say: These issues somehow are irrelevant.

They are not irrelevant to people out of work, who are concerned about their jobs, concerned about opportunities for themselves and their children, concerned about the ability to buy health care, to pay for health insurance, to afford their prescription medicine. The Senator is absolutely correct. There are a lot of other issues we must resolve.

This Senate is at parade rest; I am guessing because there are some people here who don't want us to do anything on these issues, whether it is health care, the economy, or corporate scandals. And incidentally, I won't have time to talk much about that, but we have not finished on that issue, the issue of corporate scandals. We are talking about hundreds of millions and billions of dollars frittered away by CEOs and others who have run corporations into the ground.

A recent study by the Financial Times says that of the 25 largest bankruptcies in America, prior to bankruptcy 208, executives took $3.3 billion out of the companies prior to running them into the ground. Should we do something about that? We should. That issue isn't over, despite the fact there are some in this Chamber and downtown who resist every step of the way.

We have a lot to do. There is a lot on the agenda, a lot on our plate. Frankly, there are some people who are sitting here with their feet on the brakes. They don't want anything to happen on issues that matter a great deal to the average American family.

I have listened attentively to the presentation. I was going to come over and make a presentation myself. I will do that tomorrow.

The answer is, yes, let's be very concerned about Iraq, about foreign policy, about the war on terrorism. Let's be concerned about it, do it seriously. But let's also understand it is not the only subject. There are other important considerations impacting on the lives of American families with which we need to be dealing.

Mr. DURBIN. I thank the Senator from North Dakota. Average families have to worry about a lot of issues: the health of their children, whether they can make the mortgage payment. If families can face more than one responsibility, our Government certainly can.

It is not enough to say we are just going to focus on the Middle East and what might happen there in the years to come; let's talk about what is happening in the middle west and the East and the South and the North, all across the United States. What are we doing to make sure this economy turns around and gives people a chance?

I spoke to a friend of mine in the plumbers union in Chicago who told me that the cost of prescription drugs for retirees last year went up 300 percent in his one local. He said: I don't know if we can meet our obligation to our seniors that we promised over the years.

As for corporate greed and scandals, the Senator from North Dakota talks about the bankruptcies and the money squandered before bankruptcy. There is a company called Tyco where the CEO, Mr. Kozlowki, has been written up in the Wall Street Journal. Their company didn't go into bankruptcy. It is still in business. But what he did to it was to bleed it of a lot of money, hundreds of millions of dollars in the years leading up to his resignation.

All of these things have discredited American business. They have discredited the good, honest businesspeople who lead our Nation effectively. Frankly, they have put a damper on America's feelings about buying stock. The President needs to address this.

We passed the Sarbanes bill. It was a good bill. I was glad to vote for it. There is more to do: the bankruptcy code, that corporate bankruptcy will take into account when people have squandered the money of corporations so that it comes back into the corporation and away from these corporate executives; that they be charged with crimes when they are guilty. All of these issues need to be taken up. It is an agenda which we should face because it is an agenda the American people face every single day. And unless and until we do that, we are not meeting our obligation.

Mr. President, I yield the floor.

ORDER OF PROCEDURE

Mr. REID. Mr. President, I see the Senator from Colorado here. Under the order entered, it is my understanding that Senators CAMPBELL and INOUYE have equal time with Senator DODD. Is that the understanding?

Mr. CAMPBELL. Yes.

Mr. REID. The order said Senator CAMPBELL had 20 minutes, Senator DODD had 20, and Senator INOUYE had 20. Is that all right with the Senator from Colorado?

Mr. CAMPBELL. That is my understanding.

Mr. REID. When we started this debate, we gave 10 minutes to the Democrats and 10 minutes to the Republicans, leaving 20 minutes on each side. Senator INOUYE said that would be OK with him. If we need more time—

Mr. CAMPBELL. I think 10 will be enough. Perhaps I can ask unanimous consent if it is not; that is, 10 minutes for Senator INOUYE and 10 for me?

Mr. REID. Yes. Why don't we do this. There is no one here to use the Republicans' morning business time. Why don't we give you back, so you have enough time, 25 minutes, and let's make sure Senator DODD has that. So I think that will extend the vote 10 minutes.

Mr. CAMPBELL. That is fine. Has Senator DODD spoken yet?

Mr. REID. No, he has not. The vote would take place at 5:40, and Senator DODD will have 25 minutes and Senators CAMPBELL and INOUYE would have 25 minutes.

Mr. CAMPBELL. I ask the leader, has Senator INOUYE been here yet?

Mr. REID. Yes.

Mr. DODD. This debate would end at 4:30; is that right?

Mr. REID. Yes. But the Republicans are entitled to 10 minutes in morning business. They may use that.

Mr. DODD. Does this require a unanimous consent request?

Mr. REID. Yes, Mr. President. I ask unanimous consent for that.

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

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2003

The PRESIDING OFFICER. 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.

The PRESIDING OFFICER. Under the previous order, there will now be debate on the Dodd amendment No. 4522 until 4:40, equally divided between Senators DODD, INOUYE, and CAMPBELL, or their designees.

The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, the amendment is offered on behalf of myself and Senator LIEBERMAN. I presume he will be coming to the floor at some point. He has a strong interest in the amendment. I want to be notified by the Chair when I have consumed 10 minutes, so I can leave time for Senator LIEBERMAN.

I begin by thanking my colleagues from Hawaii and Colorado. They were very generous—they are all the time, but particularly last week—in conducting a hearing on the subject matter that is the subject of this amendment. They graciously listened to a series of witnesses from the administration, from Connecticut, mayors from towns in Connecticut, along with other interested parties on the subject matter generally of the recognition process at the Bureau of Indian Affairs. So any discussion of the matter before us

should begin with an expression of gratitude to both of these distinguished Members of the Senate for their willingness to listen to the case we presented.

Again, I express my gratitude to them. They are friends of mine, and this is one of those awkward moments that can happen when good friends find themselves on opposite sides of an issue.

Secondly, I had a good meeting last week with some of the national representatives of the Native American community from Indian country here in the Senate. I did state to them, which I will state here as well, that I take great pride in the relationship I have with my Indian constituents in Connecticut, as I have had around the country—on numerous occasions, whether appearing in Window Rock, AZ, or with the Gila River tribes, and others; with my good friend from Alaska, and others; I take a great deal of pride in my strong support for the Native American community.

What brings us here, and what Senator LIEBERMAN and I are raising, is the concern that we have over the present recognition process. It is a concern that was not generated by my State alone. It was, in fact, generated by a study done by the Government Accounting Office, backed by representatives of the Bureau of Indian Affairs. In 2000, the Assistant Secretary for Indian Affairs stated before the U.S. Congress that the system was terribly broken and in need of repair. I don't know of anyone who disagrees with that.

Now, there are suggestions on how best to repair this. The problem is that while we are waiting for the repairs to occur, recognitions are going forward. In many cases, of course, they will be proven to be absolutely well-deserved, but others may not be. My concern is when that happens, it not only does damage to the communities and others who may be adversely affected by those decisions, but I argue just as strongly that an adverse impact occurs as well on existing tribal nations that have long sought recognition, and suspicions are raised about the validity and credibility of the process. Those who have received recognition I think are devalued as well. There are now pending 222 recognition petitions before the Bureau of Indian Affairs.

I have put up a chart showing where they are in the country. Many States, of course, have none; 37 States have at least 1 pending. In my State there are 12. Understand the size of my State. It is about 110 miles by 50 miles. There are national parks in this country that are larger geographically than my State. Some counties in various States are larger than Connecticut. So when you start talking about 12 petitions pending, you can begin to understand what the impact can be, particularly if there are concerns about the validity of some of the petitions pending. Massachusetts has 6, Rhode Island has 5, California has 53, North Carolina has 16, South Carolina has 11, Michigan has 10, Louisiana has 10, Missouri has 9, and so forth.

My colleagues are more than welcome to look at the list I have. There is a particular poignancy in Connecticut because of the number. Every single petition may be entirely meritorious. I would not, for one, suggest that they should not be approved if, in fact, that is the case. But, if you will, what provoked this particular concern to raise this amendment was a decision reached only a few weeks ago where two petitioning parties in Connecticut recognition were each denied separate recognition. But the Bureau of Indian Affairs, contrary to the recommendation of the technical staff, recognized, in effect, a third tribe, and said both of these tribes are not two separate tribes, but one.

That may be a very legitimate conclusion, but you can understand the concern when all of a sudden, without any hearings, they arrived at a third conclusion, and the Assistant Secretary found that to be the result. So that raises concerns, obviously, in the minds of many people. Imagine two people seeking grant applications, both applications are rejected, and the Secretary of some agency construed a third grant application. It seems to me that goes beyond any parameters that Congress has extended to the Bureau of Indian Affairs in this kind of a process.

As I mentioned earlier, we have already seen statements from the Assistant Secretary of the Bureau of Indian Affairs. I quote him:

> I am troubled by the money backing certain petitions, and I do think it is time that Congress should consider an alternative to the existing process. Otherwise, we are more likely to recognize someone that might not deserve it.
>
> The more contentious and nasty things become, the less we feel we are able to do it. I know it is unusual for an agency to give up a responsibility like this, but this one has outgrown us. It needs more expertise and resources than we have available.

Mr. President, we could not agree more. I am not suggesting with this amendment, by the way, that any of the applications should be rejected. This bill would involve a 1-year moratorium to put the brakes on in order to put in place a recognition process that is predictable, credible, that would allow people to have an opportunity to respond, if you will.

I don't believe a year is asking too much. I know there are tribes that have been waiting decades, in some cases, for recognition. I feel as strongly about what has happened to them as I do in areas where recognition may be extended where it may not be warranted. The process is broken if you have to wait 25 years to be heard. That itself makes the case. That argues for the amendment and not against it.

So we feel strongly this amendment is not an egregious reach of authority.

Many people all the time ask us for support on various matters. I have certainly cast many votes where parts of the country have been affected by drought or other natural disasters. This is not a natural disaster. It is not even a disaster. It does not rise to that level, but my colleagues ought to understand when we have this kind of pressure occurring in a relatively small piece of geography where concerns are being raised despite recommendations of a technical staff and other recommendations, one can understand the urgency. I think any Senator representing his or her State faced with this kind of issue would take a similar position.

It is with a sense of regret that we have moved forward. I wish we had more time to wait and that another year or two would be adequate. But in the next year or two, we are going to find a lot of these recognition petitions to have been ruled upon. They may be ruled invalid.

The PRESIDING OFFICER. The Senator has used 10 minutes.

Mr. DODD. Mr. President, I will let my colleagues proceed and share a few thoughts. The General Accounting Office is the last point I will make. In their study released last November, they were highly critical of the BLM. They did not just speak about Connecticut. They talked about the country. They said the Assistant Secretary has rejected several recent recommendations made by the technical staff, all resulting in either proposed or final decisions to recognize tribes when staff recommended against recognition.

I am not suggesting staff is always right in these matters or suggesting they are right and the Assistant Secretary is wrong. However, it seems to me it ought to be a source of some trouble when we have that kind of conflict of opinions occurring. Especially with 222 petitions pending, with criteria being used selectively, I think it is dangerous and could provoke a lot of hostility which we ought to avoid.

I urge the amendment be adopted, and I withhold the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from Colorado.

Mr. CAMPBELL. Mr. President, first, I thank Senator DODD and Senator LIEBERMAN. I know, probably better than most in this Chamber, the exemplary voting record they have had and the strong voice they have been in supporting American Indians nationwide, people who very often are left out and do not have a very strong voice in the Congress. They do not have all the lobbyists that many groups have. They do not have the input that many other groups have. I know both these Senators have done a great job for them.

In this particular case, my friend and colleague, Senator INOUYE, the chairman of the Indian Affairs Committee, is going to move to table the amendment offered by Senators DODD and LIEBERMAN. I reluctantly say it is the right thing to do for our colleagues to vote to table.

During the time we have been considering the fiscal year 2003 Interior appropriations bill and Senator DODD's amendment, the Committee on Indian Affairs has held a hearing on two bills to address the Federal acknowledgment process introduced by both of these great Senators.

I know of no one who has said the Bureau of Indian Affairs is doing everything right, and we constantly review the actions of the Bureau in our committee.

I believe the process that governs how the United States recognizes Indian tribes should be transparent, timely, and afford due process to petitioners. I also believe fundamental fairness requires that truly affected communities be given an opportunity to be heard because, particularly with the advent of gaming, there are many things that happen when the tribes get the opportunity to game that sometimes local communities believe they are left out in the hearing process.

Of all affected communities, I believe the United States owes a moral debt to the Native American communities to ensure they receive every measure of fairness we can provide. That, in fact, is the core tenet of trust responsibility as set up originally in our Federal Government.

The hearing our committee held on September 17 has been very helpful in understanding the effects of this amendment since it contains several of the primary features of Senator DODD's bill, S. 1392. Very important, in my view, was a statement by the administration before our committee that it was opposed to S. 1392 and opposed to this amendment, too.

Primary among the administration's objections is that the legislation and the amendment would:

One, authorize ''interested parties'' to request that the Secretary conduct formal hearings on a petition, in addition to the formal on-the-record administrative factfinding proceeding, and the extensive administrative hearings and appeals that are currently available. They are already available. ''Interested parties'' is somewhat vague.

Two, alter the standard of proof from a ''reasonable likelihood'' standard to a ''more likely than not'' standard.

And, three, create conflict and confusion with the regulatory process by statutorily duplicating some regulations but not others, thereby inserting uncertainty as to which regulatory provisions are applicable.

Additionally, the administration informed the committee that it cannot support a moratorium on an already lengthy, burdensome, and slow process. Senator DODD spoke to that. In fact, they did testify that if either the Dodd bill or the Dodd amendment passed, it would take over a year to promulgate new rules to implement either one, the bill or the rule.

I believe the imposition of such a moratorium would be particularly onerous on those petitioning groups that have gone through nearly the entire process and are now in the stage known as the final determination phase.

Just as important, in my mind, as the opposition of the administration is the position of already-recognized Indian tribes that already have a government-to-government relationship with the U.S. Government. We have received dozens of letters and calls from across the country.

I ask unanimous consent to print in the RECORD the tribes nationwide and four national associations in opposition to the Dodd amendment.

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

TRIBAL OPPOSITION TO DODD AMENDMENT

(1) Tribes opposing amendment: 21;

(2) Tribal association opposing amendment: 5;

(3) Tribes or tribal associations supporting amendment: 0.

TRIBES OPPOSING AMENDMENT

Oneida Indian Nation
Ft. McDowell
Agua Caliente Band of Cahuilla Indians
Passamaquoddy Tribe
Nooksack Indian Tribe
Lower Elwha Klallam Tribe
Sycuan Band of the Kumeyaay Nation
Choctaw Nation of Oklahoma
Hoopa Valley Tribe
Jamestown S. Klallam Tribe
Squaxim Island Tribe
Lummi Indian Tribe
Gun Lake Tribe
Cabazon Band of Mission Indians
Cahto Tribe
Susanville Indian Rancheria
Prairie Island Indian Community
Golden Hill Paugussett Indian Tribe
Wyandotte Nation
Saint Regis Mohawk Tribe
Winnebago Tribe of Nebraska

TRIBAL ASSOCIATIONS OPPOSING AMENDMENT

National Congress of American Indians
United South and Eastern Tribes
Midwest Alliance of Sovereign Tribes
Northwest Indian Fisheries Commission
California Nations Indian Gaming Association

Mr. CAMPBELL. Mr. President, these tribes and organizations from across the United States, from Indian country, have declared their universal opposition. Indeed, they are dismayed that we would be considering making such a sea change on Federal Indian policy through the appropriations process. Since tribes have been playing by the rules and some, indeed, have waited for years for recognition, it seems to me a bit unfair to put this in an appropriations bill.

The Committee on Indian Affairs has held many hearings on the issue of recognition and recognition reform over the past several years. We also heard from several Native groups that the process has taken generations and people have actually died waiting for recognition.

I find it somewhat ironic that descendants of Native people who have lived on this continent for thousands of years have to document who they are to a government set up by primarily post-Columbian immigrants.

One thing that has become crystal clear from our hearings—and this has been documented by the GAO and inspector general reports—is that this agency, the Branch Acknowledgment Research, BAR, is not able to provide information in a timely manner to either the Native American petitioners or to outside interested groups. That is where we should be putting our emphasis and providing more money for that process.

A substantial contributing factor is the flood of requests under the Freedom of Information Act. These FOIAs, as they are called, are keeping the BAR in a state of constant churning of documents, preventing them from performing their core tasks.

Those asking for reforms must recognize the process in place is made worse by the avalanche of lawsuits filed by local communities, State attorneys general, and some suits by already-recognized tribes. I fail to see how providing even more opportunities for lawyers to inject themselves into the process, and generate more lawsuits, is an improvement over the process. If we are going to reform the acknowledgment process, we should make sure we are providing reforms—true reforms—that provide benefits not just for States, the attorneys general, and the lawyers, but also for the petitioning groups themselves.

Finally, I cannot support an appropriations rider that would so substantially impact a regulatory process that has been in place for 25 years and through which so many participants are still working their way.

Placing a moratorium on the process and altering the evidentiary standard is a dramatic change in policy and should not be made without very careful consideration. I could only support such drastic actions if I were presented with credible proof of actual fraud or something equally bad.

I must add that I do support one provision of my colleague's amendment and legislation; that is, as I mentioned, to substantially increase the funds that the BAR receives to conduct its research. In fact, I encourage both my colleagues, Senator DODD and Senator LIEBERMAN, and would join with them in efforts in obtaining the $10 million authorized in this legislation rather than a smaller amount that is in his amendment.

Providing greater resources to the BAR would enable experienced and capable people, whether genealogists, anthropologists, or archeologists, to do their work and provide an answer in a timely manner.

In conclusion, I ask my colleagues to support the motion of the Senator from Hawaii, our chairman, Mr. INOUYE, to table.

I yield back my time.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). Who yields time?

Mr. INOUYE. Mr. President, I yield myself 12 minutes.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. INOUYE. Mr. President, first, may I say I am most grateful to my colleague from Connecticut for his gracious remarks. He knows very well it is a very difficult chore to be speaking against his amendment. When one thinks of the friendship that started since the time of his father, this is not easy, but I believe most respectfully that the amendment my colleague from Connecticut presents is not proper.

He says he is for reform. We are all for reform. As my colleague from Connecticut pointed out, there are tribes that have been waiting not a year, not 5 years, but decades to even be recognized for consideration by the administration. This will further prolong it.

Those of us who serve on the Indian Affairs Committee have had reason to pay special attention to the State of Connecticut for quite a few years now—in no small part because of the tensions that we read about in the media reports that appear to be arising out of the fact that the two Federally-recognized tribes in southeastern Connecticut—the Mashantucket Pequot Tribe and the Mohegan Tribe—are conducting gaming activities on their lands under the authority of the Indian Gaming Regulatory Act—as is their right to do under that Federal law.

Because we have been monitoring the public dialogue in the State of Connecticut rather closely, and because the hearing the Committee on Indian Affairs held last week on Senator DODD'S authorization bill, from which the elements of his amendment to the Interior appropriations bill are drawn, I would like to take a few moments to acquaint my colleagues with the dynamics that are at play in the State of Connecticut as I understand them.

Pursuant to the compacts each of those two tribes entered into with the State of Connecticut, in exchange for the exclusive authorization to operate certain forms of class III gaming, as defined in the Federal law, the two tribes have been making payments to the State of Connecticut from the revenues derived from the operation of slot machines.

Those funds are intended, as I understand it, to defray the costs of any impacts that the tribes' conduct of gaming activities may have on the surrounding towns and communities.

Unfortunately, despite the fact that together, over the past nine years, the two tribes have thus far paid the State of Connecticut $2.2 billion, the towns most directly affected by an increase in traffic and business, have not received funding from the State of Connecticut that they feel is adequate to address their needs.

This is what one of the councilmen from one of the towns nearest the Mashantucket Pequot indicated in his testimony before the Committee on Indian Affairs last week. I have no doubt that his perceptions are sincerely-held, nor that they are shared by others in his town.

It is not my place to question the decisions of the State of Connecticut in allocating the funds the State has received from the tribes, but it seems to me that we might well not be here today, were those towns in close proximity to the Foxwoods and Mohegan Sun gaming facilities and hotels not experiencing impacts that were intended to be addressed by the substantial payments—and I think $2.2 billion is substantial by any measure—that both tribes have made to the State of Connecticut thus far.

I raise these issues that are seemingly unrelated to the matter we address today, because the local Connecticut town officials have repeatedly suggested that there is a direct relationship between the process by which the United States Government recognizes the inherent sovereignty of tribal groups and the impacts of gaming activities from which they seek financial relief from the Federal Government.

I have no doubt that the citizens of Connecticut would acknowledge that there are Indian tribes and Native people who are also citizens of Connecticut, because as early as the 1600's, long before this nation was formed, Connecticut established five reservations to serve as homelands for the Indian people of Connecticut.

Thus, for over 400 years, Connecticut has, by its own action, recognized that there are Indian tribes who have historically and traditionally, made their homes in Connecticut—and indeed, that Indian tribes occupied the area that is now the State of Connecticut, long before Connecticut established Indian reservation.

So the arguments that give rise to my friend's amendment cannot be that the State of Connecticut does not recognize the Indian tribes of Connecticut.

No, the argument advanced by the non-Indian citizens of Connecticut and some officials of the State of Connecticut seems to be that the United States should not recognize the Indian tribes that have historically occupied the area that is now the State of Connecticut.

And so, unusual activities are being initiated by State and local officials, to prevent the United States from recognizing these Connecticut tribes.

These activities include litigation, of course, but they also include the hiring of genealogists and anthropologists and historians, and even former employees of the Bureau of Indian Affairs' Branch of Acknowledgment, in an effort to develop information that could serve to prove that the Indian tribes that are recognized by the State of Connecticut either are not Indian tribes, or at least, that they are not Indian tribes which should be recognized by the United States.

I don't suppose that I am the only one to whom this position appears fundamentally and inherently contradictory.

In any event, it is clear that there are citizens and local governments in Connecticut and even the State of Connecticut who are expending substantial sums and considerable energy to oppose the Federal acknowledgment of Connecticut tribes, and that they believe the United States should subsidize their expenditures.

Indeed, Senator DODD has a bill pending in the Committee on Indian Affairs that would provide grants to State and local governments so that they could be better able to carry on their fight.

That is one set of issues.

Another set of issues has to do with the erroneous perception—and sadly I think perhaps this inaccurate portrait is drawn somewhat deliberately—that acknowledgment by the United States that a tribal group is an Indian tribe, leads directly and automatically to the conduct of gaming.

In fact, the vast majority of Federally-recognized tribes in the United States are not engaged in the conduct of gaming activities under the authority of Federal law, and many, like the great Navajo Nation—the largest land-based Indian tribe in the United States—have consistently rejected gaming as a means of economic development.

The acknowledgment of an Indian tribe by the Secretary of the Interior does not even entail the establishment of a land base that could serve as the homeland for tribal members.

No, instead, there is a separate process to determine whether land should be taken into trust for an Indian tribe—a process which provides for significant involvement of State Governors, as well as State legislatures and local governments.

That process is not an easy one—there are tribes across the country who will verify that it takes years—as much as 10 to 20 years—to have land taken into trust.

And that is only step one.

Should a tribe want to pursue gaming as a means of economic development, there is a separate process with even higher burdens to meet—for the taking of land into trust for gaming purposes.

In this process, for land that is to be taken into trust for purposes of gaming after October 17, 1988, there is not only a prohibition in Federal law that has only limited exceptions, but a far greater role for the Governor of each State in whether land is taken into trust for gaming. Some commentators have even suggested that this role that each Governor is afforded under Federal law constitutes an absolute veto power.

So to conclude, it is abundantly clear to anyone who cares to conduct even the most superficial survey of Federal Indian law, that the acknowledgment of an Indian tribe by the United State is a process that is separate and decidedly distinct from the issue of gaming.

Though some may see it as being to their advantage to lump these different processes together and make it appear that they are all one—as one who has

served on the Committee on Indian Affairs for 24 years now, I can assure my colleagues that it simply is not so.

As the Chairman of the Republican National Committee, Marc Racicot, recently was quoted as responding to the notion that people are mixing Federal recognition with Indian gaming, ''Is the question really about the Federal recognition process or is it about gambling? Frankly, I think people should address those questions honestly.''

As my colleagues know, Marc Racicot is the former Governor and former attorney general for many years of the State of Montana.

In that same interview that was published ten days ago, Governor Racicot indicated that his experience with Federal recognition has not been mired in ''irregularities and improprieties'' as alleged by Connecticut officials. Instead, Governor Racicot stated ''the process is clear, plain and steeped in integrity''.

If Governor Racicot's observations were the exception to a perception widely-held across the country, we might have a different set of circumstances to address.

But the problems that are cited by the citizens of Connecticut are clearly different from those that have been identified by administration officials, both past and present, by petitioning groups, by the General Accounting Office, and by those who have testified before the Committee on Indian Affairs.

Of course, like any new venture that bring more people, more traffic, and more revenues into a State, there have been concerns expressed about the impacts of gaming—in our history as a country we saw them first in New Jersey and Nevada.

Today gaming, whether it is Government-sponsored or privately—owned gaming, whether it is tribally-operated or commercially-conducted—from State lotteries to horse tracks to river boats, gaming has given rise to controversy.

As we consider the amendment of my friend from Connecticut, let those of us who know the difference, keep gaming issues separate, and focus on the Federal acknowledgment process.

Cound the Federal acknowledgment process benefit from reform?

I don't think there is any question that it could.

The committees of Congress—the Indian Affairs Committee in the Senate—would not have held so many hearings over the years and would not have considered so many proposals to reform the process, were it not in need of refinement.

The problem is that we do not have agreement on the nature of the problem and even less agreement on the appropriate resolution.

If you asked tribal groups that have been through the acknowledgment process or that have petitions now pending before the Branch of Acknowledgment, I believe you would find unanimity in their view that the process takes too long.

In testimony on Senator DODD's authorizing bill that was presented to the Indian Affairs Committee last week, the chairperson of the Eastern Pequot Tribe—a tribe recognized by the State of Connecticut since the 1600's—testified that the tribe's petition has been pending in the Bureau of Indian Affairs, BIA, for 24 years.

The BIA's records clearly document that the experience of the Eastern Pequot is not atypical.

Each of the Assistant Secretaries for Indian Affairs within the Department of Interior over the past several Administrations—both Republican and Democrat—have stated their views that the process is too long, too cumbersome, and too expensive for the petitioning tribal groups.

The last Assistant Secretary implemented reforms to streamline the process. The current Assistant Secretary is taking further steps to address the backlog in petitions, because by most calculations, it will take the Branch of Acknowledgment another 200 years to complete work on the petitions that are now pending before the Department.

Senator DODD's amendment does not address the seriously-problematic length of the acknowledgment process nor does it seek to reduce the burden on petitioning groups, and so Indian tribes across the country have contacted the Committee to indicate that they do not see this amendment as effecting the kind of reform that has long been seen as necessary.

Unfortunately, Senator DODD's amendment will lengthen the process for those tribal groups who are subject to the proposed moratorium by yet another year, at a minimum, given that we cannot know how much time will be entailed in the promulgation of the rules and regulations required by the amendment.

Experience would instruct us that this moratorium will last for much longer than a year.

The General Accounting Office examined the acknowledgment process in its November 2001 report to the Congress, and found that the seven mandatory criteria which each petitioning group must satisfy, were not being applied in a consistent manner. The conclusions of the GAO report corroborated another long-held view in Indian country.

The amendment before us does not address this issue either.

What the amendment does propose is something that, in the view of many of us who have struggled with these issues for years, requires a much more thorough vetting before it is made part of the permanent body of Federal law.

That is the fundamental question of whether the acknowledgment of a tribal group by the United States should be an adversarial process in which other governments should participate.

Although the current process provides for the involvement of ''interested parties'' in formal meetings and in the process of appeals, and State and local governments have made very effective use of the Freedom of Information Act requests to further bring the snail's pace of the acknowledgment process to a grinding halt, there has been no national discussion and no nationwide consultation within Indian country on this fundamental issue.

Yet, the amendment before us proposes to inject a process of adversarial hearings—at the request of any and all interested parties—throughout the acknowledgment process, and it would appear, before a petition is even ready for consideration.

Another change that the amendment imposes is a change in the burden of proof that a petitioner must meet in satisfying the seven mandatory criteria.

The impact of such a change has not been assessed—it would effect a change in existing law—and there can be no doubt that tribal groups who have been through the process and have not succeeded will now come to the Government seeking reconsideration under the new standard.

Even more likely is the prospect that interested parties will contest the Secretary's findings in favor of acknowledgment on the grounds that those groups that have been acknowledged may not have satisfied the new standard.

Reopening every past action of acknowledgment by the Secretary to assess whether the new standard would have changed the outcome in each case is clearly going to require years and years of effort and litigation.

I think we would all agree that generating new lawsuits against the government is not a direction that reform should take.

Last but certainly not least problematic from the vantage point of Indian country, petitioning groups, from the administration, the authorizing committees of the Congress, and from the Indian Affairs Committee is the moratorium that Senator DODD's amendment would impose on the acknowledgment process.

This moratorium affects not only the groups that have been in the process for twenty years or more, and not only the groups whose petitions are the subject of Federal district court orders, but also groups that are already through the acknowledgment process and currently in the appeals phase.

Particularly in the case of this last group, there has been no rationale advanced as to why a moratorium should be imposed on their petitions in order to reform a process of which they are no longer a part.

Like many of us, I read the newspapers and media accounts from other States. Over the years, I have even spent a little work time in Connecticut trying to be of assistance to the citizens of Connecticut. So I think I have a sense of what pressures are brought to bear on the Members of Congress who serve that State.

Working together, I think we can address the concerns that were expressed at the Indian Affairs Committee hearing last week, but I have to say, as chairman of the authorizing committee, that proposed changes in substantive law and regulations require and deserve careful consideration.

If the provisions of Senator DODD's authorizing measure are to become law, they should be considered in their entirety—not in piecemeal fashion in an appropriations bill—and they should be considered in the context of what reform is needed—as defined by a much larger base of our national citizenry than the citizens of one State.

And so I call upon my colleague from Connecticut to work with us to effect comprehensive reform, and in the interim, to allow the administration to take the steps it has proposed to improve upon the current process with funds appropriated for that purpose.

All of the tribal groups that would be immediately affected by the proposed moratorium filed their petitions well before the advent of Federally-authorized Indian gaming.

They couldn't have been motivated by the prospects of something that did not exist when they filed their petitions and should not be penalized for what has since come to pass.

Let us keep these matters separate, addressing the impact of gaming as they arise, and addressing reform of the Federal acknowledgment process with the deliberative discussion that it deserves.

With these considerations in mind, I urge my colleagues to oppose Senator DODD's amendment.

I will share footnotes in history that we may have forgotten over the years. Our Founding Fathers felt so strongly about the importance of Indian nations that in the Constitution of the United States they have set forth, in good language, that Indians should be recognized as sovereign countries and as sovereign nations. We have entered into 800 treaties with Indian countries, as we do with the British, the Germans, the French, the Japanese, and the Chinese.

Indians are sovereign. I realize it is very difficult for fellow Americans to look upon the Indians as sovereign people, but they are. They were here before we arrived. This was their land.

Sadly, I must report that the Senate—of the 800 treaties we have had signed by the President of the United States and by the ruling monarchy of the nation, 430 were ratified by our predecessors and 370 are still in the files. They are in the files because we found oil, gold, and precious material and suddenly we felt, no, we cannot give that away.

Of the 430 we ratified, we violated provisions in every single one of them. That is our record. I am not proud of it. I think the Indians have waited a long time for justice, and I am sorry to say to my dearest friend of all that this does not bring justice to them.

When the first European landed here, he found a sophisticated and organized group of people. They had elected leaders. They had a judiciary. In fact, if one reads the writings of Jefferson and Benjamin Franklin, they will note reference to the Iroquois Confederacy, a confederacy made up of six tribes, six nations. Each tribe elected their representatives, the judiciary, their leader. They sent a delegation of representatives to the central office, and the clan mothers voted to select the supreme chief. In those days, long before we came on the scene, the women took part in the electoral process. They were a few years ahead of us. That was democracy as our forefathers conceived.

Laws were passed to further strengthen the basis of sovereignty. At the time they were recognized as sovereign nations, these Indian nations had jurisdiction, authority, and control over 550 million acres of land. Since then we have had the Indian wars, and let us call it what it was, Indian extermination laws. We had what is known as an allotment. Let's open it up. From 550 million acres, today there are 50 million left.

One of the provisions in this amendment speaks of lands where they historically resided. Most of the Indians of this land do not live in places where they historically resided. The Cherokees now live in Oklahoma. After the Indian wars, they were rounded up from the Carolinas, and before they landed in Oklahoma, the dumping ground, 80 percent were dead.

So where is the historic place of residence? One can say that of just about every Indian tribe. This is what we are dealing with.

In the State of Connecticut, there are two very successful Indian casinos, Mohegan Sun and Foxwoods. In the last 9 years, they have provided income to the State of $2.2 billion because that is part of the agreement with the State of Connecticut. That is a lot of money.

We cannot intrude ourselves into the affairs of the State and say you should give that money to the town next to Foxwood or next to Mohegan because the impact is greater. That is the State's decision. I would think the moneys these Indians have provided for the government of Connecticut should be sufficient, but that is not within our responsibility.

Another footnote in history: One would get the impression after listening to this debate that most of these Indians who are seeking recognition and who are seeking land are seeking such land for gambling purposes. Far from the truth, sir. Most of them do not want gambling. In fact, the largest Indian tribe in our Nation is the Navajos. They will not permit gaming within their lands. No, they do not want any gambling in their lands.

Of those treaties that were not ratified by the Congress—still in the files around here—there are several that affected the Indian nations of California. Because the treaties were not considered, in a sense they are men and women without nations, without land. We decided to put them in a little enclave and say: You live here or you live there because you look alike.

My first chore as chairman of this committee was to break up a tribe because we had put in Pequots and Hoopa-Huroks, historic fighters.

Just in case one gets the impression the Indians are ''give me, give me, give me, all the time,'' they have given more than any one of us can expect. As one who values the service of men and women in uniform, may I simply say that of all the ethnic groups in the United States, of all the racial groups in the United States, on the basis of per capita participation, the Indians have sent more sons and daughters in uniform to face harm's way than any other ethnic group—more than the Germans, the Irish, the British, or what have you. Indians have fought in every war in the last century, and every one now, in greater numbers. They have given their lives in greater numbers, per capita. They are not asking for a handout. They are asking for what the Constitution calls for and what the laws of this land call for.

The PRESIDING OFFICER. Who yields time?

Mr. DODD. I yield to the Senator from Connecticut.

Mr. LIEBERMAN. I thank my friend and colleague from Connecticut.

In a little over an hour the Senate will vote on the amendment Senator DODD and I have introduced which we believe will reform and strengthen the Federal tribal recognition process to the benefit of the Native American community and everyone else concerned. It will make that process more fair and give it more credibility and hopefully will provide the resources to have the decisions on tribal recognition made by the BIA and the BAR in a much more timely fashion.

Some tribes have been waiting years and years and years for a decision from this recognition process that is, regrettably, broken. Of course, in part it is broken because of the gambling associated with Native American tribal recognition and the surge of applications, the dramatic interest in recognition. Often, recognition leads to the presence of gambling in a locality and the inability of these regulatory authorities to keep up with that extraordinary increase in demands on them.

In Connecticut—a relatively small State, yet we have three federally recognized tribes—one recently recognized tribe is being appealed and nine more recognition petitions from our small State are in the pipeline of the Bureau of Indian Affairs. We have in two of the federally recognized tribes the two largest casinos in North America, I believe in the world. So there is an impact that these decisions have.

That is why, last year, my colleague from Connecticut and I introduced S. 1392 and S. 1393, which were designed to

reform and improve the process by which the Federal Government recognizes the sovereign status of American Indian tribes and their tribal governments. We certainly did not view this as antirecognition because there is a historic, a moral right to recognition by tribes that can meet the requirements of this process. Nor was it, as we conceived of it, inherently antigambling. It was to say that the decisions have taken on extraordinary importance and they ought to be reached by a process that is not only fair in itself and gives all participants—the tribes claiming recognition, the neighbors of the tribal grounds, towns, et cetera—the belief that they have been through a process that is fair and therefore that the results of the process, the decisions made, are credible.

We have introduced this amendment reluctantly because the problems with the tribal recognition process have not gotten better, notwithstanding concerns expressed by many, as has been indicated here.

As my colleague from Connecticut has said, this happens to be a problem that has impacted Connecticut, a relatively small State, but this is really a national problem affecting Native Americans seeking tribal recognition in the States in which they are now located.

Let me quote from the GAO report, which has been cited, which found that ''the basis for BIA's tribal recognition decisions is not always clear.''

It went on to state:

> While there are set criteria that petitioners must meet to be granted recognition, there is no clear guidance that explains how to interpret key aspects of the criteria. For example, it is not always clear what level of evidence is sufficient to demonstrate a tribe's continuous existence over a period of time—one of the key aspects of the criteria. As a result, there is less regulatory certainty about the basis for recognition decisions.

That is from a critical report by the GAO on this recognition process. That GAO critique has been seconded by the Interior Department's inspector general and, as has been noted in this debate, even by the past Assistant Secretary for Indian Affairs.

Despite these critiques, there have been no real changes in the recognition process to fix the problems. Instead, the status quo has continued at the BIA, with applicants experiencing long delays and parties in various cases dealing with decisions that they believe have been unfairly arrived at. The amendment we will vote on at 5:30 this afternoon is our attempt to improve this situation. Rather than letting the process continue in the current manner, we ask for it to provide adequate procedures to ensure its legitimacy—something that would benefit both the tribes and the communities and parties that surround them.

I want to stress that this amendment does nothing to affect already recognized Federal tribes or to hinder their economic development plans; nor does it change existing Federal tribal recognition laws. It is our hope, in fact, and has been our hope, that the Native American tribes might support these procedural reforms that we are recommending so as to buttress the legitimacy of the ultimate recognition rulings.

While, as my friends and colleagues from Colorado and Hawaii have indicated, that is not the case and, in fact, a large number of Native American tribes have opposed this amendment, I continue to hope the fact that we have brought it before the Senate may encourage them, under the wise and fair leadership of the Senator from Hawaii, Mr. INOUYE, and the Senator from Colorado, Mr. CAMPBELL, to see if we can't find common ground.

It seems to me no matter what side you are on in a particular proceeding before the BAR or BIA, you have an interest in due process and you have an interest in the result of the process being as broadly credible as possible.

What our amendments would do consistent with recognition laws is to ensure that recognition criteria are satisfied and that all affected parties, including affected neighboring towns, have a chance to fairly participate in the decision process. Our amendment ensures a system of notice to affected parties. It assures that relevant evidence from petitioners and interested parties, including neighboring towns, is properly considered; that a formal hearing may be requested with an opportunity for witnesses to be called and with other due process procedures in place; that a transcript of the hearing is kept; that the evidence is sufficient to show the petitioner meets the seven mandatory criteria of Federal regulations; and that a complete and detailed explanation of the final decisions and findings of fact are published in the Federal Register. There is nothing very radical here. It is basic due process procedural rights, all consistent with the established recognition criteria. We have not changed the recognition criteria in the amendment that we proposed.

Under the amendment, funding available under the Interior appropriations bill to the Bureau of Indian Affairs for the recognition process becomes available when these fundamental due process procedures are implemented by the Secretary of the Interior. So insofar as this is considered a moratorium, it is a moratorium, as I know Senator DODD has indicated, that could end in a week if these due process changes were put into effect. Our amendment dictates no outcomes in any particular cases. It aims to ensure a fair process.

So I hope my colleagues will take a look at the amendment. In some sense the impact of the currently broken process at the BIA has been felt with a particular intensity in Connecticut. But this is a national problem.

We may not adopt this amendment today. I hope we will, but if we do not, this is a problem that is not going to go away. It is going to be felt more and more around the country. Again, I say our aspiration is to find common ground. I thank the Chairman, Senator INOUYE, and Senator CAMPBELL for their characteristic courtesy and respect and thoughtfulness. We disagree on this one. It is a disagreement in good faith on both sides. I continue to express the hope that under their leadership, those who are concerned about the fairness of the recognition process, those who are concerned about the lack of speed in the process—the terrible delays—will be able to come together and agree on a series of reforms, and then the funding for additional staff at the BAR and BIA to make the promise of due process here real for all concerned.

I yield the floor.

Mr. DODD. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Connecticut has 2 minutes remaining. The Senator from Colorado has 3 minutes 53 seconds remaining.

Mr. DODD. Mr. President, I see the majority whip. I ask unanimous consent we extend the debate an additional 10 minutes, equally divided, so we can make some concluding remarks.

Mr. REID. Mr. President, I think that would be appropriate.

The PRESIDING OFFICER. Is there objection?

Mr. CAMPBELL. I have no objection.

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

Mr. CAMPBELL. Mr. President, I have made most of my comments already. I don't know who else will be here on the floor to speak against the Dodd-Lieberman amendment, but I would like to respond to just two small points that were made by our friend, Senator LIEBERMAN.

First, though, let me thank Senator INOUYE for a very eloquent statement. He really does speak from the heart. When you hear him talk about basic fairness and justice that American Indians deserve and need, I think Senator INOUYE's own experience and background as a Japanese-American and what his people went through in World War II gives him a very special insight, and certainly a very special feeling for what Indian people face.

Let me make two very short comments on Senator LIEBERMAN's remarks. He made reference that this would not affect existing tribes. He is right, I guess, in some respects. But I think we need to look at that in historical context.

First of all, when the original recognition process was done—clear back in the early 1800s—it was done so that the Federal Government could provide rations, blankets, and so on, to the Indian tribes that were deprived at that time of their hunting rights and restricted to certain areas. That is why it was originally set up. They had to find out who qualified to get some benefits, and that is what trust authority is about.

It will not surprise anyone in this Chamber to know that there were some people even at that time who did not want recognition. Certainly some of them hid out in the hills of the Carolinas because of the Trail of Tears, when their cousins and brothers and fathers were rounded up and driven at gunpoint clear across the Nation to Oklahoma. The ones who hid out in the Southeast States—would you want to tell some government bent on killing your people you want to be recognized? Not likely; that would be a pretty dumb thing to do.

There have been Indian people in some parts of this country all along who were not ''recognized'' by the U.S. Government. It didn't mean they were not Indian. It didn't mean anything of the sort. They knew very well what would happen to them if they were so-called recognized.

The second point I want to make is during the 1950s, during what was called the Termination Act, the Federal Government, in its infinite wisdom, decided many Indian tribes were no longer tribes. I guess that meant they were no longer Indians, at least not of a group of Indians. That has always rather confused me because I have always likened it to maybe telling African Americans that they were no longer Black. I mean, you are what God made you. That's it.

But through the Termination Act of the 1950s—I don't remember the exact number, and I don't have it in my notes—as I just offhand remember, there were over a hundred, if not several hundred, tribes who were told by the Federal Government: You are no longer Indian tribes.

Many of them are still trying to be rerecognized. The ones that were terminated in the 1950s, they have to get recognized through a different process. They have to do it through legislation.

But the point is the fact that many of them that historically had ancestors on this continent maybe for 10,000 years were being told by a government set up by new immigrants that they were no longer Indian tribes still confuses me.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. I thank my colleague from Connecticut, Mr. LIEBERMAN, for a very eloquent statement. Let me also thank my colleague from Hawaii for a very eloquent statement he has made. I would not take issue with any comment he made about the relationship between the history of the U.S. Government and its treatment of Native American tribes going back to the founding days of this Republic.

It is a sorry history in many instances and circumstances.

The Senator very graciously mentioned my father. Let me mention my mother. My mother used to tell me all the time that two wrongs do not make a right.

That we have done a terrible injustice to Native American people over the years does not justify, in my view, continuing a process that would allow recognition to occur where it may not be warranted. In America, where recognition should be extended and granted, the process must be fair. As for the recognition process—its history—my friend from Colorado makes a very strong statement. It is something of a historic anomaly in many ways; that's why recognition must even occur. The fact is that the current process is the law of the land.

I can speak very directly about my own State. It is a difficult process, which is still ongoing for that matter. There are those in my State and others who would like to undo the recognition extended to the Mashantucket Pequots. Books have been written about it. Popular books have been written. That garnered national attention in questioning the recognition of that tribe. I have disagreed with them.

I also know the process that the Mohican Tribe went through in my State. It was a very long and elaborate process, working very closely with the community leaders in the towns in which they are located—State, as well as the National Government.

Our point here is not about the history, as much as concern about the history is justified. It is not about the past, as legitimate as those arguments are. It is about today and the future.

Let me quote, if I can, a letter I received from the National Congress of American Indians.

By the way, the amendment that is part of the bill was considered for over a year and isn't written out of whole cloth. I showed this amendment to Native Americans around the country and asked them what they thought of the amendment.

This letter I received from Tex Hall is dated September 12 of this year. He opposes the amendment. Let me be very clear. The National Congress of American Indians opposes the Dodd-Lieberman amendment, but listen to what he says in the letter. I am reading from the second paragraph.

> And I believe that tribal leaders agree with you it must be a rigorous process requiring the petitioner to demonstrate historical and continuous American Indian identity in a distinct community. We believe that the process could benefit from a serious review by Congress and a codification of the process and the criteria.

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

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

NATIONAL CONGRESS OF AMERICAN INDIANS,
Washington, DC, September 12, 2002.

Re Opportunity to Meet and Discuss Federal Recognition Process.

Hon. CHRISTOPHER J. DODD,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR DODD: On behalf of the more than 250 member Tribal Nations of the National Congress of American Indians, I write to request an opportunity to meet with you and a group of tribal leaders to discuss proposals to change the process for petitioning the federal government for recognition as a federally-recognized Indian tribe.

Both the federal government and the NCAI have a longstanding position that legitimate Indian tribes whose status has been historically omitted should have the right to petition for formal recognition by the federal government. And I believe that tribal leaders agree with you it must be a rigorous process requiring the petitioner to demonstrate historical and continuous American Indian identity in a distinct community. We believe that the process could benefit from a serious review by Congress and a codification of the process and the criteria.

The current process is plagued by an enormous backlog, and some petitioners have been waiting over two decades since they submitted their initial petitions. NCAI believes that the federal government should make the resources available so that petitions can be processed in a timely way.

As you know, we do not agree with your pending amendment. We believe it would create an indefinite moratorium on the recognition process. Because there is no incentive for the Secretary to actually create the new process, the petitioning tribes would be put in limbo for additional years, adding to the unjustness of the already interminable federal delays.

In addition, by attempting to create a moratorium on federal tribal recognition through the introduction of an amendment to the Interior Appropriation bill, this amendment attempts to circumvent the Congress' procedures for dealing with complex Indian issues like federal recognition. Such a drastic change in federal Indian policy should be referred to the authorizing committees for development of the record and an opportunity for broader participation and deliberation. While we greatly appreciate the contacts from your office, two days notice is not nearly enough time to engage tribal leaders in a meaningful discussion.

As I mentioned above, I would very much like to meet with you to discuss these matters in greater detail and would be willing to put together a small group of tribal leaders to participate in the discussion. I believe that we should also include Senators Inouye and Campbell in the discussion, so that this issue can be prepared for review by the Senate Committee on Indian Affairs.

Thank you for your consideration of this request.

Sincerely,

TEX G. HALL,
President.

Mr. DODD. Mr. President, my colleagues ought to know that in the concluding paragraphs of the letter he disagrees with this amendment.

But his conclusion about a process that needs repair is one that is embraced almost by all.

My good friend from Colorado has legislation pending that would move the present recognition process from the BIA to a new commission. I agree with him on that approach. I believe it will take time to get that done. I presume there will be regulations and the like appended to it.

It is not a question of debate about whether or not the process is in need of repair. It appears that everybody agrees with them because of what has happened and the various circumstances. We are talking about 222

petitions, and maybe more—all of which may be legitimate. But shouldn't we know in the end that there has been a process followed fairly by all and that there will be at the end of the day a conclusion that is just and reasonable and will withstand the test of time? That is all we are suggesting.

The poignancy, I suppose, is because it impacts my State. I am aware of it because of what's going on in my State. If I had no petitions pending in my State, I wouldn't be standing here. I wouldn't be aware of the issue. But we are aware of it.

I am worried about the future for the very same reasons that history suggests—that we will find out again that there is unnecessary division, hostility, and resentment growing. That should not be the case.

I strongly urge that this amendment not be defeated—I suspect that it may be—and that we do something soon to repair a process that looks too cavalier. If there is just going to be recognition of all petitions coming forward, why don't we just say so straight out? If there is going to be a process to demonstrate satisfaction of some particular criteria, let us make sure it works. As it is now, it is catch as catch can. Sometimes the rules apply. Sometimes they don't. Of the seven criteria, some we follow rigorously, and some we don't at all. Some are applied in some cases and not in others. Some petitioners are granted, some are denied, and some are brought together. There are third choices inexplicably made.

This isn't working right. It needs to be repaired. We can do that in a very short order because we recommend no new criteria. We just say codify the existing criteria, put it in shape, and let everybody know what the process is working so they can go through it in a reasonable way. It is outrageous that they should have to wait two or three decades for recognition.

The fact is that we have supported additional resources here to the agency to try to provide the technical staff so decisions can be made within a reasonable amount of time. With these resources, people can be heard and the agency can reach final conclusions that I believe all Americans can support.

That is what this amendment tries to do—nothing more than that and nothing less than that, but nothing more than that.

Again, I suspect the amendment will be defeated, but I hope the end result is that we can get a better system. My State may regrettably find itself with some petitions granted that do not deserve to be, but maybe that is the price you pay for doing something about broader reform.

I regret that there had to be a disagreement between people who support Native Americans. I admire them immensely. But as I look down the road here, I worry that if we don't straighten this situation out that we could find the situation getting worse. I don't want to see that happen. For those reasons, I urge adoption of the amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Mr. President, is there any time remaining?

The PRESIDING OFFICER. Five minutes seventeen seconds.

Mr. INOUYE. Mr. President, if the Senate should rule that the votes against the amendment prevail, may I assure my colleagues that the committee stands ready to consider any and all suggestions on how to reform this process. It is a scandal at this time. We realize that. It should be changed.

I move to table the amendment.

Mr. DODD. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Under the previous order, the motion to proceed to the motion entered to reconsider the vote whereby cloture was not invoked on amendment No. 4480 is agreed to and the motion to reconsider is agreed to.

There will now be 60 minutes for debate with respect to that cloture motion, with the time equally divided and controlled by the two leaders or their designees.

Mr. REID. Mr. President, the Republicans have still 10 minutes as if in morning business. The time is yielded on this Dodd amendment, but there are still 10 minutes of morning business to which Republicans are entitled. Do they intend to use that?

Of course, we will have time later this evening, as we always do. I ask unanimous consent that we move forward, as the Chair announced, and that the time allocated be disposed of.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. CAMPBELL. Mr. President, point of information: What time will the vote on the Dodd amendment take place?

The PRESIDING OFFICER. At approximately 5:37.

Mr. CAMPBELL. Thank you, Mr. President.

The PRESIDING OFFICER. Who yields time?

Mr. REID. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. 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. REID. Mr. President, it is my understanding that we are on H.R. 5093. Is that right?

The PRESIDING OFFICER. The Senator is correct.

CLOTURE MOTION

Mr. REID. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The Chair lays before the Senate cloture motion having been presented under Rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the Byrd amendment No. 4480, as amended, to H.R. 5093, the Department of Interior Appropriations bill, 2003.

Debbie Stabenow, Harry Reid, Charles Schumer, Evan Bayh, Mark Dayton, Jeff Bingaman, Jim Jeffords, Joseph Lieberman, Bill Nelson of Florida, Blanche L. Lincoln, Byron L. Dorgan, Jack Reed, Patrick Leahy, Robert C. Byrd, Mary Landrieu, Max Baucus.

Mr. REID. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. CRAIG. Mr. President, I understand that between now and 5:30 we have been allotted time to debate the Craig-Domenici amendment as it relates to the cloture motion on the Byrd amendment on the Interior bill.

The PRESIDING OFFICER. The Senator is correct.

Mr. CRAIG. Thank you.

Mr. President, I will allot myself 10 minutes to debate this issue.

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

Mr. CRAIG. Mr. President, for several weeks now, the Senate has been considering the Interior appropriations bill, of which the Byrd amendment to that bill would put critical fire money back into our Forest Service budgets that have been badly depleted by the season that we are hopefully beginning to leave, which is known as the fire season, especially in the Great Basin West. That money is critical.

But it was because of our concern about fires and the wildfires that have swept through the West this summer that I and Senator DOMENICI and a good many other western colleagues joined in working with the administration, and for a good long while in a very bipartisan way, to see if there was not some middle ground to create some flexibility to go into those worst fuel-laden lands and to develop a thinning and cleaning process that would be environmentally sensitive and at the

same time effectively reduce the fuel loading that has gone on there that has precipitated in some of these very dramatic wildfires that have occurred out West this summer.

I recite, again, for the record, we have burned well over 6.5 million acres to date of wildlife habitat and watershed, possibly several million acres of old-growth forests. We have lost about 3,000 homes, private homes of our citizens. Over 25 people, I believe—26 or 27 at least—have been killed in relation to these fires. It is without question a national emergency, a national crisis. I almost have the sense that we have fiddled a bit over the last couple of weeks while our forests have burned.

There are still fires burning in California. As we speak, acreage burning in a national forest outside of Los Angeles over the weekend has consumed over 12,000 acres and has threatened numerous homes. Yet because of some special interests here and phenomenal allegations or statements made in the media over the last several weeks, you would think I and others were trying to precipitate a whole new logging program for the forests and that somehow was evil, instead of the very limited, targeted thinning and cleaning that we think could and should be utilized to reduce the fuel loading on these forests that has created these firestorms.

I have here a variety of editorials and news comments from major papers across the Nation. I am fascinated by words such as ''nose under the tent,'' ''intent to allow logging companies to be turned loose once again in our national forests.'' My reaction is, can those who write the news read the news?

Can they not read the Craig-Domenici amendment and understand that it is phenomenally limited, that it would require very specific language by the U.S. Forest Service, that there would be the right to go to Federal court and block any of these actions, that we have tied no one's hands other than to say that on these limited, targeted acres, we will not allow appeals, nor will we allow a temporary court injunction that has locked up tens of thousands of acres already, many of them that burned this summer, from the ability to get in and thin and clean them?

No. Those who write the news can read the news. But oftentimes those who write the news choose a bias that they think is popular, and in the end our forests burn. Thousands of homes are lost, lives endangered, and we struggle here at the Federal level to attempt to make some slight adjustments in public policy to return a state of health to our national forests.

Last week, our colleague from New Mexico, Senator BINGAMAN, came to the floor and offered an alternative amendment. He did not introduce it. He laid it before us as something that could be viewed as an alternative. I began to study it to try to see if it was a reasonable alternative or whether in fact it would deny any activity, if it was simply a Trojan horse in the reality of, would it do something similar to what the other Senator from New Mexico, Mr. DOMENICI, and I had proposed.

After thorough examination of that, I must tell you I believe the Bingaman amendment to be just that, a Trojan horse. Not only does it limit dramatically what you could be able to do, it creates some categorical exemptions. And then it does something else that is very important in the language of the law or the policy we are debating as to whether it frees the hands of the forest managers within these limited areas to do what is necessary to limit this fuel loading.

It is a term called extraordinary circumstance; in other words, there won't be any appeals based on the standards of the National Environmental Policy Act, or any temporary court injunctions, unless there is an extraordinary circumstance.

That is a provision in administrative regulations that governs the management activities of forests that is really quite clear. Let me count the number of ways an extraordinary circumstance could occur. It is literally in the eye of the beholder, in the eye of the person who wants to file the appeal. It probably broadens the effective opportunity to bring an appeal to any of these actions on our public lands when, on the other hand, the Senator from New Mexico would suggest he was creating greater flexibility.

Organizations such as the NRDC or the Earth Justice Defense League, the Sierra Club, the Wilderness Society, and the Southwest Center for Biodiversity clearly could use this as the opportunity for which they have already used the law, to lock up any effort or nearly all efforts in attempting to deal with what we would hope would be an effective way of thinning and cleaning.

You have heard me speak in the last days about the total amount of acreage out there that is in crisis at this moment. We have about 74.5 million acres that are at high risk, and while we have that many, Senator DOMENICI and I, and many of the colleagues who have joined with us—I now see the Senator from Arizona in the Chamber, who is a cosponsor, and the Senator from Montana—have asked that we only be able to deal with about 10,000,000 acres, not opening the forest wide open but a limited number, for a very real reason.

I believe it is fundamentally important that we show the American people that when we stand on the floor of the Senate and talk about not entering roadless areas and protecting old growth and merely thinning and cleaning and bringing down the fuel loads and moving them out of the forest, we want to prove it, we do want the American people to see that what we say is, in fact, what we mean, and that the U.S. Forest Service will go forward in a limited way to do just exactly that.

Do I want to prove the editorial writers of some of America's press wrong? You bet I do. Because they are wrong, and they flat know it. In fact, it reminds me of that news reporter from NPR who e-mailed some of our environmental groups and said: Get me the worst case scenario so I can disprove the logic or the arguments of the Senator from Idaho. And the environmental group writes back and says: We can't give you any worst case scenarios because we have them all on appeal and we have it shut down so they don't exist.

So in other words, when we are concerned that the appeals route would be used in these limited cases, the environmental groups have responded that they are already using them, that they are not tolerating the activities of thinning and cleaning.

So it is obvious why we would want to step forward and say, let us use this limited opportunity to thin and clean and then show the American people that there is a better way of conducting forest health and allowing our forests to once again rejuvenate themselves for watershed, for wildlife habitat.

My colleagues are here in the Chamber to speak. Let me conclude.

Even if the public policy of our country allowed it, 8 to 10 million acres to be thinned on a 1.5- to 2-year basis, and average that out over the next 20 years, we would still—because of the health of our forests today and the fuel loading that exists and the bug kill and the dead and dying—lose anywhere from 5 to 6 to 7 million acres a year to wildfire. That is the reality of the environment in which we live, the reality of the environment we are now trying to change so slightly to return forest health.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Montana.

Mr. BURNS. I yield myself 5 minutes. I know there are other Senators on the floor wanting to speak. I will just speak common sense.

Legalese is not my expertise. I leave it to those trained in the discipline, as most of my expertise was on the farm.

This is a very troubling issue for one simple reason: What if anybody were allowed to put in a garden and at the same time were prohibited from doing any weeding or watering or doing anything to make it produce—prevented from fundamental attention?

I am wondering if they would enjoy the fruits of their labor when harvest time comes. They say history is the greatest blueprint to the future. Throughout history, all creation on this earth, in order to ensure its internal survival, it must have some kind of economic worth.

Now, that sounds hard and cold, doesn't it? But it happens to be a very true fact. There are those who somehow choose to look at our natural resources, or a natural landscape, and put it over into the column called ''spiritual''—not logical, not economic.

Our forests cannot survive the ages with that approach. Under that philosophy, what will survive longer than the forests is the pine bark beetle. Fires will continue to exist—hotter—taking from the soil what cannot be replaced by anything but old growth.

So as we approach this problem, I ask for common sense. What we are trying to do here is a commonsense approach to settle our disagreements on how we manage the forests. We hire the U.S. Forest Service to do that. When their management practices are questioned, the burden of proof falls on them to prove why that management practice will work, but I see no proof offered by those making the appeal that the Forest Service plan doesn't work. That is what we are trying to do—get it to an impartial environment to settle those differences. That is all we are asking. We are not changing any law, no environmental law, not the Environmental Protection Act, not the Clean Water Act, not the Clean Air Act, not the Forest Management Act. We are not changing any law. We are not denying anybody's right to appeal or to have their day either on an administrative appeal or a judicial appeal. We are not changing that.

That was changed, however, with regard to South Dakota. So we are not going that far. What we are saying is we are going to put the ball on the 50-yard line, which requires the burden of proof both from the land managers and by those who would disagree with them. That is all we are asking. And then the third thing we are asking is that we get a vote, a commonsense vote.

The American people, every night this summer, watched their forests burn—every night. Such a waste. There was not only the loss of the resource, but the loss of the wildlife and the habitat and the water quality because the rains will come and the snows will come and the mud will slide. Now, I don't know any other way to put that other than it has been my experience in my years of working and living in an environment of sun, water, and soil, and what it produces. So I am sorry that we have to educate and remind people that what we see outside in our natural environment does change.

Mr. President, I yield the floor to my friend from Arizona.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. Mr. President, I first ask unanimous consent to have printed in the RECORD an editorial of the Arizona Republic this morning entitled ''Forest Plan Has Merits.''

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

FOREST PLAN HAS MERITS

Interior Secretary Gale Norton may be correct about the desperate conditions of America's western forests. And she may be right, too, in her pitch that President Bush's Healthy Forests initiative is a reasonable plan for bringing them back to health.

But the Interior secretary—indeed, the entire Bush administration—is over-optimistic in the extreme if they truly believe environmentalists are going to leap on board with it.

In Phoenix last week for a Native American economic development summit, Norton detailed for the Editorial Board elements of the initiative, which would treat about 10 million forested acres deemed in critical shape.

Much of the plan is inspired by the work of such Arizona forest scientists as Wally Covington of Northern Arizona University and Stephen Campbell of the University of Arizona, both of whom have conducted or contributed to landmark forest management studies.

Covington has proposed thinning Arizona forests to 19th century conditions; Campbell's Blue Ridge Demonstration Project envisions the way to do it: By authorizing private-sector ''stewards'' who would perform commercial bio-mass extraction. That is, private firms that would do mostly small-tree logging, cleaning the forest of fuels and putting the wood they chop to innovative uses. In Phoenix, Norton passed around some intriguing examples of wood products produced from small-diameter trees.

Already, though, critics are labeling the proposal as a tree grab on behalf of the timber industry.

At the heart of their objections is the vast territory targeted by Bush for treatment and the means he proposes to accomplish it: Providing 10-year contracts to the ''stewards'' and placing restrictions on the burdensome review process that so many thinning projects over the years have had to endure.

Among the many Forest Service thinning projects reviewed and appealed to death was the 7,000-acre Baca Ecosystem Management Area in northeastern Arizona. After two years of appeals and lawsuits, only 300 acres of the Baca project were treated by the time the ''Rodeo-Chediski'' holocaust roared through. Today, 90 percent of the Baca area is a wasteland of dead, blackened stumps and sterilized soils.

Healthy Forests is on the right road.

Democrats in Congress are coalescing around a far more limited plan that accepts many of Bush's premises but restricts the bio-mass extraction to forests near communities. That doesn't address the plague of deep-forest destruction, and not just by fire. Federal wildlife officials have identified 46 species of fish and birds that are declining in population because of the thicketlike density of the deep forests.

The president's ''stewardship'' proposal deserves consideration. It seems tailor-made for Arizona, which today has no logging industry at all. Just thick, tinder-dry forests waiting to be consumed.

The forest need good stewards. Healthy Forests might become a way to find them.

Mr. KYL. Mr. President, this editorial points out the plan that President Bush has proposed, as largely reflected in the proposal Senator BURNS and Senator CRAIG and others have been talking about, is the way to scientifically manage our forests. We are bragging a little bit in Arizona because one of the scientists who pioneered this technique is Dr. Wally Covington of Northern Arizona University at Flagstaff. He and Stephen Campbell of the University of Arizona conducted these landmark management studies and demonstrated that by returning our forests to the conditions in which they existed 100 years ago, we can save them from disease, insect infestation, and catastrophic wildfire.

What that entails is going in and mechanically thinning and removing—thinning the small-diameter trees that clog the forests and removing that and the other debris from the forest—cleaning up the forests, in effect; then when that debris has largely been removed, introducing fire through a prescribed burn in the wet, cooler months of October or November so the fire doesn't get out of control. There is not nearly as much fuel to burn and it is cooler. Then, at that point, basically we let nature take its course. Say the next summer a lightening strikes a tree and starts a fire. What is going to happen after this debris has been cleaned out and the fuel has been removed? It will move along the grass and it may burn the grass and a few pieces of dry limbs and debris on the floor; but since most of it has been cleaned up, it is not going to create a crown fire, which causes all the damage.

Since most of the small-diameter trees have been removed, it is not going to have that ladder of trees to climb up to the canopy of the big trees.

What you have seen on television is the preheating of these big ponderosa pines from the forest fire. Then when the fire goes through the smaller trees, it climbs up the ladder of the forest into the canopy of the big trees and explodes into those giant fireballs we have all seen and have been sickened by. That is what happened in Arizona this year, when fires devastated an area the size of the State of Rhode Island. That is how much burned in Arizona. When you look at the moonscape-type of environment that now exists, you are sickened by the reality that much of this could have been prevented.

It turns out there was a project that had been proposed by the Forest Service in this area about 3 years ago, and there were about 2 years of lawsuits and appeals by environmental groups to stop this so-called Baca ecosystem management area. Well, the fire came through and only about 300 acres had been permitted to be treated by the time the fire came through because of the appeals that had been filed by these environmental groups, as a result of which about 90 percent of the Baca area has been burned. It is now nothing but sterilized soil and blackened tree trunks with no branches or pine needles on them whatsoever.

So the filing of the appeal by these environmental groups resulted in about 90 percent of this area burning rather than being treated. Some of the environmental groups will say they want to protect endangered species or old-growth trees. Well, they protected neither in this case. The fire came through and wiped them all out. Why? Because we haven't been able to thin and do prescribed burning. We could not cut out that dog hair thicket that exists in the forests because they have not been treated before. It is called dog

hair thicket because they say a dog cannot run through it without leaving half of its hair behind in the snarly little trees that are growing in the area of the forest that needs to be treated.

What happens when the area is treated? You have cut out a lot of the small-diameter material and taken out the debris, and you open up the forest to the sunlight. You create an opportunity for grasses to grow, and you reintroduce butterflies, birds, insects, and small and large animals to the area.

All of a sudden, instead of a dead and dying ecosystem, you have created a very vibrant and healthy natural ecosystem.

What is our goal with respect to the trees? Our goal is to try to preserve as many of the old-growth and large-diameter trees as possible. That is what is done when we thin the forests the way we are talking about doing.

So why haven't we been able to come to some compromise on the legislation we are talking about to enable us to do this? The reason is there are radical environmental groups that, frankly, have control of some of the politics of this issue with some of our colleagues and have persuaded them that we are going to open it up to unfettered logging, we are going to log the old-growth forests, we are going to clearcut the western forests, we are going to take away any opportunity for people to have input as to what is done, we are going to destroy all the environment for endangered species, and so on.

All of that is simply wrong. It is not true. We are talking about legislation that has very significant limits. These thinning projects have to be approved by all of the different groups, the so-called stakeholders, the environmental process, the NEPA process where the forest plan has to have been followed.

The whole point of the stewardship projects, as they are called, is to enable us to go in and clean out the forests, leaving the large trees. That is the whole point.

Under our legislation citizens would be permitted to file a lawsuit in court and appeal the plan if they want to. Nothing stops them from doing that. All they have to do is point out to the judge: Look, the object here was to save these big trees and cut out the underbrush. Well, they are not doing that in this case, if there ever were such a plan proposed.

I do not think they want to have to face up to the reality of what we have proposed, which is a very reasonable way to manage our forests. In many respects, they would rather cut off their nose to spite their face. That is a phrase I used earlier today, and one of my young staff said: What does that mean? It is a phrase my grandmother used to say. It means you are basically so selfish about what you want to do that you are not willing to look at the larger picture, which would enable you to save yourself if you would apply management techniques.

We could apply this management technique to thin the forests and do prescribed burning and, thus, prevent the kind of disease or forest fires that in the past have ravaged these forests and absolutely wiped out the habitats. Some people would rather have the fires exist to catastrophically burn the entire area and ruin the habitat for the endangered species and all other species because at least that did not permit the loggers to log big trees. That is right, it did not permit the cutting of any kind of trees.

What was the result? It burned the entire forest. So the entire ecosystem is now dead, and it will take literally hundreds of years to come back and produce those big, beautiful trees we all want to save.

It is a sorry state of affairs that we have not been able to achieve a result on this issue. I hoped we would have been able to do so. I hope my colleagues will not vote for cloture when that vote comes in the next 10 or 15 minutes.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. KYL. Mr. President, I see no one else in the Chamber to yield time, so I ask unanimous consent to speak an additional 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator is recognized for an additional 5 minutes.

Mr. KYL. Mr. President, I will go on to explore this a little bit more.

One of the techniques of the opponents of what we propose is to say—we all agree with the management. I have not heard anybody say they disagree with this thinning and prescribed burning management technique, but they want it done in an area called the urban/wildland interface; that is to say, where the forest meets communities—summer homes, small towns, so on. We will thin an area a quarter of a mile, maybe half a mile, around these communities and structures and, therefore, save them from catastrophic wildfire; that ought to do the trick.

That will not do the trick. In the first place, it is a nice sentiment to try to save small communities and buildings, but that is only part of what we are about here. We are literally about saving the forests themselves, the entire ecosystem, the place where all the flora and fauna live and survive, where the endangered species live. Most of the endanger species do not live right on the edge of the communities.

Why would we not want to create a healthy environment for the endangered species and for the other flora and fauna in the forests? Why would we not want to treat in the middle of the forest rather than just along the roads, by the homes or small communities?

Of course, we want to save them from catastrophic wildfires, but the best way to do that is to treat the entire forest so the fires do not get a big momentum to roll into the communities.

We had the unfortunate experience with the Rodeo-Chediski fire this last summer where the fire was so large and burning so rapidly with such intense heat that it was skipping right over areas that had been treated. While it did not burn those areas, fortunately, because they had been treated, it went on to burn other parts of the forest.

It is no salvation necessarily that we treat a small perimeter around buildings or communities. That is not necessarily going to save them from fire. Even if it does, as I said, we still have not treated the rest of the forest, which is the whole object of returning health to the forest. That is why you cannot just limit this thinning project to the areas immediately surrounding communities. We will have done nothing to save the rest of the forest from insects, disease, mistletoe, and catastrophic wildfire that will destroy the trees and the habitat for the mammals, birds, insects, and the fish that live in the area we want to preserve. That is why it is no answer to say: Let's do treatment in the urban interface area.

There were also attempts to put limits on how many board feet of trees could be removed from these areas—250,000 board feet in an area, for example; I think up to 1 million board feet in an area that had burned. The board feet of timber calculated to exist in the Rodeo-Chediski burned area is 100 million board feet. What was offered was literally a drop in the bucket.

If we are going to salvage the timber that was burned, as the White Mountain Apache Tribe is permitted to do on its part of the forest that was burned, then we are going to have to have special relief because there is no time to do all the studies that are necessary if anybody files an appeal. If they do not file an appeal, then we can salvage that timber, just as the White Mountain Apache Tribe is doing. If someone files an appeal, there is no way to get to the timber before the insects get to it. That is the choice we have. That is why we were so anxious to get something done now instead of waiting.

As I said, it does not appear we have reached a consensus to do that, and that is too bad because as the editorial I just put in the RECORD points out, we do not have time to waste. We have to treat these forests now or they will be subject to burning next year, and, in any event, we will not be able to save them from the diseases that have infected many of the forests today.

If there are others to speak, I will be happy to relinquish the floor to them. In that regard, I suggest the absence of a quorum, but if no one appears thereafter for a minute or two, then I will reclaim the floor and speak some more.

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. KYL. 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. KYL. Mr. President, I have checked with the Senator from West Virginia, who has indicated he does not wish to speak at this time, and therefore I will go ahead until one of our colleagues comes.

I want to tell a couple of stories about what I have personally observed in our forests, and it might be of interest to others who perhaps do not have these same kinds of trees in their States.

The country's largest ponderosa pine forest extends through the belt of Arizona that runs literally from the Grand Canyon all the way to New Mexico and then goes on into New Mexico. These trees look a little like the giant sequoias in California. They are not quite as big, but when they reach 300 or 400 years of maturity, they are very large, over 30 inches in diameter. They have a yellow bark with beautiful big canopies, much like the sequoias in California. These are the trees we are all trying to preserve.

I went to an area that was BLM land north of the Grand Canyon after Secretary Bruce Babbitt, then-Secretary of Interior, had authorized a thinning project for that area in the neighborhood of Mount Trumble. Secretary Babbitt was able to do this because, as Secretary of the Interior, he had control over the BLM land, and he basically ordered that it be done, which was a good thing, too, because this is an area with which he was familiar. He had gone hiking throughout the area many times. He knew how desperately the area was in need of this treatment.

So I went up there to see the work that was being done, and the BLM officer said: I have to show you this. Come look. And we drove to an area where it was just as thick as could be, with tiny trees about this size. There must have been thousands per acre. You could hardly wind your way through the forest. None of them was more than 15 or 20 feet high, if that. They were not very pretty. They precluded any grass from growing. There were no animals, obviously, that could wind their way through it. It was a pretty sterile environment, and they were obviously crowding out other kinds of trees that one would have preferred to see grow there.

We came to this huge ponderosa pine, one of the biggest trees I had ever seen other than a redwood or a sequoia. The boughs literally came all the way down to the ground. All around this tree was this brush, these little scrub trees—maybe as tall as I am, maybe a little bit higher—with trunks 3 or 4 inches around. It was literally a tinder box.

This BLM agent said: We have to clear this stuff away immediately. Any spark anywhere near here is going to set off a fire that is going to come all the way through. It is going to run right up the boughs of this tree and destroy this beautiful old tree.

He told me there were many more in this same area, and that is why we had to hurry up and get this area treated.

That is what we are trying to do. We are not going to cut that tree or any other trees that even approximate that size. The object is to clear out all the other stuff so these big beautiful trees can continue to grow in a healthy state, they will not have the competition for air and water and nutrients from all of these little trees, and there will then be grasses reintroduced, the animals can come up, as well as the birds and the butterflies.

All of the studies by Dr. Covington that I mentioned earlier have demonstrated that the species come back within a year. The pitch content of the trees is enhanced significantly, so they are impervious to the bark beetles. The protein content of the grass is increased by an order of magnitude, so the elk and the deer come back. When all of the little mammals come back, then the hawks and the eagles come back, the butterflies begin to pollinate, and all of a sudden there are hundreds of more species of flowers and weeds and grasses than there were before, and there is a park-like condition where there are far fewer trees per acre but it is to the carrying capacity of the land.

So there may only be 150 or 250 trees per acre at that point, but they are all beautiful trees that are going to be healthy and in an environment where the rest of the forests can survive as opposed to the kind of thing about which I was talking.

Now why would people object to doing that? I had a group of environmentalists come into my office, and I asked them: Don't you agree that this is the right science? And they finally said: Yes.

I then said: Why won't you do it?

They said: Well, you do have to have commercial companies come in and do this thinning; right?

I said: Yes, of course.

And they do have to make a profit; right?

And I said: Yes.

And they are not going to work for free. They have to make some money.

I said: You don't object to that, do you?

They said: No, but what we are worried about is that 25, 30, or 40 years after all of this is done and you have treated all of the forests that need to be treated this way, then they will turn their chain saws on the big trees because they will want to save their jobs and save their mills and stay in business, and that is what we are concerned about.

I was dumbfounded at the suggestion that that would actually happen. If all of us who want to save the forests are as concerned in 40 years as we are now—and there is no reason to believe we will not—none of that would ever be permitted to happen. This again falls into the ''cut off your nose to spite your face'' category. In order to achieve something good, we are going to have the potential of something bad occurring 40 years down the road, a potential that is so small that it is just unthinkable it would ever happen? But because of that little potential in their minds, they are going to prevent us from treating the patient now?

It seems very illogical. It is like saying we are not going to treat the patient's cancer now because the patient will live but eventually the patient is going to die; therefore, there is no point in treating the patient now.

It does not make sense to me, and that is why I think it is a shame we have not been able to reach some kind of agreement on the kind of plan we were talking about that would have limited the amount of acreage that would be treated. It would have limited it to those areas that are so-called class 3 areas, which are the ones most in need of treatment where the danger of catastrophic wildfire is the greatest. We are not even talking about the class 2 or class 1 areas, just class 3.

Within that, it would be further limited in the legislation we have been discussing. We were even willing to limit it to areas of municipal watersheds and urban interface as long as those were broadly enough defined to include the kind of forests we are talking about here, the part of the area that needs to be treated.

None of that was acceptable to those groups that do not want us to treat the forests. As a result, we are going to have another year pass, presumably, unless we are able to do something next spring, where we are subject to these catastrophic wildfires and the forest continues to deteriorate.

At what point, do we finally say, it is worth it to go in and treat these forests? Since there is not enough money in the world to pay AmeriCorps volunteers to go in and do this by one-half acre at a time, we have to have commercial enterprises that are able to go in and take out enough product that they can stay in business. That product can be very small diameter product. It can be poles for construction of cabins. It can be 2-by-4-sized timber. It can be the chipped product that makes fiberboard. In some cases, they may get to medium-sized trees that can actually produce some timber. But if so, why not? If the carrying capacity of the acre is such that some of the trees should be removed, even the so-called medium-sized maybe even 15 or 20 inches in diameter, why wouldn't one do that if what they were leaving were still the very large growth trees we are all talking about protecting?

Senator CRAIG made the offer that at least 10 of the biggest old-growth trees would have to be left. We can probably multiply that and say 100. The bottom line is, those are the trees we are trying to leave. So if the carrying capacity of the land will carry 100, 150, or 200 of those trees, that is how many would be left. Nobody is trying to cut the big beautiful trees down.

In the areas Senator DOMENICI and I represent, it is a dry enough condition in Arizona and New Mexico that we cannot stand many more summers of

drought before these forests are going to be all burned up. That is why we have been so disappointed at not being able to get into those forests now and begin this process of taking out the dead and dying timber and cutting out the small-diameter timber that is precluding the rest from growing.

I saw the treatment area we have been experimenting with in Arizona. I saw the results of this thinning, and the species that have come back are just amazing—the birds and the butterflies and the wildflowers. It is incredible what can be done if this is actually permitted to go forward, and so I hope there is a way to do it. I regret we have not been able to find that way yet.

I thank Senator CRAIG and Senator DOMENICI for their work, and I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BURNS. I yield 2 minutes to the Senator from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico is recognized for 2 minutes.

Mr. DOMENICI. Mr. President, I thank Senator KYL, Senator REID, and Senator CRAIG for commenting on the Domenici-Craig amendment, on which the Senator has joined from the very beginning.

I hope everyone will understand this is a very serious situation. We honestly believe there is a compromise that would work, that would prove that we can clean up parts of our forest without in any way damaging the so-called old forest trees, doing it in almost a manicured fashion so long as it is understood what was permitted to do.

It is imperative we send a signal to the American people, not all of whom are in the West. Those in America who saw the fires from a distance know something is wrong. They probably know it got in this condition over many years and will not be fixed tomorrow. They probably concluded we ought to try to fix it.

We are trying to have a year consistent with good rules and good solid approach to management so we can start this process so the users of the forest, and those who recreate, graze cattle, have forests in their backyard, all understand we can begin this cleanup process and move in the right direction so we can start a more major cleanup next year when we try to put new policies into effect to save the forests and not see them go up in flames.

Mr. CRAIG. Mr. President, I know the vote is pending. We all want to see the Interior appropriations bill move on. I have said to Senator REID what we normally do with a second-degree amendment is give it a vote. We certainly would like that vote on our amendment. We think it is appropriate. We think it is within the rules. It is a responsible way to dispose of this issue and move on. I hope we get to that vote. We think it is right. It is appropriate. It is within the rules.

It is important for the Congress and this Senate to speak to the issue of forest health and do so in some form. We think the amendment is adequate in that.

Mr. REID. Mr. President, the Senator from New Mexico is on his way and wishes to speak on this matter. The Senator from West Virginia has 22 minutes, and Senator WELLSTONE wishes to speak. We will see what happens.

In the meantime, 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. BYRD. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. BYRD. Mr. President, I yield 3 minutes to the distinguished Senator from New Mexico, Mr. BINGAMAN.

Mr. BINGAMAN. Mr. President, I appreciate my friend and colleague, Senator BYRD, yielding time.

I will speak briefly about the forests and the fire-thinning proposals and the fire-risk reduction proposals pending in the Senate. One amendment Senator CRAIG proposed is an amendment to the Byrd amendment to the bill. That certainly is a worthy proposal, in many respects. I don't agree with all aspects of it. I have offered an alternative that I think makes more sense. I am glad to go into the detail. I have done that once in the Senate, and I am glad to do it again.

Procedurally, people need to realize there is no reason we should be holding up action on this bill or on the Byrd amendment because of the issue of forest thinning. The forest-thinning proposal Senator CRAIG is offering can be offered as an amendment to the bill. My proposal can be offered as an amendment to the bill. We can get a good debate on those two proposals. I would hope we could come together around a single proposal. We have been working to do that. Either way, there is no reason going forward with the Byrd amendment should be in any way impeded by the need to resolve this forest-thinning issue. We can resolve the forest thinning issue on separate amendments and have the debate appropriate to that.

I believe on the merits what I proposed is a better way to go as an amendment to an appropriations bill because it does not make major changes in the underlying law. It does not make major changes in the authority for Federal courts. For that reason, I hope when we do get to a vote on forest-thinning proposals I will have a chance to persuade my colleagues.

Mr. REID. Will the Senator yield?

Mr. BINGAMAN. I am happy to yield.

Mr. REID. It is also my understanding that under the procedures now before the Senate—regarding the drought assistance measure, which passed by 79 votes—if this vote does not go, that money that we voted to approve for the farms is gone for those who are desperate for the money all over the country; is that true?

Mr. BINGAMAN. Mr. President, in response, I agree entirely with the Senator from Nevada. It is very important to Senators on both sides of the aisle for the drought relief assistance to be made available in short order. I hope very much we can move ahead with that.

We can also do this forest thinning issue. I am not suggesting we complete action on this bill absent completion on the forest thinning, but we can do separate amendments. Senator CRAIG can offer his amendment to the bill; I can offer my amendment to the bill. We can have a good debate. Hopefully, we can persuade the Senate on a proposal that makes good sense for everyone and gets the job done.

Mr. REID. Senator WELLSTONE is actually on the subway on his way over.

Mr. DOMENICI. Would the Senator permit me to ask Senator BINGAMAN a question?

Mr. BYRD. Mr. President, I yield 1 minute to each Senator for that purpose.

Mr. DOMENICI. I wanted to exchange a couple of points with my colleague. I don't know if the Senator had a chance today to read the Santa Fe, NM, editorial about thinning forests.

Mr. BINGAMAN. I did not read that.

Mr. DOMENICI. In this very short time I will try to paraphrase it. They were talking about what a wonderful event it will be for the Santa Fe watershed—which the Senator and I have seen a number of times—when we get around to cleaning it and then thinning it, so that if water or fire would fall on the upper watershed, it would not do violence to the water, which is the long-term lifeblood for the city. I just wondered if the Senator might recognize that when we are finished tonight, if in fact the amendments are no longer in order, or if they are in order, that we will still be left with an issue of whether watersheds are going to be included in this new approach? And, if so, how much of a watershed—how much of that watershed can be done in Western States? Isn't that one of the issues remaining?

Mr. BINGAMAN. In response to my friend and colleague from New Mexico, I agree with him that it is an extremely important part of the issue, as to the thinning debate, what additional authority we provide to the Forest Service to accomplish thinning within watersheds. I have a proposal which I have shown to my colleague that I believe provides ample authority, particularly in the Santa Fe watershed, for them to do everything they would like to do there. I think the earlier proposal Senator CRAIG has will do that same thing, in fact do quite a bit more.

Mr. DOMENICI. Right.

Mr. BINGAMAN. I think it is an important issue for us to get resolved, but I think both proposals do the job with regard to the specific issue that the Senator has raised.

Mr. DOMENICI. I thank the Senator for yielding the minute. I assume I have 10 seconds left.

Mr. BYRD. I don't like to yield 10 seconds. I yield the Senator an additional minute. Does this Senator wish additional time?

Mr. BINGAMAN. No, thank you.

Mr. DOMENICI. I say to my friend, I hope after this vote, before we finalize this, we might one more time sit and look at this. I think we have narrowed the issue that is most in our minds to be resolved.

I understand you have a proposal in good faith. We have one in good faith. Somehow or another it is assumed by both sides that theirs each will do what will help solve this problem. If we had a little more time, if you could meet with us, it would be greatly appreciated.

I thank Senator BYRD.

The PRESIDING OFFICER. Who yields time?

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

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

Mr. WELLSTONE addressed the Chair.

Mr. BYRD. Mr. President, how much time does the distinguished Senator wish me to yield to him?

Mr. WELLSTONE. I say to my colleague, less than 5 minutes.

Mr. BYRD. Do I have 5 minutes remaining?

The PRESIDING OFFICER. The Senator has 9 minutes.

Mr. BYRD. I yield 5 minutes to the distinguished Senator from Minnesota.

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

Mr. WELLSTONE. Mr. President, this is really an amendment that has everything in the world to do with whether or not a lot of people in northwestern Minnesota are going to go under economically or not. We had 79 votes to provide this disaster assistance. For northwest Minnesota, this will probably be about $300 million.

There are some who say the administration has shown they understand it is a serious problem because they are going to commit $850 million for drought relief. First, this is a 50 cent fix to a million dollar problem. Second, I don't think taking this small amount of money out of the School Lunch Program and helping people for a couple of weeks is the answer to what has happened around our country—be it fire or be it floods or be it drought.

I was up in northwest Minnesota on Friday. I do not know how I can continue to go back up there and explain to people how it can be that week after week this is being blocked. As far as I am concerned, we can have up-or-down votes on all these amendments. That is my own view. But I say to my colleagues, I implore them, I beg you, let's break this traffic jam and let's have the votes and let's move this forward.

Really, time is not neutral for so many of the independent producers and the farmers in northwest Minnesota. The FEMA assistance has been great, but it is not going to help them. There has been massive damage to cropland. Crop insurance comes nowhere near covering it. We have had this ridiculous debate about how it is going to come out of the farm programs. It is not going to happen. CBO won't score it that way. But close to $6 billion nationally will not be additional money we are going to spend on the farm program because prices are up. But for the farmers in northwest Minnesota and the producers in northwest Minnesota, they have no production.

For me as a Senator, this is the priority. It is just impossible to meet with people—without sounding melodramatic—to just look at their eyes and know what they are going through and explain how, once again, this is being blocked or filibustered. I know we are not going to win on this vote, but I urge colleagues to please vote for cloture. It would make a huge difference to a lot of really honest, hard-working, salt of the Earth people in northwest Minnesota.

I yield the floor.

Mr. REID. Mr. President, with the consent of the managers, I ask the time be yielded back so we can vote.

Mr. BYRD. I yield my time remaining.

The PRESIDING OFFICER. All time is yielded back. Under the previous order, the question is on agreeing to the motion to table amendment No. 4522. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Montana (Mr. BAUCUS), the Senator from Massachusetts (Mr. KERRY), the Senator from New Jersey (Mr. TORRICELLI) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote ''Aye''.

Mr. NICKLES. I announce that the Senator from Alaska (Mr. MURKOWSKI) and the Senator from Arkansas (Mr. HUTCHINSON) are necessarily absent.

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

The result was announced—yeas 80, nays 15, as follows:

[Rollcall Vote No. 220 Leg.]

YEAS—80

Akaka	Bond	Campbell
Allard	Boxer	Cantwell
Allen	Breaux	Carper
Bayh	Brownback	Chafee
Bennett	Bunning	Clinton
Biden	Burns	Cochran
Bingaman	Byrd	Collins
Conrad	Harkin	Roberts
Craig	Hatch	Rockefeller
Crapo	Hollings	Santorum
Daschle	Hutchison	Sarbanes
Dayton	Inouye	Schumer
DeWine	Johnson	Shelby
Domenici	Kennedy	Smith (NH)
Dorgan	Kohl	Smith (OR)
Durbin	Leahy	Snowe
Edwards	Levin	Specter
Enzi	Lincoln	Stabenow
Feingold	Lott	Stevens
Feinstein	McCain	Thomas
Fitzgerald	McConnell	Thompson
Frist	Mikulski	Thurmond
Graham	Miller	Voinovich
Gramm	Murray	Warner
Grassley	Nelson (FL)	Wellstone
Gregg	Nelson (NE)	Wyden
Hagel	Reed	

NAYS—15

Carnahan	Helms	Lieberman
Cleland	Inhofe	Lugar
Corzine	Jeffords	Nickles
Dodd	Kyl	Reid
Ensign	Landrieu	Sessions

NOT VOTING—5

Baucus	Kerry	Torricelli
Hutchinson	Murkowski	

The motion was agreed to.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on Senator BYRD's amendment No. 4480.

Joseph Lieberman, Harry Reid, Jean Carnahan, Daniel K. Inouye, Christopher Dodd, Herb Kohl, Jack Reed, Richard J. Durbin, Kent Conrad, Paul Wellstone, Patrick Leahy, Jeff Bingaman, Barbara Boxer, Byron L. Dorgan, Mark Dayton, Debbie Stabenow, Jim Jeffords, Robert Torricelli.

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the Byrd amendment No. 4480 to H.R. 5093, the Department of Interior and Related Agencies Appropriations Act, shall be brought to a close.

The yeas and nays are required under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Montana (Mr. BAUCUS), the Senator from Massachusetts (Mr. KERRY) and the Senator from New Jersey (Mr. TORRICELLI), are necessary absent.

Mr. NICKLES. I announce that the Senator from Arkansas (Mr. HUTCHINSON) and the Senator from Alaska (Mr. MURKOWSKI), are necessarily absent.

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

The yeas and nays resulted—yeas 49, nays 46, as follows:

[Rollcall Vote No. 221 Leg.]

YEAS—49

Akaka	Dodd	Lieberman
Allard	Dorgan	Lincoln
Bayh	Durbin	Mikulski
Biden	Edwards	Miller
Bingaman	Feingold	Murray
Boxer	Feinstein	Nelson (FL)
Breaux	Graham	Nelson (NE)
Byrd	Harkin	Reed
Cantwell	Hollings	Reid
Carnahan	Inouye	Rockefeller
Carper	Jeffords	Sarbanes
Cleland	Johnson	Schumer
Clinton	Kennedy	Stabenow
Conrad	Kohl	Wellstone
Corzine	Landrieu	Wyden
Daschle	Leahy	
Dayton	Levin	

NAYS—46

Allen	Fitzgerald	Roberts
Bennett	Frist	Santorum
Bond	Gramm	Sessions
Brownback	Grassley	Shelby
Bunning	Gregg	Smith (NH)
Burns	Hagel	Smith (OR)
Campbell	Hatch	Snowe
Chafee	Helms	Specter
Cochran	Hutchison	Stevens
Collins	Inhofe	Thomas
Craig	Kyl	Thompson
Crapo	Lott	Thurmond
DeWine	Lugar	Voinovich
Domenici	McCain	Warner
Ensign	McConnell	
Enzi	Nickles	

NOT VOTING—5

Baucus	Kerry	Torricelli
Hutchinson	Murkowski	

The PRESIDING OFFICER. On this vote, the yeas are 49, the nays are 46. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

HOMELAND SECURITY ACT OF 2002

The PRESIDING OFFICER. Under the previous order, 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.

Lieberman/McCain amendment No. 4694 (to amendment No. 4471) to establish the National Commission on Terrorist Attacks Upon the United States.

The PRESIDING OFFICER. The Senator from Nevada.

CLOTURE MOTION

Mr. REID. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the Lieberman substitute amendment No. 4471 for H.R. 5005, the Homeland Security bill.

Debbie Stabenow, Harry Reid, Charles Schumer, Evan Bayh, Mark Dayton, Jeff Sessions, John Edwards, Jim Jeffords, Joseph Lieberman, Bill Nelson of Florida, Blanche L. Lincoln, Byron L. Dorgan, Jack Reed, Patrick Leahy, Robert C. Byrd, Mary Landrieu, Max Baucus.

Mr. LEAHY. Mr. President, I note my objection to Hatch amendment No. 4693 on cybersecurity to amendment No. 4471.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I have spoken with Senator LIEBERMAN. He has indicated to me there is no business to conduct tonight on this bill.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to a period for morning business until 7:15 p.m., with Senators permitted to speak therein for up to 10 minutes each, with the exception of Senator LOTT, who has indicated to me he wishes to speak, and he should be able to speak for whatever time he desires.

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

CONFERENCE REPORT ON H.R. 3009

Mr. GRAHAM. Mr. President, I rise today to express my full support for the conference report on H.R. 3009, the Andean Trade Preference Expansion Act, which was passed by Congress and signed by the President just prior to the August recess. I was unable to come to the floor during the consideration of the conference report, but I wanted to take this opportunity to express my views on this important legislation.

H.R. 3009 was by far the most comprehensive trade legislation to come before Congress in fourteen years. By passing this bill, we accomplished four key goals: granting the President Trade Promotion Authority for the first time in 8 years; dramatically enhancing Trade Adjustment Assistance for displaced workers; renewing and expanding the Andean Trade Preference Act to provide legitimate export opportunities to Bolivia, Colombia, Ecuador and Peru, and; extending for 5 years the Generalized System of Preferences providing tariff cuts for over 100 developing countries.

I support all four of these goals, and I voted enthusiastically in favor of this bill. I am particularly pleased that the enhancement of the Andean Trade Preference Act is the underlying bill for this important legislation. This issue has been of great personal importance to me.

When the Senate was considering its version of Andean legislation in May, we heard time and again about the success of new, legitimate, exports from the region like cut flowers and asparagus.

Since December 4 of last year, when the original ATPA legislation expired, these and many other legitimate exports from the region have been subjected to substantially higher tariffs. These higher tariffs hit the fresh cut flower sector particularly hard as higher tariffs impacted peak sales periods for the Valentine's Day and Mother's Day holidays.

This legislation will return trade benefits to all of those products previously covered by ATPA and, most importantly, this legislation has been made retroactive to December 4, so that any duties that were paid during the lapse of ATPA will be refunded.

I am pleased that the conference report is not simply a renewal of ATPA, but includes enhanced benefits for new products. Times, and our trade policy in the region, have changed since 1991 when the original ATPA legislation passed. Most notably, the passage in 2000 of the Caribbean Basin Trade Partnership Act provided enhanced trade benefits to Caribbean countries, but inadvertently disadvantaged imports from the Andean region.

Nowhere else was this more critical than in apparel assembly where some 100,000 jobs in Colombia alone were at risk of being relocated to CBI countries. Under the enhanced ATPA program in the conference report, the Andean countries will now be competitive suppliers in the region. And this new ATPA benefit will also benefit U.S. producers of textile, yarn and cotton by making these U.S.-produced components more competitive with Asian goods. In fact, the U.S. apparel importers predict that the ATPA provisions in this bill will lead to over $1 billion in new orders. The next time ATPA is debated in this chamber, I look forward to hearing floor statements that show that this projection has come true. I also hope to hear of new successes from increased exports in footwear, watches, tuna, and other new products afforded ATPA benefits under this legislation.

Enhanced trade benefits in the apparel sector should, in my view, be the new norm in the Western Hemisphere. I continue to be concerned about the demise of the Multi-Fiber Agreement in 2005 and the effect the end of this agreement will have on U.S.-Caribbean and Andean apparel assembly partnerships. If we want a competitive apparel industry in the Western Hemisphere post-2005, we must be developing greater efficiency in the region now.

Secretary of Commerce Don Evans has been leading this effort for the Administration, and the Commerce Department has developed a Western Hemisphere action plan to enhance post-2005 competitiveness in the region. I will be writing to Mr. Evans shortly to encourage a similar initiative for the Andean region.

I also want to say a few words about two other key parts of this trade bill—Trade Promotion Authority and Trade Adjustment Assistance. It has been eight long years since Trade Promotion