

state assessments have been collected under a Memorandum of Understanding between the USDA and state commodity commissions.

Recently, wheat growers in Washington and California voted to increase their support of commodity activities through an assessment increase. USDA has claimed that it lacks the statutory authority to honor a Memorandum of Understanding if the assessment rate is changed. This decision has the potential to cause serious impact to state commissions and disadvantage to growers that depend on their work. The use of funds is very important during times of low prices and oversupply, when the need for expanding markets increases.

This legislation introduced by my friend and colleague from Washington, Mr. NETHERCUTT and myself will authorize the USDA to continue to collect state commodity assessments in the event of forfeiture of a commodity to the federal government.

I urge my colleagues to support this legislation.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. HAYES) that the House suspend the rules and pass the bill, H.R. 4620, as amended.

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

The title of the bill was amended so as to read: "A bill to confirm the authority of the Secretary of Agriculture to collect approved State commodity assessments on behalf of the State from the proceeds of marketing assistance loans."

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HAYES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4620.

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

There was no objection.

PROVIDING FOR NATIONAL PLAN FOR CONTROL AND MANAGEMENT OF SUDDEN OAK DEATH

Mr. HAYES. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4569) to provide for the development of a national plan for the control and management of Sudden Oak Death, a tree disease caused by the fungus-like pathogen *Phytophthora ramorum*, and for other purposes.

The Clerk read as follows:

H.R. 4569

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

SECTION 1. NATIONAL PLAN FOR CONTROL AND MANAGEMENT OF SUDDEN OAK DEATH.

(a) DEVELOPMENT OF NATIONAL PLAN.—Subject to the availability of appropriated funds

for this purpose, the Secretary of Agriculture, acting through the Animal Plant and Health Inspection Service, shall develop a national plan for the control and management of Sudden Oak Death, a forest disease caused by the fungus-like pathogen *Phytophthora ramorum*.

(b) PLAN ELEMENTS.—In developing the plan, the Secretary shall specifically address the following:

(1) Information derived by the Department of Agriculture from ongoing efforts to identify hosts of *Phytophthora ramorum* and survey the extent to which Sudden Oak Death exists in the United States.

(2) Past and current efforts to understand the risk posed by *Phytophthora ramorum* and the results of control and management efforts regarding Sudden Oak Death, including efforts related to research, control, quarantine, and hazardous fuel reduction.

(3) Such future efforts as the Secretary considers necessary to control and manage Sudden Oak Death, including cost estimates for the implementation of such efforts.

(c) CONSULTATION.—The Secretary shall develop the plan in consultation with other Federal agencies that have appropriate expertise regarding the control and management of Sudden Oak Death.

(d) IMPLEMENTATION OF PLAN.—The Secretary shall complete the plan and commence implementation as soon as practicable after the date on which funds are first appropriated pursuant to the authorization of appropriations in subsection (e) to carry out this section.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary such sums as may be necessary to carry out this section.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. HAYES) and the gentleman from Iowa (Mr. BOSWELL) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. HAYES).

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

Since Sudden Oak Death syndrome was first detected in California in 1995, the disease has killed tens of thousands of oaks and tanoaks in 12 coastal California counties and affected shrubs and trees in small areas of Curry County, Oregon, and King County, Washington. In addition, isolated cases of the European mating type of SOD have been found in Washington, Oregon, and British Columbia.

Sixty plant species are known to be hosts or associated hosts of the pathogen responsible. There are no chemical treatments currently available to eliminate the disease in nursery stock.

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Following confirmation of a discovery of the SOD pathogen in March at Monrovia Nurseries in Los Angeles County, California, USDA's APHIS plant protection and quarantine staff have been working with other Federal and State authorities to address the situation. APHIS mobilized its rapid response teams, and the California Department of Food and Agriculture placed hold orders on all shipments of host plant materials from confirmed positive facilities. Likewise, the Forest Service is coordinating with APHIS,

spending \$1.3 million this fiscal year to monitor areas near confirmed infestations to see if the pathogen is spreading from nurseries to forests.

Despite the efforts of USDA and State agriculture departments, by the end of April, positive cases had been confirmed in nurseries from at least 10 States. As of September 29, 2004, the total number of confirmed positive locales from the trace forward, national and other survey finds was 160 in 21 States, including Alabama, three; Arkansas, one; Arizona, one; California, 53; Colorado, one; Florida, six; Georgia, 18; Louisiana, five; Maryland, two; North Carolina, nine; and so on.

I am concerned about the potentially devastating impact of SOD on eastern hardwood forests and support all efforts at improving planning and coordination of our control and management programs. The legislation introduced by the gentleman from Georgia (Mr. BURNS) and 19 other Members is an attempt to refocus efforts at controlling and managing outbreaks of SOD. In particular, the bill authorizes appropriations for development of a national strategy for sudden oak death syndrome.

I would urge all Members to support the legislation.

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

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

I rise today in support of H.R. 4569, a bill to provide for the development of a national plan for control of sudden oak death, a disease that has threatened oak stands in California but is now potentially a threat to trees in other parts of the country. While we work to contain this disease, it is important that the necessary commerce in oak nursery stock be permitted to continue within reasonable bounds. This bill should help advance both of these important goals.

Our success in this matter is important to all Americans. Whether you are in the forest land business or just enjoy the shade of a majestic oak gracing your lawn, we all have an interest in this important issue. I want to commend my colleagues from Georgia (Mr. BURNS) and (Mr. SCOTT) in particular, for their work in bringing this legislation before us today. I encourage all Members to vote for the passage of this bill.

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

Mr. HAYES. Mr. Speaker, I yield 5 minutes to the gentleman from Georgia (Mr. BURNS) who has been very active in this matter from the beginning.

Mr. BURNS. Mr. Speaker, I thank the gentleman for yielding me this time. I thank the chairman and the ranking member of the Committee on Agriculture for moving this rapidly through the committee and to the floor of the House.

Mr. Speaker, I rise today in support of H.R. 4569 in an effort to stop a nationwide tree epidemic before it further infects America's forest and horticultural industry. Mr. Speaker, my distinguished colleague from Georgia (Mr. SCOTT) and I introduced this legislation because we recognize the similarities of what could result if sudden oak death disease continues to spread across the Nation in a similar fashion to that of the Dutch elm disease which devastated American forests and cities in the 1930s.

The bill would expand the U.S. Department of Agriculture's endeavors to halt the spread of the oak-destroying fungus *Phytophthora ramorum* and its harmful effect on America's oaks. *Phytophthora ramorum* invades susceptible trees through the bark, killing portions of the tree, creating an ideal environment for insects and other fungi to invade. Although primarily a west coast disease today, the sudden oak death disease has infected nurseries all across the United States and has recently made its way to Georgia through the sale of plants in the nursery industry killing over 100,000 oaks in the process, putting businesses in danger of closing and millions of trees at risk.

Our Nation's oak woodlands, urban forests, agricultural forestry and horticultural industries are all in jeopardy. The sudden oak death disease now affecting several States across our country has everyone waiting for something to be done to address this potentially disastrous problem. Sudden oak death negatively affects ecosystem functions, increases fire and safety hazards, and reduces property values in developed areas.

Over 7 million people lived where the initial outbreak occurred in the urban/wildland interface of central and coastal California. Neighborhoods were transformed within months. Dead trees surrounded communities where green trees formerly thrived. Communities were overwhelmed as residential yards, parks, open space and recreation areas were irreparably altered and in need of costly removal of thousands of hazardous trees.

The U.S. ornamental industry is valued at over \$13 billion in annual sales, the third largest crop value in America. Georgia produces over \$601 million in sales annually, and in my district alone, the 12th District of Georgia, we have \$66 million in ornamental horticulture sales. Our nursery and horticultural interstate trade, international export markets, lumber companies and gardeners all will suffer a traumatic loss if we do not take action to prevent the spread of the sudden oak death disease.

We have seen the early stages of the sudden oak death disease and its capability of spreading far and wide. If we fail to stop this threat to our oak trees, the similar type of disease that caused catastrophic damage among Dutch elms over decades ago, the

Dutch elm disease, will seem pale by comparison. Mr. Speaker, H.R. 4569 is bipartisan legislation that takes the necessary steps to combat this threat. We need our Secretary of Agriculture to immediately develop a plan to manage this disease that is rapidly spreading across our Nation.

I urge my colleagues to vote "yes" to protect our 21st century forests and our horticulture industry from the kind of devastation that we experienced in the 1930s with Dutch elm disease.

Mr. BOSWELL. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, I stand here because sudden oak death was first found in Marin County in my district in 1995. Since then, I have been working to control and contain this devastating disease, and I have been working with the gentleman from California (Mr. THOMPSON) as well because it is happening in our contiguous districts. It is good that we are here today to vote on this bipartisan bill, and it is something that I have been working on to get control over. But I am saddened that it has taken the spread of this disease to receive national interest.

Slowly but surely, as sudden oak death has spread through other communities, the Nation has come to understand the devastation that it causes and its need to be stopped. Sudden oak death is catching national attention as it has appeared for the first time in nurseries in southern California and nurseries in Oregon, and there is some serious concern that SOD has even spread to the southeastern part of the country. Nurseries in California are struggling with the quarantines that have been put in place on their plants in Canada and the State of Kentucky. In fact, quarantines of nurseries in Washington and Oregon are being considered at this very time.

But more tragic than that is what actually happens to the beautiful trees in an area that is affected by SOD and the resulting fire risks. It just brings tears to your eyes when you see these groups of trees disappearing.

Mr. Speaker, I ask that my colleagues join me in supporting this bill, H.R. 4569, to contain sudden oak death before it affects the entire country. Please do not wait until sudden oak death spreads to your community before you recognize the severity of this problem. I urge my colleagues to join all of us here today and vote for this important legislation.

Mr. THOMAS. Mr. Speaker, I rise today in strong support of H.R. 4569, which would require the Secretary of the United States Department of Agriculture to develop a plan to control and manage Sudden Oak Death (SOD). Sudden Oak Death is an issue of significant concern to my constituents who live in San Luis Obispo County, and I thank Mr. BURNS and Chairman GOODLATTE for working with me to develop this legislation.

Oaks are a significant part of California's culture, and San Luis Obispo County is famous for its beautiful oak trees, particularly

those along U.S. Highway 101. In fact, "El Paso de Robles," which is the name of one of the cities located in the northern portion of the County, is literally translated "the pass of the oaks." It also should be noted that oak trees provide pleasant vistas that encourage tourism, which is an important component of the California and San Luis Obispo County economies.

Unfortunately, oak trees are susceptible to a disease known as Sudden Oak Death, which is caused by the fungus-like pathogen *Phytophthora ramorum*, and for which there is currently no known cure or treatment. Rather, the standard regulatory practice is to quarantine the infected woodland area to reduce the likelihood of its further dispersal. However, quarantine efforts are not always effective because the disease is difficult to contain. Thus, while San Luis Obispo County is not among the thirteen California counties that are subject to such quarantines, I am interested in efforts to contain and combat Sudden Oak Death in order to ensure that Sudden Oak Death does not become established in San Luis Obispo County's environment.

In order to most effectively and efficiently combat Sudden Oak Death, we need to have a plan, and that plan should be derived from a careful analysis of what we have learned from our past efforts. As that is exactly what Mr. Burns' legislation would facilitate, I encourage my colleagues to join me as I work to see it enacted into law.

Mr. DICKS. Mr. Speaker, I rise today in support of H.R. 4569, a bill to provide for the development of a national plan for the control and management of Sudden Oak Death, a tree disease caused by the fungus-like pathogen *Phytophthora ramorum*.

In 1993, a fungus-like organism was found in Germany and the Netherlands on nursery-grown rhododendrons and viburnums. The disease was found to cause leaf blight, stem canker, and tip dieback. About the same time, oak trees in the San Francisco Bay Area were dying from similar symptoms and the disease began to be known as "sudden oak death."

Since that time, *P. ramorum* has been found along the southeastern coast of the United States, California, Oregon and my home state of Washington. As of September 29, 2004, the total number of confirmed positive sites is 160 in 21 States. This disease invades susceptible trees and shrubs, including Douglas fir, through the bark, killing portions of the tree. This creates an ideal environment for insects and other fungi to invade.

Federal regulations were published February 14, 2002, to control the movement of sudden oak death from twelve infested counties in California and an area under eradication in Oregon. Research on Sudden Oak Death is currently being conducted by the Agriculture Research Service, U.S. Forest Service, Universities and others to better identify hosts, methods of detection, and effective treatments. Currently, 64 plants are regulated. There are no chemical treatments currently available to eliminate the disease in nursery stock.

H.R. 4569 is critical to the eradication of *P. ramorum*. This bill allows the United States Department of Agriculture to develop the plan in consultation with other Federal agencies that have appropriate expertise regarding the control and management of Sudden Oak Death. I urge passage of this important bill.

Mr. FARR. Mr. Speaker, I rise today as an original cosponsor in support of H.R. 4569, legislation to provide for the development of a national plan for the control and management of Sudden Oak Death.

Sudden Oak Death is a forest disease caused by the plant pathogen *Phytophthora ramorum*. This pathogen has caused widespread dieback in California and across the nation of tanoak, several oak species (including coast live oak, California black oak, Shreve's oak, and canyon live oak) and a myriad of shrubs and nursery stock.

The disease has killed hundreds of thousands of trees in the coastal counties in northern California (two of which I represent) and southwestern Oregon. As a result of the dieback in California, USDA recently issued federal quarantine regulations on the movement of materials outside California. This action is in addition to the separate quarantines Canada and the States of California and Oregon imposed on themselves. Further, thirteen states have also implemented their own specific regulations against California nursery stock after the positive find in a southern California nursery. Millions of dollars of nursery stock have already been destroyed with little or no compensation for the growers.

Additionally, the alarming discovery that evidence of DNA has been found on California's coastal redwoods and Big Leaf Maples in the foothills of the Sierra Nevada raises our concerns to a much higher level. Should the Sudden Oak Death pathogen establish itself in the Sierra Nevada, California's commercial forest industry as well as prized recreation areas would be severely impacted. If this proves to be true, the economic and ecological costs to California would be incalculable.

If Sudden Oak Death is left unchecked, the landscape of California and the economic livelihoods of many will be forever changed. It's been almost ten years since the first detailed accounts of large numbers of tanoaks were observed dying in Marin and Santa Cruz Counties and already a difference in the landscape can be noted.

Mr. Speaker, depending on the plant species, *P. ramorum* infection may occur on the trunk, branches, and/or leaves. Infections on the woody portions of a tree are referred to as cankers. Cankers on the trunk of oak and tanoak trees are the most damaging, and often lead to death.

Additionally, diseased oak and tanoak trees are often attacked by other organisms once they are weakened by *P. ramorum*. It has also been found to infect the leaves and twigs of numerous other plants species. While many of these foliar hosts, such as California bay laurel and Rhododendron species, do not die from the disease, they do play a key role in the spread of *P. ramorum*, acting as breeding ground for inoculum, which may then be spread through wind-driven rain, water, plant material, or human activity.

Mr. Speaker, we currently know that the total number of APHIS-confirmed positive sites from the trace-forward, national, and other survey finds is 160 in 21 states and the number realistically is much higher considering the current scope of testing. This number ranges from single event sites to as many as 53 in my state of California.

The time to act is now and passage of H.R. 4569 is a great step forward. We must stop the further spread of Sudden Oak Death.

Mr. BOSWELL. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HAYES. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. OSE). The question is on the motion offered by the gentleman from North Carolina (Mr. HAYES) that the House suspend the rules and pass the bill, H.R. 4569.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HAYES. 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 just passed.

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

There was no objection.

PENNSYLVANIA NATIONAL FOREST IMPROVEMENT ACT OF 2004

Mr. GOODLATTE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3514) to authorize the Secretary of Agriculture to convey certain lands and improvements associated with the National Forest System in the State of Pennsylvania, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3514

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 "Pennsylvania National Forest Improvement Act of 2004".

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

- Sec. 1. Short title; table of contents.
- Sec. 2. Disposal of administrative sites, Allegheny National Forest, Pennsylvania.
- Sec. 3. Conveyance of Sheffield Ranger District Headquarters, Warren County, Pennsylvania.
- Sec. 4. Conveyance of Ridgeway Ranger District Headquarters, Elk County, Pennsylvania.
- Sec. 5. Conveyance of Marienville Ranger Residence, Forest County, Pennsylvania.
- Sec. 6. Disposition of funds.
- Sec. 7. Administration of land acquired by United States.
- Sec. 8. Relation to other conveyances authorities.

SEC. 2. DISPOSAL OF ADMINISTRATIVE SITES, ALLEGHENY NATIONAL FOREST, PENNSYLVANIA.

(a) DISPOSAL AUTHORITY.—The Secretary of Agriculture may convey, by sale or exchange, any and all right, title, and interest of the United States in and to the following National Forest System lands and administrative sites in the Allegheny National Forest, in Pennsylvania:

(1) US Tract 121, Sheffield ranger residence, consisting of 0.41 acres, as depicted on the map titled "Allegheny Unit, Allen M. Gibson Tract 121, March 1942".

(2) US Tract 896, an undeveloped administrative site, consisting of 2.42 acres, as depicted on the map titled "Allegheny Unit, Howard L. Harp Tract 896, 1947".

(3) US Tract 1047 (formerly Tracts 551, 551a,b,c), original Marienville Ranger District Headquarters, consisting of 4.90 acres, as depicted on the map titled "Marienville Ranger Station Compound Tract 1047, August 1998".

(4) US Tract 844, Marienville ranger residence, as depicted on the map titled "Allegheny Unit, Peter B. DeSmet Tract 844, 1936", except that portion of the tract identified as Lot 2, on the Survey Plat prepared by D. M. Heller and dated December 12, 1999, which is subject to conveyance under section 5.

(b) PROPERTY DESCRIPTIONS.—The maps referred to in subsection (a) are the primary descriptions of the lands to which the maps refer. In the event of a conflict between a map description and the metes and bounds description of the lands, the map shall be deemed to be the definitive description of the lands unless the map cannot be located. The maps shall be on file and available for public inspection in the Office of the Chief of the Forest Service until the lands are disposed of pursuant to this section.

(c) CONSIDERATION.—

(1) AUTHORIZED CONSIDERATION.—As consideration for a conveyance of land under subsection (a), the recipient of the land, with the consent of the Secretary, may convey to the Secretary other land, existing improvements, or improvements constructed to the specifications of the Secretary.

(2) CASH EQUALIZATION.—Notwithstanding any other provision of law, the Secretary may accept a cash equalization payment in excess of 25 percent of the value of any land and administrative site exchanged under subsection (a).

(d) APPLICABLE LAW.—Except as otherwise provided in this section, any conveyance of land under subsection (a) shall be subject to the laws and regulations applicable to the conveyance and acquisition of land for the National Forest System.

(e) SOLICITATION OF OFFERS.—

(1) CONVEYANCE PRIORITY.—In the selection of the recipient of land under this section, the Secretary may give a preference to public entities that agree to use the land for public purposes.

(2) TERMS AND CONDITIONS.—The Secretary may solicit offers for the conveyance of land under this section on such terms and conditions as the Secretary may prescribe.

(3) REJECTION OF OFFERS.—The Secretary may reject any offer made under this section if the Secretary determines that the offer is not adequate or not in the public interest.

(f) REVOCATIONS.—Notwithstanding any other provision of law, on conveyance of land by the Secretary under this section, any public order withdrawing the land from any form of appropriation under the public land laws is revoked.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with any conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 3. CONVEYANCE OF SHEFFIELD RANGER DISTRICT HEADQUARTERS, WARREN COUNTY, PENNSYLVANIA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of Agriculture may convey to the Warren County Development Association of Warren County, Pennsylvania, all right, title, and interest of the United States in