

115TH CONGRESS
1ST SESSION

S. 1033

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

IN THE SENATE OF THE UNITED STATES

MAY 3, 2017

Mr. ROBERTS 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 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. STEWARDSHIP CONTRACTING PROJECTS.**

4 (a) IN GENERAL.—The Healthy Forests Restoration
5 Act of 2003 is amended—

6 (1) by striking section 604 (16 U.S.C. 6591e);

7 (2) by redesignating sections 601, 602, and 603

8 (16 U.S.C. 6591, 6591a, 6591b) as sections 701,

9 702, and 703, respectively;

1 (3) by redesignating title VI (16 U.S.C. 6591
2 et seq.) (as amended by paragraphs (1) and (2)) as
3 title VII;

4 (4) in section 703(a) (as so redesignated), in
5 the matter preceding paragraph (1), by striking
6 “section 602(d)” and inserting “section 702(d)”;
7 and

8 (5) by inserting after title V (16 U.S.C. 6571
9 et seq.) the following:

10 **“TITLE VI—STEWARDSHIP**
11 **CONTRACTING**

12 **“SEC. 601. DEFINITIONS.**

13 “In this title:

14 “(1) CHIEF.—The term ‘Chief’ means the Sec-
15 retary, acting through the Chief of the Forest Serv-
16 ice.

17 “(2) SECRETARY.—The term ‘Secretary’ means
18 the Secretary of Agriculture.

19 “(3) STEWARDSHIP CONTRACT.—The term
20 ‘stewardship contract’ means a contract or agree-
21 ment entered into under section 602.

22 **“SEC. 602. PROJECTS.**

23 “‘The Chief may enter into a stewardship contracting
24 project contract or agreement, as appropriate, with a pri-
25 vate person or another public entity to perform services

1 to achieve land management goals described in section 603
2 for the National Forest System that meet local and rural
3 community needs.

4 **“SEC. 603. LAND MANAGEMENT GOALS.**

5 “The land management goals of a project under sec-
6 tion 602 may include any of the following:

7 “(1) Road and trail maintenance or obliteration
8 to restore or maintain water quality.

9 “(2) Soil productivity, habitat for wildlife and
10 fisheries, or other resource values.

11 “(3) Setting of prescribed fires to improve the
12 composition, structure, condition, and health of
13 stands or to improve wildlife habitat.

14 “(4) Removing vegetation or other activities—

15 “(A) to promote healthy forest stands;

16 “(B) to reduce fire hazards; or

17 “(C) to achieve other land management ob-
18 jectives.

19 “(5) Watershed restoration and maintenance.

20 “(6) Restoration and maintenance of wildlife
21 and fish.

22 “(7) Control of noxious and exotic weeds and
23 reestablishing native plant species.

1 **“SEC. 604. AGREEMENTS OR CONTRACTS.**

2 “(a) **PROCUREMENT PROCEDURE.**—A private person
3 or public entity for the performance of services under a
4 stewardship contract shall be selected on a best-value
5 basis, including consideration of the private person or pub-
6 lic entity under other public or private agreements or con-
7 tracts.

8 “(b) **CONTRACT FOR SALE OF PROPERTY.**—Notwith-
9 standing any other provision of law, a contract entered
10 into under section 602 may, at the discretion of the Sec-
11 retary, be considered a contract for the sale of property
12 under such terms as the Secretary may establish.

13 “(c) **TERM.**—

14 “(1) **IN GENERAL.**—Except as provided in para-
15 graph (2), the Chief may enter into a contract under
16 section 602 in accordance with section 3903 of title
17 41, United States Code.

18 “(2) **MAXIMUM.**—The period of a stewardship
19 contract shall be not longer than 10 years.

20 “(d) **OFFSETS.**—

21 “(1) **IN GENERAL.**—The Chief may apply the
22 value of timber or other forest products removed as
23 an offset against the cost of services received under
24 a stewardship contract.

1 “(2) METHODS OF APPRAISAL.—The value of
2 timber or other forest products used as an offset
3 under paragraph (1)—

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

7 “(B) may—

8 “(i) be determined using a unit of
9 measure appropriate to the stewardship
10 contracts; and

11 “(ii) include valuing products on a
12 per-acre basis.

13 “(e) RELATION TO OTHER LAWS.—Notwithstanding
14 subsections (d) and (g) of section 14 of the National For-
15 est Management Act of 1976 (16 U.S.C. 472a), the Chief
16 may enter into a stewardship contract.

17 “(f) CONTRACTING OFFICER.—Notwithstanding any
18 other provision of law, the Secretary may determine the
19 appropriate contracting officer to enter into and admin-
20 ister a stewardship contract.

21 “(g) FIRE LIABILITY PROVISIONS.—Not later than
22 90 days after February 7, 2014, the Chief shall issue for
23 use in each stewardship contract fire liability provisions
24 that are in substantially the same form as the fire liability
25 provisions contained in—

1 “(1) integrated resource timber contracts, as
2 described in the Forest Service contract numbered
3 2400–13, part H, section H.4; and

4 “(2) timber sale contracts conducted pursuant
5 to section 14 of the National Forest Management
6 Act of 1976 (16 U.S.C. 472a).

7 **“SEC. 605. RECEIPTS.**

8 “(a) IN GENERAL.—The Chief may collect amounts
9 from a stewardship contract if the collection is a secondary
10 objective of negotiating the stewardship contract that will
11 best achieve the purposes of this title.

12 “(b) USE.—Amounts from a stewardship contract—

13 “(1) may be retained by the Chief; and

14 “(2) shall be available for expenditure without
15 further appropriation—

16 “(A) at the project site from which the
17 amounts are collected; or

18 “(B) at another project site.

19 “(c) RELATION TO OTHER LAWS.—

20 “(1) IN GENERAL.—Notwithstanding any other
21 provision of law, the value of services received by the
22 Chief under a stewardship contract, and any pay-
23 ments made or resources provided by the contractor
24 or the Chief, shall not be considered amounts re-
25 ceived from the National Forest System.

1 “(2) KNUTSON-VANDENBERG ACT.—The Act of
2 June 9, 1930 (commonly known as the ‘Knutson-
3 Vandenberg Act’) (16 U.S.C. 576 et seq.), shall not
4 apply to a stewardship contract.

5 **“SEC. 606. COSTS OF REMOVAL.**

6 “The Chief may collect deposits from a contractor to
7 cover the costs of removal of timber or other forest prod-
8 ucts (including timber that the contractor did not harvest)
9 under—

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

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

13 **“SEC. 607. PERFORMANCE AND PAYMENT GUARANTEES.**

14 “(a) IN GENERAL.—The Chief may require perform-
15 ance and payment bonds under sections 28.103–2 and
16 28.103–3 of the Federal Acquisition Regulation, in an
17 amount that the contracting officer considers sufficient to
18 protect the investment in receipts by the Federal Govern-
19 ment generated by the contractor from the estimated value
20 of the forest products to be removed under a stewardship
21 contract.

22 “(b) EXCESS OFFSET VALUE.—If the offset value of
23 the forest products described in subsection (a) exceeds the
24 value of the resource improvement treatments, the Chief
25 may—

1 “(1) collect any residual receipts under the Act
2 of June 9, 1930 (commonly known as the ‘Knutson-
3 Vandenberg Act’) (16 U.S.C. 576 et seq.); and

4 “(2) apply the excess to other authorized stew-
5 ardship projects.

6 **“SEC. 608. MONITORING AND EVALUATION.**

7 “(a) IN GENERAL.—The Chief shall establish and
8 participate in a multiparty monitoring and evaluation
9 process that assesses the stewardship contracting projects
10 conducted under this title.

11 “(b) PARTICIPANTS.—Participants in the process de-
12 scribed in subsection (a) may include—

13 “(1) any cooperating governmental agency, in-
14 cluding a tribal government; and

15 “(2) any other interested group or individual.

16 **“SEC. 609. REPORTING.**

17 “Not later than 1 year after February 7, 2014, and
18 annually thereafter, the Chief shall submit to the Com-
19 mittee on Agriculture, Nutrition, and Forestry of the Sen-
20 ate and the Committee on Agriculture of the House of
21 Representatives a report on—

22 “(1) the status of development, execution, and
23 administration of stewardship contracts;

24 “(2) the specific accomplishments that have re-
25 sulted from stewardship contracts; and

1 “(3) the role of local communities in the devel-
2 opment of stewardship contract plans.”.

3 (b) CONFORMING AMENDMENTS.—The table of con-
4 tents for the Healthy Forests Restoration Act of 2003 (16
5 U.S.C. 6501 note; Public Law 108–148) is amended by
6 striking the items relating to title VI and inserting the
7 following:

“TITLE VI—STEWARDSHIP CONTRACTING

- “Sec. 601. Definitions.
- “Sec. 602. Projects.
- “Sec. 603. Land management goals.
- “Sec. 604. Agreements or contracts.
- “Sec. 605. Receipts.
- “Sec. 606. Costs of removal.
- “Sec. 607. Performance and payment guarantees.
- “Sec. 608. Monitoring and evaluation.
- “Sec. 609. Reporting.

“TITLE VII—MISCELLANEOUS

- “Sec. 701. Forest stands inventory and monitoring program to improve detec-
tion of and response to environmental threats.
- “Sec. 702. Designation of treatment areas.
- “Sec. 703. Administrative review.”.

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