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114TH CONGRESS
1ST SESSION

S. 326

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

JANUARY 30, 2015

Mr. FLAKE (for himself, Mr. MCCAIN, Mr. CRAPO, Mr. RISCH, Mr. HEINRICH, Mr. HELLER, Mr. BARRASSO, Mr. BENNET, and Mr. TESTER) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Stewardship End Result Contracting Improvement Act".

SEC. 2. STEWARDSHIP END RESULT CONTRACTING PROJECTS.

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

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

(2) by inserting after paragraph (4) the following:

"(5) CANCELLATION CEILINGS.—

"(A) IN GENERAL.—The Chief and the Director may obligate funds to cover any potential cancellation or termination costs for an agreement or contract under subsection (b) in stages that are economically or programmatically viable.

"(B) NOTICE.—

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

the Director shall submit to the Committees on Energy and Natural Resources and Agriculture, Nutrition, and Forestry of the Senate and the Committees on Natural Resources and Agriculture of the House of Representatives a written notice that includes—

"(I)(aa) the cancellation ceiling amounts proposed for each program year in the agreement or contract; and

"(bb) the reasons for the cancellation ceiling amounts proposed under item (aa);

"(II) the extent to which the costs of contract cancellation are not included in the budget for the agreement or contract; and

"(III) a financial risk assessment of not including budgeting for the costs of agreement or contract cancellation.

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

contract under subsection (b), the Chief and Director shall transmit to the Director of the Office of Management and Budget a copy of the written notice submitted under clause (i).''.

(3) in paragraph (6) (as redesignated by paragraph (1)), by striking '', the Chief may'' and inserting ''and section 2(a)(1) of the Act of July 31, 1947 (commonly known as the 'Materials Act of 1947') (30 U.S.C. 602(a)(1)), the Chief and the Director may''.

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

''(A) use the excess to satisfy any outstanding liabilities for cancelled agreements or contracts; or

''(B) if there are no outstanding liabilities under subparagraph (A), apply the excess to other authorized stewardship projects.''.

(c) REPORTING.—Section 604(i) of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6591c(i)) is amended, by striking ''Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on

Agriculture of the House of Representatives'' and inserting ''Committees on Energy and Natural Resources and Agriculture, Nutrition, and Forestry of the Senate and the Committees on Natural Resources and Agriculture of the House of Representatives''.

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