

several years later, in 1925, Indiana Dunes State Park was established. Redesignation of the national lakeside as a national park would make Indiana Dunes the 60th national park in the United States.

Mr. Speaker, I reserve the balance of my time.

Mrs. TORRES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to speak on H.R. 1488, the Indiana Dunes National Park Act. This act seeks to rename the Indiana Dunes National Lakeshore to the Indiana Dunes National Park, one of the over 400 units of the National Park System.

Upon successful redesignation, the Indiana Dunes National Park would become the 60th national park, areas which are known for their variety of resources, for encompassing large land and water areas, and for providing protection of resources within their boundaries.

Designated in 1966, Indiana Dunes protects over 15,000 acres, 50 miles of trails, and provides both summer and winter recreational activities for over 2 million visitors who trek to the lakeshore each year.

When the lakeshore was admitted into the National Park System in 1966, it was through the hard work of President Kennedy in 1963-64 to create a compromise for the national lakeshore and a port to promote the industrial needs of the area.

Sponsors of this bill, including our esteemed colleague Representative VISCLOSKY, believe that renaming the lakeshore as the Indiana Dunes National Park will capture the spirit and intent of the first National Park Service Director Stephen Mather.

Director Mather visited the area in 1916 and recommended the area be included as a national park within the newly designated National Park System. Sadly, the United States' entry into World War I precluded that addition. Now, 101 years later, this bill seeks to redesignate 15,000 acres of the Indiana Dunes National Park.

I reserve the balance of my time.

Mr. COOK. Mr. Speaker, I have no additional speakers, and I reserve the balance of my time.

Mrs. TORRES. Mr. Speaker, I yield such time as he may consume to the gentleman from Indiana (Mr. VISCLOSKY), the sponsor of this legislation.

Mr. VISCLOSKY. Mr. Speaker, I appreciate the gentlewoman for yielding.

I want to begin by thanking Chairman BISHOP and Ranking Member GRIMALVA for all of their work on this legislation, as well as Chairman MCCLINTOCK and Ranking Member HANABUSA and Mrs. TORRES for their diligence.

Mr. Speaker, the legislation we are considering today represents a very small change—one word—but it would have an enormous benefit of rightly placing the Indiana Dunes National Lakeshore where it belongs as the Nation's 60th national park and the first national park in the State of Indiana.

As mentioned, located along the southern shore of Lake Michigan, the Indiana Dunes are a natural wonder and home of a vast array of rare plants. According to the National Park Service, Indiana Dunes National Lakeshore is the seventh most biologically diverse National Park Service unit.

I believe the chairman and Mrs. TORRES ably described the history of the dunes and its evolution. I thank them for that, and I would thank all of the citizens over that half century and more that petitioned for the creation of this great park.

The lakeshore currently does encompass about 15,000 acres of wetlands and marshes, beaches, oak savannahs, and sand dunes. It is clear that the title of the Indiana Dunes National Park is fitting for such a unique natural resource.

The American taxpayers, over a number of generations, have invested in the preservation of the park. It is incumbent that we do everything possible to encourage citizens and travelers from around the world to visit it, to learn about it, to recreate, and to simply enjoy the environment of northwest Indiana's lakeshore. H.R. 1488 helps to achieve this goal.

Mr. Speaker, I am proud that the act is supported in a bipartisan fashion by the entire Indiana delegation. I would also like to thank Senators DONNELLY and YOUNG, who have introduced a companion measure in the Senate.

Mr. Speaker, I urge my colleagues to support passage.

Mrs. TORRES. Mr. Speaker, I yield back the balance of my time.

Mr. COOK. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. YOUNG of Iowa). The question is on the motion offered by the gentleman from California (Mr. COOK) that the House suspend the rules and pass the bill, H.R. 1488, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

RESILIENT FEDERAL FORESTS ACT OF 2017

GENERAL LEAVE

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill, H.R. 2936.

The SPEAKER pro tempore (Mr. BERGMAN). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 595 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 2936.

The Chair appoints the gentleman from Iowa (Mr. YOUNG) to preside over the Committee of the Whole.

□ 1513

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 2936) to expedite under the National Environmental Policy Act of 1969 and improve forest management activities on National Forest System lands, on public lands under the jurisdiction of the Bureau of Land Management, and on Tribal lands to return resilience to overgrown, fire-prone forested lands, and for other purposes, with Mr. YOUNG of Iowa in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

General debate shall not exceed 1 hour equally divided among and controlled by the chair and ranking minority member of the Committee on Agriculture and the chair and ranking minority member of the Committee on Natural Resources.

The gentleman from Pennsylvania (Mr. THOMPSON), the gentleman from Minnesota (Mr. PETERSON), the gentleman from Utah (Mr. BISHOP), and the gentleman from Arizona (Mr. GRIMALVA) will each control 15 minutes.

The Chair recognizes the gentleman from Pennsylvania.

□ 1515

Mr. THOMPSON of Pennsylvania. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today in support of H.R. 2936, the Resilient Federal Forests Act of 2017.

As I stated last Congress, our national forests are facing an epidemic of declining health, which is a direct result of policies which have led to a dramatic decrease in managed acres creating catastrophic wildfires that have increased in size and frequency.

The past two fire seasons have been some of the most expensive on record, and this year appears to be no exception. Secretary of Agriculture Sonny Perdue recently announced that wildland fire suppression costs for this fiscal year have exceeded \$2 billion, making 2017 the most expensive year on record.

While the suppression costs are staggering, these fires come at a greater cost to local communities, private property, and pristine landscapes. Most importantly, they also result in the loss of life.

For too long, our good folks at the Forest Service have been unable to do the work needed to manage our forest fuel loads. Over the years, the problem has compounded with more severe fires. Furthermore, these fires have consumed more and more of the Forest Service budget that was intended for management. This cycle has gone on for far too long.

In the 2014 farm bill, we took meaningful steps to empower the Forest Service to carry out its mission. With passage of this bill, we will provide the Forest Service another tool to carry out their duties.

This bill builds on the success of the farm bill to allow the Forest Service and their partners to manage our forests using sound science and environmental protections without fear of frivolous litigation. Further, it promotes good stewardship through restoration projects that protect our watersheds after catastrophic fire.

As fuel loads increase in our national forests, the cost of inaction increases every day. This legislation allows the Forest Service to account for the environmental consequences of inaction, hopefully expediting treatments where needed.

Finally, this issue extends beyond just fire. While they have not yet gone up in smoke, some of our national forests continue to deteriorate as a result of insect and disease infestations, leaving what was pristine and productive habitat so many in this Congress seek to protect.

Mr. Chairman, I ask my colleagues to support this commonsense legislation, and I reserve the balance of my time.

COMMITTEE ON EDUCATION AND THE
WORKFORCE, HOUSE OF REP-
RESENTATIVES,

Washington, DC, October 25, 2017.

Hon. K. MICHAEL CONAWAY,
*Chairman, Committee on Agriculture,
House of Representatives,
Washington, DC.*

DEAR MR. CHAIRMAN: I write to confirm our mutual understanding with respect to H.R. 2936, the Resilient Federal Forests Act of 2017. Thank you for consulting with the Committee on Education and the Workforce with regard to H.R. 2936 on those matters within my committee's jurisdiction.

The Committee on Education and the Workforce will not delay further consideration of this bill. However, I do so only with the understanding this procedural route will not be construed to prejudice my committee's jurisdictional interest and prerogatives on this bill or any other similar legislation and will not be considered as precedent for consideration of matters of jurisdictional interest to my committee in the future.

I respectfully request your support for the appointment of outside conferees from the Committee on Education and the Workforce should this bill or a similar bill be considered in a conference with the Senate. I also request you include our exchange of letters on this matter in the Congressional Record during consideration of this bill on the House Floor. Thank you for your attention to these matters.

Sincerely,

VIRGINIA FOXX,
Chairwoman.

COMMITTEE ON AGRICULTURE,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 25, 2017.

Hon. VIRGINIA FOXX,
*Chairman, Committee on Education and the
Workforce, Washington, DC.*

DEAR CHAIRWOMAN FOXX: Thank you for your letter regarding H.R. 2936, Resilient Federal Forests Act of 2017. I appreciate your support in bringing this legislation before the House of Representatives, and accord-

ingly, understand that the Committee on Education and the Workforce will forego action on the bill.

The Committee on Agriculture concurs in the mutual understanding that by foregoing consideration of the bill at this time, the Committee on Education and the Workforce does not waive any jurisdiction over the subject matter contained in this bill or similar legislation in the future. In addition, should a conference on this bill be necessary, I would support your request to have the Committee on Education and the Workforce represented on the conference committee.

I will insert copies of this exchange in the Congressional Record during Floor consideration. I appreciate your cooperation regarding this legislation and look forward to continuing to work the Committee on Education and the Workforce as this bill moves through the legislative process.

Sincerely,

K. MICHAEL CONAWAY,
Chairman.

COMMITTEE ON TRANSPORTATION AND
INFRASTRUCTURE, HOUSE OF REP-
RESENTATIVES,

Washington, DC, October 25, 2017.

Hon. MICHAEL CONAWAY,
*Chairman, Committee on Agriculture,
Washington, DC.*

DEAR CHAIRMAN CONAWAY: I write concerning H.R. 2936, the Resilient Federal Forests Act of 2017. This legislation includes matters that fall within the Rule X jurisdiction of the Committee on Transportation and Infrastructure.

In order to expedite floor consideration of H.R. 2936, the Committee on Transportation and Infrastructure will forgo action on this bill. However, this is conditional on our mutual understanding that foregoing consideration of the bill does not prejudice the Committee with respect to the appointment of conferees or to any future jurisdictional claim over the subject matters contained in the bill or similar legislation that fall within the Committee's Rule X jurisdiction. Finally, should a conference on the bill be necessary, I ask that you support my request to have the Committee represented on the conference committee.

Please place a copy of this letter and your response acknowledging our jurisdictional interest in the Congressional Record during House Floor consideration of the bill. I look forward to working with the Committee on Agriculture as the bill moves through the legislative process.

Sincerely,

BILL SHUSTER,
Chairman.

COMMITTEE ON AGRICULTURE,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 25, 2017.

Hon. BILL SHUSTER,
*Chairman, Committee on Transportation and
Infrastructure, Washington, DC.*

DEAR CHAIRMAN SHUSTER: Thank you for your letter regarding H.R. 2936, Resilient Federal Forests Act of 2017. I appreciate your support in bringing this legislation before the House of Representatives, and accordingly, understand that the Committee on Transportation and Infrastructure will forego action on the bill.

The Committee on Agriculture concurs in the mutual understanding that by foregoing consideration of the bill at this time, the Committee on Transportation and Infrastructure does not waive any jurisdiction over the subject matter contained in this bill or similar legislation in the future. In addition, should a conference on this bill be necessary, I would support your request to have the Committee on Transportation and Infra-

structure represented on the conference committee.

I will insert copies of this exchange in the Congressional Record during Floor consideration. I appreciate your cooperation regarding this legislation and look forward to continuing to work the Committee on Transportation and Infrastructure as this bill moves through the legislative process.

Sincerely,

K. MICHAEL CONAWAY,
Chairman.

Mr. PETERSON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, H.R. 2936 addresses some valid concerns regarding forest management. The bill would simplify forest management activities while also tamping down on overzealous regulations and policy decisions made by activists and bureaucrats who have adopted a sue and settle strategy to pursue their agenda. This is one of the main reasons why I am a cosponsor of H.R. 2936.

While this bill isn't exactly what I would do if I was in charge of putting the bill together, we need to do something to address forest management concerns, and I believe that this bill seeks to do that and moves us in the right direction. So I am supportive of moving the process along so that we can negotiate with our Senate colleagues and find a workable solution to address these issues.

Mr. Chairman, I reserve the balance of my time.

Mr. THOMPSON of Pennsylvania. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. DENHAM).

Mr. DENHAM. Mr. Chairman, I rise today in support of H.R. 2936, the Resilient Federal Forests Act. When we fail to actively manage our forests and Federal lands, we put ourselves and our neighbors at risk. It is time to better manage our fire-prone forests and fix how we pay for wildfire suppression.

California just experienced the deadliest wildfire in our history, and 2017 is on track to be the worst fire season on record. We can't wait until next season. We have got to put the right policies in place now.

The Resilient Federal Forests Act gives us the tools to immediately reduce the threat of catastrophic wildfires. It allows us to expedite the removal of dead trees and rapidly mitigate disease-infested areas. It enables us to responsibly manage our forests and improve ecosystems, and it permanently solves the fire borrowing problem. No longer will we deplete forest restoration and management accounts to pay for wildfire suppression. This will give our firefighters the resources they need without hindering prevention efforts.

As California recovers from this year's fires, this bill will help us mitigate future wildfires. I urge my colleagues to pass this bill and help improve the health and resiliency of our Federal forests.

Mr. Chairman, I include in the RECORD a letter from the Association of California Water Agencies in support of H.R. 2936.

ASSOCIATION OF
CALIFORNIA WATER AGENCIES,
October 31, 2017.

ACWA SUPPORT FOR H.R. 2936—RESILIENT
FEDERAL FORESTS ACT OF 2017

The Association of California Water Agencies (ACWA) respectfully requests your support for H.R. 2936, The Resilient Federal Forests Act of 2017. ACWA's 430 public water agency members supply over 90 percent of the water delivered in California for residential, agricultural, and industrial uses.

Recent severe drought and one of the most destructive wildfire seasons on record have focused renewed attention on the health of California's headwaters. That attention is well placed because the forests, meadows and source waters that play a critical role in our water supply and water management system are threatened by factors ranging from climate change to incomplete management to a lack of planning and coordination.

H.R. 2936 addresses many of these factors. It incentivizes and rewards collaboration with local governments and stakeholders by expediting environmental review for collaborative projects up to 30,000 acres in size. It also includes important provisions that will increase the yield and protect the quality of our headwaters.

Additionally, H.R. 2936 solves the perennial "fire borrowing" problem, in which federal land management agencies must raid non-fire suppression accounts in order to pay for suppression activities. H.R. 2936 ends this practice by allowing FEMA to transfer funds to the Forest Service/BLM when all fire suppression accounts have been exhausted.

As stated in ACWA's headwaters framework, ACWA believes with more effective management "healthy headwaters" could provide multiple benefits to California's water management system and the environment. These benefits include: Increased Water Supply Reliability; Improved Water Quality; Reduced Impacts from Catastrophic Wildfires; Increased Renewable Energy Supplies; Improved Response to Climate Change; and Enhanced Habitat.

ACWA encourages you to vote for H.R. 2936.

If you have any questions please contact David Reynold.

Mr. PETERSON. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from California (Mr. COSTA).

Mr. COSTA. Mr. Chairman, I thank my friend and colleague from Minnesota, Congressman PETERSON, for yielding this time.

It is clear, I think, for everybody in this Chamber to know how devastating the fires have been, not only in California over the last recent weeks but throughout the West, and it has been this way for several years.

It is long overdue for Congress to address the many issues facing our forests under Federal management, and that is what this legislation attempts to do.

Years of mismanagement have contributed to the rise of catastrophic wildfires, not only in my home State of California but throughout the West. The heart of the problem is simple: money that Congress has allocated to prevent wildfires has been used instead to put them out.

Now, there are other factors involved as well to be sure, but for years what we have done with densely overgrown forests that need managing is we have set ourselves up to allow these densely overgrown forests to be the subject of very destructive fires if something should go wrong; and, of course, we have lightning strikes and we have other natural conditions that cause these fires.

This year alone, the United States Forest Service has spent about \$2.4 billion on putting out fires and has transferred nearly \$576 million from management activities. These management activities would go to thinning the forests and to allow for better overall growth. This would be a preventive means to decrease the ability of these fires to grow.

I have concerns with some of the provisions in this legislation and believe it can be improved with some modifications, specifically to the way fire borrowing is addressed and the size of categorical exemptions under public disclosure laws, but this is a work in progress, and we can deal with that.

Let me be clear. We must reform the way our Federal forests are managed, particularly the impacts as a result of the changing climate that we have and as it becomes more pronounced, such as drought conditions.

The CHAIR. The time of the gentleman has expired.

Mr. PETERSON. Mr. Chairman, I yield the gentleman from California an additional 30 seconds.

Mr. COSTA. Mr. Chairman, the benefits of improved management will not only help with wildfire suppression, putting out these fires, but it will benefit the environment. With more effective management, healthier headwaters will provide for an estimated increased water supply of 300,000 acre-feet of additional water—that is significant, certainly in a State like California—and improved water quality downstream.

In closing, I urge my colleagues to work together to improve this legislation before it is sent to the Senate for consideration, because it is very clear in recent weeks, in recent months, and over the last 2 years that the status quo is unsustainable. We must do a better job in managing our forests.

Mr. THOMPSON of Pennsylvania. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. DUNN).

Mr. DUNN. Mr. Chairman, I thank my friend from Pennsylvania for yielding me time.

Mr. Chairman, I rise in support of the Resilient Federal Forests Act of 2017. The National Forest System is governed by the principle of multiple use—conferring maximum sustainable benefits in the form of wildlife habitat, recreation, clean air and water, and timber harvests.

Sadly, government red tape and the constant threat of litigation has caused paralysis by analysis at the Forest Service leading to a decrease of

public recreation activities and a reduction of timber output.

In the counties surrounding the Apalachicola National Forest in Florida's Second District—Franklin, Leon, Liberty, and Wakulla—the lack of timber management not only means fewer jobs, but it also creates a smaller tax base which means fewer resources to provide basic services like law enforcement and good schools.

Under the Resilient Federal Forests Act of 2017, forest management will be driven by forest health and not by fear of litigation. This improves stewardship and strengthens communities. I encourage all of my colleagues to support this important legislation.

Mr. PETERSON. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Virginia (Mr. BEYER).

Mr. BEYER. Mr. Chairman, I don't have any strong objections to the parts of this bill that deal with forest resilience, and I yield to people who know a lot more about forests than I do.

But I am concerned that H.R. 2936 is harmful for all of the species that rely on forests for habitat and that the bill specifically includes provisions that specifically attack and undermine the Endangered Species Act.

The bill allows the Forest Service and the Bureau of Land Management to unilaterally determine if authorized logging and forestry management actions would adversely affect listed species or critical habitat without ever consulting experts at the U.S. Fish and Wildlife Service as is required by the Endangered Species Act.

Furthermore, the bill declares that, for purposes of the ESA, all logging and other forestry activities carried out pursuant to the bill are "nondiscretionary" actions. Deeming these actions to be nondiscretionary serves as a direct waiver of the Endangered Species Act regulations and protections and allows forest activities to violate the ESA and jeopardize species.

Another provision exempts the Forest Service and BLM from implementing regulations that require consultation on management plans when a new species is listed as threatened or endangered or there is a new critical habitat designation.

This, in particular, will have profound implications for species that have been proposed or are candidates for listing under the ESA that rely on these lands for habitat, such as the North American wolverine.

In short, this bill dismantles inter-agency consultation that is integral to wildlife protection under the Endangered Species Act.

America's forests are home to over 400 threatened or endangered species, including the Florida panther, native wild trout, and the black-footed ferret. We cannot allow this bill to strip protections for these iconic species and eliminate environmental review processes for our Nation's forests. So on this basis—the threat to the Endangered Species Act—I urge my colleagues to vote "no."

Mr. THOMPSON of Pennsylvania. Mr. Chairman, I yield 1 minute to my colleague from Texas (Mr. GOHMERT).

Mr. GOHMERT. Mr. Chairman, it is great to be able to speak on this. I am grateful to Mr. WESTERMAN. We share a great deal of interests, and Mr. THOMPSON.

As far as the endangered species, I remember hearing about how this little spotted owl only could mate in virgin forests, and then it turns out some pair were reported to have mated in a Kmart sign. But endangered species will do best in managed forests where we clear underbrush and where we make fire lanes—where we manage the forests. The forests do better, and you stop the wildfires.

If you want to just leave it to nature, nature will destroy massive numbers of acres of land. So we have a responsibility. Even in the Garden of Eden when things were perfect, God said to tend the garden.

So I appreciate the time, and I also appreciate the chairman's willingness to address the issue of the stewardship program so counties don't get messed over.

Mr. PETERSON. Mr. Chairman, I reserve the balance of my time.

Mr. THOMPSON of Pennsylvania. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. BERGMAN).

Mr. BERGMAN. Mr. Chairman, I rise today in support of H.R. 2936, the Resilient Federal Forests Act. My district is home to three national forests, Ottawa, Hiawatha, and Huron-Manistee. So when we use the term "in our neck of the woods," we mean it.

We understand how vitally important proper management of forests is for our environment, our economy, and our special way of life in northern Michigan and the Upper Peninsula. I live right in the middle of the Ottawa National Forest, so this issue really does hit close to home for me.

Now as we have seen the devastation from forest fires in the West, it is more important than ever to have this debate. But it is impossible to talk about the need for wildfire suppression without talking about proper forest management. These two go hand in hand—or at least they should go hand in hand.

□ 1530

All too often, we hear rhetoric that managing our forests and removing dead or dying trees is a bad thing. This can't be further from the truth.

When we leave these dried, rotting trees laying on the forest floor, they become an incendiary breeding ground for fires. Those fires cost the Forest Service billions of dollars and countless hours of manpower to extinguish. Last year alone, we spent \$2.9 billion on suppression efforts. This leaves barely any financial resources to allocate towards actually managing our forests.

H.R. 2936 seeks to end this cycle. Let's get at the problem now so it

doesn't become a disaster later. This is not a partisan issue. This is a common-sense solution for our federally owned forest land.

Mr. Chairman, I include in the RECORD a letter from the Forest Products Industry National Labor Management Committee and a letter from the Intertribal Timber Council.

OCTOBER 31, 2017.

Hon. ROB BISHOP,
House of Representatives,
Washington, DC.

Subject: Support for HR 2936, The Resilient Federal Forests Act of 2017.

DEAR CONGRESSMAN BISHOP: As chair of the Forest Products Industry National Labor Management Committee, I am writing in strong support of HR 2936, The Resilient Federal Forests Act of 2017. I urge you to vote in support of HR 2936 when it comes to the floor of the House of Representatives for a vote on Wednesday, November 1.

The Forest Products Industry National Labor Management Committee is a non-profit trust formed to pursue the common public policy interests of the working men and women in the forest products industry. Collectively, the Committee represents more than two million workers across the nation, including lumber and sawmill workers, woodworkers, machinists, carpenters, and pulp and paper workers.

The balanced and sustainable management of our federally-owned forests has been of significant interest to the Committee since it was founded in 1990. Since that time, the Committee has engaged on numerous pieces of federal forest and related legislation.

HR 2936 is a bipartisan measure that will address the growing economic and environmental threats posed by catastrophic wildfires. HR 2936 provides a responsible budgetary solution and targeted forest management reforms to improve the health and resiliency of America's forests. Adoption of these proposals will enhance federal forest stewardship; protect forest ecosystems from catastrophic fire and disease; and preserve rural, family wage jobs.

The Forest Products Industry National Labor Management Committee urges you to vote in support of HR 2936, the Resilient Federal Forests Act of 2017, when the measure comes to the floor of the House of Representatives for a vote this week.

Sincerely,

MIKE DRAPER,
*Chairman, Forest
Products Industry
National Labor
Management Com-
mittee.*

INTERTRIBAL TIMBER COUNCIL,
Portland, OR, July 5, 2017.

Hon. ROB BISHOP,
Chairman, House Committee on Natural Resources,
Washington, DC.

DEAR CHAIRMAN BISHOP: The Executive Board of the Intertribal Timber Council (ITC) supports H.R. 2936, the Resilient Federal Forests Act of 2017, sponsored by Rep. Bruce Westerman.

We wish to particularly express our strong support for Title VII, which will enhance tribal input and involvement in the restoration of federal forest lands. Such restoration projects are sorely needed to improve forest health and reduce threats to lands held in trust for Indians as well as non-trust federal land upon which Indian tribes access for traditional, subsistence and treaty-guaranteed purposes.

Section 701 would provide timelines for review, approval and implementation of Tribal

Forest Protection Act projects. This new authority is needed because of the underperformance of the TFFA authority. Thirteen years after Congress passed the TFFA, only three projects have been fully implemented, while others linger in years of procedural abyss. As a result, tribal forest lands remain at high risk of wildfire coming from adjacent federal lands. This section would give tribes the certainty to pursue TFFA projects with their federal neighbors and reduce the risk of wildfire migrating from federal lands onto Indian trust land.

Section 702 would give the Forest Service and BLM a new ability to have tribes carry out forest restoration projects in their homelands. Improvement of forest health and ecological functions are vital to maintain watersheds and fish and wildlife habitat on lands that may be subject to federally-reserved tribal rights. Acting through the Bureau of Indian Affairs, tribes would be able to restore lands using the federal regulatory structure used on Indian trust lands. As the Committee has noted on several occasions, tribal forest management is able to achieve greater results faster and at lower costs than on federal land. This provision would help bring that successful management approach to federal lands sorely in need of restoration.

Section 703 authorizes pilot authority for the Interior and Agriculture Departments to grant "638" contracting authority to tribes and tribal organizations for the administrative and management functions of TFFA projects.

The ITC is a forty-one year old association of more than fifty Indian tribes and Alaska Native organizations that collectively manage more than 90% of the 18 million acres of forest land held in trust by the Bureau of Indian Affairs. The ITC is dedicated to pursuing the best management and protection of tribal forests and other natural resources. We actively participated in the development of the National Indian Forest Resources Management Act (PL 101-630, 1990) and the Tribal Forest Protection Act (PL 108-278, 2004). It is our pleasure to now support H.R. 2936.

Sincerely,

PHIL RIGDON,
President.

Mr. BERGMAN. Mr. Chairman, I strongly urge my colleagues to support H.R. 2936.

Mr. PETERSON. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. THOMPSON).

Mr. THOMPSON of California. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, many of my colleagues have asked, because of the recent fires in my district, how I will be voting on this measure today. Well, I am a "no."

My district experienced the worst wildfires in California history. Fires burned close to 300,000 acres, killed 43 people, forced more than 100,000 people to evacuate, decimated some 7,000 homes, and left 10,000 people homeless in the city of Santa Rosa alone.

Our fires didn't burn Forest Service lands and they didn't start on public land, so nothing in this bill that we are discussing here today could have prevented the devastation in my district.

I agree that we should be doing more to prepare for catastrophic fire events, but this bill doesn't achieve that goal. Instead, it guts longstanding protections and fails to fix the budgetary issues that plague fire management. In

fact, this bill could make things worse by creating more red tape for agencies when they are actively responding to wildfires.

That is why I joined Representative HUFFMAN to introduce an amendment that would have more directly addressed the risk of wildfires. We incorporated provisions based on:

Representatives SIMPSON's and SCHRADER's Wildfire Disaster Funding Act that gives land management agencies access to funding to fight wildfires without jeopardizing other agency programs;

Legislation that I dropped today that is the companion bill to Senators CANTWELL's and RISCH's Wildland Fires Act, which provides funding to help communities prepare for wildfires and target high-risk areas for prescribed burns. The gentleman from Nevada (Mr. AMODEI) is the coauthor of that legislation;

We incorporated Representatives LAMALFA's and SCHRADER's Electricity Reliability and Forest Protection Act, which passed the House earlier this year, and allows for hazardous vegetation management on Federal lands that abut electrical transmission lines;

We also incorporated Representative RUIZ's Wildfire Prevention Act that allows States to apply for hazard mitigation grants for wildfire prevention projects.

Instead of considering controversial measures that will meet a dead end once it gets to the Senate, we should pass these bipartisan, practical, and effective solutions.

The fires that tore across my State must not be used as an excuse to undermine fundamental environmental laws that protect public lands. They should motivate us to work together to protect communities from the devastation that my constituents are facing today.

Mr. THOMPSON of Pennsylvania. Mr. Chairman, I yield 1 minute to the gentleman from Montana (Mr. GIANFORTE).

Mr. GIANFORTE. Mr. Chairman, I thank the gentleman for yielding. I also thank the gentleman from Arkansas, a trained forester, for his efforts to reform how we manage our forests.

Montana faced a devastating wildfire season. Over 1 million acres have burned in our State. Lives were lost. Our livelihoods were threatened. Wildlife habitats were destroyed. We breathed the smoke as the clouds hung in the air.

Earlier this week, the gentleman from Arkansas and I met with conservationists, the Forest Service, local leaders, and key stakeholders, including the Rocky Mountain Elk Foundation. They all affirmed that litigation and an inability to inappropriately manage our forests are the problem that lead to severe wildfires.

When catastrophic wildfires strike, we keep treating the symptoms—suppressing the fires—and somehow think that the next wildfire will be different.

We have to address the underlying issues. We have to reform how we manage our forests. We have to make our forests healthier and our wildfires less severe. We can begin that process today.

The people of Montana need relief and a long-term solution. I encourage my colleagues to support this bill.

The Acting CHAIR (Mr. ISSA). The time of the gentleman has expired.

Mr. THOMPSON of Pennsylvania. Mr. Chairman, I yield an additional 30 seconds to the gentleman.

Mr. GIANFORTE. Mr. Chairman, I include in the RECORD a letter of support for the legislation from the National Lumber and Building Material Dealers Association, and a statement of support from the former Chief of the Forest Service, Tom Tidwell.

NLBMDA PRAISES REINTRODUCTION OF RESILIENT FEDERAL FORESTS ACT

WASHINGTON, DC.—The National Lumber and Building Material Dealers Association (NLBMDA) praises the introduction yesterday of the Resilient Federal Forests Act by (H.R. 2936) Rep. Bruce Westerman (R-AR). The legislation helps protect the national forest system by implementing best practices intended to lessen the threat of wildfires. Original cosponsors for the bipartisan bill include Reps. Raúl Labrador (R-ID), Tom McClintock (R-CA), Cathy McMorris Rodgers (R-WA), Rick Nolan (D-MN), Collin Peterson (D-MN), and Scott Tipton (R-CO).

Rep. Westerman introduced the legislation during the previous Congress in 2015, where it passed the House of Representatives by a vote of 262-167 with support from 21 Democrats who crossed the aisle to support the bill.

The U.S. Forest Service manages over 190 million acres. Of this, 46 million acres is designated as allowable for timber harvest. Timber harvests from federal forests declined by 78 percent between 1987 and 2015, from 11.3 to 2.5 billion board feet. This is far below the long-term, sustainable capability of these lands of 12.2 billion board feet per year.

Poor land management during the past 30 years has led to declining health of national forests. This has resulted in fewer jobs and productivity in the forestry sector, fewer board feet of domestically produced lumber entering the market, and a marked increase in acreage ravaged by insects, disease and fire.

"The Resilient Federal Forests Act strikes a balanced approach in managing the national forest system by making more land available for logging in an environmentally sustainable way," said Jonathan Paine, NLBMDA President and CEO. "NLBMDA thanks Congressman Westerman for his leadership on this important issue."

NLBMDA supports greater sustainable harvesting of federal forests to meet long-term demand for lumber as part of a comprehensive plan that does not place U.S. private forests at a competitive disadvantage.

STATEMENT OF TOM TIDWELL, CHIEF, U.S. DEPARTMENT OF AGRICULTURE, FOREST SERVICE

SUBMITTED TO THE HOUSE NATURAL RESOURCES COMMITTEE, SUBCOMMITTEE ON FEDERAL LANDS ON THE RESILIENT FEDERAL FORESTS ACT OF 2017

Mr. Chairman and members of the Subcommittee, thank you for the opportunity to present a statement regarding the Resilient

Federal Forests Act of 2017. The U.S. Forest Service is currently reviewing this discussion draft, and the Administration does not have a position on it at this time.

We appreciate the significant work the Subcommittee put into this bill since it was last introduced in the 114th Congress. We also appreciate your efforts to incorporate Forest Service comments and recommendations and are encouraged by many of the goals outlined within this bill. We look forward to continuing to work with you and your staffs on the details to ensure this legislation results in meaningful improvements to forest management work on the ground.

The Forest Service welcomes legislation that expands the toolset we can use to restore our nation's forests while staying within the boundaries and intent of the National Environmental Policy Act and the Endangered Species Act. Forest restoration projects provide rural jobs, mitigate the severity of wildfires, enhance watershed conditions, and ensure a variety of other economic, social and environmental benefits for the American people. Provisions that expand categorical exclusions, incentivize collaboration, and streamline environmental analysis or consultation with other federal agencies are all important issues in the bill that we are reviewing.

It is notable that the Resilient Federal Forests Act does not contain provisions that would mandate harvest levels, require a new layer of zoning on the National Forests, or elevate one use over another on these multiple-use lands, as we have seen in other recent forestry bills.

While we support efforts to provide new tools to improve forest management and restoration, capacity constraints, including the present approach to budgeting for wildfire, continue to be impediments to increasing the pace and scale of this work. We look forward to continuing to work with you on the wildfire title to find a solution that addresses the disproportionate growth of fire programs as a share of the agency's overall budget.

Again, I thank you for the opportunity to provide this statement. The Forest Service stands ready to continue working with you on this important legislation.

Mr. PETERSON. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Oregon (Mr. SCHRADER).

Mr. SCHRADER. Mr. Chairman, this fire season has put the need for real forest management in stark relief for those of us who live out West.

The current laissez-faire forest policy, with random desperate measures to fight increasingly horrific fires that threaten and destroy rural and now—as we have seen in California—suburban communities is completely inadequate and increasingly costly to the taxpayer.

This bill, contrary to what some have said, rewards communities that have proactive, collaborative programs; stewardship programs; rural advisory committees; and wildfire protection plans to manage their forests without redundant NEPA processes.

A few thousand acres out of the millions acres of Federal forest land are now going to be enabled to be managed for wildlife successional forest habitat; removal of dangerous roadside and infrastructure threatening vegetation; insect and disease infestations; reducing hazardous fuel in the forests; and,

frankly, doing a little reforestation of salvage projects, which should have been allowed years ago.

We also pilot a few arbitration projects to stop the endless frivolous litigation of every single forest project, at least in Oregon, and I think elsewhere.

SRS payments continue to rural communities whose way of life has been, basically, taken away from them by the endless frivolous litigation in our Federal forests. Counties, for the first time, get some revenue from the very stewardship contracts that we want to encourage, but not at the expense of rural communities' economic health.

Many are still stuck in the recession, and this bill is critical to their revival. Oregon counties in the Oregon and California railroad areas also get the opportunity to be made whole again, like the original statute said.

I think it is important to note for a lot of our friends out there that the current regional forest plans still apply and are not undermined. We just give flexibility to the Forest Service folks within the regions to do what they think needs to be done to keep those forests healthy. We empower good management.

For those of you who are interested in innovation, this bill actually calls out cross-laminated timber and other thoughtful uses of forests and timber that can bring environmental and timber groups together like it should be in the 21st century.

Finally, most important of all for some folks, we actually get wildfire disaster funding included as a reasonable topic of conversation and get out of the current fire-borrowing policy that is preventing the Forest Service and BLM from doing good forest management to prevent those fires in the first place.

On balance, frankly, this is a very good bill and it is much-needed at this time.

Mr. THOMPSON of Pennsylvania. Mr. Chairman, I yield 1 minute to the gentleman from Idaho (Mr. LABRADOR).

Mr. LABRADOR. Mr. Chairman, the Resilient Federal Forests Act contains many provisions that will give the Forest Service additional tools to better manage our national forests.

To keep our forests healthy and productive, we must ensure we have skilled loggers to safely work in those forests. I thank Representative WESTERMAN for including my bill, the Future Logging Careers Act, in his bill that is on the floor today.

My bill will allow 16- and 17-year-olds to learn the logging business by working in family-owned mechanized logging operations under the supervision of their parents. That will allow the next generation of loggers to learn valuable skills, prepare to take over family businesses, and provide the wood products needed to support our economy.

I learned of the need for this bill after meeting two Idaho loggers from

third-generation logging families, Tim Christopherson from Idaho County and Tom Mahon from Adams County.

Mahon's 16-year-old son, J.T., was working under his father's supervision when a Forest Service employee sent him home. J.T. couldn't work in the woods because logging doesn't have an exemption that has long been enjoyed by family farms under the Fair Labor Standards Act.

The Acting CHAIR. The time of the gentleman has expired.

Mr. THOMPSON of Pennsylvania. Mr. Chairman, I yield an additional 30 seconds to the gentleman from Idaho.

Mr. LABRADOR. With help from the families and the Associated Logging Contractors of Idaho, we crafted a solution that is good for families, good for rural America, and good for the American economy.

I am grateful for the bipartisan effort on this legislation, and I urge my colleagues to support the bill.

Mr. Chairman, I include in the RECORD a letter from the National Wild Turkey Federation and a letter from the National Association of Counties, Western Interstate Region, in support of H.R. 2936.

NATIONAL WILD TURKEY FEDERATION,
Edgefield, SC, June 26, 2017.

Hon. ROB BISHOP,
Chairman, Natural Resources Committee,
House of Representatives, Washington, DC.

Hon. RAÚL GRIJALVA,
Ranking Democrat, Natural Resources Committee,
House of Representatives, Washington, DC.

DEAR CHAIRMAN BISHOP AND REPRESENTATIVE GRIJALVA: On behalf of the National Wild Turkey Federation (NWTFF) and its 230,000 members, we urge you to take swift Committee action on H.R. 2936 the Resilient Federal Forest Act of 2017. The NWTFF is a leader in wildlife habitat conservation in North America and is dedicated to the conservation of the wild turkey and preservation of our hunting heritage. We are currently working towards our 10-year Save the Habitat. Save the Hunt initiative in which we aim to conserve or enhance 4 million acres of critical habitat, recruit 1.5 million hunters and open 500,000 acres for outdoor enjoyment.

Active forest management is crucial to establishing healthy and sustainable forests and decisions for forest management should be based on sound science. As such, the common sense solutions offered in H.R. 2936 are imperative to the health and future of our nation's forests and important to the NWTFF to help achieve our objectives. In total, H.R. 2936 has many reasonable solutions to the challenges that the managing agencies face to increase the pace and efficiency of active forest management on our nation's federal lands. We take this opportunity to highlight those solutions that we believe will make the most immediate difference and offer recommendations as to how we believe the bill can be further improved.

We support increased availability for Categorical Exclusions (CE) in order to deal more effectively and efficiently with threats like pests and disease and for addressing urgent wildlife needs like critical habitat for endangered species. We are especially supportive of the CE that will allow for activities that enhance early successional forests for wildlife habitat. Unlike some critics of CEs who will suggest, they do not exempt the action from the National Environmental

Policy Act (NEPA), rather they apply the NEPA review to like or similar actions to expedite the process. These are administered under Council on Environmental Quality regulations and other guidance. Increased use of CEs is one of the best opportunities we have in the short term to increase the pace of active forest management.

Funding the cost of fighting catastrophic wildfires outside of the agency budget is paramount to the agency's ability to deliver on other aspects of their mission. We are supportive of a fix that will allow catastrophic wildfires to be considered a disaster. Until agencies are freed from the burden of fighting catastrophic wildfires through their annual budgets we will be unable to make meaningful progress towards proactive forest management. We recommend capping the firefighting budget at the current 10-year average to protect further erosion of the U.S. Forest Service budget in other important mission delivery areas.

We support the bill's provisions for large scale reforestation on fire-impacted lands. While public input and review is essential to public lands management, currently it can result in delayed action and result in an inability to accomplish the necessary objectives. We believe the deadlines set for plan development and public input, as well as the prohibition on restraining orders and preliminary injunctions strike a reasonable balance. We recommend that this provision of the bill clarify that proper ecological restoration is allowed as a mechanism to salvage forests post catastrophic events as reforestation may not always be the best action for the ecological good.

The NWTFF strongly supports arbitration as an alternative to litigation. This will conserve valuable U.S. Forest Service resources and expedite work getting done on the ground. Additionally, we support the provision that does not allow plaintiffs challenging a forest management activity to receive any award or payment obligated from the Claims and Judgment Fund.

We support the approach for allowing evaluation of only action/no-action alternatives for collaborative Forest Plans, Resource Advisory Committee and Community Wildfire Protection Plan projects. Limiting the number of alternatives will expedite the development of environmental assessments and allow work to get done on the ground more quickly. We also support the requirement to look at consequences of a no-action alternative as a no-action decision would still have an impact on the resource.

We understand budget concerns counties face and are supportive of a portion of retained receipts from stewardship contracts going to the counties. Stewardship Contracting is an important tool for active forest management. Ultimately this change will remove one impediment to utilizing Stewardship Contracting and help garner support from the counties. We recommend modifying this section to reflect that payment should come only from retained receipts on completed projects, versus strictly from timber value within ongoing projects. This will maintain the "exchange of goods for services" function of Stewardship Contracting while also preserving the balance of timber dollars and the investment of matching funds from organizations like the NWTFF to expand the scope and scale of projects, thus accomplishing more active management and fire protection across the landscape and within counties.

We appreciate the recognition of the importance of funding planning activities for forest management. We are concerned that the provision could potentially provide justification for the U.S. Forest Service staff to refrain from fully utilizing product value and

partner match dollars for on the ground work. While we feel the 25% threshold is too high, the provision of allowing some of the stewardship project revenues to cover the costs of planning additional projects could be beneficial and incentivize project planning.

We also appreciate the common-sense amendments to the Endangered Species Act (ESA) that will improve the process of protecting endangered and threatened species and their habitat. The bill overturns the "Cottonwood" court decision, which directs that if additional critical habitat is designated under an approved Forest Plan or Resource Management Plan, a section 7 programmatic re-consultation of the entire Forest Plan needs to be done. The U.S. Fish and Wildlife Service and the Obama Administration argued that the section 7 consultation needs only to be done on the portion of the project covering the additionally designated acreage of critical habitat. The remedy in this bill will greatly reduce the debilitating process that the federal court decision directs. The bill also affirms current U.S. Fish and Wildlife Service policy that no ESA section 7 consultation is required if the U.S. Forest Service or Bureau of Land Management determines through informal consultation that the proposed action will not likely have an adverse affect on species or critical habitat. We further support the 90 day threshold on a CE established by this bill because it will conserve agency resources and expedite management activities on the ground.

We commend Congressman Westerman, the co-sponsors, and Chairman Bishop for their dedication to restoring and maintaining our federal forests under management informed by science, and offering the appropriate reforms to management practices. We respectfully urge that you expeditiously report H.R. 2936 out of Committee and to the House floor.

Sincerely,

REBECCA A. HUMPHRIES,
Chief Executive Officer.

JUNE 21, 2017.

Hon. BRUCE WESTERMAN,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN WESTERMAN: On behalf of the National Association of Counties (NACo) the only organization representing the nation's 3,069 counties, parishes, and boroughs, and the Western Interstate Region (WIR), we write to express support for H.R. 2936, the Resilient Federal Forests Act of 2017. Thank you for your leadership in introducing legislation to promote the active management of our nation's federal lands and forests, reduce the risk of catastrophic wildfire and promote collaborative approaches to address natural resource management challenges.

The legislation will improve the health and wellbeing of forest lands and forest communities by: promoting collaboration and streamlining regulations for forest health projects, protecting communities through wildfire risk reduction, improving flexibility and fairness in forest revenue sharing, and delegating the authority for Resource Advisory Committees (RAC) appointments.

PROMOTING COLLABORATION AND STREAMLINING REGULATIONS FOR FOREST HEALTH PROJECTS

Counties believe that active management of federal lands and forests must be done in a sustainable manner that ensures the health of our federal lands for generations to come. One way to help ensure a balanced approach to address natural resource management challenges is by promoting locally driven collaborative processes that promote

consensus driven decision making. Counties across the United States have engaged in collaborative efforts to address their natural resources challenges. By bringing a broad cross-section of local stakeholders into collaborative processes, counties, industry, outdoorsmen, conservationists and federal and state land managers have built consensus on some of the most complex natural resource management challenges.

By authorizing limited and reasonable categorical exclusions for projects that improve forest health and have been developed through consensus based collaborative processes, H.R. 2936 builds upon these successes and provides additional tools to help ensure that collaborative efforts continue to work, accelerate and expand. Streamlining the regulatory review of proposed forestry projects will increase project implementation and the number of acres that are treated.

PROTECTING COMMUNITIES THROUGH WILDFIRE RISK REDUCTION

For the 26 percent of counties across the United States that are home to federal forest lands, the health of our national forests has a direct impact on the health and safety of county residents. Healthy forests are less prone to disease, insect infestation, and wildfire. While the causes of catastrophic wildfire are complex, the status quo of inaction has exacerbated present forest conditions, which now present a great risk to both communities and the environment. Your legislation would help to correct this by requiring the costs and benefits of a proposed forest project be weighed against the costs and benefits of doing nothing to address wildfire threats, disease and insect infestation, and their impacts on local water supply and wildlife habitat.

Provisions of the legislation expediting regulatory analysis for timber salvage after major wildfires are also crucial, and will provide the Forest Service with the revenue it needs to execute critical and time-sensitive post-fire reforestation work.

PROVIDING FLEXIBILITY AND EQUITABLE SHARING OF FOREST REVENUES

In addition to improving forest health and reducing wildfire risk for forest communities, increased active management will generate more revenue for the federal treasury and critical services provided by counties, and promote job creation and economic growth in counties across the nation. According to the American Forest and Paper Association, forest products industries account for 4% of U.S. manufacturing GDP and over \$50 billion annually in wages for approximately 900,000 employees. These jobs provide a direct economic impact to many rural and forest counties across the country.

The growth in stewardship contracting in recent years has shown that a market-driven approach to forest management projects can work to achieve both forest management goals and increased forest production. Counties support and are active partners in stewardship contracting initiatives across the United States. NACo and WIR support provisions of H.R. 2936 that authorize the equitable sharing of stewardship contracting revenues with counties consistent with historic practices. Forest revenue sharing payments support critical county services such as transportation infrastructure and education. America's counties look forward to working with Congress to further strengthen forest revenue sharing between counties and the federal government.

Since 2000, due to sharp declines in forest revenues, the federal government has provided payments to forest counties through the Secure Rural Schools (SRS) program. The SRS program provides a critical safety-net for forest counties impacted by declines

in forest production and the loss of forest jobs and it will continue to be a critical program until the declines in forest production can be fully addressed. H.R. 2936 reforms Title III of SRS that provide much needed flexibility for counties to use a portion of SRS funding to support law enforcement patrols and ensure county first-responders have the equipment and training they need to provide high-quality emergency services on forest service land to county residents and the millions of public lands visitors each year.

DELEGATING THE AUTHORITY FOR RESOURCE ADVISORY COMMITTEE (RAC) APPOINTMENTS

Finally, counties support legislation to ensure rural counties can actively coordinate with federal agencies through flexibility in RAC membership and appointments. NACo and WIR support allowing the U.S. Secretary of Agriculture and U.S. Secretary of the Interior to delegate the authority for appointing RAC members to agency leaders, such as Regional Foresters or Bureau of Land Management State Directors. Counties should be included in the development and implementation of public lands management plans, and RACs allow county leaders to actively participate in this process. Your legislation would allow the Secretary to delegate RAC appointment authority, and ensure locally-driven efforts to better manage federal lands can begin in a timely manner.

NACo and WIR stand ready to work with you to promote locally supported, consensus-driven solutions to address management challenges, reduce the risk of catastrophic wildfire, and increase economic activity on our federal lands. NACo and WIR encourage swift passage of the Resilient Federal Forests Act of 2017.

Sincerely,

MATTHEW D. CHASE,
Executive Director,
National Association
of Counties.
JOEL BOUSMAN,
President, Western
Interstate Region.

Mr. PETERSON. Mr. Chairman, I reserve the balance of my time.

Mr. THOMPSON of Pennsylvania. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. LAMALFA).

Mr. LAMALFA. Mr. Chairman, nationwide, this year has been the most expensive year on record, with over \$2 billion spent to combat fires that have burned almost 9 million acres of land.

As of October 29, State and Federal firefighters responded to 8,300-plus fires, covering over 1.1 million acres in California alone, nearly doubling the amount of acres burned in 2016.

A complete lack of forest management in California has left our forests more combustible than ever, leading to one of the worst wildfire seasons in our State's history. That is why the bill of my colleague, Mr. WESTERMAN, H.R. 2936, is very important.

The Resilient Federal Forests Act includes what I believe to be critically important reforms in forest management, such as expedited environmental reviews and the availability of categorical exclusions for forest management activities to help achieve these goals.

Our Federal lands are hurting. They are in desperate need to be managed in order to not have these disasters each and every year. We can either thin the trees and the brush out, or watch them

go up in smoke every year and become part of our brown skies, instead of the blue skies that we would normally enjoy.

We can't afford this inaction anymore. We need to move this legislation and clean up California's forests for all.

Mr. PETERSON. Mr. Chairman, as I said earlier, this bill is not perfect, but it has a lot of good provisions.

I urge support of this bill, and I yield back the balance of my time.

Mr. THOMPSON of Pennsylvania. Mr. Chairman, I thank the ranking member of the Agriculture Committee for his support, and also Mr. WESTERMAN from Arkansas, the author of this bill.

The Resilient Federal Forests Act of 2017 is a bipartisan solution to address the growing economic and environmental threats from catastrophic wildfires.

As we have heard already, 2017 has had the costliest wildfires on record, with the Forest Service spending over \$2 billion. We have had the loss of communities and lives lost. The greatest cause of this uptick in wildfires is the severe lack of forest management.

□ 1545

This legislation pairs a responsible budget fix with forest management reforms, improves the health and resiliency of our Nation's forests and rangelands, and provides Federal Land Management agency tools to increase the pay scale and cost efficiency of forest management projects without sacrificing environmental protections.

The bill permanently solves the wildfire borrowing problem by allowing FEMA to transfer limited funds to the Forest Service or BLM when the rest of their wildfire suppression funding has been exhausted.

It prevents wildfires by authorizing the tools for the Forest Service, tools that they are looking for in the Bureau of Land Management that they can implement immediately to mitigate insect and disease infestation, prevent damage to municipal watersheds and critical infrastructure quickly, harvest wildfire, kill trees to pay for the reforestation, and the bill encourages quick reforestation that accelerates habitat improvement.

This bill does incentivize collaboration, supports local government, and modernizes the Secure Rural Schools Act.

Mr. Chairman, I would just ask my colleagues for their support of H.R. 2936, the Resilient Federal Forests Act of 2017, and I yield back the balance of my time.

Mr. BISHOP of Utah. Mr. Chairman, I yield myself such time as I may consume.

As we make this transition, let me try and sum up where we are at this particular time.

This particular bill was done in coordination with the U.S. Forest Service under both the Obama administration and the Trump administration. This

has the approval of local governments, Tribes, sportsmen's groups, and labor unions. The last time we had this bill, it had a good bipartisan vote on it, but these are issues that the Forest Service needs and they can use on day one of their issue.

What the Forest Service needs are resources, obviously. We know that. But they also need the tools that they need to actually do their work.

Now, there are some on the fringe who are going to say that everything is wrong here, but I would encourage them to get rid of the usual rhetoric and to pocket the dogma for a minute and realize that what we need to do is come up with a system that affects the planning process.

The Forest Service admits they have 50 to 60 million acres of forestland today that is ready to be a catastrophic catastrophe. They want to treat 25 percent of what they own a year. They are only treating 2 to 3 percent. That means, of the 50 to 60 million acres they have that are in dire situations right now, they can only treat 3 a year. That would take them 20 years to try and get through what needs to be treated unless we give them new tools to reform the system to make that process going in, and that is exactly what this bill does: it rewards collaboration; it tries to stop unnecessary litigation; it comes up with arbitration concepts that are in there; it expands the ability of streamlining the process so they can get to work.

Our people need the resources to do their job. They need the tools. We should make it very clear that money alone is not going to solve the problem of wildfire catastrophe. What we have to do is solve the conditions that create the catastrophic wildfires in the first place, and that means that we need to make sure that we are doing things so we can prohibit what has happened, which has been devastating to people and their property; which has destroyed habitat for species, endangered and unendangered; and which has created conditions of pollution in our atmosphere.

All that has to take place. Everything in this bill is what the experts in the Forest Service said they can do on day one after it is passed. It needs to take place. It needs to be in addition to the financial solving of the wildfire situation. You need to have these reforms, and that is what we are pushing in this bill. It is why it is so desperately needed and why it was worked out with the experts in the field.

Mr. Chairman, I reserve the balance of my time.

Mr. GRIJALVA. Mr. Chairman, I yield myself such time as I may consume.

I rise in opposition to H.R. 2936, the so-called Resilient Federal Forests Act of 2017. Perhaps a better name would be the "Log America's Forest Act of 2017."

But before I address the many concerns with the underlying bill, I must

commend my colleagues across the aisle for attempting to deal with the biggest barrier to improved management of our national forests: the enormous cost and impact of wildfire suppression on the Forest Service budget.

Over 50 percent of the Forest Service budget is eaten up by wildfire, and if things don't change, the agency predicts that it will increase to two-thirds in just 5 years. Unfortunately, the budget fix in this bill falls short.

First, it requires Congress to appropriate an amount equal to the 10-year average before emergency funding is available. We know that climate change results in longer and more intense wildfire seasons, making the 10-year average irrelevant to the ever-increasing need for funding. Because the average is too low, the real number will keep growing, meaning the amount of funding that must be taken from the Forest Service accounts will continue to grow. Fighting fires will continue squeezing out money for the active management my Republican colleagues are so eager to prioritize.

Second, requiring the President to declare each fire a national emergency before releasing funds is unnecessarily bureaucratic and could delay emergency operations.

We need a holistic fix for the wildfire budget that makes money available in advance of a critical emergency, but Republicans would rather play politics with fire to undermine environmental safeguards.

This is not the first time we have seen the bill, this piece of legislation. House Republicans sent a version to the Senate in the 113th and the 114th Congresses, where it languished on the shelf because our colleagues on the other side of the Capitol found it too extreme.

Rather than view that experience as an opportunity to seek compromise this time around, today we are considering a bill that is even more extreme and polarizing. They doubled the environmental review waivers, added language to undermine the Endangered Species Act, and scaled back protections for national monuments and roadless areas.

We are told that this is all in the name of decreasing wildfire risk and protecting communities. The truth is that it is just more of the same from House Republicans who will look for any excuse to advance their extraction-above-all agenda.

Wildfires are a huge problem in this country due, in large part, to climate change, something this bill ignores. By the way, they are becoming more frequent and more intense, and they pose a growing threat to public safety and local communities.

This bill is not about forest health or wildfire mitigation. It is about increasing the number of trees removed from our forests. Republicans would rather scare us into weakening environmental safeguards than work on a possible bipartisan solution to wildfire management.

A serious proposal would recognize the Forest Service and the Department of the Interior have ample authority within current law to conduct fire treatment on our public lands. In fact, the 2009 Collaborative Forest Landscape Restoration Program, established the last time Democrats controlled the House, has resulted in the treatment of over 1.45 million acres of national forests to reduce the risk of catastrophic fire and the improvement of over 1.33 million acres of wildlife habitat.

In just 5 years, the program generated more than \$661 million in local labor income and an average of 4,300 jobs per year. The projects have attracted new partners and strengthened community relationships, leveraging over \$76.1 million in partner matching funds. Collaborative programs like this bring people to the table and result in more acres treated, more local jobs, and more successful projects. Again, all of this has taken place within the framework of the current law.

Increased funding for programs like Collaborative Forest Landscape Restoration should be a priority for Republicans, but this program was zeroed out by the Trump administration budget, and extreme proposals like this bill chip away at the principal pillars of law that make collaboration possible. Our constituents and our forests deserve better.

Mr. Chairman, I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Chairman, I include in the RECORD a letter from the National Conference of State Historic Preservation Officers and a letter sent from 40 forestry coalitions that are in support of this particular bill.

NATIONAL CONFERENCE OF STATE
HISTORIC PRESERVATION OFFICERS,
Washington, DC, October 24, 2017.

Hon. ROB BISHOP,
Chairman, House Committee on Natural Resources, Washington, DC.

DEAR CHAIRMAN BISHOP: On behalf of the National Conference of State Historic Preservation Officers (NCSHPO), we would like to thank you and Congressman Bruce Westerman for including language in the manager's amendment to H.R. 2936, the Resilient Federal Forests Act of 2017. The language, which calls for the establishment of a Nationwide Programmatic Agreement to pursue an efficient and effective solution to historic preservation review, ensures state and local input on the impact of federal undertakings on historic resources.

The establishment of the Nationwide Programmatic Agreement is consistent with the principal of states and communities having a lead role in evaluating the impact of federal projects on historic resources. This principal was enshrined in law more than 50 years ago with the passage of the National Historic Preservation Act and strengthened more than 40 years ago by the creation of the Historic Preservation Fund.

Wildfires pose a threat to historic resources and NCSHPO supports your effort to reduce their risk. As the bill moves forward, NCSHPO and its members remain ready and willing to help find a solution to any challenges faced in the management of our nation's forests. Our members are committed to assisting federal agencies in achieving

this goal, while also ensuring that state and local governments continue to have say in the impact of federal undertakings on historic resources.

We look forward to working with you on this important issue.

Sincerely,

ERIK M. HEIN,
Executive Director.

JUNE 27, 2017.

Hon. ROB BISHOP,
Chairman, Committee on Natural Resources,
House of Representatives, Washington, DC.

Hon. RAUL GRIJALVA,
Ranking Member, Committee on Natural Resources, House of Representatives, Washington, DC.

DEAR CHAIRMAN BISHOP & RANKING MEMBER GRIJALVA: We write to you today in strong support of HR 2936, the bipartisan Resilient Federal Forests Act of 2017.

Our federal forests are facing serious threats from fires, insects, and diseases due to lack of active forest management. The poor health of our federal forests also threatens wildlife habitat, watersheds, and neighboring non-Federal lands, as well as the vitality of rural, forested communities across the country. HR 2936 contains provisions intended to both address the disruption caused by fire borrowing and to expedite needed forest management to improve the health and vitality of our federal forests.

The Resilient Federal Forests Act provides Categorical Exclusions (CE's) under the National Environmental Policy Act will allow needed forest management projects to be more quickly prepared, analyzed, and implemented. It will also allow forest recovery projects to proceed more quickly, addressing a dire need created by recent wildfire seasons. The Forest Service has long experience with management techniques to reduce forest pests, thin hazardous fuels, create and maintain habitat for species, recover damaged timber and protect water quality. These projects mitigate risk and help create early successional forest habitat which is good for wildlife.

The Forest Service does more complex NEPA documentation than most other Federal agencies, and even after years of collaboration, frequently finds itself in court where judges scrutinize procedural issues, delaying needed management, sometimes for years. The Resilient Federal Forests Act addresses the complex, court-imposed NEPA burden that has been forced on the Forest Service, while preserving collaborative efforts and avoiding sensitive forest lands.

HR 2936 addresses both the excessive analysis requirements imposed on even modest forest management projects, as well as the dysfunctional system of funding suppression costs out of forest management program accounts. Provisions in the bill limit the acreage of Categorical Exclusions, and prohibits their use in sensitive areas. The legislation provides access to the disaster relief fund for wildfire suppression expenses in excess of the 10-year average.

The House acted on a similar, bipartisan bill in 2015. The need for action to address forest health conditions on our national forest system is even higher today. Wildfire suppression funding mechanisms developed in the past are no longer adequate to address the conditions we are experiencing. We urge to take up and pass HR 2936 as quickly as possible.

We stand ready to work with both of you advance responsible solutions to these serious national problems.

Alabama Loggers Council; Allegheny Hardwood Utilization Group, Inc.; American Farm Bureau Federation; American Forest & Paper Association;

American Forest Resource Council; American Loggers Council; Arkansas Forestry Association; Arkansas Timber Producers Association; Associated California Loggers; Associated Logging Contractors of Idaho; Associated Oregon Loggers; Association of Consulting Foresters; Black Hills Forest Resource Association; California Forestry Association; Carolina Loggers Association; Colorado Timber Industry Association; Coos County (Oregon) Board of Commissioners; Deere & Co; Great Lakes Timber Professionals; Hardwood Federations.

Intermountain Forest Association; Louisiana Forestry Association; Michigan Association of Timbermen; Michigan Forest Products Council; Minnesota Forest Industries; Minnesota Timber Producers Association; Mississippi Loggers Association; Missouri Forest Products Association; Montana Logging Association; Montana Wood Products Association; National Wildfire Institute; New Hampshire Timberland Owners Association; New Mexico Coalition of Conservation Districts; New Mexico Forest Industry Association; Northeastern Loggers Association; Professional Logging Contractors of Maine; South Carolina Timber Producers Association; Southeastern Lumber Manufacturers Association; Sustainable Forest Action Coalition; Treated Wood Council.

Mr. BISHOP of Utah. Mr. Chairman, I yield 2 minutes to the gentleman from Arizona (Mr. GOSAR).

Mr. GOSAR. Mr. Chairman, I rise today in strong support of H.R. 2936, the Resilient Federal Forests Act of 2017, introduced by my friend and colleague BRUCE WESTERMAN.

Our forests and the communities that live, work, and rely on them desperately need improved management practice to reduce these forest fire disasters and to increase resiliency.

I was very pleased with the quick work by my friend and former colleague OMB Director Mick Mulvaney for addressing the wildfire funding crisis at the United States Forest Service, requesting \$576.5 million for wildfire suppression and recommending active management reforms.

Now, while the Trump administration came through in a big way for Western communities that have been ravaged by catastrophic wildfires, Congress must pass H.R. 2936 and get serious about combating catastrophic wildfires before they get started.

The Resilient Federal Forests Act is a bipartisan, comprehensive piece of legislation that simplifies the cumbersome planning process and reduces the cost of implementing proactive forest management strategies.

H.R. 2936 empowers local communities by getting them involved in the decisionmaking process. It empowers Tribal communities to be part of the solution and help reduce the risk of wildfire.

The bill removes incentives for extreme special interest groups to file frivolous lawsuits. In fact, it requires litigants opposing active management projects to propose an alternative plan as opposed to just saying "no." Imagine that, solutions over lawsuits.

Mismanagement has left our forests vulnerable to insects and disease and ripe for catastrophic wildfires. It is clear the system is broken. Western communities are tired of being victims, and this bill allows us to be proactive and to prevent disasters before they become a risk.

Mr. Chairman, I include in the RECORD two letters, one from the Association of Fish and Wildlife Agencies and the second from the National Association of Home Builders, in support of H.R. 2936.

ASSOCIATION OF FISH & WILDLIFE
AGENCIES,

Washington, DC, June 26, 2017.

Hon. ROB BISHOP,

Chairman, House Natural Resources Committee,
House of Representatives, Washington, DC.

Hon. RAÚL GRIJALVA,

Ranking Democrat, House Natural Resources
Committee, House of Representatives, Wash-
ington, DC.

DEAR CHAIRMAN BISHOP AND RANKING DEMOCRAT GRIJALVA: The Association of Fish and Wildlife Agencies (Association) is pleased to support H.R. 2936, the "Resilient Federal Forest Act of 2017" (RFFA). All 50 state agencies are members of the Association. Founded in 1902, the Association's mission is to protect the interests and authorities of the states to manage fish and wildlife within their borders, including on federal land. The Association works closely with the federal land management agencies to deliver on the ground conservation of fish, wildlife and their habitats for our citizens.

The Association is particularly appreciative of changes made by the Committee staff at the request of the Association. These changes make more prominent in federal statute the states' authority to manage fish and wildlife on U.S. Forest Service (USFS) and Bureau of Land Management (BLM) lands. Nothing in the amended language is intended to change any existing federal, state or tribal authority. It simply makes more evident the state-federal jurisdictional relationship which Congress has affirmed. Federal-state cooperation in this arena is compelled because the USFS and BLM own the land and thus the habitat, and the state fish and wildlife agencies manage the fish and wildlife. Robust cooperation will provide that both land/habitat objectives and fish and wildlife population objectives are met.

The RFFA is vitally needed to restore the health of our Nation's federal forests on USFS and BLM lands. Unfortunately, the USFS and BLM have fallen significantly behind in meeting objectives for early successional stage forest habitat, for a number of reasons. Significantly, federal court decisions and increasing uninformed litigation has created "paralysis by analysis" to quote a former USFS Chief. Congress mandated that the federal forests were to be managed for water quality, wildlife habitat, recreation, and timber harvest. Active forest management by the federal professional managers in cooperation with the state fish and wildlife agency professional managers has been replaced by natural resource management decisions being made by the federal courts. A return to active forest management will facilitate realization of all of the public values of federal forests.

The Association much appreciates that the fire-borrowing problem is addressed in HR 2936. While most catastrophic fires occur in the western United States, this is a national problem because the funds for every national forest and public land unit are affected. This remedy will prevent the USFS and BLM from having to borrow from other appro-

priated line-items (for example, wildfire prevention, wildlife, recreation and water quality) to pay for the cost of catastrophic fire suppression, which cost consumes over 50% of the USFS budget. We respectfully urge the Committee to further protect the USFS budget by capping the 10-year average cost of catastrophic fire costs at its current level. The 10-year average is used by the USFS in building their budget request. The 10-year average continues to rise and unless it is capped it will continue to erode other important budget line items such as wildlife, water quality, fire prevention and recreation in the President's budget.

The Association further appreciates the process relief provided to National Forest Plans (NFP) and (potentially) Resource Management Plans (RMP) developed by collaborative deliberation. It is appropriate that a collaborative-developed plan, which often takes years to deliberate and conclude, be subject to only two options under NEPA, proceed or not proceed. It is very reasonable to assume that the collaboratively deliberated process has examined and rejected the other options, and only the action or no action need be analyzed.

The bill's establishment of a pilot binding arbitration process as an alternative to litigation in each FS Region is certainly welcomed by the Association. Not only is the cost of defending the land management plan a burden on the agencies, but the planned for management work on the ground is lost, perhaps never to be resurrected on that site. We commend Congressman Westerman and the Committee for settling on this significant improvement to litigation reform that was in HR 2647 from the last Congress.

We also appreciate the increase in acreage ceilings for the statutorily endorsed Categorical Exclusions (CEs) under NEPA. CEs must avoid sensitive areas and must be consistent with standards and guidelines in Forest Plans. Early forest successional stage habitat, for instance, cannot be just incidental to be effective in providing habitat for deer, elk, wild turkey, neo-tropical migratory songbirds and other species which are dependent on this habitat type. While an acreage ceiling is an easy metric to measure success, the desired forest future condition should really determine the size of the timber harvest.

Additionally, the Association supports the proposed common-sense amendments to the Endangered Species Act. First, H.R. 2936 overturns the Cottonwood decision, which directs that if additional critical habitat is designated under an approved FP or RMP, a section 7 programmatic re-consultation of the entire FP needs to be done. The U.S. Fish and Wildlife Service (USFWS) and the Obama Administration argued that the section 7 consultation needs only to be done on the project covering the additionally designated acreage of critical habitat. This remedy will greatly reduce the debilitating process that the federal court decision directs. Second, the bill affirms that no ESA section 7 consultation is required if the USFS or BLM determine during informal consultation that the proposed action is "not likely to adversely affect a species or designated critical habitat", which is already USFWS policy. And third, if any consultation on a categorical exclusion established by the bill is not concluded after 90 days, the action shall be considered to have not violated section 7(a)(2) of the ESA.

The Association is committed to working with our partners in the USFS and BLM to manage our federal forests to fulfill their public values as Congress mandated. HR 2936 makes significant improvements to and would expedite the process that governs approval of the USFS and BLM management

plans. We urge that your Committee expeditiously report HR 2936 from the Committee to the House floor.

We look forward to continuing to work with you to move this bill quickly through the legislative process. If you have any questions, please contact AFWA Government affairs Director Jen Mock Schaeffer.

Sincerely,

NICK WILEY,
President, Association
of Fish and Wildlife
Agencies;
Executive Director,
Florida Fish and
Wildlife Conserva-
tion Commission.

NATIONAL ASSOCIATION OF
HOME BUILDERS,

Washington, DC, June 21, 2017.

Hon. ROB BISHOP,

Chairman, House of Representatives, Committee
on Natural Resources, Washington, DC.

DEAR CHAIRMAN BISHOP: On behalf of the more than 140,000 members of the National Association of Home Builders (NAHB), I am writing to express NAHB's strong support for The Resilient National Forests Act of 2017 and express our appreciation to the House Committee on Natural Resources for continuing this important discussion on the health of our nation's forest. Better forest management practices that are also mindful of environmental considerations will help strengthen the housing supply chain and promote affordable housing opportunities for all Americans.

Significant concerns have been raised about the U.S. Forest Service's current forest management efforts, both in terms of administrative obstacles and legal obstacles in approving timber harvesting projects. Consequently, less commercial harvesting of timber has resulted in overgrown forests and an increased risk of catastrophic wildfire across the country.

Additional commercial harvesting of timber will promote the health of our nation's forest system, but also positively impact housing affordability. NAHB research shows lumber and wood products account for 15% of the cost of construction for a single family house. Lumber prices are generally volatile, and it is common for builders to encounter a large price swing in a short period of time. As additional supply is brought into the market, upward pressure on lumber prices will soften.

NAHB urges the House Natural Resources Committee to support The Resilient National Forests Act of 2017, which will encourage multi-use forest management practices for national forests and provide increases in the supply of federal timber products.

Thank you for considering our views.

Sincerely,

JAMES W. TOBIN III.

Mr. GOSAR. Mr. Chairman, we need forest management reforms, we need them now. I thank Mr. WESTERMAN and the committee for their work on this bill, and I strongly urge my colleagues to support it.

Mr. GRIJALVA. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon (Mr. DEFazio).

Mr. DEFazio. Mr. Chairman, I remember, 13 years ago, after another spate of catastrophic fires in the Western United States, we came together in a truly bipartisan fashion and passed something called the Healthy Forests Restoration Act. It authorized up to 20 million acres to be treated to remove

hazard fuels in what is called the WUI, the wildland-urban interface, and in threats to municipal water supplies. We also authorized \$760 million a year.

Well, it has been 13 years. We authorized 20 million acres of work. What has been done? 2½ million.

Is it because of litigation, lawsuits, or, you know, obstruction? No. It is because of this body, the United States Congress, which is refusing to put up the money to do the work.

In my State alone, there are 1.8 million acres waiting for treatment. They have gone through all environmental reviews. There is no potential for litigation or any other blocking, but they don't have the money.

Does this bill fix that? No. We are addressing problems that don't exist in terms of addressing the wildfire problem.

This is really, you know, kind of a lost opportunity, a missed opportunity. Yes, it does a partial fix of the wildfire borrowing, which devastates the Forest Service every year. I appreciate that. But the fact is, we have got 44 million homes that are now at risk in terms of wildland-urban interface, and we have only treated 2½ million acres because this Congress isn't putting up the money.

□ 1600

And this year, yet again, they are proposing like one-half of what we authorized. What does one-half get you? It gets you half the acreage.

So if we had appropriated at the levels we authorized over the last 13 years, they would have treated 5 or 6 million acres. Again, they weren't blocked by litigation. They weren't blocked by appeals. The HFRA Act became virtually noncontroversial because it didn't do away with judicial review, which this bill will do on a certain number of projects in each region every year.

I wish that this was a bipartisan approach, it isn't, and I cannot support the legislation.

Mr. BISHOP of Utah. Mr. Chairman, I reserve the balance of my time.

Mr. GRIJALVA. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. MCEACHIN).

Mr. MCEACHIN. Mr. Chairman, I thank the ranking member for yielding.

Mr. Chairman, the goal of forest management should be to make our forests more resilient—more resilient to the impacts of climate change, drought, and wildlife—but contrary to its title, H.R. 2936, the so-called Resilient Federal Forests Act of 2017, does not achieve these goals.

This bill includes exemptions from analyses required under the National Environmental Policy Act, restricts judicial review of certain forest management activities, amends the Equal Access to Justice Act to limit payment of attorneys' fees, and scales back the wildlife conservation efforts of the Endangered Species Act.

Mr. Chairman, this bill desperately needs improvement, and I am disappointed that my commonsense amendment—offered both in committee and again to Rules, this time with my colleague, Mr. BEYER from Virginia—is not being considered by the House.

My amendment would have struck two sections of this bill that are designed to allow approval of timber projects without adequate consideration of the impacts to some of the most vulnerable living creatures on Earth: those listed as threatened or endangered under the Endangered Species Act.

The first offending section would put the U.S. Fish and Wildlife Service on a 90-day shot clock to complete consultations required under section 7 of the ESA. Such a provision is both unnecessary and deeply harmful.

The second section my amendment would have struck is designed to prevent ESA consultation from happening altogether when FWS lists a new species or designates critical habitat for a listed species. This simply defies logic.

Getting ESA consultation right—and ensuring that it happens in the first place—is a small price to pay for preserving irreplaceable parts of our natural heritage.

Mr. Chairman, H.R. 2936 attacks responsible forest management policy and promotes commercial logging at the expense of sound environmental review.

Instead of giving gifts to special interests, Congress should be addressing the effects of climate change, working to reduce the risk of wildfire, and fixing the wildfire budget.

Mr. Chairman, this bill takes us many steps in the wrong direction, and I urge my colleagues to vote “no.”

Mr. BISHOP of Utah. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. MCCLINTOCK), who has sat through 2 years of discussions of the ideas from the Forest Service in creating this bill.

Mr. MCCLINTOCK. Mr. Chairman, 45 years ago, Congress enacted laws, such as the National Environmental Policy Act, that promised to improve the health of our forests. They imposed what have become endlessly time-consuming and, ultimately, cost-prohibitive restrictions on our ability to properly manage our national forests so that we can match the tree density with the ability of the land to support it.

I think after 45 years of experience with these laws, we are entitled to ask: How are our forests doing? The answer is damning. Our forests are now catastrophically overgrown, often carrying four times the number of trees that the land can support. In this stressed and weakened condition, our forests are easy prey for drought, disease, pestilence, and fire.

There is an old adage that excess timber comes out of the forest one way or the other—it is either carried out or

it burns out. When we carried it out, we had resilient, healthy forests and a thriving economy, as excess timber was sold and harvested before it could choke our forests to death. In the years since then, we have seen an 80 percent decline in timber sales from our Federal lands and a concomitant increase in acreage destroyed by forest fire. I would remind my friend from Oregon that timber sales used to generate us money, not cost us money.

The direct revenues and spin-off commerce generated by these sales provided a stream of revenues that we could then use to improve our national forests and share with the local communities affected.

The Resilient Federal Forests Act begins to move us back towards sound and scientific forest management practices. It requires forest managers to consider the cost of no action alternatives; it streamlines fire and disease prevention programs and ensures that fire-killed timber can be quickly removed to create both revenues and room to restore fire-damaged lands; it ends the practice of raiding prevention funds to fight fires; it streamlines onerous environmental review processes without sacrificing environmental protection; and it provides our forest managers with alternatives to resolve frivolous lawsuits.

Provisions that streamline the environmental reviews were already signed into law last year for the Tahoe Basin, and the Forest Service regional manager told me that is going to take their revenue processes from 800 pages down to 40 pages and allow them to get their forest there back to a sustainable level.

We made some very big mistakes 45 years ago, and our forests have paid the price. This bill starts the long process of correcting those mistakes and recovering our national forests, and I urge its adoption.

Mr. Chairman, I include in the RECORD two letters, one from the South Tahoe Public Utility District, and the second from the Public Lands Council and the National Cattlemen's Beef Association, in support of H.R. 2936.

JUNE 22, 2017.

Hon. ROB BISHOP,
Chairman, House Committee on Natural Resources, Washington, DC.

Hon. RAUL GRIJALVA,
Ranking Member, House Committee on Energy and Natural Resources, Washington, DC.

DEAR CHAIRMAN BISHOP AND RANKING MEMBER GRIJALVA: As entities responsible for delivering sustainable water supply and renewable hydropower for millions of citizens throughout the western U.S., we are writing in support of H.R. 2936, the Resilient Federal Forests Act of 2017. National Forest lands are the largest single source of water in the U.S. and in some regions of the west contribute nearly 50% of the overall water supply that supports our farms and cities. The current, unhealthy state of these forests, which contain some of the nation's most valuable watersheds, increases the threat of catastrophic wildfires. These high intensity wildfires jeopardize the reliability, volume and quality of water for tens of millions of

Americans, along with the wildlife, recreational, and multi-purpose value of these lands.

The H.R. 2936 supports collaborative forest management, streamlines the environmental review process, addresses the unsustainable practice of fire borrowing, and includes an innovative arbitration process. We believe it is critical that both forest management reforms and resolution of the “fire borrowing” issue are addressed in any legislation to ensure on-the-ground forest restoration activities can proceed at the pace and scale of the problem.

We appreciate your leadership on this important issue and urge prompt passage of H.R. 2936, the Resilient Federal Forests Act of 2017.

Sincerely,

NATIONAL WATER
RESOURCES ASSOCIATION.
UTAH WATER USERS
ASSOCIATION.
ASSOCIATION OF CALIFORNIA
WATER AGENCIES.
PLACER COUNTY WATER
AGENCY.
SOUTH TAHOE PUBLIC
UTILITY DISTRICT.

JUNE 27, 2017.

Hon. ROB BISHOP,

*Chairman, House Natural Resources Committee,
Washington, DC.*

Hon. RAUL GRIJALVA,

*Ranking Member, House Natural Resources
Committee, Washington, DC.*

DEAR CHAIRMAN BISHOP AND RANKING MEMBER GRIJALVA: The Public Lands Council (PLC) and the National Cattlemen's Beef Association (NCBA) strongly support H.R. 2936, the Resilient Federal Forests Act of 2017, introduced by Rep. Bruce Westerman (R-Ark.). PLC is the only national organization dedicated solely to representing the roughly 22,000 ranchers who operate on federal lands. NCBA is the beef industry's largest and oldest national marketing and trade association, representing American cattlemen and women who provide much of the nation's supply of food and own or manage a large portion of America's private property.

The Resilient Federal Forests Act will expedite environmental reviews and assessments for the removal of dead trees and set deadlines for reforestation projects to occur. Such changes ensure forests are no longer neglected and establish a healthier management pattern. Further, this legislation discourages frivolous litigation by requiring litigants who oppose a management project to come to the table with an alternative, rather than just tying up agency time and resources in court. The bill provides an incentive for collaborative efforts between local governments, local stakeholders and federal land management agencies. Finally, the legislation prevents “fire borrowing” and stops federal agencies from raiding accounts necessary for proper forest and range management.

The severe mismanagement of federally-owned forests and rangelands, due to outdated environmental laws and regulations along with the abuse of the legal system by radical special interest groups, creates devastating economic hardship and danger for our members and rural communities across the west. The livestock industry and rural economies will spend decades attempting to recover from millions of dollars' worth of infrastructure damage and forage loss that have been the result of catastrophic wildfires in recent years, not to mention the loss of valuable wildlife habitats.

It is scientifically proven that proper timber management and rangeland management through grazing is the key to maintaining

healthy forests and preventing catastrophic wildfires. However, according to the BLM, livestock grazing has been reduced on BLM lands by as much as 50 percent since 1971, while the timber industry has been all but destroyed over the last 30 years, due almost entirely to federal laws and regulations and predatory environmental groups. Restrictions have allowed the accumulation of fuel, increasing risk of wildfires and leading to harm of forest ecosystems and western communities—the watershed, wildlife, air quality, rural communities and the taxpayers are all negatively impacted.

PLC and NCBA believe that H.R. 2936 is a positive step forward to returning management flexibility and fiscal responsibility to the federal land management agencies. PLC and NCBA appreciate the opportunity to provide our input on behalf of our members—the nation's food and fiber producers. H.R. 2936 is proactive, common sense legislation, and we would encourage the committee to pass the bill out of committee without delay.

Sincerely,

DAVE ELIASON,
*President, Public
Lands Council.*
CRAIG UDEN,
*President, National
Cattlemen's Beef As-
sociation.*

Mr. GRIJALVA. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. HUFFMAN).

Mr. HUFFMAN. Mr. Chairman, I thank the gentleman from Arizona for yielding.

Mr. Chairman, this bill that we are debating today has been touted as Congress' solution to the longstanding issue of fire borrowing that has plagued the Forest Service.

I represent a district that has experienced a lot of wildfire. Thankfully, the recent devastating fires in the North Bay were not caused by this fire-borrowing issue. They did not involve Federal public lands. However, I have had a lot of wildfire in my district over the years, and fire borrowing is a top priority for me. Unfortunately, as it is currently written, this bill introduces more problems than solutions on this issue. Let me explain.

The title in the bill pertaining to fire borrowing repurposes the Stafford Act, which Congress enacted to provide assistance to State and local governments in case of emergencies. This requires Congress to appropriate the 10-year average for wildfire suppression before the Forest Service can access emergency funds. That is not the way to solve this problem. In fact, I saw that just yesterday the administration issued a SAP because of this problematic provision.

If Congress is serious about fixing the budget issue, we should be making funds available ahead of an emergency situation, and we should remove the cost of fighting catastrophic fires from the agency's base budget. That will enable them to invest in proactive measures to make our forests more resilient and healthy.

Although the Rules Committee added title XI to this bill, which increased the overall cap for disaster spending,

the problems with using the Stafford Act approach still remain.

The second point. This bill, essentially, is a gutting of environmental protections and an attack on sustainable forest management that threatens equal access to justice. We should just call it what it is.

Title I of this bill allows intensive logging projects of 10,000 to 30,000 acres each. That is as big as the entire city of San Francisco. Projects of that size can proceed on Federal public lands without any environmental review under NEPA, without any compliance with the Endangered Species Act.

Title II of the bill eliminates the requirement that the Forest Service consult with the Fish and Wildlife Service and, essentially, let's the Forest Service decide for itself if it wants to follow the Endangered Species Act consultation requirements regarding any of its projects on public lands.

Title III further chokes judicial review by prohibiting the recovery of attorneys' fees for any challenges to forest management activity under the Equal Access to Justice Act, including meritorious successful challenges. This severely limits public review of logging projects on Federal public lands.

How would any of these measures promote forest health? It wouldn't. So let's call this bill what it is. It is an environmental wrecking ball that weakens standards and protections, limits public participation in the review of Federal agency actions, and won't make our forests any healthier or safer.

Mr. BISHOP of Utah. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. LAMALFA) for the purpose of a colloquy.

Mr. LAMALFA. Mr. Chairman, I rise for the purpose of engaging in a colloquy with the chairman to seek a clarification on the applicability of the provisions in title I and title II of this bill to national forest lands.

As my colleagues know, the State of California has been on fire. We have all seen the devastation across the State, ranging from the Sierra Nevada to the Bay area, and even the wine country. Even today, CalFire and Forest Service personnel remain deployed on fires across the State.

Ensuring that the Forest Service returns to active management of our forests is critical to promoting forest health and helping reduce the risks and likelihood of catastrophic wildfires that we have seen already this year.

The Resilient Federal Forests Act includes what I believe to be critically important reforms to forest management, such as expedited environmental reviews and availability of categorical exclusion for forest management activities, to help achieve these needed goals.

In California, there are six national monuments managed by the Forest Service or jointly between the Forest Service and BLM. Oftentimes, management activities in these areas are highly restricted, which only leads to hazardous fuels buildup and increased risk

of catastrophic fires. We see the results every year in the West.

H.R. 2936 clearly identifies certain national forest lands that these provisions do not apply to. This includes wilderness areas, national or State inventoried roadless areas, or areas where timber harvesting is prohibited by statute.

However, it is my belief that provisions of this bill, Mr. Chairman—based on the definition of National Forest System lands in the bill—apply to all other Forest Service lands not explicitly prohibited in the bill.

Respectfully, I would like to clarify with the chairman that it is his intent that provisions in title I and title II of H.R. 2936 apply to all other Federal lands managed by the United States Forest Service. This includes national monuments managed by the Forest Service.

Mr. Chairman, I thank the chairman for his work on this critical bill.

Mr. BISHOP of Utah. Mr. Chairman, I thank my colleague from California for his work on forestry issues and understand the importance this bill has to forestry management in his state.

It is my intent, and I believe the intent of my colleagues, that all provisions of H.R. 2936, including title I and title II, unless explicitly excluded, apply to national monuments and all other lands managed by the United States Forest Service.

Mr. Chairman, I reserve the balance of my time.

Mr. GRIJALVA. Mr. Chairman, may I inquire how much time is remaining on both sides.

The Acting CHAIR (Mr. WILLIAMS). The gentleman from Arizona has 3 minutes remaining. The gentleman from Utah has 5 minutes remaining.

Mr. GRIJALVA. Mr. Chairman, I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Chairman, I yield 2 minutes to the gentleman from Colorado (Mr. TIPTON).

Mr. TIPTON. Mr. Chairman, I thank my colleague from Arkansas, Mr. WESTERMAN, for his hard work on the Resilient Federal Forests Act.

I would like to be able to submit that if you actually care about helping our forests, if you care about our watersheds, if you care about wildlife habitat, if you care about outdoor recreation, if you care about responsible job development, if you care about being able to provide funding for our schools, this is a piece of legislation to be able to try and achieve a win-win-win, literally, for our communities.

We have seen 7 million acres, Mr. Chairman, burn in the West in 2017 alone. We have seen our forests devastated. We have seen over half of the budget of the Forest Service being used to fight forest fires.

Is there a better way?

The better way can be found in this piece of legislation, to be able to not only address what we must address, in terms of fighting forest fires when they break out, but also to be able to have

a responsible, proactive management forest to be able to make sure that we are creating healthy forests.

Mr. Chairman, as I travel throughout my district, I am now looking at forests that my great-grandchildren will not see as I saw them as a young boy growing up. It is time that we actually have legislation that doesn't just be reactive to the problem that we face when it comes to forest management but be proactive. This legislation will achieve that goal.

And, again, I applaud Mr. WESTERMAN and the Committee on Natural Resources for their hard work on this.

□ 1615

Mr. GRIJALVA. Mr. Chair, I yield myself such time as I may consume.

As we have talked about H.R. 2936, this is something that has been before two previous Congresses and went nowhere; and as a consequence, we continue to not confront the issue of appropriate and necessary funding for the Forest Service to conduct wildfire suppression. That is the gap in this. This flawed attempt to try to fix the funding issue does not.

In fact, Congress has provided appropriate tools to conduct restoration, reduce hazardous fuels, and restore ecological balance on national forest and public lands.

Congress should fix the wildfire budget—that is the issue—not use this as leverage to subsidize the timber industry and also overturn essential environmental laws.

This legislation has an attack on NEPA, has an attack on the Endangered Species Act, has an attack on judicial review and access to justice, has an attack on the Antiquities Act, and continues the process of fire borrowing.

H.R. 2936 is not about forest health or reducing wildfire risk. It is intended to make it easier to advance commercial logging and sales on our national forests and public lands.

A flawed attempt to fix the wildfire funding problem, it does nothing to change the anti-environmental provisions in the underlying bill.

We have a serious issue, validated because of all the studies that have been done, including GAO, which found that climate change is a contributor, scientists have found that climate change is a contributor. That is not discussed because that is a hoax, my Republican colleagues say, created by the Chinese. So we will not talk about climate change as a major factor, which it is, to the increasing intensity and length of wildfires across our public lands and across private and State lands as well.

This legislation is about undermining environmental law. It does nothing about the funding necessary to fight wildfires in this country. It does nothing about involving the stakeholders in proactive restoration and reducing the threat of wildfire in this country.

Mr. Chair, I urge a “no” vote on H.R. 2936, and I yield back the balance of my time.

Mr. BISHOP of Utah. Mr. Chairman, I am amazed at how critical people have been about the experts of the Forest Service, as if people don't realize that these provisions in Mr. WESTERMAN's bill weren't coming out of thin air. Somebody told us the tools they need to deal with this.

Mr. Chair, may I also add, there are still other issues which we will work out when we get to the Senate on these, some that Mr. GOHMERT presented. We will still work on those issues.

Mr. Chair, I yield the balance of my time to the gentleman from Arkansas (Mr. WESTERMAN), the author of this bill, the only Member on the floor who has a degree in forestry.

Mr. WESTERMAN. Mr. Chair, I thank Chairman BISHOP for his tireless efforts to see our government do better on our Federal lands.

Mr. Chairman, I recently made a trip out to Montana to visit some of our National Forests and the rural communities they border. These forests, much like many areas across our country, have been mismanaged for decades, and the ones that have not already been destroyed are ripe to be devastated by insects, disease, or catastrophic wildfire, not because of some action taken by the Forest Service, but just the opposite. Because of no actions, our forests are overstocked, underutilized, and unhealthy.

We have seen nearly 9 million acres of forest, an area larger than the State of Maryland, go up in flames just this year, spewing tens of millions of tons of carbon and thick smoke into the atmosphere.

Don't get me wrong. 32,000 full-time Forest Service personnel are busy and working hard trying to manage the 193 million acres of timberland across our great country, but they are spinning their wheels and making very little progress.

Mr. Chairman, that is a forest the size of Texas and South Carolina combined. According to scientists at the Forest Service, 80 million acres of that, an area the size of the State of New Mexico, is in a condition that is subject to catastrophic wildfire.

These fires are not only creating a forest health crisis, they are a public health crisis. They kill trees, they kill wildlife and livestock. These fires not only kill livelihoods, they create unbearable health concerns and living conditions with their thick smoke and ash. On top of all that, they are killing people.

It shouldn't be this way and it doesn't have to be this way.

This bill simply allows sound, scientifically-based forestry practices, like the ones I learned at Yale's Forestry School, to be implemented on our Federal forests. It will result in cleaner air, cleaner water, better wildlife habitat, better recreational opportunities, more plant and animal biodiversity, stronger economies, and fewer fires, resulting in lower fire costs.

As we traveled through the beautiful countryside of Montana, I saw the symbol of our Nation perched majestically atop a tree by the bank of a clear and flowing stream. This bald eagle reminded me of a fable by Aesop that described our situation today. It goes like this:

An eagle was soaring through the sky, when suddenly it heard the whiz of an arrow and it felt itself wounded to death. Slowly it fluttered down to the Earth, with its lifeblood pouring out of it. Looking down upon the arrow with which it had been pierced, it found that the haft of the arrow had been feathered with one of its own plumes.

"Alas!" it cried, as it died, "We often give our enemies the means for our own destruction."

Mr. Chairman, our enemies aren't our colleagues across the aisle. Many support this bill and some are cosponsors. Our enemies are not environmental extremists that are impeding science and causing some people to love our trees to death. Our enemy is not even the United States Senate.

Mr. Chairman, our enemy is catastrophic wildfire that destroys our forests. Our enemies are insects and diseases that kill our trees, and we are feathering their arrows with inaction. We are feathering their arrows with bureaucratic red tape. We are feathering their arrows with poor policy that are killing our forests, killing our communities, and killing us every day.

How much longer will we stand by and do nothing?

I urge my colleagues on both sides of the aisle to get behind this bill, pass it out of the House, and join me in relentlessly encouraging the Senate to take action.

Our forests, our rural communities, our environment, and all those areas, urban and rural alike, that are breathing the smoke and ash of our once magnificent forests need us to act.

Every day that we delay, the problem gets worse and the enemies of the forest are gaining ground. Please join me in this fight and pass this bill.

Mr. Chair, I include in the RECORD two letters. The first is from eight groups, including the Archery Trade Association; the second is from the National Association of State Foresters, both in support of H.R. 2936.

JUNE 26, 2017.

Hon. ROB BISHOP,
Chairman, House Natural Resources Committee,
Washington, DC.

Hon. RAUL GRIJALVA,
Ranking Democrat, House Natural Resources
Committee, Washington, DC.

DEAR CHAIRMAN BISHOP AND CONG. GRIJALVA: Our organizations which represent millions of hunters, anglers, recreational shooters and other conservationists express our strong support for H.R. 2936, the Resilient Federal Forests Act of 2017. We respectfully urge you to take expeditious Committee action on H.R. 2936, which if enacted, will improve the health of our federal forests and reduce costly wildfires. Our nation's federal lands play a vital role in maintaining healthy forests that are resilient to threats at a landscape level from fire, pests, disease

and insects. Through incentives and expedited process, consistent with informed science, the bill will help ensure that timber harvest and the creation of young forest habitat for wildlife remains viable on US Forest Service (USFS) and Bureau of Land Management (BLM) lands. Additionally, it remedies the budget fire-funding problem (borrowing from other line items) that our country faces when fighting catastrophic wildfires.

Our organizations much appreciate that the fire-funding problem is addressed in HR 2936. While most catastrophic fires occur in the western United States, this is a national problem because the funds for every national forest and public land unit are affected. This remedy will prevent the USFS and BLM from having to borrow from other appropriated budget line-items (for example, wildfire prevention, wildlife, recreation and water quality) to pay for the cost of catastrophic fire suppression, which cost now consumes over 50% of the USFS budget. We respectfully urge the Committee to further protect the USFS budget by capping the 10-year average of catastrophic fire costs at its current level. The USFS uses this 10-year average to build their budget request for the President. The 10-year average continues to rise and unless it is capped it will continue to erode other important budget line items such as wildlife, water quality, fire prevention and recreation as the USFS constructs its budget request.

All forest management plans are conducted with public input, and all projects undergo National Environmental Policy Act (NEPA) analysis. The bill's use of the Categorical Exclusion (CE) under the NEPA rules from the Council on Environmental Quality, will allow routine projects with known effects to be implemented more efficiently and cost-effectively to achieve the forest's desired future condition, as outlined in the forest management plan. Certain forest management treatments previously analyzed under NEPA in order to deal with issues such as pests and disease, hazardous fuels, critical habitats for threatened or endangered species, salvage facilitation, and water quality, do not need re-analysis on each similar project. These projects are routine, reoccurring activities with known effects, already fully analyzed and therefore qualify for CEs from repeated analysis.

We also appreciate the increase in acreage ceilings for the statutorily endorsed CEs. Early successional stage forest habitat, for instance, cannot be just incidental to be effective in providing habitat for deer, ruffed grouse, elk, wild turkey, neo-tropical migratory songbirds and other species which are dependent on this habitat type. While an acreage ceiling is an easy metric to measure success, the desired forest future condition should really determine the size of the management activity. Additionally, as stated in the bill, all CEs must avoid sensitive areas and must be consistent with standards and guidelines in approved Forest Plans.

Our organizations appreciate changes made to make more prominent in federal statute the states' authority to manage fish and wildlife on USFS and BLM lands. Nothing in the bill language is intended to change any existing federal, state or tribal authority. It simply makes more evident the state-federal jurisdictional relationship which Congress has affirmed. Federal-state cooperation in this arena is compelled because the USFS and BLM own the land and thus the habitat, and the state fish and wildlife agencies manage the fish and wildlife. Robust cooperation will provide that both land/habitat objectives and fish and wildlife population objectives are met.

Additionally, our groups support the proposed common-sense amendments to the En-

dangered Species Act (ESA). First, the bill overturns the Cottonwood decision, which directs that if additional critical habitat is designated under an approved forest plan or resource management plan, a section 7 programmatic re-consultation of the entire forest plan needs to be done. The US Fish and Wildlife Service (USFWS) and the Obama Administration argued that the section 7 consultation needs only to be done on the portion of the project covering the additionally designated acreage of critical habitat. This remedy will greatly reduce the debilitating process that the federal court decision directs. Second, the bill affirms that no ESA section 7 consultation is required if the USFS or BLM determine during informal consultation that the proposed action is "not likely to adversely affect a species or designated critical habitat", which is already USFWS policy. And third, if any consultation on a categorical exclusion established by the bill is not concluded after 90 days, the action shall be considered to have not violated section 7(a)(2) of the ESA.

We also support the bill's provisions expediting large scale restoration after catastrophic wildfires. We likewise support the prohibition on restraining orders and preliminary injunctions. It is imperative that we work to restore wildfire-impacted lands for the ecological health of the immediate area and surrounding landscape, protection of the watershed, and economic vitality of the local communities.

Our organizations further appreciate the process relief provided to National Forest Plans and potentially Resources Management Plans developed by collaborative deliberation. It is appropriate that a collaborative-developed plan, which often takes years to deliberate and conclude, be subject to only two options under NEPA, proceed or not proceed. It is very reasonable to assume that the collaboratively deliberated process has examined and rejected the other options, and only the action or no action alternatives need be analyzed.

The bill's establishment of a pilot binding arbitration process as an alternative to litigation in each Forest Service Region is certainly welcomed. Not only is the cost of defending the land management plan a burden on the agencies, but the planned for management work on the ground is lost, perhaps never to be resurrected on that site. We find much merit in this improved approach as an alternative to the proposal in H.R. 2647 from the last Congress, and commend Cong. Westerman and the Committee for settling on this. Uninformed litigation has led to federal forest management by the federal courts; we need to return forest management to the federal and state professionals with public input as provided for by the established processes.

H.R. 2936 makes significant improvements to and would expedite the process that governs approval of the USFS and BLM management plans. We urge that your Committee expeditiously report this bill from the Committee to the House floor. We look forward to continuing to work with you to move this bill quickly through the legislative process.

Thank you for your consideration of our community's perspectives.

Archery Trade Association, Association of Fish and Wildlife Agencies, (Boone and Crockett Club, Catch-a-Dream Foundation, Congressional Sportsmen's Foundation, Conservation Force, Council to Advance Hunting and the Shooting Sports, Delta Waterfowl, Houston Safari Club, Mule Deer Foundation, National Association of Forest Service Retirees, National Rifle Association.

National Shooting Sports Foundation, National Wild Turkey Federation, Professional Outfitters and Guides Association, Public

Lands Foundation, Quality Deer Management Association, Rocky Mountain Elk Foundation, Ruffed Grouse Society, Safari Club International, Whitetails Unlimited, Wild Sheep Foundation, Wildlife Forever, Wildlife Management Institute, Wildlife Mississippi.

NATIONAL ASSOCIATION OF
STATE FORESTERS,
Washington, DC, June 13, 2017.

Chairman ROB BISHOP,
House Natural Resources Committee, House of
Representatives, Washington, DC.

Ranking Member RAÚL M. GRIJALVA,
House Natural Resources Committee, House of
Representatives, Washington, DC.

DEAR CHAIRMAN BISHOP AND RANKING MEMBER GRIJALVA: The National Association of State Foresters (NASF) is pleased to provide comments on the Resilient Federal Forests Act of 2017. NASF represents the heads of state forestry agencies in all fifty states, the District of Columbia and the US Territories. Through the development of comprehensive State Forest Action Plans our members maintain a broad view of the full set of forestry ownerships within their authority, including federally owned forest lands. For citizens of the United States to realize a full set of forest related benefits, federal lands need to provide a complete and balanced set of environmental, economic and social values.

In February of 2016 our organization adopted a formal position on desired reforms to federal land management policy. Suggestions are organized around:

Reforms that would allow federal lands to develop a more balanced set of social, environmental and economic benefits;

Reforms that would lower the costs of agency administration, planning, regulatory compliance and litigation, and

Reforms that would enable vegetation management to be carried out at a scope, scale and pace sufficient to create more sustainable and resilient landscape conditions.

We feel this bill would indeed create the end results our members support as our members want to see more active management of federal forest lands. Expedited planning and analysis, prompt response to catastrophic events, alternative dispute resolution, greater collaboration and less costly litigation are all outcomes that for which we strongly advocate. In addition, we're encouraged to see some desired modification to Good Neighbor Authority allowing road repair to be part of cooperative projects, as well as support for giving the land management agencies the opportunity to make their own determinations of endangered species jeopardy or adverse effects. Finally, NASF appreciates that this discussion draft recognizes the need to solve the wildfire suppression funding issue. We look forward to working with the House Natural Resources Subcommittee on Federal Lands and Congressman Bruce Westerman to ensure that a solution addresses both fire borrowing and the erosion of the Forest Service's budget overtime due to increasing wildfire suppression costs.

We recently provided comments on federal land management reform to the House Natural Resources Committee's Subcommittee on Oversight and Investigations. One additional suggestion we made there and would repeat here is to "Require that National Forest Management Plans specifically address how they support State Forest Action Plans. In addition, encourage regular consultation with State Foresters by National Forest System leadership to ensure their annual programs of work are dovetailed where appropriate."

Thank you for this opportunity to comment. We would be happy to answer any

questions or provide any additional information that might be of assistance.

Sincerely,

BILL CRAPSER,
Wyoming State Forester,
President of the National Association of State
Foresters.

Mr. BISHOP of Utah. Mr. Chair, I yield back the balance of my time.

Mr. DEFazio. Mr. Chair, I voted for last Congress' version of this bill, one of 19 Democrats to do so. It wasn't perfect, but the bill was step in the right direction. I hoped the Senate would improve it and we would finally make needed changes forest management and fix "fire borrowing." But the Senate never acted on it, or on any other forest management bill.

In the 113th Congress, I worked with Reps. Schrader and Walden and crafted a bipartisan bill to create a long-term solution to properly manage statutorily unique forestlands in Western Oregon. It would have devoted nearly 1.3 million acres for sustainable timber production for local mills, created thousands of private sector jobs, and provided much-needed revenue for our rural counties. The legislation was included in a larger bill which passed the House in September 2014. Again, the Senate failed to act.

Like last Congress, there are provisions in this bill I support. However, there are provisions that I cannot support. For example, the bill doubles the amount of acres exempt from nearly all environmental analysis for projects up to 10,000 acres, and in some cases 30,000 acres, nearly 47 square miles.

I agree there is a need to need to increase the pace and size of forest restoration projects. But the Forest Service and BLM already have many tools to accomplish more management objectives. What they need is funding to complete projects. In fact, Forest Service NEPA experts have initiated a comprehensive review to determine opportunities, already allowed under law, to increase efficiencies and management tools to expedite environmental review, including proposing new categorical exclusions.

It's true that in some cases the Forest Service and BLM don't use authority they have because of legitimate concerns about the threat of litigation and the accompanying expenses it incurs. But it is disingenuous for us to claim that this bill, or any forest management bill, is a miraculous fix to harvest more timber, improve forest restoration, or reduce fuels to reduce the threat of catastrophic wildfires, without Congress providing funding to do so. In fact, according to the Forest Service, in Oregon there are over 1.8 million acres of treatment projects that are "shovel ready," meaning all environmental analysis has been completed. But they stay on the shelf, because the Forest Service doesn't have the funds to complete them.

We've all seen the destruction from this year's severe fire season. Homes and businesses were destroyed, and dozens of lives were lost in Northern California. In my district, over 300,000 acres burned. The Forest Service says that nationally there are now more than 44 million homes are within the Wildland Urban Interface, at high risk of burning in a wildfire.

In 2004, Congress passed, on a bipartisan basis, the Healthy Forests Restoration Act, which if properly implemented would go a long way to reduce the threat of wildfires in our communities. It authorized up to 20 million

acres to be treated to remove hazard fuels in the Wildland and Urban Interface, as well as protect municipal water supplies from catastrophic wildfires. We authorized \$760 million annually to perform the work. So far, thirteen years later, only 2.5 million acres have been treated.

Why is that? We have never come close to appropriating enough funding to get the job done. In Fiscal Year 2017, Congress appropriated \$390 million for hazardous fuels reduction.

As always, I stand ready to work with my colleagues on both sides of the aisle to improve forest management and help our rural communities get back on their feet. But it must be balanced approach. Unfortunately, this bill is not a balanced approach.

The Acting CHAIR. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

In lieu of the amendments in the nature of a substitute recommended by the Committee on Agriculture and the Committee on Natural Resources, printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the 5-minute rule an amendment in the nature of a substitute consisting of the text of Rules Committee Print 115-36. That amendment in the nature of a substitute shall be considered as read.

The text of the amendment in the nature of a substitute is as follows:

H.R. 2936

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) *SHORT TITLE.*—This Act may be cited as the "Resilient Federal Forests Act of 2017".

(b) *TABLE OF CONTENTS.*—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

Sec. 3. Rule of application for National Forest System lands and public lands.

TITLE I—EXPEDITED ENVIRONMENTAL ANALYSIS AND AVAILABILITY OF CATEGORICAL EXCLUSIONS TO EXPEDITE FOREST MANAGEMENT ACTIVITIES

Subtitle A—Analysis of Proposed Collaborative Forest Management Activities

Sec. 101. Analysis of only two alternatives (action versus no action) in proposed collaborative forest management activities.

Subtitle B—Categorical Exclusions

Sec. 111. Categorical exclusion to expedite certain critical response actions.

Sec. 112. Categorical exclusion to expedite salvage operations in response to catastrophic events.

Sec. 113. Categorical exclusion to meet forest plan goals for early successional forests.

Sec. 114. Categorical exclusion for road side projects.

Sec. 115. Categorical exclusion to improve or restore National Forest System Lands or public land or reduce the risk of wildfire.

Subtitle C—General Provisions for Forest Management Activities

Sec. 121. Compliance with forest plans.

Sec. 122. Consultation under the National Historic Preservation Act.

Sec. 123. Consultation under the Endangered Species Act.

Sec. 124. Forest management activities considered non-discretionary actions.

TITLE II—SALVAGE AND REFORESTATION IN RESPONSE TO CATASTROPHIC EVENTS

Sec. 201. Expedited salvage operations and reforestation activities following large-scale catastrophic events.

Sec. 202. Compliance with forest plan.

Sec. 203. Prohibition on restraining orders, preliminary injunctions, and injunctions pending appeal.

TITLE III—FOREST MANAGEMENT LITIGATION

Subtitle A—General Litigation Provisions

Sec. 301. No attorney fees for forest management activity challenges.

Sec. 302. Injunctive relief.

Subtitle B—Forest Management Activity Arbitration Pilot Program

Sec. 311. Use of arbitration instead of litigation to address challenges to forest management activities.

TITLE IV—SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT AMENDMENTS

Sec. 401. Use of reserved funds for title II projects on Federal land and certain non-Federal land.

Sec. 402. Resource advisory committees.

Sec. 403. Program for title II self-sustaining resource advisory committee projects.

Sec. 404. Additional authorized use of reserved funds for title III county projects.

Sec. 405. Treatment as supplemental funding.

TITLE V—STEWARDSHIP END RESULT CONTRACTING

Sec. 501. Cancellation ceilings for stewardship end result contracting projects.

Sec. 502. Excess offset value.

Sec. 503. Payment of portion of stewardship project revenues to county in which stewardship project occurs.

Sec. 504. Submission of existing annual report.

Sec. 505. Fire liability provision.

Sec. 506. Extension of stewardship contracting maximum term limits.

TITLE VI—ADDITIONAL FUNDING SOURCES FOR FOREST MANAGEMENT ACTIVITIES

Sec. 601. Definitions.

Sec. 602. Availability of stewardship project revenues and Collaborative Forest Landscape Restoration Fund to cover forest management activity planning costs.

Sec. 603. State-supported planning of forest management activities.

TITLE VII—TRIBAL FORESTRY PARTICIPATION AND PROTECTION

Sec. 701. Protection of Tribal forest assets through use of stewardship end result contracting and other authorities.

Sec. 702. Management of Indian forest land authorized to include related National Forest System lands and public lands.

Sec. 703. Tribal forest management demonstration project.

Sec. 704. Rule of application.

TITLE VIII—EXPEDITING INTERAGENCY CONSULTATION

Subtitle A—Forest Plans Not Considered Major Federal Actions

Sec. 801. Forest plans not considered major Federal actions.

Subtitle B—Agency Consultation

Sec. 811. Consultation under Forest and Rangeland Renewable Resources Planning Act of 1974.

Sec. 812. Consultation under Federal Land Policy and Management Act of 1976.

TITLE IX—MISCELLANEOUS

Subtitle A—Forest Management Provisions

Sec. 901. Clarification of existing categorical exclusion authority related to insect and disease infestation.

Sec. 902. Revision of alternate consultation agreement regulations.

Sec. 903. Revision of extraordinary circumstances regulations.

Sec. 904. Conditions on Forest Service road decommissioning.

Sec. 905. Prohibition on application of Eastside Screens requirements on National Forest System lands.

Sec. 906. Use of site-specific forest plan amendments for certain projects and activities.

Sec. 907. Knutson-Vandenberg Act modifications.

Sec. 908. Application of Northwest Forest Plan Survey and Manage Mitigation Measure Standard and Guidelines.

Sec. 909. Reconstruction and repair included in good neighbor agreements.

Sec. 910. Logging and mechanized operations.

Subtitle B—Oregon and California Railroad Grant Lands and Coos Bay Wagon Road Grant Lands

Sec. 911. Amendments to the Act of August 28, 1937.

Sec. 912. Oregon and California Railroad Grant Lands and Coos Bay Wagon Road Grant lands permanent rights of access.

Sec. 913. Management of Bureau of Land Management lands in Western Oregon.

Subtitle C—Timber Innovation

Sec. 921. Definitions.

Sec. 922. Clarification of research and development program for wood building construction.

TITLE X—MAJOR DISASTER FOR WILDFIRE ON FEDERAL LAND

Sec. 1001. Wildfire on Federal lands.

Sec. 1002. Declaration of a major disaster for wildfire on Federal lands.

Sec. 1003. Prohibition on transfers.

TITLE XI—DISASTER RELIEF AND WILDFIRE ADJUSTMENT

Sec. 1101. Increase in maximum adjustment to accommodate wildfire funding.

SEC. 2. DEFINITIONS.

In titles I through IX:

(1) **CATASTROPHIC EVENT.**—The term “catastrophic event” means any natural disaster (such as hurricane, tornado, windstorm, snow or ice storm, rain storm, high water, wind-driven water, tidal wave, earthquake, volcanic eruption, landslide, mudslide, drought, or insect or disease outbreak) or any fire, flood, or explosion, regardless of cause.

(2) **COLLABORATIVE PROCESS.**—The term “collaborative process” refers to a process relating to the management of National Forest System lands or public lands by which a project or forest management activity is developed and implemented by the Secretary concerned through collaboration with interested persons, as described in section 603(b)(1)(C) of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6591b(b)(1)(C)).

(3) **COMMUNITY WILDFIRE PROTECTION PLAN.**—The term “community wildfire protection plan” has the meaning given that term in section 101 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6511).

(4) **COOS BAY WAGON ROAD GRANT LANDS.**—The term “Coos Bay Wagon Road Grant lands” means the lands reconveyed to the United States pursuant to the first section of the Act of February 26, 1919 (40 Stat. 1179).

(5) **FOREST MANAGEMENT ACTIVITY.**—The term “forest management activity” means a project

or activity carried out by the Secretary concerned on National Forest System lands or public lands consistent with the forest plan covering the lands.

(6) **FOREST PLAN.**—The term “forest plan” means—

(A) a land use plan prepared by the Bureau of Land Management for public lands pursuant to section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712); or

(B) a land and resource management plan prepared by the Forest Service for a unit of the National Forest System pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604).

(7) **LARGE-SCALE CATASTROPHIC EVENT.**—The term “large-scale catastrophic event” means a catastrophic event that adversely impacts at least 5,000 acres of reasonably contiguous National Forest System lands or public lands, as determined by the Secretary concerned.

(8) **NATIONAL FOREST SYSTEM.**—The term “National Forest System” has the meaning given that term in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a)).

(9) **OREGON AND CALIFORNIA RAILROAD GRANT LANDS.**—The term “Oregon and California Railroad Grant lands” means the following lands:

(A) All lands in the State of Oregon revested in the United States under the Act of June 9, 1916 (39 Stat. 218), that are administered by the Secretary of the Interior, acting through the Bureau of Land Management, pursuant to the first section of the Act of August 28, 1937 (43 U.S.C. 1181a).

(B) All lands in that State obtained by the Secretary of the Interior pursuant to the land exchanges authorized and directed by section 2 of the Act of June 24, 1954 (43 U.S.C. 1181h).

(C) All lands in that State acquired by the United States at any time and made subject to the provisions of title II of the Act of August 28, 1937 (43 U.S.C. 1181f).

(10) **PUBLIC LANDS.**—The term “public lands” has the meaning given that term in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702), except that the term includes Coos Bay Wagon Road Grant lands and Oregon and California Railroad Grant lands.

(11) **REFORESTATION ACTIVITY.**—The term “reforestation activity” means a project or forest management activity carried out by the Secretary concerned whose primary purpose is the reforestation of impacted lands following a large-scale catastrophic event. The term includes planting, evaluating and enhancing natural regeneration, clearing competing vegetation, and other activities related to reestablishment of forest species on the impacted lands.

(12) **RESOURCE ADVISORY COMMITTEE.**—The term “resource advisory committee” has the meaning given that term in section 201 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7121).

(13) **SALVAGE OPERATION.**—The term “salvage operation” means a forest management activity and restoration activities carried out in response to a catastrophic event where the primary purpose is—

(A) to prevent wildfire as a result of the catastrophic event, or, if the catastrophic event was wildfire, to prevent a re-burn of the fire-impacted area;

(B) to provide an opportunity for utilization of forest materials damaged as a result of the catastrophic event; or

(C) to provide a funding source for reforestation and other restoration activities for the National Forest System lands or public lands impacted by the catastrophic event.

(14) **SECRETARY CONCERNED.**—The term “Secretary concerned” means—

(A) the Secretary of Agriculture, with respect to National Forest System lands; and

(B) the Secretary of the Interior, with respect to public lands.

SEC. 3. RULE OF APPLICATION FOR NATIONAL FOREST SYSTEM LANDS AND PUBLIC LANDS.

Unless specifically provided by a provision of titles I through IX, the authorities provided by such titles do not apply with respect to any National Forest System lands or public lands—

(1) that are included in the National Wilderness Preservation System;

(2) that are located within a national or State-specific inventoried roadless area established by the Secretary of Agriculture through regulation, unless—

(A) the forest management activity to be carried out under such authority is consistent with the forest plan applicable to the area; or

(B) the Secretary concerned determines the activity is allowed under the applicable roadless rule governing such lands; or

(3) on which timber harvesting for any purpose is prohibited by Federal statute.

TITLE I—EXPEDITED ENVIRONMENTAL ANALYSIS AND AVAILABILITY OF CATEGORICAL EXCLUSIONS TO EXPEDITE FOREST MANAGEMENT ACTIVITIES

Subtitle A—Analysis of Proposed Collaborative Forest Management Activities

SEC. 101. ANALYSIS OF ONLY TWO ALTERNATIVES (ACTION VERSUS NO ACTION) IN PROPOSED COLLABORATIVE FOREST MANAGEMENT ACTIVITIES.

(a) APPLICATION TO CERTAIN ENVIRONMENTAL ASSESSMENTS AND ENVIRONMENTAL IMPACT STATEMENTS.—This section shall apply whenever the Secretary concerned prepares an environmental assessment or an environmental impact statement pursuant to section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332) for a forest management activity that—

(1) is developed through a collaborative process;

(2) is proposed by a resource advisory committee;

(3) will occur on lands identified by the Secretary concerned as suitable for timber production;

(4) will occur on lands designated by the Secretary (or designee thereof) pursuant to section 602(b) of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6591a(b)), notwithstanding whether such forest management activity is initiated prior to September 30, 2018; or

(5) is covered by a community wildfire protection plan.

(b) CONSIDERATION OF ALTERNATIVES.—In an environmental assessment or environmental impact statement described in subsection (a), the Secretary concerned shall study, develop, and describe only the following two alternatives:

(1) The forest management activity.

(2) The alternative of no action.

(c) ELEMENTS OF NO ACTION ALTERNATIVE.—In the case of the alternative of no action, the Secretary concerned shall consider whether to evaluate—

(1) the effect of no action on—

(A) forest health;

(B) habitat diversity;

(C) wildfire potential;

(D) insect and disease potential; and

(E) timber production; and

(2) the implications of a resulting decline in forest health, loss of habitat diversity, wildfire, or insect or disease infestation, given fire and insect and disease historic cycles, on—

(A) domestic water supply in the project area;

(B) wildlife habitat loss; and

(C) other economic and social factors.

Subtitle B—Categorical Exclusions

SEC. 111. CATEGORICAL EXCLUSION TO EXPEDITE CERTAIN CRITICAL RESPONSE ACTIONS.

(a) CATEGORICAL EXCLUSION ESTABLISHED.—Forest management activities described in subsection (b) are a category of actions hereby designated as being categorically excluded from the

preparation of an environmental assessment or an environmental impact statement under section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332).

(b) FOREST MANAGEMENT ACTIVITIES DESIGNATED FOR CATEGORICAL EXCLUSION.—The forest management activities designated under this section for a categorical exclusion are forest management activities carried out by the Secretary concerned on National Forest System lands or public lands where the primary purpose of such activity is—

(1) to address an insect or disease infestation;

(2) to reduce hazardous fuel loads;

(3) to protect a municipal water source;

(4) to maintain, enhance, or modify critical habitat to protect it from catastrophic disturbances;

(5) to increase water yield;

(6) produce timber; or

(7) any combination of the purposes specified in paragraphs (1) through (6).

(c) AVAILABILITY OF CATEGORICAL EXCLUSION.—On and after the date of the enactment of this Act, the Secretary concerned may use the categorical exclusion established under subsection (a) in accordance with this section.

(d) ACREAGE LIMITATIONS.—

(1) IN GENERAL.—Except in the case of a forest management activity described in paragraph (2), a forest management activity covered by the categorical exclusion established under subsection (a) may not contain treatment units exceeding a total of 10,000 acres.

(2) LARGER AREAS AUTHORIZED.—A forest management activity covered by the categorical exclusion established under subsection (a) may contain treatment units exceeding a total of 10,000 acres but not more than a total of 30,000 acres if the forest management activity—

(A) is developed through a collaborative process;

(B) is proposed by a resource advisory committee; or

(C) is covered by a community wildfire protection plan.

SEC. 112. CATEGORICAL EXCLUSION TO EXPEDITE SALVAGE OPERATIONS IN RESPONSE TO CATASTROPHIC EVENTS.

(a) CATEGORICAL EXCLUSION ESTABLISHED.—Salvage operations carried out by the Secretary concerned on National Forest System lands or public lands are a category of actions hereby designated as being categorically excluded from the preparation of an environmental assessment or an environmental impact statement under section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332).

(b) AVAILABILITY OF CATEGORICAL EXCLUSION.—On and after the date of the enactment of this Act, the Secretary concerned may use the categorical exclusion established under subsection (a) in accordance with this section.

(c) ACREAGE LIMITATION.—A salvage operation covered by the categorical exclusion established under subsection (a) may not contain treatment units exceeding a total of 10,000 acres.

(d) ADDITIONAL REQUIREMENTS.—

(1) STREAM BUFFERS.—A salvage operation covered by the categorical exclusion established under subsection (a) shall comply with the standards and guidelines for stream buffers contained in the applicable forest plan unless waived by the Regional Forester, in the case of National Forest System lands, or the State Director of the Bureau of Land Management, in the case of public lands.

(2) REFORESTATION PLAN.—A reforestation plan shall be developed under section 3 of the Act of June 9, 1930 (commonly known as the Knutson-Vandenberg Act; 16 U.S.C. 576b), as part of a salvage operation covered by the categorical exclusion established under subsection (a).

SEC. 113. CATEGORICAL EXCLUSION TO MEET FOREST PLAN GOALS FOR EARLY SUCCESSIONAL FORESTS.

(a) CATEGORICAL EXCLUSION ESTABLISHED.—Forest management activities described in sub-

section (b) are a category of actions hereby designated as being categorically excluded from the preparation of an environmental assessment or an environmental impact statement under section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332).

(b) FOREST MANAGEMENT ACTIVITIES DESIGNATED FOR CATEGORICAL EXCLUSION.—The forest management activities designated under this section for a categorical exclusion are forest management activities carried out by the Secretary concerned on National Forest System lands or public lands where the primary purpose of such activity is to modify, improve, enhance, or create early successional forests for wildlife habitat improvement and other purposes, consistent with the applicable forest plan.

(c) AVAILABILITY OF CATEGORICAL EXCLUSION.—On and after the date of the enactment of this Act, the Secretary concerned may use the categorical exclusion established under subsection (a) in accordance with this section.

(d) PROJECT GOALS.—To the maximum extent practicable, the Secretary concerned shall design a forest management activity under this section to meet early successional forest goals in such a manner so as to maximize production and regeneration of priority species, as identified in the forest plan and consistent with the capability of the activity site.

(e) ACREAGE LIMITATIONS.—A forest management activity covered by the categorical exclusion established under subsection (a) may not contain treatment units exceeding a total of 10,000 acres.

SEC. 114. CATEGORICAL EXCLUSION FOR ROAD SIDE PROJECTS.

(a) CATEGORICAL EXCLUSION ESTABLISHED.—Projects carried out by the Secretary concerned to remove hazard trees or to salvage timber for purposes of the protection of public health or safety, water supply, or public infrastructure are a category of actions hereby designated as being categorically excluded from the preparation of an environmental assessment or an environmental impact statement under section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332).

(b) AVAILABILITY OF CATEGORICAL EXCLUSION.—On and after the date of the enactment of this Act, the Secretary concerned may use the categorical exclusion established under subsection (a) in accordance with this section.

(c) HEALTHY FORESTS RESTORATION ACT REQUIREMENTS.—

(1) ADMINISTRATIVE REVIEW.—A project that is categorically excluded under this section shall be subject to the requirements of subsections (d), (e), and (f) of section 603 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6591).

(2) HAZARDOUS FUEL REDUCTION ON FEDERAL LAND.—A project that is categorically excluded under this section shall be subject to the requirements of sections 102, 104, 105, and 106 of title I of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6511 et seq.).

SEC. 115. CATEGORICAL EXCLUSION TO IMPROVE OR RESTORE NATIONAL FOREST SYSTEM LANDS OR PUBLIC LAND OR REDUCE THE RISK OF WILDFIRE.

(a) CATEGORICAL EXCLUSION ESTABLISHED.—Forest management activities described in subsection (b) are a category of actions hereby designated as being categorically excluded from the preparation of an environmental assessment or an environmental impact statement under section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332).

(b) FOREST MANAGEMENT ACTIVITIES DESIGNATED FOR CATEGORICAL EXCLUSION.—

(1) DESIGNATION.—The forest management activities designated under this section for a categorical exclusion are forest management activities described in paragraph (2) that are carried out by the Secretary concerned on National Forest System Lands or public lands where the primary purpose of such activity is to improve or restore such lands or reduce the risk of wildfire on those lands.

(2) **ACTIVITIES AUTHORIZED.**—The follow activities may be carried out pursuant to the categorical exclusion established under subsection (a):

(A) Removal of juniper trees, medusahead rye, conifer trees, piñon pine trees, cheatgrass, and other noxious or invasive weeds specified on Federal or State noxious weeds lists through late-season livestock grazing, targeted livestock grazing, prescribed burns, and mechanical treatments.

(B) Performance of hazardous fuels management.

(C) Creation of fuel and fire breaks.

(D) Modification of existing fences in order to distribute livestock and help improve wildlife habitat.

(E) Installation of erosion control devices.

(F) Construction of new and maintenance of permanent infrastructure, including stock ponds, water catchments, and water spring boxes used to benefit livestock and improve wildlife habitat.

(G) Performance of soil treatments, native and non-native seeding, and planting of and transplanting sagebrush, grass, forb, shrub, and other species.

(H) Use of herbicides, so long as the Secretary concerned determines that the activity is otherwise conducted consistently with agency procedures, including any forest plan applicable to the area covered by the activity.

(c) **AVAILABILITY OF CATEGORICAL EXCLUSION.**—On and after the date of the enactment of this Act, the Secretary concerned may use the categorical exclusion established under subsection (a) in accordance with this section.

(d) **ACREAGE LIMITATIONS.**—A forest management activity covered by the categorical exclusion established under subsection (a) may not exceed 10,000 acres.

(e) **DEFINITIONS.**—In this section:

(1) **HAZARDOUS FUELS MANAGEMENT.**—The term “hazardous fuels management” means any vegetation management activities that reduce the risk of wildfire.

(2) **LATE-SEASON GRAZING.**—The term “late-season grazing” means grazing activities that occur after both the invasive species and native perennial species have completed their current-year annual growth cycle until new plant growth begins to appear in the following year.

(3) **TARGETED LIVESTOCK GRAZING.**—The term “targeted livestock grazing” means grazing used for purposes of hazardous fuel reduction.

Subtitle C—General Provisions for Forest Management Activities

SEC. 121. COMPLIANCE WITH FOREST PLANS.

A forest management activity carried out pursuant to this Act shall be conducted in a manner consistent with the forest plan applicable to the National Forest System land or public lands covered by the forest management activity.

SEC. 122. CONSULTATION UNDER THE NATIONAL HISTORIC PRESERVATION ACT.

(a) **IN GENERAL.**—Not later than 12 months after the date of enactment of this Act, the Secretary concerned shall each develop, in consultation with relevant consulting parties, a programmatic agreement or other appropriate program alternative pursuant to section 800.14 of title 36, Code of Federal Regulations, or successor regulation, for expediting reviews under section 306108 of title 54, United States Code, for forest management activities carried out pursuant to this Act.

(b) **REQUIREMENT.**—A programmatic agreement or other program alternative developed under subsection (a) shall incorporate the concepts of phased identification and evaluation set forth in section 800.4(b)(2) of title 36, Code of Federal Regulations, or successor regulation.

SEC. 123. CONSULTATION UNDER THE ENDANGERED SPECIES ACT.

(a) **NO CONSULTATION IF ACTION NOT LIKELY TO ADVERSELY AFFECT A LISTED SPECIES OR DESIGNATED CRITICAL HABITAT.**—With respect

to a forest management activity carried out pursuant to this Act, consultation under section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536) shall not be required if the Secretary concerned determines that the such forest management activity is not likely to adversely affect a listed species or designated critical habitat.

(b) **EXPEDITED CONSULTATION.**—

(1) **IN GENERAL.**—With respect to a forest management activity carried out pursuant to this Act, consultation required under section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536) shall be concluded within the 90-day period beginning on the date on which such consultation was requested by the Secretary concerned.

(2) **NO CONCLUSION.**—In the case of a consultation described in paragraph (1) that is not concluded within the 90-day period, the forest management activity for which such consultation was initiated—

(A) shall be considered to have not violated section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536(a)(2)); and

(B) may be carried out.

SEC. 124. FOREST MANAGEMENT ACTIVITIES CONSIDERED NON-DISCRETIONARY ACTIONS.

For purposes of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), a forest management activity carried out by the Secretary concerned pursuant to this Act shall be considered a non-discretionary action.

TITLE II—SALVAGE AND REFORESTATION IN RESPONSE TO CATASTROPHIC EVENTS

SEC. 201. EXPEDITED SALVAGE OPERATIONS AND REFORESTATION ACTIVITIES FOLLOWING LARGE-SCALE CATASTROPHIC EVENTS.

(a) **EXPEDITED ENVIRONMENTAL ASSESSMENT.**—Notwithstanding any other provision of law, an environmental assessment prepared by the Secretary concerned pursuant to section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332) for a salvage operation or reforestation activity proposed to be conducted on National Forest System lands or public lands adversely impacted by a large-scale catastrophic event shall be completed within 60 days after the conclusion of the catastrophic event.

(b) **EXPEDITED IMPLEMENTATION AND COMPLETION.**—In the case of reforestation activities conducted on National Forest System lands or public lands adversely impacted by a large-scale catastrophic event, the Secretary concerned shall, to the maximum extent practicable, achieve reforestation of at least 75 percent of the impacted lands during the 5-year period following the conclusion of the catastrophic event.

(c) **AVAILABILITY OF KNUTSON-VANDENBERG FUNDS.**—Amounts in the special fund established pursuant to section 3 of the Act of June 9, 1930 (commonly known as the Knutson-Vandenberg Act; 16 U.S.C. 576b) shall be available to the Secretary of Agriculture for reforestation activities authorized by this title.

(d) **TIMELINE FOR PUBLIC INPUT PROCESS.**—Notwithstanding any other provision of law, in the case of a salvage operation or reforestation activity proposed to be conducted on National Forest System lands or public lands adversely impacted by a large-scale catastrophic event, the Secretary concerned shall allow 30 days for public scoping and comment, 15 days for filing an objection, and 15 days for the agency response to the filing of an objection. Upon completion of this process and expiration of the period specified in subsection (a), the Secretary concerned shall implement the project immediately.

SEC. 202. COMPLIANCE WITH FOREST PLAN.

A salvage operation or reforestation activity authorized by this title shall be conducted in a manner consistent with the forest plan applicable to the National Forest System lands or public lands covered by the salvage operation or reforestation activity.

SEC. 203. PROHIBITION ON RESTRAINING ORDERS, PRELIMINARY INJUNCTIONS, AND INJUNCTIONS PENDING APPEAL.

No restraining order, preliminary injunction, or injunction pending appeal shall be issued by any court of the United States with respect to any decision to prepare or conduct a salvage operation or reforestation activity in response to a large-scale catastrophic event. Section 705 of title 5, United States Code, shall not apply to any challenge to the salvage operation or reforestation activity.

TITLE III—FOREST MANAGEMENT LITIGATION

Subtitle A—General Litigation Provisions

SEC. 301. NO ATTORNEY FEES FOR FOREST MANAGEMENT ACTIVITY CHALLENGES.

Notwithstanding section 1304 of title 31, United States Code, no award may be made under section 2412 of title 28, United States Code, and no amounts may be obligated or expended from the Claims and Judgment Fund of the United States Treasury to pay any fees or other expenses under such sections to any plaintiff related to an action challenging a forest management activity carried out pursuant to this Act.

SEC. 302. INJUNCTIVE RELIEF.

(a) **BALANCING SHORT- AND LONG-TERM EFFECTS OF FOREST MANAGEMENT ACTIVITIES IN CONSIDERING INJUNCTIVE RELIEF.**—As part of its weighing the equities while considering any request for an injunction that applies to any agency action as part of a forest management activity under titles I through IX, the court reviewing the agency action shall balance the impact to the ecosystem likely affected by the forest management activity of—

(1) the short- and long-term effects of undertaking the agency action; against

(2) the short- and long-term effects of not undertaking the action.

(b) **TIME LIMITATIONS FOR INJUNCTIVE RELIEF.**—

(1) **IN GENERAL.**—Subject to paragraph (2) the length of any preliminary injunctive relief and stays pending appeal that applies to any agency action as part of a forest management activity under titles I through IX, shall not exceed 60 days.

(2) **RENEWAL.**—

(A) **IN GENERAL.**—A court of competent jurisdiction may issue one or more renewals of any preliminary injunction, or stay pending appeal, granted under paragraph (1).

(B) **UPDATES.**—In each renewal of an injunction in an action, the parties to the action shall present the court with updated information on the status of the authorized forest management activity.

Subtitle B—Forest Management Activity Arbitration Pilot Program

SEC. 311. USE OF ARBITRATION INSTEAD OF LITIGATION TO ADDRESS CHALLENGES TO FOREST MANAGEMENT ACTIVITIES.

(a) **DISCRETIONARY ARBITRATION PROCESS PILOT PROGRAM.**—

(1) **IN GENERAL.**—The Secretary of Agriculture, with respect to National Forest System lands, and the Secretary of the Interior, with respect to public lands, shall each establish a discretionary arbitration pilot program as an alternative dispute resolution process in lieu of judicial review for the activities described in paragraph (2).

(2) **ACTIVITIES DESCRIBED.**—The Secretary concerned, at the sole discretion of the Secretary, may designate objections or protests to forest management activities for arbitration under the arbitration pilot program established under paragraph (1).

(3) **MAXIMUM AMOUNT OF ARBITRATIONS.**—Under the arbitration pilot program, the Secretary concerned may not arbitrate more than 10 objections or protests to forest management activities in a fiscal year in—

(A) each Forest Service Region; and
(B) each State Region of the Bureau of Land Management.

(4) DETERMINING AMOUNT OF ARBITRATIONS.—An objection or protest to a forest management activity shall not be counted towards the limitation on number of arbitrations under paragraph (3) unless—

(A) on the date such objection or protest is designated for arbitration, the forest management activity for which such objection or protest is filed has not been the subject of arbitration proceedings under the pilot program; and

(B) the arbitration proceeding has commenced with respect to such objection or protest.

(5) TERMINATION.—The pilot programs established pursuant to paragraph (1) shall terminate on the date that is 7 years after the date of the enactment of this Act.

(b) INTERVENING PARTIES.—

(1) REQUIREMENTS.—Any person that submitted a public comment on the forest management activity that is subject to arbitration may intervene in the arbitration—

(A) by endorsing—

(i) the forest management activity; or

(ii) the modification proposal submitted under subparagraph (B); or

(B) by submitting a proposal to further modify the forest management activity.

(2) DEADLINE FOR SUBMISSION.—With respect to an objection or protest that is designated for arbitration under this subsection (a), a request to intervene in an arbitration must be submitted not later than the date that is 30 days after the date on which such objection or protest was designated for arbitration.

(3) MULTIPLE PARTIES.—Multiple intervening parties may submit a joint proposal so long as each intervening party meets the eligibility requirements of paragraph (1).

(c) APPOINTMENT OF ARBITRATOR.—

(1) APPOINTMENT.—The Secretary of Agriculture and the Secretary of the Interior shall jointly develop and publish a list of not fewer than 20 individuals eligible to serve as arbitrators for the pilot programs under this section.

(2) QUALIFICATIONS.—In order to be eligible to serve as an arbitrator under this subsection, an individual shall be, on the date of the appointment of such arbitrator—

(A) certified by the American Arbitration Association; and

(B) not a registered lobbyist.

(3) SELECTION OF ARBITRATOR.—

(A) IN GENERAL.—For each arbitration commenced under this section, the Secretary concerned and each applicable objector or protestor shall agree, not later than 14 days after the agreement process is initiated, on a mutually acceptable arbitrator from the list published under subsection.

(B) APPOINTMENT AFTER 14-DAYS.—In the case of an agreement with respect to a mutually acceptable arbitrator not being reached within the 14-day limit described in subparagraph (A), the Secretary concerned shall appoint an arbitrator from the list published under this subsection.

(d) SELECTION OF PROPOSALS.—

(1) IN GENERAL.—The arbitrator appointed under subsection (c)—

(A) may not modify any of the proposals submitted with the objection, protest, or request to intervene; and

(B) shall select to be conducted—

(i) the forest management activity, as approved by the Secretary; or

(ii) a proposal submitted by an objector or an intervening party.

(2) SELECTION CRITERIA.—An arbitrator shall, when selecting a proposal, consider—

(A) whether the proposal is consistent with the applicable forest plan, laws, and regulations;

(B) whether the proposal can be carried out by the Secretary concerned; and

(C) the effect of each proposal on—

(i) forest health;

(ii) habitat diversity;

(iii) wildfire potential;

(iv) insect and disease potential;

(v) timber production; and

(vi) the implications of a resulting decline in forest health, loss of habitat diversity, wildfire, or insect or disease infestation, given fire and insect and disease historic cycles, on—

(I) domestic water costs;

(II) wildlife habitat loss; and

(III) other economic and social factors.

(e) EFFECT OF DECISION.—The decision of an arbitrator with respect to the forest management activity—

(1) shall not be considered a major Federal action;

(2) shall be binding; and

(3) shall not be subject to judicial review, except as provided in section 10(a) of title 9, United States Code.

(f) DEADLINE FOR COMPLETION.—Not later than 90 days after the date on which the arbitration is filed with respect to the forest management activity, the arbitration process shall be completed.

TITLE IV—SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT AMENDMENTS

SEC. 401. USE OF RESERVED FUNDS FOR TITLE II PROJECTS ON FEDERAL LAND AND CERTAIN NON-FEDERAL LAND.

(a) REPEAL OF MERCHANTABLE TIMBER CONTRACTING PILOT PROGRAM.—Section 204(e) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7124(e)) is amended by striking paragraph (3).

(b) REQUIREMENTS FOR PROJECT FUNDS.—Section 204(f) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7124(f)) is amended to read as follows:

“(f) REQUIREMENTS FOR PROJECT FUNDS.—

“(1) IN GENERAL.—Subject to paragraph (2), the Secretary concerned shall ensure that at least 50 percent of the project funds reserved by a participating county under section 102(d) shall be available only for projects that—

“(A) include the sale of timber or other forest products, reduce fire risks, or improve water supplies; and

“(B) implement stewardship objectives that enhance forest ecosystems or restore and improve land health and water quality.

“(2) APPLICABILITY.—The requirement in paragraph (1) shall apply only to project funds reserved by a participating county whose boundaries include Federal land that the Secretary concerned determines has been subject to a timber or other forest products program within 5 fiscal years before the fiscal year in which the funds are reserved.”.

SEC. 402. RESOURCE ADVISORY COMMITTEES.

(a) RECOGNITION OF RESOURCE ADVISORY COMMITTEES.—Section 205(a)(4) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7125(a)(4)) is amended by striking “2012” each place it appears and inserting “2022”.

(b) REDUCTION IN COMPOSITION OF COMMITTEES.—Section 205(d) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7125(d)) is amended—

(1) in paragraph (1), by striking “15 members” and inserting “9 members”; and

(2) by striking “5 persons” each place it appears and inserting “3 persons”.

(c) EXPANDING LOCAL PARTICIPATION ON COMMITTEES.—Section 205(d) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7125(d)) is amended—

(1) in paragraph (3), by inserting before the period at the end the following: “, consistent with the requirements of paragraph (4)”; and

(2) by striking paragraph (4) and inserting the following new paragraph:

“(4) GEOGRAPHIC DISTRIBUTION.—The members of a resource advisory committee shall reside within the county or counties in which the committee has jurisdiction or an adjacent county.”.

(d) APPOINTMENT OF RESOURCE ADVISORY COMMITTEES BY APPLICABLE DESIGNEE.—

(1) IN GENERAL.—Section 205 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7125) is further amended—

(A) in subsection (a)—

(i) in paragraph (1), by inserting “(or applicable designee)” after “The Secretary concerned”; and

(ii) in paragraph (3), by inserting “(or applicable designee)” after “the Secretary concerned”; and

(iii) in paragraph (4), by inserting “(or applicable designee)” after “the Secretary concerned” both places it appears;

(B) in subsection (b)(6), by inserting “(or applicable designee)” after “the Secretary concerned”;

(C) in subsection (c)—

(i) in the subsection heading, by inserting “OR APPLICABLE DESIGNEE” after “BY THE SECRETARY”; and

(ii) in paragraph (1), by inserting “(or applicable designee)” after “The Secretary concerned” both places it appears;

(iii) in paragraph (2), by inserting “(or applicable designee)” after “The Secretary concerned”;

(iv) in paragraph (4), by inserting “(or applicable designee)” after “The Secretary concerned”; and

(v) by adding at the end the following new paragraph:

“(6) APPLICABLE DESIGNEE.—In this section, the term ‘applicable designee’ means—

“(A) with respect to Federal land described in section 3(7)(A), the applicable Regional Forester; and

“(B) with respect to Federal land described in section 3(7)(B), the applicable Bureau of Land Management State Director.”;

(D) in subsection (d)(3), by inserting “(or applicable designee)” after “the Secretary concerned”; and

(E) in subsection (f)(1)—

(i) by inserting “(or applicable designee)” after “the Secretary concerned”; and

(ii) by inserting “(or applicable designee)” after “of the Secretary”.

(2) CONFORMING AMENDMENT.—Section 201(3) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7121(3)) is amended by inserting “(or applicable designee (as defined in section 205(c)(6)))” after “Secretary concerned” both places it appears.

SEC. 403. PROGRAM FOR TITLE II SELF-SUSTAINING RESOURCE ADVISORY COMMITTEE PROJECTS.

(a) SELF-SUSTAINING RESOURCE ADVISORY COMMITTEE PROJECTS.—Title II of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7121 et seq.) is amended by adding at the end the following new section:

“SEC. 209. PROGRAM FOR SELF-SUSTAINING RESOURCE ADVISORY COMMITTEE PROJECTS.

“(a) RAC PROGRAM.—The Chief of the Forest Service shall conduct a program (to be known as the ‘self-sustaining resource advisory committee program’ or ‘RAC program’) under which 10 resource advisory committees will propose projects authorized by subsection (c) to be carried out using project funds reserved by a participating county under section 102(d).

“(b) SELECTION OF PARTICIPATING RESOURCE ADVISORY COMMITTEES.—The selection of resource advisory committees to participate in the RAC program is in the sole discretion of the Chief of the Forest Service.

“(c) AUTHORIZED PROJECTS.—Notwithstanding the project purposes specified in sections 202(b), 203(c), and 204(a)(5), projects under the RAC program are intended to—

“(1) accomplish forest management objectives or support community development; and

“(2) generate receipts.

“(d) DEPOSIT AND AVAILABILITY OF REVENUES.—Any revenue generated by a project conducted under the RAC program, including any interest accrued from the revenues, shall be—

“(1) deposited in the special account in the Treasury established under section 102(d)(2)(A); and

“(2) available, in such amounts as may be provided in advance in appropriation Acts, for additional projects under the RAC program.

“(e) TERMINATION OF AUTHORITY.—

“(1) IN GENERAL.—The authority to initiate a project under the RAC program shall terminate on September 30, 2022.

“(2) DEPOSITS IN TREASURY.—Any funds available for projects under the RAC program and not obligated by September 30, 2023, shall be deposited in the Treasury of the United States.”.

(b) EXCEPTION TO GENERAL RULE REGARDING TREATMENT OF RECEIPTS.—Section 403(b) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7153(b)) is amended by striking “All revenues” and inserting “Except as provided in section 209, all revenues”.

SEC. 404. ADDITIONAL AUTHORIZED USE OF RESERVED FUNDS FOR TITLE III COUNTY PROJECTS.

Section 302(a) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7142(a)) is amended—

(1) in paragraph (2)—

(A) by inserting “and law enforcement patrols” after “including firefighting”; and

(B) by striking “and” at the end;

(2) in paragraph (3), by inserting “and carry out” after “develop”;

(3) by redesignating paragraph (3) as paragraph (4); and

(4) by inserting after paragraph (2) the following new paragraph (3):

“(3) to cover training costs and equipment purchases directly related to the emergency services described in paragraph (2); and”.

SEC. 405. TREATMENT AS SUPPLEMENTAL FUNDING.

(a) IN GENERAL.—Section 102 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7112) is amended by adding at the end the following new subsection:

“(f) TREATMENT AS SUPPLEMENTAL FUNDING.—None of the funds made available to a beneficiary county or other political subdivision of a State under this Act shall be used in lieu of or to otherwise offset State funding sources for local schools, facilities, or educational purposes.”.

(b) CONTINUATION OF DIRECT PAYMENTS.—Payments to States made under the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7101 et seq.) and 25-percent payments made to States and Territories under the Acts of May 23, 1908, and March 1, 1911 (16 U.S.C. 500), shall continue to be made as direct payments.

TITLE V—STEWARDSHIP END RESULT CONTRACTING

SEC. 501. CANCELLATION CEILINGS FOR STEWARDSHIP END RESULT CONTRACTING PROJECTS.

(a) CANCELLATION CEILINGS.—Section 604 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6591c) is amended—

(1) by redesignating subsections (h) and (i) as subsections (i) and (j), respectively; and

(2) by inserting after subsection (g) the following new subsection (h):

“(h) CANCELLATION CEILINGS.—

“(1) IN GENERAL.—Notwithstanding section 3903(b)(1) of title 41, United States Code, the Chief and the Director may obligate funds in stages that are economically or programmatically viable to cover any potential cancellation or termination costs for an agreement or contract under subsection (b) in stages that are economically or programmatically viable.

“(2) ADVANCE NOTICE TO CONGRESS OF CANCELLATION CEILING IN EXCESS OF \$25 MILLION.—Not later than 30 days before entering into a multiyear agreement or contract under subsection (b) that includes a cancellation ceiling in excess of \$25 million, but does not include proposed funding for the costs of cancelling the agreement or contract up to such cancellation ceiling, the Chief or the Director, as the case may be, shall submit to the Committee on Energy and Natural Resources and the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Natural Resources and the Committee on Agriculture of the House of Representatives a written notice that includes—

“(A) the cancellation ceiling amounts proposed for each program year in the agreement or contract;

“(B) the reasons why such cancellation ceiling amounts were selected;

“(C) the extent to which the costs of contract cancellation are not included in the budget for the agreement or contract; and

“(D) an assessment of the financial risk of not including budgeting for the costs of agreement or contract cancellation.

“(3) TRANSMITTAL OF NOTICE TO OMB.—Not later than 14 days after the date on which written notice is provided under paragraph (2) with respect to an agreement or contract under subsection (b), the Chief or the Director, as the case may be, shall transmit a copy of the notice to the Director of the Office of Management and Budget.”.

(b) RELATION TO OTHER LAWS.—Section 604(d)(5) of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6591c(d)(5)) is amended—

(1) by striking “, the Chief may” and inserting “and section 2(a)(1) of the Act of July 31, 1947 (commonly known as the Materials Act of 1947; 30 U.S.C. 602(a)(1)), the Chief and the Director may”; and

(2) by striking the last sentence.

SEC. 502. EXCESS OFFSET VALUE.

Section 604(g)(2) of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6591c(g)(2)) is amended by striking subparagraphs (A) and (B) and inserting the following new subparagraphs:

“(A) use the excess to satisfy any outstanding liabilities for cancelled agreements or contracts; or

“(B) if there are no outstanding liabilities under subparagraph (A), apply the excess to other authorized stewardship projects.”.

SEC. 503. PAYMENT OF PORTION OF STEWARDSHIP PROJECT REVENUES TO COUNTY IN WHICH STEWARDSHIP PROJECT OCCURS.

Section 604(e) of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6591c(e)) is amended—

(1) in paragraph (2)(B), by inserting “subject to paragraph (3)(A),” before “shall”; and

(2) in paragraph (3)(A), by striking “services received by the Chief or the Director” and all that follows through the period at the end and inserting the following: “services and in-kind resources received by the Chief or the Director under a stewardship contract project conducted under this section shall not be considered monies received from the National Forest System or the public lands, but any payments made by the contractor to the Chief or Director under the project shall be considered monies received from the National Forest System or the public lands.”.

SEC. 504. SUBMISSION OF EXISTING ANNUAL REPORT.

Subsection (j) of section 604 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6591c), as redesignated by section 501(a)(1), is amended by striking “report to the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Agriculture of the House of Representatives” and inserting “submit to the congressional committees specified in subsection (h)(2) a report”.

SEC. 505. FIRE LIABILITY PROVISION.

Section 604(d) of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6591c(d)) is amended by adding at the end the following new paragraph:

“(8) MODIFICATION.—Upon the request of the contractor, a contract or agreement under this section awarded before February 7, 2014, shall be modified by the Chief or Director to include the fire liability provisions described in paragraph (7).”.

SEC. 506. EXTENSION OF STEWARDSHIP CONTRACTING MAXIMUM TERM LIMITS.

(a) HEALTH FORESTS RESTORATION ACT.—Section 604(d)(3)(B) of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6591c(d)(3)(B)) is amended by striking “10 years” and inserting “20 years”.

(b) NATIONAL FOREST MANAGEMENT ACT.—Section 14(c) of the National Forest Management Act of 1976 (16 U.S.C. 472a(c)) is amended by striking “ten years” and inserting “20 years”.

TITLE VI—ADDITIONAL FUNDING SOURCES FOR FOREST MANAGEMENT ACTIVITIES

SEC. 601. DEFINITIONS.

In this title:

(1) ELIGIBLE ENTITY.—The term “eligible entity” means—

(A) a State or political subdivision of a State containing National Forest System lands or public lands;

(B) a publicly chartered utility serving one or more States or a political subdivision thereof;

(C) a rural electric company; and

(D) any other entity determined by the Secretary concerned to be appropriate for participation in the Fund.

(2) FUND.—The term “Fund” means the State-Supported Forest Management Fund established by section 603.

SEC. 602. AVAILABILITY OF STEWARDSHIP PROJECT REVENUES AND COLLABORATIVE FOREST LANDSCAPE RESTORATION FUND TO COVER FOREST MANAGEMENT ACTIVITY PLANNING COSTS.

(a) AVAILABILITY OF STEWARDSHIP PROJECT REVENUES.—Section 604(e)(2)(B) of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6591c(e)(2)(B)), as amended by section 503, is further amended by striking “appropriation at the project site from which the monies are collected or at another project site.” and inserting the following: “appropriation—

“(i) at the project site from which the monies are collected or at another project site; and

“(ii) to cover not more than 25 percent of the cost of planning additional stewardship contracting projects.”.

(b) AVAILABILITY OF COLLABORATIVE FOREST LANDSCAPE RESTORATION FUND.—Section 4003(f)(1) of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 7303(f)(1)) is amended by striking “carrying out and” and inserting “planning, carrying out, and”.

SEC. 603. STATE-SUPPORTED PLANNING OF FOREST MANAGEMENT ACTIVITIES.

(a) STATE-SUPPORTED FOREST MANAGEMENT FUND.—There is established in the Treasury of the United States a fund, to be known as the “State-Supported Forest Management Fund”, to cover the cost of planning (especially related to compliance with section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332)), carrying out, and monitoring certain forest management activities on National Forest System lands or public lands.

(b) CONTENTS.—The State-Supported Forest Management Fund shall consist of such amounts as may be—

(1) contributed by an eligible entity for deposit in the Fund;

(2) appropriated to the Fund; or

(3) generated by forest management activities carried out using amounts in the Fund.

(c) **GEOGRAPHICAL AND USE LIMITATIONS.**—In making a contribution under subsection (b)(1), an eligible entity may—

(1) specify the National Forest System lands or public lands for which the contribution may be expended; and

(2) limit the types of forest management activities for which the contribution may be expended.

(d) **AUTHORIZED FOREST MANAGEMENT ACTIVITIES.**—In such amounts as may be provided in advance in appropriation Acts, the Secretary concerned may use the Fund to plan, carry out, and monitor a forest management activity that—

(1) is developed through a collaborative process;

(2) is proposed by a resource advisory committee;

(3) is covered by a community wildfire protection plan.

(e) **IMPLEMENTATION METHODS.**—A forest management activity carried out using amounts in the Fund may be carried out using a contract or agreement under section 604 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6591c), the good neighbor authority provided by section 8206 of the Agricultural Act of 2014 (16 U.S.C. 2113a), a contract under section 14 of the National Forest Management Act of 1976 (16 U.S.C. 472a), or other authority available to the Secretary concerned, but revenues generated by the forest management activity shall be used to reimburse the Fund for planning costs covered using amounts in the Fund.

(f) **RELATION TO OTHER LAWS.**—

(1) **REVENUE SHARING.**—Subject to subsection (e), revenues generated by a forest management activity carried out using amounts from the Fund shall be considered monies received from the National Forest System.

(2) **KNUTSON-VANDERBERG ACT.**—The Act of June 9, 1930 (commonly known as the Knutson-Vanderberg Act; 16 U.S.C. 576 et seq.), shall apply to any forest management activity carried out using amounts in the Fund.

(g) **TERMINATION OF FUND.**—

(1) **TERMINATION.**—The Fund shall terminate 10 years after the date of the enactment of this Act.

(2) **EFFECT OF TERMINATION.**—Upon the termination of the Fund pursuant to paragraph (1) or pursuant to any other provision of law, unobligated contributions remaining in the Fund shall be returned to the eligible entity that made the contribution.

TITLE VII—TRIBAL FORESTRY PARTICIPATION AND PROTECTION

SEC. 701. PROTECTION OF TRIBAL FOREST ASSETS THROUGH USE OF STEWARDSHIP END RESULT CONTRACTING AND OTHER AUTHORITIES.

(a) **PROMPT CONSIDERATION OF TRIBAL REQUESTS.**—Section 2(b) of the Tribal Forest Protection Act of 2004 (25 U.S.C. 3115a(b)) is amended—

(1) in paragraph (1), by striking “Not later than 120 days after the date on which an Indian tribe submits to the Secretary” and inserting “In response to the submission by an Indian Tribe of”; and

(2) by adding at the end the following new paragraph:

“(4) **TIME PERIODS FOR CONSIDERATION.**—

“(A) **INITIAL RESPONSE.**—Not later than 120 days after the date on which the Secretary receives a Tribal request under paragraph (1), the Secretary shall provide an initial response to the Indian Tribe regarding—

“(i) whether the request may meet the selection criteria described in subsection (c); and

“(ii) the likelihood of the Secretary entering into an agreement or contract with the Indian Tribe under paragraph (2) for activities described in paragraph (3).

“(B) **NOTICE OF DENIAL.**—Notice under subsection (d) of the denial of a Tribal request

under paragraph (1) shall be provided not later than 1 year after the date on which the Secretary received the request.

“(C) **COMPLETION.**—Not later than 2 years after the date on which the Secretary receives a Tribal request under paragraph (1), other than a Tribal request denied under subsection (d), the Secretary shall—

“(i) complete all environmental reviews necessary in connection with the agreement or contract and proposed activities under the agreement or contract; and

“(ii) enter into the agreement or contract with the Indian tribe under paragraph (2).”.

(b) **CONFORMING AND TECHNICAL AMENDMENTS.**—Section 2 of the Tribal Forest Protection Act of 2004 (25 U.S.C. 3115a) is amended—

(1) in subsections (b)(1) and (f)(1), by striking “section 347 of the Department of the Interior and Related Agencies Appropriations Act, 1999 (16 U.S.C. 2104 note; Public Law 105-277) (as amended by section 323 of the Department of the Interior and Related Agencies Appropriations Act, 2003 (117 Stat. 275))” and inserting “section 604 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6591c)”; and

(2) in subsection (d), by striking “subsection (b)(1), the Secretary may” and inserting “paragraphs (1) and (4)(B) of subsection (b), the Secretary shall”.

SEC. 702. MANAGEMENT OF INDIAN FOREST LAND AUTHORIZED TO INCLUDE RELATED NATIONAL FOREST SYSTEM LANDS AND PUBLIC LANDS.

Section 305 of the National Indian Forest Resources Management Act (25 U.S.C. 3104) is amended by adding at the end the following new subsection:

“(c) **INCLUSION OF CERTAIN NATIONAL FOREST SYSTEM LAND AND PUBLIC LAND.**—

“(1) **AUTHORITY.**—At the request of an Indian Tribe, the Secretary concerned may agree to treat Federal forest land as Indian forest land for purposes of planning and conducting forest land management activities under this section if the Federal forest land is located within, or mostly within, a geographic area that presents a feature or involves circumstances principally relevant to that Indian Tribe, such as Federal forest land ceded to the United States by treaty, Federal forest land within the boundaries of a current or former reservation, or Federal forest land adjudicated to be Tribal homelands.

“(2) **REQUIREMENTS.**—As part of the agreement to treat Federal forest land as Indian forest land under paragraph (1), the Secretary concerned and the Indian Tribe making the request shall—

“(A) provide for continued public access applicable to the Federal forest land prior to the agreement, except that the Secretary concerned may limit or prohibit such access as needed;

“(B) continue sharing revenue generated by the Federal forest land with State and local governments either—

“(i) on the terms applicable to the Federal forest land prior to the agreement, including, where applicable, 25-percent payments or 50-percent payments; or

“(ii) at the option of the Indian Tribe, on terms agreed upon by the Indian Tribe, the Secretary concerned, and State and county governments participating in a revenue sharing agreement for the Federal forest land;

“(C) comply with applicable prohibitions on the export of unprocessed logs harvested from the Federal forest land;

“(D) recognize all right-of-way agreements in place on Federal forest land prior to commencement of Tribal management activities;

“(E) ensure that all commercial timber removed from the Federal forest land is sold on a competitive bid basis; and

“(F) cooperate with the appropriate State fish and wildlife agency to achieve mutual agreement on the management of fish and wildlife.

“(3) **LIMITATION.**—Treating Federal forest land as Indian forest land for purposes of plan-

ning and conducting management activities pursuant to paragraph (1) shall not be construed to designate the Federal forest land as Indian forest lands for any other purpose.

“(4) **DEFINITIONS.**—In this subsection:

“(A) **FEDERAL FOREST LAND.**—The term ‘Federal forest land’ means—

“(i) National Forest System lands; and

“(ii) public lands (as defined in section 103(e) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702(e))), including Coos Bay Wagon Road Grant lands reconveyed to the United States pursuant to the first section of the Act of February 26, 1919 (40 Stat. 1179), and Oregon and California Railroad Grant lands.

“(B) **SECRETARY CONCERNED.**—The term ‘Secretary concerned’ means—

“(i) the Secretary of Agriculture, with respect to the Federal forest land referred to in subparagraph (A)(i); and

“(ii) the Secretary of the Interior, with respect to the Federal forest land referred to in subparagraph (A)(ii).”.

SEC. 703. TRIBAL FOREST MANAGEMENT DEMONSTRATION PROJECT.

The Secretary of the Interior and the Secretary of Agriculture may carry out demonstration projects by which federally recognized Indian Tribes or Tribal organizations may contract to perform administrative, management, and other functions of programs of the Tribal Forest Protection Act of 2004 (25 U.S.C. 3115a et seq.) through contracts entered into under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304 et seq.).

SEC. 704. RULE OF APPLICATION.

Nothing in this title, or the amendments made by this title, shall be construed as interfering with, diminishing, or conflicting with the authority, jurisdiction, or responsibility of any State to exercise primary management, control, or regulation of fish and wildlife on land or water within the State (including on public land) under State law.

TITLE VIII—EXPEDITING INTERAGENCY CONSULTATION

Subtitle A—Forest Plans Not Considered Major Federal Actions

SEC. 801. FOREST PLANS NOT CONSIDERED MAJOR FEDERAL ACTIONS.

The development, maintenance, amendment, and revision of a forest plan shall not be considered a major Federal action for purposes of section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332).

Subtitle B—Agency Consultation

SEC. 811. CONSULTATION UNDER FOREST AND RANGELAND RENEWABLE RESOURCES PLANNING ACT OF 1974.

(a) **IN GENERAL.**—Section 6(d) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(d)) is amended—

(1) by striking “(d) The Secretary” and inserting the following:

“(d) **PUBLIC PARTICIPATION AND CONSULTATION.**—

“(1) **IN GENERAL.**—The Secretary”; and

(2) by adding at the end the following:

“(2) **NO ADDITIONAL CONSULTATION REQUIRED AFTER APPROVAL OF LAND MANAGEMENT PLANS.**—

“(A) **IN GENERAL.**—Notwithstanding any other provision of law, the Secretary shall not be required to engage in consultation under this subsection or any other provision of law (including section 7 of the Endangered Species Act (16 U.S.C. 1536) and section 402.16 of title 50, Code of Federal Regulations (or a successor regulation)) with respect to—

“(i) if a land management plan approved by the Secretary—

“(I) the listing of a species as threatened or endangered, or a designation of critical habitat pursuant to the Endangered Species Act (16 U.S.C. 1531 et seq.);

“(II) whether the amount or extent of taking specified in the incidental take statement is exceeded;

“(III) whether new information reveals effects of the action that may affect listed species or critical habitat in a manner or to an extent not previously considered; or

“(IV) whether the identified action is subsequently modified in a manner that causes an effect to the listed species or critical habitat that was not considered in the biological opinion; or

“(ii) any provision of a land management plan adopted as described in clause (i).

“(B) EFFECT OF PARAGRAPH.—Nothing in this paragraph affects any applicable requirement of the Secretary to consult with the head of any other Federal department or agency—

“(i) regarding any project, including a project carried out, or proposed to be carried out, in an area designated as critical habitat pursuant to the Endangered Species Act (16 U.S.C. 1531 et seq.); or

“(ii) with respect to the development of an amendment to a land management plan that would result in a significant change in the land management plan.

“(3) LAND MANAGEMENT PLAN CONSIDERED A NON-DISCRETIONARY ACTION.—For purposes of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), a forest management activity carried out by the Secretary concerned pursuant to this Act shall be considered a non-discretionary action.”

(b) DEFINITION OF SECRETARY; CONFORMING AMENDMENTS.—

(1) DEFINITION OF SECRETARY.—Section 3(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1601(a)) is amended, in the first sentence of the matter preceding paragraph (1), by inserting “(referred to in this Act as the ‘Secretary’)” after “Secretary of Agriculture”.

(2) CONFORMING AMENDMENTS.—The Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.) is amended, in sections 4 through 9, 12, 13, and 15, by striking “Secretary of Agriculture” each place it appears and inserting “Secretary”.

SEC. 812. CONSULTATION UNDER FEDERAL LAND POLICY AND MANAGEMENT ACT OF 1976.

Section 202(f) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712(f)) is amended—

(1) by striking “(f) The Secretary” and inserting the following:

“(f) PUBLIC INVOLVEMENT.—

“(1) IN GENERAL.—The Secretary”; and

(2) by adding at the end the following:

“(2) NO ADDITIONAL CONSULTATION REQUIRED AFTER APPROVAL OF LAND USE PLANS.—

“(A) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall not be required to engage in consultation under this subsection or any other provision of law (including section 7 of the Endangered Species Act (16 U.S.C. 1536) and section 402.16 of title 50, Code of Federal Regulations (or a successor regulation)), with respect to—

“(i) the listing of a species as threatened or endangered, or a designation of critical habitat, pursuant to the Endangered Species Act (16 U.S.C. 1531 et seq.), if a land use plan has been adopted by the Secretary as of the date of listing or designation; or

“(ii) any provision of a land use plan adopted as described in clause (i).

“(B) EFFECT OF PARAGRAPH.—

“(i) DEFINITION OF SIGNIFICANT CHANGE.—In this subparagraph, the term ‘significant change’ means a significant change within the meaning of section 219.13(b)(3) of title 36, Code of Federal Regulations (as in effect on the date of enactment of this subparagraph), except that—

“(I) any reference contained in that section to a land management plan shall be deemed to be a reference to a land use plan;

“(II) any reference contained in that section to the Forest Service shall be deemed to be a reference to the Bureau of Land Management; and

“(III) any reference contained in that section to the National Forest Management Act of 1976

(Public Law 94-588; 90 Stat. 2949) shall be deemed to be a reference to this Act.

“(ii) EFFECT.—Nothing in this paragraph affects any applicable requirement of the Secretary to consult with the head of any other Federal department or agency—

“(I) regarding a project carried out, or proposed to be carried out, with respect to a species listed as threatened or endangered, or in an area designated as critical habitat, pursuant to the Endangered Species Act (16 U.S.C. 1531 et seq.); or

“(II) with respect to the development of a new land use plan or the revision of or other significant change to an existing land use plan.

“(3) LAND USE PLAN CONSIDERED NON-DISCRETIONARY ACTION.—For purposes of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), a forest management activity carried out by the Secretary concerned pursuant to this Act shall be considered a non-discretionary action.”

TITLE IX—MISCELLANEOUS

Subtitle A—Forest Management Provisions

SEC. 901. CLARIFICATION OF EXISTING CATEGORICAL EXCLUSION AUTHORITY RELATED TO INSECT AND DISEASE INFESTATION.

Section 603(c)(2)(B) of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6591b(c)(2)(B)) is amended by striking “Fire Regime Groups I, II, or III” and inserting “Fire Regime I, Fire Regime II, Fire Regime III, Fire Regime IV, or Fire Regime V”.

SEC. 902. REVISION OF ALTERNATE CONSULTATION AGREEMENT REGULATIONS.

Not later than 90 days after the date of the enactment of this section, the Secretary of the Interior and the Secretary of Commerce shall revise section 402.13 of title 50, Code of Federal Regulations, to—

(1) authorize Federal agencies to enter into alternative consultation agreements under which the Federal agency may determine if an action such agency authorizes is likely to adversely affect listed species or critical habitat; and

(2) if an agency determines such action will not likely adversely affect listed species or critical habitat pursuant to paragraph (1), not require such agency to complete a formal consultation, informal consultation, or written concurrence of the U.S. Fish and Wildlife Service or the National Marine Fisheries Service with respect to such action.

SEC. 903. REVISION OF EXTRAORDINARY CIRCUMSTANCES REGULATIONS.

(a) DETERMINATIONS OF EXTRAORDINARY CIRCUMSTANCES.—In determining whether extraordinary circumstances related to a proposed action preclude use of a categorical exclusion, the Forest Service shall not be required to—

(1) consider whether a proposed action is within a potential wilderness area;

(2) consider whether a proposed action affects a Forest Service sensitive species;

(3) conduct an analysis under section 220.4(f) of title 36, Code of Federal Regulations, of the proposed action’s cumulative impact (as the term is defined in section 1508.7 of title 40, Code of Federal Regulations);

(4) consider a determination under section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536) that a proposed action may affect, but is not likely to adversely affect, threatened, endangered, or candidate species, or designated critical habitats; or

(5) consider a determination under section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536) that a proposed action may affect, and is likely to adversely affect threatened, endangered, candidate species, or designated critical habitat if the agency is in compliance with the applicable provisions of the biological opinion.

(b) PROPOSED RULEMAKING.—Not later than 60 days after the date of enactment of this Act, the Secretary of Agriculture shall publish a notice of proposed rulemaking to revise section 220.6(b) of title 36, Code of Federal Regulations to conform such section with subsection (a).

(c) ADDITIONAL REVISION.—As part of the proposed rulemaking described in subsection (b), the Secretary of Agriculture shall revise section 220.5(a)(2) of title 36, Code of Federal Regulations, to provide that the Forest Service shall not be required to consider proposals that would substantially alter a potential wilderness area as a class of actions normally requiring environmental impact statements.

(d) ADDITIONAL ACTIONS.—Not later than 120 days after the date of enactment of this Act, the Secretary of Agriculture shall issue final regulations to carry out the revisions described in subsections (b) and (c).

SEC. 904. CONDITIONS ON FOREST SERVICE ROAD DECOMMISSIONING.

(a) CONSULTATION WITH AFFECTED COUNTY.—Whenever any Forest Service defined maintenance level one- or two-system road within a designated high-fire prone area of a unit of the National Forest System is considered for decommissioning, the Forest Supervisor of that unit of the National Forest System shall—

(1) consult with the government of the county containing the road regarding the merits and possible consequences of decommissioning the road; and

(2) solicit possible alternatives to decommissioning the road.

(b) PERIOD PRIOR TO DECOMMISSION.—A Forest Service road described in subsection (a) may not be decommissioned without the advance approval of the Regional Forester.

SEC. 905. PROHIBITION ON APPLICATION OF EASTSIDE SCREENS REQUIREMENTS ON NATIONAL FOREST SYSTEM LANDS.

(a) REPEAL OF EASTSIDE SCREENS REQUIREMENTS.—Notwithstanding any other provision of law, the Secretary of Agriculture shall immediately withdraw the Interim Management Direction Establishing Riparian, Ecosystem, and Wildlife Standards for Timber Sales (commonly known as the Eastside Screens requirements), including all preceding or associated versions of these amendments.

(b) EFFECT OF REPEAL.—On and after the date of the enactment of this Act, the Secretary of Agriculture may not apply to National Forest System lands any of the amendments repealed under subsection (a).

SEC. 906. USE OF SITE-SPECIFIC FOREST PLAN AMENDMENTS FOR CERTAIN PROJECTS AND ACTIVITIES.

If the Secretary concerned determines that, in order to conduct a project or carry out an activity implementing a forest plan, an amendment to the forest plan is required, the Secretary concerned shall execute such amendment as a non-significant plan amendment through the record of decision or decision notice for the project or activity.

SEC. 907. KNUTSON-VANDENBERG ACT MODIFICATIONS.

(a) DEPOSITS OF FUNDS FROM NATIONAL FOREST TIMBER PURCHASERS REQUIRED.—Section 3(a) of the Act of June 9, 1930 (commonly known as the Knutson-Vandenberg Act; 16 U.S.C. 576b(a)), is amended by striking “The Secretary” and all that follows through “any purchaser” and inserting the following: “The Secretary of Agriculture shall require each purchaser”.

(b) CONDITIONS ON USE OF DEPOSITS.—Section 3 of the Act of June 9, 1930 (commonly known as the Knutson-Vandenberg Act; 16 U.S.C. 576b), is amended—

(1) by striking “Such deposits” and inserting the following:

“(b) Amounts deposited under subsection (a)”; and

(2) by redesignating subsection (c) as subsection (d); and

(3) by inserting before subsection (d), as so redesignated, the following new subsection (c):

“(c)(1) Amounts in the special fund established pursuant to this section—

“(A) shall be used exclusively to implement activities authorized by subsection (a); and

“(B) may be used anywhere within the Forest Service Region from which the original deposits were collected.

“(2) The Secretary of Agriculture may not deduct overhead costs from the funds collected under subsection (a), except as needed to fund personnel of the responsible Ranger District for the planning and implementation of the activities authorized by subsection (a).”.

SEC. 908. APPLICATION OF NORTHWEST FOREST PLAN SURVEY AND MANAGE MITIGATION MEASURE STANDARD AND GUIDELINES.

The Northwest Forest Plan Survey and Manage Mitigation Measure Standard and Guidelines shall not apply to any National Forest System lands or public lands.

SEC. 909. RECONSTRUCTION AND REPAIR INCLUDED IN GOOD NEIGHBOR AGREEMENTS.

Section 8206(a)(3) of the Agricultural Act of 2014 (16 U.S.C. 2113a(a)(3)) is amended—

(1) in subparagraph (A)—
(A) in clause (ii), by striking “and”;
(B) by redesignating clause (iii) as clause (iv); and

(C) by inserting after clause (ii) the following new clause:

“(iii) construction, reconstruction, repair or restoration of roads as necessary to achieve project objectives; and”;

(2) by amending subparagraph (B) to read as follows:

“(B) EXCLUSIONS.—The term ‘forest, rangeland, and watershed restoration services’ does not include construction, alteration, repair or replacement of public buildings or works.”.

SEC. 910. LOGGING AND MECHANIZED OPERATIONS.

The Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.) is amended—

(1) in section 3 (29 U.S.C. 203)—

(A) in subsection (1), by striking “well-being.” and inserting “well-being, and that employment of employees ages sixteen or seventeen years in a logging or mechanized operation in an occupation that the Secretary of Labor finds and declares to be particularly hazardous for the employment of individuals of such ages shall not be deemed to constitute oppressive child labor if such employee is employed by his parent or by a person standing in the place of his parent in a logging or mechanized operation owned or operated by such parent or person.”; and

(B) by adding at the end the following:

“(e)(1) ‘Logging’—

“(A) means—

“(i) the felling, skidding, yarding, loading and processing of timber by equipment other than manually operated chainsaws and cable skidders;

“(ii) the felling of timber in mechanized operations;

“(iii) the bucking or converting of timber into logs, poles, ties, bolts, pulpwood, chemical wood, excelsior wood, cordwood, fence posts, or similar products;

“(iv) the collecting, skidding, yarding, loading, transporting and unloading of such products in connection with logging;

“(v) the constructing, repairing and maintaining of roads or camps used in connection with logging; the constructing, repairing, and maintenance of machinery or equipment used in logging; and

“(vi) other work performed in connection with logging; and

“(B) does not include the manual use of chain saws to fell and process timber and the use of cable skidders to bring the timber to the landing.

“(2) ‘Mechanized operation’—

“(A) means the felling, skidding, yarding, loading and processing of timber by equipment other than manually operated chainsaws and cable skidders; and

“(B) includes whole tree processors, cut-to-length processors, stroke boom delimiters, wheeled and track feller-bunchers, pull thru

delimiters, wheeled and track forwarders, chippers, grinders, mechanical debarkers, wheeled and track grapple skidders, yarders, bulldozers, excavators, and log loaders.”; and

(2) in section 13(c) (29 U.S.C. 211(c)), by adding at the end the following:

“(8) The provisions of section 12 relating to child labor shall apply to an employee who is 16 or 17 years old employed in a logging or mechanized operation in an occupation that the Secretary of Labor finds and declares to be particularly hazardous for the employment of children ages 16 or 17, except where such employee is employed by his parent or by a person standing in the place of his parent in a logging or mechanized operation owned or operated by such parent or person.”.

Subtitle B—Oregon and California Railroad Grant Lands and Coos Bay Wagon Road Grant Lands

SEC. 911. AMENDMENTS TO THE ACT OF AUGUST 28, 1937.

The first section of the Act of August 28, 1937 (50 Stat. 874; 43 U.S.C. 2601 et seq.), is amended—

(1) by striking “principal of sustained yield” and inserting “principle of sustained yield”;

(2) by striking “facilities” and inserting “facilities”;

(3) by striking “That timber from said lands in an amount” and inserting “That timber from said lands in the amount that is the greater of.”.

SEC. 912. OREGON AND CALIFORNIA RAILROAD GRANT LANDS AND COOS BAY WAGON ROAD GRANT LANDS PERMANENT RIGHTS OF ACCESS.

(a) CREATION OF PERMANENT RIGHTS OF ACCESS REQUIRED.—Notwithstanding any other provision of law, on the date of the enactment of this section, reciprocal road right-of-way permits, grants, and agreements issued to a private landowner by the Secretary of the Interior pursuant to subpart 2812 of part 2810 of title 43, Code of Federal Regulations, or its predecessor regulation shall become permanent rights of access that are recordable and that shall run with the land.

(b) RECORDS UPDATED.—Not later than 60 days after the date of the enactment of this Act, the reciprocal road right-of-way permits, grants, and agreements described in subsection (a) shall be amended to reflect the permanent rights of access required under subsection (a) and recorded by the Secretary of the Interior in each county where the lands are located. No other amendments shall be made to such right-of-way permits, grants, and agreements.

SEC. 913. MANAGEMENT OF BUREAU OF LAND MANAGEMENT LANDS IN WESTERN OREGON.

(a) IN GENERAL.—All of the public land managed by the Bureau of Land Management in the Northwest District, Roseburg District, Coos Bay District, Medford District, and the Klamath Resource Area of the Lakeview District in the State of Oregon shall hereafter be managed pursuant to title I of the Act of August 28, 1937 (43 U.S.C. 1181a through 1181e). Except as provided in subsection (b), all of the revenue produced from such land shall be deposited in the Treasury of the United States in the Oregon and California land-grant fund and be subject to the provisions of title II of the Act of August 28, 1937 (43 U.S.C. 1181f).

(b) CERTAIN LANDS EXCLUDED.—Subsection (a) does not apply to any revenue that is required to be deposited in the Coos Bay Wagon Road grant fund pursuant to sections 1 through 4 of the Act of May 24, 1939 (43 U.S.C. 1181f et seq.).

Subtitle C—Timber Innovation

SEC. 921. DEFINITIONS.

In this subtitle:

(1) INNOVATIVE WOOD PRODUCT.—The term “innovative wood product” means a type of building component or system that uses large

panelized wood construction, including mass timber.

(2) MASS TIMBER.—The term “mass timber” includes—

- (A) cross-laminated timber;
- (B) nail laminated timber;
- (C) glue laminated timber;
- (D) laminated strand lumber; and
- (E) laminated veneer lumber.

(3) SECRETARY.—The term “Secretary” means the Secretary of Agriculture, acting through the Research and Development deputy area and the State and Private Forestry deputy area of the Forest Service.

(4) TALL WOOD BUILDING.—The term “tall wood building” means a building designed to be—

- (A) constructed with mass timber; and
- (B) more than 85 feet in height.

SEC. 922. CLARIFICATION OF RESEARCH AND DEVELOPMENT PROGRAM FOR WOOD BUILDING CONSTRUCTION.

(a) IN GENERAL.—The Secretary shall conduct performance-driven research and development, education, and technical assistance for the purpose of facilitating the use of innovative wood products in wood building construction in the United States.

(b) ACTIVITIES.—In carrying out subsection (a), the Secretary shall—

(1) after receipt of input and guidance from, and collaboration with, the wood products industry, conservation organizations, and institutions of higher education, conduct research and development, education, and technical assistance at the Forest Products Laboratory or through the State and Private Forestry deputy area that meets measurable performance goals for the achievement of the priorities described in subsection (c); and

(2) after coordination and collaboration with the wood products industry and conservation organizations, make competitive grants to institutions of higher education to conduct research and development, education, and technical assistance that meets measurable performance goals for the achievement of the priorities described in subsection (c).

(c) PRIORITIES.—The research and development, education, and technical assistance conducted under subsection (a) shall give priority to—

(1) ways to improve the commercialization of innovative wood products;

(2) analyzing the safety of tall wood building materials;

(3) calculations by the Forest Products Laboratory of the life cycle environmental footprint, from extraction of raw materials through the manufacturing process, of tall wood building construction;

(4) analyzing methods to reduce the life cycle environmental footprint of tall wood building construction;

(5) analyzing the potential implications of the use of innovative wood products in building construction on wildlife; and

(6) one or more other research areas identified by the Secretary, in consultation with conservation organizations, institutions of higher education, and the wood products industry.

(d) TIMEFRAME.—To the maximum extent practicable, the measurable performance goals for the research and development, education, and technical assistance conducted under subsection (a) shall be achievable within a 5-year timeframe.

TITLE X—MAJOR DISASTER FOR WILDFIRE ON FEDERAL LAND

SEC. 1001. WILDFIRE ON FEDERAL LANDS.

Section 102(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)) is amended—

(1) by striking “(2)” and all that follows through “means” and inserting the following:

“(2) MAJOR DISASTER.—

“(A) MAJOR DISASTER.—The term ‘major disaster’ means”;

(2) by adding at the end the following:

“(B) MAJOR DISASTER FOR WILDFIRE ON FEDERAL LANDS.—The term ‘major disaster for wildfire on Federal lands’ means any wildfire or wildfires, which in the determination of the President under section 802 warrants assistance under section 803 to supplement the efforts and resources of the Department of the Interior or the Department of Agriculture—

“(i) on Federal lands; or

“(ii) on non-Federal lands pursuant to a fire protection agreement or cooperative agreement.”.

SEC. 1002. DECLARATION OF A MAJOR DISASTER FOR WILDFIRE ON FEDERAL LANDS.

The Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 et seq.) is amended by adding at the end the following:

“TITLE VIII—MAJOR DISASTER FOR WILDFIRE ON FEDERAL LAND

“SEC. 801. DEFINITIONS.

“As used in this title—

“(1) FEDERAL LAND.—The term ‘Federal land’ means—

“(A) any land under the jurisdiction of the Department of the Interior; and

“(B) any land under the jurisdiction of the United States Forest Service.

“(2) FEDERAL LAND MANAGEMENT AGENCIES.—The term ‘Federal land management agencies’ means—

“(A) the Bureau of Land Management;

“(B) the National Park Service;

“(C) the Bureau of Indian Affairs;

“(D) the United States Fish and Wildlife Service; and

“(E) the United States Forest Service.

“(3) WILDFIRE SUPPRESSION OPERATIONS.—The term ‘wildfire suppression operations’ means the emergency and unpredictable aspects of wildland firefighting, including support, response, emergency stabilization activities, and other emergency management activities of wildland firefighting on Federal lands (or on non-Federal lands pursuant to a fire protection agreement or cooperative agreement) by the Federal land management agencies covered by the wildfire suppression subactivity of the Wildland Fire Management account or the FLAME Wildfire Suppression Reserve Fund account of the Federal land management agencies.

“SEC. 802. PROCEDURE FOR DECLARATION OF A MAJOR DISASTER FOR WILDFIRE ON FEDERAL LANDS.

“(a) IN GENERAL.—The Secretary of the Interior or the Secretary of Agriculture may submit a request to the President consistent with the requirements of this title for a declaration by the President that a major disaster for wildfire on Federal lands exists.

“(b) REQUIREMENTS.—A request for a declaration by the President that a major disaster for wildfire on Federal lands exists shall—

“(1) be made in writing by the respective Secretary;

“(2) certify that the amount appropriated in the current fiscal year for wildfire suppression operations of the Federal land management agencies under the jurisdiction of the respective Secretary, net of any concurrently enacted rescissions of wildfire suppression funds, increases the total unobligated balance of amounts available for wildfire suppression by an amount equal to or greater than the average total costs incurred by the Federal land management agencies per year for wildfire suppression operations, including the suppression costs in excess of appropriated amounts, over the previous ten fiscal years;

“(3) certify that the amount available for wildfire suppression operations of the Federal land management agencies under the jurisdiction of the respective Secretary will be obligated not later than 30 days after such Secretary notifies the President that wildfire suppression funds will be exhausted to fund ongoing and

anticipated wildfire suppression operations related to the wildfire on which the request for the declaration of a major disaster for wildfire on Federal lands pursuant to this title is based; and

“(4) specify the amount required in the current fiscal year to fund wildfire suppression operations related to the wildfire on which the request for the declaration of a major disaster for wildfire on Federal lands pursuant to this title is based.

“(c) DECLARATION.—Based on the request of the respective Secretary under this title, the President may declare that a major disaster for wildfire on Federal lands exists.

“SEC. 803. WILDFIRE ON FEDERAL LANDS ASSISTANCE.

“(a) IN GENERAL.—In a major disaster for wildfire on Federal lands, the President may transfer funds, only from the account established pursuant to subsection (b), to the Secretary of the Interior or the Secretary of Agriculture to conduct wildfire suppression operations on Federal lands (and non-Federal lands pursuant to a fire protection agreement or cooperative agreement).

“(b) WILDFIRE SUPPRESSION OPERATIONS ACCOUNT.—The President shall establish a specific account for the assistance available pursuant to a declaration under section 802. Such account may only be used to fund assistance pursuant to this title.

“(c) LIMITATION.—

“(1) LIMITATION OF TRANSFER.—The assistance available pursuant to a declaration under section 802 is limited to the transfer of the amount requested pursuant to section 802(b)(4). The assistance available for transfer shall not exceed the amount contained in the wildfire suppression operations account established pursuant to subsection (b).

“(2) TRANSFER OF FUNDS.—Funds under this section shall be transferred from the wildfire suppression operations account to the wildfire suppression subactivity of the Wildland Fire Management Account.

“(d) PROHIBITION OF OTHER TRANSFERS.—Except as provided in this section, no funds may be transferred to or from the account established pursuant to subsection (b) to or from any other fund or account.

“(e) REIMBURSEMENT FOR WILDFIRE SUPPRESSION OPERATIONS ON NON-FEDERAL LAND.—If amounts transferred under subsection (c) are used to conduct wildfire suppression operations on non-Federal land, the respective Secretary shall—

“(1) secure reimbursement for the cost of such wildfire suppression operations conducted on the non-Federal land; and

“(2) transfer the amounts received as reimbursement to the wildfire suppression operations account established pursuant to subsection (b).

“(f) ANNUAL ACCOUNTING AND REPORTING REQUIREMENTS.—Not later than 90 days after the end of each fiscal year for which assistance is received pursuant to this section, the respective Secretary shall submit to the Committees on Agriculture, Appropriations, the Budget, Natural Resources, and Transportation and Infrastructure of the House of Representatives and the Committees on Agriculture, Nutrition, and Forestry, Appropriations, the Budget, Energy and Natural Resources, Homeland Security and Governmental Affairs, and Indian Affairs of the Senate, and make available to the public, a report that includes the following:

“(1) The risk-based factors that influenced management decisions regarding wildfire suppression operations of the Federal land management agencies under the jurisdiction of the Secretary concerned.

“(2) Specific discussion of a statistically significant sample of large fires, in which each fire is analyzed for cost drivers, effectiveness of risk management techniques, resulting positive or negative impacts of fire on the landscape, impact of investments in preparedness, suggested

corrective actions, and such other factors as the respective Secretary considers appropriate.

“(3) Total expenditures for wildfire suppression operations of the Federal land management agencies under the jurisdiction of the respective Secretary, broken out by fire sizes, cost, regional location, and such other factors as the such Secretary considers appropriate.

“(4) Lessons learned.

“(5) Such other matters as the respective Secretary considers appropriate.

“(g) SAVINGS PROVISION.—Nothing in this title shall limit the Secretary of the Interior, the Secretary of Agriculture, Indian Tribe, or a State from receiving assistance through a declaration made by the President under this Act when the criteria for such declaration have been met.”.

SEC. 1003. PROHIBITION ON TRANSFERS.

No funds may be transferred to or from the Federal land management agencies’ wildfire suppression operations accounts referred to in section 801(3) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act to or from any account or subactivity of the Federal land management agencies, as defined in section 801(2) of such Act, that is not used to cover the cost of wildfire suppression operations.

TITLE XI—DISASTER RELIEF AND WILDFIRE ADJUSTMENT

SEC. 1101. INCREASE IN MAXIMUM ADJUSTMENT TO ACCOMMODATE WILDFIRE FUNDING.

Section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control of 1985 is amended—

(1) in clause (i), by striking subclause (I) and inserting the following:

“(I) the average over the previous 10 years (excluding the highest and lowest years) of the sum of—

“(aa) funding provided for disaster relief (as that term is defined on the date immediately before the date of enactment of the Resilient Federal Forests Act of 2017);

“(bb) non-emergency funding provided for wildfire suppression and other wildfire related activities under the ‘Wildland Fire Management’ and ‘FLAME Wildfire Suppression Reserve Fund’ accounts of the Department of Agriculture and the Department of the Interior; and

“(cc) 10 percent of the funding for disaster relief designated as an emergency under subparagraph (A)(i); and”;

(2) in clause (ii), by striking “the Budget Control Act of 2011” and inserting “the Resilient Federal Forests Act of 2017”; and

(3) by striking clause (iii) and inserting the following:

“(iii) For the purposes of this subparagraph, the term ‘disaster relief’ means—

“(I) activities carried out pursuant to a determination under section 102(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)); or

“(II) amounts made available, pursuant to a declaration under section 802 of such Act that a major disaster for wildfire on Federal lands exists, to the wildfire suppression operations account established under section 803 of such Act.”.

The Acting CHAIR. No amendment to that amendment in the nature of a substitute shall be in order except those printed in House Report 115-378. Each such amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. SCHRADER

The Acting CHAIR. It is now in order to consider amendment No. 1 printed in House Report 115-378.

Mr. SCHRADER. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 13, line 6, insert "or" after the semicolon.

Page 13, strike line 7 (and redesignate the subsequent paragraph accordingly).

Page 13, line 9, strike "through (6)" and insert "through (5)".

The Acting CHAIR. Pursuant to House Resolution 595, the gentleman from Oregon (Mr. SCHRADER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Oregon.

Mr. SCHRADER. Mr. Chair, I yield myself as much time as I may consume.

Mr. Chair, I would like to thank my colleagues, Representatives DEFazio and PANETTA, for offering this amendment with me today. I think it is one of the important changes we can make that will help improve the Resilient Federal Forests Act.

Collaborative forest management activities and categorical exclusions are an important tool in forest management and are designed to help the Forest Service and BLM speed the ability of those agencies to get into areas more quickly to improve forest health.

I believe the use of categorical exclusion should be reserved for reducing hazardous fuel loads, addressing disease and insect infestation, protecting water resources or increasing water yield, and maintaining or enhancing critical habitat. That makes sense. All these activities are very appropriate as designated activities for categorical exclusions.

Listing timber production as a designated activity, I believe, does not work in this context. Timber is a by-product of all those activities. Therefore, it is unnecessary to actually include it as a specific designated activity.

Our amendment simply strikes timber production from the list of designated activities for categorical exclusion under section 111. It is a pretty clear-cut issue, in my book.

Mr. Chair, I urge my colleagues to support this commonsense amendment, and I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Chair, I claim the time in opposition to the amendment, although I am not totally opposed to the amendment.

The Acting CHAIR. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. BISHOP of Utah. Mr. Chair, I appreciate the amendment that has been presented by the gentleman from Oregon. I think it is a well-thought-out amendment.

I also appreciate the comments he made, as he is trying to get us past the rhetoric and the dogma, and to try and come up with a truly bipartisan effort to solve the problems that the Forest Service has clearly delineated, giving them the tools that they want to try and solve these problems in the future.

I think the gentleman is also correct when he said that if you go through the list of those that are going to use categorical exclusion, you can't actually do those functions without producing timber. So, at worst, the language that was put in here is redundant. We are still after the same goal. We are still after the same game. That is why I actually will accept the amendment offered by the gentleman from Oregon and urge its adoption.

Mr. Chair, I reserve the balance of my time.

Mr. SCHRADER. Mr. Chair, I would like to thank the chairman and Mr. WESTERMAN for the bill and being congenial and good folks to work with for a bipartisan piece of legislation we desperately need.

Mr. Chair, I yield back the balance of my time.

Mr. BISHOP of Utah. Mr. Chair, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Oregon (Mr. SCHRADER).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. KHANNA

The Acting CHAIR. It is now in order to consider amendment No. 2 printed in House Report 115-378.

Mr. KHANNA. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 27, beginning line 19, strike subtitle B.

The Acting CHAIR. Pursuant to House Resolution 595, the gentleman from California (Mr. KHANNA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. KHANNA. Mr. Chairman, my amendment strikes section 311 from the bill. This section would create a forced arbitration program for forestry management. This section of the bill, in my view, usurps judicial oversight. While many agencies conduct quasi-judicial proceedings, there are still agency actions that are appealable to the courts.

Judicial oversight and separation of powers is a core principle of our democracy. The arbitration would be binding, effectively making the Secretary of Agriculture the final judge and depriving the courts of their oversight role.

While the bill terms this as discretionary arbitration, the discretion ultimately lies only with the Secretary of Agriculture. The public has no discretion over whether to submit to binding arbitration or not.

The public's right to challenge an action or inaction in court is an impor-

tant check on the executive branch. Shielding an agency from review by independent Federal courts could harm access to justice.

The Secretary of Agriculture can designate any objection for binding arbitration up to ten times per year in each of the nine Forest Service regions and each of the 14 State regions.

□ 1630

This allows the Secretary of Agriculture to effectively dismiss about 230 cases every year. According to the Department of Justice, in 2016, the total amount of civil matters and cases brought against the United States with an environmental or land cause of action was only 350. This overly broad power would allow the agency to dismiss some of the most problematic cases every year.

The process also likely violates the nondelegation doctrine. That doctrine prohibits the exercise of constitutional authority given to any branch of government by another branch or non-governmental private party.

Under the arbitration program set up by this bill, a private party objecting to a management proposal and forced into arbitration would be required to write their own proposal. The appointed arbitrator could then select that private party proposal as the final plan to be carried out by the agency. The arbitrator is not permitted to modify the proposal, and the decision would be binding.

I understand the need to streamline the process, but I think the forced arbitration really deprives people of their access to the courts, and that is why, Mr. Chairman, I urge my colleagues to support the amendment.

I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Chair, I claim time in opposition.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. BISHOP of Utah. Mr. Chair, I have to strenuously oppose this particular amendment because it strikes one of the core provisions of this bill.

From 1989 to 2008, there were 1,125 lawsuits filed against the Forest Service, and hundreds have been filed since that time. Half of the active management lawsuits of the Federal Forest Service account are spent, and 40 percent of all Forest Service lawsuits are brought on this specific point.

In addition to that, the Forest Service, in an effort to try and mitigate against that, simply tries to delay the processes, which creates a culture of analysis paralysis going through there, and at the end they get sued anyway.

This provision is one of few creative efforts we have had that does not impact people's access to justice, but having a binding arbitration pilot program allows us to try and give you the merits of a lawsuit and move forward quickly. This is creative. This is what they need.

If we need to end endless litigation, frivolous lawsuits that impede the

work of our land managers and cost taxpayers millions of dollars, this is the kind of thing that we need to start doing. The Forest Service recognizes they need this. It is about time we recognize they need this, too.

Mr. Chairman, keep this creative approach in the bill.

I reserve the balance of my time.

Mr. KHANNA. Mr. Chairman, I think the point is not that we need to streamline decisions, or if we have to streamline courts to get rid of frivolous lawsuits, that would be fine, but the problem is the power that is being vested in the Secretary of Agriculture where, if the Secretary of Agriculture shares a view that is not sympathetic to environmental concerns, they can basically dismiss the lawsuits of numerous environmental plaintiffs.

I think this is really about the separation of powers. If there is reform needed in the judiciary, those reforms should be in our courts, but they shouldn't appropriate the power to the Secretary of Agriculture who may have his own or her own views and not give a fair hearing to the environmental groups.

Mr. Chair, I yield back the balance of my time.

Mr. BISHOP of Utah. Mr. Chair, I yield 1 minute to the gentleman from Arkansas (Mr. WESTERMAN), the author of this bill.

Mr. WESTERMAN. Mr. Chairman, I think what we have to realize is that what is happening now is not working. Forest management plans are not being implemented. Region 1, alone, of the Forest Service spent \$1.23 million on the Equal Access to Justice Act, paying plaintiffs to sue the Forest Service. That is just since January of 2016.

This is an attempt for the pilot program to do arbitration modeled after baseball arbitration that keeps the ball moving forward. This results in some kind of action taking place. It is not the Secretary of Agriculture making the decision; it is one of a team of arbitrators who are professionals who come together to work for solutions. That is what we need in our forests, and that is why we don't need to include this amendment in the bill.

Mr. BISHOP of Utah. Mr. Chair, once again, I would ask our Members to reject this particular amendment. It is a core provision, one of the few creative efforts, and only a pilot project to try and find a solution. It has received bipartisan support. It has received support from a broad coalition of outside groups. Admittedly, some of those who actively litigate and raise money and profit by it don't like this provision, but most of the other people recognize this is something the Forest Service can use on day one. They need this tool.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. KHANNA).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. KHANNA. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

AMENDMENT NO. 3 OFFERED BY MR. O'HALLERAN

The Acting CHAIR. It is now in order to consider amendment No. 3 printed in House Report 115-378.

Mr. O'HALLERAN. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 59, beginning line 3, strike subtitle A (and redesignate the subsequent subtitle and sections accordingly).

Page 66, beginning line 19, strike section 903.

The Acting CHAIR. Pursuant to House Resolution 595, the gentleman from Arizona (Mr. O'HALLERAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. O'HALLERAN. Mr. Chairman, local communities that have the most at stake when it comes to the forest in their backyards deserve their voices to be heard. As someone who lives in a national forest and has worked to review and provide feedback on proposed forest plans, I can assure you that these documents that guide the direction of individual national forests for years are, in fact, a major Federal action.

My firsthand experience is why I propose that we strike the language of section 801 of the bill before us. Section 801 proposes that forest plans not be considered major Federal actions under the National Environmental Policy Act of 1969. If this were to become law, local input would be reduced. We should be looking for ways to increase local buy-in, not undermine it.

In addition, section 903 proposes to modify the determination of extraordinary circumstances so wilderness protections and the protections of the Endangered Species Act do not have to be considered. This is a dangerous provision and allows our bedrock environmental laws to be ignored.

My commonsense amendment would simply remove these concerning sections that allow bureaucrats to make major decisions without considering all the facts. Mr. Chairman, I encourage all my colleagues to support my amendment, and I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Chairman, I claim time in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. BISHOP of Utah. Mr. Chairman, this is another one of the amendments that basically guts the whole purpose of this entire bill.

There is nobody who is cut out of the process. None of the public is cut out of the process. What is cut out is redundant, duplicative NEPA analysis, all of which can result in litigation. It simply says you do the process the first time. You don't have to redo it again and again and again and admit the Forest Service to litigation again and again. In fact, they admit 71 percent of all their lawsuits mention these types of provisions in there.

As we said before, these provisions were not coming out of thin air. They are coming from what the Forest Service tells us they need to do their job, the tools they need so they can take the resources they have and do it once the first time and get it over with and do it right and not have to spend it on frivolous litigation.

NEPA is not taken away. The analysis is not taken away. The public is not taken out of the system. All you are simply doing is saying you don't have to do it repetitively, in other words, don't have to do it redundantly. This is one to streamline it. This is what they need desperately.

Mr. Chair, I reserve the balance of my time.

Mr. O'HALLERAN. Mr. Chairman, I appreciate the fact that there are many items within the bill that do allow for the issues to be addressed. But taking this part of the bill and understanding that, when our national forest plans are put forward, we are part of it—I live in the national forest. I have watched three fires outside my front window. I have lived through watching, time and time again, the ramifications of not addressing these issues appropriately.

I was co-chair of the Arizona Forest Health Oversight Committee for 3½ years and have been addressing forestry issues for 20 years. Mr. Chair, I just simply believe that, when it comes to wilderness areas and other areas of major concern, we should not disregard it.

I yield back the balance of my time.

Mr. BISHOP of Utah. Mr. Chairman, I will say once again, the tools the Forest Service needs to do their job are harmed if these sections do not remain in the bill. It is not talking about public input. It is talking about redundant, unnecessary public review that goes through there that creates unnecessary and redundant litigation. There is a NEPA process that needs to go forward. You just don't have to do it four and five and six times just because. We have an analysis paralysis.

I remind you once again, we have 50 to 70 million acres that are in a desperate, dire situation, ready to explode in catastrophic wildfire. The Forest Service can only get to 3 million acres a year, and part of it is the problems they have that we are trying to remove with these specific provisions. They need these tools. If we don't give them these tools, we exacerbate our wildfire problems. We don't need to do that. We shouldn't do that.

Mr. Chairman, we need to defeat this amendment. It is essential to defeat this amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. O'HALLERAN).

The question was taken; and the Acting Chair announced that the yeas appeared to have it.

Mr. O'HALLERAN. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

AMENDMENT NO. 4 OFFERED BY MR. CÁRDENAS

The Acting CHAIR. It is now in order to consider amendment No. 4 printed in House Report 115-378.

Mr. CÁRDENAS. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of subtitle A of title IX, add the following new section:

SEC. 9. STUDY ON USE OF UNMANNED AERIAL VEHICLES TO SUPPORT WILDLAND FIRE RESPONSE AND MANAGEMENT.

(a) **STUDY REQUIRED.**—The Secretary of Agriculture shall conduct a study to evaluate—

(1) the feasibility, safety, and cost effectiveness of using unmanned aerial vehicles for the purposes of supporting wildland fire response and suppression and forest restoration and management; and

(2) the effect that increased use of unmanned aerial vehicles for such purposes will have on employment.

(b) **CONSULTATION.**—In conducting the study, the Secretary of Agriculture shall consult with the heads of other Federal agencies involved in wildfire suppression and aviation, including the Secretary of the Interior, the Secretary of Homeland Security, the Secretary of Defense, and the Secretary of Transportation.

(c) **REPORTING REQUIREMENT.**—Not later than two years after the date of the enactment of this Act, the Secretary of Agriculture shall submit to Congress a report containing the results of the study.

The Acting CHAIR. Pursuant to House Resolution 595, the gentleman from California (Mr. CÁRDENAS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. CÁRDENAS. Mr. Chair, this year, wildfires have devastated the American West. It has been particularly tragic in my home State of California. Entire neighborhoods are gone, and families have been left with nothing.

While we know that proper forest management requires burning, we need to be able to contain wildfires that threaten communities.

This month, wildfires killed 42 people, burned over 245,000 acres, and destroyed an estimated 8,900 structures, most of them people's family homes, according to Cal Fire.

The fires aren't just dangerous themselves, they produce thick smoke, toxic

ash, and debris that pose long-lasting risks to our health and to the environment.

These wildfires continue to grow in frequency and ferocity. We must ensure that we are using all of the available tools to prevent and contain these fires. That is why I ask that this amendment, which promotes innovation in wildfire management, be adopted.

The amendment would require the Secretary of Agriculture to conduct a study evaluating the feasibility, safety, and cost effectiveness of using unmanned aerial vehicles, otherwise known as drones, for the purposes of fighting wildfires. It will also study the use of drones for forest restoration and management, which could be effective for replanting remote areas of forest.

The Secretary of Agriculture would have to work with several other agencies that also deal with wildfire suppression and aviation. This amendment would require consultation with the Department of Transportation and the Federal Aviation Administration to ensure safety for our aircraft and the pilots flying in the same airspace.

It would also assess the impact of using drones on employment in the U.S. Innovation will take us into the future.

□ 1645

But we need to know, eyes wide open, how this affects the employment landscape of our communities. And that is why these studies are also important.

The Department is required to report to Congress within 2 years of enactment. If implemented, I look forward to seeing the results of this study. I believe it will help add another tool to the toolkit in protecting American lives, homes, property, businesses, wildlife, and forests from devastating fires.

Mr. Chairman, I urge my colleagues to adopt amendment No. 4, and I reserve the balance of my time.

Mr. WESTERMAN. Mr. Chairman, I ask unanimous consent to claim the time in opposition to the amendment, although I am not opposed.

The Acting CHAIR. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The Acting CHAIR. The gentleman from Arkansas is recognized for 5 minutes.

Mr. WESTERMAN. Mr. Chairman, I rise in support of this amendment. As the gentleman explained, this amendment does direct the Secretary of Agriculture to study the use of unmanned vehicles, or drones, in the responsible forest management wildland fire-fighting and fire suppression.

Unmanned aerial vehicles are an emerging technology that should be harnessed to benefit our Nation's forests. As a matter of fact, these unmanned vehicles are being used extensively by the private sector to look at their forests, to manage them, to equip

them with remote-sensing equipment so that they can cover large areas at a large time and gather much more accurate data than you could actually do on the ground.

By ensuring that our land management practices utilize the cutting edge of available technology, we can ensure the prolonged health of our managed forests, and we can actually use this as a tool to cut down on the number of forest fires, and a better way to respond to those fires.

I hope the gentleman will support the full bill after we add this amendment to it so that he can actually see the implementation of his amendment in practice.

Mr. Chairman, again, I support this amendment, and I reserve the balance of my time.

Mr. CÁRDENAS. Mr. Chairman, I like the kind words that my colleagues have said about this amendment, and I hope that it goes forward.

Mr. Chairman, I yield back the balance of my time.

Mr. WESTERMAN. Mr. Chairman, again, this amendment is good for the bill. I am glad that we can work in a bipartisan way to include it in the bill.

Mr. Chairman, I urge support, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. CÁRDENAS).

The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MR. DEFAZIO

The Acting CHAIR. It is now in order to consider amendment No. 5 printed in House Report 115-378.

Mr. DEFAZIO. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 77, beginning line 4, strike subsection (b) and insert the following new subsection:

(b) **CERTAIN EXCLUSIONS.**—

(1) **CERTAIN LANDS EXCLUDED.**—Subsection (a) does not apply to—

(A) the Yaquina Head Outstanding Natural Area established under section 119 of Public Law 96-199 (43 U.S.C. 1783);

(B) lands managed under the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.);

(C) lands managed under the Wilderness Act (16 U.S.C. 1131 et seq.); and

(D) lands managed under the National Trails System Act (16 U.S.C. 1241 et seq.).

(2) **CERTAIN REVENUE EXCLUDED.**—Subsection (a) does not apply to any revenue that is required to be deposited in the Coos Bay Wagon Road grant fund pursuant to sections 1 through 4 of the Act of May 24, 1939 (43 U.S.C. 2621-2624.).

The Acting CHAIR. Pursuant to House Resolution 595, the gentleman from Oregon (Mr. DEFAZIO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Oregon.

Mr. DEFAZIO. Mr. Chairman, this is a bipartisan amendment introduced by myself, GREG WALDEN, and KURT SCHRADER.

Section 913 of the bill requires all public lands managed by the BLM and

five western Oregon districts to be managed under the O&C California Lands Act of 1937. These are statutorily unique lands. They are all contained in the State of Oregon. There are 2.6 million acres in 18 Oregon western counties.

The O&C Act directs the BLM to manage those lands for multiple uses, including sustainable timber harvest, reforestation, protection of watersheds. As Federal lands, counties with O&C acres are unable to collect taxes. The Federal Government realized that put a tremendous burden on the counties, and the revenues are shared 50 percent with the counties and 50 percent with the Federal Government. These are critical revenues for my counties, and we have been trying to enhance management on those lands to help both with employment and with those revenues.

Without this provision, the bill would seem to open up wilderness, wild and scenic rivers, the national trail system, and other statutorily protected areas. It will also protect the Yaquina Head Outstanding Natural Area on Oregon's coast.

So I would ask—I believe that was an oversight in the drafting of the bill since similar protections are provided on Forest Service lands for statutorily reserved areas, and I would urge Members to support this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. WESTERMAN. Mr. Chairman, I ask unanimous consent to claim the time in opposition to the amendment, although, again, I am not opposed to the amendment.

The Acting CHAIR. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The Acting CHAIR. The gentleman from Arkansas is recognized for 5 minutes.

Mr. WESTERMAN. Mr. Chairman, I rise in support of this amendment, and I appreciate the gentleman from Oregon catching this and pointing it out. It has never been the intent of this bill to affect wilderness areas, wild and scenic rivers. I believe we do have protections in place in the bill, but this re-emphasizes that.

I appreciate the gentleman's willingness to work as we worked through the process on this bill. We had some good discussions on ideas, we were able to agree on some of those, and some of them we didn't agree on. But this is definitely one that we agree on needs to be in there.

Although H.R. 2936 includes the important sideboards that ensure appropriate land management practices are implemented on federally protected and sensitive lands, this is just putting some suspenders on with the belt.

This amendment, offered by my colleague from Oregon, builds upon the sideboards already included in the bill, and it ensures that special landscapes within Oregon's O&C lands are treated

similarly to other lands that are contemplated in the bill.

Mr. Chairman, I support this amendment, and I reserve the balance of my time.

Mr. DEFAZIO. Mr. Chairman, I thank the gentleman for his support, and I do thank him for the conversation we had about a number of concerns that I had with the bill, and this addresses one, and the Schrader amendment addressed another.

There are still other concerns. I am hopeful, we have twice passed management bills out of the House, and I did support last Congress' version introduced by the gentleman, 1 of 19 Democrats, I believe at that time, and I am hopeful that, in discussions with the Senate, we move back in the direction of the bill that we passed in the House 2 years ago.

However, the Senate totally stiffed us on that legislation, and I fear that moving the bill to a number of the provisions in this bill, which go further than in the last bill, will make it less likely that the Senate will negotiate. But, I mean, who knows what works with the Senate. So I wish the gentleman well in those discussions.

Mr. Chairman, I thank the gentleman for his support, and I yield back the balance of my time.

Mr. WESTERMAN. Mr. Chairman, again, I support this amendment. I, again, want to say how much I appreciate the gentleman's work and his passion for the forest, not only in his home State of Oregon, but across our country.

I also want to add that, as Americans, we are very passionate about our wilderness areas, about our wild and scenic rivers. I have some of those in my State. And the last thing we want to do is do anything to jeopardize those.

I believe, overall, the bill is going to be great for our forests, but I am glad the gentleman added this amendment. He has still got time to change his mind and support the full bill, which will be great for Oregon and great for other States in the West.

Mr. Chairman, I encourage a "yes" vote, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Oregon (Mr. DEFAZIO).

The amendment was agreed to.

AMENDMENT NO. 6 OFFERED BY MR. LAMALFA

The Acting CHAIR. It is now in order to consider amendment No. 6 printed in House Report 115-378.

Mr. LAMALFA. Mr. Chairman, I have an amendment made in order by the rule.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 80, after line 9, insert the following new subtitle:

Subtitle D—Wildland Firefighter Recognition
SEC. 931. DEFINITIONS.

In this subtitle:

(1) **DIRECTOR.**—The term "Director" means the Director of the Office of Personnel Management.

(2) **EMPLOYEE.**—The term "employee" has the meaning given the term in section 2105 of title 5, United States Code.

(3) **FEDERAL LAND MANAGEMENT AGENCY.**—The term "Federal land management agency" means—

(A) within the Department of the Interior—

(i) the Bureau of Land Management;

(ii) the Bureau of Indian Affairs;

(iii) the National Park Service; and

(iv) the United States Fish and Wildlife Service; and

(B) within the Department of Agriculture, the Forest Service.

(4) **WILDLAND FIRE.**—The term "wildland fire" means any non-structure fire that occurs in vegetation or natural fuels, including prescribed fire and wildfire.

(5) **WILDLAND FIREFIGHTER.**—The term "wildland firefighter" means—

(A) an employee of a Federal land management agency, the duties of whose position are primarily to perform work directly related to the prevention, control, suppression, management of wildland fires, or support of wildland fire activities; and

(B) an employee of a Federal land management agency who is transferred to a supervisory or administrative position from a position described in subparagraph (A).

SEC. 2. CLASSIFICATION OF WILDLAND FIREFIGHTERS.

(a) **IN GENERAL.**—

(1) **DEVELOPMENT OF OCCUPATIONAL SERIES REQUIRED.**—Not later than 30 days after the date of enactment of this Act, the Director, in cooperation with the Federal land management agencies, shall carry out a distinct wildland firefighter occupational series that more accurately reflects the variety of duties performed by wildland firefighters.

(2) **DESIGNATION.**—The official title assigned to any occupational series established under paragraph (1) shall include the designation of "Wildland Firefighter".

(3) **POSITIONS DESCRIBED.**—Paragraph (1) shall apply with respect to any class or other category of positions that consists primarily or exclusively of forestry technician positions, range technician positions, or any other positions the duties and responsibilities of which include—

(A) significant prevention, preparedness, control, suppression, or management activities for wildland fires; or

(B) activities necessary to meet any other emergency incident to which assigned.

(4) **CONSULTATION.**—It is the sense of Congress that the Director should consult with employee associations and any other groups that represent wildland firefighters in carrying out this subsection.

(5) **IMPLEMENTATION.**—Not later than 2 years after the date of enactment of this Act—

(A) the Director shall complete the development of the wildland firefighter occupational series required under paragraph (1); and

(B) the Secretary of the Interior and the Secretary of Agriculture shall use the wildland firefighter occupational series developed under paragraph (1) in the advertising and hiring of a wildland firefighter.

(b) **HAZARDOUS DUTY DIFFERENTIAL NOT AFFECTED.**—Section 5545(d)(1) of title 5, United States Code, is amended by striking "except in such circumstances as the Office may by regulation prescribe; and" and inserting the following: "except—

"(A) with respect to an employee in an occupational series covering positions for which the primary duties involve the prevention, control, suppression, or management of

wildland fires, as determined by the Office; and

“(B) in such other circumstances as the Office may by regulation prescribe; and”.

(c) **CURRENT EMPLOYEES.**—Any individual employed as a wildland firefighter on the date on which the occupational series established pursuant to subsection (a) takes effect may elect to—

(1) remain in the occupational series in which the individual is working; or

(2) be included in the wildland firefighter occupational series established pursuant to subsection (a).

The Acting CHAIR. Pursuant to House Resolution 595, the gentleman from California (Mr. LAMALFA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. LAMALFA. Mr. Chairman, believe it or not, according to Federal agencies, the wildland firefighter does not exist. That is correct. There are men and women around this Nation who work daily to protect our communities from the fires that devastate especially the Western United States, but they are not allowed to call themselves firefighters.

Instead of “firefighter,” the Forest Service, BLM, and other agencies use bureaucratic terms like “forestry technician,” which fails to recognize the dangers they face and the sacrifices they make to protect others.

My amendment, which I am pleased to offer with my colleague, Representative MARK DESAULNIER from California, represents a bill we have both sponsored, H.R. 3907, as well; which seeks simply to designate these brave men and women the title they have earned by directing the Office of Personnel Management to create employee classes designated as “wildland firefighters.”

Mr. Chairman, 15 “technicians” have passed away this last year fighting wildfires. Several of them are from California. It is unconscionable that, while they perished fighting fires, the agencies that employ them refuse to call them firefighters. We should take action to rectify that failure, and I urge Members to consider our bill, H.R. 3907, to do so.

However, Mr. Chairman, I know that there is additional work to be done with the very bureaucracies which refuse to use the term “firefighter” with last-minute concerns and clarifications needed so that the firefighters indeed don’t lose benefits, and I note that we will be back.

Mr. Chair, I ask unanimous consent to withdraw my amendment from further consideration at this time.

The Acting CHAIR. Is there objection to the request of the gentleman from California?

There was no objection.

The Acting CHAIR. The amendment is withdrawn.

AMENDMENT NO. 7 OFFERED BY MR. PEARCE

The Acting CHAIR. It is now in order to consider amendment No. 7 printed in House Report 115-378.

Mr. PEARCE. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 75, after line 5, insert the following new section:

SEC. 910A. PILOT PROJECT FOR FOREST HEALTH, WATERSHED IMPROVEMENT, AND HABITAT RESTORATION IN NEW MEXICO.

(a) **PILOT PROJECT ESTABLISHED.**—The Secretary of Agriculture, acting through the Chief of the Forest Service, shall conduct a pilot project within the Lincoln National Forest, Cibola National Forest, and Gila National Forest in the State of New Mexico to analyze and demonstrate the effectiveness of various tools and techniques to address the following natural resource concerns:

(1) Thinning for forest health.

(2) Watershed improvement.

(3) Habitat restoration.

(b) **AUTHORIZED ACTIVITIES.**—The Secretary of Agriculture in carrying out the pilot project established under subsection (a) may conduct applied silvicultural investigations and treatments, including—

(1) silvicultural investigations conducted for the purposes of information gathering and research relating to the natural resource concerns described in subsection (a); and

(2) mechanical thinning.

(c) **OBJECTIONS TO SILVICULTURAL INVESTIGATION OR TREATMENT.**—The Secretary may not carry out a silvicultural investigation or treatment under this section if a county in which such investigation or treatment would be conducted objects to such investigation or treatment.

(d) **ENVIRONMENTAL ASSESSMENT UNDER THE NATIONAL ENVIRONMENTAL POLICY ACT.**—Forest management activities carried out by the Secretary of Agriculture under this section are a category of actions hereby designated as being categorically excluded from the preparation of an environmental assessment or an environmental impact statement under section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332).

(e) **CONSULTATION UNDER THE ENDANGERED SPECIES ACT.**—Forest management activities carried out by the Secretary of Agriculture under this section shall be subject to section 123, including subsection (b) of such section.

(f) **PUBLIC PARTICIPATION.**—The Secretary shall encourage meaningful public participation during preparation of a silvicultural investigation or treatment under this section.

(g) **ARBITRATION PILOT PROGRAM RESOLUTION.**—

(1) **IN GENERAL.**—An objection or protest to a forest management activity carried out pursuant to this section shall be addressed through the arbitration program established under section 311.

(2) **LIMITATION ON NUMBER OF ARBITRATIONS.**—An arbitration described in paragraph (1) shall not be counted towards the limitation on number of arbitrations under section 311(a)(3).

(h) **TERMINATION.**—The authority to carry out this section shall terminate on the date that is 7 years after the date of the enactment of this section.

The Acting CHAIR. Pursuant to House Resolution 595, the gentleman from New Mexico (Mr. PEARCE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Mexico.

Mr. PEARCE. Mr. Chairman, our national forests are overgrown, and the

thinning projects which would restore them to health are delayed by lengthy and costly regulations and litigations. In New Mexico, it takes a look like this: the top picture is a picture of one of our national forests, and the bottom picture is a picture from an area that has been thinned.

Now, take, for example, the Lincoln National Forest near Ruidoso, the Mescalero Forest is butted right up against it, so we are able to get a good comparison.

Now, typically, the forests in the West look like this: widely spaced trees and mostly grass in between, so when the fires came, they were grass fires. The tree rings show us that every 8 years a fire occurred, and it would keep the small underbrush and the small diameter trees, the small, unhealthy ones, it would keep those burned out and our forests, again, looked like this.

But because all of the thinning projects and all of the timber projects have been canceled for decades now, our forests, instead, look like this. When wildfires happen, they burn catastrophically and burn everything in their sight.

So my amendment today simply allows the Forest Service to move forward on balanced thinning programs in large scale. Typically, they do all of the paperwork, all of the studies for small acreage, maybe 30 acres or 50 acres. Since the forests are about a million acres, you would never get through and never get the forest restored to its health, and that is the problem.

The Forest Service has been working with me on the language for this amendment and submitted almost exact language that we have put here on the floor today. They agree with us that they should restore the forest to its health, but the environmental groups and the outside litigation have stopped the programs completely.

Now, in New Mexico, this means jobs, but it also means the health of our environment, and it means the destruction of endangered species, because when the fires burn through, we get the effect on the next page; again, this is that same Lincoln National Forest that we were looking at just a second ago. This is after the Little Bear fire, which burned 255 homes and almost 40,000 acres.

We almost lost the entire town of Ruidoso. If the fire had just capped over the mountain, it would have burned straight down the side. The winds were exactly the direction which would have caused that.

So the Forest Service is agreeing with us that we need to do some thinning, and we are not going to be able to do it without legislative language, so this amendment is being offered here today.

□ 1700

We used to have 123 mills working in New Mexico clearing timber, processing it. We have got vast national

forests, and all of those have been shut down. The spotted owl came along in 1993, and the findings from the Fish and Wildlife Service was that logging was the reason that the spotted owl was going extinct.

Over 20 years later, Dan Ashe, the head of Fish and Wildlife Service, said: Oops, we made a mistake and we burned down the West, and we have ruined our forests over a mistake. There was actually another predator out there. We still have the problem to go in and clean up these forests before they burn and before they look like this.

Another real problem that exists is when we burn our national forests, then the watersheds are going to be choked up with mud, with ash, and with everything else.

This is Bonita Lake there in that same Lincoln National Forest near Ruidoso. It provides the drinking water for several major communities in the southern part of the State. That lake was about 75 feet deep, pristine water, had fish in there. It was a recreational area right in the middle of the national forest.

The Forest Service was alarmed at how much damage was going to occur to this lake if they didn't log above it, so they put in a project. They were sued and work grounded to a halt. They did not get to thin that area above the lake. A fire occurred, this fire that you just saw in the previous slide. Now, that 75-foot-deep lake is filled with 50-feet of mud and ash. It killed all of the fish. It is not suitable for drinking. The community does not have the money in order to drain that lake and to refill it.

So that is what we find in the West because of these forest management processes. My amendment would simply allow the Forest Service to move forward on large-scale projects. They would still have to do all of the studies, everything. They would just be expedited.

Mr. Chairman, I reserve the balance of my time.

Mr. GRIJALVA. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Arizona is recognized for 5 minutes.

Mr. GRIJALVA. Mr. Chairman, this amendment doubles down on the bad ideas that are in the underlying bill. The 150,000 acre categorical exclusion to remove timber from Gila, Lincoln, and Cibola National Forests has the potential to do more harm than good, and cuts the American public out of the decisionmaking process.

The Forest Service doesn't need this waiver to harvest trees in New Mexico. Last year, the Cibola produced 12,000 metric board feet, and Lincoln and Gila each between 5,000 and 6,000 metric board feet. These are average production numbers across the region.

So I am not sure what problem this amendment is trying to address or how exempting 150,000-acre projects from the environmental review helps the

Forest Service meet their mandate of protecting habitat, watersheds, and providing recreational opportunities.

This amendment also exempts the Forest Service from the consultation requirements and the Endangered Species Act. Logging projects untethered from the bedrock environmental protections could potentially impact several species which depend on these forests for habitat, including the Mexican spotted owl and the Gila trout.

Active forest management is not a bad thing if it is done responsibly. If NEPA and the Endangered Species Act are followed, we get good projects, safe habitat restoration—not clear-cutting and loss of critical habitat. Unfortunately, this amendment undermines both of these fundamental laws and should be rejected.

Mr. Chair, I urge a “no” vote on the amendment, and I reserve the balance of my time.

Mr. PEARCE. Mr. Chairman, the problem we are trying to solve—the gentleman asked the question—is that we are burning our forests down. We are burning up the habitat. We are burning up the endangered species. This was 40,000 acres. We had another fire in the Second District of New Mexico that was over 300,000 acres and they burned without regard. They burned human life. They burned animal life. They burned habitat and they contaminate our waterways.

Those are the problems that we are trying to solve. The Forest Service agrees with us that the restrictions are too great, and they have worked with us on the language, understanding that they must go through the studies, they must do the work that is required, but we can expedite those in order to do larger-scale thinning projects. Otherwise, we will never get the forests in the West cleared up.

Mr. Chairman, this amendment is a good amendment. I urge its passage, and I yield back the balance of my time.

Mr. GRIJALVA. Mr. Chair, this amendment would not resolve the issue that my friend from New Mexico has just brought up. The Statement of Administrative Policy from the executive branch raises the concerns of H.R. 2936 and of the land management reforms, which are in the legislation.

It says: “The administration, however, has concerns about the legislation’s revision to the Stafford Act, which would force competition for funding between wildfires on Federal land and other disasters already covered by the Stafford Act, including hurricanes.”

It also says that the legislation doesn't really address the issue of fire borrowing, which is central to dealing effectively and proactively with wildfires, both prevention, and suppression, as the resource is needed.

Mr. Chairman, I include in the RECORD the Statement of Administrative Policy by the Trump administration. I also include another Statement

of Administrative Policy dated July 8, 2015, which is on the same legislation, but by then-President Obama, which mirrors and reflects the same concerns brought up by the executive branch of President Trump.

STATEMENT OF ADMINISTRATION POLICY
H.R. 2936—RESILIENT FEDERAL FORESTS ACT OF 2017—REP. WESTERMAN, R-AR, AND 18 COSPONSORS

The Administration strongly believes that funding for wildland fire management must be addressed in order to enable the Forest Service and the Department of the Interior to better manage the Nation's forests and other public lands. The Administration's second disaster funding request, submitted to Congress on October 4, 2017, underscored this belief. The request also noted the Administration's belief that land management reforms are critical to solving the problem of “fire borrowing”—taking funds from forest management programs to cover fire costs that exceed appropriations—in a comprehensive manner, rather than through a funding-only approach.

The Administration appreciates the intent of H.R. 2936, the Resilient Federal Forests Act of 2017, and is supportive of land management reforms like those outlined in the legislation. The Administration, however, has concerns about the legislation's revisions to the Stafford Act, which would force competition for funding between wildfires on Federal land and other disasters already covered by the Stafford Act, including hurricanes.

Wildland Fire Management Funding

Last year, Federal wildfire suppression spending reached \$2.9 billion, an amount that signals clearly the need for Congress to address the rising cost of fire suppression operations. The dependence on “fire borrowing” to cover funding shortfalls in times of severe wildfire impedes the missions of our land management agencies, including by taking critical funding from programs that help reduce the risk of catastrophic fire, restore and maintain healthy functioning ecosystems, and yield timber production.

The Administration, however, has concerns with re-purposing the Stafford Act to address wildfires. The purpose of the Stafford Act is to assist State, local, tribal, and territorial (SLTT) governments that become overwhelmed when responding to and recovering from natural disasters affecting their jurisdictions. H.R. 2936 would modify the Stafford Act by creating a new type of disaster declaration to address the cost of wildfire suppression on Federal land, thereby changing long-standing principles governing Federal support to SLTT governments. As we have seen in this year's historic Atlantic hurricane season, the Federal Emergency Management Agency (FEMA) must continue to be focused on its existing mission, and the Stafford Act's Disaster Relief Fund must remain dedicated solely to that mission.

Instead of the approach outlined in H.R. 2936, the Administration supports a separate, annual cap adjustment for wildfire suppression operations, which will resolve concerns about the sufficiency of funds for wildfire suppression and avoid unnecessary competition for Stafford Act funds.

Improving Forest Management

The Administration appreciates H.R. 2936's recognition that fixing the funding component of fire borrowing will not, on its own, stop the worsening trend of catastrophic wildfires. Meaningful forest management reforms to strengthen our ability to restore the Nation's forests and improve their resilience to destructive wildfires must be a part

of any permanent solution. H.R. 2936's provisions that expedite environmental approval for proactive forest management, including hazardous fuel reduction and post-fire timber salvage and reforestation actions, are important steps forward. The Administration supports and will continue to work with Congress on the details of the forest management reform proposals.

Although the Administration has concerns with H.R. 2936's modifications to the Stafford Act, the Administration will continue working with Congress to enact a sustainable solution to "fire borrowing" that does not adversely affect FEMA's critical disaster relief funding and that recognizes the need for a comprehensive solution to the problem of wildfires.

STATEMENT OF ADMINISTRATION POLICY

H.R. 2647—RESILIENT FEDERAL FORESTS ACT OF 2015—REP. WESTERMAN, R-AR, AND 13 COSPONSORS

The Administration strongly opposes H.R. 2647. The most important step Congress can take to increase the pace and scale of forest restoration and management of the national forests and Department of the Interior (DOI) lands is to fix fire suppression funding and provide additional capacity for the Forest Service and DOI to manage the Nation's forests and other public lands. H.R. 2647 falls short of fixing the fire budget problem and contains other provisions that will undermine collaborative forest restoration, environmental safeguards, and public participation across the National Forest System and public lands.

Wildland Fire Management Funding

The Administration appreciates that there is bipartisan agreement that wildland fire management funding needs a legislative fix. The reasons are clear: in fiscal year (FY) 1995, the Forest Service in the Department of Agriculture (USDA) spent 16 percent of its budget on firefighting. Today the agency spends more than half of its budget on fire management activities. This fundamentally impedes its missions, including taking critical funding from programs that help reduce the risk of catastrophic fire, maintain healthy functioning ecosystems, and yield timber production.

The wildland fire funding fix in the President's FY 2016 Budget provides the necessary resources for the Forest Service as well as DOI to address wildland fire suppression and rehabilitation needs without resorting to detrimental transfers from other critical forest landscape resilience priorities. Under this fix, which includes a discretionary budget cap adjustment, the Forest Service and DOI could tap disaster funds once they spend 70 percent of their 10-year average of suppression spending, which is the amount of suppression funding requested within the discretionary budget caps. Providing this certainty would preserve critical resources for hazardous fuel reduction and other essential landscape restoration projects, allowing for more acres to be treated, and thereby reducing the risk of fire, and the degree of fire destruction.

The Administration's proposal would immediately increase the Forest Service's capacity to plan and execute restoration projects—including the FY 2016 Budget projection for timber volume sold from 2.9 billion board feet in FY 2014 to 3.2 billion board feet.

In contrast, the requirement in H.R. 2647 to fully fund the ten-year average for wildland fire suppression would mean that less funding is available each year in the agencies' budgets for restoration and risk reduction programs as it is diverted to the ever-increasing ten-year average.

Additionally, the bill repurposes the Stafford Act. The purpose of the Stafford Act is to provide Federal assistance to State, local, and tribal governments to alleviate disaster suffering and facilitate recovery. This bill would instead establish a sub-account within the Department of Homeland Security's Federal Emergency Management Agency's Disaster Relief Fund (DRF) to provide funding for USDA and DOI to perform wildland fire suppression operations on Federal land when suppression funding is exhausted and the President has issued a disaster declaration for such fires. A proposed sub-account under the DRF should not be used to redirect DRF resources in support of non-Stafford responsibilities or to circumvent existing major disaster declarations processes.

Undermining Fundamental Environmental Safeguards

The Administration takes seriously the management of Federal lands consistent with the principles of multiple-use and sustained-yield that are fundamental to the National Forest Management Act and the Federal Land Management and Policy Act and in accordance with long-standing environmental laws including the National Environmental Policy Act (NEPA), the Clean Water Act, and the Endangered Species Act, among others. Application of these environmental laws ensures that management activities recognize the economic benefits of Federal lands and the wide range of goods and services that these lands produce.

At the President's direction, Federal agencies, like the Forest Service and the Bureau of Land Management, are working diligently to promote efficiencies in the permitting and land management process. For example, the Forest Service has established additional categorical exclusions for restoration work, has expanded the use of focused environmental assessments, is using adaptive management to allow decisions to last longer, and is better training employees to take advantage of new efficiencies. The Forest Service is also developing new approaches in the wake of catastrophic fires, such as the response to the Rim Fire, which burned 257,000 acres in the summer of 2013, in which the Stanislaus National Forest finalized its NEPA work for restoration and salvage in one year. The Forest Service is also developing projects across larger areas, thereby utilizing efficiencies and providing a longer term and more certain timber supply for local mills. For example, the Black Hills National Forest is implementing a landscape scale approach across 200,000 acres for treating current and future pine beetle outbreaks.

H.R. 2647 includes several provisions that will undermine collaborative, landscape-scale forest restoration by undermining public trust in forest management projects and by limiting public participation in decision-making. The Administration has substantial concerns with the design and scale of the categorical exclusions, provisions related to post-fire salvage and restoration (including unrealistic timelines for environmental assessments), and unrealistic targets for reforestation given current budgetary resources.

The Administration has serious concerns with provisions in the bill related to the Resources Advisory Committees (RACs). The Administration opposes provisions that limit the discretion of RACs by requiring 50 percent of Secure Rural Schools Act Title II funding be spent on timber management projects. H.R. 2647 also assumes RACs can fulfill the role of local forest collaboratives in designing forest restoration projects, though the RACs were not specially set up to do this and in many cases may not have the breadth of stakeholder interest and expertise to do so effectively. Additionally, the Ad-

ministration opposes restrictions in the bill on the membership of RACs.

Furthermore, the Administration opposes provisions in the bill that require litigants to post a bond when challenging forest restoration projects. As the Forest Service has demonstrated, the best way to address concerns about litigation is to develop restoration projects in partnership with broad stakeholder interests through a transparent process informed by the best available science. Lastly, the bill should include stronger protections for ecologically sensitive areas, tribal sacred sites, and other important lands.

For the reasons set forth above, the Administration strongly opposes H.R. 2647. The Administration looks forward to continued engagement with Congress to address forest management issues, which must begin by providing the Forest Service and DOI with a comprehensive fix to the fire budget problem.

Mr. GRIJALVA. Mr. Chair, I yield back the balance of my time.

The Acting CHAIR (Mr. ROTHFUS). The question is on the amendment offered by the gentleman from New Mexico (Mr. PEARCE).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. GRIJALVA. Mr. Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Mexico will be postponed.

Mr. WESTERMAN. Mr. Chairman, I move that the Committee do now rise. The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. WILLIAMS) having assumed the chair, Mr. ROTHFUS, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 2936) to expedite under the National Environmental Policy Act of 1969 and improve forest management activities on National Forest System lands, on public lands under the jurisdiction of the Bureau of Land Management, and on Tribal lands to return resilience to overgrown, fire-prone forested lands, and for other purposes, had come to no resolution thereon.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess for a period of less than 15 minutes.

Accordingly (at 5 o'clock and 7 minutes p.m.), the House stood in recess.

□ 1716

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. WILLIAMS) at 5 o'clock and 16 minutes p.m.

RESILIENT FEDERAL FORESTS ACT OF 2017

The SPEAKER pro tempore. Pursuant to House Resolution 595 and rule