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

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

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

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

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

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

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

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

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1145

GENERAL LEAVE

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

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

There was no objection.

FOREST EMERGENCY RECOVERY AND RESEARCH ACT

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

□ 1145

IN THE COMMITTEE OF THE WHOLE

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

The Clerk read the title of the bill.

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

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

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

The Chair recognizes the gentleman from Oregon.

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

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

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

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

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

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

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

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

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

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

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

too bureaucratic, slow moving, and unresponsive. When there is a catastrophic event, county and State foresters, and certainly private land owners, are far quicker to move to salvage and reforest than the National Forest Service is. H.R. 4200 is a step in the right direction. It would require the National Forest Service to rapidly evaluate the need for recovery projects and then allow the salvage to go forward if necessary.

Many of my colleagues today will give examples of catastrophic events in their districts or States, how the National Forest Service responds to them, and, therefore, why this legislation is needed.

For me, the example of a windstorm that swept northern Minnesota in July of 1999 is a great example. It damaged nearly 500,000 acres, over 600 square miles, in the Superior National Forest alone. This was one of the largest blowdowns ever recorded in North America. To date, only 50,000 trees have been cleaned up.

The Forest Service's attempts to deal with this blowdown illustrate the need for H.R. 4200.

The only legal or administrative tool at the agency's disposal to deal with an unprecedented event like this was alternative arrangements to comply with the National Environmental Policy Act, and those required approval of the White House Council on Environmental Quality. While the CEQ granted those agreements to the Forest Service, actual debris removal didn't occur until long after the windstorm hit. By this time the downed trees had deteriorated significantly, losing much of their value.

Unless we act today, the national forest will continue to face events like this blowdown without the authority to quickly analyze, propose and move forward with forest recovery projects. To me, it is clear the agency needs this new authority to act quickly to capture the value of damaged timber and restore our forest to a healthy and growing condition.

The goal of H.R. 4200 is to provide consistent and uniform procedures for the Forest Service to follow after catastrophic events. The bill does not open wilderness areas or other withdrawn from harvest to new timber cutting. It merely requires that the agency has to quickly evaluate whether expedited salvage is necessary, and then it allows it to cut through the red tape to make sure that the project gets done. The people of Minnesota care deeply about our national forests and so do the professionals who manage those forests. H.R. 4200 simply gives them the tools to demonstrate their commitment whenever Mother Nature throws our forest a curve ball.

I urge my colleagues to support this bipartisan and important legislation.

Mr. UDALL of New Mexico. Mr. Chairman, I yield myself as much time as I may consume.

Mr. Chairman, I oppose H.R. 4200. This unnecessary legislation waives critical conservation laws, compromises the public's proven commitment to protecting roadless areas, and ignores the body of peer-reviewed science on the harmful impacts of salvage logging.

H.R. 4200 represents yet another attempt by the majority in this Congress to dismantle our Nation's most paramount conservation laws. As its core, H.R. 4200 allows for environmental exemptions to expedite the removal of timber after a catastrophic event on Federal lands. These unnecessary environmental exemptions, however, come at the expense of critical laws such as the National Environmental Policy Act, the Endangered Species Act, the Clean Water Act, the National Historic Preservation Act. Should Congress approve H.R. 4200, the result would be weakening of existing laws meant to protect public participation and provide for environmental protections.

Proponents of H.R. 4200 argue this legislation complies with conservation laws. This is simply not true. To be clear, H.R. 4200 waives the requirements of four very critical conservation laws.

Mr. Chairman, in our discussion of H.R. 4200 on the Forests and Forest Health Subcommittee, it has become apparent to me that the authorities granted under H.R. 4200 for timber salvage are unnecessary. The argument that there is an abundance of timber salvage going to waste on our public lands because of the length of the NEPA process is false. In reality, the Forest Service and Bureau of Land Management have an abundance of existing authorities that allow for timber salvage to be completed on our public lands with the appropriate checks and balances.

Salvage logging already accounts for 35 percent of timber harvested on our national forests. Also, one of the largest salvage logging projects in the history of the U.S. Forest Service, on the Forest Service lands impacted by Hurricane Katrina, is being completed quickly under the authorities from the Healthy Forest Restoration Act of 2003.

Furthermore, H.R. 4200 is not scientifically sound. The underlying premise of H.R. 4200 that post-disturbance salvage logging must be completed to recover a forest and improve forest health is not supported by the abundance of peer-reviewed science on this issue to date. A study published by Donato and others in a January 2006 edition of the well-respected journal Science, found that post-fire logging in the wake of the 2002 Biscuit fire, reduced forest regeneration by 71 percent and increased short-term fire risk. This study adds to a substantial list of peer-reviewed science that concludes that salvage logging is contrary to the goal of improving forest health. 169 scientists from around the country submitted a letter to Congress opposing H.R. 4200 as salvage logging has been found to impede forest regeneration, damage riparian corridors, introduce or spread invasive species, cause erosion and degrade water quality.

Mr. Chairman, H.R. 4200 is unnecessary legislation with significant negative consequences. I urge my colleagues to join me in voting ''no'' on H.R. 4200.

I reserve the balance of my time.

Mr. BAIRD. Mr Chairman, I yield 2 minutes to the gentleman from Colorado (Mr. SALAZAR).

Mr. SALAZAR. Mr. Chairman, I would like to thank the gentleman from Washington and the gentleman from Oregon for bringing forth this important legislation.

Mr. Chairman, I rise today in support of the Forest Emergency Recovery and Research Act. Our Nation's forests are providing so many benefits to the public and we have that responsibility to pass this measure which will give forest managers the tools to maintain healthy forest. It will allow them to rehabilitate and reforest areas that have been hit by catastrophic events like ice storms, wildfires and disease.

Out West we are battling a huge insect epidemic that is destroying our forests, especially in Colorado. In 2005, over 425,000 acres in Colorado forests were infested with mountain pine beetle. And this means that we have 425,000 acres of prime real estate for forest fires.

Reducing wildfire hazard is critical if we are to maintain forests as a resource for communities. Forest management, including tree cutting and prescribed fire, can help return Colorado's forests to good health.

The previously passed healthy forest legislation provided forest managers with some of the tools needed. What this bill does, it adds to the tool box and strengthens their ability to restore forests across the country.

□ 1200

This legislation is vital to the West, and I urge my colleagues to support the passage of this bill.

Mr. WALDEN of Oregon. Madam Chairman, I yield 3 minutes to the gentleman from Arizona (Mr. HAYWORTH).

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

Mr. HAYWORTH. Madam Chairman, I thank my colleague from Oregon for this time.

I rise in strong support of the Forest Emergency Recovery and Research Act and would like to highlight a few of the more than 100 diverse groups that share in my support of this legislation. While these groups range in background and represent interests from across the country, they all strongly support the timely restoration of our precious public lands.

A number of professional firefighting groups support this act, including the International Association of Fire Chiefs. In addition, the National Association of State Foresters, National

Association of Federal Employees, National Wildlife Suppression Association, and Pacific Wildfire International, which collectively represent 25,000 firefighters, all support H.R. 4200.

In fact, the State Foresters say, ''As a leader in wildland firefighting, the National Association of State Foresters supports H.R. 4200 as a tool for restoring forests and reducing long-term fire danger, thereby reducing risk to communities and wildland firefighters alike.''

Twenty-three wildlife and outdoor sports groups, including the International Association of Fish and Wildlife Agencies, the Rocky Mountain Elk Foundation, the Theodore Roosevelt Conservation Partnership, Wildlife Management Institute, all support this legislation as well. The Congressional Sportsmen's Foundation comments, ''This legislation's commitment to timely responses to catastrophic events by allowing for rapid restoration of ecosystems, utilization of damaged trees before they lose economic value, protection of adjacent lands from subsequent wildfires, and the opportunity for public participation and recovery planning is consistent with our members' expectations and is simply common sense.''

The Society of American Foresters, or SAF, which represents more than 15,000 scientists, professional forest managers, researchers, and consultants from across the country likewise supports this legislation. According to the SAF, ''Catastrophic events will forever alter our forests, but we can bring them back quickly with timely and thoughtful science and experience-informed management . . . this act would also provide for additional research to help improve actions forest managers take in responding to catastrophes . . . We urge you to support the Forest Emergency Recovery and Research Act.''

Moreover, a wide variety of associations, such as the Southern Forest Products Association, the American Forest & Paper Association, and the National Association of Home Builders, all support this bill. And a host of our State and local government partners have written letters of support for this legislation, including the National Association of Counties and the National Association of Conservation Districts.

The comments of support this bill has received consistently express one key theme: When catastrophe strikes, the Federal Government must have scientifically proven, commonsense policies in place that allow us to act quickly to restore and reforest public land. This legislation allows us to do this.

I urge my colleagues to join us in support of this bipartisan legislation.

Mr. UDALL of New Mexico. Madam Chairman, I yield 3½ minutes to the chairman of the House Science Committee, Representative BOEHLERT.

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

Mr. BOEHLERT. Madam Chairman, I rise in strong opposition to this bill.

I know the sponsors of this bill mean well, and I know they think they have written a narrowly tailored, environmentally protective bill. But, unfortunately, they have not. I am not questioning the sponsors' intent, but I do have serious problems with the product of their actions.

Let me start by emphasizing that I am open to efforts to expedite environmental procedures for true emergencies or in other clear cases where current laws are needlessly burdensome. I helped negotiate the Healthy Forests Restoration Act, and I supported its passage. That act and the preexisting laws which were improved to be both responsive and responsible has enabled us to respond in a meaningful and timely way to Katrina. But the bill before us today is far broader than that act and all other current law and contains few, if any, of their environmental protections.

Here are some things that could happen that you should know about H.R. 4200: First of all, it can be applied to a wide variety of situations far beyond the normal definition of an emergency that requires immediate action. Under the bill a catastrophic event includes slowly developing problems like drought and insect infestation, problems that can be addressed through processes that allow for true analysis and review. Not only that, the bill applies to situations in which damage may not occur for many years, again a situation that needs to be addressed, but not so quickly as to allow no time for true analysis.

There are very few forests that are not experiencing a catastrophic event on almost a daily basis under the definition in this bill. If you want to write an emergency bill, then I think it ought to apply to emergencies.

I would also point out that this bill applies to wilderness study areas, which are exempt under Healthy Forests.

And what can happen when this bill is applied? Well, all normal environmental reviews are waived. Reviews are even waived for preapproved plans that are written long before an emergency. No environmental review. Then under the bill projects can proceed without the consultation required by the Endangered Species Act and the Clean Water Act. When would consultation occur? The bill does not set a time frame. It would just be sometime after the project started, probably after any unnecessary damage has been done.

In short, this bill does not expedite procedures. It eviscerates the application of environmental law for the projects under the bill. No environmental analysis of alternatives. No timely analysis of the effect on clean water.

We cannot just put a nice-sounding label on a bill and expect us to support a cosmetic labeling plan on its surface without looking at the rest of the story. I wish this bill were as advertised. A targeted bill to handle legitimate emergencies would pass muster with me. But this is a bill that would allow unanalyzed salvage timber sales; new road building, including in roadless areas; and projects that threaten water supplies without any true legally reviewable analysis of alternatives and without ample opportunity for public review and comment.

I urge my colleagues to oppose this bill.

Mr. BAIRD. Madam Chairman, I yield myself such time as I may consume.

I just invite my dear friend from New Mexico, who spoke earlier, if he might address a question for me because I think, with respect, he is comparing apples and oranges.

He suggested that a scientific study by Oregon State University showed that postfire logging decreases forest regeneration and increases fire risk. Is the gentleman from New Mexico aware that that study gathered data 2 years postfire, not from a harvest begun 90 days after the fire, as we would allow in this bill? Is the gentleman aware of that?

Madam Chairman, I yield 30 seconds to the gentleman from New Mexico to answer that question.

Mr. UDALL of New Mexico. Madam Chairman, the gentleman from Washington should know and understand that the Science Journal that this was published in is peer reviewed. It is one of the most solid scientific publications, and it came out and said that regeneration was hurt 71 percent, that 71 percent was hurt in that regeneration process.

Mr. BAIRD. Madam Chairman, I yield myself such time as I may consume.

I asked a straightforward question about a study that was conducted 2 years post. I got a dissertation about the journal in which the study was published.

I happen to hold a doctorate in clinical psychology, used to teach research methods, and I will tell you that particular study, as many that we have heard today, does not apply to this. It is an apples and oranges comparison.

One of the things that has been remarkable to me, as an environmentalist, as a scientist, and as someone who represents a forested district, is the willingness of the opponents of this legislation to simply distort the truth. Elsewhere I have introduced legislation called the ''72–Hour Rule'' to give us time to read bills before we vote on them. I am coming to believe today that that is unnecessary because I do not think people do read bills before they come down here to debate.

Let me address some points that have been made. People have suggested that this dismantles laws. Not a single fundamental environmental law is dismantled by this legislation. That is a false claim.

People have suggested that there are no protections for riparian areas. My

colleague from New Mexico suggested that. We are just going to have logging right up to the streamside, it seems. That is not correct. Existing forest management plans require streamside set-asides. I can take you to fires where the harvest has been conducted, and you have got 150-foot buffers as required under existing law, law that must be followed under this proposed legislation. So we have buffers for streams.

People have suggested this bill allows for plantation-type reforestation. That, too, is false. This legislation specifically proscribes, prohibits, plantation-type reforestation and requires that you plant with diverse and dispersed natural species.

People have suggested that you inevitably increase erosion when you harvest. Dr. Korb, from the University of Montana, a Ph.D. scientist, testified that by cross-falling trees, you can actually reduce erosion, and you know that is common sense. If you have got a hillside that is barren because of a fire, and you go in and you drop some of the trees laterally, you create little check dams, and in areas where that is done, siltation has actually been reduced and salmon habitat and other habitat preserved and clean water preserved.

It is astonishing to me, astonishing, how my friends are able to cite studies that are apples and oranges comparisons and irrelevant to the legislation, how they are able to claim things about the legislation that are not, in fact, the case. If I believed half of what the opponents of this bill have claimed, I might oppose the bill myself. But I wrote the bill, along with Congressman WALDEN and others, so I do know what is in it. And as an environmentalist and as a scientist, it is good legislation.

Madam Chairman, I reserve the balance of my time.

Mr. WALDEN of Oregon. Madam Chairman, I yield 30 seconds to the gentlewoman from Washington (Miss MCMORRIS) to speak in favor of the Forest Emergency Recovery and Research Act.

Miss MCMORRIS. Madam Chairman, I thank the chairman for yielding.

I, too, just want to rise in support of this legislation and applaud the leadership of those who have been working on this legislation that is so important to move quickly to restore forests, key watersheds, wildlife habitat, and stabilize our soils.

It is not acceptable that we continue to see thousands of acres burn because of forest fires, because of poor management on our forests, big kill, and we have these catastrophic situations take place when we are not able to take action.

I wanted to specifically speak to the provisions related to the National Environmental Policy Act, NEPA. I have been working on chairing a task force, and although I applaud the authors of NEPA, who truly were visionary for their time, I do believe there is an opportunity for us to improve the implementation of NEPA 35 years later. It is unfortunate that so often this is the law used through paperwork or bureaucratic means to prevent us from really taking action that is needed on our forests.

Northeastern Washington is known for its vast public forests that span over 2.6 million acres of land. These forests, and the resulting timber, play an extremely important role in our region's economy. Maintaining healthy forests is essential to those who make a living from the land and for those of us who use them for others purposes. Unfortunately, there are a number of critical issues that impact the health and the economic stability of the forests in our region.

One of my top priorities in Congress is to grow our economy and in order to do this we must protect our natural resources. Currently, the Colville Forest is dying faster than it is being maintained, leaving a large number of dead or dying trees susceptible to disease, insect infestation, and future wildfires.

I have also been interested in exploring issues affecting post-fire rehabilitation. Immediate restoration work on forests following catastrophic events is essential for reforestation and rehabilitation to be successful. As the chair of the National Environmental Policy Act (NEPA) task force, I have unfortunately discovered that legal and procedural delays have become the norm, leaving vast areas of national forest land barren of trees for decades. This has lead to devastating impacts on wildlife habitat, soil stability and water quality.

In my district last year, just south of Pomeroy, Washington, the School Fire started on August 5th and over 13 days burned nearly 50,000 acres, destroying 215 homes, recreational cabins and outbuildings. According to James Agee, a University of Washington forest ecologist and professor who specialize in dry forest fire ecology said the area burned by the School Fire likely will take about 150 years to grow back if we let Mother Nature takes it course. That is simply not acceptable.

I co-sponsored the Forest Emergency Recovery and Research Act because our forests, and the resulting timber, play an extremely important role in the economy in the Pacific Northwest. Maintaining healthy forests is essential to those who make a living from the land and for those of us who use them for recreational purposes. Eastern Washington has experienced a number of deadly forest fires this season, and it is crucial that we have bipartisan legislation that will expedite the research and restoration process.

□ 1215

Mr. UDALL of New Mexico. Madam Chairman, I yield 1¼ minutes to the gentleman from Oregon (Mr. DEFAZIO), who worked with the Biscuit fire and has great experience in these forestry issues.

Mr. DEFAZIO. Madam Chairman, are there problems with the current process? Yes. For the most part, they are political. In the case of the Biscuit fire, the professional managers developed a plan that would have yielded somewhere around 175 million boardfeet of salvage.

The administration, in an election year, said that is not enough, we want a lot more. They pulled that plan. They came back with another plan, much bigger numbers, but they haven't even harvested half of the original proposal, which was virtually noncontroversial. So in response, unfortunately, instead of prescribing a professional management in the future that is site specific, that mandates things, we are providing even more discretion to political appointees with this legislation.

As I said to some folks from the timber industry in my district, you may think it is a great bill with Mark Ray down there and George Bush at the White House. But what if the Clintons come back? They said, ''Oh my God, that would be horrible.''

So if you give total discretion to salvage or not salvage, if you fill the bill with mays and mays and mays, which it does, for instance, the point was made as I came to the floor, I have been involved in other committee work, that they are mandating science. Well, actually, no; on page 14 it says ''may,'' the Secretary may conduct one or more catastrophic event research projects.

The bill is rife with discretion for political appointees. We need professional management and certainty. This bill won't get us there.

Mr. GOODLATTE. Madam Chairman, I yield myself 4 minutes.

Madam Chairman, I rise in support of H.R. 4200, the Forest Emergency Recovery and Research Act. This bill is a very moderate approach to a very serious problem. As usual, I have worked in close cooperation with my friends and colleagues on the House Resources Committee to develop a commonsense approach to forest recovery that has garnered wide bipartisan support from our colleagues and strong endorsements from professional foresters, firefighters and local officials.

The Society of American Foresters, representing some 15,000 forestry professionals in both public and private service, has supported and, in fact, provided constructive input as both committees have worked through numerous revisions of this important bill.

FERRA has been endorsed by the Federal Wildland Fire Service Association, which represents some 12,000 firefighters who annually risk life and limb fighting forest fires and responding to other disasters. The association called FERRA ''a commonsense approach'' to addressing forest recovery.

Additionally, this bill has been endorsed by the National Association of State Foresters, State officials who manage millions of acres of State forests and help the Nation's over 10 million family forest owners keep their woodlands healthy.

Among the bill's many other supporters are the National Association of Counties, the American Farm Bureau Federation, the International Association of Fish and Wildlife Agencies, United Brotherhood of Carpenters and Joiners, Wildlife Management Institute, and the Rocky Mountain Elk Foundation.

Many of you have heard that FERRA is not relevant to your States. I am here to tell you that is not the case. First, the bill directs the Forest Service and Department of the Interior to work with the adjacent landowners and managers when catastrophe strikes to develop landscape-scale assessments of the damage. Since the Forest Service is only in charge of about one-quarter of our Nation's forests, this leaves the large majority of forestlands in the hands of private land owners. This provision is critically important to any Member who represents a forestland owner back home.

Second, many of you have been told not to worry about forest catastrophes, that they only happen somewhere else. Unfortunately, catastrophic events know no boundaries.

In my home State of Virginia, just last week the Forest Service wrapped up fire-fighting efforts on the Cardinal fire in Page County, Virginia, just outside my district. This fire, seen in these photographs, damaged over 1,900 acres of public lands.

So what would happen in Page County if H.R. 4200 was already in place? The Forest Service would simply have 30 days to complete a rapid evaluation of the burned area and then it would have to decide whether or not to propose a catastrophic event recovery project. That is it. No environmental laws are waived, no wilderness areas are entered, no logging is required. Nothing in the bill forces the Forest Service to cut a single tree.

If the professional land managers and the Forest Service do decide that H.R. 4200's emergency procedures are appropriate, the agency would have 90 days to analyze a proposed project and the no-action alternative. Appeals and litigation would be governed by the same sort of rules overwhelmingly approved by this body under the Healthy Forest Restoration Act. All projects would comply with existing forest plans.

FERRA also directs the Forest Service to develop preapproved practices that will undergo rigorous scientific peer review. It emphasizes the need for research, and provides that 10 percent of the revenues from any timber removed for a recovery project be dedicated to research on forest recovery. This bill addresses the need for further research and is equipped with its own funding mechanism to drive this research.

The bill will also pay for itself. CBO found that H.R. 4200 will save the taxpayers $21 million over the next 5 years.

I urge my colleagues to support this bipartisan bill that has earned the strong support of our professional forest management people. Please join me in giving them one more tool to use in their efforts to promote forest health and the sustainability of our precious forests.

Mr. PETERSON of Minnesota. Madam Chairman, I yield myself such time as I might consume.

Madam Chairman, I rise today in support of H.R. 4200, the Forest Emergency Recovery and Research Act, and I want to commend my colleagues, Mr. WALDEN and Mr. BAIRD, for their leadership and hard work in crafting this much-needed bipartisan legislation, and I urge my colleagues to support final passage of this bill.

H.R. 4200 resulted from the devastation caused by the 2002 Biscuit wildfire in southern Oregon where 500,000 acres were destroyed. Unfortunately, the struggles did not end when the fire was extinguished. Post-fire recovery efforts were hampered by an exceedingly slow administrative response caused by procedural delays, administrative appeals and litigation. These delays resulted in significant losses of marketable salvage timber, the sales of which helps fund restoration efforts.

In Minnesota's Superior National Forest, we had a different kind of catastrophic event in July of 1999. A major windstorm with wind speeds of up to 100 miles an hour swept across northern Minnesota, impacting about 477,000 acres within the Superior National Forest. Although the Forest Service did a good job of recovering and restoring forest resources in that case, we can always do better. For example, it took the Feds almost 4 months to organize salvage timber sales on a small portion of the impacted lands and more than a year to organize the remaining sales. By that time, some of the most valuable timber had lost most of its value. This legislation offers additional tools to facilitate sales more quickly where the salvageable timber is at risk of degrading in quality.

Looking forward, the Forest Service predicts another record-breaking fire season. Since December, drought conditions, coupled with the high temperatures and wind that resulted in over 17,000 wildfires and an estimated 1.5 million acres burned, fire officials have expressed concern that the Southwest and Great Plains are at a risk of similar devastation as seen in Texas and Oklahoma these past months.

While the Healthy Forest Restoration Act provided tools to care for our forests, we need to make sure that we have the tools in place to support recovery and restoration efforts after a catastrophic event. H.R. 4200 improves this process and paves the way for prompt evaluations and development plans while meeting environmental requirements.

I am pleased to cosponsor H.R. 4200, and I encourage my colleagues to support final passage.

Mr. GOODLATTE. Madam Chairman, it is my pleasure to yield 2 minutes to the gentlewoman from North Carolina (Ms. FOXX).

Ms. FOXX. Madam Chairman, I rise today in support of H.R. 4200, the Forest Emergency Recovery and Research Act. North Carolina is home to 1.2 million square acres of national forest, with the majority of those acres being located in the western North Carolina mountains.

Our forests are visited by over 6 million tourists each year and generate millions of dollars for the local economies. People from all over the country and other nations travel to cities and towns in North Carolina and my district to see the wonderful natural resources our forests hold, and many of the towns in my district depend on that tourism industry to provide jobs and economic growth. With that said, Madam Chairman, you can understand my eagerness to protect and sustain these national treasures.

In order to protect and sustain our National Forests and lands, Madam Chairman, Congress has passed environmental laws designed to guard against man-made encroachment. However, we cannot legislate against natural disasters. Even in the mountains of North Carolina, we are susceptible to hurricane damage, flooding and tornadoes, which destroy thousands of acres of National Forest.

When Hurricane Hugo swept through North Carolina, it damaged more than 2.7 million acres of forest in 26 counties, with almost complete destruction of 68,000 acres. Timber losses to the State were valued at $250 million. To make matters worse, only very little timber was able to be salvaged due to the fact that forestry experts were overwhelmed by the sheer volume of dead trees and there was no real plan to deal with such a catastrophe. By the time the forestry officials jumped through all the environmental hoops, most of the timber was either splintered or decayed, rendering it unusable.

Madam Chairman, we witnessed this exact same incident again last year, but on a larger scale. When Hurricane Katrina hit, millions of acres of forest were downed and destroyed, creating dangerous scenarios for disease, infestations and forest fires. Once again, because we had no plan in place for the recovery, forestry officials were forced to sit by and watch millions of dollars of boardfeet rot.

If H.R. 4200 were law, the Forest Service and private companies would have cleaned up the damage and salvaged the good timber.

We cannot allow the lessons of Hurricane Hugo and Katrina to be forgotten. We must design and implement a plan to deal with such scenarios.

Today, Madam Chairman, we have a chance to learn from our misfortunes and guard against losing so much again. H.R. 4200 is a common sense approach to a problem the United States faces yearly. The Forest Service needs the tool of rapid damage assessment, so they can quickly restore landscapes and prevent more forests from decaying and becoming fuel for uncontrollable wildfires. Research is also needed to expand and enhance knowledge on post-catastrophe treatments. This bill is critical to stopping disease and infestations from spreading, preventing wildfires, and maintaining healthy forests.

I would like to reassure my colleagues on both sides of the aisle that H.R. 4200 is not

designed to circumvent existing environmental laws. In fact, it is the exact opposite. The provisions in this bill can only be used in case of a severe natural disaster to our national forests. The bill does not affect national parks, wilderness areas, or national monuments. The bill does not override existing environmental laws, such as the Endangered Species Act, the Wilderness Act, the Clean Air Act, or the Safe Drinking Water Act. The bill simply allows the forest service to apply common sense techniques in the case of a natural disaster. It's about time the federal government put some common sense into environmental cleanup and maintenance in my opinion.

In conclusion, Madam Chairman, I would like to thank Chairman POMBO and Chairman GOODLATTE for their work on this bill. Both their Committees held numerous hearings on the bill and carefully crafted this measure with the input of local governments and environmental groups. The bill increases collaboration among federal, state, and private interested parties. The bill enjoys wide bipartisan support and will benefit the entire country, all while saving the federal government money. Again, the bill makes sound, environmental sense and I support final passage of the bill.

Mr. BAIRD. Madam Chairman, I yield myself such time as I may consume.

Let us step back for just a second, because it seems some folks may not fully understand why we need this legislation. We need this legislation because following a fire or a blowdown or other catastrophic event, the wood is actually still good, but it is only good for a finite time, as Mr. WALDEN said in his opening remarks. Every day that you delay, the value of the wood declines.

Now, we believe that it is not a situation where you can just say, well, let us look infinitely before you leap. You have got to act, because not acting here has consequences. What this bill does is expedite a way of acting responsibly so the public has input, so that you use best available science, and then the public has an appeals process.

But beyond that, the bill contains a host of protections, and I want to underscore those. Contrary to what my friend from the Science Committee suggested, you can only cut trees that are either dead or in eminent demise. So if a tree is blown over, it can live for a year or so, but it is going to die mighty soon. There is no provision in this bill, none whatsoever, that allows you to go into a healthy stand of green trees and cut it.

Secondly, if a wilderness area or a national park burns, they are off limits. The bill doesn't touch them. Doesn't touch them.

Third, the bill does not require logging anyway. It merely says that if the managers on the ground think it can be done responsibly and economically and appropriately, they can move forward. In fact, many of the fires in the Pacific Northwest, you have hundreds of thousands of acres burned, and only 6 or 7 percent harvested.

Congressman WALDEN and I agree with the science that there are a number of species that depend on standing burned logs for habitat. That is why the bill specifically says you have to leave some logs. It is also why many areas would be left unharvested.

But you look at these 100,000-acre forest fires and you say if you are going to harvest 6 or 7 percent, you have plenty of habitat for those critters that depend on burned trees. But there are also species that prosper more in an open area after harvest, and if what you truly want to support is broad species diversity, you will realize net greatest overall species diversity from harvesting some areas, leaving other areas standing.

I also want to follow up on something Mr. GOODLATTE said. People who don't represent forest districts may say what is in it for me; why should I care?

Here is why you should care. Because when you build your house, if you had a builder come to you and say here is your choice; we can either build this house with perfectly solid wood that came from dead trees that were killed in a fire, or we can build your house by cutting down live trees that are standing today, which would you prefer? Most Americans would say, you know, I would rather use the dead wood, if it is good structurally, to build my house; and indeed it is good structurally, but only if you harvest it promptly.

Let me go right back to basics. We use wood. It has got to come from somewhere. If you can get it from burned forests and do so responsibly and protect the environment, as this bill requires, that is where you ought to get the wood from. But if you delay that harvest unnecessarily, you will diminish the value of the wood and you will increase the adverse environmental impact.

Finally, let me say this: We make decisions in our society and we make trade-offs and balance things. My friends on the other side would say, where is your peer-review science that proves it is good for a forest to harvest burned trees?

You make sacrifices whether you harvest live trees or dead trees. In the case of a live tree, you are sacrificing a living tree. In the case of a dead tree, you are sacrificing a dead tree. The choice is pretty clear to me, and that is what this bill allows us to make: that choice.

□ 1230

Mr. UDALL of New Mexico. Madam Chairman, I yield our remaining time to a leader in our Resources Committee on forest issues and a champion on protecting our forests and watersheds, Representative INSLEE.

Mr. INSLEE. Madam Chairman, the people of the State of Washington deserve decisions about the Eagle Gap Wilderness area to be made based on science and public input, not the whims of President George Bush.

Why do we rush to give this President, the President with the worst environmental record in American history, more discretion, more leeway, less science, less public input? That is a bit like giving Bonnie and Clyde a relaxation of the rules against bank robbery.

There is no reason, given the record of this administration, to trust these administration policies with our national forests. But this bill will give a blank check to the whims of the political decisionmakers in the White House, not the foresters on the ground.

This, in fact, strips, strips us of the requirement that we have a site-specific decision to go out and look at these properties. Now I will tell you how bad it is. I will tell you how George Bush's administration has not respected science. When Mr. Donato, a researcher at Oregon State University, reported his paper in a well-respected journal, Science Magazine, a peer-reviewed journal, do you know what happened? Do you know what his BLM did? They canceled his contract.

That is how the Bush administration treats science. They cancel your contract if you come out with science, with an answer that is not apparently approved by Carl Rove and his political minions.

Madam Chairman, we should not be on this floor giving George Bush more authority to make more bad decisions about the national forests. Reject this bill.

Mr. GOODLATTE. Madam Chairman, I yield 2 minutes to the gentlemen from North Carolina (Mr. HAYES).

Mr. HAYES. Madam Chairman, I thank the chairman for yielding me the time.

Madam Chairman, I rise in strong support of H.R. 4200. The people who wrote the bill are here in the room, as far as I can tell. Forestry is the dominant land use in my State, covering almost two-thirds of our land. About 10 percent of our timberland is in Federal ownership. H.R. 4200 would give our forestry advisors a badly needed new tool to deal with the types of catastrophes that sometimes visit our forests.

Although we do have fires, our forests suffer much greater harm from bugs, like the pine beetle, and from hurricanes like Hugo. Thank God we have not had a visitor like that for some time.

Hugo destroyed some $250 million worth of timber. South Carolina suffered similar damage from that storm. The 2000 outbreak of southern pine beetle spread rapidly to over 130,000 acres of non-Federal land, and additional private land in and around Pisgah National Forest and the Biltmore Estate, known as the Cradle of Forestry in America.

If the beetle is not controlled quickly, it will easily spread to adjacent lands. Most of this outbreak is on Federal lands, making it extremely important the Forest Service respond quickly to avoid spreading infestations to adjacent healthy non-Federal forests.

''We do not have a year or 2 years'' stated Jim Hefley, a retired forestry

professional charged with heading up the committee to address the outbreak. ''We have 120 days to accomplish our work and remove the infested trees.''

This statement was made in November of 2000 as the beetles entered their period of winter dormancy. The Forest Service did not issue their decision to implement treatments until April 16, 2002. This is unconscionably slow.

With the authority available under H.R. 4200, the Forest Service could substantially shorten the time frame to move forward with the recovery project down to as little as 60 days if the Forest Service develops an appropriate preapproved practice to deal with southern pine beetles.

In the Southeast, we are lucky that our pine forests grow quickly. That is why they make such good wildlife habitat, and why they are the engine of the region's timber economy.

Madam Chairman, I urge unanimous support of H.R. 4200.

Mr. PETERSON of Minnesota. Madam Chairman, I yield 2 minutes to the gentleman from Washington (Mr. BAIRD).

Mr. BAIRD. Madam Chairman, I thank the gentleman from Minnesota.

Madam Chairman, just briefly, I mentioned earlier the amazement with which I have watched some of the misrepresentation that has occurred on the floor today.

I just saw it again a second ago from my good friend from Washington State. BLM did not, for the record, cancel the contract of the researcher, they suspended it following a review to make sure procedures had been followed.

I also want to talk about this criticism of planning ahead. You know, folks on my side have been in high dudgeon and great outrage at the lack of planning by FEMA prior to Hurricane Katrina. Here we are with a bill that would allow us to plan ahead, so that when disaster strikes we can respond responsibly and promptly with the best available science to protect the environment and to save the taxpayers money, and we are being criticized for advance planning.

It is a good bit paradoxical, my friends. You cannot say on the one hand we ought to plan for disasters like Katrina, but we should not plan for disasters in a forest. You should plan for both, and we have proven mechanisms for responding to both.

And here is something that has to be underscored. What we are talking about today is standard practice, standard practice by State foresters, by industrial foresters, by private timber owners, and by tribes. People who have fiduciary responsibilities to their taxpayers, to their stockholders, and to the timber owners do this every day across the country.

And if you would come with Congressman WALDEN and I, we can walk you through beautiful, magnificent forests that were burned one time, harvested, and regenerated. That is why we are supporting this bill.

I would just say for all of the talk on evidence, the evidence can be obtained right here with your eyes. Just come visit these forests. If 15,000 people who manage forests on the ground every day support this, this is not about giving President George Bush authority over burned fires, it is about giving the timber managers who live and work and know the ground and raise their families nearby and drink the water from the watersheds and have years of experience, that is who gets the authority under this bill.

Mr. GOODLATTE. Madam Chairman, I yield 2 minutes to the gentleman from Texas (Mr. BRADY).

Mr. BRADY of Texas. Madam Chairman, I appreciate the bipartisan leadership on this bill. I think sometimes in Washington we would do better to not clear-cut the truth when it comes to issues like this.

Madam Chairman, the truth is when natural disasters hit our forests, as they do in east Texas, our regulations really hinder our ability to recover that forest quickly. They do not help; they hinder it. This bill does the opposite. I strongly support it.

Madam Chairman, in 1998 we had a windstorm that hit the Sabine, Angelina and Sam Houston National Forests here in east Texas, damaged about 200 million boardfeet of timber. As bad as that looks, and as big as that looks, you should have seen what Hurricane Rita did. The fourth largest hurricane to ever hit the gulf coast damaged nearly a million boardfeet of timber, and that is our number one, not only our number one economic driver in east Texas, but we really value our forests. We want to recover them, because that to us was a huge natural disaster.

This bill will help us recover from disasters like this. All of them had salvageable timber; terrible Hurricane damage, but salvageable timber. But because of the large volume of timber that was damaged, the rapid decay of the dead wood, and procedural red tape and economic constraints, salvage operations, the ability to salvage this is limited. And if we do not do that, the down and damaged timber becomes hazardous fuel, endangering the public and firefighter safety.

And all of the remaining undamaged timber becomes highly susceptible to other timber losses, because of bark beetles further impairing the forest health, and blue stain, which affects the timber itself. So failure to remove salvageable timber impedes the restoration of some of our treasured habitat, such as threatened and endangered red cockheaded woodpecker and the Louisiana pine snake.

Madam Chairman, delays to harvesting downed timber means delays and increased costs all across the board, and the ability in this bill to use alternative ways to do it makes healthier forests and better species. Madam Chairman, I strongly support this bill.

Mr. PETERSON of Minnesota. Madam Chairman, I yield to Mr. BAIRD such time as he may consume.

Mr. BAIRD. Madam Chairman, I want to add one other environmental consideration on this, the issue of greenhouse gases. When you talk about billions of boardfeet of timber down post-Katrina, and you think about what happens if there is a secondary burn and how much carbon is put into the air, that is not good if you want to contain greenhouse gases.

Those who are concerned about global warming, as am I, and as are many of my friends who have spoken today, seriously ought to consider, you can entrap the carbon in those trees by building a home with the wood, or you can leave the carbon in those trees to burn a second time and to fill the atmosphere with smoke.

I would submit that it is better from an environmental perspective to make sure that those forests do not reburn if you can do so responsibly, and we have testimony from wildland forest fighters that by removing these trees postfire you can actually reduce the risk of subsequent fires if you reharvest.

Mr. GOODLATTE. Madam Chairman, will the gentleman yield?

Mr. BAIRD. I yield to the gentleman from Virginia.

Mr. GOODLATTE. Madam Chairman, the gentleman makes an excellent point. And the point you made earlier about choosing between dead, dying, burned trees versus live, living trees not being cut down are also helping the environment by absorbing that CO_2. So this is a very proenvironmental piece of legislation

Mr. BAIRD. Madam Chairman, reclaiming my time. I appreciate that point. This is the choice you are making. You are not choosing whether or not to use wood. We have got to use wood, and it is a darn good product.

You are going to get some from living trees, you are going to get some from burned trees, but if you have got the burned trees, use the wood responsibly, use it promptly. Sink the carbon in your house, do not put it into the atmosphere.

Mr. DUNCAN. Madam Chairman, I claim the time of the Transportation and Infrastructure Committee on behalf of Chairman YOUNG.

The Acting CHAIRMAN (Mrs. MILLER of Michigan). The gentleman is recognized for 10 minutes.

Mr. DUNCAN. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, before I yield some time to Chairman WALDEN, I would like to mention a couple of things. A few years ago I read the book ''A Walk in the Woods'' by Bill Bryson about hiking the Appalachian Trail. He says in that book that New England in 1850 was 30 percent in forestland. Today it is almost 70 percent in forestland. A few days ago I think it was USA Today or one of the national publications had an article about the State of Vermont and said it is 77 percent in forestland.

The Knoxville New Sentinel a few years ago said that Tennessee in 1950 was 36 percent in forestland. Today it is 55 percent in forestland. Yet if I went to any school in this country and asked the kids, are there more trees now than there was 100 or 150 years ago, they would all say, no, there are a lot fewer trees; when the truth is, there are billions and billions more trees, and hundreds of millions of acres more in forest today than at any time in our history.

And then I remember in the forest subcommittee in 2002, at the first of the year and then again in late spring, we were warned that 40 million acres in the West were in imminent danger of catastrophic forest fire, and later that year we saw some 7 million acres burned by needless, unnecessary forest fires that could have been prevented. I am told by the staff that we will probably have 7 million acres more burned this year, and that is a sad, unfortunate thing.

We have groups all over this country who do not want you to drill for any oil, do not want you to dig for any coal, do not want you to produce any natural gas, and do not want you to cut any trees. Madam Chairman, do you know who that hurts? It hurts the poor and the lower-income and the working people of this country most of all. The wealthy are always going to do all right. But these things that we do up here affect the poor and the lower-income and working people most of all because when you do not allow anything, any type of natural resource production in this country, what do you do? You drive up prices and you destroy jobs. Who does that hurt the most? It hurts the poor and the lower-income and the working people. And it drives up prices for everything that uses wood, from homes and furniture to toilet paper and everything else.

And so that is what some of this bill is about today. I have got some more I would like to say on it.

Madam Chairman, I yield such time as he may consume to Chairman WALDEN for some further remarks.

Mr. WALDEN of Oregon. Madam Chairman, I certainly appreciate all of the work that Mr. DUNCAN has done on our Subcommittee on Forests and Forest Health, and the gentleman's comments today really, I think, make a very, very strong point.

We have more forested acres today than we did 100 years ago, and we have more trees today than we did. In fact, one of the issues we face in America's forests in the West is overstocked forests. And when forests get overstocked, then bugs come in, nature takes over, you have disease, you have stressed trees, and often they die. And then you get a fire.

You have seen earlier in the debate pictures of these forests after they have burned. Now I represent a district that is nearly 70,000 square miles, home to, I think, 10 or 11 national forests. More than half of the land mass of the district I represent is in government ownership.

I love to get out and backpack and hike. I was up on Dog Mountain this weekend in Columbia Gorge. I love these forests.

□ 1245

I want healthy green forests, I want to protect the watersheds. I also drive through forests that burned years ago and nothing has been done to recover them. There are valuable stands of timber there that could have been harvested to pay for the recovery effort. The Congressional Budget Office says if we allow the Forest Service and the BLM to move quicker on the projects they deem to be appropriate under their planning documents and in compliance with the Federal environmental laws, we could actually increase receipts by 40 percent from those sales. Forty percent. We could pay for the restoration work. We could restore the forests.

Now, you have heard comments today about how do we define a disaster. Well, we define it virtually identically to the way the Federal Emergency Management Agency defines a major disaster. The language is almost identical. It means any natural catastrophic catastrophe, including any hurricane, tornado, storm, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowslide, drought. All of those things contribute to a catastrophe in America's forests, and so we use the same definition. So if you don't like our definition here, well then maybe we need to change FEMA. But I don't think anybody would stand for that in an emergency. If we have an emergency in a forest, the emergency doesn't end when the smoke clears.

We have also heard today, erroneously, no site evaluation. We would wipe that out. Nobody would ever have to go on the ground. That is not true. Go to page 32 of the manager's amendment that we are debating today: We require the agencies to show rationale for their decision, economic analysis and justification, an analysis of the environmental effects of the project, and how such effects will be minimized or mitigated consistent with applicable land and resource management plan. And it goes on through.

And let me say, we continually heard this nonsense that somehow you can do this without ever following the Clean Water Act or Safe Drinking Water Act or the Endangered Species, and that is simply not the case; because Americans act, and that is simply not the case; because Americans under our law would have the same right they have under existing law in the Healthy Forest Restoration Act to appeal, and to appeal to a court of law who would immediately shut down a project with a temporary restraining order, stop them in their tracks if they didn't follow existing Federal law. The safeguards are in this bill to do what is needed to be done to improve America's forests, to get them back into restored status, to move quickly after a catastrophe, after a disaster, as we expect the government to do after a lot of different events that occur in our country. We just want to be able to do that in our forests as well, like every other forestland manager has the authority to do.

Madam Chairman, I reserve the balance of my time.

Mr. PETERSON of Minnesota. Madam Chairwoman, I would like to yield the balance of my time to the gentleman from Washington (Mr. BAIRD).

Mr. BAIRD. Madam Chairman, I thank the gentleman. I want to follow up on something my good friend Mr. DUNCAN pointed out. In my district I mentioned earlier we have got communities with double-digit unemployment. Some of these small timber towns, the only real game in town is timber. And if there is a catastrophic fire in the vicinity of that mill and the choice is to let that wood rot or put some people to work by milling it, it is going to be mighty hard for me to go back home and look these folks in the eye and say, ''I know that there is perfectly good wood that we could get out. I know that we could build houses with it, make paper products, but you know we have to leave it completely untouched until that wood just rots.''

Now, we are not saying harvest every stick of timber. We are not saying that in every fire or blowdown you harvest anything. But if you can get economically valuable products out and if you can do it in a responsible way, then by golly you ought to do it. And that is what this bill comes down to at the end of the day.

When Congressman WALDEN and I visited the Timbered Rock fire, we rode out to that fire site with the forest people, the forest managers of that area. This is not about having some bureaucrat in Washington, DC, manage forests. That is actually what is happening now. We are managing through litigation. Litigation is probably the most inefficient way to manage anything. If you can avoid it, do so. The folks who actually manage these post-fire scenarios live in the communities. I talked to one fellow, he said, ''This is where I come to fish with my kids. Do you think I want to let this go forward in a way that is going to destroy the fishing? This is where we come to hunt.'' The water supply for my community is downstream from this fire. I have every investment in managing this responsibly.

The forest managers who go into that profession go into it because they love the forests. They live in the field, they know the terrain. And this bill allows them to respond promptly if there is an incident, and to use advanced planning to prepare for an incident so that they can do the most responsible thing the most promptly. That is what this thing is about. Again, it is common sense and

I am proud to have coauthored it. I thank the gentleman for his leadership. We will see some proposed amendments in a moment. I would urge rejection of those and final passage of the legislation.

Mr. DUNCAN. Madam Chairman, I am pleased that the gentleman from Washington, who is a really good Member and a good friend of mine, that he mentioned the small logging companies. I remember in 1978, we had 157 small coal companies in east Tennessee, and then they opened up a Federal mining office and now there are none of those small companies left.

When you overregulate anything, it helps the big giants, but it first runs the small companies out and then even the medium-sized companies. And I am told that is what is happening all over the country to our small logging companies. And I remember, I was told years ago that in the mid-eighties that Congress passed a bill that the environmentalists wanted that would not allow cutting of more than 80 percent of the new growth in our national forests. Today, we are cutting less than one-seventh of the new growth in our national forests, and we have two or three or four times as much dead and dying trees, and under the present rules we can't even go in there and get some of these dead and dying trees out. Like he said earlier, I said this bill is just another of many things that we are trying to not only help the environment but to help the poor and the lower income and the working people by not driving up prices and not destroying jobs in the way that we have been doing. But also this is a bill that would help some of the small businesses, some of the small logging companies maybe to survive instead of all having to go out.

H.R. 4200, this Forest Emergency Research and Recovery Act, would allow land managers to move swiftly after a disaster to stabilize soils, protect streams and riparian areas and reforest the land. The bill allows for the establishment of preapproved management practices and emergency procedures that could be implemented quickly after a fire or other catastrophic event. This bill, H.R. 4200, allows for compliance with the Clean Water Act requirements to occur simultaneously with the implementation of these preapproved management practices or emergency procedures.

H.R. 4200 is essential, I think, to ensuring our national forests are forested for future generations. This is a good bill. It is good for the environment, it is good for business, and it is good for the average ordinary citizen who doesn't need for wood product prices to just go out of sight. And so I urge passage.

Mr. BACA. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

Mr. Chairman, I want to voice my support for H.R. 4200.

The catastrophic wildfires that devastated southern California in late 2003 are proof that forest health and recovery are essential. We must expand these tools however possible to protect the lives and property of our constituents.

I only wish the agency and administration would have heeded our demands from then Governor Davis, Senators BOXER and FEINSTEIN, and many others including myself for emergency fuels reduction funding.

The fact is that many forests in southern California continue to be matches waiting to set ablaze. Bark Beetle infestations have ravaged the San Bernardino National Forest and many populated rural areas.

Either we learn the lessons of the past or we are condemned to repeat those mistakes in the future.

By the time the 14 major wildfires in southern California were extinguished in November 2003, 24 lives were lost, 3,710 homes were destroyed, and 750,043 acres were blackened—70,000 of those acres in San Bernardino County.

We must also remember the post-fire flooding in the erosion-prone mountain watersheds, and how 17 lives were lost in San Bernardino County alone. Sixteen of these lives were lost on Christmas Day, including those of two constituents.

Mr. Chairman, I completely agree that recovery is essential, but I am also very interested in ensuring that the contractors doing this recovery are not engaging in criminal violations of health, safety and labor law.

At the December hearing on this bill in the Agriculture Committee, I introduced into the record an exposé by the Sacramento Bee on the deplorable, and often criminal, conditions to which these H2B and other contract employees are subjected.

Some are not paid their full wage, denied safety equipment, or made to live in subhuman conditions because of their H2B guestworker status.

Mr. Chairman, that is why I will be holding a briefing tomorrow at 2 p.m. in the Science Committee room on these forest workers and how agencies can improve their oversight of wage and workplace safety violations.

Mr. Chairman, I agree that we need to protect the lives and property of our constituents by maintaining healthy forests and recovering after disasters and pest infestations. That is why I am voting in favor of this legislation. I urge my colleagues to do the same.

Mr. THOMPSON of Mississippi. Mr. Chairman, I rise in favor of H.R. 4200, the Forest Emergency Recovery and Research Act (FERRA).

Many of you are supporting this bill because of wild fires. My state and I have a different, but just as important need. Hurricane Katrina caused the largest single forest and wildlife habitat devastation in our Nation's history—5 million acres—and it did not discriminate between public or private land or the rich, poor or the middle class. She was an equal opportunity destroyer. By the way, this represents 19 billion board feet of timber with a value of $5 billion. This is enough timber to build 800,000 homes and make 25 million tons of paper and paperboard.)

National Wildlife Refuges, National Parks and National Forests were all severely damaged. The DeSoto National Forest was hit the hardest. But besides trees, we had a diversity of plants and animals that lost their homes too. In fact, the damage left by Katrina is the largest single devastation of fish and wildlife habitat since the Exxon Valdez.

I have witnessed the devastated, high quality forests of the DeSoto degrade to a point that we must appropriate many millions to clean up the debris and recover this forest. That was not necessary.

By acting in a timely manner as FERRA will allow, we can salvage valuable wood products before they deteriorate. This will generate much needed dollars for rural schools and return more dollars to federal and state treasuries. It will also generate funds to restore the homes of wildlife and the citizens of places like the Gulf Coast and New Orleans.

We don't need to cut down live trees that are valuable at producing oxygen, sequestering carbon dioxide and providing fish and wildlife habitat when we can use ones that are already damaged. It's just common sense.

As the first member of my party to co-sponsor the Healthy Forests Restoration Act, I ask you to vote in favor of H.R. 4200.

Mr. DUNCAN. Madam Chairman, I yield back the balance of my time.

The Acting CHAIRMAN (Mrs. MILLER of Michigan). All time for general debate has expired.

In lieu of the amendment recommended by the Committee on Resources printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the 5-minute rule an amendment in the nature of a substitute printed in the designated place in the CONGRESSIONAL RECORD and numbered 1. That amendment in the nature of a substitute shall be considered read.

The text of the amendment in the nature of a substitute is as follows:

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as ''Forest Emergency Recovery and Research Act''.

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

Sec. 1. Short title and table of contents.
Sec. 2. Findings.
Sec. 3. Definitions.

TITLE I—RESPONSE TO CATASTROPHIC EVENTS ON FEDERAL LANDS

Sec. 101. Development of research protocols and use in catastrophic event research projects.
Sec. 102. Catastrophic event recovery evaluations.
Sec. 103. Compliance with National Environmental Policy Act.
Sec. 104. Availability and use of pre-approved management practices.
Sec. 105. Availability and use of emergency procedures.
Sec. 106. Administrative and judicial review.
Sec. 107. Guidance regarding reforestation in response to catastrophic events.
Sec. 108. Effect of title.
Sec. 109. Standards for tree retention.

TITLE II—RESTORING LANDSCAPES AND COMMUNITIES IMPACTED BY CATASTROPHIC EVENTS

Subtitle A—Cooperative Forestry Assistance Act of 1978

Sec. 201. Assistance under Cooperative Forestry Assistance Act of 1978 to restore landscapes and communities affected by catastrophic events.

Subtitle B—Department of the Interior Assistance
Sec. 211. Restoring landscapes.
Sec. 212. Restoring communities.
TITLE III—EXPERIMENTAL FORESTS
Sec. 301. Findings.
Sec. 302. Availability and use of pre-approved management practices on National Forest experimental forests.
Sec. 303. Limited consideration of alternatives for projects on National Forest experimental forests.
TITLE IV—GENERAL PROVISIONS
Sec. 401. Regulations.
Sec. 402. Dedicated source of funds for research and monitoring.
Sec. 403. Other funding sources.
Sec. 404. Effect of declaration of major disaster or emergency.

SEC. 2. FINDINGS.

Congress finds the following:

(1) The number and severity of catastrophic events causing resource damage to Federal land has significantly increased over the last 20 years, and such catastrophic events also create serious adverse environmental, social, and economic consequences for Federal land and adjacent non-Federal land and communities.

(2) Catastrophic events often devastate forest or rangeland ecosystems and eliminate sources of seed for desired tree and plant species, which—

(A) delays or even precludes the reestablishment of appropriate forest or plant cover on millions of acres of Federal land;

(B) increases the susceptibility of the damaged land to wildfire and noxious or harmful species and reduces the economic value of the damaged land's resources;

(C) increases the susceptibility of adjacent undamaged land to insect infestations, disease, and noxious weeds;

(D) pollutes municipal water supplies and damages water delivery infrastructure;

(E) exacerbates sediment production that adversely impacts native fish habitat and soil productivity;

(F) results in unsafe campgrounds, trails, roads, and other infrastructure; and

(G) adversely impacts the sustainability of ecosystems and the well-being of adjacent communities.

(3) Program authorities and funding mechanisms currently available to the Secretary of Agriculture and the Secretary of the Interior to respond to catastrophic events on forested Federal land do not provide for consistent and timely response activities.

(4) The Council on Environmental Quality has approved on an infrequent basis the use of alternative arrangements to respond to catastrophic events on forested Federal land, but, when used in the past, such alternative arrangements have encouraged expedited and successful recovery outcomes.

(5) A prompt and standardized management response to a catastrophic event, which is also adaptive to the unique characteristics of each catastrophic event, is needed—

(A) to effectively recover the area damaged by the catastrophic event,

(B) to minimize the impact on the resources of the area and adjacent communities adversely affected by the catastrophic event; and

(C) to recover damaged, but still merchantable, material before it loses its economic value.

(6) Reforestation treatments on forested Federal land after a catastrophic event helps to restore appropriate forest cover, which provides multiple renewable resource benefits, including—

(A) protecting soil and water resources;

(B) providing habitat for wildlife and fish;

(C) contributing to aesthetics and enhancing the recreational experience for visitors;

(D) providing a future source of timber for domestic use; and

(E) ensuring the health and resiliency of affected ecosystems for present and future generations.

(7) According to the Comptroller General, the reforestation backlog for Federal land has increased since 2000 as a result of natural disturbances, such as wildland fires, insect infestations, and diseases.

(8) Additional scientific and monitoring information is needed regarding the effectiveness of recovery treatments to improve subsequent recovery proposals in response to future catastrophic events.

(9) State, tribal, and local governments, local communities, and other entities play a critical role in restoring landscapes damaged by a catastrophic event and in reducing the risks associated with the catastrophic event.

(10) Greater resources and adaptive arrangements must be made available to land managers to facilitate the prompt implementation of recovery treatments, including reforestation, following catastrophic events.

SEC. 3. DEFINITIONS.

In this Act:

(1) BURNED AREA EMERGENCY RESPONSE.—The term ''burned area emergency response'' means the process used by the Secretary concerned to plan and implement emergency stabilization actions on Federal land in response to a catastrophic event in order to minimize threats to life or property or to stabilize and prevent unacceptable degradation to natural and cultural resources resulting from the effects of the catastrophic event.

(2) CATASTROPHIC EVENT.—The term ''catastrophic event'' means any natural disaster or any fire, flood, or explosion, regardless of cause, that the Secretary concerned determines has caused or will cause damage of significant severity and magnitude to Federal land or, in the case of title II, non-Federal land. A natural disaster may include a hurricane, tornado, windstorm, snow or ice storm, rain storm, high water, wind-driven water, tidal wave, earthquake, volcanic eruption, landslide, mudslide, drought, or insect or disease outbreak.

(3) CATASTROPHIC EVENT RECOVERY.—The term ''catastrophic event recovery'', with respect to an area of Federal land damaged by a catastrophic event, means—

(A) if the catastrophic event involved fire, the rehabilitation and restoration activities (other than any emergency stabilization treatments undertaken as part of the burned area emergency response) that are undertaken on the damaged Federal land, including any infrastructure or facilities thereon, in response to the catastrophic event;

(B) if the catastrophic event did not involve fire, the emergency stabilization and rehabilitation and restoration activities that are undertaken on the damaged Federal land, including infrastructure or facilities thereon, in response to the catastrophic event; or

(C) the reforestation or revegetation, consistent with the applicable land and resource management plan, of the damaged Federal land in response to the catastrophic event using, to the extent practicable and preferable, native or beneficial plants to avoid creation of plantation forests and the recovery of trees on the damaged Federal land, through the use of timber harvesting and other appropriate methods of forest regeneration.

(4) CATASTROPHIC EVENT RECOVERY EVALUATION.—The term ''catastrophic event recovery evaluation'', with respect to an area of Federal land damaged by a catastrophic event, means an evaluation of the damaged Federal land that is conducted in accordance with section 102.

(5) CATASTROPHIC EVENT RECOVERY PROPOSAL.—The term ''catastrophic event recovery proposal'' means the list and brief description of catastrophic event recovery projects, catastrophic event research projects, and pre-approved management practices that are—

(A) identified as part of the catastrophic event recovery evaluation of an area of Federal land damaged by a catastrophic event; and

(B) proposed to be undertaken to facilitate the catastrophic event recovery of the area or evaluate the effects and effectiveness of such recovery efforts.

(6) CATASTROPHIC EVENT RECOVERY PROJECT.—The term ''catastrophic event recovery project'' means an individual activity or a series of activities identified in a catastrophic event recovery proposal for an area of Federal land damaged by a catastrophic event and proposed to be undertaken in response to the catastrophic event to promote catastrophic event recovery.

(7) CATASTROPHIC EVENT RESEARCH PROJECT.—The term ''catastrophic event research project'' means a scientifically designed study of the effects and effectiveness of—

(A) any catastrophic event recovery projects undertaken in an area of land damaged by a catastrophic event; and

(B) any emergency stabilization treatments undertaken as part of a burned area emergency response in the area of land damaged by a catastrophic event.

(8) COMMUNITY WILDFIRE PROTECTION PLAN.—The term ''community wildfire protection plan'' has the meaning given that term in section 101(3) of the Healthy Forest Restoration Act of 2003 (16 U.S.C. 6511(3)).

(9) ELIGIBLE ENTITY.—The term ''eligible entity'', for purposes of providing assistance under subtitle B of title II, means a State Forester or equivalent State official, an Indian tribe, local government, community-based organization, or other person.

(10) FEDERAL LAND.—The term ''Federal land'' means land in the National Forest System and public lands. The term does not include any land contained in a component of the National Wilderness Preservation System or designated as a national monument.

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

(12) LAND AND RESOURCE MANAGEMENT PLAN.—The term ''land and resource management plan'' means—

(A) a land and resource management plan developed for a unit of the National Forest System under section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604); or

(B) a land use plan developed for an area of the public lands under section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712).

(13) LAND-GRANT COLLEGES AND UNIVERSITIES.—The term ''land-grant colleges and universities'' has the meaning given that term in section 1404(11) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103(11)).

(14) LANDSCAPE ASSESSMENT.—The term ''landscape assessment'' means an assessment describing catastrophic event conditions and recovery needs and opportunities on non-Federal land affected by a catastrophic event and including a list of proposed special recovery projects to address those needs and opportunities.

(15) NATIONAL FOREST SYSTEM.—The term ''National Forest System'' has the meaning given that term in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a)).

(16) PRE-APPROVED MANAGEMENT PRACTICE.—The term ''pre-approved management practice'' means a management practice identified by the Secretary concerned under section 104(a) that may be immediately implemented as part of a catastrophic event recovery project or catastrophic event research project to facilitate the catastrophic event recovery of an area of Federal land damaged by a catastrophic event.

(17) PUBLIC LANDS.—The term ''public lands'' has the meaning given that term in section 103(e) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702(e)).

(18) SECRETARY CONCERNED.—The term ''Secretary concerned'' means—

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

(B) the Secretary of the Interior, with respect to public lands.

(19) SPECIAL RECOVERY PROJECT.—The term ''special recovery project'' means an individual activity or a series of activities proposed to be undertaken to rehabilitate, repair, and restore non-Federal land damaged by a catastrophic event, community infrastructure and facilities on the land, and economic, social, and cultural conditions affected by the catastrophic event.

TITLE I—RESPONSE TO CATASTROPHIC EVENTS ON FEDERAL LANDS

SEC. 101. DEVELOPMENT OF RESEARCH PROTOCOLS AND USE IN CATASTROPHIC EVENT RESEARCH PROJECTS.

(a) DEVELOPMENT OF PROTOCOLS; PURPOSE.—For the purpose of conducting and evaluating the effectiveness and effects of a catastrophic event recovery project and of emergency stabilization treatments undertaken as part of a burned area emergency response, the Secretary concerned shall develop research protocols consisting of—

(1) a research approach that is specifically designed to improve knowledge, understanding, and predictive capabilities—

(A) to increase the long-term benefits of management activities, including natural and artificial regeneration of vegetation; and

(B) to decrease the short-term impacts of such management activities;

(2) an appropriate and scientifically sound experimental design or set of sampling procedures; and

(3) accompanying methods of data analysis and interpretation.

(b) PEER REVIEW.—The research protocols developed under subsection (a), and any subsequent modification thereof, shall be subject to peer review, including independent, third-party peer review, by scientific and land management experts.

(c) TIME FOR COMPLETION; MODIFICATION.—The research protocols required by this section shall be submitted to Congress not later than 180 days after the date of the enactment of this Act. The Secretary concerned may modify the research protocols, as the Secretary determines necessary, after their submission to Congress. The Secretary concerned shall notify Congress regarding any such modification.

(d) CATASTROPHIC EVENT RESEARCH PROJECTS.—In accordance with the research protocols developed under this section, the Secretary concerned may conduct one or more catastrophic event research projects in an area of land damaged by a catastrophic event. The Secretary may develop a proposed catastrophic event research project as part of a catastrophic event recovery proposal or develop a catastrophic event research project independently of the catastrophic event recovery proposal during the catastrophic event recovery in response to changing conditions in the area damaged by the catastrophic event.

(e) PUBLIC ACCESS.—

(1) PROTOCOLS.—The Secretary concerned shall make the research protocols developed under subsection (a), including any modification thereof, publicly available, in a form determined to be appropriate by the Secretary.

(2) RESEARCH RESULTS.—After completion of the peer review required by subsection (b), the Secretary concerned shall make the results of catastrophic event research projects publicly available, in a form determined to be appropriate by the Secretary.

(f) FOREST HEALTH PARTNERSHIPS.—In developing and using the research protocols required by this section, the Secretary concerned shall enter into cooperative agreements with land-grant colleges and universities and other institutions of higher education to form forest health partnerships, including regional institutes, to utilize their education, research, and outreach capacity to address the catastrophic event recovery of forested land. A forest health partnership may be aligned with the current network of Cooperative Ecosystem Studies Units.

SEC. 102. CATASTROPHIC EVENT RECOVERY EVALUATIONS.

(a) COMMENCEMENT.—

(1) EVALUATION REQUIRED.—In response to a catastrophic event affecting 1,000 or more acres of Federal land, the Secretary concerned shall conduct a catastrophic event recovery evaluation of the damaged Federal land.

(2) EVALUATION AUTHORIZED.—If a catastrophic event affects more than 250 acres of Federal land, but less than 1,000 acres, the Secretary concerned is authorized, but not required, to conduct a catastrophic event recovery evaluation of the damaged Federal land.

(b) TIME FOR COMMENCEMENT.—

(1) WHEN EVALUATION REQUIRED.—When a catastrophic event recovery evaluation is required under subsection (a)(1), the Secretary concerned shall commence the catastrophic event recovery evaluation for the Federal land damaged by the catastrophic event—

(A) as soon as practicable during or after the conclusion of the catastrophic event to facilitate prompt decision-making with regard to the catastrophic event recovery of the damaged Federal land; but

(B) in no event later than 30 days after the conclusion of the catastrophic event.

(2) WHEN EVALUATION DISCRETIONARY.—When a catastrophic event recovery evaluation is simply discretionary under subsection (a)(2), the Secretary concerned shall make a final decision whether to commence a catastrophic event recovery evaluation for the Federal land damaged by the catastrophic event, and, if the final decision is to commence a catastrophic event recovery evaluation, actually commence the evaluation—

(A) as soon as practicable during or after the conclusion of the catastrophic event to facilitate prompt decision-making with regard to the catastrophic event recovery of the damaged Federal land; but

(B) in no event later than 30 days after the conclusion of the catastrophic event.

(c) COMPLETION.—

(1) TIME FOR COMPLETION.—To facilitate prompt implementation of catastrophic event recovery projects on Federal land damaged by a catastrophic event when a catastrophic event recovery evaluation is undertaken under subsection (a), whether because the evaluation is required under paragraph (1) of such subsection or because the Secretary concerned makes a decision to conduct an evaluation under paragraph (2) of such subsection, the Secretary concerned shall complete the catastrophic event recovery evaluation for the damaged Federal land not later than 30 days after the date on which Secretary commenced the catastrophic event recovery evaluation.

(2) EXTENSION.—The Secretary concerned may extend the completion date for a catastrophic event recovery evaluation, on a case-by-case basis, when the Secretary concerned determines that additional time is necessary to evaluate a complex catastrophic event, an on-going catastrophic event, or a series of catastrophic events. Only a single extension may be provided for any catastrophic event recovery evaluation, and the extension shall not be longer than 60 days after the date on which the evaluation was otherwise required to be completed under paragraph (1).

(d) ELEMENTS OF CATASTROPHIC EVENT EVALUATION.—In conducting the catastrophic event recovery evaluation for an area of Federal land damaged by a catastrophic event, the Secretary concerned shall prepare the following:

(1) A description of catastrophic event conditions on the damaged Federal land, recovery needs and opportunities, and the areas where management intervention would be helpful to achieve the catastrophic event recovery of the damaged Federal land.

(2) A preliminary determination of any catastrophic event research projects that best fit the circumstances of the particular catastrophic event environment or would enhance scientific understanding relevant to the damaged area.

(3) A catastrophic event recovery proposal containing possible catastrophic event recovery projects and catastrophic event research projects for the damaged area and describing the anticipated size and scope of these projects.

(4) One or more maps detailing the area of damaged Federal land and the location of catastrophic event recovery proposals.

(5) A preliminary estimate of the funding that would be needed to complete the catastrophic event recovery projects and catastrophic event research projects contained in the catastrophic event recovery proposal.

(6) A preliminary estimate of the receipts, including receipts from biomass and other forest products, to be derived from the catastrophic event recovery projects and catastrophic event research projects contained in the catastrophic event recovery proposal, and, to the maximum extent practicable, an estimate of revenues likely to be lost if action is not taken in a timely manner.

(7) A preliminary schedule showing the timing of possible catastrophic event recovery projects and catastrophic event research projects by fiscal year, assuming funding is available to undertake the projects.

(e) USE OF PRE-APPROVED MANAGEMENT PRACTICES OR EMERGENCY PROCEDURES.—

(1) DETERMINATION.—In addition to complying with the requirements specified in subsection (d) for each catastrophic event recovery evaluation, the Secretary concerned shall make a determination of—

(A) whether or not any pre-approved management practices should be immediately implemented under section 104 to facilitate the catastrophic event recovery of the area covered by the catastrophic event recovery evaluation; and

(B) whether or not any catastrophic event recovery project or catastrophic event research project, or portion of such a project, contained in the catastrophic event recovery proposal should be developed and carried out using the emergency procedures authorized by section 105.

(2) FACTORS.—In making any determination under paragraph (1)(B) to develop and carry out a catastrophic event recovery

project or catastrophic event research project, or portion of such a project, using emergency procedures under section 105, the Secretary concerned shall consider at a minimum the following:

(A) The necessity of promptly responding to the catastrophic event on the damaged Federal land.

(B) The recovery needs and opportunities identified under subsection (d)(1) with respect to the damaged Federal land.

(C) The lack of pre-approved management practices authorized by section 104 applicable to the damaged Federal land.

(D) The threat to public health and safety.

(E) The likelihood of substantial loss of adjacent private and public property or other substantial economic losses.

(3) CEQ NOTIFICATION.—The Secretary concerned shall make the determination under paragraph (1) after notification of the Council on Environmental Quality, but the determination remains in the sole discretion of the Secretary.

(f) INTERDISCIPLINARY APPROACH.—To conduct the catastrophic event recovery evaluation of an area of Federal land damaged by a catastrophic event, the Secretary concerned shall use a systematic, interdisciplinary approach that insures the integrated use of appropriate natural and social sciences.

(g) COORDINATION WITH OTHER ACTIVITIES.—

(1) RELATED ASSESSMENT OF NON-FEDERAL LAND.—The Secretary concerned may combine the preparation of a catastrophic event recovery evaluation of Federal land with the preparation of a landscape assessment for non-Federal land in the vicinity of the damaged Federal land prepared under subtitle B of title II or subsection (c) of section 10A of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2106c), as added by section 201.

(2) RELATED COMMUNITY WILDFIRE PROTECTION PLANS.—During preparation of a catastrophic event recovery evaluation for an area of Federal land damaged by a catastrophic event involving wildfire, the Secretary concerned shall consider post-fire management recommendations, if any, contained in any community wildfire protection plan addressing the damaged Federal land.

(h) PUBLIC COLLABORATION.—To encourage meaningful participation during the preparation of catastrophic event recovery projects, the Secretary concerned shall facilitate collaboration among State and local governments, Indian tribes, land-grant colleges and universities, and interested persons during the preparation of catastrophic event recovery evaluations and catastrophic event recovery proposals.

(i) PUBLIC NOTICE.—

(1) NOTICE OF EVALUATION.—The Secretary concerned shall provide public notice of each catastrophic event recovery evaluation, including the catastrophic event recovery proposal prepared as part of the evaluation. The notice shall be provided in a form determined to be appropriate by the Secretary concerned.

(2) NOTICE OF PUBLIC MEETINGS.—The Secretary concerned shall provide notice of public meetings conducted in connection with a catastrophic event recovery evaluation and the availability of preliminary analyses or documents prepared as part of the evaluation. The notice shall be provided at such times and in such a manner as the Secretary concerned considers appropriate.

SEC. 103. COMPLIANCE WITH NATIONAL ENVIRONMENTAL POLICY ACT.

(a) COMPLIANCE REQUIRED.—Except as provided in subsection (b), the Secretary concerned shall comply with the National Environmental Policy Act of 1969 (42 U.S.C. 4331 et seq.), its implementing regulations, and other applicable laws in designing and conducting catastrophic event recovery projects and catastrophic event research projects.

(b) SATISFACTION OF NEPA REQUIREMENTS.—The following activities are deemed to satisfy the requirements of section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332 et seq.) and its implementing regulations:

(1) The preparation of the list of pre-approved management practices under section 104.

(2) The use of pre-approved management practices on the list in the manner provided in section 104.

(3) The use of emergency procedures in the manner provided in section 105.

SEC. 104. AVAILABILITY AND USE OF PRE-APPROVED MANAGEMENT PRACTICES.

(a) LIST OF AVAILABLE PRE-APPROVED MANAGEMENT PRACTICES.—The Secretary concerned shall prepare a list of management practices, by forest type or plant association group, that may be immediately implemented as part of a catastrophic event recovery project or catastrophic event research project to facilitate the catastrophic event recovery of an area of Federal land damaged by a catastrophic event. The list of pre-approved management practices shall be prepared using notice and comment rule making under section 553 of title 5, United States Code.

(b) PEER REVIEW.—Before a management practice may be included on the list of pre-approved management practices, the management practice shall be subject to peer review, including independent, third-party peer review, by scientific and land management experts. The results of the peer review shall be available to the public during the comment period.

(c) REVISION OR AMENDMENT OF LIST.—The Secretary concerned may amend or revise the list of pre-approved management practices as necessary whenever new scientific and managerial information becomes available. Subsections (a) and (b) shall apply to the amendment or revision process.

(d) USE FOR CERTAIN ACTIVITIES PROHIBITED.—

(1) ROAD CONSTRUCTION.—A pre-approved management practice may not authorize any permanent road building. Any temporary road constructed as part of a pre-approved management practice shall be obliterated upon conclusion of the practice and the road area restored to the extent practicable.

(2) TIMBER HARVESTING.—Timber harvesting carried out as part of a pre-approved management practice shall be limited to trees—

(A) that are already down, dead, broken, or severely root sprung;

(B) regarding which mortality is highly probable within five years after the end of the catastrophic event; or

(C) that are required to be removed for worker or public safety.

(e) COMPLIANCE WITH OTHER LAWS.—

(1) ESA CONSULTATION.—In the case of the proposed use of a pre-approved management practice included on the list prepared under subsection (a), the Secretary concerned may use the emergency procedures described in section 402.05 of title 50, Code of Federal Regulations, to comply with section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536). At the conclusion of the consultation, the statement required by subsection (b)(4) of such section shall be issued for any incidental taking that may occur while using the pre-approved management practice, which shall be effective beginning on the date the Secretary concerned initiates the practice and shall apply to all persons assisting or cooperating with the Secretary in using the practice.

(2) OTHER REQUIRED CONSULTATION.—Any consultation required under other laws, such as the National Historic Preservation Act (16 U.S.C. 470 et seq.), may proceed simultaneously with the implementation of a pre-approved management practice. Results of consultation shall be immediately incorporated into the practice, to the extent feasible, practical, and consistent with the response, recovery, and rehabilitation objectives of the project.

(3) FEDERAL WATER POLLUTION CONTROL ACT COMPLIANCE.—Compliance with any applicable requirements of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) may proceed simultaneously with the implementation of a pre-approved management practice.

(f) ISSUANCE OF DECISION DOCUMENT.—Not later than 30 days after the date on which the Secretary concerned makes the determination under section 102(e) to use a pre-approved management practice to facilitate the catastrophic event recovery of an area of Federal land damaged by a catastrophic event, the Secretary concerned shall issue a concise decision document that contains the following:

(1) A description of the pre-approved management practice to be implemented.

(2) The rationale for the agency decision.

(3) An economic analysis and justification.

(4) An analysis of the environmental effects of the pre-approved management practice and how such effects will be minimized or mitigated consistent with the applicable land and resource management plan. As part of this analysis, the Secretary concerned shall consider, to the extent the Secretary concerned determines appropriate, forest type or plant association group, standing- and down-dead wood, watershed, water quality, wildlife habitat, and soils applicable to the damaged Federal land.

(g) IMMEDIATE IMPLEMENTATION.—The Secretary concerned shall implement a pre-approved management practice immediately after the issuance of the decision document under subsection (f), subject only to the availability of funds for the practice.

(h) MONITORING.—To monitor the implementation of a pre-approved management practice, the Secretary concerned may establish a third-party monitoring group, as determined to be appropriate by the Secretary.

SEC. 105. AVAILABILITY AND USE OF EMERGENCY PROCEDURES.

(a) LIMITED CONSIDERATION OF ALTERNATIVES.—If the Secretary concerned determines under section 102(e) to utilize emergency procedures to conduct a catastrophic event recovery project or catastrophic event research project, or portion of such a project, the Secretary concerned is not required to study, develop, or describe more than the proposed agency action and the alternative of no action in designing that project or the portion of the project for which the emergency procedures are utilized.

(b) USE FOR CERTAIN ACTIVITIES PROHIBITED.—

(1) ROAD CONSTRUCTION.—Emergency procedures under this section may not be used to design or conduct a catastrophic event recovery project or catastrophic event research project, or portion of such a project, that provides for any permanent road building. Any temporary road constructed as part of the project shall be obliterated upon completion of the project and the road area restored to the extent practicable.

(2) TIMBER HARVESTING.—Timber harvesting carried out as part of a catastrophic event recovery project or catastrophic event research project, or portion of such a project, for which emergency procedures under this section were used shall be limited to trees—

(A) that are already down, dead, broken, or severely root sprung;

(B) regarding which mortality is highly probable within five years after the end of the catastrophic event; or

(C) that are required to be removed for worker or public safety.

(c) COMPLIANCE WITH OTHER LAWS.—

(1) ESA CONSULTATION.—In the case of a catastrophic event recovery project or catastrophic event research project, or portion of such a project, for which emergency procedures under this section are used, the Secretary concerned may use the procedures described in section 402.05 of title 50, Code of Federal Regulations, to comply with section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536). At the conclusion of the consultation, the statement required by subsection (b)(4) of such section shall be issued for any incidental taking that may occur under the project, which shall be effective beginning on the date the Secretary concerned initiates action under the project and shall apply to all persons assisting or cooperating with the Secretary under the project.

(2) OTHER REQUIRED CONSULTATION.—Any consultation required under other laws, such as the National Historic Preservation Act (16 U.S.C. 470 et seq.), may proceed simultaneously with the design of a catastrophic event recovery project or catastrophic event research project, or portion of such a project, for which emergency procedures under this section are used. Results of consultation shall be immediately incorporated into the project, to the extent feasible, practical, and consistent with the response, recovery, and rehabilitation objectives of the project.

(3) FEDERAL WATER POLLUTION CONTROL ACT COMPLIANCE.—Compliance with any applicable requirements of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) may proceed simultaneously with the design of a catastrophic event recovery project or catastrophic event research project, or portion of such a project, for which emergency procedures under this section are used.

(d) COMPLETION OF EMERGENCY PROCEDURES AND ISSUANCE OF DECISION DOCUMENT.—Not later than 90 days after the date on which the Secretary concerned makes the determination under section 102(e) to develop and carry out a catastrophic event recovery project or catastrophic event research project, or portion of such a project, using emergency procedures, the Secretary concerned shall—

(1) complete the emergency procedures for that catastrophic event recovery project or catastrophic event research project, or portion thereof, under this section; and

(2) issue a concise decision document that contains the following:

(A) The rationale for the agency decision.

(B) An economic analysis and justification.

(C) An analysis of the environmental effects of the project and how such effects will be minimized or mitigated consistent with the applicable land and resource management plan. As part of this analysis, the Secretary concerned shall consider, to the extent the Secretary concerned determines appropriate, forest type or plant association group, standing- and down-dead wood, watershed, water quality, wildlife habitat, and soils applicable to the damaged Federal land.

(e) IMMEDIATE IMPLEMENTATION.—In the case of a catastrophic event recovery project or catastrophic event research project, or portion of such a project, for which the emergency procedures authorized by this section are used, the Secretary concerned shall implement the project, or portion of the project, immediately after the issuance of the decision document under subsection (d), subject only to the availability of funds for the project.

(f) MONITORING.—To monitor a catastrophic event recovery project or catastrophic event research project, or portion of such a project, for which the emergency procedures authorized by this section were used, the Secretary concerned may establish a third-party monitoring group, as determined to be appropriate by the Secretary.

SEC. 106. ADMINISTRATIVE AND JUDICIAL REVIEW.

(a) ADMINISTRATIVE REVIEW GENERALLY.—Except as provided in subsection (b), nothing in this title affects—

(1) the notice, comment, and appeal requirements of section 322 of the Department of the Interior and Related Agencies Appropriations Act, 1993 (Public 102–381; 16 U.S.C. 1612 note); and

(2) section 215 of title 36, Code of Federal Regulations.

(b) PREDECISIONAL ADMINISTRATIVE NOTICE, COMMENT, AND REVIEW.—

(1) INTERIM FINAL REGULATIONS.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Agriculture shall promulgate interim final regulations to establish a predecisional administrative review process that will serve as the sole means by which—

(A) the Secretary of Agriculture will provide notice of and solicit comments regarding—

(i) the proposed use of a pre-approved management practice under section 104 on National Forest System land; and

(ii) a catastrophic event recovery project or catastrophic event research project, or portion of such a project, for which the emergency procedures under section 105 are used on National Forest System land; and

(B) a person can seek administrative review regarding—

(i) the proposed use of a pre-approved management practice under section 104 on National Forest System land; and

(ii) a catastrophic event recovery project or catastrophic event research project, or portion of such a project, for which the emergency procedures under section 105 are used on National Forest System land.

(2) PERIOD COVERED BY REVIEW PROCESS.—The review portion of the predecisional administrative review process described in paragraph (1)(B) shall occur during the period—

(A) beginning on the date on which the Secretary of Agriculture makes a determination to use pre-approved management practices or emergency procedures under section 102(e); and

(B) ending not later than the date of the issuance of applicable decision document under section 104 or 105.

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

(4) FINAL REGULATIONS.—The Secretary of Agriculture shall promulgate final regulations to establish the predecisional administrative review process described in paragraph (1) as soon as practicable after the interim final regulations have been promulgated and a reasonable period of time has been provided for public comment.

(c) JUDICIAL REVIEW.—Section 106 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6516) shall apply with respect to the implementation of a pre-approved management practice under section 104 or a catastrophic event recovery project or catastrophic event research project regarding which the applicable administrative review process has been exhausted. In any proceeding for judicial review of agency action under this subsection, attorney fees awarded to a prevailing party may not exceed the hourly rates established in section 3006A of title 18, United States Code.

SEC. 107. GUIDANCE REGARDING REFORESTATION IN RESPONSE TO CATASTROPHIC EVENTS.

Not later than 180 days after the date of the enactment of this Act, the Secretary concerned shall—

(1) standardize the collection, reporting, and review procedures for data regarding more aggressive, expedited, and comprehensive reforestation in response to catastrophic events by clarifying agency-wide guidance and developing standard protocols for determining when and how reforestation can be best achieved as part of the response to catastrophic events;

(2) clarify agency-wide guidance regarding reforestation in response to catastrophic events to ensure that such guidance is consistent with agency goals and budget constraints; and

(3) clarify agency-wide guidance regarding the development, during the revision of a land and resource management plan, of goals and objectives for catastrophic event recovery to ensure that such guidance addresses catastrophic event recovery objectives, by forest type or plant association group, related to standing- and down-dead wood, soil and watershed protection, wildlife habitat, and other resource values.

SEC. 108. EFFECT OF TITLE.

(a) USE OF OTHER AUTHORITIES.—Nothing in this title affects the use by the Secretary concerned of other statutory or administrative authority, including categorical exclusions adopted to implement the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), to conduct a catastrophic event recovery project or catastrophic event research project, or portion of such a project, that is not conducted using the emergency procedures authorized by section 105.

(b) PREFERENCE FOR LOCAL OPERATORS.—In the manner provided in section 420 of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006 (Public Law 109–54; 119 Stat. 553), the Secretary concerned may give consideration to local contractors in awarding a Federal contract to implement—

(1) a pre-approved management practice under section 104; or

(2) a catastrophic event recovery project or catastrophic event research project, or portions of such a project, for which the emergency procedures under section 105 are used.

(c) ADVISORY COMMITTEES.—The Federal Advisory Committee Act (5 U.S.C. App.) and title XVIII of the Food and Agriculture Act of 1977 (7 U.S.C. 2281 et seq.) shall not apply to—

(1) the peer review provided by scientific and land management experts under section 101(b) or 104(b);

(2) the monitoring process under section 104(h) or 105(f); and

(3) the preparation of a catastrophic event recovery evaluation or catastrophic event recovery proposal.

SEC. 109. STANDARDS FOR TREE RETENTION.

(a) STANDING DEAD TREES AND DOWNED WOOD.—In planning or conducting any catastrophic event recovery project or catastrophic event research project, the Secretary concerned shall ensure that—

(1) standing dead tree and downed wood retention guidelines contained in the applicable land and resource management plan are applied; or

(2) if the applicable land and resource management plan does not contain standing dead tree and downed wood retention guidelines, adequate standing dead trees and downed wood of the oldest age class are retained in the project area—

(A) to provide habitat for associated species through various stages of forest development;

(B) to provide a long-term nutrient source; and

(C) to retain, to the extent practicable and appropriate for forest type and plant association group, the more decay-resistant species.

(b) EXCEPTION.—Subsection (a) shall not apply if the Secretary concerned determines that science from land-grant colleges and universities or a Forest Service Research Station provides more appropriate standing dead tree and downed wood retention guidelines for a particular catastrophic event recovery project or catastrophic event research project.

(c) PLAN AMENDMENT.—The Secretary concerned may amend a land and resource management plan to incorporate standing dead tree and downed wood retention guidelines, specific to forest type or plant association group.

TITLE II—RESTORING LANDSCAPES AND COMMUNITIES IMPACTED BY CATASTROPHIC EVENTS

Subtitle A—Cooperative Forestry Assistance Act of 1978

SEC. 201. ASSISTANCE UNDER COOPERATIVE FORESTRY ASSISTANCE ACT OF 1978 TO RESTORE LANDSCAPES AND COMMUNITIES AFFECTED BY CATASTROPHIC EVENTS.

(a) ASSISTANCE AUTHORIZED.—Section 10A of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2106c) is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following new subsection:

''(c) RESPONSE TO CATASTROPHIC EVENTS AFFECTING NON-FEDERAL LANDS.—

''(1) LANDSCAPE ASSESSMENTS.—At the request of an eligible entity, the Secretary may cooperate with the eligible entity in the preparation of a landscape assessment for non-Federal lands affected by a catastrophic event. The Secretary may combine the preparation of a landscape assessment with the preparation of a catastrophic event recovery evaluation under title I of the Forest Emergency Recovery and Research Act regarding Federal land in the vicinity of the damaged non-Federal land.

''(2) COMMUNITY ASSESSMENTS.—At the request of an eligible entity affected by a catastrophic event, the Secretary may cooperate with the eligible entity in the preparation of a community wildfire protection plan or related plan.

''(3) DECISION TO PROVIDE ASSESSMENT ASSISTANCE.—In response to the request of an eligible entity for assistance under paragraph (1) or (2), the Secretary shall make a decision, within 30 days after receiving the request, whether or not to provide such assistance. The decision rests in the sole discretion of the Secretary, but, if the Secretary rejects the request for assistance, the Secretary shall provide the eligible entity with an explanation of the reasons for the rejection.

''(4) TYPES OF ASSISTANCE.—The Secretary concerned may provide technical and financial cost-share assistance to an eligible entity—

''(A) to assist in the preparation of a landscape assessment under paragraph (1) or a community wildfire protection plan, community assessment, or community action plan under paragraph (2); and

''(B) to implement special recovery projects identified in the landscape assessment or community wildfire protection plan, community assessment, or community action plan.

''(5) SPECIAL RECOVERY PROJECTS.—Special recovery projects supported under paragraph (4)(B) may include projects involving—

''(A) revegetation, tree planting, and other management practices the Secretary determines to be appropriate;

''(B) developing products from and markets for timber harvested in response to a catastrophic event and remaining forest resources;

''(C) training for the local populace for work in connection with catastrophic event recovery;

''(D) repair of forest roads, bridges, and trails and water supply areas affected by a catastrophic event; and

''(E) such other activities as the Secretary determines to be necessary to undertake the special recovery project.

''(6) ADDITIONAL FUNDING SOURCES.—Amounts appropriated to the Secretary to carry out sections 8 and 10 may be used to provide assistance under this subsection.

''(7) DEFINITIONS.—In this subsection:

''(A) The term 'eligible entity' means a State Forester or equivalent State official, an Indian tribe, or local government. The term may include community-based organizations and other persons working in conjunction with a State Forester or equivalent State official, an Indian tribe, or local government.

''(B) The terms 'catastrophic event', 'landscape assessment', and 'special recovery project' have the meanings given those terms in section 3 of the Forest Emergency Recovery and Research Act.

''(C) The term 'community wildfire protection plan' has the meaning given that term in section 101(3) of the Healthy Forest Restoration Act of 2003 (16 U.S.C. 6511(3)).''.

(b) CLERICAL AMENDMENT.—The heading of such section is amended by inserting before the period at the end the following: ''**AND RESPONSE TO CATASTROPHIC EVENTS**''.

Subtitle B—Department of the Interior Assistance

SEC. 211. RESTORING LANDSCAPES.

(a) LANDSCAPE ASSESSMENTS.—At the request of an eligible entity, the Secretary of the Interior may cooperate with the eligible entity in the preparation of a landscape assessment for non-Federal lands affected by a catastrophic event. The Secretary may combine the preparation of a landscape assessment with the preparation of a catastrophic event recovery evaluation under title I regarding Federal land in the vicinity of the damaged non-Federal land.

(b) DECISION TO PROVIDE ASSESSMENT ASSISTANCE.—In response to the request of an eligible entity for assistance under subsection (a), the Secretary of the Interior shall make a decision, within 30 days after receiving the request, whether or not to provide such assistance. The decision rests in the sole discretion of the Secretary, but, if the Secretary rejects the request for assistance, the Secretary shall provide the eligible entity with an explanation of the reasons for the rejection.

(c) TYPES OF ASSISTANCE.—The Secretary of the Interior may provide technical and financial cost-share assistance to an eligible entity—

(1) to assist in the preparation of a landscape assessment; and

(2) to implement special recovery projects identified in the landscape assessment.

(d) SPECIAL RECOVERY PROJECTS.—The Secretary of the Interior may provide assistance under subsection (c)(2) for special recovery projects, including revegetation, tree planting, and other practices the Secretary determines to be appropriate.

SEC. 212. RESTORING COMMUNITIES.

(a) COMMUNITY ASSESSMENTS.—At the request of an eligible entity affected by a catastrophic event, the Secretary of the Interior may cooperate with the eligible entity in the preparation of a community wildfire protection plan or related plan.

(b) DECISION TO PROVIDE ASSESSMENT ASSISTANCE.—In response to the request of an eligible entity for assistance under subsection (a), the Secretary of the Interior shall make a decision, within 30 days after receiving the request, whether or not to provide such assistance. The decision rests in the sole discretion of the Secretary, but, if the Secretary rejects the request for assistance, the Secretary shall provide the eligible entity with an explanation of the reasons for the rejection.

(c) TYPES OF ASSISTANCE.—The Secretary of the Interior may provide technical and financial cost-share assistance to an eligible entity—

(1) to assist in the preparation of development of a community wildfire protection plan, a community assessment, or a community action plan; and

(2) to implement special recovery projects identified in a community wildfire protection plan, a community assessment, or a community action plan.

(d) SPECIAL RECOVERY PROJECTS.—Special recovery projects supported under subsection (c)(2) may include projects involving—

(1) developing products from and markets for timber harvested in response to a catastrophic event and remaining forest resources;

(2) training for the local populace for work in connection with catastrophic event recovery;

(3) repair of forest roads, bridges, and trails and water supply areas affected by a catastrophic event; and

(4) such other activities as the Secretary determines to be necessary to undertake the special recovery project.

TITLE III—EXPERIMENTAL FORESTS

SEC. 301. FINDINGS.

Congress finds the following:

(1) The experimental forests established pursuant to section 4 of the Forest and Rangeland Renewable Resources Research Act of 1978 (16 U.S.C. 1643) or the organic administrative authorities of the Secretary of Agriculture (16 U.S.C. 551) serve as a natural laboratory for the Forest Service to evaluate management practices generally and specific responses to catastrophic events that can be eventually used throughout the National Forest System.

(2) To build upon the knowledge base to be developed using catastrophic events research projects conducted under title I, the Secretary of Agriculture should be authorized to use the same authorities provided under sections 104 and 105 to design and carry out projects in the experimental forests.

SEC. 302. AVAILABILITY AND USE OF PRE-APPROVED MANAGEMENT PRACTICES ON NATIONAL FOREST EXPERIMENTAL FORESTS.

Management practices included on the list of pre-approved management practices prepared under subsection (a) of section 104 may be implemented, in the manner provided by such section, in an experimental forest established pursuant to section 4 of the Forest and Rangeland Renewable Resources Research Act of 1978 (16 U.S.C. 1643) or the organic administrative authorities of the Secretary of Agriculture (16 U.S.C. 551).

SEC. 303. LIMITED CONSIDERATION OF ALTERNATIVES FOR PROJECTS ON NATIONAL FOREST EXPERIMENTAL FORESTS.

Section 105(a) shall apply with respect to any individual activity or a series of activities proposed to be undertaken in an experimental forest established pursuant to section 4 of the Forest and Rangeland Renewable Resources Research Act of 1978 (16

U.S.C. 1643) or the organic administrative authorities of the Secretary of Agriculture (16 U.S.C. 551).

TITLE IV—GENERAL PROVISIONS

SEC. 401. REGULATIONS.

Except as provided in section 106(b), the Secretary concerned is not required to promulgate regulations to implement this Act.

SEC. 402. DEDICATED SOURCE OF FUNDS FOR RESEARCH AND MONITORING.

(a) SPECIAL ACCOUNT.—The Secretary of the Treasury shall establish a special account in the Treasury for each Secretary concerned.

(b) DEPOSITS.—Ten percent of the gross proceeds derived by the Secretary concerned from catastrophic event recovery projects and catastrophic event research projects conducted by the Secretary concerned under title I shall—

(1) be deposited in the special account established for that Secretary; and

(2) remain available, without further appropriation and until expended, for expenditure as provided in subsection (c).

(c) RESEARCH-RELATED USE OF SPECIAL ACCOUNTS.—The Secretary concerned shall use amounts in the special account established for that Secretary—

(1) to develop research protocols under section 101;

(2) to prepare and implement catastrophic event research projects; and

(3) to provide for monitoring under sections 104 and 105.

(d) RELATION TO OTHER FUNDS.—Amounts in the special account established for the Secretary concerned are in addition to other amounts available to that Secretary for the purposes described in subsection (c).

SEC. 403. OTHER FUNDING SOURCES.

(a) AVAILABILITY OF KNUTSON-VANDENBERG FUNDS.—Section 3 of the Act of June 9, 1930 (commonly known as the Knutson-Vandenberg Act; 16 U.S.C. 576b), is amended—

(1) by striking ''Such deposits shall be covered'' and inserting the following:

''(b) Amounts deposited under subsection (a) shall be covered'';

(2) by inserting after ''national park.'' the following new sentence: ''The Secretary of Agriculture may also use excess amounts to cover the costs of activities of the Secretary under title I of the Forest Emergency Recovery and Research Act.''; and

(3) in subsection (c)—

(A) in paragraph (1), by striking ''and'';

(B) by redesignating paragraph (2) as paragraph (3); and

(C) by inserting after paragraph (1) the following new paragraph:

''(2) the excess amounts will not be needed for activities of the Secretary under title I of the Forest Emergency Recovery and Research Act during the fiscal year in which the transfer would be made; and''.

(b) AVAILABILITY OF FOREST SERVICE SALVAGE SALE FUNDS.—Section 14(h) of the National Forest Management Act of 1976 (16 U.S.C. 472a(h)) is amended—

(1) in the fourth sentence, by inserting after ''the purposes for which deposited'' the following: ''and to cover the costs of activities of the Secretary under title I of the Forest Emergency Recovery and Research Act''; and

(2) in last proviso, by striking ''for which deposited on any national forest'' and inserting ''for which deposits of money are available under this subsection''.

(c) AVAILABILITY OF BLM REVOLVING FUND DERIVED FROM DISPOSAL OF SALVAGE TIMBER.—The first paragraph under the headings ''FOREST ECOSYSTEMS HEALTH AND RECOVERY'' and ''REVOLVING FUND, SPECIAL ACCOUNT'' in title I of the Department of the Interior and Related Agencies Appropriations Act, 1993 (Public Law 102–381; 106 Stat. 1376; 43 U.S.C. 1736a), is amended by adding at the end the following new sentence: ''The money in this fund shall likewise be immediately available to cover the costs of activities of the Bureau of Land Management under title I of the Forest Emergency Recovery and Research Act.''.

SEC. 404. EFFECT OF DECLARATION OF MAJOR DISASTER OR EMERGENCY.

(a) AVAILABILITY OF FUNDS.—If an area of non-Federal land damaged by a catastrophic event is also covered by a declaration by the President under section 401 or 501 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170, 5191) that a major disaster or emergency exists, the Director of Federal Emergency Management Agency may use funds available for activities under that Act to reimburse the Secretary concerned for assistance in that area provided under—

(1) subtitle B of title II; or

(2) subsection (c) of section 10A of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2106c), as added by section 201.

(b) LIMITATION.—Reimbursements under subsection (a) shall be limited to those activities authorized under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122 et seq.) for which assistance under paragraph (1) or (2) of such subsection is provided.

The Acting CHAIRMAN. No amendment to that amendment shall be in order except those printed in House Report 109–467. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered read, debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question.

AMENDMENT NO. 1 OFFERED BY MR. RAHALL

Mr. RAHALL. Madam Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 printed in House Report 109–467 offered by Mr. RAHALL:

Strike section 103 (page 23, line 14, through page 24, line 9) and insert the following:

SEC. 103. COMPLIANCE WITH NATIONAL ENVIRONMENTAL POLICY ACT.

The Secretary concerned shall comply with the National Environmental Policy Act of 1969 (42 U.S.C. 4331 et seq.), its implementing regulations, and other applicable laws in designing and conducting catastrophic event recovery projects and catastrophic event research projects.

Strike section 104(e) (page 26, line 3, through page 27, line 8).

Strike section 105(c) (page 30, line 1, through page 31, line 11).

The Acting CHAIRMAN. Pursuant to House Resolution 816, the gentleman from West Virginia (Mr. RAHALL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from West Virginia.

Mr. RAHALL. Madam Chair, I yield myself such time as I may consume.

Madam Chair, I would like to begin by observing that I strongly share the view of the gentleman from New Mexico and our colleague, a very valued member of the Resources Committee, Mr. TOM UDALL, that the pending measure is totally unnecessary and seriously deficient and should not be approved by this body.

With that noted, the amendment I am offering is simple and it is straightforward. It would strike from H.R. 4200 its most egregious provisions which ride roughshod over the National Environmental Policy Act, the Endangered Species Act, the National Historic Preservation Act, and the Clean Water Act.

These unwarranted assaults on our Nation's premier conservation laws under the guise of enhancing forest management should be an embarrassment to this body, to this House of Representatives.

Should this body prove the pending measure, the result would be a weakening of existing law in the form of NEPA, a law that is meant to ensure public participation in actions by the Federal Government.

The American public is already in an uproar over this administration's penchant for surveillance of their phone conversations and e-mail transactions. Now we are going to say to American taxpayers that they cannot even participate in proposed Federal actions that directly affect them? What message is this sending?

Did George Orwell really have it right when he wrote the book, ''1984'' back in 1949, in which he penned and I quote, ''If you want to picture the future, imagine a boot stamping on a human face, forever.''

I would note that the sponsor of the pending legislation, the gentleman from Oregon, is very passionate about this matter and I certainly respect that. Yesterday during the Rules Committee's consideration of this bill he described my amendment as one that would gut the bill. I, on the other hand, firmly believe that Americans cherish the Clean Water Act and do not want its application waived. I also believe that Americans believe they should have a say under the National Environmental Policy Act on major Federal actions impacting their lives. Obviously, the gentleman from Oregon and I have a very different view of America.

And the gulf which divides us on this issue makes for a very clear vote in the House of Representatives today on this amendment. The pending measure also constitutes a direct assault on the ESA. It legislatively directs that an incidental take permit be issued without limitation, no ifs, no ands, no buts about it, regardless of the impacts of the salvaging operation on endangered species. This is not fair play. This is draconian.

Finally, my amendment would strike provisions of the pending measure involving compliance with the National Historic Preservation Act. I would ask the question: Are we to sacrifice our country's past, our national heritage, on the altar of something like salvage logging?

Let us send the proper message to the people of this Nation today. Regardless of how Members view the remaining part of the pending measure, let us first vote to ensure that the public's right to participate in proposed Federal actions is preserved, and that our country's fundamental conservation laws will remain in place. I urge adoption of the amendment.

Madam Chairman, I reserve the balance of my time.

The Acting CHAIRMAN. Does any Member rise in opposition to the amendment?

Mr. WALDEN of Oregon. Why, Madam Chairman, indeed I do. I rise in opposition and seek the time.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. WALDEN of Oregon. I would like to take a moment to outline just how Forest Emergency Recovery and Research Act complies with the NEPA standards and often exceeds those standards.

The Forest Emergency Recovery and Research Act requires public notice, public collaboration, and an opportunity for the public to object to any proposed action. Read the bill: Pages 22, 23, 24, 25, 33, and 34. It is right there in black and white.

The judicial review requirement under this bill is identical to those in the Healthy Forest Restoration Act which Congress passed last year. See page 35. Now, we actually passed that a couple years ago, and I know my friend and colleague from West Virginia voted against it when it was in the House and voted against the conference report when it came back. So it is no surprise because he doesn't like this bill because he hated the Healthy Forest Restoration Act even after the Senate voice-voted it, as did my colleague from New Mexico, Mr. UDALL, opposed the Healthy Forest Restoration Act. So some of the same people who are here today saying we are going to do all these awful things said the same thing a couple years ago when we passed the Healthy Forest Restoration Act. Ironically, some of those same Members now say, oh, we are not fully implementing the Healthy Forest Restoration Act and we should be doing more on that. We wouldn't have it if they had been in charge because they voted against it every time they had an opportunity.

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The Forest Emergency Recovery and Research Act also requires disclosure of the decision rationale, economic analysis, and analysis of the environmental effects of the project which leads to a very transparent agency process, page 32. We require independent, third-party, scientific peer review of recovery practices. See page 13 and page 24.

These are just a few examples of how this legislation complies with the intent of NEPA, and if the agency fails to comply with all these things, we prescribe in the law they can be sued. If they fail to comply with the very laws that have been identified by my colleague, they can be sued.

These projects can be halted. We do not say do anything you want, notwithstanding any other Federal law, including all the ones you have heard listed repeatedly. Those laws still have to be complied with.

Currently there are bills that actually go further than where this bill goes. They would waive environmental documentation altogether. My friend and colleague, the gentleman from Colorado (Mr. UDALL), one of the most vocal critics of this legislation, has introduced H.R. 4875, which, through categorical exclusion, would waive environmental documentation completely for insect emergency areas in Colorado. We do not do that here.

I read where one of the opponents of this legislation worked on the sale in the Biscuit fire, and said we do not need this bill, we did 16 million boardfeet of harvest, and we did it using existing laws. Yeah, they used a categorical exclusion which you cannot even do now.

We have a balanced bill here. It involves the public. It tracks with what we did with the Healthy Forest Restoration Act to allow for free decisional appeals and for judicial appeal.

It is backed by all kinds of groups that love to be in the outdoors, the Bear Trust International, Boone and Crockett Club, the Bow Hunting Preservation Alliance, the Archery Trade, the Congressional Sportsmen Caucus, you go through it, people are out there enjoying the woods, the Rocky Mountain Elk Foundation, the Deer Management Association, and professional firefighters groups and the Society of American Foresters.

We are trying to give our Federal land managers the troops that our State and tribal land managers have, and we are trying to allow them to be able to move quicker and still involve the public because this Member of Congress believes fundamentally the public should have the right to appeal a decision of the government, and this bill allows that.

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

Mr. RAHALL. Mr. Chairman, I yield myself such time as I may consume.

As I conclude, the bottom line here is whether we are for NEPA or whether we are against it, whether we are for the Clean Water Act or whether we are against it, whether we are for the historic preservation laws of our land or whether we are against them, whether we are for the Endangered Species Act or whether we are against it.

We have got to be for these premier preservation laws that have guided our country so well over many years. We cannot willy-nilly pick at the edges and try to exempt special-interest groups on every piece of legislation that the Republican leadership in this body wants to consider. We cannot continue to do that or we will not have any of it.

Let us make that decision, whether we are going to have these laws or whether we are not going to have these laws.

This amendment is an effort to preserve NEPA and all of our premier conservation laws that have worked so well for our country and for our future generations. I would urge adoption of my amendment.

Mr. Chairman, I yield back my time.

Mr. WALDEN of Oregon. Mr. Chairman, I yield 1 minute to the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. Mr. Chairman, I thank the gentleman for yielding, especially under these time constraints.

On July 4, 1999, a powerful storm, 100-mile-an-hour winds, blew through the boundary waters canoe area of the Superior National Forest in my district, blew down 26 million trees over a huge area. The loss was estimated somewhere between $12 million and $18 million in timber value, but the problem was cleanup.

The State, the county all were able to get in and clean up their lands within weeks, but I had to take the supervisor of the Superior National Forest out here to Washington, meet with the Council on Environmental Quality, with the chairman of the appropriations subcommittee, gentleman from Ohio, and work things out laboriously; took us months to get that salvage operation by the Federal Government under way to protect the homes and residences and resorts outside the wilderness area along the Gunflint Trail to be protected against fire. This legislation will help us move that along.

Mr. Chairman, on July 4, 1999, a widespread convective windstorm called a "derecho" swept across the arrowhead region of northeastern Minnesota. The straight line winds reached 90 to 100 miles an hour, causing serious damage to nearly 600 square miles of forest in and around Minnesota's Boundary Waters Canoe Area Wilderness (BWCAW). The aftermath left 30 million toppled trees on the forest floor; in some areas the downed trees were stacked 10 and 12 feet high. This area approximately 30 miles long and 12 miles wide, or about a quarter million acres, was leveled. The timber loss was estimated at 500,000 to 750,000 million cords, valued between $12 and $18 million. The State of Minnesota estimated the cost of other damage and debris clearance for Lake and Cook counties at nearly $5 million.

This powerful storm created near perfect conditions for a major forest fire. Only two questions remain: When will the major forest fire happen, and how destructive will it be? The blowdown quadrupled the amount of fuel per acre that can readily burn and the fire risk is expected to increase in the next several years as the timber continues to dry out.

Under H.R. 4200, the Forest Emergency Recovery and Research Act, an expedited review process will be established to provide our Federal land managers the resources they need to complete a quick, thorough evaluation of forest conditions after catastrophic events.

Wayne Brandt, Senior Vice President of Minnesota Forest Industries explained ''after the blowdown, private landowners were cleaning up the next day. County lands were being cleaned up within a couple of weeks and State lands within a month.'' The U.S. Forest Service, even with the expedited procedures granted by the Council on Environmental Quality, was not ready to put timber up for sale until late fall. Nearly all private, county and State lands were salvaged by the winter of 2000/2001. The U.S. Forest Service, despite the extraordinary efforts of supervisor Jim Sanders and the staff of the Superior National Forest, found their hands tied for months.

Speed is of the utmost importance, especially with softwoods. Insect infestation begins to take its toll within a couple of weeks, rendering the material unusable for lumber and difficult for paper and Oriented Strand Board (OSB). Hardwoods, such as aspen, can last a bit longer if the trees still have root structure attached to the soil. In a number of instances, the hardwoods leafed out in 2000. However, any trees that were snapped off, were very soon unusable.

County and State land management agencies are able to react almost immediately to natural catastrophes because these agencies are allowed to acknowledge the reality that the condition of the forest that they manage has been completely changed. Guidelines normally appealed to mitigate possible negative impacts of land management activities are often not realistic when the forestry resource has been drastically altered. The Forest Service has been kept from doing its job by restrictions that should not apply in the aftermath of a natural catastrophic event.

The Minnesota Department of Natural Resources has documented that downed wood can act as a breeding ground for insect infestations and disease, making the material prime for fire. After a few years, the blowdown will greatly increase the fuel load and potential for fire hazard; worse, left as is, the blowdown timber will hinder regeneration for many years. Access through these areas is impossible without clearing.

My good friend, Harry Fisher, owner of Northshore Business Products on the Gunflint Trail, had several active timber sales in the Superior National Forest prior to the 1999 Blowdown. Because of the lengthy NEPA process, Mr. Fisher waited 6 months for these prior timber sales to be approved. Although the NEPA process had been complete on these original sales, Mr. Fisher had to wait an additional 6 months for expanded sales to recover the salvage. Unfortunately, the process to salvage the timber had taken its toll on his crews. It was no longer worth the return. Had H.R. 4200 been in place in 1999, some 30,000–40,000 cords of wood could have been salvaged in the Superior National Forest. Instead, Harry's crew was only able to recover 20,000 cords of wood—Less than half.

The current process makes for bad forest management. It increases the risk for forest fire and insect infestation, and puts homes, businesses and human lives in danger.

Immediately after the Blowdown, many people across the State of Minnesota approached me to ask: ''Why aren't we going into the National Forest to recover this timber?'' The environmental community was concerned about insect infestation and forest fire in the boundary Waters Canoe Area. These two often competing interests were coming together for the purpose of best forest management. The answer to their question is: The process of salvaging timber in a National Forest has become too cumbersome.

The U.S. Forest Service process has too many steps and is not efficient when confronting a disaster such as the 1999 blowdown in the Superior National Forest. The U.S. Forest Service staff on the Superior National Forest were nearly heroic in responding to the blowdown, putting in 7-day work weeks of creative effort to address both environmental and good forestry practice concerns, invoke every available emergency clause to accelerate the cleanup process, producing an EIS in record time. Unfortunately, they were confronted by a plethora of obstacles. The laws in place prevent Forest Service personnel from being professional foresters, rather, they have become surrogate lawyers making sure that their proposed timber sales are ''bullet proof'' from possible litigation.

The Forest Emergency Recovery and Research Act, H.R. 4200, requires an expedited National Environmental Policy Act procedural review and complies fully with all other environmental laws, including the 1964 Wilderness Act and the Endangered Species Act of 1973. This law still secures the public's right to appeal and litigate Federal forest recovery projects. H.R. 4200 requires that funds from the removal of trees during recovery projects be used to help repair the catastrophic damage to our Federal forests, in turn, offsetting the cost of critical watershed and wildlife habitat restoration.

Federal Foresters can get the job done if they are allowed to assess the condition of the forest immediately after a natural catastrophic event, protect known special resources and salvage affected merchantable timber as soon as possible.

Blowdown events are not unusual in Northeastern Minnesota. The 1999 blowdown created the potential for extreme fire danger conditions throughout the affected area with the potential to threaten lives within and life and property outside the BWCAW. So far, Mother Nature has given residents and resorters along the Gunflint Trail a respite with favorable weather. The ability to expedite Forest Service response time will benefit local communities and economies, improve access for recreational users and most importantly, greatly improve forest health which benefits everyone.

I urge my colleagues to join me in supporting H.R. 4200, the Forest Emergency Recovery and Research Act.

The Acting CHAIRMAN (Mr. MCHUGH). The time of the gentleman from Oregon (Mr. WALDEN) has expired.

The question is on the amendment offered by the gentleman from West Virginia (Mr. RAHALL).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. RAHALL. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from West Virginia will be postponed.

AMENDMENT NO. 2 OFFERED BY MR. DEFAZIO

Mr. DEFAZIO. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 printed in House Report 109–467 offered by Mr. DEFAZIO:

Strike section 104 (page 24, line 10, through page 28, line 14) and insert the following new section:

SEC. 104. PRE-EVENT MANAGEMENT PLANS.

(a) PLAN AMENDMENT.—For Federal land where timber harvest is allowed, but not the primary management objective, the Secretary concerned shall amend the land and resource management plan or land use plan applicable to the land to pre-plan for certain activities to immediately follow a fire or other catastrophic event. The activities shall be specific to forest type and plant association group, and be appropriate to the management objectives for area described in the plan. The Secretary concerned shall initiate plan amendments with priority to areas at the greatest risk of a catastrophic event and with the most suitability for post-event activities. Managers using this pre-planning authority shall conduct environmental analysis in accordance with 36 C.F.R. 219 et seq. and 40 C.F.R. 1500 et seq.

(b) PEER REVIEW.—Before an activity, or collection of activities, may be adopted as an amendment to a land and resource management plan or land use plan, the activity or activities shall be subject to independent, third-party peer review by scientific and land management experts. The results of the peer review shall be available to the public no later than the availability of the draft plan revision.

(c) EXPEDITED REVIEW.—The Secretary concerned may use the procedures provided in section 104 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6514; Public Law 108–148) to implement activities adopted as part of the amendment of a land and resource management plan or land use plan according to subsections (a) and (b). If environmental documentation is conducted under this authority, then the administrative and judicial appeals process described in sections 105 and 106 of such Act (16 U.S.C. 6515, 6516) shall apply.

Add at the end of the bill the following new section:

SEC. 405. LIMITATION ON APPLICATION OF ACT.

In the case of Federal land covered by this Act, the Secretary concerned shall use the authorities provided for in this Act only on those Federal lands that—

(1) are designated as general forest areas available for timber production; and

(2) are not otherwise reserved or managed for non-timber production values.

The Acting CHAIRMAN. Pursuant to House Resolution 816, the gentleman from Oregon (Mr. DEFAZIO) and the gentleman from Oregon (Mr. WALDEN) each will control 5 minutes.

The Chair recognizes the gentleman from Oregon.

Mr. DEFAZIO. Mr. Chairman, I yield myself such time as I may consume.

I agree with much of what I have heard. Unfortunately, I do not believe that the bill gets us in that direction. As I said earlier, giving unbridled discretion to political appointees may sit well with this administration and some supporters in the industry, but it does not bode well for long-term management of the forests.

So I looked at this and said, well, there is a way to fix that, and that would be to say in areas that are designated for timber management, you

can use the expedited procedure since that is the plan objective, and in areas that are not intended for that, you would use normal procedures, which does not preclude salvage. It just means a little bit more evaluation of the work until such a time as you had anticipated catastrophic events and amended the forest plans.

Now, the Forest Service objects that it would take time, would have to involve the public to amend the forest plans, but the thing is the experts, the scientists, say that is the only way to get there. They say you cannot have a peer-reviewed list of preapproved practices that are not site-specific and are not specific to the management goals of the forest.

In fact, the dean of the Oregon College of Forestry Hal Salwasser, Jerry Franklin and Norman Johnson, from Oregon State, said here, ''Management objectives for the area in question are the primary consideration in any decision regarding postfire logging, reforestation, or any other activities.'' He said that ''those goals, together with information on the forest type, or plan association group, postevent conditions in disturbed areas, and future climate trends will largely determine what actions, if any, are appropriate. If management plan direction is not clear,'' and it is not, most plans do not have a salvage provision in them, ''for appropriate actions following large disturbance events, plan revisions should provide such clarity. Major disturbances should not be the basis for de facto changes in land allocations or management objectives,'' which is what this bill does.

So the preeminent scientist invited by the chairman to a hearing confirmed that.

I am offering what I think would be a perfecting amendment. It would open up millions of acres to expedited procedures. It would allow the Forest Service to then amend their plan so in the future they could apply with certainty preapproved practices, not with discretion, and greatly expedite future salvage under those conditions.

In the meantime they could use regular procedures, and I pointed out earlier, on the Biscuit fire, that could have yielded 175 million boardfeet, but, because of political intervention, yielded about 75 million boardfeet of harvest.

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

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

Mr. Chairman, I appreciate the comments of my colleague and friend from southern Oregon, and we have tried to come together on this legislation, and we have not quite gotten there yet, but I have to rise in opposition to his amendment.

The term ''timber production land'' means different things when discussing different forests. Even in the broadest sense, land where timber is the primary objective has been steadily decreasing, reflecting a shifting focus on timber production to using harvest for other purposes, such as wildlife habitat, hazardous fuels reduction or forest health.

For example, in Oregon there are 32 million acres of BLM and national forestlands. Less than 20 percent is designated for timber production. In the State of California, of the 12 national forests in the Sierra framework, totaling over 11 million acres, only 1 percent is designated as timber production land.

These figures illustrate just what a devastating effect the amendment would have. It would be very, very restrictive, guaranteeing only a very small portion of the Nation's forests would have proper recovery efforts in the event of a catastrophe. Obviously, a quicker review and recovery is necessary than what this amendment would allow at this point.

Mr. Chairman, I yield 2 minutes to the gentleman from Alabama (Mr. EVERETT).

Mr. EVERETT. Mr. Chairman, I rise in strong opposition to the gentleman's amendment. In the case of the Conecuh National Forest in Alabama, the amendment could leave areas designated as potential old growth subject to increased fire and insect risk.

Our revised forest plan identifies 60,000 acres as potential old growth sites. Half of these acres in this designation are suitable for harvest. Half of them are not designated as suitable. So this amendment would prohibit the application of H.R. 4200 in these areas.

In our forests, scenic river designations, cultural areas, and scenic areas are all considered unsuitable for timber production; yet harvest may be allowed to provide certain habitats, demonstrate cultural heritage or provide vistas.

This amendment would leave these areas untouched by restoration efforts. This situation could damage the very trees it is allegedly intended to save. Again, this is why this bill provides flexibility while requiring compliance with forest plans.

This amendment was defeated on a bipartisan basis in the committee, and it should be defeated on a bipartisan basis on the floor today. This is not a good amendment.

Mr. DEFAZIO. Mr. Chairman, I yield 30 seconds to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Chairman, I was detained in committee on a markup during general debate, and I want to rise in support of the DeFazio amendment and against the underlying legislation.

I believe that the rationale for this legislation simply does not exist. There is no evidence that existing authorities are inadequate.

The Forest Service and the Bureau of Land Management already have many existing authorities for timber salvage, including the Healthy Forest Restoration Act.

For situations involving threats to life and property, the Forest Service and Bureau of Land Management can request alternative arrangements with the Council on Environmental Quality, and to date I do not believe that one Forest Service request has been denied.

I think the DeFazio amendment is improving the legislation.

The sponsors' underlying rationale for this legislation is that there is a dire need for environmental exemptions for timber salvage on Federal lands following a catastrophic event.

But there's no evidence that existing authorities are inadequate.

The Forest Service and Bureau of Land Management already have many existing authorities for timber salvage, including the Healthy Forests Restoration Act of 2003.

In 2005, 35 percent of the logging volume on our National Forests came from timber salvage—all completed with existing authorities.

The Forest Service is quickly completing one of the largest timber salvage projects in history, 676 million board feet, for those National Forests on the gulf coast impacted by Hurricane Katrina in 2005.

For situations involving threats to life and property, the Forest Service and Bureau of Land Management may request alternative arrangements with the Council on Environmental Quality, and to date not one Forest Service request has been denied.

If Congress approves H.R. 4200, roads will be built in inventoried roadless areas, even though the existing road maintenance backlog is large and growing.

Ironically, H.R. 4200 will also divert resources from wildfire prevention. Over 11,000 communities around the country are at high risk for wildfire. There's an urgent need to treat the neighboring forests to reduce the danger. And there are similar conditions across the Country.

But instead of focusing on this elevated threat, H.R. 4200 would emphasize putting limited resources on post-fire timber sales, even in areas far from communities. To make things worse, there is a serious chance these salvage operations could actually increase the risk of new fires.

The bottom line is that H.R. 4200 is worse than unnecessary—it's counterproductive.

Mr. WALDEN of Oregon. Mr. Chairman, I yield 1 minute to the gentleman from Washington (Mr. BAIRD), my friend and colleague, the coauthor of this legislation.

Mr. BAIRD. Mr. Chairman, I want to commend both gentlemen from Oregon. Both at least recognize that there is an issue here, that there is a reason to use the wood after a fire. There are two concerns I would just have about my friend Mr. DEFAZIO.

First of all, he cites Dean Salwasser from Oregon State University. For the record, it should show that the dean has actually endorsed this legislation. So we recognize that the land allocation values are critical.

There is a paradox in the gentleman from Oregon's (Mr. DEFAZIO) legislation in that because other States do not necessarily designate so much land as for the primary purpose for harvest, you could actually have a paradoxical situation where burned trees end up

getting more protection than live trees, which I do not think is the gentleman's intent.

Finally, the gentleman points out that this bill does leave discretion to local land managers. We think that is a plus. You cannot legislatively legislate certainty. You cannot do it. Circumstances on the ground will change.

The bill provides sufficient flexibility for the local land managers to make the needed decisions while giving broad enough structure that those decisions occur within certain parameters, parameters like watershed protection, et cetera.

For that reason, I urge rejection of this amendment.

□ 1315

Mr. DEFAZIO. Well, Dean Salwasser does support the thrust of the legislation, but he also supports my amendment as a perfecting amendment, and I read previously from joint testimony of Dr. Salwasser, Dean Salwasser, Dr. Franklin, and Dr. Johnson.

That is the key here, is I believe that there is a reason, unlike some of the others, as the chairman pointed out, I did support the Healthy Forest Restoration Act. The Healthy Forest Restoration Act was used for much of the post-Katrina recovery with little or no controversy, and I believe that these tools can be valuable. But we also have to relate back to the forests themselves.

As the experts said in their testimony, and I asked them, how could you establish a list of peer-reviewed, preapproved practices? They said, you can't unless you were considering site-specific, class-specific application. You can't possibly do that. There is no generic way of doing that. So my amendment would, I believe, further the objectives of the authors of the bill and remove some uncertainty, because it is not clear from their testimony how you are ever going to get together this list.

And if the alternative to the list is to go to the CEQ, the Chief of the Forest Service said he didn't want to go there. He used HFRA instead, which is another proposal I put forward, which is why not just use, since we are all familiar with, there is still some controversy, but I think very little, attached to HFRA and its application, why not apply HFRA procedures to the problems in postcatastrophic events? But that was not deemed to be adequate for some reason, and now we have an entirely new construct which I believe has some need for perfecting amendments.

And that is why I am offering my amendment, and I would recommend it to my colleagues.

I yield back the balance of my time.

Mr. WALDEN of Oregon. Mr. Chairman, I would just comment to my colleague from Oregon that we looked at using the HFRA procedures, and they are just not fast enough. When you have a catastrophe, an emergency, the agency has testified before our committee that the Chief of the Forest Service has said, yes, I was able to use the Healthy Forest Restoration Act procedures even in Katrina because the trees were on the ground, and they posed a fire threat. I said, why can't you use those then when a forest is burned when the trees are still standing? He said it is a different threat.

He also said that had he had this, and he wants this authority, by the way, and had he had it, he would have been able to move quicker. And that is really the underlying issue here is the ability to move without upending any of the environmental laws, but move quicker procedurally. The public still has a right to input; the public still has the right to object and appeal and to stop a project if a law is being violated.

Finally, I would just conclude regarding this amendment that, indeed, it is so proscriptive that very few forests would be able to take advantage of the underlying legislation. Again, only about 1 percent the Sierra framework forest in California, most of the Southeast forests would be excluded, and actually very few in the Northwest.

So I hope my colleague from Oregon, my friend, and I can continue to work on this legislation as it moves forward to find common ground, but we think we have found pretty good balance right here, the Republicans and Democrats that are cosponsoring this bill and have worked now on the 50th draft to work out all the issues before bringing it to the Committee of the Whole for its consideration. So I urge opposition to the DeFazio amendment.

The Acting CHAIRMAN (Mr. MCHUGH). All time having expired, the question is on the amendment offered by the gentleman from Oregon (Mr. DEFAZIO).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. DEFAZIO. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Oregon will be postponed.

AMENDMENT NO. 3 OFFERED BY MR. INSLEE

Mr. INSLEE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 printed in House Report 109–467 offered by Mr. INSLEE:

Add at the end the following new section:

SEC. 405. EXCLUSION OF INVENTORIED ROADLESS AREAS.

This Act shall not apply to any inventoried roadless area within the National Forest System set forth in the maps contained in the Forest Service Roadless Area Conservation, Final Environmental Impact Statement, Volume 2, dated November 2000.

The Acting CHAIRMAN. Pursuant to House Resolution 816, the gentleman from Washington (Mr. INSLEE) and the gentleman from Oregon (Mr. WALDEN) each will control 5 minutes.

The Chair recognizes the gentleman from Washington.

Mr. INSLEE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment, simply put, will fix a problem with this legislation that otherwise would allow a giant loophole in our rule that now we have been fighting to maintain for some period of time to protect our roadless areas in our national forests. These roadless areas are the most pristine areas of the national forests. We have made a decision, 96 percent of Americans who have commented on the roadless areas have concluded that they want these areas managed for the clean water they provide, the recreation they provide, the aesthetics they provide rather than timber harvest through log road building.

My amendment would essentially say that we are not going to tax, we are not going to subsidize log road building anymore in these roadless areas. There are three reasons we need to do this, and they are two fiscal and one environmental. I will address first the two fiscal reasons we need to adopt this amendment.

First, this Chamber went on record in an amendment some time ago that said we are going to stop subsidizing roads with taxpayer dollars. And we essentially are going to stop, by this amendment, stop subsidizing logging roads in some of our steeper areas. These roadless areas are commonly found in our steeper, higher elevations. They are at the tops of our mountains, and they are the most expensive places to build logging roads. They are the places where the taxpayers get soaked the most in our subsidization programs.

We would say essentially that you cannot use this legislation, in our amendment, to continue that log road-building program which ends up putting the tab on the American taxpayer. This is a fiscal reason.

The second fiscal reason is it makes no sense now, it makes no sense to make a misprioritization from, instead of doing the $10 billion of backlog we already have to repair and maintain our existing mileage, enough to, I think it is 336,000 miles of existing roads, with a $10 billion backlog already. Uncle Sam already has a $10 billion commitment to get those roads and keep them from washing out. Eighty percent of these roads are not even fit. You cannot even drive your car on them.

Instead of letting people get recreational value, to drive and go up to go hunting and go fishing and take your kids on a picnic by the creek, 80 percent of these roads are falling apart. Instead of taking care of their interests, this bill would subsidize the logging industry to go in and log as a priority. Now, they have tried to fix this problem, saying these will be temporary roads. There is no such thing as

a temporary road. We have 60,000 miles of roads that should have been decommissioned already but aren't.

So there are two sound fiscal reasons to adopt this amendment, but the third is an environmental reason. We depend on these roadless areas, the Kettle River Range in Washington, the Eagle Cap roadless area in Washington, we depend on them for clean water. We depend on them for habitat. And the fact of the matter is when you build a road into a roadless area, you double the chance of fire. And that, as a science, is well proven. You may get some timber out, but you double the chance of fire, and you increase areas of road that can erode and silt our streams.

So two fiscal reasons and one environmental reason that commends this.

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

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

I am trying to figure out the gentleman's arguments, because I have here the Congressional Budget Office cost estimate for the Forest Emergency Recovery and Research Act, and it talks about how if H.R. 4200 would pass, it would increase proceeds from salvage sales on average by 40 percent. Assuming the agencies would phase in the use of the new procedures over several years, we estimate increased receipts would begin in 2008 and total $122 million over the 2008 through 2016 period.

Now, they go through and have a bunch of other numbers they work through on what would be offset, but the long and short of it is that over the next 7 years, it is something like $21 million additional to the Treasury simply by eliminating the bureaucratic red tape that delays the projects until the trees have no value.

So the fiscally prudent argument here is to follow the only number sheet I can find, the Congressional Budget Office report, where the experts have evaluated the bill independently of any politics and said this bill makes money, and it makes sense.

Now, let us go to the bill. On page 25 of the manager's amendment, it talks about this issue of roadless. We were sensitive to this issue. We addressed this issue. And it requires that any preapproved management practice may not authorize any permanent road building, and any temporary road constructed as part of a preapproved management practice shall be obliterated upon conclusion of the practice and the road area restored to the extent practicable.

Now, some people will say, well, that is just in the statute. That is just in the law. They don't do it now, they won't do it then, whatever. They will make it up. The contracts also require this. The contracts written by the Forest Service that are entered into as a legal, binding document will require a bond, will require obliteration. They work all that out there, but the statute backs it up and says obliterate the temporary roads. So it is all part of the management practice that would go on, and it is codified here in the statute.

So I just am not quite sure where the gentleman is going with all this. The new roadless rule allows each of the 38 States with roadless areas to participate in the development of their own State's specific plan. A lot of these States are undergoing that now, and we should let them have that local authority to help guide the Federal Government in that planning.

Simply put, if a forest plan prohibits road building in an area, then this legislation prohibits that, because the underlying forest plans are what dictates what happens. Roadless stays roadless. H.R. 4200 will not create any new permanent roads. The only roads allowed are temporary roads, which must be removed after completion of the project. It is in the statute we propose that the Congress pass.

So we have put it in statute. I am sure it is also in the contracts that get negotiated, and we have been very clear on this. So I would urge opposition to the amendment.

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

Mr. INSLEE. Mr. Chairman, there are two problems. One, although I respect the drafters of this bill, the bill does not respect the clearly expressed sentiment of the American people, because 96 percent of the American people said don't build roads; temporary, permanent, transitory, big, small, little. Ninety-six percent of the Americans who expressed their opinion on this issue said don't do what this bill does, which allows building roads in these designated roadless areas.

This ignores the clearly expressed intention of the people, and that ought to be enough in itself to endorse this particular amendment.

Now, I come back to when you look at these roadless areas, they have value that is not in this accounting, which is to keep the silt out of our streams. I respect that we might put a line in a book somewhere that will be over in the Library of Congress that says, presto change-o, these are all going to be ''temporary.'' There is also a line in a book over in the Library of Congress that says 60,000 miles that have been out there for decades are ''temporary.'' In real life, this guts roadless area rules. We need this amendment if this bill is going to pass.

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

The Acting CHAIRMAN. The time of the gentleman has expired.

Mr. WALDEN of Oregon. Mr. Chairman, I yield myself 30 seconds, and I understand I have 2 minutes remaining.

I just want to say that this bill grants no new authority to build roads anywhere, anytime. To say so is to make it up. It is that simple. It does not say go build roads anywhere, anytime. That is not a new authority in this bill.

Mr. Chairman, I yield the balance of my time to the gentleman from Washington (Mr. BAIRD).

Mr. BAIRD. Mr. Chairman, I'll just make two quick points. It is a red herring, to say the least, to say that this is about giving President Bush or the Bush administration control over our Federal forests.

Max Peterson was the former Chief of the Forest Service under a Democratic President, President Carter. This is what Max Peterson said about this bill: ''The Forest Emergency Recovery and Research Act allows trained forest managers to act in accordance with carefully developed forest plans, ending compliance with environmental laws to best restore, protect, and enhance the health of our Federal forests. The legislation deserves favorable action by the House and the Senate and approval by the President.'' That is not a Bush appointee, it is a Carter appointee, a Democrat.

Let me also address this issue of 96 percent of Americans seeming to oppose the road element of this bill. That is specious. Ninety-six percent of the American public did not say this. If there has been a catastrophic fire and you could use the wood responsibly, and roads in would be built and paid for by the people pulling out the wood, and they would be immediately decommissioned so that no permanent road would remain, how do you feel about that?

That is not what they said. Essentially I think they were saying in a healthy green forest, unimpacted by fire, should we keep the roads out? Yeah. But that is a different question. It is apples and oranges.

We are talking about a situation where you have had a catastrophic event, where you would try to get the wood out. And I really want to underscore this. This is not some additional tax on the taxpayers. The people extracting the wood would be required to post a bond, a bond saying they will pay for the removal of these roads. If they renege on that bond, they not only have to pay a penalty, but they also become ineligible for future harvests, so the taxpayers are not left holding this bag.

Mr. RAHALL. Mr. Chairman, I would like to join my colleague, Mr. INSLEE, in supporting this amendment to exclude inventoried roadless areas from HR 4200.

The public has proven its commitment to protecting inventoried roadless areas. The Forest Service has received 1.6 million public comments about the roadless rule, and over 95 percent of those comments favor protecting roadless areas.

Inventoried roadless areas represent 58.5 million acres of wild roadless areas in our National Forests in 39 states. In my home state of West Virginia, we have 202,000 acres of roadless areas. These last remaining wild forests protect our water, sustain our wildlife, and provide for an array of recreational opportunities for Americans.

This amendment is critical to ensuring protection of our most treasured areas in our National Forests. Without this amendment, logging roads for timber salvage operations will be built in inventoried roadless areas.

While bill proponents claim these roads could be temporary and obliterated upon completion of the project, one only needs to look to the Forest Service's current road maintenance backlog, which rings in at $10 billion, to see where this road leads.

I support this amendment and I urge my colleagues to adopt it.

□ 1330

The Acting CHAIRMAN (Mr. MCHUGH). The question is on the amendment offered by the gentleman from Washington (Mr. INSLEE).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. INSLEE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Washington will be postponed.

AMENDMENT NO. 4 OFFERED BY MR. UDALL OF NEW MEXICO

Mr. UDALL of New Mexico. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 printed in House Report 109–467 offered by Mr. UDALL of New Mexico:

At the end of section 102(e) (page 21, after line 15), add the following new paragraph:

(4) CONSIDERATION OF FIRE RISK AND REGENERATION.—In making any determination under paragraph (1) to implement any preapproved management practice under section 104 or to develop and carry out a catastrophic event recovery project or catastrophic event research project, or portion of such a project, using emergency procedures under section 105, the Secretary concerned—

(A) shall consider the effect of the practice or project on fire risk and forest regeneration; and

(B) may not implement the practice or carry out the project unless the Secretary certifies that the practice or project will not increase fire-risk or decrease forest regeneration.

The Acting CHAIRMAN. Pursuant to House Resolution 816, the gentleman from New Mexico (Mr. UDALL) and a Member opposed will each control 5 minutes.

The Chair recognizes the gentleman from New Mexico.

Mr. UDALL of New Mexico. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment will require the Secretary concerned to certify that a catastrophic event recovery project will not decrease forest regeneration or increase forest fire risk.

This amendment is very important considering the results of a peer-reviewed study recently published in the respected journal Science by Donato and others from Oregon State University. This study concluded that logging in the wake of the 2002 Biscuit fire decreased forest regeneration by 71 percent and increased short-term fire risk.

Unfortunately, this peer-reviewed study came under attack from those who disagreed with its conclusions. Even the Bureau of Land Management threatened to withdraw funding for the study. This was very unfortunate and I believe yet another attempt to silence science.

The vast majority of peer-reviewed science on salvage logging to date demonstrates that salvage logging is contrary to the goal of improving forest health. In fact, 169 scientists from around the country submitted a letter to Congress expressing their opposition to H.R. 4200. Disappointingly, H.R. 4200 ignores this body of science on the harmful impacts of salvage logging, including its potential to increase forest-fire risk and decrease forest regeneration. This amendment attempts to incorporate some of the science into the underlying bill.

In the Southwest, we are facing what is predicted to be a record fire season. Even firefighters are opposed to H.R. 4200 because it could greatly increase fire risk to our communities. The group Firefighters United for Safety, Ethics and Ecology, an organization of current, former, and retired firefighters, opposes H.R. 4200.

The practices authorized under H.R. 4200 should not increase the risk of fire to our national forests and nearby communities. Nor should H.R. 4200 impede seedling regeneration of our national forests.

I urge my colleagues to adopt this amendment.

I reserve the balance of my time.

The Acting CHAIRMAN. Does any Member rise in opposition to the amendment?

Mr. WALDEN of Oregon. Indeed, Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. WALDEN of Oregon. Again, Mr. Chairman, let me say that the national organizations that represent the men and women who put their lives on the line to put out fires support this legislation. The national organizations, the Fire Chiefs International, the Forest Firefighters folks, support this legislation because they know what it will do and how important it is.

The Udall amendment may sound plausible, may sound reasonable, and it is neither. The Udall amendment is based on the theory that salvage increases fire risk. Wildfire fighting associations representing over 12,000 firefighters disagree.

This amendment also requires that no practice may be carried out unless the Secretary certifies the practice or project will not increase fire risk or decrease forest regeneration.

Now, if you haven't been involved in this discussion like we have in nine hearings and 50 drafts, you would think, well, that sounds reasonable. We wouldn't want to do anything that would increase fire risk or maybe decrease regeneration.

Well, let me give you an example of what happens in the real world. Imagine the following scenario: Logging creates logging slash. Under contractual agreements it must be cleaned up, often within 30 days. The agency could get sued because of the increased fire risk that exists during that 30-day period.

To do a recovery after a hurricane, the Forest Service proposes a salvage sale to capture value, remove hazardous fuels and plant a mix of willow species and riparian areas and mixed conifers on the drier sites. A lawsuit could be filed saying the agency hasn't proven that one seedling that survived that fire or that hurricane would be affected. So otherwise they can get you coming and going. You can't prove that an action in the forest will not have any effect. If you go hiking in the forest, you could step on a seedling.

And I am going to tell you, if you do a project in the forest you are going to have an effect. That is why our legislation requires mitigation and minimalization.

I reserve the balance of my time.

Mr. UDALL of New Mexico. Mr. Chairman, I yield 2 minutes to the gentleman from Washington (Mr. INSLEE).

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

Mr. INSLEE. Mr. Chairman, it is difficult to understand how anyone would oppose an amendment that simply says the administration should have what is not too onerous a burden, to certify that under the best available science this is not going to degrade that which we are trying to achieve, which is forest regeneration and suppression of fire. Is that asking too much of the Bush administration, to simply say if you are going to have a program, that you will tell the American people that it won't make things worse? We don't think that is asking too much.

And there is a point during this debate I think needs to be made, and that is that when there is a fire, it is a human instinct to get in there and want to fix things. We are fixers. We believe that we are the smarter species on the planet.

But if you look at the beautiful forests we have, if you look at the Eagle CAP wilderness, the Kettle River range in Washington State, you look at our national forests and you look at those forests, those forests are there without the intervention of President George Bush. They have evolved over decades and centuries and eons, and they are beautiful and they are healthy and they give us picnics for our kids, fishing and hunting for our cousins and our families, and clean water to drink, without the administration of George Bush going in with their chain saws and deciding what they decide to cut.

Now, given that historical fact that these forests have done very, very well without us for tens of thousands of

years, we don't think it is too much to ask that before President Bush gets out his chain saw, that he is required to certify, in the best available science, this won't make things worse.

Now I understand why they object to it, because they object to the science and the Donato study in the Science magazine from Oregon State University, they objected to it. They didn't like it. It didn't fit their political preconceptions so they put it on ice, put it on review, canceled it. Use whatever language you want.

We are saying that the science needs to be asked to be listened to, just like the American people should be. This is a commonsense amendment. I commend Mr. UDALL.

Mr. WALDEN of Oregon. Mr. Chairman, I yield myself 30 seconds.

One of the issues here with the amendment is there no specified time period. There is no specified landscape. It is wide open.

Does this mean anytime, anywhere in the forest you might step on a seedling, then, boom, you are going to get sued?

As for Mr. Donato, let us be forthright about this. The BLM did suspend the funding while they responded to allegations they hadn't followed the rules. When they got the answers, they were satisfied with them and the funding continued and the research continues. And even Mr. Donato said, don't overinterpret my findings.

I yield 2 minutes to my colleague from Washington (Mr. BAIRD).

Mr. BAIRD. Mr. Chairman, two things. I have spent a fair bit of time studying that. It is distressing that my friend from New Mexico, who requested a congressional hearing, was not able to answer a direct question earlier about whether or not the Donato study studied the fire 2 years post-logging or immediately post-logging. It was 2 years post, my friends. And it is irrelevant to the bill at hand.

This amendment by Mr. UDALL is something that, if you like to go camping in the woods with your family, you better not support this amendment because you would have a hard time having the Secretary of the Interior certify that building a camp fire in a national forest campground does not in some way increase the risks of forest fires.

If we are going to apply this standard to everything that happens, that in no way must any action possibly increase the risk of fire or impact natural regeneration, we are going to paralyze the woods. We are not going to go camping. We are not going to drive motorized vehicles on forest service roads, we are not going to do anything. And in fact, Mr. UDALL, we are not going to cut live trees either. And isn't that really the agenda, to stop all harvest on the Federal lands, live trees, burned trees, blowdown trees, drive that harvest to the rainforests, drive that harvest to the Russian Taiga, all in the name of environmental protection? That is not responsible environmental policy.

The legislation before us is good policy. This amendment is not. This amendment should be rejected out of hand.

Mr. WALDEN of Oregon. Mr. Chairman, I reserve the balance of my time.

Mr. UDALL of New Mexico. Mr. Chairman, I am just going to close at this point, so I reserve my time.

The Acting CHAIRMAN. Both sides have 30 seconds remaining. The gentleman from Oregon may reserve the balance of his time to close. The gentleman from New Mexico has 30 seconds remaining and is recognized.

Mr. UDALL of New Mexico. Mr. Chairman, there are ecologically sound ways to do salvage logging. This amendment assures that the science is followed. All we are asking is that the Secretary, in approving one of these projects, certify it will not increase forest-fire risk, and will not decrease forest regeneration.

I urge my colleagues to support the amendment.

I yield back any remaining time.

Mr. WALDEN of Oregon. Mr. Chairman, I urge opposition to the amendment.

I yield the balance of the time to the chairman of the full Resources Committee, Mr. POMBO.

The Acting CHAIRMAN. The gentleman from California is recognized for 30 seconds.

Mr. POMBO. Mr. Chairman, I thank the gentleman for yielding, and I just wanted to congratulate the chairman of the subcommittee, Mr. WALDEN, for the fantastic job he has done. And I especially want to thank Mr. BAIRD for the work that he has put into this.

This was an effort to bridge across party lines, across different ideologies in order to produce a bill that is better for the environment, better for the communities and better for our entire country, and I thank them for all of the work that they have put into this in working together to produce the kind of legislation that this House can be proud of, because this is the kind of bipartisan effort that produces the kind of legislation that this country deserves. So congratulations to both of you.

Mr. RAHALL. Mr. Chairman, I would like to voice my support for the gentleman from New Mexico's amendment.

This amendment corrects some of the fuzzy vision contained in H.R. 4200 while ensuring that we do not turn a blind eye to the science on salvage logging.

A recent peer-reviewed study out of Oregon State University, published in the highly respected journal Science, found that salvage logging. after the 2002 Biscuit fire destroyed more than two-thirds of the seedlings that were beginning to regenerate the burned forest. That operation effectively increased short-term fire risks.

The Oregon State study is far from the only scientific voice being raised about the effects of salvage logging. Over and over again we have heard from forest ecology scientists about the increased risk of fire and the harm that salvage logging imposes on new and developing trees.

This amendment simply ensures that the Secretary will not carry out a project that will increase fire risk or decrease forest regeneration. We should not be promoting salvage logging that promotes fires and puts forest communities at risk.

I urge the adoption of the Udall Amendment.

The Acting CHAIRMAN. All time having expired, the question is on the amendment offered by the gentleman from New Mexico (Mr. UDALL).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. UDALL of New Mexico. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Mexico will be postponed.

Mr. WALDEN of Oregon. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. PUTNAM) having assumed the chair, Mr. MCHUGH, Acting Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4200) to improve the ability of the Secretary of Agriculture and the Secretary of the Interior to promptly implement recovery treatments in response to catastrophic events affecting Federal lands under their jurisdiction, including the removal of dead and damaged trees and the implementation of reforestation treatments, to support the recovery of non-Federal lands damaged by catastrophic events, to revitalize Forest Service experimental forests, and for other purposes, had come to no resolution thereon.

□ 1345

WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Mr. PUTNAM. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 815 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 815

Resolved, That the requirement of clause 6(a) of rule XIII for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House is waived with respect to any resolution reported on the legislative day of May 17, 2006: (1) providing for consideration of the concurrent resolution (H. Con. Res. 376) establishing the congressional budget for the United States Government for fiscal year 2007 and setting forth appropriate budgetary levels for fiscal years 2008 through 2011; or (2) addressing budget enforcement or priorities.

The SPEAKER pro tempore (Mr. MCHUGH). The gentleman from Florida (Mr. PUTNAM) is recognized for 1 hour.

Mr. PUTNAM. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman