

Collins
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Davis (AL)
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Davis, Tom
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DeLauro
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Diaz-Balart, M.
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Goodlatte
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Gutknecht
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Johnson, Sam
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Reyes
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Rogers (AL)
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Ross
Rothman
Roybal-Allard
Royce
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Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda
T.
Sanchez, Loretta
Sanders
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Saxton
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Scott (GA)
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Sensenbrenner
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Sessions
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Shaw
Shays
Sherman
Sherwood
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Simmons
Simpson
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Slaughter
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Stearns
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Sullivan
Sweeney
Tancredo
Tanner

Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
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Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)

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Udall (CO)
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Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman

Weiner
Weldon (FL)
Weldon (PA)
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Wexler
Whitfield
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Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

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Bartlett (MD)
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Coble
Flake

Franks (AZ)
Hart
Hostettler
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Miller (FL)

Musgrave
Paul
Pence
Smith (MI)

NOT VOTING—16

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Boswell
Brady (PA)
Case
Combest

Conyers
Doyle
Ford
Gephardt
Istook
Larson (CT)

Miller, Gary
Moran (VA)
Nadler
Stupak

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised on H.R. 1925, the Runaway, Homeless, and Missing Children Protection Act, there are 2 minutes remaining to vote.

□ 1316

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:
Mr. LARSON of Connecticut. Mr. Speaker, on rollcall No. 197, there was an inadvertent malfunction of my card. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. ABERCROMBIE. Mr. Speaker, earlier today, I was unavoidably absent when recorded votes were taken on three matters. Had I been present, I would have voted as follows: House Res. 239, Rule for consideration of H.R. 1904, Healthy Forest Restoration Act, "nay"; S. 330, Veterans' Memorial Preservation and Recognition Act of 2003, "yea"; H.R. 1925, Runaway, Homeless and Missing Children's Protection Act, "yea."

HEALTHY FORESTS RESTORATION ACT OF 2003

Mr. GOODLATTE. Mr. Speaker, pursuant to House Resolution 239, I call up the bill (H.R. 1904) to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to plan and conduct hazardous fuels reduction projects on National Forest System lands and Bureau of Land Management lands aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.
The SPEAKER pro tempore (Mr. PETRI). Pursuant to House Resolution 239, the bill is considered read for amendment.

The text of H.R. 1904 is as follows:

H.R. 1904

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Healthy Forests Restoration Act of 2003".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Purpose.

TITLE I—HAZARDOUS FUELS REDUCTION ON FEDERAL LANDS

Sec. 101. Definitions.
Sec. 102. Authorized hazardous fuels reduction projects.
Sec. 103. Prioritization for communities and watersheds.
Sec. 104. Environmental analysis.
Sec. 105. Special Forest Service administrative review process.
Sec. 106. Special requirements regarding judicial review of authorized hazardous fuels reduction projects.
Sec. 107. Standard for injunctive relief for agency action to restore fire-adapted forest or rangeland ecosystems.
Sec. 108. Rules of construction.

TITLE II—BIOMASS

Sec. 201. Findings.
Sec. 202. Definitions.
Sec. 203. Grants to improve the commercial value of forest biomass for electric energy, useful heat, transportation fuels, and petroleum-based product substitutes.

Sec. 204. Reporting requirement.

TITLE III—WATERSHED FORESTRY ASSISTANCE

Sec. 301. Findings and purpose.
Sec. 302. Establishment of watershed forestry assistance program.

TITLE IV—INSECT INFESTATIONS

Sec. 401. Definitions, findings, and purpose.
Sec. 402. Accelerated information gathering regarding bark beetles, including Southern pine beetles, hemlock woolly adelgid, emerald ash borers, red oak borers, and white oak borers.
Sec. 403. Applied silvicultural assessments.
Sec. 404. Relation to other laws.
Sec. 405. Authorization of appropriations.

TITLE V—HEALTHY FORESTS RESERVE PROGRAM

Sec. 501. Establishment of healthy forests reserve program.
Sec. 502. Eligibility and enrollment of lands in program.
Sec. 503. Conservation plans.
Sec. 504. Financial assistance.
Sec. 505. Technical assistance.
Sec. 506. Safe harbor.
Sec. 507. Authorization of appropriations.

TITLE VI—MISCELLANEOUS PROVISIONS

Sec. 601. Forest stands inventory and monitoring program to improve detection of and response to environmental threats.

SEC. 2. PURPOSE.

The purpose of this Act is—
(1) to reduce the risks of damage to communities, municipal water supplies, and some at-risk Federal lands from catastrophic wildfires;

(2) to authorize grant programs to improve the commercial value of forest biomass for electric energy, useful heat, transportation fuels, petroleum-based product substitutes and other commercial purposes;

(3) to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape;

(4) to promote systematic information gathering to address the impact of insect infestations on forest and rangeland health;

(5) to improve the capacity to detect insect and disease infestations at an early stage, particularly with respect to hardwood forests; and

(6) to protect, restore, and enhance degraded forest ecosystem types in order to promote the recovery of threatened and endangered species as well as improve biological diversity and enhance carbon sequestration.

TITLE I—HAZARDOUS FUELS REDUCTION ON FEDERAL LANDS

SEC. 101. DEFINITIONS.

In this title:

(1) **AUTHORIZED HAZARDOUS FUELS REDUCTION PROJECT.**—The term “authorized hazardous fuels reduction project” means a hazardous fuels reduction project described in subsection (a) of section 102, subject to the remainder of such section, that is planned and conducted using the process authorized by section 104.

(2) **CONDITION CLASS 2.**—The term “condition class 2”, with respect to an area of Federal lands, refers to the condition class description developed by the Forest Service Rocky Mountain Research Station in the general technical report entitled “Development of Coarse-Scale Spatial Data for Wildland Fire and Fuel Management” (RMRS-87), dated April 2000, under which—

(A) fire regimes on the lands have been moderately altered from their historical range;

(B) there exists a moderate risk of losing key ecosystem components from fire;

(C) fire frequencies have departed (either increased or decreased) from historical frequencies by one or more return interval, which results in moderate changes to fire size, frequency, intensity, severity, or landscape patterns; and

(D) vegetation attributes have been moderately altered from their historical range.

(3) **CONDITION CLASS 3.**—The term “condition class 3”, with respect to an area of Federal lands, refers to the condition class description developed by the Rocky Mountain Research Station in the general technical report referred to in paragraph (2), under which—

(A) fire regimes on the lands have been significantly altered from their historical range

(B) there exists a high risk of losing key ecosystem components from fire;

(C) fire frequencies have departed from historical frequencies by multiple return intervals, which results in dramatic changes to fire size, frequency, intensity, severity, or landscape patterns; and

(D) vegetation attributes have been significantly altered from their historical range.

(4) **DAY.**—The term “day” means a calendar day, except that, if a deadline imposed by this title would expire on a nonbusiness day, the deadline will be extended to the end of the next business day.

(5) **DECISION DOCUMENT.**—The term “decision document” means a decision notice or a record of decision, as those terms are used in applicable regulations of the Council on Environmental Quality and the Forest Service Handbook.

(6) **FEDERAL LANDS.**—The term “Federal lands” means—

(A) National Forest System lands; and

(B) public lands administered by the Secretary of the Interior, acting through the Bureau of Land Management.

(7) **HAZARDOUS FUELS REDUCTION PROJECT.**—The term “hazardous fuels reduction project” refers to the measures and methods described in the definition of “appropriate tools” contained in the glossary of the Implementation Plan.

(8) **IMPLEMENTATION PLAN.**—The term “Implementation Plan” means the Implementation Plan for the 10-year Comprehensive Strategy for a Collaborative Approach for Reducing Wildland Fire Risks to Communities and the Environment, dated May 2002, which was developed pursuant to the conference report for the Department of the Interior and Related Agencies Appropriations Act, 2001 (House Report 106-646).

(9) **INTERFACE COMMUNITY AND INTERMIX COMMUNITY.**—The terms “interface community” and “intermix community” have the meanings given those terms on page 753 of volume 66 of the Federal Register, as published on January 4, 2001.

(10) **MUNICIPAL WATER SUPPLY SYSTEM.**—The term “municipal water supply system” means the reservoirs, canals, ditches, flumes, laterals, pipes, pipelines, or other surface facilities and systems constructed or installed for the impoundment, storage, transportation, or distribution of drinking water for a community.

(11) **SECRETARY CONCERNED.**—The term “Secretary concerned” means the Secretary of Agriculture with respect to National Forest System lands and the Secretary of the Interior with respect to public lands administered by the Bureau of Land Management. Any reference in this title to the “Secretary concerned”, the Secretary of Agriculture”, or the “Secretary of the Interior” includes the designee of the Secretary concerned.

(12) **THREATENED AND ENDANGERED SPECIES HABITAT.**—The term “threatened and endangered species habitat” means Federal lands identified in the listing decision or critical habitat designation as habitat for a threatened species or an endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

SEC. 102. AUTHORIZED HAZARDOUS FUELS REDUCTION PROJECTS.

(a) **AUTHORIZED PROJECTS.**—Subject to the remainder of this section, the Secretary concerned may utilize the process authorized by section 104 to plan and conduct hazardous fuels reduction projects on any of the following Federal lands:

(1) Federal lands located in an interface community or intermix community.

(2) Federal lands located in such proximity to an interface community or intermix community that there is a significant risk that the spread of a fire disturbance event from those lands would threaten human life and property in the interface community or intermix community.

(3) Condition class 3 or condition class 2 Federal lands located in such proximity to a municipal water supply system or a stream feeding a municipal water supply system that a significant risk exists that a fire disturbance event would have adverse effects on the water quality of the municipal water supply, including the risk to water quality posed by erosion following such a fire disturbance event.

(4) Condition class 3 or condition class 2 Federal lands identified by the Secretary concerned as an area where windthrow or blowdown, or the existence or threat of disease or insect infestation, pose a significant threat to forest or rangeland health or adjacent private lands.

(5) Federal lands not covered by paragraph (1), (2), (3), or (4) that contain threatened and endangered species habitat, but only if—

(A) natural fire regimes on such lands are identified as being important for, or wildfire is identified as a threat to, an endangered species, a threatened species, or its habitat in a species recovery plan prepared under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533) or in a decision document under such section determining a species to be an endangered species or a threatened species or designating critical habitat;

(B) the project will provide enhanced protection from catastrophic wildfire for the species or its habitat; and

(C) the Secretary complies with any applicable guidelines specified in the species recovery plan prepared under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(b) **RELATION TO AGENCY PLANS.**—An authorized hazardous fuels reduction project shall be planned and conducted in a manner consistent with the land and resource management plan or land use plan applicable to the Federal lands covered by the project.

(c) **ACREAGE LIMITATION.**—Not more than a total of 20,000,000 acres of Federal lands may be included in authorized hazardous fuels reduction projects.

(d) **TREE REMOVAL LIMITATION.**—The Secretary concerned, in the sole discretion of the Secretary concerned, shall plan and conduct an authorized hazardous fuels reduction project so as to maintain species composition, size class distribution, and density of trees, including old and large trees appropriate for each ecosystem type covered by the project, consistent with the purposes of this title.

(e) **EXCLUSION OF CERTAIN FEDERAL LANDS.**—The Secretary concerned may not plan or conduct an authorized hazardous fuels reduction project that would occur on any of the following Federal lands:

(1) A component of the National Wilderness Preservation System.

(2) Federal lands where, by Act of Congress or Presidential proclamation, the removal of vegetation is prohibited or restricted.

(3) Wilderness Study Areas.

(f) **PROTECTION OF ROADLESS AREAS.**—The Secretary of Agriculture shall not construct any new permanent road in any Inventoried Roadless Area as part of any authorized hazardous fuels reduction project.

SEC. 103. PRIORITIZATION FOR COMMUNITIES AND WATERSHEDS.

As provided for in the Implementation Plan, the Secretary concerned shall give priority to authorized hazardous fuel reduction projects that provide for the protection of communities and watersheds.

SEC. 104. ENVIRONMENTAL ANALYSIS.

(a) **IN GENERAL.**—Except as otherwise provided in this title, the Secretary concerned shall plan and conduct authorized hazardous fuels reduction projects in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4331 et seq.) and any other applicable laws.

(b) **DISCRETIONARY AUTHORITY TO ELIMINATE ALTERNATIVES.**—In the case of an authorized hazardous fuels reduction project, the Secretary concerned is not required to study, develop, or describe any alternative to the proposed agency action in the environmental assessment or environmental impact statement prepared for the proposed agency action pursuant to section 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)).

(c) **PUBLIC NOTICE AND MEETING.**—

(1) **PUBLIC NOTICE.**—The Secretary concerned shall provide notice of each authorized hazardous fuels reduction project in accordance with applicable regulations and administrative guidelines.

(2) PUBLIC MEETING.—During the planning stage of each authorized hazardous fuels reduction project, the Secretary concerned shall conduct a public meeting at an appropriate location proximate to the administrative unit of the Federal lands in which the authorized hazardous fuels reduction project will be conducted. The Secretary concerned shall provide advance notice of the date and time of the meeting.

(d) PUBLIC COLLABORATION.—In order to encourage meaningful public participation in the identification and development of authorized hazardous fuels reduction projects, the Secretary concerned shall facilitate collaboration among governments and interested persons during the formulation of each authorized hazardous fuels reduction project in a manner consistent with the Implementation Plan.

(e) ENVIRONMENTAL ANALYSIS AND PUBLIC COMMENT.—In accordance with section 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)) and the applicable regulations and administrative guidelines in effect on the date of the enactment of this Act, the Secretary concerned shall provide an opportunity for public input during the preparation of any environmental assessment or environmental impact statement for proposed agency action for an authorized hazardous fuels reduction project.

(f) DECISION DOCUMENT.—The Secretary concerned shall sign a decision document for each authorized hazardous fuels reduction project and provide notice of the decision document.

(g) PROJECT MONITORING.—As provided for in the Implementation Plan, the Secretary concerned shall monitor the implementation of authorized hazardous fuels reduction projects.

SEC. 105. SPECIAL FOREST SERVICE ADMINISTRATIVE REVIEW PROCESS.

(a) DEVELOPMENT OF ADMINISTRATIVE PROCESS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Agriculture shall issue final regulations to establish an administrative process that will serve as the sole means by which a person described in subsection (c) can seek administrative redress regarding an authorized hazardous fuels reduction project.

(b) ELIGIBLE PERSONS.—To be eligible to participate in the administrative process developed pursuant to subsection (a) regarding an authorized hazardous fuels reduction project, a person must have submitted specific and substantive written comments during the preparation stage of that authorized hazardous fuels reduction project.

(c) RELATION TO APPEALS REFORM ACT.—Section 322 of the Department of the Interior and Related Agencies Appropriations Act, 1993 (Public Law 102-381; 16 U.S.C. 1612 note), does not apply to an authorized hazardous fuels reduction project.

SEC. 106. SPECIAL REQUIREMENTS REGARDING JUDICIAL REVIEW OF AUTHORIZED HAZARDOUS FUELS REDUCTION PROJECTS.

(a) FILING DEADLINE.—

(1) TIME LIMIT ESTABLISHED FOR FILING.—Notwithstanding any other provision of law, to be timely, an action in a court of the United States challenging an authorized hazardous fuels reduction project shall be filed in the court before the end of the 15-day period beginning on the date on which the Secretary concerned publishes, in the local paper of record, notice of the final agency action regarding the authorized hazardous fuels reduction project. This time limitation supersedes any notice of intent to file suit requirement or filing deadline otherwise applicable to a challenge under any provision of law.

(2) WAIVER PROHIBITED.—The Secretary concerned may not agree to, and a district

court may not grant, a waiver of the requirements of this subsection.

(b) DURATION OF PRELIMINARY INJUNCTION.—

(1) DURATION; EXTENSION.—Any preliminary injunction granted regarding an authorized hazardous fuels reduction project shall be limited to 45 days. A court may renew the preliminary injunction, taking into consideration the goal expressed in subsection (c) for the expeditious resolution of cases regarding authorized hazardous fuels reduction projects.

(2) SUBMISSION OF INFORMATION.—As part of a request to renew a preliminary injunction granted regarding an authorized hazardous fuels reduction project, the parties shall present the court with an update on any changes that may have occurred during the period of the injunction to the forest or rangeland conditions that the authorized hazardous fuels reduction project is intended to address.

(3) CONGRESSIONAL NOTIFICATION.—In the event of the renewal of a preliminary injunction regarding an authorized hazardous fuels reduction project, the Secretary concerned shall submit notice of the renewal to the Committee on Resources and the Committee on Agriculture of the House of Representatives and the Committee on Energy and Natural Resources and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

(c) EXPEDITIOUS COMPLETION OF JUDICIAL REVIEW.—Congress intends and encourages any court in which is filed a lawsuit or appeal of a lawsuit concerning an authorized hazardous fuels reduction project to expedite, to the maximum extent practicable, the proceedings in such lawsuit or appeal with the goal of rendering a final determination on jurisdiction, and if jurisdiction exists, a final determination on the merits, within 100 days from the date the complaint or appeal is filed.

SEC. 107. STANDARD FOR INJUNCTIVE RELIEF FOR AGENCY ACTION TO RESTORE FIRE-ADAPTED FOREST OR RANGELAND ECOSYSTEMS.

If an action brought against the Secretary concerned under section 703 of title 5, United States Code, involves an agency action on Federal lands in which the Secretary concerned found that the agency action is necessary to restore a fire-adapted forest or rangeland ecosystem, including an authorized hazardous fuels reduction project, the court reviewing the agency action, in considering a request for a prohibitory or mandatory injunction against the agency action, shall—

(1) consider the public interest in avoiding long-term harm to the ecosystem; and

(2) give deference to any agency finding, based upon information in the administrative record, that the balance of harm and the public interest in avoiding the short-term effects of the agency action is outweighed by the public interest in avoiding long-term harm to the ecosystem.

SEC. 108. RULES OF CONSTRUCTION.

(a) RELATION TO OTHER AUTHORITY.—Nothing in this title shall be construed to affect, or otherwise bias, the use by the Secretary concerned of other statutory or administrative authorities to plan or conduct a hazardous fuels reduction project on Federal lands, including Federal lands identified in section 102(e), that is not planned or conducted using the process authorized by section 104.

(b) RELATION TO LEGAL ACTION.—Nothing in this title shall be construed to prejudice or otherwise affect the consideration or disposition of any legal action concerning the Roadless Area Conservation Rule, part 294 of title 36, Code of Federal Regulations, as

amended in the final rule and record of decision published in the Federal Register on January 12, 2001 (66 Fed. Reg. 3244).

TITLE II—BIOMASS

SEC. 201. FINDINGS.

Congress finds the following:

(1) Thousands of communities in the United States, many located near Federal lands, are at risk to wildfire. Approximately 190,000,000 acres of land managed by the Secretary of Agriculture and the Secretary of the Interior are at risk of catastrophic fire in the near future. The accumulation of heavy forest and rangeland fuel loads continues to increase as a result of disease, insect infestations, and drought, further raising the risk of fire each year.

(2) In addition, more than 70,000,000 acres across all land ownerships are at risk to higher than normal mortality over the next 15 years from insect infestation and disease. High levels of tree mortality from insects and disease result in increased fire risk, loss of old growth, degraded watershed conditions, and changes in species diversity and productivity, as well as diminished fish and wildlife habitat and decreased timber values.

(3) Preventive treatments such as removing fuel loading, ladder fuels, and hazard trees, planting proper species mix and restoring and protecting early successional habitat, and other specific restoration treatments designed to reduce the susceptibility of forest and rangeland to insect outbreaks, disease, and catastrophic fire present the greatest opportunity for long-term forest and rangeland health by creating a mosaic of species-mix and age distribution. Such prevention treatments are widely acknowledged to be more successful and cost effective than suppression treatments in the case of insects, disease, and fire.

(4) The by-products of preventive treatment (wood, brush, thinnings, chips, slash, and other hazardous fuels) removed from forest and rangelands represent an abundant supply of biomass for biomass-to-energy facilities and raw material for business. There are currently few markets for the extraordinary volumes of by-products being generated as a result of the necessary large-scale preventive treatment activities.

(5) The United States should—

(A) promote economic and entrepreneurial opportunities in using by-products removed through preventive treatment activities related to hazardous fuels reduction, disease, and insect infestation; and

(B) develop and expand markets for traditionally underused wood and biomass as an outlet for by-products of preventive treatment activities.

SEC. 202. DEFINITIONS.

In this title:

(1) BIOMASS.—The term “biomass” means trees and woody plants, including limbs, tops, needles, and other woody parts, and by-products of preventive treatment, such as wood, brush, thinnings, chips, and slash, that are removed—

(A) to reduce hazardous fuels; or

(B) to reduce the risk of or to contain disease or insect infestation.

(2) INDIAN TRIBE.—The term “Indian tribe” has the meaning given the term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

(3) PERSON.—The term “person” includes—

(A) an individual;

(B) a community (as determined by the Secretary concerned);

(C) an Indian tribe;

(D) a small business, micro-business, or a corporation that is incorporated in the United States; and

(E) a nonprofit organization.

(4) PREFERRED COMMUNITY.—The term “preferred community” means—

(A) any town, township, municipality, or other similar unit of local government (as determined by the Secretary concerned) that—

(i) has a population of not more than 50,000 individuals; and

(ii) the Secretary concerned, in the sole discretion of the Secretary concerned, determines contains or is located near land, the condition of which is at significant risk of catastrophic wildfire, disease, or insect infestation or which suffers from disease or insect infestation; or

(B) any county that—

(i) is not contained within a metropolitan statistical area; and

(ii) the Secretary concerned, in the sole discretion of the Secretary concerned, determines contains or is located near land, the condition of which is at significant risk of catastrophic wildfire, disease, or insect infestation or which suffers from disease or insect infestation.

(5) SECRETARY CONCERNED.—The term “Secretary concerned” means—

(A) the Secretary of Agriculture with respect to National Forest System lands; and

(B) the Secretary of the Interior with respect to Federal lands under the jurisdiction of the Secretary of the Interior and Indian lands.

SEC. 203. GRANTS TO IMPROVE THE COMMERCIAL VALUE OF FOREST BIOMASS FOR ELECTRIC ENERGY, USEFUL HEAT, TRANSPORTATION FUELS, AND PETROLEUM-BASED PRODUCT SUBSTITUTES.

(a) BIOMASS COMMERCIAL USE GRANT PROGRAM.—

(1) IN GENERAL.—The Secretary concerned may make grants to any person that owns or operates a facility that uses biomass as a raw material to produce electric energy, sensible heat, transportation fuels, or substitutes for petroleum-based products to offset the costs incurred to purchase biomass for use by such facility.

(2) GRANT AMOUNTS.—A grant under this subsection may not exceed \$20 per green ton of biomass delivered.

(3) MONITORING OF GRANT RECIPIENT ACTIVITIES.—As a condition of a grant under this subsection, the grant recipient shall keep such records as the Secretary concerned may require to fully and correctly disclose the use of the grant funds and all transactions involved in the purchase of biomass. Upon notice by a representative of the Secretary concerned, the grant recipient shall afford the representative reasonable access to the facility that purchases or uses biomass and an opportunity to examine the inventory and records of the facility.

(b) VALUE ADDED GRANT PROGRAM.—

(1) IN GENERAL.—The Secretary concerned may make grants to persons to offset the cost of projects to add value to biomass. In making such grants, the Secretary concerned shall give preference to persons in preferred communities.

(2) SELECTION.—The Secretary concerned shall select a grant recipient under paragraph (1) after giving consideration to the anticipated public benefits of the project, opportunities for the creation or expansion of small businesses and micro-businesses, and the potential for new job creation.

(3) GRANT AMOUNT.—A grant under this subsection may not exceed \$100,000.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated \$25,000,000 for each of the fiscal years 2004 through 2008 to carry out this section.

SEC. 204. REPORTING REQUIREMENT.

(a) REPORT REQUIRED.—Not later than October 1, 2010, the Secretary of Agriculture, in

consultation with the Secretary of the Interior, shall submit to the Committee on Resources and the Committee on Agriculture of the House of Representatives and the Committee on Energy and Natural Resources and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing the results of the grant programs authorized by section 203.

(b) CONTENTS OF REPORT.—The report shall include the following:

(1) An identification of the size, type, and the use of biomass by persons that receive grants under section 203.

(2) The distance between the land from which the biomass was removed and the facility that used the biomass.

(3) The economic impacts, particularly new job creation, resulting from the grants to and operation of the eligible operations.

TITLE III—WATERSHED FORESTRY ASSISTANCE

SEC. 301. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) There has been a dramatic shift in public attitudes and perceptions about forest management, particularly in the understanding and practice of sustainable forest management.

(2) It is commonly recognized that the proper stewardship of forest lands is essential to sustaining and restoring the health of watersheds.

(3) Forests can provide essential ecological services in filtering pollutants, buffering important rivers and estuaries, and minimizing flooding, which makes its restoration worthy of special focus.

(4) Strengthened education, technical assistance, and financial assistance to non-industrial private forest landowners and communities, relating to the protection of watershed health, is needed to realize the expectations of the general public.

(b) PURPOSE.—The purpose of this title is to—

(1) improve landowner and public understanding of the connection between forest management and watershed health;

(2) encourage landowners to maintain tree cover on their property and to utilize tree plantings and vegetative treatments as creative solutions to watershed problems associated with varying land uses;

(3) enhance and complement forest management and buffer utilization for watersheds, with an emphasis on urban watersheds;

(4) establish new partnerships and collaborative watershed approaches to forest management, stewardship, and conservation;

(5) provide technical and financial assistance to States to deliver a coordinated program that enhances State forestry best-management practices programs, as well as conserves and improves forested lands and potentially forested lands through technical, financial, and educational assistance to qualifying individuals and entities; and

(6) maximize the proper management and conservation of wetland forests and to assist in their restoration as necessary.

SEC. 302. ESTABLISHMENT OF WATERSHED FORESTRY ASSISTANCE PROGRAM.

The Cooperative Forestry Assistance Act of 1978 is amended by inserting after section 5 the following new section:

“SEC. 6. WATERSHED FORESTRY ASSISTANCE.

“(a) GENERAL AUTHORITY AND PURPOSE.—The Secretary, acting through the Forest Service, may provide technical, financial, and related assistance to State foresters and equivalent State officials for the purpose of expanding State forest stewardship capacities and activities through State forestry best-management practices and other means

at the State level to address watershed issues on non-Federal forested lands and potentially forested lands.

“(b) TECHNICAL ASSISTANCE TO PROTECT WATER QUALITY.—

“(1) IN GENERAL.—The Secretary, in cooperation with State foresters or equivalent State officials, shall engage interested members of the public, including nonprofit organizations and local watershed councils, to develop a program of technical assistance to protect water quality, as described in paragraph (2).

“(2) PURPOSE OF PROGRAM.—The program under this subsection shall be designed—

“(A) to build and strengthen watershed partnerships that focus on forested landscapes at the local, State, and regional levels;

“(B) to provide State forestry best-management practices and water quality technical assistance directly to nonindustrial private forest landowners;

“(C) to provide technical guidance to land managers and policy makers for water quality protection through forest management;

“(D) to complement State and local efforts to protect water quality and provide enhanced opportunities for consultation and cooperation among Federal and State agencies charged with responsibility for water and watershed management;

“(E) to provide enhanced forest resource data and support for improved implementation and monitoring of State forestry best-management practices.

“(3) IMPLEMENTATION.—The program of technical assistance shall be implemented by State foresters or equivalent State officials.

“(c) WATERSHED FORESTRY COST-SHARE PROGRAM.—

“(1) IN GENERAL.—The Secretary shall establish a watershed forestry cost-share program to be administered by the Forest Service and implemented by State foresters or equivalent State officials. Funds or other support provided under such program shall be made available for State forestry best-management practices programs and watershed forestry projects.

“(2) WATERSHED FORESTRY PROJECTS.—The State forester or equivalent State official of a State, in coordination with the State Forest Stewardship Coordinating Committee established under section 19(b) for that State, shall annually make awards to communities, nonprofit groups, and nonindustrial private forest landowners under the program for watershed forestry projects described in paragraph (3).

“(3) PROJECT ELEMENTS AND OBJECTIVES.—A watershed forestry project shall accomplish critical forest stewardship, watershed protection, and restoration needs within a State by demonstrating the value of trees and forests to watershed health and condition through—

“(A) the use of trees as solutions to water quality problems in urban and rural areas;

“(B) community-based planning, involvement, and action through State, local and nonprofit partnerships;

“(C) application of and dissemination of monitoring information on forestry best-management practices relating to watershed forestry;

“(D) watershed-scale forest management activities and conservation planning; and

“(E) the restoration of wetland (as defined by the States) and stream-side forests and the establishment of riparian vegetative buffers.

“(4) COST-SHARING.—Funds provided under this subsection for a watershed forestry project may not exceed 75 percent of the cost of the project. Other Federal funding sources may be used to cover a portion of the remaining project costs, but the total Federal

share of the costs may not exceed 90 percent. The non-Federal share of the costs of a project may be in the form of cash, services, or other in-kind contributions.

“(5) **PRIORITIZATION.**—The State Forest Stewardship Coordinating Committee for a State shall prioritize watersheds in that State to target watershed forestry projects funded under this subsection.

“(6) **WATERSHED FORESTER.**—Financial and technical assistance shall be made available to the State Forester or equivalent State official to create a State best-management practice forester to lead statewide programs and coordinate small watershed-level projects.

“(d) **DISTRIBUTION.**—

“(1) **IN GENERAL.**—The Secretary shall devote at least 75 percent of the funds appropriated for a fiscal year pursuant to the authorization of appropriations in subsection (e) to the cost-share program under subsection (c) and the remainder to the task of delivering technical assistance, education, and planning on the ground through the State Forester or equivalent State official.

“(2) **SPECIAL CONSIDERATIONS.**—Distribution of these funds by the Secretary among the States shall be made only after giving appropriate consideration to—

“(A) the acres of nonindustrial private forestland and highly erodible land in each State;

“(B) each State’s efforts to conserve forests;

“(C) the acres of forests in each State that have been lost or degraded or where forests can play a role in restoring watersheds; and

“(D) the number of nonindustrial private forest landowners in each State.

“(e) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$15,000,000 for each of the fiscal years 2004 through 2008.”

TITLE IV—INSECT INFESTATIONS

SEC. 401. DEFINITIONS, FINDINGS, AND PURPOSE.

(a) **DEFINITIONS.**—In this title:

(1) **APPLIED SILVICULTURAL ASSESSMENT.**—The term “applied silvicultural assessment” means any vegetative or other treatment, for the purposes described in section 402, including timber harvest, thinning, prescribed burning, and pruning, as single treatment or any combination of these treatments.

(2) **FEDERAL LANDS.**—The term “Federal lands” means—

(A) National Forest System lands; and

(B) public lands administered by the Secretary of the Interior, acting through the Bureau of Land Management.

(3) **SECRETARY CONCERNED.**—The term “Secretary concerned” means—

(A) the Secretary of Agriculture, acting through the Forest Service, with respect to National Forest System lands; and

(B) the Secretary of the Interior, acting through appropriate offices of the United States Geological Survey, with respect to federally owned land administered by the Secretary of the Interior.

(4) **1890 INSTITUTIONS.**—The term “1890 Institution” means a college or university eligible to receive funds under the Act of August 30, 1890 (7 U.S.C. 321 et seq.), including Tuskegee University.

(b) **FINDINGS.**—Congress finds the following:

(1) High levels of tree mortality due to insect infestation result in—

(A) increased fire risk;

(B) loss of old growth;

(C) loss of threatened and endangered species;

(D) loss of species diversity;

(E) degraded watershed conditions;

(F) increased potential for damage from other agents of disturbance, including exotic, invasive species; and

(G) decreased timber values.

(2) Bark beetles destroy hundreds of thousands of acres of trees each year. In the West, over 21,000,000 acres are at high risk of bark beetle infestation and in the South over 57,000,000 acres are at risk across all land ownerships. Severe drought conditions in many areas of the South and West will increase risk of bark beetle infestations.

(3) The hemlock woolly adelgid is destroying streamside forests throughout the mid-Atlantic and Appalachian region, threatening water quality and sensitive aquatic species, and posing a potential threat to valuable commercial timber lands in Northern New England.

(4) The emerald ash borer is a nonnative, invasive pest that has quickly become a major threat to hardwood forests as a emerald ash borer infestation is almost always fatal to the affected trees. This pest threatens to destroy over 692,000,000 ash trees in forests in Michigan and Ohio alone, and between five and ten percent of urban street trees in the Upper Midwest.

(5) Epidemic populations of Southern pine beetle are ravaging forests in Alabama, Arkansas, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia. In 2001, Florida and Kentucky experienced 146 percent and 111 percent increases, respectively, in beetle populations.

(6) These epidemic outbreaks of Southern pine beetle have forced private landowners to harvest dead and dying trees, in both rural areas and increasingly urbanized settings.

(7) According to the Forest Service, recent outbreaks of the red oak borer in Arkansas have been unprecedented, with almost 800,000 acres infested at population levels never seen before.

(8) Much of the damage from the red oak borer has taken place in National forests, and the Federal response has been inadequate to protect forest ecosystems and other ecological and economic resources.

(9) Previous silvicultural assessments, while useful and informative, have been limited in scale and scope of application, and there has not been sufficient resources available to adequately test a full array of individual and combined applied silvicultural assessments.

(10) Only through the rigorous funding, development, and assessment of potential applied silvicultural assessments over specific time frames across an array of environmental and climatic conditions can the most innovative and cost effective management applications be determined that will help reduce the susceptibility of forest ecosystems to attack by forest pests.

(11) Funding and implementation of an initiative to combat forest pest infestations should not come at the expense of supporting other programs and initiatives of the Secretary concerned.

(c) **PURPOSE.**—It is the purpose of this title—

(1) to require the Secretary concerned to develop an accelerated basic and applied assessment program to combat infestations by bark beetles, including Southern pine beetles, hemlock woolly adelgids, emerald ash borers, red oak borers, and white oak borers;

(2) to enlist the assistance of universities and forestry schools, including Land Grant Colleges and Universities and 1890 Institutions, to carry out the program; and

(3) to carry out applied silvicultural assessments.

SEC. 402. ACCELERATED INFORMATION GATHERING REGARDING BARK BEETLES, INCLUDING SOUTHERN PINE BEETLES, HEMLOCK WOOLLY ADELGIDS, EMERALD ASH BORERS, RED OAK BORERS, AND WHITE OAK BORERS.

(a) **INFORMATION GATHERING.**—The Secretary concerned shall establish, acting through the Forest Service and United States Geological Survey, as appropriate, an accelerated program—

(1) to plan, conduct, and promote comprehensive and systematic information gathering on bark beetles, including Southern pine beetles, hemlock woolly adelgids, emerald ash borers, red oak borers, and white oak borers, including an evaluation of—

(A) infestation prevention and control methods;

(B) effects of infestations on forest ecosystems;

(C) restoration of the forest ecosystem efforts;

(D) utilization options regarding infested trees; and

(E) models to predict the occurrence, distribution, and impact of outbreaks of bark beetles, including Southern pine beetles, hemlock woolly adelgids, emerald ash borers, red oak borers, and white oak borers;

(2) to assist land managers in the development of treatments and strategies to improve forest health and reduce the susceptibility of forest ecosystems to severe infestations of bark beetles, including Southern pine beetles, hemlock woolly adelgids, emerald ash borers, red oak borers, and white oak borers on Federal lands and State and private lands; and

(3) to disseminate the results of such information gathering, treatments, and strategies.

(b) **COOPERATION AND ASSISTANCE.**—The Secretary concerned shall establish and carry out the program in cooperation with scientists from universities and forestry schools, State agencies, and private and industrial land owners. The Secretary concerned shall designate universities and forestry schools, including Land Grant Colleges and Universities and 1890 Institutions, to assist in carrying out the program.

SEC. 403. APPLIED SILVICULTURAL ASSESSMENTS.

(a) **ASSESSMENT EFFORTS.**—For information gathering purposes, the Secretary concerned may conduct applied silvicultural assessments on Federal lands that the Secretary concerned determines, in the sole discretion of the Secretary concerned, is at risk of infestation by, or is infested with, bark beetles, including Southern pine beetles, hemlock woolly adelgids, emerald ash borers, red oak borers, and white oak borers. Any applied silvicultural assessments carried out under this section shall be conducted on not more than 1,000 acres per assessment.

(b) **LIMITATIONS.**—

(1) **EXCLUSION OF CERTAIN AREAS.**—Subsection (a) does not apply to—

(A) a component of the National Wilderness Preservation System;

(B) Federal lands where, by Act of Congress or Presidential proclamation, the removal of vegetation is restricted or prohibited; or

(C) congressionally designated wilderness study areas.

(2) **CERTAIN TREATMENT PROHIBITED.**—Subsection (a) does not authorize the application of insecticides in municipal watersheds and associated riparian areas.

(3) **ACREAGE LIMITATION.**—Applied silvicultural assessments may be implemented on not more than 250,000 acres using the authorities provided by this title.

(c) **PUBLIC NOTICE AND COMMENT.**—

(1) PUBLIC NOTICE.—The Secretary concerned shall provide notice of each applied silvicultural assessment proposed to be carried out under this section in accordance with applicable regulations and administrative guidelines.

(2) PUBLIC COMMENT.—During the planning stage of each applied silvicultural assessment proposed to be carried out under this section, the Secretary concerned shall provide an opportunity for public input.

(d) CATEGORICAL EXCLUSION.—Applied silvicultural assessments carried out under this section are deemed to be categorically excluded from further analysis under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.). The Secretary concerned need not make any findings as to whether the project, either individually or cumulatively, has a significant effect on the environment.

SEC. 404. RELATION TO OTHER LAWS.

The authorities provided to the Secretary concerned by this title are supplemental to their respective authorities provided in any other law.

SEC. 405. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for fiscal years 2004 through 2008 such sums as may be necessary to carry out this title.

TITLE V—HEALTHY FORESTS RESERVE PROGRAM

SEC. 501. ESTABLISHMENT OF HEALTHY FORESTS RESERVE PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Agriculture shall establish the healthy forests reserve program as a program within the Forest Service for the purpose of protecting, restoring, and enhancing degraded forest ecosystems to promote the recovery of threatened and endangered species as well as improve biodiversity and enhance carbon sequestration.

(b) COOPERATION.—The Secretary of Agriculture shall carry out the healthy forests reserve program in cooperation with the Secretary of the Interior, acting through the United States Fish and Wildlife Service.

SEC. 502. ELIGIBILITY AND ENROLLMENT OF LANDS IN PROGRAM.

(a) ELIGIBLE LANDS.—The Secretary of Agriculture, in consultation with the Secretary of the Interior, shall designate rare forest ecosystems to be eligible for the healthy forests reserve program. The following lands are eligible for enrollment in the healthy forests reserve program:

(1) Private lands whose enrollment will protect, restore, enhance, or otherwise measurably increase the likelihood of recovery of an endangered species or threatened species in the wild.

(2) Private lands whose enrollment will protect, restore, enhance, or otherwise measurably increase the likelihood of the recovery of an animal or plant species before the species reaches threatened or endangered status, such as candidate, State-listed species, rare, peripheral, and special concern species.

(b) OTHER CONSIDERATIONS.—In enrolling lands that satisfy the criteria in paragraph (1) or (2) of subsection (a), the Secretary of Agriculture shall give additional consideration to those lands whose enrollment will also improve biological diversity and increase carbon sequestration.

(c) ENROLLMENT BY WILLING OWNERS.—The Secretary of Agriculture shall enroll lands in the healthy forests reserve program only with the consent of the owner of the lands.

(d) MAXIMUM ENROLLMENT.—The total number of acres enrolled in the healthy forests reserve program shall not exceed 1,000,000 acres.

(e) METHODS OF ENROLLMENT.—Lands may be enrolled in the healthy forests reserve

program pursuant to a 10-year cost-share agreement, a 30-year easement, or a permanent easement with buyback option. The extent to which each enrollment method is used shall be based on the approximate proportion of owner interest expressed in that method in comparison to the other methods.

(f) ENROLLMENT PRIORITY.—The Secretary of Agriculture shall give priority to the enrollment of lands that, in the sole discretion of the Secretary, will provide the best opportunity to resolve conflicts between the presence of an animal or plant species referred to in paragraph (1) or (2) of subsection (a) and otherwise lawful land use activities.

SEC. 503. CONSERVATION PLANS.

(a) PLAN REQUIRED.—Lands enrolled in the healthy forests reserve program shall be subject to a conservation plan, to be developed jointly by the land owner and the United States Fish and Wildlife Service. The conservation plan shall include a description of the land-use activities that are permissible on the enrolled lands.

(b) INVOLVEMENT BY OTHER AGENCIES AND ORGANIZATIONS.—A State fish and wildlife agency, State forestry agency, State environmental quality agency, and other State conservation agencies and nonprofit conservation organizations may assist in providing technical or financial assistance, or both, for the development and implementation of conservation plans.

(c) COST EFFECTIVENESS.—The conservation plan shall maximize the environmental benefits per dollar expended.

SEC. 504. FINANCIAL ASSISTANCE.

(a) PERMANENT EASEMENT WITH BUYBACK OPTION.—

(1) PAYMENT AMOUNT.—In the case of land enrolled in the healthy forests reserve program using a permanent easement with a buyback option, the Secretary of Agriculture shall pay the owner of the land an amount equal to—

(A) the fair market value of the enrolled land less the fair market value of the land encumbered by the easement; plus

(B) the actual costs of the approved conservation practices or the average cost of approved practices, as established by the Secretary.

(2) BUYBACK OPTION.—Beginning on the 50th anniversary of the enrollment of the land, and every 10th-year thereafter, the owner shall be able to purchase the easement back from the United States at a rate equal to the fair market value of the easement plus the costs, adjusted for inflation, of the approved conservation practices.

(b) 30-YEAR EASEMENT.—In the case of land enrolled in the healthy forests reserve program using a 30-year easement, the Secretary of Agriculture shall pay the owner of the land an amount equal to—

(1) 75 percent of the fair market value of the land less the fair market value of the land encumbered by the easement; plus

(2) 75 percent of the actual costs of the approved conservation practices or 75 percent of the average cost of approved practices, as established by the Secretary.

(c) 10-YEAR AGREEMENT.—In the case of land enrolled in the healthy forests reserve program using a 10-year cost-share agreement, the Secretary of Agriculture shall pay the owner of the land an amount equal to—

(1) 75 percent of the actual costs of the approved conservation practices; or

(2) 75 percent of the average cost of approved practices, as established by the Secretary.

(d) ACCEPTANCE OF CONTRIBUTIONS.—The Secretary of Agriculture may accept and use contributions of non-Federal funds to make payments under this section.

SEC. 505. TECHNICAL ASSISTANCE.

The Forest Service and the United States Fish and Wildlife Service shall provide land-

owners with technical assistance to comply with the terms of agreements and easements under the healthy forests reserve program and conservation plans.

SEC. 506. SAFE HARBOR.

In implementing the healthy forests reserve program, the Secretary of the Interior shall provide safe harbor or similar assurances, through section 7 or other authorities under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), consistent with the implementing regulations of the United States Fish and Wildlife Service, to landowners who enroll land in the healthy forests reserve program when such enrollment will result in a net conservation benefit for listed species.

SEC. 507. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated \$15,000,000 for each of the fiscal years 2004 through 2008 to carry out this title.

TITLE VI—MISCELLANEOUS PROVISIONS

SEC. 601. FOREST STANDS INVENTORY AND MONITORING PROGRAM TO IMPROVE DETECTION OF AND RESPONSE TO ENVIRONMENTAL THREATS.

(a) IN GENERAL.—The Secretary of Agriculture shall carry out a comprehensive program to inventory, monitor, characterize, assess, and identify forest stands (with emphasis on hardwood forest stands) and potential forest stands—

(1) in units of the National Forest System (other than those units created from the public domain); and

(2) on private forest land, with the consent of the owner of the land.

(b) ISSUES TO BE ADDRESSED.—In carrying out the program, the Secretary shall address issues including—

(1) early detection, identification, and assessment of environmental threats (including insect, disease, invasive species, fire, and weather-related risks and other episodic events);

(2) loss or degradation of forests;

(3) degradation of the quality forest stands caused by inadequate forest regeneration practices;

(4) quantification of carbon uptake rates; and

(5) management practices that focus on preventing further forest degradation.

(c) EARLY WARNING SYSTEM.—In carrying out the program, the Secretary shall develop a comprehensive early warning system for potential catastrophic environmental threats to forests to increase the likelihood that forest managers will be able to—

(1) isolate and treat a threat before the threat gets out of control; and

(2) prevent epidemics, such as the American chestnut blight in the first half of the twentieth century, that could be environmentally and economically devastating to forests.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$5,000,000 for each of the fiscal years 2004 through 2008.

The SPEAKER pro tempore. The amendment printed in part A of House Report 108-109 is adopted.

The text of H.R. 1904, as amended, is as follows:

H.R. 1904

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Healthy Forests Restoration Act of 2003".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Purpose.

TITLE I—HAZARDOUS FUELS REDUCTION ON FEDERAL LANDS

- Sec. 101. Definitions.
 Sec. 102. Authorized hazardous fuels reduction projects.
 Sec. 103. Prioritization for communities and watersheds.
 Sec. 104. Environmental analysis.
 Sec. 105. Special Forest Service administrative review process.
 Sec. 106. Special requirements regarding judicial review of authorized hazardous fuels reduction projects.
 Sec. 107. Injunctive relief for agency action to restore fire-adapted forest or rangeland ecosystems.
 Sec. 108. Rules of construction.

TITLE II—BIOMASS

- Sec. 201. Findings.
 Sec. 202. Definitions.
 Sec. 203. Grants to improve the commercial value of forest biomass for electric energy, useful heat, transportation fuels, and petroleum-based product substitutes.
 Sec. 204. Reporting requirement.

TITLE III—WATERSHED FORESTRY ASSISTANCE

- Sec. 301. Findings and purpose.
 Sec. 302. Establishment of watershed forestry assistance program.

TITLE IV—INSECT INFESTATIONS

- Sec. 401. Definitions, findings, and purpose.
 Sec. 402. Accelerated information gathering regarding bark beetles, including Southern pine beetles, hemlock woolly adelgid, emerald ash borers, red oak borers, and white oak borers.
 Sec. 403. Applied silvicultural assessments.
 Sec. 404. Relation to other laws.
 Sec. 405. Authorization of appropriations.

TITLE V—HEALTHY FORESTS RESERVE PROGRAM

- Sec. 501. Establishment of healthy forests reserve program.
 Sec. 502. Eligibility and enrollment of lands in program.
 Sec. 503. Conservation plans.
 Sec. 504. Financial assistance.
 Sec. 505. Technical assistance.
 Sec. 506. Safe harbor.
 Sec. 507. Authorization of appropriations.

TITLE VI—MISCELLANEOUS PROVISIONS

- Sec. 601. Forest stands inventory and monitoring program to improve detection of and response to environmental threats.

SEC. 2. PURPOSE.

The purpose of this Act is—

- (1) to reduce the risks of damage to communities, municipal water supplies, and some at-risk Federal lands from catastrophic wildfires;
- (2) to authorize grant programs to improve the commercial value of forest biomass for electric energy, useful heat, transportation fuels, petroleum-based product substitutes and other commercial purposes;
- (3) to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape;
- (4) to promote systematic information gathering to address the impact of insect infestations on forest and rangeland health;
- (5) to improve the capacity to detect insect and disease infestations at an early stage, particularly with respect to hardwood forests; and
- (6) to protect, restore, and enhance degraded forest ecosystem types in order to promote the recovery of threatened and endangered species as well as improve biological diversity and enhance carbon sequestration.

TITLE I—HAZARDOUS FUELS REDUCTION ON FEDERAL LANDS

SEC. 101. DEFINITIONS.

In this title:

(1) **AUTHORIZED HAZARDOUS FUELS REDUCTION PROJECT.**—The term “authorized hazardous fuels reduction project” means a hazardous fuels reduction project described in subsection (a) of section 102, subject to the remainder of such section, that is planned and conducted using the process authorized by section 104.

(2) **CONDITION CLASS 2.**—The term “condition class 2”, with respect to an area of Federal lands, refers to the condition class description developed by the Forest Service Rocky Mountain Research Station in the general technical report entitled “Development of Coarse-Scale Spatial Data for Wildland Fire and Fuel Management” (RMRS-87), dated April 2000, under which—

(A) fire regimes on the lands have been moderately altered from their historical range;

(B) there exists a moderate risk of losing key ecosystem components from fire;

(C) fire frequencies have departed (either increased or decreased) from historical frequencies by one or more return interval, which results in moderate changes to fire size, frequency, intensity, severity, or landscape patterns; and

(D) vegetation attributes have been moderately altered from their historical range.

(3) **CONDITION CLASS 3.**—The term “condition class 3”, with respect to an area of Federal lands, refers to the condition class description developed by the Rocky Mountain Research Station in the general technical report referred to in paragraph (2), under which—

(A) fire regimes on the lands have been significantly altered from their historical range

(B) there exists a high risk of losing key ecosystem components from fire;

(C) fire frequencies have departed from historical frequencies by multiple return intervals, which results in dramatic changes to fire size, frequency, intensity, severity, or landscape patterns; and

(D) vegetation attributes have been significantly altered from their historical range.

(4) **DAY.**—The term “day” means a calendar day, except that, if a deadline imposed by this title would expire on a nonbusiness day, the deadline will be extended to the end of the next business day.

(5) **DECISION DOCUMENT.**—The term “decision document” means a decision notice or a record of decision, as those terms are used in applicable regulations of the Council on Environmental Quality and the Forest Service Handbook.

(6) **FEDERAL LANDS.**—The term “Federal lands” means—

(A) National Forest System lands; and

(B) public lands administered by the Secretary of the Interior, acting through the Bureau of Land Management.

(7) **HAZARDOUS FUELS REDUCTION PROJECT.**—The term “hazardous fuels reduction project” refers to the measures and methods described in the definition of “appropriate tools” contained in the glossary of the Implementation Plan.

(8) **IMPLEMENTATION PLAN.**—The term “Implementation Plan” means the Implementation Plan for the 10-year Comprehensive Strategy for a Collaborative Approach for Reducing Wildland Fire Risks to Communities and the Environment, dated May 2002, which was developed pursuant to the conference report for the Department of the Interior and Related Agencies Appropriations Act, 2001 (House Report 106-646).

(9) **INTERFACE COMMUNITY AND INTERMIX COMMUNITY.**—The terms “interface commu-

nity” and “intermix community” have the meanings given those terms on page 753 of volume 66 of the Federal Register, as published on January 4, 2001.

(10) **MUNICIPAL WATER SUPPLY SYSTEM.**—The term “municipal water supply system” means the reservoirs, canals, ditches, flumes, laterals, pipes, pipelines, or other surface facilities and systems constructed or installed for the impoundment, storage, transportation, or distribution of drinking water for a community.

(11) **SECRETARY CONCERNED.**—The term “Secretary concerned” means the Secretary of Agriculture with respect to National Forest System lands and the Secretary of the Interior with respect to public lands administered by the Bureau of Land Management. Any reference in this title to the “Secretary concerned”, the “Secretary of Agriculture”, or the “Secretary of the Interior” includes the designee of the Secretary concerned.

(12) **THREATENED AND ENDANGERED SPECIES HABITAT.**—The term “threatened and endangered species habitat” means Federal lands identified in the listing decision or critical habitat designation as habitat for a threatened species or an endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

SEC. 102. AUTHORIZED HAZARDOUS FUELS REDUCTION PROJECTS.

(a) **AUTHORIZED PROJECTS.**—Subject to the remainder of this section, the Secretary concerned may utilize the process authorized by section 104 to plan and conduct hazardous fuels reduction projects on any of the following Federal lands:

(1) Federal lands located in an interface community or intermix community.

(2) Federal lands located in such proximity to an interface community or intermix community that there is a significant risk that the spread of a fire disturbance event from those lands would threaten human life and property in the interface community or intermix community.

(3) Condition class 3 or condition class 2 Federal lands located in such proximity to a municipal water supply system, or to a perennial stream feeding a municipal water supply system, that a significant risk exists that a fire disturbance event would have adverse effects on the water quality of the municipal water supply, including the risk to water quality posed by erosion following such a fire disturbance event.

(4) Condition class 3 or condition class 2 Federal lands identified by the Secretary concerned as an area where windthrow or blowdown, or the existence or threat of disease or insect infestation, pose a significant threat to forest or rangeland health or adjacent private lands.

(5) Federal lands not covered by paragraph (1), (2), (3), or (4) that contain threatened and endangered species habitat, but only if—

(A) natural fire regimes on such lands are identified as being important for, or wildfire is identified as a threat to, an endangered species, a threatened species, or its habitat in a species recovery plan prepared under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533) or in a decision document under such section determining a species to be an endangered species or a threatened species or designating critical habitat;

(B) the project will provide enhanced protection from catastrophic wildfire for the species or its habitat; and

(C) the Secretary complies with any applicable guidelines specified in the species recovery plan prepared under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(b) **RELATION TO AGENCY PLANS.**—An authorized hazardous fuels reduction project shall be planned and conducted in a manner

consistent with the land and resource management plan or land use plan applicable to the Federal lands covered by the project.

(c) **ACREAGE LIMITATION.**—Not more than a total of 20,000,000 acres of Federal lands may be included in authorized hazardous fuels reduction projects.

(d) **EXCLUSION OF CERTAIN FEDERAL LANDS.**—The Secretary concerned may not plan or conduct an authorized hazardous fuels reduction project that would occur on any of the following Federal lands:

(1) A component of the National Wilderness Preservation System.

(2) Federal lands where, by Act of Congress or Presidential proclamation, the removal of vegetation is prohibited or restricted.

(3) Wilderness Study Areas.

SEC. 103. PRIORITIZATION FOR COMMUNITIES AND WATERSHEDS.

As provided for in the Implementation Plan, the Secretary concerned shall give priority to authorized hazardous fuel reduction projects that provide for the protection of communities and watersheds.

SEC. 104. ENVIRONMENTAL ANALYSIS.

(a) **IN GENERAL.**—Except as otherwise provided in this title, the Secretary concerned shall plan and conduct authorized hazardous fuels reduction projects in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4331 et seq.) and any other applicable laws. The Secretary concerned shall prepare an environmental assessment or an environmental impact statement for each authorized hazardous fuels reduction project.

(b) **DISCRETIONARY AUTHORITY TO ELIMINATE ALTERNATIVES.**—In the case of an authorized hazardous fuels reduction project, the Secretary concerned is not required to study, develop, or describe any alternative to the proposed agency action in the environmental assessment or environmental impact statement prepared for the proposed agency action pursuant to section 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)).

(c) **PUBLIC NOTICE AND MEETING.**—

(1) **PUBLIC NOTICE.**—The Secretary concerned shall provide notice of each authorized hazardous fuels reduction project in accordance with applicable regulations and administrative guidelines.

(2) **PUBLIC MEETING.**—During the planning stage of each authorized hazardous fuels reduction project, the Secretary concerned shall conduct a public meeting at an appropriate location proximate to the administrative unit of the Federal lands in which the authorized hazardous fuels reduction project will be conducted. The Secretary concerned shall provide advance notice of the date and time of the meeting.

(d) **PUBLIC COLLABORATION.**—In order to encourage meaningful public participation in the identification and development of authorized hazardous fuels reduction projects, the Secretary concerned shall facilitate collaboration among governments and interested persons during the formulation of each authorized fuels reduction project in a manner consistent with the Implementation Plan.

(e) **ENVIRONMENTAL ANALYSIS AND PUBLIC COMMENT.**—In accordance with section 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)) and the applicable regulations and administrative guidelines in effect on the date of the enactment of this Act, the Secretary concerned shall provide an opportunity for public input during the preparation of any environmental assessment or environmental impact statement for proposed agency action for an authorized hazardous fuels reduction project.

(f) **DECISION DOCUMENT.**—The Secretary concerned shall sign a decision document for

each authorized hazardous fuels reduction project and provide notice of the decision document.

(g) **PROJECT MONITORING.**—As provided for in the Implementation Plan, the Secretary concerned shall monitor the implementation of authorized hazardous fuels reduction projects.

SEC. 105. SPECIAL FOREST SERVICE ADMINISTRATIVE REVIEW PROCESS.

(a) **DEVELOPMENT OF ADMINISTRATIVE PROCESS.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of Agriculture shall issue final regulations to establish an administrative process that will serve as the sole means by which a person described in subsection (b) can seek administrative redress regarding an authorized hazardous fuels reduction project.

(b) **ELIGIBLE PERSONS.**—To be eligible to participate in the administrative process developed pursuant to subsection (a) regarding an authorized hazardous fuels reduction project, a person must have submitted specific and substantive written comments during the preparation stage of that authorized hazardous fuels reduction project. The Secretary of Agriculture shall ensure that, during the preparation stage of each authorized hazardous fuels reduction project, notice and comment is provided in a manner sufficient to permit interested persons a reasonable opportunity to satisfy the requirements of this subsection.

(c) **RELATION TO APPEALS REFORM ACT.**—Section 322 of the Department of the Interior and Related Agencies Appropriations Act, 1993 (Public Law 102-381; 16 U.S.C. 1612 note), does not apply to an authorized hazardous fuels reduction project.

SEC. 106. SPECIAL REQUIREMENTS REGARDING JUDICIAL REVIEW OF AUTHORIZED HAZARDOUS FUELS REDUCTION PROJECTS.

(a) **FILING DEADLINE.**—

(1) **TIME LIMIT ESTABLISHED FOR FILING.**—Notwithstanding any other provision of law, to be timely, an action in a court of the United States challenging an authorized hazardous fuels reduction project shall be filed in the court before the end of the 15-day period beginning on the date on which the Secretary concerned publishes, in the local paper of record, notice of the final agency action regarding the authorized hazardous fuels reduction project. This time limitation supersedes any notice of intent to file suit requirement or filing deadline otherwise applicable to a challenge under any provision of law.

(2) **WAIVER PROHIBITED.**—The Secretary concerned may not agree to, and a district court may not grant, a waiver of the requirements of this subsection.

(b) **DURATION OF PRELIMINARY INJUNCTION.**—

(1) **DURATION; EXTENSION.**—Any preliminary injunction granted regarding an authorized hazardous fuels reduction project shall be limited to 45 days. A court may renew the preliminary injunction, taking into consideration the goal expressed in subsection (c) for the expeditious resolution of cases regarding authorized hazardous fuels reduction projects.

(2) **SUBMISSION OF INFORMATION.**—As part of a request to renew a preliminary injunction granted regarding an authorized hazardous fuels reduction project, the parties shall present the court with an update on any changes that may have occurred during the period of the injunction to the forest or rangeland conditions that the authorized hazardous fuels reduction project is intended to address.

(3) **CONGRESSIONAL NOTIFICATION.**—In the event of the renewal of a preliminary injunction regarding an authorized hazardous fuels

reduction project, the Secretary concerned shall submit notice of the renewal to the Committee on Resources and the Committee on Agriculture of the House of Representatives and the Committee on Energy and Natural Resources and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

(c) **EXPEDITIOUS COMPLETION OF JUDICIAL REVIEW.**—Congress intends and encourages any court in which is filed a lawsuit or appeal of a lawsuit concerning an authorized hazardous fuels reduction project to expedite, to the maximum extent practicable, the proceedings in such lawsuit or appeal with the goal of rendering a final determination on jurisdiction, and if jurisdiction exists, a final determination on the merits, within 100 days from the date the complaint or appeal is filed.

SEC. 107. INJUNCTIVE RELIEF FOR AGENCY ACTION TO RESTORE FIRE-ADAPTED FOREST OR RANGELAND ECOSYSTEMS.

(a) **COVERED PROJECTS.**—This section applies with respect to a motion for an injunction in an action brought against the Secretary concerned under section 703 of title 5, United States Code, that involves an agency action on Federal lands, including an authorized hazardous fuels reduction project, that is necessary to restore a fire-adapted forest or rangeland system.

(b) **INJUNCTIVE RELIEF.**—When considering a motion described in subsection (a), in determining whether there would be harm to the defendant from the injunction and whether the injunction would be in the public interest, the court reviewing the agency action shall—

(1) balance the impact to the ecosystem of the short-term and long-term effects of undertaking the agency action against the short-term and long-term effects of not undertaking the agency action; and

(2) give weight to a finding by the Secretary concerned in the administrative record of the agency action concerning the short-term and long-term effects of undertaking the agency action and of not undertaking the agency action, unless the court finds that the finding was arbitrary and capricious.

SEC. 108. RULES OF CONSTRUCTION.

(a) **RELATION TO OTHER AUTHORITY.**—Nothing in this title shall be construed to affect, or otherwise bias, the use by the Secretary concerned of other statutory or administrative authorities to plan or conduct a hazardous fuels reduction project on Federal lands, including Federal lands identified in section 102(e), that is not planned or conducted using the process authorized by section 104.

(b) **RELATION TO LEGAL ACTION.**—Nothing in this title shall be construed to prejudice or otherwise affect the consideration or disposition of any legal action concerning the Roadless Area Conservation Rule, part 294 of title 36, Code of Federal Regulations, as amended in the final rule and record of decision published in the Federal Register on January 12, 2001 (66 Fed. Reg. 3244).

TITLE II—BIOMASS

SEC. 201. FINDINGS.

Congress finds the following:

(1) Thousands of communities in the United States, many located near Federal lands, are at risk to wildfire. Approximately 190,000,000 acres of land managed by the Secretary of Agriculture and the Secretary of the Interior are at risk of catastrophic fire in the near future. The accumulation of heavy forest and rangeland fuel loads continues to increase as a result of disease, insect infestations, and drought, further raising the risk of fire each year.

(2) In addition, more than 70,000,000 acres across all land ownerships are at risk to higher than normal mortality over the next 15 years from insect infestation and disease. High levels of tree mortality from insects and disease result in increased fire risk, loss of old growth, degraded watershed conditions, and changes in species diversity and productivity, as well as diminished fish and wildlife habitat and decreased timber values.

(3) Preventive treatments such as removing fuel loading, ladder fuels, and hazard trees, planting proper species mix and restoring and protecting early successional habitat, and other specific restoration treatments designed to reduce the susceptibility of forest and rangeland to insect outbreaks, disease, and catastrophic fire present the greatest opportunity for long-term forest and rangeland health by creating a mosaic of species-mix and age distribution. Such prevention treatments are widely acknowledged to be more successful and cost effective than suppression treatments in the case of insects, disease, and fire.

(4) The by-products of preventive treatment (wood, brush, thinnings, chips, slash, and other hazardous fuels) removed from forest and rangelands represent an abundant supply of biomass for biomass-to-energy facilities and raw material for business. There are currently few markets for the extraordinary volumes of by-products being generated as a result of the necessary large-scale preventive treatment activities.

(5) The United States should—

(A) promote economic and entrepreneurial opportunities in using by-products removed through preventive treatment activities related to hazardous fuels reduction, disease, and insect infestation; and

(B) develop and expand markets for traditionally underused wood and biomass as an outlet for by-products of preventive treatment activities.

SEC. 202. DEFINITIONS.

In this title:

(1) **BIOMASS.**—The term “biomass” means trees and woody plants, including limbs, tops, needles, and other woody parts, and by-products of preventive treatment, such as wood, brush, thinnings, chips, and slash, that are removed—

(A) to reduce hazardous fuels; or

(B) to reduce the risk of or to contain disease or insect infestation.

(2) **INDIAN TRIBE.**—The term “Indian tribe” has the meaning given the term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

(3) **PERSON.**—The term “person” includes—

(A) an individual;

(B) a community (as determined by the Secretary concerned);

(C) an Indian tribe;

(D) a small business, micro-business, or a corporation that is incorporated in the United States; and

(E) a nonprofit organization.

(4) **PREFERRED COMMUNITY.**—The term “preferred community” means—

(A) any town, township, municipality, or other similar unit of local government (as determined by the Secretary concerned) that—

(i) has a population of not more than 50,000 individuals; and

(ii) the Secretary concerned, in the sole discretion of the Secretary concerned, determines contains or is located near land, the condition of which is at significant risk of catastrophic wildfire, disease, or insect infestation or which suffers from disease or insect infestation; or

(B) any county that—

(i) is not contained within a metropolitan statistical area; and

(ii) the Secretary concerned, in the sole discretion of the Secretary concerned, determines contains or is located near land, the condition of which is at significant risk of catastrophic wildfire, disease, or insect infestation or which suffers from disease or insect infestation.

(5) **SECRETARY CONCERNED.**—The term “Secretary concerned” means—

(A) the Secretary of Agriculture with respect to National Forest System lands; and

(B) the Secretary of the Interior with respect to Federal lands under the jurisdiction of the Secretary of the Interior and Indian lands.

SEC. 203. GRANTS TO IMPROVE THE COMMERCIAL VALUE OF FOREST BIOMASS FOR ELECTRIC ENERGY, USEFUL HEAT, TRANSPORTATION FUELS, AND PETROLEUM-BASED PRODUCT SUBSTITUTES.

(a) **BIOMASS COMMERCIAL USE GRANT PROGRAM.**—

(1) **IN GENERAL.**—The Secretary concerned may make grants to any person that owns or operates a facility that uses biomass as a raw material to produce electric energy, sensible heat, transportation fuels, or substitutes for petroleum-based products to offset the costs incurred to purchase biomass for use by such facility.

(2) **GRANT AMOUNTS.**—A grant under this subsection may not exceed \$20 per green ton of biomass delivered.

(3) **MONITORING OF GRANT RECIPIENT ACTIVITIES.**—As a condition of a grant under this subsection, the grant recipient shall keep such records as the Secretary concerned may require to fully and correctly disclose the use of the grant funds and all transactions involved in the purchase of biomass. Upon notice by a representative of the Secretary concerned, the grant recipient shall afford the representative reasonable access to the facility that purchases or uses biomass and an opportunity to examine the inventory and records of the facility.

(b) **VALUE ADDED GRANT PROGRAM.**—

(1) **IN GENERAL.**—The Secretary concerned may make grants to persons to offset the cost of projects to add value to biomass. In making such grants, the Secretary concerned shall give preference to persons in preferred communities.

(2) **SELECTION.**—The Secretary concerned shall select a grant recipient under paragraph (1) after giving consideration to the anticipated public benefits of the project, opportunities for the creation or expansion of small businesses and micro-businesses, and the potential for new job creation.

(3) **GRANT AMOUNT.**—A grant under this subsection may not exceed \$100,000.

(c) **RELATION TO OTHER ENDANGERED SPECIES AND RIPARIAN PROTECTIONS.**—The Secretary concerned shall comply with applicable endangered species and riparian protections in making grants under this section. Projects funded using grant proceeds shall be required to comply with such protections.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated \$25,000,000 for each of the fiscal years 2004 through 2008 to carry out this section.

SEC. 204. REPORTING REQUIREMENT.

(a) **REPORT REQUIRED.**—Not later than October 1, 2010, the Secretary of Agriculture, in consultation with the Secretary of the Interior, shall submit to the Committee on Resources and the Committee on Agriculture of the House of Representatives and the Committee on Energy and Natural Resources and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing the results of the grant programs authorized by section 203.

(b) **CONTENTS OF REPORT.**—The report shall include the following:

(1) An identification of the size, type, and the use of biomass by persons that receive grants under section 203.

(2) The distance between the land from which the biomass was removed and the facility that used the biomass.

(3) The economic impacts, particularly new job creation, resulting from the grants to and operation of the eligible operations.

TITLE III—WATERSHED FORESTRY ASSISTANCE

SEC. 301. FINDINGS AND PURPOSE.

(a) **FINDINGS.**—Congress finds the following:

(1) There has been a dramatic shift in public attitudes and perceptions about forest management, particularly in the understanding and practice of sustainable forest management.

(2) It is commonly recognized that the proper stewardship of forest lands is essential to sustaining and restoring the health of watersheds.

(3) Forests can provide essential ecological services in filtering pollutants, buffering important rivers and estuaries, and minimizing flooding, which makes its restoration worthy of special focus.

(4) Strengthened education, technical assistance, and financial assistance to non-industrial private forest landowners and communities, relating to the protection of watershed health, is needed to realize the expectations of the general public.

(b) **PURPOSE.**—The purpose of this title is to—

(1) improve landowner and public understanding of the connection between forest management and watershed health;

(2) encourage landowners to maintain tree cover on their property and to utilize tree plantings and vegetative treatments as creative solutions to watershed problems associated with varying land uses;

(3) enhance and complement forest management and buffer utilization for watersheds, with an emphasis on urban watersheds;

(4) establish new partnerships and collaborative watershed approaches to forest management, stewardship, and conservation;

(5) provide technical and financial assistance to States to deliver a coordinated program that enhances State forestry best-management practices programs, as well as conserves and improves forested lands and potentially forested lands through technical, financial, and educational assistance to qualifying individuals and entities; and

(6) maximize the proper management and conservation of wetland forests and to assist in their restoration as necessary.

SEC. 302. ESTABLISHMENT OF WATERSHED FORESTRY ASSISTANCE PROGRAM.

The Cooperative Forestry Assistance Act of 1978 is amended by inserting after section 5 the following new section:

“SEC. 6. WATERSHED FORESTRY ASSISTANCE.

“(a) **GENERAL AUTHORITY AND PURPOSE.**—The Secretary, acting through the Forest Service, may provide technical, financial, and related assistance to State foresters and equivalent State officials for the purpose of expanding State forest stewardship capacities and activities through State forestry best-management practices and other means at the State level to address watershed issues on non-Federal forested lands and potentially forested lands.

“(b) **TECHNICAL ASSISTANCE TO PROTECT WATER QUALITY.**—

“(1) **IN GENERAL.**—The Secretary, in cooperation with State foresters or equivalent State officials, shall engage interested members of the public, including nonprofit organizations and local watershed councils, to develop a program of technical assistance to

protect water quality, as described in paragraph (2).

“(2) PURPOSE OF PROGRAM.—The program under this subsection shall be designed—

“(A) to build and strengthen watershed partnerships that focus on forested landscapes at the local, State, and regional levels;

“(B) to provide State forestry best-management practices and water quality technical assistance directly to nonindustrial private forest landowners;

“(C) to provide technical guidance to land managers and policy makers for water quality protection through forest management;

“(D) to complement State and local efforts to protect water quality and provide enhanced opportunities for consultation and cooperation among Federal and State agencies charged with responsibility for water and watershed management; and

“(E) to provide enhanced forest resource data and support for improved implementation and monitoring of State forestry best-management practices.

“(3) IMPLEMENTATION.—The program of technical assistance shall be implemented by State foresters or equivalent State officials.

“(C) WATERSHED FORESTRY COST-SHARE PROGRAM.—

“(1) IN GENERAL.—The Secretary shall establish a watershed forestry cost-share program to be administered by the Forest Service and implemented by State foresters or equivalent State officials. Funds or other support provided under such program shall be made available for State forestry best-management practices programs and watershed forestry projects.

“(2) WATERSHED FORESTRY PROJECTS.—The State forester or equivalent State official of a State, in coordination with the State Forest Stewardship Coordinating Committee established under section 19(b) for that State, shall annually make awards to communities, nonprofit groups, and nonindustrial private forest landowners under the program for watershed forestry projects described in paragraph (3).

“(3) PROJECT ELEMENTS AND OBJECTIVES.—A watershed forestry project shall accomplish critical forest stewardship, watershed protection, and restoration needs within a State by demonstrating the value of trees and forests to watershed health and condition through—

“(A) the use of trees as solutions to water quality problems in urban and rural areas;

“(B) community-based planning, involvement, and action through State, local and nonprofit partnerships;

“(C) application of and dissemination of monitoring information on forestry best-management practices relating to watershed forestry;

“(D) watershed-scale forest management activities and conservation planning; and

“(E) the restoration of wetland (as defined by the States) and stream-side forests and the establishment of riparian vegetative buffers.

“(4) COST-SHARING.—Funds provided under this subsection for a watershed forestry project may not exceed 75 percent of the cost of the project. Other Federal funding sources may be used to cover a portion of the remaining project costs, but the total Federal share of the costs may not exceed 90 percent. The non-Federal share of the costs of a project may be in the form of cash, services, or other in-kind contributions.

“(5) PRIORITIZATION.—The State Forest Stewardship Coordinating Committee for a State shall prioritize watersheds in that State to target watershed forestry projects funded under this subsection.

“(6) WATERSHED FORESTER.—Financial and technical assistance shall be made available

to the State Forester or equivalent State official to create a State best-management practice forester to lead statewide programs and coordinate small watershed-level projects.

“(d) DISTRIBUTION.—

“(1) IN GENERAL.—The Secretary shall devote at least 75 percent of the funds appropriated for a fiscal year pursuant to the authorization of appropriations in subsection (e) to the cost-share program under subsection (c) and the remainder to the task of delivering technical assistance, education, and planning on the ground through the State Forester or equivalent State official.

“(2) SPECIAL CONSIDERATIONS.—Distribution of these funds by the Secretary among the States shall be made only after giving appropriate consideration to—

“(A) the acres of nonindustrial private forestland and highly erodible land in each State;

“(B) each State's efforts to conserve forests;

“(C) the acres of forests in each State that have been lost or degraded or where forests can play a role in restoring watersheds; and

“(D) the number of nonindustrial private forest landowners in each State.

“(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$15,000,000 for each of the fiscal years 2004 through 2008.”.

TITLE IV—INSECT INFESTATIONS

SEC. 401. DEFINITIONS, FINDINGS, AND PURPOSE.

(a) DEFINITIONS.—In this title:

(1) APPLIED SILVICULTURAL ASSESSMENT.—The term “applied silvicultural assessment” means any vegetative or other treatment, for the purposes described in section 402, including timber harvest, thinning, prescribed burning, and pruning, as single treatment or any combination of these treatments.

(2) FEDERAL LANDS.—The term “Federal lands” means—

(A) National Forest System lands; and

(B) public lands administered by the Secretary of the Interior, acting through the Bureau of Land Management.

(3) SECRETARY CONCERNED.—The term “Secretary concerned” means—

(A) the Secretary of Agriculture, acting through the Forest Service, with respect to National Forest System lands; and

(B) the Secretary of the Interior, acting through appropriate offices of the United States Geological Survey, with respect to federally owned land administered by the Secretary of the Interior.

(4) 1890 INSTITUTIONS.—The term “1890 Institution” means a college or university eligible to receive funds under the Act of August 30, 1890 (7 U.S.C. 321 et seq.), including Tuskegee University.

(b) FINDINGS.—Congress finds the following:

(1) High levels of tree mortality due to insect infestation result in—

(A) increased fire risk;

(B) loss of old growth;

(C) loss of threatened and endangered species;

(D) loss of species diversity;

(E) degraded watershed conditions;

(F) increased potential for damage from other agents of disturbance, including exotic, invasive species; and

(G) decreased timber values.

(2) Bark beetles destroy hundreds of thousands of acres of trees each year. In the West, over 21,000,000 acres are at high risk of bark beetle infestation and in the South over 57,000,000 acres are at risk across all land ownerships. Severe drought conditions in many areas of the South and West will increase risk of bark beetle infestations.

(3) The hemlock woolly adelgid is destroying streamside forests throughout the mid-

Atlantic and Appalachian region, threatening water quality and sensitive aquatic species, and posing a potential threat to valuable commercial timber lands in Northern New England.

(4) The emerald ash borer is a nonnative, invasive pest that has quickly become a major threat to hardwood forests as an emerald ash borer infestation is almost always fatal to the affected trees. This pest threatens to destroy over 692,000,000 ash trees in forests in Michigan and Ohio alone, and between five and ten percent of urban street trees in the Upper Midwest.

(5) Epidemic populations of Southern pine beetle are ravaging forests in Alabama, Arkansas, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia. In 2001, Florida and Kentucky experienced 146 percent and 111 percent increases, respectively, in beetle populations.

(6) These epidemic outbreaks of Southern pine beetle have forced private landowners to harvest dead and dying trees, in both rural areas and increasingly urbanized settings.

(7) According to the Forest Service, recent outbreaks of the red oak borer in Arkansas have been unprecedented, with almost 800,000 acres infested at population levels never seen before.

(8) Much of the damage from the red oak borer has taken place in National forests, and the Federal response has been inadequate to protect forest ecosystems and other ecological and economic resources.

(9) Previous silvicultural assessments, while useful and informative, have been limited in scale and scope of application, and there has not been sufficient resources available to adequately test a full array of individual and combined applied silvicultural assessments.

(10) Only through the rigorous funding, development, and assessment of potential applied silvicultural assessments over specific time frames across an array of environmental and climatic conditions can the most innovative and cost effective management applications be determined that will help reduce the susceptibility of forest ecosystems to attack by forest pests.

(11) Funding and implementation of an initiative to combat forest pest infestations should not come at the expense of supporting other programs and initiatives of the Secretary concerned.

(c) PURPOSE.—It is the purpose of this title—

(1) to require the Secretary concerned to develop an accelerated basic and applied assessment program to combat infestations by bark beetles, including Southern pine beetles, hemlock woolly adelgids, emerald ash borers, red oak borers, and white oak borers;

(2) to enlist the assistance of universities and forestry schools, including Land Grant Colleges and Universities and 1890 Institutions, to carry out the program; and

(3) to carry out applied silvicultural assessments.

SEC. 402. ACCELERATED INFORMATION GATHERING REGARDING BARK BEETLES, INCLUDING SOUTHERN PINE BEETLES, HEMLOCK WOOLLY ADELGIDS, EMERALD ASH BORERS, RED OAK BORERS, AND WHITE OAK BORERS.

(a) INFORMATION GATHERING.—The Secretary concerned shall establish, acting through the Forest Service and United States Geological Survey, as appropriate, an accelerated program—

(1) to plan, conduct, and promote comprehensive and systematic information gathering on bark beetles, including Southern pine beetles, hemlock woolly adelgids, emerald ash borers, red oak borers, and white oak borers, including an evaluation of—

(A) infestation prevention and control methods;

(B) effects of infestations on forest ecosystems;

(C) restoration of the forest ecosystem efforts;

(D) utilization options regarding infested trees; and

(E) models to predict the occurrence, distribution, and impact of outbreaks of bark beetles, including Southern pine beetles, hemlock woolly adelgids, emerald ash borers, red oak borers, and white oak borers;

(2) to assist land managers in the development of treatments and strategies to improve forest health and reduce the susceptibility of forest ecosystems to severe infestations of bark beetles, including Southern pine beetles, hemlock woolly adelgids, emerald ash borers, red oak borers, and white oak borers on Federal lands and State and private lands; and

(3) to disseminate the results of such information gathering, treatments, and strategies.

(b) COOPERATION AND ASSISTANCE.—The Secretary concerned shall establish and carry out the program in cooperation with scientists from universities and forestry schools, State agencies, and private and industrial land owners. The Secretary concerned shall designate universities and forestry schools, including Land Grant Colleges and Universities and 1890 Institutions, to assist in carrying out the program.

SEC. 403. APPLIED SILVICULTURAL ASSESSMENTS.

(a) ASSESSMENT EFFORTS.—For information gathering purposes, the Secretary concerned may conduct applied silvicultural assessments on Federal lands that the Secretary concerned determines, in the discretion of the Secretary concerned, is at risk of infestation by, or is infested with, bark beetles, including Southern pine beetles, hemlock woolly adelgids, emerald ash borers, red oak borers, and white oak borers. Any applied silvicultural assessments carried out under this section shall be conducted on not more than 1,000 acres per assessment.

(b) LIMITATIONS.—

(1) EXCLUSION OF CERTAIN AREAS.—Subsection (a) does not apply to—

(A) a component of the National Wilderness Preservation System;

(B) Federal lands where, by Act of Congress or Presidential proclamation, the removal of vegetation is restricted or prohibited; or

(C) congressionally designated wilderness study areas.

(2) CERTAIN TREATMENT PROHIBITED.—Subsection (a) does not authorize the application of insecticides in municipal watersheds and associated riparian areas.

(3) ACREAGE LIMITATION.—Applied silvicultural assessments may be implemented on not more than 250,000 acres using the authorities provided by this title.

(4) PEER REVIEW.—Each applied silvicultural assessment under this title, prior to being carried out, shall be peer reviewed by scientific experts selected by the Secretary concerned, which shall include non-Federal experts. The Secretary concerned may use existing peer review processes to the extent they comply with the preceding sentence.

(c) PUBLIC NOTICE AND COMMENT.—

(1) PUBLIC NOTICE.—The Secretary concerned shall provide notice of each applied silvicultural assessment proposed to be carried out under this section in accordance with applicable regulations and administrative guidelines.

(2) PUBLIC COMMENT.—During the planning stage of each applied silvicultural assessment proposed to be carried out under this

section, the Secretary concerned shall provide an opportunity for public input.

(d) CATEGORICAL EXCLUSION.—Applied silvicultural assessments carried out under this section are deemed to be categorically excluded from further analysis under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.). The Secretary concerned need not make any findings as to whether the project, either individually or cumulatively, has a significant effect on the environment.

SEC. 404. RELATION TO OTHER LAWS.

The authorities provided to the Secretary concerned by this title are supplemental to their respective authorities provided in any other law.

SEC. 405. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for fiscal years 2004 through 2008 such sums as may be necessary to carry out this title.

TITLE V—HEALTHY FORESTS RESERVE PROGRAM

SEC. 501. ESTABLISHMENT OF HEALTHY FORESTS RESERVE PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Agriculture shall establish the healthy forests reserve program as a program within the Forest Service for the purpose of protecting, restoring, and enhancing degraded forest ecosystems to promote the recovery of threatened and endangered species as well as improve biodiversity and enhance carbon sequestration.

(b) COOPERATION.—The Secretary of Agriculture shall carry out the healthy forests reserve program in cooperation with the Secretary of the Interior, acting through the United States Fish and Wildlife Service.

SEC. 502. ELIGIBILITY AND ENROLLMENT OF LANDS IN PROGRAM.

(a) ELIGIBLE LANDS.—The Secretary of Agriculture, in consultation with the Secretary of the Interior, shall designate rare forest ecosystems to be eligible for the healthy forests reserve program. The following lands are eligible for enrollment in the healthy forests reserve program:

(1) Private lands whose enrollment will protect, restore, enhance, or otherwise measurably increase the likelihood of recovery of an endangered species or threatened species in the wild.

(2) Private lands whose enrollment will protect, restore, enhance, or otherwise measurably increase the likelihood of the recovery of an animal or plant species before the species reaches threatened or endangered status, such as candidate, State-listed species, rare, peripheral, and special concern species.

(b) OTHER CONSIDERATIONS.—In enrolling lands that satisfy the criteria in paragraph (1) or (2) of subsection (a), the Secretary of Agriculture shall give additional consideration to those lands whose enrollment will also improve biological diversity and increase carbon sequestration.

(c) ENROLLMENT BY WILLING OWNERS.—The Secretary of Agriculture shall enroll lands in the healthy forests reserve program only with the consent of the owner of the lands.

(d) MAXIMUM ENROLLMENT.—The total number of acres enrolled in the healthy forests reserve program shall not exceed 1,000,000 acres.

(e) METHODS OF ENROLLMENT.—Lands may be enrolled in the healthy forests reserve program pursuant to a 10-year cost-share agreement, a 30-year easement, or a permanent easement with buyback option. The extent to which each enrollment method is used shall be based on the approximate proportion of owner interest expressed in that method in comparison to the other methods.

(f) ENROLLMENT PRIORITY.—The Secretary of Agriculture shall give priority to the en-

rollment of lands that, in the sole discretion of the Secretary, will provide the best opportunity to resolve conflicts between the presence of an animal or plant species referred to in paragraph (1) or (2) of subsection (a) and otherwise lawful land use activities.

SEC. 503. CONSERVATION PLANS.

(a) PLAN REQUIRED.—Lands enrolled in the healthy forests reserve program shall be subject to a conservation plan, to be developed jointly by the land owner and the United States Fish and Wildlife Service. The conservation plan shall include a description of the land-use activities that are permissible on the enrolled lands.

(b) INVOLVEMENT BY OTHER AGENCIES AND ORGANIZATIONS.—A State fish and wildlife agency, State forestry agency, State environmental quality agency, and other State conservation agencies and nonprofit conservation organizations may assist in providing technical or financial assistance, or both, for the development and implementation of conservation plans.

(c) COST EFFECTIVENESS.—The conservation plan shall maximize the environmental benefits per dollar expended.

SEC. 504. FINANCIAL ASSISTANCE.

(a) PERMANENT EASEMENT WITH BUYBACK OPTION.—

(1) PAYMENT AMOUNT.—In the case of land enrolled in the healthy forests reserve program using a permanent easement with a buyback option, the Secretary of Agriculture shall pay the owner of the land an amount equal to—

(A) the fair market value of the enrolled land less the fair market value of the land encumbered by the easement; plus

(B) the actual costs of the approved conservation practices or the average cost of approved practices, as established by the Secretary.

(2) BUYBACK OPTION.—Beginning on the 50th anniversary of the enrollment of the land, and every 10th-year thereafter, the owner shall be able to purchase the easement back from the United States at a rate equal to the fair market value of the easement plus the costs, adjusted for inflation, of the approved conservation practices.

(b) 30-YEAR EASEMENT.—In the case of land enrolled in the healthy forests reserve program using a 30-year easement, the Secretary of Agriculture shall pay the owner of the land an amount equal to—

(1) 75 percent of the fair market value of the land less the fair market value of the land encumbered by the easement; plus

(2) 75 percent of the actual costs of the approved conservation practices or 75 percent of the average cost of approved practices, as established by the Secretary.

(c) 10-YEAR AGREEMENT.—In the case of land enrolled in the healthy forests reserve program using a 10-year cost-share agreement, the Secretary of Agriculture shall pay the owner of the land an amount equal to—

(1) 75 percent of the actual costs of the approved conservation practices; or

(2) 75 percent of the average cost of approved practices, as established by the Secretary.

(d) ACCEPTANCE OF CONTRIBUTIONS.—The Secretary of Agriculture may accept and use contributions of non-Federal funds to make payments under this section.

SEC. 505. TECHNICAL ASSISTANCE.

The Forest Service and the United States Fish and Wildlife Service shall provide landowners with technical assistance to comply with the terms of agreements and easements under the healthy forests reserve program and conservation plans.

SEC. 506. SAFE HARBOR.

In implementing the healthy forests reserve program, the Secretary of the Interior

shall provide safe harbor or similar assurances, through section 7 or other authorities under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), consistent with the implementing regulations of the United States Fish and Wildlife Service, to landowners who enroll land in the healthy forests reserve program when such enrollment will result in a net conservation benefit for listed species.

SEC. 507. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated \$15,000,000 for each of the fiscal years 2004 through 2008 to carry out this title.

TITLE VI—MISCELLANEOUS PROVISIONS

SEC. 601. FOREST STANDS INVENTORY AND MONITORING PROGRAM TO IMPROVE DETECTION OF AND RESPONSE TO ENVIRONMENTAL THREATS.

(a) IN GENERAL.—The Secretary of Agriculture shall carry out a comprehensive program to inventory, monitor, characterize, assess, and identify forest stands (with emphasis on hardwood forest stands) and potential forest stands—

(1) in units of the National Forest System (other than those units created from the public domain); and

(2) on private forest land, with the consent of the owner of the land.

(b) ISSUES TO BE ADDRESSED.—In carrying out the program, the Secretary shall address issues including—

(1) early detection, identification, and assessment of environmental threats (including insect, disease, invasive species, fire, and weather-related risks and other episodic events);

(2) loss or degradation of forests;

(3) degradation of the quality forest stands caused by inadequate forest regeneration practices;

(4) quantification of carbon uptake rates; and

(5) management practices that focus on preventing further forest degradation.

(c) EARLY WARNING SYSTEM.—In carrying out the program, the Secretary shall develop a comprehensive early warning system for potential catastrophic environmental threats to forests to increase the likelihood that forest managers will be able to—

(1) isolate and treat a threat before the threat gets out of control; and

(2) prevent epidemics, such as the American chestnut blight in the first half of the twentieth century, that could be environmentally and economically devastating to forests.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$5,000,000 for each of the fiscal years 2004 through 2008.

The SPEAKER pro tempore. After 1 hour of debate on the bill, as amended, it shall be in order to consider the further amendment printed in part B of the report, if offered by the gentleman from California (Mr. GEORGE MILLER), or his designee, which shall be considered read, and shall be debatable for 1 hour, equally divided and controlled by the proponent and an opponent.

The gentleman from Virginia (Mr. GOODLATTE) and the gentleman from Texas (Mr. STENHOLM) each will control 15 minutes, the gentleman from California (Mr. POMBO) and the gentleman from West Virginia (Mr. RAHALL) each will control 10 minutes, and the gentleman from Virginia (Mr. GOODLATTE) and the gentlewoman from Wisconsin (Ms. BALDWIN) each will control 5 minutes of debate on the bill, as amended.

The Chair recognizes the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 1904, the Healthy Forests Restoration Act of 2003. This bipartisan legislation has undergone remarkable scrutiny and in fact is a rather modest response compared to the magnitude of the forest health crisis confronting this Nation. Over 190 million acres of public lands are at risk to damage from insects, disease and catastrophic wildfire. By that we mean if you have forests in your district or your constituents benefit from a forest either by receiving clean water from a forested watershed or they go hiking in a national forest on weekends, you need to support this bipartisan bill.

By catastrophic wildfire, we do not mean natural wildfires that burn across the ground and take out the brush. We mean the kind of fire that consumes the entire forest, shoots flames into the air hundreds of feet and takes out entire, huge trees.

We are proposing to treat less than one in six of the acres on Federal lands using the streamlined procedures authorized in the underlying bill. This is not a massive logging bill. This is perhaps an under action to the magnitude of the problem we have on our public lands.

Why are we doing this? Because these forest health problems are national in scope and because what is at stake here is far more than the loss of wood fiber.

Here is a map showing what is known as "condition classes" of forest and rangeland across the United States. As Members can see, while a good portion of the problem is in the western United States, there is also a lot of land in the eastern United States that is at risk to fire, insects and disease. Seventy-five percent of the National Forest land in Alabama is in condition class 2 or 3, the yellow and red we see here. Almost 1 million acres in Arkansas is in condition class 2 or 3; 730,000 acres in Illinois; half a million acres in Indiana; 2.1 million in Michigan; 4.2 million acres, all of this bright red, in Minnesota; 2.3 million in Missouri; nearly half a million in New Hampshire; almost a million in North Carolina; and nearly three-quarters of a million acres in Pennsylvania.

In those States alone, that roughly adds up to almost 12.5 million acres of land in the eastern United States. There are several other States in the East that have problems at least that severe. This bill will allow the Forest Service to reach out and treat only a fraction of this acreage using expedited procedures. I would hope my colleagues in the East would want to support this bill in order to protect their forests.

In addition, I support H.R. 1904 because it takes a comprehensive approach to water quality. If we do not get ahead of these catastrophic fires, this is what we will be left with on mil-

lions of acres of precious watersheds. If this hillside had been thinned and a normal healthy forest restored, a creeping fire through here would have done little damage. Instead, a catastrophic fire has created a dead hillside that cannot absorb water.

Here the intense heat of a catastrophic fire effectively turns the topsoil to glass and prevents percolation into the water table. A heavy rain event on a fire site like this will create massive flooding and transport large amounts of ash and soil into nearby streams, contaminating water for wildlife and downstream drinking water supplies.

Some suggest we should not do any hazardous fuels reduction projects outside the wildland-urban interface, that we leave watersheds and recreational lands to whatever situation fate has in store for them. This is the fate that the situation has in store for them; and if this is allowed to occur in the interior of our forests and then approaches the urban interface, nothing that is done will stop this from taking all of that land as well if it is allowed to get to this magnitude as it approaches that barrier. If this stand had been actively managed, a fire here would have done far less damage. That would make it a better place for everyone, better wildlife habitat, better recreation area, better watershed, better air quality and certainly a heck of a lot prettier. Sitting back and hoping for the best is not the way to get healthy forests.

Some have suggested that we spend almost all of our efforts and funds within a few hundred yards of inhabited areas. This is an illusion, and it is irresponsible. We cannot protect communities by doing all of the work near their boundaries. Fires over the last several years have raced miles and leaped as much as 2 miles away from the main fire, crossing huge firebreaks like interstate highways to burn hundreds of homes.

Sitting back, hoping for the best and letting existing bureaucratic processes continue to founder is not fiscally responsible. Last year, the Federal Government spent \$1.6 billion fighting catastrophic fires. States spent hundreds of millions as well. We need to recognize that these huge expenditures are a land management problem. While we need to continue fighting fires, we need to be smarter and make investments in active land management in order to ultimately reduce these exorbitant fire-fighting costs.

We have listened to people from all over the country in putting this bill together. In addition to the remedial hazardous fuels reduction projects, the legislation now contains authorization to assess and attack the problem of major insect infestation that are threatening public and private forestland all over the country. We have added provisions to create cooperative watershed protection programs on private forestlands and a healthy

forest reserve program to ensure continued healthy management of private forestland.

As we came to the floor, we made adjustments in the bill to clarify the modest goals of hazardous fuels reduction. The bill now clarifies that there will be public notice and comment on all projects and, when projects are judicially appealed, the government will carry the burden of proof on the merits of the project. We will now require that all insect assessment projects receive outside peer review. We have clarified that the contentious debates over endangered species, roadless areas and old-growth policy are not a part of this modest bill.

Lastly, I want to point out that there is a truly impressive coalition of groups supporting this legislation. Labor unions, local conservation districts, county governments, professional land managers, volunteer firefighters and State officials have all come out in strong support of the underlying legislation. We have over 130 cosponsors of this bill, and it has been reviewed and overwhelmingly approved by three committees of the House.

As we speak, this year's fire season is getting under way. The experts at the National Interagency Fire Center expect much of the interior West, south/central Alaska, portions of California, western Great Lakes States and northern Maine to experience an above-normal fire season. Please join me and your colleagues from across the country in support of beginning to take steps to protect our natural resources for the benefit of our children and grandchildren who will wonder if we fail to act why we did not take the obvious steps we needed to take to conserve our forests. I urge my colleagues to support this bipartisan bill.

Mr. Speaker, I reserve the balance of my time.

Mr. STENHOLM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I recently met with tribal chairmen/representatives from the tribes in Arizona with timber interests, the Inter-Tribal Council of Arizona. They had come to thank me for cosponsoring the Healthy Forests Act and to let me know that they supported the legislation and hoped for its passage. Unfortunately, for several of these tribes, they are already facing the devastating impacts of forest fires and insect infestation, two results that the Healthy Forests Initiative is meant to help prevent.

The chairman of the White Mountain Apaches recounted for me the mass destruction that the Rodeo-Chedeski Fire of 2002 had on the forest resources of the Fort Apache Indian reservation. This fire raged across the Apache-Sitgreaves National Forest and the Fort Apache Indian reservation, burning some 469,000 acres. It grew to 15 acres in the first 13 minutes of its life and continued to expand at a rate of 1/4 acres a minute.

Timber harvesting and processing was the main industry of the White

Mountain Apache tribe, and it will be years before the jobs and income generated by that industry will be seen again. Even their burial grounds and the graves of their ancestors are in danger as a result of the environmental damage from the Rodeo-Chedeski Fire.

The bark beetle has decimated the forest resources of several of the other tribes, with the San Carlos Apache tribe having lost 40 percent of their forest due to the damage of this pest.

The question before us today is whether we are willing to learn from our mistaken belief that the best way to protect our forests is to leave them alone.

We made a decision a long time ago to manage our forests. Having made that decision, we now have a responsibility to manage them using the best science we have available.

Well-managed forests can withstand fire. In fact, forests that have been preventively treated to reduce hazardous fuel loads can benefit from periodic fires. These fires create forest openings for new growth, provide a variety of wildlife habitat and reduce fuel build-up.

The bill before us today will help us improve management of our forests in several important ways. The bill authorizes expedited approval of forest thinning and cleanup projects on 20 million acres of Federal lands. It authorizes applied silvicultural assessments on 1,000-acre plots to test treatments for insect and disease infestations. It provides grants for biomass energy production from the debris produced by the projects. And it establishes a new conservation easement system to protect ecologically important forests on private lands.

□ 1330

The cumulative effect of these changes will be healthier forests that are less likely to produce the catastrophic wildfires that have destroyed millions of acres of private and public forests in recent years. These catastrophic fires burn hotter, spread faster, and cause long-term, severe environmental damage, sometimes even sterilizing the soil.

Last year, 23 firefighters lost their lives fighting wildfires; and taxpayers spent about \$1.5 billion to contain record-setting fires. In the rural communities nearest to forests, tens of thousands of people were evacuated from their homes, thousands of structures were destroyed, and tourist-dependent economies suffered significant financial losses.

Let us untie the hands of our forest managers and let them begin using the management practices that are best suited to prevent the wildfires that have already taken so much from us. I urge my colleagues to support H.R. 1904 and oppose the substitute.

Mr. Speaker, I reserve the balance of my time.

Mr. POMBO. Mr. Speaker, I yield 3 minutes to the gentleman from Oregon

(Mr. WALDEN), one of the original authors of the bill.

Mr. WALDEN of Oregon. Mr. Speaker, I want to first acknowledge the comments of my colleague from Texas and appreciate his great leadership on this effort and his support of this bill. This legislation has 17 Democrat cosponsors. We have 137 overall filed on the bill. Three of those Democrat cosponsors are the ranking members of their committees. And I thank the gentleman from Texas (Mr. STENHOLM) for his leadership on this issue.

Let us talk about what this bill does.

This is land that was on fire at Squires Peak last year, 2002. This is in a treated area that is burning right now. This is where the Forest Service workers have gone in and done the treatments we are advocating in this bill.

Here is the aftermath. We can see the trees are green, some of the brush, but otherwise the forest is in pretty good health.

This is the fire burning the same location but just over the hill a bit from where the first photo was. This is a place where it had not been treated. See the severity of the fire, the density of the stands. This is what it looks like when that fire is finished, enormous catastrophic fire. In fact, there are still some trees burning there. Dense stands, black timber, scorched ground, sterilized soil, ruined habitat.

Here we see a pine beetle infestation in the Nez Perce National Forest. This is what we are trying to figure out the best way to treat. How do we get in there and deal with the forests like that and get the disease and the bug infestations out? This is the Tanner Gulch fire. It occurred in 1989. What is important about this, this was in my district. It is in the Wallowa-Whitman, and it wiped out a spring Chinook salmon run. We can see the burned trees, the destroyed hillsides and all the mud and all going down that stream. We ruined that habitat. These are unhealthy forests. The Moose Creek fire in Montana destroyed more timber on the Flathead National Forest than has ever been harvested on that Forest.

Human consequences of these kinds of fires, we lost 23 men and women last year fighting these fires or going to fight them. The American taxpayer spent \$1.5 billion on 2002's record blazes.

So who supports this legislation? The professional biologists, the professional silviculturists, the Society of American Foresters, the National Association of State Foresters, the Western Forestry Leadership Council.

Let me tell my colleagues what the Society of American Foresters said in their letter dated May 29 of this year: "Serious problems of insect and disease outbreaks, catastrophic wildfire, and invasive species are reducing the health of forests across the country. Professional forest managers need to be able to act now to address these

issues and the ecological, social, and economic conditions associated with them."

The Society of American Foresters endorsing the underlying bill, 1904.

Finally, let us make the point, because there is a lot of misinformation out there, the provisions of this legislation do not touch national parks. They do not touch national wildlife refuges, wilderness areas, wilderness study areas, national monuments, or inventoried roadless areas. None of those areas fall under the precepts of this bill.

I urge passage of H.R. 1904 and urge rejection of the Miller-DeFazio substitute.

Mr. RAHALL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in opposition to the pending legislation. Others will come to the floor to discuss the threat of wildfire to the health and general welfare of segments of the American population. Others will come to the floor to discuss other elements of this legislation such as its provisions concerning insect infestation which threatens some of our forests and forest industries.

These are debatable issues, and the House will be presented with an alternative to the pending bill in the form of a substitute that will be offered by the gentleman from California (Mr. GEORGE MILLER), the gentleman from Oregon (Mr. DEFAZIO), the gentleman from Michigan (Mr. CONYERS), and myself. We are not unmindful of the need to address the issues raised by this bill, but in our view we would do so in a more prudent and responsible manner.

There is one pending issue in this legislation, however, which transcends the debate over forest fires and forest health: the independence of our judiciary and right of Americans to seek redress from the courts when they believe they are aggrieved by a governmental action. Indeed, the judicial review provisions of this bill would set a dangerous precedent for anybody concerned with civil liberties, civil rights, workers' rights and any other issue that may come before our judiciary.

Consider this: Under this bill the Courts are told to expedite the consideration of any lawsuit involving forest hazardous fuels reduction projects. In effect, they are told to give priority consideration to these types of lawsuits and render a decision within 100 days of filing.

Terrorist trials, corporate crime cases, civil rights cases, name it, those would have to be put on the back burner because this legislation says that lawsuits involving cutting trees are the most important types of litigation there is before the courts. Incredible. Simply incredible. This bill tells the court that litigation involving thinning trees is more important than prosecuting suspected al Qaeda terrorists. To judge lawsuits over forest thinning projects more important than all other civil cases, let alone criminal

cases, is seriously misguided. To make this policy law is absurd.

But the violation of our judiciary does not end there. By no means. For example, the sponsors of this measure have rigged the system in favor of the Federal agencies. The bill sets a brand new standard for injunctive relief by mandating that courts must give the greatest weight to what a Federal agency determines to be in the public interest. In essence, a directive to ignore the basis of appeal brought by the plaintiffs in a lawsuit.

Think about the ramifications of that for a moment. Think about it. Think about the precedent we would be setting. In my neck of the woods, for example, it would be like telling the families of coal miners who died in a mine explosion that if they sued the Mine Safety and Health Administration for alleged failure to adequately inspect the mine, when they walked into the courthouse, the judge by statute had already been ordered to defer to the Federal agency. Basically, to ignore the contentions of the aggrieved families.

Many of us have been here long enough to remember when conservatives did not trust the Federal Government, and they did not endorse expanded and unchecked Federal powers. These provisions have caused a whole group of organizations which have no interest in forest policy to take a stand in opposition to this bill. The NAACP, for example, is opposed to this bill. In a letter sent to all Members of the House, they state: "We urge you to reject H.R. 1904 as it could severely impact the ability of our Federal courts to issue time decisions in civil rights, workers' rights, and other pressing matters, and change the fundamental balance that has been struck in our legal system."

The effect of these provisions are to unfairly and arbitrarily shut the courthouse door on Americans, making the Federal Government far less accountable to its citizens. It is unfortunate that the sponsors of this bill chose to inject this controversial attack on the independence of our judiciary in a measure of this nature. These provisions are a poison pill, and they do a disservice to our addressing issues such as forest insect infestation and forest fires in a prudent and responsible fashion.

Mr. Speaker, I reserve the balance of my time.

Mr. GOODLATTE. Mr. Speaker, I yield myself 1 minute.

I want to respond to the gentleman from West Virginia (Mr. RAHALL). This bill, far from closing the courthouse door, opens it wide, makes it effective for those who seek redress in the courts to address the issue at hand. Right now, under current procedures, individuals who want no activity to take place in our forests at all will use our judicial system to delay action on our forests for 2, 3 years. If we have a forest that is prime for a forest fire be-

cause of the fuel density that is built up in it or because disease or insects have destroyed it, we need to take action promptly. That is what this does.

In no other area of the law that I know of is one allowed on appeal in the judicial process to raise issues that they did not raise at the outset, and that is also done commonly by extreme environmental groups who wait until the end. This cures that. It opens it up. The public is able to participate in the process throughout public comment, in the administrative process and in the appeals process, but it gets it done in a timely fashion.

Mr. Speaker, I yield 1 minute to the gentleman from Georgia (Mr. BURNS).

Mr. BURNS. Mr. Speaker, America's forest ecosystems are being decimated at an alarming rate by large-scale catastrophic wildfire and massive outbreaks of disease, insect infestation, and invasive species. In the State of Georgia alone, we have a little over 800,000 acres of Federal forest. Last year, 13,000 acres of those trees were infested and destroyed by the southern pine beetle. H.R. 1904 combats these infestations and assists land managers in reducing the susceptibility of forest ecosystems to severe infestations.

Prior to consideration of this bill in the Committee on Agriculture, I consulted Dr. James Sweeney, Interim Dean of the Warnell School of Forest Resources at the University of Georgia, and I got his views on the state of our forests. He said, "We need to do a better job of prevention, a more efficient job of control, and a bigger effort at restoration. The Healthy Forests Restoration Act is a bill that needs to be passed."

Mr. Speaker, Dr. Sweeney is an expert in forestry. With his recommendation and that of the Georgia Forestry Commission and Georgia Forestry Association, I support this bill.

Mr. STENHOLM. Mr. Speaker, I yield 2½ minutes to the gentleman from Georgia (Mr. BISHOP).

Mr. BISHOP of Georgia. Mr. Speaker, last summer, we all watched millions of acres of forestland burn up in wildfires; thousands of animals, including threatened and endangered species, killed or displaced; and, worst of all, dedicated firefighters losing their lives trying to extinguish these out-of-control blazes. These tragedies were compounded by the knowledge that these fires were preventable and resulted from misguided forest management policies designed with good intentions but leading to disastrous results. While the most devastating fires occurred in the West, all parts of the country, including Georgia and the Southeast, are at risk.

Moreover, millions of additional acres are destroyed or threatened by insect infestations each year, both on private and public forestlands. In Georgia, the Southern pine beetle has ravaged many forestlands, and in other parts of the South this insect damage is occurring at an alarming pace. It

threatens to destroy the forests with less fanfare than a wildfire but with the same devastating result.

This needless destruction can be prevented with additional research and active forest management. I support H.R. 1904 as a way to move towards the prevention of unnecessary forest fires and insect infestations. This legislation would assist our public land managers by allowing for the reduction of excessive fuels on the forest floors that are turning our lands into tinder boxes. It would also assist the Forest Service and our land-grant universities and colleges with needed research dollars into insect infestations and ways to turn this research into practical applications.

The bill would also help protect other forestlands through the Watershed Assistance program, designed to assist landowners in protecting critical watershed areas, and the Healthy Forests Reserve Program, developed to rehabilitate degraded forest ecosystems through the use of conservation plans. It even advances the use of renewable fuels by providing grants for the use of biomass for energy production.

□ 1345

Mr. Speaker, with the help of H.R. 1904, hopefully we will see less damage from wildfires and insect infestations in the future. It is time to start preventing these massive wildfires, instead of simply reacting to them once they have already started burning.

The legislation is good for Georgia, good for the South, and good for the forestlands of America. I urge the passage of this much-needed legislation.

Mr. RAHALL. Mr. Speaker, I yield the balance of my time to the gentleman from Washington (Mr. INSLEE) and ask unanimous consent that he control said time.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. GOODLATTE. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from New York (Mr. BOEHLERT).

(Mr. BOEHLERT asked and was given permission to revise and extend his remarks.)

Mr. BOEHLERT. Mr. Speaker, I rise in support of H.R. 1904. The bill before us represents a compromise achieved after arduous and intense negotiations which began in earnest last fall. It is certainly not everything that I would have wanted, that is the nature of compromise, but it is a noteworthy attempt to deal with a very real problem of forest fires on lands where fire has been too long suppressed in regions that are increasingly populated.

If used properly, the tools provided in this bill will ease the path of projects that are carefully designed to reduce the risk of fire in those forests where fire would most threaten lives and homes and water supplies. This is not

meant to be a bill that increases commercial logging or to give the Forest Service carte blanche. The projects undertaken through this bill ought to be environmentally sound and carefully planned, especially given the remarkably immature nature and state of our knowledge of forest ecology and fire management.

The compromise negotiated with the gentleman from Virginia (Chairman GOODLATTE), the gentleman from California (Chairman POMBO), the gentleman from Colorado (Chairman MCGINNIS), and the gentleman from Oregon (Mr. WALDEN) and the White House is designed to help ensure that the vision of this bill that I just outlined is actually the one that comes to pass.

Let me describe some of the key elements of the compromise. Most important, the compromise rewrites section 107 to ensure that courts still have the latitude they need when they consider whether to grant injunctions. It does this in several ways.

First, it makes clear that this bill does not change the basic test courts use when deciding whether to issue an injunction. Instead, the bill lays out some matters that must be weighed when courts apply two of the standard tests.

Specifically, the bill makes clear that both undertaking a project and not undertaking a project can have short-term and long-term costs and benefits that need to be weighed. Balancing harms, to use the legal term, is not a simple matter that involves assuming that a project would produce harms that matter only in the short-term or that it would produce nothing other than benefits over the long term.

Third, the bill makes clear that while the court should give weight to the views an agency holds concerning balance of harms, the court has no obligation to defer to the agency and no reason to heed the agency at all if its findings are arbitrary and capricious. In other words, the agency cannot, and I emphasize, cannot, do as it pleases when it pleases.

What all these technical concerns add up to is this: courts will continue to be able to issue injunctions against forestry projects that harm the environment, either while a case is pending or permanently.

The compromise also puts in place other protections against questionable projects. To be more specific, it limits the geographic reach of the expedited projects created by the bill; it requires that an environmental impact statement or environmental assessment be conducted on every project covered by this bill; it removes language that could be construed to weaken the Roadless Rule; it ensures that notice and comment periods will be sufficient to allow genuine airing of fire projects; and it requires experimental projects in response to insect infestations to be treated as true experiments with an objective, outside peer review and with recourse to the courts.

In short, while this bill does create expedited procedures, it is not devoid of safeguards to protect our forestlands, which belong to all the people of our Nation, today and in future generations.

This bill will require careful monitoring along the way; and if the version emerging from conference is worthy of support, our task will have just begun. Implementation must be carefully monitored to make sure the new law lives up to its intended purpose.

Those purposes are worthy, the protection of lives and property; the implementation of sensible forestry projects to prevent fire; the return of our forests gradually to something more like their natural fire cycle.

Right now, this bill is our only chance to achieve these goals. I urge its adoption, and I oppose the substitute.

Mr. INSLEE. Mr. Speaker, I yield 1½ minutes to the gentleman from the great State of Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, there are some grounds for agreement here. This chart shows what we want to prevent. Fires are not partisan. In fact, last fall we negotiated a bipartisan agreement, something that was not everything the timber industry wanted; and it certainly was not everything the environmentalists wanted. But that approach was abandoned several weeks ago. Now the White House is calling the shots here, and they are going to jam through a bill.

There are a lot of reasons to oppose this bill. I mean, one is do we trust appointed bureaucrats with our precious natural resources? They created this problem through 100 years of mismanagement; and this is giving all the discretion in terms of appeals, protection of old growth. Even the courts have to give deference to the judgment of the appointed bureaucrats. I do not think the Republicans would support that for a Democratic administration. I would not support it for a Democratic or Republican administration.

But there are another 5 billion reasons to oppose this bill. There is no money in it. The bill we wrote last fall admitted that this is an expensive proposition. Undoing 100 years of mismanagement is very expensive.

There is no money in this bill, and they are going to finance this bill potentially by cutting the very resource that should be protected, what we wanted to restore.

We just heard about low-intensity fires. We want to go back to low-intensity fires, big old trees, widely spaced in Eastern Oregon and down through the intermountain States.

But we give all of the discretion on the harvest to the Secretary of Agriculture and his or her appointees, and we say there is no money and that we are going to finance this by putting contractors out there and having them remove things and paying for the

projects that way. If you do that, guess what they are going to take first? They are going to take out the big old trees. They might not bother with the brush and poles and dead stuff, which is what we need to be targeting.

This is not the bill we should be voting on today, and not a single Democratic amendment was allowed. What the heck kind of a process is this?

PARLIAMENTARY INQUIRY

Mr. STENHOLM. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. STENHOLM. Mr. Speaker, in the distribution of time, I heard that, I believe, the gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman of the Committee on the Judiciary, yielded his time for management to the gentleman from Virginia (Mr. GOODLATTE).

Did anyone claim the time on the Democratic side for the Committee on the Judiciary?

The SPEAKER pro tempore. That 5 minutes is controlled by the gentleman from Wisconsin (Ms. BALDWIN).

Ms. BALDWIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, no one doubts the need to reduce the threat of forest fires after last summer, when our country experienced the second-worst fire season in 50 years. However, H.R. 1904 is not the answer, and, contrary to its name, does little to make our forests healthier.

Sections 106 and 107 of this bill make unwise changes to the Federal appeals and judicial review process. Under the guise of expediting fire control programs, the intent of these two sections is clear: to limit public input and to shift the review authority from an independent judiciary toward Federal agencies run by political appointees.

Section 106 of this bill would limit the amount of time the public has to file a legal challenge to a mere 15 days, inclusive of holidays and weekend days. Clearly, this time limit is not long enough for someone to grasp and analyze how a project will affect the health of their family and the communities around them.

Ironically, this provision could exacerbate the problem it proposes to address. I suspect more people might dash up the courtroom steps and file preemptive lawsuits against projects, since failing to do so closes the door thereafter.

Section 106 also attempts to limit the time judges have to review cases and mandates that they inform congressional committees whenever they extend injunctions beyond 45 days. Besides making judges postpone other important cases, like criminal matters, civil rights or terrorism, this provision makes judges subject to constant legislative scrutiny.

Section 107 also seeks an unwise change in American legal standards by requiring courts to give unprecedented deference to Federal agency findings when considering whether to grant a restraining order or injunction. This

provision would essentially allow the executive branch agencies to decide what is in the public's best interest without taking the concerns of judges or communities into consideration.

This so-called Healthy Forests Restoration Act is anything but. It is yet another example of the Bush administration rolling back our environmental protections. Now is the time for those who understand how important the environment is for future generations to stand up to this administration.

Mr. Speaker, I reserve the balance of my time.

Mr. GOODLATTE. Mr. Speaker, I yield 1 minute to the gentleman from Montana (Mr. REHBERG).

(Mr. REHBERG asked and was given permission to revise and extend his remarks.)

Mr. REHBERG. Mr. Speaker, the last speaker talked a little bit about the need for this legislation as a result of last year's fires. I am insulted by that. It is almost as if the tree did not burn in your district, there was no disaster.

It happened year after year after year in Montana. In 1988, I was surrounded by fires. It happens every year in the State of Montana. In the Year 2000, we burned 1 million acres.

When are we going to wake up and say enough is enough? This legislation goes a long way toward solving the problem. I remember 1988. I thought to myself, God, I hope now the legislature, the Congress, wakes up and understands that fire can be a tool if it is a prescribed burn, if it is a controlled fire. Grazing can be a tool. It not only controls the underbrush, but also controls weeds.

We can have control within our forests, management controls within our forests. It does not have to be looked on as a bad thing. It is a good thing. It can keep our forests safe.

To those preservationists who have tipped the scales of our justice system against doing the right thing, I tell them you are loving our forests to death.

Do you like this? Because this is exactly the way the people of Montana feel with the forest fires coming in. I hope you will support this legislation.

Mr. STENHOLM. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I want to respond to the charge that the Healthy Forests Restoration Act cuts the heart out of the National Environmental Policy Act.

The fact is, this bill requires the Forest Service and Bureau of Land Management to conduct environmental reviews of forest thinning projects in accordance with NEPA. The most important element of NEPA is the environmental review of the proposed project, the project that is to be implemented; and that review is retained under the bill.

The bill also gives agencies discretion to limit environmental review to the proposed project only, which means an agency would not have to consider multiple alternative project options

that are not likely to be implemented as is currently required under NEPA. Under current law, land management agencies are required to analyze multiple alternatives, devoting scarce resources to hypothetical projects instead of to developing additional projects in other vulnerable areas of our forests.

□ 1400

Mr. INSLEE. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, America deserves a fuels reduction program in our forests that protects two American icons: first, small towns; and second, big trees. This bill does neither. This bill is doomed to failure in not protecting either small towns or big trees, for three reasons.

The first reason is, it does not provide the money that is necessary to do the job. If we take a look at this map, the Forest Service suggests there are 190 million acres needing treatment. They propose to do about 2.8 million in the next year, this tiny little red dot. That is the combination of three States.

They want to propose to do a tiny little red dot, and they do not authorize a dollar for the fuels reduction program. They are so fixated on red tape they forget green money. They cannot do the job without it. Our bill does that job.

Second, the bill does not target our precious resources to protect human property and life first as a priority, unlike our bill, which does. It is not just me that says this. There are a dozen letters to the Republican chairman of the committee responsible for this bill pleading for help for our local communities to protect against a fire in the crucial wildland-urban interface.

A letter from Donald Vanderhoof, Mayor of the city of Glenwood Springs, said, "Unfortunately, H.R. 1904 does not provide local communities with the necessary tools to mitigate future fires. Despite the fact that 85 percent of the land within the community protection zone is non-Federal, H.R. 1904 channels funds to Federal land projects."

They have not provided monies for small communities where the rubber meets the road and the fire hits the edge of their town; our bill does.

Third problem, their bill does not protect big trees. Now, there is a bipartisan consensus that there is some thinning that is appropriate in the forest, but we do not thin trees like this multiple century-old tree. Their bill allows that to be done. Their bill does cut the heart out of NEPA, because the very heart of NEPA is considering alternatives to what size trees they are going to thin.

It seems to me that our Federal agencies ought to think about what size they are going to thin and study alternatives in the NEPA process. Their bill cuts that out. Instead, essentially, they want to sell these big trees

to generate money. That is where they propose to get money for this program.

That is a little bit like somebody who is sick selling their good kidney to treat the bad one. They end up with no kidneys. That is what they are proposing to do to forests. They want to let the Forest Service finance this plan by cutting down big trees to do these thinning projects. It is unnecessary, it is wrong, it is against what their constituents want and ought to be defeated. Support the Democratic substitute.

Mr. STENHOLM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we keep hearing that the Healthy Forest Restoration Act increases protection for communities from wildfires by speeding up the implementation of forest thinning projects. That is true. That is why we keep hearing it.

To my friend, the gentleman from Washington, and his response, that little, bitty red dot, many of us who have spent considerable amount of time studying this problem believe that by reallocation of current forest services we can deal with this. It does not require all of the new money that some propose if we in fact readjust the manner in which we regulate the forests of our country.

Even the critics of this bill acknowledge, as the gentleman from Colorado (Mr. UDALL) states in his dissenting remarks to the Committee on Agriculture report, that streamlining of the administrative appeals process would be appropriate for high-priority fuel reduction projects.

In a Dear Colleague, the gentleman from California (Mr. GEORGE MILLER) argues that his substitute provides for expedited treatment of Federal lands that pose a risk of wildfire to local communities. Under the bill, the U.S. Forest Service and the Bureau of Land Management would have to conduct a full environmental analysis of each proposed thinning project, but the agencies would not have to analyze a full range of alternatives to the proposal, as current law requires.

The bill would set a 15-day time limit for filing lawsuits challenging the fuel reduction project once the agency has formally announced a final decision and would urge the courts to the maximum extent possible to rule from within 100 days from when the suit was filed.

Critics of the bill seem to want it both ways. First, they argue that the bill does not do enough to implement these projects. Then they argue in favor of continuing the unnecessary and time-consuming analysis of alternative projects under NEPA and against reasonable time limitations on legal challenges.

Mr. Speaker, I reserve the balance of my time.

Mr. GOODLATTE. Mr. Speaker, I reserve the balance of my time.

Mr. POMBO. Mr. Speaker, I reserve the balance of my time.

Mr. INSLEE. Mr. Speaker, I yield myself the remaining 1 minute.

Mr. Speaker, I think it is important to address what the Environmental Protection Act does. It is intended for taxpayers to ask agencies to think twice about what they do. It is intended to ask agencies to look at alternatives to what they do, to figure out what the best alternative for the taxpayer dollar is and for the environment.

The reason this bill cuts the heart out of the Environmental Protection Act is that it stops any consideration of any alternative to exactly what one person who works for this agency may say.

Now maybe cutting 18-inch trees is the appropriate thing in one forest, but maybe it is appropriate to cut 12-inch trees or 8-inch trees in another one. What they have done is taken away from taxpayers the right to ask their government employees to consider what the right size trees ought to be in these projects. That is the heart of the Environmental Protection Act.

It is an unfortunate step and an unnecessary one, because we ought to preserve both our big trees, our small towns, and our citizens' rights.

Mr. STENHOLM. Mr. Speaker, I yield 2½ minutes to the gentleman from Arkansas (Mr. ROSS).

Mr. ROSS. Mr. Speaker, I rise today in support of H.R. 1904, the Healthy Forests Restoration Act. Our Nation's forests are facing a crisis, a crisis that, if not addressed, could have an overwhelming effect on the property and livelihood of Americans all across these United States.

Tens of millions of acres of public and private forests throughout the country face catastrophic damage from a host of pests, like the southern pine beetle and the red and white oak borers throughout the South and Midwest.

The southern pine beetle is the most destructive insect pest of pine trees in the southern United States. From 1960 through 1990, this insect caused \$900 million of damage to pine forests. This aggressive tree killer is a native insect that lives predominantly in the inner bark of pine trees. During epidemics, southern pine beetle infestations often begin in weakened or injured trees, but the populations can invade and overcome healthy, vigorous trees by attacking in large numbers over a short period of time. These attacks are not limited to private or public lands. This insect destroys indiscriminately.

Red and white oak trees in the South are also facing serious conditions. In Arkansas, Missouri, and Oklahoma, over a quarter of standing saw timber are red oak trees, and it is expected that we will lose up to 33 percent due to borer infestations and related causes. This translates to over \$1 billion in losses in those three States alone.

These pest outbreaks are not normal. Although oak borers are frequently found in oak-dominated forests, sci-

entists report that the current outbreak is of epidemic proportions. Nearly 1 million acres of national forestlands, almost one out of every three acres, in Arkansas are at risk of losing key ecosystem components. These acres will be eligible for the expedited procedures authorized by this bill.

In addition to its original intent to address catastrophic wildfires, H.R. 1904 will also allow us to act fast due to the threat unhealthy forest conditions present to our southern forest ecosystems, air quality, and water quality. We must act fast to help protect our national and private forests throughout the southern and eastern United States and the jobs they provide.

I urge my colleagues to support this measure.

Mr. GOODLATTE. Mr. Speaker, it is my pleasure to yield 1 minute to the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Speaker, I thank my friend, the gentleman from Virginia, for yielding time to me.

Mr. Speaker, my friend, the gentleman from Washington (Mr. INSLEE), offered a rather imperfect analogy when he talked about someone selling their kidney to deal with financial problems.

No, Mr. Speaker, the problem is not the analogy to a kidney, and the problem is not with cutting the heart out of environmental regulation. The problem we are confronting, Mr. Speaker, is that we have cut the very heart out of rural communities in the western United States who live surrounded by national forests.

In Arizona, in the Rodeo-Chedeski fire of last summer, nearly a half million acres and over 400 homes were destroyed. If there is a silver lining to the pyrocumulous clouds, it is the very real human tragedy; not an abstraction, not a governmental study.

But we have had paralysis by analysis. The Forest Service has spent a quarter of a trillion dollars of their time and their financial resources to say, stop these projects because of lawsuits. What we ask for is what is reasonable, what is reasonable at long last, to have a true, balanced policy. This is an important first step. Support the legislation.

Mr. POMBO. Mr. Speaker, I yield 4 minutes to the gentleman from Colorado (Mr. MCINNIS), the subcommittee chairman.

Mr. MCINNIS. Mr. Speaker, I want to personally thank the chairman for all the efforts he has put in regarding the infestation we have had, regarding the forest fires, and the gentleman's focus in this committee to get this piece of legislation out before the fire season besets us.

I also want to thank the chairman of the Committee on Agriculture, the gentleman from Virginia (Mr. GOODLATTE). He has gone way out of his way to help move this bill forward. It is a very, very important bill.

I need to clarify a couple points here. I say to the gentleman from Washington (Mr. INSLEE), I know what his ethics are like. His ethics are, in my book, of a very high standard.

What I would do is to say to the gentleman that Glenwood Springs, which the gentleman quoted from the letter from the mayor, is my hometown. I grew up at the bottom of Storm King Mountain, where I, with 12 others, took 15 firefighters, deceased firefighters, off it.

I know something about fire, I know something about this bill, and I know something about the gentleman's ethics. The gentleman would be well advised to disassociate himself from the letter that he quoted in his comments, which was obtained through very deceitful means, as has been acknowledged this morning by the City of Glenwood Springs.

So I do not think the gentleman is aware of that. I just want the gentleman to be aware of how that letter was obtained.

Mr. INSLEE. Mr. Speaker, will the gentleman yield?

Mr. MCINNIS. I yield to the gentleman from Washington.

Mr. INSLEE. Mr. Speaker, I see a copy of one of these letters was sent to a fellow congressman from Colorado. I was provided these by my staff.

If these are inaccurate copies, please advise me. But everything I have read, as far as I know, is accurate. If these are inaccurate copies, please advise me; and I will correct the RECORD.

To date, I have 12 letters from cities and counties in Colorado claiming that they are not taken care of.

Mr. MCINNIS. Reclaiming my time, Mr. Speaker, I am talking specifically about a letter. I am not saying that the signature is inaccurate, that it is a fraud. I am saying that the way it was obtained was very, very deceitful. I would be happy to talk to the gentleman after we are finished here about that.

In regard to the comments of the gentlewoman from Wisconsin (Ms. BALDWIN), I am not sure she has read the bill, with all due respect. It does not cut out public input. It does not stop the judiciary process. I have not seen the gentlewoman at one meeting, I have not seen her at one negotiating session where we discussed the details of that.

Frankly, I consider it a cheap shot when one of my colleagues stands up here in front the American public and talks about a bill that we so firmly believe in on a bipartisan basis to stop and help us do something about these fires and bugs, and the gentlewoman stands up and acts like we are shortcutting the judiciary process, like we are cutting out the public input. Sure, I take insult with those kinds of remarks, and I do wonder whether or not the bill was read before staff or somebody drafted those comments for the gentlewoman.

Let me talk in regard to the comments of the gentleman from West Vir-

ginia (Mr. RAHALL). His comments about the bugs and the Miller substitute, if we look at the substance of the Miller substitute, unless it has been changed in the last 15 minutes, it contains nothing of substance within the four corners of that. I am talking about the substance part of the bill with regard to bug infestation.

We have to do something to help our people in the South. These bugs are throughout the country, but that is their biggest focus right now.

This bill is about between what we call the green hats and the black hats. Let me read the Oregonian Newspaper out of Oregon in the district of the gentleman from Oregon (Mr. DEFAZIO).

□ 1415

By the way, the gentleman from Oregon (Mr. DEFAZIO), we did not have an agreement. We came this close to an agreement, and you and the gentleman from California (Mr. GEORGE MILLER) negotiated in absolute good faith. Unfortunately, we could not get there; but we did not have an agreement. I wish we would have inked an agreement. I wish we would have had it because it would have been signed in by now.

I do acknowledge, by the way, although they are strongly opposed to what we have today, which is not different than what we had yesterday, I do acknowledge the good-faith efforts of the gentleman from California (Mr. GEORGE MILLER) and the gentleman from Oregon (Mr. DEFAZIO).

Let me quote the newspaper in Oregon: "By its words and actions, the Sierra Club has shown what it wants. It wants the status quo, no logging, only a handful of small thinning projects and more devastating fires like those that swept Oregon and the rest of the west this summer. On the issue of forest thinning for which national polls have found overwhelming support, the real extremists include the Sierra Club."

This is a good bill. It has got good merit, and it deserves your support.

Today the House will consider among the most important pieces of environmental legislation in a generation. The bipartisan Healthy Forests Restoration Act is focused on addressing the single largest, most complex and destructive challenge facing the management of our Federal lands—catastrophic wildfire and exploding epidemics of insect and disease outbreaks. Mr. Speaker, these are the destructive symptoms of America's forest health crisis.

During the last Congress, as most of us remember, my colleagues GEORGE MILLER, GREG WALDEN and PETER DEFAZIO were nano-inches from reaching a bipartisan agreement for the ages. But ultimately, because of the invidious attacks of certain special interest groups, and because of the late stage in which those talks began, we were unable to cement a deal. Let me note that I have immeasurable respect for Mr. MILLER and Mr. DEFAZIO for enduring unwarranted ostracism from the national environmental movement throughout that process. That community, in

my opinion, showed its radical colors when they attacked these two icons and champions of the environmental cause. So I admire these two statesmen and deeply hope that we can continue to work together as this bill moves through the process.

Colleagues, I believe this bill enjoys strong bipartisan support because of emerging areas of solid agreement. It's my hope and expectation that these areas of agreement will provide the foundation on which a Congressional majority can arise.

As I see it, the pillars of agreement are these:

First, America is facing a forest health crisis of colossal proportions. A century of wholesale fire exclusion has been proven by the years to be a foolhardy pursuit—catastrophically so. Fire is part of nature's way—it replenishes, it rejuvenates, it restores. Shunned for a century, however, wildfire has returned to the landscape with a searing vengeance, burning bigger, hotter, and with a runaway ferocity than nature never intended. At the same time, unnatural forest stand densities have left our forests in a weakened state; their defenses susceptible to insect and disease epidemics.

The second principle of agreement is this: The primary symptom of America's forest health crisis, catastrophic wildfire, has done shocking harm to our environment. The summer of 2002 provided too many horror stories of wholesale environmental destruction to discuss in this one setting—stories of our air and water fouled, of old growth forest ecosystems left barren and black, of threatened and endangered species dealt irreversible ecological impacts.

One has to wonder about the sanity of a person who would chain themselves to tree-tops in an effort to "Save the Forests" while watching silently; seemingly unconcerned, as environmental calamities like the Hayman, Biscuit and Rodeo fires destroy some of America's most biologically rich forest ecosystems.

The third area of agreement is that the bureaucratic status quo on our Federal forests and rangelands is not working. Most reasonable people would agree that it shouldn't take upwards of several years to get a thinning project near a community through the Federal maze of analysis, appeals and lawsuits, but that is exactly what the status quo has brought us.

Witness what took place over the course of the last several years on the Black Hills National Forest. Most of us remember these rather notorious projects—they are the Wildland Urban Interface projects that South Dakota's senior Senator rescued from a bureaucratic swamp with some legislative language in an emergency spending bill last Congress. Senator DASCHLE, apparently tired of the viscous cycle of analysis, appeals and lawsuits tormenting these projects, took matters into his own hands and legislated these projects into forward movement.

But for those of us who aren't the Majority Leader of the Senate, and for those of us who don't face a pliant environmental community when we start tinkering with environmental laws, extravagant bureaucracy and delay is what we're up against.

That brings us to the final point of agreement—reasoned and prudent steps must be taken by Congress to make sense of this process gone mad. But as we alter the manifestly broken status quo, certain priorities must

be rigorously adhered to. Foremost, the public must be given an expansive opportunity to engage decision-makers at all stages of project development and implementation. That cannot change. Meaningful public participation is an imperative. The real success of the Healthy Forests Restoration Act, in my opinion, is that it streamlines bureaucratic process in a way that honors the fundamental role that public participation plays in informed decision making. Anyone who argues that this bill provides anything other than a thorough, overlapping and robust opportunity for public participation is being disingenuous—or maybe they just inhaled too much carbon and mercury from one of last summer's big fires.

This brings me to the bill, Mr. Speaker, which proposes to address the root causes of this analysis paralysis. I will briefly describe it.

The Healthy Forests Restoration Act establishes streamlined procedures to expeditiously implement hazardous fuels reduction projects on Forest Service and BLM lands (1) near communities in the wildland urban interface, (2) on high risk lands in the proximity of municipal water sources, (3) on high risk lands that encompass habitat for threatened and endangered species where Federal wildlife officials have identified catastrophic wildfire as a threat to the viability of the species, and (4) on high risk landscapes particularly susceptible to disease or bug infestation. No wilderness areas, wildlife refuges, national parks, national monuments, other special congressional designations would be eligible under the bill's expedited procedures. The bill prohibits permanent road building in Inventoried Roadless Areas.

The bill codifies the bipartisan WGA 10-Year Strategy's robust public input and participation requirements. The WGA strategy was endorsed by numerous government and non-government organizations, including leading environmental groups like the Wilderness Society. The bill also requires an additional public meeting for all projects implemented under this Act over-and-beyond that which is required under current law.

In codifying the WGA framework, the bill also cements the bipartisan plan's express priority on focusing management actions on lands near communities and on at-risk lands in proximity to sources of municipal water.

The WGA plan is widely regarded as the holy grail of wildfire policy. This bill gives that bipartisan plan the status of Federal law.

The expedited procedures outlined in the bill are these. First, the legislation would give the Forest Service and the Bureau of Land Management (BLM) discretionary authority to limit analysis during the NEPA phase to the proposed action only, meaning the agencies would not be required to analyze and describe a number of different alternatives to the preferred course. While expediting the analysis phase, this procedure ensures that all projects will receive an exhaustive analysis of all potential environmental effects.

Next, the bill would provide a limited waiver of the Appeals Reform Act for forest health projects implemented under the Act, instead directing the establishment of an alternative review process under which persons could seek administrative redress against forest restoration projects. The Forest Service is the only Federal land management agency with an administrative appeals process memorialized in statute—a 1992 Appropriation Rider

called the Appeals Reform Act. In practice, this means that a forest restoration project implemented on at-risk lands on the White River National Forest (or any other forest) faces a significantly higher administrative appeals bar than the exact same project would encounter if implemented in Yellowstone National Park or the Canyons of the Ancients National Monument (BLM). With the National Fire Plan's emphasis on interagency cooperation, this makes little sense. This bill would put the Forest Service on more even footing with its sister agencies.

With regard to judicial review, the bill would require the Federal courts to reconsider and reauthorize any preliminary injunctions on a 45-day interval, while requiring the courts to more fully weigh the long-term environmental risks associated with management inaction. The 45-day preliminary injunction language is modeled on a proposal first offered by Senator FEINSTEIN last summer, who I hasten to add, has been a real leader on this issue in her own right.

Additional provisions of the bill (1) facilitate the utilization of the otherwise valueless wood, brush, and slash removed in conjunction with the forest health project in the production of biomass energy, (2) authorize Federal programs to support community-based watershed forestry partnerships, (3) direct additional research focused on the early detection and containment of insect and disease infestations that have reached epidemic proportions, and (4) establish a private forestland easement program, supported by groups like Environmental Defense, focused on recovering forest ecosystem types in decline.

These provisions were included in this bill in recognition of the fact that America's forest health is not just a western wildfire issue. In particular, rampant insect and disease infestations should be in the front and center of any discussion about forest health legislation. This bill places them there.

I would also note that in the self-executing manager's amendment, the terms of a compromise between myself and Mr. BOEHLERT were incorporated into this legislation. Mr. BOEHLERT and his staff showed tremendous good faith in helping us improve and clarify an already outstanding piece of legislation. I commend him for his good faith and leadership.

It is with that, Mr. Speaker, that I urge the House to adopt this landmark environmental legislation.

Ms. BALDWIN. Mr. Speaker, I yield 1½ minutes to myself to respond to the gentleman.

Mr. Speaker, the gentleman who just spoke made reference to earlier remarks I had claimed on behalf of the Committee on the Judiciary.

As you may be aware, the Committee on the Judiciary received referral on this bill for sections 105 through 108, a very narrow part, to engage in scrutiny in what we believe is our area of expertise. And I would certainly defer to the gentleman on his areas of expertise. But you may or may not be aware that numerous civil rights organizations in this country have taken a strong stance against those provisions. I specifically spoke to sections 106 and 107 of the bill that create a new sort of inequality, a tipping of the scales, an unevening of the playing field which I

find very dangerous in terms of a precedent.

What this bill does in those provisions is it tilts the playing field by giving executive agencies with political appointees greater weight on the issue of injunctive relief and other provisions than the public or other parties. And that is a slippery slope that I think we should not go down. I certainly object to the gentleman's characterizations of my understanding of those provisions in the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. GOODLATTE. Mr. Speaker, how much time remains?

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman from Virginia (Mr. GOODLATTE) has 3 minutes remaining. The gentleman from California (Mr. POMBO) has 3 minutes remaining. The gentleman from Texas (Mr. STENHOLM) has 3 minutes remaining. The gentlewoman from Wisconsin (Ms. BALDWIN) has 1 minute remaining.

Mr. GOODLATTE. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. POMBO) for purposes of control.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The SPEAKER pro tempore. The gentleman from California (Mr. POMBO) has 4 minutes remaining. The gentleman from Virginia (Mr. GOODLATTE) has 2 minutes remaining.

Mr. GOODLATTE. Mr. Speaker, might I inquire who has the right to close.

The SPEAKER pro tempore. The gentleman from Virginia (Mr. GOODLATTE) has the right to close.

Mr. GOODLATTE. Mr. Speaker, I reserve the balance of my time.

Mr. STENHOLM. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I quarrel not with the intentions of anyone who has spoken here today. I am proud to be a co-sponsor of this legislation because I believe it does what needs to be done in order to break an impasse on how we deal with our Nation's forests.

We have heard the arguments against for year after year after year. The bottom line is the situation is not getting better. It is getting worse. I have read carefully this legislation, the specific points that seem to be coming under the most attack, and I do share the belief of my colleagues on this side of the aisle that it does all of the bad things that they allege it does.

Is it perfect legislation? Probably not. But I have traveled and visited some of our forestry areas, and I have seen the results of good management and sound science. Some of those, not my colleagues, but some of those organizations who oppose time and time again legislation like we have on the floor today, oppose it not from the sound science and good management but from a deep visceral feeling of how our Nation's natural resources ought to

be cared for; and I respect that, but I differ very strongly with that because I do not believe that we can do those things necessary to maintain and improve our Nation's forests without applying sound science and good management.

The public should not be left out, and the public is not left out. But those who have learned to use the law in ways that keep things from happening by constantly and consistently going to the courts are not doing our Nation the service that they allege that they are doing.

I urge support of the basic bill. I urge opposition to the amendment. Let us give those in charge of our Nation's forests a chance to do a better job than what is done under current law.

Mr. Speaker, I yield back the balance of my time.

Ms. BALDWIN. Mr. Speaker, I yield 1 minute to the gentleman from Washington (Mr. BAIRD).

Mr. BAIRD. Mr. Speaker, I thank the gentlewoman from Wisconsin (Ms. BALDWIN) for yielding me time.

I have spent a great deal of time on this legislation studying it. I have friends on both sides of the aisle, and I respect and understand the general intent of this. I sincerely do.

We have a huge problem in the Pacific Northwest forests. But I have a great concern about the provision regarding the insect assessments. Apparently, there has been an amendment that allows for the Secretary to no longer have sole discretion on the reviews, but she would still appoint the panel that makes the reviews of these assessments. Frankly, this administration has a dismal record of appointing objective panels.

I introduced an amendment that would have offered a National Academy of Science provision that would have allowed a truly independent body within 60 days to review these. Had that passed, I would have been very inclined to support this amendment or this legislation. But it did not.

We must address this problem of fuel overload and insect infestation in an expeditious manner, but we need to make sure it is not used as a cover to engage in intents that it was not designed for.

So I would hope that when this legislation goes to the other body we can address that. There is no need to give the Secretary such broad latitude. We can have independent assessments, and I would encourage this body to insist upon those.

Mr. POMBO. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, we do have a problem. And I think that everybody who has come to the floor today to talk about the underlying bill has recognized that we have a serious problem. The gentleman from Oregon (Mr. DEFAZIO) talked about 100 years of mismanagement in our forests, and I think it is the only thing that he said that I really did agree with him on, because there

has been a hundred years of mismanagement in our forests. We went from what I believe was a point of cutting too many trees, and we had the clear cuts and all of the resulting environmental degradation and the problems that resulted out of that. And as a response to that, we had a number of environmental groups and people that came to this floor over the years that said we cannot continue to treat and manage our forests this way. And the pendulum swung all the way in the other direction. And a lot of folks that over the years have worked on the issue really did believe they were doing the right thing, but they were not.

The problem is they adopted a policy of hands off, keep man out, we do not want to impact the natural state of our forest. But what they forgot was we are part of nature and we are part of the impact on our forests. So when you take man out of it and you control all of the fires that would have burned over the last 30 or 40 years, you ended up with all of this underbrush that grew up in our forests. And our forests today are much more dense than they were naturally. And the underbrush is much more full than it would have been naturally. And we ended up with a situation where a hundred years ago if a small fire had started, it would have burned along the bottom of the forest and that would have been a natural, healthy event. But today that same fire starting in our forest gets into that underbrush, climbs up the trees and gets into the crown of the trees and destroys the forest. It sterilizes the ground. It destroys our watersheds. It destroys the communities that have grown up in these areas.

So we have to do something about that. And what we have tried to do over the last couple of years is negotiate out a way of dealing with the current situation that we have in our forests. And I do give the gentleman from California (Mr. GEORGE MILLER) and the gentleman from Oregon (Mr. DEFAZIO) credit because they did negotiate with us. And the gentleman from Oregon (Mr. WALDEN) and the gentleman from Colorado (Mr. MCINNIS) spent literally dozens and dozens of hours working this through and trying to come up with a compromise.

Mr. Speaker, I believe the underlying bill is a compromise. It does not do everything I want. It does not do everything that the people in my communities want. But it does begin to move in the right direction, and that is what we are trying to do.

I listen to the opponents of this legislation. It is as if they dusted off their arguments that they had during the 1970s and rolled them out again. They have absolutely nothing to do with the underlying legislation.

This is a middle-of-the-road moderate compromise to deal with a very real problem that we have today. That is what we are trying to do. You can take an extreme position if you want. You can run out as far to the left as

you possibly can and hold up your flag, but that does absolutely nothing to protect the health of our forests today. What we are trying to do is stop the risk or lessen the risk of a catastrophic fire starting in our forests.

The gentleman talked about the provisions that deal with insect infestations. We spent literally hours and hours going over that provision trying to come up with something that would limit the research to a small area and allow the researchers, the biologists, the scientists to come up with a way of stopping these insect infestations from spreading to the forests. That is what we are trying to accomplish with this bill. I would hope that my colleagues would at least try to moderate their rhetoric and join us in supporting this bipartisan compromise.

Today the House of Representatives will consider landmark environmental legislation—the bipartisan Healthy Forests Restoration Act. Mr. Speaker, I'm proud to note that this critical environmental legislation originated in the House Resources Committee earlier this year. Actually, it's the upshot of years of sweat equity on the part of a number of Members, many here and others not, each of whom believed deeply in the importance of restoring our forests to a healthy state.

Since its introduction earlier this year, the bipartisan bill has run the legislative gauntlet through three committees, where it has been discussed, debated and redebated more times than I care to discuss. With another bleak wildfire season bearing down us, clearly there's been more than enough talking. The time for action on the part of the united States House of Representatives is now.

Mr. Speaker, H.R. 1904, authorized by Representatives MCINNIS and WALDEN along with Chairman GOODLATTE and myself, is as important as any environmental legislation to pass through this Congress in a long time. And make no mistake about it, this legislation is vital to protecting our natural environment.

With 190 million acres at unnaturally high risk to catastrophic wildfire and massive insect and disease outbreaks, cherished forest ecosystems and all that they sustain are squarely in harm's way. Air quality, water quality, the viability of old growth forests and threatened and endangered species, all are directly threatened by America's forest health crisis. Last summer we experienced these ecological horrors first hand. We all watched the images on TV, and many of us witnessed first hand, as the Nation's forestlands were denuded, air quality was despoiled, and sources of drinking water for millions were devastated. The scope of the destruction was breathtaking.

The good news is that our Federal land managers can slow this destructive environmental march, if only Congress will let them. Currently, it typically takes upwards of several years for forest managers to get a scientifically validated thinning project through the bureaucratic maze of analysis, documentation, appeals and lawsuits. This bureaucratic pace is unacceptable given the size of the environmental destruction that awaits.

With this understanding, the legislation's underlying premise is simple and clear: With 190 million acres at unnaturally high risk to catastrophic wildfire, it is indefensible that it takes Federal land managers upwards of several years to maneuver forest health projects

(like thinning and prescribed burns) through sundry procedural requirements. Under the Healthy Forest Restoration Act, forest management projects on certain high-risk landscapes would still be subject to rigorous environmental analysis as well as administrative challenges and lawsuits, but these multiple processes would be completed in a matter of months, rather than years as is currently the case.

On one point I want to be particularly clear: This bill goes to unprecedented lengths to ensure that the public has a full and thorough opportunity to participate in the decision-making process. The bill codifies the bipartisan Western Governor Association 10-Year Strategy's robust public input and participation requirements, ensuring that interested persons will have numerous opportunities to engage decision makers during all phases of a project's development and implementation. The WGA strategy was endorsed by numerous government and non-government organizations, including leading environmental groups like the Wilderness Society. The bill also requires an additional public meeting for all projects implemented under this Act—a public meeting over and beyond what is currently required. Finally, the bill locks in place the public notice and comment requirements currently required during the environmental analysis phase for a wildfire mitigation project.

Mr. Speaker, this is a thoughtful and balanced approach to addressing what amounts to a cataclysmic environmental problem. The common-sense nature of this bill is borne out by the overwhelming bipartisan support it has received. At last check, there are nearly 140 cosponsors of the Healthy Forests Restoration Act, 16 of whom are Democrats, who hail from all parts of the country and all ideological stripes. It's hard to imagine anything but a common sense legislative package drawing this kind of broad-based support.

I would also note that Congressman SHERWOOD BOEHLERT, a Member with whom I have had any disagreements, has been a constructive partner in helping shape this legislation. The self-executing managers amendment makes perfecting amendments to an already outstanding legislative package. Mr. BOEHLERT deserves high praise for his leadership and goodwill in this process.

Mr. Speaker, the House has a chance today to do something meaningful, important and lasting. Imperiled as they may be, our forests are a great national asset, deserving of the immediate attention and care of this House.

They are an unmistakable part of our heritage. The bipartisan Healthy Forests Restoration Act will ensure that this natural inheritance is healthy, vibrant and thriving into the future.

Mr. GOODLATTE. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, the gentleman from California (Mr. POMBO) is quite right. Our forests were mismanaged a century ago. And we have had a great challenge in the last century because people live in and around these forests and we must fight forest fires. But the fact of the matter is if you fight forests fires, you are going to have this density building up. Many of our forests have several times the amount of firewood growing in them than is normal, than is natural. So the fires that occur are not natural forest fires.

I have heard the gentleman from Washington (Mr. INSLEE) say that we are cutting the heart out of our environmental laws. Nothing could be further from the truth. The fact of the matter is our environmental laws will be retained. This measure is quite modest. It only applies to a little more than 10 percent of the land that is subject to these catastrophic wild fires because of this density of the forests that has built up.

The fact of the matter is, if we do not pass this legislation, the abuse of those environmental laws by extremists will cause us to burn the heart out of our Nation's forests. This is a responsible response to that.

This is something that will allow the people who know how to manage our forests to apply scientific analysis of the forests. And with public comment, with local government input, with an appeals process both administratively and through the courts, we will get a prompt and expeditious response to the problem that we are seeing every year now in our national forests. It will give us the opportunity to begin the process of making those forests safer and healthier for the animals that live in them, for the air that we all breathe, for the streams that we all recreate in and are so important to our communities; and it will give us the opportunity to have a better environmental and economic future for rural America. I urge my colleagues to support this legislation.

Mr. GOODLATTE. Mr. Speaker, I have discussed with Mr. MATHESON from Utah the issue of local preference contracting for hazardous fuels reduction projects. I agree with Mr. MATHESON that this issue needs to be addressed and I pledge to work with the gentleman from Utah as H.R. 1904 goes to conference.

Mr. Speaker, it is with great pleasure that I submit the following exchange of letters with the respective Committees of jurisdiction with regard to H.R. 1904, the Healthy Forests Restoration Act of 2003 for printing in the CONGRESSIONAL RECORD:

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON AGRICULTURE,
Washington, DC, May 19, 2003.

Hon. W.J. "BILLY" TAUZIN,
Chairman, Committee on Energy and Commerce,
Washington, DC.

DEAR MR. CHAIRMAN: I am writing to recognize your Committee's jurisdictional interest in H.R. 1904, the Healthy Forests Restoration Act.

I appreciate your recognition of the need to move this legislation expeditiously. The U.S. Forest Service is predicting another very dangerous fire season and Congress needs to get the tools contained in H.R. 1904 implemented for the Forest Service post haste. I recognize that your decision not to request a sequential referral of this bill does not waive, reduce or otherwise affect any jurisdictional interest the Energy and Commerce Committee may have in the bill.

I will support the appointment of conferees from your Committee on those sections of the bill the parliamentarians determine are in the Energy and Commerce Committee's jurisdiction if a conference is convened.

Thank you again for your cooperation in this matter.

Sincerely,

BOB GOODLATTE,
Chairman.

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, May 20, 2003.

Hon. BOB GOODLATTE,
Chairman, Committee on Agriculture,
Longworth House Office Building, Washington,
DC.

DEAR CHAIRMAN GOODLATTE: I am writing with regard to H.R. 1904, the Healthy Forests Restoration Act of 2003, which was reported to the House on May 9, 2003. As you know, Rule X of the Rules of the House of Representatives grants the Committee on Energy and Commerce jurisdiction over the exploration, production, storage, supply, marketing, pricing, and regulation of energy resources, including all fossil fuels, solar energy, and other unconventional or renewable resources, as well as public health and quarantine.

I recognize your desire to bring this legislation before the House in an expeditious manner. Accordingly, I will not exercise my Committee's right to a referral. By agreeing to waive its consideration of the bill, however, the Energy and Commerce Committee does not waive its jurisdiction over H.R. 1904. In addition, the Energy and Commerce Committee reserves its right to seek conferees on any provisions of the bill that are within its jurisdiction during any House-Senate conference that may be convened on this legislation. I ask for your commitment to support any request by the Energy and Commerce Committee for conferees on H.R. 1904 or similar legislation.

I request that you include this letter as part of the Record during consideration of the legislation on the House floor. Thank you for your attention to these matters.

Sincerely,

W.J. "BILLY" TAUZIN,
Chairman.

HOUSE OF REPRESENTATIVES, COM-
MITTEE ON TRANSPORTATION AND
INFRASTRUCTURE,

Washington, DC, May 15, 2003.

Hon. BOB GOODLATTE,
Chairman, Committee on Agriculture, Long-
worth House Office Building, Washington,
DC.

DEAR MR. CHAIRMAN: I am writing to you concerning the jurisdictional interest of the Transportation and Infrastructure Committee in matters being considered in H.R. 1904, the Healthy Forests Restoration Act of 2003.

Our Committee recognizes the importance of H.R. 1904 and the need for the legislation to move expeditiously. Therefore, while we have a valid claim to jurisdiction over certain provisions of the bill, I agreed not to request a sequential referral. This, of course, is conditional on our mutual understanding that nothing in this legislation or my decision to forego a sequential referral waives, reduces or otherwise affects the jurisdiction of the Transportation and Infrastructure Committee, and that a copy of this letter and of your response acknowledging our jurisdictional interest will be included as part of the Congressional Record during consideration of this bill by the House.

The Committee on Transportation and Infrastructure also asks that you support our request to be conferees on the provisions over which we have jurisdiction during any House-Senate conference.

Thank you for your cooperation in this matter.

Sincerely,

DON YOUNG,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON AGRICULTURE,
Washington, DC, May 19, 2003.

Hon. DON YOUNG,
*Chairman, Committee on Transportation and
Infrastructure, Rayburn, Washington, DC.*

DEAR MR. CHAIRMAN: This letter responds to your May 15, 2003 letter concerning your committee's jurisdictional interest in H.R. 1904, the Healthy Forests Restoration Act. I welcome this opportunity to respond.

I appreciate your recognition of the need to move this legislation expeditiously. The U.S. Forest Service is predicting another very dangerous fire season and Congress need to get the tools contained in H.R. 1904 implemented for the Forest Service post haste. I recognize that your decision not to request a sequential referral of this bill does not waive, reduce or otherwise affect any jurisdictional interest the Transportation and Infrastructure Committee may have in the bill.

I will support the appointment of conferees from your Committee on those sections of the bill the parliamentarians decided are in the Transportation and Infrastructure Committee's jurisdiction if a conference is convened.

Thank you again for your cooperation in this matter.

Sincerely,

BOB GOODLATTE,
Chairman.

Ms. DEGETTE. Mr. Speaker, I agree that 50 years of aggressive fire suppression necessitate an increase in fuels reduction. But H.R. 1904 is not the answer and public comment is not the enemy.

Last year, wild fires swept across the West and my home state of Colorado was particularly hard-hit. The Hayman fire ultimately burned over 138,000 acres and the area surrounding Cheesman Reservoir, which provides much of the drinking water for my Denver district.

Thinning efforts must focus on the wildland-urban interface. But H.R. 1904 fails to prioritize and fund efforts where they would have the greatest impact. The Miller-DeFazio substitute would guarantee that 85 percent of funding for thinning projects is spent near communities and watersheds; and provides for accelerated consideration of forest thinning projects near communities in non-controversial areas.

I am also concerned about the ways in which this bill overreaches. Specifically, H.R. 1904 attempts to limit the amount of time the public has to file a legal challenge to any fuel reduction project to a mere 15 days, places limitations on the time judges have to review cases and mandates that they inform congressional committees whenever they extend injunctions beyond 45 days. There are reasons that groups like the NAACP and Planned Parenthood have come out against this bill and they have little to do with their positions on the state of our nation's forests. They have correctly foreseen the very real threat that this bill poses to fair process for administrative appeals and the undue burden it places on our court systems.

And the public has little recourse. Shutting the public out of the decision making process will not facilitate or streamline anything. Many communities throughout the West are ready and eager to play a role in sustaining the for-

ests that surround their homes. They should be meaningfully engaged in land management decisions that affect them, rather than closed out of the process altogether as H.R. 1904 proposes.

I urge my colleagues to oppose this ill-considered legislation and instead support the logical and worthy substitute from my Democratic colleagues.

Mr. WELDON of Florida. Mr. Speaker, last year the U.S. taxpayers paid \$1.5 billion to fight forest fires and twenty-three firefighters lost their lives. In fact, over the past few years, taxpayers are expected to pay billions more to fight forest fires unless changes are made in forestry management. Many of the fires we have seen over the past several years could have been prevented, billions of tax dollars could have been put to better use, and dozens of lives could have been saved. Furthermore, critical forest habitat would have been saved for the enjoyment of future generations of Americans and for wildlife, including endangered species.

Too many of our nation's forests continue to be damaged by out of control forest fires, insect infestations, diseases, and invasive species. Today, Federal forestry experts estimate that 190 million acres of federal forest are at risk for catastrophic wildfire. Unfortunately, current laws put too many barriers and delays in the way of properly managing our forests, meaning that these forests will remain at risk for years to come unless better management practices are implemented in a more timely manner. It currently takes several years for forest management plans to get through the bureaucratic and legal quagmire. During this delay, too many forests suffer damage from fires and insects and billions of dollars—and in some cases human lives—are lost.

Last year, the President proposed a Healthy Forests Initiative to facilitate better management of forests. Bipartisan legislation was introduced in the House of Representatives. The Healthy Forests Restoration Act of 2003 (H.R. 1904) to address this concern. Many of the proposals contained in this legislation were put forward during the Clinton administration but were never acted upon by that administration.

Under current rules, it is estimated that federal land managers will only be able to address the catastrophic fire threat in about 2.5 million of these 190 million acres each year. This is unacceptable.

In 2002, then-Senate Majority Leader TOM DASCHLE (D-South Dakota) included an environmental rider to allow for logging in the Black Hills of South Dakota to protect these forests from catastrophic fires. Senator DASCHLE recognized the dangers that these potential catastrophic fires could pose to the forests and communities of South Dakota. Under the Daschle provision all court cases to block forestry management plans in the Black Hills were prohibited. H.R. 1904 does not go nearly as far as Senator DASCHLE's plan. H.R. 1904 allows appeals to be made, but expedites the process so that it does not take several years to approve forest management plans.

This is a common sense solution to a very serious problem. H.R. 1904 finds the middle ground between the Daschle plan, which prohibited challenges, and the current system, which allows flammable underbrush to pile up, forests to become dangerously dense, and forest fires to rage out of control while the courts

are jammed with suits over forestry management plans.

Through the use of environmentally sensitive thinning, prescribed burns, and other scientifically validated management practices, our nation's forests can be returned to a sustainable balance, the risks of catastrophic wildfire and disease infestations can be reduced, and habitat for wildlife will be preserved.

This bipartisan legislation reforms the current forest management system so that forest management plans can be approved and implemented in a timely process while still respecting the right of public participation in the decision making process. I believe that this legislation will aid us in this effort and I support its passage.

Ms. HOOLEY of Oregon. Mr. Speaker, today I want to talk about an issue that is very important in my home state and in my congressional district—hazardous fuels reduction. Oregon has been hit hard by wildfires in recent years, and there is no question that we must take steps to make up for years of neglect of our federal forests.

First of all, I want to praise Mr. WALDEN and Mr. DEFAZIO for their tireless work and passion on this issue. Both of these fine Congressmen have spent countless hours over the past several years working together to address this very real problem, and I appreciate their hard work. Last Congress, I was pleased at the progress they were making, and was disappointed that, because of the lateness in the year, they did not have the opportunity to complete negotiations and bring the fruits of their efforts on fire prevention to the floor. Had they had time to do so I would have supported their legislation.

While I appreciate the efforts that Mr. WALDEN has put forward, and while I agree 100 percent with his goals of creating healthier forests and preventing fires, I have concerns about the legislation, H.R. 1904, which we are considering on the floor today.

I am first and foremost concerned about the fact that this legislation does not provide any additional funds to undertake the projects necessary for healthy forests. The legislation being discussed last year included funding, and today's DeFazio substitute also includes the money important to protect our forests. Without money we face an impossible task. The best intentions are well and good, but we need money to fight this battle against fire and insect infestation.

Second, I am concerned that this legislation, in the name of reducing "red tape," gives complete authority to the Secretaries of the Interior and Agriculture. Regardless of which party is in power, I am concerned about allowing the Secretaries to set their own rules, regardless of congressional intent and public opinion.

I have reasons for these concerns. Last Congress I led a bipartisan charge with Republican Congresswoman MARY BONO to require Country of Origin Labeling on agricultural products. This proposal was strongly supported by farmers in my home district, and passed the House of Representatives overwhelmingly. My proposal was signed into law last Congress. Despite this overwhelming support in my district, and despite the voice of the Congress, the Secretary of Agriculture has repeatedly blocked implementation of Country of Origin Labeling. I have other examples as well, and I do not feel comfortable giving the

Secretaries this much leeway in determining our national priorities. The public needs to be involved in the process.

Mr. Speaker, I am urging swift consideration of fuels reduction legislation in the Senate as we have a huge problem in the Pacific Northwest that must be addressed before the heat of summer. This is a real problem and we need a real solution with money to match the talk. I hope that when the Senate considers this legislation they will provide funding to address the need for fuels reduction in our national forests. I also hope that they will allow local participation in fuels reduction proposals, and will not give such total authority to the Secretaries.

In closing, I would urge the Senate to work quickly to send the House hazardous fuels reduction legislation that many of us from timber communities can support.

Mr. KIND. Mr. Speaker, I rise in opposition to the underlying bill and in favor of the Miller substitute.

Mr. Chairman, there are few things more heartbreaking than to tune into the evening news and watch as wildfires once again bring devastation and loss to our neighborhoods in the West.

In Wisconsin, we have been relatively lucky: It has been over 130 years since Wisconsin experienced the magnitude of destruction many of today's western fires have wrought. On October 8, 1871, the same day as the Chicago fire, the great Peshtigo fire ravaged 2400 square miles and became known as the Nation's worst forest fire, in terms of lives lost, in history.

Mr. Speaker, Democrats agree with our colleagues from across the aisle—that the recent propensity of wildfires are a result of years of forest mismanagement in combination with years of sustained drought have created the undeniable need to develop a sensible hazardous fuels reduction policy on our public lands.

Unfortunately, the bill offered by my colleague, Mr. McINNIS does not get us there. It fails to target our resources to where they are needed most—the areas surrounding our interface communities and municipal water supply systems. And like so many other policies championed by this administration, the bill does not provide any funding mechanism to provide those interface communities new financial resources to treat non-federal lands within their community protection zones. Mr. Speaker, fire does not recognize a federal tree from a non-federal one and if communities are unable to treat abutting lands the underlying bill will do practically nothing to stop a wildfire's terrible destruction.

Furthermore, the underlying bill needlessly undermines the National Environmental Policy Act (NEPA) by eliminating its core requirement, the consideration of alternatives to a planned activity such as logging or thinning. This was the intent of Congress in passing NEPA.

But perhaps most troubling to me, as a former prosecutor, are the unprecedented judicial review provisions of the bill. This section is necessary, say its proponents, because "frivolous appeals" have hamstrung the forest service's efforts to prevent fires.

Unfortunately, a recent GAO report refutes that argument and found that 95 percent of thinning projects have proceeded in a timely manner, even when challenged in court.

The judicial review section of this bill requires challenges to Forest Service's action be filed within 15 days—A time limit very few communities would be able to meet. Furthermore, this provision forces courts to make changes to their docket—regardless of the volume or nature of pending cases—to force a decision within an arbitrary 100-day deadline.

Finally, this section establishes a new standard for injunctive relief by directing courts to give deference to the agencies when deciding whether to issue a permanent injunction against an activity even when that activity has already proven to be illegal.

Mr. Speaker, in contrast, the Miller substitute provides federal resources where it will do the most good. Unlike the underlying bill, it authorizes \$4 billion for hazardous fuel reduction and dedicates 85 percent of the available funds to communities that are most at risk. The substitute also provides \$500 million in funds to communities to address fuel buildup on adjacent private lands.

Furthermore, the substitute expedites fuel reduction programs around communities and watersheds without gutting NEPA or imposing dangerous judicial review provisions that are opposed by all of the major civil rights groups.

Mr. Speaker, I join my Republican and Democrat colleagues today in calling for a sensible hazardous fuels reduction policy on our public lands—one that will actually protect our citizens and reduce the occurrences of these devastating fires. It is my hope, that the result of the policy we make today will allow the citizens of the western states, like the citizens of Wisconsin, to go 130+ years without knowing firsthand the awful loss wildfires often bring.

I urge my colleagues to vote "yes" for the Miller substitute.

Mr. SCHIFF. Mr. Speaker, I rise today to express my strong opposition to H.R. 1904, the poorly-named Healthy Forests Restoration Act.

This bill is a wolf in sheep's clothing. It preys on our legitimate concerns and fears about the impact of deadly forest fires in the upcoming fire season. Indeed, we must acknowledge the destruction that has been caused by poor fire management practices over the past century. But H.R. 1904, the McInnis-Walden bill, is the wrong solution. It is not only inadequate to address these failures, it is deeply harmful to our environment.

Under the guise of helping to protect communities from forest fires, this bill actually undermines critical environmental laws. Even more egregiously, it also violates our core democratic values by restricting the rights of Americans to seek redress in courts for grievances against the Federal Government.

H.R. 1904 should be defeated because it fails to protect our communities from wildfire. It allows the logging of remote backcountry with no requirement that at-risk homes and communities closest to forests are protected first. It does not provide sufficient funding for local fire districts, communities, or tribes for fire prevention.

In addition, this bill undermines existing environmental protections. It provides exemptions from the National Environmental Policy Act, the cornerstone of all environmental legislation. Without these critical NEPA safeguards, this bill will allow commercial logging projects to proceed with minimal environmental analysis or public involvement. As a result, old-growth forests and roadless areas would not be adequately protected.

The Miller substitute is a great improvement over H.R. 1904. While H.R. 1904 in effect would allow logging in remote areas, the Miller substitute explicitly prioritizes thinning projects that are closest and most threatening to at-risk communities and water supplies. The Miller substitute aims to protect our rarest and most precious trees, prohibits new road construction, and limits the total amount of federal land eligible for thinning projects. It requires environmental reviews of forest thinning projects, making exceptions only for projects within half a mile of an at-risk community.

We can all agree that destructive forest fires must be prevented through improvements in our forest management practices. But we must not let our eagerness to avert these tragic fires blind us to the flaws of this bill, which essentially offers a carte blanche for timber companies to log in remote forests. I urge my colleagues to vote for the Miller amendment and to oppose the McInnis bill.

Mr. LEVIN. Mr. Speaker, I rise in opposition to this flawed forest bill as well as the patently unfair procedure in which this legislation is being considered today by the House of Representatives. Neither the bill nor the procedure we are following brings credit to this body.

Last night in the House Rules Committee, Democrats brought forward eleven amendments and asked the Committee to allow the House to debate them today. Many of these amendments were thoughtful and constructive. All of them deserved to be debated by the full House, yet the Republican-controlled Rules Committee denied all but one of the amendments. The result is that we will have a severely curtailed debate on a very divisive piece of legislation with little opportunity for Members to improve the bill.

This is a lost opportunity. Clearly there is a significant public divide in this country on forest policy issues, and the best way to bridge these differences is to have a full debate in which alternative proposals can be debated. Instead, the Rules Committee has adopted a procedure in which Members will be effectively gagged. Sadly, this practice has become the norm whenever the House considers controversial bills.

I also disagree with the substance of the legislation before the House today. This so-called "Healthy Forest Restoration Act" is not an effective response to the wildfire problems we have experienced in recent years. The bill seeks to weaken longstanding environmental protections, including the landmark national Environmental Policy Act, under the guise of fighting wildfires. But the severe fires we have experienced are not the result of our nation's environmental laws; they have been due, in large measure, to a combination of severe drought, the overgrown conditions of many federal forests resulting from past fire-suppression policies, and the growing number of settlements adjacent to forested areas.

I will vote for the substitute that will be offered by representatives MILLER, DEFAZIO, RAHALL and CONYERS. In my view, the substitute more effectively deals with the wildfire threat by focusing federal resources on protecting the communities most at risk from forest fires. Specifically, the substitute would dedicate 85 percent of the available funding to fire abatement projects near vulnerable communities. There is no similar guarantee in the underlying bill which allows logging to take place in roadless areas and old-growth forests far from

the communities at risk. If the substitute is not adopted, I urge my colleagues to join me in opposing final passage of this bill.

The SPEAKER pro tempore. All time for general debate has expired.

REQUEST TO REMOVE MEMBER AS SPONSOR OF
H.R. 1904

Mr. MCINNIS. Mr. Speaker, I ask unanimous consent that the gentleman from Virginia (Mr. SCOTT) be removed as a sponsor of the bill. He was put on there through staff error. I want to make sure I am appropriate procedural-wise to get the name off before we get locked into it.

The SPEAKER pro tempore. On the bill that is currently under consideration?

Mr. MCINNIS. Yes, Mr. Speaker.

The SPEAKER pro tempore. The Chair is informed it is too late to remove the name from the bill. It has been reported.

AMENDMENT IN THE NATURE OF A SUBSTITUTE
OFFERED BY MR. GEORGE MILLER OF CALIFORNIA

Mr. GEORGE MILLER of California. Mr. Speaker, I offer an amendment in the nature of a substitute.

The SPEAKER pro tempore. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. GEORGE MILLER of California:
Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

(a) SHORT TITLE.—This Act may be cited as the “Hazardous Fuels Reduction Act of 2003”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title.

Sec. 2. Definitions.

Sec. 3. Hazardous fuels reduction projects authorized.

Sec. 4. Collaboration and public input process.

Sec. 5. Expedited planning and implementation process.

Sec. 6. Development of definitions of old and large trees.

Sec. 7. Ongoing projects and existing authorities.

Sec. 8. Preference to communities with fire prevention ordinances.

Sec. 9. Sunset.

Sec. 10. Authorization of appropriations.

SEC. 2. DEFINITIONS.

(a) LAND TYPE AND FIRE REGIME DEFINITIONS FROM FOREST SERVICE ROCKY MOUNTAIN RESEARCH STATION.—In this Act:

(1) CONDITION CLASS 2.—The term “condition class 2” refers to lands on which—

(A) fire regimes have been moderately altered from their historical fire return intervals;

(B) there exists a moderate risk of losing key ecosystem components; and

(C) vegetation attributes have been moderately altered from their historical range.

(2) CONDITION CLASS 3.—The term “condition class 3” refers to lands on which—

(A) fire regimes have been significantly altered from their historical fire return intervals; and

(B) there exists a high risk of losing key ecosystem components.

(3) FIRE REGIME I.—The term “fire regime I” refers to lands—

(A) on which historically there are low severity fires with a frequency of 0-35 years; and

(B) are located primarily in low elevation forests of pine, oak, and pinyon-juniper.

(4) FIRE REGIME II.—The term “fire regime II” refers to lands—

(A) on which historically there are stand replacement severity fires with a frequency of 0-35 years; and

(B) are located primarily in low- to mid-elevation forests, rangelands, grasslands, or shrublands.

(5) FIRE REGIME III.—The term “fire regime III” refers to lands—

(A) on which historically there are mixed severity fires with a frequency of 35-100 years; and

(B) are located primarily in forests of mixed conifer, dry Douglas Fir, and wet Ponderosa pine.

(b) OTHER DEFINITIONS.—In this Act:

(1) ADMINISTRATIVE UNIT.—The term “administrative unit”, with respect to Federal lands, means a unit of the National Forest System or a land management district of the Bureau of Land Management

(2) AT-RISK COMMUNITY.—The term “at-risk community” means a geographic area designated by the Secretary concerned as any area—

(A) defined as an interface community on page 753 of volume 66 of the Federal Register, as published on January 4, 2001, or consisting of a collection of homes or other structures with basic infrastructure and services, such as utilities, collectively maintained transportation routes, and emergency services;

(B) on which conditions are conducive to large-scale fire disturbance events; and

(C) for which a significant risk exists of a resulting spread of the fire disturbance event, after ignition, which would threaten human life and property.

(3) BEST VALUE CONTRACTING.—The term “best value contracting” means the contracting process described in section 15.101 of title 48, Code of Federal Regulations, which allows the inclusion of non-cost factors in the contract process.

(4) COMPREHENSIVE STRATEGY.—The term “Comprehensive Strategy” means the Comprehensive Strategy for a Collaborative Approach for Reducing Wildland Fire Risks to Communities and the Environment, dated May 2002, which was developed pursuant to the conference report to accompany the Department of the Interior and Related Agencies Appropriations Act, 2001 (House Report 106-646).

(5) FEDERAL LANDS.—Except as provided in subsection (c), the term “Federal lands” means—

(A) National Forest System lands; and

(B) public lands administered by the Secretary of the Interior acting through the Bureau of Land Management.

(6) GOODS FOR SERVICE CONTRACTING.—The term “goods for service contracting” means the contracting process described in section 347 of the Department of the Interior and Related Agencies Appropriations Act, 1999 (as contained in section 101(e) of division A of Public Law 105-277; 16 U.S.C. 2104 note).

(7) HAZARDOUS FUELS REDUCTION PROJECT.—The term “hazardous fuels reduction project” means a project—

(A) undertaken for the purpose of reducing the amount of hazardous fuels resulting from alteration of a natural fire regime as a result of fire suppression or other activities; and

(B) accomplished through the use of prescribed burning or mechanical treatment, or combination thereof.

(8) INVENTORIED ROADLESS AREA.—The term “inventoried roadless area” means one of the areas identified in the set of inventoried roadless areas maps contained in the Forest

Service Roadless Areas Conservation, Final Environmental Impact Statement, Volume 2, dated November 2000.

(9) LOCAL PREFERENCE CONTRACTING.—The term “local preference contracting” means the contracting process described in section 333 of the Department of the Interior and Related Agencies Appropriations Act, 2003 (division F of Public Law 108-7; 117 Stat. 277), that gives preference to local businesses.

(10) MUNICIPAL WATER SUPPLY SYSTEM.—The term “municipal water supply” means reservoirs, canals, ditches, flumes, laterals, pipes, pipelines, or other surface facilities and systems constructed or installed for the impoundment, storage, transportation, or distribution of drinking water for a community.

(11) SECRETARY CONCERNED.—The term “Secretary concerned” means—

(A) the Secretary of Agriculture (or the designee of the Secretary) with respect to National Forest System lands; and

(B) the Secretary of the Interior (or the designee of the Secretary) with respect to public lands administered by the Secretary through the Bureau of Land Management.

(c) EXCLUDED FEDERAL LANDS.—This Act, including the expedited process described in section 5, does not apply to any Federal lands—

(1) included as a component of the National Wilderness Preservation System;

(2) where logging is prohibited or restricted by Act of Congress, presidential proclamation, or agency determination;

(3) included in a wilderness study area; or

(4) included in an inventoried roadless area.

SEC. 3. HAZARDOUS FUELS REDUCTION PROJECTS AUTHORIZED.

(a) CONSISTENCY WITH IMPLEMENTATION PLAN.—The processes authorized or required by this Act shall be consistent with the implementation plan for the Comprehensive Strategy to reduce hazardous fuels on Federal lands.

(b) PRIORITY HAZARDOUS FUELS REDUCTION PROJECTS.—

(1) PROJECTS ON CERTAIN LANDS.—In implementing hazardous fuels reduction projects under this Act, the Secretary concerned shall give priority to projects on the following Federal lands and other lands:

(A) Lands that are located within one-half mile of an at-risk community where fire regime I, fire regime II, or fire regime III exists and that are in condition class 2 or condition class 3.

(B) Lands where fire regime I, fire regime II, or fire regime III exists that are in condition class 3, or condition class 2 if the lands are intermingled with condition class 3 lands, and that are located in such proximity to a municipal water supply system that a hazardous fuels reduction project should be carried out in order to reduce the risk of harm to such system or the quality of a municipal water supply resulting from an unusually severe wildfire.

(2) LIMITATION ON OTHER PROJECTS PENDING COMPLETION OF PRIORITY PROJECTS.—With respect to projects on Federal lands in a State, the Secretary concerned shall complete all projects on Federal lands identified in paragraph (1) in that State before carrying out projects in areas outside of those Federal lands in that State.

(c) COMPLIANCE WITH LAND MANAGEMENT PLANS.—A hazardous fuels reduction project planned and conducted under this Act must be consistent with the land and resource management plan, land use plan, and other agency plans and regulations applicable to the Federal lands covered by the project.

(d) PROJECT CONTRACTING.—To conduct a hazardous fuels reduction project under this Act, the Secretary concerned shall use local

preference contracting and best value contracting. Payments under a contract entered into to implement a project under this Act shall only be made on a fee-for-service basis. The Secretary concerned shall not use goods-for-service contracting to implement a project under this Act.

(e) OLD GROWTH AND OTHER LIMITATIONS.—In conducting a hazardous fuels reduction project under this Act, the Secretary concerned—

(1) shall not construct new permanent or temporary roads;

(2) shall maintain all old and large trees and the structure, function, and composition of late-successional forest stands appropriate for each ecosystem type, until the process required by section 6 is complete and Congress formally adopts or rejects the recommendations by Act of Congress;

(3) shall focus on thinning from below when using mechanical treatment.

(f) ACREAGE LIMITATION.—Not more than 20,000,000 acres of Federal land may be treated using the authorities provided by this Act.

(g) FUNDING PRIORITY.—Of funds expended for hazardous fuels reduction projects under this Act, at least 85 percent shall be expended on projects on lands described in subparagraphs (A) and (B) of subsection (b)(1). Upon forming cooperative agreements with the appropriate parties, the Secretary concerned may use these funds for treatment of non-Federal lands.

(h) MONITORING.—

(1) MONITORING REQUIRED.—The Secretary concerned shall establish a balanced multiparty monitoring process in order for Congress to assess a representative sampling of the hazardous fuels reduction projects implemented under this Act.

(2) REPORT REQUIRED.—Not later than one year after the expiration of this Act, as provided in section 9, the Secretary concerned shall submit to Congress a report containing, at a minimum, the following:

(A) An assessment of the cumulative accomplishments or adverse impacts of the fuels reduction projects conducted under this Act.

(B) A description of the ecological effects of the projects conducted under this Act.

(C) A description of the economic viability, impacts, and costs of the projects conducted under this Act.

SEC. 4. COLLABORATION AND PUBLIC INPUT PROCESS.

(a) PROCESS REQUIRED.—

(1) DEVELOPMENT.—As a condition on the selection of hazardous fuels reduction projects under section 3, the Secretary of Agriculture and the Secretary of the Interior shall jointly develop a collaborative process with interested parties, consistent with the implementation plan for the Comprehensive Strategy. The collaborative process developed by the Secretaries may be the process set forth in title II of the Secure Rural Schools and Community Self-Determination Act of 2000 (Public Law 106-393; 16 U.S.C. 500 note).

(2) REQUIRED MAPS AND PUBLIC MEETINGS.—As part of the process developed under subsection (a), the Secretaries shall—

(A) produce maps, at the appropriate landscape scale, designating the condition class of Federal lands and other lands and including a fire risk assessment based on natural and human-caused factors, including insect and disease mortality, associated with those lands;

(B) make such maps readily available for public inspection; and

(C) hold a public meeting by administrative unit to discuss condition class and associated fire risk factors and to identify priority areas for the hazardous fuels reduction projects.

(b) PUBLIC NOTICE.—

(1) QUARTERLY NOTICE.—The Secretary concerned shall provide quarterly notice of each hazardous fuels reduction project proposed to be conducted using the expedited process described in section 5. The quarterly notice shall be provided in the Federal Register, in a local paper of record, and on an agency website. The Secretary concerned may combine this quarterly notice with other quarterly notices otherwise issued regarding Federal land management.

(2) CONTENT.—The notice required by paragraph (1) shall include, at a minimum, the following information regarding each hazardous fuels reduction project contained in the notice:

(A) Specific identification that the project is a hazardous fuels reduction project for which the expedited process described in section 5 will be used, including a clear statement whether the agency intends to use a categorical exclusion or to prepare an environmental assessment or environmental impact statement.

(B) A description of the project, including as much information on its geographic location as practicable.

(C) The approximate date on which scoping for the project will begin.

(D) Information regarding how interested members of the public can take part in the development of the project pursuant to the expedited process described in section 5.

(c) PUBLIC MEETING.—Following publication of each quarterly notice under subsection (b), but before the beginning of scoping for the project pursuant to the expedited process described in section 5, the Secretary concerned shall conduct a public meeting at an appropriate location in each administrative unit of the Federal lands regarding those hazardous fuels reduction projects contained in the quarterly notice that are proposed to be conducted in that administrative unit. The Secretary concerned shall provide advance notice of the date and time of the meeting in the quarterly notice or using the same means described in subsection (b)(1).

(d) FINAL AGENCY ACTION.—The Secretary concerned shall provide notice in the local paper of record and on an agency website of any final agency action regarding a hazardous fuels reduction project for which the expedited process described in section 5 are used.

(e) PUBLIC PETITIONS FOR INCLUSION OR EXCLUSION OF LANDS.—

(1) RIGHT TO PETITION.—An entity referred to in paragraph (4) may submit to the Secretary concerned a petition, with supporting evidence, that requests the inclusion or exclusion of an area of Federal lands in subsection (a) with regard to condition class.

(2) EVALUATION.—The Secretary concerned shall respond to a petition under paragraph (1) by public notice of a public viewing of the area in question, within 90 days of receipt the petition, with the petitioner and any other interested parties.

(3) RESPONSE.—The Secretary concerned shall accept or deny the petition within 180 days of its receipt, based on the site evaluation under paragraph (2) and a specific review of the historical conditions, forest type, and present fuel loads of the Federal lands covered by the petition.

(4) AUTHORIZED PETITIONERS.—A petition under paragraph (1) may be submitted by any of the following:

(A) A political subdivision of a State.

(B) A federally formed resource advisory council or provincial advisory committee.

(C) A resource advisory committee established under section 205 of the Secure Rural Schools and Community Self-Determination

Act of 2000 (Public Law 106-393; 16 U.S.C. 500 note).

SEC. 5. EXPEDITED PLANNING AND IMPLEMENTATION PROCESS.

(a) SCOPING.—The Secretary concerned shall conduct scoping with respect to each hazardous fuels reduction project for which the expedited process established by this section are to be used.

(b) CATEGORICAL EXCLUSIONS.—

(1) PRESUMPTION NEAR COMMUNITIES.—If a hazardous fuels reduction project covered by section 3, for which the collaborative and public input process required by section 4 is used, covers Federal lands located within one-half mile of an at-risk community, the project is deemed to be categorically excluded from further analysis under the National Environmental Policy Act of 1969 (42 U.S.C. 4331 et seq.). The Secretary concerned need not make any findings as to whether the project, either individually or cumulatively, has a significant effect on the environment. However, within one-half mile of an at-risk community, the Secretary concerned shall vary the treatments used to achieve heterogeneity of forest conditions and to ensure forest health.

(2) EXTRAORDINARY CIRCUMSTANCES EXCEPTION.—Paragraph (1) shall not apply to Federal lands located within one-half mile of an at-risk community if extraordinary circumstances exist with respect to the lands.

(3) EXTRAORDINARY CIRCUMSTANCES.—In the case of a hazardous fuels reduction project for which a categorical exclusion applies under paragraph (1), if extraordinary circumstances exist with respect to the project, the Secretary concerned shall follow agency procedures (as contained in CEQ regulation 1508.4, Forest Service Handbook 1909.15, chapters 30-33, as of August 22, 2002, and Bureau of Land Management Handbook H-1790-1, 516 DM 2.1-2.10) related to categorical exclusions and extraordinary circumstances.

(4) APPEALS.—Hazardous fuels reduction projects implemented using a categorical exclusion under paragraph (1) are not subject to appeal requirements imposed by section 322 of the Department of the Interior and Related Agencies Appropriations Act, 1993 (Public Law 102-381; 16 U.S.C. 1612 note), or the Department of the Interior Office of Hearings and Appeals.

(c) ENVIRONMENTAL ASSESSMENTS.—

(1) IN GENERAL.—With respect to priority lands identified in section 3(b), if a categorical exclusion does not apply under subsection (b) to a hazardous fuels reduction project under section 3 for the lands, the Secretary concerned shall determine, consistent with the National Environmental Policy Act of 1969, whether an environmental assessment will be sufficient to meet the requirements for the project under such Act.

(2) CONTENT.—An environmental assessment prepared for a hazardous fuels reduction project under section 3 shall—

(A) be concise, if possible not more than 10-15 pages;

(B) describe sufficient information and analyses for determining whether to prepare an environmental impact statement or a finding of no significant impact;

(C) state the need for the proposed action;

(D) describe alternative actions, as required by section 102(2)(E) of the National Environmental Policy Act of 1969;

(E) briefly describe the environmental impacts of the proposed action and alternatives;

(F) list the agencies and persons consulted, as required by section 1508.9 of title 40, Code of Federal Regulations, with respect to National Forest System lands;

(G) reference supporting data, inventories and other documents on which the Secretary concerned relied to make the decision; and

(H) involve interested agencies and the public in the preparation of the environmental assessment.

(3) AVAILABILITY OF DECISION DOCUMENT.—When the decision document is complete for a hazardous fuels reduction project under section 3 for which an environmental assessment or categorical exclusion memo is prepared, the Secretary concerned shall—

(A) provide notice of the decision document in the Federal Register, the local paper of record, and an agency website, including notice stating how the documentation listed in subparagraph (B) will be available; and

(B) make the environmental analysis document, administrative record, and decision document or memo for the project, pursuant to section 215.2 of title 36, Code of Federal Regulations, readily available for public review.

(4) APPEALS.—Notwithstanding the appeal requirements imposed by section 322 of the Department of the Interior and Related Agencies Appropriations Act, 1993 (Public Law 102-381; 16 U.S.C. 1612 note), or the Department of the Interior Office of Hearings and Appeals—

(A) persons must file any administrative appeal of a project under this subsection within 30 days after the date of issuance of the decision document for the project;

(B) the Secretary concerned shall resolve any appeal not later than 20 days after the closing date for filing an appeal; and

(C) the Secretary concerned shall stay implementation of the project until the end of the 15-day period beginning on date on which the Secretary concerned resolves any administrative appeal that complies with the requirements in subsection (d).

(d) ADDITIONAL LIMITATION ON ADMINISTRATIVE APPEALS.—Notwithstanding section 322 of the Department of the Interior and Related Agencies Appropriations Act, 1993 (Public Law 102-381; 16 U.S.C. 1612 note), if a draft document prepared pursuant to the National Environmental Policy Act of 1969 for a hazardous fuels reduction project covered by section 3 was available for public comment, the Secretary of Agriculture may require that a person filing an administrative appeal with respect to the project must have been involved in the public comment process for the project by submitting written comments raising specific issues with regard to the project.

(e) STATEMENT OF COMPLIANCE.—A categorical exclusion memo or environmental assessment decision document prepared under this section shall include a short statement as to how the hazardous fuels reduction project complies with the requirement of section 3(c).

SEC. 6. DEVELOPMENT OF DEFINITIONS OF OLD AND LARGE TREES.

(a) USE OF NATIONAL ACADEMY OF SCIENCES.—The Secretary of Agriculture and the Secretary of the Interior shall jointly enter into a contract with the National Academy of Sciences for the preparation of recommended definitions of old and large trees appropriate for each ecosystem type to be used for purposes of this Act.

(b) QUALIFICATIONS.—To be eligible to serve on the panel of the National Academy of Sciences used to prepare the recommended definitions of old and large trees, a member of the panel shall have scientific expertise in the characteristics of old growth and the seral stages of forest types.

(c) SUBMISSION OF RECOMMENDED DEFINITIONS.—Not later than one year after the date of the enactment of this Act, the National Academy of Sciences shall submit to the Secretary of Agriculture, the Secretary of the Interior, and Congress the recommended definitions of old and large trees appropriate for each ecosystem type.

SEC. 7. ONGOING PROJECTS AND EXISTING AUTHORITIES.

Nothing in this Act shall affect a hazardous fuels reduction projects for which scoping has begun before the date of the enactment of this Act or affect authorities otherwise granted to the Secretary concerned under existing law.

SEC. 8. PREFERENCE TO COMMUNITIES WITH FIRE PREVENTION ORDINANCES.

In determining the allocation of funding for the Community and Private Land Fire Assistance program under section 10A(b) of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2106c(b)), the Secretary of Agriculture shall prioritize funding to those communities that have taken proactive steps through the enactment of ordinances and other means to encourage property owners to reduce fire risk on private property.

SEC. 9. SUNSET.

The provisions of this Act shall expire at the end of the five-year period beginning on the date of the enactment of this Act, except that a hazardous fuels reduction project for which a decision notice, or memo in the case of a categorical exclusion, has been issued before the end of such period may continue to be implemented using the provisions of this Act.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

(a) NATIONAL FOREST SYSTEM LANDS.—For the purpose of planning and conducting hazardous fuels reduction projects under this Act on National Forest System Lands, there are authorized to be appropriated to the Secretary of Agriculture \$1,943,100,000 during the five-fiscal year period beginning October 1, 2003. Subject to section 9, amounts appropriated in one fiscal year and unobligated before the end of that fiscal year shall remain available for use in subsequent fiscal years.

(b) BLM LANDS.—For the purpose of planning and conducting hazardous fuels reduction projects under this Act on Federal lands described in section 2(b)(2)(B), there are authorized to be appropriated to the Secretary of the Interior \$1,888,000,000 during the five-fiscal year period beginning October 1, 2003. Subject to section 9, amounts appropriated in one fiscal year and unobligated before the end of that fiscal year shall remain available for use in subsequent fiscal years.

(c) OTHER LANDS.—For the purpose of planning and conducting hazardous fuels reduction projects under this Act on tribal lands, nonindustrial private lands, and State lands, there are authorized to be appropriated to the Secretary of the Interior \$500,000,000 during the five-fiscal year period beginning October 1, 2003. Subject to section 9, amounts appropriated in one fiscal year and unobligated before the end of that fiscal year shall remain available for use in subsequent fiscal years.

□ 1430

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to House Resolution 239, the gentleman from California (Mr. GEORGE MILLER) and a Member opposed each will control 30 minutes.

The Chair recognizes the gentleman from California (Mr. GEORGE MILLER).

Mr. GOODLATTE. Mr. Speaker, I claim the time in opposition.

The SPEAKER pro tempore. The gentleman from Virginia (Mr. GOODLATTE) will control the time in opposition.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself 5 minutes.

Already today we have heard a lot of heated exchange on the subject of fire policy. Our Republican colleagues will make impassioned speeches about the

need to pass this legislation to protect communities. The President has implored the Congress to act. And without question Democrats and Republicans agree that this is a critically important issue to so many of our western communities, to the health of our forests, to the safety of those communities and to those who are engaged in firefighting during the fire year in the western United States.

But there is a big difference between these pieces of legislation. There is a big difference between talking about catastrophic wildfires and really helping communities that are at risk. There is a world of difference between wildfire legislation put forth by my colleagues on the Republican side of the aisle and the alternative that we are proposing on this side of the aisle. That really comes down to an issue about the priorities of these communities.

Yes, we have drawn an area around these communities of a half mile which we have slated for fire treatment; and if we treated all those communities we would use up all of the money that is in the budget for the treatment of those fires, those where we engage in catastrophic fires, not necessarily the largest fires that take place in the western United States or in the United States, including Alaska, where huge fires rage very far from communities, far from where people live. Those are destructive fires in many ways, but they are not the catastrophic fires where we engage in the intensity of firefighting, the risk of human life, and the risk to property.

So we think in our legislation that we have made a decision that we will concentrate the resources on that, we will do it in a bill that is essentially noncontroversial, that addresses the problem, that can go to work right away, can create the jobs in the community that are necessary to provide for the health of our forests and the safety of our communities.

It is very clear, I think, when we look at both bills. Westerners understand the difference between smoke and fire, and I would suggest that the Republican bill is a lot of smoke if we are talking about protecting those communities. I think it is important to understand what are the distinctions in the bill. We provide direct aid to local communities to treat private lands and public lands because they are intermingled. To suggest you are going to do one without the other is to put the other at risk.

In fact, we find that there is not the aid to local communities in the Republican bill. Our provisions are noncontroversial and will speed up the thinning projects. I think when my colleagues read the legislation presented by the committees, they will see, as we have already heard comments from so many organizations that are deeply concerned about the due process provisions of this law, that will make it much more difficult, certainly delay its consideration in the Senate.

We create the new jobs quickly, providing that aid for the treatment on public and private lands, and we target the resources to those communities that are at risk and to the watersheds in those communities that are at risk. That is what we should be doing. That is what we should be doing. And we should especially be doing that when we consider the budget requests of this administration, which requested less money in this budget for hazardous fuel treatment than in the previous year.

The Department of the Interior requested stable funding in this year. The fact of the matter is, in total, what we see is there is less money to treat fewer acres. That is why we had to set some priorities.

Yes, we would like to think that we could second-guess nature, that we could go out to where lightning is going to strike, treat that area this year, and we would not have a fire there next year. But the fact of the matter is, in the urban-suburban interface, where communities have moved into the forest, where there is a risk, where there is a different urgency about fighting a fire because of properties and threats to communities where we put people most at risk in fighting those fires, that is where we ought to have the priority.

That is really what this legislation does. It makes a decision that the Congress, living within the budget constraints, and I hope the Committee on Appropriations will add additional money to this, but living within those constraints, let us treat those lands where we have the most critical need on this.

The suggestion in the Republican bill is that if we just cut down enough big trees, enough big valuable trees that are not the problem with fire, therefore we can pay for the treatment of more lands. In California, it is suggested that we could cut down many of the areas of the giant sequoia monuments, where we are preserving some of the oldest trees on the face of the earth, that we could cut down these trees and pay for treatment in Southern California or Northern California. That is a Faustian bargain the public does not want.

We have heard much discussion here about how fires used to creep along the forestlands. The suggestion we have to cut down the biggest trees so fires will once again creep along the forestlands is a mistake. What we need in many instances, and what many communities can do on a priority basis, is mechanical treatment and controlled burns to get rid of that understudy of brush that then allows those fires to jump into the crowns. But that is not what the Republican legislation does. It does not put the priority in the protection of those communities.

Mr. GOODLATTE. Mr. Speaker, I yield 15 minutes of my time to the gentleman from California (Mr. POMBO), the chairman of the Committee on Re-

sources, and ask unanimous consent that he be allowed to manage that time in his position.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The SPEAKER pro tempore. The gentleman from California (Mr. POMBO) will control 15 minutes of the time.

Mr. GOODLATTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, last year this Nation lost 6.9 million acres to catastrophic forest fires. That is an area larger than the entire State of Vermont. The Federal Government spent \$1.6 billion in a losing effort to save that forestland. The Healthy Forest Restoration Act would expedite hazardous fuels reduction projects on a fraction of the 190 million at-risk acres in our national forests.

The Miller substitute seeks to throw us back into the morass of inaction and delay that is destroying our natural resource base. According to the Chief of the Forest Service, last year the Forest Service spent over \$250 million on land management projects. Forty percent of that amount, over \$100 million, was wasted on process delays. If we continue to approach catastrophic fire losses like this, we will have lots of lawyers and still lose the forests.

The Miller substitute would reinstate the opportunities for procedural delay and even adds new unnecessary steps. This will drag the system even further into the mire that is exposing forest after forest to catastrophic fire threats.

The substitute forces 85 percent of funding for hazardous fuels reduction to be spent within one-half mile of an at-risk community. This arbitrary standard provides little meaningful protection to towns caught in the path of raging fires, the pictures some of which we have seen already in the debate, that have been observed to leap up to 2 miles past the main fire. By throwing almost all the projects into a narrow useless belt around towns, the substitute ignores the peril to watersheds, wildlife, particularly endangered species, and the forest itself.

The basic approach of the Miller substitute seems to be: If you can't beat it, wreck it. The most puzzling aspect of the substitute is that it totally ignores most of the bill. It does a thorough job of heaping needless process delays on the hazardous fuels reduction projects, but it ignores the threat of insect infestation on public and private lands. In my part of the country, it is the disease and insect infestations that are the greatest threat in the east and the south. The substitute refuses to accept the watersheds protection and healthy forest reserve programs created by H.R. 1904.

The Healthy Forest Restoration Act is a balanced approach to responsible conservation of our public and private forest resources. It addresses forest

health problems and promotes good stewardship across the Nation. The Miller substitute is a scheme to undermine fire protection efforts and effectively pretends there are no other forestry problems worth addressing. The labor unions, conservation associations, State and local governments, and professional foresters who support H.R. 1904 disagree.

Mr. Speaker, I urge the defeat of the Miller substitute and the passage of this outstanding bill, a first step to ending the carnage of our Nation's forestlands.

Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 3 minutes to the gentleman from Arizona (Mr. GRIJALVA).

Mr. GRIJALVA. Mr. Speaker, I rise in support of the Miller-DeFazio substitute, H.R. 1261. I do so because I think we need a positive vision, and that positive vision is the Miller-DeFazio substitute.

Protecting homes and keeping people safe must be the top priority of wildfire policy. Forest Service researchers believe making homes firewise and creating defensible space near communities is the best way to achieve this goal, one that could be realized within a short period of time.

Advocating for fuel reduction treatments to be focused on community protection zones does not mean the rest of the forest is left to burn. Restoration treatments focused on prescribed burning and small diameter thinning must proceed in the forest dependent on frequent fires, such as the Ponderosa Pine. More than 50 southwest conservation organizations have been calling for precisely this type of action since 1996. With continuing droughts and tight budgets, focusing on the community is the most effective, common-sense approach.

The Miller-DeFazio substitute is the definitive middle ground and is the only option that addresses hazardous fuels reduction and community protections.

H.R. 1261, the Miller-DeFazio substitute, protects old-growth forests, promotes thinning from below, guarantees due process, protects the NEPA review process, and, in complete contrast to H.R. 1904, actually provides guaranteed funding directly to communities, States, and tribal governments for protection of their people, their homes, and their businesses.

This is an effective solution before us today, and I ask, no, indeed I implore, that we vote for the solution in the Miller-DeFazio substitute.

Mr. POMBO. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. PETERSON).

Mr. PETERSON of Pennsylvania. Mr. Speaker, the Miller amendment would eliminate title 4, and it is about management techniques on an accelerated basis to stem the exploding insect epidemics.

To say that a research program is a ruse for commercial timber harvest is to ignore the plain language of this legislation. Large-scale studies are needed to test and demonstrate the effectiveness of treatments. This title creates a partnership between the Forest Service and academia to bring the very best minds in this country to solve these problems.

We want to talk about a new insect, the Hemlock woolly adelgid. It has come into the eastern part of this country. It came in 1950, and by the early 1990s this had spread into 11 States from North Carolina to Massachusetts, causing extensive Hemlock decline. This map shows where it is now spreading.

This insect, the adelgid, kills infected trees in 3 to 5 years after attack and spreads quickly. This next picture here shows these egg sacs that have up to 300 eggs apiece and how to identify a tree that has this insect. It feeds on the needles, and when they are done, here is what a Hemlock tree looks like. A beautiful Hemlock tree now looks devastated.

We need research. We need the ability to stop these insects that will destroy the Hemlock forests in the East. The substitute is removing the ability to do this. This substitute is not about helping fight the insects that are destroying the forests in this country.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. SOLIS).

Ms. SOLIS. Mr. Speaker, I rise also in strong support for the Miller-DeFazio substitute, and I hope that everyone in this room will proudly support that amendment as well. It puts local people first in making decisions about forest fire prevention, and it will get people to work right now before other emergencies come up. It focuses research where they are needed the most, in areas surrounding communities where people live.

I say that, Mr. Speaker, because last year we were also faced with one of our forest fires in Los Angeles, the Angeles National Forest, right on the periphery near cities that both I and the gentleman from California (Mr. DREIER) represent. By contrast, H.R. 1904 is a bill that ignores the needs of communities near forests.

H.R. 1904 drastically revises our legal review process and will create gridlock in our court system by virtually guaranteeing that every fire prevention plan be contested. It gives priority to those cases over all other legal matters, including cases pertaining to murder and civil rights.

□ 1445

That is why many groups and organizations that I work with, the NAACP, the Mexican American Legal Defense and Education Fund, and the National Organization of Women, and all other major environmental groups oppose H.R. 1904. H.R. 1904 ignores regional ap-

proaches to fire protection that has been carefully crafted with input from our local communities, industry, environmentalists, and State government. If we want a plan to truly protect our forests and our environment and the people that live there, then do the right thing and vote for the Miller-DeFazio substitute.

Mr. POMBO. Mr. Speaker, I yield 1 minute to the gentleman from Arizona (Mr. RENZI).

Mr. RENZI. Mr. Speaker, I rise today in opposition to the amendment specifically because it sets a one-size-fits-all policy across the country. The gentlewoman just spoke about local control, local coordination. That is exactly what this amendment does not do. Imagine for a minute looking down on one's own garden and being told you cannot weed anywhere but within 6 inches of your tomato plants. That is what we are telling the forest officials across the West, they have a half-mile diameter radius outside their city. That is where they will concentrate the money and weed the forest. That is where they will take out the small diameter, dog-hair thickets. Mind the scientists and the experts that proved that the vector fires, the pattern of where the fires are going to come from, where the prevailing winds and terrain are, never mind being able to thin in those areas so the firemen have a fall-back position, thinning is only within a half mile of town. That is it, no fall-back. This binds the hands of the Forest Service. Vote "no" on the amendment.

Mr. GOODLATTE. Mr. Speaker, I yield 4 minutes to the gentleman from Utah (Mr. CANNON).

(Mr. CANNON asked and was given permission to revise and extend his remarks.)

Mr. CANNON. Mr. Speaker, first of all, I would like to thank those people who have worked so hard on both sides of the aisle on this bill, and I rise in support of the underlying bill and in opposition to the amendment in the nature of a substitute.

Last year's wildfire season was among the most destructive in half a century. With frightening speed and growing intensity, wildfires swept across pristine forest preserves around the country destroying homes by the hundreds and forcing evacuations of thousands of residents, and blighting America's skies with thick, black, choking smoke. Over 190 million acres are now at heightened risk of wildfires.

The incidence and severity of these fires can be reduced through the controlled reduction of fire accelerants. For several years, procedural and legal obstacles have precluded land managers from taking timely steps to address these dangers. Currently, it takes several years to propose, analyze, re-analyze, litigate, and appeal preventive management options.

The Healthy Forests Restoration Act of 2003 helps provide Federal land managers with the tools to ensure timely

and effective response to wildfire threats.

H.R. 1904's judicial review and expedited administrative procedure provisions formed the basis of the Committee on the Judiciary's consideration of this legislation and comprised some of its most critical components.

Specifically, section 104 streamlines procedures for implementing threat reduction projects on Forest Service and Bureau of Land Management lands near at-risk communities, on fire-prone lands near municipal water sources, on lands that encompass habitat for endangered species, and on lands particularly vulnerable to disease and insect infestation. The Secretary must permit an environmental assessment or environmental impact statement for each of the authorized hazardous fuel reduction project.

Section 105 requires robust public participation throughout the process by requiring the Secretary of Agriculture to develop a formal administrative appeals process for persons who wish to challenge the implementation of forest preservation efforts.

Harmonizing the Forest Service's administrative appeal mechanism with the highly protective appeals process employed by the Department of the Interior promotes public participation, safeguards procedural due process, and permits the more timely implementation of urgent forest protection measures.

Section 106 pertains to the judicial review that requires the Federal courts to reevaluate the factual conditions underlying preliminary injunctions halting threat reduction projects every 45 days. This is critical. Presently, injunctive stays may remain in effect for years before courts reach the merits of a legal challenge, with sometimes catastrophic consequences. Periodic judicial reappraisal of the circumstances predicating injunctive relief will better equip courts to assess and address hazardous forest conditions.

Finally, under the current system, Federal courts focus almost exclusively on the consequences of implementing fire reduction projects. Section 107 of this legislation simply requires Federal courts to also assess the consequences of inaction.

This section, as amended by the gentleman from Virginia (Mr. GOODLATTE), also instructs Federal courts to weigh the factual and scientific assessments of forest threat conditions provided by the Forest Service and Bureau of Land Management when reviewing threat reduction initiatives. This guidance is consistent with Congress's plenary authority to determine the level of probative value courts may ascribe to agency determinations.

For millions of Americans, particularly in western States such as Utah, which I represent, the threat of forest conflagrations is not a hypothetical possibility, but a daily reality. H.R. 1904 enjoys overwhelming bipartisan support in the areas most threatened

by forest fires. Passage of the Healthy Forests Restoration Act will help reduce the growing prevalence of forest fires that have destroyed irreplaceable natural resources, including endangered species, and that have threatened hundreds of communities over the last several years.

I urge my colleagues to help safeguard America's forests from increasingly intense and common conflagrations. As chairman of the Bicameral Western Caucus, I can personally attest to the urgency of passing this bill, and encourage my colleagues to support this carefully tailored, proenvironmental legislation and to oppose the amendment in the nature of a substitute.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 4 minutes to the gentleman from Colorado (Mr. UDALL).

(Mr. UDALL of Colorado asked and was given permission to revise and extend his remarks.)

Mr. UDALL of Colorado. Mr. Speaker, I rise in support of this substitute amendment, not because I think it is perfect, but because I think it is a better choice than the underlying bill. The substitute is partly better because what it includes and partly because of what is not in it.

Most importantly, the substitute includes some of the best parts of the McNinnis-Walden bill the Committee on Resources approved last year. Like last year's bill, the substitute earmarks most of the fuel-reduction money for projects to protect our communities and their water supplies.

In both the Resources and Agriculture Committees, I tried to amend the bill to restore the requirement that at least 70 percent of the money for forest thinning projects go to protect communities and their water supplies. That 70 percent requirement was in the McNinnis-Walden bill last year, but it is not in this year's bill. So on this very important opportunity, the substitute is more in line with the bill I voted for last year.

Also, the substitute has a sunset clause. I think it should be included because that title is strong medicine to respond to an emergency situation. It is only sound policy to allow it to work for several years and then look at how well it has worked. A sunset clause will make sure that happens. The substitute also includes essentially the same provisions on administrative appeals as those in last year's bill. The purpose is to cut red tape and to speed up the resolution of appeals to avoid unnecessary delays.

I think those provisions are appropriate and have included similar ones in my own bill on this policy area. However, the new bill does not include any of those provisions. It simply allows the Secretary to establish any kind of appeals process the administration prefers. This is essentially a blank check. I do not think that is a good idea because it does not ensure that the result will strike the right balance

between the need to avoid unnecessary delays while still affording local governments and other interested parties a meaningful opportunity to appeal things they find objectionable.

At the same time, the substitute does not include some of the most troubling parts of the new bill. Unlike the bill, the substitute does not go beyond the scope of last year's McNinnis-Walden bill approved by the Committee on Resources. Many parts of the bill are absolutely new. There are things on which we have had no hearings and which threaten to bog us down in new controversies. They may have some merits, but I think it would be better to consider them separately, not as a part of this bill.

Finally, as I said, the substitute is not perfect, with all due respect to the gentleman from California (Mr. GEORGE MILLER). If it was just up to me, it would be different in several respects. In fact, it would read just like the bill H.R. 1042, the bill I introduced with my cousin and colleague, the gentleman from New Mexico (Mr. UDALL). I would have a broader definition of the wildland urban interface. If we are to truly address the risks to communities and their water supplies, we must include lands that are sometimes outside an arbitrary mileage limit from the edge of a particular community.

That is why my bill uses a definition based on the one developed by our Colorado State forester. On this one point, H.R. 1904, as well as my bill, is closer to the Committee on Resources bill from last year. But, unfortunately, my bill is not one of the choices before the House. We have to choose between H.R. 1904 and the substitute.

The substitute builds on the bill the Committee on Resources passed last year, while H.R. 1904 throws away some of the best parts of that bill and adds many new and troublesome provisions. I think the substitute is the better choice, and I urge its adoption.

Mr. POMBO. Mr. Speaker, I yield 3 minutes to the gentleman from Oregon (Mr. WALDEN).

Mr. WALDEN of Oregon. Mr. Speaker, who supports our bill? I would tell my colleague from Colorado, the Colorado State forester supports our bill.

Mr. Speaker, the Society of American Foresters, the National Association of State Foresters, and the Western Forestry Leadership Council support the underlying bill, H.R. 1904. These are the professionals in the field in the forests who want to do the work to prevent this kind of catastrophic fire. These are the people who come to us every day and say free our hands so we can do what we were trained to do in the colleges and universities across this country, to cut the underbrush, to tend to the garden for more than half a mile.

There is no scientific, underlying purpose to limit the scope of either of these bills to half a mile. There is not. That is a political decision somebody made. Members want to talk about the

abuse we are getting on this side for somehow doing away with NEPA? Check the substitute, page 16, that grants the Secretary's categorical exemption, and let me read from line 4. The Secretary concerned need not make any findings as to whether the project, either individually or cumulatively, has a significant effect on the environment. They do not even have to do an analysis. We require an environmental assessment or an EIS in these areas, but theirs to do hazardous fuels says they can do whatever they want as long as it is within a half mile from the community, no NEPA required. There is a specific exemption from NEPA. That is on page 16, beginning line 4, categorical exclusion.

But let us talk about what is really at stake here, and that is what we do to prevent fires from engulfing our communities, destroying our watersheds, wiping out habitat of threatened and endangered species. And let me quote from the National Association of Forest Service Retirees who wrote: "The big fires of 2002 came roaring out of interior forests, and nothing but a change in the weather stopped them. The consequences of only thinning around communities will be to give residents a false sense of security that may put property and their very lives in danger."

Mr. Speaker, a false sense of security. That is what the Miller-DeFazio substitute gives people in communities. We say we are solving the problem, but we are only going a half mile back. We ought to be stopping catastrophic fires that affect the watersheds and people; but they would not qualify for the kind of quick, hazardous fuels reductions that we both want to see happen throughout the forests.

Once again, where does this not apply? The legislation does not touch national parks, national wildlife refuges, wilderness areas, wilderness study areas, national monuments, or roadless areas. It does not get into any of those areas. This is a very small step forward, 20 million out of 195 million acres we want to get an expedited process in to see if we cannot make a difference. We want to do the assessments and the research to figure out what the best way to stop the bug and disease infestation we have seen in our forests.

Mr. Speaker, we are going to wipe out our hardwood forests and our softwood forests across this country if we debate this to death and do not act. I urge defeat of the Miller-DeFazio substitute, and I urge enactment of H.R. 1904.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 4 minutes to the gentleman from New Mexico (Mr. UDALL).

(Mr. UDALL of New Mexico asked and was given permission to revise and extend his remarks.)

Mr. UDALL of New Mexico. Mr. Speaker, first of all, let me rise today on behalf of the Miller-DeFazio substitute because I believe it is the much

better bill before this body today, and let me tell Members why.

□ 1500

We are talking here about trying to deal with forests that are overgrown, a situation that has grown over 100 years; and we are trying to find out a way to get those forests healthy. The approaches that are before us here are pretty radical. The bill that has been offered by the majority in this case does some unprecedented things in terms of judicial review. It really in fact guts some of the injunctive relief provisions and slants the whole process towards the Federal Government.

I hear on their side of the aisle talk all the time, limited government, we want limited government. What they are voting for is giving the Federal Government the balance of the power when you get into court on injunctive relief. And so they are tipping the scales in behalf of the Federal Government. And who else is in court? The citizen. That is who is in court. The citizen is in court with the Federal Government. And so this majority bill is basically saying, when you get into court and you start looking at these tough issues, citizens raise good concerns, well, it doesn't matter that they have raised good, proper concerns, let's rig the court system, let's rig the court system so it comes out in behalf of the Federal agencies.

I hear talk all the time in the Committee on Resources, oh, we have got to limit the Federal Government, we have got to watch these Federal agencies, we have got to keep an eye on them. You are not doing that in this bill. This bill is just opening the gates wide open for Federal agencies to abuse that power. The Miller-DeFazio substitute does not have a judicial review section. It does not have that egregious section. So it is better by far just on that account. But what Miller-DeFazio does is actually focus the Federal Government on thinning in the areas where it is needed most. The base bill is completely unfocused. You do not have a clue where they are thinning. Miller-DeFazio focuses in and says, let's look at urban-wildland interface, let's look at municipal watersheds, let's spend our time and resources in those areas. That is a significant difference here.

Another significant difference is in the NEPA process. I beg to differ with the gentleman from Oregon who says that our bill does some unfair things in terms of NEPA. We allow the citizens to participate with their forests, participate in the process. The underlying bill, the base bill, does everything it can to cut the citizens out of the process, shorten the deadlines, weight the judicial system against them. When it comes to allowing citizens to participate in their forests, these, after all, are the forests of the United States of America. The public owns these forests. What we are doing in this base bill is gutting the ability of the citi-

zens to actually participate in the process.

And so the better bill today is Miller-DeFazio. I would urge everyone to vote for that. And if that is not adopted, to vote down the base bill, the bill that is before us, because it is unbalanced, it is unfair, and it hurts citizens' ability to comment on their forests.

Mr. POMBO. Mr. Speaker, I yield 1½ minutes to the gentleman from California (Mr. RADANOVICH).

Mr. RADANOVICH. Mr. Speaker, 190 million acres of our Federal forests and rangelands are at unnaturally high risk to catastrophic wildfire. Currently, only 2.5 million of these acres are treated by forest managers. This is due to the immensely bureaucratic, litigious process that prevents proper forest management. The Miller amendment does not address this.

An example of the crisis facing our national forests was evident last year when a fire was blazing out of control in the Sequoia National Forest. The fire, called the McNally Fire, was raging dangerously close to an ancient sequoia grove within the National Sequoia Monument. Firefighters were prevented from controlling the blaze for several days because it was too dangerous.

In total, the McNally Fire charred over 150,000 acres of the forest; and it could have decimated the sequoia trees, some of which are over 1,000 years old. Responsible stewardship would have prevented this problem and would have minimized the amount of trees, habitat, and watersheds that were destroyed in the Sequoia National Forest. The Miller amendment would almost guarantee that this fire could happen again.

The McNally Fire is just one example demonstrating why the Healthy Forests Restoration Act is necessary. The enhanced flexibility given to local forest managers in the bill will better protect our forests. By streamlining procedures and ensuring public participation, forest management projects will be finished within months rather than years. The Miller-DeFazio amendment falls short of this goal.

Mr. POMBO. Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. GILCHREST).

Mr. GILCHREST. I thank the gentleman for yielding me this time.

Mr. Speaker, I want to thank all of those who participated in the process of the healthy forests reform legislation for doing a pretty good job. I think we are moving in the right direction. In this piece of legislation today we are moving significantly in the right direction. It does not go the whole way that all of us want to do, but we move significantly in the right direction. For those Members who will support the Miller amendment and oppose the underlying bill, the democratic process is a never-ending story, so we will always have opportunities to do what we want to do in this constant management regime.

The other thing is, we do something, I think, that is extraordinary in the underlying bill and that is that it deals with the hydrology, or the watershed approach, to our national forests. This kind of approach takes out the fragmentation piece by piece, the politically charged process of dealing with what we need to deal with, and that is healthy forests. What were they like 10 years ago? They were not very well 10 years ago. What were they like 20 years ago? Healthy forests did not exist 20 years ago. But what were they like 500 years ago? It was a natural process. What we are trying to do in this legislation is go through a process to get back to restore the prodigious bounty of nature and our healthy forests.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, my Republican colleagues should hear themselves over there. I have been sitting up in my office listening to this debate. They are saying our forests are diseased. They are right. But I ask, when was the last time they supported adequate funding for forest disease research in any of our bills?

They rightfully worry about fires devastating our forests. But I ask, when last did they support any kind of growth control, any kind of control that would prevent neighborhoods from butting up against our forests?

Their solution is right, cut the trees. Because if there are no trees, there will be no forest fires.

Mr. GOODLATTE. Mr. Speaker, it is my pleasure to yield 2 minutes to the gentleman from Nebraska (Mr. OSBORNE).

Mr. OSBORNE. Mr. Speaker, I must at this time speak in opposition to the Miller-DeFazio amendment. As a member of both the Committee on Agriculture and the Committee on Resources, I saw the evolution of the McInnis-Walden bill, H.R. 1904, heard it debated at length and heard it amended at length. The base bill provides desperately needed safeguards for our Nation's forests. It is well crafted, it is thorough, it is comprehensive.

I have five major concerns with the Miller-DeFazio amendment:

Number one. As has been stated many times today, the one-half-mile thinning zone is not adequate obviously to protect many homes and many residential areas. Many fires have jumped further than the one-half-mile limit.

Number two. The Miller amendment does not adequately address bug and insect outbreaks. This has been particularly a big problem in the South, in the East, and in some of the areas in the Midwest which abut to the State of Nebraska. The red oak disease has been particularly predominant in that area.

Number three. This amendment prohibits new road development. Certainly no one wants a lot of new roads in our forests, but new roads occasionally are

critical to firefighting. Last summer that was one of the major problems that we had; we could not get to the fires. And so at times some road building will be necessary.

Number four. The Miller amendment requires several mapping and reporting procedures which will slow down the decision-making process necessary to reduce fuel loads. We need less paperwork; we do not need more. The base bill, I think, does eliminate paperwork, and that is very important.

Number five. There is a concern that this amendment does not address some watershed concerns that are critical to clean water. I am a fisherman. I am very concerned about streams. I am concerned about habitat. The base bill, I think, does a better job of protecting the watershed areas.

The base bill is comprehensive and thoroughly crafted. I urge its passage without amendment.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 3 minutes to the gentleman from Washington (Mr. INSLEE), a member of the committee.

(Mr. INSLEE asked and was given permission to revise and extend his remarks.)

Mr. INSLEE. Mr. Speaker, I want to speak in favor of the Miller substitute. I have two, I think, critical questions that need to be answered. The first question is, How does the majority party in the underlying bill purport to actually pay for what the Forest Service says is millions and millions of acres of fuel reduction treatment? Are they going to hold a lottery? Are they going to hold a bake sale? There is nothing in their bill to say how to get the payment. The Miller substitute is a mature, responsible bill because it authorizes the money. It authorizes the money not only for the Federal Government but for the State and local government.

It is not just the Federal Government that needs help here. It is local government. Earlier I made reference to Glenwood Springs, the mayor sending a letter asking for an amendment to make sure there is help to local governments. It was suggested, I suppose, that there is something wrong with that. In fact, we went through and we found out that it is not just Glenwood Springs. There are letters from officials in Basalt, Pitkin County, Gunnison County, Summit County, Nederland, Boulder, Wheat Ridge, Golden, Silt, San Miguel, and Carbondale asking this Congress to help local communities solve this problem. There is not a penny in the majority's bill that does that. It is wrong.

It is an echo of the homeland security issue. It is an echo. We have not helped local communities deal with this problem. I think the assessment of the gentleman from California (Mr. POMBO) of how we got into this pickle was really quite eloquent. I think it was right, that there was a bipartisan failure of management for a long time. But the problem is that there is not bipartisan support not on whether to

have a fuels reduction program but how to have a fuel reduction program. We think on this side of the aisle we ought to help these local communities.

The second question: How in the underlying bill do they guarantee the American people we are not going to cut down old growth timber like this in this fuel reduction program? We have no business cutting down big trees like that instead of the little, tiny, skinny trees that we ought to be cutting down in a fuel reduction program. Their bill does nothing to guarantee Americans in that regard. They criticize the gentleman from California's bill for having categorical exclusions. But those categorical exclusions have protections to guarantee against this stuff being cut in those wildland-urban interfaces and the community protection zones. We have language protecting specifically against old growth being cut. We have provisions against using the fiber from these big trees for financing this program.

This dovetails back to the very first question I asked, Where are they going to get the money to pay for this? I know they are intelligent folks and I respect them all. They are not going to get it from lotteries and bake sales. They have only got one place I can possibly imagine to get the money from this and that is cutting down trees just like that to pay for it. We could do a lot better job on a bipartisan basis answering the question how to have a fuels reduction program, whether to have one, and that is by having protections for trees like this. They did not do the job. We ought to pass the Miller substitute.

Mr. POMBO. Mr. Speaker, I yield 1 minute to the gentleman from Arizona (Mr. SHADEGG).

Mr. SHADEGG. I thank the gentleman for yielding time.

Mr. Speaker, I rise in strong support of the base bill by the gentleman from Colorado (Mr. MCINNIS) and in opposition to the Miller amendment. I note that today's New York Times calls this a flawed fire bill. I might suggest that The New York Times would do better to look at the credibility and believability of its reporters, indeed to their veracity, than at fire policy because they have got this one dead wrong. What they do is they attack the McInnis bill for not doing enough to protect the areas where there is human habitat. Indeed, they say the bill does nothing to protect our communities. They say it allows logging to go forward in back country areas where fires offer no threat to human safety. I would suggest to The New York Times and to my colleagues that the issue behind forest thinning is not human safety. The issue behind forest thinning is to protect our forests.

□ 1515

It is true that we have a situation in the southwestern United States where our forests are gravely overgrown, but they are not just overgrown on the

urban interface. They are overgrown everywhere. And the experts such as Dr. Wally Covington at Northern Arizona University and others all concur that we have an unnatural condition in our forest which is a radical danger. We need to protect not just the urban interface. We need to protect the entire forest. Indeed, to protect endangered species, if we do not do the remote parts of the forest where it needs to be thinned to protect wildlife, then we will destroy their habitat.

I strongly support the base bill and oppose the Miller substitute.

Mr. GOODLATTE. Mr. Speaker, I yield 1 minute to the gentleman from Alabama (Mr. BONNER).

Mr. BONNER. Mr. Speaker, I rise in opposition to the gentleman from California's amendment.

When President Bush proposed this healthy forest initiative, great care was taken by the administration and leadership in crafting a bill that is beneficial to all forest in the United States, not just some. This is a laudable and logical goal. Healthy forests are not simply forests that are free from brush and undergrowth. Healthy forests are also free from disease and pest infestation.

In my home State of Alabama, our forests are under attack every day from pest infestation in the form of the Southern pine beetle. The beetle burrows into the trees and lays eggs below the bark. The result is a rapid deterioration of the health of the tree and in most cases its death.

Unfortunately, this amendment would take out every single reference to insects or disease. It is not good public policy to address the health of our forests without addressing insects and disease.

Mr. Speaker, if I had been elected to represent the southern pine beetle in my home State I would probably support this amendment. But on behalf of the thousands of landowners and timber growers I strongly oppose it, and I support the underlying bill.

Mr. GEORGE MILLER of California. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman from California (Mr. GEORGE MILLER) has 9 minutes remaining. The gentleman from Virginia has 5 minutes remaining. The gentleman from California (Mr. POMBO) has 6½ minutes remaining.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, I would like to follow up on what the gentleman from Washington (Mr. INSLEE) said here, because it is a part of the bill that is in fact a subterfuge in the underlying bill of the committee, and that is that they are not prepared to authorize money to be expended for this purpose, so they are going to rely on forest stewardship contracts.

We have already been put on notice by the people in the Forest Service in California that they are going to need

to log the large trees around Lake Tahoe in Northern California to go down and to do treatments in forests in Southern California where there are no big trees. It will not pay for it. They cannot cut enough trees to pay for it. It costs about \$1,500 to \$1,800 an acre to treat these lands, and yet there is no money in this. So they rely on forest stewardship. They have got to go out, and they have got to cut the big trees. If the communities do not have the big trees, then they are not going to be in the priority because they have got to pay for the projects.

That is why we put up real money in the authorization for this purpose so those communities could be treated and they can cut any size tree they want. There is no limitation on this, and they just balance out the books.

Forest stewardship is not about balancing the books. It is about balancing the watersheds. It is about balancing the ecology of the area. It is about balancing the soils. It is about balancing the growth rate. It is about balancing the infestation. It is all of that in determining the health of those forests. But what we have suggested is they just create an accounting system. They have got to treat 1,000 acres. Then they have got to go cut enough big trees somewhere to pay for the treatment of that 1,000 acres.

That is not the proper way to do this. There is a public cost to this, and it ought to be authorized. If they are going to spend all the money on infestation, then where are they going to get the money to do the fire treatment that is necessary in forests where fire is the major threat, not necessarily infestation?

So that is the weakness in the underlying bill. If we want to deal with the problem that was agreed upon, that there was this area around the cities, around these communities that needed to be treated because that is where the catastrophic fires could break out, that is where the danger was posed; and to protect those watersheds, that is where we were prior to the election.

Now that it is decided, they have got those votes, they are going to open the door, and the fact of the matter is we now have a bill with no discipline. There are no priorities, and they simply must pay for it by cutting down late successional old forests or the largest trees they can find in the area.

Because if one could make money outside of chipping them, people would take the small trees. They would be happy to have them. But we know that that is not going to happen; and when we look at the budget submissions of this administration, they are planning on treating less land this year than they did the year before.

So we have got kind of a cataclysmic event taking place here between the needs of the forest, what many are projecting to be a dramatic fire year, maybe more so than the past year, no budget money, which then pushes them into large forests where the fire treat-

ment in many cases is less needed than around the communities. That is the irrational part of the Republican bill.

Mr. POMBO. Mr. Speaker, I yield 3 minutes to the gentleman from Colorado (Mr. MCINNIS).

Mr. MCINNIS. Mr. Speaker, first of all, keep in mind, Mr. MILLER, that the national fire plan has hundreds of millions of dollars in there. This big tree argument is nonsense. We are not going out there and saying, gosh, we have got to go to the redwoods or the sequoias and cut down all this beautiful stuff. That is an emotional argument that is used for one purpose and that is to divert from the science.

Mr. GEORGE MILLER of California. But it also happens to be accurate.

Mr. MCINNIS. I do not mind the gentleman making that comment. The fact is it is not accurate, Mr. MILLER, and you know it is not accurate. We are not going out there saying let us pick the most beautiful big tree we can find and cut it down. That is exactly the kind of picture you want to portray to the general public out there so you can divert from the fact that we have reached this status quo on trying to fight these forest fires, on trying to protect our wildlife habitat, on trying to protect our watersheds.

The gentlewoman from California (Ms. WOOLSEY) gets up here, my colleague. She starts lecturing the Republicans. I want you to know the partisan portion here is the Democratic substitute. You have no Republicans on your substitute.

My bill, the underlying bill, is a bipartisan bill. It has heavy Democrat support. Mr. MILLER, what do you do for the gentleman from Arkansas (Mr. ROSS)? What do you do for the gentleman from Arkansas (Mr. BARRY)? What do you do for the gentleman from Utah (Mr. BISHOP)? What do you do for the gentleman from Texas (Mr. STENHOLM)? You take out all the bugs and the infestation problems.

Folks, we have got problems out there. We have got fire problems, and we have got bug problems. And the courts do not wear green hats. They are not forest rangers. They are not going to get this resolved. We cannot afford one more fire season sitting on our haunches, twiddling our thumbs and pretending these horrible fires are not occurring.

Let me mention Mr. UDALL. Mr. UDALL says our language guts the injunctive relief. Mr. UDALL, for your information, that language is called the Feinstein language. Why do you not take this issue up with Senator FEINSTEIN?

Let us go on here a little. When we talk about what we are attempting to do, look at the substance of the bill.

Mr. UDALL from Colorado, it is never good enough for you. At some point we have to say, enough is enough. Let our forest people go back to managing the forests. Let the forests be managed by science, not by emotion; and the way you drive emotion is to stand up here

on this House floor and talk about how we are going to cut down the big trees, that in order to pay for this we are going to take the big trees and take them out.

Not at all. The fact is, we need to manage our forests. We cannot take the position of the radical environmental organizations like Earth First and the Sierra Club. We can take the position of a bipartisan group on this floor, Democrats and Republicans, and that position is represented by the underlying bill.

I urge a no vote on the Democrat non-Republican partisan substitute, and I urge support for the underlying bill that is bipartisan, has heavy Democrat and Republican support.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind Members to direct their comments to the Chair and not to others in the second person or who may be viewing the proceedings.

Mr. GOODLATTE. Mr. Speaker, might I inquire of the Chair how much time is remaining and who has the right to close?

The SPEAKER pro tempore. The gentleman from Virginia has the right to close. The gentleman from Virginia has 5 minutes remaining. The gentleman from California (Mr. GEORGE MILLER) has 6 minutes remaining, and the gentleman from California (Mr. POMBO) has 3½ minutes remaining.

Mr. GOODLATTE. Mr. Speaker, I yield 2 minutes to the gentleman from Montana (Mr. REHBERG).

(Mr. REHBERG asked and was given permission to revise and extend his remarks.)

Mr. REHBERG. Mr. Speaker, I feel like I have been watching the screenplay from Dumb and Dumber. We all admit that the last few years of managing our forests has been dumb. If we pass this substitute, we are even dumber than I thought we were. We are changing this bill from a healthy forest bill, by passing this substitute, to a healthy community bill.

I am not against healthy communities, but I can tell my colleagues, from being in an area where we fight these fires, the communities are the first things that we come in to protect when the fire gets treated. We go in with bulldozers, and we clear it out. So they are probably the last ones that need our help because we always find the money when the fire is going on.

What we need to understand is that dead and dying grass is every bit as bad as overgrazed grass. The dead and dying trees are every bit as bad as overlogging trees.

I look up in the audience and I look out at America and I see people with hard hats and what do I think of? I think of heroes, because they use their capital, they use their labor, and they use their equipment to go in and cut down the trees. We tell them to.

I look at the gentleman from Washington's (Mr. INSLEE) picture of a tree. The Members cannot tell me whether

that is a healthy tree or not sitting 2,000 or 3,000 miles away looking at a picture of it.

A Congresswoman from the other side of the aisle graced us with her presence for about 30 seconds to come down and tell us she was watching this debate on TV. That is the problem. Too many bureaucrats are sitting in Washington, D.C., making a determination of what is a healthy forest without ever getting out on their hands and knees, we call it the buns-up kneeling position, and looking and counting bugs and looking at the grass and determining what the mineral cycle looks like and what the grass and the trees and the endangered species are actually doing.

Let us pass something sensible. There is finally a piece of legislation that makes an effort to start removing the cancer of the dead and dying forests that are causing a problem within this country. We have an opportunity to finally show some leadership after so many years of a lack of leadership that has allowed this country to kill its forest with kindness. Pass this bill. Let us oppose this substitute.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 5 minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. There is some room for agreement here. This is what we want to prevent. It is a fire in my congressional district last summer.

The gentleman who just preceded me talked about bureaucrats. This bill is a bureaucrat's dream, because this bill gives all the discretion to appointed bureaucrats, and I know that that party would not be supporting this bill if there was a Democrat in the White House. They would not want to give Bruce Babbitt this authority. But they do want to give it to this administration.

This bill was written at the White House and sent down. This is not the bill we negotiated last fall. If this was the bill that we had negotiated last fall, and I give the gentleman from Colorado and others credit for sitting down in tough negotiations where we took flack from both sides, from the environmentalists and from the industry, and came up with something that would have worked, would have gotten this done, would have turned this into a nonpartisan problem. If it was that, I would vote for it in a split second. But it was not, so I tried to offer some amendments to improve it.

No, we cannot have any amendments because the House has to adjourn at 5 o'clock this afternoon. Why? I do not know. Someone has got a golf game. People have got to make fund-raising phone calls for the big event tomorrow night. I do not know. We do not have time for amendments. This is only the Congress after all in the House, no time for amendments.

There has been a lot of talk about whether or not this would allow the harvesting of big old trees. The bottom line is we do not do this on the cheap.

It is 100 years of mismanagement. The only good study was done in Oregon at Oregon State. Sixteen hundred and eighty-five dollars an acre is the estimate to do this work. And guess what? They do not get \$1,685 an acre for a bunch of brush and dead poles, do they? No. If they are going to generate that much money to do the work that needs to be done, they are going to high-grade the damn forests the same way that they high-graded them early in the last century when we were really stupid.

That is what is going to happen under this bill. It gives the discretion to protect or not protect old-growth to Mark Rey. I love Mark. Great guy. But I do not want to give him that discretion. I would like a definition of what has to be protected and what is not. No, he has that authority and people cannot hardly appeal his decisions because the White House wants to pretend it can be done on the cheap.

The President's budget, his big request is \$230 million for fuel reduction this year. At that rate, if we did all of the land that they want to put into this bill, it would take 174 years. So I do not think the President is exactly asking for the money needed.

Where is the rest of the money going to come from? How are we going to do it more quickly than a 174 years? There is only one answer: The gentleman from California (Mr. GEORGE MILLER) said the truth, and the truth hurts. We have got to take high-value products out.

What is a high-value product? It is a big old tree. And only one person stands between cutting that tree to fund this bill and the reality of that, and that is an appointed bureaucrat.

This is really too serious to consider in this way, and it affects too many of us too much. I am really sad that it has come to this.

I was willing to take the heat, and I did last fall. A couple of Democratic Senators took a lot of heat, attacked by national environmental groups for trying to do something that made sense in this area. The environmental groups, they succeeded. They stopped the bill last year, and now we are going to see something in the House much worse. There is a lesson in that.

But there is also a lesson in overreaching. My colleagues know this bill cannot become law as it is. It is either a bargaining chip with the Senate. That is one thing I hear. It is a bargaining chip with the Senate to try to pull them back, or it is a political event so that they can blame a couple of prominent Democrat Western Senators who are up for election for stopping the bill over there and use it against them as an election year issue. I do not know which one it is.

□ 1530

I do not know which one it is, but either are pathetic reasons to stick this bill through in this way without a single amendment being allowed.

Mr. UDALL of Colorado. Mr. Speaker, will the gentleman yield?

Mr. DEFAZIO. I yield to the gentleman from Colorado.

Mr. UDALL of Colorado. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I wanted to respond to my colleague from Colorado, for whom I have great respect and just make this set of remarks.

I have never seen a piece of legislation that cannot be improved. In fact, it is our responsibility as Members of this body to work to improve legislation as it comes forward. I did vote for the McGinnis-Walden bill last fall, proudly, and would have supported it this year if it came to the floor in that same structure.

But my approach has been to try and create consensus and trust and involve all of us. We could have had the gentleman from California (Mr. GEORGE MILLER), the gentleman from Oregon (Mr. DEFAZIO), the gentleman from New Mexico (Mr. UDALL), and myself on this bill, brought it to the Senate with a true broad-based bipartisan coalition, and moved ahead.

I am worried we are going to have more stalemate, more litigation, more problems, and we are going to get the very result that we are all worried about here, which is no treatment of our fuels, no reduction of these hazardous materials, and an even bigger fire season; and we are all going to bear the responsibility for that outcome.

Mr. DEFAZIO. Mr. Speaker, reclaiming my time, one other point: the President also did not ask for enough money to fight the fires. It is not new. We had the same problem with Clinton, we had the same problem with Bush I, we had the same problem with Reagan. They never ask for enough money to fight the fires. So what do they do? They go back in. They used to borrow the money from the KB funds. KB funds do not exist anymore. What do they do now? They rob all the other accounts of the Forest Service.

Do you know what the first one they rob is? The Fuel Reduction Program. So you are not going to put out any real money to do the work. We know that money is going to be stolen this year and used for fighting the fires, because there is not enough.

Mr. GOODLATTE. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from North Carolina (Mr. HAYES).

(Mr. HAYES asked and was given permission to revise and extend his remarks.)

Mr. HAYES. Mr. Speaker, I thank the chairman for yielding me time. I will go back from passion to policy for just a minute.

The Miller amendment ignores the forest health crisis in Southern, Midwestern and Eastern forests. I strongly oppose the Miller amendment.

In spite of the fact that millions and millions of acres of pristine forests are spoiled each year by large-scale and unnatural insect and disease outbreaks, in this amendment the words

"insect and disease" do not appear in the text.

The Miller amendment would strip out the bug and insect provisions in the Healthy Forests Restoration Act that have given the bill such broad backing with Members from every region and every political orientation.

The Miller amendment would transform this nationally focused Healthy Forests Restoration Act into the "California and Oregon Unhealthy Forests Act."

Living in the South, where Southern pine beetles and red oak borers have destroyed millions of acres of old-growth forest, or in the Midwest, where the emerald ash borer is raking across America's forests, I am very disappointed by the Miller amendment.

Wildfire is an important part of the healthy forests debate, but not the only part. Are western forests inherently more valuable than those east of the Mississippi? The author of the amendment apparently thinks so.

Mr. Speaker, I urge a vote against the amendment and support the underlying bill.

Are western forests inherently more valuable than those East of the Mississippi? The authors of this amendment apparently think so because no other region gets a thing out of this amendment.

Even in the West, massive beetle outbreaks are often the precursor to calamitous wildlife. The beetles kill the trees, and then wildfire burns them, threatening homes and watersheds and wildlife.

Vote against this amendment and vote for the base bill which gives a balanced common sense approach to healthy forests.

Mr. POMBO. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. PETERSON).

Mr. PETERSON of Pennsylvania. Mr. Speaker, 7.2 million acres last year. When is enough enough? This is a 20-year-old problem. How did we get there? On the Allegheny National Forest, which I represent, we have foresters, biologists, hydrologists, soil scientists, game biologists, fish biologists, and renowned research labs trying to help to do things right.

One college student with a free lawyer from the university and a judge who knows nothing about forestry suddenly stops the whole process, and that is why we are having a problem in this country.

This bill is trying to open up at least 20 million acres so we have the ability to prevent forest fires; 7.2 million last year.

I flew over with a group in the West a few years ago with the Speaker. We flew for an hour and a half. We never saw a blade of grass, never saw a green leaf, where the fires had been the year before. The streams were full of mud; the hillsides were washing into the valleys. You talk about devastation: no bugs, no insects, no birds, no animals. That is what is left in the path of these forest fires.

You talk about environmental degradation? These forest fires are the worst, and we must stop them.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just say that I think that this process that we have seen with this bill is indicative. It gives us warning about the Forest Service process. Here we see this bill being rammed through the House of Representatives, no amendments being offered, on a day when we do not have a full schedule; but the intent and the purpose is to ram it through without the full participation and the deliberations of this body.

It is reflective of what is in this bill. It is an effort to ram through these treatment programs, the cutting programs, the logging programs, the fire treatment programs, and limit the public participation to the greatest extent possible. That is what is wrong with this legislation.

The suggestion that somehow we are going to unilaterally turn over the decision on whether or not to protect old forests, or protect old growth, to protect large trees, to mark gray unilaterally without review, is like turning the banking system over to Bonnie and Clyde. It just does not make any sense in terms of the well-being of these forests, in the long-term, multiple use of these forests.

If you are just out there hunting for large trees to cut and you need a rationale to cut them, then this bill will give you the ability to do that, because it throws open the doors to logging of those large trees that matter the most to the communities in the West, matter to the citizens that we represent, matter to the citizens sense in our State; and that is what this bill does.

Mr. POMBO. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, when I look at the Democrat substitute to this bill, I am kind of reminded of the old sign show. They used to say it was a show about nothing. Well, the Democrat substitute is the substitute about nothing.

They come to the floor, and they say all the right words. They talk about how concerned they are about protecting our communities, protecting the health of our forests, stopping the catastrophic fires. The truth is that their substitute leaves all of the problems in existence.

To make matters worse, and this is probably the most difficult part of the Miller substitute, is that by limiting most of your effort to that half mile around our communities, you completely ignore the real problem.

What we have tried to do in the underlying bill is to give the local foresters, the local people the chance to look at their forest and determine the areas that really need to be protected, the areas that they really need to go in and treat. Sometimes if you go up a canyon, that is more important, maybe 2 or 3 or 5 miles away from the community, it may be more important to treat that than a half mile radius around that community.

You heard people testify already today about fires this past year that jumped 3 or 4 miles because of the high winds. Your substitute does nothing to deal with that. You give some false sense of protection to our communities that we are going to treat a half mile radius around the community. That does nothing to protect them.

You talk about how you want the local people to be involved with this; but then you cut them out of the process, and you are going to dictate from Washington exactly what they can and cannot do.

Through this entire last couple of years that we have been negotiating this bill, we have sat down and tried to work this out; and the resulting bill, the underlying bill is an effort of that compromise. We came from over here to compromise in the middle, and now you want us to go over here. Bipartisanship is when we meet somewhere in the middle; it is not when we agree with you.

When we work our way through some difficult issues like this, it is a little give and take. I know there were Members on that side that tried to work with us, and they were unable for one reason or another to come to final agreement on that. But the underlying bill is our best shot at protecting our forests from increased risk of catastrophic fire.

Mr. Speaker, I urge Members to oppose the Miller substitute and support the underlying bill.

A BLIND EYE TO FOREST HEALTH CRISIS OUTSIDE THE WEST

Miller-DeFazio totally ignores the forest health crisis in southern, Midwestern and eastern forests. The Miller-DeFazio amendment would transform this national healthy forests legislation into the California and Oregon Healthy Forests Act.

The bill does nothing (zero!) to address the growing epidemic of insect and disease outbreaks. It would strip out all of the provisions that have been included at the urging of so many southern and Midwestern Members of Congress, including a large block of Democrats.

Even the rigid management prescriptions in the bill are based on a grossly false assumption that every acre of national forest has all of the features, attributes and characteristics of western ponderosa pine forests.

This may be news to the authors of this amendment, but the nation's forest health crisis does not end on the western banks of the Mississippi.

ARBITRARY LIMITATIONS ON COMMUNITY PROTECTION

The bill limits its expedited NEPA analysis procedures to projects within a 1/2 mile of at risk communities. The 1/2-mile area is grossly insufficient to protect at-risk communities, especially in the case of hot and fast moving fires in the West where topography and wind speed influence fire movement dramatically.

For example, the Rodeo-Chediski fire jumped as far as 3 miles. A fire in Colorado jumped a river, a railroad track and an interstate in a single bound. Anyone who's seen the breathtaking destruction of a western wildfire knows that a 1/2-mile buffer is fundamentally inadequate.

This 1/2-mile limitation won't do much beyond giving folks false comfort. Even my colleague MARK UDALL opposes this type of arbitrary limitation. It's too bad Mr. MILLER didn't follow his cue on this point.

NEW PROCESS

The Miller bill would require the production of maps designating so-called condition classes of landscapes. This would extend the time needed to complete a fuels reduction plan, increase costs, and expend unnecessary resources.

Currently, the USFS does not have the ability to meet mapping requirements. They do not expect have this capability until 2006. Unfortunately, no projects could be implemented until that technology comes to fruition. That will be years, according to the agency. We don't have years to wait around.

Any Healthy Forest legislation needs to expedite and streamline the NEPA process—not lengthen it. The current process already takes an average of 3–5 years. While the Miller bill does expedite some procedures, it also creates new procedures and documentation requirements.

ROAD CONSTRUCTION

The bill under no circumstances allows the constructions of roads. This includes escape routes, fire fighting access, access to prevent fires in communities, etc. This puts communities, wildlife, and fire fighters in grave danger.

Again, who are we to tell a community that it can't build a road in conjunction with a project if that road is needed to treat a high-risk area, or provide an escape route for citizens?

Communities adjacent to habitat for endangered or threatened species or roadless areas would not be eligible for expedited fuels reduction projects. The bill's extraordinary circumstances limitation on hazardous fuel reduction projects is tantamount to saying "Tough Luck" to the hundreds, and probably thousands of at-risk communities adjacent to a roadless area or habitat for threatened or endangered species. I bet if Mr. MILLER's home was pressed up against a forest that's home to an endangered species, this proposal would look a heck of a lot different.

STEWARDSHIP CONTRACTING

The bill takes away the authority of the Federal land management agencies to use the Stewardship contracting authority that was just granted as part of the Fiscal Year 2003 Omnibus Appropriations Act. Congress just approved this authority, a key part of the President's Healthy Forests Initiative, so the agencies could reduce wildfire risks while supporting local economies and defraying taxpayer costs.

JUDICIAL REVIEW

Finally, the bill does nothing to hasten the Federal judiciary's consideration of lawsuits against wildfire mitigation projects, even projects in the highest priority areas. In my view, this element of the "analysis paralysis" simply cannot be ignored, even if it makes some constituencies uncomfortable.

Again, last year Mr. Miller appeared prepared to support legislation hastening the Court's consideration of high priority projects. In that sense, like so many others, the Miller Amendment represents a real step backward from where we were just last year.

Mr. GOODLATTE. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore (Mr. LATHAM). The gentleman is recognized for 2 minutes.

Mr. GOODLATTE. Mr. Speaker, this is a good bipartisan bill. The gentleman from California (Mr. POMBO), the gentleman from Colorado (Mr. MCINNIS), the gentleman from Oregon (Mr. WALDEN), the gentleman from New York (Mr. BOEHLERT), the gentleman from Texas (Mr. STENHOLM), the gentleman from Arkansas (Mr. ROSS), the gentleman from South Dakota (Mr. JANKLOW), the gentleman from Montana (Mr. REHBERG), the gentleman from Minnesota (Mr. GUTKNECHT), the gentleman from California (Mr. THOMPSON), people from all parts of the country of both parties came together and negotiated carefully a balanced bill that we have before you.

I have heard people talk about big trees and show some pictures of big trees. Let me show you a picture of some big trees, burning up in flames, rising hundreds of feet. That is what happens to big trees if you do not address the problem.

There are two big reasons why people should oppose the Miller substitute. There are a lot of other reasons as well, but the two really big ones are, number one, it ignores the number one problem, and that is the process. That is what is slowing us down. That is what is taking 2 or 3 years of tying our courts into knots, using up all kinds of judicial time, arriving at nowhere.

This simply streamlines the process. It does not exclude public comment, it does not exclude public administration in the administrative process, it does not exclude the right to appeal. It simply makes it more practical and effective.

The second problem is this: it ignores the East and the South. This is a southern pine beetle. What does it do? It devastates the Southeastern part of the United States. Millions of acres of public and private forest lands untreated. This is the woolly adelgid, the Southeast and the Northeast, absolutely destroyed by it.

The result? Here is a forest that has been worked over by the southern pine beetle. No, this is not fall foliage; those are pine trees. That is what you get all across the East. The gentleman ignores that whole aspect of the problem.

Mr. Speaker, I urge my colleagues to oppose the substitute and support the underlying bill.

Mr. RAHALL. Mr. Speaker, earlier during general debate I noted we are not unmindful of the need to address the issues raised by the bill, but in our view, we would do so in a more prudent and responsible manner.

And do so without incorporating the poison pill judicial review provision in H.R. 1904.

That is the purpose of the pending amendment.

For instance, the issue of insect and disease infestation is one of importance to me and to West Virginia's hardwood forests.

Exotic insects, in particular, pose a serious threat to America's forests. For example, the hemlock woolly adelgid is already widespread

from North Carolina to New England and in parts of the West.

The McInnis bill, however, only authorizes \$5 million—an amount far short of what the agency needs to research and address this problem. The bill also specifies certain insects for study. Yet, several other species have also been detected.

Again, as I noted, there are issues in H.R. 1904 which should be addressed and that is the purpose of our amendment.

The SPEAKER pro tempore. All time has expired.

Pursuant to House Resolution 239, the previous question is ordered on the bill, as amended, and on the further amendment by the gentleman from California (Mr. GEORGE MILLER).

The question is on the amendment in the nature of a substitute offered by the gentleman from California (Mr. GEORGE MILLER.)

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

Mr. GEORGE MILLER of California. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 184, nays 239, not voting 11, as follows:

[Roll No. 198]
YEAS—184

Abercrombie	Ferguson	Lipinski
Ackerman	Filner	LoBiondo
Allen	Ford	Loftgren
Andrews	Frank (MA)	Lowe
Baca	Frost	Lynch
Baldwin	Gonzalez	Majette
Ballance	Gordon	Maloney
Becerra	Green (TX)	Markey
Bell	Grijalva	Matsui
Berkley	Gutierrez	McCarthy (MO)
Berman	Harman	McCarthy (NY)
Bishop (NY)	Hastings (FL)	McCollum
Blumenauer	Hill	McDermott
Boucher	Hinchesy	McGovern
Brown (OH)	Hinojosa	McIntyre
Brown, Corrine	Hoeffel	McNulty
Capps	Holden	Meehan
Capuano	Holt	Meek (FL)
Cardin	Honda	Meeks (NY)
Cardoza	Hoolley (OR)	Menendez
Carson (IN)	Hoyer	Michaud
Carson (OK)	Inslee	Millender-
Clay	Israel	McDonald
Clyburn	Jackson (IL)	Miller (NC)
Cooper	Jackson-Lee	Miller, George
Costello	(TX)	Moore
Crowley	Jefferson	Moran (VA)
Cummings	Johnson (IL)	Murtha
Davis (CA)	Johnson, E. B.	Nadler
Davis (FL)	Jones (OH)	Napolitano
Davis (IL)	Kanjorski	Neal (MA)
DeFazio	Kaptur	Obey
DeGette	Kelly	Olver
Delahunt	Kennedy (RI)	Ortiz
DeLauro	Kildee	Owens
Deutsch	Kilpatrick	Pallone
Dicks	Kind	Pascrell
Dingell	Kirk	Pastor
Doggett	Klecicka	Payne
Dooley (CA)	Kucinich	Pelosi
Doyle	Lampson	Pomeroy
Emanuel	Langevin	Price (NC)
Engel	Lantos	Rahall
Eshoo	Larsen (WA)	Ramstad
Etheridge	Leach	Rangel
Evans	Lee	Reyes
Farr	Levin	Rodriguez
Fattah	Lewis (GA)	Rothman

Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Scott (VA)
Serrano
Shays

Sherman
Simmons
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Tauscher
Thompson (CA)
Tierney
Towns
Udall (CO)

Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—11

Boswell
Brady (PA)
Case
Conyers
Davis (TN)
Davis, Tom
Gephardt
Larson (CT)
Manzullo
Miller, Gary
Stupak

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LATHAM) (during the vote). There are 2 minutes remaining in this vote.

□ 1601

Mr. OTTER and Mr. COBLE changed their vote from “yea” to “nay.”

Ms. MILLENDER-MCDONALD changed her vote from “nay” to “yea.” So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. LARSON of Connecticut. Mr. Speaker, on rollcall No. 198, I was unavoidably detained. Had I been present, I would have voted “yea.”

Stated against:

Mr. DAVIS of Tennessee. Mr. Speaker, on rollcall No. 198, had I been present, I would have voted “nay.”

The SPEAKER pro tempore (Mr. LATHAM). The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. UDALL OF NEW MEXICO

Mr. UDALL of New Mexico. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. UDALL of New Mexico. Yes, I am opposed to it in its present form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. TOM UDALL of New Mexico moves to recommit the bill, H.R. 1904, to the Committee on Judiciary with instructions to report the bill forthwith with the following amendment:

Strike Sections 106 and 107.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Mexico (Mr. UDALL) is recognized for 5 minutes in support of his motion.

Mr. UDALL of New Mexico. Mr. Speaker, I rise today on the motion to recommit, and I first want to say that this is not a motion to kill the bill. This is a motion to recommit that will make the bill fairer and will make it more balanced.

The motion to recommit would merely strike the most egregious provisions of this bill, sections 106 and 107, which are known as the judicial review provisions of this bill. In the first instance, Members should be appalled at how this bill came to the floor and how the judicial provisions that are in it got here. We had very short notice to the committees. There was no bill actually introduced. There was a committee print. That means it was never introduced as a bill in the Committee on Resources.

Apparently, the majority did not want to expose their bill to public light. Therefore, it being a committee print, there is no legislative history; and this is, in the annals of the Committee on Resources, absolutely unprecedented action.

Let me tell my colleagues what the judicial review sections do in this bill. First of all, when a court hears an action, you have before that court in these hazardous fuels actions citizens and Federal agencies and others. This section, adopted in this bill which had no hearings, adopts a standard where the Federal agency decides what is in the public interest.

When the issue comes before the court and you have citizens and Federal agencies and others that are before the court, the section that is adopted, the judicial review section, does something which is unprecedented and I do not think has been done in Federal court before. It says that the Federal agency that is acting in the public interest should be given great weight in terms of what they decide. So it tips the scale in favor of the Federal Government, and it basically rigs the system in favor of the Federal agencies.

Throughout the debate here today, I have been asking the majority why: Why would you, who favor limited government, who favor smaller government, who are always talking in our committee about the Federal powers being too broad, why would you want to give a Federal agency not only the power to determine the public interest, but when it gets in the court, you say to the Federal Court that this Federal Court has to decide in favor of the agency? Well, the only answer I could get from the other side is that some Senator from the other body introduced an amendment, which never made it out of the Senate, and because she happens to be in our particular party, that that is why this language is good language.

Well, she may not be right all of the time. Make no mistake about it, the majority may talk a lot about limited government, but they have a very specific purpose here. They want to give the Federal agencies, which my understanding is the President has requested this authority, unprecedented power in the Federal courts at the expense of citizens.

In closing, Mr. Speaker, let me just urge a vote for the motion to recommit. It makes the bill a more balanced bill, it makes it a fairer bill, and it protects the rights of citizens.

Mr. GOODLATTE. Mr. Speaker, I claim time in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from Virginia (Mr. GOODLATTE) is recognized for 5 minutes.

Mr. GOODLATTE. Mr. Speaker, it is my pleasure to yield 2 minutes to the gentleman from California (Mr. POMBO), the chairman of the Committee on Resources, who has done an outstanding job leading this legislation to the floor of the House.

NAYS—239

Aderholt
Akin
Alexander
Bachus
Baird
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Berry
Biggart
Billirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Combest
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (AL)
Davis, Jo Ann
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
English
Everett
Feeney
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas (KY)
Lucas (OK)
Marshall
Matheson
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Mollohan
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (WI)
Ryun (KS)
Sandlin
Schrock
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Skelton
Smith (MI)
Smith (TX)
Souder
Stearns
Stenholm
Sullivan
Sweeney
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

Mr. POMBO. Mr. Speaker, I thank the gentleman for yielding me this time, and I tell my colleagues that this is another attempt, again another attempt to protect the status quo.

We all come down on the floor and we talk about how important it is to protect the health of our forests from the risk of catastrophic fire, but my friends on the left have continually, throughout the day, argued to protect the law exactly the way it is and to not make the necessary changes that we have to make in order to move this forward.

The provisions that we talk about in the motion to recommit are the result of negotiations between both bodies, between the minority and the majority; and it was a compromise that was reached. Granted, it is not where we started. It is not the language that I would have used to deal with this specific problem. But it was a compromise, and it was something that we all agreed on.

I would remind my colleagues that the underlying bill is an attempt to step into our national forests, areas that have been mismanaged for over 100 years, to step in and try to bring some balance, to bring local control, to bring local input and some balance into the decisions that are being made to protect those forests. That is the attempt that we are trying to make.

I am not interested in protecting the status quo. I am not interested in protecting the bureaucracy in Washington. I am interested in protecting the health of our forests and reducing the risk of catastrophic fire.

Mr. GOODLATTE. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore. The gentleman is recognized for 3 minutes.

Mr. GOODLATTE. Mr. Speaker, this is a catastrophic wildfire. It is not a natural fire that burns along the ground and takes out the brush. It consumes millions of acres of big, beautiful trees, 6.9 million acres last year, more than the size of the entire State of Vermont.

□ 1615

This is the risk in every part of the country. This is a serious problem in the West, but it is also a serious problem in Minnesota, Michigan, Wisconsin, Pennsylvania, New York, and West Virginia, all across the south and Missouri. Every part of this country is impacted, and that is why this is bipartisan legislation crafted by Members of the House of Representatives from all across the country.

The gentleman from New York (Mr. BOEHLERT), the gentleman from Maryland (Mr. GILCHREST), the gentleman from California (Mr. POMBO), the gentleman from Colorado (Mr. MCINNIS), the gentleman from Oregon (Mr. WALDEN), the gentleman from Texas (Mr. STENHOLM), the gentleman from California (Mr. THOMPSON), and the gentleman from Arkansas (Mr. ROSS) contributed to the effort to make this good, bipartisan legislation.

This is what happens with a catastrophic wildfire. It does not leave a healthy forest. It leaves this kind of devastation subject to erosion. And then it rains. This is what happens when it rains. It washes everything into the rivers and streams. It turns the ground to glass. This water will not go into the ground. The ground will not percolate, these forest fires are so intense.

This is one of the main reservoirs for the city of Denver, Colorado, and this is what was washed into it after a forest fire, damaging the water supply of the community.

This is what happens in the East and Southeast, bugs: pine beetle outbreaks in Georgia and Alabama and Tennessee and the woolly adelgid in Virginia. This picture shows what happens in the eastern part of the United States without this legislation.

What does the motion to recommit do? It takes out a key provision in the bill which is the source of this problem, which is the process. The process takes 2, 3 years. The forest go up in flames from wildfires before we ever get to treat the forests for disease and insects and for buildup of fuel density that causes this kind of fire.

Do not let him take out the key provision of the bill which expedites the process. It still allows for public comment, and it still provides for public input in the administrative proceedings. It still allows for judicial review, but it does it in a fair and timely fashion that recognizes that if we do not make a change in the bureaucratic morass that we are in today, we are going to see this year after year after year until we do not have any forests.

Let us protect our endangered species and our watersheds. Let us protect our citizens from air pollution and our firefighters from dying in these hazardous fires.

Mr. Speaker, I urge Members to oppose the motion to recommit and support the underlying bill.

The SPEAKER pro tempore (Mr. LATHAM). Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. UDALL of New Mexico. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 176, noes 250, not voting 8, as follows:

[Roll No. 199]

AYES—176

Abercrombie	Hill	Napolitano
Ackerman	Hinchey	Neal (MA)
Allen	Hinojosa	Obey
Andrews	Hoefel	Olver
Baca	Holden	Ortiz
Baird	Holt	Owens
Baldwin	Honda	Pallone
Ballance	Hoolley (OR)	Pascrell
Becerra	Hoyer	Pastor
Bell	Inslee	Payne
Berkley	Israel	Pelosi
Berman	Jackson (IL)	Price (NC)
Bishop (GA)	Jackson-Lee	Rahall
Bishop (NY)	(TX)	Rangel
Blumenauer	Jefferson	Reyes
Boucher	Johnson, E. B.	Rodriguez
Brown (OH)	Jones (OH)	Rothman
Brown, Corrine	Kanjorski	Roybal-Allard
Capps	Kaptur	Ruppersberger
Capuano	Kennedy (RI)	Rush
Cardin	Kildee	Ryan (OH)
Carson (IN)	Kilpatrick	Sabo
Carson (OK)	Kind	Sanchez, Linda
Case	Kleczka	T.
Clay	Kucinich	Sanchez, Loretta
Clyburn	Lampson	Sanders
Cooper	Langevin	Sandlin
Costello	Lantos	Schakowsky
Crowley	Larsen (WA)	Schiff
Cummings	Larson (CT)	Scott (VA)
Davis (AL)	Lee	Serrano
Davis (CA)	Levin	Sherman
Davis (FL)	Lewis (GA)	Skelton
Davis (IL)	Lipinski	Slaughter
DeFazio	Lofgren	Smith (WA)
DeGette	Lowe	Snyder
DeLauro	Lynch	Solis
Deutsch	Majette	Spratt
Dicks	Maloney	Stark
Dingell	Markey	Strickland
Doggett	Matsui	Tauscher
Doyle	McCarthy (MO)	Thompson (CA)
Emanuel	McCarthy (NY)	Thompson (MS)
Engel	McCollum	Tierney
Eshoo	McDermott	Towns
Etheridge	McGovern	Udall (CO)
Evans	McNulty	Udall (NM)
Farr	Meehan	Van Hollen
Fattah	Meek (FL)	Velazquez
Filner	Meeks (NY)	Vislosky
Ford	Menendez	Waters
Frank (MA)	Michaud	Watson
Frost	Millender-	Watt
Gonzalez	McDonald	Waxman
Gordon	Miller (NC)	Weiner
Green (TX)	Miller, George	Wexler
Grijalva	Moore	Woolsey
Gutierrez	Moran (VA)	Wu
Harman	Murtha	Wynn
Hastings (FL)	Nadler	

NOES—250

Aderholt	Buyer	Dunn
Akin	Calvert	Edwards
Alexander	Camp	Ehlers
Bachus	Cannon	Emerson
Baker	Cantor	English
Ballenger	Capito	Everett
Barrett (SC)	Cardoza	Feeney
Bartlett (MD)	Carter	Ferguson
Barton (TX)	Castle	Flake
Bass	Chabot	Fletcher
Beauprez	Chocola	Foley
Bereuter	Coble	Forbes
Berry	Cole	Fossella
Biggett	Collins	Franks (AZ)
Bilirakis	Combest	Frelinghuysen
Bishop (UT)	Cox	Gallely
Blackburn	Cramer	Garrett (NJ)
Blunt	Crane	Gerlach
Boehlert	Crenshaw	Gibbons
Boehner	Cubin	Gilchrest
Bonilla	Culberson	Gillmor
Bonner	Cunningham	Gingrey
Bono	Davis (TN)	Goode
Boozman	Davis, Jo Ann	Goodlatte
Boyd	Davis, Tom	Goss
Bradley (NH)	Deal (GA)	Granger
Brady (TX)	DeLay	Graves
Brown (SC)	DeMint	Green (WI)
Brown-Waite,	Diaz-Balart, L.	Greenwood
Ginny	Diaz-Balart, M.	Gutknecht
Burgess	Dooley (CA)	Hall
Burns	Doolittle	Harris
Burr	Dreier	Hart
Burton (IN)	Duncan	Hastings (WA)

Hayes	McKeon	Saxton	Ballance	Gibbons	Otter	Engel	Larsen (WA)	Rangel
Hayworth	Mica	Schrock	Ballenger	Gilchrist	Oxley	Eshoo	Larson (CT)	Reyes
Hefley	Miller (FL)	Scott (GA)	Barrett (SC)	Gillmor	Pearce	Evans	Leach	Rodriguez
Hensarling	Miller (MI)	Sensenbrenner	Bartlett (MD)	Gingrey	Pence	Farr	Lee	Rothman
Herger	Mollohan	Sessions	Barton (TX)	Goode	Peterson (MN)	Fattah	Levin	Royal-Allard
Hobson	Moran (KS)	Shadegg	Bass	Goodlatte	Peterson (PA)	Ferguson	Lewis (GA)	Ruppersberger
Hoekstra	Murphy	Shaw	Beauprez	Gordon	Petri	Filner	Lipinski	Rush
Hostettler	Musgrave	Shays	Bereuter	Goss	Pickering	Ford	LoBiondo	Ryan (OH)
Houghton	Myrick	Sherwood	Berry	Granger	Pitts	Frank (MA)	Lofgren	Sabo
Hulshof	Nethercutt	Shimkus	Biggett	Graves	Platts	Gonzalez	Lowey	Sanchez, Linda
Hunter	Ney	Shuster	Bishop (GA)	Green (WI)	Pombo	Green (TX)	Lynch	T.
Hyde	Northup	Simmons	Bishop (UT)	Greenwood	Pomeroy	Grijalva	Majette	Sanchez, Loretta
Isakson	Norwood	Simpson	Blackburn	Gutknecht	Porter	Gutierrez	Maloney	Sanders
Issa	Nunes	Smith (MI)	Blunt	Hall	Portman	Harman	Markey	Saxton
Istook	Oberstar	Smith (NJ)	Boehlert	Harris	Pryce (OH)	Hastings (FL)	Matsui	Schakowsky
Jancklow	Osborne	Smith (TX)	Boehner	Hart	Putnam	Hill	McCarthy (MO)	Schiff
Jenkins	Ose	Souder	Bonilla	Hastings (WA)	Quinn	Hinchey	McCarthy (NY)	Scott (VA)
John	Otter	Stearns	Bonner	Hayes	Radanovich	Hinojosa	McCollum	Serrano
Johnson (CT)	Oxley	Stenholm	Bono	Hayworth	Ramstad	Hoefel	McDermott	Shays
Johnson (IL)	Paul	Sullivan	Boozman	Hefley	Regula	Holt	McGovern	Sherman
Johnson, Sam	Pearce	Sweeney	Boyd	Hensarling	Rehberg	Honda	McNulty	Simmons
Jones (NC)	Pence	Tancredo	Bradley (NH)	Herger	Renzi	Hooley (OR)	Meehan	Slaughter
Keller	Peterson (MN)	Tanner	Brady (TX)	Hobson	Reynolds	Hoyer	Meek (FL)	Smith (NJ)
Kelly	Peterson (PA)	Tauzin	Brown (SC)	Hoekstra	Rogers (AL)	Inslee	Meeks (NY)	Smith (WA)
Kennedy (MN)	Petri	Taylor (MS)	Brown-Waite,	Holden	Rogers (KY)	Israel	Menendez	Snyder
King (IA)	Pickering	Taylor (NC)	Ginny	Hostettler	Rogers (MI)	Jackson (IL)	Millender-	Solis
King (NY)	Pitts	Terry	Burgess	Houghton	Rohrabacher	Jackson-Lee	McDonald	Stark
Kingston	Platts	Thomas	Burns	Hulshof	Ros-Lehtinen	(TX)	Miller (NC)	Tauscher
Kirk	Pombo	Thornberry	Burr	Hunter	Ross	Jefferson	Miller, George	Tierney
Kline	Pomeroy	Tiaahrt	Burton (IN)	Hyde	Royce	Johnson (IL)	Moore	Towns
Knollenberg	Porter	Tiberi	Buyer	Isakson	Ryan (WI)	Johnson, E. B.	Moran (VA)	Udall (CO)
Kolbe	Portman	Toomey	Calvert	Issa	Ryun (KS)	Jones (OH)	Nadler	Udall (NM)
LaHood	Putnam	Turner (OH)	Camp	Istook	Sandlin	Kanjorski	Napolitano	Udall (NM)
Latham	Putnam	Turner (TX)	Cannon	Janklow	Schrock	Kaptur	Neal (MA)	Van Hollen
LaTourette	Quinn	Upton	Cantor	Jenkins	Scott (GA)	Kelly	Obey	Velazquez
Leach	Radanovich	Vitter	Capito	John	Sensenbrenner	Kennedy (RI)	Olver	Visclosky
Lewis (CA)	Ramstad	Walden (OR)	Cardoza	Johnson (CT)	Sessions	Kildee	Owens	Waters
Lewis (KY)	Regula	Walsh	Carson (OK)	Johnson, Sam	Shadegg	Kilpatrick	Pallone	Watson
Linder	Rehberg	Wamp	Carter	Jones (NC)	Shaw	Kind	Pascrell	Watt
LoBiondo	Renzi	Weldon (FL)	Chabot	Keller	Sherwood	Kirk	Pastor	Waxman
Lucas (KY)	Reynolds	Weldon (PA)	Chocola	Kennedy (MN)	Shimkus	Kleczka	Paul	Weiner
Lucas (OK)	Rogers (AL)	Weller	Coble	King (IA)	Shuster	Kucinich	Payne	Wexler
Manzullo	Rogers (KY)	Wells	Cole	King (NY)	Simpson	Lampson	Pelosi	Woolsey
Marshall	Rogers (MI)	Whitfield	Collins	Kingston	Skelton	Langevin	Price (NC)	Wu
Matheson	Rohrabacher	Wicker	Combest	Kline	Smith (MI)	Lantos	Rahall	Wynn
McCotter	Wilson (NM)	Wilson (SC)	Cox	Knollenberg	Smith (TX)			
McCrary	Ross	Wolf	Cramer	Kolbe	Souder			
McHugh	Royce	Young (AK)	Crane	LaHood	Spratt			
McInnis	Ryan (WI)	Young (FL)	Crenshaw	Latham	Stearns			
McIntyre	Ryun (KS)		Cubin	LaTourette	Stenholm			
			Culberson	Lewis (CA)	Strickland			
			Cunningham	Lewis (KY)	Sullivan			
			Davis (AL)	Linder	Sweeney			
			Davis (TN)	Lucas (KY)	Tancredo			
			Davis, Jo Ann	Lucas (OK)	Tanner			
			Davis, Tom	Manzullo	Tauzin			
			Deal (GA)	Marshall	Taylor (MS)			
			DeLay	Matheson	Taylor (NC)			
			DeMint	McCotter	Terry			
			Diaz-Balart, L.	McCrary	Thomas			
			Diaz-Balart, M.	McHugh	Thompson (CA)			
			Dooley (CA)	McInnis	Thompson (MS)			
			Doolittle	McIntyre	Thornberry			
			Dreier	McKeon	Tiaahrt			
			Duncan	Mica	Tiberi			
			Dunn	Michaud	Toomey			
			Edwards	Miller (FL)	Turner (OH)			
			Ehlers	Miller (MI)	Turner (TX)			
			Emerson	Mollohan				
			English	Moran (KS)				
			Etheridge	Murphy				
			Everett	Murtha				
			Feeney	Musgrave				
			Flake	Myrick				
			Fletcher	Nethercutt				
			Foley	Ney				
			Forbes	Northup				
			Fossella	Norwood				
			Franks (AZ)	Nunes				
			Frelinghuysen	Nussle				
			Frost	Oberstar				
			Gallegly	Ortiz				
			Garrett (NJ)	Osborne				
			Gerlach	Ose				

NOT VOTING—8

Boswell
Brady (PA)
Conyers

Delahunt
Gephardt
Miller, Gary

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LATHAM) (during the vote). Members are advised that there are 2 minutes remaining in this vote.

□ 1636

Mr. CARDOZA and Ms. PRYCE of Ohio changed their vote from "aye" to "no."

Mr. DICKS changed his vote from "no" to "aye."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. GOODLATTE. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 256, noes 170, not voting 8, as follows:

[Roll No. 200]

AYES—256

Aderholt
Akin

Alexander
Baca

Bachus
Baker

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldwin
Becerra
Bell
Berkley
Berman
Bishop (NY)
Blumenauer
Boucher

NOES—170

Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Carson (IN)
Case
Castle
Clay
Clyburn
Cooper
Costello
Crowley

Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutsch
Dicks
Dingell
Doggett
Doyle
Emanuel

NOT VOTING—8

Bilirakis
Boswell
Brady (PA)

Conyers
Delahunt
Gephardt

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that there are 2 minutes remaining in this vote.

□ 1643

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GOODLATTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill, H.R. 1904.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN EN-GROSSMENT OF H.R. 1904, HEALTHY FORESTS RESTORATION ACT OF 2003

Mr. GOODLATTE. Mr. Speaker, I ask unanimous consent that, in the engrossment of the bill (H.R. 1904), the Clerk be authorized to correct the table of contents, section numbers, punctuation, citations, and cross references and to make such other technical and conforming changes as may