

118TH CONGRESS
2D SESSION

H. R. 8790

AN ACT

To expedite under the National Environmental Policy Act of 1969 and improve forest management activities on National Forest System lands, on public lands under the jurisdiction of the Bureau of Land Management, and on Tribal lands to return resilience to overgrown, fire-prone forested 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,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) **SHORT TITLE.**—This Act may be cited as the
 3 “Fix Our Forests Act”.

4 (b) **TABLE OF CONTENTS.**—The table of contents for
 5 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

TITLE I—LANDSCAPE-SCALE RESTORATION

Subtitle A—Addressing Emergency Wildfire Risks in High Priority Firesheds

Sec. 101. Designation of fireshed management areas.

Sec. 102. Fireshed center.

Sec. 103. Fireshed registry.

Sec. 104. Shared stewardship.

Sec. 105. Fireshed assessments.

Sec. 106. Emergency fireshed management.

Sec. 107. Sunset.

Subtitle B—Expanding Collaborative Tools to Reduce Wildfire Risk and
 Improve Forest Health

Sec. 111. Modification of the treatment of certain revenue and payments under
 good neighbor agreements.

Sec. 112. Fixing stewardship end result contracting.

Sec. 113. Intra-agency strike teams.

Sec. 114. Locally-led restoration.

Sec. 115. Joint Chiefs landscape restoration partnership program.

Sec. 116. Collaborative forest landscape restoration program.

Sec. 117. Utilizing grazing for wildfire risk reduction.

Sec. 118. Program to support priority reforestation and restoration projects of
 Department of the Interior.

Subtitle C—Litigation Reform

Sec. 121. Commonsense litigation reform.

Sec. 122. Consultation on forest plans.

**TITLE II—PROTECTING COMMUNITIES IN THE WILDLAND-URBAN
 INTERFACE**

Sec. 201. Community wildfire risk reduction program.

Sec. 202. Community wildfire defense research program.

Sec. 203. Vegetation management, facility inspection, and operation and main-
 tenance relating to electric transmission and distribution facil-
 ity rights-of-way.

Sec. 204. Categorical exclusion for electric utility lines rights-of-way.

Sec. 205. Seeds of success.

TITLE III—TRANSPARENCY AND TECHNOLOGY

- Sec. 301. Biochar innovations and opportunities for conservation, health, and advancements in research.
- Sec. 302. Accurate hazardous fuels reduction reports.
- Sec. 303. Public-private wildfire technology deployment and demonstration partnership.
- Sec. 304. GAO study on Forest Service policies.
- Sec. 305. Forest Service Western headquarters study.
- Sec. 306. Keeping forest plans current and monitored.
- Sec. 307. Container Aerial Firefighting System (CAFFS).
- Sec. 308. Study on pine beetle infestation.

TITLE IV—ENSURING CASUALTY ASSISTANCE FOR OUR
FIREFIGHTERS

- Sec. 401. Wildland Fire Management Casualty Assistance Program.

TITLE V—WHITE OAK RESILIENCE

- Sec. 501. White Oak Restoration Initiative Coalition.
- Sec. 502. Forest Service pilot program.
- Sec. 503. Department of the Interior white oak review and restoration.
- Sec. 504. White oak regeneration and upland oak habitat.
- Sec. 505. Tree nursery shortages.
- Sec. 506. White oak research.
- Sec. 507. USDA formal initiative.
- Sec. 508. Authorities.

TITLE VI—EXPANSION OF PUBLIC-PRIVATE PARTNERSHIPS
UNDER WATER SOURCE PROTECTION PROGRAM

- Sec. 601. Water source protection program.
- Sec. 602. Watershed condition framework technical corrections.

1 SEC. 2. DEFINITIONS.

2 In this Act:

3 (1) DIRECTOR.—The term “Director” means
4 the Director of the Fireshed Center appointed under
5 section 102.

6 (2) FIRESHED.—The term “fireshed” means a
7 landscape-scale area that faces similar wildfire
8 threat where a response strategy could influence the
9 wildfire outcome.

1 (3) FIRESHED MANAGEMENT PROJECT.—The
2 term “fireshed management project” means a
3 project under section 106.

4 (4) FIRESHED REGISTRY.—The term “Fireshed
5 Registry” means the fireshed registry established
6 under section 103.

7 (5) FOREST PLAN.—The term “forest plan”
8 means—

9 (A) a land use plan prepared by the Bu-
10 reau of Land Management for public lands pur-
11 suant to section 202 of the Federal Land Policy
12 and Management Act of 1976 (43 U.S.C.
13 1712);

14 (B) a land and resource management plan
15 prepared by the Forest Service for a unit of the
16 National Forest System pursuant to section 6
17 of the Forest and Rangeland Renewable Re-
18 sources Planning Act of 1974 (16 U.S.C.
19 1604); or

20 (C) a forest management plan (as defined
21 in section 304 of the National Indian Forests
22 Resources Management Act (25 U.S.C. 3104))
23 with respect to Indian forest land or rangeland.

24 (6) GOVERNOR.—The term “Governor” means
25 the Governor or any other appropriate executive offi-

1 cial of an affected State or Indian Tribe or the Com-
2 monwealth of Puerto Rico.

3 (7) HAZARDOUS FUELS MANAGEMENT ACTIVI-
4 TIES.—The term “hazardous fuels management ac-
5 tivities” means any vegetation management activities
6 (or combination thereof) that reduce the risk of
7 wildfire, including mechanical thinning, mastication,
8 prescribed burning, cultural burning (as determined
9 by the applicable Indian Tribe), timber harvest, and
10 grazing.

11 (8) HFRA TERMS.—The terms “at-risk com-
12 munity”, “community wildfire protection plan”, and
13 “wildland-urban interface” have the meanings given
14 such terms, respectively, in section 101 of the
15 Healthy Forests Restoration Act of 2003 (16 U.S.C.
16 6511).

17 (9) INDIAN FOREST LAND OR RANGELAND.—
18 The term “Indian forest land or rangeland” means
19 land that—

20 (A) is held in trust by, or with a restriction
21 against alienation by, the United States for an
22 Indian Tribe or a member of an Indian Tribe;
23 and

24 (B)(i)(I) is Indian forest land (as defined
25 in section 304 of the National Indian Forest

1 Resources Management Act (25 U.S.C. 3103));

2 or

3 (II) has a cover of grasses,

4 brush, or any similar vegetation; or

5 (ii) formerly had a forest cover or veg-

6 etative cover that is capable of restoration.

7 (10) INDIAN TRIBE.—The term “Indian Tribe”
8 has the meaning given that term in section 4 of the
9 Indian Self-Determination and Education Assistance
10 Act (25 U.S.C. 5304).

11 (11) NATIONAL FOREST SYSTEM LANDS.—The
12 term “National Forest System lands” has the mean-
13 ing given the term in section 11(a) of the Forest
14 and Rangeland Renewable Resources Planning Act
15 of 1974 (16 U.S.C. 1609).

16 (12) PUBLIC LANDS.—The term “public lands”
17 has the meaning given that term in section 103 of
18 the Federal Land Policy and Management Act of
19 1976 (43 U.S.C. 1702), except that the term in-
20 cludes Coos Bay Wagon Road Grant lands and Or-
21 egon and California Railroad Grant lands.

22 (13) RELEVANT CONGRESSIONAL COMMIT-
23 TEES.—The term “relevant Congressional Commit-
24 tees” means—

1 (A) the Committees on Natural Resources
2 and Agriculture of the House of Representa-
3 tives; and

4 (B) the Committees on Energy and Nat-
5 ural Resources and Agriculture, Nutrition, and
6 Forestry of the Senate.

7 (14) RESPONSIBLE OFFICIAL.—The term “re-
8 sponsible official” means an employee of the Depart-
9 ment of the Interior or Forest Service who has the
10 authority to make and implement a decision on a
11 proposed action.

12 (15) SECRETARIES.—The term “Secretaries”
13 means each of—

14 (A) the Secretary of the Interior; and

15 (B) the Secretary of Agriculture.

16 (16) SECRETARY.—The term “Secretary”
17 means the Secretary of Agriculture.

18 (17) SECRETARY CONCERNED.—The term
19 “Secretary concerned” means—

20 (A) the Secretary of Agriculture, with re-
21 spect to National Forest System lands; and

22 (B) the Secretary of the Interior, with re-
23 spect to public lands.

1 (18) SPECIAL DISTRICT.—The term “special
2 district” means a political subdivision of a State
3 that—

4 (A) has significant budgetary autonomy or
5 control;

6 (B) was created by or pursuant to the laws
7 of the State for the purpose of performing a
8 limited and specific governmental or proprietary
9 function; and

10 (C) is distinct from any other local govern-
11 ment unit within the State.

12 (19) STATE.—The term “State” means each of
13 the several States, the District of Columbia, and
14 each territory of the United States.

15 **TITLE I—LANDSCAPE-SCALE**
16 **RESTORATION**

17 **Subtitle A—Addressing Emergency**
18 **Wildfire Risks in High Priority**
19 **Firesheds**

20 **SEC. 101. DESIGNATION OF FIRESHED MANAGEMENT**
21 **AREAS.**

22 (a) DESIGNATION OF FIRESHED MANAGEMENT
23 AREAS.—

24 (1) INITIAL DESIGNATIONS.—For the period be-
25 ginning on the date of enactment of this Act and

1 ending on the date that is 5 years after the date of
2 enactment of this Act, there are designated fireshed
3 management areas, which—

4 (A) shall be comprised of individual land-
5 scape-scale firesheds identified as being a high
6 risk fireshed in the “Wildfire Crisis Strategy”
7 published by the Forest Service in January
8 2022;

9 (B) shall be comprised of individual land-
10 scape-scale firesheds identified by the Secretary,
11 in consultation with the Secretary of the Inte-
12 rior, as being in the top 20 percent of the 7,688
13 firesheds published by the Rocky Mountain Re-
14 search Station of the Forest Service in 2019 for
15 wildfire exposure based on the following cri-
16 teria—

17 (i) wildfire exposure and cor-
18 responding risk to communities, including
19 risk to structures and life;

20 (ii) wildfire exposure and cor-
21 responding risk to municipal watersheds,
22 including tribal water supplies and sys-
23 tems; and

24 (iii) risk of forest conversion due to
25 wildfire;

1 (C) shall not overlap with any other
2 fireshed management areas;

3 (D) may contain Federal and non-Federal
4 land, including Indian forest lands or range-
5 lands; and

6 (E) where the Secretary concerned shall
7 carry out fireshed management projects.

8 (2) FURTHER FIRESHED MANAGEMENT AREA
9 DESIGNATIONS.—

10 (A) IN GENERAL.—On the date that is 5
11 years after the date of the enactment of this
12 Act and every 5 years thereafter, the Secretary,
13 in consultation with the Secretary of the Inte-
14 rior, shall submit to the relevant Congressional
15 Committees an updated map of firesheds based
16 on the Fireshed Registry maintained under sec-
17 tion 103.

18 (B) DESIGNATION.—Not later than 60
19 days after submitting an updated fireshed map
20 under subparagraph (A), the Secretary shall,
21 based on such map, designate additional
22 fireshed management areas that are identified
23 as being in the top 20 percent of firesheds at
24 risk of wildfire exposure based on the criteria

1 specified in subparagraphs (B), (C), (D), and
2 (E) of paragraph (1).

3 (b) **APPLICABILITY OF NEPA.**—The designation of
4 fireshed management areas under this section shall not
5 be subject to the requirements of the National Environ-
6 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

7 **SEC. 102. FIRESHED CENTER.**

8 (a) **ESTABLISHMENT.**—

9 (1) **IN GENERAL.**—The Secretary, acting
10 through the Chief of the Forest Service, and the
11 Secretary of the Interior, acting through the Direc-
12 tor of the U.S. Geological Survey, shall jointly estab-
13 lish a Fireshed Center (hereinafter referred to as the
14 “Center”) comprised of at least one career rep-
15 resentative from each of the following:

16 (A) The Forest Service.

17 (B) The Bureau of Land Management.

18 (C) The National Park Service.

19 (D) The Bureau of Indian Affairs.

20 (E) The U.S. Fish and Wildlife Service.

21 (F) The U.S. Geological Survey.

22 (G) The Department of Defense.

23 (H) The Department of Homeland Secu-
24 rity.

25 (I) The Department of Energy.

1 (J) The Federal Emergency Management
2 Agency.

3 (K) The National Science Foundation.

4 (L) The National Oceanic and Atmos-
5 pheric Administration.

6 (M) The National Aeronautics and Space
7 Administration.

8 (N) The National Institute of Standards
9 and Technology.

10 (2) DIRECTOR.—The Secretary, acting through
11 the Chief of the Forest Service, and the Secretary
12 of the Interior, acting through the Director of the
13 U.S. Geological Survey, shall jointly appoint a Direc-
14 tor of the Center, who—

15 (A) shall be an employee of the U.S. Geo-
16 logical Survey or the Forest Service;

17 (B) shall serve an initial term of not more
18 than 7 years; and

19 (C) may serve one additional term of not
20 more than 7 years after the initial term de-
21 scribed in subparagraph (B).

22 (3) ADDITIONAL REPRESENTATION.—The Sec-
23 retary, acting through the Chief of the Forest Serv-
24 ice and the Secretary of the Interior, acting through
25 the Director of the U.S. Geological Survey, may

1 jointly appoint additional representatives of Federal
2 agencies to the Center, as the Secretaries determine
3 necessary.

4 (b) PURPOSES.—The purposes of the Center are to—

5 (1) comprehensively assess and predict, using
6 data tools (including artificial intelligence) and other
7 decision support products, fire and smoke in the
8 wildland and built environment interface across ju-
9 risdictions to inform—

10 (A) land and fuels management;

11 (B) community (including at-risk commu-
12 nities identified in firehazard assessments con-
13 ducted under section 105), public health, and
14 built environment risk reduction; and

15 (C) fire response and post-fire recovery;

16 (2) provide data aggregation, real-time land
17 and fuels management services, and science-based
18 decision support services;

19 (3) reduce fragmentation and duplication across
20 Federal land management agencies with respect to
21 predictive service and decision support functions re-
22 lated to wildland fire and smoke;

23 (4) promote coordination and sharing of data
24 regarding wildland fire and smoke decision making
25 between Federal agencies, States, Indian Tribes,

1 local governments, academic or research institutions,
2 and private entities;

3 (5) streamline procurement processes and cy-
4 bersecurity systems related to addressing wildland
5 fire and smoke;

6 (6) amplify and distribute existing, and develop
7 as necessary, publicly accessible data, models, tech-
8 nologies (including mapping technologies), assess-
9 ments, and National Weather Service fire weather
10 forecasts to support short- and long-term planning
11 regarding wildland fire and smoke risk reduction
12 and post-fire recovery while avoiding duplicative ef-
13 forts;

14 (7) maintain the Fireshed Registry established
15 under section 103; and

16 (8) disseminate data tools (including artificial
17 intelligence) and other decision support products, for
18 use in manners consistent with the purposes de-
19 scribed paragraphs (1) through (7), to the following:

20 (A) Federal agencies.

21 (B) Indian Tribes.

22 (C) State and local governments.

23 (D) Academic or research institutions.

24 (E) Other entities, public or private, iden-
25 tified by the Director.

1 (c) MEMORANDA OF UNDERSTANDING.—The Center
2 may enter into memorandums of understanding, con-
3 tracts, or other agreements with State governments, In-
4 dian Tribes, local governments, academic or research insti-
5 tutions, and private entities to improve the information
6 and operations of the Center.

7 (d) ADMINISTRATIVE SUPPORT, TECHNICAL SERV-
8 ICES, AND STAFF SUPPORT.—

9 (1) USGS SUPPORT.—The Secretary of the In-
10 terior shall make personnel of the U.S. Geological
11 Survey available to the Center for such administra-
12 tive support, technical services, and development and
13 dissemination of data as the Secretary determines
14 necessary to carry out this section.

15 (2) USFS SUPPORT.—The Secretary shall
16 make personnel of the Forest Service available to
17 the Center for such administrative support, technical
18 services, and the development and dissemination of
19 information related to fire management and the
20 Fire Management Registry as the Secretary determines nec-
21 essary to carry out this section.

22 **SEC. 103. FIRESHED REGISTRY.**

23 (a) FIRESHED REGISTRY.—The Secretary, acting
24 through the Director of the Fire Management Center appointed
25 under section 102, shall maintain a Fire Management Registry on

1 a publicly accessible website that provides interactive
2 geospatial data on individual firesheds, including informa-
3 tion on—

4 (1) wildfire exposure delineated by ownership,
5 including rights-of-way for utilities and other public
6 or private purposes;

7 (2) any hazardous fuels management activities
8 that have occurred within an individual fireshed in
9 the past 10 years;

10 (3) wildfire exposure with respect to such
11 fireshed delineated by—

12 (A) wildfire exposure and corresponding
13 risk to communities, including risk to structures
14 and life;

15 (B) wildfire exposure and corresponding
16 risk to municipal watersheds, including tribal
17 water supplies and systems; and

18 (C) risk of forest conversion due to wild-
19 fire;

20 (4) the percentage of the fireshed that has
21 burned in wildfires in the past 10 years, including,
22 to the extent practicable, delineations of acres that
23 have burned at a high severity;

24 (5) spatial patterns of wildfire exposure, includ-
25 ing plausible extreme fire events; and

1 (6) any hazardous fuels management activities
2 planned for the fireshed, including fireshed manage-
3 ment projects.

4 (b) COMMUNITY WILDFIRE PROTECTION PLANS.—
5 The Director shall make data from the Fireshed Registry
6 available to local communities developing or updating com-
7 munity wildfire protection plans.

8 (c) REQUIREMENT TO MAINTAIN.—As part of the
9 website containing the Fireshed Registry, the Director
10 shall—

11 (1) publish fireshed assessments created under
12 section 105; and

13 (2) maintain a searchable database to track—

14 (A) the status of Federal environmental re-
15 views, permits, and authorizations for fireshed
16 management projects, including—

17 (i) a comprehensive permitting time-
18 table;

19 (ii) the status of the compliance of
20 each lead agency, cooperating agency, and
21 participating agency with the permitting
22 timetable with respect to such fireshed
23 management projects;

24 (iii) any modifications of the permit-
25 ting timetable required under clause (i), in-

1 cluding an explanation as to why the per-
2 mitting timetable was modified; and

3 (iv) information about project-related
4 public meetings, public hearings, and pub-
5 lic comment periods, which shall be pre-
6 sented in English and the predominant
7 language of the community or communities
8 most affected by the project, as that infor-
9 mation becomes available;

10 (B) the projected cost of such fireshed
11 management projects; and

12 (C) in the case of completed fireshed man-
13 agement projects, the effectiveness of such
14 projects in reducing the wildfire exposure within
15 an applicable fireshed, including wildfire expo-
16 sure described in subparagraphs (A) through
17 (C) of subsection (a)(3).

18 (d) RELIANCE ON EXISTING ASSESSMENTS.—In car-
19 rying out this section, the Director may rely on assess-
20 ments completed or data gather through existing partner-
21 ships, to the extent practicable.

22 **SEC. 104. SHARED STEWARDSHIP.**

23 (a) JOINT AGREEMENTS.—Not later than 90 days
24 after receiving a written request from a Governor of a
25 State or an Indian Tribe, the Secretary concerned shall

1 enter into a shared stewardship agreement (or similar
2 agreement) with such Governor or Indian Tribe to joint-
3 ly—

4 (1) promote the reduction of wildfire exposure,
5 based on the criteria in section 101(a)(1)(B), in
6 fireshed management areas across jurisdictional
7 boundaries; and

8 (2) conduct fireshed assessments under section
9 105.

10 (b) ADDITIONAL FIRESHED MANAGEMENT AREAS.—

11 With respect to a shared stewardship agreement (or simi-
12 lar agreement) with a Governor of a State or an Indian
13 Tribe entered into under subsection (a), the Secretary con-
14 cerned, if requested by such Governor or Indian Tribe,
15 may—

16 (1) designate additional fireshed management
17 areas under such agreement; and

18 (2) update such agreement to address new wild-
19 fire threats.

20 **SEC. 105. FIRESHED ASSESSMENTS.**

21 (a) FIRESHED ASSESSMENTS.—

22 (1) IN GENERAL.—Not later than 90 days after
23 the date on which the Secretary concerned enters
24 into an agreement with a Governor of a State or an
25 Indian Tribe under section 104, the Secretary con-

1 cerned and such Governor or Indian Tribe shall,
2 with respect to the fireshed management areas des-
3 ignated in such State, jointly conduct a fireshed as-
4 sessment that—

5 (A) identifies—

6 (i) using the best available science,
7 wildfire exposure risks within each such
8 fireshed management area, including sce-
9 nario planning and wildfire hazard map-
10 ping and models; and

11 (ii) each at-risk community within
12 each fireshed management area;

13 (B) identifies potential fireshed manage-
14 ment projects to be carried out in such fireshed
15 management areas, giving priority—

16 (i) primarily, to projects with the pur-
17 pose of reducing—

18 (I) wildfire exposure and cor-
19 responding risk to communities, in-
20 cluding risk to structures and life;

21 (II) wildfire exposure and cor-
22 responding risk to municipal water-
23 sheds, including tribal water supplies
24 and systems;

1 (III) risk of forest conversion due
2 to wildfire; or

3 (IV) any combination of purposes
4 described in subclauses (I) through
5 (III); and

6 (ii) secondarily, to projects with the
7 purpose of protecting—

8 (I) critical infrastructure, includ-
9 ing utility infrastructure;

10 (II) wildlife habitats, including
11 habitat for species listed under the
12 Endangered Species Act (16 U.S.C.
13 1531 et seq.);

14 (III) the built environment, in-
15 cluding residential and commercial
16 buildings;

17 (IV) resources of an Indian
18 Tribe, as defined by the Indian Tribe;

19 or

20 (V) any combination of purposes
21 described in subclauses (I) through
22 (IV);

23 (C) includes—

24 (i) a strategy for reducing the threat
25 of wildfire to at-risk communities in the

1 wildland-urban interface on both Federal
2 and non-Federal land;

3 (ii) a timeline for the implementation
4 of fireshed management projects;

5 (iii) long-term benchmark goals for
6 the completion of fireshed management
7 projects in the highest wildfire exposure
8 areas so that such projects contribute to
9 the development and maintenance of
10 healthy and resilient landscapes;

11 (iv) policies to ensure fireshed man-
12 agement projects comply with applicable
13 forest plans and incorporate the best avail-
14 able science; and

15 (v) a strategy for reducing the threat
16 of wildfire to improve the effectiveness of
17 wildland firefighting, particularly the effec-
18 tiveness of fuels treatments that would im-
19 prove wildland firefighter safety during
20 wildfires;

21 (D) shall be regularly updated based on
22 the best available science, as determined by the
23 Secretary concerned; and

24 (E) shall be publicly available on a website
25 maintained by the Secretary concerned.

1 (2) LOCAL GOVERNMENT PARTICIPATION.—

2 Upon the written request of a local government, the
3 Secretary concerned and the Governor of the State
4 in which the local government is located may allow
5 such local government to participate in producing
6 the fireshed assessment under paragraph (1) for
7 such State.

8 (3) INFORMATION IMPROVEMENT.—

9 (A) MEMORANDUMS OF UNDER-
10 STANDING.—In carrying out a fireshed assess-
11 ment under this subsection, the Secretary con-
12 cerned may enter into memorandums of under-
13 standing with other Federal agencies or depart-
14 ments (including the National Oceanic and At-
15 mospheric Administration), States, Indian
16 Tribes, private entities, or research or edu-
17 cational institutions to improve, with respect to
18 such assessment, the use and integration of—

19 (i) advanced remote sensing and
20 geospatial technologies;

21 (ii) statistical modeling and analysis;

22 or

23 (iii) any other technology or combina-
24 tion of technologies and analyses that the
25 Secretary concerned determines will benefit

1 the quality of information of such an as-
2 sessment.

3 (B) BEST AVAILABLE SCIENCE.—In using
4 the best available science for the fireshed as-
5 sessments completed under subsection (a)(1),
6 the Secretary concerned and Governor shall, to
7 the maximum extent practicable, incorporate—

8 (i) traditional ecological knowledge
9 from Indian Tribes;

10 (ii) data from State forest action
11 plans and State wildfire risk assessments;

12 (iii) data from the Fireshed Registry
13 maintained under section 103; and

14 (iv) data from other Federal, State,
15 Tribal, and local governments or agencies.

16 (b) APPLICABILITY OF NEPA.—Fireshed assess-
17 ments conducted under this section shall not be subject
18 to the requirements of the National Environmental Policy
19 Act of 1969 (42 U.S.C. 4321 et seq.).

20 **SEC. 106. EMERGENCY FIRESHED MANAGEMENT.**

21 (a) FIRESHED MANAGEMENT PROJECTS.—

22 (1) IN GENERAL.—The Secretary concerned,
23 acting through a responsible official, shall carry out
24 fireshed management projects in fireshed manage-

1 ment areas designated under section 101 in accord-
2 ance with this section.

3 (2) FIRESHED MANAGEMENT PROJECTS.—The
4 responsible official shall carry out the following for-
5 est and vegetation management activities as fireshed
6 management projects under this section:

7 (A) Conducting hazardous fuels manage-
8 ment activities.

9 (B) Creating fuel breaks and fire breaks.

10 (C) Removing hazard trees, dead trees,
11 dying trees, or trees at risk of dying, as deter-
12 mined by the responsible official.

13 (D) Developing, approving, or conducting
14 routine maintenance under a vegetation man-
15 agement, facility inspection, and operation and
16 maintenance plan submitted under section
17 512(c)(1) of the Federal Land Policy and Man-
18 agement Act of 1976 (43 U.S.C. 1772(c)(1)).

19 (E) Removing trees to address over-
20 stocking or crowding in a forest stand, con-
21 sistent with the appropriate basal area of the
22 forest stand as determined by the responsible
23 official.

24 (F) Using chemical or re-seeding and
25 planting treatments to address insects and dis-

1 ease and control vegetation competition or
2 invasive species.

3 (G) Any activities recommended by an ap-
4 plicable fireheshed assessment carried out under
5 section 105.

6 (H) Any activities recommended by an ap-
7 plicable community wildfire protection plan.

8 (I) Any combination of activities described
9 in this paragraph.

10 (3) EMERGENCY FIREHESHED MANAGEMENT.—

11 (A) IN GENERAL.—For any fireheshed man-
12 agement area designated under section 101, the
13 following shall have the force and effect of law:

14 (i) Section 220.4(b) of title 36, Code
15 of Federal Regulations (as in effect on the
16 date of enactment of this Act), with re-
17 spect to lands under the jurisdiction of the
18 Secretary.

19 (ii) Section 46.150 of title 43, Code of
20 Federal Regulations (as in effect on the
21 date of enactment of this Act), with re-
22 spect to lands under the jurisdiction of the
23 Secretary of the Interior.

1 (iii) Section 402.05 of title 50, Code
2 of Federal Regulations (as in effect on the
3 date of enactment of this Act).

4 (iv) Section 800.12 of title 36, Code
5 of Federal Regulations (as in effect on the
6 date of enactment of this Act).

7 (B) UTILIZATION OF EXISTING STREAM-
8 LINED AUTHORITIES IN FIRESHED MANAGE-
9 MENT AREAS.—

10 (i) IN GENERAL.—Fireshed manage-
11 ment projects carried out under this sec-
12 tion shall be considered authorized projects
13 under the following categorical exclusions:

14 (I) Section 603(a) of the Healthy
15 Forests Restoration Act of 2003 (16
16 U.S.C. 6591b(a)).

17 (II) Section 605(a) of the
18 Healthy Forests Restoration Act of
19 2003 (16 U.S.C. 6591d(a)).

20 (III) Section 606(b) of the
21 Healthy Forests Restoration Act of
22 2003 (16 U.S.C. 6591e(b)).

23 (IV) Section 40806(b) of the In-
24 frastructure Investment and Jobs Act
25 (16 U.S.C. 6592b(b)).

1 (V) Section 4(c)(4) of the Lake
2 Tahoe Restoration Act (Public Law
3 106–506; 114 Stat. 2353).

4 (VI) Subject to subsection (d) of
5 section 40807 of the Infrastructure
6 Investment and Jobs Act (16 U.S.C.
7 6592c) in the same manner as author-
8 ized emergency actions (as defined in
9 subsection (a) of such section) are
10 subject to such subsection.

11 (ii) USE OF EXPEDITED AUTHORI-
12 TIES.—In carrying out a fireshed manage-
13 ment project, the Secretary shall apply a
14 categorical exclusion under clause (i)—

15 (I) in a manner consistent with
16 the statute establishing such categor-
17 ical exclusion; and

18 (II) in any area—

19 (aa) designated as suitable
20 for timber production within the
21 applicable forest plan; or

22 (bb) where timber harvest
23 activities are not prohibited.

24 (iii) FISCAL RESPONSIBILITY ACT RE-
25 QUIREMENTS.—In carrying out this sec-

1 tion, the Secretary concerned shall ensure
2 compliance with the amendments made to
3 the National Environmental Policy Act (42
4 U.S.C. 4321 et seq.) by the Fiscal Respon-
5 sibility Act of 2023 (Public Law 118–5).

6 (iv) USE OF OTHER AUTHORITIES.—

7 To the maximum extent practicable, the
8 Secretary concerned shall use the authori-
9 ties provided under this section in com-
10 bination with other authorities to carry out
11 fished management projects, including—

12 (I) good neighbor agreements en-
13 tered into under section 8206 of the
14 Agricultural Act of 2014 (16 U.S.C.
15 2113a) (as amended by this Act);

16 (II) stewardship contracting
17 projects entered into under section
18 604 of the Healthy Forests Restora-
19 tion Act of 2003 (16 U.S.C. 6591c)
20 (as amended by this Act);

21 (III) self-determination contracts
22 and self-governance compact agree-
23 ments entered into under the Indian
24 Self-Determination and Education As-

1 sistance Act (25 U.S.C. 5301 et seq.);
2 and
3 (IV) agreements entered into
4 under the Tribal Forest Protection
5 Act of 2004 (25 U.S.C. 3115a et
6 seq.).

7 (b) EXPANSION.—

8 (1) HFRA AMENDMENTS.—The Healthy For-
9 ests Restoration Act of 2003 is amended—

10 (A) in section 3 (16 U.S.C. 6502), by in-
11 serting at the end the following:

12 “(3) LOCAL GOVERNMENT.—The term ‘local
13 government’ means a county, municipality, or special
14 district.

15 “(4) SPECIAL DISTRICT.—The term ‘special dis-
16 trict’ means a political subdivision of a State that—

17 “(A) has significant budgetary autonomy
18 or control;

19 “(B) was created by or pursuant to the
20 laws of the State for the purpose of performing
21 a limited and specific governmental or propri-
22 etary function; and

23 “(C) is distinct from any other local gov-
24 ernment unit within the State.”.

1 (B) in section 603(c)(1) (16 U.S.C.
2 6591b(c)(1)), by striking “3000 acres” and in-
3 serting “10,000 acres”;

4 (C) in section 603(c)(2)(B) (16 U.S.C.
5 6591b(c)(2)(B)), by striking “Fire Regime
6 Groups I, II, or III” and inserting “Fire Re-
7 gime I, Fire Regime II, Fire Regime III, Fire
8 Regime IV, or Fire Regime V”;

9 (D) in section 605(c)(1) (16 U.S.C.
10 6591d(c)(1)), by striking “3000 acres” and in-
11 serting “10,000 acres”; and

12 (E) in section 606(g) (16 U.S.C.
13 6591e(g)), by striking “4,500 acres” and in-
14 serting “10,000 acres”.

15 (2) INFRASTRUCTURE INVESTMENT AND JOBS
16 ACT AMENDMENT.—Section 40806(d)(1) of the In-
17 frastructure Investment and Jobs Act (16 U.S.C.
18 6592b(d)(1)), by striking “3,000 acres” and insert-
19 ing “10,000 acres”.

20 (3) LAKE TAHOE RESTORATION ACT AMEND-
21 MENTS.—Section 4(c)(4)(C) of the Lake Tahoe Res-
22 toration Act (Public Law 106–506; 114 Stat. 2353)
23 is amended—

24 (A) by striking “Lake Tahoe Basin Man-
25 agement Unit”; and

1 (B) by inserting “applicable to the area”
2 before the period at the end.

3 **SEC. 107. SUNSET.**

4 The authority under this subtitle shall terminate on
5 the date that is 7 years after the date of enactment of
6 this Act.

7 **Subtitle B—Expanding Collaborative Tools to Reduce Wildfire**
8 **Risk and Improve Forest Health**

10 **SEC. 111. MODIFICATION OF THE TREATMENT OF CERTAIN**
11 **REVENUE AND PAYMENTS UNDER GOOD**
12 **NEIGHBOR AGREEMENTS.**

13 (a) GOOD NEIGHBOR AUTHORITY.—Section 8206 of
14 the Agricultural Act of 2014 (16 U.S.C. 2113a) is amend-
15 ed—

16 (1) in subsection (a)(6), by striking “or Indian
17 tribe”;

18 (2) in subsection (a), by inserting the following:

19 “(11) SPECIAL DISTRICT.—The term ‘special
20 district’ means a political subdivision of a State
21 that—

22 “(A) has significant budgetary autonomy
23 or control;

24 “(B) was created by or pursuant to the
25 laws of the State for the purpose of performing

1 a limited and specific governmental or propri-
2 etary function; and

3 “(C) is distinct from any other local gov-
4 ernment unit within the State.”.

5 (3) in subsection (b)—

6 (A) in paragraph (1)(A), by inserting “,
7 Indian tribe, special district,” after “Governor”;

8 (B) in paragraph (2)(C)—

9 (i) by striking clause (i) and inserting
10 the following:

11 “(i) IN GENERAL.—Funds received
12 from the sale of timber or forest product
13 by a Governor, an Indian tribe, a special
14 district, or a county under a good neighbor
15 agreement shall be retained and used by
16 the Governor, Indian tribe, special district,
17 or county, as applicable—

18 “(I) to carry out authorized res-
19 toration services under the good
20 neighbor agreement;

21 “(II) to carry out reconstruction,
22 repair, and restoration of non-Na-
23 tional Forest System roads necessary
24 to implement projects on Federal
25 lands;

1 “(III) to construct new perma-
2 nent roads on Federal lands that
3 are—

4 “(aa) necessary to imple-
5 ment authorized restoration ac-
6 tivities; and

7 “(bb) approved by the Fed-
8 eral agency through an environ-
9 mental analysis or categorical ex-
10 clusion decision;

11 “(IV) to complete new permanent
12 road construction to replace and de-
13 commission an existing permanent
14 road that is adversely impacting for-
15 est, rangeland, or watershed health;
16 and

17 “(V) if there are funds remaining
18 after carrying out subclauses (I)
19 through (IV), to carry out authorized
20 restoration services under other good
21 neighbor agreements and for the ad-
22 ministration of a good neighbor au-
23 thority program by a Governor, In-
24 dian tribe, special district, or coun-
25 ty.”; and

1 (ii) in clause (ii), by striking “2024”
2 and inserting “2029”;

3 (C) in paragraph (3), by inserting “, In-
4 dian tribe, special district,” after “Governor”;
5 and

6 (D) by striking paragraph (4).

7 (b) CONFORMING AMENDMENTS.—Section 8206(a)
8 of the Agricultural Act of 2014 (16 U.S.C. 2113a(a)) is
9 amended—

10 (1) in paragraph (1)(B), by inserting “, Indian
11 tribe, special district,” after “Governor”; and

12 (2) in paragraph (5), by inserting “, Indian
13 tribe, special district,” after “Governor”.

14 (c) EFFECTIVE DATE.—The amendments made by
15 this section apply to any project initiated pursuant to a
16 good neighbor agreement (as defined in section 8206(a)
17 of the Agricultural Act of 2014 (16 U.S.C. 2113a(a)))—

18 (1) before the date of enactment of this Act, if
19 the project was initiated after the date of enactment
20 of the Agriculture Improvement Act of 2018 (Public
21 Law 115–334; 132 Stat. 4490); or

22 (2) on or after the date of enactment of this
23 Act.

1 **SEC. 112. FIXING STEWARDSHIP END RESULT CON-**
2 **TRACTING.**

3 Section 604 of the Healthy Forests Restoration Act
4 of 2003 (16 U.S.C. 6591c) is amended—

5 (1) in subsection (b), by inserting “, including
6 retaining and expanding existing forest products in-
7 frastructure” before the period at the end;

8 (2) in subsection (d)(3)(B), by striking “10
9 years” and inserting “20 years”; and

10 (3) in subsection (h), by adding at the end the
11 following:

12 “(4) SPECIAL RULE FOR LONG-TERM STEWARD-
13 SHIP CONTRACTS.—

14 “(A) IN GENERAL.—A long-term agree-
15 ment or contract entered into with an entity
16 under subsection (b) by the Chief or the Direc-
17 tor shall provide that in the case of the can-
18 cellation or termination by the Chief or the Di-
19 rector of such long-term agreement or contract,
20 the Chief or the Director, as applicable, shall
21 provide 10 percent of the agreement or contract
22 amount to such entity as cancellation or termi-
23 nation costs.

24 “(B) DEFINITION OF LONG-TERM AGREE-
25 MENT OR CONTRACT.—In this paragraph, the
26 term ‘long-term agreement or contract’ means

1 an agreement or contract under subsection

2 (b)—

3 “(i) with a term of more than 5 years;

4 and

5 “(ii) entered into on or after the date
6 of the enactment of this paragraph.”.

7 **SEC. 113. INTRA-AGENCY STRIKE TEAMS.**

8 (a) ESTABLISHMENT.—The Secretary concerned
9 shall establish intra-agency strike teams to assist the Sec-
10 retary concerned with—

11 (1) any reviews, including analysis under the
12 National Environmental Policy Act of 1969 (42
13 U.S.C. 4321 et seq.), consultations under the Na-
14 tional Historic Preservation Act of 1966 (16 U.S.C.
15 470 et seq.), and consultations under the Endan-
16 gered Species Act of 1973 (16 U.S.C. 1531 et seq.),
17 with the intent to accelerate and streamline inter-
18 agency consultation processes;

19 (2) the implementation of any necessary site
20 preparation work in advance of or as part of a
21 fireshed management project;

22 (3) the implementation of fireshed management
23 projects under such section; and

24 (4) any combination of purposes under para-
25 graphs (1) through (3).

1 (b) MEMBERS.—The Secretary concerned may ap-
2 point not more than 10 individuals to serve on an intra-
3 agency strike team comprised of—

4 (1) employees of the Department under the ju-
5 risdiction of the Secretary concerned;

6 (2) employees of a different Federal agency,
7 with the consent of that agency’s Secretary;

8 (3) private contractors from any nonprofit orga-
9 nization, State government, Indian Tribe, local gov-
10 ernment, quasi-governmental agency, academic insti-
11 tution, or private organization; and

12 (4) volunteers from any nonprofit organization,
13 State government, Indian Tribe, local government,
14 quasi-governmental agency, academic institution, or
15 private organization.

16 (c) SUNSET.—The authority provided under this sec-
17 tion shall terminate on the date that is 7 years after the
18 date of enactment of this Act.

19 **SEC. 114. LOCALLY-LED RESTORATION.**

20 (a) THRESHOLD ADJUSTMENT.—Section 14(d) of the
21 National Forest Management Act of 1976 (16 U.S.C.
22 472a(d)) is amended by—

23 (1) striking “\$10,000” and inserting
24 “\$55,000”; and

1 (2) by adding at the end the following: “Begin-
2 ning on January 1, 2025, and annually thereafter,
3 the amount in the first sentence of this subsection
4 shall be adjusted by the Secretary for changes in the
5 Consumer Price Index of All Urban Consumers pub-
6 lished by the Bureau of Labor Statistics of the De-
7 partment of Labor.”.

8 (b) FIRESHED MANAGEMENT PROJECTS.—Begin-
9 ning on the date that is 30 days after the date of enact-
10 ment of this Act, the Secretary shall solicit bids under sec-
11 tion 14 of the National Forest Management Act of 1976
12 (16 U.S.C. 472a(d)) for fireshed management projects
13 under section 106.

14 **SEC. 115. JOINT CHIEFS LANDSCAPE RESTORATION PART-**
15 **NERSHIP PROGRAM.**

16 Section 40808 of the Infrastructure Investment and
17 Jobs Act (16 U.S.C. 6592d) is amended—

18 (1) in subsection (a)(2)—

19 (A) in subparagraph (B), by striking “or”
20 at the end;

21 (B) in subparagraph (C), by striking the
22 period at the end and inserting a semicolon;
23 and

24 (C) by adding at the end the following:

25 “(D) to recover from wildfires; or

1 “(E) to enhance soil, water, and related
2 natural resources.”;

3 (2) in subsection (d)(1)—

4 (A) in subparagraph (A), by inserting
5 “and post-wildfire impacts” after “wildfire
6 risk”; and

7 (B) in subparagraph (F), by inserting “,
8 as identified in the corresponding State forest
9 action plan or similar priority plan (such as a
10 State wildlife or water plan)” before the semi-
11 colon;

12 (3) in subsection (g)(2), by inserting “and at
13 least once every 2 fiscal years thereafter” after “and
14 2023”; and

15 (4) in subsection (h)(1), by striking “and
16 2023” and inserting “through 2028”.

17 **SEC. 116. COLLABORATIVE FOREST LANDSCAPE RESTORA-**
18 **TION PROGRAM.**

19 Section 4003 of the Omnibus Public Land Manage-
20 ment Act of 2009 (16 U.S.C. 7303) is amended—

21 (1) in subsection (b)(3)—

22 (A) in subparagraph (D), by striking “spe-
23 cies;” and inserting “species or pathogens;”;

24 (B) in subparagraph (G), by striking
25 “and” at the end;

1 (C) in subparagraph (H), by adding “and”
2 after the semicolon at the end; and

3 (D) by adding at the end the following:

4 “(I) address standardized monitoring ques-
5 tions and indicators;”;

6 (2) in subsection (c)(3)(A)—

7 (A) in clause (i), by striking “and” at the
8 end;

9 (B) in clause (ii), by adding “and” at the
10 end; and

11 (C) by adding at the end the following:

12 “(iii) include a plan to provide sup-
13 port to collaborative processes established
14 pursuant to subsection (b)(2);”;

15 (3) in subsection (d)—

16 (A) in paragraph (2)—

17 (i) in subparagraph (E), by striking
18 “and” at the end;

19 (ii) in subparagraph (F), by striking
20 the period at the end and inserting “;
21 and”; and

22 (iii) by adding at the end the fol-
23 lowing:

24 “(G) proposals that seek to use innovative
25 implementation mechanisms, including good

1 neighbor agreements entered into under section
2 8206 of the Agricultural Act of 2014 (16
3 U.S.C. 2113a);

4 “(H) proposals that seek to remove or
5 treat insects or diseases, including the removal
6 of trees killed by, or infested with, bark beetles
7 in Arizona, California, Colorado, Idaho, Mon-
8 tana, Nebraska, Nevada, New Mexico, Oregon,
9 South Dakota, Utah, Washington, and Wyo-
10 ming;

11 “(I) proposals that seek to facilitate the
12 sale of firewood and Christmas trees on lands
13 under the jurisdiction of the Secretary or the
14 Secretary of the Interior;

15 “(J) proposals that seek to reduce the risk
16 of uncharacteristic wildfire or increase ecologi-
17 cal restoration activities—

18 “(i) within areas across land owner-
19 ships, including State, Tribal, and private
20 land; and

21 “(ii) within the wildland-urban inter-
22 face (as defined in section 101 of the
23 Healthy Forests Restoration Act of 2003
24 (16 U.S.C. 6511)); and

1 “(K) proposals that seek to enhance water-
2 shed health and drinking water sources.”; and

3 (B) in paragraph (3)—

4 (i) by amending subparagraph (A) to
5 read as follows:

6 “(A) 4 proposals in any 1 region of the
7 National Forest System to be funded during
8 any fiscal year; and”;

9 (ii) by striking subparagraph (B); and

10 (iii) by redesignating subparagraph
11 (C) as subparagraph (B); and

12 (4) in subsection (f)(6), by striking “2019
13 through 2023” and inserting “2023 through 2029”.

14 **SEC. 117. UTILIZING GRAZING FOR WILDFIRE RISK REDUC-**
15 **TION.**

16 The Secretary of Agriculture, acting through the
17 Chief of the Forest Service, in coordination with holders
18 of permits to graze livestock on Federal land, shall develop
19 a strategy to increase opportunities to utilize livestock
20 grazing as a wildfire risk reduction strategy, including—

21 (1) completion of reviews (as required under the
22 National Environmental Policy Act of 1969 (U.S.C.
23 4321 et seq.)) to allow permitted grazing on vacant
24 grazing allotments during instances of drought, wild-

1 fire, or other natural disasters that disrupt grazing
2 on allotments already permitted;

3 (2) use of targeted grazing;

4 (3) increased use of temporary permits to pro-
5 mote targeted fuels reduction and reduction of
6 invasive annual grasses;

7 (4) increased use of grazing as a postfire recov-
8 ery and restoration strategy, where appropriate; and

9 (5) use of all applicable authorities under the
10 law.

11 **SEC. 118. PROGRAM TO SUPPORT PRIORITY REFOREST-**
12 **ATION AND RESTORATION PROJECTS OF DE-**
13 **PARTMENT OF THE INTERIOR.**

14 (a) IN GENERAL.—Not later than 1 year after the
15 date of enactment of this Act, the Secretary of the Inte-
16 rior, in coordination with the heads of covered Federal
17 agencies, shall establish a program to provide support for
18 priority projects identified under subsection (c)(2), in ac-
19 cordance with this section.

20 (b) SUPPORT.—In carrying out the program under
21 subsection (a), the Secretary may provide support
22 through—

23 (1) cooperative agreements entered into in ac-
24 cordance with processes established by the Sec-
25 retary; and

1 (2) contracts, including contracts established
2 pursuant to the Indian Self-Determination and Edu-
3 cation Assistance Act (25 U.S.C. 5301 et seq.).

4 (c) ANNUAL IDENTIFICATION OF PRIORITY
5 PROJECTS.—Not later than 1 year after the date of enact-
6 ment of this Act and annually thereafter, the Secretary
7 of the Interior, in consultation with the heads of covered
8 Federal agencies, shall—

9 (1) identify lands of the United States adminis-
10 tered by, or under the jurisdiction of, the Secretary
11 of the Interior that require reforestation and res-
12 toration due to unplanned disturbances and that are
13 unlikely to experience natural regeneration without
14 assistance; and

15 (2) establish a list of priority projects for refor-
16 estation and restoration for the upcoming year,
17 which may include activities to ensure adequate and
18 appropriate seed and seedling availability to further
19 the objectives of other priority projects.

20 (d) CONSULTATION.—In carrying out the program
21 under subsection (a) and the requirements under sub-
22 section (c), the Secretary shall consult or collaborate with,
23 as appropriate, and inform the following:

24 (1) State and local governments.

25 (2) Indian Tribes.

1 (3) Covered institutions of higher education.

2 (4) Federal agencies that administer lands of
3 the United States that adjoin or are proximal to
4 lands that are the subject of priority projects and
5 potential priority projects.

6 (5) Other stakeholders, as determined by the
7 Secretary.

8 (e) ANNUAL REPORT.—Not later than 2 years after
9 the date of enactment of this Act, and annually thereafter,
10 the Secretary of the Interior shall submit to the relevant
11 Congressional Committees a report that includes the fol-
12 lowing:

13 (1) An accounting of all lands identified under
14 subsection (c)(1) for the period covered by the re-
15 port.

16 (2) A list of priority projects identified under
17 subsection (c)(2) for the period covered by the re-
18 port and, with respect to each such priority project,
19 any support issued under the program under sub-
20 section (a) and any progress made towards reforest-
21 ation and restoration.

22 (3) An accounting of each contract and cooper-
23 ative agreement established under the program
24 under subsection (a).

1 (4) A description of the actions taken in accord-
2 ance with subsection (d).

3 (5) Assessments with respect to—

4 (A) gaps in—

5 (i) the implementation of the program
6 under subsection (a); and

7 (ii) the progress made under the pro-
8 gram with respect to priority projects; and

9 (B) opportunities to procure funding nec-
10 essary to address any such gaps.

11 (f) NONDUPLICATION.—In carrying out this section,
12 the Secretary of the Interior shall collaborate with the Sec-
13 retary of Agriculture and the Secretary of Defense to en-
14 sure the nonduplication of activities carried out under sec-
15 tion 205.

16 (g) SUNSET.—The authority provided under this sec-
17 tion shall terminate on the date that is 7 years after the
18 date of enactment of this Act.

19 (h) DEFINITIONS.—In this section:

20 (1) COVERED FEDERAL AGENCY.—The term
21 “covered Federal agency” means the National Park
22 Service, the United States Fish and Wildlife Service,
23 the Bureau of Land Management, the Bureau of
24 Reclamation, or the Bureau of Indian Affairs.

1 (2) COVERED INSTITUTION OF HIGHER EDU-
2 CATION.—The term “covered institution of higher
3 education” has the meaning given the term “eligible
4 institutions” in section 301(e)(3)).

5 (3) NATURAL REGENERATION; REFOREST-
6 ATION.—The terms “natural regeneration” and “re-
7 forestation” have the meanings given such terms in
8 section 3(e)(4)(A) of the Forest and Rangeland Re-
9 newable Resources Planning Act of 1974 (16 U.S.C.
10 1601(3)(4)(A))

11 (4) RESTORATION.—The term “restoration”
12 means activities that facilitate the recovery of an
13 ecosystem that has been degraded, damaged, or de-
14 stroyed, including the reestablishment of appropriate
15 plant species composition and community structure.

16 (5) UNPLANNED ECOSYSTEM DISTURBANCE.—
17 The term “unplanned ecosystem disturbance” means
18 any unplanned disturbance that disrupts the struc-
19 ture or composition of an ecosystem, including a
20 wildfire, an infestation of insects or disease, and a
21 weather event.

22 **Subtitle C—Litigation Reform**

23 **SEC. 121. COMMONSENSE LITIGATION REFORM.**

24 (a) IN GENERAL.—A court shall not enjoin a covered
25 agency action if the court determines that the plaintiff is

1 unable to demonstrate that the claim of the plaintiff is
2 likely to succeed on the merits.

3 (b) BALANCING SHORT-AND LONG-TERM EFFECTS
4 OF COVERED AGENCY ACTION IN CONSIDERING INJUNC-
5 TIVE RELIEF.—As part of its weighing the equities while
6 considering any request for an injunction that applies to
7 a covered agency action, the court reviewing such action
8 shall balance the impact to the ecosystem likely affected
9 by such action of—

10 (1) the short- and long-term effects of under-
11 taking such action; against

12 (2) the short- and long-term effects of not un-
13 dertaking such action.

14 (c) LIMITATIONS ON JUDICIAL REVIEW.—

15 (1) IN GENERAL.—Notwithstanding any other
16 provision of law (except this section), in the case of
17 a claim arising under Federal law seeking judicial
18 review of a covered agency action—

19 (A) a court shall not hold unlawful, set
20 aside, or otherwise limit, delay, stay, vacate, or
21 enjoin such agency action unless the court de-
22 termines that—

23 (i) such action poses or will pose a
24 risk of a proximate and substantial envi-
25 ronmental harm; and

1 (ii) there is no other equitable remedy
2 available as a matter of law; and

3 (B) if a court determines that subpara-
4 graph (A) does not apply to the covered agency
5 action the only remedy the court may order
6 with regard to such agency action is to remand
7 the matter to the agency with instructions to,
8 during the 180-day period beginning on the
9 date of the order, take such additional actions
10 as may be necessary to redress any legal wrong
11 suffered by, or adverse effect on, the plaintiff,
12 except such additional actions may not include
13 the preparation of a new agency document un-
14 less the court finds the agency was required
15 and failed to prepare such agency document.

16 (2) EFFECT OF REMAND.—In the case of a cov-
17 ered agency action to which paragraph (1)(B) ap-
18 plies, the agency may—

19 (A) continue to carry out such agency ac-
20 tion to the extent the action does not impact
21 the additional actions required pursuant to such
22 paragraph; and

23 (B) if the agency action relates to an agen-
24 cy document, use any format to correct such
25 document (including a supplemental environ-

1 mental document, memorandum, or errata
2 sheet).

3 (d) LIMITATIONS ON CLAIMS.—Notwithstanding any
4 other provision of law (except this section), a claim arising
5 under Federal law seeking judicial review of a covered
6 agency action shall be barred unless—

7 (1) with respect to an agency document or the
8 application of a categorical exclusion noticed in the
9 Federal Register, such claim is filed not later than
10 120 days after the date of publication of a notice in
11 the Federal Register of agency intent to carry out
12 the finished management project relating to such
13 agency document or application, unless a shorter pe-
14 riod is specified in such Federal law;

15 (2) in the case of an agency document or the
16 application of a categorical exclusion not described
17 in paragraph (1), such claim is filed not later than
18 120 days after the date that is the earlier of—

19 (A) the date on which such agency docu-
20 ment or application is published; and

21 (B) the date on which such agency docu-
22 ment or application is noticed; and

23 (3) in the case of a covered agency action for
24 which there was a public comment period, such
25 claim—

1 (A) is filed by a party that—

2 (i) participated in the administrative
3 proceedings regarding the fished man-
4 agement project relating to such action;
5 and

6 (ii) submitted a comment during such
7 public comment period and such comment
8 was sufficiently detailed to put the applica-
9 ble agency on notice of the issue upon
10 which the party seeks judicial review; and

11 (B) is related to such comment.

12 (e) DEFINITIONS.—In this section:

13 (1) AGENCY DOCUMENT.—The term “agency
14 document” means, with respect to a fished man-
15 agement project, a record of decision, environmental
16 document, or programmatic environmental docu-
17 ment.

18 (2) COVERED AGENCY ACTION.—The term
19 “covered agency action” means—

20 (A) the establishment of a fished man-
21 agement project by an agency;

22 (B) the application of a categorical exclu-
23 sion to a fished management project;

24 (C) the preparation of any agency docu-
25 ment for a fished management project; or

1 (D) any other agency action as part of a
2 refreshed management project.

3 (3) NEPA TERMS.—The terms “categorical ex-
4 clusion”, “environmental document”, and “pro-
5 grammatic environmental document” have the mean-
6 ings given such terms, respectively, in section 111 of
7 the National Environmental Policy Act of 1969 (42
8 U.S.C. 4336e).

9 **SEC. 122. CONSULTATION ON FOREST PLANS.**

10 (a) FOREST SERVICE PLANS.—Section 6(d)(2) of the
11 Forest and Rangeland Renewable Resources Planning Act
12 of 1974 (16 U.S.C. 1604(d)(2)) is amended to read as
13 follows:

14 “(2) NO ADDITIONAL CONSULTATION RE-
15 QUIRED UNDER CERTAIN CIRCUMSTANCES.—Not-
16 withstanding any other provision of law, the Sec-
17 retary shall not be required to reinitiate consultation
18 under section 7(a)(2) of the Endangered Species Act
19 of 1973 (16 U.S.C. 1536(a)(2)) or section 402.16 of
20 title 50, Code of Federal Regulations (or a successor
21 regulation), on a land management plan approved,
22 amended, or revised under this section when—

23 “(A) a new species is listed or critical habi-
24 tat is designated under the Endangered Species
25 Act of 1973 (16 U.S.C. 1531 et seq.); or

1 “(B) new information reveals effects of the
2 land management plan that may affect a spe-
3 cies listed or critical habitat designated under
4 that Act in a manner or to an extent not pre-
5 viously considered.”.

6 (b) BUREAU OF LAND MANAGEMENT PLANS.—Sec-
7 tion 202 of the Federal Land Policy and Management Act
8 of 1976 (43 U.S.C. 1712) is amended by adding at the
9 end the following:

10 “(g) NO ADDITIONAL CONSULTATION REQUIRED
11 UNDER CERTAIN CIRCUMSTANCES.—Notwithstanding
12 any other provision of law, the Secretary shall not be re-
13 quired to reinitiate consultation under section 7(a)(2) of
14 the Endangered Species Act of 1973 (16 U.S.C.
15 1536(a)(2)) or section 402.16 of title 50, Code of Federal
16 Regulations (or a successor regulation), on a land use plan
17 approved, amended, or revised under this section when—

18 “(1) a new species is listed or critical habitat
19 is designated under the Endangered Species Act of
20 1973 (16 U.S.C. 1531 et seq.); or

21 “(2) new information reveals effects of the land
22 use plan that may affect a species listed or critical
23 habitat designated under that Act in a manner or to
24 an extent not previously considered.”.

1 **TITLE II—PROTECTING COMMU-**
2 **NITIES IN THE WILDLAND-**
3 **URBAN INTERFACE**

4 **SEC. 201. COMMUNITY WILDFIRE RISK REDUCTION PRO-**
5 **GRAM.**

6 (a) ESTABLISHMENT.—Not later than 30 days after
7 the date of enactment of this Act, the Secretaries shall
8 jointly establish an interagency program to be known as
9 the “Community Wildfire Risk Reduction Program” that
10 shall consist of at least one representative from each of
11 the following:

12 (1) The Office of Wildland Fire of the Depart-
13 ment of the Interior.

14 (2) The National Park Service.

15 (3) The Bureau of Land Management.

16 (4) The United States Fish and Wildlife Serv-
17 ice.

18 (5) The Bureau of Indian Affairs.

19 (6) The Forest Service.

20 (7) The Federal Emergency Management Agen-
21 cy.

22 (8) The United States Fire Administration.

23 (9) The National Institute of Standards and
24 Technology.

1 (10) The National Oceanic and Atmospheric
2 Administration.

3 (b) PURPOSE.—The purpose of the program estab-
4 lished under subsection (a) is to support interagency co-
5 ordination in reducing the risk of, and the damages result-
6 ing from, wildfires in communities (including tribal com-
7 munities) in the wildland-urban interface through—

8 (1) advancing research and science in wildfire
9 resilience and land management, including support
10 for non-Federal research partnerships;

11 (2) supporting adoption by Indian Tribes and
12 local governmental entities of fire-resistant building
13 methods, codes, and standards;

14 (3) supporting efforts by Indian Tribes or local
15 governmental entities to address the effects of
16 wildland fire on such communities, including prop-
17 erty damages, air quality, and water quality;

18 (4) encouraging public-private partnerships to
19 conduct hazardous fuels management activities in
20 the wildland-urban interface;

21 (5) providing technical and financial assistance
22 targeted towards communities, including tribal com-
23 munities, through streamlined and unified technical
24 assistance and grant management mechanisms, in-

1 including the portal and grant application established
2 under subsection (c), to—

3 (A) encourage critical risk reduction meas-
4 ures on private property with high wildfire risk
5 exposure in such communities; and

6 (B) mitigate costs for and improve capac-
7 ity among such communities.

8 (c) PORTAL AND UNIFORM GRANT APPLICATION.—

9 (1) IN GENERAL.—As part of the program es-
10 tablished under subsection (a), the Secretaries and
11 the Administrator of the Federal Emergency Man-
12 agement Agency shall establish a portal through
13 which a person may submit a single, uniform appli-
14 cation for any of the following:

15 (A) A community wildfire defense grant
16 under section 40803(f) of the Infrastructure In-
17 vestment and Jobs Act (16 U.S.C. 6592(f)).

18 (B) An emergency management perform-
19 ance grant under section 662 of the Post-
20 Katrina Emergency Management Reform Act of
21 2006 (6 U.S.C. 761).

22 (C) A grant under section 33 of the Fed-
23 eral Fire Prevention and Control Act of 1974
24 (15 U.S.C. 2229).

1 (D) A grant under section 34 of the Fed-
2 eral Fire Prevention and Control Act of 1974
3 (15 U.S.C. 2229a).

4 (E) Financial or technical assistance or a
5 grant under sections 203, 205, 404, 406, or
6 420 of the Robert T. Stafford Disaster Relief
7 and Emergency Assistance Act (42 U.S.C.
8 5133, 5135, 5170c, 5172, 5187).

9 (2) SIMPLIFICATION OF APPLICATION.—In es-
10 tablishing the portal and application under para-
11 graph (1), the Secretaries and the Administrator
12 shall seek to reduce the complexity and length of the
13 application process for the grants described in para-
14 graph (1).

15 (3) TECHNICAL ASSISTANCE.—The Secretaries
16 shall provide technical assistance to communities or
17 persons seeking to apply for financial assistance
18 through the portal using the application established
19 under paragraph (1).

20 (d) SUNSET.—The program established under this
21 section shall terminate on the date that is 7 years after
22 the date of enactment of this Act.

1 **SEC. 202. COMMUNITY WILDFIRE DEFENSE RESEARCH PRO-**
2 **GRAM.**

3 (a) IN GENERAL.—The Secretaries shall, acting
4 jointly, expand the Joint Fire Science Program to include
5 a performance-driven research and development program
6 known as the “Community Wildfire Defense Research
7 Program” for the purpose of testing and advancing inno-
8 vative designs to create or improve the wildfire-resistance
9 of structures and communities.

10 (b) PROGRAM PRIORITIES.—In carrying out the pro-
11 gram established under subsection (a), the Secretaries
12 shall evaluate opportunities to create wildfire-resistant
13 structures and communities through—

14 (1) different affordable building materials, in-
15 cluding mass timber;

16 (2) home hardening, including policies to
17 incentivize and incorporate defensible space;

18 (3) subdivision design and other land use plan-
19 ning and design;

20 (4) landscape architecture; and

21 (5) other wildfire-resistant designs, as deter-
22 mined by the Secretary.

23 (c) COMMUNITY WILDFIRE DEFENSE INNOVATION
24 PRIZE.—

25 (1) IN GENERAL.—In carrying out the program
26 established under subsection (a), the Secretaries

1 shall carry out a competition through which a person
2 may submit to the Secretaries innovative designs for
3 the creation or improvement of an ignition-resistant
4 structure or fire-adapted communities.

5 (2) PRIZE.—Subject to the availability of ap-
6 propriations made in advance for such purpose, the
7 Secretaries may award a prize under the competition
8 described in paragraph (1), based on criteria estab-
9 lished by the Secretaries and in accordance with
10 paragraph (3).

11 (3) SCALE.—In awarding a prize under para-
12 graph (2), the Secretaries shall prioritize for an
13 award designs with the most potential to scale to ex-
14 isting infrastructure.

15 (d) COLLABORATION AND NONDUPLICATION.—In
16 carrying out the program established under subsection (a),
17 the Secretaries shall ensure collaboration and nonduplica-
18 tion of activities with the Building Technologies Office of
19 the Department of Energy.

20 (e) SUNSET.—The program established under sub-
21 section (a) shall terminate on the date that is 7 years after
22 the date of enactment of this Act.

1 **SEC. 203. VEGETATION MANAGEMENT, FACILITY INSPEC-**
2 **TION, AND OPERATION AND MAINTENANCE**
3 **RELATING TO ELECTRIC TRANSMISSION AND**
4 **DISTRIBUTION FACILITY RIGHTS-OF-WAY.**

5 (a) HAZARD TREES WITHIN 150 FEET OF ELECTRIC
6 POWER LINE.—Section 512(a)(1)(B)(ii) of the Federal
7 Land Policy and Management Act of 1976 (43 U.S.C.
8 1772(a)(1)(B)(ii)) is amended by striking “10” and in-
9 serting “150”.

10 (b) CONSULTATION WITH PRIVATE LANDOWNERS.—
11 Section 512(c)(3)(E) of such Act (43 U.S.C.
12 1772(c)(3)(E)) is amended—

13 (1) in clause (i), by striking “and” at the end;

14 (2) in clause (ii), by striking the period and in-
15 serting “; and”; and

16 (3) by adding at the end the following:

17 “(iii) consulting with a private land-
18 owner with respect to any hazard trees
19 identified for removal from land owned by
20 the private landowner.”.

21 (c) REVIEW AND APPROVAL PROCESS.—Section
22 512(c)(4)(A)(iv) of such Act (43 U.S.C.
23 1772(c)(4)(A)(iv)) is amended to read as follows:

24 “(iv) ensures that—

25 “(I) a plan submitted without a
26 modification under clause (iii) shall be

1 automatically approved 120 days after
2 being submitted; and

3 “(II) with respect to a plan sub-
4 mitted with a modification under
5 clause (iii), if not approved within 120
6 days after being submitted, the Sec-
7 retary concerned shall develop and
8 submit a letter to the owner and oper-
9 ator describing—

10 “(aa) a detailed timeline (to
11 conclude within 165 days after
12 the submission of the plan) for
13 completing review of the plan;

14 “(bb) any identified defi-
15 ciencies with the plan and spe-
16 cific opportunities for the owner
17 and operator to address such de-
18 ficiencies; and

19 “(cc) any other relevant in-
20 formation, as determined by the
21 Secretary concerned.”.

22 **SEC. 204. CATEGORICAL EXCLUSION FOR ELECTRIC UTIL-**
23 **ITY LINES RIGHTS-OF-WAY.**

24 (a) CATEGORICAL EXCLUSION ESTABLISHED.—For-
25 est management activities described in subsection (b) are

1 a category of activities hereby designated as being cat-
2 egorically excluded from the preparation of an environ-
3 mental assessment or an environmental impact statement
4 under section 102 of the National Environmental Policy
5 Act of 1969 (42 U.S.C. 4332).

6 (b) FOREST MANAGEMENT ACTIVITIES DESIGNATED
7 FOR CATEGORICAL EXCLUSION.—The forest management
8 activities designated under subsection (a) for a categorical
9 exclusion are—

10 (1) the development and approval of a vegeta-
11 tion management, facility inspection, and operation
12 and maintenance plan submitted under section
13 512(c)(1) of the Federal Land Policy and Manage-
14 ment Act of 1976 (43 U.S.C. 1772(c)(1)) by the
15 Secretary concerned; and

16 (2) the implementation of routine activities con-
17 ducted under the plan referred to in paragraph (1).

18 (c) AVAILABILITY OF CATEGORICAL EXCLUSION.—
19 On and after the date of enactment of this Act, the Sec-
20 retary concerned may use the categorical exclusion estab-
21 lished under subsection (a) in accordance with this section.

22 (d) EXCLUSION OF CERTAIN AREAS FROM CATEGOR-
23 ICAL EXCLUSION.—The categorical exclusion established
24 under subsection (a) shall not apply to any forest manage-
25 ment activity conducted—

1 (1) in a component of the National Wilderness
2 Preservation System; or

3 (2) on National Forest System lands on which
4 the removal of vegetation is restricted or prohibited
5 by an Act of Congress.

6 (e) PERMANENT ROADS.—

7 (1) PROHIBITION ON ESTABLISHMENT.—A for-
8 est management activity designated under subsection
9 (b) shall not include the establishment of a perma-
10 nent road.

11 (2) EXISTING ROADS.—The Secretary con-
12 cerned may carry out necessary maintenance and re-
13 pair on an existing permanent road for the purposes
14 of conducting a forest management activity des-
15 ignated under subsection (b).

16 (3) TEMPORARY ROADS.—The Secretary con-
17 cerned shall decommission any temporary road con-
18 structed for carrying out a forest management activ-
19 ity designated under subsection (b) not later than
20 the date that is 3 years after the date on which the
21 forest management activity is completed.

22 (f) APPLICABLE LAWS.—Clauses (iii) and (iv) of sec-
23 tion 106(a)(3) shall apply to forest management activities
24 designated under subsection (b).

1 **SEC. 205. SEEDS OF SUCCESS.**

2 (a) STRATEGY ESTABLISHED.—Not later than 2
3 years after the date of enactment of this Act, the Secre-
4 taries and the Secretary of Defense shall jointly develop
5 and implement a strategy, to be known as the “Seeds of
6 Success strategy”, to enhance the domestic supply chain
7 of seeds.

8 (b) ELEMENTS.—The strategy required under sub-
9 section (a) shall include a plan for each of the following:

10 (1) Facilitating sustained interagency coordina-
11 tion in, and a comprehensive approach to, native
12 plant materials development and restoration.

13 (2) Promoting the re-seeding of native or fire-
14 resistant vegetation post-wildfire, particularly in the
15 wildland-urban interface.

16 (3) Creating and consolidating information on
17 native or fire-resistant vegetation and sharing such
18 information with State governments, Indian Tribes,
19 and local governments.

20 (4) Building regional programs and partner-
21 ships to promote the development of materials made
22 from plants native to the United States and restore
23 such plants to their respective, native habitats within
24 the United States, giving priority to the building of
25 such programs and partnerships in regions of the
26 Bureau of Land Management where such partner-

1 ships and programs do not already exist as of the
2 date of enactment of this Act.

3 (5) Expanding seed storage and seed-cleaning
4 infrastructure.

5 (6) Expanding the Warehouse System of the
6 Bureau of Land Management, particularly the cold
7 storage capacity of the Warehouse System.

8 (7) Shortening the timeline for the approval of
9 permits to collect seeds on public lands managed by
10 the Bureau of Land Management.

11 (c) REPORT.—The Secretaries and the Secretary of
12 Defense shall submit to the relevant Congressional Com-
13 mittees the strategy developed under paragraph (1).

14 **TITLE III—TRANSPARENCY AND** 15 **TECHNOLOGY**

16 **SEC. 301. BIOCHAR INNOVATIONS AND OPPORTUNITIES** 17 **FOR CONSERVATION, HEALTH, AND AD-** 18 **VANCEMENTS IN RESEARCH.**

19 (a) DEMONSTRATION PROJECTS.—

20 (1) ESTABLISHMENT.—

21 (A) IN GENERAL.—Subject to the avail-
22 ability of appropriations made in advance for
23 such purpose, not later than 2 years after the
24 date of enactment of this Act, the covered Sec-
25 retaries shall establish a program to enter into

1 partnerships with eligible entities to carry out
2 demonstration projects to support the develop-
3 ment and commercialization of biochar in ac-
4 cordance with this subsection.

5 (B) LOCATION OF DEMONSTRATION
6 PROJECTS.—In carrying out the program estab-
7 lished under subparagraph (A), the covered
8 Secretaries shall, to the maximum extent prac-
9 ticable, enter into partnerships with eligible en-
10 tities such that not fewer than one demonstra-
11 tion project is carried out in each region of the
12 Forest Service and each region of the Bureau
13 of Land Management.

14 (2) PROPOSALS.—To be eligible to enter into a
15 partnership to carry out a biochar demonstration
16 project under paragraph (1)(A), an eligible entity
17 shall submit to the covered Secretaries a proposal at
18 such time, in such manner, and containing such in-
19 formation as the covered Secretaries may require.

20 (3) PRIORITY.—In selecting proposals under
21 paragraph (2), the covered Secretaries shall give pri-
22 ority to entering into partnerships with eligible enti-
23 ties that submit proposals to carry out biochar dem-
24 onstration projects that—

1 (A) have the most carbon sequestration po-
2 tential;

3 (B) have the most potential to create new
4 jobs and contribute to local economies, particu-
5 larly in rural areas;

6 (C) have the most potential to dem-
7 onstrate—

8 (i) new and innovative uses of biochar;

9 (ii) market viability for cost effective
10 biochar-based products;

11 (iii) the ecosystem services created or
12 supported by the use of biochar;

13 (iv) the restorative benefits of biochar
14 with respect to forest health and resiliency,
15 including forest soils and watersheds; or

16 (v) any combination of purposes speci-
17 fied in clauses (i) through (iv); and

18 (D) are located in areas that have a high
19 need for biochar production, as determined by
20 the covered Secretaries, due to—

21 (i) nearby lands identified as having
22 high or very high or extreme risk of wild-
23 fire;

24 (ii) availability of sufficient quantities
25 of feedstocks;

1 (iii) a high level of demand for
2 biochar or other commercial byproducts of
3 biochar; or

4 (iv) any combination of purposes spec-
5 ified in subparagraphs (A) through (D).

6 (4) USE OF FUNDS.—In carrying out the pro-
7 gram established under paragraph (1)(A), the cov-
8 ered Secretaries may enter into partnerships and
9 provide funding to such partnerships to carry out
10 demonstration projects to—

11 (A) acquire and test various feedstocks and
12 their efficacy;

13 (B) develop and optimize commercially and
14 technologically viable biochar production units,
15 including mobile and permanent units;

16 (C) demonstrate—

17 (i) the production of biochar from for-
18 est residue; and

19 (ii) the use of biochar to restore forest
20 health and resiliency;

21 (D) build, expand, or establish biochar fa-
22 cilities;

23 (E) conduct research on new and innova-
24 tive uses of biochar;

1 (F) demonstrate cost-effective market op-
2 portunities for biochar and biochar-based prod-
3 ucts;

4 (G) carry out any other activities the cov-
5 ered Secretaries determine appropriate; or

6 (H) any combination of the purposes speci-
7 fied in subparagraphs (A) through (F).

8 (5) FEEDSTOCK REQUIREMENTS.—To the max-
9 imum extent practicable, an eligible entity that car-
10 ries out a biochar demonstration project under this
11 subsection shall, with respect to the feedstock used
12 under such project, derive at least 50 percent of
13 such feedstock from forest thinning and manage-
14 ment activities, including mill residues, conducted on
15 National Forest System lands or public lands.

16 (6) REVIEW OF BIOCHAR DEMONSTRATION.—

17 (A) IN GENERAL.—The covered Secretaries
18 shall conduct regionally-specific research, in-
19 cluding economic analyses and life-cycle assess-
20 ments, on any biochar produced from a dem-
21 onstration project carried out under the pro-
22 gram established in paragraph (1)(A), includ-
23 ing—

24 (i) the effects of such biochar on—

25 (I) forest health and resiliency;

- 1 (II) carbon capture and seques-
2 tration, including increasing soil car-
3 bon in the short-term and long-term;
- 4 (III) productivity, reduced input
5 costs, and water retention in agricul-
6 tural practices;
- 7 (IV) the health of soil and grass-
8 lands used for grazing activities, in-
9 cluding grazing activities on National
10 Forest System land and public land;
- 11 (V) environmental remediation
12 activities, including abandoned mine
13 land remediation; and
- 14 (VI) other ecosystem services cre-
15 ated or supported by the use of
16 biochar;
- 17 (ii) the effectiveness of biochar as a
18 co-product of biofuels or in biochemicals;
19 and
- 20 (iii) the effectiveness of other poten-
21 tial uses of biochar to determine if any
22 such use is technologically and commer-
23 cially viable.
- 24 (B) COORDINATION.—The covered Secre-
25 taries shall, to the maximum extent practicable,

1 provide data, analyses, and other relevant infor-
2 mation collected under subparagraph (A) with
3 recipients of a grant under subsection (b).

4 (7) LIMITATION ON FUNDING FOR ESTAB-
5 LISHING BIOCHAR FACILITIES.—If the covered Sec-
6 retaries provide to an eligible entity that enters into
7 a partnership with the covered Secretaries under
8 paragraph (1)(A) funding for establishing a biochar
9 facility, such funding may not exceed 35 percent of
10 the total capital cost of establishing such biochar fa-
11 cility.

12 (b) BIOCHAR RESEARCH AND DEVELOPMENT GRANT
13 PROGRAM.—

14 (1) ESTABLISHMENT.—The Secretary of the In-
15 terior, in consultation with the Secretary of Energy,
16 shall establish or expand an existing applied biochar
17 research and development grant program to make
18 competitive grants to eligible institutions to carry
19 out the activities described in paragraph (3).

20 (2) APPLICATIONS.—To be eligible to receive a
21 grant under this subsection, an eligible institution
22 shall submit to the Secretary a proposal at such
23 time, in such manner, and containing such informa-
24 tion as the Secretary may require.

1 (3) USE OF FUNDS.—An eligible institution
2 that receives a grant under this subsection shall use
3 the grant funds to conduct applied research on—

4 (A) the effect of biochar on forest health
5 and resiliency, accounting for variations in
6 biochar, soil, climate, and other factors;

7 (B) the effect of biochar on soil health and
8 water retention, accounting for variations in
9 biochar, soil, climate, and other factors;

10 (C) the long-term carbon sequestration po-
11 tential of biochar;

12 (D) the best management practices with
13 respect to biochar and biochar-based products
14 that maximize—

15 (i) carbon sequestration benefits; and

16 (ii) the commercial viability and appli-
17 cation of such products in forestry, agri-
18 culture, environmental remediation, water
19 quality improvement, and any other similar
20 uses, as determined by the Secretary;

21 (E) the regional uses of biochar to increase
22 productivity and profitability, including—

23 (i) uses in agriculture and environ-
24 mental remediation; and

1 (ii) use as a co-product in fuel produc-
2 tion;

3 (F) new and innovative uses for biochar
4 byproducts; and

5 (G) opportunities to expand markets for
6 biochar and create related jobs, particularly in
7 rural areas.

8 (c) REPORTS.—

9 (1) REPORT TO CONGRESS.—Not later than 2
10 years after the date of enactment of this Act, the
11 covered Secretaries shall submit to Congress a re-
12 port that—

13 (A) includes policy and program rec-
14 ommendations to improve the widespread use of
15 biochar;

16 (B) identifies any area of research needed
17 to advance biochar commercialization; and

18 (C) identifies barriers to further biochar
19 commercialization, including permitting and
20 siting considerations.

21 (2) MATERIALS SUBMITTED IN SUPPORT OF
22 THE PRESIDENT'S BUDGET.—Beginning with the
23 second fiscal year that begins after the date of en-
24 actment of this Act and annually thereafter until the
25 date described in subsection (d), the covered Secre-

1 taries shall include in the materials submitted to
2 Congress in support of the President’s budget pursu-
3 ant to section 1105 of title 31, United States Code,
4 a report describing, for the fiscal year covered by the
5 report, the status of each demonstration project car-
6 ried out under subsection (a) and each research and
7 development grant carried out under subsection (b).

8 (d) SUNSET.—The authority to carry out this section
9 shall terminate on the date that is 7 years after the date
10 of enactment of this Act.

11 (e) DEFINITIONS.—In this section:

12 (1) BIOCHAR.—The term “biochar” means car-
13 bonized biomass produced by converting feedstock
14 through reductive thermal processing for non-fuel
15 uses.

16 (2) ELIGIBLE ENTITY.—The term “eligible enti-
17 ty” means—

18 (A) a State, local, special district, or Tribal
19 government;

20 (B) an eligible institution;

21 (C) a private, non-private, or cooperative
22 entity or organization;

23 (D) a National Laboratory (as such term
24 is defined in section 2 of the Energy Policy Act
25 of 2005 (42 U.S.C. 15801)); or

1 (E) a partnership or consortium of two or
2 more entities described in subparagraphs (A)
3 through (D).

4 (3) ELIGIBLE INSTITUTION.—The term “eligi-
5 ble institution” means land-grant colleges and uni-
6 versities, including institutions eligible for funding
7 under the—

8 (A) Act of July 2, 1862 (12 Stat. 503,
9 chapter 130; 7 U.S.C. 301 et seq.);

10 (B) Act of August 30, 1890 (26 Stat. 417,
11 chapter 841; 7 U.S.C. 321 et seq.), including
12 Tuskegee University;

13 (C) Public Law 87–788 (commonly known
14 as the “McIntire-Stennis Act of 1962”); or

15 (D) Equity in Educational Land-Grant
16 Status Act of 1994 (7 U.S.C. 301 note; Public
17 Law 103–382).

18 (4) FEEDSTOCK.—The term “feedstock” means
19 excess biomass in the form of plant matter or mate-
20 rials that serves as the raw material for the produc-
21 tion of biochar.

22 (5) COVERED SECRETARIES.—The term “cov-
23 ered Secretaries” means—

24 (A) the Secretary of Agriculture, acting
25 through the Chief of the Forest Service;

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

4 (C) the Secretary of Energy, acting
5 through the Director of the Office of Science.

6 **SEC. 302. ACCURATE HAZARDOUS FUELS REDUCTION RE-**
7 **PORTS.**

8 (a) INCLUSION OF HAZARDOUS FUELS REDUCTION
9 REPORT IN MATERIALS SUBMITTED IN SUPPORT OF THE
10 PRESIDENT'S BUDGET.—

11 (1) IN GENERAL.—Beginning with the first fis-
12 cal year that begins after the date of enactment of
13 this Act, and each fiscal year thereafter, the Sec-
14 retary concerned shall include in the materials sub-
15 mitted to Congress in support of the President's
16 budget pursuant to section 1105 of title 31, United
17 States Code, a report on the number of acres of
18 Federal land on which the Secretary concerned car-
19 ried out hazardous fuels reduction activities during
20 the preceding fiscal year.

21 (2) REQUIREMENTS.—For purposes of the re-
22 port required under paragraph (1), the Secretary
23 concerned shall—

24 (A) in determining the number of acres of
25 Federal land on which the Secretary concerned

1 carried out hazardous fuels reduction activities
2 during the period covered by the report—

3 (i) record acres of Federal land on
4 which hazardous fuels reduction activities
5 were completed during such period; and

6 (ii) record each acre described in
7 clause (i) once in the report, regardless of
8 whether multiple hazardous fuels reduction
9 activities were carried out on such acre
10 during such period; and

11 (B) with respect to the acres of Federal
12 land recorded in the report, include information
13 on—

14 (i) which such acres are located in the
15 wildland-urban interface;

16 (ii) the level of wildfire risk (high,
17 moderate, or low) on the first and last day
18 of the period covered by the report;

19 (iii) the types of hazardous fuels ac-
20 tivities completed for such acres, delin-
21 eating between whether such activities
22 were conducted—

23 (I) in a wildfire managed for re-
24 source benefits; or

25 (II) through a planned project;

1 (iv) the cost per acre of hazardous
2 fuels activities carried out during the pe-
3 riod covered by the report;

4 (v) the region or system unit in which
5 the acres are located; and

6 (vi) the effectiveness of the hazardous
7 fuels reduction activities on reducing the
8 risk of wildfire.

9 (3) TRANSPARENCY.—The Secretary concerned
10 shall make each report submitted under paragraph
11 (1) publicly available on the websites of the Depart-
12 ment of Agriculture and the Department of the Inte-
13 rior, as applicable.

14 (b) ACCURATE DATA COLLECTION.—

15 (1) IN GENERAL.—Not later than 90 days after
16 the date of enactment of this Act, the Secretary con-
17 cerned shall implement standardized procedures for
18 tracking data related to hazardous fuels reduction
19 activities carried out by the Secretary concerned.

20 (2) ELEMENTS.—The standardized procedures
21 required under paragraph (1) shall include—

22 (A) regular, standardized data reviews of
23 the accuracy and timely input of data used to
24 track hazardous fuels reduction activities;

1 (B) verification methods that validate
2 whether such data accurately correlates to the
3 hazardous fuels reduction activities carried out
4 by the Secretary concerned;

5 (C) an analysis of the short- and long-term
6 effectiveness of the hazardous fuels reduction
7 activities on reducing the risk of wildfire; and

8 (D) for hazardous fuels reduction activities
9 that occur partially within the wildland-urban
10 interface, methods to distinguish which acres
11 are located within the wildland-urban interface
12 and which acres are located outside the
13 wildland-urban interface.

14 (3) REPORT.—Not later than 2 weeks after im-
15 plementing the standardized procedures required
16 under paragraph (1), the Secretary concerned shall
17 submit to Congress a report that describes—

18 (A) such standardized procedures; and

19 (B) program and policy recommendations
20 to Congress to address any limitations in track-
21 ing data related to hazardous fuels reduction
22 activities under this subsection.

23 (c) GAO STUDY.—Not later than 2 years after the
24 date of enactment of this Act, the Comptroller General
25 of the United States shall—

1 (1) conduct a study on the implementation of
2 this section, including any limitations with respect
3 to—

4 (A) reporting hazardous fuels reduction ac-
5 tivities under subsection (a); or

6 (B) tracking data related to hazardous
7 fuels reduction activities under subsection (b);
8 and

9 (2) submit to Congress a report that describes
10 the results of the study under paragraph (1).

11 (d) DEFINITIONS.—In this section:

12 (1) HAZARDOUS FUELS REDUCTION ACTIV-
13 ITY.—The term “hazardous fuels reduction activ-
14 ity”—

15 (A) means any vegetation management ac-
16 tivity to reduce the risk of wildfire, including
17 mechanical treatments, grazing, and prescribed
18 burning; and

19 (B) does not include the awarding of con-
20 tracts to conduct hazardous fuels reduction ac-
21 tivities.

22 (2) FEDERAL LANDS.—The term “Federal
23 lands” means lands under the jurisdiction of the
24 Secretary of the Interior or the Secretary of Agri-
25 culture.

1 (e) NO ADDITIONAL FUNDS AUTHORIZED.—No addi-
2 tional funds are authorized to carry out the requirements
3 of this section, and the activities authorized by this section
4 are subject to the availability of appropriations made in
5 advance for such purposes.

6 **SEC. 303. PUBLIC-PRIVATE WILDFIRE TECHNOLOGY DE-**
7 **PLOYMENT AND DEMONSTRATION PARTNER-**
8 **SHIP.**

9 (a) DEFINITIONS.—In this section:

10 (1) COVERED AGENCY.—The term “covered
11 agency” means—

12 (A) each Federal land management agency
13 (as such term is defined in the Federal Lands
14 Recreation Enhancement Act (16 U.S.C.
15 6801));

16 (B) the National Oceanic and Atmospheric
17 Administration;

18 (C) the United States Fire Administration;

19 (D) the Federal Emergency Management
20 Agency;

21 (E) the National Aeronautics and Space
22 Administration;

23 (F) the Bureau of Indian Affairs;

24 (G) the Department of Defense;

1 (H) a State, Tribal, county, or municipal
2 fire department or district operating through
3 the United States Fire Administration or pur-
4 suant to an agreement with a Federal agency;
5 and

6 (I) any other Federal agency involved in
7 wildfire response.

8 (2) COVERED ENTITY.—The term “covered en-
9 tity” means—

10 (A) a private entity;

11 (B) a nonprofit organization; or

12 (C) an institution of higher education (as
13 defined in section 101 of the Higher Education
14 Act of 1965 (20 U.S.C. 1001)).

15 (b) IN GENERAL.—Not later than 1 year after the
16 date of enactment of this Act, the Secretaries, in coordina-
17 tion with the heads of the covered agencies, shall establish
18 a deployment and demonstration pilot program (in this
19 section referred to as “Pilot Program”) for new and inno-
20 vative wildfire prevention, detection, communication, and
21 mitigation technologies.

22 (c) FUNCTIONS.—In carrying out the Pilot Program,
23 the Secretaries shall—

24 (1) incorporate the Pilot Program into the Na-
25 tional Wildfire Coordinating Group;

1 (2) in consultation with the heads of covered
2 agencies, identify and advance the demonstration
3 and deployment of key technology priority areas with
4 respect to wildfire prevention, detection, communica-
5 tion, and mitigation technologies, including—

6 (A) hazardous fuels reduction treatments
7 or activities;

8 (B) dispatch communications;

9 (C) remote sensing, detection, and track-
10 ing;

11 (D) safety equipment;

12 (E) common operating pictures or oper-
13 ational dashboards; and

14 (F) interoperable commercial data; and

15 (3) connect each covered entity selected to par-
16 ticipate in the Pilot Program with the appropriate
17 covered agency to coordinate real-time and on-the-
18 ground testing of technology during wildland fire
19 mitigation activities and training.

20 (d) APPLICATIONS.—To be eligible to be selected to
21 participate in the Pilot Program, a covered entity shall
22 submit to the Secretaries an application at such time, in
23 such manner, and containing such information as the Sec-
24 retaries may require, including a proposal to demonstrate

1 technologies specific to the key technology priority areas
2 identified pursuant to subsection (c)(2).

3 (e) PRIORITIZATION OF EMERGING TECH-
4 NOLOGIES.—In selecting covered entities to participate in
5 the Pilot Program, the Secretaries shall give priority to
6 covered entities—

7 (1) that have participated in the Fire Weather
8 Testbed of the National Oceanic and Atmospheric
9 Administration; or

10 (2) developing and applying emerging tech-
11 nologies for wildfire mitigation, including artificial
12 intelligence, quantum sensing, computing and quan-
13 tum-hybrid applications, thermal mid-wave infrared
14 equipped low earth orbit satellites, augmented re-
15 ality, 5G private networks, and device-to-device com-
16 munications supporting nomadic mesh networks and
17 detection.

18 (f) OUTREACH.—The Secretaries, in coordination
19 with the heads of covered agencies, shall make public the
20 key technology priority areas identified pursuant to sub-
21 section (c)(2) and invite covered entities to apply under
22 subsection (d) to deploy and demonstrate their tech-
23 nologies to address such priority areas.

24 (g) REPORTS AND RECOMMENDATIONS.—Not later
25 than 1 year after the date of enactment of this Act, and

1 annually thereafter for the duration of the Pilot Program,
2 the Secretaries shall submit to the relevant Congressional
3 Committees, the Committee on Science, Space, and Tech-
4 nology of the House of Representatives, and the Com-
5 mittee on Commerce, Science, and Transportation of the
6 Senate a report that includes, with respect to the Pilot
7 Program, the following:

8 (1) A list of participating covered entities.

9 (2) A brief description of the technologies de-
10 ployed and demonstrated by each such covered enti-
11 ty.

12 (3) An estimate of the cost of acquiring each
13 such technology and applying the technology at
14 scale.

15 (4) Outreach efforts by Federal agencies to cov-
16 ered entities developing wildfire technologies.

17 (5) Assessments of, and recommendations relat-
18 ing to, new technologies with potential adoption and
19 application at-scale in Federal land management
20 agencies' wildfire prevention, detection, communica-
21 tion, and mitigation efforts.

22 (6) A description of the relationship and coordi-
23 nation between the Pilot Program and the activities
24 of the National Oceanic and Atmospheric Adminis-
25 tration, including the Fire Weather Testbed.

1 (h) SUNSET.—The authority to carry out this section
2 shall terminate on the date that is 7 years after the date
3 of enactment of this Act.

4 **SEC. 304. GAO STUDY ON FOREST SERVICE POLICIES.**

5 Not later than 3 years after the date of enactment
6 of this Act, the Comptroller General of the United States
7 shall—

8 (1) conduct a study evaluating—

9 (A) the effectiveness of Forest Service
10 wildland firefighting operations;

11 (B) transparency and accountability meas-
12 ures in the Forest Service’s budget and ac-
13 counting process; and

14 (C) the suitability and feasibility of estab-
15 lishing a new Federal agency with the responsi-
16 bility of responding and suppressing wildland
17 fires on Federal lands; and

18 (2) submit to Congress a report that describes
19 the results of the study required under paragraph
20 (1).

21 **SEC. 305. FOREST SERVICE WESTERN HEADQUARTERS**
22 **STUDY.**

23 Not later than 5 years after the date of enactment
24 of this Act, the Chief of the Forest Service shall—

25 (1) conduct a study evaluating—

1 (A) potential locations for a Western head-
2 quarters for the Forest Service, including po-
3 tential locations in at least 3 different States lo-
4 cated west of the Mississippi river; and

5 (B) the potential benefits of creating a
6 Western headquarters for the Forest Service,
7 including expected—

8 (i) improvements to customer service;

9 (ii) improvements to employee recruit-
10 ment and retention; and

11 (iii) operational efficiencies and cost
12 savings; and

13 (2) submit to Congress a report that describes
14 the results of the study required under paragraph
15 (1).

16 **SEC. 306. KEEPING FOREST PLANS CURRENT AND MON-**
17 **ITORED.**

18 (a) IN GENERAL.—The Secretary—

19 (1) to the greatest extent practicable and sub-
20 ject to the availability of appropriations made in ad-
21 vance for such purpose—

22 (A) ensure forest plans comply with the re-
23 quirements of section 6(f)(5)(A) of the Forest
24 and Rangeland Resources Planning Act of 1974
25 (16 U.S.C. 1604(f)(5)(A)); and

1 (B) prioritize revising any forest plan not
2 in compliance with such section 6(f)(5)(A);

3 (2) not be considered to be in violation of sec-
4 tion 6(f)(5)(A) of the Forest and Rangeland Renew-
5 able Resources Planning Act of 1974 (16 U.S.C.
6 1604(f)(5)(A)) solely because more than 15 years
7 have passed without revision of the plan for a unit
8 of the National Forest System;

9 (3) not later than 120 days after the date of
10 the enactment of this Act, submit to the relevant
11 Congressional Committees the date on which each
12 forest plan required by such section 6 was most re-
13 cently revised, amended, or modified;

14 (4) seek to publish a new, complete version of
15 a forest plan that the Secretary has been directed to
16 amend, revise, or modify by a court order within 60
17 days of such amendment, revision, or modification,
18 subject to the availability of appropriations made in
19 advance for such purpose; and

20 (5) maintain a central, publicly accessible
21 website with links to—

22 (A) the most recently available forest plan
23 adopted, amended, or modified by a court order
24 as a single document; and

1 (B) the most recently published forest plan
2 monitoring report for each unit of the National
3 Forest System.

4 (b) GOOD FAITH UPDATES.—If the Secretary is not
5 acting expeditiously and in good faith, within the funding
6 available to revise, amend, or modify a plan for a unit
7 of the National Forest System as required by law or a
8 court order, subsection (a) shall be void with respect to
9 such plan and a court of proper jurisdiction may order
10 completion of the plan on an accelerated basis.

11 (c) REPORT.—Not later than 1 year after the date
12 of the enactment of this Act, the Secretary shall submit
13 a report to the relevant Congressional Committees sum-
14 marizing the implementation of this section.

15 **SEC. 307. CONTAINER AERIAL FIREFIGHTING SYSTEM**
16 **(CAFFS).**

17 (a) EVALUATION.—Not later than 90 days after the
18 date of the enactment of this Act, the Secretary of Agri-
19 culture and the Secretary of the Interior, in consultation
20 with the National Interagency Aviation Committee and the
21 Interagency Airtanker Board, shall jointly conduct an
22 evaluation of the container aerial firefighting system to as-
23 sess the use of such system to mitigate and suppress
24 wildfires.

1 (b) REPORT.—Not later than 120 days after the date
2 of the enactment of this Act, the Secretary of Agriculture
3 and the Secretary of the Interior, in consultation with the
4 National Interagency Aviation Committee and the Inter-
5 agency Airtanker Board, shall jointly submit to the appro-
6 priate committees a report that includes the results of the
7 evaluation required under subsection (a).

8 (c) APPROPRIATE COMMITTEES DEFINED.—In this
9 section, the term “appropriate committees” means—

10 (1) the Committees on Agriculture and Natural
11 Resources of the House of Representatives; and

12 (2) the Committees on Agriculture, Nutrition,
13 and Forestry and Energy and Natural Resources of
14 the Senate.

15 **SEC. 308. STUDY ON PINE BEETLE INFESTATION.**

16 Not later than 1 year after the date of the enactment
17 of this Act, the Secretary of Agriculture, acting through
18 the Chief of the Forest Service, shall—

19 (1) carry out a study on the causes and effects
20 of, and solutions for, the infestation of pine beetles
21 in the North Eastern region of the United States;
22 and

23 (2) submit to the relevant Congressional Com-
24 mittees a report that includes the results of the
25 study required under paragraph (1).

1 **TITLE IV—ENSURING CASUALTY**
2 **ASSISTANCE FOR OUR FIRE-**
3 **FIGHTERS**

4 **SEC. 401. WILDLAND FIRE MANAGEMENT CASUALTY AS-**
5 **SISTANCE PROGRAM.**

6 (a) DEVELOPMENT OF PROGRAM.—Not later than 6
7 months after the date of the enactment of this Act, the
8 Secretary of the Interior shall develop a Wildland Fire
9 Management Casualty Assistance Program (referred to in
10 this section as the “Program”) to provide assistance to
11 the next-of-kin of—

- 12 (1) firefighters who, while in the line of duty,
13 suffer illness or are critically injured or killed; and
14 (2) wildland fire support personnel critically in-
15 jured or killed in the line of duty.

16 (b) ASPECTS OF PROGRAM.—The Program shall ad-
17 dress the following:

18 (1) The initial and any subsequent notifications
19 to the next-of-kin of a firefighter or wildland fire
20 support personnel who—

21 (A) is killed in the line of duty; or

22 (B) requires hospitalization or treatment
23 at a medical facility due to a line-of-duty injury
24 or illness.

1 (2) The reimbursement of next-of-kin for ex-
2 penses associated with travel to visit a firefighter or
3 wildland fire support personnel who—

4 (A) is killed in the line of duty; or

5 (B) requires hospitalization or treatment
6 at a medical facility due to a line-of-duty injury
7 or illness.

8 (3) The qualifications, assignment, training, du-
9 ties, supervision, and accountability for the perform-
10 ance of casualty assistance responsibilities.

11 (4) The relief or transfer of casualty assistance
12 officers, including notification to survivors of critical
13 injury or illness in the line of duty and next-of-kin
14 of the reassignment of such officers to other duties.

15 (5) Centralized, short-term and long-term case
16 management procedures for casualty assistance, in-
17 cluding rapid access by survivors of firefighters or
18 wildland fire support personnel and casualty assist-
19 ance officers to expert case managers and coun-
20 selors.

21 (6) The provision, through a computer acces-
22 sible website and other means and at no cost to sur-
23 vivors and next-of-kin of firefighters or wildland fire
24 support personnel, of personalized, integrated infor-

1 mation on the benefits and financial assistance avail-
2 able to such survivors from the Federal Government.

3 (7) The provision of information to survivors
4 and next-of-kin of firefighters or wildland fire sup-
5 port personnel on mechanisms for registering com-
6 plaints about, or requests for, additional assistance
7 related to casualty assistance.

8 (8) Liaison with the Department of the Inte-
9 rior, the Department of Justice, and the Social Se-
10 curity Administration to ensure prompt and accurate
11 resolution of issues relating to benefits administered
12 by those agencies for survivors of firefighters or
13 wildland fire support personnel.

14 (9) Data collection, in consultation with the
15 United States Fire Administration and the National
16 Institute for Occupational Safety and Health, re-
17 garding the incidence and quality of casualty assist-
18 ance provided to survivors of firefighters or wildland
19 fire support personnel.

20 (c) LINE OF DUTY DEATH BENEFITS.—The Pro-
21 gram shall not affect existing authorities for Line of Duty
22 Death benefits for Federal firefighters and wildland fire
23 support personnel.

24 (d) NEXT-OF-KIN DEFINED.—In this section, the
25 term “next-of-kin” means person or persons in the highest

1 category of priority as determined by the following list
2 (categories appear in descending order of priority):

3 (1) Surviving legal spouse.

4 (2) Children (whether by current or prior mar-
5 riage) age 18 years or older in descending prece-
6 dence by age.

7 (3) Father or mother, unless by court order
8 custody has been vested in another (adoptive parent
9 takes precedence over natural parent).

10 (4) Siblings (whole or half) age 18 years or
11 older in descending precedence by age.

12 (5) Grandfather or grandmother.

13 (6) Any other relative (precedence to be deter-
14 mined in accordance with the civil law of descent of
15 the deceased former member's State of domicile at
16 time of death).

17 **TITLE V—WHITE OAK**
18 **RESILIENCE**

19 **SEC. 501. WHITE OAK RESTORATION INITIATIVE COALI-**
20 **TION.**

21 (a) IN GENERAL.—The White Oak Restoration Ini-
22 tiative Coalition shall be established—

23 (1) as a voluntary collaborative group of Fed-
24 eral, State, Tribal, and local governments and pri-

1 vate and non-governmental organizations to carry
2 out the duties described in subsection (b); and

3 (2) in accordance with the charter titled “White
4 Oak Initiative Coalition Charter” adopted by the
5 White Oak Initiative Board of Directors on March
6 21, 2023 (or a successor charter).

7 (b) DUTIES.—In addition to the duties specified in
8 the charter described in subsection (a)(2), the duties of
9 the White Oak Restoration Initiative Coalition are—

10 (1) to coordinate Federal, State, Tribal, local,
11 private, and non-governmental restoration of white
12 oak in the United States; and

13 (2) to make program and policy recommenda-
14 tions, consistent with applicable forest management
15 plans, with respect to—

16 (A) changes necessary to address Federal
17 and State policies that impede activities to im-
18 prove the health, resiliency, and natural regen-
19 eration of white oak;

20 (B) adopting or modifying Federal and
21 State policies to increase the pace and scale of
22 white oak regeneration and resiliency of white
23 oak;

24 (C) options to enhance communication, co-
25 ordination, and collaboration between forest

1 land owners, particularly for cross-boundary
2 projects, to improve the health, resiliency, and
3 natural regeneration of white oak;

4 (D) research gaps that should be ad-
5 dressed to improve the best available science on
6 white oak;

7 (E) outreach to forest landowners with
8 white oak or white oak regeneration potential;
9 and

10 (F) options and policies necessary to im-
11 prove the quality and quantity of white oak in
12 tree nurseries.

13 (c) ADMINISTRATIVE SUPPORT, TECHNICAL SERV-
14 ICES, AND STAFF SUPPORT.—The Secretary of the Inte-
15 rior and the Secretary of Agriculture shall make such per-
16 sonnel available to the White Oak Restoration Initiative
17 Coalition for administrative support, technical services,
18 and development and dissemination of educational mate-
19 rials as the Secretaries determine necessary to carry out
20 this section.

21 (d) PRIVATE FUNDING OF WHITE OAK RESTORA-
22 TION PROJECTS.—Subject to the availability of appropria-
23 tions made in advance for such purpose, the Secretary of
24 Agriculture may make funds available to the White Oak
25 Restoration Initiative Coalition to carry out this section

1 from the account established pursuant to section 1241(f)
2 of the Food Security Act of 1985 (16 U.S.C. 3841(f)).

3 **SEC. 502. FOREST SERVICE PILOT PROGRAM.**

4 (a) IN GENERAL.—The Secretary of Agriculture, act-
5 ing through the Chief of the Forest Service, shall establish
6 and carry out 5 pilot projects in national forests to restore
7 white oak in such forests through white oak restoration
8 and natural regeneration practices that are consistent with
9 applicable forest management plans.

10 (b) NATIONAL FORESTS RESERVED OR WITHDRAWN
11 FROM THE PUBLIC DOMAIN.—At least 3 pilot projects re-
12 quired under subsection (a) shall be carried out on na-
13 tional forests reserved or withdrawn from the public do-
14 main.

15 (c) AUTHORITY TO ENTER INTO COOPERATIVE
16 AGREEMENTS.—The Secretary of Agriculture may enter
17 into cooperative agreements to carry out the pilot projects
18 required under subsection (a).

19 (d) SUNSET.—The authority under this section shall
20 terminate on the date that is 7 years after the date of
21 the enactment of this Act.

22 **SEC. 503. DEPARTMENT OF THE INTERIOR WHITE OAK RE-**
23 **VIEW AND RESTORATION.**

24 (a) ASSESSMENT.—

1 (1) IN GENERAL.—The Secretary of the Inte-
2 rior shall carry out an assessment of land under the
3 administrative jurisdiction of the Department of the
4 Interior, including fish and wildlife refuges and
5 abandoned mine land, to evaluate—

6 (A) whether white oak is present on such
7 land; and

8 (B) the potential to restore white oak for-
9 ests on such land.

10 (2) USE OF INFORMATION.—In carrying out the
11 assessment under paragraph (1), the Secretary may
12 use information from sources other than the Depart-
13 ment of the Interior, including from the White Oak
14 Initiative and the Forest Service.

15 (3) REPORT.—Not later than 90 days after the
16 date of the enactment of this section, the Secretary
17 shall submit to Congress, and make publicly avail-
18 able on the website of the Department of the Inte-
19 rior, a report regarding the results of the assessment
20 carried out under this subsection.

21 (b) PILOT PROJECTS.—After the date on which the
22 report required under subsection (a)(3) is submitted, the
23 Secretary shall establish and carry out 5 pilot projects in
24 different areas of land described in subsection (a)(1) to
25 restore and naturally regenerate white oak.

1 (c) AUTHORITY TO ENTER INTO COOPERATIVE
2 AGREEMENTS.—The Secretary of the Interior may enter
3 into cooperative agreements to carry out the pilot projects
4 required under subsection (b).

5 (d) SUNSET.—The authority under this section shall
6 terminate on the date that is 7 years after the date of
7 the enactment of this Act.

8 **SEC. 504. WHITE OAK REGENERATION AND UPLAND OAK**
9 **HABITAT.**

10 (a) ESTABLISHMENT.—Not later than 180 days after
11 the date of the enactment of this Act, the Secretary of
12 Agriculture (in this section referred to as the “Secretary”)
13 shall establish a non-regulatory program to be known as
14 the “White Oak and Upland Oak Habitat Regeneration
15 Program” (in this section referred to as the “Program”).

16 (b) DUTIES.—In carrying out the Program, the Sec-
17 retary shall—

18 (1) draw upon the best available science and
19 management plans for species of white oak to iden-
20 tify, prioritize, and implement restoration and con-
21 servation activities that will improve the growth of
22 white oak within the United States;

23 (2) collaborate and coordinate with the White
24 Oak Restoration Initiative Coalition to prioritize
25 white oak restoration initiatives;

1 (3) adopt a white oak restoration strategy
2 that—

3 (A) supports the implementation of a
4 shared set of science-based restoration and con-
5 servation activities developed in accordance with
6 paragraph (1);

7 (B) targets cost effective projects with
8 measurable results; and

9 (C) maximizes restoration outcomes with
10 no net gain of Federal full-time equivalent em-
11 ployees; and

12 (4) establish the voluntary grant and technical
13 assistance programs in accordance with subsection
14 (e).

15 (c) COORDINATION.—In establishing the Program
16 the Secretary, acting through the Chief of the Forest Serv-
17 ice, shall consult with—

18 (1) the heads of Federal agencies, including—

19 (A) the Director of the United States Fish
20 and Wildlife Service; and

21 (B) the Chief of the Natural Resources
22 Conservation Service; and

23 (2) the Governor of each State in which res-
24 toration efforts will be carried out pursuant to the
25 Program.

1 (d) PURPOSES.—The purposes of the Program in-
2 clude—

3 (1) coordinating restoration and conservation
4 activities among Federal, State, local, and Tribal en-
5 tities and conservation partners to address white oak
6 restoration priorities;

7 (2) improving and regenerating white oak and
8 upland oak forests and the wildlife habitat such for-
9 ests provide;

10 (3) carrying out coordinated restoration and
11 conservation activities that lead to the increased
12 growth of species of white oak in native white oak
13 regions on Federal, State, Tribal, and private land;

14 (4) facilitating strategic planning to maximize
15 the resilience of white oak systems and habitats
16 under changing climate conditions;

17 (5) engaging the public through outreach, edu-
18 cation, and citizen involvement to increase capacity
19 and support for coordinated restoration and con-
20 servation activities for species of white oak; and

21 (6) increasing scientific capacity to support the
22 planning, monitoring, and research activities nec-
23 essary to carry out such coordinated restoration and
24 conservation activities.

25 (e) GRANTS AND ASSISTANCE.—

1 (1) IN GENERAL.—To the extent that funds are
2 available to carry out this section, the Secretary
3 shall establish a voluntary grant and technical as-
4 sistance program (in this section referred to as the
5 “grant program”) to achieve the purposes of the
6 Program described in subsection (d).

7 (2) ADMINISTRATION.—

8 (A) IN GENERAL.—The Secretary shall
9 enter into a cooperative agreement with the Na-
10 tional Fish and Wildlife Foundation (in this
11 subsection referred to as the “Foundation”) to
12 manage and administer the grant program.

13 (B) FUNDING.—Subject to the availability
14 of appropriations made in advance for such
15 purpose, after the Secretary enters into a coop-
16 erative agreement with the Foundation under
17 subparagraph (A), the Foundation shall for
18 each fiscal year, receive amounts to carry out
19 this subsection in an advance payment of the
20 entire amount on October 1, or as soon as prac-
21 ticable thereafter, of that fiscal year.

22 (3) APPLICATION OF NATIONAL FISH AND
23 WILDLIFE FOUNDATION ESTABLISHMENT ACT.—
24 Amounts received by the Foundation to carry out
25 the grant program shall be subject to the National

1 Fish and Wildlife Foundation Establishment Act (16
2 U.S.C. 3701 et seq.), excluding section 10(a) of that
3 Act (16 U.S.C. 3709(a)).

4 (f) SUNSET.—The authority under this section shall
5 terminate on the date that is 7 years after the date of
6 the enactment of this Act.

7 **SEC. 505. TREE NURSERY SHORTAGES.**

8 (a) IN GENERAL.—Not later than 1 year after the
9 date of the enactment of this section, the Secretary of Ag-
10 riculture, acting through the Chief of the Forest Service,
11 shall—

12 (1) develop and implement a national strategy
13 to increase the capacity of Federal, State, Tribal,
14 and private tree nurseries to address the nationwide
15 shortage of tree seedlings; and

16 (2) coordinate such strategy with—

17 (A) the national reforestation strategy of
18 the Forest Service; and

19 (B) each regional implementation plan for
20 National Forests.

21 (b) ELEMENTS.—The strategy required under sub-
22 section (a) shall—

23 (1) be based on the best available science and
24 data; and

25 (2) identify and address—

1 (A) regional seedling shortages of bareroot
2 and container tree seedlings;

3 (B) regional reforestation opportunities
4 and the seedling supply necessary to fulfill such
5 opportunities;

6 (C) opportunities to enhance seedling di-
7 versity and close gaps in seed inventories; and

8 (D) barriers to expanding, enhancing, or
9 creating new infrastructure to increase nursery
10 capacity.

11 **SEC. 506. WHITE OAK RESEARCH.**

12 (a) IN GENERAL.—The Secretary of Agriculture may
13 enter into a memorandum of understanding with a Tribe
14 or institution, including a covered land grant college, to
15 collaboratively conduct research on—

16 (1) white oak genes with resistance or tolerance
17 to stress;

18 (2) white oak trees that exhibit vigor for the
19 purpose of increasing survival and growth;

20 (3) establishing a genetically diverse white oak
21 seeds bank capable of responding to stressors;

22 (4) providing a sustainable supply of white oak
23 seedlings and genetic resources;

24 (5) improved methods for aligning seed sources
25 with the future climate at planting sites;

1 (6) reforestation of white oak through natural
2 and artificial regeneration;

3 (7) improved methods for retaining and increas-
4 ing white oak trees in forests;

5 (8) improved methods for reforesting aban-
6 doned mine land sites; and

7 (9) economic and social aspects of white oak
8 forest management across land ownerships.

9 (b) CONSULT.—In carrying out the research under
10 subsection (a), the Tribe or institution, including a cov-
11 ered land grant college, that enters into the memorandum
12 of understanding under such subsection may consult with
13 such States, nonprofit organizations, institutions of higher
14 education, and other scientific bodies, as the entity subject
15 to such memorandum determines appropriate.

16 (c) SUNSET.—The authority under this section shall
17 terminate on the date that is 7 years after the date of
18 the enactment of this Act.

19 (d) COVERED LAND GRANT COLLEGE DEFINED.—
20 In this section, the term “covered land grant college”
21 means an 1862 Institution, an 1890 Institution, or a 1994
22 Institution (as such terms are defined, respectively, in sec-
23 tion 2 of the Agricultural Research, Extension, and Edu-
24 cation Reform Act of 1998 (7 U.S.C. 7601)).

1 **SEC. 507. USDA FORMAL INITIATIVE.**

2 (a) IN GENERAL.—The Secretary of Agriculture, act-
3 ing through the Chief of the Natural Resources Conserva-
4 tion Service and in coordination with the Chief of the For-
5 est Service, shall establish a formal initiative on white oak
6 to—

7 (1) re-establish white oak forests where appro-
8 priate;

9 (2) improve management of existing white oak
10 forests to foster natural regeneration of white oak;

11 (3) provide technical assistance to private land-
12 owners to re-establish, improve management of, and
13 naturally regenerate white oak;

14 (4) improve and expand white oak nursery
15 stock; and

16 (5) adapt and improve white oak seedlings.

17 (b) SUNSET.—The authority under this section shall
18 terminate on the date that is 7 years after the date of
19 the enactment of this Act.

20 **SEC. 508. AUTHORITIES.**

21 To the maximum extent practicable, the Secretary of
22 the Interior and the Secretary of Agriculture shall use the
23 authorities provided under this title in combination with
24 other authorities to carry out projects, including—

1 (1) good neighbor agreements entered into
2 under section 8206 of the Agricultural Act of 2014
3 (16 U.S.C. 2113); and

4 (2) stewardship contracting projects entered
5 into under section 604 of the Healthy Forests Res-
6 toration Act of 2003 (16 U.S.C. 6591).

7 **TITLE VI—EXPANSION OF PUB-**
8 **LIC-PRIVATE PARTNERSHIPS**
9 **UNDER WATER SOURCE PRO-**
10 **TECTION PROGRAM**

11 **SEC. 601. WATER SOURCE PROTECTION PROGRAM.**

12 Section 303 of the Healthy Forests Restoration Act
13 of 2003 (16 U.S.C. 6542(g)(4)(B)) is amended—

14 (1) in subsection (a)—

15 (A) by redesignating paragraphs (1)
16 through (7) as paragraphs (2) through (8), re-
17 spectively;

18 (B) by inserting before paragraph (2), as
19 so redesignated, the following:

20 “(1) ADJACENT LAND.—The term ‘adjacent
21 land’ means non-Federal land, including State, local,
22 and private land, that is adjacent to, and within the
23 same watershed as, National Forest System land on
24 which a watershed protection and restoration project
25 is carried out under this section.”; and

1 (C) in paragraph (2), as so redesignated—

2 (i) by redesignating subparagraphs
3 (G) and (H) as subparagraphs (K) and
4 (L), respectively; and

5 (ii) by inserting after subparagraph
6 (F) the following:

7 “(G) an acequia association;

8 “(H) a local, regional, or other public enti-
9 ty that manages stormwater or wastewater re-
10 sources or other related water infrastructure;

11 “(I) a land-grant mercedes;

12 “(J) a local, regional, or other private enti-
13 ty that has water delivery authority;”;

14 (2) in subsection (b)—

15 (A) by striking “The Secretary shall” and
16 inserting the following:

17 “(1) IN GENERAL.—The Secretary shall”; and

18 (B) by adding at the end the following:

19 “(2) REQUIREMENTS.—A watershed protection
20 and restoration project under the Program shall be
21 designed to—

22 “(A) protect and restore watershed health,
23 water supply and quality, a municipal or agri-
24 cultural water supply system, and water-related
25 infrastructure;

1 “(B) protect and restore forest health from
2 insect infestation and disease or wildfire; or

3 “(C) advance any combination of the pur-
4 poses described in subparagraphs (A) and (B).

5 “(3) PRIORITIES.—In selecting watershed pro-
6 tection and restoration projects under the Program,
7 the Secretary shall give priority to projects that
8 would—

9 “(A) provide risk management benefits as-
10 sociated with: drought; wildfire; post-wildfire
11 conditions; extreme weather; flooding; resilience
12 to climate change; and watershed and fire resil-
13 ience, including minimizing risks to watershed
14 health, water supply and quality, and water-re-
15 lated infrastructure, including municipal and
16 agricultural water supply systems;

17 “(B) support aquatic restoration and con-
18 servation efforts that complement existing or
19 planned forest restoration or wildfire risk re-
20 duction efforts; or

21 “(C) provide quantifiable benefits to water
22 supply or quality and include the use of nature-
23 based solutions, such as restoring wetland and
24 riparian ecosystems.

1 “(4) CONDITIONS FOR PROJECTS ON ADJACENT
2 LAND.—

3 “(A) IN GENERAL.—No project or activity
4 may be carried out under this section on adja-
5 cent land unless the owner of the adjacent land
6 agrees in writing that the owner is a willing and
7 engaged partner in carrying out that project or
8 activity.

9 “(B) EFFECT.—Nothing in this section
10 shall be construed to authorize any change in—

11 “(i) the ownership of adjacent land on
12 which a project or activity is carried out
13 under this section; or

14 “(ii) the management of adjacent land
15 on which a project or activity is carried out
16 under this section, except during the car-
17 rying out of that project or activity.”;

18 (3) in subsection (c)—

19 (A) in paragraph (1), by striking “with
20 end water users” and inserting “with end water
21 users to protect and restore the condition of
22 National Forest watersheds and adjacent land
23 that provide water—

24 “(A) to the end water users subject to the
25 agreement; or

1 “(B) for the benefit of another end water
2 user.”;

3 (B) in paragraph (2)—

4 (i) in subparagraph (C), by striking
5 “or” at the end;

6 (ii) by redesignating subparagraph
7 (D) as subparagraph (E); and

8 (iii) by inserting after subparagraph
9 (C) the following:

10 “(D) a good neighbor agreement entered
11 into under section 8206 of the Agricultural Act
12 of 2014 (16 U.S.C. 2113a); or”;

13 (C) by adding at the end the following:

14 “(3) COOPERATION WITH NON-FEDERAL PART-
15 NERS.—The Secretary shall cooperate with non-Fed-
16 eral partners in carrying out assessments, planning,
17 project design, and project implementation under
18 this section.”;

19 (4) in subsection (d)—

20 (A) by amending paragraph (2) to read as
21 follows:

22 “(2) REQUIREMENT.—A water source manage-
23 ment plan shall be—

24 “(A) designed to protect and restore eco-
25 logical integrity (as defined in section 219.19 of

1 title 36, Code of Federal Regulations (as in ef-
2 fect on the date of enactment of this subpara-
3 graph));

4 “(B) based on the best available scientific
5 information; and

6 “(C) conducted in a manner consistent
7 with the forest plan applicable to the National
8 Forest System land on which the watershed
9 protection and restoration project is carried
10 out.”; and

11 (B) by adding at the end the following:

12 “(4) REDUCING REDUNDANCY.—An existing
13 watershed plan, such as a watershed protection and
14 restoration action plan developed under section
15 304(a)(3), or other applicable watershed planning
16 documents as approved by the Secretary may be
17 used as the basis for a water source management
18 plan under this subsection.”; and

19 (5) in subsection (e)(1), by striking “primary
20 purpose of” and all that follows through the period
21 at the end and inserting “primary purpose of ad-
22 vancing any of the purposes described in subsection
23 (b)(2).”.

1 **SEC. 602. WATERSHED CONDITION FRAMEWORK TECH-**
2 **NICAL CORRECTIONS.**

3 Section 304(a) of the Healthy Forests Restoration
4 Act of 2003 (16 U.S.C. 6543(a)) is amended in para-
5 graphs (3) and (5) by striking “protection and”.

Passed the House of Representatives September 24,
2024.

Attest:

Clerk.

118TH CONGRESS
2^D SESSION

H. R. 8790

AN ACT

To expedite under the National Environmental Policy Act of 1969 and improve forest management activities on National Forest System lands, on public lands under the jurisdiction of the Bureau of Land Management, and on Tribal lands to return resilience to overgrown, fire-prone forested lands, and for other purposes.