



## Bipartisan Infrastructure Law Briefer

### **The Basics:**

The Infrastructure Investment and Jobs Act, [H.R. 3684](#) (Public Law No: 117-58), also referred to as the Bipartisan Infrastructure Law (BIL), passed the Senate August 10, the House November 5, and was signed into law by President Biden on November 15. The \$1.2 trillion bill provides funding over five fiscal years (FY), covering FY22-FY26.

### **Important Considerations:**

Funds must be both authorized and appropriated by Congress before federal funds may be expended (see '[Authorizations and Appropriations What's the Difference](#)' for additional information). Some provisions of this bill are merely authorized, meaning those amounts would need to be appropriated before the program actually receives funding (e.g., Joint Chief's Landscape Scale Restoration Partnership Program). USDA Forest Service (Forest Service) State and Private Forestry (S&PF), National Forest System (NFS), Wildland Fire Management, Forest and Rangeland Research, and the Department of Interior (DOI), Federal Emergency Management Agency (FEMA), and Natural Resources Conservation Services are all appropriated amounts within the BIL. For sections such as S&PF, this is worded, "for an additional amount for State & Private Forestry." This means this is additional funding above and beyond regular yearly appropriations, similar to how emergency disaster funding would attach as a plus-up to normal FY appropriations.

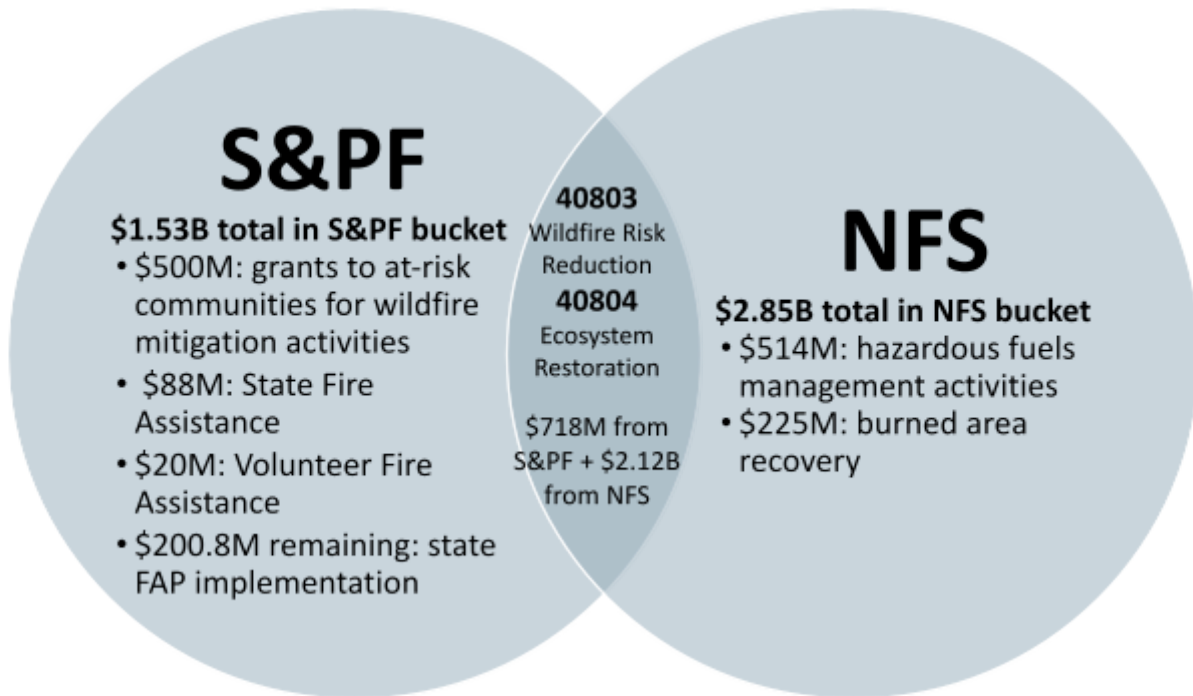
This funding is a down payment for the work that needs to be done to confront the wildfire crisis faced in the West and to improve the health of our forests across the nation. For more information on the overall strategies from the Forest Service and DOI that are the framework being used for these investments, see:

- [USFS Confronting the Wildfire Crisis: A Strategy for Protecting Communities and Improving Resilience in America's Forests](#)
  - [Announcement on initial investment in 10 landscapes](#)
- [DOI Wildfire Risk Five-Year Monitoring, Maintenance, and Treatment Plan](#)



**Forestry Provisions:**

Below shows the funds appropriated within the bill for S&PF and NFS and the overlap both accounts will contribute to funding activities authorized within 40803 and 40804. Those sections are detailed in the charts on subsequent pages.



**Note:** Above funding amounts are totals for five FYs. Other appropriations within BIL which contribute to funding for activities within 40803/40804 include: DOI for 40803 (\$1.055B) and 40804 (\$905M), Forest Service Wildland Fire Management (\$696.2M) and Forest Rangeland and Research (\$10M for Joint Fire Science Program). Funding for both sections is divided between USDA and DOI in varied amounts depending upon the provision.

**S&PF Unspecified Funds:**

\$200.8M remains unspecified within S&PF funding after accounting for all of the specified activities in that section. Congressional staff indicated an intent for these funds to be used for every state and territory to receive an increase in funding, as opposed to other funds in the BIL, which are focused towards strategically targeting high need areas to combat the wildfire problem. The intent of the \$200.8M (\$40.16M per FY) is for broad forest and ecosystem restoration undertaken by addressing priorities identified in each states’ Forest Action Plan.

**NFS Hazardous Fuels Management Activities**

Out of the \$514M (\$102.8M per FY), up to \$12M a year to use S&P authorities to create incentives for increased use of biomass on NFS lands, including the Community Wood Energy



Program and the Wood Innovation Grants Program (of this \$12M up to \$8M each year for implementation of the Tribal Forest Protection Act).

**Department of the Interior:**

- U.S. Fish and Wildlife:
  - \$455M for Resource Management
  - \$255M for regional ecosystem restoration purposes (Per FY: \$162M for Klamath Basin restoration activities; \$17M for Lake Tahoe Restoration Act implementation; \$50M for sagebrush steppe ecosystem; \$26M for Delaware River Basin Conservation Act)
  - \$200M for restoring fish and wildlife passage by removing in-stream barriers and providing technical assistance under the National Fish Passage Program
- Office of the Secretary: Departmental Operations:
  - \$905M to carry out activities in 40804
- Wildland Fire Management: \$1.46B total
  - \$1.055B to carry out activities in 40803
  - \$178M for fuels management activities
  - \$225M for burned area rehabilitation

**Natural Resources Conservation Service:**

- \$500M for [Watershed and Flood Prevention Operations](#)
- \$118M for [Watershed Rehabilitation Program](#)
- \$300M for [Emergency Watershed Protection Program](#) to repair damage to waterways and watersheds resulting from natural disasters

**Federal Emergency Management Agency:**

- \$1B for Building Resilient Infrastructure and Communities (BRIC)
  - Post-Fire Mitigation Projects
  - Wildfire Mitigation Projects
  - Non-Construction Activities
- \$500M to implement the Safeguarding Tomorrow through Ongoing Risk Mitigation (STORM) Act
  - Opportunity for FEMA to provide funds to states and tribal governments to administer Revolving Loan Funds through the state's emergency management agency for mitigation
- [FEMA Wildfire Mitigation Grant Opportunities](#)



**Other Provisions of Interest:**

- Sec. 70201-70207: [Wildland Fire Mitigation and Management Commission](#): Establishes an interagency and intergovernmental commission to study and make recommendations to improve federal policies related to the prevention, mitigation, suppression, and management of wildland fires and post-fire rehabilitation.
  - See [press release](#) on establishment of Commission
- Sec. 70301-70303: Repairing Existing Public Land by Adding Necessary Trees (REPLANT) Act: Removes the cap of \$30 million per year on the Reforestation Trust Fund to support reforestation on national forests and allows the Forest Service to access additional funds already being collected through tariffs on foreign wood products. Prioritization for reforestation following wildfires and other natural disasters.
- Sec. 41202: Extends Secure Rural Schools funding through 2023.
- Sec. 40808: Joint Chiefs Landscape Restoration Partnership Program: codifies program to improve the health and resilience of forest landscapes across NFS land and state, Tribal, and private land.
  - \$90M each for FY22 and FY23 *authorized* to be appropriated

For more information on provisions impacting forestry (transportation, orphaned wells, etc.), see [this chart](#) from the National Association of Forest Service Retirees.



Below are charts outlining the specific activities authorized within the BIL under section 40803 for Wildfire Risk Reduction and section 40804 for Ecosystem Restoration. These sections are funded through the appropriations for USDA and DOI outlined in the previous diagram and accompanying note. The breakdown of USDA and DOI funding follow the activity description.

<b>Section 40803: Wildfire Risk Reduction</b>	
“There is authorized to be appropriated to the Secretary of the Interior and the Secretary of Agriculture, acting through the Chief of the Forest Service, for the activities described... \$3,369,200,000 for the period of fiscal years 2022 through 2026.”	
<b>Total Amount for FY22-FY26</b>	<b>Activity</b>
\$20M	to establish and operate a program that makes use of the Geostationary Operational Environmental Satellite Program to rapidly detect and report wildfire starts in all areas in which the Secretary of the Interior or the Secretary of Agriculture has financial responsibility for wildland fire protection and prevention (\$10M USDA; \$10M DOI)
\$600M	Salaries and expenses of federal wildland firefighters (\$480M USDA; \$120M DOI)
\$10M	to acquire technology and infrastructure for each Type I and Type II incident management team to maintain interoperability with respect to the radio frequencies used by any responding agency (DOI)
\$30M	to provide financial assistance to States, Indian Tribes, and units of local government to establish and operate Reverse-911 telecommunication systems (USDA)
\$50M	to establish and implement a pilot program to provide to local governments financial assistance for the acquisition of slip-on tanker units to establish fleets of vehicles that can be quickly converted to be operated as fire engines (DOI)
\$1.2M	to develop and publish, not later than 180 days after the date of enactment of this Act, and every 5 years thereafter, a map depicting at-risk communities, including Tribal at-risk communities (money to USDA but coordinates with DOI on report)
\$100M	preplanning fire response workshops that develop—(I) potential operational delineations; and (II) select potential control locations; and workforce training for staff, non-Federal firefighters, and Native village fire crews for—(I) wildland firefighting; and (II) increasing the pace and scale of vegetation treatments, including training on how to prepare and implement large landscape treatments (\$50M USDA; \$50M DOI)
\$20M	to enter into an agreement with a Southwest Ecological Restoration Institute: to compile and display existing data, including geographic data, for hazardous fuel reduction or wildfire prevention treatments undertaken by the Secretary of the Interior or



	the Secretary of Agriculture; to compile and display existing data, including geographic data, for large wildfires, as defined by the NWCG; to facilitate coordination and use of existing and future interagency fuel treatment data, including geographic data, for the purposes of assessing and planning cross-boundary fuel treatments and monitoring the effects of treatments on wildfire outcomes and ecosystem restoration services; publish a report every 5 years showing the extent to which treatments and previous wildfires affect the boundaries of wildfires (USDA)
\$20M	Joint Fire Science Program (\$10M USDA; \$10M DOI)
\$100M	collaboration and collaboration-based activities, including facilitation, certification of collaboratives, and planning and implementing projects under the Collaborative Forest Landscape Restoration Program (USDA)
\$500M	conducting mechanical thinning and timber harvesting in an ecologically appropriate manner that maximizes the retention of large trees, as appropriate for the forest type, to the extent that the trees promote fire-resilient stands; or precommercial thinning in young growth stands for wildlife habitat benefits to provide subsistence resources (\$400M USDA; \$100M DOI)
\$500M	in cooperation with States, to award community wildfire defense grants to at-risk communities (USDA) (program specifics on page 674)
\$500M	for planning and conducting prescribed fires and related activities (\$250M USDA; \$250M DOI)
\$500M	for developing or improving potential control locations, including installing fuelbreaks, with a focus on shaded fuelbreaks when ecologically appropriate (\$250M USDA; \$250M DOI)
\$200M	for contracting or employing crews of laborers to modify and remove flammable vegetation on Federal land and for using materials from treatments, to the extent practicable, to produce biochar and other innovative wood products, including through the use of existing locally based organizations that engage young adults, Native youth, and veterans in service projects, such as youth and conservation corps (\$100M USDA; \$100M DOI)
\$200M	for post-fire restoration activities that are implemented not later than 3 years after the date that a wildland fire is contained (\$100M USDA; \$100M DOI)
\$8M	to provide feedstock to firewood banks; and to provide financial assistance for the operation of firewood banks (USDA)
\$10M	for the procurement and placement of wildfire detection and real-time monitoring equipment, such as sensors, cameras, and other relevant equipment, in areas at risk of wildfire or post-burned areas (USDA & DOI)



<b>Section 40804: Ecosystem Restoration</b>	
"There is authorized to be appropriated to the Secretary of the Interior and the Secretary of Agriculture, acting through the Chief of the Forest Service, for the activities described... \$2,130,000,000 for the period of fiscal years 2022 through 2026."	
<b>Total Amount for FY22-FY26</b>	<b>Activity</b>
\$300M	For entering into contracts, including stewardship contracts or agreements, the purpose of each of which shall be to restore ecological health on not fewer than 10,000 acres of Federal land, including Indian forest land or rangeland, and for salaries and expenses associated with preparing and executing those contracts; and establishing a Working Capital Fund that may be accessed by the Secretary of the Interior or the Secretary of Agriculture to fund requirements of these contracts, including cancellation and termination costs, and periodic payments over the span of the contract period (\$150 USDA; \$50 DOI for contracting and \$100M for DOI for the Working Capital Fund)
\$200M	to provide to States and Indian Tribes for implementing restoration projects on Federal land pursuant to good neighbor agreements entered into under section 8206 of the Agricultural Act of 2014 (16 U.S.C. 2113a) or agreements entered into under section 2(b) of the Tribal Forest Protection Act of 2004 (25 U.S.C. 3115a(b)) (\$160M USDA; \$40M DOI)
\$400M	to provide financial assistance to facilities that purchase and process byproducts from ecosystem restoration projects (USDA)
\$400M	to provide grants to States, territories of the United States, and Indian Tribes for implementing voluntary ecosystem restoration projects on private or public land, in consultation with the Secretary of Agriculture, that prioritizes funding cross-boundary projects; and requires matching funding to be eligible to receive the funding (DOI)
\$50M	to award grants to States and Indian Tribes to establish rental programs for portable skidder bridges, bridge mats, or other temporary water crossing structures, to minimize stream bed disturbance on non-Federal land and Federal land (USDA)
\$200M	for invasive species detection, prevention, and eradication, including conducting research and providing resources to facilitate detection of invasive species at points of entry and awarding grants for eradication of invasive species on non-Federal land and on Federal land (\$100M USDA; \$100M DOI)
\$100M	to restore, prepare, or adapt recreation sites on Federal land, including Indian forest land or rangeland that have experienced or may likely experience visitation and use beyond the carrying capacity of the sites (\$35M USDA; \$45M DOI) \$20M to USDA (\$5M can be used for S&E) for the operation, repair, reconstruction, and construction of public use recreation cabins on National Forest System land; and to the extent necessary, the repair or reconstruction of specified historic buildings



\$200M	to restore native vegetation and mitigate environmental hazards on mined land on Federal and non-Federal land (\$100 USDA; \$100M DOI)
\$200M	to establish and implement a national revegetation effort on Federal and non-Federal land, including to implement the National Seed Strategy for Rehabilitation and Restoration (\$130M USDA; \$70M DOI)
\$80M	to establish a collaborative-based, landscape-scale restoration program to restore water quality or fish passage on Federal land, including Indian forest land or rangeland (money to USDA- coordinate with DOI) (page 681 contains program details)

**Definitions:**

- “At-risk communities”- as defined in section 101 of the Healthy Forests Restoration Act of 2003 ([16 U.S.C. 6511](#))
- Potential definitions for disadvantaged/underserved communities (not final)- apply to things such as ability to apply match waiver for community wildfire defense grants:
  - [Executive Order 14008](#): Disadvantaged Communities include, but are not limited to those that are: Low income, high and/or persistent poverty, High unemployment and underemployment, Racial and ethnic residential segregation, particularly where the segregation stems from discrimination by government entities, Linguistic isolation, High housing cost burden and substandard housing, Distressed neighborhoods, High transportation cost burden and/or low transportation access, Disproportionate environmental stressor burden and high cumulative impacts, Limited water and sanitation access and affordability, Disproportionate impacts from climate change, High energy cost burden and low energy access, Jobs lost through the energy transition, Access to healthcare
  - [Executive Order 13985](#) (and the Equity Action Plan) defines “underserved communities” as follows:
    - refers to populations sharing a particular characteristic, as well as geographic communities, that have been systematically denied a full opportunity to participate in aspects of economic, social, and civic life, as exemplified by the list in the preceding definition of “equity.” Namely, these are Black, Latino, and Indigenous and Native American persons, Asian Americans and Pacific Islanders and other persons of color; members of religious minorities; lesbian, gay, bisexual, transgender, and queer (LGBTQ+) persons; persons with disabilities; persons who live in rural areas; and persons otherwise adversely affected by persistent poverty or inequality.