

## WILDLAND FIRE MANAGEMENT

APRIL 3, 2001.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. HANSEN, from the Committee on Resources,  
submitted the following

### REPORT

[To accompany H.R. 581]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 581) to authorize the Secretary of the Interior and the Secretary of Agriculture to use funds appropriated for wildland fire management in the Department of the Interior and Related Agencies Appropriations Act, 2001, to reimburse the United States Fish and Wildlife Service and the National Marine Fisheries Service to facilitate the interagency cooperation required under the Endangered Species Act of 1973 in connection with wildland fire management, having considered the same report favorably thereon without amendment and recommend that the bill do pass.

#### PURPOSE OF THE BILL

The purpose of H.R. 581 is to authorize the Secretary of the Interior and the Secretary of Agriculture to use funds appropriated for wildland fire management in the Department of Interior and Related Agencies Appropriations Act of 2001, to reimburse the United States Fish and Wildlife Service and the National Marine Fisheries Service to facilitate the interagency cooperation required under the Endangered Species Act of 1973 in connection with wildland fire management.

#### BACKGROUND AND NEED FOR LEGISLATION

The fiscal year 2001 Interior and Related Agencies Appropriations Act included unprecedented funding for a national wildland fire program in response to the devastating 1999 and 2000 fire seasons. The \$2.9 billion appropriated for the National Fire Plan, of which \$1.6 billion was designated as emergency contingent fund-

ing, is to be used to reimburse funds borrowed for wildfire emergency suppression efforts, rehabilitate and restore damaged lands and waters, increase wildfire fighting readiness, enhance future emergency wildfire suppression, provide State and community assistance, and essential research and development.

H.R. 581 is a technical fix requested by the U.S. Forest Service. The legislation would clarify that the Secretaries of Interior and Agriculture may transfer funds appropriated in the fiscal year 2001 Department of Interior and Related Agencies Appropriations Act to the U.S. Fish and Wildlife Service and to the National Marine Fisheries Service for activities required under Section 7 of the Endangered Species Act associated with fuel load reduction. It is the Committee's understanding that these funds will be used solely for specific Section 7 consultation activities associated with fuel load reduction. This critical legislation is necessary as the Forest Service and the Department of Interior prepare for the upcoming 2001 fire season.

#### COMMITTEE ACTION

H.R. 581 was introduced on February 13, 2001, by Congressman Joel Hefley (R-CO). The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on National Parks, Recreation, and Public Lands and the Subcommittee on Forests and Forests Health. On March 22, 2001, the Subcommittee on National Parks, Recreation and Public Lands met to mark up the bill. No amendments were offered and the bill was forwarded to the Full Committee. On March 28, 2001, the Full Resources Committee met to consider the bill. The Subcommittee on Forests and Forest Health was discharged from further consideration of the bill by unanimous consent. No amendments were offered and the bill was ordered favorably reported by unanimous consent to the House of Representatives.

#### COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of Rule X and clause 3(c)(1) of Rule XIII of the Rules of the House of Representatives, the Committee on Resources' oversight findings and recommendations are reflected in the body of this report.

#### CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 of the Constitution of the United States grants Congress the authority to enact this bill.

#### COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(2) of Rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that Rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

2. Congressional Budget Act. As required by clause 3(c)(2) of Rule XIII of the Rules of the House of Representatives and section

308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, credit authority, or an increase or decrease in revenues or tax expenditures. According to the Congressional Budget Office, enactment of this bill will increase direct spending by \$3 million in Fiscal Year 2001 by causing the faster spending of funds already appropriated. The bill will decrease spending by the same amount in 2002.

3. General Performance Goals and Objectives. This bill does not authorize funding and therefore, clause 3(c)(4) of Rule XIII of the Rules of the House of Representatives does not apply.

4. Congressional Budget Office Cost Estimate. Under clause 3(c)(3) of Rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office.

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, April 2, 2001.*

Hon. JAMES V. HANSEN,  
*Chairman, Committee on Resources,  
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 581, a bill to authorize the Secretary of the Interior and the Secretary of Agriculture to use funds appropriated for wildland fire management in the Department of the Interior and Related Agencies Appropriations Act, 2001, to reimburse the United States Fish and Wildlife Service and the National Marine Fisheries Service to facilitate the interagency cooperation required under the Endangered Species Act of 1973 in connection with wildland fire management.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Megan Carroll.

Sincerely,

BARRY B. ANDERSON,  
(For Dan L. Crippen, Director).

Enclosure.

*H.R. 581—A bill to authorize the Secretary of the Interior and the Secretary of Agriculture to use funds appropriated for wildland fire management in the Department of the Interior and Related Agencies Appropriations Act, 2001, to reimburse the United States Fish and Wildlife Service and the National Marine Fisheries Service to facilitate the interagency cooperation required under the Endangered Species Act of 1973 in connection with wildland fire management*

CBO estimates that enacting H.R. 581 would increase direct spending by \$3 million in 2001 and decrease direct spending by the same amount in 2002. Because the bill would affect direct spending, pay-as-you-go procedures would apply. H.R. 581 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

For 2001, the Congress appropriated a total of \$2.8 billion for wildland fire programs administered by the Department of the In-

terior (DOI) and the Forest Service. Some of that funding was for projects to reduce hazardous fuels on federal lands. Before agencies may implement such projects, they must meet the requirements of various environmental laws, including the Endangered Species Act. Section 7 of that act requires the United States Fish and Wildlife Service (FWS) and the National Marine Fisheries Service (NMFS) to consult and confer with other federal agencies on projects that may affect endangered species. H.R. 581 would authorize the Secretary of the Interior and the Secretary of Agriculture to use existing funds to reimburse the FWS and the NMFS for costs incurred to review fire management plans.

DOI has determined it already has authority to reimburse such costs under current law; thus, H.R. 581 would have no impact on that agency. According to the U.S. Department of Agriculture (USDA), however, under current law the Secretary of Agriculture does not have authority to reimburse such costs. Based on information from the Forest Service, CBO estimates that enacting H.R. 581 would authorize USDA to reimburse FWS and NMFS for \$11 million in 2001. Furthermore, we estimate that without the authority provided by H.R. 581, the Forest Service would spend \$8 million in 2001 and \$3 million in 2002 on analyses that it is authorized to perform under current law. CBO estimates that, by causing faster spending of funds already appropriated, enacting H.R. 581 would increase direct spending by \$3 million in 2001, and reduce it by the same amount in 2002.

The CBO staff contact for this estimate is Megan Carroll. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

#### COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

#### PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

#### CHANGES IN EXISTING LAW

This bill makes no changes in existing law.

