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Senate

HEALTHY FORESTS RESTORATION ACT OF 2003—*Continued*

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the motion to table was agreed to.

Mr. CRAPO. 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 Wyoming is recognized.

Mr. DOMENICI. Mr. President, may I ask the Senator from Wyoming a question.

Mr. THOMAS. Yes.

Mr. DOMENICI. Were you going to offer an amendment?

Mr. THOMAS. No, I am not. I wanted to speak in support of the legislation.

Mr. DOMENICI. I wonder if I might have 5 minutes following the Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. DOMENICI. I ask unanimous consent that I follow him for 5 minutes.

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

Mr. THOMAS. Mr. President, we have been at this now for a couple of years. I have risen before a number of times and we are back again. I just want to urge the Senate to pass this Healthy Forest legislation and invest more in preventing deadly wildfires. The latest thing we have seen, of course, is in California. That was not unexpected. These woods had insect infestation.

We have to do something. Many of us in the West are continuing to fight this. S. 1904 includes carefully crafted bipartisan language. If we oppose that, we are really not serious about reform. The amendments that weaken the appeal process, judicial review, NEPA requirements, would deprive the legislation of some of the very reforms that are needed that we have seen through the years in the West.

I want to see us move forward. I think this is a commonsense approach. We have been at it a very long time. This is not even the first year we have been at it. I hope we can pass it and pass it right away.

I support this legislation and yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico, by previous order, is recognized.

GDP GROWTH

Mr. DOMENICI. Mr. President, while what is going on in Russia may be some of the worst news that could beset the free world, including our country, because of the acquisition of majority control of the third largest oil company by the Government of Russia in one sweep today, who knows what that means in terms of oil production and stability. But I rise because, on the other hand, while that bad news is occurring, the announcement today as to the status of the American economy is about the best news we have had in 20 years.

Today it was announced that the economy grew by 7.2 percent in July. That is July, August, September, that quarter. It has been almost 19 years. Not since 1984 has this economy seen such GDP growth. This news was not unexpected. Many have been saying—certainly I have—for some time the policies we have adopted, specifically the tax reductions, would result in this kind of event being announced now or very close to now.

In addition, this was reflected in the morning numbers today which showed personal consumption was at 6.6 percent. Interestingly, since consumption makes up 70 percent of the economy, growth accounted for by consumption would on its own have resulted in the economy growing 4.6 percent all by itself. Equally, if not more importantly, the long-term business investment grew by 11.1 percent in this quarter.

To me, this suggests we will continue to see this growth well into the future as businesses rebuild their investments and their inventories and retool their factories. Government spending, which accounted for most of the growth in earlier parts of this year, was not that important. It represented only 1.4 percent.

Maybe lost in this big news is what really matters, and that is, with reference to growth, the Department of Labor reported initial claims for unemployment declined by 5,000 just this week, affirming a downward trend in unemployment. So the news is good on the home front. The numbers released today indicate a ramp-up to recovery and growth in this quarter and in quarters ahead. Policies we put into place are beginning to take hold.

I commend all of those who have been part of that and commend our President as our leader for asking for most of the tax cuts and other items that have caused this growth to occur.

Still, we have a lot more work to do. We must do more to help create jobs and bring economic recovery to all of our citizens.

We cannot rest therefore on these reports today. We must continue to work toward reducing the cost of doing business in this country in such areas as health care, energy, and litigation costs. We need to remove barriers to investment and economic growth so employers can create new jobs.

Our work here in the Congress must go on with renewed dedication. Today we see first hand the effects of the President's economic policies. But such results should encourage all of us to work even harder to bring economic recovery to the doorstep of every American.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I, of course, am also happy about the growth of the domestic product last quarter. It is very important. But before we get too elated over this economic news, we have to also understand that in addition to the need for growth for corporate America, we need job growth.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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Last month we lost 46,000 jobs. During the years this man has been President, President Bush, we have lost over 3 million jobs.

I would hope the next quarter, in addition to having good domestic product growth, we also would have job growth. People in Nevada and around the country are more concerned about J-O-B than G-D-P.

The Senator from California is here. She is ready to offer her amendment. She offered two very important amendments yesterday.

I have spoken with Senator COCHRAN and the Senator from Idaho, who is now managing the bill. It is my understanding that the Senator from New Jersey is here.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

UNANIMOUS CONSENT REQUEST—S. 1618

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 282, S. 1618, the 6-month extension of the FAA authorization; that the bill be read three times, passed, and the motion to reconsider be laid upon the table, without intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. LOTT. Mr. President, reserving the right to object, and further, parliamentary inquiry, I was under the impression the Senator from New Jersey was going to offer an amendment, but he propounded instead this unanimous consent request.

Further reserving the right to object, Mr. President, we have a Federal Aviation Administration conference report that is due for consideration in the House maybe today or early next week. That issue will be coming to the floor of the Senate, I presume, shortly thereafter. It is a 4-year, $60 billion bill that is critical for our airlines, our airports, for general aviation, and for security in aviation. It reminds me of this Healthy Forests bill. A week ago, there were objections to the Healthy Forests bill. This week, with half the State of California on fire, all of a sudden we are going to get this Healthy Forests legislation.

I urge my colleagues to look seriously at this legislation and what it means for this great industry in our country, an important part of our economy—aviation—and for security in aviation before we just say we are going to go with the status quo. If a week from now or a month from now there is an explosion in an airport or a plane is driven into a twin tower somewhere, I would not want to be the one who is not passing this huge FAA reauthorization extension.

Further reserving the right to object, I don't like all that is in this bill either. I am not an advocate of some of the provisions that are in this bill or not in this bill. I am not even necessarily an advocate of privatization. But to threaten to kill this major legislation with an extension over that one issue is very dubious action.

I, with great pleasure, object to this unanimous consent request.

The PRESIDING OFFICER. Objection is heard.

The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, if I can obtain the floor, not to bring up an amendment, but rather to have a few minutes to explain what it is that I would like to do. I ask if the Senator from Mississippi, someone with whom I have worked closely on several issues related to this, will enable me, by unanimous consent, to have up to 10 minutes to talk about the issue.

Mr. LOTT. Reserving the right to object.

The PRESIDING OFFICER. The Senator can speak on any subject he chooses, but the request was made.

Mr. LOTT. If there is going to be a unanimous consent request, I ask that there be an equal amount of time, if needed, for the other side.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, what is the unanimous consent request?

The PRESIDING OFFICER. The request, as modified, is for 10 minutes on each side to talk about the FAA reauthorization bill.

Mr. CRAPO. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LAUTENBERG. Mr. President, I had been recognized. I respect the viewpoint of the Senator from Mississippi, but I disagree with it, and I would like to talk about the mission I see in front of us and withdraw my request that the bill be read three times and passed. I want to discuss what we think is coming over soon from the House.

Contrary to the remarks my friend and colleague from Mississippi made, in terms of his objection, I agree totally that we do not want to hold up the funding of this bill. I want to get the money invested. We have to take care of the requirements of our aviation needs. While we want to make sure we get these funds on their way, we want to make sure we don't throw a blanket opportunity out there to terminate 23,000 loyal, hard-working, safety-oriented employees from the FAA control system; that is, those in the towers, those who are service operators, those who are technicians, because we have a system that has been so safe.

We handle over 700 million airline passengers a year. The numbers are incredible. We saw them, when our FAA controllers were called upon on 9/11, bring 5,000 airplanes out of the sky safely. They got everybody on the ground when it looked as if total chaos was raining on our society.

What I propose to do is say let's just have a 6-month extension, not permit the commercialization of the FAA system to take it away from Government hands. I see this as the fifth branch of the military. We are relying on them 24/7. Without a question of doubt, we need those people in their positions.

We are facing a time within the next 10 years when over 10,000 FAA controllers will be retiring; 23,000 jobs are at stake, and we are going to say they are going into commercial hands—Acme Air Service, or whoever it is.

There is something else that is taking place here. We see a vote coming in the House that looks as if it may carry. Do you know how the votes were obtained? Not on substance but on excluding particular airports from going into private hands and securing votes. That means if you happen to live in one of those areas that is not protected by the sale of a vote, your family could be getting onto an airplane and perhaps not have it handled as perfectly as it could. I know I want my kids and my grandchildren protected to the best of our ability. We have seen it done year after year in the United States with our FAA controllers, with our air control system.

I urge we have a chance to vote on whether we can extend this authorization, have time for discussion to permit the funding and the other elements of the bill. But let's have a serious review. This suddenly has come up as a change in the conference report as a result of a decision by the administration to suddenly change the rules. They want to move toward privatizing the U.S. air traffic control system, but 11 Republican Senators joined me and the remainder of the Democrats, and we had 56 votes in favor of keeping the system in Government hands.

We just recently took the baggage screeners from private hands, from commercial hands, and put them into Government hands. We thought it was a good move. That was 28,000 people. We transferred them over to the Government so we can control them. Those people control the baggage that is going aboard. These people control 700 million lives that fly each and every year. We quickly are saying discard that, forget that, we have our deals, we have our airports protected. We have two in Alaska protected. We have others in other States that are protected and we will worry about the safety later. That is wrong.

I hope people across the country recognize what is happening, that we are putting this on the sale block, that it is part of a scheme to have Government privatized—over 850,000 is the mark—and it should not be done on the backs of safety. That is the issue.

I appreciate the Senator from Mississippi, a very knowledgeable and longtime Government servant, a man who has been responsible for lots of good things, but 71 percent of the Americans who were polled who were asked the question about what they think we ought to be doing with the FAA about keeping it in Government hands or going private with it, 71 percent of the people across this country—and I want everybody to hear it—our constituents, agree we ought to keep the FAA in Government hands.

I am not saying we are going to extend it a long time. I am saying, give

us a chance to review it. Let us take it up and have a discussion about it and not simply have something jammed through the House and us be like the second body, here it is, take it or leave it. I would like to see if we can talk to the 11 Senators who voted with us the last time and see if they will vote with us another time. I think it is reasonable in the interest of safety.

I just received a letter dated today. It is signed by a representative of the Consumers Union of the Public Citizens Congress Watch, Consumer Federation of America. It is addressed to me:

Senator Lautenberg: We commend you for your leadership and strong opposition to the most recent version of the FAA authorization conference report. The new conference report does not restore the original House and Senate language prohibiting privatization of air traffic control services. Instead, the report leaves the door open for future privatization attempts going against the will of the American people and jeopardizing the safety of our skies.

The letter goes on. I ask unanimous consent that this letter be printed in the RECORD.

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

OCTOBER 30, 2003.

Hon. FRANK R. LAUTENBERG,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR LAUTENBERG: We commend you for your leadership and strong opposition to the most recent version of the FAA Authorization conference report. The new conference report does not restore the original House and Senate language prohibiting privatization of air traffic control services. Instead, the report leaves the door open for future privatization attempts, going against the will of the American public and jeopardizing the safety of our skies.

Our air traffic control network is far more complex than any other in the world, with more than nine million flights and nearly 700 million passengers moved through the system annually. We believe that our air traffic control system must remain a federal responsibility, with employees entirely accountable to the public and not a company's bottom line.

It appears the Administration is intent on moving ahead in contracting out air traffic control, as has been clearly demonstrated by the intense pressure it has applied to Congress. Only an explicit prohibition against privatizing air traffic control will assure the flying public that their safety will be secured.

Again, we commend you for your leadership on this critical public safety issue. We urge all Members of Congress to follow your lead and vote against the conference report as currently written.

Sincerely,

ADAM J. GOLDBERG,
Policy Analyst, Consumers Union.
WINIFRED DEPALMA,
Regulatory Affairs Counsel, Public Citizen's Congress Watch.
TRAVIS PLUNKETT,
Legislative Director, Consumer Federation of America.

Mr. LAUTENBERG. I hope we can test the will of the Senate and test the determination of the American people to have it done in a way that satisfies them and their families.

A reference was made by the distinguished Senator about what might happen if there was an accident, a crash, as a result of not having facilities up to snuff because of the bill not being passed.

I will say if we look at the record in the U.K. and Canada about what happened after they turned those operations to business hands, to private hands, we will see that the number of near-misses went up substantially in the U.K. That means near-misses in the air.

Many times I sit in the second seat on a small airplane and I want to tell my colleagues something, to find out where another airplane is at the last moment is a life-remembering event.

In Great Britain, since privatization, near-misses of crashes or other problems have increased by 50 percent.

There is something new of which I think we ought to be fully aware, and that is that the space between airplanes is being narrowed in the interest of taking more airplanes into the sky. This is no time to be saying, turn over our safety function, the maintenance function, to private hands, to Acme Air Service.

I do not ask for a lot, but I ask for it on behalf of the American people, 71 percent of whom said they want to keep these services in Government hands because they know Government can manage it best. I want to be able to bring up an amendment and have it voted upon. I am asking for a 6-month extension, and that is it. Give us a chance to reason in a more comfortable time frame. Right now, there is enormous pressure to conclude our business so we can go home, but I do not want to go home in an airplane that I do not think is the safest place I can possibly be, or my kids flying with me on a vacation or my grandchildren flying with me on a vacation over the Christmas holiday not feeling like we had the best possible people in the towers watching us in our flight.

I hope we will reconsider where we are and have a chance to discuss this at length.

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

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

The Senator from Mississippi is recognized.

Mr. LOTT. Mr. President, I realize we need to get back to amendments on this legislation so we can complete Healthy Forests so I will try to be brief, but I have to respond to some of the things that were said.

First, the Senator from New Jersey and I have talked about this issue and about this legislation in the past. He knows that I was in hopes we could work out something in this area, but now we are talking about not going forward with the conference report and doing a 6-month extension for what is not in a bill.

We were told there was a problem with the language that was in the bill because it said, by the way, there cannot be any private takings of air traffic controllers. That was in the conference report, that there would be 69 medium and smaller airports that would be subject to possible contract towers. We were told that is a problem. The people did not like the contract tower concept. Others did not like the prohibition, by the way, on privatization of the air traffic controllers. So the conference took those two provisions out.

Basically, the conference says in that area you just had a 6-month extension, extend the current law. What are you gaining? There are a lot of things that are in this bill that make a huge difference that will not go forward if we do not pass the conference report: $60 billion, money that is needed for security in our airports; funds for the first time, over $100 million, that would go to the regional airlines, airport security, expansion, and improvement. We let $500 million go from the airport improvement fund into airport security. This legislation says, no, you cannot do any more of that. The security funds will have to come from other fees, but airport improvement money will go to improve the airports.

It has to do with general aviation, and we have some significant language in there for them. Manufacturers of airplanes from Kansas and Washington and parts suppliers all over America, all of that would be put on hold.

We are behind the curve already. Does anybody really think the airports are secure and that the airlines are secure, and that we have done all we need to do? I am not that critical of TSA. I think they are working hard and I think it is better, but we have a long way to go.

Then we are going to put a timeout on this huge, important part of our infrastructure? We want to create jobs. How about improving our airports and our air service and all the concessionaires that are involved in the airports, all the people who lost their jobs after 9/11 in the aviation industry? If we do that and do the highway bill, we are talking about thousands of jobs in America.

Also, the Senator is suggesting that we have no privatization in FAA at all, not just air traffic controllers but I guess the flight weather service people, the maintenance people, the service people.

Now, I am not particularly an advocate—in the past I have not been—of privatization of air traffic controllers. But some of these? Maintenance service not even being possible to consider for the private sector? It is almost as if the private sector is incompetent; the

Federal Government can do it better. I do not think that is usually the case. I think most American people think when the Federal Government does it it gets worse and more expensive.

Then there is one other point. The President of the United States is not going to sign a bill that says there cannot be any privatization anywhere anytime in the FAA. We have tried to be accommodating, to go back to the conference and take out what we thought was the offending language.

Mr. LAUTENBERG. Will the Senator yield for a question?

Mr. LOTT. If I could, let me complete, and then I will yield for a question, although we prolong this agony, which is not going to achieve anything right now.

If we took out the 69 contract towers, there are a lot of places in America which wouldn't have a tower. In fact, that is bipartisan. The idea of contract towers, I can tell you, came from a Democrat, a well-known one in a previous administration. I thought it made sense.

I don't understand. If we cannot have 100 percent purity, we don't want this bill. We don't want $60 billion. Aviation is about more than just the guy in the air traffic control tower. It is about security on the ground.

I plead with my colleagues to think this through. We are not pulling back and saying we are going to privatize. In fact, there is a letter from the Secretary of Transportation, Norm Mineta—not your basic every-day, run-of-the-mill Republican, a Democrat—the Secretary of Transportation, says we are not going to privatize air traffic controllers.

We are fighting ghosts here. If we don't watch it, we will be creating ghosts. We will talk more about this when this conference report comes up. But I plead with my colleagues. I talked about this with my colleagues. I tried to make sure it was bipartisan. It passed the Senate overwhelmingly. There have been some changes made from that, obviously. But if we leave here this year having not passed a Federal Aviation Administration bill or an Energy bill or a Healthy Forests bill, heaven help us when our constituents get hold of us.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho, the manager of the amendment, has previous recognition.

Mr. CRAPO. As we move forward on the Healthy Forests legislation, it is my understanding we have worked with all those interested here.

Mr. LAUTENBERG. Mr. President, I ask for no more than 5 minutes to conclude my remarks in response to the Senator from Mississippi.

The PRESIDING OFFICER. Is there objection?

Mr. CRAPO. I will not object.

Mr. LAUTENBERG. I thank the Senator from Idaho.

What I want to ask the Senator from Mississippi—he said: People know when things get in government hands, they are in worse shape. What are we doing with the baggage screeners? We transferred 28,000 of those folks, took them off the line, gave them a raise in pay, took them away from the private handlers and said, No, we want to know our baggage is being thoroughly inspected.

I also remind the Senator in the CR which looms directly in front of us, there is no provision for increased funding for the aviation bill.

When we see what is happening in southern California, our hearts go out to them. The air is full of smog. There is smoke all over the place. You need people on the ground who know exactly how to direct those flights to make sure they travel at appropriate intervals.

When we had the hurricane on the east coast, we had to make sure we were conscious of the fact that weather changes were looming in front of us. This is a different world than we used to know. What a time it would be to turn all of this over to private hands.

Security on the cheap? I know the Senator from Mississippi doesn't really think that is a good idea. But, on the other hand, that is what is going to be happening.

I thank the Senator from Idaho, who is very kind, and my good friend from New Mexico, for their indulgence for these last few remarks.

I yield the floor.

Mr. REID. Mr. President, I ask unanimous consent the Senator from New Mexico be recognized for the purpose of offering an amendment. Following that, the Senator from California, Senator BOXER, be recognized to offer her amendment.

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

AMENDMENT NO. 2042

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 2042.

Mr. BINGAMAN. I ask unanimous consent 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 best-value contracting)

At the appropriate place insert the following—

"SEC. ___. BEST-VALUE CONTRACTING.

(a) To conduct a project under this Act, the Secretaries may use best value contracting criteria in awarding contracts and agreements. Best value contracting criteria includes—

(1) the ability of the contractor to meet the ecological goals of the projects;

(2) the use of equipment that will minimize or eliminate impacts on soils; and

(3) benefits to local communities such as ensuring that the byproducts are processed locally."

Mr. BINGAMAN. Mr. President, this amendment simply gives the Forest Service and the Bureau of Land Management the authority to consider benefit to local communities when determining which company or individual is going to receive a contract to conduct a hazardous fuels reduction effort on the national forests and the public lands.

Currently, the authority the agencies have limits them to accepting only the high bid for a timber sale contract or the low bid for a service contract. Unfortunately, numerous forest-dependent rural communities have discovered this practice means the contracts are often awarded to large companies from urban areas, and in many cases from States other than where those communities are located. In my State of New Mexico, many rural communities are trying desperately to find ways in which they can create and maintain decent jobs. Because these communities are often surrounded by national forests and public lands, I believe that, where possible, we should provide tools to create jobs in these communities by restoring the health of the forests.

Best-value contracting is one such tool. This amendment, as currently drafted—and this is a change from the earlier draft—says that "to conduct a project under this act, the Secretaries"—that is the Secretary of Agriculture and the Secretary of Interior—"may use best-value contracting criteria in awarding contracts and agreements." It goes on to define what best-value contracting criteria include.

I think it is important to realize here that this best-value contracting criterion does include consideration of the benefits to local communities such as ensuring that the byproducts are processed locally.

Congress enacted a very similar requirement when authorizing the Stewardship Contracting Program.

In addition, last year Senator CRAIG and I sponsored the Community-Based Forest and Public Lands Restoration Act. That bill, which was passed by the Senate unanimously, also authorized best-value contracting.

I believe this is a simple amendment. It should be noncontroversial. I hope it can be accepted by all Senators.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAPO. Mr. President, we have reviewed this amendment. We don't find it objectionable. We are prepared to accept it.

The PRESIDING OFFICER. Is there further debate? If not, without objection, the amendment is agreed to.

The amendment (No. 2042) was agreed to.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I am going to send an amendment to the desk in a moment. Before I do, I wanted to give the Senate an update on what is happening with the fires in California, and pay a very special tribute to a fallen firefighter. As of 3 p.m.

today, the fires in California have consumed more than 722,000 acres, or roughly 1,100 square miles. Many of these acres are on public lands. Many are on private lands. More than 2,600 homes have been destroyed, 20 people have been killed, and there are more than 12,000 firefighters battling the flames. These firefighters are very brave. I will show you one of them right now.

I rise with a very heavy heart to pay tribute to a fallen California firefighter. It is an honor for me to do this, but it is a very sad moment for me to do this.

Steven L. Rucker, a fire apparatus engineer from Novato, CA, was just 38 years old. Novato, CA is nowhere near southern California. Novato, CA is in the northern part of our State, in the San Francisco Bay area. But Steven Rucker and others from his fire department risked their lives and, indeed, Steven gave his life, to help our southern California communities. Steven Rucker comes from my home county, a county where I was a supervisor for 6 years before I went to the House of Representatives, in the early 1980s.

He was killed on Wednesday, October 29, at 12:30 p.m., when his unit was overwhelmed by flames as they battled on foot to protect a home threatened by the Cedar Fire in San Diego County.

I want to show you a picture of some of the firefighters and what they are up against. Have you ever seen a more telling picture of what these firefighters are up against, standing close to these flames in air that is so polluted it is beyond description?

Steve fell. He was nicknamed ''the Ruckster'' by his friends and colleagues. He grew up in Freemont, CA, in the San Francisco Bay Area. He was the youngest of four children. After completing paramedic training in Contra Costa, Mr. Rucker went on to realize his childhood dream of becoming a firefighter in Novato. In his 11 years with the Novato Fire Protection District, Mr. Rucker wore the badge and his honor proudly. His car carried a license plate that read ''Fire Ruck.'' He was known for organizing toy drives and children's events for Christmas and for Easter.

Steve Rucker is a true example of why we call firefighters heroes. He bravely and selflessly risked his life time and time again trying to protect the homes of families he didn't even know in a community far from where he lived. Tragically, he has fallen in one of those battles. It is easy to see why we mourn his loss and why his friends and family are so proud of him.

I send my sincere condolences to his family, to his wife, and their two young children, the communities of Novato which mourns his loss, and all of the firefighters who had the honor of serving with Mr. Rucker over these years. I know they are devastated by this tremendous loss, and I know the loss is reverberating through the fire lines. I know how hard it is for them to cope with this.

In this time of crisis in California, we must carry on, and we will. We always have. People say to me even here in the Senate: Your State always has some kind of crisis, some kind of problem. Why do so many people live there? What draws them there? I always explain that you need to be there to understand the beauty of our State. You need to be there to understand it. You need to be there to understand the incredible diversity of our people. In politics, we reason from one side to the other. Diversity? We have every one. The beauty of our State holds us all together. It has brought us to that State.

We will carry on, but we are not going to forget Steve. We are also not going to forget Doug MacDonald. I send my prayers to Fire Captain Doug MacDonald who is a 17-year veteran of that Novato Fire District. Captain MacDonald suffered severe burns and injuries when he went back into the fire to search for his missing colleague, Steve Rucker. Captain MacDonald is in critical condition at the San Diego Burn Center. We pray and pray that he will come home soon. I know his wife and his two children are with him.

It says something about Captain MacDonald, and it says something about the Novato Fire Department, that Captain MacDonald, a 17-year veteran, went back and risked his own life to save Steve Rucker. It says a lot about Steve Rucker in that he would inspire people to risk their lives to save him. These firefighters are extraordinary heroes.

Yesterday, I was so proud that the Senate overwhelmingly passed my amendment to ensure that those first responders, those firefighters, will receive the best health care available to minimize their injuries when they fight in such natural disasters—fires.

I thank the President at this time. He has now declared Riverside County a Federal disaster area. This is now our fifth county, and we have been asking him to do this. We are very glad he has done this because even though we know in Riverside we have had less loss of homes and property, we have homeowners there who will need the help that such a declaration will bring.

Before I send my amendment to the desk, I wish to make one more point. We still have fires burning out of control in my State. We still need help, particularly in the San Diego area. We now need, according to Deputy Chief Arta, 26 type I strike teams, we need 48 type III strike teams, we need 2 strike teams of dozers, and we need 15 hand crews at the Cedar Fire in San Diego.

For the Paradise Fire—and my understanding is that these fires are about 5 miles apart and the big issue is to stop them from joining. At that Paradise Fire, we need 31 engine strike teams, we need 9 type III strike teams, and we need 33 hand strike crews.

I mention this because we still have work to do to wrap our arms around this. We need this help now. We needed it 2 days ago. We have asked everyone who could help us with this—particularly our FEMA Director who is working hard with us to get this equipment—to get these people to help our 12,000 firefighters.

I want to look at Steve one more time, our firefighter, our 38-year-old firefighter, from Novato, CA, in Marin County, who traveled miles and miles with his colleagues in that department to help people far away from where he lived. In his name, please send the help to 12,000 firefighters. We need to help them. We need to cut through all of the bureaucracy and all of the excuses. We need to get the help there in San Diego.

Look at what is happening. Look at what it looks like. We need help. We are getting a little help from the weather—a little bit of a change, but not enough of a change, in our State. We really do not get the heavy rains in November. In San Diego and Riverside, they do not get that much. We are getting some moist air in from the ocean. That is good. We need more help.

We need to be strong, and we need to get this help. We need to see the end date when we will have these fires 100 percent contained.

This bill that we are working on today does more than current law to prevent this kind of tragedy from happening. It doesn't do as much as I would like. Senator LEAHY wrote a bill which I was proud to co-author that did much more than this bill in front of us. But this bill in front of us is more than current law. It certainly does more than the House bill, which does, in essence, in my view after I have looked at it, hardly anything at all to help these communities—hardly anything at all.

We have an opportunity to make this bill even better.

Then Senator BINGAMAN got a couple of amendments through. I thank Senator WYDEN for helping get some of these amendments through, Senator COCHRAN for supporting some of our amendments, and my colleagues on the other side.

AMENDMENT NO. 2043

(Purpose: To increase the minimum percentage of funds allocated for authorized hazardous fuel reduction projects in the wildland-urban interface)

Mrs. BOXER. I send an amendment to the desk and ask that it be read and considered.

The PRESIDING OFFICER (Mr. CORNYN). The clerk will report.

The assistant legislative clerk read as follows:

The Senator from California, [Mrs. BOXER] proposes an amendment numbered 2043:

On page 25 of Amendment No. 1828, line 7, strike ''50 percent'' and insert ''70 percent''.

Mrs. BOXER. This is a very straightforward amendment. In the underlying bill, 50 percent of the funds are allocated to help communities that are close to areas that are high risk for fire. These are high-risk communities. We have these in our State. We have them up and down the west coast. We

have them in the western part of our country. Frankly, we have them in a number of communities. We need to get on top of things before we see this kind of fire. The way to do this is to take as much of the resources as we can and go to these communities—whether they are large or small, it does not matter—and work with them.

In April, Governor Gray Davis, our outgoing Governor, declared several counties that are now burning disaster areas because of the bark beetle. We asked the President to please declare an emergency, a disaster, so we could spend what it would take to get rid of those dying trees that sat out there. We knew they were waiting to burn. We predicted—I hate to say this; there were 12 of us in the bipartisan letter, the two California Senators and a bipartisan team from the House—we predicted in almost an eerie way that we would have uncontrollable fires if we did not have this disaster declared. It did not happen.

Now we have a chance. A lot of my constituents will not have that chance. But now we will have a future chance to protect communities that are at risk by taking funds in this bill, the majority of them, and putting them toward these communities.

I will show a couple of other pictures. The first photo shows what it looks like before the fire engulfs the community. This photo shows what we are dealing with—dreams gone. I have lived in the same house for 38 years in a hillside community. Every time I look at one of these families, I know how I would feel if I lost my home of 38 years with all of my memories—yes, we would move on; we would move ahead, but it is very difficult. Whoever said your home is your castle is right. It does not matter if it is one bedroom or one room or a mansion. It does not matter; your home is your castle. When you are home, this is your domain. This is your place. This is the place for your family.

You lose your home, you lose a sense of order. You lose a sense of security. You lose a sense of peace. This is a very hard time for my State.

What would this amendment do? I hope it is voted on, and I hope we pass it. It would help protect communities from wildfire by directing 70 percent of the funds for wildfire prevention in the wildland/urban interface; in other words, where the wildland and the urban areas interface, where communities face the greatest risk from wildfire.

The amendment happens to be consistent with what the President recommended in his budget for fiscal year 2003. We did not pick this number out of the hat in any way, shape, or form. We actually have precedent for this number.

I ask unanimous consent to have printed in the RECORD the USDA Forest Service fiscal year 2003 President's budget.

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

USDA FOREST SERVICE—FY 2003 PRESIDENT'S BUDGET—OVERVIEW

The NFS appropriation also includes $15 million to reimburse Federal agencies responsible for expedited Environmental Species Act consultations, one of the components necessary to ensure the success of the National Fire Plan.

Wildland Fire Management (FY 2003 President's Budget Request—$1,425,723,000).—This appropriation provides funding for Forest Service fire management, presuppression, and suppression on National Forest System lands, adjacent State and private lands, and other lands under fire protection agreements. The Forest Service's program recognizes that fire is a critical natural process and that it must be integrated into land and resource management plans and activities on a landscape scale across agency boundaries. The program also recognizes that wildland fire management must be based on the best available science. The budget continues to place emphasis on economic opportunities for rural communities with a significant threat from wildfire that have also experienced job losses from reductions in Federal timber harvest.

In conjunction with the Department of the Interior, the Forest Service will develop a performance-based preparedness model to replace the current formula that describes preparedness funding in terms of the ''Most Efficient Level.''

The budget request for wildfire suppression costs is $423 million, which is the average cost per year from 1991–2000. Seventy percent of the funding for hazardous treatment is to be targeted to the wildland-urban interface, to protect communities and reduce suppression costs over time.

Capital Improvement and Maintenance (FY 2003 President's Budget $568,004,000).—The Capital Improvement and Maintenance program provides funding to improve, maintain, and operate the infrastructure of facilities, roads, and trails related to recreation, research, fire, administrative, and other uses. The program emphasizes better resource management decisions based on the best scientific information and knowledge, an efficient and effective infrastructure that supports public and administrative uses, and quality recreation experiences with minimal impact to ecosystem stability and conditions. Infrastructure improvement was established to reduce the rate of accumulation of deferred maintenance, which leads to deterioration of performance, increased repair costs and decreased values of real property assets. The Deferred Maintenance program enhances the facilities, roads and trails programs by specifically directing resources towards critical deferred maintenance projects.

As part of the President's Management Reform Agenda, the agency has established a target of co-locating Forest Service and Bureau of Land Management (BLM) offices at 22 sites for the period FY 2003 through FY 2005. This co-location effort is part of Service First, a joint venture between BLM and the Forest Service to create seamless, citizen-centered service and more efficient land management. The President's budget request for FY 2003 includes $10 million to facilitate co-location activities (such as buying out existing building leases in support of co-locations). In addition, the budget includes funding for facility enhancements for anti-terrorism protection.

Mrs. BOXER. Now, if we pass this amendment, we are coming up with a stronger bill because it is just common sense that the real purpose behind this bill should be protection of our people. That is the real purpose. It should not be to make it easier for big loggers to go deep into the forest and take out old-growth trees. I know we protect them in here but not as far as I would want to. The real purpose of this should be to protect our communities. As I said, the House-passed bill certainly did not do that.

We will hear a lot of talk from the House side, and I encourage my colleagues, Senator COCHRAN, Senator WYDEN, Senator FEINSTEIN, Senator CRAPO, and the others to stand strong for the Senate bill because the House bill would do nothing—I say this sincerely—to help us. It would not have helped in our circumstance. I will explain why.

The House bill fails to emphasize and prioritize removal of flammable vegetation. This is chaparral. This is not what the House bill deals with. The House bill deals with trees. It also does not allow for projects on non-Federal land where many areas are burning. I don't have the exact stats, but we are looking at maybe 50–50 here on Federal land and non-Federal land. Clearly, if we just have a bill that focuses on Federal land, we are missing a lot of other land and our communities could burn.

The bill Senator WYDEN, Senator FEINSTEIN, and Senator COCHRAN worked on does not have that prohibition. We need to have a bill that deals with the chaparral, that deals with this vegetation that is going up in smoke, and that does not just deal with the large trees.

The Senator from Nevada is here. There is certainly a lot of growth like this in his State, including in Lake Tahoe as well.

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

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

Mrs. BOXER. The House bill fails to focus the limited resources for wildfire prevention projects near at-risk communities where these resources are needed the most. We can see the communities right around here. Many are not that populated, but they are communities that would qualify in the underlying bill. In my amendment, more funds would go here.

By not focusing its resources near at-risk communities, the House-passed bill keeps homes, businesses, and communities in this wildland/urban interface area in harm's way. In other words, where the beautiful wildlands meet the suburban-urban communities, that is where we have our problems. This is what we have been talking about. This is what Senator LEAHY and I have been talking about and why we know we need more funding.

By the way, we have much more funding in that bill. The bill before the Senate is a compromise. It is not enough. It is better, certainly, than

where we are, and it is much better than the House bill which actually, to be honest, again, would do absolutely nothing, absolutely nothing to help us in this type of circumstance.

Now, in the bill before us, that I am amending, we know hazardous fuels reduction projects on non-Federal lands would qualify for the funding. This is important. I thank the authors for that. Additionally, the underlying bill emphasizes the thinning and removal of small-diameter trees for wildfire prevention and seeks to implement standards that protect old-growth trees.

Then it says at least 50 percent of the funds should go to these at-risk communities. This is where I am trying to strengthen it and say it ought to be 70 percent. Again, I think this bill is getting better.

I was so happy to tell my firefighters we are going to take care of their health. I was happy to tell my communities that the EPA, if this bill becomes law, will monitor the toxins in the air, not the usual pollutants that we follow, but the toxins that are in the air from these fires. So I am happy about that.

Again, I hope this amendment will be adopted. I really do not know what the end result will be, but clearly, if you increase the percentage of the funds that you can spend in these communities that are at risk, common sense tells you we will not have the type of fires we are seeing in California today.

We cannot waste our resources. We do not have enough resources. In this bill, therefore, the 70 percent ought to be directed here. So we believe there are strong arguments why we need to focus a greater percentage on these high-risk communities.

We believe there is precedent setting for this, given the President's request.

Mr. President, I am so hopeful we will get agreement on this amendment because, again, it will make this a far better bill.

I yield the floor at this time, and I ask for the yeas and nays.

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. CRAPO. Mr. President, I rise to oppose the proposed amendment from the Senator from California, not because I disagree with her point that we need to make sure we adequately protect the wildland/urban interface, but because the bill, as it is currently drafted, not only adequately provides for that but provides even broader flexibility so we can, in addition, protect the watersheds, the water quality for communities. It will actually allow communities to have a greater input into the management decisions relating to the forests that surround them.

The amendment would require that 70 percent of all of the money that is provided in this bill for fuels reduction be expended in the wildland/urban interface. The bill, as drafted, provides that not less than 50 percent of the funds will be allocated for projects in the wildland/urban interface.

Nothing in the bill, as drafted, would prohibit our forest managers from doing exactly what the Senator from California says she thinks they ought to do, if that is the right decision. On the other hand, our bill follows the recommendations of the Western Governors' Association, which allows communities to make proposals to the Forest Service about how the forests in their communities should be managed.

Frankly, the opportunity for communities to say they would like to see management reach out a little further than just a quarter of a mile around their homes, into the forest in general, or into the watershed, so they can protect their watershed as well as their homes, is an opportunity that we believe is one that should be maintained for our communities and for the flexibility of our forest managers.

Now, let me repeat. Nothing in the bill, as drafted, would stop the Forest Service from expending not only 70 percent but even more than 70 percent on the wildland/urban interface if it is determined that is the best place for the allocation of these resources.

What the bill says is, no less than 50 percent must be allocated, but it does not prohibit any allocation above 50 percent if the Forest Service and the affected communities can reach an agreement.

The issue here is one of flexibility. Very often, in Washington, as we put together legislation—whether it be over forests or any other issue—one of the tendencies is for us to try to determine every situation around the country and how best to manage it.

The problem here is, not every circumstance is the same around the country. The need is not the same throughout every forest that will need to be treated. In some forests, I am confident that far more than 70 percent of the resources would go to the wildland/urban interface. In other forests, for example, the one I talked about yesterday, which surrounds Elk City, the residents there are very concerned that the entire watershed is threatening to them, and their one route of exit from their community is threatened along an entire corridor. They would need to seek protection along the entire exit corridor to literally safely protect their lives if they needed to evacuate.

It is because the situation in Elk City is very different from the situation in Los Angeles and different from the situation in other communities which have forest environments that our bill seeks to preserve the flexibility that we need to be able to manage these funds adequately.

I encourage all Senators to reject this amendment and to move forward with the provisions as we have provided them, which, again, gives the Forest Service the flexibility to not have to be bound by the cookie-cutter solutions that we often want to put in place in Washington and have the flexibility to be able to manage as the communities and the fire and forest experts know would be the best way to approach it.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I want to respond to my friend with great respect because we do not change a thing about your bill, except change the percentage of 50 to 70. We leave you all the flexibility. If a community says they think it is important to go inside the forest to protect a watershed, to protect the supply of water, or there is bark beetle infestation, that is not a problem. The fact is, we just say that the communities ought to have 70 percent of this rather than 50 percent.

I say to my friend, who is going to show us pictures here—I don't know if he was present—12 of us, in April, wrote the President about the severe danger. We named three of the four counties that are up in smoke. We begged him to declare a disaster, we begged him.

I want you to know who signed that letter: Senator FEINSTEIN and I, Congressman JERRY LEWIS, Congresswoman MARY BONO, and the San Diego delegation—Republicans and Democrats.

We saw this coming a mile away. The importance of this bill is because we do not know what future Presidents might do. We may have the same trouble in the future, and they just don't pay too much attention to it. We can't get our needs taken care of.

This bill is very important, but if we don't take that money and spend it where the people are, then, to me, we have not learned a lesson from these California fires.

I thank my colleague very much. I am disappointed we cannot agree. I understand, but I am disappointed. I hope we will have a good vote for expending funds where the people are because that is what we need to do.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I appreciate the passion by which the Senator from California approaches this issue. I would like to have her attention for a few moments because she is most sincere in what she says.

Forest scientists—not a year ago—5 years ago, were pleading with us to create activity in our forests and in San Bernardino to stop a catastrophic fire that was going to happen someday. Yet this Senate—and my guess is, the vote of the Senator from California—denied those kinds of actions, a more interactive approach and active thinning and cleaning.

We have been talking about forest health on the floor of this Senate not for 1 year, not for 2 years, not for 3 years, but 5 years. Why?

Mrs. BOXER. Will the Senator yield?

Mr. CRAIG. No, I won't yield at this point.

Mrs. BOXER. The Senator is talking about my vote.

Mr. CRAIG. I will not yield at this moment.

Mrs. BOXER. Well, the Senator is talking about me.

Mr. CRAIG. No, I will not yield.

Mrs. BOXER. Well, I think that is fairly rude, but I will wait for my time.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho has the floor.

Mr. CRAIG. Let me complete my thought, Senator, and then I will be happy to yield to you.

Mrs. BOXER. That is all right. That is OK.

Mr. CRAIG. I have been in the San Bernardino and so have you. For 15 years that forest has gone relatively untouched.

So I appreciate the Senator's passion. What we have tried to strike here is a balance.

The picture I am demonstrating is not unlike the picture the Senator from California brought. Why aren't the trees burned around the homes that are gone? The reason they are not is because 60-mile-an-hour winds spread fire in many instances a mile or a half a mile beyond where the fire is burning. Embers fell on the roof of the shake roof homes in California, and the homes are gone because the trees in the immediate area stand.

So when the Senator from Oregon and this Senator from Idaho and the other Senator from California were trying to strike a balance, we knew that reaching out as far as we possibly could was where we needed to go, along with recognizing that the urban interface was critical.

We believe we have struck that kind of balance. We want to sustain that balance. The money goes where the people exist.

Let me reference another fire that occurred in early summer. The Senator from California witnessed it, as we all did. It was called Summer Haven on the mountain above Tucson. Summer Haven had been treated. Thinning and cleaning had gone on around that little urban enclave interface. But the community no longer exists today. It burned up in a wildfire. Why? Because the fire started down the canyon in areas that had not been thinned and cleaned, and it swept up the canyon, burned out the areas that had been thinned and cleaned, and took out all the homes.

The point I am making—and I will be happy to respond to a question from the Senator from California—is that we tried to strike a balance. We need to go where the people are. And California cries out for that at this moment.

I hope the Senator will continue to work with us. It isn't just happening on the San Bernardino. Tens of thousands of acres are dead and dying in the Sierras. The Tahoe Basin is in trouble. The Senator from Nevada attempted to address that along with us a few years ago. We are beginning to try to get some active management there. It is a tragedy waiting to happen again. It is happening in thousands of acres of forested lands across this country.

That is why we are trying to strike the balance. Not only do we have bug kill in the urban interface; we have it out there in lands that we have agreed, under a certain process and procedure, we might try to treat. That is my point. That is why I think you can be arbitrary here and have good logic for that arbitrariness. The Senator from California is arbitrary, as are we. She has a set of logic. I am trying to suggest that in a 60-mile-an-hour firestorm, fires do not listen to borders. They do not react to them.

Now if the Senator from California has any questions, I would be more than happy to respond.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, the 70-percent number was taken out of President Bush's own budget request. This is not an arbitrary figure. It is a figure that was put in his budget. We have put it in the RECORD.

I don't want to talk about 5 years ago. But I will be happy to discuss the forest plans I have supported, because they always dealt with what the problem is, which is making sure we get rid of the brush, we get rid of the infestation, and we don't use this as a way to say the only way to have a healthy forest is to cut down every tree, particularly old growth. Then you don't have any forest. That is not my idea of healthy forests.

I don't have to go 5 years to prove where I have been. I ask unanimous consent to print in the RECORD this letter, dated April 24, 2003.

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

CONGRESS OF THE UNITED STATES,
Washington, DC, April 24, 2003.

President GEORGE W. BUSH,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: We are writing you today to encourage your swift approval of California Governor Gray Davis' request of a Presidential emergency declaration for Riverside, San Bernardino and San Diego counties relative to the high threat of forest fire in these regions.

Due to drought conditions and infestation by the bark beetle, our national forests have been met with an unprecedented danger as the bark beetle has attacked over 415,000 acres of trees in these three counties. Because of the unique urbanization in and around the forests, this infestation has created a tinder box of such magnitude that the loss of life and resources would be incomprehensible should fire break out.

Most of the affected trees are on or adjacent to federal lands, making this crisis well beyond the ability of state and local authorities to manage. Therefore, it is critical that the federal government help provide financial assistance for infested tree removal from public and private lands, as well as assist with other mitigation measures. Now that the State of California has requested a federal emergency disaster declaration, your help at this juncture remains critical and would make a positive impact in these areas of Southern California.

Mr. President, we appreciate the various burdens being placed upon you in these challenging days. However, we urge you to consider this matter as expeditiously as possible since these areas are in need of immediate federal assistance.

Sincerely,

Mary Bono, Jerry Lewis, Barbara Boxer, Dianne Feinstein, David Dreier, Duncan Hunter, Joe Baca, Ken Calvert, Randy ''Duke'' Cunningham, Darrell Issa, Bob Filner, Susan Davis.

Mrs. BOXER. It reads:

We are writing you today to encourage your swift approval of California Governor Gray Davis' request of a Presidential emergency declaration—

Not just for San Bernardino—

for Riverside, San Bernardino, and San Diego counties relative to the high threat of forest fire in these regions.

We knew that. The people knew that. We were trying to get help. We said:

Due to the drought conditions and the infestation by the bark beetle, our national forests have been met with an unprecedented danger as the bark beetle has attacked over 451,000 acres of trees in these three counties. Because of the unique urbanization in and around the forests, this infestation has created a tinder box of such magnitude that the loss of life and resources would be incomprehensible should fire break out.

This is uncanny.

Most of the affected trees are on or adjacent to federal lands, making this crisis well beyond the ability of state and local authorities to manage. Therefore, it is critical that the federal government help provide financial assistance for infested tree removal from public and private lands, as well as assist with other mitigation measures.

So we didn't just limit it to removal of the bark beetle. We called for other mitigation measures. We said:

Now that the State of California has requested a federal emergency disaster declaration, your help at this juncture remains critical and would make a positive impact in those areas of Southern California.

We close with this:

Mr. President, we appreciate the various burdens being placed upon you—

Because this was at the time we were at war with Iraq—

In these challenging days. However, we urge you to consider this matter as expeditiously as possible since these areas are in need of immediate federal assistance.

I say to my colleagues, please, let's not stand up here and point fingers at each other. The fact is, this is a bipartisan group of colleagues begging for help, recognizing the fact that near at-risk communities we have work to do. I am happy this bill is before us today. I am thrilled at that. I thank my friends for helping me protect the health of firefighters and the children and the elderly there, as they did yesterday.

All I am saying is: Please, I don't change one word of your brilliant legislation. I don't take a word. I just say, take it up to 70 percent for the communities that live near these at-risk areas.

I will close by reading the people who signed this letter. By the way, it is a beautiful representation of California politics, from the most liberal to the most conservative. Signing this letter: JERRY LEWIS, MARY BONO, BARBARA BOXER, DIANNE FEINSTEIN, DAVID DREIER, DUNCAN HUNTER, JOE BACA, KEN CALVERT, RANDY DUKE CUNNINGHAM, DARRELL ISSA, BOB FILNER, and SUSAN DAVIS.

This isn't the time to have a finger-pointing argument, while I just lost a firefighter because no one declared this a disaster. That was the way it went. Please, let's not do that. Why don't we use this opportunity to come together across party lines, as my colleagues did with the underlying bill, and just realize that this fire says something to us. What it says to us is that these at-risk communities need more attention.

I guarantee you, if you support this, and we have a bill that really carries out what President Bush said should be the case—70 percent of the money being used at these communities—we will have made a great leap forward.

I hope we won't have a circumstance where we are going: What did you do 7 years ago and 10 years ago and 5 years ago and 4 years ago.

I will tell you what I did. I have been saying we have to clear brush around these communities. We have to clear trees, dead and dying trees in these forests. We have to thin. We have to go after the chaparral. We have a lot of work to do. Let's meet somewhere in the middle between those people who want to see more aggressive logging of old-growth trees. I respect your view. I don't attack you. I just don't agree with you. I don't think that is the answer to protecting our communities. The answer is helping us near these at-risk communities.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I compliment the Senator from California for this amendment, and the people who have joined with her, as indicated in the letter, are certainly headed in the right direction. What the Senator from California has stated is we should direct this very important legislation toward people. That is what this amendment is directed toward—toward people, communities, and areas.

Take, for example, this terrible tragedy in California we see every time we turn on the television set. If there had been hazardous fuel treatment around populated areas, some of these fires may have happened, but most of them would not have happened. This amendment is good for the firefighters. It is certainly good for the people who live in these communities.

As generous and as rich as we are in this country, there is not enough money to take down all the dead and dying trees and other trees that need to be taken down to have good forest health. We simply don't have enough money. But certainly we have enough money to take care of the populated areas of our country, and that is why the Senator from California says we have a limited amount of money, so let's put most of it toward protecting people. That is what this amendment does.

I hope this very reasonable amendment which is directed toward people is adopted. It is important.

I again applaud the Senator from California for bringing this to the attention of the Senate, and I am happy to be a cosponsor of this amendment.

Mr. CRAPO. Mr. President, I intend to move to table, so if anybody wants to debate before I do that, I will look around and see if someone wants to speak. I wish to make two quick comments about the debate before I move to table the amendment.

First, it has been suggested the intent of those who want to keep the bill the way it is is to allow cutting of old-growth forests. That is simply not the case. First of all, as everyone who has focused on this bill knows, we have provisions in the bill that protect old growth in the forests.

Second, the fact is, as I will say again, the bill gives communities and the Forest Service managers the flexibility to make the decisions about where the fuel reduction will be most effective to preserve and protect our forests and the people who live near the forests. Certainly, our focus on the Western Governors' proposal and the protection of communities is what we ought to be doing in this legislation.

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. 2043.

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 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. CHAMBLISS). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 61, nays 34, as follows:

[Rollcall Vote No. 424 Leg.]

YEAS—61

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

NAYS—34

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

NOT VOTING—5

Edwards	Kerry	Nelson (NE)
Hollings	Lieberman	

The motion was agreed to.

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

Mr. STEVENS. Mr. President, I move to lay that motion of the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2030

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I have an amendment, No. 2030, at the desk. I call that amendment up, please.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington (Mrs. MURRAY) proposes an amendment numbered 2030.

Mrs. MURRAY. 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 ensure protection of old-growth stands)

On page 17, line 16, after ''(3)'' insert ''(4)''.

On page 18, line 23, strike ''by implementing'' and insert ''and implement''.

On page 19, line 11, strike ''by implementing'' and insert ''and implement''.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, as all of us know, the Senate right now is debating the Healthy Forests bill, and I believe we need to do more in this bill to help protect America's old-growth forests.

Old-growth forests are stands of trees that have tremendous historic and cultural value.

I think we need to work hard to clarify a few parts of this bill so that Federal agencies do not misinterpret congressional intent in protecting historic and ecologically important resources.

This evening I am offering a perfecting amendment that will close two loopholes in this bill to ensure that our old-growth forests get the protection they deserve.

Before I turn to the details of my amendment, I want to comment on the horrible devastation we are seeing in California from wildfires. Like all Americans, I have been watching the shocking news coverage. My thoughts and my prayers are with everyone who has been affected. My brother is a firefighter. So I appreciate the sacrifices that are made by these brave men and women.

In my home State of Washington, we have been touched by terrible losses in recent years, including four young firefighters who died in the Thirtymile Fire on July 10, 2001, at Okanogan County.

It is clear that we have to take smart, responsible steps in this bill to reduce the dangerous fuel loads in our forests.

While it is too soon to draw any final conclusions about the fires in California, I think the fires highlight two challenges that ought to be a part of this debate.

First, it is clear that we don't have enough money in the budget to address our firefighting and fire prevention needs. In fact, today the Forest Service is borrowing from its fuel reduction accounts to pay for firefighting operations; that is, robbing Peter to pay Paul. The money reserved for fuel reduction, if it is used wisely, helps to prevent fires in the first place. The current budget is inadequate, and we are going to pay a greater price down the road if we don't address the resource issue.

Second, because the funds are limited, we have to do a better job of prioritizing how we spend the money that we do have. Specifically, we need to give a higher priority to those vulnerable lands in areas where wildlands and urban lands intersect. Those are spots where people and property are threatened.

If we address the hazards there—and if we educate homeowners—we will have a bigger impact with our limited funds.

I am looking for an aggressive plan to reduce the fuel loads in our forests, especially in the urban/wildland areas where people and property are endangered.

Old-growth forests are important for many reasons.

First of all, they represent ecosystems that are unique in nature. These forests are made up of a complex web of plants and animals, and climate and ecological conditions that are extremely different from what is found in younger or plantation forests. Certain animals and plants only live within these old-growth ecosystems.

If we are going to maintain a diverse species, we have to protect their habitat. Old-growth forests also have the cleanest drinking water, they provide structures for good salmon habitat, and they mitigate the effects of flooding and global warming.

Finally, these forests have great historic, recreational, and spiritual value which is important to all of us.

Hiking through an old-growth forest is truly a remarkable experience. I invite any of my colleagues who have not had that kind of experience to come to my State or to another State with a lot of old growth and have that kind of experience. You will understand why those of us who speak out on this floor are so passionate about this issue. In fact, in our old-growth forests perhaps is the only place where you can feel transported back hundreds of years and see what the very first explorers saw when they encountered these cathedral forests. They are a part of our history, and we cannot afford to lose them. Unfortunately, we have already lost many of these unique lands.

Old growth used to sweep across the Pacific Northwest, but recent studies estimate that old growth makes up between 10 and 18 percent of the lands in the Pacific Northwest and a mere 3 percent of lands nationwide. There is very little left today. We have to do all we can to ensure their survival.

I want to recognize my colleagues from Oregon and California who made this bill better by including an old-growth section in title I. As a result, this bill is now much better than what the President and the House first proposed.

But as I read the provisions, I saw two loopholes that we should close.

First of all, the bill lets the Forest Service and the BLM treat dangerous forests, and it provides protection for old-growth stands. Old growth can still be treated. It just has to be treated in a way that protects its unique character.

But if an area has insect infestations or is subject to trees being blown over, then the old-growth stands lose all of their protection. That is a big loophole. Any forest could be subject to strong winds that knock down trees. Any forest could experience insect infestation. Any forest could be subject to disease. Almost any forest could be damaged by an ice storm. It is just one of those things that happen. An old-growth forest could be drastically altered in ways that destroy its unique characteristic.

The underlying bill has a massive loophole in it that threatens old-growth forests and subjects them to unrestrained thinning. My amendment would simply close that loophole by making those lands subject to old-growth protection. My amendment, importantly, allows treatment of old growth. I know that is a concern to other Senators here on the Senate floor. It still allows treatment of old growth. It still must protect characteristics that we all recognize as important.

There is a second loophole that my amendment addresses. This bill has a fine directive to protect the integrity of old-growth stands. That is section 102, subparagraph (e)(2). I think we all can accept that standard. But I am concerned that it won't be carried out because it relies on forest management plans to be implemented.

Here is the problem with that. If the forest has a management plan that is less than 11 years old, that plan will not need to be updated to meet the new standards. That is a big loophole. It could mean that forests with relatively recent management plans don't have to enact the protections we are calling for in the bill. Fortunately, there is an easy way to close that loophole. It involves just changing four words in the bill.

My amendment does two things.

First of all, it ensures that all hazardous fuel reduction projects on Federal lands will protect old-growth forests.

Second, my amendment ensures that the old-growth standard in the bill applies to all Federal forests—not just those with older management plans.

I thank all of my colleagues and their staff who have worked very hard on this legislation.

The chairman and ranking members of the Energy Committee and the Agriculture Committee have been tireless on this bill.

My western colleagues from Idaho, Montana, Oregon, and California have all been looking after the best interests of their States and their constituents. I thank them all, and I appreciate their consideration of my amendment.

Old growth makes up just a fraction of our remaining public lands today. Many of these stands of trees are older than our Union. They are older than the settlement of the West. Some are older than Columbus' arrival in the New World.

We would not be doing our duty here on the floor of the Senate if we didn't do everything we could to protect them for future generations.

The amendment I am offering this evening will strengthen the protection in the underlying bill.

I ask unanimous consent that Senator BOXER and Senator REID of Nevada be added as cosponsors.

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

The Senator from Arkansas.

Mrs. LINCOLN. Mr. President, I compliment my colleague, Senator MURRAY, from the great State of Washington and the great job she does on behalf of her State. I appreciate all the hard work she has put into looking toward this amendment and others.

I hope in my opposition to this amendment I can at least provide some comfort that we have looked at trying to make sure the old growth in this Nation is protected. I rise today to oppose this amendment that would apply old-growth restrictions to insect and disease treatments, as well as to clean up after severe weather events. Part of why I do that is, simply, our forests are very different across this land. We want to make sure everyone is participatory in what we are doing in protecting and keeping healthy our forest lands.

Insects do not care about the size of the tree. In fact, as many scientists

have stated for years, they prefer older trees that are in poor health. Old growth, as I said, is very relative. In these older stands where trees are stressed for water and nutrients, insects will go after both large and small trees. The idea is to allow forest managers to go there and remove the problem trees, reducing the density of the stressed stands to immediately address the insect or disease problem which in our forests in the South are our most common and immediate problem. Insect and disease treatments are vastly different from preparing for a potential fire somewhere down the road.

I join my colleague from Washington in sending our prayers and thoughts to all of those who are valiantly fighting the wildfires in California and the families and the communities that are affected by those.

Fighting against an insect or disease outbreak is not like preparing for a fire. It is exactly like fighting a slow-moving wildfire. You would not ask firefighters to only fight a fire in certain sections of the forest, would you, and require them to skip around certain stands in the forest? It would seem ludicrous to do that. You could not effectively fight a fire that way.

That simple logic is why Chairmen COCHRAN and DOMENICI, and Senators CRAPO, CRAIG, FEINSTEIN, WYDEN, MCCAIN, KYL, and myself, have worked hard to craft some compromise language. We ensure that when our forest managers treat and prevent the spread of insect and disease outbreaks or attempt to clean up after a severe weather event, they do not have their hands tied to only treating a certain portion of the forest. Managers must be able to treat all of the forest or we are all just going to watch the forests die—both inside old-growth stands and throughout all of the forests of this Nation.

Forests in my State of Arkansas and throughout the country are being affected by unprecedented and catastrophic outbreaks of insect and disease. Whether it is the southern pine beetle in the Southeast, the sudden oak death in California, or the red oak borer in Arkansas, this Nation's public and private forests are under attack.

In Idaho, the Douglas-fir bark beetle is another predator of our forests. This beetle seldom attacks trees that are less than 12 inches in diameter. These bugs like large trees, optimally 24 inches in diameter and larger.

In this case, to prevent or mitigate an infestation, in many circumstances it is absolutely necessary to remove some of the larger trees in order to treat the insect outbreak. The larger trees have been devastated.

The southern United States and the Rocky Mountain West are currently experiencing outbreaks of bark beetles, including the southern pine beetle and the spruce beetle at levels unprecedented in historical times. As Senator MURKOWSKI demonstrated earlier, over 90 percent of the spruce trees have been killed in Alaska's Kenai Peninsula. In the Southwest, the pinion pines have suffered severe mortality. The Lake Arrowhead region is a horrifying example of where forest managers were unable to address the overdense stand conditions in a timely manner.

Right now, on the San Bernardino National Forest, over 230,000 acres, half of the forest land, have more than 40-percent tree mortality because of an outbreak of western pine beetle. This is a case in point where forest managers were unable to actively treat the area and it resulted in a massive insect infestation and right now is at a very high risk of catastrophic wildfires, as well.

In my home State of Arkansas, the red oak borer is attacking older, living oak trees at unprecedented magnitudes. Again, older growth is relative to the forest that you are talking about. This outbreak is rampant throughout the oak forests of Arkansas, Missouri, and Oklahoma affecting roughly one-third of the interior highlands.

The red oak borer complex is the greatest threat to the oak component in the interior highlands in recent history. This is from a native insect never before considered anything other than a minor pest or concern to the forests. These are insects that have been there forever. This is not something new that has just been introduced to our forests.

It is essential that we allow the Forest Service the flexibility it needs to attack this overwhelming problem wherever it happens throughout our forests.

This legislation is about forest health. We have done everything in working to bring about compromises in good conscience that are going to protect the health of our forests. It is about restoring forests to more resilient ecosystems, making these systems less susceptible to disturbances such as wildfire, insects, disease, and invasive species.

In my mind, reducing the flexibility to address these forest health issues will eventually destroy the very trees we have been trying so hard to protect. If we do not enable our forest managers to proactively address insect and disease outbreaks wherever they happen and before they become extensive, you can be sure insects such as the Douglas-fir bark beetle will be certain that there are no old-growth forests to protect.

I urge my colleagues to oppose this amendment and to remember one of the most critical parts when we are talking about old growth; that is, this is the first statutory protection for old growth that we have ever seen. There are protections throughout this bill for old growth, many focusing on smaller trees, but without a doubt, making sure the protections for old growth are there and recognizing this is the first time we have had statutory protection for old growth.

I encourage my colleagues to take a good look at this and to defeat this amendment and rest assured that we have done everything we can in this compromise to make sure we will protect that old growth, particularly with the statutory language we have but ensure the flexibility that we can also protect and save our forests.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. TALENT. Mr. President, I rise for a few moments to second the remarks of the Senator from Arkansas and say this amendment, although certainly well intended, is a threat to forests, including old-growth forests in Missouri, Arkansas, and Oklahoma.

We have 300,000 acres of forests in those States that right now, as we speak, are infested with pests such as the red oak borer. The Senate needs to understand what happens when these pests descend upon the forests. The red oak borer will bore into a tree, create a huge gash, a deep hole in the tree. If you have ever seen it, it makes you feel for this tree. It lays its eggs in the tree so it interrupts the tree's ability to pass nutrients up and down the trunk, eventually killing the tree and laying other eggs that burrow deep into the tree or fly out and infest other trees.

The pest is getting stronger because we have not been able to manage it. They used to spawn every 2 years and now they spawn every year. We are in danger of losing whole forests, including old-growth forests.

As the Senator from Arkansas said, it is the older trees that are the most liable and the most vulnerable to this infestation. I don't want that to happen. There is no reason for it to happen. All we have to do is empower our Forest Service to manage the forests to take care of these trees, the old growth as well as the new growth, and prevent the spread of these pests.

I have talked to experts in Missouri. They are sad at what is happening. You cannot observe it without being depressed at what is happening. The trees die. When they die, the deadwood litters the floor of the forests. That is additional fuel which increases the risk of fire not only to the national forests but to the private landholders nearby. That increases the risk of property loss, of loss of life.

We do not want to have happen in Missouri what is happening in other parts of the country. We want to stop those fires that are occurring in California, as well.

This is a very important provision that a number of Senators have worked on for a long time. It is a carefully tailored compromise. It is a good compromise and one we ought to pass.

I respect the purpose of the amendment, but I encourage the Senate to vote against the amendment, and vote to table it if that motion is offered.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I do not want to prolong this debate. I know

the managers have been here all day long and they want to move to a vote on this amendment.

Let me simply respond to my colleagues from the South and tell them that I understand insect infestation is a key concern in national and private forests.

I know my colleagues from the South face significant insect and disease issues. We certainly face them in the Pacific Northwest. However, I strongly believe we do not need to abandon the old-growth protections in this bill. The bill already allows old-growth stands to be treated for hazardous conditions. They simply must be treated in a manner to protect the old-growth characteristics.

Again, I know in most of the Nation 3 percent of the land is old growth. In the Pacific, it is 18 percent. It is a tremendous part of our heritage. It is something of which I think all of us should be very proud.

We need to be careful we do not take steps this evening with this bill that undo the heritage most of us are very proud of in this country.

With that, Mr. President, I yield the floor. I know my colleague from Idaho wants to move forward with a vote on this matter.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAPO. Mr. President, before I make a motion to table, I thank my colleague, BLANCHE LAMBERT LINCOLN, for her efforts in protecting our forests in this bill against insect infestation. She has been working very hard and very closely with us in building this compromise.

This legislation does a tremendous job of making sure we can address insect infestations throughout our forests. It is a well-crafted compromise. And the legislation will be a significant benefit to our national forests.

With that, Mr. President, I move to table this 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. 2030.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Nebraska (Mr. HAGEL) 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 ''no.''

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

The result was announced—yeas 62, nays 32, as follows:

[Rollcall Vote No. 425 Leg.]

YEAS—62

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

NAYS—32

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

NOT VOTING—6

Edwards	Hollings	Lieberman
Hagel	Kerry	Nelson (NE)

The motion was agreed to.

Mr. COCHRAN. I move to reconsider the vote

Mr. CRAIG. 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 Nevada.

Mr. REID. Mr. President, as far as we know on this side, there are two more amendments to be offered. If there are more, Senators should come forward and tell us. The amendments remaining are an amendment by the Senator from Washington, Ms. CANTWELL, and the Senator from Iowa, Mr. HARKIN, has an amendment. As far as we know, those are the only two amendments.

When these amendments are disposed of, we will go to final passage, as far as I know.

Mr. COCHRAN. Mr. President, if the Senator will yield, we have a few other amendments being discussed. We think we will be able to clear them. Discussions are underway. Other than those two amendments, I don't think any other amendment will require a vote.

The PRESIDING OFFICER. Who seeks time?

The Senator from Washington.

AMENDMENT NO. 2038, AS MODIFIED

Ms. CANTWELL. Mr. President, I call up amendment No. 2038, as modified.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington (Ms. CANTWELL) proposes an amendment numbered 2038, as modified.

Ms. CANTWELL. 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 the Comptroller General to study the costs and benefits of the analysis of alternatives in environmental assessments and environmental impact statements)

In section 104, strike subsection (b).

Ms. CANTWELL. Mr. President, I ask unanimous consent that Senator JEFFORDS be added as a cosponsor to the amendment.

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

Ms. CANTWELL. I thank the Chair.

Mr. President, I know the hour is already late for some Members. I believe we have had much time to discuss this legislation, but I do believe there are a couple of important amendments that are still yet to come that raise issue that are important for Members to understand. I am concerned that the underlying bill amends the National Environmental Policy Act, a benchmark statute that has been on the books since 1969. Because this is an important act, I believe I must stand up and offer this amendment.

I take great pride in the fact that I sit at the desk of Senator Henry M. Jackson who served as chairman of the Senate Interior Committee for many years. He was the prime sponsor and mover behind the National Environmental Policy Act, a landmark piece of national legislation that sets the tone for how our environment should be treated as we review the work of Federal agencies' actions.

I know my colleagues from California, Oregon, and Idaho are trying to move forward on hazardous fuel reduction projects. I am asking them to consider the impact of the major changes that bill proposes to make to the National Environmental Policy Act process with respect to hazardous fuels reduction projects. In addition, the bill before us leaves the door open for further changes in the National Environmental Policy Act in other areas besides hazardous fuel reduction, and that concerns me.

First of all, I really do believe that at the heart of this problem associated with hazardous fuels reduction is funding. It was the case in 2000 when we had a lot of fires throughout the West, and the Western Governors Association came together and said: Let's fund a hazardous fuel reduction account. The problem with the current practice is that Congress provides money for hazardous fuels reduction projects, but the funds are taken out of these accounts and used to fight fires, and the projects are not funded. In addition, we are not providing enough funding for hazardous fuels reduction projects.

I estimate that we need approximately $1 billion a year to do adequate hazardous fuel reduction in wildland-urban interface areas. Unfortunately,

the President's budget request for this fiscal year included approximately $300 million for this purpose.

I think all of my colleagues can agree that we have to come together to authorize and appropriate adequate resources to prevent fires ahead of time. We should not short-fund hazardous fuels reduction and take those limited resources to fight fires when they happen.

I applaud my colleagues for their leadership on this issue, particularly the Senator from Oregon, and for putting this legislation forward.

My colleagues on both sides of the aisle are also trying to bring up the fact that they think it is important that hazardous fuel reduction projects proceed smoothly. That is why I would like to point out to my colleagues that the Forest Service does provide categorical exclusions for hazardous fuels projects. According to the U.S. General Accounting Office, sixty percent of projects in 2001–2002 received categorical exclusions. These projects did not require the agency to prepare an environmental impact statement (EIS) or an environmental assessment.

A second group, about 34 percent, has been approved via environmental assessments, which are much shorter than an EIS.

Only 6 percent of the projects have had to go through the full EIS process.

These figures are outlined in an October 2003 GAO report that clearly shows that the National Environmental Policy Act has not held up progress on hazardous fuel reduction. What has held up progress is the failure to provide adequate funding in this area.

So I ask my colleagues why should we change the National Environmental Policy Act, a landmark piece of Federal legislation that has protected the environment since 1969?

Some of my colleagues have suggested that the law's requirement that the Forest Service consider alternatives has delayed hazardous fuels reduction projects. However, numerous court cases have held that in some circumstances two or three action alternatives are adequate to comply with NEPA. Specifically, the Ninth Circuit held that in the cases of Friends of Southeast's Future v. U.S. Forest Service and the Muckleshoot Indian Tribe v. U.S. Forest Service, that two or three alternatives, in addition to the preferred alternative and the no-action alternative, will satisfy NEPA.

The case law does not say that 30 different alternatives must be considered, or 10 different alternatives, or 7 different alternatives, or 6 different alternatives, or even five different alternatives. It is saying that in certain cases, two or three can be adequate.

I think my colleagues are well intentioned. However, I have real concerns about the proposed change to the National Environmental Policy Act, that has been on the books since 1969. The bill before us would limit the number of alternatives to: one, the proposal for hazardous fuel reduction; two, the alternative of doing nothing or; a third alternative, which is the only real alternative. In the case of a proposed fuel reduction project in the Northwest, someone could propose taking no action because we do not have to do that hazardous fuel reduction, and then someone else says, maybe here is an alternative.

Well, my concern is that we are throwing the baby out with the bathwater. If only 6 percent of these cases really have not had the categorical exemption of not having to go through an EIS and only three percent are ending up in court, then the National Environmental Policy Act is not the cause of the holdup.

Washington State has been the subject of many forest fires and many tragedies, most recently the tragic Thirty-mile fire in 2001. Much of eastern Washington is under condition class 2 and condition class 3, and, therefore, could be subject to this bill. My concern is that if a city wants to propose an alternative, it might be precluded from offering an alternative that would address concerns over the impact of the hazardous fuels reduction project on water quality.

So I would say to my colleagues, let us fund the hazardous fuels reduction account. Let us move forward to promote healthier forests. If we truly see that the National Environmental Policy Act delays project, even though only 3 percent of hazardous fuels projects have ever reached court, then let us come back and change the law.

I am truly concerned with the proposed change to the National Environmental Policy Act. What will stop other legislative proposals from coming to the Senate floor to change the National Environmental Policy Act in other areas? Are Members who are going to support this underlying language ready to stop at hazardous fuel reduction, or do they want to change NEPA all across the board?

For example, say one's community has to consider a proposal to build a new gas pipeline. Pipeline safety has been an issue of great controversy in the State of Washington, which had a pipeline explosion several years ago that killed several people. What if only one alternative was considered for the route of a gas pipeline going through one's State? I want to make sure the current law says reasonable alternatives are considered so that no community, no citizen, no organization with standing is left out in the cold.

That is what Henry M. Jackson was thinking about when he wrote the National Environmental Protection Act. He thought about making sure the public had a chance to participate in the process. He wanted to make sure they had the ability to have the issues that they wanted to be addressed and considered.

The Forest Roads Working Group, an organization that has operated with the blessing of the Bush Administration, along with other organizations, has raised similar concerns. These organizations have expressed their support for the public to have a say and to retain the ability to participate in the decision-making process.

I know my colleagues want to move forward on a plan that will make all communities more secure, that will make our forests more healthy. I applaud them for that, but I also hope Members will stop and think about the statistics that GAO has outlined. This dispute is not fundamentally about the EIS process and the number of alternatives. The Forest Service has the ability to proceed via categorical exemptions. It can develop an EIS when it needs to analyze complex proposals. If we start changing NEPA with respect to hazardous fuels projects, where are we going to stop?

I urge my colleagues not to change legislation that has been one of the landmark pieces of environmental law that this body saw fit to pass in 1969, but rather to keep that legislation intact and fund hazardous fuel reductions.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, the Senator from Washington has made a number of extremely important points, points with which I certainly agree. Having served as chair of the forestry subcommittee and now ranking minority member, I can tell my colleagues the Senator from Washington is absolutely right with respect to her concern about adequate funding. For example, the bill from the other body provided no funding for the thinning projects. This legislation increases funding 80 percent. So her point with respect to making sure there is funding is dead on correct, and I think not only that point but other points she has made are correct.

In spite of that, I do have to oppose the amendment tonight, and I want to take a couple of moments to say why.

First, let me stress how important public participation was to me and to the other Senators who are involved in putting together this bipartisan compromise. If there is one thing, just one, that I want to stand for in my career in public service, it is the right of citizens to participate. That is why I have open community meetings in all my counties. It is why I have sidewalk office hours. It is why, as so many Senators, I try to make myself available as widely and extensively as I can.

So I come tonight to say with respect to this key issue, this key question of public participation, not one current opportunity for public involvement would be lost under this compromise. I say that again. Not one current opportunity for public comment would be lost under this proposal.

There are three alternatives that people would be part of examining and, in fact, the public would have a right to come forward and offer their own. It

seems to me that that gives us a chance to keep the greatness of the National Environmental Policy Act, a statute more than 30 years old, while at the same time allowing us to deal with some of the concerns such as the unnecessary redtape and paperwork.

This proposal in the legislation we are considering cuts the alternatives from five, to nine, essentially to three. I am of the view that, while it is appropriate to have a host of these alternatives under the National Environmental Policy Act, when, say, the Federal Government is building a road, which is a broad purpose concern, I think when you are talking about this area and projects that are narrowly drawn, limited in where they can occur and how, it is appropriate to try to boil down the NEPA alternatives to the three that we have offered in this legislation.

Mr. President, the Senator from Washington makes the argument that, in effect, the Senate will be starting down a slippery slope. I would just say to the Senator from Washington, I am convinced that because there are good people in the Senate, such as the Senator from Washington, that will not be the case. If someone comes forward and tries, for example, to unravel the National Environmental Policy Act, or even apply what we are doing in this area to every area, there will be opposition from a whole host of Senators, including this one. Nobody is talking about doing this in a host of other areas. We are talking about saying in this one area where we have been told by, for example, the Governors, it is not just a question of spending more money, it is a question of how you spend the money, I think this compromise strikes a reasonable balance.

I urge my colleagues to support this compromise. The compromise is dramatically different than the approach the other body takes with respect to the National Environmental Policy Act. The other body basically kicks the public out by predetermining the National Environmental Policy Act alternatives. What is offered in the compromise preserves all opportunities for public input and appeal, while making sure that we deal with the paperwork and some of the unnecessary redtape.

I urge my colleagues to support what is in the compromise because not one current opportunity for public comment would be lost, and all of us want to make sure that on an issue that citizens care so strongly about their right to be heard is preserved. This compromise does that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAPO. Mr. President, I join with my colleague from Oregon in opposing this amendment. Let me make a couple of quick points.

First of all, if the Senator from Washington is concerned about the issue of funding, we increase by 80 percent the funding provided for fuel load induction.

With regard to process, the process in this bipartisan amendment will require the agencies work together in collaboration with the public to develop proposed projects.

It will allow the communities to develop community protection fire plans to help land management agencies better understand their individual needs.

It requires the agency to publish a notice of each proposed hazardous fuel reduction project authorized under the act.

It requires the agency to hold public meetings to describe the project and take the public comments on the project.

It requires a NEPA analysis of two action alternatives and one no-action alternative.

It requires the agency to facilitate a predecisional protest process once the project analysis has been completed, and then the publication of a final decision notice.

Finally, it allows the public to pursue a case in the courts if, after all of that, they still do not support the outcome of the decisionmaking process.

Because of this, I believe it is very important that we do not continue to increase the cost and the bureaucracy surrounding the management of these decisions. Therefore, I oppose the proposed amendment.

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

The PRESIDING OFFICER. Is there a sufficient second? There appears to be.

The question is on agreeing to the motion to table. The yeas and nays are ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Missouri (Mr. BOND) and the Senator from Virginia (Mr. WARNER) are necessarily absent.

Mr. REID. I announce that the Senator from New York (Mrs. CLINTON), the Senator from North Carolina (Mr. EDWARDS), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from West Virginia (Mr. ROCKEFELLER), 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) and the Senator from West Virginia (Mr. ROCKEFELLER) would each vote ''nay.''

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

The result was announced—yeas 57, nays 34, as follows:

[Rollcall Vote No. 426 Leg.]

YEAS—57

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

NAYS—34

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

NOT VOTING—9

Bond	Hollings	Nelson (NE)
Clinton	Kerry	Rockefeller
Edwards	Lieberman	Warner

The motion was agreed to.

Mr. COCHRAN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. REID. Senator HARKIN has the last amendment, we are told, and then we can go to third reading. Everyone should understand the regular order following final passage of this. We go to the Foreign Operations appropriations bill.

The PRESIDING OFFICER. The Senator from Iowa.

AMENDMENT NO. 2045

(Purpose: To provide authority for title I)

Mr. HARKIN. 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 Iowa, [Mr. HARKIN], for himself, Mr. LAUTENBERG, Mr. KENNEDY, Mrs. BOXER, Mr. LEAHY, and Mr. DURBIN, proposes an amendment numbered 2045:

At the end of title I, add the following:

SEC. 109. AUTHORIZATION.

The authority provided by this title applies during the 5-year period beginning on the date of enactment of this Act.

Mr. HARKIN. Mr. President, I permitted the reading of the amendment to show how simple it is, one sentence. Basically, this amendment provides for a 5-year authorization to title I of the bill. Currently, this bill is drafted as permanent law, which means these provisions continue in perpetuity. I don't believe that should be the case.

This amendment is very reasonable and should not be controversial. It is consistent with past policy on authorizations. For example, the Wyden-Feinstein bill and others introduced in the past several months have always wisely provided for a 5-year timeline. Why this bill does not have a 5-year timeline eludes me.

Most of our major authorizing bills include a specified term of years; for example, the 2002 farm bill, the Agriculture Committee child nutrition bill, which expires every 5 years, the Transportation bill, and on and on with many others. This is particularly true of legislation that attempts to legislate a different approach than what is historical practice or that is controversial in some way. Again, those both apply here.

We are legislating a different approach than what has been historical practice. It is, obviously, somewhat controversial. In doing so, this 5-year timeframe provides a structured mechanism for Congress to review the effectiveness of this new approach. I believe it is the prudent thing to do.

The bill we are debating today would significantly change how we manage millions of acres of public land. It alters the National Environmental Public Act, NEPA, as we have discussed. As we all know, the bill changes the judicial review process in addressing hazardous fuel cases. It changes the Forest Service appeals process as well. It provides well-intended protections for old growth. But these may be lacking in some key respects. And the bill involves actions that will affect public safety and protecting communities throughout the country from wildfire risk.

These are significant changes. It makes perfect sense that Congress will want to review the impact and effectiveness of the legislation after an initial period of 5 years. Indeed, I believe it is our responsibility to do so.

Currently, the legislation's authorities can be used on 20 million acres. That is a cap, and I assume some may argue that is an effective limitation on the bill. Yet this could take much longer than 5 years at the current rate of hazardous fuels reduction.

In fiscal year 2002, the Forest Service reduced fuels on 2.2 million acres of land. If we just keep that process up, you can see that the 20 million acres would not be reached for, well, a minimum of 10 years.

Now, some would argue that simply because we have a cap, that is why we should not include a 5-year authorization. Yet if all is going well, and the agencies have not yet treated the full 20 million acres, certainly the Congress can extend the authorization beyond its initial 5-year period.

We do that all the time. We come here all the time to extend authorizing bills. But it does give the relevant committees a chance to take a look at it and to see whether tweaking needs to be done or whether it needs to be reauthorized for that period of time. It sort of forces us to do our responsibility; that is, to review legislation periodically. Moreover, we can make improvements when the time comes.

Now, again, some will argue that this acreage cap is an effective authorization or a sunset, but it is not. It is simply a cap on acreage, nothing more. So I think adding the 5-year authorization to this bill is a fairly conservative, reasonable, appropriate step to take in line with much of what we do around here in terms of the length of time of legislation.

I know many of us, even those who will ultimately vote for the bill's passage, would be comforted to know in several years' time there will be an opportunity to review its impact, discuss it, and perhaps make improvements.

So, again, I urge my colleagues to support this amendment and kind of keep it in line with most other types of legislation of this nature that we pass around here.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, there is no question that what the Senator from Iowa has talked about, the limitations that are built within the legislative process, are there.

He is the reigning member of a full committee that has a forestry subcommittee. I am chairman of another forestry subcommittee. We are going to monitor very closely this bill, if it becomes law. Probably we are 6 to 8 months away from regulation writing alone that will hit the ground and become active. So already we will probably have an operative life of only 4 years, if the amendment of the Senator from Iowa were to become law.

Our job is oversight. The Senator's job is oversight. Because this is a controversial issue, it is incumbent upon us to make sure we monitor it closely. Many of our forest experts across the country who look at the magnitude of the problem of forest health today are going to suggest that even if we can reach our cap limits within 5 years, the public and the resource will cry out that we continue for years to come in a thinning and cleaning process.

So I would hope our colleagues would join in sustaining the bipartisan compromise that is reflected in the legislation that is before us this evening.

Before I close, and because this appears to be the last amendment, I want to make one more comment in the way of an article that was written in the San Jose Mercury News by Paul Rogers and Josh Susong. It appeared, apparently, today. Let me read, very briefly, the first page of this article. I will ask that the entire article be put in the RECORD.

The dateline is: Lake Arrowhead, CA:

The oil industry had the Exxon Valdez. Nuclear power had Three Mile Island.

Wednesday, with flames menacing one of Southern California's most beloved mountain resorts, Lake Arrowhead in the San Bernardino Mountains risked becoming forestry's equivalent—a disaster so overwhelming it could change U.S. environmental policy for decades to come.

The area, filled with overgrown, diseased and dying trees, has gained a reputation in recent years as one of the worst examples of forest mismanagement in the West.

If much of Lake Arrowhead or nearby Big Bear Lake ends up burning, fire experts said it could prompt rapid changes, including congressional orders for much more logging to thin the nation's overgrown forests. . . .

Well, we are already responding. This article is actually behind, and we are responding with the kind of bipartisan compromise that is before us tonight. But the article goes on to say:

Flames destroyed more than 300 homes near Lake Arrowhead Wednesday—

That is yesterday—

with no end in sight.

Forests there would have burned naturally every 20 years, said [a Forest Service expert]. . . . Areas that historically had 50 trees per acre now have 500 [trees per acre].

Well, the article goes on and on, but here is something that it talked about. And, of course, we have not seen the evening news tonight because fires are still burning in the Lake Arrowhead, San Bernardino forest areas.

It says:

Fire crews worked desperately to stop the advance as it moved toward 44,000 homes, 2,000 businesses and 80,000 outbuildings—property with an assessed value of $8 billion.

''This may be a landmark event. This fire could take out 20,000 homes in the next day or two,'' said . . . a professor of earth sciences at the University of California-Riverside.

And the article goes on and on.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

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

[From San Jose Mercury News, Oct. 30, 2003]

LAKE ARROWHEAD: FEARS OF A LANDMARK DISASTER

(by Paul Rogers and Josh Susong)

LAKE ARROWHEAD.—The oil industry had the Exxon Valdez. Nuclear power had three Mile Island.

Wednesday, with flames menacing one of Southern California's most beloved mountain resorts, Lake Arrowhead in the San Bernardino Mountains risked becoming forestry's equivalent—a disaster so overwhelming it could change U.S. environmental policy for decades to come.

The area, filled with overgrown, diseased and dying trees, has gained a reputation in recent years as one of the worst examples of forest mismanagement in the West.

If much of Lake Arrowhead or nearby Big Bear Lake ends up burning, fire experts said it could prompt rapid changes, including congressional orders for much more logging to thin out the nation's overgrown forests, a loss of public confidence in environmental groups that have resisted such logging, and billions more taxpayer dollars spent on fire protection.

Flames destroyed more than 300 homes near Lake Arrowhead Wednesday, with no end in sight.

Forests there would have burned naturally every 20 years, said Tom Bonnicksen, a professor of forest science at Texas A&M University. But with homes at risk, the blazes were regularly extinguished. Areas that historically had 50 trees per acre now have 500.

''Who's to blame? It depends on which decade you are talking about,'' said Bonnicksen.

By the 1970s and 1980s, warnings from fire experts went unheeded by homeowners' associations around Lake Arrowhead. They protected their trees to preserve property values.

''You couldn't even cut the limb off a damn tree without getting a permit,'' said Minnich. ''These people have wanted to save every leaf.''

The last sawmill in the area closed in the mid-1980s. More recently, environmentalists have pushed hard to limit logging of large trees there.

''The handwriting was on the wall several decades ago,'' said Bonnicksen. ''Anyone in forestry could forecast that the inevitable outcome would be the forest would burn down or the insects would kill it and then it would burn down.''

The U.S. Forest Service said Wednesday its policy on forest thinning has been guided by public opinion.

''People didn't move there to be next to a logging operation,'' said . . .

Fire crews worked desperately to stop the advance as it moved toward 44,000 homes, 2,000 businesses and 80,000 outbuildings—property with an assessed value of $8 billion.

''This may be a landmark event. This fire could take out 20,000 homes in the next day or two,'' said Richard Minnich, a professor of earth sciences at the University of California-Riverside.

WARNINGS OF DANGER

The loss of Lake Arrowhead would be stunning but not entirely surprising. For the past three years, fire experts have described the resort community 100 miles northeast of Los Angeles as a catastrophe waiting to happen.

Four years of drought have hammered the region. The area's weakened ponderosa pine and fir trees became infested with bark beetles, and by this summer millions of trees were dead across 350,000 acres.

Limbs fell on cars and homes. Local residents, facing county citations, paid up to $1,000 per tree to contractors in a frantic attempt to remove the tinder-like fuels. They barely made a dent.

The reason: The forests are unnaturally thick. Fire crews began putting out fires in the area in the early 1900s, when James Gamble of Proctor & Gamble built a dam to create the lake, and vacation cabins from a growing Los Angeles began to spring up in the 1920s and 1930s.

Forests there would have burned naturally every 20 years, said Tom Bonnicksen, a professor of forest science at Texas A&M University. But with homes at risk, the blazes were regularly extinguished. Areas that historically had 50 trees per acre now have 500.

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The U.S. Forest Service said Wednesday its policy on forest thinning has been guided by public opinion.

''People didn't move there to be next to a logging operation,'' said spokesman Matt Mathes.

Mathes said when the trees began to die off from bark beetle infestation, the San Bernardino National Forest increased its budget for fire-thinning from $2 million in 2002 to $12 million this year.

Charles Griego, who's been trimming trees in the area for years, left his home near Lake Arrowhead on Wednesday with his wife and three sons and a pile of family pictures.

He shook his head when he talked about the downed trees and the agencies—federal, state, anybody. ''They've known they had a problem for years,'' he said, ''and they didn't do anything.''

ANGRY E-MAILS

As the fires burned, angry e-mails began pouring in Wednesday to the offices of environmental groups blaming them for the disaster.

Monica Bond, a wildlife biologist with the Center for Biological Diversity in Idyllwild, said that although her group has appealed and sued to block a government forest-thinning operation in the Sierra Nevada, it had not done so in the San Bernardino Mountains. The trees need to be logged and removed, but large trees should be left for wildlife habitat, she said.

''Some people are shamelessly exploiting this tragedy as an excuse to log big trees in remote areas,'' she said. ''There is no need to do that.'' Bonnicksen, who has worked with the timber industry, said he supports President Bush's ''Healthy Forests Initiative,'' to thin overgrown national forests and cover the costs by allowing timber companies to take some large, old-growth trees.

''If Lake Arrowhead burns down, there will be a massive reaction,'' he said. ''It will be finger-pointing like you can't believe. I'm more interested in having us understand why it got this way, and preventing it from ever happening again.''

On the Senate floor Wednesday, Sen. Dianne Feinstein, D–Calf., held up pictures of California forests. She succeeded in convincing the Senate to pass an amendment to Bush's logging plan that would require 50 percent of thinning to be done near homes, and to provide $760 million to offset the costs.

''Look at these homes. Look at the dead and dying trees,'' she said of Lake Arrowhead. ''Does anyone believe they have a chance of surviving if this forest is not cleaned?''

Mr. CRAIG. Mr. President, what we are about to conclude tonight is a 3- to 4-year effort on the part of many folks of good will on both sides of the aisle to bring some modicum of change. This is not a giant leap forward. This is a cautious, careful step to assure that we can begin to address our forests that are overgrown, that are diseased, that are now caught up in the scenario of wildfire, as we see it playing itself out in southern California today.

Without a doubt this is a national emergency and a national crisis. We are being asked to spend upwards of $1.2 billion a year of taxpayers' money simply to put the fires out, let alone the cleanup and the restoration and the saving of watersheds and wildlife habitat.

So I would hope we could continue this process and monitor it closely. My last hope is that the work tonight can go to the President's desk, can become law, and we can say we, once again, have become reasonable and responsible stewards of our forested lands.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Thank you, Mr. President. The hour is late. I am going to be very brief.

I am opposed to this amendment. This is not an unlimited bill. It has a 20-million-acre cap. Suffice it to say, we are going to have a lot of oversight in both the Agriculture Committee and the Energy and Natural Resources Committee.

But I also thank the Senator from Iowa with respect to how he has handled this legislation. He has been exceptionally kind and helpful to me. He has had differences of opinion with me on this issue. I thank him for all of his cooperation.

Suffice it to say, Mr. President and colleagues, the West has been watching the last few days, and in a particularly contentious area, the Senate has been able to find an awful lot of common ground. Even on some of the amendments that we have had—the question of the urban interface funding initiative, whether it should be 50 percent or 70 percent—these are areas where reasonable people can differ. It is awfully easy to polarize on this issue, to drive people into rival camps, and to a great extent the Senate has avoided this.

So what is important tonight as we deal with this last substantive amendment—and then we have a couple of procedural matters, colloquies, and that sort of thing to finish—is that we recognize how important it is to get this bipartisan compromise to the President's desk.

The bill that the Senate will pass tonight is the one that I believe ought to become law, and it is absolutely critical that it be the one to get to the President so it can become law.

So I hope Senators will continue to work together on a bipartisan basis and make sure the Senate compromise does not unravel.

In addition to the Senator from Iowa, who has been so helpful throughout this process so we could expedite it, Senator COCHRAN from Mississippi, since the days that we spent those long hours in his office, Senator CRAIG, Senator DOMENICI, Senator CRAPO, and others, a lot of people thought we would never get to this night.

One person who did was the senior Senator from California who I have been so honored to have had on my subcommittee over the years. We wouldn't be on the floor tonight without the senior Senator from California who consistently, when we bumped up against an issue where we couldn't bring people together, it was the Senator from California who broke the gridlock. I want the Senate to know how much this body should appreciate the contribution of Senator FEINSTEIN. This Senator does in particular.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, we are wrapping up this bill. I think everyone knows that it essentially came from the Agriculture Committee of the

Senate. Many of us thought it was going to the Energy and Natural Resources Committee, but it was ruled that it belonged more in the jurisdiction of Agriculture. I feel very good about the results. I am very pleased with Chairman THAD COCHRAN's efforts and those of the Agriculture Committee, in a bipartisan manner, producing this bill and then further negotiations to even make it better.

I am not so sure had it been sent to the Energy and Natural Resources Committee, where in years past we would have thought it should go, that we would have produced as good a bill. With the amendments that have come forth because of efforts after the bill came out of committee, it is truly remarkable that we were able to achieve this. It is almost as if the problem couldn't possibly have existed so long because of the way it has worked out. It is like an overwhelming number of Senators have come to the realization that it is time to fix a broken set of management tools for the forests of our country.

I think we have fixed them. I can tie this into the pending amendment by saying, it certainly isn't anything you are going to fix in 5 years. So for those who might have in mind that we have this bill for 5 years and then we start over, we are probably going to need 15 or 20 years of effort under this bill, with plenty of resources, to get the forests of America back where they should be. Where they ought to be is they ought to be beautiful forests, but they ought not be so susceptible to burning down. We all know that.

It is just incredible that it has taken so long to get where we are. I know what Senator CRAIG read into the RECORD a while ago from the newspaper in California because I read it a while ago. Whoever wrote it is right on. This horror that we lived through was no accident. It is the result of not doing what we ought to do because certain groups in this country didn't want it to be done—plain and simple.

They know who they are and the people know who they are. It happens that every time we turn around and talk about them, there is an excuse now that they really didn't do it; They weren't really against this; They were for fixing the forests all along; They have been for modifying our laws for decades; right?

Well, that just isn't true. We have finally come around, but it surely has taken a long time.

Anybody looking at this Nation on this one would have a real complaint about the slowness of the democratic process. Because it wasn't all of a sudden that this problem came upon us; it has been around. It has been up and down, through the hills, burning the mountains. It leaves millions of acres dry, pieces of wood standing in the air that have been infested. And then still there are people going to court, groups saying, don't cut them down.

These fires cut them down. These fires make them disintegrate. They don't even burn down; they just go poof and there goes a tree. That is about how it goes.

I have seen it. I had one that was bad. Three hundred fifty homes burned down. Probably with the number of homes and the damage, it was the second largest one. But it paled in comparison to this one.

Frankly, before these forests that are dead and should have already been cut down, before it finishes in California, there will be no room for excuses. There is going to be a whole bunch of people who will want it all solved next week, in particular those who have been in the way of fixing it. They are going to be saying: Why isn't it fixed?

We are going to have to pour in three times as much money, in my estimation, as we have been putting in. I don't know if we can find the manpower to put in the Bureau of Land Management and the forests to do the kind of work we have to do. I am not sure we can. It is such a huge job to clean up these forests that I am not sure, if you put down a timeline and said, here is where we ought to be, we would get there. We are going to have to contract it out. We will have to have all kinds of approaches to get in there and just take out all that stuff that is all over the bottom of the forests, under the trees, just waiting to burn. That is no easy job.

For those who are so worried that we were going to log the forests to death, they have watched them burn to death. We were not going to log them to death so we watched them burn to death. That is what happened.

It is high time we fix it. I don't know if I will be a conferee. Maybe they will all be off the Agriculture Committee. If I am, I can pledge that I am in a hurry. I have a lot to do, but I am in a hurry.

Everybody who goes to this conference ought to be in a hurry, not only in a hurry to get a bill but in a hurry to get a bill that can clear the Senate and get the President to sign in the shortest period of time. That is what we ought to be worried about next. It isn't so good to get this done and be at it 6 months and then find that the President doesn't like what we have done because we have changed things so much.

I thank not only Chairman COCHRAN but I thank the staff of the Agriculture Committee. They have been tremendous. We have had the luxury of working with them from our staff. But I can tell you, had it been assigned, we couldn't have done it any better with the full staff. And they have done it.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I wanted to say a few words. Actually, Senator CRAIG was one of the earliest people with whom we began to work on these issues, from the California perspective, many years ago on the Quincy Library Group. That began to develop kind of an across-the-aisle bond.

Then when Senator WYDEN became ranking member of the Subcommittee on Public Lands and Forests in the Senate Energy Committee, he really took a great interest in this subject as well. So it has been a terrific pleasure for me to work with him as well. He has carried this out in an absolutely superlative way.

I also want to thank Senator DASCHLE, Senator LINCOLN and Senator PRYOR, who have been a crucial part of this legislation, Senator MCCAIN, Senator COCHRAN, Senators CRAPO and DOMENICI. I am looking for people in the Chamber who have been part of this effort.

I hope the American people are proud of us tonight. I believe we have worked as the American people want us to work—not out of mean-spirited partisanship but rather, sitting together and working across the aisle to work out compromises. That is what this bill is. We had to cement certain compromises in order to see that the bill covered the United States fairly and also met the concerns of both sides of the aisle.

This bill is funded. It is about double the amount of money that we have had in the past to treat those lands that are at high risk of catastrophic fire. The House bill is not funded. Additionally, this bill leaves intact a collaborative citizen participation process in an administrative review procedure. It leaves intact the ability for judicial review, but it truncates it in a way that allows us to move more aggressively on the 20 million acres that are encompassed in this bill.

It is interesting to me to hear people say: Oh, they are just going to log all the forests. In fact, that has never been the case. There has always been a set number. In this bill, it is 20 million acres. We have 54 million acres across the United States that is at the highest risk of catastrophic fire. In my State alone, we have 8.5 million acres. It is going to take a new mindset for people if we are going to be able to do what we need to do.

Since Senator CRAIG mentioned the Old Fire, which is currently burning in California, I just wanted to give you all a brief update. Currently, I have my State director at the command center in San Bernardino. I just want to report that with respect to the Old Fire, which is the huge fire they thought would consume all of Lake Arrowhead and a number of other threatened mountain towns where there are 50,000 to 60,000 residential homes, they have had a good day today. It began to rain this morning, the fog is in, and the air remains moist. They couldn't see the smoke for the fog, and for the first time on the fire lines, there is a sense of optimism that these heroic crews are going to be able to get a hold on this fire. Most importantly, they were able to bulldoze a line ahead of that fire. Over five hundred homes have been lost in that particular fire so far. Hopefully, there will not be many more

lost, and, hopefully, within a matter of a few days that huge fire can be put under control.

As we know, the town of Julian, which is a gold mining town in the San Diego area, has eight firefighters. All eight firefighters fighting these fires have lost their homes. One distinguished firefighter, Steven Rucker, who came down on mutual aid from the city of Novato in northern California lost his life. I think we all salute him.

There is an enormous lesson in these devastating fires currently burning in my home State, and it is that the land has to be managed. The forests have to be managed. We have to do the right thing for our constituents. We are pushed and we are pulled by conflicting interests. I believe the Senate version of this bill is a good bill. It is a good bill from the interests of the public, and that is what has to count in this matter.

I thank the Chairman of the Agriculture Committee, Senator COCHRAN, who has been instrumental in leading this effort; Senator DOMENICI, my friend and colleague, and Senator HARKIN, the ranking member on the Agriculture Committee. I hope my colleagues will join me in supporting this bill.

I thank the chair and I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I wish to close out my amendment. There were a lot of speeches, but not too many on my amendment.

I would like to bring it back a little bit, anyway. I again point out that the pending amendment is one that basically says we are going to authorize it, but we are going to authorize it for a period of time.

I say to my good friend from Oregon—and he is my good friend—I know he and others worked so hard on this bill and got a good compromise. I understand that, but I don't think that putting a time on this bill violates any compromise. As I pointed out, earlier bills have had a 5-year time limit.

I know my friend from Idaho talked about monitoring, the fact we monitor bills. Of course, we monitor bills. There is that old saying: Nothing focuses one's attention like the hangman's noose. When you find that something is expiring, that is when a committee starts to act, review, and get into it, perform its responsibilities.

It is in that nature I have offered this amendment. I don't think it does anything to hurt the bill or change it. It doesn't change one thing in the bill. All it says is at some point down the track, 5 years—I picked 5 years because that was in earlier bills—the appropriate committee—in this case the Agriculture Committee—will reauthorize it.

Sometimes a reauthorization goes through by unanimous consent. That may be the case with this bill. I don't know. Maybe if this bill works as everyone says it will, it might go by unanimous consent or maybe we will want to change something. At least it will force the committee to do something at that time, and that is in the nature of why I offered this amendment.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAPO. Mr. President, I will be very brief. I know Members are here waiting for a vote. I also have to rise in opposition to the amendment. When we first began crafting the legislation in the Agriculture Committee, of which I chaired the Forestry Subcommittee, our first thought was to have no limit on time and no limit on acreage because, frankly, this is a good bill and it provides good management techniques we ought to utilize until we can devise better ones for our forests.

However, in the compromise through the negotiation process, as we were working to make this a strong bipartisan bill and bring it together, we agreed to a 20 million acre cap. I believe that 20 million acre limit is very modest compared to the risk we face. We need to put a perspective on this. The fact is the estimates are that there are 100 million acres at risk in America today, and this bill has a 20 million acre limit.

If anything, we need to be talking about how to consider whether we need to expand the application of this bill rather than to retract it or put more limits on it because we have worked in a bipartisan fashion to put together a good compromise that is going to be good for our forests and good for the people who live near the forests.

I conclude by also thanking those who worked with us to make this truly a bipartisan effort: The chairmen of the two committees, the Agriculture Committee, Senator COCHRAN, and the Energy Committee, Senator DOMENICI; my colleague from Idaho, who is the chairman of the Forestry Subcommittee on the Energy Committee, and Senator LINCOLN, who is the ranking member on my subcommittee who worked so closely with me to draft the first piece that became the underlying language from which we then built this compromise. She has worked very hard and very effectively to make this all happen; Senator FEINSTEIN and Senator WYDEN, who came in and worked with us, with a true and sincere interest to make this a true and strong bipartisan effort; Senator MCCAIN and Senator KYL from Arizona, who became involved; Senator BAUCUS and Senator BURNS from Montana; and Senator THOMAS from Wyoming—all of whom were very integral in working to help make this a broad, successful, bipartisan effort. I am sure I have left some out.

The reason I go through this is to, once again, reiterate how this is the way people in America want the political process to work. They want us to find common ground and build good commonsense solutions to issues that cross party lines and get to the issue on principle rather than on partisanship or personal attacks. That is what this bill is about.

As I move to table this last amendment, I will announce that we will then be going forward after that with a managers' amendment and to final passage. I think tonight we are going to have a very big victory for America.

Mr. REID. Will the Senator yield?

Mr. CRAPO. Yes, I yield.

Mr. REID. Can we voice-vote the managers' package?

Mr. CRAPO. I believe we could.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

I remind Senators, per instructions from both sides of the aisle, this will be a 20-minute vote.

The question is on agreeing to the motion to table amendment No. 2045. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Alabama (Mr. SHELBY) is necessarily absent.

Mr. REID. I announce that the Senator from New York (Mrs. CLINTON), the Senator from North Carolina (Mr. EDWARDS), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Massachusetts (Mr. KERRY), the Senator from Wisconsin (Mr. KOHL), 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 61, nays 31, as follows:

[Rollcall Vote No. 427 Leg.]

YEAS—61

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	Smith
Campbell	Gregg	Snowe
Chafee	Hagel	Specter
Chambliss	Hatch	Stevens
Cochran	Hutchison	Sununu
Coleman	Inhofe	Talent
Collins	Johnson	Thomas
Cornyn	Kyl	Voinovich
Craig	Landrieu	Warner
Crapo	Lincoln	Wyden
Daschle	Lott	
Dayton	Lugar	

NAYS—31

Akaka	Carper	Graham (FL)
Bayh	Conrad	Harkin
Biden	Corzine	Inouye
Bingaman	Dodd	Jeffords
Boxer	Dorgan	Kennedy
Byrd	Durbin	Lautenberg
Cantwell	Feingold	Leahy

Levin	Reed	Schumer
Mikulski	Reid	Stabenow
Murray	Rockefeller	
Nelson (FL)	Sarbanes	

NOT VOTING—8

Clinton	Kerry	Nelson (NE)
Edwards	Kohl	Shelby
Hollings	Lieberman	

The motion was agreed to.

AMENDMENT NO. 2046

Mr. COCHRAN. Mr. President, I call up my amendment which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN] proposes an amendment numbered 2046.

Mr. COCHRAN. 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 printed in today's RECORD under ''Text of Amendments.'')

Mr. COCHRAN. Mr. President, this is an amendment containing technical changes to the bill and amendments in behalf of the following Senators: Senator COLLINS, Senators CORZINE and SPECTER, Senator CANTWELL, Senator LEAHY, Senators LUGAR and HARKIN, Senator ENSIGN, and Senator ALLARD, all of which have been approved by the managers on both sides.

The PRESIDING OFFICER. If there is no further debate, without objection, the amendments are agreed to.

The amendment (No. 2046) was agreed to.

Mr. CORZINE. Mr. President, I want to take just a few moments of the Senate's time to discuss a provision included in the manager's amendment that will authorize acquisition of open space in the Highlands Forest that runs through New York, Pennsylvania, Connecticut and my state of New Jersey.

First of all, I express my great appreciation to the managers of this bill, Senators COCHRAN and HARKIN, for agreeing to include this amendment. I also recognize and congratulate Congressman RODNEY FRELINGHUYSEN for his success in getting an identical version of this bill passed unanimously by the House Resources Committee yesterday. Congressman FRELINGHUYSEN and I have worked together closely on this matter, and I know he has worked hard for many years on behalf of the Highlands and has played a key role in bringing needed conservation funds to the area.

The amendment included in the managers' package is a modified version of S. 999, the Highlands Stewardship Act, which I introduced earlier this year with Senators LAUTENBERG, SCHUMER, CLINTON, DODD, LIEBERMAN and SPECTER. The goal of this bipartisan legislation is to preserve one of the last open space treasures in our densely populated region, the Appalachian Highlands Forest.

The Highlands region stretches from northwestern Connecticut, across the lower Hudson River valley in New York, through my State of New Jersey and into east-central Pennsylvania. It encompasses more than two million acres of forest, farms, streams, wetlands, lakes and reservoirs. It also includes such historic sites as Morristown National Historic Park, where George Washington had headquarters during the American Revolution, and the United States Military Academy at West Point.

The value of the natural, recreational and scenic resources of the Highlands cannot be overstated. In a study of the New York–New Jersey Highlands region alone, the Forest Service found that 170 million gallons are drawn from the Highlands aquifers daily, providing quality drinking water for over 11 million people. 247 threatened or endangered species live in the New Jersey–New York Highlands region, including the timber rattlesnake, wood turtle, red-shouldered hawk, barred owl, and great blue heron. According to the U.S. Forest Service, over 14 million people visit the NY–NJ Highlands for outdoor recreation, more than Yellowstone National Park and our most heavily visited natural treasures.

But the values and benefits of the Highlands are not limited to the four states that share them. A 1992 study and recent update by the United States Forest Service describes the Highlands as a region of ''national significance''—one that is within 2 hours of travel for 1 in 9 Americans.

Unfortunately, the supply of federal, state, local and private money that has gone to protect the Highlands over the years has not kept pace with development in the area. According to the Forest Service, more than 25,000 acres of forest and farm land in the New York and New Jersey sections of the Highlands have been lost annually to development between 1995 and 2000, and nearly 300,000 acres of land critical to future water supplies remain unprotected.

I represent the most densely populated state in the country. The pressures we face from development are intense. In New Jersey, the Highlands region lies in close proximity to New York City and is valued for housing development. New York, Connecticut and Pennsylvania face similar development pressures. We need to do more to protect this national treasure.

The amendment that I hope the Senate will approve today is modeled after the successful federal-state partnership used to protect much of Sterling Forest, a crown jewel of the Highlands. The legislation would facilitate similar conservation partnerships to protect critical treasures threatened by sprawl throughout the region. The amendment would enable us to build upon the legacy of Sterling Forest, but it will take a strong commitment and partnership between the Highlands states and the Federal Government to safeguard this region.

The amendment calls on the governors of the four states to recommend conservation projects within certain threatened areas identified by the Forest Service. It also would authorize $100 million over the next 10 years for easements or acquisition of land within those areas. As in the preservation of Sterling Forest, the money would come from the Federal side of the Land and Water Conservation Fund.

I would note that the land and water conservation fund generally is not used for open space acquisitions in my state and the other Highlands states. That is because the fund only can support acquisitions to expand existing Federal parks, forests and recreation areas. While this works well for states with a significant amount of federal parks and forests, it does not help states like New Jersey with comparatively less Federal land. This amendment would help to make sure that New Jersey and the other Highlands states get their fair share of open space funding.

The only land to be acquired would be land owned by people who want to sell. This amendment would not force anyone to sell, nor interfere with any other property right. Nor would the amendment interfere with any local zoning ordinance or local government land use plan. Nor would it create any new federal ownership or management responsibilities. Title to the land or easement purchased would belong to the state where it is located.

Finally, the amendment is designed to conserve land that has been identified as having a high conservation value by the Forest Service and which is not currently protected from development under any existing law. This is land that serves as the habitat for animals, or provides a source for water supplies, or that is simply unusual in its natural beauty.

In conclusion, the Highlands are a national treasure, and it is critical that they be preserved. I again thank the managers for their cooperation, and their support of this legislation.

Ms. CANTWELL. Mr. President, I rise today to thank the distinguished chairman and ranking member of the Senate Agriculture Committee, Senators COCHRAN and HARKIN, for including in the managers' package an amendment I filed on the issue of wildland firefighter safety. My heart goes out to my colleagues from California and the people they represent. In Washington, we are well acquainted with catastrophic wildfires and the threat they pose to local communities. Our thoughts are with the people of California, as well as with the families of the firefighters on the job—including crews from my State who are on their way south to join in the effort.

The men and women who fight fires on our public lands serve our Nation bravely. Since 1910, more than 900 wildland firefighters have lost their lives in the line of duty. Before the California fires, I believe the toll was 26 individuals this year alone.

And this morning, we were faced with the news of the first firefighter death

from the California blazes—an 11-year veteran named Steven Rucker, who perished while trying to save a home. He leaves behind a wife and two children.

As I have read the press accounts and listened to the stories my colleagues have told about the loss of life in California over these past few days, I cannot help but recall a recent tragedy in my State of Washington. On July 10, 2001, near Winthrop in Okanogan County, in the midst of the second worst drought in the history of our State, the Thirtymile Fire burned out of control. Four courageous young firefighters were killed. Their names: Tom Craven, 30 years old; Karen FitzPatrick, 18; Jessica Johnson, 19; and Devin Weaver, 21.

Sadly, as subsequent investigations revealed, these young men and women did not have to die. In the words of the Forest Service's own report on the Thirtymile Fire, the tragedy ''could have been prevented.'' We know that firefighting is a dangerous job. But despite its inherent danger, we have a responsibility to ensure that no preventable tragedy like Thirtymile Fire ever happens again.

I would like to thank my colleague Senator BINGAMAN, the distinguished ranking member of the Senate Energy Committee, as well as Senator WYDEN, who was then chair of the Subcommittee on Public Lands and Forests. In the wake of the Thirtymile Fire, they agreed to convene hearings on precisely what went wrong that tragic day. We heard from the grief-stricken families. In particular, the powerful testimony of Ken Weaver—the father of one of the lost firefighters—put into focus precisely what's at stake when we send these men and women into harm's way. I can think of no worse tragedy for a parent than confronting the loss of a child, especially when that loss could have been prevented by better practices on the part of Federal agencies.

At the Senate Energy Committee hearing, we also discussed with experts and the Forest Service itself ways in which we could improve the agency's safety performance. And almost a year to the day after those young people lost their lives, we passed a bill—ensuring an independent review of tragic incidents such as Thirtymile that lead to unnecessary fatalities.

Based on subsequent briefings by the Forest Service, revisions to the agency's training and safety protocols, and even based on what I have heard when I have visited with firefighters over the past two years, I do believe the courage of those families to stand up and demand change has had a positive impact on the safety of the young men and women who today are battling blazes as wildland firefighters. Yet, I believe there is more that Congress can do to express our commitment. Today I offer a modest amendment that will take a few more steps in that direction.

My amendment does three simple things.

First, it will require the Secretaries of Agriculture and Interior to track the funds the agencies expend for firefighter safety and training.

Today, these sums are lumped into the agencies' ''wildfire preparedness'' account. But as I have discussed with various officials in hearings before the Senate Energy and Natural Resources Committee, it is difficult for Congress to play its rightful oversight role—ensuring that these programs are funded in times of wildfire emergency, and measuring the agencies' commitment to these programs over time—without a separate break-down of these monies.

Second, it will require the Secretaries to report to Congress annually on the implementation and effectiveness of its safety and training programs. I assure my colleagues who have not spent time dwelling on this issue, that the maze of policy statements, management directives and curricula changes associated with Federal firefighter training is dizzying and complicated.

The agencies have a responsibility to continually revise their policies in the face of new science and lessons learned on the fire line. Meanwhile, this body has the responsibility to ensure needed reforms are implemented. As such, I believe that Congress and the agencies alike would benefit from an annual check-in on these programs. I would also hope that this would serve as a vehicle for an ongoing and healthy dialogue between the Senate and agencies on these issues.

Third, it would stipulate that Federal contracts with private firefighting crews require training consistent with the training of Federal wildland firefighters. It would also direct those agencies to monitor compliance with this requirement. This is important not just for the private contractor employees' themselves but for the Federal, State and tribal employees who stand shoulder-to-shoulder with them on the fire line.

This is actually quite a complex issue about which many of us are just beginning to learn. With the severity of fire seasons throughout the country over the past 2 years—and notwithstanding the Clinton administration's efforts to hire a significant number of new firefighters as part of the National Fire Plan—the number of private contract crews hired by the agencies to help with fire suppression has tripled since 1998. According to Oregon Department of Forestry estimates, the number of contract crews at work has grown from 88 to 1998 to 300 this year, with 95 percent based in the Pacific Northwest. In general, these contract crews have grown up in former timber communities and provide important jobs, especially given the fact the agencies themselves do not at this juncture have the resources to fight the fires entirely on their own. And many of these contractors have been in operation for a decade or more and boast stellar safety records.

Nevertheless, as the number of—and need for—contractors has grown, there are more and more tales of unscrupulous employers that take advantage of workers and skirt training and safety requirements. This is a growing concern for U.S. Forest Service employees and state officials. This summer, the Seattle Times wrote a detailed feature on the issue, quoting internal Forest Service memos as well as evidence from the field.

Among the contractor practices cited in the article: Breaking safety rules and failing to warn other crews on the fire line; falsifying or forging firefighting credentials and ignoring training requirements; hiring illegal immigrants that cannot understand fire line commands—and committing various labor abuses; and rotating a single crew from fire to fire for 50 straight days—while Federal firefighters are not allowed to work more than 14 or 21 days in a row.

The article quoted from a November 2002 memo written by Joseph Ferguson, a deputy incident commander for the Forest Service: ''If we don't improve the quality and accountability of this program, we are going to kill a bunch of firefighters . . . Although there were two or three good to excellent crews on each fire, that was offset by 20 to 30 that were hardly worth having,'' Ferguson added. ''It was apparent that training for most of these crews had been done poorly or not at all.''

Paul Broyles, who heads a safety committee for the National Interagency Fire Center added that private crews he has seen have varied from ''fantastic to a he[ck] of a lot less than good and some were real safety concerns.'' He noted that while state government and feds were trying to crack down on violations associated with documentation, ''the assumption is, where there's one problem, there's probably more.''

This provision is a modest beginning in addressing the challenges posed by integrating private and Federal contract crews—and doing it in a manner that maximizes everyone's safety on the fire line. I understand that the Federal and State agencies are already attempting to push contractors in this direction, and this provision will bolster that momentum.

I had also hoped to include in this amendment a provision that would direct the General Accounting Office to conduct a study of the impacts of the President's outscourcing initiative on wildland firefighter safety. Unfortunately, that provision was opposed by my colleagues on the other side of the aisle.

Now, let me be clear. I oppose the Bush administration's outsourcing initiative. And if I had my way, I would simply declare that this initiative would not apply to the firefighting agencies. However, at the very least, I hope my colleagues will agree that we should take a close look at how outsourcing will affect the ability of

our Federal agencies to do their job when it comes to fighting wildfires and their ability to do it safely.

According to the Forest Service Council, which represents 20,000 Forest Service employees across the Nation, some 40 percent of these workers serve dual functions.

Likened to the Reserve or National Guard, they call it the ''militia'' approach—where qualified employees that perform other jobs for much of the year are dispatched as ''first responders'' on wildland fires.

From a military perspective in Iraq, we have seen the importance of the National Guard and Reserve in supporting our military efforts. No one here in Congress would contemplate outsourcing the Guard and Reserve.

I hope my colleagues would recognize that it is completely unclear how the outsourcing initiative, with its emphasis on contracting out certain types of jobs, would impact the need for Forest Service employees to perform these collateral duties. I am concerned that the outsourcing initiative will seriously erode the agencies' capacity to fight fires—just as the sponsors of this bill argue these fires are becoming most intense.

Likewise, I have serious concerns that it will disrupt the chain of command on the fire line, especially in instances in which the Forest Service could lose some of its most experienced firefighters as a result of outsourcing. These are my concerns.

While I understand that there were objections on the other side of the aisle to including the GAO study provision—and we have thus removed it from this amendment, to move forward on the other important provisions—I guess we are lucky that such a study does not actually require legislation. I plan to work with a number of my colleagues to request just such a report form the GAO, because I believe it is important we thoroughly understand the way outsourcing would impact Federal agencies' ability to fight fires and fight them safely.

And so I hope my colleagues will support this simple amendment. Ultimately, the safety of our Federal firefighters is a critical component of how well prepared our agencies are to deal with the threat of catastrophic wildfire.

Congress owes it to the families of those brave firefighters we send into harm's way to provide oversight of these safety and training programs.

We owe it to our Federal wildland firefighters, their families and their State partners, and to future wildland firefighters.

My amendment will provide this body with the additional tools it needs to do the job. I thank my colleagues for supporting this amendment.

ADMINISTRATIVE REVIEW PROCESS

Mr. WYDEN. Could the Senator from Mississippi confirm that with respect to section 105(c)(3), it would be the Agriculture Committee's intent that if the agency fails or is unable to make information timely available during the administrative review process, the court should evaluate whether the administrative review process was inadequate for claims or issues to which the information is material?

Mr. COCHRAN. The Senator's understanding is correct.

Mr. FEINGOLD. Mr. President, I intend to support H.R. 1904, as amended by the Senate. I do so, however, with significant reservations about the bill, and its benefits for Wisconsin, and I want to describe my concerns in detail. Forest fire management is a critical issue for my home State of Wisconsin and for the country. Forest fires burned on approximately 7 million acres across 15 States during last year's fire season, the second worst in 50 years. Fighting those fires cost taxpayers about $1.6 billion. It also cost 23 firefighters their lives. This year's fire season is expected to be as bad as last year's. And though Wisconsin has escaped the season unharmed, my State did face a higher than normal risk of fire this summer due to the relatively dry weather we had the year before.

Moreover, forests are important to Wisconsin economically. Our businesses depend on them as do our recreation and tourism industries. The primary and secondary wood products industry is the second largest employer in Wisconsin and, according to the Wisconsin Division of Forestry, my State leads the Nation in 2002 in the production of fine papers, sanitary paper products, children's furniture, and millwork. Forest resources in Wisconsin are a primary tourism attraction for both residents and visitors.

Given the role and importance of forests in Wisconsin, I wish that the bill focused more on the forests of the Upper Midwest. I am particularly concerned that the bill passed by the House focuses too strongly on the implementation of recommendations made by the Western Governors regarding forest health.

It is worth noting that the Senate has considered these kinds of emergency legislative measures to address forest health in the recent past. As many will recall, an emergency timber salvage rider was attached to and signed into law by President Clinton as part of the 1995 rescissions bill, legislation supposedly designed to reduce Federal expenditures. The salvage rider was extremely controversial, and my constituents were very concerned about its implementation in terms of its fiscal cost, the loss of critical wildlife habitat and endangered species, and the precedent that it set for lawmaking and the separation of powers in this country. The salvage rider suspended the Endangered Species Act, the National Environmental Policy Act, the National Forest Management Act, and ''all other applicable Federal environmental and natural resource laws,'' such as the Clean Water Act.

I opposed the rider because it was too restrictive in scope. The public was blocked from the legal process through which decisions affecting their national forests are made. All sales under the salvage rider were exempt from the administrative appeal process, and judicial review was severely limited to sales deemed ''arbitrary and capricious.''

So I think it is wise to be careful in crafting this legislation, lest we risk taking too extreme a step in our efforts to address forest health. I agree that the Congress should enact legislation to protect our Nation's forests from catastrophic wildlife and disease. Overall, I think that the substitute offered for title I of the bill by Senators COCHRAN, FEINSTEIN, WYDEN, DASCHLE and others, is an improvement over the underlying bill. I have also supported a number of amendments to try to narrow the bill's scope and improve its provisions. It is my hope that the conferees will adhere to the provisions approved by the Senate when they develop a final bill.

Mr. JOHNSON. Mr. President, today the Senate is considering legislation that will go a long way toward reducing the fire risk to communities throughout the western United States. The Senate is set to pass bipartisan legislation that authorizes federal land managers to treat up to 20 million acres of at-risk public lands while empowering communities with the resources and tools to protect lives and property.

The catastrophic fires in California are only the most recent demonstration of how the Forest Service, state and local communities, and private landowners must actively manage the Nation's forestlands. In South Dakota, fires have endangered the communities of Deadwood and Keystone in recent years, burning nearly one out of every 10 acres of the Black Hills National Forest. I am very supportive of the bipartisan response of the U.S. Senate toward passing aggressive forest legislation.

During the last 2 years, the Congress has debated and discussed the need to actively manage our forestlands, with particular emphasis toward protecting the wildland-urban interface, home to millions of individuals and hundreds of communities. The Black Hills is a stark example of interface and intermix communities, with a patchwork of private landowners scattered through the 1.3 million acre forest. Public land managers and communities need the tools and resources to reduce fire risk, restore forest ecosystems to a more natural balance and protect a vitally important renewable resource. It is overdue—overdue to end the debate and pass legislation.

I believe that the agreement crafted today will address many of the challenges facing public forestlands. There has been a great deal of debate from those on both sides of the spectrum as to the shortcomings and compromises made to craft the Senate bill. I agree that the bill is not perfect, but in

crafting the compromise agreement, the Senate has put forward a bipartisan proposal that will enhance the long-term health and sustainability of forestlands.

The Senate plan authorizes fuel reduction projects on up to twenty million acres of National Forest System lands and enhances local participation. In the plan, communities can develop ''community wildfire protection plans'' to identify areas for hazardous fuel reduction and other treatments necessary to protect the community from wildfire. The collaborative process established in the Senate bill will identify and prioritize fuel treatments and recommend the types and methods of projects on federal and non-federal lands. This provision is a key feature that empowers local communities to craft the proper response to the threat of wildland fire specific to their local areas.

The plan put forward today will allow the Forest Service to focus on its core mission of managing our forest for multiple uses and ease the crush of bureaucratic and administrative appeals. This fall during a tour of the Black Hills, I witnessed the progress made from recent fuel reduction projects thinning insect ravaged trees, and believe more should be done to reduce fire risk throughout the West. I will vote for the Senate compromise because it will finally replace endless talk with constructive action. I encourage the House of Representatives to join the administration in supporting the Senate bill and quickly passing this important and historic plan.

Mr. ENZI. Mr. President, we have all heard the expression many times—''A picture is worth a thousand words.'' If that is so, I don't think there is any question that the pictures of the wildfires in California are speaking volumes and they have had a dramatic impact on all of the us in the Congress and around the country .The fires continue to burn out West, and the toll continues to mount. The amount of forest land up in flames, the homes destroyed, the lives lost and the people forever changed by what they have experienced will never be known. One thing that is very clear, however, is the importance of taking every possible step to ensure that we minimize this kind of frightening destruction in the future.

It is bad enough that we have had to witness the devastation in California—and I would be remiss if I didn't take a moment to express our appreciation and our gratitude to the brave people who are fighting the fires there without regard for their own safety. They are true American heroes, and we will be keeping them in our prayers.

Take that feeling that comes from seeing all that destruction and despair in California and imagine that you were seeing the reality of a threat that faces you every day of your life. Imagine you wake up every day filled with the fear of knowing that your home, your job, your family, your heritage, and your community could be wiped out in a heartbeat. Imagine the commitment you would have to protecting your family and your cherished possessions, only to be told that you can't do much about it because somebody, far away, whose home is not facing the same kind of threat has decided you aren't worth the effort.

You might think I am exaggerating the problem, but the fact is there are more than 100 million acres of Federal forests lands that now exist under an unnaturally high risk of catastrophic wildfires and large scale insect and disease outbreaks because of unhealthy forest conditions.

For years now, we have been trying everything we can to reduce the risk and make our forests safer and more fire resilient. Every time we have tried, we have had the same response: more environmental reviews, more litigation, and more trees that increase instead of reduce the threat to the land around them.

We now have the images to confirm that our concerns were not fairy tales. We were not just speaking as alarmists, but as people faced with a very real threat.

This situation is particularly acute in western forests where more than 60 years of aggressive fire suppression programs have removed fire as a mitigating factor in maintaining forest health. As a result of these well-meaning efforts, many of our forests suffer from an unnatural accumulation of vegetation on the forest floors. Dense undergrowth, combined with increasingly taller layers of intermediate vegetation have turned western forests into deadly time bombs.

Unlike healthy fires of the past that thinned out the underbrush and left the large trees to grow larger, modern wildfires quickly climb the dense vegetation like a ladder until they top out at the uppermost, or crown, level of the forest and race out of control as catastrophic fires. Because of their high speed and intense heat, these ''crown fires'' leave an almost sterile environment in their wake. After a crown fire, nothing is left behind; no trees, no wildlife, and no habitat to speak of—with few microorganisms left to rebuild the soil.

Vegetation manipulation, including timber harvest, is therefore necessary to restore our forests, particularly in the West, to conditions that are more resistant to catastrophic disturbances and that are within acceptable ranges of variability. Scientific studies, including the Sierra Nevada Ecosystem Project, SNEP, report, state that timber harvest is a tool that can be used to enhance overall forest resilience to disturbance. The SNEP report states, for example, that ''logging can serve as a tool to help reduce fire hazard when slash is treated and treatments are maintained.'' If conducted on a large enough scale and in a controlled manner, timber harvests can restore our national forests to a point where fire can be returned as a healthy part of the environment.

However, any proposal that prohibits all forms of commercial timber harvest, regardless of the objective, indiscriminately removes an efficient and valuable tool from land managers for restoring forest conditions to a more resilient and sustainable state.

I am tired of sawmills and timber harvesting being seen as ogres. I had a brainstorming session with employees of Wyoming Sawmills and talked about healthy forests. I found them all to be concerned people who can increase the amount of expertise that is used in forest management and can do it in a way that helps our forest managers save money. These employees showed me what can be done with scrub trees in making innovative composite construction housing materials. I am talking about using small trees and stems that were once considered junk trees and were stacked in the forests and burned.

Using the innovative approach developed by Wyoming Sawmills employees is good stewardship. It would be wrong to accuse them of wanting to clear cut the forests. They know what healthy thinning is, and they know what a forest should look like. They know that their livelihood relies on good practices.

So far we have been lucky in that some of our most dangerous areas in Wyoming have not yet caught fire. One area I am particularly concerned about is just east of Cody on Wyoming's Shoshone National Forest. It lies just next to Yellowstone National Park. It provides crucial habitat to wolves, grizzlies, whooping cranes, elk, bison, mule deer and other animals that spend part of their lives in Yellowstone National Park. The area is also home to a very severe pine beetle infestation that threatens to ignite and cause extreme damage to the park, the forest and surrounding communities.

Other areas in Wyoming have not been as fortunate. I heard a report just a few weeks ago that a number of significant Native American archeological sites no longer exist in Wyoming's Wind River Mountains. When a fire swept through them earlier this year, it didn't just destroy habitat, but it also took some of the last remaining examples of wikiups and wooden sheep traps that were built by Wyoming's Sheepeater Indians. Their handiwork that reflected their place in our history is now gone and only exists in a few pictures that were fortunately taken before the fires swept it all away.

For me, this is an issue that has its roots back in the days when I was a Boy Scout. At the time, I was working on one of the requirements for the rank of First Class that had to be reached if I were to earn my Eagle Scout Award. To be successful, I had to start a campfire with no more than two matches. I got to be very good at starting campfires and was well known for winning

water boiling contests at scout camporees. There are a number of tricks people develop in starting campfires, and I had my own system that helped me win, but no matter who you are or what your trick might be, there are three basic elements to every fire: oxygen, fuel, and heat.

Oxygen comes from the air and is readily available. Fuel is found in the wood, particularly dry wood that burns easily when enough heat is applied. Heat comes from a spark, a match, or possibly just friction. The best way to apply enough heat to start a successful campfire is to properly organize the wood in a way that allows the flames to climb up from the bottom of the firepit where you put the smaller, quick-burning sticks and tinder—to the larger, longer burning logs in much the same way as someone would climb a ladder, one rung at a time.

To start a successful fire, I began by carefully putting my wood shavings at the bottom of the fire—this would be my light tinder or first rung of the fire ladder. I then built a small tee-pee of sticks over my tinder as my second rung, and then added larger and larger sticks until I had my largest pieces of wood on top where they could draw the heat from the flames of the intermediate sticks below them. If I did everything correctly, I could start my fire and get a can of water to boil before anyone else did.

You might wonder what this little story of mine has to do with the current state of our national forests.

If we were to head out into the forest right now, and we took a good look around at the density of the ground all around us, we would see that they are laid out just like the campfires I was trained to build and start when I was a Boy Scout. At the bottom of every forest lies a collection of small, dried-out bushes, leaves and fallen bark. Over this pile of tinder is the next rung of the forest fuels ladder which is made up of small to intermediate trees. These intermediate trees are then crowded in below the larger and older trees that make up the top rung or crown of the forest fuels ladder.

This problem wasn't always as bad as it is now. There was a time when Mother Nature and the Native Americans took care of thinning our forests by regularly starting wildfires. Because the fuel loads weren't allowed to grow as dense as they are today, the fuel ladder didn't reach all the way up to the big trees. Fires would burn up the tinder and thin out the intermediate and dead and dying trees. This promoted biodiversity, kept the intensity of the forests down and, in times of drought the competition for limited water resources was dramatically less than it is today. We now have forests that historically have had 40 or 50 tree stems per acre that are now over 200 stems per acre. This is a 300-percent increase. We aren't able to use widespread fire anymore because of the danger it presents to homes, as you are seeing right now in California.

When a fire starts in forests this dense, it quickly climbs the fuel ladder and races out of control. These crown fires are all but impossible to stop. The heat generated from all rungs burning at once sterilizes the soil and leaves nothing but desolation in its wake. This is only made worse with the added factor of drought. By adding to the mix stands of dead trees that are as dry and volatile as the tinder on the forest floor you can just imagine the threat this kind of fire could have on the forests and their surrounding communities.

It is a much better conservation practice, therefore, to step in and duplicate the effect historic, healthy fires had on our forests by using what is called mechanical thinning. This is a practice where our land management agencies can hire experienced timber companies to remove the dense underbrush and carry out the smaller and intermediate trees, thereby leaving a forest that is healthier, more biodiverse, more fire resilient and with a better mix of older and younger trees.

The alternative is to allow Mother Nature to step in and conduct one of her catastrophic clear cuts, and when Mother Nature does a clear cut, she doesn't respect riparian zones or raptor nesting sites, or homes.

Clearly that is a scenario we must make every effort to prevent.

As we do, just imagine how you would feel if you were here today while your family was back home, living in a house that stood in the shadow of one of those forests that is ready to explode in a blaze of flames.

Unfortunately, you don't have to imagine what that would be like anymore. We have seen what it would be like in the pictures of the fires that continue to threaten southern California.

What we have to do now is work toward a goal we should all support—ensuring no one else has to face another wildfire blazing out of control through their homes and neighborhoods because of a policy we could have but did not change.

Mr. BURNS. Mr. President, I want to speak today about the need to pass the Senate's bipartisan amendment to H.R. 1904, the Healthy Forests Restoration Act.

Today there are over 190 million acres of forests at risk of devastating wildfire. The situation is the result of the general degradation of the health of our forests. This degradation is the direct result of past poor management practices, which have resulted in our forests being more susceptible to disease, insect infestation, and hazardous fuels accumulation. These conditions have resulted in at least 10 years of devastating wildfires and the reality that if we don't do something to address these conditions we will see decades of these devastating fires.

The decision we must be willing to make is to change the direction of management, because from where I am sitting, the current method is just not working, and it has not for the last 30 years.

Most people don't realize how much money we spend every year on litigation. Last year alone, taxpayers spent $21 million just on Forest Service litigation. And that doesn't count all the paperwork and time spent on trying to make every project litigation-proof. We know this process is stuck, and it's inefficient, and we're spending a lot of money foolishly, when we could instead be spending it on the ground improving the health of our forests.

Add to that the dollars we spend on fighting fires every year, which can easily reach into the billions. The costs associated with the suppression of these wildfires reaches into the millions per fire, and the billions annually—the cost is high partly because we have allowed the health of the forests to deteriorate to such poor condition. However, the cost of fire suppression is not the only cost associated with disease, insects, and wildfires. There are equally high costs associated with the loss and damage of wildlife and fishery habitat, clean air, and problems associated with the silting of rivers and streams, loss of critical infrastructure, and the loss of tourism.

We must not let the debate over forest health degrade into a political debate of cutting timber. There are people who simply have an objection to cutting down trees, but I wonder why it's all right to burn them down?

The Forest Service timber sale program is the smallest it has been since the 1940's. We are losing more trees, wildlife habitat, and critical healthy watersheds to fire, disease, and insects than we impact through timber sales. Yet, we continue to stand by and do nothing to stop the destruction.

The environmental community can no longer appeal and litigate every project designed to remove hazardous fuels, treat disease, and eradicate insects under the guise of protecting the habitat of fish and wildlife; yet turn a blind eye on the damage that insects, disease, and fire are doing to these same habitats.

We must provide the Federal land managers with the tools needed to address the extreme conditions of our national forests. We must address the issues associated with delays as a result of appeals and litigation.

We have before us a bill that reflects a bipartisan effort to finally provide the land managers with the necessary tools. It reflects a bipartisan effort to streamline the NEPA process, expedite judicial action, treat the wildland-urban interface along with other high risk areas, and address the urgent need to combat the spread of insects and disease in our forests nationwide.

It is time for this body to set aside partisan politics and stand up to the public's expectation that we act responsibly and quickly pass this legislation. We ought not to disappoint the

public and we ought not to be responsible for continuing to put our national forests at increasing risk.

Mrs. BOXER. Mr. President, this week, as the California wildfires continue to rage, scorching more than 720,000 acres of land, destroying more than 2,600 homes, and taking the lives of at least 20 people, we have learned the costs of not taking the proper steps to protect our vulnerable communities and forests.

Last April, I wrote to the President and asked him to declare three of our southern counties disasters areas due to bark beetle infestation. There were 12 of us from both parties who asked for fuels reduction to ease our dangerous situation. Unfortunately, that disaster designation did not happen.

In July, I introduced a bill with Senator LEAHY, the Forestry and Community Assistance Act, that would have helped protect our forest and communities from wildfires. The bill would have authorized funding for wildfire prevention projects including thinning, cutting of dense underbrush, and prescribed burning.

The Leahy-Boxer bill would have authorized $1.25 billion for wildfire prevention projects on National Forest System lands, $1.25 billion for projects on Bureau of Land Management lands, and $2.5 billion for projects on tribal, private and State lands. The bill would have required that 85 percent of the funds be given to wildfire prevention projects within one-half mile of communities that are at risk for wildfire, and projects that are necessary to protect a municipal water supply system.

That is the bill I wish we were passing today. We are passing a bill that is far weaker, but it is better than the House bill.

It explicitly authorizes projects that protect at-risk communities, watersheds, and lands with insect infestation.

The bill also provides that 50 percent of the funds authorized for wildfire prevention projects be used toward at-risk communities. Unfortunately, my amendment to increase this percentage to 70 percent failed.

Of particular significance to California, the bill directs the Department of Agriculture to conduct a program encouraging systematic information gathering on insect pests that have caused large-scale damage to forests, including the bark beetle.

Also, I am pleased that the Senate passed my amendment requiring the National Institute for Occupational Safety and Health, NIOSH, to monitor the long-term health conditions of firefighters who fought in my area declared a Federal disaster.

I am also pleased the Senate passed my amendment requiring that the Environmental Protection Agency, EPA, monitor the emission of hazardous pollutants in the air in disaster areas. The provision requires that the EPA accomplish this by providing each of its regional offices with a mobile air pollution monitoring network, and publish its findings on EPA's website daily until the danger has subsided.

This bill could have been made better if we had passed several amendments that I supported. These included: a Bingaman amendment to allow the Forest Service to borrow funds from the General Treasury for firefighting once its funds have been expended. Currently, once the Forest service depletes its funds, it must borrow from other accounts within the Forest Service's budget to pay for firefighting; the Murray amendment to ensure old growth trees on all lands are protected; the Cantwell amendment to require that in undertaking efforts to prevent wildfires, all possible alternatives be considered; and the Harkin amendment to sunset the legislation after 5 years, allowing Congress to review how well the program is doing.

Despite the fact that I wanted a stronger bill, I have decided to support the bill before us, because, while not perfect, it will help make our communities safer.

Mr. BAUCUS. Mr. President, Senator MCCAIN and I intended to offer an amendment to H.R. 1904 to establish a permanent revolving fund to address the annual problem of funding emergency fire suppression needs—a problem that essentially robs funds from the very fuel reduction projects H.R. 1904 is designed to promote.

When I was in Montana this summer, I visited with some of the firefighting teams near Glacier National Park. It was absolutely amazing to see the organization and coordination that goes into fighting these fires. We had folks from Federal, State, and local agencies and local volunteer fire departments; local loggers; teams from Australia and New Zealand; and private contractors all working together to protect lives and property.

I can't tell you how impressed and overwhelmed I was by the dedication and professionalism of the firefighters on the ground. These first-rate men and women earned the deep respect and gratitude of the residents of many Montana cities and towns, particularly in West Glacier. I know that my colleagues saw much the same thing in their states, and we are all seeing it now in California.

But, this extraordinary and superior fire-fighting effort costs money—$305 million spent in Montana alone this year to fight the fires that blanketed my state. And as is too often the case, the Forest Service and Bureau of Land Management were once again strapped for fire suppression funds during extreme fire conditions. They had to borrow from other program funds to get the job done in Montana and other states this summer.

The Forest Service and Department of Interior borrowed $860 million last fiscal year to pay fire suppression costs. While recent supplemental funding for the agencies will repay some of these accounts, the agencies will still be short $170 million. Some Forest Service accounts will not be repaid, including accounts to rehabilitate burned areas. This is enormously counterproductive. And, it wastes scarce federal resources. This state of affairs cannot continue.

We have to be smarter about managing this situation in the future. Since we can't accurately predict wildfire suppression needs each year when we provide for appropriations, we need a special funding strategy to account for extreme fire years. The alternative is extreme disruption to Forest Service and Interior budgets and day-to-day responsibilities, important work deferred or canceled, and jobs lost.

Senator MCCAIN and I believe we have a responsible solution that is a fair, reasoned, and balanced approach to the problem. It's time we all faced up to our responsibilities to provide adequate and stable funding to the Forest Service and Interior for fire suppression efforts, while ensuring minimal disruption to their current programs and projects and encouraging these agencies to keep their costs under control.

However, Senator MCCAIN and I will not offer our amendment because Senator CRAIG and others have agreed to work with us, and with Senator BINGAMAN, to find a solution to this problem as soon as possible. I would like to see H.R. 1904 pass quickly, and I have no interest in delay. I appreciate Senator CRAIG's recognition of the problem and commitment to address it.

Mr. MCCAIN. I commend Senator BINGAMAN for his thorough analysis of the budgetary impediments to effective federal action to protect communities and our public forest lands from catastrophic wildfire. I am in agreement with many of the points that he makes because of what I have learned from numerous people in Arizona who have extensive hands-on experience with forest management and wildfire issues.

With the compromise reached on Title I of 1904, we struggled to find common ground in our understanding of the nature of the problem in each of our states. However, the budget issues and inadequacy of funding that Senator BINGAMAN has discussed has not been addressed in this legislation. The practice of borrowing program funds to fight wildfires will continue to undermine our efforts to increase protection of communities in the wildland-urban interface and enhance forest health on at-risk public lands.

Everyone involved in these endeavors at the federal, state, and local levels agrees that bankrupting essential program activities until they can be replenished at a later time with a supplemental is self-defeating. There is no disagreement on this score, it's simply a matter of putting the right funding mechanism in place to accomplish the objective of preserving the integrity of the forest land management agencies' programs.

It is my understanding that Senator CRAIG and Senator BINGAMAN have

come to an agreement that the Senate Energy and Natural Resources Committee will carefully consider this issue early next year. I look forward to following these proceedings to develop effective measures to ensure that the federal agencies have adequate resources to maintain essential program activities as well as fighting wildfires that occur with increasing frequency. I thank my colleagues for their commitment to addressing this widely recognized budgeting problem to allow our mutual community protection and forest restoration objectives to be achieved.

Mr. CRAIG. As I told Senator BINGAMAN, I agree that this is a serious issue and I have been working hard on resolving the problem myself. I appreciate the concerns of Senator BAUCUS and MCCAIN and thank them for not offering their amendment. This issue will be my top priority once we finish the healthy forests bill. I pledge to work with Senator BAUCUS, Senator MCCAIN and the Chairmen and Ranking Members of all the relevant committees to find a workable solution.

Mr. BURNS. I join my colleagues in noting the magnitude and urgency of this issue. As chairman of the Interior Appropriations Subcommittee, which funds wildland firefighting, I know firsthand how disruptive this borrowing cycle can be on federal agencies. Public lands states like my home State of Montana are at risk for both ends of the fire disaster when accounts are not repaid quickly. As we work toward a solution, I believe it is important that we work with the Administration and the relevant Congressional Committees such as the Budget Committee. We should also address the very real concern that firefighting costs continue to escalate year after year. Congress needs to better understand why costs per acre continue to rise and how we can reverse that cycle. Efforts by the Wildland Fire Leadership Council and their current review of firefighting costs can help us with this challenge and we can use their knowledge as a foundation for our future policy decisions.

Mr. DORGAN. Mr. President, I agree with the chairman of the Interior appropriations subcommittee, Senator BURNS, that this yearly problem of borrowing and paying back must be addressed. Those discussions need to include the relevant authorizing committees, the Budget Committee, and, of sources, the Appropriations Committee. As the Ranking Member of the Interior subcommittee, I would be pleased to work with my colleagues any way that I can.

Mr. BAUCUS. I thank all of my colleagues for their commitment to this issue.

Mr. COCHRAN. Mr. President, I thank all Senators who worked hard to put this bill together. They have all been mentioned by each other a number of times. I am grateful for everybody's contribution to this effort. It has truly been a joint effort on both sides of the aisle, across committee lines, across regional lines, and for that I am very grateful. I think we can all be proud of the work the Senate has done this evening.

I also have to mention the work of our staff members. Our great staff includes Hunt Shipman, who is staff director in the Agriculture Committee, and the following staff members who worked hard on this project: Lance Kotschwar, West Higginbotham, Doug MacCleery, Graham Harper, Dave Johnson, as well as the staff of the Senate Energy Committee under the chairmanship of Senator DOMENICI.

I hope all Senators will support the final passage of the bill.

I ask for third reading of the bill.

The PRESIDING OFFICER. The question is agreeing to the committee amendment in the nature of a substitute.

The committee amendment was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the committee amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

Mr. COCHRAN. Mr. President, I ask for the yeas and nays on final passage of the bill.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The bill having been read the third time, the question is, Shall the bill pass?

The clerk will call the roll.

Mr. MCCONNELL. I announce that the Senator from Alabama (Mr. SHELBY) 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 80, nays 14, as follows:

[Rollcall Vote No. 428 Leg.]

YEAS—80

Akaka	Bunning	Corzine
Alexander	Burns	Craig
Allard	Byrd	Crapo
Allen	Campbell	Daschle
Baucus	Chafee	Dayton
Bennett	Chambliss	DeWine
Bingaman	Cochran	Dole
Bond	Coleman	Domenici
Boxer	Collins	Dorgan
Breaux	Conrad	Ensign
Brownback	Cornyn	Enzi
Feingold	Landrieu	Roberts
Feinstein	Lautenberg	Santorum
Fitzgerald	Levin	Sarbanes
Frist	Lincoln	Sessions
Graham (FL)	Lott	Smith
Graham (SC)	Lugar	Snowe
Grassley	McCain	Specter
Gregg	McConnell	Stabenow
Hagel	Mikulski	Stevens
Hatch	Miller	Sununu
Hutchison	Murkowski	Talent
Inhofe	Murray	Thomas
Inouye	Nelson (FL)	Voinovich
Johnson	Nickles	Warner
Kohl	Pryor	Wyden
Kyl	Reid	

NAYS—14

Bayh	Dodd	Leahy
Biden	Durbin	Reed
Cantwell	Harkin	Rockefeller
Carper	Jeffords	Schumer
Clinton	Kennedy	

NOT VOTING—6

Edwards	Kerry	Nelson (NE)
Hollings	Lieberman	Shelby

The bill (H.R. 1904), as amended, was passed.

The bill will be printed in a future edition of the RECORD.

Mr. COCHRAN. I move to reconsider the vote by which the bill was passed.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Without objection, the amendment to the title is agreed to.

The title was amended so as to read:

An Act to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to conduct hazardous fuels 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.

Mr. MCCONNELL. Madam President, I move to reconsider.

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

The motion to lay on the table was agreed to.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2004—Resumed

The PRESIDING OFFICER. The clerk will report the pending business.

The assistant legislative clerk read as follows:

A bill (H.R. 2800) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes.

Pending:

DeWine amendment No. 1966, to increase assistance to combat HIV/AIDS.

McConnell amendment No. 1970, to express the sense of the Senate on Burma.

Feinstein amendment No. 1977, to clarify the definition of HIV/AIDS prevention for purposes of providing funds for therapeutic medical care.

The PRESIDING OFFICER. The Senator from Kentucky.