STATEMENT OF
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UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE
BEFORE THE COMMITTEE ON RESOURCES
SUBCOMMITTEE ON FORESTS AND FOREST HEALTH
CONCERNING
HR. 977, THE AERIAL FIREFIGHTERS RELIEF ACT,
HR. 1550 GRANTS TO IMPROVE COMMERCIAL VALUE OF FOREST BIOMASS,
H.R.2397, THE UPPER WHITE SALMON WILD AND SCENIC RIVERS ACT
SEPTEMBER 29, 2004

Mr. Chairman, thank you for the opportunity to provide Department of Agriculture views on these bills: HR. 977, the Aerial Firefighters Relief Act, H.R.1550, Grants to Improve the Commercial Value of Forest Biomass, and H.R.2397, the Upper White Salmon Wild and Scenic Rivers Act of 2003.

H.R. 977, the Aerial firefighters Relief Act

This bill provides for death and disability benefits for aerial firefighters who either are Government employees or work on a contract basis for the Forest Service or an agency of the Department of the Interior, and who suffer death or disability while carrying out a firefighting mission. USDA and the DOI have significant concerns with this bill.

Aerial firefighters who are Government employees are already eligible for death and disability benefits under the Public Safety Officers' Benefit program (PSOB). Extending death or disability benefits to Government contractors or subcontractors whose employees die during their employment while engaged in the performance of aerial firefighting establishes an unwarranted precedent of providing Government benefits to other private sector contracted persons.

With scarce resources, we believe it is more appropriate to direct Federal funds towards activities that reduce risks and help prevent tragic loss of life rather than supplement contractor benefits. In general, we believe it is appropriate for contractors and subcontractors to consider the workers compensation benefits they provide to their employees as part of their responsibility in performing aerial firefighting contracts.

The bill amends section 308 of the Federal Land Policy and Management Act (43 U.S.C. 1738) by adding a new section concerning the eligibility of agency and contract or subcontract aerial firefighters for death and disability benefits under the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796). The amendment would apply to persons contracting with either the Forest Service or an agency of the Department of the Interior, and would be retroactively applicable to death or injuries occurring on or after September 29, 1976. A parallel amendment is made to the PSOB program under section 1204 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b).

The current Public Safety Officers' Benefit (PSOB) program is administered by the Department of Justice and provides a one time benefit payment to a public safety officer permanently disabled in the line of duty, or to the eligible survivors of a safety officer killed in the line of duty. The Department of Justice has determined that government hired contractors and employees of such contractors are not eligible for PSOB benefits.

Extending PSOB death and disability benefits to contracted pilots and crews would create a loophole to this well-ordered process and establish a precedent of providing government benefits to contractors that could in turn be used to justify the provision of any government benefits to contractors and employees of such contractors.

The current PSOB death benefit is $267,494; this amount is adjusted each year. Eighty-six pilots and crew members contracted by the Forest Service and the Department of the Interior have lost their lives fighting wildfires since 1976. The retroactive cost of extending the PSOB eligibility at the current benefit amount would involve costs to the Department of Justice of over $23 million which could have an unfavorable effect on the Department's ability to disburse benefits, as well as other Federal programs.

H.R. 1550 Grants to Improve the Commercial Value of Forest Biomass

H.R. 1550 would authorize the Secretary of Agriculture and the Secretary of the Interior to make grants to improve the commercial value of forest biomass for electric energy, useful heat, transportation fuels, petroleum-based product substitutes and other purposes. The bill would authorize annual appropriations of $50,000,000 through Fiscal Year 2014 for those purposes. While the Department supports the concept of H.R. 1550 and commends Representative Rehberg for his recognition of this imperative, we are concerned about funding levels and that the bill duplicates existing authorities as well as ongoing activities.

As you know, authorities provided under the Healthy Forests Restoration Act (HFRA) are helping the federal government accomplish the mission of restoring health and reducing the risk of catastrophic wildland fire on millions of acres of public lands. It is widely recognized that a significant hurdle is the low marketability of the millions of tons of woody biomass that need to be removed from these lands. Developing uses and markets in conjunction with our cooperators has become a priority for the Forest Service.

Title II of HFRA has three programs related to biomass utilization.

Section 201 amends the Biomass Research and Development Act of 2000 to authorize research focus on overcoming barriers to the use of small diameter biomass. In July, the Department of Agriculture and the Department of Energy announced some $25 million in grants on biomass energy research proposals, many related to forestry and small diameter material. Forest Service Research and Development also has a comprehensive research program in the major areas of forest biomass assessment, management, harvesting, utilization, processing, and marketing.

Section 202, Rural Revitalization through Forestry, is aimed at helping communities and businesses create economic opportunity through the sustainable use of the nation's forest resources.

Section 203 authorizes grants to persons who own or operate a facility that uses biomass as a raw material for specific processes and products. The Forest Service has authority to provide grants for businesses, units of state and local government, non-governmental organizations (NGOs), and other entities with legal status. Section 203 expands authority to persons owning or operating facilities that use biomass as a raw material in producing energy, sensible heat, transportation fuels, and biobased products. Grants are limited to costs related to the purchase of biomass. Funding authorization is $5 million annually for Fiscal Years 2004 through 2008.

In addition, USDA is a lead agency in the Biomass Initiative. The Biomass Initiative is a multi-agency effort to coordinate and accelerate all Federal biobased products and bioenergy research and development. The Initiative is guided by the Biomass Research and Development Act of 2000, passed in June of 2000 (Title III if the Agricultural Risk Protection Act of 2000, P.L.106-224) and Executive Order 13134: (Developing And Promoting Biobased Products and Bioenergy), issued in August of 1999. The Initiative is coordinated through the guidance of the Biomass Board, a cabinet level council co-chaired by USDA and the Department of Energy, and the Advisory Committee, a group of 30 individuals from industry, academia, non-profits, the agricultural and forestry sectors.

Furthermore, the Secretaries of Agriculture, the Interior, and Energy signed an interagency Memorandum of Understanding in June, 2003 to promote the use of woody biomass byproducts that result from forest, woodland and rangeland restoration and hazardous fuels treatment projects, consistent with locally developed land management plans. Under the MOU, the agencies agreed to:

- promote understanding among local communities, interested parties and the general public in forest restoration and fuels treatment projects, biomass quality and quantity and seek input on woody biomass utilization strategies;
- develop and apply the best scientific knowledge pertaining to woody biomass utilization and forest management practices for reducing hazardous fuels and improving forest health;
- encourage the sustainable development and stabilization of woody biomass utilization markets;
- support Indian Tribes as appropriate, in the development and establishment of woody biomass utilization within tribal communities as a means of creating jobs, establishing infrastructure and supporting new economic opportunities; and
- explore opportunities to provide a reliable, sustainable supply of woody biomass and develop and apply meaningful measures of successful outcomes in woody biomass utilization.

H.R. 2397 – Upper White Salmon Wild and Scenic Rivers Act

This bill would amend section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274 (a)) to designate portions of the Upper White Salmon River and Cascade Creek in the State of Washington as a component of the National Wild and Scenic Rivers System. The four segments that the bill would designate are located on the Gifford Pinchot National Forest and include 6.7 miles in the Mt. Adams Wilderness, classified as wild and 13.3 miles classified as scenic for a total of 20 miles. The Department does not oppose H.R. 2397.

The Forest Service conducted a study of the Upper White Salmon River and its tributary, Cascade Creek, as directed by the Columbia River Gorge National Scenic Act (16 U.S.C. 544 et seq.) and determined their eligibility for designation as a component of the National Wild and Scenic Rivers System. The "Upper White Salmon River Wild and Scenic River Study Report and Final Legislative Environmental Impact Statement" (July 1997) recommended the entire 38.4 miles of the Upper White Salmon (including Cascade Creek) be added to the System. The recommended segments of the Upper White Salmon River possess outstanding wildlife, scenery, geology and hydrology, and are highly qualified for designation under the Wild and Scenic Rivers Act.

This concludes the USDA testimony. I will be happy to answer questions.