) AGREEMENTS OR CONTRACTS.—

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

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

24 “(3) TERM.—

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

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

9 “(4) OFFSETS.—

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

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

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

22 “(ii) may—

23 “(I) be determined using a unit
 24 of measure appropriate to the con-
 25 tracts; and

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

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

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

13 “(e) RECEIPTS.—

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

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

21 “(A) may be retained by the Chief and the
 22 Director; and

23 “(B) shall be available for expenditure
 24 without further appropriation at the project site

from which the monies are collected or at another project site.

“(3) RELATION TO OTHER LAWS.—

“(A) IN GENERAL.—Notwithstanding any other provision of law, the value of services received by the Chief or the Director under a stewardship contract project conducted under this section, and any payments made or resources provided by the contractor, Chief, or Director shall not be considered monies received from the National Forest System or the public lands.

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

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

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

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

1 “(g) PERFORMANCE AND PAYMENT GUARANTEES.—

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

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

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

19 “(B) apply the excess to other authorized
20 stewardship projects.

21 “(h) MONITORING AND EVALUATION.—

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

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

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

6 “(B) any other interested groups or indi-
 7 viduals.

8 “(i) REPORTING.—Not later than 1 year after the
 9 date of enactment of this section, and annually thereafter,
 10 the Chief and the Director shall report to the Committee
 11 on Agriculture, Nutrition, and Forestry of the Senate and
 12 the Committee on Agriculture of the House of Representa-
 13 tives on—

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

17 “(2) the specific accomplishments that have re-
 18 sulted; and

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

21 (b) CONFORMING AMENDMENT.—Section 347 of the
 22 Department of the Interior and Related Agencies Appro-
 23 priations Act, 1999 (16 U.S.C. 2104 note; Public Law
 24 105–277) is repealed.

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