

SECTION-BY-SECTION ANALYSIS OF LEGISLATION
H.R. 2921 THE NATIONAL FOREST SYSTEM VEGETATION MANAGEMENT
PILOT PROGRAM ACT OF 2017

Section 1. Short Title.

Section 1 of the bill designates the title of the bill as the “National Forest System Vegetation Management Pilot Program Act of 2017”.

Section 2. Utility Infrastructure Right-of-Way Vegetation Management Pilot Program.

Subsection (a) of section 2 establishes a limited, voluntary pilot program to encourage land owners and operators to perform vegetation management on a proactive basis. The pilot program permits vegetation management projects on National Forest System land that is adjacent to or near rights-of-way.

Subsection (b) requires that eligible participants have rights-of-way on National Forest System land. The subsection further gives priority to eligible participants who have worked with the Forest Service to improve utility infrastructure protection prescriptions.

Subsection (c) provides for the elements of a project under the pilot program. A project involves limited and select management activities that shall create the least amount of disturbance to protect utility infrastructure from wildfire; shall take place directly adjacent to or within 75 feet of the participant’s right-of-way; and shall be subject to approval by the Forest Service. A project is prohibited from taking place within a designated wilderness area, wilderness study area, or inventoried roadless area. Activities under the pilot program may include thinning, fuel reduction, creation and treatment of shaded fuel breaks.

Subsection (d) requires that a participant be responsible for all costs incurred by participating unless the Secretary determines that it is in the public interest for the Forest Service to contribute funds.

Subsection (e) is a rule of construction that participation in the program does not affect any existing legal obligations of liability standards related to the right-of-way or fires resulting from causes other than activities performed under the project. A participant is not liable for damages caused by activities under the project unless in cases of gross negligence, in violation of criminal law, or where damages were caused by failure of the participant to comply with safety requirements imposed by the Forest Service as a condition of participation.

Subsection (f) directs the Secretary to use existing laws and regulations to conduct the pilot program. It further allows the Secretary to waive or modify specific provisions of the Federal Acquisition Regulation in order to implement the pilot program in an efficient and expeditious manner.

Subsection (g) allows the Secretary to retain funds provided to the Forest Service by a participant and use such funds, in amounts as may be appropriated, in the conduct of the pilot program, notwithstanding any other provision of law.

Subsection (h) provides the relevant definitions for the Act.

Subsection (i) sunsets the authority to conduct the pilot program on December 21, 2027.

Subsection (j) requires the Secretary to report to Congress, every two years, on the status of the pilot program and any related projects.