



Legislative Bulletin.....May 20, 2003

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**S. 330 — Veterans' Memorial Preservation and Recognition Act of 2003
(Sen. Campbell)**

Order of Business: The bill is scheduled to be considered on Tuesday, May 20, under a motion to suspend the rules and pass the bill.

Summary: S. 330 would establish new federal criminal and civil penalties for desecration of veterans' memorials located on public property, if committing such acts involves interstate or foreign travel or use of the mail, or if the memorial is located on property owned by, or under the jurisdiction of, the federal government. A person convicted under this act may be fined, imprisoned for not more than 10 years, or both. The bill also retroactively modifies current law to require a veteran’s cemetery to be treated as a site for which a sign may be placed on any federal-aid highway.

Committee Action: H.R. 1257 was introduced on February 6, 2003, and passed the Senate in March by unanimous consent. It was referred to the House Judiciary and Transportation Committees on March 31, 2003. The Judiciary committee considered the legislation on May 7, 2003 and reported it out by voice vote and the Transportation Committee discharged it without consideration.

Cost to Taxpayers: CBO estimates that enacting this legislation would have an insignificant increase in federal costs and fines collected. Those prosecuted and convicted under the act could be subject to criminal fines, which are deposited in the Crime Victims Fund and later spent, but CBO estimates this amount to be small because of the few number of cases.

Does the Bill Create New Federal Programs or Rules?: The bill creates new federal criminal and civil penalties for desecration of veterans' memorials located on public property under certain conditions.

Constitutional Authority: A committee report citing constitutional authority is unavailable.

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H.Res. 180—Supporting the goals and ideals of “National Correctional Officers and Employees Week” and honoring the service of correctional officers and employees. (Strickland)

Order of Business: The resolution is scheduled to be considered on Tuesday, May 20th, under a motion to suspend the rules and pass the bill.

Summary: H.Res. 180 would resolve that the House:

- “supports the goals and ideals of ‘National Correctional Officers and Employees Week;’ and
- “honors all correctional officers and employees for their service to their communities, States, and the Nation.”

Additional Background: S.Res. 24, as agreed to by the Senate on March 12, 2003, designates the week beginning May 4, 2003, as “National Correctional Officers and Employees Week.”

Committee Action: On May 7, 2003, the Judiciary Committee marked up and favorably reported this resolution by voice vote without amendment.

Cost to Taxpayers: The resolution would authorize no expenditure.

Does the Bill Create New Federal Programs or Rules?: No.

Constitutional Authority: The Judiciary Committee, in House Report 108-101, cites constitutional authority in Article I, Section 8, but does not cite a specific clause.

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H.R. 1925 — Runaway, Homeless, and Missing Children Protection Act (Gingrey)

Order of Business: The bill is scheduled for consideration on Tuesday, May 20th, under a motion to suspend the rules and pass the bill.

Summary: H.R. 1925 reauthorizes the Runaway and Homeless Youth Act and the Missing Children's Assistance Act through fiscal year 2008. The Runaway and Homeless Youth Act provides grants to public and private organizations to establish and operate runaway and homeless youth shelters, while the Missing Children's Assistance Act supports federal missing children's programs, including the National Center for Missing and Exploited Children.

Changes to the Runaway and Homeless Youth Act:

- Removes a 1992 "hold harmless" funding provision
- Makes testing of youth for sexually transmitted diseases an allowable use of funds
- Prohibits the use of funds for programs distributing sterile needles or syringes for the injection of any illegal drug
- Allows runaway and homeless youth shelters to comply with state law regarding the maximum capacity of the facility if it is higher than federal capacity requirements (maximum of 20 youth)
- Adds "maternity group home" to the type of group homes eligible to receive funds through the Transitional Living Program
- Allows youth in the Transitional Living Program who have reached the end of the 18-month maximum stay to remain in the program until reaching age 18
- Requires grantees to coordinate with McKinney-Vento (homeless education) school liaisons and to have a plan to refer youth to educational, social service, welfare, health care, and training programs
- Directs the Secretary of Health and Human Services (HHS) to consult with the Secretary of Housing and Urban Development to ensure coordination of programs for homeless youth
- Removes "temporary" designation of demonstration programs for youth in rural areas
- Authorizes \$105 million in funding for FY04 and "such sums" for FY05-08 (current law is such sums, FY03 appropriation totaled \$90.5 million)
- Changes the distribution of authorized funding to increase the percentage of funds available for the Transitional Living Program
- Requires HHS to issue reports on promising strategies to end youth homelessness and long-term housing outcomes for youth after exiting the Transitional Living Program.

Changes to the Missing Children's Assistance Act:

- Increases the authorization for the National Center for Missing and Exploited Children from \$10 million to \$20 million for each of fiscal years 2004-2008
- Extends authorization for other activities under the Act until 2008

Additional Program Background and Performance: The following is taken from the Department of Health and Human Services FY 2003 Annual Performance Plan: <http://www.acf.hhs.gov/programs/opre/fy2003performance/youthsafety.htm>. (Note: if this type of information is helpful, please contact the RSC and we will continue to put it on future legislative bulletins)

The Runaway and Homeless Youth (RHY) Program began in 1974 in response to concern about increasing numbers of runaway youth exposed to exploitation and the dangers of street life. It has subsequently been expanded to assist homeless youth both on a short-term basis and in making the transition to independent living.

The FY 2002 appropriation for RHY programs is \$88.1 million dollars. Under the statute, at least 90 percent of that amount must be spent on service grants. The balance supports a national hot line for runaways, an information clearinghouse, demonstration projects, data collection, on site program monitoring, and other support functions.

In FY 2001, through an extensive, competitive application review process. The Family and Youth Services Bureau (FYSB) funded 369 Basic Center Programs (BCP), 112 Transitional Living Programs (TLP), 142 Street Outreach Programs (SOP), and 13 State Youth Development Collaboration Grants. Over 400 nonprofit organizations or public agencies operate the community-based programs. The average annual grant for these programs is \$117,000 for BCPs, \$195,000 for TLPs and \$100,000 for SOPs.

- BCP supports local youth shelters that provide emergency shelter, food, clothing, counseling, crisis intervention, and other services for runaway and homeless youth. The shelters try to help reunite youth with their families whenever appropriate and in the best interest of the youth, or arrange for alternative, appropriate and stable living situations.
- TLP was developed in response to the longer-term needs of older homeless youth (ages 16 to 21). The TLP helps such youth develop skills and resources to promote independence and prevent future dependency on social services. Housing and a range of services are provided for up to 18 months for youth unable to return to their homes.
- SOP awards additional resources to organizations serving runaway, homeless, and street youth so they may provide street-based outreach and education to support these young people and prevent their sexual abuse and ex

During FY 2001, 55,000 to 75,000 runaway or homeless youths were reported "admitted to services" as counted by formal enrollments in the Runaway and Homeless Youth Management Information System. New data from improved collection methods, expected in FY 2002, may indicate a much high number served by the RHY system. These services included food, shelter, clothing, transportation, counseling and life skills training, recreation, substance abuse prevention, education, and health care. While these interventions may be brief or temporary, they usually have intrinsic, and sometimes lasting, value for the youth. *(RSC NOTE: If the 75,000 youth served figure is accurate then with an FY 2001 appropriation of \$84.1 million, we spent on average \$1,121 on each youth served.)*

The following chart illustrates changes in living situation resulting from community-based RHY program operations. The upper half of the charts represents generally positive outcomes and the lower half generally negative. Note that most youth return to the homes of parents, guardians or relatives.

(This chart's format is only illustrative and is not meant to imply that an individual youth in the "entrance" column exited into the (identical) situation in the same row.)

Living Situation at Entrance	# of Youth	Living Situation at Exit	# of Youth
Basic Center	68	Basic Center (including elsewhere in US)	49
Drug Treatment Center	75	Drug Treatment Center	141
Educational Institute	17	Educational Institute	40
Foster Home	2,117	Foster Home	2,492
Friend's Home	2,477	Friend's Home	1,200
Group Home	956	Group Home	1,352
Independent Living Program	52	Independent Living Program	169
Job Corps	65	Job Corps	63
Living Independently	202	Living Independently	287
Mental Hospital	279	Mental Hospital	382
Military	8	Military	9
Other Adult's Home	410	Other Adult's Home	303
Other Institution	61	Other Institution	144
Parent/Guardian's Home	26,206	Parent/Guardian's Home	22,313
Other Parent's Home	391	Other Parent's Home	418
Relative's Home	2,607	Relative's Home	2,032
Residential Treatment	282	Residential Treatment	509
Transitional Living Program	74	Transitional Living Program	271
Entry subtotal	36,347	Total "safe and appropriate" exit situations (83%)	32,174
Correctional Institute	841	Correctional Institute*	713
Homeless Family Center	130	Homeless Family Center	113
In squat (e.g., an abandoned building)	61	In squat (e.g., an abandoned building)	54
On the Run	1,110	On the Run	1,824

Living Situation at Entrance	# of Youth	Living Situation at Exit	# of Youth
On the Street	472	On the Street	638
Other Temporary Shelter	690	Other Temporary Shelter	1,081
Unknown situation before entry	6,571	Do Not Know (youth may not have disclosed, etc.)	1,659
Entry subtotal	9,875	Total not clearly "safe and appropriate" situations	6,082
Other	312	Other	335
		Total valid exit situations (null values removed <u>**</u>)	38,591
		Null values <u>**</u>	9,244
Total entrances	46,534	Total, including null values	47,835

* Placement in a correctional institute may be unavoidable depending on the legal situation. Youth's previous status in the justice system may force this outcome.

** Null values are essentially meaningless records, i.e., "information not provided." Microsoft Access generated null values for this element in FY 99 and 00 whenever a youth profile entry was saved before being completely filled in. However, the software did not force entry or remind the user of the missing information. Some exit records were thus not updated before transmission to the national database. The new RHYMIS-LITE forces complete data entry and, while it allows for saving and exiting before an entry task is completed, will remind the user at a later time that specific files need to be completed. It will also require more specific information for the "Do Not Know" exit situation.

(RSC NOTE: If these figures are accurate then fewer youth lived at home after exiting this program than did when they entered the program.)

The following chart includes many youth with multiple issues and service experiences. Issues and services have been combined into similar categories and grouped in a horizontal "problem...solution" format for illustrative purposes only. The continuation of an "issue" row into a "services" row does not imply that a discrete group of youth with a given issue receive only that service or that the corresponding service directly on the right is always the treatment of choice. Obviously, some correspondences are multiple. However, it is useful to observe generic correspondences, e.g., between the number of housing issues identified and the provision of alternative housing solutions.

Issues Reported by Runaway and Homeless Youth During FY 00 <u>*</u>	# of Youth	RHY Services Provided to Runaway and Homeless Youth During FY 00 <u>*</u>	# of Youth
Alcohol and Other Drug Abuse	3,211	Alcohol and Other Drug Prevention	21,025
Housing Issues	3,965	Alternative Housing	6,389
Emotional Abuse	3,413	Counseling/Therapy	71,411
Household Dynamics	13,225	Support Groups	3,276

Issues Reported by Runaway and Homeless Youth During FY 00 *	# of Youth	RHY Services Provided to Runaway and Homeless Youth During FY 00 *	# of Youth
Neglect	2,380	Basic Support Services	56,404
Physical Abuse/Assault	3,064		
Psychological Issues	11,093		
Sexual Abuse/Assault	1,157		
Youth Having Trouble Getting Services **	1,258	Area Services	5,998
		Phone services	22,967
Socialization Issues	4,890	Life Skills Training	84,136
Unemployment	2,151	Employment	2,728
Involvement with Justice System	3,610	Legal Services	2,354
Health Issues	1,672	Health Care	13,132
		Recreational Activities	25,598
School/Education Issues	7,973	Youth Education	12,589
Unknown	2,232		
Total	65,294	Total	328,007

* A more detailed breakdown within these categories is available.

** i.e., trouble getting non RHY services, such as permanent housing or foster care

Committee Action: H.R. 1925 was marked up and amended by the Committee on Education and the Workforce on May 15, 2003. The Committee reported the bill by voice vote.

Cost to Taxpayers: The Congressional Budget Office estimates that H.R. 1925 would authorize \$751 million over the FY04-08 period (\$121 million in FY04).

Does the Bill Create New Federal Programs or Rules?: The bill reauthorizes current federal programs, with changes as described above.

Constitutional Authority: The Education and the Workforce Committee cites Article I, Section 8, Clause 1 in the committee report for H.R. 1925.

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H.Res. 217 — Commending the University of Minnesota Golden Gophers for winning the 2003 National Collegiate Athletic Association Division I Men’s Ice Hockey Championship (*Sabo*)

Order of Business: The resolution is scheduled for consideration on Tuesday, May 20th, under a motion to suspend the rules and pass the bill.

Summary: H.Res. 217 resolves that the House:

- “commends the University of Minnesota Golden Gophers for winning the 2003 NCAA Division I Men’s Ice Hockey Championship;
- “recognizes the achievements of all the team’s players, coaches, and support staff, and invites them to the United States Capitol Building to be honored;
- “requests that the President recognize the team’s accomplishment, and invite them to the White House for a ceremony in their honor; and
- “directs the Clerk of the House of Representatives to make available enrolled copies of this resolution to the University of Minnesota for the appropriate display, and to transmit an enrolled copy of this resolution to each coach and member of the 2003 NCAA Division I Men’s Ice Hockey Championship team.”

Additional Background: On April 12, 2003, the University of Minnesota men’s ice hockey team won the NCAA Division I National Championship for the second straight year, defeating the University of New Hampshire 5-1 in the 56th annual Frozen Four. The team was the first repeat champions in 31 years.

Committee Action: The resolution was referred to the Committee on Education and Workforce, but was not considered.

Cost to Taxpayers: Although the resolution authorizes no expenditure, there would be a minimal expense to the Clerk of the House for transmitting enrolled copies of the resolution to the University of Minnesota coaches and team members.

Does the Bill Create New Federal Programs or Rules?: No.

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H.R. 1911 — To amend title 38, United States Code, to enhance cooperation and the sharing of resources between the Department of Veterans Affairs and the Department of Defense (*Boozman*)

Order of Business: The bill is scheduled for consideration on Tuesday, May 20th, under a motion to suspend the rules and pass the bill.

Summary: H.R. 1911 would establish a Department of Veterans Affairs-Department of Defense Joint Executive Committee to:

- review current policies, procedures, and practices related to coordination and sharing of resources between VA and DoD;
- identify changes in policies, procedures, and practices that would promote coordination and improve the quality, efficiency, and effectiveness of benefits and services for veterans, military members, and military retirees;
- identify further opportunities for coordination and collaboration;
- review the acquisition plans of VA and DoD for new facilities and major equipment; and
- review the implementation of activities promoting the coordination and sharing of resources between the Departments.

Committee membership would include the Deputy Secretary of Veterans Affairs and the Under Secretary of Defense for Personnel and Readiness, along with any other individuals chosen by the Secretaries of VA and DoD. Two subordinate committees, on health and on benefits, are established in the bill and other committees or working groups may be established as considered necessary. The recommendations of the committee would be submitted through an annual report to the Secretaries of VA and DoD and to Congress.

Additional Background: Currently, a joint executive committee exists to promote cooperation between VA and DoD with regard to health care. The committee in H.R. 1911 would replace this existing committee.

Committee Action: The Veterans' Affairs Committee reported H.R. 1911 by voice vote on May 15, 2003. The bill was also referred to the Armed Services Committee but was not considered.

Cost to Taxpayers: H.R. 1911 does not include a specific authorization for the joint executive committee and since it would replace an existing committee, CBO estimates that the bill will have a negligible cost.

Does the Bill Create New Federal Programs or Rules?: The bill creates a new joint executive committee with VA and DoD, replacing an existing committee.

Constitutional Authority: A committee report citing constitutional authority is not available.

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H.R. 1683—Veterans' Compensation Cost-of-Living Adjustment Act (Smith of New Jersey)

Order of Business: The bill is scheduled to be considered on Tuesday, May 20th, under a motion to suspend the rules and pass the bill.

Summary: H.R. 1683 would provide a cost-of-living adjustment (COLA), effective as of December 1, 2003, to the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of certain service-connected disabled veterans. The exact COLA would be equal to the increase for benefits provided under the Social Security Act, which is calculated based upon changes in the Consumer Price Index.

Additional Background: Veterans' Affairs staff indicates that the exact COLA will not be known until October or November of this year. The Administration's FY2004 budget assumes this COLA will be 2.0%.

Committee Action: On May 7, 2003, the Subcommittee on Benefits (of the Veterans' Affairs Committee) marked up the bill and reported it favorably without amendment to the full committee.

Administration Position: The Administration included a 2.0% COLA in its FY2004 budget for these veterans compensation programs.

Cost to Taxpayers: The COLA is assumed in the budget baseline, therefore the COLA would have no budgetary effect. Relative to current law, however, CBO estimates that enacting this legislation would increase spending for these veterans compensation programs by about \$420 million in 2004 (assuming a 2.2% COLA). The Administration's assumption of a COLA 2.0% would increase benefits by \$355.2 million in FY2004, relative to current law.

Does the Bill Create New Federal Programs or Rules?: No.

Constitutional Authority: A committee report citing constitutional authority is unavailable.

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H.R. 1257—Selected Reserve Home Loan Equity Act (*Evans*)

Order of Business: The bill is scheduled to be considered on Tuesday, May 20, under a motion to suspend the rules and pass the bill.

Summary: H.R. 1257 would amend Title 38 of the U.S. Code to permanently extend the home loan benefits guaranteed by the Department of Veterans Affairs (VA) to members of the selected reserve and amend certain fees charged for the program. Under current law, reservists are eligible for home loans guaranteed by VA only through September 30, 2009.

The bill also would alter the fee structure for the VA home loan program by: 1) requiring the VA to charge the same fees for active-duty veterans and reservists by reducing the fees paid by reservists by 75 basis points; and 2) by increasing the fee charged veterans for repeated use of the home loan benefit by 30 basis points over the 2004-2011 period and by 90 basis points in 2012 and 2013.

Committee Action: H.R. 1257 was introduced on March 13, 2003, and referred to the House Veterans' Affairs Committee. The committee considered the legislation on May 15, and reported the bill by voice vote.

Cost to Taxpayers: CBO estimates that the VA would guarantee 9,000 additional loans a year over the 2010-2013 period, with an average loan amount of \$153,000. CBO estimates that enacting the bill would *reduce* direct spending by (i.e. save taxpayers) \$51 million over the 2004-2013 period, but would not affect administrative expenses for the program, which are provided for in annual appropriations acts. Savings result because reservists have fewer home loan defaults than do other veterans, according to VA, and this lower default rate would reduce the subsidy rate for the program as a whole over the 2010-2013 period. Annual savings would increase significantly from 2011 to 2012 because the fees would rise substantially in 2012 under the bill.

Does the Bill Create New Federal Programs or Rules?: The bill permanently authorizes a home loan benefit to members of the selected reserve, a benefit that previously was set to expire in 2009. It also modifies an existing fee structure, lowering some and raising others.

Constitutional Authority: A committee report citing constitutional authority is unavailable.

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H.R. 1904—Healthy Forests Restoration Act (McInnis)

Order of Business: The bill is scheduled to be considered on Tuesday, May 20th, subject to a modified closed rule (H.Res. 239), which automatically adopts a Manager's Amendment and makes in order a Democrat amendment in the nature of a substitute (summarized below).

Summary by title: H.R. 1904 would authorize federal agencies to undertake a variety of land management activities designed to reduce the risk to U.S. forest and rangelands from catastrophic wildfire, disease, and insect infestation. Specifically, this legislation would apply to National Forest System lands and public lands administered by the Bureau of Land Management (BLM).

Title I—Hazardous Fuels Reduction on Federal Lands

- Authorizes the appropriate Department (Agriculture for National Forest lands and Interior for BLM lands) to plan and conduct hazardous fuels reduction projects on no more than 20 million acres of certain higher-risk lands where the risk of wildfire particularly threatens wildlife, as detailed in the bill. Such projects would be designed to remove underbrush and other natural fuels for wildfires.
- Provides for broad limits on tree removal.
- Excludes components of the National Wilderness Preservation System, Wilderness Study Areas, and other federal lands where the removal of vegetation is restricted.
- Limits the construction of permanent roads as part of any authorized project.

- Prioritizes projects that seek to protect human communities and watersheds.
- Requires that hazardous fuels reduction projects comply with all applicable environmental laws, except that environmental impact studies would not have to include studies or descriptions of any alternatives to the proposed actions under any given project.
- Provides for public collaboration with the hazardous fuels reduction projects.
- Establishes procedures by which a person could seek administrative redress regarding an authorized project.
- Establishes a non-waivable 15-day window after public notice of any project, during which a federal court action challenging a project could be filed. This window supersedes any other law for filing such actions.
- Caps preliminary injunctions regarding authorized projects at 45 days. Renewals of injunctions would be permissible (congressional notification required).
- Encourages courts handling projects cases to make a final determination within 100 days from the date the complaint or appeal is filed.

Title II—Biomass

- States that the by-products of preventative treatment (wood, brush, thinnings, chips, etc.) removed from forest and rangelands represent an abundant supply of biomass for energy facilities and other businesses (yet that there are few markets for such biomass currently).
- Authorizes the appropriate Department to make grants to any person that owns or operates a facility that uses biomass as a raw material to produce electricity, useful heat, transportation fuels, or substitutes for petroleum-based products. These grants would be to “offset the costs incurred to purchases biomass for use by such facility.”
- Caps grants at \$20 per green ton of biomass delivered.
- Requires that grant recipients give the appropriate federal Department access to their respective records and facilities to monitor the use of grant funds.
- Authorizes the appropriate Department to make grants of no more than \$100,000 each to people for offsetting the costs of projects to add value to biomass (with preference to people in small and rural communities).
- Authorizes appropriations for both grant programs combined of \$25 million for each of fiscal years 2004 through 2008.
- Requires a report to Congress in 2010 on the progress of using biomass and the economic impacts of such usage.

Title III—Watershed Forestry Assistance

- Establishes a Watershed Forestry Assistance Program in which the Forest Service could provide technical, financial, and other assistance to state forestry officials for expanding forest stewardship activities to protect watersheds on non-federal forested and potentially forested lands. Includes a federal cost-sharing program (75% of project costs could come from this program; an additional 15% of project costs could come from other federal sources; the rest must come from state sources).
- Allows state forestry officials to make awards to communities, nonprofits, and nonindustrial private forest landowners under this Program.

- Authorizes appropriations for this Assistance Program of \$15 million for each of fiscal years 2004 through 2008.

Title IV—Insect Infestations

- States that high levels of tree mortality due to insect infestation result in increased fire risk, loss of old growth, loss of endangered species, degraded watershed conditions, and other negative environmental impacts.
- Highlights the problems from certain insects, including the bark beetle, hemlock woolly adelgid, emerald ash borer, southern pine beetle, and red oak borer.
- Directs the Forest Service and U.S. Geological Survey to conduct an accelerated program to plan, conduct, and promote comprehensive information-gathering on the problem insects (including strategies for combating these insects and therefore improving forest health).
- Directs the Agriculture Secretary to conduct this insect program in cooperation with scientists from universities, forestry schools, state agencies, and private landowners.
- Authorizes assessments of insect infestations on federal lands (with certain lands excepted), as long as each assessment covers no more than 1000 acres and the total of all assessments covers no more than 250,000 acres.
- Prohibits the use of insecticides in municipal watersheds.
- Provides for public notice and comment.
- Deems these assessments as categorically excluded from further environmental analysis. Relieves the Secretary from having to determine whether an assessment has a significant effect on the environment.
- Authorizes “such sums as may be necessary” for these assessments for fiscal years 2004 through 2008.

Title V—Healthy Forests Reserve Program

- Establishes a new healthy forests program (under the Forest Service, in cooperation with the U.S. Fish and Wildlife Service) for “protecting, restoring, and enhancing degraded forest ecosystems to promote the recovery of threatened and endangered species, improve biodiversity, and enhance carbon sequestration.”
- Focuses the program on rare forest ecosystems on private lands whose participation would increase the likelihood of protecting threatened or endangered animals and plants.
- Requires consent of the landowners for inclusion of such lands in this program, and establishes methods of enrollment.
- Caps the acres of enrolled lands at one million.
- Requires conservation plans (developed by willing owners and the U.S. Fish and Wildlife Service) for enrolled lands to outline permissible land-use activities.
- Authorizes appropriate state agencies and nonprofit conservation organizations to assist in the conservation plans.
- Requires that conservation plans maximize the environmental benefits per dollar expended.
- Provides for “safe harbor” or similar assurances to be given to enrollees who will yield a net conservation benefit for listed species.

- Authorizes appropriations for this program of \$15 million for each of fiscal years 2004 through 2008.

Title VI—Miscellaneous Provisions

- Directs the Secretary of Agriculture to carry out a comprehensive program to inventory, monitor, characterize, assess, and identify forests on public and private (with owner’s consent) lands, with the intention of developing an early warning system for potential catastrophic environmental threats to forests.
- Focuses on isolating and treating such treats before they get out of control.
- Authorizes appropriations for this program of \$5 million for each of fiscal years 2004 through 2008.

Summary of the Manager’s Amendment Considered as Adopted under the Rule:

Goodlatte.

- Clarifies that targeted areas for hazardous fuels reduction projects include lands that are most likely to adversely affect perennial streams that feed a municipal water supply system.
- **Strikes the provision that there would be no environmental assessment (EA) or environmental impact statement (EIS) required on authorized fire risk reduction projects.**
- **Then makes explicit the requirement to do an EA or an EIS.**
- Requires the Forest Service to notice a planned fuels reduction project in a manner sufficient to permit interested persons to participate.
- Requires a court considering a motion for an injunction to balance the short-term and long-term effects of allowing the project to go forward with the short-term and long-term effects of halting the project. Further, courts would need to give “weight” to the appropriate Secretary’s input instead of giving deference to it.
- Mandates that projects comply with all applicable endangered species and other such protections.
- Requires the insect assessment projects be peer reviewed for scientific merit. The peer review team must include non-governmental experts (i.e. the peer review team cannot be completely comprised of USFS employees).

Summary of the Democrat Amendment Made in Order under the Rule:

Miller, George/DeFazio/Rahall/Conyers.

- Authorizes hazardous fuels reduction projects in a similar fashion to the base bill (in terms of excluded lands, old-growth trees, acreage limitations, and the goals of such projects).
- Authorizes appropriations for these projects, as follows:
 - **\$1.943 billion** over five years (FY2004-2008) to the Agriculture Department;
 - **\$1.888 billion** to the Interior Department (FY2004-2008); and
 - **\$500 million** for state, tribal, and nonindustrial private lands.
 - (NOTE: *total* base-bill authorization is \$350 million over the same period and covers more projects.)
- Sunsets the authority for projects in five years.

- Gives preference to local contractors in economically disadvantaged rural communities (no Davis-Bacon) and “best-value” contracting (i.e. contracting that incorporates non-cost factors).
- Allows for projects within ½ mile of threatened communities, subject to exception, to be "categorically excluded" from requirements under the National Environmental Policy Act (environmental assessments, etc.). However, heterogeneity of forest conditions within this half-mile zone would have to be maintained.
- Provides for an expanded, up-front collaborative process that brings communities and federal land managers together to identify and prioritize areas most in need of thinning.
- Expands the petition process against proposed projects.
- Requires National Academy of Sciences contracting for establishing workable definitions for old and large trees.
- Projects already underway would not be affected by this legislation.
- Prioritizes private-land fire-risk funding to communities that have passed local ordinances or take other steps to reduce fire risks on private property.
- Note that this amendment does not include the base-bill’s provisions for biomass, watershed assistance, private-property enrollments in protection programs, or insect infestation.

Additional Background: According to the House Agriculture Committee, in Report 108-96,

Forest and rangeland ecosystems in the United States are being decimated at an alarming rate by large-scale catastrophic wildfire and massive outbreaks of disease, insect infestation, and invasive species. Federal foresters estimate that an astounding 190 million acres of land managed by the Secretary of Agriculture and the Secretary of Interior are at an unnatural height of risk to catastrophic wildfire. Of that, over seventy million acres are at extreme risk to catastrophic wildfire in the immediate future. The summers of 2000 and 2002 were the two largest and most destructive fire seasons in the last fifty years. And, at this very moment, we are days away from the beginning of the 2003 fire season where communities in much of the interior West, south/central Alaska, portions of California, western Great Lake states and northern Maine are bracing for an above normal fire season due to dangerously dense forest fuel conditions, persistent drought, limited winter snowfall, and early snow melts.

Committee Action: On May 1, 2003, the legislation was referred to the Committee on Agriculture, the Committee on Resources, and the Judiciary Committee. On May 8, 2003, the Agriculture Committee marked up and reported the bill favorably by voice vote. On May 14, 2003, the Judiciary Committee marked up and reported the bill favorably by a vote of 18-13.

Possible RSC Concerns: There are no known concerns of conservatives on H.R. 1904.

Administration Position: Every indication is that the Bush Administration supports this legislation.

Cost to Taxpayers: CBO confirms that H.R. 1904 would authorize \$70 million in FY2004 and \$350 million over the FY2004-2008 period.

Does the Bill Create New Federal Programs or Rules?: Yes, the bill would create several new grant programs, as detailed above.

Constitutional Authority: The Agriculture Committee, in House Report 108-96 Part I, cites constitutional authority in Article I, Section 8, Clause 18 (“necessary and proper”). The Judiciary Committee, in House Report 108-96 Part II, cites constitutional authority in Article I, Section 8 (without citing a specific clause) and Article III, Section 1 (establishment of federal courts).

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