

117TH CONGRESS
1ST SESSION

S. 2437

To amend the Healthy Forests Restoration Act of 2003 to require the Secretary of Agriculture to expedite hazardous fuel or insect and disease risk reduction projects on certain National Forest System land, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 22, 2021

Mr. THUNE introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

A BILL

To amend the Healthy Forests Restoration Act of 2003 to require the Secretary of Agriculture to expedite hazardous fuel or insect and disease risk reduction projects on certain National Forest System land, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Expediting Forest Res-
5 toration and Recovery Act of 2021”.

1 **SEC. 2. APPLICATION BY FOREST SERVICE OF AUTHORI-**
2 **TIES TO EXPEDITE ENVIRONMENTAL ANAL-**
3 **YSES IN CARRYING OUT HAZARDOUS FUEL**
4 **AND INSECT AND DISEASE RISK REDUCTION**
5 **PROJECTS.**

6 Section 104 of the Healthy Forests Restoration Act
7 of 2003 (16 U.S.C. 6514) is amended by adding at the
8 end the following:

9 “(i) APPLICATION BY FOREST SERVICE OF AUTHORI-
10 TIES TO EXPEDITE ENVIRONMENTAL ANALYSES IN CAR-
11 RYING OUT HAZARDOUS FUEL AND INSECT AND DISEASE
12 RISK REDUCTION PROJECTS.—

13 “(1) DEFINITIONS.—In this subsection:

14 “(A) INSECT AND DISEASE TREATMENT
15 AREA.—The term ‘insect and disease treatment
16 area’ means an area that—

17 “(i) is designated by the Secretary as
18 an insect and disease treatment area under
19 this title; or

20 “(ii) is designated as at risk or a haz-
21 ard on the most recent National Insect and
22 Disease Risk Map published by the Forest
23 Service.

24 “(B) SECRETARY.—The term ‘Secretary’
25 has the meaning given the term in section
26 101(14)(A).

1 “(2) USE OF AUTHORITIES.—In carrying out a
2 hazardous fuel or insect and disease risk reduction
3 project in an insect and disease treatment area au-
4 thorized under this Act, the Secretary shall—

5 “(A) apply the categorical exclusion estab-
6 lished by section 603 in the case of a hazardous
7 fuel or insect and disease risk reduction project
8 carried out in an area—

9 “(i) designated as suitable for timber
10 production within the applicable forest
11 plan; or

12 “(ii) where timber harvest activities
13 are not prohibited;

14 “(B) conduct applicable environmental as-
15 sessments and environmental impact statements
16 in accordance with this section in the case of a
17 hazardous fuel or insect and disease risk reduc-
18 tion project—

19 “(i) carried out in an area—

20 “(I) outside of an area described
21 in subparagraph (A); or

22 “(II) where other significant re-
23 source concerns exist, as determined
24 exclusively by the Secretary; or

1 “(ii) that is carried out in an area
2 equivalent to not less than a hydrologic
3 unit code 5 watershed, as defined by the
4 United States Geological Survey; and

5 “(C) notwithstanding subsection (d), in the
6 case of any other hazardous fuel or insect and
7 disease reduction project, in the environmental
8 assessment or environmental impact statement
9 prepared under subsection (b), study, develop,
10 and describe—

11 “(i) the proposed agency action; and

12 “(ii) the alternative of no action.

13 “(3) PRIORITY FOR REDUCING RISKS OF IN-
14 SECT INFESTATION AND WILDFIRE.—Except where
15 established as a mandatory standard that constrains
16 project and activity decision making in a resource
17 management plan (as defined in section 101(13)(A))
18 in effect on the date of enactment of this Act, in the
19 case of an insect and disease treatment area, the
20 Secretary shall prioritize reducing the risks of insect
21 and disease infestation and wildfire over other plan-
22 ning objectives.

23 “(4) INCLUSION OF FIRE REGIME GROUPS IV
24 AND V.—Notwithstanding section 603(c)(2)(B), the
25 Secretary shall apply the categorical exclusion de-

1 scribed in paragraph (2)(A) to areas in Fire Regime
2 Groups IV and V.

3 “(5) EXCLUDED AREAS.—This subsection shall
4 not apply to—

5 “(A) a component of the National Wilder-
6 ness Preservation System; or

7 “(B) an inventoried roadless area, except
8 in the case of an activity that is permitted
9 under—

10 “(i) the final rule of the Secretary en-
11 titled ‘Special Areas; Roadless Area Con-
12 servation’ (66 Fed. Reg. 3244 (January
13 12, 2001)); or

14 “(ii) a State-specific roadless area
15 conservation rule.

16 “(6) REPORTS.—The Secretary shall annually
17 make publicly available data describing the acreage
18 treated under hazardous fuel or insect and disease
19 risk reduction projects in insect and disease treat-
20 ment areas during the previous year.”.

21 **SEC. 3. GOOD NEIGHBOR AUTHORITY.**

22 Section 8206(b)(2) of the Agricultural Act of 2014
23 (16 U.S.C. 2113a(b)(2)) is amended by striking subpara-
24 graph (C) and inserting the following:

1 “(C) TREATMENT OF REVENUE.—Funds
2 received from the sale of timber by a Governor
3 of a State under a good neighbor agreement
4 shall be retained and used by the Governor—

5 “(i) to carry out authorized restora-
6 tion services under that good neighbor
7 agreement; and

8 “(ii) if funds remain after carrying
9 out authorized restoration services under
10 clause (i), to carry out authorized restora-
11 tion services within the State under other
12 good neighbor agreements.”.

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