

Many people will call us the odd couple because we do not agree on everything. But on this one, is it not true that we see eye to eye?

Mr. INHOFE. It is. Reclaiming my time, I think you are being very generous when you say we don't always agree on every issue. In fact, there are no two people who probably disagree more. That tells you something. That tells you we have to do this. This is something this country cannot do without.

Let me give you an example. I spent several years as the mayor of a major city, Tulsa, OK. The greatest problem we had was not crime in the streets, it was not prostitution, it was unfunded mandates. Now, what we do in this is go back to some of these small communities and say: We have mandated that in your drinking water system, your wastewater system, you do these things. And we should be responsible for helping you to comply with these mandates. It is very important.

There is a group called Citizens Against Government Waste. I have right here—and I am going to submit this as part of the RECORD. For 16 years prior to right now, they have identified 76,000 projects they thought were—that fall into this category of being earmarks.

Do you know the interesting thing about this, I ask my friend from California, Senator BOXER. It is interesting that all of these projects, with very few exceptions, were not authorized.

Now, if you look at what the Congressional Research Service comes up with, around 115,000, those include the ones that were authorized. So that tells you where the problem is. The problem is not in projects that were authorized, it is in projects that are not authorized. That is why we are doing the responsible thing today. I am hoping there is no one on either side who will hold up this bill because we have to keep moving with it before the recess.

The PRESIDING OFFICER. The Senator from Montana.

Mr. TESTER. Before I get into my remarks, I thank the Senator from Oklahoma and the Senator from California for the leadership they have shown on the WRDA bill.

I couldn't agree more; infrastructure is critically important to this country. Infrastructure that revolves around our water resources may be the most important infrastructure we have. And to invest in that is truly a good investment that benefits our kids and grandkids and generations thereafter.

So thank you both for your work on this bill and, hopefully, it can be passed with a good, healthy vote coming out of this body.

#### WILDFIRE SUPPRESSION

Mr. TESTER. Mr. President, I rise to share some news from my home State. I am anxiously following the wildfires burning across Montana. Over the last

few weeks, tens of thousands of acres of the Treasure State have burned. In fact, the top four fires in the West are burning in Montana. Hundreds of folks have been evacuated from their homes. Interestingly enough, today, August 3rd, is traditionally only the third day of the wildfire season. Times are changing.

This past weekend I had the opportunity to visit the front lines of two Montana wildfires, which tell two different fire policy stories. One thing they have clearly got in common: fine, hardworking men and women toughing it out in grueling conditions to protect each other and the public from harm's way. In my State, we are also relying on the hardworking folks in the Montana National Guard. As of today, about 130 guardsmen and women have been called to help fight Montana's fires. Some of these folks cancelled summer plans to answer the call to help. They are working alongside other firefighters to do dangerous, hot, dirty work to protect Montana's people and property.

To all wildland firefighters across this country, I say thank you. We owe them all respect and gratitude. We also owe them policies that will best benefit the landscape they are working so hard to protect.

The two fires I visited both started the same week, in late June. That is really early for Montana. Both are burning in the Bob Marshall Wilderness, a spectacular place where the Rocky Mountains spill onto the plains. The Ahorn fire was 15,000 acres when I visited. It is now over 40,000 acres, burning 30 miles west of the ranching and farming community of Augusta.

The Forest Service is concerned because the Ahorn fire is big and unwieldy. It is burning near a "fire exclusion" area, an area that the Forest Service has not allowed fire to burn over the years in order to protect seasonal cabins on private land east near the forest boundary. As a result of the fuels that built up over the years due to suppressing fire, the Ahorn fire is going to do pretty much what the fire wants to do. The Forest Service threw \$1 million at it when it first took off, and that "didn't make a dent," according to the fire officials. The agency says it will not be successful in controlling the perimeter of the fire, though it probably will be successful at protecting those cabins.

This has nothing to do with the agency's abilities. It has everything to do with fires that burn hotter and harder now because of a hotter climate and denser forests. To date, the Ahorn fire has cost nearly \$5 million.

Last Saturday, I also got a chance to see the Fool Creek fire. That fire was 6,200 acres when I saw it. Today it is about 22,000 acres. The Fool Creek fire is burning west of Choteau, another ranching and farming community. The Forest Service has been managing the Fool Creek fire as a "Wildland Fire Use For Resource Benefit," which means

fire bosses have been mostly allowing it to burn for the benefit of the forest. So far, it has been a lot more manageable because it is moving in and around lands that burned in 1988 and in 2000. It is still hot and dry out there and the fire made a big run yesterday, but all told, the fire has been easier to manage than Ahorn. To date, the Fool Creek fire has cost \$1.3 million. That is four times less than the cost of fighting the Ahorn fire, with similar outcomes.

It is not very popular to tell the American people that the Forest Service is letting the woods burn. But what we have learned in the last 20 years is: sometimes, it is the right thing to do.

We have another problem in my home State, and that's the holdover from longstanding fights on how to manage our forests. We will never get back to the timber harvest levels of the 1970s, nor should we. But the pendulum has swung too far, and now we are too often fighting in the courts about cutting down trees. Quite frankly, we don't have enough people working out in the woods. That is a problem economically and ecologically. Throw in climate change, thousands of acres of dead, dry beetle-infested trees, and lots of new houses popping up on the edges of our national forests, and we have a perfect storm brewing.

I don't think it is a coincidence that, with all the fuel buildup in our forests and the hottest summer on record, we're in the middle of a whopper of a fire season. Climatologists tell me that this is becoming the new norm. This is what we can continue to expect. Which means we have to get even smarter about when to fight wildfire, and where, and how best to stretch every dollar spent on battling them. And we have to get serious about supporting the Forest Service as it reduces fuels in the forests.

With the Forest Service spending 45 percent of its budget on fire suppression, it barely has the time or the resources to restore our forests to health. With firefighting costs predicted to go even higher, creating a trust fund for fire management makes a great deal of sense to me. It is something we have to do in order to ensure that funds will be available to do the work of restoring health to our forests. Because when we restore our forests, we will make them more resilient to fire. This is something we have to do, and we have to do it fast, especially around our Western towns and communities.

This issue won't go away when fire season comes to an end. The conversation will continue with my colleagues here in Washington and with all folks in Montana. We'll be talking about fire and forest health and the opportunities they provide us. They are connected, and they are connected to Montana's well-being and economy.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. Mr. President, while the Senator from Montana is still on the Senate floor, let me, first of all, thank

him for his comments, to which I subscribe. We have a problem throughout the Western United States with forest fires, not easily understood by those who don't experience the kind of hot, dry conditions we do in the summer with our forests.

People don't think there are forests in my State of Arizona. There are. In fact, about 5 years ago, we had a fire which burned an area—and this is big Ponderosa Pine country—burned an area almost the size of the State of Rhode Island.

Now, in Arizona and Montana, you can do that. But just think about that if it were in your State. One of the problems is, we have found that the Healthy Forest Act that we passed about 3 years ago, which was designed to limit litigation, has not done as good a job as we had hoped.

I think we need to revisit that in addition to providing more funding. I will conclude this point by saying that one of the best summers of my life was spent in the State of Montana in Glacier National Park helping to put out forest fires in that beautiful place.

I hope all of us can join together in an appropriate way to advance the cause about which the Senator from Montana was speaking.

Mr. TESTER. I thank the Senator from Arizona. I think communication and trust is critical if we are going to address the issues in our forests today. I think if we can develop good communication with all parties involved, we will help move our forests to a healthier level.

I thank the Senator for his comments.

#### FISA

Mr. KYL. Mr. President, I want to speak briefly to the issue, which, frankly, is keeping us in session right now, and explain a little bit about what is happening. Everyone in this body understands and agrees that we have an emergency on our hands that deals with our intelligence collection, and we need to address that emergency legislatively.

But there is a disagreement on exactly how to do that. We must resolve that disagreement before we leave here. We will be taking a month back in our home States visiting with constituents. When we come back we will be right on the anniversary of 9/11. There are ways that we can prevent another 9/11 by good intelligence collection as to warnings that might tell us what we need to do to prevent such an attack, but we cannot do that the way the law is currently written.

Obviously, this debate cannot get into a great deal of detail. But, suffice it to say, when the law relating to intelligence collection was written, it was written with a different kind of technology in mind. Technology has evolved over the years. In fact, it has evolved quite rapidly, and it is a simple fact that today's law does not match

today's technology. It does not permit the kind of intelligence collection that we can and should be doing.

Without, again, getting into details as to how much collection is being lost, it is fair to say that a significant amount, a significant percentage of intelligence that we could be collecting, we are not collecting, simply because of what is, in effect, an old-fashioned law, a law that can be changed, should be changed.

The kind of collection we are talking about is precisely the kind of information we need that can give us warning of an impending attack. I think it is also fair to say, without getting into detail, that at this time we are seeing increasing evidence of efforts on the part of our enemies—I am speaking specifically of groups such as al-Qaida—to find a way to attack the American homeland.

Given this increased effort on their part—and I would also suggest capability on their part—given that we know what they intend to do, and given that we know there is a great deal of intelligence out there we are not collecting simply because of an outmoded law, it is incumbent upon us to act and to act now.

We cannot leave to go back to our home States for a month without resolving this issue because of the nature of the threat and the fact that an entire month will have elapsed not being able to collect information that we deem vital to be able to give us the kind of warning that we need.

Now, there have been negotiations going on, not only in the Intelligence Committee but with leadership and, primarily Admiral McConnell, who is the Director of National Intelligence, who has brought this matter to our attention. But those negotiations have not resulted in an agreement we can pass in the House and the Senate before we leave. Time is running out. We will wait as long as it takes to resolve this problem. Anything less would be a dereliction of our duty.

I will just conclude by saying this: Prior to 9/11, Senator FEINSTEIN and I, as the chairman and ranking member of the Terrorism Subcommittee of the Judiciary Committee, predicted there would be a massive kind of attack on the United States by terrorists if we did not make substantial changes in the law, on which we had held hearings. We had put legislation in the hopper, and I urged our colleagues to take action on the legislation. They did not do so.

Two days after 9/11, we stood on the floor of the Senate and finally got agreement on some of these elements of legislation, some of which became part of the PATRIOT Act, some of which were part of the Tools to Fight Terrorism Act.

Let's do not let that happen again. The warnings are there. We have to be prepared to deal with them. We cannot leave without changing the law to fit the technology that currently exists,

and we will not permit this situation to erode to the point where we have to accept something that is not adequate or we have delay in getting the job done before we leave.

Mr. McCONNELL. Mr. President, will the Senator from Arizona yield for a question?

Mr. KYL. Mr. President, I am happy to yield.

Mr. McCONNELL. Isn't it the view of the Senator from Arizona—given the wide respect across this body and in the House as well that Admiral McConnell enjoys—that we should accept his judgment as to what is needed to solve this problem? Is he not, in the view of the Senator from Arizona, the expert on this subject? And is it not clear to everyone that his primary motivation is not to get into a political fight but to protect the homeland from another attack?

Mr. KYL. Mr. President, as usual, the minority leader has made an extraordinarily important point.

Admiral McConnell enjoys the confidence, I am sure, of every one of the Members of this body. When he briefed all of us about the problem, I did not see a dissenting voice in the classified briefing about the fact that we had to quickly do something to solve this problem.

I think everyone recognizes that he not only has the expertise but the motivation—only one motivation—to protect the American people. I do not think there is a political bone in his body. As a result, for anybody here in the Congress to play politics with the issue, to not accept the judgment of a man who is so widely respected and so properly motivated in this regard, would not only be a dereliction of duty but would, frankly, set up a potential threat to the United States from which we might not recover.

What I might do is just close my remarks and turn the floor over to the minority leader. I also know the Senator from New Mexico wants to make some comments. But perhaps he would allow the leader to make some comments.

I just want to make this point. Winston Churchill said after World War II that no war could have been more easily prevented. We all understand what he was talking about. The threat was there. The people who were going to cause the problem—Adolf Hitler, Nazi Germany—were clear in their intentions, but people did not act on the knowledge they had.

Mr. President, I submit the same thing is true here. If there is, God forbid, an attack on our homeland, I cannot imagine something that could have been more easily prevented by the kind of change we can make in this body today to ensure that the law that governs this intelligence collection keeps up with the technology.

It is up to us to take the good judgment of people such as Admiral McConnell, as the minority leader has said, and move on with this and not allow a