

116TH CONGRESS
2D SESSION

S. 4431

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

IN THE SENATE OF THE UNITED STATES

AUGUST 4, 2020

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

A BILL

To increase wildfire preparedness and response throughout
the United States, 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 “Emergency Wildfire
5 and Public Safety Act of 2020”.

6 **SEC. 2. TABLE OF CONTENTS.**

7 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

- Sec. 101. Forest landscape projects.
- Sec. 102. Wildfire detection equipment.
- Sec. 103. Establishment of fuel breaks in forests and other wildland vegetation.
- Sec. 104. Emergency actions.
- Sec. 105. New information in land management plans.
- Sec. 106. Hazard mitigation using disaster assistance.

TITLE II—BIOMASS

- Sec. 201. Biomass energy infrastructure program.

TITLE III—TIMBER EXPORTS

- Sec. 301. Exemption to prohibition on export of unprocessed timber of dead and dying trees in the State of California.

TITLE IV—OTHER MATTERS

- Sec. 401. Innovative forest workforce development program.
- Sec. 402. Western prescribed fire center.
- Sec. 403. Retrofits for fire-resilient communities.
- Sec. 404. Critical infrastructure and microgrid program.

1 **SEC. 3. FINDINGS.**

2 Congress finds that—

3 (1) in 2017 and 2018, the State of California,
 4 the State of Montana, and other Western States ex-
 5 perience some of the deadliest and most destructive
 6 wildfires in the last 100 years, devastating Federal,
 7 State, and private land, destroying tens of thousands
 8 of homes, killing dozens of people, and burning large
 9 areas of land in the wildland-urban interface (as de-
 10 fined in section 101 of the Healthy Forests Restora-
 11 tion Act of 2003 (16 U.S.C. 6511));

12 (2) fire suppression practices over several dec-
 13 ades, inadequate levels of forest management, and
 14 climate change have increased the risk of wildfires,
 15 and, according to the Fourth National Climate As-
 16 sessment by the United States Global Change Re-

1 search Program, the cumulative number of acres
2 burned in the period from 1984 to 2015 was twice
3 the number of acres that would have burned in the
4 absence of climate change;

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

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

17 (5) increasing the pace and scale of science-
18 based, publicly developed forest management activi-
19 ties that reduce hazardous fuels, including through
20 mechanical thinning and controlled burning, can re-
21 duce the size and scope of wildfires, as well as pro-
22 tect watersheds, improve fish and wildlife habitat,
23 expand recreational opportunities, protect air qual-
24 ity, and increase the sequestration of carbon on Na-

1 tional Forest System and Bureau of Land Manage-
2 ment land;

3 (6) in 2019, 11,800,000 acres of National For-
4 est System land in the State of California and
5 6,300,000 acres of National Forest System land in
6 the State of Montana were at high or very high wild-
7 fire hazard potential, of which 3,100,000 acres and
8 1,600,000 acres, respectively, were within proximity
9 to populated areas; and

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

15 **SEC. 4. DEFINITIONS.**

16 In this Act:

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

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

23 (B) public lands (as defined in section 103
24 of the Federal Land Policy and Management
25 Act of 1976 (43 U.S.C. 1702)).

1 (2) SECRETARY CONCERNED.—The term “Sec-
2 retary concerned” means—

3 (A) the Secretary of Agriculture, with re-
4 spect to Federal land described in paragraph
5 (1)(A); and

6 (B) the Secretary of the Interior, with re-
7 spect to Federal land described in paragraph
8 (1)(B).

9 **TITLE I—WILDFIRE MITIGATION** 10 **PROJECTS**

11 **SEC. 101. FOREST LANDSCAPE PROJECTS.**

12 (a) DEFINITIONS.—In this section:

13 (1) COLLABORATIVE PROCESS.—The term “col-
14 laborative process” means a collaborative process de-
15 scribed in section 4003(b)(2) of the Omnibus Public
16 Land Management Act of 2009 (16 U.S.C.
17 7303(b)(2)).

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

20 (A) primarily or entirely contains land that
21 has a high or very high wildfire hazard poten-
22 tial;

23 (B) due to a fuel management activity in
24 the area, would have a reduced risk, as deter-
25 mined by the Secretary concerned—

1 (i) of wildfire endangering a nearby
2 at-risk community (as defined in section
3 101 of the Healthy Forests Restoration
4 Act of 2003 (16 U.S.C. 6511));

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

9 (iii) of the transmission of a high in-
10 tensity wildfire from the applicable
11 wildland-urban interface or forest land-
12 scape to a nearby community; and

13 (C) to the extent practicable, is conducive
14 to the development and implementation of
15 projects relating to wildfire resilience and forest
16 health that are carried out through a collabo-
17 rative process.

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

21 (A) in which 1 or more management activi-
22 ties are carried out; and

23 (B) that takes place on not more than
24 75,000 acres of Federal land or non-Federal

1 land adjacent to Federal land on which the
2 project is carried out.

3 (4) MANAGEMENT ACTIVITY.—The term “man-
4 agement activity” means—

5 (A) the installation of fuel breaks (includ-
6 ing shaded fuel breaks) not more than 1/2-mile
7 wide across a forest landscape in a strategic
8 system that maximizes the reduction of wildfire
9 risk to communities or watersheds;

10 (B) mechanical thinning (including res-
11 toration thinning) of a forest landscape to
12 clear—

13 (i) surface fuels, such as slash;

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

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

18 (C) controlled burns.

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

22 (6) WILDLIFE HABITAT.—The term “wildlife
23 habitat” means an ecological community on which a
24 species of wild animal, bird, plant, fish, amphibian,

1 or invertebrate depends for the conservation and
2 protection of the species.

3 (b) ESTABLISHMENT.—

4 (1) IN GENERAL.—Not later than 90 days after
5 the date of enactment of this Act, in accordance
6 with paragraph (2), the Secretary of Agriculture, in
7 consultation with the Secretary of the Interior, shall
8 select 3 forest landscapes on which to conduct forest
9 landscape projects—

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

12 (B) to restore ecological health to the for-
13 est landscape; or

14 (C) to adapt the forest landscape to the in-
15 creased risk of wildfire due to climate change.

16 (2) PROCESS.—

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

21 (B) SELECTION.—The Secretary of Agri-
22 culture, in consultation with the Secretary of
23 the Interior, shall select forest landscape
24 projects to be conducted from among proposals
25 submitted under subparagraph (A) based on—

- 1 (i) the strength of the proposal and
2 the strategy for the conduct of the forest
3 landscape project;
- 4 (ii) the strength of the ecological case
5 of the proposal and the proposed ecological
6 restoration strategies of the forest land-
7 scape project;
- 8 (iii) the strength of the collaborative
9 process through which the proposal was
10 developed and the forest landscape project
11 will be carried out and the likelihood of
12 successful collaboration throughout imple-
13 mentation of the forest landscape project;
- 14 (iv) whether the proposed forest land-
15 scape project is likely to achieve reductions
16 in long-term wildfire management costs;
- 17 (v) whether the proposed forest land-
18 scape project would reduce the relative
19 costs of carrying out ecological restoration
20 treatments;
- 21 (vi) whether the proposed forest land-
22 scape project would provide energy as a re-
23 sult of the use of woody biomass and
24 small-diameter trees; and

1 (vii) whether an appropriate level of
2 non-Federal investment would be leveraged
3 in carrying out the proposed forest land-
4 scape project.

5 (C) CONSULTATION.—In selecting pro-
6 posals under subparagraph (B), the Secretary
7 of Agriculture, in consultation with the Sec-
8 retary of the Interior, shall consult with the
9 Governors of the States that submitted pro-
10 posals under subparagraph (A).

11 (3) APPLICABILITY.—The selection of a forest
12 landscape under this subsection shall not be subject
13 to the National Environmental Policy Act of 1969
14 (42 U.S.C. 4321 et seq.) or any other applicable law.

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

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

23 (2) shall consider the best available scientific
24 information to maintain or restore the ecological in-
25 tegrity of the forest landscape; and

1 (3) shall not establish a permanent road.

2 (d) ENVIRONMENTAL ANALYSIS.—

3 (1) APPLICATION TO CERTAIN ENVIRONMENTAL
4 ASSESSMENTS AND ENVIRONMENTAL IMPACT STATE-
5 MENTS.—This subsection shall apply in any case in
6 which the Secretary concerned prepares an environ-
7 mental assessment or an environmental impact
8 statement pursuant to section 102(2) of the Na-
9 tional Environmental Policy Act of 1969 (42 U.S.C.
10 4332(2)) for a forest landscape project—

11 (A) that—

12 (i) is developed through a collabo-
13 rative process; or

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

16 (B) the primary purpose of which is—

17 (i) reducing hazardous fuel loads;

18 (ii) installing fuel and fire breaks;

19 (iii) restoring forest health and resil-
20 ience;

21 (iv) protecting a municipal water sup-
22 ply or a critical communication site;

23 (v) improving wildlife habitat to meet
24 management and conservation goals, in-
25 cluding State population goals; or

1 (vi) a combination of 2 or more of the
 2 purposes described in clauses (i) through
 3 (v); and

4 (C) that does not include any action that
 5 is inconsistent with the applicable land and re-
 6 source management plan.

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

12 (A) The forest landscape project, as pro-
 13 posed under paragraph (1).

14 (B) A forest management activity or com-
 15 bination of forest management activities pro-
 16 posed by the relevant agency.

17 (C) The alternative of no action.

18 (3) ELEMENTS OF NO-ACTION ALTERNATIVE.—
 19 In the case of the alternative of no action, the Sec-
 20 retary concerned shall evaluate the effect of no ac-
 21 tion only on—

22 (A) forest health;

23 (B) wildlife habitat;

24 (C) wildfire potential;

25 (D) insect and disease potential;

1 (E) economic and social factors; and

2 (F) water quality and quantity.

3 (4) EXCLUSIONS.—This subsection does not
4 apply to—

5 (A) any component of the National Wilder-
6 ness Preservation System;

7 (B) any congressionally designated wilder-
8 ness study area;

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

11 (D) any research natural area;

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

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

18 (G) any designated critical habitat for a
19 federally listed threatened or endangered spe-
20 cies, unless, after a consultation under section
21 7 of the Endangered Species Act of 1973 (16
22 U.S.C. 1536), the Secretary of the Interior, act-
23 ing through the Director of the United States
24 Fish and Wildlife Service, determines that the

1 forest management activity is not likely to de-
2 stroy or adversely modify the critical habitat.

3 (5) ROAD BUILDING.—

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

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

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

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

22 (A) VENUE.—Notwithstanding section
23 1391 of title 28, United States Code, or other
24 applicable law, a forest landscape project for
25 which an environmental assessment or an envi-

1 ronmental impact statement is prepared under
2 paragraph (2)(A) shall be subject to judicial re-
3 view only in—

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

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

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

22 (C) INJUNCTIONS.—

23 (i) IN GENERAL.—Subject to clause
24 (ii), the length of any preliminary injunc-
25 tive relief or stay pending appeal covering

1 a forest landscape project described in sub-
2 paragraph (A) shall not exceed 60 days.

3 (ii) RENEWAL.—

4 (I) IN GENERAL.—A court of
5 competent jurisdiction may issue 1 or
6 more renewals of any preliminary in-
7 junction, or stay pending appeal,
8 granted under clause (i).

9 (II) UPDATES.—In each renewal
10 of an injunction in an action, the par-
11 ties to the action shall present the
12 court with updated information on the
13 status of the forest landscape project.

14 (iii) REQUIREMENT FOR INJUNC-
15 TION.—A court shall not enjoin an agency
16 action under a forest landscape project de-
17 scribed in subparagraph (A) if the court
18 determines that the plaintiff is unable to
19 demonstrate that the claim of the plaintiff
20 is likely to succeed on the merits.

21 (iv) BALANCING OF SHORT- AND
22 LONG-TERM EFFECTS.—As part of weigh-
23 ing the equities while considering any re-
24 quest for an injunction that applies to an
25 agency action under a forest landscape

1 project described in subparagraph (A), the
2 court reviewing the project shall balance
3 the impact to the ecosystem likely affected
4 by the project of—

5 (I) the short- and long-term ef-
6 fects of undertaking the agency ac-
7 tion; against

8 (II) the short- and long-term ef-
9 fects of not undertaking the agency
10 action.

11 (e) USE OF OTHER AUTHORITIES.—Each Secretary
12 concerned shall seek to use existing statutory and adminis-
13 trative authorities, including a good neighbor agreement
14 entered into under section 8206 of the Agricultural Act
15 of 2014 (16 U.S.C. 2113a), to carry out each forest land-
16 scape project.

17 (f) REPORTS.—Not later than the last day of each
18 fiscal year, each Secretary concerned shall submit a report
19 describing the impacts on wildfire risk and the environ-
20 ment of forest landscape projects carried out under this
21 section to—

22 (1) the Committee on Energy and Natural Re-
23 sources of the Senate;

24 (2) the Committee on Natural Resources of the
25 House of Representatives;

1 (3) the Committee on Agriculture, Nutrition,
2 and Forestry of the Senate; and

3 (4) the Committee on Agriculture of the House
4 of Representatives.

5 (g) FUNDING.—

6 (1) AUTHORIZATION OF APPROPRIATIONS.—

7 There are authorized to be appropriated to carry out
8 this section such sums as may be necessary for each
9 fiscal year.

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

13 **SEC. 102. WILDFIRE DETECTION EQUIPMENT.**

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

17 **“SEC. 607. WILDFIRE DETECTION EQUIPMENT.**

18 “To the extent practicable, the Secretary of Agri-
19 culture and the Secretary of the Interior shall—

20 “(1) expedite the placement of wildfire detec-
21 tion equipment, such as sensors, cameras, and other
22 relevant equipment, in areas at risk of wildfire;

23 “(2) expand the use of satellite data to assist
24 wildfire response; and

1 “(3) expedite any permitting required by the
2 Secretary of Agriculture or the Secretary of the In-
3 terior for the installation, maintenance, or removal
4 of wildfire detection equipment.”.

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

“Sec. 607. Wildfire detection equipment.”.

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

12 (a) DEFINITIONS.—In this section:

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

16 (A) of national, statewide, or regional eco-
17 logical importance;

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

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

24 (2) RIPARIAN AREA.—The term “riparian area”
25 means an area—

1 (A) that is transitional between terrestrial
2 and aquatic ecosystems;

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

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

9 (D) that is adjacent to perennial, intermit-
10 tent, and ephemeral streams, lakes, or estuarine
11 or marine shorelines; and

12 (E) that includes the portions of terrestrial
13 ecosystems that significantly influence ex-
14 changes of energy and matter with aquatic eco-
15 systems.

16 (3) SECRETARY.—The term “Secretary” has
17 the meaning given the term in section 101 of the
18 Healthy Forests Restoration Act of 2003 (16 U.S.C.
19 6511).

20 (b) CATEGORICAL EXCLUSION ESTABLISHED.—For-
21 est management activities described in subsection (c) are
22 a category of actions designated as being categorically ex-
23 cluded from the preparation of an environmental assess-
24 ment or an environmental impact statement under section

1 102 of the National Environmental Policy Act of 1969 (42
2 U.S.C. 4332).

3 (c) FOREST MANAGEMENT ACTIVITIES DESIGNATED
4 FOR CATEGORICAL EXCLUSION.—

5 (1) IN GENERAL.—The category of forest man-
6 agement activities designated under subsection (b)
7 for a categorical exclusion are forest management
8 activities described in paragraph (2) that are carried
9 out by the Secretary on Federal land (as defined in
10 section 3 of the Healthy Forests Restoration Act of
11 2003 (16 U.S.C. 6502)) the primary purpose of
12 which is to establish and maintain linear fuel breaks
13 that are—

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

18 (B) intended to reduce the risk of wildfire
19 on the Federal land or an adjacent at-risk com-
20 munity.

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

25 (A) mowing or masticating;

1 (B) thinning by manual and mechanical
2 cutting;

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

4 (D) selling of vegetation products, includ-
5 ing timber, firewood, biomass, slash, and fence-
6 posts;

7 (E) targeted grazing;

8 (F) application of—

9 (i) pesticide;

10 (ii) biopesticide; or

11 (iii) herbicide;

12 (G) seeding of native species;

13 (H) controlled burns and broadcast burn-
14 ing; and

15 (I) burning of piles, including jackpot
16 piles.

17 (3) EXCLUDED ACTIVITIES.—A forest manage-
18 ment activity described in paragraph (2) may not be
19 carried out pursuant to the categorical exclusion es-
20 tablished under subsection (b) if the activity is con-
21 ducted—

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

24 (B) for the construction of a permanent
25 road or permanent trail;

1 (C) on National Forest System land or
2 land managed by the Bureau of Land Manage-
3 ment on which the removal of vegetation is pro-
4 hibited or restricted by Congress or the Presi-
5 dent; or

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

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

10 (ii) have a substantial adverse impact
11 on—

12 (I) wetlands, as defined in the
13 United States Fish and Wildlife Serv-
14 ice Manual, part 660 FW 2 (June 21,
15 1993);

16 (II) a riparian area; or

17 (III) a habitat of significant
18 value; or

19 (iii) harm—

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

23 (II) the habitat of a species de-
24 scribed in subclause (I).

1 (4) EXTRAORDINARY CIRCUMSTANCES.—The
2 Secretary shall apply the extraordinary cir-
3 cumstances procedures under section 220.6 of title
4 36, Code of Federal Regulations (or a successor reg-
5 ulation), in determining whether to use a categorical
6 exclusion under subsection (b).

7 (d) ACREAGE AND LOCATION LIMITATIONS.—Treat-
8 ments of vegetation in linear fuel breaks covered by the
9 categorical exclusion established under subsection (b)—

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

12 (2) shall be located primarily in an area de-
13 scribed in section 605(c)(2) of the Healthy Forests
14 Restoration Act of 2003 (16 U.S.C. 6591d(c)(2)).

15 **SEC. 104. EMERGENCY ACTIONS.**

16 (a) DEFINITIONS.—In this section:

17 (1) EMERGENCY ACTION.—The term “emer-
18 gency action” means an action carried out pursuant
19 to an emergency situation determination to mitigate
20 the harm to life, property, or important natural or
21 cultural resources on National Forest System land
22 or adjacent land.

23 (2) EMERGENCY SITUATION.—The term “emer-
24 gency situation” means a situation on National For-
25 est System land for which immediate implementation

1 of a decision is necessary to achieve 1 or more of the
2 following results:

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

5 (B) Mitigation of threats to natural re-
6 sources on National Forest System land or ad-
7 jacent land.

8 (3) EMERGENCY SITUATION DETERMINATION.—
9 The term “emergency situation determination”
10 means a determination made by the Secretary under
11 subsection (b)(1)(A).

12 (4) LAND AND RESOURCE MANAGEMENT
13 PLAN.—The term “land and resource management
14 plan” means a plan developed under section 6 of the
15 Forest and Rangeland Renewable Resources Plan-
16 ning Act of 1974 (16 U.S.C. 1604).

17 (5) NATIONAL FOREST SYSTEM LAND.—The
18 term “National Forest System land” means land of
19 the National Forest System (as defined in section
20 11(a) of the Forest and Rangeland Renewable Re-
21 sources Planning Act of 1974 (16 U.S.C. 1609(a))).

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

24 (b) AUTHORIZED EMERGENCY ACTIONS TO RE-
25 SPOND TO EMERGENCY SITUATIONS.—

1 (1) DETERMINATION.—

2 (A) IN GENERAL.—The Secretary may
3 make a determination that an emergency situa-
4 tion exists with respect to National Forest Sys-
5 tem land.

6 (B) REVIEW.—An emergency situation de-
7 termination shall not be subject to objection
8 under the predecisional administrative review
9 processes under part 218 of title 36, Code of
10 Federal Regulations (or successor regulations).

11 (C) APPLICABILITY.—An emergency situa-
12 tion determination shall not be subject to the
13 National Environmental Policy Act of 1969 (42
14 U.S.C. 4321 et seq.) or any other applicable
15 law.

16 (2) AUTHORIZED EMERGENCY ACTIONS.—After
17 making an emergency situation determination with
18 respect to National Forest System land, the Sec-
19 retary may carry out emergency actions on that Na-
20 tional Forest System land, including through—

21 (A) the salvage of dead or dying trees;

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

24 (C) the commercial and noncommercial
25 sanitation harvest of trees to control insects or

1 disease, including trees already infested with in-
2 sects or disease;

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

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

10 (F) the reconstruction of existing utility
11 lines; and

12 (G) the replacement of underground ca-
13 bles.

14 (3) RELATION TO LAND AND RESOURCE MAN-
15 AGEMENT PLANS.—To the maximum extent prac-
16 ticable, an emergency action carried out under para-
17 graph (2) shall be conducted consistent with the
18 land and resource management plan.

19 (4) ACREAGE LIMITATIONS.—A treatment area
20 covered by an emergency situation determination on
21 which an emergency action is carried out pursuant
22 to paragraph (2) shall consist of not more than
23 10,000 acres of National Forest System land.

24 (c) ENVIRONMENTAL ANALYSIS.—

1 (1) ENVIRONMENTAL ASSESSMENT OR ENVI-
2 RONMENTAL IMPACT STATEMENT.—If the Secretary
3 determines that an emergency action requires an en-
4 vironmental assessment or an environmental impact
5 statement pursuant to section 102(2) of the Na-
6 tional Environmental Policy Act of 1969 (42 U.S.C.
7 4332(2)), the Secretary shall study, develop, and de-
8 scribe—

9 (A) the proposed agency action; and

10 (B) the alternative of no action.

11 (2) PUBLIC NOTICE.—The Secretary shall pro-
12 vide notice of each emergency action that the Sec-
13 retary determines requires an environmental assess-
14 ment or environmental impact statement under
15 paragraph (1), in accordance with applicable regula-
16 tions and administrative guidelines.

17 (3) PUBLIC COMMENT.—The Secretary shall
18 provide an opportunity for public comment during
19 the preparation of any environmental assessment or
20 environmental impact statement under paragraph
21 (1).

22 (4) SAVINGS CLAUSE.—Nothing in this sub-
23 section prohibits the Secretary from making an
24 emergency situation determination, including a de-
25 termination that an emergency exists pursuant to

1 section 220.4(b) of title 36, Code of Federal Regula-
2 tions (or successor regulations), that makes it nec-
3 essary to take an emergency action before preparing
4 an environmental assessment or environmental im-
5 pact statement under the National Environmental
6 Policy Act of 1969 (42 U.S.C. 4321 et seq.).

7 (d) ADMINISTRATIVE REVIEW OF EMERGENCY AC-
8 TIONS.—An emergency action carried out under this sec-
9 tion shall not be subject to objection under the
10 predecisional administrative review processes established
11 under section 105 of the Healthy Forests Restoration Act
12 of 2003 (16 U.S.C. 6515) and section 428 of the Depart-
13 ment of the Interior, Environment, and Related Agencies
14 Appropriations Act, 2012 (16 U.S.C. 6515 note; Public
15 Law 112–74).

16 (e) JUDICIAL REVIEW OF EMERGENCY ACTIONS.—
17 Section 106 of the Healthy Forests Restoration Act of
18 2003 (16 U.S.C. 6516) shall apply to an emergency action
19 carried out under this section.

20 **SEC. 105. NEW INFORMATION IN LAND MANAGEMENT**
21 **PLANS.**

22 (a) REINITIATION OF CONSULTATION; ACTIONS ON
23 FEDERAL LAND.—

24 (1) IN GENERAL.—The Secretary concerned
25 shall not be required to reinitiate consultation under

1 section 7(a)(2) of the Endangered Species Act of
2 1973 (16 U.S.C. 1536(a)(2)) on a Federal action
3 described in subsection (b) for new information af-
4 fecting the listing of a species as threatened or en-
5 dangered or the designation of critical habitat under
6 that Act (16 U.S.C. 1531 et seq.) unless the new in-
7 formation was—

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

13 (B) peer reviewed; and

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

16 (2) ACTIONS ON FEDERAL LAND.—While any
17 consultation initiated under paragraph (1) is pend-
18 ing, the Secretary concerned may take an action on
19 Federal land to implement a land management plan,
20 a resource management plan, or a regulation relat-
21 ing to Federal land that is the subject of the new
22 information, if the Secretary concerned complies
23 with section 7 of the Endangered Species Act of
24 1973 (16 U.S.C. 1536) regarding that action.

1 (b) FEDERAL ACTIONS DESCRIBED.—A Federal ac-
2 tion referred to in subsection (a) is any of the following:

3 (1) An action on Federal land.

4 (2) A land management plan or resource man-
5 agement plan.

6 (c) IRREVERSIBLE OR IRRETRIEVABLE COMMIT-
7 MENTS.—An action described in subsection (a)(2) shall
8 not be considered an irreversible or irretrievable commit-
9 ment of resources to implement a land management plan,
10 a resource management plan, or a regulation relating to
11 Federal land.

12 (d) EFFECT OF SECTION.—Nothing in this section
13 affects any applicable requirement of the Secretary con-
14 cerned to consult with the head of any other Federal de-
15 partment or agency—

16 (1) regarding any project carried out, or pro-
17 posed to be carried out, to implement a land man-
18 agement plan or resource management plan pursu-
19 ant to the Endangered Species Act of 1973 (16
20 U.S.C. 1531 et seq.), including any requirement to
21 consult regarding the consideration of cumulative
22 impacts of completed, ongoing, and planned projects;
23 or

24 (2) with respect to—

1 (A) an amendment or revision to a land
2 management plan; or

3 (B) a regulation relating to Federal land.

4 **SEC. 106. HAZARD MITIGATION USING DISASTER ASSIST-**
5 **ANCE.**

6 Section 404(f)(12) of the Robert T. Stafford Disaster
7 Relief and Emergency Assistance Act (42 U.S.C.
8 5170c(f)(12)) is amended—

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

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

13 “(A) replacing”;

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

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

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

19 (4) by adding at the end the following:

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

23 **TITLE II—BIOMASS**

24 **SEC. 201. BIOMASS ENERGY INFRASTRUCTURE PROGRAM.**

25 (a) DEFINITIONS.—In this section:

1 (1) AREA OF ECONOMIC NEED.—The term
2 “area of economic need” has the meaning given the
3 term “qualified opportunity zone” in section 1400Z–
4 1(a) of the Internal Revenue Code of 1986.

5 (2) BIOMASS.—The term “biomass” means
6 slash, thinnings, or invasive species from National
7 Forest System land and public lands (as defined in
8 section 103 of the Federal Land Policy and Manage-
9 ment Act of 1976 (43 U.S.C. 1702)) that—

10 (A) are byproducts of preventive treat-
11 ments that are removed—

12 (i) to reduce hazardous fuels;

13 (ii) to reduce or contain disease or in-
14 sect infestation; or

15 (iii) to restore ecosystem health;

16 (B) are byproducts of wildfire fuel treat-
17 ments;

18 (C) would not otherwise be used for high-
19 er-value products; and

20 (D) are harvested—

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

23 (ii) in accordance with the require-
24 ments for—

1 (I) old-growth maintenance, res-
 2 toration, and management direction
 3 under paragraphs (2), (3), and (4) of
 4 subsection (e) of section 102 of the
 5 Healthy Forests Restoration Act of
 6 2003 (16 U.S.C. 6512); and

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

9 (iii) in a manner that retains a min-
 10 imum quantity of coarse woody debris for
 11 habitat, nutrient recycling, and soil con-
 12 servation.

13 (3) BIOMASS CONVERSION FACILITY.—The
 14 term “biomass conversion facility” means a facility
 15 that converts or proposes to convert biomass, includ-
 16 ing through gasification, into—

17 (A) heat;

18 (B) power;

19 (C) biobased products;

20 (D) advanced biofuels; or

21 (E) any combination of the outputs de-
 22 scribed in subparagraphs (A) through (D).

23 (4) ELIGIBLE ENTITY.—The term “eligible enti-
 24 ty” means—

25 (A) a business;

1 (B) a limited liability company;

2 (C) a cooperative or an entity with a busi-
3 ness arrangement similar to a cooperative, as
4 determined by the Secretary;

5 (D) a nonprofit organization; and

6 (E) a public entity.

7 (5) HIGH HAZARD ZONE.—The term “high haz-
8 ard zone” means an area identified as being at high
9 risk of wildfire—

10 (A) through the use of a fire hazard map-
11 ping tool; and

12 (B) by—

13 (i) the Secretary; and

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

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

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

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

24 (1) to establish a biomass conversion facility;

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

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

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

7 (c) GRANT AMOUNT.—

8 (1) IN GENERAL.—The amount of a grant
9 awarded under the program shall be based on—

10 (A) in the case of a grant for an activity
11 described in paragraphs (1) through (3) of sub-
12 section (b), the number of kilowatt hours of en-
13 ergy generated by the biomass conversion facil-
14 ity; and

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

19 (2) MAXIMUM PAYMENT.—An eligible entity
20 shall not receive more than \$750,000 in grant funds
21 under the program in a single calendar year.

22 (d) PRIORITIES.—In awarding a grant, direct loan,
23 or loan guarantee under the program, the Secretary shall
24 give priority to an eligible entity that—

1 (1) seeks to remove dead or dying trees and
2 small diameter low-value trees;

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

5 (A) an area of economic need; or

6 (B) an area in which there has been a de-
7 cline in forest occupation, as determined by the
8 Secretary; or

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

11 (e) GRANT MATCHING REQUIREMENT.—Each eligible
12 entity that receives a grant under the program shall pro-
13 vide an amount equal to 50 percent of the amount of the
14 grant to carry out the activities supported by the grant.

15 (f) FUNDING.—There is authorized to be appro-
16 priated to the Secretary \$100,000,000 to award grants
17 under the program, to remain available until expended.

18 **TITLE III—TIMBER EXPORTS**

19 **SEC. 301. EXEMPTION TO PROHIBITION ON EXPORT OF UN-** 20 **PROCESSED TIMBER OF DEAD AND DYING** 21 **TREES IN THE STATE OF CALIFORNIA.**

22 Section 489 of the Forest Resources Conservation
23 and Shortage Relief Act of 1990 (16 U.S.C. 620a) is
24 amended—

1 (1) in subsection (a), by inserting before the pe-
 2 riod at the end the following: “or such timber is ex-
 3 empted under subsection (c).”;

4 (2) in subsection (b)(1)—

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

7 “(A) specific”;

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

11 (C) by adding at the end the following:

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

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

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

19 (3) by adding at the end the following:

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

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

24 “(A) DEAD.—The term ‘dead’, with re-
 25 spect to a tree, means that the tree is des-

1 ignated by a registered professional forester or
2 a designee of the Secretary concerned as dead.

3 “(B) DYING.—The term ‘dying’, with re-
4 spect to a tree, means that—

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

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

15 “(III) 50 percent or greater of the cir-
16 cumference of the lower bole of the tree is
17 girdled by wildlife; or

18 “(ii) the tree is designated by a reg-
19 istered professional forester or a designee
20 of the Secretary concerned as likely to die
21 within 1 year.

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

24 “(2) APPLICATION OF PROHIBITION.—Subject
25 to paragraph (3), the prohibition under subsection

1 (a) shall not apply to unprocessed surplus timber
2 originating from a dead or dying tree on Federal
3 land in the State.

4 “(3) DETERMINATION OF SURPLUS SPECIES.—

5 “(A) IN GENERAL.—Not later than 60
6 days after the date of enactment of the Emer-
7 gency Wildfire and Public Safety Act of 2020,
8 and each year thereafter, the Secretary con-
9 cerned shall issue a list establishing which spe-
10 cies and sizes of trees are considered to be ‘sur-
11 plus’ for purposes of paragraph (2).

12 “(B) IMPLEMENTATION.—Except with re-
13 spect to the first list issued under subparagraph
14 (A), the Secretary concerned shall implement
15 and administer this paragraph in accordance
16 with—

17 “(i) the rulemaking and notice and
18 comment provisions of section 553 of title
19 5, United States Code; and

20 “(ii) chapter 35 of title 44, United
21 States Code (commonly known as the ‘Pa-
22 perwork Reduction Act’).

23 “(4) PREFERENCE FOR DOMESTIC TIMBER
24 PROCESSING.—Notwithstanding the exemption de-
25 scribed in paragraph (2), the Secretary concerned,

1 to the maximum extent practicable, shall give pref-
 2 erence for domestic processing of timber covered by
 3 the exemption.

4 “(5) INAPPLICABILITY OF SUBSTITUTION LIM-
 5 TATIONS.—Section 490 shall not apply to unproc-
 6 essed surplus timber exempted under paragraph (2).

7 “(6) REPORTING REQUIREMENT.—Not later
 8 than March 1, 2023, the Secretaries concerned shall
 9 submit to Congress a report evaluating the impacts
 10 of the exemption described in paragraph (2) on for-
 11 est health, domestic timber supply, local processing
 12 capacity, reduction in risk from wildfire, public safe-
 13 ty, and the total quantity of timber exported.

14 “(7) TERMINATION OF EFFECTIVENESS.—This
 15 subsection shall cease to be effective on the date that
 16 is 5 years after the date of enactment of the Emer-
 17 gency Wildfire and Public Safety Act of 2020.”

18 **TITLE IV—OTHER MATTERS**

19 **SEC. 401. INNOVATIVE FOREST WORKFORCE DEVELOP-** 20 **MENT PROGRAM.**

21 (a) DEFINITIONS.—In this section:

22 (1) CAREER IN THE FOREST SECTOR.—The
 23 term “career in the forest sector” means a career in
 24 forestry, including—

25 (A) in timber operations;

1 (B) as a registered professional forester;

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

5 (D) in ecological restoration, including res-
6 toration of watersheds;

7 (E) in wildland fire fighting; and

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

10 (2) FOREST SECTOR.—The term “forest sector”
11 includes the areas of forestry described in subpara-
12 graphs (A) through (F) of paragraph (1).

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

15 (b) GRANTS AUTHORIZED.—The Secretary shall es-
16 tablish a competitive grant program—

17 (1) to assist in the development and utilization
18 of innovative activities relating to workforce develop-
19 ment in the forest sector and opportunities for ca-
20 reers in the forest sector; and

21 (2) to expand public awareness about the forest
22 sector and connect individuals to careers in the for-
23 est sector.

24 (c) SELECTION OF GRANT RECIPIENTS.—In award-
25 ing grants under subsection (b), the Secretary shall, to

1 the extent practicable, select nonprofit professional or
2 service organizations, labor organizations, State agencies,
3 community colleges, institutions of higher education, or
4 other training and educational institutions—

5 (1) that have qualifications and experience—

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

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

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

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

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

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

21 (A) on-the-job training;

22 (B) skills development;

23 (C) test preparation for skilled trade ap-
24 prenticeships;

1 (D) advance training in the forest sector
2 relating to jobs as forest restorationists, mem-
3 bers of hand crews, wildland fire fighters, ma-
4 chine operators, licensed timber operators, reg-
5 istered professional foresters, ecologists, biolo-
6 gists, or workers in construction in support of
7 resilient infrastructure, including residential
8 buildings; or

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

11 (2) education programs designed for elemen-
12 tary, secondary, and higher education students
13 that—

14 (A) inform people about the role of for-
15 estry, vegetation management, and ecological
16 restoration in the communities of those people;

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

22 (C) connect students to pathways to ca-
23 reers in the forest sector;

24 (3) the development of a model curriculum and
25 related vocational programs to be adopted by com-

1 munity colleges, which, to the extent practicable and
2 feasible, shall—

3 (A) provide professional training in imple-
4 menting prescribed fire projects, including the
5 knowledge and skills necessary to plan and im-
6 plement broad-scale surface and ladder fuel
7 treatments within the wildland-urban interface,
8 wildlands, and urbanized areas, as appropriate;

9 (B) include a focus on the ecological con-
10 cerns, economics, and practices necessary to im-
11 prove community safety and forest resilience;
12 and

13 (C) train students in—

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

17 (ii) urban forestry; and

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

22 (4) regional industry and workforce develop-
23 ment collaborations, including the coordination of
24 candidate development, particularly in areas of high
25 unemployment;

1 (5) integrated learning laboratories in sec-
2 ondary educational institutions that provide students
3 with—

4 (A) hands-on, contextualized learning op-
5 portunities;

6 (B) dual enrollment credit for post-sec-
7 ondary education and training programs; and

8 (C) direct connection to industry or gov-
9 ernment employers; and

10 (6) leadership development, occupational train-
11 ing, mentoring, or cross-training programs that en-
12 sure that workers are prepared for high-level super-
13 visory or management-level positions.

14 (e) AUTHORIZATION OF APPROPRIATIONS.—There
15 are authorized to be appropriated to the Secretary to carry
16 out this section such sums as are necessary.

17 **SEC. 402. WESTERN PRESCRIBED FIRE CENTER.**

18 (a) IN GENERAL.—The Secretary of Agriculture and
19 the Secretary of the Interior (referred to in this section
20 as the “Secretaries”) shall establish a center to train indi-
21 viduals in prescribed fire methods and other methods rel-
22 evant to the mitigation of wildfire risk (referred to in this
23 section as the “center”).

24 (b) LOCATION.—

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

4 (2) CONSULTATION.—The Secretaries shall con-
5 sult with the Joint Fire Science Program to solicit
6 and evaluate proposals for the location of the center.

7 (3) SELECTION.—Not later than 1 year after
8 the date of enactment of this Act, based on the con-
9 sultation under paragraph (2), the Secretaries shall
10 select a location for the center.

11 **SEC. 403. RETROFITS FOR FIRE-RESILIENT COMMUNITIES.**

12 (a) DEFINITION OF WEATHERIZATION MATE-
13 RIALS.—Section 412(9) of the Energy Conservation and
14 Production Act (42 U.S.C. 6862(9)) is amended—

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

17 (2) by redesignating subparagraph (J) as sub-
18 paragraph (K); and

19 (3) by inserting after subparagraph (I) the fol-
20 lowing:

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

23 (b) WEATHERIZATION PROGRAM.—

1 (1) IN GENERAL.—Section 413(b)(5) of the En-
2 ergy Conservation and Production Act (42 U.S.C.
3 6863(b)(5)) is amended—

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

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

8 (C) by adding at the end the following:

9 “(E) owners of such dwelling units shall
10 use fire- and drought-resistant building mate-
11 rials and incorporate wildfire and drought pre-
12 vention and mitigation planning, as directed by
13 the State.”.

14 (2) LIMITATIONS.—Section 415(c) of the En-
15 ergy Conservation and Production Act (42 U.S.C.
16 6865(c)) is amended—

17 (A) in paragraph (1)—

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

21 (ii) in the matter preceding clause (i)
22 (as so redesignated), in the second sen-
23 tence, by striking “Labor” and all that fol-
24 lows through “to—” and inserting the fol-
25 lowing:

1 “(B) LABOR AND WEATHERIZATION MATE-
2 RIALS.—Labor, weatherization materials, and
3 related matter described in subparagraph (A)
4 includes—”;

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

7 “(c) FINANCIAL ASSISTANCE.—

8 “(1) AVERAGE COST.—

9 “(A) IN GENERAL.—Except”;

10 (iv) in subparagraph (A) (as so des-
11 ignated)—

12 (I) by striking “exceed an aver-
13 age of \$6,500” and inserting the fol-
14 lowing: “exceed—

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

17 (II) in clause (i) (as so des-
18 ignated), by striking the period at the
19 end and inserting “; or”; and

20 (III) by adding at the end the
21 following:

22 “(ii) another average amount that is
23 greater than the amount described in
24 clause (i), if the Secretary determines it
25 necessary to waive or adjust the average

1 amount established under that clause.”;

2 and

3 (v) in subparagraph (B) (as so des-
4 ignated)—

5 (I) in clause (iv) (as so redesign-
6 nated), by striking “, and” and insert-
7 ing “; and”; and

8 (II) in clause (v) (as so redesign-
9 nated), by adding a period at the end;
10 and

11 (B) in paragraph (4), by striking “\$3,000”
12 and inserting “\$6,000 (adjusted annually for
13 inflation)”.

14 **SEC. 404. CRITICAL INFRASTRUCTURE AND MICROGRID**
15 **PROGRAM.**

16 (a) DEFINITIONS.—In this section:

17 (1) CRITICAL FACILITY.—

18 (A) IN GENERAL.—The term “critical fa-
19 cility” means a facility that provides services or
20 may be used—

21 (i) to save lives;

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

24 (iii) to lessen or avert the threat of a
25 catastrophe.

- 1 (B) INCLUSIONS.—The term “critical facil-
2 ity” includes—
- 3 (i) a hospital;
 - 4 (ii) an outpatient clinic;
 - 5 (iii) a nursing home;
 - 6 (iv) a police station;
 - 7 (v) an emergency operation center;
 - 8 (vi) a jail or prison;
 - 9 (vii) a fire station;
 - 10 (viii) a facility in the communications
11 sector, as determined by the Secretary;
 - 12 (ix) a facility in the chemical sector,
13 as determined by the Secretary;
 - 14 (x) a school or other large building
15 that may serve as a temporary gathering
16 space;
 - 17 (xi) a utility station, such as a water
18 and wastewater station; and
 - 19 (xii) any facility described in subpara-
20 graph (A) that is owned or operated by, or
21 provides services to, an Indian tribe (as de-
22 fined in section 4 of the Indian Self-Deter-
23 mination and Education Assistance Act
24 (25 U.S.C. 5304)).

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

3 (b) CRITICAL INFRASTRUCTURE AND MICROGRID
4 PROGRAM.—The Secretary shall use the funds made avail-
5 able under subsection (d)—

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

10 (2) to improve the energy efficiency of critical
11 facilities by decreasing the size and cost of genera-
12 tors.

13 (c) USE OF FUNDS.—In carrying out subsection (b),
14 the Secretary shall ensure that the funds made available
15 under subsection (d) shall be used for, with respect to crit-
16 ical facilities—

17 (1) provision of on-site back-up power with re-
18 newable and low-carbon liquid fuels; and

19 (2) installation, at the transmission and dis-
20 tribution level, of interoperable technologies, ad-
21 vanced power flow control, dynamic line rating, to-
22 pology optimization, and communications systems.

23 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
24 authorized to be appropriated to the Secretary

- 1 \$100,000,000 to carry out this section, to remain available
- 2 until expended.

○