

118TH CONGRESS
1ST SESSION

S. 199

To codify the authority of the Secretary of Agriculture and the Secretary of the Interior to conduct certain landscape-scale forest restoration projects, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 1, 2023

Mr. DAINES (for himself and Mrs. FEINSTEIN) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To codify the authority of the Secretary of Agriculture and the Secretary of the Interior to conduct certain landscape-scale forest restoration 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 “Root and Stem Project
5 Authorization Act of 2023”.

6 **SEC. 2. ROOT AND STEM PROJECTS.**

7 (a) **DEFINITIONS.**—In this section:

1 (1) COLLABORATIVE PROCESS.—The term “col-
2 laborative process” means a process that—

3 (A) includes multiple interested persons
4 representing diverse interests; and

5 (B)(i) is transparent and nonexclusive; or

6 (ii) meets the requirements for a resource
7 advisory committee under subsections (c)
8 through (f) of section 205 of the Secure Rural
9 Schools and Community Self-Determination Act
10 of 2000 (16 U.S.C. 7125).

11 (2) FEDERAL LAND.—The term “Federal land”
12 means—

13 (A) land of the National Forest System (as
14 defined in section 11(a) of the Forest and
15 Rangeland Renewable Resources Planning Act
16 of 1974 (16 U.S.C. 1609(a))); and

17 (B) public lands (as defined in section 103
18 of the Federal Land Policy and Management
19 Act of 1976 (43 U.S.C. 1702)).

20 (3) SECRETARY CONCERNED.—The term “Sec-
21 retary concerned” means, as applicable—

22 (A) the Secretary of Agriculture, acting
23 through the Chief of the Forest Service; or

1 (B) the Secretary of the Interior, acting
2 through the Director of the Bureau of Land
3 Management.

4 (b) LIST OF CONTRACTORS.—The Secretary con-
5 cerned shall—

6 (1) maintain a list of non-Federal, third-party
7 contractors that the Secretary concerned can hire in
8 each State to complete the analysis described in sub-
9 section (c)(1); and

10 (2) not later than 180 days after the date of
11 enactment of this Act, and every 3 years thereafter,
12 submit to the Committee on Energy and Natural
13 Resources of the Senate and the Committee on Nat-
14 ural Resources of the House of Representatives a
15 copy of the list described in paragraph (1).

16 (c) AGREEMENTS.—If a person submits to the Sec-
17 retary concerned a proposal for a project on Federal land
18 that was developed through a collaborative process and
19 that meets local and rural community needs, the Secretary
20 concerned may enter into an agreement with the person,
21 under which—

22 (1) the person initially provides to the Secretary
23 concerned all, or a portion of, the funding necessary
24 to complete any analysis that the Secretary con-
25 cerned determines to be necessary under Federal

1 law, including the National Environmental Policy
2 Act of 1969 (42 U.S.C. 4321 et seq.) and the En-
3 dangered Species Act of 1973 (16 U.S.C. 1531 et
4 seq.), for the consideration of the proposed project;

5 (2) the Secretary concerned uses the funding
6 provided under paragraph (1) to pay a contractor in-
7 cluded on the list maintained under subsection
8 (b)(1) to conduct the analysis described in para-
9 graph (1);

10 (3) on completion of the analysis described in
11 paragraph (1), if the Secretary concerned makes a
12 decision to proceed with the project, the Secretary
13 concerned—

14 (A) solicits bids to carry out the project;

15 and

16 (B) enters into a contract or agreement
17 under section 604 of the Healthy Forests Res-
18 toration Act of 2003 (16 U.S.C. 6591c) to
19 carry out the project; and

20 (4) using any receipts described in subsection
21 (d)(1), the Secretary concerned, to the maximum ex-
22 tent practicable, repays to the person the funding
23 initially provided under paragraph (1).

24 (d) ADDITIONAL RELATED AUTHORITIES.—

1 (1) USE OF RECEIPTS.—Any receipts that are
2 generated by a project described in subsection (c)
3 that are normally deposited in the General Fund of
4 the Treasury shall be available for expenditure by
5 the Secretary concerned, without further appropria-
6 tion or fiscal year limitation, for the use described
7 in subsection (c)(4).

8 (2) CONTRACTORS.—The Secretary concerned
9 may noncompetitively hire a contractor included on
10 the list maintained under subsection (b)(1) to con-
11 duct the analysis described in subsection (c)(1).

12 (e) SAVINGS CLAUSES.—

13 (1) AUTHORITY OF THE SECRETARY CON-
14 CERNED.—The Secretary concerned shall—

15 (A) determine the sufficiency of any docu-
16 ments prepared by a contractor under sub-
17 section (c)(2); and

18 (B) retain responsibility for any author-
19 izing decision relating to a proposed project de-
20 scribed in subsection (c).

21 (2) REVIEW AND APPROVAL OF INDEPENDENT
22 THIRD PARTIES.—The Secretary concerned shall
23 verify that there is no conflict of interest between—

24 (A) a person that submits a proposal
25 under subsection (c); and

1 (B) a contractor that the Secretary con-
2 cerned hires under paragraph (2) of that sub-
3 section to carry out an analysis with respect to
4 that proposal.

5 (3) ADMINISTRATIVE COSTS.—The Secretary
6 concerned—

7 (A) shall only use the funding provided to
8 the Secretary concerned under subsection (c)(1)
9 to pay a contractor pursuant to subsection
10 (c)(2); and

11 (B) shall not use any portion of the fund-
12 ing provided to the Secretary concerned under
13 subsection (c)(1) to cover any other expense or
14 cost incurred by the Secretary concerned, in-
15 cluding administrative costs.

16 (4) LIMITATIONS ON REIMBURSEMENTS.—If in-
17 sufficient receipts are generated by a project de-
18 scribed in subsection (c) to reimburse the person
19 that provided funding under paragraph (1) of that
20 subsection, the Secretary concerned shall not provide
21 additional funding to the person.

22 (f) PROMOTION.—Not later than 60 days after the
23 date of enactment of this Act, the Secretary concerned
24 shall provide guidance to each local field office of the Sec-
25 retary concerned for—

1 (1) making stakeholders aware of the authority
2 under this Act; and

3 (2) encouraging use of that authority to meet
4 land management goals.

5 (g) TREATMENT OF COLLABORATIVE MEMBERS.—

6 For purposes of a civil action relating to a project de-
7 scribed in subsection (c), any person that participated in
8 the collaborative process to develop the proposal for the
9 project shall be—

10 (1) entitled to intervene, as of right, in any sub-
11 sequent civil action; and

12 (2) considered to be a full participant in any
13 settlement negotiation relating to the project.

14 (h) SUNSET.—The requirements described in sub-
15 section (b) and the authority to enter into an agreement
16 under subsection (c) shall expire on January 1, 2033.

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