

115TH CONGRESS
1ST SESSION

S. 485

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

IN THE SENATE OF THE UNITED STATES

MARCH 1, 2017

Mr. FLAKE (for himself, Mr. HEINRICH, Mr. MCCAIN, Mr. RISCH, Mr. CRAPO, Mr. GARDNER, Mr. HELLER, Mr. BARRASSO, Mr. DAINES, Mr. TESTER, 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 Healthy Forests Restoration Act of 2003 to provide cancellation ceilings for stewardship end result 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 “Stewardship End Re-
5 sult Contracting Improvement Act of 2017”.

1 **SEC. 2. STEWARDSHIP END RESULT CONTRACTING**
2 **PROJECTS.**

3 (a) CANCELLATION CEILINGS.—Section 604(d) of
4 the Healthy Forests Restoration Act of 2003 (16 U.S.C.
5 6591c(d)) is amended—

6 (1) by redesignating paragraphs (5), (6), and
7 (7) as paragraphs (6), (7), and (8), respectively;

8 (2) by inserting after paragraph (4) the fol-
9 lowing:

10 “(5) CANCELLATION CEILINGS.—

11 “(A) IN GENERAL.—The Chief and the Di-
12 rector may obligate funds to cover any potential
13 cancellation or termination costs for an agree-
14 ment or contract under subsection (b) in stages
15 that are economically or programmatically via-
16 ble.

17 “(B) NOTICE.—

18 “(i) SUBMISSION TO CONGRESS.—Not
19 later than 30 days before entering into a
20 multiyear agreement or contract under
21 subsection (b) that includes a cancellation
22 ceiling in excess of \$25,000,000, but does
23 not include proposed funding for the costs
24 of cancelling the agreement or contract up
25 to the cancellation ceiling established in
26 the agreement or contract, the Chief and

1 the Director shall submit to the Commit-
2 tees on Energy and Natural Resources and
3 Agriculture, Nutrition, and Forestry of the
4 Senate and the Committees on Natural Re-
5 sources and Agriculture of the House of
6 Representatives a written notice that in-
7 cludes—

8 “(I)(aa) the cancellation ceiling
9 amounts proposed for each program
10 year in the agreement or contract;
11 and

12 “(bb) the reasons for the can-
13 cellation ceiling amounts proposed
14 under item (aa);

15 “(II) the extent to which the
16 costs of contract cancellation are not
17 included in the budget for the agree-
18 ment or contract; and

19 “(III) a financial risk assessment
20 of not including budgeting for the
21 costs of agreement or contract can-
22 cellation.

23 “(ii) TRANSMITTAL TO OMB.—At least
24 14 days before the date on which the Chief
25 and Director enter into an agreement or

1 contract under subsection (b), the Chief
2 and Director shall transmit to the Director
3 of the Office of Management and Budget
4 a copy of the written notice submitted
5 under clause (i).”; and

6 (3) in paragraph (6) (as redesignated by para-
7 graph (1)), by striking “, the Chief may” and insert-
8 ing “and section 2(a)(1) of the Act of July 31, 1947
9 (commonly known as the ‘Materials Act of 1947’)
10 (30 U.S.C. 602(a)(1)), the Chief and the Director
11 may”.

12 (b) EXCESS OFFSET VALUE.—Section 604(g)(2) of
13 the Healthy Forests Restoration Act of 2003 (16 U.S.C.
14 6591c(g)(2)) is amended by striking subparagraphs (A)
15 and (B) and inserting the following:

16 “(A) use the excess to satisfy any out-
17 standing liabilities for cancelled agreements or
18 contracts; or

19 “(B) if there are no outstanding liabilities
20 under subparagraph (A), apply the excess to
21 other authorized stewardship projects.”.

22 (c) REPORTING.—Section 604(i) of the Healthy For-
23 ests Restoration Act of 2003 (16 U.S.C. 6591c(i)) is
24 amended by striking “Committee on Agriculture, Nutri-
25 tion, and Forestry of the Senate and the Committee on

1 Agriculture of the House of Representatives” and insert-
2 ing “Committees on Energy and Natural Resources and
3 Agriculture, Nutrition, and Forestry of the Senate and the
4 Committees on Natural Resources and Agriculture of the
5 House of Representatives”.

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