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SENATE

{ REPORT
105-138

QUINCY LIBRARY GROUP FOREST RECOVERY AND
ECONOMIC STABILITY ACT OF 1997

NOVEMBER 4, 1997.—Ordered to be printed

Mr. MURKOWSKI, from the Committee on Energy and Natural
Resources, submitted the following

REPORT

together with

ADDITIONAL VIEWS

[To accompany H.R. 858]

The Committee on Energy and Natural Resources, to which was referred the Act (H.R. 858) to direct the Secretary of Agriculture to conduct a pilot project on designated lands within Plumas, Lassen, and Tahoe National Forests in the State of California to demonstrate the effectiveness of the resource management activities proposed by the Quincy Library Group and to amend current land and resource management plans for these national forests to consider the incorporation of these resource management activities, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This act may be cited as the “Quincy Library Group Forest Recovery and Economic Stability Act of 1997”.

SEC. 2. PILOT PROJECT FOR PLUMAS, LASSEN, AND TAHOE NATIONAL FORESTS TO IMPLEMENT QUINCY LIBRARY GROUP PROPOSAL.

(a) **DEFINITION.**—For purposes of this section, the term “Quincy Library Group-Community Stability Proposal” means the agreement by a coalition of representatives of fisheries, timber, environmental, county government, citizen groups, and local communities that formed in northern California to develop a resource management program that promotes ecologic and economic health for certain Federal lands

and communities in the Sierra Nevada area. Such proposal includes the map entitled "QUINCY LIBRARY GROUP Community Stability Proposal", dated October 12, 1993, and prepared by VESTRA Resources of Redding, California.

(b) PILOT PROJECT REQUIRED.—

(1) PILOT PROJECT AND PURPOSE.—The Secretary of Agriculture (in this section referred to as the "Secretary"), acting through the Forest Service and after completion of an environmental impact statement (a record of decision for which shall be adopted within 300 days), shall conduct a pilot project on the Federal lands described in paragraph (2) to implement and demonstrate the effectiveness of the resource management activities described in subsection (d) and the other requirements of this section, as recommended in the Quincy Library Group-Community Stability Proposal.

(2) PILOT PROJECT AREA.—The Secretary shall conduct the pilot project on the Federal lands within Plumas National Forest, Lassen National Forest, and the Sierraville Ranger District of Tahoe National Forest in the State of California designated as "Available for Group Selection" on the map entitled "QUINCY LIBRARY GROUP Community Stability Proposal", dated October 12, 1993 (in this section referred to as the "pilot project area"). Such map shall be on file and available for inspection in the appropriate offices of the Forest Service.

(c) EXCLUSION OF CERTAIN LANDS, RIPARIAN PROTECTION AND COMPLIANCE.—

(1) EXCLUSION.—All spotted owl habitat areas and protected activity centers located within the pilot project area designated under subsection (b)(2) will be deferred from resource management activities required under subsection (d) and timber harvesting during the term of the pilot project.

(2) RIPARIAN PROTECTION.—

(A) IN GENERAL.—The Scientific Analysis Team guidelines for riparian system protection described in subparagraph (B) shall apply to all resource management activities conducted under subsection (d) and all timber harvesting activities that occur in the pilot project area during the term of the pilot project.

(B) GUIDELINES DESCRIBED.—The guidelines referred to in subparagraph (A) are those in the document entitled "Viability Assessments and Management Considerations for Species Associated with Late-Successional and Old-Growth Forests of the Pacific Northwest", a Forest Service research document dated March 1993 and co-authored by the Scientific Analysis Team, including Dr. Jack Ward Thomas.

(C) LIMITATION.—Nothing in this section shall be construed to require the application of the Scientific Analysis Team guidelines to any livestock grazing in the pilot project area during the term of the pilot project, unless the livestock grazing is being conducted in the specific location at which the Scientific Analysis Team guidelines are being applied to an activity under subsection (d).

(3) COMPLIANCE.—All resource management activities required by subsection (d) shall be implemented to the extent consistent with applicable Federal law and the standards and guidelines for the conservation of the California spotted owl as set forth in the California Spotted Owl Sierran Province Interim Guidelines or the subsequently issued guidelines, whichever are in effect.

(4) ROADLESS AREA PROTECTION.—The Regional Forester for Region 5 shall direct that any resource management activity required by subsection (d) (1) and (2), all road building, all timber harvesting activities, and any riparian management under subsection (d)(4) that utilizes road construction or timber harvesting shall not be conducted on Federal lands within the Plumas National Forest, Lassen National Forest, and the Sierraville Ranger District of the Tahoe National Forest that are designated as either "Off Base" or "Deferred" on the map referred to in subsection (a). Such direction shall be effective during the term of the pilot project.

(d) RESOURCE MANAGEMENT ACTIVITIES.—During the term of the pilot project, the Secretary shall implement and carry out the following resource management activities on an acreage basis on the Federal lands included within the pilot project area designated under subsection (b)(2):

(1) FUELBREAK CONSTRUCTION.—Construction of a strategic system of defensible fuel profile zones, including shaded fuelbreaks, utilizing thinning, individual tree selection, and other methods of vegetation management consistent with the Quincy Library Group-Community Stability Proposal, on not less than 40,000, but not more than 60,000, acres per year.

(2) GROUP SELECTION AND INDIVIDUAL TREE SELECTION.—Utilization of group selection and individual tree selection uneven-aged forest management prescriptions described in the Quincy Library Group-Community Stability Proposal to

achieve a desired future condition of all-age, multistory, fire resilient forests as follows:

- (A) GROUP SELECTION.—Group selection on an average acreage of .57 percent of the pilot project area land each year of the pilot project.
- (B) INDIVIDUAL TREE SELECTION.—Individual tree selection may also be utilized within the pilot project area.
- (3) TOTAL ACREAGE.—The total acreage on which resource management activities are implemented under this subsection shall not exceed 70,000 acres each year.
- (4) RIPARIAN MANAGEMENT.—(A) program of riparian management, including wide protection zones and riparian restoration projects, consistent with riparian protection guidelines in subsection (c)(2)(B).
- (e) COST-EFFECTIVENESS.—In conducting the pilot project, Secretary shall use the most cost-effective means available as determined by the Secretary, to implement resource management activities described in subsection (d).
- (f) FUNDING.—
- (1) SOURCE OF FUNDS.—In conducting the pilot project, the Secretary shall use, subject to the relevant reprogramming guidelines of the House and Senate Committees on Appropriations—
- (A) those funds specifically provided to the Forest Service by the Secretary to implement resource management activities according to the Quincy Library Group-Community Stability Proposal; and
- (B) year-end excess funds that are allocated for the administration and management of Plumas National Forest, Lassen National Forest, and the Sierraville Ranger District of Tahoe National Forest.
- (2) PROHIBITION ON USE OF CERTAIN FUNDS.—The Secretary may not conduct the pilot project using funds appropriated for any other unit of the National Forest System.
- (3) FLEXIBILITY.—Subject to normal reprogramming guidelines, during the term of the pilot project, the forest supervisors of Plumas National Forest, Lassen National Forest, and Tahoe National Forest may allocate and use all accounts that contain year-end excess funds and all available excess funds for the administration and management of Plumas National Forest, Lassen National Forest, and the Sierraville Ranger District of Tahoe National Forest to perform the resource management activities described in subsection (d).
- (4) RESTRICTION.—The Secretary or the forest supervisors, as the case may be, shall not utilize authority provided under paragraphs (1)(B) and (3) if, in their judgment, doing so will limit other nontimber related multiple use activities for which such funds were available.
- (5) OVERHEAD.—The Secretary shall seek to ensure that of amounts available to carry out this section—
- (A) not more than 12 percent is used or allocated for general administration or other overhead; and
- (B) at least 88 percent is used to implement and carry out activities required by this section.
- (6) AUTHORIZED SUPPLEMENTAL FUNDS.—There are authorized to be appropriated to implement and carry out the pilot project such sums as are necessary.
- (7) BASELINE FUNDS.—Amounts available for resource management activities authorized under subsection (d) shall at a minimum include existing baseline funding levels.
- (g) TERM OF THE PILOT PROJECT.—The Secretary shall conduct the pilot project until the earlier of: (1) the date on which the Secretary completes amendment or revision of the land and resource management plans for the Plumas National Forest, Lassen National Forest, and Tahoe National Forest; or (2) five years after the date of the commencement of the pilot project.
- (h) CONSULTATION.—(1) The statement required by subsection (b)(1) shall be prepared in consultation with interested members of the public, including the Quincy Library Group.
- (2) CONTRACTING.—The Forest Service, subject to the availability of appropriations, may carry out any (or all) of the requirements of this section using private contracts.
- (i) CORRESPONDING FOREST PLAN AMENDMENTS.—Within 2 years after the date of the enactment of this Act, the Regional Forester for Region 5 shall initiate the process to amend or revise the land and resource management plans for plumas National Forest, Lassen National Forest, and Tahoe National Forest. The process shall include preparation of at least one alternative that—

- (1) incorporates the pilot project and area designations made by subsection (b), the resource management activities described in subsection (d), and other aspects of the Quincy Library Group-Community Stability Proposal; and
- (2) makes other changes warranted by the analyses conducted in compliance with section 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)), section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604), and other applicable laws.

(j) STATUS REPORTS.—

- (1) IN GENERAL.—Not later than February 28 of each year during the term of the pilot project, the Secretary shall submit to Congress a report on the status of the pilot project. The report shall include at least the following.

- (A) A complete accounting of the use of funds made available under subsection (f)(1)(A) until such funds are fully expended.

- (B) A complete accounting of the use of funds and accounts made available under subsection (f)(1) for the previous fiscal year, including a schedule of the amounts drawn from each account used to perform resource management activities described in subsection (d).

- (C) A description of total acres treated for each of the resource management activities required under subsection (d), forest health improvements, fire risk reductions, water yield increases, and other natural resources-related benefits achieved by the implementation of the resource management activities described in subsection (d).

- (D) A description of the economic benefits to local communities achieved by the implementation of the pilot project.

- (E) A comparison of the revenues generated by, and costs incurred in, the implementation of the resource management activities described in subsection (d) on the Federal lands included in the pilot project area with the revenues and costs during each of the fiscal years 1992 through 1997 for timber management of such lands before their inclusion in the pilot project.

- (F) A proposed schedule for the resource management activities to be undertaken in the pilot project area during the 1-year period beginning on the date of submittal of the report.

- (G) A description of any adverse environmental impacts from the pilot project.

- (2) LIMITATION ON EXPENDITURES.—The amount of Federal funds expended on each annual report under this subsection shall not exceed \$125,000.

(k) FINAL REPORT.—

- (1) IN GENERAL.—The Secretary shall establish an independent scientific panel to review and report on whether, and to what extent, implementation of the pilot project under this section achieved the goals stated in the Quincy Library Group-Community Stability Proposal, including improved ecological health and community stability. The membership of the panel shall reflect expertise in diverse disciplines in order to adequately address all of those goals.

- (2) PREPARATION.—The panel shall initiate such review no sooner than 18 months after the first day of the term of the pilot project under subsection (g). The panel shall prepare the report in consultation with interested members of the public, including the Quincy Library Group. The report shall include, but not be limited to, the following:

- (A) A description of any adverse environmental impacts resulting from implementation of the pilot project.

- (B) An assessment of watershed monitoring data on lands treated pursuant to this section. Such assessment shall address the following issues on a priority basis: timing of water releases; water quality changes; and water yield changes over the short- and long-term in the pilot project area.

- (3) SUBMISSION TO THE CONGRESS.—The panel shall submit the final report to the Congress as soon as practicable, but in no case later than 18 months after completion of the pilot project.

- (4) LIMITATION ON EXPENDITURES.—The amount of Federal funds expended for the report under this subsection, other than for watershed monitoring, shall not exceed \$350,000. The amount of Federal funds expended for watershed monitoring under this subsection shall not exceed \$175,000 for each fiscal year in which the report is prepared.

- (l) RELATIONSHIP TO OTHER LAWS.—Nothing in this section exempts the pilot project from any Federal environmental law.

(m) LOANS FOR DEMONSTRATION PROJECTS FOR WOOD WASTE OR LOW-QUALITY WOOD BYPRODUCTS.—

- (1) EVALUATION OF LOAN ADVISABILITY.—The Alternative Agricultural Research and Commercialization Corporation established under section 1658 of

the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5902) (in this section referred to as the "Corporation") shall evaluate the advisability of making commercialization assistance loans under section 1661 of such Act (7 U.S.C. 5905) to support a minimum of 2 demonstration projects for the development and demonstration of commercial application of technology to convert wood waste or low-quality wood byproducts into usable, higher value products.

(2) LOCATION OF DEMONSTRATION PROJECTS.—If the Corporation determines to make loans under this subsection to support the development and demonstration of commercial application of technology to convert wood waste or low-quality wood byproducts into usable, higher value products, the Corporation shall consider making one loan with regard to a demonstration project to be conducted in the pilot project area and one loan with regard to a demonstration project to be conducted in southeast Alaska.

(3) ELIGIBILITY REQUIREMENTS.—To be eligible for a loan under this subsection, a demonstration project shall be required to satisfy the eligibility requirements imposed by the Corporation under section 1661 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5905).

PURPOSE OF THE MEASURE

The purposes of H.R. 858, as ordered reported, are to direct the Secretary of Agriculture to conduct a pilot project on designated lands within the Plumas, Lassen, and Tahoe National Forests in California; to determine whether the resource management activities proposed by the Quincy Library Group are effective; and to consider the incorporation of those management activities, as appropriate, in the amendments of, or revisions to, the current land and resource management plans for these national forests.

BACKGROUND AND NEED FOR THE LEGISLATION

The "Quincy Library Group Forest Recovery and Economic Stability Act of 1997" directs the Secretary of Agriculture to implement a pilot project on federal lands within the Plumas National Forest, Lassen National Forest, and the Sierraville Ranger District of the Tahoe National Forest in California. These forests total about 2.5 million acres. The project is designed to maintain ecological integrity, community stability, and forest health; and to initiate forest plan amendments or revisions to evaluate the incorporation of the Quincy Library Group (QLG) resource management activities into the forest plans.

H.R. 858 is based on the QLG Community Stability Proposal of 1993, which was developed by a coalition of representatives from environmental organizations, the wood products industry, citizens, elected officials, and local communities in northern California. The proposal is intended to represent a locally-developed, consensus-based resource management program for the applicable federal lands in a portion of the Sierra Nevada ecosystem.

H.R. 858 directs the Secretary of Agriculture, acting through the Forest Service, to construct fuelbreaks, utilize individual tree selection and group selection, establish a riparian management program, and conduct monitoring in an effort to reduce the risk of catastrophic fire and improve watersheds, consistent with the 1993 proposal within the pilot project area. That area totals approximately 1.6 million acres. The bill excludes all roadless lands from the activities authorized for the duration of the pilot project. The timber removed for construction of the fuelbreaks and by group and individual tree selection can be utilized in mills that process the material into lumber and other wood products. Biomass that is re-

moved can be utilized to produce energy and other, higher value products.

The bill preserves for the duration of the pilot project all remaining roadless areas on the two National Forests and one ranger district on a third National Forest. This is a central component of the QLG plan, and is accomplished by directing that fuelbreak activities be carried out only in areas that are “available for group selection” on the map that outlines the QLG land base areas. Fuelbreak strategies involving “defensible fuel profile zones” (DFPZs) are recognized by current scientific literature, such as the Sierra Nevada Ecosystem Project (SNEP), completed in June 1997.

The QLG plan was drawn from relevant parts of the available scientific literature concerning the Sierra Nevada area and contains an extensive compilation of scientific information and theories on the ecosystem of the Sierra Nevada area. SNEP recognizes the validity of using DFPZs, the key component of the QLG plan, as a way to restoring a natural balance in forests:

[DFPZs] should be viewed as an initial step in bringing large portions of landscapes into more defensible and fire resilient conditions. As the hazard level of various landscapes is brought down, the DFPZs will tend to blend into the surrounding landscapes. It must be recognized that desirable fuels conditions, once achieved, will require periodic maintenance or conditions will revert to hazardous states. (Sierra Nevada Ecosystem Project, Volume 1, Chapter 4, Page 70.)

The SNEP report also recognizes the value of late-successional old-growth forest conditions, which are fostered in the QLG plan (Sierra Nevada Ecosystem Project, Volume 1, Chapter 6). For the term of the pilot project, H.R. 858 does not authorize any timber management activities within the roadless areas—areas that contain late successional old-growth trees.

H.R. 858 directs that resource management activities be implemented consistent with applicable environmental and resource standards and guidelines which are drawn from law and regulation. In addition, the bill directs that resource management activities be implemented consistent with the California spotted owl report (CASPO) interim guidelines.

The Secretary has funded specific projects designed to approximate the QLG plan during the past three years: \$1 million in fiscal year 1995; \$4.7 million in fiscal year 1996; and \$4.7 million in fiscal year in 1997. In addition, QLG-like activities have relied on funding allocated to the ordinary accounts of these national forests through the normal budgeting process. Funding provided to date has resulted in little on-the-ground work approximately the series of “strategic fuel breaks” designed to reduce the risk of fire. Work done by the Forest Service over the past two and one-half years is not equal in scope to that envisioned by the QLG plan due to the funding levels necessary to implement such a large-scale project. Since additional funds will be needed to implement the provisions of H.R. 858, the bill provides flexibility in subsection 2(f) for the Secretary to provide funds through reprogramming and administrative flexibility.

The development of the Quincy Library Group pilot project represents a unique situation involving a locally-developed consensus approach to public land management. As such, this approach has been studied by public land managers, policy makers, and scholars of public land management. Implementation of the pilot project will also be the subject of congressional oversight and review to assess the success of the project, as well as any broader implications for improved federal land management. The Committee is aware that future locally-developed, consensus-based alternatives for federal land management may be evaluated during the land and resource management planning processes of the relevant federal land managing agencies. However, legislation should not be necessary to accommodate thoughtful consensus-based approaches to Federal land management that comply with applicable environmental and other laws. Therefore, the committee does not anticipate reporting any additional legislative initiatives comparable to the Quincy Library Bill.

Since H.R. 858 directs implementation of a pilot project, the ultimate results of this legislation are very uncertain. The Committee notes that this bill directs implementation of an experimental pilot in two respects: it legislates a management plan for a few identified forests; and it directs the Secretary to conduct experimental management activities. Therefore, the Committee plans to carefully review and monitor its implementation and results before supporting the initiation of any similar projects. The Committee generally believes that individual national forests should not be managed by specialized statute.

LEGISLATIVE HISTORY

H.R. 858 was introduced on February 27, 1997, by Congressman Wally Herger and passed the House on July 15, 1997.

On July 17, 1997, Senator Diane Feinstein and Senator Barbara Boxer introduced S. 1028, a companion measure to the bill passed by the House. S. 1028 and H.R. 858 were referred to the Committee on Energy and Natural Resources. On July 24, 1997, the Subcommittee on Forests and Public Land Management held a hearing on S. 1028 and H.R. 858.

At the business meeting on October 22, 1997, the Committee on Energy and Natural Resources ordered H.R. 858, as amended, favorably reported.

COMMITTEE RECOMMENDATIONS AND TABULATION OF VOTES

The Senate Committee on Energy and Natural Resources, in open business session on October 22, 1997, by unanimous voice vote of a quorum present, recommends that the Senate pass H.R. 858, if amended as described herein.

COMMITTEE AMENDMENTS

During consideration of H.R. 858, the Committee initially agreed to an amendment in the nature of a substitute (offered by Senator Craig) as original text for the purpose of further amendment. The Committee then adopted an amendment offered by Senator Bumpers. The Bumpers amendment struck subsection 2(g) in its entirety

and substituted alternative language. The alternative language specified that the term of the pilot project shall be until the earlier of: (1) the date on which the Forest Service completes amendments of, or revision to, the land and resource management plans for the Plumas, Lassen, and Tahoe National Forests pursuant to subsection (i); or (2) five years after the date of the commencement of the pilot project. Land and resource management plan amendments unrelated to the direction provided in subsection (i) will not affect the term of the pilot project.

SECTION-BY-SECTION ANALYSIS

Section 1 entitles the bill the “Quincy Library Group Forest Recovery and Economic Stability Act of 1997.”

Section 2(a) defines the term “Quincy Library Group—Community Stability Proposal,” and provides a map reference.

Subsection (b) sets forth the purpose of the Act and describes the pilot project area. This subsection directs the Forest Service to complete an environmental impact statement and a record of decision within 300 days of enactment to commence the pilot project.

Subsection (c) specifies certain lands which will be excluded from resource management activities implemented pursuant to the Act. These areas include all spotted owl habitat areas and protected activity centers, as well as all areas designated as either “off-base” or “deferred” on the map of the project area referenced in subsection (a).

Subsection (c) of the bill describes areas for which resource management activities under the Act, timber harvesting, and road construction will be excluded. These areas include all spotted owl habitat areas and protected activity centers, as well as all areas designated as either “off-base” or “deferred” on the map of the project area referenced in subsection (a). The off-base and deferred areas may not include all of the late successional old growth areas in the project area. The Committee expects that the Forest Service will avoid scheduling timber harvesting and road construction activities in these late successional old growth stands that are neither off-base, nor deferred. At the same time, the Committee expects the Forest Service to address individual, human safety-related, hazard trees in these stands and in off-base and deferred areas.

This subsection also specifies that the Scientific Analysis Team (SAT) guidelines for riparian system protection shall apply to all resource management activities conducted pursuant to subsection (d). Application of the SAT guidelines is not directed in the three national forests generally. The guidelines shall not apply to any livestock grazing in the pilot project area, unless the livestock grazing is being conducted in the specific location at which the guidelines are otherwise being applied to a resource management activity conducted pursuant to subsection (d). The Scientific Analysis Team guidelines shall, to the extent practicable, be applied in a manner such that no individual grazing allotment will be unduly burdened by application of the guidelines.

The Scientific Advisory Team guidelines specified in subsection (c) provide for mitigation and adaptive management. If subsequent analysis reexamines the applicability of the SAT mitigation meas-

ures, such measures may be modified and remain consistent with the intent of the SAT guidelines for the QLG forests.

Paragraph (3) specifies that resource management activities conducted pursuant to subsection (d) shall be implemented consistent with applicable Federal law and the California Spotted Owl Sierran Province Interim Guidelines or any subsequently issued guidelines which take effect.

Subsection (d) describes the type and amount of resource management activities that will be carried out during the term of the pilot project. While the Plumas, Lassen, and affected portions of the Tahoe National Forest total about 2.5 million acres, the pilot project area is approximately 1.6 million acres. Paragraph (1) directs fuelbreak construction on not less than 40,000, but not more than 60,000, acres per year. Paragraph (2) directs group selection each year on an acreage totaling 0.57 percent of the pilot project land area, and individual tree selection throughout the pilot project area. Paragraph (3) limits the total acreage on which resource management activities are implemented to no more than 70,000 acres for each year of the pilot project. Paragraph (4) directs a program of riparian management, including wide protection zones and riparian restoration projects. The Committee understands that paragraph (4) specifies a riparian management program which could also include activities such as road maintenance and a road obliteration program that enhances the ecological health of the riparian area.

It is the Committee's intent that any timber sales authorized under this subsection will be offered in lieu of, and not in addition to, the regularly scheduled timber sale program during the term of the pilot project. It is further anticipated that most timber sale projects already underway may be completed consistent with existing law and policy before the record of decision for the pilot project is signed and the term of the pilot project begins, or will be completed under the contract terms.

The Committee believes, based upon representations by the Administration, that the goals of the pilot project are achievable. Nevertheless, the Committee understands that the requirements of the bill may have, among others, the following effects. First, the application of subsection (c), in addition to the environmental analysis conducted in preparing the Environmental Impact Statement required by subsection (b), may cause the Forest Service to fall short of the acreage levels specified in subsection (d). Second, the application of subsection (c), in addition to the site-specific environmental analysis and administrative appeals of projects under the pilot project, may cause the acreage treated to fall short of the levels proposed in earlier scoping documents. If this occurs, the Committee understands that the annual amount of acreage treated may be less than the acreage figures anticipated in the record of decision adopted under subsection (b). Finally, the EIS required in subsection (b) and project decision documents must result in a program of work that is consistent with all applicable environmental, and other Federal laws.

Subsection (e) directs that the Secretary use the most cost-effective means available in conducting the pilot project.

Subsection (f) provides the Forest Service with the flexibility to use a variety of funding sources to implement the pilot project. In addition to funds specifically provided to the Forest Service through the normal appropriations process to implement resource management activities in accordance with the pilot project, authority is provided to use any year-end excess funds for the administration of the three affected national forests. Paragraph (5) provides the Forest Service with direction to seek to assure that not more than 12 percent of available funds are allocated for general administration or other overhead. The subsection (f) provisions are designed to either provide flexibility for land managers to utilize under certain conditions appropriated funds to implement the QLG pilot program, or to help ensure that land managers are accountable and control costs.

The Committee understands that the acreage treated per year may be less than the acreage figures anticipated in the record of decision under subsection (b) because of limited availability of funding and appropriations authorized by subsection (f). The Department of Agriculture has made funds available from its existing Forest Service budget to fund approximately 30 to 40 percent of the Quincy Library Group proposal. The Committee understands that this funding will be provided on the condition that other programs conducted in the pilot project area and other national forests are not affected, consistent with subsection (f). The Committee understands that to implement the entire program will require Congress to provide additional appropriations specifically for this project.

Subsection (g) specifies that the Secretary shall conduct the pilot project until the earlier of the date on which the Forest Service has completed a relevant amendment or revision to all three of the affected national forest land and resource management plans as provided for in subsection (i), or five years after the commencement of the pilot project. The pilot project shall commence on the date that the record of decision for the project required by paragraph 2(b)(1) takes effect.

Subsection (h) requires the Forest Service to consult with interested members of the public, including the Quincy Library Group, in developing the Environmental Impact Statement required by subsection (b)(1).

Subsection (i) directs the Forest Service to initiate the plan amendments or revisions referenced in subsection (g) within two years after the date of enactment of this Act. This subsection further directs that the plan amendment or revision process include the preparation of at least one alternative that: (1) incorporates the pilot area designations in subsection (b), the type and amount of resource management activities described in subsection (d), and other aspects of the Quincy Library Group Community Stability Proposal; and (2) makes any other changes warranted by subsequent analysis conducted in compliance with the National Environmental Policy Act and other applicable laws.

It is the Committee's understanding that the Forest Service will complete the environmental impact statement and Record of Decision required by subsection 2(b)(1) and implement the pilot project before commencing the plan amendment or revision process required by subsection (2)(i). Under the terms of subsection (g)(1), the

pilot project will not terminate in less than five years from the date of commencement unless the Forest Service completes the amendments or revisions to land and resource management plans for all three affected national forests, pursuant to subsection (i).

Subsection (j) provides that, not later than February 28 of each year during the term of the pilot project, the Secretary shall submit to Congress a report on the status of the project. Paragraph (1) specifies the contents of each annual report. Paragraph (2) caps expenditures for each annual report at \$125,000. Each annual report should include a review of the status of any plan amendments or revisions undertaken pursuant to subsection (i).

Subsection (k) directs the Secretary of Agriculture to establish an independent, scientific panel to prepare a final report on whether, and to what extent, implementation of the pilot project achieved the goals stated in the Quincy Library Group Community Stability Proposal. Paragraph (2) specifies the contents of the final report. Paragraph (3) directs the Secretary to submit the independent, final report to Congress no later than 18 months after the completion of the pilot project. Paragraph (4) provides limitations on expenditures for the final report.

Subsection (l) states that nothing in the Act exempts the pilot project from any environmental law.

Subsection (m) directs the Alternative Agricultural Research and Commercialization Corporation to evaluate the advisability of making loans under the Food, Agriculture, Conservation and Trade Act of 1990 (7 U.S.C. 5905) to support 2 demonstration projects for the development and demonstration of commercial application of technology to convert wood waste or low-quality wood by products into usable, higher value products. To be eligible for such a loan, such demonstration projects must satisfy the eligibility requirements imposed by the Corporation pursuant to the 1990 Act. This subsection further directs that, if the Corporation decides to make such loans, the Corporation is required to consider one demonstration project in the pilot project area, and the other in southeast Alaska.

COST AND BUDGETARY ANALYSIS

The following estimate of costs of this measure has been provided by the Congressional Budget Office.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, November 3, 1997.

Hon. FRANK H. MURKOWSKI,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 858, the Quincy Library Group Forest Recovery and Economic Stability Act of 1997.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Victoria V. Heid (for federal costs), and Marjorie Miller (for the state and local impact).

Sincerely,

JUNE E. O'NEILL, *Director.*

Enclosure.

H.R. 858—Quincy Library Group—Forest Recovery and Economic Stability Act of 1997

Summary: H.R. 858 would direct the Secretary of Agriculture to conduct a five-year pilot project on the Plumas and Lassen National Forests, and portions of the Tahoe National Forest, to implement resource management activities as recommended in the Quincy Library Group Proposal. CBO estimates that new discretionary outlays to implement H.R. 858 would be \$3 million in fiscal year 1998 and a total of \$70 million over the 1998–2002 period, assuming appropriation of the estimated amounts. Implementing the legislation could lead to an increase in offsetting receipts from timber harvests, but enacting H.R. 858 would not, by itself, affect direct spending or receipts; hence, pay-as-you-go procedures do not apply to the act.

H.R. 858 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act of 1995 (UMRA) and would impose no costs on state, local, or tribal governments.

Description of the act's major provisions: H.R. 858 would direct the Secretary of Agriculture to conduct a pilot project on the Plumas and Lassen National Forest and the Sierraville Ranger District of the Tahoe National Forest, excluding certain protected areas, to carry out resource management activities as recommended in the Quincy Library Group (QLG) Proposal. The legislation would require the Secretary to implement these resource management activities on not less than about 49,000 acres and no more than 70,000 acres each year for the five-year term of the pilot project if doing so is consistent with all environmental laws. According to the U.S. Forest Service, the act's forest management requirements would (1) increase the total acreage on which they carry out fuels management activities, (2) result in fuels management on different areas than under current practice, and (3) change the type of silvicultural methods used to reduce fuels on that acreage. The primary intent of the QLG proposal is to reduce the risk of high intensity wildfires which are the inadvertent result of years of suppressing low intensity fires that allowed fuel to accumulate in the forests.

Section 2(d)(1) would require the Forest Service to construct fuelbreaks in the pilot project area between 40,000 and 60,000 acres per year. Fuelbreaks are areas of a forest where trees and other vegetation have been thinned to reduce the amount of material available to fuel wildfires. Section 2(d)(2) would require the Forest Service to use certain silvicultural methods to achieve the forest conditions desired by the QLG. Specifically, H.R. 858 would require that trees be removed by "group selection" on 0.57 percent of the lands covered by the pilot project (the Lassen, Plumas, and portions of the Tahoe National Forests), about 9,300 acres each year. Group selection refers to the silvicultural practice of removing all timber within an area up to two acres in size. The legislation also would permit individual tree selection within the pilot project area.

H.R. 858 would direct the Secretary of Agriculture to begin the five-year pilot project following completion of an environmental impact statement (EIS). The Forest Service expects that the EIS

would take about one year to complete. The pilot project would end either after five years, or whenever the Forest Service completes revisions of the land and resource management plans for the three affected national forests, whichever is earlier. The legislation would require the Secretary to submit annual status reports on the pilot project to the Congress and specifies that expenditures for each report not exceed \$125,000. H.R. 858 would direct the Secretary to establish an independent scientific panel to review the pilot project and report to the Congress whether the project achieved the goals stated in the QLG proposal. The act specifies that expenditures for watershed monitoring in connection with the report are not to exceed \$175,000 per year, and that additional spending on the report is not to exceed a total of \$350,000.

H.R. 858 authorizes to be appropriated such sums as are necessary to carry out the pilot project. Section 2(f) provides that the pilot project may be funded by amounts specifically provided to the Forest Service for that purpose or year-end excess funds allocated for administering the three affected national forests, but prohibits the Secretary from using funds appropriated for any other unit of the National Forest System. Section 2(f) states that the Secretary shall not exercise the authority to use year-end excess funds in other accounts if doing so would limit other multiple use activities on federal lands for which those funds were available.

Section 2(m) would direct the Alternative Agricultural Research and Commercialization Corporation, an independent entity within the Department of Agriculture, to evaluate the advisability of making commercialization assistance loans to support two projects to demonstrate the commercial application of technology to convert wood waste or low-quality wood byproducts into usable, higher-value products. If such demonstration projects are supported, the agency is to consider one in the QLG pilot project area and one in southeast Alaska. CBO cannot predict whether the corporation would decide to make such loans following their evaluation, but in any case loans are made out of the corporation's revolving fund which is subject to appropriations action.

Estimated Cost to the Federal Government: Based on information from the U.S. Forest Service, CBO estimates that discretionary outlays to implement H.R. 858 would be about \$3 million in fiscal year 1998 and a total of about \$70 million over the 1998–2002 period, assuming appropriation of the estimated amounts. Implementing the act's provisions could increase offsetting receipts from future timber harvests in the affected forests, but any such change is contingent upon the appropriation of fund to implement those provisions, how the Forest Service implements the project, and whether the agency changes its existing timber program on the three affected forests. Hence, enacting H.R. 858 would not, by itself, affect offsetting receipts. The estimated budgetary impact of H.R. 858 is shown in the following table. The costs of this legislation fall within budget functions 300 (natural resources and environment) and 350 (agriculture).

	By fiscal years, in millions of dollars—					
	1997	1998	1999	2000	2001	2002
SPENDING SUBJECT TO APPROPRIATION						
Spending Under Current Law:						
Budget Authority ¹	5	5	0	0	0	0
Estimated Outlays	5	5	0	0	0	0
Proposed Changes:						
Authorization Level	0	3	28	20	10	10
Estimated Outlays	0	3	24	21	11	11
Spending Under H.R. 858:						
Authorization Level ¹	5	8	28	20	10	10
Estimated Outlays	5	8	24	21	11	11

¹The 1997 level is the amount appropriated for that year. For fiscal year 1998, the agency expects to allocate a similar amount from an appropriations act that was recently cleared by the Congress (H.R. 2107).

Basis of estimate: According to the U.S. Forest Service, the Secretary of Agriculture allocated \$5 million in each of fiscal years 1996 and 1997 to supplement the regular appropriations for the purpose of implementing resource management activities recommended by the QLG for the Plumas, Lassen, and Tahoe National Forests. The agency expects to allocate a similar amount in fiscal year 1998. CBO estimates that implementing H.R. 858 would result in total additional outlays of about \$70 million over the 1998–2002 period (excluding the \$5 million in 1998 funding shown in the table as spending under current law). We derived that estimate by summing estimated costs for preparing an EIS, constructing the fuelbreaks, carrying out the group selection, conducting project-level planning and environmental reviews, and completing required reports and monitoring. These discretionary costs could be offset by savings if the Forest Service chooses to implement the pilot project in lieu of the current timber programs in those forests.

Based on information from the Forest Service, CBO estimates a cost of \$1 million for 1998 to complete an EIS before the pilot project would begin. Outlays to implement the group selection would be about \$2 million for advance planning in fiscal year 1998 and would total \$14 million over the 1998–2002 period. CBO estimates that constructing the fuelbreaks would require outlays of about \$19 million in fiscal year 1999 and a total of \$51 million over the 1999–2002 period. The estimated costs for project-level planning and environmental reviews are included in the above amounts for fuelbreak construction and group selection. H.R. 858 would accelerate the existing schedule for revising the land management plans for these forests, resulting in additional discretionary spending of about \$2 million over the 1999–2002 period.

Assuming appropriation of the estimated amounts, CBO expects that the fuelbreak construction and group selection required by H.R. 858 would result in timber harvest volumes from the pilot project area of about 165 million board feet in the first year and about 250 million board feet per year in the subsequent years of the pilot project. Such volumes could reduce direct spending by \$6 million in fiscal year 1999 and by \$74 million over the 1999–2002 period. That net change in direct spending would reflect gross offsetting receipts of \$90 million over the 1999–2002, and mandatory spending (such as required payments to states) of \$16 million over the same period. Actual receipts could vary significantly (higher or lower) from these estimates depending on which acres are treated,

the volume and value of the timber inventory on those acres, and the time required to plan and carry out the forest management activities. Whether such potential volumes are in addition to currently planned timber harvests or in lieu of current harvest levels would depend on how the Forest Service chooses to implement H.R. 858.

If the Forest Service stopped its current timber management program on the three national forests, discretionary savings of about \$5 million per year would offset additional costs to implement H.R. 858. (Because it is unclear whether such savings would be generated, the above table does not reflect that potential change in discretionary spending.) In any case, because implementation of the pilot project would be contingent on additional appropriations, CBO estimates no change in direct spending (including offsetting receipts) from enacting H.R. 858.

Pay-as-you-go considerations: None.

Estimated impact on State, local, and tribal governments: H.R. 858 contains no intergovernmental mandates as defined in UMRA and would impose no costs on State, local, or tribal governments. States generally receive 25 percent of the timber receipts from national forests within their borders. Assuming appropriation of the estimated amounts necessary to implement this legislation, CBO expects that the State of California could receive additional payments of \$13 million over the 1999–2002 period.

Estimated impact on the private sector; H.R. 858 would impose no new private-sector mandates as defined in UMRA.

Previous CBO estimate: On June 17, 1997, CBO prepared a cost estimate for H.R. 858 as ordered reported by the House Committee on Resources on May 21, 1997. The two versions of H.R. 858 are similar, as are the cost estimates. The version ordered reported by the Senate Committee on Energy and Natural Resources requires completion of an EIS before the pilot project begins, which would delay implementation of the pilot project and change the timing of expected spending, as compared to the pace of spending under the version of H.R. 858 that was approved by the House Committee on Resources.

Estimate prepared by: Federal Costs: Victoria V. Heid; Impact on State, Local, and Tribal Governments: Marjorie Miller.

Estimate approved by: Paul N. Van de Water, Assistant Director for Budget Analysis.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out H.R. 858. The Act is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of H.R. 858.

EXECUTIVE COMMUNICATIONS

On October 27, 1997, the Committee on Energy and Natural Resources requested legislative reports from the Department of Agriculture and the Office of Management and Budget setting forth executive views on H.R. 858 as amended. These reports had not been received at the time the report on H.R. 858 as amended was filed. When the reports become available, the Chairman will request that they be printed in the Congressional Record for the advice of the Senate.

On July 24, 1997, the Administration offered testimony on H.R. 858 as reported by the House, and S. 1028 as introduced. The testimony provided by the Department of Agriculture at the hearing follows:

STATEMENT OF RONALD E. STEWART, ACTING ASSOCIATE
CHIEF, FOREST SERVICE, DEPARTMENT OF AGRICULTURE

Mr. Chairman and Members of the Subcommittee: Thank you for the opportunity to offer the Administration's views on S. 1028 and H.R. 858, the "Quincy Library Group Forest Recovery and Economic Stability Act of 1997." I am Ron Stewart, Acting Associate Chief of the Forest Service and I am accompanied by Forest Supervisor Mark Madrid of the Plumas National Forest.

The Administration supports the goals of H.R. 858 and S. 1028 and is currently implementing much of the Quincy Library Group (QLG) Proposal using existing statutory authority, consistent with environmental laws and available funding. While the Administration believes the actions directed by these two bills could be implemented administratively, given the interest in pursuing legislation and supporting the goal of local collaboration between different stakeholders, the Administration will support enactment of this legislation.

If enacted, the Forest Service will implement the actions directed in either one of the bills within the constraints of available funds. We believe that additional funds must be appropriated to fully implement the project. We will work to ensure that our actions meet the objectives of the QLG and the surrounding communities, as well as the objectives of the broader public. We feel that it is important to allow enough time to measure the success of this project.

The Administration, through the Forest Service, will continue to utilize its administrative and statutory authorities to work with communities who come together to establish consensus on land management goals. Community involvement is very important to the Administration, particularly the Forest Service, as a way to bring people together to generate collaborative solutions to problems on public lands. However individual National Forests should not be managed by specialized statute for a number of reasons, including the fact that forest conditions change more quickly than the legislative process can respond. An administrative approach gives the Forest Service a great deal

of flexibility to change management strategies in response to changing conditions and with full public involvement.

Mr. Chairman, we appreciate the efforts of certain Members of Congress and their staffs to make changes to improve these two bills. With regard to S. 1028, we would recommend additional refinements to further improve the bill, to ensure consistency with all environmental laws, and to avoid potential confusion in land management planning. It is our understanding that an opportunity exists to resolve outstanding issues prior to Committee action on either bill.

General conditions of the Sierras

In 1996 the Sierra Nevada Ecosystem Project (SNEP) Report, chartered by Congress, found that the Sierra Nevada range has become highly susceptible to catastrophic wildfire. The virtual exclusion of low- to moderate-severity fire, as well as past harvesting and grazing practices, have affected the structure and composition of much of the Sierra Nevada vegetation. The resulting forests can be characterized as having dense stands of small to medium size, shade-tolerant, fire-sensitive tree species. Fuels have become more continuous from the ground through the upper canopy. Most stands in the Sierra Nevada range have experienced increased mortality from the cumulative effects of competition, drought, insects, disease and, in some cases, ambient ozone air pollution. This has created conditions favorable to intense and severe fires that are more damaging to the ecosystem, are more expensive to suppress, and pose a greater threat to life and property.

The SNEP report describes a number of approaches to reduce the susceptibility of the the Sierra Nevada range to catastrophic fire by reducing the potential for large high-severity wildfires in both wildlands and the wildland/urban interface.

The Quincy Library Group (QLG)

The QLG was formed in 1992 and became a three-county alliance of elected officials, timber industry, workers, union representatives, local environmentalists, and citizens. The QLG has worked to resolve long-standing controversies over some aspects of vegetation management on the Plumas, Lassen, and the Sierraville Ranger District of the Tahoe National Forest. They have developed a proposal that addresses various aspects of vegetation management including timber sales, fire hazard reduction, watershed and riparian area restoration, monitoring and forest planning. Most importantly, they have negotiated and compromised locally, crafting a program that is generally acceptable to all. In recognition of the importance of this effort, Secretary Glickman has prioritized funding for these three forests to support forest activities consistent with the concepts of the QLG proposal and forest plan standards and guides.

Contents of the bills

Both S. 1028 and H.R. 858, as passed by the House, would direct the Secretary of Agriculture to conduct a pilot project on designated lands of three National Forests—the Plumas, Lassen and a portion of the Tahoe National Forests. The purpose of the project, reflecting portions of the QLC proposal, is to demonstrate the effectiveness of various vegetative management activities directed in the bill. These activities are: (1) construction of a strategic system of defensible fuel breaks on not less than 40,000 but not more than 60,000 acres per year; and (2) implementation on an acreage rather than volume basis, of uneven-aged forest management prescriptions utilizing individual tree selections and small group selections to achieve a desired future condition of an all-age, multi-story, fire resistant forest.

This legislation reflects some of the analysis in the Sierra Nevada Ecosystem Project Report (SNEP) that identifies defensible fuel profile zones as an initial, but not exclusive, focus for fuels management activities in the Sierra Nevada. SNEP stressed, however, that the fuel zones are an initial step in bringing the landscape into a more fire-resilient condition, that other management tools are also needed, and that periodic maintenance will be required to maintain benefits of fuel zones.

The project would terminate 5 years after date of enactment of this bill or when the land and resource management plans for the three forests have been revised or amended as appropriate, whichever is later.

Comparison of the bills

S. 1028 is identical to H.R. 858, as passed by the House, except for the following modifications:

Section 2(c)(2) would prohibit any pilot project activities, and all road building and timber harvest activities in “off base” and “deferred” areas during the term of the project.

Section 2(j)(1)(G) requires the annual report include a description of any adverse environmental impacts; and,

Section 2(k)(1)(B) includes a similar requirement for the final report.

The Administration is comfortable with these additions to the House passed bill.

We are concerned that S. 1028 is not responsive to several issues identified in the Statement of Administration Position for H.R. 858. Those concerns still exist and I would like to briefly describe them:

Section 2(c)(3) (A) and (B) could freeze riparian guidelines to the knowledge and expertise available when the “Viability Assessments and Management Considerations for Species Associated with Late-Successional and Old-Growth Forests of the Pacific Northwest” was published. New information may necessitate amendments to the riparian guidelines. It is the Administration’s position that the legislation should allow for adaptive management

rather than preclude the use of new information for the term of the project by locking in the guidelines for the project area.

Section 2(g) calls for termination of the pilot the later of: (1) completion of plan amendments or revisions or (2) 5 years from date of enactment. The Administration believes that plan amendments or revisions should trigger termination of the project if they are completed within the 5-year period.

Additionally, it is the intent of the Administration, in fulfillment of Section 2(l) to conduct site specific analyses for individual projects or groups of projects.

Finally, the Secretary has supported implementation of the QLG proposal to date through reprioritization of funding. We have funds in the FY 1998 budget to implement approximately 40 percent of the the project. In order to fully implement the project an additional \$12–14 million will be needed. The Administration would like to work with Congress to find appropriate offsets for this amount. Without these additional funds, the project cannot be fully implemented.

Summary

We applaud the Quincy Library Group and the bills' proponents in the House who addressed the need to assure consistency with existing environmental laws. Representatives Young, Miller, Fazio, and Herger were able to negotiate a bill that passed the House with overwhelming support. Senators Feinstein and Boxer have built on that success.

During the Forest Conference in April, 1993, President Clinton challenged natural resource dependent communities to develop collaborative and locally-based solutions to controversies surrounding public land management. The science-based assessment of the Sierra Nevada ecosystem commissioned by Congress recommended implementing programs that reduce the potential for catastrophic fires. The QLG is an illustration of democratic process at work in achieving these goals. The project has the potential to enhance the health and productivity of the affected national forests, help those communities that depend on these forests for their well being and, demonstrate that forests can be managed in a way that satisfies the needs of a broad cross-section of forest users. For these reasons, the Administration is looking forward to working with the Committee to further improve S. 1028.

This concludes my prepared remarks. My colleague and I will be pleased to answer your questions.

ADDITIONAL VIEWS OF SENATOR BUMPERS

During consideration of H.R. 858, the Committee adopted an amendment in the nature of a substitute that incorporated a number of changes to the bill, including a requirement that the final report assessing the success of the pilot project be conducted by an independent scientific panel rather than the Forest Service or the Quincy Library Group. In addition, the Committee adopted an amendment which I offered regarding the term of the pilot project. Because of these and other changes, I did not oppose reporting the bill to the full Senate. However, it is important to recognize the following issues with respect to this legislation.

H.R. 858 requires the Secretary of Agriculture to implement a pilot project and, as such, the ultimate results of this legislation are very uncertain. The project is an experimental pilot in two respects; it legislates a management plan for a few identified forests; and it directs the Secretary to conduct management activities that are untested. Therefore, it is absolutely imperative that the Congress carefully review and monitor its implementation and results before other similar projects are initiated either legislatively or administratively. If this is truly a pilot project, the Congress should not support any similar proposals until the final report, as described in the bill, has been completed.

Legislating a management plan for a few specific forests is a dramatic departure from current law and practice. Our national forests are currently managed through provisions set forth in the National Forest Management Act (NFMA) that require full public participation and ensure the application of all environmental laws. Individual national forests should not be managed by specialized statute as this bill requires. Similarly, the benefits thought by the proponents of this bill to be derived from some of the forest management activities directed by H.R. 858 are neither generally accepted nor supported by the scientific community. Professor Don Erman, team leader of the Congressionally sponsored Sierra Nevada Ecosystem Project noted that, with respect to the management activities identified in the bill, "in many ways ideas are untested."

In his remarks upon passage of H.R. 858, Congressman Don Young, Chairman of the House Resources Committee, referred to the potential need to "make similar plans easier to implement." At least 35 groups across the country are working on proposals similar to the Quincy Library Group plan. Therefore, similar legislative proposals can be expected in the near future. Congress should ensure that other such projects not proceed until it carefully evaluates the results of the Quincy Library Group proposal.

DALE BUMPERS.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of the rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by this Act, H.R. 858 as reported.

