

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—117th Cong., 2d Sess.

S. 3046

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.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by _____

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Root and Stem Project
5 Authorization Act of 2022”.

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

7 (a) DEFINITIONS.—In this section:

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

10 (A) includes multiple interested persons
11 representing diverse interests; and

1 (B)(i) is transparent and nonexclusive; or
2 (ii) meets the requirements for a resource
3 advisory committee under subsections (c)
4 through (f) of section 205 of the Secure Rural
5 Schools and Community Self-Determination Act
6 of 2000 (16 U.S.C. 7125).

7 (2) FEDERAL LAND.—The term “Federal land”
8 means—

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

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

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

18 (A) the Secretary of Agriculture, acting
19 through the Chief of the Forest Service; or

20 (B) the Secretary of the Interior, acting
21 through the Director of the Bureau of Land
22 Management.

23 (b) LIST OF CONTRACTORS.—The Secretary con-
24 cerned shall—

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

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

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

17 (1) the person initially provides to the Secretary
18 concerned all, or a portion of, the funding necessary
19 to complete any analysis that the Secretary con-
20 cerned determines to be necessary under Federal
21 law, including the National Environmental Policy
22 Act of 1969 (42 U.S.C. 4321 et seq.) and the En-
23 dangered Species Act of 1973 (16 U.S.C. 1531 et
24 seq.), for the consideration of the proposed project;

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

6 (3) on completion of the analysis described in
7 paragraph (1), if the Secretary concerned makes a
8 decision to proceed with the project, the Secretary
9 concerned—

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

11 and

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

16 (4) using any receipts described in subsection
17 (d)(1), the Secretary concerned, to the maximum ex-
18 tent practicable, repays to the person the funding
19 initially provided under paragraph (1).

20 (d) ADDITIONAL RELATED AUTHORITIES.—

21 (1) USE OF RECEIPTS.—Any receipts that are
22 generated by a project described in subsection (c)
23 that are normally deposited in the General Fund of
24 the Treasury shall be available for expenditure by
25 the Secretary concerned, without further appropria-

1 tion or fiscal year limitation, for the use described
2 in subsection (c)(4).

3 (2) CONTRACTORS.—The Secretary concerned
4 may noncompetitively hire a contractor included on
5 the list maintained under subsection (b)(1) to con-
6 duct the analysis described in subsection (c)(1).

7 (e) SAVINGS CLAUSES.—

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

10 (A) determine the sufficiency of any docu-
11 ments prepared by a contractor under sub-
12 section (c)(2); and

13 (B) retain responsibility for any author-
14 izing decision relating to a proposed project de-
15 scribed in subsection (c).

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

19 (A) a person that submits a proposal
20 under subsection (c); and

21 (B) a contractor that the Secretary con-
22 cerned hires under paragraph (2) of that sub-
23 section to carry out an analysis with respect to
24 that proposal.

1 (3) ADMINISTRATIVE COSTS.—The Secretary
2 concerned—

3 (A) shall only use the funding provided to
4 the Secretary concerned under subsection (c)(1)
5 to pay a contractor pursuant to subsection
6 (c)(2); and

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

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

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

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

24 (2) encouraging use of that authority to meet
25 land management goals.

1 (g) TREATMENT OF COLLABORATIVE MEMBERS.—

2 For purposes of a civil action relating to a project de-
3 scribed in subsection (c), any person that participated in
4 the collaborative process to develop the proposal for the
5 project shall be—

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

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

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