

S. 1046

At the request of Mr. HOLLINGS, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1046, a bill to amend the Communications Act of 1934 to preserve localism, to foster and promote the diversity of television programming, to foster and promote competition, and to prevent excessive concentration of ownership of the nation's television broadcast stations.

S. 1090

At the request of Mr. VOINOVICH, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 1090, a bill to amend title 23, United States Code, to increase the minimum allocation provided to States for use in carrying out certain highway programs.

S. 1091

At the request of Mr. DURBIN, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1091, a bill to provide funding for student loan repayment for public attorneys.

S. 1129

At the request of Mrs. FEINSTEIN, the names of the Senator from New York (Mrs. CLINTON) and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of S. 1129, a bill to provide for the protection of unaccompanied alien children, and for other purposes.

S. 1208

At the request of Ms. COLLINS, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1208, a bill to amend the Cooperative Forestry Assistance Act of 1978 to establish a program to provide assistance to States and nonprofit organizations to preserve suburban forest land and open space and contain suburban sprawl, and for other purposes.

S. 1222

At the request of Mr. NELSON of Nebraska, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1222, a bill to amend title XVIII of the Social Security Act to require the Secretary of Health and Human Services, in determining eligibility for payment under the prospective payment system for inpatient rehabilitation facilities, to apply criteria consistent with rehabilitation impairment categories established by the Secretary for purposes of such prospective payment system.

S. 1225

At the request of Mr. GREGG, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 1225, a bill entitled the "Greater Access to Affordable Pharmaceuticals Act".

S. 1226

At the request of Mrs. CLINTON, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 1226, a bill to coordinate efforts in collecting and analyzing data on the incidence and prevalence of de-

velopmental disabilities, and for other purposes.

S. 1248

At the request of Mr. GREGG, the names of the Senator from Tennessee (Mr. ALEXANDER) and the Senator from Vermont (Mr. JEFFORDS) were added as cosponsors of S. 1248, a bill to reauthorize the Individuals with Disabilities Education Act, and for other purposes.

S. 1255

At the request of Mr. KERRY, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 1255, a bill to amend the Small Business Act to direct the Administrator of the Small Business Administration to establish a pilot program to provide regulatory compliance assistance to small business concerns, and for other purposes.

S. 1273

At the request of Mr. KENNEDY, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 1273, a bill to provide for a study to ensure that students are not adversely affected by changes to the needs analysis tables, and to require the Secretary of Education to consult with the Advisory Committee on Student Financial Assistance regarding such changes.

S. 1289

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 1289, a bill to name the Department of Veterans Affairs Medical Center in Minneapolis, Minnesota, after Paul Wellstone.

S. 1291

At the request of Mr. SANTORUM, his name was added as a cosponsor of S. 1291, a bill to authorize the President to impose emergency import restrictions on archaeological or ethnological materials of Iraq until normalization of relations between the United States and the Government of Iraq has been established.

S. 1298

At the request of Mr. AKAKA, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 1298, a bill to amend the Farm Security and Rural Investment Act of 2002 to ensure the humane slaughter of non-ambulatory livestock, and for other purposes.

S. CON. RES. 25

At the request of Mr. VOINOVICH, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. Con. Res. 25, a concurrent resolution recognizing and honoring America's Jewish community on the occasion of its 350th anniversary, supporting the designation of an "American Jewish History Month", and for other purposes.

AMENDMENT NO. 933

At the request of Mr. BINGAMAN, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of amendment No. 933 proposed to S. 1, a bill to amend title XVIII of the

Social Security Act to make improvements in the medicare program, to provide prescription drug coverage under the medicare program, and for other purposes.

AMENDMENT NO. 956

At the request of Mr. GRAHAM of Florida, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of amendment No. 956 proposed to S. 1, a bill to amend title XVIII of the Social Security Act to make improvements in the medicare program, to provide prescription drug coverage under the medicare program, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. INOUYE (for himself and Mr. AKAKA):

S. 1312. A bill to amend title XIX of the Social Security Act to provide 100 percent reimbursement for medical assistance provided to a Native Hawaiian through a Federally-qualified health center or a Native Hawaiian health care system; to the Committee on Finance.

Mr. INOUYE. Mr. President, today, Senator AKAKA and I are introducing legislation that would provide for 100 percent coverage under Medicaid for the payment of health services rendered to Native Hawaiians by either Federally qualified health centers or Native Hawaiian health care systems. This provision would treat our State's Native Hawaiians comparably with Alaskan Natives and American Indians under the current Medicaid law. We purposely focused upon Federally qualified health centers and Native Hawaiian health care systems, because they are highly cost effective ways of providing these extraordinarily necessary primary care and preventative services.

I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1312

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Native Hawaiian Medicaid Coverage Act of 2003".

SEC. 2. 100 PERCENT FMAP FOR MEDICAL ASSISTANCE PROVIDED TO A NATIVE HAWAIIAN THROUGH A FEDERALLY-QUALIFIED HEALTH CENTER OR A NATIVE HAWAIIAN HEALTH CARE SYSTEM UNDER THE MEDICAID PROGRAM.

(a) MEDICAID.—Section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)) is amended, in the third sentence, by inserting " and with respect to medical assistance provided to a Native Hawaiian (as defined in section 12 of the Native Hawaiian Health Care Improvement Act) through a Federally-qualified health center or a Native Hawaiian health care system (as so defined) whether directly, by referral, or under contract or

other arrangement between a Federally-qualified health center or a Native Hawaiian health care system and another health care provider" before the period.

(b) EFFECTIVE DATE.—The amendment made by this section applies to medical assistance provided on or after the date of enactment of this Act.

By Mr. HOLLINGS:

S. 1313. A bill to establish the Congaree Swamp National Park in the State of South Carolina, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. HOLLINGS. Mr. President, today I am introducing legislation that is particularly important to me, in that it culminates nearly 30 years of efforts to preserve the wilderness of South Carolina for future generations of Americans. This legislation proposes to raise the designation of the Congaree Swamp National Monument to the Congaree National Park, and to increase its size by 20 percent.

I still remember when my friend, Harry Hampton, enlisted my help to protect the big trees that were being destroyed 500 acres a year in the central part of my State. In 1976, Congress set aside 15,000 acres to establish the Congaree Swamp National Monument. In the late 1980s, we expanded it by another 7,000 acres. More recently, we've invested in a visitor center and this investment has far exceeded this Senator's expectations.

The attendance has ballooned to 120,000 visitors every year, including some 12,000 students, who use the forest as their classroom to nature. It has awakened an interest in the environment for these children. They cruise the Congaree, learning how to identify trees, birds, animals, and everything like that. All kinds of groups take hikes, nature walks and canoe trips to see the almost 1,000 different types of trees, plants, animals, and birds in the forest.

This is home to some of the tallest and rarest trees in the Eastern United States—some are 400 years old. It is home to the largest example of old growth southern hardwood forest in North America. All eight species of woodpeckers can be found here, including the endangered red-cockaded variety.

Yet had Congress not acted back in 1976, none of this may be around today. We were able to save at least a few thousand acres of what once covered vast portions of the east coast, so future generations of Americans can enjoy it. There is a lesson here. The Government can do good for the environment. It is in the interest of our nation to protect our nation's treasures.

My legislation, the Congaree National Park Act of 2003 continues the progress we have seen the last 25 years. It would add another 4,576 acres of ecologically rich land; and it would redesignate the Monument into a fullfledged National Park, which would be the first in South Carolina. The Congaree Swamp is widely recognized as one of

the most unique and rare ecological habitats in the country. This designation not only recognizes the significance of this area but the wonderful job the National Park Service is doing to make this a growing attraction for local, State, national, and international visitors.

The project has received support from a number of organizations, and I ask unanimous consent that these letters of endorsement be printed in the RECORD. I hope to work on a bipartisan basis with my colleagues to pass the legislation this session.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

SOUTH CAROLINA DEPARTMENT OF
NATURAL RESOURCES,
Columbia, SC, June 23, 2003.

Hon. ERNEST F. HOLLINGS,
U.S. Senator, Russell Office Building,
Washington, DC.

DEAR SENATOR HOLLINGS: I want to take this opportunity to endorse the proposed legislation to establish the Congaree Swamp National Park in the State of South Carolina (Congaree National Park Act of 2003). We are delighted to see your continued commitment to the protection of important environmental properties in our State. The expansion of the Congaree National Monument to a "National Park" certainly continues the habitat protection vision that is embraced by the Board of the South Carolina Department of Natural Resources.

I have been in routine contact with your staff and many of our natural resource conservation partners as this important legislation was developed by your staff. We appreciate your staff's professional courtesy to us in seeking our agency's input. The expansion of this significant natural resource area certainly parallels the stated mission of our agency in proactively protecting the State's natural resources for the use and enjoyment by future generations of South Carolinians.

Again, thank you for your commitment to our natural resources and to improving the quality of life of our citizens. You have been a strong supporter of our conservation initiatives and our citizens are certainly indebted to you for your leadership and vision.

Sincerely,

JOHN E. FRAMPTON,
Director.

THE TRUST FOR PUBLIC LAND,
Washington, DC, June 23, 2003.

Hon. ERNEST F. HOLLINGS,
U.S. Senate, Russell Senate Office Building,
Washington, DC.

DEAR SENATOR HOLLINGS: I am writing today on behalf of The Trust for Public Land in support of legislation to expand the boundaries of the Congaree Swamp National Monument and designate it as a National Park in the State of South Carolina.

As you know, the Congaree Swamp National Monument was authorized as a unit of the National Park Service in 1976. The park rests on a floodplain of the Congaree River and is recognized as an International Biosphere Reserve, National Natural Landmark, Wilderness Area, and "Globally Important Bird Area," with over 90 tree species including old growth loblolly pines and bald cypress. The Congaree hosts the nation's largest tract of old-growth bottomland hardwood forest, and contains some of the tallest trees in the eastern U.S., with some pines reaching over 160 feet. The Congaree's outstanding natural resources are frequented by outdoor enthusiasts who enjoy canoeing, kayaking, picnicking, camping, and fishing.

In 1994, the expansion area was the subject of a biological and hydrological evaluation to determine its resource value for protection and addition to the Congaree Swamp National Monument. The report concluded that expanding the National Monument to include this area would conserve a unique hydrological system integrally connected to the hydrology of the Congaree River and that of lands currently within the Congaree Swamp National Monument. Once protected, these lands would form a conservation corridor connecting the Congaree with other protected state and Federal lands further downstream.

Additional protection of the Congaree Swamp National Monument would not only play a critical role in enhancing South Carolina's recreation needs, it would further enrich South Carolina's impressive historic and cultural resources as well as its significant wildlife and ecological resources.

The Trust for Public Land commends your leadership on this matter and looks forward to working with you on enacting such legislation.

Sincerely,

ALAN FRONT,
Senior Vice President.

COLUMBIA AUDUBON SOCIETY,
Columbia, SC, June 23, 2003.

Hon. ERNEST F. HOLLINGS,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR HOLLINGS: I am writing to you on behalf of the 700+ members of Columbia Audubon Society. We want to express our full support for your legislation to change the Congaree Swamp National Monument to National Park and to expand the boundary.

No other area in the Southeast is of comparable geological and biological significance. The park has been recognized as a National Natural Landmark, an International Biosphere, Globally Important Bird Area, and a Wetlands of International Importance. Anything that can be done to raise awareness of this important resource and to protect it by boundary expansion is a positive step that we support.

Thank you once again for your efforts on behalf of our natural and national heritage.

Sincerely,

DANIEL L. TUFFORD,
President and Conservation Chair.

SIERRA CLUB,
SOUTH CAROLINA CHAPTER,
Columbia, SC, June 22, 2003.

Re Congaree Swamp National Monument.

Senator ERNEST HOLLINGS,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR HOLLINGS: The South Carolina Chapter of the Sierra Club supports your legislation to expand and reclassify the Congaree Swamp National Monument. We thank you for your preservation efforts regarding the Congaree Swamp and for your support of the environment generally.

The Congaree Swamp National Monument on the meandering Congaree River is a tranquil setting of world champion trees, primeval forest landscapes, and diverse plant and animal life. This 21,479-acre intact old-growth bottomland hardwood forest is a remnant of what much of the Southeast looked like 200-plus years ago. The opportunity to add 4,526-acres to this living ecological museum cannot be ignored.

We also believe that Congaree Swamp is more appropriately identified as a national "park." This designation, within the Park Service, will accord the "swamp" its appropriate status and possible funding within the Department of Interior.

The South Carolina Chapter of the Sierra Club was formed 25 years ago as a result of citizen involvement to form the Congaree Swamp National Monument in 1976. Our Sierra Club chapter could receive no better gift on our 25th birthday than the expansion and redesignation of this sanctuary for plants, animals, researchers, and hikers.

On behalf of the 5,200 Sierra Club members in South Carolina, again, we thank you and support your efforts.

Sincerely,

DELL ISHAM,
SC Chapter Director.

SOUTH CAROLINA
WILDLIFE FEDERATION,
Columbia, SC, June 17, 2003.

Hon. Ernest F. Hollings,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR HOLLINGS: The South Carolina Wildlife Federation (SCWF) applauds you for your continued commitment to the environment and to the rare and precious habitats found both nationwide and in South Carolina. It is your continued dedication to these valuable habitats and our mission to support conservation efforts that prompts us to write to you. The purpose of this letter is to express our position on your "Congaree National Park Act of 2003."

The SCWF considers this bill, to change the designation of the Congaree National Monument to the Congaree National Park and to expand the park to include the 4,576 acres, a profitable proposal. As is evidenced in the text of the bill, there are numerous reasons to protect, preserve and expand this area. The rarity of this wilderness area boasts the last and largest example of virgin, old-growth southern hardwood forest in North America. The Congaree National Monument and adjacent private land provide valuable opportunities to experience and learn about our natural, biological, geological, and cultural history. This wilderness is home to over 900 species of plants and animals, including rare, threatened and endangered species. Since habitat size plays such an important role in maintaining healthy communities and diverse gene pools of plant and animal species, this expansion and designation as a National Park are wonderful ways to preserve such an ecologically rich area.

In addition, Mr. Harry Hampton, the founder of this Federation, was also responsible for the recognition of the Congaree Swamp as a National Monument. In keeping with the vision of our founder it is with great eagerness that we support your efforts to have this bill enacted. The South Carolina Wildlife Federation commends you for introducing the "Congaree National Park Act of 2003." Please use this letter freely in the public record.

Sincerely,

ANGELA VINEY
Executive Director.

SOUTH CAROLINA COASTAL
CONSERVATION LEAGUE,
Columbia, SC, June 23, 2003.

Hon. Ernest F. Hollings,
U.S. Senate,
Washington, DC.

DEAR SENATOR HOLLINGS: I am writing to give the Coastal Conservation League's full support for the Congaree National Park Act of 2003. The Congaree Swamp National Monument is a tremendous asset for South Carolina and the nation, and has enjoyed ever-increasing numbers of supporters and visitors. It is definitely worthy of the level of protection that a National Park designation would provide.

This area has regional, national, and international significance. Regionally it stores

waters that reduce downstream flooding, and improves water quality in the Congaree and Santee rivers. It is important on a national scale because it includes the largest intact tract of old growth area of virgin floodplain forest in the United States. And 20 years ago it earned global recognition as an International Biosphere Reserve. Because of its significance it has attracted visitors ranging from Richland County to around the world.

The expansion of the National Monument area by over 4,000 acres will greatly advance state conservation goals, as it will link two core areas identified by the South Carolina Landscape Mapping Project's Ecological Vision, namely the Congaree Swamp National Monument and the Upper Santee Swamp. In addition, the proposed expansion to include Fork Swamp within the proposed National Park boundaries accomplishes the objective of the Heritage Trust Board of the Department of Natural Resources. This body has recommended protection for Fork Swamp, where the Wateree and Congaree rivers from the headwaters of the Santee River.

The Congaree Swamp is indeed a national treasure that will be enjoyed by visitors from around the country for years to come. The Congaree National Park Act of 2003 is a fitting tribute to its importance. Thank you for all you continue to do to preserve South Carolina's unique natural treasures.

Sincerely,

DANA BEACH,
Executive Director.

THE RIVER ALLIANCE,
Columbia, SC, June 16, 2003.

Senator ERNEST F. HOLLINGS,
Russell Building, U.S. Senate, Washington, DC.

DEAR SENATOR HOLLINGS: Your guiding hand led the effort to protect the unique national treasure of the Congaree Swamp National Monument. We believe the addition of an additional 4,500 area and its redesignation as a National Park is a continuation of this stewardship. The River Alliance strongly supports the expansion of the Congaree Swamps' boundaries and its designation as the Congaree Swamp National Park.

As you may recall, the River Alliance is a public benefit organization tasked with connecting citizens to the region's rivers. The Congaree Swamp is the crown jewel of our region's 90 miles of river system. The Alliance sees this physical expansion as a high value environmental and recreational addition. It allows protection of the Running Lake Creek, Bates Old River and Fort Swamp areas. The Wateree River is the logical southern boundary for the expansion. It also allows inclusion of the Congaree's River's edge between the existing federal boundary and the confluence with the Wateree. This brings the primary river access at South Carolina Highway 601 inside the park boundary. The expansion allows protection of additional cultural and environmental resources. It also provides a solid boundary for park management.

In 1997, the River Alliance initiated a major program to assist the Congaree Swamp in reaching its potential for visitation. With your help, physical outcomes were an improved access road, parking, and the Harry Hampton Visitors Center. Visitation has increased dramatically, but our analysis revealed an issue with its current designation as a "Monument." An inaccurate, but very real, public perception is "A Monument is less worthy of visitation than a National Park." The Congaree Swamp deserves the "National Park" designation, not only for its inherent national and intentional value, but to fully reach its potential to attract visitors. Congaree Swamp visitors leave with an embedded imprint of natural beauty. We wish that every citizen can have this experi-

ence. Visitors become advocates for the Swamp and for the National Park Service.

From the Alliance perspective, public ownership of the river's edge of the Congaree Swamp is a valuable commodity, the more the better. It allows public access by boat, canoe or kayak to the Swamp's bluffs, banks and creeks from the waters of the Congaree River. This offers visitors an unparalleled view of the ecosystem and access to the true wilderness. The record trees accessible from the water, are an awesome demonstration of the value of federal park protection. The expansion will extend the edge to the Wateree River. It will also allow the current Highway 601 access to become a true entry point to the Swamp with an opportunity for river-focused education and interpretation. As with the Harry Hampton Visitors Center project, the River Alliance is committed to assist in the creation of a visitor experience worthy of the environmental resource. The increased Congaree frontage sets the stage.

We know your action is forthcoming and we strongly support the expansion and redesignation. We will be happy to answer any questions, provide additional information, or testify to Congress as you desire. If you have any questions, feel free to contact me at (803) 765-2200.

Sincerely,

MICHAEL T. DAWSON,
Director.

FRIENDS OF CONGAREE SWAMP,
Columbia, SC, June 23, 2003.

Hon. ERNEST HOLLINGS,
Russell Senate Office Building, Washington, DC.

Re: Congaree Swamp—Boundary Expansion and National Park Designation

DEAR SENATOR HOLLINGS: For more than 25 years, you have provided outstanding leadership for Congaree Swamp National Monument. You were instrumental in establishing the monument in 1976 and expanding the monument in 1988. You have obtained funding for Congaree land acquisition, the entrance road, the Harry Hampton Visitor Center, and, recently, the maintenance facility.

Congaree Swamp's significance is affirmed by many studies and by its designations as a National Natural Landmark, a National Monument, and an International Biosphere Reserve. A nomination is prepared to recognize Congaree Swamp as Wetlands of International Importance.

The Friends of Congaree Swamp are delighted by your introduction of legislation to expand Congaree Swamp National Monument and to change its designation from National Monument to National Park.

Congaree boundary expansion is a significant step toward implementing several visions:

It implements part of the South Carolina Conservation Vision Map by linking two major core areas: Congaree Swamp National Monument and the Upper Santee Swamp Natural Area;

It implements part of the Fork Swamp Large Area Project, a landscape-scale conservation project approved more than two years ago by the SC Heritage Trust Advisory Board of the SC Dept. of Natural Resources; and

It supports legislation you introduced in 2002, and again in 2003, regarding a Southern Campaign of the Revolution Heritage Area in South Carolina.

"Timing is everything." This boundary expansion was proposed and studied extensively in 1994, but one of the two key landowners was hesitant at that time to include the tract in legislation. Now, in 2003, both key landowners (Riverstone Properties and the Beidler family) are willing to sell their tracts for addition to Congaree Swamp National Monument.

However, both key landowners will sell these tracts to other buyers if the Congaree expansion languishes. Both key landowners recognize the potential to subdivide and sell their tracts as smaller parcels. On such parcel has already been sold. This situation underscores the urgency to authorize Congaree's expanded boundary and appropriate funding to purchase both key tracts before they are subdivided and sold as multiple parcels, especially if the new owners of the multiple parcels are unwilling to include their land in the Congaree boundary.

We support Congaree's designation as a National Park. Congaree Swamp National Monument has received visitors from more than 90 countries. Visitation—from throughout the United States as well as internationally—will surely increase if Congaree's significance is further recognized by National Park status.

Currently, Congaree's old-growth forest is the principal theme interpreted by the National Park Service. We understand Congaree's cultural/historical resources would be interpreted as the second theme if Congaree becomes a National Park. Friends of Congaree Swamp can provide historical information for lands within this Congaree boundary expansion.

We recall your tremendous efforts in 1988, when you secured FY 1989 funding for Congaree land acquisition while simultaneously authorizing Congaree's 7,000-acre expansion. How wonderful if your Congaree expansion/park legislation can be authorized in 2003 and funding obtained promptly thereafter to purchase these Congaree tracts!

On behalf of our members and our Board of Directors, we are grateful for your continued leadership. Please do not hesitate to contact us for additional information and assistance. Sincerely,

LABRUCE ALEXANDER,
President, Friends of Congaree Swamp.

By Mr. BINGAMAN (for himself,
Mr. DASCHLE, Mrs. MURRAY, and
Ms. CANTWELL):

S. 1314. A bill to expedite procedures for hazardous fuels reduction activities on National Forest System lands established from the public domain and other public lands administered by the Bureau of Land Management, to improve the health of National Forest System lands established from the public domain and other public lands administered by the Bureau of Land Management, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, today I am introducing comprehensive legislation to expedite forest thinning and improve forest health on our national forests and public lands. I am pleased that Senator DASCHLE is a co-sponsor of this bill.

Everyone in the Senate wants to do what we can to reduce the threat of catastrophic wildfire. We all agree on the need to accelerate fuels reduction activities because the risk of severe fire is so high. Ongoing drought, past fire suppression policies, and overly-excessive harvesting of timber have all contributed to the problem. All of us also agree that it is much better to devote limited resources to proactive efforts to reduce fire risk rather than paying to fight fires once they occur.

I have tried for years to improve the Federal agencies' forest thinning pro-

gram in a variety of ways. I am also a vocal proponent for spending Federal dollars conducting proactive forest restoration. Although some may contend that restoration costs too much money, over the long-term, it is much less expensive than fighting fires.

Every year, the Forest Service borrows funds from other accounts to pay for firefighting. It is clear that this practice substantially contributes to project delays and cancellations. For example, in 2002 alone, the Forest Service states that:

some critical projects in New Mexico were postponed for up to one year as a result of fire borrowing. These include wildland-urban interface fuels projects on the Carson, Gila, Lincoln, and Santa Fe National Forests. A contract for construction of a fuelbreak around a community at risk on the Cibola National Forest was postponed for six months.

The legislation I am introducing today eliminates the current fire borrowing practice by authorizing the Forest Service, during years in which the agencies' firefighting costs exceed its budget, to borrow funds directly from the Treasury. I urge my colleagues to reject any bill purporting to decrease on the ground delays if it does not address this problem.

A 2002 report by the National Academy of Public Administration, and a letter to Congress from the Society of American Foresters dated November 2002, confirms that the main obstacle constraining us from increasing our efforts to reduce fire risk is a lack of adequate funding. Clearly, the Forest Service's fire borrowing practice contributes to this lack of funding. Ever since Congress first funded the National Fire Plan more than two years ago, I have continually emphasized the need to sustain a commitment to the FY 2001 funding levels over a long enough period of time to make a difference—at least 15 years.

Important programs that are part of the National Fire Plan, including economic action programs, community and private land fire assistance, and burned area restoration and rehabilitation have been drastically cut—and some have been zeroed out—by the Administration over the last three budget cycles. For some accounts included under the National Fire Plan, but not all, Congress has made up the difference. However, it would certainly be much easier to fully fund the National Fire Plan with the Administration's support.

Beyond funding constraints, some allege that administrative appeals and lawsuits limit our ability to reduce fire risk across the country. As set forth in my legislation, I am willing to provide new legal authorities and exemptions from administrative appeals to address this concern.

Let me briefly describe the expedited procedures provisions of our bill. We propose to exempt from National Environmental Policy Act analysis all forest thinning projects located near communities or in municipal watersheds

that remove up to 250,000 board feet of timber or one million board feet of salvage timber. We prohibit administrative appeals on these projects, thereby saving 135 days in the process. In addition, we eliminate judicial review granted under NEPA for thinning projects within one-half mile of at risk communities or within certain municipal watersheds. The combination of these provisions would save between one and one-half to three and one-half years of process.

Targeting the expedited procedures to areas near communities and in municipal watersheds is consistent with a 2002 National Academy of Public Administration report recommending that the Federal Government conduct fuels reduction treatments near communities and municipal watersheds before treating more distant areas. We also require that seventy percent of forest thinning funds be spent within these critical areas.

We agree with, and included, some provisions similar to ones found in H.R. 1904. For example, our bill covers the same amount of Federal land, namely, up to 20 million acres. H.R. 1904 requires the Secretaries to select projects through a collaborative process and give priority to protecting communities and municipal watersheds. Moreover, H.R. 1904 requires that projects be consistent with applicable forest and resource management plans. I agree with all of these provisions.

Both bills establish systematic programs, in cooperation with colleges and universities, to gather information on insect infestations that can be applied to forest management treatments. However, our bill provides actual funds, \$25 million annually, to implement the program whereas H.R. 1904 does not.

This bill differs from H.R. 1904 in some other important aspects. Our bill comprehensively addresses the issue of on the ground delay by doing away with the Forest Service's fire borrowing practice and exempting the Forest Service from the Competitive Sourcing Initiative.

Our legislation provides \$100 million annually to reduce fire risk and restore burned areas on non-Federal lands. Forest Service researchers state that seventy-seven percent of all high risk areas are on non-Federal lands. In addition, the National Academy of Public Administration's 2002 report notes that forty-seven percent of acres burned each year are non-Federal lands and stated that decreasing fuels on all owners' lands is needed to address the large scope of the fire hazard problem. Moreover, given that the Administration has zeroed out funding for burned area restoration and rehabilitation, the secure funding provided by our bill is desperately needed to protect communities from landslides and other adverse effects of catastrophic wildfire.

The bill I am introducing today recognizes the role that forest dependent

communities play in restoring our lands by requiring that at least thirty percent of hazardous fuels reduction funds be spent on projects that benefit small businesses that use hazardous fuels and are located in small, economically disadvantaged communities. In order to provide robust monitoring of new authorities, we require that an independent commission report to Congress on the results of the program and that the agencies establish a multiparty monitoring program. H.R. 1904 does not contain similar provisions.

Most fuel reduction projects will take several years to implement. It is critical that the agencies have reliable funding to complete the projects they start. If funding is obtained to thin trees the first year, but not to complete the slash disposal and reintroduce fire through prescribed burning the following years, short-term fire risk will be increased. Moreover, slash that is left on the ground increases the likelihood of beetle infestations. The bill I am introducing today ensures that agencies address long-term fuels management whereas H.R. 1904 does not contain any similar provision.

At this point in time, I do not believe we need to expedite judicial review beyond what we offer in this bill. The judicial review limitations in H.R. 1904 are excessive. In May 2003, GAO completed an analysis of Forest Service decisions involving fuel reduction activities. In the first two years of activity under the National Fire Plan, GAO found that only three percent of all of the decisions were litigated covering 100,000 acres. Decisions affecting the remaining 4.6 million acres treated in those two years proceeded without any litigation.

H.R. 1904 provides new legal authorities and judicial review limitations without regard to many independent analyses that have discovered numerous flaws with the agencies' existing implementation of the National Fire Plan. In November 2001, the Inspector General for the Department of Agriculture found that the Forest Service was inappropriately spending its burned area restoration funds to prepare commercial timber sales. Similarly, it was recently discovered that the Forest Service "misplaced" \$215 million intended for wildland fire management due to an accounting error.

Finally, another GAO report concluded that, because the Forest Service relies on the timber program for funding many of its other activities, including reducing fuels, it has often used the timber program to address the wildfire problem. GAO states, "The difficulty with such an approach, however, is that the lands with commercially valuable timber are often not those with the greatest wildfire hazards. Additionally, there are problems with the incentives in the fuel reduction program. Currently, managers are rewarded for the number of acres on which they reduce fuels, not for reducing fuels on the

lands with the highest fire hazards. Because reducing fuels in areas with greater hazards is often more expensive—meaning that fewer acres can be completed with the same funding level—managers have an incentive not to undertake efforts on such lands." GAO/RCED-99-65.

The parameters set forth in our bill will ensure that the agencies conduct forest thinning in a way that truly reduces the threat of fire and improves forest health. For example, we require the agencies to focus on thinning projects that remove small diameter trees. Too often, the Forest Service has cut large trees because of their commercial value instead of removing small-diameter trees that tend to spread fire. A group of respected forest fire scientists recently wrote President Bush a letter stating that, "thinning of overstory trees, like building new roads, can often exacerbate the situation and damage forest health."

Our bill prohibits new road construction in roadless areas whereas H.R. 1904 contains no similar provision. The National Forests already contain 380,000 miles of road, as a comparison, the National Highway System contains 160,000 miles of roads, and the deferred maintenance needs on these existing roads totals more than \$1 billion. Forest Service analysis reveals that roads increase the probability of accidental and intentional human-caused ignitions.

Returning receipts to the Treasury is consistent with a provision in Senator WYDEN and Senator CRAIG's county payments legislation enacted two years ago and avoids existing perverse incentives. Numerous GAO reports reveal that existing agency trust funds provide incentives for the agency to cut large trees because it gets to keep the revenue. Cutting large trees will not reduce fire risk, therefore, we should direct receipts back to the Treasury. Jeremy Fried, a Forest Service Research specialist at the Pacific Northwest Research Station, states, "If you take just big trees, you don't reduce fire danger."

The provision in our bill stating that seventy percent of hazardous fuels reduction funds be spent within one-half mile of at risk communities or within municipal watersheds is necessary because GAO recently found that more than two-thirds of the Forest Service's decisions involving fuels reduction activities were targeted exclusively at lands outside of the wildland/urban interface. H.R. 1904 contains no similar provision.

In conclusion, our bill represents a comprehensive and balanced approach to expedite forest thinning and improve forest health. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Collaborative Forest Health Act".

SEC. 2. DEFINITIONS.

As used in this Act:

(1) The term "at-risk community" means—
(A) an urban wildland "interface" or "intermix" community as those terms were defined by the Secretaries on January 4, 2001 (66 Federal Register 753), or

(B) consisting of a collection of homes or other structures with basic infrastructure and services, such as utilities, collectively maintained transportation routes, and emergency services;

(i) on which conditions are conducive to large-scale fire disturbance events; and

(ii) for which a significant risk exists of a resulting spread of the fire disturbance event, after ignition, which would threaten human life and property.

(2) The term "community protection zone" means an at-risk community and an area within one-half mile of an at-risk community.

(3) The term "Secretaries" means the Secretary of Agriculture with respect to National Forest System lands and the Secretary of the Interior with respect to public lands administered by the Bureau of Land Management.

(4) The term "1890 Institution" means a college or university eligible to receive funds under the Act of August 30, 1890 (7 U.S.C. 321 et seq.), including Tuskegee University.

(5) The term "Federal lands" means public lands as defined in section 103(e) of the Federal Land Policy and Management Act (43 U.S.C. 1702(e)) and the National Forest System as defined in section 11 (a) of the Forest and Rangeland Renewable Resources Planning Act (16 U.S.C. 1609(a)).

SEC. 3. EXPEDITED PLANNING AND IMPLEMENTATION PROCESS.

(a) CATEGORICAL EXCLUSION.—Subject to subsection (h), the Secretaries may find that a proposed hazardous fuels reduction project, including prescribed fire, that removes no more than 250,000 board feet of merchantable wood products or removes as salvage 1,000,000 board feet or less of merchantable wood products and assures regeneration of harvested or salvaged areas will not individually or cumulatively have a significant effect on the human environment and, therefore, neither an environmental assessment nor an environmental impact statement is required

(b) PUBLIC MEETING.—Prior to implementing a project pursuant to subsection (a), the Secretaries shall conduct a public meeting at an appropriate location proximate to the administrative unit of the Federal lands in which the project will be conducted. The Secretaries shall provide advance notice of the date and time of the meeting.

(c) COLLABORATION.—

(1) The Secretaries shall identify projects implemented pursuant to this section through a collaborative framework as described in the Implementation Plan for the 10-year Comprehensive Strategy for a Collaborative Approach for Reducing Wildland Fire Risks to Communities and the Environment, dated May 2002, developed pursuant to the Conference Report to the Department of the Interior and Related Agencies Appropriations Act, FY 2001 (H. Rept. 106-646) to reduce hazardous fuels. Any project carried out pursuant to this section shall be consistent with the applicable forest plan, resource management plan, or other applicable agency plans.

(2) The Secretaries shall ensure that local level collaboration includes Tribal representatives, local representatives from Federal and State agencies, local governments, landowners, other stakeholders, and community-based groups.

(3) The Secretaries shall establish incentives or performance measures to ensure that Federal employees are committed to collaboration.

(d) **ACREAGE LIMITATION.**—In implementing this section, the Secretaries shall implement projects on an aggregate area of not more than 20 million acres of Federal lands. This amount is in addition to the existing hazardous fuels reduction program that implements projects on approximately 2.5 million acres each year.

(e) **ADMINISTRATIVE APPEALS.**—

Projects implemented pursuant to this section shall not be subject to the appeal requirements of section 322 of the Department of the Interior and Related Agencies Appropriations Act, 1993 (16 U.S.C. 1612 note) or review by the Department of the Interior Board of Land Appeals. Nothing in this section affects projects for which scoping has begun prior to enactment of this Act.

(f) **CONCLUSIVE PRESUMPTION.**—Within—

(1) the community protection zone; or
(2) municipal watersheds in which National Environmental Policy Act documentation and analysis has been completed and no new road construction is allowed, no timber sales are allowed, and no log skidding machines are allowed,

unless there are extraordinary circumstances, the decision of either Secretary that a proposed hazardous fuels reduction project authorized by subsection (a) is categorically excluded is conclusive as a matter of law and shall not be subject to judicial review. This conclusive determination shall apply in any judicial proceeding brought to enforce the National Environmental Policy Act pursuant to this section.

(g) **EXCLUDED FEDERAL LANDS.**—This section does not apply to any Federal lands—

(1) included in a wilderness study area or a component of the National Wilderness Preservation System; or

(2) where logging is prohibited or restricted by an Act of Congress, presidential proclamation, or agency determination.

(h) **EXTRAORDINARY CIRCUMSTANCES.**—For all projects proposed pursuant to this section, if there are extraordinary circumstances, the Secretaries shall follow agency procedures related to categorical exclusions and extraordinary circumstances consistent with Council on Environmental Quality regulations.

(i) **REDUCE FIRE RISK AND IMPROVE FOREST HEALTH.**—

(1) In order to ensure that the agencies are implementing projects pursuant to this section that reduce the risk of unnaturally intense wildfires and improve forest health, the Secretaries—

(A) shall not construct or reconstruct new temporary or permanent roads in inventoried roadless areas;

(B) shall maintain the integrity of mature and old growth stands appropriate for each ecosystem type and shall focus on thinning from below for all forest thinning projects;

(C) shall use integrated pest management techniques to forestall significant fuel loading in areas infested by native insects;

(D) shall require a slash treatment plan when thinning to reduce hazardous fuels in areas with insect mortality and limit timber salvage activity to areas with fifty percent or more mortality; and

(E) shall deposit in the Treasury of the United States all revenues and receipts generated from projects implemented pursuant to this Act.

(2) In addition to the requirements set forth in paragraph (1), the Secretaries shall ensure that projects implemented in municipal watersheds protect or enhance water quality or water quantity.

(3) The Secretaries shall not use goods-for-service contracting to implement projects pursuant to this section.

(j) **LONG-TERM FUEL MANAGEMENT.**—In implementing hazardous fuels reduction projects pursuant to this section, the Secretaries shall ensure that—

(1) funding to assure completion of all phases of the project be committed by the management unit before the project begins;

(2) a follow-up treatment plan describing the long-term maintenance activities to keep the treated areas within the historical range of variability, and the project costs, shall accompany all proposed projects; and

(3) a system to track the budgeting and implementation of follow-up treatments shall be used to account for the long-term maintenance of areas managed to reduce hazardous fuels.

(k) **HAZARDOUS FUELS REDUCTION FUNDING FOCUS.**—In order to focus hazardous fuels reduction activities on the highest priority areas where critical issues of human safety and property loss are the most serious and within municipal watersheds, the Secretaries shall expend at least seventy percent of the hazardous fuels operations funds provided annually only on projects within the community protection zone or within municipal watersheds.

(l) **COMMUNITIES.**—

(1) The Secretaries shall expend at least thirty percent of the hazardous fuels operations funds provided annually on projects that benefit small businesses that use small diameter material and woody debris removed in hazardous fuels reduction treatments and are located in small, economically disadvantaged communities.

(2) To conduct a project under this section, the Secretaries shall use local preference contracting and best value contracting. Best value contracting criteria includes—

(A) the ability of the contractor to meet the ecological goals of the projects;

(B) the use of equipment that will minimize or eliminate impacts on soils; and

(C) benefits to local communities such as ensuring that the byproducts are processed locally.

(m) **MONITORING.**—(1) The Secretaries shall jointly establish a commission to complete an assessment of the positive or negative impacts and effectiveness of projects implemented under this section. The commission shall be composed of 12 to 15 members with equal representation from conservation interests, local communities, and commodity interests. The Commission shall submit a report to Congress within 36 months after the date of enactment of this Act. The report must include identification of the total dollar value of contracts awarded to natural resource related small or micro enterprises, Youth Conservation Corps crews or related partnerships, entities that hired and trained local people to complete the contract or agreement, or local entities that meet the criteria to qualify for the Historically Underutilized Business Zone Program pursuant to section 32 of the Small Business Act (15 U.S.C. 657a).

(2) (A) The Secretaries shall establish a multiparty monitoring, evaluation, and accountability process in order to assess a representative sampling of the projects implemented pursuant to this section.

(B) The Secretaries shall ensure that monitoring data is collected and compiled in a way that the general public can easily access. The Secretaries may collect the data using cooperative agreements, grants, or contracts with small or micro-enterprises, Youth Conservation Corps work crews or related partnerships with State, local, and other non Federal conservation corps.

(3) Funds to implement this section shall be derived from hazardous fuels operations funds.

(n) **SUNSET.**—

The provisions of this section shall expire five years after the date of enactment of this Act, except that a project for which a decision notice, or memorandum in the case of a categorical exclusion, has been issued before the end of such period may continue to be implemented using the provisions of this Act.

SEC. 4. INSECT INFESTATIONS.

(a) During fiscal years 2004 through 2008, the Secretaries jointly shall make available from funds otherwise available in the Treasury, without further appropriation, \$25,000,000 each fiscal year to conduct a systematic information gathering program on certain insect types that have caused large scale damage to forest ecosystems in order to complete research that can be applied to forest management treatments and product utilization.

(b) The Secretaries shall establish and carry out the program in cooperation with scientists from universities and forestry schools, State agencies, and private and industrial land owners. The Secretaries shall designate universities and forestry schools, including Land Grant Colleges and Universities and 1890 institutions, to carry out the program.

(c) The Secretaries shall ensure that the program includes research on:

(1) determining how to best use mechanical thinning and prescribed fire to modify fire behavior and reduce fire risk, and to improve the scientific basis for design, implementation and evaluation of hazardous fuels reduction treatments;

(2) gathering systematic information on insect types, including Emerald Ash Borers, Gypsy Moth, Red Oak Borers, Asian Longhorned Beetles, and Bark Beetles, that have caused large-scale damage to forest ecosystems, to establish early detection programs for insect and disease infestation in order to prevent massive breakouts, to determine the correlation between insect mortality and fire risk in specific forest types, and to test silvicultural systems that use integrated pest management; and

(3) developing new technologies and markets for value-added products that use the byproducts of insect infestation or hazardous fuels reduction treatments.

SEC. 5. FIREFIGHTER SAFETY AND TRAINING.

The Secretaries shall track funds expended for firefighter safety and training and include a line items for such expenditures in future budget requests.

SEC. 6. BORROWING AUTHORITY FOR FIRE SUPPRESSION.

(a) The Secretary of Agriculture may request up to \$250 million in a fiscal year from the Secretary of the Treasury to cover fire suppression costs that exceed the amount of funding available to the Forest Service for fire suppression in a fiscal year.

(b) Upon such request, the Secretary of the Treasury shall make such sums available to the Secretary of Agriculture, without further appropriation.

(c) Upon amounts being appropriated by Congress to reimburse funds transferred to the Secretary of Agriculture pursuant to this section, such amounts shall be deposited in the Treasury.

SEC. 7. PROHIBITION ON THE COMPETITIVE SOURCING INITIATIVE.

The Competitive Sourcing Initiative and the Office of Management and Budget Circular No. A-76, dated May 29, 2003, shall not apply to the Forest Service.

SEC. 8. WILDFIRE RISK REDUCTION AND BURNED AREA RESTORATION.

(a) **IN GENERAL.**—During fiscal years 2004 through 2008, the Secretaries jointly shall

make available from funds otherwise available in the Treasury, without further appropriation, \$100,000,000 each fiscal year to reduce the risk of wildfire to structures and restore burned areas on tribal lands, nonindustrial private lands, and State lands using the authorities available pursuant to this section, the National Fire Plan and the Emergency Watershed Protection program.

(b) **COST SHARE GRANTS.**—In implementing this section, the Secretaries may make cost-share grants to Indian tribes, local fire districts, municipalities, homeowner associations, and counties, to remove, transport, and dispose of hazardous fuels around homes and property to—

(1) prevent structural damage as a result of wildfire, or

(2) to restore or rehabilitate burned areas on non-Federal lands.

(c) **NON-FEDERAL CONTRIBUTION.**—The non-Federal contribution may be in the form of cash or in-kind contribution.

(d) **PRIORITY.**—Priority for such funds shall be given to areas where the applicable local government has enacted ordinances for wildland areas requiring or promoting brush clearance around homes and requiring fire-retardant building materials for new construction.

(e) **AVAILABILITY OF FUNDS.**—Amounts appropriated in one fiscal year and unobligated before the end of that fiscal year shall remain available for use in subsequent fiscal years.

Mr. DASCHLE. Mr. President, today I join Senators BINGAMAN, MURRAY, CANTWELL and others to introduce the Collaborative Forest Health Act to expedite forest thinning and improve forest health on our national forests and public lands. I thank Senator BINGAMAN for his leadership on this important issue.

Everyone in the Senate wants to do what we can to reduce the threat of catastrophic wildfire. There is agreement on the need to accelerate fuel reduction activities because of the risk of severe fire is so high. Ongoing drought, past fire suppression policies, and past forestry practices have all contributed to the problem. These problems have made fire management much more expensive for American taxpayers. It is important to devote limited resources to proactive efforts to reduce fire risk rather than paying to fight fires once they occur.

The risk of damage to human life and property from severe wildfires has increased in areas where rapidly expanding populations are intermingled with forested wildlands, and a primary purpose of the National Fire Plan is to reduce the risks of such fires. Last week, Governors Judy Martz of Montana, Bill Richardson of New Mexico, Janet Napolitano of Arizona, and Dirk Kempthorne of Idaho issued a letter to the Agriculture Committee and the Energy and Natural Resources Committee endorsing this approach stating that “priority in project selection should be given to projects that reduce fire risk in communities at risk and the watersheds that supply them.”

This comprehensive legislation will assist communities from the threat of wildfire by expediting fuel reduction in high risk areas and target resources near communities and municipal wa-

tersheds. We propose to exempt from environmental review and analysis all forest thinning projects located within one-half mile of at risk communities or within certain municipal watershed. While these targeted exemptions from environmental review are warranted, the Senate should proceed with caution in considering any comprehensive changes to judicial review. On May 14, 2003, the General Accounting Office, GAO, issued a report on the Forest Service’s fuel reduction activities. For fiscal year 2001 and fiscal year 2002, the GAO found that hazardous fuel reduction activities were conducted on 4.7 million acres. Only 3 percent of all the fuel reduction projects, covering only 100,000 acres, faced any legal challenge during this period.

In 2002, the National Academy of Public Administration issued a report recommending the Federal Government conduct fuels reduction treatments near communities and municipal watersheds before treating more distant areas. We also require that 70 percent of forest thinning funds be spent within these critical areas. Our bill authorizes projects on up to 20 million acres over 5 years.

The bill also recognizes the role that forest-dependent communities play in restoring our lands by requiring that at least 30 percent of the hazardous fuels reduction funds be spent on projects that benefit small businesses that use hazardous fuels and are located in small, economically disadvantaged communities.

It is widely known that approximately 80 percent of the land surrounding homes and communities is non-Federal land. Our legislation provides \$100 million annually to States, tribal and private lands to reduce wildfire risk and restore burned areas.

In addition, our bill establishes a \$25 million research program, in cooperation with colleges and universities, to gather information on insect infestations that can be applied to forest management treatments.

Our bill promotes wildfire management activities that maintain the integrity of our national forests and public lands. The bill requires protection of old and large trees, prevents new road construction in roadless areas, and protects municipal watersheds.

In conclusion, our bill represents a comprehensive and balanced approach to expedite forest thinning and improve forest health. I urge my colleagues to support this important legislation.

By Mr. CRAIG (for himself, Mr. CRAPO, and Mr. SMITH):

S. 1315. A bill to amend the Federal Land Policy and Management Act of 1976 to provide owners of non-Federal lands with a reliable method of receiving compensation for damages resulting from the spread of wildfire from nearby forested national Forest System lands or Bureau of Land Management lands, when those forested Fed-

eral lands are not maintained in the forest health status known as condition class 1; to the Committee on the Judiciary.

Mr. CRAIG. Mr. President, I rise today to introduce the Enhanced Safety from Wildfire Act of 2003. I am joined by my colleagues Mr. CRAPO and Mr. SMITH.

This morning, I awoke to the news that the Aspen fire near Tucson, AZ, made a significant run yesterday and damaged or destroyed an estimated 200 structures. The report also said firefighters could do nothing to stop the wall of fire from ripping through the middle of town. Sadly, this report is one of several such stories today and it is far from being the last.

It is only the middle of June and already the wildfire season is in full swing throughout the West. The loss of property as a result of wildfires on Federal land is unacceptable. I believe that our homes and the safety of our communities should never be put in harms way because of the mismanagement of our Federal land.

In short, the legislation we are introducing would amend the Federal Land Policy and Management Act of 1976 to make it possible for non-Federal land owners to receive compensation for a loss of property as a result of wildfire spreading from Federal land that has not been managed as Condition Class 1.

As we all know, in recent years, there has been a significant amount of injury and loss of property resulting from the spread of wildfire from Federal forested lands to non-Federal lands. Recent wildfires on Federal forested lands have shown that lands managed under approved forest health management practices are less susceptible to wildfire, or are subjected to less severe wildfire, than similarly forested lands that are not actively managed.

There is a continuing and growing threat to the safety of communities, individuals, homes and other property, and timber on non-Federal lands that adjoin Federal forested lands because of the unnatural accumulation of forest fuels on these Federal lands and the lack of active Federal management of these lands.

The use of approved forest health management practices to create forest fire “buffer zones” between forested Federal lands and adjacent non-Federal lands would reduce the occurrence of wildfires on forested Federal lands or, at least, limit their spread to non-Federal lands and the severity of the resulting damage.

This legislation requires the agencies to manage a “buffer zone” on Federal land, greater than 6,400 acres, that is adjacent to non-Federal land. When forested Federal lands adjacent to non-Federal lands are not adequately managed with a “buffer zone” and wildfire occurs, the legislation states the owners of the non-Federal lands are eligible for compensation for damages resulting from the spread of wildfire to

their lands. The legislation sets minimum criteria for non-Federal land to be eligible for compensation.

Our Federal land management agencies need to take responsibility for the fatal impacts that occur on non-Federal land as a result of a lack of management on Federal land. As a society, we have come to expect that our neighbors take responsibility for their actions and I feel the Federal land management agencies should not escape this responsibility either.

In the next few weeks, the weather will continue to heat up, the drought ridden West will become drier, wildfire will continue to plague throughout, and the number of reports regarding the loss of property will continue to escalate. At the same time, the forest health debate will also heat up as the Senate considers the President's Healthy Forest Initiative.

I know this legislation may not be the answer to solving our Federal land management problems and I am willing to discuss other options, but I know that until we address the heart of this issue, homes, private land, and communities will continue to be at risk because of poor Federal land management. Being a good neighbor means being responsible for your actions.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1315

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act maybe cited as the "Enhanced Safety from Wildfire Act of 2003".

SEC. 2. UNITED STATES LIABILITY FOR DAMAGES RESULTING FROM THE SPREAD OF WILDFIRE FROM FORESTED PUBLIC LANDS.

(a) IMPOSITION OF LIABILITY FOR SPREAD OF WILDFIRE.—Title III of the Federal Land Policy and Management Act of 1976 is amended by inserting after section 318 (43 U.S.C. 1748) the following new section:

"Sec. 319. Liability for Damages Resulting From Spread of Wildfire From Public Lands or National Forest System Lands.

"(a) LIABILITY AS RULE OF LAW.—Except as provided in subsections (b), (c), and (d), and subject to the delayed effective date specified in subsection (h), any injury to or loss of property that occurs on non-Federal lands as a direct result of a fire that spread from forested Federal lands onto the non-Federal lands, either directly or by first spreading to other non-Federal lands, shall be deemed to be an injury or loss of property caused by the negligent or wrongful act or omission of an employee of the United States while acting within the scope of the employee's office or employment for purposes of section 1346 and chapter 171 of title 28, United States Code (commonly known as the 'Federal Tort Claims Act').

"(b) ADDITIONAL REQUIREMENT FOR CERTAIN NON-FEDERAL LANDS.—The owner or leasee of non Federal lands damaged by the spread of wildfire from forested Federal lands may not utilize the rule of law specified in subsection (a) when the non-Federal lands ex-

ceed 6400 acres and are used for the commercial production of timber, unless the owner or leasee proves that the damaged non-Federal lands were being managed to achieve or maintain the forest health status known as condition class 1 immediately before the fire. In the event of a dispute between the owner or leasee and the Secretary concerned regarding the status of the non-Federal lands before the fire, the determination of the State Forester of the State in which the lands are located shall control and any expenses associated with State Foresters determination shall be equally divided between the disputing parties.

"(c) EXCLUSION OF CONDITION CLASS 1 LANDS.—The rule of law specified in subsection (a) shall not apply if the forested Federal lands within the buffer zone adjacent to the Federal land boundary from which the fire spread to non-Federal lands were managed as condition class 1 immediately before the fire.

"(d) EXCLUSION OF OTHER FEDERAL LANDS.—The rule of law specified in subsection (a) shall not apply to the following Federal lands, even though wildfire may originate on such lands and spread to adjacent non-Federal lands:

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

"(2) Federal lands where, by Act of Congress, Presidential proclamation, or land and resource management plan, the removal of vegetation is prohibited.

"(3) Areas of Federal lands that comprise less than 6,400 acres and are not contiguous to other Federal lands.

"(e) EXCEPTION FOR O&C LANDS.—The rule of law specified in subsection (a) shall apply to National Forest System lands and Bureau of Land Management lands administered under the authorities of the O&C Sustained Yield Act of 1937 and that do not meet the acreage limitation set forth in subsection (d) (3).

"(f) REPORT REGARDING STATUS OF BUFFER LANDS.—Not later than two years after the date of the enactment of this section, the Secretary concerned shall submit to Congress a report describing the forest health status of all buffer zones with non-Federal lands and the extent to which the buffer zones are in, or are being managed to achieve, the forest health status known as condition class 1.

"(g) DEFINITIONS.—In this section:

"(1) The term 'buffer zone' refers to those forested Federal lands that are within a prescribed distance of a Federal land boundary with non-Federal lands and comprise, or are part of a larger area of Federal lands comprising, 6,400 acres or more. The Secretary shall prescribe the actual buffer zone for a particular area of forested Federal lands based on the geography, topography, and forest cover of the lands.

"(2) The term 'condition class 1', with respect to an area of forested Federal lands or non-Federal lands, means that the lands are managed so that

"(A) fire regimes on the lands are within historical ranges;

"(B) vegetation composition and structure are intact; and

"(C) the risk of losing key ecosystem components from the occurrence of fire remains relatively low.

"(3) The term 'forested Federal lands' means public lands and National Forest System lands that contain trees as a significant component of the lands.

"(4) The term 'Secretary concerned' means the Secretary of the Interior (or the designee of that Secretary) with respect to public lands and the Secretary of Agriculture (or the designee of that Secretary) with respect to National Forest System lands.

"(h) DELAYED EFFECTIVE DATE.—The rule of law specified in subsection (a) shall take effect at the end of the eight-year period beginning on the date of the enactment of this section and apply with respect to fires that spread from Federal lands onto non-Federal lands after the end of such period."

(b) CLERICAL AMENDMENT.—The table of contents at the beginning of the Federal Land Policy and Management Act of 1976 is amended by inserting after the item relating to section 318 the following new item:

"Sec. 319. Liability for damages resulting from spread of wildfire from public lands or National Forest System lands."

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 179—TO AUTHORIZE TESTIMONY AND LEGAL REPRESENTATION IN STATE OF NEW HAMPSHIRE V. DONALD JOHNSON

Mr. FRIST (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 179

Whereas, in the case of State of New Hampshire v. Donald Johnson, pending in Concord District Court for the State of New Hampshire, testimony has been requested from Carol Carpenter, a staff member in the office of Senator Judd Gregg;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it Resolved That Carol Carpenter is authorized to provide testimony in the case of State of New Hampshire v. Donald Johnson, except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent Carol Carpenter in connection with any testimony authorized in section one of this resolution.

SENATE RESOLUTION 180—TO SET STANDARDS FOR THE NAMING OF ANY PART OF THE SENATE WING OF THE CAPITOL BUILDING COMPLEX

Mr. DODD submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 180

Resolved, SECTION 1. STANDARDS FOR NAMING PORTIONS OF THE SENATE WING OF THE CAPITOL.

(a) RESTRICTION.—The Senate shall not name any portion of the Senate wing of the