As our colleagues are aware, this afternoon we will have a cloture vote on the Byrd amendment. I reluctantly filed that cloture vote last week because we are now in the third week of debate on the Interior appropriations bill as well as on homeland security. With all of the work that must be done and with all of the issues we must address, we simply cannot prolong this debate indefinitely.

Seventy-nine Senators a couple of weeks ago voted for an amendment offered by the distinguished Senator from Montana, myself, and others responding to the crisis we now face in drought-stricken parts of the country. The regions of the country which are experiencing drought are growing—the Southeast, the Midwest, and the far West—areas throughout the country that have experienced drought conditions, and in some cases it is unprecedented.

We also have a very serious situation with regard to firefighting, so serious that this administration changed its position from one which said we will not provide any new resources for firefighting—that all firefighting moneys that ought to be dedicated to firefighting this fall be taken from the Forest Service budget. They changed from that position to say, we now recognize how serious this situation is, and we will commit $850 million and ask the Congress to support it.

You have two very important priorities in dealing with disaster and crisis: One with the Forest Service and firefighting needs. This is urgent. This is extraordinarily important to the ongoing effort to fight fires throughout the country, especially again in the West. And, second, as I noted, the drought.

We have voted for this legislation. We have gone on record on a bipartisan basis in support of this legislation. I know there are those who still would like to work out other compromises relating to other issues, and if that can be done, I certainly will welcome it.

But we simply cannot go on week after week after week without more notable progress, without more of a tangible way with which to address these needs, and, secondly, without a way to recognize that we have a lot of work to do in a very short period of time. We have what amounts to about 15 legislative days left prior to the time we adjourn for the year. I am troubled, to say the least, by the extraordinary list of items that have to be addressed and the very minimal amount of time legislatively we have to address them.

I come to the floor this morning urging colleagues on both sides of the aisle to recognize the need, to recognize the urgency, to recognize the shortness of legislative time available, and to recognize how important it is that we move on to accomplish as much as we possibly can in a very short period of time.

I can only hope we will get a good vote this afternoon—I would like it to be unanimous—on cloture, so at least on this particular amendment we have the opportunity to move on to other issues, and hopefully to a time for final passage on the Interior appropriations bill.

I will have more to say about homeland security later on in the day, but I must say, this is something that just begs our support, recognizing the prioritization it deserves as we consider the schedule and the need that is so clearly a recognition around the country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, the majority leader makes a very good point. I am struck by what we are debating off the floor, which is timber health. At the heart of that is how we deal with judicial appeals, which has brought a new dynamic to that debate on forest health and how we manage our public lands; that is, not a denial of judicial appeals, but also in the area of timber restraining orders.

People can file appeals—we do not want to deny that—but also how we deal with the decision-rendering process, which does cause some concern with folks using timber restraining orders as a tool in the process to get their way. Basically, that is what we have here.

We are on a time line, if we go off this. Those who do not want to see anything move press us into a time line, and then we go on home knowing there is a timeframe on that debate.

Given the time we have and the leader's decision to double-track these two issues in order to facilitate and deal with these issues in a short time line, we have to take a look at that. I know the leader is. I congratulate him for his push on this and to make it a reality. But so far, it hasn't come to be and does not get us to where I think we want to be before we go home in October. We want to move forward as fast as we can.

But also there is lingering debate out there that a lot of folks are concerned about—especially on our forests. I want to bolster the leader's contention that drought relief and disaster relief in farm and ranch country are still with us. Just on Sunday past—here we are in the middle of September with football in the air—it was 92 degrees in Billings, MT. The Yellowstone River is as low as I have ever seen it. Above the Bighorn River where it spills into the Yellowstone, you can walk across that river just about anywhere and not get your knees wet. We still have that concern.

The leader is right. It passed this body overwhelmingly. It should be allowed to move forward with the apparatus in front of us in which to get that relief out to our people who are suffering at this time. I appreciate his leadership on that.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2003

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 5093, which the clerk will report by title.

The assistant legislative clerk read as follows:

A bill (H.R. 5093) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes.

Pending:

Byrd amendment No. 4472, in the nature of a substitute.

Byrd amendment No. 4480 (to amendment No. 4472), to provide funds to repay accounts from which funds were borrowed for emergency wildfire suppression.

Craig/Domenici amendment No. 4518 (to amendment No. 4480), to reduce hazardous fuels on our national forests.

Dodd amendment No. 4522 (to amendment No. 4472), to prohibit the expenditure of funds to recognize Indian tribes and tribal nations until the date of implementation of certain administrative procedures.

Byrd/Stevens amendment No. 4532 (to amendment No. 4472), to provide for critical emergency supplemental appropriations.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I would like to speak directly to the issues raised both by the majority leader and the Senator from Montana; specifically, with respect to how we are going to resolve issues related to the health of our forests.

I know the discussion has greatly focused on fires and the catastrophic results of fires this year. I am going to talk about that to a great extent. But I would like to make a point at the very beginning which I hope we don't lose sight of; that is, fire is merely one component of the problem we have to deal with. What we are really talking about is the health of our forests, both for the protection of people from catastrophic wildfires and also for the ecological benefits that a healthy forest provides. It provides wonderful recreation for our citizens. It provides habitat for all of the flora and fauna we not only like to visit and like to see but to understand that it is very important for ecological balance in our country. It protects endangered species. It provides a home for all of the other fish, insects, birds, mammals, and reptiles we would like to protect, whether they are endangered or not.

In order to have this kind of healthy forest, we have come to a conclusion, I think pretty much unanimously in this country, that we are going to have to manage the forest differently than we have in the past.

What the debate is all about is how the Congress is going to respond to this emergency, not just from the catastrophic wildfires but from the other

devastation of our forests that has created such an unhealthy condition that it literally threatens the health of probably somewhere between 30 and 70 million acres of forest land in the United States.

The administration has come forth with a far-reaching proposal that will begin to enable us to treat these forests in a sensible way. We have legislation pending before us—an amendment by the Senator from Idaho—that was put in place as a means of being able to discuss this. And we have been trying, over the course of the last week or so, to negotiate among ourselves in the Senate to be able to come to some conclusion about what amendment it might be possible to adopt as part of the Interior appropriations bill so that it will be easier for us to go in and manage these forests.

I am sad to say that so far our efforts at negotiation have not borne fruit. I think, therefore, it is necessary today to begin to recognize that unless we are able to reach agreement pretty soon, we are going to have to press forward with the kind of management approach that I believe will enable us to create healthy forests again.

Let me go back over some of the ground that has been discussed but perhaps put a little different face on it in talking about my own State of Arizona.

Some people may not think of the State of Arizona as containing forests. They may think of it as a desert State. The reality is, a great deal of my State is covered with some of the most beautiful forests in the entire United States—the entire world, for that matter. We have the largest Ponderosa pine forest in the United States. Ponderosa pines are enormous, beautiful trees, with yellowing bark. It is not uncommon at all for them to have a girth of 24 inches and above in a healthy forest. They are a little bit like if you want to think of the sequoia trees in California—not quite as big but coming close to that kind of magnificent tree.

One hundred years ago, the ponderosa pine forests in Arizona were healthy. These trees were huge. They were beautiful. There were not very many per acre; and that, frankly, was what enabled them to grow so well. They were not competing with a lot of small underbrush or small trees for the nutrients in the soil, the Sun, the water, which is relatively scarce in Arizona, and they grew to magnificent heights.

Several things happened to begin to change the circumstances. First of all, loggers came in and, seeing an opportunity, cut a lot of these magnificent trees. Secondly, grazing came in, and all of the grasses that grew because of the meadow-like conditions in which this forest existed were nibbled right down to the base in some cases. A lot of small trees, therefore, began to crop up and crowd out the grasses, and pretty soon there was not any grass. There was simply a dense undergrowth of little trees that began to crowd out what was left of the bigger trees, as well.

Then came the fires because these little trees were so prone to burning. It is a dry climate. They are crowded together. Instead of having maybe 200 trees per acre, for example, you might have 2,000 trees per acre or more. But they are all little, tiny diameter trees that are very susceptible to fire. And the big trees that are left, of course, are susceptible to fire as well because when the lightning strikes, it sets the small trees on fire, which then quickly crown up to the larger trees, creating a ladder effect, going right on up to the top of the very biggest trees. It explodes in fire, as you have seen on television. That kind of environment is what we are faced with today.

The old growth has come back. We have some magnificent, big trees, but they are being crowded out by all of these very small-diameter trees and other brush and other fuel that has accumulated on the forest floor. So what happens when there is a fire—whether man set or lightning created—is that the fuel begins to burn. It burns quickly just like a Christmas tree, if you can imagine, if you have ever seen a Christmas tree burn. It quickly burns the smaller trees and underbrush, and then catches the branches, the lower branches of the bigger trees, and then crowns out, and then you have a big fire.

What is the result of the big fires in Arizona this year?

First of all, we can talk about the size of the fires. We can talk about the size of the Rodeo-Chediski fire in Arizona. It was about 60 percent the size of Rhode Island. This is simply one fire. You can see from this map the size of the Rodeo-Chediski fire. Here is the size of the State of Rhode Island. If you add in other fires that have occurred in Arizona this year, you have a size that exceeds the size of Rhode Island. That is in my State. That is how much has burned in my State—about 622,000 acres in this fire alone.

Let me show you what it looks like after that burn. And I have been there. I have walked it. I have driven through it. I have seen it from the air by helicopter. It is a devastating sight. Here it is, as shown in this photograph.

The ground is gray. It burned so hot that it created a silicone-like glaze over the soil. And, of course, it just absolutely takes all the pine needles and branches off the trees, so all you have are these sticks left standing. Some of these, by the way, are pretty good size trees. And there is salvageable timber in here if we are permitted to go in and do that salvaging.

But because of the glaze over the soil, the report from the experts in the field is that when the rains finally began to come, it did not soak into the soil; it ran off. And what you now find throughout the central and eastern part of Arizona is massive mud flow into the streams. It kills the fish. It makes the water unpalatable. It devastates the free flow of the water, so it creates new channels and erodes the soil. It goes around bridges, and there is one bridge that was very much in danger.

It flows into the largest lake in the State, Lake Roosevelt. And Roosevelt Lake is the biggest surface water source of water for the city of Phoenix and the other valley cities. There has been great concern that mud flow will affect the water quality and the water taste, as well as damaging the environment for the aquatic life in the lake and in the other streams.

There are some other sad things about this fire. Just to mention some of the devastation, the total of this fire was about 468,000 acres burned. The total in Arizona is about 622,000 acres. The structures burned in Arizona were about 423, the majority of which were homes and some commercial structures.

In the United States, this year alone, we have lost 21 lives as a result of the wildfires, and over 3,000 structures. The impacts on our forests in Arizona, the old growth trees will take 300 to 400 years to regenerate—300 to 400 years. To have a tree of any good size takes at least 100, 150 years.

We have endangered species in our forests, the Mexican spotted owl, for example. The fire burned through 20 of their protected active centers. So I think those who claim to be environmentalists, who want to protect a forest by keeping everybody out of it, and rendering it subject to this kind of wildfire have a lot of explaining to do when 20 of these protected centers for the Mexican spotted owls were ruined, devastated, burned up in this fire. The recovery time for this habitat is 300 to 400 years as well.

Twenty-five goshawk areas—this is another one of our protected species—and postfledging areas were impacted or destroyed. Wildlife mortalities—and these are just those that were actually documented—46 elks, 2 bears, and 1 bear cub, and, of course, countless other small critters.

I think it is interesting that air quality is something that is frequently overlooked when you think of these fires. I was up there. I know because I had to breathe it. But just one interesting statistic is that the greenhouse gases from the Rodeo fire emitted during 1 day—just 1 day of the fire; and this thing burned for 2 to 3 weeks in a big way, and then longer than that in a smaller way—but 1 day's emissions of greenhouse gases from the Rodeo fire surpassed all of the carbon dioxide emissions of all passenger cars operating in the United States on that same day.

So if we are really concerned about greenhouse gases, just stop and think, all of the emissions from all of the cars in the United States did not equal 1 day's worth of emissions from this one fire. Of course, there were a lot of other fires burning in the country as well.

Let me try to put this in perspective in terms of the amount of area of Arizona that is subject to this kind of fire.

We have about 4 million acres of forest in Arizona that is classified as condition 3. That is about one-third of all the forests in Arizona. Condition 3 is the area that is in the most danger of catastrophic wildfire. Here is a State map of Arizona. And the area in yellow is pretty much the forested area of our State, with the area depicted in red the class 3 area.

So you can see that a great deal of our ponderosa pine forest here is in very dire condition and needs to be treated as soon as possible.

The Grand Canyon is right here. You can see on the north rim, there are significant areas that need to be treated. Over here, near the Navaho Indian Reservation, there are areas that need to be treated. Flagstaff is here; you can see the mountains that rise over 12,000 feet just north of Flagstaff. Those areas are very much in danger. You have the Prescott National Forest, Coconino National Forest, the Tonto National Forest. The Apache Indian Reservation is probably the largest. This area is the watershed for Phoenix, the Gila River and its tributaries. It provides a great deal of the surface water for the city of Phoenix and surrounding areas.

These are beautiful mountain areas with a base elevation of over 7,000 feet. This area over here is 9,000 feet. The mountains rise over 11,000 feet, covered with ponderosa pines, spruce, fir, aspen, and others trees. All of this area is in grave danger of beetle kill disease, mistletoe, wildfire, and being weakened and dying from insufficient nutrients and water because of the condition of the forest.

It is a very matted, tightly packed forest with all of the little diameter trees literally squeezing out the big trees that we all want to save. It is called a dog hair thicket. It is so thick that a dog can't even run through it without leaving some of his hair behind.

Let me show you an example of what the forest used to look like and how it looks today. On the top you see a photograph of 1909. You can see these beautiful big ponderosa pine trees. There are some smaller ones back here. You have different age growths, and that is the way you like to have a forest so as the big ones grow older and die, there are others to take their place. You see a great deal of grass, sunshine, open space. You can imagine this is a very healthy forest because you don't have too much competition for what the trees need to grow. It is also a wonderful environment for elk and deer and butterflies and birds. It is open. You have plenty of grass for forage and so on.

This is the same area in the year 1992. This is the way much of our forests look today—absolutely dense, crowded. I am not sure if the chart is observable here, but you can see that the forest is now very crowded. Here you have beautiful, large ponderosa pines, a couple more back here, but they are being squeezed out by all of the smaller diameter trees.

What we are talking about in management is not cutting the big trees, not logging the forest. We are talking about taking out the bulk of these smaller diameter trees that are not doing anybody or anything any good and are clogging up the forests, preventing the grass from growing. They are ruining the habitat for other animals and creating conditions for insects, disease, and catastrophic wildfire.

For those who say we don't want to go back to logging, nobody is talking about that. We are talking about saving these big trees, not cutting them down.

The problem is, a lot of the environmental community is in total concert with this general management. But you have a very loud, activist, radical minority that is so afraid commercial businesses will want to cut large trees, that they want to destroy any commercial industry. In the State of Arizona, there is essentially no logging industry left. We have two very small mills, and the Apache Indian Reservation has two mills. The Apache Reservation I will get to in a moment because that is where the Rodeo-Chediski fire occurred.

What we are talking about here is having well-designed projects, after consultation with all of the so-called stakeholders, with the Forest Service having gone through all of the environmental planning and designating projects, stewardship projects with enhanced value so that they can go to these commercial businesses and say: Can you go into this forest and clean all of this out and make it look like this? Whatever you take out of here that we mark for you to be able to take out, you can sell that. You can turn it into chipboard, fiberboard. You can turn it into biodegradable products for burning and creating electricity. You can perhaps take some of the medium-size trees and get some boards out of them, maybe some two-by-fours. Can you make enough of a profit to do this for us because there is not enough money for us to appropriate to treat 30 or 40 or 50 million acres?

We are talking about a lot of money we simply don't have. You have to rely upon the commercial businesses to do that. Some of the radicals are so concerned that when they are doing this job for us, they will say: We don't have anything more to do; we want to take the big trees. And they are concerned that we won't have the ability to tell them no. Therefore, they are going to prevent us from cleaning up the forest for making it healthy again. They will create a condition that results in the catastrophic wildfires I was talking about; in effect, cutting off our nose to spite our face.

We are not going to do what everybody recognizes needs to be done because maybe when that is all done, 40 years from now, somebody will say: We want to go after the big trees.

Does anybody believe the political environment in that setting is going to permit us to do that? None of us are going to agree to that. I don't agree to it today.

Let me tell you a story. Former Secretary of Interior Bruce Babbitt is a very strong supporter of what we are talking about. An area he used to hike in when he was young is called the Mt. Trumbull area on the north rim of the Grand Canyon north of Flagstaff. As Secretary of Interior, being BLM land under the jurisdiction of the Department of Interior, he was able to do the rules and regulations that enabled us to go in and do the clearing. So they hired a couple of brothers that had a small business. They brought some pieces of equipment down from Oregon. One of them was a very small caterpillar thing that could snip all these small diameter trees. They cleaned out a fairly good size area. They made enough money to be in business, and isn't that fine. What they left was a forest that looked more like this.

I remember one tree that a BLM person there said: I have to show you this. Here was a tree that looked like a big California sequoia. It was a big ponderosa pine. The boughs came all the way down to the ground. And all around it were these small dog hair thicket kind of trees and brush. He said: We have to get them to clean this out because this tree is very much in danger of burning. If any spark comes within a mile or so, it will just climb up this ladder.

That beautiful tree, that was maybe 200 or 300, 400 years old, is going to go up in flames. That is the kind of tree we are trying to protect. For those who say we want to somehow do logging and so on, I simply say they are wrong; we are not. This is what we are trying to create, not this.

Let's go on to talk about some of the other aspects. In Arizona, there were about 4 million acres classified as condition 3, meaning most subject to catastrophic wildfire. Nationally, there are just under 75 million such class 3 acres. Out of this, the Forest Service identifies about 24 million as the highest risk of catastrophic fires. And this definition means they are so degraded that they require mechanical thinning before fire can be safely reintroduced.

According to the General Accounting Office, we have a very short period of time in which to treat these acres. According to a 1999 study, the GAO says we have 10 to 25 years to treat this 30 plus million acres of class 3 land if we are to prevent unstoppable fires.

This shows you what can be done when you treat the acres. This is full restoration, meaning we have gone in and cut out quite a few of the small diameter trees leaving relatively few, mostly larger trees per acre. This is exactly what this particular acre had on it when the cutting and thinning had

been done, going in and cutting out the small diameter trees.

In Arizona you can introduce fire in prescribed burns during the month of October and November because it is cooler. It is moist, and the fires are not going to get out of control. Fire was introduced here in this area in October, the wet month, and you can see that it is burning along the ground, burning the fuel that has accumulated on the ground. It is not going to go through this tree here or these trees here. It may burn some of the smaller trees, but what is going to be left is a nice environment in which you have grasses that can crop up the next spring and reintroduce a lot of species and habit and protect, as well, from fire.

If lightning were to strike one of these trees and start a fire, it would return along the ground like this. In the hot summer months, once it has been treated, it is likely, with all of the fuel having burned off the previous winter, the fire will move around the ground and it will not crown out to a higher degree of fire.

The reason you cannot treat these forests with fire alone, and you have to mechanically thin and cut out some of the underbrush first, is demonstrated by the next chart. This shows you what happened when we left this many trees per acre. This shows you when you do minimal thinning. They didn't do very much thinning, and they reintroduced fire, and you can see this fire is starting to climb the trunks of these trees and is going to crown out. You see it coming up along the top of this tree. It is going to catch the crowns of a lot of these larger trees. They are at great risk of burning and a fire starting. This is during the wet month of October when you have a lot of moisture. If you don't take out very many trees, a la this particular treatment here, minimal thinning, and you introduce fire, you are going to have a risk of fire in the hot months. It is going to be a very grave risk.

Let's turn to the third chart, which shows what happens when you don't do anything at all, you only burn. This demonstrates why you have to do thinning first. No thinning was done on this particular acre. This is during the cool, wet month of October in Arizona. They introduced fire, and look at what happened. It got out of control and created a crown fire. This is the beginning of what the Rodeo-Chediski fire looked like.

So it is too late in much of our forests to introduce prescribed burning. It will go out of control. You have to go in, as I said, and thin it out first and then, that fall, you set a prescribed burn and you burn all of the fuel on the ground. Thereafter, the grasses grow and everything regenerates and you have a very nice environment.

There is another myth. I talked about cutting old-growth trees. When people talk about saving old growth, we need to be careful because the reality is that a lot of old-growth trees, particularly in Arizona, are not big trees at all. They are not the ones you necessarily want to save. If you have been on the California coast, perhaps you have seen trees over a thousand years old. Some of the oldest ones are gnarled.

Which tree here is the oldest? Interestingly, this smaller tree is 60 years old and this bigger one is 55 years old. This is the younger tree—the big one. This tree was in an area that wasn't competing for a lot of nutrients, water, and sun. It was in a more open area. It grew as you would expect it to—very well, very quickly, and very big.

Obviously, this is a tree we are going to want to preserve. It will get bigger and bigger. But if you have that area in which the trees are crowded together in these very dense thickets, you can have a tree no bigger than this small one after 60 years. In fact, I have another one about the same size that is 88 years old.

Old growth would be something over 120 to 150 years. We have trees not much bigger than this that are designated old growth. We desire to create an environment in which you get these big beautiful trees that grow old and big and create the habitat for all of the fauna I discussed before for which we are trying to preserve the forests. This is an illustration of why you don't want to have arbitrary limits on cutting old-growth trees. The tree you want to save is this big one, not that one, the small one. That makes a much nicer environment and one that is better for the wildlife.

(Mrs. CLINTON assumed the Chair.)

Mr. KYL. Let me now discuss one of the concerns that has cropped up during the discussions about the kind of legislation we want.

There are those organizations in the environmental movement that understand there is too much public opinion in favor of doing something to manage our forests now because of this wildfire season, this catastrophic fire season. They understand they have to make some concessions. They have concluded that the best thing to be for is what they call urban/wild interface management. What that is supposed to mean is that you can go in and thin the areas right around communities and right around people's expensive million-dollar summer homes, and the like, but you cannot go out into the forests themselves.

We will put up the chart that shows the class 3 lands.

The problem is, first of all, it treats very few acres. This will illustrate the point. We don't have very many communities in these forests. There are five or six little towns in this whole area here. To do urban/wild interface management alone, by going out a half mile around the city limits of those little towns, is going to do nothing to enhance the environment in the rest of the forest. It will do nothing to protect the habitat of the endangered species out there. Actually, it does very little to protect the communities themselves.

The Rodeo-Chediski fire—and I will show you the chart later—burned with such ferocity and intensity that the small areas that had been treated provided little or no protection. It was only the areas where there had been a larger area of treatment that were protected as a result of the fire.

I can tell you, while the fire was still burning in the eastern area, we helicoptered up to the Rodeo-Chediski lookout and we drove about another 2 miles on a road that divided between an area that had been treated—that is to say, there had been thinning, and I believe prescribed burning in the area as well, and on the other side of the road it was not treated. The side that was not treated looked like a moonscape. There was no living thing. Every tree had all of the branches and pine needles burned off—nothing but ghostly, ghastly sticks. On the side that was treated, you could hardly see that a fire had gone through there. It laid on the ground, and it burned itself out. It was in a large enough area that it did not burn in that area.

Unfortunately, where you had just a thin, light, little strip of a quarter mile or half mile, the fire jumped right over it. I saw that as well in different areas.

Part of the problem is a phenomenon that exists particularly in the West, where you have dry, hot conditions on the ground. The fire crowns out, as you have seen on television, and these massive spires of flame go 100, 150 feet in the air, which creates a plume of high, hot air, smoke, ashes, cinders, carried upward, and it looks like a mushroom cloud from an atomic kind of explosion because the column of hot air rises like this and it creates a mushroom effect. It gets up into the cooler atmosphere, 15,000, 20,000 feet, and it cannot rise any more because the heat doesn't sustain it. The cool air dampens it down and begins to create condensation. Eventually, the weight of the plume that has risen is greater than the capacity of the hot air to sustain it and it collapses. The firefighters call it a phenomenon of a collapsing plume. What happens then is the whole thing comes crashing down, creating a huge rush of air down on the ground, which pushes out all of the hot cinders, sparks, smoke, and ash out, like this, for 2 or 3 miles.

That happened many times in the Rodeo-Chediski fire. I witnessed the creation of one such plume in an area of Canyon Creek, where I have been hiking and camping. It was devastated by this fire. So it doesn't do you any good to create a bulldozer kind of a firebreak, or a quarter of a mile or half mile of thinning, if the fire can spread with such ferocity. That is what happened over and over in this particular fire.

Let me explain that, notwithstanding the fact that there had been some treatment around some of our communities. Just stop and think about this

for a moment. About 30,000 Arizonans had to pick up everything they had within about a 6-hour—I forget exactly how many hours of warning it was, but it was very few hours. They had to pick up what they could in their pickup trucks and cars and find somewhere else to live for the next 2 weeks. Show Low, AZ, is a town of over 20,000, 25,000 people, and in Pinetop and Lakeside and McNary, a few smaller towns, they had all had to leave. They could not go back in for anything. A few people tried to feed livestock and keep horses and cattle and pets alive, but a lot was lost when these people had to be gone for 2 weeks.

Just think of having to leave your home and not knowing whether it was going to burn or not. Some did burn, but the towns were saved.

Interestingly, one of the reasons Show Low was saved was that a canyon to the southwest had been treated. It had been thinned, and there had been prescribed burning in that area I believe 2 or 3 years before; I have forgotten exactly how long before.

When the fire hit that area, the combination of that plus the backfire they lit in this particular canyon prevented the fire from reaching the outskirts—it reached the outskirts but prevented the fire from burning the town of Show Low.

Think about that. What we need to do is not treat quarter-mile or half-mile or even mile-long strips of property around fancy summer homes or small communities but, rather, treat the forest itself—as much as we can treat, as quickly as we can treat it. Only in that way will we get the environment back to the healthy state it was.

Only by treating large areas of the forest will we be able to return it to the status shown on this chart, where the small mammals will have a place to graze, really small animals will have a place to hide from the hawks, which will have a place to get the small mammals. We will have the birds, the butterflies, and more introduced as a result of this kind of treatment.

I mentioned before the issue of salvage timber. There is objection even to going in and cutting down the trees. I will show a chart of these trees. This is a huge amount of timber that could be salvaged as a result of the fire. In this kind of landscape, we need to cut some of the trees to lay it down and stop some of the erosion which inevitably occurs because of this kind of fire. It will enhance the regrowth of that area. Even seeding and planting does not do any good because the water washes all that material into the streambeds and it does not take.

This is timber that has a huge amount of value if it is able to be removed quickly, but disease will set in and deterioration will occur within a few months. If it is not removed in a 12-to-18 month period, it is lost. This is one way to help pay for what we are trying to do. Rabid, radical environmentalists do not want to even salvage that timber. Why? Again, because it will actually provide some jobs for the commercial timber industry and the mills that would mill the trees into lumber. They do not want them to be in existence because they then pose a threat to the rest of the forest. That is their logic. It is amazing logic.

Most of the Rodeo-Chediski fire was not on Forest Service land. Sixty-some percent was on the White Mountain Apache Indian Reservation. One can see on this chart the area of the fire. The green area is the Apache-Sitgreaves National Forest, and the yellow area is the Fort Apache Indian Reservation.

The White Mountain Apache Tribe relies a great deal on the revenues of its timber operations to sustain its tribal operations. In fact, it is the tribe's biggest source of revenue.

Also significant to the tribe is the revenue it derives from the hunting that it permits on its land. The White Mountain Apache Tribe for decades has been very smart about how they have managed their forests. They understand that if you are going to have wild turkey, if you are going to have bear, if you are going to have wildcat, huge elk that people are willing to pay $10,000 to hunt, if you are going to have that kind of wildlife that will bring in these kinds of trophy hunters who will pay the tribe a lot of money to hunt on the reservation, then you have to do a couple of things. First, you can only take out the number of animals necessary to keep healthy herds, a healthy group of bear or lion, or whatever it might be. So they take out very few of those animals, just enough to keep the forest ecosystem in balance.

Second, you have to have a healthy forest. You have to have a forest that is not all grown over in this dog-hair thicket environment but, rather, the more open forest that I showed before. The reason is that these elk have to have grass on which to graze, as I said. You are not going to have an environment where the lions are going to be able to go after the smaller critters because there will not be any small critters if they do not have places to forage and places to hide.

The White Mountain Apache Tribe has been very smart about the way they have managed the forests. They have not been subject to the same restrictions as has the Forest Service. They have been able to do more prescribed burns. They have been able to do thinning and utilize that small-diameter timber in their mills, and they have taken out modest amounts of medium- and a little bit of larger diameter timber as well.

Some environmentalists say: You cannot do that; there has to be a diameter cap of 20 inches, 16 inches, or some number. The tribe has not been subjected to that. It has asked itself the question—it is the type of question experts, such as Wally Covington from Northern Arizona University, ask: Not to define old growth or diameter cap, but take a look at the area and determine its carrying capacity. What will this particular area carry? What did it carry 100 years ago in terms of the kinds of trees, and other growth, and the number of trees?

When one determines that, then one knows what kind of treatment is called for. In some areas, you are going to cut all but 150 trees, leaving mostly large trees with a few more intermediate-size trees. In other areas, you may cut less. It may be that an area is so full of medium-size growth trees, let's say 20-inch diameter trees—you may be taking several of those out or maybe quite a few of those out. It does not mean you are harming the environment. It means you are reducing the number of stems to the carrying capacity of the land so it can rejuvenate, so it can grow back, and the trees left will be the magnificent trees we are trying to preserve. We will have grass and all the rest that is necessary for healthy flora and fauna.

That is the idea of this treatment. Over the years, the Apache Tribe has done a good job managing their forests. As a result, they have had less of a problem with fire. There are several different areas that have been treated, and in the bear report that followed the devastating fire, there is quite a bit of discussion about the kind of timber that was lost, the areas that were not as heavily damaged, and a discussion of the areas preserved, by and large, because they had been treated in the past.

I find it interesting, by the way, and I am going to digress here—let me make this point. We need to help the Fort Apache Tribe salvage the timber that is salvageable in this area. They do not have the capacity in their mills to do it, but they can mill some of it and then sell some of it to others. They have to get to it right away. They are making plans to do that. They need about $6.7 million to complete this project. I hope we will be able to provide that to them and it will help sustain the reservation.

As to the Forest Service, there are objections already to salvaging the same timber. We do not know where this boundary is when we are on the ground. It is all the same. Why the Apache area can be salvaged but not the Forest Service area I cannot explain. Nobody can rationally explain it. We need to salvage there as well. Yet there are those who object to any opportunity to salvage this timber.

One of the ideas for legislation was to have an opportunity to complete some stewardship projects or enhanced value projects that would in a temporary way—maybe over a 3-year-period of time, for example—treat areas of the forest that have not burned to see how well this kind of management worked.

This has been tried in the past. One of the cases is the so-called Baca timber sale. When we talk about timber sales, some of the more radical environmentalists get all upset because we

are actually going to sell some timber to a mill that can mill it into lumber and build homes and lower the price of homes, by the way, so we do not have to buy all the timber from Canada at higher prices.

This Baca timber sale was proposed in 1994 to reduce hazardous fuels both in the interface and to improve forest health. It followed 5 years of planning and public participation. All the stakeholders were involved. But environmentalists appealed and litigated the case for 3 years.

The Baca timber sale was in this area. When the Rodeo fire went through that area, it burned about 90 percent of the proposed area. An area that could have been treated, that could have been made healthy, that the fire would largely have skipped around, was left to be ravaged by this catastrophic fire. The same environmental groups currently threaten lawsuits that would prevent the restoration of this area, which is why I mention that.

I ask my colleagues, when are we going to say we are no longer going to be jerked around by the radical environmentalists' agenda to destroy the commercial timber industry so they never have to worry about any big trees being cut, in the process permitting the forests to burn, destroying the habitat, endangering lives, burning homes, and burning up the same trees they want to save, as well as the environment for the species?

I mentioned before some of the species. The goshawk is an example. In 1996, the Forest Service proposed a project to thin near the nest of the goshawk, partly to reduce the fire hazards that were presented to the goshawk. These radical environmentalists appealed. That year the fire burned through the forests, including the goshawk nest. That is what happens when irresponsible environmentalists have control.

What does the control result from? It results from the fact we have a legal system that was designed to provide the maximum environmental input into decisions about abuse by some of the radical environmental groups. Let me cite some statistics from a report released in July by the Forest Service that covered the appeal and litigation activities on the mechanical treatment projects during the last 2-year period. Out of 326 Forest Service decisions during this study period, 155 were appealed, more than half; 21 decisions that were administratively appealed ultimately led to Federal lawsuits.

What happens with the lawsuits? You get an injunction which prevents you from moving forward with the project. In many cases either it burns while the project is pending or the Forest Service decided to move on rather than fight the appeal. The appeal, therefore, goes away, the work never having been done.

In the southwestern region of Arizona and New Mexico, 73 percent of all treatment decisions were appealed. Nationwide it was almost half—48 percent of the project decisions in fiscal year 2001 and 2002. Again, 73 percent in our area were appealed.

We cannot operate that way. The Forest Service is spending half of its budget preparing for these projects and fighting them and doing the work in litigation and on appeals to respond to the environmental community activity. About half of their budget is spent directly fighting the appeals, dealing with the injunctions, or preparing the projects in such a way as to be immune from this kind of litigation, which almost inevitably appears anyway.

On administrative appeals alone in 1999 through 2001, in Arizona—just one State—environmental groups filed 287 administrative appeals; 75 of these were filed by two groups that are very active. In litigation in the last 5 years, the Sierra Club and the Center for Biological Diversity litigated 11 projects in Arizona and in 10 years litigated 17 projects, including the Baca timber sale which was 90 percent burned while on appeal because of the litigation that ensued.

This is what has to stop. The administration, President Bush, has visited these areas and has concluded that the best way to try to deal with this problem is to keep the environmental laws in place so there is never any question about the application of the proper standards for the projects that are developed but to make it more difficult for those who are appealing for the sake of delay, to delay projects to the point they are no longer worth proceeding. In other words, move the process along.

The President's idea is you still have to have sales or projects that comply with the NEPA process where there is environmental review by the State holders, but you cannot get a temporary restraining order or preliminary permanent injunction in court unless the court decided the case and imposed a permanent injunction on the sale, but you could not go in advance and get that injunction, which is frequently what happens today.

In addition to that, the administrative appeals would be reduced or eliminated for certain sales. If you want to file suit, you can file suit and go directly to the judge. The hope would be that the judge would decide the case quickly and therefore either the project moves forward or it doesn't, but everyone knows they can move forward with alternative plans if the project cannot move forward. It seems to me on a trial basis, a limited basis, that would make sense.

What we proposed was we limit this proposal to class 3 areas—in my State of Arizona it would be only the red areas—that we limit it in time to maybe a 3-year authorization so we see how it works. If people do not think it works, we do not have to continue it. And that we limit the amount of acres that would be treated—maybe 5, 7, or 10 million acres per year, something like that. That, obviously, could be negotiated. And you would limit the way in which the appeals could be brought and have no temporary restraining order or preliminary injunction to be able to stop a particular sale. There would also be no limitation on the salvage projects I mentioned before.

Now, would these projects be logging? Would they be clearcut, et cetera? Of course not. First, they would have to be pursuant to the plans that have been developed by the forests. All of these regional plans have long ago discarded any kind of clearcut cutting. They have basically adopted the management theory of reducing the small diameter underbrush and small diameter trees, leaving, by and large, the larger older trees that we want to preserve.

Those are the plans in place now. They are the plans that would be proposed. If there is any plan that is not consistent with that, obviously, people could file a lawsuit and they could go to court and say, judge, this is not consistent with what we had in mind. And the court, of course, could say, that is right. If the proper environmental analysis had not been done or was inconsistent with the plan, the project could be stopped. That is what we are proposing.

As I said before, we have been in negotiations with our friends on the other side of the aisle. I mention in particular Senator FEINSTEIN from California has been very helpful in trying to find some middle ground, to craft a plan to permit us, over a very short period of time, to be able to treat a small amount of acreage and see how well it works. If it works well, perhaps we could go on from that. We got to the point of having a 1-year authorization, with 5 or 7 million acres maximum to be treated. It would be limited to this class 3 area. And a high priority would be given to urban wildland interface and to municipal watershed areas. Even that has not been accepted.

The question is whether or not we are going to be able to reach an agreement that permits us to fairly quickly pass an amendment, have it adopted and sent to the other body so we can begin negotiation for a conference report that enables us to send something to the President and begin treating these forests or whether we are basically going to be in a stalemate or gridlock with the two different camps in the Senate, neither one having the votes to prevail, with the result that nothing comes out of this legislative session and we will be left with an opportunity missed, and a heightened risk for the forests that we want to preserve.

That is the choice before the Senate. I call upon my colleagues who have been working on this to try to find a way to enable us to be able to treat some of the acres in good faith, and see how it works, and if it does work well, as we predict it will, to enable us to expand that to the roughly 30 million

acres that the General Accounting Office said we need to treat or else see burned.

Those are the stakes. I call upon my environmental friends, who are mostly concerned about protecting these areas of the forests, to think about the priorities.

Do we want to protect the habitat for those endangered species that we all would like to preserve? Do we want to protect the habitat for all the other flora and fauna? Do we want to have a healthy forest or do we want, in effect, to let it go to seed, risking catastrophic fire, disease, and insect devastation which will not protect the environment but will destroy it for all the purposes I mentioned before?

That is the choice before us. It seems to me there is no better time to act and, in fact, this may be the last opportunity to act this year in order to achieve this result. I urge my colleagues to find this compromise; if not, to support the kind of effort I propose that is a limited project with very tight constraints—in effect, a pilot or demonstration project to see if we can make this kind of forest management work.

I thank my colleagues for their indulgence.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, administration budget requests and congressional appropriations bills are a clear reflection of our priorities as a nation. As was discussed on the floor earlier today, it seems we had, from the administration, a focus on Iraq and nothing else.

I am happy to see a bill just came from the House. I would like very much to see other things coming from the House, not the least of which is the rest of the appropriations bills and the matters that are now in conference. No. 1 on the top of my list is the terrorism insurance bill. We need to have that done.

I think now we have the second debacle in a row in Florida. We have election reform that we have passed. It would be nice to finish that conference report as well as the Patients' Bill of Rights and the generic drug bill that seems lost over there sometimes. We have a lot of things that we need to complete.

And, of course, bankruptcy reform. Senator CARPER came to me this morning, here on the floor, and told me how desperately his constituents feel this is necessary to help many different industries. So there are a lot of things we need to do.

I listened patiently to the very erudite remarks of the Senator from Arizona. I would say it is not an either/or situation. It is not a question of forests burn down or the radical environmentalists caused all this. The fact is, what we are proposing is instead of 70 percent of the money being spent where there are no people, we reverse that and have 70 percent of the money spent in places such as Lake Tahoe, a beautiful lake shared by California and Nevada. We are very concerned about what happens if a fire occurs there.

My friend from Arizona said there are million-dollar homes, that is what we are trying to protect—and I am sure there are, in the Lake Tahoe area, some very expensive homes. But remember, this is also an area of hotels, motels, and ski lodges and the service people who work in those are not millionaires and don't have millionaire homes but they need to be protected. That is what this is all about.

As I said, the administration budget request and appropriations bills are a clear reflection of our priorities as a nation. It is where rhetoric meets reality. In an economic downturn, and that is what we are in now, it is more important to put people first, ahead of—instead of handouts to—corporations.

Unfortunately, I am sorry to say, the Bush administration's so-called healthy forest initiative would add to its already impressive list of corporate giveaways. This proposal is anti-community and anti-environment, plain and simple.

My friend is in a neighboring State, Arizona, and I know they have suffered these devastating fires. We have watched them and feel for them. But the answer is not to bash on radical environmentalists. That is not the cause of these fires. We have a number of people in America who feel very strongly that the proposals made by my friend from Arizona, where you basically take away judicial review of decisions made, is wrong. I do not think there are many who would put the League of Conservation Voters in the camp of radical environmentalists. In fact, I think they are very moderate. They see things the way the American people see things—a way to protect the environment. The League of Conservation Voters will grade all of us, all 100 Senators, on this amendment and on this vote.

I think it would be a shame if, because of the pending Craig amendment, that the minority would vote not to invoke cloture on this most important piece of legislation. We need to move forward with this bill. If cloture is invoked, the Craig amendment falls—no question about that. But we have tried to work something out and we have been unable to work it out.

My good friend from Oregon, Senator WYDEN—who is a consensus builder, who is a longtime legislator—understands the art of legislation is the art of compromise. He has worked for weeks trying to come up with a compromise. If WYDEN can't do it, it cannot be done, because he is someone who understands legislation and how to work out a so-called deal.

The League of Conservation Voters will grade us on this amendment in its annual scorecard. Whoever votes to agree to this amendment will fail, in their eyes, fail to protect the environment. That is what this vote is all about today.

Like the Bush plan, the Republican amendment is championed as a way to address the real fear and suffering of those who live in danger of wildfires. Sadly, this is simply a smokescreen for another corporate handout. This is tragic because wildfires have burned roughly 100,000 acres in Nevada and more than 6.3 million acres nationwide this year. The fire season is already one of the worst in the record. In Nevada, it is past. That doesn't mean we can't still have devastating fires, but this fire season has been bad. The one before it was bad. By December of this year we may have the grim distinction of it being the worst year for wildfires in American history.

Faced with this devastation, what is the administration's plan? It proposes to suspend environmental reviews of timber projects, making it easier for timber companies to harvest large, healthy, fire-resistant and, of course, profitable trees. The Republican plan will suspend the main environmental law applicable to our forest, NEPA, the National Environmental Policy Act. That is the law that forces the Forest Service to ensure its timber sales don't hurt the environment. It is the avenue through which local people and governments review these sales.

It would also prevent any meaningful judicial review of timber company and Forest Service actions. That is what this pending amendment would do. That is because in the Republican plan the issuance of temporary restraining orders and preliminary injunctions is prohibited. That is what restraining orders are all about. If you do not have a restraining order, by the time you get to court the trees are gone. What is the point of judicial review if the trees have already been clearcut by the time you walk through the courthouse door?

The Republican amendment also fails to target funding to the places where forests meet our communities, where people and property are at greatest risk. This is not a situation where there will not be work done in areas outside of municipalities, places where people live. But we are saying let's reverse things. Instead of spending 70 percent of the money where there are no people, let's spend 70 percent of the money where there are people.

The Republican amendment does not require that a certain percentage of funds be spent on wildlife/urban interface. Instead, it gives the Forest Service discretion to carve out big tree timber sales and cast aside community concerns, as they have been doing for such a long time.

There is no hard target to protect our communities because that is not what the Republican plan is about. It is about making it easier for the Administration to sell our forests to their favorite timber companies.

We already have a stack of GAO reports detailing the myriad of ways that our forests are mismanaged by our agencies.

For example, we know that government agencies do not target funding to

the wildland-urban boundary where we can best protect lives and livelihoods.

According to the President's own budget, only one-third of the fuels reduction budget was spent to directly protect people and homes. That report came out in February of this year.

Think about that. The Forest Service has a record of spending most funding out in the forests, away from people. That is not an acceptable record. They support logging of large, profitable—and fire resistant—trees. They place lower value on hazardous fuel reduction projects on forests and rangeland around communities.

Don't just take my word for it. In response to GAO requests, Forest Service officials themselves stated that they tend to ''(1) focus on areas with high-value commercial timber rather than on areas with high fire hazards or (2) include more large, commercially valuable trees in a timber sale than are necessary to reduce accumulated fuels.''

How does the President reward agency mismanagement? By repealing public oversight. The record of agencies in managing our forests demonstrates just how important it is to have that oversight.

When my colleagues vote on the Republican plan, they should ask ''Would it truly help communities threatened by fire?'' The answer is no.

I hope the minority will vote to invoke cloture and have this amendment go down. The Craig amendment should fall.

The big trees that would fall as a result of this amendment aren't the main cause of the wildfires now scorching many states—including mine, the State of Nevada, and of course, all over the West.

The real personal and economic danger facing Americans in the areas where our wildlands meet our communities is being used as the disguise for this latest giveaway to big corporations.

The Administration and the Republican amendment don't focus resources on these areas—a principle embraced in the National Fire Plan and the Western Governors' Association. I don't think they are radical environmentalists.

Instead, they make it easier to squander fire money on projects that are far from communities and that threaten to worsen future fires.

I am sorry that it appears that it is the modus operandi of the Bush Administration—roll back environmental laws, cut the public out of the process, keep people in the dark and turn over a public resource to corporations.

Corporations can handle anything; any problem in America, turned over to corporations. We need oversight of these corporations.

In this case, that choice puts people in harm's way—it diverts taxpayer dollars from public safety and, in many instances, to private plundering. We should instead spend fire money on projects that reduce the risk to communities in forests and rangeland at high risk of wildfire.

Mr. President, Nevada has relatively little commercial timber but we do have a terrible hazardous fuels problem that threatens Nevadans from Caliente to Reno—all over the State. Past practice proves that Congress needs to direct spending these funds to protect communities rather than accepting the President's new proposal.

Protecting people should be our priority today, not paving the way for companies to remove great trees from our public lands.

There could still be work done, and there will be work done in areas that the Senator from Arizona says there should be. What we are saying is all the money shouldn't be spent there. We are also asking: Why not have judicial review? Why not have the ability to look at what is being done by these agencies?

No one wants these fires to occur. They are devastating. But you have to recognize what appeared in, I believe, today's Washington Post—it could have been in yesterday's Washington Post—and what happened in Montana 2 years after the devastating fires. They reviewed in depth what happened there. We know fires have been burning for centuries—forever. You need to have these fires occur on occasion. That is why we have prescribed burning in all of the country. It is too bad we had the serious problem with prescribed burning in New Mexico. But we need prescribed burning. Burning makes for healthier forests. We have to deal with what we are calling for in the amendment that we want to offer; that is, have prescribed burning to make healthier forests. We want to improve forests so we have nature doing what it has to do.

We know pine trees can only germinate if there is a fire. There is new growth of pine trees after fires, which pop the pinecones, and causes the planting. That is something which is extremely important.

We tried to work something out on a compromise basis. We can't do that. The majority leader made the right decision. A cloture motion was filed. We are going to vote on that this evening.

I hope the Craig amendment will fall so we can move forward with this bill and complete this legislation.

I am disappointed we won't be able to offer our amendment. Our amendment would also not be germane. That is too bad because I believe we should focus on what is going to happen in urban centers—in areas where there are people. Hopefully, we can get the mix of money being spent so that more is done there and not out in the middle of nowhere.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Madam President, I cannot sit idly by and not offer some comment on the Senator's statement.

No. 1, the Senator has flopped the money in regard to the President's budget. I might add that at least the president completed a budget. Seventy percent of this money would go to wildland urban interface, and 30 percent goes to the less populated areas, not the other way around as the Senator from Nevada suggested.

In this amendment, we change no environmental law. We deny no one the appeal process. Both administratively and judicially, those things don't change.

What I am asking Senators and this country to consider are environmental laws, NEPA, clean water, clean air, and the Forest Management Act, which has been in effect for some 25 years. We have been operating and managing under those laws for that long without some reform. Look at the track record. I'm asking for proof you are right to deny this; prove us wrong.

For years and years, I have followed football a little. I guess what makes that game great is there is only one rule book, and it is in every State across the Union. If we want to bring some discipline, look at that fact and compare it to what we are doing in our judicial system.

When I look at the appeals process—as the chief of the Forest Service said the other day, if you get 999 people out of 1,000 to agree on a management decision, it can all be stopped by one person. That has been the case ever since these laws were put into effect. We see the result, we get growth, and we burn. We do away with grazing, and we burn. If we do away with active management of a renewable resource, what was there before? We saw younger trees that grew old, matured, died, and regrowth occurred.

Once again, look at the track record of the management we have been under for the last 25 years. We see great regrowth and reforestation even in clearcuts where that management has worked: New trees, new forests, a renewable resource that is in demand by the American public, to carry on into the next generation and the next generation, a renewable resource that can be used by all Americans, all Americans; that is, if housing and the use of lumber appeals to you.

I realize some folks don't worry about the cost of a home or people getting into their first home. The folks on the other side of this issue are less caring about it. The League of Conservation Voters—who are a pretty moderate group, have a little radical group among them that actually makes the policy to carry out their appeals process in this situation.

Make no mistake about it, if they who want to manage the forests differently want us to prove why we think this plan would work, then I ask for the other side to use the same system to prove theirs has worked. For 25 years, those management practices have all but culminated, in the last 4 years, in the destruction of a renewable resource which could have been somewhat prevented.

Yes, there will always be fires. They even slash and burn after harvest is over. Do you know what? They grow back. They are wonderful. They are beautiful. But what I fear is that the way this system is now, people who have never had any dirt under their fingernails are making the management decisions on a resource that should be used for generations to come. It just does not make a lot of sense to me.

Compare the track records. No money goes to corporations. No law is changed. All rights are preserved. We are saying let's put the football at the 50-yard line. Nobody likes to start on their own 20.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Madam President, we are attempting to make a very important policy determination on the management of our public lands. Many of us have been on the floor over the last good number of years to talk with some concern about the changing character of our public lands and the impending crisis that might occur under the normal climate cycles across the United States as a result of catastrophic wildfires on our forested public lands.

Tragically enough, many of the alarms we were talking about were based on studies done over several decades, that inactive management of our public lands, in the absence of fire, was allowing a fuel buildup that ultimately could result in catastrophic wildfires.

We are now at that point where it has become obvious to the American public, from watching television this summer, and seeing the fires that have raged across the western forests, that something is wrong out there; that this was not a normal environment; that this was something they were not used to; Why were these beautiful forests now burning?

They were burning, they are burning—they are still burning—and have been since mid-June because of public policy that had largely taken fire out of the ecosystem but had not allowed a comparable activity in the ecosystem of our forested lands that would remove the underbrush and the small trees and maintain the kind of environmental balance that was there prior to European man coming upon the scene a couple hundred years ago, and especially in the last 65 to 70 years when we had become very good at putting out fires in our forests. It is from that perspective that brings us to the floor today.

A few moments ago, my colleague from Arizona was on the floor talking in great detail about the wildfires that swept across his State this summer—the white forests of southwestern Arizona, and the phenomenal damage that occurred there. It nearly wiped out an entire community. It clearly destroyed valuable ecosystems and watersheds and wildlife habitat to a point of ultimate devastation.

It, in fact, has created such an environment that it denies Mother Nature, once she has done this damage, the ability to come back and to create a resilient forest in a reasonably short period of time. By that I mean several decades.

These fires are now so intense, based on the fuel loading on these lands, that it is equivalent to literally tens of thousands of gallons of gasoline per acre in Btu's. The fire burns deep into the soil, soil loaded with organic materials that absorb and hold water and allow plants to flourish, creating what are known as hydrophobic soils. In other words, it caramelizes them; it fuses them; it ultimately destroys the ability of these lands to reproduce for decades.

Of course, because you have denied the ability of the land to absorb water, when the rains come in the fall, massive landslides, erosion, and watershed damage occurs. Right now, in Colorado, with the current rainfall, landslides are occurring as we speak. They are not making the national news that the fires that swept across those lands a couple of months ago did, but they are making the local news because the roads are blocked, people cannot traverse the area, watersheds are being damaged, and, of course, the quality of the water that now flows into the reservoirs that supply the urban areas of Denver and other places is in question—all because of public policy and a perception that has prevailed in public policy for the last several decades that inactive management, no management, man's hand not present in the forest, was, by far, the better way to go.

I am not even questioning the fact that several of the industries that were prevalent in our forests over the last century have lost credibility in the eyes of the American people. I am not even going to argue that forest policy of 30 years ago, based on certain attitudes and certain images, projected by national environmental groups, has not changed attitudes and has caused us to lose the support of the American public on certain aspects of national U.S. forest policy. I believe most of that is true.

But what I also believe is true is that a radical move from one position to the other, and holding the far position on the other side, is just as bad as maybe clear cutting policies of 40 or 50 years ago.

Many will now argue: But we are saving old-growth forests across our country by disallowing the human hand to touch the land. I suggest to those who so argue that this year we have lost over 2½ to 3 million acres of old-growth forest because we were not allowed to go in and take out the underbrush and the small trees that are below these older trees. And as the fires swept across the land, it took everything, including the old growth.

So radicalism or extremism or a fixed policy on one extreme or the other can produce the wrong results. Putting good stewards on the land who understand the science of the land and the science of the forest itself is, by far, the better way to go. But in the last decades, we have decided that the policy was bad. I say, collectively, as a Congress, we have decided that. So we began to micromanage from the floor of the Senate. Every Senator influenced by some of his or her environmental friends decided they were the forest experts. They would legislate the particulars or they would deny certain actions that should be happening on the public lands.

As a result, over the last number of years, we have seen the average number of fires and total number of acres destroyed per year begin to rapidly increase on our public forested lands.

What was once an average burn of 1 million, 1.5 million to 2 million acres a year is now up into the 6 to 7 to 8 million acres a year. And it seems now, if you were to graph it, to be progressively climbing.

This year we have now burned about 6.5 million acres of forested land—not just burned it but destroyed it. There is hardly a tree standing—watersheds destroyed, land hydrophobic, wildlife habitat gone. Mother Nature will not come in there and replace herself for a decade. In the meantime, watersheds will slip and slide off the face of these mountains in landslides, riparian areas destroyed and urban areas at risk.

We are, therefore, going to sit here, as a Congress, and say: This is OK. This is the right thing to do.

The majority leader some months ago knew that in the Black Hills of South Dakota it wasn't the right thing to do, and he was able to work with groups and accomplish for South Dakota some of what we would like to accomplish for the rest of the forested States of our country: an active form of management that brings groups together, creates local public interest, understands the dynamics of good stewardship, and allows some degree of active management.

So for the last several weeks we have worked very closely with a variety of Senators from both sides of the aisle to see if there was not a bipartisan way of accomplishing this. Tragically, some interest groups have some of our colleagues so locked into a single position that they can find no flexibility in their vote.

My colleague from Oregon, RON WYDEN, and Senator DIANNE FEINSTEIN of California have worked closely with us to try to make some of these changes. They have come a long way. I, too, have come a long way in trying to craft a middle ground that will allow active management on a select number of acres of land to prove to the American public that what we can do can be done right not only in improving forest health but, at the same time, not damaging the environment and, in a very short time, allowing that land to rapidly improve as wildlife habitat and watershed quality land and also be productive for additional tree production

for the housing industry and for the American consumer that would like to own a stick-built home.

Last week, Senator DOMENICI of New Mexico and I offered an amendment that we thought was a comprehensive effort to come to the middle ground, to a position that both sides could support. We took the advice of the western Governors who met with the Secretary of the Interior and the Secretary of Agriculture some months ago to express the very concern I and other Western colleagues have expressed about the state of at least the western forests and to try to arrive at a collaborative process that would allow both sides to come together.

In our amendment, what we have offered is basically allowing a collaborative process to go forward at the State levels to select those lands most critically in need of active management for the kind of thinning and cleaning that would be most desirable under these areas and, at the same time, to recognize the clear protection that would come as a result of existing forest plans, to not override forest plans that most of our States have on a forest-by-forest basis, but to recognize that those are appropriate planning processes, that the efforts we would recommend to improve forest health would be consistent with the resource management plans and other applicable agency plans.

We would establish a limited priority of action, and that limited priority would be in the wildland/urban interface areas. This year, we have lost over 2,100 human dwellings while we have lost 6.5 million acres of wildlife dwellings. So the human, in this instance, is experiencing phenomenal damage to his or her dwelling, just as is wildlife. As a result of that, we recognize the most critical need of trying to resolve the wildland/urban interface.

I see my colleague from West Virginia on the floor at the moment. He was very willing to put additional money into firefighting this year. It is part of this amendment on the floor now.

Why? Not only do we need it, but now the Forest Service spends most of its time protecting houses instead of protecting trees and wildlife habitat and watershed. Why? Because over the last 25 years in the West, every piece of non-Federal land that is in the timbered areas has found it to be a place where people like to live. They have built beautiful homes out there. As a result, we now have a conflict that we did not have 25 years or 30 years ago when fire became an issue on our public lands. So we are dealing with the wildland/urban interface areas.

The other area I mentioned, now very critical in the West, is the municipal watershed area. These are the watersheds that provide the water and the impoundment or where water is collected for our growing urban areas. Many of those were devastated this year. I was on one in Denver, Colorado; now devastated, water that will now flow into the reservoirs that will feed the city of Denver. Much of that water will have the result of an acid base produced by the ashes of the forest fires that destroyed the watersheds of that area.

We also recognize that forested or range land areas affected by disease, insect activity, and what we call wind throw or wind blowdown, those are the areas that are now dead or dying. As a result of that, those are most susceptible to fire. We have recognized the need to get into some of those areas. That would be important to do.

Lastly, areas susceptible to what we call reburn, where the fire flashes across it, largely kills the trees, and then causes those trees to die, making them more susceptible to fire.

We have also said that this approach, while extraordinary, will include only 10 million acres. When I say only 10 million, I am talking about over 300 million forested Federal acres in our Nation under the direction and management of the U.S. Forest Service. These forested public lands encompass a very small amount. This would be showcased over a limited period of time with substantial restrictions. So that would be very important, and the process would have some limitations as it relates to current law: That we would not allow appeals or injunctions, but that there would be a judicial review process on a project-by-project basis. It would allow the filing in a Federal district court for which the Federal lands are located within 7 days after legal notice when a decision to conduct a project under the section is made. In other words, we do provide a legal remedy for those who openly object to any of this activity.

As I and others have said, and the President said over a month ago, we will not lock the courthouse door. While we think it is tremendously important that we begin to deal with forest health, we should not deny the fundamental process in the end. And we would not deny locking the courthouse door so that there could be a review as these actions proceeded.

Those are the fundamentals of what we are proposing to do—a limited nature, 10 million acres, to allow the groups to come together on a State-by-State basis to meet with the Forest Service and examine those acres and the most critical need of action, and to recommend to the Forest Service those areas, to allow a limited environmental review to go forward and, through that recommendation, then move to expedite the process in a way that is commensurate with forest health.

(Mr. JOHNSON assumed the Chair.)

Mr. CRAIG. If we could treat 5, or 6, or 7 million acres a year, and by that, I mean thinning and cleaning, leaving the old growth; our legislation talks about leaving no less than 10 trees per acre of the oldest trees, and more if it fits the landscape, or the species, or the watershed in which this activity would be going on.

But even if we do all of that—if the public would allow us, and this Senate were to vote to become active managers of our lands once again—with all of that, the state of our forests is now in such disrepair from a health, fuel-loading, big-kill standpoint, that in the years to come we are still going to lose 4, 5, 6, 7 million acres a year to wildfire. It is simply a situation of human creation by public policy that has denied active and reasonable management on these lands for several decades now. As a result of that, we have a tragedy in the making.

But if we act, in the course of the next decade we can save 700, 800, or a million acres of old growth and watershed and wildlife habitat, by these actions, that might otherwise be burned by wildfire. That is the scenario and the issue as I see it. It is also the issue that some of our top forest scientists see.

Is it a political issue today? Tragically enough, it has been politicized. There seems to be a loud chorus of people out there who say: Do nothing. The tragedy today is that a do-nothing scenario is, without question, more destructive to the environment than a do-something scenario could ever be, because it would be total destruction instead of limited damage in some areas that we treat, as we move to protect the old trees and guard against entry into the roadless areas at this moment in time, but still allow the thinning, cleaning, and fuel removal to come out of these acreages, as proposed by the Craig-Domenici amendment that is now pending.

So I hope my colleagues will support us and join with us. While the fires have dominantly been in the West this year, this is not just a western issue. We are fortunate to have forested public lands all over our country. Here in the East, similar problems are now happening: Overpopulation of our forests, even in the hard woods, bug kill, fuel loading; and now we are beginning to see more of our forests in the East, along the Allegheny and the Blue Ridge and down into the South, become ripe for burn during certain seasons of the year.

So it is a situation that is now beginning to repeat itself in the East as much as it has since the late 1990s out in the West. So I believe it is a national issue of substantial importance and one that we ought to spend time debating and understanding.

I encourage my colleagues to visit with me, Senator DOMENICI, or others who have offered this amendment, trying to seek a balanced approach to allow the U.S. Forest Service to begin the program of selective, active management of thinning and cleaning, using a comprehensive, collaborative approach on a State-by-State basis, with interest groups from those areas, in a way that will begin to restore the forest health of this Nation.

We may have a cloture vote at about 5:15. I hope my colleagues will not vote for cloture but will give us an opportunity to vote up or down on this amendment, as I think we are entitled, because we believe it is not only good policy but it is a critical and necessary vote for our country.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. How much time does the Senator from New Mexico want for his speech?

Mr. DOMENICI. I didn't know whether we had any time left on our side.

Mr. BYRD. I believe we have until 12:30 overall.

The PRESIDING OFFICER. The Senator is correct.

Mr. DOMENICI. I would ask for 5 minutes at this point.

Mr. BYRD. Mr. President, do I have the floor?

The PRESIDING OFFICER. That is correct.

Mr. BYRD. I ask unanimous consent that I may yield to the distinguished Senator from New Mexico, Mr. DOMENICI, for not to exceed 5 minutes, without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I thank the distinguished Senator from West Virginia.

I have heard most of the statement on the floor by my distinguished friend and colleague, Senator CRAIG, with whom I am a cosponsor of a very important amendment. We have a number of Democrats and Republicans who have joined us on this amendment. All I want to do is suggest that if we are going to have cloture this afternoon, I hope that, with reference to a cloture that will take this amendment down, Senators will not do that.

We have not had very much time. It is a very important and easy-to-understand issue. It will be confronted with an opposition amendment, which we have not seen yet, that will be forthcoming by the majority leader and, perhaps, Senator BINGAMAN. Both of them are moving in a direction of modifying the existing environmental laws that don't let us remove certain kinds of trees from our forests that are, by most people, determined to be the kind of trees you should remove. They either result in a burndown, or have the result of what is called a blowdown where whole portions of a forest are blown over, or they have just accumulated and are not growing because there is so much rubbish left over that you cannot get the Sun to do any good. When the fires come, they go from one place to another, right over the top of trees.

We want to set the timeframe within which objection can be made to going in and cleaning up that kind of forest, that it be moved in a very short period of time and not be subject to lengthy court hearings but, rather, that it move expeditiously.

We got our idea from an amendment the distinguished majority leader attached to a previous appropriation bill. The majority leader did this modification of the environmental laws that restrained removal of certain kinds of forests that were no longer needed and that could be used if you took them out of there rather quickly. The majority leader did that in an amendment and made it apply to a certain forest in his State and, thus, in the State of the occupant of the chair.

I don't have any objection to that amendment today. If the majority leader and his fellow Senator who occupies the chair want to do that, that is their business. It is about their State. I didn't come down to talk about changing environmental laws. I waited a couple weeks and suggested that maybe we ought to do the same thing—that we ought to get some movement in our forests rather than leave these kinds of trees there.

There are many other things wrong with the forests that we are going to have to fix. Essentially, over 6 million acres of our forests have burned—more than twice the 10-year average—in the current fire season. Twenty-one people have been killed and 3,000 structures have burned.

It will be more like an experiment. We will take a piece of these forests, and we will go in and clear them out within a reasonable timeframe, rather than the unreasonable timeframe that has become the procedure heretofore which, by using the courts and various actions of the courts, imposing NEPA and all of its requirements, whenever groups do not want any of this clearance, they win, just by delay.

I thought there would be a unification of purpose and we might get all the Senators to understand this was not an effort to defeat the environmentalists. We did not think they ought to necessarily take sides in opposition to this issue. It is a very realistic, commonsense approach.

We will have more time to discuss it in more detail, and we will get to discuss it at our respective policy luncheons. I thank the Senator for yielding me the 5 minutes. I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, what is the situation with respect to time?

The PRESIDING OFFICER. There are 10 minutes remaining prior to the recess.

Mr. BYRD. Mr. President, I ask unanimous consent that I may hold the floor beyond the 10 minutes for a reasonably short period of time. I would say perhaps another 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I yield to the distinguished Senator. He wants 3 minutes for a statement. So I yield 3 minutes to him. I do not know why I am accommodating all these Senators like this, but I yield 3 minutes. I yield to him without losing my right to the floor for a statement only for not to exceed 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Idaho.

Mr. CRAPO. I thank the Chair.

(The remarks of Mr. CRAPO pertaining to the introduction of S. 2942 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, over the course of the last several months, the Senate Appropriations Committee has endeavored to craft 13—13—bipartisan, responsible pieces of legislation which fund every aspect of the Federal Government. The Appropriations Committee accomplished its goal. Each bill was adopted by the committee without a single dissenting vote—not one.

This is the largest committee of any committee in the Senate. It is made up of 29 members—15 Democrats and 14 Republicans. So each bill was adopted by the committee without a single dissenting vote: 13 bills, not a single nay vote. That is true bipartisan cooperation. In fact, if one adds up the rollcall votes for the 13 bills, one would have a tally of 377 aye votes to zero nay votes. That is a record for which committee members should be proud.

As all Senators are aware, the appropriations bills are stuck. They are stuck; the ox is in the ditch. The House Appropriations Committee has not acted on five appropriations bills, and the full House has yet to pass eight of the bills, leaving the next fiscal year in a dangerous position of starting without Congress having completed action on the funding legislation.

Why are we in this predicament? While it would be easy to point the finger at the House of Representatives, the blame basically, truly belongs down the avenue—the other end of the avenue.

The White House's Office of Management and Budget remains wedded to an arbitrary budget figure that undercuts the Congress' ability to complete its work in a responsible fashion. The Senate has passed appropriations bills that total $768 billion. Every Senator on the Appropriations Committee voted for that funding level. Every Senator on that committee voted for that funding level of $768 billion. Every Senator on the Appropriations Committee, Democrat and Republican, recognizes that level of $768 billion is a responsible level that provides for the largest Defense spending bill ever, that provides for a significant increase in homeland security funding, and that accommodates just enough to cover the cost of inflation for domestic priorities—priorities such as veterans health care, education. These are not boondoggle bills. These are responsible pieces of legislation.

The House appropriators would be able to complete work on their bills if

they were able to utilize the same overall figure. I want to say the fault is not with the House Appropriations Committee chairman. That committee would be able to finish its job. But the White House has insisted that the House allocate no more than $759 billion. So the House is stuck $9 billion below the Senate and weeks behind the calendar for completing its work.

The House needs to get its work done, but more importantly, the administration needs to provide some flexibility to help us to finish these bills. We do not need political games. We need to complete action on 13 individual appropriations bills.

I know; I worked closely with the chairman on the other side, Chairman YOUNG, and with the ranking member on the Democrat side, DAVE OBEY. I worked closely with them. Their heart is in the right place. They know the Senate and the House ought to go to the higher, top line figure, $768 billion. But it is the administration that has its feet in concrete and its head in the sand. No, it wants to stay right on the $759 billion. That is why these appropriations bills are stuck.

Just yesterday—listen to this—in an article in the Wall Street Journal, Mr. Lawrence Lindsey, head of the White House's National Economic Council, projected that the military costs for this so-called war in Iraq will be $100 billion to $200 billion. They were talking about billions of dollars this year alone. I will say that again: Just yesterday, in an article in the Wall Street Journal, Mr. Lawrence Lindsey, head of the White House National Economic Council, projected that the military costs for this so-called war in Iraq will be $100 billion to $200 billion this year alone.

Now, I would consider $100 billion to be quite substantial. That is a lot of money, $100 billion. But Mr. Lindsey says it may go from $100 billion to $200 billion this year alone. I consider $100 billion to be quite a substantial figure, and I would consider $200 billion to be doubly substantial.

Mr. Lindsey, when asked about that level, said: That's nothing. That's nothing—$100 billion to $200 billion, that's nothing? If $100 billion is nothing, Mr. Lindsey, what is $9 billion? How can $100 billion be nothing if the White House is willing to put the entire Government on autopilot over $9 billion? That is why we are not getting the appropriations bills done. The administration, through its Office of Management and Budget, says no more than $759 billion, because he has the authority of the President behind him.

I have heard some strange economic plans in my day, but this one takes the cake. How can $100 billion be nothing, as Mr. Lindsey is quoted as saying, if the White House is willing to put the entire Government on autopilot over $9 billion?

The growth of the fiscal year 2003 appropriations bills is not for the domestic program. The additional $9 billion in the Senate bills will fund the President's requested increases in the Department of Defense and homeland security. For the rest of the Government, that $9 billion is the difference between a hard freeze and a 3-percent adjustment for inflation. But those facts do not seem to matter. They do not seem to matter to this administration.

In times such as these, the administration should be working with Congress to complete action on these appropriations bills, not attempting to hamstring Congress at every turn.

Obviously, the Office of Management and Budget has adopted a strategy that places the administration's political goals and rhetoric above the needs of the Nation. The political goals come first, apparently, with this administration. What a shame. What a shame. The Office of Management and Budget has signaled that this year politics wins out over principle, rhetoric wins out over reality.

So much for the new tone the President was going to bring to Washington. All this administration wants to do, apparently, is to play the same old games. The administration seems to believe that the Federal Government is nothing more than a Monopoly board. The President is living on Park Place, but the rest of the country is relegated to Mediterranean Avenue. The administration has asserted that $768 billion is excessive spending for the coming fiscal year, and yet the significant increases within that total are to fund the President's proposal to significantly increase defense spending and homeland security funding.

I am not against doing whatever is needed to meet the Nation's requirements for defense, and the same is true with respect to homeland security. But the Nation should not be forced to cut budgets on health care, on education, on veterans programs, and other priorities here at home just to meet some political goal of the administration. The clock is ticking. We do not have time to play these political games. There is more at stake than a simple roll of the dice.

I ask unanimous consent to have printed in the RECORD the article from the Wall Street Journal published on Monday, September 16, 2002. The title of the article is: ''Bush Economic Aide Says Costs of Iraq War May Top $100 Billion.''

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

BUSH ECONOMIC AIDE SAYS COST OF IRAQ WAR MAY TOP $100 BILLION

(By Bob Davis)

WASHINGTON.—President Bush's chief economic advisor estimates that the U.S. may have to spend between $100 billion and $200 billion to wage a war in Iraq, but doubts that the hostilities would push the nation into recession or a sustained period of inflation.

Lawrence Lindsey, head of the White House's National Economic Council, projected the ''upper bound'' of war costs at between 1% and 2% of U.S. gross domestic product. With the U.S. GDP at about $10 trillion per year, that translates into a one-time cost of $100 billion to $200 billion. That is considerably higher than a preliminary, private Pentagon estimate of about $50 billion.

In an interview in his White House office, Mr. Lindsey dismissed the economic consequences of such spending, saying it wouldn't have an appreciable effect on interest rates or add much to the federal debt, which is already about $3.6 trillion. ''One year'' of additional spending? he said. ''That's nothing.''

At the same time, he doubted that the additional spending would give the economy much of a lift. ''Government spending tends not to be that stimulative,'' he said. ''Building weapons and expending them isn't the basis of sustained economic growth.''

Administration officials have been unwilling to talk about the specific costs of a war, preferring to discuss the removal of Mr. Hussein in foreign-policy or even moral terms. Discussing the economics of the war could make it seem as if the U.S. were going to war over oil. That could sap support domestically and abroad, especially in the Mideast where critics suspect the U.S. of wanting to seize Arab oil fields.

Mr. Lindsey, who didn't provide a detailed analysis of the costs, drew an analogy between the potential war expenditures with an investment in the removal of a threat to the economy. ''It's hard for me to see how we have sustained economic growth in a world where terrorists with weapons of mass destruction are running around,'' he said. If you weigh the cost of the war against the removal of a ''huge drag on global economic growth for a foreseeable time in the future, there's no comparison.''

Other administration economists say that their main fear is that an Iraq war could lead to a sustained spike in prices. The past four recessions have been preceded by the price of oil jumping to higher than $30 a barrel, according to BCA Research.com in Montreal. But the White House believes that removing Iraqi oil from production during a war—which would likely lead to a short-term rise in prices—would be insufficient to tip the economy into recession. What is worrisome, ecomists say, is if the war widens and another large Middle East supplier stops selling to the U.S., either because of an Iraqi attack or out of solidarity with Saddam Hussein's regime.

Mr. Lindsey said that Mr. Hussein's ouster could actually ease the oil problem by increasing supplies. Iraqi production has been constrained somewhat because of its limited investment and political factors. ''When there is a regime change in Iraq, you could add three million to five million barrels of production to world supply'' each day, Mr. Lindsey estimated. ''The successful prosecution of the war would be good for the economy.''

Currently, Iraq produces 1.7 million barrels of oil daily, according to OPEC figures. Before the Gulf War, Iraq produced around 3.5 million barrels a day.

Mr. Lindsey's cost estimate is higher than the $50 billion number offered privately by the Pentagon in its conversations with Congress. The difference shows the pitfalls of predicting the cost of a military conflict when nobody is sure how difficult or long it will be. Whatever the bottom line, the war's costs would be significant enough to make it harder for the Bush administration to climb out of the budget-deficit hole it faces because of the economic slowdown and expense of the war on terrorism.

Mr. Lindsey didn't spell out the specifics of the spending and didn't make clear whether he was including in his estimate the cost of rebuilding Iraq or installing a new regime. His estimate is roughly in line with the $58

billion cost of the Gulf War, which equaled about 1% of GDP in 1991. During that war, U.S. allies paid $48 billion of the cost, says William Hoagland, chief Republican staffer of the Senate Budget Committee.

This time it is far from clear how much of the cost—if any—America's allies would be willing to bear. Most European allies, apart from Britain, have been trying to dissuade Mr. Bush from launching an attack, at least without a United Nations resolution of approval. But if the U.S. decides to invade, it may be able to get the allies to pick up some of the tab if only to help their companies cash in on the bounty from a post-Saddam Iraq.

Toppling Mr. Hussein could be more expensive than the Persian Gulf War if the U.S. has to keep a large number of troops in the country to stabilize it once Mr. Hussein is removed from power. Despite the Bush administration's aversion to nation building, Gen. Tommy Franks, commander of U.S. troops in the Middle East and Central Asia, recently said that the U.S. troops in Afghanistan likely would remain for years to come. The same is almost certain to be true in Iraq. Keeping the peace among Iraq's fractious ethnic groups almost certainly will require a long-term commitment of U.S. troops.

During the Gulf War, the U.S. fielded 500,000 troops. A far smaller force is anticipated in a new attack on Iraq. But the GOP's Mr. Hoagland said the costs could be higher because of the expense of a new generation of smart missiles and bombs. In addition, the nature of the assault this time is expected to be different. During the Gulf War, U.S. troops bombed from above and sent tank-led troops in for a lightning sweep through the Iraqi desert. A new Iraq war could involve prolonged fighting in Baghdad and other Iraqi cities—even including house-to-house combat.

The Gulf War started with the Iraqi invasion of Kuwait in August 1990, which prompted a brief recession. The U.S. started bombing Iraq on Jan. 16, 1991, and called a halt to the ground offensive at the end of February.

With Iraq's invasion, oil prices spiked and consumer confidence in the U.S. plunged. But Mr. Lindsey said the chance of that happening again is ''small.'' U.S. diplomats have been trying to get assurances from Saudi Arabia, Russia and other oil-producing states that they would make up for any lost Iraqi oil production. In addition, Mr. Lindsey said that the pumping equipment at the nation's Strategic Petroleum Reserve has been improved so oil is easier to tap, if necessary. Both the Bush and Clinton administrations, he said, wanted to ''make sure you can pump oil out quickly.''

On Thursday, Federal Reserve Chairman Alan Greenspan said he doubted a war would lead to recession because of the reduced dependence of the U.S. economy on oil. ''I don't think that . . . the effect of oil as it stands at this particular stage, is large enough to impact the economy unless the hostilities are prolonged,'' Mr. Greenspan told the House Budget Committee. ''If we go through a time frame such as the Gulf War, it is unlikely to have a significant impact on us.''

The U.S. economy also has become less dependent on oil than it was in 1990, said Mark Zandi, chief economist at Economy.com, an economic consulting group in West Chester, Pa. A larger percentage of economic activity comes from services, as compared with energy-intensive manufacturers, he said. Many of those manufacturers also use more energy-efficient machinery.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:40 having arrived, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:37 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. EDWARDS).

HOMELAND SECURITY ACT OF 2002

The PRESIDING OFFICER. Under the previous order, the hour of 2:15 p.m. having arrived, the Senate will now resume consideration of H.R. 5005, which the clerk will report by title.

The assistant legislative clerk read as follows:

A bill (H.R. 5005) to establish the Department of Homeland Security, and for other purposes.

Pending:

Lieberman amendment No. 4471, in the nature of a substitute.

Thompson/Warner amendment No. 4513 (to amendment No. 4471), to strike title II, establishing the National Office for Combating Terrorism, and title III, developing the National Strategy for Combating Terrorism and Homeland Security Response for detection, prevention, protection, response, and recover to counter terrorist threats.

Lieberman amendment No. 4534 (to amendment No. 4513), to provide for a National Office for Combating Terrorism, and a National Strategy for Combating Terrorism and the Homeland Security Response.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, under an order previously entered, it is my understanding the Senator from West Virginia has the floor; is that right?

The PRESIDING OFFICER. The Senator is correct. Under the previous order, the Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I thank the Chair and I thank the distinguished Democratic whip.

Mr. President, I want to be sure that Senators understand the parliamentary situation in the Senate at this point.

Last Thursday, the Senate voted on a motion to table the Thompson amendment to strike Titles II and III of the Lieberman substitute. Title II would establish a new National Office for Combating Terrorism within the Executive Office of the President whose Director would be confirmed by the Senate and made accountable to the Congress.

That is incredibly important. The National Office for Combating Terrorism was viewed by our good colleague, Senator LIEBERMAN as a central part of his homeland security bill. Title II was carried over from his original bill that was introduced last May, before the White House endorsed the idea of creating a new Department of Homeland Security.

But the motion to table the Thompson amendment to strike Title II failed by a vote of 41–55 last Thursday. Senator LIEBERMAN conceded the victory to Senator THOMPSON, and urged the Senate to accept the ''the next best idea.'' Senator LIEBERMAN offered a scaled down version of Titles II and III as a second degree amendment to the Thompson amendment.

It was at that point that I gained the floor and have held it until today.

So I find myself in a position that I had not intended—and not an easy position. I have often felt, in recent days, as if this 84-year-old man—soon to be 85; within a few days—is the only thing standing between a White House hungry for power and the safeguards in the Constitution. That is not bragging, that is lamenting.

This is not the way it ought to be. This will not go down as one of the Senate's shining moments. Historians will not look back at this debate and say that we fulfilled the role that was envisioned by the Framers.

This Senate should have the wisdom to stand for this institution and the Constitution. It is not our duty to protect the White House. It is our duty to protect the people—those people out there looking through their electronic lenses, the people who come here from day to day, these silent individuals who sit up here in the galleries. They do not have anything to say. They are not allowed to speak under the Senate rules, but they sit and watch us. They are looking over our shoulders, as it were, and they expect us to speak for them. They will help to ensure that the interests and the rights of the American people are protected. That is what these people want. They want us to assure that their interests—the people's interests—and the rights of the American people are protected.

I have been joined by a few voices on this floor in recent days, and I thank them. I feel that at least some Members are beginning to view this legislation as doing much more than merely setting up a new Department of Homeland Security.

I have also heard from citizens across the country who have urged me never to give up. Well, I can assure them that as long as I am privileged to serve in this body I will never give up defending the Constitution.

I heard Condoleezza Rice last Sunday, and I heard Dr. Rice the Sunday before.

I heard Secretary of State Powell last Sunday on television, and I heard him the Sunday before.

I have listened to Secretary Rumsfeld, and I have listened to Vice President CHENEY on television.

I have listened to various and sundry Senators on television. I have listened to various and sundry other spokespersons on television.

I read the op-ed piece of former Secretary of State Shultz in the newspaper Sunday a week ago.