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HOUSE OF REPRESENTATIVES
REPORT
108–386

HEALTHY FORESTS RESTORATION ACT OF 2003

NOVEMBER 20, 2003.—Ordered to be printed

Mr. GOODLATTE, from the committee of conference, submitted the following

CONFERENCE REPORT

[To accompany H.R. 1904]

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 1904), to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to plan and conduct hazardous fuels reduction projects on National Forest System lands and Bureau of Land Management lands aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

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

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

Sec. 1. Short title; table of contents.
Sec. 2. Purposes.
Sec. 3. Definitions.

TITLE I—HAZARDOUS FUEL REDUCTION ON FEDERAL LAND

Sec. 101. Definitions.
Sec. 102. Authorized hazardous fuel reduction projects.
Sec. 103. Prioritization.
Sec. 104. Environmental analysis.

29–006

Sec. 105. Special administrative review process.
Sec. 106. Judicial review in United States district courts.
Sec. 107. Effect of title.
Sec. 108. Authorization of appropriations.

TITLE II—BIOMASS

Sec. 201. Improved biomass use research program.
Sec. 202. Rural revitalization through forestry.
Sec. 203. Biomass commercial utilization grant program.

TITLE III—WATERSHED FORESTRY ASSISTANCE

Sec. 301. Findings and purposes.
Sec. 302. Watershed forestry assistance program.
Sec. 303. Tribal watershed forestry assistance.

TITLE IV—INSECT INFESTATIONS AND RELATED DISEASES

Sec. 401. Findings and purpose.
Sec. 402. Definitions.
Sec. 403. Accelerated information gathering regarding forest-damaging insects.
Sec. 404. Applied silvicultural assessments.
Sec. 405. Relation to other laws.
Sec. 406. Authorization of appropriations.

TITLE V—HEALTHY FORESTS RESERVE PROGRAM

Sec. 501. Establishment of healthy forests reserve program.
Sec. 502. Eligibility and enrollment of lands in program.
Sec. 503. Restoration plans.
Sec. 504. Financial assistance.
Sec. 505. Technical assistance.
Sec. 506. Protections and measures.
Sec. 507. Involvement by other agencies and organizations.
Sec. 508. Authorization of appropriations.

TITLE VI—MISCELLANEOUS

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

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to reduce wildfire risk to communities, municipal water supplies, and other at-risk Federal land through a collaborative process of planning, prioritizing, and implementing hazardous fuel reduction projects;

(2) to authorize grant programs to improve the commercial value of forest biomass (that otherwise contributes to the risk of catastrophic fire or insect or disease infestation) for producing electric energy, useful heat, transportation fuel, and petroleum-based product substitutes, and for other commercial purposes;

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

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

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

(6) to protect, restore, and enhance forest ecosystem components—

(A) to promote the recovery of threatened and endangered species;

(B) to improve biological diversity; and

(C) to enhance productivity and carbon sequestration.

SEC. 3. DEFINITIONS.

In this Act:

(1) FEDERAL LAND.—The term "Federal land" means—

(A) land of the National Forest System (as defined in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C 1609(a))) administered by the Secretary of Agriculture, acting through the Chief of the Forest Service; and

(B) public lands (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C 1702)), the surface of which is administered by the Secretary of the Interior, acting through the Director of the Bureau of Land Management.

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

TITLE I—HAZARDOUS FUEL REDUCTION ON FEDERAL LAND

SEC. 101. DEFINITIONS.

In this title:

(1) AT-RISK COMMUNITY.—The term "at-risk community" means an area—

(A) that is comprised of—

(i) an interface community as defined in the notice entitled "Wildland Urban Interface Communities Within the Vicinity of Federal Lands That Are at High Risk From Wildfire" issued by the Secretary of Agriculture and the Secretary of the Interior in accordance with title IV of the Department of the Interior and Related Agencies Appropriations Act, 2001 (114 Stat. 1009) (66 Fed. Reg. 753, January 4, 2001); or

(ii) a group of homes and other structures with basic infrastructure and services (such as utilities and collectively maintained transportation routes) within or adjacent to Federal land;

(B) in which conditions are conducive to a large-scale wildland fire disturbance event; and

(C) for which a significant threat to human life or property exists as a result of a wildland fire disturbance event.

(2) AUTHORIZED HAZARDOUS FUEL REDUCTION PROJECT.—The term "authorized hazardous fuel reduction project" means the measures and methods described in the definition of "appropriate tools" contained in the glossary of the Implementation Plan, on Federal land described in section 102(a) and conducted under sections 103 and 104.

(3) COMMUNITY WILDFIRE PROTECTION PLAN.—The term "community wildfire protection plan" means a plan for an at-risk community that—

(A) is developed within the context of the collaborative agreements and the guidance established by the Wildland

Fire Leadership Council and agreed to by the applicable local government, local fire department, and State agency responsible for forest management, in consultation with interested parties and the Federal land management agencies managing land in the vicinity of the at-risk community;

(B) identifies and prioritizes areas for hazardous fuel reduction treatments and recommends the types and methods of treatment on Federal and non-Federal land that will protect 1 or more at-risk communities and essential infrastructure; and

(C) recommends measures to reduce structural ignitability throughout the at-risk community.

(4) CONDITION CLASS 2.—The term "condition class 2", with respect to an area of Federal land, means the condition class description developed by the Forest Service Rocky Mountain Research Station in the general technical report entitled "Development of Coarse-Scale Spatial Data for Wildland Fire and Fuel Management" (RMRS–87), dated April 2000 (including any subsequent revision to the report), under which—

(A) fire regimes on the land have been moderately altered from historical ranges;

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

(C) fire frequencies have increased or decreased from historical frequencies by 1 or more return intervals, resulting in moderate changes to—

(i) the size, frequency, intensity, or severity of fires; or

(ii) landscape patterns; and

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

(5) CONDITION CLASS 3.—The term "condition class 3", with respect to an area of Federal land, means the condition class description developed by the Rocky Mountain Research Station in the general technical report referred to in paragraph (4) (including any subsequent revision to the report), under which—

(A) fire regimes on land have been significantly altered from historical ranges;

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

(C) fire frequencies have departed from historical frequencies by multiple return intervals, resulting in dramatic changes to—

(i) the size, frequency, intensity, or severity of fires; or

(ii) landscape patterns; and

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

(6) DAY.—The term "day" means—

(A) a calendar day; or

(B) if a deadline imposed by this title would expire on a nonbusiness day, the end of the next business day.

(7) DECISION DOCUMENT.—The term "decision document" means—

(A) a decision notice (as that term is used in the Forest Service Handbook);

(B) a decision record (as that term is used in the Bureau of Land Management Handbook); and

(C) a record of decision (as that term is used in applicable regulations of the Council on Environmental Quality).

(8) FIRE REGIME I.—The term "fire regime I" means an area—

(A) in which historically there have been low-severity fires with a frequency of 0 through 35 years; and

(B) that is located primarily in low elevation forests of pine, oak, or pinyon juniper.

(9) FIRE REGIME II.—The term "fire regime II" means an area—

(A) in which historically there are stand replacement severity fires with a frequency of 0 through 35 years; and

(B) that is located primarily in low- to mid-elevation rangeland, grassland, or shrubland.

(10) FIRE REGIME III.—The term "fire regime III" means an area—

(A) in which historically there are mixed severity fires with a frequency of 35 through 100 years; and

(B) that is located primarily in forests of mixed conifer, dry Douglas fir, or wet Ponderosa pine.

(11) IMPLEMENTATION PLAN.—The term "Implementation Plan" means the Implementation Plan for the Comprehensive Strategy for a Collaborative Approach for Reducing Wildland Fire Risks to Communities and the Environment, dated May 2002, developed pursuant to the conference report to accompany the Department of the Interior and Related Agencies Appropriations Act, 2001 (House Report 106–64) (and subsequent revisions).

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

(13) RESOURCE MANAGEMENT PLAN.—The term "resource management plan" means—

(A) a land and resource management plan prepared for 1 or more units of land of the National Forest System described in section 3(1)(A) under section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604); or

(B) a land use plan prepared for 1 or more units of the public land described in section 3(1)(B) under section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712).

(14) SECRETARY.—The term "Secretary" means—

(A) the Secretary of Agriculture, with respect to land of the National Forest System described in section 3(1)(A); and

(B) the Secretary of the Interior, with respect to public lands described in section 3(1)(B).

(15) THREATENED AND ENDANGERED SPECIES HABITAT.—The term "threatened and endangered species habitat" means Federal land identified in—

(A) a determination that a species is an endangered species or a threatened species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(B) a designation of critical habitat of the species under that Act; or

(C) a recovery plan prepared for the species under that Act.

(16) WILDLAND-URBAN INTERFACE.—The term "wildland-urban interface" means—

(A) an area within or adjacent to an at-risk community that is identified in recommendations to the Secretary in a community wildfire protection plan; or

(B) in the case of any area for which a community wildfire protection plan is not in effect—

(i) an area extending ½ mile from the boundary of an at-risk community;

(ii) an area within 1½ miles of the boundary of an at-risk community, including any land that—

(I) has a sustained steep slope that creates the potential for wildfire behavior endangering the at-risk community;

(II) has a geographic feature that aids in creating an effective fire break, such as a road or ridge top; or

(III) is in condition class 3, as documented by the Secretary in the project-specific environmental analysis; and

(iii) an area that is adjacent to an evacuation route for an at-risk community that the Secretary determines, in cooperation with the at-risk community, requires hazardous fuel reduction to provide safer evacuation from the at-risk community.

SEC. 102. AUTHORIZED HAZARDOUS FUEL REDUCTION PROJECTS.

(a) AUTHORIZED PROJECTS.—As soon as practicable after the date of enactment of this Act, the Secretary shall implement authorized hazardous fuel reduction projects, consistent with the Implementation Plan, on—

(1) Federal land in wildland-urban interface areas;

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

(3) condition class 2 Federal land located within fire regime I, fire regime II, or fire regime III, in such proximity to a municipal water supply system or a stream feeding such a system within a municipal watershed that a significant risk exists that a fire disturbance event would have adverse effects on the water quality of the municipal water supply or the mainte-

nance of the system, including a risk to water quality posed by erosion following such a fire disturbance event;

(4) Federal land on which windthrow or blowdown, ice storm damage, the existence of an epidemic of disease or insects, or the presence of such an epidemic on immediately adjacent land and the imminent risk it will spread, poses a significant threat to an ecosystem component, or forest or rangeland resource, on the Federal land or adjacent non-Federal land; and

(5) Federal land not covered by paragraphs (1) through (4) that contains threatened and endangered species habitat, if—

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

(B) the authorized hazardous fuel reduction project will provide enhanced protection from catastrophic wildfire for the endangered species, threatened species, or habitat of the endangered species or threatened species; and

(C) the Secretary complies with any applicable guidelines specified in any management or recovery plan described in subparagraph (A).

(b) RELATION TO AGENCY PLANS.—An authorized hazardous fuel reduction project shall be conducted consistent with the resource management plan and other relevant administrative policies or decisions applicable to the Federal land covered by the project.

(c) ACREAGE LIMITATION.—Not more than a total of 20,000,000 acres of Federal land may be treated under authorized hazardous fuel reduction projects.

(d) EXCLUSION OF CERTAIN FEDERAL LAND.—The Secretary may not conduct an authorized hazardous fuel reduction project that would occur on—

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

(2) Federal land on which the removal of vegetation is prohibited or restricted by Act of Congress or Presidential proclamation (including the applicable implementation plan); or

(3) a Wilderness Study Area.

(e) OLD GROWTH STANDS.—

(1) DEFINITIONS.—In this subsection and subsection (f):

(A) APPLICABLE PERIOD.—The term "applicable period" means—

(i) the 2-year period beginning on the date of enactment of this Act; or

(ii) in the case of a resource management plan that the Secretary is in the process of revising as of the date of enactment of this Act, the 3-year period beginning on the date of enactment of this Act.

(B) COVERED PROJECT.—The term "covered project" means an authorized hazardous fuel reduction project car-

ried out on land described in paragraph (1), (2), (3), or (5) of subsection (a).

(C) MANAGEMENT DIRECTION.—The term "management direction" means definitions, designations, standards, guidelines, goals, or objectives established for an old growth stand under a resource management plan developed in accordance with applicable law, including section 6(g)(3)(B) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(g)(3)(B)).

(D) OLD GROWTH STAND.—The term "old growth stand" has the meaning given the term under management direction used pursuant to paragraphs (3) and (4), based on the structure and composition characteristic of the forest type, and in accordance with applicable law, including section 6(g)(3)(B) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(g)(3)(B)).

(2) PROJECT REQUIREMENTS.—In carrying out a covered project, the Secretary shall fully maintain, or contribute toward the restoration of, the structure and composition of old growth stands according to the pre-fire suppression old growth conditions characteristic of the forest type, taking into account the contribution of the stand to landscape fire adaptation and watershed health, and retaining the large trees contributing to old growth structure.

(3) NEWER MANAGEMENT DIRECTION.—

(A) IN GENERAL.—If the management direction for an old growth stand was established on or after December 15, 1993, the Secretary shall meet the requirements of paragraph (2) in carrying out a covered project by implementing the management direction.

(B) AMENDMENTS OR REVISIONS.—Any amendment or revision to management direction for which final administrative approval is granted after the date of enactment of this Act shall be consistent with paragraph (2) for the purpose of carrying out covered projects.

(4) OLDER MANAGEMENT DIRECTION.—

(A) IN GENERAL.—If the management direction for an old growth stand was established before December 15, 1993, the Secretary shall meet the requirements of paragraph (2) in carrying out a covered project during the applicable period by implementing the management direction.

(B) REVIEW REQUIRED.—Subject to subparagraph (C), during the applicable period for management direction referred to in subparagraph (A), the Secretary shall—

(i) review the management direction for affected covered projects, taking into account any relevant scientific information made available since the adoption of the management direction; and

(ii) amend the management direction for affected covered projects to be consistent with paragraph (2), if necessary to reflect relevant scientific information the Secretary did not consider in formulating the management direction.

(C) REVIEW NOT COMPLETED.—If the Secretary does not complete the review of the management direction in accord-

ance with subparagraph (B) before the end of the applicable period, the Secretary shall not carry out any portion of affected covered projects in stands that are identified as old growth stands (based on substantial supporting evidence) by any person during scoping, within the period—

(i) beginning at the close of the applicable period for the management direction governing the affected covered projects; and

(ii) ending on the earlier of—

(I) the date the Secretary completes the action required by subparagraph (B) for the management direction applicable to the affected covered projects; or

(II) the date on which the acreage limitation specified in subsection (c) (as that limitation may be adjusted by a subsequent Act of Congress) is reached.

(5) LIMITATION TO COVERED PROJECTS.—Nothing in this subsection requires the Secretary to revise or otherwise amend a resource management plan to make the project requirements of paragraph (2) apply to an activity other than a covered project.

(f) LARGE TREE RETENTION.—

(1) IN GENERAL.—Except in old growth stands where the management direction is consistent with subsection (e)(2), the Secretary shall carry out a covered project in a manner that—

(A) focuses largely on small diameter trees, thinning, strategic fuel breaks, and prescribed fire to modify fire behavior, as measured by the projected reduction of uncharacteristically severe wildfire effects for the forest type (such as adverse soil impacts, tree mortality or other impacts); and

(B) maximizes the retention of large trees, as appropriate for the forest type, to the extent that the trees promote fire-resilient stands.

(2) WILDFIRE RISK.—Nothing in this subsection prevents achievement of the purposes described in section 2(1).

(g) MONITORING AND ASSESSING FOREST AND RANGELAND HEALTH.—

(1) IN GENERAL.—For each Forest Service administrative region and each Bureau of Land Management State Office, the Secretary shall—

(A) monitor the results of a representative sample of the projects authorized under this title for each management unit; and

(B) not later than 5 years after the date of enactment of this Act, and each 5 years thereafter, issue a report that includes—

(i) an evaluation of the progress towards project goals; and

(ii) recommendations for modifications to the projects and management treatments.

(2) CONSISTENCY OF PROJECTS WITH RECOMMENDATIONS.—An authorized hazardous fuel reduction project approved following the issuance of a monitoring report shall, to the max-

imum extent practicable, be consistent with any applicable recommendations in the report.

(3) SIMILAR VEGETATION TYPES.—The results of a monitoring report shall be made available for use (if appropriate) in an authorized hazardous fuels reduction project conducted in a similar vegetation type on land under the jurisdiction of the Secretary.

(4) MONITORING AND ASSESSMENTS.—Monitoring and assessment shall include a description of the changes in condition class, using the Fire Regime Condition Class Guidebook or successor guidance, specifically comparing end results to—

(A) pretreatment conditions;

(B) historical fire regimes; and

(C) any applicable watershed or landscape goals or objectives in the resource management plan or other relevant direction.

(5) MULTIPARTY MONITORING.—

(A) IN GENERAL.—In an area where significant interest is expressed in multiparty monitoring, the Secretary shall establish a multiparty monitoring, evaluation, and accountability process in order to assess the positive or negative ecological and social effects of authorized hazardous fuel reduction projects and projects conducted pursuant to section 404.

(B) DIVERSE STAKEHOLDERS.—The Secretary shall include diverse stakeholders (including interested citizens and Indian tribes) in the process required under subparagraph (A).

(C) FUNDING.—Funds to carry out this paragraph may be derived from operations funds for projects described in subparagraph (A).

(6) COLLECTION OF MONITORING DATA.—The Secretary may collect monitoring data by entering into cooperative agreements or contracts with, or providing grants to, small or micro-businesses, cooperatives, nonprofit organizations, Youth Conservation Corps work crews, or related State, local, and other non-Federal conservation corps.

(7) TRACKING.—For each administrative unit, the Secretary shall track acres burned, by the degree of severity, by large wildfires (as defined by the Secretary).

(8) MONITORING AND MAINTENANCE OF TREATED AREAS.—The Secretary shall, to the maximum extent practicable, develop a process for monitoring the need for maintenance of treated areas, over time, in order to preserve the forest health benefits achieved.

SEC. 103. PRIORITIZATION.

(a) IN GENERAL.—In accordance with the Implementation Plan, the Secretary shall develop an annual program of work for Federal land that gives priority to authorized hazardous fuel reduction projects that provide for the protection of at-risk communities or watersheds or that implement community wildfire protection plans.

(b) COLLABORATION.—

(1) IN GENERAL.—The Secretary shall consider recommendations under subsection (a) that are made by at-risk

communities that have developed community wildfire protection plans.

(2) EXEMPTION.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the planning process and recommendations concerning community wildfire protection plans.

(c) ADMINISTRATION.—

(1) IN GENERAL.—Federal agency involvement in developing a community wildfire protection plan, or a recommendation made in a community wildfire protection plan, shall not be considered a Federal agency action under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(2) COMPLIANCE.—In implementing authorized hazardous fuel reduction projects on Federal land, the Secretary shall, in accordance with section 104, comply with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(d) FUNDING ALLOCATION.—

(1) FEDERAL LAND.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall use not less than 50 percent of the funds allocated for authorized hazardous fuel reduction projects in the wildland-urban interface.

(B) APPLICABILITY AND ALLOCATION.—The funding allocation in subparagraph (A) shall apply at the national level. The Secretary may allocate the proportion of funds differently than is required under subparagraph (A) within individual management units as appropriate, in particular to conduct authorized hazardous fuel reduction projects on land described in section 102(a)(4).

(C) WILDLAND-URBAN INTERFACE.—In the case of an authorized hazardous fuel reduction project for which a decision notice is issued during the 1-year period beginning on the date of enactment of this Act, the Secretary shall use existing definitions of the term "wildland-urban interface" rather than the definition of that term provided under section 101.

(2) NON-FEDERAL LAND.—

(A) IN GENERAL.—In providing financial assistance under any provision of law for hazardous fuel reduction projects on non-Federal land, the Secretary shall consider recommendations made by at-risk communities that have developed community wildfire protection plans.

(B) PRIORITY.—In allocating funding under this paragraph, the Secretary should, to the maximum extent practicable, give priority to communities that have adopted a community wildfire protection plan or have taken proactive measures to encourage willing property owners to reduce fire risk on private property.

SEC. 104. ENVIRONMENTAL ANALYSIS.

(a) AUTHORIZED HAZARDOUS FUEL REDUCTION PROJECTS.—Except as otherwise provided in this title, the Secretary shall conduct authorized hazardous fuel reduction projects in accordance with—

(1) the National Environmental Policy Act of 1969 (42 U.S.C. 4331 et seq.); and

(2) other applicable laws.

(b) ENVIRONMENTAL ASSESSMENT OR ENVIRONMENTAL IMPACT STATEMENT.—The Secretary shall prepare an environmental assessment or an environmental impact statement pursuant to section 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)) for each authorized hazardous fuel reduction project.

(c) CONSIDERATION OF ALTERNATIVES.—

(1) IN GENERAL.—Except as provided in subsection (d), in the environmental assessment or environmental impact statement prepared under subsection (b), the Secretary shall study, develop, and describe—

(A) the proposed agency action;

(B) the alternative of no action; and

(C) an additional action alternative, if the additional alternative—

(i) is proposed during scoping or the collaborative process under subsection (f); and

(ii) meets the purpose and need of the project, in accordance with regulations promulgated by the Council on Environmental Quality.

(2) MULTIPLE ADDITIONAL ALTERNATIVES.—If more than 1 additional alternative is proposed under paragraph (1)(C), the Secretary shall—

(A) select which additional alternative to consider, which is a choice that is in the sole discretion of the Secretary; and

(B) provide a written record describing the reasons for the selection.

(d) ALTERNATIVE ANALYSIS PROCESS FOR PROJECTS IN WILDLAND-URBAN INTERFACE.—

(1) PROPOSED AGENCY ACTION AND 1 ACTION ALTERNATIVE.—For an authorized hazardous fuel reduction project that is proposed to be conducted in the wildland-urban interface, the Secretary is not required to study, develop, or describe more than the proposed agency action and 1 action alternative in the environmental assessment or environmental impact statement prepared pursuant to section 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)).

(2) PROPOSED AGENCY ACTION.—Notwithstanding paragraph (1), but subject to paragraph (3), if an authorized hazardous fuel reduction project proposed to be conducted in the wildland-urban interface is located no further than 1½ miles

posed agency action in the environmental assessment or environmental impact statement prepared pursuant to section 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)).

(e) PUBLIC NOTICE AND MEETING.—

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

(2) PUBLIC MEETING.—During the preparation stage of each authorized hazardous fuel reduction project, the Secretary shall—

(A) conduct a public meeting at an appropriate location proximate to the administrative unit of the Federal land on which the authorized hazardous fuel reduction project will be conducted; and

(B) provide advance notice of the location, date, and time of the meeting.

(f) PUBLIC COLLABORATION.—In order to encourage meaningful public participation during preparation of authorized hazardous fuel reduction projects, the Secretary shall facilitate collaboration among State and local governments and Indian tribes, and participation of interested persons, during the preparation of each authorized fuel reduction project in a manner consistent with the Implementation Plan.

(g) ENVIRONMENTAL ANALYSIS AND PUBLIC COMMENT.—In accordance with section 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)) and the applicable regulations and administrative guidelines, the Secretary shall provide an opportunity for public comment during the preparation of any environmental assessment or environmental impact statement for an authorized hazardous fuel reduction project.

(h) DECISION DOCUMENT.—The Secretary shall sign a decision document for authorized hazardous fuel reduction projects and provide notice of the final agency actions.

SEC. 105. SPECIAL ADMINISTRATIVE REVIEW PROCESS.

(a) INTERIM FINAL REGULATIONS.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Agriculture shall promulgate interim final regulations to establish a predecisional administrative review process for the period described in paragraph (2) that will serve as the sole means by which a person can seek administrative review regarding an authorized hazardous fuel reduction project on Forest Service land.

(2) PERIOD.—The predecisional administrative review process required under paragraph (1) shall occur during the period—

(A) beginning after the completion of the environmental assessment or environmental impact statement; and

(B) ending not later than the date of the issuance of the final decision approving the project.

(3) ELIGIBILITY.—To be eligible to participate in the administrative review process for an authorized hazardous fuel reduction project under paragraph (1), a person shall submit to the Secretary, during scoping or the public comment period for the

draft environmental analysis for the project, specific written comments that relate to the proposed action.

(4) EFFECTIVE DATE.—The interim final regulations promulgated under paragraph (1) shall take effect on the date of promulgation of the regulations.

(b) FINAL REGULATIONS.—The Secretary shall promulgate final regulations to establish the process described in subsection (a)(1) after the interim final regulations have been published and reasonable time has been provided for public comment.

(c) ADMINISTRATIVE REVIEW.—

(1) IN GENERAL.—A person may bring a civil action challenging an authorized hazardous fuel reduction project in a Federal district court only if the person has challenged the authorized hazardous fuel reduction project by exhausting—

(A) the administrative review process established by the Secretary of Agriculture under this section; or

(B) the administrative hearings and appeals procedures established by the Department of the Interior.

(2) ISSUES.—An issue may be considered in the judicial review of an action under section 106 only if the issue was raised in an administrative review process described in paragraph (1).

(3) EXCEPTION.—

(A) IN GENERAL.—An exception to the requirement of exhausting the administrative review process before seeking judicial review shall be available if a Federal court finds that the futility or inadequacy exception applies to a specific plaintiff or claim.

(B) INFORMATION.—If an agency fails or is unable to make information timely available during the administrative review process, a court should evaluate whether the administrative review process was inadequate for claims or issues to which the information is material.

SEC. 106. JUDICIAL REVIEW IN UNITED STATES DISTRICT COURTS.

(a) VENUE.—Notwithstanding section 1391 of title 28, United States Code, or other applicable law, an authorized hazardous fuels reduction project conducted under this title shall be subject to judicial review only in the United States district court for a district in which the Federal land to be treated under the authorized hazardous fuels reduction project is located.

(b) EXPEDITIOUS COMPLETION OF JUDICIAL REVIEW.—In the judicial review of an action challenging an authorized hazardous fuel reduction project under subsection (a), Congress encourages a court of competent jurisdiction to expedite, to the maximum extent practicable, the proceedings in the action with the goal of rendering a final determination on jurisdiction, and (if jurisdiction exists) a final determination on the merits, as soon as practicable after the date on which a complaint or appeal is filed to initiate the action.

(c) INJUNCTIONS.—

(1) IN GENERAL.—Subject to paragraph (2), the length of any preliminary injunctive relief and stays pending appeal covering an authorized hazardous fuel reduction project carried out under this title shall not exceed 60 days.

(2) RENEWAL.—

(A) IN GENERAL.—A court of competent jurisdiction may issue 1 or more renewals of any preliminary injunction, or stay pending appeal, granted under paragraph (1).

(B) UPDATES.—In each renewal of an injunction in an action, the parties to the action shall present the court with updated information on the status of the authorized hazardous fuel reduction project.

(3) BALANCING OF SHORT- AND LONG-TERM EFFECTS.—As part of its weighing the equities while considering any request for an injunction that applies to an agency action under an authorized hazardous fuel reduction project, the court reviewing the project shall balance the impact to the ecosystem likely affected by the project of—

(A) the short- and long-term effects of undertaking the agency action; against

(B) the short- and long-term effects of not undertaking the agency action.

SEC. 107. EFFECT OF TITLE.

(a) OTHER AUTHORITY.—Nothing in this title affects, or otherwise biases, the use by the Secretary of other statutory or administrative authority (including categorical exclusions adopted to implement the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.)) to conduct a hazardous fuel reduction project on Federal land (including Federal land identified in section 102(d)) that is not conducted using the process authorized by section 104.

(b) NATIONAL FOREST SYSTEM.—For projects and activities of the National Forest System other than authorized hazardous fuel reduction projects, nothing in this title affects, or otherwise biases, the notice, comment, and appeal procedures for projects and activities of the National Forest System contained in part 215 of title 36, Code of Federal Regulations, or the consideration or disposition of any legal action brought with respect to the procedures.

SEC. 108. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated $760,000,000 for each fiscal year to carry out—

(1) activities authorized by this title; and

(2) other hazardous fuel reduction activities of the Secretary, including making grants to States, local governments, Indian tribes, and other eligible recipients for activities authorized by law.

TITLE II—BIOMASS

SEC. 201. IMPROVED BIOMASS USE RESEARCH PROGRAM.

(a) USES OF GRANTS, CONTRACTS, AND ASSISTANCE.—Section 307(d) of the Biomass Research and Development Act of 2000 (7 U.S.C. 7624 note; Public Law 106–224) is amended—

(1) in paragraph (3), by striking "or" at the end;

(2) in paragraph (4), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(5) research to integrate silviculture, harvesting, product development, processing information, and economic evaluation to provide the science, technology, and tools to forest managers

and community developers for use in evaluating forest treatment and production alternatives, including—

"(A) to develop tools that would enable land managers, locally or in a several-State region, to estimate—

"(i) the cost to deliver varying quantities of wood to a particular location; and

"(ii) the amount that could be paid for stumpage if delivered wood was used for a specific mix of products;

"(B) to conduct research focused on developing appropriate thinning systems and equipment designs that are—

"(i) capable of being used on land without significant adverse effects on the land;

"(ii) capable of handling large and varied landscapes;

"(iii) adaptable to handling a wide variety of tree sizes;

"(iv) inexpensive; and

"(v) adaptable to various terrains; and

"(C) to develop, test, and employ in the training of forestry managers and community developers curricula materials and training programs on matters described in subparagraphs (A) and (B).".

(b) FUNDING.—Section 310(b) of the Biomass Research and Development Act of 2000 (7 U.S.C. 7624 note; Public Law 106–224) is amended by striking "$49,000,000" and inserting "$54,000,000".

SEC. 202. RURAL REVITALIZATION THROUGH FORESTRY.

Section 2371 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 6601) is amended by adding at the end the following:

"(d) RURAL REVITALIZATION TECHNOLOGIES.—

"(1) IN GENERAL.—The Secretary of Agriculture, acting through the Chief of the Forest Service, in consultation with the State and Private Forestry Technology Marketing Unit at the Forest Products Laboratory, and in collaboration with eligible institutions, may carry out a program—

"(A) to accelerate adoption of technologies using biomass and small-diameter materials;

"(B) to create community-based enterprises through marketing activities and demonstration projects; and

"(C) to establish small-scale business enterprises to make use of biomass and small-diameter materials.

"(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $5,000,000 for each of fiscal years 2004 through 2008.".

SEC. 203. BIOMASS COMMERCIAL UTILIZATION GRANT PROGRAM.

(a) IN GENERAL.—In addition to any other authority of the Secretary of Agriculture to make grants to a person that owns or operates a facility that uses biomass as a raw material to produce electric energy, sensible heat, transportation fuel, or substitutes for petroleum-based products, the Secretary may make grants to a person that owns or operates a facility that uses biomass for wood-based products or other commercial purposes to offset the costs incurred to purchase biomass.

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

TITLE III—WATERSHED FORESTRY ASSISTANCE

SEC. 301. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

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

(2) it is commonly recognized that the proper stewardship of forest land is essential to sustaining and restoring the health of watersheds;

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

(4) strengthened education, technical assistance, and financial assistance for nonindustrial private forest landowners and communities, relating to the protection of watershed health, is needed to realize the expectations of the general public.

(b) PURPOSES.—The purposes of this title are—

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

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

(3) to enhance and complement forest management and buffer use for watersheds, with an emphasis on community watersheds;

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

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

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

SEC. 302. WATERSHED FORESTRY ASSISTANCE PROGRAM.

The Cooperative Forestry Assistance Act of 1978 is amended by inserting after section 5 (16 U.S.C. 2103a) the following:

"SEC. 6. WATERSHED FORESTRY ASSISTANCE PROGRAM.

"(a) DEFINITION OF NONINDUSTRIAL PRIVATE FOREST LAND.—In this section, the term 'nonindustrial private forest land' means rural land, as determined by the Secretary, that—

"(1) has existing tree cover or that is suitable for growing trees; and

"(2) is owned by any nonindustrial private individual, group, association, corporation, or other private legal entity, that has definitive decisionmaking authority over the land.

"(b) GENERAL AUTHORITY AND PURPOSE.—The Secretary, acting through the Chief of the Forest Service and (where appropriate) through the Cooperative State Research, Education, and Extension Service, may provide technical, financial, and related assistance to State foresters, equivalent State officials, or Cooperative Extension officials at land grant colleges and universities and 1890 institutions for the purpose of expanding State forest stewardship capacities and activities through State forestry best-management practices and other means at the State level to address watershed issues on non-Federal forested land and potentially forested land.

"(c) TECHNICAL ASSISTANCE TO PROTECT WATER QUALITY.—

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

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

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

"(B) to provide State forestry best-management practices and water quality technical assistance directly to owners of nonindustrial private forest land;

"(C) to provide technical guidance to land managers and policymakers for water quality protection through forest management;

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

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

"(3) IMPLEMENTATION.—In the case of a participating State, the program of technical assistance shall be implemented by State foresters or equivalent State officials.

"(d) WATERSHED FORESTRY COST-SHARE PROGRAM.—

"(1) IN GENERAL.—The Secretary shall establish a watershed forestry cost-share program—

"(A) which shall be—

"(i) administered by the Forest Service; and

"(ii) implemented by State foresters or equivalent State officials in participating States; and

"(B) under which funds or other support provided to participating States shall be made available for State forestry best-management practices programs and watershed forestry projects.

"(2) WATERSHED FORESTRY PROJECTS.—The State forester, an equivalent State official of a participating State, or a Cooperative Extension official at a land grant college or university or 1890 institution, in coordination with the State Forest Stewardship Coordinating Committee established under section 19(b) (or an equivalent committee) for that State, shall make awards to communities, nonprofit groups, and owners of nonindustrial private forest land under the program for watershed forestry projects described in paragraph (3).

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

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

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

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

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

"(E)(i) the restoration of wetland (as defined by the States) and stream-side forests; and

"(ii) the establishment of riparian vegetative buffers.

"(4) COST-SHARING.—

"(A) FEDERAL SHARE.—

"(i) FUNDS UNDER THIS SUBSECTION.—Funds provided under this subsection for a watershed forestry project may not exceed 75 percent of the cost of the project.

"(ii) OTHER FEDERAL FUNDS.—The percentage of the cost of a project described in clause (i) that is not covered by funds made available under this subsection may be paid using other Federal funding sources, except that the total Federal share of the costs of the project may not exceed 90 percent.

"(B) FORM.—The non-Federal share of the costs of a project may be provided in the form of cash, services, or other in-kind contributions.

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

"(6) WATERSHED FORESTER.—Financial and technical assistance shall be made available to the State Forester or equivalent State official to create a State watershed or best-management practice forester position to—

"(A) lead statewide programs; and

"(B) coordinate watershed-level projects.

"(e) DISTRIBUTION.—

"(1) IN GENERAL.—Of the funds made available for a fiscal year under subsection (g), the Secretary shall use—

"(A) at least 75 percent of the funds to carry out the cost-share program under subsection (d); and

"(B) the remainder of the funds to deliver technical assistance, education, and planning, at the local level, through the State Forester or equivalent State official.

"(2) SPECIAL CONSIDERATIONS.—Distribution of funds by the Secretary among States under paragraph (1) shall be made only after giving appropriate consideration to—

"(A) the acres of agricultural land, nonindustrial private forest land, and highly erodible land in each State;

"(B) the miles of riparian buffer needed;

"(C) the miles of impaired stream segments and other impaired water bodies where forestry practices can be used to restore or protect water resources;

"(D) the number of owners of nonindustrial private forest land in each State; and

"(E) water quality cost savings that can be achieved through forest watershed management.

"(f) WILLING OWNERS.—

"(1) IN GENERAL.—Participation of an owner of nonindustrial private forest land in the watershed forestry assistance program under this section is voluntary.

"(2) WRITTEN CONSENT.—The watershed forestry assistance program shall not be carried out on nonindustrial private forest land without the written consent of the owner of, or entity having definitive decisionmaking over, the nonindustrial private forest land.

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

SEC. 303. TRIBAL WATERSHED FORESTRY ASSISTANCE.

(a) IN GENERAL.—The Secretary of Agriculture (referred to in this section as the "Secretary"), acting through the Chief of the Forest Service, shall provide technical, financial, and related assistance to Indian tribes for the purpose of expanding tribal stewardship capacities and activities through tribal forestry best-management practices and other means at the tribal level to address watershed issues on land under the jurisdiction of or administered by the Indian tribes.

(b) TECHNICAL ASSISTANCE TO PROTECT WATER QUALITY.—

(1) IN GENERAL.—The Secretary, in cooperation with Indian tribes, shall develop a program to provide technical assistance to protect water quality, as described in paragraph (2).

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

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

(B) to provide tribal forestry best-management practices and water quality technical assistance directly to Indian tribes;

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

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

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

(c) WATERSHED FORESTRY PROGRAM.—

(1) IN GENERAL.—The Secretary shall establish a watershed forestry program in cooperation with Indian tribes.

(2) PROGRAMS AND PROJECTS.—Funds or other support provided under the program shall be made available for tribal forestry best-management practices programs and watershed forestry projects.

(3) ANNUAL AWARDS.—The Secretary shall annually make awards to Indian tribes to carry out this subsection.

(4) PROJECT ELEMENTS AND OBJECTIVES.—A watershed forestry project shall accomplish critical forest stewardship, watershed protection, and restoration needs within land under the jurisdiction of or administered by an Indian tribe by demonstrating the value of trees and forests to watershed health and condition through—

(A) the use of trees as solutions to water quality problems;

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

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

(D) the restoration of wetland and stream-side forests and the establishment of riparian vegetative buffers; and

(E) tribal-based planning, involvement, and action through State, tribal, local, and nonprofit partnerships.

(5) PRIORITIZATION.—An Indian tribe that participates in the program under this subsection shall prioritize watersheds in land under the jurisdiction of or administered by the Indian tribe to target watershed forestry projects funded under this subsection.

(6) WATERSHED FORESTER.—The Secretary may provide to Indian tribes under this section financial and technical assistance to establish a position of tribal forester to lead tribal programs and coordinate small watershed-level projects.

(d) DISTRIBUTION.—The Secretary shall devote—

(1) at least 75 percent of the funds made available for a fiscal year under subsection (e) to the program under subsection (c); and

(2) the remainder of the funds to deliver technical assistance, education, and planning in the field to Indian tribes.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $2,500,000 for each of fiscal years 2004 through 2008.

TITLE IV—INSECT INFESTATIONS AND RELATED DISEASES

SEC. 401. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) high levels of tree mortality resulting from insect infestation (including the interaction between insects and diseases) may result in—

(A) increased fire risk;

(B) loss of old trees and old growth;

(C) loss of threatened and endangered species;

(D) loss of species diversity;

(E) degraded watershed conditions;

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

(G) decreased timber values;

(2)(A) forest-damaging insects destroy hundreds of thousands of acres of trees each year;

(B) in the West, more than 21,000,000 acres are at high risk of forest-damaging insect infestation, and in the South, more than 57,000,000 acres are at risk across all land ownerships; and

(C) severe drought conditions in many areas of the South and West will increase the risk of forest-damaging insect infestations;

(3) the hemlock woolly adelgid is—

(A) destroying streamside forests throughout the mid-Atlantic and Appalachian regions;

(B) threatening water quality and sensitive aquatic species; and

(C) posing a potential threat to valuable commercial timber land in northern New England;

(4)(A) the emerald ash borer is a nonnative, invasive pest that has quickly become a major threat to hardwood forests because an emerald ash borer infestation is almost always fatal to affected trees; and

(B) the emerald ash borer pest threatens to destroy more than 692,000,000 ash trees in forests in Michigan and Ohio alone, and between 5 and 10 percent of urban street trees in the Upper Midwest;

(5)(A) epidemic populations of Southern pine beetles are ravaging forests in Alabama, Arkansas, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia; and

(B) in 2001, Florida and Kentucky experienced 146 percent and 111 percent increases, respectively, in Southern pine beetle populations;

(6) those epidemic outbreaks of Southern pine beetles have forced private landowners to harvest dead and dying trees, in rural areas and increasingly urbanized settings;

(7) according to the Forest Service, recent outbreaks of the red oak borer in Arkansas and Missouri have been unprecedented, with more than 1,000,000 acres infested at population levels never seen before;

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

(9)(A) previous silvicultural assessments, while useful and informative, have been limited in scale and scope of application; and

(B) there have not been sufficient resources available to adequately test a full array of individual and combined applied silvicultural assessments;

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

(11)(A) often, there are significant interactions between insects and diseases;

(B) many diseases (such as white pine blister rust, beech bark disease, and many other diseases) can weaken trees and forest stands and predispose trees and forest stands to insect attack; and

(C) certain diseases are spread using insects as vectors (including Dutch elm disease and pine pitch canker); and

(12) funding and implementation of an initiative to combat forest pest infestations and associated diseases should not come at the expense of supporting other programs and initiatives of the Secretary.

(b) PURPOSES.—The purposes of this title are—

(1) to require the Secretary to develop an accelerated basic and applied assessment program to combat infestations by forest-damaging insects and associated diseases;

(2) to enlist the assistance of colleges and universities (including forestry schools, land grant colleges and universities, and 1890 Institutions), State agencies, and private landowners to carry out the program; and

(3) to carry out applied silvicultural assessments.

SEC. 402. DEFINITIONS.

In this title:

(1) APPLIED SILVICULTURAL ASSESSMENT.—

(A) IN GENERAL.—The term "applied silvicultural assessment" means any vegetative or other treatment carried out for information gathering and research purposes.

(B) INCLUSIONS.—The term "applied silvicultural assessment" includes timber harvesting, thinning, prescribed burning, pruning, and any combination of those activities.

(2) 1890 INSTITUTION.—

(A) IN GENERAL.—The term "1890 Institution" means a college or university that is eligible to receive funds under the Act of August 30, 1890 (7 U.S.C. 321 et seq.).

(B) INCLUSION.—The term "1890 Institution" includes Tuskegee University.

(3) FOREST-DAMAGING INSECT.—The term "forest-damaging insect" means—

(A) a Southern pine beetle;

(B) a mountain pine beetle;

(C) a spruce bark beetle;

(D) a gypsy moth;

(E) a hemlock woolly adelgid;

(F) an emerald ash borer;

(G) a red oak borer;

(H) a white oak borer; and

(I) such other insects as may be identified by the Secretary.

(4) SECRETARY.—The term "Secretary" means—

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

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

SEC. 403. ACCELERATED INFORMATION GATHERING REGARDING FOREST-DAMAGING INSECTS.

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

(1) to plan, conduct, and promote comprehensive and systematic information gathering on forest-damaging insects and associated diseases, including an evaluation of—

(A) infestation prevention and suppression methods;

(B) effects of infestations and associated disease interactions on forest ecosystems;

(C) restoration of forest ecosystem efforts;

(D) utilization options regarding infested trees; and

(E) models to predict the occurrence, distribution, and impact of outbreaks of forest-damaging insects and associated diseases;

(2) to assist land managers in the development of treatments and strategies to improve forest health and reduce the susceptibility of forest ecosystems to severe infestations of forest-damaging insects and associated diseases on Federal land and State and private land; and

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

(b) COOPERATION AND ASSISTANCE.—The Secretary shall—

(1) establish and carry out the program in cooperation with—

(A) scientists from colleges and universities (including forestry schools, land grant colleges and universities, and 1890 Institutions);

(B) Federal, State, and local agencies; and

(C) private and industrial landowners; and

(2) designate such colleges and universities to assist in carrying out the program.

SEC. 404. APPLIED SILVICULTURAL ASSESSMENTS.

(a) ASSESSMENT EFFORTS.—For information gathering and research purposes, the Secretary may conduct applied silvicultural as-

sessments on Federal land that the Secretary determines is at risk of infestation by, or is infested with, forest-damaging insects.

(b) LIMITATIONS.—

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

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

(B) any Federal land on which, by Act of Congress or Presidential proclamation, the removal of vegetation is restricted or prohibited;

(C) a congressionally-designated wilderness study area; or

(D) an area in which activities under subsection (a) would be inconsistent with the applicable land and resource management plan.

(2) CERTAIN TREATMENT PROHIBITED.—Nothing in subsection (a) authorizes the application of insecticides in municipal watersheds or associated riparian areas.

(3) PEER REVIEW.—

(A) IN GENERAL.—Before being carried out, each applied silvicultural assessment under this title shall be peer reviewed by scientific experts selected by the Secretary, which shall include non-Federal experts.

(B) EXISTING PEER REVIEW PROCESSES.—The Secretary may use existing peer review processes to the extent the processes comply with subparagraph (A).

(c) PUBLIC NOTICE AND COMMENT.—

(1) PUBLIC NOTICE.—The Secretary shall provide notice of each applied silvicultural assessment proposed to be carried out under this section.

(2) PUBLIC COMMENT.—The Secretary shall provide an opportunity for public comment before carrying out an applied silviculture assessment under this section.

(d) CATEGORICAL EXCLUSION.—

(1) IN GENERAL.—Applied silvicultural assessment and research treatments carried out under this section on not more than 1,000 acres for an assessment or treatment may be categorically excluded from documentation in an environmental impact statement and environmental assessment under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(2) ADMINISTRATION.—Applied silvicultural assessments and research treatments categorically excluded under paragraph (1)—

(A) shall not be carried out in an area that is adjacent to another area that is categorically excluded under paragraph (1) that is being treated with similar methods; and

(B) shall be subject to the extraordinary circumstances procedures established by the Secretary pursuant to section 1508.4 of title 40, Code of Federal Regulations.

(3) MAXIMUM CATEGORICAL EXCLUSION.—The total number of acres categorically excluded under paragraph (1) shall not exceed 250,000 acres.

(4) NO ADDITIONAL FINDINGS REQUIRED.—In accordance with paragraph (1), the Secretary shall not be required to make

any findings as to whether an applied silvicultural assessment project, either individually or cumulatively, has a significant effect on the environment.

SEC. 405. RELATION TO OTHER LAWS.

The authority provided to each Secretary under this title is supplemental to, and not in lieu of, any authority provided to the Secretaries under any other law.

SEC. 406. AUTHORIZATION OF APPROPRIATIONS.

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

TITLE V—HEALTHY FORESTS RESERVE PROGRAM

SEC. 501. ESTABLISHMENT OF HEALTHY FORESTS RESERVE PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Agriculture shall establish the healthy forests reserve program for the purpose of restoring and enhancing forest ecosystems—

(1) to promote the recovery of threatened and endangered species;

(2) to improve biodiversity; and

(3) to enhance carbon sequestration.

(b) COORDINATION.—The Secretary of Agriculture shall carry out the healthy forests reserve program in coordination with the Secretary of the Interior and the Secretary of Commerce.

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

(a) IN GENERAL.—The Secretary of Agriculture, in coordination with the Secretary of the Interior and the Secretary of Commerce, shall describe and define forest ecosystems that are eligible for enrollment in the healthy forests reserve program.

(b) ELIGIBILITY.—To be eligible for enrollment in the healthy forests reserve program, land shall be—

(1) private land the enrollment of which will restore, enhance, or otherwise measurably increase the likelihood of recovery of a species listed as endangered or threatened under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533); and

(2) private land the enrollment of which will restore, enhance, or otherwise measurably improve the well-being of species that—

(A) are not listed as endangered or threatened under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533); but

(B) are candidates for such listing, State-listed species, or special concern species.

(c) OTHER CONSIDERATIONS.—In enrolling land that satisfies the criteria under subsection (b), the Secretary of Agriculture shall give additional consideration to land the enrollment of which will—

(1) improve biological diversity; and

(2) increase carbon sequestration.

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

(e) MAXIMUM ENROLLMENT.—The total number of acres enrolled in the healthy forests reserve program shall not exceed 2,000,000 acres.

(f) METHODS OF ENROLLMENT.—

(1) IN GENERAL.—Land may be enrolled in the healthy forests reserve program in accordance with—

(A) a 10-year cost-share agreement;

(B) a 30-year easement; or

(C) an easement of not more than 99 years.

(2) PROPORTION.—The extent to which each enrollment method is used shall be based on the approximate proportion of owner interest expressed in that method in comparison to the other methods.

(g) ENROLLMENT PRIORITY.—

(1) SPECIES.—The Secretary of Agriculture shall give priority to the enrollment of land that provides the greatest conservation benefit to—

(A) primarily, species listed as endangered or threatened under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533); and

(B) secondarily, species that—

(i) are not listed as endangered or threatened under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533); but

(ii) are candidates for such listing, State-listed species, or special concern species.

(2) COST-EFFECTIVENESS.—The Secretary of Agriculture shall also consider the cost-effectiveness of each agreement or easement, and associated restoration plans, so as to maximize the environmental benefits per dollar expended.

SEC. 503. RESTORATION PLANS.

(a) IN GENERAL.—Land enrolled in the healthy forests reserve program shall be subject to a restoration plan, to be developed jointly by the landowner and the Secretary of Agriculture, in coordination with the Secretary of Interior.

(b) PRACTICES.—The restoration plan shall require such restoration practices as are necessary to restore and enhance habitat for—

(1) species listed as endangered or threatened under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533); and

(2) animal or plant species before the species reach threatened or endangered status, such as candidate, State-listed species, and special concern species.

SEC. 504. FINANCIAL ASSISTANCE.

(a) EASEMENTS OF NOT MORE THAN 99 YEARS.—In the case of land enrolled in the healthy forests reserve program using an easement of not more than 99 years described in section 502(f)(1)(C), the Secretary of Agriculture shall pay the owner of the land an amount equal to not less than 75 percent, nor more than 100 percent, of (as determined by the Secretary)—

(1) the fair market value of the enrolled land during the period the land is subject to the easement, less the fair market value of the land encumbered by the easement; and

(2) the actual costs of the approved conservation practices or the average cost of approved practices carried out on the land during the period in which the land is subject to the easement.

(b) 30-YEAR EASEMENT.— In the case of land enrolled in the healthy forests reserve program using a 30-year easement, the Secretary of Agriculture shall pay the owner of the land an amount equal to not more than (as determined by the Secretary)—

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

(2) 75 percent of the actual costs of the approved conservation practices or 75 percent of the average cost of approved practices.

(c) 10-YEAR AGREEMENT.—In the case of land enrolled in the healthy forests reserve program using a 10-year cost-share agreement, the Secretary of Agriculture shall pay the owner of the land an amount equal to not more than (as determined by the Secretary)—

(1) 50 percent of the actual costs of the approved conservation practices; or

(2) 50 percent of the average cost of approved practices.

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

SEC. 505. TECHNICAL ASSISTANCE.

(a) IN GENERAL.—The Secretary of Agriculture shall provide landowners with technical assistance to assist the owners in complying with the terms of plans (as included in agreements or easements) under the healthy forests reserve program.

(b) TECHNICAL SERVICE PROVIDERS.—The Secretary of Agriculture may request the services of, and enter into cooperative agreements with, individuals or entities certified as technical service providers under section 1242 of the Food Security Act of 1985 (16 U.S.C. 3842), to assist the Secretary in providing technical assistance necessary to develop and implement the healthy forests reserve program.

SEC. 506. PROTECTIONS AND MEASURES

(a) PROTECTIONS.—In the case of a landowner that enrolls land in the program and whose conservation activities result in a net conservation benefit for listed, candidate, or other species, the Secretary of Agriculture shall make available to the landowner safe harbor or similar assurances and protection under—

(1) section 7(b)(4) of the Endangered Species Act of 1973 (16 U.S.C. 1536(b)(4)); or

(2) section 10(a)(1) of that Act (16 U.S.C. 1539(a)(1)).

(b) MEASURES.—If protection under subsection (a) requires the taking of measures that are in addition to the measures covered by the applicable restoration plan agreed to under section 503, the cost of the additional measures, as well as the cost of any permit, shall be considered part of the restoration plan for purposes of financial assistance under section 504.

SEC. 507. INVOLVEMENT BY OTHER AGENCIES AND ORGANIZATIONS.

In carrying out this title, the Secretary of Agriculture may consult with—

(1) nonindustrial private forest landowners;

(2) other Federal agencies;
(3) State fish and wildlife agencies;
(4) State forestry agencies;
(5) State environmental quality agencies;
(6) other State conservation agencies; and
(7) nonprofit conservation organizations.

SEC. 508. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title—

(1) $25,000,000 for fiscal year 2004; and

(2) such sums as are necessary for each of fiscal years 2005 through 2008.

TITLE VI—MISCELLANEOUS

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

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

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

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

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

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

(2) loss or degradation of forests;

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

(4) quantification of carbon uptake rates; and

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

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

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

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

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

That the House recede from its disagreement to the amendment of the Senate to the title of the bill, and agree to the same.

And the Senate agree to the same.

From the Committee on Agriculture, for consideration of the House bill and the Senate amendments, and modifications committee to conference:

BOB GOODLATTE,
JOHN BOEHNER,
WILLIAM L. JENKINS,
GIL GUTKNECHT,
ROBIN HAYES,
CHARLIE STENHOLM,
COLLIN C. PETERSON,
CAL DOOLEY,

From the Committee on Resources, for consideration of the House bill and the Senate amendments, and modifications committed to conference:

RICHARD POMBO,
SCOTT MCINNIS,
GREG WALDEN,
RICK RENZI,

From the Committee on the Judiciary, for consideration of sections 106 and 107 of the House bill, and sections 105, 106, 1115, and 1116 of the Senate amendment and modifications committed to conference:

F. JAMES SENSENBRENNER, Jr.,
LAMAR SMITH,

Managers on the Part of the House.

THAD COCHRAN,
MITCH MCCONNEL10 330.6313 571Y(106, 11s550 10 35ndme031J13..m(OL H

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The Managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 1904), An Act to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to conduct hazardous fuels reduction projects on National Forest System lands and Bureau of Land Management lands aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendments struck out all of the text of the House bill after the enacting clause and inserted a substitute text and a new title.

The House recedes from its disagreement to the amendment of the Senate with an amendment which is a substitute for the House bill and the Senate amendment. The House also recedes from its disagreement to the amendment of the Senate to the title of the bill. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

SHORT TITLE: TABLE OF CONTENTS

(1) Short Title

The House bill cites that this Act may be cited as "Healthy Forests Restoration Act of 2003" and lists the table of contents. (Section 1)

The Senate amendment has an identical short title and differences in the table of contents that reflect the Senate amendment. (Section 1)

The Conference substitute adopted the House provision with an amendment to conform the table of contents to the conference agreement. (Section 1)

(2) Purpose

The House bill lists the purposes of this Act, including: to reduce the risks of damage to communities, municipal water supplies and federal lands from catastrophic wildfire; to authorize grant programs to improve the commercial value of forest biomass; to en-

hance efforts to protect watersheds and address threats to forest and rangeland health; to promote systematic information gathering to address the impacts of insect infestation on forest and rangeland health; to improve the capacity to detect insect and disease infestations at an early stage; and to benefit threatened and endangered species, improve biological diversity and enhance carbon sequestration. (Section 2)

The Senate amendment contains similar purposes with only technical and clarifying changes. (Section 2)

The Conference substitute adopts the Senate provision with an amendment that reflects changes made necessary by deletions from the bill. (Section 2)

TITLE I—HAZARDOUS FUEL REDUCTION ON FEDERAL LAND

(1) Definitions

The House bill defines terms necessary for implementation of the bill, including: interface community and intermix community; authorized hazardous fuel reduction project; condition class 2; condition class 3; day; decision document; Federal land; implementation plan; municipal water supply system; Secretary concerned; threatened and endangered species habitat. (Section 101)

The Senate amendment defines the same terms as the House bill with only technical differences, and defines additional terms, including: at-risk community; community wildfire protection plan; fire regime i, ii, and iii; Indian tribe; resource management plan; and Wildland-urban interface. (Sections 3, 101)

The Conference substitute [adopts the Senate provisions, with an amendment to modify the definition of wildland-urban interface. (Sections 3, 101)]

(2) Authorized Hazardous Fuel Reduction Projects

The House bill allows for authorized hazardous fuels reduction projects on federal lands that (1) are located in an interface or intermix community; (2) are located in proximity to such communities; (3) are condition class 3 or 2 and located in proximity to a municipal water supply (or a perennial stream, including rivers and other permanent natural flowing water sources feeding a municipal water supply); (4) are condition class 3 or 2 and have been identified as an area where windthrow, blowdown, the existence or threat of disease or insect infestation poses a threat to forest or rangeland health, or (5) contain threatened and endangered species, if: the natural fire regimes are important for, or wildfire is a threat to threatened or endangered species or their habitat; the authorized hazardous fuel reduction project will enhance protection from catastrophic wildfire, and; the Secretary complies with applicable guidelines in any management or recovery plan. (Section 102(a))

The Senate amendment allows for authorized hazardous fuel reduction projects on federal lands that: (1) are in wildland-urban interface areas, (2) are condition class 3 and located in such proximity to a municipal water supply system or a stream feeding such a system within a municipal watershed that a significant risk exists that a fire disturbance event would have adverse effects on the

water quality of the municipal water supply or the maintenance of the system, (3) are condition class 2 within fire regime I, fire regime II or fire regime III and otherwise the same as paragraph (2), (4) are identified as an area where windthrow, blowdown, ice storm damage, or the existence of insects or disease poses a significant threat to an ecosystem component, or forest or rangeland resource on federal land or adjacent non-federal land, or (5) contain threatened and endangered species habitat, if: the natural fire regimes are important for, or wildfire is a threat to threatened or endangered species or their habitat; the authorized hazardous fuel reduction project will enhance protection from catastrophic wildfire, and; the Secretary complies with applicable guidelines in any management or recovery plan. (Section 102(a))

The Conference substitute adopts the Senate provision with amendments modifying the definition of wildland-urban interface and that clarify the provision relating to insect and disease infestation. (Section 102(a))

(3) Agency Plans; Acreage Limitation; Exclusion of Certain Federal Land

The House bill requires projects to be planned and conducted in a manner consistent with land and resource management plans or an applicable land use plan; limits the acreage available for authorized hazardous fuels reduction projects to 20,000,000 acres; and prohibits authorized hazardous fuels reduction projects on the following federal lands: a component of the National Wilderness Preservation System, federal lands where the removal of vegetation is prohibited or restricted by Congress or a presidential proclamation, or wilderness study areas. (Section 102(b), (c), and (d))

The Senate amendment contains similar provisions with only technical differences. (Section 102(b), (c), and (d)).

The Conference substitute adopts the Senate provisions. (Section 102(b), (c), and (d))

(4) Old Growth Stands and Large Tree Retention

The Senate amendment: (Section 102(e), (f))

Provides direction for projects that may occur within old growth stands;

Defines a covered project as all authorized hazardous fuel reduction projects except those in an area where windthrow, blowdown, ice storm damage, or the existence of insects or disease poses a significant threat to an ecosystem component (section 102(a)(4));

Identifies standards for old growth as the definitions, designations, standards, guidelines, goals, or objectives established for an old growth stand under a resource management plan, based on the structure and composition characteristic of the forest type, and in accordance with applicable law;

Requires the Secretary to fully maintain, or contribute toward the restoration of the structure and composition of structurally complex old growth stands according to the pre-fire suppression old growth conditions characteristic of the forest type, while considering the contribution of the stand to land-

scape fire adaptation and watershed health, and retaining the large trees contributing to old growth structure;

Provides that old growth standards that are 10 years old or less from the date of enactment of this Act shall be used by the Secretary in carrying out a covered project;

Requires that any amendment or revision to standards for which final administrative approval is granted after the date of enactment of this Act shall be consistent with the requirement described above;

Provides that old growth standards established before the 10-year period may be used for a 2-year period beginning on the date of enactment of this Act, or if in the process of revising a resource management plan, may be used for a 3-year period;

Provides that older standards shall be reviewed and revised, if necessary, to reflect relevant information not considered in formulating the resource management plan. If such review is not completed within the appropriate time period, no covered project shall occur in a stand that is identified as an old growth stand (based on substantial supporting evidence) by any person during scoping; and

Requires that covered projects outside of old growth stands focus largely on small diameter trees, thinning, strategic fuel breaks, and prescribed fire to modify fire behavior, as measured by the projected reduction of uncharacteristically severe wildfire effects; and, maximizes the retention of large trees, as appropriate for the forest type, to the extent that the large trees promote fire-resistant stands.

The House bill has no comparable provisions.

The Conference substitute adopts the Senate provisions with an amendment that makes technical and clarifying changes to the old growth provisions; and adds a clause to the large tree retention provision to clarify that such provision is not intended to prevent achieving the purpose in section 2(1). (Section 102(e), (f))

The Managers note that nothing in subsection 102(e) requires resource management plans to be amended.

(5) Prioritization for Communities

The House bill directs the Secretary to give priority to authorized hazardous fuel reduction projects that provide for the protection of communities and watersheds as provided for in the implementation plan. (Section 103)

The Senate amendment: (Section 103)

Directs the Secretary to develop an annual program of work that gives priority to authorized hazardous fuel reduction projects that provide for protection of at-risk communities or watersheds or that implement community wildfire protection plans;

Makes the Federal Advisory Committee Act and National Environmental Policy Act inapplicable to Federal involvement in the community wildfire protection plan planning and development process;

Directs that not less than 50 percent of the funds allocated for authorized hazardous fuel reduction projects shall be used

in the wildland-urban interface. Such allocation shall apply at the national level. However, funds may be allocated differently within individual management units as appropriate, in particular to conduct authorized hazardous fuel reduction projects in areas with insects, disease, windthrow, blowdown or ice storm damage.

In providing financial assistance for authorized hazardous fuel reduction projects on non-federal land, the Secretary shall consider recommendations made by at-risk communities that have developed community wildfire protection plans.

The Conference substitute adopts the Senate provision with amendments directing the Secretary to: (1) use existing administrative authority to define wildland-urban interface for purposes of authorized hazardous fuel reduction projects for which a decision notice is issued within one year of date of enactment of this Act, and (2) give priority in allocating funding to communities that have adopted wildfire protection plans. (Section 103)

(6) Environmental Analysis

The House bill:

Requires the Secretary to prepare an environmental assessment (EA) or an environmental impact statement (EIS) for any authorized hazardous fuel reduction project; (104(a))

Gives the Secretary discretionary authority to limit the analysis ordinarily required under the National Environmental Policy Act ('NEPA') to the proposed agency action, meaning the agencies would not be required to analyze and describe a number of different alternatives to the preferred course; (104(b))

Requires the Secretary to provide notice of authorized hazardous fuel reduction projects and conduct a public meeting during the planning stage; (104(c))

Requires the Secretary to collaborate among governments and interested persons during the formulation of each authorized fuels reduction project; (104(d))

Requires the Secretary to allow public input in accordance with NEPA during the preparation of an EA or EIS or an authorized hazardous fuel reduction project; (104(e))

Requires the Secretary to sign a decision document for each authorized hazardous fuels reduction project and provide notice of that document; (104(f)) and

Requires the Secretary concerned to monitor the implementation of authorized hazardous fuels reduction projects. (104(g))

With respect to House bill sections 104 (a), (c), (d), (e), and (f), the Senate amendment contains essentially identical provisions, except for technical differences.

With respect to House bill section 104(b), the Senate amendment directs the Secretary to prepare an environmental assessment (EA) or an environmental impact statement (EIS) for any authorized hazardous fuel reduction project which describes the proposed action, a no action alternative, and an additional action alternative, if the additional alternative is proposed during scoping or the collaborative process and meets the purpose and need of the project. If more than 1 additional alternative is proposed, the Sec-

retary shall select which additional alternative to consider and provide a written record describing the reasons for the selection. (Section 104(b))

With respect to House bill section 104(g), the Senate amendment:

> Directs each Forest Service region and BLM State Office to monitor the results of authorized hazardous fuels reduction projects, and submit a report every 5 years that includes an evaluation of the progress towards project goals and recommendations for modifications to the projects and management treatments. It requires monitoring and assessment from a representative sample of authorized hazardous fuel reduction projects for each management unit as to the effects on changes in condition class, fire regime, watershed or landscape goals or objectives in the resource management plan, and requires the Secretary to track acres burned the degree of severity; and develop a process for monitoring the need for maintenance of treated areas, over time, in order to preserve the forest health benefits achieved; and (Section 102(g))
>
> Instructs the Secretary to establish a collaborative monitoring, evaluation, and accountability process in order to assess the positive or negative ecological and social effects of a representative sampling of projects implemented pursuant to title I and section 404 of the Senate amendment, and include diverse stakeholders, including interested citizens and Indian tribes, in the monitoring and evaluation process. (Section 1108)

With respect to Section 104(b) of the House bill and the Senate amendment, the Conference substitute adopts the Senate provision with an amendment that provides for special expedited environmental analysis processes for hazardous fuels reduction projects within the wildland-urban interface and within 1½ miles of at risk communities (Section 104(d)).

For projects described in section 104(d)(1) of the Conference substitute, the Managers expect the Secretary to concisely analyze the likely environmental outcomes if the proposed treatment is not implemented.

The Managers note that, under subsection 104(c)(2), if more than one additional alternative is proposed during scoping that meets the purpose and need, the Secretary has the discretion to select which additional alternative to consider, and must provide a written record describing the reasons for the selection. The Managers note that the written record could be part of, or separate from, the environmental assessment or environmental impact statement.

The Managers expect, in carrying out authorized fuel reduction projects under the expedited processes provided by the Act, the Secretary not to neglect obligations under the provisions of section 6(g)(3)(B) of the Forest and Rangeland Renewable Resources Planning Act of 1976 (16 U.S.C. 1604(g)(3)(B)).

With respect to Section 104(g) of the House bill, the Conference substitute: (1) strikes the Senate amendment provision (Section 1108) regarding collaborative monitoring; and (2) adopts the Senate amendment provision (Section 102(g)) regarding monitoring with an amendment that allows the Secretary to utilize multiparty mon-

itoring with diverse stakeholders in areas where interest in multiparty monitoring exists. (Section 102(g))

(7) Administrative Review

The House bill:

Directs the Secretary of Agriculture to establish an administrative review process for the Forest Service within 90 days after the enactment of this Act that will serve as the sole means by which a person can seek administrative redress regarding an authorized hazardous fuels reduction project; (Section 105(a))

Limits the administrative process to be developed to persons who have submitted specific and substantive written comments during the preparation stage of the project; and (Section 105(b))

Clarifies that the Appeals Reform Act relating to USFS administrative appeals does not apply to an authorized hazardous fuels reduction project. (Section 105(c))

The Senate amendment:

Directs the Secretary of Agriculture to establish, within 30 days after the date of the enactment of this Act, interim final regulations to establish a pre-decisional administrative review process that will serve as the sole means by which a person can seek administrative review regarding an authorized hazardous fuel reduction project on National Forest System land; (Section 105(a))

Requires the Secretary to establish final regulations after a time period for public comment; (Section 105(b))

Provides that a person may only bring a civil action challenging an authorized hazardous fuel reduction project in a Federal district court if the issue was raised during the administrative process and the person has exhausted the administrative review process established by the Secretary, with exceptions for futility or inadequacy claims; and (Section 105(c))

Clarifies that, with respect to projects and activities of the National Forest System other than authorized hazardous fuel reduction projects, nothing affects, or otherwise biases, the notice, comment, and appeal procedures for projects and activities of the National Forest System contained in part 215 of title 36, Code of Federal Regulations (including related legal actions). (Section 107(b))

The Conference substitute adopts the Senate provisions with an amendment that incorporates the substantive content of House bill section 105(b) and adds clarifying changes to section 105(c) of the Senate amendment. (Section 105)

The Managers do not expect the provisions in section 105(c)(3)(B) of the Conference substitute to be applicable to information which has not been brought to the attention of the Secretary.

(8) Judicial Review

The House bill:

Establishes a time limit for filing a challenge to an authorized hazardous fuels reduction project to 15 days within notice of the final agency action; (Section 106(a))

Limits the duration of any preliminary injunction granted on an authorized project to 45 days subject to renewal, and requires Secretarial notification to Congress upon an injunction renewal; (106(b))

Encourages a court in which an action or an appeal is filed to render a final determination within 100 days of when the complaint or appeal is filed; (106(c))

With respect to all agency actions on Federal lands, directs a court, in considering a request for injunctive relief, to balance the impact to the ecosystem of the short-term and long-term effects of undertaking the agency action against the short-term and long-term effects of not undertaking the agency action, and to give deference to any agency finding that the balance of harm and the public interest in avoiding the short-term effects of the agency action is outweighed by the public interest in avoiding long-term harm to the ecosystem. (Section 107)

The Senate amendment:

Requires lawsuits challenging an authorized hazardous fuel reduction project to be filed only in the United States district court for the district in which the federal land to be treated is located; (Section 106(a))

Encourages the court to expedite the proceedings with the goal of rendering a final determination as soon as practicable; (Section 106(b))

Limits the length of any preliminary injunctive relief and stays pending appeal not to exceed 60 days, subject to renewal with a requirement that parties to the action shall present updated information on the status of the project; (Section 106(c)(1), (2))

Directs the court reviewing the project, as part of its weighing the equities while considering any request for an injunction, to balance the impact to the ecosystem likely affected by the project of the short- and long-term effects of undertaking the agency action against the short- and long-term effects of not undertaking the agency action. (Section 106(c)(3))

The Conference substitute adopts the Senate provision. (Section 106)

(9) Effect of Title; Rules of Construction

The House bill clarifies that nothing in this title:

shall be construed to affect or limit the use of other authorities by the Secretary concerned to plan or conduct a hazardous fuels reduction project on federal lands; and (Section 108(a))

shall be construed to prejudice the consideration or disposition of any legal action concerning the Roadless Area Conservation Rule. (Section 108(b))

The Senate amendment provides that nothing in this title affects, or otherwise biases, the use by the Secretary of other statutory or administrative authority (including categorical exclusions adopted to implement the National Environmental Policy Act of

1969 (42 U.S.C. 4321 et seq.)) to conduct a hazardous fuel reduction project on Federal land (including Federal land identified in section 102(d)) that is not conducted using the process authorized by section 104. (Section 107(a))

The Conference substitute adopts the Senate provision. (Section 107)

(10) Authorization of Appropriations

The Senate amendment authorizes $760 million annually for activities under this title and other hazardous fuel reduction activities of the Secretary. (Section 108)

The House bill has no comparable provision.

The Conference substitute adopts the Senate provision. (Section 108)

TITLE II—BIOMASS

(1) Findings; Definitions

The House bill contains Congressional findings that that show high risk of wildfires across many acres due to the accumulation of heavy fuel loads from insect infestations and disease, and defines the terms: Biomass, Person, Preferred Community, and Secretary Concerned. (Sections 201, 202)

The Senate amendment has comparable provisions with minor differences. (Sections 201, 202)

(2) Grants to Improve the Commercial Value of Forest Biomass; Reporting requirement

The House bill establishes biomass commercial use and value-added grant programs to benefit anyone who owns or operates a facility to produce energy from biomass, as well as a monitoring program for participants, while complying with existing endangered species protections; authorizes appropriations of $25,000,000 for fiscal years 2004 to 2008; and requires that the Secretary concerned submit a report of the grant programs no later than October 1, 2010. (Sections 203, 204)

The Senate amendment has a comparable amendment with minor differences. (Sections 203, 204)

With respect to sections 201 and 202 of the House bill and sections 203 and 204 of the Senate amendment, the Conference substitute adopts an amendment that authorizes the Secretary to provide biomass purchase grants to owners and operators of biomass facilities that use such materials for production of wood-based products or other commercial purposes. (Section 203)

(3) Improved Biomass Use Research Program

The Senate amendment amends the Biomass Research and Development Act of 2000 by adding a silviculture component to the program. (Section 205)

The House has no provision on this subject.

The Conference substitute adopts the Senate provision. (Section 201)

(4) Rural Revitalization Through Forestry

The Senate amendment establishes a program to facilitate small business use of biomass and authorizes appropriations of $5,000,000 for fiscal years 2004 to 2008 to carry out the program. The program is established by amending the Food, Agriculture, Conservation, and Trade Act of 1990. (Section 206)

The House bill has no provision on this subject.

The Conference substitute adopts the Senate provision. (Section 202)

TITLE III—WATERSHED FORESTRY ASSISTANCE

(1) Findings and Purpose

The House bill contains Congressional findings that the proper stewardship of forest lands is essential to sustaining and restoring the health of watersheds. The purpose of this title is to improve watershed health by forest management practices, such as maintaining tree cover, buffer strips. (Section 301)

The Senate contains a comparable provision with minor changes. (Section 301)

(2) Watershed Forestry Assistance Program

The House bill establishes a program to assist State foresters in expanding stewardship capacities to address watershed issues on non-Federal lands through technical assistance and a cost-share program by amending the Cooperative Forestry Assistance Act. An authorization for appropriations of $15,000,000 for each of the fiscal years 2004 through 2008 is also included. (Section 302)

The Senate contains a comparable provision with minor changes and also defines the term Nonindustrial Private Forest Land. (Section 302)

The Conference substitute adopts the Senate provision. (Section 302)

(3) Tribal Watershed Forestry Assistance

The Senate amendment directs the Secretary of Agriculture to provide assistance to Indian tribes for expanding forestry projects and to address watershed issues on tribal lands and provides the same basic authorities for Indian tribes as are provided in Section 302. (Section 303)

The House bill has no comparable provision.

The Conference substitute adopts the Senate provision. (Section 303)

TITLE IV—INSECT INFESTATIONS

(1) Definitions, Findings, and Purpose

The House bill defines the terms Applied Silvicultural Assessment, Federal Lands, Secretary Concerned, 1890 Institutions. The bill also contains Congressional findings that insect infestations have many adverse effects on forest health, and states that the purpose of this title is to require the Secretary concerned to develop an assessment program to combat insect infestations, to en-

list the assistance of educational institutions, and to carry out applied silvicultural assessments. (Section 401)

The Senate bill contains comparable provisions and also defines the term Forest Damaging Insect. (Sections 401, 402)

The Conference substitute adopts the Senate provision. (Sections 401, 402)

(2) Accelerated Information Gathering Regarding Forest Damaging Insects

The House bill establishes a program for information gathering on bark beetles, including Southern pine beetles, hemlock woolly adelgids, emerald ash borers, red oak borers, and white oak borers, to assist land managers in the development of treatments to improve forest health, and disseminate results in cooperation with scientists from university and forestry schools. (Section 402)

The Senate amendment contains a comparable provision with minor changes and expands program to include all forest-damaging insects and associated diseases. (Section 403)

The Conference substitute adopts the Senate provision. (Section 403)

(3) Applied Silvicultural Assessments

The House bill enables the Secretary concerned to conduct applied silvicultural assessments on federal lands that the Secretary determines in its sole discretion are at risk for infestation with certain named pests. It limits such assessment areas to 1,000 acres per assessment; applies an overall acreage limitation to 250,000 acres; requires the Secretary to provide notice of each applied silvicultural assessment proposed to be carried out; requires the Secretary to provide an opportunity for public input; creates a categorical exclusion from further analysis under NEPA which the environment. (Section 403)

The Senate amendment contains a comparable provision with minor technical differences, and expands to all forest-damaging insects and associated diseases. The Senate bill precludes categorical exclusions using similar methods from being carried out adjacent to one another and subjects them to the extraordinary circumstances procedures. (Section 404)

The Conference substitute adopts the Senate provision. (Section 404)

(4) Relation to Other Laws; Authorization of Appropriations

The House bill provides that authorities of the Secretary under this title are in addition to other authorities of the Secretary under other laws, and authorizes such sums as may be necessary to be appropriated between fiscal year 2004 and 2008. (Sections 404, 405)

The Senate amendment contains comparable provisions with only technical differences. (Sections 405, 406)

The Conference substitute adopts the Senate provisions. (Sections 405, 406)

TITLE V—HEALTHY FORESTS RESERVE PROGRAM

(1) Establishment of Program

The House bill directs the Secretary of Agriculture to establish a program with the purpose of protecting, restoring, and enhancing forest ecosystems to promote the recovery of endangered species, improve biodiversity, and enhance carbon sequestration. (Section 501)

The Senate amendment has a comparable provision. (Section 501)

The Conference substitute adopts the Senate provision. (Sections 501)

(2) Eligibility and Enrollment of Lands in Program

The House bill specifies lands eligible for enrollment and lists eligibility and enrollment requirements for program participants, including enrollment priorities for land with threatened and endangered species. (Section 502 (a), (b), (c), (f))

The Senate amendment has comparable provisions with minor differences. (Section 502 (a), (b), (c), (d), (g))

The Conference substitute adopts the Senate provisions. (Section 502 (a), (b), (c), (d), (g))

(3) Maximum Enrollment; Methods of Enrollment

The House bill establishes a maximum enrollment of 1,000,000 acres, and authorizes acres to be enrolled through a permanent easement with buyback option, a 30-year easement, or a 10-year agreement for enrolled lands under this program. (Section 502(d) and (e))

The Senate amendment establishes a maximum enrollment of 2,000,000 acres, and authorizes acres to be enrolled through agreements of not more than 99-years with no buyback option, 30-year agreements; or 10-year cost share agreements. (Section 502(e) and (f))

The Conference substitute adopts the Senate provision with respect to maximum enrollment (502(e) and the House provision with an amendment with respect to methods of enrollment to allow for 10-year cost share agreements, and 30-year and up to 99-year easements. (Section 502(f))

(4) Conservation Plans

The House bill requires lands enrolled shall be subject to a conservation plan developed by USDA and the U.S. Fish and Wildlife Service; requires a description of the permissible land-use activities; authorizes applicable State agencies and nonprofit conservation organizations to provide technical or financial assistance in development of the plans; and requires that the plan maximize the environmental benefits per dollar expended. (Section 503)

The Senate amendment has comparable provisions. (Sections 502(g)(2), 503, 507)

The Conference substitute adopts the Senate provision. (Sections 502(g)(2), 503, 507)

(5) Financial Assistance

The House bill specifies maximum amounts of financial assistance for each method of enrollment of acres into the Healthy Forest Reserve. (Section 504)

The Senate amendment contains similar language (Section 504).

The Conference substitute adopts the Senate provision with an amendment reflecting the changes made in the methods of enrollment. (Section 504)

(6) Technical Assistance

The House bill directs the Forest Service and U.S. Fish and Wildlife service to provide participants with technical assistance. (Section 505)

The Senate amendment has a comparable provision and also adds that the Secretary may enter into cooperative agreements with third parties certified as technical service providers. (Section 505)

The Conference substitute adopts the Senate provision. (Section 505)

(7) Safe Harbor

The House bill instructs the Secretary of Interior to provide safe harbor to landowners who enroll land in this program when enrollment results in a net conservation benefit for listed species. (Section 506)

The Senate amendment has a comparable provision and also provides that the cost of any additional measures taken besides those covered in the restoration plan will be considered part of the restoration plan for financial purposes. (Section 506)

The Conference substitute adopts the Senate provision. (Section 506)

(8) Authorization of Appropriations

The House bill authorizes to be appropriated $15,000,000 for each of the fiscal years 2004 through 2008. (Section 507)

The Senate amendment authorizes to be appropriated $25,000,000 for fiscal year 2004 and such sums necessary for each of the fiscal years 2005–2008. (Section 508)

The Conference substitute adopts the Senate provision. (Section 508)

TITLE VI—MISCELLANEOUS PROVISIONS

(1) Inventory and Monitoring Program

The House bill instructs the Secretary of Agriculture to carry out a program to monitor forest stands on National Forest System lands and private lands; lists issues to be addressed; establishes an early warning system; and authorizes $5,000,000 for each of the fiscal years 2004 through 2008 for such activities. (Section 601)

The Senate amendment has a comparable provision that also lists specific means and offices for carrying out the program, and authorizes such sums as are necessary to carry out this section without fiscal year limitation. (Section 1101)

The Conference substitute adopts the House provision. (Title VI)

The managers expect the Secretary to consult and collaborate with the National Aeronautics and Space Administration, Stennis Space Center in carrying out this title.

(2) Public Land Corps

The Senate amendment creates a public land corps to carry out rehabilitation projects enlisting the help of disadvantaged young people. The amendment authorizes to be appropriated $15,000,000 for each of the fiscal years 2004 through 2008. (Title VI)

The House bill contains no comparable provision.

The Conference substitute strikes the Senate provision.

(3) Rural Community Forestry Enterprise Program

The Senate amendment establishes a program to assist in the economic revitalization of rural forest research-dependent communities. The amendment authorizes to be appropriated $15,000,000 for each of the fiscal years 2004 through 2008. (Title VII)

The House bill contains no comparable provision.

The Conference substitute strikes the Senate provision.

(4) Firefighters Medical Monitoring Act

The Senate amendment provides that the National Institute for Occupational Safety and Health shall monitor the long-term medical health of those firefighters who fought fires in any area declared a disaster area by the Federal Government. The amendment authorizes to be appropriated such sums as may be necessary in each of the fiscal years 2004 through 2008 to carry out this title. (Title VIII)

The House bill contains no comparable provision.

The Conference substitute strikes the Senate provision.

(5) Disaster Air Quality Monitoring Act

The Senate amendment instructs the Environmental Protection Agency to provide each of its regional offices a mobile air pollution monitoring network to monitor the emissions of hazardous air pollutants in disaster areas and publish the findings. The amendment authorizes to be appropriated $8,000,000 to carry out this title. (Title IX)

The House bill contains no comparable provision.

The Conference substitute strikes the Senate provision.

(6) Highlands Region Conservation

The Senate amendment recognizes the importance of the water, forest, agricultural, wildlife, recreational and cultural resources of the Highlands, and the national significance of the Highlands region to the United States. The amendment authorizes the Secretary of Interior to work in partnership with the Secretary of Agriculture to provide financial assistance to the Highlands States to preserve and protect high priority conservation lands in the Highlands region, and continues the ongoing Forest Service programs in the Highlands region to assist the Highlands States, local units of government and private forest and farm landowners in the

conservation of lands and natural resources in the Highlands region. (Title X)

The House bill contains no comparable provision.

The Conference substitute strikes the Senate provision.

(7) Emergency Treatment and Reduction of Nonnative Invasive Plants

The Senate amendment establishes a program for emergency treatment and reduction of nonnative invasive plants to provide to State and local governments and agencies, conservation districts, tribal governments, and willing private landowners grants for use in carrying out hazardous fuel reduction projects to address threats of catastrophic fires that have been determined by the Secretaries to pose a serious threat, including work to eradicate Salt Cedar and Russian Olive trees and other brush along the Bosque lands on the Rio Grande River in the State of New Mexico. (Section 1102)

The House bill contains no comparable provision.

The Conference substitute strikes the Senate provision.

(8) USDA National Agroforestry Center

The Senate amendment amends section 1243 of the Food, Agriculture, Conservation, and Trade Act of 1990 to establish a National Agroforestry Center. (Section 1103)

The House bill contains no comparable provision.

The Conference substitute strikes the Senate provision.

(9) Upland Hardwoods Research Center

The Senate amendment directs the Secretary to establish an upland hardwood research center. (Section 1104)

The House bill contains no comparable provision.

The Conference substitute strikes the Senate provision.

(10) Emergency Fuel Reduction Grants

The Senate amendment instructs the Secretary of Agriculture to establish an emergency fuel reduction grant program under which the Secretary shall provide grants to State and local agencies to carry out hazardous fuel reduction projects addressing threats of catastrophic fire that pose a serious threat to human life, as determined by the Forest Service. (Section 1105)

The House bill contains no comparable provision.

The Conference substitute strikes the Senate provision.

(11) Eastern Nevada Landscape Coalition

The Senate amendment authorizes the Secretary of Agriculture and the Secretary of the Interior to make grants to the Eastern Nevada Landscape Coalition for the study and restoration of rangeland and other lands in Nevada's Great Basin in order to help assure the reduction of hazardous fuels and for related purposes. (Section 1106)

The House bill contains no comparable provision.

The Conference substitute strikes the Senate provision.

(12) Sense of Congress Regarding Enhanced Community Fire Protection

The Senate amendment states that it is the sense of Congress to reaffirm the importance of enhanced community fire protection program, as described in section 10A of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2106c) (as added by section 8003(b) of the Farm Security and Rural Investment Act of 2002 (Public Law 107–09171; 116 Stat. 473)). (Section 1107)

The House bill contains no comparable provision.

The Conference substitute strikes the Senate provision.

(13) Best-Value Contracting

The Senate amendment allows the Secretaries to use best value contracting criteria in awarding contracts and agreements. Best-value contracting criteria includes the ability of the contractor to meet the ecological goals of the projects; the use of equipment that will minimize or eliminate impacts on soils; and benefits to local communities such as ensuring that the byproducts are processed locally. (Section 1109)

The House bill contains no comparable provision.

The Conference substitute strikes the Senate provision.

(14) Suburban and Community Forestry and Open Space Program; Forest Legacy Program

The Senate amendment establishes within the Forest Service a program to be known as the "Suburban and Community Forestry and Open Space Program" (Section 1110)

The House bill contains no comparable provision.

The Conference substitute strikes the Senate provision.

(15) Wildland Firefighter Safety

The Senate amendment directs the Secretaries to ensure that any Federal contract or agreement entered into with a private entity for wildland firefighting services requires the entity to provide firefighter training that is consistent with qualification standards management direction established by the National Wildfire Coordinating Group. (Section 1111)

The House bill contains no comparable provision.

The Conference substitute strikes the Senate provision.

(16) Green Mountain National Forest Boundary Adjustment

The Senate amendment states the boundaries of the Green Mountain National Forest are modified to include all parcels of land depicted on the forest maps entitled "Green Mountain Expansion Area Map I" and "Green Mountain Expansion Area Map II", each dated February 20, 2002, which shall be on file and available for public inspection in the Office of the Chief of the Forest Service, Washington, District of Columbia. (Section 1112)

The House bill contains no comparable provision.

The Conference substitute strikes the Senate provision.

(17) Puerto Rico Karst Conservation

The Senate amendment authorizes and supports conservation efforts to acquire, manage, and protect the tropical forest areas of

the Karst Region, with particular emphasis on water quality and the protection of the aquifers that are vital to the health and wellbeing of the citizens of the Commonwealth; and promotes cooperation among the Commonwealth, Federal agencies, corporations, organizations, and individuals in those conservation efforts. (Section 1113)

The House bill contains no comparable provision.

The Conference substitute strikes the Senate provision.

(18) Effective Date of Section 10806 of Farm Security and Rural Investment Act

The Senate amendment states Section 10806(b)(1) of the Farm Security and Rural Investment Act of 2002 (21 U.S.C. 321d; 116 Stat. 526), is deemed to have first become effective 15 days after the date of the enactment of this Act. (Section 1114)

The House bill contains no comparable provision.

The Conference substitute strikes the Senate provision.

(19) Enforcement of Animal Fighting Prohibitions Under the Animal Welfare Act

The Senate amendment amends Section 26 of the Animal Welfare Act. (Section 1115)

The House bill contains no comparable provision.

The Conference substitute strikes the Senate provision.

(20) Changes in Fines for Violation of Public Land Regulations During a Fire Ban

The Senate amendment contains provisions to modify the penalties for violations of fire bans. (Section 1116)

The House bill contains no comparable provision.

The Conference substitute strikes the Senate provision.

From the Committee on Agriculture, for consideration of the House bill and the Senate amendments, and modifications committed to conference:

BOB GOODLATTE,
JOHN BOEHNER,
WILLIAM L. JENKINS,
G

LAMAR SMITH,
Managers on the Part of the House.

THAD COCHRAN,
MITCH MCCONNELL,
MICHAEL CRAPO,
PETE V. DOMENICI,
TOM DASCHLE,
Managers on the Part of the Senate.

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