

105TH CONGRESS  
1ST SESSION

# H. R. 2127

To reduce costs and improve efficiency of Forest Service operations by contracting out certain tasks related to the planning and implementation of programs and projects in the National Forest System.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 9, 1997

Mr. RIGGS introduced the following bill; which was referred to the Committee on Agriculture

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## A BILL

To reduce costs and improve efficiency of Forest Service operations by contracting out certain tasks related to the planning and implementation of programs and projects in the National Forest System.

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 “Forest Service Cost  
5 Reduction and Efficiency Demonstration Act of 1997”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1           (1) Budgetary reductions and project delays  
2           caused by litigation have reduced certain levels of  
3           accomplishments and resource outputs by the Forest  
4           Service in recent years, with the result that many  
5           targets and goals of land and resource management  
6           plans that were developed with years of public and  
7           scientific input are not being met.

8           (2) Certain staffing levels of the Forest Service  
9           have been reduced in recent years, but not to the ex-  
10          tent that related accomplishments and resource out-  
11          puts have been reduced.

12          (3) Per unit costs and overhead of the Forest  
13          Service are rising substantially.

14          (4) Staffing reductions and retirements have  
15          cost the Forest Service substantial expertise in cer-  
16          tain technical and scientific disciplines.

17          (5) Technical and scientific expertise relevant to  
18          Forest Service needs is available in the private sec-  
19          tor.

20          (6) Contractor performance of certain tasks  
21          would be less costly than performing those tasks  
22          using Forest Service personnel, would free agency  
23          personnel to devote their time to necessary tasks  
24          now being left undone, and would provide the Forest  
25          Service with the ability to maintain an on-demand

1 skilled workforce to meet changing demands on pub-  
2 lic lands.

3 **SEC. 3. PURPOSE.**

4 The purpose of this Act is to implement Government  
5 reform, reduce costs, and increase efficiency in the Forest  
6 Service, which has been designated as a reinvention lab-  
7 oratory by the Vice President, and to demonstrate that  
8 contractor performance of certain Forest Service tasks can  
9 lower the cost, improve the efficiency, and increase the ac-  
10 complishment of tasks necessary to achieve the targets,  
11 goals, and desired forest conditions established by final  
12 land and resource management plans developed as re-  
13 quired by section 6 of the Forest and Rangeland Renew-  
14 able Resources Planning Act of 1974 (16 U.S.C. 1604).

15 **SEC. 4. CONTRACTOR PERFORMANCE OF CERTAIN FOREST**  
16 **SERVICE TASKS.**

17 (a) ESTABLISHMENT OF NATIONAL FOREST SYSTEM  
18 EFFICIENCY FUND.—There is established in the Office of  
19 the Secretary of Agriculture a fund to be known as the  
20 “National Forest System Efficiency Fund”, which shall  
21 be available to the Secretary as provided in this section.  
22 The Fund shall consist of one percent of the amount ap-  
23 propriated for the National Forest System account of the  
24 Forest Service budget for each of the next three fiscal  
25 years beginning after the date of the enactment of this

1 Act. No other funds are authorized to be appropriated to  
2 carry out this section.

3 (b) DURATION OF FUND.—Amounts in the Fund are  
4 available for obligation during the three fiscal years re-  
5 ferred to in subsection (a) and are available for expendi-  
6 ture until all obligations incurred under this section are  
7 paid.

8 (c) USE OF FUND FOR CONTRACTOR PERFORM-  
9 ANCE.—Amounts in the Fund are available for obligation  
10 by units of the National Forest System to pay for the con-  
11 tractor performance of tasks related to the planning and  
12 implementation of programs and projects in the National  
13 Forest System. The total amount expended shall be dis-  
14 tributed among the various resource fields in approxi-  
15 mately the same proportions as the total National Forest  
16 System budget is distributed to the resource fields in ap-  
17 propriation Acts.

18 (d) APPLICATION AND APPROVAL PROCESS.—The  
19 Secretary of Agriculture shall provide for an efficient and  
20 timely system of application for, and approval of, the use  
21 of amounts in the Fund for the purpose specified in sub-  
22 section (c). The Secretary may designate particular units  
23 of the National Forest System as special demonstration  
24 units for purposes of this section.

1           (e) EXEMPTION FROM CONTRACTING REQUIRE-  
2 MENTS FOR SMALL CONTRACTS.—In the case of a con-  
3 tract under \$50,000 to be entered into under this section  
4 using amounts in the Fund, the preparation, solicitation,  
5 and award of the contract shall be exempt from—

6           (1) the requirements of the Competition in Con-  
7 tracting Act (41 U.S.C. 253 et seq.) and the imple-  
8 menting regulations in the Federal Acquisition Reg-  
9 ulation issued pursuant to section 25(c) of the Office  
10 of Federal Procurement Policy Act (41 U.S.C.  
11 421(c)) and any departmental acquisition regula-  
12 tions; and

13           (2) the notice and publication requirements in  
14 section 18 of such Act (41 U.S.C. 416) and section  
15 8(e) of the Small Business Act (15 U.S.C. 637(e))  
16 and the implementing regulations in the Federal Ac-  
17 quisition Regulations and any departmental acquisi-  
18 tion regulations.

19           (f) ADMINISTRATIVE EXPENSES.—A unit of the Na-  
20 tional Forest System entering into a contract under this  
21 section shall be permitted to receive from the Fund for  
22 credit to the unit's account for unit administration and  
23 overhead directly related to the contract an amount equal  
24 to not more than 20 percent of the contract price.

1           (g) USE OF FUND BY REGIONAL AND NATIONAL OF-  
2 FICES.—Not more than five percent annually of amounts  
3 in the Fund may be used in connection with contracts en-  
4 tered into by regional offices of the Forest Service. None  
5 of the amounts in the Fund may be used in connection  
6 with contracts entered into by the national office of the  
7 Forest Service.

8           (h) RETENTION OF DECISIONMAKING FOLLOWING  
9 PUBLIC INPUT.—Tasks related to planning and imple-  
10 mentation of programs and projects requiring public input  
11 prior to decisionmaking may be contracted out in accord-  
12 ance with this section, except that the Secretary of Agri-  
13 culture shall ensure that final consideration of public input  
14 and decisionmaking following that consideration is made  
15 by an appropriate officer of the Forest Service.

16           (i) REPORTS TO CONGRESS.—Not later than six  
17 months after the end of each fiscal year during which  
18 amounts are expended from the Fund, the Secretary of  
19 Agriculture shall submit to Congress a report on the tasks  
20 undertaken during the preceding fiscal year pursuant to  
21 contracts entered into under this section. The report shall  
22 include information on costs saved as a result of using  
23 private contractors and the additional accomplishments of  
24 Forest Service employees during the time saved by using

1 private contractors and recommendations for further ex-  
2 pansion of the authority provided by this section.

3 (j) OTHER CONTRACTING AUTHORITIES.—This sec-  
4 tion shall not be construed as in any way eliminating, re-  
5 stricting, or replacing any other authority for the Sec-  
6 retary of Agriculture to contract out any tasks of the For-  
7 est Service. The Secretary shall continue to make use of  
8 other available contracting authority, including the use of  
9 expedited fire contracting procedures.

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