

Mr. REID. Mr. President, what is the regular order?

#### HEALTHY FORESTS RESTORATION ACT OF 2003

The PRESIDING OFFICER. The regular order is under the previous order the Senate will resume consideration of H.R. 1904, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1904) to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to plan and conduct hazardous fuel reduction projects on National Forest System lands and Bureau of Land Management lands aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape, and for other purposes.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. We need the manager of the bill on the floor for the majority. Senator BINGAMAN is ready to offer an amendment. He was here all day yesterday.

What we would like to do is have Senator BINGAMAN offer his amendment—I have not spoken to the two leaders—have that set aside temporarily and then move to the Leahy amendment. They will both be relatively short in time, and then we can arrange an appropriate time for voting on these.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. FRIST. Mr. President, I ask unanimous consent that I may speak for 5 minutes as in morning business.

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

#### GOOD ECONOMIC NEWS

Mr. FRIST. Mr. President, as we prepare over the next several minutes to shift gears back to a very important piece of legislation, I just want to take this opportunity to comment on another issue and that is the issue of the economy. There is very good news, news that was released today, and that is that the economy grew by 7.2 percent in this last quarter—in July, August, and September. This to me is really a spectacular piece of news, especially as we know the people are following this economy very closely, especially to see what the response is to the President's tax relief package several months ago.

Mr. President, 7.2 percent is spectacular in so many ways. In fact, it has been nearly 19 years—I guess the last date was in 1984—that the economy last saw such growth. This news is not

totally unexpected. For the last several days I have come to the Senate Chamber to suggest that this is the sort of figure we could expect, in large part because of the policies we enacted earlier this year, specifically the tax reductions which we knew would result in such growth. Indeed, we are now seeing that hard data of growth—7.2 percent in the last quarter.

This positive news was also reflected and added to by this morning's numbers which showed that personal consumption has increased at 6.6 percent as well. It is interesting that consumption makes up about 70 percent of our economic growth. That is, 70 percent of all of this economic growth is accounted for by consumption. If we looked at just that impact of consumption alone, we would have seen growth in our economy of 4.6 percent.

Equally if not more important for the longer term, another measure, business investment, grew by 11.1 percent. To me, this suggests we will continue to see growth well into the future as they rebuild, as they reinvest, as they retool their factories and prepare for the future.

Government spending, another component of growth which accounted for much of the growth earlier this year, was not the most important factor accounting for today's news. Indeed, Government spending only increased about 1.4 percent. I say that because a lot of people say we are just spending so much these days in terms of Government; that is why the economy is growing. But as the figures show, most of that growth is in this dramatic increase in consumption, an increase of 6.6 percent according to today's news.

Maybe lost in the big news this morning is what really matters in this growth—the jobs issue. The Department of Labor reported this morning that the initial claims for unemployment declined by 5,000 last week, affirming this downward trend in unemployment. So this morning we have good news released. The numbers released today indeed indicate a ramp up to recovery. I do expect the growth in the quarters ahead will settle down to a more realistic and sustainable level.

The point is, we are making progress. We are making real progress. The policies we put into place are beginning to take hold.

We clearly have a lot more work to do. We must do more to create jobs and bring economic recovery to all of our citizens. Thus, we really can't rest on these reports today. But at the same time, in this body we must continue to work toward reducing the cost of doing business in this country.

I immediately turn to issues we are talking about, both on the floor and off—health care, energy, class action, litigation costs. We need to remove barriers to investment and economic growth so employers can create jobs.

Our work here in the Congress must go forward with renewed dedication. Today we do see firsthand the effects of

the President's economic policies. Such results should encourage all of us to work even harder to bring economic recovery to the doorstep of every American.

Mr. REID. Mr. President, I, too, am pleased at the good news that the GDP has gone up. But for the 3 million people who have lost jobs, J-O-B is more important than G-D-P. This last month, another 46,000 jobs have been lost in this country; during this administration, more than 3 million jobs. This is the only President since Herbert Hoover who has had a net loss in jobs. I think this is very unfortunate. I hope the GDP continues to grow and in the process create jobs.

Mr. President, the distinguished chairman of the committee that has jurisdiction of the bill now before the Senate and I spoke with the majority leader and minority leader a few minutes ago. It is the wish of the distinguished chairman of this committee, the manager of this bill, that when an amendment is offered—unless there is some exception—we are going to debate that and vote on it, dispose of it one way or the other.

As we spoke to the majority leader, the distinguished Senator from Mississippi and I—everyone should be—we were both in tune with the majority leader. Today's votes are going to take 20 minutes. After 20 minutes, the majority leader said he is going to ask that the clerk announce the vote. There are going to be people who miss votes, but that is their problem. All staffs who are listening to me, everyone should understand, if the majority leader follows through on what he said—and I am confident he will—a few people will miss them the second time and fewer the third time.

If we are going to finish this most important bill, we cannot have votes going 40 minutes, and that is what they were going yesterday. It is unfair to the managers of the bill, unfair to the Senate, unfair to the country.

I hope that following the vote of Senator BINGAMAN, we will stick to 20-minute votes, no matter who isn't here for the vote.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, let me compliment the distinguished acting leader. He correctly states the content of the conversation that we had which included the majority leader. The custom, in recent history anyway, has been to accumulate amendments and then have the votes stacked to occur at a certain time. That is well and good, if you know how many amendments you have. We don't have a finite list of amendments. That is one thing we need. If Senators would let us know which amendments they intend to offer, we can probably manage this bill more efficiently and save time for everybody.

We want to finish the bill tonight. That is my intention. I think that is

the intention of the acting Democratic leader as well.

The regular order is, if you have an amendment, come and offer it. We will debate it and dispose of it. We will give you a vote on it and move to table it or we will accept it.

Senator BINGAMAN is here with an amendment. It is an important amendment. I understand that he is going to seek the floor and offer that amendment. We will debate it and dispose of it.

I very much thank the two leaders for their effort to help move this bill along and ensure that the votes we have are held to a minimum amount of time. We are going to try to enforce that.

I thank everybody concerned.

Mr. REID. Mr. President, if I could say one additional thing, we have run a hotline on our side. We are very close to having a finite list of amendments. That will be offered on this side. We know the intense interest in this bill from all sides. No one exemplifies the interest in this bill more than the Senator from Oregon. Senator WYDEN has been very responsive to the bill that is before us. He has been here virtually every minute this matter has been on the floor. Like so many people who are concerned about this, he wants this bill to be completed as quickly as possible. I think with the cooperation of the Senate we can do that.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I will be very brief. I want to recognize my friend from New Mexico who has spent a lot of time on this bill and has an important amendment.

As we go to the amendments this afternoon—particularly those from my side—I think it is critically important that the bipartisan compromise which was consummated yesterday in a 97-to-1 vote on the floor of the Senate not become unraveled today. This is, in my view, the only bill that can make it to the President's desk. It is a balanced approach on management. It ensures that the public has every single opportunity to participate in the debate about forestry but, at the same time, it does not establish a constitutional right to a 5-year delay on every conceivable matter that may relate to the forestry sector.

In particular, it provides for potentially lifesaving hazardous fuel reduction projects in our national forests. We have to respond to what we have seen in California. It is a heartfelt need in that State.

If this legislation as set out in the compromise doesn't become law, what we have seen in California in the last few days, and as we saw in Oregon last year, is going to be what the country faces year after year.

I am very interested in working with our colleagues in an expeditious manner. I thank Senator COCHRAN again for all of his cooperation. Senator BINGAMAN has been waiting for a long time.

I intend to work with all of our colleagues on this amendments today. What I especially look forward to is completing the work on this legislation. It was a very exciting development to have yesterday's vote by such a large plurality. It shows what you can do if you stay at it and try to find common ground in an area that is about as contentious as you can find. As Senator COCHRAN noted, we hope colleagues will bring amendments to the floor and move expeditiously.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

AMENDMENT NO. 2031

Mr. BINGAMAN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN] proposes an amendment numbered 2031.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide the Secretary of Agriculture with the authority to borrow funds from the Treasury to pay for firefighting costs that exceed funds available and to provide funding to conduct hazardous fuels reduction and burned area restoration projects on non-Federal lands in and around communities)

At the appropriate place, insert the following two new sections:

**SEC. \_\_. BORROWING AUTHORITY FOR FIRE SUPPRESSION.**

(a) IN GENERAL.—The Secretary of the Treasury shall, upon the request of the Secretary of Agriculture, make available to the Secretary of Agriculture, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary in each fiscal year to carry out fire suppression activities. The Secretary of Agriculture may make such request only if fire suppression costs exceed the amount of funding available to the Forest Service for fire suppression in a fiscal year.

(b) AUDIT.—Not later than 180 days after the Secretary of Agriculture exercises the authority provided by this section, the Inspector General of the Department of Agriculture shall submit to the Secretary and to the Congress an audit of expenditures of funds provided under this section. Upon a determination by the Inspector General that specific amounts of such funds were used for purposes other than fire suppression, or upon a determination that specific expenditures of such funds were both unreasonable and excessive, the Secretary, not later than 30 days after receiving the audit of the Inspector General, shall reimburse the Treasury, out of unobligated balances for the Forest Service for the fiscal year in which the funds were provided, for the amounts so identified by the Inspector General.

**SEC. \_\_. COMMUNITY PROTECTION AND BURNED AREA RESTORATION.**

(a) IN GENERAL.—During fiscal years 2004 through 2008, the Secretaries shall carry out a joint program to reduce the risk of wildfire to structures and restore burned areas on non-Federal lands, including county-owned lands, tribal lands, nonindustrial private lands, and State lands, using the authorities

available pursuant to this section, the National Fire Plan and the Emergency Watershed Protection program.

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

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

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

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

(d) APPROPRIATION AND AVAILABILITY OF FUNDS.—The Secretary of Treasury shall make available to the Secretaries out of any money in the Treasury not otherwise appropriated \$100,000,000 for each of fiscal years 2004 through 2008 to carry out this section, which shall remain available until expended.

Mr. BINGAMAN. Mr. President, although I interrupted the clerk before the clerk was able to read the entire amendment, I think probably the best way for me to start my description of the amendment is to go through and read some portions of it so Members know what I am proposing.

There are two parts to the amendment. It adds two new sections to the bill in order to provide meaningful new authority and actual resources to protect communities at risk from unnaturally intense catastrophic wildfire.

We had a little bit of debate yesterday—and we will again today—about what exactly has been the problem and what the policy mistakes and failures are here in Washington that have contributed to this problem.

I would suggest to you that the major failure which has occurred here in Washington that has contributed to the problem is the one I am trying to address with this amendment; that is, inadequate funding with which to proceed not only to fight fires but to do the necessary thinning and the necessary restoration activities that we are all in agreement need to be made.

The first section that this amendment would add reads as follows: I will read through the most significant parts of it. It says:

The Secretary of the Treasury shall, upon the request of the Secretary of Agriculture—

And, of course, that is where the Forest Service is located, in the Department of Agriculture—

make available to the Secretary of Agriculture, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary in each fiscal year to carry out fire suppression activities. The Secretary of Agriculture may make such request only if fire suppression costs exceed the amount of funding available to the Forest Service for fire suppression in a fiscal year.

What we are saying is we are going to do our best here to appropriate money for fire suppression; that is, firefighting activities. But to the extent that we fall short, the Secretary of Agriculture can go to the Department of the Treasury and get funds with which to do that firefighting.

We have a second part of this section. It is an audit provision. It says:

Not later than 180 days after the Secretary of Agriculture exercises the authority provided by this section, the Inspector General of the Department of Agriculture shall submit to the Secretary and to the Congress an audit of expenditures of funds provided under this section. Upon a determination by the Inspector General that specific amounts of such funds were used for purposes other than fire suppression, or upon a determination that specific expenditures of such funds were both unreasonable and excessive, the Secretary, not later than 30 days after receiving the audit of the Inspector General, shall reimburse the Treasury, out of unobligated balances for the Forest Service for the fiscal year in which the fund were provided. . . .

Essentially, we are doing an audit. If there is any misuse of funds, if they are used for anything other than fire suppression, then the Forest Service in the Department of Agriculture shall essentially take those funds out of their hide and deal with the situation that way.

That is the first part of the amendment.

The second part of the amendment that I am offering is entitled, "Community Protection And Burned Area Restoration." It says, in general:

During fiscal years 2004 through 2008, the Secretaries [the Secretary of Agriculture who has jurisdiction over the Forest Service and the Secretary of the Interior] shall carry out a joint program to reduce the risk of wildfire to structures and restore burned areas on non-Federal lands, including country-owned lands, tribal lands, nonindustrial private lands, and State lands, using the authorities available pursuant to this section, the National Fire Plan and the Emergency Watershed Protection Program.

We are talking about funds to do restoration work on land that the Federal Government doesn't own.

The second part of this talks about cost share grants. It says:

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

- (1) prevent structural damage as a result of wildfire, or
- (2) to restore or rehabilitate burned areas on non-Federal lands.

This is still on non-Federal lands. It says the non-Federal contribution may be in the form of cash or in-kind contribution, and then it authorizes the appropriation of \$100 million in each of those years, 2004 through 2008, to do their work, to make these grants, to help these non-Federal agencies and entities deal with the problems.

Much of the fire we have seen on television in recent days is, in fact, not on Federal land. They are desperately in need of assistance from the Federal Government. This is assistance that would be of that type and should be in place every year.

I will go through a more complete description of the amendment. The amendment does add two new sections to the bill to provide meaningful new authority and actual resources to protect communities at risk from unnaturally intense catastrophic wildfire. If

we are not going to add real resources as part of this bill, we are, in fact, making a false promise to the American people. We can give all the speeches about how we are going to pass the bill, the President is going to sign it, everything is going to be rosy, the clouds are going to clear, and we are going to be in the sunny uplands—the broad sunny uplands, is the way Churchill said it.

The reality is, if we do not provide resources to help, it is a false promise. This amendment will try to help provide those resources.

The first part of the amendment allows the Forest Service to borrow funds from the Treasury to pay for firefighting during the years in which available funds do not cover costs. Someone might say that is a pretty rare occasion, a year when the funds available do not cover the cost. Let me cite the last 3 years: 2001, 2002, and 2003, Forest Service firefighting funding.

We have three columns on my chart: The President's request, what was actually appropriated, and what was actually spent, what we wound up spending out of Federal Government funds to deal with this problem.

In 2001, the President requested the Congress appropriate the budget he sent us of \$291 million. Fortunately, through the good offices of Senator COCHRAN and other Members, we did better than that. I very much appreciate that. Senator BYRD deserves credit, as do other Members on the Democratic side. We appropriated \$469 million—not quite twice what the President asked for, but it is getting close. The amount that was actually needed was \$683 million. So we missed it by a little—we were more than \$200 million short of what the Forest Service actually had to spend for firefighting in that year.

In 2002, the President asked for more. He said \$291 million was not enough, how about \$325 million. This is for the whole country. He said, \$325 million ought to be plenty for the whole country. In fact, we appropriated a little less than he asked for, \$321 million. What was actually needed was \$1.28 billion. So we missed it by not quite \$1 billion. That is \$1 billion that was spent by the Forest Service of funds not appropriated to them for this firefighting activity.

In 2003, which we just finished, the President said we need \$421 million. The Appropriations Committee said no; let's make it \$418 million. We spent over \$1 billion—\$1.02 billion.

There is a shortfall each year. It is a question of whether the shortfall is \$1 billion, a couple hundred million, but every year we have done this. At least since this President has been in town, we have seen a significant shortfall. What I am trying to do is begin to address that problem.

The real problem that needs to be addressed with respect to the Forest Service situation is the practice of borrowing. Every time we do this, every

time we give them much less money that turns out to be needed for firefighting, they have no choice but to take money from other accounts in order to deal with that problem. They do that.

Let me point out for the year 2002, the year we had the total amount transferred out of other accounts to fight fires was \$1.02 billion. What did that come from? It came from different accounts, but a big chunk of it came out of accounts that are the accounts we are saying in the Senate are our highest priority. We want money for forest restoration, we want money for thinning of forests, for getting the underbrush out of the way so we do not have the fires. In fact, that funding is not available to the Forest Service because they are too busy using it to fight fires rather than to get ahead of the problem and deal with that.

There are many examples I will cite of the problem we are dealing with. In my home State of New Mexico, we have a publication, a 1-page sheet the Forest Service issued called "Effects of Transferring Money to Fire Suppression." That is what this chart is reflecting. All of the money on the chart was transferred to fire suppression, to firefighting. This was issued in April by the Forest Service with regard to New Mexico. It says the 2002 fire season was intense. The cost of suppressing these fires was nearly \$1.3 billion. The Forest Service transferred \$1 billion from other discretionary and mandatory accounts to defray fire suppression costs. Over \$55 million was borrowed from national forests in Arizona and New Mexico. Some critical projects in New Mexico were postponed for up to 1 year as a result of fire borrowing. These included wildland/urban interface fuels projects, in the Carson National Forest, in the Gila National Forest, in the Lincoln National Forest, in the Santa Fe National Forest; a contract for construction of a fuel break around the community at risk in the Cibola National Forest was postponed for 6 months.

What they have to do when they shift the money out of these accounts, they have to put that forest thinning or forest restoration project on hold because they cannot afford it. They are too busy fighting fires. We need the money to fight fires. We have caused them to do that every year.

A similar problem exists in many other States. I will indicate a few of those, States that have a great interest in this legislation. I have a document called "Summary of Effects of Transferring Money to Fire Suppression." As a result of recent fire transfers in which money has been transferred from various Forest Service accounts to pay for emergency wildfire suppression, critical Forest Service projects were postponed or canceled throughout the West. There are literally hundreds of examples of unfortunate consequences

that resulted, including canceled prescribed burns, thinning projects, timber sales, evasive weed control programs, and emergency burned area rehabilitation projects.

The consequences are felt beyond dangerous forest conditions, and they range from the postponement of dam safety inspection to the inability to finalize a tribal energy development agreement.

I have already given examples from my State of New Mexico. In Idaho, spring burning projects in the Nez Perce National Forest were postponed.

A brush-cutting project in Clearwater National Forest could not be completed.

In Montana, a hazardous fuels reduction project in the wildland/urban interface of the Bitter Root National Forest was postponed and slated for possible cancellation.

In Oregon, watershed assessments and restoration activities associated with the Biscuit Fire were delayed. Numerous timber sales and wildland/urban interface thinning work was postponed.

In Washington, white pine blister rust thinning and pruning projects were deferred.

In California, nearly \$6 million was transferred out of forest health vegetation management and ecological restoration accounts in 2003, resulting in having to withdraw stewardship contracts for wildland/urban interface fuels reduction projects and the failure to complete prescribed burns.

So this issue of borrowing is serious. It is one that we need to address as part of this bill.

I commend Senator BURNS and Senator DORGAN, who are the chairman and ranking member of the Interior Appropriations Subcommittee, for their efforts to secure \$400 million to repay the accounts from which the agencies have borrowed to fight fires.

Now, what happens each year, when we, in fact, give the Forest Service less money for firefighting than they need, we have to come back the next year in supplemental appropriations and ask for funds with which to pay back those accounts so they can hopefully get back to those projects they had to postpone.

My understanding is that this amount, this \$400 million, was included in the conference report that was agreed upon Monday night. I also appreciate Senator BURNS' comments that the \$400 million is not the final word. I believe he said this is especially true since the Forest Service alone actually borrowed \$695 million from other programs so far in this last year.

However, this year-to-year approach to the fire-borrowing problem is not an adequate solution. Even when our Senate appropriations colleagues do everything they can to make sure these accounts are repaid every year, on-the-ground restoration work is delayed—it is substantially delayed—while the Forest Service waits for Congress to

pass a supplemental appropriations bill to once again give them the money they had originally been given but could not use for that purpose. They had to use it for firefighting.

The events that occurred earlier this year are a devastating example of that. I have sort of gone through that on this chart. The Senate approved \$289 million in extra wildfire funding in the fiscal year 2003 supplemental spending bill. However, the House dropped it.

On July 28, Senator BURNS correctly stated on the floor:

... without work in the House to help get these funds, we will be facing an even more drastic situation.

Nonetheless, the bill that was sent to the President did not contain these urgently needed funds.

In my State of New Mexico, some critical Forest Service hazardous fuels reduction projects were postponed for up to a year, last year, as a result of borrowing to fight fires. These include projects in all these national forests I have mentioned.

In February 2003, the Missoulian, which I understand is a Montana newspaper—I assume in Missoula—reported that because of fire borrowing, Montana and northern Idaho forests “lost about \$80 million, including \$25 million intended for the repair and replanting of forests burned two years earlier on the Bitterroot National Forest.”

Moreover, as evidenced last year by a \$200 million shortfall, the supplemental appropriations often are not sufficient to provide full repayment to the programs that have been raided.

So what you have, as we spend what we have on fighting fires—and there is no choice about that—the Forest Service gives up funds that were intended for other purposes. In many cases, this restoration work, that we all are now saying is so important—and I certainly agree is so important—then we never get around to giving them the full money. We never get around to replacing all the funds that we have taken.

Mr. President, let me talk a little about the second part of my amendment. The second part of the amendment provides \$100 million annually to reduce fire risk and restore burned areas on non-Federal lands.

The Forest Service's own researchers state that 77 percent of all high-risk areas are on non-Federal lands. In addition, the National Academy of Public Administration, in their 2002 report, found that 47 percent of acres burned each year are on non-Federal lands. They concluded that decreasing the fuel on all owners' lands is needed to address the large scope of the fire hazard problem.

So the second part of the amendment I am offering provides real assistance to States and to local partners to conduct projects that will complement the work we are trying to do in national forests and on public lands.

If we send a bill to the President which just deals with the issue on Federal lands, and then declare victory,

the truth is, we will not have dealt with the biggest part of the problem. Mr. President, 77 percent of all high-risk areas are not on Federal lands; they are on land owned by someone else. This second part of my amendment tries to provide some level of Federal support to those other entities to do the clearing they need to do.

Many communities that are adjacent to national forests are doing their part to better protect themselves from the risk of these catastrophic wildfires.

For example, last year—this, again, is an example from my home State—the village council in Ruidoso, NM, adopted new laws that set fire-resistant construction and landscaping standards and established forest health and fire danger reduction requirements. However, even with these new requirements, just a few months ago homeowners in Ruidoso received notices from insurance companies warning them to thin the trees on their lots or risk losing their coverage altogether.

Clearly, we need to assist these communities and these homeowners to quickly accomplish that needed work. We need to attack the problem in a comprehensive way. If we reduce fuels on public lands, Federal lands, without also treating the adjacent non-Federal lands, we will not adequately protect our communities.

I think anyone who has watched television for the last several days has to believe that is the case. Obviously, many of these subdivisions are not on Federal land. They are, in some cases, adjacent to Federal land, but much of the thinning that has to occur, in order to protect communities, is not thinning on Federal lands.

A lack of adequate funding for forest health projects continues to constrain our efforts to actively manage the forests to reduce the threat of fire and insects and disease.

Three years ago, Congress found that funding was the main obstacle to improving forest health and reducing the threat of unnaturally intense catastrophic fire.

Specifically, we created the National Fire Plan. The National Fire Plan talked about \$1.6 billion in new funding for programs to improve forest health conditions. At that time, we all agreed on the need to sustain a commitment to the National Fire Plan over a long enough period to make a difference. We were talking about perhaps 15 years.

That meant, at a minimum, sustaining the fiscal year 2001 funding levels for all components of the fire plan. Unfortunately, we have not followed through. The administration has systematically and continually proposed major cuts from that level. In some cases, they have proposed zeroing out critical programs within the National Fire Plan, including this burned area, restoration, and rehabilitation, the economic action programs, the community and private fire assistance.

The administration proposed these extreme cuts and the elimination of

funding, notwithstanding the clearly identified demand for these programs. We hear that demand from communities in all of our States where forest fires have burned in excess in recent years.

This provision, this amendment that I am offering, will also provide actual dollars to restore the burned areas on non-Federal lands. After a fire is extinguished, communities often face equally hazardous threats from landslides and flooding. There has been very little attention to that as yet because the fires continue to burn in California. But once those fires are out, we will start hearing about flooding and landslides. There needs to be assistance to deal with that as well.

In creating the national parklands 3 years ago, Congress provided \$142 million for burned area restoration and rehabilitation. Nonetheless, in its fiscal year 2002 budget request, the administration requested \$3 million—not \$142 million—for burned area restoration and rehabilitation. In fiscal year 2004, they requested no funds for this account.

The amendment I am offering will provide funds for urgent community needs for activities such as soil stabilization after fires occur. The question we are faced with today is: Are we going to legislate solutions that will really make a difference on the ground?

I very much appreciate the provision in the Cochran amendment that authorizes \$760 million, but as we all know, authorizing a certain level of funding in the Congress is not an adequate solution. In fact, agency officials tell me under current law there is no ceiling on the amount of money that could be appropriated to address this problem. Providing actual dollars, as my amendment does, clearly is part of the solution.

I urge my colleagues to support both sections of this amendment. This is an important issue. I believe that if we pass this legislation without dealing with both of these issues—the borrowing problem and the problem of not providing funds for work on non-Federal lands—we will be falling far short of where we should be.

I urge my colleagues to support the amendment.

I ask unanimous consent that Senator REID of Nevada be added as a cosponsor of the amendment.

The PRESIDING OFFICER (Mr. ALEXANDER). Without objection, it is so ordered.

Mr. BINGAMAN. I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, after looking at this amendment, I see it clearly increases mandatory spending and, if adopted, would cause the underlying bill to exceed the committee's section 302(a) allocation. Therefore, I raise a point of order against the amendment pursuant to section 302(f) of the Congressional Budget Act of 1974.

Mr. REID. Mr. President, I ask that the applicable sections of the Budget Act be waived.

The PRESIDING OFFICER. Is the Senator making a motion?

Mr. REID. I am.

Mr. COCHRAN. I ask for the yeas and nays on that.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, let me speak very briefly to the amendment of the Senator from New Mexico. I will be very brief. It is a debatable motion.

Mr. WYDEN. Parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Idaho has the floor. Will the Senator yield for an inquiry?

Mr. CRAIG. For a parliamentary inquiry only.

Mr. WYDEN. I ask unanimous consent to be recognized very briefly after Senator CRAIG before we go to a vote.

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

Mr. CRAIG. Mr. President, I will be brief. The Senator from New Mexico makes eminently good sense. There is no question that we have a funding problem. I have spoken with the Assistant Secretary and the Chief. I chair the Forestry Subcommittee and the committee on which the Senator is the ranking member. What I am suggesting we do—because the motion that has just been made in this budget point of order is an appropriate one—is to reexamine the whole funding mechanism of the Forest Service. Your figures are accurate. The kinds of programs that go unfunded now, that would help to begin to correct our forest health problem that is in part driving these fires, is a very real question.

As you know, the Forest Service used to have a cash cow. We called it logging. Those revenues flowed in, and money moved around from different accounts. You could borrow, as we did during fire seasons, and they got replenished. So you raise a very important point. But it is a point that we need to totally reexamine. To actually allow the Forest Service to borrow from the Treasury without going through the appropriating process, in my opinion, doesn't really give us the kind of fiscal control and responsibility we all ought to have.

Certainly as ranking member of the authorizing committee and as a member of the authorizing committee myself, you and I, on an annual basis, ought to aggressively look at this budget, knowing that we have fallen far short, and deal with it in an appropriate way. But we have not done that.

You recognized, appropriately, the Senator from Montana, who chairs the Subcommittee on Interior that funds this, and others. We ought to get at it in an aggressive way. I have already tasked the Assistant Secretary and the

Chief to look at a variety of mechanisms that fit the funding shortfalls that we need to create the new mechanisms necessary. But I don't believe that direct ability to borrow from the U.S. Treasury by an agency itself, without the authority of the authorizing committee and the appropriators, is an approach we ought to undertake at this time. It is, however, an issue whose time has come, and we ought to deal with it in the appropriate fashion.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I have already indicated I want to make sure the compromise we voted on yesterday does not unravel. I will support the amendment of the Senator from New Mexico because I believe it will allow us to go forward and make sure the work that the bipartisan group did is not in vain.

The bottom line is very simple: To get the money to put the fires out, fire suppression, you have to go out and steal from every single Forest Service program around and then hope that at some point down the road you are going to get repaid. It makes a mockery out of any effort to responsibly budget in this area. In our part of the world, we see, in effect, funds robbed from nonprofit organizations such as Wallowa Resources, a small nonprofit in eastern Oregon.

My only concern about putting this off is that if we don't deal with this issue now, the question is, When will we deal with it? This is an extraordinarily important question. It will not, in my view, unravel the compromise which I will fight like crazy to protect, despite the fact that I think what the Senator from Mississippi and the Senator from Idaho have said has considerable validity as well.

I hope we will support this amendment and then figure out in the course of the afternoon some way in which we can find some common ground on this issue. Today the process of just stealing from every program around to fight fires really becomes almost farcical. The Bingaman amendment responds to that. I hope my colleagues will support it.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, let me briefly respond. I know the point of order has been made. A motion has been made to waive the Budget Act.

First, I ask unanimous consent to add Senator CANTWELL as a cosponsor of the amendment.

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

Mr. BINGAMAN. I appreciate the good intent of my friend from Idaho in saying that this is something on which we ought to start working or on which we ought to work. The reality is, this is our best chance. This legislation is likely to go to the President, likely to be signed into law in some form. If we don't take the opportunity this legislation presents to fix this problem, it

will remain unfixed. We can have all of the assurances we want from the administration, but the reality is, the administration is under very severe budgetary restraints as it goes into this next year. We in Congress are under very severe budgetary restraints. Everyone around this place is going to be looking for ways to save money. That means that when it comes to actually providing the resources to fight fires, the course of least resistance is to do what we have always been doing, what President Bush has done in the last several years: Ask for way too little money for firefighting. And then, when it turns out that you need an extra billion dollars, tell the Forest Service to take it out of their other accounts.

That is exactly what we have done in the last several years. We are getting ready to do that again. I, for one, am not persuaded that the concern the Senator from Idaho has expressed here is shared by all in the administration. I am confident he believes the issue is one that should be addressed. But each of us, as we know, has different priorities for what needs to be addressed. I would say this is a fairly low priority for the people putting the administration's budget proposal together, which we are going to receive this next January.

I very much think this issue needs to be addressed as part of this bill. Again, as I said a couple of times in my earlier statement, if we pass this bill without addressing the resource problem and the borrowing problem I am trying to get at in my amendment, we can give all the speeches we want, issue all the press releases, have all the press conferences we want saying what a great thing we have done for the American people, but 77 percent of the areas at highest risk are not going to have any Federal resources available to them.

In addition to that, the thinning activity, much of the forest restoration activity we all say we favor, is not going to be funded. So we need to deal with this as part of this bill.

Frankly, I am sorry to see the decision has been made to try to deal with this as a procedural vote. I think this is an important enough issue that we ought to have an up-or-down vote on it and let people express their point of view. When you raise a Budget Act point of order, basically what you are saying is this is not a big enough priority to justify changing the way the budget now sits. If that is the conclusion of most Members of the Senate, then I think shame on us. If we have the fires going in California, we have all the other problems we all talk about, and we are not willing to put that to the front of the priority list, then I think shame on us.

I very much prefer to see us have an up-or-down vote on this amendment. Obviously, that is not possible now with the Budget Act point of order and the motion to waive the Budget Act.

I will yield the floor, but I urge my colleagues to support the motion to waive the Budget Act.

The PRESIDING OFFICER. The question is on agreeing to the motion. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I also announce that the Senator from Nebraska (Mr. NELSON) is absent attending a family funeral.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "yea".

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 36, nays 60, as follows:

[Rollcall Vote No. 421 Leg.]

YEAS—36

Akaka	Durbin	Leahy
Baucus	Feinstein	Levin
Bayh	Graham (FL)	Mikulski
Biden	Harkin	Murray
Bingaman	Hollings	Nelson (FL)
Boxer	Inouye	Reed
Cantwell	Jeffords	Reid
Clinton	Johnson	Rockefeller
Corzine	Kennedy	Sarbanes
Daschle	Kohl	Schumer
Dayton	Landriau	Stabenow
Dodd	Lautenberg	Wyden

NAYS—60

Alexander	Crapo	Lugar
Allard	DeWine	McCain
Allen	Dole	McConnell
Bennett	Domenici	Miller
Bond	Dorgan	Murkowski
Breaux	Ensign	Nickles
Brownback	Enzi	Pryor
Bunning	Feingold	Roberts
Burns	Fitzgerald	Santorum
Byrd	Frist	Sessions
Campbell	Graham (SC)	Shelby
Carper	Grassley	Smith
Chafee	Gregg	Snowe
Chambliss	Hagel	Specter
Cochran	Hatch	Stevens
Coleman	Hutchison	Sununu
Collins	Inhofe	Talent
Conrad	Kyl	Thomas
Cornyn	Lincoln	Voinovich
Craig	Lott	Warner

NOT VOTING—4

Edwards	Lieberman
Kerry	Nelson (NE)

The PRESIDING OFFICER. On this vote, the yeas are 36, the are nays 60. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

Mr. COCHRAN. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Democratic leader.

Mr. REID. Mr. President, I would like to ask how long that vote took.

The PRESIDING OFFICER. Twenty-nine minutes.

Mr. REID. Mr. President, I don't know what more we can do here. I want

everyone to know we are doing our best over here to move these amendments. We have a lot of them over here. We are trying to move them. We can't do it if we waste a lot of time on these votes. I want everyone within the sound of my voice to know that we cannot finish the bill if these votes take 30 or 40 minutes. Everyone should understand that.

There are going to be people coming and asking: When can we leave? I have a plane. Are we going to have votes tomorrow?

We will have votes for days, the way this is going. We cannot finish this bill tonight with these votes taking as long as they are taking. I am disappointed, frankly, that the majority leader wasn't here to terminate the first vote. If we limit votes to 20 minutes, people would stop straggling in. It is not fair to the Senate.

Mr. COCHRAN. Mr. President, the Senator from Nevada is exactly correct in the fact that we are going to have to have more cooperation to move this bill along. We agreed before this vote that we could cut off votes after 20 minutes. We had the endorsement of that by the majority leader. But because Senators were on their way to vote and people told us they were on their way to vote, the vote dragged out longer than that.

I hope Senators will cooperate with the managers of the bill and leadership and let's get here and vote when the buzzer sounds and not wait until the last minute. These votes are going to be cut short. I hope everyone will cooperate with us.

Mr. REID. Mr. President, with the understanding of the manger of this bill, I ask unanimous consent that the Senator from Montana, Mr. BAUCUS, be recognized for 15 minutes to speak on the bill and whatever else he wishes to speak on; further, the Senator from New Mexico, Mr. BINGAMAN, who still has a number of other amendments that he wishes to be offered be recognized to offer the next amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Montana. Mr. BAUCUS. Mr. President, first, I thank my friend, the Senator from Nevada, and the managers of the bill for their accommodation.

It is vital that we pass this legislation this year.

Montana recently suffered from devastating wildfires, as have other western States. As the Senator from California, Senator FEINSTEIN pointed out repeatedly, the current news from Southern California is a painful reminder of a very large problem.

Across this country forests are threatened by insects, disease and the build up of hazardous fuels. The impacts of these conditions are real. And they play out year after year, fueling large fires that destroy lives and homes, diminish water and air quality, and destroy wildlilfe habitat.

The cost of containing these large fires is staggering, straining State and Federal budgets and devastating local economies.

There are many reasons for the situation we are in today, ranging from weather and natural cycles to urban sprawl and the fire suppression policies of the past.

We can't do anything to change the weather and we certainly can't change the past, but we can use today's knowledge and the wisdom of our experience to do better.

Neglecting the problem is not the answer; nor is more talk. We have to try a new approach. The compromise healthy forests bill is not perfect, but I believe it offers options to more efficiently address our forest health problems and the consequences they have on real people. I also believe this bill will help put people in rural communities back to work in the woods, especially in my State of Montana.

I have said over and over again that a healthy forests bill must first allow federal agencies and communities to address dangerous fuel loadings on a local level, quickly and efficiently. Second, it must support small, independent mills and put local people to work in the forests and the mills. Third, it must promote and protect citizen involvement and be fair to the principles underlying the federal judicial system. And finally, it must protect and help restore special and sensitive places like wilderness areas.

I think we have achieved that with this legislation.

People impacted by forest health problems don't belong to just one political party.

This is a problem that requires all sides to work together. I would like to commend the tremendous efforts of my Democratic and Republican colleagues, including Senators FEINSTEIN, WYDEN, COCHRAN, CRAIG, CRAPO, MCCAIN and LINCOLN, who along with several other Senators and myself worked very hard to put together the compromise on healthy forests that I am proud to support and co-sponsor.

This was no small feat; this bill touches on some very divisive issues that I wasn't sure we would ever find a way to solve. But, we did and that is why we are here today having a serious conversation about actually passing a bill.

I believe the compromise healthy forest bill is responsive to our need to more efficiently reduce the threat of wildfire while ensuring adequate environmental protections, citizen participation, and an independent judiciary.

There is nothing in this legislation that undermines existing environmental laws, or a person's ability to be involved in decisions that impact their public lands. In fact, this legislation requires citizen collaboration beyond existing law—current law does not require the secretary to encourage citizen collaboration or to hold a public meeting on proposed projects.

What I believe this legislation does do is help keep the process open and honest. I ask unanimous consent that an article for today's Missoulian newspaper, from Missoula, MT, be printed in the RECORD.

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

GROUPS FILE LAWSUIT OVER KOOTENAI  
FOREST TIMBER SALE  
(By Sherry Devlin)

HARVEST THREATENS WATER,  
ENVIRONMENTALISTS ARGUE

Environmentalists filed another lawsuit against the Kootenai National Forest on Tuesday, hoping to stop a 12.5 million-board-foot timber sale they believe would pollute an already degraded stream.

At almost the same time, not knowing a lawsuit had been filed, the Forest Service awarded a contract for the Garver timber sale to Riley Creek Lumber Co.—which bid \$1.3 million over the advertised price of \$230,000.

Filed by Alliance for the Wild Rockies and The Lands Council, the complaint seeks to stop the Garver sale on grounds it violates the Clean Water Act and destroys habitat for species that depend on old-growth trees.

The groups used a similar lawsuit to stop the Lolo National Forest from logging in areas burned by wildfires during the summer of 2000.

In that case, environmentalists successfully argued that the logging would degrade water quality in streams identified as "water-quality impaired" by the state of Montana.

Until the state of Montana sets "total maximum daily load" figures for the streams, the Forest Service cannot adequately judge how much additional sediment the streams can handle, the lawsuit said.

Federal District Judge Don Molloy agreed, shutting down all post-burn logging until TMDL figures are available.

In the Garver sale, the at-risk stream is the West Fork of the Yaak River, which is also listed as water-quality impaired.

Logging caused the West Fork's problems, and more logging will make them worse, said Michael Garrity, executive director of Alliance for the Wild Rockies.

"It is exactly the same issue as in the Lolo," Garrity said. "Instead of wasting the court's time and money, the Kootenai should just follow the judge's ruling."

(The Forest Service has appealed Molloy's decision to the 9th Circuit Court of Appeals.)

At Kootenai forest headquarters, Supervisor Bob Castaneda did not know a lawsuit had been filed until contacted by the Missoulian. He quickly and vigorously defended his staff, which had just awarded the timber sale to Riley Creek Lumber.

"Ever since the Lolo decision, our approach has been to have a good analysis of the watershed and to use best management practices," Castaneda said. "We think through some restoration efforts and by following BMPs, we can improve the current watershed condition."

Would the logging pollute the West Fork of the Yaak? "No," Castaneda said. "I just don't agree with their statement. We worked very closely with the Yaak Valley Forest Council and used a lot of their recommendations in making the decision. They worked closely with us."

The Kootenai forest did a number of water-quality surveys in the Yaak this past summer, he said, and the preliminary results are encouraging.

"They're telling us the water quality is much better than what the state suggested," Castaneda said.

He also rebutted the lawsuit's contention that the timber sale would cut into the Kootenai forest's declining base of old-growth trees.

The forest is, in fact, staying out of designated old-growth areas, Castaneda said.

In the lawsuit, the Alliance and the Lands Council cite the Forest Service's own environmental impact statement, which said the Garver sale would likely have adverse effects on every sensitive old-growth species in the Kootenai: fishers, wolverines, flammulated owls, black-backed woodpeckers, northern goshawks and others.

"It is time for the Forest Service and the Bush administration to start cleaning up our streams and protecting our wildlife instead of subsidizing timber corporations and breaking the law," Garrity said.

News of the lawsuit was a double-blow to Jim Hurst, co-owner of Owens and Hurst Lumber Co. in Eureka. He, too, had bid on the Garver sale but lost out to the north Idaho mill.

Now, he said, the lawsuit has the potential to make things even worse for lumbermen.

"It's just more of the same," Hurst said. "Nothing coming from the environmental community would surprise me anymore."

Another lawsuit filed earlier this year by The Ecology Center stopped several timber sales on the Kootenai forest, some of which were bound for Hurst's Eureka mill.

The Kootenai's timber sale program has decreased by 75 percent since 1989.

Mr. BAUCUS. Mr. President, this article demonstrates why the provisions of this bill would be beneficial to moving fuel reduction projects forward.

This article describes a lawsuit filed to stop a timber sale after the timber sale had been awarded. As I understand the situation, the lawsuit was based on an issue that had not been raised at any time during the environmental review process or the administrative appeals process. It was sprung at the last minute just to delay and stop the sale. It was sprung even after the Forest Service was thanked by other groups for doing a better job to address old growth issues that had been raised earlier.

Now, I know that this article is about a timber sale and not a hazardous fuels project, but the same concerns apply. If someone has particular concerns about the impact of a proposed project, the compromise healthy forests bill very appropriately requires that they raise that issue during the administrative review process before they can file a lawsuit.

No one is saying the public's concerns are not valid and that they should not have every right to raise those concerns, and appeal projects that they do not feel address their concerns. But, they should not be allowed to use the process simply to stop and delay. That's only fair. Particularly when we are talking about projects like those contemplated by the compromise healthy forests bill, which are projects intended to reduce the risks of dangerous fires. The compromise Healthy Forests bill simply requires citizens to be thoughtful and thorough when they oppose projects.

This in turn helps the agencies be more efficient, because they can do a better job of addressing controversial

issues—like old growth—earlier in the process, without wondering what might be coming at them from left field. This is a good example of why the compromise bill will have real, positive impacts on the ground.

Keeping Montana's small timber mills and forest workers in business is a top priority for me because of their importance to rural economies. But, the fact, is we also need this industry to accomplish the hazardous fuel reduction work on the ground.

I worked in committee to ensure this legislation provides support for building a thriving forest industry in rural communities. In particular, I worked with Senators CRAPO and LEAHY to develop the Rural Community Forestry Enterprise Program, included in Title VII of the bill. The Rural Community Forestry Enterprise Program, is intended to give a much needed economic boost to small businesses and small mills in rural communities, particularly those in Montana that have been hit hard in recent years.

The Program would establish forest enterprise centers around the country, including one in Montana, that would do the following: Ensure that the Small Business Administration timber set-aside program works better for Montana and other small mills; enhance technical and business management skills training; organize cooperatives, marketing programs, and worker skill pools; facilitate technology transfer for processing small diameter trees and brush into useful products; and enhance the rural forest business infrastructure needed for a fuel reduction program on both private and public lands.

Keeping small mills in Montana in operation is a top priority for me. These businesses are vitally important to rural economies, providing good-paying jobs and revenue to local communities. I support this legislation because I believe we do have a serious problem with hazardous fuel build-up in our National Forests that we must solve sooner rather than later.

I also believe the bi-partisan Healthy Forests bill has the elements necessary to allow local citizens and leaders to make wise decisions that address this problem efficiently and effectively. We need to pass this bill.

This is not a problem that we will solve overnight, or even in the next few years. But, we have to start somewhere, and this is a great place to start.

I am proud to support this compromise. I ask all of my colleagues to take a bold step and support it as well.

Mr. COCHRAN. Mr. President, I ask unanimous consent that, notwithstanding the order previously entered, the distinguished Senator from Maine be recognized up to 10 minutes.

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

The Senator from Maine, Ms. COLLINS.

Ms. COLLINS. Mr. President, I thank the Senator from Mississippi for his

courtesy and also for the extraordinary job he has done in bringing together people of diverse views on this critical issue of forest management. I also thank the Senator from New Mexico for agreeing to let me deliver my comments before he offers his amendment.

Responsible management of our Nation's forests is vital to preventing the highly destructive forest fires that we are seeing plaguing the West and also to protecting our ecosystems. I am very pleased the Senate is moving forward with this important issue which I know matters greatly to the Presiding Officer as well.

No discussion of a responsible forest management system would be complete, however, without addressing another threat to our Nation's working forests and open spaces; that is, suburban sprawl. Sprawl threatens our environment and our quality of life. It destroys ecosystems and increases the risks of flooding and other environmental hazards. It burns the infrastructure of the affected communities, increases traffic on neighborhood streets, and wastes taxpayer money. It leads to the fragmentation of wood lots, reducing the economic viability of the remaining working forests.

Sprawl occurs because the immediate economic value of forests or farmland cannot compete with the immediate economic value of developed land in the areas that are experiencing rapid growth.

No State is immune from the dangers of sprawl. For example, the Virginia State Forester says that since 1992 the Commonwealth of Virginia has lost 54,000 acres of forest land per year to other uses. The Southeastern Michigan Council of Governments recently reported that southeastern Michigan saw a 17-percent increase in developed land between 1900 and 2000.

In my home State of Maine, suburban sprawl has already consumed tens of thousands of acres of forest land. The problem is particularly acute in southern Maine where a 108-percent increase in urbanized land over the past two decades has resulted in the labeling of the greater Portland area as the "sprawl capital of the Northeast."

I am particularly alarmed by the amount of working forest and open space in southern and coastal Maine that has given way to strip malls and cul-de-sacs. Once these forests, farms, and meadows are lost to development, they are lost forever. Maine is trying to respond to this challenge. The people of my State have approved a \$50 million bond to preserve land through the Land For Maine's Future Program, and they contribute their time and their money to preserve important parcels and to support our State's 88 land trusts. It is time for the Federal Government to help support these local community-based efforts.

For these reasons, I will be offering an amendment, along with Senator HARKIN, that establishes a \$50 million grant program, the Suburban and Com-

munity Forestry and Open Space Program, within the U.S. Forest Service, to support locally driven, market-based land conservation projects that will preserve our working forests and farms.

Locally driven and market based are the essential aspects of this program. This program is locally driven because it encourages communities and non-profit organizations to work together with landowners to help promote sustainable forestry and public access. The program will allow local governments and nonprofits to compete for funds and hold title to land or easements purchased with programmed funds. Projects funded over this initiative must be targeted at lands located in parts of the country that are threatened by sprawl. In addition, the legislation requires that Federal grant bonds be matched dollar for dollar by State, local, or private resources.

This program is market driven because it relies upon market forces rather than government regulations to achieve its objectives. Rather than preserving our working forests and open spaces by zoning or other government regulation at the expense of the landowner, this program will provide the resources to allow a landowner who wishes to keep his or her land as a working farm or wood lot to do so.

The legislation also protects the rights of property owners with the inclusion of a "willing seller" provision that will require the consent of a landowner if a parcel of land is to participate in the program.

The \$50 million that would be authorized would help achieve a number of stewardship objectives. First, the amendment would help prevent forest fragmentation and preserve working forests, helping to maintain the supply of timber that fuels Maine's most significant industry. Second, the resources would be a valuable tool for communities that are struggling to manage growth and to prevent sprawl.

Currently, if a town such as Gorham, ME, or another community is trying to cope with the effects of sprawl and turns to the Federal Government for assistance, they would find there is no program. My proposal would change that by making the Federal Government an active partner in preserving forest land and managing sprawl, while leaving decisionmaking at the State and local level where it belongs.

There is great work being done in Maine and in other States to protect our working forests for future generations. I am grateful for the many organizations that are lending support to this effort and which have also endorsed my legislation. There is a nationwide network of organizations that have endorsed my proposal, including the National Association of State Foresters, the New England Forestry Foundation, the Nature Conservancy, the Trust for Public Lands, the Land Trust Alliance, and many others.

By adopting this proposal and incorporating it into this bill, Congress can

provide a real boost to conservation initiatives, help prevent sprawl, preserve special open places, forest lands, and farms, and help sustain natural resource-based industries.

I thank Senator COCHRAN in particular for his assistance on this legislation. It is always a great pleasure to work with him. I hope this proposal will be incorporated into the final bill.

Thank you, Mr. President.

The PRESIDING OFFICER (Mr. CRAPO). The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I thank the distinguished Senator from Maine for her contribution to the legislation we have before us today. She has been a leader in this effort, and we always appreciate the opportunity of working with her. I thank her for her kind comments as well.

The PRESIDING OFFICER. The Senator from New Mexico.

AMENDMENT NO. 2035

Mr. BINGAMAN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN] proposes an amendment numbered 2035.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To require the treatment of slash and other long term fuels management for hazardous fuels reduction projects)

At the appropriate place, insert the following new section:

**"SEC. . LONG-TERM FUEL MANAGEMENT.**

In implementing hazardous fuels reduction projects, the Secretaries shall ensure that—

- (1) a slash treatment plan is completed;
- (2) acres are not identified as treated, in annual program accomplishment reports, until all phases of a multi-year project such as thinning, slash reduction, and prescribed burning are completed; and
- (3) a system to track the budgeting and implementation of follow-up treatments shall be used to account for the long-term maintenance of areas managed to reduce hazardous fuels."

Mr. BINGAMAN. Mr. President, this amendment deals with the issue of the treatment of long-term fuel management and treating what is called slash. Many fuel reduction projects require two or more sequential treatments over several years on the same parcel of land—for example, an initial timber harvest, followed by the piling and burning of slash, which is, obviously, the brush and trees that have been cut down.

Completing these followup slash treatments in a timely manner is a very important part of forest restoration work. It is important because the slash provides fuel for wildfires, and it provides habitat for beetles and other insects.

I think we have some studies that demonstrate the insect disease problem

expands where this slash is not properly treated. Everyone agrees it is important to conduct these followup treatments in locations where fuel reduction projects have been completed in order to prevent the area from returning to the condition that puts these locations at high risk of unnaturally intense catastrophic wildfire.

There is a recent GAO analysis in my State that found the Forest Service and the BLM completed about only 19 of 39 followup slash treatments in a timely manner.

In addition, the GAO found the agencies' reported figures for the acres treated were inflated because they had double-counted acres where the same acreage was treated in multiyear phases. Where you have this kind of a slash treatment necessary, we are getting inaccurate accounting by the Forest Service and by the BLM.

This is troubling because it means the Forest Service and the BLM are providing inaccurate data with respect to the number of acres on which this fire threat is actually being addressed. My amendment tries to ensure there is accurate accounting. In my view, it is a simple and straightforward amendment. I do not see why it should be controversial. It is a minor matter in the eyes of some, but the Forest Service's failure to properly manage this slash treatment has worsened the fire risk in some areas. Obviously, the focus of this legislation is to reduce that fire risk.

I think it is an appropriate amendment. I hope this is something the managers of the bill could accept. If not, obviously we can have a vote on it. Let me just briefly describe the amendment in a little more detail and essentially read it. It says:

In implementing hazardous fuels reduction projects, the Secretaries—

That is the Secretary of Agriculture and the Secretary of the Interior—

- shall ensure that—
- a slash treatment plan is completed;
  - acres are not identified as treated, in annual program accomplishment reports, until all phases of a multi-year project such as thinning, slash reduction, and prescribed burning are completed; and
  - a system to track the budgeting and implementation of follow-up treatments shall be used to account for the long-term maintenance of areas managed to reduce hazardous fuels.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I am advised this amendment would really be a recipe for gridlock in that it mandates new requirements for the Forest Service as well as the Bureau of Land Management—processes they have to carry out and go through before they can engage in any fuel treatment processes.

It would require the Forest Service, for example, to prepare a plan for treatment of slash that contains all of the information and data specified in the amendment of the Senator from

New Mexico. It opens up the Forest Service to legal challenges if someone has the opinion that the plan is inadequate for some reason. It forces the Forest Service to set up a new system for tracking the implementation of fuels treatment projects, and any followup treatments to them.

The amendment would add new reporting processes to hazardous fuel work. The amendment calls for the development of a plan which is already required but requires the agencies to develop multiyear treatment plans and report on those plans on an annual basis.

The whole purpose of this legislation is to try to help simplify and get the work done that needs to be done to reduce the chances of devastating fires like we have seen in California, to manage the forests in a more effective way, a safer way, for those who live in those areas, and to get more done in terms of enhancing survivability from insect infestation and generally improve the overall health of our national forest resources.

The Forest Service is going to end up spending more time, the Bureau of Land Management as well, in their offices working on plans, than out doing the work that they were actually hired to do under existing legislation. This amendment is, as I have said before, a recipe for gridlock. I urge that the amendment be opposed.

I don't know of any other Senators who wish to speak on the amendment. I will be prepared to move to table the amendment when those who want to speak have been heard.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, let me just say that I think this amendment is anything but a prescription for gridlock. There is the suggestion that all sorts of new program accomplishment reports are going to be required. Those reports are currently produced. And the real issue is, do we get proper accounting in those reports or do we not? The GAO has told us we do not. Each year they give us an accomplishment report, and they list acreage on which they have not completed the forest restoration work. They have done one of the phases of that forest restoration work, and then the next year they take credit for that acreage again by doing another phase. The next year they take credit for that acreage again by doing another phase.

All we are saying is that acres should not be identified as having been treated in these annual reports, which are already provided, until they have done all of the different phases—the thinning, slash reduction, and the prescribed burning.

We are not requiring additional reports. We are requiring accurate reports. That is not an unreasonable request.

I am somewhat disappointed. This is an amendment we delivered to the managers of the bill yesterday, to their

staff. We asked them to review it, to give us suggestions. If they had problems with any aspect of it, they did not get back to us, except to say it is unacceptable. That seems to be the position they are taking with regard to any and all suggested amendments to the bill.

This is intended as a constructive amendment. I see it as a constructive amendment to deal with a specific problem that the GAO has identified as existing with regard to management of the long-term fuel supply.

With that, I yield the floor.

Mr. COCHRAN. Mr. President, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion to table amendment No. 2035. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from New Mexico (Mr. DOMENICI) is necessarily absent.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I also announce that the Senator from Nebraska (Mr. NELSON) is absent attending a family funeral.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 58, nays 36, as follows:

[Rollcall Vote No. 422 Leg.]

YEAS—58

Alexander	Dole	Miller
Allard	Ensign	Murkowski
Allen	Enzi	Nickles
Baucus	Feinstein	Pryor
Bennett	Fitzgerald	Roberts
Bond	Frist	Santorum
Breaux	Graham (SC)	Sessions
Brownback	Grassley	Shelby
Bunning	Gregg	Smith
Burns	Hagel	Snowe
Campbell	Hatch	Specter
Chafee	Hutchison	Stevens
Chambliss	Inhofe	Sununu
Cochran	Kyl	Talent
Coleman	Landrieu	Thomas
Collins	Lincoln	Lott
Cornyn	Lott	Voinovich
Craig	Lugar	Warner
Crapo	McCain	Wyden
DeWine	McConnell	

NAYS—36

Akaka	Dayton	Lautenberg
Bayh	Dodd	Leahy
Biden	Dorgan	Levin
Bingaman	Durbin	Mikulski
Boxer	Feingold	Murray
Byrd	Graham (FL)	Nelson (FL)
Cantwell	Harkin	Reed
Carper	Inouye	Reid
Clinton	Jeffords	Rockefeller
Conrad	Johnson	Sarbanes
Corzine	Kennedy	Schumer
Daschle	Kohl	Stabenow

NOT VOTING—6

Domenici	Hollings	Lieberman
Edwards	Kerry	Nelson (NE)

The motion was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from New Mexico.

AMENDMENT NO. 2036

Mr. BINGAMAN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN] proposes an amendment numbered 2036.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To require collaborative monitoring of forest health projects)

At the appropriate place, insert the following new section:

“SEC. \_\_\_\_ . COLLABORATIVE MONITORING.

(a) IN GENERAL.—The Secretaries shall establish a collaborative monitoring, evaluation and accountability process in order to assess the positive or negative ecological and social effects of a representative sampling of projects implemented pursuant to title I and section 404 of this Act. The Secretaries shall include diverse stakeholders, including interested citizens and Indian tribes, in the monitoring and evaluation process.

(b) MEANS.—The Secretaries may collect monitoring data using cooperative agreements, grants or contracts with small or micro-businesses, cooperatives, non-profit organizations, Youth Conservation Corps work crews or related partnerships with State, local, and other non-Federal conservation corps.

(c) FUNDS.—Funds to implement this section shall be derived from hazardous fuels operations funds.”

Mr. BINGAMAN. Mr. President, this amendment requires the Forest Service and the Bureau of Land Management to establish a collaborative monitoring process in order to assess the environmental and social effects of a representative sampling of projects implemented under this act. There are many forest-dependent communities that support collaborative monitoring of forest projects on public land. This simply means it is collaborative monitoring. That phrase simply means that interested communities and individuals may participate with Federal agencies in monitoring the ecological and social effects of forest health projects.

Proponents of the legislation that we are considering today continually state that they want more collaboration at the beginning of the process. However, unless there is collaborative monitoring of the effects of the projects, we will never be able to rebuild trust between rural communities and these agencies.

Congress enacted a similar requirement when authorizing the Stewardship Contracting Program. In addition, Senator CRAIG and I sponsored the community-based Forest and Public Land Restoration Act. That bill, which was passed by the Senate unanimously, also required collaborative monitoring. This is a simple amendment. I believe it is noncontroversial. I hope this is acceptable to the managers of the bill and can be adopted.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I thank the distinguished Senator from New Mexico for this suggested change to the bill. It actually could be argued it is duplicative of a provision that is already in the bill at the request of Senator WYDEN and Senator FEINSTEIN, but it is not wholly inconsistent. We think it can be worked into the bill and will not cause confusion, so I am prepared to recommend that the Senate accept the amendment. I hope the Senate will vote for the amendment.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, just very briefly, Chairman COCHRAN has it exactly right. If there is one thing we want to accomplish in the natural resources area, it is to try to move this bill away from confrontation to collaboration. That is what we tried to do in the bipartisan compromise. I think we can reconcile that with the Bingham amendment. I urge its support.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, without objection, the amendment is agreed to.

The amendment (No. 2036) was agreed to.

AMENDMENT NO. 2039

Mr. LEAHY. Mr. President, I am soon going to send to the desk an amendment.

The people of my State of Vermont, and Americans across the Nation, mourn with our colleagues, Senator FEINSTEIN and Senator BOXER, and with the people of California, over the tragic loss of life and property from the wildfires in San Diego County.

Today, we lost a firefighter from Novato, CA. These brave men and women on the front lines need to be recognized first in this debate. Our hearts go out to the firefighters' families and friends.

We have all been riveted by the vivid images we have watched, day after day, and by the heart-wrenching stories of loss and of bravery that go with these pictures.

Our hearts go out to all of these families that have lost so much. And our thanks go out to the courageous and diligent firefighters and emergency response team members who are fighting those fires and are doing all they can to protect these communities.

Here in the Congress, we need to do more to protect forests and communities from wildfires. That is why I introduced the Forest and Community

Protection Act this summer. This is a bill and an approach that would make a real difference for communities facing this kind of potential devastation.

The bill before us now, unfortunately, would not offer the same level of help.

The bill before us is a well-camouflaged attempt to limit the right of the American people to know and to question what their government is doing on the public's lands.

When you look at the tidal wave of regulatory changes the administration has produced in the last year to cut the public out of the process, it could not be clearer that the administration does not want the public or the independent judiciary looking over its shoulder.

Communities that face wildfire threats need real help, not false promises.

As this chart shows, the administration has been busy creating a broader number of projects that will be excluded from environmental analysis under the National Environmental Policy Act, limiting how, who and when citizens can appeal agency decisions, and even cutting out other agencies, such as the Fish and Wildlife Service, from advising the Forest Service on the impact of the actions on endangered species habitats.

Unfortunately, the bill before us today could be the last in this series of steps that completely erode the public's trust of the Forest Service. Many of us saw the aftermath of the salvage rider on our forests and the public trust. We should not go down that road again.

That is why I am offering an amendment today, along with Senators BINGAMAN, DURBIN, HARKIN and BOXER, to strike sections 105 and 106 of the bill. These sections go too far in undermining the decades of progress we have made in public participation and judicial review.

The administration has worked overtime to try to sell the false idea that environmental laws, administrative appeals and the judicial process are the cause of wildfires. But they have not been able to back up their scapegoating with facts. And the facts themselves contradict their claims.

In May, the GAO issued a study examining delays in all Forest Service fuels reduction projects, from appeals or litigation, during the last 2 fiscal years.

Contrary to what some advocates of this bill will tell you, the results show that neither appeals nor litigation have delayed fuels reduction projects.

As you can see, out of 818 projects, only a quarter were appealed. Of those, even fewer took more than the standard 90-day review period. In fact, only 5 percent of all the projects took more than 90 days.

And they can't honestly blame litigation, either, for the delays. Again, of the 818 projects, only 25 were litigated. Of those, 10 were either settled or ruled in favor of the Forest Service—mean-

ing that only 9 out of 818 projects were delayed by court order.

That is only one percent. Where is the "analysis paralysis" my colleagues like to talk about so much?

On the ground, these appeals had even less effect. Of the 4.8 million acres covered by fuel reduction projects, only 111,000 acres were impacted by litigation. The numbers simply do not back up the administration's assertion that appeals and litigation are delaying projects.

The bill before us today rolls back environmental protections and citizen rights with no justification at all.

Enough about numbers. The bill before us is really a solution looking for a problem. So let's take a closer look at the solution on the table.

First, the bill would make it much more difficult for the public to have any oversight or say in what happens on public lands, undermining decades of progress in public inclusion.

In this new and vague pre-decisional protest process, this bill expects the public to have intimate knowledge of aspects of the project early on, including aspects that the Forest Service might not have disclosed in its initial proposal.

Section 105 gives the Forest Service a real incentive to hide the ball or to withhold certain information about a project that might make it objectionable such as endangered species habitat data, watershed analysis or road-building information.

If concerns are not raised about this possibly undisclosed information in the vaguely outlined predecisional process, the Forest Service can argue to the courts that no claims can be brought on these issues in the future when the agency either through intent or negligence withheld important information from the public.

I want to take a couple of minutes to respond to a couple of statements that my colleagues have made over the last 2 days with regard to appeals and judicial review.

First, my colleagues keep talking about "analysis paralysis." This has become a mantra for those who want to cut the public out of decision-making and blame appeals and litigation.

When the administration went looking for a problem to fit their solution of cutting out appeals and judicial review, they came up with analysis paralysis.

When they went looking for facts to back up this new mantra, they threw together a Forest Service report that argued that 48 percent of decisions were appealed.

But when people starting asking questions about the report though, they found that the Forest Service spent just a few hours gathering information for the report. The so-called data it was based on was just phone conversations made in an afternoon.

In fact, the Forest Service does not actually track appeals. Until the GAO did its independent report, they really

had no idea what impact appeals were having on fuel reduction projects.

But they, and many of my colleagues, already had their talking points. As we have seen with many other so-called environmental policies of this administration, facts are never allowed to get in the way of rhetoric.

When the facts did start coming out this spring, with an independent study by Northern Arizona University and the GAO, they showed that only 5 percent of projects are appealed and only 3 percent are litigated.

The report also found that opposition was not a leading factor in slowing fuel reduction projects:

While the issue of formal public resistance, such as appeals and litigation, has recently been contentious, only a few local land unit officials we visited indicated that this type of resistance had delayed particular fuels reduction treatments.

What the facts do tell is that the main reasons fuel reduction projects could not proceed were due to the weather and the diversion of fuel reduction funds to fight wildfires.

Just this summer, while the President was out in Oregon pushing this bill, the Forest Service was back here cutting fuel reduction projects because the House Republicans refused to pass emergency funding for fire suppression.

Let's cut through the smokescreen and focus on the facts before leaping on board to a solution that will let the administration pick and choose 20 million acres of forestland around the country to cut with little real public accountability.

This is not a problem of analysis paralysis but a problem of situation exaggeration.

Essentially, this provision penalizes citizens and rewards agency staff when the agency does not do its job in terms of basic investigation and information-sharing regarding a project.

The other significant change to judicial review is section 106. Even under the "compromise" version of H.R. 1904, the provisions will interfere with and overload judges' schedules.

This section will force judges to reconsider preliminary injunctions every 60 days, whether or not circumstances warrant it.

In many ways, this provision could backfire on my colleagues' goal of expediting judicial review. It will force judges to engage in otherwise unnecessary proceedings slowing their consideration of the very cases that H.R. 1904's proponents want to fast track.

Moreover, taking the courts' time to engage in this process will also divert scarce judicial resources away from other pending cases.

It is also likely to encourage more lawsuits. Requiring that injunctions be renewed every 60 days, whether needed or not, gives lawyers another bite at the apple. Something they often find hard to resist.

Instead of telling the courts when and how to conduct their business, we should instead be working to find a workable and effective approach to reducing wildfire risks.

This bill does not achieve that, but through sections 105 and 106, it instead poses a real risk to the checks and balances that the American people and their independent judiciary now have on government decisions affecting the public lands owned by the American people.

Sadly, this bill is just a Halloween trick on communities threatened by wildfires. It is not fair to rollback environmental laws, public oversight or judicial review under the guise of reacting to devastating wildfires.

It will do nothing to help or to prevent the kind of devastation that Southern California is facing. It is a special interest grab-bag shrouded behind a smokescreen.

Let us offer real help and real answers, and let us not allow fear to be used as a pretext for taking the public's voice out of decisions affecting the public's lands and for ceding more power to special interests.

I hope my colleagues will join me in striking these provisions.

AMENDMENT NO. 2039

(Purpose: To remove certain provisions relating to administrative and judicial review)

Mr. LEAHY. Mr. President, I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY], for himself, Mrs. BOXER, Mr. HARKIN, Mr. BINGAMAN, and Mr. DURBIN, proposes an amendment numbered 2039:

Strike sections 105 and 106.

Mr. COCHRAN. Mr. President, there has been considerable attention paid to the provisions of the House-passed bill which was referred to in our Committee on Agriculture. The version the House passed has the same provisions that would change substantially the judicial review and appeals provisions of current law. When we were looking at the bill in our committee, it was decided that while we didn't disagree with the objectives of the House, we thought that there could be more appropriate language which would help ensure that litigation and appeals weren't abused to the extent that they created impasses and gridlock in the process.

I have to give credit to the distinguished Senator from Oregon, Mr. WYDEN, and the distinguished Senator from California, Mrs. FEINSTEIN, for coming up with suggestions for changes that were included in this bill that is now before the Senate. It was included in the language of the compromise that we made to substantially change title I as it relates to the judicial review section of the bill.

Let me point out that it balances risk, which is what this is about. Looking at ramifications of approving or not approving a fuel reduction project can be explained by looking at certain examples from which we have learned. On the Kenai Peninsula in south-central Alaska, for instance, over 300,000 acres of forest have been lost to a spruce bark beetle infestation which we are told could have been avoided but was not because of litigation and appeals that were generated over the project's proposal. The Dixie National Forest has 112,000 acres that have been devastated by the spruce bark beetle as well which could have been prevented with treatment but was slowed by the appeals and litigation in that situation.

Over the last 3 years, bark beetles have ravaged forests around Lake Arrowhead in the San Bernardino National Forest in southern California causing an 80-percent mortality rate and substantially increasing the fuel loads of that forest.

What I am afraid we are going to see if the Leahy amendment is approved is a reversal of efforts that we have made to come to a new approach which we think will improve forest help. We still have rigorous environmental safeguards in place, but the suggestions that courts do not bog down the process with endless appeals and litigation is one of the goals of this legislation.

I don't know if other Senators want to be heard on this amendment. But I would be prepared, after Senators have had an opportunity to express themselves, if they want to debate this issue, to move to table the Leahy amendment.

I move to table the Leahy amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I also announce that the Senator from Nebraska (Mr. NELSON) is absent attending a family funeral.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "nay."

The PRESIDING OFFICER (Mr. SMITH). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 62, nays 33, as follows:

[Rollcall Vote No. 423 Leg.]

YEAS—62

Alexander	DeWine	McCain
Allard	Dole	McConnell
Allen	Domenici	Miller
Baucus	Ensign	Murkowski
Bennett	Enzi	Nickles
Bond	Feinstein	Pryor
Breaux	Fitzgerald	Roberts
Brownback	Frist	Santorum
Bunning	Graham (SC)	Sessions
Burns	Grassley	Shelby
Campbell	Gregg	Smith
Chafee	Hagel	Snowe
Chambliss	Hatch	Specter
Cochran	Hutchison	Stevens
Coleman	Inhofe	Sununu
Collins	Johnson	Talent
Cornyn	Kyl	Thomas
Craig	Landrieu	Voinovich
Crapo	Lincoln	Warner
Daschle	Lott	Wyden
Dayton	Lugar	

NAYS—33

Akaka	Dodd	Leahy
Bayh	Dorgan	Levin
Biden	Durbin	Mikulski
Bingaman	Feingold	Murray
Boxer	Graham (FL)	Nelson (FL)
Byrd	Harkin	Reed
Cantwell	Inouye	Reid
Carper	Jeffords	Rockefeller
Clinton	Kennedy	Sarbanes
Conrad	Kohl	Schumer
Corzine	Lautenberg	Stabenow

NOT VOTING—5

Edwards	Kerry	Nelson (NE)
Hollings	Lieberman	

The motion was agreed to.

**NOTICE**

*Incomplete record of Senate proceedings. Except for concluding business which follows, today's Senate proceedings will be continued in the next issue of the Record.*

PROGRAM

Mr. FRIST. For the information of all Senators, tomorrow the Senate will be in a period of morning business. There will be no rollcall votes during tomorrow's session.

The hour is late, but it is well worth it. We completed action on both the Healthy Forests legislation today, and

the Foreign Operations appropriations bill.

On Monday, we will debate the Iraq supplemental. However, that conference report will be agreed to without a vote. We will also consider the Interior appropriations conference report on Monday, and Members can expect a vote on that sometime between 5 p.m. and 6 p.m. We will have more to say tomorrow about the schedule.

I congratulate the managers of both bills that were completed today. It has been a very long and very productive day.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. FRIST. If there is no further business to come before the Senate, I ask unanimous consent the Senate