

SECTION BY SECTION

WILDFIRE RESPONSE AND
DROUGHT RESILIENCY ACT



DIVISION A – WILDFIRE

TITLE I – FEDERAL LANDS WORKFORCE

Subtitle A – Federal Wildland Firefighters

This subtitle would provide new pay and hiring authorities for Federal wildland firefighters to help improve the recruitment and retention of these individuals and provide pay more comparable to non-Federal wildland firefighters.

Section 101. Tim Hart Wildland Firefighter Pay Parity.

The Infrastructure Investment and Jobs Act (P.L. 117-58) required the creation of a new “wildland firefighter job series” in recognition of the changing conditions, unique qualifications, and inherent risks associated with modern wildland fire management and suppression. It also provided pay incentives to help address federal wildland firefighter recruitment and retention issues. These incentives were retroactive to October 1, 2021 and are expected to last through September 2023 (FY22 & FY 23). Based on H.R. 5631, the Tim Hart Wildland Fire Classification and Pay Parity Act (Neguse, CO-02).

Within 1 year, would establish a minimum pay rate for wildland firefighters equivalent to the General Schedule level 6 (GS-6), step 3, plus the locality pay rate for the Rest of the United States. The new minimum pay for Federal wildland firefighters would be approximately \$20 per hour, or \$43,000 per year for full-time firefighters, permanently providing Federal wildland firefighter with a highly competitive base wage indexed to inflation. Certain wildland firefighters would also be eligible for hazardous duty pay of up to 25% of base pay. It also provides for up to 7 consecutive days of special mental health leave for wildland firefighters (in addition to any other leave).

The Secretaries of Agriculture and Interior would conduct a study within one year on whether pay, benefits, and bonuses provided to a Federal wildland firefighter under the Wildland Firefighter Series are comparable with those provided for non-Federal firefighters in the State or locality where the Federal wildland firefighter is based.

Requires that the pay of Federal structural firefighters be comparable to wildland firefighters. The Office of Personnel Management (OPM) would submit a report to Congress comparing rates of pay between Federal structural and wildland firefighters one year after minimum rates of pay take effect.

Defines Federal wildland firefighter as any individual occupying a position within the Wildland Fire Management Series, 0456 established by the OPM on June 21, 2022, pursuant to section 40803(d) of the Infrastructure Investment and Jobs Act (Public Law 117-58), or any subsequent series.

Section 102. Waiver of Premium Pay Limitations for Certain Employees Engaged in Emergency Wildland Fire Suppression Activities.

Provides an annual pay cap waiver for employees of the Department of the Agriculture, Department of Interior, and Department of Commerce when providing services primarily relating to emergency wildfire suppression activities. A similar provision has been included in recent annual appropriations bills. This section is based on H.R. 4274, the Wildland Firefighter Fair Pay Act (Lofgren, CA-19).

Covers employees at U.S. Department of Agriculture, Department of Interior, and Department of Commerce whose jobs relate to emergency wildland fire suppression activities. These employees are

largely senior officials critical to complex wildfire incidents, including highly specialized and trained Incident Management Teams.

Waives statutory annual pay caps that limit the amount of premium pay an employee can be paid in overtime compensation for wildfire suppression activities. Would set a limit prohibiting an employee from being paid in excess of the rate of basic pay for a position at level II of the Executive Schedule during a calendar year. Prohibits additional premium pay from being factored into retirement annuity calculations. Expands application of this section to Department of Agriculture employees outside of the U.S. Forest Service who contribute to fire suppression activities.

Section 103. Direct Hire Authority.

Provides direct hiring authority for U.S. Forest Service to help recruit Job Corps graduates. Job Corps is the largest nationwide residential career training program in the country which helps eligible young people ages 16 through 24 complete their high school education, trains them for meaningful careers, and assists them with obtaining employment. The U.S. Forest Service operates 24 Civilian Conservation Centers. These centers have a unique mission. They combine the traditional Job Corps program with an opportunity to serve rural America and gain the skills required to conserve the nation's natural resources. This section is based on H.R. 8086, the Conservation Jobs Act of 2022 (O'Halleran, AZ-01).

Grants direct hiring authority to the Secretary of Agriculture to appoint qualified Job Corps graduates to U.S. Forest Service positions. The direct hiring authority can be used for a gradually increasing number of positions, specifically 10 during fiscal year 2023, 20 during fiscal year 2024, 30 during fiscal year 2025, and 50 during fiscal year 2026 and subsequent years.

Covered Job Corps graduates are those who have successfully completed a training program through the Civilian Conservation Center.

Subtitle B – Authorization of Appropriations for Fire and Non-Fire Salaries and Expenses.

This subtitle authorizes a 40% increase to wildfire preparedness (Wildland Fire Management) and non-fire (National Forest System) salaries and expense accounts of the U.S. Forest Service. In 2018, the 'fire funding fix' provided an Emergency Suppression Operations Reserve Fund to cover the growing cost of wildfire suppression. However, wildland firefighter recruitment and retention has continued to be a challenge due to low base pay requiring excessive overtime to make a living wage in any given year. At the same time, USFS has struggled to make up for lost capacity to core National Forest System staffing and programs. These authorization levels establish the commitment necessary to maintain an effective, permanent, and full-time wildfire workforce, while also reinvesting in public safety, recreation, and other land management personnel critical to the Forest Service performing its mission.

Subtitle C – Other Personnel

Sec. 121. National Environmental Policy Act Strike Teams.

Requires the Secretary of Agriculture to establish and maintain at least one interdisciplinary NEPA strike team per region to assist with the effective and efficient completion of NEPA compliance. Teams will be assigned to assist with priority projects to address areas with high or very-high risk of wildfire or to reduce community exposure to wildfire.

Sec. 122. Community Mitigation Assistance Teams.

Requires the Secretary of Agriculture to establish and maintain at least one Community Mitigation Assistance Team (CMAT) per region to assist with pre-fire and post-fire mitigation assessments and planning. CMATs are commonly deployed post-fire, as that is when communities are often most responsive to these recommendations, however adding pre-fire capacity will help more communities understand and mitigate wildfire risk before disaster strikes.

Sec. 123. Filling Forest Service Recreation Management Staff Vacancies.

Directs the Forest Service to fill recreation management and planning vacancies to help address growing demand for recreational opportunities on National Forest System land. As the vast majority of wildfire are human-caused, generally correlated to areas of higher visitor-use and the wildland urban interface, these positions will help manage for recreation in consideration of fire risk. Opportunities to receive training as forest protection offices will further enable these positions to communicate emergency closures, fire restrictions, and other information to the public about how to responsibly recreate without undue wildfire risk. This section is based on H.R. 5341, Save Our Forests Act (Panetta, CA-20).

Sec. 124. Filling Vacancies and Increasing Number of Positions Available in the Forest Service to Address Public Safety and Protection Concerns.

Directs the Forest Service to assess staffing levels and fill vacancies and to address public safety and resources protections needs on National Forest System land. Priority would be given to filling vacancies in areas with high or very high levels of wildfire risk or with substantial public use. This section is based on H.R. 8162, Forest Service Law Enforcement Enhancement Act of 2022 (O'Halleran, AZ-01).

TITLE II – WILDFIRE, ECOSYSTEM PROTECTION, COMMUNITY PREPAREDNESS, AND RECOVERY

Subtitle A—10-Year National Wildfire Plan

Sec. 201. Definitions.

Sec. 202. Implementation of 10-year National Wildfire Plan.

Requires the Secretary of Agriculture, in coordination with the Secretary of the Interior and States, to implement a 10-year National Wildfire Plan, including the strategies, tactics, and areas identified under existing guidance documents such as the National Cohesive Wildland Fire Management Strategy and the more recently announced Wildfire Crisis Strategy.

Authorizes funding for Forest Service hazardous fuels and prescribed fire activities; vegetation, watershed, wildlife, and fisheries habitat management; and recreation, heritage, and wilderness management programs collectively authorized at \$1.5 billion/year or \$15 billion over the next 10 years. This would be subject to annual appropriations which would complement the more than \$5 billion worth of wildfire and ecosystem investments made through the Bipartisan Infrastructure Law.

Provides for the identification and implementation of up to 20 additional landscape scale projects within the next 5 years under Sec. 203.

Authorizes [initial landscape investments](#) already identified by the Administration as priorities, those landscapes include:

- Four Forest Restoration Initiative (4FRI) in Arizona covering 2,400,000 acres.
- Greater Prescott Area Wildfire Protection and Restoration in Arizona covering 401,000 acres.
- North Yuba in California covering 313,000 acres.
- Stanislaus in California covering 245,000 acres.
- Colorado Front Range in Colorado covering 3,500,000 acres.
- Southwest Idaho in Idaho covering 1,720,000 acres.
- Kootenai Complex in Montana covering 800,000 acres.
- Enchanted Circle in New Mexico covering 1,500,000 acres.
- Central Oregon in Oregon covering 2,600,000 acres.
- Central Washington Initiative in Washington covering 2,450,000.

Sec. 203. Selection and Implementation of landscape-scale forest restoration projects.

Authorizes the Secretary of Agriculture to identify within the next 5-years up to 20 large-scale forest restoration projects that are at least 100,000 acres each. By continuing to prioritize landscape-scale projects, the Secretary can address wildfire risk at the necessary pace and scale. In general, restoration work on just 20-40 percent of a fireshed can significantly reduce the risk of catastrophic wildfires. This section is based on Sec. 103 of H.R. 3534, Wildfire Emergency Act (Panetta, CA-20).

Requires forest restoration projects be designed to reduce wildfire risk and restore fire-adapted conditions, remove invasive and non-native species, and protect habitat for wildlife and native species. The federal cost-share of each project is not to exceed 60 percent, which will require partnerships with state, local, water district and private funding sources. The projects must be consistent with all environmental laws; protect large, older trees; reflect the best science on restoring forests; and take climate change into account when planning actions.

Sec. 204. Youth and conservation corps assistance with projects under the Plan.

Encourages the use of Conservation and Youth Corps programs in fulfilling the goals of the 10-Year National Wildfire Plan. Encourage cooperation with other non-profit wilderness and trail stewardship organization. Provides the Secretaries with the ability to waive matching fund requirements. This section is based on Sec. 3 of H.R. 3670, Simplifying Outdoor Access for Recreation Act (Neguse, CO-02).

Sec. 205. Prescribed fire training exchanges.

Directs the Secretaries of Agriculture and Interior to establish at least one prescribed fire training center in a Western state (West of 100th Meridian) to provide training and enhance inter-disciplinary science related to wildfire resilience and prescribed fire. Requires collaboration with other prescribed fire and wildfire science programs, including Joint Fire Science Program, Fire Science Exchange Networks, and State and Regional Prescribed fire Associations. Based on Sec. 301 of H.R. 3534, Wildfire Emergency Act (Panetta, CA-20) and H.R. 3442, National Prescribed Fire Act of 2021 (Schrier, WA-08).

Sec. 206. Ecosystem restoration grant fund through National Fish and Wildlife Foundation.

This section would bolster efforts to support fire resilient communities and to address wildfire risks on Federal, Tribal, State, and private lands. The Community Resilience and Restoration Fund will authorize \$100 million annually from FY23-FY32 for the National Fish and Wildlife Foundation (NFWF) to invest in restoration and resilience projects that protect communities from the threats of climate change, support

biodiversity, and aid in carbon sequestration. Under the program, NFWF would leverage federal competitive grants dollars with non-federal funds to complete projects and build capacity in underserved and underrepresented communities, including tribal communities. NFWF would be required to provide periodic accounting to Congress on project completion and metrics. The program is modelled on the successful Coastal Resiliency Fund, which NFWF also manages. This provision is similar to how the Department of the Interior is allocating a portion of ecosystem restoration grants funded through the Bipartisan Infrastructure Law.

Sec. 207. National community capacity and land stewardship grant program.

Provides locally based community capacity grants, not to exceed \$50,000 per year, to disadvantaged communities for activities such as planning, collaboration, building community support, implementation of projects on non-federal lands, monitoring, and adaptive management. Unlike large cross-boundary collaborative programs, this provides targeted local capacity for individual communities to contribute to efforts to reduce wildfire risk in partnership with Federal and other non-federal stakeholders. Based on Sec. 303 of H.R. 3534, Wildfire Emergency Act (Panetta, CA-20).

Sec. 208. Protection of inventoried roadless areas.

Reaffirms well-established protections for roadless areas of the National Forest System based on the Roadless Area Conservation Rule. Authorizes state-based rules for Colorado and Idaho. The Roadless Rule help conserve undeveloped portions of the National Forest System and provides for commonsense exemptions for fire, community protection, and critical infrastructure projects. This section is based on H.R. 279, Roadless Area Conservation Act (Gallego, AZ-07).

Sec. 209. Strategic wildland fire management planning for prescribed fires.

Requires a spatial wildland fire management plan for any prescribed fire conducted after September 30, 2024. Allows for the use of existing land management planning documents and information from the Wildland Fire Decision Support System and Interagency Fuels Treatment Decision Support System. Requires consideration of risks to firefighter, communities, and natural resources, as well as a plan for emergency wildfire suppression. Based on Sec. 103 of H.R. 6336, Western Wildfire Support Act (Neguse, CO-2).

Sec. 210. Long-Term Burned Area Recovery account.

Establishes a Long-Term Burned Area Recovery Account for the Secretary of Agriculture. Requires an annual request to Congress for necessary amounts. Funding will be prioritized for areas recently impacted by wildfire that are likely to have a downstream effect on water resources and public safety. Based on Sec. 302 of H.R. 6336, Western Wildfire Support Act (Neguse, CO-2).

Sec. 211. Report on 10-year National Wildfire Plan implementation.

Requires annual USDA Office of Inspector General reporting on 10-Year National Wildfire Plan implementation, including any recommendations to improve implementation.

Sec. 212. Performance metrics tracking.

Requires the Secretary of Agriculture to provide to Congress an annual assessment of National Forest System lands, including acres treated to reduce wildfire risk or improve habitat condition, changes in watershed conditions, and carbon emissions or sequestration.

Subtitle B – Tribal Biochar Promotion

Sec. 221. Tribal and Alaska Native Biochar demonstration project.

Amends the Tribal Forest Protection Act of 2004 to direct the Secretaries of the Interior and Agriculture to enter into agreements with tribes or tribal organizations to carry out biochar demonstration projects. Defines “biochar” as carbonized biomass produced by converting feedstock through reductive thermal processing for nonfuel uses. Based on H.R. 4505, Tribal Biochar Promotion Act of 2021 (LaMalfa, CA-01).

TITLE III – OTHER MATTER

Sec. 301. Requirements Relating to Certain Fire Suppression Cost Share Agreements.

Requires the Secretaries of Agriculture, Interior, Homeland Security, and Defense to establish standard operating procedures relating to fire suppression cost share agreement, review existing agreements for compliance with the standard operating procedures, and modify agreements to comply where necessary. Based on H.R. 8035, Fire Department Repayment Act of 2022 (Harder, CA-10).

The standard operating procedures shall include a requirement that fire suppression cost share agreements be aligned with applicable cooperative fire protection cost share agreements. Provides for a second level of review, in consultation with State and local fire organizations, as soon as practicable after a fire relating to the covered area.

Sec. 302. Investment of certain funds into interest bearing obligations.

Directs the Department of the Treasury to credit interest on unspent collections from forfeitures, judgments, and settlements received by the Forest Service. Permanently authorizes the Forest Service to spend credited interest. Based on H.R. 4489, National Forest Restoration and Remediation Act (Schrier, WA-08).

DIVISION B – DROUGHT

TITLE I—DROUGHT RESPONSE AND CLIMATE RESILIENCE

Sec. 101. Advancing large-scale water recycling and reuse projects.

Authorizes an additional \$700 million for the competitive grant program created in the Infrastructure Investment and Jobs Act (IIJA) for large-scale water recycling and reuse projects, which enacted H.R. 4099 (Napolitano—CA). Eliminates the IIJA’s five-year sunset on this program to ensure long-term investment in large-scale water recycling projects that could deliver new water supplies for tens of millions of people across the arid West with sufficient investment. This section is the same as the Facilitating Large-Scale Water Recycling and Reuse Projects Act (S. Lee, NV-03).

Sec. 102. Salton Sea projects improvements.

Broadens federal authorities and authorizes \$250 million to address the environmental impacts of decreased water availability at the Salton Sea, which has contributed to poor air quality for communities

and degraded habitat for wildlife. This section is the same as H.R. 3877, the Salton Sea Projects Improvements Act (Ruiz, CA-36).

Sec. 103. Near-term actions to preserve Colorado River system.

Authorizes \$500 million for the Secretary of the Interior to use available legal authorities to prevent key reservoirs of the Colorado River from declining to critically low water elevations. The Colorado River supplies water to tens of millions of people and is experiencing severe ongoing drought exacerbated by climate change. This section is included in the Colorado River Drought Response Act (Stanton, AZ-09).

Sec. 104. WaterSMART Access for Tribes.

Authorizes the Secretary of the Interior to reduce or waive the non-federal cost share requirement for tribes receiving WaterSMART grants, which help advance projects to improve water supply availability. This authority would allow the Secretary to remove a significant financial barrier to key water management tools for tribes to increase drought and climate change resiliency. This section is the same as H.R. 6238, the WaterSMART Access for Tribes Act (Stansbury, NM-01).

Sec. 105. Reclamation water settlements fund.

Extends the Reclamation Water Settlements Fund (Settlements Fund) to meet the federal government's legal trust obligation to tribal nations. The Settlements Fund provides \$120 million per year to pay for Indian water rights settlements, which fund clean water and wastewater infrastructure across Indian Country. Currently, Native American households are 19 times as likely as white households to lack running water and indoor plumbing due to insufficient or non-existent infrastructure. This section is the same as H.R. 1904 in the 116th Congress, the Indian Water Rights Settlement Extension Act (Grijalva, AZ-03).

Sec. 106. Bureau of Reclamation Tribal clean water assistance.

Authorizes \$1 billion for a new Bureau of Reclamation (Reclamation) competitive grant program for tribal clean water access projects to help fulfill the federal government's trust obligation to support tribal communities. Many tribes go without access to clean water supplies due to limited resources and technical support. This section also authorizes \$90 million for Reclamation's Native Affairs Technical Assistance Program, which provides technical assistance for tribes to develop, manage, and protect their water and related resources, and assist tribes in applying for grants or loans. This section is included in H.R. 7632, the Tribal Access to Clean Water Act (Neguse, CO-02).

Sec. 107. White Mountain Apache Tribe Rural Water System.

Amends the White Mountain Apache Tribe's (WMAT) water rights settlement to increase the authorization to construct the Tribe's rural water system by \$530 million. The WMAT rural water system was authorized by Congress in 2010 as part of WMAT's water rights settlement to provide a long-term water supply solution for the WMAT. The Tribe currently experiences water shortages every summer due to unreliable groundwater supplies. This section provides adequate funding to complete the Tribe's rural water system and extends certain timelines to allow sufficient time for project design. This section is the same as H.R. 5880 (O'Halleran, AZ-01).

Sec. 108. Desalination research authorization.

Reauthorizes the Bureau of Reclamation's Desalination and Water Purification Research program to support research and development of new desalination technologies to improve water supply availability. Also prioritizes funding for research on ways to minimize desalination impacts on aquatic species and coastal resources. This section is the same as H.R. 7612 (Levin, CA-49).

Sec. 109. Water Resources Research Act amendments.

Extends authorization and funding to support federal grants for water research institutes in all 50 states and the District of Columbia, Puerto Rico, Guam, and the U.S. Virgin Islands. Each state and territory currently has a water institute focused on new research and technological development needed to address state and regional challenges related to water supply and water quality. This section is included in H.R. 2781, the Water Resources Research Amendments Act (Harder, CA-10), part of which was enacted in IIJA.

Sec. 110. Saline Lake ecosystems in the Great Basin States Assessment and Monitoring Program.

Directs the U.S. Geological Survey to establish a program to assess, monitor, and conserve saline lake ecosystems in the Great Basin greatly impacted by drought conditions and to inform coordinated management and conservation actions. This section is the same as H.R. 5345, Saline Lake Ecosystems in the Great Basin States Program Act (Moore, UT-01).

Sec. 111. Extension of authorizations related to fish recovery programs.

Reauthorizes two programs working to recover four endangered fish species in the Upper Colorado River Basin through fiscal year 2024 and grants additional time for certain actions that were delayed due to the COVID-19 pandemic, including finalization of cooperative agreements to extend implementation of the recovery programs. This section is the same as H.R. 5001, the Upper Colorado and San Juan River Basins Recovery Act. (Neguse, CO-02).

Sec. 112. Reclamation climate change and water program.

Reauthorizes the Bureau of Reclamation's Basin Study program, which works to assess the impact of climate change on western water resources and develop strategies to address potential water shortages. This section is the same as H.R. 8090 (Porter, CA-45).

Sec. 113. Authorization of appropriations for the Las Vegas Wash program.

Increases authorization of appropriations for the Las Vegas Wash program from \$30 million to \$55 million. The Las Vegas Wash is the primary drainage channel for the Las Vegas Valley watershed, carrying around 200 million gallons of highly treated effluent, urban runoff, stormwater, and shallow groundwater to Lake Mead daily. This section will allow restoration and water quality improvement projects in the Las Vegas Wash to continue. This section is the same as the Las Vegas Wash Program Extension Act (S. Lee, NV-03).

Sec. 114. Terminal lakes assistance.

Provides a two-year extension of an existing Bureau of Reclamation authority to provide financial assistance to provide water and assistance to support terminal lakes, allowing more time to utilize existing funding for programs supporting terminal lakes in western Nevada.

Sec. 115. Expedited measures for drought response.

Requires the Bureau of Reclamation to complete program implementation milestones by August 31, 2022 for the large-scale water recycling and reuse program and the competitive grant program for multi-benefit projects to improve watershed health. Both programs were enacted in the Infrastructure Investment and Jobs Act. This section is included in in the Colorado River Drought Response Act (Stanton, AZ-09).

Sec. 116. Water efficiency, conservation, and sustainability.

Provides \$50 million for a grant and technical assistance program to help public water systems establish and implement water efficiency incentive programs. Also provides \$40 million to assist water systems in detecting and addressing water losses. This section is the same as H.R. 7847 (McNerney, CA-09).

TITLE II— FUTURE WESTERN WATER AND DROUGHT RESILIENCY

Sec. 201—238.

Provides funding for western water projects with the fastest construction timelines to provide near-term drought relief, including \$600 million for Title XVI water recycling and reuse projects; \$260 million for innovative water desalination projects; and \$100 million for drinking water projects in underserved communities. Significant investment and support are also provided for western water and drought resiliency measures and to help reverse widespread fish and wildlife species decline across the West. Restoring healthy fish and wildlife populations will significantly boost the outdoor recreation economy and provide numerous additional benefits for the American people, including domestic seafood supply security and enhanced hunting, fishing and outdoor recreation opportunities across the western states. This title is based on H.R. 3404, the FUTURE Western Water Infrastructure and Drought Resiliency Act (Huffman—CA) and includes provisions from H.R. 4712, the Desalination Development Act (Levin, CA-49) and H.R. 1015, the Water Recycling Investment and Improvement Act (Napolitano, CA-32).

TITLE III— OPEN ACCESS EVAPOTRANSPIRATION DATA

Sec. 301—306.

Establishes an Open Access Evapotranspiration (OpenET) Data Program within the U.S. Geological Survey to support the generation and distribution of satellite-based evapotranspiration data to sustain and enhance water resources in the United States. This title is the same as H.R. 4832, the Open Access Evapotranspiration Data Act (S. Lee, NV-03).

TITLE IV— COLORADO RIVER INDIAN TRIBES WATER RESILIENCY

Sec. 401—416.

Authorizes the Colorado River Indian Tribes (CRIT) to lease a portion of its Colorado River allocation to assist Arizona communities and to help slow unprecedented water level declines behind Hoover Dam, which supplies water to tens of millions of people. This authority will enable the CRIT to enter agreements to lease or conserve water to support tribal economic development and help address water shortages in the Colorado River Basin, which is currently in its 23rd year of an historic drought.

TITLE V— HUALAPAI TRIBE WATER RIGHTS SETTLEMENT

Sec. 501—515.

Authorizes and approves the Hualapai Tribe Water Rights Settlement Agreement to resolve the Hualapai Tribe's water claims to the Colorado River in the State of Arizona. Authorizes \$180 million so that the Tribe can manage the construction of a water supply project to provide reliable water supplies to the Hualapai Reservation. This title is the same as H.R. 7633, the Hualapai Tribe Water Rights Settlement Act (O'Halleran, AZ-01).

TITLE VI—WATER DATA

Sec. 601-606.

Establishes an interagency Water Data Council to support the development and implementation of a National Water Data Framework. Establishes a water data grant program for state, local, and tribal governments, water users, nongovernmental organizations, and private businesses to improve water data sets and data infrastructure. This title is based on H.R. 7792, the Water Data Act (Stansbury, NM-01).

TITLE VII— NOGALES WASTEWATER IMPROVEMENT

Sec. 701—703.

Provides for the International Boundary and Water Commission to assume full ownership and control of the International Outfall Interceptor—an international sewage pipeline that flows from Mexico to Nogales, Arizona—to support water infrastructure upgrades needed to protect water quality, public health, and the environment in Nogales, Arizona. This title is the same as the Nogales Wastewater Improvement Act (Grijalva, AZ-03).

TITLE VIII—RIO GRANDE WATER SECURITY

Sec. 801—821.

Establishes a federal working group to develop and implement a water management plan for the Rio Grande Basin in collaboration with tribes, states, and stakeholders. Extends the Bureau of Reclamation's authority to support irrigation infrastructure improvement projects for the 18 pueblos in New Mexico's Rio Grande Basin through 2032. This title is based on H.R. 7793, the Rio Grande Water Security Act (Stansbury, NM-01).

DIVISION C – OTHER FIRE, DROUGHT, AND EXTREME WEATHER PROGRAMS

TITLE I – INFRASTRUCTURE, ENERGY, AND ASSISTANCE

Sec. 101. Natural Disaster Grid Mitigation Map.

Directs the Department of Energy (DOE) to maintain a map identifying critical electric grid infrastructure that is vulnerable to natural disasters and make that information available to other federal agencies to aid in funding disaster mitigation and resilience efforts. Based on the Grid Resilience Mapping Act (O'Halleran, AZ-01).

Sec. 102. Interregional minimum transfer capability requirements.

Fortifies the electric grid against extreme weather by directing the Federal Energy Regulatory Commission (FERC) to ensure that different regions of the country can transfer power to each other, including in the event of an emergency. Based on the Reinforcing Grid Against Extreme Weather Act (Casten, IL-06).

Sec. 103. Critical document fee waiver.

Automatically waives replacement fees for certain critical documents that are lost in a natural disaster where the Individuals and Households Program is authorized. This is consistent with the *Disaster Recovery Reform Act* (Div. D of P.L. 115-254) which authorizes replacement documents fees to be waived but the current process can be time-intensive and the waivers are not always authorized. Based on H.R. 7476, the REPLACE Act (Neguse, CO-02).

Sec. 104. Hermit's Peak/Calf Canyon Fire Assessment.

Entitles persons suffering damage or loss of property, personal injury or death, or financial loss as a result of the Hermit's Peak/Calf Canyon Fire—a prescribed burn started by the U.S. Forest Service—to receive compensation from the United States for injury suffered as a result of such fire. Based on H.R. 7721, the Hermit's Peak Fire Assistance Act (Leger Fernandez, NM-03).

Establishes an Office of Hermit's Peak/Calf Canyon Fire Claims within the Federal Emergency Management Agency (FEMA) to receive, process, and pay claims.

Provides for submission of claims no later than two years after the date regulations are first promulgated and requires the Director, on behalf of the United States, to investigate, determine, grant, deny, or settle any claim for money damages asserted by an injured person.

Requires the Administrator, no later than 180 days after a claim is submitted, to determine and fix the amount to be paid for the claim.

Describes allowable damages, including uncompensated property, business, and financial losses.

Provides for promulgation and publication of regulations and dissemination of information on the rights conferred under this section and regulatory requirements through newspapers and other media.

Authorizes injured persons to elect to seek compensation from the United States for injuries resulting from the Hermit's Peak/Calf Canyon fire by: (1) submitting a claim under this section; (2) filing a claim or bringing a civil action under the Federal Tort Claims Act; or (3) bringing a civil action under any other law. Makes such election final and conclusive on the claimant with respect to all such injuries suffered.

Requires the Administrator to establish procedures under which a dispute regarding a claim may be settled by arbitration. Provides that arbitration shall be binding and preclude any exercise of the right to judicial review of a claim.

Authorizes civil actions to be brought in the district court for New Mexico by claimants aggrieved by the Administrator's final decision under this section.

Provides that state or local projects carried out in response to the Hermit's Peak/Calf Canyon fire under any Federal program that applies to an area affected by the fire shall not be subject to matching fund requirements. Makes the Federal cost share of such projects 100 percent.

Provides that the Federal cost share of assistance provided under the Other Needs Program Assistance shall be 100 percent.

Requires the Administrator to report annually to Congress on claims submitted under this section.

Sec. 105. Fire management assistance cost share.

Allows flexibility for the Fire Management Assistance Grant cost share to be increased above the existing 75 percent federal cost share and directs FEMA to conduct a rulemaking to determine the circumstances for when that cost share should be increased. Based on H.R. 1066, Wildfire Recovery Act (Neguse, CO-2).

Sec. 106. Transitional sheltering assistance.

Provides emergency federal assistance to community members at-risk from wildfire smoke in areas where the air quality is unhealthy. Specifically, it authorizes FEMA to provide low-cost home improvements and smoke inhalation prevention equipment or transitional sheltering assistance to individuals at risk from wildfire smoke. Based on H.R. 6190, Wildfire Smoke Relief Act (Neguse, CO-2).

Sec. 107. Grid resilience study.

Directs FERC, DOE, and the Electric Reliability Organization to jointly study the need for and feasibility of establishing or modifying electric reliability standards to ensure the reliable operation of power plants during drought conditions. Based on Energy-Water Nexus Act of 2022 (McNerney, CA-09).

Sec. 108. Nonnative plant species removal grant program.

Establishes a competitive grant program that would remove nonnative plant species that contribute to drought conditions. Grant eligible entities must be partnerships between two or more entities that include at least one flood control district and at least one city, county, township, town, borough, parish, village, or other similar Tribal entities. It also may include other nonprofit or institutes of higher education. Defines nonnative plant species as those that are nonnative to the ecosystem or, one that if introduced to the ecosystem, would cause significant economic or environmental harm, or harm to human health. Applications must include planning and consultation information. Authorizes \$10 million per year for this purpose. Based on H.R. 8085, Drought Relief through Innovative Projects Act of 2022 (O'Halleran, AZ-01).

Sec. 109. Centers of excellence for research on wildfire smoke.

Directs the Administrator of the Environmental Protection Agency (EPA) to establish four research centers at universities to carry out research relating to the effects of wildland fires on public health, and how communities can respond to the impacts of emissions from wildland fires. Based on Sec. 2 of H.R. 4641, Smoke Planning and Research Act (Eshoo, CA-18).

Sec. 110. Community smoke planning.

Provides EPA \$50 million for grants to assist communities in developing and implementing collaborative community plans to mitigate the health and environmental effects of wildfire smoke. Based on Sec. 3 of H.R. 4641, Smoke Planning and Research Act (Eshoo, CA-18).

Sec. 111. Disaster equity and fairness.

Provides additional resources for state and local governments facing cumulative impacts from repeat wildfires and other disasters by increasing the federal cost share of disaster assistance to not less than 90 percent where there are consecutive disasters. It also increases the federal cost share for food delivery assistance to 100 percent for the first 30 days after a disaster occurs. Based on H.R. 5780, the Disaster Equity and Fairness Act (Lofgren, CA-19).

Sec. 112. FEMA improvement, reform, and efficiency.

improve FEMA's response to wildfires, including by accounting for melted infrastructure and burned trees as well as allowing FEMA to pre-deploy assets during times of highest wildfire risk and red flag warnings. This section would also ensure cultural competency for FEMA's counseling and case management services, help ensure relocation assistance is accessible to public infrastructure in fire prone areas, prioritize survivors' housing needs after disasters, ensure equity of assistance for Tribal communities and Tribal governments, and examine ways to speed up the federal assistance process and improve the availability of fire insurance. Based on H.R. 5782, the FEMA Improvement, Reform, and Efficiency Act of 2021 (Lofgren, CA-19).

Sec. 113. Fire investigations.

Amends the Federal Fire Prevention and Control Act of 1974 to authorize the Administrator of the U.S. Fire Administration (USFA) to send incident investigators to the site of a major fire to conduct an investigation. Details the specifics of USFA's investigational authorities. Requires USFA to issue a public report to local, State, and Federal authorities on the findings of the investigation and recommendations generated by the investigation. Authorizes the U.S. Fire Administration to send investigators to conduct investigations of fires with unusual or remarkable characteristics resulting in losses less severe than a major fire, in coordination with other Federal agencies. Defines the term "major fire." Based on H.R. 7077, Empowering the U.S. Fire Administration (Torres, NY-15).

Sec. 114. Critical infrastructure and microgrid program.

Establishes a DOE program to improve the energy resilience and energy efficiency of critical facilities. This section authorizes \$100 million to support the development and use of microgrids, renewable energy, on-site storage, and energy efficiency at critical facilities including hospitals, nursing homes, schools and other buildings. Based on Sec. 201 of H.R. 3534, Sec 201. H.R. 3534, Wildfire Emergency Act, (Panetta, CA-20).

TITLE II – NATIONAL DISASTER SAFETY BOARD ACT

Based on H.R. 5532, National Disaster Safety Board Act (Porter, CA-45).

Sec. 201. Establishment and Purpose.

Provides for the establishment of the National Disaster Safety Board, an independent entity, with the purposes of reducing future loss of life in natural hazards and avoid blaming individual entities and focus on systemic causes of loss of life.

Sec. 202. General Authority.

This section lays out the following:

- Triggers for a review:
 - The incident causes 10 or more fatalities.
 - State, local, or Tribal government requests a review and the majority of the Board agrees.
 - The Office for the Protection of Disproportionately Impacted Communities recommends a review and a majority of the Board agrees.
 - By a two-thirds vote, the Board may review a “near miss” that does not cause 10 or more fatalities, but is still of interest, or causes significant economic impact.
- Nature of reviews:
 - Reviews are fact-finding proceedings with no adverse parties.
 - Reviews shall address how and why people died during an incident, but shall be generalized, and shall include recommendations to prevent similar losses of life.
 - The Paperwork Reduction Act is waived for Board reviews.
- Coordination with affected authorities:
 - The Board shall initiate reviews without interfering with ongoing operations and shall participate in the incident command system to ensure proper coordination.
 - The Board shall adopt and propagate standard methods for measuring impacts of natural hazards and keep these methods consistent over time.
 - The Board shall leverage all existing federal datasets to avoid duplication of efforts.
 - The Board shall coordinate with all entities involved in operations to align its activities accordingly, including by collecting data remotely.
 - The Board shall invite all entities involved in an incident to participate as a party to a review, on a voluntary basis.
 - The Board shall provide all affected authorities 30 days to review and comment on the findings and recommendations of any review and shall make a good faith effort to respond to comments accordingly.
- The Board shall ensure that the data it collects, and findings and recommendations it publishes benefit the prevention of loss of life to populations that are socially, medically, or economically vulnerable as the Board decides.
- Coordination with other reviewing or investigating agencies:
 - In general, Board reviews have priority over other investigations, except that other agencies may participate in Board reviews and the Board shall establish memorandums of understanding with relevant federal entities, including the National Institute of Standards and Technology and Chemical Safety Board, to ensure proper coordination of statutory activities. The Board shall also coordinate with any other legally mandated review or investigation and may share information with investigating parties.
 - The Board may support another federal entity in its investigation if the incident is criminal in nature, but will not lead that investigation. If, in the course of a review, the Board

determines that an incident under review is criminal in nature, it will relinquish its review to federal authorities.

- The Board may offer technical assistance to state, Tribal, and local entities to support the development of their own independent review capacity or to help them implement Board recommendations.
- The Board's findings and recommendations are to be public.

Sec. 203. Recommendations and responses.

Provides that the Board shall connect all recommendations to findings and research; that all federal entities shall respond to a Board recommendation within 90 days, including details on the federal agency's plan for implementation; and that the Board shall publish all responses to recommendations, including state, local, Tribal, and private sector responses.

Sec. 204. Reports and studies.

States that the Board shall annually perform special studies and issue reports to Congress, relevant authorities, and interested parties on morbidity and mortality in incidents, evaluation techniques, the effectiveness of responses to Board recommendations, and overarching recommendations. The section also provides that every two years the Board shall publish a report that contains a summary and status update on all recommendations issued, updates on changes due to recommendations, recommendations of how the Board's triggers for a review should change, if at all, an assessment of the resources available to relevant authorities to carry out the Board's recommendations, and other matters.

Sec. 205. Appointment and organization.

This section provides for the appointment and organization of the Board with the following specifics.

- The Board shall consist of seven members.
- Initially, the President shall appoint the Board from a list of names provided by leaders of both parties in both houses of Congress.
 - Subsequent appointments will be made by the President with the advice and consent of the Senate.
- Of the seven members, no more than four may be from the same political party; two must have experience at the state or local level; two must have experience working with vulnerable populations. Necessary qualifications include: emergency management, fire management, emergency medical services, public health, engineering, social science, and behavioral science.
- Members serve five-year terms; the Chairperson and Vice Chairperson terms shall be for three years.
- Various administrative procedures are set out, including powers of the Chairperson to administer the Board and rules of a quorum.
- The Office for the Protection of Disproportionately Impacted Communities is established to focus on people who may be more vulnerable during incidents because of their race, color, religion, nationality, sex, age, disability, English proficiency, or economic status, or other demographic characteristics.
- Board staff are regulated in the same way as other federal employees.

- The Board is given the authority to seek and accept detailees from federal, state, Tribal, and local governments, and private research institutes to build a collaborative organization, bring in new ideas, and spread best practices.
- The Board's meetings are generally to be public, with strict limits on exceptions.

Sec. 206. Methodology.

States that the Board shall adopt and continuously improve the methods by which it conducts its reviews, in keeping with expanding best practices. Additionally, it provides that the Board's methodology shall be public and the means by which it reaches a conclusion or recommendation shall be public as soon as possible, but no later than 30 days after the release of a report, findings, or a recommendation.

Sec. 207. Administrative.

Provides that the Board is granted authorities to conduct reviews in keeping with those used by other federal review entities, e.g., National Transportation Safety Board, including to issue subpoenas, pay overtime, and contract experts.

Sec. 208. Disclosure, availability, and use of information.

Requires that, in general, the Board shall make its records public, except for certain trade secrets and recordings that it procures.

Sec. 209. Training.

States that the Board may use, and reimburse for use, federal or other training facilities for its staff and designees.

Sec. 210. Funding.

Provides authorization levels for fiscal year 2022 – 2025 and authorizes a \$2 million emergency fund.

Sec. 211. Authority of the Inspector General.

Provides that the Department of Homeland Security Inspector General has authority to investigate financial management, property management, and business operations of the Board.

Sec. 212. Evaluation and audit of the National Disaster Safety Board.

Provides that the Government Accountability Office shall, at least every two years, evaluate the effectiveness of the Board, including its methodologies, and the extent to which Board findings and recommendations have reduced the loss of life in incidents.

Sec. 213. Definitions.

Provides definitions for this title.

TITLE III – NATIONAL WILDLAND FIRE RISK REDUCTION PROGRAM

Based on H.R. 5781, National Wildland Fire Risk Reduction Program Act (Lofgren, CA-19). Ordered to be Reported by the Committee on Science, Space, and Technology in the Nature of a Substitute (Amended) by Voice Vote (11/16/2021).

Sec. 301. Establishment.

Directs the President to establish a National Wildland Fire Risk Reduction Program to reduce the loss of life and property from wildland fires through coordination of Federal efforts. The Program would improve the understanding of wildland fires, associated smoke, and their impacts, and develop science-based and cost-effective measures for prevention, mitigation, and resilience. The Program would also improve the understanding of the effects of climate change on wildland fires.

Sec. 302. Program activities.

Identifies the activities of the Program. It directs the Program to support research and development, including interdisciplinary research, related to wildland fires, fire environments, and associated smoke. It directs the Program to support data management, stewardship and dissemination; and create a centralized, integrated data collaboration environment for Program agencies' data. The Program is directed to support the development of tools and technologies to improve understanding, prediction, and mitigation of wildland fires and associated smoke, and to support education and training for students and researchers studying the topic. The Program is directed to support the translation of research into operations, conduct communication and outreach on wildland fire science and risk mitigation, and support cross-disciplinary research.

Sec. 303. Interagency Coordinating Committee on Wildland Fire Risk Reduction.

Directs the Director of the Office of Science and Technology Policy (OSTP) to establish an Interagency Coordinating Committee on Wildland Fire Risk Reduction. The Committee is co-chaired by the Director of OSTP and the Director of the National Institute of Standards and Technology (NIST). This section includes the full list of Federal agencies that are part of the Committee. This section also details the general purpose and duties of the Committee including meetings, strategic plans, and a progress report. Additionally, this section directs the Director to ensure that the activities of the Program are coordinated with other relevant Federal initiatives. This section also directs the Committee to assess how a National Academies study could identify areas for further research and highlights the importance of considering climate change in this research.

Sec. 304. National Advisory Committee on Wildland Fire Risk Reduction.

This section directs the Director of OSTP to establish a National Advisory Committee on Wildland Fire Risk Reduction. The Advisory Committee is made up non-Federal professionals who are qualified to provide advice on wildland fire risk reduction.

Sec. 305. Government Accountability Office Review.

This section requires the Government Accountability Office to conduct a review three years after enactment that evaluates progress and performance of the Program and provides recommendations to improve the program.

Sec. 306. Responsibilities of Program agencies.

This section details the responsibilities of the program agencies—National Institute of Standards and Technology (NIST), National Science Foundation (NSF), National Oceanic and Atmospheric Administration (NOAA), Federal Emergency Management Agency (FEMA), National Aeronautics and Space Administration (NASA), Environmental Protection Agency (EPA), and Department of Energy (DOE).

Sec. 307. Budget activities.

This section directs the Program agencies to include a description of projected activities of each agency under the Program for the fiscal year covered by the budget request and an estimation of expected spending in the annual budget request to Congress.

Sec. 308. Definitions.

Sec. 309. Authorization of appropriations.

This section provides authorizations of appropriations for NIST, NSF, NOAA, FEMA, NASA, and EPA for five years.

DIVISION D: ENVIRONMENTAL JUSTICE

Sec. 101. Definitions.

Defines terms used in this division.

Sec. 102. Environmental justice community technical assistance grants.

Establishes a grant program for communities impacted by hazardous air pollutants to participate in the regulatory decisions impacting the health and safety of their communities.

Sec. 103. White House Environmental Justice Interagency Council.

Codifies the White House Environmental Justice Interagency Council to coordinate federal efforts to alleviate disproportionate impacts of pollution.

Sec. 104. Federal agency actions to address environmental justice.

Codifies the requirements under Executive Order 12898, requiring relevant federal agencies to integrate environmental justice into their respective missions.

Sec. 105. Training of employees of Federal agencies.

Requires all DOE and EPA employees to complete an environmental justice training.

Sec. 106. Environmental justice basic training program.

Establishes a basic training program, in coordination with nongovernmental environmental justice organizations, to increase the capacity for environmental justice communities to identify and address disproportionately adverse human health or environmental effects through appropriate training and education. Authorizes \$10 million annually to carry out the section from FY 2023 through 2027.

Sec. 107. Environmental justice clearinghouse.

Establishes a public internet-based Environmental Justice Clearinghouse containing information on EPA activities, training materials for individuals and employees, links to webpages that describe environmental justice activities of other federal agencies, and directories for non-profits and technical experts.

Sec. 108. Public meetings.

Requires biennial public meetings on environmental justice issues in each EPA region to gather public input on implementation and updating environmental justice strategies and efforts of the agency.

Sec. 109. National Environmental Justice Advisory Council.

Codifies the National Environmental Justice Advisory Council within the Federal Advisory Committee Act.

Sec. 110. Environmental justice grant programs.

Authorizes the environmental justice grant programs currently implemented by EPA. Authorizes \$50 million for each of fiscal years 2023 through 2032 for those programs.

Sec. 111. Environmental justice community solid waste disposal technical assistance grants.

Authorizes technical assistance grants to empower communities on the fence line of current and potential solid waste disposal facilities to participate, with the help of independent experts, in the regulation and monitoring of these sites.

Sec. 112. Environmental justice community, State, and Tribal grant programs.

Authorizes \$80 million for each of fiscal years 2023 through 2027 to provide grants to non-federal entities to build capacity to address environmental justice related issues.

Sec. 113. Protections for environmental justice communities against harmful Federal actions.

Establishes additional protections under the National Environmental Policy Act (NEPA) relating to federal actions effecting environmental justice communities in recognition of the disproportionate burden of adverse human health or environmental effects faced by such communities.

Sec. 114. Prohibited discrimination.

Amends section 601 of the Civil Rights Act of 1964 adding discrimination based on disparate impact.

Sec. 115. Right of action.

Amends section 602 of the Civil Rights Act of 1964 ensuring that any person impacted by the failure to comply with this title may file suit in any district court.

Sec. 116. Rights of recovery.

Amends Title VI of the Civil Rights Act of 1964 to allow for the retrieval of some legal relief, attorney's fees, and costs of action based on intentional discrimination or discrimination based on disparate impact.

Sec. 117. Public health risks associated with cumulative environmental stressors.

Directs the Administrator of the EPA, in consultation with the Advisory Council established in section 109, to publish a proposal for a protocol for assessing and addressing the cumulative public health risks associated with multiple environmental stressors.

Sec. 118. Climate justice grant program.

Establishes a climate justice grants program, administered by EPA, to provide local government and community non-profit grants to environmental justice communities for climate mitigation and climate adaptation projects.

Sec. 119. Environmental justice for communities overburdened by environmental violations.

Requires EPA to identify at least 100 environmental justice communities overburdened by pollution violations and implement strategies for ending the violations.