

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.

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## 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

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## 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

1 from which the monies are collected or at an-  
2 other project site.

3 “(3) RELATION TO OTHER LAWS.—

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

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

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

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

24 “(2) and the Act of June 30, 1914 (16 U.S.C.  
25 498).

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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