

week of money for livestock producers in drought-stricken areas. But now we see no compromise for realistic solutions. Every American has watched our forests burning every night on television. Yet the other side is reluctant to do anything about it—they have no conscience.

It does not change any law. It allows us to manage forest lands for the prevention of the disasters that we have had since 1998.

Come to my State and talk to the farmers and ranchers who have had drought for 4 years. Then, turn around and talk with people who love those forests. They have seen the forests burn for the last 4 years. And then tell me we should not have a vote in order to clean them up.

Have people lost their senses? They do not understand what happens in this biological world when we grow a renewable product—a renewable product. Have we had nothing in our schools that teach us?

I am like the old preacher who walked by a ranch one day. It was a nice Sunday morning. He said: Nice looking ranch you have got here.

The old rancher says: Yes, it is. You should have seen it while the Lord had it to himself.

We have people in this ecosystem.

These little groups, I might add, that have very little dirt under their fingernails—very little—are telling us to leave it alone, and Mother Nature will take care of it. The American people have seen that kind of management for the last 25 years. They have seen the results of it. It burned.

What is being denied here is a vote. We are being denied a vote on an issue that, sort of tongue in cheek, burns in the hearts of Americans. They don't like this. They do not want to see their forests go up in flames and have a renewable resource wasted when it can be prevented. That is what it is about.

We will reject cloture until the majority is willing to work on a compromise that will actually make a difference to Americans.

I want to associate myself with the words of our assistant leader on our side. Cloture is a terrible arrow in the quiver during these times on appropriations bills. It seems as though when we struck the deal for South Dakota less than 3 or 4 months ago, it was the right thing to do. It exempted all the laws.

Do we have a double standard here? Should those of us in other States who represent public lands which produce a renewable product not be afforded the same standard? We are not even asking for that much change. We are not exempting any law. We are not exempting anything.

What we are saying is make your case. Invoke a double standard, and then premise the argument that this is a vote against drought aid for American agriculture? It is absolutely absurd.

Any clear-thinking American who has watched the deterioration of our

forests and who has seen the results can stand there, and who in this body can look them in the eye and say, well, that is the way it is?

I will tell you how many votes they will get against their proposal. I have heard maybe three or four will come down and give the reasons they are opposed to it to justify their vote, and to answer some of the questions we have.

It is not right. It is not only not right, but it is not fair.

I have real people living in my State, too, just like everywhere else. But the unwillingness to give us a vote, which is our right and a constitutional need to get the House of Representatives and the President a vote to actually pass laws, has brought us to a standstill in this body.

It is not right. It is not fair.

Mr. NICKLES. Will the Senator yield?

Mr. BURNS. I am happy to yield.

Mr. NICKLES. You mentioned drought aid. Am I not correct that drought aid cannot pass unless the bill passes?

Mr. BURNS. That is correct.

Mr. NICKLES. If one wanted to get drought aid to farmers, would it make sense, since that has been agreed to in the underlying bill, to have a vote on the Craig amendment, and it could be an up-or-down vote or a motion to table, dispose of the Craig amendment one way or another, and pass the bill?

Mr. BURNS. And move on. That is correct.

Mr. NICKLES. And every Member on this side of the aisle is willing to do that. No one on this side of the aisle is filibustering this bill.

Mr. BURNS. That is right. No preconditions. No either/or. If we are really serious about it, give us a vote. That is what we are fighting for, the privilege of voting. That is all. Defeat us if your conscience allows. But give us a vote.

I yield the floor.

Mr. REID. Mr. President, I ask unanimous consent for 1 additional minute on each side. Our side is up.

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

Mr. REID. I have listened to my friend from Montana and my dear friend from Oklahoma. You cannot change the Senate rules. They can say all they want that they are not filibustering this bill. This is the fourth week we are on the bill. If they want to get disaster aid to the farmers, they should allow us to go forward on this legislation. We can offer their amendment on other matters, if they really care about the farmers; 79 Senators said they did. Those people are waiting for relief as we speak. They should go ahead and allow us to pass this bill. In the meantime, the farmers get nothing.

It is not as if we are not fighting fires. There is \$800 million that Senator BYRD and Senator STEVENS put in this bill for fighting fires. It is a question of their wanting to do away with judicial review, which we are unwilling to do.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. If people want to pass this bill, the way to pass the bill is to do it the way Senator REID and I used to manage the bill, and that is to vote. We get paid to vote.

For whatever reason, some people are afraid to vote on the Craig amendment. If we get on the bill, maybe someone will move to table the Craig amendment. We need to vote. The Senators from Montana, North Dakota, Colorado, Oklahoma, Texas, and other States that have fires are entitled to have forest management improvements just like South Dakota. What the Craig amendment is asking for is not as much as South Dakota received.

We are entitled to a vote. You can file cloture all you want, but we are going to have a vote. We are going to have a vote. To file cloture, so we do not even get a vote on the Craig amendment, will not happen. If cloture is invoked, we can still offer the amendment, so we are getting nowhere fast. We are not going to finish this bill until we get a vote.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### 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 assistant legislative clerk read as follows:

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

Pending:

Byrd amendment No. 4472 in the nature of a substitute.

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

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

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

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the clerk will report the motion to invoke cloture.

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.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call under the rule is waived.

The question is, Is it the sense of the Senate that debate on the Byrd amendment No. 4480 to H.R. 5093, the Interior appropriations bill, shall be brought to a close? The yeas and nays are required under rule XXII, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from New Jersey (Mr. TORRICELLI) is necessarily absent.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is necessarily absent.

The yeas and nays resulted—yeas 51, nays 47, as follows:

[Rollcall Vote No. 224 Leg.]

#### YEAS—51

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

#### NAYS—47

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

#### NOT VOTING—2

Helms	Torricelli
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The PRESIDING OFFICER. On this vote, the yeas are 51. The nays are 47. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The majority leader.

Mr. BYRD. Mr. President, can we have order?

The PRESIDING OFFICER. The Senate will come to order. The majority leader.

Mr. DASCHLE. Mr. President, I enter a motion to reconsider the vote by which cloture was not invoked on the Byrd amendment No. 4480, as amended.

The PRESIDING OFFICER. The Senator has that right. The motion is entered.

## 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 assistant 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.

#### 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 XII 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.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call under the rule is waived.

The question is, Is it the sense of the Senate that debate on the Lieberman amendment No. 4471 to H.R. 5005, an act to establish the Department of Homeland Security and for other purposes, shall be brought to a close?

The yeas and nays are required under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from New Jersey (Mr. TORRICELLI) is necessarily absent.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is necessarily absent.

The result was announced—yeas 49, nays 49, as follows:

[Rollcall Vote No. 225 Leg.]

#### YEAS—49

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

#### NAYS—49

Allard	Bunning	Craig
Allen	Burns	Crapo
Bennett	Campbell	Daschle
Bond	Cochran	DeWine
Brownback	Collins	Domenici

Ensign	Kyl	Smith (NH)
Enzi	Lott	Smith (OR)
Fitzgerald	Lugar	Snowe
Frist	McCain	Specter
Gramm	McConnell	Stevens
Grassley	Miller	Thomas
Gregg	Murkowski	Thompson
Hagel	Nickles	Thurmond
Hatch	Roberts	Voinovich
Hutchinson	Santorum	Warner
Hutchison	Sessions	
Inhofe	Shelby	

#### NOT VOTING—2

Helms	Torricelli
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The PRESIDING OFFICER (Mr. NELSON of Nebraska). On this vote, the yeas are 49, the nays are 49. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The majority leader.

Mr. DASCHLE. Mr. President, I enter a motion to reconsider the vote by which cloture has not been invoked on the Lieberman substitute amendment No. 4471 to H.R. 5005, the homeland security legislation.

The PRESIDING OFFICER. The motion is entered.

Mr. DASCHLE. I thank the Chair.

#### AMENDMENT NO. 4738

The PRESIDING OFFICER. Under the previous order, there will now be 2 hours of debate on the Gramm amendment, with the time to be equally divided between the Senator from Texas and the Senator from Connecticut or their designees.

The Senator from Texas.

Mr. GRAMM. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from Texas, Mr. GRAMM, for himself, Mr. MILLER, Mr. MCCONNELL, Mr. THOMPSON, Mr. STEVENS, and Mr. HAGEL, proposes an amendment numbered 4738.

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

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

The text of the amendment is printed in today's RECORD under "Amendments Submitted."

The PRESIDING OFFICER. Who yields time?

The majority leader.

Mr. DASCHLE. Mr. President, 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. The majority leader.

Mr. DASCHLE. Mr. President, I wanted to take a few minutes of leader time this morning, before we get into the debate on the amendment offered by the Senator from Texas, to talk about a concern that I have wanted to avoid talking about for weeks. I am very saddened by the fact that we have debated homeland security now for 4 weeks. I have noted on several occasions that there is no reason, on a bipartisan basis, this body cannot work