

was going to sue Arizona because he was ordered to by the President of the United States. The announcement came in Ecuador from Secretary of State Hillary Clinton. That's how we found out. They created a whole new legal argument called the "careful balance theory" in that Congress had directed the executive branch to create and maintain a careful balance between the various immigration laws.

We did no such thing.

There is no record of this. There is no statute of this. There is no dialogue in the CONGRESSIONAL RECORD that would direct such a thing. They asserted it because that was the only argument they could manufacture that suited their political position.

This is not an administration of law. This is not an administration bound by it. They are not bound by the Constitution. The President, himself, has stood before this Nation multiple times and has given the lecture about the separation of powers: Congress passes the laws. The executive branch carries them out. Then the Supreme Court, the judicial branch, interprets the laws. That's the President's lecture, and he cast it all aside and asserted an executive edict that he could create these things out of thin air.

If the President can do so, then, as we go on down the line, he can regulate commerce. He can do the naturalization. The President has already stuck his nose into bankruptcies, and the secured creditors for Chrysler saw themselves aced out while the White House was the only appraiser of Chrysler motors. They wrote the terms of the chapter 11 for Chrysler, and they were the only entity that was bidding on Chrysler's assets. They set the price going in. They wrote the terms of the bankruptcy, and they offered the price on the other side of it. And what did they do? They scooped the secured creditors' assets away and handed them over to the unions.

Congress sets the terms of bankruptcy, not the White House. Again, he has crossed the line.

We go on down the line.

What if the President decided that he could establish the currency of the United States? That's exclusively the Congress as well. What if he determined the euro were going to be the currency of the United States of America? What could we do? What would our alternative be? We'd take the gentleman to the courts, and ask the courts to determine the difference. In the end, the people will decide this.

With regard to intellectual property, he could waive copyrights, trademarks, and those types of laws, or he could create tribunals or wipe them out if he is going to assert an authority to rewrite article I, section 8.

Madam Speaker, I appreciate your attention. We must keep our oath to uphold the Constitution of the United States and the separation of powers. I intend to do so. I ask for everyone's help in this whole country.

I yield back the balance of my time.

□ 1710

MANAGING OUR NATIONAL FORESTS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the Chair recognizes the gentleman from New Mexico (Mr. PEARCE) for 30 minutes.

Mr. PEARCE. Thank you, Madam Speaker. I appreciate the opportunity to address the House on a matter of the West.

There are major fires burning across the western United States. There's tremendous property damage and tremendous damage to the environment. Habitat for endangered species is being burned up in the hundreds of thousands of acres. The species themselves are being destroyed and killed in these massive wildfires. And the Chief of the United States Forest Service says, We need to introduce fire back into our forests.

Just this week as the Chief visited in my Rayburn office with me, I said, Chief, this is what it looks like when you reintroduced fire into the forests in the West right now.

The forests are chock-full of fuel. Decades of mismanagement by our Forest Service has allowed the fuels to build up to where it's a dangerous, explosive environment. The drought which actually occurs regularly in the West has caused those buildup of fuels to be explosive in nature, and when fire gets loose, this is what it looks like.

This is the town of Ruidoso, New Mexico, in my district, and these are the flames that burn that makes it look like Hades has taken over all of New Mexico.

Is this what you intended, Mr. Tidwell? Is this what you describe as allowing fire to run its course and accomplish management objectives in your forests? You're the one responsible, sir.

Thank God for the firefighters who will come out and fight to save the community. Thank God for the men and women who will stand in harm's way to stop this. But this should not be occurring.

This is the Lincoln National Forest, and right next door, the Mescalero Apaches have about the same acreage of forests. With 14 people, they're able to clean their forests out. They're able to harvest the timber. When the fire gets to the Indian reservation, it simply drops down on the ground and becomes a grass fire, the way that fires typically ran in New Mexico and throughout the West.

History shows us that in our forests, we generally had somewhere between 50 and 100 trees per acre in the arid West on our forest lands. They are grassy savanna lands mostly with widely scattered trees. It never became more than a grass fire, but our tree rings show us that about every 8 years,

a very hot fire would come through, burning all of the grass and the underbrush, the ladder fuels, burning the small diameter trees while they are still small. But decades of putting out fires and decades of not harvesting any timber at all have allowed our forests to become explosive caldrons which are breaking into fire.

The shame is that this fire in New Mexico started as one-quarter acre, and for about a day it stayed about a quarter of an acre. And then it spread to 4 acres for the next 3 days. Still, no call for tankers, no call for those aerial drops of water or the slurry which puts out the fire. None. Not until the fourth day, late in the fourth day.

The Forest Service says they can't ask questions like this about those decisions. I think that the decisions locally are made by people who are trying to follow the policy of reintroducing fire into the forests.

Regional Forester Corbin Newman recently stated: Fire will have to take its natural course. And we're just trying to put fire back into its natural processes, he said.

This rings the same tone as was stated by Mr. Tidwell in my office this week, that we want fire to get back into the forest. Well, fire in the forest had a natural process when the forest was in balance. The forest is desperately out of balance right now.

This is not the first brush with disaster that we've had. And keep in mind that the Forest Service personnel themselves said they're worried about losing the entire town of Ruidoso, that it was at high risk, not just at risk but at high risk was their statement as we were briefed about the fire. But we had warning signs last year.

This is what it looked like last year in Ruidoso. High winds and a small fire began to throw embers throughout the town, and you can see the little spots of fires over and through the mountains that are in and around Ruidoso. We began to sound the alarm at that point to our Forest Service: Please clean the fuels out. We can't stand for this to run wild. This year, it has run wild and destroyed 242 homes in this area, and more outbuildings, more structures, beyond just the loss of homes.

This is not necessary. All that is required is for us to manage the forests properly. It's a call that is going out from the people who live in the forests throughout the West. They're watching their wilderness areas, they're watching the forest lands burn to charred masses, and the Forest Service personnel themselves, the specialists, are telling me that trees will not grow here for another 100 to 150 years.

How is it managing our forests to burn the trees for 150 years? How is that good for the environment? How is that good for the species? And how is it good for the people who live in this area?

Shame on you, Forest Service. Shame on you for dictating policies to

local managers who know better. Shame on you, Mr. Newman and Mr. Tidwell, for saying that we're going to reintroduce fire into our forests and let it run its natural course.

The forest in and around Lincoln County, some has been cleared and harvested. We're not saying to clear-cut our forests. What we're saying is that a balanced thinning program will go through and leave widely spaced trees.

This is similar to how it looks on the Mescalero Reservation and also it's similar to how it looks out at Fort Apache in Arizona.

Last year, the Wallow fire burned 500,000 acres in the Wallow area, the Wallow fire, in Arizona and New Mexico, but when it got to Fort Apache, it simply fell down on the ground and stopped right there because they had thinned their forest.

This is what a forest should look like in the West. There's not enough rain and not enough nutrients to support 2,500 trees per acre. This is the way forests looked in the West when fire had its way, when fire ran its course. Instead, our forests today are densely packed, 2,500 trees per acre, and this is the outcome when you see that. That's what the U.S. Forest Service looks like in most places, a deep contrast to what it should look like. And it is into this forest that the head of the Forest Service, the Chief of the Forest Service, is saying that we're trying to reintroduce fire into the wilderness and into our forests. It's a misguided approach. That idea that we're going to reintroduce fire is playing Russian roulette with our national forests and our wilderness. It's a game that is not working out too well.

We have two major fires in southern New Mexico right now. We have the Little Bear fire in Ruidoso, but over in the Gila we've got 300,000 acres of land that has burned there, a strong mix or combination between the Gila wilderness and the Gila National Forest. Again, it started as a small fire. It started as a small fire, and the Forest Service releases say that they are monitoring it, that it's achieving its management objectives. I'm sorry, but management objectives of using fire in drought-stricken areas of the West, in forests that are chock-full of fuels, is misguided at the very least.

The people who live and have lost much have suffered deeply. The Forest Service needs to be responsible for those losses. But additionally, they should be responsible for the loss in tax base to the local communities. They should be responsible to local homeowners whose value of their homes is going to be depreciated for decades. Those people who have moved close to the national forests want to be there with that natural beauty. Instead, they're going to be faced with a brush pile that doesn't grow trees for the next 100 to 150 years, according to their specialists.

□ 1720

So what are we to do? Are we to stand by and allow our forests to burn

because of policies that originate in Washington? Are we to put at risk the lives of local people? Are we to put at risk the property values of local people? Or are we to call on common sense, just a pragmatic understanding that you cannot use fire to achieve the balance when the forests are full of fuel?

We have deep disagreements with our Forest Service on their policies. We have deep love for the people who manage the forest out in the field and for the firefighters who risk their lives. We're thankful every day that they're there 24 hours a day around the clock, 7 days a week, away from their families to protect us. But they should not have to protect us in this fashion.

It's expensive. It's expensive in the loss of our forests. It's expensive in the dollar cost of the fire. This fire in Lincoln County was running about \$2 million a day to try to put it out. The one on the other side of the State in the Gila was running about \$1 million a day.

But that is not the only problem that we face. Now that the trees are gone, when it rains, the rainwater is going to rush off the hills into the valleys; and it's going to rush down the valleys, and we're going to see flooding.

If you go to the Web page that we have for our congressional office, you will be able to see a dramatic video called the Dixon Apple Orchard flood. That's up now to just above the Santa Clara pueblo in northern New Mexico. People from that pueblo were waiting for the water that they knew would come, and they videoed several different spots. So take a moment and look at that, if you would, to see now the next calamity that is going to face New Mexico. Because when you burn the trees, there's nothing now to stop the water from rushing off the hill. It is going to carry topsoil with it. It's going to carry rocks and boulders, and it's going to flood towns completely off the face of the Earth.

One of the people fighting the fire out west in the Gila said that that area would have some of the most dramatic flood potential that he had ever fought fires in; that is, the canyons are so steep and so deep, and they come together, nine canyons come together, at Glenwood. All of that water is going to be pouring through the small town.

Mogollon, New Mexico, sits at right at the mouth of one of those canyons. It has high, high, steep canyon walls on both sides of it. It's at the bottom of the V. And those communities that have existed for decades—Santa Clara, which has existed for hundreds of years, is going to face flooding, not because of anything they've done, but because of the way that the Forest Service has managed its lands, the way that the Forest Service has managed those resources that we asked for them to take care of so that we all might enjoy the benefits and the beauty of our Nation's landscape. Yet we're not going to be able to see that, and we are going to

be exposed to floods for decades to come.

What kind of sense does that make from Washington? People across America are beginning to say that our government is broken. They're saying it's broken because of policies that result in fires, like the one that we just showed the picture of. People are saying that this is not responsible, that a government who would say that we're going to reintroduce fire into the forest with this kind of result, what kind of responsibility is that? That's the question that we're here tonight to ask.

It's not reasonable to expect people to just stand back and say nothing. So we are accepting an invitation to speak at a public rally where people are going to express their concerns, their fears, and express their losses in this fire, a fire that we've had decades to prepare for.

Several years ago, we had a fire on the backside of Capitan Mountain, just in this same area. And the local forest supervisor said, Well, it was a small fire, 15 acres, and it didn't justify bringing in air tankers and more resources. It blew out of control and became a 58,000-acre fire.

It's that mindset that we're not going to address the fire situation totally that is putting the West at risk right now. In Colorado, in that fire, we actually lost the life of a citizen who couldn't get out of her cabin.

When are we going to start managing properly? That is the question that lies before us all—us as a Nation, us as a Congress, and the U.S. Forest Service and the head of the Agriculture Department, who manages them.

It's a tragedy, what's going on in the most pristine parts of our country, wilderness areas where fields have been allowed to burn and where we're going to see the absolute destruction. It's not a matter of if our forests will burn; it's simply a question of when they're going to burn.

Now, we can manage differently and we can manage better, but we absolutely have to make the commitment that we're going to give up the policies that are failing and move into a new thought process.

In visiting with the head of the U.S. Forest Service this week, I asked about a policy that used to exist to put out fires. It was called the 10 a.m. policy. That is, if we see a fire running at any time today, we're going to put it out by 10 a.m. tomorrow; and if we don't get it out by 10 a.m. tomorrow, we're going to put it out by 10 a.m. the next day.

The head of the Forest Service, Mr. Tidwell, said, yes, it was very successful; in fact, he said it was too successful. Too successful? How can you be too successful in putting out these fires? Too successful? That was his statement. Yes, it worked too well. Well, Mr. Tidwell, I want it to work too well because I don't want the forest to look like this. I don't want our communities to be greatly at risk.

This is your standard operating practice. This is the outcome. I want you to

go back to the 10 a.m. policy that says, Put it out by tomorrow at 10 a.m. Then let's go in and let's start clearing our forest and cutting the fuels out. Let's start actually managing those forests, and then we'll stop burning them up. Then they'll be healthy forests, widely spaced trees. They will have enough nutrients. The bark beetles won't be able to get into them because they will be big, healthy trees.

Right now, the bark beetles are killing millions of trees across the West because they're starved for nutrients. They're like children that don't have enough nutrition. They're weak. They're spindly. They're susceptible to not only fire, but disease and insects. And all of our specialists tell us, but we don't make a change.

We've got many mountain communities in New Mexico. All of them face this same risk. We're not going to stand idly by while our chief U.S. forester says it's time to reintroduce fire back into our forests. I'm sorry. I disagree with the concept that our wildernesses will become charred stumps, that our national forests will not grow trees for 100 to 150 years because the heat of these fires calcify the soil sometimes as deep as 3 feet. It turns it almost into a glass, where the trees can't get root. Only the grass and small shrubs that are able to get some rain at the top of the surface will penetrate this.

We've got an area like that close to Cloudcroft, New Mexico. There was a very hot fire in the early fifties. It still is only shrubs. We haven't grown that forest back. So I believe when the specialists tell me it's going to be 100 to 150 years, I have seen at least 50 in that one forest myself. So I know that they're saying partial truths, and I think it to be complete truths.

Why are we accepting this management process on our Nation's forests? It doesn't make sense. It is extremely costly to people. It's extremely costly to the government. We can and should use the resources of this country better and more fairly. We should allow our species to have forests to live in, not to burn them out and not to burn the species up.

The spotted owl lives in this area, and you can see what's happening to his habitat. You can see what's happened to the spotted owls who were actually here. They don't exist anymore. The Fish and Wildlife Service in the past has said that this fire runs less risk to the spotted owl than logging. How can you say that this is less dangerous than doing this?

□ 1730

The logic is completely missing. Actually, the spotted owl thrives in these circumstances. The Mescalero tell us that they have numerous pairs that are coming back into the reservation because they have widely spaced trees. The spotted owl actually roosts in the tree, uses its altitude to glide off, catch its prey, and come back up. It cannot

do that in this forest, and it can do it in this forest.

So every argument that we are being faced with right now does not make logical sense as we talk about the policy here in Washington, D.C. It's a discussion that has now started in earnest in the West. The Eastern States, number one, don't have a problem with the drought. And number two, they don't have as much public land as we have in the West. It is the West that is burning up. It is us in the West.

I'm the chairman of the Western Caucus, and we are taking the lead in voicing our complaint, our frustration, and our fears for the population because of the management of the forest in the West. Again, our highest compliments to the foresters who live and work in the West. It is not them. It is the policies coming from Washington, D.C. It's the culture, it's the thought process that somehow tries to justify the actions which are causing these monstrous, massive fires.

We need to stop it today. We need to stop it now. We need to manage properly for the future so that all might enjoy these precious resources.

Madam Speaker, I yield back the balance of my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BISHOP of New York (at the request of Ms. PELOSI) for today.

Ms. CLARKE of New York (at the request of Ms. PELOSI) for today.

Ms. JACKSON LEE of Texas (at the request of Ms. PELOSI) for today on account of pressing business.

ADJOURNMENT

Mr. PEARCE. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 32 minutes p.m.), under its previous order, the House adjourned until Monday, June 25, 2012, at 2 p.m.

OATH FOR ACCESS TO CLASSIFIED INFORMATION

Under clause 13 of rule XXIII, the following Members executed the oath for access to classified information:

Gary L. Ackerman, Sandy Adams, Robert B. Aderholt, W. Todd Akin, Rodney Alexander, Jason Altmire, Justin Amash, Mark E. Amodei, Robert E. Andrews, Steve Austria, Joe Baca, Michele Bachmann, Spencer Bachus, Tammy Baldwin, Ron Barber, Lou Barletta, John Barrow, Roscoe G. Bartlett, Joe Barton, Charles F. Bass, Karen Bass, Xavier Becerra, Dan Benishek, Rick Berg, Shelley Berkley, Howard L. Berman, Judy Biggert, Brian P. Bilbray, Gus M. Bilirakis, Rob Bishop, Sanford D. Bishop, Jr., Timothy H. Bishop, Diane Black, Marsha Blackburn, Earl Blumenauer, John A. Boehner, Suzanne Bonamici, Jo Bonner, Mary Bono Mack, Madeleine Z. Bordallo, Dan Boren, Leonard L. Boswell, Charles W. Boustany, Jr., Kevin Brady, Robert A. Brady, Bruce L. Braley, Mo

Brooks, Paul C. Broun, Corrine Brown, Vern Buchanan, Larry Bucshon, Ann Marie Buerkle, Michael C. Burgess, Dan Burton, G. K. Butterfield, Ken Calvert, Dave Camp, John Campbell, Francisco "Quico" Canseco, Eric Cantor, Shelley Moore Capito, Lois Capps, Michael E. Capuano, Dennis A. Cardoza, Russ Carnahan, John C. Carney, Jr., André Carson, John R. Carter, Bill Cassidy, Kathy Castor, Steve Chabot, Jason Chaffetz, Ben Chandler, Donna M. Christensen, Judy Chu, David N. Cicilline, Hansen Clarke, Yvette D. Clarke, Wm. Lacy Clay, Emanuel Cleaver, James E. Clyburn, Howard Coble, Mike Coffman, Steve Cohen, Tom Cole, K. Michael Conaway, Gerald E. "Gerry" Conolly, John Conyers, Jr., Jim Cooper, Jim Costa, Jerry F. Costello, Joe Courtney, Chip Cravaack, Eric A. "Rick" Crawford, Ander Crenshaw, Mark S. Critz, Joseph Crowley, Henry Cuellar, John Abney Culberson, Elijah E. Cummings, Danny K. Davis, Geoff Davis, Susan A. Davis, Peter A. DeFazio, Diana DeGette, Rosa L. DeLauro, Jeff Denham, Charles W. Dent, Scott DesJarlais, Theodore E. Deutch, Mario Diaz-Balart, Norman D. Dicks, John D. Dingell, Lloyd Doggett, Robert J. Dold, Joe Donnelly, Michael F. Doyle, David Dreier, Sean P. Duffy, Jeff Duncan, John J. Duncan, Jr., Donna F. Edwards, Keith Ellison, Renee L. Ellmers, Jo Ann Emerson, Eliot L. Engel, Anna G. Eshoo, Eni F. H. Faleomavaega, Blake Farenthold, Sam Farr, Chaka Fattah, Bob Filner, Stephen Lee Fincher, Michael G. Fitzpatrick, Jeff Flake, Charles J. "Chuck" Fleischmann, John Fleming, Bill Flores, J. Randy Forbes, Jeff Fortenberry, Virginia Foxx, Barney Frank, Trent Franks, Rodney P. Frelinghuysen, Marcia L. Fudge, Elton Gallegly, John Garamendi, Cory Gardner, Scott Garrett, Jim Gerlach, Bob Gibbs, Christopher P. Gibson, Gabrielle Giffords*, Phil Gingrey, Louie Gohmert, Charles A. González, Bob Goodlatte, Paul A. Gosar, Trey Gowdy, Kay Granger, Sam Graves, Tom Graves, Al Green, Gene Green, Tim Griffin, H. Morgan Griffith, Raúl M. Grijalva, Michael G. Grimm, Frank C. Guinta, Brett Guthrie, Luis V. Guterrez, Janice Hahn, Ralph M. Hall, Colleen W. Hanabusa, Richard L. Hanna, Jane Harman*, Gregg Harper, Andy Harris, Vicky Hartzler, Alcee L. Hastings, Doc Hastings, Nan A.S. Hayworth, Joseph J. Heck, Martin Heinrich, Dean Heller*, Jeb Hensarling, Wally Herger, Jaime Herrera Beutler, Brian Higgins, James A. Himes, Maurice D. Hinchey, Rubén Hinojosa, Mazie Hirono, Kathleen C. Hochul, Tim Holden, Rush D. Holt, Michael M. Honda, Steny H. Hoyer, Tim Huelskamp, Bill Huizenga, Randy Hultgren, Duncan Hunter, Robert Hurt, Jay Inslee, Steve Israel, Darrell E. Issa, Jesse L. Jackson, Jr., Sheila Jackson Lee, Lynn Jenkins, Bill Johnson, Eddie Bernice Johnson, Henry C. "Hank" Johnson, Jr., Sam Johnson, Timothy V. Johnson, Walter B. Jones, Jim Jordan, Marcy Kaptur, William R. Keating, Mike Kelly, Dale E. Kildee, Ron Kind, Peter T. King, Steve King, Jack Kingston, Adam Kinzinger, Larry Kissell, John Kline, Raúl R. Labrador, Doug Lamborn, Leonard Lance, Jeffrey M. Landry, James R. Langevin, James Lankford, Rick Larsen, John B. Larson, Tom Latham, Steven C. LaTourette, Robert E. Latta, Barbara Lee, Christopher J. Lee*, Sander M. Levin, Jerry Lewis, John Lewis, Daniel Lipinski, Frank A. LoBiondo, David Loebsack, Zoe Lofgren, Billy Long, Nita M. Lowey, Frank D. Lucas, Blaine Luetkemeyer, Ben Ray Lujan, Cynthia M. Lummis, Daniel E. Lungren, Stephen F. Lynch, Connie Mack, Carolyn B. Maloney, Donald A. Manzullo, Kenny Marchant, Tom Marino, Edward J. Markey, Jim Matheson, Doris O. Matsui, Kevin McCarthy, Carolyn McCarthy, Michael T. McCaul, Tom McClintock, Betty McCollum, Thaddeus G. McCotter, Jim McDermott,