

Luján 1st Degree, #6

Ben Ray Luján

AMENDMENT NO. _____

Calendar No. _____

Purpose: To improve the bill.

IN THE SENATE OF THE UNITED STATES—119th Cong., 1st Sess.

S. 1462

To improve forest management activities on National Forest System land, public land under the jurisdiction of the Bureau of Land Management, and Tribal land to return resilience to overgrown, fire-prone forested land, and for other purposes

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENTS intended to be proposed by Mr. LUJÁN to
the amendment (No. _____) proposed by

Viz:

- 1 In section 102(a), add at the end the following:
- 2 (3) FEDERAL SCIENCE AGENCY; INSTITUTION
- 3 OF HIGHER EDUCATION; LAND-GRANT COLLEGES
- 4 AND UNIVERSITIES; REGIONAL CENTER; WILDLAND
- 5 FIRE; WILDLAND FIRE MANAGEMENT AGENCIES;
- 6 WILDLAND FIRE RESEARCH.—The terms “Federal
- 7 science agency”, “institution of higher education”,
- 8 “land-grant colleges and universities”, “regional cen-
- 9 ter”, “wildland fire”, “wildland fire management

1 agencies”, and “wildland fire research” have the
2 meanings given those terms in section 120D(a).

3 (4) NATIONAL LABORATORY.—The term “Na-
4 tional Laboratory” has the meaning given that term
5 in section 2 of the Energy Policy Act of 2005 (42
6 U.S.C. 15801).

7 In section 102(d), add at the end the following:

8 (8)(A) Establishing wildland fire science, data
9 management and sharing protocols, and techno-
10 logical research priorities in cooperation with each
11 regional center informed by the operational needs of
12 wildland fire management agencies.

13 (B) Coordinating data collection efforts sup-
14 porting the efforts of each regional center, includ-
15 ing—

16 (i) building data layers across each region
17 described in section 120D(c)(3)(B);

18 (ii) ensuring data collection and reporting
19 across each region described in section
20 120D(c)(3)(B) is consistent and standardized;
21 and

22 (iii) providing updates on the development
23 of wildland fire research models.

1 (C) Ensuring the coordination of, and avoid un-
2 necessary duplication of, the activities of the re-
3 gional centers and the activities of institutions of
4 higher education, land-grant colleges and univer-
5 sities, Federal science agencies, and State research
6 organizations with respect to wildland fire research,
7 including—

8 (i) the National Oceanic and Atmospheric
9 Administration;

10 (ii) the National Science Foundation;

11 (iii) the National Laboratories;

12 (iv) the National Aeronautics and Space
13 Administration;

14 (v) the Environmental Protection Agency;

15 (vi) the United States Fire Administration;

16 (vii) the United States Geological Survey;

17 (viii) the research and development pro-
18 gram of the Forest Service;

19 (ix) the interagency Joint Fire Science
20 Program;

21 (x) the Department of Defense Strategic
22 Environmental Research and Development Pro-
23 gram; and

24 (xi) any other relevant entity with special-
25 ized expertise in wildland fire research.

1 (D) Supporting end-to-end applications that as-
2 sist wildland fire management agencies in adopting
3 technologies and incorporating research findings pro-
4 duced by the regional centers.

5 At the end of subtitle B of title I, add the following:

6 **SEC. 120A. COST-SHARE WAIVER FOR REMEDIATION OF**
7 **WILDLAND FIRES.**

8 (a) IN GENERAL.—Notwithstanding any other provi-
9 sion of law, the Secretary may waive any cost-share re-
10 quirement for awards to Indian Tribes, States, units of
11 local government, and individuals under Federal programs
12 authorized for wildland fire recovery for the implementa-
13 tion of projects, as determined by the Secretary, in re-
14 sponse to a wildland fire described in subsection (b) in
15 an area affected by the wildland fire.

16 (b) WILDLAND FIRE DESCRIBED.—A wildland fire
17 referred to in subsection (a) is a wildland fire, including
18 any direct or indirect damage resulting in watershed im-
19 pairment, that the Secretary determines to be a result of
20 management activities conducted by the Secretary on Na-
21 tional Forest System land.

1 **SEC. 120B. CONTRACTS, GRANTS, AND AGREEMENTS TO**
2 **CARRY OUT CERTAIN ECOSYSTEM RESTORA-**
3 **TION ACTIVITIES.**

4 Section 40804 of the Infrastructure Investment and
5 Jobs Act (16 U.S.C. 6592a) is amended by adding at the
6 end the following:

7 “(g) CONTRACTS, GRANTS, AND AGREEMENTS.—To
8 carry out the ecosystem restoration activities described in
9 subsection (b), the Secretary of Agriculture, acting
10 through the Chief of the Forest Service, may enter into
11 contracts, grants, or agreements, as appropriate, with
12 State agencies, Indian Tribes, institutions of higher edu-
13 cation (as defined in section 101(a) of the Higher Edu-
14 cation Act of 1965 (20 U.S.C. 1001(a))), and multistate
15 coalitions—

16 “(1) for the collection and maintenance of na-
17 tive plant materials, including material from man-
18 aged seed orchards; and

19 “(2) for the production of native plant mate-
20 rials for revegetation.”.

21 **SEC. 120C. REFORESTATION OF LAND DESTROYED BY HER-**
22 **MIT’S PEAK/CALF CANYON FIRE.**

23 Section 104(d)(4) of the Hermit’s Peak/Calf Canyon
24 Fire Assistance Act (division G of Public Law 117–180;
25 136 Stat. 2172) is amended by adding at the end the fol-
26 lowing:

1 “(D) REFORESTATION.—

2 “(i) IN GENERAL.—Notwithstanding
3 paragraph (1)(B), subject to clause (ii), a
4 claim that is paid for injury under this Act
5 may include damages resulting from the
6 Hermit’s Peak/Calf Canyon Fire for other-
7 wise uncompensated resource losses for
8 costs of reasonable efforts, as determined
9 by the Administrator, incurred by the
10 State of New Mexico not later than De-
11 cember 31, 2030, to design and construct
12 a center for the purpose of researching, de-
13 veloping, and generating native seedlings.

14 “(ii) LIMITATION.—The payment of a
15 claim under this Act may not include
16 amounts to design or construct a center
17 described in clause (i) until after all claims
18 by an injured person that are pending on
19 the date of enactment of this subparagraph
20 are paid or otherwise resolved.”.

21 **SEC. 120D. ESTABLISHMENT OF REGIONAL WILDLAND FIRE**
22 **RESEARCH CENTERS.**

23 (a) DEFINITIONS.—In this section:

1 (1) APPROPRIATE COMMITTEES OF CON-
2 GRESS.—The term “appropriate committees of Con-
3 gress” means—

4 (A) the Committee on Energy and Natural
5 Resources, the Committee on Agriculture, Nu-
6 trition, and Forestry, and the Committee on
7 Appropriations of the Senate;

8 (B) the Committee on Natural Resources,
9 the Committee on Agriculture, and the Com-
10 mittee on Appropriations of the House of Rep-
11 resentatives; and

12 (C) any other committee of Congress with
13 the authority to facilitate the development of
14 wildland fire research.

15 (2) CAREER PATHWAY.—The term “career
16 pathway” has the meaning given that term in sec-
17 tion 3 of the Workforce Innovation and Opportunity
18 Act (29 U.S.C. 3102).

19 (3) FEDERAL SCIENCE AGENCY.—The term
20 “Federal science agency” has the meaning given
21 that term in section 103(f) of the America COM-
22 PETES Reauthorization Act of 2010 (42 U.S.C.
23 6623(f)).

24 (4) INSTITUTION OF HIGHER EDUCATION.—The
25 term “institution of higher education” has the

1 meaning given that term in section 101(a) of the
2 Higher Education Act of 1965 (20 U.S.C. 1001(a)).

3 (5) LAND-GRANT COLLEGES AND UNIVER-
4 SITIES.—The term “land-grant colleges and univer-
5 sities” has the meaning given that term in section
6 1404 of the National Agricultural Research, Exten-
7 sion, and Teaching Policy Act of 1977 (7 U.S.C.
8 3103).

9 (6) MINORITY-SERVING INSTITUTION.—The
10 term “minority-serving institution” means an insti-
11 tution defined in any of paragraphs (1) through (7)
12 of section 371(a) of the Higher Education Act of
13 1965 (20 U.S.C. 1067q(a)).

14 (7) REGIONAL CENTER.—The term “regional
15 center” means a regional wildland fire research cen-
16 ter established under subsection (c)(1).

17 (8) TRIBAL ORGANIZATION.—The term “Tribal
18 organization” has the meaning given that term in
19 section 4 of the Indian Self-Determination and Edu-
20 cation Assistance Act (25 U.S.C. 5304).

21 (9) WILDLAND FIRE.—The term “wildland
22 fire” means any non-structure fire that occurs in
23 vegetation or natural fuels and includes wildfires
24 originating from an unplanned ignition or prescribed
25 fire.

1 (10) WILDLAND FIRE MANAGEMENT AGEN-
2 CIES.—The term “wildland fire management agen-
3 cies” means—

4 (A) the Forest Service;

5 (B) the Bureau of Land Management;

6 (C) the National Park Service;

7 (D) the United States Fish and Wildlife
8 Service; and

9 (E) the Bureau of Indian Affairs.

10 (11) WILDLAND FIRE RESEARCH.—The term
11 “wildland fire research” means research to better
12 understand—

13 (A) the causes and consequences of
14 wildland fires, including antecedent and con-
15 temporaneous factors that increase the risk of
16 catastrophic events;

17 (B) the spread and behavior of wildland
18 fires, including fires in the wildland-urban
19 interface;

20 (C) the efficacy of mitigation strategies for
21 wildland fires;

22 (D) the impact of wildland fires on public
23 health, safety, and the environment;

24 (E) the rehabilitation and restoration of
25 affected ecosystems after wildland fires; and

1 (F) the development of mitigation strate-
2 gies and techniques to improve the safety of
3 wildland fire managers and firefighters.

4 (b) COMPETITIVE PROCESS.—The Secretaries shall
5 establish a competitive process for the selection and estab-
6 lishment of regional wildland fire research centers in ac-
7 cordance with subsection (c).

8 (c) SELECTION AND ESTABLISHMENT OF REGIONAL
9 CENTERS.—

10 (1) IN GENERAL.—The Secretaries shall select
11 not fewer than 8 institutions of higher education or
12 land-grant colleges and universities at which to es-
13 tablish, in accordance with the timeline described in
14 paragraph (2), regional centers to coordinate the de-
15 velopment of wildland fire research.

16 (2) TIMELINE.—In establishing regional centers
17 under paragraph (1), the Secretaries shall estab-
18 lish—

19 (A) as soon as practicable after the date of
20 enactment of this Act, subject to the availability
21 of appropriations, a pilot program under which
22 not fewer than 2 regional centers shall be estab-
23 lished; and

24 (B) not later than 2 years after the date
25 on which the pilot program is established under

1 subparagraph (A), the remaining regional cen-
2 ters.

3 (3) CRITERIA FOR SELECTION.—

4 (A) IN GENERAL.—In establishing a re-
5 gional center at an institution of higher edu-
6 cation or land-grant college or university under
7 this section, the Secretaries shall prioritize the
8 selection of institutions, colleges, or universities
9 that meet not fewer than one of the following
10 criteria:

11 (i) Have existing programs of record
12 in wildland fire research.

13 (ii) Have existing partnerships with
14 research institutions of the Federal Gov-
15 ernment and other academic institutions
16 and entities relating to wildland fire re-
17 search.

18 (iii) Participate in or lead a program
19 under the Joint Fire Science Program.

20 (iv) Are a minority-serving institution.

21 (B) REGIONS.—The Secretaries shall es-
22 tablish not fewer than 1 regional center in each
23 of the following regions of the United States, as
24 defined by the Secretaries:

25 (i) Alaska.

- 1 (ii) California.
- 2 (iii) The Pacific Northwest.
- 3 (iv) The Pacific Islands.
- 4 (v) The Plains and Northeast.
- 5 (vi) The Rockies.
- 6 (vii) The Southeast.
- 7 (viii) The Southwest.

8 (4) PURPOSE.—Each regional center, with re-
9 spect to the region covered by the regional center,
10 shall—

11 (A) to the extent practical, coordinate re-
12 search with other wildland fire research entities,
13 such as other academic institutions, the Envi-
14 ronmental Protection Agency, the National Oce-
15 anic and Atmospheric Administration, the Na-
16 tional Science Foundation, the National Aero-
17 nautics and Space Administration, the Depart-
18 ment of Energy, the research and development
19 program of the Forest Service, the National
20 Laboratories, the United States Geological Sur-
21 vey, and State and regional research organiza-
22 tions;

23 (B) improve the understanding of wildland
24 fire through wildland fire research that can be
25 applied by wildland fire management agencies;

1 (C) develop technologies and other tools to
2 understand, monitor, and predict wildland fire,
3 including—

4 (i) models to predict fire potential and
5 the spread and behavior of wildland fire
6 and smoke;

7 (ii) models to predict how vegetation
8 will respond to changes in the environment
9 and wildland fire;

10 (iii) the integration of technologies to
11 predict the spread and behavior of wildland
12 fire and smoke in as near-real-time as pos-
13 sible; and

14 (iv) other innovations to be integrated
15 into operational decision support systems
16 relating to wildland fire, such as the
17 Wildland Fire Decision Support System
18 and the Interagency Fuel Treatment Deci-
19 sion Support System;

20 (D) develop technologies and other tools to
21 safely support land management activities to re-
22 duce the severity of wildland fire;

23 (E) leverage predictive capabilities to re-
24 duce the impact of smoke on communities and

1 wildfire incident management teams, including
2 wildland firefighters;

3 (F) improve the understanding of post-fire
4 risk to the landscape, including flash flooding
5 potential and watershed impacts;

6 (G) test and operate models to support
7 land management decision-making, including
8 through—

9 (i) operating models to support man-
10 agement of wildland fire and vegetation;

11 (ii) the demonstration of integration
12 technologies to support management of
13 wildland fire in as near-real-time as pos-
14 sible; and

15 (iii) the incorporation of decision
16 science and social science that examines
17 the perception and adoption of information
18 related to wildland fire risk;

19 (H) develop a career pathway training pro-
20 gram with respect to carrying out wildland fire
21 research;

22 (I) develop data management protocols to
23 allow for full and open exchange of data pursu-
24 ant to the principles of findability, accessibility,
25 interoperability, and reusability (commonly re-

1 ferred to as the “FAIR principles”) and archive
2 and access that data;

3 (J) develop training programs for pre-
4 scribed fire implementation; and

5 (K) make its work and data fully and
6 openly available.

7 (d) ADVISORY BOARDS.—

(1) IN GENERAL.—In accordance with chapter 10 of title 5, United States Code (commonly referred to as the “Federal Advisory Committee Act”), the Secretary shall establish at each regional center an advisory board, to be known as the “Regional Advisory Board”, to carry out the duties described in paragraph (4).

15 (2) COMPOSITION.—

(A) IN GENERAL.—Each Regional Advisory Board shall consist of members, who shall be from, or have responsibility covering, the region covered by the relevant regional center, including at minimum—

(i) one regional representative from
each wildland fire management agency, ap-
pointed by that agency;

(ii) one representative from a State government agency from each State lo-

1 cated in that region with expertise in for-
2 estry and wildland fire mitigation and
3 management, appointed by the Governor of
4 that State;

5 (iii) one representative from an Indian
6 Tribe or Tribal organization from that re-
7 gion with expertise in forestry and wildland
8 fire mitigation and management on Tribal
9 or Federal land, appointed by the Secre-
10 taries; and

11 (iv) additional representatives elected
12 under subparagraph (B)(ii).

13 (B) ELECTED MEMBERSHIP.—

14 (i) SUBCOMMITTEE.—Each Regional
15 Advisory Board shall solicit and approve,
16 on at least an annual basis, nominations
17 for individuals with operational expertise in
18 wildland fire mitigation and management
19 to serve as a representative on a sub-
20 committee to the Regional Advisory Board
21 for the purposes of clause (ii), composed of
22 not more than 15 individuals, including
23 representatives from, as applicable—

1 (I) institutions of higher edu-
2 cation or land-grant colleges and uni-
3 versities;

4 (II) nongovernmental organiza-
5 tions;

6 (III) private industry;

7 (IV) the wildland firefighter com-
8 munity, including organizations that
9 represent the interests of wildland
10 firefighters; and

11 (V) Southwest Ecological Res-
12 toration Institutes established under
13 section 5(a) of the Southwest Forest
14 Health and Wildfire Prevention Act of
15 2004 (16 U.S.C. 6704(a)).

16 (ii) ELECTION.—The subcommittee
17 described in clause (i) for a Regional Advi-
18 sory Board may elect a member or mem-
19 bers of the subcommittee to serve as a
20 member of the Regional Advisory Board
21 under subparagraph (A)(iv) for a 2-year
22 term.

23 (3) COMPENSATION.—Each member of a Re-
24 gional Advisory Board shall serve on a voluntary
25 basis without compensation.

1 (4) DUTIES.—Each Regional Advisory Board
2 shall—

3 (A) ensure and support the coordination of
4 wildland fire research between the relevant re-
5 gional center and Federal and State land man-
6 agement agencies in that region;

7 (B) communicate the operational needs of
8 Federal and State land management agencies
9 and wildland fire management agencies in that
10 region to the relevant regional center and to the
11 Board governing the Wildfire Intelligence Cen-
12 ter appointed under section 102(f);

13 (C) advise, in coordination with the rel-
14 evant regional center, on research goals and ob-
15 jectives; and

16 (D) assist the relevant regional center with
17 the dissemination of research outputs and data
18 to the Board governing the Wildfire Intelligence
19 Center appointed under section 102(f) and Fed-
20 eral and State land management agencies and
21 wildland fire management agencies in that re-
22 gion.

23 (5) MEETINGS.—Each Regional Advisory Board
24 shall meet quarterly.

1 (6) TERM.—Unless specified otherwise, a mem-
2 ber of a Regional Advisory Board shall serve for a
3 term of 4 years.

4 (7) VACANCIES.—

5 (A) IN GENERAL.—A vacancy on a Re-
6 gional Advisory Board—

7 (i) shall not affect the powers of the
8 Regional Advisory Board; and

9 (ii) shall be filled in the same manner
10 as the original appointment was made by
11 not later than 180 days after the date on
12 which the vacancy occurs.

13 (B) FILLING UNEXPIRED TERM.—An indi-
14 vidual chosen to fill a vacancy shall be ap-
15 pointed for the unexpired term of the member
16 replaced.

17 (e) REPORT ON WILDLAND FIRE RESEARCH.—Not
18 later than each of 2 years and 4 years after the date of
19 enactment of this Act, the Secretaries, in consultation with
20 the Board governing the Wildfire Intelligence Center ap-
21 pointed under section 102(f), shall submit to the appro-
22 priate committees of Congress a report describing—

23 (1) the progress each regional center has made
24 in the development of wildland fire research; and

1 (2) recommendations to improve wildland fire
2 research.

3 (f) CONSULTATION.—In carrying out the require-
4 ments of this section, the Secretaries shall consult with—

5 (1) Federal science agencies; and

6 (2) the Office of Science and Technology Policy.

7 **SEC. 120E. CONTRACT PREFERENCE FOR LOCAL CONTRAC-**
8 **TORS FOR CERTAIN HAZARDOUS FUEL RE-**
9 **DUCTION PROJECTS.**

10 (a) IN GENERAL.—Title I of the Healthy Forests
11 Restoration Act of 2003 is amended—

12 (1) by redesignating sections 107 and 108 (16
13 U.S.C. 6517, 6518) as sections 108 and 109, respec-
14 tively; and

15 (2) by inserting after section 106 (16 U.S.C.
16 6516) the following:

17 **“SEC. 107. CONTRACT PREFERENCE FOR LOCAL CONTRAC-**
18 **TORS FOR CERTAIN HAZARDOUS FUEL RE-**
19 **DUCTION PROJECTS.**

20 “(a) DEFINITIONS.—In this section:

21 “(1) APPROPRIATE LOCAL CONTRACTOR.—The
22 term ‘appropriate local contractor’ means an entity
23 that carries out, pursuant to a contract or agree-
24 ment, 1 or more authorized projects located—

25 “(A) in a State in which—

1 “(i) the entity has its principal place
2 of business, as certified by the entity or an
3 individual representing the entity; and

4 “(ii) not fewer than 26 percent of the
5 total workforce assigned to the applicable
6 contract or agreement (including sub-
7 contractors at any tier) will reside, as cer-
8 tified by the entity or an individual rep-
9 resenting the entity; or

10 “(B) within a 60-mile radius of the State
11 in which the entity is registered as a business
12 or has its principal place of business, as cer-
13 tified by the entity or an individual representing
14 the entity.

15 “(2) AUTHORIZED PROJECT.—The term ‘au-
16 thorized project’ includes any activity carried out
17 pursuant to—

18 “(A) an authorized hazardous fuel reduc-
19 tion project; or

20 “(B) a fireshed management project (as
21 defined in section 2 of the Fix Our Forests
22 Act).

23 “(3) SECRETARY.—The term ‘Secretary’ means
24 the Secretary of Agriculture, acting through the
25 Chief of the Forest Service.

1 “(b) CONTRACT PREFERENCE.—Effective beginning
2 on the date of enactment of the Fix Our Forests Act, the
3 Secretary shall give preference in awarding a contract to
4 carry out an authorized project in a State to an appro-
5 priate local contractor, to the maximum extent practicable.

6 “(c) REPORT.—Not later than 2 years after the date
7 of enactment of the Fix Our Forests Act, and not less
8 frequently than annually thereafter, the Secretary shall
9 submit to Congress a report that includes—

10 “(1) a quantitative analysis of the number and
11 percentage of contracts awarded to appropriate local
12 contractors, the total dollar value of those contracts,
13 and an assessment of the economic impact of the
14 contract preference under subsection (b) on local
15 employment and contractor capacity;

16 “(2) a description of the reasons for awarding
17 a contract to carry out an authorized project in a
18 State to an individual or entity that is not an appro-
19 priate local contractor; and

20 “(3) a description of the implementation by the
21 Secretary of this section.

22 “(d) MONITORING AND EVALUATION.—

23 “(1) IN GENERAL.—The Secretary shall estab-
24 lish a monitoring and evaluation process—

1 “(A) to assess compliance with the require-
2 ments of this section, including the contract
3 preference under subsection (b); and

4 “(B) to support the reports required under
5 subsection (c).

6 “(2) PARTICIPANTS.—The process described in
7 paragraph (1) may include participation by—

8 “(A) any cooperating governmental agen-
9 cies, including Tribal governments; and

10 “(B) any other interested groups or indi-
11 viduals.”.

(b) CLERICAL AMENDMENT.—The table of contents contained in section 1(b) of the Healthy Forests Restoration Act of 2003 (Public Law 108–148; 117 Stat. 1887) is amended by striking the items relating to sections 107 and 108 and inserting the following:

“Sec. 107. Contract preference for local contractors for certain hazardous fuel reduction projects.

"Sec. 108. Effect of title.

"Sec. 109. Authorization of appropriations."

17 In section 303(a)(1), redesignate subparagraphs (H)
18 and (I) as subparagraphs (I) and (J), respectively.

19 In section 303(a)(1), insert after subparagraph (G)
20 the following:

21 (H) the General Services Administration;

1 In section 303(c)(5), strike the period at the end and
2 insert “, multiagency contracting for procurement, and
3 authorization of covered agency staff with technological
4 procurement expertise to assist other covered agencies in
5 need of that expertise.”.

6 In section 303(g), add at the end the following:

7 (6) Barriers and solutions for procurement of
8 technologies by covered agencies.