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LEGISLATIVE & POLICY UPDATE

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WFLC Fall Meeting

Caitlyn Peel, Governmental Affairs Director: 303-445-4363: cpeel@colostate.edu

This document will inform the WFLC membership on key legislative and policy issue. It is published every two months and can be found on-line at www.wflcweb.org/infomaterials/issue_briefs.php. For more information on the following items, please contact Caitlyn Peel.

1. Farm Bill

- **House**

The House passed their version of the 2007 Farm Bill, the *Farm, Nutrition and BioEnergy Act of 2007*, before the August recess. HR 2419 is a five-year, \$286 billion farm bill and was passed by a vote of 231-191. The bill contains significant increases in funding for energy and conservation programs. The House Farm Bill website contains fact sheets on the various titles as passed by the House (<http://agriculture.house.gov/inside/2007FarmBill.html>) and the 2007 Farm Bill as passed by the House and the accompanying report language is available at www.thomas.gov.

- **Senate**

The Senate is currently discussing their version of the 2007 Farm Bill on the Senate floor. Majority Floor Leader Reid (D-NV) has employed procedural moves to try to limit the amendments to “farm-related” proposals. After the Republicans refused to agree to this proposal, Reid filled the amendment tree ensuring that no amendments could be offered unless unanimously approved. The Farm Bill has been held up for over a week due to this procedural move.

In the hopes of moving the debate forward, the Republican and Democratic leaders are discussing their list of over 270 possible amendments. The Democrats have expressed displeasure with the unrelated issues such as immigration that the Republicans are hoping to address in the Farm Bill. Several of the proposed amendments are forestry-related and include changes to stewardship contracts, the extension of the Good Neighbor Policy, revisions to the forest management plans section of the forestry title and the inclusion of the *Combat Illegal Logging Act of 2007* (S. 1930).

On Wednesday, Reid stated his intention to invoke a cloture vote this week which will force a vote to cut of debate. This will require 60 votes to pass and Reid is hoping this will force the Republicans to agree to move forward on the Farm Bill. The Majority Floor Leader’s goal was to have Senate approval of the Farm Bill by the end of this week. It currently does not look like the Senate will reach agreement before Thanksgiving, which could result in an extension of the 2002 Farm Bill rather than a new piece of legislation.

- **Conservation Title**

The title includes reauthorization of HFRA with authorization for necessary funds to be appropriated. The title also includes an emergency landscape restoration program. A similar program is contained in the House version but is housed in the Forestry Title. EQIP and CSP will be phased out and a new program called the Conservation Security Incentives Program (CSIP) will be established in their place. Non-industrial private forest landowners are included in the conservation section of CSIP and forest management practices are included in the cost-share opportunities. There is not a clear understanding of what this

November 15, 2007

program will look like on the ground and it is possible that CSIP will not make it out of conference. Also included in this title is the inclusion of a non-industrial private forest landowner to the state technical committees.

- Forestry Title

The title includes forest resource assessment and planning language with authorization for appropriations of \$10 million each year for the life of the farm bill. This version contains a community forest and open space program that is not included in the House version of the farm bill. A provision that re-establishes forestry assistance to the Freely Associated States has been included in the Senate farm bill and is identical to the language in the approved House version.

2. Wildland Fire Suppression Costs and Budgeting

- ***Stable Fire Funding Act of 2007 (S. 1770)***

Senator Max Baucus (D-MT) and Senator Jon Tester (D-MT) have co-sponsored the *Stable Fire Funding Act of 2007 (S. 1770)*. The Act creates a trust fund to be used by the US Forest Service (USFS) and the Department of the Interior (DOI) for emergency wildland fire suppression activities that exceed the annually-appropriated amount for suppression. As it currently stands, due to the omission of budgetary relief for the Agencies, it will not solve the budget formulation problems associated with current wildfire suppression funding methodologies. However, this legislation is a starting point and will aid in further discussions.

- ***America's Climate and Security Act of 2007 (S. 2191)***

The Senate Environment and Public Works Committee held two hearings on the *America's Climate and Security Act of 2007* sponsored by Sens. Lieberman (I-CT) and Warner (R-VA). During subcommittee mark-up, Sen. Baucus (D-MT) proposed a substitute amendment that included emergency firefighting programs for the USFS and DOI. The funds established by this legislation will be used for emergency suppression activities that are over and above the appropriated suppression dollars. The \$1.1 billion in mandatory funding (\$800 million for USFS and \$300 million for DOI) will be raised through a cap-and-trade auction of carbon credits.

This proposal provides much needed funding for the agencies suppression activities that are over and above the annually appropriated suppression dollars, but does not address the budget formulation problems that the USFS is experiencing. If this legislation moves forward with this provision intact, discussions on how the USFS budget is formulated, and the investments needed in core agency programs, must occur.

The Committee has held several hearings on this legislation and will hold another hearing today. Mark-up of the Act has been scheduled for December 5 and December 6. Senator Baucus is examining the possibility of the Act being routed through the Tax Committee due to numerous provisions in the legislation that may fall into the Tax Committee's jurisdiction. If the Act is routed through the Tax Committee, the timeframe for Senate floor discussion of this legislation will be significantly extended.

- **NASF Model Legislation**

NASF has drafted and is circulating model legislation to prompt discussion on fire suppression budget reform. This model legislation addresses the need for a partitioning/separation of "emergency" suppression funds that are not able to be accounted for and those "normal" suppression funds that should continue to be in the USFS and DOI budgets. This proposed solution to the increasing suppression costs eating away at the USFS and DOI's static budgets hinges on a new budget formulation and investment in the agencies other programs and duties. Discussions on the budget formulation side of the solution are on-going with congressional delegates and key staff members and NASF will be drafting model language addressing the formulation issue.

NASF has scheduled a meeting with numerous partners that have an interest in this issue on November 28. This meeting will bring together partners to work as a coalition to spread this message to their local, state and congressional partners. Several committees are working on legislation related to this issue and the Coalition will be ready to weight-in on legislative solutions as they arise.

3. FY08 Appropriations

The government is currently operating under a CR for FY08 spending that expires November 14. This week the President signed a Defense spending bill that included a provision extending the FY08 CR until December 14. The extension of the CR will continue funding levels at FY07 levels. The Senate will continue working on the backlog of appropriations bills after the Thanksgiving recess. Procedural rules that were approved in January have limited the ability for spending bills to be packaged into omnibus bills, which used to be the vehicle used to pass spending bills when time ran out.

4. Emergency Suppression Funds

The Defense spending bill that the President signed this week also includes \$500 million for emergency fire activities. Senator Feinstein (D-CA) and Congressmen Dicks (D-OR) and Lewis (D-CA) originally requested \$1 billion in emergency funds for agency program repayment, rehabilitation, hazardous fuels work and rebuilding.

The \$500 million in funding that was approved will be parsed out in the following manner: \$329 million for the Forest Service that includes \$110 million for emergency wildland fire suppression, \$100 million to repay funds borrowed for the 2007 fire season, \$80 million for hazardous fuels and hazard mitigation with \$30 million specified for S&PF, \$25 million for rehabilitation and restoration of federal lands and \$14 million for reconstruction of federal facilities. The \$171 million for DOI is broken down in the following manner: \$40 million for emergency wildland fire suppression activities, \$115 million for repayment of funds borrowed for the 2007 fire season, \$10 million for hazardous fuels activities and \$6 million for rehabilitation of federal lands. The language containing the above breakdown of funds is available on the Rules Committee website at http://www.rules.house.gov/110/text/110_hr3222crtxt.pdf (Page 120).

There has been much discussion surrounding the \$30 million specified for hazardous fuels and hazard mitigation work to be done through S&PF. The legislative language does not specify where these funds need to be spent. There has been no official word on where this money will be invested.

5. Energy Bills

The House and the Senate have both approved energy bills (HR 2331 and HR 6). Due to the numerous differences between the two bills, the House and Senate are working towards a single, compromise bill. House Speaker Pelosi (D-CA) was working towards a House vote on the compromise package before the Thanksgiving recess, but the process has slowed significantly.

There is the possibility that the legislation will be split into two or more pieces and sent to the floor separately. This would allow for some of the key, agreed upon provisions to move through the process more quickly. The House Majority Leader Hoyer (D-MD) is still planning to bring legislation to the floor next month. Please watch the *WFLC Update* for information on this legislation.

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