

(e) Disposal of vegetative material

Subject to applicable local restrictions, any vegetative material resulting from a covered vegetation management activity that is covered by the categorical exclusion under subsection (b) may be—

- (1) used for—
 - (A) fuel wood; or
 - (B) other products; or
- (2) piled or burned, or both.

(f) Treatment for temporary roads**(1) In general**

Notwithstanding subsection (a)(1)(B)(xi), any temporary road constructed in carrying out a covered vegetation management activity that is covered by the categorical exclusion under subsection (b)—

- (A) shall be used by the Secretary concerned for the covered vegetation management activity for not more than 2 years; and
- (B) shall be decommissioned by the Secretary concerned not later than 3 years after the earlier of the date on which—
 - (i) the temporary road is no longer needed; and
 - (ii) the project is completed.

(2) Requirement

A treatment under paragraph (1) shall include reestablishing native vegetative cover—

- (A) as soon as practicable; but
- (B) not later than 10 years after the date of completion of the applicable covered vegetation management activity.

(g) Limitations**(1) Project size**

A covered vegetation management activity that is covered by the categorical exclusion under subsection (b) may not exceed 4,500 acres.

(2) Location

A covered vegetation management activity carried out on National Forest System land that is covered by the categorical exclusion under subsection (b) shall be limited to areas designated under section 6591a(b) of this title, as of December 20, 2018.

(Pub. L. 108–148, title VI, § 606, as added Pub. L. 115–334, title VIII, § 8611, Dec. 20, 2018, 132 Stat. 4848.)

Editorial Notes**REFERENCES IN TEXT**

The National Environmental Policy Act of 1969, referred to in subsec. (b)(2)(A), is Pub. L. 91–190, Jan. 1, 1970, 83 Stat. 852, which is classified generally to chapter 55 (§ 4321 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 4321 of Title 42 and Tables.

§ 6592. Wildfire risk reduction**(a) Authorization of appropriations**

There is authorized to be appropriated to the Secretary of the Interior and the Secretary of Agriculture, acting through the Chief of the Forest Service, for the activities described in

subsection (c), \$3,369,200,000 for the period of fiscal years 2022 through 2026.

(b) Treatment

Of the Federal land or Indian forest land or rangeland that has been identified as having a very high wildfire hazard potential, the Secretary of the Interior and the Secretary of Agriculture, acting through the Chief of the Forest Service, shall, by not later than September 30, 2027, conduct restoration treatments and improve the Fire Regime Condition Class of 10,000,000 acres that are located in—

- (1) the wildland-urban interface; or
- (2) a public drinking water source area.

(c) Activities

Of the amounts made available under subsection (a) for the period of fiscal years 2022 through 2026—

(1) \$20,000,000 shall be made available for entering into an agreement with the Administrator of the National Oceanic and Atmospheric Administration to establish and operate a program that makes use of the Geostationary Operational Environmental Satellite Program to rapidly detect and report wildfire starts in all areas in which the Secretary of the Interior or the Secretary of Agriculture has financial responsibility for wildland fire protection and prevention, of which—

- (A) \$10,000,000 shall be made available to the Secretary of the Interior; and
- (B) \$10,000,000 shall be made available to the Secretary of Agriculture;

(2) \$600,000,000 shall be made available for the salaries and expenses of Federal wildland firefighters in accordance with subsection (d), of which—

- (A) \$120,000,000 shall be made available to the Secretary of the Interior; and
- (B) \$480,000,000 shall be made available to the Secretary of Agriculture;

(3) \$10,000,000 shall be made available to the Secretary of the Interior to acquire technology and infrastructure for each Type I and Type II incident management team to maintain interoperability with respect to the radio frequencies used by any responding agency;

(4) \$30,000,000 shall be made available to the Secretary of Agriculture to provide financial assistance to States, Indian Tribes, and units of local government to establish and operate Reverse-911 telecommunication systems;

(5) \$50,000,000 shall be made available to the Secretary of the Interior to establish and implement a pilot program to provide to local governments financial assistance for the acquisition of slip-on tanker units to establish fleets of vehicles that can be quickly converted to be operated as fire engines;

(6) \$1,200,000 shall be made available to the Secretary of Agriculture, in coordination with the Secretary of the Interior, to develop and publish, not later than 180 days after November 15, 2021, and every 5 years thereafter, a map depicting at-risk communities (as defined in section 6511 of this title), including Tribal at-risk communities;

(7) \$100,000,000 shall be made available to the Secretary of the Interior and the Secretary of Agriculture—

(A) for—

- (i) preplanning fire response workshops that develop—
 - (I) potential operational delineations; and
 - (II) select potential control locations; and
- (ii) workforce training for staff, non-Federal firefighters, and Native village fire crews for—
 - (I) wildland firefighting; and
 - (II) increasing the pace and scale of vegetation treatments, including training on how to prepare and implement large landscape treatments; and

(B) of which—

- (i) \$50,000,000 shall be made available to the Secretary of the Interior; and
- (ii) \$50,000,000 shall be made available to the Secretary of Agriculture;

(8) \$20,000,000 shall be made available to the Secretary of Agriculture to enter into an agreement with a Southwest Ecological Restoration Institute established under the Southwest Forest Health and Wildfire Prevention Act of 2004 (16 U.S.C. 6701 et seq.)—

- (A) to compile and display existing data, including geographic data, for hazardous fuel reduction or wildfire prevention treatments undertaken by the Secretary of the Interior or the Secretary of Agriculture, including treatments undertaken with funding provided under this title;
- (B) to compile and display existing data, including geographic data, for large wildfires, as defined by the National Wildfire Coordinating Group, that occur in the United States;
- (C) to facilitate coordination and use of existing and future interagency fuel treatment data, including geographic data, for the purposes of—
 - (i) assessing and planning cross-boundary fuel treatments; and
 - (ii) monitoring the effects of treatments on wildfire outcomes and ecosystem restoration services, using the data compiled under subparagraphs (A) and (B);
- (D) to publish a report every 5 years showing the extent to which treatments described in subparagraph (A) and previous wildfires affect the boundaries of wildfires, categorized by—
 - (i) Federal land management agency;
 - (ii) region of the United States; and
 - (iii) treatment type; and
- (E) to carry out other related activities of a Southwest Ecological Restoration Institute, as authorized by the Southwest Forest Health and Wildfire Prevention Act of 2004 (16 U.S.C. 6701 et seq.);

(9) \$20,000,000 shall be available for activities conducted under the Joint Fire Science Program, of which—

- (A) \$10,000,000 shall be made available to the Secretary of the Interior; and
- (B) \$10,000,000 shall be made available to the Secretary of Agriculture;

(10) \$100,000,000 shall be made available to the Secretary of Agriculture for collaboration and collaboration-based activities, including facilitation, certification of collaboratives, and planning and implementing projects under the Collaborative Forest Landscape Restoration Program established under section 7303 of this title in accordance with subsection (e);

(11) \$500,000,000 shall be made available to the Secretary of the Interior and the Secretary of Agriculture—

- (A) for—
 - (i) conducting mechanical thinning and timber harvesting in an ecologically appropriate manner that maximizes the retention of large trees, as appropriate for the forest type, to the extent that the trees promote fire-resilient stands; or
 - (ii) precommercial thinning in young growth stands for wildlife habitat benefits to provide subsistence resources; and
- (B) of which—
 - (i) \$100,000,000 shall be made available to the Secretary of the Interior; and
 - (ii) \$400,000,000 shall be made available to the Secretary of Agriculture;

(12) \$500,000,000 shall be made available to the Secretary of Agriculture, in cooperation with States, to award community wildfire defense grants to at-risk communities in accordance with subsection (f);

(13) \$500,000,000 shall be made available for planning and conducting prescribed fires and related activities, of which—

- (A) \$250,000,000 shall be made available to the Secretary of the Interior; and
- (B) \$250,000,000 shall be made available to the Secretary of Agriculture;

(14) \$500,000,000 shall be made available for developing or improving potential control locations, in accordance with paragraph (7)(A)(i)(II), including installing fuelbreaks (including fuelbreaks studied under subsection (i)), with a focus on shaded fuelbreaks when ecologically appropriate, of which—

- (A) \$250,000,000 shall be made available to the Secretary of the Interior; and
- (B) \$250,000,000 shall be made available to the Secretary of Agriculture;

(15) \$200,000,000 shall be made available for contracting or employing crews of laborers to modify and remove flammable vegetation on Federal land and for using materials from treatments, to the extent practicable, to produce biochar and other innovative wood products, including through the use of existing locally based organizations that engage young adults, Native youth, and veterans in service projects, such as youth and conservation corps, of which—

- (A) \$100,000,000 shall be made available to the Secretary of the Interior; and
- (B) \$100,000,000 shall be made available to the Secretary of Agriculture;

(16) \$200,000,000 shall be made available for post-fire restoration activities that are implemented not later than 3 years after the date that a wildland fire is contained, of which—

- (A) \$100,000,000 shall be made available to the Secretary of the Interior; and

- (B) \$100,000,000 shall be made available to the Secretary of Agriculture;
- (17) \$8,000,000 shall be made available to the Secretary of Agriculture—
 - (A) to provide feedstock to firewood banks; and
 - (B) to provide financial assistance for the operation of firewood banks; and
- (18) \$10,000,000 shall be available to the Secretary of the Interior and the Secretary of Agriculture for the procurement and placement of wildfire detection and real-time monitoring equipment, such as sensors, cameras, and other relevant equipment, in areas at risk of wildfire or post-burned areas.

(d) Wildland firefighters

(1) In general

Subject to the availability of appropriations, not later than 180 days after November 15, 2021, the Secretary of the Interior and the Secretary of Agriculture shall, using the amounts made available under subsection (c)(2), coordinate with the Director of the Office of Personnel Management to develop a distinct “wildland firefighter” occupational series.

(2) Omitted

(3) Current employees

Any individual employed as a wildland firefighter on the date on which the occupational series established under paragraph (1) takes effect may elect—

- (A) to remain in the occupational series in which the individual is employed; or
- (B) to be included in the “wildland firefighter” occupational series established under that paragraph.

(4) Permanent employees; increase in salary

Using the amounts made available under subsection (c)(2), beginning October 1, 2021, the Secretary of the Interior and the Secretary of Agriculture shall—

- (A) seek to convert not fewer than 1,000 seasonal wildland firefighters to wildland firefighters that—
 - (i) are full-time, permanent, year-round Federal employees; and
 - (ii) reduce hazardous fuels on Federal land not fewer than 800 hours per year; and

- (B) increase the base salary of a Federal wildland firefighter by the lesser of an amount that is commensurate with an increase of \$20,000 per year or an amount equal to 50 percent of the base salary, if the Secretary concerned, in coordination with the Director of the Office of Personnel Management, makes a written determination that the position of the Federal wildland firefighter is located within a specified geographic area in which it is difficult to recruit or retain a Federal wildland firefighter.

(5) National wildfire coordinating group

Using the amounts made available under subsection (c)(2), not later than October 1, 2022, the Secretary of the Interior and the Secretary of Agriculture shall—

- (A) develop and adhere to recommendations for mitigation strategies for wildland firefighters to minimize exposure due to line-of-duty environmental hazards; and
- (B) establish programs for permanent, temporary, seasonal, and year-round wildland firefighters to recognize and address mental health needs, including post-traumatic stress disorder care.

(e) Collaborative forest landscape restoration program

Subject to the availability of appropriations, not later than 180 days after November 15, 2021, the Secretary of Agriculture shall, using the amounts made available under subsection (c)(10)—

- (1) solicit new project proposals under the Collaborative Forest Landscape Restoration Program established under section 7303 of this title (referred to in this subsection as the “Program”);

- (2) provide up to 5 years of additional funding of any proposal originally selected for funding under the Program prior to September 30, 2018—

- (A) that has been approved for an extension of funding by the Secretary of Agriculture prior to November 15, 2021; or

- (B) that has been recommended for an extension of funding by the advisory panel established under section 7303(e) of this title prior to November 15, 2021, that the Secretary of Agriculture subsequently approves; and

- (3) select project proposals for funding under the Program in a manner that—

- (A) gives priority to a project proposal that will treat acres that—

- (i) have been identified as having very high wildfire hazard potential; and

- (ii) are located in—

- (I) the wildland-urban interface; or

- (II) a public drinking water source area;

- (B) takes into consideration—

- (i) the cost per acre of Federal land or Indian forest land or rangeland acres described in subparagraph (A) to be treated; and

- (ii) the number of acres described in subparagraph (A) to be treated;

- (C) gives priority to a project proposal that is proposed by a collaborative that has successfully accomplished treatments consistent with a written plan that included a proposed schedule of completing those treatments, which is not limited to an earlier proposal funded under the Program; and

- (D) discontinues funding for a project that fails to achieve the results included in a project proposal submitted under paragraph (1) for more than 2 consecutive years.

(f) Community wildfire defense grant program

(1) Establishment

Subject to the availability of appropriations, not later than 180 days after November 15, 2021, the Secretary of Agriculture shall, using amounts made available under subsection

(c)(12), establish a program, which shall be separate from the program established under section 5133 of title 42, under which the Secretary of Agriculture, in cooperation with the States, shall award grants to at-risk communities, including Indian Tribes—

(A) to develop or revise a community wildfire protection plan; and

(B) to carry out projects described in a community wildfire protection plan that is not more than 10 years old.

(2) Priority

In awarding grants under the program described in paragraph (1), the Secretary of Agriculture shall give priority to an at-risk community that is—

(A) in an area identified by the Secretary of Agriculture as having high or very high wildfire hazard potential;

(B) a low-income community; or

(C) a community impacted by a severe disaster.

(3) Community wildfire defense grants

(A) Grant amounts

A grant—

(i) awarded under paragraph (1)(A) shall be for not more than \$250,000; and

(ii) awarded under paragraph (1)(B) shall be for not more than \$10,000,000.

(B) Cost sharing requirement

(i) In general

Except as provided in clause (ii), the non-Federal cost (including the administrative cost) of carrying out a project using funds from a grant awarded under the program described in paragraph (1) shall be—

(I) not less than 10 percent for a grant awarded under paragraph (1)(A); and

(II) not less than 25 percent for a grant awarded under paragraph (1)(B).

(ii) Waiver

The Secretary of Agriculture may waive the cost-sharing requirement under clause (i) for a project that serves an underserved community.

(C) Eligibility

The Secretary of Agriculture shall not award a grant under paragraph (1) to an at-risk community that is located in a county or community that—

(i) is located in the continental United States; and

(ii) has not adopted an ordinance or regulation that requires the construction of new roofs on buildings to adhere to standards that are similar to, or more stringent than—

(I) the roof construction standards established by the National Fire Protection Association; or

(II) an applicable model building code established by the International Code Council.

(g) Priorities

In carrying out projects using amounts made available under this section, the Secretary of

the Interior or the Secretary of Agriculture, acting through the Chief of the Forest Service, as applicable, shall prioritize funding for projects—

(1) for which any applicable processes under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) have been completed on November 15, 2021;

(2) that reduce the likelihood of experiencing uncharacteristically severe effects from a potential wildfire by focusing on areas strategically important for reducing the risks associated with wildfires;

(3) that maximize the retention of large trees, as appropriate for the forest type, to the extent that the trees promote fire-resilient stands;

(4) that do not include the establishment of permanent roads;

(5) for which funding would be committed to decommission all temporary roads constructed to carry out the project; and

(6) that fully maintain or contribute toward the restoration of the structure and composition of old growth stands consistent with the characteristics of that forest type, taking into account the contribution of the old growth stand to landscape fire adaption and watershed health, unless the old growth stand is part of a science-based ecological restoration project authorized by the Secretary concerned that meets applicable protection and old growth enhancement objectives, as determined by the Secretary concerned.

(h) Reports

The Secretary of the Interior and the Secretary of Agriculture, acting through the Chief of the Forest Service, shall complete and submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives an annual report describing the number of acres of land on which projects carried out using funds made available under this section improved the Fire Regime Condition Class of the land described in subsection (b).

(i) Wildfire prevention study

(1) In general

Not later than 180 days after November 15, 2021, the Secretary of Agriculture shall initiate a study of the construction and maintenance of a system of strategically placed fuelbreaks to control wildfires in western States.

(2) Review

The study under paragraph (1) shall review—

(A) a full suite of manual, chemical, and mechanical treatments; and

(B) the effectiveness of the system described in that paragraph in reducing wildfire risk and protecting communities.

(3) Determination

Not later than 90 days after the date of completion of the study under paragraph (1), the Secretary of Agriculture shall determine whether to initiate the preparation of a programmatic environmental impact statement implementing the system described in that paragraph in appropriate locations.

(j) Monitoring, maintenance, and treatment plan and strategy

(1) In general

Not later than 120 days after November 15, 2021, the Secretary of Agriculture and the Secretary of the Interior shall establish a 5-year monitoring, maintenance, and treatment plan that—

(A) describes activities under subsection (c) that the Secretary of Agriculture and the Secretary of the Interior will take to reduce the risk of wildfire by conducting restoration treatments and improving the Fire Regime Condition Class of 10,000,000 acres of Federal land or Tribal Forest land or rangeland that is identified as having very high wildfire hazard potential, not including annual treatments otherwise scheduled;

(B) establishes a process for prioritizing treatments in areas and communities at the highest risk of catastrophic wildfires;

(C) includes an innovative plan and process—

(i) to leverage public-private partnerships and resources, shared stewardship agreements, good neighbor agreements, and similar contracting authorities;

(ii) to prioritize projects for which any applicable processes under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) have been completed as of November 15, 2021;

(iii) to streamline subsequent projects based on existing statutory or regulatory authorities; and

(iv) to develop interagency teams to increase coordination and efficiency under the National Environmental Policy Act of 1969 (42 U.S.C. 4321) [42 U.S.C. 4321 et seq.]; and

(D) establishes a process for coordinating prioritization and treatment with State and local entities and affected stakeholders.

(2) Strategy

Not later than 5 years after November 15, 2021, the Secretary of Agriculture and the Secretary of the Interior, in coordination with State and local governments, shall publish a long-term, outcome-based monitoring, maintenance, and treatment strategy—

(A) to maintain forest health improvements and wildfire risk reduction accomplished under this section;

(B) to continue treatment at levels necessary to address the 20,000,000 acres needing priority treatment over the 10-year period beginning on the date of publication of the strategy; and

(C) to proactively conduct treatment at a level necessary to minimize the risk of wildfire to surrounding at-risk communities.

(k) Authorized hazardous fuels projects

A project carried out using funding authorized under paragraphs (11)(A)(i), (13), or (14) of subsection (c) shall be considered an authorized hazardous fuel reduction project pursuant to section 6512 of this title.

(Pub. L. 117-58, div. D, title VIII, § 40803, Nov. 15, 2021, 135 Stat. 1097.)

Editorial Notes

REFERENCES IN TEXT

The Southwest Forest Health and Wildfire Prevention Act of 2004, referred to in subsec. (c)(8), is Pub. L. 108-317, Oct. 5, 2004, 118 Stat. 1204, which is classified generally to chapter 86 (§ 6701 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 6701 of this title and Tables.

This title, referred to in subsec. (c)(8)(A), means title VIII of division D of Pub. L. 117-58, Nov. 15, 2021, 135 Stat. 1094, which enacted this section and sections 538a and 6592a to 6592d of this title and amended section 5545 of Title 5, Government Organization and Employees. For complete classification of title VIII to the Code, see Tables.

The National Environmental Policy Act of 1969, referred to in subsecs. (g)(1) and (j)(1)(C)(ii), (iv), is Pub. L. 91-190, Jan. 1, 1970, 83 Stat. 852, which is classified generally to chapter 55 (§ 4321 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 4321 of Title 42 and Tables.

CODIFICATION

Section is comprised of section 40803 of Pub. L. 117-58. Subsec. (d)(2) of section 40803 of Pub. L. 117-58 amended section 5545(d)(1) of Title 5, Government Organization and Employees.

Section was enacted as part of the Infrastructure Investment and Jobs Act, and not as part of the Healthy Forests Restoration Act of 2003 which comprises this chapter.

Statutory Notes and Related Subsidiaries

WAGE RATE REQUIREMENTS

For provisions relating to rates of wages to be paid to laborers and mechanics on projects for construction, alteration, or repair work funded under div. D or an amendment by div. D of Pub. L. 117-58, including authority of Secretary of Labor, see section 18851 of Title 42, The Public Health and Welfare.

DEFINITIONS

For definition of “Indian Tribe” as used in this section, see section 5304 of Title 25, Indians, as made applicable by section 18701(2) of Title 42, The Public Health and Welfare.

§ 6592a. Ecosystem restoration

(a) Authorization of appropriations

There is authorized to be appropriated to the Secretary of the Interior and the Secretary of Agriculture, acting through the Chief of the Forest Service, for the activities described in subsection (b), \$2,130,000,000 for the period of fiscal years 2022 through 2026.

(b) Activities

Of the amounts made available under subsection (a) for the period of fiscal years 2022 through 2026—

(1) \$300,000,000 shall be made available, in accordance with subsection (c), to the Secretary of the Interior and the Secretary of Agriculture—

(A) for—

(i) entering into contracts, including stewardship contracts or agreements, the purpose of each of which shall be to restore ecological health on not fewer than 10,000 acres of Federal land, including Indian forest land or rangeland, and for salaries and