

ACCURATELY COUNTING RISK ELIMINATION SOLUTIONS
ACT

SEPTEMBER 8, 2023.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. WESTERMAN, from the Committee on Natural Resources,
submitted the following

R E P O R T

[To accompany H.R. 1567]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 1567) to require that the Secretary of Agriculture and the Secretary of the Interior submit accurate reports regarding hazardous fuels reduction activities, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Accurately Counting Risk Elimination Solutions Act” or the “ACRES Act”.

SEC. 2. ACCURATE HAZARDOUS FUELS REDUCTION REPORTS.

(a) INCLUSION OF HAZARDOUS FUELS REDUCTION REPORT IN MATERIALS SUBMITTED IN SUPPORT OF THE PRESIDENT’S BUDGET.—

(1) IN GENERAL.—Beginning with the first fiscal year that begins after the date of the enactment of this Act, and each fiscal year thereafter, the Secretary concerned shall include in the materials submitted in support of the President’s budget pursuant to section 1105 of title 31, United States Code, a report on the number of acres of Federal land on which the Secretary concerned carried out hazardous fuels reduction activities during the preceding fiscal year.

(2) REQUIREMENTS.—For purposes of the report required under paragraph (1), the Secretary concerned shall—

(A) in determining the number of acres of Federal land on which the Secretary concerned carried out hazardous fuels reduction activities during the period covered by the report—

(i) record acres of Federal land on which hazardous fuels reduction activities were completed during such period; and

(ii) record each acre described in clause (i) once in the report, regardless of whether multiple hazardous fuels reduction activities were carried out on such acre during such period; and
 (B) with respect to the acres of Federal land recorded in the report, include information on—

- (i) which such acres are located in the wildland-urban interface;
- (ii) the level of wildfire risk (high, moderate, or low) on the first and last day of the period covered by the report;
- (iii) the types of hazardous fuels activities completed for such acres, delineating between whether such activities were conducted—
 - (I) in a wildfire managed for resource benefits; or
 - (II) through a planned project;
- (iv) the cost per acre of hazardous fuels activities carried out during the period covered by the report;
- (v) the region or system unit in which the acres are located; and
- (vi) the effectiveness of the hazardous fuels reduction activities on reducing the risk of wildfire.

(3) TRANSPARENCY.—The Secretary concerned shall make each report submitted under paragraph (1) publicly available on the website of the Department of Agriculture and the Department of the Interior, as applicable.

(b) ACCURATE DATA COLLECTION.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary concerned shall implement standardized procedures for tracking data related to hazardous fuels reduction activities carried out by the Secretary concerned.

(2) ELEMENTS.—The standardized procedures required under paragraph (1) shall include—

- (A) regular, standardized data reviews of the accuracy and timely input of data used to track hazardous fuels reduction activities;
- (B) verification methods that validate whether such data accurately correlates to the hazardous fuels reduction activities carried out by the Secretary concerned;
- (C) an analysis of the short- and long-term effectiveness of the hazardous fuels reduction activities on reducing the risk of wildfire; and
- (D) for hazardous fuels reduction activities that occur partially within the wildland-urban interface, methods to distinguish which acres are located within the wildland-urban interface and which acres are located outside the wildland-urban interface.

(3) REPORT.—Not later than 2 weeks after implementing the standardized procedures required under paragraph (1), the Secretary concerned shall submit to Congress a report that describes—

- (A) such standardized procedures; and
- (B) program and policy recommendations to Congress to address any limitations in tracking data related to hazardous fuels reduction activities under this subsection.

(c) GAO STUDY.—Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall—

(1) conduct a study on the implementation of this Act, including any limitations with respect to—

- (A) reporting hazardous fuels reduction activities under subsection (a); or
- (B) tracking data related to hazardous fuels reduction activities under subsection (b); and

(2) submit to Congress a report that describes the results of the study under paragraph (1).

(d) DEFINITIONS.—In this Act:

(1) HAZARDOUS FUELS REDUCTION ACTIVITY.—The term “hazardous fuels reduction activity”—

- (A) means any vegetation management activity to reduce the risk of wildfire, including mechanical treatments and prescribed burning; and
- (B) does not include the awarding of contracts to conduct hazardous fuels reduction activities.

(2) FEDERAL LANDS.—The term “Federal lands” means lands under the jurisdiction of the Secretary of the Interior or the Secretary of Agriculture.

(3) SECRETARY CONCERNED.—The term “Secretary concerned” means—

- (A) the Secretary of Agriculture, with respect to National Forest System lands; and
- (B) the Secretary of the Interior, with respect to public lands and units of the National Park System.

(4) WILDLAND-URBAN INTERFACE.—The term “wildland-urban interface” has the meaning given the term in section 101 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6511).

PURPOSE OF THE LEGISLATION

The purpose of H.R. 1567 is to require that the Secretary of Agriculture and the Secretary of the Interior submit accurate reports regarding hazardous fuels reduction activities, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

Across the U.S., there are now 1 billion acres at risk of wildland fire. More than 117 million acres of federal land, including 63 million acres of U.S. Forest Service (USFS) lands and 54 million acres of Department of the Interior (DOI) lands, are at high or very high risk of wildfire, representing nearly one-fifth of the lands administered by the agencies. Over the last 20 years, an average of 7 million acres per year burned in catastrophic wildfires, more than double the average seen during the 1990s. The three worst wildfire seasons on record (2015, 2017, and 2020) all occurred in the last decade, with each burning more than 10 million acres. Despite this crisis, the USFS only treats an average of roughly 2 million acres per year. At this paltry rate, it would take the USFS more than 30 years to complete treatments on their high-risk areas.

While this reported pace is already insufficient, recent investigative reporting uncovered the situation is likely much worse, as agencies like the USFS have been overstating their treatment numbers by over 20 percent. In some states, like California, treatment numbers are overstated by roughly 30 percent. The investigative reporting found the USFS counted treatments on the same pieces of land toward its risk reduction goals multiple times, even up to more than 30 times in some cases. The discrepancy arises because the USFS will record multiple treatments (i.e., mechanical thinning, prescribed burning, chipping and piling, etc.) on the same acre separately as if multiple acres had been treated. If treatment work occurs over several years, the overcounting of acres could become even larger.

The 2021 Caldor Fire in California that leveled the community of Grizzly Flatts is a tragic example of the consequences of inaccurate treatment reports. The USFS initially planned to treat 15,000 acres around Grizzly Flatts by 2020, a year before the Caldor Fire ignited. Regulatory delays and staffing challenges pushed the original completion date back to 2032. However, the full extent of the delay was not apparent as USFS data overstated the project’s accomplishments by ten percent. The misleading USFS data also claimed that 15,000 acres of fuels reduction work had been accomplished by counting repeat treatments on the same parcel, when the work was actually limited to 5,800 acres of land. Unfortunately, this follows a disturbing trend in which overestimation of treatments is most pronounced in areas around the wildland-urban interface (WUI), due to additional limitations in USFS’s current data to distinguish between WUI and non-WUI areas.

Over the past 15 years, USFS reported wildfire risk reductions on roughly 40 million acres of land. Based on the investigative reporting’s findings, the number of individual acres treated is likely

closer to 31 million acres (21 percent less). The USFS contends their reporting is transparent, and that acres treated is clearly meant to measure the total amount of work. This uncertain contention loses credibility when considering the seemingly clear goals set by the Administration's 10-year "Confronting the Wildfire Crisis" strategy to treat an additional 20 million acres of National Forest System lands and 30 million acres of other federal, state, tribal and private lands.

Numerous outside watchdogs have also challenged the transparency of hazardous fuels reduction reporting, including the Government Accountability Office (GAO) and U.S. Department of Agriculture's Office of Inspector General (OIG). In 2003, GAO found that:

Under the current reporting system, the way acres are reported when multiple treatments are necessary to reduce the risk of wildfire is also resulting in misleading data on what is actually being accomplished for that year. By reporting multiple treatments on the same acres as separate accomplishments, the agencies are creating the impression that more acres are receiving treatments than what is actually occurring.

A 2016 OIG audit also found that:

[US]FS inaccurately reported to Congress the number of acres treated for hazardous fuels reduction in its annual reports for [FY 2012–2014]. Without correct information regarding the amount of acreage treated for hazardous fuels reduction in WUI areas, Congress and [US]FS management run the risk of making funding and prioritization decisions based on inaccurate information.

As a result, according to experts interviewed by NBC News, this system "long incentivize[s] not the most effective and important risk reduction work, but the cheapest."

Accurate reporting is necessary to broadly track wildfire mitigation progress in a macro sense. It is also vitally important that individual treatment projects are tracked properly. When they are not, the results can be disastrous. The "Accurately Counting Risk Elimination Solutions (ACRES) Act" provides a way to hold federal land management agencies accountable, to see the work they are doing to reduce the amount of fuel for wildfires on our public lands and determine the effectiveness of the fuel reduction work. Specifically, this bill would require USFS and DOI to produce yearly hazardous fuels reduction reports based on the *actual* number of acres that the respective agencies treated over the past year. The legislation requires additional transparency measures to detail the location, type, effectiveness, and cost of forest treatments carried out. The ACRES Act would also require the agencies to standardize tracking procedures for hazardous fuels reduction to ensure accuracy and timely input. The ACRES Act is a good governance bill that will lead to greater accountability, a more streamlined process, and provide critically important information needed to fight the national wildfire crisis strategically and effectively.

COMMITTEE ACTION

H.R. 1567 was introduced on March 10, 2023, by Rep. Thomas P. Tiffany (R-WI). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Federal Lands. The bill was also referred to the Committee on Agriculture. On March 23, 2023, the Subcommittee on Federal Lands held a hearing on the bill. On April 27–28, 2023, the Full Natural Resources Committee met to consider the bill. The Subcommittee on Federal Lands was discharged by unanimous consent. Rep. Thomas P. Tiffany (R-WI) offered an amendment, designated Tiffany #1. The amendment offered by Rep. Tiffany was adopted by unanimous consent. The bill, as amended, was then ordered favorably reported to the House of Representatives by unanimous consent.

HEARINGS

For the purposes of clause 3(c)(6) of House rule XIII, the following hearing was used to develop or consider this measure: hearing by the Subcommittee on Federal Lands held on March 23, 2023.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

- Establishes the short title of the bill as the “Accurately Counting Risk Elimination Solutions Act” or the “ACRES Act.”

Section 2. Accurate hazardous fuels reduction reports

- Requires the Secretaries of the U.S. Department of Agriculture (USDA; Forest Service) and DOI (National Park Service and Bureau of Land Management) to submit to Congress a yearly hazardous fuels reduction report based on the actual number of acres that the respective agencies treated over the past year.
- Specifies the agencies may only record acres once for the purposes of the report, regardless of the number of treatments performed on a single acre.
- Requires the report include the acreage treated in the WUI; level of wildfire risk of treated acres before and after treatment; the types of treatment utilized (delineating between planned projects and wildfire managed for resource benefits); the cost per acre; the region or specific unit where acres are located; and the overall effectiveness of the treatments in reducing the risk of wildfire.
- Requires the report to be made available on a USDA and DOI website.
- Directs the Secretaries to standardize procedures for tracking data for hazardous fuels reduction activities. This includes regular, standardized data reviews of the accuracy and timely input of data used to track hazardous fuels as well as verification that this data directly correlates to hazardous fuels reduction activity. Must also include an analysis of the short- and long-term effectiveness of hazardous fuels reduction on reducing the risk of wildfires.
- Directs the Secretaries to establish methods to distinguish between WUI and non-WUI acres in reporting hazardous fuels reduction work for projects that encompass both categories.

- Directs the Secretaries to submit a report to Congress two weeks after implementing these standardized procedures with details about the changes made and any policy recommendations needed to address further limitations in tracking data for hazardous fuels reduction.
- Directs the GAO to complete a study on the implementation of the bill within two years of enactment and submit its findings to Congress.
- Defines hazardous fuels reduction activities to exclude the awarding of contracts to conduct hazardous fuels reduction activities.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources' oversight findings and recommendations are reflected in the body of this report.

COMPLIANCE WITH HOUSE RULE XIII AND CONGRESSIONAL BUDGET ACT

1. *Cost of Legislation and the Congressional Budget Act.* With respect to the requirements of clause 3(c)(2) and (3) of rule XIII of the Rules of the House of Representatives and sections 308(a) and 402 of the Congressional Budget Act of 1974, the Committee has received the following estimate for the bill from the Director of the Congressional Budget Office:

H.R. 1567, ACRES Act			
As ordered reported by the House Committee on Natural Resources on April 28, 2023			
By Fiscal Year, Millions of Dollars	2023	2023-2028	2023-2033
Direct Spending (Outlays)	0	0	0
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	0	0
Spending Subject to Appropriation (Outlays)	0	23	not estimated
Increases <i>net direct spending</i> in any of the four consecutive 10-year periods beginning in 2034?	No	Statutory pay-as-you-go procedures apply?	No
Mandate Effects			
Increases <i>on-budget deficits</i> in any of the four consecutive 10-year periods beginning in 2034?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No

H.R. 1567 would require the Departments of Agriculture and the Interior to report on efforts to reduce wildfires and to standardize data collection for those activities. The bill would require each department to report the number of acres of federal land that underwent vegetation management to reduce the risk of wildfire in the previous year. The bill would require those reports to be submitted as supporting material with the President's annual budget request. The bill also would require each department to standardize procedures for collecting data related to wildfire reduction and to report to the Congress on those efforts.

CBO estimates that the total cost to implement H.R. 1567 would be \$23 million over the 2023–2028 period. Such spending would be subject to the availability of appropriated funds. The bulk of those costs would stem from the need to hire additional staff and to upgrade data systems. Using information from both departments, CBO estimates that—combined—they would need 30 additional staff members, at an average annual cost of \$100,000, to meet the bill’s requirements. After accounting for anticipated inflation, CBO estimates that compensating additional staff and upgrading data systems would cost \$22 million over the 2023–2028 period.

The bill also would require the Government Accountability Office to report to the Congress on its implementation two years after enactment. Using information about the cost of similar reports, CBO estimates the cost of that provision at \$1 million over the 2023–2028 period.

The costs of the legislation, detailed in Table 1, fall within budget function 300 (natural resources and environment).

TABLE 1.—ESTIMATED INCREASES IN SPENDING SUBJECT TO APPROPRIATION UNDER H.R. 1567

	By fiscal year, millions of dollars—						2023– 2028
	2023	2024	2025	2026	2027	2028	
Estimated Authorization	0	3	5	5	5	5	23
Estimated Outlays	0	3	5	5	5	5	23

The CBO staff contact for this estimate is Ann E. Futrell. The estimate was reviewed by Christina Hawley Anthony, Deputy Director of Budget Analysis.

PHILLIP L. SWAGEL,
Director, Congressional Budget Office.

2. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is to require that the Secretary of Agriculture and the Secretary of the Interior submit accurate reports regarding hazardous fuels reduction activities, and for other purposes.

EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

UNFUNDED MANDATES REFORM ACT STATEMENT

According to the Congressional Budget Office, this legislation contains no unfunded mandates as defined by the Unfunded Mandates Reform Act.

EXISTING PROGRAMS

Directed Rule Making. This bill does not contain any directed rule makings.

Duplication of Existing Programs. This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program. Such program was not included in

any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139 or identified in the most recent Catalog of Federal Domestic Assistance published pursuant to the Federal Program Information Act (Public Law 95–220, as amended by Public Law 98–169) as relating to other programs.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

Any preemptive effect of this bill over state, local, or tribal law is intended to be consistent with the bill's purposes and text and the Supremacy Clause of Article VI of the U.S. Constitution.

CHANGES IN EXISTING LAW

As reported by the Committee, H.R. 1567 makes no changes in existing law.

GLENN THOMPSON, PENNSYLVANIA
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COMMITTEE CORRESPONDENCE

U.S. House of Representatives Committee on Agriculture Room 1301, Longworth House Office Building Washington, DC 20515-6001 (202) 225-2171

September 5, 2023

The Honorable Bruce Westerman, Chairman
Committee on Natural Resources
1324 Longworth House Office Building
Washington, D.C. 20515

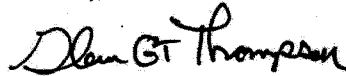
Dear Mr. Chairman:

This letter confirms our mutual understanding regarding H.R. 1567, the "Accurately Counting Risk Elimination Solutions Act", or the "ACRES Act". Thank you for collaborating with the Committee on Agriculture on the matters within our jurisdiction.

The Committee on Agriculture will forego any further consideration of this bill. However, by foregoing consideration at this time, we do not waive any jurisdiction over any subject matter contained in this or similar legislation. The Committee on Agriculture also reserves the right to seek appointment of an appropriate number of conferees should it become necessary and ask that you support such a request.

We would appreciate a response to this letter confirming this understanding with respect to H.R. 1567 and request a copy of our letters on this matter be published in the Congressional Record during Floor consideration.

Sincerely,



Glenn "GT" Thompson
Chairman

Cc: The Honorable David Scott, Ranking Member, Committee on Agriculture
The Honorable Raul Grijalva, Ranking Member, Committee on Natural Resources
The Honorable Kevin McCarthy, Speaker of the House
The Honorable Jason Smith, Parliamentarian, U.S. House of Representatives

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U.S. House of Representatives
Committee on Natural Resources
Washington, DC 20515

September 6, 2023

The Honorable Glenn "GT" Thompson
Chairman
Committee on Agriculture
1301 Longworth House Office Building
Washington, DC 20515

Dear Mr. Chairman:

I write regarding H.R. 1567, the *Accurately Counting Risk Elimination Solutions Act* or the *ACRES Act*, which was ordered reported by the Committee on Natural Resources on April 28, 2023.

I recognize that the bill contains provisions that fall within the jurisdiction of the Committee on Agriculture and appreciate your willingness to forgo action on the bill. I acknowledge that the Committee on Agriculture will not formally consider H.R. 1567 and agree that the inaction of your Committee with respect to the bill does not waive any jurisdiction over the subject matter contained therein.

I am pleased to support your request to name members of the Committee on Agriculture to any conference committee to consider such provisions. I will ensure that our exchange of letters is included in the *Congressional Record* during floor consideration of the bill. I appreciate your cooperation regarding this legislation.

Sincerely,



Bruce Westerman
Chairman
Committee on Natural Resources

cc: The Honorable Kevin McCarthy, Speaker of the House
The Honorable David Scott, Ranking Member, Committee on Agriculture
The Honorable Raul Grijalva, Ranking Member, Committee on Natural Resources
The Honorable Jason Smith, Parliamentarian, U.S. House of Representatives

