

one of North Carolina's most distinguished citizens and one of America's most beloved evangelists who, for more than 25 years, has been taking the good news of Jesus Christ across the United States and to many foreign countries.

Of course, she is the daughter of the remarkable two people, Billy and Ruth Graham. And this remarkable lady has preached the gospel to hundreds of thousands of Americans, filling up large civic arenas in countless major U.S. cities as well.

Anne Graham Lotz has addressed the United Nations General Assembly in New York. She represented her distinguished father at Amsterdam 2000, the largest gathering of evangelists in history.

Anne Graham Lotz is a leader of Just Give Me Jesus, which is making a nationwide tour to spark a spiritual revival. This past April, Anne's tour came to Raleigh where more than 26,000 people packed our city's largest arena for 2 days of singing and praying and teaching, led by—who else?—Anne Graham Lotz.

Anne is the final guest Chaplain whom Dot Helms and I will have the privilege of hosting. That is appropriate because Dot's and my family have known and loved her and her great family for a long time.

The first time I heard Anne's blessed father, Billy Graham, was in 1951. At that time, I was administrative assistant to a distinguished Senator from North Carolina, the late Willis Smith. Billy preached just steps from this Chamber on the East Front of the Capitol, and I had read in the Washington Sunday morning paper that he was to be here. And I said: Mercy, I don't believe he will have anybody here. I am going over there and make sure that one North Carolinian joins him. Well, Madam President, there was standing room only from the doors of the Capitol all the way to the Supreme Court.

Anne is joined today by her husband, Dr. Danny Lotz, who was a star basketball player during his years at the University of North Carolina at Chapel Hill.

Their two daughters, Rachel-Ruth and Morrow, are with us this morning along with their husbands, Steven Wright and Traynor Reitmeier, and Anne's granddaughter, Bell.

So, Madam President, Anne Graham Lotz is herself an integral part of Billy Graham's remarkable legacy, and it is my honor to have presented her to the United States Senate this morning.

I yield the floor.

Mr. NICKLES. Madam President, I wish to welcome our guest Chaplain today, along with Senator HELMS. I am very proud that she would be our guest Chaplain. Her father is a friend of all of ours and received the well deserved congressional gold medal. It is obvious by listening to Anne Graham Lotz that she possesses that same great character, inspiration, and leadership as a preacher as well. I welcome her to the Senate and compliment and congratu-

late Senator HELMS for inviting her to be our guest Chaplain.

#### 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 assistant 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.

The ACTING PRESIDENT pro tempore. Under the previous order, the first 15 minutes shall be under the control of the Senator from Nevada or his designee.

The Senator from California is recognized.

Mrs. BOXER. Madam President, I rise today to speak to the issue of fire suppression in our beautiful national forests, an issue that concerns every American because those are our forests, and the policy that we follow must be a balanced and good policy to make sure we preserve that incredible God-given resource. Many people heard the prayer today, and we think about the spiritual needs and we think about our obligations. I believe one spiritual obligation we have is to preserve in this country the wonder and beauty that God gave us.

Madam President, like many of my colleagues, I have watched with frustration and anger and sorrow as millions of acres of forests have been destroyed each year by catastrophic wildfires. This year the fire season has been particularly severe in my State of California, as well as in a number of Western States, such as Arizona and New Mexico.

After an extremely destructive fire season in 2000, the Departments of Agriculture and Interior took the promising step of developing what is now referred to as a National Forest Plan.

Among other things, the fire plan clearly indicates that priorities should be given to the clearance of brush, undergrowth, near communities and homes. The fire plan clearly says the most important way to stop the damage to the people and to their property is to clear the undergrowth near communities and homes.

Consensus emerged around the idea that, yes, there would have to be some thinning of trees and clearing of brush but not clearing of the old-growth trees, which actually take a very long time to burn and are important to keep in our forests.

We thought we had an agreement with this administration. Yet recent GAO reports indicate the USDA and the Department of the Interior have been ineffective and inefficient in implementing that fire plan.

So what has happened? We have an ineffective and inefficient situation happening in the Department of the Interior and the USDA, and we have out-of-control fires. Well, Senators CRAIG and DOMENICI have come forward with what they say is a solution. What is it? Let's be clear.

Their amendment proposes to waive the National Environmental Planning Act, known as NEPA, which is a critical law in the Nation, and they would limit the public's ability to challenge agency decisions and restrict what we call judicial review. In other words, a judge would no longer be able to take a look at what is happening and intervene, which is a very important part of our balance of powers. If Senator BYRD were here, he would no doubt hold up the Constitution. The judicial branch is very important and the Craig-Domenici amendment would essentially weaken that leg of our Government in order to allow for the cutting of precious old-growth trees.

So the approach of the Craig-Domenici amendment, and the reason I am here—and I see my colleague from Washington and I assume she is here to speak on the same issue, so I will be brief. The approach gives the agencies complete discretion to engage in thinning and salvage logging at will. To me, this is a recipe for disaster. The waiver of environmental safeguards and elimination of judicial review are not steps to be taken lightly, and I believe there is no justification for it because they are not the source of the problem.

There is actually evidence to the contrary. In a recent letter to Senator CRAIG, the GAO determined that only 1 percent of hazardous fuel reduction projects were appealed in 2001 and none had been litigated. GAO found that the list of appellants not only included conservation groups, which have been attacked here as being radical in some way for exercising the rights that citizens have, but GAO found that the other appellants were recreation groups, industry interests, and individuals.

If you see a project is destroying our forests, that road should not be closed

off to our citizens. The GAO finding confirmed for me that our environmental laws, the appeals process, public participation, and judicial review are not the source of the problem, nor can we blame our forest woes on environmentalists. That isn't the point. The environmentalists are trying to do the right thing.

I want to show you two charts of the burned forest area in Oregon that President Bush recently visited. The President tried to simplify the issue and suggest that areas that are thinned will not burn, and areas that are left alone will be subject to catastrophic fire. But that is simply not the case.

Here is a chart showing a thinned area. Notice, there are no large trees left. This forest was burned to cinders. There were no large trees there when the fire erupted. See how it looks.

Here is a second chart showing an adjacent area that wasn't thinned, left in its natural state, and it did not burn at all. It did not burn at all because these large trees are very slow to burn.

Madam President, I don't suggest there is a simple answer to this complex problem, but we need to do a lot more than just trash our environmental laws and say people can no longer go to the courts to protect this God-given resource.

In California, the Forest Service took the time to do the necessary environmental reviews. They produced a plan referred to as the Sierra Nevada Framework. We just received a letter from someone I believe you know, Madam President. Our secretary for Natural Resources in California, Mary Nichols, recently wrote in a letter to Secretary Veneman, the Secretary of Agriculture:

The framework—

Meaning our framework in California—  
is the first landscape scale national forest management plan that balances the need for fire risk reduction through fuel treatment with environmental protection.

The fuel reduction plan in that framework has been agreed to by most of the mainstream environmental groups. Why? Because it was done thoughtfully and with full consideration of the environmental implication.

Secretary Nichols of California goes on to explain that the President's proposal and efforts to undermine existing environmental laws, which is exactly what I believe the Craig amendment does, will only serve to polarize the debate, she says, and it will unravel the good work that has happened in places such as California.

There are many people on the other side of the aisle who talk a lot about States rights. Here is a State, my home State, that reveres its national forests and wants to protect them. The State of California will be undercut by this amendment because the amendment would say to our people in California: If you do not like what is happening, if you believe the forests are being de-

stroyed, you are limited in your judicial access.

There is a great deal of scientific evidence that thinning and clearing activities should be concentrated in the areas immediately adjacent to communities to protect those communities.

A recent study completed by the U.S. Forest Service's Fire Sciences Laboratory in Montana found that the only thinning that is needed to protect homes was within the "red zone" of 150 to 200 feet around a building.

I wish to quote from the person who is an expert in fire suppression, Jack Cohen. He said:

Regardless of how intense the fire is, the principal determinant is based on the home and the exterior characteristics.

In terms of protecting houses and other community structures, the immediate vicinity is what is relevant.

We need to have buffer zones around communities so those communities are safe, and we need to protect the old-growth forests. Yes, we can thin the underbrush. We must. We should. But we should not cut down the old-growth trees.

Yet the Forest Service continues to direct thinning activities to remote areas of our forests where the risk to people and property is minimal. Less than 40 percent of the forest areas that have been thinned are in the so-called wildland-urban interface, which is the buffer zone between communities and forests.

There is also abundant scientific evidence that thinning should target small diameter trees and underbrush to most effectively reduce fire risk.

Aggressive logging of big fire-resistant trees, while appealing to the timber industry, actually increases the risk of fire. The L.A. Times published a story yesterday, which I will submit for the RECORD, that explains this well. In general, logging leaves behind highly flammable brush materials; it leads to dense new growth that poses a fire hazard; and the removal of large trees cause soils to dry out, leading to increased fire severity.

A scientific assessment completed in the Sierra Nevada in 1996, for instance, found that, "Timber harvest, through its effects on forest structure, local microclimate and fuel accumulation, has increased fire severity more than any other human activity."

Yet the Forest Service continues to give high priority to thinning projects that involve large valuable trees. These large trees are fire resistant—and therefore should be the last ones to be removed. But repeatedly they are removed because they are economically valuable in commercial timber sales.

In November 2001, the Inspector General at USDA completed an audit of the Forest Service's implementation of the National Fire Plan. The USDA audit "questioned the propriety of using approximately \$2.5 million of National Fire Plan Rehabilitation and Restoration Program funds to prepare and administer projects involving commercial timber sales."

I want to show a picture of a Forest Service "thinning." What's left is a few trees and absolutely nothing on the ground. The area looks like a tree orchard. While this may be good for the promotion of new timber stands, it hardly preserves any of the ecological values normally associated with a natural forest.

The reality is that we have Federal agencies implementing fire projects that make sense if the primary goal is increasing timber volume, but make no sense if the primary goal is reducing the risk of fire while preserving the ecological integrity of our forests.

Given the agencies' apparent inability to overcome their timber bias, we would be guaranteeing a future filled with fires if we gave them the broad discretion the Republican amendment would allow.

What is needed is language that provides the agencies with specific guidelines and priorities about where thinning and salvage activities should take place.

While we have been unable to reach agreement with our Republican colleagues on this matter, I am pleased that I have been able to work constructively with my colleagues Senators DASCHLE, BINGAMAN, REID, and CANTWELL to craft an alternative proposal.

This alternative will encourage aggressive and focused forest management in the buffer zone areas between communities and forests. This buffer zone, which is defined in the amendment to be within one half mile of community structures, is the area where the Forest Service has said the most aggressive thinning should be done.

Such specificity will insure that the Forest Service and BLM make the protection of Californians and others the highest priority.

Because of the agencies' propensity to turn thinning and salvage projects into timber sales, this amendment also directs the agencies to protect large trees and prohibit the development of new roads, which are generally associated with the removal of commercial timber.

It is unfortunate that we need to be this prescriptive. However, as I have noted, there is good reason to be skeptical that the Forest Service and BLM can be left to their own devices.

Without the public watching over them, and without any mechanism for challenging agency actions, the Republican amendment will exacerbate the problem. The agencies will continue to engage in senseless thinning and salvage logging in the middle of remote roadless areas—driven more by a thirst for commercial timber than by the need to protect homes and communities.

To me, that is an intolerable outcome and it is the reason I oppose this proposal and have worked with others to craft an alternative.

I conclude by saying we have seen some disastrous fires. We have to take

action, but we know what we have to do. The studies have been done by the Forest Service, by many of our States, and by the GAO. The Los Angeles Times sums it up very well. They did an exhaustive study and came up with some conclusions. I will share those with my colleagues, and then I will yield to my friend for the rest of our time.

I will quote from this article. There was an investigative reporter who went out to study the fires. It ran on September 17:

The Bush administration's timber-cutting prescription for the West's wildfire epidemic runs counter to the record of the last half century, when large forest fires erupted on the heels of the heaviest logging ever conducted by the U.S. Fire Service.

They had a chart in that newspaper. They showed that where you save the old-growth trees, you save the forests, you save the communities. The facts are in. Let's not use this tragic, horrible spate of wildfires as an excuse to let the loggers cut down the old-growth trees and pocket the money while our forests are left completely devoid of anything that makes them the gift that God gave us.

There is an editorial in today's L.A. Times. I will quote from it, and then I will cease:

We have to cut the nation's forests to save them.

That is how they open.

That seems to be the Bush administration's rationale for its misnamed Healthy Forest Initiative, now before the Senate.

It goes on to say that the Senate should defeat the Craig amendment and that there are other more reasonable and effective approaches.

Existing laws let the Forest Service do its job, provided it files environmental impact reports and stays clear of protected areas. In fact, President Bush can thin as many trees as he wants to right now. He just can't take a saw to the nation's environmental protections in the process.

I hope we will not adopt the Craig amendment. We are working on other ways to compromise this matter. I hope we can get together.

I yield to my friend from Washington, Senator CANTWELL, who has been a leader on the environment since she came to the Senate. I yield my remaining time to her.

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

The Senator from Washington.

Ms. CANTWELL. Madam President, how much time remains?

The ACTING PRESIDENT pro tempore. In total, there are 27 minutes remaining to the Democrats.

Ms. CANTWELL. I thank the Chair.

Madam President, I rise today to speak about the need for a national debate on how best to manage wildfires and improve forest health. I thank my colleague from California for being here this morning to articulate a vision about how we can move forward to protect old growth while being mindful

about how much work really needs to be done before we can come up with a solid proposal.

That is why I am here to speak this morning. I believe the amendment we will offer today does not further the debate in the direction we need to go but instead focuses on the controversial issues of weakening our environmental protection laws and limiting meaningful public participation.

While I appreciate the sense of urgency that this year's fire season has brought us—and I believe the fire seasons in last several years have made all of us anxious—I believe the reasonable way of dealing with this situation is through the legislative committee process.

I applaud my colleagues who are on the Energy and Natural Resources Committee who have had much discussion about this problem and are very anxious to take the Governors' report that was done on the national fire plan and efforts to better implement it. We need to do that through the legislative committee process where we can hold hearings and talk to the experts and concerned members of our communities.

Trying to solve this important issue with a rider to an appropriations bill is unwise. It would be wrong to think that we could reverse hundreds of years of misguided forest fire management suppression policy with a rider on an appropriations bill.

One of the most significant concerns I have about the amendment, as my colleague from California mentioned, is that it does waive important environmental laws. Under this amendment, the agencies will no longer be required to comply with the National Environmental Policy Act. Furthermore, the amendment eliminates the administrative appeals process and limits judicial review.

We do need to move forward, and I applaud my colleague from Idaho for wanting to take this issue to the next level and for the focus that he has given to the issue. But I believe critical to this debate is the central issue of trust because after decades of documented problems with forest management by the Forest Service, it is no wonder that citizens are now skeptical about the plan before us today, which would allow timber companies to thin on ten million acres might really be motivated more by economics than improving healthy forests.

If we go so far as to restrict a citizen's legal right, that is the wrong approach, but I believe working within the existing framework of environmental laws and allowing for the appropriate process for projects in areas near communities is the right approach.

This basic step needs to be taken—to prevent the catastrophic wildfires that we have all experienced. This step has already been laid out in the laws of this country. In the 10-year comprehensive strategy on collaborative approach

for reducing wild land fire risk to communities and the environment which was issued in May, this strategy was the highest priority.

We need to make sure we are treating fires in communities that could be most effective in protecting lives and in protecting homes.

The work done in a community in Roslyn, which is in my home State, demonstrates that protecting our forests has little to do with cutting big trees far away from homes but, rather, treating areas adjacent to communities.

Now that is not to say we do not have to look at fuel reduction and that fuel reduction is not critically important in other parts of our national forests, but the key thing we have seen in this fire season is the loss of homes and loss of areas that I think are the interfaces on which we need to focus.

The joint efforts of local citizens, the local fire department, the Washington Department of Natural Resources, and the U.S. Forest Service produced a plan in our State to clear brush and other fuel materials from a buffer zone around this town of Roslyn. I support more funding to do thinning, prescribed burns, and hazardous fuel reduction in our efforts to manage our forests.

I think all of those need more discussion and more time and energy put into them and, as we will see with the Byrd amendment, more resources financially to obtain that goal since those funds have been subverted in the past.

I also support providing the Forest Service and BLM with adequate funding to do the hazardous fuel reduction projects so each year we do not find ourselves in the same situation where the Forest Service diverts the funds from fire accounts in order to pay for fire suppression.

So let us make that clear. Let us divide the accounts. Let us make sure we are doing work both for suppression and for the prevention efforts we need.

The point is clear, we can protect our communities from fire, and we do not need to waive environmental protection laws or limit public participation to do so. In closing, I would like to urge my colleagues to support Senator BYRD's amendment to provide more funding for fire suppression efforts. However, I add a note of caution, that if we take this approach with the rider my colleague from Idaho is offering, I do not think it is in the best interest of the forests or the American public. This rider is too overreaching to be put on this legislation. Let us go back to the committee process, let us have the hearings, and let us push forward together.

I ask unanimous consent to print in the RECORD an editorial from the Seattle Times that talks about the need to move ahead but that we cannot have, as this article says:

This administration's attempt to confuse and cloud the issue of fire suppression by laughably proposing timber thinning can

only mean a return to unregulated clear-cutting on our Nation's forestlands.

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

[From the Seattle Times, Sept. 7, 2002]

DON'T HOLD YOUR FIRE

(By Tommy Hough)

The recent Bush administration proposal to suspend environmental laws and eliminate the public's right to appeal Forest Service decisions should be viewed as nothing less than a transparent attempt to increase commercial logging in our national forestlands, which has been this administration's stated intention since Day One.

How shameful too, that President Bush would so callously use a disaster such as the recent wildfires in southwest Oregon to launch the media spin for a plan designed to roll back 20 years of good sense and good environmental legislation, and in part enable the president to fulfill some inappropriate, slimy promises made to timber baron contributors and related special-interest groups during the 2000 campaign.

This administration's attempt to confuse and cloud the issue of "fire suppression," by laughably proposing "timber thinning," can only mean a return to unregulated clear-cutting on our nation's forestlands. Has any administration ever been so brazenly vacant and cynical?

Since this scheme was no doubt in part cobbled together by forestry professionals, I'm guessing it may have occurred to them that old-growth forests actually act as a natural suppressant of fire, even in the driest years. Granted, that would be bad for business, but the awful secret the Bush administration and the timber industry doesn't want you to know is this: Fire is not bad. Fire is simply one part of nature's long-term, delicate balancing act.

Drought and flames aren't a problem any more than rain and flooding are a problem. The problem is man and his meddling ways and 120 years of forest management (i.e., unrestricted, subsidized logging), screwing up and knocking out of whack a natural process which had been working fine in North American ecosystems for thousands, even millions of years.

We've knocked forest rhythms so far off by removing fire as an element that nature isn't even allowed to compensate with small-scale burns to clear away underbrush and tinder (unless it's a manmade "prescribed burn"), gently changing the way the elements effect the forest floor, and paving the way for pioneering species and new trees. We may as well have removed rain from the equation.

The mature Ponderosa and lodgepole pines in the American West as well as the big, old-growth Douglas firs, hemlocks and spruces here in the Pacific Northwest are designed by nature to survive burns with their thick bark and rich moisture content, while the fires create temperatures for the big trees to be able to rapidly seed. In fact, the longer a tree lives, the more it is able to withstand fire (whew, that's bad for business too!).

The juvenile trees growing in the wake of the ceaseless clear-cuts that have left literal quilt marks on the tapestry of the region's forests are the ones most susceptible to catastrophic fire and drought, and while fire ideally should clean the forest floor an acre here and an acre there, manhandled nature is forced to wait for a drought to reclaim the other half of the natural equation, when everything is bone dry and hasn't been allowed to burn for 100 years. Instead of cleansing the forest, fire now destroys the forest, in a catastrophic fashion nature never intended.

That thinning excess timber, a natural reaction to logging and clear-cutting as the

forest slowly tries to weed itself out, is somehow the Holy Grail solution to forest fires is to buy into cheap, message-of-the-day stupidity. Does the president really think Americans are just going to stand idly by and let their treasured national forestlands be threatened and destroyed? Has it not occurred to the greedy minds and special interests that floated this scheme that we all share and live in the same environment, of which forests are an integral, absolute part, no matter which side of the political or ecological fence you may be on?

Ms. CANTWELL. I suggest the absence of a quorum, with the time charged equally against both sides.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. BOND. Madam President, I ask unanimous consent to proceed as in morning business for 5 minutes to introduce legislation.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The Senator from Missouri is recognized.

Mr. BOND. I thank the Chair.

(The remarks of Mr. BOND pertaining to the introduction of S. 2967 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BOND. Madam President, I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mrs. CARNAHAN). Without objection, it is so ordered.

Mr. ENSIGN. Madam President, I rise today to express my strong support for the Craig-Domenici hazardous fuels reduction amendment which is currently before the Senate. It is my hope that we can come to a consensus on this issue for the benefit of the forests, the animals that inhabit them and, more importantly, the people whose homes are near them.

In my home State of Nevada, our all-time worst fire was in 1999. That season set an all-time record for the severity and breadth of fire damage. Nevada experienced over 1,100 fires which burned almost 2 million acres. To put that in perspective, in 1999 the total number of fires was 135 percent of the 5-year average and the total acres burned were almost eight times what we normally burn during 5-year periods. More acres were burned during a single 10-day period in August than had burned in any entire previous season on record.

I am afraid 2002 could be another year like 1999. This year, Nevada is ex-

periencing its fourth year of drought that has been classified from "moderate" to "exceptional." Large fire activity began in mid- to late-May—about 3 to 4 weeks earlier than normal. And, quite honestly, we have been very lucky compared to other States such as Arizona, Colorado, Oregon, or California. We are grateful for that. But we know all too well that Nevada's fire season lasts longer than other States'. We still have the potential of a devastating fire season yet to come this year. With the current extreme drought condition combined with the buildup of dead and dying fuels, Nevada is placed in the "extreme" and "advanced" categories for potential fire behavior.

I am particularly concerned about the Lake Tahoe Basin. When my family visited that area in August, I noticed the dry conditions of the area. There is no question that Lake Tahoe is a blazing inferno waiting to happen. The Lake Tahoe Basin is under the highest risk of wildfire potential. The entire region is classified as a class 3 risk for catastrophic fire.

What is so distressing is that the land of this area is so environmentally sensitive. A catastrophic fire in the basin would result in an incredible amount of damage to communities. Homes and structures worth billions of dollars would be lost. Lake Tahoe, one of the Nation's crown jewels, could lose its defining quality of lake clarity. Millions of tourists come every year to recreate in the basin. Key recreation areas would be destroyed. A fire could cause tremendous damage to the sensitive watershed which feeds not only Lake Tahoe but supplies water to communities in Reno, Carson City, and the rest of northwest Nevada, eventually emptying into Pyramid Lake.

The ecological consequences are distressing as well. Lake Tahoe is home to one of our Nation's proudest symbols—the bald eagle. Other endangered and threatened species are native to the basin. Their safety is threatened by fire.

It is clear to me and anyone who actually goes out into the forests that something must be done to reduce the fuels buildup to prevent the outbreak of catastrophic fire. That is why I am an original cosponsor of the Craig-Domenici amendment.

Currently, 74 million acres nationwide are classified as class 3 forests, which is the highest risk for catastrophic fires. The Craig-Domenici amendment will limit action to only 10 million of the 74 million class 3 acres. It is an emergency amendment. It only addresses 7 percent of the problem. I wish it would address more of the problem. Highest priority will be given to wildland-urban interface areas, which are areas near homes and communities, municipal watersheds, and forested areas affected by disease, insect infestation, and windthrow.

The amendment seeks to cut through the bureaucratic mess that is currently

in place that often needlessly delays implementation of these projects.

It also seeks to expedite the judicial process. Too often, these essential fuels reduction projects are halted by frivolous lawsuits. Ultimately it is the forest and wildlife habitat that suffer.

That is the case in my State where two projects in the wildland-urban interface were challenged by an outside party. The challenger was not even from Nevada. All the people in Nevada had agreed—environmentalists in Nevada, the Forest Service in Nevada, the BLM in Nevada, and all the local people in Nevada—that this project was meritorious and was good for the environment. Yet somebody from the outside challenged in court and was able to block this important environmental project.

Public land managers must be allowed to manage the land. Unfortunately, only one dissenter can stymie a completely collaborative effort to clean the forests. Without proper forest management, an accidental blaze can turn into a flaming inferno which can sterilize the land and destroy the habitat for many endangered species of plants and animals.

The groups that are against our efforts claim they are environmentally friendly. What is environmentally friendly about obstructing sound management projects from going forward? Wildfires contribute heavily to air pollution, destroy wildlife habitat, and kill endangered species.

While we were in Lake Tahoe this summer, the entire basin—which is truly one of the most beautiful areas in the world—was filled with smoke from the fires from far off in California and from Oregon. Anybody who is against air pollution ought to be for stopping and preventing these forest fires.

Extremists in the environmental community claim they are concerned about the welfare of wildlife habitat and forest health. Yet they oppose commonsense projects that seek to lessen the devastating effects of catastrophic wildfires. This amendment seeks to ensure that fuel reduction projects continue in spite of these extremists.

This legislation is absolutely necessary. It is necessary this year. It was actually necessary last year and many years before. Every year we talk about how we need to save the forests, but we do nothing to clean the forest to reduce the intensity of fires. We must be able to conduct these fuel reduction projects. Advocates on both sides of the aisle and both sides of the political spectrum agree on this. They are essential to continue the health of our forests. We have waited long enough. Our forests have waited long enough.

I say to my colleagues, let us get this done. The fires we have seen this year are unprecedented. I, for one, am committed to do all I can to ensure that forests are protected, watersheds are protected, homes protected, and, most importantly, people are protected.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CRAIG. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

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

Mr. CRAIG. Madam President, I rise today to speak about a matter that I find deeply troubling. An "Inside the Beltway" column in the September 19, 2002, Washington Times reveals that a correspondent working for National Public Radio, in what appears to be a flagrant violation of all standards of professional journalism and ethical conduct, has set about to enlist the help of environmental radicals in order to concoct a story concerning thinning projects on our national forests. I find this abhorrent for two reasons.

First, it reveals the desperate lengths to which the environmental community is willing to go to their quest to lock up our public forests and prevent efforts aimed at protecting and restoring health to our public forests from going forward.

Second, and perhaps more troubling to me, it suggests the complete lack of intellectual honesty and the apparent complicity of a nonprofit organization, established by Congress for the purpose of educating our public, in fabricating stories and spinning the news in a manner that is devoid of objectivity and at odds with the fundamental tenets of sound journalistic practices.

Let me read from a message that was sent out by a news correspondent working for National Public Radio seeking assistance from members of the environmental community. The message reads as follows:

Hey there. Put on your thinking cap and give me your best example of a 'thinning project' where they went in and did the opposite. I'm working on a story about trust, which is at the heart of all this . . . and I want to use just one example of where the FS [Forest Service] and the industry flagrantly abused the public's trust on a thinning project . . . in short, concrete evidence as to why the environmental community is distrustful of the FS and industry's so called thinning projects.

In 1967, Congress passed the Public Broadcasting Act. This act authorized the creation of the Corporation for Public Broadcasting, CPB. The Act called on CPB to encourage "the growth and development of non-commercial radio" and to develop "programming that will be responsive to the interests of the people." National Public Radio, NPR, was established in 1970 as a private, nonprofit organization to provide leadership in national news gathering and production and broadcast of radio programming responsive to the interests of American citizens.

I would ask my colleagues how is this biased effort at attempting to sway public opinion in the public interest?

NPR appears to have allowed its news people to sink to new lows to scrape together a story to incite and inflame public opinion. Is this the kind of reporting we should expect from a national news organization established by Congress to promote news gathering in the interest of American citizens? I think not.

It is a sad day when our national news organizations must engage in fabricating stories by listening solely to one side and a sadder day still when these stories are presented by these organizations to an unsuspecting public as a balanced reporting of the facts.

This message authored by the NPR correspondent was distributed by way of an environmental group mailing list. The forwarding message from an organization called "Wild Rockies" is also revealing.

The sender reveals that environmental groups have "successfully appealed/litigated" many thinning projects and also "tied up" many more thinning projects. In short, the author of this message is making plain the fact that these groups have been successful in causing the very sort of unnecessary delays that we are attempting to prevent with the amendment introduced by Senators CRAIG and DOMENICI.

These environmentalists have demonstrated that they will stop at nothing—even shamefully dishonest practices—to impede, delay, and quash efforts by the Forest Service and Department of Interior land management agencies to restore health to our forests. We cannot let our precious American forests be held hostage by these extremists, nor should we stand idly by and allow these zealots to continue to hold our forests hostage by employing these sort of unethical and distasteful tactics.

Shame on NPR for what appears to be an utter and complete lack of balance in news gathering practices. Shame on Wild Rockies and the other environmental groups that would conspire to mislead the public in this way. And shame on us, if we fail to enact legislation that will enable us to protect our precious public forests from these irresponsible sham artists and unethical charlatans who seek to deceive rather than truthfully inform our citizens on the conditions that exist on our forests and what needs to be done to move them toward a healthier state.

Madam President, we have just heard from another one of our colleagues, in this case Senator ENSIGN from the State of Nevada, talk about the conditions and situations that exist in that State and in the northern end of the High Sierras of California and Nevada. The conditions he talks about are real and very severe.

I used to chair the Forestry Subcommittee in the Senate. During that period of time, we examined the condition of the Sierras and especially what is known as the Greater Tahoe Basin

area. In fact, our colleague from Nevada, Senator REID, grew very concerned as to the state of health of those forests.

It was, at that time—a couple of years ago—very obvious those forests were in rapid declining health conditions, bug kill was rampant, and at some time in the very near future that forest could be consumed in wildfire that would wipe out the whole of the Tahoe Basin.

Of course, as the Senator just spoke, it is a beautiful area. Lake Tahoe is renowned for its beauty. That is why folks from all over the country have gone there to build phenomenal homes, to enjoy that beauty. And, of course, at risk at that time in the investigation was the reality that wildfire would wipe out many of those multimillion-dollar homes that were sprinkled around the lake, both on the Nevada side and on the California side of that lake, and the whole tourism and resort industry that exists there—another example of a forest crying out for a thinning and cleaning and management program that could reverse the state of the health of that forest.

We struggle mightily to solve a problem that has come upon the Interior appropriations bill, of which my colleague from Montana, who has now joined us, is the ranking member of that subcommittee which funds Interior issues.

I submitted some days ago a second-degree amendment to Senator BYRD's amendment to increase fire funding, to try to find a compromise, to develop some degree of active management in these very critical areas of concern that are, in part, driving the wildfires of at least the western forests at this moment and are realities of growing conditions in all of the public land forests around our country. And that is a state of health, a state of fuel loading, and dead and dying trees, and therefore optimum fuels that, under the right conditions, ignite into the catastrophic fires that we have experienced this year.

But yesterday I became aware of an interesting episode going on aside but a part of this debate out on the public side of things—I should say the private side of things—that I find very interesting. This morning that was highlighted in the "Inside the Beltway" column of the Washington Times, an article by John McCaslin. It is worth your time and interest to read it because I do believe it demonstrates something that is in an apparent complicity of efforts between national radical environmental groups and an organization funded by this Congress, National Public Radio.

It is obvious to me that there was an effort underway to try to show to the public that what I was debating, and others were debating, simply was not the case. And the e-mail transaction that was going on out there demonstrated quite the opposite because fundamental to what Senator DASCHLE

did for his home State of South Dakota, and what we are trying to do here, is to design a way to create a more active process that disallows the obvious and constant use of the appeals process and temporary court injunctions to deny any activity on our public lands, and especially in these critical areas that are so fire prone.

And, of course, the article is fascinating in what it says because what it basically says is: Can you show me a thinning process?—calling the environmental groups that would give us the worst case scenario, in other words, a contradiction to what I and others have been saying is being done, and can be done effectively, in the thinning and the cleaning of these fuel-loaded areas.

And the answer is, I think, quite fascinating. The answer is: No, we can't show you any because we have them all under appeal, and we have them all blocked.

The very thing we have been arguing is the very thing that is reality, by the admission of the environmental groups themselves.

Mr. BYRD. Madam President, will the Senator yield without losing his right to the floor?

Mr. CRAIG. I am happy to yield.

Mr. BYRD. When you said, "We have them all blocked," that kind of caught my ear. And I am wondering about these appropriations bills. Somebody has them all blocked. Here is my friend from Montana who is the ranking member. We have been here at our posts on duty. When are we going to unblock the barriers to getting our appropriations bills passed?

I have a question of the distinguished Senator.

Mr. CRAIG. Sure.

Mr. BYRD. And before I pose the question, I preface it by saying this: I can appreciate what the distinguished Senator is trying to do. The other day I said to him, on the floor: If you will remove your amendment here, if we can vote for cloture, on the one hand, and get on with this bill, if you offer your amendment on another bill, I will support it.

Mr. CRAIG. Yes.

Mr. BYRD. But my friends on that side did not vote for cloture. Whatever the vote was at that time, they did not vote for cloture. So they have not helped me to get on with the appropriations bills. Consequently, I made a generous offer at that point, but I am concerned about that offer.

The Senator did not take me up on it. Senators on that side did not take me up on that. They did not help remove that block. I want to look at the Senator's amendment again when it comes time to vote on it. I am concerned about judicial review, about that aspect of it and some other things.

Mr. CRAIG. Sure.

Mr. BYRD. But the Senators had me on board at that time if that would have helped to take the plug out of the dike and let these bills pass. I am concerned, may I say to the distinguished Senator—

Mr. CRAIG. Sure.

Mr. BYRD. He is a member of the committee. I am concerned about the way these appropriations bills are piling up around here, and when we are headed for a continuing resolution.

Now, would the Senator have a suggestion as to when we might have another cloture vote on that very question of the other day? A motion to reconsider was entered on that vote, I believe. Am I correct, may I ask—

Mr. CRAIG. That is correct, as I recall.

I do not, in any way, question the Senator's sincerity. You offered to solve it in one way, and I reciprocated by offering to solve it in another.

I would go immediately to a unanimous consent for an up-or-down vote on the Craig second degree. That is an immediate solution that could occur in the next 35 or 40 minutes. That is a clear and clean and within-the-rules solution to a problem. I believe my side feels that I deserve a vote. And I know that the Senator is a stickler for the rules of the Senate and an advocate of them and strongly supportive of them.

I want to facilitate this process. The money you have so generously helped us get—

The PRESIDING OFFICER. The time controlled by the minority has expired.

Mr. CRAIG. I ask unanimous consent for 1 more minute.

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

Mr. CRAIG. To fit into this Interior appropriations bill is critical, to pay back the funds within the Department of Agriculture and in the U.S. Forest Service that have been expended for the very fires about which we are concerned. This has to happen. Clearly, it is critical for the operation of the Forest Service. What is also critical, in my opinion, is that the Congress respond in a responsible way to the crisis.

You, as chairman, and if you are chairman again in the new Congress or someone else is, should not have to be asking the taxpayers to pay out an additional \$1 billion to \$1.5 billion to \$2 billion more a year because clearly a public policy is failing out there at this moment to address a crisis and, therefore, we are asking the taxpayer to pay for it. That is really what hangs in the balance here. They are intricately locked, I do believe. That is why I think it is so fundamentally important we vote on it at this moment.

Mr. BYRD. Madam President, will the Senator yield?

Mr. CRAIG. I am happy to yield.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Madam President, I took at least 3 minutes of the Senator's time. I ask unanimous consent that the distinguished Senator from Idaho may have 3 additional minutes.

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

Mr. BYRD. I thank the Senator for yielding.

Mr. CRAIG. Madam President, I repeat what is a phenomenally frustrating concern of ours, that the Public



Broadcasting Act that created NPR authorized the use of public money and what appears now at this moment to be an effort to go out and find a worst case scenario to refute arguments being placed on the floor. That is not the role of the public broadcasting program in this country.

I am extremely pleased that this article appeared. We became aware of that e-mail traffic yesterday. I am glad some journalists have the right and the willingness to step forward and say: Wait a minute. This appears to be a complicit act of a nonprofit organization established by Congress for the purpose of educating our public but not misinforming our public. That appears by every evidence to be exactly what was underway.

What fell out of it was the very basis of the argument I and others have been placing for some time and why my amendment or a version of my amendment in dealing with these critical areas and in dealing with allowing a process to move forward that cannot be just summarily blocked by an appeal but does not yet close the courthouse door is very critical to all of us.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Madam President, how much time remains on the pending bill?

The PRESIDING OFFICER. The Senator has 11 minutes.

Mr. BYRD. Madam President, I ask unanimous consent that there be 15 minutes, a total of 15 minutes.

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

The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I will today offer an amendment to expedite forest thinning on our national forests and public lands. I am pleased that Senator DASCHLE is a cosponsor of this amendment. I would like to thank all of my colleagues who have worked with me to craft this amendment and who offered invaluable input and expertise.

Everyone in the Senate wants to do what we can to reduce the threat of catastrophic wildfire. We all agree that we need to accelerate fuels reduction activities because the risk of severe fire is so high. Ongoing, drought, past fire suppression policies, and excessive harvesting of timber have all contributed to the problem. All of us also agree that it is much better to devote limited resources to proactive efforts to reduce fire risk rather than paying to fight the fires once they occur.

I have tried for years to improve the Federal agencies' forest thinning program in a variety of ways. I am also a vocal proponent for spending Federal dollars conducting proactive forest restoration to reduce fire risk rather than continuing to spend billions of dollars each year fighting fires. Although some may contend that restoration costs too much money, over the long-term, it is much less expensive than fighting fires. Restoring our lands is the preferred al-

ternative for the environment as well because, unfortunately, important species habitat burns right along with the forests during a fire.

The main obstacle constraining us from substantially increasing our proactive efforts to reduce fire risk is a lack of adequate funding. As Oregon Governor and cochair for the Western Governor Association's 10-Year Fire Plan John Kitzhaber states, "it will take a significant investment of resources—far greater than what is envisioned to be saved through process efficiencies." Ever since Congress first funded the National Fire Plan 2 years ago, I have continually emphasized the need to sustain a commitment to the fiscal year 2001 funding levels over a long enough period of time to make a difference—at least 15 years.

Most fuel reduction projects will take several years to implement. It is critical that the agencies have reliable funding to complete the projects they start. If funding is obtained to thin trees the first year, but not to complete the slash disposal and reintroduce fire through prescribed burning the following years, short-term fire risk will be increased. Around the villages north of Truchas, some villages face a tremendous danger of fire due to slash left from thinning. According to the agencies themselves, mechanical thinning comprises only 19 percent annually of all hazardous fuels reduction activities.

Adequate funding means, at a minimum, sustaining fiscal year 2001 funding levels for all components of the National Fire Plan. The Western Governors Association recently sent a letter to Congress urging full funding of the National Fire Plan at the fiscal year 2001 funding levels. Similarly, recently the National Association of State Foresters compiled projected funding needs for the National Fire Plan over the next 10 years based on collaborative efforts with State governments, the Forest Service, and the Department of the Interior. The Western Governors' Association endorsed the State Foresters' projections. The General Accounting Office estimates that the cost to reduce fuels is about \$725 million per year for the next 15 years, GAO/RCED-99-65.

The funding levels in the bill we are currently considering are far below the State Foresters' and GAO's projected funding needs. For example, while hazardous fuels reduction was increased in fiscal year 2001 and has remained relatively constant since that time, the State Foresters' analysis includes \$100 million more for hazardous fuels reduction than the Interior appropriation bill provides. The State Foresters project that hazardous fuels reduction also will need to steadily increase over the next 10 years.

Other important programs that are part of the National Fire Plan, including economic action programs, community and private land fire assistance, and burned area restoration and rehabilitation have been drastically cut—

and some have been zeroed out—by the administration over the last two budget cycles. For some accounts included under the National Fire Plan, but not all, Congress has made up the difference. However, it would certainly be much easier to fully fund the National Fire Plan with the administration's support.

Funding constraints clearly affect the ground restoration work. In New Mexico, there are several restoration projects that could make a meaningful difference in reducing the risk of catastrophic wildfire if funds were available. Here are some examples:

One, Dry Lakes Project, El Rito Ranger District, Carson National Forest.—This mechanical thinning and prescribed burning fuel reduction project is located on the Tusas Ridge to the southwest of the community of Tres Piedras. The ridge has an unusually high incidence of lightning strikes which put the community at high risk. Tres Piedras is on the State list of highest priority areas. The district used fiscal year 2001 funding from the National Fire Plan to thin a large area but could not find sufficient funds in fiscal year 2002 to complete the prescribed burning. This is particularly troubling because several forestry experts agree that thinning trees without follow up work to reintroduce fire with prescribed burns, the fire risk will increase.

Two, in southern New Mexico, Otero County Commissioner Michael Nivison has worked tirelessly to encourage broad community involvement within the context of existing laws and procedures. Unfortunately, the group found that lack of funding was an obstacle to moving forward with sensible forest thinning plans. In April 2002, I requested the necessary additional funds from the Washington office of the Forest Service because no additional funding was available from the Lincoln National Forest's budget or the Southwest Region office budget. The minimum funding needed was \$1 million to complete thinning projects within the wildland/urban interface in the Rio Penasco watershed and for watershed analyses to prepare future restoration projects. Fortunately, after waiting 3 months, the Forest Service complied with the request. However, Commissioner Nivison estimates an additional \$4 million per year for the next 10 years above existing funding levels will be needed to successfully complete the forest thinning program on the Lincoln National Forest.

Three, on the Gila National forest, the Catron County Citizens Group based in Glenwood is working to establish a sawmill to process small diameter wood removed from the forest as part of forest restoration projects and has secured non-Federal matching funds for their operation. In December 2001, I was notified that Forest Service employees had identified several restoration projects that were NEPA-

ready, however, no funding was available. Once again, after specific and repeated requests, the Chief complied with the request to allocate an additional \$1 million to the Gila. However, a 1-year special allocation clearly will not provide the long-term restoration investment needed.

Four, earlier this year, the Chief told me that the Santa Fe Municipal Watershed Project is one of the highest priorities for the Forest Service's Southwest Region. Nonetheless, at the current rate of funding by the agency, the project will be completed in 18 years. If it were fully funded at \$1 million per year, however, the project would be completed in 7 years. This is a critical project for the residents of Santa Fe to protect two city-owned reservoirs that hold 40 percent of the city's water supply.

Five, Deer Lakes Fuel Break, Cuba Ranger District, Santa Fe National Forest.—This fuel break project was put on the list of suggested projects for fiscal year 2001 since NEPA review was complete, but it was not funded in fiscal year 2001 or fiscal year 2002. The fuel break will protect private homes in a forested subdivision. The Forest Service considers this area to be a priority.

Six, Mt. Taylor Ranger District, Cibola National Forest.—A number of fuel reduction projects planned on this district have been held up by insufficient funding. All of these projects were small, less than 500 acres.

Seven, the Collaborative Forest Restoration Program, created through legislation I sponsored two years ago, provides \$5 million annually to fund a variety of forest restoration projects in many different locations in New Mexico. Unfortunately, due to the Forest Service's practice of borrowing from other accounts to pay for firefighting, action on this year's projects has been suspended since July 8. Because the administration was unwilling, until very recently, to support repaying these accounts, it is unlikely that work will resume this year on these projects.

Beyond funding constraints, some allege that administrative appeals and lawsuits limit our ability to reduce fire risk across the country. I am willing to provide new legal authorities and exemptions from administrative appeals to address this concern. However, we should proceed carefully at this juncture and withhold from enacting sweeping changes to Federal law without due consideration. If we need to make permanent changes to existing laws, we should do so next year after this issue has been debated thoroughly in the Senate including hearings and committee business meetings.

Let me briefly describe our amendment. We propose to exempt from National Environmental Policy Act analysis all forest thinning projects located in areas that are at the highest risk of fire and remove up to 250,000 board feet of timber or 1 million board feet of salvage. We prohibit administrative ap-

peals on these projects, thereby saving 135 days in the process. In addition, we eliminate judicial review granted under NEPA for thinning projects within 1/2 mile of any community structure or within certain key municipal watersheds. The combination of these provisions would save between one and one-half to three and one-half years of process.

Moreover, in order to focus the agencies' work on the highest priority areas where human safety and property loss are the most serious, we require that 100 percent of hazardous fuels reduction funds be spent in the highest fire risk areas, known as condition class 3, and 70 percent of those funds be spent within one-half mile of any community structure or within key municipal watersheds identified in forest plans.

In order to recognize the role that forest dependent communities play in restoring our lands, we require that at least 10 percent of hazardous fuels reduction funds be spent on projects that benefit small businesses that use hazardous fuels and are located in small, economically disadvantaged communities. Finally, in order to provide robust monitoring of these experimental new authorities, we require multiparty monitoring of a representative sampling of the projects.

We agree with, and included, many provisions of Senator CRAIG's amendment in our amendment. For example, Senator CRAIG requires the secretaries to give highest priority to protecting communities, municipal watersheds, and areas affected by disease, insect activity, or wind throw. He requires that projects be consistent with applicable forest plans and that the Secretaries jointly develop a collaborative process to select projects. We agree with all of these provisions.

However, our amendment differs from Senator CRAIG's amendment because we felt it was appropriate to enact parameters and limitations along with the new authorities for several reasons. First, we are legislating without the benefit of the normal authorizing Committee process. If, after consideration through the authorizing Committee process, we decide to make some or all of these changes permanent, we can do so next year.

Second, the Forest Service has a poor track record with respect to supporting projects that do not harvest large trees. One example that I am aware of occurred in New Mexico. On the Gila National Forest Sheep Basin project, there was broad agreement within the local community that a project harvesting small trees would be a win-win. The community agreed this project would both benefit the environment and generate local jobs while also reducing fire risk. The Forest Service, however, rejected the community's proposal and insisted on following a plan to harvest large trees.

Third, many independent analyses have discovered numerous flaws with the agencies' existing implementation

of the National Fire Plan. For example, a recent General Accounting Office report severely chastised the agencies for their inability to account for where hazardous fuels reduction funds have been spent. Specifically, the GAO states:

It is not possible to determine if the \$796 million appropriate for hazardous fuels reduction in fiscal year 2001 and 2002 is targeted to the communities and other areas at highest risk of severe wildland fires.—GAO/RCED-02-259, January 2002.

In addition, in November 2001, the Inspector General for the Department of Agriculture found that the Forest Service was inappropriately spending its burned area restoration funds to prepare commercial timber sales. Similarly, it was recently discovered that the Forest Service "misplaced" \$215 million intended for wildland fire management due to an accounting error.

Finally, another GAO report concluded that, because the Forest Service relies on the timber program for funding many of its other activities, including reducing fuels, it has often used the timber program to address the wildfire problem. GAO states:

The difficulty with such an approach, however, is that the lands with commercially valuable timber are often not those with the greatest wildfire hazards. Additionally, there are problems with the incentives in the fuel reduction program. Currently, managers are rewarded for the number of acres on which they reduce fuels, not for reducing fuels on the lands with the highest fire hazards. Because reducing fuels in areas with greater hazards is often more expensive—meaning that fewer acres can be completed with the same funding level—managers have an incentive not to undertake efforts on such lands.—GAO/RCED-99-65.

The parameters set forth in our amendment will ensure that the agencies conduct forest thinning in a way that truly reduces the threat of fire. For example, we require the agencies to focus on thinning projects that truly reduce the threat of fire, namely removing small diameter trees and brush. This limitation is based on numerous scientific research studies conducted by the Forest Service. Too often, the Forest Service has cut large trees because of their commercial value instead of removing small-diameter trees that tend to spread fire.

Our amendment prohibits new road construction in inventoried roadless areas because the National Forests already contain 380,000 miles of road, as a comparison, the National Highway System contains 160,000 miles of roads, and the deferred maintenance needs on these existing roads totals more than \$1 billion. Forest Service analysis reveals that roads increase the probability of accidental and intentional human-caused ignitions.

A group of respected forest fire scientist recently wrote President Bush a letter stating that, "thinning of overstory trees, likely building new roads, can often exacerbate the situation and damage forest health." Moreover, the vast majority of all trees in



the west are small, more than 90 percent are 12 inches in diameter or smaller.

Returning receipts to the Treasury is consistent with a provision in the Wyden/Craig County payments legislation enacted 2 years ago and avoids existing perverse incentives. Numerous GAO reports reveal that existing agency trust funds provide incentives for the agency to cut large trees because it gets to keep the revenue. Cutting large trees will not reduce fire risk, therefore, we should direct receipts back to the Treasury. Jeremy Fried, a Forest Service research specialist at the Pacific Northwest Research Station, states, "If you take just big trees, you do not reduce fire danger."

The provision in our amendment stating that 70 percent of Hazardous Fuels Reduction Funds be spent within one-half mile of any community structure or within key municipal watersheds is more flexible than the President's fiscal year 2003 budget request which provides that the same percentage only be spent near communities. We in Congress must ensure that the agencies adhere to our direction that the number one priority is to protect communities at risk for catastrophic fire. To date, this has not occurred. In fiscal year 2002, only 39 percent of the areas where hazardous fuels will be treated are in the wildland/urban interface. In fiscal year 2003, only 55 percent of the acres scheduled to be treated are near communities. Finally, we need hard and fast assurance that the agencies will make its investments near communities because the National Fire Plan and the Western Governors' Association identify protecting people as the number one priority.

We are willing to provide the agencies with additional authority as set forth in our amendment but only to achieve the number of acres treated that can be accomplished without a substantial increase in funds. My amendment doubles the amount of acreage treated to reduce fire risk in the upcoming year from 2.5 million to 5 million acres whereas Senator CRAIG's amendment covers 10 million acres of Federal land.

It is impossible for the agencies, even with the expedited procedures included in Senator CRAIG's amendment, to quadruple the amount of acres treated annually. Since fiscal year 2001, Congress has provided about \$400 million annually for hazardous fuels reduction. With this level of funding, the agencies have treated approximately 2.5 million acres each year. For fiscal year 2003, the Senate Interior appropriations bill provides \$414 million for hazardous fuels reduction, fully funding the Administration's request. Again, the agencies estimate they will complete treatment on about 2.5 million acres. Senator CRAIG's amendment does not provide any additional funds, therefore, it is incorrect to purport that now, suddenly, the agencies will quadruple the amounts of acres treated.

Moreover, we do not need to treat every acre of land to reduce fire risk. New Mexicans and others living in the west want their government to quickly and intelligently address the excessive build-up of hazardous fuels. If we're going to leverage limited Government funds to solve this problem, we need to figure out in advance which forested lands need to be treated and how.

To act quickly and strategically to prevent catastrophic fires, we do not need to treat every single acre of national forest and public lands. Instead, we should create firebreaks and other strategically thinned areas to stop fires from spreading out of control over large areas. A respected Forest Service researcher named Mark Finney has estimated that treatments need only address 20 percent of the landscape, if thinned areas are strategically placed to make fires move perpendicular to the prevailing winds. The Forest Service should experiment with Finney's ideas and those of others about how to most strategically place thinning projects. The less acres the Government needs to treat, the further our existing funds will stretch.

The board feet levels in this amendment are identical to the levels previously set forth for categorical exclusions by the Forest Service. Almost 3 years ago, a Federal district court invalidated these categorical exclusions primarily because the agency literally lost its administrative record. Notably, the court left room for the agency to reinstate these categorical exclusions but for some reason the agency still has not done so. This approach also will benefit local businesses by requiring the agency to implement relatively smaller projects. Residents of Truchas, NM, tell me that the using categorical exclusions improves the ability of local Federal land managers to make site specific decisions that address community needs.

At this point in time, I do not believe we need to expedite judicial review beyond what we offer in our amendment. Prohibiting any temporary restraining orders or preliminary injunctions, which is what the Republican and administration proposals would do, makes any judicial review effectively irrelevant. In addition, on August 31, 2001, the General Accounting Office reported that, of the hazardous fuels reduction projects identified for implementation in fiscal year 2001, none had been litigated.

In conclusion, our amendment represents a thoughtful, balanced approach to expedite forest thinning in a way that truly reduces fire risk for communities and the environment.

I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

## HOMELAND SECURITY ACT OF 2002

The PRESIDING OFFICER. Under the previous order, the hour of 11:30 a.m. having arrived, the Senate will now resume consideration of H.R. 5005, which the clerk will report.

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.

Byrd amendment No. 4644 (to amendment No. 4471), to provide for the establishment of the Department of Homeland Security, and an orderly transfer of functions to the directorates of the Department.

Reid (for BYRD) amendment No. 4673 (to amendment No. 4644), in the nature of a substitute.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. THOMPSON. Madam President, I ask unanimous consent that there be 1 hour for debate, equally divided, on the cloture motion.

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

Mr. THOMPSON. And the vote to occur at the end of that hour.

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

Mr. THOMPSON. I thank the Chair.

Madam President, about a year ago, we began hearings on the homeland security issue in the Governmental Affairs Committee. Other committees had hearings, but we had a series of hearings that lasted until recently.

During that time, we reached bipartisan agreement on many important factors. We reached bipartisan agreement on the notion that we need to reorganize our Government to meet the new challenges our country faces. We live in a different world, a new world, a dangerous world, and we need to reorganize our governmental agencies to deal with that world. We have very broad bipartisan agreement on that.

We also discovered in that time that we have some very important points of disagreement.

I think it was the understanding of everyone concerned that after we addressed this in the committee, after we had a full discussion, a series of hearings, after we had an extensive markup and aired all of these similarities, these points of agreement, and points of disagreement, that we would be able to take that committee product, bring it to the floor, as Senator LIEBERMAN has done, and that we would be discussing the merits of the points of agreement and the points of disagreement because we were about very important business of our country and the future safety of our country, with the full realization that we were doing something that had not been done for over half a century in this Government, in terms of the scope of the reorganization.