

117TH CONGRESS
1ST SESSION

S. 1248

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

IN THE SENATE OF THE UNITED STATES

APRIL 20, 2021

Mr. BENNET (for himself and Mr. WYDEN) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

A BILL

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

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Outdoor Restoration
5 Partnership Act of 2021”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

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

1 (2) COVERED AUTHORITY.—The term “covered
2 authority” means—

3 (A) the good neighbor authority estab-
4 lished by section 8206 of the Agricultural Act
5 of 2014 (16 U.S.C. 2113a);

6 (B) the Water Source Protection Program
7 under section 303 of the Healthy Forests Res-
8 toration Act of 2003 (16 U.S.C. 6542);

9 (C) the Watershed Condition Framework
10 established under section 304 of the Healthy
11 Forests Restoration Act of 2003 (16 U.S.C.
12 6543);

13 (D) the stewardship end result contracting
14 program under section 604 of the Healthy For-
15 ests Restoration Act of 2003 (16 U.S.C.
16 6591c);

17 (E) the Cooperative Forestry Assistance
18 Act of 1978 (16 U.S.C. 2101 et seq.);

19 (F) the Joint Chiefs’ Landscape Restora-
20 tion Partnership program;

21 (G) the Watershed Protection and Flood
22 Prevention Act (16 U.S.C. 1001 et seq.);

23 (H) the Collaborative Forest Landscape
24 Restoration Program established under section
25 4003 of Public Law 111–11 (16 U.S.C. 7303);

1 (I) the legacy roads and trails program of
2 the Department of Agriculture;

3 (J) the working lands for wildlife program
4 of the Department of Agriculture; and

5 (K) a conservation program under title XII
6 of the Food Security Act of 1985 (16 U.S.C.
7 3801 et seq.), including the Regional Conserva-
8 tion Partnership program under subtitle I of
9 that title (16 U.S.C. 3871 et seq.).

10 (3) ECOLOGICAL INTEGRITY.—The term “eco-
11 logical integrity” has the meaning given the term in
12 section 219.19 of title 36, Code of Federal Regula-
13 tions (as in effect on the date of enactment of this
14 Act).

15 (4) ELIGIBLE ENTITY.—The term “eligible enti-
16 ty” means—

17 (A) a State agency;

18 (B) a unit of local government;

19 (C) a Tribal government;

20 (D) a regional organization;

21 (E) a special district; or

22 (F) a nonprofit organization.

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

1 (6) GRANT PROGRAM.—The term “grant pro-
 2 gram” means the restoration and resilience grant
 3 program established by section 5(b).

4 (7) RESTORATION.—The term “restoration”
 5 has the meaning given the term in section 219.19 of
 6 title 36, Code of Federal Regulations (as in effect on
 7 the date of enactment of this Act).

8 (8) RESTORATION AND RESILIENCE
 9 PROJECT.—The term “restoration and resilience
 10 project” means a project designed in accordance
 11 with the best available science to conduct restoration
 12 that improves—

- 13 (A) forest conditions;
- 14 (B) rangeland health;
- 15 (C) watershed function; or
- 16 (D) wildlife habitat.

17 (9) SECRETARY.—The term “Secretary” means
 18 the Secretary of Agriculture.

19 (10) WILDLAND-URBAN INTERFACE.—The term
 20 “wildland-urban interface” has the meaning given
 21 the term in section 101 of the Healthy Forests Res-
 22 toration Act of 2003 (16 U.S.C. 6511).

23 **SEC. 3. OUTDOOR RESTORATION FUND.**

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

1 (b) USE.—Amounts in the Fund shall be used by the
2 Secretary—

3 (1) in coordination with the Council, to carry
4 out the grant program; and

5 (2) to carry out the Restoration and Resilience
6 Partnership Program under section 6.

7 (c) SAVINGS PROVISIONS.—

8 (1) COMPLEMENTARY PROGRAMS.—Activities
9 carried out under this Act shall complement, not du-
10 plicate or replace, existing Federal conservation, res-
11 toration, and resilience programs.

12 (2) APPLICABLE LAW.—A restoration and resil-
13 ience project on Federal land or non-Federal land
14 developed or implemented using amounts provided
15 under this Act shall be carried out in accordance
16 with applicable law and available authorities.

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

21 (e) OVERSIGHT.—Not later than 180 days after the
22 date of enactment of this Act, and annually thereafter,
23 the Inspector General of the Department of Agriculture
24 shall prepare and submit to the Committees on Agri-
25 culture, Nutrition, and Forestry and Appropriations of the

1 Senate and the Committees on Agriculture, Natural Re-
 2 sources, and Appropriations of the House of Representa-
 3 tives a report describing the use, and any abuse or misuse,
 4 as applicable, of the Fund by the Secretary with respect
 5 to—

- 6 (1) the grant program; and
- 7 (2) the Restoration and Resilience Partnership
- 8 Program established by section 6.

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

10 (a) ESTABLISHMENT.—There is established a Res-
 11 toration Fund Advisory Council to provide advice to the
 12 Secretary with respect to the disbursement of amounts
 13 from the Fund for the grant program.

14 (b) MEMBERSHIP.—The Council shall be composed
 15 of—

- 16 (1) the Secretary;
- 17 (2) 12 members, to be appointed by the Sec-
 18 retary, of whom—

19 (A) 3 shall be representatives from re-
 20 source-dependent industries, including the agri-
 21 culture, oil and gas, outdoor recreation, or for-
 22 est products industries;

23 (B) 3 shall be national experts in the fields
 24 of natural resource restoration, economic devel-
 25 opment, and community and climate resilience;

1 (C) 3 shall be representatives of conserva-
2 tion, wildlife, or watershed organizations;

3 (D) 1 shall be a representative of State
4 government;

5 (E) 1 shall be a representative of a unit of
6 local government; and

7 (F) 1 shall be a representative of a Tribal
8 government; and

9 (3) as determined to be necessary by the Sec-
10 retary, not more than 3 representatives from other
11 Federal agencies.

12 (c) REPORT.—Not later than 1 year after the date
13 of enactment of this Act, and annually thereafter, the Sec-
14 retary, in consultation with the Council, shall submit to
15 Congress a report describing—

16 (1) the status of any restoration and resilience
17 projects that received amounts from the Fund, in-
18 cluding—

19 (A) environmental benefits;

20 (B) restoration achievements;

21 (C) attainment of restoration and habitat
22 improvement objectives;

23 (D) jobs created and retained;

24 (E) the growth in outdoor industries; and

1 (F) progress towards State-, Tribal-, and
 2 community-level resilience goals; and
 3 (2) recommendations to improve coordination,
 4 align Federal resources or existing authorities, and
 5 expand workforce capacity in outdoor industries
 6 through legislative and administrative changes.

7 **SEC. 5. RESTORATION AND RESILIENCE GRANT PROGRAM.**

8 (a) PURPOSES.—The purposes of this section are—

9 (1) to increase the capacity for planning, co-
 10 ordinating, and monitoring restoration and resilience
 11 projects on Federal land and non-Federal land; and

12 (2) to support, on non-Federal land, State,
 13 local, and Tribal—

14 (A) restoration and resilience projects;

15 (B) projects to reduce the risk of, or miti-
 16 gate damage from, wildfires; and

17 (C) projects to expand equitable outdoor
 18 access.

19 (b) ESTABLISHMENT.—There is established a res-
 20 toration and resilience grant program, to be administered
 21 by the Secretary, with the advice of the Council, to provide
 22 grants from the Fund to eligible entities for the purposes
 23 described in subsection (a).

24 (c) REGIONAL COORDINATION.—The Secretary and
 25 the Council shall, to the maximum extent practicable, seek

1 input from, coordinate with, and support existing State
 2 or regional efforts, initiatives, and partnerships to restore
 3 ecological integrity on Federal land and non-Federal land.

4 (d) USE OF FUNDS.—

5 (1) IN GENERAL.—The Secretary shall use
 6 amounts in the Fund to provide capacity grants
 7 under paragraph (2) and implementation grants
 8 under paragraph (3).

9 (2) CAPACITY GRANTS.—

10 (A) IN GENERAL.—Capacity grants shall
 11 be made available to eligible entities for the
 12 purpose described in subsection (a)(1).

13 (B) APPLICATION.—

14 (i) IN GENERAL.—A grant under this
 15 paragraph may only be made to an eligible
 16 entity that submits to the Secretary an ap-
 17 plication at such time, in such manner,
 18 and containing or accompanied by such ad-
 19 ditional information as the Secretary, in
 20 consultation with the Council, may require,
 21 including the information required under
 22 clause (ii).

23 (ii) CONTENTS.—An application sub-
 24 mitted under clause (i) shall contain—

1 (I) a clear and concise expression
2 of interest;

3 (II) an explanation for how funds
4 would complement existing Federal
5 funds; and

6 (III) an estimate of the number
7 and duration of jobs that would be
8 created, or sustained, with the funds.

9 (3) IMPLEMENTATION GRANTS.—

10 (A) IN GENERAL.—Implementation grants
11 shall be made available to eligible entities for
12 the purpose described in subsection (a)(2).

13 (B) APPLICATION.—A grant under this
14 paragraph may be made only to an eligible enti-
15 ty that submits to the Secretary an application
16 at such time, in such manner, and containing
17 or accompanied by such information as the Sec-
18 retary, in consultation with the Council, may
19 require.

20 (e) PRIORITY.—In carrying out the grant program,
21 the Secretary, in consultation with the Council, shall give
22 priority to projects that—

23 (1) create or sustain jobs, employ local or re-
24 gional labor, or expand the outdoor workforce
25 through training and education programs;

1 (2) are developed through a collaborative proc-
2 ess with multiple stakeholders representing diverse
3 interests;

4 (3) would address shared priorities for Federal
5 and non-Federal partners;

6 (4) advance State, local, and Tribal plans relat-
7 ing to forests, water, or wildlife; or

8 (5) improve long-term economic security or via-
9 bility in the geographic region, particularly in geo-
10 graphic regions transitioning from fossil-fuel extrac-
11 tion.

12 (f) AUTHORITIES.—Eligible entities may use existing
13 authorities when carrying out a restoration and resilience
14 project, including a covered authority.

15 **SEC. 6. RESTORATION AND RESILIENCE PARTNERSHIP**
16 **PROGRAM.**

17 (a) PURPOSES.—The purposes of this section are—

18 (1) to restore and improve the ecological integ-
19 rity of forest, grassland, and rangeland ecosystems
20 across the United States in partnership with State,
21 local, and Tribal governments;

22 (2) to create or sustain outdoor jobs by reduc-
23 ing the backlog of restoration and resilience projects
24 on Federal land and non-Federal land;

1 (3) to improve the resilience and carrying ca-
2 pacity of rangelands in the United States by pre-
3 venting or mitigating invasive species, such as cheat-
4 grass, that contribute to rangeland fire; and

5 (4) to reduce uncharacteristic wildfires in the
6 highest risk areas of the United States by carrying
7 out, in accordance with applicable law, restoration
8 and resilience projects.

9 (b) ESTABLISHMENT.—There is established a Res-
10 toration and Resilience Partnership Program, under which
11 the Secretary shall carry out restoration and resilience
12 projects in partnership areas designated under subsection
13 (c)(1).

14 (c) DESIGNATION OF PARTNERSHIP AREAS.—

15 (1) IN GENERAL.—Not later than 60 days after
16 the date of enactment of this Act, the Secretary
17 shall designate, for the purposes of carrying out res-
18 toration and resilience projects under subsection (e),
19 any areas of Federal land and non-Federal land that
20 the Secretary determines to be appropriate.

21 (2) SUBMISSION OF PARTNERSHIP AREAS BY
22 STATES AND TRIBES.—

23 (A) IN GENERAL.—The Governor of a
24 State or an authorized representative of an In-
25 dian Tribe may submit to the Secretary, in

1 writing, a request to designate certain Federal
 2 land or non-Federal land in the State or Indian
 3 Country, respectively, for restoration and resil-
 4 ience projects under subsection (e).

5 (B) INCLUSIONS.—A written request sub-
 6 mitted under subparagraph (A) may include 1
 7 or more maps or recommendations.

8 (d) REQUIREMENTS.—To be eligible for designation
 9 under subsection (c), an area shall—

10 (1) have a high or very high wildfire potential
 11 as determined by—

12 (A) the map of the Forest Service entitled
 13 “Wildfire Hazard Potential Version 2020”; or

14 (B) any other mapping resource or data
 15 source approved by the Secretary that depicts
 16 the risk of wildfires;

17 (2) have high-priority wildlife habitat urgently
 18 in need of restoration, as determined by the Sec-
 19 retary, in consultation with eligible entities and the
 20 applicable Governor or representative of an Indian
 21 Tribe; or

22 (3) in the case of Federal land, be in the
 23 wildland-urban interface.

24 (e) RESTORATION AND RESILIENCE PROJECTS.—

1 (1) IN GENERAL.—Subject to paragraphs (2)
2 and (3), the Secretary shall carry out restoration
3 and resilience projects on land designated under sub-
4 section (c).

5 (2) PRIORITY.—The Secretary shall give pri-
6 ority to restoration and resilience projects that—

7 (A) focus on the reintroduction of char-
8 acteristic, low-intensity fire in frequent fire re-
9 gime ecosystems;

10 (B) would reduce hazardous fuels by focus-
11 ing on small-diameter trees, thinning, and stra-
12 tegic fuel breaks;

13 (C) maximize the retention of old and
14 large trees, as appropriate for the forest type;

15 (D) improve habitat conditions for at-risk
16 wildlife; and

17 (E) improve community resilience in the
18 wildland-urban interface.

19 (3) COORDINATION.—The Secretary shall carry
20 out restoration and resilience projects under this
21 subsection—

22 (A) on Federal land, in coordination with
23 the Secretary of the Interior, as applicable; and

1 (B) on non-Federal land, in coordination
2 with eligible entities and other relevant stake-
3 holders, as determined by the Secretary.

4 (4) REQUIREMENTS.—

5 (A) IN GENERAL.—A restoration and resil-
6 ience project shall be carried out in accordance
7 with—

8 (i) the management objectives of an
9 applicable land or resource management
10 plan; and

11 (ii) applicable law.

12 (B) INCLUSIONS.—The Secretary may use
13 existing authorities when carrying out a res-
14 toration and resilience project on land des-
15 ignated under subsection (c), including any cov-
16 ered authority.

17 (C) EXCLUSIONS.—A restoration and resil-
18 ience project may not be carried out—

19 (i) in a wilderness area or designated
20 wilderness study area;

21 (ii) to construct a permanent road or
22 trail;

23 (iii) on any Federal land on which, by
24 an Act of Congress or Presidential procla-

1 mation, the removal of vegetation is re-
 2 stricted or prohibited;

3 (iv) in an inventoried roadless area; or

4 (v) to remove old growth stands (as

5 defined in section 102(e)(1) of the Healthy

6 Forests Restoration Act of 2003 (16

7 U.S.C. 6512(e)(1)).

8 **SEC. 7. FUNDING.**

9 (a) IN GENERAL.—There is appropriated, out of any
 10 money in the Treasury not otherwise appropriated,
 11 \$60,000,000,000 for the Fund, to remain available until
 12 expended, of which—

13 (1) \$20,000,000,000 shall be for the grant pro-
 14 gram; and

15 (2) \$40,000,000,000 shall be for the Restora-
 16 tion and Resilience Partnership Program under sec-
 17 tion 6, of which not less than \$20,000,000,000 shall
 18 be for the conduct of restoration and resilience
 19 projects on Federal land under that section.

20 (b) WORKFORCE NEEDS AND EXPENSES.—Funds
 21 made available under subsection (a)(2) shall be available
 22 for staffing, salary, and other workforce needs and ex-
 23 penses relating to the administration of the Restoration
 24 and Resilience Partnership Program under section 6.

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