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Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable JACK REED, a Senator from the State of Rhode Island.

PRAYER

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

Our gracious God, we praise You for the privilege of being alive. Thank You for the gift of breath. We breathe in Your peace and breathe out stress and worry. We feel our pulses beat reminding us of the gift of circulation. Our minds form the images of thought about the opportunities of this new day. We are grateful for our intellects, the education we've had in this free land, and the opportunity to think creatively today. You have created us with emotions so we could love, feel deeply for others, and rejoice in our friendship with You, our Creator and Friend. And so we accept this day as a gift and join the psalmist in exulting,

Bless the Lord, O my soul and all that is within me bless His holy Name. Bless the Lord, O my soul and forget not all of his benefits!—Psalm 103:1. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JACK REED 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 18, 2002.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JACK REED, a Senator from the State of Rhode Island, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. REED thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, there will be a period of morning business that will begin at 11:30 today, with the first half hour under the control of Senator DASCHLE and the second half under the control of Senator LOTT. We are now going to be back on the Interior appropriations bill. There is not a great deal that can be done because of the procedural quagmire in which we find ourselves because cloture was not invoked.

At 12:30 we will go off Interior and go back to the homeland security bill. At that time, Senator BYRD will be recognized to offer his amendment regarding the orderly transition of the new Department. Cloture was filed under the Lieberman substitute amendment to the Homeland Security Act. Because of this, all first-degree amendments will have to be filed prior to 1 p.m. today.

RESERVATION OF LEADER TIME

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

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2003

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of H.R. 5093, which the clerk will report.

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.

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.

Byrd/Stevens Amendment No. 4532 (to Amendment No. 4472), to provide for critical emergency supplemental appropriations.

Daschle motion to reconsider the vote whereby cloture was not invoked on Byrd Amendment No. 4480 (to Amendment No. 4472).

The ACTING PRESIDENT pro tempore. The Senator from Montana.

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. ENZI. Mr. President, I rise to support the amendment introduced by my colleagues, Senators CRAIG and DOMENICI, that I feel is critical to the survival of many forests in Wyoming and across the rest of the United States.

This amendment gives the Secretaries of Agriculture and Interior the ability to recognize emergency conditions that exist on many of our forests

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

and then allows land managers to act to protect them from the extreme threat of wildfire, specifically in those areas suffering from drought and high tree mortality resulting from insect infestation, disease, invasive plant species, or other catastrophic natural events. In other words, it allows our land management agencies to clean up their tinder boxes before they explode.

Wyoming is currently suffering its third year of drought, and our neighbor to the north, Montana, is in its fifth year. Colorado, to the south, had the driest 6 months on record from December to May. And South Dakota had the driest June on record.

More than half the United States is considered to be in drought conditions, and some estimates place this drought in the West to eventually be worse than the Dust Bowl years of the 1930s.

When these dry conditions combine with the dense fuel loads that exist in our National Forest System, we get a fire season that sets new records for intensity, for severity, and for extent. In fact, things are so hot and dry in Wyoming, we have considered outlawing corduroy pants.

Already, the 2002 fire season has burned more than 6,418,362 acres, or, in other words, 10,032 square miles, or—to put it a little differently—a 4-mile-wide strip from Washington, DC, to Los Angeles, CA. And that is packed into the Western States. This has already cost our Nation millions of dollars, and it will cost us millions more before the fire season is over.

Earlier this year, Forest Service Chief Dale Bosworth was forced to notify his forest supervisors that his agency expects to meet—and I would suggest it could even exceed—fire suppression costs spent during the historic 2000 fire season, where more than 8.4 millions acres burned, and we spent more than $1.3 billion. As was noted earlier, 2002 has already exceeded 2000's year to date acres burned. And in one recent fire—the Rodeo-Chediski fire in eastern Arizona—the Department of the Interior and the Federal Emergency Management Agency spent $8 million per day—$8 million per day—at its peak to fight it.

Forests need to be controlled locally. The local forester has the best idea of what is going on, and should have more control over the decisions. Local forester decisions is recognized in the Daschle emergency military spending amendment.

Forests have vast differences. Eastern forests are particularly different from western forests. People who have only seen eastern forests cannot rationally comment on health in a western forest. People of the East cannot understand how little moisture we get in the West.

Wyoming gets about an average of 16 inches of rain a year. I think we get that much per month out here, sometimes, in Washington. They do not understand the difference between drought in an arid area and drought in a rain forest. Because we have less moisture, the undervegetation is different and is dry. It is often pine needles and pine needles easily combust.

The West is mostly pine trees instead of hardwoods. The ground is steeply sloped. We have real mountains out in Wyoming, not the rolling hills we call mountains here in the East. So the ground is steeply sloped and it has ravines; those are small canyons. Some of them are pretty good-sized canyons.

Pines ignite easier than hardwoods because they are more porous and are dryer. The trees have needles instead of leaves. When bark beetles infect a pine tree, they kill the pine, but the needles do not drop off like leaves would drop off a normal tree. They dry out. They turn a rust color. And they stay on the tree for at least a year. They ignite even easier on the tree because the air can get to the needles. Even the bark on the trees is different. Hardwoods have a denser bark, which is harder to ignite. Pines have a bark that makes really good tinder. It peels off the tree pretty easily. Even controlled burns, prescribed burns—the burns that we set intentionally in the forests—can kill trees; and they do. Many of the prescribed burn fires that we have get out of control. These are such tinder boxes that they get out of control; they race through and kill the trees, not just the underbrush they are supposed to kill. And a lot of it has to do with the difference in trees.

If a beetle-killed pine is at the bottom of a hill, it easily fires up all the trees upslope from it. Fire burns up. The fire even creates a wind that moves the fire faster. If the tree happens to be in a sloping ravine—one of these canyons—the ravine creates a wind tunnel that amplifies the speed of the wind. The ravine provides a chimney effect that further dries the trees and warms them so they are more combustible, so they can explode.

To fight the fires, it is necessary to get the firefighters to the fire. If the fire starts to move fast, it is also necessary to be able to get the firefighters out quickly. We are eliminating roads in our forests, and we are definitely not building any new ones. Roads cannot be built during the fire, particularly in mountainous country.

Another difference with crown trees is they have a crown as opposed to the hardwood canopy of leaves. When a pine tree catches on fire, the flame burns to the point of the tree just like a candlewick. The last several feet of the tree is called the crown of the tree. When a wind is created by the burning trees, and the crown catches on fire, the crown can be separated from the tree and thrown. The wind will throw this crown a half mile to a mile, where it ignites another tree, usually at the top already, with that crown being thrown, and so on. So these fires can move extremely rapidly and set multiple fires in multiple areas.

There have been changes in western forests. Landscape comparisons, where we compare old photos with the same locations today, show us there are many more places with trees today than there were 50 and 100 years ago. And where there were trees, there used to be 50 trees to the acre—an acre is about the size of a football field—and, today, that same forest area has an average of 200 trees, and sometimes as many as 1,200 trees.

Trees are like most plants. If you plant too many, and you do not thin them, the growth of all of them will be stunted. Foresters have also found that pine beetles are more likely to attack trees that are always in shade.

Mr. President, 1,200 trees on an acre—the size of a football field—are going to be in shade just about all the time. Even 200 trees on an acre will be in shade all the time. Pine beetles like that. Trees always in shade are weaker and more susceptible to disease. And they are not as useful. They do not provide protection. And should we ever allow any to be cut down, they do not provide nearly the wood, either.

Trees are also alive. They have a lifespan. It is a tree lifespan, not a human lifespan, so it is often considerably longer, but not always. If we only keep old-growth trees, the forest will die of old age, and nothing will be left because they will all die at the same time, or approximately.

Why do we have more trees now? Because we do not have as many forest fires. Why don't we have more forest fires? Because we have more structures to protect. Why shouldn't we let fires that are distant from homes, then, burn to get rid of the excess trees?

First, it is a waste of product that could keep the price of homes down and even provide homes for people who never thought they would be a part of that American dream.

Second, an isolated fire that is allowed to burn becomes a huge wildfire and then is very difficult to put out. I will talk about that a little bit later. The bigger the fire, the harder it is to contain and the more dangerous it is to the lives of those fighting it.

Third, when ''let it burn'' really worked was only when the western population lived in tepees. They started a lot of fires. They started fires to make meadows for the wild game and to produce some plants that need more open space. But they lived in tepees. And when a fire started, they folded up their home and they moved out of range. When the fire was over, they found more beautiful land and they started again.

Today there isn't that flexibility of moving or of land availability. No one wants their home burned down. In fact, no one even wants to save their cabin if the only view they will have for the next 20 years is charred and limbless trees. Not only is the view ruined by a fire, but on the slopes we have out West, erosion starts.

A woman who owns a Montana logging firm—I love this—does the accounting and runs the skidder. That is small business, when you do all ends of the thing. She owns a Montana logging firm. Two years ago, during those terrible fires we had in 2000, she testified at a special hearing that Senator BURNS and Senator CRAIG held in Billings, MT. One of the big points she made was that there is a difference between what she does and what Mother Nature does, and it is primarily that her firm respects the rule banning timber activities within 400 feet from a stream. A fire burns right down to the stream, and so the erosion can go clear to the stream.

She also brought in a little bit of a sample of some wood. I should have brought it this morning—except we are not supposed to have three-dimensional items on the floor—to show what some of these diseased trees are like. It is a core of wood about that big around. It has pine beetles in it, but it still would make homes.

So the big difference between having a conscientious firm do the work and Mother Nature do the work is that the firm respects the 400 feet from the stream.

I recently ran across a book called ''Fire on the Mountain.'' It is by John N. Maclean. Some of you are probably more familiar with his dad who wrote a book that became a movie called ''A River Runs Through It.'' It has some great pictures of the West in there and some great fishing pictures as well. I recommend ''A River Runs Through It.'' But for knowledge of fires, I recommend to everybody, even in cities, that they read ''Fire on the Mountain,'' which is very well done. It is from 5 years' worth of research about a fire on Storm King Mountain in Colorado. It was in the south canyon and in sight of the I–70 interstate and Canyon Creek Estates. It happened on July 3, 1994, and resulted in the death of 14 firefighters, professional firefighters, ones who had heard about the fires like the one at Mann Gulch. These are people who know how fast these things can go but still have trouble believing it.

I want to read a couple of excerpts from this book because it will give us a little bit of an idea of what it is like when one of these pine forests catches on fire:

Bryan Scholz, the foreman, felt a pinprick of apprehension. He had seen the same thing a few weeks before, a routine brushfire on a steep slope, and that time the fire had exploded.

Further on:

''I told them what was going to happen,'' Scholz said. ''The folks on the other crews were looking at me like I was some sort of knucklehead. And it happened. The fire made one huge run from bottom to top in a minute, probably a good half-mile square.

This is a drought year, Scholz told the crew. ''Learn the lesson now, when we don't have to pay the price.''

Another example of how these things work:

A backwash of embers swirled above the flames. If sparks from the backwash eddied down the slope and reach the opposite side of the western drainage, there would be fire on both sides of the gulch. That kind of fire creates its own wind. It turns small flames into a giant fireball, and the fireball races up the gulch faster than a man can run. That had been the story forty-five years earlier in Mann Gulch: A fireball had chased the smoke jumpers.

This is the progression of the fire. Incidentally, from Canyon Creek Estates they could see this little plume of smoke up the mountain that was just a little plume of smoke for 3 days. Nobody paid any attention, except to worry that it could turn into a big fire.

Continuing with an excerpt:

A jet of flame shot upward and then another, seeming to spring from nowhere. Piles of dead brush, branches and tree trunks ignited. Living brush, tinder-dry from drought, took fire. Darts of flame transformed into bonfires, which merged into a single, expanding flame front. A booming wind raced up the western drainage and struck the flames, pressing the telltale smoke column nearly flat to the ground.

Muscular strands of scarlet flame appeared through the smoke. The fire drew back to renew itself, taking in oxygen, and the smoke covered the flames; then the fire surged forward, and again ribbons of flame came into view.

The rapid transition of a fire burning in debris and litter to one involving all available fuel, from the ground to the tops of trees. But this falls short of describing the majesty of the occasion.

A blowup is one of nature's most powerful forces, equivalent to a mighty storm, avalanche or volcanic eruption. It can sweep away in moments everything before it, the works of nature and of humankind, and sometimes humankind itself. It is destructive, but neither good nor evil; it goes where wind and terrain take it.

Blowups happen every fire season across the West when wind, fuel, dryness and terrain come together in the right combination and meet with a spark. The blowup stokes itself by creating its own wind, the hear drawing cooler air by convection. If it happens in a gulch, as is common, the sides of the gulch—in this case the western drainage—act as a chimmey and compress its energy. The flaming tempest can send a smoke column to a height of forty thousand feet or more. The blowup may die out once the gulch is burned or move on and reduce thousands of acres to ash. The blowing-up, in any case, is over in minutes.

Flames also made downhill leaps as wind eddies scattered sparks toward the bottom of the V. The eddies carried aloft fistfuls of burning duff, decayed leaves, that is, twigs and other matter.

. . . the gorge of the Colorado River, a natural wind funnel, in a phenomenon known as a venturi effect, named for the nineteenth-century physicist G. B. Venturi, who discovered that a throatlike, constricted tube actually will increase the velocity of fluids—

That is what these ravines do and what the river adds to.

The transition from a ''normal'' fire to a blowup took seconds.

I have to tell you, when the fire was out, the trouble wasn't over. The fire happened in July. In September—September 1—a motorist was driving through heavy rain on I–70. That is the interstate visible from where the fire was, the fire that killed 14 people who were not able to get out of the way of how fast that fire raced through this tinder dry fuel.

On September 1, a motorist, driving through heavy rain on I–70 past the foot of Storm King, heard ''a whoosh like a real strong wind going through the mountains.'' Hundreds of tons of mud, blackened trees, and scorched brush, loosened as a result of the fire, slid down gullies, spilled across I–70, and poured into the Colorado River. The mud engulfed 30 vehicles. Traffic on I–70 was backed up for 4 miles.

Several people and vehicles were swept into the river. Two people were injured, but [fortunately] no one was killed.

That is the aftermath effect of a forest fire. That is another reason we are trying to stop forest fires, particularly in these mountainous areas. They destroy the mountain.

Now, so far we have been lucky that some of our most dangerous areas haven't caught fire. We have not been lucky in deaths caused by the forest fires. I think we are up to 22 deaths so far caused by the forest fires this year alone. Not all of those could have been avoided, but many could have been avoided by having healthy forests.

We really need a discussion in this country about what a healthy forest is. We have to move away from thinking one side wants every tree cut down and the other side wants no trees cut down. We have to get to where we are thinking about the health of the forests and the beauty we want our kids to be able to see in several years.

One of the areas I am particularly concerned about is just east of Cody, WY, on Shoshone National Forest. It lies right next to Yellowstone National Park. This is an area considered critical habitat for wolves, grizzlies, whooping cranes, elk, bison, mule deer, and several other animals that spend their time living in Yellowstone National Park when the snows get deep in Wyoming. The area is also home to a very severe pine beetle infestation that threatens to ignite and cause extreme damage to the park, the forest, and the surrounding communities.

This summer, the National Forest Foundation—these are individuals who believe in putting their money where their mouth is. They put money into a foundation and, occasionally, they get matching money. They do pilot projects that allow experiments to be done in forests to make them as healthy as possible. I want to challenge any environmental group out there to share with me their numbers on how much of the money they collect goes to actually solving the problem they are talking about—not going into court actions to stop other people from doing anything, but actually working on the problem they are talking about. I highly congratulate the National Forest Foundation for putting their money where their mouth is. I got to see some of these projects which have created habitat, primarily for elk, and where most importantly they were able to drive down the fire danger, making some beautiful areas in Wyoming, getting rid of these rust-colored abominations that we have.

A year ago there was a fire in Yellowstone Park. I went to that fire. I wanted to see how the new fire plan was working. I have to tell you that every firefighter I talked to was thankful that we have a policy now of stopping the burn as fast as we can. We used to have a policy of let it burn, and then when it started getting in the area of structures, we started to worry about it. Often the flames were maybe as high as 150 feet, and we could not do anything about it. So they really like this new policy. It is much safer for them to go in as soon as the fire starts and put it out.

On the Storm King fire, as I mentioned, they noticed flame from these Canyon Creek Estates on July 3, and it was 3 days later before anybody went to take care of the fire. It was just a small plume of smoke quite a ways from homes. In a matter of a few minutes, it turned and became a danger to those homes. People living at the bottom of one of these areas are not very pleased to have a fire going alongside their homes, even if it is quite distant.

They showed me some of their maps and, from where we were, we could actually see what they were talking about. They were concentrating 80 percent of their fire suppression efforts on one small part of Yellowstone Park, right at the edge of the park. The reason they were doing that was there was this big pine beetle infestation next to that. If the fire were to have jumped from Yellowstone into the infestation, it would have taken out the lodges and homes and the Boy Scout camp between there and the reservoir near Cody. They had meetings with people in the lodges and in the homes and made sure they had an evacuation plan.

If you are a tourist in a lodge, and the owner of the lodge is explaining the forest fire evacuation plan to you, it doesn't make a very relaxing vacation. When you go home, you don't say: There is this great place outside of Yellowstone I would like you to visit, but you have to watch out for forest fire evacuations.

At any rate, the firefighters there wanted to know what I was going to do about removing those pine beetle trees because they are a huge danger to the forest. Nobody wants to drive through charred trees to get to Yellowstone Park. There are trees that need to be taken out. They run through some ravines. What I talked about could actually happen with the area just outside of Yellowstone Park. Fortunately, we have the National Forest Foundation making some headway at getting a little bit of corrective work there. But it is nothing compared to what we need.

Another example can be found in the Black Hills National Forest, where forest managers have been extremely lucky not to have to deal with fires in the Beaver Park roadless area or the Norbeck Wildlife Preserve. These areas are suffering from severe storm-related damage and a mountain pine beetle infestation that has left acres of dead and dying trees. When trees are filled with dense and now dry underbrush, it creates a terminal condition for the entire ecosystem should something happen and a fire start in either of these areas. As I said earlier, we have been lucky these areas have not already caught fire.

One fire did get close. The Deadwood fire came within a mile and a half of these areas. It also burned down some structures. I have to give you a report on that because, most recently, there has been a huge mud slide there. Mother Nature didn't observe some of our federal rules limiting erosion.

Fortunately, the Senator from South Dakota, Mr. DASCHLE, was able to include language in the emergency supplemental military bill that will allow the Black Hills National Forest to address this situation. If we are lucky, it will be done in a timely manner and before it is too late. I only hope we can provide that same kind of protection for the areas in Wyoming and the other Western States.

Back when I was a Boy Scout, one of the requirements I had to complete to earn the rank of first class on my way to earning the Eagle Scout Award was to start a campfire using not more than two matches. I became very good at starting campfires and was well known for winning water-boiling contests at scout camporees. There are a number of tricks people develop in starting campfires. I had my own system that helped me to win. But no matter who you are, or what your trick may be, there are three basic elements to every fire—oxygen, fuel, and heat.

Oxygen comes from the air and is readily available. Fuel is found in the wood, particularly dry wood that burns easily when enough heat is applied. Heat comes from a spark, match, possibly friction—not corduroy pants, however. We cannot do anything about oxygen. The fuel—we can do and should do something about fuel. Usually, we cannot do anything about heat unless it is manmade.

The best way to apply enough heat to start a successful campfire is to properly organize the wood in a way that allows flames to climb from the bottom of the firepit where you put the smaller, quick-burning sticks and tinder—to the larger, longer burning logs in much the same way as someone would climb a ladder one rung at a time. Some of you have fireplaces. That is the way you do it. You put in the small tinder and then bigger and then the logs, which you like to see burn—you don't if it is a forest fire.

To start a successful fire, I began by carefully putting the wood shavings at the bottom of the fire—this would be my light tinder, or the first rung of the fire ladder. I then built a small teepee of sticks over my tinder—about the same as a ravine—and I added larger sticks, which is what catches fire when everything else happens. The larger pieces of wood go on the top. They draw the heat from the flames of the intermediate sticks below them. If you did it correctly, you would start your fire and boil a can of water before anybody else.

What does this have to do with our national forests? If you go out on the ground now and look at the density of our national forests, they are laid out just like the campfires I was trained to build when I was a Boy Scout. At the bottom of every forest lies a collection of small dried out brush, leaves, and fallen bark. Over this pile of tinder is the next rung, which is made up of small to intermediate trees. These intermediate trees are then crowded in between the larger and older trees that make up the top rung, or crown, of the forest fuels ladder.

This problem wasn't always as bad as it is now. There was a time when Mother Nature and the Native Americans took care of thinning the forests by regularly starting wildfires. Because the fuel loads weren't allowed to grow as dense as they are today, the fuel ladder didn't reach all the way to the big trees. Fire would burn up the tinder and thin out the intermediate and dead and dying trees. This promoted biodiversity, kept the intensity of the forests down, and in times of drought the competition for limited water resources was dramatically less than it is today.

We now have forests that historically had 40 or 50 tree stems per acre that are now over 200 stems per acre. That is a 300-percent increase.

When a fire starts in forests this dense, it quickly climbs the fuel ladders and races out of control. These crown fires are all but impossible to stop. The heat generated from all rungs burning at once sterilizes the soil and leaves nothing but desolation in its wake. This is only made worse with the added factor of drought.

By adding to the mix stands of dead trees that are as dry and volatile as the tinder on the forest floor, one can imagine the threat this kind of fire can have on the forests and their surrounding communities, and there are more and more communities, more and more homes, more and more structures.

It is a much better conservation practice, therefore, to step in and duplicate the effect historic, healthy fires had on our forests by using what we call mechanical thinning. This is a practice where our land management agencies hire experienced timber companies to remove the dense underbrush and carry out the smaller and intermediate trees, thereby leaving a forest that is healthy, more biodiverse, more fire resilient and that has a better mix of older and younger trees so the whole forest does not die off at once.

The alternative is to allow Mother Nature to step in and conduct one of her catastrophic clearcuts, and when Mother Nature does a clearcut, as I already mentioned, she does not care about riparian zones or raptor nesting sites.

Another factor that must also be considered, now that we are fighting the war on terror, is that these catastrophic clearcuts we are suffering in the West also pose a serious threat to our national security. It requires an extreme amount of resources and time to fight these fires and often includes military support. The Air National Guard facilities in Wyoming have been detailed as a support base for dispatching air tankers, and a lot of our Nation's airspace is now off limits to anyone but firefighting aircraft.

We also have a report that the fires pose a serious threat to our Nation's communications facilities and to the power grid. There is no way to build an extensive communication and power system in the West without putting some of it on Federal public lands, including forests. The Federal Government is the largest landowner in the West, and we have rights of way crossing all over it. When we have fires such as we have this year, they are, at one time or another, going to threaten our Nation's utilities.

We cannot afford in this day and age to surrender our Nation's greatest assets in fighting the war on terror; namely, its technological advantage created by our extensive energy and communications networks.

In closing, I urge my colleagues to join me in supporting this amendment and in giving our Federal land managers the tools they need to decrease the serious threat of fire on our forests caused by the dangerous combination of drought and infestation. It is a very limited bill. I would even hesitate to call it a pilot project. But it is essential to get started and to get started now. If we can establish some good examples, we can show there can be healthy, beautiful forests, the way we envisioned them and dreamed of our kids and our grandkids and our great-grandkids being able to see them. We have to have better stewardship of our forests than what we are doing right now, and it does include cutting some trees.

I thank the Chair. I yield the floor and 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. CRAIG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. CRAIG. Mr. President, for the last good number of minutes, I have been listening to the Senator from Wyoming talk about forest fires in the making. I must tell you, it was not only fascinating but an issue he and I, as westerners who live in forested States, have grown to develop some knowledge about over the years.

I liken Senator ENZI's speech to Forest Fire 101. It was appropriate, and it well defines the great problems we face, not just in the West today, although conifer trees—or pine trees, fir trees, all that the Senator was speaking about—have a different characteristic in fire than do the broadleafs.

What is fascinating to me now is that in January, February, and March, which oftentimes are the dryer seasons on the Eastern seaboard, we are beginning to see more and more fires in our broadleaf forests because of the fuel loading that is occurring. It starts in the brush and in the leaf flora and goes to trees that are not yet leafed out and green.

The point I make, and why we are talking about this as a national fire policy and why it is important for the Senate to stop, as we have, to focus on the need to reshape public policy in this critical area, is it is now of national importance and a magnitude we have never seen before.

We are not used to allocating $2 billion a year of taxpayers' resources to fight fires. That is approximately what we are going to be doing this year. It is what we did last year and the year before. The American public ought to be scratching their heads a bit and asking a fundamental question of their policymakers: Is that justifiable? Can we, as a country, spend $2 billion a year to fight fire in our national forests? Why are we doing it?

As I have mentioned several times, it is not any longer just to put out fires that are burning trees and watershed and wildlife habitat. It is to protect an ever-growing number of homes that are built near or in these forested areas because that has become an extremely popular place to live for the average American over the course of the last number of years.

In 1998, we had some very severe fires in Idaho, and in an area with which I am very familiar—which is where I grew up—in the McCall-Cascade area of the national forest—the forest supervisor of the Payette at that time told me—and I think we lost 200,000 to 250,000 acres in two or three fires that joined together that year—that the greatest concern he had and the most resources he used was to keep fire away from homes; that while the fires had to be left to burn elsewhere because they simply did not have the manpower to put them out, they focused on protecting homes.

We now call that the urban wildland interface. Over the course of the last several years, we have tried to shape fire policy around that and direct resources toward the thinning and cleaning of forests in the immediate areas around these lovely homes that are being built out in the wooded areas.

Is that a national responsibility, is that a Federal responsibility, or is that the responsibility of the homeowner? The homeowner builds his or her home next to a national forest anticipating that forest is cared for and is not going to erupt in fire and, therefore, will not place their home at risk. So this is a public obligation, in part, to sustain a healthy forest, not just for wildlife habitat and watershed but to assure that fires will not sweep across private land and destroy private property. There is, at least arguably, a liability factor there if the forests are not properly maintained.

Over time, we have said there is a liability factor if the poor management of product on one side of a property line causes damage to property on the other side of a property line. Out West, we say if you harbor noxious weeds on one side of a property line and they move over to your neighbor's property, you are liable. County law and State law says so.

That is why we have dedicated phenomenal resources over the last number of years, as this fire situation has grown in our forested areas, to protecting homes. Even as we try to protect the home, as the Senator from Wyoming has so clearly spelled out, in this fiscal year, starting in mid-June, we have lost now over 2,100 homes across this country, mostly along the Rocky Mountain front from the White Mountain forests of Arizona up through the Rocky Mountain forests of Colorado, homes in California, a few in Oregon, an entire town almost wiped out in Arizona, and an entire community threatened in Oregon this year with severe fire.

It is appropriate, while the Senate would wish to rush on to other issues, that we deal with this issue in some form. It is a national crisis. Nowhere can we say that the loss of 6.5 million acres of our forested lands is anything but a crisis. As I have said, if this had been Hurricane Andrew—and I am not sure Andrew did much more damage than that years ago in Florida—we would rush down there with all possible Federal resources to help the community, to turn the power on, to rebuild the homes, to clean up the debris.

Here we step back and say—or at least some do—this is all but an act of nature in a normal sense. It is not an act of nature to see abnormal fires of the kind the Senator from Wyoming has spoken so clearly about, with heat intensities in a multiple of hundreds of degrees hotter than a normal fire, burning everything in its path, leaving nothing behind. That is not a normal forest fire. That is an abnormal forest fire that is a creation of public policy that has disallowed the thinning and cleaning by mankind that was once done by fire, before we eliminated fire from the ecosystem about 90 to 100 years ago.

We became extremely active in fire management in a post-World War II era when a bunch of young men came home who had learned how to jump out of airplanes. They could put a shovel and a pulaski on their back and file in a Ford trimotor out across the forests of the West and jump off to a lightning strike and throw a few shovels of dirt on it and put it out and they became known as smoke jumpers. That was the beginning of a scenario on our western public land forests to put fire out. We got better and better at it over the years, to the point where we have nearly eliminated the fires, and in eliminating fire, which was the natural cleanser of our forests at that time, we did not replace it with a fire-like, man-created presence.

So the fuels begin to build and the small trees begin to grow and the brush begins to multiply to the point we have added fuels to the acres of such magnitude that scientists tell us that they are fuels equivalent in Btu's to tens of thousands of gallons of gasoline per acre in explosive character or ignitable capability. That is the reality of many of these public land forests today.

In the White Forests of Arizona, where 100 years ago stood 25 trees per acre in a relatively pastoral setting, with grass growing beneath, wildlife ambling through, large trees scattered across the landscape, in that very forest this June, instead of 25 or 30 trees per acre, there were 700 trees per acre—not big trees, little ones, 6 to 8 inches through. A forester would call those weed trees, scrub trees, of no value, except to do exactly what the Senator from Wyoming said—create that ignition of fire that starts from the bottom and sweeps upward to the crown of the tree along the natural coning shape of a conifer, a fur, a spruce, or a pine.

It is the characteristic of fire that we do not want to speak to today. We just want to ignore it because some groups have said it is natural, leave it alone, turn your back on it, walk away. They want to because they do not want us in there. It has been in the name of the environment. You cannot call this anything but now an environmental disaster, a total wipeout of the watershed. You heard the Senator from Colorado last night talk about it.

Now, in Durango, CO, where the land burned but 2½ months ago, the rains have now come and the land is sliding down the mountainside and blocking the streams and the roads and filling the reservoirs full of muddy ash and water. That is not natural. Had that watershed in the Durango area that feeds Denver been allowed to be thinned, cleaned, alive and vibrant, fire would not have burned it. The rains would have come. The organic soils would have consumed the water and slowly allowed them to trickle down that watershed into the lakes and reservoirs that feed the Greater Denver area and its water systems.

Absent that is nothing but a tragedy. To say that is only a natural occurrence and that somehow we have to accept it is wrong. To the environmentalists who make that argument, I say, shame on you. You ought to become a copartner in working with us to determine how we can effectively thin and clean and restore the health and vibrancy and environmental integrity of those watersheds so they can support wildlife habitat and become the ever-replenishing source of water for the urban areas of the West or anywhere else in our country.

Our forests are important to our ecosystem. They are great sequesters of carbon that flows out of the air as a result of the human presence and great storehouses of water that then feed out over the course of a year, to be used by all of us for life-sustaining purposes, not to slide down mountains in the form of mud and ash and broken, burned trees, of a kind that you will now see all over the West this winter in those 6.5 million acres that have already burned. It is a disaster that has happened.

To not stand here on the floor and shout out about it would be a failure of anyone who represents those areas. It is not natural. It is a creation or a result of public policy that has allowed that.

I am suggesting we not look backwards and start pointing fingers and blame, but we look forward. We know the conditions today. We know the problem. We also know a solution. And every forest scientist will line up and tell you exactly what to do. Most all of them will agree. It is not clearcutting. It is not logging. It is not all of the kinds of things that some accuse us of wanting to do. It is a systematic cleaning and thinning and restoring of health, and replacing fire with man's presence in a fire-like way. By that, I mean the thinning, cleaning process.

No, I am going to be an advocate of green sales, and I will be an advocate of a logging program as a part of a multiple use base of our national forests, but that is a different argument and a separate issue from the issue of forest health. When we have hundreds of millions of acres of forests across our Nation today, and we know there are over 94 million acres that are in some form of health problems, and there are nearly 30 million that are at crisis today by big kill of the kind that the Senator from Wyoming spoke of, by dead and dying trees, by magnitudes of large fuel loading that creates the kindling of the fires that swept across and are continuing to burn in the West today, that is where we ought to focus. That is where we are focusing with the Craig-Domenici amendment. It is why we have invited all of our colleagues to become involved and help us work out these problems, instead of simply saying no, because some special interest group said, tell them no.

This is not an answer today in the West. No means we will continue to burn. And every year we will burn 5 or 6 or 7 million acres—every year for the next 10 years, 20 years, 30 years. That is a magnitude of environmental disaster of the kind this country has never seen. It is one of which I do not want to be a part; it is one the Senator from Wyoming does not want to be a part. It is why we are working so hard to strike a compromise, to make a small step forward, to change the thinking just a little bit. It is why the Craig-Domenici amendment selects urban wildlife interface, municipal watersheds, and an unlimited number of those 30 million acres of the critical dead and dying—less than 10 million acres in total.

We have said, let us make this small step forward and watch the U.S. Forest Service—bring the cameras in—prove we can thin and we can clean and we can reestablish the health of these forests. And it is not by someone also's definition of logging. That it is not evil and clandestine and somehow a subterfuge to get loggers back into the woods. There is nothing wrong with loggers in the woods, nothing wrong at all. But this is not that issue. This is a forest health issue. If we do the right logging in the right areas and we sustain ourselves, we can always have a healthy forest. But today we ignore it.

The last 3 years I fought the effort of the former President, President Clinton, to lock up 94 million acres of roadless lands. I guess it was about 1994. We succeeded in stopping him. But he wanted to lock it up, again at the advice of some interest groups, and then ask America to simply turn their back on it and let it sit.

That is where all these fires are starting today. Many of the fires that started in the roadless class 3 lands today are the ones that swept out of those, into class 2 and class 1 high-quality forest lands, and wiped everything out in the process. Because fires of the kind the Senator from Wyoming spoke about know no bounds. The Senator said it: All they know is heat, fuel, oxygen. And in a drought-like environment where humidity is dramatically low, kindling points drop dramatically and forests literally do explode.

Those who have seen the great forest fires of the West, have seen the devastation, have seen the plumes of smoke going 12,000, 14,000, 20,000 feet into the air and mushrooming like an atomic bomb, will never forget what they saw.

When the White Forests were burning this year, I was flying from Dallas to Denver. Somewhere out over northwestern New Mexico we began to hit the cloud plume and the smoke rolling off the fires in Arizona. The pilot came on the intercom—we were at 35,000 feet, and the airplane was in smoke—and he said to the passengers on the plane: As a pilot, I have never experienced this before, but we are in the smoke from the forest fires of Arizona.

We were in smoke from that time, as that plane flew out of New Mexico, across Arizona, and into Colorado, until we landed in Denver and then the winds had shifted; Denver had cleared, but from Denver south, it was all full of smoke.

But to have an airline pilot say he had never experienced that, to me, is a simple description of the magnitude of these fires, the intensity of them, the phenomenal fuel consumption, the tremendous release of carbon into the air, that smoke cloud that literally spread across the United States at high altitude.

That is the crisis to which we speak. Some would like to rush to judgment, ignore these problems, walk away from them. Shame on us if we do. Shame on us if we do not work to make one small step toward correcting these problems. If we then, by that small step, can prove to the American public that we have done the right thing—and I think we will be able to—then will they allow us to make another step? I hope that is the case. That is what we are going to try to get accomplished, and I think we can get that accomplished today. I hope we can.

What I would appreciate, if we are wrong, is to have the opposition come speak on the floor and tell us why we are wrong. I have heard no one come to the floor this year and try to justify the fires that have burned across America's public forests this year. In fact, they are cowering in the smoke, wishing not to speak out. They will vote for the special interests that ask them to vote no, but they will not come out and openly express that what happened in Arizona and Colorado and California this year, and parts of Oregon, is all but a natural process and 2,100 homes and 22 or 25 lives and $2 billion is an acceptable reality to America's forest environment.

I do not believe that is the case. So, if you can't justify the current policy and the current policy is creating that kind of damage, then why not change it just a little bit, enough to prove to the American people, and to the critics, that what we are advocating is the right and proper direction? Give us the time to do the programs, turn the television cameras on, come out and look at it, and tell America what we are doing. If it is wrong, we will change it. But I think they will be very surprised, finding out we can thin and we can clean and we can improve the watersheds and you can save the forests and you can defuel them and therefore fireproof them—at least from the kinds of fires the Senator from Wyoming and I have been discussing—and allow these forests to return, in some instances, to the natural fires of 100 years ago that burned lightly and ambled across the land, thinning and cleaning but not destroying and not burning large trees or the pastoral landscape that Europeans first experienced when they landed on these soils and began to trek across this great continent and through these marvelous forests from east to west.

It is a legacy. The legacy of today is a legacy of embarrassment, in my opinion. It is a legacy of misguided public policy that has brought us to a point of decision. We ought not take it lightly. We certainly ought to deal with it now rather than later.

I yield.

The PRESIDING OFFICER (Ms. STABENOW). The Senator from Wyoming is recognized.

Mr. ENZI. Madam President, I thank the Senator from Idaho for his kind comments but more so for his leadership he is providing on this issue. The speech he gave now and the several speeches he has given, I know they have been extemporaneous and from the heart and contain a lot of information that people across this country need to have.

I congratulate you for your leadership. I also congratulate Senator BURNS, Senator DOMENICI, and Senator ALLARD from Colorado for their leadership on this.

Yes, it is interesting there are not some speeches against what we are doing. We had an interesting vote on the floor yesterday. We had a cloture vote. We had a vote to stop discussion, not on this amendment but on the one that is just above it in the food chain. The purpose of that cloture vote was to keep us from getting a vote on having healthy forests in this country.

I don't want people to think we are filibustering. We are trying to get a vote. We want a vote. But there are all kinds of tactics being used to stop us from getting a vote on whether we ought to have healthy forests, because everybody in this body knows how everybody in this body ought to vote on healthy forests. They ought to vote for them.

We need a lot more dialog on what a healthy forest is. I admit that. I want to point out the amendment we are talking about is not even of significance to be a pilot project. It has virtually wiped out the chance to really do the job in our forests. But it does give us a chance to start showing what could be done in the forests. It is a shame anybody thinks that is worth stopping—just a small, pilot project.

I did have a couple of other thoughts as the Senator from Idaho was speaking. We have covered quite a bit about what a waste fire is. It brings to mind a little controversy that was happening at the time I came to the Senate, and that was a discussion about timbering. There was a discussion about how we were doing the timbering in this country below cost.

I am the only accountant in the Senate. I love looking at numbers. So when somebody starts talking about below-cost timber sales, that is in my category, that is something in which I am interested. So I took a look, to see how much it was costing us, as American taxpayers, to have timbering in the national forests. I saw some of the greatest gymnastics of accounting I have ever seen. We are taking corporations apart right now for their bad accounting—and they should be, if they are doing it wrong. But, by golly, somebody ought to take a look at the Government accounting while they are at it. They ought to take a look at timbering and the terrible accounting that was done on that.

You know, you really should not be able to take all of the costs of a national forest, which include a whole variety of different things and are supposed to include a whole variety of different activities, some of which are recreation. Did you know that recreation has costs? We provide a lot of services to people who are recreating in the national forests, and we should. But we should not take those costs of recreating and charge them to timbering, to show that it is a bad deal.

Let me tell you what kind of a bad deal we have going right now. Right now, we are talking about hiring a whole bunch of Federal employees to go in and clean up forests. There is a whole bunch of people out there who are already experienced at doing this. Yes, if you go back a few years in the methods they use, you can question some of those methods. We need to make sure those methods never happen again. But there is a right way to do it, and there are people out there who know the right way to do it, and do it the right way. Instead of having to pay for the whole job and throwing away whatever is taken out of the forests, they would pay for that right to cut out some of this dead timber.

Some of this has already happened, over by Rapid City. The forests come right up over against the city, and they were worried about it burning the city up, so they hired some people to come in and do some logging. They hired another crew to come in and clean out the underbrush. The ones who did the logging were from a little town in Wyoming. They were from Sheridan, WY. Do you know what they had to say to me when they found out that a second crew came in to clean out the underbrush after they did the logging? They said: We could have done both jobs for almost the same cost because the setting up costs money.

We are doing some really poor stewardship things in this country by not having a great dialog and getting the people involved who know how to do the things, because they have done them. There are jobs out there that could be done with credits for the lumber that might be usable. I have to tell you a little bit about the lumber that might be usable.

It used to be that you had to have a pretty big tree to get anything usable for housing. There is an innovative company in Sheridan, WY, I learned about after the problem over by Rapid City. They are able to take the core of small trees and laminate them together to make beams for houses, 2 by 4's for houses, tabletops. They have some phenomenal ingenuity, and they have some products that will be released shortly—again, with bits and pieces of very small trees. These are small businesses.

I am really proud of small businesses in this country because I know that is where the ingenuity of the Nation comes from. If a company gets a really good idea, they may be bought out by a bigger company. The start of these ideas usually comes from one person having a great idea, being willing to put their money where their mouth is, take on all the risks for it, and prove that the product will work. We have several of those very small operations in Wyoming. You can take almost anything you can call wood and put it to use in something that will drive down housing costs and make some beautiful features. We need to be doing that. As I mentioned, they are paid to cut the trees, but they are paid to clean up the forests. So if you want to save a little bit of money, put people to work, and make sure we don't have the terrible waste because of fires, that is how we can do it.

I hope everyone will support this amendment. It is not the amendment I would offer. It is far too small. It doesn't begin to take care of the problem. But I ask that you support the amendment and consider all of these things we have been saying. At least give some counterarguments, if there are any counterarguments. When we do these cloture amendments which are designed to eliminate this amendment without a vote, I hope everybody will continue to oppose that too.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. MILLER. Madam President, I ask unanimous consent to be allowed to speak as if in morning business.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

HOMELAND SECURITY

Mr. MILLER. Madam President, very shortly we will be back on the subject of homeland security. As this debate on homeland security goes on, I hope no one will forget that it is being held in the shadows of the fallen towers of the World Trade Center.

The smoldering fires may have gone out, the acrid smell may no longer burn our nostrils, the strains of ''Amazing Grace'' from the bagpipes may no longer fill the air, but, make no mistake about it, the need to protect this country and prevent this from ever happening again is just as urgent.

How does the Senate meet this, one of the greatest challenges of our time? I will tell you.

We talk and talk and talk. Then we pause to go out on the steps of the Capitol to sing ''God Bless America'' with our best profile to the camera. Then we come back inside and show our worst profile to the country.

I have not seen many cloture resolutions I did not like. I can't remember the last time I voted against one because I am almost always in favor of speeding things up around here.

Too often, the Senate reminds me of Will Shakespeare's words:

> Tomorrow and tomorrow and tomorrow
> Creeps in this petty pace from day to day.

But the cloture vote that is before us now is one that I cannot support. We have wasted so many precious days, days that we could ill afford to waste, days that gave our enemies more time to plot their next attack. And now, all of a sudden, we want to invoke cloture to stop the debate in its tracks.

Well, I will vote ''no.'' Because, make no mistake about it, invoking cloture will prevent this Senate from having a choice, a choice between a bill the President will sign and one that he will veto.

We must give the President the flexibility to respond to terrorism on a moment's notice. He has to be able to shift resources, including personnel, at the blink of an eye.

So why do we hold so dear a personnel system that was created in 1883 and is as outdated as an ox-cart on an expressway?

I will tell you why. Because by keeping the status quo, there are votes to be had and soft money to be pocketed. That is the dirty little secret.

When the civil service was established well over a century ago, it had a worthy goal—to create a professional work force that was free of political cronyism.

Back then, it was valid. But too often in government we pass laws to fix the problems of the moment and then we keep those laws on the books for years and years without ever following up to see if they are still needed.

The truth of the matter is that a solution from the 19th century is posing a problem in the 21st, especially when this country is threatened in such a different and sinister way.

Presently, we are operating under a system of governmental gout and personnel paralysis.

Despite its name, our civil service system has nothing to do with civility. It offers little reward for good workers. It provides lots of cover for bad workers.

Hiring a new federal employee can take 5 months—5 months. Firing a bad worker takes more than a year—if it is even allowable—because of the mountains of paper work, hearings, and appeals.

A Federal worker caught drunk on the job can't be fired for 30 days, and then he has the right to insist on endless appeals.

Productivity should be the name of the game. And we lose productivity when bad folks hold onto jobs forever or when jobs go unfilled for months.

It is no wonder there is resentment among out many good employees. I would be resentful, too, if I watched bad workers kept on the payroll and given the same pay raises by managers who are intimidated by the complicated process of firing or even disciplining them.

A few years ago, there was a best selling book entitled, ''The Death of Common Sense,'' written by a man named Phillip Howard.

I liked it so well and thought it was so on target that I gave all my agency heads a copy and had them read it. Then, I had Mr. Howard come to Georgia and speak to all of them.

Its thesis was that ''universal requirements that leave no room for judgment are almost never fair, even when the sole point is to assure fairness,'' to use his very words. It is still very timely and even more pertinent to the Federal Government than to State government.

President Bush has called his efforts to bring security to our Nation and justice to our enemies a ''relentless march.''

This Senator is ready to fall into formation with our President's ''relentless march.''

Because when it comes to protecting the jobs of Federal workers or protecting the lives of American citizens, I know where I stand.

This is a country with 8,500 miles of border; a country that 500 million people enter each year; a country where 16 million containers a year enter our ports from foreign countries, and where more than 1.2 million international flights occur.

The daunting task of securing this country is almost incomprehensible. Let's not make it more difficult by tying this President's hands and the hands of every President who comes after him.

Why are some automatically assuming that the folks who will run this Department will abuse their positions and mistreat Federal employees?

Instead of assuming the worst, why aren't we seeking to create the strongest, most efficient Department we can create?

And don't forget this: Many previous Presidents—beginning with President John F. Kennedy—have found it necessary to exempt agencies from unionization and collective bargaining systems when it was in the interest of national security.

Dozens of Federal agencies are currently not covered by the Federal Labor Management Relations Act: the CIA, the FBI, the Secret Service, the air marshals within the FAA, and the list goes on. And yet the tens of thousands of employees in these agencies have been treated fairly and well.

Today, there are some 800 pages in the Federal Code that already generously guarantee rights, benefits and protections for employees—800 pages worth.

Now, I respect and thank the many good, hard-working Federal employees. And I have tried to imagine myself in these workers' places at this particular time in history.

I am an old believer in that line by that wonderful Georgia songwriter, Joe South, ''Before you abuse, criticize or accuse, walk a mile in my shoes.''

But perhaps it is because I have worked for $3 a day and was glad to have a job that I find their union bosses' refusal to budge for the greater good of this country so surprising.

Union politics may be important, but it should never take the place of national security. We are at a most serious time in the history of this land. Our country, our people are in mortal danger.

And as I look at what is transpiring around me, this old history teacher cannot help but think about what the timid and indecisive Neville Chamberlain was told by a Member of Parliament as he was being dismissed as