

## Calendar No. 246

108TH CONGRESS  
1ST SESSION**H. R. 1904****[Report No. 108-121]**

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**IN THE SENATE OF THE UNITED STATES**

MAY 21, 2003

Received; read twice and referred to the Committees on Agriculture, Nutrition,  
and Forestry

JULY 31 (legislative day, JULY 21), 2003

Reported by Mr. COCHRAN, with an amendment and an amendment to the  
title

[Strike out all after the enacting clause and insert the part printed in italic]

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**AN ACT**

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.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

**★(Star Print)**

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) **SHORT TITLE.**—This Act may be cited as the  
3 “Healthy Forests Restoration Act of 2003”.

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

Sec. 1. Short title; table of contents.

Sec. 2. Purpose.

**TITLE I—HAZARDOUS FUELS REDUCTION ON FEDERAL LANDS**

Sec. 101. Definitions.

Sec. 102. Authorized hazardous fuels reduction projects.

Sec. 103. Prioritization for communities and watersheds.

Sec. 104. Environmental analysis.

Sec. 105. Special Forest Service administrative review process.

Sec. 106. Special requirements regarding judicial review of authorized hazardous fuels reduction projects.

Sec. 107. Injunctive relief for agency action to restore fire-adapted forest or rangeland ecosystems.

Sec. 108. Rules of construction.

**TITLE II—BIOMASS**

Sec. 201. Findings.

Sec. 202. Definitions.

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

Sec. 204. Reporting requirement.

**TITLE III—WATERSHED FORESTRY ASSISTANCE**

Sec. 301. Findings and purpose.

Sec. 302. Establishment of watershed forestry assistance program.

**TITLE IV—INSECT INFESTATIONS**

Sec. 401. Definitions, findings, and purpose.

Sec. 402. Accelerated information gathering regarding bark beetles, including Southern pine beetles, hemlock woolly adelgid, emerald ash borers, red oak borers, and white oak borers.

Sec. 403. Applied silvicultural assessments.

Sec. 404. Relation to other laws.

Sec. 405. Authorization of appropriations.

**TITLE V—HEALTHY FORESTS RESERVE PROGRAM**

Sec. 501. Establishment of healthy forests reserve program.

Sec. 502. Eligibility and enrollment of lands in program.

Sec. 503. Conservation plans.

Sec. 504. Financial assistance.

Sec. 505. Technical assistance.

Sec. 506. Safe harbor.

Sec. 507. Authorization of appropriations.

TITLE VI—MISCELLANEOUS PROVISIONS

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

1 **SEC. 2. PURPOSE.**

2 The purpose of this Act is—

3 (1) to reduce the risks of damage to commu-  
4 nities, municipal water supplies, and some at-risk  
5 Federal lands from catastrophic wildfires;

6 (2) to authorize grant programs to improve the  
7 commercial value of forest biomass for electric en-  
8 ergy, useful heat, transportation fuels, petroleum-  
9 based product substitutes and other commercial pur-  
10 poses;

11 (3) to enhance efforts to protect watersheds and  
12 address threats to forest and rangeland health, in-  
13 cluding catastrophic wildfire, across the landscape;

14 (4) to promote systematic information gath-  
15 ering to address the impact of insect infestations on  
16 forest and rangeland health;

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

20 (6) to protect, restore, and enhance degraded  
21 forest ecosystem types in order to promote the recov-  
22 ery of threatened and endangered species as well as

1 improve biological diversity and enhance carbon se-  
2 questration.

3 **TITLE I—HAZARDOUS FUELS RE-**  
4 **DUCTION ON FEDERAL**  
5 **LANDS**

6 **SEC. 101. DEFINITIONS.**

7 In this title:

8 (1) **AUTHORIZED HAZARDOUS FUELS REDUC-**  
9 **TION PROJECT.**—The term “authorized hazardous  
10 fuels reduction project” means a hazardous fuels re-  
11 duction project described in subsection (a) of section  
12 102, subject to the remainder of such section, that  
13 is planned and conducted using the process author-  
14 ized by section 104.

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

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

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

3           (C) fire frequencies have departed (either  
4 increased or decreased) from historical fre-  
5 quencies by one or more return interval, which  
6 results in moderate changes to fire size, fre-  
7 quency, intensity, severity, or landscape pat-  
8 terns; and

9           (D) vegetation attributes have been mod-  
10 erately altered from their historical range.

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

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

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

21           (C) fire frequencies have departed from  
22 historical frequencies by multiple return inter-  
23 vals, which results in dramatic changes to fire  
24 size, frequency, intensity, severity, or landscape  
25 patterns; and

1           (D) vegetation attributes have been signifi-  
2           cantly altered from their historical range.

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

7           (5) DECISION DOCUMENT.—The term “decision  
8           document” means a decision notice or a record of  
9           decision, as those terms are used in applicable regu-  
10          lations of the Council on Environmental Quality and  
11          the Forest Service Handbook.

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

14                 (A) National Forest System lands; and

15                 (B) public lands administered by the Sec-  
16                 retary of the Interior, acting through the Bu-  
17                 reau of Land Management.

18          (7) HAZARDOUS FUELS REDUCTION  
19          PROJECT.—The term “hazardous fuels reduction  
20          project” refers to the measures and methods de-  
21          scribed in the definition of “appropriate tools” con-  
22          tained in the glossary of the Implementation Plan.

23          (8) IMPLEMENTATION PLAN.—The term “Im-  
24          plementation Plan” means the Implementation Plan  
25          for the 10-year Comprehensive Strategy for a Col-

1 laborative Approach for Reducing Wildland Fire  
2 Risks to Communities and the Environment, dated  
3 May 2002, which was developed pursuant to the con-  
4 ference report for the Department of the Interior  
5 and Related Agencies Appropriations Act, 2001  
6 (House Report 106-646).

7 (9) INTERFACE COMMUNITY AND INTERMIX  
8 COMMUNITY.—The terms “interface community”  
9 and “intermix community” have the meanings given  
10 those terms on page 753 of volume 66 of the Fed-  
11 eral Register, as published on January 4, 2001.

12 (10) MUNICIPAL WATER SUPPLY SYSTEM.—The  
13 term “municipal water supply system” means the  
14 reservoirs, canals, ditches, flumes, laterals, pipes,  
15 pipelines, or other surface facilities and systems con-  
16 structed or installed for the impoundment, storage,  
17 transportation, or distribution of drinking water for  
18 a community.

19 (11) SECRETARY CONCERNED.—The term  
20 “Secretary concerned” means the Secretary of Agri-  
21 culture with respect to National Forest System lands  
22 and the Secretary of the Interior with respect to  
23 public lands administered by the Bureau of Land  
24 Management. Any reference in this title to the “Sec-  
25 retary concerned”, the “Secretary of Agriculture”,

1 or the “Secretary of the Interior” includes the des-  
2 ignee of the Secretary concerned.

3 (12) THREATENED AND ENDANGERED SPECIES  
4 HABITAT.—The term “threatened and endangered  
5 species habitat” means Federal lands identified in  
6 the listing decision or critical habitat designation as  
7 habitat for a threatened species or an endangered  
8 species under the Endangered Species Act of 1973  
9 (16 U.S.C. 1531 et seq.).

10 **SEC. 102. AUTHORIZED HAZARDOUS FUELS REDUCTION**  
11 **PROJECTS.**

12 (a) AUTHORIZED PROJECTS.—Subject to the remain-  
13 der of this section, the Secretary concerned may utilize  
14 the process authorized by section 104 to plan and conduct  
15 hazardous fuels reduction projects on any of the following  
16 Federal lands:

17 (1) Federal lands located in an interface com-  
18 munity or intermix community.

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



1           (3) Condition class 3 or condition class 2 Federal  
2           lands located in such proximity to a municipal  
3           water supply system, or to a perennial stream feed-  
4           ing a municipal water supply system, that a signifi-  
5           cant risk exists that a fire disturbance event would  
6           have substantial adverse effects on the water quality  
7           of the municipal water supply, including the risk to  
8           water quality posed by erosion following such a fire  
9           disturbance event.

10           (4) Condition class 3 or condition class 2 Federal  
11           lands identified by the Secretary concerned as  
12           an area where windthrow or blowdown, or the exist-  
13           ence or threat of disease or insect infestation, pose  
14           a significant threat to forest or rangeland health or  
15           adjacent private lands.

16           (5) Federal lands not covered by paragraph (1),  
17           (2), (3), or (4) that contain threatened and endan-  
18           gered species habitat, but only if—

19                   (A) natural fire regimes on such lands are  
20                   identified as being important for, or wildfire is  
21                   identified as a threat to, an endangered species,  
22                   a threatened species, or its habitat in a species  
23                   recovery plan prepared under section 4 of the  
24                   Endangered Species Act of 1973 (16 U.S.C.  
25                   1532) or in a decision document under such

1 section determining a species to be an endan-  
2 gered species or a threatened species or desig-  
3 nating critical habitat;

4 (B) the project will provide enhanced pro-  
5 tection from catastrophic wildfire for the spe-  
6 cies or its habitat; and

7 (C) the Secretary complies with any appli-  
8 cable guidelines specified in the species recovery  
9 plan prepared under the Endangered Species  
10 Act of 1973 (16 U.S.C. 1531 et seq.).

11 (b) RELATION TO AGENCY PLANS.—An authorized  
12 hazardous fuels reduction project shall be planned and  
13 conducted in a manner consistent with the land and re-  
14 source management plan or land use plan applicable to  
15 the Federal lands covered by the project.

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

19 (d) EXCLUSION OF CERTAIN FEDERAL LANDS.—The  
20 Secretary concerned may not plan or conduct an author-  
21 ized hazardous fuels reduction project that would occur  
22 on any of the following Federal lands:

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

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

4           (3) Wilderness Study Areas.

5   **SEC. 103. PRIORITIZATION FOR COMMUNITIES AND WATER-**  
6                                   **SHEDS.**

7           As provided for in the Implementation Plan, the Sec-  
8           retary concerned shall give priority to authorized haz-  
9           ardous fuel reduction projects that provide for the protec-  
10          tion of communities and watersheds.

11   **SEC. 104. ENVIRONMENTAL ANALYSIS.**

12          (a) IN GENERAL.—Except as otherwise provided in  
13          this title, the Secretary concerned shall plan and conduct  
14          authorized hazardous fuels reduction projects in accord-  
15          ance with the National Environmental Policy Act of 1969  
16          (42 U.S.C. 4331 et seq.) and any other applicable laws.  
17          The Secretary concerned shall prepare an environmental  
18          assessment or an environmental impact statement for each  
19          authorized hazardous fuels reduction project.

20          (b) DISCRETIONARY AUTHORITY TO ELIMINATE AL-  
21          TERNATIVES.—In the case of an authorized hazardous  
22          fuels reduction project, the Secretary concerned is not re-  
23          quired to study, develop, or describe any alternative to the  
24          proposed agency action in the environmental assessment  
25          or environmental impact statement prepared for the pro-

1 posed agency action pursuant to section 102(2) of the Na-  
2 tional Environmental Policy Act of 1969 (42 U.S.C.  
3 4332(2)).

4 (c) PUBLIC NOTICE AND MEETING.—

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

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

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

1           (e) ENVIRONMENTAL ANALYSIS AND PUBLIC COM-  
2 MENT.—In accordance with section 102(2) of the National  
3 Environmental Policy Act of 1969 (42 U.S.C. 4332(2))  
4 and the applicable regulations and administrative guide-  
5 lines in effect on the date of the enactment of this Act,  
6 the Secretary concerned shall provide an opportunity for  
7 public input during the preparation of any environmental  
8 assessment or environmental impact statement for pro-  
9 posed agency action for an authorized hazardous fuels re-  
10 duction project.

11           (f) DECISION DOCUMENT.—The Secretary concerned  
12 shall sign a decision document for each authorized haz-  
13 ardous fuels reduction project and provide notice of the  
14 decision document.

15           (g) PROJECT MONITORING.—As provided for in the  
16 Implementation Plan, the Secretary concerned shall mon-  
17 itor the implementation of authorized hazardous fuels re-  
18 duction projects.

19 **SEC. 105. SPECIAL FOREST SERVICE ADMINISTRATIVE RE-**  
20 **VIEW PROCESS.**

21           (a) DEVELOPMENT OF ADMINISTRATIVE PROCESS.—  
22 Not later than 90 days after the date of the enactment  
23 of this Act, the Secretary of Agriculture shall issue final  
24 regulations to establish an administrative process that will  
25 serve as the sole means by which a person described in

1 subsection (b) can seek administrative redress regarding  
 2 an authorized hazardous fuels reduction project.

3 (b) **ELIGIBLE PERSONS.**—To be eligible to partici-  
 4 pate in the administrative process developed pursuant to  
 5 subsection (a) regarding an authorized hazardous fuels re-  
 6 duction project, a person must have submitted specific and  
 7 substantive written comments during the preparation  
 8 stage of that authorized hazardous fuels reduction project.  
 9 The Secretary of Agriculture shall ensure that, during the  
 10 preparation stage of each authorized hazardous fuels re-  
 11 duction project, notice and comment is provided in a man-  
 12 ner sufficient to permit interested persons a reasonable  
 13 opportunity to satisfy the requirements of this subsection.

14 (c) **RELATION TO APPEALS REFORM ACT.**—Section  
 15 322 of the Department of the Interior and Related Agen-  
 16 cies Appropriations Act, 1993 (Public Law 102-381; 16  
 17 U.S.C. 1612 note), does not apply to an authorized haz-  
 18 ardous fuels reduction project.

19 **SEC. 106. SPECIAL REQUIREMENTS REGARDING JUDICIAL**  
 20 **REVIEW OF AUTHORIZED HAZARDOUS FUELS**  
 21 **REDUCTION PROJECTS.**

22 (a) **FILING DEADLINE.**—

23 (1) **TIME LIMIT ESTABLISHED FOR FILING.**—  
 24 Notwithstanding any other provision of law, to be  
 25 timely, an action in a court of the United States

1 challenging an authorized hazardous fuels reduction  
2 project shall be filed in the court before the end of  
3 the 15-day period beginning on the date on which  
4 the Secretary concerned publishes, in the local paper  
5 of record, notice of the final agency action regarding  
6 the authorized hazardous fuels reduction project.  
7 This time limitation supersedes any notice of intent  
8 to file suit requirement or filing deadline otherwise  
9 applicable to a challenge under any provision of law.

10 (2) WAIVER PROHIBITED.—The Secretary con-  
11 cerned may not agree to, and a district court may  
12 not grant, a waiver of the requirements of this sub-  
13 section.

14 (b) DURATION OF PRELIMINARY INJUNCTION.—

15 (1) DURATION; EXTENSION.—Any preliminary  
16 injunction granted regarding an authorized haz-  
17 ardous fuels reduction project shall be limited to 45  
18 days. A court may renew the preliminary injunction,  
19 taking into consideration the goal expressed in sub-  
20 section (c) for the expeditious resolution of cases re-  
21 garding authorized hazardous fuels reduction  
22 projects.

23 (2) SUBMISSION OF INFORMATION.—As part of  
24 a request to renew a preliminary injunction granted  
25 regarding an authorized hazardous fuels reduction

1 project, the parties shall present the court with an  
2 update on any changes that may have occurred dur-  
3 ing the period of the injunction to the forest or  
4 rangeland conditions that the authorized hazardous  
5 fuels reduction project is intended to address.

6 (3) CONGRESSIONAL NOTIFICATION.—In the  
7 event of the renewal of a preliminary injunction re-  
8 garding an authorized hazardous fuels reduction  
9 project, the Secretary concerned shall submit notice  
10 of the renewal to the Committee on Resources and  
11 the Committee on Agriculture of the House of Rep-  
12 resentatives and the Committee on Energy and Nat-  
13 ural Resources and the Committee on Agriculture,  
14 Nutrition, and Forestry of the Senate.

15 (c) EXPEDITIOUS COMPLETION OF JUDICIAL RE-  
16 VIEW.—Congress intends and encourages any court in  
17 which is filed a lawsuit or appeal of a lawsuit concerning  
18 an authorized hazardous fuels reduction project to expe-  
19 dite, to the maximum extent practicable, the proceedings  
20 in such lawsuit or appeal with the goal of rendering a final  
21 determination on jurisdiction, and if jurisdiction exists, a  
22 final determination on the merits, within 100 days from  
23 the date the complaint or appeal is filed.



1 **SEC. 107. INJUNCTIVE RELIEF FOR AGENCY ACTION TO RE-**  
2 **STORE FIRE-ADAPTED FOREST OR RANGE-**  
3 **LAND ECOSYSTEMS.**

4 (a) COVERED PROJECTS.—This section applies with  
5 respect to a motion for an injunction in an action brought  
6 against the Secretary concerned under section 703 of title  
7 5, United States Code, that involves an agency action on  
8 Federal lands, including an authorized hazardous fuels re-  
9 duction project, that is necessary to restore a fire-adapted  
10 forest or rangeland system.

11 (b) INJUNCTIVE RELIEF.—When considering a mo-  
12 tion described in subsection (a), in determining whether  
13 there would be harm to the defendant from the injunction  
14 and whether the injunction would be in the public interest,  
15 the court reviewing the agency action shall—

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

20 (2) give weight to a finding by the Secretary  
21 concerned in the administrative record of the agency  
22 action concerning the short-term and long-term ef-  
23 fects of undertaking the agency action and of not  
24 undertaking the agency action, unless the court  
25 finds that the finding was arbitrary and capricious.

1 **SEC. 108. RULES OF CONSTRUCTION.**

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

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

16 **TITLE II—BIOMASS**

17 **SEC. 201. FINDINGS.**

18 Congress finds the following:

19 (1) Thousands of communities in the United  
20 States, many located near Federal lands, are at risk  
21 to wildfire. Approximately 190,000,000 acres of land  
22 managed by the Secretary of Agriculture and the  
23 Secretary of the Interior are at risk of catastrophic  
24 fire in the near future. The accumulation of heavy  
25 forest and rangeland fuel loads continues to increase

1 as a result of disease, insect infestations, and  
2 drought, further raising the risk of fire each year.

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

12 (3) Preventive treatments such as removing fuel  
13 loading, ladder fuels, and hazard trees, planting  
14 proper species mix and restoring and protecting  
15 early successional habitat, and other specific restora-  
16 tion treatments designed to reduce the susceptibility  
17 of forest and rangeland to insect outbreaks, disease,  
18 and catastrophic fire present the greatest oppor-  
19 tunity for long-term forest and rangeland health by  
20 creating a mosaic of species-mix and age distribu-  
21 tion. Such prevention treatments are widely acknowl-  
22 edged to be more successful and cost effective than  
23 suppression treatments in the case of insects, dis-  
24 ease, and fire.

1           (4) The by-products of preventive treatment  
2           (wood, brush, thinnings, chips, slash, and other haz-  
3           ardous fuels) removed from forest and rangelands  
4           represent an abundant supply of biomass for bio-  
5           mass-to-energy facilities and raw material for busi-  
6           ness. There are currently few markets for the ex-  
7           traordinary volumes of by-products being generated  
8           as a result of the necessary large-scale preventive  
9           treatment activities.

10           (5) The United States should—

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

16           (B) develop and expand markets for tradi-  
17           tionally underused wood and biomass as an out-  
18           let for by-products of preventive treatment ac-  
19           tivities.

20 **SEC. 202. DEFINITIONS.**

21           In this title:

22           (1) **BIOMASS.**—The term “biomass” means  
23           trees and woody plants, including limbs, tops, nee-  
24           dles, and other woody parts, and by-products of pre-

1 ventive treatment, such as wood, brush, thinnings,  
2 chips, and slash, that are removed—

3 (A) to reduce hazardous fuels; or

4 (B) to reduce the risk of or to contain dis-  
5 ease or insect infestation.

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

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

11 (A) an individual;

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

14 (C) an Indian tribe;

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

18 (E) a nonprofit organization.

19 (4) PREFERRED COMMUNITY.—The term “pre-  
20 ferred community” means—

21 (A) any town, township, municipality, or  
22 other similar unit of local government (as deter-  
23 mined by the Secretary concerned) that—

24 (i) has a population of not more than  
25 50,000 individuals; and

1           (ii) the Secretary concerned, in the  
2           sole discretion of the Secretary concerned,  
3           determines contains or is located near  
4           land, the condition of which is at signifi-  
5           cant risk of catastrophic wildfire, disease,  
6           or insect infestation or which suffers from  
7           disease or insect infestation; or

8           (B) any county that—

9           (i) is not contained within a metro-  
10          politan statistical area; and

11          (ii) the Secretary concerned, in the  
12          sole discretion of the Secretary concerned,  
13          determines contains or is located near  
14          land, the condition of which is at signifi-  
15          cant risk of catastrophic wildfire, disease,  
16          or insect infestation or which suffers from  
17          disease or insect infestation.

18          (5) SECRETARY CONCERNED.—The term “Sec-  
19          retary concerned” means—

20               (A) the Secretary of Agriculture with re-  
21               spect to National Forest System lands; and

22               (B) the Secretary of the Interior with re-  
23               spect to Federal lands under the jurisdiction of  
24               the Secretary of the Interior and Indian lands.

1 **SEC. 203. GRANTS TO IMPROVE THE COMMERCIAL VALUE**  
2 **OF FOREST BIOMASS FOR ELECTRIC ENERGY,**  
3 **USEFUL HEAT, TRANSPORTATION FUELS,**  
4 **AND PETROLEUM-BASED PRODUCT SUB-**  
5 **STITUTES.**

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

7 (1) **IN GENERAL.—**The Secretary concerned  
8 may make grants to any person that owns or oper-  
9 ates a facility that uses biomass as a raw material  
10 to produce electric energy, sensible heat, transpor-  
11 tation fuels, or substitutes for petroleum-based prod-  
12 ucts to offset the costs incurred to purchase biomass  
13 for use by such facility.

14 (2) **GRANT AMOUNTS.—**A grant under this sub-  
15 section may not exceed \$20 per green ton of biomass  
16 delivered.

17 (3) **MONITORING OF GRANT RECIPIENT ACTIVI-**  
18 **TIES.—**As a condition of a grant under this sub-  
19 section, the grant recipient shall keep such records  
20 as the Secretary concerned may require to fully and  
21 correctly disclose the use of the grant funds and all  
22 transactions involved in the purchase of biomass.  
23 Upon notice by a representative of the Secretary  
24 concerned, the grant recipient shall afford the rep-  
25 resentative reasonable access to the facility that pur-

1 chases or uses biomass and an opportunity to exam-  
2 ine the inventory and records of the facility.

3 (b) VALUE ADDED GRANT PROGRAM.—

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

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

15 (3) GRANT AMOUNT.—A grant under this sub-  
16 section may not exceed \$100,000.

17 (c) RELATION TO OTHER ENDANGERED SPECIES  
18 AND RIPARIAN PROTECTIONS.—The Secretary concerned  
19 shall comply with applicable endangered species and ripar-  
20 ian protections in making grants under this section.  
21 Projects funded using grant proceeds shall be required to  
22 comply with such protections.

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



1 **SEC. 204. REPORTING REQUIREMENT.**

2 (a) **REPORT REQUIRED.**—Not later than October 1,  
3 2010, the Secretary of Agriculture, in consultation with  
4 the Secretary of the Interior, shall submit to the Com-  
5 mittee on Resources and the Committee on Agriculture of  
6 the House of Representatives and the Committee on En-  
7 ergy and Natural Resources and the Committee on Agri-  
8 culture, Nutrition, and Forestry of the Senate a report  
9 describing the results of the grant programs authorized  
10 by section 203.

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

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

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

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

22 **TITLE III—WATERSHED**  
23 **FORESTRY ASSISTANCE**

24 **SEC. 301. FINDINGS AND PURPOSE.**

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

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

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

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

12           (4) Strengthened education, technical assist-  
13 ance, and financial assistance to nonindustrial pri-  
14 vate forest landowners and communities, relating to  
15 the protection of watershed health, is needed to real-  
16 ize the expectations of the general public.

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

18           (1) improve landowner and public under-  
19 standing of the connection between forest manage-  
20 ment and watershed health;

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

1           (3) enhance and complement forest manage-  
2           ment and buffer utilization for watersheds, with an  
3           emphasis on urban watersheds;

4           (4) establish new partnerships and collaborative  
5           watershed approaches to forest management, stew-  
6           ardship, and conservation;

7           (5) provide technical and financial assistance to  
8           States to deliver a coordinated program that en-  
9           hances State forestry best-management practices  
10          programs, as well as conserves and improves for-  
11          ested lands and potentially forested lands through  
12          technical, financial, and educational assistance to  
13          qualifying individuals and entities; and

14          (6) maximize the proper management and con-  
15          servation of wetland forests and to assist in their  
16          restoration as necessary.

17 **SEC. 302. ESTABLISHMENT OF WATERSHED FORESTRY AS-**  
18 **SISTANCE PROGRAM.**

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

22 **“SEC. 6. WATERSHED FORESTRY ASSISTANCE.**

23          “(a) **GENERAL AUTHORITY AND PURPOSE.**—The  
24          Secretary, acting through the Forest Service, may provide  
25          technical, financial, and related assistance to State for-

1 esters and equivalent State officials for the purpose of ex-  
2 panding State forest stewardship capacities and activities  
3 through State forestry best-management practices and  
4 other means at the State level to address watershed issues  
5 on non-Federal forested lands and potentially forested  
6 lands.

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

9 “(1) IN GENERAL.—The Secretary, in coopera-  
10 tion with State foresters or equivalent State officials,  
11 shall engage interested members of the public, in-  
12 cluding nonprofit organizations and local watershed  
13 councils, to develop a program of technical assist-  
14 ance to protect water quality, as described in para-  
15 graph (2).

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

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

21 “(B) to provide State forestry best-man-  
22 agement practices and water quality technical  
23 assistance directly to nonindustrial private for-  
24 est landowners;

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

4           “(D) to complement State and local efforts  
5 to protect water quality and provide enhanced  
6 opportunities for consultation and cooperation  
7 among Federal and State agencies charged with  
8 responsibility for water and watershed manage-  
9 ment; and

10           “(E) to provide enhanced forest resource  
11 data and support for improved implementation  
12 and monitoring of State forestry best-manage-  
13 ment practices.

14           “(3) IMPLEMENTATION.—The program of tech-  
15 nical assistance shall be implemented by State for-  
16 esters or equivalent State officials.

17           “(e) WATERSHED FORESTRY COST-SHARE PRO-  
18 GRAM.—

19           “(1) IN GENERAL.—The Secretary shall estab-  
20 lish a watershed forestry cost-share program to be  
21 administered by the Forest Service and implemented  
22 by State foresters or equivalent State officials.  
23 Funds or other support provided under such pro-  
24 gram shall be made available for State forestry best-

1 management practices programs and watershed for-  
2 estry projects.

3 “(2) WATERSHED FORESTRY PROJECTS.—The  
4 State forester or equivalent State official of a State,  
5 in coordination with the State Forest Stewardship  
6 Coordinating Committee established under section  
7 19(b) for that State, shall annually make awards to  
8 communities, nonprofit groups, and nonindustrial  
9 private forest landowners under the program for wa-  
10 tershed forestry projects described in paragraph (3).

11 “(3) PROJECT ELEMENTS AND OBJECTIVES.—A  
12 watershed forestry project shall accomplish critical  
13 forest stewardship, watershed protection, and res-  
14 toration needs within a State by demonstrating the  
15 value of trees and forests to watershed health and  
16 condition through—

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

19 “(B) community-based planning, involve-  
20 ment, and action through State, local and non-  
21 profit partnerships;

22 “(C) application of and dissemination of  
23 monitoring information on forestry best-man-  
24 agement practices relating to watershed for-  
25 estry;

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

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

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

15          “(5) PRIORITIZATION.—The State Forest Stew-  
16          ardship Coordinating Committee for a State shall  
17          prioritize watersheds in that State to target water-  
18          shed forestry projects funded under this subsection.

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

25          “(d) DISTRIBUTION.—

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

9           “(2) ~~SPECIAL CONSIDERATIONS.~~—Distribution  
10          of these funds by the Secretary among the States  
11          shall be made only after giving appropriate consider-  
12          ation to—

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

16                 “(B) each State’s efforts to conserve for-  
17                 ests;

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

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

23          “(e) ~~AUTHORIZATION OF APPROPRIATIONS.~~—There  
24          is authorized to be appropriated to carry out this section



1 \$15,000,000 for each of the fiscal years 2004 through  
 2 2008.”.

## 3 **TITLE IV—INSECT** 4 **INFESTATIONS**

### 5 **SEC. 401. DEFINITIONS, FINDINGS, AND PURPOSE.**

6 (a) **DEFINITIONS.**—In this title:

7 (1) **APPLIED SILVICULTURAL ASSESSMENT.**—

8 The term “applied silvicultural assessment” means  
 9 any vegetative or other treatment, for the purposes  
 10 described in section 402, including timber harvest,  
 11 thinning, prescribed burning, and pruning, as single  
 12 treatment or any combination of these treatments.

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

15 (A) National Forest System lands; and

16 (B) public lands administered by the Sec-  
 17 retary of the Interior, acting through the Bu-  
 18 reau of Land Management.

19 (3) **SECRETARY CONCERNED.**—The term “Sec-  
 20 retary concerned” means—

21 (A) the Secretary of Agriculture, acting  
 22 through the Forest Service, with respect to Na-  
 23 tional Forest System lands; and

24 (B) the Secretary of the Interior, acting  
 25 through appropriate offices of the United States

1 Geological Survey, with respect to federally  
2 owned land administered by the Secretary of  
3 the Interior.

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

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

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

11 (A) increased fire risk;

12 (B) loss of old growth;

13 (C) loss of threatened and endangered spe-  
14 cies;

15 (D) loss of species diversity;

16 (E) degraded watershed conditions;

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

20 (G) decreased timber values.

21 (2) Bark beetles destroy hundreds of thousands  
22 of acres of trees each year. In the West, over  
23 21,000,000 acres are at high risk of bark beetle in-  
24 festation and in the South over 57,000,000 acres are  
25 at risk across all land ownerships. Severe drought

1 conditions in many areas of the South and West will  
2 increase risk of bark beetle infestations.

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

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

17 (5) Epidemic populations of Southern pine bee-  
18 tle are ravaging forests in Alabama, Arkansas, Flor-  
19 ida, Georgia, Kentucky, Mississippi, North Carolina,  
20 South Carolina, Tennessee, and Virginia. In 2001,  
21 Florida and Kentucky experienced 146 percent and  
22 111 percent increases, respectively, in beetle popu-  
23 lations.

24 (6) These epidemic outbreaks of Southern pine  
25 beetle have forced private landowners to harvest

1 dead and dying trees, in both rural areas and in-  
2 creasingly urbanized settings.

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

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

11 (9) Previous silvicultural assessments, while  
12 useful and informative, have been limited in scale  
13 and scope of application, and there has not been suf-  
14 ficient resources available to adequately test a full  
15 array of individual and combined applied silvicult-  
16 tural assessments.

17 (10) Only through the rigorous funding, devel-  
18 opment, and assessment of potential applied silvicult-  
19 tural assessments over specific time frames across  
20 an array of environmental and climatic conditions  
21 can the most innovative and cost effective manage-  
22 ment applications be determined that will help re-  
23 duce the susceptibility of forest ecosystems to attack  
24 by forest pests.

1           (11) Funding and implementation of an initia-  
 2           tive to combat forest pest infestations should not  
 3           come at the expense of supporting other programs  
 4           and initiatives of the Secretary concerned.

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

6           (1) to require the Secretary concerned to de-  
 7           velop an accelerated basic and applied assessment  
 8           program to combat infestations by bark beetles, in-  
 9           cluding Southern pine beetles, hemlock woolly  
 10          adelgids, emerald ash borers, red oak borers, and  
 11          white oak borers;

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

16          (3) to carry out applied silvicultural assess-  
 17          ments.

18 **SEC. 402. ACCELERATED INFORMATION GATHERING RE-**  
 19 **GARDING BARK BEETLES, INCLUDING**  
 20 **SOUTHERN PINE BEETLES, HEMLOCK WOOL-**  
 21 **LY ADELGIDS, EMERALD ASH BORERS, RED**  
 22 **OAK BORERS, AND WHITE OAK BORERS.**

23          (a) INFORMATION GATHERING.—The Secretary con-  
 24          cerned shall establish, acting through the Forest Service

1 and United States Geological Survey, as appropriate, an  
2 accelerated program—

3           (1) to plan, conduct, and promote comprehen-  
4           sive and systematic information gathering on bark  
5           beetles, including Southern pine beetles, hemlock  
6           woolly adelgids, emerald ash borers, red oak borers,  
7           and white oak borers, including an evaluation of—

8                   (A) infestation prevention and control  
9                   methods;

10                   (B) effects of infestations on forest eco-  
11                   systems;

12                   (C) restoration of the forest ecosystem ef-  
13                   forts;

14                   (D) utilization options regarding infested  
15                   trees; and

16                   (E) models to predict the occurrence, dis-  
17                   tribution, and impact of outbreaks of bark bee-  
18                   tles, including Southern pine beetles, hemlock  
19                   woolly adelgids, emerald ash borers, red oak  
20                   borers, and white oak borers;

21           (2) to assist land managers in the development  
22           of treatments and strategies to improve forest health  
23           and reduce the susceptibility of forest ecosystems to  
24           severe infestations of bark beetles, including South-  
25           ern pine beetles, hemlock woolly adelgids, emerald

1 ash borers, red oak borers, and white oak borers on  
2 Federal lands and State and private lands; and  
3 ~~(3)~~ to disseminate the results of such informa-  
4 tion gathering, treatments, and strategies.

5 (b) COOPERATION AND ASSISTANCE.—The Secretary  
6 concerned shall establish and carry out the program in co-  
7 operation with scientists from universities and forestry  
8 schools, State agencies, and private and industrial land  
9 owners. The Secretary concerned shall designate univer-  
10 sities and forestry schools, including Land Grant Colleges  
11 and Universities and 1890 Institutions, to assist in car-  
12 rying out the program.

13 **SEC. 403. APPLIED SILVICULTURAL ASSESSMENTS.**

14 (a) ASSESSMENT EFFORTS.—For information gath-  
15 ering purposes, the Secretary concerned may conduct ap-  
16 plied silvicultural assessments on Federal lands that the  
17 Secretary concerned determines, in the discretion of the  
18 Secretary concerned, is at risk of infestation by, or is in-  
19 fested with, bark beetles, including Southern pine beetles,  
20 hemlock woolly adelgids, emerald ash borers, red oak bor-  
21 ers, and white oak borers. Any applied silvicultural assess-  
22 ments carried out under this section shall be conducted  
23 on not more than 1,000 acres per assessment.

24 (b) LIMITATIONS.—

1           (1) EXCLUSION OF CERTAIN AREAS.—Sub-  
2 section (a) does not apply to—

3           (A) a component of the National Wilder-  
4 ness Preservation System;

5           (B) Federal lands where, by Act of Con-  
6 gress or Presidential proclamation, the removal  
7 of vegetation is restricted or prohibited; or

8           (C) congressionally designated wilderness  
9 study areas.

10          (2) CERTAIN TREATMENT PROHIBITED.—Sub-  
11 section (a) does not authorize the application of in-  
12 secticides in municipal watersheds and associated ri-  
13 parian areas.

14          (3) ACREAGE LIMITATION.—Applied silvicult-  
15 tural assessments may be implemented on not more  
16 than 250,000 acres using the authorities provided by  
17 this title.

18          (4) PEER REVIEW.—Each applied silvicultural  
19 assessment under this title, prior to being carried  
20 out, shall be peer reviewed by scientific experts se-  
21 lected by the Secretary concerned, which shall in-  
22 clude non-Federal experts. The Secretary concerned  
23 may use existing peer review processes to the extent  
24 they comply with the preceding sentence.

25          (e) PUBLIC NOTICE AND COMMENT.—



1           (1) PUBLIC NOTICE.—The Secretary concerned  
2 shall provide notice of each applied silvicultural as-  
3 sessment proposed to be carried out under this sec-  
4 tion in accordance with applicable regulations and  
5 administrative guidelines.

6           (2) PUBLIC COMMENT.—During the planning  
7 stage of each applied silvicultural assessment pro-  
8 posed to be carried out under this section, the Sec-  
9 retary concerned shall provide an opportunity for  
10 public input.

11          (d) CATEGORICAL EXCLUSION.—Applied silvicultural  
12 assessments carried out under this section are deemed to  
13 be categorically excluded from further analysis under the  
14 National Environmental Policy Act of 1969 (42 U.S.C.  
15 4321 et seq.). The Secretary concerned need not make any  
16 findings as to whether the project, either individually or  
17 cumulatively, has a significant effect on the environment.

18 **SEC. 404. RELATION TO OTHER LAWS.**

19          The authorities provided to the Secretary concerned  
20 by this title are supplemental to their respective authori-  
21 ties provided in any other law.

22 **SEC. 405. AUTHORIZATION OF APPROPRIATIONS.**

23          There is authorized to be appropriated for fiscal years  
24 2004 through 2008 such sums as may be necessary to  
25 carry out this title.

1       **TITLE V—HEALTHY FORESTS**  
2               **RESERVE PROGRAM**

3       **SEC. 501. ESTABLISHMENT OF HEALTHY FORESTS RE-**  
4               **SERVE PROGRAM.**

5           (a) **ESTABLISHMENT.**—The Secretary of Agriculture  
6 shall establish the healthy forests reserve program as a  
7 program within the Forest Service for the purpose of pro-  
8 tecting, restoring, and enhancing degraded forest eco-  
9 systems to promote the recovery of threatened and endan-  
10 gered species as well as improve biodiversity and enhance  
11 carbon sequestration.

12          (b) **COOPERATION.**—The Secretary of Agriculture  
13 shall carry out the healthy forests reserve program in co-  
14 operation with the Secretary of the Interior, acting  
15 through the United States Fish and Wildlife Service.

16       **SEC. 502. ELIGIBILITY AND ENROLLMENT OF LANDS IN**  
17               **PROGRAM.**

18          (a) **ELIGIBLE LANDS.**—The Secretary of Agriculture,  
19 in consultation with the Secretary of the Interior, shall  
20 designate rare forest ecosystems to be eligible for the  
21 healthy forests reserve program. The following lands are  
22 eligible for enrollment in the healthy forests reserve pro-  
23 gram:

24               (1) Private lands whose enrollment will protect,  
25               restore, enhance, or otherwise measurably increase

1 the likelihood of recovery of an endangered species  
2 or threatened species in the wild.

3 (2) Private lands whose enrollment will protect,  
4 restore, enhance, or otherwise measurably increase  
5 the likelihood of the recovery of an animal or plant  
6 species before the species reaches threatened or en-  
7 dangered status, such as candidate, State-listed spe-  
8 cies, rare, peripheral, and special concern species.

9 (b) OTHER CONSIDERATIONS.—In enrolling lands  
10 that satisfy the criteria in paragraph (1) or (2) of sub-  
11 section (a), the Secretary of Agriculture shall give addi-  
12 tional consideration to those lands whose enrollment will  
13 also improve biological diversity and increase carbon se-  
14 questration.

15 (c) ENROLLMENT BY WILLING OWNERS.—The Sec-  
16 retary of Agriculture shall enroll lands in the healthy for-  
17 ests reserve program only with the consent of the owner  
18 of the lands.

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

22 (e) METHODS OF ENROLLMENT.—Lands may be en-  
23 rolled in the healthy forests reserve program pursuant to  
24 a 10-year cost-share agreement, a 30-year easement, or  
25 a permanent easement with buyback option. The extent

1 to which each enrollment method is used shall be based  
2 on the approximate proportion of owner interest expressed  
3 in that method in comparison to the other methods.

4 (f) **ENROLLMENT PRIORITY.**—The Secretary of Agri-  
5 culture shall give priority to the enrollment of lands that,  
6 in the sole discretion of the Secretary, will provide the best  
7 opportunity to resolve conflicts between the presence of  
8 an animal or plant species referred to in paragraph (1)  
9 or (2) of subsection (a) and otherwise lawful land use ac-  
10 tivities.

11 **SEC. 503. CONSERVATION PLANS.**

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

18 (b) **INVOLVEMENT BY OTHER AGENCIES AND ORGA-**  
19 **NIZATIONS.**—A State fish and wildlife agency, State for-  
20 estry agency, State environmental quality agency, and  
21 other State conservation agencies and nonprofit conserva-  
22 tion organizations may assist in providing technical or fi-  
23 nancial assistance, or both, for the development and imple-  
24 mentation of conservation plans.

1       (c) ~~COST EFFECTIVENESS.~~—The conservation plan  
2 shall maximize the environmental benefits per dollar ex-  
3 pended.

4 **SEC. 504. FINANCIAL ASSISTANCE.**

5       (a) ~~PERMANENT EASEMENT WITH BUYBACK OP-~~  
6 ~~TION.~~—

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

12                   (A) the fair market value of the enrolled  
13 land less the fair market value of the land en-  
14 cumbered by the easement; plus

15                   (B) the actual costs of the approved con-  
16 servation practices or the average cost of ap-  
17 proved practices, as established by the Sec-  
18 retary.

19           (2) ~~BUYBACK OPTION.~~—Beginning on the 50th  
20 anniversary of the enrollment of the land, and every  
21 10th-year thereafter, the owner shall be able to pur-  
22 chase the easement back from the United States at  
23 a rate equal to the fair market value of the easement  
24 plus the costs, adjusted for inflation, of the approved  
25 conservation practices.

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

5           (1) ~~75~~ percent of the fair market value of the  
6 land less the fair market value of the land encum-  
7 bered by the easement; plus

8           (2) ~~75~~ percent of the actual costs of the ap-  
9 proved conservation practices or ~~75~~ percent of the  
10 average cost of approved practices, as established by  
11 the Secretary.

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

16           (1) ~~75~~ percent of the actual costs of the ap-  
17 proved conservation practices; or

18           (2) ~~75~~ percent of the average cost of approved  
19 practices, as established by the Secretary.

20       (d) ~~ACCEPTANCE OF CONTRIBUTIONS.~~—The Sec-  
21 retary of Agriculture may accept and use contributions of  
22 non-Federal funds to make payments under this section.

23 **SEC. 505. TECHNICAL ASSISTANCE.**

24       The Forest Service and the United States Fish and  
25 Wildlife Service shall provide landowners with technical

1 assistance to comply with the terms of agreements and  
2 easements under the healthy forests reserve program and  
3 conservation plans.

4 **SEC. 506. SAFE HARBOR.**

5 In implementing the healthy forests reserve program,  
6 the Secretary of the Interior shall provide safe harbor or  
7 similar assurances, through section 7 or other authorities  
8 under the Endangered Species Act of 1973 (16 U.S.C.  
9 1531 et seq.), consistent with the implementing regula-  
10 tions of the United States Fish and Wildlife Service, to  
11 landowners who enroll land in the healthy forests reserve  
12 program when such enrollment will result in a net con-  
13 servation benefit for listed species.

14 **SEC. 507. AUTHORIZATION OF APPROPRIATIONS.**

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

18 **TITLE VI—MISCELLANEOUS**  
19 **PROVISIONS**

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

23 (a) IN GENERAL.—The Secretary of Agriculture shall  
24 carry out a comprehensive program to inventory, monitor,  
25 characterize, assess, and identify forest stands (with em-

1 phasis on hardwood forest stands) and potential forest  
2 stands—

3           (1) in units of the National Forest System  
4           (other than those units created from the public do-  
5           main); and

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

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

10           (1) early detection, identification, and assess-  
11           ment of environmental threats (including insect, dis-  
12           ease, invasive species, fire, and weather-related risks  
13           and other episodic events);

14           (2) loss or degradation of forests;

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

17           (4) quantification of carbon uptake rates; and

18           (5) management practices that focus on pre-  
19           venting further forest degradation.

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



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

3           (2) prevent epidemics, such as the American  
4 chestnut blight in the first half of the twentieth cen-  
5 tury, that could be environmentally and economically  
6 devastating to forests.

7           (d) **AUTHORIZATION OF APPROPRIATIONS.**—There  
8 are authorized to be appropriated to carry out this section  
9 \$5,000,000 for each of the fiscal years 2004 through  
10 2008.

11 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

12           (a) *SHORT TITLE.*—*This Act may be cited as the*  
13 *“Healthy Forests Restoration Act of 2003”.*

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

*Sec. 1. Short title; table of contents.*

*Sec. 2. Purposes.*

*Sec. 3. Definitions.*

**TITLE I—HAZARDOUS FUELS REDUCTION ON FEDERAL LAND**

*Sec. 101. Definitions.*

*Sec. 102. Authorized hazardous fuels reduction projects.*

*Sec. 103. Prioritization for communities and watersheds.*

*Sec. 104. Environmental analysis.*

*Sec. 105. Special Forest Service administrative review process.*

*Sec. 106. Special requirements regarding judicial review of authorized hazardous  
fuels reduction projects.*

*Sec. 107. Standard for injunctive relief for agency action to restore fire-adapted  
forest or rangeland ecosystems.*

*Sec. 108. Effect of title.*

**TITLE II—BIOMASS**

*Sec. 201. Findings.*

*Sec. 202. Definitions.*

- Sec. 203. Grants to improve commercial value of forest biomass for electric energy, useful heat, transportation fuels, compost, value-added products, and petroleum-based product substitutes.*
- Sec. 204. Reporting requirement.*
- Sec. 205. Improved biomass use research program.*
- Sec. 206. Rural revitalization through forestry.*

*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—PUBLIC LAND CORPS*

- Sec. 601. Purposes.*
- Sec. 602. Definitions.*
- Sec. 603. Public Land Corps.*
- Sec. 604. Nondisplacement.*
- Sec. 605. Authorization of appropriations.*

*TITLE VII—RURAL COMMUNITY FORESTRY ENTERPRISE PROGRAM*

- Sec. 701. Purpose*
- Sec. 702. Definitions.*
- Sec. 703. Rural community forestry enterprise program.*

*TITLE VIII—MISCELLANEOUS PROVISIONS*

- Sec. 801. Forest inventory and management.*
- Sec. 802. Program for emergency treatment and reduction of nonnative invasive plants.*
- Sec. 803. USDA National Agroforestry Center.*
- Sec. 804. Upland Hardwoods Research Center.*
- Sec. 805. Sense of Congress regarding enhanced community fire protection.*

1 **SEC. 2. PURPOSES.**

2 *The purposes of this Act are—*

3 *(1) to reduce the risks of damage to communities,*  
4 *municipal water supplies, and certain at-risk Federal*  
5 *land from catastrophic wildfires;*

6 *(2) to authorize grant programs to improve the*  
7 *commercial value of forest biomass (that otherwise*  
8 *contributes to the risk of catastrophic fire or insect or*  
9 *disease infestation) for producing electric energy, use-*  
10 *ful heat, transportation fuels, and petroleum-based*  
11 *product substitutes, and for other commercial pur-*  
12 *poses;*

13 *(3) to enhance efforts to protect watersheds and*  
14 *address threats to forest and rangeland health, includ-*  
15 *ing catastrophic wildfire, across the landscape;*

16 *(4) to promote systematic gathering of informa-*  
17 *tion to address the impact of insect and disease infes-*  
18 *tations and other damaging agents on forest and*  
19 *rangeland health;*

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

23 *(6) to protect, restore, and enhance forest eco-*  
24 *system components—*

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

1                   (B) to improve biological diversity; and  
2                   (C) to enhance productivity and carbon se-  
3                   questration.

4 **SEC. 3. DEFINITIONS.**

5       *In this Act:*

6           (1) *FEDERAL LAND.*—*The term “Federal land”*  
7       *means—*

8                   (A) *land of the National Forest System (as*  
9                   *defined in section 11(a) of the Forest and Range-*  
10                   *land Renewable Resources Planning Act of 1974*  
11                   *(16 U.S.C 1609(a)) administered by the Sec-*  
12                   *retary of Agriculture, acting through the Chief of*  
13                   *the Forest Service; and*

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

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

1       **TITLE I—HAZARDOUS FUELS**  
2       **REDUCTION ON FEDERAL LAND**

3       **SEC. 101. DEFINITIONS.**

4       *In this title:*

5               (1) *AUTHORIZED HAZARDOUS FUELS REDUCTION*  
6       *PROJECT.—The term “authorized hazardous fuels re-*  
7       *duction project” means a hazardous fuels reduction*  
8       *project on Federal land described in section 102(a)*  
9       *conducted in accordance with sections 103 and 104.*

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

19                      (A) *fire regimes on the land have been mod-*  
20       *erately altered from historical ranges;*

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

23                      (C) *fire frequencies have increased or de-*  
24       *creased from historical frequencies by 1 or more*

1           *return intervals, resulting in moderate changes*  
2           *to—*

3                     *(i) the size, frequency, intensity, or se-*  
4                     *verity of fires; or*

5                     *(ii) landscape patterns; and*

6                     *(D) vegetation attributes have been mod-*  
7                     *erately altered from the historical range of the*  
8                     *attributes.*

9           (3) *CONDITION CLASS 3.—The term “condition*  
10           *class 3”, with respect to an area of Federal land,*  
11           *means the condition class description developed by the*  
12           *Rocky Mountain Research Station in the general tech-*  
13           *nical report referred to in paragraph (2) (including*  
14           *any subsequent revision to the report), under which—*

15                     *(A) fire regimes on land have been signifi-*  
16                     *cantly altered from historical ranges;*

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

19                     *(C) fire frequencies have departed from his-*  
20                     *torical frequencies by multiple return intervals,*  
21                     *resulting in dramatic changes to—*

22                     *(i) the size, frequency, intensity, or se-*  
23                     *verity of fires; or*

24                     *(ii) landscape patterns; and*

1           (D) *vegetation attributes have been signifi-*  
2           *cantly altered from the historical range of the at-*  
3           *tributes.*

4           (4) *DAY.*—*The term “day” means—*

5                   (A) *a calendar day; or*

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

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

14          (6) *HAZARDOUS FUELS.*—*The term “hazardous*  
15          *fuels” means vegetation (dead or alive) in the forest*  
16          *or rangeland ecosystem that—*

17                   (A) *is in excess of historic conditions or*  
18           *management goals; and*

19                   (B) *can cause wildfires.*

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

1           (8) *IMPLEMENTATION PLAN.*—*The term “Imple-*  
2           *mentation Plan” means the Implementation Plan for*  
3           *the 10-year Comprehensive Strategy for a Collabo-*  
4           *rative Approach for Reducing Wildland Fire Risks to*  
5           *Communities and the Environment, dated May 2002,*  
6           *which was developed pursuant to the Department of*  
7           *the Interior and Related Agencies Appropriations Act,*  
8           *2001 (Public Law 106–291) (including any subse-*  
9           *quent revision to the Plan).*

10           (9) *INTERFACE COMMUNITY.*—*The term “inter-*  
11           *face community” has the meaning given the term in*  
12           *the notice published at 66 Fed. Reg. 751 (January 4,*  
13           *2001) (including any subsequent revision to the no-*  
14           *tice).*

15           (10) *INTERMIX COMMUNITY.*—*The term*  
16           *“intermix community” has the meaning given the*  
17           *term in the notice published at 66 Fed. Reg. 751*  
18           *(January 4, 2001) (including any subsequent revision*  
19           *to the notice).*

20           (11) *MUNICIPAL WATER SUPPLY SYSTEM.*—*The*  
21           *term “municipal water supply system” means the*  
22           *source watersheds, reservoirs, canals, ditches, flumes,*  
23           *laterals, pipes, pipelines, and other surface facilities*  
24           *and systems constructed or installed for the collection,*



1       *impoundment, storage, transportation, or distribution*  
2       *of drinking water for a community.*

3               (12) *RESOURCE MANAGEMENT PLAN.*—*The term*  
4       *“resource management plan” means—*

5               (A) *a land and resource management plan*  
6               *prepared for 1 or more units of land of the Na-*  
7               *tional Forest System described in section 3(1)(A)*  
8               *under section 6 of the Forest and Rangeland Re-*  
9               *newable Resources Planning Act of 1974 (16*  
10              *U.S.C. 1604); or*

11              (B) *a land use plan prepared for 1 or more*  
12              *units of the public land described in section*  
13              *3(1)(B) under section 202 of the Federal Land*  
14              *Policy and Management Act of 1976 (43 U.S.C.*  
15              *1712).*

16              (13) *SECRETARY.*—*The term “Secretary”*  
17       *means—*

18              (A) *the Secretary of Agriculture, with re-*  
19              *spect to land of the National Forest System de-*  
20              *scribed in section 3(1)(A); and*

21              (B) *the Secretary of the Interior, with re-*  
22              *spect to public lands described in section*  
23              *3(1)(B).*

1           (14) *THREATENED AND ENDANGERED SPECIES*  
2           *HABITAT.*—*The term “threatened and endangered spe-*  
3           *cies habitat” means Federal land identified in—*

4                   (A) *a determination that a species is an en-*  
5                   *dangered species or a threatened species under*  
6                   *the Endangered Species Act of 1973 (16 U.S.C.*  
7                   *1531 et seq.);*

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

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

12 **SEC. 102. AUTHORIZED HAZARDOUS FUELS REDUCTION**  
13                   **PROJECTS.**

14           (a) *AUTHORIZED PROJECTS.*—

15                   (1) *IN GENERAL.*—*The Secretary may conduct*  
16                   *hazardous fuels reduction projects on—*

17                           (A) *Federal land located in an interface*  
18                           *community or intermix community;*

19                           (B) *Federal land located in such proximity*  
20                           *to an interface community or intermix commu-*  
21                           *nity that there is a significant risk that the*  
22                           *spread of a fire disturbance event from that land*  
23                           *would threaten human life or property in prox-*  
24                           *imity to or within the interface community or*  
25                           *intermix community;*

1           (C) condition class 3 or condition class 2  
2           Federal land located in such proximity to a mu-  
3           nicipal watershed, water supply system or a  
4           stream feeding a municipal water supply system  
5           that a significant risk exists that a fire disturb-  
6           ance event would have adverse effects on the  
7           water quality of the municipal water supply or  
8           the maintenance of the system, including the risk  
9           to water quality posed by erosion following such  
10          a fire disturbance event;

11          (D) condition class 3 or condition class 2  
12          Federal land on which windthrow or blowdown,  
13          ice storm damage, or the existence or threat of  
14          disease or insect infestation, poses a significant  
15          threat to an ecosystem component, or forest or  
16          rangeland resource, on the Federal land or adja-  
17          cent private land;

18          (E) Federal land not covered by subpara-  
19          graph (A), (B), (C), or (D) that contains threat-  
20          ened and endangered species habitat, if—

21               (i) natural fire regimes on that land  
22               are identified as being important for, or  
23               wildfire is identified as a threat to, an en-  
24               dangered species, a threatened species, or  
25               habitat of an endangered species or threat-

1            *ened species in a species recovery plan pre-*  
2            *pared under section 4 of the Endangered*  
3            *Species Act of 1973 (16 U.S.C. 1533), or a*  
4            *notice published in the Federal Register de-*  
5            *termining a species to be an endangered*  
6            *species or a threatened species or desig-*  
7            *nating critical habitat;*

8            *(ii) the project will provide enhanced*  
9            *protection from catastrophic wildfire for the*  
10           *endangered species, threatened species, or*  
11           *habitat of the endangered species or threat-*  
12           *ened species; and*

13           *(iii) the Secretary complies with any*  
14           *applicable guidelines specified in any recov-*  
15           *ery plan described in clause (i).*

16           (2) *CLASSIFICATION.—The Secretary shall clas-*  
17           *sify appropriate land described in paragraph (1)(D)*  
18           *impacted by windthrow or blowdown, ice storm dam-*  
19           *age, or the existence or threat of disease or insect in-*  
20           *festation as condition class 3 or condition class 2*  
21           *Federal land.*

22           (b) *RELATION TO AGENCY PLANS.—An authorized*  
23           *hazardous fuels reduction project shall be conducted in a*  
24           *manner consistent with the resource management plan ap-*  
25           *plicable to the Federal land covered by the project.*

1       (c) *ACREAGE LIMITATION.*—Not more than a total of  
2 20,000,000 acres of Federal land may be included in au-  
3 thorized hazardous fuels reduction projects.

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

7           (1) a component of the National Wilderness Pres-  
8 ervation System;

9           (2) Federal land on which, by Act of Congress or  
10 Presidential proclamation, the removal of vegetation  
11 is prohibited or restricted; or

12           (3) a Wilderness Study Area.

13 **SEC. 103. PRIORITIZATION FOR COMMUNITIES AND WATER-**  
14 **SHEDS.**

15       As provided for in the Implementation Plan, the Sec-  
16 retary shall give priority to authorized hazardous fuel re-  
17 duction projects that provide for the protection of commu-  
18 nities and watersheds.

19 **SEC. 104. ENVIRONMENTAL ANALYSIS.**

20       (a) *HAZARDOUS FUELS REDUCTION PROJECTS.*—

21           (1) *IN GENERAL.*—Except as otherwise provided  
22 in this title, the Secretary shall conduct authorized  
23 hazardous fuels reduction projects in accordance  
24 with—

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

3                   (B) *other applicable laws.*

4                   (2) *ENVIRONMENTAL ASSESSMENT OR IMPACT*  
5                   *STATEMENT.—The Secretary shall prepare an envi-*  
6                   *ronmental assessment or an environmental impact*  
7                   *statement (pursuant to section 102(2) of the National*  
8                   *Environmental Policy Act of 1969 (42 U.S.C.*  
9                   *4332(2))) for each authorized hazardous fuels reduc-*  
10                  *tion project.*

11                  (b) *ALTERNATIVES.—The Secretary is not required to*  
12                  *study, develop, or describe any alternative to the proposed*  
13                  *agency action in the environmental assessment or environ-*  
14                  *mental impact statement prepared in accordance with sub-*  
15                  *section (a)(2).*

16                  (c) *PUBLIC NOTICE AND MEETING.—*

17                         (1) *PUBLIC NOTICE.—The Secretary shall pro-*  
18                         *vide notice of each authorized hazardous fuels reduc-*  
19                         *tion project in accordance with applicable regulations*  
20                         *and administrative guidelines.*

21                         (2) *PUBLIC MEETING.—During the preparation*  
22                         *stage of each authorized hazardous fuels reduction*  
23                         *project, the Secretary shall—*

24                                 (A) *conduct a public meeting at an appro-*  
25                                 *priate location proximate to the administrative*

1            *unit of the Federal land on which the authorized*  
2            *hazardous fuels reduction project will be con-*  
3            *ducted; and*

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

6            *(d) PUBLIC COLLABORATION.—In order to encourage*  
7            *meaningful public participation during preparation of au-*  
8            *thorized hazardous fuels reduction projects, the Secretary*  
9            *shall facilitate collaboration among State and local govern-*  
10           *ments and Indian tribes, and participation of interested*  
11           *persons, during the preparation of each authorized fuels re-*  
12           *duction project in a manner consistent with the Implemen-*  
13           *tation Plan.*

14           *(e) ENVIRONMENTAL ANALYSIS AND PUBLIC COM-*  
15           *MENT.—In accordance with section 102(2) of the National*  
16           *Environmental Policy Act of 1969 (42 U.S.C. 4332(2)) and*  
17           *the applicable regulations and administrative guidelines,*  
18           *the Secretary shall provide an opportunity for public input*  
19           *during the preparation of any environmental assessment or*  
20           *environmental impact statement for an authorized haz-*  
21           *ardous fuels reduction project.*

22           *(f) DECISION DOCUMENT.—The Secretary shall sign a*  
23           *decision document for authorized hazardous fuels reduction*  
24           *projects and provide notice of the final agency actions.*

1           (g) *PROJECT MONITORING.*—*In accordance with the*  
2 *Implementation Plan, the Secretary shall monitor the im-*  
3 *plementation of authorized hazardous fuels reduction*  
4 *projects.*

5 **SEC. 105. SPECIAL FOREST SERVICE ADMINISTRATIVE RE-**  
6 **VIEW PROCESS.**

7           (a) *DEVELOPMENT OF ADMINISTRATIVE REVIEW*  
8 *PROCESS.*—*Not later than 90 days after the date of the en-*  
9 *actment of this Act, the Secretary of Agriculture shall pro-*  
10 *mulgate final regulations to establish an administrative re-*  
11 *view process that will serve as the sole means by which a*  
12 *person described in subsection (b) can seek administrative*  
13 *review regarding a proposed hazardous fuels reduction*  
14 *project.*

15           (b) *ELIGIBLE PERSONS.*—

16               (1) *IN GENERAL.*—*To be eligible to participate*  
17 *in the administrative review process established under*  
18 *subsection (a), a person shall submit specific and sub-*  
19 *stantive written comments during the notice and com-*  
20 *ment stage of the authorized hazardous fuels reduction*  
21 *project.*

22               (2) *NOTICE AND COMMENT.*—*The Secretary of*  
23 *Agriculture shall ensure that, during the preparation*  
24 *stage of each authorized hazardous fuels reduction*  
25 *project, notice and comment is provided in a manner*



1       *sufficient to permit interested persons a reasonable*  
2       *opportunity to comply with this subsection.*

3       (c) *RELATION TO APPEALS REFORM ACT.*—Section  
4       322 of the Department of the Interior and Related Agencies  
5       Appropriations Act, 1993 (Public Law 102–381; 16 U.S.C.  
6       1612 note), does not apply to an authorized hazardous fuels  
7       reduction project.

8       **SEC. 106. SPECIAL REQUIREMENTS REGARDING JUDICIAL**  
9                               **REVIEW OF AUTHORIZED HAZARDOUS FUELS**  
10                              **REDUCTION PROJECTS.**

11       (a) *FILING DEADLINE.*—

12               (1) *TIME LIMIT ESTABLISHED FOR FILING.*—

13                       (A) *IN GENERAL.*—Notwithstanding any  
14                       other provision of law, to be timely, an action in  
15                       a court of the United States challenging an au-  
16                       thorized hazardous fuels reduction project shall  
17                       be filed in the court before the end of the 15-day  
18                       period beginning on the date on which the Sec-  
19                       retary provides notice of the final agency action  
20                       regarding the authorized hazardous fuels reduc-  
21                       tion project.

22                       (B) *APPLICABILITY.*—The time limitation  
23                       under subparagraph (A) supersedes any require-  
24                       ment regarding notice of intent to file a lawsuit,  
25                       or filing deadline, otherwise applicable to an ac-

1            *tion challenging an authorized hazardous fuels*  
2            *reduction project under any provision of law.*

3            (2) *WAIVER PROHIBITED.*—*The Secretary may*  
4            *not agree to, and a court of the United States may*  
5            *not grant, a waiver of the requirements of this sub-*  
6            *section.*

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

8            (1) *DURATION; EXTENSION.*—

9            (A) *DURATION.*—*Any preliminary injunc-*  
10           *tion, or injunction pending appeal, granted by a*  
11           *court of the United States regarding an author-*  
12           *ized hazardous fuels reduction project shall be*  
13           *limited to 45 days.*

14           (B) *EXTENSION.*—*A court may renew the*  
15           *preliminary injunction or injunction pending*  
16           *appeal, taking into consideration the goal ex-*  
17           *pressed in subsection (c) for the expeditious reso-*  
18           *lution of cases regarding authorized hazardous*  
19           *fuels reduction projects.*

20           (2) *SUBMISSION OF INFORMATION.*—*As part of a*  
21           *request to renew a preliminary injunction, or injunc-*  
22           *tion pending appeal, granted regarding an authorized*  
23           *hazardous fuels reduction project, the parties involved*  
24           *shall present to the court a description of any changes*  
25           *that may have occurred during the period of the in-*

1        *junction to the forest or rangeland conditions that the*  
2        *authorized hazardous fuels reduction project is in-*  
3        *tended to address.*

4            (3) *CONGRESSIONAL NOTIFICATION.—In the*  
5        *event of the renewal of a preliminary injunction, or*  
6        *injunction pending appeal, regarding an authorized*  
7        *hazardous fuels reduction project, the Secretary shall*  
8        *submit notice of the renewal to—*

9            (A) *the Committee on Resources and the*  
10        *Committee on Agriculture of the House of Rep-*  
11        *resentatives; and*

12            (B) *the Committee on Energy and Natural*  
13        *Resources and the Committee on Agriculture,*  
14        *Nutrition, and Forestry of the Senate.*

15        (c) *EXPEDITIOUS COMPLETION OF JUDICIAL RE-*  
16 *VIEW.—Congress intends and encourages any court in*  
17 *which is filed an action challenging an authorized haz-*  
18 *ardous fuels reduction project to expedite, to the maximum*  
19 *extent practicable, the proceedings in the lawsuit or appeal*  
20 *with the goal of rendering, not later than 100 days after*  
21 *the date on which the complaint or appeal is filed—*

22            (1) *a final determination on jurisdiction; and*

23            (2) *if jurisdiction exists, a final determination*  
24        *on the merits.*

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

4 *If a civil action brought against the Secretary under*  
5 *section 703 of title 5, United States Code, involves an agen-*  
6 *cy action on Federal land on which the Secretary found*  
7 *that the agency action is necessary to restore a fire-adapted*  
8 *forest or rangeland ecosystem (including an authorized haz-*  
9 *ardous fuels reduction project), the court reviewing the*  
10 *agency action, in considering a request for a prohibitory*  
11 *or mandatory injunction against the agency action, shall—*

12 *(1) balance the impact to the ecosystem likely af-*  
13 *ected by the project of the short- and long-term effects*  
14 *of undertaking the agency action against the short-*  
15 *and long-term effects of not undertaking the agency*  
16 *action; and*

17 *(2) give weight to a finding by the Secretary in*  
18 *the administrative record of the agency action con-*  
19 *cerning the short- and long-term effects of under-*  
20 *taking the agency action and of not undertaking the*  
21 *agency action, unless the court finds that the finding*  
22 *was arbitrary and capricious.*

23 **SEC. 108. EFFECT OF TITLE.**

24 *(a) RELATION TO OTHER AUTHORITY.—Nothing in*  
25 *this title affects, or otherwise biases, the use by the Secretary*  
26 *of other statutory or administrative authority to conduct*

1 *a hazardous fuels reduction project on Federal land (includ-*  
2 *ing Federal land identified in section 102(d)) that is not*  
3 *conducted using the process authorized by section 104.*

4 (b) *RELATION TO LEGAL ACTION.*—*Nothing in this*  
5 *title prejudices or otherwise affects the consideration or dis-*  
6 *position of any legal action concerning the Roadless Area*  
7 *Conservation Rule contained in part 294 of title 36, Code*  
8 *of Federal Regulations, and amended in the final rule and*  
9 *record of decision published in the Federal Register on Jan-*  
10 *uary 12, 2001 (66 Fed. Reg. 3244).*

## 11 **TITLE II—BIOMASS**

### 12 **SEC. 201. FINDINGS.**

13 *Congress finds that—*

14 (1)(A) *thousands of communities in the United*  
15 *States, many located near Federal land, are at risk*  
16 *of wildfire;*

17 (B) *more than 100,000,000 acres of land man-*  
18 *aged by the Secretary of Agriculture and the Sec-*  
19 *retary of the Interior are at risk of catastrophic fire*  
20 *in the near future; and*

21 (C) *the accumulation of heavy forest and range-*  
22 *land fuel loads continues to increase as a result of fire*  
23 *exclusion, disease, insect infestations, and drought,*  
24 *further raising the risk of fire each year;*

1           (2)(A) *more than 70,000,000 acres across all*  
2 *land ownerships are at risk of higher than normal*  
3 *mortality during the 15-year period beginning on the*  
4 *date of enactment of this Act because of insect infesta-*  
5 *tion and disease; and*

6           (B) *high levels of tree mortality from insects and*  
7 *disease result in—*

8                   (i) *increased fire risk;*

9                   (ii) *loss of older trees and old growth;*

10                  (iii) *degraded watershed conditions;*

11                  (iv) *changes in species diversity and pro-*  
12 *ductivity;*

13                  (v) *diminished fish and wildlife habitat;*

14                  (vi) *decreased timber values; and*

15                  (vii) *increased threats to homes, businesses,*  
16 *and community watersheds;*

17           (3)(A) *preventive treatments (such as reducing*  
18 *fuel loads, crown density, ladder fuels, and hazard*  
19 *trees), planting proper species mix, restoring and pro-*  
20 *tecting early successional habitat, and completing*  
21 *other specific restoration treatments designed to re-*  
22 *duce the susceptibility of forest and rangeland to in-*  
23 *sect outbreaks, disease, and catastrophic fire present*  
24 *the greatest opportunity for long-term forest and*  
25 *rangeland health, maintenance, and enhancement by*

1       *creating a mosaic of species-mix and age distribution;*  
2       *and*

3               *(B) those vegetation management treatments are*  
4       *widely acknowledged to be more successful and cost-*  
5       *effective than suppression treatments in the case of*  
6       *insects, disease, and fire;*

7               *(4)(A) the byproducts of vegetative management*  
8       *treatment (such as trees, brush, thinnings, chips,*  
9       *slash, and other hazardous fuels) removed from forest*  
10       *and rangeland represent an abundant supply of—*

11               *(i) biomass for biomass-to-energy facilities;*

12               *and*

13               *(ii) raw material for business; and*

14               *(B) there are currently few markets for the ex-*  
15       *traordinary volumes of by-products being generated*  
16       *as a result of the necessary large-scale preventive*  
17       *treatment activities; and*

18               *(5) the United States should—*

19               *(A) promote economic and entrepreneurial*  
20       *opportunities in using by-products removed*  
21       *through vegetation treatment activities relating*  
22       *to hazardous fuels reduction, disease, and insect*  
23       *infestation;*

24               *(B) develop and expand markets for tradi-*  
25       *tionally underused wood and biomass as an out-*

1           *let for by-products of preventive treatment activi-*  
2           *ties; and*

3                   *(C) promote research and development to*  
4           *provide, for the by-products, economically and*  
5           *environmentally sound—*

6                           *(i) management systems;*

7                           *(ii) harvest and transport systems; and*

8                           *(iii) utilization options.*

9 **SEC. 202. DEFINITIONS.**

10       *In this title:*

11                   *(1) BIOMASS.—The term “biomass” means trees*  
12           *and woody plants (including limbs, tops, needles,*  
13           *other woody parts, and wood waste) and byproducts*  
14           *of preventive treatment (such as wood, brush,*  
15           *thinnings, chips, and slash) that are removed—*

16                           *(A) to reduce hazardous fuels;*

17                           *(B) to reduce the risk of or to contain dis-*  
18           *ease or insect infestation; or*

19                           *(C) to improve forest health and wildlife*  
20           *habitat conditions.*

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

22                           *(A) an individual;*

23                           *(B) a community (as determined by the*  
24           *Secretary);*

25                           *(C) an Indian tribe;*



1           (D) a small business, microbusiness, or a  
2 corporation that is incorporated in the United  
3 States; and

4           (E) a nonprofit organization.

5           (3) *PREFERRED COMMUNITY*.—The term “pre-  
6 ferred community” means—

7           (A) any town, township, municipality, In-  
8 dian tribe, or other similar unit of local govern-  
9 ment (as determined by the Secretary) that—

10           (i) has a population of not more than  
11 50,000 individuals; and

12           (ii) the Secretary, in the sole discretion  
13 of the Secretary, determines contains or is  
14 located near, or with a water supply system  
15 that contains or is located near, land that—

16           (I) is at significant risk of cata-  
17 strophic wildfire, disease, or insect in-  
18 festation; or

19           (II) suffers from disease or insect  
20 infestation; or

21           (B) any area or unincorporated area rep-  
22 resented by a nonprofit organization approved  
23 by the Secretary, that—

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

1                   (ii) the Secretary, in the sole discretion  
 2                   of the Secretary, determines contains or is  
 3                   located near, or with a water supply system  
 4                   that contains or is located near, land—

5                               (I) the condition of which is at  
 6                               significant risk of catastrophic wild-  
 7                               fire, disease, or insect infestation; or

8                               (II) that suffers from disease or  
 9                               insect infestation.

10                   (4) SECRETARY.—The term “Secretary”  
 11                   means—

12                               (A) the Secretary of Agriculture, with re-  
 13                               spect to National Forest System land; and

14                               (B) the Secretary of the Interior, with re-  
 15                               spect to Federal land under the jurisdiction of  
 16                               the Secretary of the Interior (including land held  
 17                               in trust for the benefit of an Indian tribe).

18 **SEC. 203. GRANTS TO IMPROVE COMMERCIAL VALUE OF**  
 19                               **FOREST BIOMASS FOR ELECTRIC ENERGY,**  
 20                               **USEFUL HEAT, TRANSPORTATION FUELS,**  
 21                               **COMPOST, VALUE-ADDED PRODUCTS, AND PE-**  
 22                               **TROLEUM-BASED PRODUCT SUBSTITUTES.**

23                   (a) BIOMASS COMMERCIAL UTILIZATION GRANT PRO-  
 24                   GRAM.—

1           (1) *IN GENERAL.*—*The Secretary may make*  
2           *grants to any person that owns or operates a facility*  
3           *that uses biomass as a raw material to produce elec-*  
4           *tric energy, sensible heat, transportation fuels, sub-*  
5           *stitutes for petroleum-based products, wood-based*  
6           *products, pulp, or other commercial products to offset*  
7           *the costs incurred to purchase biomass for use by the*  
8           *facility.*

9           (2) *GRANT AMOUNTS.*—*A grant under this sub-*  
10          *section may not exceed \$20 per green ton of biomass*  
11          *delivered.*

12          (3) *MONITORING OF GRANT RECIPIENT ACTIVI-*  
13          *TIES.*—

14                (A) *IN GENERAL.*—*As a condition of a*  
15                *grant under this subsection, the grant recipient*  
16                *shall keep such records as the Secretary may re-*  
17                *quire to fully and correctly disclose the use of the*  
18                *grant funds and all transactions involved in the*  
19                *purchase of biomass.*

20                (B) *ACCESS.*—*On notice by a representative*  
21                *of the Secretary, the grant recipient shall afford*  
22                *the representative—*

23                        (i) *reasonable access to the facility that*  
24                        *purchases or uses biomass; and*

1                   (ii) an opportunity to examine the in-  
2                   ventory and records of the facility.

3           (b) *VALUE-ADDED GRANT PROGRAM.*—

4                   (1) *IN GENERAL.*—*The Secretary*—

5                           (A) may make grants to persons to offset the  
6                           cost of projects to add value to biomass; and

7                           (B) in making a grant under subparagraph  
8                           (A), shall give preference to persons in preferred  
9                           communities.

10                   (2) *SELECTION.*—*The Secretary shall select a*  
11                   *grant recipient under paragraph (1)(A) after giving*  
12                   *consideration to—*

13                           (A) the anticipated public benefits of the  
14                           project;

15                           (B) opportunities for the creation or expan-  
16                           sion of small businesses and microbusinesses re-  
17                           sulting from the project; and

18                           (C) the potential for new job creation as a  
19                           result of the project.

20                   (3) *GRANT AMOUNT.*—*A grant under this sub-*  
21                   *section shall not exceed \$100,000.*

22           (c) *RELATION TO OTHER ENDANGERED SPECIES AND*  
23           *RIPARIAN PROTECTIONS.*—

1           (1) *IN GENERAL.*—*The Secretary shall comply*  
2           *with applicable endangered species and riparian pro-*  
3           *tections in making grants under this section.*

4           (2) *PROJECTS.*—*Projects funded using grant*  
5           *proceeds shall be required to comply with the protec-*  
6           *tions.*

7           (d) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*  
8           *authorized to be appropriated to carry out this section*  
9           *\$25,000,000 for each of fiscal years 2004 through 2008.*

10 **SEC. 204. REPORTING REQUIREMENT.**

11           (a) *REPORT REQUIRED.*—*Not later than October 1,*  
12           *2008, the Secretary of Agriculture, in consultation with the*  
13           *Secretary of the Interior, shall submit to the Committee on*  
14           *Resources and the Committee on Agriculture of the House*  
15           *of Representatives and the Committee on Energy and Nat-*  
16           *ural Resources and the Committee on Agriculture, Nutri-*  
17           *tion, and Forestry of the Senate a report describing the re-*  
18           *sults of the grant programs authorized by section 203.*

19           (b) *CONTENTS OF REPORT.*—*The report shall in-*  
20           *clude—*

21                   (1) *an identification of the source, size, type, and*  
22                   *the end-use of biomass by persons that receive grants*  
23                   *under section 203;*

1           (2) *the haul costs incurred and the distance be-*  
2           *tween the land from which the biomass was removed*  
3           *and the facilities that used the biomass;*

4           (3) *the economic impacts, particularly new job*  
5           *creation, resulting from the grants to and operation*  
6           *of the eligible operations; and*

7           (4) *the environmental effects of the activities de-*  
8           *scribed in this section.*

9   **SEC. 205. IMPROVED BIOMASS USE RESEARCH PROGRAM.**

10       (a) *USES OF GRANTS, CONTRACTS, AND ASSIST-*  
11       *ANCE.—Section 307(d) of the Biomass Research and Devel-*  
12       *opment Act of 2000 (7 U.S.C. 7624 note; Public Law 106–*  
13       *224) is amended—*

14           (1) *in paragraph (3), by striking “or” at the*  
15           *end;*

16           (2) *in paragraph (4), by striking the period at*  
17           *the end and inserting “; or”;* and

18           (3) *by adding at the end the following:*

19           “(5) *research to integrate silviculture, harvesting,*  
20           *product development, processing information, and*  
21           *economic evaluation to provide the science, tech-*  
22           *nology, and tools to forest managers and community*  
23           *developers for use in evaluating forest treatment and*  
24           *production alternatives, including—*

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

4           “(i) the cost to deliver varying quan-  
5 tities of wood to a particular location; and

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

9           “(B) to conduct research focused on devel-  
10 oping appropriate thinning systems and equip-  
11 ment designs that are—

12           “(i) capable of being used on land  
13 without significant adverse effects on the  
14 land;

15           “(ii) capable of handling large and  
16 varied landscapes;

17           “(iii) adaptable to handling a wide va-  
18 riety of tree sizes;

19           “(iv) inexpensive; and

20           “(v) adaptable to various terrains; and

21           “(C) to develop, test, and employ in the  
22 training of forestry managers and community  
23 developers curricula materials and training pro-  
24 grams on matters described in subparagraphs  
25 (A) and (B).”.

1       (b) *FUNDING.*—Section 310(b) of the Biomass Research  
2 and Development Act of 2000 (7 U.S.C. 7624 note; Public  
3 Law 106–224) is amended—

4           (1) by striking “\$49,000,000” and inserting  
5       “\$54,000,000”; and

6           (2) by inserting before the period at the end the  
7 following: “, of which not less than \$5,000,000 shall  
8 be used for each fiscal year to carry out section  
9 307(d)(5)”.

10 **SEC. 206. RURAL REVITALIZATION THROUGH FORESTRY.**

11       Section 2371 of the Food, Agriculture, Conservation,  
12 and Trade Act of 1990 (7 U.S.C. 6601) is amended by add-  
13 ing at the end the following:

14       “(d) *RURAL REVITALIZATION TECHNOLOGIES.*—

15           “(1) *IN GENERAL.*—The Secretary of Agriculture,  
16 acting through the Chief of the Forest Service, in con-  
17 sultation with the State and Private Forestry Tech-  
18 nology Marketing Unit at the Forest Products Lab-  
19 oratory, and in collaboration with eligible institu-  
20 tions, may carry out a program—

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

23           “(B) to create community-based enterprises  
24 through marketing activities and demonstration  
25 projects; and



1           “(C) to establish small-scale business enter-  
2           prises to make use of biomass and small-diame-  
3           ter materials.

4           “(2) AUTHORIZATION OF APPROPRIATIONS.—  
5           There is authorized to be appropriated to carry out  
6           this subsection \$5,000,000 for each of fiscal years  
7           2004 through 2008.”.

8                           **TITLE III—WATERSHED**  
9                           **FORESTRY ASSISTANCE**

10 **SEC. 301. FINDINGS AND PURPOSES.**

11           (a) FINDINGS.—Congress finds that—

12                   (1) there has been a dramatic shift in public at-  
13                   titudes and perceptions about forest management,  
14                   particularly in the understanding and practice of  
15                   sustainable forest management;

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

19                   (3) forests can provide essential ecological serv-  
20                   ices in filtering pollutants, buffering important rivers  
21                   and estuaries, and minimizing flooding, which makes  
22                   forest restoration worthy of special focus; and

23                   (4) strengthened education, technical assistance,  
24                   and financial assistance for nonindustrial private  
25                   forest landowners and communities, relating to the

1        *protection of watershed health, is needed to realize the*  
2        *expectations of the general public.*

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

4            *(1) to improve landowner and public under-*  
5            *standing of the connection between forest management*  
6            *and watershed health;*

7            *(2) to encourage landowners to maintain tree*  
8            *cover on property and to use tree plantings and vege-*  
9            *tative treatments as creative solutions to watershed*  
10           *problems associated with varying land uses;*

11           *(3) to enhance and complement forest manage-*  
12           *ment and buffer use for watersheds, with an emphasis*  
13           *on community watersheds;*

14           *(4) to establish new partnerships and collabo-*  
15           *rative watershed approaches to forest management,*  
16           *stewardship, and conservation;*

17           *(5) to provide technical and financial assistance*  
18           *to States to deliver a coordinated program that en-*  
19           *hances State forestry best-management practices pro-*  
20           *grams, and conserves and improves forested land and*  
21           *potentially forested land, through technical, financial,*  
22           *and educational assistance to qualifying individuals*  
23           *and entities; and*

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

4 **SEC. 302. WATERSHED FORESTRY ASSISTANCE PROGRAM.**

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

8 **“SEC. 6. WATERSHED FORESTRY ASSISTANCE PROGRAM.**

9           “(a) *DEFINITION OF NONINDUSTRIAL PRIVATE FOR-*  
10 *EST LAND.—In this section, the term ‘nonindustrial private*  
11 *forest land’ means rural land, as determined by the Sec-*  
12 *retary, that—*

13                   “(1) *has existing tree cover or that is suitable for*  
14 *growing trees; and*

15                   “(2) *is owned by any nonindustrial private indi-*  
16 *vidual, group, association, corporation, or other pri-*  
17 *ivate legal entity, that has definitive decisionmaking*  
18 *authority over the land.*

19           “(b) *GENERAL AUTHORITY AND PURPOSE.—The Sec-*  
20 *retary, acting through the Chief of the Forest Service, may*  
21 *provide technical, financial, and related assistance to State*  
22 *foresters, equivalent State officials, and officials of the Co-*  
23 *operative State Research, Education, and Extension Service*  
24 *for the purpose of expanding State forest stewardship ca-*  
25 *pacities and activities through State forestry best-manage-*

1 *ment practices and other means at the State level to address*  
2 *watershed issues on non-Federal forested land and poten-*  
3 *tially forested land.*

4       “(c) *TECHNICAL ASSISTANCE TO PROTECT WATER*  
5 *QUALITY.*—

6               “(1) *IN GENERAL.*—*The Secretary, in coopera-*  
7 *tion with State foresters, officials of the Cooperative*  
8 *State Research, Education, and Extension Service, or*  
9 *equivalent State officials, shall engage interested*  
10 *members of the public, including nonprofit organiza-*  
11 *tions and local watershed councils, to develop a pro-*  
12 *gram of technical assistance to protect water quality*  
13 *described in paragraph (2).*

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

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

19                       “(B) *to provide State forestry best-manage-*  
20 *ment practices and water quality technical as-*  
21 *sistance directly to owners of nonindustrial pri-*  
22 *vate forest land;*

23                       “(C) *to provide technical guidance to land*  
24 *managers and policymakers for water quality*  
25 *protection through forest management;*

1           “(D) to complement State and local efforts  
2           to protect water quality and provide enhanced  
3           opportunities for consultation and cooperation  
4           among Federal and State agencies charged with  
5           responsibility for water and watershed manage-  
6           ment; and

7           “(E) to provide enhanced forest resource  
8           data and support for improved implementation  
9           and monitoring of State forestry best-manage-  
10          ment practices.

11          “(3) IMPLEMENTATION.—The program of tech-  
12          nical assistance shall be implemented by State for-  
13          esters or equivalent State officials.

14          “(d) WATERSHED FORESTRY COST-SHARE PRO-  
15          GRAM.—

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

18                         “(A) which shall be—

19                                 “(i) administered by the Forest Serv-  
20                                 ice; and

21                                 “(ii) implemented by State foresters or  
22                                 equivalent State officials; and

23                         “(B) under which funds or other support  
24                         provided shall be made available for State for-

1            *estry best-management practices programs and*  
2            *watershed forestry projects.*

3            “(2) *WATERSHED FORESTRY PROJECTS.*—*The*  
4            *State forester, State Research, Education and Exten-*  
5            *sion official, or equivalent State official of a State, in*  
6            *coordination with the State Forest Stewardship Co-*  
7            *ordinating Committee established under section 19(b)*  
8            *(or an equivalent committee) for that State, shall*  
9            *make awards to communities, nonprofit groups, and*  
10           *owners of nonindustrial private forest land under the*  
11           *program for watershed forestry projects described in*  
12           *paragraph (3).*

13           “(3) *PROJECT ELEMENTS AND OBJECTIVES.*—*A*  
14           *watershed forestry project shall accomplish critical*  
15           *forest stewardship, watershed protection, and restora-*  
16           *tion needs within a State by demonstrating the value*  
17           *of trees and forests to watershed health and condition*  
18           *through—*

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

21                    “(B) *community-based planning, involve-*  
22                    *ment, and action through State, local and non-*  
23                    *profit partnerships;*

1           “(C) application of and dissemination of  
2           monitoring information on forestry best-manage-  
3           ment practices relating to watershed forestry;

4           “(D) watershed-scale forest management ac-  
5           tivities and conservation planning; and

6           “(E)(i) the restoration of wetland (as de-  
7           fined by the States) and stream-side forests; and

8           “(ii) the establishment of riparian vegeta-  
9           tive buffers.

10          “(4) COST-SHARING.—

11           “(A) FEDERAL SHARE.—

12           “(i) FUNDS UNDER THIS SUB-  
13           SECTION.—Funds provided under this sub-  
14           section for a watershed forestry project may  
15           not exceed 75 percent of the cost of the  
16           project.

17           “(ii) OTHER FEDERAL FUNDS.—The  
18           percentage of the cost of a project described  
19           in clause (i) that is not covered by funds  
20           made available under this subsection may  
21           be paid using other Federal funding sources,  
22           except that the total Federal share of the  
23           costs of the project may not exceed 90 per-  
24           cent.

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

4           “(5) *PRIORITIZATION.*—*The State Forest Stew-*  
5           *ardship Coordinating Committee for a State, or*  
6           *equivalent State committee, shall prioritize water-*  
7           *sheds in that State to target watershed forestry*  
8           *projects funded under this subsection.*

9           “(6) *WATERSHED FORESTER.*—*Financial and*  
10           *technical assistance shall be made available to the*  
11           *State Forester or equivalent State official to create a*  
12           *State watershed or best-management practice forester*  
13           *position to—*

14                     “(A) *lead statewide programs; and*

15                     “(B) *coordinate watershed-level projects.*

16           “(e) *DISTRIBUTION.*—

17                     “(1) *IN GENERAL.*—*Of the funds made available*  
18           *for a fiscal year under subsection (g), the Secretary*  
19           *shall use—*

20                             “(A) *at least 75 percent of the funds to*  
21           *carry out the cost-share program under sub-*  
22           *section (d); and*

23                             “(B) *the remainder of the funds to deliver*  
24           *technical assistance, education, and planning, at*



1           *the local level, through the State Forester or*  
2           *equivalent State official.*

3           “(2) *SPECIAL CONSIDERATIONS.—Distribution of*  
4           *funds by the Secretary among States under para-*  
5           *graph (1) shall be made only after giving appropriate*  
6           *consideration to—*

7                   “(A) *the acres of agricultural land, non-*  
8                   *industrial private forest land, and highly erod-*  
9                   *ible land in each State;*

10                   “(B) *the miles of riparian buffer needed;*

11                   “(C) *the miles of impaired stream segments*  
12                   *and other impaired water bodies where forestry*  
13                   *practices can be used to restore or protect water*  
14                   *resources;*

15                   “(D) *the number of owners of nonindustrial*  
16                   *private forest land in each State; and*

17                   “(E) *water quality cost savings that can be*  
18                   *achieved through forest watershed management.*

19           “(f) *WILLING OWNERS.—*

20                   “(1) *IN GENERAL.—Participation of an owner of*  
21                   *nonindustrial private forest land in the watershed*  
22                   *forestry assistance program under this section is vol-*  
23                   *untary.*

24                   “(2) *WRITTEN CONSENT.—The watershed for-*  
25                   *estry assistance program shall not be carried out on*

1        *nonindustrial private forest land without the written*  
2        *consent of the owner of, or entity having definitive de-*  
3        *cisionmaking over, the nonindustrial private forest*  
4        *land.*

5        *“(g) AUTHORIZATION OF APPROPRIATIONS.—There is*  
6        *authorized to be appropriated to carry out this section*  
7        *\$15,000,000 for each of fiscal years 2004 through 2008.”.*

8        **SEC. 303. TRIBAL WATERSHED FORESTRY ASSISTANCE.**

9        *(a) IN GENERAL.—The Secretary of Agriculture (re-*  
10        *ferred to in this section as the “Secretary”), acting through*  
11        *the Chief of the Forest Service, shall provide technical, fi-*  
12        *nancial, and related assistance to Indian tribes for the pur-*  
13        *pose of expanding tribal stewardship capacities and activi-*  
14        *ties through tribal forestry best-management practices and*  
15        *other means at the tribal level to address watershed issues*  
16        *on land under the jurisdiction of or administered by the*  
17        *Indian tribes.*

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

20                *(1) IN GENERAL.—The Secretary, in cooperation*  
21        *with Indian tribes, shall develop a program to pro-*  
22        *vide technical assistance to protect water quality, as*  
23        *described in paragraph (2).*

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

1           (A) to build and strengthen watershed part-  
2           nerships that focus on forested landscapes at the  
3           State, regional, tribal, and local levels;

4           (B) to provide tribal forestry best-manage-  
5           ment practices and water quality technical as-  
6           sistance directly to Indian tribes;

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

10          (D) to complement tribal efforts to protect  
11          water quality and provide enhanced opportuni-  
12          ties for consultation and cooperation among Fed-  
13          eral agencies and tribal entities charged with re-  
14          sponsibility for water and watershed manage-  
15          ment; and

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

20          (c) *WATERSHED FORESTRY PROGRAM.*—

21               (1) *IN GENERAL.*—The Secretary shall establish  
22               a watershed forestry program to be administered by  
23               Indian tribes.

24               (2) *PROGRAMS AND PROJECTS.*—Funds or other  
25               support provided under the program shall be made

1       *available for tribal forestry best-management prac-*  
2       *tices programs and watershed forestry projects.*

3               (3) *ANNUAL AWARDS.*—*The Secretary shall an-*  
4       *nually make awards to Indian tribes to carry out this*  
5       *subsection.*

6               (4) *PROJECT ELEMENTS AND OBJECTIVES.*—*A*  
7       *watershed forestry project shall accomplish critical*  
8       *forest stewardship, watershed protection, and restora-*  
9       *tion needs within land under the jurisdiction of or*  
10       *administered by an Indian tribe by demonstrating*  
11       *the value of trees and forests to watershed health and*  
12       *condition through—*

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

15               (B) *application of and dissemination of*  
16       *monitoring information on forestry best-manage-*  
17       *ment practices relating to watershed forestry;*

18               (C) *watershed-scale forest management ac-*  
19       *tivities and conservation planning;*

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

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

1           (5) *PRIORITIZATION.*—*An Indian tribe that par-*  
 2           *ticipates in the program under this subsection shall*  
 3           *prioritize watersheds in land under the jurisdiction of*  
 4           *or administered by the Indian tribe to target water-*  
 5           *shed forestry projects funded under this subsection.*

6           (6) *WATERSHED FORESTER.*—*The Secretary*  
 7           *may provide to Indian tribes under this section fi-*  
 8           *nancial and technical assistance to establish a posi-*  
 9           *tion of tribal forester to lead tribal programs and co-*  
 10          *ordinate small watershed-level projects.*

11          (d) *DISTRIBUTION.*—*The Secretary shall devote—*

12           (1) *at least 75 percent of the funds made avail-*  
 13          *able for a fiscal year under subsection (e) to the pro-*  
 14          *gram under subsection (c); and*

15           (2) *the remainder of the funds to deliver tech-*  
 16          *nical assistance, education, and planning on the*  
 17          *ground to Indian tribes.*

18          (e) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*  
 19          *authorized to be appropriated to carry out this section*  
 20          *\$2,500,000 for each of fiscal years 2004 through 2008.*

21          **TITLE IV—INSECT INFESTA-**  
 22          **TIONS AND RELATED DIS-**  
 23          **EASES**

24          **SEC. 401. FINDINGS AND PURPOSE.**

25          (a) *FINDINGS.*—*Congress finds that—*

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

4                   (A) *increased fire risk;*

5                   (B) *loss of old trees and old growth;*

6                   (C) *loss of threatened and endangered spe-*  
7 *cies;*

8                   (D) *loss of species diversity;*

9                   (E) *degraded watershed conditions;*

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

13                  (G) *decreased timber values;*

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

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

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

23           (3) *the hemlock woolly adelgid is—*

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

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

3           (C) posing a potential threat to valuable  
4           commercial timber land in northern New Eng-  
5           land;

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

10          (B) the emerald ash borer pest threatens to de-  
11          stroy more than 692,000,000 ash trees in forests in  
12          Michigan and Ohio alone, and between 5 and 10 per-  
13          cent of urban street trees in the Upper Midwest;

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

18          (B) in 2001, Florida and Kentucky experienced  
19          146 percent and 111 percent increases, respectively,  
20          in Southern pine beetle populations;

21          (6) those epidemic outbreaks of Southern pine  
22          beetles have forced private landowners to harvest dead  
23          and dying trees, in rural areas and increasingly ur-  
24          banized settings;

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

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

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

12          (B) there have not been sufficient resources avail-  
13          able to adequately test a full array of individual and  
14          combined applied silvicultural assessments;

15          (10) only through the full funding, development,  
16          and assessment of potential applied silvicultural as-  
17          sessments over specific time frames across an array of  
18          environmental and climatic conditions can the most  
19          innovative and cost effective management applica-  
20          tions be determined that will help reduce the suscepti-  
21          bility of forest ecosystems to attack by forest pests;

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

24          (B) many diseases (such as white pine blister  
25          rust, beech bark disease, and many other diseases) can



1       *weaken trees and forest stands and predispose trees*  
2       *and forest stands to insect attack; and*

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

6               *(12) funding and implementation of an initia-*  
7       *tive to combat forest pest infestations and associated*  
8       *diseases should not come at the expense of supporting*  
9       *other programs and initiatives of the Secretary.*

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

11               *(1) to require the Secretary to develop an accel-*  
12       *erated basic and applied assessment program to com-*  
13       *bat infestations by forest-damaging insects and asso-*  
14       *ciated diseases;*

15               *(2) to enlist the assistance of colleges and univer-*  
16       *sities (including forestry schools, land grant colleges*  
17       *and universities, and 1890 Institutions), State agen-*  
18       *cies, and private landowners to carry out the pro-*  
19       *gram; and*

20               *(3) to carry out applied silvicultural assess-*  
21       *ments.*

22       **SEC. 402. DEFINITIONS.**

23       *In this title:*

24               *(1) APPLIED SILVICULTURAL ASSESSMENT.—*

1           (A) *IN GENERAL.*—The term “applied sil-  
2           vicultural assessment” means any vegetative or  
3           other treatment carried out for a purpose de-  
4           scribed in section 403.

5           (B) *INCLUSIONS.*—The term “applied sil-  
6           vicultural assessment” includes (but is not lim-  
7           ited to) timber harvesting, thinning, prescribed  
8           burning, pruning, and any combination of those  
9           activities.

10          (2) *1890 INSTITUTION.*—

11           (A) *IN GENERAL.*—The term “1890 Institu-  
12           tion” means a college or university that is eligi-  
13           ble to receive funds under the Act of August 30,  
14           1890 (7 U.S.C. 321 et seq.).

15           (B) *INCLUSION.*—The term “1890 Institu-  
16           tion” includes Tuskegee University.

17          (3) *FOREST-DAMAGING INSECT.*—The term “for-  
18           est-damaging insect” means—

19           (A) a Southern pine beetle;

20           (B) a mountain pine beetle;

21           (C) a spruce bark beetle;

22           (D) a gypsy moth;

23           (E) a hemlock woolly adelgid;

24           (F) an emerald ash borer;

25           (G) a red oak borer;

1                   (H) a white oak borer; and

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

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

6                   (A) the Secretary of Agriculture, acting  
7                   through the Forest Service, with respect to Na-  
8                   tional Forest System land; and

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

14   **SEC. 403. ACCELERATED INFORMATION GATHERING RE-**  
15                   **GARDING FOREST-DAMAGING INSECTS.**

16                  (a) INFORMATION GATHERING.—The Secretary, acting  
17                  through the Forest Service and United States Geological  
18                  Survey, as appropriate, shall establish an accelerated pro-  
19                  gram—

20                  (1) to plan, conduct, and promote comprehensive  
21                  and systematic information gathering on forest-dam-  
22                  aging insects and associated diseases, including an  
23                  evaluation of—

24                  (A) infestation, prevention, and suppression  
25                  methods;

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

3           (C) restoration of forest ecosystem efforts;

4           (D) utilization options regarding infested  
5           trees; and

6           (E) models to predict the occurrence, dis-  
7           tribution, and impact of outbreaks of forest-dam-  
8           aging insects and associated diseases;

9           (2) to assist land managers in the development  
10          of treatments and strategies to improve forest health  
11          and reduce the susceptibility of forest ecosystems to se-  
12          vere infestations of forest-damaging insects and asso-  
13          ciated diseases on Federal land and State and private  
14          land; and

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

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

19               (1) establish and carry out the program in co-  
20               operation with—

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

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

25                   (C) private and industrial landowners; and

1           (2) *designate such colleges and universities to as-*  
2           *sist in carrying out the program.*

3 **SEC. 404. APPLIED SILVICULTURAL ASSESSMENTS.**

4           (a) *ASSESSMENT EFFORTS.*—*For information gath-*  
5 *ering and research purposes, the Secretary may conduct ap-*  
6 *plied silvicultural assessments on Federal land that the Sec-*  
7 *retary determines is at risk of infestation by, or is infested*  
8 *with, forest-damaging insects.*

9           (b) *LIMITATIONS.*—

10           (1) *EXCLUSION OF CERTAIN AREAS.*—*Subsection*

11           *(a) does not apply to—*

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

14                   (B) *any Federal land on which, by Act of*  
15                   *Congress or Presidential proclamation, the re-*  
16                   *moval of vegetation is restricted or prohibited;*

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

19                   (D) *an area in which activities under sub-*  
20                   *section (a) would be inconsistent with the appli-*  
21                   *cable land and resource management plan.*

22           (2) *CERTAIN TREATMENT PROHIBITED.*—*Nothing*  
23           *in subsection (a) authorizes the application of insecti-*  
24           *cides in municipal watersheds or associated riparian*  
25           *areas.*

1           (3) *PEER REVIEW.*—

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

7                   (B) *EXISTING PEER REVIEW PROCESSES.*—  
8                   *The Secretary may use existing peer review proc-*  
9                   *esses to the extent the processes comply with sub-*  
10                   *paragraph (A).*

11       (c) *PUBLIC NOTICE AND COMMENT.*—

12                   (1) *PUBLIC NOTICE.*—*The Secretary shall pro-*  
13                   *vide notice of each applied silvicultural assessment*  
14                   *proposed to be carried out under this section.*

15                   (2) *PUBLIC COMMENT.*—*The Secretary shall pro-*  
16                   *vide an opportunity for public comment before car-*  
17                   *rying out an applied silviculture assessment under*  
18                   *this section.*

19       (d) *CATEGORICAL EXCLUSION.*—

20                   (1) *IN GENERAL.*—*Applied silvicultural assess-*  
21                   *ment and research treatments carried out under this*  
22                   *section on not more than 1,000 acres for an assess-*  
23                   *ment or treatment may be categorically excluded from*  
24                   *documentation in an environmental impact statement*  
25                   *and environmental assessment under the National*

1       *Environmental Policy Act of 1969 (42 U.S.C. 4321 et*  
2       *seq.).*

3               (2) *ADMINISTRATION.—Applied silvicultural as-*  
4       *sessments and research treatments categorically ex-*  
5       *cluded under paragraph (1)—*

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

10                      (B) *shall be subject to the extraordinary cir-*  
11       *cumstances procedures established by the Sec-*  
12       *retary pursuant to section 1508.4 of title 40,*  
13       *Code of Federal Regulations.*

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

17               (4) *NO ADDITIONAL FINDINGS REQUIRED.—In*  
18       *accordance with paragraph (1), the Secretary shall*  
19       *not be required to make any findings as to whether*  
20       *an applied silvicultural assessment project, either in-*  
21       *dividually or cumulatively, has a significant effect on*  
22       *the environment.*

1 **SEC. 405. RELATION TO OTHER LAWS.**

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

5 **SEC. 406. AUTHORIZATION OF APPROPRIATIONS.**

6 *There are authorized to be appropriated such sums as*  
7 *are necessary to carry out this title for each of fiscal years*  
8 *2004 through 2008.*

9 **TITLE V—HEALTHY FORESTS**  
10 **RESERVE PROGRAM**

11 **SEC. 501. ESTABLISHMENT OF HEALTHY FORESTS RESERVE**  
12 **PROGRAM.**

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

16 *(1) to promote the recovery of threatened and en-*  
17 *dangered species;*

18 *(2) to improve biodiversity; and*

19 *(3) to enhance carbon sequestration.*

20 *(b) COORDINATION.—The Secretary of Agriculture*  
21 *shall carry out the healthy forests reserve program in co-*  
22 *ordination with the Secretary of the Interior and the Sec-*  
23 *retary of Commerce.*



1 **SEC. 502. ELIGIBILITY AND ENROLLMENT OF LANDS IN**  
2 **PROGRAM.**

3 (a) *IN GENERAL.*—*The Secretary of Agriculture, in co-*  
4 *ordination with the Secretary of the Interior and the Sec-*  
5 *retary of Commerce, shall describe and define forest eco-*  
6 *systems that are eligible for enrollment in the healthy forests*  
7 *reserve program.*

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

10 (1) *private land the enrollment of which will re-*  
11 *store, enhance, or otherwise measurably increase the*  
12 *likelihood of recovery of a species listed as endangered*  
13 *or threatened under section 4 of the Endangered Spe-*  
14 *cies Act of 1973 (16 U.S.C. 1533); and*

15 (2) *private land the enrollment of which will re-*  
16 *store, enhance, or otherwise measurably improve the*  
17 *well-being of species that—*

18 (A) *are not listed as endangered or threat-*  
19 *ened under section 4 of the Endangered Species*  
20 *Act of 1973 (16 U.S.C. 1533); but*

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

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

1           (1) *improve biological diversity; and*

2           (2) *increase carbon sequestration.*

3           (d) *ENROLLMENT BY WILLING OWNERS.—The Sec-*  
4 *retary of Agriculture shall enroll land in the healthy forests*  
5 *reserve program only with the consent of the owner of the*  
6 *land.*

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

10          (f) *METHODS OF ENROLLMENT.—*

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

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

14                   (B) *a 30-year agreement; or*

15                   (C) *a long-term easement with a buyback*  
16 *option.*

17           (2) *PROPORTION.—The extent to which each en-*  
18 *rollment method is used shall be based on the approxi-*  
19 *mate proportion of owner interest expressed in that*  
20 *method in comparison to the other methods.*

21          (g) *ENROLLMENT PRIORITY.—*

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

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

4           (B) secondarily, species that—

5                 (i) are not listed as endangered or  
6                 threatened under section 4 of the Endan-  
7                 gered Species Act of 1973 (16 U.S.C. 1533);

8                 but

9                 (ii) are candidates for such listing,  
10                 State-listed species, or special concern spe-  
11                 cies.

12           (2) *COST-EFFECTIVENESS.*—The Secretary of Ag-  
13           riculture shall also consider the cost-effectiveness of  
14           each agreement and easement, and their associated  
15           restoration plans, so as to maximize the environ-  
16           mental benefits per dollar expended.

17 **SEC. 503. RESTORATION PLANS.**

18           (a) *IN GENERAL.*—Land enrolled in the healthy forests  
19           reserve program shall be subject to a restoration plan, to  
20           be developed jointly by the landowner and the Secretary of  
21           Agriculture.

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

1           (1) *species listed as endangered or threatened*  
2           *under section 4 of the Endangered Species Act of*  
3           *1973 (16 U.S.C. 1533); and*

4           (2) *animal or plant species before the species*  
5           *reach threatened or endangered status, such as can-*  
6           *didate, State-listed species, and special concern spe-*  
7           *cies.*

8   **SEC. 504. FINANCIAL ASSISTANCE.**

9           (a) *LONG-TERM EASEMENT WITH BUYBACK OP-*  
10          *TION.—*

11           (1) *PAYMENT AMOUNT.—In the case of land en-*  
12          *rolled in the healthy forests reserve program using a*  
13          *long-term easement (with a minimum length of 99*  
14          *years) with a buyback option, the Secretary of Agri-*  
15          *culture shall pay the owner of the land an amount*  
16          *equal to not less than 75 percent, nor more than 100*  
17          *percent, of (as determined by the Secretary)—*

18                   (A) *the fair market value of the enrolled*  
19                   *land during the period the land is subject to the*  
20                   *easement, less the fair market value of the land*  
21                   *encumbered by the easement; and*

22                   (B) *the actual costs of the approved con-*  
23                   *servations practices or the average cost of ap-*  
24                   *proved practices carried out on the land during*  
25                   *the period the land is subject to the easement.*

1           (2) *BUY-BACK OPTION.*—*In the case of land en-*  
2 *rolled in the healthy forests reserve program using a*  
3 *long-term easement with a buyback option, beginning*  
4 *on the date that is 50 years after the date of enroll-*  
5 *ment of the land, and every 10 years thereafter, the*  
6 *owner of the land shall be permitted to purchase the*  
7 *easement back from the United States for an amount*  
8 *equal to not more than (as determined by the Sec-*  
9 *retary)—*

10                   (A) *the percentage of the fair market value*  
11 *the owner received for the easement under para-*  
12 *graph (1); and*

13                   (B) *the costs, adjusted by the Secretary to*  
14 *reflect changes in the Consumer Price Index for*  
15 *all-urban consumers, as published by the Bureau*  
16 *of Labor Statistics, of the approved conservation*  
17 *practices necessary for establishment of the ease-*  
18 *ment.*

19           (3) *FUNDS.*—*All funds returned to the United*  
20 *States under this subsection shall be used to carry out*  
21 *the healthy forests reserve program.*

22           (b) *30-YEAR AGREEMENT.*—*In the case of land en-*  
23 *rolled in the healthy forests reserve program using a 30-*  
24 *year agreement, the Secretary of Agriculture shall pay the*

1 *owner of the land an amount equal to not more than (as*  
2 *determined by the Secretary)—*

3           (1) *75 percent of the fair market value of the*  
4 *land, less the fair market value of the land encum-*  
5 *bered by the agreement; and*

6           (2) *75 percent of the actual costs of the approved*  
7 *conservation practices or 75 percent of the average*  
8 *cost of approved practices.*

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

14           (1) *50 percent of the actual costs of the approved*  
15 *conservation practices; or*

16           (2) *50 percent of the average cost of approved*  
17 *practices.*

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

21 **SEC. 505. TECHNICAL ASSISTANCE.**

22           (a) *IN GENERAL.—The Secretary of Agriculture shall*  
23 *provide landowners with technical assistance to assist the*  
24 *owners in complying with the terms of plans (as included*

1 *in agreements and easements) under the healthy forests re-*  
2 *serve program.*

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

10 **SEC. 506. PROTECTIONS AND MEASURES**

11       **(a) PROTECTIONS.**—*In the case of a landowner that*  
12 *enrolls land in the program and whose conservation activi-*  
13 *ties result in a net conservation benefit for listed, candidate,*  
14 *or other species, the Secretary of Agriculture shall make*  
15 *available to the landowner safe harbor or similar assur-*  
16 *ances and protection under—*

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

19               (2) *section 10(a)(1) of that Act (16 U.S.C.*  
20               *1539(a)(1)).*

21       **(b) MEASURES.**—*If protection under subsection (a) re-*  
22 *quires the taking of measures that are in addition to the*  
23 *measures covered by the applicable restoration plan agreed*  
24 *to under section 503, the cost of the additional measures,*  
25 *as well as the cost of any permit, shall be considered part*

1 *of the restoration plan for purposes of financial assistance*  
2 *under section 504.*

3 **SEC. 507. INVOLVEMENT BY OTHER AGENCIES AND ORGANI-**  
4 **ZATIONS.**

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

- 7 *(1) nonindustrial private forest landowners;*  
8 *(2) other Federal agencies;*  
9 *(3) State fish and wildlife agencies;*  
10 *(4) State forestry agencies;*  
11 *(5) State environmental quality agencies;*  
12 *(6) other State conservation agencies; and*  
13 *(7) nonprofit conservation organizations.*

14 **SEC. 508. AUTHORIZATION OF APPROPRIATIONS.**

15 *There are authorized to be appropriated to carry out*  
16 *this title—*

- 17 *(1) \$25,000,000 for fiscal year 2004; and*  
18 *(2) such sums as are necessary for each of fiscal*  
19 *years 2005 through 2008.*

20 **TITLE VI—PUBLIC LAND CORPS**

21 **SEC. 601. PURPOSES.**

22 *The purposes of this title are—*

- 23 *(1) to carry out, in a cost-effective and efficient*  
24 *manner, rehabilitation, enhancement, and beautifi-*  
25 *cation projects;*



1           (2) *to offer young people, ages 16 through 25,*  
2           *particularly those who are at-risk or economically*  
3           *disadvantaged, the opportunity to gain productive*  
4           *employment and exposure to the world of work;*

5           (3) *to give those young people the opportunity to*  
6           *serve their communities and their country; and*

7           (4) *to expand educational opportunities by re-*  
8           *warding individuals who participate in the Public*  
9           *Land Corps with an increased ability to pursue high-*  
10          *er education or job training.*

11 **SEC. 602. DEFINITIONS.**

12 *In this title:*

13           (1) *ALASKA NATIVE CORPORATION.*—*The term*  
14           *“Alaska Native Corporation” means a Regional Cor-*  
15           *poration or Village Corporation, as defined in section*  
16           *101(11) of the National and Community Service Act*  
17           *of 1990 (42 U.S.C. 12511(11)).*

18           (2) *CORPS.*—*The term “Corps” means the Public*  
19           *Land Corps established under section 603(a).*

20           (3) *HAWAIIAN HOME LANDS.*—*The term “Ha-*  
21           *waiian home lands” means that term, within the*  
22           *meaning of the National and Community Service Act*  
23           *of 1990 (42 U.S.C. 12501 et seq.).*

24           (4) *INDIAN LANDS.*—*The term “Indian lands”*  
25           *has the meaning given the term in section 101 of the*

1 *National and Community Service Act of 1990 (42*  
2 *U.S.C. 12511).*

3 (5) *SECRETARIES.—The term “Secretaries”*  
4 *means—*

5 (A) *the Secretary of Agriculture; and*

6 (B) *the Secretary of the Interior.*

7 (6) *SERVICE AND CONSERVATION CORPS.—The*  
8 *term “service and conservation corps” means any or-*  
9 *ganization established by a State or local government,*  
10 *nonprofit organization, or Indian tribe that—*

11 (A) *has a demonstrable capability to pro-*  
12 *vide productive work to individuals;*

13 (B) *gives participants a combination of*  
14 *work experience, basic and life skills, education,*  
15 *training, and support services; and*

16 (C) *provides participants with the oppor-*  
17 *tunity to develop citizenship values through serv-*  
18 *ice to their communities and the United States.*

19 (7) *STATE.—The term “State” means—*

20 (A) *a State;*

21 (B) *the District of Columbia;*

22 (C) *the Commonwealth of Puerto Rico;*

23 (D) *Guam;*

24 (E) *American Samoa;*

1                   (F) *the Commonwealth of the Northern*  
2                   *Mariana Islands;*

3                   (G) *the Federated States of Micronesia;*

4                   (H) *the Republic of the Marshall Islands;*

5                   (I) *the Republic of Palau; and*

6                   (J) *the United States Virgin Islands.*

7 **SEC. 603. PUBLIC LAND CORPS.**

8           (a) *ESTABLISHMENT.*—*There is established a Public*  
9 *Land Corps.*

10          (b) *PARTICIPANTS.*—*The Corps shall consist of indi-*  
11 *viduals who are enrolled as members of a service or con-*  
12 *servaion corps.*

13          (c) *CONTRACTS OR AGREEMENTS.*—*The Secretaries*  
14 *may enter into contracts or cooperative agreements—*

15               (1) *directly with any service and conservation*  
16 *corps to perform appropriate rehabilitation, enhance-*  
17 *ment, or beautification projects; or*

18               (2) *with a department of natural resources, agri-*  
19 *culture, or forestry (or an equivalent department) of*  
20 *any State that has entered into a contract or coopera-*  
21 *tive agreement with a service and conservation corps*  
22 *to perform appropriate rehabilitation, enhancement,*  
23 *or beautification projects.*

24          (d) *PROJECTS.*—

1           (1) *IN GENERAL.*—*The Secretaries may use the*  
2           *members of a service and conservation corps to per-*  
3           *form rehabilitation, enhancement, or beautification*  
4           *projects authorized by law.*

5           (2) *INCLUDED LAND.*—*In addition to Federal*  
6           *and State lands, the projects may be carried out on—*

7                   (A) *Indian lands, with the approval of the*  
8                   *applicable Indian tribe;*

9                   (B) *Hawaiian home lands, with the ap-*  
10                  *proval of the relevant State agency in the State*  
11                  *of Hawaii; and*

12                  (C) *Alaska native lands, with the approval*  
13                  *of the applicable Alaska Native Corporation.*

14           (e) *PREFERENCE.*—*In carrying out this title, the Sec-*  
15           *retaries shall give preference to projects that will—*

16                   (1) *provide long-term benefits by reducing haz-*  
17                   *ardous fuels on Federal land;*

18                   (2) *instill in members of the service and con-*  
19                   *servation corps—*

20                           (A) *a work ethic;*

21                           (B) *a sense of personal responsibility; and*

22                           (C) *a sense of public service;*

23                   (3) *be labor intensive; and*

24                   (4) *be planned and initiated promptly.*

1           (f) *SUPPORTIVE SERVICES.*—*The Secretaries may pro-*  
2 *vide such services as the Secretaries consider necessary to*  
3 *carry out this title.*

4           (g) *TECHNICAL ASSISTANCE.*—*To carry out this title,*  
5 *the Secretaries shall provide technical assistance, oversight,*  
6 *monitoring, and evaluation to—*

7                   (1) *State Departments of Natural Resources and*  
8 *Agriculture (or equivalent agencies); and*

9                   (2) *members of service and conservation corps.*

10 **SEC. 604. NONDISPLACEMENT.**

11           *The nondisplacement requirements of section 177(b) of*  
12 *the National and Community Service Act of 1990 (42*  
13 *U.S.C. 12637(b)) shall apply to activities carried out by*  
14 *the Corps under this title.*

15 **SEC. 605. AUTHORIZATION OF APPROPRIATIONS.**

16           *There are authorized to be appropriated to carry out*  
17 *this title \$15,000,000 for each of fiscal years 2004 through*  
18 *2008.*

19 **TITLE VII—RURAL COMMUNITY**  
20 **FORESTRY ENTERPRISE PRO-**  
21 **GRAM**

22 **SEC. 701. PURPOSE**

23           *The purpose of this title is to assist in the economic*  
24 *revitalization of rural forest resource-dependent commu-*

1 *nities through incentives to promote investment in private*  
2 *enterprise and community development by—*

3 *(1) the Department of Agriculture;*

4 *(2) the Department of the Interior;*

5 *(3) the Department of Commerce;*

6 *(4) the Small Business Administration;*

7 *(5) land grant colleges and universities; and*

8 *(6) 1890 Institutions.*

9 **SEC. 702. DEFINITIONS.**

10 *In this title:*

11 *(1) 1890 INSTITUTION.—The term “1890 Institu-*  
12 *tion” has the meaning given the term in section 2 of*  
13 *the Agricultural Research, Extension, and Education*  
14 *Reform Act of 1998 (7 U.S.C. 7601).*

15 *(2) ELIGIBLE ENTITY.—The term “eligible enti-*  
16 *ty” means—*

17 *(A) a unit of State or local government;*

18 *(B) an Indian tribe;*

19 *(C) a nonprofit organization;*

20 *(D) a small forest products business;*

21 *(E) a rural forest resource-dependent com-*  
22 *munity;*

23 *(F) a land grant college or university; or*

24 *(G) an 1890 institution.*

1           (3) *ELIGIBLE PROJECT.*—*The term “eligible*  
2 *project” means a project described in section 703 that*  
3 *will promote the economic development in rural forest*  
4 *resource-dependent communities based on—*

5                   (A) *responsible forest stewardship;*

6                   (B) *the production of sustainable forest*  
7 *products; or*

8                   (C) *the development of forest related tourism*  
9 *and recreation activities.*

10           (4) *FOREST PRODUCTS.*—*The term “forest prod-*  
11 *ucts” means—*

12                   (A) *logs;*

13                   (B) *lumber;*

14                   (C) *chips;*

15                   (D) *small-diameter finished wood products;*

16                   (E) *energy biomass;*

17                   (F) *mulch; and*

18                   (G) *any other material derived from forest*  
19 *vegetation or individual trees or shrubs.*

20           (5) *NONPROFIT ORGANIZATION.*—*The term “non-*  
21 *profit organization” means an organization that is—*

22                   (A) *described in section 501(c) of the Inter-*  
23 *nal Revenue Code of 1986; and*

24                   (B) *exempt from taxation under 501(a) of*  
25 *that Code.*

1           (6) *PROGRAM*.—The term “program” means the  
2           rural community forestry enterprise program estab-  
3           lished under section 703.

4           (7) *SMALL FOREST PRODUCTS BUSINESS*.—The  
5           term “small forest products business” means a small  
6           business concern (as defined under section 3 of the  
7           Small Business Act (15 U.S.C. 632)) that is classified  
8           under subsector 113 or code number 115310 of the  
9           North American Industrial Classification System.

10          (8) *RURAL FOREST RESOURCE-DEPENDENT COM-*  
11          *MUNITY*.—

12                (A) *IN GENERAL*.—The term “rural forest  
13                resource-dependent community” means a com-  
14                munity located in a rural area of the United  
15                States that is traditionally dependent on forestry  
16                products as a primary source of community in-  
17                frastructure.

18                (B) *INCLUSIONS*.—The term “rural forest  
19                resource-dependent community” includes a com-  
20                munity described in subparagraph (A) located  
21                in—

- 22                        (i) the northern forest land of Maine;  
23                        (ii) New Hampshire;  
24                        (iii) New York;  
25                        (iv) Vermont;



- 1                   (v) *the Upper Peninsula of Michigan;*  
2                   (vi) *northern California;*  
3                   (vii) *eastern Oregon;*  
4                   (viii) *the Bitterroot Valley of Mon-*  
5                   *tana;*  
6                   (ix) *the northern panhandle of Idaho;*  
7                   and  
8                   (x) *other areas, as determined by the*  
9                   *Secretary.*

10               (9) *SECRETARY.*—*The term “Secretary” means*  
11               *the Secretary of Agriculture, acting through the Chief*  
12               *of the Forest Service.*

13 **SEC. 703. RURAL COMMUNITY FORESTRY ENTERPRISE PRO-**  
14                   **GRAM.**

15               (a) *IN GENERAL.*—

16               (1) *ESTABLISHMENT.*—*The Secretary shall estab-*  
17               *lish within the Forest Service a program to be known*  
18               *as the “Rural Community Forestry Enterprise Pro-*  
19               *gram”.*

20               (2) *COORDINATION.*—*In carrying out the pro-*  
21               *gram, the Secretary shall coordinate with—*

22                   (A) *the Small Business Administration;*

23                   (B) *the Economic Development Administra-*  
24                   *tion;*

25                   (C) *land grant colleges and universities;*

1                   (D) 1890 institutions; and

2                   (E) other agencies of the Department of Ag-  
3                   riculture that administer rural development pro-  
4                   grams.

5           (b) *PURPOSES.*—*The purposes of the program are—*

6                   (1) *to enhance technical and business manage-*  
7                   *ment skills training;*

8                   (2) *to organize cooperatives and marketing pro-*  
9                   *grams;*

10                  (3) *to establish and maintain timber worker skill*  
11                  *pools;*

12                  (4) *to establish and maintain forest product dis-*  
13                  *tribution networks and collection centers;*

14                  (5) *to facilitate technology transfer for processing*  
15                  *small diameter trees and brush into useful products;*

16                  (6) *to develop, where support exists, a program*  
17                  *to promote science-based technology implementation*  
18                  *and technology transfer that expands the capacity for*  
19                  *small forest product businesses to work within market*  
20                  *areas;*

21                  (7) *to promote forest-related tourism and rec-*  
22                  *reational activities;*

23                  (8) *to enhance the rural forest business infra-*  
24                  *structure needed to reduce hazardous fuels on public*  
25                  *and private land; and*

1           (9) to carry out related programs and activities,  
2           as determined by the Secretary.

3           (c) *FOREST ENTERPRISE CENTERS.*—The Secretary  
4 shall establish at least 1 Forest Enterprise Center at each  
5 Research Station of the Forest Service, to be located at a  
6 forest science laboratory—

7           (1) to carry out eligible projects; and

8           (2) to coordinate assistance provided to small  
9 forest products businesses with—

10           (A) the Small Business Administration, in-  
11 cluding the timber set-aside program carried out  
12 by the Small Business Administration;

13           (B) the Rural Utilities Service, the Rural  
14 Housing Service, and the Rural Business-Coop-  
15 erative Service of the Department of Agriculture;  
16 and

17           (C) the Economic Development Administra-  
18 tion, including the local technical assistance pro-  
19 gram of the Economic Development Administra-  
20 tion.

21           (d) *FOREST ENTERPRISE TECHNICAL ASSISTANCE*  
22 *AND GRANT PROGRAM.*—

23           (1) *IN GENERAL.*—The Secretary, acting through  
24 the Forest Enterprise Centers established under sub-  
25 section (c), shall establish a program to provide tech-

1        *nical assistance and grants to eligible entities to*  
2        *carry out eligible projects.*

3            (2) *CRITERIA.—The Secretary shall work with*  
4        *each Forest Enterprise Center to develop appropriate*  
5        *program review and prioritization criteria for each*  
6        *Research Station.*

7            (3) *MATCHING FUNDS.—Grants under this sec-*  
8        *tion shall—*

9                    (A) *not exceed 50 percent of the cost of an*  
10        *eligible project; and*

11                    (B) *be made on the condition that non-Fed-*  
12        *eral sources pay for the remainder of the cost of*  
13        *an eligible project (including payment through*  
14        *in-kind contributions of services or materials).*

15            (4) *AUTHORIZATION OF APPROPRIATIONS.—*  
16        *There is authorized to be appropriated to carry out*  
17        *this subsection \$15,000,000 for each of fiscal years*  
18        *2004 through 2008.*

19        ***TITLE VIII—MISCELLANEOUS***  
20        ***PROVISIONS***

21        ***SEC. 801. FOREST INVENTORY AND MANAGEMENT.***

22        *Section 17 of the Cooperative Forestry Assistance Act*  
23        *of 1978 (16 U.S.C. 2101 note; Public Law 95313) is amend-*  
24        *ed to read as follows:*

1 **“SEC. 17. FOREST INVENTORY AND MANAGEMENT.**

2       “(a) *IN GENERAL.*—*The Secretary shall carry out a*  
3 *program using geospatial and information management*  
4 *technologies (including remote sensing imaging and deci-*  
5 *sion support systems) to inventory, monitor, characterize,*  
6 *assess, and identify forest stands and potential forest stands*  
7 *(with emphasis on hardwood forest stands) on—*

8               “(1) *in units of the National Forest System; and*

9               “(2) *on private forest land, with the consent of*  
10 *the owner of the land.*

11       “(b) *MEANS.*—*The Secretary shall carry out the pro-*  
12 *gram through the use of—*

13               “(1) *remote sensing technology of the National*  
14 *Aeronautics and Space Administration and the*  
15 *United States Geological Survey;*

16               “(2) *emerging geospatial capabilities in research*  
17 *activities;*

18               “(3) *validating techniques using application*  
19 *demonstrations; and*

20               “(4) *integration of results into pilot operational*  
21 *systems.*

22       “(c) *ISSUES TO BE ADDRESSED.*—*In carrying out the*  
23 *program, the Secretary shall address issues including—*

24               “(1) *early detection, identification, and assess-*  
25 *ment of environmental threats (including insect, dis-*

1 ease, invasive species, fire, acid deposition, and  
2 weather-related risks and other episodic events);

3 “(2) loss or degradation of forests;

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

6 “(4) quantification of carbon uptake rates; and

7 “(5) management practices that focus on pre-  
8 venting further forest degradation.

9 “(d) *EARLY WARNING SYSTEM.*—In carrying out the  
10 program, the Secretary shall develop a comprehensive early  
11 warning system for potential catastrophic environmental  
12 threats to forests to increase the likelihood that forest man-  
13 agers will be able to—

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

16 “(2) prevent epidemics, such as the American  
17 chestnut blight in the first half of the twentieth cen-  
18 tury, that could be environmentally and economically  
19 devastating to forests.

20 “(e) *AUTHORIZATION OF APPROPRIATIONS.*—There are  
21 authorized to be appropriated to carry out this section  
22 \$5,000,000 for each of fiscal years 2004 through 2009.”.

23 **SEC. 802. PROGRAM FOR EMERGENCY TREATMENT AND RE-**  
24 **DUCTION OF NONNATIVE INVASIVE PLANTS.**

25 (a) *DEFINITIONS.*—In this section:

1           (1) *INTERFACE COMMUNITY*.—The term “inter-  
2           face community” has the meaning given the term in  
3           the notice published at 66 Fed. Reg. 751 (January 4,  
4           2001) (including any subsequent revision to the no-  
5           tice).

6           (2) *INTERMIX COMMUNITY*.—The term “intermix  
7           community” has the meaning given the term in the  
8           notice published at 66 Fed. Reg. 751 (January 4,  
9           2001) (including any subsequent revision to the no-  
10          tice).

11          (3) *PLANT*.—The term “plant” includes—

12                   (A) a tree;

13                   (B) a shrub; and

14                   (C) a vine.

15          (4) *PROGRAM*.—The term “program” means the  
16          program for emergency treatment and reduction of  
17          nonnative invasive plants established under sub-  
18          section (b)(1).

19          (5) *SECRETARIES*.—The term “Secretaries”  
20          means the Secretary of Agriculture and the Secretary  
21          of the Interior, acting jointly.

22          (b) *ESTABLISHMENT*.—

23                  (1) *IN GENERAL*.—The Secretaries shall establish  
24                  a program for emergency treatment and reduction of  
25                  nonnative invasive plants to provide to State and

1 *local governments and agencies, conservation districts,*  
2 *tribal governments, and willing private landowners*  
3 *grants for use in carrying out hazardous fuel reduc-*  
4 *tion projects to address threats of catastrophic fires*  
5 *that have been determined by the Secretaries to pose*  
6 *a serious threat to—*

7 *(A) property;*

8 *(B) human life; or*

9 *(C) the ecological stability of an area.*

10 *(2) COORDINATION.—In carrying out the pro-*  
11 *gram, the Secretaries shall coordinate with such Fed-*  
12 *eral agencies, State and local governments and agen-*  
13 *cies, and conservation districts as are affected by*  
14 *projects under the program.*

15 *(c) ELIGIBLE LAND.—A project under the program*  
16 *shall—*

17 *(1) be carried out only on land that is located—*

18 *(A) in an interface community or intermix*  
19 *community; or*

20 *(B) in such proximity to an interface com-*  
21 *munity or intermix community as would pose a*  
22 *significant risk in the event of the spread of a*  
23 *fire disturbance event from the land (including*  
24 *a risk that would threaten human life or prop-*  
25 *erty in proximity to or within the interface com-*



1           munity or intermix community), as determined  
2           by the Secretaries;

3           (2) remove fuel loads determined by the Secre-  
4           taries, a State or local government, a tribal govern-  
5           ment, or a private landowner to pose a serious threat  
6           to—

7                   (A) property;

8                   (B) human life; or

9                   (C) the ecological stability of an area; and

10          (3) involve the removal of nonnative invasive  
11          plants.

12          (d) *USE OF FUNDS.*—Funds made available for a  
13          project under the program shall be used only for—

14                (1) the removal of plants or other potential fuels  
15                that are—

16                   (A) adjacent to or within the wildland  
17                   urban interface; or

18                   (B) adjacent to a municipal watershed,  
19                   river, or water course;

20                (2) the removal of erosion structures that impede  
21                the removal of nonnative plants; or

22                (3) the replanting of native vegetation to reduce  
23                the reestablishment of nonnative invasive plants in a  
24                treatment area.

25          (e) *REVOLVING FUND.*—

1           (1) *IN GENERAL.*—*In the case of a grant pro-*  
2 *vided to a willing owner to carry out a project on*  
3 *non-Federal land under this section, the owner shall*  
4 *deposit into a revolving fund established by the Secre-*  
5 *taries any proceeds derived from the sale of timber or*  
6 *biomass removed from the non-Federal land under the*  
7 *project.*

8           (2) *USE.*—*The Secretaries shall use amounts in*  
9 *the revolving fund to make additional grants under*  
10 *this section.*

11       (f) *AUTHORIZATION OF APPROPRIATIONS.*—*There are*  
12 *authorized to be appropriated such sums as are necessary*  
13 *to carry out this section, to remain available until ex-*  
14 *pired.*

15 **SEC. 803. USDA NATIONAL AGROFORESTRY CENTER.**

16       (a) *IN GENERAL.*—*Section 1243 of the Food, Agri-*  
17 *culture, Conservation, and Trade Act of 1990 (16 U.S.C.*  
18 *1642 note; Public Law 101–624) is amended—*

19           (1) *by striking the section heading and inserting*  
20 *the following:*

21 **“SEC. 1243. USDA NATIONAL AGROFORESTRY CENTER.”;**

22 *and*

23           (2) *in subsection (a)—*

24               (A) *by striking “SEMIARID” and inserting*

25 *“USDA NATIONAL”;* *and*

1                   (B) by striking “Semiarid” and inserting  
2                   “USDA National”.

3           (b) PROGRAM.—Section 1243(b) of the Food, Agri-  
4 culture, Conservation, and Trade Act of 1990 (16 U.S.C.  
5 1642 note; Public Law 101–624) is amended—

6           (1) by inserting “local governments, community  
7 organizations, the Institute of Tropical Forestry and  
8 the Institute of Pacific Islands Forestry of the Forest  
9 Service,” after “entities,”;

10           (2) in paragraph (1), by striking “on semiarid  
11 lands”;

12           (3) in paragraph (3), by striking “from semiarid  
13 land”;

14           (4) by striking paragraph (4) and inserting the  
15 following:

16           “(4) collect information on the design, installa-  
17 tion, and function of forested riparian and upland  
18 buffers to—

19                   “(A) protect water quality; and

20                   “(B) manage water flow;”;

21           (5) in paragraphs (6) and (7), by striking “on  
22 semiarid lands” each place it appears;

23           (6) by striking paragraph (8) and inserting the  
24 following:

1           “(8) *provide international leadership in the*  
2           *worldwide development and exchange of agroforestry*  
3           *practices;*”;

4           (7) *in paragraph (9), by striking “on semiarid*  
5           *lands;*”;

6           (8) *in paragraph (10), by striking “and” at the*  
7           *end;*

8           (9) *in paragraph (11), by striking the period at*  
9           *the end and inserting a semicolon; and*

10          (10) *by adding at the end the following:*

11          “(12) *quantify the carbon storage potential of*  
12          *agroforestry practices such as—*

13                 “(A) *windbreaks;*

14                 “(B) *forested riparian buffers;*

15                 “(C) *silvopasture timber and grazing sys-*  
16                 *tems; and*

17                 “(D) *alley cropping; and*

18          “(13) *modify and adapt riparian forest buffer*  
19          *technology used on agricultural land for use by com-*  
20          *munities to manage stormwater runoff.*”.

21 **SEC. 804. UPLAND HARDWOODS RESEARCH CENTER.**

22          (a) *IN GENERAL.*—*Not later than 180 days after the*  
23          *date of enactment of this Act, the Secretary of Agriculture*  
24          *shall establish an Upland Hardwood Research Center.*

1       (b) *LOCATION.*—*The Secretary of Agriculture shall lo-*  
2 *cate the Research Center in an area that, as determined*  
3 *by the Secretary of Agriculture, would best use and study*  
4 *the upland hardwood resources of the Ozark Mountains and*  
5 *the South.*

6       (c) *DUTIES.*—*The Upland Hardwood Research Center*  
7 *shall, in conjunction with the Southern Forest Research*  
8 *Station of the Department of Agriculture—*

9           (1) *provide the scientific basis for sustainable*  
10 *management of southern upland hardwood forests,*  
11 *particularly in the Ozark Mountains and associated*  
12 *mountain and upland forests; and*

13           (2) *conduct research in all areas to emphasize*  
14 *practical application toward the use and preservation*  
15 *of upland hardwood forests, particularly—*

16           (A) *the effects of pests and pathogens on up-*  
17 *land hardwoods;*

18           (B) *hardwood stand regeneration and re-*  
19 *productive biology;*

20           (C) *upland hardwood stand management*  
21 *and forest health;*

22           (D) *threatened, endangered, and sensitive*  
23 *aquatic and terrestrial fauna;*

24           (E) *ecological processes and hardwood eco-*  
25 *system restoration; and*

1           (F) education and outreach to nonindus-  
2           trial private forest landowners and associations.

3           (d) RESEARCH.—In carrying out the duties under sub-  
4 section (c), the Upland Hardwood Research Center shall—

5           (1) cooperate with the Center for Bottomland  
6           Hardwood Research of the Southern Forest Research  
7           Station of the Department of Agriculture, located in  
8           Stoneville, Mississippi; and

9           (2) provide comprehensive research in the Mid-  
10          South region of the United States, the Upland Forests  
11          Ecosystems Unit of the Southern Forest Research Sta-  
12          tion of the Department of Agriculture, located in  
13          Monticello, Arkansas.

14          (e) PARTICIPATION OF PRIVATE LANDOWNERS.—The  
15          Secretary of Agriculture shall encourage and facilitate the  
16          participation of private landowners in the program under  
17          this section.

18          (f) AUTHORIZATION OF APPROPRIATIONS.—There is  
19          authorized to be appropriated to carry out this section  
20          \$2,500,000 for each of fiscal years 2004 through 2008.

21       **SEC. 805. SENSE OF CONGRESS REGARDING ENHANCED**  
22       **COMMUNITY FIRE PROTECTION.**

23           It is the sense of Congress to reaffirm the importance  
24          of enhanced community fire protection program, as de-  
25          scribed in section 10A of the Cooperative Forestry Assist-

1 *ance Act of 1978 (16 U.S.C. 2106c) (as added by section*  
2 *8003(b) of the Farm Security and Rural Investment Act*  
3 *of 2002 (Public Law 107–171; 116 Stat. 473)).*

Amend the title so as to read: “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.”.

**Calendar No. 246**

108TH CONGRESS  
1ST SESSION

**H. R. 1904**

**[Report No. 108–121]**

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**AN ACT**

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.

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JULY 31 (legislative day, JULY 21), 2003

Reported with an amendment and an amendment to the  
title