

117TH CONGRESS
2D SESSION

S. 4904

To address the forest health crisis on the National Forest System and public lands, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 21, 2022

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

A BILL

To address the forest health crisis on the National Forest System and public lands, 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Promoting Effective Forest Management Act of 2022”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

TITLE I—ACCOMPLISHMENTS OVER RHETORIC

Sec. 101. Thinning targets.

- Sec. 102. Annual reports.
- Sec. 103. Transparency in fire mitigation reporting.
- Sec. 104. Regional forest carbon accounting.
- Sec. 105. Targets for wildlife habitat improvement.

TITLE II—FOREST MANAGEMENT

- Sec. 201. Land and resource management plans.
- Sec. 202. Management of old growth and mature forests.
- Sec. 203. Assessment of processed-based restoration techniques.
- Sec. 204. Intervenor status.
- Sec. 205. Utilizing grazing for wildfire prevention.

TITLE III—WORKFORCE

- Sec. 301. Logging workforce.
- Sec. 302. Break-in-service consideration for firefighter retirements.
- Sec. 303. Firefighter rental housing.

TITLE IV—CULTURAL CHANGE IN AGENCIES

- Sec. 401. Mandatory use of existing authorities.
- Sec. 402. Curtailing employee relocations.
- Sec. 403. Repeal of FLAME reports.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) NATIONAL FOREST SYSTEM.—

4 (A) IN GENERAL.—The term “National
5 Forest System” has the meaning given the term
6 in section 11(a) of the Forest and Rangeland
7 Renewable Resources Planning Act of 1974 (16
8 U.S.C. 1609(a)).

9 (B) EXCLUSIONS.—The term “National
10 Forest System” does not include—

11 (i) any forest reserve not created from
12 the public domain; or

13 (ii) any national grassland or land uti-
14 lization project administered under title III

1 of the Bankhead-Jones Farm Tenant Act
2 (7 U.S.C. 1010 et seq.).

3 (2) PUBLIC LANDS.—

4 (A) IN GENERAL.—Except as provided in
5 subparagraph (B), the term “public lands” has
6 the meaning given the term in section 103 of
7 the Federal Land Policy and Management Act
8 of 1976 (43 U.S.C. 1702).

9 (B) EXCLUSION.—The term “public lands”
10 does not include land governed by the Act of
11 August 28, 1937 (50 Stat. 874, chapter 876;
12 43 U.S.C. 2601 et seq.).

13 (3) SECRETARY CONCERNED.—The term “Sec-
14 retary concerned” means—

15 (A) the Secretary of Agriculture, acting
16 through the Chief of the Forest Service, with
17 respect to National Forest System land; and

18 (B) the Secretary of the Interior, acting
19 through the Director of the Bureau of Land
20 Management, with respect to public lands.

TITLE I—ACCOMPLISHMENTS OVER RHETORIC

SEC. 101. THINNING TARGETS.

(a) BASELINE.—For the National Forest System and for public lands, the Secretary concerned shall determine—

(1) for each of fiscal years 2017 through 2021, the number of acres mechanically thinned, for acres commercially thinned and for acres pre-commercially thinned; and

(2) the average of the numbers described in paragraph (1) over the period of fiscal years 2017 through 2021.

(b) ANNUAL TARGETS.—

(1) IN GENERAL.—The Secretary concerned shall establish annual mechanical thinning targets for acres commercially thinned and for acres pre-commercially thinned for fiscal year 2023, and annually thereafter, for the National Forest System and for public lands.

(2) REQUIREMENTS.—

(A) FISCAL YEARS 2023 AND 2024.—For each of fiscal years 2023 and 2024, the annual mechanical thinning targets established under

1 paragraph (1) shall be not less than the number
2 of acres described in subsection (a)(2).

3 (B) FISCAL YEARS 2025 AND 2026.—For
4 each of fiscal years 2025 and 2026, the annual
5 mechanical thinning targets established under
6 paragraph (1) shall be not less than twice the
7 number of acres described in subsection (a)(2).

8 (C) FISCAL YEAR 2027.—For fiscal year
9 2027 and each fiscal year thereafter, the annual
10 mechanical thinning targets established under
11 paragraph (1) shall be not less than 4 times the
12 number of acres described in subsection (a)(2).

13 (c) REGIONAL ASSIGNMENTS.—Not later than 90
14 days after the date of enactment of this Act, and annually
15 thereafter, the Secretary concerned shall assign annual
16 acreage targets for mechanical thinning on National For-
17 est System land and public lands, categorized by National
18 Forest System region or by State, as appropriate.

19 (d) PUBLICATION.—The Secretary concerned shall
20 make publicly available the data described in subsections
21 (a), (b), and (c), including by publishing that data on the
22 website of the Forest Service and the website of the Bu-
23 reau of Land Management.

1 **SEC. 102. ANNUAL REPORTS.**

2 Not later than January 1, 2023, and annually there-
3 after, the Secretary concerned shall publish on the website
4 of the Forest Service and the website of the Bureau of
5 Land Management the following information with respect
6 to the National Forest System or public lands during the
7 preceding fiscal year:

8 (1) The number of acres treated to meet the re-
9 quirement described in section 40803(b) of the In-
10 frastructure Investment and Jobs Act (16 U.S.C.
11 6592(b)).

12 (2)(A) The number of acres mechanically
13 thinned; and

14 (B) whether the number of acres described in
15 subparagraph (A) met or exceeded the requirements
16 described in section 101(b)(2).

17 (3) Any limitations or challenges, including liti-
18 gation or permitting delays, that hindered the Sec-
19 retary concerned from meeting or exceeding the an-
20 nual target established under section 101(b)(1), if
21 applicable.

22 (4) The number of acres that have undergone
23 a regeneration harvest.

24 (5) The number of acres described in para-
25 graphs (2)(A) and (4) that are in an area identified
26 as having—

1 (A) the expectation that, without remedi-
 2 ation, at least 25 percent of standing live basal
 3 area greater than 1 inch in diameter may die
 4 over a 15-year time frame due to insects and
 5 diseases, as depicted on the National Insect and
 6 Disease Composite Risk Map; or

7 (B) a very high or high wildfire hazard po-
 8 tential.

9 (6) The number of acres described in para-
 10 graphs (2)(A) and (4) that use either of the fol-
 11 lowing streamlined authorities for environmental re-
 12 view:

13 (A) A categorical exclusion.

14 (B) An emergency determination of the
 15 Secretary concerned.

16 (7) The number of acres described in para-
 17 graphs (2)(A) and (4) that use partners to carry out
 18 the work through—

19 (A) a good neighbor agreement;

20 (B) a master stewardship agreement;

21 (C) a contract or agreement entered into
 22 under the Tribal Forest Protection Act of 2004
 23 (25 U.S.C. 3115a); or

24 (D) a stewardship end-result contract.

1 **SEC. 103. TRANSPARENCY IN FIRE MITIGATION REPORT-**
2 **ING.**

3 (a) EXCLUSION FROM ANNUAL BUDGET AND PER-
4 FORMANCE REPORTS.—

5 (1) IN GENERAL.—The Secretary concerned
6 shall not include in any appropriations request sub-
7 mitted to the President for purposes of preparing
8 the budget of the United States Government under
9 section 1105 of title 31, United States Code, or any
10 annual performance report submitted to Congress
11 any output measures for acres of land on which haz-
12 ardous fuels treatments were conducted if the land
13 needs to be treated more than once—

14 (A) to meet the requirement described in
15 section 40803(b) of the Infrastructure Invest-
16 ment and Jobs Act (16 U.S.C. 6592(b)); or

17 (B) to effectively mitigate wildfire risk.

18 (2) ANNUAL BUDGET.—The President shall not
19 include in the budget of the United States Govern-
20 ment submitted to Congress under section 1105 of
21 title 31, United States Code, any output measures
22 described in paragraph (1).

23 (3) INCLUSIONS.—Output measures described
24 in paragraph (1) include—

1 (A) acres of hazardous fuels reduction on
2 National Forest System land and adjacent
3 areas to mitigate wildfire risk; and

4 (B) annual acreage treated to reduce or
5 maintain fuel conditions on National Forest
6 System land and non-Federal land.

7 (b) INCLUSION IN ANNUAL BUDGET AND PERFORM-
8 ANCE REPORTS.—

9 (1) IN GENERAL.—The Secretary concerned
10 shall include in an appropriations request submitted
11 to the President for purposes of preparing the budg-
12 et of the United States Government under section
13 1105 of title 31, United States Code, and an annual
14 performance report submitted to Congress—

15 (A) the number of acres of land meeting
16 the requirement described in section 40803(b)
17 of the Infrastructure Investment and Jobs Act
18 (16 U.S.C. 6592(b)); and

19 (B) the annual acreage of National Forest
20 System land where final treatment effectively
21 mitigates wildfire risk.

22 (2) ANNUAL BUDGET.—The President shall in-
23 clude in the budget of the United States Govern-
24 ment submitted to Congress under section 1105 of

1 title 31, United States Code, the information de-
2 scribed in paragraph (1).

3 **SEC. 104. REGIONAL FOREST CARBON ACCOUNTING.**

4 Not later than January 1, 2024, and every 3 years
5 thereafter, the Secretary of Agriculture, acting through
6 the Chief of the Forest Service, shall—

7 (1) using data from the forest inventory and
8 analysis program, determine the net forest carbon
9 balance on the land in the National Forest System
10 of each Forest Service region, including whether the
11 National Forest System land is—

12 (A) a carbon source; or

13 (B) a carbon sink; and

14 (2) publish the information described in para-
15 graph (1) on the website of the Forest Service.

16 **SEC. 105. TARGETS FOR WILDLIFE HABITAT IMPROVE-**
17 **MENT.**

18 (a) IN GENERAL.—To improve wildlife habitat func-
19 tion on National Forest System land and public lands, not
20 later than 18 months after the date of enactment of this
21 Act, the Secretary concerned shall—

22 (1) evaluate the extent to which the specific
23 management goals and objectives relating to wildlife
24 habitat in existing land management plans or re-
25 source management plans, as applicable, have been

1 met through implementation of the applicable land
2 management plan or resource management plan; and
3 (2) establish and implement a strategy, includ-
4 ing establishing annual targets, to meet the specific
5 management goals and objectives described in para-
6 graph (1).

7 (b) REPORTING.—Beginning in fiscal year 2024, the
8 Secretary concerned shall annually—

9 (1) establish targets associated with the strat-
10 egy developed under subsection (a)(2); and

11 (2) submit to the Committee on Energy and
12 Natural Resources of the Senate and the Committee
13 on Natural Resources of the House of Representa-
14 tives a report on the implementation of the strategy
15 developed under subsection (a)(2).

16 **TITLE II—FOREST MANAGEMENT**

17 **SEC. 201. LAND AND RESOURCE MANAGEMENT PLANS.**

18 Not later than 90 days after the date of enactment
19 of this Act, the Comptroller General of the United States
20 shall submit to the Committee on Energy and Natural Re-
21 sources of the Senate and the Committee on Natural Re-
22 sources of the House of Representatives an assessment of
23 the time period that would be required for the Secretary
24 of Agriculture, acting through the Chief of the Forest
25 Service, to address the backlog of land and resource man-

1 agement plans that are noncompliant with section
2 6(f)(5)(A) of the Forest and Rangeland Renewable Re-
3 sources Planning Act of 1974 (16 U.S.C. 1604(f)(5)(A)),
4 and to come into compliance with that section, if the land
5 and resource management plans for the units of the Na-
6 tional Forest System were developed and revised in a man-
7 ner consistent with the shorter length and development
8 timelines of the land management plans for the units of
9 the National Park System.

10 **SEC. 202. MANAGEMENT OF OLD GROWTH AND MATURE**
11 **FORESTS.**

12 (a) DEFINITION OF OLD GROWTH.—

13 (1) IN GENERAL.—Except as provided in para-
14 graph (2), the Secretary concerned shall adhere to
15 the definitions of “old growth forest” contained in
16 the regulations of the Secretary concerned (as in ef-
17 fect on January 1, 2022).

18 (2) UPDATES.—If the Secretary concerned de-
19 termines that a definition of “old growth forest”
20 contained in a regulation of the Secretary concerned
21 needs to be revised, the Secretary concerned—

22 (A) shall appoint a committee of scientists
23 who are not officers or employees of the Forest
24 Service or the Bureau of Land Management
25 and have a background in forestry and stand

dynamics (referred to in this paragraph as the “committee of scientists”);

(B) shall direct the committee of scientists to provide scientific and technical advice and counsel on definitions of “old growth forest”;

(C) shall review the recommendations of the committee of scientists;

(D) shall publish the recommendations of the committee of scientists for public comment; and

(E) may adopt the recommendations of the committee of scientists and revise the definition in a manner consistent with subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the “Administrative Procedure Act”).

(b) MANAGEMENT OF MATURE TREES.—

(1) DEFINITION OF MATURE FOREST.—

(A) IN GENERAL.—Consistent with section 6(m)(1) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(m)(1)), with respect to National Forest System land and public lands, the Secretary concerned shall define the term “mature forest” as a forest that has reached the

1 merchantability standard described in subpara-
 2 graph (B).

3 (B) MERCHANTABILITY STANDARD.—The
 4 merchantability standard referred to in sub-
 5 paragraph (A) is when a forest has generally
 6 reached the culmination of mean annual incre-
 7 ment of growth.

8 (2) MANAGEMENT.—Except as provided in sec-
 9 tion 6(m) of the Forest and Rangeland Renewable
 10 Resources Planning Act of 1974 (16 U.S.C.
 11 1604(m)), on National Forest System land and pub-
 12 lic lands, the Secretary concerned shall only carry
 13 out timber harvests in mature forests (as defined by
 14 the Secretary concerned under paragraph (1)).

15 (c) SAVINGS CLAUSE.—Any inventory of forests
 16 adopted through executive branch action, whether based
 17 on stand age, tree age, or tree diameter, shall not modify,
 18 amend, or otherwise change the duties of the Secretary
 19 concerned to manage unreserved forests in accordance
 20 with, as applicable—

21 (1) the Act of June 4, 1897 (commonly known
 22 as the “Organic Administration Act”) (30 Stat. 34,
 23 chapter 2);

24 (2) the Multiple-Use Sustained-Yield Act of
 25 1960 (16 U.S.C. 528 et seq.);

1 (3) the Forest and Rangeland Renewable Re-
 2 sources Planning Act of 1974 (16 U.S.C. 1600 et
 3 seq.);

4 (4) section 14 of the National Forest Manage-
 5 ment Act of 1976 (16 U.S.C. 472a); and

6 (5) the Federal Land Policy and Management
 7 Act of 1976 (43 U.S.C. 1701 et seq.).

8 **SEC. 203. ASSESSMENT OF PROCESSED-BASED RESTORA-**
 9 **TION TECHNIQUES.**

10 (a) WETLAND AND RIPARIAN RESTORATION PILOT
 11 PROGRAM.—

12 (1) IN GENERAL.—The Secretary of the Inte-
 13 rior, acting through the Director of the United
 14 States Geological Survey, and the Secretary of Agri-
 15 culture, acting through the Chief of the Forest Serv-
 16 ice (referred to in this subsection as the “Secre-
 17 taries”), shall jointly establish a pilot program to
 18 conduct research on and evaluate wetland and ripar-
 19 ian restoration techniques.

20 (2) ASSESSMENTS.—In carrying out this sub-
 21 section, the Secretaries shall—

22 (A) assess the benefits, including to down-
 23 stream infrastructure, water storage, and resil-
 24 ience to natural hazards, of process-based river

1 and wetland restoration techniques when car-
2 ried out at larger scales; and

3 (B) make available to the public the results
4 of the assessment described in subparagraph
5 (A).

6 (b) EXPERIMENTAL FORESTS PILOT PROJECT.—The
7 Secretary of Agriculture, acting through the Chief of the
8 Forest Service, shall carry out a pilot project on the exper-
9 imental forests and ranges managed by the Forest Service
10 to evaluate biologically driven restoration.

11 **SEC. 204. INTERVENOR STATUS.**

12 (a) IN GENERAL.—For purposes of a civil action re-
13 lating to a qualified project described in subsection (b),
14 a unit of local government shall be—

15 (1) entitled to intervene, as of right, in any sub-
16 sequent civil action; and

17 (2) considered to be a full participant in any
18 settlement negotiation relating to the qualified
19 project if the unit of local government intervenes.

20 (b) DESCRIPTION OF QUALIFIED PROJECT.—A quali-
21 fied project referred to in subsection (a) is a project that—

22 (1) is located on National Forest System land
23 or public lands;

24 (2) has been approved by the Secretary con-
25 cerned; and

- 1 (3)(A) reduces the risk posed by wildfire, in-
2 cluding an insect and disease mitigation project; or
3 (B) generates revenue from the harvesting of
4 timber.

5 **SEC. 205. UTILIZING GRAZING FOR WILDFIRE PREVENTION.**

6 The Secretary concerned, in coordination with hold-
7 ers of permits to graze livestock on Federal land, shall
8 develop a strategy to increase opportunities to utilize live-
9 stock grazing as a wildfire mitigation strategy, includ-
10 ing—

11 (1) completion of reviews (as required under the
12 National Environmental Policy Act of 1969 (42
13 U.S.C. 4321 et seq.)) to allow permitted grazing on
14 vacant grazing allotments during instances of
15 drought, wildfire, or other natural disasters that dis-
16 rupt grazing on allotments already permitted;

17 (2) use of targeted grazing;

18 (3) increased use of temporary permits to pro-
19 mote targeted fuels reduction and reduction of
20 invasive annual grasses;

21 (4) increased use of grazing as a fire recovery
22 strategy, where appropriate; and

23 (5) use of all applicable authorities under law.

1 **TITLE III—WORKFORCE**

2 **SEC. 301. LOGGING WORKFORCE.**

3 (a) TRAINING.—

4 (1) INTERSTATE TRAINING PROGRAMS.—The
5 Secretary of Agriculture, acting through the Chief of
6 the Forest Service, shall work with States to develop
7 a universal, tiered program to train persons to enter
8 the logging workforce.

9 (2) ON-THE-JOB TRAINING.—The Secretary
10 concerned shall examine potential ways to facilitate
11 apprenticeship training to increase knowledge and
12 skills in an emerging logging workforce.

13 (b) MODERNIZING MACHINERY.—Using funds made
14 available under section 40804(b)(3) of the Infrastructure
15 Investment and Jobs Act (16 U.S.C. 6592a(b)(3)), the
16 Secretary of Agriculture shall provide low-interest loans
17 or loan guarantees to persons, subject to such conditions
18 as the Secretary of Agriculture determines to be nec-
19 essary, for the acquisition of mechanized machinery for
20 decreasing injuries in the logging workforce.

21 **SEC. 302. BREAK-IN-SERVICE CONSIDERATION FOR FIRE-**
22 **FIGHTER RETIREMENTS.**

23 Notwithstanding sections 8336(c) and 8412(d) of
24 title 5, United States Code, not later than May 1, 2023,
25 the Secretary concerned, in coordination with the Sec-

1 retary of Labor, shall promulgate regulations, as nec-
 2 essary, to ensure that a Federal wildland firefighter would
 3 not forfeit previously made contributions or eligibility for
 4 firefighter retirement when the wildland firefighter has a
 5 voluntary break in service of not more than 9 months.

6 **SEC. 303. FIREFIGHTER RENTAL HOUSING.**

7 Notwithstanding OMB Circular No. A-45R, when
 8 the Secretary concerned requires a Federal wildland fire-
 9 fighter to occupy government housing, the Secretary con-
 10 cerned shall not deduct for government housing rent from
 11 the payroll of the wildland firefighter an amount that is
 12 greater than 40 percent of the pre-tax salary of the
 13 wildland firefighter.

14 **TITLE IV—CULTURAL CHANGE**
 15 **IN AGENCIES**

16 **SEC. 401. MANDATORY USE OF EXISTING AUTHORITIES.**

17 Not later than 3 years after the date of enactment
 18 of this Act, with respect to each unit of public lands and
 19 each unit of the National Forest System, the Secretary
 20 concerned shall use not fewer than 1 of the following
 21 streamlined authorities for environmental review:

22 (1) Section 603(a) of the Healthy Forests Res-
 23 toration Act of 2003 (16 U.S.C. 6591b(a)).

24 (2) Section 605(a) of the Healthy Forests Res-
 25 toration Act of 2003 (16 U.S.C. 6591d(a)).

1 (3) Section 606(b) of the Healthy Forests Res-
2 toration Act of 2003 (16 U.S.C. 6591e(b)).

3 (4) Section 40806(b) of the Infrastructure In-
4 vestment and Jobs Act (16 U.S.C. 6592b(b)).

5 (5) Section 40807 of the Infrastructure Invest-
6 ment and Jobs Act (16 U.S.C. 6592c).

7 (6) Section 207 of the Wildfire Suppression
8 Funding and Forest Management Activities Act (16
9 U.S.C. 6591c note; Public Law 115–141).

10 **SEC. 402. CURTAILING EMPLOYEE RELOCATIONS.**

11 (a) IN GENERAL.—The Secretary of Agriculture, act-
12 ing through the Chief of the Forest Service (referred to
13 in this section as the “Secretary”), shall curtail employee
14 relocations to significantly increase the period of time that
15 each line officer works at a duty station.

16 (b) LINE OFFICER HIRING ELIGIBILITY.—To the
17 maximum extent practicable, the Secretary shall solicit ap-
18 plications for line officer positions in a manner that does
19 not limit eligibility for the solicited position to only an ap-
20 plicant who is a current employee of the Forest Service.

21 (c) LIMITS ON RELOCATION PAYMENTS.—The Sec-
22 retary shall not reimburse an employee or otherwise pay
23 for expenses relating to a change in duty station in an
24 amount that exceeds \$100,000.

1 (d) EMPLOYMENT DEVELOPMENT.—The Secretary
2 shall develop a program to provide incentives for employ-
3 ees to gain experience and skills without relocating (com-
4 monly referred to as “growing in place”).

5 **SEC. 403. REPEAL OF FLAME REPORTS.**

6 Section 502 of the FLAME Act of 2009 (43 U.S.C.
7 1748a) is amended—

8 (1) by striking subsection (h); and

9 (2) by redesignating subsection (i) as subsection

10 (h).

○