

GREGG), the Senator from North Carolina (Mr. HELMS), the Senator from Arkansas (Mr. HUTCHINSON), the Senator from Alabama (Mr. SESSIONS), and the Senator from New Hampshire (Mr. SMITH) are necessarily absent.

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

The result was announced—yeas 88, nays 0, as follows:

[Rollcall Vote No. 213 Ex.]

#### YEAS — 88

Allard	Durbin	McCain
Allen	Edwards	McConnell
Baucus	Ensign	Mikulski
Bayh	Feingold	Miller
Bennett	Feinstein	Murkowski
Biden	Fitzgerald	Murray
Bingaman	Frist	Nelson (FL)
Bond	Graham	Nelson (NE)
Boxer	Gramm	Nickles
Breaux	Grassley	Reed
Brownback	Hagel	Reid
Bunning	Harkin	Roberts
Burns	Hatch	Rockefeller
Byrd	Hollings	Santorum
Campbell	Hutchinson	Sarbanes
Cantwell	Inhofe	Schumer
Carnahan	Inouye	Shelby
Chafee	Jeffords	Smith (OR)
Cleland	Johnson	Snowe
Cochran	Kennedy	Specter
Collins	Kerry	Stabenow
Conrad	Kohl	Stevens
Corzine	Kyl	Thomas
Craig	Landrieu	Thompson
Crapo	Leahy	Thurmond
Daschle	Levin	Voinovich
Dayton	Lieberman	Warner
DeWine	Lincoln	Wyden
Domenici	Lott	
Dorgan	Lugar	

#### NOT VOTING — 12

Akaka	Enzi	Sessions
Carper	Gregg	Smith (NH)
Clinton	Helms	Torricelli
Dodd	Hutchinson	Wellstone

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the President will be immediately notified of the Senate's action.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

#### ORDER OF PROCEDURE

Mr. DASCHLE. Madam President, I ask unanimous consent that the Senator from Pennsylvania, Mr. SPECTER, be recognized for a period not to exceed 5 minutes, and that following the remarks of the distinguished Senator from Pennsylvania, the Senate stand in recess subject to the call of the Chair to accommodate Senators who wish to watch the President's speech.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Pennsylvania.

#### MEASURE PLACED ON THE CALENDAR—S. 2924

Mr. SPECTER. Madam President, I ask unanimous consent to proceed as in morning business to allow for the second reading of a bill. I understand

there will be objection. However, this relates to the award of the special Congressional Gold Medal to the crew and passengers on flight 93.

I had said on Wednesday and Tuesday, yesterday and the day before, that I intended to do this. Since making that announcement, I have discussed the matter with the Senator from New York, who is in the Chamber, and also the Senator from Texas, who is the ranking member of the Banking Committee. I asked the chairman to be present, but he had other business to which he had to attend.

This unanimous consent request is to proceed to the second reading of the bill, which I will object to, and then to ask unanimous consent that S. 2924, which was previously introduced as S. 1434, be taken up, and the Senator from New York will object to that. I said that if he was absent I would object on his behalf.

I am doing this so it will be known that every effort is being made by this Senator to get a resolution of S. 2924, which seeks to give gold medals, special Congressional Gold Medals, to all those who were on flight 93.

There are others, including the Senator from New York, who would like to include other people. The Banking Committee ranking member wants to sit down—which we are committed to do early next week—to try to get it resolved. However, for purposes of the record, I would like to proceed now with the second reading.

The PRESIDING OFFICER. The clerk will read the title of the bill for the second time.

The assistant legislative clerk read as follows:

A bill (S. 2924) to authorize the President to award posthumously the Congressional Gold Medal to the passengers and crew of flight 93 in the aftermath of the terrorist attack on the United States on September 11, 2001.

Mr. SPECTER. Madam President, I will now ask the Senate proceed to consider the bill, and I object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will be placed on the calendar.

#### UNANIMOUS CONSENT REQUEST—S. 2924

Mr. SPECTER. I ask unanimous consent—and I understand there is an objection, but for the record I ask unanimous consent to take up S. 2924.

The PRESIDING OFFICER. Is there objection? The Senator from New York.

Mr. SCHUMER. Reserving the right to object, and I will object, the intentions of the Senator from Pennsylvania are good and noble and I am supportive of them, but there are people in New York who should be taken into account as well. We have been negotiating for a little while. We will continue to negotiate and hopefully come to a happy resolution. That is why I object. I have

no objection to the Pennsylvanian people being included, but certainly I have objection to leaving out some of the heroes in New York who were not police and firefighters—they were included—but we have lots of people who tried to carry people downstairs and everything else. That is what we have to work out. So I will reluctantly object and hopefully we can resolve this shortly.

The PRESIDING OFFICER. Objection is heard. The Senator from Pennsylvania.

Mr. SPECTER. I thank the Senator from New York for his comments. As I said, I anticipated the objection. I am willing to work with the Senator from New York to give recognition to the many heroes who were involved in the rescue effort in the World Trade Center towers. There is no doubt about that. However, I do want to get it moved along. I think this is something that would have been better had we been able to finish it before September 11, 2002. However, since we did not do that, since it is September 12, we now have a calendar to move it ahead.

I thank the Chair and my colleague from New York for yielding the floor.

#### RECESS SUBJECT TO THE CALL OF THE CHAIR

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess, subject to the call of the Chair.

Thereupon, the Senate, at 10:33 a.m., recessed until 11:09 a.m. and reassembled when called to order by the Presiding Officer (Mr. EDWARDS).

#### LEGISLATIVE SESSION

#### DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2003

The PRESIDING OFFICER. The Senate will resume consideration of H.R. 5093, which the clerk will report.

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

#### Pending:

Byrd Amendment No. 4472, in the nature of a substitute.

Byrd Amendment No. 4480 (to Amendment No. 4472), to provide funds to repay accounts from which funds were borrowed for emergency wildfire suppression.

Craig/Domenici Amendment No. 4518 (to Amendment No. 4480), to reduce hazardous fuels on our national forests.

Dodd Amendment No. 4522 (to Amendment No. 4472), to prohibit the expenditure of funds to recognize Indian tribes and tribal nations until the date of implementation of certain administrative procedures.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

#### AMENDMENT NO. 4518

Mr. BOND. Mr. President, I rise to support the Craig second degree amendment. This amendment will address the continuing problem of hazardous fuels buildup in our Nation's

forests. Unfortunately, the excessive buildup of these fire producing fuels has reached a crisis stage.

Nowhere is this fact more evident than what is happening in our forests this year. Currently, conditions in our Nation's forests are terrible. The fire risks as a result of the buildup of these fuels are extremely high. According to the Society of American Foresters, "As a result of 80 years of fuels accumulation and several years of drought, the potential for wildfire is at an all time high in many regions of the U.S." In addition to this, recent forest service estimates indicate that approximately 73 million of the Nation's national forests are at risk from "catastrophic" wildfire.

For many of the states, the damage is already done. As you all know, many western states have experienced devastating wildfires—fires that have not only destroyed homes and property, but vast acres of trees and wildlife as well. As of late August, more than 6.3 million acres of land have burned this fire season—more than double the 10-year average. So far in this fire season, we have seen devastating fires in Colorado, Arizona, New Mexico, Alaska, and Oregon.

Mr. President, these fires not only clean out and tear down living trees, they kill the wildlife, they threaten homes, they threaten lives; most of all, they scorch the Earth, subjecting it to disastrous soil runoff into our Nation's rivers, streams, and lakes, and knocking out the potential of forest regrowth for decades.

The time for addressing the problem of excessive fuels buildup in our forests is long overdue. Current efforts to reduce fuel loads are taking far too long due to senseless bureaucratic delays. According to the U.S. Forest Service, it can take up to 8 years to plan and execute a relatively routine fuels reduction project. We simply cannot afford to wait this long.

We are talking about good science-based forest management here. In a letter to the St. Louis Post Dispatch, Dr. Gene Garrett of the University of Missouri School of Natural Resources, who has studied and taught forestry for over 32 years, indicates that "In many forests in the west, trees become susceptible to insects and disease, die off, and add their wood mass to an already excessive fuel load on the forest floor. Studies have shown that fuel loads are 5-10 times higher per acre in the pine and mixed conifer types in the west than during pre-settlement times. Forest scientists all across the country believe that reduction of these excessive fuel loads is the necessary and prudent action to take to restore the health of our forests, to protect our environment, to protect our wildlife.

If we do not address this problem now, we risk losing many of America's most pristine forests due to wildfire devastation. Congress needs to pass legislation to streamline and expedite the clearing of these fire producing fuels.

I believe that the Craig hazardous fuels reduction amendment will accomplish this goal. This amendment is designed to cut through bureaucratic red tape and speed up the review and approval process for fuels reduction efforts.

Specifically, this amendment limits projects to areas that qualify as Condition Class 3 or high fire risk areas with priority placed on wildlife urban interface zones, municipal watersheds, diseased, dying, insect-infected or wind-thrown trees and areas susceptible to reburn.

Proposed projects must also be consistent with the applicable forest plan, resource management plan, or other applicable agency plan. Furthermore, this amendment limits the aggregate treatment area to 10 million acres of Federal land or roughly 6 percent of the 190 million acres of Federal lands that are at high risk of wildfire.

Finally, the Craig amendment allows parties to seek judicial review in Federal district court.

This amendment is important to Missouri because it addresses most of the causes of excessive fuels buildup in Missouri Forests.

No. 1, there has been a significant increase in fuels in the Mark Twain National Forest as a result of a serious tornado that occurred in Southeast Missouri on 4/24/02.

According to the U.S. Forest Service's Tornado Fuels Assessment for the Mark Twain, heavy winds from the tornado caused tops of trees to be broken off, stems splintered and whole trees to be uprooted. Because of this damage, fuels in this region of the forest have increased by anywhere from 5-25 times pre-tornado conditions.

Fuels in the tornado-affected areas are now classified under two levels: "very high to extreme fire danger" and "high fire danger." Currently, over 470 valuable private structures near this damaged area are endangered by this fuels buildup.

No. 2, Missouri has a significant number of wildlife urban interface areas. These are areas in and around forests that have a high population with a significant number of private structures. Some of these areas include individual residences, numerous rural subdivisions and small towns. These areas are particularly prevalent in southeast Missouri.

No. 3, in addition to the tornado, several years of drought, oak decline and oak mortality have accelerated the process of fuels buildup in other areas of the Mark Twain. The USFS has prepared an Environmental Impact Statement for oak decline and forest health for a 192,000 acre area of the Mark Twain where trees are dying from a combination of age, drought and insect infestation red oak—bores and two line chestnut bores.

The first of Missouri's two fire seasons starts next month. The most recent high wildfire season in Missouri occurred in 2000 when over 8,700 acres

of wooded lands burned—more than 3,000 acres over the ten year average. The time for this body to act on this problem is now.

As stated earlier, I believe that the Craig amendment will address most of the fuels buildup issues in Missouri's forests, and prioritize them for expedited cleanup. In closing, I urge you to vote in favor of this amendment. By expediting the cleanup or clearing of these fuels, Missouri and the rest of the Nation can expect to see the risks of catastrophic wildfires reduced.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I ask unanimous consent that I proceed after the remarks of the distinguished Senator from Utah, Mr. HATCH.

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

Mrs. FEINSTEIN. May I amend that?

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I wish to make a few comments directly following Senator WYDEN, if I may.

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

The Senator from Utah.

Mr. HATCH. Mr. President, I compliment the distinguished Senator from Missouri. He has stated the case very dramatically, not just for Missouri but in many respects for the rest of the West and many States in this Union where we are losing our forests because we cannot clean out from the forests the existing fuel. We cannot keep the forests thin so they are not susceptible to the tremendous losses we have been suffering.

Utah is no exception. We have lost thousands and thousands of acres of wonderful forests. We have not been able to take care of the forests because of basically what I consider to be environmental extremism. We are all environmentalists. We all want the forests to last. We all want to make sure it works.

My gosh, what has been going on in this country is environmental groups using the courts to override our professional land managers. It has led to a total neglect of the forests, a total neglect of what we consider to be not only natural resources but the beautiful forests of this land and the ability to keep them beautiful.

The PRESIDING OFFICER. At 12 noon, the Senate will resume the issue of homeland security.

Mr. WYDEN. Mr. President, the Senate has before it the Craig-Domenici amendment with respect to how we should spend the money we have in this appropriations bill designated for hazardous fuels reduction. It is an enormously important issue to my constituents.

I chair the Senate Subcommittee on Forest and Public Lands Management. There were devastating fires throughout this summer all over the west. Because of that, I have spent a large

chunk of my waking hours in the last few months, both out in Oregon and here in DC, trying to find the common ground that would allow us to deal with the risk of fire on the millions of acres of national forest land that are fire prone and at the same time be sensitive to environmental values and legal processes.

It saddens me to rise today in opposition to this amendment because I had hoped by this morning to be able to come to the Chamber and talk about how the Senate had found common ground. I know the distinguished Senator from California, Mrs. FEINSTEIN, is very much committed to this as well.

I agree that hazardous fuels reduction on our national forests must be pursued aggressively. I strongly believe in the concept of expedited treatment for fire-prone areas, but I simply cannot agree to the excessively broad slashes that this amendment takes at our environmental laws.

For instance, let me spend a moment talking about some of the provisions with respect to access to the courts that are in the amendment that is before the Senate this morning.

First, I feel strongly that citizens have a constitutional right to access the courts with respect to concerns over the management of our national forests, but I also believe they do not have a constitutional right to a 5-year delay. So, I have made it clear I support reforms that address these questions and expedite the critical work that needs to be done. But, I want my colleagues to understand this amendment before us today goes too far and that is why I oppose it.

This amendment strips away a plaintiff's right to a temporary restraining order and a preliminary injunction. This means, essentially, that the plaintiff's case will be heard on its merits, but while he is waiting to be heard the agency does not need to wait to complete the project over which the suit was filed. In effect, people are going to be suing over stumps.

I do not think that is what the Senate wants. I do not think that is what makes sense.

They are going to say this keeps the courthouse door open. I want my colleagues to know that though the courthouse door may be open, the effect of this provision is the plaintiff never makes it past the coat closet of the courthouse. This is not a meaningful and balanced approach to forestry. Justice is not going to be found with respect to the provisions as written.

This issue is fundamentally about trust. Certainly, there are many good people at the federal land management agencies. But suffice it to say there are many in the environmental community that do not trust the natural resources leadership of these agencies. There are many on the other side and many people in rural communities who believe there are some in the environmental community that simply are committed to delay.

So what I have tried to do, along with Senator FEINSTEIN, Senator BINGAMAN, and others who spent many hours with us, is to come up with a reasonable, mainstream proposal to reduce hazardous fuels, improve the environment and protect communities.

For example, we have said there ought to be a categorical exclusion from required NEPA analysis of the hazardous fuels reduction projects that produce a significant amount of green timber and salvage when accompanied by environmental safeguards like protecting big old trees and the assurance that the building of new roads will not waste the limited resources we have for such projects. This provision that we have talked about could save between 1½ and 3½ years of time.

Going even further, we said—and this can only be done by statute—there should be no administrative appeals on these projects.

Senator BINGAMAN, Senator FEINSTEIN, myself and others, have said these are the kinds of ideas and approaches that help to bring the Senate together to try to find the common ground in this area. Unfortunately, that has been unacceptable to my colleagues on the other side of the aisle up to this point. That is why I believe the Craig-Domenici language that overreaches will polarize, in my view, this very contentious debate even further.

I would like to see the Senate make a very real and meaningful attempt to address the important forest management issues and reduce the risk of wildfire. I would like to see expedited treatment for key areas. My sense is there is broad agreement now that on 5 million acres, even 6 million acres—I have heard colleagues talk about 7 million acres—if we could address the questions of a fair and open process with respect to the courts, the Senate could come together.

I am very anxious to work with my colleagues to do that. But given the contentiousness of this issue, I think the amendment before us now so restrains people who would like to bring legitimate questions of forest policy to the courts, that provision is going to so polarize the Senate as to set back the effort to try to find common ground.

What I want to do is work on a bipartisan basis to implement the National Fire Plan. That is a collaborative effort. That is the kind of effort that would bring the Senate together. That is what we were able to do in the county payments law and I hope we can do it again.

We have to put firefighting dollars where they can best be used in a strategic way to reduce hazardous fuels, to start in the places where treatment would be most effective, the wild and urban interface ecosystems and municipal watersheds where fire can cause the most damage.

Senator BINGAMAN has worked with Senator FEINSTEIN and others on that. I think this is the kind of approach that brings people together. Certainly

there is a commitment to cut these never-never land legal processes down in a significant way, but they have to maintain the integrity of the system.

Already I mentioned the prospect of being able to save 1½ to 3½ years of time when we are talking about the categorical exclusions from required NEPA analysis on hazardous fuels that myself and Senator BINGAMAN and others have supported. That is a significant step towards reducing the time line that so many folks are upset about in pursuing hazardous fuels reduction projects.

I am open to other ideas and suggestions but I hope the Senate will not support the amendment that is before us now. I do believe what will happen if this amendment passes is that plaintiffs will be suing over stumps. People will not be able to have the issues addressed, in effect, while it is appropriate, while the case is moving forward. That is why I think the amendment is an overreach.

I hope my colleagues will continue to work with Senator BINGAMAN, Senator FEINSTEIN and me, and the many colleagues who would like to find common ground come forward to work with us and support a package that would allow us to get expedited treatment for important projects while at the same time be sensitive to fair access to the courts and to environmental values.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I truly believe we have a real fire emergency in America's forests. It is precipitated somewhat by drought, but it is precipitated by a very flawed forest policy, a forest policy that has practiced fire suppression and spent over a billion dollars this year in suppressing the largest number of acres burned in the history of our Nation—6 million acres burned, 28 people lost, hundreds of millions of dollars of property lost, and a major concern of the American people. All the money cannot be spent suppressing fires. We have to begin to spend the money grooming forests so they are more fire resistant.

Over the past 100 years, there has been a buildup of underbrush, a buildup of dead, dying, and downed trees, a buildup of infested trees, and a buildup of nonindigenous species trees which become fire ladders. All of this presents fire ladders. So a fire begins, and it "ladders" up into the crowns of old growth, and there is a fire conflagration. I watched that happen in Colorado. I flew over the fires in Arizona. We watched it happen in New Mexico. Yes, it is happening in California, and we are not through with our fire season yet.

There is a true bona fide message. It needs to be met. I have been trying to work with Senator WYDEN, Senator CRAIG, Senator KYL, Senator DOMENICI, Senator BURNS. We have spent hours trying to come up with a bipartisan amendment which could get 60 votes on

this floor. I believe we are relatively close to those 60 votes. Senator WYDEN has indicated some of the parameters in which we have been negotiating.

We have 74 million acres of forests in the highest risk of catastrophic fire; 24 million of those acres are Federal lands. We took the Federal lands—California alone has 7 million acres of the 24 million acres in what is called class 3, highest risk of catastrophic fire—to see if we could create for 1 year, as an amendment in an appropriations bill, an expedited program to address those acres, making 70 percent of the effort in urban interface areas where we find property, and people, where fire is devastating. Also, in some of the watershed areas, the areas of heaviest pest infestation, windthrow, as well as those acres which are apt to burn—highly catastrophic.

We are very close. We can agree on the number of acres which, after all, will be conditioned by the amount of money. We have agreed to truncate the administrative process. We concentrate on the areas I have mentioned.

But on this side of the aisle, there are very strong feelings we should not change the judicial review process. We are trying to come to grips with the Republicans on this issue. I am hopeful we can. Those on the Energy and Water Development Subcommittee who are negotiating hopefully will be on that subcommittee next year as well. If we can have a 1-year trial of moving the administrative processes faster, creating the emergency within these 5 to 7 million acres of the 24 million acres, confining most of it to the urban interface and the watersheds that are in the resource management and forestry plans, we can make a difference. We can see whether it works.

There are people who say it will not work because there are individuals or groups who will go into court to try to stop us. I am not sure that is entirely correct. I thought so initially, and then I looked at a GAO letter. I will read part of it into the RECORD. It is dated August 31, 2001. It says:

In summary, as of July 18, 2001, the Forest Service had completed the necessary environmental analyses and had decided to implement 1,671 hazardous fuel reduction projects in fiscal year 2001. Of these projects, 20 (about 1 percent) had been appealed and none had been litigated. Appellates included environmental groups, recreation groups, private industry interests, and individuals.

That is just with one program, that hazardous fuel reduction project in that year. It would indicate that in this small area court challenges have not been a big problem. Many people who believe in the National Environmental Policy Act, known as NEPA, believe very strongly that we should not vitiate the NEPA process in any way, and we should not vitiate the judicial process in any way in this 1-year pilot project.

I am hopeful we will be able to find an accommodation that will get 60 votes. On this side, we clearly have to get Democrats centered around an ef-

fort. And on the Republican side, we have to be able to convince them we are serious about moving in a constructive, emergency way to address the problem of catastrophic fire in our country. We can do it. Senator CRAIG, Senator KYL, Senator BURNS, Senator DOMENICI, all want to do it.

It is true that on both sides there are different approaches. I believe in a draft either called Bingaman 3 or Feinstein Modified—whatever one wants to call it. We are relatively close to that. I am hopeful we can, by unanimous consent, not take the vote on any of these at this time but continue to negotiate at least until tomorrow morning, and hopefully be able to get through the impasse we are in at the moment—or even to next week. This bill will not be included. I believe it is important we try to move more rapidly this year with hazardous fuels mitigation. In what is Bingaman 3 or Feinstein Modified—whatever anyone wants to call it—we have a very good first start.

We would like to hear from the other side of the aisle. We would like to continue these negotiations. I am hopeful there is not a vote at this time, that we are able to continue the matter, and we are able to continue to negotiate. I was present at meetings for 3 hours yesterday. I was in a conference call on it for an hour and a half last night. I want the Senate to know our efforts are sincere, they are earnest, that we would like to find an accommodation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, I thank Senator WYDEN and Senator FEINSTEIN. There is no one better to work with as we have moved through the negotiations to change the way we look at management areas with regard to reduction of the fuel load on the floors of our forests and dealing with diseased forests.

It is most troubling to me that we are seeing the results of 20 years of frivolous appeals and putting the U.S. Forest Service and the Bureau of Land Management under such review that they cannot manage with any common sense; 20 years' experience, with a lot of folks on the ground who probably do not have 2 days' of education in their whole life, but they have been in the forest all their life, saying we are going in exactly the wrong direction and this will lead to disaster. But because they do not have a certain standing in the process to get their voice heard, their warning goes unheeded.

So we come to the years of 2000, 2002, even 1998. My State of Montana is just completing its fifth year in drought and also in low snowpack. We had devastating fires in 2000, with a lesser amount this year because we got a little rain. But now when the rains come, we see the mud slides, devastating mud slides that take streams out, destroy water quality, damage watersheds. I have heard people give endless speeches

on watersheds. They have been damaged beyond repair. It will take years and years for them to be restored. It impacts municipalities and also impacts wildlife—fish.

How much do we have to show America that the past 20 years have been a disaster, an unmitigated disaster? This policy was recommended by groups who, at times you have to believe on the management of forests—there is an old saying that says they don't know the difference between "sic 'em" and "come here." Hocus-pocus science—a theory. Feel good, warm and fuzzy—but it burns. That is what we are talking about here and that is what should be at the crux of our discussions with one another in this Senate.

How do we avoid continuing this in a commonsense way, where if you want to debate the science or the decision made by an agency or a person with regard to the management of that land, that it cannot be open and all cards have to be on the table? That is what we are looking at here.

So I am going to work with my chairman, Mr. BYRD, as we try to move this piece of legislation along. I will tell you, I have never seen more earnest and dedicated people, people dedicated to solving a problem, than those in this debate, in the private meetings, the endless hours that negotiation have gone on. I appreciate that because basically I think we are driven to take care of our forests. But past practices have not given us much help.

Mr. President, I now yield time to my good friend from Colorado.

Mr. ALLARD. Mr. President, I thank the Senator from Colorado for yielding some of his time to me. I thank him for his leadership, trying to bring some common sense to the way we manage our forests. It is a pleasure for me to be on the Senate floor with my western colleagues who face a lot of problems similar to those I am facing in the State of Colorado.

The citizens of Colorado and the west are facing a challenging time. Faced with drought and fires across the state, our response to the test of mother nature is being measured, and will continue to be measured with the passage of time. Yet the message I want to send home today, and one that my colleagues rising in support of forest health also wish to convey, is that we must not fiddle while our forests burn.

We have studied forest fires, forest health, and forest management. We have studied while our forests burn and while our critical habitat turns to ash. Yet we continue to imperil life, property and nature with catastrophic wildfires.

I want to thank the rescue workers, fire fighters, police, sheriffs offices, aid workers, and the thousands of volunteers who have battled the blazes all summer long. I hope these brave firefighters realize that their efforts are not in vain, and that new policies will restore sound forest health and revitalize our management of our great forestlands.

Unfortunately, today there is an increasing threat of fire in millions of acres of forestlands and rangelands throughout the United States. This threat is especially great in the interior States of the western United States, where the Forest Service estimates that 39,000,000 acres of National Forest System lands are at high risk of catastrophic wildfire.

Today's forestlands and rangelands are the consequences of land management practices that emphasized the control and prevention of fires, disrupting the occurrence of frequent low-intensity fires that periodically remove flammable undergrowth.

As a result of these management practices, forestlands and rangelands in the United States are no longer naturally functioning ecosystems, and drought cycles and the invasion of insects and disease have resulted in vast areas of dead or dying trees, overstocked stands and the invasion of undesirable species.

Population movement into wildland/urban interface areas exacerbate the fire danger, and the increasing number of larger, more intense fires pose grave hazards to human health, safety, property and infrastructure in these areas. In addition smoke from wildfires, which contain fine particulate matter and other hazardous pollutants, pose substantial health risks to people living in the wildland/urban interface.

The budgets and resources of local, State, and Federal entities supporting firefighting efforts have been stretched to their limits. In addition, diminishing Federal resources—including personnel—have limited the ability of Federal fire researchers to respond to management needs, and to utilize technological advancements for analyzing fire management costs.

Now, I would like to share with my colleagues a little about Colorado's devastating fire season. Several months ago, one third of the State was blanketed in smoke from forest fires, blocking the sun, the mountain view, and creating major pollution problems, and asthma related deaths. Over 500,000 acres of Colorado has burned this year. The normal is 70,000 acres.

Over the course of the wildfires, safety and emergency personnel have had to evacuate 142 subdivisions, 85,000 people, and ended up spending more money on suppression because of the interface complexity. It is critical for life and property protection to mitigate this problem.

The result of the catastrophic fires is a hardened surface that is impenetrable by water. When the ground can't absorb the water, not only is the drought prolonged, but the water has to go somewhere. So it goes downhill. As the volume of the water increases, it picks up rocks, additional—possibly undamaged—soil and other debris.

This flow of tainted water and debris does not discriminate. It enters watersheds and people's homes. Right now in southwestern Colorado roads are

closed, homes are damaged and people are trying to dig their yards out of up to ten feet of mud.

In the past six years, six major forest fires have affected the mainstem of the South Platte river, a major source of water for the Denver metropolitan area. The Hayman fire this summer was the first of these fires to destroy Denver Water property.

However, all of these fires have caused problems with the watershed which has negatively affected the quality of the water delivered to the two largest water treatment plants for Denver Water.

The Hayman fire completely consumed the trees on the acreage surrounding Denver Water's Cheesman Reservoir, except where Denver had applied Forest Service procedures of thinning and brush removal. As a result of the fire and the emulsified granite soil surrounding Cheesman, the burned trees and ash has been washing into the Reservoir as well as into the mainstem of the South Platte along the burn area. About 90 percent of Denver Water's property was burned.

At Cheesman Reservoir where Denver Water used Forest Service-type techniques, fire intensity was diminished and the fire did not destroy the entire forest. Therefore erosion and attendant water quality degradation will be minimized. One of the Forest Service mandates in its enabling legislation was protection of municipal water supplies. It is imperative that the Forest Service limit fire damage in municipal watershed areas.

This will take money, personnel, quick response and long-term dedication of public resources. In order to protect and preserve watersheds as public purpose resources, the Forest Service will need money and Congressional support to reverse policies that limit sound forest management.

It is estimated that damage to Denver Water facilities from sediment deposits and degraded water quality will occur for the next thirty years. To date, Denver Water's cost to try to mitigate some of the Hayman fire damage is over \$500,000 for erosion prevention and protection of facilities.

It is estimated the cost for the next 8 weeks will be \$100,000/week. Additionally, the life of our reservoirs impacted by the fire will be reduced by about 40 years due to increased sediment. Dredging of the reservoir will solve some problems, but will not prevent the continued inflow of sediment.

It is conceivable the total cost of dredging Cheesman Reservoir will exceed \$20 million.

These examples are just a few of the tragedies created by the fires. Glenwood Springs, Durango, Steamboat and many more, have suffered as well. Yet the quiet tragedy of the fires will not be revealed for years—what have we done to the ecosystem, to habitat, and wildlife? Only after thousands of hours of human capital investment and millions of dollars in rehabilitation will we know.

We all value protection of our forests and the natural beauty of our land. But we can no longer respond and react—we must take the steps to achieve a healthy balance and return our forests to a state of good health.

We are facing some serious problems. My feeling on this is that the forest managers themselves—they are scientists—know how to best manage our environment. I think we need to give them some more latitude in practicing good science and protecting forest health.

I will elaborate on this a little later.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I ask unanimous consent that I may proceed for not to exceed 2 minutes before the Senate reverts to the homeland security bill.

The PRESIDING OFFICER. Is there objection?

Mr. THOMPSON. Mr. President, reserving the right to object—I will not object—I wonder if we could agree that the time would not go against either side with regard to the debate of this amendment. I ask unanimous consent it not go against either side.

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

The Senator from West Virginia.

Mr. BYRD. Mr. President, I seek the floor at this time to ask unanimous consent that the pending amendment be set aside temporarily so that I may offer this amendment on behalf of myself and Mr. STEVENS.

Mr. PRESIDING OFFICER. Is there objection?

Mr. CRAIG. Mr. President, reserving the right to object, is it my understanding that we would still allow the Craig-Domenici amendment to be in place when we return?

Mr. BYRD. Absolutely.

Mr. CRAIG. I will not object.

Mr. DOMENICI. I would like to know what it is.

Mr. BYRD. It will take me a little longer than 2 minutes.

Mr. DOMENICI. Let me ask if it has to do with the budget or is in any way trying to perfect the budget.

Mr. BYRD. No. I think the Senator from New Mexico will embrace the amendment.

Mr. DOMENICI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from West Virginia has the floor.

Mr. BYRD. Mr. President, I ask unanimous consent that the 2 minutes I asked for be extended to 4 minutes so that we would have two additional amendments and I may show this amendment to the Senator from New Mexico.

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

Mr. DOMENICI. I thank the Senator.

Mr. BYRD. Mr. President, if the Chair will withhold temporarily until the distinguished Senator from New Mexico has looked at the amendment.

Mr. President, I renew my request.

Mr. DOMENICI. I have no objection. I have looked at it.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

AMENDMENT NO. 4532 TO AMENDMENT NO. 4472

Mr. BYRD. 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 West Virginia [Mr. BYRD] proposes an amendment numbered 4532 to amendment No. 4472.

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

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

The amendment is as follows:

(Purpose: To provide critical emergency supplemental appropriations)

At the appropriate place in Byrd Amendment No. 4472 insert the following:

**TITLE —SUPPLEMENTAL  
APPROPRIATIONS**

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2002, and for other purposes, namely:

**CHAPTER 1**

**DEPARTMENT OF AGRICULTURE**

**OFFICE OF THE SECRETARY**

**(INCLUDING TRANSFERS OF FUNDS)**

For an additional amount for "Office of the Secretary", \$18,000,000, to remain available until expended: *Provided*, That the Secretary shall transfer these funds to the Agricultural Research Service, the Animal and Plant Health Inspection Service, the Agricultural Marketing Service, and/or the Food Safety and Inspection Service: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

**CHAPTER 2**

**DEPARTMENT OF JUSTICE**

**OFFICE OF JUSTICE PROGRAMS**

**COMMUNITY ORIENTED POLICING SERVICES**

For an amount to establish the Community Oriented Policing Services' Interoperable Communications Technology Program in consultation with the Office of Science and Technology within the National Institute of Justice, and the Bureau of Justice Assistance, for emergency expenses for activities related to combating terrorism by providing grants to States and localities to improve communications within, and among, law enforcement agencies, \$50,000,000, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

**DEPARTMENT OF STATE**

**EMBASSY SECURITY, CONSTRUCTION, AND  
MAINTENANCE**

For an additional amount for "Embassy Security, Construction, and Maintenance," for emergency expenses for activities related to combating international terrorism, \$10,000,000, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

**CHAPTER 3**

**DISTRICT OF COLUMBIA**

**FEDERAL FUNDS**

**FEDERAL PAYMENT TO THE DISTRICT OF  
COLUMBIA**

For a Federal payment to the District of Columbia for public safety expenses related to security events in the District of Columbia, \$12,000,000, to remain available until December 1, 2003: *Provided*, That the Chief Financial Officer of the District of Columbia shall provide a report, within 15 days of an expenditure, to the Committees on Appropriations of the House of Representatives and Senate, detailing any expenditure of these funds: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

**CHAPTER 4**

**DEPARTMENT OF ENERGY**

**ENERGY PROGRAMS**

**SCIENCE**

For an additional amount for "science" for emergency expenses necessary to support safeguards and security activities, \$11,350,000: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

**ATOMIC ENERGY DEFENSE ACTIVITIES**

**NATIONAL NUCLEAR SECURITY**

**ADMINISTRATION**

**WEAPONS ACTIVITIES**

For an additional amount for "Weapons Activities" for emergency expenses, \$138,650,000: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

**CHAPTER 5**

**BILATERAL ECONOMIC ASSISTANCE**

**FUNDS APPROPRIATED TO THE PRESIDENT**

**UNITED STATES AGENCY FOR INTERNATIONAL  
DEVELOPMENT**

**CHILD SURVIVAL AND HEALTH PROGRAMS FUND**

For an additional amount for "Child Survival and Health Programs Fund" for emergency expenses for activities related to combating HIV/AIDS, tuberculosis, and malaria, \$200,000,000, to remain available until June 30, 2003: *Provided*, That such activities should include maternal health and related assistance in communities heavily impacted by HIV/AIDS: *Provided further*, That additional assistance should be provided to prevent transmission, of HIV/AIDS from mother to child: *Provided further*, That of the funds appropriated under this heading in this Act, not less than \$100,000,000 should be made available for a further United States contribution to the Global Fund to Fight AIDS, Tuberculosis, and Malaria: *Provided further*, That the cumulative amount of United States contributions to the Global Fund may not exceed the total resources provided by other donors and available for use by the Global Fund as of December 31, 2002: *Provided further*, That of the funds appropriated under this heading, up to \$6,000,000 may be transferred to and merged with funds appropriated by this Act under the heading "Operating Expenses of the United States Agency for International Development" for costs directly related to international health: *Provided further*, That funds appropriated by this paragraph shall be appropriated to the

United States Agency for International Development, and the authority of sections 632(a) or 632(b) of the Foreign Assistance Act of 1961, or any similar provision of law, may not be used to transfer or allocate any part of such funds to any agency of the United States Government: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the funds appropriated under his heading shall be subject to the regular notification procedures of the Committee on Appropriations.

**CHAPTER 6**

**DEPARTMENT OF THE INTERIOR**

**NATIONAL PARK SERVICE**

**CONSTRUCTION**

For an additional amount for "Construction", \$17,651,000, to remain available until expended: *Provided*, That the Congress designates the entire amount as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

**CHAPTER 7**

**DEPARTMENT OF HEALTH AND HUMAN  
SERVICES**

**OFFICE OF THE SECRETARY**

**PUBLIC HEALTH AND SOCIAL SERVICES**

**EMERGENCY FUND**

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States for "Public Health and Social Services Emergency Fund" for baseline and follow-up screening and clinical examination, long term health monitoring and analysis for the emergency services personnel, rescue and recovery personnel, \$9,000,000, to remain available until expended, of which no less than \$25,000,000 shall be available for current and retired firefighters: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

**CHAPTER 8**

**DEPARTMENT OF TRANSPORTATION**

**FEDERAL AVIATION ADMINISTRATION**

**GRANTS-IN-AID FOR AIRPORTS**

**(AIRPORT AND AIRWAY TRUST FUND)**

For an additional amount to enable the Federal Aviation Administrator to compensate airports for the direct costs associated with new, additional, or revised security requirements imposed on airport operators by the Administrator on or after September 11, 2001, notwithstanding any other provision of law, \$150,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

**CHAPTER 9**

**DEPARTMENT OF THE TREASURY**

**UNITED STATES CUSTOMS SERVICE**

**SALARIES AND EXPENSES**

For an additional amount for "Salaries and Expenses," \$39,000,000, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.



## INDEPENDENT AGENCY

## CHAPTER 10

FEDERAL EMERGENCY MANAGEMENT AGENCY  
EMERGENCY MANAGEMENT PLANNING AND  
ASSISTANCE

For an additional amount for "Emergency management planning and assistance" for emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, \$200,000,000, to remain available until September 30, 2003, of which \$150,000,000 is for programs as authorized by section 33 of the Federal Fire Prevention and Control Act of 1974, as amended (15 U.S.C. 2201 et seq.); and \$50,000,000 for interoperable communications equipment: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

Mr. BYRD. Mr. President, on Tuesday, September 10, 2002, the Attorney General announced an increase in the national threat level to the "High Risk" level. The President accepted the recommendation based on what the Attorney General described as specific intelligence received and analyzed by the full intelligence community and corroborated by multiple intelligence sources.

The Attorney General indicated that the likely targets include the transportation and energy sectors and symbols of American power such as U.S. embassies, U.S. military facilities and national monuments.

I intend to offer an amendment to the Interior bill for \$937 million of supplemental funding. The package includes \$647 million of homeland security funding that draws from the \$5.1 billion emergency contingency fund that the President rejected those items that are most directly related to the increased threat. In addition, the amendment includes \$200 million for international AIDS programs as was approved by the Senate 79-14 when Senator FRIST offered the amendment last June. The amendment also includes \$90 million that the Congress had previously approved for providing long-term health screening and examinations for the emergency personnel who responded to the attack at the World Trade Center.

The Office of Management and Budget currently estimates that there is \$940 million available under the discretionary caps for fiscal year 2002 budget authority. Therefore, this amendment does not require an emergency designation by the President. If the President signs the bill, the funds will be made available.

Highlights of the \$937 million package include \$150 million for security at our nuclear plants and labs, \$150 million for the direct costs of new security requirements for our Nation's airports, \$150 million to equip and train our Nation's firefighters for dealing with weapons of mass destruction and other threats, \$100 million for grants to fire and police departments to improve the interoperability of their communications equipment, \$39 million for the

Customs Service for improved border security, \$17.7 million for increased security at the Washington Monument and Jefferson Memorial, \$18 million for USDA for securing biohazardous materials, \$12 million for DC for law enforcement costs of the September 28 IMF conference and other national security events, \$10 million for embassy security, \$200 million for international AIDS, tuberculosis and malaria services, and \$90 million for long-term health monitoring of World Trade Center first responders.

I thank the Chair, and I thank all Senators.

The PRESIDING OFFICER. The Senator from Nevada.

## ORDER OF PROCEDURE

Mr. REID. Mr. President, the Chair will shortly report H.R. 5005. This morning when the order was entered, we did not know if anyone would oppose either amendment. I have been advised that the comanager of this legislation is going to oppose the Hollings amendment. I, therefore, ask the Chair to designate the Senator from Tennessee as the person controlling the time against the Hollings amendment.

The PRESIDING OFFICER. The Chair will do so.

## HOMELAND SECURITY ACT OF 2002

The PRESIDING OFFICER. Under the previous order, the hour of 12 noon having arrived, the Senate will now resume consideration of H.R. 5005, which the clerk will report by title.

The legislative clerk read as follows:

A bill (H.R. 5005) to establish the Department of Homeland Security, and for other purposes.

Pending:

Lieberman Amendment No. 4471, in the nature of a substitute.

Thompson/Warner Amendment No. 4513 (to Amendment No. 4471), to strike title II, establishing the National Office for Combating Terrorism, and title III, developing the National Strategy for Combating Terrorism and Homeland Security Response for detection, prevention, protection, response, and recover to counter terrorist threats.

The PRESIDING OFFICER. Under the previous order, the Senator from South Carolina is recognized to offer an amendment.

AMENDMENT NO. 4533 TO AMENDMENT NO. 4471

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

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from South Carolina [Mr. Hollings] proposes an amendment numbered 4533 to amendment No. 4471.

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

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

The amendment is as follows:

(Purpose: To modify the membership and advisors of the National Security Council)

At the end of subtitle D of title I, add the following:

SEC. 173. MODIFICATION OF MEMBERSHIP AND  
ADVISORS OF NATIONAL SECURITY  
COUNCIL.

(a) MEMBERS.—Subsection (a) of section 101 of the National Security Act of 1947 (50 U.S.C. 402) is amended—

(1) in the fourth undesignated paragraph, by redesignating clauses (1) through (6) as subparagraphs (A) through (G), respectively;

(2) by designating the undesignated paragraphs as paragraphs (1) through (4), respectively; and

(3) in paragraph (4), as so designated—

(A) by striking subparagraphs (E) and (F) and inserting the following new subparagraphs:

“(E) the Attorney General;

“(F) the Secretary of Homeland Security; and”;

(B) in subparagraph (G), as so redesignated, by striking “the Chairman of the Munitions Board,” and all that follows and inserting “to serve at the pleasure of the President.”.

(b) ADVISORS.—That section is further amended—

(1) by redesignating subsections (g) through (j) and subsection (i), as added by section 301 of the International Religious Freedom Act of 1998 (Public Law 105-292; 112 Stat. 2800), as subsections (i) through (m), respectively;

(2) by transferring subsection (l) (relating to the participation of the Director of Central Intelligence on the National Security Council), as so redesignated, to appear after subsection (f) and redesignating such subsection, as so transferred, as subsection (g); and

(3) by inserting after subsection (g), as so transferred and redesignated, the following new subsections:

“(h) The Director of the Federal Bureau of Investigation may, in the performance of the Director's duties as the head of the Federal Bureau of Investigation and subject to the direction of the President, attend and participate in meetings of the National Security Council.”

Mr. REID. Mr. President, will the Senator withhold for a parliamentary inquiry?

Mr. HOLLINGS. Yes.

Mr. REID. Mr. President, I have been speaking to the manager of the bill, Senator LIEBERMAN. We have two amendments pending. Senator THOMPSON opposes the Hollings amendment. It would seem that the Senator from Tennessee should have one-half hour in opposition to that amendment. Senator LIEBERMAN opposes the Thompson amendment. He should have one-half hour in opposition to that. If the two managers agree with that, we should have that in the form of an order so somebody can designate the time on it.

The PRESIDING OFFICER. That is the understanding of the Chair.

The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HOLLINGS. Mr. President, I thank the distinguished Chair.

This amendment is so simple that it becomes suspicious, in a sense. All I amend here is the National Security Council so as to include the Attorney General, the future Secretary of Homeland Security, and the Director of the