

116TH CONGRESS
1ST SESSION

S. 1691

To provide mandatory funding to the Secretary of Agriculture to carry out hazardous fuels reduction projects on National Forest System land, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 23 (legislative day, MAY 22), 2019

Mr. MERKLEY (for himself and Mr. WYDEN) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To provide mandatory funding to the Secretary of Agriculture to carry out hazardous fuels reduction projects on 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 “Wildfire Resilient
5 Communities Act”.

6 **SEC. 2. FUNDING FOR HAZARDOUS FUELS REDUCTION**
7 **PROJECTS ON NATIONAL FOREST SYSTEM**
8 **LAND.**

9 (a) DEFINITIONS.—In this section:

1 (1) AT-RISK COMMUNITY; FIRE REGIME I; FIRE
 2 REGIME II; FIRE REGIME III.—The terms “at-risk
 3 community”, “fire regime I”, “fire regime II”, and
 4 “fire regime III” have the meanings given those
 5 terms in section 101 of the Healthy Forests Res-
 6 toration Act of 2003 (16 U.S.C. 6511).

7 (2) HAZARDOUS FUELS REDUCTION
 8 PROJECT.—The term “hazardous fuels reduction
 9 project” means the removal or modification of flam-
 10 mable vegetation or woody debris through prescribed
 11 fire, thinning, brush removal, mastication, pruning,
 12 slash treatment, or a combination of those methods,
 13 on the condition that the method is ecologically ap-
 14 propriate, cost-effective, and selected on a site-spe-
 15 cific basis.

16 (3) SECRETARY.—The term “Secretary” means
 17 the Secretary of Agriculture, acting through the
 18 Chief of the Forest Service.

19 (b) HAZARDOUS FUELS REDUCTION PROJECTS.—

20 (1) IN GENERAL.—The Secretary shall carry
 21 out hazardous fuels reduction projects on National
 22 Forest System land.

23 (2) PROJECT PRIORITIES.—In carrying out
 24 paragraph (1), the Secretary shall prioritize haz-
 25 ardous fuels reduction projects that are—

1 (A) conducted in areas that—

2 (i) are within or adjacent to—

3 (I) at-risk communities; or

4 (II) high-value watersheds;

5 (ii) have very high wildfire hazard po-
6 tential; or

7 (iii) are in fire regime I, fire regime
8 II, or fire regime III; or

9 (B) designed to integrate and simulta-
10 neously advance two or more of the goals estab-
11 lished in the report of the Secretary of Agri-
12 culture and the Secretary of the Interior enti-
13 tled “The National Strategy: the Final Phase of
14 the Development of the National Cohesive
15 Wildland Fire Management Strategy” and
16 dated April 2014—

17 (i) to create fire-adapted communities;

18 (ii) to restore and maintain resilient
19 landscapes; and

20 (iii) to achieve safe, effective fire re-
21 sponse.

22 (c) FUNDING.—

23 (1) IN GENERAL.—On the first October 1 fol-
24 lowing the date of enactment of this Act, out of any
25 funds in the Treasury not otherwise appropriated,

1 the Secretary of the Treasury shall transfer to the
 2 Secretary to carry out this section \$1,000,000,000,
 3 to remain available until expended.

4 (2) RECEIPT AND ACCEPTANCE.—The Sec-
 5 retary shall be entitled to receive, shall accept, and
 6 shall use to carry out this section the funds trans-
 7 ferred under paragraph (1), without further appro-
 8 priation.

9 (3) ADMINISTRATIVE AND PLANNING COSTS.—
 10 Not more than 10 percent of funding made available
 11 under paragraph (1) may be used for administrative
 12 and planning costs.

13 **SEC. 3. COMMUNITY PLANNING ASSISTANCE FOR AT-RISK**
 14 **COMMUNITIES.**

15 (a) DEFINITIONS.—In this section:

16 (1) AT-RISK COMMUNITY; COMMUNITY WILD-
 17 FIRE PROTECTION PLAN.—The terms “at-risk com-
 18 munity” and “community wildfire protection plan”
 19 have the meanings given those terms in section 101
 20 of the Healthy Forests Restoration Act of 2003 (16
 21 U.S.C. 6511).

22 (2) FEDERAL LAND.—The term “Federal land”
 23 means the following:

24 (A) National Forest System land reserved
 25 from the public domain.

1 (B) The following land administered by the
 2 Secretary of the Interior:

3 (i) Public lands (as defined in section
 4 103 of the Federal Land Policy and Man-
 5 agement Act of 1976 (43 U.S.C. 1702)).

6 (ii) A unit of the National Park Sys-
 7 tem.

8 (iii) A unit of the National Wildlife
 9 Refuge System.

10 (iv) Land held in trust for an Indian
 11 Tribe.

12 (3) HAZARDOUS FUELS REDUCTION
 13 PROJECT.—The term “hazardous fuels reduction
 14 project” means the removal or modification of flam-
 15 mable vegetation or woody debris through prescribed
 16 fire, thinning, brush removal, mastication, pruning,
 17 slash treatment, or a combination of those methods,
 18 on the condition that the method is ecologically ap-
 19 propriate, cost-effective, and selected on a site-spe-
 20 cific basis.

21 (4) INDIAN TRIBE.—The term “Indian Tribe”
 22 has the meaning given the term “Indian tribe” in
 23 section 4 of the Indian Self-Determination and Edu-
 24 cation Assistance Act (25 U.S.C. 5304).

1 (5) SECRETARIES.—The term “Secretaries”
 2 means the Secretary of the Interior and the Sec-
 3 retary of Agriculture.

4 (b) DEVELOPMENT OF MAP.—Not later than 180
 5 days after the date of enactment of this Act, and periodi-
 6 cally thereafter, the Secretaries shall develop and publish
 7 a map depicting at-risk communities, including Tribal at-
 8 risk communities.

9 (c) PLANNING AND PREPARING AT-RISK COMMU-
 10 NITIES FOR WILDFIRE.—Subject to the availability of ap-
 11 propriations, the Secretaries shall provide financial and
 12 technical assistance to at-risk communities adjacent to
 13 Federal land, including through States, to assist the at-
 14 risk communities in planning and preparing for wildfire,
 15 including—

16 (1) cosponsoring and supporting the expansion
 17 of—

18 (A) the Firewise USA Program;

19 (B) the Ready, Set, Go program;

20 (C) the Living with Wildfire program; or

21 (D) programs similar to the programs re-
 22 ferred to in subparagraphs (A) through (C)
 23 that are designed to advance fire-adapted com-
 24 munities;

(3) carrying out risk assessments and creating maps that depict wildfire risk, investment scenarios, and tradeoffs to assist in planning for response and suppression resource needs and implementing hazardous fuels reduction projects;

9 (4) sharing costs to create defensible space for
10 a distance of not less than 100 feet around a resi-
11 dence that was built before the date of enactment of
12 this Act; and

(5) planning and implementing cross-boundary hazardous fuels reduction projects as identified in a community wildfire protection plan.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated \$100,000,000 to carry out this section for each fiscal year.

19 SEC. 4. COLLABORATIVE FOREST LANDSCAPE RESTORA-
20 TION PROGRAM.

(a) PROPOSAL SELECTION PROCESS.—Section 4003(d) of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 7303(d)) is amended by striking paragraph (3) and inserting the following:

1 “(3) LIMITATION.—The Secretary may select
2 not more than the number of proposals under para-
3 graph (1) that the Secretary determines are likely to
4 receive adequate funding.”.

5 (b) PERMANENT REAUTHORIZATION.—Section
6 4003(f)(6) of the Omnibus Public Land Management Act
7 of 2009 (16 U.S.C. 7303(f)(6)) is amended by striking
8 “\$80,000,000 for each of fiscal years 2019 through 2023”
9 and inserting “\$100,000,000 for fiscal year 2020 and
10 each fiscal year thereafter”.

11 **SEC. 5. COUNTY STEWARDSHIP FUND.**

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

14 (1) by redesignating subsection (j) as sub-
15 section (k); and

16 (2) by inserting after subsection (i) the fol-
17 lowing:

18 “(j) COUNTY STEWARDSHIP FUND.—

19 “(1) IN GENERAL.—There is established in the
20 Treasury of the United States a fund to be known
21 as the ‘County Stewardship Fund’ (referred to in
22 this section as the ‘Fund’), to be administered by
23 the Secretary.

24 “(2) DEPOSITS.—Each fiscal year, an amount
25 equal to 25 percent of the amounts collected as re-

1 receipts under subsection (e) during the preceding fis-
 2 cal year shall be deposited in the Fund.

3 “(3) AVAILABILITY.—Amounts in the Fund
 4 shall—

5 “(A) be used only for purposes described
 6 in paragraph (4); and

7 “(B) remain available until expended.

8 “(4) PURPOSES.—

9 “(A) IN GENERAL.—Each fiscal year, the
 10 Chief or the Director, as applicable, shall dis-
 11 tribute from amounts in the Fund to each
 12 county in which a contract under subsection (b)
 13 was carried out on Federal land in the county
 14 during the preceding fiscal year a payment of
 15 an amount equal to 25 percent of the receipts
 16 generated from that contract.

17 “(B) USE OF FUNDS.—A county receiving
 18 a payment under subparagraph (A) may use
 19 the payment for any governmental purposes.”.

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