

NATIONAL FOREST RESTORATION AND REMEDIATION  
ACT

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DECEMBER 7, 2021.—Committed to the Committee of the Whole House on the State  
of the Union and ordered to be printed

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Mr. DAVID SCOTT of Georgia, from the Committee on Agriculture,  
submitted the following

R E P O R T

[To accompany H.R. 4489]

The Committee on Agriculture, to whom was referred the bill (H.R. 4489) to amend the Act of June 20, 1958, to require that certain amounts collected by the United States with respect to lands under the administration of the Forest Service be invested into interest bearing obligations, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

BRIEF EXPLANATION

This legislation, as reported out of Committee, requires that funds received from settlements related to lands under administration of the Forest Service be invested into interest bearing accounts and makes funding in excess of the amount needed to perform work necessitated by the settlement available to be used to cover other work specified. This bill also includes assessment and restoration as eligible purposes for the use of funds received from settlements.

PURPOSE AND NEED FOR LEGISLATION

The Transfer Act of 1905 transferred the Nation's forest reserves to the United States Department of Agriculture (USDA) and created the United States Forest Service from USDA's Bureau of Forestry. Subsequent legislation has further defined how the agency must manage those lands.

The Forest Service is required to oversee remediation and restoration of National Forest System lands that are damaged by human-caused wildfire and mining. Forest Service officials may

enter settlement agreements with responsible parties to fund necessary remediation and restoration work and hold the responsible accountable. The Forest Service does not have the authority to retain interest on settlement funds like some agencies.

Had the Forest Service been able to retain earned interest on settlement funds, the agency would have received an additional \$7,600,000 during the period covering Fiscal Years 2015 through 2019. These additional retained funds could have been used to complete restoration, rehabilitation, protection, improvement, or assessment work.

The National Forest Restoration and Remediation Act amends section 7 of the Act of June 20, 1958 to include assessment and restoration as eligible purposes for the use of funds received from settlements. The Act requires the Secretary of the Treasury to invest applicable funds in an interest-bearing account. The Act makes funding available to the purposes specified. Any excess funding may be used for additional work. The Secretary must include the amount and proposed use of the funds in the President's annual budget request.

#### H.R. 4489, NATIONAL FOREST RESTORATION AND REMEDIATION ACT

##### SECTION-BY-SECTION

###### *Section 1. Short title*

Section 1 provides the short title of the bill as the "National Forest Restoration and Remediation Act."

###### *Section 2. Investment of certain funds into interesting bearing obligations*

This section amends section 7 of the Act of June 20, 1958, by including assessment and restoration as eligible purposes for the use of funds received under this section.

This section requires the Secretary of the Treasury to invest all funds collected as a result of forfeiture, judgment, compromise, or settlement in interest bearing accounts. It also allows any excess monies received or earned under this section to be used to cover other work specified. The Secretary must include the amount and proposed use of the funds in the President's annual budget request.

##### COMMITTEE CONSIDERATION

###### I. HEARING

The Committee on Agriculture has held one hearing in the 117th Congress to understand the negative impacts of wildfire on National Forest System lands, as well as how State and Private forestry has been harmed.

On September 29, 2021, the Conservation and Forestry Subcommittee held a hearing titled "The 2021 Wildland Fire Year: Responding to and Mitigating Threats to Communities."

Randy Moore, Chief of the United States Forest Service, testified on a variety of matters relating to the status of wildfire preparedness, firefighter pay and classification, in addition to forest management decisions that reduce wildfire risk. Related to manage-

ment, Members heard about the need to improve restoration efforts, in addition to the financial needs.

## II. FULL COMMITTEE

On October 21, 2021, the Committee on Agriculture met pursuant to notice, with a quorum present, to consider H.R. 4489, the National Forest Restoration and Remediation Act. Chairman Scott made an opening statement as did Ranking Member Thompson. Chairman Scott requested other Members submit their opening statements for the record. Without objection, H.R. 4489 was placed before the Committee for consideration, a first reading of the bill was waived, and it was opened for amendment at any point.

Chairman Scott recognized Ms. Schrier, the bill's sponsor to speak on the bill. Discussion occurred and without objection, the Committee considered the bill. There being no amendments, a voice vote was conducted, and the bill was reported favorably from Committee.

At the conclusion of the meeting, Chairman Scott advised Members that pursuant to the Rules of the House of Representatives, Members had until October 28, 2021 to file any supplemental, additional, dissenting, or minority views with the Committee. Without objection, staff was given permission to make any necessary technical, clarifying, or conforming changes to reflect the intent of the Committee. Chairman Scott thanked all the Members and adjourned the meeting.

## COMMITTEE VOTES

In compliance with clause 3(b) of rule XIII of the House of Representatives, H.R. 4489 was reported by voice vote with a majority quorum present. There was no request for a recorded vote.

## COMMITTEE OVERSIGHT FINDINGS

Pursuant to clause 3(d)(2) of rule XIII of the Rules of the House of Representatives, the Committee report incorporates the cost estimates prepared by the Director of the Congressional Budget Office pursuant to sections 402 and 423 of the Congressional Budget Act of 1974.

## COST OF LEGISLATION AND THE CONGRESSIONAL BUDGET ACT

With respect to the requirements of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974 and with respect to requirements of clause (3)(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has requested but not received a cost estimate for this bill from the Director of the Congressional Budget Office. The Committee adopts as its own cost estimate the forthcoming cost estimate of the Director of the Congressional Budget Office, should such cost estimate be made available before House passage of the bill.

The Committee has requested but not received from the Director of the Congressional Budget Office a statement as to whether this bill contains any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expendi-

tures. Congressional Budget Office staff has informed the Committee on a preliminary, informal, nonbinding basis that there does not appear to be any direct spending associated with the bill.

#### CONSTITUTIONAL AUTHORITY STATEMENT

The Committee finds the Constitutional authority for this legislation in Article I, section 8, clause 18, that grants Congress the power to make all laws necessary and proper for carrying out the powers vested by Congress in the consideration of the United States or in any department or officer thereof.

#### PERFORMANCE GOALS AND OBJECTIVES

Pursuant to clause 3(c)(4) of rule XIII of the House of Representatives, the performance goals and objectives of this measure are to allow the Forest Service to use interest bearing accounts for monies collected as a result of forfeiture, judgment, compromise, or settlement and use any excess monies received or earned under this section to cover other work specified.

#### ADVISORY COMMITTEE STATEMENT

No advisory committee within the meaning of section 5(b) of the Federal Advisory Committee Act was created by this legislation.

#### APPLICABILITY TO THE LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act (Public Law 104-1).

#### FEDERAL MANDATES STATEMENT

An estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act was not made available to the Committee in time for the filing of this report. The Chair of the Committee shall cause such estimate to be printed in the Congressional Record upon its receipt by the Committee.

#### EARMARK STATEMENT

This measure does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f), or 9(g) of rule XXI of the House of Representatives.

#### DUPLICATION OF FEDERAL PROGRAMS

This measure does not establish or reauthorize a program of the Federal Government known to be duplicative of another Federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111-139, or a program related to a program in the most recent Catalog of Federal Domestic Assistance.

## DISCLOSURE OF DIRECTED RULE MAKINGS

The Committee does not believe that the legislation directs an Executive Branch official to conduct any specific rule making proceedings within the meaning of 5 U.S.C. 551.

## CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, and existing law in which no change is proposed is shown in roman):

**SECTION 7 OF PUBLIC LAW 85-465**

AN ACT To facilitate and simplify the work of the Forest Service, and for other purposes.

SEC. 7. Any moneys received by the United States with respect to lands under the administration of the Forest Service (1) as a result of the forfeiture of a bond or deposit by a permittee or timber purchaser for failure to complete performance of improvement, protection, or rehabilitation work required under the permit or timber sale contract or (2) as a result of a judgment, compromise, or settlement of any claim, involving present or potential damage to lands or improvements, shall be covered into the Treasury and are hereby appropriated and made available until expended to cover the cost to the United States **[of any improvement, protection, or rehabilitation]** *of any assessment, improvement, protection, restoration, or rehabilitation* work on lands under the administration of the Forest Service rendered necessary by the action which led to the forfeiture, judgment, compromise, or settlement: **[Provided, That any portion of the moneys so received in excess of the amount expended in performing the work necessitated by the action which led to their receipt shall be transferred to miscellaneous receipts.]** *Provided, That any monies covered into the Treasury under this section, including all monies that were previously collected by the United States in a forfeiture, judgment, compromise, or settlement, shall be invested by the Secretary of the Treasury in interest bearing obligations of the United States to the extent the amounts are not, in the judgment of the Secretary of the Treasury, required to meet current withdrawals: Provided further, That any interest earned on the amounts, including any interest earned by investment, is hereby appropriated and made available until expended to cover the costs to the United States specified in this section: Provided further, That, for fiscal year 2021 and thereafter, the Secretary shall include in the budget materials submitted to Congress in support of the President's annual budget request (submitted to Congress pursuant to section 1105 of title 31, United States Code) for each fiscal year the proposed use of such amounts with respect to the Forest Service: Provided further, That any portion of the monies received or earned under this section in excess of the amount expended in performing*

*the work necessitated by the action which led to their receipt may be used to cover the other work specified in this section.*

