

In the Senate of the United States,

October 30, 2003.

Resolved, That the bill from the House of Representatives (H.R. 1904) entitled “An Act to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to plan and conduct hazardous fuels reduction projects on National Forest System lands and Bureau of Land Management lands aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape, and for other purposes.”, do pass with the following

AMENDMENTS:

Strike out all after the enacting clause and insert:

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

2 (a) *SHORT TITLE.*—*This Act may be cited as the*

3 *“Healthy Forests Restoration Act of 2003”.*

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

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

TITLE I—HAZARDOUS FUEL REDUCTION ON FEDERAL LAND

- Sec. 101. Definitions.*
Sec. 102. Authorized hazardous fuel reduction projects.
Sec. 103. Prioritization.
Sec. 104. Environmental analysis.
Sec. 105. Special administrative review process.
Sec. 106. Judicial review in United States district courts.
Sec. 107. Effect of title.
Sec. 108. Authorization of appropriations.

TITLE II—BIOMASS

- Sec. 201. Findings.*
Sec. 202. Definitions.
Sec. 203. Grants to improve commercial value of forest biomass for electric energy, useful heat, transportation fuels, compost, value-added products, and petroleum-based product substitutes.
Sec. 204. Reporting requirement.
Sec. 205. Improved biomass use research program.
Sec. 206. Rural revitalization through forestry.

TITLE III—WATERSHED FORESTRY ASSISTANCE

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

TITLE IV—INSECT INFESTATIONS AND RELATED DISEASES

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

TITLE V—HEALTHY FORESTS RESERVE PROGRAM

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

TITLE VI—PUBLIC LAND CORPS

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

TITLE VII—RURAL COMMUNITY FORESTRY ENTERPRISE PROGRAM

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

TITLE VIII—FIREFIGHTERS MEDICAL MONITORING ACT

- Sec. 801. Short Title.*
- Sec. 802. Monitoring of firefighters in disaster areas.*

TITLE IX—DISASTER AIR QUALITY MONITORING ACT

- Sec. 901. Short Title.*
- Sec. 902. Monitoring of air quality in disaster areas.*

TITLE X—HIGHLANDS REGION CONSERVATION

- Sec. 1001. Short title.*
- Sec. 1002. Findings.*
- Sec. 1003. Purposes.*
- Sec. 1004. Definitions.*
- Sec. 1005. Land conservation partnership projects in the Highlands region.*
- Sec. 1006. Forest Service and USDA programs in the Highlands region.*
- Sec. 1007. Private property protection and lack of regulatory effect.*

TITLE XI—MISCELLANEOUS PROVISIONS

- Sec. 1101. Forest inventory and management.*
- Sec. 1102. Program for emergency treatment and reduction of nonnative invasive plants.*
- Sec. 1103. USDA National Agroforestry Center.*
- Sec. 1104. Upland Hardwoods Research Center.*
- Sec. 1105. Emergency fuel reduction grants.*
- Sec. 1106. Eastern Nevada landscape coalition.*
- Sec. 1107. Sense of Congress regarding enhanced community fire protection.*
- Sec. 1108. Collaborative monitoring.*
- Sec. 1109. Best-value contracting.*
- Sec. 1110. Suburban and community forestry and open space program; Forest Legacy Program.*
- Sec. 1111. Wildland firefighter safety.*
- Sec. 1112. Green Mountain National Forest boundary adjustment.*
- Sec. 1113. Puerto Rico karst conservation.*
- Sec. 1114. Farm Security and Rural Development Act.*
- Sec. 1115. Enforcement of animal fighting prohibitions under the Animal Welfare Act.*
- Sec. 1116. Increase in maximum fines for violation of public land regulations and establishment of minimum fine for violation of public land fire regulations during fire ban.*

1 **SEC. 2. PURPOSES.**

2 *The purposes of this Act are—*

3 *(1) to reduce wildfire risk to communities, mu-*
4 *nicipal water supplies, and other at-risk Federal land*
5 *through a collaborative process of planning,*
6 *prioritizing, and implementing hazardous fuel reduc-*
7 *tion projects;*

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

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

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

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

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

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

3 (B) to improve biological diversity; and

4 (C) to enhance productivity and carbon se-
5 questration.

6 **SEC. 3. DEFINITIONS.**

7 *In this Act:*

8 (1) *FEDERAL LAND.*—The term “Federal land”
9 *means—*

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

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

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

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

3 **SEC. 101. DEFINITIONS.**

4 *In this title:*

5 (1) *AT-RISK COMMUNITY.*—*The term “at-risk*
6 *community” means an area—*

7 (A) *that is comprised of—*

8 (i) *an interface community as defined*
9 *in the notice entitled “Wildland Urban*
10 *Interface Communities Within the Vicinity*
11 *of Federal Lands That Are at High Risk*
12 *From Wildfire” issued by the Secretary of*
13 *Agriculture and the Secretary of the Inte-*
14 *rior in accordance with title IV of the De-*
15 *partment of the Interior and Related Agen-*
16 *cies Appropriations Act, 2001 (114 Stat.*
17 *1009) (66 Fed. Reg. 753, January 4, 2001);*
18 *or*

19 (ii) *a group of homes and other struc-*
20 *tures with basic infrastructure and services*
21 *(such as utilities and collectively main-*
22 *tained transportation routes) within or ad-*
23 *acent to Federal land;*

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

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

4 (2) *AUTHORIZED HAZARDOUS FUEL REDUCTION*
5 *PROJECT.*—The term “authorized hazardous fuel re-
6 duction project” means the measures and methods de-
7 scribed in the definition of “appropriate tools” con-
8 tained in the glossary of the Implementation Plan, on
9 Federal land described in section 102(a) and con-
10 ducted under sections 103 and 104.

11 (3) *COMMUNITY WILDFIRE PROTECTION PLAN.*—
12 The term “community wildfire protection plan”
13 means a plan for an at-risk community that—

14 (A) is developed within the context of the
15 collaborative agreements and the guidance estab-
16 lished by the Wildland Fire Leadership Council
17 and agreed to by the applicable local govern-
18 ment, local fire department, and State agency
19 responsible for forest management, in consulta-
20 tion with interested parties and the Federal land
21 management agencies managing land in the vi-
22 cinity of the at-risk community;

23 (B) identifies and prioritizes areas for haz-
24 ardous fuel reduction treatments and rec-
25 ommends the types and methods of treatment on

1 *Federal and non-Federal land that will protect*
2 *1 or more at-risk communities and essential in-*
3 *frastructure; and*

4 *(C) recommends measures to reduce struc-*
5 *tural ignitability throughout the at-risk commu-*
6 *nity.*

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

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

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

20 *(C) fire frequencies have increased or de-*
21 *creased from historical frequencies by 1 or more*
22 *return intervals, resulting in moderate changes*
23 *to—*

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

1 (ii) landscape patterns; and

2 (D) vegetation attributes have been mod-
3 erately altered from the historical range of the
4 attributes.

5 (5) *CONDITION CLASS 3.*—The term “condition
6 class 3”, with respect to an area of Federal land,
7 means the condition class description developed by the
8 Rocky Mountain Research Station in the general tech-
9 nical report referred to in paragraph (4) (including
10 any subsequent revision to the report), under which—

11 (A) fire regimes on land have been signifi-
12 cantly altered from historical ranges;

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

15 (C) fire frequencies have departed from his-
16 torical frequencies by multiple return intervals,
17 resulting in dramatic changes to—

18 (i) the size, frequency, intensity, or se-
19 verity of fires; or

20 (ii) landscape patterns; and

21 (D) vegetation attributes have been signifi-
22 cantly altered from the historical range of the at-
23 tributes.

24 (6) *DAY.*—The term “day” means—

25 (A) a calendar day; or

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

4 (7) *DECISION DOCUMENT*.—The term “decision
5 document” means—

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

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

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

14 (8) *FIRE REGIME I*.—The term “fire regime I”
15 means an area—

16 (A) in which historically there have been
17 low-severity fires with a frequency of 0 through
18 35 years; and

19 (B) that is located primarily in low ele-
20 vation forests of pine, oak, or pinyon juniper.

21 (9) *FIRE REGIME II*.—The term “fire regime II”
22 means an area—

23 (A) in which historically there are stand re-
24 placement severity fires with a frequency of 0
25 through 35 years; and

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

4 (10) *FIRE REGIME III.*—The term “fire regime
5 *III*” means an area—

6 (A) in which historically there are mixed se-
7 verity fires with a frequency of 35 through 100
8 years; and

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

12 (11) *IMPLEMENTATION PLAN.*—The term “Imple-
13 mentation Plan” means the Implementation Plan for
14 the Comprehensive Strategy for a Collaborative Ap-
15 proach for Reducing Wildland Fire Risks to Commu-
16 nities and the Environment, dated May 2002, devel-
17 oped pursuant to the conference report to accompany
18 the Department of the Interior and Related Agencies
19 Appropriations Act, 2001 (House Report 106–64)
20 (and subsequent revisions).

21 (12) *MUNICIPAL WATER SUPPLY SYSTEM.*—The
22 term “municipal water supply system” means the res-
23 ervoirs, canals, ditches, flumes, laterals, pipes, pipe-
24 lines, and other surface facilities and systems con-
25 structed or installed for the collection, impoundment,

1 *storage, transportation, or distribution of drinking*
2 *water.*

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

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

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

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

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

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

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

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

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

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

12 (16) *WILDLAND-URBAN INTERFACE*.—*The term*
13 *“wildland-urban interface” means—*

14 (A) *an area within or adjacent to an at-risk*
15 *community that is identified in recommenda-*
16 *tions to the Secretary in a community wildfire*
17 *protection plan; or*

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

21 (i) *an area extending 1/2-mile from the*
22 *boundary of an at-risk community;*

23 (ii) *an area extending more than 1/2-*
24 *mile from the boundary of an at-risk com-*

1 community, if the land adjacent to the at-risk
2 community—

3 (I) has a sustained steep slope
4 that creates the potential for wildfire
5 behavior endangering the at-risk com-
6 munity; or

7 (II) has a geographic feature that
8 aids in creating an effective fire break,
9 such as a road or ridge top, within $\frac{3}{4}$ -
10 mile of the nearest at-risk community
11 boundary; and

12 (iii) an area that is adjacent to an
13 evacuation route for an at-risk community
14 that the Secretary determines, in coopera-
15 tion with the at-risk community, requires
16 hazardous fuel reduction to provide safer
17 evacuation from the at-risk community.

18 **SEC. 102. AUTHORIZED HAZARDOUS FUEL REDUCTION**
19 **PROJECTS.**

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

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

1 (2) *condition class 3 Federal land, in such prox-*
2 *imity to a municipal water supply system or a*
3 *stream feeding such a system within a municipal wa-*
4 *tershed that a significant risk exists that a fire dis-*
5 *turbance event would have adverse effects on the water*
6 *quality of the municipal water supply or the mainte-*
7 *nance of the system, including a risk to water quality*
8 *posed by erosion following such a fire disturbance*
9 *event;*

10 (3) *condition class 2 Federal land located within*
11 *fire regime I, fire regime II, or fire regime III, in*
12 *such proximity to a municipal water supply system*
13 *or a stream feeding such a system within a municipal*
14 *watershed that a significant risk exists that a fire dis-*
15 *turbance event would have adverse effects on the water*
16 *quality of the municipal water supply or the mainte-*
17 *nance of the system, including a risk to water quality*
18 *posed by erosion following such a fire disturbance*
19 *event;*

20 (4) *Federal land on which windthrow or blow-*
21 *down, ice storm damage, or the existence of disease or*
22 *insect infestation, poses a significant threat to an eco-*
23 *system component, or forest or rangeland resource, on*
24 *the Federal land or adjacent non-Federal land;*

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

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

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

19 (C) *the Secretary complies with any appli-*
20 *cable guidelines specified in any management or*
21 *recovery plan described in subparagraph (A).*

22 (b) *RELATION TO AGENCY PLANS.—An authorized*
23 *hazardous fuel reduction project shall be conducted con-*
24 *sistent with the resource management plan and other rel-*

1 *evant administrative policies or decisions applicable to the*
2 *Federal land covered by the project.*

3 (c) *ACREAGE LIMITATION.*—*Not more than a total of*
4 *20,000,000 acres of Federal land may be treated under au-*
5 *thorized hazardous fuel reduction projects.*

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

9 (1) *a component of the National Wilderness Pres-*
10 *ervation System;*

11 (2) *Federal land on which the removal of vegeta-*
12 *tion is prohibited or restricted by Act of Congress or*
13 *Presidential proclamation (including the applicable*
14 *implementation plan); or*

15 (3) *a Wilderness Study Area.*

16 (e) *OLD GROWTH STANDS.*—

17 (1) *DEFINITIONS.*—*In this subsection and sub-*
18 *section (f):*

19 (A) *COVERED PROJECT.*—*The term “covered*
20 *project” means an authorized hazardous fuel re-*
21 *duction project carried out under paragraph (1),*
22 *(2), (3), or (5) of subsection (a).*

23 (B) *OLD GROWTH STAND.*—*The term “old*
24 *growth stand” has the meaning given the term*
25 *under standards used pursuant to paragraphs*

1 (3) and (4), based on the structure and composi-
2 tion characteristic of the forest type, and in ac-
3 cordance with applicable law, including section
4 6(g)(3)(B) of the Forest and Rangeland Renew-
5 able Resources Planning Act of 1974 (16 U.S.C.
6 1604(g)(3)(B)).

7 (C) STANDARDS.—The term “standards”
8 means definitions, designations, standards,
9 guidelines, goals, or objectives established for an
10 old growth stand under a resource management
11 plan developed in accordance with applicable
12 law, including section 6(g)(3)(B) of the Forest
13 and Rangeland Renewable Resources Planning
14 Act of 1974 (16 U.S.C. 1604(g)(3)(B)).

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

24 (3) NEWER STANDARDS.—

1 (A) *IN GENERAL.*—*If the standards for an*
2 *old growth stand were established during the 10-*
3 *year period ending on the date of enactment of*
4 *this Act, the Secretary shall meet the require-*
5 *ments of paragraph (2) in carrying out a cov-*
6 *ered project by implementing the standards.*

7 (B) *AMENDMENTS OR REVISIONS.*—*Any*
8 *amendment or revision to standards for which*
9 *final administrative approval is granted after*
10 *the date of enactment of this Act shall be con-*
11 *sistent with paragraph (2) for the purpose of*
12 *carrying out covered projects.*

13 (4) *OLDER STANDARDS.*—

14 (A) *IN GENERAL.*—*If the standards for an*
15 *old growth stand were established before the 10-*
16 *year period described in paragraph (3)(A), the*
17 *Secretary shall meet the requirements of para-*
18 *graph (2) in carrying out a covered project by*
19 *implementing the standards—*

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

22 (ii) *if the Secretary is in the process of*
23 *revising a resource management plan as of*
24 *the date of enactment of this Act, during the*

1 3-year period beginning on the date of en-
2 actment of this Act.

3 (B) *REVIEW REQUIRED.*—During the appli-
4 cable period described in subparagraph (A) for
5 the standards for an old growth stand under a
6 resource management plan, the Secretary shall—

7 (i) review the standards, taking into
8 account any relevant scientific information
9 made available since the adoption of the
10 standards; and

11 (ii) revise the standards to be con-
12 sistent with paragraph (2), if necessary to
13 reflect relevant scientific information the
14 Secretary did not consider in formulating
15 the resource management plan.

16 (C) *REVIEW NOT COMPLETED.*—

17 (i) *IN GENERAL.*—If the Secretary does
18 not complete the review of the standards in
19 accordance with subparagraph (B), during
20 the applicable period described in subpara-
21 graph (A), the Secretary shall not carry out
22 any portion of a covered project in a stand
23 that is identified as an old growth stand
24 (based on substantial supporting evidence)
25 by any person during scoping.

1 (ii) *PERIOD*.—Clause (i) applies dur-
2 ing the period—

3 (I) beginning on the termination
4 of the applicable period for the stand-
5 ards described in subparagraph (A);
6 and

7 (II) ending on the earlier of—

8 (aa) the date the Secretary
9 completes the action required by
10 subparagraph (B) for the stand-
11 ards; or

12 (bb) the date on which the
13 acreage limitation specified in
14 subsection (c) (as that limitation
15 may be adjusted by subsequent
16 Act of Congress) is reached.

17 (f) *LARGE TREE RETENTION*.—Except in old growth
18 stands where the standards are consistent with subsection
19 (e)(2), the Secretary shall carry out a covered project in
20 a manner that—

21 (1) focuses largely on small diameter trees,
22 thinning, strategic fuel breaks, and prescribed fire to
23 modify fire behavior, as measured by the projected re-
24 duction of uncharacteristically severe wildfire effects

1 for the forest type (such as adverse soil impacts, tree
2 mortality or other impacts); and

3 (2) maximizes the retention of large trees, as ap-
4 propriate for the forest type, to the extent that the
5 trees promote fire-resilient stands and the purposes of
6 section 6(g)(3)(B) of the Forest and Rangeland Re-
7 newable Resources Planning Act of 1976 (16 U.S.C.
8 1604(g)(3)(B)).

9 (g) *MONITORING AND ASSESSING FOREST AND RANGE-*
10 *LAND HEALTH.*—

11 (1) *IN GENERAL.*—For each Forest Service ad-
12 ministrative region and each Bureau of Land Man-
13 agement State Office, the Secretary shall—

14 (A) monitor the results of the projects au-
15 thorized under this section; and

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

19 (i) an evaluation of the progress to-
20 wards project goals; and

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

23 (2) *CONSISTENCY OF PROJECTS WITH REC-*
24 *COMMENDATIONS.*—An authorized hazardous fuel re-
25 duction project approved following the issuance of a

1 *monitoring report shall, to the maximum extent prac-*
2 *ticable, be consistent with any applicable rec-*
3 *ommendations in the report.*

4 (3) *SIMILAR VEGETATION TYPES.*—*The results of*
5 *a monitoring report shall be made available in, and*
6 *(if appropriate) used for, a project conducted in a*
7 *similar vegetation type on land under the jurisdiction*
8 *of the Secretary.*

9 (4) *MONITORING AND ASSESSMENTS.*—*From a*
10 *representative sample of authorized hazardous fuel re-*
11 *duction projects, for each management unit, moni-*
12 *toring and assessment shall include a description of*
13 *the effects on changes in condition class, using the*
14 *Fire Regime Condition Class Guidebook or successor*
15 *guidance, specifically comparing end results to—*

16 (A) *pretreatment conditions;*

17 (B) *historical fire regimes; and*

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

21 (5) *TRACKING.*—*For each management unit, the*
22 *Secretary shall track acres burned, by the degree of se-*
23 *verity, by large wildfires (as defined by the Sec-*
24 *retary).*

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

6 **SEC. 103. PRIORITIZATION.**

7 (a) *IN GENERAL.—In accordance with the Implemen-*
8 *tation Plan, the Secretary shall develop an annual program*
9 *of work for Federal land that gives priority to authorized*
10 *hazardous fuel reduction projects that provide for the pro-*
11 *tection of at-risk communities or watersheds or that imple-*
12 *ment community wildfire protection plans.*

13 (b) *COLLABORATION.—*

14 (1) *IN GENERAL.—The Secretary shall consider*
15 *recommendations under subsection (a) that are made*
16 *by at-risk communities that have developed commu-*
17 *nity wildfire protection plans.*

18 (2) *EXEMPTION.—The Federal Advisory Com-*
19 *mittee Act (5 U.S.C. App.) shall not apply to the*
20 *planning process and recommendations concerning*
21 *community wildfire protection plans.*

22 (c) *ADMINISTRATION.—*

23 (1) *IN GENERAL.—Federal agency involvement*
24 *in a community wildfire protection plan, or a rec-*
25 *ommendation made in a community wildfire protec-*

1 *tion plan, shall not be considered a Federal agency*
2 *action under the National Environmental Policy Act*
3 *of 1969 (42 U.S.C. 4321 et seq.).*

4 (2) *COMPLIANCE.—In implementing authorized*
5 *hazardous fuel reduction projects on Federal land, the*
6 *Secretary shall, in accordance with section 104, com-*
7 *ply with the National Environmental Policy Act of*
8 *1969 (42 U.S.C. 4321 et seq.).*

9 (d) *FUNDING ALLOCATION.—*

10 (1) *FEDERAL LAND.—*

11 (A) *IN GENERAL.—Subject to subparagraph*
12 *(B), the Secretary shall use not less than 50 per-*
13 *cent of the funds allocated for authorized haz-*
14 *ardous fuel reduction projects in the wildland-*
15 *urban interface.*

16 (B) *APPLICABILITY AND ALLOCATION.—The*
17 *funding allocation in subparagraph (A) shall*
18 *apply at the national level, and the Secretary*
19 *may allocate the proportion of funds differently*
20 *than is required under subparagraph (A) within*
21 *individual management units as appropriate, in*
22 *particular to conduct authorized hazardous fuel*
23 *reduction projects on land described in section*
24 *102(a)(4).*

1 (2) *NON-FEDERAL LAND.*—*In providing finan-*
2 *cial assistance under any provision of law for haz-*
3 *ardous fuel reduction projects on non-Federal land,*
4 *the Secretary shall consider recommendations made*
5 *by at-risk communities that have developed commu-*
6 *nity wildfire protection plans.*

7 **SEC. 104. ENVIRONMENTAL ANALYSIS.**

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

12 (1) *the National Environmental Policy Act of*
13 *1969 (42 U.S.C. 4331 et seq.); and*

14 (2) *other applicable laws.*

15 (b) *ENVIRONMENTAL ASSESSMENT OR IMPACT STATE-*
16 *MENTS.*—

17 (1) *IN GENERAL.*—*The Secretary shall prepare*
18 *an environmental assessment or an environmental*
19 *impact statement (pursuant to section 102(2) of the*
20 *National Environmental Policy Act of 1969 (42*
21 *U.S.C. 4332(2))) for any authorized hazardous fuel*
22 *reduction project.*

23 (2) *ALTERNATIVES.*—*In the environmental as-*
24 *essment or environmental impact statement prepared*

1 under paragraph (1), the Secretary shall study, de-
2 velop, and describe—

3 (A) the proposed agency action;

4 (B) the alternative of no action; and

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

7 (i) is proposed during scoping or the
8 collaborative process; and

9 (ii) meets the purpose and need of the
10 project, in accordance with regulations pro-
11 mulgated by the Council on Environmental
12 Quality.

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

16 (A) select which additional alternative to
17 consider; and

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

20 (c) *PUBLIC NOTICE AND MEETING.*—

21 (1) *PUBLIC NOTICE.*—The Secretary shall pro-
22 vide notice of each authorized hazardous fuel reduc-
23 tion project in accordance with applicable regulations
24 and administrative guidelines.

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

4 (A) *conduct a public meeting at an appro-*
5 *priate location proximate to the administrative*
6 *unit of the Federal land on which the authorized*
7 *hazardous fuel reduction project will be con-*
8 *ducted; and*

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

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

19 (e) *ENVIRONMENTAL ANALYSIS AND PUBLIC COM-*
20 *MENT.*—*In accordance with section 102(2) of the National*
21 *Environmental Policy Act of 1969 (42 U.S.C. 4332(2)) and*
22 *the applicable regulations and administrative guidelines,*
23 *the Secretary shall provide an opportunity for public com-*
24 *ment during the preparation of any environmental assess-*

1 *ment or environmental impact statement for an authorized*
2 *hazardous fuel reduction project.*

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

6 **SEC. 105. SPECIAL ADMINISTRATIVE REVIEW PROCESS.**

7 (a) *INTERIM FINAL REGULATIONS.*—

8 (1) *IN GENERAL.*—*Not later than 30 days after*
9 *the date of the enactment of this Act, the Secretary of*
10 *Agriculture shall promulgate interim final regula-*
11 *tions to establish a predecisional administrative re-*
12 *view process for the period described in paragraph (2)*
13 *that will serve as the sole means by which a person*
14 *can seek administrative review regarding an author-*
15 *ized hazardous fuel reduction project on Forest Serv-*
16 *ice land.*

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

20 (A) *beginning after the completion of the*
21 *environmental assessment or environmental im-*
22 *pact statement; and*

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

1 (3) *EFFECTIVE DATE.*—*The interim final regula-*
2 *tions promulgated under paragraph (1) shall take ef-*
3 *fect on the date of promulgation of the regulations.*

4 (b) *FINAL REGULATIONS.*—*The Secretary shall pro-*
5 *mulgate final regulations to establish the process described*
6 *in subsection (a)(1) after the interim final regulations have*
7 *been published and reasonable time has been provided for*
8 *public comment.*

9 (c) *ADMINISTRATIVE REVIEW.*—

10 (1) *IN GENERAL.*—*A person may bring a civil*
11 *action challenging an authorized hazardous fuel re-*
12 *duction project in a Federal district court only if the*
13 *person has challenged the authorized hazardous fuel*
14 *reduction project by exhausting—*

15 (A) *the administrative review process estab-*
16 *lished by the Secretary of Agriculture under this*
17 *section; or*

18 (B) *the administrative hearings and ap-*
19 *peals procedures established by the Department*
20 *of the Interior.*

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

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

6 (2) *RENEWAL.*—

7 (A) *IN GENERAL.*—A court of competent ju-
8 risdiction may issue 1 or more renewals of any
9 preliminary injunction, or stay pending appeal,
10 granted under paragraph (1).

11 (B) *UPDATES.*—In each renewal of an in-
12 junction in an action, the parties to the action
13 shall present the court with updated information
14 on the status of the authorized hazardous fuel re-
15 duction project.

16 (3) *BALANCING OF SHORT- AND LONG-TERM EF-*
17 *FECTS.*—As part of its weighing the equities while
18 considering any request for an injunction that applies
19 to an agency action under an authorized hazardous
20 fuel reduction project, the court reviewing the project
21 shall balance the impact to the ecosystem likely af-
22 fected by the project of—

23 (A) the short- and long-term effects of un-
24 dertaking the agency action; against

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

3 **SEC. 107. EFFECT OF TITLE.**

4 (a) *OTHER AUTHORITY.*—*Nothing in this title affects,*
5 *or otherwise biases, the use by the Secretary of other statu-*
6 *tory or administrative authority (including categorical ex-*
7 *clusions adopted to implement the National Environmental*
8 *Policy Act of 1969 (42 U.S.C. 4321 et seq.)) to conduct a*
9 *hazardous fuel reduction project on Federal land (including*
10 *Federal land identified in section 102(d)) that is not con-*
11 *ducted using the process authorized by section 104.*

12 (b) *NATIONAL FOREST SYSTEM.*—*For projects and ac-*
13 *tivities of the National Forest System other than authorized*
14 *hazardous fuel reduction projects, nothing in this title af-*
15 *fects, or otherwise biases, the notice, comment, and appeal*
16 *procedures for projects and activities of the National Forest*
17 *System contained in part 215 of title 36, Code of Federal*
18 *Regulations, or the consideration or disposition of any legal*
19 *action brought with respect to the procedures.*

20 **SEC. 108. AUTHORIZATION OF APPROPRIATIONS.**

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

23 (1) *activities authorized by this title; and*

- 1 (ii) loss of older trees and old growth;
2 (iii) degraded watershed conditions;
3 (iv) changes in species diversity and pro-
4 ductivity;
5 (v) diminished fish and wildlife habitat;
6 (vi) decreased timber values; and
7 (vii) increased threats to homes, businesses,
8 and community watersheds;

9 (3)(A) preventive treatments (such as reducing
10 fuel loads, crown density, ladder fuels, and hazard
11 trees), planting proper species mix, restoring and pro-
12 tecting early successional habitat, and completing
13 other specific restoration treatments designed to re-
14 duce the susceptibility of forest and rangeland to in-
15 sect outbreaks, disease, and catastrophic fire present
16 the greatest opportunity for long-term forest and
17 rangeland health, maintenance, and enhancement by
18 creating a mosaic of species-mix and age distribution;
19 and

20 (B) those vegetation management treatments are
21 widely acknowledged to be more successful and cost-
22 effective than suppression treatments in the case of
23 insects, disease, and fire;

24 (4)(A) the byproducts of vegetative management
25 treatment (such as trees, brush, thinnings, chips,

1 slash, and other hazardous fuels) removed from forest
2 and rangeland represent an abundant supply of—

3 (i) biomass for biomass-to-energy facilities;

4 and

5 (ii) raw material for business; and

6 (B) there are currently few markets for the ex-
7 traordinary volumes of by-products being generated
8 as a result of the necessary large-scale preventive
9 treatment activities; and

10 (5) the United States should—

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

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

20 (C) promote research and development to
21 provide, for the by-products, economically and
22 environmentally sound—

23 (i) management systems;

24 (ii) harvest and transport systems; and

25 (iii) utilization options.

1 **SEC. 202. DEFINITIONS.**

2 *In this title:*

3 (1) *BIOMASS.*—*The term “biomass” means trees*
4 *and woody plants (including limbs, tops, needles,*
5 *other woody parts, and wood waste) and byproducts*
6 *of preventive treatment (such as wood, brush,*
7 *thinnings, chips, and slash) that are removed—*

8 (A) *to reduce hazardous fuels;*

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

11 (C) *to improve forest health and wildlife*
12 *habitat conditions.*

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

14 (A) *an individual;*

15 (B) *a community (as determined by the*
16 *Secretary);*

17 (C) *an Indian tribe;*

18 (D) *a small business, microbusiness, or a*
19 *corporation that is incorporated in the United*
20 *States; and*

21 (E) *a nonprofit organization.*

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

24 (A) *any town, township, municipality, In-*
25 *Indian tribe, or other similar unit of local govern-*
26 *ment (as determined by the Secretary) that—*

1 (i) has a population of not more than
2 50,000 individuals; and

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

7 (I) is at significant risk of cata-
8 strophic wildfire, disease, or insect in-
9 festation; or

10 (II) suffers from disease or insect
11 infestation; or

12 (B) any area or unincorporated area rep-
13 resented by a nonprofit organization approved
14 by the Secretary, that—

15 (i) is not wholly contained within a
16 metropolitan statistical area; and

17 (ii) the Secretary, in the sole discretion
18 of the Secretary, determines contains or is
19 located near, or with a water supply system
20 that contains or is located near, land—

21 (I) the condition of which is at
22 significant risk of catastrophic wild-
23 fire, disease, or insect infestation; or

24 (II) that suffers from disease or
25 insect infestation.

1 (4) *SECRETARY.*—*The term “Secretary”*
2 *means—*

3 (A) *the Secretary of Agriculture, with re-*
4 *spect to National Forest System land; and*

5 (B) *the Secretary of the Interior, with re-*
6 *spect to Federal land under the jurisdiction of*
7 *the Secretary of the Interior (including land held*
8 *in trust for the benefit of an Indian tribe).*

9 **SEC. 203. GRANTS TO IMPROVE COMMERCIAL VALUE OF**
10 **FOREST BIOMASS FOR ELECTRIC ENERGY,**
11 **USEFUL HEAT, TRANSPORTATION FUELS,**
12 **COMPOST, VALUE-ADDED PRODUCTS, AND PE-**
13 **TROLEUM-BASED PRODUCT SUBSTITUTES.**

14 (a) *BIOMASS COMMERCIAL UTILIZATION GRANT PRO-*
15 *GRAM.*—

16 (1) *IN GENERAL.*—*The Secretary may make*
17 *grants to any person that owns or operates a facility*
18 *that uses biomass as a raw material to produce elec-*
19 *tric energy, sensible heat, transportation fuels, sub-*
20 *stitutes for petroleum-based products, wood-based*
21 *products, pulp, or other commercial products to offset*
22 *the costs incurred to purchase biomass for use by the*
23 *facility.*

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

4 (3) *MONITORING OF GRANT RECIPIENT ACTIVI-*
5 *TIES.*—

6 (A) *IN GENERAL.*—*As a condition of a*
7 *grant under this subsection, the grant recipient*
8 *shall keep such records as the Secretary may re-*
9 *quire to fully and correctly disclose the use of the*
10 *grant funds and all transactions involved in the*
11 *purchase of biomass.*

12 (B) *ACCESS.*—*On notice by a representative*
13 *of the Secretary, the grant recipient shall afford*
14 *the representative—*

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

17 (ii) *an opportunity to examine the in-*
18 *ventory and records of the facility.*

19 (b) *VALUE-ADDED GRANT PROGRAM.*—

20 (1) *IN GENERAL.*—*The Secretary—*

21 (A) *may make grants to persons to offset the*
22 *cost of projects to add value to biomass; and*

23 (B) *in making a grant under subparagraph*
24 (A), *shall give preference to persons in preferred*
25 *communities.*

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

4 (A) *the anticipated public benefits of the*
5 *project;*

6 (B) *opportunities for the creation or expan-*
7 *sion of small businesses and microbusinesses re-*
8 *sulting from the project; and*

9 (C) *the potential for new job creation as a*
10 *result of the project.*

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

13 (c) *RELATION TO OTHER ENDANGERED SPECIES AND*
14 *RIPARIAN PROTECTIONS.*—

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

18 (2) *PROJECTS.*—*Projects funded using grant*
19 *proceeds shall be required to comply with the protec-*
20 *tions.*

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

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

2 (a) *REPORT REQUIRED.*—Not later than October 1,
3 2008, the Secretary of Agriculture, in consultation with the
4 Secretary of the Interior, shall submit to the Committee on
5 Resources and the Committee on Agriculture of the House
6 of Representatives and the Committee on Energy and Nat-
7 ural Resources and the Committee on Agriculture, Nutri-
8 tion, and Forestry of the Senate a report describing the re-
9 sults of the grant programs authorized by section 203.

10 (b) *CONTENTS OF REPORT.*—The report shall
11 include—

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

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

18 (3) *the economic impacts, particularly new job*
19 *creation, resulting from the grants to and operation*
20 *of the eligible operations; and*

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

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

24 (a) *USES OF GRANTS, CONTRACTS, AND ASSIST-*
25 *ANCE.*—Section 307(d) of the Biomass Research and Devel-

1 *opment Act of 2000 (7 U.S.C. 7624 note; Public Law 106–*
2 *224) is amended—*

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

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

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

8 *“(5) research to integrate silviculture, harvesting,*
9 *product development, processing information, and*
10 *economic evaluation to provide the science, tech-*
11 *nology, and tools to forest managers and community*
12 *developers for use in evaluating forest treatment and*
13 *production alternatives, including—*

14 *“(A) to develop tools that would enable land*
15 *managers, locally or in a several-State region, to*
16 *estimate—*

17 *“(i) the cost to deliver varying quan-*
18 *tities of wood to a particular location; and*

19 *“(ii) the amount that could be paid for*
20 *stumpage if delivered wood was used for a*
21 *specific mix of products;*

22 *“(B) to conduct research focused on devel-*
23 *oping appropriate thinning systems and equip-*
24 *ment designs that are—*

1 “(i) capable of being used on land
2 without significant adverse effects on the
3 land;

4 “(ii) capable of handling large and
5 varied landscapes;

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

8 “(iv) inexpensive; and

9 “(v) adaptable to various terrains; and

10 “(C) to develop, test, and employ in the
11 training of forestry managers and community
12 developers curricula materials and training pro-
13 grams on matters described in subparagraphs
14 (A) and (B).”.

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

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

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

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

24 “(1) *IN GENERAL.*—The Secretary of Agriculture,
25 acting through the Chief of the Forest Service, in con-

1 *sultation with the State and Private Forestry Tech-*
 2 *nology Marketing Unit at the Forest Products Lab-*
 3 *oratory, and in collaboration with eligible institu-*
 4 *tions, may carry out a program—*

5 *“(A) to accelerate adoption of technologies*
 6 *using biomass and small-diameter materials;*

7 *“(B) to create community-based enterprises*
 8 *through marketing activities and demonstration*
 9 *projects; and*

10 *“(C) to establish small-scale business enter-*
 11 *prises to make use of biomass and small-diame-*
 12 *ter materials.*

13 *“(2) AUTHORIZATION OF APPROPRIATIONS.—*

14 *There is authorized to be appropriated to carry out*
 15 *this subsection \$5,000,000 for each of fiscal years*
 16 *2004 through 2008.”.*

17 ***TITLE III—WATERSHED***
 18 ***FORESTRY ASSISTANCE***

19 ***SEC. 301. FINDINGS AND PURPOSES.***

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

21 *(1) there has been a dramatic shift in public at-*
 22 *titudes and perceptions about forest management,*
 23 *particularly in the understanding and practice of*
 24 *sustainable forest management;*

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

4 (3) *forests can provide essential ecological serv-*
5 *ices in filtering pollutants, buffering important rivers*
6 *and estuaries, and minimizing flooding, which makes*
7 *forest restoration worthy of special focus; and*

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

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

14 (1) *to improve landowner and public under-*
15 *standing of the connection between forest management*
16 *and watershed health;*

17 (2) *to encourage landowners to maintain tree*
18 *cover on property and to use tree plantings and vege-*
19 *tative treatments as creative solutions to watershed*
20 *problems associated with varying land uses;*

21 (3) *to enhance and complement forest manage-*
22 *ment and buffer use for watersheds, with an emphasis*
23 *on community watersheds;*

1 (4) to establish new partnerships and collabo-
2 rative watershed approaches to forest management,
3 stewardship, and conservation;

4 (5) to provide technical and financial assistance
5 to States to deliver a coordinated program that en-
6 hances State forestry best-management practices pro-
7 grams, and conserves and improves forested land and
8 potentially forested land, through technical, financial,
9 and educational assistance to qualifying individuals
10 and entities; and

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

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

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

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

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

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

1 “(2) is owned by any nonindustrial private indi-
2 vidual, group, association, corporation, or other pri-
3 vate legal entity, that has definitive decisionmaking
4 authority over the land.

5 “(b) *GENERAL AUTHORITY AND PURPOSE.*—*The Sec-*
6 *retary, acting through the Chief of the Forest Service, may*
7 *provide technical, financial, and related assistance to State*
8 *foresters, equivalent State officials, and officials of the Co-*
9 *operative State Research, Education, and Extension Service*
10 *for the purpose of expanding State forest stewardship ca-*
11 *pacities and activities through State forestry best-manage-*
12 *ment practices and other means at the State level to address*
13 *watershed issues on non-Federal forested land and poten-*
14 *tially forested land.*

15 “(c) *TECHNICAL ASSISTANCE TO PROTECT WATER*
16 *QUALITY.*—

17 “(1) *IN GENERAL.*—*The Secretary, in coopera-*
18 *tion with State foresters, officials of the Cooperative*
19 *State Research, Education, and Extension Service, or*
20 *equivalent State officials, shall engage interested*
21 *members of the public, including nonprofit organiza-*
22 *tions and local watershed councils, to develop a pro-*
23 *gram of technical assistance to protect water quality*
24 *described in paragraph (2).*

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

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

6 “(B) *to provide State forestry best-manage-*
7 *ment practices and water quality technical as-*
8 *stance directly to owners of nonindustrial pri-*
9 *vate forest land;*

10 “(C) *to provide technical guidance to land*
11 *managers and policymakers for water quality*
12 *protection through forest management;*

13 “(D) *to complement State and local efforts*
14 *to protect water quality and provide enhanced*
15 *opportunities for consultation and cooperation*
16 *among Federal and State agencies charged with*
17 *responsibility for water and watershed manage-*
18 *ment; and*

19 “(E) *to provide enhanced forest resource*
20 *data and support for improved implementation*
21 *and monitoring of State forestry best-manage-*
22 *ment practices.*

23 “(3) *IMPLEMENTATION.*—*In the case of a partici-*
24 *parting State, the program of technical assistance shall*

1 *be implemented by State foresters or equivalent State*
2 *officials.*

3 “(d) *WATERSHED FORESTRY COST-SHARE PRO-*
4 *GRAM.—*

5 “(1) *IN GENERAL.—The Secretary shall establish*
6 *a watershed forestry cost-share program—*

7 “(A) *which shall be—*

8 “(i) *administered by the Forest Serv-*
9 *ice; and*

10 “(ii) *implemented by State foresters or*
11 *equivalent State officials in participating*
12 *States; and*

13 “(B) *under which funds or other support*
14 *provided to participating States shall be made*
15 *available for State forestry best-management*
16 *practices programs and watershed forestry*
17 *projects.*

18 “(2) *WATERSHED FORESTRY PROJECTS.—The*
19 *State forester, State Research, Education and Exten-*
20 *sion official, or equivalent State official of a partici-*
21 *pating State, in coordination with the State Forest*
22 *Stewardship Coordinating Committee established*
23 *under section 19(b) (or an equivalent committee) for*
24 *that State, shall make awards to communities, non-*
25 *profit groups, and owners of nonindustrial private*

1 *forest land under the program for watershed forestry*
2 *projects described in paragraph (3).*

3 “(3) *PROJECT ELEMENTS AND OBJECTIVES.—A*
4 *watershed forestry project shall accomplish critical*
5 *forest stewardship, watershed protection, and restora-*
6 *tion needs within a State by demonstrating the value*
7 *of trees and forests to watershed health and condition*
8 *through—*

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

11 “(B) *community-based planning, involve-*
12 *ment, and action through State, local and non-*
13 *profit partnerships;*

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

17 “(D) *watershed-scale forest management ac-*
18 *tivities and conservation planning; and*

19 “(E)(i) *the restoration of wetland (as de-*
20 *finied by the States) and stream-side forests; and*

21 “(ii) *the establishment of riparian vegeta-*
22 *tive buffers.*

23 “(4) *COST-SHARING.—*

24 “(A) *FEDERAL SHARE.—*

1 “(i) *FUNDS UNDER THIS SUB-*
2 *SECTION.—Funds provided under this sub-*
3 *section for a watershed forestry project may*
4 *not exceed 75 percent of the cost of the*
5 *project.*

6 “(ii) *OTHER FEDERAL FUNDS.—The*
7 *percentage of the cost of a project described*
8 *in clause (i) that is not covered by funds*
9 *made available under this subsection may*
10 *be paid using other Federal funding sources,*
11 *except that the total Federal share of the*
12 *costs of the project may not exceed 90 per-*
13 *cent.*

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

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

22 “(6) *WATERSHED FORESTER.—Financial and*
23 *technical assistance shall be made available to the*
24 *State Forester or equivalent State official to create a*

1 *State watershed or best-management practice forester*
2 *position to—*

3 “(A) *lead statewide programs; and*

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

5 “(e) *DISTRIBUTION.—*

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

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

12 “(B) *the remainder of the funds to deliver*
13 *technical assistance, education, and planning, at*
14 *the local level, through the State Forester or*
15 *equivalent State official.*

16 “(2) *SPECIAL CONSIDERATIONS.—Distribution of*
17 *funds by the Secretary among States under para-*
18 *graph (1) shall be made only after giving appropriate*
19 *consideration to—*

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

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

24 “(C) *the miles of impaired stream segments*
25 *and other impaired water bodies where forestry*

1 *practices can be used to restore or protect water*
2 *resources;*

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

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

7 “(f) *WILLING OWNERS.—*

8 “(1) *IN GENERAL.—Participation of an owner of*
9 *nonindustrial private forest land in the watershed*
10 *forestry assistance program under this section is vol-*
11 *untary.*

12 “(2) *WRITTEN CONSENT.—The watershed for-*
13 *estry assistance program shall not be carried out on*
14 *nonindustrial private forest land without the written*
15 *consent of the owner of, or entity having definitive de-*
16 *cisionmaking over, the nonindustrial private forest*
17 *land.*

18 “(g) *AUTHORIZATION OF APPROPRIATIONS.—There is*
19 *authorized to be appropriated to carry out this section*
20 *\$15,000,000 for each of fiscal years 2004 through 2008.”.*

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

22 “(a) *IN GENERAL.—The Secretary of Agriculture (re-*
23 *ferred to in this section as the “Secretary”), acting through*
24 *the Chief of the Forest Service, shall provide technical, fi-*
25 *nancial, and related assistance to Indian tribes for the pur-*

1 *pose of expanding tribal stewardship capacities and activi-*
2 *ties through tribal forestry best-management practices and*
3 *other means at the tribal level to address watershed issues*
4 *on land under the jurisdiction of or administered by the*
5 *Indian tribes.*

6 (b) *TECHNICAL ASSISTANCE TO PROTECT WATER*
7 *QUALITY.—*

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

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

14 (A) *to build and strengthen watershed part-*
15 *nerships that focus on forested landscapes at the*
16 *State, regional, tribal, and local levels;*

17 (B) *to provide tribal forestry best-manage-*
18 *ment practices and water quality technical as-*
19 *sistance directly to Indian tribes;*

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

23 (D) *to complement tribal efforts to protect*
24 *water quality and provide enhanced opportuni-*
25 *ties for consultation and cooperation among Fed-*

1 *eral agencies and tribal entities charged with re-*
2 *sponsibility for water and watershed manage-*
3 *ment; and*

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

8 *(c) WATERSHED FORESTRY PROGRAM.—*

9 *(1) IN GENERAL.—The Secretary shall establish*
10 *a watershed forestry program to be administered by*
11 *Indian tribes.*

12 *(2) PROGRAMS AND PROJECTS.—Funds or other*
13 *support provided under the program shall be made*
14 *available for tribal forestry best-management prac-*
15 *tices programs and watershed forestry projects.*

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

19 *(4) PROJECT ELEMENTS AND OBJECTIVES.—A*
20 *watershed forestry project shall accomplish critical*
21 *forest stewardship, watershed protection, and restora-*
22 *tion needs within land under the jurisdiction of or*
23 *administered by an Indian tribe by demonstrating*
24 *the value of trees and forests to watershed health and*
25 *condition through—*

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

3 (B) *application of and dissemination of*
4 *monitoring information on forestry best-manage-*
5 *ment practices relating to watershed forestry;*

6 (C) *watershed-scale forest management ac-*
7 *tivities and conservation planning;*

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

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

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

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

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

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

4 (2) *the remainder of the funds to deliver tech-*
 5 *nical assistance, education, and planning on the*
 6 *ground to Indian tribes.*

7 (e) *AUTHORIZATION OF APPROPRIATIONS.—There is*
 8 *authorized to be appropriated to carry out this section*
 9 *\$2,500,000 for each of fiscal years 2004 through 2008.*

10 ***TITLE IV—INSECT INFESTA-***
 11 ***TIONS AND RELATED DIS-***
 12 ***EASES***

13 ***SEC. 401. FINDINGS AND PURPOSE.***

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

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

18 (A) *increased fire risk;*

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

20 (C) *loss of threatened and endangered spe-*
 21 *cies;*

22 (D) *loss of species diversity;*

23 (E) *degraded watershed conditions;*

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

4 (G) decreased timber values;

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

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

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

14 (3) the hemlock woolly adelgid is—

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

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

19 (C) posing a potential threat to valuable
20 commercial timber land in northern New Eng-
21 land;

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

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

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

9 (B) *in 2001, Florida and Kentucky experienced*
10 *146 percent and 111 percent increases, respectively,*
11 *in Southern pine beetle populations;*

12 (6) *those epidemic outbreaks of Southern pine*
13 *beetles have forced private landowners to harvest dead*
14 *and dying trees, in rural areas and increasingly ur-*
15 *banized settings;*

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

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

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

4 (B) *there have not been sufficient resources avail-*
5 *able to adequately test a full array of individual and*
6 *combined applied silvicultural assessments;*

7 (10) *only through the full funding, development,*
8 *and assessment of potential applied silvicultural as-*
9 *sessments over specific time frames across an array of*
10 *environmental and climatic conditions can the most*
11 *innovative and cost effective management applica-*
12 *tions be determined that will help reduce the suscepti-*
13 *bility of forest ecosystems to attack by forest pests;*

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

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

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

23 (12) *funding and implementation of an initia-*
24 *tive to combat forest pest infestations and associated*

1 *diseases should not come at the expense of supporting*
 2 *other programs and initiatives of the Secretary.*

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

4 *(1) to require the Secretary to develop an accel-*
 5 *erated basic and applied assessment program to com-*
 6 *bat infestations by forest-damaging insects and asso-*
 7 *ciated diseases;*

8 *(2) to enlist the assistance of colleges and univer-*
 9 *sities (including forestry schools, land grant colleges*
 10 *and universities, and 1890 Institutions), State agen-*
 11 *cies, and private landowners to carry out the pro-*
 12 *gram; and*

13 *(3) to carry out applied silvicultural assess-*
 14 *ments.*

15 **SEC. 402. DEFINITIONS.**

16 *In this title:*

17 *(1) APPLIED SILVICULTURAL ASSESSMENT.—*

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

22 *(B) INCLUSIONS.—The term “applied sil-*
 23 *vicultural assessment” includes (but is not lim-*
 24 *ited to) timber harvesting, thinning, prescribed*

1 *burning, pruning, and any combination of those*
 2 *activities.*

3 (2) *1890 INSTITUTION.*—

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

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

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

12 (A) *a Southern pine beetle;*

13 (B) *a mountain pine beetle;*

14 (C) *a spruce bark beetle;*

15 (D) *a gypsy moth;*

16 (E) *a hemlock woolly adelgid;*

17 (F) *an emerald ash borer;*

18 (G) *a red oak borer;*

19 (H) *a white oak borer; and*

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

22 (4) *SECRETARY.*—*The term “Secretary”*
 23 *means—*

1 (A) *the Secretary of Agriculture, acting*
2 *through the Forest Service, with respect to Na-*
3 *tional Forest System land; and*

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

9 **SEC. 403. ACCELERATED INFORMATION GATHERING RE-**
10 **GARDING FOREST-DAMAGING INSECTS.**

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

15 (1) *to plan, conduct, and promote comprehensive*
16 *and systematic information gathering on forest-dam-*
17 *aging insects and associated diseases, including an*
18 *evaluation of—*

19 (A) *infestation, prevention, and suppression*
20 *methods;*

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

23 (C) *restoration of forest ecosystem efforts;*

24 (D) *utilization options regarding infested*
25 *trees; and*

1 (E) models to predict the occurrence, dis-
 2 tribution, and impact of outbreaks of forest-dam-
 3 aging insects and associated diseases;

4 (2) to assist land managers in the development
 5 of treatments and strategies to improve forest health
 6 and reduce the susceptibility of forest ecosystems to se-
 7 vere infestations of forest-damaging insects and asso-
 8 ciated diseases on Federal land and State and private
 9 land; and

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

12 (b) *COOPERATION AND ASSISTANCE.*—The Secretary
 13 shall—

14 (1) establish and carry out the program in co-
 15 operation with—

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

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

20 (C) private and industrial landowners; and

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

23 **SEC. 404. APPLIED SILVICULTURAL ASSESSMENTS.**

24 (a) *ASSESSMENT EFFORTS.*—For information gath-
 25 ering and research purposes, the Secretary may conduct ap-

1 *plied silvicultural assessments on Federal land that the Sec-*
2 *retary determines is at risk of infestation by, or is infested*
3 *with, forest-damaging insects.*

4 (b) *LIMITATIONS.—*

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

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

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

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

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

17 (2) *CERTAIN TREATMENT PROHIBITED.—Nothing*
18 *in subsection (a) authorizes the application of insecti-*
19 *cides in municipal watersheds or associated riparian*
20 *areas.*

21 (3) *PEER REVIEW.—*

22 (A) *IN GENERAL.—Before being carried out,*
23 *each applied silvicultural assessment under this*
24 *title shall be peer reviewed by scientific experts*

1 *selected by the Secretary, which shall include*
2 *non-Federal experts.*

3 (B) *EXISTING PEER REVIEW PROCESSES.—*

4 *The Secretary may use existing peer review proc-*
5 *esses to the extent the processes comply with sub-*
6 *paragraph (A).*

7 (c) *PUBLIC NOTICE AND COMMENT.—*

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

11 (2) *PUBLIC COMMENT.—The Secretary shall pro-*
12 *vide an opportunity for public comment before car-*
13 *rying out an applied silviculture assessment under*
14 *this section.*

15 (d) *CATEGORICAL EXCLUSION.—*

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

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

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

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

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

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

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

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

1 **SEC. 406. AUTHORIZATION OF APPROPRIATIONS.**

2 *There are authorized to be appropriated such sums as*
 3 *are necessary to carry out this title for each of fiscal years*
 4 *2004 through 2008.*

5 **TITLE V—HEALTHY FORESTS**
 6 **RESERVE PROGRAM**

7 **SEC. 501. ESTABLISHMENT OF HEALTHY FORESTS RESERVE**
 8 **PROGRAM.**

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

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

14 *(2) to improve biodiversity; and*

15 *(3) to enhance carbon sequestration.*

16 *(b) COORDINATION.—The Secretary of Agriculture*
 17 *shall carry out the healthy forests reserve program in co-*
 18 *ordination with the Secretary of the Interior and the Sec-*
 19 *retary of Commerce.*

20 **SEC. 502. ELIGIBILITY AND ENROLLMENT OF LANDS IN**
 21 **PROGRAM.**

22 *(a) IN GENERAL.—The Secretary of Agriculture, in co-*
 23 *ordination with the Secretary of the Interior and the Sec-*
 24 *retary of Commerce, shall describe and define forest eco-*
 25 *systems that are eligible for enrollment in the healthy forests*
 26 *reserve program.*

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

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

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

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

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

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

20 (1) *improve biological diversity; and*

21 (2) *increase carbon sequestration.*

22 (d) *ENROLLMENT BY WILLING OWNERS.*—*The Sec-*
23 *retary of Agriculture shall enroll land in the healthy forests*
24 *reserve program only with the consent of the owner of the*
25 *land.*

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

4 (f) *METHODS OF ENROLLMENT.*—

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

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

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

9 (C) *an agreement of not more than 99*
10 *years.*

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

15 (g) *ENROLLMENT PRIORITY.*—

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

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

22 (B) *secondarily, species that—*

23 (i) *are not listed as endangered or*
24 *threatened under section 4 of the Endan-*

1 *gered Species Act of 1973 (16 U.S.C. 1533);*

2 *but*

3 *(ii) are candidates for such listing,*

4 *State-listed species, or special concern spe-*

5 *cies.*

6 (2) *COST-EFFECTIVENESS.*—*The Secretary of Ag-*
7 *riculture shall also consider the cost-effectiveness of*
8 *each agreement, and associated restoration plans, so*
9 *as to maximize the environmental benefits per dollar*
10 *expended.*

11 **SEC. 503. RESTORATION PLANS.**

12 (a) *IN GENERAL.*—*Land enrolled in the healthy forests*
13 *reserve program shall be subject to a restoration plan, to*
14 *be developed jointly by the landowner and the Secretary of*
15 *Agriculture.*

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

19 (1) *species listed as endangered or threatened*
20 *under section 4 of the Endangered Species Act of*
21 *1973 (16 U.S.C. 1533); and*

22 (2) *animal or plant species before the species*
23 *reach threatened or endangered status, such as can-*
24 *didate, State-listed species, and special concern spe-*
25 *cies.*

1 **SEC. 504. FINANCIAL ASSISTANCE.**

2 (a) *AGREEMENTS OF NOT MORE THAN 99 YEARS.*—

3 *In the case of land enrolled in the healthy forests reserve*
4 *program using an agreement of not more than 99 years*
5 *described in section 502(f)(1)(C), the Secretary of Agri-*
6 *culture shall pay the owner of the land an amount equal*
7 *to not less than 75 percent, nor more than 100 percent, of*
8 *(as determined by the Secretary)—*

9 (1) *the fair market value of the enrolled land*
10 *during the period the land is subject to the agreement,*
11 *less the fair market value of the land encumbered by*
12 *the agreement; and*

13 (2) *the actual costs of the approved conservation*
14 *practices or the average cost of approved practices*
15 *carried out on the land during the period in which*
16 *the land is subject to the agreement.*

17 (b) *30-YEAR AGREEMENT.*— *In the case of land en-*
18 *rolled in the healthy forests reserve program using a 30-*
19 *year agreement, the Secretary of Agriculture shall pay the*
20 *owner of the land an amount equal to not more than (as*
21 *determined by the Secretary)—*

22 (1) *75 percent of the fair market value of the*
23 *land, less the fair market value of the land encum-*
24 *bered by the agreement; and*

1 (2) 75 percent of the actual costs of the approved
2 conservation practices or 75 percent of the average
3 cost of approved practices.

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

9 (1) 50 percent of the actual costs of the approved
10 conservation practices; or

11 (2) 50 percent of the average cost of approved
12 practices.

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

16 **SEC. 505. TECHNICAL ASSISTANCE.**

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

21 (b) TECHNICAL SERVICE PROVIDERS.—The Secretary
22 of Agriculture may request the services of, and enter into
23 cooperative agreements with, individuals or entities cer-
24 tified as technical service providers under section 1242 of
25 the Food Security Act of 1985 (16 U.S.C. 3842), to assist

1 *the Secretary in providing technical assistance necessary to*
2 *develop and implement the healthy forests reserve program.*

3 **SEC. 506. PROTECTIONS AND MEASURES**

4 (a) *PROTECTIONS.*—*In the case of a landowner that*
5 *enrolls land in the program and whose conservation activi-*
6 *ties result in a net conservation benefit for listed, candidate,*
7 *or other species, the Secretary of Agriculture shall make*
8 *available to the landowner safe harbor or similar assur-*
9 *ances and protection under—*

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

12 (2) *section 10(a)(1) of that Act (16 U.S.C.*
13 *1539(a)(1)).*

14 (b) *MEASURES.*—*If protection under subsection (a) re-*
15 *quires the taking of measures that are in addition to the*
16 *measures covered by the applicable restoration plan agreed*
17 *to under section 503, the cost of the additional measures,*
18 *as well as the cost of any permit, shall be considered part*
19 *of the restoration plan for purposes of financial assistance*
20 *under section 504.*

21 **SEC. 507. INVOLVEMENT BY OTHER AGENCIES AND ORGANI-**
22 **ZATIONS.**

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

25 (1) *nonindustrial private forest landowners;*

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

7 **SEC. 508. AUTHORIZATION OF APPROPRIATIONS.**

8 *There are authorized to be appropriated to carry out*
 9 *this title—*

- 10 (1) *\$25,000,000 for fiscal year 2004; and*
 11 (2) *such sums as are necessary for each of fiscal*
 12 *years 2005 through 2008.*

13 **TITLE VI—PUBLIC LAND CORPS**

14 **SEC. 601. PURPOSES.**

15 *The purposes of this title are—*

- 16 (1) *to carry out, in a cost-effective and efficient*
 17 *manner, rehabilitation, enhancement, and beautifi-*
 18 *cation projects;*
 19 (2) *to offer young people, ages 16 through 25,*
 20 *particularly those who are at-risk or economically*
 21 *disadvantaged, the opportunity to gain productive*
 22 *employment and exposure to the world of work;*
 23 (3) *to give those young people the opportunity to*
 24 *serve their communities and their country; and*

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

5 **SEC. 602. DEFINITIONS.**

6 *In this title:*

7 (1) *ALASKA NATIVE CORPORATION.*—*The term*
8 *“Alaska Native Corporation” means a Regional Cor-*
9 *poration or Village Corporation, as defined in section*
10 *101(11) of the National and Community Service Act*
11 *of 1990 (42 U.S.C. 12511(11)).*

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

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

18 (4) *INDIAN LANDS.*—*The term “Indian lands”*
19 *has the meaning given the term in section 101 of the*
20 *National and Community Service Act of 1990 (42*
21 *U.S.C. 12511).*

22 (5) *SECRETARIES.*—*The term “Secretaries”*
23 *means—*

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

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

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

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

7 (B) *gives participants a combination of*
8 *work experience, basic and life skills, education,*
9 *training, and support services; and*

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

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

14 (A) *a State;*

15 (B) *the District of Columbia;*

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

17 (D) *Guam;*

18 (E) *American Samoa;*

19 (F) *the Commonwealth of the Northern*
20 *Mariana Islands;*

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

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

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

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

1 **SEC. 603. PUBLIC LAND CORPS.**

2 (a) *ESTABLISHMENT.*—*There is established a Public*
 3 *Land Corps.*

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

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

9 (1) *directly with any service and conservation*
 10 *corps to perform appropriate rehabilitation, enhance-*
 11 *ment, or beautification projects; or*

12 (2) *with a department of natural resources, agri-*
 13 *culture, or forestry (or an equivalent department) of*
 14 *any State that has entered into a contract or coopera-*
 15 *tive agreement with a service and conservation corps*
 16 *to perform appropriate rehabilitation, enhancement,*
 17 *or beautification projects.*

18 (d) *PROJECTS.*—

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

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

25 (A) *Indian lands, with the approval of the*
 26 *applicable Indian tribe;*

1 (B) *Hawaiian home lands, with the ap-*
2 *proval of the relevant State agency in the State*
3 *of Hawaii; and*

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

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

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

10 (2) *instill in members of the service and con-*
11 *servations corps—*

12 (A) *a work ethic;*

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

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

15 (3) *be labor intensive; and*

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

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

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

23 (1) *State Departments of Natural Resources and*
24 *Agriculture (or equivalent agencies); and*

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

1 **SEC. 604. NONDISPLACEMENT.**

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

6 **SEC. 605. AUTHORIZATION OF APPROPRIATIONS.**

7 *There are authorized to be appropriated to carry out*
 8 *this title \$15,000,000 for each of fiscal years 2004 through*
 9 *2008.*

10 **TITLE VII—RURAL COMMUNITY**
 11 **FORESTRY ENTERPRISE PRO-**
 12 **GRAM**

13 **SEC. 701. PURPOSE**

14 *The purpose of this title is to assist in the economic*
 15 *revitalization of rural forest resource-dependent commu-*
 16 *nities through incentives and collaboration to promote in-*
 17 *vestment in private enterprise and community development*
 18 *by—*

19 *(1) the Department of Agriculture;*

20 *(2) the Department of the Interior;*

21 *(3) the Department of Commerce;*

22 *(4) the Small Business Administration;*

23 *(5) land grant colleges and universities; and*

24 *(6) 1890 Institutions.*

25 **SEC. 702. DEFINITIONS.**

26 *In this title:*

1 (1) *1890 INSTITUTION.*—*The term “1890 Institu-*
2 *tion” has the meaning given the term in section 2 of*
3 *the Agricultural Research, Extension, and Education*
4 *Reform Act of 1998 (7 U.S.C. 7601).*

5 (2) *ELIGIBLE ENTITY.*—*The term “eligible enti-*
6 *ty” means—*

7 (A) *a unit of State or local government;*

8 (B) *an Indian tribe;*

9 (C) *a nonprofit organization;*

10 (D) *a small forest products business;*

11 (E) *a rural forest resource-dependent com-*
12 *munity;*

13 (F) *a land grant college or university; or*

14 (G) *an 1890 institution.*

15 (3) *ELIGIBLE PROJECT.*—*The term “eligible*
16 *project” means a project described in section 703 that*
17 *will promote the economic development in rural forest*
18 *resource-dependent communities based on—*

19 (A) *responsible forest stewardship;*

20 (B) *the production of sustainable forest*
21 *products; or*

22 (C) *the development of forest related tourism*
23 *and recreation activities.*

24 (4) *FOREST PRODUCTS.*—*The term “forest prod-*
25 *ucts” means—*

- 1 (A) logs;
- 2 (B) lumber;
- 3 (C) chips;
- 4 (D) small-diameter finished wood products;
- 5 (E) energy biomass;
- 6 (F) mulch; and
- 7 (G) any other material derived from forest
- 8 vegetation or individual trees or shrubs.

9 (5) *NONPROFIT ORGANIZATION.*—The term “non-

10 profit organization” means an organization that is—

11 (A) described in section 501(c) of the Inter-

12 nal Revenue Code of 1986; and

13 (B) exempt from taxation under 501(a) of

14 that Code.

15 (6) *PROGRAM.*—The term “program” means the

16 rural community forestry enterprise program estab-

17 lished under section 703.

18 (7) *SMALL FOREST PRODUCTS BUSINESS.*—The

19 term “small forest products business” means a small

20 business concern (as defined under section 3 of the

21 Small Business Act (15 U.S.C. 632)) that is classified

22 under subsector 113 or code number 115310 of the

23 North American Industrial Classification System.

24 (8) *RURAL FOREST RESOURCE-DEPENDENT COM-*

25 MUNITY.—

1 (A) *IN GENERAL.*—*The term “rural forest*
 2 *resource-dependent community” means a com-*
 3 *munity located in a rural area of the United*
 4 *States that is traditionally dependent on forestry*
 5 *products as a primary source of community in-*
 6 *frastructure.*

7 (B) *INCLUSIONS.*—*The term “rural forest*
 8 *resource-dependent community” includes a com-*
 9 *munity described in subparagraph (A) located*
 10 *in—*

11 (i) *the northern forest land of Maine;*

12 (ii) *New Hampshire;*

13 (iii) *New York;*

14 (iv) *Vermont;*

15 (v) *the Upper Peninsula of Michigan;*

16 (vi) *northern California; and*

17 (vii) *eastern Oregon.*

18 (9) *SECRETARY.*—*The term “Secretary” means*
 19 *the Secretary of Agriculture, acting through the Chief*
 20 *of the Forest Service.*

21 **SEC. 703. RURAL COMMUNITY FORESTRY ENTERPRISE PRO-**
 22 **GRAM.**

23 (a) *IN GENERAL.*—

24 (1) *ESTABLISHMENT.*—*The Secretary shall estab-*
 25 *lish within the Forest Service a program to be known*

1 *as the “Rural Community Forestry Enterprise Pro-*
2 *gram”.*

3 (2) *CONSULTATION.—In carrying out the pro-*
4 *gram, the Secretary shall consult with—*

5 (A) *the Small Business Administration;*

6 (B) *the Economic Development Administra-*
7 *tion;*

8 (C) *land grant colleges and universities;*

9 (D) *1890 institutions;*

10 (E) *research stations and laboratories of the*
11 *Forest Service;*

12 (F) *other agencies of the Department of Ag-*
13 *riculture that administer rural development pro-*
14 *grams; and*

15 (G) *private nonprofit organizations.*

16 (b) *PURPOSES.—The purposes of the program are—*

17 (1) *to enhance technical and business manage-*
18 *ment skills training;*

19 (2) *to organize cooperatives and marketing pro-*
20 *grams;*

21 (3) *to establish and maintain timber worker skill*
22 *pools;*

23 (4) *to establish and maintain forest product dis-*
24 *tribution networks and collection centers;*

1 (5) to facilitate technology transfer for processing
2 small diameter trees and brush into useful products;

3 (6) to develop, where support exists, a program
4 to promote science-based technology implementation
5 and technology transfer that expands the capacity for
6 small forest product businesses to work within market
7 areas;

8 (7) to promote forest-related tourism and rec-
9 reational activities;

10 (8) to enhance the rural forest business infra-
11 structure needed to reduce hazardous fuels on public
12 and private land; and

13 (9) to carry out related programs and activities,
14 as determined by the Secretary.

15 (c) *FOREST ENTERPRISE CENTERS.*—

16 (1) *IN GENERAL.*—The Secretary shall establish
17 Forest Enterprise Centers to provide services to rural
18 forest-dependent communities.

19 (2) *LOCATION.*—A Center shall be located within
20 close proximity of rural forest-dependent communities
21 served by the Center, with at least 1 center located in
22 each of the States of California, Idaho, Oregon, Mon-
23 tana, New Mexico, Vermont, and Washington.

24 (3) *DUTIES.*—A Center shall—

25 (A) carry out eligible projects; and

1 (B) coordinate assistance provided to small
2 forest products businesses with—

3 (i) the Small Business Administration,
4 including the timber set-aside program car-
5 ried out by the Small Business Administra-
6 tion;

7 (ii) the Rural Utilities Service, the
8 Rural Housing Service, and the Rural
9 Business-Cooperative Service of the Depart-
10 ment of Agriculture;

11 (iii) the Economic Development Ad-
12 ministration, including the local technical
13 assistance program of the Economic Devel-
14 opment Administration; and

15 (iv) research stations and laboratories
16 of the Forest Service.

17 (d) FOREST ENTERPRISE TECHNICAL ASSISTANCE
18 AND GRANT PROGRAM.—

19 (1) IN GENERAL.—The Secretary, acting through
20 the Forest Enterprise Centers established under sub-
21 section (c), shall establish a program to provide tech-
22 nical assistance and grants to eligible entities to
23 carry out eligible projects.

24 (2) CRITERIA.—The Secretary shall work with
25 each Forest Enterprise Center to develop appropriate

1 *program review and prioritization criteria for each*
 2 *Research Station.*

3 (3) *MATCHING FUNDS.—Grants under this sec-*
 4 *tion shall—*

5 (A) *not exceed 50 percent of the cost of an*
 6 *eligible project; and*

7 (B) *be made on the condition that non-Fed-*
 8 *eral sources pay for the remainder of the cost of*
 9 *an eligible project (including payment through*
 10 *in-kind contributions of services or materials).*

11 (4) *AUTHORIZATION OF APPROPRIATIONS.—*
 12 *There is authorized to be appropriated to carry out*
 13 *this subsection \$15,000,000 for each of fiscal years*
 14 *2004 through 2008.*

15 **TITLE VIII—FIREFIGHTERS**
 16 **MEDICAL MONITORING ACT**

17 **SEC. 801. SHORT TITLE.**

18 *This title shall be referred to as the “Firefighters Med-*
 19 *ical Monitoring Act of 2003”.*

20 **SEC. 802. MONITORING OF FIREFIGHTERS IN DISASTER**
 21 **AREAS.**

22 (a) *IN GENERAL.—The National Institute for Occupa-*
 23 *tional Safety and Health shall monitor the long-term med-*
 24 *ical health of those firefighters who fought fires in any area*
 25 *declared a disaster area by the Federal Government.*

1 (b) *HEALTH MONITORING.*—*The long-term health*
2 *monitoring referred to in subsection (a) shall include, but*
3 *not be limited to, pulmonary illness, neurological damage,*
4 *and cardiovascular damage, and shall utilize the medical*
5 *expertise in the local areas affected.*

6 (c) *AUTHORIZATION.*—*To carry out this title, there are*
7 *authorized to be appropriated such sums as may be nec-*
8 *essary in each of fiscal years 2004 through 2008.*

9 **TITLE IX—DISASTER AIR**
10 **QUALITY MONITORING ACT**

11 **SEC. 901. SHORT TITLE.**

12 *This title shall be referred to as the “Disaster Air*
13 *Quality Monitoring Act of 2003”.*

14 **SEC. 902. MONITORING OF AIR QUALITY IN DISASTER**
15 **AREAS.**

16 (a) *IN GENERAL.*—*No later than six (6) months after*
17 *the enactment of this legislation, the Environmental Protec-*
18 *tion Agency shall provide each of its regional offices a mo-*
19 *bile air pollution monitoring network to monitor the emis-*
20 *sions of hazardous air pollutants in areas declared a dis-*
21 *aster as referred to in subsection (b), and publish such in-*
22 *formation on a daily basis on its web site and in other*
23 *forums, until such time as the Environmental Protection*
24 *Agency has determined that the danger has subsided.*

1 (b) *DISASTER AREAS.*—*The areas referred to in sub-*
 2 *section (a) are those areas declared a disaster area by the*
 3 *Federal Government.*

4 (c) *CONTINUOUS MONITORING.*—*The monitoring re-*
 5 *ferred to in subsection (a) shall include the continuous and*
 6 *spontaneous monitoring of hazardous air pollutants, as de-*
 7 *finied in Public Law 95–95, section 112(b).*

8 (d) *AUTHORIZATION.*—*To carry out this title, there are*
 9 *authorized to be appropriated \$8,000,000.*

10 ***TITLE X—HIGHLANDS REGION***
 11 ***CONSERVATION***

12 ***SEC. 1001. SHORT TITLE.***

13 *This title may be cited as the “Highlands Conservation*
 14 *Act”.*

15 ***SEC. 1002. FINDINGS.***

16 *Congress finds the following:*

17 (1) *The Highlands region is a physiographic*
 18 *province that encompasses more than 2,000,000 acres*
 19 *extending from eastern Pennsylvania through the*
 20 *States of New Jersey and New York to northwestern*
 21 *Connecticut.*

22 (2) *The Highlands region is an environmentally*
 23 *unique area that—*

24 (A) *provides clean drinking water to over*
 25 *15,000,000 people in metropolitan areas in the*

1 *States of Connecticut, New Jersey, New York,*
2 *and Pennsylvania;*

3 *(B) provides critical wildlife habitat, in-*
4 *cluding habitat for 247 threatened and endan-*
5 *gered species;*

6 *(C) maintains an important historic con-*
7 *nection to early Native American culture, colo-*
8 *onial settlement, the American Revolution, and*
9 *the Civil War;*

10 *(D) contains recreational resources for 14*
11 *million visitors annually;*

12 *(E) provides other significant ecological,*
13 *natural, tourism, recreational, educational, and*
14 *economic benefits; and*

15 *(F) provides homeownership opportunities*
16 *and access to affordable housing that is safe,*
17 *clean, and healthy;*

18 *(3) An estimated 1 in 12 citizens of the United*
19 *States live within a 2-hour drive of the Highlands re-*
20 *gion.*

21 *(4) More than 1,400,000 residents live in the*
22 *Highlands region.*

23 *(5) The Highlands region forms a greenbelt adja-*
24 *cent to the Philadelphia-New York City-Hartford*
25 *urban corridor that offers the opportunity to preserve*

1 *water, forest and agricultural resources, wildlife habi-*
2 *tat, recreational areas, and historic sites, while en-*
3 *couraging sustainable economic growth and develop-*
4 *ment in a fiscally and environmentally sound man-*
5 *ner.*

6 *(6) Continued population growth and land use*
7 *patterns in the Highlands region—*

8 *(A) reduce the availability and quality of*
9 *water;*

10 *(B) reduce air quality;*

11 *(C) fragment the forests;*

12 *(D) destroy critical migration corridors and*
13 *forest habitat; and*

14 *(E) result in the loss of recreational oppor-*
15 *tunities and scenic, historic, and cultural re-*
16 *sources;*

17 *(7) The water, forest, wildlife, recreational, agri-*
18 *cultural, and cultural resources of the Highlands re-*
19 *gion, in combination with the proximity of the High-*
20 *lands region to the largest metropolitan areas in the*
21 *United States, make the Highlands region nationally*
22 *significant.*

23 *(8) The national significance of the Highlands*
24 *region has been documented in—*

1 (A) *the New York-New Jersey Highlands*
2 *Regional Study conducted by the Forest Service*
3 *in 1990;*

4 (B) *the New York-New Jersey Highlands*
5 *Regional Study: 2002 Update conducted by the*
6 *Forest Service;*

7 (C) *the bi-State Skylands Greenway Task*
8 *Force Report;*

9 (D) *the New Jersey State Development and*
10 *Redevelopment Plan;*

11 (E) *the New York State Open Space Con-*
12 *servation Plan;*

13 (F) *the Connecticut Green Plan: Open*
14 *Space Acquisition FY 2001–2006;*

15 (G) *the open space plans of the State of*
16 *Pennsylvania; and*

17 (H) *other open space conservation plans for*
18 *States in the Highlands region;*

19 (9) *The Highlands region includes or is adjacent*
20 *to numerous parcels of land owned by the Federal*
21 *Government or federally designated areas that protect,*
22 *conserve, or restore resources of the Highlands region,*
23 *including—*

24 (A) *the Wallkill River National Wildlife*
25 *Refuge;*

1 (B) *the Shawanagunk Grasslands Wildlife*
2 *Refuge;*

3 (C) *the Morristown National Historical*
4 *Park;*

5 (D) *the Delaware and Lehigh Canal Cor-*
6 *ridors;*

7 (E) *the Hudson River Valley National Her-*
8 *itage Area;*

9 (F) *the Delaware River Basin;*

10 (G) *the Delaware Water Gap National*
11 *Recreation Area;*

12 (H) *the Upper Delaware Scenic and Rec-*
13 *reational River;*

14 (I) *the Appalachian National Scenic Trail;*

15 (J) *the United States Military Academy at*
16 *West Point, New York;*

17 (K) *the Highlands National Millenium*
18 *Trail;*

19 (L) *the Great Swamp National Wildlife*
20 *Refuge;*

21 (M) *the proposed Crossroads of the Revolu-*
22 *tion National Heritage Area;*

23 (N) *the proposed Musconetcong National*
24 *Scenic and Recreational River in New Jersey;*

25 *and*

1 (O) *the Farmington River Wild and Scenic*
2 *Area in Connecticut;*

3 (10) *It is in the interest of the United States to*
4 *protect, conserve, and restore the resources of the*
5 *Highlands region for the residents of, and visitors to,*
6 *the Highlands region.*

7 (11) *The States of Connecticut, New Jersey, New*
8 *York, and Pennsylvania, and units of local govern-*
9 *ment in the Highlands region have the primary re-*
10 *sponsibility for protecting, conserving, preserving, re-*
11 *storing and promoting the resources of the Highlands*
12 *region.*

13 (12) *Because of the longstanding Federal prac-*
14 *tice of assisting States in creating, protecting, con-*
15 *serving, and restoring areas of significant natural*
16 *and cultural importance, and the national signifi-*
17 *cance of the Highlands region, the Federal Govern-*
18 *ment should, in partnership with the Highlands*
19 *States and units of local government in the High-*
20 *lands region, protect, restore, and preserve the water,*
21 *forest, agricultural, wildlife, recreational and cultural*
22 *resources of the Highlands region.*

23 **SEC. 1003. PURPOSES.**

24 *The purposes of this title are as follows:*

1 (1) *To recognize the importance of the water, for-*
2 *est, agricultural, wildlife, recreational and cultural*
3 *resources of the Highlands, and the national signifi-*
4 *cance of the Highlands region to the United States.*

5 (2) *To authorize the Secretary of Interior to*
6 *work in partnership with the Secretary of Agriculture*
7 *to provide financial assistance to the Highlands*
8 *States to preserve and protect high priority conserva-*
9 *tion lands in the Highlands region.*

10 (3) *To continue the ongoing Forest Service pro-*
11 *grams in the Highlands region to assist the High-*
12 *lands States, local units of government and private*
13 *forest and farm landowners in the conservation of*
14 *lands and natural resources in the Highlands region.*

15 **SEC. 1004. DEFINITIONS.**

16 *In this title:*

17 (1) *HIGHLANDS REGION.*—*The term “Highlands*
18 *region” means the physiographic province, defined by*
19 *the Reading Prong and ecologically similar adjacent*
20 *upland areas, that encompasses more than 2,000,000*
21 *acres extending from eastern Pennsylvania through*
22 *the States of New Jersey and New York to north-*
23 *western Connecticut.*

24 (2) *HIGHLANDS STATE.*—*The term “Highlands*
25 *State” means—*

- 1 (A) *the State of Connecticut;*
2 (B) *the State of New Jersey;*
3 (C) *the State of New York;*
4 (D) *the State of Pennsylvania; and*
5 (E) *any agency or department of any High-*
6 *lands State.*

7 (3) *LAND CONSERVATION PARTNERSHIP*
8 *PROJECT.—The term “land conservation partnership*
9 *project” means a land conservation project located*
10 *within the Highlands region identified as having high*
11 *conservation value by the Forest Service in which a*
12 *non-Federal entity acquires land or an interest in*
13 *land from a willing seller for the purpose of perma-*
14 *nently protecting, conserving, or preserving the land*
15 *through a partnership with the Federal Government.*

16 (4) *NON-FEDERAL ENTITY.—The term “non-Fed-*
17 *eral entity” means any Highlands State, or any*
18 *agency or department of any Highlands State with*
19 *authority to own and manage land for conservation*
20 *purpose, including the Palisades Interstate Park*
21 *Commission.*

22 (5) *STUDY.—The term “study” means the New*
23 *York-New Jersey Highlands Regional Study con-*
24 *ducted by the Forest Service in 1990.*

1 (6) *UPDATE.*—*The term “update” means the*
2 *New York-New Jersey Highlands Regional Study:*
3 *2002 Update conducted by the Forest Service.*

4 **SEC. 1005. LAND CONSERVATION PARTNERSHIP PROJECTS**
5 **IN THE HIGHLANDS REGION.**

6 (a) *SUBMISSION OF PROPOSED PROJECTS.*—*Annually,*
7 *the Governors of the Highlands States, with input from per-*
8 *tinent units of local government and the public, may jointly*
9 *identify land conservation partnership projects in the High-*
10 *lands region that shall be proposed for Federal financial*
11 *assistance and submit a list of those projects to the Sec-*
12 *retary of the Interior.*

13 (b) *CONSIDERATION OF PROJECTS.*—*The Secretary of*
14 *the Interior, in consultation with the Secretary of Agri-*
15 *culture, shall annually submit to Congress a list of those*
16 *land conservation partnership projects submitted under*
17 *subsection (a) that are eligible to receive financial assist-*
18 *ance under this section.*

19 (c) *ELIGIBILITY CONDITIONS.*—*To be eligible for fi-*
20 *nancial assistance under this section for a land conserva-*
21 *tion partnership project, a non-Federal entity shall enter*
22 *into an agreement with the Secretary of the Interior that—*

23 (1) *identifies the non-Federal entity that shall*
24 *own or hold and manage the land or interest in land;*

1 (2) identifies the source of funds to provide the
2 non-Federal share required under subsection (d);

3 (3) describes the management objectives for the
4 land that will assure permanent protection and use of
5 the land for the purpose for which the assistance will
6 be provided;

7 (4) provides that, if the non-Federal entity con-
8 verts, uses, or disposes of the land conservation part-
9 nership project for a purpose inconsistent with the
10 purpose for which the assistance was provided, as de-
11 termined by the Secretary of the Interior, the United
12 States may seek specific performance of the conditions
13 of financial assistance in accordance with paragraph
14 (3) in Federal court and shall be entitled to reim-
15 bursement from the non-Federal entity in an amount
16 that is, as determined at the time of conversion, use,
17 or disposal, the greater of—

18 (A) the total amount of the financial assist-
19 ance provided for the project by the Federal Gov-
20 ernment under this section; or

21 (B) the amount by which the financial as-
22 sistance increased the value of the land or inter-
23 est in land; and

1 (5) provides that land conservation partnership
2 projects will be consistent with areas identified as
3 having high conservation value in the following:

4 (A) Important Areas portion of the Forest
5 Service study.

6 (B) Conservation Focal Areas portion of the
7 Forest Service update.

8 (C) Conservation Priorities portion of the
9 update.

10 (D) Lands identified as having higher or
11 highest resource value in the Conservation Values
12 Assessment portion of the update.

13 (d) *NON-FEDERAL SHARE REQUIREMENT.*—The Fed-
14 eral share of the cost of carrying out a land conservation
15 partnership project under this section shall not exceed 50
16 percent of the total cost of the land conservation partnership
17 project.

18 (e) *AUTHORIZATION OF APPROPRIATIONS.*—There is
19 authorized to be appropriated to the Secretary of the Inte-
20 rior from the general funds of the Treasury or the Land
21 and Water Conservation Fund to carry out this section
22 \$10,000,000 for each of the fiscal years 2005 through 2014.
23 Amounts appropriated pursuant to this authorization of
24 appropriations shall remain available until expended.

1 **SEC. 1006. FOREST SERVICE AND USDA PROGRAMS IN THE**
2 **HIGHLANDS REGION.**

3 (a) *IN GENERAL.*—*In order to meet the land resource*
4 *goals of, and the scientific and conservation challenges iden-*
5 *tified in, the study, update, and any future study that the*
6 *Forest Service may undertake in the Highlands region, the*
7 *Secretary of Agriculture, acting through the Chief of the*
8 *Forest Service and in consultation with the Chief of the*
9 *Natural Resource Conservation Service, shall continue to*
10 *assist the Highlands States, local units of government, and*
11 *private forest and farm landowners in the conservation of*
12 *lands and natural resources in the Highlands region.*

13 (b) *DUTIES.*—*The Forest Service shall—*

14 (1) *in consultation with the Highlands States,*
15 *undertake other studies and research as appropriate*
16 *in the Highlands region consistent with the purposes*
17 *of this title;*

18 (2) *communicate the findings of the study and*
19 *update and maintain a public dialogue regarding im-*
20 *plementation of the study and update; and*

21 (3) *assist the Highland States, local units of gov-*
22 *ernment, individual landowners, and private organi-*
23 *zations in identifying and using Forest Service and*
24 *other technical and financial assistance programs of*
25 *the Department of Agriculture.*

1 (c) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
2 *authorized to be appropriated to the Secretary of Agri-*
3 *culture to carry out this section \$1,000,000 for each of the*
4 *fiscal years 2005 through 2014.*

5 **SEC. 1007. PRIVATE PROPERTY PROTECTION AND LACK OF**
6 **REGULATORY EFFECT.**

7 (a) *ACCESS TO PRIVATE PROPERTY.*—*Nothing in this*
8 *title shall be construed to—*

9 (1) *require any private property owner to per-*
10 *mit public access (including Federal, State, or local*
11 *government access) to such private property; and*

12 (2) *modify any provision of Federal, State, or*
13 *local law with regard to public access to or use of pri-*
14 *ivate lands.*

15 (b) *LIABILITY.*—*Nothing in this title shall be construed*
16 *to create any liability, or to have any effect on any liability*
17 *under any other law, of any private property owner with*
18 *respect to any persons injured on such private property.*

19 (c) *RECOGNITION OF AUTHORITY TO CONTROL LAND*
20 *USE.*—*Nothing in this title shall be construed to modify*
21 *any authority of Federal, State, or local governments to reg-*
22 *ulate land use.*

23 (d) *PARTICIPATION OF PRIVATE PROPERTY OWN-*
24 *ERS.*—*Nothing in this title shall be construed to require the*
25 *owner of any private property located in the Highlands re-*

1 gion to participate in the land conservation, financial, or
 2 technical assistance or any other programs established
 3 under this title.

4 (e) *PURCHASE OF LANDS OR INTERESTS IN LANDS*
 5 *FROM WILLING SELLERS ONLY.*—Funds appropriated to
 6 carry out this title shall be used to purchase lands or inter-
 7 ests in lands only from willing sellers.

8 ***TITLE XI—MISCELLANEOUS***
 9 ***PROVISIONS***

10 ***SEC. 1101. FOREST INVENTORY AND MANAGEMENT.***

11 *Section 17 of the Cooperative Forestry Assistance Act*
 12 *of 1978 (16 U.S.C. 2101 note; Public Law 95313) is amend-*
 13 *ed to read as follows:*

14 ***“SEC. 17. FOREST INVENTORY AND MANAGEMENT.***

15 *“(a) IN GENERAL.—The Secretary shall carry out a*
 16 *program using geospatial and information management*
 17 *technologies (including remote sensing imaging and deci-*
 18 *sion support systems) to inventory, monitor, characterize,*
 19 *assess, and identify forest stands and potential forest stands*
 20 *on—*

21 *“(1) units of the National Forest System; and*

22 *“(2) private forest land, with the consent of the*
 23 *owner of the land.*

24 *“(b) MEANS.—The Secretary shall carry out the pro-*
 25 *gram through the use of—*

1 “(1) remote sensing technology of the National
2 Aeronautics and Space Administration and the
3 United States Geological Survey;

4 “(2) emerging geospatial capabilities in research
5 activities;

6 “(3) validating techniques, including coordina-
7 tion and reconciliation with existing data through
8 field verification, using application demonstrations;
9 and

10 “(4) integration of results into pilot operational
11 systems.

12 “(c) *ISSUES TO BE ADDRESSED.*—In carrying out the
13 program, the Secretary shall address issues including—

14 “(1) early detection, identification, and assess-
15 ment of environmental threats (including insect, dis-
16 ease, invasive species, fire, acid deposition, and
17 weather-related risks and other episodic events);

18 “(2) loss or degradation of forests;

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

21 “(4) quantification of carbon uptake rates;

22 “(5) management practices that focus on pre-
23 venting further forest degradation; and

24 “(6) characterization of vegetation types, density,
25 fire regimes, post-fire effects, and condition class.

1 “(d) *EARLY WARNING SYSTEM.*—*In carrying out the*
2 *program, the Secretary shall develop a comprehensive early*
3 *warning system for potential catastrophic environmental*
4 *threats to forests to increase the likelihood that forest man-*
5 *agers will be able to—*

6 “(1) *isolate and treat a threat before the threat*
7 *gets out of control; and*

8 “(2) *prevent epidemics, such as the American*
9 *chestnut blight in the first half of the twentieth cen-*
10 *tury, that could be environmentally and economically*
11 *devastating to forests.*

12 “(e) *ADMINISTRATION.*—*To carry out this section, the*
13 *Secretary shall—*

14 “(1) *designate a facility within Forest Service*
15 *Region 8 that—*

16 “(A) *is best-suited to take advantage of ex-*
17 *isting resources to coordinate and carry out the*
18 *program through the means described in sub-*
19 *section (b); and*

20 “(B) *will address the issues described in*
21 *subsection (c), with a particular emphasis on*
22 *hardwood forest stands in the Eastern United*
23 *States; and*

24 “(2) *designate a facility in the Ochoco National*
25 *Forest headquarters within Forest Service Region 6*

1 *that will address the issues described in subsection (c),*
2 *with a particular emphasis on coniferous forest*
3 *stands in the Western United States.*

4 “(f) *AUTHORIZATION OF APPROPRIATIONS.—There are*
5 *authorized to be appropriated such sums as are necessary*
6 *to carry out this section.”.*

7 **SEC. 1102. PROGRAM FOR EMERGENCY TREATMENT AND**
8 **REDUCTION OF NONNATIVE INVASIVE**
9 **PLANTS.**

10 (a) *DEFINITIONS.—In this section:*

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

16 (2) *INTERMIX COMMUNITY.—The term “intermix*
17 *community” has the meaning given the term in the*
18 *notice published at 66 Fed. Reg. 751 (January 4,*
19 *2001) (including any subsequent revision to the no-*
20 *tice).*

21 (3) *PLANT.—The term “plant” includes—*

22 (A) *a tree;*

23 (B) *a shrub; and*

24 (C) *a vine.*

1 (4) *PROGRAM.*—*The term “program” means the*
2 *program for emergency treatment and reduction of*
3 *nonnative invasive plants established under sub-*
4 *section (b)(1).*

5 (5) *SECRETARIES.*—*The term “Secretaries”*
6 *means the Secretary of Agriculture and the Secretary*
7 *of the Interior, acting jointly.*

8 (b) *ESTABLISHMENT.*—

9 (1) *IN GENERAL.*—*The Secretaries shall establish*
10 *a program for emergency treatment and reduction of*
11 *nonnative invasive plants to provide to State and*
12 *local governments and agencies, conservation districts,*
13 *tribal governments, and willing private landowners*
14 *grants for use in carrying out hazardous fuel reduc-*
15 *tion projects to address threats of catastrophic fires*
16 *that have been determined by the Secretaries to pose*
17 *a serious threat to—*

18 (A) *property;*

19 (B) *human life; or*

20 (C) *the ecological stability of an area.*

21 (2) *COORDINATION.*—*In carrying out the pro-*
22 *gram, the Secretaries shall coordinate with such Fed-*
23 *eral agencies, State and local governments and agen-*
24 *cies, and conservation districts as are affected by*
25 *projects under the program.*

1 (c) *ELIGIBLE LAND.*—A project under the program
2 shall—

3 (1) be carried out only on land that is located—

4 (A) in an interface community or intermix
5 community; or

6 (B) in such proximity to an interface com-
7 munity or intermix community as would pose a
8 significant risk in the event of the spread of a
9 fire disturbance event from the land (including
10 a risk that would threaten human life or prop-
11 erty in proximity to or within the interface com-
12 munity or intermix community), as determined
13 by the Secretaries;

14 (2) remove fuel loads determined by the Secre-
15 taries, a State or local government, a tribal govern-
16 ment, or a private landowner to pose a serious threat
17 to—

18 (A) property;

19 (B) human life; or

20 (C) the ecological stability of an area; and

21 (3) involve the removal of nonnative invasive
22 plants.

23 (d) *USE OF FUNDS.*—Funds made available for a
24 project under the program shall be used only for—

1 (1) *the removal of plants or other potential fuels*
2 *that are—*

3 (A) *adjacent to or within the wildland*
4 *urban interface; or*

5 (B) *adjacent to a municipal watershed,*
6 *river, or water course;*

7 (2) *the removal of erosion structures that impede*
8 *the removal of nonnative plants; or*

9 (3) *the replanting of native vegetation to reduce*
10 *the reestablishment of nonnative invasive plants in a*
11 *treatment area.*

12 (e) *REVOLVING FUND.—*

13 (1) *IN GENERAL.—In the case of a grant pro-*
14 *vided to a willing owner to carry out a project on*
15 *non-Federal land under this section, the owner shall*
16 *deposit into a revolving fund established by the Secre-*
17 *taries any proceeds derived from the sale of timber or*
18 *biomass removed from the non-Federal land under the*
19 *project.*

20 (2) *USE.—The Secretaries shall use amounts in*
21 *the revolving fund to make additional grants under*
22 *this section.*

23 (f) *AUTHORIZATION OF APPROPRIATIONS.—There are*
24 *authorized to be appropriated such sums as are necessary*

1 *to carry out this section, to remain available until ex-*
2 *pended.*

3 **SEC. 1103. USDA NATIONAL AGROFORESTRY CENTER.**

4 (a) *IN GENERAL.*—Section 1243 of the Food, Agri-
5 culture, Conservation, and Trade Act of 1990 (16 U.S.C.
6 1642 note; Public Law 101–624) is amended—

7 (1) *by striking the section heading and inserting*
8 *the following:*

9 **“SEC. 1243. USDA NATIONAL AGROFORESTRY CENTER.”;**

10 *and*

11 (2) *in subsection (a)—*

12 (A) *by striking “SEMIARID” and inserting*
13 *“USDA NATIONAL”;* and

14 (B) *by striking “Semiarid” and inserting*
15 *“USDA National”.*

16 (b) *PROGRAM.*—Section 1243(b) of the Food, Agri-
17 culture, Conservation, and Trade Act of 1990 (16 U.S.C.
18 1642 note; Public Law 101–624) is amended—

19 (1) *by inserting “local governments, community*
20 *organizations, the Institute of Tropical Forestry and*
21 *the Institute of Pacific Islands Forestry of the Forest*
22 *Service,” after “entities,”;*

23 (2) *in paragraph (1), by striking “on semiarid*
24 *lands”;*

1 (3) in paragraph (3), by striking “from semiarid
2 land”;

3 (4) by striking paragraph (4) and inserting the
4 following:

5 “(4) collect information on the design, installa-
6 tion, and function of forested riparian and upland
7 buffers to—

8 “(A) protect water quality; and

9 “(B) manage water flow;”;

10 (5) in paragraphs (6) and (7), by striking “on
11 semiarid lands” each place it appears;

12 (6) by striking paragraph (8) and inserting the
13 following:

14 “(8) provide international leadership in the
15 worldwide development and exchange of agroforestry
16 practices;”;

17 (7) in paragraph (9), by striking “on semiarid
18 lands”;

19 (8) in paragraph (10), by striking “and” at the
20 end;

21 (9) in paragraph (11), by striking the period at
22 the end and inserting a semicolon; and

23 (10) by adding at the end the following:

24 “(12) quantify the carbon storage potential of
25 agroforestry practices such as—

1 “(A) windbreaks;

2 “(B) forested riparian buffers;

3 “(C) silvopasture timber and grazing sys-
4 tems; and

5 “(D) alley cropping; and

6 “(13) modify and adapt riparian forest buffer
7 technology used on agricultural land for use by com-
8 munities to manage stormwater runoff.”.

9 **SEC. 1104. UPLAND HARDWOODS RESEARCH CENTER.**

10 (a) *IN GENERAL.*—Not later than 180 days after the
11 date of enactment of this Act, the Secretary of Agriculture
12 shall establish an Upland Hardwood Research Center.

13 (b) *LOCATION.*—The Secretary of Agriculture shall lo-
14 cate the Research Center in an area that, as determined
15 by the Secretary of Agriculture, would best use and study
16 the upland hardwood resources of the Ozark Mountains and
17 the South.

18 (c) *DUTIES.*—The Upland Hardwood Research Center
19 shall, in conjunction with the Southern Forest Research
20 Station of the Department of Agriculture—

21 (1) provide the scientific basis for sustainable
22 management of southern upland hardwood forests,
23 particularly in the Ozark Mountains and associated
24 mountain and upland forests; and

1 (2) *conduct research in all areas to emphasize*
2 *practical application toward the use and preservation*
3 *of upland hardwood forests, particularly—*

4 (A) *the effects of pests and pathogens on up-*
5 *land hardwoods;*

6 (B) *hardwood stand regeneration and re-*
7 *productive biology;*

8 (C) *upland hardwood stand management*
9 *and forest health;*

10 (D) *threatened, endangered, and sensitive*
11 *aquatic and terrestrial fauna;*

12 (E) *ecological processes and hardwood eco-*
13 *system restoration; and*

14 (F) *education and outreach to nonindus-*
15 *trial private forest landowners and associations.*

16 (d) *RESEARCH.—In carrying out the duties under sub-*
17 *section (c), the Upland Hardwood Research Center shall—*

18 (1) *cooperate with the Center for Bottomland*
19 *Hardwood Research of the Southern Forest Research*
20 *Station of the Department of Agriculture, located in*
21 *Stoneville, Mississippi; and*

22 (2) *provide comprehensive research in the Mid-*
23 *South region of the United States, the Upland Forests*
24 *Ecosystems Unit of the Southern Forest Research Sta-*

1 *tion of the Department of Agriculture, located in*
2 *Monticello, Arkansas.*

3 *(e) PARTICIPATION OF PRIVATE LANDOWNERS.—The*
4 *Secretary of Agriculture shall encourage and facilitate the*
5 *participation of private landowners in the program under*
6 *this section.*

7 *(f) AUTHORIZATION OF APPROPRIATIONS.—There is*
8 *authorized to be appropriated to carry out this section*
9 *\$2,500,000 for each fiscal year.*

10 **SEC. 1105. EMERGENCY FUEL REDUCTION GRANTS.**

11 *(a) IN GENERAL.—The Secretary of Agriculture shall*
12 *establish an emergency fuel reduction grant program under*
13 *which the Secretary shall provide grants to State and local*
14 *agencies to carry out hazardous fuel reduction projects ad-*
15 *dressing threats of catastrophic fire that pose a serious*
16 *threat to human life, as determined by the Forest Service.*

17 *(b) ELIGIBLE PROJECTS.—To be eligible to be carried*
18 *out with a grant under the program, a hazardous fuel re-*
19 *duction project shall—*

20 *(1) be surrounded by or immediately adjacent to*
21 *the boundary of a national forest;*

22 *(2) be determined to be of paramount urgency,*
23 *as indicated by declarations to that effect by both*
24 *local officials and the Governor of the State in which*
25 *in the project is to be carried out; and*

1 (3) *remove fuel loading that poses a serious*
2 *threat to human life, as determined by the Forest*
3 *Service.*

4 (c) *USES OF GRANTS.*—*A grant under the program*
5 *may be used only—*

6 (1) *to remove trees, shrubs, or other potential fuel*
7 *adjacent to a primary evacuation route;*

8 (2) *to remove trees, shrubs, or other potential fuel*
9 *that are adjacent to an emergency response center,*
10 *emergency communication facility, or site designated*
11 *as a shelter-in-place facility; or*

12 (3) *to conduct an evacuation drill or prepara-*
13 *tion.*

14 (d) *REVOLVING FUND.*—

15 (1) *IN GENERAL.*—*In the case of a grant under*
16 *the program that is used to carry out a project on*
17 *private or county land, the grant recipient shall de-*
18 *posit in a revolving fund maintained by the Secretary*
19 *any proceeds from the sale of timber or biomass as a*
20 *result of the project.*

21 (2) *USE.*—*The Secretary shall use amounts in*
22 *the revolving fund to make other grants under this*
23 *section, without further appropriation.*

24 (e) *AUTHORIZATION OF APPROPRIATIONS.*—*There are*
25 *authorized to be appropriated to the Secretary of Agri-*

1 *culture to carry out this section \$50,000,000 for each fiscal*
2 *year.*

3 **SEC. 1106. EASTERN NEVADA LANDSCAPE COALITION.**

4 *(a) IN GENERAL.—(1) The Secretary of Agriculture*
5 *and the Secretary of the Interior are authorized to make*
6 *grants to the Eastern Nevada Landscape Coalition for the*
7 *study and restoration of rangeland and other lands in Ne-*
8 *vada's Great Basin in order to help assure the reduction*
9 *of hazardous fuels and for related purposes.*

10 *(2) Notwithstanding sections 6301 through 6308 of*
11 *title 31, United States Code, the Director of the Bureau of*
12 *Land Management shall enter into a cooperative agreement*
13 *with the Eastern Nevada Landscape Coalition for the Great*
14 *Basin Restoration Project, including hazardous fuels and*
15 *mechanical treatments and related work.*

16 *(b) AUTHORIZATION OF APPROPRIATIONS.—There are*
17 *authorized to be appropriated such sums as are necessary*
18 *to carry out this section.*

19 **SEC. 1107. SENSE OF CONGRESS REGARDING ENHANCED**
20 **COMMUNITY FIRE PROTECTION.**

21 *It is the sense of Congress to reaffirm the importance*
22 *of enhanced community fire protection program, as de-*
23 *scribed in section 10A of the Cooperative Forestry Assist-*
24 *ance Act of 1978 (16 U.S.C. 2106c) (as added by section*

1 8003(b) of the Farm Security and Rural Investment Act
2 of 2002 (Public Law 107–171; 116 Stat. 473)).

3 **SEC. 1108. COLLABORATIVE MONITORING.**

4 (a) *IN GENERAL.*—The Secretaries shall establish a
5 collaborative monitoring, evaluation, and accountability
6 process in order to assess the positive or negative ecological
7 and social effects of a representative sampling of projects
8 implemented pursuant to title I and section 404 of this Act.
9 The Secretaries shall include diverse stakeholders, including
10 interested citizens and Indian tribes, in the monitoring and
11 evaluation process.

12 (b) *MEANS.*—The Secretaries may collect monitoring
13 data using cooperative agreements, grants or contracts with
14 small or micro-businesses, cooperatives, nonprofit organiza-
15 tions, Youth Conservation Corps work crews or related part-
16 nerships with State, local, and other non-Federal conserva-
17 tion corps.

18 (c) *FUNDS.*—Funds to implement this section shall be
19 derived from hazardous fuels operations funds.

20 **SEC. 1109. BEST-VALUE CONTRACTING.**

21 To conduct a project under this Act, the Secretaries
22 may use best value contracting criteria in awarding con-
23 tracts and agreements. Best-value contracting criteria
24 includes—

1 (1) *the ability of the contractor to meet the eco-*
2 *logical goals of the projects;*

3 (2) *the use of equipment that will minimize or*
4 *eliminate impacts on soils; and*

5 (3) *benefits to local communities such as ensur-*
6 *ing that the byproducts are processed locally.*

7 **SEC. 1110. SUBURBAN AND COMMUNITY FORESTRY AND**
8 **OPEN SPACE PROGRAM; FOREST LEGACY**
9 **PROGRAM.**

10 (a) *SUBURBAN AND COMMUNITY FORESTRY AND OPEN*
11 *SPACE PROGRAM.—The Cooperative Forestry Assistance*
12 *Act of 1978 (16 U.S.C. 2101 et seq.) is amended by adding*
13 *at the end the following:*

14 **“SEC. 21. SUBURBAN AND COMMUNITY FORESTRY AND**
15 **OPEN SPACE PROGRAM.**

16 “(a) *DEFINITIONS.—In this section:*

17 “(1) *COMMITTEE.—The term ‘Committee’ means*
18 *a State Forest Stewardship Coordinating Committee*
19 *established under section 19(b).*

20 “(2) *ELIGIBLE ENTITY.—The term ‘eligible enti-*
21 *ty’ means a unit of local government or a nonprofit*
22 *organization that—*

23 “(A) *the Secretary determines, in accord-*
24 *ance with the criteria established under sub-*

1 *section (c)(1)(A)(ii)(II) is eligible to receive a*
2 *grant under subsection (c)(2); and*

3 *“(B) the State forester, in consultation with*
4 *the Committee, determines—*

5 *“(i) has the abilities necessary to ac-*
6 *quire and manage interests in real prop-*
7 *erty; and*

8 *“(ii) has the resources necessary to*
9 *monitor and enforce any terms applicable*
10 *to the eligible project.*

11 *“(3) ELIGIBLE PROJECT.—The term ‘eligible*
12 *project’ means a fee purchase, easement, or donation*
13 *of land to conserve private forest land identified for*
14 *conservation under subsection (c)(1)(A)(ii)(I).*

15 *“(4) INDIAN TRIBE.—The term ‘Indian tribe’ has*
16 *the meaning given the term in section 4 of the Indian*
17 *Self-Determination and Education Assistance Act (25*
18 *U.S.C. 450b).*

19 *“(5) NONPROFIT ORGANIZATION.—The term*
20 *‘nonprofit organization’ means any organization that*
21 *is—*

22 *“(A) described in section 501(c) of the In-*
23 *ternal Revenue Code of 1986; and*

24 *“(B) exempt from taxation under 501(a) of*
25 *the Internal Revenue Code of 1986.*

1 “(6) *PRIVATE FOREST LAND.*—*The term ‘private*
2 *forest land’ means land that is—*

3 “(A) *capable of producing commercial forest*
4 *products; and*

5 “(B) *owned by—*

6 “(i) *a private entity; or*

7 “(ii) *an Indian tribe.*

8 “(7) *PROGRAM.*—*The term ‘program’ means the*
9 *Suburban and Community Forestry and Open Space*
10 *Program established by subsection (b).*

11 “(8) *SECRETARY.*—*The term ‘Secretary’ means*
12 *the Secretary of Agriculture, acting through the Chief*
13 *of the Forest Service.*

14 “(b) *ESTABLISHMENT.*—

15 “(1) *IN GENERAL.*—*There is established within*
16 *the Forest Service a program to be known as the*
17 *‘Suburban and Community Forestry and Open Space*
18 *Program’.*

19 “(2) *PURPOSE.*—*The purpose of the program is*
20 *to provide assistance to eligible entities to carry out*
21 *eligible projects in States in which less than 25 per-*
22 *cent of the land is owned by the United States to—*

23 “(A) *conserve private forest land and main-*
24 *tain working forests in areas threatened by sig-*

1 *nificant suburban sprawl or by conversion to*
2 *nonforest uses; and*

3 “(B) *provide communities a means by*
4 *which to address significant suburban sprawl.*

5 “(c) *GRANT PROGRAM.—*

6 “(1) *IDENTIFICATION OF ELIGIBLE PRIVATE FOR-*
7 *EST LAND.—*

8 “(A) *CRITERIA.—*

9 “(i) *NATIONAL CRITERIA.—The Sec-*
10 *retary shall establish national eligibility*
11 *criteria for the identification of private for-*
12 *est land that may be conserved under this*
13 *section.*

14 “(ii) *STATE CRITERIA.—The State for-*
15 *ester, in consultation with the Committee,*
16 *shall, based on the criteria established under*
17 *clause (i), and subject to the approval of the*
18 *Secretary, establish criteria for—*

19 “(I) *the identification, subject to*
20 *subparagraph (B), of private forest*
21 *land in each State that may be con-*
22 *served under this section; and*

23 “(II) *the identification of eligible*
24 *entities.*

1 “(B) *CONDITIONS FOR ELIGIBLE PRIVATE*
2 *FOREST LAND.—Private forest land identified for*
3 *conservation under subparagraph (A)(i)(I) shall*
4 *be land that—*

5 “(i) *is located in a State in which less*
6 *than 25 percent of the land is owned by the*
7 *United States; and*

8 “(ii) *as determined by the State for-*
9 *ester, in consultation with the Committee*
10 *and subject to the approval of the*
11 *Secretary—*

12 “(I) *is located in an area that is*
13 *affected, or threatened to be affected, by*
14 *significant suburban sprawl, taking*
15 *into account housing needs in the area;*
16 *and*

17 “(II) *is threatened by present or*
18 *future conversion to nonforest use.*

19 “(2) *GRANTS.—*

20 “(A) *ELIGIBLE PROJECTS.—*

21 “(i) *IN GENERAL.—In carrying out*
22 *this section, the Secretary shall award com-*
23 *petitive grants to eligible entities to carry*
24 *out eligible projects.*

1 “(i) *PUBLIC ACCESS.*—*Eligible enti-*
2 *ties are encouraged to provide public access*
3 *to land on which an eligible project is car-*
4 *ried out.*

5 “(B) *APPLICATION; STEWARDSHIP PLAN.*—
6 *An eligible entity that seeks to receive a grant*
7 *under this section shall submit to the State*
8 *forester—*

9 “(i) *at such time and in such form as*
10 *the Secretary shall prescribe, an application*
11 *for the grant (including a description of*
12 *any private forest land to be conserved*
13 *using funds from the grant and a descrip-*
14 *tion of the extent of the threat of conversion*
15 *to nonforest use); and*

16 “(ii) *a stewardship plan that describes*
17 *the manner in which—*

18 “(I) *any private forest land to be*
19 *conserved using funds from the grant*
20 *will be managed in accordance with*
21 *this section;*

22 “(II) *the stewardship plan will be*
23 *implemented; and*

1 “(III) the public benefits to be
2 achieved from implementation of the
3 stewardship plan.

4 “(C) ASSESSMENT OF NEED.—With respect
5 to an application submitted under subparagraph
6 (B), the State forester shall—

7 “(i) assess the need for preserving sub-
8 urban forest land and open space and con-
9 taining suburban sprawl in the State, tak-
10 ing into account the housing needs of the
11 area in which the eligible project is to be
12 carried out; and

13 “(ii) submit to the Secretary—

14 “(I) the application submitted
15 under subparagraph (B); and

16 “(II) the assessment of need.

17 “(D) APPROVAL OR DISAPPROVAL.—

18 “(i) IN GENERAL.—Subject to clause
19 (ii), as soon as practicable after the date on
20 which the Secretary receives an application
21 under subparagraph (C)(ii) or a resubmis-
22 sion under subclause (II)(bb)(BB), the Sec-
23 retary shall—

24 “(I) review the application; and

1 “(II)(aa) award a grant to the
2 applicant; or

3 “(bb)(AA) disapprove the applica-
4 tion; and

5 “(BB) provide the applicant a
6 statement that describes the reasons
7 why the application was disapproved
8 (including a deadline by which the ap-
9 plicant may resubmit the application).

10 “(ii) CONSIDERATIONS; PRIORITY.—In
11 awarding grants under this section, the Sec-
12 retary shall—

13 “(I) consider the need for the eli-
14 gible project based on the assessment of
15 need submitted under subparagraph
16 (C) and subject to any criteria under
17 paragraph (1); and

18 “(II) give priority to applicants
19 that propose to fund eligible projects
20 that promote—

21 “(aa) the preservation of sub-
22 urban forest land and open space;

23 “(bb) the containment of sub-
24 urban sprawl;

1 “(cc) *the sustainable manage-*
2 *ment of private forest land;*

3 “(dd) *community involve-*
4 *ment in determining the objectives*
5 *for eligible projects that are fund-*
6 *ed under this section; and*

7 “(ee) *community and school*
8 *education programs and curricula*
9 *relating to sustainable forestry.*

10 “(3) *COST SHARING.—*

11 “(A) *IN GENERAL.—The amount of a grant*
12 *awarded under this section to carry out an eligi-*
13 *ble project shall not exceed 50 percent of the total*
14 *cost of the eligible project.*

15 “(B) *ASSURANCES.—As a condition of re-*
16 *ceipt of a grant under this section, an eligible*
17 *entity shall provide to the Secretary such assur-*
18 *ances as the Secretary determines are sufficient*
19 *to demonstrate that the share of the cost of each*
20 *eligible project that is not funded by the grant*
21 *awarded under this section has been secured.*

22 “(C) *FORM.—The share of the cost of car-*
23 *rying out any eligible project described in sub-*
24 *paragraph (A) that is not funded by a grant*

1 *awarded under this section may be provided in*
 2 *cash or in kind (including a donation of land).*

3 “(d) *USE OF GRANT FUNDS FOR PURCHASES OF LAND*
 4 *OR EASEMENTS.—*

5 “(1) *PURCHASES.—*

6 “(A) *IN GENERAL.—Except as provided in*
 7 *subparagraph (B), funds made available, and*
 8 *grants awarded, under this section may be used*
 9 *to purchase private forest land or interests in*
 10 *private forest land (including conservation ease-*
 11 *ments) only from willing sellers at fair market*
 12 *value.*

13 “(B) *SALES AT LESS THAN FAIR MARKET*
 14 *VALUE.—A sale of private forest land or an in-*
 15 *terest in private forest land at less than fair*
 16 *market value shall be permitted only on certifi-*
 17 *cation by the landowner that the sale is being*
 18 *entered into willingly and without coercion.*

19 “(2) *TITLE.—Title to private forest land or an*
 20 *interest in private forest land purchased under para-*
 21 *graph (1) may be held, as determined appropriate by*
 22 *the Secretary, by—*

23 “(A) *a State;*

24 “(B) *a unit of local government; or*

25 “(C) *a nonprofit organization.*

1 “(3) *TERMINATION OF EASEMENT.*—

2 “(A) *IN GENERAL.*—*Except as provided in*
3 *subparagraph (B), all right, title, and interest of*
4 *a unit of local government or nonprofit organi-*
5 *zation in and to a conservation easement shall*
6 *terminate and vest in the State if the State de-*
7 *termines that—*

8 “(i) *the unit of local government or*
9 *nonprofit organization is unable or unwill-*
10 *ing to enforce the terms of the conservation*
11 *easement; or*

12 “(ii) *the conservation easement has*
13 *been modified in a way that is inconsistent*
14 *with the purposes of the program.*

15 “(B) *CONVEYANCE TO ANOTHER UNIT OF*
16 *LOCAL GOVERNMENT OR NONPROFIT ORGANIZA-*
17 *TION.*—*If the State makes a determination under*
18 *subparagraph (A), the State may convey or au-*
19 *thorize the unit of local government or nonprofit*
20 *organization to convey the conservation easement*
21 *to another unit of local government or nonprofit*
22 *organization.*

23 “(e) *ADMINISTRATIVE COSTS.*—*The State, on approval*
24 *of the Secretary and subject to any regulations promulgated*
25 *by the Secretary, may use amounts made available under*

1 subsection (g) to pay the administrative costs of the State
2 relating to the program.

3 “(f) *REPORT.*—The Secretary shall submit to Congress
4 a report on the eligible projects carried out under this sec-
5 tion in accordance with section 8(c) of the Forest and
6 Rangeland Renewable Resources Planning Act of 1974 (16
7 U.S.C. 1606(c)).

8 “(g) *AUTHORIZATION OF APPROPRIATIONS.*—There
9 are authorized to be appropriated to carry out this
10 section—

11 “(1) \$50,000,000 for fiscal year 2004; and

12 “(2) such sums as are necessary for each fiscal
13 year thereafter.”.

14 (b) *FOREST LEGACY PROGRAM.*—Section 7 of the Co-
15 operative Forestry Assistance Act of 1978 (16 U.S.C. 2103c)
16 is amended—

17 (1) in subsection (c), by striking the last sen-
18 tence;

19 (2) in subsection (i), by striking “subsection (b)”
20 and inserting “this section”;

21 (3) in subsection (j)(1), by inserting “(other than
22 by donation)” after “acquired”;

23 (4) in subsection (k)(2), by striking “the United
24 States or its” and inserting “the United States, a
25 State, or other entity, or their”; and

1 (5) in subsection (l), by adding at the end the
2 following:

3 “(3) STATE AUTHORIZATION.—

4 “(A) DEFINITION OF STATE FORESTER.—

5 The term ‘State forester’ has the meaning given
6 the term in section 4(k).

7 “(B) IN GENERAL.—Notwithstanding sub-
8 section (c) and paragraph (2)(B), the Secretary
9 shall, on request by a State, authorize the State
10 to allow a qualified organization (as defined in
11 section 170(h)(3) of the Internal Revenue Code of
12 1986) and that is organized for at least 1 of the
13 purposes described in section 170(h)(4)(A) of
14 that Code, using amounts granted to a State
15 under this paragraph, to acquire 1 or more con-
16 servation easements to carry out the Forest Leg-
17 acy Program in the State.

18 “(C) ELIGIBILITY.—To be eligible to acquire
19 and manage conservation easements under this
20 paragraph, a qualified organization described in
21 subparagraph (B) shall, as determined by the
22 Secretary, acting through the State forester, dem-
23 onstrate the abilities necessary to acquire, mon-
24 itor, and enforce interests in forest land con-

1 *sistent with the Forest Legacy Program and the*
2 *assessment of need for the State.*

3 “(D) *MONITORING AND ENFORCEMENT.*—

4 “(i) *IN GENERAL.*—*A qualified organi-*
5 *zation that acquires a conservation ease-*
6 *ment under this paragraph shall be respon-*
7 *sible for monitoring and enforcing the terms*
8 *of the conservation easement and any of the*
9 *costs of the qualified organization associated*
10 *with such monitoring and enforcement.*

11 “(ii) *CONTINGENT RIGHTS.*—*If a*
12 *qualified organization that acquires a con-*
13 *servaion easement under this paragraph*
14 *fails to enforce the terms of the conservation*
15 *easement, as determined by the State, the*
16 *State or the Secretary shall have the right*
17 *to enforce the terms of the conservation ease-*
18 *ment under Federal or State law.*

19 “(iii) *AMENDMENTS.*—*Any amend-*
20 *ments to a conservation easement that ma-*
21 *terially affect the terms of the conservation*
22 *easement shall be subject to approval by the*
23 *Secretary or the State, as appropriate.*

24 “(E) *TERMINATION OF EASEMENT.*—

1 “(i) *IN GENERAL.*—*Except as provided*
2 *in clause (ii), all right, title, and interest of*
3 *a qualified organization described in sub-*
4 *paragraph (B) in and to a conservation*
5 *easement shall terminate and vest in the*
6 *State or a qualified designee if the State de-*
7 *termines that—*

8 “(I) *the qualified organization*
9 *fails to enforce the terms of the con-*
10 *servation easement;*

11 “(II) *the conservation easement*
12 *has been modified in a way that is in-*
13 *consistent with the purposes of the For-*
14 *est Legacy Program or the assessment*
15 *of need for the State; or*

16 “(III) *the conservation easement*
17 *has been conveyed to another person*
18 *(other than to a qualified organiza-*
19 *tion).*

20 “(ii) *CONVEYANCE TO ANOTHER QUALI-*
21 *FIED ORGANIZATION.*—*If the State makes a*
22 *determination under clause (i), the State*
23 *may convey or authorize the qualified orga-*
24 *nization to convey the conservation ease-*
25 *ment to another qualified organization.*

1 “(F) *IMPLEMENTATION.*—*The Secretary,*
2 *acting through the State forester, shall imple-*
3 *ment this paragraph in accordance with the as-*
4 *essment of need for the State as approved by the*
5 *Secretary.*”.

6 **SEC. 1111. WILDLAND FIREFIGHTER SAFETY.**

7 (a) *DEFINITION OF SECRETARY.*—*In this section, the*
8 *term “Secretary” means—*

9 (1) *the Secretary of Agriculture, with respect to*
10 *land of the National Forest System described in sec-*
11 *tion 3(1)(A); and*

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

14 (b) *FIREFIGHTER SAFETY AND TRAINING BUDGET.*—
15 *The Secretary shall—*

16 (1) *track funds expended for firefighter safety*
17 *and training programs and activities; and*

18 (2) *include a line item for such expenditures in*
19 *each budget request submitted after the date of enact-*
20 *ment of this Act.*

21 (c) *ANNUAL REPORT TO CONGRESS.*—*The Secretaries*
22 *shall, on an annual basis, jointly submit to Congress a re-*
23 *port on the implementation and efficacy of wildland fire-*
24 *fighter safety and training programs and activities.*

1 (d) *SAFETY QUALIFICATION OF PRIVATE CONTRAC-*
2 *TORS.—*

3 (1) *IN GENERAL.—The Secretaries shall ensure*
4 *that any Federal contract or agreement entered into*
5 *with a private entity for wildland firefighting services*
6 *requires the entity to provide firefighter training that*
7 *is consistent with qualification standards established*
8 *by the National Wildfire Coordinating Group.*

9 (2) *COMPLIANCE.—The Secretaries shall develop*
10 *a program to monitor and enforce compliance with*
11 *the requirements of paragraph (1).*

12 **SEC. 1112. GREEN MOUNTAIN NATIONAL FOREST BOUND-**
13 **ARY ADJUSTMENT.**

14 (a) *IN GENERAL.—The boundaries of the Green Moun-*
15 *tain National Forest are modified to include all parcels of*
16 *land depicted on the forest maps entitled “Green Mountain*
17 *Expansion Area Map I” and “Green Mountain Expansion*
18 *Area Map II”, each dated February 20, 2002, which shall*
19 *be on file and available for public inspection in the Office*
20 *of the Chief of the Forest Service, Washington, District of*
21 *Columbia.*

22 (b) *MANAGEMENT.—Federally owned land delineated*
23 *on the maps acquired for National Forest purposes shall*
24 *continue to be managed in accordance with the laws (in-*

1 *cluding regulations) applicable to the National Forest Sys-*
2 *tem.*

3 (c) *LAND AND WATER CONSERVATION FUND.*—*For the*
4 *purposes of section 7 of the Land and Water Conservation*
5 *Fund Act of 1965 (16 U.S.C. 460–9), the boundaries of the*
6 *Green Mountain National Forest, as adjusted by this Act,*
7 *shall be considered to be the boundaries of the national for-*
8 *est as of January 1, 1965.*

9 **SEC. 1113. PUERTO RICO KARST CONSERVATION.**

10 (a) *SHORT TITLE.*—*This section may be cited as the*
11 *“Puerto Rico Karst Conservation Act of 2003”.*

12 (b) *FINDINGS.*—*Congress finds that—*

13 (1) *in the Karst Region of the Commonwealth of*
14 *Puerto Rico there are—*

15 (A) *some of the largest areas of tropical for-*
16 *ests in Puerto Rico, with a higher density of tree*
17 *species than any other area in the Common-*
18 *wealth; and*

19 (B) *unique geological formations that are*
20 *critical to the maintenance of aquifers and wa-*
21 *tersheds that constitute a principal water supply*
22 *for much of the Commonwealth;*

23 (2) *the Karst Region is threatened by develop-*
24 *ment that, if unchecked, could permanently damage*
25 *the aquifers and cause irreparable damage to natural*

1 *and environmental assets that are unique to the*
2 *United States;*

3 *(3) the Commonwealth has 1 of the highest popu-*
4 *lation densities in the United States, which makes the*
5 *protection of the Karst Region imperative for the*
6 *maintenance of the public health and welfare of the*
7 *citizens of the Commonwealth;*

8 *(4) the Karst Region—*

9 *(A) possesses extraordinary ecological diver-*
10 *sity, including the habitats of several endangered*
11 *and threatened species and tropical migrants;*
12 *and*

13 *(B) is an area of critical value to research*
14 *in tropical forest management; and*

15 *(5) coordinated efforts at land protection by the*
16 *Federal Government and the Commonwealth are nec-*
17 *essary to conserve the environmentally critical Karst*
18 *Region.*

19 *(c) PURPOSES.—The purposes of this section are—*

20 *(1) to authorize and support conservation efforts*
21 *to acquire, manage, and protect the tropical forest*
22 *areas of the Karst Region, with particular emphasis*
23 *on water quality and the protection of the aquifers*
24 *that are vital to the health and wellbeing of the citi-*
25 *zens of the Commonwealth; and*

1 (2) *to promote cooperation among the Common-*
2 *wealth, Federal agencies, corporations, organizations,*
3 *and individuals in those conservation efforts.*

4 (d) *DEFINITIONS.—In this section:*

5 (1) *COMMONWEALTH.—The term “Common-*
6 *wealth” means the Commonwealth of Puerto Rico.*

7 (2) *FOREST LEGACY PROGRAM.—The term “For-*
8 *est Legacy Program” means the program established*
9 *under section 7 of the Cooperative Forestry Assistance*
10 *Act of 1978 (16 U.S.C. 2103c).*

11 (3) *FUND.—The term “Fund” means the Puerto*
12 *Rico Karst Conservation Fund established by sub-*
13 *section (f).*

14 (4) *KARST REGION.—The term “Karst Region”*
15 *means the areas in the Commonwealth generally de-*
16 *scribed on the map entitled “Karst Region Conserva-*
17 *tion Area” and dated March 2001, which shall be on*
18 *file and available for public inspection in—*

19 (A) *the Office of the Secretary, Puerto Rico*
20 *Department of Natural and Environmental Re-*
21 *sources; and*

22 (B) *the Office of the Chief of the Forest*
23 *Service.*

24 (5) *LAND.—The term “land” includes land,*
25 *water, and an interest in land or water.*

1 (6) *SECRETARY.*—*The term “Secretary” means*
2 *the Secretary of Agriculture.*

3 (e) *CONSERVATION OF THE KARST REGION.*—

4 (1) *FEDERAL COOPERATION AND ASSISTANCE.*—
5 *In furtherance of the acquisition, protection, and*
6 *management of land in and adjacent to the Karst Re-*
7 *gion and in implementing related natural resource*
8 *conservation strategies, the Secretary may—*

9 (A) *make grants to and enter into contracts*
10 *and cooperative agreements with the Common-*
11 *wealth, other Federal agencies, organizations,*
12 *corporations, and individuals; and*

13 (B) *use all authorities available to the Sec-*
14 *retary, including—*

15 (i) *the Forest and Rangeland Renew-*
16 *able Resources Research Act of 1978 (16*
17 *U.S.C. 1641 et seq.);*

18 (ii) *section 1472 of the National Agri-*
19 *cultural Research, Extension, and Teaching*
20 *Policy Act of 1977 (7 U.S.C. 3318); and*

21 (iii) *section 12 of the Stevenson-Wydler*
22 *Technology Innovation Act of 1980 (15*
23 *U.S.C. 3710a).*

24 (2) *FUNDING SOURCES.*—*The activities author-*
25 *ized by this subsection may be carried out using—*

1 (A) amounts in the Fund;

2 (B) amounts in the fund established by sec-
3 tion 4(b) of the Forest and Rangeland Renewable
4 Resources Research Act of 1978 (16 U.S.C.
5 1643(b));

6 (C) funds appropriated from the Land and
7 Water Conservation Fund;

8 (D) funds appropriated for the Forest Leg-
9 acy Program; and

10 (E) any other funds made available for
11 those activities.

12 (3) *MANAGEMENT.*—

13 (A) *IN GENERAL.*—Land acquired under
14 this subsection shall be managed, in accordance
15 with the Forest and Rangeland Renewable Re-
16 sources Research Act of 1978 (16 U.S.C. 1641 et
17 seq.), in a manner to protect and conserve the
18 water quality and aquifers and the geological, ec-
19 ological, fish and wildlife, and other natural val-
20 ues of the Karst Region.

21 (B) *FAILURE TO MANAGE AS REQUIRED.*—
22 In any deed, grant, contract, or cooperative
23 agreement implementing this subsection and the
24 Forest Legacy Program in the Commonwealth,
25 the Secretary may require that, if land acquired

1 *by the Commonwealth or other cooperating enti-*
2 *ty under this section is sold or conveyed in whole*
3 *or part, or is not managed in conformity with*
4 *subparagraph (A), title to the land shall, at the*
5 *discretion of the Secretary, vest in the United*
6 *States.*

7 (4) *WILLING SELLERS.*—*Any land acquired by*
8 *the Secretary in the Karst Region shall be acquired*
9 *only from a willing seller.*

10 (5) *RELATION TO OTHER AUTHORITIES.*—*Noth-*
11 *ing in this subsection—*

12 (A) *diminishes any other authority that the*
13 *Secretary may have to acquire, protect, and*
14 *manage land and natural resources in the Com-*
15 *monwealth; or*

16 (B) *exempts the Federal Government from*
17 *Commonwealth water laws.*

18 (f) *PUERTO RICO KARST CONSERVATION FUND.*—

19 (1) *ESTABLISHMENT.*—*There is established in*
20 *the Treasury an interest-bearing account to be known*
21 *as the “Puerto Rico Karst Conservation Fund”.*

22 (2) *CREDITS TO FUND.*—*There shall be credited*
23 *to the Fund—*

24 (A) *amounts appropriated to the Fund;*

25 (B) *all amounts donated to the Fund;*

1 (C) all amounts generated from the Carib-
2 bean National Forest that would, but for this
3 paragraph, be deposited as miscellaneous receipts
4 in the Treasury of the United States, but not in-
5 cluding amounts authorized by law for payments
6 to the Commonwealth or authorized by law for
7 retention by the Secretary for any purpose;

8 (D) all amounts received by the Adminis-
9 trator of General Services from the disposal of
10 surplus real property in the Commonwealth
11 under subtitle I of title 40, United States Code;
12 and

13 (E) interest derived from amounts in the
14 Fund.

15 (3) USE OF FUND.—Amounts in the Fund shall
16 be available to the Secretary until expended, without
17 further appropriation, to carry out subsection (e).

18 (g) MISCELLANEOUS PROVISIONS.—

19 (1) DONATIONS.—

20 (A) IN GENERAL.—The Secretary may ac-
21 cept donations, including land and money, made
22 by public and private agencies, corporations, or-
23 ganizations, and individuals in furtherance of
24 the purposes of this subsection.

1 (B) *CONFLICTS OF INTEREST.*—*The Sec-*
2 *retary may accept donations even if the donor*
3 *conducts business with or is regulated by the De-*
4 *partment of Agriculture or any other Federal*
5 *agency.*

6 (C) *APPLICABLE LAW.*—*Public Law 95–442*
7 *(7 U.S.C. 2269) shall apply to donations accept-*
8 *ed by the Secretary under this paragraph.*

9 (2) *RELATION TO FOREST LEGACY PROGRAM.*—

10 (A) *IN GENERAL.*—*All land in the Karst*
11 *Region shall be eligible for inclusion in the For-*
12 *est Legacy Program.*

13 (B) *COST SHARING.*—*The Secretary may*
14 *credit donations made under paragraph (1) to*
15 *satisfy any cost-sharing requirements of the For-*
16 *est Legacy Program.*

17 (h) *AUTHORIZATION OF APPROPRIATIONS.*—

18 *There are authorized to be appropriated such sums as*
19 *are necessary to carry out this section.*

20 **SEC. 1114. FARM SECURITY AND RURAL INVESTMENT ACT.**

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

1 **SEC. 1115. ENFORCEMENT OF ANIMAL FIGHTING PROHIBI-**
2 **TIONS UNDER THE ANIMAL WELFARE ACT.**

3 (a) *IN GENERAL.*—Section 26 of the Animal Welfare
4 Act (7 U.S.C. 2156) is amended—

5 (1) by redesignating subsections (c) through (h)
6 as subsections (d) through (i), respectively;

7 (2) by inserting after subsection (b) the fol-
8 lowing:

9 “(c) *SHARP INSTRUMENTS.*—It shall be unlawful for
10 any person to knowingly sell, buy, transport, or deliver in
11 interstate or foreign commerce a knife, a gaff, or any other
12 sharp instrument attached, or designed or intended to be
13 attached, to the leg of a bird for use in an animal fighting
14 venture.”;

15 (3) in subsection (e) (as redesignated by para-
16 graph (1)), by striking “(c)” and inserting “(d)”;

17 (4) in subsection (f) (as redesignated by para-
18 graph (1))—

19 (A) by striking “(a), (b), or (c)” and insert-
20 ing “(a), (b), (c), or (d)”;

21 (B) by striking “1 year” and inserting “2
22 years”;

23 (5) by striking subsection (g) (as redesignated by
24 paragraph (1)) and inserting the following:

25 “(g) *INVESTIGATIONS.*—

1 “(1) *IN GENERAL.*—*The Secretary or any person*
2 *authorized by the Secretary shall make such inves-*
3 *tigations as the Secretary considers necessary to de-*
4 *termine whether any person has violated or is vio-*
5 *lating any provision of this section.*

6 “(2) *ASSISTANCE.*—*Through cooperative agree-*
7 *ments, the Secretary may obtain the assistance of the*
8 *Federal Bureau of Investigation, the Department of*
9 *the Treasury, and other law enforcement agencies of*
10 *the United States and of State, tribal, and local gov-*
11 *ernmental agencies in the conduct of an investigation*
12 *under paragraph (1).*

13 “(3) *WARRANTS.*—

14 “(A) *ISSUANCE.*—*A judge of the United*
15 *States, United States magistrate judge, or judge*
16 *of a State or tribal court of competent jurisdic-*
17 *tion in the district in which is located an ani-*
18 *mal, paraphernalia, instrument, or other prop-*
19 *erty or thing that there is probable cause to be-*
20 *lieve was involved, is about to be involved, or is*
21 *intended to be involved in a violation of this sec-*
22 *tion shall issue a warrant to search for and seize*
23 *the animal or other property or thing.*

24 “(B) *APPLICATION; EXECUTION.*—*A United*
25 *States marshal or any person authorized under*

1 *this section to conduct an investigation may*
2 *apply for and execute a warrant issued under*
3 *subparagraph (A), and any animal, para-*
4 *phernalia, instrument, or other property or thing*
5 *seized under such a warrant shall be held by the*
6 *authorized person pending disposition of the ani-*
7 *mal, paraphernalia, instrument, or other prop-*
8 *erty or thing by a court in accordance with this*
9 *subsection.*

10 “(4) *STORAGE OF ANIMALS.*—

11 “(A) *IN GENERAL.*—*An animal seized by a*
12 *United States marshal or other authorized per-*
13 *son under paragraph (3) shall be taken promptly*
14 *to an animal housing facility in which the ani-*
15 *mal shall be stored humanely.*

16 “(B) *NO FACILITY AVAILABLE.*—*If there is*
17 *not available a suitable animal storage facility*
18 *sufficient in size to hold all of the animals in-*
19 *volved in a violation, a United States marshal*
20 *or other authorized person shall—*

21 “(i) *seize a representative sample of the*
22 *animals for evidentiary purposes to be*
23 *transported to an animal storage facility in*
24 *which the animals shall be stored humanely;*
25 *and*

1 “(ii)(I) *keep the remaining animals at*
2 *the location where the animals were seized;*

3 “(II) *provide for the humane care of*
4 *the animals; and*

5 “(III) *cause the animals to be banded,*
6 *tagged, or marked by microchip and photo-*
7 *graphed or videotaped for evidentiary pur-*
8 *poses.*

9 “(5) *CARE.—While a seized animal is held in*
10 *custody, a United States marshal or other authorized*
11 *person shall ensure that the animal is provided nec-*
12 *essary care (including housing, feeding, and veteri-*
13 *nary treatment).*

14 “(6) *FORFEITURE.—*

15 “(A) *IN GENERAL.—Any animal, para-*
16 *phernalia, instrument, vehicle, money, or other*
17 *property or thing involved in a violation of this*
18 *section shall be liable to be proceeded against*
19 *and forfeited to the United States at any time on*
20 *complaint filed in any United States district*
21 *court or other court of the United States for any*
22 *jurisdiction in which the animal, paraphernalia,*
23 *instrument, vehicle, money, or other property or*
24 *thing is found.*

1 “(B) *DISPOSITION.*—*On entry of a judgment of forfeiture, a forfeited animal shall be*
2 *disposed of by humane means, as the court may*
3 *direct.*

4
5 “(C) *COSTS.*—*Costs incurred by the United*
6 *States for care of an animal seized and forfeited*
7 *under this section shall be recoverable from the*
8 *owner of the animal—*

9 “(i) *in the forfeiture proceeding, if the*
10 *owner appears in the forfeiture proceeding;*
11 *or*

12 “(ii) *in a separate civil action brought*
13 *in the jurisdiction in which the owner is*
14 *found, resides, or transacts business.*

15 “(D) *CLAIM TO PROPERTY.*—

16 “(i) *IN GENERAL.*—*The owner, custo-*
17 *dian, or other person claiming an interest*
18 *in a seized animal may prevent disposition*
19 *of the animal by posting, or may be ordered*
20 *by any United States district court or other*
21 *court of the United States, or by any tribal*
22 *court, for any jurisdiction in which the ani-*
23 *mal is found to post, not later than 10 days*
24 *after the animal is seized, a bond with the*
25 *court in an amount sufficient to provide for*

1 *the care of the animal (including housing,*
2 *feeding, and veterinary treatment) for not*
3 *less than 30 days.*

4 “(ii) *RENEWAL.*—*The owner, custo-*
5 *dian, or other person claiming an interest*
6 *in a seized animal may renew a bond, or*
7 *be ordered to renew a bond, by posting a*
8 *new bond, in an amount sufficient to pro-*
9 *vide for the care of the animal for at least*
10 *an additional 30 days, not later than 10*
11 *days after the expiration of the period for*
12 *which a previous bond was posted.*

13 “(iii) *DISPOSITION.*—*If a bond expires*
14 *and is not renewed, the animal may be dis-*
15 *posed of as provided in subparagraph (A).*

16 “(7) *EUTHANIZATION.*—*Notwithstanding para-*
17 *graphs (1) through (6), an animal may be humanely*
18 *ethanized if a veterinarian determines that the ani-*
19 *mal is suffering extreme pain.”; and*

20 *(6) in subsection (h) (as redesignated by para-*
21 *graph (1))—*

22 *(A) in subparagraphs (A) and (B) of para-*
23 *graph (2), by inserting before the semicolon the*
24 *following: “(including a movement to, from, or*

1 *within land under the jurisdiction of an Indian*
2 *tribe)*”; and

3 (B) *in paragraph (3), by striking “tele-*
4 *phone, radio, or television” and inserting “tele-*
5 *phone, the Internet, radio, television, or any*
6 *technology”.*

7 (b) *AUTHORIZATION OF APPROPRIATIONS.—Section 23*
8 *of the Animal Welfare Act (7 U.S.C. 2153) is amended—*
9 (1) *by striking “SEC. 23. The Secretary” and in-*
10 *serting the following:*

11 **“SEC. 23. FEES; AUTHORIZATION OF APPROPRIATIONS.**

12 **“(a) FEES.—The Secretary”;** and

13 (2) *by striking the third sentence and inserting*
14 *the following:*

15 **“(b) AUTHORIZATION OF APPROPRIATIONS.—There**
16 *are authorized to be appropriated such sums as are nec-*
17 *essary to carry out this Act.”.*

18 (c) *EFFECTIVE DATE.—The amendments made by this*
19 *section take effect on the later of—*

20 (1) *the date of enactment of this Act; or*

21 (2) *May 13, 2003.*

1 **SEC. 1116. INCREASE IN MAXIMUM FINES FOR VIOLATION**
2 **OF PUBLIC LAND REGULATIONS AND ESTAB-**
3 **LISHMENT OF MINIMUM FINE FOR VIOLATION**
4 **OF PUBLIC LAND FIRE REGULATIONS DURING**
5 **FIRE BAN.**

6 (a) *LANDS UNDER JURISDICTION OF BUREAU OF*
7 *LAND MANAGEMENT.*—Section 303(a) of the Federal Land
8 *Policy and Management Act of 1976 (43 U.S.C. 1733(a))*
9 *is amended—*

10 (1) *in the second sentence, by striking “no more*
11 *than \$1,000” and inserting “as provided in title 18,*
12 *United States Code,”; and*

13 (2) *by inserting after the second sentence the fol-*
14 *lowing: “In the case of a regulation issued under this*
15 *section regarding the use of fire by individuals on the*
16 *public lands, if the violation of the regulation was the*
17 *result of reckless conduct and occurred in an area*
18 *subject to a complete ban on open fires, the fine may*
19 *not be less than \$500.”.*

20 (b) *NATIONAL PARK SYSTEM LANDS.*—

21 (1) *FINES.*—Section 3 of the Act of August 25,
22 1916 (popularly known as the National Park Service
23 Organic Act; 16 U.S.C. 3) is amended—

24 (A) *by striking “That the Secretary” at the*
25 *beginning of the section and inserting “(a) REG-*
26 *ULATIONS FOR USE AND MANAGEMENT OF NA-*

1 *TIONAL PARK SYSTEM; ENFORCEMENT.—The*
 2 *Secretary”;*

3 *(B) by striking “\$500” and inserting*
 4 *“\$10,000”; and*

5 *(C) by inserting after the first sentence the*
 6 *following: “In the case of a rule or regulation*
 7 *issued under this subsection regarding the use of*
 8 *fire by individuals on such lands, if the violation*
 9 *of the rule or regulation was the result of reckless*
 10 *conduct and occurred in an area subject to a*
 11 *complete ban on open fires, the fine may not be*
 12 *less than \$500.”.*

13 *(2) CONFORMING AMENDMENTS.—Such section is*
 14 *further amended—*

15 *(A) by striking “He may also” the first*
 16 *place it appears and inserting the following:*

17 *“(b) SPECIAL MANAGEMENT AUTHORITIES.—The Sec-*
 18 *retary of the Interior may”;*

19 *(B) by striking “He may also” the second*
 20 *place it appears and inserting “The Secretary*
 21 *may”; and*

22 *(C) by striking “No natural,” and inserting*
 23 *the following:*

24 *“(c) LEASE AND PERMIT AUTHORITIES.—No nat-*
 25 *ural”.*

1 (c) *NATIONAL FOREST SYSTEM LANDS.*—*The eleventh*
 2 *undesignated paragraph under the heading “SURVEYING*
 3 *THE PUBLIC LANDS” of the Act of June 4, 1897 (16 U.S.C.*
 4 *551), is amended—*

5 (1) *by striking “\$500” and inserting “\$10,000”;*
 6 *and*

7 (2) *by inserting after the first sentence the fol-*
 8 *lowing: “In the case of such a rule or regulation re-*
 9 *garding the use of fire by individuals on such lands,*
 10 *if the violation of the rule or regulation was the result*
 11 *of reckless conduct and occurred in an area subject to*
 12 *a complete ban on open fires, the fine may not be less*
 13 *than \$500.”.*

Amend the title so as to read: “An Act to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to conduct hazardous fuels reduction projects on National Forest System lands and Bureau of Land Management lands aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape, and for other purposes.”.

Attest:

Secretary.

108TH CONGRESS
1ST SESSION

H. R. 1904

AMENDMENTS