

March 23, 2009

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## **BILL TEXT AND BACKGROUND FOR THE WEEK**

- [Senate Amendments to H.R. 146 – Omnibus Public Land Management Act of 2009](#)
- [H.R. 1404 – Federal Land Assistance, Management and Enhancement Act](#)

## **[SENATE AMENDMENTS TO H.R. 146 – OMNIBUS PUBLIC LAND MANAGEMENT ACT OF 2009](#)** *(Rep. Rahall – Natural Resources) (Subject to a Rule)*

**Bill Text:** [HTML Version](#), [PDF Version](#)

[Bill Summary and Status](#)

**Rules Committee Meeting:** Tuesday, March 24, 2009 at 2:30 p.m. in H-313 the Capitol, [Special Announcement](#), [Meeting Time: 2:30pm Tuesday 3/24](#), [Text of H.R. 146 with Senate Amendments](#)

**Committee:** [Committee on Natural Resources](#)

**Committee Staff Contact:** 5-6065

### **Bill Summary & Key Issues:**

#### H.R. 146 at a Glance:

- H.R 146 has strong bipartisan support and passed the Senate 77-20, and is virtually identical to the text of S. 22 that the House considered last week
- Includes over 160 individual measures and each one an important accomplishment for its sponsor and the constituents who support it
- Truly landmark legislation which will improve the quality of life for millions of people in communities across the country

## **H.R. 146: THE OMNIBUS PUBLIC LAND MANAGEMENT ACT OF 2009**

The bill includes measures affecting the National Park Service, Bureau of Land Management, Bureau of Reclamation and U.S. Geological Survey within the Department of the Interior as well as the Forest Service within the Agriculture Department, National Oceanic and Atmospheric Administration within the Commerce Department and the Smithsonian Institution. The package combines wilderness designations, land conveyances and exchanges, river and trail designations, historic preservation measures, and important water settlements.

Among the bill's most prominent individual pieces are wilderness proposals in West Virginia.

California, New Mexico, Colorado and Oregon, authorization for the National Landscape Conservation System within the BLM, important forest landscape restoration legislation, the San Joaquin River Restoration Settlement, and the Christopher and Dana Reeve Paralysis Act.

Enactment of H.R. 146 will strengthen our National Park System as it nears its centennial anniversary, improve forest health, facilitate better management of our public lands through authorization of the National Landscape Conservation System and increase the quantity and quality of water provided to numerous local communities. In addition, invaluable historic and cultural resources, including the sacred ground of American battlefields, will receive better protection under this legislation.

Each of these bills is an important accomplishment for its sponsor and the constituents who support it; taken as a whole, this package is truly landmark legislation which will improve the quality of life for millions of people in communities across the country.

### **Senate Changes to the Omnibus Public Lands Management Act of 2009**

Last week, the Senate took up H.R. 146: The Revolutionary War and War of 1812 Battlefields Protection Act (Holt, D-NJ). The Senate struck the underlying text of the bill and replaced it with the text of S. 22: The Omnibus Public Lands Management Act of 2009. The Senate passed H.R. 146, as amended, last Thursday, March 19. The Omnibus Public Lands Management Act had passed the Senate in January, but failed on suspension in the House on March 11.

As approved by the Senate, H.R. 146 contains several technical and conforming changes compared to the version of S. 22 approved by the Senate:

- Hunting access language (the co-called “Altmire Amendment”) was added at the end of Titles V and VIII. This language is identical to language adopted during consideration of S. 22 in the House.
- Two provisions already enacted as part of the omnibus appropriations bill were removed: the Baca National Wildlife Refuge (sec. 6201) and the National Park Service System Advisory Board (sec. 7403). Subsequent sections were renumbered.
- Several technical edits were made including correcting references to the Taunton Wild and Scenic River (sec. 5003) and several cross references in the Navajo water settlement title were corrected.
- The Senate adopted Coburn amendment #682, which made three changes to the Paleontological Resources Preservation Act. In section 6304(a), the Department of Interior and Forest Service are required to allow “casual collecting” through changing a “may” to a “shall.” The amendment also modifies section 6307(d) to remove land acquisition authority and modifies section 6308(b) to delete authority for forfeiture of vehicles and equipment.

#### **CRS Reports:**

[R40237](#): Federal Lands Managed by the Bureau of Land Management (BLM) and the Forest Service (FS): Issues for the 111th Congress

[RL32198](#): Indian Reserved Water Rights: An Overview

[R40125](#): Title X of S. 22: San Joaquin River Restoration

[R40180](#): Water Resources Issues in the 111th Congress

#### **GAO Reports:**

(TBA)

#### **CBO Report:**

On February 6, 2009, the Congressional Budget Office reported that enacting S. 22, as passed by the Senate, "would have no effect on revenues and no net effect on direct spending over the 2009-2013 period or the 2009-2018 period. which are the time periods relevant for enforcing the pay-as-you-go

rules under the current budget resolution." The substitute amendment would be expected to receive an identical score from the Congressional Budget Office.

**Organization Statements:**

[NRA Letter](#): The letter highlights the inclusion of the Altmire amendment in the bill, a provision that makes clear that public lands currently open to hunting and fishing will remain open and accessible to these uses.

**Administration Position:**

At time of publication, the Obama Administration had not issued a Statement of Administration Policy on the substitute amendment to H.R. 146.

**Fact Sheets & Talking Points:**

[Report on H.R. 146](#), Senate Democratic Policy Committee, March 13, 2009

**Press Releases, News Articles & Related Information:**

(TBA)

**Other Resources:**

[Cosponsors of H.R. 146](#)

**Legislative History:**

On January 15, 2009, with strong bipartisan support, the Senate passed S. 22 by a vote of 73 to 21. On March 11, 2009, despite receiving bipartisan support, the House of Representatives fell two votes short of passing an amended version of S. 22 under suspension of the rules. On March 12, 2009, Senator Reid stated that he would file cloture on H.R. 146, the Revolutionary War and War of 1812 Battlefield Protection Act. The Senate substituted the language of S. 22 for the text of HR 146 and added new Senate language regarding the casual collection of fossils from public lands by individuals. The Senate passed H.R. 146 by a vote of 77-20.

**[H.R. 1404 – FEDERAL LAND ASSISTANCE, MANAGEMENT AND ENHANCEMENT ACT](#)** *(Rep. Rahall – Natural Resources) (Subject to a Rule)*

**Bill Text:** [HTML Version](#), [PDF Version](#)

[Bill Summary and Status](#)

**Rules Committee Meeting:** Tuesday, March 24, 2009 at 2:30 p.m. in H-313 the Capitol, [Special](#)

[Announcement](#), **Meeting Time:** 2:30pm Tuesday 3/24, [Text of bill as Introduced](#), **Amendment**

**Deadline:** 4:00 p.m. Monday 3/23, [Text and Summary of Amendments](#)

**Committee:** [Committee on Natural Resources](#)

**Committee Staff Contact:** 5-6065

**Bill Summary & Key Issues:**

H.R. 1404 at a Glance:

- Bipartisan Bill supported over 40 organizations
- Creates the Necessary Framework to effectively utilize funding and cover the growing costs associated with fighting catastrophic, emergency wildland fires
- Helps ensure that firefighters have the necessary tools to continue putting out

fires with minimal damage to life and property

- Helps ensure that federal agencies are better able to protect communities, restore natural processes, and manage public lands properly

## **H.R. 1404: THE FEDERAL LAND ASSISTANCE, MANAGEMENT AND ENHANCEMENT (FLAME) ACT**

**Sponsored by Rahall (D-WV), Grijalva (D-AZ), Dicks (D-WA), Simpson (R-ID), Walden (R-OR)**

For more than a decade, the skyrocketing costs of fighting wildland fires have forced federal land management agencies to “borrow” funds from non-fire programs, thus eroding the core mission of these agencies. Wildland fire activities now account for approximately 48 percent of the Forest Service budget. Projections indicate that this trend will continue into the foreseeable future as a result of drought, climate change and other factors.

H.R. 1404 establishes a federal FLAME fund for catastrophic, emergency wildland fire suppression activities to be used when annually appropriated funds run out. The FLAME Fund is to be used only for suppression of catastrophic, emergency wildland fires and only after the Secretary of Interior or Agriculture issues a specific declaration that the fire is large enough and dangerous enough to warrant tapping the fund.

The FLAME Fund would be available for catastrophic emergency wildland fire suppression activities on State and private land and would also be available for Indian tribes.

Section 3 of the FLAME Act requires the Secretary of the Interior and the Secretary of Agriculture to submit a report to Congress one year after enactment containing a cohesive wildland fire management strategy. The Government Accountability Office (GAO) has found that the federal land management agencies lack such a strategy and the USDA Inspector General found that the Forest Service lacks a system to ensure that the highest priority fuels reduction projects are being funded first. Therefore, the FLAME Act requires the report to address the GAO and Inspector General recommendations.

The bill also requires that annual reports on the FLAME Fund are made available to the public; requires the Secretaries to conduct a review of wildland fire incidents that result in expenses greater than \$10,000,000; and requires the Secretaries to notify Congress whenever the FLAME Fund drops to a level estimated to cover just two months worth of expenditures.

The Senate companion measure to the FLAME Act was introduced by Senate Energy and Natural Resources Committee Chairman Jeff Bingaman and Ranking Member Lisa Murkowski. Furthermore, President Obama included funding that compliments the FLAME Act in his Fiscal Year 2010 budget request.

The FLAME Act is supported by the five living former Chiefs of the Forest Service, the Western Governors’ Association, the American Forest and Paper Association, the National Association of State Foresters, the National Association of Counties, members of the Rural Voices for Conservation Coalition, the National Federation of Federal Employees, the Wilderness Society, the National Parks Conservation Association, and almost 40 other organizations.

### **CBO Report:**

*(TBA)*

**CRS Reports:**

(TBA)

**GAO Reports:**

(TBA)

**Administration Position:**

(TBA)

**Organization Statements:**

(TBA)

**Fact Sheets & Talking Points:**

(TBA)

**Press Releases, News Articles & Related Information:**

[Natural Resources Press Release](#): House and Senate Members Join to Introduce FLAME Act, March 10, 2009

[Natural Resources Press Release](#): President's Budget: Renewed Promise for America's Natural Resources, February 26, 2009

**Other Resources:**

[Cosponsors of H.R. 1404](#)

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