

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—118th Cong., 2d Sess.

S. 2867

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

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended to be proposed by Mr. BARRASSO

Viz:

1 Strike all after the enacting clause and insert the fol-

2 lowing:

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 2024”.

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. Accelerating treatments on Federal land.

Sec. 102. Annual reports.

Sec. 103. Transparency in hazardous fuels reduction activity reporting.

Sec. 104. Regional forest carbon accounting.

Sec. 105. Wildland fire performance metrics.

TITLE II—FOREST MANAGEMENT

- Sec. 201. Vegetation management, facility inspection, and operation and maintenance relating to electric transmission and distribution facility rights-of-way.
- Sec. 202. Timber sales on National Forest System land.
- Sec. 203. Categorical exclusion for high-priority hazard trees.
- Sec. 204. Intervenor status.
- Sec. 205. Utilizing grazing for wildfire risk reduction.

TITLE III—WORKFORCE

- Sec. 301. Direct hire authority.
- Sec. 302. Continuing accrual of service for firefighters.
- Sec. 303. Affordable housing for Federal wildland firefighters.

TITLE IV—CULTURAL CHANGE IN AGENCIES

- Sec. 401. Mandatory use of existing authorities.
- Sec. 402. Public-private wildfire technology deployment and testbed partnership.
- Sec. 403. Repeal of FLAME reports.

1 SEC. 2. DEFINITIONS.

2 In this Act:

3 (1) FEDERAL LAND.—The term “Federal land”
4 means—

5 (A) land of the National Forest System;

6 and

7 (B) public lands (as defined in section 103
8 of the Federal Land Policy and Management
9 Act of 1976 (43 U.S.C. 1702)), the surface of
10 which is administered by the Secretary of the
11 Interior, acting through the Director of the Bu-
12 reau of Land Management.

13 (2) HAZARDOUS FUELS REDUCTION ACTIV-
14 ITY.—

15 (A) IN GENERAL.—The term “hazardous
16 fuels reduction activity” means any vegetation

1 management activity to reduce the risk of wild-
2 fire, including mechanical treatments and pre-
3 scribed burning.

4 (B) EXCLUSION.—The term “hazardous
5 fuels reduction activity” does not include the
6 awarding of a contract to conduct any activity
7 described in subparagraph (A).

8 (3) NATIONAL FOREST SYSTEM.—

9 (A) IN GENERAL.—The term “National
10 Forest System” has the meaning given the term
11 in section 11(a) of the Forest and Rangeland
12 Renewable Resources Planning Act of 1974 (16
13 U.S.C. 1609(a)).

14 (B) EXCLUSION.—The term “National
15 Forest System” does not include any forest re-
16 serve not created from the public domain.

17 (4) SECRETARY CONCERNED.—The term “Sec-
18 retary concerned” means—

19 (A) the Secretary of Agriculture, acting
20 through the Chief of the Forest Service, with
21 respect to Federal land described in paragraph
22 (1)(A); and

23 (B) the Secretary of the Interior, acting
24 through the Director of the Bureau of Land

1 Management, with respect to Federal land de-
2 scribed in paragraph (1)(B).

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

7 **TITLE I—ACCOMPLISHMENTS**
8 **OVER RHETORIC**

9 **SEC. 101. ACCELERATING TREATMENTS ON FEDERAL**
10 **LAND.**

11 (a) BASELINE TREATMENTS FOR FUELS REDUCTION
12 AND FOREST HEALTH.—For Federal land, the Secretary
13 concerned shall determine—

14 (1) for each of fiscal years 2019 through
15 2023—

16 (A) the number of acres mechanically
17 thinned, for acres commercially thinned and for
18 acres pre-commercially thinned; and

19 (B) the number of acres treated by pre-
20 scribed fire; and

21 (2) the average of the numbers described in
22 subparagraphs (A) and (B) of paragraph (1) over
23 the period of fiscal years 2019 through 2023.

24 (b) ANNUAL GOALS.—

1 (1) IN GENERAL.—For Federal land for fiscal
2 year 2025 and each fiscal year thereafter, the Sec-
3 retary concerned shall establish annual—

4 (A) mechanical thinning goals for acres
5 commercially thinned and for acres pre-com-
6 mercially thinned; and

7 (B) prescribed fire goals.

8 (2) REQUIREMENTS.—

9 (A) FISCAL YEARS 2025 AND 2026.—For
10 each of fiscal years 2025 and 2026, the goals
11 established under subparagraphs (A) and (B) of
12 paragraph (1) shall be not less than the number
13 of acres described in subsection (a)(2).

14 (B) FISCAL YEARS 2027 AND 2028.—For
15 each of fiscal years 2027 and 2028, the goals
16 established under subparagraphs (A) and (B) of
17 paragraph (1) shall be not less than 20 percent
18 more than the number of acres described in
19 subsection (a)(2).

20 (C) FISCAL YEAR 2029 AND SUBSEQUENT
21 FISCAL YEARS.—For fiscal year 2029 and each
22 fiscal year thereafter, the goals established
23 under subparagraphs (A) and (B) of paragraph
24 (1) shall be not less than 40 percent more than

1 the number of acres described in subsection
2 (a)(2).

3 (c) REGIONAL ALLOTMENTS.—Not later than 90
4 days after the date of enactment of this Act, and annually
5 thereafter, the Secretary concerned shall assign annual
6 acreage allotments for mechanical thinning and prescribed
7 fire on Federal land, categorized by National Forest Sys-
8 tem region or by State, as appropriate.

9 (d) PUBLICATION.—The Secretary concerned shall
10 make publicly available the data described in subsections
11 (a), (b), and (c), including by publishing that data on the
12 website of the Forest Service and the website of the Bu-
13 reau of Land Management.

14 (e) SAVINGS PROVISION.—Nothing in this section
15 shall be construed to supersede or conflict with any other
16 provision of law, including—

17 (1) section 40803(b) of the Infrastructure In-
18 vestment and Jobs Act (16 U.S.C. 6592(b)); and

19 (2) the Wilderness Act (16 U.S.C. 1131 et
20 seq.).

21 (f) APPLICABILITY OF NEPA.—The establishment of
22 annual goals under subsection (b)(1) and the assignment
23 of regional allotments under subsection (c) shall not be
24 subject to the requirements of the National Environmental
25 Policy Act of 1969 (42 U.S.C. 4321 et seq.).

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

2 Not later than September 30, 2025, and annually
3 thereafter, the Secretary concerned shall publish on a pub-
4 lic website of the Forest Service and a public website of
5 the Bureau of Land Management the following informa-
6 tion with respect to the Federal land during the preceding
7 fiscal year:

8 (1) The number of acres treated pursuant to
9 section 40803(b) of the Infrastructure Investment
10 and Jobs Act (16 U.S.C. 6592(b)).

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

13 (B) the number of acres treated by prescribed
14 fire; and

15 (C) whether the number of acres described in
16 subparagraphs (A) and (B) met or exceeded the
17 acres described in section 101(b)(2).

18 (3) Any limitations or challenges, including liti-
19 gation or delays in the preparation of environmental
20 documentation, that hindered the Secretary con-
21 cerned from meeting or exceeding the annual goals
22 established under section 101(b)(1), if applicable.

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

1 (5) The number of acres described in subpara-
2 graphs (A) and (B) of paragraph (2) and paragraph
3 (4) that are in an area identified as having—

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

10 (B) a very high or high wildfire hazard po-
11 tential.

12 (6) The number of acres described in subpara-
13 graphs (A) and (B) of paragraph (2) and paragraph
14 (4) that use either of the following streamlined au-
15 thorities for environmental review:

16 (A) A categorical exclusion.

17 (B) An emergency action authority of the
18 Secretary concerned.

19 (7) The number of acres described in subpara-
20 graphs (A) and (B) of paragraph (2) and paragraph
21 (4) with respect to which partners are used to carry
22 out the work through—

23 (A) a good neighbor agreement under sec-
24 tion 8206 of the Agricultural Act of 2014 (16
25 U.S.C. 2113a);

1 (B) a master stewardship agreement;

2 (C) a contract or agreement entered into
3 under the Tribal Forest Protection Act of 2004
4 (25 U.S.C. 3115a); or

5 (D) a stewardship end-result contract.

6 **SEC. 103. TRANSPARENCY IN HAZARDOUS FUELS REDUC-**
7 **TION ACTIVITY REPORTING.**

8 (a) INCLUSION OF HAZARDOUS FUELS REDUCTION
9 REPORT IN MATERIALS SUBMITTED IN SUPPORT OF THE
10 PRESIDENT'S BUDGET.—

11 (1) IN GENERAL.—The Secretary concerned
12 shall include in the materials submitted in support
13 of the President's budget pursuant to section 1105
14 of title 31, United States Code, a report describ-
15 ing—

16 (A) for each of fiscal years 2025 through
17 2030, the number of acres of Federal land on
18 which the Secretary concerned carried out haz-
19 ardous fuels reduction activities during each of
20 the preceding 6 fiscal years, as assessed by the
21 Secretary concerned using—

22 (i) the methodology of the Secretary
23 concerned in effect on the day before the
24 date of enactment of this Act; and

1 (ii) the methodology described in
2 paragraph (2); and

3 (B) for fiscal year 2031 and each fiscal
4 year thereafter, the number of acres of Federal
5 land on which the Secretary concerned carried
6 out hazardous fuels reduction activities during
7 each of the preceding 6 fiscal years, as assessed
8 by the Secretary concerned using the method-
9 ology described in paragraph (2).

10 (2) REQUIREMENTS.—For purposes of the re-
11 ports required under paragraph (1), the Secretary
12 concerned shall—

13 (A) in determining the number of acres of
14 Federal land on which the Secretary concerned
15 carried out hazardous fuels reduction activities
16 during each fiscal year covered by the report—

17 (i) record acres of Federal land on
18 which hazardous fuels reduction activities
19 were completed during each such fiscal
20 year; and

21 (ii) record each acre described in
22 clause (i) once in the report with respect to
23 a fiscal year, regardless of whether mul-
24 tiple hazardous fuels reduction activities

1 were carried out on such acre during such
2 fiscal year; and

3 (B) with respect to the acres of Federal
4 land recorded in the report, include information
5 on—

6 (i) which such acres are located in the
7 wildland-urban interface;

8 (ii) the level of wildfire risk (high,
9 moderate, or low) on the first and last day
10 of each fiscal year covered by the report;

11 (iii) the types of hazardous fuels re-
12 duction activities completed for such acres,
13 delineating between whether such activities
14 were conducted—

15 (I) in a wildfire managed for re-
16 source benefits; or

17 (II) through a planned project;

18 (iv) the cost per acre of hazardous
19 fuels reduction activities carried out during
20 each fiscal year covered by the report;

21 (v) the region or System unit in which
22 the acres are located; and

23 (vi) the effectiveness of the hazardous
24 fuels reduction activities on reducing the
25 risk of wildfire.

1 (3) TRANSPARENCY.—The Secretary concerned
2 shall make each report submitted under paragraph
3 (1) publicly available on the website of the Depart-
4 ment of Agriculture and the Department of the Inte-
5 rior, as applicable.

6 (b) ACCURATE DATA COLLECTION.—

7 (1) IN GENERAL.—Not later than 90 days after
8 the date of enactment of this Act, the Secretary con-
9 cerned shall implement standardized procedures for
10 tracking data relating to hazardous fuels reduction
11 activities carried out by the Secretary concerned.

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

14 (A) regular, standardized data reviews of
15 the accuracy and timely input of data used to
16 track hazardous fuels reduction activities;

17 (B) verification methods that validate
18 whether such data accurately correlates to the
19 hazardous fuels reduction activities carried out
20 by the Secretary concerned;

21 (C) an analysis of the short- and long-term
22 effectiveness of the hazardous fuels reduction
23 activities on reducing the risk of wildfire; and

24 (D) for hazardous fuels reduction activities
25 that occur partially within the wildland-urban

1 interface, methods to distinguish which acres
2 are located within the wildland-urban interface
3 and which acres are located outside the
4 wildland-urban interface.

5 (3) REPORT.—Not later than 14 days after im-
6 plementing the standardized procedures required
7 under paragraph (1), the Secretary concerned shall
8 submit to Congress a report that describes—

- 9 (A) such standardized procedures; and
10 (B) program and policy recommendations
11 to Congress to address any limitations in track-
12 ing data relating to hazardous fuels reduction
13 activities under this subsection.

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

15 Not later than September 30, 2025, and every 3
16 years thereafter, the Secretary of Agriculture, acting
17 through the Chief of the Forest Service, shall—

18 (1) using data from the forest inventory and
19 analysis program, determine the net forest carbon
20 balance on the land in the National Forest System
21 of each Forest Service region, including whether the
22 National Forest System land is—

- 23 (A) a carbon source; or
24 (B) a carbon sink; and

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

3 **SEC. 105. WILDLAND FIRE PERFORMANCE METRICS.**

4 (a) IN GENERAL.—Not later than 18 months after
5 the date of enactment of this Act, the Secretary concerned
6 shall submit to the committees of Congress described in
7 subsection (c) a report on existing key performance indica-
8 tors and potential outcome-based performance measures
9 to reduce wildfire risk on Federal land.

10 (b) INCLUSIONS.—The report submitted under sub-
11 section (a) shall identify solutions to track the implemen-
12 tation and effectiveness of hazardous fuels reduction ac-
13 tivities and forest restoration treatments, including strate-
14 gies—

15 (1) to track whether land management activities
16 are reducing wildfire hazards and ways to quantify
17 and track acres in maintenance status;

18 (2) to track place-based and locally led out-
19 comes;

20 (3) to standardize national-level monitoring
21 measures;

22 (4) to quantify catastrophic wildfire risk reduc-
23 tion;

1 (5) to identify modeling and data challenges
2 that are preventing the transition to annual wildfire
3 risk mapping updates; and

4 (6) to integrate advanced technologies or a
5 combination of technologies and analyses that will
6 benefit the quality of information reported.

7 (c) COMMITTEES OF CONGRESS DESCRIBED.—The
8 committees of Congress referred to in subsection (a) are—

9 (1) the Committee on Energy and Natural Re-
10 sources of the Senate;

11 (2) the Committee on Agriculture, Nutrition,
12 and Forestry of the Senate;

13 (3) the Committee on Natural Resources of the
14 House of Representatives; and

15 (4) the Committee on Agriculture of the House
16 of Representatives.

17 **TITLE II—FOREST MANAGEMENT**

18 **SEC. 201. VEGETATION MANAGEMENT, FACILITY INSPEC-** 19 **TION, AND OPERATION AND MAINTENANCE** 20 **RELATING TO ELECTRIC TRANSMISSION AND** 21 **DISTRIBUTION FACILITY RIGHTS-OF-WAY.**

22 (a) HAZARD TREES WITHIN 50 FEET OF ELECTRIC
23 POWER LINE.—Section 512(a)(1)(B)(ii) of the Federal
24 Land Policy and Management Act of 1976 (43 U.S.C.

1 1772(a)(1)(B)(ii) is amended by striking “10” and in-
2 serting “50”.

3 (b) PERMITS AND AGREEMENTS WITH OWNERS AND
4 OPERATORS OF ELECTRIC TRANSMISSION OR DISTRIBUTION
5 FACILITIES.—Section 512 of the Federal Land Pol-
6 icy and Management Act of 1976 (43 U.S.C. 1772) is
7 amended—

8 (1) in the section heading, by striking
9 “**MANAGMENT**” and inserting “**MANAGEMENT**”;

10 (2) by redesignating subsections (j) and (k) as
11 subsections (k) and (l), respectively; and

12 (3) by inserting after subsection (i) the fol-
13 lowing:

14 “(j) PERMITS AND AGREEMENTS WITH OWNERS AND
15 OPERATORS OF ELECTRIC TRANSMISSION OR DISTRIBUTION
16 FACILITIES.—

17 “(1) IN GENERAL.—In any special use permit
18 or easement on National Forest System or Bureau
19 of Land Management land provided to the owner or
20 operator of an electric transmission or distribution
21 facility, the Secretary concerned may provide per-
22 mission to cut and remove trees or other vegetation
23 from within the vicinity of the electric transmission
24 or distribution facility without requiring a separate

1 timber sale, if that cutting and removal is consistent
2 with—

3 “(A) the applicable plan;

4 “(B) the applicable land and resource
5 management plan or land use plan; and

6 “(C) other applicable environmental laws
7 (including regulations).

8 “(2) USE OF PROCEEDS.—A special use permit
9 or easement that includes permission for cutting and
10 removal described in paragraph (1) shall include a
11 requirement that, if the owner or operator of the
12 electric transmission or distribution facility sells any
13 portion of the material removed under the permit or
14 easement, the owner or operator shall provide to the
15 Secretary concerned any proceeds received from the
16 sale, less any transportation costs incurred in the
17 sale.

18 “(3) EFFECT.—Nothing in paragraph (2) shall
19 require the sale of any material removed under a
20 permit or easement that includes permission for cut-
21 ting and removal described in paragraph (1).”.

1 **SEC. 202. TIMBER SALES ON NATIONAL FOREST SYSTEM**
2 **LAND.**

3 Section 14(d) of the National Forest Management
4 Act of 1976 (16 U.S.C. 472a(d)) is amended, in the first
5 sentence, by striking “\$10,000” and inserting “\$55,000”.

6 **SEC. 203. CATEGORICAL EXCLUSION FOR HIGH-PRIORITY**
7 **HAZARD TREES.**

8 (a) DEFINITIONS.—In this section:

9 (1) HIGH-PRIORITY HAZARD TREE.—The term
10 “high-priority hazard tree” means a standing tree
11 that—

12 (A) presents a visible hazard to people or
13 Federal property due to conditions such as de-
14 terioration of or damage to the root system,
15 trunk, stem, or limbs of the tree, or the direc-
16 tion or lean of the tree, as determined by the
17 Secretary;

18 (B) is determined by the Secretary to be
19 highly likely to fail and, if it failed, would be
20 highly likely to cause injury to people or dam-
21 age to Federal property; and

22 (C) is—

23 (i) within 300 feet of a National For-
24 est System road with a maintenance level
25 of 3, 4, or 5;

1 (ii) along a National Forest System
2 trail; or

3 (iii) in a developed recreation site on
4 National Forest System land that is oper-
5 ated and maintained by the Secretary.

6 (2) HIGH-PRIORITY HAZARD TREE ACTIVITY.—

7 (A) IN GENERAL.—The term “high-pri-
8 ority hazard tree activity” means a forest man-
9 agement activity that mitigates the risks associ-
10 ated with high-priority hazard trees, which may
11 include pruning, felling, and disposal of those
12 high-priority hazard trees.

13 (B) EXCLUSIONS.—The term “high-pri-
14 ority hazard tree activity” does not include—

15 (i) any activity conducted in a wilder-
16 ness area or wilderness study area;

17 (ii) any activity for the construction of
18 a permanent road or permanent trail;

19 (iii) any activity conducted on Federal
20 land on which, by Act of Congress or Pres-
21 idential proclamation, the removal of vege-
22 tation is restricted or prohibited;

23 (iv) any activity conducted in an area
24 in which activities described in subpara-
25 graph (A) would be inconsistent with the

1 applicable land and resource management
2 plan; or

3 (v) any activity conducted in an inven-
4 toried roadless area.

5 (3) SECRETARY.—The term “Secretary” means
6 the Secretary of Agriculture.

7 (b) CATEGORICAL EXCLUSION.—

8 (1) IN GENERAL.—Not later than 1 year after
9 the date of enactment of this Act, the Secretary
10 shall develop a categorical exclusion (as defined in
11 111 of the National Environmental Policy Act of
12 1969 (42 U.S.C. 4336e)) for high-priority hazard
13 tree activities.

14 (2) ADMINISTRATION.—In developing and ad-
15 ministering the categorical exclusion under para-
16 graph (1), the Secretary shall—

17 (A) comply with the National Environ-
18 mental Policy Act of 1969 (42 U.S.C. 4321 et
19 seq.); and

20 (B) apply the extraordinary circumstances
21 procedures under section 220.6 of title 36, Code
22 of Federal Regulations (or successor regula-
23 tions), in determining whether to use the cat-
24 egorical exclusion.

1 (3) PROJECT SIZE LIMITATION.—A project car-
2 ried out using the categorical exclusion developed
3 under paragraph (1) may not exceed 3,000 acres.

4 **SEC. 204. INTERVENOR STATUS.**

5 (a) IN GENERAL.—For purposes of a civil action re-
6 lating to a qualified project described in subsection (b),
7 a unit of local government or an Indian Tribe shall be—

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

10 (2) considered to be a full participant in any
11 settlement negotiation relating to the qualified
12 project if the unit of local government or Indian
13 Tribe, as applicable, intervenes.

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

16 (1) is located on Federal land adjacent, or with
17 sufficient minimum contacts, as determined by the
18 Secretary concerned, to the land under the jurisdic-
19 tion of the unit of local government or Indian Tribe,
20 as applicable;

21 (2) has been approved by the Secretary con-
22 cerned; and

23 (3)(A) reduces the risk posed by wildfire, insect,
24 or disease; or

1 (B) generates revenue from the harvesting of
2 timber.

3 **SEC. 205. UTILIZING GRAZING FOR WILDFIRE RISK REDUC-**
4 **TION.**

5 (a) IN GENERAL.—Not later than 18 months after
6 the date of enactment of this Act, the Secretary concerned
7 shall develop and submit to the Committee on Energy and
8 Natural Resources of the Senate and the Committee on
9 Natural Resources of the House of Representatives a
10 strategy to analyze and identify opportunities to use live-
11 stock grazing as a wildfire risk reduction tool on Federal
12 land, consistent with the laws applicable to the Secretary
13 concerned.

14 (b) INCLUSIONS.—The strategy developed under sub-
15 section (a) shall include an analysis of—

16 (1) opportunities—

17 (A) to increase the use of any authorities
18 applicable to livestock grazing, including modi-
19 fications to grazing permits or leases to allow
20 variances;

21 (B) to use targeted grazing to reduce haz-
22 ardous fuels;

23 (C) to integrate advanced technologies to
24 dynamically adjust livestock placement;

1 (D) to increase the use of livestock grazing
2 to eradicate invasive annual grasses and as a
3 post-fire restoration and recovery strategy, as
4 appropriate; and

5 (E) to facilitate and expedite the tem-
6 porary use of vacant allotments during extreme
7 weather events or natural disasters; and

8 (2) any other opportunities determined to be
9 appropriate by the Secretary concerned.

10 (c) EFFECT ON EXISTING GRAZING PROGRAMS.—

11 Nothing in this section affects—

12 (1) any livestock grazing program carried out
13 by the Secretary concerned as of the date of enact-
14 ment of this Act; or

15 (2) any statutory authority for any program de-
16 scribed in paragraph (1).

17 **TITLE III—WORKFORCE**

18 **SEC. 301. DIRECT HIRE AUTHORITY.**

19 For fiscal year 2025 and each fiscal year thereafter,
20 the Secretary concerned may appoint, without regard to
21 the provisions of subchapter I of chapter 33 of title 5,
22 United States Code, other than sections 3303 and 3328
23 of that title, a Job Corps graduate (as defined in section
24 142(5) of the Workforce Innovation and Opportunity Act
25 (29 U.S.C. 3192(5))) directly to a position for which the

1 graduate meets Office of Personnel Management qualifica-
2 tion standards.

3 **SEC. 302. CONTINUING ACCRUAL OF SERVICE FOR FIRE-**
4 **FIGHTERS.**

5 (a) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—
6 Section 8401(14) of title 5, United States Code, is amend-
7 ed to read as follows:

8 “(14) the term ‘firefighter’ means—

9 “(A) an employee, the duties of whose po-
10 sition—

11 “(i) are primarily to perform work di-
12 rectly connected with the control and extin-
13 guishment of non-wildland fires; and

14 “(ii) are sufficiently rigorous that em-
15 ployment opportunities should be limited to
16 young and physically vigorous individuals,
17 as determined by the Director considering
18 the recommendations of the employing
19 agency;

20 “(B) an employee, the duties of whose po-
21 sition—

22 “(i) are primarily to perform work di-
23 rectly connected with the control and extin-
24 guishment of wildland fires; and

1 “(ii) are sufficiently rigorous that em-
2 ployment opportunities should be limited to
3 young and physically vigorous individuals,
4 as determined by the Director considering
5 the recommendations of the employing
6 agency;

7 “(C) an employee who—

8 “(i) is transferred directly to a super-
9 visory or administrative position after per-
10 forming duties described in subparagraph
11 (A) for at least 3 years; and

12 “(ii) while serving in such supervisory
13 or administrative position, has no break in
14 service; or

15 “(D) an employee who—

16 “(i) occupies a supervisory or admin-
17 istrative position after performing duties
18 described in subparagraph (B) for not less
19 than 3 years; and

20 “(ii) has not more than 24 months in
21 total time of breaks in service;”.

22 (b) SERVICE BEFORE DATE OF ENACTMENT.—

23 (1) IN GENERAL.—Subject to the requirements
24 under paragraph (2), service performed before the
25 date of enactment of this Act by an individual who,

1 on the date of enactment of this Act, is an employee
2 (as defined in section 8401(11) of title 5, United
3 States Code) shall, for the purposes of chapter 84 of
4 title 5, United States Code, be treated as service
5 performed by a firefighter if—

6 (A) such service was performed during the
7 period beginning on October 1, 2003, and end-
8 ing on the day before the date of enactment of
9 this Act;

10 (B) at the time of performing such serv-
11 ice—

12 (i) the individual did not meet the re-
13 quirements to be a firefighter under sec-
14 tion 8401(14) of title 5, United States
15 Code, because of a break in service; and

16 (ii) would have met the requirements
17 to be a firefighter under section
18 8401(14)(D) of title 5, United States
19 Code, as amended by this Act; and

20 (C) appropriate deductions and
21 withholdings under sections 8422 and 8423 of
22 title 5, United States Code, were made during
23 such service.

1 (2) CREDIT FOR SERVICE.—To receive credit
2 for eligible service under paragraph (1), the applica-
3 ble individual shall—

4 (A) before the date on which the individual
5 separates from service in the agency in which
6 the individual holds a position on the date of
7 enactment of this Act, submit a written election
8 to the agency employing the individual;

9 (B) if the individual is not employed by the
10 agency that employed the individual when the
11 service described in paragraph (1) was per-
12 formed, submit a written election to such agen-
13 cy; and

14 (C) remit to the agency that employed the
15 individual when such service was performed the
16 additional amount that would have been de-
17 ducted during the period of prior service under
18 section 8422 of title 5, United States Code,
19 from the pay of the individual if the amend-
20 ments made by subsection (a) had been in ef-
21 fect during the prior service, plus any applicable
22 interest computed under section 8334(e) of title
23 5, United States Code.

24 (3) GOVERNMENT CONTRIBUTIONS.—If an indi-
25 vidual remits payment under paragraph (2)(C) with

1 respect to service described in paragraph (1), the
2 agency that employed the individual when such serv-
3 ice was performed shall remit to the Office of Per-
4 sonnel Management (for deposit in the Treasury of
5 the United States to the credit of the Civil Service
6 Retirement and Disability Fund) the total additional
7 amount of Federal contributions that would have
8 been paid under section 8423 of title 5, United
9 States Code, if the amendments made by subsection
10 (a) had been in effect during the prior service, plus
11 any applicable interest computed in accordance with
12 section 8334(e) of title 5, United States Code.

13 (4) NOTIFICATION AND ASSISTANCE REQUIRE-
14 MENTS.—The Director of the Office of Personnel
15 Management shall—

16 (A) take such action as may be necessary
17 and appropriate to inform individuals entitled
18 to have any service credited under this sub-
19 section, or to have any annuity computed under
20 this subsection, of the entitlement to the credit
21 or computation; and

22 (B) upon request, assist any individual de-
23 scribed in subparagraph (A) in obtaining such
24 information in the possession of the Secretary
25 of Agriculture or the Secretary of the Interior,

1 as applicable, as may be necessary to verify the
2 entitlement of the individual to have any service
3 credited, or to have any annuity computed, pur-
4 suant to this subsection.

5 (5) **RULE OF CONSTRUCTION.**—Nothing in this
6 section shall be construed to permit or require the
7 making of any contribution to the Thrift Savings
8 Fund that would not otherwise have been permitted
9 or required but for the enactment of this section.

10 **SEC. 303. AFFORDABLE HOUSING FOR FEDERAL WILDLAND**
11 **FIREFIGHTERS.**

12 (a) **DEFINITIONS.**—In this section, the terms “agen-
13 cy” and “quarters” have the meanings given the terms
14 in section 5911(a) of title 5, United States Code.

15 (b) **MODERNIZING RENTAL REGULATIONS FOR FED-**
16 **ERAL HOUSING.**—Section 5911 of title 5, United States
17 Code, is amended—

18 (1) in subsection (f), by inserting after the first
19 sentence the following: “In prescribing regulations
20 under the previous sentence defining a dormitory
21 (also known as a ‘bunkhouse’ or ‘barracks’) in rela-
22 tion to other forms of quarters, the President shall
23 do so based on the square footage and intended
24 number of residents of the quarters and shall dis-

1 count the square footage of any area devoted to offi-
2 cial use.”; and

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

4 “(i) The head of each agency shall, to the maximum
5 extent practicable, maintain quarters under the jurisdic-
6 tion of that agency that are rented by an employee in a
7 safe and sanitary condition.

8 “(j) For any quarters rented by an employee that ex-
9 perience a loss in available facilities—

10 “(1) the head of the agency that owns or leases
11 the quarters shall attempt to repair or replace those
12 facilities as soon as practicable; and

13 “(2) the rental payments paid by the employee
14 renting the quarters shall be immediately discounted
15 commensurate to that loss in facilities.

16 “(k) Notwithstanding section 5536, for any quarters
17 that become uninhabitable due to a loss of facilities or
18 other emergency circumstance, the head of the agency that
19 owns or leases the quarters may provide alternative quar-
20 ters and assess a rental rate not greater than the rate
21 of the inhabitable quarters for a period of not longer than
22 28 days.

23 “(l) Notwithstanding section 5536, the head of an
24 agency may rent quarters owned or leased by that agency
25 to an employee at a rate corresponding to full occupancy

1 of those quarters, without regard to whether the quarters
2 are fully occupied.

3 “(m) If quarters are not fully occupied by employees
4 at any point during a period of more than 1 year, the
5 head of the agency that owns or leases the quarters may,
6 subject to the approval of the Director of the Office of
7 Management and Budget, reduce the rental rate charged
8 to an employee for those quarters by not more than 5 per-
9 cent.”.

10 (c) ACCURATE RENTAL RATES FOR HOUSING.—

11 (1) ACCURACY ASSESSMENT OF RENT FOR RE-
12 MOTE HOUSING.—Not later than 120 days after the
13 date of enactment of this Act, the Comptroller Gen-
14 eral of the United States shall initiate a study of the
15 determination of rental rates for quarters owned or
16 leased by agencies that are—

17 (A) subject to a reduction in rental rates
18 due to the remoteness of the quarters under the
19 regulations promulgated under Circular A-45R
20 of the Office of Management and Budget, as re-
21 vised on November 25, 2019 (referred to in this
22 subsection as “Circular A-45R”); or

23 (B) located in an area that receives a dif-
24 ferent locality-comparability payment under sec-
25 tion 5304 or 5304a of title 5, United States

1 Code, than the nearest established community
2 for those quarters, as determined under the
3 regulations promulgated under Circular A-45R.

4 (2) ANALYSIS.—In conducting the study re-
5 quired under paragraph (1), the Comptroller Gen-
6 eral of the United States shall analyze—

7 (A) the extent to which rental rates for the
8 quarters accurately reflect similar units offered
9 for rent in local housing markets or housing
10 markets of the nearest established community;

11 (B) the accuracy of rental rate adjust-
12 ments relating to the remoteness of the quar-
13 ters in making rental rates more reflective of
14 rates in the local housing market, especially for
15 any housing that can only be accessed through
16 methods other than on a paved road; and

17 (C) whether the maximum allowable re-
18 moteness adjustment of 60 percent from similar
19 units in the nearest established community is
20 sufficient in cases of extremely remote housing
21 to accurately reflect local housing markets.

22 (3) CONSULTATION.—In conducting the study
23 required under paragraph (1) or the analysis re-
24 quired under paragraph (2), the Comptroller Gen-
25 eral of the United States may consult with—

1 (A) the National Housing Council de-
2 scribed in Circular A-45R;

3 (B) the Director of the Office of Manage-
4 ment and Budget;

5 (C) the Secretary of Agriculture;

6 (D) the Secretary of the Interior; or

7 (E) any other agency that owns or leases
8 quarters.

9 (4) REMEDIATION.—

10 (A) IN GENERAL.—Not later than 180
11 days after the completion of the study required
12 under paragraph (2), the Director of the Office
13 of Management and Budget shall review the
14 regulations promulgated under Circular A-45R
15 and, if necessary, revise the regulations to rem-
16 edy, to the maximum extent practicable, any
17 discrepancies between established rental rates
18 for quarters and the market rate for those
19 quarters.

20 (B) FACTORS FOR CONSIDERATION.—The
21 Director of the Office of Management and
22 Budget, in completing any review or revision
23 under subparagraph (A), shall consider the best
24 available evidence, including the survey and
25 analysis by the Comptroller General of the

1 United States under paragraphs (1) and (2),
2 respectively.

3 (C) NONAPPLICATION.—The requirement
4 under subparagraph (A) to revise regulations
5 promulgated under Circular A-45R shall not
6 apply if the Director of the Office of Manage-
7 ment and Budget certifies that remedying the
8 discrepancies described in subparagraph (A)
9 would result in increased rental rates, on aver-
10 age, for quarters.

11 (d) AFFORDABILITY OF HOUSING FOR WILDLAND
12 FIREFIGHTERS.—

13 (1) REPORTING ON EXPENSIVE FIREFIGHTER
14 HOUSING.—Not later than 180 days after the date
15 of the revision of regulations under subsection
16 (c)(4)(A), or the certification under section
17 (c)(4)(C), the Secretary of Agriculture and the Sec-
18 retary of the Interior shall prepare a report that es-
19 tablishes a list of any quarters owned or leased by
20 that Secretary that—

21 (A) as of the date on which the report is
22 prepared, are rented, or are intended for rent,
23 primarily by a wildland firefighter; and

24 (B) have a rental cost that exceeds 30 per-
25 cent of—

1 (i) the rate of basic pay for that
2 wildland firefighter, or any special rate of
3 basic pay established for that wildland fire-
4 fighter, plus any locality-based com-
5 parability payment under section 5304 or
6 5304a of title 5, United States Code; or

7 (ii) for a prevailing rate employee de-
8 scribed in section 5342(a)(2)(A) of that
9 title in a position for which the duties of
10 the position relate primarily to wildland
11 fires, the wage rate of that employee.

12 (2) REMEDIATION.—For any quarters included
13 on the list required under paragraph (1), the Sec-
14 retary of Agriculture or the Secretary of the Inte-
15 rior, as applicable, shall prepare a plan to reduce the
16 rental costs for those quarters, including by—

17 (A) reducing the rental costs for such
18 housing under the authority provided in sub-
19 section (m) of section 5911 of title 5, United
20 States Code, as added by this section;

21 (B) using the authorities provided by—

22 (i) section 8623 of the Agriculture
23 Improvement Act of 2018 (16 U.S.C. 580d
24 note; Public Law 115–334);

1 (ii) subchapter III of chapter 1013 of
2 title 54, United States Code; or

3 (iii) section 7 of the Fish and Wildlife
4 Act of 1956 (16 U.S.C. 742f); or

5 (C) other applicable authorities to con-
6 struct or lease housing.

7 (3) TEMPORARY REMEDIATION.—

8 (A) TIME TABLE REQUIRED.—Each reme-
9 diation plan prepared under paragraph (2) shall
10 include a timeline for implementing the plan.

11 (B) RENTAL CAP.—Notwithstanding the
12 requirements of section 5536 of title 5, United
13 States Code, the Secretary of Agriculture or
14 Secretary of the Interior, as applicable, may es-
15 tablish a cap on rental costs for a wildland fire-
16 fighter or prevailing rate employee in a position
17 for which the duties of the position relate pri-
18 marily to wildland fires that inhabits quarters
19 subject to a remediation plan under paragraph
20 (2), which shall be not more than 30 percent
21 of—

22 (i) the rate of basic pay for that
23 wildland firefighter, or any special rate of
24 basic pay established for that wildland fire-
25 fighter, plus any locality-based com-

1 (iii) the Committee on Homeland Se-
2 curity and Governmental Affairs of the
3 Senate;

4 (iv) the Committee on Appropriations
5 of the Senate;

6 (v) the Committee on Natural Re-
7 sources of the House of Representatives;

8 (vi) the Committee on Agriculture of
9 the House of Representatives;

10 (vii) the Committee on Oversight and
11 Accountability of the House of Representa-
12 tives; and

13 (viii) the Committee on Appropria-
14 tions of the House of Representatives.

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

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

18 Not later than 3 years after the date of enactment
19 of this Act, with respect to each unit of Federal land that
20 contains land described in section 102(5), the Secretary
21 concerned shall use not fewer than 1 of the following
22 streamlined authorities for environmental review:

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

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

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

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

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

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

12 **SEC. 402. PUBLIC-PRIVATE WILDFIRE TECHNOLOGY DE-**
13 **PLOYMENT AND TESTBED PARTNERSHIP.**

14 (a) DEFINITIONS.—In this section:

15 (1) APPROPRIATE COMMITTEES.—The term
16 “appropriate committees” means—

17 (A) the Committees on Agriculture, Nutri-
18 tion, and Forestry, Energy and Natural Re-
19 sources, and Commerce, Science, and Transpor-
20 tation of the Senate; and

21 (B) the Committees on Agriculture, Nat-
22 ural Resources, and Science, Space, and Tech-
23 nology of the House of Representatives.

24 (2) COVERED AGENCY.—The term “covered
25 agency” means—

1 (A) each Federal land management agency
2 (as defined in section 802 of the Federal Lands
3 Recreation Enhancement Act (16 U.S.C.
4 6801));

5 (B) the Department of Defense;

6 (C) the National Oceanic and Atmospheric
7 Administration;

8 (D) the United States Fire Administration;

9 (E) the Federal Emergency Management
10 Agency;

11 (F) the National Aeronautics and Space
12 Administration;

13 (G) the Bureau of Indian Affairs; and

14 (H) any other Federal agency involved in
15 wildfire response.

16 (3) COVERED ENTITY.—The term “covered en-
17 tity” means—

18 (A) a private entity;

19 (B) a nonprofit organization; and

20 (C) an institution of higher education (as
21 defined in section 101 of the Higher Education
22 Act of 1965 (20 U.S.C. 1001)).

23 (4) PILOT PROGRAM.—The term “Pilot Pro-
24 gram” means the deployment and testbed pilot pro-
25 gram established under subsection (b).

1 (5) SECRETARIES.—The term “Secretaries”
2 means the Secretary of Agriculture and the Sec-
3 retary of the Interior, acting jointly.

4 (b) ESTABLISHMENT.—Not later than 60 days after
5 the date of enactment of this Act, the Secretaries, in co-
6 ordination with the heads of the covered agencies, shall
7 establish a deployment and testbed pilot program for new
8 and innovative wildfire prevention, detection, communica-
9 tion, and mitigation technologies.

10 (c) FUNCTIONS.—In carrying out the Pilot Program,
11 the Secretaries shall—

12 (1) incorporate the Pilot Program into an exist-
13 ing interagency coordinating group on wildfires;

14 (2) in consultation with the heads of covered
15 agencies, identify key technology priority areas with
16 respect to the deployment of wildfire prevention, de-
17 tection, communication, and mitigation technologies,
18 including—

19 (A) hazardous fuels reduction activities or
20 treatments;

21 (B) dispatch communications;

22 (C) remote sensing and tracking;

23 (D) safety equipment; and

24 (E) common operating pictures or oper-
25 ational dashboards; and

1 (3) connect each covered entity selected to par-
2 ticipate in the Pilot Program with the appropriate
3 covered agency to coordinate real-time and on-the-
4 ground testing of technology during wildland fire
5 mitigation activities and training.

6 (d) APPLICATIONS.—To participate in the Pilot Pro-
7 gram, a covered entity shall submit to the Secretaries an
8 application at such time, in such manner, and containing
9 such information as the Secretaries may require, which
10 shall include a proposal to test technologies specific to key
11 technology priority areas identified under subsection
12 (c)(2).

13 (e) PRIORITIZATION OF EMERGING TECH-
14 NOLOGIES.—In selecting covered entities to participate in
15 the Pilot Program, the Secretaries shall give priority to
16 covered entities developing and applying emerging tech-
17 nologies that address issues identified by the Secretaries,
18 including artificial intelligence, quantum sensing, com-
19 puting and quantum-hybrid applications, augmented re-
20 ality, and 5G private networks and device-to-device com-
21 munications supporting nomadic mesh networks, for wild-
22 fire mitigation.

23 (f) OUTREACH.—The Secretaries, in coordination
24 with the heads of the covered agencies, shall make publicly
25 available the key technology priority areas identified under

1 subsection (c)(2) and invite covered entities to apply to
2 test and demonstrate their technologies to address those
3 priority areas.

4 (g) REPORTS AND RECOMMENDATIONS.—Not later
5 than 1 year after the date of enactment of this Act, and
6 each year thereafter for the duration of the Pilot Program,
7 the Secretaries shall submit to the appropriate committees
8 a report that includes the following with respect to the
9 Pilot Program:

10 (1) A list of participating covered entities.

11 (2) A brief description of the technologies test-
12 ed by such covered entities.

13 (3) An estimate of the cost of acquiring the
14 technology tested in the Pilot Program and applying
15 it at scale.

16 (4) Outreach efforts by Federal agencies to cov-
17 ered entities developing wildfire technologies.

18 (5) Assessments of, and recommendations relat-
19 ing to, new technologies with potential adoption and
20 application at-scale in the wildfire prevention, detec-
21 tion, communication, and mitigation efforts of Fed-
22 eral land management agencies (as defined in sec-
23 tion 802 of the Federal Lands Recreation Enhance-
24 ment Act (16 U.S.C. 6801)).

1 (h) TERMINATION.—The Pilot Program shall expire
2 on the date that is 7 years after the date of enactment
3 of this Act.

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

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

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

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

9 (h).