



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 104th CONGRESS, SECOND SESSION

Vol. 142

WASHINGTON, THURSDAY, MARCH 14, 1996

No. 35

Senate

(Legislative day of Wednesday, March 13, 1996)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, whose chosen dwelling is the mind that is completely open to You and the heart that is unreservedly responsive to You, we thank You that our desire to find You is because You have already found us. Our prayers are not to get Your attention, but because You have our attention. You always are beforehand with us with prevent, providential initiative. Our longing to know Your will is because You have wisdom and guidance prepared to impart to us. You place before us people and their problems and potentials because You want to bless them through our prayers for them and what You want us to do and say to encourage and uplift them.

The challenges before us today dilate our mind's eye because You have solutions ready to unfold and implement through us. You consistently know what we need before we ask You. Keep our minds riveted on You and our wills responsive to Your direction. We do want Your best in everything for our beloved Nation. Bless the Senators and all who work with them as they seek to keep America good, so that she may continue to be great for Your glory. In Your holy name, Father. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader, Senator LOTT, is recognized.

SCHEDULE

Mr. LOTT. Thank you, Mr. President. For the information of our colleagues,

today the Senate will immediately resume consideration of H.R. 3019, the continuing resolution appropriations bill. Under the order that was agreed to, Senator MURRAY of Washington will offer the timber amendment under a 2½ hour time limitation. As a reminder, the Senate will begin 30 minutes of debate regarding the White-water resolution at 1:30 p.m. today, with a cloture vote on a motion to proceed to that resolution occurring at 2 p.m. Senators, therefore, can expect there will be recorded votes throughout the day, and we hope to complete action on the continuing resolution today if at all possible.

I urge my colleagues to take a serious look at the time we have spent on this omnibus appropriations bill. We have been on it since Monday. We really do need to go forward with this legislation. We have a large number of amendments pending on both sides of the aisle. I hope that Senators who are really serious about going forward with amendments will let us know soon. I intend to work with the Democratic leader to see if we cannot begin to get some understanding of what amendments will be offered.

I plead with my colleagues, let us get this work done. Also, we want to do it but we are going to have to do something a lot different than we have been doing or we will not be able to complete this until next week.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. CAMPBELL). Under the previous order, leadership time is reserved.

BALANCED BUDGET DOWNPAYMENT ACT, II

The PRESIDING OFFICER. The Chair lays before the Senate H.R. 3019, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 3019) making appropriations for fiscal year 1996 to make a further downpayment toward a balanced budget, and for other purposes

The Senate resumed consideration of the bill.

Pending:

(1) Hatfield modified amendment No. 3466, in the nature of a substitute.

(2) Lautenberg amendment No. 3482 (to amendment No. 3466) to provide funding for programs necessary to maintain essential environmental protection.

(3) Grams amendment No. 3492 (to amendment No. 3466) to establish a lockbox for deficit reduction and revenues generated by tax cuts.

The PRESIDING OFFICER. Under the previous order, the Senator from Washington, [Mrs. MURRAY] is recognized to offer an amendment dealing with timber sales, on which there will be 2½ hours equally divided.

The Senator from Washington is recognized.

AMENDMENT NO. 3493 TO AMENDMENT NO. 3466

(Purpose: To repeal the emergency salvage timber sale program)

Mrs. MURRAY. 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 Washington [Mrs. MURRAY], for herself, Mr. LEAHY, Mr. BAUCUS, Mr. BUMPERS, Mrs. FEINSTEIN, Mr. BRADLEY, Ms. MOSELEY-BRAUN, and Mrs. BOXER, proposes an amendment numbered 3493 to amendment No. 3466.

Mrs. MURRAY. 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 text of the amendment is printed in today's RECORD under "Amendments Submitted.")

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



Printed on recycled paper.

S2005

The PRESIDING OFFICER. The Senator is recognized.

Mrs. MURRAY. Mr. President, I rise today to make a case for a common-sense, responsible forest policy. Today, I want to plead with my colleagues to fix a mistake that this Congress made last year and put in place a long-term plan to restore the lawful expeditious salvage of dead and dying timber in our Nation's forests.

Today, our national forests are at the center of extreme controversy. My constituents are angry and many believe that the salvage rider from last year went way too far. It is very critical that we address this situation now.

Let me remind my colleagues about the course of forest policy in these past few years. I will spend most of my time discussing the Pacific Northwest, because that is where much of the forest controversy is right now about salvage timber and it is where it is currently focused.

When I came into office in 1992, the national forests of the Northwest were locked up, they were closed to timber management because the agency had not followed the environmental laws of this Nation. The courts prohibited the agency from selling trees, and Congress was gridlocked. Nothing was moving, and there was war in the woods. Rural communities were hurting, and environmentalists were winning in the courts of law and in the courts of public opinion because the public saw mountainsides ravaged and felt betrayed.

President Clinton held a forest conference early in 1993, listened to all sides and eventually endorsed a plan developed by scientists for the Forest Service and the Bureau of Land Management that would provide a sustainable flow of timber while protecting species diversity, watersheds, and other important values.

Few people liked the plan, I will admit, but, once again, the forests were finally open for science-based timber harvests.

Unfortunately, the timber sales program established under the Northwest forest plan has not produced the volumes many of us had hoped that it would. I, like my opponents, am very frustrated that the Forest Service has been unable to produce a timber-sale level even close to what scientists believe is sustainable under the President's forest plan.

Near the end of 1994, delays under the forest plan, combined with a rash of forest fires in the inland West, brought frustration to a boiling point. But instead of working within the plan or trying to reach a compromise on a reasonable approach to salvage logging, this Congress lowered the boom. The rider that passed last year suspended environmental safeguards, it cut the public out of Government decisions, and, under subsequent court rulings, mandated unscientific timber sales.

This rider may have sped up the flow of timber to mills marginally, but it

also has sparked a war in the woods in my State and my region. Like so many other environmental proposals pushed by this Congress, it just went too far. I, too, want the President's forest plan to deliver and I, too, want dead timber to be salvaged from our Nation's forests. The big difference between my approach today and my opponents is how we move forward. Do we allow the public to be involved? Do we give agencies discretion to follow the law? Do we provide 1-year fixes or establish a long-term approach?

I believe that we can salvage trees quickly while still allowing public involvement in sales that comply fully with the laws.

I want to take the time to explain my amendment.

The first title simply repeals the timber rider whose consequences shocked so many people. How many Senators envisioned this kind of sale when we discussed timber salvaging dead trees, this kind of sale where the result is a tremendous damage to our ecosystem, to our salmon, to our fish, to the wildlife, where we cut without regard to what happens to the environment or what happens to the timber around it? We cause slides, we cause backups, we cause flooding, and we cause tremendous damage to many of our timber areas and to the salmon and the fish that depend so much on it.

How many of my colleagues, when we voted last year, thought that we would see a sale like this?

My friends, this picture is of a tree that was cut down under the rider from last year. This tree is well over 250 years old. This tree is older than the Constitution of the United States of America. We hear so much today about the fact that we need to take care of our children and our grandchildren, that we want something there for them in the future. This tree will not be replaced for my grandchildren, my great-grandchildren, or my great, great-grandchildren.

This is what we did when we passed the rider last year. This is not the type of sale that the public believes should be exempt from scrutiny or statutory safeguards.

The second provision of this title addresses how we fix the mess we have made. Even the senior Senators from Washington and Oregon admit that mistakes were made. They agree that the administration needs some flexibility to right the wrongs brought about by these old-growth sales. Unfortunately, the approach they take in this bill does not solve the problem. It allows the Secretaries to negotiate with purchasers for alternative volume, but then it gives the purchasers the final say. Furthermore, it allows buyback of these harmful sales, but only using funds other than timber sales money; apparently, watershed restoration money, trails money, and wildlife funds. I do not agree with that approach.

In contrast, my approach provides the administration and the purchaser

equal negotiating position but gives the Secretary the final say. It establishes that the priority should be alternative volume. However, if that is unavailable, the Secretary has a whole package of tools available to assist the purchaser. He can offer cash, bidding credits, loan forgiveness, or any other available option under current law.

The final provision of this title addresses the problem of salvage timber sales throughout the country. Under the timber rider passed last year, the agencies were not required to follow environmental laws and their decisions were not subject to administrative appeal or substantive legal challenge. The public, you and I, were cut out of the process. While I believe that the vast majority of sales comply with environmental laws, as the administration promised they would, some of the salvage sales likely would not withstand administrative or judicial scrutiny.

Some people have raised concerns that my amendment will allow frivolous appeals to gridlock reasonable agency decisions to award timber sale contracts.

Let me be very clear; this is not the case at all. My amendment allows judicial review of awarded sales and gives a judge discretion to provide injunctive relief when necessary. The goal is twofold: First, to allow one check on sales that have received no checks at all, and second, to allow legally awarded sales to move forward.

Title II, I admit, is a bit parochial. As I complained about earlier, we simply must make the Northwest forest plan work. The way we make it work is to get the scientific underpinnings in place by finishing the watershed analyses as soon as possible. In this amendment, we direct the agencies to expedite sales under the plan and use available funds first and road construction funds as a backup to complete these important watershed analyses.

The Northwest forest plan has to work. We have too much riding on it. Both the States of Washington and Oregon and many private companies either have developed or are in the process of developing habitat conservation plans to protect threatened and endangered species. These State and private lands supply the vast majority of timber available for harvest in Washington State. Without a sound Federal policy underpinning, these HCP's may no longer provide sufficient habitat protection. This will put our timber workers and our communities in jeopardy once again.

Title III of my amendment is the most comprehensive. It is a section that sets forth in a number of ways, I believe, that reasonable timber salvage can be expedited on Federal lands without cutting people out of the process. Unlike the rider from last year, it limits the definition of "salvage" to true salvage: dead and dying trees. It establishes an expedited process for getting at those trees because the trees are

dead or dying, so they must be harvested quickly in order to get any economic value from them.

Maybe it is our puritan heritage, but most Americans do not like to see deadwood going to waste. Why not get some economic value out of the devastation caused by wildfires or insect epidemics or blowdowns? I agree and I try to expedite that often cumbersome process.

Both the timber interests and conservationists have criticized this title. That tells me I must be in the middle. Some people say it will establish a whole new bureaucracy. That is not correct.

One provision does require agencies to work together to shorten the time required for consultation under the Endangered Species Act. At first, I wanted to codify the memorandum of understanding that is working in the Pacific Northwest to reduce the amount of time it takes for the regulatory agencies to approve Forest Service and BLM sales. However, that document is quite cumbersome, so I simply adopted the streamlined consultation methods that it contained. In other words, this system is already in place. It was put there to expedite salvage under the timber rider, and it is working.

Timber interests are also concerned that this more limited definition of salvage is unscientific and alters current law. I have two answers for that. First, the current definition, whose eligibility requirements include such sweeping phrases as trees "imminently susceptible to fire or insect attack" is too broad for the widespread use to which salvage sales are now being offered. A few years ago the Forest Service had a very small timber salvage program and, because of its relatively small scale, was not under public scrutiny.

Second, while my definition is narrower, it does not prohibit the use of the other definition. That is an important point. My bill does not limit the agencies' ability to perform salvage under the older definition.

What my bill does is this: It says, where we need to get in to harvest timber quickly because it will lose its economic value if we do not, we need expedited procedures. On the other hand, in situations where the timber is not dead or rotting, the agencies can take the longer route of compliance with lengthier documents and lengthier appeals. The old salvage program would be better suited to forest rehabilitation activities such as thinning of overstock stands or establishing multilayered canopies to mimic old-growth forests.

Some people have expressed concern that the new NEPA regulations will not be completed for at least a year. That is true. However, I want to emphasize that we are putting in place a new long-term policy to allow salvage logging. The agencies and the Council on Environmental Quality will develop that process within a year, which is very fast for the Federal bureaucracy,

and it will remain in place as long as this Congress wishes it to be there.

Let me turn to the issues raised by conservationists. They are greatly concerned about the "salvage" definition contained in the old rider that we passed last year because it is too broad and it encompasses virtually any standing tree. They want only dead trees to be cut, and they do not want any new roads to be built.

My amendment narrows the definition to focus directly on dead trees and minimizes the risks of subjecting healthy trees to harvest under the moniker of "salvage." In addition, my amendment limits new road construction under the salvage program to quarter-mile spurs. My definition does not go nearly as far as they wanted, but it does represent a responsible, sensible compromise.

They want all sales prohibited if arson is committed and believe the burden of proving someone committed arson to create a salvage sale is too onerous. They want this bill's expedited provisions to apply to sales located outside of any wilderness areas, not just those wilderness areas in which timber harvest is currently precluded.

Others expressed reservations about the provision that gives the agency more discretion to provide guidelines for purchasers regarding tree marking. They believe that too many trees are mismarked, and they do not trust the agency to develop reasonable guidelines. However, my language comes directly from feedback received by people on the ground that I talked with, and it is designed to save time in laying out these sales.

Some environmentalists have raised concerns about provisions limiting the time to appeal sales. They feel their rights have already been reduced by the provisions included in the 1992 appropriations bill establishing a time of 45 days. My amendment reduces it to 30 days.

My theory was that the bill gives the public more access up front in the process by allowing them to participate in interdisciplinary team meetings. They will then hear agency experts discussing timber sales and may be better able to suggest helpful changes early, thus reducing the likelihood of bad sales and the need to appeal at all. Again, this is a reasonable approach.

The amendment facilitates up-front public involvement, public involvement in a second way. It waives some Federal Advisory Committee Act requirements if the agency feels public involvement would be facilitated by doing so. As we saw in the Applegate project in Oregon, FACA thwarted a particularly useful community-based effort to manage resources. Where communities can resolve these thorny natural resource issues, I want to do everything I can to endorse and encourage those solutions.

Finally, conservationists are nervous about the increased flexibility allowed under the pilot program for steward-

ship contracts. Senators MACK and BAUCUS and Representative PAT WILLIAMS introduced legislation this session that encourages this type of contracting that allows the agency's flexibility to design sales to foster stewardship goals, rather than necessarily producing a high financial return to the Treasury.

I have spoken to timber workers, and they believe this program holds great promise. I share their enthusiasm, and I am certain it can be implemented in a constructive and beneficial way for our workers.

Let me conclude this with a note about the final title that is simply an effort to increase our knowledge about forest health and healthy timber stands. This title is primarily directed at tree health. As conservationists have repeatedly pointed out to me as I discussed this topic, forest health is not just about tree health; it is about watersheds and soils and other vegetation, wildlife, and a whole host of non-commodities. I agree. However, I also agree that in some areas of our Nation, our timber stands are unhealthy. We need to use science to figure out a way to help restore them.

This title asks the agencies to identify unhealthy stands and prioritize those that would benefit from rehabilitation. I know that Senator CRAIG and others, including Senator DASCHLE, have been very interested in this approach. The bill directs the agencies to prioritize areas based on their health, their ease of access, and their probability of arousing controversy. Why not rehabilitate areas that we can most easily reach with the least amount of outcry and treat those first?

Finally, the bill concludes with a study recommended in Senator BRADLEY's timber salvage repeal bill. It directs the National Academy of Sciences to study the ecological health of forests. It should provide us information with which, if necessary, we can modify our approach to forest health in the years to come.

This has been a rather lengthy explanation of my amendment. However, I think it is important to discuss so that my colleagues can understand the reasons for the decisions I made in this amendment. This amendment is not perfect, but it does provide us with a real opportunity to do the things that the vast majority of Americans can agree on. We should harvest dead and dying timber quickly on our national forests while giving people—people—the power to influence agency decisions.

It is also critical to point out that this bill is not a referendum on how the administration has handled this issue. Opponents are going to argue that the administration has changed its position or sent us mixed signals. This is not about the executive branch. This amendment is about people.

Under the rider, Federal agencies are out in the woods running timber sales with little or no accountability. Under

the rider that we passed last year, ordinary citizens—you and I—have little or no ability to influence Government decisions. Under that rider, timber communities have once again been dragged into a political storm. My amendment puts the public—us—back in the process and implements a long-term salvage program.

Mr. President, this Congress reignited a war in the woods in the Pacific Northwest and elsewhere. The rider passed last year was legislative overkill on the environment. I do not want to have to face my constituents and tell them that this Congress did not want them involved in management decisions about the forests they own. I want my constituents to know they have a place in our Government and in our forests. Likewise, I want our timber communities and families to know that we value the services that they provide to this Nation.

They have borne a lot of criticism for supplying us with wood and paper products. That criticism is shortsighted and hypocritical. I want to make it very clear: One of the messages of this amendment is that timber salvage is good if it is done correctly and wisely. It is a beneficial activity that should be encouraged where it is scientifically sound. We should stop the pendulum from swinging so wildly—from no cutting to no accountability.

Mr. President, through this amendment we can show the American people that this Congress can pass a piece of legislation that gives neither side everything but both sides something. I urge my colleagues to support this amendment that repeals the timber rider and replaces it with reasonable, a long-term, expedited timber salvage program providing commodities for this country and protection for our forests.

One more note, Mr. President. This amendment is fully paid for from Forest Service accounts. I urge my colleagues to support this amendment. I withhold the balance of my time.

Mr. HATFIELD. Mr. President, first of all, I commend my colleague for her keen interest and her willingness to become involved in one of the great issues that confronts the Pacific Northwest—not only the Pacific Northwest, but the entire country, and not just for the entire country, but now something that is an issue that is worldwide.

I want to just say briefly that we get ourselves oftentimes so focused on our own geographic focus of interest, we sometimes forget the impact of policies that affect the entire world. A group of us went to Siberia to see the timber situation in Siberia this last August and to review the cutting policies of that part of the world. Due to the stalemate and the gridlock in the Northwest, which has succeeded pretty much in eliminating this Northwestern part of the United States which is, worldwide, the greatest productive area for softwood timber in the world,

effectively eliminating it from the area of supply for one of the great demands in our own country, housing—housing for many people: poor, middle income, rich, everybody. The only product for housing that really is a renewable product that is grown by free solar energy and that can be replaced and renewed, renewed, and renewed, as it is a thesis of our whole timber policy, is a renewable resource.

Let me just say that we are, today, witnessing what I call a modern type of environmental imperialism, much the same as the 18th and 19th century imperialism of Britain and the European powers. For what we have not found available, in part due to our own policies on the home front, we are going to the rest of the world, to exploit the rest of the world—the rest of the world that has no policies in place.

Siberia has a great hunger for hard cash. Let me just say that this is a reality. We have 10 small mills in the Northwest consortium, and in the 10 small mills—6 from the State of Oregon—they have gone in to make purchases of Siberian timber because of our own lack of supply. In Siberia, there is a multiplier of 15. What we can produce in the Northwest on 100,000 acres takes 1.5 million acres of timber in Siberia—1.5 million.

It seems to me that we have to begin to lift our eyes to not only the environmental needs of our own area within this country, and in this country on this continent, but also the whole world.

The same is happening in South America. The demand has not been met in our own country, and, as a consequence, we are looking to other markets in South America. Again, let me emphasize, even our Canadian friends have not fully implemented a national timber policy governing the way in which timber is managed in Canada. The pressure is on Canada. Our 13 Southern pine States, mostly made up of small wood lots, are stripping their lands to meet the supply.

That is just one facet of what we do here and its environmental impact on the rest of the world. I think the day has come when we have to take seriously the right of the United States to go to the rest of the world and exploit and extrapolate their raw materials to feed our own need here domestically.

Now, I think also that it is very important to recognize that these pictures that we see absolutely chill my blood—about the same as if I went to a slaughterhouse to watch sausage being made would chill my blood. But I still like sausage. I am a tree planter. I do not know how many people in this Chamber planted trees. I have planted 1,800 of them on 5 acres of seedlings. I do not like to see the process of providing us housing material or beautiful paneled walls in our offices, and the other myriad of ways in which we use the timber product. And I think, also, our history is very, very limited.

We have had some floods in the Pacific Northwest. There are those who

are trying to say those floods were tied directly to timber harvests. I think in some areas that is true. But to say that the floods were created solely, or exclusively, or in the main by this is not historically accurate. The greatest flood we had was in 1891. We were not doing much timbering in 1891 in my State, nor I do not think in the State of Washington either.

We also have a short history when, in World War II, the National Government said, "We have to have timber for the war effort, and we are not using our Federal timber. We are asking the private timber landowners to produce the timber now for the cause of the war, and we will replace it from Federal timber after the war." That is an important factor in this history of timber in our Pacific Northwest. A lot of people like to go around and say, "Look how they have stripped the land of the timber." That was because we had locked up our own Federal land timber and, for the sake of the war effort, calling on people's patriotism to strip their land for that timber because it was faster to be gathered and cut, rather than having to wait to build roads into the Federal area.

I want to now just recall something in 1989. That is not that long ago. In 1989, Mr. President, Speaker Foley, Congressman Les AuCoin, and I called a timber summit to face the problem we had at that time of a shutdown of our Federal forests for any timber harvesting. In 1989. It is very interesting because in July 1989 the Ancient Forest Alliance, a coalition of environmental groups, proposed their own short-term timber supply solution. What did the Ancient Forest Alliance propose? They proposed a 9.6 billion board feet harvest—a 9.6 billion board feet harvest in 1989 and 1990, a 2-year period. That was to take place on the Federal forest lands and the BLM lands in Oregon and Washington alone.

They had other parts to their proposal, such as minimizing the fragmentation of old growth using the Forest Service definition and PNW-447, or regional guide, and protecting the spotted owl. These were all components. But can you imagine a 9.6 billion board feet proposed cut from the Ancient Forest Alliance?

History changes. And this is obviously another example of change. But let us keep a continuity of that history, and let us look at all parts of that history, and let us remember that at that particular time we had just left the period when the so-called ASQ, the allowable cut, was 5.3 billion board feet annually from the Pacific North region, never having reached that level of cutting; the highest was 4.8. But that has changed, too.

Now, let us be very straightforward and historically correct on this. No one should be surprised about the rider. The administration negotiated every dot and every comma in that rider, fully cognizant of its meaning and fully understanding of what it proposed to

do and what it proposed not to do. It was a rider to what? An administration bill, a rescissions package. The administration, let us face it, had a higher value on getting the votes for that rescissions package than they did at that moment in negotiating a rider on timber. That is a fact, too. I was one of the negotiators.

So for people to say somewhat that this is a great surprise, that all of a sudden we opened it up and here was the fine print, that is not true. Everybody that was involved in that, including the administration, understood precisely what it said in that.

Now intervene the next step: A Federal district judge and a suit that he had to rule on relating to his interpretation of this rider. Now, when it is said that Senator GORTON and I found that it was not the best rider or the best effort we could have made, or whatever, it was the intervening interpretation by a Federal district judge that caused anybody and everybody who understood what the rider was and that it had gone too far.

Now, let me say that the administration then began to discuss and negotiate a modification to this rider. They asked for five points. First of all, before I give the five points, what are we talking about? We are talking about contracts that had been negotiated in the past on the basis of the forest procedures, on the basis of all of the in-place regulations. Nobody has done this in the dark. All of those were fully operative and negotiated, and they were fully publicized, as all timber sales are. In other words, we moved down not to the subject of timber sale, but to the right of contract.

Three points of contract: Offer, consideration, and acceptance. I learned that in my one and only year of law school. My colleague graduated; I did not. So we are talking about a legal instrument that is fully enforceable under our American jurisprudence system. Consequently, we are talking about a contract. When they say, "Well, any substitute sale has to be agreed to by both parties," of course, you cannot violate a contract. Two parties had entered the contract, and if you are going to modify that contract, you have to have the two parties agree to the modification. This is not anything strange or weighted in the favor of one side or the other. It is a fundamental law of contracts. So we have these contracts, or a \$150 million value of contracts, that the Federal Government entered into in good faith, and the buyer, in good faith, with consideration.

OK. What were these points then? The administration said, "Your language is too narrow, as it has been interpreted," and so forth. The language was, in effect, and I want to quote it:

The administration has the ability to offer replacement for those areas where a marbled murrelet is known to be nesting.

Oh, did we have long discussions with the White House on how do you define

the presence of a marbled murrelet. They are reclusive kind of birds. If you find an eggshell, is that sufficient evidence? If you heard one fly over? So we said, "nesting." And we said the replacement for those areas and those sales, if you found a marbled murrelet nesting, could then be set aside and replaced in like kind as a substitute sale. They said those were restrictions that they felt could not produce the best environmentally sound replacement policy. Two points: Expanded beyond the marbled murrelet, and do not make it replacement sale in kind. That would require an old growth, or no growth, or second growth, or whatever.

So, consequently, we lifted both of those out of the rider modification. In effect, we said, for any reason that you feel it would be environmentally unsound to pursue a sale, set it aside, and you do not have to replace it in kind. Replace it in volume with a mutual agreement because there were two parties to this contract.

We have no other way to do this except to legislate it and invalidate an existing contract. I do not think the Congress wants to get into that business.

All right. Those were two issues that we cleared up.

Then they said, "Well, there are times when, perhaps, we do not want to have a substitute sale. We would like to have a buyout of the contract," which is always possible under contract, any contract. So we said, "All right. Have a buyout." There is a little question as to where we are going to get the money for the buyout. But the point is, we would give them authorization for a buyout and work with the administration. As chairman of the Appropriations Committee, I have a little flexibility to do things of this kind, to make commitments. We will find ways to help finance an agreed financing system for the buyout. Then they said, "Put a date of December 1996 as to when all of this has to be accomplished." That might rush us into premature cutting in order to meet a deadline. So it took a deadline off.

The last thing they asked for was a repeal on the sufficiency language, which is a red light, a red herring, or a bell in the minds of most environmental groups. But based on history and based on the record, there were people who were filing an injunction on every single timber sale to tie up every timber sale whether it had an environmental issue or not an environmental issue. We had the woods being run by lawsuits or locked up by lawsuits.

So the sufficiency language which we used in other cases, in other laws in this Congress and in this Government—wait until Superfund comes out. There will be sufficiency language in that. That is OK because that is against corporations who use the courts to stall their responsibilities to clean up. I will support it. I think it is a legitimate instrument if used carefully, and the record will show that there is plenty of

evidence why sufficiency was going to have to be the implementation on this.

By the way, it went clear through the court system from the district to the ninth circuit to the Supreme Court, and the Supreme Court sent back the ruling, the ninth circuit having invalidated section 318 when the first sufficiency language appeared, and, in effect, said, "Leave the management of the forest to the experts," and unanimously overruled the district court and the ninth circuit court. Of course, the ninth circuit court has a great record of being overruled. It is probably overruled more than any other circuit at certain times.

But the point is simply this. That was very legitimate. So four of the five—but listen to what we did with the four. You do not need sufficiency from the standpoint of the administration, or administering the forest, because it said for any reason you want to indicate that you do not feel a contract should be implemented, do not implement it. Have a substitution or a buyout—all power.

Let me make an observation. If the administration's position now is one of surprise, or they did not realize what they were signing and they want it repealed, let them talk to their foresters, their experts, and not to the pollsters and the political counsel at the White House. This is not a forestry issue, Mr. President. This is purely a political issue. And they need to repair that base of their support in the environmental community, and this is the only way the environmentalists say it: Do it this way, our way, or we will go out there and trash it. And they have already been doing that, when this first came about.

So, this is not a forestry or an environmental problem. This is a political problem being put into environmental wraps for the sake of the political election cycle we are in. They knew every inch of the way and every word of the rider, and now they are trying to get out from under it. By the same token, we have given them all the leeway, all of the flexibility necessary to cancel any sale by a buyout, or a negotiated replacement.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. Who yields time?

The Senator from Washington.

Mrs. MURRAY. Mr. President, I yield 20 minutes to the Senator from Oregon.

The PRESIDING OFFICER. The Senator from Oregon, [Mr. WYDEN] is recognized for 20 minutes.

Mr. WYDEN. Mr. President, this past January 31, around 2 o'clock or 3 o'clock in the morning, I tried to imagine what I would say in my first Senate floor speech. I reflected a bit on what I had learned from Oregonians during the campaign that sent me here.

Though I had not slept a whole lot for many days, I had no problem piecing together what the election was all

about: Oregonians, regardless of who they voted for, are hungry for real solutions. In many ways, ideological purity—looking at Government through a set of partisan blinders—is far less important to the people of my State than making the Government work.

The message from our electorate was blunt: Put aside the partisan differences, shed the political armor, and find common ground.

I am by nature an optimist, and I believe that there are plenty of reasons to see that the water glass of democracy is more than half full. Both political parties now understand how important it is to downsize the Federal Government. Both parties recognize that our Nation needs real welfare reform. Soon the Senate will deal with a bipartisan health insurance reform bill. These are all areas where Democrats and Republicans can come together and find consensus.

But, frankly, I did not expect in the early morning hours of January 31 that my first speech would be about the so-called "salvage rider," a subject that seemingly defies consensus building. And that is why our job today is so critical. More than half the forests in Oregon are owned by the Federal Government. For many Oregonians, the responsible management of these Federal lands is the acid test for determining if the Government really works or is actually broken beyond repair.

I believe that the Senate can help bring peace to our forests. Our challenge is to help persuade the warring forest factions to lay down their ideological clubs and work together so that America has healthy, productive forests in the next century.

Eminent forest scientists agree that our Western forests have genuine health problems that can be cured through salvage logging. For example, Oregon Governor John Kitzhaber's expert panel has made a number of important findings with respect to our State's Blue Mountains. They found that sizable amounts of certain species, such as Douglas fir and true firs, have died as a result of overcrowding on drier sites, drought, and insects.

A major portion of the live forest is under stress because stands are too dense, especially the true fir and Douglas fir understories beneath pine and larch, and it increases the likelihood of future mortality in both understory and overstory.

Restoration treatments including thinning and fuel reduction could reduce the risk of loss from insects and fire on large areas of these forests. Time is of the essence to capture economic value and reduce risk of catastrophic losses in the future. Salvage and restoration treatments have the potential to pay for themselves and provide funds for ecosystem restoration projects.

This story is not unique. Similar situations exist in forests throughout the West. A science-based forest health and salvage policy is needed to end this cri-

sis, and as an Oregon Senator I am going to work with anyone, anywhere, anytime for a forestry policy that works.

In 1995, the Congress enacted a new salvage logging program. The supporters said it was a win-win policy, arguing that dead and dying trees would be salvaged for our mills and that the harvest would reap the added benefit of improving forest health. As a Member of the House, I felt compelled to vote against the plan because it was hard to find what we call the good wood in these arguments.

First, buried in the technical language of the bill was a definition of salvage that was so broad that virtually any tree in the forest could be cut. That definition specifically allows salvage sales to include what were called associated trees that are not dead or dying as long as that part of the sale did include salvage of dead or dying trees.

Second, the lack of hearings on the measure was a sure ticket, an absolute glidepath to the legal bedlam that Senator HATFIELD has described.

Third, whether or not you support the President's forest plan, a Federal judge has ruled that timber-dependent communities can actually harvest trees under it. The salvage rider threatens that harvest for a short-term gain.

Finally, I voted against this rider because it embodies what citizens have come to mistrust in American politics. While supporters of the rider said it was a good Government plan to prevent catastrophic fires and insect infestation, it has turned out to be a Trojan horse that would allow for the lawless logging of healthy old growth trees. The outcry that followed the rider's enactment is predictable and is why we are in the Chamber today.

My colleagues, it did not have to be this way. The Congress could have addressed these problems through the proper authorization process. The Senate could have let the public in on the debate. Senator CRAIG's bill, S. 391, squarely addresses forest health and could serve as a valuable starting point for a discussion of this issue. In our previous life in the House, Senator CRAIG and I worked very well together. I have always enjoyed working with Senators HATFIELD and GORTON. They have both been very kind to me in these early days of my service in the Senate, and I know we can work together again to achieve better Federal forest management.

The Senate needs to understand that the frustrations in resource-dependent communities that gave birth to the salvage rider are legitimate. That is certainly the message I got in my recent townhall meeting in Prineville, OR. Thousands of families in these communities are losing hope, and the Congress has to respond to their needs.

Under the President's plan for northwest forests, timber workers and communities were promised a harvest level

of more than 1 billion board feet by 1999. This is down from unsustainable but peak harvest levels in the 1980's, but timber workers and their communities rightly feel abused when even meager promises are not kept.

Some of the original supporters of the salvage rider agree that the old growth logging that is occurring goes beyond what they have intended. In an effort to fix the problem, they have included language in the appropriations bill to give the agencies some additional flexibility to substitute alternative tracts and authority to buy back environmentally damaging sales.

These provisions are only a partial fix. They provide only a brief 45-day period allowing Federal agencies to substitute new timber for old sales which would be environmentally damaging or for a buyout of these sales. If the purchaser is not happy, the agencies have little leverage. Environmentally sensitive sales are going to go forward. The deck is stacked heavily in favor of the purchasers so that in effect they can dictate the terms.

In addition, provisions currently in the bill continue the exempting of salvage logging from environmental laws even extending this exemption for some of the most troubling sales. If these environmental laws are not working, then it is the duty of the Senate to change them. But it ought to be done in the open. It ought to be done in the clear light of day. As a new Senator, I am not going to support the politics-as-usual process by circumventing the law.

I also have no intention of turning my back on working families. If you oppose the salvage rider, you have to stand up for an alternative. You have to say what you are for if you are going to keep faith with folks in timber-dependent communities. I support a strong legally constituted forest health and salvage logging program that provides a real timber harvest and real hope for rural Oregonians.

That is why, today, I am going to support the amendment offered by Senator MURRAY. I compliment the Senator and her staff for her efforts to reach out to the broad section of stakeholders who care so much about this issue. I intend to work actively with other Senators to improve this legislation, but I believe that the Murray bill is a sounder, more comprehensive solution than the language now in the bill.

I believe that the centerpiece of reforming the salvage rider is ensuring that those who voluntarily relinquish contract rights to old-growth timber receive replacement timber. If the Murray amendment is adopted, I wish to work with my Northwest colleagues to strengthen the Murray proposal by making it a legal duty for the Clinton administration to find acceptable replacement timber from nonsensitive areas. My own view is that failure to provide certainty on the replacement timber issue virtually guarantees that this body will be back debating yet another fix to this problem.

The Murray amendment provides the agencies with tools they can use to deliver on the critical requirement of replacement volume. And the Murray amendment has other positive features. First and foremost, it restores critical habitat, forest and streambed protections in our current law. It gives citizens the right of legal redress, but the legal process will no longer drag on interminably. Instead of using scarce tax dollars for salvage buyouts, the buyouts are used as a last resort. The Murray amendment encourages and expedites legitimate salvage logging where it can treat genuine forest health problems.

There is more to do, and let me outline some followup steps if the Murray amendment goes forward. For example, I believe it is important to expedite the harvest of any remaining 318 sales that are not environmentally sensitive. These are sales that were planned under the process set up in the 1990 appropriations. The salvage rider orders the release of 318 sales which had been held up for environmental concerns. There are some who would claim that all of these sales should be suspended because of their potential environmental impacts. The fact is, Federal agencies do not challenge the release of all of them. A number of them have already been cut. If, in fact, some of these sales do not impact environmentally sensitive areas, I hope they will move forward.

A related concern is that bona fide salvage sales not be held up when; they do not trigger environmental concerns. Delay in salvaging dead and dying trees can cause the value of timber to decline substantially, even making it unmarketable. Automatically suspending salvage sales when an appeal is filed could invite meritless appeals that frustrate legitimate salvage efforts.

Finally, I am concerned that the forest health provisions in the amendment are somewhat duplicative, and that more work needs to be done on the roadless area provisions.

Mr. President, I would like to conclude my first speech in the Senate with one final comment. I am the first Senator from Oregon elected from my party in more than 30 years. But what I want to do most in the Senate is get beyond party labels, get beyond urban versus rural politics, and find common ground to help all our people. Whether you are an environmentalist or a mill owner, a fisherman or a logger, a new policy for creating and maintaining healthy forests is the common ground on which we all may stand. I urge my colleagues to support the Murray amendment and I yield the floor.

THE PRESIDING OFFICER. Who yields time?

Mr. GORTON addressed the Chair.

THE PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. GORTON. Mr. President, due to the prominent nature of this debate, perhaps the first thing we ought to do

is to put in context how much, in the way of our national forests and our timber, we are talking about in the contracts that go beyond pure salvage. As a consequence, I have a picture here. The President's forest plan for the Pacific Northwest involves some 24 million acres in the States of Washington and Oregon. Mr. President, 19 million of those acres, more than three-quarters of them, are protected as statutory wilderness or park areas or set aside as research, old growth, and riparian acres.

Ten thousand acres in existing contracts are called for to be harvested in this amendment. I have indicated those 10,000 acres here.

Oh, you say, Mr. President, you cannot see it? Maybe this magnifying glass will help.

Mr. President, you still cannot see it? That is because what we are talking about is so small that, on a graphic illustration like this, you literally cannot see it. Ten thousand acres of harvest in the Pacific Northwest, already under contract, will be canceled automatically by this amendment should it pass.

As Senator HATFIELD pointed out, these 10,000 acres are not some permanent forest plan. They are unharvested acres in contracts which the Federal Government offered, received bids for, accepted the bids, and signed the contracts between 1990 and 1995. They are legal and binding contracts. And, of course, the amendment is closed-ended because it applies only to those contracts that were already signed.

But, Mr. President, let us say that we have made this a permanent amendment and said that every year the Forest Service had to execute contracts for 10,000 acres, and let us weigh it against this chart. Mr. President, grade school math tells us that it would then take 100 years to get to 1 million acres. It would take 1,000 years to get to less than half of the acres shown here in the President's forest plan.

Let me say that again, Mr. President. Out of 24 million acres, in 100 years, if this were permanent, we would get to 1 million acres; in 1,000 years we would get almost to half of these acres being harvested once. But, of course, this is not a permanent provision. It just says the Government made a deal, it entered into a set of contracts. It ought to keep those contracts.

That is talking about acres here, Mr. President. Let us talk about board feet. This is the almost 400 billion board feet of timber on those acres. This is the almost 300 billion board feet that are in those protected areas. This is the less than 100 billion board feet left. This is what we are talking about, 650 million board feet, somewhat less than one-tenth of the amount of growth each year.

Mr. President, you say you cannot see this line? I cannot see this line, standing as close to it as I am, because the number is so small. The number is so small.

What did the President of the United States say when he signed this bill, barely 6 months ago? President William Jefferson Clinton said, "The final bill does contain changes in language that preserve our ability to implement the current forest plans and their standards and to protect other resources such as clean water and fisheries." That is what the President said in July of last year about this proposal.

Mr. President, this is presented as some kind of modest change, moving toward balance. In fact, of course, this amendment would not only cancel the contracts that have already been let that create legal obligations on the part of the Government, that are the subject of the charts that I have just shown, it would also cancel all of the provisions relating to salvage timber, the actual dead and dying timber, and all of the provisions relating to option 9.

Senator MURRAY, in her comments, spoke about the President's timber summit. At the President's timber summit after he was elected, his statement of balance ended up being what is now called option 9, which called for a harvest of about 1 billion board feet a year in these forests. In the nonprotected lands, that would take almost a century to work through.

But, as Senator MURRAY has admitted, almost none of that was actually harvested, even though that summit took place in 1993. Why? Because of the endless opportunities the law gave for appeals and for delay. It is almost impossible to find a single harvesting contract that was not subject to such an appeal. The Forest Service, President Clinton's Forest Service, tells us that in 1994 and in 1995, 92 percent of all of these appeals were turned down. They were frivolous. But an appeal in connection with salvage timber is as good as a cancellation. That timber is dead. It falls to the forest floor. It rots. If you go through one season stopped by these appeals, for all practical purposes the value of the salvage timber is gone. If you go through two seasons, it is absolutely and totally and completely worthless.

So the timber rider in the rescissions bill included three parts. One part said: Mr. President, you have offered the people of the Pacific Northwest option 9. The timber communities do not think it is adequate. It is a harvest of 20 percent, one-fifth of what the normal harvest is. But it was something, it was some offer. You have not been able to keep your promise. We are going to allow you to keep your promise. We are not going to change any of the environmental laws at all. No, you still abide by them. That is why the President was able to make this statement. But once you have determined that a particular offering is valid under option 9, you can go ahead and do it and you cannot be stopped by this frivolous appeal.

Second, for the whole country with respect to salvage timber, we said the

same thing. Mr. President, once your very green administration, your very environmentally sensitive administration says that a salvage sale ought to go forward, we are going to allow it to go forward. We will not allow it to be stopped by a frivolous appeal until the salvage timber has rotted out and become worthless.

But, Mr. President, nothing in either one of these provisions, option 9 or the salvage timber provisions, requires the administration to execute a single contract under option 9 or across the country for salvage timber. It is forced to do nothing that it does not want to do, and yet Senator MURRAY would cancel its ability to do something if it wants to do something.

The only mandate in the rescissions bill was this 650 million board feet, this tiny amount of existing contracts that the Federal Government signed, followed all the rules that were in effect at the time it signed them and for which it is liable if it cancels them.

Senator MURRAY's proposal will cancel all of those contracts, will allow the suspension by appeal of all of the contracts under option 9 or under salvage timber while those appeals are pending, will, in effect, result over the next few months in this season in no harvest at all in the Pacific Northwest and will create both a loss of revenue to the Federal Government, which it now expects from these sales, and very large liabilities on the part of the Federal Government to people who hold valid contracts.

Mr. President, how does she pay for it? She does not add to our deficit directly. She takes it out of general administration of the Department of Agriculture's Forest Service and out of forest research, interestingly enough, the very research which the amendment says is so vitally important. That is for the loss of income, the money that would go into those accounts.

For the loss of judgments to people who have valid contracts, she says, interestingly enough, the Secretary concerned can take it from any money appropriated to them. Mr. President, did you know that? Did you know that the Secretary could take that money from the account for Rocky Mountain National Park? Do my colleagues know that it can be taken out of agricultural research in South Carolina? No appropriation, no direction from the Congress at all, just wherever an imperial Secretary wants to take the money, no matter what it was appropriated for—to the Department of the Interior or the Department of Agriculture—the Secretary literally can take that money from anywhere.

I listened to the eloquent maiden speech of the new Senator from Oregon who wishes for a balanced and a thoughtful approach, and I wholeheartedly join him in that desire. I believe, as Senator HATFIELD, dealing with the administration both back in July and at the present time on this has provided exactly that. Senator

HATFIELD's original work resulted in this statement by the President. That statement is: No problem, no problem at all, we can do everything for the environment we wish consistently with this rider.

But over and beyond that, this bill, the bill we have before us, allows buyouts as long as they are agreed to by both contracting parties, allows transfers, as long as they are agreed to by both contracting parties, allows all of the flexibility necessary.

The President of the United States promised balance. All of us want that balance. The President of the United States now, in supporting this proposition, says, "No, this is a tough year and it is an election year. There has been a furor over this."

There have been all kinds of misstatements. No one in the world would understand from what we have seen how little we are actually talking about: "You must cancel the whole thing. You must allow appeals to stop any harvest of salvage timber, any harvest under option 9, cancel all of the sales under section 2001(k)" and, besides that, another 200 million board feet of sales that there has been no controversy about whatsoever. Almost half again as much as we told the President to execute is canceled by this amendment about which there has not been any controversy, but it will be canceled if this amendment is adopted.

Mr. President, this is not balance. It is not a fair approach. The definition of what is allowed in salvage in here is so tight that there will be no salvage. You cannot salvage in any area without roads. You cannot salvage in any wilderness area. You cannot salvage in any lake or recreational area. You cannot salvage in any conservation area. That is what the whole forest system was created for.

There is no money in the salvage account, because it is all used for something else. If that is not enough, if you get around that and find one or two, it can be stopped by an appeal.

Mr. President, this amendment is a prescription for an end to all harvesting of timber in the national forests of the Pacific Northwest and, therefore, should be defeated.

THE PRESIDING OFFICER. Who yields time?

Mrs. MURRAY. Mr. President, I yield 10 minutes to the Senator from New Jersey.

THE PRESIDING OFFICER. The Senator from New Jersey [Mr. BRADLEY] is recognized for 10 minutes.

Mr. BRADLEY. Mr. President, I thank the Senator from Washington for yielding time. I do not know if I will use the entire 10 minutes.

Last year on an appropriations bill, we passed the timber salvage rider which I consider one of our bigger, if not the biggest, mistakes in natural resource management of the last 18, 19 years. We abandoned our environmental principles and endorsed a program of logging essentially without

laws which undermines protections for precious resources, with only slight economic justification.

It is very difficult to accomplish all those things with one piece of legislation, but that is what the rider did. We passed the original rider with little knowledge of its potential impact and without holding any hearings. I remember standing on this floor during the debate on that rider and focusing on the language that said any tree susceptible to fire or insects could qualify as a tree for salvage, which meant the entire forest.

Members thought that they were voting to remove dead and dying trees from our national forests in order to protect forest health and capture the remaining value of trees which had been damaged by devastating fires. But we argued against that, pointing out, no, that is not what the language of the rider says. The language was not just for dead and dying trees that needed to be salvaged, but that vast areas of the national forests—healthy trees—would be cut as a result of this rider.

Unfortunately, in our view, the rider, more or less, prevailed in its breadth. The courts interpreted the law to mandate the cutting of some of America's most valuable trees.

I hope that everyone has a chance to see the pictures that the distinguished Senator from Washington has on the floor, to look at the old-growth forests that are being cut because of this rider. Anyone who has ever walked in old-growth forests understands that there is a dimension to those forests that is beyond the material. And cutting trees that are 50, 60, 100 years old means that it is going to take that long for them to regrow, if they do, and destroying habitat in the process.

Mr. President, the areas that are subject to cutting under the court decision include the healthy old-growth forests of western Oregon and Washington that have been long off-limits to timber sales because of their environmental sensitivity.

Mr. President, it would be irresponsible for this Congress to ignore those environmental problems and take actions which could make them worse. For example, a recent long-term study of the effects of timber cutting in the Northwest found that there was increased flooding even after 20 years, resulting from clear-cutting in sensitive areas. How can we appropriate millions more in this bill to repair flood damage in areas without taking the steps that the Murray amendment represents, to reduce the risks of future floods by assuring a full-growth national forest? How can we do that?

If you had the forest restored, you would have fewer floods; but we cut the forests, and we have more floods. Then we take taxpayers' dollars to make those individuals that are affected by those floods whole.

Mr. President, the timber salvage is not just an issue for the Northwest, which is another point. Even though

the focus is on those old-growth forests, the riders apply equally to forests nationwide by requiring salvage sales in areas that would otherwise have been rejected for legitimate environmental reasons.

Although agencies such as the National Marine Fisheries Service, Fish and Wildlife Service, and EPA have objected to many of those sales, courts have held that they must go forward because of this salvage amendment rider, because they are required by the letter of that law. Even worse, Mr. President, the rationale for the rider rests on improving deteriorating forest health conditions.

That is supported with very little data. We lack even the basic information needed to justify cutting trees on the scale endorsed by the rider, under conditions which suspend environmental laws and terminate almost all avenues for administrative and judicial appeal.

Senator MURRAY's amendment, I believe, would supply this missing information by requiring a new National Academy of Sciences study for forest health that provides the answers that Congress needs to regulate the forests sensibly. We do not have the answers right now. The law was passed, essentially mandating the cutting, and we do not have even the information to back it up. Last year's rider also undermines President Clinton's consensus Northwest forest plan, which took many months to produce and gave some hope for settling the region's longstanding timber wars.

Instead, under the rider, the timber wars have resumed at full force. The distinguished Senator from Washington pointed out that the President said he thought that he could work with it, and that is why he signed the bill. That was before the court decision said no. There were vast areas that were now open for salvage that the President had no idea of under the language of the law as he read it. The court broadly interpreted it so that now you are not just going in to pick up a few dead trees and dying trees, but you are slashing old-growth forests, as in the pictures that the distinguished Senator from Washington has shown to the Senate and to the country.

Mr. President, we have a chance to reverse these mistakes. We have a chance to take a more measured approach to timber salvage. That is the Murray amendment. It is supported by a wide variety of environmental groups. I know that that is not important to everyone, but it should be registered. The Sierra Club, the National Audubon Society, Wilderness Society, National Resources Defense Council, regional groups throughout the Pacific Northwest, they understand the significance of cutting old-growth forests. All this Murray amendment does is put laws back into the timber program. It is probably the biggest environmental vote that we are going to take, at least so far, this year. I urge my colleagues

to support the Murray amendment and restore lawful logging to our national forests. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BURNS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. GORTON. Mr. President, I yield such time as the Senator from Montana uses.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BURNS. I thank the Chair very much, and I thank the leader on this.

Here we go again, talking about health of the forests, talking about the elimination of jobs in research, when more research is needed, and talking about a situation that existed in damaged forests before this salvage bill was passed a year ago.

It was simply management by committee at that time, and that did not work very well. It was not successful. Professional land and resource managers could not have or they could not have been allowed to apply good conservation measures when dealing with renewable resources. We are talking about renewable resources here.

And the salvage program gave some hope, hope of predictability in the communities across the Northwest that depend upon that healthy, viable forest. A diseased forest supports nobody, not this Federal Government, not people who want to own houses, not people who use wood products, nor the people who live in those communities that are dependent on the conservation or the wise use of a renewable resource.

The salvage program was passed by this Congress, with bipartisan support, as a tool to deal with forest health. The fires of 1988, 1994, and 1995 were devastating, so this Congress did exactly what it should have done in light of what the President and Vice President had promised the folks in the Northwest.

Now, are we seeing the rug pulled out from underneath them again? I just want to draw the attention of my colleagues to a couple things that I think are very, very important whenever we start considering this issue. This is where we want to get to: healthy, growing, young forests. The subject of the fire, now with a lot of things cleaned out, a lot of the undertow cleaned out, this forest is well on its way to recovery. That is where we want to get to. I think that is very important.

I want to draw your attention to this photograph. Here is a diseased forest as we find some of our forests in the State of Montana, dead and dying, with a green tree every now and again, basically a forest that has matured. If we are to regain any kind of value from this resource, we should take these forests, take the dead and dying trees, because if we do not—if we do not—as the years of 1988 and 1994 proved, this will be the scene across the great landscape of my favorite State of Montana.

This is up in the Yaak—a very dry year, lightning fires. You want to talk about air quality. Let us talk about air quality while we are talking about an environmentally impacted area. That is what it looks like when you get up a little closer, as it takes everything, the dead and dying and, yes, even the green trees. It takes it all. Devastating, dangerous. Again we can talk air quality. Want to get up a little closer? Anybody ever look down the throat of a forest fire? I have. In 1953, Edith Peek, Tango—I can name a lot of fires, most of them caused by a very natural thing called lightning. But with all the fuel that is on the forest floor, once it starts there is no stopping it. Again, it burns the diseased, the dying, and the healthy trees.

Now, after this little episode is over, this is what you have. This is what we are talking about as far as salvage is concerned. Some of these logs that are on the floor of the forest are actually usable, but as a year or 2 years goes by, they lose their value. There is no value there at all. So the salvage is not taken care of.

Another picture, same way, the subject of fire. Only take the ones that are on the floor of the forest. It makes a resource for us and everybody in this country.

A while ago we talked about water quality. This is in a forest that is subject to disease. A stream, drainage—that was not caused by man, but it can be healed by man—to protect this water quality, and nobody—nobody—is better at it than the State of Montana, or is more aware of it and more sensitive to it than my State of Montana.

When the provision was signed into law a year ago, it was a sound land management decision then. It still is. Instead of keeping an active forest salvage program in place, this amendment does a couple of things. It adds back new layers of bureaucracy while it takes away from other areas, areas where we could put more research and technology—this also promotes brandnew litigation. You know who wins in litigation. It is not the forest, and it is usually not the resource producers or the resource managers.

The salvage bill was passed by Congress and signed into law by the President. It provided a speedy process of processing and preparing. It called for environmental assessment and biological evaluation to be completed upon each sale. Let me tell you something that has happened as a result of this: Knowing that it may not end up in the courts, the different groups—both the logging industry, both the Forest Service who has responsibility of taking care of and managing that forest, and groups outside that were concerned about the environmental impact on that forest—all came together and they went into the forest and looked at some proposed sales. Everybody signed off on them. What it is, it brought them closer together because they knew that this problem was not going

to be taken to court, that we had to participate in the dialog. Everybody signed off. Everybody was happy. I think that was through the leadership of some people who worked for the Forest Service in the State of Montana that understood that if we are going to make the salvage law work, and protect the integrity of that law, we had to include a lot of people. They did that.

Really, all the groups concerned fundamentally agree to the same thing. They want a healthy forest. They want a renewable forest. They want one that is growing. Not only does it make good sense for the amenities of the area, it also makes good economic sense for the communities that depend upon the harvest of timber, and the harvest in an environmentally sensitive way—to involve people. That is what we did in Montana.

The courts are a terrible place to resolve our disputes. What happened in our case as a result of the salvage rider is this: When two sides or three sides are forced to settle their differences on the ground, knowing that the only way they will attain resolutions on the ground, they try to because reasonable people find ways to solve reasonable problems.

There was a copy of a letter sent to me from the commissioners up in Lincoln County, MT, testifying, "We are here to personally testify that these salvage sales on the Kootenai National Forest are being done responsibly and in compliance with environmental laws, improving forest health conditions damaged by fires, creating jobs and generating a return"—a return—"of funds to the general Treasury of the United States of America," where those funds will dry up if this amendment is approved.

It is a testimony of people who live in the area who are concerned about their forest and who testify that, yes, the salvage rider is working. What criticism it may have, we must not lose the sight that our only goal is really for a healthy forest. Our communities cannot live without a healthy forest.

I urge my colleagues to defeat this amendment, allow us to proceed in a way where there is balance, where the balance is responsible and where we can find answers by talking to people and not yelling at them in a courtroom. That is where we solve problems—when it comes to our natural resource management, in the areas that are totally dependent on that natural resource.

Mr. President, the timber salvage provision enacted last summer is doing what it was intended to do. But the amendment offered by Senator MURRAY turns the clock back on sound land management policy and job security.

The lack of management over the years has left our communities at risk. Not only are Montana's communities which depend on the wood products industry on economic shaky ground, we have placed them at risk of serious fires.

We must not lose site of the fact that the timber salvage provision signed into law last year was in reaction to the serious fire load on the ground in the West. The fires of 1994 and 1995 were damaging. Human safety, community stability, and jobs were at stake. The work that is being done on the ground today under the salvage provision will help alleviate the potential threats during the 1996 fire season and beyond.

The provision signed into law last summer is a sound land management plan. But, with this amendment we have turned away from reason. Instead of keeping an active forest salvage program in place, the amendment would repeal sales which have been prepared, add new layers of bureaucracy, and promote new litigation. The proposal we have before us should be called the "No Logging, No Logic, and Lots of Litigation Amendment".

It is important to remember what the timber salvage provision supported earlier by this Congress and signed by President Clinton accomplishes. The provision speeds up the process in which a sale is prepared and offered. It calls for an environmental assessment and a biological evaluation to be completed on each sale. The land management agencies are required to implement a reforestation plan for each parcel of land. Also, the enacted provision excludes wilderness areas, roadless areas recommended for wilderness by the land managers, and any other Federal land where timber harvesting is prohibited by law.

These sales must be completed quickly because we are talking about dead and dying trees. The longer the diseased or dead trees stay in the woods, the more rapidly their value deteriorates. For instance, after fire damage a Douglas-fir will lose 20 percent of its value over 1 year. This rate of deterioration increases more rapidly with time. We need to move quickly. If we do not, the potential for jobs are lost and fire hazard increases.

Also, the funds acquired through these sales is being used on restoration activities in the woods. If we stop these sales, or decrease the value of the sales by waiting, we lose revenues for restoration activities.

The timber salvage provision has resulted in 62 million board feet of timber being sold in Montana and there is 233 million board feet in the pipeline; 143 million of this is salvage from the 1994 fires on the Kootenai National Forest.

There has been criticism that this salvage program has resulted in the sale of green trees. This simply is not true. If it were true, I would be the first in line telling the Forest Service they are not following the intent of the law and would support legislative changes.

But the fact is, 90 percent of the salvage program in Montana is dead or immediately dead timber. The remaining 10 percent harvested fits the intent

of forest health definition under the law. This is the same definition the Forest Service has used. Sometimes the harvesting of green trees is necessary to implement salvage activities. But, in Montana, only 10 percent of the timber harvested under the salvage provision was green.

The amendment offered by Senator MURRAY moves us backward. It guts a fair and balanced provision and replaces it with legal bells and whistles, stopping aggressive management practices, and placing jobs at risk.

Appeals are a lawyer's heaven and a timber man's nightmare. Yet, this amendment encourages appeals. The snowballing effect of stopping these sales is large. Due to similarities in all salvage sales, if one appeal is filed it has the potential of stopping all salvage sales.

In addition, not only would this affect future sales, it would affect sales which have already been prepared. For folks on the ground in Montana, this means that they could be working today, but sent home tomorrow if this amendment were enacted.

Senator MURRAY's amendment also sacrifices Montana's interests for the President's Northwest forest initiative. The amendment directs the management agency to pay for the trade or buy out of the 318 sales in Oregon and Washington in a 1-year timeframe. These sales were sold and then canceled by the Clinton administration. The cost is around \$300 million.

In order to pay for these cancellations, financial resources from other States could be diverted. This means new visitors construction, preparation of new salvage and green sales, and other activities in Montana could be diverted to pay for the President's Pacific Northwest forest initiative.

In order to address concerns raised by the White House over the 318 sales, Senators HATFIELD and GORTON included language in the bill which gives the Forest Service and BLM the opportunity to find alternative timber or funds to meet these contracts. The Murray language, however, has a 1-year period to trade or buy out these contracts. That certainly does not seem fair or balanced for the rest of the Nation, including Montana.

One last point I would like to make is that the timber salvage provision enacted last year is temporary. It sunsets at the end of this calendar year. I am hopeful that this year the Congress will send, and President Clinton will sign, a comprehensive forest health bill. In fact, the Senate Energy and Natural Resources Committee has placed Senate bill 391 on its calendar for consideration.

Mr. President, the timber salvage provision enacted last year is working. It is providing jobs to Montanans. It is helping to lessen the fire load on the ground in our forests. It is helping to minimize the risks of forest fires around communities.

Yet, the amendment offered by Senator MURRAY takes us backward. It

adds new bureaucracy, litigation, and not much common sense.

The days of not managing our woods has to end. Our national forest need management. I strongly oppose the amendment offered by Senator MURRAY because it will block effective land management decisions.

Mr. President, I ask unanimous consent that a letter to me from Governor Racicot, dated March 8, 1996, be printed in the RECORD.

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

OFFICE OF THE GOVERNOR,
STATE OF MONTANA,
Helena, Montana, March 8, 1996.

Hon. CONRAD BURNS,
U.S. Senate,
Washington, DC.

DEAR SENATOR BURNS: Timber salvage activities have been controversial in Montana and throughout the west, and there is no question that since July of last year—when the emergency timber salvage law was passed by Congress and signed by the President—the U.S. Forest Service has labored under significant pressure and intense scrutiny in complying with Congressional salvage timber mandates.

Now, nine months after passage of the emergency salvage law, Congress is apparently considering a partial reversal of its previous action and abandoning the purpose and intent of the emergency salvage law. Such a reversal has the potential to infuse delay, disruption, chaos and economic uncertainty into timber salvage operations with forest health the number one casualty.

While I cannot speak for Forest Service performance in other states, I can speak with some certainty about the performance of the Forest Service in Montana. In meetings with the Regional Forester, in meetings with forest supervisors and in discussions with various Forest Service personnel from the Regional Forester's office to local ranger districts, I can assure you the Forest Service has surpassed expectations in forest stewardship and professional land management in implementing the timber salvage intent of Congress. It would be a disservice to the mission of the Forest Service and to forest health in Montana to countermand or withdraw the direction from Congress given in July 1995.

Thus far in Montana, some 62 million board feet of timber has already been sold under the provisions of the emergency salvage law. Some of this has already been harvested, and much of it is being harvested now. Some 233 million board feet are in the timber salvage pipeline, and 90 percent of this volume is dead or dying timber. Obviously, having been burned two years ago in 1994, the value of this dead or dying timber continues to decline and for the intent of the salvage law to be met logging operations must continue throughout 1996. Under the proposed language from Senator Murray, contracted sales could be delayed for months, thus countermanding congressional intent to expedite salvage operations.

Like many Montanans, I had some concerns about the Forest Service and its ability to meet the Congressional intent of the salvage law and at the same time meet existing environmental and forest health standards set by state and federal law and national forest plans. Forest Service personnel were granted significant discretion to implement the salvage law, and the dual goals of accelerated harvest and environmental protection seemed to present compliance problems for Forest Service officials.

To their credit, the Forest Service has walked this "fine line" of compliance with an impressive commitment which has yielded impressive results. The Memorandum of Agreement signed by the Forest Service and three additional federal agencies makes clear the commitment to follow proper environmental guidelines. The State of Montana, and the people of Montana, were assured by the Regional Forester that environmental standards would not be compromised, water quality would be maintained, fisheries protected, endangered or sensitive species would not be jeopardized, forest economies would be sustained and forest health would be improved.

In December of 1995, a member of my staff, joined by personnel from the Montana Department of Fish, Wildlife & Parks and the Montana Department of Environmental Quality, met with Forest Service officials to discuss timber salvage operations. The Forest Service salvage team included fisheries biologists, wildlife biologists, hydrologists and others in addition to forest rangers and federal timber managers. While the Forest Service salvage team made it clear it would follow Congressional intent to accelerate harvest of dead and dying timber, there were also assurances that environmental laws and forest standards would be followed as stipulated in the federal MOA. Thus far, those assurances have been backed up with performance. During a recent tour of salvage operations on the Kootenai National Forest, a member of my staff joined a large group which evaluated the Fowler Fire Salvage Sale. The Fowler salvage sales is an ongoing harvest and it was clear the Forest Service personnel who planned and laid out the sale recognized environmental sensitivities and the importance of water quality. The logging contractor also did an excellent job of protecting water quality and the integrity of the area.

In addition, it was pointed out during the tour briefing the Kootenai National Forest comprises some 2.5 million acres. Of this total, some 53,000 acres burned in 1994. Of the 53,000 acres, the Forest Service identified only 15,000 acres for possible salvage sale operations. Of this 15,000, less than 7,000 acres will actually be slated for salvage timber harvest activity. While the Kootenai will see more timber salvage operations than any other national forest in Montana, abuse of the salvage directive is virtually nonexistent as was any evidence of so-called "lawless logging." What was seen was low impact snow roads, INFISH buffer strips, intentions to close roads and a commitment to produce timber with environmental safeguards in place.

In a sense, Congress challenged the Forest Service with the emergency salvage law. In Montana, the Forest Service appears to have met that challenge. Through the salvage law, Forest Service personnel received additional discretion. That discretion has not been abused. If there are isolated cases of poor federal stewardship, we should identify and correct them. But it does not make sense for congress to order the Forest Service to halt, do an about face, and send the agency in conflicting and confusing directions.

Montana experienced serious fire damage in 1994. Yet we were fortunate that damage wasn't worse. It is imperative we improve the health of our forests, create jobs and economic stability for western Montana, and present—best we are able—conditions for dangerous and uncontrollable conflagrations in the future. The Public Participation in Timber Salvage Act may be well intended, but it is unwarranted in Montana, and if it prevents or retards the proper harvest of dead and dying trees, it will not help improve forest health.

Thank you for your review of this information, and if I can address any concerns or questions you may have regarding this letter, please let me know.

Sincerely,

MARC RACICOT,
Governor.

Mr. BURNS. Mr. President, I yield the floor.

MODIFICATION OF AMENDMENT NO. 3493

Mrs. MURRAY. Mr. President, I have a modification to my amendment, and I ask unanimous consent to send it to the desk. It has been cleared on both sides.

The PRESIDING OFFICER (Mr. SHELBY). Is there an objection to the modification?

Without objection, it is so ordered.

The modification follows:

Strike Section 13 of amendment No. 3493 and insert the following:

"SEC. 13. OFFSETS.—Notwithstanding any provision in Title II of this Act, no more than \$137,757,000 shall be obligated for 'Forest Research' and no more than \$1,165,005,000 shall be obligated for the 'National Forest System.'"

Mr. GORTON. Mr. President, I yield 10 minutes to the Senator from Idaho.

Mr. CRAIG. Thank you, Mr. President. I join with my colleagues this morning in opposition to the Murray amendment to the salvage law that became part of the law of this land last year, as we attempted to address the devastating fires of 1994. Of course, we have watched over the last good number of months as we worked with the administration and the Forest Service to implement the necessary regulations to carry out the salvage.

I am disappointed this morning that we find ourselves in a situation now where for political purposes, I have to guess, we are here on the floor debating this issue. I say that in all due respect to the Senator from Washington who is attempting to craft an amendment to address an issue that obviously she is very concerned about.

Here are my problems, and I will not go into the detail of the 318 sales—those are valid existing contracts, carried out by multidiscipline groups on the ground, selecting the right sales, talking to the environmentalists, seeking the counsel. All of that has already been done.

Now, if it had not been done, there may be a basis to argue. But it has been done. It has been done for over several years. I know that because sitting beside me on the Senate floor is a staff assistant who was a ranger in one of the forests, who developed the teams that brought the environmentalists to the table to resolve the issue of what ought to be in those sales. Those are facts on the books. Why are we debating 318 sales if the public has already had a full dimension in participating in how those types of sales would be brought about?

The Senator from Washington said there were not adequate hearings. Mr. President, here is the record of the hearings, and these are not all the books. There have been a lot of hearings. I have conducted at least one in

the committee that I chair. We have had the administration and the Assistant Secretary before us to talk about the details of how this law gets implemented. This administration spent over 6 months putting regulations together, in a way that involved more and more people in decisionmaking, as to what were the right and the wrong sales. So there has been a phenomenal amount of involvement.

The Senator's amendment proposes to take approximately \$130 million from the remaining fiscal year of the Forest Service to implement what she suggests ought to be done. Here are some calculations that come to me from staff, based on what we believe are legitimate figures. The Senator from Washington, if her amendment becomes law, will require an immediate RIF of nearly 1,700 Federal employees off the employment rosters of the U.S. Forest Service. Because she could not find offsets, she goes immediately into the law and into the budget for the U.S. Forest Service for the remainder of the fiscal year, and it appears that that is what is happening. I hope she will explain that to us and correct that. The Forest Service, through a reduction in force, has reduced employees over the last 5 years 1,000 a year; 5,000 employees in the Forest Service are now gone from where they were 5 years ago.

I hope the junior Senator from Washington can speak to us about where she finds her money and the impact on current employees and the ability of the Forest Service to carry out the remainder of this year's activities, not just in timber, but in trail maintenance, campgrounds, public safety, in all of the kinds of things that we expect them to do. I believe she is obligated to tell us the kind of impact this kind of reduction or change in the expenditure of the Forest Service would result in.

I understand that the junior Senator has attempted to remove the clause which requires the immediate suspension of active logging. I appreciate that because in my State of Idaho it could cost us thousands of jobs this year of literally thousands of working men and women in small communities across my State, who are anticipating these salvage sales, based on the legal and legitimate approach the Forest Service has used. She is suggesting that they might not get those jobs.

But here is the problem, and I wish, again, the Senator would address this. I believe that even though she has changed that provision to immediately suspend active logging, that is, through the clause required within the law, here is the result: What happens is the same effect occurs, because now all of these actions are again subject to appeal, and that could result in an automatic 60-day-plus stay or longer. And all of those sales that are now ready to be logged this spring as soon as the ground stabilizes and the snow is gone could be immediately back into the courts.

I am suggesting to the junior Senator that she really ought to correct that problem if she is sincere in suggesting that active logging not get stopped. The reason I say that is because one sale in my State, which is kind of the "poster child" sale, called the "Thunderbolt," was one where every environmental group lined up and took this sale into court, and they kept it in court for nearly 6 months. Finally, the courts ruled that the Forest Service had done all of the right and proper things to resolve this sale.

Here is the result of it. This was a sale that was a product of the devastating fires in Idaho in 1994. It is to be 100 percent helicopter-logged, not one new road built. Only 12 percent of the burned area, or 2,200 acres, will be logged. About 16,000 acres will not be touched. The timber salvage will pay for the watershed restoration and the replanting that needs to go on in these devastated areas. That money will not now be there. Those trees will not get replanted.

Peer review teams of watershed scientists have reviewed that and reviewed this and endorsed it. I think it is important for the junior Senator from Washington to understand this. The scientists have said that the proper management of this sale, under the way it has been developed by the Forest Service, will improve the environment of the Thunderbolt area, which is a critical watershed area to the Salmon River, which is, of course, a salmon habitat for a threatened and endangered species.

Mr. President, the consequence of this amendment is dramatic. You have heard about the potential loss of jobs from the U.S. Forest Service because of the RIF's that would have to occur. Another example of the kind of job loss that is occurring in Idaho right now is as a result of not only current Forest Service action, but an inability to move these salvage sales to sale this last fiscal year because of this administration's very cumbersome process of crafting the regulation to manage this salvage requirement under last year's law, as designed by the senior Senator from the State of Washington.

We lost 100 jobs in Salmon, ID. In Metropolitan New York City that is not a big deal, but in Salmon that was the single largest work force outside of the U.S. Forest Service.

We lost 200 jobs in Council, ID. That mill shut down, and as we speak, that mill has been torn down and shipped off to a foreign country where there are logs to cut.

The Post Falls mill in Post Falls, ID, 200 jobs down, men and women not working.

Louisiana Pacific mill and Priest River, 100 jobs down, not working.

Sandpoint, ID, 55 jobs down, not working.

These are men and women who are on the welfare rolls or who are having to seek other forms of employment. They have had their lives devastated. They

have had tremendous financial disruption in their families—not because there are not trees to cut, but because Federal policy, through the appropriate environmental restraints, will not allow that to happen.

If we have salvage sales next summer, many of these people will come back to work. If the junior Senator's amendment passes, these people will remain on the welfare rolls in the State of Idaho.

Another mill in Grangeville, ID, closed and lost 113 jobs. That mill was torn down, with pieces of it sold, I am told, to Argentina.

That is 738 jobs in a State with a population of 1,338,000. Those are critically important jobs.

Mr. President, in the fires of 1994, the Forest Service estimated a loss in Idaho of \$665 million board feet with a salvage worth \$325 million. Half of that value is already gone because we could not cut the trees last summer. The rest of that value will leave this summer if the amendment of the junior Senator from Washington becomes law. There will be no value. It will have rotted away. In other words, the money she would use could be recouped if we simply allowed those sales.

My time is up. I certainly encourage all of my colleagues to not support the junior Senator from Washington. I wish she would respond to some of the legitimate concerns we have about the impact of her bill and the loss of 1,700 jobs in the Forest Service and their inability to carry out the public policy needs for the remainder of this fiscal year, which her amendment will badly damage.

I yield the floor.

Mrs. MURRAY. I thank my colleague from Idaho for pointing out the concerns he has with the offsets. Let me first say that the money comes from general administration, and we have been assured that much of this can come from belt tightening for travel.

I will also tell my colleague from Idaho that the offset has been an item of discussion all week long because of the sequencing of amendments that have come to the floor, and we were not sure which ones would pass or not pass. Senator HATFIELD, chairman of the Appropriations Committee, has assured us that we can continue to discuss this legislation. It has a long way to go when it gets to conference, where we can reconsider this. A lot of dollar figures will be discussed and changed around. It is an item we will be able to be flexible with once it is passed.

The important point of this amendment is that we go back to trees like that in the picture, which are 250 to 300 years old and are coming down because we have a rider in place that says people are not part of the process. That is what we are focusing on.

Yes, we are concerned about jobs in the Pacific Northwest. The jobs the Senator has talked about have passed under current policy. My amendment says we are going to deal with jobs in

the long term. We are going to put a salvage amendment in place that assures that those jobs will occur when people are in the process, with scientific evidence in place, and in a way that is safe and healthy for all of us.

Mr. President, I yield 10 minutes to my colleague from Montana.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I would like to recognize and state what this amendment is all about and what it is not all about.

This amendment is about harvesting dead and dying timber in an environmentally responsible manner. That is all this amendment is about. It is not about hurting the timber industry, taking away jobs, or stopping timber harvesting in our national forests. It is not about that at all. Once a person thinks clearly and thoroughly through the actual words of the amendment, particularly as modified by the Senator from Washington, one will see that this is about trying to find an expedited way to salvage and harvest timber in an environmentally responsible way. It is not about taking away jobs, once one reads the amendment, particularly as modified by the Senator from Washington.

Mr. President, about once a month I spend a workday in my State as staff. I show up at 8 o'clock in the morning with a sack lunch. I work straight on. Sometimes I bag groceries. I deliver the mail other days. I serve meals to senior citizens. I was once a UPS worker delivering packages. I have done lots of jobs.

I have also worked on the green chains in several mills of my State, in the plywood plants, the stud mills at various and different locations working with the mill workers—talking to the mill workers, men and women who work on green chains and work in the mills. And I have a pretty good sense of where people are and what they want. It is trite, but it is true: They want jobs. But they also want hunting and fishing. They want jobs in a very responsible and environmental way.

During the summer of 1994, I spent one of my workdays with the fire crew on the Little Wolf fire on the Flathead National Forest near Kalispell, MT. I spent the day fighting the fire. It turned out that my chief was a person from the Fort Belknap Reservation, had a group going all around the country. This crew knew how to fight fire. I had a devil of a time keeping up with them. They are tough. They are good.

The Little Wolf fire was just one of hundreds of fires that raged during that long, hot summer in Montana. There were lots of fires in the West, particularly in my State, and when fall of the year finally came around and the last of the fires was finally put out, there were thousands of acres of our national forests that were burned. It is amazing how many acres were burned.

Like most Montanans, it is clear that a lot of that timber had to be salvaged.

I supported and I encouraged efforts to harvest that burned timber, get it to the mills, and provide jobs. Following the fires of 1994, I wrote a letter to Forest Service Chief Jack Ward Thomas, and I asked him to make salvage logging a priority. I asked him to use winter logging—you can log in the winter under certain circumstances—to harvest these burned logs, because I believe, as I stated in my letter to him, when done in an environmentally responsible manner, it is not only good business, but it is also good, long-term, prudent forest management to salvage that timber.

After all of that, Congress did act and enacted this so-called salvage rider. And I think that is where Congress went wrong—went too far. Rather than looking for responsible ways to promote the harvest of salvaged timber, what did Congress do? Essentially Congress passed a so-called salvage rider, passed a provision that exempted the Forest Service from complying with our environmental laws, from complying with the Clean Water Act, the Clean Air Act, the National Forest Management Act, the Endangered Species Act, and all of the Federal environmental and natural resources laws.

The rider provision also prohibited the public from contesting timber sales that the public thought would impair the hunting or fishing on particular forests. It just cut the public out.

So, first, it went too far because it said that the environmental statutes do not have to be observed. And, second, it cut the public out of the process.

Some wise person once said that for every complicated problem—believe me, this is a little complicated—there is a simple solution, and it is usually wrong. Most complicated problems do not lend themselves to simple solutions. Most complicated problems lend themselves to nonsimple solutions; that is, working hard, rolling up our sleeves, dotting the i's, crossing the t's, and trying to work out a pretty reasoned and balanced solution.

That is what the Murray amendment does. It is an attempt to—and it is, if one reads the language, a provision that very much provides a framework to accomplish that result. Let me give you two examples of how the current salvage rider—that is, the so-called current salvage rider law that we now have facing us—has aroused opposition in my State.

The first example is the Hyalite drainage in the Gallatin National Forest. Where is that? The Hyalite is located about 7 miles outside of Bozeman. It is a very popular recreation, hunting area. Bozeman is in Gallatin County, one of the more prosperous parts of our State. It is sought after. A lot of people moving into Montana like to go to Gallatin. It is very near the Hyalite. Locals hike and ride bikes in 31 miles of trails. A herd of about 600 elk—and occasionally grizzly bears—make their homes in the Hyalite. And

the city of Bozeman gets about 15 percent of its water from the Hyalite Creek.

The Forest Service has proposed a timber sale in the Hyalite under the salvage logging rider. The Forest Service says that they can do it; they can harvest timber without hurting recreation, without hurting wildlife, or Bozeman's drinking water.

I must say a lot of people in Bozeman are not too sure about that. If the Forest Service can cut timber and amply protect elk habitat and water quality at the same time, most people think the Forest Service should welcome accountability to the public. They should want explained to the public how they are doing this. Doing this under a law that evades all environmental protection raises obvious and understandable concerns in Bozeman.

It is kind of like buying a used car. You buy a used car. You want to believe the salesman, but you also want to have your mechanic take a look under the hood just to be safe. And the Hyalite is very important to Bozeman. The people there want the safety that the Clean Water Act and the National Forest Management Act provides. I think that is reasonable.

The second example is the Middle Fork salvage sale in the Flathead National Forest. This proposed sale is a narrow strip of land just between Glacier National Park and the Bob Marshall Wilderness Area. The trees the Forest Service wants to cut in the Middle Fork are not burned. Rather, they are trees that the Forest Service has determined are infected by root disease.

Like most Montanans, I have a very deep reverence for Glacier National Park and the Bob Marshall. We all do in Montana. Like the Grand Canyon is to Arizona or Yosemite is to California, Glacier and "the Bob" are part of our Montana identity. So I do not think it is asking too much in any timber sale in this area to be held to a very high conservation standard.

Ironically, I do not believe the Forest Service and the timber industry need to be excused from obeying the law. I have seen the work they do. It is good. And except for the rare exception, these men and women are good stewards of the land, and they harvest timber without hurting water quality or elk habitat.

Where there are opportunities to harvest timber that has been ravaged by fire or disease-infected timber, or ravaged by windstorms, the Forest Service, I think, should move quickly. That is the whole point of the Murray amendment. The Forest Service does not, however, need to suspend environmental laws to do so. In fact, since this salvage rider has gone into effect, the Forest Service has committed to carrying out their salvage timber program in full compliance of all environmental laws. Rather, the Forest Service needs the flexibility to protect the planning

process and avoid many of the procedural requirements that simply slow their response time down.

That is why I support the Murray amendment. It replaces the existing salvage law with a process which recognizes that salvage timber is different from green timber. It calls on the Forest Service to identify salvage logging opportunities, prepare the necessary analysis, and offer the timber up for sale in a very short timeframe—about 6 months. This is a quick turnaround when you consider that normally it takes the Forest Service much longer to prepare a green timber sale. The Murray amendment does this while honoring our environmental laws and the public's right to be involved in making the decision.

Mr. President, I was struck by an article that ran in last Sunday's Great Falls Tribune entitled "Finding Common Ground." This article does something that we rarely see these days; it told the good news. It let the public know about the impressive work that groups all over our State—like the Swan Citizens Ad Hoc Committee, the Smith River Coordinated Resources Management Commission, and Blackfoot Challenge—are doing to promote jobs and economic development while protecting our quality of life.

I believe the Murray amendment is such an amendment. It will provide the framework for future consensus building on how we can manage our national forests.

I compliment the Senator for making the change which will help us moved toward our common ground.

Let me say, in closing, let us not lose sight of what this amendment is. It is about providing jobs and protecting the environment. I urge Senators to support her commonsense effort to find the median in between the common ground to get the job done.

Mrs. MURRAY. Mr. President, I thank my colleague from Montana for supporting the amendment.

I yield 5 minutes to my colleague from Vermont.

The PRESIDING OFFICER. The Senator from Vermont is recognized for 5 minutes.

Mr. LEAHY. Mr. President, I believe very strongly that Congress should repeal the salvage rider, and I believe that Senator MURRAY's amendment is a responsible, balanced proposal to fix a bad law.

I concur with the words of the distinguished Senator from Montana, Senator BAUCUS, in commending her in working out a balanced amendment. I believe that is why her amendment is supported by conservation groups, by private businesses, resource-based industries such as commercial fishermen, editorial boards across the country, the League of Conservation Voters, a whole lot of others, because her compromise provides economic stability and jobs for workers in rural communities, and it also respects what has been a 25-year tradition of bipartisan environmental protection in this body.

It is not an extreme measure. It is a very fair, very moderate, and very responsible measure. But the current law, the current salvage rider is not. It is not balanced. It is not fair. It is not moderate. It is not responsible. So let us come together as a Senate on a reasonable alternative for protecting the public's national forest lands. These lands are for us to share today but also to have for generations to come. That includes Senator MURRAY's children, who are going to live most of their lives in the next century, as will mine. But this public resource is being abused, and we have to ask what is going to be here in that next century.

I look at some of the claims that were made. In July 1993, the American Forest and Paper Association claimed 85,000 workers would lose their jobs because of President Clinton's forest policy. Instead, 14,500 new jobs were created in the top four western timber States. The predictions were completely wrong. The American Forest and Paper Association said that they had to have the salvage rider because it would provide new jobs for 16,000 workers. Instead, it went just the opposite: 8,000 timber workers lost their jobs since that piece of legislation passed.

The salvage rider we are trying to correct is not a jobs producer—in fact, it is a jobs killer—whereas the Murray amendment will restore jobs and economic stability to working Americans. Also, the salvage rider is an expensive waste of the taxpayers' money. The Forest Service spent millions of dollars preparing salvage sales that nobody even bid on. More than 100 different sales totaling more than 200 million board feet of timber were being ignored by sawmills last fall. The sales that were supposed to be sold for more than \$200 per thousand board feet could not be sold at half the price. We are losing money hand over fist. We have to agree to this amendment.

In addition to the loss to the Treasury, many rural communities face enormous costs because of the environmental destruction caused by irresponsible logging.

Mudslides linked to timber roads and clearcutting by a peer-reviewed scientific report have wiped out bridges, roads, drinking water systems, recreational resources, and fisheries. Local and Federal taxpayers will pick up the tab.

While the amendment kills jobs, wastes money and hurts communities, there has also been a breach of trust. The Senate was informed on March 20, 1995, that the salvage rider would apply to a "group of timber sales that had already been sold under section 318 of the fiscal year 1990 Interior Appropriations Act."

The day after President Clinton signed the bill, well-financed timber lawyers walked up the court steps to force a different interpretation. They won, and then proceeded to try to throw one of my former staffers, Tom Tuchmann, in jail for upholding environmental laws as a civil servant.

We need to repeal the salvage rider because special interests have forced old-growth logging throughout Oregon and Washington way beyond any agreement that had been forced on this administration.

Finally, it is important to reject a few other remaining myths that have been perpetrated by lawless logging proponents. Some people claim that dead trees on national forest lands have reached a crisis epidemic. The most recent Forest Service data show that through 1992, trees are dying faster on industry lands. I made sure every Senator had the facts about forest health before the original Senate vote on the rider in the spring of 1995. People claim that salvage logging protects firefighters from deadly forest fires. The families of dead firefighters came to Washington to stop the rider and support environmental laws.

The Murray amendment is not exactly the provision I wanted. It is not even exactly what Senator MURRAY wanted. I do not believe any Senator ever gets exactly what he or she wants. Democracy includes two realities—compromise and majority rules. There are some who choose to operate outside this reality, and contribute only to a war of words. I oppose the ideological stands that in the end accomplish nothing. Senator MURRAY has worked to accomplish results and deserves support.

I am proud to have been the lead cosponsor of an effort last spring to restore environmental laws, even though we lost by one vote. I am proud of the forest health data, the jobs data, the timber supply data, and Forest Service appeals data, and the letters I have sent to every Senate office in my attempts to turn the rider around. I am proud to be the lead cosponsor of the Bradley amendment to restore environmental laws. I am proud to be the lead cosponsor of Senator MURRAY's honest effort to get 51 votes to turn the salvage rider around.

My only regret thus far that we still have not prevailed.

We will soon vote on the Murray Amendment. I hope we can finally make progress on restoring environmental laws. As the weather warms we come closer and closer to a time when hundreds of millions of board feet will be cut without laws. I urge my colleagues to vote for workers, for economic stability, and for the environment. We need Senator Murray's amendment now.

I hold up photos that the Senator from Washington State [Mrs. MURRAY], provided. Look what happens if you do not follow good forestry practices. Look at this mudslide as it comes down, choking off a river. What does that do to all the other resources? Ask somebody who makes their living fishing. Ask businesses that get income from recreation what it means to them. Let us go back to the kind of responsible, bipartisan environmental efforts that this body has been famous

for and let us adopt the Murray amendment.

The PRESIDING OFFICER. Who yields time?

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. I thank my colleague from Vermont for his excellent statement and his support.

I yield 5 minutes to my colleague from California.

The PRESIDING OFFICER. The Senator from California [Mrs. BOXER] is recognized for 5 minutes.

Mrs. BOXER. I thank the Chair. I am pleased to be here in support of my colleague from Washington, Senator MURRAY.

I was always taught as a child that when you make a mistake, you admit it and fix it. I think that is what happened here. Many of us who voted for the bill in which this rider was contained believed that it would allow the logging of dead and dying trees. We did not intend for it to work out in a way that healthy old-growth trees would be cut down; they are surely our heritage. We have an obligation to fix this problem.

I have to say for my friend, Senator MURRAY, because I have worked with her early on, this was a very difficult amendment to put together. What she did was to get the workers together with the environmentalists. She found that compromise between preserving a precious environment and preserving jobs. She deserves an enormous amount of credit. I personally know how anguished she was as she tried to put together these coalitions, because it is not easy. It is very easy to go with one side. It is not as easy to try to put together the coalitions, but she has done that. I am very pleased to be able to support her. We have a chance to reverse a mistake, a mistake that opened up old-growth forests and undermined President Clinton's consensus Northwest forest plan.

We finally have a chance to restore environmental laws for our forests. They are basically now, as I read it, forests without laws. That was the effect of the court case. And with the Murray amendment, we restore lawful logging.

Our citizens must always have the right to take part in Federal decisions about how to manage our public forests. I have always believed that was very important. The Murray amendment will restore the right of appeal to citizens, and it ensures judicial review.

The Murray amendment resolves the old growth issue by suspending old-growth timber sales, commonly referred to as section 318 sales, and requires the Forest Service and the Bureau of Land Management to provide substitute timber volume or buy these sales back from the purchaser.

I believe that is very key because that is where we see the jobs are being preserved. The Murray amendment will expedite implementation of the North-

west forest plan by making sure that resources are available to complete recommended watershed analysis, and we need that analysis. We also see in this amendment a much needed National Academy of Sciences study on forest health.

So, in brief, we made a mistake. We are losing old-growth trees. We have seen the incredible photographs that the Senator from Washington [Mrs. MURRAY] has shown us—not cartoons of trees, not drawings of trees, but really what is happening in the forests. I think anyone who sees it knows that a picture is worth a thousand words. People can stand up here and say: Gee, it is not true; it is not happening; beautiful trees are not being cut down. Well, we see the photographs. We see the truth.

We can fix the problem. We can make sure that in fact trees that are not healthy can be cut down. That is not a problem. But not the healthy old-growth trees.

I am pleased to stand with my friend, and I hope that she obtains the votes necessary to overturn a mistake that we made right here in this Senate.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Who yields time? The junior Senator from Washington.

Mrs. MURRAY. Mr. President, how much time remains in debate?

The PRESIDING OFFICER. The junior Senator from Washington has 9 minutes and 50 seconds; 15 minutes and 31 seconds are left to the other side.

Mrs. MURRAY. Mr. President, let me just say at this point that I appreciate the remarks of my colleague from California, Senator BOXER, about how difficult this has been, to bring people together to compromise on a very difficult and serious issue. In fact, I have heard some of my colleagues on the other side say that this debate is about politics. I say, if this is just about politics, it would be simply an amendment to repeal the rider. This is not about politics. This is about policy. This is about putting in place a timber salvage rider that works, that keeps people working, that uses our timber at its highest economic value, but leaving people in the process. That is what my constituents are so angry about. They have been left out of the process by the rider that this Congress adopted last year, and they want back in.

At this time I am very pleased to have printed in the RECORD a letter from the President, sent to me last night from Jerusalem, with his strong support of the amendment in front of us. His words should be read by all of my colleagues, but let me just read his second paragraph. It says:

Judicial interpretation of the timber rider, as it has been applied to old growth forests, has broadened the Act's requirements to the point that it undermines our balanced approach to ensuring continued economic growth and reliable timber supply in concert with responsible management and protection of our natural resources for future genera-

tions. The timber rider must be repealed as soon as possible.

Mr. President, I ask unanimous consent to have this letter printed in the RECORD.

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

THE WHITE HOUSE,
Jerusalem, March 13, 1996.

Hon. PATTY MURRAY,
U.S. Senate, Washington, DC.

DEAR PATTY: I write to convey my strong support for your amendment to repeal the timber rider attached to the 1995 Rescissions Act.

Judicial interpretation of the timber rider as it has been applied to old growth forests, has broadened the Act's requirements to the point that it undermines our balanced approach to ensuring continued economic growth and reliable timber supply in concert with responsible management and protection of our natural resources for future generations. The timber rider must be repealed as soon as possible.

Along with repeal, I must have the legal authority necessary to honor the claims of contract holders in a manner that is consistent with environmental stewardship and law, placing a priority on replacement timber volume. Your amendment will enable us to do this.

With regard to salvage logging, I believe—as you do—that salvage logging has an important role in the federal timber program. Securing a steady supply of timber to Northwest mills continues to be a priority for me. We also believe salvage logging must be based on sound science and consistent with our nation's environmental laws.

Your amendment meets my overall goals and objectives. I commend your efforts to restore the kind of balanced and reasonable approach that we established under the Northwest Forest Plan. I strongly encourage your colleagues to support your amendment.

Sincerely,

BILL CLINTON.

Mrs. MURRAY. Mr. President, let me again thank Senator HATFIELD for his understanding in the offsets of this bill, with our amendment that strikes the portion of section 13 that is found on page 27. We have made an adjustment.

If this amendment is agreed to, and I hope it is, we will continue to work with Senator HATFIELD and others in conference to assure that this amendment is properly taken care of.

I reserve the remainder of my time.

The PRESIDING OFFICER. The senior Senator from Washington.

Mr. GORTON. Mr. President, a brief history. One year ago, right now, 2 years after President Clinton had proposed his very, very modest timber plan for the Pacific Northwest, less than half of what the President had stated was in his plan for a harvest was actually being carried out, frustrated by endless litigation. This proposal was passed, two-thirds of which simply enabled the President to carry out his own promises, to keep his own commitments. One portion of it authorized the harvesting of certain contracts that had long since been executed by the Federal Government, and, Mr. President, which represent this much of the

national forests in the Pacific Northwest—this being the entire forest, this being what is already cut off. You, Mr. President, cannot see the number of acres we are talking about. I do not think you can see it when I put this magnifying glass on it. That was the true compromise.

What did the President say about it? The President said that compromise contained language that preserved the ability to implement the current forest plans and their standards to protect fisheries and the like.

Then the President changed his mind, and the senior Senator from Oregon offered him a further compromise, which is included in this proposal. Now we have an amendment which would cancel not only everything that was done last year, but would cancel more than everything that was done last year—canceling contracts that were never so much as controversial, establishing a new definition of salvage, much more restrictive than that of Clinton's own Forest Service, and a definition of salvage which will result, not in a compromise, not in authorizing salvage timber, but, in effect, prohibiting any salvage whatsoever. Even helicopter logging will be prohibited in roadless areas. There are so many restricted areas and so little money that there will be no salvage timber, not just in the Pacific Northwest, but in your State, in States all up and down the east coast, in the intermountain West—there will be nothing left.

How is this to be paid for? Because now we have to pay for these things. How is it to be paid for? It is to the credit of the junior Senator from my State that she does not just say, "put it on the cuff, add it to the deficit." She takes \$130 million out of the appropriation for the Forest Service.

Earlier today this was only \$110 million. We checked with some people in the Forest Service who, understandably enough, do not want to be identified. That \$110 million cut will cause the RIF of 1,400 employees of the Forest Service, all across the United States. So I say to the Senator from Vermont, the Senator from Alabama, the Senator from North Dakota, your forests will suffer, too. One thousand RIF's in the field of reforestation, stand improvement, recreation maintenance, watershed improvement, supposedly the very goals of this amendment, will be undercut by the RIF's of the people who would carry them out, and 400 or 500 more in the field of forest research.

So, we will devastate our national forest planning, we will devastate the very goals of a healthy forest that we are talking about, by passing this amendment. An amendment to do what? An amendment to do what? An amendment to cancel that many acres of timber harvest contracts. Can you see it? You cannot. You cannot see it. It represents a one-time harvest of one-tenth of the number of board feet that regenerate automatically in these na-

tional forests every year; one-tenth of 1 year's growth.

I am simply saying the United States of America, when it signs a contract, ought to keep its word, it ought to carry that contract out. And when the President makes a commitment—this President, this environmentalist President—we ought to empower him to carry out that commitment.

The amendment will make a mockery of the President's commitments. It will invalidate valid contracts. It will result in the loss of thousands of jobs in our forest, private sector jobs, and probably 1,500 jobs in the Forest Service itself, helping our forests to grow and to regenerate.

Mr. President, how many minutes does the Senator from Idaho need?

Mr. KEMPTHORNE. Seven minutes?

Mr. GORTON. Mr. President, I yield 7 minutes to the Senator from Idaho.

The PRESIDING OFFICER. The Senator from Idaho [Mr. KEMPTHORNE] is recognized for 7 minutes.

Mr. KEMPTHORNE. Mr. President, today, the issue deals strictly with the management of our national forests and the health of those national forests. The amendment before us would eliminate the one tool we now have.

I think, as an Idahoan, I speak with some experience as to what this is all about, because 2 years ago we had devastating forest fires that devastated 589,000 acres of land. That is 919 square miles.

That is a number. How big is that? That is approximately three-quarters of the entire land in the State of Rhode Island. This is a huge amount of land. Yet the proposal is that we would only go in and salvage approximately 10 percent of the dead timber that is in that tremendous, huge area. This amendment would leave that dead and dying timber to simply rot, to rot. We want to go in and salvage 10 percent of that.

Also, this timber that is not removed simply adds additional fuel to future devastating fires. All the fire scientists tell us that is what we can expect now, more and more of these devastating fires of hundreds of thousands of acres at a time.

Is there benefit to the environment to get in there and do something about it? A study of the Boise National Forest demonstrated the benefits of getting in on the ground and helping forests recover after a fire. Several areas where no recovery work was performed after the 1992 Boise foothills fire experienced huge landslides, or blow-outs, as they are called. Entire hillsides washed into streams, destroying fish habitat, including habitat for the bull trout, which is being considered for listing as an endangered species.

The Boise National Forest study compares the results of varying types of intervention. The report found that salvage operations can be designed so that they are environmentally benign and, in fact, beneficial. It also found that salvage areas were in better shape than areas that had not been salvaged.

For example, soils which were baked into impermeable crusts by the fire were broken to allow water to penetrate. Stream banks were stabilized and water was filtered through straw bales to catch sediment that would otherwise choke resident fish and destroy spawning beds.

Dr. Leon Neuenschwander, professor of fire ecology at the University of Idaho, described the foothills fire as "the most environmentally conscious salvage-logging operation" that he has ever seen.

If this amendment is adopted, Idahoans, Idaho's forests, Idaho's wildlife are going to pay the price, straightforward. It means the end of any hope of salvaging just a fraction of this timber that has been destroyed by fire, and it also means that that fuel load remains.

It means a loss of revenue that could have been used for environmental restoration in some very sensitive watersheds. I am the chairman of the subcommittee that is dealing with the Endangered Species Act. I am an advocate that we not follow this amendment because we have species that need to be protected.

By allowing us to go forward with this sort of management, we can protect them, we can help them. But also, Mr. President, so many of our rural communities derive income from those timber receipts for their schools so that we can educate the kids of the State through this harvest, and it means leaving sensitive watersheds at risk of reburn since there will be no thinning of standing dead timber.

There was a picture shown at some point during this debate of a massive slide and blamed it all on what is taking place with logging operations.

James Caswell, who is a forest supervisor in the Clearwater National Forest in Orofino, ID, wrote a particular statement that I think is of great interest. He says:

To keep things in perspective, remember flooding and landslide activity are a natural phenomenon in this part of the country. In the Clearwater Forest alone, major events occurred in 1919, 1934, 1948, 1964, 1968, and 1974.

He said:

Photos taken in 1934 show extensive landslide activity in pristine areas, long before logging or road building took place.

It is a natural phenomenon that does occur.

It has been pointed out, too, that many of the labor unions support this amendment. I ask unanimous consent to have printed in the RECORD the letters from Douglas J. McCarron, who is the president of the United Brotherhood of Carpenters and Joiners of America, who says:

I am writing to urge your opposition to efforts to repeal the timber harvesting provisions included in the 1995 Omnibus Rescissions Bill.

Also, letters from the United Paperworkers International Union, as well as the International Association of Machinists and Aerospace Workers.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

UNITED BROTHERHOOD OF CARPENTERS AND JOINERS OF AMERICA,

Washington, DC, March 5, 1996.

Hon. FRANK MURKOWSKI,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR MURKOWSKI: On behalf of the 550,000 members of the United Brothers of Carpenters and Joiners of America (UBC), I am writing to urge your opposition to efforts to repeal timber harvesting provisions included in the 1995 Omnibus Rescissions Bill. These provisions help protect the health of our national forests. They also provide a supply of timber to help protect the livelihoods of tens of thousands of forest products-related workers nationwide, including many men and women who are members of our union.

The bill was developed in part as a response to the growing national forest health emergency. The buildup of dead, dying and diseased trees on federal lands has reached unsafe levels, standing as kindling for wildfire and threatening to infect healthy trees. The law allows for the removal of the damaged trees which can be milled if removed in a timely manner.

The bill was also designed to expedite timber sales prepared under President Clinton's Pacific Northwest Forest Plan and other timber sales sold by the U.S. Forest Service and the Bureau of Land Management (BLM) during the last live years but held up by red tape. These sales amount to less than fifteen percent of the volume historically produced from the Pacific Northwest and Northern California each year. They also constitute only slightly more than half of what was promised under the President's plan but to date has not been produced.

Our union has long believed that we can balance environmental interests with economic realities. That is why we are supporting language offered by Chairman Mark Hatfield (R-OR). This legislation will modify the timber harvesting provisions to provide greater flexibility for the timber sale purchaser and the Forest Service or BLM to alter or substitute sales as the sales conflict with environmental concerns.

We urge you to support the Hatfield amendment and oppose the full repeal of the timber harvest provisions.

Sincerely,

DOUGLAS J. MCCARRON,
General President.

UNITED PAPERWORKERS
INTERNATIONAL UNION,
Nashville, TN, March 1, 1996.

Hon. FRANK MURKOWSKI,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR MURKOWSKI: On behalf of the 250,000 men and women of the United Paperworkers International Union, I am writing to urge you to oppose any efforts to repeal the timber harvest provisions of the 1995 Omnibus Rescissions Bill which was signed into law by President Clinton last summer. These provisions allow for emergency timber salvage harvests and expedite the release of existing "green" sales.

Timber salvage is critically important to our members and our national forests. The salvage law allows dead, dying, and diseased timber to be removed from the forests in order to decrease the threat of wildfires and insect infestation. If removed in a timely manner, this timber can be milled, thus protecting forest products-related jobs. The timber harvesting provision also calls for the

release of "green" sales prepared under President Clinton's Northwest Forest Plan and other "green" sales that had been sold by the U.S. Forest Service and the Bureau of Land Management over the last five years but have been held up by red tape. The amount of "green" sales to be released amount to less than half of the sales promised to be provided under the President's Forest Plan but have yet to be delivered.

Repeal of the timber harvest provisions will only exacerbate the job loss occurring in timber-dependent communities throughout the nation. Since 1990, over 22,000 timber-dependent workers have lost their jobs in the Pacific Northwest and Northern California alone due to efforts to restrict timber harvesting on federal lands.

As always, we stand ready to work with Congress to develop legislation that balances environmental interests with the economic and social needs of timber-dependent workers and communities. That is why we urge your support of the legislation proposed by Senators Slade Gorton (R-Wash.) and Mark Hatfield (R-Ore.) regarding implementation of the timber sale provisions. This amendment provides flexibility to the U.S. Forest Service, the Bureau of Land Management and the timber purchaser to modify or substitute sales as needed to address environmental concerns. We hope we can count on your support of this important legislation.

Sincerely,

WAYNE GLENN,
Office of the President.

INTERNATIONAL ASSOCIATION OF
MACHINISTS AND AEROSPACE WORKERS,
Gladstone, OR, March 4, 1996.

Hon. FRANK MURKOWSKI,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR MURKOWSKI: On behalf of the 20,000 members of the International Association of Machinists—Woodworkers Division, I urge you to oppose any effort to repeal the timber rider attached to the 1995 Omnibus Rescissions Bill, which was signed into law last summer.

The timber rider is critical to the men and women of our union. The salvage provision of the rider protects forest health by allowing for the removal of deteriorating timber from the forest floor. U.S. Forest Service figures show that 4 billion board feet of dead timber is accumulating each year on federal lands. This accumulation increases the likelihood that millions of acres of forest land will be devastated by catastrophic wildfires. The salvage provision not only improves the health of our federal forests. If removed in a timely manner, this timber can be milled, protecting jobs and communities.

The timber rider also allows for the implementation of existing sales that were promised under President Clinton's Forest Plan and other sales that have been previously approved but have not been released due to bureaucratic red tape. These sales, which amount to less than 15% of what has been historically produced from federal forest lands in the Pacific Northwest and Northern California each year, will provide economic relief to thousands of forest products workers nationwide.

The members of our union are willing to work with the Clinton administration and Congress to solve the timber supply and forest health crises. With that in mind, we believe that the recent legislation introduced by Senator Mark Hatfield (R-OR) attempts to balance the needs of the people with the future of our federal forests. If passed, this legislation would provide an adequate level of flexibility to the U.S. Forest Service, the Bureau of Land Management, and timber sale purchases to modify and/or substitute timber sales prepared under the timber rider.

Congress is in the position to provide balance to the forest management debate. We hope that we can count on your support for the Hatfield legislation.

Sincerely,

WILSON HUBBELL,
Administrative Assistant,
Woodworkers Division.

Mr. KEMPTHORNE. Mr. President, Gifford Pinchot, who is the father of the Forest Service and he, in fact, was the adviser to the creator of our national park and forest system, President Teddy Roosevelt, was adamant that our Federal forests not be "preserves" but "reserves," managed for the best good of the public. He specifically viewed timber harvest as a central part of forest management. I urge the Senate not to move away from the very essence of that ideal by Gifford Pinchot.

I commend the senior Senator from Washington for his efforts on this, and I say that on behalf of so many citizens throughout the Northwest who have seen the devastation of these fires.

Also, let us allow the forest managers to be the forest managers there on the ground. We cannot manage it from this Chamber. We need to allow them to be the managers, as was intended, as they have the ability to do.

With that, Mr. President, I reserve the remainder of my time.

Mr. HATFIELD. Mr. President, I oppose the amendment offered by my good friend from the State of Washington, Senator MURRAY. Let me say at the outset that I respect the motives and the determination of the author of this amendment. I look forward to what I have come to expect from the Senator from Washington—a well-informed and civil debate on the merits of current law and proposed changes to it.

I have many questions about the Murray amendment—how it would be implemented and what is meant by many of its provisions. I would have preferred to have a hearing record or some consideration by the authorizing committees before making a decision about such a comprehensive forestry program as Senator MURRAY has put forward. As a member of the Committee on Energy and Natural Resources, I am aware that Senator CRAIG's forest health bill, which has been the subject of bipartisan negotiations with the White House for over a year, and which has been the subject of hearings before the committee, is ready to be placed on the Energy Committee's markup schedule. I would be interested, as this debate progresses, to know how the Murray amendment compares to Senator CRAIG's legislation.

Regardless of my feelings about the underlying statute this amendment would repeal, I would be very reluctant as the manager of this bill to agree to such a sweeping national forest policy re-write as the one the Senator from Washington has laid before us today, particularly one drafted so quickly. I would be especially reluctant to accept such a comprehensive proposal without

the full concurrence of the authorizers. Let me remind my colleagues that law that would be repealed by the MURRAY amendment was prepared with the full cooperation of both House and Senate authorizers. The lack of involvement of the authorizers alone would compel me to oppose this amendment. Because of my personal involvement in this issue, however, I will make more detailed objections to this amendment than those which I would normally offer in my role as the manager of this bill.

Mr. President, this is a tremendously important debate. Seven short months ago, this body included the so-called salvage rider in the 1995 Rescissions Act. In the intervening months, those who have opposed this measure from the beginning have engaged in a vigorous campaign of protest, hysteria, misinformation, and civil disobedience in an effort to intimidate Congress and the Clinton Administration into reversing their support of the measure. The very small minority of Americans who advocate a no-cut, non-use policy on Federal lands lost this battle in Congress last year and now are using their anger to mislead the public that the last of our old-growth forests are about to be cut down forever, never to be replaced. This is simply not true.

I represent a State that is often sharply divided on natural resource issues. These divides generally reflect the difference between the urban and the rural way of life. During the decades I have devoted to public service, I have sought to bridge the chasm that has formed between the urban and rural citizens of my State and bring some order and balance to natural resource conflicts by addressing both sides of the debate.

Up until recently, the forest products industry has been the largest manufacturing sector in Oregon. In the past, my State alone has supplied our Nation with 20 percent of its softwood lumber needs. Just 5 years ago, 77,000 workers were employed directly by the forest products industry. Since that time, 21,800 of those 77,000 jobs have been lost and 212 mills have closed. Most often these mills are located in towns whose economies are based almost solely on the mills and the related businesses which deal directly with them.

Many of these mills, and the towns which grew up around them, located in the heart of Federal forests at the urging of the Federal Government. Prior to World War II, our Nation's Government told the forest products industry to overcut its own private lands to provide materials for the war effort, and in exchange we would open up the Federal forest lands to sustained yield management after the war.

Because of these commitments which were made over the years, I have always felt that Congress is committed to providing these communities with policies which ensure a predictable and stable supply of Federal timber to these mills. Nevertheless, meeting these commitments to mills and tim-

ber towns and protecting our environment is not the either/or choice that is presented to us by the single interest groups.

I have always recognized the need to balance a strong resource based economy with appropriate environmental protections in my State. I have personally authored legislation increasing Oregon's wilderness system from 500,000 acres to 2.1 million acres—more than any other elected official in Oregon history. I have also authored legislation increasing Oregon's wild and scenic rivers system from 4 to 42—the largest in the Nation. The next highest States are Alaska with 26 and California with 10. I have also authored legislation preserving such ecologically significant areas as the Columbia River Gorge, Hells Canyon, Newberry Crater, Cascade Head, Yaquina Head, and the Oregon Dunes.

In addition, in 1989, I coauthored a bill with then-Senator Adams which, for the first time, recognized that old growth forests need to be protected from further fragmentation and spotted owls need to be protected consistent with the Endangered Species Act. This provision was the so-called section 318 timber compromise, which was attached to the fiscal year 1990 Interior Appropriations Act.

My commitment to Oregon's environment and to its natural resources runs very deep. I am proud to have played a role in preserving these areas for future generations, and I will work this year, my last year in the Senate, to protect several other areas of my State. While I have worked diligently to protect Oregon's environment, it was always within the context of the larger picture—that 84 communities in my State were dependent on a stable supply of wood from Federal lands and that our forests could be managed, according to the best science of the day, on a sustainable basis.

Now, in listening to the rhetoric from the environmental community on the salvage provision, their true, underlying goal has finally been disrobed and can be debated. That debate is, can we manage our Federal lands at all? If you listen to the rhetoric you will hear clamoring for an end to the cutting of any green trees. Only dead and dying trees should be cut. Do not be deceived. These same extremist groups have admitted that their platform is the elimination of any and all harvesting of trees on Federal land. If my State is first to be bullied into this short-sighted program, other States will surely follow.

The sad fact of this debate is that the elimination of harvesting of trees on Federal lands is happening without one affirmative statement from Congress that this is the course of action we believe is best for the Nation. Indeed, these decisions are being made by overzealous judges who feel that their job is not only to interpret the law, but to steer it in a certain direction not necessarily intended by Congress. These

decisions are being made outside of the legislative process via public relations campaigns and staged media events in a hyperbolic, uninformed, and intentionally misleading manner.

The Murray amendment lends credence to this approach and gives those who would lock up our forests forever the upper hand legislatively. All this without one hearing, one markup, or any time for internal debate and discussions with the Clinton administration.

The modest measures contained in the law sought to be repealed by the Murray amendment are largely discretionary, will expire in December 1996 and underwent Appropriations Committee hearings, markups, floor debate and months of negotiations with the Clinton administration. If last year's modest, stopgap provision cannot be sustained in law, we will have lost any semblance of balance in our national forest policies and Congress will have once again abdicated its responsibility to play a role in setting the policies governing management of our national forests.

This Senator advocated strongly for the enactment of the statute sought to be repealed by the Murray amendment, and I will energetically defend it today, as modified by the chairman's mark of the Omnibus Appropriations Act. Let me take a moment to outline the law and clarify the impetus behind its enactment.

The salvage provision included in the fiscal year 1995 rescissions bill has three separate and distinct provisions. The first provides the administration with temporary expedited salvage sale authority. The second provision grants legal protections to the administration for implementation of the President's Northwest forest plan. Finally, the statute releases certain sales prepared and offered by the Federal Government from 1990 forward that have been blocked due to consultation procedures under the Endangered Species Act.

Before I proceed with a more detailed outline of this law, let me highlight for my colleagues a seldom stated fact about this controversial law: Except for the provision directing the release of a relatively small number of sales that have been blocked by ESA consultation, the remainder of this law is discretionary. More specifically, the provisions of the law related to salvage and those related to the President's forest plan are toothless. The President is not required to offer a single sale or cut a single tree.

Immediately after signing the Rescissions Act, the President sent a memo to his agency heads saying:

Public Law 104-19 gives us the discretion to apply current environmental standards, and we will do so. I am directing you to * * * move forward expeditiously to implement these timber related provisions in an environmentally sound manner, in accordance with * * * existing environmental laws.

A parade of administration officials have come before the Energy and Natural Resources Committee to confirm

this commitment by the President, which is fully consistent with the legislative intent of the statute, to implement the salvage program and his Northwest forest plan in complete conformity with existing environmental laws. These discretionary provisions are the very provisions the Murray amendment seeks to repeal and replace with a permanent, prescriptive, narrowly focused timber salvage program.

So to repeat, the law simply provides the President with forest policy tools that can be used to expedite salvage timber sales and sales under his Northwest forest plan. Whether the President chooses to use these tools is entirely up to him.

I would now like to discuss in further detail, each of the provisions of the salvage rider from the fiscal year 1995 Rescissions Act and, shortly thereafter, my concerns with the Murray amendment as proposed.

The first and most significant provision in the salvage law provides the administration with temporary authority for an expedited timber salvage program. This provision will expire on December 31, 1996. An expedited salvage process is needed to harvest dead trees because they pose a significant fire risk, create additional forest health concerns and the trees deteriorate rapidly, losing over half their value in the first 2 years.

In Oregon, and in Federal forests nationwide, we are in the midst of a forest health crisis. Three years ago, 50 to 70 percent of the forests in eastern Oregon's Blue Mountains area were considered dead or dying. According to the Blue Mountains Natural Resources Institute [BMNRI] in La Grande, nothing has changed in regard to fuel buildup and fire risk. In fact, the BMNRI states:

The Blue Mountains is one of many areas in the interior West where accumulation of dead and dying trees continues to increase, thus confronting managers and the public with an unprecedented degree of catastrophic fire hazard.

The 1994 fire season was one of the worst on record. Thirty-three lives were lost and the Government spent nearly \$1 billion fighting fires. Four million acres and four billion board feet of timber burned. The salvage law came about as a means of giving our Federal land management agencies the flexibility to act swiftly to address this precarious situation for Oregon's forest ecosystems, firefighters, and rural communities. Otherwise, we may face fire seasons in the future that are as bad or worse than 1994.

According to the Forest Service, nationwide we have about 18 billion board feet of standing dead and dying trees. The salvage provisions of the Rescissions Act give Federal land management agencies flexibility to address the forest health problems they believe must be addressed. Incidentally, the agencies determined that they were capable of harvesting 2 billion board feet of salvage timber nationwide for each

of the 2 years the salvage provision was to be in place. For each sale, they must at least prepare an environmental assessment under the National Environmental Policy Act and a biological evaluation under the Endangered Species Act. In addition, agencies are free to follow their existing standards and guidelines for implementing Federal environmental law for each timber sale.

Without this provision, actually conducting any forest health or salvage operations would be easier said than done. Simply put, public involvement, judicial review, and administrative appeal statutes granted by Congress in existing environmental laws have been used by a small minority to block any management of public lands, even for these valuable and necessary salvage operations. These groups would rather let our dead and dying forests burn by catastrophic fire, endangering human life and long-term forest health, than harvest them to promote stability in natural forest ecosystems and communities dependent on a supply of timber from Federal lands.

The second provision of the salvage law grants legal protections for the administration to implement President Clinton's Pacific Northwest forest plan. This protection is accomplished by eliminating administrative appeals and expediting judicial appeals. This is designed to give the President the freedom to implement his plan, which has been upheld in Federal court as in compliance with all environmental laws.

All sales under this section have been prepared under the standards and guidelines of the President's forest plan. These provisions are so protective, the Northwest is producing about 10 percent of its historic volume levels under them. Again, the provisions here are discretionary. The President is not compelled to harvest one stick of timber if he chooses not to.

The third provision releases certain sales offered or awarded since 1990 in the geographic area covered by section 318 of the fiscal year 1990 Interior and Related Agencies Appropriations Act. By its own estimates, the Forest Service faces at least \$150 million in contract liability for failure to move forward with these sales which it prepared and offered. Congress moved forward with them, in large part, in an effort to address this liability question.

These delayed sales represent approximately 650 million board feet of timber affecting less than 10,000 acres of Federal forest land in Oregon and Washington. To the average homeowner, this may sound like a tremendous amount of timber over a very large area. However, in the context of Federal land management in the Pacific Northwest, 10,000 acres is a minuscule amount. To illustrate, the President's Northwest forest plan covers 24.4 million acres, 19.5 million acres of which is withdrawn entirely from commercial timber harvest. The sales released under this provision represent

less than an infinitesimal one twenty-four-hundredth of the land within the jurisdiction of the President's plan.

Let me also put the 650 million board feet of volume in perspective. Again, this may sound like a great deal of timber. However, throughout the 1980's, the Pacific Northwest averaged an annual harvest level of around 3.85 billion—not million—board feet. Our annual harvest levels are now about 10 percent of these 1980's levels, largely due to the significant protections of the President's forest plan. Under his plan, the President promised the people of the Pacific Northwest a first-year harvest of 2.2 billion board and an annual harvest level of 1.1 billion board feet each year thereafter. However, since that promise was made, a total of about 500 million board feet has been sold under the plan.

These sales have been held up for a variety of reasons, primarily for consultations for the threatened marbled murrelet. Habitat for this sea bird has been designated as any forest land within 35 miles of the Oregon and California coasts, and 50 miles from the coast in the State of Washington. This amounts to about 4.4 million acres, two-thirds of which is Federal. These birds are very difficult to survey because they spend an estimated 90 percent of their lives at sea. While total habitat of the bird is about 2.5 million acres in the Northwest, only 10 percent of that acreage has been surveyed. Based on this scant evidence, scientists estimate that the Northwest is home to between 18,600 and 32,000 murrelets. Over 300,000 of these birds are believed to inhabit Alaska.

Under the salvage provision, timber sales must go forward unless a threatened or an endangered species—murrelet—is known to be nesting within the acreage of the sale unit. In that case only, the administration is authorized and directed to provide replacement volume of like kind and value within the contract area of the existing timber sale. Under this language, the administration's ability to provide replacement timber is restricted more than I believe Congress intended. Specifically, replacement volume can only be offered when there is a murrelet problem, and finding like kind of timber within the contract area is proving to be very difficult.

I met with Clinton administration officials last December to discuss these and other concerns with the salvage rider.

Consistent with their specific suggestions to alter the language to reflect their concerns, Senator GORTON and I drafted and included language in the omnibus appropriations bill which gives the Forest Service and the Bureau of Land Management greater flexibility to modify or buy back sales on three specific counts.

First, under our amendment the administration may offer replacement volume for any 318 area sale on which it feels there is an environmental problem, not just those where a murrelet is

known to be nesting. The amendment would then give the agencies 45 days to reach a mutually satisfactory agreement with the purchaser regarding what that replacement volume should look like. Replacement timber can be of any kind, value, volume and location, as long as there is mutual agreement between the land management agencies and the sale purchaser.

Second, our amendment gives the administration the authority not only to offer replacement volume to a timber sale purchaser but also to offer to buy out a sale. The administration has repeatedly requested this authority and has even indicated that it is able to secure \$50 million from a neutral funding source to cover the costs.

Finally, our amendment removes the requirement that these sales be operated by September 30, 1996. We have lifted this deadline so timber sale operators do not have to rush to cut these trees hastily before any additional environmental considerations can be taken into account.

In summary, Mr. President, our amendment does everything the administration has requested aside from giving them total authority to cancel contracts unilaterally with no compensation to timber sale purchasers. I remind my colleagues that, by the Forest Service's own estimates, it is financially liable to the tune of about \$150 million for canceling these contracts.

The Murray amendment, by comparison, does not address the issues outlined by the administration except to relieve them from any and all responsibility to harvest these sales. This course of action is absolutely contrary to the commitments the administration made during 6 months of detailed negotiations with Congress on the fiscal year 1995 rescissions bill, which included the salvage provision.

Aside from my objection to the underlying principle that the Murray amendment allows the Clinton Administration to fully back out of the commitments it made during the deliberations on the salvage provision, the amendment raises a number of additional concerns.

First, the Murray amendment replaces the salvage portion of the rider, which expires at the end of 1996, with a comprehensive, long-term salvage timber harvest program. All this without one hearing in the authorizing committee, no hearings in the Appropriations Committee and no internal or external communications or debate.

Under the Murray amendment, any sales which have been released as part of the salvage rider would be open to immediate administrative and judicial challenge and would be stopped instantly, even if timber is already fallen and bucked and stacked on the ground. The Government has sold about 1.8 billion board feet of salvage and billions more are in the pipeline. In addition, sales cleared under the President's Northwest forest plan would be reopened to a new round of administrative and judicial appeals.

The Murray amendment's salvage program is very detailed and prescriptive. Remember, the salvage program we enacted as part of the rescissions bill gives complete discretion to the land management agencies to lay out sales in a manner consistent with existing environmental laws and standards and guidelines, as President Clinton committed to doing. The Murray amendment will allow salvage only in roaded areas. It precludes even helicopter logging in roadless areas, often where we have our most severe forest health problems. No salvage logging will be allowed in "any area withdrawn by Federal Law for any conservation purpose." This is so restrictive that the language in the Forest Service's 1897 Organic Act, which allows the President to establish forest reserves, would appear to apply this restriction to the entire national forest system.

The Murray amendment will also grant the President's Council on Environmental Quality 1 year to develop salvage compliance regulations. Thus, not only will sales stop in their tracks, it will take at least a year and probably much more to even begin offering sales under the new law. In the mean time, logs will lay on the ground and rot. The Government's liabilities to the purchasers who have operated many of these sales almost to completion will increase greatly, and the backlog of dead timber from the 1994 fires and the risks associated with keeping these trees on the ground will have gone unaddressed.

To oversee this new salvage program, the Murray amendment creates a new interagency, multi-level bureaucracy for ESA compliance, including two interagency scientific teams and two layers of dispute resolution teams. Little guidance is given to these teams and the amendment uses so-called sufficiency language, to which the Senator from Washington strenuously objects, to restrict public input and exempt these new bureaucracies from the Federal Advisory Committee Act.

On that note, the amendment has its own share of sufficiency language. As one who has used sufficiency language on several occasions because of emergency situations, I have no problem with the concept of using this language. Critics of current law have strongly criticized the use of sufficiency. The sponsor of the current amendment was on record as opposed to sufficiency language even prior to her arrival in the Senate. Overall, I have tried to be sensitive to her concerns. In fact, I worked closely with her and the Clinton Administration this last fall to develop a solution to the salmon recovery funding problem in the Columbia River Basin which did not use sufficiency language at all. The Murray salvage amendment, however, is filled with sufficiency language which overturns court rulings and exempts Federal agencies from all sorts of laws.

The Murray amendment attempts to terminate all existing contracts on

sales released by the salvage rider in the geographic area of covered by section 318 of the fiscal year 1990 Interior Appropriations Act. In doing so, however, the amendment terminates all remaining 318 sales, including over 300 million board feet of noncontroversial sales that were not released or affected in any way by the Rescissions Act. This opens the Government to additional millions in new and needless liability and removes much-needed timber from the pipeline of sales available for use by timber dependent communities in Oregon and Washington.

I know the sponsor of the pending amendment will concede that she has had a very difficult time finding the necessary offsets to pay for what CBO has told me is a \$250 million amendment. We certainly cannot be accepting lightly any proposal that will expose the government to such huge sums of liability.

The Murray Amendment provides replacement volume authority, but replacement sales must be completed within one year, which is a near impossibility, unless another time line is agreed to. Buy-out authority is also provided, but funding appears to be subject to appropriations or through loan forgiveness or future bidding credits. If negotiations toward mutual agreements with timber sale purchasers are unsuccessful, the administration is provided with unilateral cancellation authority on these sales. Thus there is no reason for the administration to deal in good faith with these purchasers. This is the very reason we enacted this provision in the first place. The Administration had been sitting on these sales for 5 years.

Finally, the Murray Amendment directs the Secretary of Agriculture to use road construction funds to prepare timber sales. Most of the road construction account, however, is already devoted to implementation of the President's forest plan, including timber sale preparation. Under this provision, we would literally reduce the work we are able to accomplish under the President's forest plan, as modest as it has been these past 2 years, in place of preparing alternative volume sales. This is expressly opposite of congressional intent in passing the original salvage provision on the Rescissions Act and specifying that the volume of the 318 areas sales was not to count against current allowable sales quantities under the President's forest plan.

I strongly urge my colleagues to vote against the Murray amendment. It overreaches the authority of the Appropriations committee and authorizes a comprehensive, long term timber salvage program. It leaves already harvested trees on the ground to rot. It creates significant and unnecessary new areas of contract liability to the Federal Government.

The language which Senator GORTON and I have included in the pending legislation addresses the concerns raised

by the Clinton administration while still helping meet the original purposes of the act when it was signed into law by President Clinton after 6 months of congressional debate and negotiations.

I supported the salvage rider originally, and have drafted changes to it now which I urge my colleagues to support. I believe it allows us to show that we can be reasonable in what we do in the forests and harvest trees for many uses—forest health, community stabilization, ecosystem restoration and jobs for our workers.

I urge my colleagues to oppose the Murray amendment.

Mr. DOLE. Mr. President, the timber and salvage issue has been subjected to confusing direction from the Clinton administration. After first vetoing the bill, the President began to criticize the bill.

This constantly changing position of this administration on this bill hardly contributes to a solution on what has become a needed resolution both for environmental concerns as well as economic. The repeal of this amendment would stop ongoing salvage sales, creating numerous new court challenges and lawsuits. During regulatory reform this problem was noted to be a significant concern of our friends across the aisle. Now however, it is a acceptable requirement.

Second, as Senator CRAIG has pointed out, the emergency salvage law is necessary for jobs and forest health. As the amount of dead and dying trees increases, so does the threat of wildfires. The lack of access to this timber results in lost jobs.

The Clinton forest plan is not working. The amount of timber being produced is far below what the President promised and jobs continue to be lost. The Forest Service has produced very little salvage volume. The only volume that is really being produced under this provision are in the area covered by section 318, timber that was previously sold. Yet the President wants to hold up the sale of this timber as well.

If this law is repealed the liability of the Federal Government increases, jobs will be lost, the environment threatened and a bureaucratic nightmare is created. We can move forward with managed timber sales and still protect endangered species and jobs. What we have to do is apply good management. Repealing this law is not the first step that needs to be taken. I urge my colleagues to defeat the Murray amendment.

Mr. MURKOWSKI. Mr. President, I rise in strong opposition to the Murray amendment. This proposal would create chaos in the National forests. It would repeal a measure we passed just 7 months ago, which the Forest Service and BLM have, at our urging, been moving to implement. Then it provides these agencies with new, conflicting direction.

Moreover, the Murray amendment provides the agencies with long-term direction on forest health restoration

that: First, was introduced less than one week ago; second, has never been reviewed by the authorizing committees, or been subject to a hearing; and third, is fundamentally and fatally flawed. By contrast, my committee has been working on long-term forest health legislation introduced by Senator CRAIG and Senator HEFLIN for over a year. This effort has included extended discussions with minority staff and members of the Energy and Agriculture Committees and the land management agencies. While these discussions have not produced complete consensus, they have produced a bill that is well drafted, addresses many members' concerns, and will be marked-up and reported later this month.

The Murray amendment in essence asks us to put this aside and, instead, enact on the floor today a multiyear piece of legislation—with significant environmental and economic implications—that most of us have never even seen. Well let me share a few high points.

Senator MURRAY would subject all of the salvage timber sales sold in the past year to new administrative appeals and expanded judicial review. This amounts to 1.8 billion board feet of sales that will be stopped in their tracks. Loggers and mill workers will be sent home. The value of the dead and decaying timber will decline as the appeals and lawsuits are heard. In a hearing before our committee last week, Forest Service officials expressed concern over this problem. The original terms of the timber sale contracts will be violated by the Government, and contract damage claims will ensue as timber companies are forbidden to harvest under the terms and, more importantly, timeframes of the contracts.

In response to the extraordinary 1994 fire season, we chose 7 months ago to allow, under some conditions, "logging without lawyers." Senator MURRAY apparently finds an unacceptable restriction on legal employment opportunities. She wants to put lawyers back to work. Maybe that's alright. I don't dislike lawyers—much. But there is a clear choice here. Creating all these new legal jobs will unemploy loggers and millworkers.

Let me give you another example. The Murray amendment prohibits forest health and salvage activities in roadless areas. Why? Don't these areas deserve treatment if they are sick? Shouldn't fire-damaged watersheds in roadless areas be stabilized? Maybe people have faith that roadless areas will recover without help. Perhaps this provision was drafted in a Christian Science reading room.

Here's another—the Murray amendment eliminates the expediting procedures for salvage sales that were developed by the Bush administration and refined by the Clinton administration. Why are we going to substitute whatever wisdom we can muster here in an hour today for provisions that rep-

resent the result of 7 years of bipartisan analysis?

On the other hand, if that doesn't trouble you, I shouldn't bother mentioning that the Murray amendment offers a completed new definition of what constitutes a salvage timber sale. Apparently the definition provided by the Forest Service scientists and used both in Public Law 104-19 and Senator CRAIG's bill, is somehow inadequate. If so, we will never find out why in the hour we have devoted to this issue.

But let me close with my favorite. Section 305 of the Murray amendment—for those of us who have had the time to be so precise—directs the Council on Environmental Quality to develop expedited NEPA compliance procedures for salvage sales. They are given a year to develop these expedited procedures. This chart shows how fast fire-killed timber deteriorates. So what the Murray amendment does is: put everything on hold; reinstate lawsuits and appeals; and maybe in a year or so we will have new, expedited procedures for salvage sales from the CEQ.

The Murray amendment appears to address forest health concerns and the needs of forest communities. But understand that no one, least of all the American people, are fooled. This is a vote to appease national environmental groups. They have a lot riding on it.

Mrs. MURRAY addressed the Chair. The PRESIDING OFFICER (Mr. THOMAS). The Senator from Washington.

Mrs. MURRAY. Mr. President, as we end this debate, I want to respond to one point again. I heard my colleagues go back to the offset that is in this amendment and threatening our colleagues with loss of their Forest Service funds or loss of jobs. Let me remind all of my colleagues, this money comes from the general administration fund. It can come from general belt tightening, and it will come from travel. But we also have the commitment from the chairman of the Appropriations Committee to work within the confines of the conference committee to come up with a reasonable offset. Again, because of the way that the amendments have come forward on this floor, we had to put in the offset the way it is, but it will be worked out in conference.

Let me go back to why this issue is so critical at this time. Last year, this Congress passed a rider on the rescissions bill that went too far. It allowed trees, such as shown right here, a tree that is 8 foot in diameter, to be cut down regardless of environmental laws and without public input. This tree is more than 250 years old. This tree will not be replaced in the lifetime of my grandchildren, my great-grandchildren, or my great-great-grandchildren.

Mr. President, these are the trees that, without adoption of my amendment, will continue to come down in forests across the Pacific Northwest. That is not what the intent of this Congress was, I hope, last summer, but it is the result and it needs to be stopped.

This debate is also about logging that occurs without regard to environmental impact. Without the adoption of my amendment, these types of logging disasters will occur where slides come down, block our rivers and streams and do tremendous damage to our salmon and our trout and our wildlife that inhabit these areas, much less to flooding that occurs in the Northwest because of harvesting such as this.

Mr. President, do not just take my word for this. We have received editorials from across the West, and I ask unanimous consent to have them printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Seattle (WA) Post-Intelligencer, Mar. 6, 1996]

SENATOR MURRAY'S GOOD "TIMBER RIDER" PLAN

Sen. Patty Murray has introduced sensible legislation to undo the damage contained in the controversial "timber salvage rider."

Congress ought to adopt it forthwith.

The Seattle Democrat's bill would cancel the harvest of healthy old-growth trees in environmentally sensitive areas and give companies that had bought the timber the right to log elsewhere in the national forests or buy back their logging rights from the Forest Service.

The controversy was set in motion by congressional passage of a measure masquerading as a means to quickly harvest sick or dying trees.

Sponsored by Republican Sen. Slade Gorton, the salvage rider expanded the definition of salvage and re-opened to logging healthy areas that had been put off limits to loggers after the sales were made because of endangered species habitat restrictions.

But little interest was shown by the timber industry in felling the sick trees that supposedly are threatening healthy stands. They have until September, when the rider expires, to rid the woods of this menace.

An unfortunate feature of Gorton's legislation was that it allowed "salvage" harvesting without regard to environmental law, so the sales could not be appealed in court.

A critical feature of Murray's legislation is that it restores existing environmental laws to the harvest. That feature must be preserved.

There is no persuasive argument to be made for suspending environmental laws in national forests. Gorton's own bill to cope with the furor caused by his rider also envisions buy-backs and exchanges that would allow logging on less environmentally sensitive lands.

But Gorton would force the Forest Service, already reeling under budget cuts, to eat the \$100 million it may take to buy back the trees. That doesn't make real-world sense.

President Clinton initially—and rightly—resisted the salvage rider but relented and signed it when Republican lawmakers attached it to a budget bill he wanted. On a recent visit to Seattle, Clinton admitted the rider was a "mistake."

It was a huge mistake, as all the guilty parties now seem to realize. The sooner they make it right and put it behind them, the better off they'll be.

[From the Portland (OR) Oregonian, Mar. 12, 1996]

FIX THE TIMBER RIDER—SENATOR MURRAY'S PROPOSAL COULD FORCE NEEDED COMPROMISE ON OLD-GROWTH SALE PROVISION

Senator Patty Murray, D-Wash., is offering the Senate a chance it ought to grab to reconsider the increasingly notorious timber rider that Congress passed last year.

The rider, proposed by Sen. Slade Gorton, R-Wash., was aimed at expediting salvage sales of burned and diseased trees on federal lands by freeing those sales from the normal appeal procedures under environmental laws. Environmental groups opposed it. Its most controversial provision, which Murray would largely repeal, ordered the administration to proceed with suspended sales of old-growth timber in Western Oregon and Washington that don't meet current forest and stream protection standards.

Murray is proposing an amendment that would cancel the old-growth sale mandate but require the administration to either make other timber available to purchasers or buy back the standing timber they bought but can't log.

Additionally, the Murray proposal would allow appeals of proposed timber sales, including salvage ones, but it would shorten the appeal period. On salvage sales, that's the solution Congress should have adopted at the beginning.

Regarding the Western Oregon and Washington old-growth sales, Murray's proposal would provide more flexibility for the U.S. Forest Service than a modification proposed by Sen. Mark Hatfield, R-Ore., and Gorton to the original rider. They would allow forest managers to substitute other timber for the purchased tracts or to buy back the sale, but only if the purchaser consented. A House-passed version allows the timber exchange but does not include a buyback provision.

As we noted a while back, the Hatfield proposal is a considerable improvement over the confines of the original rider. Murray's amendment is even more desirable, rolling the original rider back even further. It isn't perfect and its passage wouldn't resolve the controversy. But it could force a compromise that the administration and responsible members of both the timber industry and the environmental camp would grudgingly accept.

[From the Great Falls (MT) Tribune, Mar. 10, 1996]

BAUCUS BACKS A GOOD LOGGING COMPROMISE

Senator Max Baucus has drawn some criticism for cosponsoring a new salvage logging bill, but it makes sense. And if both loggers and environmentalists are mad about it, the legislation appears to be pretty well balanced.

The legislation was originally proposed by Sen. Patty Murray, D-Wash., to repeal the controversial logging law.

Her bill would permit emergency timber harvests when needed to reduce fire threats but would do so within the confines of existing environmental laws.

Her bill would immediately suspend all of the old-growth sales and reinstate environmental laws in regard to the salvage sales, reopening them to citizen appeals for 30 days.

It limits the expedited salvage logging to areas already with roads and places a priority on areas which have the best chance of restoring forest health and reducing wildfire risks.

Murray also would tighten up the definition of salvage timber in an effort to close loopholes critics say subject live, healthy stands to the salvage cutting.

In too many compromises, each side focuses on what has been lost, rather than what has been gained.

That's too bad because this legislation makes sense.

[From the Seattle (WA) Post-Intelligencer, Feb. 27, 1996]

TIMBER RIDER "MISTAKE"

It's good news, as far as it goes, that President Clinton says the timber salvage rider legislation he signed was "just a mistake" and should be repealed.

The rider expires at the end of this year. The timber companies therefore are hurrying to make lumber of healthy old-growth trees in endangered habitat zones, not merely diseased or fire-prone ones the law supposedly was meant to address.

So by the time political outrage and the tortuous machinery of Congress can be brought to bear on this matter, the old-growth trees that are the center of the dispute may well have vanished.

In that case, all we're likely to be left with thanks to this monumental blunder is renewed warfare in the Northwest woods and more delightful vistas of sawed-off stumps.

[From the Seattle (WA) Times, Feb. 28, 1996]
TIMBER SALVAGE BILL WAS CLEAR-CUT BAIT
'N SWITCH

The Northwest timber wars have been joined again, with chain saws whining in the ancient forests of Washington and Oregon while environmentalists resort to civil disobedience and street demonstrations in an attempt to stop them.

All this due to a little congressional bill called the "Emergency Salvage Timber Sale Program," passed by Congress last year.

President Clinton, who eventually signed that bill, now says he believed that it would apply only to diseased or fire-prone forests—not to what's left of old-growth forests. Timber interests, including Republican Sen. Slade Gorton, say that's hogwash; he knew, or should have known, what he was signing.

The record favors the president. Nearly a year ago, last March 3, Gorton faxed to The Times a six-page press release laying out eight arguments for this timber bill. His document refers repeatedly to "salvage logging." There is no mention of old-growth timber.

"We're not talking about clear-cuts in the Olympics," Gorton argued in his release. "These operations will pull dead, dying, burnt, diseased, blown-down and bug-infested timber out of the forest, and reforest the salvaged areas. It's an important part of restoring these forests to health."

Gorton's arguments made sense. That's why he won support from the White House and others who were willing to relax environmental laws to allow salvage logging, generate much-needed jobs and reduce the fire danger in Northwest forests.

Only later was the bill expanded to include long-delayed sales of old-growth timber. A year later, Gorton's plan has generated little or no salvage logging. Instead, loggers are attempting to clear-cut an ancient stand of Douglas firs in the Olympics, where fire is not an issue. Gorton's backers, including this newspaper, feel lured into a bait-and-switch game.

The amount of timber at issue is modest—certainly not enough to undermine the biological health of Northwest forests. And Gorton makes a reasonable argument that the old-growth timber is being cut under 6-year-old contracts that should be honored.

The point is this: Gorton won initial, bipartisan support by peddling his salvage rider as one thing. And the Northwest is being asked to live with quite another. This puts President Clinton on solid ground to reconsider his agreement to a good deal gone bad.

[From the Salem (OR) Statesman Journal,
Mar. 6, 1996]

LIMIT SALVAGE TO DEAD TIMBER
ENVIRONMENT MUST RULE THE HARVEST
DECISION

Sen. Mark Hatfield has tried to bring accord out of the discord about the timber salvage bill, but his compromise proposal offers little hope of satisfying either side.

It has two major weaknesses. It extends the time during which logging is exempt from environmental laws—which environmentalists would protest. And it allows the federal government to buy out the timber-cutting contracts, provided the timber companies that hold the contracts agree and the government comes up with the money. The chance that the companies would agree to be bought out and that the government would put up the money to do so is slim.

The cleanest solution is to revise the measure.

Allow the cutting of dead and dying trees. That was the purpose of the bill in the first place. Many environmentalists disagree with the salvage, but there are good arguments to go ahead. We see some of them every day in Oregon when we drive by forests turned brown by disease or fire.

Then remove from the measure the rest of the timberlands. Let these tracts stand on their own merits as either suitable for harvesting or as essential to the environment. Most of the timber already has undergone environmental assessment. Supposedly, the federal government is satisfied that the sales are environmentally sound.

If the assessment of the risk to the environment has changed in the years since the sales were first considered, then they can be canceled or the conditions revised. For timber that already has been sold, the government would return the money.

Sen. Patty Murray, D-Wash., offered a reasonable compromise this week. She would encourage salvage logging but without suspending environmental assessment is done quickly, this is a reasonable alternative.

What has angered most citizens about the salvage bill was not the cutting of green timber itself—although there is considerable opposition—but the suspension of environmental laws and the right of appeal to the courts. The public must continue to have the right to argue the management of public timber and to appeal to the courts.

Anything less will not satisfy the public regardless of how carefully a timber management plan is devised.

[From the Bellingham Herald, Mar. 12, 1996]
OUR VIEW: OK MURRAY'S COMPROMISE TIMBER
PLAN

Forestry: Senator's proposal is fair to both environmentalists and timber interests.

Timber workers and communities deserve a measure of help to get through the painful transition they face. But the helping hand shouldn't exact too great a cost on the environment.

Legislation introduced by U.S. Sen. Patty Murray, D-Wash., strikes the proper balance.

Murray's bill would amend a law enacted last summer purportedly to let salvage timber—dead and dying trees—be logged through September 1996 from tens of thousands of acres of federal old-growth forests in the West and South. What the law actually does is allow logging of any old-growth timber in the areas that have been opened up.

A poll last fall indicated that 60 percent of Americans support environmental regulations, including those that protect endangered species and restrict logging in the 10 percent of old-growth forests still left standing.

The salvage timber law sponsored by U.S. Sen. Slade Gorton, R-Wash., was enacted to provide temporary economic relief to timber workers and communities reeling from economic hardships. A 1990 court ruling has all but shut down logging in old-growth forests on federal lands.

Murray's bill would halt logging of healthy old-growth trees but permit salvage logging on a permanent basis. It also would speed up the process by which the timber sales are approved.

Too risky, environmentalists complain. Gorton's entire law must be repealed to avoid further environmental damage.

Too risky, environmentalists complain. Gorton's entire law must be kept intact to avoid exacerbating an already dismal economic picture.

Murray attempted to amend Gorton's bill and implement the compromise last summer. That effort failed by one vote.

The compromise would correct the imbalance created by Gorton's law. It would be fair to both sides. Lawmakers should pass it this year.

[From the Reno Gazette-Journal, Mar. 13,
1996]

THE ASSAULT ON OUR FORESTS MUST BE
STOPPED

(1995 timber salvage law amendments are needed to stop the willy-nilly cutting of trees.)

The 1995 timber salvage law was a bad law—a very bad law indeed. It pretended to help the nation's forests by making it easier for the logging industry to take away dead and dying trees, but in reality it endangered the forests by permitting loggers to chop down huge numbers of perfectly healthy trees. In addition, this act eviscerated the protection of wildlife and removed the mandate of clean water—which also freed the axes of the timber men to chop, chop, chop willy-nilly.

This law, proposed by Sen. Slade Gorton, R-Wash., slipped through Congress and past President Clinton's veto pen on the pretext that there was an emergency of unparalleled proportions: i.e., all those dead and dying trees were a fire hazard of such great potential that any measure was justified in order to reduce the hazard. But while there certainly was a need to get cracking on the problem in places such as the Lake Tahoe basin, where homes and other structures could be wiped out by a wildfire, there was no need to destroy environmental protections at the same time—unless, of course, the real aim was to conduct a sneak raid on environmentalism itself. And that does indeed seem to have been the subterranean motive.

The law worked just as intended: Loggers cut swaths of green timber and placed the remaining old growth forests of the Pacific Northwest in greater danger than ever. It was profit at any cost and at all costs.

Now there is a chance to end the assault. An amendment by Sen. Patty Murray, D-Wash., would halt all timber sales in these ancient forests and would put other salvage sales under stiffer environmental rules. It would give the federal government a year to provide alternate timber but would also permit the government to buy back previous timber sales. Also to the good, it would permit appeals under environmental laws. Finally, it would restrict salvage operations to dead and dying trees, and would permit the cutting of healthy trees only to the extent necessary to protect loggers and to provide reasonable access.

At the same time, our own Sen. Harry Reid has proposed an amendment to eliminate the prohibition of Endangered Species listings. These two amendments would do much to

provide the forests with the protection that they need, and both should be passed by the U.S. Senate.

Unfortunately, these amendments not only must compete against the original legislation, which retains its ardent supporters, but they must also contend with a much weaker amendment by Gorton and Sen. Mark Hatfield, R-Ore., which would protect some old-growth forests from the axe, but only if replacement timber can be found elsewhere. That is not an acceptable substitute for the real protection that the Murray-Reid amendments would give. These are the amendments that should—indeed must—be adopted.

Mrs. MURRAY. Mr. President, I have an editorial from the Seattle Post-Intelligencer: "Senator Murray's good 'timber rider' plan."

From the Portland Oregonian: "Fix the timber rider. Senator Murray's proposal could force needed compromise on old-growth sale provision."

From the Great Falls Tribune, from the Seattle PI, from the Seattle Times, which talks about the amendment that was adopted last year and calls it a "cut bait 'n' switch."

From the Statesman Journal in Salem, OR: "Limit salvage to dead timber."

From the Bellingham Herald: "OK Murray's compromise timber plan."

And from the Reno Gazette-Journal: "The assault on our forests must be stopped."

Mr. President, I have a long heritage in the Pacific Northwest. I was born and raised there. My father was born and raised there, and, in fact, my mother was born and raised in Butte, MT. In fact, my husband's grandfather was born in Seattle back at the end of the last century.

We know the people in this region. We know why they are angry today. They are angry because the rider that passed last year through this Congress left them—people, my brothers, my sisters, my friends, the people I have run into in the grocery store and at town-hall meetings across my State—it has left those people out of the decision-making process when it comes to our Federal force.

People in our region want to be involved. They want to have a say, and they do care. They care deeply. Because of the rider that was passed last year, Federal agencies are out in the woods running timber sales today with little or no accountability, and that makes my constituents angry.

Under the rider that passed last year, our ordinary citizens have no ability to influence Government decisions. That makes them angry.

Under the rider that was passed last year, our timber communities have once again become the center of a political storm. They deserve better than that. My rider directly makes sure that those people in our timber communities do not have a policy that is in place for just a few short months, with timber, like I have shown you before, being cut down.

Mr. President, my policy assures that these timber workers will be at work

logging dead and dying trees—true salvage, not green trees. It will assure that those jobs are there for the long run.

Most important, my amendment puts people back into the process. People have a right to a say about the forests that we all own. People have a right to know that what they own is cared for and cared for well. That is what the environmental laws are all about that have passed in this Congress over the last four decades. That is what was taken away in the rider that was passed last summer. That is what is corrected in our amendment before us today.

Mr. President, I cannot urge my colleagues strongly enough to please vote for the amendment in front of you, the Murray amendment, with the support of Senators WYDEN and BAUCUS and LEAHY, and many others, Senator SAM NUNN. The reason is, we have to get our timber areas out of war. We need to reduce anger, and most importantly, we need to put common sense, common sense and rationality, back into our timber policy across this country.

That is what my amendment does. That is what your vote for this amendment will do. Help me send a message back to my constituents that this Congress does have the ability to listen when people are angry, this Congress does have the ability to put in place commonsense, practical solutions to problems that are out there, and that this Congress will not make a mistake a second time.

I thank my colleagues, and I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I ask for the yeas and nays on the Murray amendment.

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

The yeas and nays were ordered.

Mr. HATFIELD. Mr. President, is there any time remaining? No one has offered to use it. Could the Chair indicate what the time situation is?

The PRESIDING OFFICER. There are 2 minutes, 57 seconds on the Senator's side, and 22 seconds on the other side.

Mr. HATFIELD. Mr. President, I yield back our time.

Mrs. MURRAY. Mr. President, I yield back my time as well.

The PRESIDING OFFICER. All time having been yielded back, the Senate will proceed to vote on agreeing to amendment No. 3493, as modified, offered by the Senator from Washington. The yeas and nays have been ordered. The clerk will call the roll.

Mr. JEFFORDS. Mr. President, on this vote I have a pair with the Senator from Kansas [Mr. DOLE]. If he were present and voting, he would vote "no." If I were permitted to vote, I

would vote "yea." Therefore, I withhold my vote.

Mr. LOTT. I announce that the Senator from Utah [Mr. BENNETT] and the Senator from Kansas [Mr. DOLE] are necessarily absent.

Mr. FORD. I announce that the Senator from New York [Mr. MOYNIHAN] is absent on official business.

The VICE PRESIDENT. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 42, nays 54, as follows:

[Rollcall Vote No. 33 Leg.]

YEAS—42

Akaka	Feingold	Levin
Baucus	Feinstein	Lieberman
Biden	Ford	Mikulski
Bingaman	Glenn	Moseley-Braun
Boxer	Graham	Murray
Bradley	Harkin	Nunn
Bryan	Hollings	Pell
Bumpers	Inouye	Pryor
Chafee	Kennedy	Robb
Conrad	Kerrey	Rockefeller
Daschle	Kerry	Sarbanes
Dodd	Kohl	Simon
Dorgan	Lautenberg	Wellstone
Exon	Leahy	Wyden

NAYS—54

Abraham	Gorton	McCain
Ashcroft	Gramm	McConnell
Bond	Grams	Murkowski
Breaux	Grassley	Nickles
Brown	Gregg	Pressler
Burns	Hatch	Reid
Byrd	Hatfield	Roth
Campbell	Heflin	Santorum
Coats	Helms	Shelby
Cochran	Hutchison	Simpson
Cohen	Inhofe	Smith
Coverdell	Johnston	Snowe
Craig	Kassebaum	Specter
D'Amato	Kempthorne	Stevens
DeWine	Kyl	Thomas
Domenici	Lott	Thompson
Faircloth	Lugar	Thurmond
Frist	Mack	Warner

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Jeffords, for

NOT VOTING—3

Bennett Dole Moynihan

So the amendment (No. 3493), as modified, was rejected.

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

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

The motion to lay on the table was agreed to.

Mr. LOTT. Mr. President, I know some Members are concerned about what the procedure is going to be for the remainder of the day and into the night.

As the majority leader said yesterday, and after consultation with the Democratic leader today, our intent is to finish this bill. There are still an awful lot of amendments pending. We would appreciate Members coming to the floor and being prepared to go forward with their amendments. If they have a serious amendment, we need to know about it. If they are not going to offer it, we need to know about that.

I want to be very clear that our intent is to complete the amendments and finish this bill tonight. So when the Sun starts setting in the West, I hope Members will not express great

concern about what the schedule is going to be. Our intent is to go forward. We do not want to leave any misconception about how we are going to act on this legislation.

So come on to the floor and let us get these amendments going and complete the bill tonight.

I yield the floor.

INTERSTATE 95 FIRE

Mr. SPECTER. Mr. President, as many of my colleagues may be aware, a monstrous fire yesterday in Philadelphia has caused enormous damage to a long 2-mile stretch of Interstate 95. The Philadelphia Inquirer reports today that the eight-alarm blaze burned the bottom of I-95 as if it were a pot over an open flame, snapping support wires, charring concrete, and sending a column of sooty smoke south along the Delaware River. Early roadway damage estimates range from \$2 to \$5 million.

I would like to discuss with the distinguished chairman of the Appropriations Committee the availability of emergency funding to restore this important roadway, which is so critical to the economy of my State and the eastern seaboard and to the quality of life of millions of Pennsylvanians.

I understand that title II of this bill provides \$300 million for the emergency fund of the Federal Highway Administration to cover expenses arising from the January, 1996 flooding in the Mid-Atlantic, Northeast, and Northwest States and other disasters. Would my colleague agree that the substantial highway damage that occurred on Interstate 95 should be considered a disaster for the purposes of this legislation?

Mr. HATFIELD. I recognize the concerns raised by the Senator from Pennsylvania. In providing the \$300 million in appropriations for the emergency fund, it was the committee's intent to provide sufficient funding to cover a range of unforeseen disaster, such as the damage that has occurred on Interstate 95 in Philadelphia. When critical highways are impacted to such a degree that they must be closed and repaired, it is important that Congress ensures the availability of funds to restore the flow of commerce and individuals who are dependent on them. I would be glad to work with the Senator from Pennsylvania to ensure that the conference report on this legislation reflects the Congress' intention that the Interstate 95 fire should be considered as a disaster by the Federal Highway Administration.

Mr. SPECTER. I thank the distinguished chairman and look forward to working with him in conference on this issue.

Mr. CRAIG. Mr. President, are we in a quorum?

The PRESIDING OFFICER. No. We are not.

AMENDMENT NO. 3494 TO AMENDMENT NO. 3466

(Purpose: To provide for payment for attorney's fees and expenses relating to certain actions brought under the Legal Services Corporation Act)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Idaho [Mr. CRAIG] proposes an amendment numbered 3494.

In the matter under the heading "PAYMENT TO THE LEGAL SERVICES CORPORATION" under the heading "LEGAL SERVICES CORPORATION" in title V of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1996, strike "\$291,000,000" and all that follows through "\$1,500,000" and insert the following: "\$290,750,000 is for basic field programs and required independent audits carried out in accordance with section 509; \$250,000 is for a payment to an opposing party for attorney's fees and expenses relating to civil actions named In the Matter of Baby Boy Doe, and Doe v. Roe and Indian tribe, with docket numbers 19512 and 21723 (Idaho February 23, 1996); \$1,500,000".

Mr. CRAIG. Mr. President, I bring to the Senate this afternoon what in Idaho has been a phenomenally serious and frustrating matter in relation to a young adopted child and his adoptive parents. I say that because 6 years ago the Swenson family of Nampa, ID, adopted a 2-month-old child. They went through all of the legal and appropriate channels to do so. They found out several months into the adoption of that child, when the legal processes were underway, that the native American tribe from which this child had come—and the child was half white, half native American—wanted the child returned even though the natural parents did not. As a result of that, a legal fight began. And Legal Aid Services of Idaho became involved in defending, supposedly, the child—even though the child was then less than 2 years old, and the child thought he was a member of the Swenson family—a loving, caring family.

I and my staff visited with the Legal Services Corporation, suggesting they not become involved—that it was not the intent of Congress for Legal Services to use their money for these purposes, that there were truly poor and needy people who needed Legal Services to defend them, and that they ought to go elsewhere to find their clients.

Another reason I argued that was because the Indian tribe—in this instance the Oglala Sioux—had their own attorney and their own money. They were planning to defend themselves and to argue that this child ought to be returned to their tribe. Believe it or not, this legal fight went on for 6 years. That legal fight was just settled a few months ago in the Idaho Supreme Court. Legal Aid Services of Idaho took this fight all the way to the Supreme Court, expending thousands and thousands of dollars of taxpayers' money.

Here is the headline in the local press of February 23, "Casey's Adoption

Final Today." The Supreme Court of Idaho finally said to the Swenson family, "You are entitled to your son," the son now being 6 years old.

The story seemed to have a marvelous positive ending, but the tragedy is that the Swenson family spent \$250,000 protecting their adopted son. They sold their farm. Here are pictures of the farm being auctioned off less than a month ago to pay the legal fees because of the attack by Legal Services.

Of course, we know Legal Services Corporation and their grantees are funded by tax dollars. They should be protecting the poor. That is Congress' intent. The ranking minority member of the appropriations subcommittee has fought for years to assure that kind of direction. I argued with Legal Services that that is where their money ought to be spent. But, oh, no, they had to take on this family. They bankrupted the family in an attempt to gain custody of this child. The family won. The happy ending is here. But the family is bankrupt.

My amendment today is simple. It takes the necessary moneys from Legal Services Corporation and gives them to that family. We think that is fair and appropriate. And I have worked with the chairman, and the chairman of the subcommittee, and the ranking member of the subcommittee to deal with this because I think this sends a clear message to Legal Services Corporation and its grantees: Do what the law intends you to do. Defend the poor where it is necessary against a more powerful society. But do not enter into these areas where clearly those who might need defending have the resources and support they need.

In this instance, that was all very, very clear throughout this fight. It was simply a fight that Legal Services attorneys would not stay out of, for political reasons.

I yield the remainder of my time.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER (Mr. THOMAS). The Senator from South Carolina.

Mr. HOLLINGS. The distinguished Senator from Idaho is right on target. I have been a champion and remain a champion of Legal Services. I have learned over my 20-some, almost 30 years now that from time to time there are excesses. In the early days, we were paying for everybody to come up here and break up the Congress. And Senator Javits and I, we put the provisions in there that cases should relate to domestic, to landlord-tenant cases, employment cases, and everything else.

This, of course, is a domestic case, but it is a case wherein a very responsible entity, namely the Indian tribe, had their own counsel and everything else of that kind. We are not going to use Legal Services moneys to sue the Governor of New Jersey. We are not going to use Legal Services to sue where the others have attorneys. This particular corporation, started by As-

sociate Justice Lewis Powell when he was head of the American Bar Association, is one of the finest that there is, very much needed, and we need increases. The Senator from New Mexico and I cosponsored the amendment to increase the amount for Legal Services. We are not going to get the support of the Members of Congress when these excesses are allowed to go unnoticed.

I am tickled that the distinguished Senator from Idaho has raised the question. If we can get some discipline over there and against these excesses, I think it will help Legal Services overall. So I agree to the amendment.

Mr. HATFIELD. Mr. President, the amendment has been cleared on this side, and I urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3494) was agreed to.

Mr. HATFIELD. Mr. President, I move to reconsider the vote by which the amendment was adopted.

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

The motion to lay on the table was agreed to.

Mr. CRAIG. Mr. President, I thank the chairman of the Appropriations Committee and the ranking member of the subcommittee. The ranking member has been gallant in his effort to maintain the Legal Services System that responds to the poor and the needy, and I truly appreciate his willingness to look at this issue and to accept it and for the chairman to accept it also. I do believe it sends a message, but it also does something very significant in our society: It rights a wrong.

Mr. HOLLINGS. Exactly.

Mr. CRAIG. I thank the Senator.

Mr. HOLLINGS. I thank the distinguished Senator.

Mr. HATFIELD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. I would like to add to information on the previous amendment that the subcommittee chairman, Senator GREGG, I am informed, approved of the amendment as well.

Mr. President, we are now at a time when the so-called big issues, not all of them, but a goodly number of them, have been disposed of. We invite Senators who have other amendments to be considered, first of all, to consider whether they want to offer the amendments.

We had 116 amendments that had been designated as of last night. I was hoping that we could reduce that considerably, and I am pleased to say that on our side, the acting majority leader, Senator LOTT, has been doing yeoman work to get them reduced in number, and Senator DASCHLE, the Democratic leader, had indicated to me earlier this morning that, likewise on the Democratic side of the aisle, there has been an effort to try to reduce these numbers of amendments.

Mr. President, the House of Representatives is expecting to pass a 1-week extension of the existing CR perhaps this afternoon. They will send that over to the Senate once they have adopted it. The Senate, in this process now, would be then privileged to have a vote on that CR or to continue work on the current vehicle, the omnibus appropriations bill. I am very hopeful that we can keep on this bill to clean it up and finish it because we have to go to the House for a conference following our action. One week is not a very long time in the consideration of this vehicle and that which we are substituting for the House-passed omnibus package.

I am very hopeful that we can finish this and launch our conference with the House and by Friday midnight pass the 1-week extension that the House will probably pass today.

I think that is an orderly progression of our responsibility because I am fearful that if we extend this CR for 1 week, there is no pressure to finish this bill, and that will put us into next week on this vehicle and shortening the time, we have to understand, necessary to allow for a conference with the House.

I hoped we could escape any additional CR, but that is not the way the Senate has worked its will. I wish to indicate again that if Senators are serious about the amendments they have listed, I hope they will appear in the Chamber and provide the body an opportunity to discuss and to dispose one way or another of the amendments.

Senator HATCH has indicated that he will be here at 1 o'clock in order to offer an amendment. I see the Senator from North Dakota in the Chamber, looking as though he is preparing to ask for recognition, and hopefully he is preparing to offer an amendment, because, very frankly, I do need a soft shoe or catchy tunes. We have about a 20-minute interval facing us that I do not want to waste until the Senator from Utah arrives on his schedule for submission of an amendment.

Am I reading the actions of the Senator from North Dakota correctly?

Mr. DORGAN. Mr. President, I will advise the Senator from Oregon I should like to seek the floor for 2 minutes on an unrelated item. I think there is one amendment referenced for me which may occur but would require no floor time. So I will not ask for additional time from the Senator from Oregon.

I appreciate the difficulty is to try to get this bill done, and I understand the urgency with which he requests Senators to come and offer their amendments. I share the interest in seeing that this bill gets completed. If there are no other Senators seeking recognition when the Senator from Oregon relinquishes the floor, I would ask for 2 minutes on an unrelated subject.

Mr. HATFIELD. Mr. President, I hope it is in the form of a unanimous-consent, and then I would say that I would object to that unanimous con-

sent request from the Senator from North Dakota unless it includes a soft shoe or a catchy tune for the rest of the time we are waiting for the Senator from Utah.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. I would say to my friend from Oregon, the soft shoes and loud tunes, was it, are better reserved for other Members of the Senate. In fact, we have seen one example of that in the Senate. It was played and re-played on the nightly news, and I thought it had less to do with talent than it had to do with the mere shock of seeing it occur on the Senate floor.

Let me ask unanimous consent to speak for 2 minutes as if in morning business.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

THE FARM BILL

Mr. DORGAN. I seek the floor—and I would not have done it had other Members wanted to continue on this bill—for 2 minutes to say that we are dealing with a lot of important issues in the Senate on this continuing appropriations bill, but there is another issue that is of enormous importance to North Dakota and to the farm belt. That is the farm bill which is now in conference.

I want very much, now that conferees are appointed, for them to work around the clock in order to resolve the differences on the farm bill, bring it to the floor of the House and Senate and get a farm bill in place.

The fact is, farmers in North Dakota, tens of thousands of them, are now ready to go to the fields. In a matter of weeks, they will be in the fields doing spring planting. The farm bill that was supposed to have been passed last year was not. It is now mid-March 1996, and we do not yet have a farm bill.

I have discerned that really if this is a revolution in the 104th Congress, it is a revolution with two speeds: One is a full gallop when it comes to the larger economic interests. Let Wall Street have a headache, and we have a dozen people rushing in with medicine bottles. Let some of the larger corporate interests complain about a bellyache, and we have people who want to tuck them in bed. But let family farmers out there go around without a farm bill and people say there is no need for a farm program; we do not need to get a farm bill for the family farmer. There is slow motion in dealing with issues family farmers need dealt with.

Farmers in North Dakota and Kansas and South Dakota, Nebraska need to understand what is the farm program. What are the conditions under which they will plant this spring? Will there be a safety net or will there not be a safety net? I would like Congress to provide that answer, and I would like them to provide that answer sooner rather than later.

A couple of weeks ensued when the House was in recess after the Senate passed its bill and a number of weeks lapsed while we were waiting for conferees to be appointed. It is time for the conference now that it is established to start working around the clock and get this done. It ought not take a long period of time.

Farmers deserve an answer. I know that each individual farmer does not have a lot of economic clout, and I guess that is why we do not see the rush to serve their needs like we see when some of the larger economic interests float around this institution.

I hope very soon the conference will convene and the conference will complete its work, bring its work to the Congress, and tell the family farmers of this country what will be the farm bill for 1996. This Congress owes that to the farmers, and farmers deserve to hear it.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. DORGAN. Mr. President, I make a point of order that a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WELLSTONE. 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 TRAGEDY IN DUNBLANE

Mr. WELLSTONE. Mr. President, I will be very brief. I actually do not have any prepared remarks, but I was thinking that maybe later on I would write up a resolution, or the leadership could write up a resolution, that there ought to be some words, some kind of statement by the United States Senate, maybe it is a message of love, to the people of Dunblane, Scotland.

The slaughter of 16 children is just the ultimate nightmare. All of us who have children or grandchildren—or whether we have or do not have children or grandchildren, it does not make any difference—just in terms of our own humanity, I think we all can feel, and we know the horror of what has happened.

So, as a Senator from Minnesota, I just wanted to send my prayers and my love to the people of Dunblane and to tell them that today, in the U.S. Senate, it is not as if they are not in our thoughts and prayers.

Mr. President, I wish it was in my power to do more. I wish it was in our power to do more. But I think something should be said about it on the floor of the Senate, so I rise to speak, to send my love to the people of Scotland. I believe I speak for other Senators as well. Maybe later on today we can have a resolution that I know all of us will support.

Sometimes when you do this it seems unimportant, but it really is not, because it is kind of a way in which all