

116TH CONGRESS
2D SESSION

S. 5015

To establish an Outdoor Restoration Fund for restoration and resilience projects, and for other purposes.

IN THE SENATE OF THE UNITED STATES

DECEMBER 15, 2020

Mr. BENNET introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To establish an Outdoor Restoration Fund for restoration and resilience projects, 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 “Outdoor Restoration
5 Force Act of 2020”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) COUNCIL.—The term “Council” means the
9 Restoration Fund Advisory Council established by
10 section 4(a).

1 (2) ELIGIBLE ENTITY.—The term “eligible enti-
2 ty” means—

- 3 (A) a State agency;
- 4 (B) a unit of local government;
- 5 (C) a Tribal government;
- 6 (D) a regional organization;
- 7 (E) a special district; or
- 8 (F) a nonprofit organization.

9 (3) ELIGIBLE PROJECT.—

10 (A) IN GENERAL.—The term “eligible
11 project” means a project or initiative—

12 (i) that improves—

13 (I) ecosystem health and resil-
14 ience, including forest, watershed, and
15 rangeland ecosystems across public
16 and private land, including—

17 (aa) fire mitigation efforts;

18 (bb) forest and river restora-
19 tion;

20 (cc) reforestation efforts; or

21 (dd) natural infrastructure
22 projects, including projects that
23 sequester carbon, mitigate emis-
24 sions, or improve climate resil-
25 ience;

1 (II) air and water quality, includ-
2 ing the cleanup and restoration of—

3 (aa) abandoned coal or
4 hardrock mines;

5 (bb) toxic waste sites; or

6 (cc) orphaned oil or gas
7 wells; or

8 (III) wildlife habitats, including
9 projects that—

10 (aa) expand wildlife cross-
11 ings and habitat connectivity;

12 (bb) create or improve habi-
13 tats for at-risk species;

14 (cc) manage or remove
15 invasive species from wildlife
16 habitats; or

17 (dd) conserve working land;

18 (ii) that is carried out in accordance
19 with—

20 (I) the management objectives of
21 an applicable land management plan
22 adopted under—

23 (aa) section 202 of the Fed-
24 eral Land Policy and Manage-

1 ment Act of 1976 (43 U.S.C.
2 1712); or

3 (bb) section 6 of the Forest
4 and Rangeland Renewable Re-
5 sources Planning Act of 1974
6 (16 U.S.C. 1604);

7 (II) any other authorized use not
8 in the applicable land management
9 plan described in subclause (I); and

10 (III) applicable law and available
11 authorities; and

12 (iii) that does not include efforts to
13 remove old growth stands (as defined in
14 section 102(e) of the Healthy Forests Res-
15 toration Act of 2003 (16 U.S.C. 6512(e))).

16 (B) INCLUSION.—The term “eligible
17 project” may include, if a project or initiative
18 described in subparagraph (A) is administered
19 in coordination with an eligible entity, efforts to
20 improve public access and outdoor recreation,
21 including efforts—

22 (i) to enhance recreational facilities or
23 trails;

24 (ii) to improve equitable access to the
25 outdoors; or

1 (iii) to reduce the negative effects of
2 recreation on forests, watersheds, or wild-
3 life.

4 (4) FUND.—The term “Fund” means the Out-
5 door Restoration Fund established by section 3(a).

6 **SEC. 3. OUTDOOR RESTORATION FUND.**

7 (a) ESTABLISHMENT.—There is established in the
8 Treasury an Outdoor Restoration Fund.

9 (b) USE.—Amounts in the Fund shall be used—

10 (1) by the Council to carry out the restoration
11 and resilience project grant program established by
12 section 5; and

13 (2) by the Secretary of the Interior, the Sec-
14 retary of Agriculture, and the Administrator of the
15 Environmental Protection Agency to carry out the
16 restoration and resilience partnership established by
17 section 6.

18 (c) SAVINGS PROVISIONS.—

19 (1) COMPLEMENTARY PROGRAMS.—Activities
20 carried out under this Act shall complement, not du-
21 plicate or replace, existing programs for Federal
22 conservation and restoration, including initiatives
23 for—

24 (A) at-risk wildlife and wildlife habitats;

25 (B) fire mitigation and forest restoration;

1 (C) the improvement of water quality; or

2 (D) environmental remediation.

3 (2) APPLICABLE LAW.—Amounts made avail-
4 able under this Act may be used for eligible projects
5 on Federal, State, Tribal, and private land, in ac-
6 cordance with applicable law and available authori-
7 ties.

8 (d) SUPPLEMENT, NOT SUPPLANT.—Amounts pro-
9 vided under this Act shall supplement, not supplant, any
10 Federal, State, or other funds otherwise made available
11 to an eligible entity for activities described in this Act.

12 **SEC. 4. RESTORATION FUND ADVISORY COUNCIL.**

13 (a) ESTABLISHMENT.—There is established a Res-
14 toration Fund Advisory Council—

15 (1) to disburse amounts from the Fund for the
16 restoration and resilience project grant program es-
17 tablished by section 5; and

18 (2) to gather public input and provide rec-
19 ommendations to the Secretary of the Interior, the
20 Secretary of Agriculture, and the Administrator of
21 the Environmental Protection Agency for the use of
22 the Fund for the restoration and resilience partner-
23 ship established by section 6.

24 (b) MEMBERSHIP.—The Council shall be composed
25 of—

1 (1) the Secretary of the Interior;

2 (2) the Secretary of Agriculture;

3 (3) the Administrator of the Environmental
4 Protection Agency; and

5 (4) 15 members, to be appointed by the Sec-
6 retary of the Interior, the Secretary of Agriculture,
7 and the Administrator of the Environmental Protec-
8 tion Agency, of whom—

9 (A) 5 shall be representatives from re-
10 source-dependent industries, including the agri-
11 culture, oil and gas, outdoor recreation, and
12 forest product industries;

13 (B) 5 shall be national experts in the fields
14 of natural resource restoration, economic devel-
15 opment, and community and climate resilience;
16 and

17 (C) 5 shall be representatives of eligible
18 entities.

19 (c) REPORT.—Not later than 1 year after the date
20 of enactment of this Act, and annually thereafter, the
21 Council shall submit to Congress a report describing—

22 (1) the status of funded eligible projects, in-
23 cluding—

24 (A) scientifically defensible estimates of en-
25 vironmental benefits;

1 (B) restoration achievements;

2 (C) attainment of restoration and habitat
3 improvement objectives;

4 (D) adaptive measures undertaken;

5 (E) jobs created and retained through—

6 (i) grants made from the Fund; and

7 (ii) activities carried out under the
8 restoration and resilience partnership es-
9 tablished by section 6;

10 (F) the growth in outdoor industries; and

11 (G) progress towards State and community
12 level resilience goals;

13 (2) Federal programs and existing authorities,
14 including funding, financing, technical assistance,
15 and coordination efforts, that contribute to, support,
16 or otherwise complement funded eligible projects;
17 and

18 (3) recommendations to improve delivery, align
19 Federal resources, and expand the workforce in out-
20 door industries through legislative and administra-
21 tive changes.

22 (d) REVIEW.—Not later than 180 days after the date
23 of enactment of this Act, and annually thereafter, the In-
24 spector Generals of the Department of the Interior, the
25 Department of Agriculture, and the Environmental Pro-

1 tection Agency shall review, and submit to the Committees
 2 on Agriculture, Nutrition, and Forestry, Environment and
 3 Public Works, Energy and Natural Resources, and Appro-
 4 priations of the Senate and the Committees on Agri-
 5 culture, Science, Space, and Technology, Energy and
 6 Commerce, Natural Resources, and Appropriations of the
 7 House of Representatives a report describing—

8 (1) the use of the Fund by the Council for the
 9 restoration and resilience project grant program es-
 10 tablished by section 5;

11 (2) the use of the Fund by the Secretary of the
 12 Interior, the Secretary of Agriculture, and the Ad-
 13 ministrator of the Environmental Protection Agency
 14 for the restoration and resilience partnership estab-
 15 lished by section 6; and

16 (3) any abuse or misuse of the Fund.

17 **SEC. 5. RESTORATION AND RESILIENCE PROJECT GRANT**
 18 **PROGRAM.**

19 (a) ESTABLISHMENT.—There is established a res-
 20 toration and resilience project grant program (referred to
 21 in this section as the “grant program”), to be adminis-
 22 tered by the Council in conjunction with a regional entity
 23 under subsection (b), to provide grants from the Fund to
 24 eligible entities for eligible projects.

25 (b) REGIONAL ENTITIES.—

1 (1) IN GENERAL.—The Council shall coordinate
2 with not less than 1 existing regional entity, or a re-
3 gional entity established by the Council, in a specific
4 geographic region to assist with the grant program
5 under this section.

6 (2) MEMBERSHIP.—A regional entity shall in-
7 clude representatives, who have a strong under-
8 standing of the economic and environmental chal-
9 lenges in the geographic region, from—

10 (A) Federal and State agencies;

11 (B) Tribal governments;

12 (C) resource-dependent industries;

13 (D) economic development organizations;

14 and

15 (E) conservation organizations.

16 (3) ROLE OF REGIONAL ENTITIES.—A regional
17 entity shall—

18 (A) act as an advisor and intermediary be-
19 tween the Council and an eligible entity;

20 (B) assist with the development of com-
21 petitive funding applications made to the Coun-
22 cil;

23 (C) provide advice, resources, and best
24 practice recommendations to any eligible entity
25 that is interested in applying for a grant;

1 (D) review an application made by an eligi-
2 ble entity under this section;

3 (E) recommend eligible projects to the
4 Council for priority funding; and

5 (F) assist with data collection to develop
6 the report to Congress made by the Council
7 under section 4(c).

8 (c) USE OF FUNDS.—

9 (1) IN GENERAL.—Subject to appropriations,
10 the Council shall use amounts in the Fund to pro-
11 vide capacity grants under paragraph (2) and imple-
12 mentation grants under paragraph (3).

13 (2) CAPACITY GRANTS.—

14 (A) IN GENERAL.—Grants shall be made
15 available to an eligible entity for the planning
16 and monitoring of eligible projects.

17 (B) APPLICATION.—

18 (i) IN GENERAL.—A grant under this
19 paragraph may only be made to an eligible
20 entity that submits to the Council an ap-
21 plication at such time, in such manner,
22 and containing or accompanied by such in-
23 formation as the Council, in consultation
24 with a regional entity, may require.

1 (ii) CONTENTS.—An application
2 shall—

3 (I) contain—

4 (aa) a clear and concise ex-
5 pression of interest;

6 (bb) an explanation for how
7 the funds would advance State
8 actions plans or regional con-
9 servation projects;

10 (cc) an explanation for how
11 funds would complement existing
12 Federal funds; and

13 (dd) an estimate of the
14 number and duration of jobs that
15 would be created, or sustained,
16 with the funds; and

17 (II) be consistent with applica-
18 tions for other Federal funding oppor-
19 tunities for eligible entities.

20 (C) PRIORITY.—The Council, in consulta-
21 tion with a regional entity, in approving appli-
22 cations under this paragraph, shall give priority
23 to eligible entities—

24 (i) with demonstrated restoration
25 needs;

1 (ii) whose funded projects would cre-
2 ate or sustain jobs;

3 (iii) whose funded projects would have
4 the greatest community benefit; and

5 (iv) in a location with a significant
6 Federal interest.

7 (3) IMPLEMENTATION GRANTS.—

8 (A) IN GENERAL.—Grants shall be made
9 available to an eligible entity for the implemen-
10 tation of eligible projects.

11 (B) APPLICATION.—

12 (i) IN GENERAL.—A grant under this
13 paragraph may be made only to an eligible
14 entity that submits to the Council an ap-
15 plication at such time, in such manner,
16 and containing or accompanied by such in-
17 formation as the Council, in consultation
18 with a regional entity, may require.

19 (ii) CONTENTS.—An application shall
20 be consistent with applications for other
21 Federal funding opportunities for eligible
22 entities.

23 (C) PRIORITY.—The Council, in consulta-
24 tion with a regional entity, in approving appli-

1 cations under this paragraph, shall give priority
2 to eligible projects that—

3 (i) employ local or regional labor, or
4 expand the outdoor workforce through
5 training and education programs;

6 (ii) are developed through a collabo-
7 rative process with multiple stakeholders
8 representing diverse interests;

9 (iii) would address shared conserva-
10 tion and restoration priorities for Federal
11 and non-Federal partners;

12 (iv) advance State plans related to
13 water, wildlife, or forests; or

14 (v) improve long-term economic secu-
15 rity or viability in the geographic region,
16 particularly in geographic regions
17 transitioning from fossil-fuel extraction.

18 **SEC. 6. RESTORATION AND RESILIENCE PARTNERSHIP.**

19 (a) **ESTABLISHMENT.**—There is established a part-
20 nership, to be known as the “restoration and resilience
21 partnership”, and to be administered by the Secretary of
22 the Interior, the Secretary of Agriculture, and the Admin-
23 istrator of the Environmental Protection Agency.

24 (b) **USE OF FUNDS.**—Amounts in the Fund shall be
25 made available to the Secretary of the Interior, the Sec-

1 retary of Agriculture, and the Administrator of the Envi-
2 ronmental Protection Agency to supplement the existing
3 budgets of the Department of the Interior, the Depart-
4 ment of Agriculture, and the Environmental Protection
5 Agency for efforts that—

6 (1) enhance forest and watershed health
7 through fuel reduction, forest restoration, fire miti-
8 gation, and road and trail maintenance;

9 (2) support State, private, and Tribal forestry;

10 (3) remediate or reclaim abandoned oil and gas
11 wells, coal mines, and hardrock mines;

12 (4) mitigate, or eradicate, invasive species on
13 public, private, and Tribal land; or

14 (5) enhance carbon sequestration, water re-
15 sources, and improve wildlife habitats.

16 (c) PRIORITY.—The Secretary of the Interior, the
17 Secretary of Agriculture, and the Administrator of the En-
18 vironmental Protection Agency shall prioritize the use of
19 the Fund for efforts that—

20 (1) complement and accelerate eligible projects
21 that received funds under the restoration and resil-
22 ience grant program established by section 5;

23 (2) advance State, local, or Tribal plans with
24 respect to forests, water, or wildlife; or

1 (3) reduce existing agency backlogs or advance
2 projects that can be immediately carried out.

3 (d) **OUTREACH BY THE COUNCIL.**—Not later than 30
4 days after the date of enactment of this Act, and annually
5 thereafter until fiscal year 2026, the Council shall perform
6 outreach efforts and solicit public comments on the use
7 of the Fund by the Secretary of the Interior, the Secretary
8 of Agriculture, and the Administrator of the Environ-
9 mental Protection Agency for the partnership under this
10 section.

11 (e) **RECOMMENDATIONS FROM THE COUNCIL.**—Not
12 later than 120 days after the date of enactment of this
13 Act, and after the Council has conducted the outreach ef-
14 forts under subsection (d), the Council shall make formal
15 recommendations for the use of supplemental monies from
16 the Fund by the Secretary of the Interior, the Secretary
17 of Agriculture, and the Administrator of the Environ-
18 mental Protection Agency for the partnership under this
19 section.

20 **SEC. 7. FUNDING.**

21 There is appropriated, out of any money in the Treas-
22 ury not otherwise appropriated, \$60,000,000,000 for the
23 Fund, to remain available until expended, of which—

1 (1) \$20,000,000,000 shall be for the restoration
2 and resilience project grant program under section
3 5; and

4 (2) \$40,000,000,000 shall be for the partner-
5 ship under section 6.

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