The SPEAKER pro tempore. The Committee will resume its sitting.

RESILIENT FEDERAL FORESTS ACT OF 2015

The Committee resumed its sitting.

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 Florida (Mr. YOHO).

Mr. YOHO. I want to thank the chairmen—Mr. CONAWAY, Mr. THOMPSON, and Mr. BISHOP—for their leadership on this issue.

I stand here today in support of creating more jobs and improving the health of our Nation's forests through sustainable forest management.

H.R. 2647, the Resilient Federal Forests Act of 2015, is a bipartisan bill that will address the growing economic and environmental threats to the catastrophic wildfires. This piece of legislation is hugely important for my district and the entire southeastern region of the United States.

Florida is home to a multitude of national forests, including the Apalachicola, Osceola, and Ocala, which span more than 1.2 million acres in north central Florida. These forests supply over 10,000 acres per year for timber production, creating jobs, lumber products, pellet mills for green energy, and paper products.

This land also allows for recreational activities like equestrian and motorcycle trails and hunting and fishing. In addition, they produce roughly 600 billion gallons of fresh water, and that is all in my home State.

Due to a lack of proper forest management, the risk of catastrophic wildfires has increased dramatically. These emergencies draw critical funding away from the Bureau of Land Management accounts intended to prevent wildfires, thus creating a chronic problem that is only getting worse.

This bills ends that inefficiency by allowing FEMA to transfer funds to the Forest Service when these disasters occur, ensuring activities like prescribed burns and other management techniques are adequately funded.

This bill improves management practices, helps prevent wildfires, and should be supported by every Member in this Chamber.

Again, I commend Chairmen CONAWAY, THOMPSON, and BISHOP.

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 Pennsylvania (Mr. BARLETTA), chairman of the Transportation and Infrastructure Subcommittee on Economic Development, Public Buildings, and Emergency Management.

Mr. BARLETTA. Mr. Chairman, first, let me thank the chairmen of the Natural Resources and Agriculture Committees for working with our committee on title IX of the bill.

Title IX authorizes the President to declare a major disaster for wildfires on Federal lands and provide assistance to the Departments of the Interior and Agriculture for extraordinary wildfire suppression costs in excess of the 10-year average. These provisions protect FEMA's Disaster Relief Fund and preserve FEMA's wildfire assistance that is currently available to State, local, and tribal governments through the Stafford Act.

Because this provision was not included in the reported bill, a legislative history document has been developed to articulate the congressional intent for title IX, as well as how it is expected to be implemented.

Mr. Chairman, I will insert this legislative history document into the RECORD.

(Chairman Bill Shuster, Committee on Transportation and Infrastructure, July 9, 2015)

H.R. 2647: RESILIENT FEDERAL FORESTS ACT OF 2015, TITLE IX—MAJOR DISASTER FOR WILDFIRE ON FEDERAL LAND

LEGISLATIVE HISTORY

Definition of ''Major Disaster'': By bifurcating the definition of ''Major Disaster'' in the Stafford Act, the Committee preserves the existing definition, and the programs that flow therefrom, and adds an additional definition for ''Major Disaster for Wildfire on Federal Land,'' for which a separate and distinct declaration, process and assistance have been established pursuant to the new Title VIII of the Stafford Act. ''Major Disaster for Wildfire on Federal Land'' meets the definition ''disaster relief'' pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Request for Declaration of a Major Disaster for Wildfire on Federal Land: There are four distinct requirements that must be met before the President may issue a declaration for a major disaster for wildfire on federal land.

(1) Each request must be made in writing by the Secretary making the request on behalf of that Department.

(2) The requesting Secretary must certify that in that current fiscal year, the Department's wildfire suppression operations account received no less than an amount equal to the 10-year average. This amount cannot include any carry over from previous years and must include any rescissions or reductions. Also, future 10-year averages must take into account the total amount expended on wildfire suppression, including appropriations and assistance provided under Title VIII of the Stafford Act.

(3) The requesting Secretary must certify that all funds available for wildfire suppression operations will be obligated within 30 days and there are wildfires on federal lands continuing to burn that will require firefighting beyond the resources currently available.

(4) The requesting Secretary must request a specific amount which is the estimate of funds needed to address the current wildfires on federal lands.

The Committee does not intend for the respective Secretary to have to make a request for each fire they anticipate will exceed the wildfire suppression operations appropriations. As the definition for ''Major Disaster for Wildfire on Federal Lands'' includes ''wildfire or wildfires'', it is intended that the respective Secretary's request will include all known fires that will require extraordinary resources beyond those remaining in the wildfire suppression operations account of that specific federal land management agency. Each Secretary will make a request for the resources required by that particular department.

Assistance Available for a Major Disaster for Wildfire on Federal Land: The only assistance available for a declaration of a major disaster for wildfife on federal land is the transfer of available funds from a new account established for these purposes to the requesting Secretary in the amount requested.

The Committee intends for the funds appropriated into the new account established by the President for major disaster for wildfire on federal land assistance will be designated by Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985.

The declaration and assistance available for a major disaster for wildfire on federal lands are based on the existing major disaster declaration process delegated by the President to be administered by the FEMA Administrator. The Committee expects the process for a major disaster for wildfire on federal land will be managed in a similar manner through a delegation of the President's authority to the FEMA Administrator. Further, the Committee expects that the account established by the President for a major disaster for wildfire on federal land will be a dedicated sub-account of FEMA's Disaster Relief Fund. However, pursuant to the legislative language, none of these funds can be comingled or transferred between these accounts.

Once assistance is transferred to the Department of the Interior or the Department of Agriculture, it is not required that the assistance be used only for those wildfires identified in the request. The assistance may be used for wildfires that begin after the declaration or were not identified in the request. Funds transferred may be used for all wildfire suppression operations eligible activities. The Committee anticipates these will be no year funds, available until exhausted.

It is entirely foreseeable that a wildfire that begins on or severely impacts federal lands requiring assistance under Title VIII of the Stafford Act could continue to grow, impacting state, local, tribal governments and certain non-profit properties and infrastructure. The provision of assistance under Title VIII of the Stafford Act in no way impacts the ability of state, local and tribal governments and certain non-profits to apply for assistance under FEMA's other disaster programs, if eligible, including the Fire Management Assistance Grant Program, an emergency declaration, or a traditional major disaster declaration.

Prohibition on Transfers: No longer can the Department of the Interior and the Department of Agriculture borrow from non-fire suppression accounts to fund the extraordinary needs of wildfire suppression operations.

SECTION-BY-SECTION

Section 901. Wildfire on Federal Lands: This section defines a major disaster for wildfire on federal lands.

Section 902. Declaration of a Major Disaster for Wildfire on Federal Lands: This section establishes the procedure for requesting a declaration of a major disaster for wildfire on federal lands and provides for assistance.

Section 903. Prohibition on Transfers: This section prohibits the transfer of funds between wildfire suppression accounts and other accounts not used to cover the cost of wildfire suppression operations.

Mr. BARLETTA. After watching the floodwaters of Hurricane Irene and

Tropical Storm Lee destroy the homes and upset the lives of my constituents, my first priority has been to protect the programs that come to their aid, namely the disaster relief fund.

This is a program that helps families get back into their homes, businesses reopen their doors, and local municipalities clear the streets so that our communities can recover when the next big storm strikes.

I have seen the disaster relief fund provide assistance when it is needed most. Our constituents rely on Federal disaster assistance. It should not be jeopardized under any circumstances.

Again, let me thank Chairman BISHOP and Chairman CONAWAY for working with the Transportation and Infrastructure Committee.

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

Mr. THOMPSON of Pennsylvania. Mr. Chairman, can I inquire as to how much time remains?

The Acting CHAIR. The gentleman from Pennsylvania (Mr. THOMPSON) has 3 minutes remaining. The gentleman from Minnesota (Mr. PETERSON) has 13 minutes remaining.

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

Mr. DUNCAN of Tennessee. Mr. Chairman, I rise in strong support of this legislation, and I thank the gentleman from Pennsylvania for yielding me this time.

This bill, Mr. Chairman, will streamline the Forest Service planning, allowing for more forest thinning, reducing wildfire damage, and creating much stronger Federal forests. More national forest thinning means fewer forest fires.

I served for 22 years on the Natural Resources Committee. Several years ago, I was told that there were 6 billion board feet of dead and dying trees in the national forests; yet we were cutting less than 3 billion board feet a year. This was leading to a tremendous buildup of fuel on the floor of these forests, leading to millions more acres being burned because we weren't cutting enough trees.

In the late eighties, we were harvesting 10 to 11 billion board feet a year. We had 3 to 6 million acres lost to forest fires each year at that time. Now, we are harvesting a little over 1 billion board feet a year, and the acreage lost to forest fires has gone way up: 10 million acres lost in 2006, 9 million in 2011, and on and on and on. It is a shame.

Allowing this renewable resource to be used, everything made with wood—houses, all types of wood products, everything else made from wood—would be cheaper. This would help lower-income people most of all.

If we allow more trees to be cut, thousands of jobs could be created not just for loggers, but also in construction and in businesses making wood products. This also would help lower-income people most of all.

We shouldn't just let these forests burn. We should use them to help people. If you want more forest fires, vote against this bill, but if you want to help preserve our national forests and make them healthier and help the economy in the process, then you should vote for this bill.

This is a very moderate response to what has become a big and fast growing problem. We should not give in to extremists and oppose this bill. This is good legislation, and I commend Chairman PETERSON, Chairman CONAWAY, and Chairman THOMPSON for bringing this very intelligent, sensible legislation to the floor.

Mr. PETERSON. Mr. Chairman, I yield 5 minutes to the gentleman from Oregon (Mr. SCHRADER).

Mr. SCHRADER. Mr. Chairman, I would like to clear up some misconceptions about H.R. 2467 and take a little time to tell you what this bill really is and what it is not.

Contrary to a statement put out by the President and some of my colleagues on my side of the aisle, this is not a complete abrogation of environmental protections or NEPA process on our Federal lands.

This is a streamlined process for a very, very small portion of Federal forest land subject to catastrophic natural disasters and already subject to expensive collaborative, resource advisory committee, or wildfire protection plans—a very narrow subset of our Federal forests.

For the folks back East, I would like to remind them that, out West, forest land occupies a great chunk of our States.

□ 1545

Over half of my State of Oregon is Federal forestland. Most of that is managed by the Forest Service or the BLM.

Three-fourths of my State is distinctly rural, little access to this postrecession recovery. Frankly, indeed, these guys were in a recovery for the last 20, 30 years, when timber harvesting came to a screaming halt under our so-called forest plans. Their recovery, their prosperity, is irrevocably entwined with smarter, healthier forest policy that promotes resiliency, which this bill does, and sustainability, which this bill does.

This bill is narrowly crafted to build upon the growing trust, hopefully, between old environmental and timber adversaries by showing what can be done with good forest policy in a collaborative framework on our Federal forestlands.

Currently, dead, diseased, wildfire-subjected Federal forestland contributes millions of tons of carbon annually to our atmosphere. Rotting trees are carbon polluters. Burning forests are carbon polluters.

Our forests need to be cleaned up and made healthy again. If you care at all about climate change or the health of our Federal forests or, hopefully, the health of rural communities around America, you should be for this narrowly crafted bill to collaboratively build a sustainable forest policy.

I would like to reiterate that this bill only pertains to a narrow set of projects and lands, including areas affected by or likely to be affected by these natural disasters.

This only deals with lands subject to collaborative processes or under these federally sanctioned resource advisory committees already in place or covered by community wildfire protection plans. In other words, these are areas that already have had extensive proactive management discussions on these lands with community partners across the environmental and timber resource spectrum. This is exactly where a streamlined NEPA process should be placed.

Contrary to information you have received, this is not eliminating environmental impact statements. It does permit a small exclusion of 5,000 to 15,000 acres for a narrow type of project.

The Forest Service is currently spending hundreds of millions of dollars on NEPA compliance, the single biggest factor in limiting the amount of work the agency can get done on the ground.

It also has an innovative approach to restoring forests after a wildfire. No permanent roads are allowed to be built, current stream buffers stay in place unless the regional forester has a compelling reason to change them, and reforestation is required with an eye to creating more successional habitat, something our environmental community has wanted for a long time.

You can't accelerate the process here. Where are you going to do it? Didn't we accelerate the process a little after Sandy or Katrina?

You know, some of our colleagues, some of my citizens, several of my constituents out west are feeling that there is a lack of fairness in our disaster policy.

It is common practice for radical groups to file a litany of alleged grievances on any forest project that is suggested, mostly just to drag out the process and delay good forest policy they disagree with, at great taxpayer expense. Most of these claims are purely procedural.

We must reform this legal gotcha game by forcing these groups to focus on legitimate, substantive claims of impropriety that they feel they can win on. That is fair, and that is what this bonding proposal actually does.

Folks, for people in rural Oregon and rural America, they are being left behind. The timber economy was the major economy for these forested regions for decades. They are not seeing large companies, high-tech manufacturing moving into their remote areas. These are communities that have depended on our renewable natural resources for their livelihood.

Our forests are a catastrophe waiting to happen. They are much less diverse

than they used to be. This drought is about the worst it has been out west in a long, long time. Our forests are tinderboxes waiting to burst aflame.

Let's begin to work collaboratively. Give local communities the tools they need and have to deal with and prevent these catastrophes, frankly, learn how to work together again to build healthier forests and healthier rural communities.

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

Mr. PETERSON. Mr. Chairman, I don't believe I have any additional speakers. I could yield time to the gentleman from Pennsylvania if he wishes.

Mr. THOMPSON of Pennsylvania. I have some additional speakers. That would be appreciated.

Mr. PETERSON. Mr. Chair, I ask unanimous consent to yield the balance of my time to the gentleman from Pennsylvania to finish out.

The Acting CHAIR. Without objection, the gentleman from Minnesota yields the balance of his time, which is 8 minutes, to the gentleman from Pennsylvania to control.

There was no objection.

Mr. THOMPSON of Pennsylvania. I thank the ranking member for his generosity and his leadership on the important issue of agriculture, and certainly on this bill as well.

Mr. Chairman, I yield 2 minutes to the gentleman from Alabama (Mr. BYRNE).

Mr. BYRNE. Mr. Chairman, thank you for your work on this critical legislation.

The Resilient Federal Forest Act is key if the Forest Service is to have the flexibility it needs to actively manage our Nation's Federal timberland.

Now, I come from a State where forestry is critically important to our economy and our ecosystem. In fact, forestry is a $13 billion industry in Alabama. Thankfully, my State does not have a serious issue with wildfires due to our active forest management. That said, it does not mean that my area isn't impacted by the wildfire crisis.

The Forest Service and the Bureau of Land Management are forced to spend so much money fighting wildfires that they have to take money away from other nonfire accounts that, ironically, help prevent wildfires, like thinning and controlled burns.

Mr. Chairman, this bill just makes sense. By simplifying the environmental process requirements and reducing burdensome regulations that hinder active forest management on Federal timberland, we can help reduce wildfires and protect our Nation's forests.

So I want to thank the gentleman from Arkansas and others for their work on this bill and the continued leadership on behalf of our Nation's foresters.

Mr. Chairman, I urge my colleagues in this House to support this legislation, and I call on the Senate to act on this bill right away.

Mr. THOMPSON of Pennsylvania. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Oregon, (Mr. WALDEN), an Eagle Scout.

Mr. WALDEN. Mr. Chairman, I want to thank the members of the committee on both sides, my colleagues on both sides of the aisle, for their great work on this legislation. This is really, really important.

My colleague from Oregon (Mr. SCHRADER) spoke eloquently about what our State faces and our rural communities face, and that is why this Resilient Federal Forests Act is so important to beginning to be a game changer, to getting us back into active management of our Federal forestlands, to reducing the threat of wildfire, the cost of wildfire, the destruction of wildfire, and the incredible pollution from wildfire.

As we speak here today on the House floor, brave firefighters are still trying to contain the Corner Creek fire, which has already burned nearly 29,000 acres of forestland near Dayville, Oregon, in my district—29,000 acres already burned. And unfortunately, this fire season in the West has only just begun.

Among the many strong provisions in this bill are streamlining planning, reducing frivolous lawsuits, and speeding up the pace of forest management. Several in particular are helpful to our great State of Oregon.

For national forests in eastern Oregon, this legislation repeals the prohibition on harvesting trees over 21 inches in diameter. Now, there is no real ecological reason for this. It was a temporary measure put in place 20-some years ago, nearly. It remains today. It didn't make sense then, it doesn't make sense now, and it will be repealed.

This flawed one-size-fits-all rule illustrates, I think, just how broken the Federal forest management has become. So it greatly limits the flexibility forest managers have to do what is right for the health and ecosystem of the forests to make them more resilient, more fire tolerant.

This bill also includes legislation I wrote with my colleagues from Oregon, Representatives DeFazio and KURT SCHRADER, pertaining to Oregon's unique O&C Lands. It will cut costs, increase timber harvests and revenue to local counties.

The BLM is also directed to revise their flawed management plan proposals to consider the clear statutory mandate to manage these lands for sustainable timber production and revenue to the counties.

Finally, one look at the fires around the West makes clear that the status quo simply is not working for our forests, for our communities, or for the environment. We need to do better. This Resilient Federal Forests Act will do that. It will bring better and healthier forests and healthier communities.

I thank the committee for taking up this good piece of legislation and encourage my colleagues to approve it.

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

Mr. ZINKE. Mr. Chairman, as a fifth generation Montanan, I grew up in timber country. Our mills and train yards were in full swing, and visitors from around the world flocked to see Glacier Park. Revenues from the timber industry were reinvested in the community, and conservation efforts of the Forest Service helped our timber harvest.

Building a strong tourist economy and a strong timber economy are not mutually exclusive. That is why I support—strongly support—the Resilient Federal Forests Act of 2015. It does what it should do. It encourages local organizations to work together on collaborative projects that revitalize the economy. But not only that, it revitalizes our forests.

Think about it. As we debate this bill today, there are two wildfires in my home State of Montana, just a few miles from where I grew up. And as of today, more than 3.9 million acres across our Nation have burned in wildfires this year alone. That is larger than the entire State of Connecticut.

We are on track for more than double, if conditions don't improve. Just last week, the Forest Service, whom I visited, said we are in the perfect storm. In the words of the former Chief of the Forest Service, Chief Bosworth, we don't have a fire problem as much as we have a land management problem. That is why this bill is so important.

Last week, when traveling across my district, I toured the site of the Glacier Rim fire. This fire is burning the same ground that burned in 2003. I was told by people on the ground that the reason why this fire is burning is the Forest Service was not able to conduct a salvage operation for fear of lawsuits, among other reasons, and those lawsuits left standing timber which cannot be addressed by crews, which only can be addressed by helicopters, and that is a $1 million project. And habitat, it is a member, a part of the core grizzly habitat. It has not burned once; it has burned twice in 15 years.

So we need more scientists in the woods and less lawyers, and I urge my colleagues to join me in a bipartisan effort to support this bill.

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

Mr. AMODEI. Mr. Chairman, I want to thank my colleagues from Pennsylvania and Utah and their committee work on this.

Management reduces catastrophic wildfire. In the high desert rangelands of Nevada, as well as the conifer forests of such mountain ranges as the Sierra Nevadas around Lake Tahoe, the Ruby Mountains around Elko, or the Toiyabes around Austin, Nevada, we have a 100-year resource there. Once it burns, it is 100 years before it comes back by the time you take into account those moisture regimens and everything affiliated with that. And then

when you have years-long processes after it burns to get permission just to go after that, this is great legislation.

I want to thank my colleague from the Razorback State for his work on it and the other folks that have helped him.

One of the reasons that this is so important to our State is, in the last 20 years, just on BLM land, we have burned between 6 and 7 million acres. And guess what. We are dealing with a thing called the sage-grouse listing, where they talk about loss and fragmentation of habitat. It is nobody's fault, mostly lightning-caused fires 40 miles from the end of the nearest dirt road—6 or 7 million acres to catastrophic wildland fire.

More management, more restoration, thinning of fuels, and also the ability to recognize that the funding for this is something that needs to be a FEMA-related thing rather than just through the normal budget process are all great ideas.

I want to thank my colleagues for their help. On behalf of the people of the Silver State, thank you very much.

Mr. THOMPSON of Pennsylvania. Mr. Chairman, I want to thank all my colleagues, Ranking Member PETERSON, who all spoke on this very important bill.

H.R. 2647 is a commonsense, bipartisan solution to start fixing a broken system.

Right now, miles of red tape and constant litigation, usually from groups that refuse to come to the table, are preventing our forests from receiving the active management they desperately need. This leads to more catastrophic wildfires and more money diverted from other priorities to fight fires.

This legislation will aid in reversing this cycle. It gives the agencies more flexibility to manage our Federal lands, which protects wildlife habitat and surrounding watersheds, spurs growth in the rural economy, and saves time and saves money.

I want to thank Mr. WESTERMAN for his leadership on this, Chairman CONAWAY, Chairman BISHOP, Ranking Member PETERSON.

I yield back the balance of my time.

□ 1600

The Acting CHAIR (Mr. HULTGREN). The gentleman from Utah is recognized for 15 minutes.

Mr. BISHOP of Utah. Mr. Chairman, I appreciate the opportunity of being here, talking about this significant bill that is going to increase and improve our status quo.

I yield 5 minutes to the gentleman from Arkansas (Mr. WESTERMAN), to begin our portion of this debate, who is the chief sponsor of this particular bill, who has a personal background, actually, having earned a degree in forestry even from the State of Arkansas.

Mr. WESTERMAN. Mr. Chairman, I rise today in support of H.R. 2647, the Resilient Federal Forests Act. This bipartisan legislation will give the Forest Service tools it needs to better manage our national forests.

As a professional forester, I see that our forests are in decline and lack resiliency.

President Teddy Roosevelt, who worked alongside a fellow Yale forester, Gifford Pinchot, to create the U.S. Forest Service, are the two I would credit as the fathers of our national forest.

Roosevelt said, ''The Nation behaves well if it treats the natural resources as assets which it must turn over to the next generation increased and not impaired in value.''

We have problems with our current forest policy that is leaving one of our most treasured natural resources less resilient, decreased, and impaired in value.

It is not only our forests that suffer. Without forests that are healthy, we have poor water quality, poor air quality, less wildlife habitat, less biodiversity. My bill aims to fix these problems, and it aims to fix them through proactive and sound management.

First, our forests are living and dynamic, but we have a problem of delayed decisionmaking or, even worse, no decisionmaking at all. This bill incentivizes collaboration and speeds up the implementation of collaborative projects while safeguarding strong and timely environmental reviews.

We have a problem of not salvaging timber destroyed in catastrophic events, which makes the forest more dangerous, increases future wildfire problems, and makes it difficult for reforestation. This bill sets up requirements for salvage and reforestation. The Forest Service would have to implement greater reforestation in response to catastrophic events.

Typically, less than 3 percent of an area is reforested after a catastrophic event. This is unacceptable. My bill requires 75 percent reforestation within 5 years.

We have a problem in our rural communities that not only depend on our forests for their sustenance, but also provide emergency services, education, and support for the forests and residents who live near the forest.

As our forests are decreased and impaired in value, our forest communities immediately suffer and suffer even more in the future.

My bill gives counties flexibility in spending Secure Rural Schools funding and puts 25 percent of stewardship contracts into the county treasury for our schools and other public services.

There are other policy problems this legislation solves, but none are more important than problems caused by having to spend too much of our Forest Service budget for reactive fire suppression rather than on proactive sound management and fire prevention.

This bill ends the destructive practice of fire borrowing in a fiscally responsible manner. It creates a subaccount under the Stafford Act specifically for fighting wildfire.

I would like to thank Chairmen BISHOP, CONAWAY, and SHUSTER for their assistance with this critical bipartisan bill. Our national forests desperately need scientific management to become resilient again.

In the words of Roosevelt, I call on us to behave well, to treat our forest resources as assets that we will turn over to the next generation increased and not impaired in value.

I look forward to advancing this bill today and call on the Senate to act promptly to ease the burdens of the summer fire season.

The Acting CHAIR. The gentlewoman from Massachusetts is recognized for 15 minutes.

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

Our national forests are a public good that are tasked to provide multiple benefits to the American people. These include clean water, clean air, wildlife habitat, open space, as well as robust recreation and timber economies that provide jobs and partner with Federal land managers to improve forest health.

Everyone agrees that we must increase the pace of restoration work to limit the impacts of catastrophic wildfires and to improve the long-term health of our forests.

H.R. 2647 does contain some new thinking and potentially useful concepts that, if done right, could help the Forest Service achieve its long-term goal of healthy, sustainable forests.

For example, the bill provides incentives for collaboration, which has been identified as a priority by witnesses from both sides of the aisle.

It also proposes some creative ways to finance forest restoration projects developed through collaboration.

H.R. 2647 also offers a potential solution to the devastating impact of fire borrowing, the practice of transferring funds away from forest restoration projects for use in fighting wildfires.

Throughout the debate over forest policy and this particular bill, Democrats, including myself, have urged the majority to deal with how we pay for the largest and most catastrophic wildfires, which represent only 1 percent of wildfires, but consume 30 percent of the entire agency's firefighting budget.

I am glad that the majority acknowledges the urgent need to address the fact that over 50 percent of the Forest Service budget goes to fighting wildfires, squeezing out funds needed for all other critical Forest Service programs, most especially those that focus on forest health.

However, these helpful provisions do not offset the many serious concerns that I still have with this legislation, which was developed without any input from Natural Resources Committee Democrats.

In fact, when the Federal Lands Subcommittee held its hearing, the bill was still in draft form. This process even left the Forest Service without

the opportunity to provide adequate or meaningful testimony.

Instead of working together on a bipartisan basis to improve the health of our national forests, about which we all care, this bill irresponsibly chips away at the environmental safeguards of the National Environmental Policy Act and places tremendous burdens on American citizens seeking to participate in the public review process of Forest Service projects.

For example, H.R. 2647 would ''categorically exclude'' or exempt a wide range of timber and restoration projects from critical environmental analysis and public review. This means that thousands of acres of sensitive ecosystems would be much more vulnerable to degradation and damage.

The changes to the judicial review process raise serious constitutional concerns, eroding some of the bedrock principles of the American legal system that protect the basic rights of citizens to participate in the Federal decisionmaking process and to hold their government accountable.

If this legislation were to become law, a citizen challenging a Federal decision would be required to post a bond equal to the government's cost, expenses, and attorneys' fees.

If plaintiffs lose, the government is paid out of that bond. But if plaintiffs win—and by win, I mean a court has to rule in favor of plaintiffs on all causes of action—plaintiffs simply have their bond returned and are precluded from getting an award of attorneys' fees.

As our colleagues on the Judiciary Committee can attest, this provision flies directly in the face of American legal precedent.

Public lands, including our national forests, belong to all Americans. They are a public good. Bedrock environmental laws, like the National Environmental Policy Act, makes sure that the public voice is heard and that critical habitats are protected not only for species that rely on our national forests and grasslands, but also for American citizens who depend on these lands for their drinking water and economic livelihoods or simply to enjoy their treasured beauty.

I urge my colleagues to vote ''no'' on this legislation, and I reserve the balance of my time.

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

Ms. TSONGAS. Mr. Chair, I yield 3 minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. I thank the gentlewoman for yielding.

Mr. Chair, I have been working on forest policy for my entire tenure in Congress. I have some of the most productive and fabulous forest lands in the entire Federal system, both Forest Service and BLM lands, under a unique O&C management.

But here we are again headed into a very, very potentially bad fire season, June record heat, no precipitation. We had very little snowpack last winter, and the heavy fuels are already as dry as they get.

We have seen this before. The fires will break out. BLM and Forest Service can't stop fighting the fires. So they will borrow from other accounts, including fuel reduction to protect forest values and communities, forest health, and a myriad of other programs.

This happens year after year after year. It is time to end that, and this bill takes that first step in ending that practice of fire borrowing.

And that is of tremendous benefit to the resource agencies, the resources themselves, and our preparedness and capability of fighting fires. That alone gives this bill tremendous merit.

It deals with some other longstanding issues in Oregon. We adopted something called temporary eastside screens back in 1993, I believe, saying you couldn't cut any tree over 21 inches in diameter.

It makes no biological sense, and it makes no sense to the premier forest scientists in the world, Jerry Franklin and Norm Johnson.

You have nonnative fir trees that are growing there, because of repression of fire for the last 100 years, that are 100 years old. They are over 21 inches.

But they are growing in stands of ponderosas that are 200 years old, and they are going to kill the ponderosa stands, the native trees.

But the Forest Service can't go in and deal with that issue. With this legislation they finally can.

On our unique O&C lands, there is a provision of the Northwest Forest Plan called Survey and Manage, literally crawling around on the forest floor, looking for slugs, snails, calling for owls, and doing all these things 3 years in a row.

This, again, is not necessary, according to the premier scientists, and is incredibly expensive and time-consuming on the part of the Bureau of Land Management.

In fact, the Bureau of Land Management's new plans—each plan, no matter what the output level, would do away with that practice. So this bill does away with that practice, saving the BLM resources and moving ahead with better management.

There are a number of other issues that relate to these O&C lands. I want to thank Chairman BISHOP and Chairman MCCLINTOCK for working with myself, Mr. SCHRADER, and Mr. WALDEN in order to address these issues, extending the comment period, developing new management options.

BLM is refusing, despite the Oregon Delegation's bipartisan request to extend the comment period on these critical management plans. So that itself is also great merit.

There are provisions in the bill that I don't like and don't support.

We will be given an opportunity with the Polis amendment to deal with the bonding issue and the cost recovery issue, which I don't think belongs in this bill.

I have concerns about the magnitude of the CEs for fire recovery and salvage. But, on balance, the other parts of this bill are important to the point where the bill should receive support from people that care about the future of our forests.

Mr. Chair, I have been working on forestry issues for a long time—nearly 30 years. I represent a district with some of the most productive public timberlands in the entire world. I also represent a district that cares deeply—passionately—about the environment and our incredible national forests.

For 30 years I have been trying to find a middle ground on national forest policy—a balanced approach. I believe that having a healthy timber industry, good paying jobs in rural communities, and permanent protection for our nation's most iconic resources—like old growth trees and pristine rivers—are not and should not be mutually exclusive.

Do I think the bill before the House today is a perfect bill? Absolutely not. But when you are working on a contentious, complex, and often emotional issue like national forest policy—there is no such thing as a ''perfect bill.''

The truth is our national forests are burning up at an alarming rate. They are dying from disease and bugs. Our land management agencies don't have the financial resources or tools to deal with existing threats let alone emerging threats, like climate change. The Federal Government spends billions of dollars every year to fight fires on public lands, rather than investing those dollars in forest health and resiliency to reduce wildfire risks.

Our rural and forested communities continue to suffer from double digit unemployment. Even the mills that have retrofitted to process small diameter logs are struggling to make it. And rural counties dependent on timber receipts are failing to keep violent criminals in jail, sheriff deputies on our roads, and kids and teachers in the classroom.

So, again, no. I don't think this is a perfect bill. But, Congress needs to do something to change the status quo for our forests and rural communities. We need to have this conversation and work together to find middle ground.

WILDFIRE FUNDING

And there are some good provisions in this bill. One of the most important provisions attempts to end ''fire borrowing''—a top priority of mine when I was Ranking Member of the Natural Resources Committee and a remaining priority of mine as Ranking Member of the Transportation and Infrastructure Committee that has jurisdiction over FEMA.

Right now, when federal land managers exhaust congressionally appropriated dollars to fight fires, the agencies have to borrow money from other accounts. Often times those accounts fund the very activities—like thinning overstocked plantations, reducing hazardous fuels, or completing work in the Wildland Urban Interface—that can actually help reduce the risk of catastrophic wildfires! That's a terrible way to do business.

Catastrophic wildfires should be treated like other natural disasters and we should stop robbing Peter to pay Paul. The wildfire funding language in this bill—while not perfect—moves us in the right direction.

EASTSIDE SCREENS

This bill also includes provisions that will improve forest management in the Pacific Northwest. The bill would remove the unscientific

and arbitrary "Eastside Screens" that prohibit the Forest Service from cutting any tree in Eastern Oregon and Eastern Washington that is larger than 21 inches in diameter.

Supporters of the Eastside Screens forget that the 21 inch rule was intended to provide interim protection for larger, older trees until scientifically based standards for old growth were established. Well, guess what? After more than two decades those standards have still not been established, handcuffing the Forest Service from carrying out common sense forest projects.

Today, even if there is a non-native, 22-inch diameter Douglas fir tree that is outcompeting and putting at risk a native, 200 year-old stand of ponderosa pine, you can't cut that fir. That would violate the Eastside Screens.

That doesn't make any sense. Yes, we need protection for old growth forests and I was the first to pass permanent, legislative protection for old growth in Western Oregon out of the House last year. But, those protections should be scientific and implementable.

O&C LANDS

The same goes for standards established more than 20 years ago, known as Survey and Manage, that literally has land management personnel on their hands and knees on the forest floor looking for liverworts, fungi, slugs, snails, mosses, and 300 other types of flora and fauna before any forest activity can take place. I am all for robust analysis and considering the impacts of human activity on rare and special species. But we also need to be responsible stewards of taxpayer dollars and aware of the consequences of over-analysis, lengthy delays, and not taking action.

The Bureau of Land Management (BLM) agrees with me. That's why all of the Resource Management Plan alternatives for Western Oregon would eliminate Survey and Manage.

Unfortunately, the BLM still has some work to do on the Resource Management Plans for the statutorily unique O&C Lands. Despite requests from most of the Oregon Congressional Delegation to extend the public comment period to analyze thousands of pages of documentation for the alternatives, the BLM decided not to award an extension.

I want to thank Chairman BISHOP and Chairman MCCLINTOCK for working with me, Rep. WALDEN, and Rep. SCHRADER to include language that would direct the BLM to consider additional alternatives for the O&C Lands—ranging from a sustained yield alternative to a carbon storage alternative—and to extend the public comment period by 180 days. These Resource Management Plans will govern management on the O&C Lands for years to come—perhaps decades—and we must get them right. Taking time to analyze new alternatives and giving the public more time to review and comment is absolutely crucial.

I also want to thank the respective Chairmen for incorporating the Public Domain lands within the O&C land base. These lands in Western Oregon are already managed in the same manner. Reclassifying the Public Domain lands as O&C Lands will improve management efficiency, provide clarity to the BLM, and create additional revenues for the O&C Counties.

But, as I mentioned, this bill isn't perfect. In fact, it includes a number of troubling provisions that should be completely eliminated or substantially modified before being signed into law.

PROVISIONS OF CONCERN

For example, the bill would allow categorical exclusions (CEs) for salvage logging projects up to 5,000 acres in size. That's 20 times larger than the current 250-acre size limitation for salvage logging CEs adopted by the Bush Administration. Unfortunately, the Committee adopted an amendment during markup that eliminated key restrictions on the construction of temporary roads within the salvage project area. These provisions are a non-starter.

The bill allows CEs for projects intended to create early successional habitat. I worked with the pre-eminent scientists in the world on pilot projects in Oregon with similar management goals. But for these projects to work and for there to be social buy-in, there need to be strong sideboards for such projects, like green tree retention requirements and old growth protection.

Language has been added that could exempt the application of herbicides from a full environmental impact statement when used to "improve, remove, or reduce the risk of wildfire." I understand the Forest Service uses herbicides in limited circumstances to address noxious weeds and other threats through manual application. But such application should remain extremely limited, publicly transparent, and restricted to manual application instead of aerial application. There should be no ambiguity in this language and its intent, nor should it expand herbicide application on public lands.

This bill would make it harder for a person with a legitimate grievance against a federal land management agency to sue by requiring that person to post a bond covering the anticipated costs, expenses, and attorneys' fees of the government to defend the lawsuit. I understand you want to limit frivolous lawsuits or lawsuits from parties that don't meaningfully engage in the public process. But this isn't the way to do it. I will be voting for an amendment later today to strike the entire section.

Mr. Chair, this bill has some important, balanced provisions. It also has some controversial, unnecessary provisions. We know that this bill, in its current form, will not be signed by the president. But I want to keep this conversation moving forward and I want to work with my colleagues on both sides of the aisle, House and Senate, to do something meaningful for our rural communities and national forests. I will support this bill today with the understanding that this legislation still needs work, significant improvement, and further compromise.

Mr. BISHOP of Utah. Mr. Chair, I am pleased to yield 2 minutes to the the gentleman from California (Mr. MCCLINTOCK), the chairman of the Subcommittee on Federal Lands, who has helped shepherd this bill through the committee process.

Mr. MCCLINTOCK. I thank the gentleman for yielding.

Mr. Chairman, excess timber comes out of the forest one way or another. It is either carried out or its burned out, but it comes out.

Years ago, when we carried it out, we had healthy forests and a thriving economy. We managed our national forests according to well-established and time-tested forest management practices that prevented vegetation and wildlife from overgrowing the ability of the land to support it.

Revenues from the sale of excess timber provided for prosperous local economies and a steady stream of revenues to the Treasury which could, in turn, be used to further improve the public lands.

But 40 years ago, in the name of saving the environment, we consigned our national forests to a policy of benign neglect. And the results are all around us today, not only the impoverished mountain communities, but an utterly devastated environment.

□ 1615

Our forests are now dangerously overgrown. Trees that once had room to grow and thrive now fight for their lives in competition with other trees from the same ground. In this distressed condition, they fall victim to pestilence, disease, and catastrophic wildfire. My goodness, we can't even salvage dead timber anymore.

This legislation is the first step back towards sound, scientific management of our national forests. It streamlines fire and disease prevention programs. It expedites restoration of fire-damaged lands. It protects forest managers from frivolous lawsuits, and it does so without requiring new regulations, rules, planning, or mapping.

Mr. Chairman, the management of our public lands is the responsibility of Congress. The bromides of the environmental left have proven disastrous to the health of our forests, the preservation of our wildlife, and the welfare of our mountain communities.

This bill begins to reverse that damage and to usher in a new era of healthy and resilient forests and an economic renaissance for our mountain towns.

Ms. TSONGAS. I yield 4 minutes to my colleague from Arizona (Mr. GRIJALVA).

Mr. GRIJALVA. Mr. Chairman, I rise in opposition to H.R. 2647, the so-called Resilient Federal Forests Act of 2015.

Before I address the many concerns with the underlying bill, I must commend my colleagues on the other side of the aisle. They have finally taken a step toward addressing the 600-pound gorilla, that is, the enormous cost and impact of fire borrowing under the Forest Service budget.

I offered an amendment at a committee markup that would have required Congress to address the issue of fire borrowing before this bill could take effect, and we have been calling on House Republicans to address the issue for years. My amendment was rejected, but I am glad it encouraged the sponsors of this legislation to address the cost of wildfires.

The newly added title IX is not a perfect solution, however. By amending the Stafford Act to include wildfires under the definition of natural disasters, this section creates a mechanism to address the very disastrous practice of fire borrowing.

There is a small hitch, nevertheless. Congress would still have to fund this

new disaster relief fund, similar to the process for funding recovery from Superstorm Sandy, which did not go smoothly, to say the least. While this might be a positive step, it does not make H.R. 2647 a good bill.

With regard to title IX, the additional disaster relief fund, hopefully the majority will not rob Peter to pay Paul within the Forest budget in order to fund this disaster relief fund or leave title IX just as an empty hollow and useless gesture that never gets funded.

In the name of forest resiliency and health, H.R. 2647 undermines the NEPA process, discourages collaboration, distorts the intent of the Secure Rural Schools program, creates an extraordinary burden on citizens' access to the courts, and transforms the judicial review process.

This bill, quite frankly, is not about forest health. It is about increasing the numbers of trees removed from the forest.

The White House just communicated its strenuous opposition to H.R. 2647, and let me quote from that communication:

> 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 our national forests and the Department of the Interior lands is to fix the fire suppression funding and provide additional capacity for the Forest Service and Department of the Interior 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.

Categorical inclusions that are part of title I are not the product of thoughtful consideration of the legislation. Instead, they pave the way for up to 8 square miles of clear cuts of old-growth trees with little or no environmental review.

Title II reduces to 3 months the time for environmental assessments and environmental impact statements for reforestation or salvage operations following a large-scale fire. The Forest Service testified that this time limit is unrealistic, encouraging snap judgments that can have horrible long-term consequences.

Title III strips away access to the courts that other speakers will speak to as well. You know, think about the group that would dominate the collaborative decisionmaking without any judicial review.

The bill also eliminates the Equal Access to Justice Act for successful litigants and forces them to do a prebond, a one-sided bond requirement to limit, if not eliminate, citizen activism and public participation in a problem that they can help solve rather looking at this as a threat.

I urge a ''no'' vote on the legislation.

Mr. BISHOP of Utah. 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. THOMPSON of Pennsylvania) having assumed the chair, Mr. HULTGREN, 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. 2647) to expedite under the National Environmental Policy Act and improve forest management activities in units of the National Forest System derived from the public domain, 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.

REPORT ON H.R. 2995, FINANCIAL SERVICES AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2016

Mr. CRENSHAW, from the Committee on Appropriations, submitted a privileged report (Rept. No. 114–194) on the bill making appropriations for financial services and general government for the fiscal year ending September 30, 2016, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore. Pursuant to clause 1, rule XXI, all points of order are reserved on the bill.

RESILIENT FEDERAL FORESTS ACT OF 2015

The SPEAKER pro tempore. Pursuant to House Resolution 347 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 2647.

Will the gentleman from Illinois (Mr. HULTGREN) kindly resume the chair.

□ 1622

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 further consideration of the bill (H.R. 2647) to expedite under the National Environmental Policy Act and improve forest management activities in units of the National Forest System derived from the public domain, 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. HULTGREN (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose earlier today, 12½ minutes remained in general debate.

The gentleman from Utah (Mr. BISHOP) has 9 minutes remaining, and the gentlewoman from Massachusetts (Ms. TSONGAS) has 3½ minutes remaining.

Mr. BISHOP of Utah. Mr. Chairman, I yield 2 minutes to the gentleman from Colorado (Mr. TIPTON), a former member of our committee, but someone whose district clearly knows the significance and impact of forestlands and how they should be maintained.

Mr. TIPTON. Mr. Chairman, the challenge that we face in the West is very obvious. Overgrown forests, bark beetle devastation, threat to our watersheds, threat to habitat, threat to public property that sensible people have long called for a solution to be able to have rendered.

I would like to be able to applaud the hard work of Chairman BISHOP, the committee, and particularly the gentleman from Arkansas (Mr. WESTERMAN) in putting commonsense pieces of legislation forward in H.R. 2647, the Resilient Federal Forests Act.

The concept of being proactive rather than being reactive, putting the health of our forests, protection of our watersheds, habitat for wildlife, and saving private property while bringing some control back to our States and our communities is long overdue.

Forward-looking and innovative legislation like the Resilient Federal Forests Act speaks to the very heart of responsible forest management. This is a piece of legislation, which is long overdue. We have seen the impact in pilot projects of healthy forests, the opportunity to be able to get the forests again in a healthy state, creating abundant ground cover and forage for our animals and protecting those watersheds.

This is a commonsense piece of legislation that I would like to encourage my colleagues to be able to support.

Ms. TSONGAS. I yield 2½ minutes to my colleague from Georgia (Mr. JOHNSON).

Mr. JOHNSON of Georgia. Mr. Chairman, impartial justice and access to the courts is a right guaranteed to every citizen in this country.

Across the street from this Chamber, Lady Justice sits blindfolded on the steps of the Supreme Court so we can all be reminded that justice should be blind. Today, we are debating yet another Republican bill restricting access to the courts to only those with deep pockets.

H.R. 2647 continues the alarming trend of Republican-sponsored legislation that proposes to limit the average American's access to the courts so polluters that line the pockets of politicians with campaign contributions can continue to profit.

H.R. 2647 requires that a citizen post a bond prior to challenging the United States Government's forest management activities. This bond must cover all the defendant's anticipated cost, expenses, and attorney's fees to be paid if the defendant prevails. In the rare occasion plaintiffs are successful, they will only be able to recover the amount posted in the bond and only if they win exactly on all counts. The government, however, does not have to cover any of the plaintiff's costs.