



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 107th CONGRESS, SECOND SESSION

Vol. 148

WASHINGTON, WEDNESDAY, SEPTEMBER 4, 2002

No. 110

Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable E. BENJAMIN NELSON, a Senator from the State of Nebraska.

PRAYER

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

Dear God, whose presence surrounds us, whose power enables us, whose peace comforts us and whose providence cares for us, we praise You that You are Sovereign of this Nation. The founders of our Nation believed that they derived their powers through You and governed with divinely delegated authority. Through the years of our history, You have raised up great leaders who placed their trust in You and sought Your best for America. Thank You for the Senators who stand in this sacred heritage and prayerfully seek Your will. Continue to grant them humility to ask for Your guidance, the magnanimity to be of one mind and heart as fellow patriots, and the determination to press on to accomplish the urgent work before them. Remind them that millions of Americans are praying for them and that You seek to answer their prayers by renewing their strength and rejuvenating their commitment. Thank You for the women and men of this Senate and for all who work with and for them. Especially today we thank you for the leadership of Sergeant at Arms Alfonso Lenhardt, who today completes this first year of excellent leadership through a challenging time of terrorist attack, anthrax panic, and the ongoing pressures of his crucial assignment as an officer of the Senate. You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable E. BENJAMIN NELSON led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 4, 2002.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable E. BENJAMIN NELSON, a Senator from the State of Nebraska, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. NELSON of Nebraska thereupon assumed the Chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

DEPARTMENT OF INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2003

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to the consideration of H.R. 5093. The clerk will report the bill by title.

The legislative clerk read as follows:

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

The ACTING PRESIDENT pro tempore. The Senator from West Virginia.

Mr. BYRD. Mr. President, the leadership has been invited to the White House this morning, and therefore this matter will be somewhat delayed until their return.

My distinguished ranking member, Mr. BURNS, is with me, and we are

going to proceed with statements on the bill, after which I have two or three technical amendments which make corrections, and with the approval of my ranking member on the other side of the aisle, I shall propose those, and perhaps the Senate can move them, accept them, and get them out of the way.

The first amendment I intend to offer will not be offered until the majority leader and the majority whip return.

I am pleased to be joined by my distinguished colleague, the ranking member of the Interior Appropriations Subcommittee, as we bring before the Senate the Interior appropriations bill for fiscal year 2003. I am very proud of our work on this legislation.

Although this bill is not, in terms of total dollars appropriated, the largest of the 13 annual appropriations bills, it is an exceedingly important bill. It is in this legislation that we support and protect the crown jewels of this Nation, our national parks. The four land management agencies funded through this bill, the National Parks Service, the Fish and Wildlife Service, the Forest Service, and the Bureau of Land Management, are responsible for overseeing 628 million acres of land or about one-fourth of the total area of the United States.

The Bureau of Indian Affairs and the Indian Health Service provide educational opportunities and critical health care to more than 1.4 million American Indians. The Department of Energy is charged with developing cutting-edge technology in the areas of fossil energy and energy conservation, and the Smithsonian Institution, along with the arts and humanities endowments, protects and promotes some of our Nation's most enduring cultural resources.

Because the bill and the report have been available for review since June 28, I will not go through each and every account line by line. I will, however, reiterate some of the highlights of the legislation.

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



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As it now stands, the bill provides the full \$2 billion requested by the President for fiscal year 2003 fire-fighting activities. It provides the full \$1.4 billion allowed for under the conservation spending category.

It provides a \$35 million increase for basic operations at our 385 national parks, including \$6.1 million for enhanced security, and a total of \$702 million to attack the maintenance backlog at those parks.

Our parks and wilderness areas reflect the pristine beauty, the unmatched beauty of this country. They are important to our sense of national pride, and they showcase this Nation to approximately 33 million foreign visitors every year.

The bill also provides the Fish and Wildlife Service with \$460 million for refuges and wildlife. It provides \$641 million for fossil energy research and development, including \$150 million for the Clean Coal Technology Program, and \$922 million for energy conservation programs, including \$286 million for the weatherization and State energy programs.

This bill, which has been crafted by my colleague, Mr. BURNS, and the Republican and Democratic members of the subcommittee, also promotes culture and history by providing \$538 million for the important work of the Smithsonian Institution, and \$246 million for the arts and humanities endowments.

The funding levels contained in this bill are fully consistent with the subcommittee's allocation as agreed to unanimously by the Appropriations Committee on June 27, and as published in the CONGRESSIONAL RECORD on June 28.

We have used scarce resources. I emphasize, resources are scarce, and we have used scarce resources to fund all of the important missions of the Department of Interior. But our fiscal situation and the times in which we live demand discretion and frugality. Consequently, Senator BURNS and I, as managers of this bill, stand ready to oppose amendments that would increase the fiscal year 2003 spending beyond the current level in the bill. We will also discourage amendments using offsets which rely on across-the-board cuts, undefined reductions in administrative or travel expenses, or any other amorphous proposal that relies on savings that may not be real.

Finally, Mr. President, before yielding the floor, I acknowledge the efforts of several people. First, I publicly thank the subcommittee's distinguished ranking member for his help in drafting this legislation. As a westerner, Senator CONRAD BURNS brings a wealth of experience and knowledge and an important perspective to the diverse and difficult issues that always seem to come up in the Interior appropriations bill.

I applaud the dedication to duty that he exudes, and I applaud his willingness to work in a bipartisan fashion. It

is a pleasure to work and to serve with Senator CONRAD BURNS on this subcommittee.

I wish to thank Senator TED STEVENS, the ranking member of the full committee. Senator STEVENS has provided invaluable advice and counsel with respect to the Interior bill. His efforts are one of the reasons this bill was unanimously reported out of the Appropriations Committee. TED STEVENS has a marvelous ability, based on a great wealth of experience, to craft workable solutions to tough problems, and I rely heavily on his sage advice and his unique and thorough, meticulous grasp of detail.

Let me thank our subcommittee staff. These are the men and women who work for Senator BURNS and for me on this important Interior bill. They are a highly dedicated group of individuals who spend a tremendous amount of time, who ensure that all members of the subcommittee have the information we need to accomplish our work. Senator BURNS and I appreciate their efforts.

I especially want to thank Peter Kiefhaber, my clerk on the Interior bill, for his conscientious approach to funding this bill and to his never-failing pleasant demeanor, for his characteristic cooperation and courtesy always, not just to me but to all other Senators as well.

I also thank the staff person on the other side, the ranking member of this committee's staff. Bruce Evans never fails to add to the near perfection, as near as we can make it, of the bill that we present to our colleagues for their study and counsel and decision. So as chairman of the subcommittee, I thank him, as well as I thank my own clerk. We have to work together. We have to get along together, and we do that. We do these things together on this subcommittee.

I urge now my colleagues to adopt this measure in a timely manner so that we can proceed to conference with the House. We need to get this work done. Senator BURNS and I stand ready, as we also stand ready with Senator STEVENS, to go forward with this bill. We will be glad to discuss amendments as we proceed.

Mr. President, I ask unanimous consent that when Mr. BURNS has completed his statement, if he has one, and gets recognition, as I assume he will, that I be recognized to offer some technical amendments.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Montana.

Mr. BURNS. I thank the Chair. Mr. President, I am very happy this morning to join the Senator from West Virginia in support of the Interior and Related Agencies Appropriations Act for Fiscal Year 2003. Needless to say, this is a very important piece of legislation, especially for me and my colleagues in the West, particularly those in the intermountain region. This bill funds

the agencies that manage the majority of our public lands.

It funds health care, education, and other services for Native Americans. It supports research and development and allows us to develop and use our domestic energy resources in a responsible manner.

Although Senator BYRD does not hail from a Western State, we are about to adopt him as a westerner. He has done a great job in putting this bill together. The bill accurately reflects the priorities of the Senate as a whole, as it remains within the subcommittee's fairly modest allocation. The bill as a whole is a mere 2 percent above the President's request and it is well below the allocation approved by the House of Representatives.

Senator BYRD has worked with me and my staff to see the specific interests of Republican Members have been fairly treated. Did everybody get everything they asked for? No, of course not. I, as ranking member, did not get everything I asked for, but neither did the chairman. I can assure my colleagues that the chairman has taken an evenhanded approach in dealing with more than 2,000 individual requests which we received.

Since the chairman of the subcommittee has already outlined the principal features of this bill, I take this opportunity to speak about a few specific items. First, I note that this bill increases funding for payment in lieu of taxes by \$10 million over the current level. While the funding provided for PILT still leaves us a long way from the fully authorized amount, it is a dramatic improvement over the \$45 million cut proposed by the President's budget request. These funds are vital. They are vital to all the counties where public lands have a presence, especially in the West where most of the public lands are located. Those counties struggle to provide education, law enforcement, and other services without an adequate tax base. I hope the administration will give greater consideration to the importance of this program as it assembles its fiscal year 2004 budget request. I make a footnote, saying as long as the American people have told us as policymakers that they want to retain those Federal lands everywhere across the country, then we must maintain and pay the taxes to support local services.

I will highlight the efforts Senator BYRD and I have made to increase funding for the operation of our National Parks. While the Americans for National Parks Campaign has turned a spotlight on the issue over the last several months, those who have served on the subcommittee for years know it is not a new problem. I view the increase of \$35 million provided in this bill for park operations, an increase of \$20 million over the budget request, as a continuation of this subcommittee's ongoing effort to provide adequate funds for our National Parks.

Finally, I will talk about forest fires. It has been odd to see the nightly newscasts and they are not reporting on a wildfire somewhere in the country. By now my colleagues are well aware that the 2002 fire season is on its way to being as costly and as damaging as the record-setting year 2000. The fact this is happening should come as no surprise. We knew the conditions in many areas of the West were the driest in recent memory. We knew that years of misguided forest management have left our forests with intolerably high fuel loads. The inevitable has happened. And it will continue to happen as the fire season progresses and as we meet the years ahead. The question is, what to do about it.

This bill fully funds the President's request for fire suppression, which is based on a 10-year average cost of firefighting. Unfortunately, using the 10-year average as a basis for budget requests no longer appears to be adequate. The 10-year average does not reflect the impact of inflation. It does not reflect the recent changes in firefighting practices associated with the national fire plan. And it does not reflect the impact of fire suppression costs of rapidly increasing housing development in the wildland urban interface.

We need to be working on a better model for projecting fire suppression budgets. Certainly, we need to do everything possible to control suppression costs through effective management and aggressive oversight, but at the end of the day we are going to have fires and we are going to have to fight them in many cases.

If our suppression budgets are consistently below the actual need, the Forest Service and the Department of the Interior will continually have to use their borrowing authority to cover fire costs. While this borrowing enables us to get the job done in terms of firefighting, repeated and extensive borrowing makes it difficult to plan and conduct regular programs that are funded from the accounts subject to the borrowing. Such programs include facility construction and maintenance, land acquisition, and research activities.

Ironically, repeated borrowing also makes it more difficult for the Forest Service and the Department of the Interior to execute their salvage and hazardous fuels reduction programs—the very programs that will help reduce fire suppression costs over the long term.

The Forest Service has already exhausted its fiscal year 2002 firefighting funds and has commenced borrowing from other programs. Current estimates indicate that the Forest Service may have to borrow more than \$1 billion by the end of the fiscal year. The Department of the Interior may have to borrow \$220 million. While I appreciate Senator STEVENS' and Senator BYRD's efforts to include \$50 million for firefighting in the supplemental over

OMB's objections—by the way, that amount does very little to address the problem; as such, I expect we will have an amendment to this bill to provide the emergency funds needed to pay for this year's firefighting costs. I certainly hope all my colleagues will support the amendment.

On a final note, I wish to echo Senator BYRD's comments regarding the overall funding levels in this bill. Due to the failure of the Senate to take up and pass a budget resolution, as it is supposed to do, we have no formal subcommittee allocation that is enforceable by a supermajority vote. Nevertheless, I concur with my chairman, Senator BYRD, and also with the ranking member of the full committee that we must enforce fiscal discipline as we go through this appropriations process.

I will join Senator BYRD in opposing amendments that propose to add non-emergency spending to this bill without being fully offset. And in considering such offsets, I do not believe either of the managers would look favorably on amendments that would duck the question of tradeoffs by using across-the-board cuts, reductions in travel, and other gimmicks. Agencies in this bill are already being asked to reduce their travel costs and absorb a portion of mandated pay increases. I expect Senator BYRD and I will oppose proposals to further squeeze agencies in such an indirect manner.

With that, I conclude by once again thanking Senator BYRD, my chairman, for his efforts in putting this bill together. I also thank his staff, led by Peter Kiefhaber, for their hard work and their willingness to work with my staff in assembling this bill.

I know they have worked long hours to get the bill to this stage. Even though we were on August break, and most of us in our home States, staff stayed here and worked on this legislation. I want to show that we appreciate their efforts.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

AMENDMENT NO. 4472

Mr. BYRD. Mr. President, I have some technical amendments which have been cleared by the distinguished Senator, who is the ranking member. And they are technical. I do not plan to call up any amendment at this moment that is not purely technical.

The first thing I will do is to call up the substitute amendment, which is the work of our committee. The House bill is before the Senate. So what I seek to do now is call up the Senate bill as a substitute.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], proposes an amendment numbered 4472.

Mr. BYRD. I ask unanimous consent the reading of the amendment be dispensed with.

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

(The amendment is printed in today's RECORD under "Text of Amendments.")

AMENDMENT NO. 4473 TO AMENDMENT NO. 4472

(Purpose: To make permanent a provision relating to the National Business Center)

Mr. BYRD. Mr. President, the purpose of this amendment will be to make permanent a provision previously carried in the Interior appropriations bill relating to the Interior Department's National Business Center. I am not talking about the substitute amendment which I just offered. I am talking about an amendment which I will shortly send to the desk, that, as I say, makes permanent a provision previously carried in the Interior appropriations bill relating to the Interior Department's National Business Center.

In January 2001, the National Business Center expanded its acquisition services capability. As part of its expanded mission, the Center now provides contracting support to the Defense Advanced Research Projects Agency. The language that is being proposed by Mr. BURNS and myself allows the Center to continue to support the Defense Department's need for grants, cooperative agreements, and other transactions as authorized in the Defense Conversion, Reinvestment, and Transition Assistance Act of 1992.

This amendment will secure efficiencies in the area of procurement services and should be agreed to by the Senate.

I send to the desk an amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from West Virginia (Mr. BYRD) for himself and Mr. BURNS, proposes an amendment numbered 4473 to amendment No. 4472:

At the end of Title I, add the following new section:

"SEC. . Hereafter the Department of the Interior National Business Center may continue to enter into grants, cooperative agreements, and other transactions, under the Defense Conversion, Reinvestment, and Transition Assistance Act of 1992, and other related legislation."

Mr. BYRD. Mr. President, I have nothing further to say on the amendment.

Mr. BURNS. It is all clear on this side. We are supporting it.

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

The amendment (No. 4473) was agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 4474 TO AMENDMENT NO. 4472

Mr. BYRD. Mr. President, I send a technical amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from West Virginia (Mr. BYRD), for himself and Mr. BURNS, proposes an amendment numbered 4474 to amendment No. 4472:

On page 83, line 13, strike "\$650,965,000" and insert in lieu thereof "\$640,965,000".

Mr. BYRD. Mr. President, this amendment corrects an error with respect to the appropriation for the fossil energy account. On page 83, line 13, as the clerk has stated, the figure of \$650,965,000 should read \$640,965,000. The amendment that I sent to the desk on behalf of Mr. BURNS and myself makes this correction. I yield the floor so my distinguished counterpart may comment if he wishes.

Mr. BURNS. No comment here. We support it.

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

The amendment (No. 4474) was agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 4475 TO AMENDMENT NO. 4472

Mr. BYRD. Mr. President, a final technical amendment which I shall offer at this moment corrects a typographical error in the bill. I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from West Virginia (Mr. BYRD), proposes an amendment numbered 4475 to amendment No. 4472:

On page 26, line 15, strike "315" and insert in lieu thereof "301".

Mr. BYRD. Mr. President, this amendment, which is supported by my colleague, Mr. BURNS, as I say, corrects a typographical error in the bill. On page 26 of the Senate bill, under the section titled "Administrative Provisions," the National Park Service is authorized to purchase 315 passenger vehicles. That number should be 301.

The amendment makes that correction. And as I stated, I know that the distinguished ranking member is supportive of the proposal. I urge its adoption.

I yield the floor before the Senate votes on this amendment so that the distinguished Senator, who is the ranking member, may be recognized if he wishes to be recognized.

Mr. BURNS. We have no objection to this amendment, Mr. President. We fully support it.

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

The amendment (No. 4475) was agreed to.

Mr. BYRD. Mr. President, I move that the Senate reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, I have no further technical amendments at this time. I do have an amendment, which I will not offer at this time, to provide funds to repay accounts from which funds were borrowed for emergency wildfire suppression. I will not offer that amendment at this point. I am sure there is going to be an amendment or amendments to the amendment. I shall withhold offering the amendment until the majority leader, majority whip, and other interested Senators—on both sides of the aisle—are back from their visit to the White House and at their desks.

Mr. President, does my colleague have something he wishes to say? If he does, I will sit down.

Mr. BURNS. I will say to my chairman that there will be some discussion. There is no doubt. It is only fair that the leadership be on the Hill whenever we take this up because it has high interest. Many of those funds that were borrowed for fire suppression are impacting other programs within the Department of Interior and the Forest Service. So we think it is a very important amendment. We are supportive and would hope the rest of the Senate would approve of it, too.

I think this is an area that warrants debate in the Senate so we know what we are spending the money for and how it impacts those lands where the U.S. Forest Service and the Department of Interior have a high presence.

Mr. President, I see no one else seeking the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. BYRD. Mr. President, with the approval of my colleague, Senator CONRAD BURNS, I ask unanimous consent that the Senate stand in recess awaiting the return of the majority leader and/or the minority leader—the return of those two leaders—and/or the whips on both sides.

There being no objection, at 10:11 a.m. the Senate recessed subject to the call of the Chair and reassembled at 11:39 a.m. when called to order by the Presiding Officer (Mrs. CLINTON).

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2003—Continued

The PRESIDING OFFICER. The Senator from West Virginia.

AMENDMENT NO. 4480

Mr. BYRD. Madam President, I am about to send to the desk an amend-

ment. Before doing so, let me just briefly tell Senators what this amendment is about.

This amendment is being offered by myself, Senator BURNS, Senator STEVENS, and other Senators. It addresses the critical firefighting needs of the Forest Service and the Bureau of Land Management.

As many of our colleagues know, 2002 is turning out to be one of the most devastating fire seasons on record. Therefore, our amendment provides \$825 million in emergency funding to reimburse the various accounts from which these agencies are currently borrowing. Of the amount provided, \$636 million is allocated to the Forest Service and \$189 million is allocated to the Department of the Interior. These are the exact amounts requested by the President just last week.

If anyone may think that this money is not needed, let me briefly state for the record, over the past 10 years the average number of acres burned by fire between January 1 and September 3 has been 3.2 million acres. This year—this year—however, the comparable number of acres burned is 6.3 million, almost twice the 10-year average.

This problem is much more than just numbers of acres burned. The devastation and destruction resulting from these fires is almost too much to comprehend. More than \$1 billion will be spent on fighting fires, nearly 2,300 structures have been destroyed, and 20 brave firefighters have lost their lives. Clearly, this situation amounts to a domestic emergency of historic proportions.

I send to the desk, Madam President, an amendment, the amendment to which I have already referred, for the clerk's reading, after which the amendment will be open to amendment.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from West Virginia (Mr. BYRD), for himself, Mr. BURNS, Mr. STEVENS, Mr. REID, Mr. DOMENICI, Mrs. MURRAY, Mr. CRAIG, Mr. WYDEN, Mr. KYL, and Mr. BAUCUS, proposes an amendment numbered 4480.

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

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

The amendment is as follows:

(Purpose: To provide funds to repay accounts from which funds were borrowed for emergency wildfire suppression)

On page 127, line 2, immediately following the " " insert the following:

"TITLE IV—WILDLAND FIRE
EMERGENCY APPROPRIATIONS
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
WILDLAND FIRE MANAGEMENT"

For necessary expenses to repay prior year advances from other appropriations transferred for emergency rehabilitation or wildfire suppression by the Department of the Interior, \$189,000,000, to be available immediately upon enactment of this Act and to