To increase wildfire preparedness and response throughout the United States, and for other purposes.

IN THE SENATE OF THE UNITED STATES

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

A BILL

To increase wildfire preparedness and response throughout the United States, and for other purposes.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Emergency Wildfire and Public Safety Act of 2020”.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Findings.

TITLE I—WILDFIRE MITIGATION PROJECTS
Congress finds that—

(1) in 2017 and 2018, the State of California, the State of Montana, and other Western States experienced some of the deadliest and most destructive wildfires in the last 100 years, devastating Federal, State, and private land, destroying tens of thousands of homes, killing dozens of people, and burning large areas of land in the wildland-urban interface (as defined in section 101 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6511));

(2) fire suppression practices over several decades, inadequate levels of forest management, and climate change have increased the risk of wildfires, and, according to the Fourth National Climate Assessment by the United States Global Change Re-
search Program, the cumulative number of acres
burned in the period from 1984 to 2015 was twice
the number of acres that would have burned in the
absence of climate change;

(3) increased development in the wildland-urban
interface near overgrown forest landscapes has in-
creased the number of people living in areas that are
at risk of wildfire;

(4) despite legislation enacted over the last 20
years to facilitate hazardous fuels reduction, certain
statutory, regulatory, and administrative require-
ments, including studies, publication periods, season-
specific surveys, and objection processes, and litiga-
tion can significantly impede rapid implementation
of hazardous fuels reduction projects necessary to
protect lives and property;

(5) increasing the pace and scale of science-
based, publicly developed forest management activi-
ties that reduce hazardous fuels, including through
mechanical thinning and controlled burning, can re-
duce the size and scope of wildfires, as well as pro-
tect watersheds, improve fish and wildlife habitat,
expand recreational opportunities, protect air qual-
ity, and increase the sequestration of carbon on Na-
ational Forest System and Bureau of Land Manage-
ment land;

(6) in 2019, 11,800,000 acres of National For-
est System land in the State of California and
6,300,000 acres of National Forest System land in
the State of Montana were at high or very high wild-
fire hazard potential, of which 3,100,000 acres and
1,600,000 acres, respectively, were within proximity
to populated areas; and

(7) the Governor of the State of California has
proclaimed a “State of Emergency” due to a vast
tree die-off throughout the State that has increased
the risk of wildfires and has created extremely dan-
gerous fire conditions.

SEC. 4. DEFINITIONS.

In this Act:

(1) FEDERAL LAND.—The term “Federal land”
means—

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

(B) public lands (as defined in section 103
of the Federal Land Policy and Management
Act of 1976 (43 U.S.C. 1702)).
(2) SECRETARY CONCERNED.—The term “Secretary concerned” means—

(A) the Secretary of Agriculture, with respect to Federal land described in paragraph (1)(A); and

(B) the Secretary of the Interior, with respect to Federal land described in paragraph (1)(B).

TITLE I—WILDFIRE MITIGATION PROJECTS

SEC. 101. FOREST LANDSCAPE PROJECTS.

(a) DEFINITIONS.—In this section:

(1) COLLABORATIVE PROCESS.—The term “collaborative process” means a collaborative process described in section 4003(b)(2) of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 7303(b)(2)).

(2) FOREST LANDSCAPE.—The term “forest landscape” means an area that—

(A) primarily or entirely contains land that has a high or very high wildfire hazard potential;

(B) due to a fuel management activity in the area, would have a reduced risk, as determined by the Secretary concerned—
(i) of wildfire endangering a nearby at-risk community (as defined in section 101 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6511));

(ii) of wildfire damaging a municipal watershed or infrastructure that serves an at-risk community described in clause (i); or

(iii) of the transmission of a high intensity wildfire from the applicable wildland-urban interface or forest landscape to a nearby community; and

(C) to the extent practicable, is conducive to the development and implementation of projects relating to wildfire resilience and forest health that are carried out through a collaborative process.

(3) FOREST LANDSCAPE PROJECT.—The term “forest landscape project” means a project carried out in a forest landscape under subsection (b)(1)—

(A) in which 1 or more management activities are carried out; and

(B) that takes place on not more than 75,000 acres of Federal land or non-Federal
land adjacent to Federal land on which the project is carried out.

(4) MANAGEMENT ACTIVITY.—The term “management activity” means—

(A) the installation of fuel breaks (including shaded fuel breaks) not more than 1⁄2-mile wide across a forest landscape in a strategic system that maximizes the reduction of wildfire risk to communities or watersheds;

(B) mechanical thinning (including restoration thinning) of a forest landscape to clear—

(i) surface fuels, such as slash;

(ii) ladder fuels, such as small and medium diameter trees and shrubs; or

(iii) both of the fuels described in clauses (i) and (ii); and

(C) controlled burns.

(5) STATE.—The term “State” means a State the entirety of which is located west of the 100th meridian.

(6) WILDLIFE HABITAT.—The term “wildlife habitat” means an ecological community on which a species of wild animal, bird, plant, fish, amphibian,
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or invertebrate depends for the conservation and protection of the species.

(b) Establishment.—

   (1) In general.—Not later than 90 days after the date of enactment of this Act, in accordance with paragraph (2), the Secretary of Agriculture, in consultation with the Secretary of the Interior, shall select 3 forest landscapes on which to conduct forest landscape projects—

   (A) to reduce the risk of wildfire in the forest landscape;

   (B) to restore ecological health to the forest landscape; or

   (C) to adapt the forest landscape to the increased risk of wildfire due to climate change.

(2) Process.—

   (A) Proposals.—The Governor of a State may submit to the Secretary of Agriculture a proposal for a forest landscape project to be carried out in that State.

   (B) Selection.—The Secretary of Agriculture, in consultation with the Secretary of the Interior, shall select forest landscape projects to be conducted from among proposals submitted under subparagraph (A) based on—
(i) the strength of the proposal and the strategy for the conduct of the forest landscape project;

(ii) the strength of the ecological case of the proposal and the proposed ecological restoration strategies of the forest landscape project;

(iii) the strength of the collaborative process through which the proposal was developed and the forest landscape project will be carried out and the likelihood of successful collaboration throughout implementation of the forest landscape project;

(iv) whether the proposed forest landscape project is likely to achieve reductions in long-term wildfire management costs;

(v) whether the proposed forest landscape project would reduce the relative costs of carrying out ecological restoration treatments;

(vi) whether the proposed forest landscape project would provide energy as a result of the use of woody biomass and small-diameter trees; and
(vii) whether an appropriate level of non-Federal investment would be leveraged in carrying out the proposed forest landscape project.

(C) CONSULTATION.—In selecting proposals under subparagraph (B), the Secretary of Agriculture, in consultation with the Secretary of the Interior, shall consult with the Governors of the States that submitted proposals under subparagraph (A).

(3) APPLICABILITY.—The selection of a forest landscape under this subsection shall not be subject to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) or any other applicable law.

(c) MANAGEMENT ACTIVITIES.—In carrying out a management activity under a forest landscape project, the Secretary concerned—

(1) shall maximize the retention of old-growth stands and large trees, as appropriate for the forest type, to the extent that the trees promote stands that are resilient to wildfire and increased average temperature;

(2) shall consider the best available scientific information to maintain or restore the ecological integrity of the forest landscape; and
(3) shall not establish a permanent road.

(d) Environmental Analysis.—

(1) Application to certain environmental assessments and environmental impact statements.—This subsection shall apply in any case in which the Secretary concerned prepares an environmental assessment or an environmental impact statement pursuant to section 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)) for a forest landscape project—

(A) that—

(i) is developed through a collaborative process; or

(ii) is covered by a community wildfire protection plan;

(B) the primary purpose of which is—

(i) reducing hazardous fuel loads;

(ii) installing fuel and fire breaks;

(iii) restoring forest health and resilience;

(iv) protecting a municipal water supply or a critical communication site;

(v) improving wildlife habitat to meet management and conservation goals, including State population goals; or
(vi) a combination of 2 or more of the purposes described in clauses (i) through (v); and

(C) that does not include any action that is inconsistent with the applicable land and resource management plan.

(2) CONSIDERATION OF ALTERNATIVES.—In an environmental assessment or environmental impact statement described in paragraph (1), the Secretary concerned shall study, develop, and describe only the following alternatives:

(A) The forest landscape project, as proposed under paragraph (1).

(B) A forest management activity or combination of forest management activities proposed by the relevant agency.

(C) The alternative of no action.

(3) ELEMENTS OF NO-ACTION ALTERNATIVE.—In the case of the alternative of no action, the Secretary concerned shall evaluate the effect of no action only on—

(A) forest health;

(B) wildlife habitat;

(C) wildfire potential;

(D) insect and disease potential;
economic and social factors; and

water quality and quantity.

(4) Exclusions.—This subsection does not apply to—

(A) any component of the National Wilderness Preservation System;

(B) any congressionally designated wilderness study area;

(C) any component of the National Wild and Scenic Rivers System;

(D) any research natural area;

(E) any National Forest System land or public land on which the removal of vegetation is prohibited by Act of Congress or the President;

(F) any land in an inventoried roadless area; or

(G) any designated critical habitat for a federally listed threatened or endangered species, unless, after a consultation under section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536), the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service, determines that the
forest management activity is not likely to de-
stroy or adversely modify the critical habitat.

(5) ROAD BUILDING.—

(A) PERMANENT ROADS.—A forest land-
scapes project carried out under this section
shall not include the construction of any new,
permanent road.

(B) EXISTING ROADS.—The Secretary con-
cerned may carry out necessary maintenance of,
repairs to, or reconstruction of an existing per-
manent road under a forest landscape project
carried out under this section.

(C) TEMPORARY ROADS.—The Secretary
concerned shall decommission any temporary
road constructed under a forest landscape
project carried out under this section by not
later than 3 years after the date on which the
Secretary concerned determines the road is no
longer needed.

(6) JUDICIAL REVIEW IN UNITED STATES DIS-
TRICT COURTS.—

(A) VENUE.—Notwithstanding section
1391 of title 28, United States Code, or other
applicable law, a forest landscape project for
which an environmental assessment or an envi-
ronmental impact statement is prepared under paragraph (2)(A) shall be subject to judicial re-
view only in—

(i) the United States district court for a district in which the Federal land to be treated under the forest landscape project is located; or

(ii) the United States district court for the District of Columbia.

(B) EXPEDITIOUS COMPLETION OF JUDI-
CIAL REVIEW.—In the judicial review of an ac-
tion challenging a forest landscape project de-
scribed in subparagraph (A), Congress encour-
gages a court of competent jurisdiction to expe-
dite, to the maximum extent practicable, the proceedings in the action with the goal of ren-
dering a final determination on jurisdiction, and, if jurisdiction exists, a final determination on the merits, as soon as practicable after the date on which a complaint or appeal is filed to initiate the action.

(C) INJUNCTIONS.—

(i) IN GENERAL.—Subject to clause (ii), the length of any preliminary injunc-
tive relief or stay pending appeal covering
a forest landscape project described in subparagraph (A) shall not exceed 60 days.

(ii) **Renewal.—**

(I) **In General.—** A court of competent jurisdiction may issue 1 or more renewals of any preliminary injunction, or stay pending appeal, granted under clause (i).

(II) **Updates.—** In each renewal of an injunction in an action, the parties to the action shall present the court with updated information on the status of the forest landscape project.

(iii) **Requirement for Injunction.—** A court shall not enjoin an agency action under a forest landscape project described in subparagraph (A) if the court determines that the plaintiff is unable to demonstrate that the claim of the plaintiff is likely to succeed on the merits.

(iv) **Balancing of Short- and Long-Term Effects.—** As part of weighing the equities while considering any request for an injunction that applies to an agency action under a forest landscape
project described in subparagraph (A), the court reviewing the project shall balance the impact to the ecosystem likely affected by the project of—

(I) the short- and long-term effects of undertaking the agency action; against

(II) the short- and long-term effects of not undertaking the agency action.

(e) Use of Other Authorities.—Each Secretary concerned shall seek to use existing statutory and administrative authorities, including a good neighbor agreement entered into under section 8206 of the Agricultural Act of 2014 (16 U.S.C. 2113a), to carry out each forest landscape project.

(f) Reports.—Not later than the last day of each fiscal year, each Secretary concerned shall submit a report describing the impacts on wildfire risk and the environment of forest landscape projects carried out under this section to—

(1) the Committee on Energy and Natural Resources of the Senate;

(2) the Committee on Natural Resources of the House of Representatives;
(3) the Committee on Agriculture, Nutrition, and Forestry of the Senate; and
(4) the Committee on Agriculture of the House of Representatives.

(g) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—
There are authorized to be appropriated to carry out this section such sums as may be necessary for each fiscal year.

(2) NON-FEDERAL FUNDING.—Each Secretary concerned shall seek additional funding to carry out this section from private and State sources.

SEC. 102. WILDFIRE DETECTION EQUIPMENT.

(a) IN GENERAL.—Title VI of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6591 et seq.) is amended by adding at the end the following:

"SEC. 607. WILDFIRE DETECTION EQUIPMENT.

"To the extent practicable, the Secretary of Agriculture and the Secretary of the Interior shall—

"(1) expedite the placement of wildfire detection equipment, such as sensors, cameras, and other relevant equipment, in areas at risk of wildfire;

"(2) expand the use of satellite data to assist wildfire response; and
“(3) expedite any permitting required by the Secretary of Agriculture or the Secretary of the Interior for the installation, maintenance, or removal of wildfire detection equipment.”.

(b) TECHNICAL AMENDMENT.—The table of contents for the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6501 note; Public Law 108–148) is amended by adding at the end of the items relating to title VI the following:

“Sec. 607. Wildfire detection equipment.”.

SEC. 103. ESTABLISHMENT OF FUEL BREAKS IN FORESTS AND OTHER WILDLAND VEGETATION.

(a) DEFINITIONS.—In this section:

(1) HABITAT OF SIGNIFICANT VALUE.—The term “habitat of significant value” means a wildlife habitat (as defined in section 101(a))—

(A) of national, statewide, or regional ecological importance;

(B) that is identified as a candidate for protection, fully protected, sensitive, or as a habitat for a species of special status by a State or Federal agency; or

(C) that is essential to the movement of resident or migratory wildlife.

(2) RIPARIAN AREA.—The term “riparian area” means an area—
(A) that is transitional between terrestrial and aquatic ecosystems;

(B) that is distinguished by gradients in biophysical conditions, ecological processes, and biota;

(C) through which surface and subsurface hydrology connect bodies of water with adjacent uplands;

(D) that is adjacent to perennial, intermittent, and ephemeral streams, lakes, or estuarine or marine shorelines; and

(E) that includes the portions of terrestrial ecosystems that significantly influence exchanges of energy and matter with aquatic ecosystems.

(3) SECRETARY.—The term “Secretary” has the meaning given the term in section 101 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6511).

(b) CATEGORICAL EXCLUSION ESTABLISHED.—Forest management activities described in subsection (c) are a category of actions designated as being categorically excluded from the preparation of an environmental assessment or an environmental impact statement under section

(c) Forest Management Activities Designated for Categorical Exclusion.—

(1) In general.—The category of forest management activities designated under subsection (b) for a categorical exclusion are forest management activities described in paragraph (2) that are carried out by the Secretary on Federal land (as defined in section 3 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6502)) the primary purpose of which is to establish and maintain linear fuel breaks that are—

(A) up to 1,000 feet in width adjacent to, and incorporating, existing linear features, such as roads, trails, transmission lines, and pipelines of any length on Federal land; and

(B) intended to reduce the risk of wildfire on the Federal land or an adjacent at-risk community.

(2) Activities.—Subject to paragraph (3), the forest management activities that may be carried out pursuant to the categorical exclusion established under subsection (b) are—

(A) mowing or masticating;
(B) thinning by manual and mechanical cutting;

(C) piling, yarding, and removal of slash;

(D) selling of vegetation products, including timber, firewood, biomass, slash, and fenceposts;

(E) targeted grazing;

(F) application of—

(i) pesticide;

(ii) biopesticide; or

(iii) herbicide;

(G) seeding of native species;

(H) controlled burns and broadcast burning; and

(I) burning of piles, including jackpot piles.

(3) EXCLUDED ACTIVITIES.—A forest management activity described in paragraph (2) may not be carried out pursuant to the categorical exclusion established under subsection (b) if the activity is conducted—

(A) in a wilderness area or wilderness study area;

(B) for the construction of a permanent road or permanent trail;
(C) on National Forest System land or land managed by the Bureau of Land Management on which the removal of vegetation is prohibited or restricted by Congress or the President; or

(D) in an area in which the activity would—

(i) be inconsistent with the applicable land and resource management plan;

(ii) have a substantial adverse impact on—

(I) wetlands, as defined in the United States Fish and Wildlife Service Manual, part 660 FW 2 (June 21, 1993);

(II) a riparian area; or

(III) a habitat of significant value; or

(iii) harm—

(I) any species protected by the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); or

(II) the habitat of a species described in subclause (I).
(4) **EXTRAORDINARY CIRCUMSTANCES.**—The Secretary shall apply the extraordinary circumstances procedures under section 220.6 of title 36, Code of Federal Regulations (or a successor regulation), in determining whether to use a categorical exclusion under subsection (b).

(d) **ACREAGE AND LOCATION LIMITATIONS.**—Treatments of vegetation in linear fuel breaks covered by the categorical exclusion established under subsection (b)—

(1) may not contain treatment units in excess of 3,000 acres; and

(2) shall be located primarily in an area described in section 605(c)(2) of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6591d(c)(2)).

**SEC. 104. EMERGENCY ACTIONS.**

(a) **DEFINITIONS.**—In this section:

(1) **EMERGENCY ACTION.**—The term “emergency action” means an action carried out pursuant to an emergency situation determination to mitigate the harm to life, property, or important natural or cultural resources on National Forest System land or adjacent land.

(2) **EMERGENCY SITUATION.**—The term “emergency situation” means a situation on National Forest System land for which immediate implementation
of a decision is necessary to achieve 1 or more of the following results:

(A) Relief from hazards threatening human health and safety.

(B) Mitigation of threats to natural resources on National Forest System land or adjacent land.

(3) EMERGENCY SITUATION DETERMINATION.—

The term “emergency situation determination” means a determination made by the Secretary under subsection (b)(1)(A).


(5) NATIONAL FOREST SYSTEM LAND.—The term “National Forest System land” means land of the National Forest System (as defined in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C 1609(a))).

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

(b) AUTHORIZED EMERGENCY ACTIONS TO RESPOND TO EMERGENCY SITUATIONS.—
(1) Determination.—

(A) In general.—The Secretary may make a determination that an emergency situation exists with respect to National Forest System land.

(B) Review.—An emergency situation determination shall not be subject to objection under the predecisional administrative review processes under part 218 of title 36, Code of Federal Regulations (or successor regulations).

(C) Applicability.—An emergency situation determination shall not be subject to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) or any other applicable law.

(2) Authorized Emergency Actions.—After making an emergency situation determination with respect to National Forest System land, the Secretary may carry out emergency actions on that National Forest System land, including through—

(A) the salvage of dead or dying trees;

(B) the harvest of trees damaged by wind or ice;

(C) the commercial and noncommercial sanitation harvest of trees to control insects or
disease, including trees already infested with insects or disease;

(D) the reforestation or replanting of fire-impacted areas through planting, control of competing vegetation, or other activities that enhance natural regeneration and restore forest species;

(E) the removal of hazardous trees in close proximity to roads and trails;

(F) the reconstruction of existing utility lines; and

(G) the replacement of underground cables.

(3) RELATION TO LAND AND RESOURCE MANAGEMENT PLANS.—To the maximum extent practicable, an emergency action carried out under paragraph (2) shall be conducted consistent with the land and resource management plan.

(4) ACREAGE LIMITATIONS.—A treatment area covered by an emergency situation determination on which an emergency action is carried out pursuant to paragraph (2) shall consist of not more than 10,000 acres of National Forest System land.

(c) ENVIRONMENTAL ANALYSIS.—
(1) **Environmental assessment or environmental impact statement.**—If the Secretary determines that an emergency action requires an environmental assessment or an environmental impact statement pursuant to section 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)), the Secretary shall study, develop, and describe—

(A) the proposed agency action; and

(B) the alternative of no action.

(2) **Public notice.**—The Secretary shall provide notice of each emergency action that the Secretary determines requires an environmental assessment or environmental impact statement under paragraph (1), in accordance with applicable regulations and administrative guidelines.

(3) **Public comment.**—The Secretary shall provide an opportunity for public comment during the preparation of any environmental assessment or environmental impact statement under paragraph (1).

(4) **Savings clause.**—Nothing in this subsection prohibits the Secretary from making an emergency situation determination, including a determination that an emergency exists pursuant to
section 220.4(b) of title 36, Code of Federal Regulations (or successor regulations), that makes it necessary to take an emergency action before preparing an environmental assessment or environmental impact statement under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).


(e) Judicial Review of Emergency Actions.—Section 106 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6516) shall apply to an emergency action carried out under this section.

SEC. 105. NEW INFORMATION IN LAND MANAGEMENT PLANS.

(a) Reinitiation of Consultation; Actions on Federal Land.—

(1) In general.—The Secretary concerned shall not be required to reinitiate consultation under
section 7(a)(2) of the Endangered Species Act of 1973 (16 U.S.C. 1536(a)(2)) on a Federal action described in subsection (b) for new information affecting the listing of a species as threatened or endangered or the designation of critical habitat under that Act (16 U.S.C. 1531 et seq.) unless the new information was—

(A) influential scientific information (as defined in the guidance document prepared by the Office of Management and Budget entitled “Final Information Quality Bulletin for Peer Review” and dated December 16, 2004);

(B) peer reviewed; and

(C) printed in a publication that is publicly accessible.

(2) ACTIONS ON FEDERAL LAND.—While any consultation initiated under paragraph (1) is pending, the Secretary concerned may take an action on Federal land to implement a land management plan, a resource management plan, or a regulation relating to Federal land that is the subject of the new information, if the Secretary concerned complies with section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536) regarding that action.
(b) **FEDERAL ACTIONS DESCRIBED.**—A Federal action referred to in subsection (a) is any of the following:

1. An action on Federal land.
2. A land management plan or resource management plan.

(c) **IRREVERSIBLE OR IRRETRIEVABLE COMMITMENTS.**—An action described in subsection (a)(2) shall not be considered an irreversible or irretrievable commitment of resources to implement a land management plan, a resource management plan, or a regulation relating to Federal land.

(d) **EFFECT OF SECTION.**—Nothing in this section affects any applicable requirement of the Secretary concerned to consult with the head of any other Federal department or agency—

1. regarding any project carried out, or proposed to be carried out, to implement a land management plan or resource management plan pursuant to the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), including any requirement to consult regarding the consideration of cumulative impacts of completed, ongoing, and planned projects; or
2. (2) with respect to—
(A) an amendment or revision to a land
management plan; or

(B) a regulation relating to Federal land.

SEC. 106. HAZARD MITIGATION USING DISASTER ASSIST-
ANCE.

Section 404(f)(12) of the Robert T. Stafford Disaster
Relief and Emergency Assistance Act (42 U.S.C.
5170c(f)(12)) is amended—

(1) by inserting “and wildfire” after “wind-
storm”;

(2) by striking “including replacing” and in-
serting the following: “including—

“(A) replacing”;

(3) in subparagraph (A) (as so designated)—

(A) by inserting “, wildfire,” after “ex-
treme wind”; and

(B) by adding “and” after the semicolon
at the end; and

(4) by adding at the end the following:

“(B) the installation of fire-resistant wires
and infrastructure and the undergrounding of
wires;”.

TITLE II—BIOMASS

SEC. 201. BIOMASS ENERGY INFRASTRUCTURE PROGRAM.

(a) DEFINITIONS.—In this section:
(1) Area of Economic Need.—The term “area of economic need” has the meaning given the term “qualified opportunity zone” in section 1400Z–1(a) of the Internal Revenue Code of 1986.

(2) Biomass.—The term “biomass” means slash, thinnings, or invasive species from National Forest System land and public lands (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702)) that—

(A) are byproducts of preventive treatments that are removed—

(i) to reduce hazardous fuels;

(ii) to reduce or contain disease or insect infestation; or

(iii) to restore ecosystem health;

(B) are byproducts of wildfire fuel treatments;

(C) would not otherwise be used for higher-value products; and

(D) are harvested—

(i) in accordance with applicable law and land management plans;

(ii) in accordance with the requirements for—
(I) old-growth maintenance, restoration, and management direction under paragraphs (2), (3), and (4) of subsection (e) of section 102 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6512); and

(II) large tree retention under subsection (f) of that section; and

(iii) in a manner that retains a minimum quantity of coarse woody debris for habitat, nutrient recycling, and soil conservation.

(3) BIOMASS CONVERSION FACILITY.—The term “biomass conversion facility” means a facility that converts or proposes to convert biomass, including through gasification, into—

(A) heat;

(B) power;

(C) biobased products;

(D) advanced biofuels; or

(E) any combination of the outputs described in subparagraphs (A) through (D).

(4) ELIGIBLE ENTITY.—The term “eligible entity” means—

(A) a business;
(B) a limited liability company;

(C) a cooperative or an entity with a business arrangement similar to a cooperative, as determined by the Secretary;

(D) a nonprofit organization; and

(E) a public entity.

(5) HIGH HAZARD ZONE.—The term “high hazard zone” means an area identified as being at high risk of wildfire—

(A) through the use of a fire hazard mapping tool; and

(B) by—

(i) the Secretary; and

(ii) the Governor of the State in which the area is located.

(6) PROGRAM.—The term “program” means the program established under subsection (b).

(7) SECRETARY.—The term “Secretary” means the Secretary of Energy.

(b) PROGRAM.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish a program to provide grants, direct loans, and loan guarantees to eligible entities—

(1) to establish a biomass conversion facility;
(2) to expand the infrastructure of a biomass conversion facility;

(3) to make infrastructure or technological changes to a biomass conversion facility; or

(4) to remove, harvest, and transport dead or dying trees and small diameter low-value trees.

(c) Grant Amount.—

(1) In general.—The amount of a grant awarded under the program shall be based on—

(A) in the case of a grant for an activity described in paragraphs (1) through (3) of subsection (b), the number of kilowatt hours of energy generated by the biomass conversion facility; and

(B) in the case of a grant for an activity described in paragraph (4) of that subsection, the contribution of the activity to reducing the risk of wildfire in high hazard zones.

(2) Maximum payment.—An eligible entity shall not receive more than $750,000 in grant funds under the program in a single calendar year.

(d) Priorities.—In awarding a grant, direct loan, or loan guarantee under the program, the Secretary shall give priority to an eligible entity that—
(1) seeks to remove dead or dying trees and small diameter low-value trees;

(2) seeks to locate a biomass conversion facility in—

(A) an area of economic need; or

(B) an area in which there has been a decline in forest occupation, as determined by the Secretary; or

(3) is a small business, as determined by the Administrator of the Small Business Administration.

(e) GRANT MATCHING REQUIREMENT.—Each eligible entity that receives a grant under the program shall provide an amount equal to 50 percent of the amount of the grant to carry out the activities supported by the grant.

(f) FUNDING.—There is authorized to be appropriated to the Secretary $100,000,000 to award grants under the program, to remain available until expended.

TITLE III—TIMBER EXPORTS

SEC. 301. EXEMPTION TO PROHIBITION ON EXPORT OF UN-PROCESSED TIMBER OF DEAD AND DYING TREES IN THE STATE OF CALIFORNIA.

Section 489 of the Forest Resources Conservation and Shortage Relief Act of 1990 (16 U.S.C. 620a) is amended—
(1) in subsection (a), by inserting before the pe-
riod at the end the following: “or such timber is ex-
empted under subsection (c).”;

(2) in subsection (b)(1)—

(A) by striking “to specific” and inserting
the following: “to—

“(A) specific”;

(B) in subparagraph (A) (as so des-
ignated), by striking the period at the end and
inserting “; and”; and

(C) by adding at the end the following:

“(B) unprocessed timber originating from
National Forest System land in the State of
California that—

“(i) is included in a hazardous fuels
reduction treatment; and

“(ii) for which there is no current do-
mestic market.”; and

(3) by adding at the end the following:

“(c) EXEMPTION FOR UNPROCESSED SURPLUS TIM-
BER OF DEAD AND DYING TREES IN THE STATE OF CALI-
FORNIA.—

“(1) DEFINITIONS.—In this subsection:

“(A) DEAD.—The term ‘dead’, with re-
spect to a tree, means that the tree is des-
ignated by a registered professional forester or a designee of the Secretary concerned as dead.

“(B) DYING.—The term ‘dying’, with respect to a tree, means that—

“(i)(I) 50 percent or greater of the foliage-bearing crown of the tree is dead or fading in color (other than through normal autumn coloration changes) from a normal green to a yellow, sorrel, or brown;

“(II) successful bark beetle attacks are exhibited on the tree, with indications of dead cambium and brood development distributed around the circumference of the bole of the tree; or

“(III) 50 percent or greater of the circumference of the lower bole of the tree is girdled by wildlife; or

“(ii) the tree is designated by a registered professional forester or a designee of the Secretary concerned as likely to die within 1 year.

“(C) STATE.—The term ‘State’ means the State of California.

“(2) APPLICATION OF PROHIBITION.—Subject to paragraph (3), the prohibition under subsection
(a) shall not apply to unprocessed surplus timber originating from a dead or dying tree on Federal land in the State.

“(3) Determination of surplus species.—

“(A) In general.—Not later than 60 days after the date of enactment of the Emergency Wildfire and Public Safety Act of 2020, and each year thereafter, the Secretary concerned shall issue a list establishing which species and sizes of trees are considered to be ‘surplus’ for purposes of paragraph (2).

“(B) Implementation.—Except with respect to the first list issued under subparagraph (A), the Secretary concerned shall implement and administer this paragraph in accordance with—

“(i) the rulemaking and notice and comment provisions of section 553 of title 5, United States Code; and

“(ii) chapter 35 of title 44, United States Code (commonly known as the ‘Paperwork Reduction Act’).

“(4) Preference for domestic timber processing.—Notwithstanding the exemption described in paragraph (2), the Secretary concerned,
to the maximum extent practicable, shall give preference for domestic processing of timber covered by the exemption.

“(5) Inapplicability of substitution limitations.—Section 490 shall not apply to unprocessed surplus timber exempted under paragraph (2).

“(6) Reporting requirement.—Not later than March 1, 2023, the Secretaries concerned shall submit to Congress a report evaluating the impacts of the exemption described in paragraph (2) on forest health, domestic timber supply, local processing capacity, reduction in risk from wildfire, public safety, and the total quantity of timber exported.

“(7) Termination of effectiveness.—This subsection shall cease to be effective on the date that is 5 years after the date of enactment of the Emergency Wildfire and Public Safety Act of 2020.”.

TITLE IV—OTHER MATTERS

SEC. 401. INNOVATIVE FOREST WORKFORCE DEVELOPMENT PROGRAM.

(a) Definitions.—In this section:

(1) Career in the forest sector.—The term “career in the forest sector” means a career in forestry, including—

(A) in timber operations;
(B) as a registered professional forester;

(C) in vegetation treatment, including as a member of a hand crew, a machine operator, and in conducting prescribed fires;

(D) in ecological restoration, including restoration of watersheds;

(E) in wildland fire fighting; and

(F) in community fire resilience, including workforce development projects.

(2) FOREST SECTOR.—The term “forest sector” includes the areas of forestry described in subparagraphs (A) through (F) of paragraph (1).

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

(b) GRANTS AUTHORIZED.—The Secretary shall establish a competitive grant program—

(1) to assist in the development and utilization of innovative activities relating to workforce development in the forest sector and opportunities for careers in the forest sector; and

(2) to expand public awareness about the forest sector and connect individuals to careers in the forest sector.

(c) SELECTION OF GRANT RECIPIENTS.—In awarding grants under subsection (b), the Secretary shall, to
the extent practicable, select nonprofit professional or
service organizations, labor organizations, State agencies,
community colleges, institutions of higher education, or
other training and educational institutions—

(1) that have qualifications and experience—

(A) in the development of training pro-
grams and curricula relevant to the workforce
needs of the forest sector;

(B) working in cooperation with the forest
sector; or

(C) developing public education materials
appropriate for communicating with groups of
various ages and educational backgrounds; and

(2) that will address the human resources and
workforce needs of the forest sector.

(d) USE OF FUNDS.—Grants awarded under sub-
section (b) may be used for activities such as—

(1) targeted internship, apprenticeship, pre-ap-
prenticeship, and post-secondary bridge programs
for skilled forest sector trades that provide—

(A) on-the-job training;

(B) skills development;

(C) test preparation for skilled trade ap-
prenticeships;
(D) advance training in the forest sector relating to jobs as forest restorationists, members of hand crews, wildland fire fighters, machine operators, licensed timber operators, registered professional foresters, ecologists, biologists, or workers in construction in support of resilient infrastructure, including residential buildings; or

(E) other support services to facilitate post-secondary success;

(2) education programs designed for elementary, secondary, and higher education students that—

(A) inform people about the role of forestry, vegetation management, and ecological restoration in the communities of those people;

(B) increase the awareness of opportunities for careers in the forest sector and exposure of students to those careers through various work-based learning opportunities inside and outside the classroom; and

(C) connect students to pathways to careers in the forest sector;

(3) the development of a model curriculum and related vocational programs to be adopted by com-
(A) provide professional training in implementing prescribed fire projects, including the knowledge and skills necessary to plan and implement broad-scale surface and ladder fuel treatments within the wildland-urban interface, wildlands, and urbanized areas, as appropriate;

(B) include a focus on the ecological concerns, economics, and practices necessary to improve community safety and forest resilience; and

(C) train students in—

(i) the retrofitting of houses, including the use of fire-resistant materials and the maintenance of defensible space;

(ii) urban forestry; and

(iii) policies or guidance relating to the management of vegetation near utility infrastructure and relevant portions of electric utility wildfire mitigation plans;

(4) regional industry and workforce development collaborations, including the coordination of candidate development, particularly in areas of high unemployment;
(5) integrated learning laboratories in secondary educational institutions that provide students with—

(A) hands-on, contextualized learning opportunities;

(B) dual enrollment credit for post-secondary education and training programs; and

(C) direct connection to industry or government employers; and

(6) leadership development, occupational training, mentoring, or cross-training programs that ensure that workers are prepared for high-level supervisory or management-level positions.

(e) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary to carry out this section such sums as are necessary.

SEC. 402. WESTERN PRESCRIBED FIRE CENTER.

(a) In General.—The Secretary of Agriculture and the Secretary of the Interior (referred to in this section as the “Secretaries”) shall establish a center to train individuals in prescribed fire methods and other methods relevant to the mitigation of wildfire risk (referred to in this section as the “center”).

(b) Location.—
(1) IN GENERAL.—The center shall be located in any State the entirety of which is located west of the 100th meridian.

(2) CONSULTATION.—The Secretaries shall consult with the Joint Fire Science Program to solicit and evaluate proposals for the location of the center.

(3) SELECTION.—Not later than 1 year after the date of enactment of this Act, based on the consultation under paragraph (2), the Secretaries shall select a location for the center.

SEC. 403. RETROFITS FOR FIRE-RESILIENT COMMUNITIES.

(a) DEFINITION OF WEATHERIZATION MATERIALS.—Section 412(9) of the Energy Conservation and Production Act (42 U.S.C. 6862(9)) is amended—

(1) in subparagraph (I), by striking “and” at the end;

(2) by redesignating subparagraph (J) as subparagraph (K); and

(3) by inserting after subparagraph (I) the following:

“(J) materials that are resistant to high heat and fire; and”.

(b) WEATHERIZATION PROGRAM.—
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(1) IN GENERAL.—Section 413(b)(5) of the Energy Conservation and Production Act (42 U.S.C. 6863(b)(5)) is amended—

(A) in subparagraph (C), by striking “and” at the end;

(B) in subparagraph (D), by striking the period at the end and inserting “; and”;

(C) by adding at the end the following:

“(E) owners of such dwelling units shall use fire- and drought-resistant building materials and incorporate wildfire and drought prevention and mitigation planning, as directed by the State.”.

(2) LIMITATIONS.—Section 415(c) of the Energy Conservation and Production Act (42 U.S.C. 6865(c)) is amended—

(A) in paragraph (1)—

(i) by redesignating subparagraphs (A) through (E) as clauses (i) through (v), respectively, and indenting appropriately;

(ii) in the matter preceding clause (i) (as so redesignated), in the second sentence, by striking “Labor” and all that follows through “to—” and inserting the following:
“(B) Labor and weatherization materials.—Labor, weatherization materials, and related matter described in subparagraph (A) includes—”;

(iii) by striking “(c)(1) Except” and inserting the following:

“(c) Financial Assistance.—

“(1) Average Cost.—

“(A) In general.—Except”;

(iv) in subparagraph (A) (as so designated)—

(I) by striking “exceed an average of $6,500” and inserting the following: “exceed—

“(i) an average of $13,000 (adjusted annually for inflation)”;

(II) in clause (i) (as so designated), by striking the period at the end and inserting “; or”; and

(III) by adding at the end the following:

“(ii) another average amount that is greater than the amount described in clause (i), if the Secretary determines it necessary to waive or adjust the average
amount established under that clause.’’; and
(v) in subparagraph (B) (as so designated)—
(I) in clause (iv) (as so redesignated), by striking ‘‘, and’’ and inserting ‘‘; and’’; and
(II) in clause (v) (as so redesignated), by adding a period at the end; and
(B) in paragraph (4), by striking ‘‘$3,000’’ and inserting ‘‘$6,000 (adjusted annually for inflation)’’.

SEC. 404. CRITICAL INFRASTRUCTURE AND MICROGRID PROGRAM.

(a) DEFINITIONS.—In this section:

(1) CRITICAL FACILITY.—

(A) IN GENERAL.—The term ‘‘critical facility’’ means a facility that provides services or may be used—

(i) to save lives;

(ii) to protect property, public health, and public safety; or

(iii) to lessen or avert the threat of a catastrophe.
(B) INCLUSIONS.—The term “critical facility” includes—

(i) a hospital;
(ii) an outpatient clinic;
(iii) a nursing home;
(iv) a police station;
(v) an emergency operation center;
(vi) a jail or prison;
(vii) a fire station;
(viii) a facility in the communications sector, as determined by the Secretary;
(ix) a facility in the chemical sector, as determined by the Secretary;
(x) a school or other large building that may serve as a temporary gathering space;
(xi) a utility station, such as a water and wastewater station; and
(xii) any facility described in subparagraph (A) that is owned or operated by, or provides services to, an Indian tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304)).
(2) Secretary.—The term “Secretary” means the Secretary of Energy.

(b) Critical Infrastructure and Microgrid Program.—The Secretary shall use the funds made available under subsection (d)—

(1) to improve the energy resilience and power needs of critical facilities through the use of microgrids, renewable energy, energy efficiency, and on-site storage; and

(2) to improve the energy efficiency of critical facilities by decreasing the size and cost of generators.

(c) Use of Funds.—In carrying out subsection (b), the Secretary shall ensure that the funds made available under subsection (d) shall be used for, with respect to critical facilities—

(1) provision of on-site back-up power with renewable and low-carbon liquid fuels; and

(2) installation, at the transmission and distribution level, of interoperable technologies, advanced power flow control, dynamic line rating, topology optimization, and communications systems.

(d) Authorization of Appropriations.—There is authorized to be appropriated to the Secretary
1 $100,000,000 to carry out this section, to remain available until expended.