



HOUSE COMMITTEE ON
NATURAL RESOURCES
CHAIRMAN BRUCE WESTERMAN

To: House Committee on Natural Resources Republican Members
From: House Committee on Natural Resources Republican Staff
Date: Wednesday, September 20, 2023
Subject: Markup of 6 bills

The Committee on Natural Resources will hold a markup on **Wednesday, September 20, 2023, at 10:15 a.m.** in room 1324 Longworth House Office Building. The bills to be considered include H.R. 934 (Rep. McClintock), H.R. 3448 (Rep. Stefanik), H.R. 4051 (Rep. Wittman), H.R. 4596 (Rep. Boebert), H.R. 929 (Rep. Kilmer), and H.R. 1786 (Rep. Levin).

Member offices are requested to notify Madeline Bryant (madeline.bryant@mail.house.gov) by 4:30 p.m. on Tuesday, September 19, 2023, to confirm their Members' attendance at the markup.

I. KEY MESSAGES & TOP LINE ACTIONS

- Bills expected to move by regular order: H.R. 934 (Rep. McClintock), *To require the Secretary of Agriculture to carry out activities to suppress wildfires, and for other purposes*; H.R. 3448 (Rep. Stefanik), *American Battlefield Protection Program Enhancement Act*; and H.R. 4051 (Rep. Wittman), *Supporting the Health of Aquatic Systems through Research Knowledge and Enhanced Dialogue (SHARKED) Act*.
- Please note that H.R. 934, H.R. 3448, and H.R. 4051 each will have an amendment in the nature of a substitute (ANS). Members should ensure that any amendments are drafted to the appropriate ANS.
- Bills expected to move by unanimous consent: H.R. 4596 (Rep. Boebert), *Upper Colorado and San Juan River Basins Endangered Fish Recovery Program Reauthorization Act of 2023*; H.R. 929 (Rep. Kilmer), *Puyallup Tribe of Indians Land Into Trust Confirmation Act of 2023*; and H.R. 1786 (Rep. Levin), *GROW Act*.

II. EXPECTED LEGISLATION

[H.R. 934](#) (Rep. McClintock), **To require the Secretary of Agriculture to carry out activities to suppress wildfires, and for other purposes**

While fire can be a valuable tool to manage forests and reduce the buildup of hazardous fuels (i.e., prescribed fire), catastrophic wildfires devastate landscapes and degrade air, water, and soil quality. The U.S. Forest Service (USFS) carries out wildfire response and management across

193 million acres.¹ USFS often faces tough decisions on how to manage, suppress, and monitor wildfires. When a wildfire occurs on National Forest System (NFS) lands, USFS can choose from a range of activities – from immediate and aggressive suppression activities to less intense measures such as monitoring while allowing the fire to burn naturally.

In the past, the Forest Service has been critiqued for a lack of immediate response when they chose to monitor a fire and the fire subsequently burned out of control. This has been especially true in the wake of certain catastrophic wildfires. In 2017, USFS officials and stakeholders expressed concerns about the lack of aggressive response to the Chetco Bar Fire in Oregon, which eventually burned over 191,000 acres. Many have lamented that a more aggressive suppression approach would have kept the fire from growing so large.² Similarly, many criticized USFS’s initial response to the devastating 2021 Caldor Fire that burned over 221,835 acres.³ The agency pulled all crews off the fire 7 hours after ignition and later dismissed some of the CAL FIRE (California state wildfire fighting agency) firefighters.⁴

H.R. 934 would give clear direction to USFS to immediately suppress wildfires on certain lands identified as being under certain drought conditions or at high-risk of wildfire, in addition to times when the Wildland Fire Preparedness Level is at its highest (Preparedness Level 5) and resources are strained. Within 24 hours of detecting a wildfire on NFS lands, the agency must use all available resources to extinguish the wildfire. Additionally, USFS may not inhibit the firefighting activities of state and local agencies authorized to respond to wildfires on NFS lands. The bill also limits the service’s use of prescribed fires and clarifies when fire may be used as a fire suppression strategy, such as backfire or burnout. The bill includes protections to ensure that these actions would still take into account wildland firefighter safety.

Congressman McClintock will be offering an ANS to emphasize that the suppression requirements in this bill will be consistent with interagency agreements and applicable standards of firefighter safety. This ANS also includes minor technical changes.

Hearing information, including testimony, may be viewed [here](#) and the hearing memo may be viewed [here](#). Chairman Westerman supports the legislation, and the bill is expected to move by Regular Order at the markup.

Staff contact: Brandon Miller (Brandon.Miller@mail.house.gov)

[H.R. 3448](#) (Rep. Stefanik), “*American Battlefield Protection Program Enhancement Act*”

H.R. 3448 makes several improvements to the American Battlefield Protection Program (ABPP) to ensure the continued protection of our nation’s battlefields and this crucial element of American history. To address the loss of sacred battlefield sites, Congress created the American

¹ Congressional Research Service, Federal Assistance for Wildfire Response and Recovery, December 2, 2022, <https://www.crs.gov/Reports/IF10732>.

² Government Accountability Office, Information on Forest Service Response, Key Concerns, and Effects of the Chetco Bar Fire, April 2020, <https://www.gao.gov/assets/gao-20-424.pdf>.

³ 60 Minutes Investigates the Initial Attack on Caldor Fire, Wildfire Today, October 23, 2022, <https://wildfiretoday.com/2022/10/03/60-minutes-investigates-the-initial-attack-on-caldor-fire/>.

⁴ *Id.*

Battlefield Protection Program (ABPP) in 1996.⁵ The ABPP provides grants in four categories – battlefield land acquisition, battlefield interpretation, battlefield restoration, and preservation planning – to protect sites related to the Revolutionary War, War of 1812, and the Civil War. Since its conception, the ABPP has helped protect more than 100 battlefields in 42 states, as well as protect battlefield lands at 110 battlefield sites in 19 states.

H.R. 3448 improves the program for more participation, clarifies Congressional intent, and ensures continued oversight by Congress. First, the bill allows educational institutions and nonprofit organizations to receive battlefield preservation and battlefield land acquisition grants directly, rather than through a state or local government. The bill also adds Tribes as eligible entities for these grants. This change would allow Tribes and non-profits to acquire battlefield lands, which they would then manage to ensure its continued protection and recreation-value. Second, the bill clarifies Congress’s intent when battlefield land acquisition grants were expanded to Revolutionary War and War of 1812 sites by specifying this expansion shall only apply to battlefields, not associated historic sites. Third, H.R. 3448 expands the scope of battlefield restoration grants by allowing funding to be used on sites from the Revolutionary War, War of 1812, and Civil War that have been identified as priority battlefields by the National Park Service (NPS) and are owned by a state, tribal, or local government or non-profit entity. Lastly, the bill directs decennial updates of battlefield reports conducted by NPS, which were last completed in 1993 and 2007. This bipartisan bill is co-led by the co-chairs of the Congressional Battlefield Caucus, Representatives Stefanik (R-NY) and Connolly (D-VA), and is cosponsored by 50 total Members. Chairman Westerman will offer an ANS making technical corrections.

Hearing information, including testimony, may be viewed [here](#) and the hearing memo may be viewed [here](#). Chairman Westerman supports the legislation, and the bill is expected to move by Regular Order at the markup.

Staff contacts: Aniela Butler (Aniela@mail.house.gov) or Taylor Wiseman (Taylor.Wiseman@mail.house.gov)

H.R. 4051 (Rep. Wittman), “*Supporting the Health of Aquatic systems through Research Knowledge and Enhanced Dialogue Act*”

The bill would require the Secretary of Commerce to establish a task force to address shark depredation, which occurs when a shark eats or damages a hooked fish before an angler can reel in their catch. The task force membership would include state and federal fishery managers, such as representatives from Regional Fishery Management Councils, the Marine Fisheries Commissions, the state fish and wildlife agencies from the states within the Regional Fishery Management Councils, and the National Marine Fisheries Service (NMFS) and shark experts from the NMFS, and non-federal experts. The task force would be responsible for improving coordination and communication across the fisheries management community on shark depredation, identifying research priorities and funding opportunities.

⁵ NPS, “American Battlefield Protection Program: What We Do,” <https://www.nps.gov/orgs/2287/whatwedo.htm>.

Hearing information, including testimony, may be viewed [here](#) and the hearing memo may be viewed [here](#). Chairman Westerman supports the legislation, and the bill is expected to move by Regular Order at the markup.

Staff contacts: Annick Miller (Annick.Miller@mail.house.gov) and Doug Levine (Doug.Levine@mail.house.gov)

H.R. 929 (Rep. Kilmer), “Puyallup Tribe of Indians Land Into Trust Confirmation Act of 2023”

H.R. 929 would take approximately 17 acres of fee land in Pierce County, Washington, into trust for the benefit of the Puyallup Tribe of Indians. The land taken into trust would be part of the tribe’s reservation. Gaming, pursuant to the Indian Gaming Regulatory Act, would be prohibited on the land placed into trust under the bill.

In the mid-2010s, the Puyallup Tribe began the process to take Parcel 1, Parcel 2, and Parcel 3, as designated by H.R. 929, into trust as a discretionary trust acquisition through the Bureau of Indian Affairs (BIA) administrative process. However, likely soil and groundwater contamination of the land was found through Environmental Site Assessments. The findings triggered the Department of the Interior’s policy to “minimize the exposure of bureaus/offices to liabilities and potential remediation costs by avoiding the acquisition of real property that is contaminated, unless otherwise specifically directed by Congress...”⁶

BIA testified at a legislative hearing on July 12, 2023, that the Bureau advised the tribe that congressional action to transfer the parcels into trust is a better option than the BIA’s fee-to-trust process, in part because the anticipated and required remediation plan on the lands would be cost-prohibitive for the tribe. H.R. 929 includes language stating that the United States shall not be liable for any environmental contamination that occurred on or before the date on which the land is taken into trust.

A map of Parcel 1 and Parcel 2 is available [here](#). A map of Parcel 3 is available [here](#).

Hearing information, including testimony, may be viewed [here](#) and the hearing memo may be viewed [here](#). Chairman Westerman supports the legislation, and the bill is expected to move by Unanimous Consent at the markup.

Staff contacts: Ken Degenfelder (Ken.Degenfelder@mail.house.gov) and Jocelyn Broman (Jocelyn.Broman@mail.house.gov) (x6-9725)

H.R. 1786 (Rep. Levin), “GROW Act”

One of the challenges facing veterans transitioning to civilian life can be finding good jobs that match their skillsets and enable them to adequately provide for their families. The Warrior Training Advancement Course (WARTAC) is one example of a program the Department of

⁶ Department of Interior, Department Manual, effective Oct. 12, 2016. 602 DM 2, at 2.5, available at: https://www.doi.gov/sites/doi.gov/files/elips/documents/602-dm-2_0.pdf.

Veterans Affairs (VA) utilizes to help train transitioning servicemembers for federal employment opportunities with the Veterans Benefits Administration.⁷

Due to the success of this program, the VA is now actively looking to expand its use.⁸ H.R. 1786, the “Get Rewarding Outdoor Work for our Veterans (GROW) Act,” seeks to increase the hiring of veterans by creating a pilot program directing the Department of the Interior (DOI) to work with the Department of Labor (DOL) and VA to employ veterans in DOI positions related to conservation and resource management activities. This is a bipartisan bill being co-led by Congressman Rob Wittman (R-VA) that builds upon the WARTAC program to reduce unemployment amongst veterans. This legislation has the potential to provide quality employment opportunities for veterans, while also improving land management efforts and helping to address the significant maintenance backlog that continues to burden federal lands.

Additionally, the GROW Act requires the VA to submit a report to Congress examining the WARTAC program and detail best practices and recommendations for federal agencies to implement these practices.

Hearing information, including testimony, may be viewed [here](#) and the hearing memo may be viewed [here](#). Chairman Westerman supports the legislation, and the bill is expected to move by Unanimous Consent at the markup.

Staff contacts: Lauren Limke (Lauren.Limke@mail.house.gov)

H.R. 4596 (Rep. Boebert), “*Upper Colorado and San Juan River Basins Endangered Fish Recovery Program Reauthorization Act of 2023*”

The Upper Colorado and San Juan River Basins provide key sources of water in the western United States. The Upper Colorado and San Juan Recovery Implementation Programs (Programs) help provide Endangered Species Act (ESA) compliance for over 2,500 water and power projects that withdraw more than 3.7-million-acre feet of water. The Programs’ goals are to recover the humpback chub, razorback sucker, bonytail and the Colorado pikeminnow while continuing facility operations to meet current and future human needs, with the ultimate goals of species delisting.

Federal participation and non-federal cost-sharing for the Programs was authorized in 2000 with the enactment of the Upper Colorado and San Juan River Basins Endangered Fish Recovery Programs Act. The Cooperative Agreements that implement both programs were scheduled to sunset in FY 2024. H.R. 4596 extends the authorization of appropriations for these Programs at current funding levels through FY 2031.

Hearing information, including testimony, may be viewed [here](#) and the hearing memo may be viewed [here](#). Chairman Westerman supports the legislation, and the bill is expected to move by Unanimous Consent at the markup.

⁷ U.S. Department of Veterans Affairs, “Outreach, Transition and Economic Development”, <https://benefits.va.gov/transition/WARTAC.asp>.

⁸ Military.com, “VA Training Program Gives Transitioning Service Members a Shot at Job Working on Vets’ Benefits”, Patricia Kime, April 27, 2023, <https://www.military.com/daily-news/2023/04/27/want-job-va-training-program-gives-transitioning-troops-shot-federal-employment.html>.

Staff contacts: Annick Miller (Annick.Miller@mail.house.gov) and Doug Levine (Doug.Levine@mail.house.gov)

III. CBO SCORES

None available.

IV. EFFECT ON CURRENT LAW (RAMSEYER)

[H.R. 3448](#)

[H.R. 4051](#)

[H.R. 4596](#)