

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

and to US Tract 770, Sheffield Ranger District Headquarters, consisting of 5.50 acres, as depicted on the map titled "Allegheny Unit, Elk Tanning Company Tract 770, 1934".

(b) **CONSIDERATION.**—As consideration for the conveyance under subsection (a), the Warren County Development Association shall make to the Secretary a lump sum payment of \$100,000.

(c) **PROPERTY DESCRIPTION.**—The map referred to in subsection (a) is the primary description of the lands to which the map refers. In the event of a conflict between the 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 map 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.

(d) **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.

#### **SEC. 4. CONVEYANCE OF RIDGEWAY RANGER DISTRICT HEADQUARTERS, ELK COUNTY, PENNSYLVANIA.**

(a) **CONVEYANCE AUTHORIZED.**—The Secretary of Agriculture may convey to Ridgeway Township, Pennsylvania, all right, title, and interest of the United States in and to US Tract 904, consisting of 8.812 acres, and US Tract 905, consisting of 0.869 acres, Ridgeway Ranger District Headquarters, as depicted on the maps titled "Allegheny Unit, Harry R. Eliza E. Larson Tract 904, 1959" and "Allegheny Unit, Leo S. Laura A. Guth Tract 905, July 1948".

(b) **CONSIDERATION.**—As consideration for the conveyance under subsection (a), Ridgeway Township shall pay to the Secretary an amount equal to the fair market value of the conveyed lands, as determined by an appraisal acceptable to the Secretary and Ridgeway Township.

(c) **PROPERTY DESCRIPTION.**—The maps referred to in subsection (a) is the primary description 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.

(d) **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.

#### **SEC. 5. CONVEYANCE OF MARIENVILLE RANGER RESIDENCE, FOREST COUNTY, PENNSYLVANIA.**

(a) **CONVEYANCE AUTHORIZED.**—The Secretary of Agriculture may convey, without consideration, to the Marienville Volunteer Fire Department of Forest County, Pennsylvania, all right, title, and interest of the United States in and to that portion of US Tract 844, Marienville ranger residence, as depicted on the map titled "Allegheny Unit, Peter B. DeSmet Tract 844, 1936", which is identified as Lot 2 on the Survey Plat prepared by D. M. Heller and dated December 12, 1999.

(b) **PROPERTY DESCRIPTION.**—The map referred to in subsection (a) is the primary description of the lands to which the map refers. In the event of a conflict between the 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 map 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) **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.

#### **SEC. 6. DISPOSITION OF FUNDS.**

(a) **DEPOSIT IN SISK ACT FUND.**—The Secretary of Agriculture shall deposit in the fund established under Public Law 90-171 (16 U.S.C. 484a; commonly known as the Sisk Act)—

(1) the proceeds of a sale or exchange under section 2; and

(2) the consideration received pursuant to sections 3(b) and 4(b).

(b) **USE OF PROCEEDS.**—Subject to subsection (c), funds deposited under subsection (a) shall be available to the Secretary, without further appropriation, for—

(1) the acquisition, construction, or improvement of administrative facilities and sites for the Allegheny National Forest; or

(2) the acquisition of land and interests in land in the Allegheny National Forest.

(c) **CONDITION ON LAND ACQUISITION.**—The acquisition of lands in the Allegheny National Forest using funds deposited under subsection (a) is subject to the condition that the market value of the acquired lands may not exceed 125 percent of the market value of the lands disposed of under this Act.

#### **SEC. 7. ADMINISTRATION OF LAND ACQUIRED BY UNITED STATES.**

Lands acquired by the Secretary of Agriculture under section 6(b) or by exchange under section 2 shall be managed by the Secretary in accordance with the Act of March 1, 1911 (commonly known as the Weeks Act; 16 U.S.C. 480 et seq.) and other laws and regulations pertaining to National Forest System lands. For the purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-9), the boundaries of the Allegheny National Forest, as adjusted on account of the disposal and acquisition of lands under this Act, shall be considered to be the boundaries of that national forest as of January 1, 1965.

#### **SEC. 8. RELATION TO OTHER CONVEYANCES AUTHORITIES.**

Except as expressly provided in this Act, nothing in this Act affects any other authority of the Secretary of Agriculture to sell, exchange, or acquire land. Lands authorized for disposal under this Act shall not be subject to subchapters II and III of chapter 5 of title 40, United States Code.

The **SPEAKER** pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. GOODLATTE) and the gentleman from Texas (Mr. STENHOLM) each will control 20 minutes.

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

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

Mr. Speaker, H.R. 3514, as amended, the Pennsylvania National Forest Improvement Act of 2004, introduced by the gentleman from Pennsylvania (Mr. PETERSON), authorizes the Secretary of Agriculture to sell or convey six parcels of land from the Allegheny National Forest to local municipalities or private individuals. All of these parcels, totaling just over 22 acres, have been identified by the Forest Service

as outlying parcels that are not connected to the National Forest. Three of the parcels would be conveyed to local government agencies, allowing them to consolidate operations to better serve their communities. Proceeds from these sales will be used to improve administrative sites and acquire inholdings from willing sellers. I urge my colleagues to support this bill.

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

Mr. STENHOLM. Mr. Speaker, I yield myself such time as I may consume. I rise to express my support also for H.R. 3514, the Pennsylvania National Forest Improvement Act of 2004. This legislation allows the Secretary of Agriculture to sell or convey six parcels of land from the Allegheny National Forest in Pennsylvania to local municipalities or private individuals.

According to the U.S. Forest Service, the sale or conveyance of these parcels is necessary because they are administrative sites which actually exceed their worth in terms of management. The parcels in question have been identified as outlying parcels by the Forest Service. Three of the parcels would be conveyed to local government agencies, allowing them to better serve their communities. Proceeds from the sale of the parcels will be used to improve administrative sites and to acquire inholdings from willing sellers. For all these reasons, I urge my colleagues to support this legislation.

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

Mr. GOODLATTE. Mr. Speaker, it is my pleasure to yield such time as he may consume to the gentleman from Pennsylvania (Mr. PETERSON), the author of the legislation.

Mr. PETERSON of Pennsylvania. Mr. Speaker, I would like to thank both the chairman and the ranking member for bringing this legislation up. It is very simple. They have explained it well. The Allegheny National Forest is a 600,000-acre forest in northwestern Pennsylvania. These parcels were used for some of their management facilities that have now been relocated on the forest in new facilities.

Some of these plots of land have nice buildings on them. They are deteriorating. They need to be turned back over into the private sector, into the local government sector. One piece will go to the local fire department in Marionville, Pennsylvania, which will help them expand their service for the community there. Another one will be to the Ridgeway Township whose facilities border this land. It will assist them. In fact, the facility will enhance their ability to serve their community. Another parcel will go to the county economic development agency for further development of the economy in that region. The other parcels will be put up for sale, and the cash will be used to enhance the many facilities that are on the Allegheny National Forest. The use of those facilities continues to grow, but there is a lot of

maintenance, there are a lot of enhancements needed to serve the growing public use of the forest. I just want to thank the committee and all those for bringing this forward and ask my colleagues to pass this legislation. It is good government.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. GOODLATTE) that the House suspend the rules and pass the bill, H.R. 3514, 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.

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 H.R. 3514, the bill just passed.

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

There was no objection.

#### HONORING THE SERVICE OF NATIVE AMERICAN INDIANS IN THE UNITED STATES ARMED FORCES

Mr. COLE. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 306) honoring the service of Native American Indians in the United States Armed Forces, as amended.

The Clerk read as follows:

H. CON. RES. 306

Whereas American Indians have served with distinction in the United States Armed Forces and in military actions for more than 200 years;

Whereas the courage, determination, and fighting spirit of American Indians were strengths recognized and valued by American military leaders;

Whereas nearly 190,000 American Indian veterans have fought for the United States in the struggle for freedom and peace, often in a percentage well above their percentage of the population of the United States as a whole;

Whereas the Elders of the American Indian Society have proclaimed that official recognition of the military service of American Indians would help engender a sense of self-esteem and pride in American Indians;

Whereas, although November 11, Veterans Day, marks a day of observance for all veterans who served in the Armed Forces, the establishment of a specific National American Indian Veterans Day would honor the service of American Indians in the Armed Forces; and

Whereas November 7, a date during the annual National American Indian Heritage Month, would be an appropriate day to establish as National American Indian Veterans Day: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring), That the Congress—*

(1) honors the service of American Indians in the Armed Forces;

(2) recommends the establishment of a National American Indian Veterans Day;

(3) encourages all Americans to learn about the history of the service of American Indians in the Armed Forces; and

(4) requests the President to issue a proclamation calling on the people of the United States to observe the day with appropriate ceremonies, activities, and programs to demonstrate their support for American Indian veterans.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oklahoma (Mr. COLE) and the gentleman from Missouri (Mr. SKELTON) each will control 20 minutes.

The Chair recognizes the gentleman from Oklahoma (Mr. COLE).

#### GENERAL LEAVE

Mr. COLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the concurrent resolution under consideration.

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

There was no objection.

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

Mr. Speaker, I rise today in support of House Concurrent Resolution 306, a resolution that honors the service of Native Americans in the Armed Forces of the United States. As a proud member of the Chickasaw Nation, it is a great honor for me to speak in tribute of the thousands of Native Americans who have worn the uniform of the United States or served in the ranks of our military throughout our history. As the heirs of their own proud warrior traditions that precede the founding of the United States, Native Americans have made notable contributions to the Armed Forces of our country from its very inception.

□ 1745

Even in the 19th century, an era of conflict between Indian nations and the United States, Native Americans could be found serving in and with our military. Native Americans fought with Andrew Jackson at the Battle of New Orleans. A Native American was a member of General Grant's staff at Appomattox. And Indian scouts played a critical role throughout the wars on the American Plains.

In the 20th century, Choctaw Indians from Oklahoma were used as Code Talkers in the trenches of Europe during the First World War. In World War II, the Comanche Code Talkers from the district I represent in Oklahoma sent the first messages on D-Day. And of course the Navajo Code Talkers who fought and died on the other side of the world helped turn the tide of war in the Pacific.

Two of the five Native American Congressional Medal of Honor recipients are from my home State of Oklahoma. Jack C. Montgomery, a Cherokee; and Ernest Childers, a Creek, served our

country with great distinction. More recently, my fellow Chickasaw, Commander John Herrington, became the first Native American astronaut. Even now he is training in Russia for his next mission.

But, Mr. Speaker, not all Native American soldiers are scouts, Code Talkers, Medal of Honor recipients, or astronauts. Most serve in the ranks and at the same jobs as their fellow Americans. I think of my uncle who joined the Navy, fought in the Philippines, and endured 3½ years in Japanese prison camps during World War II. Or my brother, John Cole Jr., who followed my father, a career Air Force noncommissioned officer, and enlisted in the United States Air Force during the Vietnam era. They are typical of the thousands of American Indians who have served our country in times of peril.

That tradition of service continues today. Native Americans volunteer for military service at a higher rate than any other racial or ethnic group in America. This concurrent resolution which honors their gallant service comes as we celebrate the opening of the Smithsonian's National Museum of the American Indian. That institution honors the rich history and enormous contributions made by the First Americans to all Americans.

I congratulate the gentleman from Arizona (Mr. RENZI), the proud son of a career officer and a former member of the Defense Department who represents thousands of Native Americans, for his fine work on this concurrent resolution. And I encourage all my colleagues to join him in honoring the outstanding Native American warriors who have served our country in peace and war.

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

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

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

Mr. SKELTON. Mr. Speaker, I rise in support of House Concurrent Resolution 306, introduced by the gentleman from Arizona (Mr. RENZI). I would like to recognize the gentleman from Arizona for his efforts to bring forward this resolution honoring the service of Native American Indians in the United States Armed Forces. I also wish to recognize the gentleman from Oklahoma (Mr. COLE), my colleague on the House Committee on Armed Services, for his support of this bill. We thank him for that.

For over 200 years, Native American Indians have distinguished themselves in military action. Most Americans would be surprised to learn that since the founding of our country, Native American Indians have made substantial contributions to our Nation's defense.