

BUSH ADMINISTRATION WAS WRONG TO FORCE SENIORS INTO A DRUG PLAN BY MAY 15

(Ms. BERKLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. BERKLEY. Mr. Speaker, Republicans were dead wrong to force American seniors to pick a private drug plan by May 15.

Choosing the right plan is not easy for any of us. Seniors had dozens of plans to choose from. In Nevada alone, we had 44 plans. But this decision was made even more difficult by an incompetent Bush administration that did not give seniors accurate information.

The nonpartisan GAO conducted an investigation which concluded seniors were receiving bad information 60 percent of the time on critical questions concerning which drug plan cost the least based on a senior's prescription drug needs. One in five seniors are now actually paying more for their drugs than they did before they signed up. Seniors received bad information from the Bush administration, and based on this bad information, they made a very bad decision.

House Democrats wanted to extend the deadline until the end of the year, giving seniors more time and preventing an unfair penalty tax from taking effect. House Republicans refused to join us in this effort, and now millions of seniors will unfortunately pay the price.

COMMUNICATION FROM CONSTITUENT SERVICES DIRECTOR OF HON. SAM JOHNSON, MEMBER OF CONGRESS

The SPEAKER pro tempore (Mr. GILLMOR) laid before the House the following communication from Jerry Durham, Constituent Services Director of the Honorable Sam Johnson, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 15, 2006.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a civil subpoena, issued by the 417th Judicial District Court for Collin County, Texas, for testimony and documents.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

JERRY W. DURHAM,
Constituent Services Director.

PROVIDING FOR CONSIDERATION OF H.R. 4200, FOREST EMERGENCY RECOVERY AND RESEARCH ACT

Mr. BISHOP of Utah. Mr. Speaker, by direction of the Committee on Rules, I

call up House Resolution 816 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 816

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4200) to improve the ability of the Secretary of Agriculture and the Secretary of the Interior to promptly implement recovery treatments in response to catastrophic events affecting Federal lands under their jurisdiction, including the removal of dead and damaged trees and the implementation of reforestation treatments, to support the recovery of non-Federal lands damaged by catastrophic events, to revitalize Forest Service experimental forests, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour, with 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Resources, 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture, and 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure. After general debate the bill shall be considered for amendment under the five-minute rule. In lieu of the amendment recommended by the Committee on Resources now printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule an amendment in the nature of a substitute consisting of the text of the amendment in the nature of a substitute printed in the Congressional Record and numbered 1 pursuant to clause 8 of rule XVIII. That amendment in the nature of a substitute shall be considered as read. All points of order against that amendment in the nature of a substitute are waived. Notwithstanding clause 11 of rule XVIII, no amendment to that amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Utah (Mr. BISHOP) is recognized for 1 hour.

Mr. BISHOP of Utah. Mr. Speaker, for the purpose of debate only, I yield

the customary 30 minutes to the gentleman from California (Ms. MATSUI), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, H. Res. 816 provides for a structured rule and allows for 1 hour of general debate with 20 minutes equally divided and controlled by each of the chairman and ranking minority members of the Committee on Resources, the Committee on Agriculture and the Committee on Transportation and Infrastructure.

There also are four amendments, Democrat amendments, that have been filed with the bill made in order. Each of these amendments was considered in the committee markup and was defeated in those markups, but we have decided in the rule of fairness to allow them all to have a chance of debating those amendments on the floor, giving them another chance to convince a majority of the House Members that their approach to forest management is better than the bill before us.

In testimony received in the Rules Committee, it was mentioned that this particular bill has had, approximately 50 times, a redrafting to make sure the needs of individuals were met; it was passed by strong bipartisan support in both the Rules Committee and the Agriculture Committee; it has 147 bipartisan sponsors; it has had nine hearings; the sponsors have traveled to forests from Oregon to Georgia; they have had input from Fish and Wildlife, from Tribal land managers; it has been endorsed by the 25,000-member National Federation of Federal Employees Union, by the 15,000 members of the Society of American Foresters and by the 12,000-member Coalition of Professional Firefighters.

This bill has gone through regular order. It is as regular, it is so regular you would think it was sponsored by Metamucil.

I am also very grateful to the chairman of the subcommittee who is the sponsor, Mr. WALDEN, for his work on this, as well as Mr. GOODLATTE, Mr. GILCREST, Mr. BAIRD, Ms. HERSETH, who presented this bill to us, and also to the gentleman from Washington, Mr. HASTINGS, who told me everything I need to know about forests, and if this bill is good with him, it obviously has to be a good bill.

Those of us who live in the western States realize that we have enormous tracts of land, both in Forest Service land and in BLM lands, and the forest in those areas has been under tremendous stress in the past two decades. We estimate there are at least 190 million acres of land at risk, over 1 million acres that is currently in a restoration backlog. It has taken us about 2 years to begin the restoration process. If there is any kind of regulatory process, the average is 3½ years.

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Yet, in those same areas, non-Federal lands, whether it is private or governmental, can begin their restoration process in weeks using best practices that have been tried and true.

At the Rules Committee it was mentioned after the Mt. St. Helens eruption, if you now go to Washington State, you can clearly see where the private forest management, which included selective and partial harvesting of dead timber, has resulted in a quicker and better recovery than adjacent Federal lands where the actions have been hindered oftentimes by litigation.

In my own State of Utah, the Dixie National Forest in southern Utah over a decade ago was infested by pine beetles, originally committed to only 6 acres of infestation above the Cedar Breaks National Monument, an area that was filled with beautiful and very tall Englemann spruce trees.

The best available science protocols and the Forest Service's preferred alternative was a remediation plan that called for harvesting of a certain size of tree in the infested area. Apparently these pine beetles only like a certain age of trees; kind of like a fine wine of only a certain year is what they would consume. The forestry experts said that by harvesting selectively in this contained 6-acre area, they could contain the insects' further spread.

Unfortunately their plan was subject to intense litigation which lasted for over 2 years. In that 2-year period of time, the Forest Service was precluded by injunction from proceeding with their remediation plan. The beetle, unfortunately, did not wait for those 2 years, for the lawyers and the judges in a typical slow, deliberative judicial pace to solve their differences.

Instead of 6 acres being impacted, thousands of acres were killed in this particular forest. Today, if you visit this area, the sad legacy of this litigation was that under the guise of protecting our forest, it was actually very extremely detrimental to our forest. What was once a pristine and amazingly beautiful forest is now acre after acre after acre of dead trees. Habitat has been lost, vegetation was lost, mud slides have increased, water and air quality has decreased, and soil erosion has increased. This area is now an extremely high risk of devastating fire.

There are events that take place in our life that disrupt our forest system. Last year we passed the Healthy Forest Restoration Act to give tools of management to our forest experts for forest health, for community protection, fuel reduction and fire prevention.

This year we are now bringing before you the Forest Emergency Recovery and Research Act, a commonsense recovery plan that would follow natural disasters affecting our forest land. This gives tools of rehabilitation. It is not a plantation forest which environmentalists do not like. There is heavy emphasis on alternative energy that can be

used for some of the materials that will be recovered.

You may hear some opponents of this particular bill talking the same old talking points of yesteryear. The important thing to remember is in H.R. 4200 there are three specific elements to it.

Number one, it pursues scientific research in conjunction with land grant universities to improve our knowledge about postcatastrophe treatment. Secondly, it mandates preapproved action, subject to peer review, without blatant proscriptions of actions that will give best science efforts in controlling and preserving our forest land. Number three, it provides firefighter protection.

The most treacherous and dangerous situation for a firefighter is always the second fire in the same area. The passage of this bill would eliminate the potential harm and risk not only to species, but also would potentially save the lives of many of our firefighters.

This bill is such a good bill that it actually should be on the suspension calendar, but we are here today to consider this legislation on the floor under a rule. Once again, Mr. Speaker, this rule provided under H. Res. 816 is fair by any standard of judgment.

I am proud to be a cosponsor of this underlying legislation, the Forest Emergency Recovery and Research Act. I believe it represents a model for how Congress can act in a methodical, reasonable and bipartisan manner to address vital concerns on this emotional environmental issue.

Mr. Speaker, I urge the adoption of the resolution and the underlying legislation in H.R. 4200.

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

Ms. MATSUI. Mr. Speaker, I thank the gentleman from Utah (Mr. BISHOP) for yielding me this time, and yield myself such time as I may consume.

(Ms. MATSUI asked and was given permission to revise and extend her remarks.)

Ms. MATSUI. Mr. Speaker, our forests are a valuable natural resource. They offer beauty and recreation for many across the Nation. My own hometown of Sacramento is but a couple of hours from Tahoe National Forest. Throughout the year, Sacramentans can be found taking advantage of this proximity, using the park for hiking, skiing and camping.

With 18 national forests and 20 million acres of national forestland in my home State of California, we face the challenge of a wildfire on almost an annual basis. Many western States deal with forest fires every summer.

In addition, America's forests also endure damage from hurricanes, floods, mudslides and our natural disasters. All of these events require swift action from our Nation's brave network of first responders as well as tailored government policies to help forests regenerate over the long term.

The rule before us would authorize debate on H.R. 4200, a bill which its

supporters see as a way to speed forest recovery by loosening or eliminating some Federal regulations protecting our public lands. Such a proposal demands scrutiny and debate.

To warrant congressional action, there must be a demonstrable need for such a proposal and reliable proof that the proposed solution meets that need. Unfortunately, the evidence on the need for this bill points in both directions. While some sources claim that this bill would improve the state of forests, other scientific accounts indicate that H.R. 4200 would actually hurt the forest recovery process.

We do know that it would create a loophole to allow some industries to skirt compliance with the National Environmental Policy Act and the Endangered Species Act.

Supporters contend that the logging industry is saddled with unfair government regulations which impede their postfire operations and ultimately hurt the forests themselves. At the same time, 35 percent of all logging in national forests in the past 6 years came from timber salvage in ways similar to this bill, accounting for \$35 million to \$40 million annually. The only difference is that now these activities have to comply fully with NEPA and the Endangered Species Act before moving forward.

While a CBO estimate projects that this bill would increase timber profits from salvaging by 40 percent, the first question which must be answered is not one of business, but one of science. Does the policy recommended under this bill make sense?

As I stated at the beginning, the evidence is too murky to tell, and we need to spend more time learning about and debating this issue before we act. I am encouraged that the Rules Committee recognized this and made four amendments in order which will add to the public discourse on this bill.

However, it is difficult to ignore the arguments of those opposed to H.R. 4200. One such voice comes from a January 2006 issue of Science Magazine. In that issue, a group of researchers published a study of logging in the aftermath of the 2002 Biscuit fire in Oregon. This peer-reviewed study concluded that the impact of logging in these areas reduced regeneration of new trees by some 70 percent.

This single scientific article is not the final word on such a complicated matter for sure, but its findings are consistent with a good portion of the larger body of literature on this subject. And when so many experts express concern with H.R. 4200, Members would be well advised to listen to their reservations and take time to reconsider the issue.

Mr. Speaker, I will insert at this point in the RECORD a letter to Congress signed by 169 experts in the areas of biology, ecology and forest management. This group of researchers includes UC Davis professors Dr. Robert Coats and Dr. Peter Moyle, as well as 13 other Californians.

MARCH 14, 2006.

DEAR MEMBERS OF CONGRESS: The United States has made great strides by relying on science to inform our decision making. Science helped us travel to the moon; advance medicine and health; and understand the complex web of life on land and in rivers, lakes, and oceans. Science has also opened our eyes to the workings of forests and provided blueprints for federal plans to better protect the abundant natural resources of our public lands.

When we, as scientists, see policies being developed that run counter to the lessons of science, we feel compelled to speak up. Proposed post-disturbance legislation (specifically the Forest Emergency Recovery and Research Act [H.R. 4200] and the related Forests for Future Generations Act [S. 2079]), crafted as a response to recent fires and other disturbances, is misguided because it distorts or ignores recent scientific advances. Under the labels of "recovery" and "restoration," these bills would speed logging and replanting after natural disturbances.

Although logging and replanting may seem like a reasonable way to clean up and restore forests after disturbances like wildland fires, such activity would actually slow the natural recovery of forests and of streams and creatures within them. Many scientist-reviewed studies and syntheses (please see the selected citations appended to this letter) have recently come to this conclusion. For example, no substantive evidence supports the idea that fire-adapted forests might be improved by logging after a fire. In fact, many carefully conducted studies have concluded just the opposite. Most plants and animals in these forests are adapted to periodic fires and other natural disturbances. They have a remarkable way of recovering—literally rising from the ashes—because they have evolved with and even depend upon fire.

We are concerned that H.R. 4200 and S. 2079 will bind us to land management practices that, perhaps logical in the past, are no longer tenable in the light of recent scientific understanding. Specifically, post-disturbance logging impedes regeneration of forest landscapes when it compacts soils, removes or destroys so-called biological legacies (such as soil organic material, seeds in the soil, large standing and downed trees), damages riparian corridors, introduces or spreads invasive species, causes erosion, delivers sediment to streams from logging roads and steep slopes, degrades water quality, and damages populations of many aquatic species. In testimony before the House Subcommittee on Resources (November 10, 2005), eminent forest ecologist and University of Washington Professor Jerry Franklin noted that logging dead trees often has greater negative impacts than logging of live trees. He concluded that "timber salvage is most appropriately viewed as a 'tax' on ecological recovery."

Beyond those concerns, post-disturbance logging often intensifies the potential severity of future fires by concentrating the slash from logging at or near the ground. Rather than leaving plant material standing—and providing perching, nesting, and feeding sites for wildlife—such logging abruptly moves the material to the ground. Most of this material would naturally fall to the ground, adding important supplies of nutrients and energy to the forest floor and structure in the form of woody debris to stream channels. But this naturally happens over decades, not in the relatively short time associated with a logging operation. Advocates of post-disturbance logging may argue that this slash can be disposed of with controlled burns and other treatments. Yet such treatments can severely damage underlying soils, imposing other taxes on natural recovery.

One additional tax concerns us. Postfire logging taxes the public treasury. Recent analysis of postfire logging operations after Oregon's Biscuit fire of 2002 shows that costs of the logging operations exceeded revenue by about \$14 million for logging that removed more than 53 million board feet of timber (DellaSala et al. 2006).

Science provides the best insight into the real consequences of our policies and actions. Ironically, this legislation is crafted to ignore the science by waiving environmental reviews, reviews that would make use of the scientific knowledge often available only because of expenditures of public funds. Failure to conduct full environmental reviews informed by that science will inevitably lead to ecological and economic harm from post-disturbance logging.

In short, neither ecological benefits nor economic efficiency result from post-disturbance logging. We therefore urge you to defeat these legislative efforts because they will set back forest recovery. We urge you to work with your fellow lawmakers to craft legislation that will rely on the most up-to-date scientific knowledge to protect the natural resources of the nation's public lands.

Sincerely,

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Oscar J. Rocha, Assistant Professor, Biological Sciences, Kent State University, Kent, OH.

Carlton L. Rockett, Ph.D., Professor, Biological Sciences, Bowling Green State University, Bowling Green, OH.

Thomas P. Rooney, Ph.D., Forest Ecologist, Department of Botany, University of Wisconsin, Madison, WI.

Steve Rothenberger, Ph.D., Professor, Biology, University of Nebraska-Kearney, Kearney, NE.

Betsie B. Rothermel, Ph.D., Assistant Research Scientist, University of Georgia, Aiken, SC.

Leanne H. Roulson, M.S., Fisheries Biologist, Bozeman, MT.

Barbara A. ("Bitty") Roy, Ph.D., Associate Professor, Ecology University of Oregon, Eugene, OR.

Matthew Rubino, Conservation Biologist/GIS Analyst, SE-GAP/Biodiversity and Spatial Information Center, Department of Zoology, North Carolina State University, Raleigh, NC.

James Runkle, Ph.D., Professor, Biological Sciences, Wright State University, Dayton, OH.

Melissa Savage, Ph.D., Emerita Associate Professor, Geography, University of California, Los Angeles, Los Angeles, CA.

Andrew Schnabel, Ph.D., Associate Professor, Evolution and Ecology, Indiana University South Bend, South Bend, IN.

Tania Schoennagel, Ph.D., Fire Scientist, University of Colorado, Boulder, CO.

Bronwyn Scott, M.S., Invasive Species Ecologist, Ph.D. student, University of Washington, Adjunct Life Science Faculty, Bellevue Community College, Bellevue, WA.

Bonita Shanafelt, Support Scientist, Forest Service, PNW Research Station, Wenatchee, WA.

Tony Silvaggio, Ph.D., Environmental Sociology, Department of Sociology, Humboldt State University, Arcata, CA.

Diane E. Sklensky, Ph.D., Professor, Biological Sciences, Le Moyne College, Syracuse, NY.

David L. Smith, Ph.D., Associate Professor and Chair, Department of Biological Sciences, Le Moyne College, Syracuse, NY.

Jennifer Smith, Ph.D., National Center for Ecological Analysis and Synthesis, University of California, Santa Barbara, Santa Barbara, CA.

Sherilyn G. F. Smith, Ph.D., Associate Professor, Biological Sciences, Le Moyne College, Syracuse, NY.

Erica Smithwick, Ph.D., Ecosystem Ecologist/Fire Scientist, University of Wisconsin, Madison, WI.

Eric B. Snyder, Ph.D., Stream Ecologist, Assistant Professor, Biology, Grand Valley State University, Allendale, MI.

Wayne D. Spencer, Ph.D., Senior Conservation Biologist, Conservation Biology Institute, San Diego, CA.

Timothy P. Spira, Ph.D., Plant Ecologist, Professor, Biological Sciences, Clemson University, Clemson, SC.

Stephen M. Spomer, Research Associate, Department of Entomology, University of Nebraska, Lincoln, NE.

James R. Spotila, Ph.D., Betz Chair Professor, Environmental Science, Department of Bioscience and Biotechnology, Drexel University, Philadelphia, PA.

Robert Stiles, Ph.D., Ichthyologist, Department of Biology, Samford University, Birmingham, AL.

James R. Strittholt, Ph.D., Executive Director, Landscape Ecologist, Conservation Biology Institute, Corvallis, OR.

Adam Switalski, M.S., Science Coordinator, Wildlands CPR, Missoula, MT.

Tamara Ticktin, Ph.D., Department of Botany, University of Hawaii at Manoa, Honolulu, HI.

Brian N. Tissot, Ph.D., Associate Professor, Environmental Science, Washington State University Vancouver, Vancouver, WA.

David W. Tonkyn, Ph.D., Associate Professor, Biological Sciences, Clemson University, Clemson, SC.

Stephen C. Trombulak, Ph.D., Professor, Biology and Environmental Studies, Middlebury College, Middlebury, VT.

Robin Tyser, Ph.D., Professor, Ecology, University of Wisconsin-La Crosse, La Crosse, WI.

Thomas T. Veblen, Ph.D., Professor, Geography University of Colorado, Boulder, CO.

Frank von Hippel, Ph.D., Associate Professor, Aquatic Ecology, University of Alaska Anchorage, Anchorage, AK.

Floyd Waddle, Ph.D., Associate Professor, Fayetteville State University, Fayetteville, NC.

Robert O. Wagner, Ph.D., Wildlife Ecologist, DeRidder, LA.

Don Waller, Ph.D., Forest Ecologist, Department of Botany, University of Wisconsin, Madison, WI.

B. Michael Walton, Ph.D., Director, Environmental Institute, Associate Professor, Biological, Geological, and Environmental Sciences, Cleveland State University, Cleveland, OH.

James H. Warner, Ph.D., Ecologist, Professor Emeritus, Biology, University of Wisconsin-La Crosse, La Crosse, WI.

Peter Warner, M.A., Ecology, Environmental Scientist, California Department of Parks & Recreation, Little River, CA.

Vicki Watson, Ph.D., Professor and Watershed Ecologist, University of Montana, Missoula, MT.

Tom Wessels, M.S., Professor, Ecology, Antioch New England Graduate School, Keene, NH.

Cindy Deacon Williams, Fisheries Biologist, Headwaters, Ashland, OR.

Jack E. Williams, Ph.D., Chief Scientist, Trout Unlimited, Medford, OR.

Mr. Speaker, I would like to read an excerpt from this letter because it illustrates the need for us to carefully consider what we are doing if we pass this bill.

"Although logging and replanting may seem like a reasonable way to clean up and restore forests, after disturbances like wildland fires, such activity would actually slow the natural recovery of forests and its streams and creatures within them. For example, no substantive evidence supports the idea that fire-adapted forests might be improved by logging after fire. In fact, many carefully conducted studies have concluded just the opposite."

Mr. Speaker, if Congress wants to give itself adequate time to investigate the evidence and debate this complex and important issue, it will put this bill aside. To do otherwise would ignore the voices of some forest management experts and scientists who contend that this bill will make our forests more vulnerable to fire.

At the same time, approving this bill would needlessly undermine the Federal laws put in place to balance the interests of industry with those of the environment.

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

Mr. BISHOP of Utah. Mr. Speaker, I yield as much time as he may consume to the gentleman from Oregon (Mr. WALDEN), who is the chairman of the subcommittee, as well as the sponsor of the bill, and recognized as probably one of our experts on forest life and forest health in this Congress.

Mr. WALDEN of Oregon. Mr. Speaker, I appreciate the opportunity to speak on this legislation today. H.R. 4200 comes before you today after more than 2 years of work by Representatives BAIRD, HERSETH, GOODLATTE, GILCHREST, myself and many others.

Mr. Speaker, we have worked on more than 50 drafts of this legislation in an open and inclusive process, deliberately in an attempt to produce legislation that carefully reduces the obstacles to forest recovery following catastrophic events such as massive wildfires, blowdowns and ice storms.

Mr. Speaker, we moved the bill successfully through the House Resources Committee on a 25-13 bipartisan vote, and through the House Agriculture Committee by a 36-3 bipartisan vote, easily defeating all opposing amendments.

The Congressional Budget Office score, while showing an initial cost of \$5 million in the first year, shows the bill will reduce spending by the Federal Government by \$21 million from 2007 through 2011, and will generate hundreds of millions of dollars in net revenue for the land management agencies.

Mr. Speaker, this poster next to me here shows what happens on our Federal forests in terms of replanting costs and salvage value.

The longer you take to replant a forest, the more it costs. The longer you wait to salvage, if that is the plan, the less value you get out of it. This is pretty simple science, pretty simple and explanatory math that explains what we are trying to accomplish here.

Salvage sooner, plant sooner, restore the forest quicker.

We come to you today with 146 cosponsors; the support of hundreds of organizations and thousands of forest and conservation professionals; wildland firefighting organizations, the real ones, the ones that actually represent thousands and thousands of the people who put their lives on the line to extinguish the fires in our forest. Organizations representing labor have weighed in strongly in support of this legislation.

Mr. Speaker, I will insert into the RECORD at this point letters that I have received and others have in support of this legislation.

FEDERAL WILDLAND FIRE

SERVICE ASSOCIATION,

Inkom, ID.

Hon. GREG WALDEN,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN WALDEN: The FWFS is a nation-wide employee association comprised of federal wildland firefighters from the five land-management agencies. Our membership spans the breadth of fire positions from entry-level firefighters to Forest Fire & Aviation Chiefs.

We have been asked to review HR 4200, The Forest Emergency Recovery & Research Act and to provide our thoughts on this legislative proposal. We are cognizant of the frequent debate regarding forest policies and quite candidly often find ourselves in the middle of such debates. However in reviewing HR 4200, we are looking for the impact to our firefighter's health and welfare. We have reviewed documents in support of the measure as well as documents opposing it. With all due respect to those that oppose this legislation, we don't believe many of their positions or conclusions are plausible.

In looking at the legislation strictly from a wildland firefighter standpoint, this organization believes the Forest Emergency Recovery & Research Act is a common sense approach to addressing a number of complex issues. Therefore we are pleased to offer our support of this measure.

Should you have any questions, please feel free to contact me.

With warm regards,

CASEY JUDD,
Business Manager.

INTERNATIONAL ASSOCIATION,

OF FIRE CHIEFS

Fairfax, VA, May 16, 2006.

Hon. GREG WALDEN,
Chairman, Subcommittee on Forests and Forest Health, Committee on Resources, House of Representatives, Washington, DC.

DEAR CHAIRMAN WALDEN: On behalf of the nearly 13,000 chief fire and emergency officers members of the International Association of Fire Chiefs (IAFC), I would like to commend you for introducing H.R. 4200, the "Forest Emergency Recovery and Research Act."

America's fire service is tasked with responding to emergencies and disasters caused by all hazards, including wildland fires. As such, we understand the importance of healthy forest management activities, such as reducing fuel loads, to decreasing risk to communities and preventing future fires. This legislation will play an important role in these activities by allowing federal forest managers to remove dead and dying timber in a timely manner from areas affected by catastrophic events.

Please feel free to contact Ken LaSala, Director of Government Relations, at (703) 273-9815 x347, if we can be of assistance.

Sincerely,

CHIEF WILLIAM D. KILLEN,
President.

MAY 9, 2006.

Hon. J. DENNIS HASTERT,
Speaker of the House, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: We recently read about a group representing a very small handful of wildland firefighters, the Firefighters United for Safety, Ethics, and Ecology and their opposition to legislation critical to the future health of our national forests and rural communities. We represent the majority of the organizations and individuals who are the first responders in our national forests to catastrophic natural disasters like wildfires, tornadoes, hurricanes and ice storms. We strongly support and endorse the bipartisan Forest Emergency Recovery and Research Act (HR 4200) introduced by Representatives Greg Walden (R-OR), Brian Baird (D-WA) and Stephanie Herseth (D-SD) and cosponsored by 145 of their colleagues. Our employees are the firefighters, airplane and helicopter pilots, hazard tree fallers, and support personnel who put their lives on the line as they respond to disasters in our national forests. Natural catastrophes impact our nation's treasured forests on a regular basis. Wildfires, tornadoes, ice storms, bug infestations and windstorms are frequent occurrences which often leave our national forests dead and in need of recovery and restoration. HR 4200 would deliver the critical, science-based tools needed to repair these forests after disaster strikes them.

When dead and dying timber is left to rot in our national forests, excessive fuel loads build which result in hotter, faster burning, uncontrollable wildfires. The fuels and intense wildfires they produce not only impair the environmental health of our forests, watersheds and airsheds; they also pose significantly greater danger to our firefighters and the communities they try to protect. Current law simply doesn't allow the science-based, proven and quick treatment of our forests after a catastrophic act of nature damages them, but HR 4200 would provide the badly needed tools to our professional forest managers who would decide the best course of action after a disaster occurs. It is critical to the future of these forests, and to the communities affected by their health, that federal land managers are able to rapidly assess damage, determine environmentally sound action plans and get to work recovering damaged forests.

Another significant benefit of this legislation is that it encourages public participation, follows an overwhelmingly bipartisan and congressionally approved appeals and litigation process and requires collaboration with states, local governments, tribes, colleges and universities, and other interested parties.

When it comes to the health of our national forests as well as the health of our firefighters and other first responders, we have a responsibility to get to work restoring lands damaged by catastrophe. The Forest Emergency Recovery and Research Act would help do just that. We are united in our strong support of it and urge the House to pass it as soon as possible.

Sincerely,

Debbie Miley, Executive Secretary, National Wildfire Suppression Association.

Tom Eversole, Executive Director, American Helicopter Services & Aerial Firefighting Association.

Mike Wheelock, President, National Environmental Fuels Association.

Bruce Ferguson, President, Ferguson Management Company.

Don Pollard, President, GFP Inc.

Michael Fahey, President, Columbia Helicopters Inc.

BL Kafman President, Croman Corp.

John Bennett, President, Northwest Contract Firefighters Association.

Eric Helpenstell, Operations Manager, Pacific Wildfire International.

John Bennett, President, Enterprise Unlimited.

Rick Dice, President, PatRick Corp.

Rich Denker, Executive Director, Western Forest Fire Services Association.

Shari Downhill, President, N.W. Timber Fallers Inc.

Nelda Herman, President, Oregon Firefighting Contractors Association.

Don Moss, President, Strike Back.

Eric Helpenstell, President, Pacific Wildfire.

Paul Washburn, President, Washburn Contract Services Inc.

Mike Wheelock, President, Grayback Forestry.

Mark Gibson, General Manager, TL Forest Products.

Mr. Speaker, let me read from the Federal Wildland Fire Service Organization and what they said about H.R. 4200, the Forest Emergency Recovery and Research Act. They were asked to review the bill, and they did, and they provided their thoughts on this legislative proposal.

"We are cognizant of the frequent debate regarding forest policies, and quite candidly often find ourselves in the middle of such debates. However, in reviewing H.R. 4200, we are looking for the impact to our firefighters' health and welfare. We have reviewed documents in support of the measure, as well as documents opposing it."

□ 1100

With all due respect to those that oppose this legislation, we don't believe many of their positions or conclusions are plausible. In looking at the legislation strictly from a wildland firefighters standpoint, this organization believes the Forest Emergency Recovery and Research Act is a common-sense approach to addressing a number of complex issues. Therefore, we are pleased to offer our support of this measure.

This is from the Federal Wildland Fire Service Association, the real association that represents firefighters.

From the International Association of Fire Chiefs, they write: America's Fire Service is tasked with responding to emergencies and disasters caused by all hazards including wildland fires. As such, we understand the importance of healthy forest management activities such as reducing fuel loads to decreasing risk to communities and preventing future fires. This legislation will play an important role in these activities by allowing Federal forest managers to remove dead and dying timber in a timely manner from areas affected by catastrophic events.

The International Association of Fire Chiefs. I have a letter here signed by organizations representing 12,000 firefighting professionals and 300 compa-

nies that do the day-to-day tough work out in our forests to make them healthier, to put out the fires to save lives and save communities. They have reviewed this legislation; they understand it; their lives are on the line, and they support it. We have held nine hearings on this issue. We asked the Nation's leading scientists and foresters for their input. We asked the Government Accountability Office for their assistance. We traveled to forests from Oregon to Georgia, from Washington State to South Dakota. We consulted with tribal land managers and fish and wildlife organizations, and we learned much in this process.

First, we learned that the science of forest recovery is a mixed bag, so the legislation proposes the most significant increase in forest research put forward in a decade or more. We want to continually use science to improve our practices, to improve our practices. So we call for more research, we set up the way to do it, and we fund it in this legislation. We embrace scientific research and improve stewardship that comes from it.

Second, we learned that every non-Federal forest manager in the Nation, county, State, tribal, and private, has the ability to move more quickly after a fire or blowdown to remove the debris and restore the land. The forest practices used by these land managers have been developed and honed by trial and error over the centuries and have become environmentally and economically sound and successful. While these proven practices allow State and private land managers to act in a matter of weeks, the Federal process can take years.

Let me show you here an example from my State of Oregon in the Willamette National Forest. These are two different fire scenarios, but they tell the story of what happens. This is the Warner Creek fire in the Willamette National Forest. Thirteen years later, no restoration. This is the forest America gets. This is the stewardship current law allows. This is what happens today and why we want to change the law. This is what happens when you can get in and manage. So this too happens. It is just we have got a million acres backlog like this. We are not being responsible stewards when we could get forests such as that.

Third, while the science itself may offer competing views, there is broad agreement that if the decision is made in a forest to remove dead or dying trees and replant, quick action is best. So the conflicting science says do different things, manage differently, look at slopes, look at plant association types and all that. But if you are going to act, it makes more sense to act quicker rather than later.

Fourth, as Americans we look at our wood products. Seats in this House are made from wood and leather. Our homes, our furniture. We are developing biomass facilities to produce energy. And, if we can't get the wood

here in the United States, then we import it from abroad, where I daresay environmental laws are lax. So if you are going to use wood, doesn't it make sense to first use the burned dead wood, the burned dead trees rather than to cut down the green ones?

Fifth, we learned it is important to leave behind snags and other debris, even if you harvest some of the trees. The birds, wildlife, and insects need a home, too, and this legislation directly provides for this need.

We also heard from groups that plan-tation forests are not appropriate, and we agree. This legislation specifically and clearly speaks to this issue as well. In addition, the bill requires 100 per-cent compliance with existing forest plans, plans developed by the agencies locally, scientifically, with complete public input that comply with all envi-ronmental laws. We waive no environ-mental laws in this legislation. If an activity is not allowed in the forest, it would not be allowed as a result of this legislation.

Sixth, we learned from the GAO that on Federal forests of America, there is a million-acre backlog of untreated lands that need reforestation recovery work. The chief of the Forest Service testified that if he had the authority contained in this legislation, he would be able to generate the revenue needed to pay for forest recovery and restora-tion needs. He also testified that while he was able to use the authority in the Healthy Forest Restoration Act to aid in the recovery efforts after Hurricanes Katrina and Rita, the authorities in this measure would have aided their work even more.

In the months since the hurricanes struck the South, the Congress and the public have pummeled Federal agencies for failing to act quickly to clean up devastated areas. Yet it can take 3½ years for the Forest Service to finally get the permission from a Federal court to cut a burned dead tree in Or-egon, and then most of the trees have lost their value.

The Eyerly fire from 2002 is a perfect example of what we face. This fire burned in 2002. It claimed thousands of acres; to be exact, 23,573 acres. Three years later, reforestation actions began, restoration actions began, and then only on 1,045 acres. And as of today, only 645 acres are treated. These are American forests. This is what hap-pens after a catastrophic event. Can you imagine in the South if we said after a hurricane we are going to wait 3 years to do the cleanup? Nobody would tolerate that. And yet in the for-ests of America we allow it to occur and we ignore it. And that is wrong, and this legislation would change that.

People in my State of Oregon don't accept the notion that it should take 3 years to clean up after a catastrophic fire. They want green healthy forests restored. They understand that if the trees have value and it is appropriate to remove them and there is a public process that allows for that, including

appeal which our bill does, then move forward. Cut the trees while they have value, if that is what the plan allows for, and if you follow the environ-mental rules which our bill requires.

But remember, H.R. 4200 does not mandate a single tree be cut. It doesn't say that. Its expedited procedures can only be used if the agency can first demonstrate that there is an emer-gency and they need to act quickly. The public still has the right to appeal administratively and judicially. And even if this bill becomes law, there will still be more public involvement in the management of Federal lands than there is on State, county, or tribal lands. And it could still take the Fed-eral agency four or five times as long to implement the recovery plans as these other entities.

And some will say, well, what about this definition of emergency? If you don't like the definition of the emer-gency in our bill, then you had better change the definition of an emergency under the Federal Emergency Manage-ment Act, because they are the same. It is the same concept. An emergency in Florida, an emergency in Mississippi or Louisiana, shouldn't be any dif-ferent than an emergency in our Fed-eral forests. We are the stewards of the future for those forests. Kids and grandkids expect us to go in and do the management that the plans that have been developed in the public process call for and that we should move for-ward.

I appreciate the rule under which this bill is coming to the floor that al-lows for that full and open debate and the consideration of competing amend-ments, because this is a debate Amer-ica needs to have. It is a debate I am proud to have because this legislation is good for the future of our country and forests.

Ms. MATSUI. Mr. Speaker, I yield 4½ minutes to the gentlewoman from South Dakota (Ms. HERSETH).

Ms. HERSETH. I thank the gentle-woman for yielding.

Mr. Speaker, I rise in support today of the resolution in H.R. 4200, the For-est Emergency Recovery and Research Act. I have been working on this legis-lation for many months with Chair-man WALDEN, with Representative BAIRD, Chairman GOODLATTE, and many oth-ers, and I have appreciated their lead-ership on this important issue.

I serve on both the House Resources and Agriculture Committees, and have been able to consider this legislation from both seats. H.R. 4200 has been through numerous congressional hear-ings, including field hearings, exten-sive discussions on language and provi-sions, two committee markups, and multiple adjustments along the way. The process has been open and respon-sive to many of the concerns raised by the bill's opponents.

When I first began discussing this bill with others, the conversations started with the recognition that our country's forest management system as it per-

tains to the aftermath of fires, hurri-canes, and beetle infestations or other events is critically broken. Forest managers often have the knowledge but not the ability to respond, unlike their State, tribal, or county counter-parts.

In the face of this paralysis we all recognize that, far from being over, an-other crisis sometimes begins after the fire is extinguished. The cost of inac-tion is high and has been felt in my home State of South Dakota.

In 1988, fire burned a portion of the Custer National Forest in north-western South Dakota. The Forest Service was unable to remove any of the dead trees, and in 2002 the same area burned again. The second fire con-sumed most of the organic matter and new generation, inflicting even more harm.

Now, pictured to my right is the re-burned area. The white lines of ash that you see throughout this photo are what remain from the trees downed by the original 1988 fire. Swift action after the first fire could have prevented this bare landscape and could have helped the area to regenerate.

I support H.R. 4200 and the cor-responding rule not only because of the past consequences of inaction, but in anticipation of what the next fire sea-son may leave us with. Many of today's forests are subject to drought condi-tions, bug infestations, and in many cases an unhealthy and overgrown con-dition. This is certainly true in South Dakota. Fires in places like these pose an extra and unnatural risk, high-in-tensity fires that destroy precious sources and soils and in many in-stances damage any real chance at nat-ural regeneration. The need for sen-sible and responsive management tools is clear.

To meet this need, H.R. 4200 brings two new and important ideas to the table: a fund dedicated to post-cata-strophic events science research, and the creation of preapproved practices. Science is the essential. It should be the touchstone of our management de-cisions, and in the face of new sci-entific evidence we should adjust the way we manage our forests.

H.R. 4200 recognizes that need and creates a new program to analyze and better understand forest regeneration. In fact, the bill requires that 10 percent of the proceeds from any recovery project go toward the new research ac-tivity. This emphasis serves an impor-tant check on forest management deci-sions and will complement the bill's numerous requirements that all ac-tions must be consistent with the un-derlying forest management plan.

The other innovative aspect of this legislation is the creation of preapproved practices. As we can see from this picture, delays do have con-sequences. Fortunately, this could have been averted with swift action, actions enabled, but, as Mr. WALDEN explained, not required by H.R. 4200. With the completion of preapproved

techniques and practices, we will have a library of approved actions to choose from, each tailored to meet unique forest recovery needs, and all of them ready for implementation. This process will make the most of the time we have before a catastrophe takes place. They will allow managers to consider the unique landscape and ecology of each forest. As they are drafted and approved, they will provide an important forum for public input and oversight. H.R. 4200 includes key provisions to ensure that forest management plans are followed. If they are followed, it preserves the public's role and in many instances goes even further. The bill language actually weighs in against plantation-like restoration projects and requires that new temporary roads built to achieve recovery projects be obliterated.

The bill has been strengthened by many changes that I mentioned throughout the Resources and Agriculture Committees hearings, and I think that my colleagues should support it as is. I encourage them to do so without the addition of any further amendments. I urge my colleagues to support H.R. 4200, to vote "yes" on the rule and on passage of the bill.

Mr. BISHOP of Utah. Mr. Speaker, I yield 4 minutes to the Chairman of the Agriculture Committee, the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Speaker, I rise today in strong support of the rule for H.R. 4200, the Forest Emergency Recovery and Research Act, or FERRA. This bill has 147 bipartisan cosponsors, including almost every Representative whose district includes substantial amounts of public forest land.

FERRA is designed to help our professional foresters respond to disasters such as fires, hurricanes, and ice storms more quickly, while providing a dedicated source of funding to conduct research on forest recovery.

In 2003, this House came together on a bipartisan basis and passed the Healthy Forest Restoration Act. That bill was designed to help our public land managers move quickly to help restore forest health across our national forests. But with millions of acres of our public forests at risk of catastrophic wildfires and still others subject to disasters such as Hurricane Katrina, it is obvious that some forests will sustain catastrophic damage. The question then becomes what to do about it.

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Our public land managers have been faced with this question over and over again in recent years. It has become apparent that the framework of existing laws and regulations discourages them from acting quickly to restore forests and capture the value of damaged timber.

The Forest Service has encountered difficulties in my home State when insect outbreaks or ice storms have damaged our national forests. Between 1992

and 1994, the gypsy moth, a nonnative, invasive pest, defoliated over half a million acres of Virginia's national forest, killing trees on tens of thousands of acres. Unfortunately, the Forest Service conducted salvage sales on a mere 2,700 acres, a very small percent of the total.

Furthermore, the response to the ice and windstorms that hit our forests proceeds at a snail's pace, and it can take the NEPA from 6 months to several years to move forward with a salvage and recovery project. Even as the agency has attempted to use administrative rules to move more quickly, radical environmental groups who oppose all timber harvest on our public lands have sued to force even small projects through cumbersome appeals processes.

H.R. 4200 would help provide some assurance that restoration projects would at least be considered in a timely fashion.

I have worked closely with the bill's bipartisan lead sponsors, my friends and colleagues, the gentleman from Oregon (Mr. WALDEN), the gentleman from Washington (Mr. BAIRD) and the gentlewoman from South Dakota (Ms. HERSETH) on this bill. The final version before you today reflects months of work and countless revisions to ensure that the bill protects the environment while ensuring that forest recovery can take place while damaged trees still have value.

That is why there is broad support for H.R. 4200 within the private sector where it has been endorsed by more than 50 organizations, including professional resource managers and sportsmen's groups.

My belief is that H.R. 4200 provides a balanced approach to forest recovery while sending Federal land managers a clear signal that forest recovery should be a priority. Delays result in wasted timber resources, degraded environmental conditions, and increased costs for taxpayers. Projects which could have paid for themselves, provided valuable timber to local industry, and help put our forests on the road to recovery wind up delayed to the point where the timber is valueless. Adjacent private landowners meanwhile absorb the risk as national forests become the source of future insect epidemics and wildfires.

H.R. 4200 also focuses on improving the science behind forest recovery, and it does not waive a single environmental law. It requires consideration and, if appropriate, implementation of expedited environmental review to ensure that projects are documented and implemented in a timely fashion.

As Forest Service Chief Dale Bosworth told the Committee on Agriculture, "H.R. 4200 would provide direction for rapid response to catastrophic events and allow managers and partners to spend less time planning and more time doing."

Recovering forests quickly after a disaster is common sense. Our bill en-

sures that the Forest Service will take these commonsense measures and back them up with sound science.

I urge my colleagues to support this rule and the accompanying legislation.

Ms. MATSUI. Mr. Speaker, I yield 2 minutes to the gentleman from Oklahoma (Mr. BOREN).

Mr. BOREN. Mr. Speaker, I thank the gentlewoman for yielding.

The Ouachita National Forest, part of which is in my district, covers 1.8 million acres in central Arkansas and southeastern Oklahoma. It is about 70 degrees right now in Oklahoma, but in December of 2000, it was not so pleasant, as you can see by the photo.

A major ice storm hit approximately 340,000 acres in the Ouachita Mountains, closing State highways and county roads. In recovering from the storm, the Forest Service obtained the approval of alternative arrangements under the National Environmental Policy Act. Alternative arrangements must be approved by the White House and have only been used a handful of times to allow a quick response to catastrophic events such as the Ouachita ice storm. These arrangements allowed action on roughly 66,000 acres to reduce fuels and the risk of wildfire in the areas posing the greatest threat to public safety and private property.

The area within the alternative arrangements zone included 1,862 homes and 23 churches in my district. About 100 million boardfeet of timber was harvested; less than a third of that was damaged.

Alternative arrangements worked, at least for the acreage that was treated, but the White House simply does not have the time or the staff needed to respond to every catastrophic event. H.R. 4200, the Forest Emergency Recovery and Research Act, does this.

Ice storms and other devastating events will continue to happen. We need to make streamlined recovery available to public land managers.

The Forest Emergency Recovery and Research Act would help to make certain the next ice storm in the Ouachita National Forest and other parts of the country are responsibly restored.

Mr. Speaker, I ask my colleagues to support the rule and overall bill.

Mr. BISHOP of Utah. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Mr. Speaker, I thank the gentleman for yielding.

I rise in support of the rule and the underlying bill. The Forest Emergency Recovery and Research Act is a great piece of legislation. Not only is it going to be good for our forests and for our environment, it saves the taxpayers money as well.

This will reduce spending by about \$21 million from 2007 to 2011 and \$23 million from 2007 through 2016. In addition, the CBO has stated that over \$122 million in additional receipts will be generated by the agencies. This is money that will then be available for restoration, reforestation and additional research.

As a result of catastrophic events and natural disasters, there are over 1 million acres of public land in need of reforestation. My home State of Arizona had a devastating fire a couple of years ago, burning over 400,000 acres. Much of that acreage is in Arizona.

I happened to drive over the weekend to my hometown of Snowflake and to see the forest that was devastated by that fire or those fires that is still yet to recover at all because we have not had people go in and actually manage the forests as it ought to be managed.

This legislation will help cut through that red tape. It will save agency money. It will save the taxpayers money, and with \$21 million in savings over 5 years, the opportunity to restore thousands more acres, this is the answer to what we have been looking for.

I urge my colleagues to support the rule and the underlying bill.

Ms. MATSUI. Mr. Speaker, I yield 4 minutes to the gentleman from Washington (Mr. BAIRD).

Mr. BAIRD. Mr. Speaker, I thank the gentlewoman and my dear friend Congressman WALDEN and colleagues on both sides of the aisle for their work on this.

I come to this bill as someone who has a long and proud history of concern for the environment. I would compare my environmental record to anyone in this body.

I also represent a district that is one of the 10 most heavily forested districts in the United States of America. In parts of my district, certain counties, the unemployment rate is still in double digits. Small timber communities have been devastated over the past years by cutbacks in timber harvest and other impacts.

This bill is a commonsense bill. We use wood. Wood has to come from somewhere. The choice before us is, shall we get it from dead trees or from live trees? Shall we get it from domestic forests where we have environmental and labor standards, or shall we get it from rainforests or the Russian Taiga where there are virtually no environmental standards?

It is good for the environment, I believe, to harvest dead trees in a way that reduces erosion, that expedites reforestation with diverse natural species.

My dear friend from California mentioned earlier, and I recognize there are questions about this on both sides, but my dear friend suggested that we might want to wait. As you heard from Mr. WALDEN, we have had a number of hearings on this. More impressively still, the 15,000-member-strong Society of American Foresters has endorsed this bill.

The fact is we do not lack evidence that this can be done. We have abundant evidence that it can be done responsibly. Hundreds of thousands of acres of land across this country have been harvested and reforested and is vibrant today.

We also have evidence from natural events. I happen to represent Mount

St. Helens. The picture beside me shows an area of industrial forestland harvested post-St. Helens eruption, reforested by the Weyerhaeuser Company. Adjacent to it is the national monument. You can see clearly trees have grown more rapidly in the area that was harvested and reforested.

Our bill specifically says that in a national forest you not replant in a plantation style, but there can be no doubt that evidence is clear that you can have more rapid regeneration following harvests and replanting than in an area that is left undisturbed.

Our bill, I should emphasize, protects national monuments and wilderness areas. No impact from this bill on those areas.

The bill has also been endorsed by labor unions, the Association of Western Pulp and Paperworkers, the carpenters and others. Furthermore, it has the support of professional firefighters. The people whose lives depend on the situation in the woods have recognized that this bill has merit.

Now, some have said, well, if you replant in the wrong way, you can increase fire risk. We agree, but our bill calls for you to replant in a right way that does not increase fire risk. The natural requirements of forest plans require the removal of downed timber, thereby further reducing the fire risk.

When this bill came before the Rules Committee yesterday, my colleague Congressman WALDEN, Ms. HERSETH and I and others encouraged that these four amendments be allowed. We disagree with them. We think they are counterproductive, but we think it is important to have an open debate.

I am very proud of this legislation. If people would get past the rhetoric and ask themselves this simple question, if we are going to use wood, does it make sense to get it from dead trees or live trees; and if we can harvest it responsibly, gain economic benefit from doing so, if we do so correctly, benefit the environment as well by reducing erosion and restoring habitat more rapidly, should we not do so?

Existing law prohibits us from doing that. That is why we are moving to change the law. We believe we can improve on existing law. We believe there is evidence where existing law has actually harmed the environment, has been economically counterproductive, and we believe this commonsense legislation improves upon that.

So I urge passage of this rule, and I urge passage of this legislation when it comes to the floor, and I urge rejection of the four amendments. Though I am glad they were ruled in order, we should vote them down.

Mr. BISHOP of Utah. Mr. Speaker, I am pleased to yield 2½ minutes to the gentleman from Texas (Mr. GOHMERT).

Mr. GOHMERT. Mr. Speaker, I stand today in strong support of H.R. 4200, the Forest Emergency Research and Recovery Act. I tell you, is it not good to see common sense coming out on both sides and good things prevail?

Well, excessive red tape prevents the Forest Service from being the best possible stewards of our public lands. While we have heard from many that there is no need to move quickly after a catastrophic event, here is an outline of the situation we face in the Gulf States. I think you will see we do need to move quickly, and inaction is not acceptable.

The Gulf States are booming with newcomers, and many are moving in and living near the national forests. Hurricanes have hit and will hit, and when they do, they knock down trees, just as they did last fall. Shortly after the hurricane season ends, fire season begins.

Forest managers need to remove the dead trees after a hurricane to reduce the chances for catastrophic fires, and because the wood rots quickly in this region, management actions need to occur within months, not years, as is often the case. H.R. 4200 will allow for expedited cleanup of excess wood debris that are actually fuels.

If a fire does occur, it is also important to move quickly to remove dead trees to reduce the potential for insect epidemics, which have happened and do happen. H.R. 4200 will allow for the expedited removal of burned, dead trees.

In addition, because of the rapid growth of brush and competing vegetation after a catastrophic event, the planting of seedlings needs to happen quickly for it to be successful.

Right here in my district in east Texas, we have one of the best forestry schools in the entire world, and that is at Stephen F. Austin University. James Hull, the State forester to the State of Texas said on Monday in an editorial in the Houston Chronicle, "Red tape forces Federal agencies to wait as long as 2 years before properly managing damaged forests afflicted by wildfires and hurricanes. With every passing day, there are increased risks. We must adjust current regulations in ways to promote healthy habitat, increased water and air quality and growth of new trees."

Not to mention that we have a couple of industries that are willing to use the debris in order to generate energy to make that go so that we can free up electricity and natural gas and oil.

I agree with the Texas State forester. I do urge my colleagues, this is the right thing to do. It is good for all of us. It is good for America, and it is good for the forests.

□ 1130

Ms. MATSUI. Mr. Speaker, I yield 3 minutes to the gentleman from Washington (Mr. INSLEE).

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

Mr. INSLEE. Mr. Speaker, here we go again. First, we had the clean skies bill, that got more pollution; then we had the deficit reduction bill, and we had more deficit; now we have the forest recovery bill, which assures that we

will be using less science and less common sense by the American people to make decisions of where and how to do forest recovery plans.

This has largely been a red-herring debate to date. This is not a question whether we are going to have forest recovery plans and places to replant and places to harvest deadwood. What it is a debate about is where we do these recovery plans and how we do these recovery plans. This bill, as currently structured, guarantees two things: We will at times do them in the wrong place and we will at times do them in the wrong way.

It does that by a repeated continuation of the terrible habit this Congress has gotten into, which is to repeal our environmental protection laws. And that is why every single environmental group dedicated to the preservation of our forests is very strongly opposed to this bill.

Now, how is it going to be the wrong place and the wrong way? First, it will assure these are sometimes done in the wrong way by gutting the insistence that we use science. Right now, existing rules require bureaucracies to use science when they make decisions; to not go by some cookie-cutter approach that some bureaucrat in Washington sets out and says you can do this, that, and the other all across the Rocky Mountains, without ever stepping foot in the area where they are going to do this harvesting and replanting. Existing law requires that.

This law, through a quite clever shell game, guts that requirement that Americans will use science when these decisions are made. What it does is it essentially says that NEPA requirements, the National Environmental Protection Act requirements, to use science when we make these decisions where to cut, which trees to cut, and how to replant. And it does that on page 24, in a very clever way.

It doesn't say we gut NEPA. It doesn't say we repeal the National Environmental Protection Act. What it says, and I quote, "Satisfaction of NEPA requirements. The following activities are deemed to satisfy the requirements of section 102 of the National Environmental Policy Act." What they say is, what you do here just wipes away the requirements of NEPA because we deem it complied with.

We care about our forests in Washington State. The Kettle roadless area in eastern Washington, the Eagle Cap roadless area in western Washington. We want to insist that our Federal agencies use science. This bill removes one of the fundamental pillars of making these decisions. It removes science. So it does something to make sure that we do something the wrong way.

But it also does something in the wrong place, and I will get to that when my amendment comes to preserve the roadless areas of our forests.

Mr. BISHOP of Utah. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from California (Mr. HERGER).

Mr. HERGER. Mr. Speaker, here is a real-world example of why this legislation is so crucially important. In 1995, a storm leveled 30,000 acres of forestland in the northern California district I represent. This blowdown increased the fuel load in the forest by as much as 500 percent. Immediate action was needed to protect the landscape and, thereby, communities from catastrophic fire.

Forest Service experts said it is not a matter of if a fire will occur, but how extensive the damage will be unless restoration proceeds immediately. But timely restoration work was mired in paperwork, appeals, and frivolous litigation. Four years later, the Megram fire swept through the area, fueled by the timber that was left to die on the forest floor. Thousands of acres that could have been protected were destroyed and will take a lifetime to recover.

These two photos demonstrate the consequences of delay and inaction. This first photo, taken in 2004, shows the results of prompt reforestation efforts following the volcano fire of 1960. In 1960, Federal managers were able to act quickly and reforestation was successful. Today, foresters cannot act quickly because of red tape, and destroyed landscapes that you see on the left is the result. This other photo, taken in the Tahoe National Forest, shows just how deadly catastrophic fire can be to the forests and surrounding environments.

Mr. Speaker, delay is a recipe for disaster. Swift action is needed to protect our forests and communities from future tragedies like that which occurred in my district. I urge support for the rule and H.R. 4200.

Ms. MATSUI. Mr. Speaker, I yield 5 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, we are here talking today about salvage logging. And let us first of all be clear that salvage logging is taking place on our public lands. And if you want a lot more salvage logging, this is the bill to be for. The CBO says 40 percent more salvage logging.

Now, why is that a concern? Salvage logging has been found to impede forest regeneration. Now, that doesn't take a scientist to figure that out. When you have bulldozers and skidders and you are dragging trees that have been burned and you are dragging them through the forest, you are hurting the ability of that forest to regenerate. Seedlings that are on the ground are being destroyed. So salvage logging hurts the ability of the forest to regrow itself.

It damages riparian areas. It damages riparian areas. So we are talking here about streams, where if you cut the forests and take these logs out that you will not then have the ability to then allow these streams to produce

clean water. They silt up after this kind of salvage logging that occurs.

Salvage logging also introduces and spreads invasive species, it causes erosion, and it degrades water quality. This is what our forests are all about. Our forests, we use them as watersheds. They supply us clean water. What this bill is all about is degrading those watersheds. That is what is going on here today, and they do not want to talk about it.

They come and say, oh, no laws, no laws will be waived. Well, folks, let me tell you, this legislation exempts and waives the National Environmental Policy Act, one of the best planning laws that has been on the books for 30 years; the Endangered Species Act, which has been on the books for 30 years; the National Historic Preservation Act and the Clean Water Act. These are laws that say look before you leap. Let us let the public be involved, let us study what we are doing before we jump into these situations. Significant laws are being waived, and don't believe what they are telling you on the other side.

Now, we have in place adequate laws and regulations to handle emergency situations. This bill actually has the word "emergency" in it, implying that there is some emergency. We had a big emergency in this country, folks. It was Katrina, and it created one of the biggest salvage situations. And guess what? Down in Louisiana and Mississippi, they are moving forward. They are doing the salvage. They do not need a new law. They have done it. And if there is a real emergency, the agencies can go to the Council on Environmental Quality and get a waiver. This has never been turned down by the Council on Environmental Quality.

So what are we talking about here? We are talking about science. The majority of peer-reviewed science says that salvage logging is not good for our forests. And what do these scientists say? It increases the forest-fire risk and it decreases forest regeneration.

I offered an amendment in the committee, and this amendment will be on the floor today. That amendment says, well, if we are going to go by the science, which you hear talk of science on the other side, then the Secretary has to certify on every project. The Secretary will certify the project would not increase the forest-fire risk or decrease forest regeneration, hurt the seedlings. And the chairman and all of the others here are going to vote that amendment down. So I think that tells you what is really going on.

We are not supporting what science says we should be doing with our forests. The claims are made that we are under regular order. As the chairman knows, this is one of the most outrageous situations to date. A major bill is before our Committee on Resources, the fisheries bill, and here we get 20 minutes for the major committee on the floor and we are over, running back and forth to a markup in the committee, and having this debate on the

floor. This is not the regular order. This is an outrage, what is going on here, and I would hope that the chairman would object to this.

Mr. BISHOP of Utah. Mr. Speaker, I yield 15 seconds to the gentleman from Oregon (Mr. WALDEN) for a factual clarification.

Mr. WALDEN of Oregon. Mr. Speaker, I want to clarify that the gentleman was in error when he quoted the Congressional Budget Office. This increase would not increase salvage logging by 40 percent. It increases the receipts from the logging that would take place that would be following the forest management plans, because the timber wouldn't deteriorate.

That is the whole point here. We will get more money out if they make a decision to cut. It doesn't mean you are going to cut more trees. So I just wanted to put that on the record, and I submit the CBO cost estimate for the RECORD:

H.R. 4200—Forest Emergency Recovery and Research Act

Summary: H.R. 4200 would establish new procedures for responding to catastrophic events causing damage to certain federal land. The legislation would direct the Secretaries of Agriculture and the Interior to establish research protocols for assessing methods of restoring federal land following such events and would specify expedited procedures for implementing projects to rehabilitate that land, which could include timber harvests.

CBO expects that enacting H.R. 4200 would increase direct spending by \$5 million in 2007, but would reduce it by \$21 million over the 2007–2011 period and by \$23 million over the 2007–2016 period. Enacting the bill would not affect revenues.

H.R. 4200 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments. Federal assistance authorized by this bill would benefit state, local, and tribal governments.

Estimated Cost to the Federal Government: For this estimate, CBO assumes that H.R. 4200 will be enacted near the start of fiscal year 2007. The estimated budgetary impact of H.R. 4200 is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and environment) and 800 (general government).

		By fiscal year, in millions of dollars—									
		2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
CHANGES IN DIRECT SPENDING											
Research Protocols and Pre-Approved Management Practices:											
Estimated Budget Authority		0	0	0	0	0	0	0	0	0	0
Estimated Outlays		5	–1	–2	–2	0	0	0	0	0	0
Receipts from Timber Salvage Sales:											
Estimated Budget Authority		0	–4	–9	–15	–15	–15	–16	–16	–16	–16
Estimated Outlays		0	–4	–9	–15	–15	–15	–16	–16	–16	–16
Spending of Receipts from Timber Salvage Sales:											
Estimated Budget Authority		0	3	7	11	11	11	12	12	12	12
Estimated Outlays		0	0	2	5	8	10	11	12	12	12
Payments to States:											
Estimated Budget Authority		0	1	2	4	4	4	4	4	4	4
Estimated Outlays		0	0	1	2	4	4	4	4	4	4
Total:											
Estimated Budget Authority		0	0	0	0	0	0	0	0	0	0
Estimated Outlays		5	–5	–8	–10	–3	–1	–1	0	0	0

Note.—* = less than \$500,000.

Basis of Estimate: H.R. 4200 would establish new procedures to expedite projects to stabilize and rehabilitate federal land following catastrophic events such as fires, floods, explosions, and other disasters that cause significant damage. Such projects might include removing damaged, diseased, or insect-infested forest vegetation to improve the health of such land. Under the bill, the Secretaries of Agriculture and the Interior would have discretion over when to use those expedited procedures to accelerate the implementation of certain projects which, in some cases, could include the sale of salvageable timber that has been damaged by qualifying catastrophic events.

CBO estimates that enacting H.R. 4200 would increase direct spending by \$5 million in 2007, but would reduce it by \$21 million over the 2007–2011 period and by \$23 million over the 2007–2016 period. The 2007 cost includes developing research protocols and lists of preapproved management practices that would form the basis for using new expediting procedures specified in the bill. Over the 2008–2016 period, CBO estimates that those expedited procedures would result in a net increase in offsetting receipts (a credit against direct spending) from the sale of salvageable timber and that those increased receipts would be partially offset by increased direct spending for related activities. We also expect that increasing receipts from such sales would increase direct spending for payments to states in which those receipts are generated.

RESEARCH PROTOCOLS AND PRE-APPROVED MANAGEMENT PRACTICES

The bill would direct the two Secretaries to develop research protocols to determine the effectiveness of land management practices following catastrophic events. To complete that task, the Secretaries could enter into cooperative agreements with land-grant colleges and universities. The bill also would direct the Secretaries to prepare lists of preapproved management practices that could

be implemented immediately after a catastrophic event.

Based on information from the Forest Service and the Department of the Interior (DOI), CBO estimates that developing the required protocols and lists would cost \$5 million in 2007. Although H.R. 4200 would not provide new funding for those activities, the legislation would allow the Secretaries to use existing balances from a variety of permanently appropriated funds to complete the proposed tasks. Under current law, we expect those funds would be spent over several years starting in 2008. Thus, relative to current law, we expect that enacting H.R. 4200 would increase direct spending by \$5 million in 2007, but that increase would be fully offset by forgone spending over the 2008–2010 period.

RECEIPTS FROM TIMBER SALVAGE SALES

CBO estimates that allowing the Secretaries to use expedited procedures to implement land management practices following qualified catastrophic events would increase offsetting receipts from the sale of salvageable timber. CBO expects the proposed procedures would allow the agencies to hold such sales at least several months and possibly years sooner than under current law. According to the Forest Service and DOI, holding those sales before the damaged timber begins to substantially deteriorate would increase the value and volume of salvageable timber, thereby increasing the amount that timber harvesters would be willing to pay for it.

Under current law, CBO estimates that receipts from salvage sales following catastrophic events average between \$35 million and \$40 million annually. Based on information from the Forest Service about rates of deterioration and other key factors, CBO estimates that accelerating salvage sales under H.R. 4200 would increase proceeds from those sales, on average, by about 40 percent. Assuming the agencies would phase in the use of the new procedures over several years, we estimate that increases in receipts would

begin in 2008 and total \$122 million over the 2008–2016 period.

SPENDING OF RECEIPTS FROM TIMBER SALVAGE SALES

Under H.R. 4200, increased receipts could be spent to update research protocols required under the bill, prepare and implement projects following catastrophic events, and monitor the effectiveness of such projects. Based on historical spending patterns for such activities, we expect that there would be a lag between when receipts are collected and subsequently spent. We estimate that spending of increased salvage receipts would total \$72 million over the 2008–2016 period.

INCREASED PAYMENTS TO STATES

Under current law, states receive payments based on the level of receipts generated from federal timber sales that occur within their boundaries. Starting in fiscal year 2008, states will receive payments equal to 25 percent of receipts generated in the previous year. For this estimate, we assume that receipt-sharing formula would apply to the increased proceeds from the sale of salvageable timber under H.R. 4200.

Because the Forest Service and DOI have authority to spend 100 percent of receipts from timber salvage sales for restoration activities, the source of funding for payments to states is unclear. For this estimate, however, CBO assumes that the two agencies would control spending on restoration activities and use some of the new receipts generated under H.R. 4200 to make those payments, which we estimate would cost \$27 million over the 2009–2016 period.

Intergovernmental and Private-Sector Impact: H.R. 4200 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state, local, or tribal governments. Federal assistance authorized by this bill would benefit state, local, and tribal governments.

Estimate Prepared By: Federal Costs: Megan Carroll. Impact on State, Local, and

Tribal Governments: Marjorie Miller. Impact on the Private Sector: Craig Cammarata.

Estimate Approved By: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

Ms. MATSUI. Mr. Speaker, I am prepared to close, and I yield myself such time as I may consume.

As I noted at the beginning of the debate, 169 scientists, all experts in the field, oppose this bill because its policies will impede the national forest recovery process. The preponderance of scientific literature supports this assumption in their opinion. The letter concludes with the following: "Science provides the best insight into the real consequences of our policies and actions."

I could not agree more. There seems to be a disconnect between the policy recommended in this bill and the consensus among the scientific community. For that reason, I cannot support the underlying legislation, and I urge my colleagues to do the same.

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

Mr. BISHOP of Utah. Mr. Speaker, I am pleased to close what I consider to be about 50 minutes of bipartisan support for this particular rule and the underlying bill.

This bill, indeed, would give us the rehabilitation tools to combine science and research, preapproved action, and protection of our firefighters, which is why the professionals who know and work and run our forests are all in support of this particular bill and this action. And knowing our goal is to get green and not black forests, and healthy trees not dead stumps, I urge all my colleagues to support this rule and the underlying bill.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1145

GENERAL LEAVE

Mr. WALDEN of Oregon. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the bill, H.R. 4200.

The SPEAKER pro tempore (Mr. BISHOP of Utah). Is there objection to the request of the gentleman from Oregon?

There was no objection.

FOREST EMERGENCY RECOVERY AND RESEARCH ACT

The SPEAKER pro tempore. Pursuant to House Resolution 816 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4200.

□ 1145

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4200) to improve the ability of the Secretary of Agriculture and the Secretary of the Interior to promptly implement recovery treatments in response to catastrophic events affecting Federal lands under their jurisdiction, including the removal of dead and damaged trees and the implementation of reforestation treatments, to support the recovery of non-Federal lands damaged by catastrophic events, to revitalize Forest Service experimental forests, and for other purposes, with Mr. FOLEY in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

General debate shall not exceed 1 hour, with 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Resources, 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture, and 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure.

The gentleman from Oregon (Mr. WALDEN), the gentleman from New Mexico (Mr. UDALL), the gentleman from Virginia (Mr. GOODLATTE), the gentleman from Minnesota (Mr. PETERSON), the gentleman from Alaska (Mr. YOUNG) and the gentleman from Washington (Mr. BAIRD) each will control 10 minutes.

The Chair recognizes the gentleman from Oregon.

Mr. WALDEN of Oregon. Mr. Chairman, I yield myself such time as I may consume.

I am delighted today to bring H.R. 4200 to the House for its consideration. I have spoken on it during the debate on the rule. This legislation is extraordinarily important for America to become a better steward of her forests.

Our Committee on the Forest and Forest Health has traveled the Nation's forests. We have listened to the experts from the scientific community. We have listened to the experts in the fire-fighting community. We have held field hearings where we have heard from tribal leaders who manage forestlands and move quickly after catastrophic events. We have met with State foresters who, in many cases, are in after a major forest fire or blowdown in a matter of days, if not weeks, doing what we propose to allow your Federal Land Management Agencies to do. You see, every other manager of Federal forest does what we are trying to put in place here.

We do require that environmental laws be followed. We do provide for administrative appeal and litigation. What we require is that the underlying

forest plans be followed. And if those forest plans say you can't harvest here and you have to do this sort of retention there for snags and habitat, then you have to do that. We don't change any of that. We require a site-specific evaluation, so it isn't a one-size-fits-all plan. We don't do that from here. We just say, whatever your plan called for, whatever the scientists on the ground say needs to be done, let us give our Federal land managers the authority to move quicker than they can move today if an emergency exists.

It is precisely what we expect out of our Federal Emergency Management Agency and, yes, demand: quick action after a hurricane in southern States, let us say, to clean up, to restore, to prevent erosion, to fix roads, to do the things that Americans expect and actually think are being done.

We want to protect our watersheds, and this legislation will help us do that.

The timber that comes out, if that is what the decision is, will have value. Today, when it takes 2 to 3 years to harvest a burned, dead tree that bugs have been in, that rot has occurred and nobody bids on it, it has no value, or very little by then. What the Congressional Budget Office found, unlike what my colleague from New Mexico said is, what they found is by passing this legislation, we would actually act quicker and the trees wouldn't have deteriorated, and the receipts to the Federal Government would be up 40 percent, not that we would harvest that many more trees necessarily. But you do it while they still have value. And that makes sense to the taxpayers and the forests.

Mr. Chairman, at this time I yield 3½ minutes to the gentleman from Minnesota, the chairman of the Forest Committee and the Agriculture Committee, Mr. GUTKNECHT.

Mr. GUTKNECHT. Mr. Chairman, I rise in support of H.R. 4200, the Forest Emergency Recovery and Research Act. We have heard so far this morning some people say that this bill is about somehow suspending the laws of science. But I would argue this bill is really about restoring some common sense, and we have heard some excellent testimony by Members of both sides of the aisle.

In Minnesota we have the Superior National Forest. It covers about 3 million acres in northeastern Minnesota. It is not in my district, but I have had the opportunity, as chairman of the Forestry Subcommittee of the Agriculture Committee, to go up there on several occasions. Now, the forest itself is beautiful. It is perhaps one of the most beautiful national forests in the entire galaxy. But you don't have to visit there very long to understand the sense of frustration among the locals in the way that we manage that forest.

In a State that is dominated by public timberland, the national forests in Minnesota have a reputation of being