

AGRICULTURAL ACT of 2014
Section 8205
STEWARDSHIP END RESULT CONTRACTING PROJECTS

(a) IN GENERAL.—Title VI of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6591) (as amended by section 8204) is amended by adding at the end the following:

“SEC. 604. STEWARDSHIP END RESULT CONTRACTING PROJECTS.

“(a) DEFINITIONS.—In this section:

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

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

“(b) PROJECTS.—The Chief and the Director, via agreement or contract as appropriate, may enter into stewardship contracting projects with private persons or other public or private entities to perform services to achieve land management goals for the national forests and the public lands that meet local and rural community needs.

“(c) LAND MANAGEMENT GOALS.—The land management goals of a project under subsection (b) may include any of the following:

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

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

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

“(4) Removing vegetation or other activities to promote healthy forest stands, reduce fire hazards, or achieve other land management objectives.

“(5) Watershed restoration and maintenance.

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

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

“(d) AGREEMENTS OR CONTRACTS.—

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

“(2) CONTRACT FOR SALE OF PROPERTY.—A contract entered into under this section may, at the discretion of the Secretary of Agriculture, be considered 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—

“(I) be determined using a unit of measure appropriate to the contracts; and

“(II) may include valuing products on a per-acre basis.

“(5) RELATION TO OTHER LAWS.—Notwithstanding subsections (d) and (g) of section 14 of the National Forest Management Act of 1976 (16 U.S.C. 472a), the Chief may enter into an agreement or contract under subsection (b).

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

“(7) FIRE LIABILITY PROVISIONS.—Not later than 90 days after the date of enactment of this section, the Chief and the Director shall issue for use in all contracts and agreements under this section fire liability provisions that are in substantially the same form as the fire liability provisions contained in—

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

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

“(e) RECEIPTS.—

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

“(2) USE.—Monies from an agreement or contract under subsection (b)—

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

“(B) shall be available for expenditure 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) the Act of June 30, 1914 (16 U.S.C. 498).

“(g) PERFORMANCE AND PAYMENT GUARANTEES.—

“(1) IN GENERAL.—The Chief and the Director may require performance and payment bonds under sections 28.103–2 and 28.103–3 of the Federal Acquisition Regulation, in an amount that the contracting officer considers sufficient to protect the investment in

receipts by the Federal Government generated by the contractor from the estimated value of the forest products to be removed under a contract under subsection (b).

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

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

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

“(h) MONITORING AND EVALUATION.—

“(1) IN GENERAL.—The Chief and the Director shall establish a multiparty monitoring and evaluation process that accesses the stewardship contracting projects conducted under this section.

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

“(A) any cooperating governmental agencies, including tribal governments; and

“(B) any other interested groups or individuals.

“(i) REPORTING.—Not later than 1 year after the date of enactment of this section, and annually thereafter, the Chief and the Director shall report to the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Agriculture of the House of Representatives on—

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

“(2) the specific accomplishments that have resulted; and

“(3) the role of local communities in the development of agreements or contract plans.”.

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