

# Calendar No. 653

107<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 2672

To provide opportunities for collaborative restoration projects on National Forest System and other public domain lands, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JUNE 24, 2002

Mr. BINGAMAN (for himself, Mr. CRAIG, Mr. WYDEN, Mr. SMITH of Oregon, Mrs. FEINSTEIN, Mr. DOMENICI, and Mrs. MURRAY) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

OCTOBER 8, 2002

Reported by Mr. BINGAMAN, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

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## A BILL

To provide opportunities for collaborative restoration projects on National Forest System and other public domain lands, 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 “Community-Based  
5       Forest and Public Lands Restoration Act”.

1 **SEC. 2. PURPOSES.**

2 The purposes of this Act are—

3 (1) to create a coordinated, consistent, commu-  
4 nity-based program to restore and maintain the eco-  
5 logical integrity of degraded National Forest System  
6 and public lands watersheds;

7 (2) to ensure that restoration of degraded Na-  
8 tional Forest System and public lands recognizes  
9 variation in forest type and fire regimes; incor-  
10 porates principles of community forestry, local and  
11 traditional knowledge; and conservation biology; and,  
12 where possible, uses the least intrusive methods  
13 practicable;

14 (3) to enable the Secretaries to assist small,  
15 rural communities to increase their capacity to re-  
16 store and maintain the ecological integrity of sur-  
17 rounding National Forest System and public lands;  
18 and to use the by-products of such restoration in  
19 value-added processing;

20 (4) to require the Secretaries to monitor eco-  
21 logical, social, and economic conditions based on ex-  
22 plicit mechanisms for accountability;

23 (5) to authorize the Secretaries to expand part-  
24 nerships and to contract with non-profit organiza-  
25 tions, conservation groups, small and micro-busi-  
26 nesses, cooperatives, non-Federal conservation corps,

1 and other parties to encourage them to provide serv-  
2 ices or products that facilitate the restoration of  
3 damaged lands; and

4 (6) to improve communication and joint prob-  
5 lem solving, consistent with Federal and State envi-  
6 ronmental laws, among individuals and groups who  
7 are interested in restoring the diversity and produc-  
8 tivity of watersheds.

9 **SEC. 3. DEFINITIONS.**

10 As used in this Act:

11 (1) The term “public lands” has the meaning  
12 given such term in section 103(e) of the Federal  
13 Land Policy and Management Act (43 U.S.C.  
14 1702(e)).

15 (2) The term “National Forest System” has the  
16 meaning given such term in section 11(a) of the  
17 Forest and Rangeland Renewable Resources Plan-  
18 ning Act (16 U.S.C. 1609(a)).

19 (3) The term “Secretaries” means the Sec-  
20 retary of Agriculture acting through the Chief of the  
21 Forest Service and the Secretary of the Interior act-  
22 ing through the Director of the Bureau of Land  
23 Management.

24 (4) The term “restore” means to incorporate  
25 historic, current, and new scientific information as it

1 becomes available, to reintroduce, maintain, or en-  
2 hance the characteristics, functions, and ecological  
3 processes of healthy, properly functioning water-  
4 sheds.

5 (5) The term “local” means within the same re-  
6 gion where an associated restoration project, or  
7 projects, are conducted.

8 (6) The term “micro-enterprise” means a non-  
9 subsidiary business or cooperative employing five or  
10 fewer people.

11 (7) The term “small enterprise” means a non-  
12 subsidiary business or cooperative employing be-  
13 tween 6 and 150 people.

14 (8) The term “value-added processing” means  
15 additional processing of a product to increase its  
16 economic value and to create additional jobs and  
17 benefits where the processing is done.

18 (9) The term “low-impact equipment” means  
19 the use of equipment for restorative, maintenance,  
20 or extraction purposes that minimizes or eliminates  
21 impacts to soils and other resources.

22 (10) The terms “rural” and “rural area” mean  
23 any area other than a city or town that has a popu-  
24 lation of greater than 50,000 inhabitants.

1 **SEC. 4. ESTABLISHMENT OF PROGRAM.**

2 (a) **REQUIREMENTS.**—the Secretaries shall jointly es-  
3 tablish a National Forest System and public lands collabo-  
4 rative community-based restoration program. The pur-  
5 poses of the program shall be:

6 (1) to identify projects that will restore de-  
7 graded National Forest System and public lands;  
8 and

9 (2) implement such projects in a collaborative  
10 way and in a way that builds rural community ca-  
11 pacity to restore and maintain in perpetuity the  
12 health of the National Forest System and other pub-  
13 lic lands.

14 (b) **COOPERATION.**—The Secretaries may enter into  
15 cooperative agreements with willing tribal governments,  
16 State and local governments, private and nonprofit entities  
17 and landowners for protection, restoration, and enhance-  
18 ment of fish and wildlife habitat, forests, and other re-  
19 sources on the National Forest System and public lands.

20 (c)(1) **MONITORING.**—The Secretaries shall establish  
21 a multiparty monitoring, evaluation, and accountability  
22 process in order to assess the cumulative accomplishments  
23 or adverse impacts of projects implemented under this  
24 Act. The Secretaries shall include any interested indi-  
25 vidual or organization in the monitoring and evaluation  
26 process.

1           (2) Not later than 5 years after the date of enactment  
2 of this Act, the Secretaries shall submit a report to the  
3 Committee on Energy and Natural Resources of the  
4 United States Senate and the Committee on Resources of  
5 the United States House of Representatives detailing the  
6 information gathered as a result of the multiparty moni-  
7 toring and evaluation. The report shall include an assess-  
8 ment on whether, and to what extent, the projects funded  
9 pursuant to this Act are meeting the purposes of the Act.

10           (3) The Secretaries shall ensure that monitoring data  
11 is collected and compiled in a way that the general public  
12 can easily access. The Secretaries may collect the data  
13 using cooperative agreements, grants, or contracts with  
14 small or micro-enterprises, or Youth Conservation Corps  
15 work crews or related partnerships with State, local, and  
16 other non-Federal conservation corps.

17           (d) The Secretaries shall hire additional outreach spe-  
18 cialists, grants and agreements specialists, and contract  
19 specialists in order to implement this Act.

20 **SEC. 5. FOREST RESTORATION AND VALUE-ADDED CEN-**  
21 **TERS.**

22           (a) **ESTABLISHMENT.**—Subject to subsection (d), the  
23 Secretaries shall provide cost-share grants, cooperative  
24 agreements, or both to establish Restoration and Value-  
25 Added Centers in order to improve the implementation of

1 collaborative, community-based restoration projects on  
2 National Forest System or public lands.

3 (b) REQUIREMENTS.—The Restoration and Value-  
4 Added Centers shall provide technical assistance to non-  
5 profit organizations, existing small or micro-enterprises or  
6 individuals interested in creating a natural-resource re-  
7 lated small or micro-enterprise in the following areas—

8 (1) restoration, and

9 (2) processing techniques for the byproducts of  
10 restoration and value-added manufacturing.

11 (c) ADDITIONAL REQUIREMENTS.—The Restoration  
12 and Value-Added Centers shall provide technical assist-  
13 ance in—

14 (1) using the latest, independent peer reviewed,  
15 scientific information and methodology to accomplish  
16 restoration and ecosystem health objectives,

17 (2) workforce training for value-added manufac-  
18 turing and restoration,

19 (3) marketing and business support for con-  
20 servation-based small and micro-enterprises,

21 (4) accessing urban markets for small and  
22 micro-enterprises located in rural communities,

23 (5) developing technology for restoration and  
24 the use of products resulting from restoration,

1           (6) accessing funding from government and  
2 non-government sources; and

3           (7) development of economic infrastructure in-  
4 cluding collaborative planning; proposal development;  
5 and grant writing where appropriate.

6       (d) LOCATIONS.—The Secretaries shall ensure that  
7 at least one Restoration and Value-Added Center is lo-  
8 cated within Idaho, New Mexico, Montana, northern Cali-  
9 fornia, and eastern Oregon and that every Restoration and  
10 Value-Added Center is easily accessible to rural commu-  
11 nities that are adjacent to or surrounded by National For-  
12 est System or other public lands throughout the region.

13           (1) The Secretaries may enter into partnerships  
14 and cooperative agreements with other Federal agen-  
15 cies or other organizations, including local non-profit  
16 organizations, conservation groups, or community  
17 colleges in creating and maintaining the Restoration  
18 and Value-Added Centers.

19           (2) The appropriate Regional Forester and  
20 State Bureau of Land Management Director will  
21 issue a request for proposals to create a Restoration  
22 and Value-Added Center. The Regional Forester and  
23 State Bureau of Land Management Director will se-  
24 lect a proposal with input from existing Resource



1 and Technical Advisory Committees where appro-  
2 priate.

3 (3) The Secretary of Agriculture shall provide  
4 cost-share grants, cooperative agreements, or both  
5 equaling 75 percent of each Restoration and Value-  
6 Added Center's operating costs, including business  
7 planning, not to exceed \$1 million annually per cen-  
8 ter.

9 (4) Within 30 days of approving a grant or co-  
10 operative agreement to establish a Restoration and  
11 Value-Added Center, the Secretary shall notify the  
12 Committee on Energy and Natural Resources of the  
13 United States Senate and the Committee on Re-  
14 sources of the United States House of Representa-  
15 tives and identify the recipient of the grant award  
16 or cooperative agreement.

17 (5) After a Restoration and Value-Added Cen-  
18 ter has operated for five years, the Secretary of Ag-  
19 riculture shall assess the center's performance and  
20 begin to reduce, by 25 percent annually, the level of  
21 Federal funding for the center's operating costs.

22 (e) REPORT.—No later than five years after the date  
23 of enactment of this Act, the Secretaries shall submit a  
24 report to the Committee on Energy and Natural Re-  
25 sources of the United States Senate and the Committee

1 on Resources of the United States House of Representa-  
2 tives, assessing the Restoration and Value-Added Centers  
3 created pursuant to this section. The report shall  
4 include—

5 (1) descriptions of the organizations receiving  
6 assistance from the centers, including their geo-  
7 graphic and demographic distribution;

8 (2) a summary of the projects the technical as-  
9 sistance recipients implemented, and

10 (3) an estimate of the number of non-profit or-  
11 ganizations, small enterprises, micro-enterprises, or  
12 individuals assisted by the Restoration and Value-  
13 Added Centers.

14 **SEC. 6. COMMUNITY-BASED NATIONAL FOREST SYSTEM**  
15 **AND PUBLIC LANDS RESTORATION.**

16 (a) ESTABLISHMENT.—(1) Subject to paragraph (2)  
17 and notwithstanding Federal procurement laws, the Fed-  
18 eral Grant and Cooperative Agreements Act of 1977 (31  
19 U.S.C. 6301 et seq.), and the Competition in Contracting  
20 Act, on an annual basis, the Secretaries shall limit com-  
21 petition for special salvage timber sales, timber sale con-  
22 tracts, service contracts, construction contracts, supply  
23 contracts, emergency equipment rental agreements, archi-  
24 tectural and engineering contracts, challenge cost-share  
25 agreements, cooperative agreements, and participating

1 agreements to ensure that the percentage of the total dol-  
2 lar value identified in paragraph (2), but not to exceed  
3 50 percent in any year, is awarded to—

4           (A) natural-resource related small or micro-en-  
5           terprises;

6           (B) Youth Conservation Corps crews or related  
7           partnerships with State, local and other non-Federal  
8           conservation corps;

9           (C) any entity that will hire and train local peo-  
10          ple to complete the service or timber sale contract;

11          (D) any entity that will re-train non-local tradi-  
12          tional forest workers to complete the service or tim-  
13          ber sale contract; or

14          (E) a local entity that meets the criteria to  
15          qualify for the Historically Underutilized Business  
16          Zone Program under section 32 of the Small Busi-  
17          ness Act (15 U.S.C. 657a).

18          (2) In the first year beginning after the date of enact-  
19          ment of this Act, the Secretaries shall ensure that 10 per-  
20          cent of the total dollar value of contracts and agreements  
21          are awarded pursuant to paragraph (1). In the second  
22          year after the date of enactment of this Act, the Secre-  
23          taries shall ensure that 20 percent of the total dollar value  
24          of contracts and agreements are awarded pursuant to

1 paragraph (1). In subsequent years, the percentage shall  
2 increase by 10 percent each year.

3 (b) NOTICE OF NATIONAL FOREST SYSTEM PLAN.—

4 At the beginning of each fiscal year, each unit of the Na-  
5 tional Forest System shall make its advanced acquisition  
6 plan publicly available, including publishing it in a local  
7 newspaper for a minimum of 15 working days.

8 (c) BEST VALUE CONTRACTING.—In order to imple-  
9 ment projects, the Secretaries may select a source for per-  
10 formance of a contract or agreement on a best value basis  
11 with consideration of one or more of the following:

12 (1) Understanding of the technical demands  
13 and complexity of the work to be done.

14 (2) Ability of the offeror to meet desired eco-  
15 logical objectives of the project and the sensitivity of  
16 the resources being treated.

17 (3) The potential for benefit to local small and  
18 micro-enterprises.

19 (4) The past performance and qualification by  
20 the contractor with the type of work being done, the  
21 application of low-impact equipment, and the ability  
22 of the contractor or purchaser to meet desired eco-  
23 logical conditions.

24 (5) The commitment of the contractor to train-  
25 ing workers for high wage and high skill jobs.

1 (6) The commitment of the contractor to hiring  
 2 highly qualified workers and local residents.

3 (d) **LIMITATION.**—The Secretaries shall ensure that  
 4 the Forest Service and Bureau of Land Management  
 5 Memorandum of Understanding on the Small Business  
 6 Set-Aside Programs shall not be reduced below the Small  
 7 Business Administration shares prescribed in the Small  
 8 Business Set-Aside Program as a result of this Act.

9 **SEC. 7. NATIONAL FOREST SYSTEM RESEARCH AND TRAIN-**  
 10 **ING.**

11 (a) **ESTABLISHMENT OF PROGRAM.**—The Secretary of  
 12 Agriculture shall establish a program of applied research  
 13 using the resources of Forest Service Research Station  
 14 and the Forest Product Laboratory. The purposes of the  
 15 program shall be to—

16 (1) identify restoration methods and treatments  
 17 that minimize impacts to the land, such as through  
 18 the use of low-impact techniques and equipment;  
 19 and

20 (2) test and develop value-added products cre-  
 21 ated from the by-products of restoration.

22 (b) **DISSEMINATION OF RESEARCH TO COMMU-**  
 23 **NITIES.**—The Secretary of Agriculture shall disseminate  
 24 the applied research to rural communities, including the  
 25 Restoration and Value-Added Centers, adjacent to or sur-

1 rounded by National Forest System or public lands. The  
 2 Secretary of Agriculture shall annually conduct training  
 3 workshops and classes in such communities to ensure that  
 4 residents of such communities have access to the informa-  
 5 tion.

6 (c) COOPERATION.—In establishing the program re-  
 7 quired pursuant to this section, the Secretary of Agri-  
 8 culture may partner with nonprofit organizations or com-  
 9 munity colleges.

10 (d) MONITORING.—In designing the multiparty moni-  
 11 toring and evaluation process to assess the cumulative ac-  
 12 complishments or adverse impacts of projects implemented  
 13 under this Act pursuant to section 4, the Secretaries shall  
 14 use the expertise of Forest Service Research Stations.

15 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

16 These are authorized to be appropriated such sums  
 17 as may be necessary to carry out this Act.

18 **SECTION 1. SHORT TITLE.**

19 *This Act may be cited as the “Community-Based For-  
 20 est and Public Lands Restoration Act”.*

21 **SEC. 2. PURPOSES.**

22 *The Purposes of this Act are—*

23 (1) *to create a coordinated, consistent, commu-  
 24 nity-based program to restore and maintain the eco-*

1 *logical integrity of degraded National Forest System*  
2 *and public lands watersheds;*

3 *(2) to ensure that restoration of degraded Na-*  
4 *tional Forest System and public lands recognizes var-*  
5 *iation in forest type and fire regimes, incorporates*  
6 *principles of community forestry, local and tradi-*  
7 *tional knowledge, and conservation biology; and,*  
8 *where possible, uses the least intrusive methods prac-*  
9 *ticable;*

10 *(3) to enable the Secretaries to assist small,*  
11 *rural, communities to increase their capacity to re-*  
12 *store and maintain the ecological integrity of sur-*  
13 *rounding National Forest System and public lands,*  
14 *and to use the by-products of such restoration in*  
15 *value-added processing;*

16 *(4) to require the Secretaries to monitor ecologi-*  
17 *cal, social, and economic conditions based on explicit*  
18 *mechanisms for accountability;*

19 *(5) to authorize the Secretaries to expand part-*  
20 *nerships and to contract with non-profit organiza-*  
21 *tions, conservation groups, small and micro-enter-*  
22 *prises, cooperatives, non-Federal conservation corps,*  
23 *and other parties to encourage them to provide serv-*  
24 *ices or products that facilitate the restoration of dam-*  
25 *aged lands; and*

1           (6) *to improve communication and joint problem*  
2 *solving, consistent with Federal and State environ-*  
3 *mental laws, among individuals and groups who are*  
4 *interested in restoring the diversity and productivity*  
5 *of watersheds.*

6 **SEC. 3. DEFINITIONS.**

7 *As used in this Act:*

8           (1) *The term “public lands” has the meaning*  
9 *given such term in section 103(e) of the Federal Land*  
10 *Policy and Management Act (43 U.S.C. 1702(e)).*

11           (2) *The term “National Forest System” has the*  
12 *meaning given such term in section 11(a) of the For-*  
13 *est and Rangeland Renewable Resources Planning Act*  
14 *(16 U.S.C. 1609(a)).*

15           (3) *The term “Secretaries” means the Secretary*  
16 *of Agriculture acting through the Chief of the Forest*  
17 *Service and the Secretary of the Interior acting*  
18 *through the Director of the Bureau of Land Manage-*  
19 *ment.*

20           (4) *The term “restore” means to incorporate his-*  
21 *toric, current, and new scientific information as it*  
22 *becomes available, to reintroduce, maintain, or en-*  
23 *hance the characteristics, functions, and ecological*  
24 *processes of healthy, properly functioning watersheds.*



1           (5) *The term “local” means within the same*  
2 *county, watershed unit, or jurisdiction of a Resource*  
3 *Advisory Council established pursuant to Public Law*  
4 *106–393 where an associated restoration project, or*  
5 *projects, are conducted.*

6           (6) *The term “micro-enterprise” means a non-*  
7 *subsidiary business or cooperative employing five or*  
8 *fewer people.*

9           (7) *The term “small enterprise” means a non-*  
10 *subsidiary business or cooperative employing between*  
11 *6 and 150 people.*

12           (8) *The term “value-added processing” means*  
13 *additional processing of a product to increase its eco-*  
14 *nomic value and to create additional jobs and benefits*  
15 *where the processing is done.*

16           (9) *The term “low-impact equipment” means the*  
17 *use of equipment for restorative, maintenance, or ex-*  
18 *traction purposes that minimizes or eliminates im-*  
19 *pacts to soils and other resources.*

20           (10) *The terms “rural” and “rural area” mean,*  
21 *a city, town, or unincorporated area that has a popu-*  
22 *lation of 50,000 inhabitants or less, other than an ur-*  
23 *banized area immediately adjacent to a city, town, or*  
24 *unincorporated area that has a population in excess*  
25 *of 50,000 inhabitants.*

1 **SEC. 4. ESTABLISHMENT OF PROGRAM.**

2 (a) *REQUIREMENTS.*—*The Secretaries shall jointly es-*  
3 *tablish a National Forest System and public lands collabo-*  
4 *rative community-based restoration program. The purposes*  
5 *of the program shall be—*

6 (1) *to identify projects that will restore degraded*  
7 *National Forest System and public lands; and*

8 (2) *implement such projects in a collaborative*  
9 *way and in a way that builds rural community ca-*  
10 *capacity to restore and maintain in perpetuity the*  
11 *health of the National Forest System and other public*  
12 *lands.*

13 (b) *COOPERATION.*—*The Secretaries may enter into co-*  
14 *operative agreements with willing tribal governments, State*  
15 *and local governments, private and nonprofit entities and*  
16 *landowners for protection, restoration, and enhancement of*  
17 *fish and wildlife habitat, forests, and other resources on the*  
18 *National Forest System and public lands.*

19 (c) *MONITORING.*—

20 (1) *The Secretaries shall establish a multiparty*  
21 *monitoring, evaluation, and accountability process in*  
22 *order to assess the cumulative accomplishments or ad-*  
23 *verse impacts of projects implemented under this Act.*  
24 *The Secretaries shall include any interested indi-*  
25 *vidual or organization in the monitoring and evalua-*  
26 *tion process.*

1           (2) *Not later than 5 years after the date of enact-*  
2 *ment of this Act, the Secretaries shall submit a report*  
3 *to the Committee on Energy and Natural Resources*  
4 *of the United States Senate and the Committee on Re-*  
5 *sources of the United States Senate and the Com-*  
6 *mittee on Resources of the United States of House of*  
7 *Representatives detailing the information gathered as*  
8 *a result of the multiparty monitoring and evalua-*  
9 *tion. The report shall include an assessment on*  
10 *whether, and to what extent, the projects funded pur-*  
11 *suant to this Act are meeting the purposes of the Act.*

12           (3) *The Secretaries shall ensure that monitoring*  
13 *data is collected and compiled in a way that the gen-*  
14 *eral public can easily access. The Secretaries may col-*  
15 *lect the data using cooperative agreements, grants, or*  
16 *contracts with small or micro-enterprises, or Youth*  
17 *Conservation Corps work crews or related partnership*  
18 *with State, local, and other non-Federal conservation*  
19 *corps.*

20           (d) *The Secretaries shall hire additional outreach spe-*  
21 *cialists, grants and agreements specialists, and contract*  
22 *specialists in order to implement this Act.*

1 **SEC. 5. FOREST RESTORATION AND VALUE-ADDED CEN-**  
2 **TERS.**

3 (a) *ESTABLISHMENT.*—Subject to subsection (d), the  
4 Secretaries shall provide cost-share grants, cooperative  
5 agreements, or both to establish Restoration and Value-  
6 Added Centers in order to improve the implementation of  
7 collaborative, community-based restoration projects on Na-  
8 tional Forest System or public lands.

9 (b) *REQUIREMENTS.*—The Restoration and Value-  
10 Added Centers shall provide technical assistance to non-  
11 profit organizations, small or micro-enterprises or individ-  
12 uals interested in creating a natural-resource related small  
13 or micro-enterprise in the following areas—

14 (1) restoration, and

15 (2) processing techniques for the byproducts of  
16 restoration and value-added manufacturing.

17 (c) *ADDITIONAL REQUIREMENTS.*—The Restoration  
18 and Value-Added Centers shall provide technical assistance  
19 in one or more of the following—

20 (1) using the latest, independent peer reviewed,  
21 scientific information and methodology to accomplish  
22 restoration and ecosystem health objectives,

23 (2) workforce training for value-added manufac-  
24 turing and restoration,

25 (3) marketing and business support for conserva-  
26 tion-based small and micro-enterprises,

1           (4) *accessing urban markets for small and*  
2           *micro-enterprises located in rural communities,*

3           (5) *developing technology for restoration and the*  
4           *use of products resulting from restoration,*

5           (6) *accessing funding from government and non-*  
6           *government sources, and*

7           (7) *development of economic infrastructure in-*  
8           *cluding collaborative planning, proposal development,*  
9           *and grant writing where appropriate.*

10          (d) *LOCATIONS.—The Secretaries shall ensure that at*  
11          *least one Restoration and Value-Added Center is located*  
12          *within Idaho, New Mexico, Montana, northern California,*  
13          *eastern Oregon, and Washington and that every Restoration*  
14          *and Value-Added Center is located in a rural community*  
15          *that is adjacent to or surrounded by National Forest Sys-*  
16          *tem or other public lands.*

17                 (1) *The Secretaries may enter into partnerships*  
18                 *and cooperative agreements with other Federal agen-*  
19                 *cies or other organizations, including local non-profit*  
20                 *organizations, conservation groups, or community col-*  
21                 *leges in creating and maintaining the Restoration*  
22                 *and Value-Added Centers.*

23                 (2) *The appropriate Regional Forester and State*  
24                 *Bureau of Land Management Director will issue a re-*  
25                 *quest for proposals to create a Restoration and Value-*

1        *Added Center. The Regional Forester and State Bu-*  
2        *reau of Land Management Director will select a pro-*  
3        *posal with input from existing Resource and Tech-*  
4        *nical Advisory Committees where appropriate.*

5            *(3) The Secretaries shall provide cost-share*  
6        *grants, cooperative agreements, or both equaling 75*  
7        *percent of each Restoration and Value-Added Center's*  
8        *operating costs, including business planning, not to*  
9        *exceed \$1 million annually per center.*

10           *(4) Within 30 days of approving a grant or co-*  
11        *operative agreement to establish a Restoration and*  
12        *Value-Added Center, the Secretary shall notify the*  
13        *Committee on Energy and Natural Resources of the*  
14        *United States Senate and the Committee on Resources*  
15        *of the United States House of Representatives and*  
16        *identify the recipient of the grant award or coopera-*  
17        *tive agreement.*

18           *(5) After a Restoration and Value-Added Center*  
19        *has operated for five years, the Secretary of Agri-*  
20        *culture shall assess the center's performance and begin*  
21        *to reduce, by 25 percent annually, the level of Federal*  
22        *funding for the center's operating costs.*

23           *(e) REPORT.—No later than five years after the date*  
24        *of enactment of this Act, the Secretaries shall submit a re-*  
25        *port to the Committee on Energy and Natural Resources*

1 *of the United States Senate and the Committee on Resources*  
 2 *of the United States House of Representatives, assessing the*  
 3 *Restoration and Value-Added Centers created pursuant to*  
 4 *this section. The report shall include—*

5           (1) *descriptions of the organizations receiving as-*  
 6           *sistance from the centers, including their geographic*  
 7           *and demographic distribution,*

8           (2) *a summary of the projects the technical as-*  
 9           *sistance recipients implemented, and*

10           (3) *an estimate of the number of non-profit orga-*  
 11           *nizations, small enterprises, micro-enterprises, or in-*  
 12           *dividuals assisted by the Restoration and Value-*  
 13           *Added Centers.*

14 **SEC. 6. COMMUNITY-BASED NATIONAL FOREST SYSTEM**  
 15           **AND PUBLIC LANDS RESTORATION.**

16           (a) *ESTABLISHMENT.—*

17           (1) *Notwithstanding Federal procurement laws,*  
 18           *the Federal Grant and Cooperative Agreements Act of*  
 19           *1977 (31 U.S.C. 6301 et seq.), and the Competition*  
 20           *in Contracting Act, the Secretaries shall ensure that*  
 21           *a percentage of the total dollar value of contracts and*  
 22           *agreements they award in each fiscal year beginning*  
 23           *after the date of enactment of this Act are awarded*  
 24           *to qualifying entities as follows—*

25                   (A) *10 percent in the first fiscal year;*

- 1           (B) 20 percent in the second fiscal year;  
2           (C) 30 percent in the third fiscal year;  
3           (D) 40 percent in the fourth fiscal year; and  
4           (E) 50 percent in the fifth fiscal year and  
5 each fiscal year thereafter.

6           (2) For purposes of this section:

7           (A) The term “contracts and agreements”  
8 means special salvage timber sale contracts,  
9 other timber sale contracts, service contracts,  
10 construction contracts, supply contracts, emer-  
11 gency equipment rental agreements, architectural  
12 and engineering contracts, challenge cost-share  
13 agreements, cooperative agreements, and partici-  
14 pating agreements.

15           (B) The term “qualifying entity” means—

16           (i) a natural-resource related small or  
17 micro-enterprise;

18           (ii) a Youth Conservation Corps crews  
19 or related partnerships with State, local  
20 and other non-Federal conservation corps;

21           (iii) an entity that will hire and train  
22 local people to complete the service or tim-  
23 ber sale contract;



1                   (iv) an entity that will re-train non-  
2                   local traditional forest workers to complete  
3                   the service or timber sale contract; or

4                   (v) a local entity that meets the cri-  
5                   teria to qualify for the Historically Under-  
6                   utilized Business Zone Program under sec-  
7                   tion 32 of the Small Business Act (15  
8                   U.S.C. 657a).

9           (b) NOTICE OF NATIONAL FOREST SYSTEM PLAN.—

10 *At the beginning of each fiscal year, each unit of the Na-*  
11 *tional Forest System shall make its advanced acquisition*  
12 *plan publicly available, including publishing it in a local*  
13 *newspaper for a minimum of 15 working days.*

14           (c) BEST VALUE CONTRACTING.—*In order to imple-*  
15 *ment projects, the Secretaries may select a source for per-*  
16 *formance of a contract or agreement on a best value basis*  
17 *with consideration of one or more of the following:*

18                   (1) *Understanding of the technical demands and*  
19                   *complexity of work to be done.*

20                   (2) *Ability of the offeror to meet desired ecologi-*  
21 *cal objectives of the project and the sensitivity of the*  
22 *resources being treated.*

23                   (3) *The potential for benefit to local small and*  
24 *micro-enterprises.*

1           (4) *The past performance and qualification by*  
 2           *the contractor with the type of work being done, the*  
 3           *application of low-impact equipment, and the ability*  
 4           *of the contractor or purchaser to meet desired ecologi-*  
 5           *cal conditions.*

6           (5) *The commitment of the contractor to training*  
 7           *workers for high wage and high skill jobs.*

8           (6) *The commitment of the contractor to hiring*  
 9           *highly qualified workers and local residents.*

10 **SEC. 7. NATIONAL FOREST SYSTEM RESEARCH AND TRAIN-**  
 11 **ING.**

12           (a) *ESTABLISHMENT OF PROGRAM.*—*The Secretary of*  
 13 *Agriculture shall establish a program of applied research*  
 14 *using the resources of Forest Service Research Station and*  
 15 *the Forest Product Laboratory. The purposes of the program*  
 16 *shall be to—*

17           (1) *identify restoration methods and treatments*  
 18           *that minimize impacts to the land, such as through*  
 19           *the use of low-impact techniques and equipment; and*

20           (2) *test and develop value-added products created*  
 21           *from the by-products of restoration.*

22           (b) *DISSEMINATION OF RESEARCH TO COMMU-*  
 23 *NITIES.*—*The Secretary of Agriculture shall disseminate the*  
 24 *applied research to rural communities, including the Res-*  
 25 *toration and Value-Added Centers, adjacent to or sur-*

1 rounded by National Forest System or public lands. The  
2 Secretary of Agriculture shall annually conduct training  
3 workshops and classes in such communities to ensure that  
4 residents of such communities have access to the informa-  
5 tion.

6 (c) COOPERATION.—In establishing the program re-  
7 quired pursuant to this section, the Secretary of Agriculture  
8 may partner with nonprofit organizations or community  
9 colleges.

10 (d) MONITORING.—In designing the multiparty moni-  
11 toring and evaluation process to assess the cumulative ac-  
12 complishments or adverse impacts of projects implemented  
13 under this Act pursuant to section 4, the Secretaries shall  
14 use the expertise of Forest Service Research Stations.

15 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

16 These are authorized to be appropriated such sums as  
17 may be necessary to carry out this Act.

18 **SEC. 9. SMALL BUSINESS ADMINISTRATION.**

19 Nothing in this Act is intended to modify the Small  
20 Business Act, Public Law 83–167, regulations promulgated  
21 by the Small Business Administration at 13 CFR, part  
22 121, or affect the Small Business shares prescribed in the  
23 Memorandum of Understanding on the Small Business Set  
24 Aside Program or the amount of timber volume offered to  
25 SBA qualified companies.

**Calendar No. 653**

107<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**S. 2672**

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**A BILL**

To provide opportunities for collaborative restoration projects on National Forest System and other public domain lands, and for other purposes.

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OCTOBER 8, 2002

Reported with an amendment