

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

stand in adjournment under the previous order.

There being no objection, the Senate, at 11:44 p.m., adjourned until Friday, October 31, 2003, at 10 a.m.

### NOMINATIONS

Executive nominations received by the Senate October 30, 2003:

#### IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

#### *To be lieutenant general*

MAJ. GEN. JOHN M. CURRAN, 0000

#### IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

#### *To be vice admiral*

REAR ADM. WALTER B. MASSENBURG, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

#### *To be rear admiral (lower half)*

CAPT. TIMOTHY J. MCGEE, 0000

#### IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS A PERMANENT PROFESSOR, UNITED STATES MILITARY ACADEMY, IN THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 4333(B):

#### *To be colonel*

LANCE A. BETROS, 0000

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED

STATES ARMY UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3063:

#### *To be colonel*

THOMAS B. SWEENEY, 0000

#### *To be lieutenant colonel*

ELLIS G. BROCKMAN, 0000  
SHARALYN W. BROWN, 0000  
KENNETH E. COZZIE, 0000  
PAUL J. FAMELLI, 0000  
DANIEL L. JOHNSON, 0000  
FREDERICK N. KAWA, 0000  
SARAH H. PERRY, 0000  
DARYL S. REY, 0000  
LEON R. WILSON III, 0000

#### *To be major*

TODD K. ALSTON, 0000  
CHRIS L. ANDREWS, 0000  
RALPH D. ARCHETTI, 0000  
JACQUELINE BAEHLER, 0000  
EARL C. BEDFORD, 0000  
JONATHAN D. BERRY, 0000  
JOHN D. BEURY, 0000  
CHRISTINA M. BLOSS, 0000  
ROBERT E. BUZAN JR., 0000  
KEITH BYRD, 0000  
JESS H. CAPEL, 0000  
ROGER D. CARSTENS, 0000  
DONALD R. CECCONI, 0000  
JOHN M. CREAM, 0000  
GREGORY L. DEDEAUX, 0000  
SONIA R. DEYAMPERT, 0000  
ERIC P. EHRMANN, 0000  
JOHN M. ESPOSITO III, 0000  
ALAN L. GUNNERSON, 0000  
JOSEPH J. HAYDON JR., 0000  
DAVID E. HECKERT, 0000  
CARL G. HERRMANN, 0000  
TINA L. HOLT, 0000  
JACQUELINE C. HOWELL, 0000  
WILLIAM S. HUSING, 0000  
ROBERT L. HUTCHISON, 0000  
RONALD D. JACK, 0000  
NATHAN C. JOSEPH, 0000  
PETER K. KEMP, 0000  
VERNER M. KIERNAN, 0000  
CHARLES D. KIRBY, 0000  
MARK R. KOVACEVICH, 0000  
CHARLES P. LITTLE, 0000  
DARRYL L. LONG, 0000

SHEILA H. LYDON, 0000  
MARK A. MCCOMBS, 0000  
ROBERT G. MCNEILL, 0000  
GERARD J. MESSMER III, 0000  
MARTIN L. MORFORD, 0000  
ROBERT M. MURRAY, 0000  
STEVEN C. PEDERSEN, 0000  
JOHN W. PENREE, 0000  
SANTOMERO V. RILEY, 0000  
JOHN N. RIOS, 0000  
PAUL G. SCHLIMM, 0000  
DOVER SEAWRIGHT, 0000  
TERRY L. SIMPSON, 0000  
MARK A. SMITH, 0000  
PHILIP W. STANLEY, 0000  
MICHAEL A. STEVENS, 0000  
SCOT N. STOREY, 0000  
MICHAEL G. THILGES, 0000  
DONALD S. TRAVIS, 0000  
NATHAN E. WALLACE, 0000  
LISA M. WEIDE, 0000  
JOSEPH E. WICKER, 0000  
JOHN F. WINTERS, 0000  
MACHIELLE WOOD, 0000  
PAUL L. ZANGLIN, 0000

#### IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

#### *To be colonel*

DAVID B. MOREY, 0000

#### IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

#### *To be lieutenant commander*

PATRICK J. MORAN, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

#### *To be lieutenant commander*

LAWRENCE J. CHICK, 0000