

PROVIDING FOR 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

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OCTOBER 31, 2017.—Referred to the House Calendar and ordered to be printed

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Mr. NEWHOUSE, from the Committee on Rules,  
submitted the following

## R E P O R T

[To accompany H. Res. 595]

The Committee on Rules, having had under consideration House Resolution 595, by a record vote of 7 to 3, report the same to the House with the recommendation that the resolution be adopted.

### SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.R. 2936, the Resilient Federal Forests Act of 2017, under a structured rule. The resolution provides one hour of general debate 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 resolution waives all points of order against consideration of the bill. The resolution makes in order as original text for the purpose of amendment an amendment in the nature of a substitute consisting of the text of Rules Committee Print 115-36 and provides that it shall be considered as read. The resolution waives all points of order against that amendment in the nature of a substitute. The resolution makes in order only those further amendments printed in this report. Each such amendment may be offered only in the order printed in this report, may be offered only by a Member designated in this report, shall be considered as read, shall be debatable for the time specified in this 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 in the House or in the Committee of the Whole. The resolution waives all points of order against the amendments printed in this

report. The resolution provides one motion to recommit with or without instructions.

#### EXPLANATION OF WAIVERS

The waiver of all points of order against consideration of the bill includes a waiver of the following:

- Section 302(f) of the Congressional Budget Act, which prohibits consideration of legislation providing new budget authority in excess of a 302(a) allocation of such authority.
- Section 303 of the Congressional Budget Act, which prohibits consideration of legislation, providing a change in revenues for a fiscal year until the budget resolution for that year has been agreed to and;
- Clause 10 of rule XXI, which prohibits the consideration of a bill if it has the net effect of increasing mandatory spending over the five-year or ten-year period.

The waiver of all points of order against the amendment in the nature of substitute made in order as original text includes a waiver of the following:

- Section 306 of the Congressional Budget Act, which prohibits consideration of legislation within the jurisdiction of the Committee on the Budget unless referred to or reported by the Budget Committee and;
- Clause 7 of rule XVI, which requires that no motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.

Although the resolution waives all points of order against the amendments printed in this report, the Committee is not aware of any points of order. The waiver of all points of order prophylactic in nature.

#### COMMITTEE VOTES

The results of each record vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

##### *Rules Committee record vote No. 131*

Motion by Ms. Slaughter to report an open rule. Defeated: 3–7

Majority Members	Vote	Minority Members	Vote
Mr. Cole .....	Nay	Ms. Slaughter .....	Yea
Mr. Woodall .....	Nay	Mr. McGovern .....	Yea
Mr. Burgess .....	.....	Mr. Hastings of Florida .....	Yea
Mr. Collins .....	.....	Mr. Polis .....	.....
Mr. Byrne .....	Nay		
Mr. Newhouse .....	Nay		
Mr. Buck .....	Nay		
Ms. Cheney .....	Nay		
Mr. Sessions, Chairman .....	Nay		

##### *Rules Committee record vote No. 132*

Motion by Mr. McGovern to make in order and provide the appropriate waivers to amendment #15, offered by Rep. Schrader (OR) and Rep. Carbajal (CA) and Rep. O'Halleran (AZ) and Rep. Thompson (CA) and Rep. Bonamici (OR) and Rep. Costa (CA) and Rep. Lujan Grisham (NM) and Rep. Kuster (NH) and Rep. Panetta

(CA) and Rep. DeSaulnier (CA) and Rep. Sinema (AZ) and Rep. Luján (NM) and Rep. Polis (CO) and Rep. DeFazio (OR) and Rep. Bera (CA) and Rep. Kildee (MI), which strikes Title X of the bill and inserts the Wildfire Disaster Funding Act (HR 2862). Defeated: 3–7

Majority Members	Vote	Minority Members	Vote
Mr. Cole .....	Nay	Ms. Slaughter .....	Yea
Mr. Woodall .....	Nay	Mr. McGovern .....	Yea
Mr. Burgess .....	.....	Mr. Hastings of Florida .....	Yea
Mr. Collins .....	.....	Mr. Polis .....	.....
Mr. Byrne .....	Nay		
Mr. Newhouse .....	Nay		
Mr. Buck .....	Nay		
Ms. Cheney .....	Nay		
Mr. Sessions, Chairman .....	Nay		

*Rules Committee record vote No. 133*

Motion by Mr. Cole to report the rule. Adopted: 7–3

Majority Members	Vote	Minority Members	Vote
Mr. Cole .....	Yea	Ms. Slaughter .....	Nay
Mr. Woodall .....	Yea	Mr. McGovern .....	Nay
Mr. Burgess .....	.....	Mr. Hastings of Florida .....	Nay
Mr. Collins .....	.....	Mr. Polis .....	.....
Mr. Byrne .....	Yea		
Mr. Newhouse .....	Yea		
Mr. Buck .....	Yea		
Ms. Cheney .....	Yea		
Mr. Sessions, Chairman .....	Yea		

SUMMARY OF THE AMENDMENTS MADE IN ORDER

1. Schrader (OR), DeFazio (OR), Panetta (CA): Strikes “produce timber” as a forest management activity designated for Categorical Exclusion. (10 minutes)

2. Khanna (CA): Strikes Subtitle B of Title III, the Forest Management Activity Arbitration Pilot Program, from the bill. (10 minutes)

3. O’Halloran (AZ): Strikes sections 801 and 903. (10 minutes)

4. Cárdenas (CA): Requires the Secretary of Agriculture, in consultation with other relevant Departments, to conduct a study to evaluate the feasibility, safety and cost effectiveness of using unmanned aerial vehicles for the purposes of supporting wildfire response and suppression as well as forest restoration and management. (10 minutes)

5. DeFazio (OR), Schrader (OR), Walden (OR): Adds land exclusions to Sec. 913, including Yaquina Head Outstanding Natural Area, Wild and Scenic Rivers Act, Wilderness Act, lands managed under the National Trails System. (10 minutes)

6. LaMalfa (CA), DeSaulnier (CA): Directs OPM to create a “wildland firefighter” occupational series. (10 minutes)

7. Pearce (NM): Establishes a pilot program to demonstrate effective tools and techniques for safeguarding natural resources. (10 minutes)

## TEXT OF AMENDMENTS MADE IN ORDER

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SCHRADER OF OREGON OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

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)”.

2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE KHANNA OF CALIFORNIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 27, beginning line 19, strike subtitle B.

3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE O’HALLERAN OF ARIZONA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 59, beginning line 3, strike subtitle A (and redesignate the subsequent subtitle and sections accordingly).

Page 66, beginning line 19, strike section 903.

4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CÁRDENAS OF CALIFORNIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

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.

5. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE DEFazio OF OREGON OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

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.).

6. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE LAMALFA OF CALIFORNIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

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) WILDAND 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).

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7. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE PEARCE OF NEW MEXICO OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

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.