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Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. STEVENS].

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal and living God, our Master and Friend, in the noisy confusion of life, help us to keep our minds on You. Lord, we place ourselves in Your hands as we begin this day. Your plans are better than what we can devise, so lead us with Your providence.

We thank You for this great land and for our many freedoms. Empower our Senators to be faithful in their duties, working with a spirit of unity. May they remember that all things work together for good for those who love You.

Give each of us, Lord, grace to feel the sorrows and trials of others and to bear patiently with human frailties. Give us also confidence in the eternal victory of truth and goodness.

Lord, protect our military.

We pray this in Your glorious name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, today there will be a period of morning business until 10 a.m. Following morning business, the Senate will resume consideration of the Foreign Operations appropriations measure. Under the order from last night, Senator DORGAN will be recognized to offer an amendment relating to 9/11 in which there will be 40 minutes of debate. The procedural vote with respect to the Dorgan amendment is therefore expected at approximately 10:45 this morning.

Following that vote, we will begin consideration of the Healthy Forests bill. Senator COCHRAN had hoped, and we tried on several occasions, to reach an understanding that the bill will be open for relevant amendments. We were unable to reach a formal agreement for that, but I do hope we will debate amendments that are related to Healthy Forests and the Healthy Forests initiative. We all recognize the tragedy and the suffering and misery that surrounds the wildfires currently raging in California. I do think it would be unfortunate and irresponsible in many ways for this to be delayed or not to stay on the issues related to the underlying bill. We will have votes throughout today as we make progress on that bill. There is a clear urgency to finish that bill this week.

We will be looking also to execute the order with respect to the climate change bill. That agreement from July 31 allowed for 6 hours of debate. I will be working with principals on both sides of this bill in an effort to begin that debate during today's session.

There are a number of other issues that we are currently working on, including the Internet tax, which has an expiration date surrounding the issue this Friday night. We continue to talk to the interested parties to bring that to some conclusion before Friday. We have the issue of gun liability. We are discussing on both sides of the aisle as to when we might address that—not this week but possibly the following week.

On nominations, a cloture motion had been filed on the nomination of Charles Pickering to be a United States circuit judge for the Fifth Circuit. That vote will occur on Thursday. Again, we will be working in good faith to finish these measures. I thank everyone for their attention and cooperation in these matters. We do want to finish in a timely fashion and be able to leave for the recess period. There is a lot to accomplish. I think we are on track to do just that.

Mrs. BOXER. Will the leader yield for a quick question about the schedule?

I thank you for your comments about the tragedy in California. I was wondering whether it would be possible, when we take up the Healthy Forests bill, to complete work on that without interruption simply because it would send a signal of hope in terms of how we are going to deal with the communities close to forests. It is a very important piece of legislation.

Would that be possible? Could I get the Senator's commitment on that?

Mr. FRIST. We will certainly consider that and work very hard.

As my colleagues know, we are adjusting the schedule and interrupting the appropriations bills quite appropriately to address this issue, which reflects the joint priority in responding in large part to the immediacy of that response to the fires that are underway.

As I mentioned, the main obligation on both sides of the aisle is to address the issue of the climate change bill and the agreement from July 31. My intention is to stay on Healthy Forests and work aggressively. But we have to ask for cooperation on both sides of the aisle.

I would like to finish Healthy Forests as soon as possible, absolutely finish it this week. It will take focus to stay on that bill and on relevant amendments as we have been requesting.

Mrs. BOXER. If I could make——

The PRESIDENT pro tempore. Will the Senator address the Chair, please.

Mrs. BOXER. Through the Chair, I would like to address another question to the leader.

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

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Thank you very much, Mr. President.

I just wanted to say that as far as I am concerned we will work with you to ask Senators on our side if we could have time agreements on amendments on Healthy Forests. We need to give a message of hope to people that their communities will have more help than they had in the past.

I thank you very much for your expressions here in the hope we can work together and get through that bill and move on to the global warming bill which, of course, is very important in its own right.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The minority leader is recognized.

Mr. DASCHLE. Mr. President, I will comment briefly on the schedule. I think that the majority leader has set exactly the right tone. We have to recognize the days for this session are numbered. We have a lot of work to do. I agree with his prioritization in terms of his urgency in bringing up the forest health bill, given our circumstances now in California, particularly.

Senator REID and I have had conversations with Members of our caucus and have expressed our strong desire to keep amendments to the forest health bill relevant. Now, ''relevant'' is loosely interpreted, but it is important they stay relevant. We can give the assurances to the majority leader that we will maintain relevancy in that loosely structured definition in order to complete the work on the bill. I am hopeful, as he is, if we cannot complete it today, or certainly completing it by tomorrow, recognizing that we may move to the climate bill tonight.

I also think it is critical we keep our emphasis on the appropriations process. We have a lot of work there to do and, frankly, I must say, through no fault of the majority leader, we are in a real dilemma right now with completion of the work on the foreign operations bill. We made such progress yesterday and everyone worked to try to bring it to closure. We have an AIDS amendment that deserves a vote. With that vote we could go to final passage. There is no reason we cannot complete our work on that and move to Agriculture appropriations and all the remaining bills that are to be considered.

I hope all Senators will recognize, given the plethora of work we have to do, we cannot afford to delay indefinitely appropriations amendments. We will work on this side to try to expedite consideration of these bills. But it has to be a cooperative effort on both sides. Right now that is not the case.

So I thank the majority leader for outlining the schedule. We will work with him to see if we can complete our work on time.

The PRESIDENT pro tempore. The majority leader.

Mr. FRIST. Mr. President, just one final response.

As I think our colleagues can see, we are working together in trying to move the schedule forward. I, too, am committed to the appropriations process. On foreign operations, I think we ought to work over the next hour and see if we can resolve the differences on the outstanding amendments. Indeed, my objective is to complete that bill as soon as possible.

I will say, if we get to where we are really locked up, because Healthy Forests is important, the other issues are important, we are going to have to have some flexibility. But again, I think we ought to start working right now to resolve the outstanding amendments on foreign operations and try to finish it by midday today.

The PRESIDENT pro tempore. Does the leader desire that we have 30 minutes of morning business now?

Mr. FRIST. Mr. President, let's continue with the 30 minutes of morning business.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for up to 30 minutes. The first 15 minutes is under the control of the Senator from Texas, Mrs. HUTCHISON, or her designee, and the second 15 minutes is under the control of the Democratic leader or his designee.

The Senator from Missouri.

Mr. BOND. Mr. President, I claim the time that has been set aside for the Senator from Texas.

SUPPLEMENTAL APPROPRIATIONS

Mr. BOND. Mr. President, I begin by thanking the Chaplain for his prayers for our brave fighting men and women in Iraq, as well as in Afghanistan, as well as for the first responders and law enforcement personnel who are putting their lives on the line every day for us. In California, we pray for those who are fighting the fires. Certainly our hearts and sympathies go out to them.

I also note, Mr. President, as you well know, that we are working hard to complete the Iraqi supplemental, which will provide the support that our troops need to be safe in Iraq, as well as the reconstruction money, which I hope we can pass quickly so we can bring the troops home.

Having said that, let me share with you an experience I had this weekend. It came as a great surprise to hear on the news this weekend that newspapers were reporting that the Intelligence Committee was preparing a report saying that the distinguished chairman of the Intelligence Committee was trying to do something with a report that was uncalled for and that would whitewash the administration, and purporting to outline material in that report.

That caught me by surprise, No. 1, because I am on the Intelligence Committee. As reported by Chairman ROBERTS, we have not completed a report. We have not started a report. We have worked very diligently with our staff to interview a hundred witnesses from the intelligence agencies. They have reviewed tens and perhaps thousands of documents, and they are continuing to do so. As Chairman ROBERTS said, there will be information sought from the Director of the CIA, Director George Tenet. So whatever was leaked was not based on fact.

The second thing that bothered me is that what was supposedly a work in the classified confines of the Intelligence Committee had been somehow shared with the press. Now, that is a problem. The President has come down very strongly in saying that he absolutely abhors leakage of classified, sensitive material, as he should. We all should. He said he will not tolerate it in the administration, in the White House, or even in Congress. But it appears to me that somehow in the Intelligence Committee it is leaking like a sieve, and people are saying things that are not true.

So I would caution those who are listening, when you hear about something that is going on in the Intelligence Committee, perhaps you ought to take it with a great big grain of salt.

Chairman ROBERTS and Vice Chairman ROCKEFELLER are conducting these hearings, and all Members of this body can come to Hart 219 and have access to the material if they want to find out what we are working on. But what you hear being discussed is not necessarily relevant to anything that is going on.

What is relevant, and what many people have cited—and I am afraid they have not read—is the work of Dr. David Kay, the Interim Progress Report of the Iraqi Survey Group, the ISG. This is a declassified report from this distinguished person who is heading the intelligence gathering in Iraq. He has been cited as saying: Well, we have found no weapons of mass destruction; therefore, there must not be any.

Well, I would say, by that same reasoning, we have not found Saddam Hussein; so by that reasoning, maybe Saddam Hussein did not exist. But we have seen in the tragedies that have occurred in recent days and weeks in the Sunni Triangle and in Iraq and elsewhere that the protégés, the adherents to Saddam Hussein and Osama bin Laden, continue to carry on their war of terrorism. They are attacking our troops. They are attacking Iraqi civilians. They have attacked the U.N. They have attacked the Red Cross. They are very dangerous, and we know that the battle on terrorism goes on. That is why we have to complete work on the Iraqi supplemental appropriations.

But what has David Kay found? Why hasn't he found any weapons of mass destruction? I might note that it was only this summer, after we had been there several months, that we found a squadron of Russian-made MIG airplanes hidden in the desert. They were buried in the sand.

Well, weapons of mass destruction, chemical or biological weapons, which we know Saddam Hussein has had in the past and has used in the past, could be hidden in a two-car garage, and they could be hidden in much smaller samples.

There is speculation in the media that they could have been taken out of the country, which should really worry us. There is speculation elsewhere as to what may have happened.

But Dr. Kay said, talking about the extensive program of denial and deception engaged in by Saddam Hussein's regime:

From birth all of Iraq's WMD activities were highly compartmentalized within a regime that ruled and kept its secrets through fear and terror and with deception and denial built into each program;

Deliberate dispersal and destruction of material and documentation related to weapons programs began pre-conflict and ran trans-to-post conflict;

In other words, they were concealing, they were denying they had it before the war, during the war, and even after the war.

Post-OIF—

In other words, after Iraqi Freedom—

looting destroyed or dispersed important and easily collectible material and forensic evidence concerning Iraq's WMD program. As the report covers in detail, significant elements of this looting were carried out in a systematic and deliberate manner, with the clear aim of concealing pre-OIF activities of Saddam's regime;

Some WMD personnel crossed borders in the pre/trans-conflict period and may have taken evidence and even weapons-related materials with them. . . .

In other words, what Dr. Kay is saying is, the people involved with Saddam Hussein, his loyal thugs, could have taken the material out of the country. But he says what we have found and what we have discovered are:

dozens of WMD-related program activities and significant amounts of equipment that Iraq concealed from the United Nations during the inspections that began in late 2000. The discovery of these deliberate concealment efforts have come about both through the admissions of Iraqi scientists and officials concerning information they deliberately withheld and through physical evidence of equipment and activities that ISG has discovered that should have been declared to the UN.

He then goes on to cite many of the things they have found and also discussions and reports on interviews he has had.

For those who wonder what has happened to Saddam Hussein's WMD program, the information already prepared and presented by Dr. Kay should be a good example.

But, Mr. President, I would say that the ISG's progress report is not final. They have made an extensive investigation of Saddam's biological and chemical weapons program, and the work that was going on to restart the nuclear program. But unless we accept the fact that Saddam is somehow reformed, his track record of not just developing but actually using weapons of mass destruction stands as a brutal and tragic fact of history.

It is clear that Saddam Hussein actively deceived the international community and was in clear violation of U.N. Security Council Resolution 1441 and was actively pursuing WMD programs.

That Saddam may have redesigned programs around concealment activities is something this body should find deeply troubling, certainly not grounds, as some would say, to acquit him of any accusation of WMD use or pursuit. Our troops are doing an outstanding job under difficult conditions. They are away from their families in harsh conditions, and they are in harm's way, risking everything. Yet they complain less and bicker less than many here in Washington.

Saddam Hussein and Osama bin Laden-like terrorists know they cannot defeat our brave military men and women on the ground. The only chance they have is to create division here at home in the hope that we will cut and run. They cannot conceive of retaking Baghdad from our troops, so their only chance of victory is here in Washington.

Yesterday we had a very interesting discussion with Tom Friedman of the New York Times, a very seasoned observer, one who doesn't share my political views on a lot of issues. But he has been in Iraq. He knows what is going on, and he believes we did what we had to do. He said it is clear that Saddam Hussein and Osama bin Laden are the motivating forces, the leaders behind these attacks, and that they know that if they can create enough division here at home, that is their one chance of winning. It is almost unthinkable in this day and age that someone would attack the Red Cross, the ultimate humanitarian institution, to try to drive them out of the country so they cannot minister to the suffering of the Iraqi people.

The Iraqi people share our goal, which is to create a free, stable Iraq, independent of Saddam Hussein or the rule of ayatollahs or others who do not tolerate human rights, freedom, and the rights of women. We cannot leave this country in chaos. If we do, Saddam and Osama bin Laden win.

Those who would say pack up and leave would turn over all of the fruits of victory and turn them into the spoils of those who have wreaked such havoc on the country. I believe Mr. Friedman said that when we got into Iraq, we discovered a country that had been devastated back to the stone age. We are working hard to restore security and to bring them out of the stone age. The President has outlined a clear plan. He is asking for our help, $87 billion.

I hope today we can complete efforts on the conference report on the Iraqi supplemental. We need the $66 billion to make sure our troops are protected and adequately well served. We need the other $21 billion as a grant, not as a loan, to go to rebuilding the security forces, the military, the police, to assure that they can maintain stability. We need to turn on the lights and turn on the water so they can get back to making a productive country. We have to pass this bill to give them support, to show Congress is behind them. We need to continue to work to see that Iraqis can control their own destiny.

We have some 55,000 Iraqi policemen. We have 700 Iraqi Army trained. We are training more every day. What we need to do is provide them the resources so they can be the eyes and ears because they, the Iraqi people, and their police and military are the ones best suited to go into the dangerous parts of Baghdad and Fallujah and elsewhere in the Sunni triangle and identify those who are Saddam adherents and Osama adherents and drag them out in the middle of the night and bring them to justice or stop their terrorist activities before they continue to strike innocent Iraqis and international institutions such as the U.N. and the Red Cross, the U.S. Army, and the military who are there.

Hospitals are open. We have people going back to school. Progress is being made. But we have to complete action. We have to provide the assistance to bring Iraq out of the stone age to the point where, with the help of the donations from the U.N. conference in Madrid, they can have the basic infrastructure that will support loans that will enable them to rebuild their oil-producing facilities, to rebuild what was a very fruitful agriculture.

There is hope not only for the Iraqi people but for people throughout the Middle East. If we will translate the victory over the Saddam Hussein government into a victory over the Saddam and Osama bin Laden terrorists who continue to carry the battle to Baghdad, there is hope for freedom for people in the Middle East. That is in our best long-term interest. We are battling against terrorism in Baghdad. Far better we battle in Baghdad than in Boston or Ballwin, MO, or Belton, MO. That is our choice.

The President has outlined a consistent and coherent plan that led to peace, avoided the problems we thought could occur, and now we have to secure the peace.

Make no mistake about it, today, I feel no differently about Saddam and his regime and the threat it posed as the day I voted with 77 of my other colleagues to remove Saddam. The threat he posed was real. There is no question that the world is better off without Saddam, his henchmen, and his two despicable sons who were poised to sustain the legacy of Saddam for another half century.

The key lesson of September 11, 2001, is that in a world of proliferating weapons of mass destruction, we cannot afford to wait until threats become actual attacks. The stakes and risks are just too high and the brutal track record of Saddam is clear.

And clearly, as demonstrated recently by David Kay's interim report, we have seen unequivocally, that Saddam remained a danger to the world up to the last day of his regime.

Mr. Kay stated ''his WMD programs spanned more than two decades, involved thousands of people, billions of dollars''—(billions of dollars, I might add, that belonged to the Iraqi people and should have been reinvested in Iraq's infrastructure) ''and was elaborately shielded by security and deception operations that continued even beyond the end of Operation Iraqi Freedom.''

For months after the passage of U.N. Security Council Resolution 1441, Saddam Hussein continued to violate his obligations to the international community by filing false declarations deceiving the inspectors and terrorizing the Iraqi People.

Mr. Kay stated in his interim report that dozens of WMD-related program activities and significant amounts of equipment that Iraq concealed from the U.N. during the inspections in late 2002 were discovered. According to his report, the discovery of these concealment efforts were learned primarily through the admission of Iraqi scientists and officials. Some of the examples he cited were:

A clandestine network of laboratories and safehouses within the Iraqi intelligence service existed that contained equipment subject to U.N. monitoring and suitable for continuing CBW research;

A prison laboratory complex, possibly used in human testing of BW agents, that Iraqi officials working to prepare for U.N. inspections were explicitly ordered not to declare to the U.N.

Reference strains of biological organisms concealed in a scientist's home, one of which can be used to produce biological weapons;

A line of UAVs not fully declared;

Documents and equipment hidden in scientist's homes that would have been useful in resuming uranium enrichment by centrifuge and electromagnetic isotope separation;

New research on BW-applicable agents, brucella and congo crimean hemorrhagic fever and continuing work on ricin and aflatoxin were not declared to the U.N.

The ISG has also uncovered thus far the first documented link between Iraq and North Korea, with documents detailing Iraq's attempt to buy equipment from North Korea to make missiles with ranges of up to 1,300 km.

The Iraqi Survey Group's progress report is not final. Extensive investigation of Saddam's biological, chemical, and nuclear weapons programs remains to be done, but unless we accept that Saddam was reformed, his track record of not just developing but actually using wmd stands as a brutal and tragic fact of history. It is clear that Saddam Hussein actively deceived the international community, was in clear violation of UN Security Council Res. 1441 and was actively pursuing wmd programs.

Mr. President, that Saddam may have redesigned programs around concealment is something that this body should find deeply, deeply, troubling—certainly not acquitting, as some seem to be suggesting.

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Our enemies perceive that our failure to respond to the Khobar Towers and the USS *Cole* and our withdrawal from Lebanon and Somalia shows a lack of conviction and a weakness of our resolve.

The terrorists working for Saddam and Osama, who are trying to thwart our efforts by targeting not only our service men and women, but also Iraqi civilians, humanitarian workers, and recently the Red Cross, are trying to break our will and believe that Americans are weak and lack the will to win the peace.

Cowardly terrorists are shooting at our soldiers and innocent civilians, but are aiming at American public opinion and our resolve to complete the mission.

If we leave the country in chaos, Saddam Hussein and Osama bin Laden win. This would not only prevent us from seizing a tremendous opportunity to create a stable, representative government in the heart of the Middle East, but it also would send a signal to terrorists around the world that America is weak and invite future acts of terror against the United States and our allies.

Most all know that we cannot afford to retreat. We must strengthen our resolve and complete the mission in Iraq, with self-governance of that nation as our ultimate end.

Through joint United States/Iraqi operations, we have captured hundreds of foreign fighters and killed a number of them in combat. With each passing day, we are witnessing more and more Iraqis assuming responsibility for the safety and security of their nation. Currently, there are over 85,000,000 Iraqis working to provide security for their country with: 6400 Iraqi border patrol forces that will eventually replace coalition forces at checkpoints along the border; 55,000 Iraqi police that will contribute to a stable society; 18,700 facilities protection service members that will secure power lines, refineries and other key infrastructures that are targets for sabotage; 700 new Iraqi army soldiers that will be a professional force for maintaining peace and stability versus Saddam's instrument of terror and repression; and lastly, over 4,700 Iraq civil defense citizens that will remain in their communities providing valuable local intelligence to coalition and Iraqi forces while receiving on the job training in security patrolling.

The men and women of the U.S. Armed Forces serving so dutifully in Iraq represent America's finest. As the most highly trained, best-equipped fighting force ever assembled, they are executing their mission and achieving success. I recently visited with some of these incredible patriots at Walter Reed to thank them for their patriotic and heroic service. What they and their fellow service men and women still in Afghanistan and Iraq need from us is our support, not just in the form of equipment and supplies, but support and affirmation that Washington believes the mission they are carrying out—the one we voted to authorize by a three to one margin—continues to be necessary to promote peace, stability, and democracy in a world less threatened by terror.

Our service men and women are helping the Iraqi men, women, and children establish a foothold of peace and stability in the region, which will be a catastrophic blow to the terrorists who have joined the fight in Iraq. Our people on the ground get to see first hand the extent to which Saddam destroyed a society—a society of people whom have never until this day had the opportunity to be safe and free. Murder and mass graves are headlines in Washington but they were a way of life under Saddam.

After 9/11, we vowed to stick together and we have. The President asked for our support in a sustained effort which will be measured in years, not months.

He told use that the world had changed and that we would have to change with it. No longer would be in the mode where we would fire one shot then fall back. He realized that the war on terrorism had to be carried to the terrorist—we could not just wait for the next attack.

He has asked Congress and the people to support a sustained effort and he warned that it would be a fight like never before. It will have its ups and its downs. Mistakes will be made and measures will be taken that may not always be popular.

We are fighting an enemy that wears no uniform and swears an allegiance to a radical ideology, not to humanity or a country. One who is willing to kill innocents without the slightest remorse.

It is an unconventional war without borders—and it requires unconventional methods to win it. By taking the fight to the enemy, we have more opportunity to fight on our terms but on their ground—using our best soldiers and spies. So we fight in Baghdad and Bagram so the war is not fought in Boston, Boise, or Bolivar, MO.

I believe that it remains instructive to note that there are two major investigations ongoing in Washington. One, in relation to 9/11, asks why the Government did not act based on imperfect information. The other, in relation to Iraq, asks why the Government did act based on imperfect information. This helps us understand the predicament that any President faces in a hostile world where lives and freedom at stake with intelligence that can almost never be perfect and sometimes can be wrong.

In Afghanistan and Iraq, our people are facing hardship and death. Yet they are getting the job done. We have seen reenlistment ceremonies that are taking place in Iraq by our dedicated service men and women who are committed to staying until their mission is complete.

A central bank and Iraqi currency have been established months ahead of schedule. We went from 0–60,000 trained Iraqi security and military personnel in less than 5 months. Schools, which were formerly weapons storage depots, are open. Electricity has been restored to prewar levels and is delivered not just to Saddam's Bathist friends as before, but to the population at large. Hospitals are open, working, and caring for patients; and the political leadership of the country has begun coalescing. In Afghanistan, where there were once 800,000 boys in school, there are now 2.5 million boys and 1.5 million girls in school. Baghdad, which once got its news only from Saddam, Aljazeera and CNN, now may have more news sources than Washington, DC.

The Marshall Plan after World War II cost almost $80 billion, in 1998 dollars, and we had roughly 100,000 troops in Germany for 4 years after the war. Who at that time asked after Pearl Harbor, how much was it going to cost to defeat the Japanese; who asked how much was it going to cost to defeat the Germans after they sank the Lusitania? The cost of the war on terror is great but it must be weighed against the human tragedy and economic costs of 9/11.

The supplemental appropriations bill that the Congress needs to pass out of conference is necessary to help protect our troops, win the peace and create conditions so that our troops can return home safely and victorious. The same resolution that the Senate voted 77–23 to authorize war almost 1 year ago expressly stated the need to restore a stable, peaceful Persian Gulf. Lets honor that commitment today and pass the supplemental appropriations bill.

We need to let our service men and women complete their mission so they can come home.

I say to our men and women serving here and abroad, to their families at home, and to those Saddam loyalists and terrorists who doubt our will; don't equate public discourse in a free society with weakness. We voted overwhelming to authorize to take the fight to the enemy and we have voted overwhelmingly to support our troops in the field and to help the Iraqi men, women, and children, who were until now, hopeless of living with peace and freedom.

We will not cut and run. We will not let those who have already paid the ultimate price die in vain. We will not turn our backs on the commitments we have made.

Some doubted our ability to turn back Nazism and communism but collectively, we did. Doubters that we can overcome terrorism will be just as wrong now as doubters were then.

I yield the floor.

The PRESIDING OFFICER (Mr. GRAHAM of South Carolina). The Senator from Arkansas.

HONORING OUR ARMED FORCES

Mrs. LINCOLN. Mr. President, I have risen on numerous occasions over the last several months to pay tribute to our Nation's troops serving in Iraq, Afghanistan, and across the globe in support of the war on terrorism. Today I would like to add to that ongoing tribute by honoring the troops of the 39th Infantry Brigade or ''the Arkansas Brigade,'' as we know it at home. The 39th was recently mobilized for action in Iraq with troops pulling out this week for training in Fort Hood before a 12-month deployment in the Middle East.

Last weekend I had the honor of attending a send-off ceremony for the 39th Brigade in Little Rock. That ceremony brought together soldiers, families, friends, and loved ones to commemorate the occasion and to wish them the best in their mission. The send-off was not a celebration. In fact, it was a sober occasion. After all, no one relishes the prospect of traveling halfway around the world, far from family, friends, and home, to take on a dangerous but necessary mission.

But along with the sense of sobriety at the ceremony, there was an enormous sense of duty, honor, and pride among these individuals. These men and women recognized that they were taking on a great personal risk, but they also recognized that, in so doing, they are part of a long tradition of American soldiers taking up arms to defend our freedoms and to bring security and stability to the world. As their fathers and grandfathers and great grandfathers fought in the First and Second World Wars, in Korea, Vietnam, the gulf war, and in countless other conflicts in the last century, these men and women are embracing a new historic mission.

The 39th Infantry Brigade is the largest combat command in the Arkansas Army National Guard, with nearly 3,000 troops comprising 47 units from across the State. While this is the first time since World War II that the entire brigade has been activated for overseas service, the 39th has been remarkably active within Arkansas for decades.

At the Governor's behest, the 39th has been quick to respond in the event of State emergencies. When floods, tornadoes, forest fires, ice storms, and drought have struck Arkansas, the members of the 39th have been there to offer their expertise and to lend a hand to communities in need. The 39th has offered assistance to law enforcement in missing persons cases, anticrime efforts, and counterdrug programs. Members of the 39th have offered themselves for countless hours of leadership and volunteer service in their communities, in schools and churches, civic organizations, private businesses, law enforcement, and even elected office.

Consider, for example, the small town of Bradford just a few miles northeast of Little Rock. This town of 800 people is preparing to lose their mayor, their police chief, and the school librarian, all of whom are leaving for Iraq. While these temporary losses may bring temporary hardships, I have every confidence that these communities, Bradford and many others, will pull through.

I am happy to report that Bradford is already coping—Grebe Edens, a 78-year-old former school teacher who serves as the town's recorder and treasurer, will be serving in the mayor's place until he returns.

I ask unanimous consent that an October 24 Washington Post article about how the town of Bradford is coping be printed in the RECORD following my remarks.

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

(See exhibit 1.)

Mrs. LINCOLN. Mr. President, this is but one example of the effect this deployment will have on my home State of Arkansas. Many communities in Arkansas will no doubt be able to share similar stories of losing key personnel in the next 18 months.

Furthermore, let us not lose sight of the impact of this deployment on the families of these troops.

I was standing in that auditorium on Sunday visiting with mothers, aunts, daughters, as well as wives and children, and watching their faces with a sense of not knowing what is coming down the pike and yet being so incredibly proud of their loved ones who are serving this great Nation.

I have an October 27 newspaper story written by Stephen Ziegler, editor of the Searcy Daily Citizen in White County, AR.

Mr. Ziegler's story focuses on the troops of the Second Battalion, 153rd Brigade, and their families. Some are newly married, or have young children.

The stories illustrate the mixed emotions that many Arkansans experience

in seeing loved ones, friends, and neighbors leave to serve our great Nation.

Here is one young couple who are expecting a child in May. Here is a school superintendent who has been away from his job for 3 of the last 6 years on account of frequent deployments. Here is a young Army medic whose greatest fear is that he may see a friend die.

But coupled with the uncertainty is a clear sense of dedication and commitment.

I ask unanimous consent that this article from the Daily Citizen be printed in the RECORD following my remarks, so that we may be ever mindful of the effects of war both on those who serve and on those they leave behind.

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

(See exhibit 2.)

Mrs. LINCOLN. As recent events have made startlingly clear, the situation in Iraq remains dangerous.

It is true that some parts of the country—notably in the south and in the Kurdish north—have achieved a measure of stability and security. To the extent that stability has been achieved in these areas, it has been entirely attributable to the hard work, commitment, and ingenuity of American troops on the ground. We praise them for that.

Unfortunately, it is also true that parts of Iraq remain critically unstable, particularly in the country's central region around Baghdad and Tikrit. With these facts in mind, let us salute the remarkable courage of our men and women who are placing themselves at great risk to serve in bringing security and peace to Iraq. We owe them a tremendous, tremendous debt for this service and sacrifice.

Finally, I would like to once again pay tribute to the troops currently serving in Iraq—roughly 140,000 American troops, with an estimated 5,000 from Arkansas. Many have given their lives to this mission, and many more have been wounded, some quite seriously. Those who remain in Iraq, and those who are preparing to enter into rotation in theater, will be in our thoughts and prayers in the months to come. We pledge to take care of their families and loves ones who are left behind.

We wish our troops safety, we wish them success, and we wish them a swift and safe return to their homes and loved ones as soon as their service is complete.

Thank you, Mr. President.

EXHIBIT I

[From washingtonpost.com, Oct. 24, 2003]

A TOWN'S LEADERS MARCHING OFF TO WAR

(By Lee Hockstader)

BRADFORD, AR.—For months, Paul Bunn had an inkling that his unit of the Arkansas National Guard would be shipped to Iraq, and there were a few things he wanted to get done before he left.

Such as running the drug dealers out of town, ensuring a safe supply of drinking water and compelling his more slovenly constituents to get rid of the junk in their yards—if necessary by fining them.

Bunn, 36, took office in January as the supercharged mayor of Bradford, a one-blinking-stoplight hamlet of cow pastures, low-slung houses, rickety shacks and modest churches set among the rice and soybean fields an hour's drive northeast of Little Rock. His impending departure for the Middle East—Bunn has already reported for training and expects to be in Baghdad early next year—has shaken this town of 800.

So has the scheduled deployment of the police chief, the school librarian and five other townsmen, all members of the 39th Infantry Brigade of the Arkansas National Guard.

''I'd say our town is paying one heck of a price, but to me it's a price worth paying,'' said Bunn, a former Army Special Forces soldier who fought in Panama and the Persian Gulf War.

The deployment of the 39th Infantry Brigade, announced in late September, means about 3,000 Arkansas Guardsmen from 47 units scattered across the state will be going to Iraq early next year as part of a major deployment with the Army's 1st Cavalry Division, based at Fort Hood, Tex. The troops are expected to replace soldiers of the 1st Armored Division who have been serving in Iraq since April.

For Arkansas, the effect is dramatic. Counting 2,000 guardsmen already deployed elsewhere overseas, including in Afghanistan, the departure of the 39th means that more than half the state's 11,000 guardsmen will be serving overseas. Only a handful of other states—Oklahoma, North Carolina Washington—have a similarly large portion of their guardsmen serving overseas, according to the National Guard.

To the extent that Bradford—or at least its leadership—is being decapitated, the town is unusual. But it is also typical of communities that, disproportionately, are sending military men and women to serve in Iraq and other areas of conflict.

''Broadly speaking, [the military] tends to be more rural and more southern,'' said Doug Bandow, who has analyzed the demographics of the U.S. military for the Cato Institute, a think tank. ''But it is also a broadly Middle America, middle-class force.''

The departure of so many prominent citizens is causing ripple effects and dislocations not easily absorbed in so small a rural town. At the town's one school, for instance, the departure of the librarian, Nolan Brown, 57, a grandfather of nine who is a personnel clerk in the Guard, triggered a domino effect in which one new teacher was hired and three others, in the departments of math, science and social studies, were compelled to add or drop courses they had already begun.

At Bradford's somewhat misleadingly named city hall, a one-story red brick building that also houses the police and water departments, Mayor Bunn's powers have been transferred to Greba Edens, 78, a retired schoolteacher whose last specific memory of a combat casualty that touched her life involved a friend's brother—killed in World War II.

''I'm not moving into the mayor's office,'' said Edens, known locally as Miss Greba, the town's recorder-treasurer for 19 years, who by law will assume Bunn's duties until he returns. ''But he made promises that he'd clean up the trashy places around town and try to get rid of some of the drugs, so I guess I'll try to do that.''

Like the mayor and the librarian, the police chief, Josh Chambliss, 28, is expected to be gone from 18 months to two years on duty in Iraq. Chambliss, recently married, had been hoping to start a family, but those plans may be on hold for now. His five-officer police department, which deals mainly with domestic disputes, thefts and a methamphetamine drug problem common in small rural towns, will be led in his absence by Michael Ray, the assistant chief.

Ray, 34, who counts the chief as well as the mayor among his best friends, seems slightly uneasy both at their departure and his own ascendance.

''In the last Gulf War, they were all surrendering to anyone who came along,'' said Ray, whose badge, affixed to his belt, still says assistant chief. ''This time, it's just a whole different ballgame, and there's a good chance that some of [the Americans] aren't coming back.''

Ray's apprehension about the fighting in Iraq is widely shared, even though most people in this resolutely conservative town are quick to say they support the troops as well as President Bush. Many say they want to see the troops ''get over there, get the job done and get home quickly''—intoning their wishes almost like a mantra—and in practically the same breath acknowledge that they see no swift end to the fighting or the U.S. engagement in Iraq.

''We don't want to get into another situation like in Vietnam, of not supporting these people,'' said Larry Robinson, a county veterans services officer. ''You bet we're behind them, and this is really bringing the Iraqi situation right to the front door. But this is a new type of war, and it worries me.''

For his part, Bunn has no illusions about the toll that may result from the 39th Infantry Division's deployment. A sergeant who expects to be a Humvee squad leader in Iraq, Bunn has already bluntly told his two children and two stepchildren, ages 11 to 15, that he and some of his fellow guardsmen may not be coming home alive.

''I'm hard as woodpecker lips when it comes to this, but in this job here there's gonna be body bags coming home and bullets going downrange,'' he said. ''I don't believe in lying to the kids about it.''

Bunn worries nearly as much about what he is leaving behind in Bradford as what he will face in Iraq. He worries about his insulation business, in which he has several hundred thousands of dollars in loans, and whether it will survive his absence. He worries about miss Greba, the stand-in mayor, and whether she will be able to oversee an $800,000 grant from the state that Bunn secured to improve the town's drinking water. He worries about what will happen in the event of tornadoes hitting Arkansas—Bradford lies in the heart of twister country—in the absence of thousands of the state's National Guard troops.

''I'm a wheeler-dealer, and it doesn't bother me to pick up the phone and call the governor,'' Bunn said. ''But I'm not even going to try over there. My job now is to be a soldier and take the guys I got and bring them over there and bring them back safe.''

Yet he also worries about making it back to Bradford for his stepson Bradley's high school graduation in the spring of 2005. And he frets about his friend Chambliss, a staff sergeant in the Guard who has never been in combat.

''Josh to me is a special person,'' Bunn said of his police chief. ''Not too many people that you find who have an innocence about them, and Josh does. . . . That innocence will be shattered, and that's what bothers me.''

Bunn believes he will be prepared for Iraq, but the other guardsmen are much less experienced. Nolan Brown, the school librarian, was in Vietnam during the Tet Offensive of 1968, but he was a clerk in a dental unit at the time, not involved in combat.

The younger men enlisted, in some cases while still in high school, were lured mainly by the Guard's generous provisions for helping pay for college and health insurance. Few imagined they would be heading off to combat anytime soon.

Two of them, both privates in the Guard, wandered into the Bradford school the other day dressed in green fatigues, their hair cropped short. One, Richard Farmer, 21, a supply specialist, joined the Guard a few years ago when he was still in school. The other, Wesley Hodges, 20, an administrative assistant in the Guard, joined shortly thereafter.

Asked if they would have joined then had they known it would mean duty in Iraq, the two shrugged and mumbled an unconvincing ''yeah.''

EXHIBIT II

[From the Daily Citizen, Oct. 27, 2003]

FOCUS ON WHITE COUNTY: CALLED TO DUTY

(By Stephen Zeigler)

White County gave a rousing sendoff Friday at Spring Park in Searcy to the 140 local troops of the 39th Infantry Brigade who begin heading to Fort Hood Tuesday. From there, the troops go to Iraq sometime in March.

There were balloons, hugs and tributes.

But it is the third deployment since 1998 for members of the Second Battalion, 153rd Brigade, who went to Kuwait on the Iraq border in 1999 and then to Egypt in 2001, just returning in August.

It is safe to say they were hoping for an extended time home before being deployed again.

The honor to White County is significant, but so are the sacrifices. Lt. Sgt. Kirk Van Pelt estimates the soldiers' active duty time will be 18 months, including deployment to Iraq for a year.

Many businesses will have to compensate for the loss of valued employees for that period. Many cities will lose public officials, including police and firemen.

Bradford is losing a mayor. The Riverside School District is losing a superintendent.

Some soldiers are newly married. Some are leaving behind pregnant wives. Many families are losing a parent for a time very important in children's lives.

The soldiers themselves face worries about what to expect in Iraq, concerns for their wives and children, and uncertainties about their safety and their friends' safety.

But they are called to duty. Here are just some of their stories.

Command Sergeant Major James ''Larry'' Nowlin, 55, was born in Searcy and now lives in Jonesboro.

''For the first 30 years, the only tours I went on were to Honduras, Panama, and Wales, each for two weeks' training. After 9/11, everything changed,'' Nowlin said.

He has two boys, but doesn't worry too much about them because they are 23 and 19. He does worry about the other families, however.

''We'll be so busy we'll think about our families when we have time, but the time will pass so fast for us. The wives will be pulling the load for the whole family while we're gone. A lot wives are expecting.''

Nowlin has been superintendent of the Riverside School District for six years.

For three of those, he has been gone.

''I always try to e-mail with my students but will probably be limited this time,'' Nowlin said. ''When we were in Egypt I e-mailed with about 60. They want to know what the kids are like there, the culture, the schools. When I got back from Kuwait they'd made me a quilt with messages on it, and they made me a throw when I got back from Egypt.''

His biggest worry is the usual one for officers.

''What I'm scared of is the possibility of losing soldiers. The though of having to notify families that their loved ones might not come back or be disabled is the biggest fear I have. We're fixing to put 3,000 soldiers over there from Arkansas, altogether in one group. That's a concern.''

Staff Sergeant Joshua Stewart, 24, was married in July to Dana Martin from rural White County, where they both went to White County Central school. They now live near Fayetteville in West Fork. Dana is attending the University of Arkansas.

''We got a phone call the unit had been put on duty the day our honeymoon in Pigeon Forge ended,'' Stewart said. ''I wasn't surprised, but I'm not at all eager to go. My enlistment ended last February, but I was involuntarily extended.''

''I wasn't married or thought that I would be soon when I wanted to quit in February.

''It's not what I wanted in the first six months of my marriage but I'm prepared. What we'll face will be different from our training. A lot of weight will bear down on every decision we make. The outcome will be more than a slap on the wrist if we make a mistake.''

Pfc. Tyson Weaver, medic, 20, of Little Rock, has been in the Guard two years and three months. He and his wife Jennifer, 19, were married May 31.

''I had a feeling I was going to be able to come home from training and raise my family,'' said Weaver. ''This was a complete shock to me, but I'm ready to go do my job and come back to my family.''

Weaver says his extended family gave him a party at his grandmother's house a couple of months ago.

''When I was walking out the door in my greens, my grandmother started crying because it's the last time I'll see her for about 18 months. At first I was completely torn up, but then I remembered this is what I signed up to do, so there's no point crying about it. If you're accepting taxpayer money you can't gripe when you're called to do your job.''

Even at 20, Weaver has seen what happened to some veterans of the Vietnam war. He fears being traumatized by what he may see.

''I'm most afraid of changing, of being a different person when I get back. I believe now I'm a happy person. I'm secure and things don't get to me. I'm afraid of coming back a hard-hearted person, cold to my family. That's not who I am.''

Weaver says he will try to keep himself centered with lots of letters and communication back home.

He and Jennifer have a baby girl, Olivia, due Christmas day.

''We're coming home Dec. 20 to Jan. 3, so I'll be there when the baby's born. It tears me up. She'll be walking and talking when I finally get home. But my wife is a very strong person. She'll cope.''

Like many other medics, Weaver fears another thing.

''I'm scared of having to bag one of my buddies.''

Specialist Jeremy Abele, 21, of Bald Knob, has been in the Guard four years. He and his girlfriend Jennifer have been together 14 months.

''I slightly expected it but it hasn't bothered me yet. I won't think about it until I get there. I'm a medic, so I'll probably see things a lot of doctors in a hospital don't see. I'm taking it day by day.''

Abele's 16-year-old brother Derreick was in school Friday in Bald Knob, missing the Spring Park tribute.

''I don't want him to enlist. I don't want him to go through this.''

Sgt. Randall Martin, 27, of Searcy, will turn 27 on Monday. He has been in the guard 7.5 years, went to Kuwait in '99 and Egypt in '02, and is first-year nursing student at ASU-Searcy.

''I wasn't expecting it so soon. You have mixed emotions. You feel good you're selected out of so many units in the nation. But sometimes, it's sad and heartbreaking to miss out on the experience of being there.''

He and his wife Kelly have a child due May 10, to be named Mac if It's a boy, Emma if a girl.

Kelly said, ''I just try to be positive. I know he likes the military and that's what he chooses to do so there's not much I can do about it. I have a great support system in Randall's mom and my grandparents.''

Specialist James Poyner, medic, 26, from Bald Knob, has served 7.5 years and also has just returned from Egypt. His wife Leah was born in Searcy and raised in Bald Knob. They were married in 1998. They, too, heard about the new deployment in July.

''I wasn't expecting it, neither was my wife. These two deployments back-to-back are really difficult. I've got a four-year scholarship to UALR. Now it'll take seven years.''

The timing is as bad for him as for most.

''Leah's upset. We're best friends and it's hard to be away from each other. It's time to start having children, but we don't want to be apart for that.''

Poyner does operations and network administration for a restaurant equipment company in Searcy. His absence will be stress on his boss, John Faucett, and the company, he said, but added that Faucett has been very supportive.

''He's a true patriot, and he says my job will be waiting. It's a great company, and going back to it is something I'll think about every day to keep me going in Iraq.''

Poyner is confident about his readiness.

''I'm in a treatment squad, recently moved from the field. We'll see 80–100 percent of the injuries, and we're not treating strangers, they'll be friends and guys I'm close to. Seeing them go through pain is something I'm trying to be prepared for. This past summer camp a friend went down with heat stroke and stopped breathing. We cut him out of his clothes and doused him with water, and he's OK. When you're doing the treatment you're in a zone doing the work.''

Sgt. Jerome Geroge, 40, has served 17 years, counting two in the Army. He is originally from Holly Grove, moving to Searcy in late 1994.

His wife Bambi is the president of the White County Family Readiness Group. They have four children: Chance, 13; Annie, 12; Hunter, 10; Savanna, 8.

''The last time I was deployed, in Egypt, the loss was apparent in Chance. He didn't get in trouble or anything, but his grades fell. A dad needs to be there to explain things at that age,'' George said.

''I'll miss the holidays, the anniversaries, the birthdays, children's dance recitals and sports. I'll miss part of their childhoods. What'll happen is there's a transition period when you get back. You have to be really careful what you do and say, because the spouse is used to being the total parent figure. It's a transition for the spouse, the kids, everybody.

''When I told the kids, I didn't tell them all at the same time. I told the oldest first, then the next, then we were all together telling the youngest. Let's just say they weren't happy, the wife wasn't happy, but we've done it before and it's what I have to do.''

[From CNN.com, Oct. 5, 2003]

ARKANSAS TOWN'S MAYOR, POLICE CHIEF, LIBRARIAN CALLED TO IRAQ

BRADFORD, AR.—The mayor, police chief and school librarian are all leaving for military duty Monday that is expected to take them to Iraq, and the residents left behind in

this tiny town of 800 are scrambling to fill their roles.

At the local cafe and in school hallways, the callup and what to do about the loss of city leaders is the talk of the town. At city hall, meanwhile, officials have been rushing to prepare paperwork necessary to transfer the mayor's power to a 78-year-old retired school teacher.

The soon-to-be acting police chief says Bradford is just one example of how the war in Iraq has affected small town America.

''One way or another we're going to handle it,'' said Michael Ray, who will become the new police chief, along with his job as a school resources officer. ''It's going to be OK. I'm going to run it the same way as if the chief was here.''

In addition to Mayor Paul Bunn, Chief Josh Chambliss and librarian Nolan Brown, five other citizens of this farm town have received orders to report to Fort Hood, Texas. There, they will prepare for a tour of duty in Iraq that is expected to put them in Iraq by Christmas.

Greba Edens, the town's recorder-treasurer, will take over for the 35-year-old mayor. Previously, she spent 24 years as Bradford's fourth-grade teacher.

''Most of the people on the city council now, she's paddled them before,'' Bunn said.

Edens said she plans to carry on with Bunn's ideas. ''As the mayor says, we're a family here,'' she said.

At the elementary school, Brown was organizing the library ahead of his deployment, He served in Vietnam and has been in the National Guard for 31 years. Now 57, he was hoping to leave the guard at age 60.

''I've got stuff scattered from here to there getting ready,'' he said. ''I want to leave it as if I'm not coming back.''

''The children here, they ask me, 'Are you going? When are you going?''' he said. ''They know there's some turmoil somewhere. I tell them they may not take me because of my age . . . but it would be unwise not to prepare them.''

The school had a going-away party for Brown in the cafeteria, presenting him with a cake that read, ''Our prayers are with you.'' The school will shuffle around teachers to make up for Brown's absence.

After nine years at the school, all the students know him. As he leaves, he shouts a goodbye to his cousin's son in the hallway.

''Tell your Mom, since things have escalated, that I may not get to see her,'' he said to the boy. ''Tell her I'll miss her and love her.''

Brown says he's edgy about his departure, as are his wife and the three children they care for. But he's adamant that he has to give back to a country that gave him an education.

''The U.S. has been very good to me,'' he said, adding he believes citizens need ''to be willing to do whatever it takes to make sure kids in the future have the same opportunities that we have.''

Unlike Brown, who works in a headquarters group, the police chief and the mayor are infantry soldiers responsible for more dangerous security duty.

''I'll make a deal with the president,'' said Bunn, who has fought in Panama and in the Gulf War. ''I'll go over there, but I'm not willing to die. Maybe it's because I've got kids now.''

Bunn could be gone for up to two years. Even if he stays that long, he'll still have over a year left of his term as mayor when he returns.

Chambliss, 28, has been the town's police chief since 2001. He's not worried about Bradford, which is about 70 miles northeast of Little Rock. He said he expects the town's other four officers to continue to man the school crossings and attend all the ball games.

''I'm curious to see what the next 18 months hold, not for me but for Bradford,'' Chambliss said. ''I want to come back into town and see the progress.''

Chambliss said that he's upset to leave his wife. They were planning to start a family soon.

He is spending the rest of his time in Bradford saying goodbye to friends and family. He had lunch at his regular spot, the Front St. Cafe, just down the road from the police station.

The cafe's owner and waitress, Marcia Pressler, said she gave him that day's $4.95 plate special of roast beef, potatoes and carrots on the house.

''It's like a part of your family going off,'' she said. ''I felt like I'm feeding him his last supper.''

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. How much time is remaining?

The PRESIDING OFFICER. Seven and one-half minutes.

Mr. DURBIN. Thank you, Mr. President.

GUARD AND RESERVE

Mr. DURBIN. Mr. President, I salute my colleague from Arkansas for the tribute she made to this unit in her home State of Arkansas. Every one of us in the Senate can tell a similar story. But she tells us so well about the lives that are affected by the activation of Guard and Reserve men and women who leave important lives and careers and step aside to serve their Nation.

That is why it is so troubling that I come to the floor today to report for those who follow the Senate that yesterday in the conference committee of the Appropriations Committee where we met to discuss the $87 billion request of the President, we stripped out a provision which had been adopted on the Senate floor. I would like to describe it to those who want to stand behind the families of those activated Guard and Reserve men and women.

We have 1.2 million Guard and Reserve in the United States. Ten percent of them work for the Federal Government, when they are not serving in the Guard and Reserve. At the present moment, of the 120,000 Federal employees with the Guard and Reserve, 23,000 have been activated. They include some people who are in the unit the Senator from Arkansas just described.

I offered an amendment on the floor that said when you activate a Federal employee to the Guard and Reserve, the Federal Government agency that the person works for will make up any shortfall and any difference in income while that Guard or Reserve person is on active duty. That is not a radical suggestion. There are dozens of State governments and local units of government that already do that, including my home State of Illinois and the City of Chicago.

If you are a Chicago policeman in the Guard and you are activated, the City of Chicago stands behind you and says we will make up the difference in pay if there is a shortfall so that there is no hardship on your family. That amendment passed the floor of the Senate 96 to 3. Yesterday it was stripped out of the conference committee report that is being considered. It is $87 billion.

Every day we hear Senators come to the floor singing the praises, deservedly, of the men and women in uniform to say we stand in solidarity with them and their families as they fight for America. These same Members who come to the floor praising the guardsmen and reservists also voted for my amendment, saying let us hold them harmless if they go off to serve our Nation for 6 months, or 12 months, or 16 months. They all voted for this amendment.

Yesterday, on a party-line vote, with every Republican Senator voting no, they took this provision out of the bill. Many of the same Senators who just a few days ago had voted on the floor for this provision reversed their position and said no, the Federal Government will not set an example and will not make up the difference in pay for those thousands of Federal employees activated in the Guard and Reserve. That is unfair and it is unfortunate. Those who come here to wave the flag about their support for our fighting men and women weren't there yesterday on this crucial vote in this conference committee.

I hope those across America who follow this debate and who may know some of these families affected by this amendment will contact their Senators and tell them it was a grave injustice that we allowed this to occur. It was a real disappointment to me. We could have done the right thing yesterday, but, sadly, we did not.

IRAQ

Mr. DURBIN. Mr. President, I listened earlier to the Senator from Missouri talking about the State of affairs in Iraq. I would like to comment on that very briefly.

If I understood his argument, he said that 6 months after hostilities had ended—at least the military operation as the President described it, and after the efforts of different inspectors and the expenditure of millions of dollars—he believed the fact that Dr. David Kay couldn't produce any evidence whatsoever of weapons of mass destruction did not reflect on statements made by this administration before we invaded Iraq. I think that is clearly wrong.

This has been declassified. We said we knew of 550 sites of weapons of mass destruction in Iraq before we invaded—550 of them. Doesn't it stand to reason that these inspectors would go to those sites first to find the weapons of mass destruction? Isn't it revealing that they have come up with no evidence whatsoever? What a tremendous breakdown in intelligence gathering—that 550 suspected sites have now turned up

to be virtually empty, with no evidence of weapons of mass destruction. How hard a stretch of the imagination is it to think Saddam Hussein, facing an invasion of forces from America and Great Britain, was very cautiously packing into vans all of the weapons of mass destruction and spiriting them out of his country? I don't think that stands to reason.

That is almost as hard to follow as the President's logic yesterday which said that the terrorism and carnage going on in Iraq today is proof positive of the progress we are making. The progress?

Frankly, these sad reports from Iraq evidence the fact that we have not established order in that country to a level where we can assure the people of Iraq, or our troops for that matter, that they are going to be in a safe situation. I have not called for us to cut and run. I do not know many who have. We have to stay the course. We are now there.

As it has been said, when you go into a gift shop, the sign says ''If you break it, you own it.'' We went into Iraq and took control of that situation. Now we are responsible for creating a stable and secure environment, and it will be a great cost over a lengthy period of time.

Just last week, I joined with my colleagues visiting Walter Reed Hospital to meet with some of the wounded soldiers.

I say to those who are stunned to hear each day that we have lost a soldier, or two or three soldiers, not to take lightly those who are wounded. Many of the wounds of these soldiers are grievous. I met one soldier from Ohio who lost the sight in one eye and another soldier from Illinois who had been the victim of a mortar round and is going to struggle to ever walk again. I think he will, but it will be a tremendous struggle and a lot of rehabilitation. To say we have only lost one, two, or three soldiers a day—please look at this in the context of the lives lost and the lives that are seriously injured and diminished by the injuries that are suffered there.

We have to stay the course. Frankly, I find it unfathomable that this conference committee of appropriations yesterday refused to stand behind 23,000 Federal employees who have been activated in Guard and Reserve units, refused to say we will stand with their families and make certain they don't go through economic hardship during the activation period when they are risking their lives for America. Unfortunately, this conference committee walked away from those soldiers yesterday. That is shameful, and it is something we never should have done. I urge my colleagues to think long and hard about this partisan rollcall, which, frankly, reversed a 96-to-3 vote of just a few weeks ago.

I will close by saying it is unfortunate we cannot finish the Foreign Operations appropriations bill today. It is my understanding that the DeWine-Durbin amendment for $289 million for the global AIDS epidemic, which we believe has a sufficient number of votes on the Senate floor to pass, has been threatened by one Republican Senator from Oklahoma who has said he will filibuster the bill and stop the bill on the Senate floor.

We are coming to the close of this session and we need to pass appropriations bills. Threatened filibusters from either side—particularly from the majority side—are not appropriate at this time. I hope that Senator will reconsider.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2004

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 2800, the foreign operations appropriations bill, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2800) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes.

Pending:

DeWine amendment No. 1966, to increase assistance to combat HIV/AIDS.

McConnell amendment No. 1970, to express the sense of the Senate on Burma.

Feinstein amendment No. 1977, to clarify the definition of HIV/AIDS prevention for purposes of providing funds for therapeutic medical care.

The PRESIDING OFFICER. Under the previous order, the Senator from North Dakota is recognized to offer an amendment.

AMENDMENT NO. 2000

Mr. DORGAN. Mr. President, I call up amendment No. 2000.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN] proposes an amendment numbered 2000.

Mr. DORGAN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To urge the President to release information regarding sources of foreign support for the 9–11 hijackers)

At the appropriate place, insert the following:

SEC. Sense of the Senate on declassifying portions of the Joint Inquiry into Intelligence Community Activities Before and After the Terrorist Attacks of September 2001.

(a) FINDINGS.—The Senate finds that—

(1) The President has prevented the release to the American public of 28 pages of the Joint Inquiry into Intelligence Community Activities Before and After the Terrorist Attacks of September 2001.

(2) The contents of the redacted pages discuss sources of foreign support for some of the September 11th hijackers while they were in the United States.

(3) The Administration's decision to classify this information prevents the American people from having access to information about the involvement of certain foreign governments in the terrorist attacks of September 2001.

(4) The Kingdom of Saudi Arabia has requested that the President release the 28 pages.

(5) The Senate respects the need to keep information regarding intelligence sources and methods classified, but the Senate also recognizes that such purposes can be accomplished through careful selective redaction of specific words and passages, rather than effacing the section's contents entirely.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that in light of these findings the President should declassify the 28-page section of the Jointly Inquiry into Intelligence Community Activities Before and After the Terrorist Attacks of September 2001 that deals with foreign sources of support for the 9–11 hijackers, and that only those portions of the report that would directly compromise ongoing investigations or reveal intelligence sources and methods should remain classified.

This section shall take effect one day after the date of this bill's enactment.

Mr. DORGAN. Mr. President, this is an amendment that I also offered yesterday. I was not able to get a vote on it yesterday because of a ruling that it was nongermane. I have filed a notice that I intend to move to suspend Rule XVI of the Standing Rules of the Senate. I will do that at the end of my presentation. That will give us a vote on this important issue today. Let me describe why I think a vote is necessary and what this issue is.

This issue deals with 9/11, the day on which our country was attacked and thousands of Americans were murdered by terrorists, many of whom came into this country and lived among us and plotted an attack against the World Trade Center; they plotted an attack against the Pentagon and perhaps the U.S. Capitol. They hijacked commercial airliners and used commercial airliners, full of both passengers and fuel, as flying bombs and missiles.

No one in this country will forget the devastation, the loss of life, and the horror of the terrorist attacks committed against the United States on September 11.

We know a fair amount about September 11: who organized it and how it was organized. We know Osama bin Laden has taken credit for it. We know it was planned by Osama bin Laden and a terrorist group called al-Qaida, and they were supported by the Taliban government in Afghanistan. We know a fair amount about the details of that day and the activities of the hijackers. There has been a great deal of discussion about how did it happen—how did it happen that these coordinated attacks by terrorists occurred in this

country without our intelligence community knowing it was going to happen and taking action to prevent it.

As we know as well, from testimony before the Congress and from other information, we had some warnings. The FBI had some warnings. In fact, one FBI agent wrote a memorandum inside the FBI saying he worried about certain people of certain nationalities taking flying lessons, potentially for the purpose of using an airplane for hijacking and as a tool of a terrorist attack. We had other evidence that existed in our intelligence community from both the FBI and CIA.

So there has been a great deal of discussion about how do we find out what we knew, what the agencies knew, what we could have done to prevent these attacks, and what we now know about those who committed the attacks and how to prevent future attacks. That is all very important.

There are a couple of efforts underway. One was an effort before the Congressional Joint Intelligence Committee. They did an inquiry into intelligence community activities before and after the terrorist attacks of September 2001. That inquiry was done and finished with a report that was released this past summer. The report was authorized for release by the Bush administration. It took 9 months to write, 7 months to declassify, and when it was released, we discovered there are 28 pages of that report that are redacted; 28 pages of the report have been classified, so that the American people cannot know what is in that report.

The question is, Why? On behalf of the victims, the victims' families, the American people, I ask, Why would 28 pages of that report be classified and unavailable to be seen by the American people? We are told it contains information about other governments, or another government and its activity with respect to some of these issues. We are told by some that there were areas of support by another government, or governments, for the terrorists themselves as they began to work and put together the resources and plan these attacks against the United States. If that is the case, the question is, Which governments? Who was involved? How were they involved? Are those governments still involved in supporting terrorists who would strike at the heart of this country and kill innocent Americans?

Why do we not have the right to know if governments supported some of the terrorists who were working and planning and gathering the resources to attack this country? If another government provided any support for that, do we not have a right as an American people to know that? Why has that information been classified?

Mr. LEAHY. Will the Senator yield for a question?

Mr. DORGAN. I am happy to yield.

Mr. LEAHY. The Senator from North Dakota makes eminent good sense in what he is saying. I recall at the time this report came out—and we all remember the blacked-out pages—the country of Saudi Arabia sent over emissaries to say—and I don't know how serious they were about this—would you release this.

My question to the Senator is: Insofar as the majority of hijackers at the time of September 11 were from Saudi Arabia, and insofar as we know from press accounts—not classified material but press accounts—that a lot of funding of al-Qaida came from Saudi Arabia and may still be coming from Saudi Arabia, don't you think it would be helpful to know if Saudi Arabia is mentioned in this blacked-out part and to what extent, considering the fact that they apparently have turned a blind eye to some of the terrorists who are striking at the United States?

Mr. DORGAN. Well, Mr. President, the Senator from Vermont is absolutely correct. The American people ought to have a right to know if a foreign government was involved in helping provide resources for and planning for attacks against this country. We have a right to know that.

The amendment I am offering is a sense-of-the-Senate amendment that says to the President: Declassify this material. What is so sensitive that the American people can't know whether a foreign government was involved in the planning and providing the resources for a terrorist attack against this country?

Let me tell you what the chairman and the ranking member—a Republican and a Democrat—of the Intelligence Committee said on this issue when these 28 pages were withheld from the American people. Senator SHELBY, the ranking member then on the Intelligence Committee, a Republican, said:

> I went back and read every one of those pages thoroughly. My judgment is that 95 percent of that information could be declassified and become uncensored so the American people would know.

Asked why this section was blacked out, Senator SHELBY said:

> I think it might be embarrassing to international relations.

Senator GRAHAM said:

> During the negotiation that was held with the administration prior to the release of the documents, we had submitted a counteroffer indicating what we thought were legitimate areas of national security with the rest of the section dealing with foreign governments to be released to the public. The counteroffer was not accepted. The administration took the position that the totality of this section dealing with the role of foreign governments should remain censored and beyond the view of the American people.

Question of Senator GRAHAM:

> Can you give us some idea of how big the counteroffer was?

Senator GRAHAM said:

> It was in the range, which Senator SHELBY indicated he thought it was, of 28 pages that represented genuine national security interests which was 95 percent open and 5 percent continued classified.

I am not trying to embarrass anybody with this amendment. I just feel strongly that when the 9/11 commission—that is the inquiry by our Intelligence Committee—was completed and the effort was released, to have 28 pages censored or classified and to be told the American people can't see it leads me to ask the question, Why? Why? If there was another government—and all the indications are there was another government—involved in providing support for the terrorists who attacked this country, the American people have a right to know it. They have a right to know who it was, what were the circumstances, why, how do they justify that.

The Saudi Government has asked that this information be declassified and released. The Saudi Government has asked that. Most of the speculation, of course, is the questions about Saudi support of terrorism, as my colleague from Vermont just described. But the Saudi Government has asked this be declassified so they can respond to it in public.

There is no basis, no good reason for this to remain censored and classified. My sense-of-the-Senate amendment asks the President to declassify that portion of the 28 pages. As Senator SHELBY and Senator GRAHAM have described, 95 percent of it does not deal with national security or our national security interests, and would not compromise our interests.

Senator SCHUMER is a cosponsor of this amendment, and Senator LIEBERMAN is a cosponsor as well.

My hope is we will certainly have a vote on this amendment this morning. My amendment will require a vote under suspension of the rules.

I reserve the remainder of my time, Mr. President.

The PRESIDING OFFICER. Who seeks recognition? The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, I am not a member of the Intelligence Committee. I lead off by saying this has absolutely nothing whatsoever to do with the Foreign Operations appropriations bill. We should not be having this debate at this time.

With regard to the issue, there are those on the Intelligence Committee who can speak to it with much more knowledge than I. I am hopeful some of them will come over in the course of this debate. Let me make the point the war on terrorism is an ongoing operation. The decision to classify this material was reached between the intelligence authorizing committees and the executive branch.

Declassifying the information should be carefully considered. For example, would it place in jeopardy the lives of U.S. men and women fighting the war on terrorism? Declassifying material without careful consideration could also have a chilling effect on the sources of information in the war on terrorism, including individuals and foreign governments. It is conceivable

both individuals and foreign governments would be afraid their participation and cooperation in the war on terrorism would become public.

The main point I wish to make is there may be a time and place for this debate, but it is not on this bill. I hope once the debate is concluded we will make a decision not to proceed down this path at this time on this measure.

I retain the remainder of my time.

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

The PRESIDING OFFICER. Nine minutes 31 seconds.

Mr. DORGAN. Mr. President, I say to my colleague from Kentucky, there is, in fact, an ongoing war on terrorism, and it is critically important for this country, it is important that we be successful in preventing terrorist attacks against this country. It is important we be successful in hunting down those in the world who are planning terrorist attacks against this country and destroying their network of support. But with respect to the ongoing war against terrorism, it is critically important, in my judgment, for this country to know, Are there foreign governments that have supported terrorists? Are there foreign governments that have given active financial support to those who attacked this country on September 11, 2001? If so, who are they? How would it compromise any interest of this country or, for that matter, any other country under any other circumstances to disclose a discussion in the inquiry that was done, a painstaking inquiry that was done about another government that provided support to terrorists that murdered thousands of Americans. The American people have a right to know that information.

I know the easiest way to withhold information is to always claim there is some important sensitive information that would compromise some intelligence operation. The people in the best position to know that would be the chairman and the ranking member of the committee who did the inquiry, Senator GRAHAM and Senator SHELBY, a Democrat and a Republican. Both of them have already made a judgment about this. They said: Nonsense, this won't compromise anything. Ninety-five percent, they said, of these 28 pages of censored, redacted material could and should be made available to the American public without compromising anything.

If one is wondering whether this compromises anything, I say go to the experts, go to the authorizing committee, go to the Republican and Democrat who were chairman and vice chairman of the committee and ask them and they will tell you they did not support redacting this material, censoring this material, and classifying this material. It came from the White House. It wasn't fair to the American people to do that.

If there is another government that provided active support—financial support and comfort and assistance—to those who decided to commit acts of terror against this country and murder thousands of innocent Americans, then, in my judgment, by God, the American people have a right to know that. The American people have a right to know that, and classifying 28 pages that describe the circumstances in which another government may well have provided support to terrorists attacking this country is wrongheaded, in my judgment.

If, in fact, this inquiry describes that, another important question exists: Is the country that provided support—financial assistance and comfort and aid—to the terrorists who attacked this country in 2001 still providing support and aid? Do they still have adjuncts in that society, in that government, that provide support and comfort to terrorists? We have a right to know that as well.

In my judgment, withholding information from the American people is, in most cases, a bad decision. If it is necessary because it would compromise something that is important with respect to the intelligence community, I understand that. But the two experts would be the chairman and the vice chairman of the committee who decided to launch the inquiry. And those two Senators, Senator SHELBY and Senator GRAHAM, have already spoken on this issue.

They have said 95 percent of that information ought to be made available.

I will make one additional point. Talk to the families of the people who were murdered on 9/11 and ask them, if a foreign government was involved in supporting acts of terror against this country, whether they think that information ought to be made available to the American people or ought to be censored, classified, and out of the reach of the American people.

They will say we ought to disinfect this whole area by deciding to give everybody as much information as possible about what happened on 9/11, not by closing the books and pulling the veil and deciding whether to keep information from the American people. As I indicated, even the Saudi Government that has been so much the subject of this speculation wants this information made available, and it ought to be made available.

My sense of the Senate is very simple. It says to the President: Declassify this. Now, I also understand that this is a foreign operations bill. It is an appropriations bill. There is no good time to have a sense-of-the-Senate resolution come to the Senate floor, I suppose, if one does not support declassifying this information. But this amendment does not interrupt the foreign operations bill. I support that bill. I am happy to work with the chairman and ranking member who, I think, have done a remarkable job on that bill.

It seems to me we have a right to have a vote in the Senate about whether this information ought to be made available to the American people, whether it ought to be declassified, uncensored, and the question answered: Is there another government or governments that participated with the terrorists by providing aid, comfort, and financial support to terrorists who committed acts of terror against this country?

That is information, in my judgment, the American people deserve to have.

I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from Kentucky.

Mr. MCCONNELL. I ask unanimous consent that the time running without debate be charged equally to both sides.

Mr. DORGAN. Mr. President, reserving the right to object, how much time remains on each side?

The PRESIDING OFFICER. There is 3 minutes 58 seconds, and 18 minutes 17 seconds for the majority.

Mr. DORGAN. Mr. President, I have a few additional comments at some point. If the Senator from Kentucky has other speakers—I had expected a couple of other speakers. I do not know whether that will occur before the end of the time. I believe we have 40 minutes, 20 minutes equally divided.

Mr. MCCONNELL. I say to my friend from North Dakota, I had expected some speakers as well. So I think we have the same dilemma. I just do not want to delay the vote, and I assume the Senator from North Dakota would rather not delay it as well.

Mr. DORGAN. I do not intend to delay the vote. It is fine to have a quorum call and have it equally divided, but let me ask the courtesy of the Senator that if we get to the point where we have 6 or 8 minutes remaining, that I would have the opportunity for a couple of those minutes so that we could close and have a debate at the end.

Mr. MCCONNELL. I ask unanimous consent that notwithstanding the other consent just asked for, Senator DORGAN have 2 minutes before the vote.

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

Mr. MCCONNELL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. 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. DORGAN. How much time remains on this side?

The PRESIDING OFFICER. There is 3 minutes 54 seconds.

Mr. DORGAN. Mr. President, I yield 3 minutes to the Senator from Florida, Mr. GRAHAM.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM of Florida. Mr. President, I ask unanimous consent to be

added as a cosponsor of this amendment.

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

Mr. GRAHAM of Florida. Mr. President, for a year, a joint committee of members of the House and Senate Intelligence Committee carried out their responsibilities to do a comprehensive review of what happened before September 11 as it related to the role of the intelligence community; what happened after September 11, particularly in utilizing the information that was gathered around that tragic event; and then what recommendations for some fundamental change that would enhance the capacity of the intelligence community to reduce the prospect of another 9/11. That report took over 800 pages. It had some 19 recommendations for action.

After the report was completed, it was submitted to the administration—primarily the CIA, the FBI, and the White House—for review as to whether there were any elements of that report that would be categorized as national security and therefore not for general public distribution.

The section of the report that received the greatest degree of such classification, in fact, virtually 100 percent, was the section that related to the role of foreign governments in the events leading up to 9/11, and then how well our responsible agencies had followed the leads and tracked the developments and events before 9/11; after 9/11 for purposes of potential criminal prosecution, for purposes of understanding why we had these gaps; and what the role of foreign governments would be; for the purpose of diplomatic or other policies that might be instituted vis-a-vis countries that were found to have been cooperative or even complicitous in the actions of the 9/11 terrorists, and then finally to form the recommendations of what fundamental change should be made.

The consequences of denying to the American people access to that section of the report are many. No. 1, the American people have been denied the opportunity to know fully what, in fact, happened. No. 2, they have been denied the opportunity to hold accountable those agencies or individuals who were responsible for that inappropriate action by a foreign government. We have been unable to hold the State Department accountable for its action vis-a-vis the foreign governments. Finally, we have taken a substantial amount of the impetus and sense of urgency out of the recommendations for fundamental reform. In fact, the Senate has yet to hold a first hearing on the 19 recommendations that we made.

I think it is of the highest order of concern for the American people that they have access to this information and then they will do with that information what they believe is appropriate. But ignorance and secrecy serves no national purpose. I urge the adoption of this amendment to urge the President to reevaluate the decision to censure the chapter on the role of foreign governments.

The PRESIDING OFFICER. Who yields time?

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. MCCONNELL. Mr. President, how much time remains on this side?

The PRESIDING OFFICER. There remain 11 minutes 50 seconds.

Mr. MCCONNELL. I yield to the distinguished chairman of the Intelligence Committee however many minutes of the 11 that he so desires.

Mr. ROBERTS. Mr. President, I rise in opposition to the Dorgan amendment. I do not think that rule XVI should be waived. The amendment is not germane.

More important, speaking as chairman of the Senate Intelligence Committee, I believe this amendment is unwise. I think it will damage our Nation's efforts in the ongoing war against terrorism.

I, for one, and members of the committee, have read the 28 pages from the Joint Inquiry Report and have been briefed by the FBI and the CIA. As a matter of fact, the distinguished Senator from Florida indicated that we have not even had hearings. That is not correct. We have had hearings. We had hearings in mid-September as to whether or not it would be in our national security interest to release the 28 pages.

I would also say to all Members, if they have a keen interest in this—and I am aware of the legislation, or I am aware of the letter that went to the President signed by a great many Senators asking for the 28 pages to be made public—as I said at the time, please come to the Intelligence Committee and we will provide you the information on the 28 pages. Some of the very people who are sponsoring amendments have not read the 28 pages.

I wish they would do so. It is my firm position—firm position—in order to protect our national security, specifically the methods and the sources and ongoing investigations, that this so-called redacted material should not be released to the public. I think it would endanger lives.

I am not in a position to discuss the specifics in regard to the urgent pleas and the warnings that were provided to us by the FBI during this hearing. But I think I can speak for a majority of the Intelligence Committee who thought this was not a good idea and certainly would be counterproductive to our national interest.

I might add that one of the statements I heard as I entered the floor was from the distinguished former chairman of the Intelligence Committee. He is somebody I admire, whose advice and counsel and friendship is very important to me. Senator ROCKEFELLER, who is the distinguished vice chairman of the committee, and I have agreed that we will hold hearings in the next session of Congress on the recommendations of the 9/11 Commission. Some I agree with, some I don't.

We were going to make this year the year of modernization and/or reform in regard to the intelligence community, but something interrupted that. It was called a war—the war against global terrorism. In addition, we were going to make an inquiry as to the credibility and the timeliness of the intelligence prior to going to war in Iraq. It is not that we have not wanted to do these things. It is that the schedule of the committee has been taken up almost exclusively by those two subjects, plus our weekly threat briefings of which I know the Senator from Florida is certainly aware.

So we will have hearings on the 9/11 Commission recommendations. We made that promise to the families of the victims. But if we disclose the information that compromises the close cooperation we have from our allies in the war on terrorism, and much better cooperation today than before then these same allies may choose not to support us in the future. That is another concern.

Again, from the standpoint of endangering sources, methods, ongoing investigations, and, yes, lives—and I think I am speaking for a majority of the Intelligence Committee that has had a hearing on this, has taken a hard look at it—I strongly urge my colleagues to oppose this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. I want to make sure I don't have a misunderstanding with the Senator from North Dakota. Did he wish to speak right at the end, before the vote, essentially? My understanding is we are ready to yield back the time over here.

Mr. President, I yield the remainder of our time on this side and ask unanimous consent the Senator from North Dakota be given 2 minutes, and at the end that we proceed to a vote on or in relation to the amendment.

The PRESIDING OFFICER. Without objection, the Senator from North Dakota is recognized for 2 minutes.

Mr. DORGAN. Mr. President, I thank the Senator from Kentucky for his courtesy.

Let me say to my colleague on the Intelligence Committee, the chairman of the House Permanent Select Committee on Intelligence, PORTER GOSS; Senator SHELBY of Alabama, the past vice chairman; the past chairman of the Intelligence Committee here in the Senate, Senator GRAHAM—all have indicated that at least some of this redacted classified material should be

made available. But they have taken that position with no success. I would expect the two former chairmen of the committees and the vice chairman would not take that position if they believed it would compromise intelligence sources and methods.

Let me quote, if I might, Bill Harvey, a member of the Family Steering Committee for the 9/11 independent commission. He lost his wife on 9/11. She was killed in the Trade Center. He is pretty critical of both the White House and Congress.

The White House's refusal to produce the 28 pages is just one more example of its manipulation of intelligence for political purposes, but the Congress's reluctance to remedy the situation by declassifying the redacted information is equally troubling. The United States of America deserves to know the true nature of its supposed allies, and the families of the victims of the September 11 attacks deserve to know what our Government new about the terrorists that took their lives.

That is the key. After this commission has completed its work, the inquiry is complete, and we have knowledge and information about whether another government provided financial support and other support to terrorists who attacked this country, do we have a right to know who that government is, which government it is, and whether that government still provides support to terrorists who still would like to commit an act of terrorism against this country and who would like to murder innocent Americans?

The American people have a right to know what is in that redacted portion of the report. If there is 5 percent of it, as Senator SHELBY and Senator GRAHAM have suggested, that ought to be withheld, I understand that. But if the bulk, as they have indicated, ought to be made available to the American people, I believe it ought to be made available now.

The PRESIDING OFFICER. Under the previous order, the Senator from Kentucky is recognized to make a point of order.

Mr. MCCONNELL. Mr. President, I make a point of order that the amendment is not germane under the requirements of rule XVI.

Mr. DORGAN. Mr. President, I move to suspend rule XVI of the standing rules of the Senate during consideration of H.R. 2800 for the consideration of amendment No. 2000.

Mr. MCCONNELL. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion to suspend rule XVI of the standing rules of the Senate in relation to amendment No. 2000.

The clerk will call the roll.

The assistant legislative clerk proceeded to called the roll.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

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

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

The yeas and nays resulted—yeas 43, nays 54, as follows:

[Rollcall Vote No. 415 Leg.]

YEAS—43

Akaka	Dorgan	McCain
Baucus	Durbin	Mikulski
Biden	Feingold	Murray
Bingaman	Graham (FL)	Nelson (FL)
Boxer	Harkin	Nelson (NE)
Breaux	Hollings	Pryor
Byrd	Jeffords	Reed
Cantwell	Johnson	Reid
Carper	Kennedy	Sarbanes
Clinton	Kohl	Schumer
Conrad	Landrieu	Specter
Corzine	Lautenberg	Stabenow
Daschle	Leahy	Wyden
Dayton	Levin	
Dodd	Lincoln	

NAYS—54

Alexander	DeWine	Lugar
Allard	Dole	McConnell
Allen	Domenici	Miller
Bayh	Ensign	Murkowski
Bennett	Enzi	Nickles
Bond	Feinstein	Roberts
Brownback	Fitzgerald	Rockefeller
Bunning	Frist	Santorum
Burns	Graham (SC)	Sessions
Campbell	Grassley	Shelby
Chafee	Gregg	Smith
Chambliss	Hagel	Snowe
Cochran	Hatch	Stevens
Coleman	Hutchison	Sununu
Collins	Inhofe	Talent
Cornyn	Inouye	Thomas
Craig	Kyl	Voinovich
Crapo	Lott	Warner

NOT VOTING—3

Edwards	Kerry	Lieberman

The PRESIDING OFFICER. On this vote, the yeas are 43, the nays are 54. Two-thirds of the Senators voting not having voted in the affirmative, the motion to suspend rule XVI pursuant to notice previously given in writing is rejected. The point of order is sustained and the amendment falls.

HEALTHY FORESTS RESTORATION ACT OF 2003

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of H.R. 1904, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1904) to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to plan and conduct hazardous fuels reduction projects on National Forest System lands and Bureau of Land Management lands aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Agriculture, Nutrition, and Forestry, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

(Strike the part shown in black brackets and insert the part shown in italic.)

[H.R. 1904

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

[SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

[(a) SHORT TITLE.—This Act may be cited as the ''Healthy Forests Restoration Act of 2003''.

[(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

[Sec. 1. Short title; table of contents.
[Sec. 2. Purpose.

[TITLE I—HAZARDOUS FUELS REDUCTION ON FEDERAL LANDS

[Sec. 101. Definitions.
[Sec. 102. Authorized hazardous fuels reduction projects.
[Sec. 103. Prioritization for communities and watersheds.
[Sec. 104. Environmental analysis.
[Sec. 105. Special Forest Service administrative review process.
[Sec. 106. Special requirements regarding judicial review of authorized hazardous fuels reduction projects.
[Sec. 107. Injunctive relief for agency action to restore fire-adapted forest or rangeland ecosystems.
[Sec. 108. Rules of construction.

[TITLE II—BIOMASS

[Sec. 201. Findings.
[Sec. 202. Definitions.
[Sec. 203. Grants to improve the commercial value of forest biomass for electric energy, useful heat, transportation fuels, and petroleum-based product substitutes.
[Sec. 204. Reporting requirement.

[TITLE III—WATERSHED FORESTRY ASSISTANCE

[Sec. 301. Findings and purpose.
[Sec. 302. Establishment of watershed forestry assistance program.

[TITLE IV—INSECT INFESTATIONS

[Sec. 401. Definitions, findings, and purpose.
[Sec. 402. Accelerated information gathering regarding bark beetles, including Southern pine beetles, hemlock woolly adelgid, emerald ash borers, red oak borers, and white oak borers.
[Sec. 403. Applied silvicultural assessments.
[Sec. 404. Relation to other laws.
[Sec. 405. Authorization of appropriations.

[TITLE V—HEALTHY FORESTS RESERVE PROGRAM

[Sec. 501. Establishment of healthy forests reserve program.
[Sec. 502. Eligibility and enrollment of lands in program.
[Sec. 503. Conservation plans.
[Sec. 504. Financial assistance.
[Sec. 505. Technical assistance.
[Sec. 506. Safe harbor.
[Sec. 507. Authorization of appropriations.

[TITLE VI—MISCELLANEOUS PROVISIONS

[Sec. 601. Forest stands inventory and monitoring program to improve detection of and response to environmental threats.

[SEC. 2. PURPOSE.

[The purpose of this Act is—

[(1) to reduce the risks of damage to communities, municipal water supplies, and some at-risk Federal lands from catastrophic wildfires;

[(2) to authorize grant programs to improve the commercial value of forest biomass for electric energy, useful heat, transportation fuels, petroleum-based product substitutes and other commercial purposes;

[(3) to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape;

[(4) to promote systematic information gathering to address the impact of insect infestations on forest and rangeland health;

[(5) to improve the capacity to detect insect and disease infestations at an early stage, particularly with respect to hardwood forests; and

[(6) to protect, restore, and enhance degraded forest ecosystem types in order to promote the recovery of threatened and endangered species as well as improve biological diversity and enhance carbon sequestration.

[TITLE I—HAZARDOUS FUELS REDUCTION ON FEDERAL LANDS

[SEC. 101. DEFINITIONS.

[In this title:

[(1) AUTHORIZED HAZARDOUS FUELS REDUCTION PROJECT.—The term ''authorized hazardous fuels reduction project'' means a hazardous fuels reduction project described in subsection (a) of section 102, subject to the remainder of such section, that is planned and conducted using the process authorized by section 104.

[(2) CONDITION CLASS 2.—The term ''condition class 2'', with respect to an area of Federal lands, refers to the condition class description developed by the Forest Service Rocky Mountain Research Station in the general technical report entitled ''Development of Coarse-Scale Spatial Data for Wildland Fire and Fuel Management'' (RMRS–87), dated April 2000, under which—

[(A) fire regimes on the lands have been moderately altered from their historical range;

[(B) there exists a moderate risk of losing key ecosystem components from fire;

[(C) fire frequencies have departed (either increased or decreased) from historical frequencies by one or more return interval, which results in moderate changes to fire size, frequency, intensity, severity, or landscape patterns; and

[(D) vegetation attributes have been moderately altered from their historical range.

[(3) CONDITION CLASS 3.—The term ''condition class 3'', with respect to an area of Federal lands, refers to the condition class description developed by the Rocky Mountain Research Station in the general technical report referred to in paragraph (2), under which—

[(A) fire regimes on the lands have been significantly altered from their historical range;

[(B) there exists a high risk of losing key ecosystem components from fire;

[(C) fire frequencies have departed from historical frequencies by multiple return intervals, which results in dramatic changes to fire size, frequency, intensity, severity, or landscape patterns; and

[(D) vegetation attributes have been significantly altered from their historical range.

[(4) DAY.—The term ''day'' means a calendar day, except that, if a deadline imposed by this title would expire on a nonbusiness day, the deadline will be extended to the end of the next business day.

[(5) DECISION DOCUMENT.—The term ''decision document'' means a decision notice or a record of decision, as those terms are used in applicable regulations of the Council on Environmental Quality and the Forest Service Handbook.

[(6) FEDERAL LANDS.—The term ''Federal lands'' means—

[(A) National Forest System lands; and

[(B) public lands administered by the Secretary of the Interior, acting through the Bureau of Land Management.

[(7) HAZARDOUS FUELS REDUCTION PROJECT.—The term ''hazardous fuels reduction project'' refers to the measures and methods described in the definition of ''appropriate tools'' contained in the glossary of the Implementation Plan.

[(8) IMPLEMENTATION PLAN.—The term ''Implementation Plan'' means the Implementation Plan for the 10-year Comprehensive Strategy for a Collaborative Approach for Reducing Wildland Fire Risks to Communities and the Environment, dated May 2002, which was developed pursuant to the conference report for the Department of the Interior and Related Agencies Appropriations Act, 2001 (House Report 106–646).

[(9) INTERFACE COMMUNITY AND INTERMIX COMMUNITY.—The terms ''interface community'' and ''intermix community'' have the meanings given those terms on page 753 of volume 66 of the Federal Register, as published on January 4, 2001.

[(10) MUNICIPAL WATER SUPPLY SYSTEM.—The term ''municipal water supply system'' means the reservoirs, canals, ditches, flumes, laterals, pipes, pipelines, or other surface facilities and systems constructed or installed for the impoundment, storage, transportation, or distribution of drinking water for a community.

[(11) SECRETARY CONCERNED.—The term ''Secretary concerned'' means the Secretary of Agriculture with respect to National Forest System lands and the Secretary of the Interior with respect to public lands administered by the Bureau of Land Management. Any reference in this title to the ''Secretary concerned'', the ''Secretary of Agriculture'', or the ''Secretary of the Interior'' includes the designee of the Secretary concerned.

[(12) THREATENED AND ENDANGERED SPECIES HABITAT.—The term ''threatened and endangered species habitat'' means Federal lands identified in the listing decision or critical habitat designation as habitat for a threatened species or an endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

[SEC. 102. AUTHORIZED HAZARDOUS FUELS REDUCTION PROJECTS.

[(a) AUTHORIZED PROJECTS.—Subject to the remainder of this section, the Secretary concerned may utilize the process authorized by section 104 to plan and conduct hazardous fuels reduction projects on any of the following Federal lands:

[(1) Federal lands located in an interface community or intermix community.

[(2) Federal lands located in such proximity to an interface community or intermix community that there is a significant risk that the spread of a fire disturbance event from those lands would threaten human life and property in the interface community or intermix community.

[(3) Condition class 3 or condition class 2 Federal lands located in such proximity to a municipal water supply system, or to a perennial stream feeding a municipal water supply system, that a significant risk exists that a fire disturbance event would have substantial adverse effects on the water quality of the municipal water supply, including the risk to water quality posed by erosion following such a fire disturbance event.

[(4) Condition class 3 or condition class 2 Federal lands identified by the Secretary concerned as an area where windthrow or blowdown, or the existence or threat of disease or insect infestation, pose a significant threat to forest or rangeland health or adjacent private lands.

[(5) Federal lands not covered by paragraph (1), (2), (3), or (4) that contain threatened and endangered species habitat, but only if—

[(A) natural fire regimes on such lands are identified as being important for, or wildfire is identified as a threat to, an endangered species, a threatened species, or its habitat in a species recovery plan prepared under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533) or in a decision document under such section determining a species to be an endangered species or a threatened species or designating critical habitat;

[(B) the project will provide enhanced protection from catastrophic wildfire for the species or its habitat; and

[(C) the Secretary complies with any applicable guidelines specified in the species recovery plan prepared under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

[(b) RELATION TO AGENCY PLANS.—An authorized hazardous fuels reduction project shall be planned and conducted in a manner consistent with the land and resource management plan or land use plan applicable to the Federal lands covered by the project.

[(c) ACREAGE LIMITATION.—Not more than a total of 20,000,000 acres of Federal lands may be included in authorized hazardous fuels reduction projects.

[(d) EXCLUSION OF CERTAIN FEDERAL LANDS.—The Secretary concerned may not plan or conduct an authorized hazardous fuels reduction project that would occur on any of the following Federal lands:

[(1) A component of the National Wilderness Preservation System.

[(2) Federal lands where, by Act of Congress or Presidential proclamation, the removal of vegetation is prohibited or restricted.

[(3) Wilderness Study Areas.

[SEC. 103. PRIORITIZATION FOR COMMUNITIES AND WATERSHEDS.

[As provided for in the Implementation Plan, the Secretary concerned shall give priority to authorized hazardous fuel reduction projects that provide for the protection of communities and watersheds.

[SEC. 104. ENVIRONMENTAL ANALYSIS.

[(a) IN GENERAL.—Except as otherwise provided in this title, the Secretary concerned shall plan and conduct authorized hazardous fuels reduction projects in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4331 et seq.) and any other applicable laws. The Secretary concerned shall prepare an environmental assessment or an environmental impact statement for each authorized hazardous fuels reduction project.

[(b) DISCRETIONARY AUTHORITY TO ELIMINATE ALTERNATIVES.—In the case of an authorized hazardous fuels reduction project, the Secretary concerned is not required to study, develop, or describe any alternative to the proposed agency action in the environmental assessment or environmental impact statement prepared for the proposed agency action pursuant to section 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)).

[(c) PUBLIC NOTICE AND MEETING.—

[(1) PUBLIC NOTICE.—The Secretary concerned shall provide notice of each authorized hazardous fuels reduction project in accordance with applicable regulations and administrative guidelines.

[(2) PUBLIC MEETING.—During the planning stage of each authorized hazardous fuels reduction project, the Secretary concerned shall conduct a public meeting at an appropriate location proximate to the administrative unit of the Federal lands in which the authorized hazardous fuels reduction project will be conducted. The Secretary concerned shall provide advance notice of the date and time of the meeting.

[(d) PUBLIC COLLABORATION.—In order to encourage meaningful public participation in the identification and development of authorized hazardous fuels reduction projects, the Secretary concerned shall facilitate collaboration among governments and interested persons during the formulation of each authorized fuels reduction project in a manner consistent with the Implementation Plan.

[(e) ENVIRONMENTAL ANALYSIS AND PUBLIC COMMENT.—In accordance with section 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)) and the applicable regulations and administrative guidelines in effect on the date of the enactment of this Act, the Secretary concerned shall provide an opportunity for public input during the preparation of any environmental assessment or environmental impact statement for proposed agency action for an authorized hazardous fuels reduction project.

[(f) DECISION DOCUMENT.—The Secretary concerned shall sign a decision document for each authorized hazardous fuels reduction project and provide notice of the decision document.

[(g) PROJECT MONITORING.—As provided for in the Implementation Plan, the Secretary concerned shall monitor the implementation of authorized hazardous fuels reduction projects.

[SEC. 105. SPECIAL FOREST SERVICE ADMINISTRATIVE REVIEW PROCESS.

[(a) DEVELOPMENT OF ADMINISTRATIVE PROCESS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Agriculture shall issue final regulations to establish an administrative process that will serve as the sole means by which a person described in subsection (b) can seek administrative redress regarding an authorized hazardous fuels reduction project.

[(b) ELIGIBLE PERSONS.—To be eligible to participate in the administrative process developed pursuant to subsection (a) regarding an authorized hazardous fuels reduction project, a person must have submitted specific and substantive written comments during the preparation stage of that authorized hazardous fuels reduction project. The Secretary of Agriculture shall ensure that, during the preparation stage of each authorized hazardous fuels reduction project, notice and comment is provided in a manner sufficient to permit interested persons a reasonable opportunity to satisfy the requirements of this subsection.

[(c) RELATION TO APPEALS REFORM ACT.—Section 322 of the Department of the Interior and Related Agencies Appropriations Act, 1993 (Public Law 102–381; 16 U.S.C. 1612 note), does not apply to an authorized hazardous fuels reduction project.

[SEC. 106. SPECIAL REQUIREMENTS REGARDING JUDICIAL REVIEW OF AUTHORIZED HAZARDOUS FUELS REDUCTION PROJECTS.

[(a) FILING DEADLINE.—

[(1) TIME LIMIT ESTABLISHED FOR FILING.—Notwithstanding any other provision of law, to be timely, an action in a court of the United States challenging an authorized hazardous fuels reduction project shall be filed in the court before the end of the 15-day period beginning on the date on which the Secretary concerned publishes, in the local paper of record, notice of the final agency action regarding the authorized hazardous fuels reduction project. This time limitation supersedes any notice of intent to file suit requirement or filing deadline otherwise applicable to a challenge under any provision of law.

[(2) WAIVER PROHIBITED.—The Secretary concerned may not agree to, and a district court may not grant, a waiver of the requirements of this subsection.

[(b) DURATION OF PRELIMINARY INJUNCTION.—

[(1) DURATION; EXTENSION.—Any preliminary injunction granted regarding an authorized hazardous fuels reduction project shall be limited to 45 days. A court may renew the preliminary injunction, taking into consideration the goal expressed in subsection (c) for the expeditious resolution of cases regarding authorized hazardous fuels reduction projects.

[(2) SUBMISSION OF INFORMATION.—As part of a request to renew a preliminary injunction granted regarding an authorized hazardous fuels reduction project, the parties shall present the court with an update on any changes that may have occurred during the period of the injunction to the forest or rangeland conditions that the authorized hazardous fuels reduction project is intended to address.

[(3) CONGRESSIONAL NOTIFICATION.—In the event of the renewal of a preliminary injunction regarding an authorized hazardous fuels reduction project, the Secretary concerned shall submit notice of the renewal to the Committee on Resources and the Committee on Agriculture of the House of Representatives and the Committee on Energy and Natural Resources and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

[(c) EXPEDITIOUS COMPLETION OF JUDICIAL REVIEW.—Congress intends and encourages any court in which is filed a lawsuit or appeal of a lawsuit concerning an authorized hazardous fuels reduction project to expedite, to the maximum extent practicable, the proceedings in such lawsuit or appeal with the goal of rendering a final determination on jurisdiction, and if jurisdiction exists, a final determination on the merits, within 100 days from the date the complaint or appeal is filed.

[SEC. 107. INJUNCTIVE RELIEF FOR AGENCY ACTION TO RESTORE FIRE-ADAPTED FOREST OR RANGELAND ECOSYSTEMS.

(a) COVERED PROJECTS.—This section applies with respect to a motion for an injunction in an action brought against the Secretary concerned under section 703 of title 5, United States Code, that involves an agency action on Federal lands, including an authorized hazardous fuels reduction project, that is necessary to restore a fire-adapted forest or rangeland system.

[(b) INJUNCTIVE RELIEF.—When considering a motion described in subsection (a), in determining whether there would be harm to the defendant from the injunction and whether the injunction would be in the public interest, the court reviewing the agency action shall—

[(1) balance the impact to the ecosystem of the short-term and long-term effects of undertaking the agency action against the short-term and long-term effects of not undertaking the agency action; and

[(2) give weight to a finding by the Secretary concerned in the administrative record of the agency action concerning the short-term and long-term effects of undertaking the agency action and of not undertaking the agency action, unless the court finds that the finding was arbitrary and capricious.

[SEC. 108. RULES OF CONSTRUCTION.

[(a) RELATION TO OTHER AUTHORITY.—Nothing in this title shall be construed to affect, or otherwise bias, the use by the Secretary concerned of other statutory or administrative authorities to plan or conduct a hazardous fuels reduction project on Federal lands, including Federal lands identified in section 102(e), that is not planned or conducted using the process authorized by section 104.

[(b) RELATION TO LEGAL ACTION.—Nothing in this title shall be construed to prejudice or otherwise affect the consideration or disposition of any legal action concerning the Roadless Area Conservation Rule, part 294 of title 36, Code of Federal Regulations, as amended in the final rule and record of decision published in the Federal Register on January 12, 2001 (66 Fed. Reg. 3244).

[TITLE II—BIOMASS

[SEC. 201. FINDINGS.

[Congress finds the following:

[(1) Thousands of communities in the United States, many located near Federal lands, are at risk to wildfire. Approximately 190,000,000 acres of land managed by the Secretary of Agriculture and the Secretary of the Interior are at risk of catastrophic fire in the near future. The accumulation of heavy forest and rangeland fuel loads continues to increase as a result of disease, insect infestations, and drought, further raising the risk of fire each year.

[(2) In addition, more than 70,000,000 acres across all land ownerships are at risk to higher than normal mortality over the next 15 years from insect infestation and disease. High levels of tree mortality from insects and disease result in increased fire risk, loss of old growth, degraded watershed conditions, and changes in species diversity and productivity, as well as diminished fish and wildlife habitat and decreased timber values.

[(3) Preventive treatments such as removing fuel loading, ladder fuels, and hazard trees, planting proper species mix and restoring and protecting early successional habitat, and other specific restoration treatments designed to reduce the susceptibility of forest and rangeland to insect outbreaks, disease, and catastrophic fire present the greatest opportunity for long-term forest and rangeland health by creating a mosaic of species-mix and age distribution. Such prevention treatments are widely acknowledged to be more successful and cost effective than suppression treatments in the case of insects, disease, and fire.

[(4) The by-products of preventive treatment (wood, brush, thinnings, chips, slash, and other hazardous fuels) removed from forest and rangelands represent an abundant supply of biomass for biomass-to-energy facilities and raw material for business. There are currently few markets for the extraordinary volumes of by-products being generated as a result of the necessary large-scale preventive treatment activities.

[(5) The United States should—

[(A) promote economic and entrepreneurial opportunities in using by-products removed through preventive treatment activities related to hazardous fuels reduction, disease, and insect infestation; and

[(B) develop and expand markets for traditionally underused wood and biomass as an outlet for by-products of preventive treatment activities.

[SEC. 202. DEFINITIONS.

[In this title:

[(1) BIOMASS.—The term ''biomass'' means trees and woody plants, including limbs, tops, needles, and other woody parts, and by-products of preventive treatment, such as wood, brush, thinnings, chips, and slash, that are removed—

[(A) to reduce hazardous fuels; or

[(B) to reduce the risk of or to contain disease or insect infestation.

[(2) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

[(3) PERSON.—The term ''person'' includes—

[(A) an individual;

[(B) a community (as determined by the Secretary concerned);

[(C) an Indian tribe;

[(D) a small business, micro-business, or a corporation that is incorporated in the United States; and

[(E) a nonprofit organization.

[(4) PREFERRED COMMUNITY.—The term ''preferred community'' means—

[(A) any town, township, municipality, or other similar unit of local government (as determined by the Secretary concerned) that—

[(i) has a population of not more than 50,000 individuals; and

[(ii) the Secretary concerned, in the sole discretion of the Secretary concerned, determines contains or is located near land, the condition of which is at significant risk of catastrophic wildfire, disease, or insect infestation or which suffers from disease or insect infestation; or

[(B) any county that—

[(i) is not contained within a metropolitan statistical area; and

[(ii) the Secretary concerned, in the sole discretion of the Secretary concerned, determines contains or is located near land, the condition of which is at significant risk of catastrophic wildfire, disease, or insect infestation or which suffers from disease or insect infestation.

[(5) SECRETARY CONCERNED.—The term ''Secretary concerned'' means—

[(A) the Secretary of Agriculture with respect to National Forest System lands; and

[(B) the Secretary of the Interior with respect to Federal lands under the jurisdiction of the Secretary of the Interior and Indian lands.

[SEC. 203. GRANTS TO IMPROVE THE COMMERCIAL VALUE OF FOREST BIOMASS FOR ELECTRIC ENERGY, USEFUL HEAT, TRANSPORTATION FUELS, AND PETROLEUM-BASED PRODUCT SUBSTITUTES.

[(a) BIOMASS COMMERCIAL USE GRANT PROGRAM.—

[(1) IN GENERAL.—The Secretary concerned may make grants to any person that owns or operates a facility that uses biomass as a raw material to produce electric energy, sensible heat, transportation fuels, or substitutes for petroleum-based products to offset the costs incurred to purchase biomass for use by such facility.

[(2) GRANT AMOUNTS.—A grant under this subsection may not exceed $20 per green ton of biomass delivered.

[(3) MONITORING OF GRANT RECIPIENT ACTIVITIES.—As a condition of a grant under this subsection, the grant recipient shall keep such records as the Secretary concerned may require to fully and correctly disclose the use of the grant funds and all transactions involved in the purchase of biomass. Upon notice by a representative of the Secretary concerned, the grant recipient shall afford the representative reasonable access to the facility that purchases or uses biomass and an opportunity to examine the inventory and records of the facility.

[(b) VALUE ADDED GRANT PROGRAM.—

[(1) IN GENERAL.—The Secretary concerned may make grants to persons to offset the cost of projects to add value to biomass. In making such grants, the Secretary concerned shall give preference to persons in preferred communities.

[(2) SELECTION.—The Secretary concerned shall select a grant recipient under paragraph (1) after giving consideration to the anticipated public benefits of the project, opportunities for the creation or expansion of small businesses and micro-businesses, and the potential for new job creation.

[(3) GRANT AMOUNT.—A grant under this subsection may not exceed $100,000.

[(c) RELATION TO OTHER ENDANGERED SPECIES AND RIPARIAN PROTECTIONS.—The Secretary concerned shall comply with applicable endangered species and riparian protections in making grants under this section. Projects funded using grant proceeds shall be required to comply with such protections.

[(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $25,000,000 for each of the fiscal years 2004 through 2008 to carry out this section.

[SEC. 204. REPORTING REQUIREMENT.

[(a) REPORT REQUIRED.—Not later than October 1, 2010, the Secretary of Agriculture, in consultation with the Secretary of the Interior, shall submit to the Committee on Resources and the Committee on Agriculture of the House of Representatives and the Committee on Energy and Natural Resources and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing the results of the grant programs authorized by section 203.

[(b) CONTENTS OF REPORT.—The report shall include the following:

[(1) An identification of the size, type, and the use of biomass by persons that receive grants under section 203.

[(2) The distance between the land from which the biomass was removed and the facility that used the biomass.

[(3) The economic impacts, particularly new job creation, resulting from the grants to and operation of the eligible operations.

[TITLE III—WATERSHED FORESTRY ASSISTANCE

[SEC. 301. FINDINGS AND PURPOSE.

[(a) FINDINGS.—Congress finds the following:

[(1) There has been a dramatic shift in public attitudes and perceptions about forest management, particularly in the understanding and practice of sustainable forest management.

[(2) It is commonly recognized that the proper stewardship of forest lands is essential to sustaining and restoring the health of watersheds.

[(3) Forests can provide essential ecological services in filtering pollutants, buffering important rivers and estuaries, and minimizing flooding, which makes its restoration worthy of special focus.

[(4) Strengthened education, technical assistance, and financial assistance to nonindustrial private forest landowners and communities, relating to the protection of watershed health, is needed to realize the expectations of the general public.

[(b) PURPOSE.—The purpose of this title is to—

[(1) improve landowner and public understanding of the connection between forest management and watershed health;

[(2) encourage landowners to maintain tree cover on their property and to utilize tree plantings and vegetative treatments as creative solutions to watershed problems associated with varying land uses;

[(3) enhance and complement forest management and buffer utilization for watersheds, with an emphasis on urban watersheds;

[(4) establish new partnerships and collaborative watershed approaches to forest management, stewardship, and conservation;

[(5) provide technical and financial assistance to States to deliver a coordinated program that enhances State forestry best-management practices programs, as well as conserves and improves forested lands and potentially forested lands through technical, financial, and educational assistance to qualifying individuals and entities; and

[(6) maximize the proper management and conservation of wetland forests and to assist in their restoration as necessary.

[SEC. 302. ESTABLISHMENT OF WATERSHED FORESTRY ASSISTANCE PROGRAM.

[The Cooperative Forestry Assistance Act of 1978 is amended by inserting after section 5 the following new section:

[''SEC. 6. WATERSHED FORESTRY ASSISTANCE.

[''(a) GENERAL AUTHORITY AND PURPOSE.—The Secretary, acting through the Forest Service, may provide technical, financial, and related assistance to State foresters and equivalent State officials for the purpose of expanding State forest stewardship capacities and activities through State forestry best-management practices and other means at the State level to address watershed issues on non-Federal forested lands and potentially forested lands.

[''(b) TECHNICAL ASSISTANCE TO PROTECT WATER QUALITY.—

[''(1) IN GENERAL.—The Secretary, in cooperation with State foresters or equivalent State officials, shall engage interested members of the public, including nonprofit organizations and local watershed councils, to develop a program of technical assistance to protect water quality, as described in paragraph (2).

[''(2) PURPOSE OF PROGRAM.—The program under this subsection shall be designed—

[''(A) to build and strengthen watershed partnerships that focus on forested landscapes at the local, State, and regional levels;

[''(B) to provide State forestry best-management practices and water quality technical assistance directly to nonindustrial private forest landowners;

[''(C) to provide technical guidance to land managers and policy makers for water quality protection through forest management;

[''(D) to complement State and local efforts to protect water quality and provide enhanced opportunities for consultation and cooperation among Federal and State agencies charged with responsibility for water and watershed management; and

[''(E) to provide enhanced forest resource data and support for improved implementation and monitoring of State forestry best-management practices.

[''(3) IMPLEMENTATION.—The program of technical assistance shall be implemented by State foresters or equivalent State officials.

[''(c) WATERSHED FORESTRY COST-SHARE PROGRAM.—

[''(1) IN GENERAL.—The Secretary shall establish a watershed forestry cost-share program to be administered by the Forest Service and implemented by State foresters or equivalent State officials. Funds or other support provided under such program shall be made available for State forestry best-management practices programs and watershed forestry projects.

[''(2) WATERSHED FORESTRY PROJECTS.—The State forester or equivalent State official of a State, in coordination with the State Forest Stewardship Coordinating Committee established under section 19(b) for that State, shall annually make awards to communities, nonprofit groups, and nonindustrial private forest landowners under the program for watershed forestry projects described in paragraph (3).

[''(3) PROJECT ELEMENTS AND OBJECTIVES.—A watershed forestry project shall accomplish critical forest stewardship, watershed protection, and restoration needs within a State by demonstrating the value of trees and forests to watershed health and condition through—

[''(A) the use of trees as solutions to water quality problems in urban and rural areas;

[''(B) community-based planning, involvement, and action through State, local and nonprofit partnerships;

[''(C) application of and dissemination of monitoring information on forestry best-

management practices relating to watershed forestry;

[''(D) watershed-scale forest management activities and conservation planning; and

[''(E) the restoration of wetland (as defined by the States) and stream-side forests and the establishment of riparian vegetative buffers.

[''(4) COST-SHARING.—Funds provided under this subsection for a watershed forestry project may not exceed 75 percent of the cost of the project. Other Federal funding sources may be used to cover a portion of the remaining project costs, but the total Federal share of the costs may not exceed 90 percent. The non-Federal share of the costs of a project may be in the form of cash, services, or other in-kind contributions.

[''(5) PRIORITIZATION.—The State Forest Stewardship Coordinating Committee for a State shall prioritize watersheds in that State to target watershed forestry projects funded under this subsection.

[''(6) WATERSHED FORESTER.—Financial and technical assistance shall be made available to the State Forester or equivalent State official to create a State best-management practice forester to lead statewide programs and coordinate small watershed-level projects.

[''(d) DISTRIBUTION.—

[''(1) IN GENERAL.—The Secretary shall devote at least 75 percent of the funds appropriated for a fiscal year pursuant to the authorization of appropriations in subsection (e) to the cost-share program under subsection (c) and the remainder to the task of delivering technical assistance, education, and planning on the ground through the State Forester or equivalent State official.

[''(2) SPECIAL CONSIDERATIONS.—Distribution of these funds by the Secretary among the States shall be made only after giving appropriate consideration to—

[''(A) the acres of nonindustrial private forestland and highly erodible land in each State;

[''(B) each State's efforts to conserve forests;

[''(C) the acres of forests in each State that have been lost or degraded or where forests can play a role in restoring watersheds; and

[''(D) the number of nonindustrial private forest landowners in each State.

[''(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $15,000,000 for each of the fiscal years 2004 through 2008.''.

[TITLE IV—INSECT INFESTATIONS

[SEC. 401. DEFINITIONS, FINDINGS, AND PURPOSE.

[(a) DEFINITIONS.—In this title:

[(1) APPLIED SILVICULTURAL ASSESSMENT.—The term ''applied silvicultural assessment'' means any vegetative or other treatment, for the purposes described in section 402, including timber harvest, thinning, prescribed burning, and pruning, as single treatment or any combination of these treatments.

[(2) FEDERAL LANDS.—The term ''Federal lands'' means—

[(A) National Forest System lands; and

[(B) public lands administered by the Secretary of the Interior, acting through the Bureau of Land Management.

[(3) SECRETARY CONCERNED.—The term ''Secretary concerned'' means—

[(A) the Secretary of Agriculture, acting through the Forest Service, with respect to National Forest System lands; and

[(B) the Secretary of the Interior, acting through appropriate offices of the United States Geological Survey, with respect to federally owned land administered by the Secretary of the Interior.

[(4) 1890 INSTITUTIONS.—The term ''1890 Institution'' means a college or university eligible to receive funds under the Act of August 30, 1890 (7 U.S.C. 321 et seq.), including Tuskegee University.

[(b) FINDINGS.—Congress finds the following:

[(1) High levels of tree mortality due to insect infestation result in—

[(A) increased fire risk;

[(B) loss of old growth;

[(C) loss of threatened and endangered species;

[(D) loss of species diversity;

[(E) degraded watershed conditions;

[(F) increased potential for damage from other agents of disturbance, including exotic, invasive species; and

[(G) decreased timber values.

[(2) Bark beetles destroy hundreds of thousands of acres of trees each year. In the West, over 21,000,000 acres are at high risk of bark beetle infestation and in the South over 57,000,000 acres are at risk across all land ownerships. Severe drought conditions in many areas of the South and West will increase risk of bark beetle infestations.

[(3) The hemlock woolly adelgid is destroying streamside forests throughout the mid-Atlantic and Appalachian region, threatening water quality and sensitive aquatic species, and posing a potential threat to valuable commercial timber lands in Northern New England.

[(4) The emerald ash borer is a nonnative, invasive pest that has quickly become a major threat to hardwood forests as a emerald ash borer infestation is almost always fatal to the affected trees. This pest threatens to destroy over 692,000,000 ash trees in forests in Michigan and Ohio alone, and between five and ten percent of urban street trees in the Upper Midwest.

[(5) Epidemic populations of Southern pine beetle are ravaging forests in Alabama, Arkansas, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia. In 2001, Florida and Kentucky experienced 146 percent and 111 percent increases, respectively, in beetle populations.

[(6) These epidemic outbreaks of Southern pine beetle have forced private landowners to harvest dead and dying trees, in both rural areas and increasingly urbanized settings.

[(7) According to the Forest Service, recent outbreaks of the red oak borer in Arkansas have been unprecedented, with almost 800,000 acres infested at population levels never seen before.

[(8) Much of the damage from the red oak borer has taken place in National forests, and the Federal response has been inadequate to protect forest ecosystems and other ecological and economic resources.

[(9) Previous silvicultural assessments, while useful and informative, have been limited in scale and scope of application, and there has not been sufficient resources available to adequately test a full array of individual and combined applied silvicultural assessments.

[(10) Only through the rigorous funding, development, and assessment of potential applied silvicultural assessments over specific time frames across an array of environmental and climatic conditions can the most innovative and cost effective management applications be determined that will help reduce the susceptibility of forest ecosystems to attack by forest pests.

[(11) Funding and implementation of an initiative to combat forest pest infestations should not come at the expense of supporting other programs and initiatives of the Secretary concerned.

[(c) PURPOSE.—It is the purpose of this title—

[(1) to require the Secretary concerned to develop an accelerated basic and applied assessment program to combat infestations by bark beetles, including Southern pine beetles, hemlock woolly adelgids, emerald ash borers, red oak borers, and white oak borers;

[(2) to enlist the assistance of universities and forestry schools, including Land Grant Colleges and Universities and 1890 Institutions, to carry out the program; and

[(3) to carry out applied silvicultural assessments.

[SEC. 402. ACCELERATED INFORMATION GATHERING REGARDING BARK BEETLES, INCLUDING SOUTHERN PINE BEETLES, HEMLOCK WOOLLY ADELGIDS, EMERALD ASH BORERS, RED OAK BORERS, AND WHITE OAK BORERS.

[(a) INFORMATION GATHERING.—The Secretary concerned shall establish, acting through the Forest Service and United States Geological Survey, as appropriate, an accelerated program—

[(1) to plan, conduct, and promote comprehensive and systematic information gathering on bark beetles, including Southern pine beetles, hemlock woolly adelgids, emerald ash borers, red oak borers, and white oak borers, including an evaluation of—

[(A) infestation prevention and control methods;

[(B) effects of infestations on forest ecosystems;

[(C) restoration of the forest ecosystem efforts;

[(D) utilization options regarding infested trees; and

[(E) models to predict the occurrence, distribution, and impact of outbreaks of bark beetles, including Southern pine beetles, hemlock woolly adelgids, emerald ash borers, red oak borers, and white oak borers;

[(2) to assist land managers in the development of treatments and strategies to improve forest health and reduce the susceptibility of forest ecosystems to severe infestations of bark beetles, including Southern pine beetles, hemlock woolly adelgids, emerald ash borers, red oak borers, and white oak borers on Federal lands and State and private lands; and

[(3) to disseminate the results of such information gathering, treatments, and strategies.

[(b) COOPERATION AND ASSISTANCE.—The Secretary concerned shall establish and carry out the program in cooperation with scientists from universities and forestry schools, State agencies, and private and industrial land owners. The Secretary concerned shall designate universities and forestry schools, including Land Grant Colleges and Universities and 1890 Institutions, to assist in carrying out the program.

[SEC. 403. APPLIED SILVICULTURAL ASSESSMENTS.

[(a) ASSESSMENT EFFORTS.—For information gathering purposes, the Secretary concerned may conduct applied silvicultural assessments on Federal lands that the Secretary concerned determines, in the discretion of the Secretary concerned, is at risk of infestation by, or is infested with, bark beetles, including Southern pine beetles, hemlock woolly adelgids, emerald ash borers, red oak borers, and white oak borers. Any applied silvicultural assessments carried out under this section shall be conducted on not more than 1,000 acres per assessment.

[(b) LIMITATIONS.—

[(1) EXCLUSION OF CERTAIN AREAS.—Subsection (a) does not apply to—

[(A) a component of the National Wilderness Preservation System;

[(B) Federal lands where, by Act of Congress or Presidential proclamation, the removal of vegetation is restricted or prohibited; or

[(C) congressionally designated wilderness study areas.

[(2) CERTAIN TREATMENT PROHIBITED.—Subsection (a) does not authorize the application of insecticides in municipal watersheds and associated riparian areas.

[(3) ACREAGE LIMITATION.—Applied silvicultural assessments may be implemented on not more than 250,000 acres using the authorities provided by this title.

[(4) PEER REVIEW.—Each applied silvicultural assessment under this title, prior to being carried out, shall be peer reviewed by scientific experts selected by the Secretary concerned, which shall include non-Federal experts. The Secretary concerned may use existing peer review processes to the extent they comply with the preceding sentence.

[(c) PUBLIC NOTICE AND COMMENT.—

[(1) PUBLIC NOTICE.—The Secretary concerned shall provide notice of each applied silvicultural assessment proposed to be carried out under this section in accordance with applicable regulations and administrative guidelines.

[(2) PUBLIC COMMENT.—During the planning stage of each applied silvicultural assessment proposed to be carried out under this section, the Secretary concerned shall provide an opportunity for public input.

[(d) CATEGORICAL EXCLUSION.—Applied silvicultural assessments carried out under this section are deemed to be categorically excluded from further analysis under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.). The Secretary concerned need not make any findings as to whether the project, either individually or cumulatively, has a significant effect on the environment.

[SEC. 404. RELATION TO OTHER LAWS.

[The authorities provided to the Secretary concerned by this title are supplemental to their respective authorities provided in any other law.

[SEC. 405. AUTHORIZATION OF APPROPRIATIONS.

[There is authorized to be appropriated for fiscal years 2004 through 2008 such sums as may be necessary to carry out this title.

[TITLE V—HEALTHY FORESTS RESERVE PROGRAM

[SEC. 501. ESTABLISHMENT OF HEALTHY FORESTS RESERVE PROGRAM.

[(a) ESTABLISHMENT.—The Secretary of Agriculture shall establish the healthy forests reserve program as a program within the Forest Service for the purpose of protecting, restoring, and enhancing degraded forest ecosystems to promote the recovery of threatened and endangered species as well as improve biodiversity and enhance carbon sequestration.

[(b) COOPERATION.—The Secretary of Agriculture shall carry out the healthy forests reserve program in cooperation with the Secretary of the Interior, acting through the United States Fish and Wildlife Service.

[SEC. 502. ELIGIBILITY AND ENROLLMENT OF LANDS IN PROGRAM.

[(a) ELIGIBLE LANDS.—The Secretary of Agriculture, in consultation with the Secretary of the Interior, shall designate rare forest ecosystems to be eligible for the healthy forests reserve program. The following lands are eligible for enrollment in the healthy forests reserve program:

[(1) Private lands whose enrollment will protect, restore, enhance, or otherwise measurably increase the likelihood of recovery of an endangered species or threatened species in the wild.

[(2) Private lands whose enrollment will protect, restore, enhance, or otherwise measurably increase the likelihood of the recovery of an animal or plant species before the species reaches threatened or endangered status, such as candidate, State-listed species, rare, peripheral, and special concern species.

[(b) OTHER CONSIDERATIONS.—In enrolling lands that satisfy the criteria in paragraph (1) or (2) of subsection (a), the Secretary of Agriculture shall give additional consideration to those lands whose enrollment will also improve biological diversity and increase carbon sequestration.

[(c) ENROLLMENT BY WILLING OWNERS.—The Secretary of Agriculture shall enroll lands in the healthy forests reserve program only with the consent of the owner of the lands.

[(d) MAXIMUM ENROLLMENT.—The total number of acres enrolled in the healthy forests reserve program shall not exceed 1,000,000 acres.

[(e) METHODS OF ENROLLMENT.—Lands may be enrolled in the healthy forests reserve program pursuant to a 10-year cost-share agreement, a 30-year easement, or a permanent easement with buyback option. The extent to which each enrollment method is used shall be based on the approximate proportion of owner interest expressed in that method in comparison to the other methods.

[(f) ENROLLMENT PRIORITY.—The Secretary of Agriculture shall give priority to the enrollment of lands that, in the sole discretion of the Secretary, will provide the best opportunity to resolve conflicts between the presence of an animal or plant species referred to in paragraph (1) or (2) of subsection (a) and otherwise lawful land use activities.

[SEC. 503. CONSERVATION PLANS.

[(a) PLAN REQUIRED.—Lands enrolled in the healthy forests reserve program shall be subject to a conservation plan, to be developed jointly by the land owner and the United States Fish and Wildlife Service. The conservation plan shall include a description of the land-use activities that are permissible on the enrolled lands.

[(b) INVOLVEMENT BY OTHER AGENCIES AND ORGANIZATIONS.—A State fish and wildlife agency, State forestry agency, State environmental quality agency, and other State conservation agencies and nonprofit conservation organizations may assist in providing technical or financial assistance, or both, for the development and implementation of conservation plans.

[(c) COST EFFECTIVENESS.—The conservation plan shall maximize the environmental benefits per dollar expended.

[SEC. 504. FINANCIAL ASSISTANCE.

[(a) PERMANENT EASEMENT WITH BUYBACK OPTION.—

[(1) PAYMENT AMOUNT.—In the case of land enrolled in the healthy forests reserve program using a permanent easement with a buyback option, the Secretary of Agriculture shall pay the owner of the land an amount equal to—

[(A) the fair market value of the enrolled land less the fair market value of the land encumbered by the easement; plus

[(B) the actual costs of the approved conservation practices or the average cost of approved practices, as established by the Secretary.

[(2) BUYBACK OPTION.—Beginning on the 50th anniversary of the enrollment of the land, and every 10th-year thereafter, the owner shall be able to purchase the easement back from the United States at a rate equal to the fair market value of the easement plus the costs, adjusted for inflation, of the approved conservation practices.

[(b) 30-YEAR EASEMENT.—In the case of land enrolled in the healthy forests reserve program using a 30-year easement, the Secretary of Agriculture shall pay the owner of the land an amount equal to—

[(1) 75 percent of the fair market value of the land less the fair market value of the land encumbered by the easement; plus

[(2) 75 percent of the actual costs of the approved conservation practices or 75 percent of the average cost of approved practices, as established by the Secretary.

[(c) 10-YEAR AGREEMENT.—In the case of land enrolled in the healthy forests reserve program using a 10-year cost-share agreement, the Secretary of Agriculture shall pay the owner of the land an amount equal to—

[(1) 75 percent of the actual costs of the approved conservation practices; or

[(2) 75 percent of the average cost of approved practices, as established by the Secretary.

[(d) ACCEPTANCE OF CONTRIBUTIONS.—The Secretary of Agriculture may accept and use contributions of non-Federal funds to make payments under this section.

[SEC. 505. TECHNICAL ASSISTANCE.

[The Forest Service and the United States Fish and Wildlife Service shall provide landowners with technical assistance to comply with the terms of agreements and easements under the healthy forests reserve program and conservation plans.

[SEC. 506. SAFE HARBOR.

[In implementing the healthy forests reserve program, the Secretary of the Interior shall provide safe harbor or similar assurances, through section 7 or other authorities under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), consistent with the implementing regulations of the United States Fish and Wildlife Service, to landowners who enroll land in the healthy forests reserve program when such enrollment will result in a net conservation benefit for listed species.

[SEC. 507. AUTHORIZATION OF APPROPRIATIONS.

[There are authorized to be appropriated $15,000,000 for each of the fiscal years 2004 through 2008 to carry out this title.

[TITLE VI—MISCELLANEOUS PROVISIONS

[SEC. 601. FOREST STANDS INVENTORY AND MONITORING PROGRAM TO IMPROVE DETECTION OF AND RESPONSE TO ENVIRONMENTAL THREATS.

[(a) IN GENERAL.—The Secretary of Agriculture shall carry out a comprehensive program to inventory, monitor, characterize, assess, and identify forest stands (with emphasis on hardwood forest stands) and potential forest stands—

[(1) in units of the National Forest System (other than those units created from the public domain); and

[(2) on private forest land, with the consent of the owner of the land.

[(b) ISSUES TO BE ADDRESSED.—In carrying out the program, the Secretary shall address issues including—

[(1) early detection, identification, and assessment of environmental threats (including insect, disease, invasive species, fire, and weather-related risks and other episodic events);

[(2) loss or degradation of forests;

[(3) degradation of the quality forest stands caused by inadequate forest regeneration practices;

[(4) quantification of carbon uptake rates; and

[(5) management practices that focus on preventing further forest degradation.

[(c) EARLY WARNING SYSTEM.—In carrying out the program, the Secretary shall develop a comprehensive early warning system for potential catastrophic environmental threats to forests to increase the likelihood that forest managers will be able to—

[(1) isolate and treat a threat before the threat gets out of control; and

[(2) prevent epidemics, such as the American chestnut blight in the first half of the twentieth century, that could be environmentally and economically devastating to forests.

[(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $5,000,000 for each of the fiscal years 2004 through 2008.]

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Healthy Forests Restoration Act of 2003''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Purposes.
Sec. 3. Definitions.

TITLE I—HAZARDOUS FUELS REDUCTION ON FEDERAL LAND

Sec. 101. Definitions.
Sec. 102. Authorized hazardous fuels reduction projects.
Sec. 103. Prioritization for communities and watersheds.
Sec. 104. Environmental analysis.
Sec. 105. Special Forest Service administrative review process.
Sec. 106. Special requirements regarding judicial review of authorized hazardous fuels reduction projects.
Sec. 107. Standard for injunctive relief for agency action to restore fire-adapted forest or rangeland ecosystems.
Sec. 108. Effect of title.

TITLE II—BIOMASS

Sec. 201. Findings.
Sec. 202. Definitions.
Sec. 203. Grants to improve commercial value of forest biomass for electric energy, useful heat, transportation fuels, compost, value-added products, and petroleum-based product substitutes.
Sec. 204. Reporting requirement.
Sec. 205. Improved biomass use research program.
Sec. 206. Rural revitalization through forestry.

TITLE III—WATERSHED FORESTRY ASSISTANCE

Sec. 301. Findings and purposes.
Sec. 302. Watershed forestry assistance program.
Sec. 303. Tribal watershed forestry assistance.

TITLE IV—INSECT INFESTATIONS AND RELATED DISEASES

Sec. 401. Findings and purpose.
Sec. 402. Definitions.
Sec. 403. Accelerated information gathering regarding forest-damaging insects.
Sec. 404. Applied silvicultural assessments.
Sec. 405. Relation to other laws.
Sec. 406. Authorization of appropriations.

TITLE V—HEALTHY FORESTS RESERVE PROGRAM

Sec. 501. Establishment of healthy forests reserve program.
Sec. 502. Eligibility and enrollment of lands in program.
Sec. 503. Restoration plans.
Sec. 504. Financial assistance.
Sec. 505. Technical assistance.
Sec. 506. Protections and measures
Sec. 507. Involvement by other agencies and organizations.
Sec. 508. Authorization of appropriations.

TITLE VI—PUBLIC LAND CORPS

Sec. 601. Purposes.
Sec. 602. Definitions.
Sec. 603. Public Land Corps.
Sec. 604. Nondisplacement.
Sec. 605. Authorization of appropriations.

TITLE VII—RURAL COMMUNITY FORESTRY ENTERPRISE PROGRAM

Sec. 701. Purpose
Sec. 702. Definitions.
Sec. 703. Rural community forestry enterprise program.

TITLE VIII—MISCELLANEOUS PROVISIONS

Sec. 801. Forest inventory and management.
Sec. 802. Program for emergency treatment and reduction of nonnative invasive plants.
Sec. 803. USDA National Agroforestry Center.
Sec. 804. Upland Hardwoods Research Center.
Sec. 805. Sense of Congress regarding enhanced community fire protection.

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to reduce the risks of damage to communities, municipal water supplies, and certain at-risk Federal land from catastrophic wildfires;

(2) to authorize grant programs to improve the commercial value of forest biomass (that otherwise contributes to the risk of catastrophic fire or insect or disease infestation) for producing electric energy, useful heat, transportation fuels, and petroleum-based product substitutes, and for other commercial purposes;

(3) to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape;

(4) to promote systematic gathering of information to address the impact of insect and disease infestations and other damaging agents on forest and rangeland health;

(5) to improve the capacity to detect insect and disease infestations at an early stage, particularly with respect to hardwood forests; and

(6) to protect, restore, and enhance forest ecosystem components—

(A) to promote the recovery of threatened and endangered species;

(B) to improve biological diversity; and

(C) to enhance productivity and carbon sequestration.

SEC. 3. DEFINITIONS.

In this Act:

(1) FEDERAL LAND.—The term ''Federal land'' means—

(A) land of the National Forest System (as defined in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C 1609(a))) administered by the Secretary of Agriculture, acting through the Chief of the Forest Service; and

(B) public lands (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C 1702)), the surface of which is administered by the Secretary of the Interior, acting through the Director of the Bureau of Land Management.

(2) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

TITLE I—HAZARDOUS FUELS REDUCTION ON FEDERAL LAND

SEC. 101. DEFINITIONS.

In this title:

(1) AUTHORIZED HAZARDOUS FUELS REDUCTION PROJECT.—The term ''authorized hazardous fuels reduction project'' means a hazardous fuels reduction project on Federal land described in section 102(a) conducted in accordance with sections 103 and 104.

(2) CONDITION CLASS 2.—The term ''condition class 2'', with respect to an area of Federal land, means the condition class description developed by the Forest Service Rocky Mountain Research Station in the general technical report entitled ''Development of Coarse-Scale Spatial Data for Wildland Fire and Fuel Management'' (RMRS–87), dated April 2000 (including any subsequent revision to the report), under which—

(A) fire regimes on the land have been moderately altered from historical ranges;

(B) there exists a moderate risk of losing key ecosystem components from fire;

(C) fire frequencies have increased or decreased from historical frequencies by 1 or more return intervals, resulting in moderate changes to—

(i) the size, frequency, intensity, or severity of fires; or

(ii) landscape patterns; and

(D) vegetation attributes have been moderately altered from the historical range of the attributes.

(3) CONDITION CLASS 3.—The term ''condition class 3'', with respect to an area of Federal land, means the condition class description developed by the Rocky Mountain Research Station in the general technical report referred to in paragraph (2) (including any subsequent revision to the report), under which—

(A) fire regimes on land have been significantly altered from historical ranges;

(B) there exists a high risk of losing key ecosystem components from fire;

(C) fire frequencies have departed from historical frequencies by multiple return intervals, resulting in dramatic changes to—

(i) the size, frequency, intensity, or severity of fires; or

(ii) landscape patterns; and

(D) vegetation attributes have been significantly altered from the historical range of the attributes.

(4) DAY.—The term ''day'' means—

(A) a calendar day; or

(B) if a deadline imposed by this title would expire on a nonbusiness day, the end of the next business day.

(5) DECISION DOCUMENT.—The term ''decision document'' means a decision notice or record of decision, as those terms are used in applicable regulations of the Council on Environmental Quality and the Forest Service Handbook.

(6) HAZARDOUS FUELS.—The term ''hazardous fuels'' means vegetation (dead or alive) in the forest or rangeland ecosystem that—

(A) is in excess of historic conditions or management goals; and

(B) can cause wildfires.

(7) HAZARDOUS FUELS REDUCTION PROJECT.—The term ''hazardous fuels reduction project'' means the measures and methods described in the definition of ''appropriate tools'' contained in the glossary of the Implementation Plan.

(8) IMPLEMENTATION PLAN.—The term ''Implementation Plan'' means the Implementation Plan for the 10-year Comprehensive Strategy for a Collaborative Approach for Reducing Wildland Fire Risks to Communities and the Environment, dated May 2002, which was developed pursuant to the Department of the Interior and Related Agencies Appropriations Act, 2001 (Public Law 106–291) (including any subsequent revision to the Plan).

(9) INTERFACE COMMUNITY.—The term ''interface community'' has the meaning given the term in the notice published at 66 Fed. Reg. 751 (January 4, 2001) (including any subsequent revision to the notice).

(10) INTERMIX COMMUNITY.—The term ''intermix community'' has the meaning given the term in the notice published at 66 Fed. Reg. 751 (January 4, 2001) (including any subsequent revision to the notice).

(11) MUNICIPAL WATER SUPPLY SYSTEM.—The term ''municipal water supply system'' means the source watersheds, reservoirs, canals, ditches, flumes, laterals, pipes, pipelines, and other surface facilities and systems constructed or installed for the collection, impoundment, storage, transportation, or distribution of drinking water for a community.

(12) RESOURCE MANAGEMENT PLAN.—The term ''resource management plan'' means—

(A) a land and resource management plan prepared for 1 or more units of land of the National Forest System described in section 3(1)(A) under section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604); or

(B) a land use plan prepared for 1 or more units of the public land described in section 3(1)(B) under section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712).

(13) SECRETARY.—The term ''Secretary'' means—

(A) the Secretary of Agriculture, with respect to land of the National Forest System described in section 3(1)(A); and

(B) the Secretary of the Interior, with respect to public lands described in section 3(1)(B).

(14) THREATENED AND ENDANGERED SPECIES HABITAT.—The term ''threatened and endangered species habitat'' means Federal land identified in—

(A) a determination that a species is an endangered species or a threatened species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(B) a designation of critical habitat of the species under that Act; or

(C) a recovery plan prepared for the species under that Act.

SEC. 102. AUTHORIZED HAZARDOUS FUELS REDUCTION PROJECTS.

(a) AUTHORIZED PROJECTS.—

(1) IN GENERAL.—The Secretary may conduct hazardous fuels reduction projects on—

(A) Federal land located in an interface community or intermix community;

(B) Federal land located in such proximity to an interface community or intermix community that there is a significant risk that the spread of a fire disturbance event from that land would threaten human life or property in proximity to or within the interface community or intermix community;

(C) condition class 3 or condition class 2 Federal land located in such proximity to a municipal watershed, water supply system or a stream feeding a municipal water supply system that a significant risk exists that a fire disturbance event would have adverse effects on the water quality of the municipal water supply or the maintenance of the system, including the risk to water quality posed by erosion following such a fire disturbance event;

(D) condition class 3 or condition class 2 Federal land on which windthrow or blowdown, ice storm damage, or the existence or threat of disease or insect infestation, poses a significant threat to an ecosystem component, or forest or rangeland resource, on the Federal land or adjacent private land;

(E) Federal land not covered by subparagraph (A), (B), (C), or (D) that contains threatened and endangered species habitat, if—

(i) natural fire regimes on that land are identified as being important for, or wildfire is identified as a threat to, an endangered species, a threatened species, or habitat of an endangered species or threatened species in a species recovery plan prepared under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533), or a notice published in the Federal Register determining a species to be an endangered species or a threatened species or designating critical habitat;

(ii) the project will provide enhanced protection from catastrophic wildfire for the endangered species, threatened species, or habitat of the endangered species or threatened species; and

(iii) the Secretary complies with any applicable guidelines specified in any recovery plan described in clause (i).

(2) CLASSIFICATION.—The Secretary shall classify appropriate land described in paragraph (1)(D) impacted by windthrow or blowdown, ice storm damage, or the existence or threat of disease or insect infestation as condition class 3 or condition class 2 Federal land.

(b) RELATION TO AGENCY PLANS.—An authorized hazardous fuels reduction project shall be conducted in a manner consistent with the resource management plan applicable to the Federal land covered by the project.

(c) ACREAGE LIMITATION.—Not more than a total of 20,000,000 acres of Federal land may be included in authorized hazardous fuels reduction projects.

(d) EXCLUSION OF CERTAIN FEDERAL LAND.—The Secretary may not conduct an authorized hazardous fuels reduction project that would occur on—

(1) a component of the National Wilderness Preservation System;

(2) Federal land on which, by Act of Congress or Presidential proclamation, the removal of vegetation is prohibited or restricted; or

(3) a Wilderness Study Area.

SEC. 103. PRIORITIZATION FOR COMMUNITIES AND WATERSHEDS.

As provided for in the Implementation Plan, the Secretary shall give priority to authorized hazardous fuel reduction projects that provide for the protection of communities and watersheds.

SEC. 104. ENVIRONMENTAL ANALYSIS.

(a) HAZARDOUS FUELS REDUCTION PROJECTS.—

(1) IN GENERAL.—Except as otherwise provided in this title, the Secretary shall conduct authorized hazardous fuels reduction projects in accordance with—

(A) the National Environmental Policy Act of 1969 (42 U.S.C. 4331 et seq.); and

(B) other applicable laws.

(2) ENVIRONMENTAL ASSESSMENT OR IMPACT STATEMENT.—The Secretary shall prepare an environmental assessment or an environmental impact statement (pursuant to section 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2))) for each authorized hazardous fuels reduction project.

(b) ALTERNATIVES.—The Secretary is not required to study, develop, or describe any alternative to the proposed agency action in the environmental assessment or environmental impact statement prepared in accordance with subsection (a)(2).

(c) PUBLIC NOTICE AND MEETING.—

(1) PUBLIC NOTICE.—The Secretary shall provide notice of each authorized hazardous fuels reduction project in accordance with applicable regulations and administrative guidelines.

(2) PUBLIC MEETING.—During the preparation stage of each authorized hazardous fuels reduction project, the Secretary shall—

(A) conduct a public meeting at an appropriate location proximate to the administrative unit of the Federal land on which the authorized hazardous fuels reduction project will be conducted; and

(B) provide advance notice of the location, date, and time of the meeting.

(d) PUBLIC COLLABORATION.—In order to encourage meaningful public participation during preparation of authorized hazardous fuels reduction projects, the Secretary shall facilitate collaboration among State and local governments and Indian tribes, and participation of interested persons, during the preparation of each authorized fuels reduction project in a manner consistent with the Implementation Plan.

(e) ENVIRONMENTAL ANALYSIS AND PUBLIC COMMENT.—In accordance with section 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)) and the applicable regulations and administrative guidelines, the Secretary shall provide an opportunity for public input during the preparation of any environmental assessment or environmental impact statement for an authorized hazardous fuels reduction project.

(f) DECISION DOCUMENT.—The Secretary shall sign a decision document for authorized hazardous fuels reduction projects and provide notice of the final agency actions.

(g) PROJECT MONITORING.—In accordance with the Implementation Plan, the Secretary shall monitor the implementation of authorized hazardous fuels reduction projects.

SEC. 105. SPECIAL FOREST SERVICE ADMINISTRATIVE REVIEW PROCESS.

(a) DEVELOPMENT OF ADMINISTRATIVE REVIEW PROCESS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Agriculture shall promulgate final regulations to establish an administrative review process that will serve as the sole means by which a person described in subsection (b) can seek administrative review regarding a proposed hazardous fuels reduction project.

(b) ELIGIBLE PERSONS.—

(1) IN GENERAL.—To be eligible to participate in the administrative review process established under subsection (a), a person shall submit specific and substantive written comments during the notice and comment stage of the authorized hazardous fuels reduction project.

(2) NOTICE AND COMMENT.—The Secretary of Agriculture shall ensure that, during the preparation stage of each authorized hazardous fuels reduction project, notice and comment is provided in a manner sufficient to permit interested persons a reasonable opportunity to comply with this subsection.

(c) RELATION TO APPEALS REFORM ACT.—Section 322 of the Department of the Interior and Related Agencies Appropriations Act, 1993 (Public Law 102–381; 16 U.S.C. 1612 note), does not apply to an authorized hazardous fuels reduction project.

SEC. 106. SPECIAL REQUIREMENTS REGARDING JUDICIAL REVIEW OF AUTHORIZED HAZARDOUS FUELS REDUCTION PROJECTS.

(a) FILING DEADLINE.—

(1) TIME LIMIT ESTABLISHED FOR FILING.—

(A) IN GENERAL.—Notwithstanding any other provision of law, to be timely, an action in a court of the United States challenging an authorized hazardous fuels reduction project shall be filed in the court before the end of the 15-day period beginning on the date on which the Secretary provides notice of the final agency action regarding the authorized hazardous fuels reduction project.

(B) APPLICABILITY.—The time limitation under subparagraph (A) supersedes any requirement regarding notice of intent to file a lawsuit, or filing deadline, otherwise applicable to an action challenging an authorized hazardous fuels reduction project under any provision of law.

(2) WAIVER PROHIBITED.—The Secretary may not agree to, and a court of the United States may not grant, a waiver of the requirements of this subsection.

(b) DURATION OF PRELIMINARY INJUNCTION.—

(1) DURATION; EXTENSION.—

(A) DURATION.—Any preliminary injunction, or injunction pending appeal, granted by a court of the United States regarding an authorized hazardous fuels reduction project shall be limited to 45 days.

(B) EXTENSION.—A court may renew the preliminary injunction or injunction pending appeal, taking into consideration the goal expressed in subsection (c) for the expeditious resolution of cases regarding authorized hazardous fuels reduction projects.

(2) SUBMISSION OF INFORMATION.—As part of a request to renew a preliminary injunction, or injunction pending appeal, granted regarding an authorized hazardous fuels reduction project, the parties involved shall present to the court a description of any changes that may have occurred during the period of the injunction to the forest or rangeland conditions that the authorized hazardous fuels reduction project is intended to address.

(3) CONGRESSIONAL NOTIFICATION.—In the event of the renewal of a preliminary injunction, or injunction pending appeal, regarding an authorized hazardous fuels reduction project, the Secretary shall submit notice of the renewal to—

(A) the Committee on Resources and the Committee on Agriculture of the House of Representatives; and

(B) the Committee on Energy and Natural Resources and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

(c) EXPEDITIOUS COMPLETION OF JUDICIAL REVIEW.—Congress intends and encourages any court in which is filed an action challenging an authorized hazardous fuels reduction project to expedite, to the maximum extent practicable, the

proceedings in the lawsuit or appeal with the goal of rendering, not later than 100 days after the date on which the complaint or appeal is filed—

(1) a final determination on jurisdiction; and

(2) if jurisdiction exists, a final determination on the merits.

SEC. 107. STANDARD FOR INJUNCTIVE RELIEF FOR AGENCY ACTION TO RESTORE FIRE-ADAPTED FOREST OR RANGELAND ECOSYSTEMS.

If a civil action brought against the Secretary under section 703 of title 5, United States Code, involves an agency action on Federal land on which the Secretary found that the agency action is necessary to restore a fire-adapted forest or rangeland ecosystem (including an authorized hazardous fuels reduction project), the court reviewing the agency action, in considering a request for a prohibitory or mandatory injunction against the agency action, shall—

(1) balance the impact to the ecosystem likely affected by the project of the short- and long-term effects of undertaking the agency action against the short- and long-term effects of not undertaking the agency action; and

(2) give weight to a finding by the Secretary in the administrative record of the agency action concerning the short- and long-term effects of undertaking the agency action and of not undertaking the agency action, unless the court finds that the finding was arbitrary and capricious.

SEC. 108. EFFECT OF TITLE.

(a) RELATION TO OTHER AUTHORITY.—Nothing in this title affects, or otherwise biases, the use by the Secretary of other statutory or administrative authority to conduct a hazardous fuels reduction project on Federal land (including Federal land identified in section 102(d)) that is not conducted using the process authorized by section 104.

(b) RELATION TO LEGAL ACTION.—Nothing in this title prejudices or otherwise affects the consideration or disposition of any legal action concerning the Roadless Area Conservation Rule contained in part 294 of title 36, Code of Federal Regulations, and amended in the final rule and record of decision published in the Federal Register on January 12, 2001 (66 Fed. Reg. 3244).

TITLE II—BIOMASS

SEC. 201. FINDINGS.

Congress finds that—

(1)(A) thousands of communities in the United States, many located near Federal land, are at risk of wildfire;

(B) more than 100,000,000 acres of land managed by the Secretary of Agriculture and the Secretary of the Interior are at risk of catastrophic fire in the near future; and

(C) the accumulation of heavy forest and rangeland fuel loads continues to increase as a result of fire exclusion, disease, insect infestations, and drought, further raising the risk of fire each year;

(2)(A) more than 70,000,000 acres across all land ownerships are at risk of higher than normal mortality during the 15-year period beginning on the date of enactment of this Act because of insect infestation and disease; and

(B) high levels of tree mortality from insects and disease result in—

(i) increased fire risk;

(ii) loss of older trees and old growth;

(iii) degraded watershed conditions;

(iv) changes in species diversity and productivity;

(v) diminished fish and wildlife habitat;

(vi) decreased timber values; and

(vii) increased threats to homes, businesses, and community watersheds;

(3)(A) preventive treatments (such as reducing fuel loads, crown density, ladder fuels, and hazard trees), planting proper species mix, restoring and protecting early successional habitat, and completing other specific restoration treatments designed to reduce the susceptibility of forest and rangeland to insect outbreaks, disease, and catastrophic fire present the greatest opportunity for long-term forest and rangeland health, maintenance, and enhancement by creating a mosaic of species-mix and age distribution; and

(B) those vegetation management treatments are widely acknowledged to be more successful and cost-effective than suppression treatments in the case of insects, disease, and fire;

(4)(A) the byproducts of vegetative management treatment (such as trees, brush, thinnings, chips, slash, and other hazardous fuels) removed from forest and rangeland represent an abundant supply of—

(i) biomass for biomass-to-energy facilities; and

(ii) raw material for business; and

(B) there are currently few markets for the extraordinary volumes of by-products being generated as a result of the necessary large-scale preventive treatment activities; and

(5) the United States should—

(A) promote economic and entrepreneurial opportunities in using by-products removed through vegetation treatment activities relating to hazardous fuels reduction, disease, and insect infestation;

(B) develop and expand markets for traditionally underused wood and biomass as an outlet for by-products of preventive treatment activities; and

(C) promote research and development to provide, for the by-products, economically and environmentally sound—

(i) management systems;

(ii) harvest and transport systems; and

(iii) utilization options.

SEC. 202. DEFINITIONS.

In this title:

(1) BIOMASS.—The term ''biomass'' means trees and woody plants (including limbs, tops, needles, other woody parts, and wood waste) and byproducts of preventive treatment (such as wood, brush, thinnings, chips, and slash) that are removed—

(A) to reduce hazardous fuels;

(B) to reduce the risk of or to contain disease or insect infestation; or

(C) to improve forest health and wildlife habitat conditions.

(2) PERSON.—The term ''person'' includes—

(A) an individual;

(B) a community (as determined by the Secretary);

(C) an Indian tribe;

(D) a small business, microbusiness, or a corporation that is incorporated in the United States; and

(E) a nonprofit organization.

(3) PREFERRED COMMUNITY.—The term ''preferred community'' means—

(A) any town, township, municipality, Indian tribe, or other similar unit of local government (as determined by the Secretary) that—

(i) has a population of not more than 50,000 individuals; and

(ii) the Secretary, in the sole discretion of the Secretary, determines contains or is located near, or with a water supply system that contains or is located near, land that—

(I) is at significant risk of catastrophic wildfire, disease, or insect infestation; or

(II) suffers from disease or insect infestation; or

(B) any area or unincorporated area represented by a nonprofit organization approved by the Secretary, that—

(i) is not wholly contained within a metropolitan statistical area; and

(ii) the Secretary, in the sole discretion of the Secretary, determines contains or is located near, or with a water supply system that contains or is located near, land—

(I) the condition of which is at significant risk of catastrophic wildfire, disease, or insect infestation; or

(II) that suffers from disease or insect infestation.

(4) SECRETARY.—The term ''Secretary'' means—

(A) the Secretary of Agriculture, with respect to National Forest System land; and

(B) the Secretary of the Interior, with respect to Federal land under the jurisdiction of the Secretary of the Interior (including land held in trust for the benefit of an Indian tribe).

SEC. 203. GRANTS TO IMPROVE COMMERCIAL VALUE OF FOREST BIOMASS FOR ELECTRIC ENERGY, USEFUL HEAT, TRANSPORTATION FUELS, COMPOST, VALUE-ADDED PRODUCTS, AND PETROLEUM-BASED PRODUCT SUBSTITUTES.

(a) BIOMASS COMMERCIAL UTILIZATION GRANT PROGRAM.—

(1) IN GENERAL.—The Secretary may make grants to any person that owns or operates a facility that uses biomass as a raw material to produce electric energy, sensible heat, transportation fuels, substitutes for petroleum-based products, wood-based products, pulp, or other commercial products to offset the costs incurred to purchase biomass for use by the facility.

(2) GRANT AMOUNTS.—A grant under this subsection may not exceed $20 per green ton of biomass delivered.

(3) MONITORING OF GRANT RECIPIENT ACTIVITIES.—

(A) IN GENERAL.—As a condition of a grant under this subsection, the grant recipient shall keep such records as the Secretary may require to fully and correctly disclose the use of the grant funds and all transactions involved in the purchase of biomass.

(B) ACCESS.—On notice by a representative of the Secretary, the grant recipient shall afford the representative—

(i) reasonable access to the facility that purchases or uses biomass; and

(ii) an opportunity to examine the inventory and records of the facility.

(b) VALUE-ADDED GRANT PROGRAM.—

(1) IN GENERAL.—The Secretary—

(A) may make grants to persons to offset the cost of projects to add value to biomass; and

(B) in making a grant under subparagraph (A), shall give preference to persons in preferred communities.

(2) SELECTION.—The Secretary shall select a grant recipient under paragraph (1)(A) after giving consideration to—

(A) the anticipated public benefits of the project;

(B) opportunities for the creation or expansion of small businesses and microbusinesses resulting from the project; and

(C) the potential for new job creation as a result of the project.

(3) GRANT AMOUNT.—A grant under this subsection shall not exceed $100,000.

(c) RELATION TO OTHER ENDANGERED SPECIES AND RIPARIAN PROTECTIONS.—

(1) IN GENERAL.—The Secretary shall comply with applicable endangered species and riparian protections in making grants under this section.

(2) PROJECTS.—Projects funded using grant proceeds shall be required to comply with the protections.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $25,000,000 for each of fiscal years 2004 through 2008.

SEC. 204. REPORTING REQUIREMENT.

(a) REPORT REQUIRED.—Not later than October 1, 2008, the Secretary of Agriculture, in consultation with the Secretary of the Interior, shall submit to the Committee on Resources and the Committee on Agriculture of the House of Representatives and the Committee on Energy and Natural Resources and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing the results of the grant programs authorized by section 203.

(b) CONTENTS OF REPORT.—The report shall include—

(1) an identification of the source, size, type, and the end-use of biomass by persons that receive grants under section 203;

(2) the haul costs incurred and the distance between the land from which the biomass was removed and the facilities that used the biomass;

(3) the economic impacts, particularly new job creation, resulting from the grants to and operation of the eligible operations; and

(4) the environmental effects of the activities described in this section.

SEC. 205. IMPROVED BIOMASS USE RESEARCH PROGRAM.

(a) USES OF GRANTS, CONTRACTS, AND ASSISTANCE.—Section 307(d) of the Biomass Research and Development Act of 2000 (7 U.S.C. 7624 note; Public Law 106–224) is amended—

(1) in paragraph (3), by striking ''or'' at the end;

(2) in paragraph (4), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(5) research to integrate silviculture, harvesting, product development, processing information, and economic evaluation to provide the science, technology, and tools to forest managers and community developers for use in evaluating forest treatment and production alternatives, including—

''(A) to develop tools that would enable land managers, locally or in a several-State region, to estimate—

''(i) the cost to deliver varying quantities of wood to a particular location; and

''(ii) the amount that could be paid for stumpage if delivered wood was used for a specific mix of products;

''(B) to conduct research focused on developing appropriate thinning systems and equipment designs that are—

''(i) capable of being used on land without significant adverse effects on the land;

''(ii) capable of handling large and varied landscapes;

''(iii) adaptable to handling a wide variety of tree sizes;

''(iv) inexpensive; and

''(v) adaptable to various terrains; and

''(C) to develop, test, and employ in the training of forestry managers and community developers curricula materials and training programs on matters described in subparagraphs (A) and (B).''.

(b) FUNDING.—Section 310(b) of the Biomass Research and Development Act of 2000 (7 U.S.C. 7624 note; Public Law 106–224) is amended—

(1) by striking ''$49,000,000'' and inserting ''$54,000,000''; and

(2) by inserting before the period at the end the following: '', of which not less than $5,000,000 shall be used for each fiscal year to carry out section 307(d)(5)''.

SEC. 206. RURAL REVITALIZATION THROUGH FORESTRY.

Section 2371 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 6601) is amended by adding at the end the following:

''(d) RURAL REVITALIZATION TECHNOLOGIES.—

''(1) IN GENERAL.—The Secretary of Agriculture, acting through the Chief of the Forest Service, in consultation with the State and Private Forestry Technology Marketing Unit at the Forest Products Laboratory, and in collaboration with eligible institutions, may carry out a program—

''(A) to accelerate adoption of technologies using biomass and small-diameter materials;

''(B) to create community-based enterprises through marketing activities and demonstration projects; and

''(C) to establish small-scale business enterprises to make use of biomass and small-diameter materials.

''(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $5,000,000 for each of fiscal years 2004 through 2008.''.

TITLE III—WATERSHED FORESTRY ASSISTANCE

SEC. 301. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) there has been a dramatic shift in public attitudes and perceptions about forest management, particularly in the understanding and practice of sustainable forest management;

(2) it is commonly recognized that the proper stewardship of forest land is essential to sustaining and restoring the health of watersheds;

(3) forests can provide essential ecological services in filtering pollutants, buffering important rivers and estuaries, and minimizing flooding, which makes forest restoration worthy of special focus; and

(4) strengthened education, technical assistance, and financial assistance for nonindustrial private forest landowners and communities, relating to the protection of watershed health, is needed to realize the expectations of the general public.

(b) PURPOSES.—The purposes of this title are—

(1) to improve landowner and public understanding of the connection between forest management and watershed health;

(2) to encourage landowners to maintain tree cover on property and to use tree plantings and vegetative treatments as creative solutions to watershed problems associated with varying land uses;

(3) to enhance and complement forest management and buffer use for watersheds, with an emphasis on community watersheds;

(4) to establish new partnerships and collaborative watershed approaches to forest management, stewardship, and conservation;

(5) to provide technical and financial assistance to States to deliver a coordinated program that enhances State forestry best-management practices programs, and conserves and improves forested land and potentially forested land, through technical, financial, and educational assistance to qualifying individuals and entities; and

(6) to maximize the proper management and conservation of wetland forests and to assist in the restoration of those forests.

SEC. 302. WATERSHED FORESTRY ASSISTANCE PROGRAM.

The Cooperative Forestry Assistance Act of 1978 is amended by inserting after section 5 (16 U.S.C. 2103a) the following:

''SEC. 6. WATERSHED FORESTRY ASSISTANCE PROGRAM.

''(a) DEFINITION OF NONINDUSTRIAL PRIVATE FOREST LAND.—In this section, the term 'nonindustrial private forest land' means rural land, as determined by the Secretary, that—

''(1) has existing tree cover or that is suitable for growing trees; and

''(2) is owned by any nonindustrial private individual, group, association, corporation, or other private legal entity, that has definitive decisionmaking authority over the land.

''(b) GENERAL AUTHORITY AND PURPOSE.—The Secretary, acting through the Chief of the Forest Service, may provide technical, financial, and related assistance to State foresters, equivalent State officials, and officials of the Cooperative State Research, Education, and Extension Service for the purpose of expanding State forest stewardship capacities and activities through State forestry best-management practices and other means at the State level to address watershed issues on non-Federal forested land and potentially forested land.

''(c) TECHNICAL ASSISTANCE TO PROTECT WATER QUALITY.—

''(1) IN GENERAL.—The Secretary, in cooperation with State foresters, officials of the Cooperative State Research, Education, and Extension Service, or equivalent State officials, shall engage interested members of the public, including nonprofit organizations and local watershed councils, to develop a program of technical assistance to protect water quality described in paragraph (2).

''(2) PURPOSE OF PROGRAM.—The program under this subsection shall be designed—

''(A) to build and strengthen watershed partnerships that focus on forested landscapes at the State, regional, and local levels;

''(B) to provide State forestry best-management practices and water quality technical assistance directly to owners of nonindustrial private forest land;

''(C) to provide technical guidance to land managers and policymakers for water quality protection through forest management;

''(D) to complement State and local efforts to protect water quality and provide enhanced opportunities for consultation and cooperation among Federal and State agencies charged with responsibility for water and watershed management; and

''(E) to provide enhanced forest resource data and support for improved implementation and monitoring of State forestry best-management practices.

''(3) IMPLEMENTATION.—The program of technical assistance shall be implemented by State foresters or equivalent State officials.

''(d) WATERSHED FORESTRY COST-SHARE PROGRAM.—

''(1) IN GENERAL.—The Secretary shall establish a watershed forestry cost-share program—

''(A) which shall be—

''(i) administered by the Forest Service; and

''(ii) implemented by State foresters or equivalent State officials; and

''(B) under which funds or other support provided shall be made available for State forestry best-management practices programs and watershed forestry projects.

''(2) WATERSHED FORESTRY PROJECTS.—The State forester, State Research, Education and Extension official, or equivalent State official of a State, in coordination with the State Forest Stewardship Coordinating Committee established under section 19(b) (or an equivalent committee) for that State, shall make awards to communities, nonprofit groups, and owners of nonindustrial private forest land under the program for watershed forestry projects described in paragraph (3).

''(3) PROJECT ELEMENTS AND OBJECTIVES.—A watershed forestry project shall accomplish critical forest stewardship, watershed protection, and restoration needs within a State by demonstrating the value of trees and forests to watershed health and condition through—

''(A) the use of trees as solutions to water quality problems in urban and rural areas;

''(B) community-based planning, involvement, and action through State, local and nonprofit partnerships;

''(C) application of and dissemination of monitoring information on forestry best-management practices relating to watershed forestry;

''(D) watershed-scale forest management activities and conservation planning; and

''(E)(i) the restoration of wetland (as defined by the States) and stream-side forests; and

''(ii) the establishment of riparian vegetative buffers.

''(4) COST-SHARING.—

''(A) FEDERAL SHARE.—

''(i) FUNDS UNDER THIS SUBSECTION.—Funds provided under this subsection for a watershed forestry project may not exceed 75 percent of the cost of the project.

''(ii) OTHER FEDERAL FUNDS.—The percentage of the cost of a project described in clause (i) that is not covered by funds made available under this subsection may be paid using other Federal funding sources, except that the total Federal share of the costs of the project may not exceed 90 percent.

''(B) FORM.—The non-Federal share of the costs of a project may be provided in the form of cash, services, or other in-kind contributions.

''(5) PRIORITIZATION.—The State Forest Stewardship Coordinating Committee for a State, or

equivalent State committee, shall prioritize watersheds in that State to target watershed forestry projects funded under this subsection.

''(6) WATERSHED FORESTER.—Financial and technical assistance shall be made available to the State Forester or equivalent State official to create a State watershed or best-management practice forester position to—

''(A) lead statewide programs; and

''(B) coordinate watershed-level projects.

''(e) DISTRIBUTION.—

''(1) IN GENERAL.—Of the funds made available for a fiscal year under subsection (g), the Secretary shall use—

''(A) at least 75 percent of the funds to carry out the cost-share program under subsection (d); and

''(B) the remainder of the funds to deliver technical assistance, education, and planning, at the local level, through the State Forester or equivalent State official.

''(2) SPECIAL CONSIDERATIONS.—Distribution of funds by the Secretary among States under paragraph (1) shall be made only after giving appropriate consideration to—

''(A) the acres of agricultural land, nonindustrial private forest land, and highly erodible land in each State;

''(B) the miles of riparian buffer needed;

''(C) the miles of impaired stream segments and other impaired water bodies where forestry practices can be used to restore or protect water resources;

''(D) the number of owners of nonindustrial private forest land in each State; and

''(E) water quality cost savings that can be achieved through forest watershed management.

''(f) WILLING OWNERS.—

''(1) IN GENERAL.—Participation of an owner of nonindustrial private forest land in the watershed forestry assistance program under this section is voluntary.

''(2) WRITTEN CONSENT.—The watershed forestry assistance program shall not be carried out on nonindustrial private forest land without the written consent of the owner of, or entity having definitive decisionmaking over, the nonindustrial private forest land.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $15,000,000 for each of fiscal years 2004 through 2008.''.

SEC. 303. TRIBAL WATERSHED FORESTRY ASSISTANCE.

(a) IN GENERAL.—The Secretary of Agriculture (referred to in this section as the ''Secretary''), acting through the Chief of the Forest Service, shall provide technical, financial, and related assistance to Indian tribes for the purpose of expanding tribal stewardship capacities and activities through tribal forestry best-management practices and other means at the tribal level to address watershed issues on land under the jurisdiction of or administered by the Indian tribes.

(b) TECHNICAL ASSISTANCE TO PROTECT WATER QUALITY.—

(1) IN GENERAL.—The Secretary, in cooperation with Indian tribes, shall develop a program to provide technical assistance to protect water quality, as described in paragraph (2).

(2) PURPOSE OF PROGRAM.—The program under this subsection shall be designed—

(A) to build and strengthen watershed partnerships that focus on forested landscapes at the State, regional, tribal, and local levels;

(B) to provide tribal forestry best-management practices and water quality technical assistance directly to Indian tribes;

(C) to provide technical guidance to tribal land managers and policy makers for water quality protection through forest management;

(D) to complement tribal efforts to protect water quality and provide enhanced opportunities for consultation and cooperation among Federal agencies and tribal entities charged with responsibility for water and watershed management; and

(E) to provide enhanced forest resource data and support for improved implementation and monitoring of tribal forestry best-management practices.

(c) WATERSHED FORESTRY PROGRAM.—

(1) IN GENERAL.—The Secretary shall establish a watershed forestry program to be administered by Indian tribes.

(2) PROGRAMS AND PROJECTS.—Funds or other support provided under the program shall be made available for tribal forestry best-management practices programs and watershed forestry projects.

(3) ANNUAL AWARDS.—The Secretary shall annually make awards to Indian tribes to carry out this subsection.

(4) PROJECT ELEMENTS AND OBJECTIVES.—A watershed forestry project shall accomplish critical forest stewardship, watershed protection, and restoration needs within land under the jurisdiction of or administered by an Indian tribe by demonstrating the value of trees and forests to watershed health and condition through—

(A) the use of trees as solutions to water quality problems;

(B) application of and dissemination of monitoring information on forestry best-management practices relating to watershed forestry;

(C) watershed-scale forest management activities and conservation planning;

(D) the restoration of wetland and stream-side forests and the establishment of riparian vegetative buffers; and

(E) tribal-based planning, involvement, and action through State, tribal, local, and nonprofit partnerships.

(5) PRIORITIZATION.—An Indian tribe that participates in the program under this subsection shall prioritize watersheds in land under the jurisdiction of or administered by the Indian tribe to target watershed forestry projects funded under this subsection.

(6) WATERSHED FORESTER.—The Secretary may provide to Indian tribes under this section financial and technical assistance to establish a position of tribal forester to lead tribal programs and coordinate small watershed-level projects.

(d) DISTRIBUTION.—The Secretary shall devote—

(1) at least 75 percent of the funds made available for a fiscal year under subsection (e) to the program under subsection (c); and

(2) the remainder of the funds to deliver technical assistance, education, and planning on the ground to Indian tribes.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $2,500,000 for each of fiscal years 2004 through 2008.

TITLE IV—INSECT INFESTATIONS AND RELATED DISEASES

SEC. 401. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) high levels of tree mortality resulting from insect infestation (including the interaction between insects and diseases) may result in—

(A) increased fire risk;

(B) loss of old trees and old growth;

(C) loss of threatened and endangered species;

(D) loss of species diversity;

(E) degraded watershed conditions;

(F) increased potential for damage from other agents of disturbance, including exotic, invasive species; and

(G) decreased timber values;

(2)(A) forest-damaging insects destroy hundreds of thousands of acres of trees each year;

(B) in the West, more than 21,000,000 acres are at high risk of forest-damaging insect infestation, and in the South, more than 57,000,000 acres are at risk across all land ownerships; and

(C) severe drought conditions in many areas of the South and West will increase the risk of forest-damaging insect infestations;

(3) the hemlock woolly adelgid is—

(A) destroying streamside forests throughout the mid-Atlantic and Appalachian regions;

(B) threatening water quality and sensitive aquatic species; and

(C) posing a potential threat to valuable commercial timber land in northern New England;

(4)(A) the emerald ash borer is a nonnative, invasive pest that has quickly become a major threat to hardwood forests because an emerald ash borer infestation is almost always fatal to affected trees; and

(B) the emerald ash borer pest threatens to destroy more than 692,000,000 ash trees in forests in Michigan and Ohio alone, and between 5 and 10 percent of urban street trees in the Upper Midwest;

(5)(A) epidemic populations of Southern pine beetles are ravaging forests in Alabama, Arkansas, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia; and

(B) in 2001, Florida and Kentucky experienced 146 percent and 111 percent increases, respectively, in Southern pine beetle populations;

(6) those epidemic outbreaks of Southern pine beetles have forced private landowners to harvest dead and dying trees, in rural areas and increasingly urbanized settings;

(7) according to the Forest Service, recent outbreaks of the red oak borer in Arkansas and Missouri have been unprecedented, with more than 1,000,000 acres infested at population levels never seen before;

(8) much of the damage from the red oak borer has taken place in national forests, and the Federal response has been inadequate to protect forest ecosystems and other ecological and economic resources;

(9)(A) previous silvicultural assessments, while useful and informative, have been limited in scale and scope of application; and

(B) there have not been sufficient resources available to adequately test a full array of individual and combined applied silvicultural assessments;

(10) only through the full funding, development, and assessment of potential applied silvicultural assessments over specific time frames across an array of environmental and climatic conditions can the most innovative and cost effective management applications be determined that will help reduce the susceptibility of forest ecosystems to attack by forest pests;

(11)(A) often, there are significant interactions between insects and diseases;

(B) many diseases (such as white pine blister rust, beech bark disease, and many other diseases) can weaken trees and forest stands and predispose trees and forest stands to insect attack; and

(C) certain diseases are spread using insects as vectors (including Dutch elm disease and pine pitch canker); and

(12) funding and implementation of an initiative to combat forest pest infestations and associated diseases should not come at the expense of supporting other programs and initiatives of the Secretary.

(b) PURPOSES.—The purposes of this title are—

(1) to require the Secretary to develop an accelerated basic and applied assessment program to combat infestations by forest-damaging insects and associated diseases;

(2) to enlist the assistance of colleges and universities (including forestry schools, land grant colleges and universities, and 1890 Institutions), State agencies, and private landowners to carry out the program; and

(3) to carry out applied silvicultural assessments.

SEC. 402. DEFINITIONS.

In this title:

(1) APPLIED SILVICULTURAL ASSESSMENT.—

(A) IN GENERAL.—The term ''applied silvicultural assessment'' means any vegetative or other treatment carried out for a purpose described in section 403.

(B) INCLUSIONS.—The term ''applied silvicultural assessment'' includes (but is not limited to)

timber harvesting, thinning, prescribed burning, pruning, and any combination of those activities.

(2) 1890 INSTITUTION.—

(A) IN GENERAL.—The term ''1890 Institution'' means a college or university that is eligible to receive funds under the Act of August 30, 1890 (7 U.S.C. 321 et seq.).

(B) INCLUSION.—The term ''1890 Institution'' includes Tuskegee University.

(3) FOREST-DAMAGING INSECT.—The term ''forest-damaging insect'' means—

(A) a Southern pine beetle;

(B) a mountain pine beetle;

(C) a spruce bark beetle;

(D) a gypsy moth;

(E) a hemlock woolly adelgid;

(F) an emerald ash borer;

(G) a red oak borer;

(H) a white oak borer; and

(I) such other insects as may be identified by the Secretary.

(4) SECRETARY.—The term ''Secretary'' means—

(A) the Secretary of Agriculture, acting through the Forest Service, with respect to National Forest System land; and

(B) the Secretary of the Interior, acting through appropriate offices of the United States Geological Survey, with respect to federally owned land administered by the Secretary of the Interior.

SEC. 403. ACCELERATED INFORMATION GATHERING REGARDING FOREST-DAMAGING INSECTS.

(a) INFORMATION GATHERING.—The Secretary, acting through the Forest Service and United States Geological Survey, as appropriate, shall establish an accelerated program—

(1) to plan, conduct, and promote comprehensive and systematic information gathering on forest-damaging insects and associated diseases, including an evaluation of—

(A) infestation, prevention, and suppression methods;

(B) effects of infestations and associated disease interactions on forest ecosystems;

(C) restoration of forest ecosystem efforts;

(D) utilization options regarding infested trees; and

(E) models to predict the occurrence, distribution, and impact of outbreaks of forest-damaging insects and associated diseases;

(2) to assist land managers in the development of treatments and strategies to improve forest health and reduce the susceptibility of forest ecosystems to severe infestations of forest-damaging insects and associated diseases on Federal land and State and private land; and

(3) to disseminate the results of the information gathering, treatments, and strategies.

(b) COOPERATION AND ASSISTANCE.—The Secretary shall—

(1) establish and carry out the program in cooperation with—

(A) scientists from colleges and universities (including forestry schools, land grant colleges and universities, and 1890 Institutions);

(B) Federal, State, and local agencies; and

(C) private and industrial landowners; and

(2) designate such colleges and universities to assist in carrying out the program.

SEC. 404. APPLIED SILVICULTURAL ASSESSMENTS.

(a) ASSESSMENT EFFORTS.—For information gathering and research purposes, the Secretary may conduct applied silvicultural assessments on Federal land that the Secretary determines is at risk of infestation by, or is infested with, forest-damaging insects.

(b) LIMITATIONS.—

(1) EXCLUSION OF CERTAIN AREAS.—Subsection (a) does not apply to—

(A) a component of the National Wilderness Preservation System;

(B) any Federal land on which, by Act of Congress or Presidential proclamation, the removal of vegetation is restricted or prohibited;

(C) a congressionally-designated wilderness study area; or

(D) an area in which activities under subsection (a) would be inconsistent with the applicable land and resource management plan.

(2) CERTAIN TREATMENT PROHIBITED.—Nothing in subsection (a) authorizes the application of insecticides in municipal watersheds or associated riparian areas.

(3) PEER REVIEW.—

(A) IN GENERAL.—Before being carried out, each applied silvicultural assessment under this title shall be peer reviewed by scientific experts selected by the Secretary, which shall include non-Federal experts.

(B) EXISTING PEER REVIEW PROCESSES.—The Secretary may use existing peer review processes to the extent the processes comply with subparagraph (A).

(c) PUBLIC NOTICE AND COMMENT.—

(1) PUBLIC NOTICE.—The Secretary shall provide notice of each applied silvicultural assessment proposed to be carried out under this section.

(2) PUBLIC COMMENT.—The Secretary shall provide an opportunity for public comment before carrying out an applied silviculture assessment under this section.

(d) CATEGORICAL EXCLUSION.—

(1) IN GENERAL.—Applied silvicultural assessment and research treatments carried out under this section on not more than 1,000 acres for an assessment or treatment may be categorically excluded from documentation in an environmental impact statement and environmental assessment under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(2) ADMINISTRATION.—Applied silvicultural assessments and research treatments categorically excluded under paragraph (1)—

(A) shall not be carried out in an area that is adjacent to another area that is categorically excluded under paragraph (1) that is being treated with similar methods; and

(B) shall be subject to the extraordinary circumstances procedures established by the Secretary pursuant to section 1508.4 of title 40, Code of Federal Regulations.

(3) MAXIMUM CATEGORICAL EXCLUSION.—The total number of acres categorically excluded under paragraph (1) shall not exceed 250,000 acres.

(4) NO ADDITIONAL FINDINGS REQUIRED.—In accordance with paragraph (1), the Secretary shall not be required to make any findings as to whether an applied silvicultural assessment project, either individually or cumulatively, has a significant effect on the environment.

SEC. 405. RELATION TO OTHER LAWS.

The authority provided to each Secretary under this title is supplemental to, and not in lieu of, any authority provided to the Secretaries under any other law.

SEC. 406. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this title for each of fiscal years 2004 through 2008.

TITLE V—HEALTHY FORESTS RESERVE PROGRAM

SEC. 501. ESTABLISHMENT OF HEALTHY FORESTS RESERVE PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Agriculture shall establish the healthy forests reserve program for the purpose of restoring and enhancing forest ecosystems—

(1) to promote the recovery of threatened and endangered species;

(2) to improve biodiversity; and

(3) to enhance carbon sequestration.

(b) COORDINATION.—The Secretary of Agriculture shall carry out the healthy forests reserve program in coordination with the Secretary of the Interior and the Secretary of Commerce.

SEC. 502. ELIGIBILITY AND ENROLLMENT OF LANDS IN PROGRAM.

(a) IN GENERAL.—The Secretary of Agriculture, in coordination with the Secretary of the Interior and the Secretary of Commerce, shall describe and define forest ecosystems that are eligible for enrollment in the healthy forests reserve program.

(b) ELIGIBILITY.—To be eligible for enrollment in the healthy forests reserve program, land shall be—

(1) private land the enrollment of which will restore, enhance, or otherwise measurably increase the likelihood of recovery of a species listed as endangered or threatened under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533); and

(2) private land the enrollment of which will restore, enhance, or otherwise measurably improve the well-being of species that—

(A) are not listed as endangered or threatened under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533); but

(B) are candidates for such listing, State-listed species, or special concern species.

(c) OTHER CONSIDERATIONS.—In enrolling land that satisfies the criteria under subsection (b), the Secretary of Agriculture shall give additional consideration to land the enrollment of which will—

(1) improve biological diversity; and

(2) increase carbon sequestration.

(d) ENROLLMENT BY WILLING OWNERS.—The Secretary of Agriculture shall enroll land in the healthy forests reserve program only with the consent of the owner of the land.

(e) MAXIMUM ENROLLMENT.—The total number of acres enrolled in the healthy forests reserve program shall not exceed 2,000,000 acres.

(f) METHODS OF ENROLLMENT.—

(1) IN GENERAL.—Land may be enrolled in the healthy forests reserve program in accordance with—

(A) a 10-year cost-share agreement;

(B) a 30-year agreement; or

(C) a long-term easement with a buyback option.

(2) PROPORTION.—The extent to which each enrollment method is used shall be based on the approximate proportion of owner interest expressed in that method in comparison to the other methods.

(g) ENROLLMENT PRIORITY.—

(1) SPECIES.—The Secretary of Agriculture shall give priority to the enrollment of land that provides the greatest conservation benefit to—

(A) primarily, species listed as endangered or threatened under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533); and

(B) secondarily, species that—

(i) are not listed as endangered or threatened under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533); but

(ii) are candidates for such listing, State-listed species, or special concern species.

(2) COST-EFFECTIVENESS.—The Secretary of Agriculture shall also consider the cost-effectiveness of each agreement and easement, and their associated restoration plans, so as to maximize the environmental benefits per dollar expended.

SEC. 503. RESTORATION PLANS.

(a) IN GENERAL.—Land enrolled in the healthy forests reserve program shall be subject to a restoration plan, to be developed jointly by the landowner and the Secretary of Agriculture.

(b) PRACTICES.—The restoration plan shall require such restoration practices as are necessary to restore and enhance habitat for—

(1) species listed as endangered or threatened under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533); and

(2) animal or plant species before the species reach threatened or endangered status, such as candidate, State-listed species, and special concern species.

SEC. 504. FINANCIAL ASSISTANCE.

(a) LONG-TERM EASEMENT WITH BUYBACK OPTION.—

(1) PAYMENT AMOUNT.—In the case of land enrolled in the healthy forests reserve program

using a long-term easement (with a minimum length of 99 years) with a buyback option, the Secretary of Agriculture shall pay the owner of the land an amount equal to not less than 75 percent, nor more than 100 percent, of (as determined by the Secretary)—

(A) the fair market value of the enrolled land during the period the land is subject to the easement, less the fair market value of the land encumbered by the easement; and

(B) the actual costs of the approved conservation practices or the average cost of approved practices carried out on the land during the period the land is subject to the easement.

(2) BUY-BACK OPTION.—In the case of land enrolled in the healthy forests reserve program using a long-term easement with a buyback option, beginning on the date that is 50 years after the date of enrollment of the land, and every 10 years thereafter, the owner of the land shall be permitted to purchase the easement back from the United States for an amount equal to not more than (as determined by the Secretary)—

(A) the percentage of the fair market value the owner received for the easement under paragraph (1); and

(B) the costs, adjusted by the Secretary to reflect changes in the Consumer Price Index for all-urban consumers, as published by the Bureau of Labor Statistics, of the approved conservation practices necessary for establishment of the easement.

(3) FUNDS.—All funds returned to the United States under this subsection shall be used to carry out the healthy forests reserve program.

(b) 30-YEAR AGREEMENT.— In the case of land enrolled in the healthy forests reserve program using a 30-year agreement, the Secretary of Agriculture shall pay the owner of the land an amount equal to not more than (as determined by the Secretary)—

(1) 75 percent of the fair market value of the land, less the fair market value of the land encumbered by the agreement; and

(2) 75 percent of the actual costs of the approved conservation practices or 75 percent of the average cost of approved practices.

(c) 10-YEAR AGREEMENT.—In the case of land enrolled in the healthy forests reserve program using a 10-year cost-share agreement, the Secretary of Agriculture shall pay the owner of the land an amount equal to not more than (as determined by the Secretary)—

(1) 50 percent of the actual costs of the approved conservation practices; or

(2) 50 percent of the average cost of approved practices.

(d) ACCEPTANCE OF CONTRIBUTIONS.—The Secretary of Agriculture may accept and use contributions of non-Federal funds to make payments under this section.

SEC. 505. TECHNICAL ASSISTANCE.

(a) IN GENERAL.—The Secretary of Agriculture shall provide landowners with technical assistance to assist the owners in complying with the terms of plans (as included in agreements and easements) under the healthy forests reserve program.

(b) TECHNICAL SERVICE PROVIDERS.—The Secretary of Agriculture may request the services of, and enter into cooperative agreements with, individuals or entities certified as technical service providers under section 1242 of the Food Security Act of 1985 (16 U.S.C. 3842), to assist the Secretary in providing technical assistance necessary to develop and implement the healthy forests reserve program.

SEC. 506. PROTECTIONS AND MEASURES

(a) PROTECTIONS.—In the case of a landowner that enrolls land in the program and whose conservation activities result in a net conservation benefit for listed, candidate, or other species, the Secretary of Agriculture shall make available to the landowner safe harbor or similar assurances and protection under—

(1) section 7(b)(4) of the Endangered Species Act of 1973 (16 U.S.C. 1536(b)(4)); or

(2) section 10(a)(1) of that Act (16 U.S.C. 1539(a)(1)).

(b) MEASURES.—If protection under subsection (a) requires the taking of measures that are in addition to the measures covered by the applicable restoration plan agreed to under section 503, the cost of the additional measures, as well as the cost of any permit, shall be considered part of the restoration plan for purposes of financial assistance under section 504.

SEC. 507. INVOLVEMENT BY OTHER AGENCIES AND ORGANIZATIONS.

In carrying out this title, the Secretary of Agriculture may consult with—

(1) nonindustrial private forest landowners;

(2) other Federal agencies;

(3) State fish and wildlife agencies;

(4) State forestry agencies;

(5) State environmental quality agencies;

(6) other State conservation agencies; and

(7) nonprofit conservation organizations.

SEC. 508. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title—

(1) $25,000,000 for fiscal year 2004; and

(2) such sums as are necessary for each of fiscal years 2005 through 2008.

TITLE VI—PUBLIC LAND CORPS

SEC. 601. PURPOSES.

The purposes of this title are—

(1) to carry out, in a cost-effective and efficient manner, rehabilitation, enhancement, and beautification projects;

(2) to offer young people, ages 16 through 25, particularly those who are at-risk or economically disadvantaged, the opportunity to gain productive employment and exposure to the world of work;

(3) to give those young people the opportunity to serve their communities and their country; and

(4) to expand educational opportunities by rewarding individuals who participate in the Public Land Corps with an increased ability to pursue higher education or job training.

SEC. 602. DEFINITIONS.

In this title:

(1) ALASKA NATIVE CORPORATION.—The term ''Alaska Native Corporation'' means a Regional Corporation or Village Corporation, as defined in section 101(11) of the National and Community Service Act of 1990 (42 U.S.C. 12511(11)).

(2) CORPS.—The term ''Corps'' means the Public Land Corps established under section 603(a).

(3) HAWAIIAN HOME LANDS.—The term ''Hawaiian home lands'' means that term, within the meaning of the National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.).

(4) INDIAN LANDS.—The term ''Indian lands'' has the meaning given the term in section 101 of the National and Community Service Act of 1990 (42 U.S.C. 12511).

(5) SECRETARIES.—The term ''Secretaries'' means—

(A) the Secretary of Agriculture; and

(B) the Secretary of the Interior.

(6) SERVICE AND CONSERVATION CORPS.—The term ''service and conservation corps'' means any organization established by a State or local government, nonprofit organization, or Indian tribe that—

(A) has a demonstrable capability to provide productive work to individuals;

(B) gives participants a combination of work experience, basic and life skills, education, training, and support services; and

(C) provides participants with the opportunity to develop citizenship values through service to their communities and the United States.

(7) STATE.—The term ''State'' means—

(A) a State;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico;

(D) Guam;

(E) American Samoa;

(F) the Commonwealth of the Northern Mariana Islands;

(G) the Federated States of Micronesia;

(H) the Republic of the Marshall Islands;

(I) the Republic of Palau; and

(J) the United States Virgin Islands.

SEC. 603. PUBLIC LAND CORPS.

(a) ESTABLISHMENT.—There is established a Public Land Corps.

(b) PARTICIPANTS.—The Corps shall consist of individuals who are enrolled as members of a service or conservation corps.

(c) CONTRACTS OR AGREEMENTS.—The Secretaries may enter into contracts or cooperative agreements—

(1) directly with any service and conservation corps to perform appropriate rehabilitation, enhancement, or beautification projects; or

(2) with a department of natural resources, agriculture, or forestry (or an equivalent department) of any State that has entered into a contract or cooperative agreement with a service and conservation corps to perform appropriate rehabilitation, enhancement, or beautification projects.

(d) PROJECTS.—

(1) IN GENERAL.—The Secretaries may use the members of a service and conservation corps to perform rehabilitation, enhancement, or beautification projects authorized by law.

(2) INCLUDED LAND.—In addition to Federal and State lands, the projects may be carried out on—

(A) Indian lands, with the approval of the applicable Indian tribe;

(B) Hawaiian home lands, with the approval of the relevant State agency in the State of Hawaii; and

(C) Alaska native lands, with the approval of the applicable Alaska Native Corporation.

(e) PREFERENCE.—In carrying out this title, the Secretaries shall give preference to projects that will—

(1) provide long-term benefits by reducing hazardous fuels on Federal land;

(2) instill in members of the service and conservation corps—

(A) a work ethic;

(B) a sense of personal responsibility; and

(C) a sense of public service;

(3) be labor intensive; and

(4) be planned and initiated promptly.

(f) SUPPORTIVE SERVICES.—The Secretaries may provide such services as the Secretaries consider necessary to carry out this title.

(g) TECHNICAL ASSISTANCE.—To carry out this title, the Secretaries shall provide technical assistance, oversight, monitoring, and evaluation to—

(1) State Departments of Natural Resources and Agriculture (or equivalent agencies); and

(2) members of service and conservation corps.

SEC. 604. NONDISPLACEMENT.

The nondisplacement requirements of section 177(b) of the National and Community Service Act of 1990 (42 U.S.C. 12637(b)) shall apply to activities carried out by the Corps under this title.

SEC. 605. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title $15,000,000 for each of fiscal years 2004 through 2008.

TITLE VII—RURAL COMMUNITY FORESTRY ENTERPRISE PROGRAM

SEC. 701. PURPOSE

The purpose of this title is to assist in the economic revitalization of rural forest resource-dependent communities through incentives to promote investment in private enterprise and community development by—

(1) the Department of Agriculture;

(2) the Department of the Interior;

(3) the Department of Commerce;

(4) the Small Business Administration;

(5) land grant colleges and universities; and

(6) 1890 Institutions.

SEC. 702. DEFINITIONS.

In this title:

(1) 1890 INSTITUTION.—The term ''1890 Institution'' has the meaning given the term in section 2 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7601).

(2) ELIGIBLE ENTITY.—The term ''eligible entity'' means—

(A) a unit of State or local government;

(B) an Indian tribe;

(C) a nonprofit organization;

(D) a small forest products business;

(E) a rural forest resource-dependent community;

(F) a land grant college or university; or

(G) an 1890 institution.

(3) ELIGIBLE PROJECT.—The term ''eligible project'' means a project described in section 703 that will promote the economic development in rural forest resource-dependent communities based on—

(A) responsible forest stewardship;

(B) the production of sustainable forest products; or

(C) the development of forest related tourism and recreation activities.

(4) FOREST PRODUCTS.—The term ''forest products'' means—

(A) logs;

(B) lumber;

(C) chips;

(D) small-diameter finished wood products;

(E) energy biomass;

(F) mulch; and

(G) any other material derived from forest vegetation or individual trees or shrubs.

(5) NONPROFIT ORGANIZATION.—The term ''nonprofit organization'' means an organization that is—

(A) described in section 501(c) of the Internal Revenue Code of 1986; and

(B) exempt from taxation under 501(a) of that Code.

(6) PROGRAM.—The term ''program'' means the rural community forestry enterprise program established under section 703.

(7) SMALL FOREST PRODUCTS BUSINESS.—The term ''small forest products business'' means a small business concern (as defined under section 3 of the Small Business Act (15 U.S.C. 632)) that is classified under subsector 113 or code number 115310 of the North American Industrial Classification System.

(8) RURAL FOREST RESOURCE-DEPENDENT COMMUNITY.—

(A) IN GENERAL.—The term ''rural forest resource-dependent community'' means a community located in a rural area of the United States that is traditionally dependent on forestry products as a primary source of community infrastructure.

(B) INCLUSIONS.—The term ''rural forest resource-dependent community'' includes a community described in subparagraph (A) located in—

(i) the northern forest land of Maine;

(ii) New Hampshire;

(iii) New York;

(iv) Vermont;

(v) the Upper Peninsula of Michigan;

(vi) northern California;

(vii) eastern Oregon;

(viii) the Bitterroot Valley of Montana;

(ix) the northern panhandle of Idaho; and

(x) other areas, as determined by the Secretary.

(9) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture, acting through the Chief of the Forest Service.

SEC. 703. RURAL COMMUNITY FORESTRY ENTERPRISE PROGRAM.

(a) IN GENERAL.—

(1) ESTABLISHMENT.—The Secretary shall establish within the Forest Service a program to be known as the ''Rural Community Forestry Enterprise Program''.

(2) COORDINATION.—In carrying out the program, the Secretary shall coordinate with—

(A) the Small Business Administration;

(B) the Economic Development Administration;

(C) land grant colleges and universities;

(D) 1890 institutions; and

(E) other agencies of the Department of Agriculture that administer rural development programs.

(b) PURPOSES.—The purposes of the program are—

(1) to enhance technical and business management skills training;

(2) to organize cooperatives and marketing programs;

(3) to establish and maintain timber worker skill pools;

(4) to establish and maintain forest product distribution networks and collection centers;

(5) to facilitate technology transfer for processing small diameter trees and brush into useful products;

(6) to develop, where support exists, a program to promote science-based technology implementation and technology transfer that expands the capacity for small forest product businesses to work within market areas;

(7) to promote forest-related tourism and recreational activities;

(8) to enhance the rural forest business infrastructure needed to reduce hazardous fuels on public and private land; and

(9) to carry out related programs and activities, as determined by the Secretary.

(c) FOREST ENTERPRISE CENTERS.—The Secretary shall establish at least 1 Forest Enterprise Center at each Research Station of the Forest Service, to be located at a forest science laboratory—

(1) to carry out eligible projects; and

(2) to coordinate assistance provided to small forest products businesses with—

(A) the Small Business Administration, including the timber set-aside program carried out by the Small Business Administration;

(B) the Rural Utilities Service, the Rural Housing Service, and the Rural Business-Cooperative Service of the Department of Agriculture; and

(C) the Economic Development Administration, including the local technical assistance program of the Economic Development Administration.

(d) FOREST ENTERPRISE TECHNICAL ASSISTANCE AND GRANT PROGRAM.—

(1) IN GENERAL.—The Secretary, acting through the Forest Enterprise Centers established under subsection (c), shall establish a program to provide technical assistance and grants to eligible entities to carry out eligible projects.

(2) CRITERIA.—The Secretary shall work with each Forest Enterprise Center to develop appropriate program review and prioritization criteria for each Research Station.

(3) MATCHING FUNDS.—Grants under this section shall—

(A) not exceed 50 percent of the cost of an eligible project; and

(B) be made on the condition that non-Federal sources pay for the remainder of the cost of an eligible project (including payment through in-kind contributions of services or materials).

(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $15,000,000 for each of fiscal years 2004 through 2008.

TITLE VIII—MISCELLANEOUS PROVISIONS

SEC. 801. FOREST INVENTORY AND MANAGEMENT.

Section 17 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101 note; Public Law 95313) is amended to read as follows:

''SEC. 17. FOREST INVENTORY AND MANAGEMENT.

''(a) IN GENERAL.—The Secretary shall carry out a program using geospatial and information management technologies (including remote sensing imaging and decision support systems) to inventory, monitor, characterize, assess, and identify forest stands and potential forest stands (with emphasis on hardwood forest stands) on—

''(1) in units of the National Forest System; and

''(2) on private forest land, with the consent of the owner of the land.

''(b) MEANS.—The Secretary shall carry out the program through the use of—

''(1) remote sensing technology of the National Aeronautics and Space Administration and the United States Geological Survey;

''(2) emerging geospatial capabilities in research activities;

''(3) validating techniques using application demonstrations; and

''(4) integration of results into pilot operational systems.

''(c) ISSUES TO BE ADDRESSED.—In carrying out the program, the Secretary shall address issues including—

''(1) early detection, identification, and assessment of environmental threats (including insect, disease, invasive species, fire, acid deposition, and weather-related risks and other episodic events);

''(2) loss or degradation of forests;

''(3) degradation of the quality forest stands caused by inadequate forest regeneration practices;

''(4) quantification of carbon uptake rates; and

''(5) management practices that focus on preventing further forest degradation.

''(d) EARLY WARNING SYSTEM.—In carrying out the program, the Secretary shall develop a comprehensive early warning system for potential catastrophic environmental threats to forests to increase the likelihood that forest managers will be able to—

''(1) isolate and treat a threat before the threat gets out of control; and

''(2) prevent epidemics, such as the American chestnut blight in the first half of the twentieth century, that could be environmentally and economically devastating to forests.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2004 through 2009.''.

SEC. 802. PROGRAM FOR EMERGENCY TREATMENT AND REDUCTION OF NONNATIVE INVASIVE PLANTS.

(a) DEFINITIONS.—In this section:

(1) INTERFACE COMMUNITY.—The term ''interface community'' has the meaning given the term in the notice published at 66 Fed. Reg. 751 (January 4, 2001) (including any subsequent revision to the notice).

(2) INTERMIX COMMUNITY.—The term ''intermix community'' has the meaning given the term in the notice published at 66 Fed. Reg. 751 (January 4, 2001) (including any subsequent revision to the notice).

(3) PLANT.—The term ''plant'' includes—

(A) a tree;

(B) a shrub; and

(C) a vine.

(4) PROGRAM.—The term ''program'' means the program for emergency treatment and reduction of nonnative invasive plants established under subsection (b)(1).

(5) SECRETARIES.—The term ''Secretaries'' means the Secretary of Agriculture and the Secretary of the Interior, acting jointly.

(b) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretaries shall establish a program for emergency treatment and reduction of nonnative invasive plants to provide to State and local governments and agencies, conservation districts, tribal governments, and willing private landowners grants for use in carrying out hazardous fuel reduction projects to address threats of catastrophic fires that have been determined by the Secretaries to pose a serious threat to—

(A) property;

(B) human life; or

(C) the ecological stability of an area.

(2) COORDINATION.—In carrying out the program, the Secretaries shall coordinate with such Federal agencies, State and local governments and agencies, and conservation districts as are affected by projects under the program.

(c) ELIGIBLE LAND.—A project under the program shall—

(1) be carried out only on land that is located—

(A) in an interface community or intermix community; or

(B) in such proximity to an interface community or intermix community as would pose a significant risk in the event of the spread of a fire disturbance event from the land (including a risk that would threaten human life or property in proximity to or within the interface community or intermix community), as determined by the Secretaries;

(2) remove fuel loads determined by the Secretaries, a State or local government, a tribal government, or a private landowner to pose a serious threat to—

(A) property;

(B) human life; or

(C) the ecological stability of an area; and

(3) involve the removal of nonnative invasive plants.

(d) USE OF FUNDS.—Funds made available for a project under the program shall be used only for—

(1) the removal of plants or other potential fuels that are—

(A) adjacent to or within the wildland urban interface; or

(B) adjacent to a municipal watershed, river, or water course;

(2) the removal of erosion structures that impede the removal of nonnative plants; or

(3) the replanting of native vegetation to reduce the reestablishment of nonnative invasive plants in a treatment area.

(e) REVOLVING FUND.—

(1) IN GENERAL.—In the case of a grant provided to a willing owner to carry out a project on non-Federal land under this section, the owner shall deposit into a revolving fund established by the Secretaries any proceeds derived from the sale of timber or biomass removed from the non-Federal land under the project.

(2) USE.—The Secretaries shall use amounts in the revolving fund to make additional grants under this section.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section, to remain available until expended.

SEC. 803. USDA NATIONAL AGROFORESTRY CENTER.

(a) IN GENERAL.—Section 1243 of the Food, Agriculture, Conservation, and Trade Act of 1990 (16 U.S.C. 1642 note; Public Law 101–624) is amended—

(1) by striking the section heading and inserting the following:

"SEC. 1243. USDA NATIONAL AGROFORESTRY CENTER.";

and

(2) in subsection (a)—

(A) by striking ''SEMIARID'' and inserting ''USDA NATIONAL''; and

(B) by striking ''Semiarid'' and inserting ''USDA National''.

(b) PROGRAM.—Section 1243(b) of the Food, Agriculture, Conservation, and Trade Act of 1990 (16 U.S.C. 1642 note; Public Law 101–624) is amended—

(1) by inserting ''local governments, community organizations, the Institute of Tropical Forestry and the Institute of Pacific Islands Forestry of the Forest Service,'' after ''entities,'';

(2) in paragraph (1), by striking ''on semiarid lands'';

(3) in paragraph (3), by striking ''from semiarid land'';

(4) by striking paragraph (4) and inserting the following:

''(4) collect information on the design, installation, and function of forested riparian and upland buffers to—

''(A) protect water quality; and

''(B) manage water flow;'';

(5) in paragraphs (6) and (7), by striking ''on semiarid lands'' each place it appears;

(6) by striking paragraph (8) and inserting the following:

''(8) provide international leadership in the worldwide development and exchange of agroforestry practices;'';

(7) in paragraph (9), by striking ''on semiarid lands'';

(8) in paragraph (10), by striking ''and'' at the end;

(9) in paragraph (11), by striking the period at the end and inserting a semicolon; and

(10) by adding at the end the following:

''(12) quantify the carbon storage potential of agroforestry practices such as—

''(A) windbreaks;

''(B) forested riparian buffers;

''(C) silvopasture timber and grazing systems; and

''(D) alley cropping; and

''(13) modify and adapt riparian forest buffer technology used on agricultural land for use by communities to manage stormwater runoff.''.

SEC. 804. UPLAND HARDWOODS RESEARCH CENTER.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Agriculture shall establish an Upland Hardwood Research Center.

(b) LOCATION.—The Secretary of Agriculture shall locate the Research Center in an area that, as determined by the Secretary of Agriculture, would best use and study the upland hardwood resources of the Ozark Mountains and the South.

(c) DUTIES.—The Upland Hardwood Research Center shall, in conjunction with the Southern Forest Research Station of the Department of Agriculture—

(1) provide the scientific basis for sustainable management of southern upland hardwood forests, particularly in the Ozark Mountains and associated mountain and upland forests; and

(2) conduct research in all areas to emphasize practical application toward the use and preservation of upland hardwood forests, particularly—

(A) the effects of pests and pathogens on upland hardwoods;

(B) hardwood stand regeneration and reproductive biology;

(C) upland hardwood stand management and forest health;

(D) threatened, endangered, and sensitive aquatic and terrestrial fauna;

(E) ecological processes and hardwood ecosystem restoration; and

(F) education and outreach to nonindustrial private forest landowners and associations.

(d) RESEARCH.—In carrying out the duties under subsection (c), the Upland Hardwood Research Center shall—

(1) cooperate with the Center for Bottomland Hardwood Research of the Southern Forest Research Station of the Department of Agriculture, located in Stoneville, Mississippi; and

(2) provide comprehensive research in the Mid-South region of the United States, the Upland Forests Ecosystems Unit of the Southern Forest Research Station of the Department of Agriculture, located in Monticello, Arkansas.

(e) PARTICIPATION OF PRIVATE LANDOWNERS.—The Secretary of Agriculture shall encourage and facilitate the participation of private landowners in the program under this section.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $2,500,000 for each of fiscal years 2004 through 2008.

SEC. 805. SENSE OF CONGRESS REGARDING ENHANCED COMMUNITY FIRE PROTECTION.

It is the sense of Congress to reaffirm the importance of enhanced community fire protection program, as described in section 10A of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2106c) (as added by section 8003(b) of the Farm Security and Rural Investment Act of 2002 (Public Law 107–171; 116 Stat. 473)).

Amend the title so as to read: ''An Act to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to conduct hazardous fuels reduction projects on National Forest System lands and Bureau of Land Management lands aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape, and for other purposes.''.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, on July 24, the Committee on Agriculture, Nutrition, and Forestry reported to the Senate H.R. 1904, the Healthy Forests Restoration Act. This bill, which is now before the Senate, reflects a comprehensive effort to improve forest health on both public and private lands. The bill provides Federal land managers the tools to implement scientifically supported management practices on Federal forests, in consultation with local communities, while establishing new conservation programs to improve water quality and regenerate declining forest ecosystem types on private lands.

The legislation will reduce the amount of time and expense required to conduct hazardous fuels projects, but it also will require rigorous environmental analysis of those projects.

Over the past few years, we have seen many communities destroyed and many firefighters' lives lost due to forest fires that could have been prevented. We are all deeply saddened by the tragic events occurring now in California. At least 17 people, we are told, have lost their lives; 1,600 homes have been destroyed, and 520,000 acres have burned.

The fires continue to wreak havoc in that State. Thousands of Californians have had to leave their homes, and more communities are being evacuated at this very moment.

On Monday, President Bush declared the region a disaster area. The cost resulting from these fires is estimated in the billions of dollars. The tools and resources this legislation provides land managers will assist in preventing the devastation resulting from forest fires.

In the past, the U.S. Forest Service has been forced to spend great amounts of time and resources battling lawsuits instead of managing the forests. The result has been months and even years of delays in fuel reduction projects. Our forests have continued to suffer, and they have continued to burn.

I have filed, along with 13 cosponsors, an amendment to title I of the bill which contains several modifications to the bill the committee reported.

I offer that amendment to the bill.

AMENDMENT NO. 1828

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for himself, Mr. CRAPO, Mr. DOMENICI, Mrs. LINCOLN, Mr. CRAIG, Mr. WYDEN, Mrs. FEINSTEIN, Mr. MCCAIN, Mr. BAUCUS, Ms. MURKOWSKI, Mr. THOMAS, Mr. DASCHLE, Mr. BURNS, and Mr. JOHNSON, proposes an amendment numbered 1828.

Mr. COCHRAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. COCHRAN. Mr. President, this amendment embodies recommendations made by a bipartisan group of Senators who are committed getting this legislation passed and signed by the President. The amendment establishes a predecisional administrative review process. It allows an additional analysis under the National Environmental Policy Act. It directs the Secretary of Agriculture to give priority to communities and watersheds and hazardous fuel reduction projects. It contains new language protecting old-growth stands, and it encourages the courts to expedite the judicial review process.

The underlying legislation also contains a biomass title authorizing grant programs to encourage utilization of forest waste material. Another title provides financial and technical assistance to private forest land owners to encourage better management techniques to protect water quality. The pest and remote sensing titles would authorize funding for the U.S. Forest Service, land grant institutions, and 1890 institutions to plan, conduct, and promote the gathering of information about insects that have caused severe damage to forest ecosystems.

Title V, the Healthy Forest Reserve Program, is a private forest land conservation initiative that would support the restoration of declining forest ecosystem types that are critical to the recovery of threatened, endangered, and other sensitive species.

Two additional titles were added to the House-passed bill by our committee. One would establish a public land corps to provide opportunities to young people for employment and, at the same time, provide a cost-effective and efficient means to implement rehabilitation and enhancement projects in local communities. The other new title will promote investment in forest resource-dependent communities.

This legislation provides new legal authority to help us manage the Nation's forests in a safe and effective manner. The bill will help us do a better job of safeguarding these priceless national resources.

I urge the Senate to support the bill.

The PRESIDING OFFICER. Senator DASCHLE.

Mr. DASCHLE. Mr. President, I am very pleased to join my colleagues in supporting the bipartisan forest health legislation. Catastrophic wildfires raging in California today underscore the urgent need for action. We must reduce the risk that other communities and other States will face with regard to the devastation that Californians are experiencing today.

In South Dakota we also know from experience how destructive forest fires can be. In the Black Hills, we have experienced five major fires in the last 3 years. We are committed to finding a solution that will enable the Forest Service to reduce the threat of wildfire effectively and efficiently and that can become law. We must do more to expedite hazardous fuels reduction activities, and I believe this compromise will help the Forest Service to do so.

This past August I toured the Black Hills with Dale Bosworth, chief of the U.S. Forest Service. It is clear that the Forest Service needs additional tools to address the increasing fire risk to South Dakota and other State communities. Today more than 460,000 acres of the Black Hills National Forest are in moderate to high fire risk. If we do nothing, the Forest Service warns the number of acres at risk in the Black Hills will grow dramatically to more than 550,000 acres. That is unacceptable.

During our visit, Chief Bosworth asked that any reforms we undertake allow Forest Service personnel to spend less time in the office planning and more time in the forest actually clearing high fuel load.

This bipartisan compromise meets that standard, and it helps in other ways as well.

First, this legislation clarifies how much detail is needed for environmental analysis of fuel reduction projects.

Instead of analyzing anywhere from 5 to 10 alternatives—as is current practice—this bill specifies that the Forest Service must consider only three alternatives: The preferred alternative, a ''no-action'' alternative, and an ''additional-action alternative.''

The Forest Service currently spends over 50 percent of its time and money planning a given project. This will help reduce the costs of the environmental analysis and allow the Forest Service to treat more acres each year.

Second, this legislation streamlines the appeals process within the Forest Service by mirroring what is already done at the Bureau of Land Management.

In talking with Forest Service personnel in the Black Hills, one of the figures that struck me most is that 100 percent of proposed projects are appealed.

This legislation will help streamline the appeals process while still protecting the public's right to be heard before final decisions are made.

A third strength of this legislation—the pending amendment—is that it encourages speedy disposition of any projects that are challenged in court, without giving undue deference to any party.

The bottom line is that this bipartisan compromise will enable the Forest Service to spend more time conducting on-the-ground fuels-reduction projects, which is the key to reducing the risk of fire risk in America's forests and the communities that surround them.

While this compromise is not exactly the plan I would have crafted, I believe we cannot let the perfect be the enemy of the good in this situation.

I am committed to working with all of my colleagues to pass a forest health bill this year. I believe this bipartisan compromise can be enacted into law and I am hopeful that the administration will be helpful in convincing the House to join us in making that happen.

As we see today in California, the risks of delay are simply too high.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I thank the manager of the bill. I commend the managers and the bipartisan group who worked on this bill. It is vitally needed, and I rise in strong support of it.

Mr. President, this long overdue piece of legislation will finally bring some common sense to forest management in our Nation.

Currently, conditions in our Nation's forests are terrible. The poor state of our forests is due in large part to a lack of active forest management efforts to reduce undergrowth and remove dead and dying trees to restore forest health. According to the Society of American Foresters, ''As a result of 80 years of fuels accumulation and several years of drought, the potential for catastrophic wildfire is at an all time high in many regions of the United States.''

An estimated 190 million acres of Federal forests and rangelands in the United States, an area twice the size of California, face a high risk of catastrophic wildfire. Decades of an accumulation of dense undergrowth and brush, along with drought, insect infestation and disease, and the presence of invasive exotic species have made our forests vulnerable to these environmentally destructive wildfires.

According to Secretary of Agriculture, Ann Venman, last year was the second worst fire season in modern history with over 7.2 million acres burned—an area larger than Maryland and Rhode Island combined. The States of Arizona, Colorado, and Oregon registered their largest and most destructive wildfires ever. It was also the most expensive fire season ever costing Federal taxpayers $1.6 billion. When the season ended, 23 firefighters were dead, tens of thousands of people fled their homes and more than 2,000 buildings were destroyed. This devastation was only eclipsed by the 2000 fire season where more than 8 million acres of forests burned at a Federal cost of $1.4 billion.

This year, as of the first week in October, we have had a total of 67,500 fires

that have burned over 3.2 million acres at a cost of over $550 million. Worse than that, over 20 wildland firefighters have lost their lives this year.

The time for addressing the problem of our unhealthy forests is long overdue. Current efforts to reduce excessive fuel loads, underbrush, and dead and dying trees are taking for too long due to senseless bureaucratic delay. According to the U.S. Forest Service, it can take up to 8 years to plan and execute relatively routine fuels reduction projects—8 years. Does anyone here believe that this is responsible forest management?

In May of this year, the Government Accounting Office (GAO) released the results of a survey that confirms that the large numbers of appeals filed by environmental interest groups are delaying efforts to restore the health of our Nation's forests through the thinning of overgrown and diseased areas. These delays increase the threat of severe forest fires which threaten human life, old growth trees, habitat for endangered species and private property. These endless and meritless appeals result in nothing but inaction and increased bureaucratic costs.

If we do not address this problem now, we risk losing many of America's most pristine forests to wildfire devastation. Congress needs to pass legislation to streamline and expedite these forest thinning and fuels reduction efforts.

I believe the H.R. 1904 will accomplish this goal. The Senate compromise to H.R. 1904 is designed to cut through unnecessary red tape and speed up the review and approval process for forest health restoration projects, while at the same time preserving the appropriate environmental review process.

Specifically this bill establishes procedures to expedite forest and rangeland restoration projects focusing on lands near communities in the wildland urban interface; that are in condition class 3 (high fire risk) areas located in proximity to a municipal watershed or water supply system; that provide important habitat for endangered species where the risk of catastrophic wildfire threatens these species; and where insect infestation, disease and old age are destroying forests and increasing the chance of wildfire.

The Senate compromise also contains language for the protection of old growth or large trees in the implementation of hazardous fuels reduction projects. This legislation requires authorized hazardous fuels reduction projects to be consistent with the applicable forest and resource management plans, along with other administrative policies or decisions applicable to Federal land. The amount of acreage eligible for authorized fuels reduction projects under this legislation is limited to 20 million acres.

In addition to allowing for an environmental assessment and expedited administrative appeals, this legislation does allow for judicial review. As a part of this review, this bill requires lawsuits to be filed in the district court where the project is located. It limits temporary injunctions to 60-days, subject to renewal. Finally, this legislation directs the courts to balance the short- and long-term environmental effects of undertaking a project versus those of not undertaking a project.

The problem of excessive forest fuels build is not just a Western problem. It is a National problem. The expedited reduction of forest fuels and the thinning of underbrush would greatly improve the health of Missouri's forests. There has been a significant increase in the buildup of these fuels in National and State Forest land in the State of Missouri as a result of recent tornadoes, several years of drought, oak decline and oak mortality.

Oak mortality is the most pressing problem in Missouri's forests. As of January 2003, oak mortality due to drought, insects, and fungi have affected 41 percent of the Mark Twain National Forest's 1.5 million acres, and caused an estimated loss of more than 30 million dollars' worth of red oak timber. Dead limbs and debris in this area also reduce food for wildlife, and contribute to fuels buildups, which increases the dangers of wildfires. In turn, these wildfires endanger wildlife habitat areas, healthy watersheds and neighboring private lands.

Missouri also has huge volume of dying forest land throughout southern Missouri as a result of infestation by an insect known as the red oak stem bore.

According to Dr. Gene Garrett of the University of Missouri School of Natural Resources, who has studied and taught forestry for over 33 years, ''Roughly 33 percent of the 23 million acres of the interior highlands in the scenic Missouri Ozarks are infested by this red oak stem bore. Dr. Garrett goes on to say that ''this insect and associative disease complex is by far the greatest threat to the oak component of the interior highlands.'' This has resulted in over $1.1 billion worth of timber at risk and an increased threat of wildfire in this area.

H.R. 1904 will address most of the forest health issues in Missouri and prioritize them for expedited cleanup. Section 102(a)(4) of this health forest legislation will specifically address this problem of red oak stem bore and oak decline.

The first of Missouri's two fire seasons is now underway. The most recent high wildfire season in Missouri occurred in 2000 when over 8,700 acres of wooded lands burned—more than 3,000 acres over the 10-year average. By expediting the cleanup or thinning of our forests, Missouri and the rest of the Nation can expect to see the risk of these catastrophic wildfires reduced.

In closing, I believe that H.R. 1904 represents a commonsense approach to forest management based on sound science. I have talked with forest scientists all over the country, including several from my own State, and they believe that this legislation takes the right approach to restoring the health of our Nation's forests. These are actual forest scientists who know what they are talking about—not big city newspaper editorial writers.

If we do not act on this problem right now, vast acres of old growth trees and wildlife habitat will remain at a high risk of catastrophic wildfire. Once these areas are destroyed by fire, there will be very little, if anything, that we can do to restore them to health. Therefore, I urge my colleagues to vote for H.R. 1904, the Healthy Forests Restoration Act of 2003. It is time to put some common sense back into forest management.

It is long past time that we get this done. I really thank the bipartisan group that came together for this extremely important and most needed forest health measure. Again, I urge my colleagues to support it and move it expeditiously.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, forestry can often make Middle East politics seem noncontroversial. I think it is fair to say that today it would be hard to find a topic that is more emotionally flammable than the one that has come to the Senate today.

I begin by saying that right now, my home State—and I see my good friend, Senator SMITH, on the Senate floor as well—is sending resources to California to help deal with the horrendous fires. But I think it ought to be noted, as we begin this discussion, that just over a year ago the State of California was sending resources to my home State—the State that Senator SMITH and I are proud to represent. Just over a year ago, we were on the Senate floor speaking about the huge forest fires that raged in our State. At that time, over 500,000 acres were burning. We had a dozen fires raging at any given time. Seventeen thousand people in one of our valleys alone were on a 24-hour evacuation notice, and 2,500 structures were threatened.

So I think we ought to note, as we begin this discussion, that the legislation before us today is critical, not because of last year's tragedies, or even the tragedies that we are seeing in California today; this legislation is critical to address the tragedies and destruction that, as sure as the night follows the day, will be in the news tomorrow if the Senate doesn't start taking reasonable steps to address forest health policy. It seems to me that is the approach before the Senate today.

Mr. President, this is the bill that is going to go to the President of the United States. For many months now, a group of us—and Chairman COCHRAN has referenced this—have been involved in the negotiations. They are difficult negotiations because passions do run so strong on this issue. But I want to make it clear, for myself and the others who have signed the letter,

that we cannot accept an unraveling of this compromise; that this is the bill that is going to go to the President's desk, and we are very hopeful the President will sign that legislation into law.

It is absolutely critical that the Senate come together on a reasonable plan that is going to help our forests become healthy again and secure the well-being of the families who call these beautiful areas their home.

I believe this bill provides an opportunity to remove fire-prone materials from the forests, boost rural economies, and create family-wage jobs, while at the same time protecting the extraordinary treasures—the land and the environment of the West and our Nation—for future generations.

Let me outline for a few minutes why I think this is the approach that needs to be signed into law. First, this is the only bill—unlike the one in the other body—that authorizes a significant increase in funding for the hazardous fuels reduction projects that need to be undertaken. The other body doesn't authorize a single dollar—not one—for the projects that need to be pursued. As a result, there is tremendous concern across the country that if you were to go the route of the other body, the only people that would really be able to afford to get into the thinning work would be commercial logging companies. That would be a huge mistake. Under the bipartisan compromise that has been crafted, that is not going to happen.

Second, the other body doesn't make an effort to target the dollars in a flexible way so that the work gets done in the communities that most need it in our Nation. The Senate compromise goes to bat for our rural communities by directing that 50 percent of the funding be spent inside the wildland/urban interface where populations are great, but at the same time we can deal with these infernos, these enormous fires that so often start way out in the country and then come into the more urbanized areas.

The other body is silent on this issue. The Senate, after many hours of negotiation—my friend from Idaho and I have literally been talking about this issue for almost 5 years now—strikes a reasonable balance with respect to targeting money for the wildland/urban interface while recognizing that so many of these huge fires start in sparsely populated areas out in the country.

Third, this bill is the only one that makes a historic step forward to protect our old growth, our treasures of the West about which our citizens feel so strongly. The other body has no language at all to protect old growth or the large trees and doesn't limit how projects can be executed.

What the Senate has said is, yes, there are more than 100 definitions of what constitutes ''old growth.'' We recognize that, but throughout the bill we reference the priority to focus on the trees that are not old growth—the smaller trees, the brush—that contribute to this problem. And then, to ensure that there is actually an incentive to protect our old growth, we offer what I think is a creative approach, the kind of approach Senator CRAIG and I offered when we broke the gridlock on the county payments bill years ago so our communities could get revenue for schools and roads. Here, to make sure that the old growth work is a top priority, that protecting old growth is not an afterthought, we say that with respect to the old forest plans, the Forest Service would have to go back and revise the old forest plans to make sure there is actual old growth protection that is going to go forward before the thinning gets put in place.

We have an actual incentive, beyond the statutory language, which is a historic first and would protect old growth. We have a policy that would actually create incentives to prioritize old growth protection because it has to be done first under the old forest plans for thinning work to go forward.

Next, the bipartisan compromise effort keeps the current standard for judicial review of projects and ensures that what we have as a result of the changes in the judicial area, in the appeals area, sends a message across this country that citizens have a right of access with respect to their concerns about timber sales, but they don't have a constitutional right to a 5-year delay on every single timber sale.

The bipartisan group spent a great deal of time on this effort. In my view, the legislation that comes out of the other body would actually change the outcomes of these lawsuits that would rob the judiciary of the independent ability to weigh the evidence put before them. In the bipartisan compromise that was crafted, we strike a reasonable balance. Citizens are going to have a right that is undiluted with respect to access to the judicial system, but we will not set up a litigation derby that goes on for years and years and keeps the essential work from going forward.

Next, the Senate legislation ensures that the public will always be in the debate, will always be in the process and at the table. The Senate compromise allows the public to actually propose alternatives under the National Environmental Policy Act. The bill in the other body basically drives the public out of the process by predetermining these National Environmental Policy Act alternatives.

The Senate compromise preserves all current opportunities for public input and appeal while streamlining the process and eliminating some of the most frustrating and exasperating aspects of bureaucracy. But it is clear, and I want to make this point early in the debate, that not one current opportunity—not one—for public comment would be lost under this compromise.

The compromise requires the Forest Service to rewrite their appeals process using a process that has been used by the Bureau of Land Management since 1984, and the sponsors of this compromise believe this will change a process that is now confrontational to one that is vastly more collaborative.

Finally, much of the argument made against this compromise is very similar to the arguments that were made in 1999 when I and Senator CRAIG and others got together and put before the Senate the Secure Rural Schools and Community Self-Determination Act. They said that was going to restrict the opportunities for citizens to be heard. There were some, when I offered that legislation, who said I was proposing a clear cut for kids program, and we had pickets before our office for over a year. We have some of that same sort of activity going on right now.

That did not happen in 1999 when the Senate moved forward with its first substantive forestry bill in more than a decade, and it is not going to happen again under this legislation if this bill actually becomes law.

I say to my colleagues that this legislation is needed. Some have asked, Why can't the issue of healthy forests simply be addressed by investing in the fire plan? They have said the national Governors made some recommendations, so why don't we just go ahead with those recommendations?

Their suggestions were very useful, but the Governors even acknowledge that simply spending more money, the heart of their proposal, was not the entire answer. How that money is spent is as important as simply offering more dollars.

I have made it clear that I think additional funds are critically important. That is why the Senate bill authorizes an 80-percent increase in funding for these thinning projects, but we also need to make some changes in terms of the endless paperwork and redtape to actually get the real work on the ground that is so important in communities across the West.

A number of Senators have said this is as far as they can go in terms of forestry policy. I know colleagues in the Senate and certainly in the other body feel strongly about it. But I reemphasize, as the Senator who organized that letter, that if there is an effort to unravel the compromise that will be voted on in the Senate, that will, in my view, kill the effort to pass this critically important legislation. It was an urgent priority before the tragic events in California. I think it is urgent not just because the Senate needs to respond in a heartfelt way to the tragedies in California, but if this legislation is not passed, I think we will see what happened in Oregon a little over a year ago and what has happened in California in the last week repeated again and again. I am not willing to see these communities and the people who live in them turned into residents of sacrifice zones. It is urgent this legislation be passed.

I close by expressing my thanks to those who have been part of this 5-year

odyssey and, first, to Senator CRAIG. I served as chairman of the subcommittee when he was a ranking minority member. It is vice versa now. Suffice it to say there are a lot of people in the country who would say: What in the world can LARRY CRAIG and RON WYDEN find common ground on? And we have said again and again in this area that if people are willing to look at what is practical, what is a priority in terms of the thinning work that needs to be done and in protecting our old growth treasures, we can do it. That was accomplished in the county payments bill.

It can be accomplished now. Before I wrap up my remarks, I will read into the RECORD part of a statement today that the administration has issued. It states that the administration strongly supports Senate passage of H.R. 1904, the bipartisan managers' amendment; it opposes any further amendment to assure quick resolution with the House.

I ask unanimous consent that statement be printed in the RECORD.

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

STATEMENT OF ADMINISTRATION POLICY

The Administration commends the Senate Agriculture, Nutrition, and Forestry Committee for reporting H.R. 1904, which would provide authorities and authorizations for appropriations that in large part are consistent with the President's Healthy Forests Initiative. The Administration strongly supports Senate passage of H.R. 1904 and the bipartisan manager's amendment (SA 1828), but opposes any further amendment, to assure quick resolution with the House. The Healthy Forests Restoration Act will provide the Administration with the needed flexibility to manage public lands wisely, and implement the kind of active forest management that is good for both the environment and our economy. This bill would further equip Federal land managers with the additional tools they need to restore forest health, safeguard habitat and watersheds, combat disease and insects, and protect lives and communities. The Administration is concerned that the authorization level in the Senate bill is well above recently enacted funding levels and above the increased funding levels the Administration requested and continues to support for FY 2004.

The Healthy Forests Restoration Act establishes procedures to expeditiously implement hazardous fuels reduction projects on Forest Service and Bureau of Land Management lands: (1) near communities in the wildland urban interface; (2) on high risk lands in the proximity of municipal water sources; (3) on high risk lands that encompass habitat for threatened and endangered species where federal wildlife officials have identified catastrophic wildfire as a threat to the viability of the species; and (4) on high risk landscapes particularly susceptible to disease or insect infestation. Additionally, the bill would: (1) facilitate the utilization of wood, brush, residue, and other biomass removed in conjunction with forest health projects in the production of biomass energy; (2) authorize federal programs to support community-based watershed forestry partnerships that address critical forest stewardship, watershed protection, and restoration needs at the state and local level (3) direct additional research focused on the early detection and containment of insect and disease infestations; and (4) establish a voluntary private forestland easement program focused on recovering forest ecosystem types in decline.

Mr. WYDEN. I am pleased to see what is the first formal statement of the administration saying that the Senate bill is the way to go. It is an acknowledgment of the fact that a number of us said we cannot have this compromise unravel, and it is a constructive statement from the administration today. I commend them for it.

In addition to Senator CRAIG, who has worked with me on this for literally 5 years, Senator SMITH and I cannot go anywhere in our home State without people asking, when is the Senate going to respond to this? I thank him for his efforts, as well as those of Senator CRAPO, who is in the Chamber. I see Senator BINGAMAN, who has been so helpful to me as I have had to wrestle with these issues that come up in my home State day after day.

We have not agreed on every single bit of this debate for 5 years, but Senator BINGAMAN has performed an extraordinarily important service. He has some ideas on a matter that has been documented in our hearings with respect to how these funds get moved around, almost manipulated, from one account to another when there is underfunding of the thinning work that needs to be done. I thank him for all of his help over the last 5 years. We have spent many hours on this.

With the statement that I have just put into the RECORD that the administration wants this legislation and is opposed to efforts to alter it, I think we are in a position to show the country the Senate can find common ground on an issue that is about as contentious as any imaginable. I look forward to seeing the amendments of our colleagues and getting this critically important legislation passed.

I yield the floor.

The PRESIDING OFFICER (Ms. MURKOWSKI). The Senator from Idaho.

Mr. CRAPO. Madam President, it is an honor for me to participate in this debate, not only because of the importance of this legislation, which I will talk about in a minute, but because of the process which has brought us here and what the public is now observing.

As for the last little while, they have observed leaders on both sides of the aisle talk in support of a highly contentious issue that we have been trying to bring to resolution in this country for years. Today, we have before the Senate a bipartisan solution, one that is the result of literally years of effort by a number of Senators who I will mention, and the result of a collaborative effort to bring together the Senators from various perspectives and negotiate an outcome that would have the common ground to build positive solutions for the future and much more benefit to all sides than the conflict which has been so much a part of this issue over the last few years.

I hope as this debate proceeds that the public will notice what is happening in the Senate today, as we see strong leadership from both sides of the aisle stepping forward, reaching a compromise that probably none of us would have crafted ourselves but which moves the issue much more further forward than anything we have seen in the past.

I will speak for a minute about how this came about. We have already heard several comments today about those who have worked on this from the past. It just so happens that Idaho—Senator CRAIG was on the floor and will be back in a moment—has two Senators who happen, just by circumstance, to be the chairmen of the two forestry committees in the Senate. Senator CRAIG chairs the forestry subcommittee of the Energy Committee. Senator WYDEN from Oregon, who just spoke, is his ranking member. I chair the forestry subcommittee of the Agriculture Committee. My ranking member is BLANCHE LAMBERT LINCOLN, who is a cosponsor of the base legislation, which was initially put forward in the Agriculture Committee and which became the vehicle around which these negotiations centered.

Senator CRAIG, Senator WYDEN, Senator SMITH from Oregon, myself, BLANCHE LAMBERT LINCOLN, Senator DOMENICI, the chairman of the Energy Committee, Senator COCHRAN, the chairman of the Agriculture Committee, both of the Senators from Arizona, Mr. KYL and Mr. MCCAIN, along with Senator FEINSTEIN from California, Senator BAUCUS from Montana, and other Senators came together and said: We must find a way to get past the intense battles that always bring this legislation down and find a way to build a path forward, one that protects the environment, protects the natural resource-based economy, protects our urban and rural communities, and protects the world from the environmental impacts of the devastation of these forest fires. It is that which we have before us today.

I thank my chairman, Senator COCHRAN in particular, for the strong leadership he has provided; and Senator DOMENICI and Senator CRAIG from the Energy Committee who have provided such strong and consistent leadership on this issue.

Why is it that I say this is such an important and critical issue to America? Everybody in America who is looking at the news right now is watching what is happening in California. In California, fires are raging. The death toll is mounting. The devastation to the environment is obvious. What is happening there now is an example of what has been happening across America for years, as we have fallen into an inability to implement forest management decisions in America on our public lands. I do not have the exact statistic in front of me, but I believe the 10-year average is that we have seen something in the neighborhood of 4

million acres of forest ground burn a year. For the last 4 years the numbers were approximately 3.3 million acres this year, 7 million acres last year, 3.3 or 3.7 million acres the year before, and then another 7-plus million acres the year before that.

These acres burn in devastating ways, destroying wildlife and habitat, destroying our forests, and causing other significant damage to rural and urban communities, to natural resource-based economies in States such as Idaho, where we rely on a timber economy.

Another aspect that is not often noticed is it is delivering to the atmosphere immense amounts of carbon dioxide. In fact, I am looking for some of the statistics on this, but the amount of gas that is put into the atmosphere, in terms of the kinds of debates we are having over greenhouse gases and global warming, is phenomenal. To give one example, the Hayman fire in Colorado recently was analyzed and it was determined that in 1 day of that fire's burning, it put enough CO_2 in the atmosphere to equal the amount of CO2 that all of the cars in the United States put into the atmosphere on that day.

If we multiply that times the number of fires we have been having over the years, the load of CO_2 or greenhouse gases into the environment that is caused by the forest fires becomes a monumentally large issue in relationship to our efforts to control global warming.

Forest fires go from the broad issues of global warming to the narrow issues of a small community such as the community in Idaho that I recently visited, Elk City, which I at that time said was ground zero for this debate, a little community that is literally at the end of the road, in the middle of a tremendously beautiful forest in which the fuel load has been building year after year and now has a higher fuel load by several factors than the fuel load in Yellowstone when the Yellowstone fire started a few years ago.

This community has only one road in and one road out. They have been crying for support from the Federal system, to have some kind of protection of their community in terms of just what the threat is to loss of life, let alone the threat of the loss to their economy that would be caused by a forest fire. This little city, Elk City, ID, is as much involved and interested in this issue as are those who are battling over global warming issues. It is for that reason this legislation is so critical to our Nation.

I want to go over a little bit about the compromise, because the compromise we have reached today is a very broad-based critical compromise. It brings together a number of important pieces of the debate that have been counterpoints in conflict in the past and have now come together as part of a commonsense solution.

First, resources are provided in this bill for forest management at a significant level and in a significant way. One of the things we know is that prevention is critical. Madam President, $760 million in annual funding for fuels reduction on Federal lands has been provided in this legislation and that can be used also in related grants for State and private forestry programs. Fifty percent of these resources are required to be used in the wildland/urban interface, one of the critical areas we are now watching as the fires burn in California.

This critical wildland/urban interface is defined by local communities. We implement and follow the recommendations of the Western Governors Association as they talk about the collaborative process that needs to be put into place so citizen involvement can be enhanced in defining and implementing the protection plans for protecting our forests and the related communities, both rural and urban.

Second, this legislation for the first time in legislation proposes specific protection for old growth in the forests. Where there are old-growth stands in the forest, this legislation provides those who are implementing fuel reduction programs must protect those old-growth stands to the maximum extent they can. Conversely, it also provides that hazardous fuel reduction projects are intended to focus on small-diameter trees, thinning, and strategic fuel breaks, and should retain the large trees as appropriate for resilient stands. The point is the focus on small-diameter timber in these fuel reduction programs is going to provide opportunities for some of the communities that have been hit so hard by the reduction of logging and timber activities to find alternative sources for their economy to grow.

In Cascade, ID, we have a company that is trying to get started now, which is providing unique new ways of utilizing small-diameter timber to help in restoring and protecting our environment after fires have gone through, using the very small-diameter timber we are talking about in these forest fire prevention plans.

I should make clear, the focus on small-diameter timber is not to turn our back on the need to reform and solve the problems with regard to timber activity and logging activity. We can and should have a strong, healthy, natural-resource-based environment as well as strong, healthy forests. We can achieve those objectives. This bill is going to help us implement a number of the important provisions that will achieve those objectives.

Next, as the Senator from Oregon has already indicated, it protects public involvement. One of the things it does is it limits the number of alternatives the Forest Service must consider. Our minority leader, Senator DASCHLE, already indicated the expense and the time delay that is caused by the drive, under our current system, to force endless analysis but delaying getting to the implementation part of forest management decisions. This bill requires that in addition to the proposed fuel reduction program that is adopted by the Forest Service, the Forest Service must also consider the ''no action'' alternative, and at least one other alternative, if it becomes appropriate under the collaborative process that is moving forward, allowing for citizens to propose alternatives and have the Forest Service consider those alternatives as the process moves forward, but providing some relief so the Forest Service can get on with the decision-making.

In addition, what I have called litigation paralysis is addressed. One of the problems we face in forest management decisions today, possibly the biggest one, is that under our current system, no matter how much evaluation and study is put in, no matter how many alternatives are considered, at the end of the day the proposal that is adopted is litigated and we end up in paralysis through continuous litigation that simply stops the process from moving forward.

Let me give an example. A couple of years ago I went to a forest in Idaho. I was taken there by the Forest Service employees who had proposed a thinning project to address an insect infestation problem. They explained to me why this forest, both in terms of forest fire and in terms of its health and safety against insect infestation, needed to have this thinning project proceed.

I was impressed with what they taught me. I went away thinking this forest is going to have some improvement. I went back to the same forest several years later. No thinning activity had taken place. I was there with the same people. I asked them what had happened. They advised me they had their decision challenged in court and, although they had ultimately prevailed in the litigation, it was now 2 years later and it was too late. The insect infestation had gone too far; there was no point in doing the thinning project. The forest for that purpose had been lost. It is now a fire hazard, not to mention the fact the health of the forest itself has been sacrificed.

The Forest Service won the litigation, but the delay of the litigation stopped the ability to implement the management decision. That is just one example of the kind of thing we are talking about.

By the way, in that case I said, What was the issue? They explained to me the issue that was litigated.

I said, Why didn't you just concede that. It was not that big of an issue.

They said, The way we won the litigation is to basically concede that point and then ask permission from the court to go on because it really wasn't central to our efforts.

The response they gave me was: This issue was never raised as we were putting together the alternatives, going through the NEPA project. We didn't know we were going to get challenged on this or we could have accommodated it as we were moving along.

My point is that an entity, a group that wanted to stop this thinning project, sat back and let the entire process proceed without ever raising their concerns in the citizen involvement process. They waited until that entire process had come to a conclusion and then filed a lawsuit. The first time the Forest Service found out about this issue was then.

These kinds of issues are addressed in this bill. For example, we are requiring the Forest Service to develop a new appeals process that is similar to the predecisional appeals process the Department of Interior now uses. This is important, because it gives those who are concerned about good decision-making at the Forest Service, and who are already involved in the public process, the ability to challenge that through an appeal before the final decision is made, a predecisional appeal process. Then if they still do not like the outcome, nothing stops them from filing a lawsuit at the end of the process. We are expanding and enhancing the ability of involvement here by the public.

However, we are saying to individuals and groups who want to challenge these decisions you must get involved at the beginning. Those who want to challenge these decisions must show they have been involved in the process and participated in the public involvement process from the beginning. They also must show they have exhausted their administrative efforts, their administrative remedies. If they have a remedy with the Forest Service, they should go to the Forest Service through its appeals process, and exhaust that process first before simply filing a lawsuit and moving the whole process into litigation paralysis. With the enhanced citizen involvement we have provided, once a decision gets made, if there are those who are still unhappy, they have a right to file a lawsuit under this legislation.

What the courts must do at that point is expeditiously move the litigation. In the legislation the courts are encouraged to expedite these cases.

Second, this legislation limits the injunction that the court can issue to 60 days and allows continuous unlimited 60-day renewals but requires those who would come into court to simply stop anything from happening to show the court at 60-day intervals updated information that the grounds for stopping the action still exist and they haven't been resolved in some way.

Finally, it requires the court to balance the harms of what would happen if we don't do the thinning project or the proposed fuel reduction project, future harms that could come as a result of that against the current harm of what the injunction is proposed to stop. It simply requires a court to balance those harms as they evaluate whether to issue an injunction.

There are those who say the injunction should be issued no matter what because once a tree is thinned or cut it can never be put back. The response to that is, as true as that is, if you look to the future and to the future harms, once the insects take the forest, you can't bring it back easily, and those trees are dead, too. Once the forest burns, you can't then rebuild a healthy forest that you would have been able to do had you implemented these decisions.

All we are saying in this legislation is that the court must balance the harms from inaction against the harms of the proposed action in terms of issuing the injunction.

These are important factors that will help us break the litigation paralysis but still provide significant public input and significant public support and the rights of the public to challenge the decisions made by the Forest Service.

There are a number of other important parts of this legislation. There are critics of this legislation, and I assume that at some point throughout the debate today and tomorrow—as long as it goes—there will be an opportunity and a need to respond to some of the charges about this legislation. I will not go into all of that now.

I will simply conclude by saying again what we have before us today is a bill that is probably different than any one of the Senators who came together from both sides of the aisle would have drafted if they had drafted it on their own. But it represents a bill that goes to every issue that has been the cause for stalling which has stopped us from being able to get the legislation through, and it has resulted in compromising to move us forward in every one of those areas. We provide the resources. We provide protection for old growth. We provide protection for public and citizen involvement. We assure that the process for litigation is streamlined but is still meaningful. And, most importantly, we make it so that once our forest managers—those who have studied, the scientists who know what our forests need—have come up with a plan and have made it through the public process and through litigation they will actually have a real meaningful opportunity to implement forest management decisions.

This legislation is critical for Americans. It is unfortunate that we have to be debating it while we are watching California burn. But nevertheless the pressure from the forest fires over the last few years has shown us across America that it is time for us to come together as we have on this legislation and take this important step to protect our forests, to protect our natural resource base economy, to protect our communities, and to protect the world.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. SMITH. Madam President, I rise today in strong support of the H.R. 1904 title I compromise reached by many of my colleagues on both sides of the aisle. I commend them for their work. The issue we take up today is vital. It is important to our ecology and it is important to our economy.

When I first entered public life as an Oregon State Senator in 1992, the Pacific Northwest was embroiled in the spotted-owl wars. There was a great debate—and there has been ever since—about what to do with our public resources and how they ought best be managed.

In the course of this debate, I have through my public office tried to weigh in on the side of those who elected me to public trust. I come from a part of my State that is rural. I have as my neighbors farmers and foresters. I have seen in their eyes the desperation that comes from watching the slow undoing of their industry and in recent times the destruction of even their homes. I watch with great sadness as we view many of our fellow citizens from California view the ashes of their lives as a result of catastrophic fires that surround their communities and burn up their homes. Their cries are heart wrenching. I expect because they are heard so clearly in this body that we are now taking up this legislation that has long been overdue for our country's sake. But long before I heard the cries of Californians, I heard the cries of Oregonians.

In the State of Oregon, from the spotted-owl wars we have laid off tens of thousands of workers. We have watched their lives be undone in rural communities. We have closed our mills, and we have since watched our forests burn. Now my State leads this country in both hunger and in unemployment, and it has much to do with the forest policy of this country.

Timber is a renewable resource. It is the one natural resource that grows back constantly. It is safe to say—indeed even provable to say—that in the State of Oregon today there is more timber growing than when Lewis and Clark went there 200 years ago. That is because for a century while we have harvested trees, we have replanted what has been harvested. But if you listen to the great newspapers of this country, the New York Times and the Washington Post, and you actually believe what they purport to represent about my State, you would come away with the impression that we are about to cut down the last pine tree in the Pacific Northwest. But, again, the truth is much different.

What we see in California—and so often in the Pacific Northwest, Montana, Idaho, Oregon, and Washington—is that these fires, which are a normal occurrence in forests, are now on a scale that is truly haunting. We are leaving millions of acres no longer as old-growth forest but as literally moonscapes.

What I want my colleagues to understand as we go into this debate is that many of the forests which environmental groups have pled that we protect are in large part gone or in serious jeopardy. They are not gone because of logging. They are not gone because of

road building. They are not gone because of development. They are gone because of bureaucracy, bugs, and burning. Now we find that so many of our forests have carbon dioxide in the air and charcoal match sticks on the ground.

Here is a visual which shows a fire this summer around the Bend, OR, area. This is a fire the previous summer, the Biscuit Fire in the Siskiyou National Forest.

What we are finding in places such as this fire is trees aren't growing back; rather, brush is growing back so that, particularly, new trees can't grow. Yet we are not allowed to go in there and manage the soil. It is growing so thick that it may be a long time before trees ever begin to manifest themselves. The Biscuit fire was the largest in Oregon recorded history. It is also a monument to the mistaken notion that wrapping redtape around our forests will save them from wildfires. Wildfires do not stop at lines drawn on a map. This we see clearly in California today.

Another area is the Rogue, Siskiyou National Forest. So the public understands the extent of this devastation, this fire was larger than the State of Rhode Island. It was four times the size of the District of Columbia. In this forest, 85 percent of the roadless area that was designated is gone; 77 percent of the Kalmiopsis Wilderness in the same fire is gone; 68 percent of the wild and scenic river corridor is gone; over 70 percent of the spotted owl habitat in this enormous area is gone. Those birds have been burned up.

The message from the ground could not be clearer: Catastrophic wildfire, not logging, not roadbuilding, not development, is killing forests in Oregon. I like the words of Oregon's former Governor, John Kitzhaber, who, after seeing the fires, said: If we burn down the forests, we are not going to have a resource to argue over.

He was right. And we are right to pursue this legislation today.

I say to my colleagues that there may be some doing the bidding of environmental organizations that will come to the Senate and will offer amendments designed to kill this legislation, so that the health of our forests cannot be ensured.

Many of my colleagues on the Democratic side have shown enormous courage. Chief among them is my colleague, RON WYDEN, in coming up with a compromise.

I plead with all of my colleagues, Republican and Democrat, that they hold to this agreement that the Democratic leader has now endorsed. This has to happen for our country's sake. It is literally a life-and-death issue. I plead with those who have amendments to think again about it. This legislation truly needs to pass.

I was struck by a comment on the Web site of the Sierra Club. I understand one of the amendments may be a roadless initiative. That may be fine to debate in isolation or as part of a separate piece of legislation, but if presented to frustrate this agreement, it is truly unfortunate. The Sierra Club Web site tells us that roadless forests ''provide sources of clean water to millions of Americans, essential habitat for wildlife, and special places to hike, hunt, camp and fish.'' That is true, unless what can be seen in this picture happens to the roadless area.

We have every reason to pass this moderate legislation. Many on the Republican side would have crafted something that goes even further than this legislation. We would have done something like the House of Representatives, which I endorsed. We are now holding to this agreement. We will be voting against amendments, even ones we may like, that are designed to kill this legislation. I hope everyone will hold to the deal. If we hold to the deal here, we will hold to the deal in conference, and that will leave America's forests and America's foresters the better.

For the sake of our ecology and the sake of our economy, I urge the passage of this bill and thank all of my colleagues, Republican and Democrat, who have had a hand in crafting this Senate compromise. They have done their work and will leave our Nation better.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Madam President, I will talk about the bill pending and share some thoughts and concerns I have about the bill.

This is not a matter of light substance that is before the Senate. This is not a bill that we can take a wink and a nod and let it go because everyone agrees this is a unanimous consent bill. It is true that it did come out of our committee, the Agriculture Committee, on a voice vote. We reached agreements to go ahead and get it to the floor.

There are a lot of things in the bill I can agree with, that I think are good and necessary; there are some other things about which I have concerns and a lot of Senators have concerns. This is a bill that is open for amendment. There will be a number of amendments offered to this bill to try to strengthen it and to answer some concerns people have.

I am somewhat amazed when we come out with legislation and it deals with sensitive environmental issues and we are told certain environmental groups have concerns and we will hear about the environmental issues so that somehow, if you are a member of an environmental organization, you are opposed to progress, you are opposed to jobs, you are opposed to doing things that might make life better for some people in certain areas. It is almost as if ''environmentalist'' is a bad word. I don't think it is. I think being pro-environment and being an environmentalist is a positive attribute.

I compliment those in our country, many of whom work for nonprofit organizations. I have a number of letters from them that I will have printed in the RECORD. They toil endlessly, tirelessly, sometimes for no pay, sometimes for little pay, to ensure that future generations of Americans have a good, healthy environment, that those who like to hunt have areas in which we can hunt, where we have healthy wildlife areas.

I am proud of the fact that in our last farm bill we had the biggest increase ever in conservation, an 80 percent increase. To me, this is not only pro-environment; it is pro-economy; it is pro-jobs; it is pro-growth but growth in a way that is sustainable, not just for our time and our place but for future generations.

That is why the Healthy Forests Restoration Act of 2003 is not something that can be lightly passed through. We have to look at it and talk about it. I compliment those who have worked hard to reach agreements and tried to reach compromises on this legislation. That is all well and good. I compliment Members on both sides of the aisle. They have worked very hard to get to a point where we have a bill that has broad support. I don't deny the bill has broad support. That does not mean those who have some concerns about certain aspects of the bill could be stopped from talking about it and offering amendments. That is what the legislative process is all about.

We will proceed in that regard deliberately, not in a way to stop anything. This is not a method of slowing down the bill or taking an undue amount of time, but it is ensuring that we do look at the bill carefully; that the public is generally aware of what is in the bill; that those who perhaps do not spend a lot of time looking at these things—and I am the first to admit this is not an area of my expertise, but as the ranking member of the Agriculture Committee, charged with the responsibility of legislation that impinges upon our national forests that comes under our jurisdiction, I make sure I have good staff who understand the impact of forest legislation. And I have taken the time to study it myself to the extent I have had the time to do so.

I do not pretend to know all the ins and outs of forest legislation as much as my friend from Oregon, for example, who has spent his adult life working on this, or the Senator from Idaho and others who I know have put a great deal of time in this. But that does not lessen my concern about certain aspects of the bill and its impact on our environment. So we will have a discussion and we will have amendments.

Preventing damage and injury to communities is of paramount concern to all of us, especially now with the tragic wildfires in California that show clearly the dangers these communities face. Of course, our hearts and our thoughts go out to all those families in those communities that are affected by these wildfires.

Now, again I point out that this bill passed by a voice vote to allow us more

time in order to reach a consensus on this agreement, and that is the substitute amendment offered by Chairman COCHRAN. The vote out of the committee was not—and I wish to state this very clearly—any kind of unanimous endorsement of the bill as a whole. It was merely our agreement to move the process forward.

The legislation before us purports to focus the Federal Government's efforts to reduce the dangers of wildfire and improve forest health. Now, of course, all of us want to achieve this goal so that our communities out west can be better protected from catastrophic wildfires, so that forest areas around the country can better cope with the onset of disease and insect infestation, and so that we can improve the overall health of our national forests and public lands.

I am heartened that several Senators from both sides of the aisle have endorsed a legislative compromise to title I of the bill. This, of course, is the title that has drawn the most focus because it covers hazardous fuel reductions on Federal lands, and, as such, it is also the most controversial portion of the legislation. I believe it is a step in the right direction. I believe it comes up a little short, and that is why we will have some amendments in that area.

Again, I will say that much of the bill is worthy of support. In addition to title I, there are seven other titles, ranging from watershed forestry assistance to rural community forest enterprise programs, with others, and again the bulk of these provisions are non—I will not say not debatable, but they raise no really contentious issues. But I would like to take this time to talk a little more about title I.

Simply put, I still continue to have some serious concerns about this section. For one, the bill lacks sufficient targeting to conduct hazardous fuel work in the areas that need it the most, which likely might waste limited Government dollars. The Forest Service's own research has concluded that the areas immediately surrounding homes and structures are where the fuel cleanup should be done, as it is the most effective and cost-efficient method for reducing fire risk.

The language in the bill requires that only 50 percent of the hazardous fuel dollars be spent in what is known as the wildland/urban interface. Again, because of the bill's loose definition of the interface or of the community protection zone, land miles away from homes and other structures could qualify. Ensuring that a higher percentage of this work would be done in the areas at risk to human life and property would vastly enhance our community protection efforts.

Again, there is no definition of the size of a community. So one has to ask: Just what kind of communities are we talking about? Well, I happen to come from a town of 150 people. I live there. To me, that is a community. Two or three houses out someplace, to me, is not.

As I was saying to my friend from Oregon earlier, if someone wants to build a house out in an area that is on the ocean, that is subject to hurricanes and tidal waves and weather such as that, they take their own risk. If they want to do that, they are at risk. If they want to go where the floods happen and a hurricane comes up and wipes a house away, well, it is not primarily the Federal Government's responsibility, it is not primarily the taxpayers' responsibility to go out and build seawalls to protect that house. If someone wants to build a house in an area where there are mud slides all the time, it is not our responsibility to come in and build up structures to protect that house from a mud slide. If they want to build it on the side of a cliff, God love them. If they can get the insurance for it, fine, but it should not be the taxpayers' responsibility.

So if someone wants to build a house out in a wilderness area, fine, I have no problem with that. They can do that. But I do not know that we then have the responsibility as taxpayers to come in and say we are going to spend millions of dollars to protect your house from a wildfire. Now, where that cutoff is, I do not know. I am not here to say the cutoff is 150 people or 200, but there has to be some better definition of structure for communities.

The way the bill is right now, we could spend a lot of money going out and cleaning out the brush. And, by the way, I will have something to say about that. We are not talking about brush. We are talking about trees. It could be miles, tens of hundreds of miles, away from any community. So again I question whether that is where we want to put our resources.

I understand there may be an amendment, or there will be an amendment offered to raise that 50 percent threshold to something more akin to 70 or 75 percent, which I think is maybe more where we ought to focus our resources, with the very few dollars that we have.

Secondly, the bill could also be interpreted to allow logging on virtually all Federal lands other than wilderness or wilderness study areas. This means national monuments and other areas could be logged in the name of wildfire prevention. The old growth language contains numerous exceptions so large that even ancient trees, trees that were around before our country was a country, could be logged.

The President traveled around the West this summer arguing that we need to remove small trees and brush from damaged forests. The scientific community agrees with him. But these same scientists tell us that cutting bigger and older trees can actually make fire risks worse. Logging, after all, is a part of what created the fire conditions that this bill is supposed to address.

Now, you might say: Well, how can that be? If you cut down trees, how can you have forest fires? Well, by logging, by taking out certain trees, you leave a lot of brush, you leave a lot of stuff on the ground; plus, you take out some of the overhang of the ancient trees that tend to keep the risk of brushfires down; plus the fact, when you do logging, of course, you put in roads. Whenever you have a road, then you have people coming in. When you have people coming in, they are building campfires and doing things such as that, and that also increases the risk of fire.

Another problem I have with this legislation is the lack of protection for roadless areas, those areas of our national forests that have wisely been left free from most logging and roadbuilding to ensure their protection. In fact, this bill does not restrict roadbuilding at all—at all. So you could have permanent roads built anywhere under this bill.

If we did restrict some of this roadbuilding, we would have less fire risk, and greater ecosystem benefits. This is because the forests in these undeveloped areas have experienced less damage by past management practices. They are much less in need of remedial work themselves. And they tend to be the furthest away from homes and communities. Moreover, scientists tell us that fires are more common and larger in developed forests. As I said earlier, roads bring people. People bring accidents that start fires.

While I am a strong believer in access to public lands, it depends on what kind of access we are talking about. We have to realize building roads to reduce fire risks can be very self-defeating. So I am concerned about a lack of protection from the building of roads in currently roadless areas.

Some people say this is a contentious issue. It is an important issue. It is one that concerns a number of environmentalists and other people around the country, especially those who have tried to protect our natural forests that have been left free from logging.

The bill also limits the reach of what may have been called the heart of NEPA, the National Environmental Policy Act. I know there are some who would like to get rid of NEPA completely, just get it off the books. There are some who would like to see that happen. But NEPA is the heart of our environmental policy. Simply put, it requires the Federal Government to look at a reasonable range of alternatives to any proposed course of action. Yet the language in this bill arbitrarily restricts a full and robust environmental analysis to only the agency's preferred alternative, a no-action alternative—which is really not an alternative because a no-action alternative means you don't do anything—and possibly one additional alternative.

It boils down to the fact that NEPA would be required to look at two alternatives, not a reasonable range of alternatives but two. The one alternative doesn't even have to be environmentally preferable. It could be a proposal for more and heavier logging of

big trees. Again, this effectively undermines what has been called the heart of NEPA; that is, to look at a reasonable range of alternatives to a proposed agency course of action.

What this bill basically could leave us with is one alternative. That is not what NEPA was intended to do. It calls for a reasonable range of alternatives. This effectively undermines a landmark law of immense value—a landmark law that has been in existence for about 30 years.

We will hear from some who say that the NEPA analysis takes time; it costs money. What we won't hear is how important this time and money is for realizing better outcomes.

NEPA analysis is designed to ensure that more effective or more efficient approaches are considered before an agency reaches a final decision on how to proceed with a project. Too little attention has been paid to date to the fact that thinning may or may not be effective in reducing fire risk. The scientists tell us that it needs to be designed carefully and in light of many site-specific factors, if it is likely to succeed.

There is the general perception that if we just go out and clear out all that underbrush and take out trees, certain trees, it is going to protect us from forest fires. That may or may not be true, depending upon the site and the specificity of what they are doing. That is exactly why we need good, solid NEPA—National Environmental Policy Act—analysis for this work, particularly the larger the projects and trees involved and the more sensitive the places. Otherwise, if we don't consider alternatives, we will be wasting time and taxpayers' money that we can't spare on projects that don't help and may even hurt in terms of protecting against wildfire.

We ought to look more closely at the Forest Service and Bureau of Land Management inefficiencies in carrying out their NEPA obligations rather than attacking what has been referred to as the Magna Carta of environmental law. Routine forest health projects can confidently proceed without lengthy environmental review, as long as they stick to small trees and brush, developed forests, and no new roads. Once you get into that, that is when we need the environmental review.

I also want to make clear from the beginning that you will hear a lot of talk about small trees and brush. It is my understanding that these small trees can go up to 12 inches or greater in diameter and that these are the trees that loggers want now. These seem to be what is in demand. I am not a contractor. I don't build houses and stuff like that. But I am to understand that these are the ones most in demand right now, trees up to 12 inches and greater in diameter. That is a pretty good size tree. That is not brush. But that is what we are talking about here, going out and clearing those trees. That is why we need a good, healthy NEPA analysis of what we are talking about, what the alternatives could be.

The bill before us also exempts hazardous fuel projects from the normal administrative appeals process for what we are told will be something similar to the BLM's appeals process. This predecisional process, it is argued, will help expedite projects toward their completion by making projects more collaborative and less confrontational.

But this new, undefined process threatens to cut out or unfairly limit citizen participation in agency decisions. The bill currently does not have meaningful standards for the new process to ensure that all the talk we hear about preserving public participation is fulfilled.

Let me repeat that. The bill before us does not have meaningful standards to ensure that we preserve public participation to the fullest. This is not good public policy. These national forests belong to us all. They belong to you and they belong to me. They belong to you and they belong to our kids and our grandkids and future generations. The public ought to be participating and should be heard and should have meaningful participation in agency decisions regarding forest policy. The bill should spell out the Forest Service appeals process. It does not do that. So we don't really know how the public is going to be involved. The language may provide too much discretion and too little accountability to the public. This needs to be cleared up.

Let me say a few words about the judicial review provisions of the legislation. I do not believe they represent a major response to the situation. Among other things, the bill limits preliminary injunctions to 60 days. You do have the right to renew, but it limits it to 60 days and stipulates that courts balance the short- and long-term effects of undertaking and not undertaking a hazardous fuels reduction project.

The limit on injunctions will make additional work for judges that could actually slow them down in reaching a final decision. The balance-of-harms language in the bill is unnecessary and intrusive, as courts have always done this. Moreover, the presence in this bill of that language could be read as implying direction to change the current process in some way. This could tilt the scales to one side or another regardless of the facts in a particular case.

Again, let me point out something else we hear about: the flood of lawsuits. There is no flood of lawsuits clogging up the courts and preventing us from moving ahead in hazardous rules reduction projects. The GAO study of hazardous fuel reduction projects found that only 3 percent of all fuels cases were litigated in 2000 and 2001, covering only 100,000 acres.

I will repeat that. Our GAO—our investigator—found only 3 percent of the hazardous fuels cases were litigated in 2000 and 2001, and plaintiffs were often not environmental groups but local communities, outdoor enthusiasts, and timber interests. Of the 762 cases, only 4 were delayed by court order during the litigation. Again, out of 762 cases, only 4 were delayed by court order during the litigation, and that is about five-tenths of a percent of all the cases.

Yet we are told we have to do something here to clean up the plugging up of our courts by all these environmentalists, that litigate and come to court to stop the agency from proceeding. Nonsense.

With regard to appeals of agency decisions, the argument that there is some sort of crisis holding up these projects simply doesn't hold water. The Forest Service and the Bureau of Land Management's own database lists about 3,500 fuels reduction projects they conducted between 1998 and 2002. About 250 were appealed. Out of 3,500 projects, 250 were appealed. This is about 7 percent. There is a 7-percent appeals rate for all of their fuels reduction projects nationwide. In other words, by the agencies' own count, 93 percent of their projects went through with no appeal whatsoever. Yet we are told there is some sort of ''appeal crisis.'' Well, the facts just don't support that.

The GAO and similar studies have found the main reasons that projects could not proceed were weather related and the diversion of funds to fight wildfires. Now we are getting to the crux of it. Roughly a third of the delays were due to a shift in money from preventative projects to firefighting, which last year cost more than $1 billion. That is why we need more resources out there—not to shift the resources we have now but to have more resources out there for preventative projects.

Again, the main reason the projects could not proceed, according to the GAO, is weather related and the diversion of funds for wildfires. Other reasons include public resistance, regulatory demands, unpredictable funding, and inadequate staffing within the agencies.

Yet the administration and some of my colleagues would have us believe the agencies cannot get the work done due to appeals and litigation by environmentalists and environmental organizations. This simply is not true.

Well, are there some problems getting the work done? Yes, there are. Does this bill have provisions, including new programs, that are worthwhile? Yes, I have already stated that to be the case. There are a lot of good aspects to this bill. Is this bill the best way to protect our at-risk communities and the environment from wildfire, disease, and pest infestation? Well, I don't think so. I think there could be some changes made to this bill that would make it even better.

What is even more troubling about the legislation is that it comes on the heels of some very harmful actions recently taken by the administration and

the Forest Service to weaken environmental protections, weaken public participation or public scrutiny of agency action—the cumulative effect of which could be to seriously degrade the health of our national forests and public lands that the bill's proponents seek to protect.

The Administration, through regulation, has ''categorically excluded timber'' sales up to 1,000 acres from NEPA analysis as long as trees are cut in the name of fire prevention. So you can go in—a thousand acres would be pretty substantial in some areas. You can go in and cut down 12-inch or greater diameter trees in the name of fire prevention. No NEPA analysis is needed. They are shelving administrative appeals for these projects under NEPA; they are curtailing environmental analysis for entire forest management plans and ending public appeals of the plans. Proponents of this bill are even cutting out endangered or threatened species consultation with the U.S. Fish and Wildlife Service and National Marine Fisheries Service, and preparing to jettison protections for roadless areas.

In other words, the administration has taken a largely one-sided view of Federal forest management. That is, thin or cut first and minimize environmental protections and public input through the regulatory and legislative process.

The upshot is that, combined with this bill as it now stands, we could see widespread, heavy logging of mature trees, even in pristine roadless areas, without the benefit of public environmental review, pursuant to overarching plans that also lack NEPA compliance, bereft of interagency consultation or meaningful public appeals, and subject only to modified judicial review. In this scenario, there could be a major increase in Federal timber sales with little public understanding or input and even less agency accountability. I believe this is bad governing, bad policy, pure and simple.

Now, while I recognize the legislation probably has the votes to pass, I believe we can and should do better. There will be amendments to attempt to do this. We have seen several alternative bills offered in the past several months. We should better target funds to have work done in this wildland/urban interface, as it is called, or the community protection zones. We should vastly increase funding for hazardous fuels work on Federal and non-Federal lands. That is the crux of it. We should have more comprehensive protection of old-growth and large fire-resistance trees. We should avoid unnecessary and largely unprecedented attacks to our independent judiciary. And we must maintain full and vigorous public participation in the care of our national forests and public lands, while expediting projects to reduce wildfire risks to at-risk communities.

As I have said before, these public lands and these national forests belong to us all, not to a timber company, not to someone who builds a beautiful home out in the middle of a wilderness area and wants us to spend taxpayer dollars to protect them from a wildfire. These national forests belong to all of us, and public participation and agency decisions dealing with public lands and public forests ought to be in the forefront, not in the background.

Otherwise, if we move ahead in this manner, we are inviting the waste of limited time and resources that it is our responsibility to ensure are directed at stated priorities of community protection and removal of small trees and brush. As drafted, I am concerned that this bill will not accomplish that urgent goal, will not ensure adequate public participation, and will not help to end the controversy and gridlock that has plagued this issue for some years.

I hope we will have a reasonable debate on this bill. Certainly, there will be amendments to it; I don't know how many and who will offer them. Some have come to me saying they had amendments to offer. I think they will take some time to dispense with, which is appropriate given the significance of the policy changes proposed in H.R. 1904. We must carefully scrutinize what is in the bill and see if there are ways to improve it.

I ask my colleagues on both sides to wait and see how these amendments proceed before judging the ultimate merit of this legislation.

Madam President, in closing, I wish to have printed in the RECORD some material. First is an editorial that appeared this morning in the Washington Post called ''Fire Damage.'' I ask unanimous consent that the editorial be printed in the RECORD.

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

FIRE DAMAGE

With terrifying intensity, fires are burning across Southern California and Mexico this week, proving once again that natural disasters can be no less devastating than the man-made kind. They have already killed more than a dozen people, destroyed more than 1,500 homes and burned half a million acres. A staggering 50,000 more homes are thought to be under threat, as the fires, fanned by desert winds, move into the Los Angeles and San Diego suburbs. It's a genuine national tragedy—and one that shouldn't be misused for political purposes.

Unfortunately, that is a distinct possibility. The fires happen to have arrived just as the Senate is wrestling with a bill, already passed by the House, which is supposedly designed to help prevent catastrophic fires. In theory, the bill would address the environmental imbalance that has developed over the past several decades from the Forest Service's misguided policy of preventing all forest fires, even the low-level fires that once cleared away brush and young trees from old forests. Without these periodic fires, forests have become much denser, and big fires are far more damaging than they used to be.

But although foresters and scientists now recognize this problem, brush is still not being cleared away fast enough. Why? The House Republican authors of the forest bill blame overly bureaucratic environmental regulations. Accordingly, their bill attempts to loosen the procedures that the Forest Service must go through before it can carry out ''fuel reduction activity''—a change that would also help the timber industry dodge objections to the cutting down of older forests. This explanation does not stand up to close scrutiny. Last week, the General Accounting Office released the final results of its study on fuel reduction activity and discovered that of the Forest Service's 818 applications to cut brush, only one-quarter were appealed. Of these, 79 percent were processed within 90 days. What is hampering the process is not environmental litigators but finances. To carry out more brush-clearing operations, the Forest Service needs more resources.

But the Forest Service is unlikely to get significantly more resources anytime soon. It would therefore make sense for Congress, instead of passing laws that appear to be largely of benefit to the timber industry, to encourage the Forest Service to spend whatever money it does have on brush-clearing projects closer to human communities. Sen. Dianne Feinstein (D–Calif.) has helped write a compromise bill that would instruct the Forest Service to spend at least 50 percent of its fuel reduction resources on precisely that. Although this is the right approach, Ms. Feinstein has received no guarantee that her bill won't be completely rewritten by a Republican conference committee, as has lately become common practice.

In the absence of such a guarantee—which would have to come from the White House—it's probably better to pass no bill at all. We retain just the slimmest hope that the California blazes might cause members of Congress to redirect their energy toward saving people and homes, and away from helping loggers cut down mature trees.

Mr. HARKIN. Madam President, the editorial basically states that what is happening in California is a genuine national tragedy and one that shouldn't be misused for political purposes. But, unfortunately, that is a distinct possibility, the editorial says. It says the fires happened to arrive just as the Senate is wrestling with a bill supposedly designed to help prevent catastrophic fires.

The editorial goes on to question whether or not the bill before us really does accomplish that goal.

Also, I have a series of letters from different environmental groups. When I say ''environmental groups,'' I do not use it in a pejorative sense. I use it in a very supportive sense. First is a letter from about 200 different environmental groups alphabetically from the Alaska Wilderness League to the Yosemite Area Audubon, California—from A to Z—that basically are opposed to this version of the bill.

I ask unanimous consent that letter be printed in the RECORD.

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

DEAR SENATOR: The Senate is poised to take up H.R. 1904, the Bush Administration's Healthy Forests Initiative. You may have heard that a bipartisan compromise has been struck, reputedly brokered by the Bush Administration. Even with the new language, the bill still seeks to interfere with our independent judiciary, cuts the heart out of the

National Environmental Policy Act (NEPA), and undermines the public's legal rights to meaningfully participate in decisions affecting our public lands. Not only will this bill set dangerous precedents by weakening environmental laws and judicial independence, it also fails to require agencies to prioritize protection of homes and communities. Furthermore, the Bush Administration and its allies in the House are likely to insist on a much worse, anti-environmental bill in conference committee.

Impact on our independent judiciary: H.R. 1904, as passed by the House, undermines a fundamental, century-old legal principle—the rights of Americans to seek fair and equitable redress in the courts for grievances involving the federal government. The Senate substitute also interferes with how judges manage their courtrooms by ordering courts to lift preliminary injunctions and stays after 60 days, unless they are affirmatively renewed by the court. Moreover, the bill could provide agencies a new tool to slam the courthouse door on citizens by requiring all legal issues to be raised during the administrative review process.

Public input: The Senate substitute seeks to replace the current statutorily-established appeals process with a new process that does not allow appeals of final agency decisions, making it more difficult for Americans to challenge damaging projects and have a meaningful say in public land management.

Environmental protection: The Senate substitute seeks to weaken the most important part of NEPA—the requirement that agencies consider a full range of alternatives to agency proposals with environmental impacts such as logging and road building. The amendment invites gamesmanship by agencies that would effectively nullify the alternatives requirement, which the courts have called the very ''heart of NEPA.'' In addition, Title IV eliminates environmental review for a category of logging projects up to 1,000 acres in size—an area approximately the size of 1,000 football fields—which would exclude all public review, comment and participation.

Community protection: The Senate bill does not ensure any increased protections for homes at risk of wildfire and does not ensure any funding for work on local, state or tribal lands for methods proven by the Forest Service Fire Research Lab to protect homes. Furthermore, it is not consistent with the Western Governors Association's Ten-Year Strategy for reducing wildland fire risks. Communities need and deserve real protection, which requires fuel reduction focused close to homes and communities.

Old growth and roadless forests: The Senate bill attempts to safeguard our old growth forests, but the language offers an open invitation to abuse. Furthermore, the amendment fails to protect roadless areas.

The Bush Administration's ''Healthy Forests Initiative'' fails to deliver on community protection. Please oppose the Senate version of H.R. 1904: uphold our independent judiciary and our environmental protections.

NATIONAL ORGANIZATIONS

20/20 Vision.
Alaska Wilderness League.
Alaska Coalition.
Alaska Rainforest Campaign.
Americans for Democratic Action.
American Lands Alliance.
Conservation Leaders Network.
Center for Biological Diversity.
Co-op America.
Defenders of Wildlife.
EARTHJUSTICE.
Friends of the Earth.
Greenpeace USA.
Herpetologists' League.
John Muir Project.
National Environmental Trust.
National Forest Protection Alliance.
Natural Resources Defense Council.
National Wildlife Federation.
Pacific Rivers Council.
Sierra Club.
Sierra Student Coalition.
U.S. Public Interest Research Group.
The Rewilding Institute.
The Wilderness Society.
Wildlands Project.
World Wildlife Fund.

COUNTY COMMISSIONERS

Supervisor David Colfax, Mendocino County, CA.
Supervisor M. Byng Hunt, Mono County, CA.
Board Member Carol Calabresa, Lake County, IL.
Commissioner Peter Sorenson, Lane County, OR.
Commissioner Farley Toothman, Greene County, PA.
Commissioner Ed Tinsley, Lewis and Clark County, MT.
Supervisor Paul Newman, Cochise County, AZ.
Council Chairman Guy Guzzone, Howard County, MD.
Commissioner Katy Sorenson, Miami-Dade County, FL.
Council Member Bob Jacobson, Hawaii County, HI.
Chairman Don Bennetts, Gogebic County, MI.
Commissioner Larry Sufredin, Cook County, IL.
Commissioner Donna Massey, Pulaski County, AR.
Commissioner Doug Coward, St. Lucie County, FL.
Supervisor John Woolley, Humboldt County, CA.
Commissioner Ron Stewart, Boulder County, CO.
Commissioner Bill Carey, Missoula County, MT.
Supervisor Barbara Green, Nevada County, CA.
Council Member Dan McShane, Whatcom County, WA.
Supervisor Janet K. Beautz, Santa Cruz County, CA.

RELIGIOUS ORGANIZATIONS

Religious Campaign for Forest Conservation.
United Church of Christ, Network for Environmental & Economic Responsibility.
World Stewardship Institute.

REGIONAL AND LOCAL CONSERVATION ORGANIZATIONS

Advocates for the West, ID.
American Wildlands, MT.
Alaska Center for the Environment, AK.
Alliance for the Wild Rockies, MT.
Aspen Wilderness Workshop, CO.
Audubon Society of Corvallis, OR.
Audubon Minnesota, MN.
BARK, OR.
Brown Environmental Action Network, RI.
Buckeye Forest Council, OH.
Californians for Alternatives to Toxics, CA.
Californians for Western Wilderness, CA.
California Wilderness Coalition, CA.
Cascadia Fire Ecology Education Project, OR.
Center For Native Ecosystems, CO.
Central New Mexico Audubon Society, NM.
Central New Mexico Audubon Society, NM.
Citizens of Lee Environmental Action Network, VA.
Citizens For Better Forestry, CA.
Citizens for Public Resources, Inc., OR.
Clearwater Biodiversity Project, ID.
Coalition for Jobs and the Environment, VA.
Cold Mountain, Cold Rivers, MT.
Coast Range Association, OR.
Colorado Environmental Coalition.
Concerned Friends of Ferry County, WA
Cumberland Countians for Peace & Justice, TN.
Devil's Fork Trail Club, VA.
Dogwood Alliance, NC.
Drew Environmental Action League, NJ.
Duckdaotsu Media Service, CO.
EarthCare, IA.
EcoTours of Oregon Day Tours, OR.
EcoWatch.
Environment Council, RI.
Environmental Protection Information Center, CA.
Environmental Law Society, NM.
Family Farm Defenders, WI.
Fargo-Moorhead Audubon Society, ND.
Friends of Blackwater Canyon, WV.
Friends of Hope Valley, CA.
Friends of Living Oregon Waters (FLOW), OR.
Friends of the Bitterroot, MT.
Friends of Del Norte, CA.
Forests.org, Inc., WI.
Forest Guardians, NM.
Forest Issues Group, CA.
Forest Forever, CA.
Forestry Monitoring Project, CA.
Friends of the Boundary Waters Wilderness, MN.
Friends of the Clearwater, ID.
Gifford Pinchot Task Force, WA.
Greater Wyoming Valley Audubon Society, PA.
Greater Yellowstone Coalition, MT.
Headwaters, OR.
Heartwood, IL.

REGIONAL AND LOCAL CONSERVATION ORGANIZATIONS

Hells Canyon Preservation Council, OR.
Helping Expressions, CO.
High Country Citizens' Alliance, CO.
Hoosier Environmental Council, IN.
International Society for Preservation of Tropical Rainforests, CA.
Idaho Conservation League, ID.
Illinois Student Environmental Network, IL.
Indiana Forest Alliance, IN.
International Primate Protection League.
Izaak Walton League, Breckenridge Chapter, MN.
John Wesley Powell Audubon Society, IL.
Keep Sespe Wild, OR.
Kentucky Heartwood, KY.
Kettle Range Conservation Group. WA.
Klamath Forest Alliance, CA.
Klamath Siskiyou Wildlands Center, OR.
Kootenai Environmental Alliance, ID.
Lake Superior Alliance, WI.
Lake Superior Greens, WI.
Last Refuge Campaign, MT.
Leavenworth Audubon Adopt-a-Forest, WA.
Living Earth: Gatherings for Deep Change, OR.
Lone Tree, MI.
Main Natural Resources Council, ME.
Magic, CA.
Mattole Salmon Group, CA.
McKenzie Guardians, OR.
Minnesota Center for Environmental Advocacy, MN.
Minnesota River Valley Audubon Chapter, MN.
Missouri Forest Alliance, MO.
Mount Shasta Bioregional Ecology Center, CA.
Mountain Defense League, CA.
Native Forest Network, MT.
New Mexico Audubon Council, NM.
New Mexico Wilderness Alliance, NM.

Northcoast Environmental Center, CA.
Northeastern Minnesotans for Wilderness, MN.
Northwest Ecosystem Alliance, WA.
Northwoods Wilderness Recovery, MI.
Obed Watershed Association, TN.
Okanogan Highlands Alliance, WA.
Oregon Natural Resources Council, OR.
Oregon Wildlife Federation, OR.
Quachita Watch League, AR.
Pacific Environment, CA.
Palos Verdes/South Bay Audubon Society, CA.
Prescott National Forest Friends, AZ.
PA Wildlands Recovery Project, PA.
Patrick Environmental Awareness Group, VA.
Rainier Audubon Society, WA.
Regional Assn. of Concerned Environmentalists, IL.
REP America, IL.
RESTORE: The North Woods, MA.

REGIONAL AND LOCAL CONSERVATION ORGANIZATIONS.

SAFE: Save Our Ancient Forest Ecology, CA.
Safe Alternatives for our Forest Environment, CA.
Save our Forest Environment (SAFE), CA.
Salem Audubon Society, OR.
San Bruno Mountain Watch, CA.
San Luis Valley Ecosystem Council, CO.
Selkirk Conservation Alliance, ID.
Serpentine Art and Nature Commons, Inc., NY.
Sinapu, CO.
Sitka Conservation Society, AK.
Siskiyou Regional Education Project, OR.
Sisters Forest Planning Committee, OR.
Sequoia ForestKeeper, CA.
Sky Island Alliance, AZ.
Soda Mountain Wilderness Council, OR.
South Fork Mountain Defense, CA.
Southern Appalachian Biodiversity Project, NC.
Southern Appalachian Forest Coalition.
Southern Environmental Law Center.
Southern Rockies Ecosystem Project, CO.
Southwest Forest Alliance.
Southwestern New Mexico Audubon Society, NM.
St. Louis Audubon Society, MO.
State Forest Organizing Initiative, OR.
Student Environmental Action Coalition-ISU, IL.
Southern Appalachian Forest Coalition, NC.
Students for Environmental Awareness, NJ.
Sun Mountain, CA.
Superior Wilderness Action Network, MN.
Sustainable Forestry Project, OR.
Taking Responsibility for the Earth and Environment, VA.
T & E, Inc., AZ.
The Clinch Coalition, VA.
The Forest Trust, NM.
The Lands Council, WA.
The Olympic Forest Coalition, WA.
Town Hall Coalition, CA.
Umpqua Watersheds, Inc., OR.
Virginia Forest Watch, VA.
Voices for the Forest, OH.
West Virginia Highlands Conservancy, WV.
Western Colorado Congress, CO.
Western Montana Mycological Assn., MT.
Western North Carolina Alliance, NC.
Wild Alabama, AL.
Wild Virginia, VA.
WildLaw, AL.
Wildlands Center for Preventing Roads, MT.
Wild Wilderness, OR.
Wilderness Study Group, CO.
Wisconsin Society for Ornithology, WI.
Whidbey Environmental Action Network, WA.
Yosemite Area Audubon, CA.

Mr. HARKIN. Madam President, I have a letter from the Forest Stewards Guild urging a vote against the Senate version of the bill, H.R. 1904. I ask unanimous consent this letter be printed in the RECORD.

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

FOREST STEWARDS GUILD,
Santa Fe, NM, October 20, 2003.

Hon. SENATOR,
U.S. Senate,
Washington, DC.

DEAR SENATOR: The Forest Stewards Guild, a national organization of over 500 foresters, urges you to vote against the Senate version of the Healthy Forests Restoration Act of 2003 (H.R. 1904). This is a momentous time for public forestry and we, as professionals, cannot stand by in silence. Despite the negotiation of a bipartisan compromise on H.R. 1904, the end result will set back the course of excellent forestry for years to come.

There is no doubt that the frequency and severity of wildfire has increased in the last 10 years. The catastrophic fires result, in part, from a century of narrowly prescribed forest practices applied to a wide variety of forest ecosystems. The composition, function and structure of most forests were simplified by past management, and today's forests are more susceptible to insect epidemics and vulnerable to catastrophic wildfire. The situation calls for action that addresses the root causes, not the symptoms, and that prevents further simplification of forest ecosystems.

Members of the Forest Stewards Guild are experienced managers of over 6 million acres of public and private forests in places as diverse as the Pacific Coast, Southeast, Lake States and East. Public forest management in the United States has always benefited from the experience of foresters who work on private lands, starting with Gifford Pinchot as the first Forest Service Chief. By constricting opportunities for forest decisions to be appealed and narrowing the consideration of alternatives, H.R. 1904 will cut experienced private-sector foresters out of decision-making. the exclusion of these experienced voices will make it more difficult to achieve the high standards of forestry that should exemplify public forest management.

After deep consideration we find that the Healthy Forests Restoration Act does not address the key problems causing destructive wildfire. H.R. 1904 focuses on removing perceived barriers in administrative and judicial processes, yet offers no vision of public stewardship to restore fire-adapted forests. For example, H.R. 1904 paves the way for harvesting in old growth forests to avert the impacts of natural processes, such as ice storms and insect infestations, despite the important role of these processes in creating old growth structure. H.R. 1904 also falls short in establishing meaningful monitoring requirements to help managers assess the effectiveness of fuel reduction projects at moderating fire behavior. The policies in H.R. 1904 favor intensive harvesting in the short-term without addressing the long-term maintenance of healthy forests that will ensure control of new fuel accumulation.

The current structure of forest legislation, including the National Forest Management Act, was specifically designed to address the gridlock that crystallized in the 1960s over clearcutting and type conversion of public forests. Senator Hubert Humphrey championed a program of civic discourse and debate over forest management—policies that will be reversed by the Healthy Forests Restoration Act of 2003. Legislation that suppresses public debate will only make the gridlock stronger. We urge you to vote against the Senate compormise of H.R. 1904.

Mr. HARKIN. Madam President, I have a letter from the League of Conservation Voters urging opposition to H.R. 1904. I ask unanimous consent that this letter be printed in the RECORD.

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

LEAGUE OF CONSERVATION VOTERS,
October 15, 2003,

U.S. SENATE,
Washington, DC.

DEAR SENATOR: The League of Conservation Voters (LCV) is the political voice of the national environmental community. Each year, LCV publishes the National Environmental Scorecard, which details the voting records of Members of Congress on environmental legislation. The Scorecard is distributed to LCV members, concerned voters nationwide, and the press.

LCV urges you to oppose H.R. 1904, the Bush Administration's Healthy Forests initiative, when it comes to the Senate floor. Although the Senate bill differs in some respects from the bill that passed the House earlier this year, it still fails to require agencies to prioritize protection of homes and communities. The bill would also interfere with our independent judiciary, weaken the National Environmental Policy Act (NEPA), and undermine the public's legal rights to meaningfully participate in decisions affecting our public lands.

The Senate bill fails to ensure any increased protections for homes at risk of wildfire or funding for work on local, state or tribal lands to use home protection methods proven by the Forest Service Fire Research Lab. Furthermore, the bill is not consistent with the Western Governors Association's Ten-Year Strategy for reducing wildland fire risks. Communities need and deserve real protection, which requires fuel reduction focused close to homes and communities.

The Senate bill would weaken the NEPA requirement that agencies consider a full range of alternatives to agency proposals with environmental impacts, such as logging and road building, and would effectively nullify the alternatives requirement, which the courts have called the very ''heart of NEPA.'' In addition, the bill would eliminate environmental review for a category of logging projects up to 1,000 acres in size, excluding all public review, comment and participation for these projects.

The Senate bill would interfere with how judges manage their courtrooms by ordering courts to lift preliminary injunctions and stays after 60 days, unless the court affirmatively renews them. Moreover, the bill could provide agencies a new tool to restrict citizen access to the courts by requiring all legal issues to be raised during the administrative review process. Moreover, it would replace the current appeals process with a new process that does not allow appeals of final agency decisions, making it more difficult for Americans to challenge damaging projects and have a meaningful say in public land management.

Finally, although the Senate bill attempts to safeguard our old growth forests, the language offers an open invitation to abuse, and the bill fails to protect roadless areas.

For these reasons, we urge you to oppose H.R. 1904. LCV's Political Advisory Committee will consider including votes on these issues in compiling LCV's 2003 Scorecard. If you need more information, please call Betsy

Loyless or Mary Minette in my office at (202) 785–8683.

Sincerely,

DEB CALLAHAN,
President.

Mr. HARKIN. Madam President, I have another letter from the American Sportfishing Association, the American Fisheries Society, the Izaak Walton League of America, Orion: The Hunter's Institute, Trout Unlimited, Wildlife Forever, and the Wildlife Society. The letter is dated July 16, 2003. I will be clear to point out they did not say they were opposed to the bill, but they have serious concerns about some areas of the bill. I ask unanimous consent this letter be printed in the RECORD.

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

THE AMERICAN SPORTFISHING ASSOCIATION, THE AMERICAN FISHERIES SOCIETY, THE IZAAK WALTON LEAGUE OF AMERICA, ORION: THE HUNTER'S INSTITUTE, TROUT UNLIMITED, WILDLIFE FOREVER, THE WILDLIFE SOCIETY,

July 16, 2003.

Hon. PETE V. DOMENICI,
Chairman, Energy and Natural Resources Committee, U.S. Senate, Washington, DC
Hon. JEFF BINGAMAN,
Ranking Member, Energy and Natural Resources Committee, U.S. Senate, Washington, DC
Hon. THAD COCHRAN,
Chairman, Agriculture, Nutrition and Forestry Committee, U.S. Senate, Washington, DC
Hon. TOM HARKIN,
Ranking Member, Agriculture, Nutrition and Forestry Committee, U.S. Senate, Washington, DC

DEAR SENATORS DOMENICI, BINGAMAN, COCHRAN, AND HARKIN: We write to express our concerns regarding restoring healthy forests on public land (Healthy Forest Restoration Act of 2003, HR 1904). While we support the expeditious treatment of hazardous fuels on public land, the rush to implement an aggressive hazardous fuel management program may preclude considerations for other resources, particularly fish and wildlife habitat conservation. We believe that hazardous fuel management decisions should be based on deliberative and science-based protocols. By setting forth an open and collaborative process for such decisions, broader participation will be achieved and better decisions made.

Treatment of hazardous fuels where significant threats exist to human health or safety should be of paramount importance to the Forest Service. These treatments may include thinning, brush removal, or use of prescribed fire. It is important to note, however, that the Forest Service has only recently begun using timber harvest as a tool to reduce hazardous fuel. The paucity of research and evaluation as to treatment efficacy is a cause for concern. Congressional direction to focus on the wildland urban interface will enable us to keep our communities safer, while we learn through experience what types of hazardous fuels reduction projects work best, those that do not, and why.

Careful planning, analysis, and field-testing of various hazardous fuels treatments would allow the agencies to build support for hazardous fuels reduction, make communities safer and forests healthier, and provide a more stable and predictable supply of wood fiber from the National Forests.

Given that an estimated 75 percent of Forest Service timber sales currently are classified as hazardous fuels reduction projects, we would hope that Congress keep the public and environmental analyses processes for these sales as open as possible to ensure that interested citizens, scientists, sportsmen, and state agencies have significant involvement in their planning and implementation.

We endorse the prohibition of constructing new permanent roads in conducting fuel management projects. It is equally important that Congress recognize the possible deleterious effects of temporary roads on fish, wildlife, and water resources, especially if they become permanent travel-ways for unauthorized or unregulated off-road vehicle travel.

We are concerned that under congressionally proposed and agency-offered fuel treatment authorities, private citizens, sportsmen, and biologists will no longer be provided a reasonable opportunity to comment on or appeal decisions concerning fuel management activities. The 10-Year Conservation Strategy for Reducing Wildland Fire Risks to Communities and the Environment, for example, prescribes vague public involvement procedures and requirements on the agencies at the state, regional and national levels.

Legislation should make clear the purpose of emergency hazardous fuels treatments is to enhance forest health through activities that reduce the risk of catastrophic fire, insect infestations and disease, invasive plants, enhance fish and wildlife habitat, and protect watersheds. We recommend that project proposals be developed through an interdisciplinary planning process. The sale of marketable forest and rangeland products should be allowed only when such sale is incidental to emergency treatments. Wood fiber derived from fuels treatments should be sold separately as a byproduct of the restoration activity.

Finally, we note that a recently released General Accounting Office (GAO) analysis found that three-fourths of the 762 Forest Service projects to diminish wildfire risk in the past two years proceeded without appeals, litigation, or other challenge. Hazardous fuels treatments, such as mechanical thinning or prescribed fire, proceeded on 3.8 million acres of National Forests. Projects that were appealed or challenged moved forward generally within the 90-day period prescribed by agency regulations.

The GAO analysis demonstrates what is most needed by federal fire legislation is funding and a clear assignation of agency priorities to protect human communities. We hope this is where you will focus your efforts as a first priority. Thank you for considering our views. If you have any questions, please contact Chris Wood of Trout Unlimited at (703) 284–9403. We are available to discuss our concerns and recommendations at your convenience.

Mr. HARKIN. Madam President, I have another letter from a number of individuals who basically represent firefighters, smokejumpers—12 individuals who have written urging opposition to H.R. 1904 which they say is misnamed the Healthy Forests Restoration Act and instead support S. 1453, the Forestry and Community Assistance Act. I ask unanimous consent this letter be printed in the RECORD.

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

DEAR MEMBER OF CONGRESS: As current and former wildland firefighters, we urge you to oppose H.R. 1904, the misnamed ''Healthy Forests Restoration Act,'' and instead, support S. 1453, the ''Forestry and Community Assistance Act'' as the best available legislative plan for the interconnected goals of improving the health, safety and working conditions of wildland firefighters, protecting communities, and restoring forests.

Protecting homes and structures is one of the most dangerous assignments for wildland firefighters. We are basically forced to make a stand between the often unstoppable force of wildfire burning under extreme conditions, and the immovable objects of homes and structures. Added to the dangers is the fact that the area adjacent to homes and communities often have the highest fire risks and fuel hazards. And yet we must still protect these homes.

In wildland areas, firefighters face a number of unacceptable safety risks and health hazards due to the legacy of past management, such as: 1) high hazardous fuel loads in logged and roaded areas from untreated or ineffectively treated logging slash; 2) flammable brush, moisture deprived vegetation, and invasive weeds that rapidly grow in the wake of logging and grazing; 3) densely-stocked young timber plantations that can cause wildfires to blow-up and burn severely even from low-intensity fires; 4) a maze of abandoned or neglected logging roads that pose hazardous driving conditions for firefighters, or provide access for human-caused wildfires.

These degraded forests health conditions resulting from past management activities on public lands are part and parcel of the degraded working conditions and elevated safety risks and health hazards affecting wildland firefighters. The interests of wildland firefighters in a safer, healthier working environment, the interests of homeowners and communities in protection from wildfires, and the interests of the public in the protection and restoration of forest ecosystems, can be one and the same. Unfortunately, H.R. 1904, is heading down the wrong path.

First, H.R. 1904 fails to target fuels treatments to the areas that need it most: the community protection zone and low-elevation dry forest types. The wildlands/urban interface zone has some of the highest fire risks and fuel hazards, yet is neglected by H.R. 1904 because the majority of rural communities are surrounded by private, State, or Tribal owned lands, not federal lands. Hazardous fuels treatments need to be prioritized and targeted in the front country community protection zone in dry forest ecosystems. Instead, H.R. 1904 would authorize logging projects in remote backcountry areas including roadless areas, high-elevation moist forests, and other areas where fires may be natural or beneficial for the ecosystem.

Second, H.R. 1904 fails to target treatments to the kinds of fuels that pose the highest hazards. Hazardous fuels treatments need to target the surface layers of dead needles and limbs, small-diameter understory trees and brush, densely-stocked young timber plantations, old untreated logging slash. These surface and ladder fuels pose the highest risk of ignition and rapid fire spread. Instead H.R. 1904 would authorize logging of commercially-valuable mature and old-growth overstory trees, which are naturally resistant to fires and help moderate fire behavior by shading the ground surface from the sun and wind. Some of the most hazardous sites for wildland firefighters are hot, dry, windy logged units full of slash.

Third, H.R. 1904 fails to allocate necessary funds to pay for hazardous fuels treatments. In general, hazardous fuel loads have little or no commercial value. It will require appropriated money from Congress to pay for treatment of these kinds of fuels. H.R. 1904

fails to allocate any funds for hazardous fuels treatments, essentially forcing forest managers to sell large-diameter trees in order to pay for reducing fuels.

Fourth, H.R. 1904 fails to foster agency-community collaboration and social consensus around fire and fuels management projects. The enormous task of protecting fire-prone communities and restoring fire-adapted ecosystems will require an unprecedented level of collaboration among land managers and the public they serve. It is a matter of common sense to begin this task where we have common ground: prioritize fuels treatments around communities. This way we can increase public and firefighter safety in suppressing unwanted wildfires, and increase the opportunities for safely implementing prescribed fires. Instead, H.R. 1904 is guaranteed to generate increased public controversy and conflict, as the voices of citizens in public land management decisions are diminished, and legal accountability is eroded or eliminated.

We don't want to have our ability to comment on or challenge projects taken away—firefighters are citizens, too! In fact, citizens who work as wildland firefighters have the most at stake when fuels projects are planned and implemented. We want to be a complete part of the projects that will reduce the fuel hazard around at-risk communities, from planning through implementation, monitoring, and protection.

We want our working conditions, health and safety improved, but not at the expense of degrading the forests that we are dedicated to protecting. We believe that it is only through genuine restoration of fire-adapted ecosystems that firefighter and public safety will be improved, but H.R. 1904 is about forest restoration in name only, and is a recipe for further ecosystem degradation and public conflict and controversy.

In contrast, S. 1453, expedites projects to be done around communities most at risk of wildfire, regardless of whether or not they are bordered by Federal lands, appropriates funding for hazardous fuels treatments and watershed restoration projects, protects old-growth and roadless areas and currently healthy forests from inappropriate logging, and protects existing environmental laws and full citizens rights to engage in decisions affecting our own public lands.

As wildland fire fighters, we believe the protection of forests, communities and our health and safety are interconnected. We support efforts to make the working environment for wildland firefighters safer. But this does not have to imperil the very forests we seek to protect. Nor should it imperil the democratic rights of citizens to participate in land management decisions. Most of all, Congress should not use the issue of firefighter safety as an excuse to sanction inappropriate or illegal logging projects to proceed under the guise of fuels reduction or forest restoration.

Sincerely,

Joseph Fox, 25 years wildland firefighting experience; positions: smokejumper, Interagency Hotshot (crewboss certified).

Patrick Withen, 24 years wildland firefighting experience; positions: smokejumper, Interagency Hotshot, helitack.

David Calahan, 23 years municipal firefighting experience; positions: engineer on wildland/urban interface zone fires.

Michael Beasley, 16 years wildland firefighting experience; positions: Interagency Hotshot, Fire Management Officer, Prescribed Fire Specialist.

Rich Fairbanks, 14 years wildland firefighting experience; positions: Interagency Hotshot (foreman and squad leader), Division Supervisor.

Erin Ely, 10 years wildland firefighting experience; positions: Interagency Hotshot (crewboss certified), 20-person Type II fire crew, fire salvage timber sale planner.

Timothy Ingalsbee, 8 years wildland firefighting experience; positions: helitack, engine, 20 person Type II fire crew (squad boss), Interagency Hotshot resource advisor.

Mei Lin Lantz, 5 years wildland firefighting experience; positions: Interagency Hotshot (squad boss), helirappeller, engine crew, fire/fuels management planner.

Ric Bailey, 3 years wildland firefighting experience; positions: helitack, engine crew (foreman).

Shawnti Johnson, 3 years wildland firefighting experience; positions: Interagency Hotshot.

Nalita Kendall Baumback, 2 years wildland firefighting experience; positions: initial attack engine crew.

Colby Whitenack, 2 years wildland firefighting experience; positions: Interagency Hotshot.

Mr. HARKIN. Lastly, the Forest Roads Working Group, which includes Wildlife Forever, Trout Unlimited, Wildlife Management Institute, Izaak Walton League of America, Outdoor Industry Association, the Wildlife Society, and International Paper, also wrote a letter dated October 28, 2003. It is not in total opposition, but it expresses their concerns about certain parts of the bill saying the ''fire legislation should endorse the prohibition of new roads into inventoried roadless areas.'' I ask unanimous consent that their letter be printed in the RECORD.

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

FOREST ROADS WORKING GROUP,
October 28, 2003.

Hon. PETE V. DOMENICI,
Chairman, Energy and Natural Resources Committee, U.S. Senate, Washington, DC.

Hon. JEFF BINGAMAN,
Ranking Member, Energy and Natural Resources Committee, U.S. Senate, Washington, DC.

Hon. THAD COCHRAN,
Chairman, Agriculture, Nutrition and Forestry Committee, U.S. Senate, Washington, DC.

Hon. TOM HARKIN,
Ranking Member, Agriculture, Nutrition and Forestry Committee, U.S. Senate, Washington, DC.

DEAR SENATORS DOMENICI, BINGAMAN, COCHRAN, and HARKIN: We write to express our concerns regarding restoring healthy forests on public land (Healthy Forest Restoration Act of 2003, H.R. 1904). The Forest Roads Working Group was established to bring together a wide range of organizations with a strong interest in ensuring that roadless area protections are crafted and implemented in a workable and effective manner.

The FRWG supports the expeditious treatment of hazardous fuels on public lands. The need to implement an aggressive hazardous fuel management program should not, however, preclude considerations for other resources, particularly fish and wildlife habitat conservation, outdoor recreation opportunities, and the protection of inventoried roadless areas.

In light of scarce resources, treatment of hazardous fuels should be of paramount importance to the Forest Service where significant threats exist to human health or safety and adjacent private lands. Given that an estimated 75 percent of Forest Service timber sales currently are classified as hazardous fuels reduction projects, we hope that Congress will keep the public and environmental analyses processes for these sales as open as possible to ensure that interested citizens, scientists, sportsmen, recreationists and state agencies have significant involvement in their planning and implementation.

Fire legislation should endorse the prohibition of new roads into inventoried roadless areas. Given the now $10 billion maintenance and reconstruction backlog of existing Forest Service roads, it is important that Congress recognize the potentially deleterious effects of roads on fish, wildlife, and water resources, especially if they become travelways for unauthorized or unregulated off-road vehicle travel.

Thank you for considering our views. If you have any questions, please do not hesitate to contact me at 202/508–3400. We are available to discuss our concerns and recommendations at your convenience.

Sincerely,

J.T. BANKS
(For James D. Range).

Mr. HARKIN. Madam President, these are the concerns that I and many others have with the legislation before us, and I hope those who have amendments will come to the floor and offer them. I yield the floor.

The PRESIDING OFFICER (Mr. HAGEL). The Senator from Idaho.

Mr. CRAIG. Mr. President, before the ranking member of the Agriculture Committee sits down, I would be more than happy to include the protection of all the old growth in the Federal forests of Iowa in this bill, if it existed. Or maybe we could put a prohibition against wildfires in Iowa on public lands in this bill. And that is something we could accomplish because those two issues—the old growth, which I am sure the State of Iowa wished it had, and wildfires, which I know they would not want—do not exist in Iowa because no Federal forest lands exist there.

In my State of Idaho, in the great State of Oregon, and in the Great Basin, West, as much as 60 and 70 percent of our lands within our State borders are public lands and are subject to this legislation. That is why I am on the Senate floor. That is why my colleague from Missouri is on the Senate floor. That is why my colleague from California is on the Senate floor because it is the heart and soul of our States. Be it our water quality or our wildlife habitat or our environment in general, our forested lands make up that dynamic symphony of lands of which our States are proud, and we want to protect them.

To suggest this bill does not is not a fact. Let me give a point the Senator from Iowa just made. He said you could log in 1,000-acre increments across the landscape. Not true. Nowhere in the bill does it exist. Let's go back to California today where fires are burning.

Let's go to Lake Arrowhead in the San Bernardino forest where there is a complex of dead and dying trees of about 400,000 acres. You could log 1,000 acres there, and then if you chose to do another 1,000 acres near it, you get into the cumulative effect beyond the categorical exclusion and you have to do a NEPA process. That is what this legislation says. That is what the Senator

from Iowa did not suggest. He cannot suggest something that does not exist. Yes, it is true you do 1,000-acre logging increments, but when you get to a cumulative effect beyond the categorical exclusion, NEPA takes over. Therefore, you do the full public process that he admires and I admire because we believe the public ought to have a right to participate, but not ad nauseam through lawsuit after lawsuit for the purpose of delaying activity on the ground when there is bug kill and fuel loading and the public is at risk and the resources are at risk. That is what this debate must be about.

He implied that you could road on forever because this bill does not prohibit roading. You can't road today unless you go through a full NEPA process. It is not to suggest if you prohibit roading here or you do not prohibit it, therefore, roading will exist. That is not true. It does not exist today in current law. So do not imply that it does. That is a false accusation, in my opinion.

There are a good many other areas we will debate at length, I am sure, as the amendments come up. I am going to step out of my State of Idaho, which I know best, and step into California for a moment because California is at issue and it is in play.

My colleague from Oregon, who his other colleague from Oregon said was brave in taking the stand he is taking, is a brave soul, but he is also a person who recognizes the balance of good management on our public lands that protects water quality and wildlife habitat. He is the one who argued staunchly that we protect old growth. I didn't think it was necessary, but I agreed with him.

He and I have worked together very closely on what we believe to be balanced public forest policies for a good number of years, but what is not in balance is a policy that allows forests to burn at will simply because we deny the right of limited management to reduce fuel loading, to stop bug kill, and to slow the dead and dying trees.

So let us go to San Bernardino National Forest in southern California where fires are raging as we speak. We know that forest, because of environmental interests and because of the increase of the public living in that forest, in the 1970s stopped any form of logging. In the mid 1970s, it stopped. That became an inactively managed forest.

About 2 years ago, it was recognized as a forest that was in critical condition. The fuel loading was so great, the bug kill was so great, that the intermittent State lands within the San Bernardino forests were declared a state of emergency by the Governor of California, but it is almost impossible to save them if they are surrounded by lands where nothing is going on, where the bug kill is great, and where a fire is clearly a situation that creates a high risk.

We have known, and I have said on this floor for over 2 years, that the San Bernardino National Forest was the perfect firestorm waiting to happen, and yet we talked on and on in a formally inactive way not to do anything about it. It is now burning. That is a phenomenal tragedy that we could have done at least something about, but we chose inactive management on the San Bernardino nearly three decades ago.

Let me speak for a few moments about why and what is different in California today than 50 years ago. If one listens today to news commentators covering the fires in California, they will say that that area burned about 50 years ago, and it probably did. It is a Mediterranean-type climate. It is largely a scrub oak climate except when one gets up in the San Bernardinos where one begins to get conifers and it did probably burn. Maybe it has burned every 50 or 60 years for the last thousands of years, but what was different today than 50 years ago is that there are now people living in the canyons, in the valleys, and in the suburbs that did not exist 50 years ago in that area. So the landscape is dramatically different and the risk is substantially higher, but we have done little about it.

We have not insisted that there be firebreaks, that there be thinning, that there be a way to protect the urban/wildland interface. H.R. 1904 begins to address that, at least on the Federal forested lands. If those firebreaks had been present, if that scrub oak had been pulled back 100 or 200 yards from those homes, grass had been planted, foliage had been kept down, it would not have been 1,500 homes burned now; it would have been considerably fewer. We all know that. That is a fact.

The world of the forest has changed dramatically in the last 50 years. The Senator from Iowa is right. Wherever there was a piece of private property within a Federal forested area, a home was built. Why? Because it is a very desirable place to live. We all love to live within the forested landscapes of our country, but if we do not treat them properly, it is like living inside a kindling box. It is like living near a fire that is ready to burn. All one has to do is drop a match, because the fuel loading that has gone on in these forested landscapes over the last 30 years is dramatic. Why? Because we put fire out. We got awfully good at eliminating fire and we did not replace the natural ecosystem's activities of fire with manmade activity. It is quite simple.

Along came the environmental movement in the 1960s. Along came the National Environmental Policy Act and the National Forest Act in the mid-1970s, and we began progressively to slow our activities on the public lands that were offsetting nature's activities in some instances and the fuel load began to build.

In the mid 1980s, a group of forest scientists from all over the United States met in Sun Valley, ID, to explore the health of our national forests. They concluded that our forests in the Great Basin West were sick, dead, and dying, and that if we did not develop some form of activity to emulate fire, to thin and clean, we would someday in the near future begin to experience dramatic wildfires that would change the character of the landscape of the West. They were right. We did not listen. We could not listen. Why? Because there was a louder voice out there saying: Do nothing, do nothing, stay away; the only way to treat the public lands is to withdraw man from the lands, unless he or she tramples lightly upon them.

We did just that, and all of our policies have driven us in that direction. During the Clinton years, we reduced logging on public lands by nearly 80 percent. We did not change any laws, just reused the regulations, headed in another direction with a different philosophy.

Aside from that, there is another interesting statistic. Instead of the average of 1½ million to 2 million acres a year in wildfires on our forested public land, we began to see 3, then 3½, then 4, then 5, then 6, and last year 7 million acres, and that graph is going straight up as more of these lands burn because the fuel load that builds on them is so great that all of our forested public lands have become like a kindling box, ready to burn with the touch of a match.

It started in California last Saturday. It could have been manmade in this instance—it probably was—and, of course, we know the end result. It is not over yet. It has destroyed millions of acres of property and human life.

Now, this is dramatic. Guess what is about to start in California. The Senator from California is in the Chamber and she can tell us better than anybody else. But when the Santa Ana winds quit, when those great air patterns that sweep down out of the West shift and change the cycling of the wind and it reverses the sweep down off the mountains, it starts coming in off the ocean, and rains begin. This 500,000 acres of now denuded land, with no vegetation on it, will be subject to the winter rains.

What we are going to be hearing, almost as dramatic as the fires were, will be the mud slides and the erosion and the land movements that are going to occur in California simply within the next month or two or three. Can we not understand that? Cannot environmental organizations understand that there has to be a little bit of a balance, that somehow there is a way to ebb and flow, for us to exist, to protect our environment and at the same time balance it in a way that does not in the end destroy it?

In the year 2000, in Idaho, we lost 1 million acres to wildfire. That winter and the next spring, great slides of mud, rock, and debris flowed down out of the canyons and some of them into the beautiful pristine Salmon River that is a great fish habitat, a great

salmon habitat. In some instances, it probably damaged it. In one instance, there was a great alluvial flow of debris out into the river that was not swept away, and this last year when the waters hit it, the water diverted across the river and knocked out a highway and knocked out a road and put more silt into the river, all a product of the fire of the year 2000.

So fires have lots of consequences. We ought to try to manage our forests in a way that somehow diminishes the overall ability of those forests to burn, to protect our wildlife habitat, our water quality, our scenic beauty, and our recreational opportunities. That, in part, is what this bill is about. This is no major dramatic step forward. This is no assault on the environment. This is a positive but relatively small step in the areas we have so designated to suggest we adjust the appeals process ever so slightly, that we adjust the NEPA process ever so slightly, that we establish funding priorities in the wildland/urban interface, that we recognize and protect old-growth, and that we create a judicial review process that is streamlined so those who would chose no action cannot lock up reasonable, responsible action in the courts of our country.

That is what H.R. 1904 is all about. My colleague from Oregon is still on the floor. He, I, and a good many others, my colleague from Idaho, MIKE CRAPO, who chairs the forestry subcommittee in Agriculture—I chair the subcommittee in Energy and Natural Resources, the Senator from Oregon is the ranking member of that forestry subcommittee—have spent years and years on this issue, try to find a balance, working with environmental groups—outreach.

Let me thank the Senator from California, who is on the floor, who has demonstrated phenomenal leadership in this area. She has taken the time to understand the ecosystems and the health of the Sierras and she knows some form of limited action has to occur to save this beautiful landscape. That is what this legislation is all about. Yet some would paint it as dramatic and sweeping and destructive. It is simply not that at all. It is a small step forward in our effort to bring reasonable balance and management only in those areas designated as fire prone, as loaded with fuel, and the urban/wildland interface dominantly, and in sick and dying areas where the bugs have ravaged it and it is simply standing there dead, waiting for Mother Nature to take her course.

That is what H.R. 1904 is all about. Don't let anyone paint this in any other dramatic fashion or form, for if they were to do so, it would simply be untrue.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I thank the Senator from Idaho for his comments and for his support. I have worked with him on this issue now for a long, long time.

As you know, California has great and challenging forests. As I delved into the issue and became more and more involved and traveled over forests on helicopters and walked through forests, I realized how much they had changed from the time I was a child in California.

I also thank the bipartisan group of Senators who have tirelessly negotiated this legislation, particularly the Senator from Oregon, RON WYDEN. He and I, on our side, have worked with a group of Republicans, knowing that both of us face States that are deeply challenged by forest fire. The need to develop a piece of legislation was crystal clear to both of us.

This is very difficult, I think, for both of us because the prevailing environmental view has always been not to touch our forests, and that is what fire suppression was all about. Senator WYDEN has been stalwart. It has been a great pleasure for me to work with him and his staff. I know my staff has also very much appreciated the collegiality and also the exchange of ideas. I thank him very much.

Also, Senators BAUCUS, CRAIG, CRAPO, COCHRAN, DOMENICI, KYL, LINCOLN, and MCCAIN—we were all partners in forging this compromise consensus bill.

With what is happening in California, I don't think I need to tell anybody that there has been an alarming increase in catastrophic wildfires that have raged through our forests and neighboring communities all across this great land, because nearly 27 million acres have burned nationally in the past 5 years alone, and 2.1 million of those acres are in California. There are 57 million acres of Federal land at the highest risk of catastrophic fire, including 8.5 million in my State alone.

People in California don't realize that much of our forest is in what is called the highest risk of catastrophic fire—for many, many different reasons. But that is where they are today. This is far from the natural condition of our forests. It is because this century-old policy of suppressing ground fires has allowed so much flammable brush to accumulate so dangerously in many of our forests, especially in dry areas at low to moderate elevations.

This legislation is not a logging bill, as some would typify it—I think falsely. This legislation would allow the brush to be cleaned out and it would also provide the first statutory protection for old-growth stands and large trees ever in the history of this Nation. I have heard people fault it, saying it is not this and it is not that—but it is, and no one has submitted legislation prior to our doing so in this particular area.

I want to be very clear. This is pro-environment legislation and it seeks to reverse some of the damage we have done to our forests and restore their healthy condition.

Pictures show the story, I think more powerfully than words. Like the old adage, a photo is worth a thousand words. That is really true. Let me show you this first picture. This picture goes back to 1909, and it reminds me a little bit of the conditions of the Sierras when I used to ride through them as a child. You didn't have to go on trails; you used to ride through the forest.

This is a picture of Grandview Point at Grand Canyon National Park in Arizona in 1909. You see the buggy and horses, and you see the open nature of the forest. You don't see much ground fuel. You don't see brush.

Let me show you the next photo. It shows the forest closing in, due to fire suppression. From 1909, in the top picture, you will see it open. This is all the same identical forest. You will see the openness all throughout this forest as far back as you can see. Then you will see the next one, 1942. Look at these little juniors, look at them popping up all over the forest. Then you will see in the last picture in 1992, following a fire.

This is the problem increasingly with these forests. This picture is from the Pearson Natural Area in the Coconino National Forest in Arizona.

Now, look at another picture. This is the crowded, unthinned area, Ponderosa Pine in California. You will see one of these problems. This picture is not following a forest fire. This is the natural condition of this forest. It is just awaiting a catastrophic fire.

Now, let me show you where fire suppression doesn't just exist in pines. I would like to show you a photo of some of California's most magnificent trees. This is the Mariposa Grove of giant sequoias in the southern Sierra Mountains. It is interesting to look at it. This is a man right here. This will show you how big those giant sequoias are. This was taken in 1890. Look at the clear space around those sequoias.

Now go to 1970. This is the same tree and look at what has happened. This is a catastrophic fire waiting to happen.

What will happen if there were fire back here, let's say, involving these two trees? It would not necessarily be catastrophic, because it would not burn hot enough on the fuel to take out the canopy. The sequoias are basically fire resistant and it would resist it. Fires today run the risk—because of the underbrush, because of the nonnative species, and because of the fuel ladder—of really taking out the canopy of old majestic and great trees.

We had a fire in the Sequoias, and we were just lucky that where the fire took place, it didn't reach these trees.

I would like to show you a picture of a fire in a Ponderosa pine forest that has been altered by decades of fire suppression. Look how this fire is burning. It is not confined to the ground. It is rising up into the trees and doing substantial damage.

Look at this photo of fire in a stand where the brush and smaller trees have been cleared out. Note that the fire,

unlike this fire, is confined to the ground.

That is what we are trying to achieve in this bill so that when a fire does occur it is confined to the ground and does not do damage to old-growth trees, to other trees in the area, and to property and life.

Finally, this is a picture showing how thinning can protect the forests. This is the 2000 Clear Creek Fire in the State of Idaho. The upper area in the photo was unmanaged, and it burned severely. You can see that right through here where the fire burned. Now you can see where the fire stopped. The lower area survived the fire and remained green and healthy because of one reason: It had been thinned.

This is elegant testimony to what happens when it isn't managed. Where fuel is not removed, it burns fiercely. It stops where it is managed and there are fuel breaks, and the forest is cleared of fuel.

I want to emphasize that not all of our forests have been affected by fire suppression. Many of our forests—particularly those in the wetter areas and higher mountain elevations—have changed little, if at all, from fire suppression. Fires in these forests occur only rarely. In some cases, hundreds of years can pass between fires. But fire suppression has changed these forests little.

We can largely leave them alone under the legislation. The only exception is forest areas near communities where we want to reduce the hazardous fuel to ensure public safety.

This is how our amendment would work. The bipartisan amendment directly addresses these threats to our forest health and our communities.

We established an expedited hazardous fuels reduction program for 20 million acres at the highest risk of catastrophic fire.

Some opponents of this bill are saying everything is up for this project—wrong.

This project is confined to 20 million acres of the highest risk of catastrophic fire among the 54 million acres which the Forest Service has identified at highest risk of catastrophic fire.

It would authorize $760 million annually for the removal of fuel. That is a $340 million increase over current funding.

The House bill has no money for title I to do this in that bill. It leaves 50 percent of the funds to be used for fuel reduction near communities.

This is a compromise that Senator WYDEN and I made to be able to provide incentives for others who may not have as many populated areas as some of us do to also have an opportunity to have fires thinned near urban watersheds, municipal watersheds, areas of infestation, and other critical areas that are in need of thinning to prevent catastrophic fire. And the remainder of funding is for municipal watersheds or endangered species habitat or areas that have suffered just as I have said.

The legislation also requires that large fire-resistant old-growth trees be protected from logging immediately. Most people do not know that. But there is immediate protection for large fire-resistant old-growth trees. It mandates that forest plans that are more than 10 years old and most in need of updating must be updated with old growth protection consistent with the national standard within 2 to 3 years. Within that 20 million acres there is a real effort to say that old forest plans must be brought to the fore and dealt with quickly within 2 or 3 years.

While forest-specific old growth is being developed, large and fire-resilient trees would be immediately protected in the new project authorized by this legislation.

The bill prevents logging of the largest most fire-resistant trees in the guise of fuel reduction. Where old-growth forests have not been altered by fire suppression, existing old-growth conditions must be maintained. And in other old-growth stands where brush and other highly flammable fuels have accumulated through this century-old policy of suppressing ground fires, brush will be cleared out to protect the stands from catastrophic fire.

And local forest managers will write specific prescriptions for their forests. All of these prescriptions will be consistent with the more general national old-growth protection standards in the bill.

Additionally, the agreement improves and shortens the administrative review process.

I want to talk about this. There has been a lot of things said. A lot of things were just plain wrong. We have been trying to correct them wherever we can. Where we tried to shorten the process, we tried to make it more collaborative and less confrontational.

It is critical that the Forest Service be able to spend scarce dollars as it is doing vital work on the ground rather than being mired in endless paperwork.

The legislation we have submitted fully preserves multiple opportunities for meaningful public involvement. People can attend a public meeting on every single project. They can submit comments during both the preparation of the environmental impact statement and during the administrative review process. I guarantee that the public will have a meaningful say in these projects.

The legislation changes the environmental review process in this way. It does this so that the Forest Service still considers the effect of the proposed project. But it does it in a way so that the Forest Service can focus its analysis on the project proposal.

One reasonable alternative is required—I want to explain this—that meets the project goals and the alternative of not doing the project, instead of the five to nine alternatives now required.

We are not talking about a freeway or a highway being located where you might want to look at five to nine different alternatives. We are talking about one specific project that has been designated for hazardous fuels reduction and how you carry out that hazardous fuel reduction.

There might be debate on whether it should be mechanical thinning, or burning, or a combination of the two. There might be a debate on exactly which trees people want to remain inviolate. All of that is possible. But the requirement, in addition to the alternative of doing nothing, is reduce one alternative—one sound alternative—that can be considered.

This legislation replaces the current Forest Service administrative appeal with an administration review process that will occur after the Forest Service finishes its environmental review of the project but before it reaches its decision.

This new approach is similar to the process adopted by the Clinton administration in 2000 for review of forest lands and amendments to those plans. The process will be speedier and less confrontational than the current administrative appeal process and have more information available to those who want to know more about the project.

Perhaps the most controversial area is the area of judicial review. I will turn to that. I emphasize that cases will be heard more quickly under the legislation, abuses of the process will be checked, but nothing alters the citizen's opportunity for a fair and thorough court review. Parties can sue in Federal court only on issues raised in the environmental review process. We believe this is a commonsense provision that allows agencies the opportunity to correct their own mistakes before everything gets litigated. Lawsuits must be filed in the same jurisdiction as the proposed project. This was in-house language. This has been supported. It is a good idea. We go to the Federal court in the area where the hazardous fuels project is proposed, not to a Federal court in New York City or somewhere else.

Courts are encouraged to resolve the case as soon as possible. This is not mandatory language, it is suggested language. It means that any judge reading the bill will understand how seriously we take this. We urge them to conclude their deliberations expeditiously.

A preliminary injunction would be limited to 60 days, not going on and on and on. An individual who gets a preliminary injunction can come back before the court and make an argument as to why the injunction should be continued, and the judge has the ability and the prerogative to continue that injunction if he or she sees fit.

This provision, we believe, sends a signal to the courts not to delay important brush-clearing projects indefinitely unless there is a good reason to do so.

Then there is what is called balance-of-harm language in the bill that says the court must weigh the environmental benefit of doing a given project against its environmental risk as it reviews the case.

I deeply believe this amendment is balanced, that it is a significant improvement from the House-passed bill. I cannot support the House-passed bill. Senator WYDEN cannot support the House-passed bill. The Democrats who are on this bill cannot support and will not support the House-passed bill. Ergo, in this Chamber, the House-passed bill will not have the 60 votes required to move it along.

There are many ways in which this amendment improves on the House-passed bill. I know Senator WYDEN went into that in great detail. I will mention three of them.

First, this bill is focused on the highest priority language where we need to undertake brush-clearing projects to restore forest health. As I said, it is limited to 20 million of the 54 million acres at highest risk of catastrophic fire. These lands include the wildland/urban interface as defined by the communities needing protection, lands where fires would significantly threaten municipal water supply, lands significantly harmed by insect, disease, or wind throw and endangered species habitat.

Second, we have protected both old-growth stands and large trees across the landscape. The projects expedited by this act, I believe, will truly restore forest health.

Finally, the Senate agreement removed a provision of the House-passed bill that could have threatened the fair and impartial judicial review of Forest Service actions. This provision would have tilted the playing field in forestry litigation by requiring a court to defer to the Federal agency's views in deciding whether to issue an injunction.

So for these three reasons alone, I believe our bipartisan amendment to title I significantly improves the bill which I otherwise could not support.

Now, many people have said this bill would not do anything in California. That is just not right. I will speak to that for a minute because we have terrible fires burning, 10 huge fires, 3 huge major fires: Every day, burning homes; every day, the victim of excess vegetation and hazardous fuel that has built up over many years and has not been removed.

The fires in southern California are burning in two basic vegetation types: chaparral and the pine forests in the San Bernardino Mountains. The exclusion to that is the fire burning up north, east of Redding. In both of these vegetation types, treatments of fuels will reduce the risk.

The first area where the southern California fires are burning is the pine forests of the San Bernardino Mountains. I want you to take a look at these forests and look at the homes in the middle of this forest: House, house, house, house, house, house, house, house, house, house, house, house, house.

Do you notice the yellow forest? That is all dead and dying and infested bark beetle forest. There are 44,000 homes located in the Big Bear/Arrowhead area where this fire is now on two sides, moving. Look at these homes. Look at the dead and dying trees. Does anyone believe they have a chance of surviving if this forest is not cleaned?

We have tried in appropriations bills to get more money—and we have been able to get some money in this year and last year for more removal of bark beetle-infected forests—but clearly this is an exact area of urban interface that is in catastrophic, highest risk of fire. No one could tell me that if a hazardous fuels mitigation project had been carried out around this area, these homes and tens of thousands like them would not have been saved in this fire.

Everyone, look at this. That is what this bill means. If you are going to vote against this bill, just know that. This is correct and elegant testimony. About 474,000 acres in this forest. The San Bernardino/San Jacinto, often both private and public lands, were experiencing severe tree loss ranging from 10 percent of all the trees in a given area to 100 percent. That has been known for quite some time. It has had years of drought. It has bark beetles. It has root disease. It has dwarf mistletoe. They have all reached epidemic proportions. The cost assessment by the County Assessor's Office of these homes and those surrounding them is $8 billion.

A century ago, this forest was fairly open, with mostly larger trees. Experts estimate there were likely 40 to 50 trees per acre back then. The difference today is staggering. The Forest Service estimates there are now 500 trees per acre in much of the San Bernardino mountains—40 trees before fire suppression; 500 trees today.

That is also eloquent testimony to what happens with the fuel ladders that are generated by the overcrowded forests. This is more than 10 times the density of trees that existed a century ago. It is startling, it is dramatic, and it is a huge difference. So this is what we have created with a century of ''do not cut a tree'' fire suppression: extremely dense, unhealthy forests.

The Senate agreement would get projects moving quickly to thin these forests and restore them to health. The San Bernardino Forest would be among the highest priority areas to receive hazardous fuel treatments under the legislation. All the insect-infested areas would fall within the priority areas for treatment.

With the expedited administrative review process, we could treat these acres more quickly. Environmental analysis would focus on the work that needs to be done, not multiple theoretical alternatives. We know we need to thin these forests. We do not need to study 6 or 12 different ways to do it.

The expedited administrative review process would also help us past the confrontational delays caused in the current appeals process, and the additional funding the bill authorizes would also help.

Finally, we have spoken to Republican colleagues who have agreed to add a $50 million authorization for emergency grants to States and localities for dealing with situations exactly like those in the San Bernardino Mountains today. So there is money to help communities do their wildfire plans to help them move to develop areas they believe need this thinning, and these grants help additionally.

Communities could clear evacuation routes from mountain areas, like the Lake Arrowhead region, to ensure that people have a chance to escape in the event of a catastrophic fire. One family trying to escape with two children in their car was burned to death because the car could not move faster than the fire.

Brush would be cleared around shelter-in-place locations like schools in case people do not have the opportunity to escape in time. Communities would obtain funding for evacuation drills and other advanced planning. I am very grateful the other side agreed to add this $50 million segment.

The Senate bill will also help prevent chaparral fires. Some have said: Oh, no, it won't. Here is Scripps Ranch. This is a large subdivision outside San Diego. You see the fire—miles of fire line approaching the ranch.

The legislation authorizes significantly more money for hazardous fuel reduction efforts. We authorize a total of $760 million. That is $340 million above current funding. Again, the House bill has no dollars for this kind of public land mitigation. Our bill does.

Moreover, there is an understanding that the bill's sponsors will work to continue to increase funding substantially. Let there be no misunderstanding on this point, these funds are available to be used in brush areas like chaparral as well as in forested areas.

Second, the legislation requires at least 50 percent of the funding goes to community protection. This is a significant improvement over current law which does not require any set amount of hazardous fuel reduction go for community protection.

Perhaps most importantly, the legislation calls for communities to plan their own defense through community wildlife protection plans. That is a problem. People who live in dry Southern California areas want the trees, want the bushes, want the fuels on the ground. Historically they have resisted putting together community fire protection plans. That is folly. They have to do it. In chaparral, it is important to get community support behind prescribed fires to clear out the brush. So far, as I said, many communities have been reluctant to support prescribed fires because of the perceived risks of these fires. But community wildfire

plans will give the community the ability to choose whether it wants the risks of prescribed fire—or some cutting or thinning—or the much greater risks of wildfire.

Community wildfire plans will play an important role in gaining popular support for a workable way to defend these dry communities.

Another key issue—I am just about through—in chaparral is reducing the risk of homes burning on private land. The community wildfire plans provided for in this bill will help in this area, too, because they are required to include recommendations to reduce homes igniting throughout the community.

We owe it to our communities to do the best we can to protect them from catastrophic fire. I wish—I truly do, from the bottom of my heart—the California wildfires would be quickly extinguished and controlled. We need to do everything we possibly can.

I might report the regional forester called this morning. We have been pushing the White House and the Defense Department to lend every piece of available equipment—C–130s, Sea Stallion helicopters with buckets, tankers—everything they have. For the first time, I got the report that they have everything they need now to fight these big fires. I am very grateful for that and express my gratitude.

Mr. WYDEN. Will the Senator yield?

Mrs. FEINSTEIN. I am happy to yield.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. I will be very brief.

I have one question for the Senator from California, but first I want to thank her for the exceptional work she and her staff have done on this issue for over 4 years.

Mrs. FEINSTEIN. I thank the Senator.

Mr. WYDEN. I have chaired the subcommittee. I have been the ranking minority member. I do not think my knowledge on this subject compares to that of the knowledge of the Senator from California.

Mrs. FEINSTEIN. The Senator is very kind.

Mr. WYDEN. She has thrown herself into this, and we thank her for all her efforts. We all empathize with what your constituents are going through. The people of California, a year ago, helped my constituents. We are trying to help yours. We thank you for it.

Mrs. FEINSTEIN. May I just say, thank you for the help that has come from Oregon. It is a long way away. But we are very grateful. New Mexico is sending help. Nevada—the Senator from Nevada is on the floor—sent help. Arizona has sent help. We are very grateful for that.

Thank you.

Mr. WYDEN. I thank my colleague.

One very brief question. I have sensed from the beginning of the debate that probably the most contentious issue coming up is this question of making sure the public is still involved in the process, the whole question of what is called NEPA, the National Environmental Policy Act.

The Senator is so correct in saying we have made it clear that the Senate bill is not something we are going to allow to be unraveled. But I think one of the reasons for it is because the Senate bill differs very dramatically with what the other body is talking about with respect to keeping the public in the process.

The other body, in effect, takes the public out of the process by predetermining these NEPA alternatives. What we have said in our compromise would be to say the public can actually offer an alternative. The public has a right to go into this process, known as scoping, and actually come to the table and offer an alternative.

The Senator has made the point that not one current opportunity for public comment would be lost under this compromise.

I would be interested in the Senator's analysis of how the public stays involved, because I think this is probably the most contentious question we may be faced with as we try to wrap up this bill, hopefully today.

Mrs. FEINSTEIN. The Senator is correct, through the Chair, if I may. We have discussed this and both of us wanted to protect the collaborative process. We wanted to protect the ability of individuals to go to meetings, to state their issues, to have those issues considered.

The only change I see in this is twofold. The first is that they will have the environmental review to look at, which is important in understanding what you differ with in the environmental review and then being able to make the case.

Secondly, the number of alternatives is reduced from five to nine to one. There is a good reason for that. As I pointed out earlier, if we were talking about a network of highways or something like that, you may want five to nine alternatives to be considered. We are talking about an area which has been designated in the highest risk of catastrophic fire. Therefore, the alternative would be one. For example, do you believe there is too much thinning? Do you believe there is too much burning? Would you do mechanical in what proportion to burning to thin this area out? There would be the ability to come in with one precise alternative.

Of course, the other alternative that some might argue for is to do nothing. They would have that ability as well.

Mr. WYDEN. I thank my colleague and again tell her how much I have appreciated a chance to be her partner.

Mrs. FEINSTEIN. You have been a great ranking member and I have enjoyed every minute.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I yield to Senator REID.

Mr. REID. Madam President, I have listened to the statements here today. They are all very good. People have worked hard on their statements. But I want to simply say this: We have a bill to complete, and we want everyone who has any interest in it to come and give their statements. When that time has come, we will start the amendment process.

We have worked on this bill now 3 hours, and the only amendment offered is the one by the chairman of the committee, Senator COCHRAN. What I wanted to do is ask unanimous consent—he already has the floor, the chairman of the Energy and Natural Resources Committee—that following the statement of Senator DOMENICI, the ranking member of the committee, Senator BINGAMAN, would be recognized to give a statement. It is my understanding the Senator from Alaska wishes to give a statement. Following Senator BINGAMAN, the Senator from Alaska be recognized to give a statement on the bill.

The PRESIDING OFFICER. Is the Senator seeking consent for that sequence?

Mr. REID. I am.

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

The Senator from New Mexico.

Mr. DOMENICI. Madam President, I thank the Senate for allowing a lengthy debate this morning about a very serious issue. I am looking across the Senate to the distinguished junior Senator from Alaska, a new Member of the Senate. She has behind her a very big picture. She will explain it in more detail. But might I ask, that is a picture of a totally infested forest in your State; correct?

Ms. MURKOWSKI. That is correct.

Mr. DOMENICI. Would you mind answering a couple of questions? We have been hearing about fires in California moving in the direction now, if they have not already, of an area that is highly infested.

Last night on television we heard various announcers talk about it. They described it from the field, for those who were there. They said: This forest is like Christmas trees many months after Christmas, just standing there like dried pieces of wood. And they said that we know what happens to those after Christmas when you put a match to them.

That is what we are talking about in this forest you have there.

Ms. MURKOWSKI. That is correct. It is not just a small patch we are talking about. We have over 5 million acres of infested and dead timber standing there just waiting, as the Senator indicated, to crumble and act as fuel for any fire. It is as the Senator described. It is like that Christmas tree. There is absolutely no life to it with the needles just crumbling in your hands. It is that dry.

Mr. DOMENICI. Before Senator FEINSTEIN leaves on her way out, I will not ask you anything; I am just going to speak about you.

First, I thank you for your leadership in this regard. Some people think that it is only New Mexico and Utah and Wyoming that have forest fire problems and that have forests that are clogged to the gills because we have not maintained and cleaned them. Some think the only infested forests are in Alaska.

As I understand it, you have all of those and probably in larger quantities than most of us combined. I say, for those of us who have been trying desperately to get a bill that treated these situations in a way that could be solved, it was truly a Godsend that we got some powerful and thinking Democrats who decided to join us. You are one of them.

Senator WYDEN, I thank you. There are more than the two of you. But every time we needed a voice, you were there. I don't know what they said about you at home. I don't know what those people who don't want to do anything said about you. But I assumed they didn't say all nice things because every time you try to modify the law, there is somebody back home who runs an ad that you are trying to log all the forests in the State or that you don't care about preserving the beauty of your State, that you have just turned yours over to the logging industry.

I see the Senator nodding. You must have had some of that already. And Senator WYDEN, you must have, although you have already felt the wrath of not being able to log anything in your State, and you have seen what happened to thousands of workers.

I just wanted to, as part of my opening remarks, thank you.

We will also have to take up, as part of the Iraq bill, the Domenici-Feinstein bill on proper notice and opening up all the decisions that are going to be made over there to the public and in a regular order manner. We will do that later in the day and maybe have another victory.

Mrs. FEINSTEIN. Through the Chair, if I may, I would like to thank you, Senator. I appreciate the chairmanship of this committee, your working with Senator WYDEN and I. I am delighted to hear what you have said about the emergency supplemental and getting the report language back in. Thank you very much.

Mr. DOMENICI. We have an array of Senators, not just Republicans—not the few who have been fighting for years about this issue of the failure to maintain our forests—we have a lot of Senators who have come around to our way of thinking, Democrat and Republican. It almost is unbelievable to see that forest in Alaska, which is no longer a forest other than by name, to see what is happening in California as brush fires move quickly toward an entire forest that is dried, dead trees, and then to ask the question: Why is that so? Wouldn't it be rational that we cut them down? Wouldn't it be rational that rather than leave them there as natural incendiaries, ready to literally blow up, just poof, and they go right up in the sky as these kind of trees burn, wouldn't it be logical to do something about it?

Well, the truth is, we have not been able to do anything about it for one of the most ridiculous reasons anybody could have in mind, but it has worked until today. That is, anything you try to do is logging forests. Anything you try to do is turning the forests over to the loggers. Would you believe year after year after year that has prevailed? I don't know what we could have done when we passed legislation, when we begged these same groups, let's write in something about logging, let's talk about the size of the trees, let's do anything reasonable, as we talked about what has happened to American forests.

I don't know if the distinguished occupant of the chair knows what forests looked like 20 years ago in our public forests, and what they look like today; but I can tell you they don't look like the same forests. They used to be cleaned: there used to be spacing; it used to be that the trees—I nicknamed what we were trying to do one time on the Senate floor—what we are trying to do is make the forests ''happy'' again. I meant that they could see the sun, and they would probably smile, instead of being clogged up together where they grow straight up. But nobody dare touch that forest and clean it up and make it a forest like it used to be because they will be sued and things will be delayed, a judge will take over, and the judge will say: Every ''t'' has not been crossed, every ''i'' has not been dotted. You cannot do it.

One day in 1998, after we had our share of fires, after a huge fire in my State—I think it was the second most serious fire to the California fires in terms of burning down homes—450 houses at Los Alamos. Incidentally, if you are looking at what things might cost, that was done by the Federal Government that messed up and burned it by mistake and we had to pay. That one cost over a half billion dollars to the town and the people for what they lost, including houses and streets that were broken and torn up. I would not even want to guess what the California fire will cost. I hope that the houses are insured.

Nonetheless, if you add it all up, it is costs. I don't see how it is going to be less than $5 billion or $6 billion, based on the little bit I know that I am sharing with you. The truth is that there is no reason under the Sun to delay moving ahead with that forest in Alaska, and moving ahead quickly, get it cut down; and whatever utility there is in the trees, use it. If there is none, have planned burns so you can give way to some growth that will be healthy again. That is why we have called this now the Healthy Forests Act.

Might I quickly say that while we weren't able to expedite everything the way some of us wanted, although everything is expedited in this bill, at least cleaning up forests such as the one in Alaska, huge acres of infested trees, in this bill that will move quickly in the future. It can be delayed and go to court once. But the overall thrust of the bill is that it won't be delayed for years as in the past. So the distinguished Senator from Alaska hopes to see some of that removed soon, during her first elected term in the Senate.

Now, I began by thanking Senator COCHRAN and his staff for moving ahead with this legislation. It was determined that it was their jurisdiction because of the way it was written, not the jurisdiction of my committee, the Energy and Natural Resources Committee. They did a great job. I am not going to bother the Senate with a lot of statistics about the health of our national forests, but there are some facts of importance.

Our Federal agencies tell us that 190 million acres are at risk to catastrophic fires or attack from insects and disease—190 million acres. This is an area equal to the size of Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, and most of Maryland. It means that much land covered by forests is no longer real forest, it is insect-riddled forest like that in the photo of Alaska, most of which should be removed so good trees can grow, and so we can eliminate catastrophic fires that can occur quickly, simply, and easily and go through and scourge the area—worse than Attila the Hun—leaving nothing.

In the last 5 years, we have burned—including what we have burned this year—24 million acres; 24 million acres have been scorched. That is an area as large as Vermont, New Hampshire, and Connecticut. I am not here saying we will never have forest fires and we should never have them. What I am saying is they should not be occurring where improvements exist, homes exist, National Laboratories exist, where businesses exist because we already know we ought to clean around them so they will not burn.

As a matter of fact, the principal reason for the bill I introduced, which I said we called ''happy forests,'' was to get at this issue we called urban interface. We still have not done a great deal. In fact, I am just learning that of the $250 million that we put in that bill back then, there is still over $100 million in both the BLM and Forest Service that has not been spent on happy forests. So maybe when we get this bill finished, we can finally get an organized plan for funding that will see us making some headway. We have seen insects destroy the forests in a dozen Western States, severely impacting forests in Eastern States.

One such outbreak in southeastern California has destroyed 450,000 acres, half the national forest that it is located on, in an area almost as large as the State of Rhode Island.

Let me put the forest health disaster in context. During that same period,

the Forest Service has only thinned or harvested 1.4 million acres, which is slightly larger than Delaware. We have burned 17 times more rangeland in the last 5 years than we have attempted to manage—land that we know should be managed, cleaned up, unclogged, and we should get rid of the waste on the ground that is a fire trap. We have burned 17 times more than we have attempted to clean up and manage.

So this bill is going to improve forest health, if we can ever get it passed. I hope those who have delayed it in the Senate will let us get on with it. I have been amazed to hear the reason some have said—that they are holding this bill up because they could not understand it. Well, I don't know how all these Senators, from the ones I mentioned on the other side of the aisle to the ones on this side, could all say it is a meaningful bill, and then we can have one or two Senators, or their staffs, saying they are against it because they don't know what it means. Maybe they should ask or let us bring it up, and if they think it is not clear, offer an amendment.

I think it is clear, and I think it is a good bill. I don't think in some areas it goes far enough, but you have to do what you can. Now we have a great bipartisan coalition and we will have to work with the House, which wants to go more in the direction of expediting matters. But this is going to result in improving the health of our forests over time. It will result in a more public expedited process for moving hazardous fuels projects through the NEPA process. I didn't say ''without'' the NEPA process, as we are being accused of out in the hinterland. It is going to provide that that would be expedited. There is nothing in the NEPA law that says you cannot do that. It prioritizes the treatment of 20 million acres in the wildland/urban interface. I described that.

Twenty million acres are supposed to receive high-priority treatment to clean this stuff that is around urbaness, and make it less volatile from the standpoint of burning. When we had our Los Alamos fire, which I alluded to, it came perilously close to burning some very important laboratory buildings. Suffice it to say that most of them were saved because the laboratory had cleaned up 200 or 300 feet around each one and left no trees, so they had to jump all the way over that to get some buildings.

On the other hand, the fire got a few buildings that were not so important and where there had been no cleaning and burned them. We spent a lot of money replacing a few of the buildings.

This bill says 20 million of this wildland/urban interface, as well as outside the wildland/urban interface is at highest risk, and they are called that: high-risk areas.

This bill calls for court cases on hazardous fuels projects to be heard within the district in which they are located, encouraging the courts to deal with these cases in a timely manner, and directs that all preliminary injunctions be reviewed every 60 days, with an opportunity for the parties to update the judges on the conditions about which courts should know.

Finally, the bill reminds the courts that when weighing the equities, they should balance the impacts to the ecosystem of the short- and long-term effects of undertaking a project against the short- and long-term effects of not undertaking a project. That is very important. It cannot be one-sided. There is always somebody who can say there is a bad side to it, but the judges now will have to look at and balance the short- and long-term effects of not doing the project with undertaking the project. They are going to find that a lot more than in the past, it will not be subject to the court holding them up.

What is the difference in the House bill and this bill?

First, we have restricted the use of this authority under this act to only the highest risk areas.

We have emphasized the importance of working within the wildland urban interface by requiring 50 percent of the funds nationally be spent within the wildland urban interface.

We have emphasized the importance of quickly dealing with insect and disease epidemics and the salvage of windthrown or ice-damaged timber due to their suseptability to insects and disease.

We have increased the amount of upfront public input to project development and NEPA by adding a process for communities to develop a community fire protection plan to help inform the Federal land managers of a community's priorities and by requiring all projects to be developed through the collaborative process developed by the western Governors group.

We have added the authority for the agencies, in cooperation with State and local government, to treat community escape routes as part of the wildland urban interface. This is a major improvement over the House-passed bill.

Until the community fire protection plans are completed, we have laid out criteria for how far from the wildland urban interface the community protection projects may be undertaken. These criteria are flexible enough to take advantage of geographic features, such as ridge-tops, rivers, or roads, but restrictive enough to ensure projects undertaken in the wildland urban interface will really protect the community.

We clarified what Congress wants in terms of a new pre-decisional protest process by requiring the Secretary to establish such a process while ensuring the public will play a part in the development of the new appeals process.

Unlike the House version, we have limited the use of this new appeals process to just projects authorized by this act, rather than having it apply to all Forest Service activities.

We have, for the first time, included language designed to protect old growth and fire resistant large trees. This protection is based on forest plans.

Where those forest plans are old, or outdated, we require the Secretary to complete a plan revision or amendment to address old growth and large fire resilient trees, while at the same time including enough flexibility to ensure work need to improve fire resiliency can be carried out.

We have narrowed the scope of changes under judicial review to just those projects undertaken under the authority of this act.

We have also included all of the judicial review provisions from the Wyden-Feinstein proposal, S. 1352.

Finally, we have authorized $760 million annually for hazardous fuel reduction work, including the projects authorized under this act, which is more than double what is currently being requested.

I thank the Senate for listening. I yield the floor.

The PRESIDING OFFICER (Mrs. DOLE). Under the previous order, the Senator from New Mexico, Mr. BINGAMAN, is to be recognized at this time.

Mr. BINGAMAN. I thank the Chair.

Madam President, even if we were not having the catastrophic fires we are seeing every day in southern California right now, the forest health issue is of vital importance to us in the West, and many of the speeches that have been given here underscore that.

I am glad the Senate is considering a forest health bill with the opportunity for us to offer amendments. I will not go through all of my statement because I know we want to get to those amendments. There has been a lot of time used already in discussing the bill in general terms. We need to get down to some of the specific amendments.

Let me make a few general statements about the bill because I do think it is good to at least give our perspective on the situation.

Some have tried to portray the issue as one of support for the concept of active management of our national forests on the one hand as opposed to simply allowing nature to take its course. Let me be clear that I do not agree with that portrayal of the debate taking place in the Congress. I have always viewed active forest management as not only a desirable policy but one that is absolutely necessary. In my opinion, support for active and responsible forest management does not equate with support necessarily for all the provisions in this substitute amendment that will be coming before us.

I want to be sure that whatever legislative language we pass provides meaningful new authority to Federal land managers, that it is focused on the communities that are most threatened by wildfire, and that it does not unduly restrict the public's ability to participate in the oversight of public lands management.

In addition, I believe commercial timber operations are an important

part of our national forest policy. It is important that legislation dealing with forest health not be a pretext for accomplishing that purpose as well.

I wish to discuss some of the concerns with the forest health issue based on the initial reading I have done of the amendment we are going to be debating and amending.

Let me begin by stating the obvious. That is, the health of our Nation's forests is absolutely critical at this point due to generations of misguided forest management policies. Many forests are overcrowded with unhealthy buildup of underbrush and tree overcrowding. I think all the experts in this field recognize that. We see evidence of that not only with the California fires, but we see evidence of it throughout the country.

The effect of these large wildfires can be catastrophic, as we all can see. We have, as Senator DOMENICI indicated, seen some of this catastrophe in my home State of New Mexico. He made reference to the Cerro Grande fire at Los Alamos where a substantial number of homes were destroyed and a great amount of the forest was also destroyed.

Clearly, we need to take proactive steps to improve forest health. In my view, the proposed forest health amendment does some things right but, in some respects, I think it misses that opportunity. It does not provide any meaningful new authority for funding to help Federal land managers, but it does add new restrictions on the public's ability to participate and restrictions on the Federal courts' ability to review what is done.

There is a basic disagreement among some of us in Congress and among those who are most ardently supporting this amendment, and that is a disagreement about what is the most significant public policy issue we are faced with in trying to come to grips with these catastrophic fires.

The amendment we are going to be debating seems to be based on the premise that the underlying and essential problem that needs fixing is that we have too much public participation in the decisionmaking process, in management decisions, administrative appeals, and lawsuits.

One of the speakers earlier today talked about a litigation paralysis, saying that is the problem, that is why these forests are burning up. That is what we need to change most quickly. I say this because the major new authorities provided in the amendment are ones that limit appeals of agency decisions, limit judicial review, and require courts to follow new standards. I don't really think the facts support this assumption that litigation is the major and most significant problem we face.

I recently asked the General Accounting Office to study whether the National Environmental Policy Act compliance requirements, the agency appeals, and the litigation that has occurred were causing significant delays in hazardous fuel reduction projects.

The GAO issued a preliminary report in May. They just completed a final report last Friday. The GAO in that report reviewed 818 Forest Service management decisions over a 2-year period, fiscal years 2001 and 2002, and these 818 forest management decisions involving fuel reduction activities on 4.8 million acres of land. These were the first 2 years of the so-called national fire plan which we have all been trying to see implemented.

It is worthwhile to take just a minute to summarize what the GAO found. The GAO found that the vast majority of acres treated were categorically excluded by the Forest Service from NEPA review. That is a term of art, ''categorically excluded.'' That means this is authority in the law for the Forest Service to say: We are going to exclude certain areas from NEPA review, and we have the authority to do that.

The GAO found the vast majority of acres that were treated were, in fact, categorically excluded. None of these projects were appealed, none were litigated, none were subject to appeal, and none were subject to litigation.

Only 25 of the 818 were litigated. That represents about 3 percent of all projects. That involved about 100,000 acres. Again, this is out of the 4.8 million acres that was studied by the GAO for those 2 years.

Significantly, the GAO found of those 25 cases that were litigated, 23 involved commercial timber sales. Of the 25 cases that were litigated, the courts found the Forest Service lost on all but one of those cases. So to the extent litigation was involved, the vast majority of the time the Forest Service was found to have been in violation of the law.

In my opinion, litigation is not the major problem. I am not saying we cannot do some things to streamline the appeals process and to be sure any frivolous litigation is eliminated, but I do think we need to recognize the GAO made a study that shed some light on what we are doing.

The majority of forest-thinning projects were categorically excluded from NEPA. In my State, in region 3 of the Forest Service, which included Arizona and New Mexico, the GAO found 78 percent of the projects were excluded, and that covered 91 percent of the affected acreage. So 91 percent of the affected acreage was never subject to appeal, never subject to litigation.

This is a useful report. There is a one-page summary of it. I ask unanimous consent that it be printed in the RECORD after my remarks.

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

(See exhibit 1.)

Mr. BINGAMAN. The only other report we have analyzing empirical data of the Forest Service appeals involved a 2003 study by a political science professor at Northern Arizona University. Contrary to the assertions of the Bush administration, the Northern Arizona University study found the number of appeals had been decreasing since 1998.

I will speak a little bit about what I do see as a major issue as part of this legislation. Based on our experience with forest health issues in my State, the real issue has not been judicial appeals, judicial review, but instead has been providing adequate funding for forest health projects and stopping the Forest Service's harmful practice of borrowing funds from fire prevention accounts in order to pay for the cost of fighting forest fires. I will offer an amendment on that in a few minutes. I wanted to flag that as an essential problem I think needs to be dealt with. It is not dealt with in the amendment coming to the floor now, but I will give the Senate the opportunity to deal with it. I hope the Senate will agree with me this is something we need to fix.

I commend Senator BURNS and Senator DORGAN, the chairman and ranking member of the Interior Appropriations Subcommittee, for their efforts to secure $400 million last month to repay the accounts the agencies borrowed in order to fight fires. I also appreciate Senator BURNS's comment that the $400 million is not the final word, especially since the estimates those agencies have given is they actually had to borrow over $600 million from other programs so far this year.

However, the year-to-year approach we have followed of borrowing funds from other accounts in order to deal with forest fires is just not adequate. Even when our Senate Appropriations colleagues were able to obtain supplemental funding to repay these other Forest Service accounts, every year on-the-ground restoration work is substantially delayed while the Forest Service waits for a supplemental appropriations bill to be enacted into law.

In New Mexico, there are some very critical Forest Service fire prevention projects that were postponed for up to a year as a result of borrowing from these accounts. These include wildland/urban interface fuels projects in the Carson National Forest, the Gila National Forest, the Lincoln National Forest, and the Santa Fe National Forest.

In addition, a contract for construction of a fuel break around a community at risk in the Cibola National Forest was postponed for 6 months because of the agency borrowing to cover firefighting costs.

This is not criticism of the agency. The agency has no alternative but to do this borrowing, the way we have set it up. What happens is very simple. The President asks for too little money for firefighting. He does that every year—at least he has for the last several years. I have some charts I will show in a few minutes on that.

The President asks for too little money. We in the Congress agree with

the President and appropriate too little money. Then when the fires start happening, of course, the Forest Service has to find ways to fight those fires. The only option they have is to shut down their activities in other areas and use that money instead to fight fires.

One of the other areas they shut down activity in is in this forest-thinning work, so that we put it off, say, OK, we cannot get it done this year; we are too busy fighting fires; we will try to get it done next year. Then next year comes and once again they may have to use the money they had hoped to use for the forest-thinning activities and the forest health activities to, in fact, fight fires. That has happened year in and year out. It is a classic case of being so busy killing alligators that there is not time to drain the swamp. That is exactly the position we have put the Forest Service in and we need to try to correct that. I will offer an amendment with the hope the Senate will agree with me and make that correction.

The lack of funding for forest health projects continues to constrain our efforts to actively manage our forests to deal with these disease and drought conditions which have been discussed at length. Three years ago, Congress found funding was the main obstacle to improving forest health and reducing a threat of unnaturally intense catastrophic wildfire. Specifically, we have created the National Fire Plan, with $1.6 billion in new funding for existing programs, to improve forest health conditions. At that time, we all agreed on the need to sustain a commitment to the National Fire Plan over a long enough period so we could make a difference. We were talking about 15 years. That meant at a minimum sustaining the fiscal year 2001 funding levels for all components of the National Fire Plan.

Unfortunately, as I stated just a few minutes ago, the administration has systematically and continually proposed major cuts and, in some cases, zeroing out critical programs within that National Fire Plan, including the burned area restoration program, rehabilitation projects, economic action programs, community and private land fire assistance. So the proposed cuts we have received in the budgets each year have eliminated funding for these programs, notwithstanding the clearly identified demand for these programs. For example, New Mexico and other States have suffered unnaturally intense, catastrophic fires, and there is a desperate need for funds to restore and rehabilitate the burned areas.

Finally, the 2002 report and conclusion by the National Academy of Public Administration confirmed the main obstacle constraining the Forest Service from substantially increasing its proactive efforts to reduce fire risk is the lack of adequate funding. The proposed amendment to H.R. 1904 authorizes $760 million. I appreciate the fact that funding level is in there, but it does not ensure the real funding will be provided. The problem is, when we get into the actual appropriating of funds, we do not get the job done.

In earlier debates, I have repeatedly stated the Forest Service needs to focus its hazardous fuels reduction effort more directly on the threats communities face. We will have an amendment to that effect. I know Senator BOXER from California has an amendment to try to do a better job in that regard. I think that will be an important issue for us to try to deal with as well.

In sum, Congress required a sufficient proportion of all hazardous fuels reduction funds be spent on projects near communities. Nevertheless, the General Accounting Office recently found that more than two-thirds of the Forest Service decisions involving fuel reduction activities were targeted exclusively at lands outside this wildland/urban interface area. The amendment that has been brought to the floor here goes on to state that this requirement is based on a national average, this 50 percent requirement. They are saying we should have 50 percent going for projects near communities, in this wildland/urban interface. If you have a requirement such as that based on national average, obviously individual forests or even entire regions can significantly ignore this direction we were giving them.

In addition, the provisions of the amendment only apply to funds allocated for projects pursuant to title I of H.R. 1904 rather than to the entire hazardous fuels reduction program.

There are many questions about the specific language of the amendment at which we need to look. Let me talk for just a minute about the new administrative appeals process.

Apart from what the amendment does not do, I am very concerned with some of the things the new authority does try to do. The provision that seems the least developed in the amendment, the one that causes me significant concern, is section 105. This section directs the Secretary of Agriculture to establish a predecisional administrative review process that will serve as the:

> sole means by which a person can seek administrative review of a hazardous fuel reduction project. . . .

This predecisional process is described as covering the period following the completion of the appropriate NEPA document up to the date a final agency decision is issued.

I understand the desire to ensure that interested members of the public are involved during the development of the proposed agency project, and to avoid lawsuits by those who have not been involved in the process, and I certainly agree with that.

However, I think the language is somewhat troubling. As I understand it, the language would limit the right to administratively appeal an agency decision, as well as the ability to challenge it in Federal court, to those who have exhausted the predecisional review process. So we are going to significantly limit the right to appeal or challenge a decision based on a process that has not been established yet and that we are not really clear on what it will permit.

There are other questions about that. As I understand it, there will likely be an amendment offered on that issue as well.

Let me say a word about the Federal courts because many of the others who have spoken have done that. The amendment that has been offered here limits the court's ability to issue a preliminary injunction to no more than 60 days, although a court can renew an injunction indefinitely.

In order to issue a preliminary injunction, a court needs to find several things: No. 1, that the plaintiff is likely to prevail on the merits. That is the first thing the court needs to find. No. 2, that there will be irreparable harm if the injunction is not issued. No. 3, the harm to the plaintiff in not issuing the injunction is not outweighed by the harm to the defendant of issuing the injunction. And, No. 4, that issuing the injunction is in the public interest.

So a Federal court has to find quite a few things to issue a preliminary injunction. Having made this determination, I wonder why we then are saying to the court, unless you come back and renew that injunction every 60 days, we in Congress are going to assume the agency was right and you were wrong. The court has already determined that most likely the agency is in error. So I have concerns about that.

I understand there is a great desire here to limit the Federal court's ability to issue injunctions, preliminary injunctions. My understanding is, also, that this not only limits preliminary injunctions, it limits the Federal court's rights to issue permanent injunctions in some questionable ways.

Let me say just briefly, I do think we need to be sure the bill has adequate protections for national monuments and for roadless areas. There are provisions to exclude designated wilderness and wilderness study areas from the bill. I think we should have that same provision apply to national monuments. I hope we can persuade our colleagues that that makes good sense. I have been told by some that is certainly their intent.

Turning to my home State, 3 years ago we created the Valles Caldera National Preserve in northern New Mexico. I think it would be good to know how the provisions in this amendment would be used there, in that type of arrangement. Perhaps we can clarify that. I hope we can.

There are several other questions about how this relates to other forest initiatives: How does it interact with recent legislative and administrative actions regarding forest health?

There is a stewardship contracting program that includes exemptions from

the National Forest Management Act and provides new authority for the Forest Service and for the BLM to trade the value of big trees removed by a contractor for restoration services completed by that same contractor. We need to see how this new legislation would impact upon that.

In addition, the administration has taken several regulatory actions recently under its Healthy Forests initiative. It has promulgated new rules establishing a categorical exclusion from NEPA, which would apply to projects, including timber sales, that cover up to 1,000 acres each. The administration has published new rules overhauling the Forest Service appeals process. Those new rules exempt all ''categorically excluded projects from appeal.''

In other words, the administration has taken significant action to deal with several of these issues. We need to know how this legislation affects the actions that have already been taken.

Slash treatments is another issue that I think deserves some attention. We have a serious issue here in that in my home State they go through, they cut down the diseased small trees, they put them into piles, and then they have to come back and do a sequential treatment, come back and remove that slash and be sure it does not become bug infested and become an even greater problem. The GAO analysis found that in my State the Forest Service and BLM completed only 19 of the 34 followup slash treatments that they had committed to do in a timely manner. Again, it is probably a lack of funding that has caused that shortfall.

I have some additional concerns and questions about the provisions in the amendment. I will raise those at the appropriate time as we get into the amendments.

In closing, let me reiterate I am very glad we are proceeding to consideration of the bill. Since some of us were not involved in the negotiations, I do think it is appropriate we offer some amendments. Especially it is important for Senators from States that are directly affected by this threat to have that opportunity. I commend the people who did work hard in getting this legislation to this point. I do think there has been a genuine effort to find some compromise and to make some improvements. Clearly, this bill as it stands is substantially better than what the House has sent us. But it can be substantially improved from where it is. I hope the amendment we offer can be seriously considered, and hopefully adopted, and we make those improvements.

With that, I yield the floor.

EXHIBIT 1

UNITED STATES GENERAL ACCOUNTING OFFICE—REPORT TO CONGRESSIONAL REQUESTERS

FOREST SERVICE—INFORMATION ON APPEALS AND LITIGATION INVOLVING FUELS REDUCTION ACTIVITIES

Why GAO did this study

The federal fire community's decades old policy of suppressing wildland fires as soon as possible has caused a dangerous increase in vegetation density in our nation's forests. This density increase combined with severe drought over much of the United States has created a significant threat of catastrophic wildfires. In response to this threat, the Forest Service performs activities to reduce the buildup of brush, small trees, and other vegetation on national forest land. With the increased threat of catastrophic wildland fires, there have been concerns about delays in implementing activities to reduce these ''forest fuels.'' Essentially, these concerns focus on the extent to which public appeals and litigation of Forest Service decisions to implement forest fuels reduction activities unnecessarily delay efforts to reduce fuels.

The Forest Service does not keep a national database on the number of forest fuels reduction activities that are appealed or litigated. Accordingly, GAO was asked to develop this information for fiscal years 2001 and 2002. Among other things, GAO was asked to determine (1) the number of decisions involving fuels reduction activities and the number of acres affected, (2) the number of decisions that were appealed and/or litigated and the number of acres affected, (3) the outcomes of appealed and/or litigated decisions, and (4) the number of appeals that were processed within prescribed time frames.

What GAO found

In a GAO survey of all national forests, forest managers reported the following:

In fiscal years 2001 and 2002, 818 decisions involved fuels reduction activities covering 4.8 million acres.

Of the 818 decisions involving fuels reduction activities, about 24 percent were appealed—affecting 954,000 acres. However, of the 818 decisions, more than half, 486 decisions, could not be appealed because they involved activities with little or no environmental impact. Of the 332 appealable decisions, 194 (about 58 percent) were appealed. There can multiple appeals per decision. In addition, 25 decisions (3 percent) affecting about 111,000 acres were litigated.

For 73 percent of the appealed decisions, the Forest Service allowed the fuels reduction activities to be implemented without changes; 8 percent required some changes before being implemented; and about 19 percent could not be implemented. Of the 25 litigated decisions, 19 have been resolved.

About 79 percent of appeals were processed within the prescribed 90-day time frame. Of the remaining 21 percent, the processing times ranged from 91 days to 240 days.

The Forest Service, in commenting on a draft of this report, generally agreed with the report's contents. Their specific comments and our evaluation of them are provided in the report.

SUMMARY OF FOREST SERVICE DECISIONS AND APPEALS INFORMATION FOR FISCAL YEARS 2001 and 2002

Decisions/appeals	Little or no impact/not appealable	Impacts initially uncertain or significant/appealable	Total for all decisions
Number of decisions	486	332	818
Number of appealed decisions	3	194	197
Percentage of decisions appealed	<1	58	24
Acreage (in thousands)	2,989	1,804	4,793
Acreage appealed (in thousands)	4	950	954
Percentage of acreage appealed	<1	53	20

Source: GAO data and analysis.

The PRESIDING OFFICER. Under the previous order, the Senator from Alaska is recognized at this time.

Ms. MURKOWSKI. Madam President, we have had a great deal of discussion about the fires raging throughout California this week. We talked about fire seasons in the past several years. The years 2000, 2002, and 2003 fire seasons have been some of the worst on record nationally. In 2002, in my State of Alaska alone, we experienced fires that burned over a million acres. Over a million acres in Alaska were burned in 2002. In this year, in 2003—this is from a report that is current as of yesterday, taking into account what is happening in California as we speak—to date, approximately 3.6 million acres have burned nationwide—3.6 million acres, and burning.

Forest fires are a huge problem, predominantly in the West, for those of us in the Western States. It is interesting to look around the Chamber this afternoon and see how many of the Western State Senators are paying very close attention to the debate on this legislation.

We know, we can see the damage to our forested lands from these catastrophic wildfires, many of which have resulted from forests that have been devastated by insects and by disease.

Deteriorating forest and rangeland health now affects more than 190 million acres of public lands throughout the country.

Again, as we have seen from the pictures which the Senators from California displayed and from the newspapers, the areas where the fires are ravaging the hillsides and destroying communities are areas that were affected by insects and disease.

I want to take us to a picture of Alaska, as the good Senator from New Mexico, Mr. DOMENICI, mentioned not too long ago. In my State, our forests have been infected and literally torn apart by a beetle known as the spruce bark beetle. The spruce bark beetle, other insects, and other diseases have devastated hundreds of thousands of acres along the Kenai Peninsula and in the Chugach Mountains, and outside of my hometown in Anchorage along the hillsides. You are talking about the wildland/urban interface communities and how it all plays out. I see that very carefully and very closely every time I am home.

The picture that I have behind me is a picture from the Kenai Peninsula in the southern part of the State. This is a picture of forests that have been totally wiped out by the spruce bark beetle. There is not a tree that you look at in the forefront or in the background that is alive. Every one of these trees are dead. They were killed by the spruce bark beetle.

As the Senator from New Mexico mentioned, it is like a Christmas tree that you have put out on the back porch and it no longer has any water. The leaves are crumbly to the touch and fall when you touch them.

These trees that you are looking at are probably 30 to 40 feet high. It is tough to estimate the girth of the trunk. But these are very mature old-growth trees that are standing waiting

for an accident to happen—waiting for a fire. This is not tinder sitting on the forest floor. This is standing tinder that is just waiting to be devastated and to devastate potentially property and human life.

As we look at this picture and understand the stands we are talking about here, I mentioned that there were hundreds of thousands of acres which have been devastated by insect and disease in Alaska. The spruce bark beetle has literally changed the forests in Alaska. Over 5 million acres of trees in south-central and the interior of Alaska have been lost to the spruce bark beetle over just the past 10 years.

This picture shows, I have been told, the result of trees that have been infested for about a 10-year period. These were perfectly healthy, strong, and living trees. The entire forest has been wiped out by the spruce bark beetle.

We are told in Alaska that this is one of the worst recorded incidents of beetle kill and infestation in our history.

You do not see any homes. You do not see any development. This is out in the wilds of Alaska, if you will. But adjoining the Chugach National Forest, off of the Kenai Peninsula, we have many smaller communities—certainly not a Los Angeles-type of community but we have homes. We have towns that adjoin these national parklands.

We have a little community called Moose Pass which sits right in the middle of dead and dying trees.

My home city of Anchorage, the largest population center in the State—about half of the residents of the State of Alaska live in Anchorage—is rimmed by the Chugach National Forest. We are dealing with the infestation of the spruce bark beetle as it is traveling north. The danger is made even worse when you couple it with the fact that we have had low snowfalls in recent years. Again, it is an accident almost waiting to happen. We don't want to happen in Alaska what we are currently seeing in California.

Our public land laws and regulations should not make it difficult to cut down the dead or the dying trees that are nothing but potential fuel for these catastrophic wildfires. Our Nation's policy has to allow for responsible forest management that includes the ability to remove, when appropriate, wildfire fuel from our forests.

That is why I am supporting the bipartisan amendment to title I of H.R. 1904. In particular, there is a subsection which will authorize treatment under title I on Federal land. This technical change allows for hazardous fuels reduction on Federal lands on which wind throw or blown down ice storm damage or the existence of disease or insect infestation has occurred and poses a significant threat to an ecosystem component on Federal land or adjacent non-Federal land.

I suggest to you, looking at this picture and understanding the extent of the insect infestation that we have, that it certainly poses a significant threat to an ecosystem component.

The Kenai Peninsula National Forest System land contains approximately 223,000 forested acres of which 119,000 contain spruce trees with a percentage of old growth. These old-growth stands are susceptible to the spruce bark beetle or are already dead.

The amendment we are speaking to—the bipartisan amendment under title I—will allow Federal land managers to manage the dead and dying tree stands.

The presprucе bark beetle epidemic condition on the Kenai Peninsula had a significant acreage in unmanaged old-growth spruce which was very susceptible to massive mortality and the buildup of the spruce bark beetle population. The key to long-term forest management on the Kenai Peninsula that will prevent a reoccurrence of the type of spruce bark beetle mortality is to manage the forested landscape for a variety of species' compositions, structures, and age classes—not simply unmanaged old-growth stands.

To maintain the watershed health—which we certainly need—the Chugach National Forest needs to manage the landscape on the Kenai Peninsula for a variety of species, structures, and age classes.

With the technical change that we are seeing in this amendment, it allows for old-growth stands such as those existing on the Kenai Peninsula to be treated without restriction related to the old-growth provisions that are being offered in other sections of the amendment.

I believe that with the legislation before us—the Healthy Forest Restoration Act—we have a comprehensive plan focused on giving the Federal land managers and their partners the tools they need to respond to national forest health crises. That is what we have in Alaska. That is what we are seeing in many parts of the West.

This legislation directs the timely implementation of scientifically supported management activities to protect the health and vibrancy of Federal forest ecosystems as well as protecting the communities and the private lands that surround them.

I support what we are doing with H.R. 1904 and certainly encourage Members' support.

Mr. COCHRAN. Madam President, after consulting with the leaders and those interested in talking about this amendment before we vote, I am now in a position to propound a unanimous consent request.

I ask unanimous consent that at 3:35 today the Senate proceed to a vote in relation to amendment No. 1828, with no amendments in order to the amendment prior to the vote; I further ask consent if the amendment is agreed to, it then be considered as original text for the purpose of further amendment; I finally ask that the following Senators be permitted to speak prior to the vote: Senator ENSIGN for 10 minutes; Senator BENNETT for 5 minutes; Senator MURRAY for 5 minutes; Senator KYL for 5 minutes; and Senator CRAPO for 10 minutes.

Mr. REID. Madam President, I ask the manager of this bill, the chairman of the committee, to modify his request to allow Senator LINCOLN 10 minutes, and that following the disposition of this chairman's amendment, Senator BOXER be recognized to offer the next amendment.

Mr. COCHRAN. Madam President, I ask that my request be so modified and that the vote occur at 3:45 instead of 3:35.

Mr. WYDEN. Madam President, for purposes of asking the distinguished chairman of the committee, it is your desire, I gather, we would then have the vote at 3:45 and that would in effect end the opening statements on this legislation; we would move to amendments, beginning with the Boxer amendment, and then throughout the rest of the day pick up the rest of the amendments and hopefully move as quickly as possible.

Mr. COCHRAN. The Senator is correct.

Mr. REID. Although I would say, if the distinguished Senator would yield, people still have an opportunity if they want to offer their comments on the bill itself. There is nothing in the request which would prohibit that.

Mr. COCHRAN. With that understanding, I renew my request.

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

The Senator from Nevada.

Mr. ENSIGN. Madam President, I will make a few comments about the underlying legislation, the Healthy Forest initiative, and give a perspective from another western state, the State of Nevada, my home State, and some personal experiences I have had in the last few years.

I saw a wonderful program on the Discovery channel about the history of forest fires in the United States. They went back a few hundred years and talked about the natural burning of the forests and how forest fires occurred. We had fairly catastrophic fires in the early 1900s that changed our attitude because a lot of people were killed in those fires. It changed the way we looked at forest fires. We decided to try to put forest fires out using various methods of fire suppression.

Over the last 100 or so years, in trying to put out all these forest fires, we have stopped the natural clearing of the underbrush. As humans have moved more into the forests with our development, even if we wanted to go back to allowing natural burns to occur, we could not do that because of the devastation that can occur such as we are seeing in California with people living so close to the natural environment.

There are some things we can do to manage our forests so when the fires do occur they happen in a more natural fashion. What we have been seeing in the last several years is they are not natural fires. They are catastrophic fires and they burn the entire forest. They literally sterilize the ground.

There is so much fuel that there are incredible temperatures. When the forest fires used to move through, they would pretty much burn the undergrowth. They would char the big trees, they would char the bark on them, but they would leave the crown of the forest alive. As the forest fires moved through and cleared the underbrush, it gave the forest a chance to revive, gave a chance for little seedlings to take root. It was a nice cleansing process for the forests.

Now that we have started putting all the forest fires out, we have a huge fuel buildup. Now when the forest fires burn through, they burn the underbrush and they burn the crowns of the forest. They basically wipe the entire forest out. It is an unnatural event that is happening today. We are losing endangered species. When you wipe out the whole forest you lose not only animal life, you lose incredible plant diversity as well. We end up with erosion because there is nothing to hold the ground when the rains come.

I have been in the West almost all of my life—mostly in Nevada, lived in Oregon, lived in California, lived in Colorado some, attending schools—and I have visited a lot of forests there. We have our family reunion up in Black Butte every summer. I was there during the huge forest fire Senator SMITH was talking about earlier; that is still going on. We were there July 4 and that fire is still going on today. They are waiting for the snows to come to put that forest fire out.

In comparing the forests from the East to West, in the East there is much denser forest. That may be OK because of the amount of rain and the amount of moisture in the East. We do not get that kind of moisture in the West. My State, the State of Nevada, is the most arid State in the entire country. We have what are called ''desert forests'' that do not have a lot of undergrowth. That is where those forest fires are able to move through, clear out a little of the underbrush and leave the crowns pretty much intact.

What happens in the West versus the East, we get periods of drought. We are in about a 5-year drought right now in the West. We had 3 good years before that of rain. Before that was another 6-year drought. During those periods of drought you get the bark beetle Senator MURKOWSKI was talking about in Alaska. We have that in our State, especially around Lake Tahoe. During the 6-year period of drought, the bark beetle devastated a lot of trees in the Lake Tahoe basin.

I was up there touring some of the Federal lands, some of the State lands, and saw the difference in our policies, State versus Federal. Comparing State versus Federal versus private lands, the least healthy forests are the Federal lands. That is what this underlying bill is trying to correct, the problems we see on Federal lands.

In the State lands, they are cleaning the underbrush. There is a lot of emotion generated by the groups participating in these projects. As a matter of fact, in one area where they were doing the thinning of the underbrush—it is not just underbrush, but they are clearing out the fir trees. The big Ponderosa pines are being choked out by the fir trees. A lot of fuel goes in there. The sunlight cannot get in so these pine trees can grow in the way they were intended to grow naturally. When they were going through and cleaning and clearing some of this out, they got a lot of complaints because it was near this very popular hiking trail up at Lake Tahoe. There were a lot of complaints and protests.

A year after the first area was cleared out, they saw the positive ecological results of that clearing. One result is that the aspen trees are coming back to that area. They were choked out by the fir trees. There is more biodiversity. If a fire now goes through, it will burn naturally instead of the catastrophic fires we have seen so much in the West. Six hundred thousand acres so far have burned in the State of California. That is a huge amount of land.

In 1999, in my State, 1.8 million acres burned. We have been lucky the last few years, but my State is ready to go again, just like most of the western States. It is not just the forest fires we worry about from these fires, like the almost 2 million acres we had in Nevada—and fires in California, Oregon, Idaho, Arizona, and on and on and on in the West—these forest fires are creating air pollution.

We just got calls, because the winds shifted in California, and the pollution from the fires is now coming to Nevada because the winds changed directions.

When the Oregon fires were blowing last year, the pollution from them came down into the State of Nevada. I was up at Lake Tahoe, and, boy, you could not even see. It was like we were in a horrible pollution day down in Southern California. It was so dense, the pollution was so bad, and the ash came down from these forest fires.

It is not just the forest health we are worried about, it is also our air's health. If people who care about air pollution want to do something, the No. 1 thing we could do is to make sure we have healthy forests into the future. Because if we do not have these devastating fires, we will not have as many acres burn per year and as much of that stuff going up into the air to cause pollution. These fires that are occurring are much worse than anything man is producing on an industrial basis. To protect our air, we should be doing this.

Protecting the environment, protecting property, and protecting people are not mutually exclusive. We can do all of them together if we have reasonable laws. That is really what this bill is about.

Two other areas I want to talk about quickly. One is in Carson City, and one is in Ely, NV—great initiatives on this urban interface with the forests that were going on. The one in Ely occurred on Federal lands. Everybody was together. Environmentalists locally were together with local governments and the Federal Government. Everybody was together on this initiative. They had it all worked out. The plan was in place, ready to go. One person from Idaho filed a protest. They didn't even live in our State—one person from Idaho. Almost 3 years later, we are still waiting to implement the plan, and a fire that comes through there would be devastating. One person from Idaho—that is what this bill is trying to fix, to make sure that one person cannot stop land managers from doing the right thing.

The other quick example is Carson City. It is not Federal lands. It is State lands, local lands. All the people who care about the environment worked together. They have a beautiful fire protection plan being implemented that is ecologically balanced. It is protecting the local communities as well as protecting the forests. That is the type of balanced thinking we need going forward so we protect people, we protect property, and we protect the environment all together.

I also want to express my condolences to all of those who have been impacted by the fires in California, especially those who have lost friends and family members. While this legislation will not help the people fighting forest fires today, it will hopefully prevent such fires from occurring in the future.

The Healthy Forest Initiative authorizes hazardous fuel reduction projects that are essential for the health and well-being of our Nation's forests. It focuses on specific at-risk areas that are at the greatest risk of wildland catastrophic fire, the kind that has devastated California, my State's neighbor. These kinds of fires are intense, they are unforgiving and they certainly don't discriminate as to what will lie in their destroying path. My heart goes out to those whose lives have been affected by catastrophic fire.

To reiterate, in my home State of Nevada, our worst fire year was 1999 when 1.8 million acres burned. Since then we have been fortunate compared to other States. But we know that it is only a matter of time before fires ravage our land again. Currently there are over 10.7 million acres that are at-risk for catastrophic wildfire in the State of Nevada. That's 10.7 million acres that need to be treated immediately. With the proper treatment, we can lessen the effects of the fires that will inevitably come. It is not a question of if fires occur, but a question of when.

Catastrophic fire occurs every year. This year California and Oregon have been hit; last year it was Colorado, Oregon and Arizona. In past years, New Mexico and one of our Nation's most treasured national parks, Yellowstone faced catastrophic fire. In 1999, when 1.8 million acres burned in Nevada, unfortunately, that was not a one-time

event. In the past 5 years, 3.3 million acres have burned in Nevada.

However, that being said, there are excellent tools available to the land managers of this country. Thinning densely wooded areas and cleaning out excess brush lessens the ability of fires to spread as fast, burn as hot, and consume as much as they already do. To carry out these projects, land managers must go through a rigorous assessment process. They must ensure that the public is able to participate in the process. And they must comply with current environmental statutes and forest plans. This is appropriate and necessary. It is a very lengthy and thorough process that all too often is railroaded by one dissenter. One extreme group will fight it through the administrative appeals, the courts and will do everything to kill a completely collaborative process.

A recent GAO report noted reported that the vast majority of appeals to fuels projects result in no change in the Forest Service's decision. Only 19 of the 180 appealed decisions were reversed, which means that the remaining 161 projects—89 percent of those appealed—were delayed unnecessarily. We say it time and again, but frivolous lawsuits which put these projects on hold are a threat to homes and people. More than half of the appealable decisions that were designed to protect communities from wildfire were appealed. During the review process, these communities remained under the threat of catastrophic wildfire. We do not have the time to provide extreme groups the luxury of thwarting sound management decisions. It has happened in my State, as I mentioned before, and it happens more and more every year.

That is why passing this amendment is so important. It expedites the approval process. It cuts through the bureaucratic red tape. It still ensures that administrative appeals and judicial review is available to the public. However, only individuals who have actively participated in the administrative appeal process can then challenge the final decision in the courts so these projects cannot be blindsided by those who refuse to participate in the full process.

I stood here a little over a year ago and called for this type of action. I was joined by so many of my colleagues in this body, and yet again nothing was done. Since that time we have seen millions of acres burn throughout the country. The Forest Service has estimated that 2.8 million acres have burn in 2003 alone and that does not count the millions of acres in California and the more than 1500 homes destroyed over the weekend, not to mention the deaths of those struggling to escape these deadly fires. I don't want this to happen to Nevada. I don't want this to happen in any State. I don't want to stand idly by and allow this kind of destruction to go any further. We need to do something and we need to do it now.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

UNANIMOUS CONSENT REQUEST—S. 1708

Mrs. MURRAY. Madam President, in just a couple minutes I am going to offer a unanimous consent request to move to consideration of a bill to provide extended unemployment compensation benefits to displaced workers and to those who have exhausted their benefits.

Today there are 9 million Americans who are unemployed, and the percentage of long-term unemployed is at a 20-year high. Our first priority in this Congress should really be to get America back to work. The current unemployment benefit extension, as I think all my colleagues know, expires at the end of December.

Our economy is continuing to create only one job opening for every three unemployed Americans. So it is clear the current Federal program is inadequate to address the needs of out-of-work Americans in today's troubled economy.

Another extension with no additional weeks of benefits will leave far too many of our workers and their families out in the cold. In my home State of Washington, there are 124,000 people who will exhaust their benefits by the end of the year. In addition, more than 1 million Americans have run out of unemployment benefits and remain without work. These Americans have been stretching their savings, refinancing their homes, moving in with other family, and depleting their retirement accounts. Three out of four workers are now running out of benefits before they find a job.

In past recessions, we have included these workers in additional extensions. But so far Republicans have insisted on leaving them out. The Emergency Unemployment Compensation Act, which we are introducing, would help 4.6 million Americans make ends meet while they search for new jobs.

I know we are dealing with a forest health issue today. It is extremely important to many Senators. But we have also thousands of Americans whose extensions are going to run out very shortly. Everyone is working very quickly here to wrap up all the bills. We all want to go home. I know when we go home, we want to make sure the people we go home to are not left out in the cold.

I ask unanimous consent that the Finance Committee be discharged from further consideration of S. 1708, a bill to provide for a 6-month extension of unemployment compensation, with additional weeks of benefits, as modified to strike title II and ensure that high unemployment States are not penalized for having high unemployment throughout the recession; that the Senate then proceed to its immediate consideration; that the bill be read three times, passed, and the motion to reconsider be laid upon the table, without intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. CRAPO. Madam President, we are on a very critical bill right now and I must object.

The PRESIDING OFFICER. Objection is heard.

Mrs. MURRAY. Madam President, I heard the objection from my colleague on the other side, and I would like to have him respond, if he would, as to when the Senate will consider this important piece of legislation.

As I said in my remarks, I know we are dealing with an issue that is important to many States, but we have to provide some financial relief to millions of Americans as we approach the holiday season.

I know my colleague understands the current extension ends on December 31. We are all working quickly to go home. I want to know if we can get a commitment that we will go to this bill so we can provide for these workers so they can be at home paying for their food and shelter that is so important to them. Can my colleague tell me when the Senate will consider this legislation?

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAPO. Madam President, I would be glad to respond.

As the Senator from Washington knows, all of us have very critical issues that are very important to us, that we are trying to get time on this floor to consider. The way we handle that is we work with our respective leadership in scheduling these matters. I am not in a position right now to speak for either the leadership on the other side or my own leadership with regard to what kind of an agenda they intend to put forward with regard to the floor. What I do know is we have waited our time for this Healthy Forests legislation to come forward. We now have been given floor time, and we cannot relinquish it. Therefore, I will just encourage the Senator from Washington to work with her leadership and our leadership to see when the scheduling issue she wants to address can be brought forward.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Madam President, I thank my colleague. I know he is not in a position to speak for his leadership at this time. I would just say to all of my colleagues on the floor, it is critical we allow time as soon as possible. We can take as short as 10 or 15 minutes to get this passed. We have thousands of constituents across the country whose benefits are going to expire. If we wrap up this session and go home without passing this bill, we are going to leave them out in the cold without the ability to put food on the table, pay their rent, pay their mortgage, pay their college tuition bills, and really make it through a very difficult time.

As we all know, the unemployment in this country has risen. We know more people today are unemployed than there were a year ago. The numbers are rising. The extension needs to be passed.

I notify my colleagues I intend to continue to come to this floor on a daily basis to try to bring up this bill until we get a commitment from the Republicans to have a vote on this extension.

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

Mrs. MURRAY. Thank you, Madam President. I yield the floor.

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

The PRESIDING OFFICER. Without objection, the clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. CRAPO. Madam President, I ask permission to utilize the 10 minutes which I have been allocated under the unanimous consent agreement.

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

Mr. CRAPO. Madam President, we are getting close to a vote on this amendment. I wanted to take this opportunity to respond to a couple of the issues that have been raised by those in opposition to it.

First, it is notable that very little in opposition to this amendment has been said. There are a few things I will get into, but the fact is, as we said at the outset, a broad group of bipartisan Senators have come together to address the issues from all perspectives and build a common ground forward. I believe the relative lack of attack and concern that has been raised with regard to this amendment is indicative of the success which those Senators have achieved.

There have been a few criticisms made though. I want to respond to some of them.

First, with regard to the allocation of the resources, it has been argued that only 50 percent of the resources have been allocated to the wildland/urban interface. Remember, we have $760 million worth of resources allocated in this bill. The point, however, needs to be made that in addition to the fact that our wildland/urban interface needs to be addressed, much of the problem exists out in the forests away from that wildland/urban interface. In fact, when the forests get hot and get burning, when you get winds such as we are seeing in California right now, it is very important to have protection more than just 100 yards or a couple hundred yards away from the wildland/urban interface.

We are seeing in California right now what high winds and geography can mean with regard to a forest fire, and we must have the flexibility in our forest managers to make the decisions about where the best management should occur.

We also have heard that there is apparently a disagreement between the proponents and opponents of this legislation with regard to what the real problem is. Those who oppose this amendment say that the real problem is that we are not putting enough resources into fuel management and fuel reduction issues. Those of us who are proposing the legislation are said to be focused more on trying to reduce litigation.

The fact is, this is an indication of the fact that there are different points of view as to what we ought to be doing. It is what this bipartisan group of Senators did to address the issue. There are some who believe we need to solve the problem by putting more resources on the ground and getting those resources out there in forest management. That is why this bill authorizes $760 million of resources to go into the management of our forests.

We do, however, recognize that there is a large problem in the litigation arena. It is that litigation problem that the bill also addresses.

There have been arguments made that as a result of our efforts to address the litigation paralysis, public involvement has been limited. That is simply not true. No public involvement under NEPA has been eliminated. In fact, the predecisional appeals process we are proposing to create in this legislation will create a new avenue of public involvement. What we are saying, however, is that the litigation has to be brought in the State or the district where the fire is, where the proposed project is. Those who want to get involved have to exhaust their remedies, a very standard legal procedure that is required in many areas. Before you are going to file a lawsuit, go through the administrative procedures that are provided to try to achieve your objectives. And then, finally, if that doesn't work, there still is the route of litigation allowed. We simply encourage the courts to act expeditiously and require the courts to look at it every 60 days to see if the circumstances have changed.

I believe these are reasonable and fair protections that are built into place.

There has been discussion that even though we have $760 million allocated for forest fuel reduction projects and management in this bill, that the bill doesn't guarantee that that money will go there because it is not an appropriations bill. That is the same thing that is true about every authorization bill. The fact is, when we authorize these moneys, under the way the Congress works, it is still necessary for the Appropriations Committee to then appropriate the moneys. We will be working with the Appropriations Committee to take that next step. But to criticize this amendment because it is not an appropriations bill is simply to put up a false attack and to create a false impression that this is not a meaningful authorization of $760 million, subject, as all bills are except for entitlement programs, to the appropriations process.

One final point: There has been an argument that litigation really isn't the problem because a recent GAO report showed that the vast number of forest management decisions were not appealed. That study and the way people use it shows how you can use numbers to achieve different results depending on the outcome you want to address. The fact is, categorical exclusions represented a significant number of the actions of the agency. These are actions which the current law—not this law, but current NEPA law—does not require or allow to be appealed.

The reason is because they are basically the kinds of actions that have negligible or have no impact on the environment. It is things such as cutting firewood and mowing lawns and other types of categorical exclusion activities. There is more than that that is in that category. But the point is, these are categorical exclusions for things that have no significant environmental impact.

That is a current part of the existing law. When you look at the proposed treatments that have been more than a categorical exclusion, that require further NEPA analysis, then the level of appeals goes up dramatically. In fact, 59 percent of them are actually appealed. Of those that were appealed, it is interesting to note that most are found to be without merit; 19 out of 180 were reversed.

My point is, as I said earlier today, even though these appeals may be lost, what they do is cost the time, sometimes a full year or more, for the implementation of the management decision, which in many cases makes it moot at that point because the insect infestation has gone beyond the proposal, or because a fire has occurred or something else has made it so that the Forest Service simply can't proceed.

We are facing litigation paralysis. We do need additional resources on the forests. This is the first legislation in the history of the country that has provided statutory protection for old growth. This is a bipartisan compromise that will help us move significantly forward in these efforts to address this critical problem in our country.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Madam President, I ask unanimous consent that Senator MILLER and I be added as cosponsors of amendment No. 1828.

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

Mr. BENNETT. Madam President, I appreciate the comments made by my colleague from Idaho and I rise to give a case study example of what he is talking about. We will give States and specifics here. They are similar to those that came from the Senator from Alaska.

In 1991, a forest health aerial detection survey was made in Utah that discovered the bark beetle in certain parts of the Dixie National Forest. Forest

health specialists advised that it might be necessary to suppress the epidemic by removing some of the infested trees and thinning some of the standings. At the time they made that decision, this photo depicts what the forest looked like: healthy, green, a place that was of some pride to the people who lived there. This is called the Sidney Valley Recovery Project, proposed as part of the strategy to suppress the spread of the epidemic into that area.

As soon as this was announced, three different environmental groups filed appeals of the project and, naturally, it was delayed while those appeals were heard. Finally, after the delay, the Forest Service was upheld, so the appeals were examined and found to be without merit. The Forest Service was upheld. The Southern Utah Wilderness Alliance chose to file a suit in Federal court. There were the typical delays connected with litigation, and the Federal court finally threw out the lawsuit.

So you had the appeals to begin with; they were disavowed; and then you had a lawsuit. When that was disavowed, OK, now you can go ahead with your effort to protect the forest. The only trouble was, at that point, this picture depicts what the forest looked like. These are not trees with leaves turned because it was fall. These are pine trees. The reason they are brown is that they are dead. If you drive through the Dixie Forest, which I have done, it almost makes you sick at how terribly decimated the forest has become. The only reason is that the Forest Service's professional managers, trained in dealing with these kinds of epidemics, were prevented from going in there by special interest groups until it was too late. I am sure there were mailings made in these environmental groups saying: Help save the Dixie Forest from the people who would build roads.

Well, they saved the Dixie Forest from the people who might put in logging roads, but they killed it in the process. The epidemic has now spread and there is no stopping it now. There is no going back. There is no saying, let's reverse this. The trees are dead and the Dixie Forest is a blight. The people who live there and know how to take care of these things are sick at heart at what has been done, while those special interest groups, most of whose members do not live in Utah, can claim victory. Well, they cannot claim victory in the lawsuit because they lost the lawsuit. They can only claim victory if their goal was to destroy the forest.

It is summarized by one of the former managers of the Dixie Forest who says: ''It leaves us with the strategy of win the lawsuit, lose the forest.''

I have a terrible time understanding why people who claim to be ''friends'' of the forest, ''friends'' of the environment, end up producing this kind of result. That is why I have joined as a cosponsor of this amendment. I applaud the administration for their initiative in saying let's have healthy forests. Fortunately, the Dixie Forest has not yet caught fire. But the trees are just as dead either way. The blight is there just as much either way. We may have been spared the devastation of fire for the communities around the Dixie, but we have not been spared the devastation of the epidemic that has destroyed this portion of the Dixie Forest.

For that reason, I am proud to be a cosponsor of this amendment, and I urge all of my colleagues to vote in favor of it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mrs. LINCOLN. Madam President, I am very proud to be in the Chamber discussing the Healthy Forests Restoration Act with an eye toward its quick passage through the Senate.

I first want to applaud both Chairman COCHRAN for shepherding this bill through the Agriculture Committee and to the floor.

I'd also like to thank Senator CRAPO, who chairs the Forestry Subcommittee, for his leadership in moving this legislation through the Committee expeditiously.

Chairman DOMENICI and Chairman COCHRAN, and Senators CRAPO, WYDEN, FEINSTEIN, CRAIG, KYL, MCCAIN, and I have brokered a workable compromise to Title I of this bill which we believe will prove amenable to the Senate and move on to a conference with the House.

Want to especially thank our staffs, who have put in many hours of hard work over two months to bring us to this point.

this bipartisan compromise legislation builds upon the Healthy Forest Restoration Act, which passed the House of Representatives earlier this year.

Our legislation will ensure that we can address the many problems affecting all of our Nation's forests—both on public and private forestlands, in southern and western forests, and throughout both hardwood and pine ecosystems.

This legislation is intended to correct the direction of forest legislation in this country.

I am also proud that the bill contains many provisions that I have championed and that are beneficial to my home State of Arkansas.

I began my work on this legislation with the intent to accomplish a few, very specific goals related to the health of Arkansas' forests.

First and foremost, we must provide the Forest Service with the tools necessary to immediately address the epidemic of oak decline and mortality in the Ozark highlands of Arkansas and Missouri.

I am proud the bill incorporates language I have championed to provide the Forest Service with the tools necessary to immediately address the epidemic of oak decline and mortality in the Ozark highlands of Arkansas and Missouri.

Just as our Western forests are under constant threat from fire, our Eastern forests are under constant threat from insects and disease.

We cannot let any more time pass without ensuring the Forest Service can quickly mitigate the effects of insect and disease damage throughout our forests before it reaches disaster proportions.

Oak decline is a natural occurrence in older forests or in areas where trees are stressed by conditions such as old age, over population of the forest, poor soil conditions, and the effects of several years of severe drought. And under normal conditions, oak decline is not necessarily fatal to the tree.

However, these conditions have allowed insects such as the red oak borer to flourish throughout the forest and have led to an epidemic of oak mortality throughout our forests.

In fact, many estimates now suggest that potentially up to one million acres of red oaks have been affected in the Ozark highlands—a devastation we never anticipated.

It is important to note that this epidemic has not been long in coming—it was only first discovered in the late 1990s, and quickly was out of control.

I am concerned that this epidemic will lead to a complete loss of red oak from the Ozark highlands and cause long-term changes to the health of the forest ecosystem.

It is also important to remember that the epidemic has not been limited to public lands. Private forest landowners and homeowners throughout the Ozarks face the same problem. The past several years of extremely dry summer conditions have weakened trees throughout the region.

Secondly, as we have seen, Arkansas was caught almost flatfooted as the epidemic of oak mortality swept through the Ozarks and severely endangered the health of our forests.

One of my priorities was to establish a new Upland Hardwood Research Center to ensure there is adequate research performed on the issues affecting Arkansas' and this Nation's hardwood forests.

I am pleased that the bill includes language I authored to establish an Upland Hardwood Research Center within the U.S. Forest Service. This new center will study the myriad of insects, disease, and problems affecting our ability to rehabilitate, restore, and utilize our upland hardwood forests. Establishing this new research center will help ensure that this does not happen again.

The establishment of this new research center is necessary to ensure we can quickly identify and respond to the multitude of pests, disease, and other damaging agents that can dramatically affect our beloved forests, especially when they are smaller ones as we have in Arkansas.

It is also important to find ways to streamline and improve the environmental, administrative, and judicial

review process for hazardous fuel reduction projects under this legislation.

I join many of my colleagues in believing that the review process for hazardous fuel reduction projects, while necessary and beneficial, often consumes more time, effort, and resources than the initial intent of the project.

As we have seen with the epidemic of oak mortality in Arkansas, the Forest Service must have the ability to quickly respond to insect infestation in order to protect, preserve, and rehabilitate the entire forest.

Streamlining of the environmental, administrative, and judicial review process for hazardous fuel reduction projects will ensure that we can quickly address what ails our forests.

This legislation also provides increased funding and direction for forest land research in this country. It will ensure our Nation's colleges and universities are able to devote more research into the insects and diseases affecting our forests.

We also require that any forest land research is conducted at a scale appropriate to the forest damage and that it be conducted within the requirements of each individual forest management plan.

Our legislation also includes requirements to ensure this research has clearly stated forest restoration objectives and is peer reviewed by scientific experts in forest land health.

I am also pleased the bill incorporates additional language from S. 1449 to provide funding for emergency grants to immediately remove the invasive plants that have become so pervasive throughout this Nation's forests. As many know, when we talk about invasive plant species in the South, you bet we are talking about kudzu.

Kudzu was brought into this country several decades ago to be used as cover for bare hillsides and has since spread to cover everything, including shrubs, bushes, entire trees, and oftentimes large sections of our forest. The grant program will provide the means for landowners to immediately remove kudzu and the myriad other invasive plants that are choking out forests.

Finally, this legislation includes widely agreed upon language that would provide for grants to remove noncommercial biomass from our public and private forests, provide for protection of our private forested watersheds, and provide for grants to establish private healthy forest reserves throughout the Nation.

Many of these important provisions were included in the Senate-passed farm bill last year, but they were not included in the final legislation, unfortunately.

Providing grants to remove noncommercial biomass will immediately reduce the amount of fuel on the forest floor and directly reduce the fire danger in our forests and around our communities.

Similarly, providing grants to protect our forest watersheds will ensure that we can address our water quality concerns with a voluntary, incentive-based approach.

Finally, providing funding to establish new healthy forest reserves from willing private landowners will encourage the preservation and rehabilitation of this Nation's forest lands.

I believe this important legislation will focus needed attention on a number of extremely critical goals for our national forest policy.

One lesson we have learned over the years is that if we value our forests and if we want to conserve our woodland resources, if we want to preserve their natural beauty, if we want to ensure that the natural bounty of our forest land is available to future generations to come to know and love and enjoy just as we all have in our different parts of this great country, then it is important that we manage those lands and resources with a careful eye toward their long-term health.

I look forward to this legislation's quick passage through the Senate and its quick enactment into law. I am delighted by the leadership provided by all of the Members working on this issue. I very much encourage my colleagues to join us in supporting Senator COCHRAN's amendment and moving forward with this bill in a timely way.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Madam President, if ever there was a bill where one could say its time has come, this is such a bill. It is critically important at this time for us to move forward to a vote on the Healthy Forests initiative. The House has passed a bill. We can pass a bill, get it to conference and the President for it to become law before the end of this legislative session. That must be our goal.

I begin by thanking Senator COCHRAN and members of his committee. They worked very hard to arrive at a compromise that was bipartisan, that could pass the Senate and be signed by the President. I am very appreciative of their hard efforts.

I thank the President for his leadership 2 years ago in putting this proposal together. What has been passed is not precisely what he proposed, but that is part of the compromise legislative process. We have worked to get a bill we can pass and, while not exactly what the President has proposed, as I said, it is a very good effort.

I want to select one other person who illustrates the effort to make this bipartisan. Last year, Senator FEINSTEIN was involved in our negotiations to come up with a bill. We got very close, but we could never get a bill we thought would have 60 votes to pass the Senate.

What did she get for her very hard efforts at fighting for this issue? She got vituperative ads run against her in her home State by radical environmental groups that criticized her for even talking to Republicans to try to come up with a solution.

The reason I mention Senator FEINSTEIN is because she was working on this long before the California fires that are now raging out of control. In fact, this compromise was put together before those fires ever started. So the people who were working on this before I think deserve some very special credit.

I also express thanks to those now supporting us because they have seen what can happen in the form of the California fires. Two years ago, we had these kinds of fires in Arizona. I thought that would awaken people to the danger that our overcrowded forests presented. I guess I didn't do a good enough job and others didn't in showing people what could happen in other places.

In just two fires, an area larger than the size of the State of Rhode Island burned. Two-thirds was on one of our very fine Indian reservation areas and about a third on Forest Service land. The President came to visit. Whole towns were evacuated. People lost their lives. But it still wasn't enough.

Earlier this year, the President again came to Arizona after the Aspen fire. The Aspen fire, on top of the Santa Catalina Mountains north of Tucson, burned about 350 homes in the space of less than 4 hours. I thought, finally this will awaken people. Still, it did not occur.

Over time, thanks to the leadership of the members of the Agriculture Committee and others, this legislation was put together. I express my appreciation that now that this conflagration is occurring in California, we are actually able to get this bill done. I think the Arizona experience illustrates the solution as well as the problem.

Let me give one example. I mentioned the Rodeo-Chediski fire. Most was on the White Mountain Apache Reservation. They are subject to the same environmental laws that apply to the Forest Service or the Bureau of Land Management. They went to work and got the work done. They began salvage operations—in fact, they completed salvage operations on the Indian reservation for the timber that had burned.

The reason they can do that is because it is very hard to sue an Indian tribe. Obviously, nobody did, and they got the work done, and their land has basically been salvaged from that fire.

The Forest Service put out a very small proposal on what is called a categorical exclusion area. Boom, they got hit with a lawsuit. Over a year later, the judge finally said: This process has to go forward. So he denied the relief of the plaintiffs who were not even from the State of Arizona.

It was basically too late to do very much work. They got some of it done, but the wood began to rot. It is called bluing, and it loses its character which is suitable for timber. You have to use

it for pallets and other uses that have low economic value. That was on a small piece of the land. The rest will never be salvaged. Why? Because it is easy to sue the Forest Service.

One of the things this legislation does, the Senator from Arkansas noted, is to streamline the process. One of the ways it does that is to say instead of having an unlimited number of alternative plans for a particular project in your NEPA analysis, under the National Environmental Policy Act, you do an environmental impact statement and show the various options: the no-action option, the option that is proposed, and one alternative.

Under existing law, you might have to have 20 alternatives. That might make sense if you are doing timber sales for logging. That is not what we are doing. We are trying to restore the health of the forest. The whole concept has been environmental, and there has been a lot of environmental work done on these projects before they are ever proposed, so you don't need a lot of alternative plans. That is just one example.

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

Mr. KYL. Madam President, I appreciate the hard work of my colleagues and hope they support this legislation.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Madam President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to amendment No. 1828. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS) and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

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

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

The result was announced—yeas 97, nays 1, as follows:

[Rollcall Vote No. 416 Leg.]

YEAS—97

Akaka	Chafee	Ensign
Alexander	Chambliss	Enzi
Allard	Clinton	Feingold
Allen	Cochran	Feinstein
Baucus	Coleman	Fitzgerald
Bayh	Collins	Frist
Bennett	Conrad	Graham (FL)
Biden	Cornyn	Graham (SC)
Bingaman	Corzine	Grassley
Bond	Craig	Gregg
Boxer	Crapo	Hagel
Breaux	Daschle	Harkin
Brownback	Dayton	Hatch
Bunning	DeWine	Hollings
Burns	Dodd	Hutchison
Byrd	Dole	Inhofe
Campbell	Domenici	Inouye
Cantwell	Dorgan	Jeffords
Carper	Durbin	Johnson
Kennedy	Miller	Shelby
Kohl	Murkowski	Smith
Kyl	Murray	Snowe
Landrieu	Nelson (FL)	Specter
Lautenberg	Nelson (NE)	Stabenow
Leahy	Nickles	Stevens
Levin	Pryor	Sununu
Lieberman	Reid	Talent
Lincoln	Roberts	Thomas
Lott	Rockefeller	Voinovich
Lugar	Santorum	Warner
McCain	Sarbanes	Wyden
McConnell	Schumer	
Mikulski	Sessions	

NAYS—1

Reed

NOT VOTING—2

Edwards Kerry

The amendment (No. 1828) was agreed to.

Mr. COCHRAN. I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senator from California is recognized.

Mr. REID. Mr. President, I have spoken with the distinguished manager of this bill. He has agreed also with Senator HARKIN that Senator BOXER is going to speak for about 10 minutes on the bill. I will offer an amendment and speak for a few minutes on that, and then, with the suggestion and consent of the managers of the bill, she will ask that amendment be set aside and offer another amendment. The leadership has agreed we would have two votes at approximately 5:15, something like that.

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

The Senator from California.

Mrs. BOXER. Mr. President, I thank Senators COCHRAN and REID for allowing me to do this. I have been waiting for quite a while. We can get through some of these amendments.

I rise again with a heavy heart to report on the fires raging in my State and bring the Senate up to date on what is happening as of my last report at 3:30 p.m: 600,000 acres of land have been burned, more than 3 times the size of Chicago; 2,000 homes have been destroyed, 18 people are dead. Governor Davis has declared Riverside County a state of emergency. Riverside has asked the President to declare a national disaster there. I have written to the President asking him to act.

In San Diego, we have 30,000 people without power. Our public schools are closed due to bad air. The Cedar Fire in San Diego is raging out of control. It is threatening to merge with the Paradise Fire. The fires as of 3:30 were only 5 miles apart.

The head of the California Department of Fire, Chief Chuck Mayner, said that they have not gotten all of the equipment and the help they have asked for. Senator FEINSTEIN and I have been getting different information. It is a little disconcerting. Yesterday, I heard they got all the equipment. Today I hear they have not. We actually have heard from CDF Chief Mayner that he has not gotten all the equipment and the help. That is backed up by Jim Arta, the deputy chief. I have a list of the things they have asked for. I hope FEMA will act on this.

I have met with Mr. Michael Brown. He is very open to doing all he can, but I merely want to say on the record that we need help. We need strike teams. Strike teams are a combination of resources composed of fire trucks and personnel. We need strike 2 teams composed of fire trucks designed for fighting brush fires. We need 11 engine strike teams for the Paradise Fire, 33 hand strike crews, 12 single resource dozers, two type 1 helicopters, one type 2 helicopter.

We need for the Cedar Fire, in addition to strategic 1 strike teams, strike 3 teams, five type 3 helicopters, four type 1 helicopters, and one type 2 helicopter.

As I stand here giving this report from just a few minutes ago, we are not getting all the help we need to fight these fires. We need it desperately. We urge everyone to work together to get the equipment into these areas.

Our brave firefighters are working to save Julian, which is a town in San Diego County. The winds are making the situation worse. There were hundreds of firefighters working there. The city of Cuyamaca is 90 percent destroyed and 150 homes are gone. In Ventura, we have the Scenic Valley Fire threatening the Stevenson Ranch area. They are already asking us for a FEMA disaster center there.

In San Bernardino, we still have the Old Fire. It is raging out of control, threatening Big Bear and Lake Arrowhead communities. Unpredictable winds are making things worse.

I had a good meeting with a FEMA director today, and a good meeting with Governor-elect Schwarzenegger today. We are all on the same page. We all want to open disaster centers, disaster assistance centers, known as DACs, in the State. I had recommended one in each county. We will have that, plus a couple of mobile units. We are probably going to need more disaster centers because we are talking about so many miles, so many acres. Six hundred thousand acres is a lot of land here. We do not want people to have to go far distances to get what they need.

I want to show a few pictures to my colleagues so you can see what things look like. This is a picture of a home burning in San Bernardino. You can see the raging fires there. Somebody's hopes and dreams are just gone.

I show you a Marine Corps base in San Diego. This is Camp Pendleton. This is a hillside. You can take a look at these fires, and when I am done with these brief opening remarks, I am going to lay down an amendment which deals with helping people in terms of the quality of the air. I wanted to show that.

I want to also share with my colleagues that nine of us, back in April,

sent a letter to the President. I think this is extremely important. This letter was signed by Republicans and Democrats alike—two Senators and Congressmen DREIER, HUNTER, BACA, CALVERT, CUNNINGHAM, ISSA, FILNER, DAVIS, BONO, and LEWIS—equal numbers, approximately, of Republicans and Democrats.

This is what we asked the President for in April:

We are writing you today to encourage your swift approval of California Governor Gray Davis' request of a Presidential emergency declaration for Riverside, San Bernardino and San Diego counties relative to the high threat of forest fire in these regions.

Due to drought conditions and infestation by the bark beetle, our national forests have been met with an unprecedented danger as the bark beetle has attacked over 415,000 acres of trees in these three counties. Because of the unique urbanization in and around forests, this infestation has created a tinder box of such magnitude that the loss of life and resources would be incomprehensible should fire break out.

My friends, we said—nine of us—we could have fires like this. We said:

Most of the affected trees are on or adjacent to federal lands, making this crisis well beyond the ability of state and local authorities to manage. Therefore, it is critical that the federal government help provide financial assistance for infested tree removal from public and private lands, as well as assist with other mitigation measures. Now that the State of California has requested a federal emergency disaster declaration, your help at this juncture remains critical and would make a positive impact in these areas of Southern California.

We conclude our letter:

Mr. President, we appreciate the various burdens being placed upon you in these challenging days. However, we urge you to consider this matter as expeditiously as possible since these areas are in need of immediate federal assistance.

In a bipartisan way, nine of us asked the President to declare an emergency, and he did not do it. We did get some small funding. It helped a little bit. But we did not get the help we needed. We begged for it. I guess if we had a crystal ball, maybe things would have been better.

We all were asking for buffers around our communities. I think the importance of this legislation before us is it is our opportunity to direct funding, adequate funding, to make sure these buffers are created and the fire damage is diminished greatly.

I myself want to make sure this bill is a Healthy Forests bill and is not something else, a ''cut down the forests'' bill. I will be supporting many amendments to make sure this bill is the best it can be. I do not know the fate of those amendments, but we will be going on the record very strongly.

AMENDMENT NO. 2025

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

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from California [Mrs. BOXER] proposes an amendment numbered 2025:

At the appropriate place, insert the following:

TITLE . FIREFIGHTERS MEDICAL MONITORING ACT

SEC. 1. SHORT TITLE.

This Title shall be referred to as the ''Firefighters Medical Monitoring Act of 2003''.

SECTION 2. MONITORING OF FIREFIGHTERS IN DISASTER AREAS.

(a) IN GENERAL.—The National Institute for Occupational Safety and Health shall monitor the long-term medical health of those firefighters who fought fires in any area declared a disaster area by the Federal Government.

(b) HEALTH MONITORING.—The long-term health monitoring referred to in subsection (a) shall include, but not be limited to, pulmonary illness, neurological damage, and cardiovascular damage, and shall utilize the medical expertise in the local areas affected.

(c) AUTHORIZATION.—To carry out this Title, there are authorized to be appropriated such sums as may be necessary in each of fiscal years 2004 through 2008.

Mrs. BOXER. Mr. President, I thank very much the clerk for reading the amendment. It is a very straightforward amendment. It basically recognizes the fact that our firefighters are our heroes. We certainly learned that. Every American learned that after 9/11. We certainly learned that.

Their health has been affected and impacted. We learned we need to do more to monitor their health. Right now, we have 12,000 brave firefighters frantically working with the California Department of Forestry, the U.S. Forest Service, the California Highway Patrol, the Red Cross, and FEMA to contain these fires in terrible conditions.

Firefighters are not only from California, but they are from Nevada and Arizona. Other help is on the way from other States.

I want to show you a photo of some of the conditions these firefighters are working in at this point.

This is the Simi Valley, where you can see the firefighters, how strong they are, and yet how they look so small in front of this unbelievable blaze they are trying to contain.

I will show you another picture, another view.

This is in San Diego. You can see the incredible black, deadly smoke here. That is filled with toxins and is right over the hill from where they are standing.

Many of these firefighters are living in fire camps, spending 24 hours a day in proximity to the smoke from the fires. We know smoke from these fires—because it is coming from homes, and there are cars and businesses—contains heavy concentrations of carcinogens and other toxins. The smoke contains fine particulates, carbon monoxide, sulfur, formaldehyde, mercury, and heavy metals and benzene. We also know the accumulation of carbon dioxide can lead to progressive heart problems, to brain dysfunction, and may ultimately lead to coma and death.

These are the heroes. These are the heroes. I would hope we would vote 100 to nothing in favor of this amendment.

I can't imagine an argument against it. Numerous studies have shown that the higher the particulate matter, the greater the number of emergency room visits and premature deaths. Why do I put it on this bill? Because the purpose of this bill is to reduce the likelihood we will have these kinds of fires. But if we do, we have to recognize it.

By the way, even with the bill, we may well have fires in the future. We know health monitoring can identify adverse long-term health consequences caused by prolonged exposure to smoke, leading to early detection and better treatment. Those who are the most in danger are those who are exposed the most; that is, these brave firefighters who are working around the clock to contain the fires.

My amendment, again, is quite simple. It directs the National Institute for Occupational Safety and Health to work with the medical expertise in local areas to monitor the long-term health effects on firefighters who fight fires in disaster areas.

Mr. WYDEN. Will the Senator yield?

Mrs. BOXER. I am happy to yield.

Mr. WYDEN. I think what the Senator is doing is very constructive. On the forestry subcommittee, we have heard of a myriad of health concerns which seem to me, as much as anything you are addressing, a first responder issue. These are first responders who are working in a very significant area where there are health concerns—in the forestry area. It is important from a forestry standpoint and from a first responder standpoint. I am very hopeful—I see the chairman of the full committee in the Chamber as well—that we can work this out. Given the crisis right now in your State, I want to see this adopted.

Mrs. BOXER. I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I think this amendment is a constructive addition to the bill. I am prepared to recommend that the Senate approve it.

Mrs. BOXER. I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The yeas and nays were ordered.

Mrs. BOXER. Mr. President, I send a second amendment to the desk and ask for its immediate consideration.

Mr. COCHRAN. Mr. President, what is the regular order—a vote on the amendment?

The PRESIDING OFFICER. The regular order is a vote on the amendment, unless the pending amendment is set aside.

Mrs. BOXER. If the Senator will yield, I understood that you—and maybe I was incorrect—and Senator REID had agreed we would vote for both amendments at 5:15. I believe that was the order.

Mr. COCHRAN. If that is the order, that is fine with me. I just assumed we

were taking amendments as they were offered and disposing of them. I was not aware there was another amendment pending besides the Boxer amendment that had just been offered.

The PRESIDING OFFICER. There was no request for unanimous consent and thus no order in place.

Mrs. BOXER. Mr. President, whatever Senator COCHRAN would like to do is fine. I need about 3 minutes on my second amendment, and then I will be done. The hope was, perhaps to help move it along, we would vote on each of these back to back at a time certain that Senator COCHRAN chooses.

The PRESIDING OFFICER. Is there objection to laying aside the pending amendment?

Without objection, it is so ordered.

AMENDMENT NO. 2026

Mrs. BOXER. Mr. President, I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from California [Mrs. BOXER] proposes an amendment numbered 2026.

Mrs. BOXER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place, insert the following:

TITLE . DISASTER AIR QUALITY MONITORING ACT

SECTION. 1. SHORT TITLE.

This Title shall be referred to as the ''Disaster Air Quality Monitoring Act of 2003''.

SEC. 2. MONITORING OF AIR QUALITY IN DISASTER AREAS.

(1) IN GENERAL.—No later than six (6) months after the enactment of this legislation, the Environmental Protection Agency shall provide each of its regional offices a mobile air pollution monitoring network to monitor the emissions of hazardous air pollutants in areas declared a disaster as referred to in subsection (b), and publish such information on a daily basis on its web site and in other forums, until such time as the Environmental Protection Agency has determined that the danger has subsided.

(b) The areas referred to in subsection (a) are those areas declared a disaster area by the Federal Government.

(c) The monitoring referred to in subsection (a) shall include the continuous and spontaneous monitoring of hazardous air pollutants, as defined in the Public Law 95–95 section 112(b).

(d) AUTHORIZATION.—To carry out this Title, there are authorized to be appropriated $8,000,000.

Mrs. BOXER. Mr. President, this goes to the quality of the air. We have learned so much after what happened on 9/11. When we have this type of a fire, if we could look at this smoke here—I have another picture to show. Look at this black smoke just headed right toward these homes. We know there are pollutants we don't really monitor on a daily basis that are getting into people's lungs. I will mention some of these: Benzene, toluene, formaldehyde, asbestos, ethylene, glycol. Those are just a few.

The effects of these could be devastating: Premature death, cardiovascular illness, neurological disorder, respiratory problems, and cancer. One atmospheric scientist described it in the L.A. Times this way:

When they burn, these homes and businesses are mini toxic waste dumps.

This is the quality of the air we are seeing here. In San Diego, every single school has been closed because it is too dangerous for the children to go outside their homes. They are telling the elderly to stay inside with their windows and doors closed. We know the elderly and the children are the most vulnerable to the effects of pollution.

I believe we must ensure that the public knows which pollutants they are being exposed to. Today they would not know. My amendment will solve that problem. My amendment will require the EPA to provide each of its regional offices a mobile air pollution monitoring network to go into these areas in the event of a catastrophe and monitor toxic emissions on a continuous and spontaneous basis. The amendment will require this to be done within 6 months. We should begin doing it immediately. We authorized the funding—it isn't much, $8 million—to carry this out.

In short, my amendment assures that we will have the ability to monitor emissions of these hazardous air pollutants in the event of a disaster and give the public the information it needs because if they have a child, a sick grandma, someone who has cancer or heart disease, they need to know to keep them in.

I ask for the yeas and nays on my amendment and yield the floor.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be. The yeas and nays are ordered.

Mrs. BOXER. Mr. President, I ask unanimous consent that the firefighter amendment No. 2025 be voted on first.

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

Mrs. BOXER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COCHRAN. 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. COCHRAN. What is the regular order?

VOTE ON AMENDMENT NO. 2025

The PRESIDING OFFICER. The regular order is voting on the two pending amendments.

The question is on agreeing to amendment No. 2025. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

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

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

The result was announced—yeas 94, nays 3, as follows:

[Rollcall Vote No. 417 Leg.]

YEAS—94

Akaka	Dole	McCain
Alexander	Domenici	McConnell
Allen	Dorgan	Mikulski
Baucus	Durbin	Miller
Bayh	Ensign	Murkowski
Bennett	Feingold	Murray
Biden	Feinstein	Nelson (FL)
Bingaman	Fitzgerald	Nelson (NE)
Bond	Frist	Nickles
Boxer	Graham (FL)	Pryor
Breaux	Graham (SC)	Reed
Brownback	Grassley	Reid
Bunning	Gregg	Roberts
Byrd	Hagel	Rockefeller
Campbell	Harkin	Santorum
Cantwell	Hatch	Sarbanes
Carper	Hollings	Schumer
Chafee	Hutchison	Sessions
Chambliss	Inhofe	Shelby
Clinton	Inouye	Smith
Cochran	Jeffords	Snowe
Coleman	Johnson	Specter
Collins	Kohl	Stabenow
Conrad	Kyl	Stevens
Cornyn	Landrieu	Sununu
Corzine	Lautenberg	Talent
Craig	Leahy	Thomas
Crapo	Levin	Voinovich
Daschle	Lieberman	Warner
Dayton	Lincoln	Wyden
DeWine	Lott	
Dodd	Lugar	

NAYS—3

Allard	Burns	Enzi

NOT VOTING—3

Edwards	Kennedy	Kerry

The amendment (No. 2025) was agreed to.

Mr. COCHRAN. Madam President, I move to reconsider the vote.

Mrs. BOXER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 2026

The PRESIDING OFFICER. The question now is on agreeing to amendment No. 2026, on which the yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Montana (Mr. BURNS) and the Senator from Texas (Mr. CORNYN) are necessarily absent.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

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

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

The result was announced—yeas 78, nays 17, as follows:

[Rollcall Vote No. 418 Leg.]

YEAS—78

Akaka	Dodd	McCain
Alexander	Dole	McConnell
Allen	Dorgan	Mikulski
Baucus	Durbin	Miller
Bayh	Ensign	Murkowski
Bennett	Feingold	Murray
Biden	Feinstein	Nelson (FL)
Bingaman	Fitzgerald	Nelson (NE)
Bond	Graham (FL)	Pryor
Boxer	Grassley	Reed
Breaux	Harkin	Reid
Byrd	Hatch	Rockefeller
Campbell	Hollings	Santorum
Cantwell	Hutchison	Sarbanes
Carper	Inouye	Schumer
Chafee	Jeffords	Sessions
Chambliss	Johnson	Shelby
Clinton	Kohl	Smith
Cochran	Landrieu	Snowe
Coleman	Lautenberg	Specter
Collins	Leahy	Stabenow
Conrad	Levin	Stevens
Corzine	Lieberman	Talent
Daschle	Lincoln	Voinovich
Dayton	Lott	Warner
DeWine	Lugar	Wyden

NAYS—17

Allard	Enzi	Kyl
Brownback	Frist	Nickles
Bunning	Graham (SC)	Roberts
Craig	Gregg	Sununu
Crapo	Hagel	Thomas
Domenici	Inhofe	

NOT VOTING—5

Burns	Edwards	Kerry
Cornyn	Kennedy	

The amendment (No. 2026) was agreed to.

Mr. COCHRAN. Madam President, I move to reconsider the vote by which the amendment was agreed to.

Mrs. BOXER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Madam President, I ask unanimous consent that a copy of a letter addressed to the two leaders from a number of sports organizations and conservation organizations regarding the adoption of the compromise amendment to the Healthy Forests Restoration Act be printed in the RECORD.

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

AMERICAN SPORTFISHING ASSOCIATION; BOONE AND CROCKETT CLUB; CONGRESSIONAL SPORTSMEN'S FOUNDATION; DUCKS UNLIMITED; FOUNDATION FOR NORTH AMERICAN WILD SHEEP; INTERNATIONAL ASSOCIATION OF FISH AND WILDLIFE AGENCIES; MISSISSIPPI RIVER TRUST; NATIONAL RIFLE ASSOCIATION; NATIONAL WILD TURKEY FEDERATION; NEW ENGLAND FORESTRY FOUNDATION; ROCKY MOUNTAIN ELK FOUNDATION; RUFFED GROUSE SOCIETY; SAFARI CLUB INTERNATIONAL; TEXAS WILDLIFE ASSOCIATION; THE CARBON FUND; U.S. SPORTSMEN'S ALLIANCE; AND WILDLIFE MANAGEMENT INSTITUTE.

October 29, 2003.

Hon. BILL FRIST,
Majority Leader, U.S. Senate,
Washington, DC.
Hon. TOM DASCHLE,
Minority Leader, U.S. Senate,
Washington, DC.

DEAR SENATOR FRIST AND SENATOR DASCHLE: The organizations listed above represent hunters, anglers, natural resource professionals and others that share a strong interest in traditional conservation values and America's fish and wildlife resources. We appreciate Senate deliberations to date on legislation to enhance the health of our nation's forests and associated fish and wildlife resources. We support the bipartisan compromise amendment to the Healthy Forests Restoration Act (H.R. 1904).

A lack of active forest management has contributed significantly to unhealthy conditions on many of our nation's public and private forestlands. The unnaturally high risk of catastrophic wildfires and large-scale insect and disease outbreaks place rural communities at risk and seriously threaten watersheds and fish and wildlife habitats.

Again, we urge the Senate to pass the compromise amendment to H.R. 1904. Another Congress must not be allowed to adjourn without action on proposals to facilitate forest health restoration.

Thank you for your time.

Mr. COCHRAN. Madam President, this letter, and many others like it, indicates overwhelming support around the country for the compromise we adopted today.

We made good progress in dealing with the bill. Tomorrow we will have another opportunity to consider amendments. I ask all Senators who have amendments to offer to this bill to please let us know about the amendments. Give us copies tonight so we can look at them and be prepared to act expeditiously on the amendments so we can finish this bill tomorrow.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Madam President, very briefly, I support Chairman COCHRAN in his request. We have been working on this legislation, in effect, for more than 4 years. It is now particularly timely, obviously, because of the events in California.

Many of the amendments, at least those we have been told about, are coming from my side of the aisle. I ask colleagues—I know Senators have strong feelings on this—if they could present them to the staffs tonight—Senator COCHRAN's staff, Senator HARKIN's staff. Myself and others are available to work through the evening with Senators who have amendments because we very much would like to finish it tonight.

I urge my colleagues on both sides to heed what the chairman has said: If possible, get it to us tonight.

I thank you and yield the floor.

The PRESIDING OFFICER. The majority leader.

ORDER OF PROCEDURE

Mr. FRIST. Madam President, I ask unanimous consent that following my remarks, and another unanimous consent request by my colleague from Kentucky, that we then proceed to the consideration of S. 139, as provided under the previous order.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Madam President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, it is my understanding Senator FRIST and Senator DASCHLE have agreed there would be 3 hours of debate on that matter tonight and 2 hours tomorrow, so I would ask the leader to modify his request accordingly.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Madam President, first of all, let me make a couple comments about tonight's and tomorrow's schedule to make it clear.

First of all, the understanding is 3 hours tonight on the climate change bill and then 2 hours in the morning. To put everything in perspective, because we are dealing with about four different issues now on the floor of the Senate—it has worked very well, and I appreciate the consideration and cooperation of everybody, because to some it might look confusing in terms of the order and the sequencing of what we are doing. We made huge progress today on the Healthy Forests legislation we have been working on now for the last 6 hours. The managers have done a superb job. We have traction. We have had a number of amendments, and we will continue on that later tomorrow.

We will have no more votes tonight. We will move, as I just mentioned, to the climate change bill, with the 3 hours tonight, 2 hours tomorrow.

Tomorrow we will have debate and then an early cloture vote on the Pickering nomination at about 10 o'clock tomorrow morning.

We will then resume the climate change bill for 2 hours.

Then we will return to the Healthy Forests legislation. Once we return to the Healthy Forests bill, I expect we will be able to finish that bill.

Following that—Members can refer to the unanimous consent request by my colleague—the plan will be to return at that point in time to foreign operations that we will be able to complete at that juncture. That is the general layout of tonight and tomorrow.

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

The Senator from Nevada.

Mr. REID. Before the majority leader goes to the next item, it is going to be extremely difficult to finish this most important bill tomorrow. Senator WYDEN has worked so hard on this with others. Senator BOXER, Senator FEINSTEIN, a number of other people on our side of the aisle have worked very hard. We are going to send out a hotline in the morning to find out what amendments are around. We already have some knowledge of the amendments, but it is going to take a lot of cooperation and a lot of people cutting down speeches tomorrow if we are going to finish this bill tomorrow night, which is the desire of the two leaders.

The PRESIDING OFFICER. The Senator from Kentucky.

UNANIMOUS CONSENT AGREEMENT—H.R. 2800

Mr. MCCONNELL. Mr. President, I am pleased to announce to our colleagues and obviously the leader that we have reached an agreement that will allow us to wrap up the foreign operations bill in relatively short order in the next day or two. I am about to propound a unanimous consent agreement that has been agreed to by the other side.

I ask unanimous consent that the only first-degree amendments remaining in order to the Foreign Operations bill be the following, and that they be subject to second-degrees which are relevant to the first: DeWine No. 1966; Feinstein No. 1977; McConnell No. 1970; one McConnell technical, and two McConnell relevants; a Frist relevant; Allard-Feingold-Leahy, Indonesia; Durbin on AIDS; Bingaman on AIDS; two Leahy relevant; Daschle relevant; McConnell-Leahy cleared managers' amendment.

I further ask unanimous consent that following the disposition of the above listed amendments, the bill be read a third time and the Senate proceed to a vote on passage of the bill with no intervening action or debate. Further, I ask unanimous consent that following passage of the bill, the Senate insist on its amendments, request a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate, which will consist of the subcommittee plus Senator STEVENS and Senator BYRD.

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

Mr. MCCONNELL. I yield the floor.

CLIMATE STEWARDSHIP ACT OF 2003

The PRESIDING OFFICER. Under the previous order, the Committee on Environment and Public Works is discharged from further consideration of S. 139, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 139) to provide for a program of scientific research on abrupt bankrupt climate change, to accelerate the reduction of greenhouse gas emissions in the United States by establishing a market-driven system of greenhouse gas tradeable allowances that could be used interchangeably with passenger vehicle fuel economy standard credits, to limit greenhouse gas emissions in the United States and reduce dependence upon foreign oil, and ensure benefits to consumers from the trading in such allowances.

Thereupon, the Senate proceeded to consider the bill.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, it is my understanding there are 3 hours tonight equally divided, which would be an hour and a half for each side. Because of something that happened today in Colorado, I yield up to 7 minutes of our time to the Senator from Colorado, Mr. ALLARD.

The PRESIDING OFFICER. The Senator from Colorado.

FIRES IN COLORADO

Mr. ALLARD. Mr. President, I thank the Senator from Oklahoma for yielding.

Today in Colorado we had two fires erupt in the State. One was a grassland fire that probably won't amount to much. The other is a very serious fire that happened north and west of Boulder and Jamestown. We have a school that has been evacuated; 300 people have been evacuated. There is an educational camp in the area that has been evacuated. The reason I bring this to the attention of the Senate at this particular point in time is because Colorado is one of those areas in the western part of the United States where we have a forest/urban interface. That is what the Forest Health Restoration Act is all about, trying to provide a program where we can begin to apply the principles of forest health.

Along the Front Range of Colorado, running all the way from Colorado Springs all the way up into Fort Collins, including Boulder, where this fire has broken out, there are a lot of homes being built into the forest. Of course, if you don't practice good forest health, then they become vulnerable to fires that could erupt.

The significant thing about what is happening today is this is not the fire season for Colorado. The fire season occurs in September, perhaps the first part of September, August, and July. Here we are, just 3 days from the first of November, and we have a fire that is breaking out with serious consequences in Colorado.

This again points out the need for us to move forward with this particular piece of legislation. We need to be addressing this problem immediately in areas such as what we are seeing here in the State of Colorado.

Last year during the peak of the Hayman Fire, the Front Range of the Rocky Mountains was covered in a thick blanket of smoke and ash that blocked visibility and dropped ash on surrounding towns and cities, creating a winter-like scene in the midst of a Colorado June. The Hayman Fire was the largest in Colorado history and cost $40 million and counting. It burned a little over 137,000 acres, destroyed 133 homes, and 466 outbuildings. The fire burned for 30 days. The Colorado State Forest Service has advised that it will take up to 150 years for the forest itself to be reestablished.

Some people ask, Why does it take so long? We are in a semi-arid area. Vegetation does not grow back rapidly. During the Hayman Fire, 142 subdivisions were evacuated along with 85,000 people.

Wildfires present a major cause of pollution, triggering severe asthma-related breathing problems and commonly causing death. Wildfires are also a major source of pollution. If we take 1 day out of the Hayman Fire, on June 10, 2002, the CO_2 gas emissions from the Hayman Fire surpassed the CO_2 emissions from all passenger cars operating in the United States on that same day. So this problem with a lot of undergrowth in the forests and trees being infested with beetles and a lot of dead and dying timber has made our forests extremely vulnerable in the forest/urban interface area.

Federal land management procedures are very complex. They should not be so complex that they prevent timely action to address ecological crises on public lands. Forest Service officials have estimated that planning an assessment consumes 40 percent of their time at the national forest level, costing more than $250 million per year. Although much of this work is important, the officials estimate that improving administrative procedures may allow agencies to redirect up to $100 million a year from unnecessary planning to actual forest health restoration where it will improve the ecosystem and protect local communities from catastrophic fires which we see erupting today in Boulder County.

The Front Range in Colorado also depends on the mountains to provide drinking water and water for gardens and children. But devastating fires threaten and destroy watersheds that yield this water. Catastrophic blazes consume organic matter in the littler layer of the soil and create a hard pan surface that impedes water penetration.

When water flows over this hydrophobic layer, it carries debris, mud, and causes soil loss, clogging municipal water treatment facilities, affecting water quality, flavoring water with ash, and costing millions to rehabilitate. This is the problem we face today from the Hayman Fire which occurred just a year ago.

In 2002, there were over 88,000 fires that burned 7 million acres. Thousands of structures were burned: 835 primary residences, 46 commercial buildings, and 1,500 outbuildings. The 2002 estimated suppression costs hover somewhere around $1.6 billion. These unnaturally extreme fires are just one consequence of deteriorating forests and range health that now affects more

than 190 million acres of public land, an area twice the size of California.

Wildfires destroyed wildlife and crippled watersheds. The Hayman fire occurred in the Cheesman Reservoir area, a primary source of drinking water for the city of Denver. Costs of the Cheesman reclamation have totaled nearly $5.5 million, with the U.S. Natural Resources Conservation Service and the EPA reimbursing Denver Water approximately $2.8 million of that amount.

During the Buffalo Creek fire, 600,000 cubic yards of sediment went into Denver Water's Strontia Springs Reservoir.

The fact is, there is too much paperwork and analysis and it is killing our forests. The Forest Service recently testified that it had to go through an 800-step decisionmaking process to complete the Upper South Platte restoration project, which took nearly 3 years to complete, and the fire that we see erupting today in northwest Boulder is in the Platte River drainage basin. Unfortunately, the bureaucratic process wasn't complete until a large wildfire ravaged the landscape set to be treated, plundering homes and an important watershed and forcing a number of endangered species to the edge of regional extinction.

The Healthy Forest Restoration Act is a comprehensive plan focused on giving Federal land managers and their stakeholders and partners the tools to respond to this growing forest health crisis. The legislation directs the timely implementation of scientifically supported management activities to protect the health and vibrancy of Federal forest ecosystems, as well as the communities and private lands that surround them.

This is why I ask Members of the Senate to join me in supporting the Forest Health Restoration Act.

I yield back my time.

The PRESIDING OFFICER. Who yields time?

AMENDMENT NO. 2028

Mr. LIEBERMAN. Mr. President, I have an amendment on behalf of the Senator from Arizona, Mr. MCCAIN, myself, and several other Senators, which I send to the desk at this time.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Connecticut [Mr. LIEBERMAN], for himself, Mr. MCCAIN, Ms. SNOWE, Mrs. FEINSTEIN, Mr. CHAFEE, Mr. DURBIN, Mr. AKAKA, Mrs. MURRAY, Mr. LAUTENBERG, Mr. EDWARDS, Mr. BIDEN, Mr. CARPER, Mr. NELSON of Florida, Mr. CORZINE, and Ms. CANTWELL, proposes an amendment numbered 2028.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. LIEBERMAN. Mr. President, I am very proud to speak on behalf of this amendment, which I am delighted to cosponsor with my good friend and colleague from Arizona, Senator MCCAIN. We have worked on this for a long time. We have worked on it with environmentalists, leaders in the business community, thinkers about this problem, and public health officials, and with just plain citizens who are worried about global warming.

Global warming is one of the great challenges of our time. It challenges us in many ways. Greenhouse gas emissions from the burning of fossil fuels threaten our environment, of course, but they also threaten our economy and our public health. They also represent a challenge to political leadership, which is whether we are going to be prepared to look at the science, to face the facts, and to do something about a problem that is appearing but its most difficult, and potentially devastating, consequences are yet over the horizon. Should we continue to allow unabated our current rate of greenhouse gas pollution, we threaten to disrupt the delicate ecological balance on which our lives and our livelihoods depend.

Global warming is not just a global challenge; it is also a very local one, impacting lives of Americans in critical and potentially disastrous ways. Every family has reason to fear the effects of global warming. Scientists predict that rising temperatures and rising sea levels through global warming will lead to damaged water supplies, increased flooding, depleted fisheries, sunken wetlands, devastating droughts, intensified forest fires.

The parched conditions that are contributing to the ravaging fires raging now in southern California could become more widespread if the Earth's temperature increases. Over the long term, in a much more personal way, global warming will spell higher energy bills, increased insurance premiums, and lost jobs.

I know that over the course of the debate this evening and tomorrow several of our colleagues will speak to the local physical and biological impacts of global warming. I want to tell one story that I heard about a year ago, which made this all real to me. It comes from the Native American population of Alaska and northern Canada.

In the past few years, a robin appeared in one of the Native American villages in Alaska. The elders there, despite a very intimate awareness of their 10,000-year-old language, did not know what to call the bird. There is no word for robin in their language. Robins, by virtue of the climate of that area, for thousands of years preceding, felt—if I can put it this way—unwelcome there.

The second example comes from Tanana in Alaska, which has an annual lottery to determine when a tripod placed on the frozen Tanana River would break through the ice. Over the past 50 years, the breakthrough has continued to occur earlier and earlier.

So it is not only in the language of science and statistics that climate change and global warming is occurring, it is in the language of everyday life.

The American public clearly understands this and, in fact, there is a gap between the public and our political leadership that Senator MCCAIN and I hope we can close with this amendment. According to a recent Zogby poll, 75 percent of Americans support this legislation, this amendment, we are debating this evening.

My colleagues now have to choose between meeting the public's support for action, demand for action, or siding with the minority who would ignore the scientific consensus and delay action on this critical problem.

Meeting this monumental challenge and addressing this growing environmental threat demands strong leadership. I am afraid that, to date, such leadership has been lacking in the current administration. Today's Senate debate represents the first of its kind since 1998, which testifies, I am afraid, to a lack of leadership here. This debate provides us with an excellent opportunity to take action before it costs us so much more to deal with the consequences of inaction.

I must say that even more dramatic has been the Bush administration's failure of responsible leadership on global warming. President Bush and his Environmental Protection Agency have not only offered no meaningful proposals to deal with global warming, they have tried to deny the very existence of the problem.

Last summer the White House called for yet another study. This time it focused on whether global warming is caused by human behavior. Let me speak directly. That call is a shameless stalling tactic. As the New Orleans Times-Picayune described, ''It calls for further investigation of what the scientific community already widely accepts.'' In fact, as Don Kennedy, chief editor of the International Journal of Science, argued:

> Consensus as strong as the one that has developed around this topic [climate change] is rare in science. . . . There is little room for doubt about the seriousness of the problem the world faces, and other nations, including most of our trading partners in the Organization for Economic Cooperation and Development, understand that.

Yet in the face of these facts, President Bush has given us only a call to action, a call for more study and not action on global warming. I cannot resist saying this President has fiddled while the globe continues to warm.

The plan the administration has put out would allow emissions of global warming pollutants to continue to grow at exactly the same alarming rate as they have grown over the past decade. Earlier this month, the General Accounting Office found that the plan of the administration would do nothing to reduce our emissions growth. In fact, the GAO was even unable to discern the extent to which the administration's identified methods and tools

would contribute to reducing emissions. They found that the administration was not going to evaluate whether they had made progress toward their goals until 2012. Too late.

This deny-and-delay approach to meeting the real threat of global warming is no longer acceptable. It is an abdication of leadership—environmental leadership, public health leadership, economic leadership, international diplomatic leadership.

Senator MCCAIN and I offer our bill, the Climate Stewardship Act, to confront this growing threat in a systematic and serious way. It is patterned after the highly successful market-based acid rain program of the Clean Air Act.

The amendment was crafted in close consultation with industry leaders and, I am so pleased to say, enjoys strong support of many of them and leaders within the environmental community. It represents the most serious and balanced attempt at solving the crisis before us, and it does so by harnessing market forces and directing them to new economic opportunities in the future.

Our bill limits emissions of global warming pollutants by electric utilities, major industrial and commercial entities, and refiners of transportation fuels. Those sectors represent about 85 percent of U.S. emissions of global warming pollutants.

The amendment does not apply to farmers, individual residences, or to automobile manufacturers for the cars they sell. Because our current emissions are now at 2000 levels from a practical standpoint, our legislation simply holds them at those current levels in some ways, a modest goal—but a very significant step forward in American responsibility for the global problem of global warming.

That is the full extent of national action that our amendment would require. More modest, yes, than the cuts envisioned by the Kyoto protocol, but a significant step forward, one that I think will not only get us on the road to protecting the public's health and the great environmental treasures of the United States of America but will reestablish our credibility and responsibility in the world. As the largest emitter of greenhouse gases, we will show that we are accepting our responsibility to be part of the global solution to this global problem.

Our amendment achieves these significant reductions while embracing free market principles. By setting reasonable caps on emissions and permitting industry to trade in pollution allowance, we create a new market for reducing greenhouse gases. In this way, we hope and believe our amendment will change the fundamental terms of the debate because for too long the national dialog on global warming has seemed to be deadlocked, pitting business leaders on one side against environmentalists on the other in a zero sum struggle. It ought not to be. We ought to find common ground, and that is what this amendment attempts to do.

The debate for too long has itself been overheated with acrimony and polluted with misinformation. Our hope is that this amendment will break through both of those obstacles. Environmental protection and economic growth are not mutually exclusive; they are mutually reinforcing over the long run.

Measured steps to curb global warming in a business-friendly way promise to not only save us from environmental degradation but to open new opportunities and to spur innovative new technologies for American business to seize.

In a July 25 letter this year, the Business Council for Sustainable Energy endorsed the concept that market-based climate policies can reduce gas emissions while promoting technology-based solutions, reduce energy dependence, and bolster the competitiveness of U.S. industry.

In a July 18 letter to my office, a group called Environmental Entrepreneurs, which represents over $20 billion in investment capital, wrote that the bill will stimulate economic growth and give the United States a competitive edge in bringing these products to market.

Finally, a letter of July 24 of this year from several of our Nation's most prominent investors encouraging the efforts Senator MCCAIN, the other cosponsors, and I are making says:

By employing strict goals and flexible means, we expect your proposal will unleash the power of competition and spur innovation to protect the environment. A healthy economy and a healthy environment are not mutually exclusive; they go hand in hand.

I ask unanimous consent that all three of those letters be printed in the RECORD.

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

THE BUSINESS COUNCIL FOR SUSTAINABLE ENERGY,
Washington, DC, July 25, 2003.

DEAR SENATOR: As the Senate prepares to consider several global warming amendments that may be offered to the Energy Policy Act (S. 14), the Business Council for Sustainable Energy would like to offer another industry perspective.

Some information has been circulated recently claiming that any substantive program to reduce greenhouse gas emissions in the U.S. would cause widespread harm to our economy. The analysis that is being circulated does not reflect any of the proposals that are pending before Congress. Instead, it is based on a widely criticized analysis by the Wharton Econometrics Forecasting Associates (WEFA) that was conducted five years ago.

The WEFA analysis is a disservice not only to Senators who need relevant information to make policy decisions, but also to industry coalitions like ours that recognize the value of responsible and responsive policy design.

Senators McCain and Lieberman have developed legislation (S. 139) that underscores the value of flexible emissions trading programs that maximize innovation and minimize costs.

The analysis being circulated in no way reflects the approach proposed by S. 139. Key differences include:

Moderate emission reduction targets with greater lead time to industry. S. 139 reduces U.S. emissions to 1990 levels by 2016, which equates to about a one percent emissions reduction annually over the next 13 years—a more modest reduction occurring over a longer period of time.

Flexible emissions trading. The McCain-Lieberman bill utilizes market-based mechanisms within a cap-and-trade program that encourages innovation through the use of efficient, cost-effective emissions reduction strategies. The WEFA analysis assumes that a carbon tax is imposed on industry.

Trading of non-CO_2 gases. The McCain-Lieberman bill incorporates reductions in other greenhouse gas (beyond CO_2) in the trading program, a design feature that has been shown to significantly reduce the cost of compliance. The WEFA analysis was limited to carbon dioxide.

Credits to farmers for carbon sequestration. The McCain-Lieberman bill allows emitters to offset their emissions by sequestering carbon through land use practices. The WEFA analysis fails to account for these inexpensive offsets.

Credits for international projects. The McCain-Lieberman bill allows companies to meet a portion of their obligation through global emission reduction projects. The WEFA analysis once again ignores this opportunity.

The model used by WEFA five years ago was based on assumptions that U.S. industry would fail to deliver more efficient and cleaner technologies over time in response to policy incentives. A market-based program such as that envisioned in S. 139 would provide incentives for industry to innovate, just as with the Clean Air Act's acid rain program, which pioneered the emissions trading approach and delivered environmental results as much as 90 percent less than economists had projected.

The Council does not stand alone in our belief that market-based climate policies such as emissions trading can benefit the economy. More than 2,500 economists, including eight Nobel laureates, issued a statement in 1997 that read in part:

''Economic studies have found that there are many potential policies to reduce greenhouse-gas emissions for which the total benefits outweigh the total costs. For the United States in particular, sound economic analysis shows that there are policy options that would slow climate change without harming American living standards, and these measures may in fact improve U.S. productivity in the longer run.''

While the economists' statement is not an endorsement of any policy before Congress today, it speaks to the importance of a more thoughtful dialogue about what the nation should be doing.

Properly constructed, global warming policies that incorporate market mechanisms can reduce greenhouse gas emissions while promoting technology-based solutions, reduce energy dependence and bolster the competitiveness of U.S. industry.

With best wishes,

MICHAEL L. MARVIN,
President.

ENVIRONMENTAL ENTREPRENEURS,
San Francisco, CA, July 18, 2003.

Hon. JOSEPH LIEBERMAN,
U.S. Senate, Hart Senate Office Building, Washington, DC.
Hon. JOHN MCCAIN,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR LIEBERMAN AND SENATOR MCCAIN: We are writing as members and supporters of Environmental Entrepreneurs (E2) in support of your proposal to create a binding, market-based program to limit global warming emission from U.S. industry. E2 is an organization of business and professional leaders who promote good environmental policy that supports economic growth. The economic risks that climate change poses to the U.S. economy are enormous, and E2 believes we must address this issue without further delay.

The first President Bush signed and the Senate ratified the Framework Convention on Climate Change (the ''Rio Climate treaty'') over a decade ago to provide for a worldwide program to manage the manmade emissions that contribute to global warming. Yet, in the time since we ratified the Rio Treaty, the United States, which produces more global warming emissions than any other nation, has not developed a serious program to respond to the threat that global climate change poses to the planet's environmental and economic health. As a result, U.S. emissions of global warming gases have grown steadily and now exceed 7 billion metric tons of CO_2 equivalent gases—a growth of 14% from 1990 levels.

Every year that passes increases the difficulty and cost of averting the threats of environmental and economic disruption posed by climate change. Without a national framework for addressing the issue of global warming, American businesses continue to make long-term capital investments that commit us to ever increasing greenhouse gas emissions. New buildings, transportation systems, and power and industrial plants are being designed and built today without regard for the need to reduce global warming emissions. The large capital outlays are committing us to a future of unacceptable risks to the American economy from global warming.

The threats to our economy from climate change may well include, in some areas, the vitality of American agriculture, the availability of water for consumption and irrigation, and the destruction of recreational resources such as ski resorts, coastal areas and wetlands. E2 considered these risks serious enough in California that we actively campaigned for the passage of the California Clean Cars Bill, or AB1493, which was signed into law last summer and is the first legislation in the country to regulate the amount of CO_2 emissions from passenger vehicles. We want to acknowledge your leadership in supporting this bill and helping Governor Davis to recognize the national, if not global, implication of this kind of policy. We are promoting similar legislation in the state of New York and hope that a groundswell for carbon emissions policy at the state level will convince the federal government of the need to provide national standards.

Your proposal, the ''Climate Stewardship Act of 2003,'' recognizes what we, as business leaders, already know: the engine of American innovation depends on market-based incentives to guide capital investment. Your legislation would: create manageable targets to control the growth in global warming emissions from America's principal emitters and put us on a path to reducing emissions over time; ensure that the reductions occur in an efficient manner by letting businesses decide where to best achieve them; and spawn new business sectors to create the enabling technologies to meet these goals.

The economic benefits inherent in addressing global warming reach far beyond avoiding the risks associated with inaction. The deployment of existing ''climate friendly'' technologies and the development of new ones will result in new markets and create new jobs. Buildings and appliances that waste less energy, transportation systems that meet our needs with reduced global warming emissions, and energy systems that make expanded renewable resources economically viable and offer ways to use fossil energy without releasing carbon dioxide—all these are key to our economic and environmental future. These advances will stimulate economic growth and give the U.S. the competitive edge in bringing these products to market.

The United States should be in the vanguard of this new global market for climate friendly technologies. Our businesses are second to none in developing advanced products when the market conditions reward these investments. A market in limiting global warming emissions is the policy step needed to promote innovation and growth in this sector. We look forward to working with you to implement this program at the earliest possible date.

Sincerely,

BOB EPSTEIN,
Co-Founder, E2.
NICOLE LEDERER,
Co-Founder, E2.

JULY 24, 2003.

Hon. JOSEPH LIEBERMAN,
Hon. JOHN MCCAIN,
U.S. Senate, Washington, DC.

DEAR SENATORS LIEBERMAN AND MCCAIN: As business leaders we recognize that the risks and complexities of climate change are so important that we must work together to meet this challenge. We understand that any response that is sufficient to avert dangerous climate change will be long term, but that the nature of the problem requires that action begin now. We understand that a constructive global or domestic response must be equitable and support economic growth based on free market principles. As business leaders, we know how government policies can help—or hurt—business and the economy. Good policies set clear goals and leave businesses free to decide how to meet those goals at lowest cost. The policies you have suggested be included in the Energy bill seem to be both serious in their environmental goals and prudent in using market forces to achieve them.

By employing strict goals and flexible means, we expect your proposal will unleash the power of competition and spur innovation to protect the environment. A healthy economy and a healthy environment are not mutually exclusive; they go hand in hand. American business has the ingenuity and know-how to solve the problem of global warming while continuing to prosper. Indeed, many of our colleagues already have stepped forward to pledge to reduce their companies' greenhouse gas emissions.

We recognize that there is still debate about the levels of greenhouse gas reductions necessary to stabilize the climate and protect the U.S. economy. Several things are clear. Reductions must begin promptly. Voluntary efforts abone won't do the job. And finally, any mandatory restrictions must employ market incentives. We congratulate you for recognizing these needs and for your efforts to see that the Senate addresses them.

Sincerely,

John Doerr; Jon Lovelace; Lewis S. Ranieri; Julian H. Robertson, Jr.; John H.T. Wilson.

Mr. LIEBERMAN. Mr. President, corporate America, fortunately, has already given us some models of companies that are dealing with global warming and, I believe, profiting from doing so. Companies such as Alcoa, British Petroleum, DuPont, Eastman Kodak, IBM, Intel, Johnson & Johnson, and Nike have all accepted targets for greenhouse gas pollution reduction that meet or exceed this amendment's requirements. These and other companies have cut their emissions of greenhouse gases not just because they sought to be good environmental citizens, which they are, but because their boards of directors and their senior management are convinced that a proactive stance on climate change makes good business sense.

Perhaps the most compelling examples of that new corporate mindset on global warming come from American Electric Power and Cinergy, the biggest burners of coal by tonnage and percentage in our country. Both companies have now announced enforceable obligations to reduce greenhouse gas emissions to levels that are below what our proposal requires. And Cinergy has said it can make these reductions for no increased cost and with no additional fuel switching.

It is quite remarkable that they say they can make the reductions at no increased cost. But for every BP and DuPont, IBM and Cinergy, there are scores of other enterprises that I fear are inefficient, that are refusing to rise to new environmental standards and curb their greenhouse gas emissions. That is why we must pass this amendment. We must set standards. We must exercise responsible leadership.

I understand that taking action to combat global warming is not without cost, but it is worth the cost. The sacrifice of the Climate Stewardship Act is a minimal sacrifice. The cost of our amendment is reasonable and affordable by any measure and under any economic model employed to date. A recent MIT study estimated that our amendment would annually cost less than $20 per household. That is not a lot to ask for stemming the warming of the planet and all the devastating consequences it could bring.

A second independent study released this summer by the Tellus Institute reaffirms that same conclusion. Tellus, in fact, found that net savings to consumers of $48 billion would be realized by 2020 and household electricity bills would decrease because of reduced energy demand.

Finally, the recent study of the Bush administration's Department of Energy of our entire proposal found similar minimal economic impacts overall, but did find some spikes in natural gas usage at the expense of the coal industry.

We feel very strongly that was a flawed study. Its assumptions only allowed compliance with the program through fuel switching. So the outcome

was preordained. In fact, the Pew Center for Global Climate Change has examined this analysis and believes the study's structure, combined with unrealistic input assumptions, results in unrealistically high cost projections.

Senator MCCAIN and I have worked very hard on this proposal. We have worked hard to achieve common ground on it, both among businesses and industries that are involved in emitting greenhouse gases, environmentalists, citizens, and among Members of the Senate. We are seeking a consensus position that will allow our Nation to move forward to take action on this critical challenge. As a result, we have modified our original bill to drop the second phase of its requirements.

As time goes on, we will look forward to bringing that back up and convincing the Senate to adopt the entire program, but let's deal with the first phase amendment. It does not require or create a significant fuel switching, even according to the administration's own Energy Information Agency, and has a very low economic impact. It is a beginning in dealing with this problem.

The true cost comparison is not between the cost of doing business now versus the cost of new regulations. It is between the cost of action now and the cost of inaction in the future, because the fact is the carbon we emit to the atmosphere today will remain there for a century. Every extra ton of emissions means we are going to need tighter controls. It will be more costly and more difficult to protect the environment and public health later on.

A recent study calculated every ton of pollutants needlessly emitted into our atmosphere costs Americans $160, and we are currently emitting billions of tons each year. Property lost to rising sea levels, cropland lost to drought, revenue lost to dwindling fishing stocks caused by global warming, all represent real costs, not to mention the ultimately immeasurable damage to our health and quality of life.

It is very interesting to follow the judgments of the insurance industry on this question if we want to gauge the cost of inaction. Uncertain about the potential increased liability from severe weather events and other costly side effects of global warming, insurers are now charging higher premiums to businesses and homeowners to cover higher expected costs. SwissRe, North America's leading reinsurer, says that ''global warming is a fact'' which ''has the potential to affect the number and severity of these natural disasters and result in a very significant impact on our business.''

This reinsurance company projects that climate-change-driven natural disasters could cost global financial centers more than $150 billion per year within the next 10 years. Just think of that. We are making a proposal that the MIT study says will cost every American family $20 a year, compared to $150 billion a year within 10 years globally.

Wall Street is also concerned about the future if we fail to act. A number of institutional investors recently joined with several utilities to call for the kind of market-based approach to global warming that is part of our amendment. There is also an opportunity for our American enterprise and innovation to produce the products that will respond to the global warming challenge, and in that sense to be ready to meet the global demand for such products.

According to one reputable estimate I have seen, over the next 20 years, $10 trillion to $20 trillion will be spent globally on new energy technologies. Our Asian and European competitors see this potential and, by complying with Kyoto protocol standards, are adapting their practices to seize that enormous international market.

I want to say a special word about farmers and ranchers under our plan. They will be able to make money by adopting pro-environment practices. That would include increasing carbon levels in their land and selling emission credits to polluters. Rough estimates show that new, more sustainable management practices will sequester approximately one-half ton of carbon per acre for a farmer with a 5,000-acre farm. This would represent thousands of additional dollars a year. Many of those practices are better for the long-term health of our farms but, of course, can be of great benefit to cash-strapped farmers.

Global warming is, of course, about more than the numbers about which I have talked. It is about our values. Do we take action to protect our children and grandchildren from having to bear the full cost and health risks and life changes from the pollution we are generating today or do we, as leaders of the world's largest emitter of greenhouse gases, duck our responsibility and let the next generation take it?

I am particularly pleased by the strong support Senator MCCAIN and I have received from a broad and diverse coalition of religious organizations that affirms the moral imperative for action now on global warming. I cite the National Religious Partnership for the Environment, representing an alliance of faith groups, including the United States Conference of Catholic Bishops, the National Council of Churches of Christ, the Coalition on the Environment and Jewish Life, and the Evangelical Environmental Network.

I am reminded of the words from Scripture that the Earth is the Lord's and the fullness thereof, which is surely the truth and reminds us we are only visitors. We do not own the Earth. We are blessed to live on it for some period of time. With that time comes a responsibility to be good stewards of the Earth. I always remember the words from the story of creation, Adam and Eve, where it says in the Bible they were put there to work and guard the garden. In a very direct sense, that responsibility to work, enjoy, and develop is combined with a responsibility that we have to guard the garden, guard the Earth.

We have failed in that responsibility. This amendment is an attempt to accept that responsibility and do something about it.

This is an historic debate. It is a debate I believe our children and grandchildren and perhaps historians will look back on and ask, as the votes are counted, did the Senate of the United States rise to a challenge almost everyone sees is coming or did we wait until the consequences, the effects of global warming, were so serious that it was too late? It was certainly too late to deal with those consequences without drastic effects on our environment, on our health, on our economy, and on the way we live.

Mr. MCCAIN. Will the Senator yield for a question?

Mr. LIEBERMAN. I would yield.

Mr. MCCAIN. Is the Senator aware the major attack on this legislation will be related to the validity of the entire issue of climate change?

Mr. LIEBERMAN. I expect that will be true.

Mr. MCCAIN. Will the Senator yield for a further question?

Mr. LIEBERMAN. I will.

Mr. MCCAIN. Is he aware there is widespread agreement on the occurrence of global warming and the human source of the observed and predicted changes? To make a long story short, there was a study conducted in 2001 by the Intergovernmental Panel on Climate Change. A third assessment report represented a collaborative, scientific endeavor involving 700 scientists worldwide, peer-reviewed by another 700 scientists. The Bush administration requested an independent review of the IPCC report by the National Academy of Sciences. Now everybody can shop around for their expert. This is the National Academy of Sciences. The resulting 2001 national research report, which is delegated by the National Academy of Sciences, said the following in their summary, and I will ask my colleague just to comment on this. We need to keep coming back to this and coming back to this and coming back to this during this debate. Again, the National Research Council, an arm of the National Academy of Sciences of the United States of America, says greenhouse gases are accumulating in the Earth's atmosphere as a result of human activities, causing surface air temperatures and subsurface ocean temperatures to rise.

Temperatures are, in fact, rising. The changes observed over the last several decades are likely mostly due to human activities, but we cannot rule out that a significant part of these changes is also a reflection of natural variability.

The point is we are going to hear—in fact, in the course of debate we will hear of a couple of scientists whose views were misinterpreted by the Senator from Oklahoma and by the Republican Policy Committee. We have their

rebuttals and we will be going into those. They state—not I state—that their views were completely distorted. The fact is, the overwhelming body of scientific opinion in America and the world believes that human activity is causing climate change in the world, and that is an irrefutable fact.

The opponents of this can shop around for the scientists of their choice, but the overwhelming majority of scientists say this and every year that evidence becomes more compelling and every year it becomes more of a compelling problem because of the manifestations of it. The manifestations of climate change are occurring, as we see on the west coast of the United States of America.

I ask my friend, won't you hear that the emperor has some beautiful clothes on during this debate; that there are some scientists who will refuse to admit this, who will say that pigs fly and up is down and black is white, but the majority opinion is that of the most respected body in America, the National Academy of Sciences, and they are the ones who come forward with the views that are corroborated by thousands of scientists all over America and the world?

I ask my colleague to comment on that.

Mr. LIEBERMAN. Mr. President, I thank my friend from Arizona. He is known globally, I might say, as a straight talker. He is basing that straight talk in this debate on scientific fact that is widely accepted—he is absolutely right—by international panels of scientists, by the independent National Academy of Sciences, and the National Research Panel.

I want to quote again from Don Kennedy, chief editor of the international, very reputable journal, Science. He says:

> Consensus strong as the one that has developed around the topic of climate change is rare in science. There is little room for doubt about the seriousness of the problem the world faces.

I expect, unfortunately, that we will debate the science here. You and I, I know, are prepared to debate the science. But the fact is, we ought to be debating what we are going to do about it. We might argue, and some presumably will argue, that our proposal costs more than the American people are willing to spend. I don't think so. The polls don't show that to be true. People I talk to are ready to be part of solving a problem before it gets out of hand.

Some may say our methods are wrong, although a market-based system, such as the one that worked to deal with acid rain in the Clean Air Act amendments, proposed and signed by the first President Bush, has a pretty good track record.

But let's have that debate. It really takes us back way beyond where the science is to have a debate whether this is a real problem. I say again, to have a debate about what we should do about it, that might get our blood going, but that is a reasonable debate. But to see the administration ask for yet another study, I just can't see that as anything more than a stalling tactic.

That is why I regret to say that this President really is fiddling while the globe is warming. We better do something about it before it gets so serious that we are going to look back and say: Why didn't we act?

This is a chance to have debate, the first debate in 5 years in the Senate Chamber on this critical problem. Let's have a healthy debate. Let's try to find common ground.

Senator MCCAIN and I have worked very hard to reach a consensus. This is not a sharp-edged bill. It is a bill that is progressive and builds toward common ground. And then let's move forward together so we can say to our children and grandchildren: We saved you from a result that we saw coming that many were not willing to do anything about, but we finally got together and did something about it.

I thank my friend from Arizona for his very good questions. I thank him for his principled partnership in this effort, and I look forward to the remainder of the debate.

I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from Oklahoma.

Mr. INHOFE. Mr. President, first of all, let me just make a couple of comments, and then I will yield to the Senator from Missouri.

I know it is so easy to stand up here and talk about ''the science is irrefutable,'' talk about how different groups are supporting S. 139. I know neither the distinguished Senator from Arizona nor the distinguished Senator from Connecticut would intentionally say something that is not true. However, some of the things they are saying are not true. They are not factual.

A little bit later I am going to be going into detail on this science question. The science that has been reviewed since 1999 is overwhelmingly on the side that global warming, in fact, is not occurring and, if it is occurring, is not a result of manmade anthropogenic gases.

I would also like to say, I will be talking about some of these groups that supposedly are supporting this bill who, in fact, are not supporting this bill. But I am going to save that for a few minutes because we have several Members who will be coming in on our side who will be wanting to address this issue. For that reason, I now yield to the Senator from Missouri 7 minutes.

The PRESIDING OFFICER. The Senator from Missouri is recognized for 7 minutes.

Mr. BOND. Mr. President, I thank the chairman of the Environment and Public Works Committee, the committee I believe properly has jurisdiction over this issue, a committee on which I serve and which has debated these issues many times. I thank the Senator from Oklahoma for his leadership, his guidance, and his wisdom on these matters.

Interestingly enough, today I was reading a couple of news articles and it seems the Soviet Union is backing out on the Kyoto Treaty. Russia is now finding that they cannot live up to the commitments that were made in Kyoto, so Russia is bailing out on them. I just read another article that the European Union finds they really can't come up with all of these carbon dioxide reductions that they had promised. Why? Even in a Communist country they begin to realize that government actions have consequences. There are some impacts. These impacts are pretty stark.

Let me address for just a few minutes, for the benefit of my colleagues and those who may happen to listen, some of the practical impacts the passage of the McCain-Lieberman bill would have on our communities and on our families.

I strongly believe this bill will cripple our economy, cripple our communities, and financially cripple many of our struggling families. We can debate the science of climate change here on the floor until we are all blue in the face—and I think we may be headed in that direction. We have heartfelt experts, scientists, and data on both sides of the issue. I happen to believe the causal effect of CO2 emissions and recent changes to our climate is not yet fully proven.

But the real impact, the real point of the McCain-Lieberman bill is, What will it do? That is kind of a practical test. I am from Missouri, the ''show me'' State. What would this bill do? Show me what this bill would do. How much will the McCain-Lieberman bill hurt our economy?

How much will the McCain-Lieberman bill drive up electricity bills for my constituents to pay? How much will the McCain-Lieberman bill raise the price of natural gas which is already going through the ceiling thanks to unwise governmental increases in demand and restrictions on production? How much more will the McCain-Lieberman bill force our families to pay for gasoline? It would be nice if we stopped once before we rushed into a major thing such as this and found out whether the medicine we prescribe was going to make the patient sicker or make the patient well.

I think we all recognize that our economy is just now starting to recover from the doldrums. We are just now starting to turn the corner on job growth. We are heading into a winter when we expect the cost to heat our homes will increase significantly because of previous overreaching congressional actions in the past. Now is not the time to place more burdens on our families and our communities.

As I said, I sit on the Environment and Public Works Committee where we

considered legislation to cut carbon dioxide as part of a multipollutant strategy to cut emissions from electric powerplants. Before that committee, supporters urged caps on carbon dioxide from electric powerplants as a way to fight global climate change. What they didn't want to talk about was the negative impact this measure would have on the everyday lives of our constituents—those who use electric power.

Experts conclude that the legislation under consideration to cut carbon dioxide in electric powerplants would cost the economy over $100 billion. That is one-zero-zero billion dollars.

Experts also estimated that the electricity bills would go up by about 40 percent.

If you are sitting at home and you happen to have an electric bill handy, take it and multiply it by 1.4, see what that number is, and see what impact that would have on your family budget.

I have read heartbreaking stories from families in Kansas City who have to decide between buying food and paying their utility bills. Other families could not buy school clothes because they had to pay higher heating bills. Seniors on fixed incomes often have no way to meet higher utility bills.

I voted against that bill. And Democratic leaders when they controlled the Senate refused to even bring that measure to the floor because they knew what an impact it would have on senior citizens, what an impact it would have on the poor, and why union members who realize it can cost them their jobs object to it. We now have many of the same issues involved in this climate change bill.

The McCain-Lieberman bill would establish mandatory caps for carbon dioxide emissions. Economists and energy experts at the Department of Energy's Energy Information Agency—or EIA—recently concluded that the enactment of the McCain-Lieberman bill would result in a 46-percent increase in electricity prices, a 27-percent increase in the cost of gasoline, and a 54-percent increase in the cost of home heating oil.

Again, if you are at home and happen to have any of your last winter's bills handy, apply those percentages—a 50-percent increase in electricity and heating oil, a 27-percent increase in the cost of gasoline.

The EIA—the Government agency with the experts and the expertise—concluded that McCain-Lieberman would cost millions of Americans jobs. Excuse me. Did I say that right? Yes, I said that right—millions of American jobs. We are having slow job growth in our economy. We are working hard to get jobs back. This bill would cost millions of American jobs. Even if the sponsors dropped the second phase of this bill, it would still cost hundreds of thousands of jobs.

Do we really want to be raising costs on senior citizens, on poor people, and be throwing people out of work?

The EIA further concluded that McCain-Lieberman would cause a cumulative decrease in the gross domestic product of $1.4 trillion. Talk about sucking the wind out of the economic recovery; that baby would be flatter than a flounder.

The effect of this bill would be, first, to send our economy back into recession, then strip the Nation of hundreds of thousands of jobs, and then increase the cost of heating our homes. I, frankly, cannot think of a better combination of ills. That is a trifecta that we obviously cannot afford to undertake.

The most troubling part is that all of this pain would come without any real dent in the worldwide amount of carbon dioxide released into the atmosphere.

McCain-Lieberman suffers from the same inherent flaw of the failed Kyoto Treaty. It imposes absolutely no restrictions on two of the world's worst largest and fastest growing polluters in the world. In case you can't guess who those are, those would be China and India.

Not only do we unfairly punish U.S. communities but we let other countries off the hook and, therefore, have practically no real worldwide impact on carbon dioxide levels.

The Kyoto Treaty was rightfully rejected in advance by a unanimous vote in this body of 95 to zero for a very good reason. On top of all the unfairness of the Kyoto Treaty, we now know the crippling effects McCain-Lieberman would have on the economy, on our communities, on our families, and on job creation in our country.

For me, I cannot see voting to strip American families of hundreds of thousands or millions of jobs. I cannot see why we would be voting to increase electricity prices by 46 percent. I cannot see why we would be voting to increase the cost of home heating oil by 54 percent. That is why I cannot vote for this bill.

I urge my colleagues to think about the practical impact before we vote on this bill. This is a disaster waiting to happen. This would be another congressionally inflicted disaster.

For those reasons, I urge my colleagues to defeat McCain-Lieberman.

The PRESIDING OFFICER. Who yields time?

The Senator from Arizona.

Mr. MCCAIN. Mr. President, I yield myself 2 minutes.

That was a well-written presentation by my colleague from Missouri. Unfortunately, his analysis of the bill is not the bill that is before the Senate. But other than that, it was a pretty convincing case.

Our bill is different from the analysis he provided. In fact, it is significantly different. But even those facts on which we had the previous analysis were incorrect as well. But it was certainly an interesting presentation.

Mr. INHOFE. Mr. President, I have talked to our good friend, my brother, the Senator from Hawaii, and he has graciously agreed to let one of our Members go first before he is recognized.

At this time, I yield to the Senator from Ohio, Mr. VOINOVICH.

Before yielding to Senator VOINOVICH, I was honored to chair the Clean Air Subcommittee prior to the time I chaired the Environment and Public Works Committee. During that time, Senator VOINOVICH was Governor Voinovich. He was the chairman of the Governors Clean Air Committee. I don't believe there is anyone in this Senate who has a better knowledge of air problems or who has higher credentials than the Senator from Ohio.

At this time, I yield to the Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. VOINOVICH. Mr. President, I thank the Senator from Oklahoma for his kind words. The two of us will try to explain to our colleagues the real meaning of this legislation proposed by Senator LIEBERMAN and Senator MCCAIN.

I rise in opposition to the legislation offered by Senator MCCAIN and Senator LIEBERMAN. This legislation will place a cap on carbon dioxide emissions by requiring all segments of the economy to reduce emissions to 2000 levels by 2010 despite the fact that such a cap would have devastating impacts on our economy, on our manufacturing sector, and on average Americans, and especially on our brothers and sisters, the elderly and the poor.

I have stated time and time again here on the floor that we must recognize that the energy policy and our environmental policies are two sides to the same coin and that the Senate has responsibility to harmonize those policies. We have an obligation in the Senate to ensure that any legislation we consider takes into account its potential impact on our economy, which is in intensive care, particularly in States such as mine. And we have a moral obligation to ensure that we consider a bill's potential impact on the poor and the elderly who must survive on a fixed income and who pay an inordinate amount of their income for energy. They are the forgotten people in this country. We must ensure that we do not pass climate change legislation that will significantly drive up the cost of electricity for those who can least afford it.

Although some science has attributed changes in the climate to atmospheric concentration of carbon, it is clear the science of climate change is far from settled. We need significantly more research on the issue. To accept the statements of supporters of S. 139 at face value is to accept one side of the debate, a very serious debate, among respected scientists and policy experts on both sides of the issue.

I recall the hearings Senator LIEBERMAN had when he was chairman of the Governmental Affairs Committee and two hearings I had. It was interesting to see the difference of opinion among very respected scientists in this country.

My distinguished colleague Senator INHOFE has discussed at length both in the Environment and Public Works Committee and in the Senate the newest information on the issue which is contrary to the views expressed by Senators MCCAIN and LIEBERMAN.

In a recent column, former Secretary of Energy James Schlesinger commented:

. . . despite the certainty many seem to feel about the causes, effects and extent of climate change, we are in fact making only slow progress in our understanding of the underlying science.

I ask unanimous consent the column by Mr. Schlesinger be printed in the RECORD.

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

[From the Washington Post, July 7, 2003]

CLIMATE CHANGE: THE SCIENCE ISN'T SETTLED

(By James Schlesinger)

Despite the certainty many seem to feel about the causes, effects and extent of climate change, we are in fact making only slow progress in our understanding of the underlying science. My old professor at Harvard, the great economist Joseph Schumpeter, used to insist that a principal tool of economic science was history—which served to temper the enthusiasms of the here and now. This must be even more so in climatological science. In recent years the inclination has been to attribute the warming we have lately experienced to a single dominant cause—the increase in greenhouse gases. Yet climate has always been changing—and sometimes the swings have been rapid.

At the time the U.S. Department of Energy was created in 1977, there was widespread concern about the cooling trend that had been observed for the previous quarter-century. After 1940 the temperature, at least in the Northern Hemisphere, had dropped about one-half degree Fahrenheit—and more in the higher latitudes. In 1974 the National Science Board, the governing body of the National Science Foundation, stated: ''During the last 20 to 30 years, world temperature has fallen, irregularly at first but more sharply over the last decade.'' Two years earlier, the board had observed: ''Judging from the record of the past interglacial ages, the present time of high temperatures should be drawing to an end . . . leading into the next glacial age.'' And in 1975 the National Academy of Sciences stated: ''The climates of the earth have always been changing, and they will doubtless continue to do so in the future. How large these future changes will be, and where and how rapidly they will occur, we do not know.''

These statements—just a quarter-century old—should provide us with a dose of humility as we look into the more distant future. A touch of that humility might help temper the current raging controversies over global warming. What has concerned me in recent years is that belief in the greenhouse effect, persuasive as it is, has been transmuted into the dominant forcing mechanism affecting climate change—more or less to the exclusion of other forcing mechanisms. The CO_2/climate-change relationship has hardened into orthodoxy—always a worrisome sign—an orthodoxy that searches out heretics and seeks to punish them.

We are in command of certain essential facts. First, since the start of the 20th century, the mean temperature at the earth's surface has risen about 1 degree Fahrenheit. Second, the level of CO_2 in the atmosphere has been increasing for more than 150 years. Third, CO_2 is a greenhouse gas—and increases in it, other things being equal, are likely to lead to further warming. Beyond these few facts, science remains unable either to attribute past climate changes to changes in CO_2 or to forecast with any degree of precision how climate will change in the future.

Of the rise in temperature during the 20th century, the bulk occurred from 1900 to 1940. It was followed by the aforementioned cooling trend from 1940 to around 1975. Yet the concentration of greenhouse gases was measurably higher in that later period than in the former. That drop in temperature came after what was described in the National Geographic as ''six decades of abnormal warmth.''

In recent years much attention has been paid in the press to longer growing seasons and shrinking glaciers. Yet in the earlier period up to 1975, the annual growing season in England had shrunk by some nine or 10 days, summer frosts in the upper Midwest occasionally damaged crops, the glaciers in Switzerland had begun to advance again, and sea ice had returned to Iceland's coasts after more than 40 years of its near absence.

When we look back over the past millennium, the questions that arise are even more perplexing. The so-called Climatic Optimum of the early Middle Ages, when the earth temperatures were 1 to 2 degrees warmer than today and the Vikings established their flourishing colonies in Greenland, was succeeded by the Little Ice Age, lasting down to the early 19th century. Neither can be explained by concentrations of greenhouse gases. Moreover, through much of the earth's history, increases in CO_2 have followed global warming, rather than the other way around.

We cannot tell how much of the recent warming trend can be attributed to the greenhouse effect and how much to other factors. In climate change, we have only a limited grasp of the overall forces at work. Uncertainties have continued to abound—and must be reduced. Any approach to policy formation under conditions of such uncertainty should be taken only on an exploratory and sequential basis. A premature commitment to a fixed policy can only proceed with fear and trembling.

In the Third Assessment by the International Panel on Climate Change, recent climate change is attributed primarily to human causes, with the usual caveats regarding uncertainties. The record of the past 150 years is scanned, and three forcing mechanisms are highlighted: anthropogenic (human-caused) greenhouse gases, volcanoes and the 11-year sunspot cycle. Other phenomena are represented poorly, if at all, and generally are ignored in these models. Because only the past 150 years are captured, the vast swings of the previous thousand years are not analyzed. The upshot is that any natural variations, other than volcanic eruptions, are overshadowed by anthropogenic greenhouse gases.

Most significant: The possibility of long-term cycles in solar activity is neglected because there is a scarcity of direct measurement. Nonetheless, solar irradiance and its variation seem highly likely to be a principal cause of long-term climatic change. Their role in longer-term weather cycles needs to be better understood.

There is an idea among the public that ''the science is settled.'' Aside from the limited facts I cited earlier, that remains far from the truth. Today we have far better instruments, better measurements and better time series than we have ever had. Still, we are in danger of prematurely embracing certitudes and losing open-mindedness. We need to be more modest.

Mr. VOINOVICH. Schlesinger points out that ''science remains unable to either attribute past climate changes to changes in CO_2 or to forecast with any degree of precision how [the] climate will change in the future,'' and warns that:

We cannot tell how much of the recent warming trend can be attributed to the greenhouse gas effect and how much to other factors. In climate change, we have only a limited grasp of the overall forces at work. Uncertainties have continued to abound—and must be reduced. Any approach to policy formation under conditions of such uncertainty should be taken only on an exploratory and sequential basis. A premature commitment to a fixed policy can only proceed with fear and trembling.

Several Members of this body have introduced pieces of legislation this year and a couple last year to address the issue of climate change by capping carbon—such as the Jeffords-Lieberman 4–P bill, the Carper 4–P bill, and, of course, the subject of our debate today, the McCain-Lieberman climate change bill.

Passage of any of these bills will force our utilities which are now using coal to generate over half of our Nation's electricity—by the way, 85 percent of electricity generated in my State—to fuel-switch and to rely solely on natural gas for generation despite the fact we have a 250-year supply of domestic coal and are currently in the grips of a natural gas crisis.

Senator LIEBERMAN, in his opening statement, mentioned two companies from Ohio I am very familiar with, ADP and Synergy. There was some indication there was possibly—from his words—support for S. 139. I make it clear for the record that ADP and Synergy—ADP is the company that burns more coal than any other utility in the country—are both opposed to S. 139.

Mr. INHOFE. Will the Senator yield?

Mr. VOINOVICH. Certainly.

Mr. INHOFE. I am glad you brought that up. That was the information I had on who is opposed to it, naming Synergy. The Senator from Connecticut said they are now supporting S. 139. You have information to the contrary, is that correct?

Mr. VOINOVICH. Yes, I do.

Over the last decade, use of natural gas electricity generation has risen significantly while domestic supplies of natural gas have fallen. The result is predictable: tightening supplies of natural gas, higher natural gas prices, and higher electricity prices.

Home heating prices are up dramatically, forcing folks on low and fixed income to choose between heating their home and paying for other necessities such as food or medicine.

Donald Mason, a commissioner on the Ohio Public Utilities Commission, testified earlier this year in the House Energy and Commerce Committee:

In real terms, the home heating cost this winter will increase by at least $220 per household. That might sound not significant,

but during the winter season of 2000–2001, one gas company in Ohio saw nonpayment jump from $10 million a year to $26 million.

One of the amendments I supported in the Senate to the Labor-HHS bill would have provided more money for LIHEAP, the low-income help in heating costs. We will have a crisis this winter in natural gas costs.

As a result of these heating cost increases, 50 percent more residential customers were disconnected from gas service last year than in 2001. I personally have seen natural gas go from $4 an MCF to $8 an MCF in heating bills in northeast Ohio and projections indicate this winter will be devastating on the elderly and low-income families who are already struggling to survive.

In an Environment and Public Works Committee hearing last year, Thomas Mullen, of Catholic Charities and Health and Human Services of Cleveland, described the direct impact of significant increases of energy prices on those who are less fortunate. Here is what he had to say:

> In Cleveland, over one-fourth of all children live in poverty and are in a family of a single female head of household. These children will suffer from further loss of basic needs as their moms are forced to make choices of whether to pay the rent or live in a shelter; pay the heating bill or see their child freeze; buy food or risk availability of a hunger center. These are not choices that any senior citizen, child, or for that matter, person in America should make.

What really gets to me was after he made that statement the Clean Air Trust, the O'Donnell person who is always speaking out on these issues, named Tom Mullen, the head of Catholic Charities, as the villain of the month because he dared talk about energy costs impacting the poor and elderly in this country.

Manufacturers that use natural gas as feedstock are getting hammered because of the doubling and tripling of natural gas costs and are leaving the country or closing their doors. It is happening. Lubrizol, a chemical company, has moved production to France as a result of a threefold increase in natural gas prices from $3 per million Btu in 2002 to $10 per Btu in 2003. The president of Zaclon, a chemical manufacturer based in Cleveland, testified this year that increased natural gas costs resulted in lost sales revenue and increased total energy cost. The president of one major international pharmaceutical company, a company that has 22,000 employees in the United States, recently told me unless we do something about our natural gas crisis, his company will be forced to pull many of its operations out of the United States. Due to high natural gas prices, the Dow Chemical Company, headquartered in Michigan, will be forced to shut down several plants and eliminate 3,000 to 4,000 jobs this year. The American Iron and Steel Institute reported that an integrated steel mill—we have some in Ohio still—could pay as much as $73 million for natural gas this year, up $37 million from last year. An east Texas poultry producer reported his poultry house heating bill jumped from $3,900 to $12,000 in one month, forcing him to decide between paying the bank or the gas company.

High natural gas prices have resulted in the permanent closure of almost 20 percent of the United States nitrogen fertilizer production capacity and the idling of an additional 25 percent. That is why the corn growers and other agriculture groups are opposed to McCain-Lieberman.

The Potash Corporation, one of the world's largest fertilizer producers, has announced layoffs at the Louisiana and Tennessee plants due to high natural gas prices. The company spends $2 million per day on natural gas.

A farmer in Belleville, MO, who paid $295 per ton for nitrogen fertilizer last fall expects to pay between $400 and $600 this year. It is impacting the entire segment of our economy.

Utilities are already facing tremendous increases in their fuels costs, which force them to either take losses or pass these increases on to their customers. And the carbon caps proposed by Senators MCCAIN and LIEBERMAN will only exacerbate this situation.

The end result is a drag on the economy. But don't take my word for it. Federal Reserve Chairman Alan Greenspan has testified before the Senate Energy Committee, the House Energy and Commerce Committee, and the Congressional Joint Economic Committee on the supply and price of natural gas this year, stating:

> I'm quite surprised at how little attention the natural gas problem has been getting because it is a very serious problem.

Among his comments, Chairman Greenspan noted:

> The price of gas for delivery in July closed at $6.31 per billion Btu's. That contract sold for as low as $2.55 in July 2000 and for $3.65 a year ago.

Mr. President, I ask unanimous consent that the testimony of Dr. Greenspan be printed in the RECORD.

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

STATEMENT OF ALAN GREENSPAN, CHAIRMAN, BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM BEFORE THE COMMITTEE ON ENERGY AND NATURAL RESOURCES, U.S. SENATE, WASHINGTON, DC, JULY 10, 2003

Today's tight natural gas markets have been a long time in coming, and distant futures prices suggest that we are not apt to return to earlier periods of relative abundance and low prices anytime soon. It was little more than a half-century ago that drillers seeking valuable crude oil bemoaned the discovery of natural gas. Given the lack of adequate transportation, wells had to be capped or the gas flared. As the economy expanded after World War II, the development of a vast interstate transmission system facilitated widespread consumption of natural gas in our homes and business establishments. On a heat-equivalent basis, natural gas consumption by 1970 had risen to three-fourths of that of oil. But consumption lagged in the following decade because of competitive incursions from coal and nuclear power. Since 1985, natural gas has gradually increased its share of total energy use and is projected by the Energy Information Administration to gain share over the next quarter century, owing to its status as a clean-burning fuel.

Recent years' dramatic changes in technology are making existing energy reserves stretch further while keeping long-term energy costs lower than they otherwise would have been. Seismic techniques and satellite imaging, which are facilitating the discovery of promising new natural gas reservoirs, have nearly doubled the success rate of new-field wildcat wells in the United States during the past decade. New techniques allow far deeper drilling of promising fields, especially offshore. The newer recovery innovations reportedly have significantly raised the average proportion of gas reserves eventually brought to the surface. Technologies are facilitating Rocky Mountain production of tight sands gas and coalbed methane. Marketed production in Wyoming, for example, has risen from 3.4 percent of total U.S. output in 1996 to 7.1 percent last year.

Moreover, improving technologies have also increased the depletion rate of newly discovered gas reservoirs, placing a strain on supply that has required increasingly larger gross additions from drilling to maintain any given level of dry gas production. Depletion rates are estimated to have reached 27 percent last year, compared with 21 percent as recently as five years ago. The rise has been even more pronounced for conventionally produced gas because tight sands gas, which comprises an increasing share of new gas finds, exhibits a slower depletion rate than conventional wells.

Improved technologies, however, have been unable to prevent the underlying long-term price of natural gas in the United States from rising. This is most readily observed in markets for natural gas where contract delivery is sufficiently distant to allow new supply to be developed and brought to market. That price has risen gradually from $2 per million Btu in 1997 for delivery in 2000, and presumably well beyond, to more than $4.50 for delivery in 2009, the crude oil heating equivalent of rising from less than $12 per barrel to $26 per barrel. Over the same period, the distant futures price of light sweet crude oil has edged up only $4 per barrel and is selling at a historically rare discount to comparably dated natural gas.

Because gas is particularly challenging to transport in its cryogenic form as a liquid, imports of liquefied natural gas (LNG) have been negligible. Environmental and safety concerns and cost have limited the number of LNG terminals and imports of LNG. In 2002, such imports accounted for only 1 percent of U.S. gas supply. Canada, which has recently supplied a sixth of our consumption, has little capacity to significantly expand its exports, in part because of the role that Canadian gas plays in supporting growing oil production from tar sands.

Given notable cost reductions for both liquefaction and transportation of LNG, significant global trade is developing. And high gas prices projected in the American distant futures market have made us a potential very large importer. Worldwide imports of natural gas in 2002 were only 23 percent of world consumption, compared to 57 percent for oil.

Even with markedly less geopolitical instability confronting world gas than world oil in recent years, spot gas prices have been far more volatile than those for oil, doubtless reflecting, in part, less-developed, price dampening global trade. The updrift and volatility of the spot price for gas have put significant segments of the North American gas-using industry in a weakened competitive position. Unless this competitive weakness is addressed, new investment in these technologies will flag.

Increased marginal supplies from abroad, while likely to notably damp the levels and volatility of American natural gas prices, would expose us to possibly insecure sources of foreign supply, as it has for oil. But natural gas reserves are somewhat more widely dispersed than those of oil, for which three-fifths of proved world reserves reside in the Middle East. Nearly two-fifths of world natural gas reserves are in Russia and its former satellites, and one-third are in the Middle East.

Creating a price-pressure safety valve through larger import capacity of LNG need not unduly expose us to potentially unstable sources of imports. There are still numerous unexploited sources of gas production in the United States. We have been struggling to reach an agreeable tradeoff between environmental and energy concerns for decades. I do not doubt we will continue to fine-tune our areas of consensus. But it is essential that our policies be consistent. For example, we cannot, on the one hand, encourage the use of environmentally desirable natural gas in this country while being conflicted on larger imports of LNG. Such contradictions are resolved only by debilitating spikes in price.

In summary, the long-term equilibrium price for natural gas in the United States has risen persistently during the past six years from approximately $2 per million Btu to more than $4.50. Although futures markets project a near-term modest price decline from current highly elevated levels, contracts written for delivery in 2009 are more than double the levels that had been contemplated when much of our existing gas-using capital stock was put in place. The perceived tightening of long-term demand-supply balances is beginning to price some industrial demand out of the market. It is not clear whether these losses are temporary, pending a fall in price, or permanent.

Such pressures do not arise in the U.S. market for crude oil. American refiners have unlimited access to world supplies, as was demonstrated most recently when Venezuelan oil production shut down. Refiners were able to replace lost oil with supplies from Europe, Asia, and the Middle East. If North American natural gas markets are to function with the flexibility exhibited by oil, unlimited access to the vast world reserves of gas is required. Markets need to be able to effectively adjust to unexpected shortfalls in domestic supply. Access to world natural gas supplies will require a major expansion of LNG terminal import capacity and development of the newer offshore regasification technologies. Without the flexibility such facilities will impart, imbalances in supply and demand must inevitably engender price volatility.

As the technology of LNG liquefaction and shipping has improved, and as safety considerations have lessened, a major expansion of U.S. import capability appears to be under way. These movements bode well for widespread natural gas availability in North America in the years ahead.

NATURAL GAS SUPPLY AND DEMAND ISSUES, FULL COMMITTEE ON ENERGY AND COMMERCE, JUNE 10, 2003, RAYBURN HOUSE OFFICE BUILDING

Hon. ALAN GREENSPAN,

Chairman, The Federal Reserve Board, Washington, DC.

In recent months, in response to very tight supplies, prices of natural gas have increased sharply. Working gas in storage is currently at very low levels relative to its seasonal norm because of a colder-than-average winter and a seeming inability of increased gas well drilling to significantly augment net marketed production. Canada, our major source of imported natural gas, has had little room to expand shipments to the United States, and our limited capacity to import liquefied natural gas (LNG) effectively restricts our access to the world's abundant supplies of gas.

Our inability to increase imports to close a modest gap between North American demand and production (a gap we can almost always close in oil) is largely responsible for the marked rise in natural gas prices over the past year. Such price pressures are not evident elsewhere. Competitive crude oil prices, after wide gyrations related to the war in Iraq, are now only slightly elevated from a year ago, and where spot markets for natural gas exist, such as in Great Britain, prices exhibit little change from a year ago. In the United States, rising demand for natural gas, especially as a clean-burning source of electric power, is pressing against a supply essentially restricted to North American production.

Given the current infrastructure, the U.S. market for natural gas is mainly regional, is characterized by relatively longer term contracts, and is still regulated, but less so than in the past. As a result, residential and commercial prices of natural gas respond sluggishly to movements in the spot price. Thus, to the extent that natural gas consumption must adjust to limited supplies, most of the reduction must come from the industrial sector and, to a lesser extent, utilities.

Yesterday the price of gas for delivery in July closed at $6.31 per million Btu. That contract sold for as low as $2.55 in July 2000 and for $3.65 a year ago. Futures markets project further price increases through the summer cooling season to the peak of the heating season next January. Indeed, market expectations reflected in option prices imply a 25 percent probability that the peak price will exceed $7.50 per million Btu.

Today's tight natural gas markets have been a long time in coming, and futures prices suggest that we are not apt to return to earlier periods of relative abundance and low prices anytime soon. It was little more than a half-century ago that drillers seeking valuable crude oil bemoaned the discovery of natural gas. Given the lack of adequate transportation, wells had to be capped or the gas flared. As the economy expanded after World War II, the development of a vast interstate transmission system facilitated widespread consumption of natural gas in our homes and business establishments. On a heat-equivalent basis, natural gas consumption by 1980 had risen to three-fourths of that of oil. But natural gas consumption lagged in the following decade because of competitive incursions from coal and nuclear power. Since 1985, natural gas has gradually increased its share of total energy use and is projected by the Energy Information Administration to gain share over the next quarter century, owing to its status as a clean-burning fuel.

Recent years' dramatic changes in technology are making existing energy reserves stretch further while keeping long-term energy costs lower than they otherwise would have been. Seismic techniques and satellite imaging, which are facilitating the discovery of promising new natural gas reservoirs, have nearly doubled the success rate of new-field wildcat wells in the United States during the past decade. New techniques allow far deeper drilling of promising fields, especially offshore. The newer recovery innovations reportedly have raised the average proportion of gas reserves eventually brought to the surface. Technologies are facilitating Rocky Mountain production of tight sands gas and coalbed methane. Marketed production in Wyoming, for example, has risen from 3.4 percent of total U.S. output in 1996 to 7.1 percent last year.

One might expect that the dramatic shift away from hit-or-miss methods toward more advanced technologies would have lowered the cost of developing new fields and, hence, the long-term marginal costs of new gas. Indeed, those costs have declined, but by less than might have been the case because much of the innovation in oil and gas development outside of OPEC has been directed at overcoming an increasingly inhospitable and costly exploratory physical environment.

Moreover, improving technologies have also increased the depletion rate of newly discovered gas reservoirs, placing a strain on supply that has required increasingly larger gross additions from drilling to maintain any given level of dry gas production. Depletion rates are estimated to have reached 27 percent last year, compared with 21 percent as recently as five years ago. The rise has been even more pronounced for conventionally produced gas because tight sands gas, which comprises an increasing share of new gas finds, exhibits a slower depletion rate than conventional wells.

Improved technologies, however, have been unable to prevent the underlying long-term price of natural gas in the United States from rising. This is most readily observed in markets for natural gas where contract delivery is sufficiently distant to allow new supply to be developed and brought to market. That price has risen gradually from $2 per million Btu in 1997 for delivery in 2000, and presumably well beyond, to more than $4.50 for delivery in 2009, the crude oil heating equivalent of rising from less than $12 per barrel to $26 per barrel. Over the same period, the distant futures price of light sweet crude oil has edged up only $4 per barrel and is selling at a historically rare discount to comparably dated natural gas.

Because gas is particularly challenging to transport in its cryogenic form as a liquid, imports of LNG have been negligible. Environmental and safety concerns and cost have limited the number of LNG terminals and imports of LNG. In 2001, LNG imports accounted for only 1 percent of U.S. gas supply. Canada, which has recently supplied a sixth of our consumption, has little capacity to significantly expand its exports, in part because of the role that Canadian gas plays in supporting growing oil production from tar sands.

Given notable cost reductions for both liquefaction and transportation of LNG, significant global trade is developing. And high gas prices projected in the American distant futures market have made us a potential very large importer. Worldwide imports of natural gas in 2000 were only 26 percent of world consumption, compared to 50 percent for oil.

Even with markedly less geopolitical instability confronting world gas than world oil in recent years, spot gas prices have been far more volatile than those for oil, doubtless reflecting, in part, less-developed global trade. The updrift and volatility of the spot price for gas have put significant segments of the North American gas-using industry in a weakened competitive position. Unless this competitive weakness is addressed, new investment in these technologies will flag.

Increased marginal supplies from abroad, while likely to notably damp the levels and volatility of American natural gas prices, would expose us to possibly insecure sources of foreign supply, as it has for oil. But natural gas reserves are somewhat more widely dispersed than those of oil, for which three-fifths of proved world reserves reside in the Middle East. Nearly two-fifths of world natural gas reserves are in Russia and its former satellites, and one-third are in the Middle East.

Creating a price-pressure safety valve through larger import capacity of LNG need

not unduly expose us to potentially unstable sources of imports. There are still numerous unexploited sources of gas production in the United States. We have been struggling to reach an agreeable tradeoff between environmental and energy concerns for decades. I do not doubt we will continue to fine-tune our areas of consensus. But it is essential that our policies be consistent. For example, we cannot, on the one hand, encourage the use of environmentally desirable natural gas in this country while being conflicted on larger imports of LNG. Such contradictions are resolved only by debilitating spikes in price.

In summary, the long-term equilibrium price for natural gas in the United States has risen persistently during the past six years from approximately $2 per million Btu to more than $4.50. The perceived tightening of long-term demand-supply balances is beginning to price some industrial demand out of the market. It is not clear whether these losses are temporary, pending a fall in price, or permanent.

Such pressures do not arise in the U.S. market for crude oil. American refiners have unlimited access to world supplies, as was demonstrated most recently when Venezuelan oil production shut down. Refiners were able to replace lost oil with supplies from Europe, Asia, and the Middle East. If North American natural gas markets are to function with the flexibility exhibited by oil, unlimited access to the vast world reserves of gas is required. Markets need to be able to effectively adjust to unexpected shortfalls in domestic supply. Access to world natural gas supplies will require a major expansion of LNG terminal import capacity. Without the flexibility such facilities will impart, imbalances in supply and demand must inevitably engender price volatility.

As the technology of LNG liquefaction and shipping has improved, and as safety considerations have lessened, a major expansion of U.S. import capability appears to be under way. These movements bode well for widespread natural gas availability in North America in the years ahead.

STATEMENT OF ALAN GREENSPAN, CHAIRMAN, BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM BEFORE THE JOINT ECONOMIC COMMITTEE, MAY 21, 2003

Mr. Chairman, I appreciate the opportunity to testify before the Joint Economic Committee. As you will recall, when I appeared here last November, I emphasized the extraordinary resilience manifested by the United States economy in recent years—the cumulative result of increased flexibility over the past quarter century. Since the middle of 2000, our economy has withstood serious blows: a significant decline in equity prices, a substantial fall in capital spending, the terrorist attacks of September 11, confidence-debilitating revelations of corporate malfeasance, and wars in Afghanistan and Iraq. Any combination of these shocks would arguably have induced a severe economic contraction two or three decades ago. Yet remarkably, over the past three years, activity has expanded, on balance—an outcome offering clear evidence of a flexible, more resilient, economic system.

Once again this year, our economy has struggled to surmount new obstacles. As the tensions with Iraq increased early in 2003, uncertainties surrounding a possible war contributed to a softening in economic activity. Oil prices moved up close to $40 a barrel in February, stock prices tested their lows of last fall, and consumer and business confidence ebbed. Although in January there were some signs of a post-holiday pickup in retail sales other than motor vehicles, spending was little changed, on balance, over the following three months as a gasoline price surge drained consumer purchasing power and severe winter weather kept many shoppers at home.

Businesses, too, were reluctant to initiate new projects in such a highly uncertain environment. Hiring slumped, capital spending plans were put on hold, and inventories were held to very lean levels. Collectively, households and businesses hesitated to make decisions, pending news about the timing, success, and cost of military action—factors that could significantly alter the outcomes of those decisions.

The start of the war and its early successes, especially the safeguarding of the Iraqi oilfields, were greeted positively by financial and commodities markets. Stock prices rallied, risk spreads narrowed, oil prices dropped sharply, and the dour mood that had gripped consumers started to lift, precursors that historically have led to improved economic activity. The quick conclusion of the conflict subsequently added to financial gains.

We do not yet have sufficient information on economic activity following the end of hostilities to make a firm judgment about the current underlying strength of the real economy. Incoming data on labor markets and production have been disappointing. Payrolls fell further in April, and industrial production declined as well. Because of the normal lags in scheduling production and in making employment decisions, these movements likely reflect business decisions that, for the most part, were made prior to the start of the war, and many more weeks of data will be needed to confidently discern the underlying trends in these areas.

One reassuring development that has been sustained through this extended period of economic weakness has been the performance of productivity. To the surprise of most analysts, labor productivity has continued to post solid gains. Businesses are apparently continuing to discover unexploited areas of cost reduction that had accumulated during the boom years of 1995 to 2000 when the projected huge returns from market expansion dulled incentives for seemingly mundane cost savings. The ability of business managers to reduce costs, especially labor costs, through investment or restructuring is, of course, one reason that labor markets markets have been so weak.

Looking ahead, the consensus expectation for a pickup in economic activity is not unreasonable, though the timing and extent of that improvement continue to be uncertain. The stance of monetary policy remains accommodative, and conditions in financial markets appear supportive of an increased pace of activity. Interest rates remain low, and funds seem to be readily available to creditworthy borrowers. These factors, along with the ability of households to tap equity accrued in residential properties, should continue to bolster consumer spending and the purchase of new homes.

The recent declines in energy prices are another positive factor in the economic outlook. The price of West Texas intermediate crude oil dropped back to below $26 per barrel by the end of April, but as indications of a delay in the restoration of Iraqi oil exports became evident and geopolitical risks crept back in, prices have risen to near $30 a barrel—a worrisome trend if continued. Nonetheless, the price of crude oil is still about $10 per barrel below its peak in February. This decline has already shown through to the price of gasoline in May. Some modest further declines in gas prices are likely in coming weeks, as marketers' profit margins continue to back off from their elevated levels of March and April to more normal levels.

In contrast, prices for natural gas have increased sharply in response by very tight supplies. Working gas in storage is presently at extremely low levels, and the normal seasonal rebuilding of these inventories seems to be behind the typical schedule. The colder-than-average winter played a role in producing today's tight supply situation as did the inability of heightened gas well drilling to significantly augment net marketed production. Canada, our major source of gas imports, has little room to expand shipments to the United States. Our limited capacity to import liquified natural gas effectively restricts our access to the world's abundant supplies of natural gas. The current tight domestic natural gas market reflects the increases in demand over the past two decades. The demand has been spurred by myriad new uses for natural gas in industry and by the increased use of natural gas as a clean-burning source of electric power.

On balance, recent movements in energy prices seem likely to be a favorable influence on the overall economy. In the short run, lower energy bills should give a boost to the real incomes of households and to business profits. To be sure, world energy markets obviously remain susceptible to politically driven supply disruptions, as has been evident recently from the events in Venezuela and Nigeria. But, even taking account of these risks, futures markets project crude oil prices to fall over the longer run, consistent with the notion that current prices are above the long-term supply price of oil.

As has been the case for some time, the central question about the outlook remains whether business firms will quicken the pace of investment now that some, but by no means all, of the geopolitical uncertainties have been resolved. A modestly encouraging sign is the backlog of orders for nondefense capital goods excluding aircraft, which has been moving up in recent months. Moreover, recent earnings reports suggest that the profitability of many businesses is on the mend. That said, firms still appear hesitant to spend and hire, and we need to remain mindful of the possibility that lingering business caution could be an impediment to improved economic performance.

One new uncertainty in the global economic outlook has been the outbreak of severe acute respiratory syndrome (SARS) in Southeast Asia and elsewhere. This epidemic has hit the economies of Hong Kong and China particularly hard, as tourism and business travel has been severely curtailed and as measures to contain the spread of the virus have held down retail sales.

To date, the effects of SARS on the U.S. economy have been minimal. Airlines have obviously suffered another seriously blow, and some U.S. multinational corporations are reporting reduced foreign sales. But the effects on other industries have been small. Initially, there had been some concern that SARS would disrupt the just-in-time inventory systems of U.S. manufacturers. Many of those systems rely on components from Asia, and any disruption in the flow of these goods has the potential to affect production in the United States. So far, however, U.S. manufacturing output has not been noticeably affected.

In recent months, inflation has dropped to very low levels. As I noted earlier, energy prices already are reacting to the decline in crude oil prices, and core consumer price inflation has been minimal. Inflation is now sufficiently low that it no longer appears to be much of a factor in the economic calculations of households and businesses. Indeed, we have reached a point at which, in the judgment of the Federal Open Market Committee, the probability of an unwelcome substantial fall in inflation over the next few

quarters, though minor, exceeds that of a pickup in inflation.

Mr. Chairman, the economic information received in recent weeks has not, in my judgment, materially altered the outlook. Nonetheless, the economy continues to be buffeted by strong cross currents. Recent readings on production and employment have been on the weak side, but the economic fundamental—including the improved conditions in financial markets and the continued growth in productivity—augur well for the future.

Mr. VOINOVICH. Mr. President, the Senate has passed a comprehensive energy bill that is currently stuck in conference with the House of Representatives. The energy bill passed by the Senate includes several provisions to increase domestic production of natural gas and to ensure that we have a healthy, vital fuel mix for electric generation.

It is vitally important for the conference committee to wrap up its work and report a bill that will increase our supplies of natural gas and promote alternatives to natural gas.

Unfortunately, the legislation that has been offered by Senators MCCAIN and LIEBERMAN goes in exactly the opposite direction. We are trying to free up more natural gas. We are trying to take the heat off the demand for natural gas. It will force our utilities to fuel switch to natural gas. It will significantly raise energy prices. It will cause additional thousands of jobs to be lost. And I agree with the Senator from Missouri, Mr. BOND, that is what is going to happen.

The Energy Information Administration estimates that passage of S. 139—I think this is really important, and our colleagues should listen to this—will raise petroleum products prices by 31 percent, raise natural gas prices by 79 percent, raise electricity prices by 46 percent, and reduce GDP by up to $93 billion by 2025.

I just received a letter today from Commerce Secretary Evans, Labor Secretary Chao, and Acting EPA Administrator Horinko. Here is what they said in the letter:

According to an analysis conducted by the Independent Information Administration (EIA), S. 139 would cause an estimated average loss of 460,000 American jobs through 2025, with estimated job losses reaching 600,000 by 2012. Instead of improving our economic security through economic growth and job creation, the job losses resulting from S. 139 would place an unacceptable burden on American workers and the American people.

EIA's analysis further reveals the higher energy costs the legislation would impose on American energy consumers: once fully implemented, S. 139 would require a 40 cent per gallon increase in gasoline prices and cause a nearly 50% increase in natural gas and electricity bills.

As a result of these higher energy costs, EIA projects a net loss of $507 billion (1996 dollars) in Gross Domestic Production over the next two decades. These higher energy costs and reduced economic growth would likely lead American businesses to move overseas, taking jobs with them.

Mr. President, I ask unanimous consent that this letter from Secretary Evans, Secretary Chao, and Acting EPA Administrator Horinko be printed in the RECORD.

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

OCTOBER 28, 2003.

Hon. GEORGE VOINOVICH,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR VOINOVICH: We are writing to state our serious concerns about S. 139, ''The Climate Stewardship Act of 2003,'' and to strongly urge that you vote against this bill to avoid the significant job losses and economic harm that it would inflict on our economy, without necessarily achieving any reduction in global greenhouse gas emissions.

According to an analysis conducted by the independent Energy Information Administration (EIA), S. 139 would cause an estimated average of 460,000 American jobs through 2025, with estimated job losses reaching 600,000 by 2012. Instead of improving our economic security through economic growth and job creation, the job losses resulting from S. 139 would place an unacceptable burden on American workers and the American people. EIA's analysis further reveals the higher energy costs the legislation would impose on American energy consumers: once fully implemented, S. 139 would require a 40 percent per gallon increase in gasoline prices and cause nearly a 50% increase in natural gas and electricity bills.

As a result of these higher energy costs, EIA projects a net loss of $507 billion (1996 dollars) in Gross Domestic Product over the next two decades. These higher energy costs and reduced economic growth would likely lead American businesses to move overseas, taking jobs with them. As a result, S. 139 may actually lead to an increase in global greenhouse gas emissions as companies formerly in the U.S. move their operations (and emissions) overseas to countries that do not require similar emissions reductions. To compensate for the economic dislocation that S. 139 would cause, the legislation establishes a ''Climate Change Credit Corporation'' for ''transaction assistance to dislocated workers and communities.'' However, we believe that the Senate should instead reject this legislation and avoid inflicting the harm that would create the need for such ''transition assistance'' in the first place.

President Bush has committed the U.S. to an ambitious and comprehensive strategy to address the issue of global climate change. It is based on the recognition that only a growing American economy can make possible the sustained investments in energy and carbon sequestration technologies needed to reduce the projected long-term growth in global greenhouse gas emissions. Because of its negative impacts on jobs and economic growth, we call upon the Senate to reject S. 139 as a misguided means of achieving our international environmental goals.

DONALD L. EVANS,
Secretary of Commerce.
ELAINE L. CHAO,
Secretary of Labor.
MARIANNE L. HORINKO,
Acting Administrator of the Environmental Protection Agency.

The PRESIDING OFFICER (Mr. COLEMAN). The Senator has used 7 minutes.

Mr. VOINOVICH. Mr. President, I ask for another 5 minutes.

The PRESIDING OFFICER. Who yields time?

Mr. VOINOVICH. Three?

Mr. INHOFE. Mr. President, I yield an additional 3 minutes from our side to the Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. VOINOVICH. As I said, Mr. President, carbon caps mean fuel switching. Carbon caps mean the end of manufacturing in my State. They mean enormous burdens on the least of our brethren. And they mean moving jobs and production overseas.

What we need to do is move forward in a responsible manner, and move away from harshly ideological positions that advance nothing other than the agenda of environmental groups that have made support for carbon caps a political litmus test.

We must move forward in a manner that includes sound science and concrete reductions in carbon without seriously harming our economy.

In response to the need for better understanding of the underlying science of climate change, President Bush has moved forward aggressively to focus administration science and climate programs on a comprehensive approach to this issue.

Earlier this year, Secretary Veneman announced a new series of initiatives to increase agricultural sequestration of carbon, which is a major problem. The Department of Energy is implementing President Bush's $2 billion Clean Coal Technology Initiative. And the DOE and the Environmental Protection Agency have worked with the State Department on several international carbon control and sequestration projects, including the exportation of clean coal technologies to underdeveloped nations.

I appreciate the steps the administration is taking on climate change. I would like to make clear today that, as a State legislator, county official, mayor, and Governor of Ohio, I have been able to work across the aisle with environmental groups to accomplish many things. Efforts were successful because reasonable minds were able to sit at the table together, work together in good faith, and get things done.

It is unfortunate in this debate that we have not been able to sit down with folks and work through this issue in good faith. Our friends in the environmental community and their allies in Congress have hardened their positions on climate change to the point that voting for carbon caps—despite the tremendous negative impact such caps have on jobs, the poor, and our economy—has become a litmus test.

In a word, this position is unreasonable. It is unreasonable that nothing other than capping carbon is acceptable. It is unreasonable that nothing other than forcing utilities to rely solely on natural gas to generate electricity and devastating our economy is acceptable. And, finally, it is unreasonable that nothing other than sending

American jobs overseas and driving up energy costs for the poor and elderly on fixed income is acceptable.

Mr. President, I have been fortunate to serve the State of Ohio for many years. I take my responsibility to serve my State's interests very seriously. And I will work all day, every day, to block legislation such as this legislation that will devastate my State.

I urge my colleagues to vote no on S. 139, a bill that will shut down our manufacturers, send thousands of American jobs overseas—to countries that do not have the environmental laws that we have in America—significantly raise energy prices for those who can least afford them, and do little or nothing to solve the global warming problem.

I yield back my time.

The PRESIDING OFFICER. Who yields time?

The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I just want to, very briefly, respond to a few of the remarks of my friend from Ohio.

My friend from Ohio is talking about a bill that is not the one before us. The EIA estimate was of the original McCain-Lieberman bill. In an attempt to achieve consensus, we took off the second set of requirements. So now the bill says, to put it simply, that the Nation has to reach the 2000 level by 2010 of greenhouse gas emissions. No EIA study has been done on this bill.

We have a study from the MIT Joint Program on the Science and Policy of Global Change. Just to put the minds of viewers at ease about what the impact of this will be on the cost of energy, MIT estimates that the bill before us will have a positive effect on coal prices, in fact, dropping them by 5 percent, natural gas prices by 5 percent, and crude oil prices by 2 percent.

Secondly, there has been some reference to Cinergy and American Electric Power. I want to make clear, I did not say—I certainly did not intend to say; I do not believe I did say—that those companies endorsed our proposal. But the fact is, Cinergy did testify that they could live by the amendment without additional cost. And that is the relevant part of it.

Mr. MCCAIN. Will the Senator yield for one question?

Mr. LIEBERMAN. I am happy to yield to the Senator from Arizona.

Mr. MCCAIN. I have a letter entitled ''The State of Climate Science: October 2003, A Letter from U.S. Scientists''—1,010 scientists from across America. I want to go into it later on, but they say, in summary: The main conclusions of the IPCC and the NRC—that is the National Academy of Sciences—reports remain robust consensus positions, supported by the vast majority of researchers in the fields of climate change and its impacts.

The body of research carried out since the reports were issued tends to strengthen their conclusion, 1,010 scientists.

We will probably hear it again, but they are relying on an analysis of a bill, because it is what was handed out, that is not even before the Senate. I argue to my friends, it is a waste of the Senate's time to argue statistics, as the Senator from Ohio just did, about a bill that is not before us.

Mr. LIEBERMAN. I thank the Senator from Arizona. I will yield the floor, but I ask unanimous consent that a summary of this MIT study of the bill before us and its cost impacts be printed in the RECORD.

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

ENERGY PRICE IMPACTS OF PHASE I OF S. 139, THE MCCAIN/LIEBERMAN CLIMATE STEWARDSHIP ACT ACCORDING TO THE JUNE, 2003, ECONOMIC ANALYSIS OF S. 139—BY THE MIT JOINT PROGRAM ON THE SCIENCE AND POLICY OF GLOBAL CHANGE

I. Fuel prices followed by % change from reference projections (+/−):

	2005	2010	2015	2020
Gasoline Prices ($/gallon)	$1.63 (0%)	$1.72 (3%)	$1.87 (4%)	$2.14 (5%)
Coal Prices ($/metric ton)	$28.08 (0%)	$27.56 (3%)	$28.12 (−4%)	$28.70 (−5%)
Natural Gas Prices ($/mbtu)	$3.31 (0%)	$3.36 (−2%)	$3.17 (−3%)	$4.14 (−4%)
Crude Oil Prices ($/bbl)	$27.92 (0%)	$28.31 (−1%)	$31.08 (−1%)	$36.58 (−2%)

Note 1: Prices are reported in 2001 $$.

Note 2: Phase I implementation of S. 139 is represented by Scenario #12 in the MIT analysis.

Note 3: The gasoline prices are inclusive of the carbon price, so that whereas the price index of coal drops (exclusive of the carbon price), the price of gasoline goes up when the carbon price is included. This is how the ''upstream allowance'' system works to affect gasoline consumption—through the gasoline price. Coal, oil, and natural gas prices, in contrast, do not include the carbon charge because in S. 139 emissions of CO_2 are controlled at the point of combustion, and so this charge will not be seen in the price.

Note 4: The reason for the natural gas price decline is that, while a bigger share of electricity is produced using gas, overall gas use does go down. (Electricity use goes down due to conservation because of higher electricity prices, so there is less overall need to generate as much electricity as in the reference case.) There are also some modest improvements in efficiency of gas in the electric power sector, and conservation and efficiency in other uses, as well.

Mr. LIEBERMAN. I believe the Senator from Maine is next on our side. I yield to her at this time.

The PRESIDING OFFICER. The Senator from Maine.

Ms. SNOWE. Mr. President, I commend Chairman MCCAIN for his extraordinary leadership on this issue, and Senator LIEBERMAN for being able at this point for the first time to debate global climate change here in the Senate. Chairman MCCAIN has held many Commerce Committee hearings. As a member of that committee, I can tell you that he is focused singularly on this issue in terms of trying to address one of the most significant environmental issues facing this country in this century. It is long overdue, and this is the first real debate the Senate has had.

I am glad that Senator LIEBERMAN raised this issue on domestic reductions because that is what this legislation is addressing, domestic reduction of greenhouse gas emissions, specifically carbon dioxide, thought by the vast majority of international scientists to be the cause of global warming.

The legislation before us today, the McCain-Lieberman amendment to the Climate Stewardship Act of 2003, sets out to do just that in an environmentally and economically friendly way. I believe any future delay in acting on climate change will lead the U.S. down a path to even greater environmental damage and greater economic harm. As we review more and more the scientific evidence, it is clear to me that we have to address this issue in a very vigorous and aggressive way.

The main finding of the 2001 National Academy of Science report called ''Climate Change Science: Analysis of Some Key Questions,'' was this:

Greenhouse gases are accumulating in the Earth's atmosphere as a result of human activities, causing surface air temperatures and subsurface ocean temperatures to rise.

While this report did not rule out natural variability, it stated that:

. . . the changes observed over the last several decades are likely mostly due to human activities . . .

This first chart that I have from the Intergovernmental Panel on Climate Change should give us all great pause. The red line on this chart shows the extreme jump in increases in temperatures in the last decade alone when compared to the last 1,000 years, according to tree rings, corals, historical records, and from thermometers. Notice how the red line dramatically shoots up at the far right corner of this chart.

Since carbon dioxide emitted today will linger in the atmosphere on average of at least a century, this should be more of a red flag waving before our eyes than just a red line spiraling upwards as to why we should be attempting to reduce our greenhouse gas emissions now.

What is there not to get when you see the variations of the Earth's surface temperature for the past 1,000 years and see the dramatic incline in just the last few years alone?

Addressing global climate change is an issue that cuts across State and national boundaries as well as across interest groups. The majority of religious groups see it as a moral issue, and 75

percent of the general public, according to a new Zogby poll, supports actions under the McCain-Lieberman amendment. Some of the largest companies see it as a business issue. Dupont and BP, realizing climate change's effect on their bottom line, have already achieved larger reductions than our amendment calls for with no net cost.

As a matter of fact, the companies have posted an annual savings of $365 million, and this amendment before us today will give them credits for these early actions.

One might wonder why a Senator from a cold State such as Maine would worry about a little more warmth, unless you consider the implications of climate change on a number of ecosystems that could be thrown out of balance and truly affect life as we know it.

As an example, predictions are that the range of the sugar maple, of significant economic importance to my State during the fall foliage season, will move northward over the next 50 years. The range of softwood and hardwood tree species that grow in Maine are also expected to shift, interfering with the long-term growth plans of the timber industry. In addition, at a recent ''Climate Change and Horticulture'' symposium at Cornell University, scientists stated that crops such as potatoes could be pushed north into Canada. This news doesn't bode well for Maine's crop or those of other potato States such as Idaho, Washington, North Dakota, and Oregon.

As you can see from this next chart, States across the country, as indicated in green, are urging the EPA to consider carbon dioxide a pollutant under the Clean Air Act, and have put carbon caps on powerplants, or are calling on Congress to address the need for reductions in manmade greenhouse gas emissions.

The green States with the stripes are currently investigating potential legislative positions the States can take for carbon sequestration through agriculture and forestry initiatives, a move that could be very important in capturing and storing carbon dioxide that will help with domestic emissions reductions.

As a matter of fact, the New York Times reported in this morning's a edition:

> In the last three years, state legislators have passed at least 29 bills, usually with bipartisan support [that address global warming.]

But it is not just the States that are taking action on this key issue, as mayors from large metropolitan areas and small rural towns, indicated on this chart by the yellow dots, have written Congress in support of the McCain-Lieberman legislation that we are considering tonight.

This past June, my State of Maine passed a bill mandating reductions in carbon dioxide emissions to below 1990 levels by the year 2020. The law requires Maine to develop a climate change action plan by next July to guide State agencies, businesses, and others with a goal of reducing emissions. This bill grew out of a 2001 regional emissions agreement signed by six New England Governors and five eastern Canadian premiers.

New Hampshire has passed a law curbing carbon dioxide pollution from powerplants. On July 9, Northeast States, led by New York Governor George Pataki, called for a Maryland-to-Maine cap on global warming pollution from powerplants and announced a formal agreement for a regional strategy in the Northeast to reduce emissions through a market-based emissions trading system.

Over a year ago, the State of California passed legislation making it the first State to regulate tailpipe emissions of greenhouse gases. And just last month, the Governors of California, Washington, and Oregon announced plans to develop a coordinated strategy to reduce global warming.

In the Midwest, 10 years ago, Wisconsin implemented mandatory reporting requirements for large generators of carbon dioxide and is developing a registry that will enable firms to report carbon dioxide reductions that will allow them to obtain credits for these reductions in any future Federal and State greenhouse gas programs.

These grassroots efforts are sending Congress a clear and unequivocal message, and one that we should certainly listen to because our atmosphere knows no boundaries. We need to develop a national approach as a first step to emissions reductions for solutions that are environmentally and economically sound. The McCain-Lieberman amendment is a first step in that process.

Looking beyond the continental United States at the effects of climate change, scientists tell us that the snows of Kilimanjaro could vanish in 15 years.

The glaciers in the Bolivian Andes that once appeared indestructible may disappear in another 10 years.

In Alaska, where the average temperature has risen almost 5½ degrees over the past 30 years, there is evidence of melting permafrost, sagging roads, and dying forests.

There is also a 150-square mile, 100-foot thick mass of ice that has existed on the coast of Canada for 3,000 years that is disintegrating from a century-long warming trend, and the melting has been accelerating over the past 2 years.

Coral reefs, a large and integral part of the coastal oceans around the world, are under huge stresses as coral bleaching is induced by high water temperatures. Nature magazine reported there is a massive region-wide decline of coral which supports a huge variety of sea life across the entire Caribbean Basin.

Experts at a July 2003 NOAA workshop on coral reefs concluded that climate change will continue to render coral reefs even more vulnerable to human-related stresses, such as pollution, diseases, habitat destruction, and overfishing. Prevailing theory has generally held that the climate will respond to rising carbon dioxide and other greenhouse emissions by gradually growing warmer.

However, according to a December 2001 National Academy of Sciences report, a growing body of scientific evidence suggests that the climate does not respond to change gradually but in sudden jumps that such abrupt changes—and I quote from the report—''are not only possible but likely in the future.''

If such a shift were to happen, it would have immense societal consequences. The report urged that a new research program be initiated to identify the likelihood of the potential impact of a sudden change in climate in response to global warming.

I am pleased the Senate Commerce appropriations legislation included $1.6 million for abrupt climate change research that I and Senator COLLINS requested to establish a NOAA joint institute at the University of Maine for the study of abrupt climate change.

There is no doubt we will continue to need fossil fuel as an energy source. Yet at the same time we should be actively supporting increased use of renewable energy as well. Energy produced from wind, solar, geothermal, and hydropower do not emit carbon dioxide. We must have the will to change, and Congress must take actions to supply the incentives to promote these clean energies and for energy efficiencies so companies can make investments that extend over a period of time.

The amendment before us creates a cap in the trade system that gives businesses more certainty in their business planning, allowing them to receive credits for emissions reduction actions that they can then trade in the marketplace to others who may require credits to meet their obligations. Our proposal even allows the forestry industry to voluntarily enter this program and receive credits for sequestering carbon dioxide through the trees they plant.

We also need more accurate data of just how much carbon dioxide the United States is emitting into the atmosphere every year, and I am convinced we can obtain these numbers voluntarily from some of the worst offenders. So a mandatory registry and reporting system for emissions should be put in place as proposed under this amendment.

Mr. President, I urge the Senate to adopt the McCain-Lieberman amendment to the Climate Stewardship Act. This is going to be absolutely critical for the future of this Nation and for future generations. Through our ingenuity and technology, we need to begin to take the actions to mitigate and to adapt to changes in the global climate

system rather than just deferring through benign neglect the problems for other generations to address.

Working together, as this legislation is purporting to do, on a bipartisan basis, we have the ability to bequeath future generations a world better and more beautiful than was transmitted to us.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, we have agreed to go back and forth. I know Senator AKAKA has been waiting for a while. Certainly it is all right to go to him. I wish to make one point first.

It is a little unfair and unrealistic—and I want to make sure everyone interested in this issue understands, we have had the McCain-Lieberman bill for months now, and we have all had a chance to study it. The fact they changed this bill and they are saying you are not talking about the bill before you now, that did not happen until 11:53 this morning. We have not had a chance to see it.

The bottom line is this: As was stated by the Senator from Connecticut, this is just a start. So if their bill is just a start, what it does is recognize CO_2 as a pollutant, and that changes the policy for America. I think the debate from this point forward should go on as if we are talking about the original McCain-Lieberman bill. That is what we will be doing.

I yield to the Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I thank my friend from Oklahoma. With all respect, I say the Senator and others opposing our amendment may continue to talk about the original McCain-Lieberman bill, but that is not the one before us. We announced at a Commerce Committee hearing on October 1 that in an attempt to achieve consensus and find common ground, we were pulling back the second part of our proposal. The first part sets a goal of achieving the standards of emission of 2000 by 2010. The second part would have taken us back to 1990 standards by 2016. We pulled that back.

This is an attempt to try to see if we can move forward together. It has been out there for some period of time now, and the estimate we have seen of its effects comes from MIT, which I submitted for the RECORD earlier.

We will continue to debate whether the facts being presented are relevant to our amendment. I say respectfully they are not.

Mr. INHOFE. Mr. President, I had yielded to the Senator from Connecticut, so let me respond. There are other provisions that arose this morning that no one has seen. It is a new bill. It is a different bill. The Senator may have talked about it in the Commerce Committee. I am not on the Commerce Committee.

I will say this: To receive a bill after months and months of having this bill to look at, preparing our case, only to find out at the last minute, since they obviously didn't have the votes, it was changed, and we received it at 11:53, is not realistic.

The PRESIDING OFFICER. Who yields time? The Senator from Connecticut.

Mr. LIEBERMAN. I thank the Chair. Mr. President, we did distribute a draft of this amendment last week, according to staff. I suppose in some sense we are progressing in this disagreement. I would rather disagree about the impact of the bill than disagree about the science that I think says so clearly the world has a problem. The globe is warming. It is the result of human activity, and we ought to figure out what to do about it.

We will continue this debate. I thank the Senator from Maine for her very eloquent statement on behalf of the amendment. I am very proud of the bipartisan support for the amendment. The truth is, this is a nonpartisan amendment, as the public support for doing something about global warming is truly nonpartisan.

Mr. President, I also thank my friend and colleague, the very distinguished Senator from Hawaii, for his patience and support of the bill. His experience as a Senator from Hawaii with the evidence of global warming is real. It goes beyond statistics and arguments. They have begun to see it with their own eyes. It is, therefore, with a real sense of gratitude I yield whatever time the Senator from Hawaii needs to make his statement.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. AKAKA. Mr. President, I rise today to support the Climate Stewardship Act of 2003. As a cosponsor of S. 139, I commend Senators LIEBERMAN and MCCAIN for their bipartisan efforts to craft an important first step in addressing the serious issue of climate change. As was mentioned by Senator LIEBERMAN, Hawaii, a State in the Pacific, is certainly subject to climate change. I also support the proposed amendment which establishes an emissions reporting database, provides climate change research grants, and requires a freeze on current levels of greenhouse gas emissions using a cap and trade system. I compliment Senators LIEBERMAN and MCCAIN for their continued leadership on this issue.

The United States makes up less than 5 percent of the world's population, but releases the largest amount of greenhouse gases of any country. The U.S. accounts for roughly 25 percent of the world's global emissions. In 2001, the National Research Council conducted a study on greenhouse gases at the request of the Bush administration. The council reported that concentrations of greenhouse gases are increasing as a result of human activities. In other words, elevated levels of carbon dioxide are not due solely to natural climate variations. One example is the increase in energy production from the burning of fossil fuels.

The council concluded that increased concentrations of greenhouse gases are causing surface air temperatures and subsurface ocean temperatures to rise. As you can see in the first chart, the World Meteorological Organization, WMO, shows an increase in combined land and ocean temperatures during the past 120 years. We can see clearly the trend that has occurred and where it is at this time. If we look farther back in the historical record, the second chart shows a dramatic spike in air temperature just after the Industrial Revolution. We can see that spike and rapid rise on the chart.

The Intergovernmental Panel on Climate Change, IPCC, a premier international working group, predicts an increase in air surface temperature. The IPCC estimates the increase would be between 2.5 to 10.4 degrees Fahrenheit from the year 1990 to 2100. The Panel also predicts that climate change will likely affect the distribution and availability of regional water resources. My colleagues should recognize that all the varied climate models and scenarios used by the IPCC show a continued increase in air surface temperature.

Strong evidence of increased atmospheric levels of greenhouse gases and climate change is obvious in my home State. The global warming debate began in Hawaii. Over 30 years ago, the Mauna Loa Climate Observatory documented evidence of increased carbon dioxide levels. This graph clearly shows an undeniable upward trend of carbon dioxide in the atmosphere around the world.

It is interesting to note, however, that island communities account for less than 1 percent of global greenhouse gas emissions. Major population centers and infrastructure are located along or near coastal areas. As a result, Pacific island nations are highly vulnerable to increased impacts of climate change. Scientists predict an increase of extreme climate change events such as hurricanes, floods, and droughts. The impacts of these events on business and agriculture in Hawaii and Pacific islands could be particularly severe and devastate our tourist-dependent economies.

In just the past 100 years, Honolulu's average temperature has increased 4.4 degrees Fahrenheit while precipitation has decreased by 20 percent. In Hawaii we have seen that ''El Nino'' events can have strong influences on our climate, causing prolonged periods of drought that hurt Hawaii's agricultural industry. Some climate projections show that the Pacific may actually transition into a more persistent ''El-Nino''-like state, causing dramatic changes to the ecosystem around the world. This change would not only affect farmers, but perhaps even permanently destroy many coral reefs and their associated fisheries throughout the Pacific. In the mid-1990s, El Nino events destroyed at least one-third of Palau's coral reefs. The costs of inaction on climate change far outweigh the costs of this bill.

Sea level rise is also a tremendous concern for Pacific island communities. It can greatly accelerate coastal erosion and saltwater intrusion into groundwater supplies. For many Pacific island nations facing severe shortages of drinking water, sea level rise is a devastating prospect. In Hawaii, sea level has risen six inches in Honolulu and nine inches in Hilo, the big island. The IPCC predicts that sea level will rise another one to two feet in the Pacific by the year 2100. The impacts of even a relatively small sea level rise on Pacific nations and atolls, some with maximum elevations which are less than ten feet above sea level, can be severe. As recently as 2001, rising sea levels caused the loss of land areas in Kiribati and Tuvalu, Pacific nations with low-lying atolls. In the Pacific, cultural activities were interwoven with the conservation of the environment. These traditions allowed the survival of dense populations on small land areas. Today, the global issue of climate change extends beyond our borders and threatens the livelihoods of these nations. Climate change is an important challenge and high priority for immediate action in the Pacific.

The U.S. has tried initiatives such as the Voluntary Reporting of Greenhouse Gases Program. These voluntary programs have not succeeded in reducing or even stabilizing total U.S. greenhouse gas emissions. Although program participants committed to reduce certain portions of their carbon dioxide emissions, many entities had substantial increases in their overall emission levels. This rise in emissions was due to increasing demands for their products and services. According to the Pew Center on Global Climate Change, total greenhouse gas emissions have increased approximately 12 percent between the years 1990 and 2001. Emissions are projected to increase another 42 percent by 2020. The United States needs to address climate change in a significant way. We must implement a responsible and reasonable policy to stop greenhouse gas emissions from rising.

Under the Lieberman-McCain amendment, the United States would adopt a uniform, Federal program to stabilize greenhouse gas emissions. The amendment would require all major electric power, industrial, or commercial facilities that emit over 10,000 metric tons of greenhouse gas per year to take action. A program that uses emissions trading would provide these sectors with the flexibility needed to determine the most cost-effective and practical approaches to stop greenhouse gas emissions from rising. The U.S. has already demonstrated that a cap-and-trade system can be both environmentally and economically effective. The primary example is the Acid Rain Program which was established in 1990 to reduce emissions of sulfur dioxide.

Four U.S. corporations are already taking the lead in reducing greenhouse gas emissions. BP, British Petroleum, the largest oil and gas producer in the U.S., and DuPont, a $24 billion/year corporation that produces chemicals, materials, and energy, have already taken on emission reduction strategies. Both BP and DuPont have claimed to save millions of dollars in the process. Cinergy, the largest burner of coal in the U.S., has pledged to reduce its greenhouse gas emissions by 5 percent with the belief that they can meet this target at no additional cost to the company or ratepayers. American Electric Power, the largest emitter of carbon dioxide in the U.S., has joined the Chicago Climate Exchange. This marketplace trades greenhouse gas emissions with a target of reducing emissions. The Governors of ten northeastern States developed a regional greenhouse gas trading program because of the lack of national leadership on climate change. Their program requires a mandatory cap on power plants in July of this year. In total, carbon reduction initiatives are already underway in 27 States.

We must take this first, critical step to stabilize greenhouse gas emissions in the United States. If we fail to address the issue of climate change now, the U.S. may have to face catastrophic and expensive consequences. A relatively small investment today is far wiser than spending vast amounts in the future to replace destroyed homes and infrastructure, restore altered ecosystems, and reinvest in collapsed agricultural economies. Scientists at MIT, the Massachusetts Institute of Technology, conducted a study that analyzed the proposed costs of the Lieberman-McCain amendment to S. 139. They estimated the cost to be less than $20 per household per year.

The United States has the technological capabilities and intellectual resources to lead the world in an effort to reduce future greenhouse gas emissions. The Lieberman-McCain amendment demonstrates to the international community our serious commitment. The European Union, EU, has recently adopted a mandatory cap and trade program with a carbon dioxide reduction target of 8 percent by the year 2012. The proposed amendment only calls for a stabilization of U.S. greenhouse gas emissions. The compliance costs of the EU greenhouse gas reduction program are expected to total less than 0.1 percent of their GDP, Gross Domestic Product. Therefore, the EU predicts a minimal effect on their economic growth even under a rigorous approach.

I thank Senators LIEBERMAN and MCCAIN for recognizing the importance of climate change and taking the lead on legislation to stabilize greenhouse gas emissions. Research shows that our climate is changing due to human activities. It is clear that piecemeal, voluntary approaches have failed to reduce the total amount of greenhouse gas emissions in the United States. Now is the time to send a strong message that the U.S. is serious about the impacts of climate change. A policy of inaction on climate change is not acceptable and will cost the United States more than preventive policies. I firmly believe that we can have economic growth while protecting the global environment. I urge my colleagues in the Senate to support the Lieberman-McCain amendment to S. 139.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. I yield 10 minutes to the Senator from Alabama, Mr. SESSIONS.

Mr. SESSIONS. Mr. President, I thank Senator INHOFE for his leadership on this issue. I recall several years ago, as a member of the EPW Committee, we served on the Clean Air Subcommittee and had field hearings and took testimony from a number of the scientists who are still speaking out and discussing the issue of global warming. I remember Dr. Lindzen from Harvard sat back in one of our hearings, kind of relaxed, and he said: We can debate this global warming, but even if we do, the things people are proposing are not going to have any significant impact on the global climate situation in which we are involved.

I do think, as Senator INHOFE has ably pointed out, a lot of the scientific data is being disputed. One of the issues that I know about personally and have heard this witness, Dr. Christy, testify about, is the satellite data. Dr. John Christy at the University of Alabama at Huntsville studies NASA scientist space data, temperature readings in the upper atmosphere. According to the models that were supposed to predict global warming, those models called for the increase in temperature to show up first in the upper atmosphere.

According to his rigorous analysis of the upper atmosphere temperatures, they have not increased in the last 15 or 20 years—maybe just the most minute fraction, but probably not any.

So this contradicts some of the things we are hearing. I don't know what changes are out there in the environment. We know a lot of factors are involved.

Professor Sallie Baliunas from Harvard, an astrophysicist, has recently discussed sunspots and Sun activity, and charts that show that tend to correspond with increasing or falling temperatures.

I don't know. It could be increasing carbon dioxide, increasing soot, increasing other materials that have some impact on the environment, although it does appear—our best science shows in the early middle ages temperatures were hotter than they are today, before we had a lot of the things that people are complaining about.

What I want to get around to saying is I believe there are legitimate disputes about the validity and extent of global warming. There is little or no dispute that what the United States

does unilaterally is not going to have any impact on the situation that is happening in our global environment. We have countries, like India with a billion people and China with a billion people, that are growing dramatically and have almost no environmental controls and are not going to participate in environmental controls. What we do here, whether or not we can spend billions and billions of dollars, what impact will we have here? Not much, I submit.

I remember all these world gurus that met in Kyoto and they passed the Kyoto resolution and they wanted us to adopt the Kyoto accords. That was wonderful, to be at this conference and everybody got excited, apparently, and passed this resolution and asked all the nations to sign.

We studied that here in the United States. What they wanted to do, and this was in the late 1990s, I believe 1997–1998, they wanted the United States and the other countries to commit to reducing greenhouse gases 7 percent below 1990 levels by 2012.

Far from beginning to show a reduction, by the late 1990s we were 10 or more percent above the 1990 level. Projections of increased energy demands and other projections raised a clear indication that we were going to continue to show increases and not declines.

What I would say is that was ludicrous. It was totally unrealistic, could not be accomplished. Yet these so-called scientists were saying you are not a good person, you are not politically correct if you didn't agree to the Kyoto Treaty. So we had a big debate about it. We talked about it, and it became so apparent that it was so bogus and so unrealistic that when we voted, it was 97 to nothing, as I recall, to reject the Kyoto Treaty.

Senator MCCAIN and Senator LIEBERMAN have come back with a more modest proposal. One thing I would have to say about it is that the Kyoto accord at least proposed to bring other countries on board, to have them agree to these reductions. This one is a unilateral economic action, I suggest. It says that by 2010 we ought to be at 2000 levels. The projections for growth indicate that would be very costly to meet. The Department of Energy research group suggests that by 2010 it would create, that year alone, a $45 billion cost on this economy. Make no mistake, $45 billion is real money, and it comes right out of this economy. It is sucked right out of the growth of this economy. It adds to the bill of every business, every homeowner, and if it drives up the cost of natural gas as people say, it is going to take money out of the pockets of fixed-income Americans all over this country.

We cannot expect that there will be no cost for this.

The question is, Will the cost be worth the benefit? I suggest that President Bush has it right. Let us not focus on CO_2. Carbon dioxide does not hurt you. We have to have it in the atmosphere. It is what plants breathe. In fact, the more carbon dioxide that exists, the faster plants grow. Plants will grow in desert environments much better with higher levels of carbon dioxide. It does not hurt our lungs. It doesn't hurt our health. It does not injure. Sulfur dioxide, mercury, other particulate pollutants are harmful to us. Also, we need to focus on those issues. As we focus on those issues, we will reduce CO_2 at the same time and perhaps that will play a role in our meeting some of the goals we are facing today.

But to commit ourselves to a political goal of reducing a gas that is not harmful, and reducing it by amounts suggested here that will have no impact on global warming but a significant adverse impact on our economy—which means jobs, jobs, jobs—is a mistake.

We have people in this body who say: Oh, we have too much unemployment; we have too many people who can't find work; we are seeing too many jobs go over to China. Do you think China is going to be meeting these requirements? Do we think they will be spending $45 billion or more to get some minor increase that we were talking about here? I don't think so.

This reduces our competitiveness in the world marketplace. It hurts us as we seek to maintain our manufacturing. It hurts our people on fixed incomes. It increases their cost of heating and cooling their homes. It is a big-time mistake. We do not need to make this mistake.

I don't believe anybody will stand on the floor of this Senate and suggest that meeting CO_2 emission goals will help this economy. It can only hurt this economy.

Mr. MCCAIN. If the Senator will yield for a question, I will stand on the floor of the Senate and ask what climate change is doing to future generations of Americans—the fishing industry and the farming and the climate and the forest fires that are taking place in California as we speak. If the Senator will yield for a question, I will stand up—

Mr. SESSIONS. I will not yield for a question. I have accepted the speech of the Senator while I held the floor. I am pleased to do so. He is a great advocate.

But I repeat: It is going to hurt this economy. And everyone knows it. It is going to drive up the cost of energy. When you do that, it drives out jobs. It will be a unilateral economic disarmament—a unilateral act by this country in which other nations will not be participating. It will not help us.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SESSIONS. Mr. President, I thank the Senator for my time. I appreciate the commitment of the Senator from Arizona, and I thank the Senator from Oklahoma, Mr. INHOFE, for his leadership and support him on this side.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I congratulate the Senator from Alabama for smiling his way through that intensive interrogation by the Senator from Arizona.

I now yield 10 minutes to the Senator from New York whose support for our amendment I greatly appreciate.

The PRESIDING OFFICER. The Senator from New York.

Mrs. CLINTON. I thank the Senator very much.

I am proud to rise in support of the bipartisan climate change legislation offered by Senators LIEBERMAN and MCCAIN. I will be brief in my remarks, because I believe that the sponsors of the amendment have eloquently made the full case for the legislation. But this is a very important issue, and I did not want to miss the opportunity to voice my support.

Climate change is greatest environmental challenge that we face. Its effects will unfold over decades and will touch every corner of the globe. I think the time to act is now.

First, I want to briefly touch on the science. Many of the details remain to be filled in, and I support further climate research so we can refine our understanding of how human activities are affecting the climate system. But there is already a strong scientific consensus that supports action now. The most definitive recent reports were issued by the Intergovernmental Panel on Climate Change and the National Research Council in 2001. In brief, the findings of those reports include the following:

No. 1, anthropogenic climate change, driven by emissions of greenhouse gases, is already underway and likely responsible for most of the observed warming over the last 50 years—the largest warming that has occurred in the Northern Hemisphere during at least the past 1,000 years;

No. 2, over the course of this century the Earth is expected to warm an additional 2.5 to 10.5 °F, depending on future emissions levels and on the climate sensitivity—a sustained global rate of change exceeding any in the last 10,000 years;

No. 3, temperature increases in most areas of the United States are expected to be considerably higher than these global means because of our Nation's northerly location and large average distance from the oceans;

No. 4, even under mid-range emissions assumptions, the projected warming could cause substantial impacts in different regions of the United States, including an increased likelihood of heavy and extreme precipitation events, exacerbated drought, and sea level rise;

No. 5, almost all plausible emissions scenarios result in projected temperatures that continue to increase well beyond the end of this century; and

No. 6, due to the long lifetimes of greenhouse gases in the atmosphere,

the longer emissions increase, the faster they will ultimately have to be decreased in order to avoid dangerous interference with the climate system.

These are disturbing findings from the most authoritative scientific sources we have. And the findings are further bolstered by an October 1, 2003, letter to the U.S. Senate signed by over 1,000 leading scientists.

So opponents who argue that we need more study before we act are simply wrong. We need to know more, but we already know enough to take initial steps to reduce the greenhouse gas emissions that are causing climate change.

I would add that we are already seeing the effects of climate change. Glaciers are retreating all over the world. In March 2002 the Larsen Ice Shelf on the Antarctic peninsula completely broke off and broke up. The glaciers in the mountains in the tropics are rapidly melting; e.g., the snows of Kilimanjaro will be gone by 2015. One of my staff members took a photo of himself on the summit in 1970 next to a 20 foot high glacier at Uhuru Point; 29 years later his daughter was at the same Uhuru Point and only a trace of ice was left.

We are already feeling the effects of climate change. And the scientific consensus is that unless we act to reduce emissions, the planet will continue to warm over the next century, with widespread and potentially devastating effects. These potential effects include more frequent extreme weather events, the wider spread of diseases such as West Nile, Eastern Equine Encephalitis, and malaria.

As a Senator from New York, I am concerned about coastal flooding if sea levels were to rise, and how that would affect communities on Long Island. I am concerned about how warming will affect the Adirondacks, where tourism and a way of life depend on cold and snow in the winter. I am concerned about impacts on New York farmers. But I am also concerned about impacts in other parts of the country and around the world.

I am in wholehearted support of the effort undertaken by Senators LIEBERMAN and MCCAIN to address this issue of climate change. I have to say I find it somewhat bewildering, this note of fatalism, this sense of pessimism, this defeatism I am hearing from the other side of the aisle.

No. 1, it is a real problem. You can say that it isn't. You can say it over and over again. It is a real problem, and it is a problem that is getting worse because we failed to attend to it.

But what bothers me is this idea that somehow America—the most innovative, creative nation the world has ever seen—cannot cope with this problem. This defeatism, this pessimism, this fatalism that I hear from the opponents is fundamentally un-American.

We have a problem. We should get about the business of addressing the problem.

What Senators MCCAIN and LIEBERMAN have done is to give us a roadmap to doing that. It may not be everything that many advocates would wish for, but it lays out a marker, and, more than that, it fulfills for me the traditional sense of how Americans respond in the face of a difficulty.

This legislation is not only necessary but I think it provides an opportunity. Yes, in the short run there may be some adjustments that are needed, just as there always are when we have to face inevitable or necessary change.

We are confronting the greatest environmental challenge when we talk about global climate change. There can only be one conclusion: Because of human activity, we are warming the Earth.

Some might say, ''Well, it doesn't seem that bad to me,'' or, ''The consequences don't seem that dire.'' But I believe we have disturbing findings from the most authoritative scientific sources that argue otherwise. The most definitive recent reports were issued by the Intergovernmental Panel on Climate Change and by the National Research Council in 2001.

I remind my colleagues that the National Research Council study was requested by the Bush administration. And it fundamentally confirms the results of the Intergovernmental Panel on Climate Change.

What was the response of the administration? Kill the messenger. Hide the findings. Order EPA to take the information about global climate change out of its review of the status of the environment.

You can deny a problem, you can ignore it, and you can delude yourself that it is not an issue. But I don't think that any longer is sustainable. It is not intellectually honest, and it is not politically defensible.

Opponents who argue that we need more study before we act are simply wrong. Yes, we need to know more, but we already know enough to take initial steps to reduce the greenhouse gas emissions that are causing climate change. That is what this legislation proposes to do.

There are so many facts that support the evidence of climate change—whether we talk about the Larsen Ice Shelf on the Antarctic peninsula breaking off and breaking up or whether we talk about the snow at Kilimanjaro.

I want to show this one picture because it is so telling. It comes from the personal experience of one of my fellows who is working with me on my staff. He took a photo of himself on the summit of Kilimanjaro in 1970 next to a 20-foot-high glacier at Uhuru Point. And 29 years later, his daughter was at the same point and there was only a trace of ice left. Maybe people climbed up there and carted the ice off. I don't know. Maybe that became some kind of economic activity that the folks in Tanzania decided to pursue.

That is not what happened. I think what happened is we have evidence in the most dramatic way possible of the effects of 29 years of global warming. The scientific consensus is clear: That unless we act to reduce emissions, the planet will continue to warm over the next century, with widespread and potentially devastating effects. We have heard some of those mentioned already.

I listened carefully to the Senator from Maine talking about the change in everything from sugar maple to the potato crop in her State. I listened to my colleague from Hawaii, where we really began to acquire the evidence and understanding of global climate change.

I worry about disease. I think it is indisputable that we are seeing disease move up in latitude. Diseases such as West Nile, eastern equine encephalitis, and malaria are now found at latitudes that they have never been before.

As a Senator from New York, I am concerned about coastal flooding, if sea levels were to rise, and how it would affect the communities I represent and that my colleague from Connecticut represents at Long Island Sound and along the ocean.

I am concerned about the warming effects on the Adirondacks; I am concerned about the effects on New York farmers; I am concerned about the economy, if we do not act.

What is clear to me is that we have extraordinary economic opportunity. Since when did Americans say in the face of a challenge, Oh, my goodness, we can't admit it, we can't confront it, because we don't know how to deal with it economically?

We could be making money and creating jobs if we took seriously the opportunities for alternative energy and conservation. The fact that we do not is because of the stranglehold special interests who are committed to always producing energy have on this body and on the administration.

Let's be clear, we put out most of the greenhouse gasses from our country and we have the technological know-how, we have the understanding that would enable us to be the leaders in addressing this issue. That is why the bill offered by Senators MCCAIN and LIEBERMAN is so timely. Simply put, we would stabilize greenhouse gas emissions at 2000 levels by 2010.

Think of the energy we would unleash among our entrepreneurs if they got the go-ahead to deal with this challenge. A market-driven system of greenhouse gas tradable allowances would exempt farmers, residences, and auto manufacturers, and that would give us a chance to go forward to try to find solutions to the challenge of addressing greenhouse emissions. We know this cap-and-trade approach can enable cost-effective reductions in emissions. We have seen it in the implementation of the acid rain provisions of the 1990 Clean Air Act. We know that has worked. Why do we turn our backs on what we know works?

It is amazing to me how often the Congress, Capitol Hill, and Washington

end up becoming evidence-free zones because people do not want to deal with what the evidence demonstrates. We know the cost for this would be minimal.

Let's be honest. The science is clear. The opportunities are clear. This bill represents a modest and flexible first step. Despite the assertions of opponents, compliance costs will be minimal. The United States needs to regain leadership. We need to take responsibility. It gives a chance, then, to go to the rest of the world to try to build an international consensus. In the absence of some kind of protocol or treaty, we will be choking to death on the emissions from countries such as China and India as their standard of living rises. Now is the time to act. We owe it to our children and our grandchildren and generations beyond.

I thank the two sponsors for giving us the opportunity to go on record on the right side of history.

Ms. COLLINS. Mr. President, I rise to express my support for the goal of reducing greenhouse gas emissions to 2000 levels by the year 2010.

The scientific evidence that people are causing the Earth to warm grows more robust each year. According to the National Academy of Sciences, ''Greenhouse gases are accumulating in the Earth's atmosphere as a result of human activities, causing surface air temperatures and subsurface ocean temperatures to rise. Temperatures are, in fact, rising. . . .'' Indeed, a new scientific analysis shows that the Earth is warmer now than it has been in the last 1,000 years.

Perhaps most alarming is the rapid warming that is occurring in the Arctic. According to data released last week by the National Aeronautics and Space Administration, Arctic temperatures are currently increasing at a rate of two degrees per decade, and Arctic ice is melting at a rate of 9 percent per decade. Scientists are now projecting that the Arctic Ocean could be ice-free in the summer by mid-century. Due to the importance of the Arctic Ocean to the world's climate as a whole, this prediction is truly alarming.

To be sure, there are still numerous uncertainties. Researchers at the University of Maine have pointed out that past changes in the climate have tended to occur very abruptly, but we do not know if future changes in the climate will also occur in abrupt shifts. Nor do we know how quickly future warming will occur. Due to these uncertainties, I believe we should not only direct more attention to better understanding the climate, but also take prudent actions to reduce the risk of disruptive climatic changes.

The McCain-Lieberman Climate Stewardship proposal would reduce U.S. greenhouse gas emissions to 2000 levels by the year 2010. In light of the climate changes observed to date and the potential risks of even greater and more abrupt changes, I support this goal. It is a prudent step in the right direction, and I intend to vote in favor of the McCain-Lieberman amendment.

Although I am in favor of the Climate Stewardship Act, I think more thought needs to go into the exact actions by which we reach the goal of reducing emissions to 2000 levels by 2010. These are important decisions, and Congress should not allow such important decisions to rest in the hands of the agencies. I support concrete, certifiable reductions, and these reductions should come primarily by increasing the efficiency of our economy and further developing our renewable energy resources. Increasing CAFE standards for automobiles, efficiency standards for air conditioners and other appliances, and reducing power plant emissions are just a few examples of concrete steps that we can take to reduce greenhouse gas emissions.

The United States has made tremendous strides in increasing the energy efficiency of the economy. In doing so, we have averted millions of tons of greenhouse gas emissions. With further steps in improving our energy efficiency, the McCain-Lieberman target is imminently attainable. I urge my colleagues to support this important legislation.

The PRESIDING OFFICER. Who yields time?

Mr. INHOFE. Mr. President, I yield 10 minutes to the distinguished Senator from Utah.

Mr. BENNETT. Mr. President, I have enjoyed listening to this debate either in person or over the television. I will not try to add to it with a plethora of statistics, forecasts, or predictions. Rather, I want to deal with some of the statements that have been made including some we have just heard from the Senator from New York and try to do a little math of a very simple and direct kind and ask a few questions.

First, the Senator from New York said the United States produces most of the greenhouse gasses. My understanding is the correct number is 25 percent of the greenhouse gasses produced in the world as a whole. That is the largest of any single country. It does not constitute most. But it is a plurality and pluralities win elections so that puts us in first place.

Now let us assume for the sake of following this through that we achieve a savings of 10 percent. I am not sure we will. No one is really sure in all of the predictions, dire and rosy, that are made with respect to this legislation how much the savings will be, but we will pick a number easy to calculate, 10 percent. That means, if the laws of mathematics have not changed, we would reduce the world emissions by 2.5 percent because 10 percent of 25 percent is 2.5 percent.

The question then arises, will the rest of the world stay static while we reduce the total by 2.5 percent or will a combination of China, India, Russia, Australia, what have you, increase the total by 2.5 percent so that the net effect in the atmosphere of America doing this is zero. That is a very likely scenario. The net effect of the United States doing this as far as manmade emissions are concerned would be zero. Yes, we could reduce theoretically ours by 10 percent. That would be made up by the rest of the world.

The question arises, how much benefit is there to see to it that the overall world situation is as it is now with the United States producing no significant impact on the total?

The next question, what do we do if we reduce it by 10 percent? How do we do that? Obviously, we will need the power. Indeed, we will need substantially more power between now and the year 2010 if we are going to reduce the emissions that come from fossil fuel to generate the power we will have to go someplace else. There are a variety of places we can go.

One we hear often is we should use natural gas. We should replace coal with natural gas. That is a good idea. But let us understand something right now. We have in the United States currently a shortage of natural gas. As Alan Greenspan pointed out, that is one of our major economic challenges. He also has pointed out, natural gas is the one fossil fuel we cannot import. In order to import natural gas we have to have a pipeline, unless you liquefy it, and that is tremendously expensive, and we do not have the ports available to receive natural gas in liquefied form. The only places we can import natural gas are Mexico and Canada, and we are doing that.

If you look at a geological chart of the United States you find there is plenty of natural gas in the United States, but a very large percentage of that is on public land. Now the people who are telling us we must reduce greenhouse gas, namely the environmental groups, are the same people who are telling us we cannot drill for natural gas in the United States because that somehow will desecrate the public lands. I am not sure the land cares whether there is a drilling rig on it or whether there is a pipeline running across it, but certainly the Sierra Club cares. They say absolutely no drilling for natural gas on public lands.

If we cannot get to the natural gas, we will continue to use coal. Let's use clean coal. We have enough clean coal in the State of Utah to heat, light, drive the city of San Francisco for the next 300 years. We proposed mining that. Clean coal, low-sulfur coal would significantly reduce greenhouse gas emissions. Who got very upset at the idea we might start to use clean coal? The Sierra Club. They got President Clinton to declare a national monument right on top of the potential clean coal to make sure there would never be any coal mined from that place because environmentally they do not want any coal mines.

Well, we cannot use natural gas because we cannot get it off our public lands. We cannot use the clean coal in the West because we cannot get it off

our public lands. What is our alternative? Nuclear. That will do it. That is what they do in Europe. That is why Europe is in favor of Kyoto because they do not use fossil fuel to generate electricity; they use nuclear power.

So let's have nuclear plants all over the United States in order to produce the 10 percent reduction called for in this bill. Is the Sierra Club ready to endorse and embrace nuclear? They will not let us drill for natural gas. They do not want us to use the clean coal and they absolutely do not want us to build nuclear plants.

All right. Where else do we go? Well, in the West, we get a portion of our power from hydroplants. Dams have been built to store water. And as the water tumbles down the front of the dam, why, we get power. And it is the goal of the Sierra Club, and other groups that are supporting this bill, to dynamite these dams. They want to drain Lake Powell and dynamite the dam.

It is very interesting, if I could make a quick historic aside, when my father was in the Senate, and they were talking about building the Glen Canyon Dam that would produce this power, the Sierra Club opposed it and said: We will never, ever need that much power. But, they said, if for some reason we are wrong, and we should need that power, there is no point in building the dam to provide the power because look at all the coal that is there. The coal is the coal that they moved to make sure would never get mined.

I could embrace the idea of reducing the emissions in a test fashion to see if it did indeed have any impact on global warming if I could see the way clear to produce the power some other way than the way we are doing it now.

I would say to the Senator from Connecticut, who has excellent contacts in the environmental world, if he would go back to those who are supporting this bill and say to them, ''In return for support of this bill, will you agree to drill for natural gas on public lands, to exploit low-sulfur coal where it exists on public lands, and to explore the possibility of more nuclear plants so that we don't become dependent on fossil fuel?'' I might very well be interested in cosponsoring and voting for this bill.

But until those who are driving the debate publicly are willing to address the question of how you replace the sources of power that would have to be eliminated if this bill should pass, I intend to vote against the bill.

I yield the floor.

Mr. KYL. Mr. President, in 1997, the Senate unanimously passed the Byrd-Hagel resolution that stated that the Senate would reject any climate agreement that did not mandate ''new specific scheduled commitments to limit or reduce greenhouse gas emissions for Developing Country Parties within the same compliance period'' as the United States or that ''would result in serious harm to the economy of the United States.'' The Kyoto Protocol failed to meet these conditions, and consequently, President Clinton never submitted the protocol for Senate ratification, nor has President Bush.

The initiative before us, The Climate Stewardship Act of 2003, also fails to comply with the Byrd-Hagel resolution. First, it unilaterally commits the United States to carbon emissions restrictions, and second, it puts into place the regulatory structure for future carbon dioxide emissions reductions. This initiative represents the first phase in a long-term effort to reduce carbon dioxide emissions that would ultimately inflict serious harm on the U.S. economy. There is no need at this time to go down that path.

There are many reasons why the U.S. should avoid committing itself to carbon dioxide reductions. First, carbon dioxide is the unavoidable consequence of burning carbon-based fuels such as coal, oil and natural gas. The only way to get energy from a carbon-based fuel is to force the carbon to combine with oxygen through burning it. The result of that process is carbon dioxide, an odorless, colorless, non-toxic gas that sustains life. Reducing carbon dioxide to levels that would be climatically meaningful would mean using something other than coal, oil or natural gas to fuel our economy. Unfortunately, there are no economically viable alternatives to replace these fuels at this time.

This was made clear in a review of available energy technologies published in Science magazine in November 2002. In that review, a team of scientists many of whom are climate alarmists—concluded that our fossil fuel-dominated energy system ''cannot be regulated away'' and that we must instead rely on ''the development within the coming decades of primary energy sources that do not emit carbon dioxide to the atmosphere.''

The review notes that the United Nations' Framework Convention on Climate Change calls for a stabilization of greenhouse gases at levels that avoid ''dangerous anthropogenic [man-made] interference with the climate system.'' Nobody really knows what that level is, but the authors of the study argue that stabilization at levels as low as 450 parts per million may be necessary to do this. The review states that, ''[t]argets of cutting to 450 parts per million . . . could require a Herculean effort.'' And, ''[e]ven holding at 550 parts per million is a major challenge.'' Incidentally, we are currently at 370 parts per million, so the Herculean effort would still result in carbon dioxide levels significantly higher than we have now.

Now I realize that the initiative before us falls well short of stabilizing atmospheric emissions at 450 or 550 parts per million. But let me be clear that if the Senate passes this initiative it would set a precedent that would lead to future, more costly reduction requirements. Currently, the executive branch has no authority to regulate carbon dioxide emissions. Indeed, the Clean Air Act expressly forbids the executive to regulate carbon dioxide emissions. This initiative would create the architecture for a series of increasingly stringent controls on energy use. It is widely acknowledged that if indeed global warming is a serious problem, that even the Kyoto Protocol is woefully inadequate to meet the challenge. As noted by the EU, and elsewhere, ''avoiding dangerous interference with the climate system . . . would require substantial (50 to 70%) global reductions in total greenhouse gas emissions.'' So this precedent-setting initiative would be the first stage of what appears to be a monumental and extravagantly expensive undertaking, and the levels of carbon dioxide in the atmosphere would still be higher than they are now after all our efforts and all the cost.

The Science review notes that the world's power consumption is about 12 trillion watts, 85 percent of which is supplied with fossil fuels. By 2050, total energy consumption will be as much as three times the amount currently produced by fossil fuels. The review states: ''Energy sources that can produce 100 to 300 percent of present world power consumption without greenhouse emissions do not exist operationally or as pilot plants.''

The authors conclude that the ability to stabilize greenhouse gas emissions without seriously damaging the economy is not possible at this time: ''CO_2 is a combustion product vital to how civilization is powered.'' All of the possible alternative fuels ''have serious deficiencies that limit their ability to stabilize global climate.'' The authors simply hope that we can ''develop revolutionary changes in the technology of energy production, distribution, storage, and conversion.''

In other words, the means to meaningfully reduce carbon dioxide emissions are not available, suggesting that the economy would suffer from a premature attempt to reduce emissions.

How would this initiative affect the U.S. economy? The Department of Energy's Energy Information Administration makes it quite clear that policies that regulate carbon dioxide emissions would most heavily impact coal, which is the United States' most plentiful and affordable domestic energy source, and is the most important fuel in electricity generation. Currently, 52 percent of America's electricity needs are generated from coal. And while that share is projected to decrease somewhat over the next 20 years, total coal use may well go up to keep up with growing electricity demand. It doesn't make a lot of sense to target our most important and plentiful domestic energy resource.

Incidentally, my State's only significant coal reserves are located on Black Mesa and the mine there is a major employer of Native Americans from the Hopi Tribe and Navajo Nation. This

mine also supplies secure, affordable energy for millions of Southwest families.

There is also a lot of concern up here about the decline in manufacturing jobs nationally. But the Energy Information Administration also makes it clear that energy intensive manufacturing industries would also be harmed by policies that regulate carbon dioxide.

Finally, we are not the only nation to come to the realization that Kyoto-style policies carry a hefty price tag. Russia made it quite clear at a recent United Nations' World Climate Conference that the Kyoto Protocol does not serve the economic interests of her people, and therefore will not be pursuing greenhouse emissions reductions. Andrei Illarionov, President Putin's chief economic advisor has stated that Kyoto is incompatible economic growth, noting that 40 years of data from 150 countries shows that GDP growth is highly correlated with increased carbon dioxide emissions. Thus Kyoto is incompatible with Putin's goal of doubling Russia's economic growth over the next 10 years, which would put the country slightly above its Kyoto target. Moreover, Illarionov stated: ''But Russia isn't going to stop at this level, so the carbon dioxide level will be much higher.'' He concludes that supporting Kyoto would mean ''dooming the country to poverty, backwardness and weakness.''

And that is the message I want to leave with my colleagues. Engaging in Kyoto-style emission reduction programs are incompatible with economic growth at our current levels of technology, and to act now without sound scientific justification would be foolish. I urge my colleagues to vote no on S. 139.

The PRESIDING OFFICER. Who yields time?

Mr. INHOFE. Mr. President, I would like to inquire as to the amount of time we have left on our side.

The PRESIDING OFFICER. There are 30 minutes 35 seconds.

Mr. INHOFE. All right. Mr. President, I was telling my good friend from Connecticut a few minutes ago, if we keep hearing it repeated that ''the science is real, the science is real, the science is real,'' sooner or later they are going to start believing it. Nothing could be further from the truth.

Let me just say, first of all, reference was made by one of the speakers to the Byrd-Hagel resolution that was passed 95 to 0. What did that resolution say? The resolution said, if there is economic damage or if the developing countries do not have to do the same thing the developed nations do, then we are not going to ratify the treaty. That is exactly what they came back with.

So here we have a situation now that is even worse because we are talking about passing a bill that would put the United States of America in a position where they have to do something that not only the developing nations do not have to do, but even the developed nations do not have to do.

So I can tell you right now, there are a lot of people in China who are rejoicing, thinking: Boy, all those American jobs are going to come to us if they pass this. In India, they are rejoicing; in Brazil, the same thing. In South Korea, President Roh, and President Vincente Fox of Mexico would be delighted to think about the great jobs that would go there—many of which have already gone there because of some of our overregulation in this country.

Like Kyoto, this is an extreme approach. I am not going to try to figure out which bill we are talking about. The McCain-Lieberman bill has been around now for months. And now, at 11:53 this morning, they changed it. I don't know what was changed.

But I would say this: This is a cartoon that appeared that I think you will enjoy, I say to Senator LIEBERMAN. It is the camel's nose under the tent, the fact that if you get just a little bit here, then all of a sudden the rest of it will come in. And the rest of it is the body of Kyoto.

Now, why do I say that? I say that because they are actually saying one thing. I don't care how they change their bill, they are changing the policy of America to make us believe and have, as a new policy, that CO_2 is a pollutant. CO_2 is not a pollutant. Other things are pollutants.

In fact, we have the Clear Skies Act which the President of the United States, President Bush, is promoting. It has the largest reduction in emissions that any President has ever promoted, with a 70-percent reduction. And those are in sulfur dioxide and mercury.

But in this case here, just to show you that nothing really has changed by the last minute change, these features—the covered gases, emission caps, timetables, emissions trading, wealth transfer, emissions reporting, sequestration and sinks, verification, and future racheting—those are the same things that are in the current bill that appeared in the bill mysteriously at 11:53.

Now, I would like to suggest we have heard a lot of hysteria tonight. We are going to hear it tomorrow for 2 more hours—no, 1 more hour. That time is going to be equally divided, and they are going to be talking about the horrible things that are going to happen, the ice caps are going to be breaking, all these things.

I would suggest to you, Mr. President, we heard the same thing a few years ago. Looking at a couple magazines—this is Science Digest. They came out, and they said: ''Brace Yourself for Another Ice Age.'' The same people who are talking about warming today were talking about bracing yourself for another ice age. If there were time, I would read the script. It is really enlightening to do so. I would encourage my fellow Senators to do that.

Then, Time magazine came out, and they have ''Another Ice Age?'' They talked about these horrible things that are going to happen: We are not going to be able to grow anything anymore. We are going to have to shut down businesses because we are no longer going to be able to function because we have another ice age—not global warming, global cooling.

Then along came Newsweek, and it says: ''The Cooling World.'' They talk about the horrible things that are going to happen.

So it seems to me it is the strategy of those individuals who are catering to the extreme environmental left to try to scare people. And there is no reason to do that.

Now, I think probably the most significant thing I am going to be talking about tonight is to try to make people realize that if you say something enough times, as we keep hearing—as I mentioned a minute ago, about the science being real, about it is proven, and all that—sooner or later people believe it. One reason is we do have a liberal national media, and they would like to have people believe that.

Now, we heard a lot of discussion about the National Academy of Sciences. I would like to quote Dr. Frederick Seitz, who is the former president of the National Academy of Sciences, and 17,800 other independently verified signers.

Now, the Senator from Arizona talked about the 1,010 scientists. We are talking about 17,800. This is what the Oregon petition said. This is a petition that was put together by the lead, Dr. Frederick Seitz, the former president of the National Academy of Sciences, along with 17,800 other signatures:

> We urge the U.S. government to reject the global warming agreement that was written in Kyoto, Japan, in December, 1997, and any other similar proposals. The proposed limits on greenhouse gases would harm the environment, hinder the advance of science and technology, and damage the health and welfare of mankind.

This is the former president of the National Academy of Sciences. He goes on to say:

> There is no convincing scientific evidence that human release of carbon dioxide, methane, or other greenhouse gases is causing or will, in the foreseeable future, cause catastrophic heating of the Earth's atmosphere and disruption of the Earth's climate. Moreover, there is substantial scientific evidence that increases in atmospheric carbon dioxide produce many beneficial effects upon the natural plant and animal environments of the Earth.

Now, this is significant. We are talking about not only is CO_2 not a pollutant—which it is not a pollutant—but it is a fertilizer. It is something that helps us and something that would be to the benefit to have more of, not less.

Now, in addition, there are over 4,000 scientists, 70 of whom are Nobel prize winners, who have signed the Heidelberg appeal.

The Heidelberg appeal says: No compelling evidence exists to justify controls of anthropogenic greenhouse gas

emissions. Anthropogenic is the term meaning ''man-made.'' We keep hearing the Senator from New York talking about the man-made gases. It does not exist. These are 4,000 scientists. Look at some of the scientists we are talking about. They are on this list. It is too many to delineate at this time. The bottom line is that the science just flat is not there.

Ninety percent of the science—in fact, 100 percent of the science I have heard the other side talk about tonight is all science that they allege happened, but it was all before 1999. What we are talking about are things that have happened since then. There has been a turnaround.

Last July 8, James Schlesinger—we all remember him; he certainly is no Republican—the Energy Secretary to former President Carter, said:

> There is an idea among the public that the science is settled. That remains far from the truth.

He goes on to talk about the fact that the science is not sound behind the myth, the hoax of global warming.

It is important to realize that the IPCC, which is the Intergovernmental Panel on Climate Change, came from the United Nations with the idea that they are making the recommendations. The lead scientist behind that was a scientist named Dr. Michael Mann.

What we have done here is talk about what has happened in terms of the science that has come from this recent 2003 science, as opposed to what came under Michael Mann or the the Intergovernmental Panel on Climate Change. One is the detail, less hemispheric, and the information that they used, the age of the data. Under Michael Mann it was older, 1999 or before. The newer is after the IPCC. This is all new stuff. I will submit this for the RECORD because it is all very self-explanatory.

Several times reference was made by the distinguished Senator from Connecticut to MIT and what MIT is saying to us. I would like to quote Dr. Richard Lindzen, an MIT scientist and a member of the National Academy of Sciences. Both of these—MIT and National Academy of Sciences—were used to fortify the case that this hoax called greenhouse gas is a reality. This is what Dr. Rich Lindzen said. He has specialized in the climate issue for over 30 years. He told the Committee on Environment and Public Works, the committee I chair:

> There is a definite disconnect between Kyoto and science. Should a catastrophic scenario prove correct, Kyoto would not prevent it.

These are new discussions that are coming from scientists whose credentials cannot be questioned. Again, it is MIT science—we heard that a few minutes ago—and the National Academy of Sciences.

Dr. David Legates is director of the Center for Climatic Research at the University of Delaware. This is going back to Michael Mann, the guy who is the scientist behind the IPCC, all this stuff that we have been hearing. Dr. Legates said:

> Although [Mann's work] is now widely used as proof of anthropogenic global warming, we've become concerned that such an analysis is in direct contradiction to most of the research and written histories available. Our paper shows this contradiction and argues that the results of Mann . . . are out of step with the preponderance of the evidence.

Preponderance of the evidence, we keep hearing the other side say the science there. No one is going to question it. We are all questioning it.

This is from a publication called ''Energy and Environment,'' and this was November 15, last week. It starts talking about the flaws in the logic that were used by the Mann study. The flaws all come out. I will show the greatest flaw of all.

Let me hold this piece of paper up to this side. This is what Dr. Mann has been talking about. He referred to the famous hockey stick. Here is the hockey stick. The shaft goes along here and all of a sudden that is the hockey stick part. That is supposed to be where it is getting so warm. What he failed to do was to go back to the 1400s. If you look at this, the Earth was much warmer, the temperatures were much warmer back then than they are today by a long ways. So it is just leaving out these little convenient things that causes the truth to be distorted.

I think this is probably the most important chart. It shows you what the other side does. They will cover up the part that disclaims everything they are saying and come out and use it as evidence to promote it. I am saying that the temperatures on the Earth's surface were higher in the 1400s than they are today.

One of the most recent things that came out just in March was the Harvard Smithsonian study. This was the most far-reaching study ever made on climate change. It examined the results of more than 240 peer-reviewed papers published by thousands of researchers over the past four decades. The study covers a multitude of geophysical and biological climate indicators. They came to the conclusion that climate change is not real, that the science is not accurate. We will be coming back to that from time to time, probably tomorrow also.

This is the range of climate proxies that were used to come up with the conclusions of the Harvard Smithsonian study. If you read them all, it starts with borehole data, cultural data, glacier advance and retreats, geomorphology, all these things were used. Primarily what was used by Dr. Mann were the tree rings. And this covers every known type of a proxy that could be used. All of this was in the Harvard Smithsonian study.

So I think if you go back one more time to the chart that we had up here that shows how they are misrepresenting the data, if you stop and think about it, just use logic on things that we know. What is incontrovertible? What do we know right now that no one can question? What we know is that there was a medieval warming period. That period was around from 800 A.D. to about 1300. Then there was the little ice age that came along. The little ice age went from 1300 to 1900. Then we went into another warming period that endured from 1900 until 1940.

Something significant happened in 1940. In 1940, we started going into another cooling period. But wait a minute. The 1940s was the decade when the surge came in CO_2 emissions. That was during the time when more people were driving, and it happened right after the war. So we had the greatest increase in releases of CO_2 during that time, an 80-percent increase.

What did that do? Did that cause warming? It did not. It precipitated a cooling period that endured through the 1970s. I think if you look at that, I don't know how anyone can say that the science is at all favoring—and certainly not recent science—the concept, I call it a hoax, of global warming.

Since I gave a speech on the floor when I used these charts, which I may not have time to do tonight, there have been a lot of things that have come out. The University of Colorado researched the Arctic Circle information. To do that, they actually went down beneath the snowpack in the Colorado Rockies, and the scientists discovered fungi emitting large quantities of carbon dioxide in methane. Of course, this is totally unrelated to manmade emissions. That is not man-made. They are talking about man-made emissions. That is something that was there that was never considered until it was discovered about a month ago. They said in an article in the Washington Post, quoting the scientist:

> Indeed, scientists said, if other regions of the world have similar fungal communities thriving under the winter snows, as seems likely, climatologists will have to revise their models of global warming to accommodate fungi surprisingly massive role in the winter production of greenhouse gases, such as carbon dioxide.

It went on to say—these are the scientists now, after this discovery just a month ago:

> The global warming models can no longer ignore fungi in snowy regions and seasons as they had, scientists said, especially because about 40 percent of the landmass is covered with snow for at least part of the year.

We will revisit this issue, but there is no question that the science refutes everything the alarmists we have heard about have been trying to promote. I think something that would be more meaningful to the Members of this body would be, so what, there is. There is a preacher named Lon Solomon. On the rare occasions I am here on Sunday, I will go out to the McLean Bible Church. Right in the middle of his sermon he says: So what.

We have gone through all this, the science is flawed, it doesn't exist. So what. What is the big deal? The big deal is the economic harm that would

come to this country. Let's examine it for a moment.

Later on I will go over all of the letters, but here is what the teamsters, boilermakers, electrical workers, and others wrote me in a letter on September 9—this past September 9. This is not in 1999. They write:

> Mandatory reduction requirements for carbon dioxide and other greenhouse gases would create much higher energy prices for consumers and put the economic recovery at risk, while providing little or no tangible benefit for the global environment. We, therefore, urge you to vote against S. 139, the Climate Stewardship Act.

CBO, the Congressional Budget Office—we depend on them for scoring, for coming up with numbers we use to make economic decisions in this body. They said it best:

> The price increases resulting from a carbon cap would be regressive. That is, they would place a relatively greater burden on lower income households than on higher income households.

A minute ago we heard Senator VOINOVICH from Ohio. During one of our committee hearings, a guy named Tom Mullen, who is the president of Catholic Charities, testified before our committee and said:

> The overall impact on the economy in northeast Ohio would be overwhelming, and the needs that we address at Catholic Charities in Ohio with the elderly and poor would be well beyond our capacity and that of our current partners in government and the private sector.

You heard about the harassment he has been subjected to because he cares—sincerely, genuinely cares—about these older people.

What about minorities? According to a study by the National Black Chamber of Commerce and the United States Hispanic Chamber of Commerce, if the United States ratifies Kyoto or passes domestic climate policies—that is what we are talking about, effectively implementing the treaty; that is their goal—the result would ''disproportionately harm America's minority communities, and place the economic advancement of millions of U.S. Blacks and Hispanics at risk.''

That was the Center for Energy and Economic Development doing a study for the Black Chamber of Commerce and the Hispanic Chamber of Commerce.

It gets down to being more specific. We find out from this study that the Kyoto issue we are talking about right now would cost 511,000 jobs by Hispanic workers and 864,000 jobs held by black workers. Poverty rates for minority families will increase dramatically, and because Kyoto will bring about higher energy prices, many minority businesses would be lost.

Here is a chart that shows the unemployment rate this study revealed. This study was sanctioned by the Black and Hispanic Chambers of Commerce because of their concern. Keep in mind all these things will happen to them, and yet there is no science or logic behind those decisions.

This information came from Pennsylvania State University. They did a study. In this study, they break it down by State as to how many jobs are going to be lost. I will point out a couple of States.

Illinois would lose, if we were to pass S. 139, 159,000 jobs. I hope the Senators from Illinois are watching right now because 159,000 jobs is not what they would want. Ironically, in Indiana, they would lose 194,000 jobs. In Michigan—and that is a big auto State—they would lose 133,000 jobs. They tell you we are going to carve out a special deal for the autos. Look, this is the nose-under-the-tent concept. They now say if we adopt this, our policy is the science is real and global warming, in fact, exists.

In Pennsylvania—and I am sure the Pennsylvania Senators are very sensitive to this—they would lose, if we pass this bill, 178,000 jobs. In the State of West Virginia, it will be 126,000 jobs; in Wisconsin, 113,000 jobs; for the interest of the Senator presiding, over 100,000 jobs in the State of Minnesota.

Something was stated by the Senator from Connecticut concerning farms. He said we are going to carve out farmers and agriculture, that nothing is going to happen there. Standard & Poor's Data Resource International did a study—again, a very recent study. They talked about what is going to happen.

Let me share with my colleagues what will happen to the agricultural families in America, according to Standard & Poor's. You can discredit Standard & Poor's, but I don't think you will get by with it. They are legitimate.

Fewer small family farms: Higher energy costs, together with the reduced domestic and export demand, would lead to a severe decline in agricultural investment and a sharp increase in farm consolidations. The number of small farms likely would decline much more rapidly than under business-as-usual conditions.

Higher production costs: Production costs would increase by up to $16 billion, an increase of almost 9 percent, and would be difficult for agriculture to pass on to the consumers. These higher production costs include a $13 billion increase in manufactured input—that is fuel, fertilizer, and chemicals—expenditures, and $1.6 billion increase in farm origin.

Lower demand for agricultural products: Weaker demand for agricultural products results both from the 1.6 percent decline in GDP and 2.4 percent decrease in consumers' disposable income. It goes on and on.

Higher food program costs: If you are not sensitive to the farmer, you ought to be sensitive to the people who have to eat in this country. For example, USDA spends more than $39 billion for six food assistance programs, including the Food Stamp Program—there are a lot of people interested in that program—and child nutrition programs. We talk about that every day.

For these programs alone, emission controls from the protocol would add 500,000 persons to the food stamp rolls and increase program costs up to 5 percent annually.

Again, this is not Senator JIM INHOFE talking. I am not qualified to make these assessments. This is a study made by a Standard & Poor's research group.

Getting back to the MIT joint program, since they have been used quite a bit, the MIT Joint Program on Science and Policy of Global Change, the average crop yield is 30 percent higher in a CO_2-enhanced world.

That is what the Senator from Utah was talking about.

I inquire from the Chair as to our remaining time.

The PRESIDING OFFICER. Three minutes and thirty seconds.

Mr. INHOFE. I reserve the remainder of my time. I am anxious to hear from the Senator from Connecticut and the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, devastating fires across California fueled by unusual drought conditions have already claimed the lives of 18 people, destroyed nearly 2,000 homes, consumed nearly 600,000 acres roughly the size of Rhode Island, and caused over $2 billion in damages. Glaciers in Glacier National Park have dwindled from 150 more than a century ago to about 35 today. Some scientists estimate that the park will have no glaciers in 30 years. An ice-dammed lake drained recently when the Ward Hunt Ice Shelf, which a century ago rimmed the entire northern coast of Ellesmere Island, broke up along the coast of northeast Canada. NASA has confirmed that part of the Arctic Ocean that remains frozen year-round has been shrinking at a rate of 10 percent per decade since 1980.

We can talk about the impact of the Kyoto Treaty, as Senator INHOFE just did. I call the attention of my colleagues to this picture. Here is the Arctic Sea ice boundary in 1979. There it is today. I am sure that that will be natural causes and have nothing to do with man-made activity, human activities, but the fact is, as the Senator from New York showed, Kilimanjaro is now without snow.

At a conference in Iceland in August, scientists told senior government officials that the Arctic is heating up fast, disclosing disturbing findings from a massive study of polar climate change. Dr. Robert Corell, who heads the Arctic Climate Impact Assessment team, said: If you want to see what will be happening in the rest of the world 25 years from now, just look at what is happening in the Arctic.

Look at what is happening in the Arctic. The destruction of 70 percent of heat-sensitive coral reefs due to increases in water temperatures places reef fisheries in jeopardy, increases coastal damages from hurricanes, and hurts local economies supported by tourism.

Researchers at the University of Texas, Wesleyan University and Stanford University earlier this year reported in the journal Nature that global warming is forcing species around the world, from California starfish to Alpine herbs, to move into new ranges or alter habits that could disrupt ecosystems.

The end result of these changes could be substantial ecological disruption, local losses in wildlife, and even extinction of certain species.

From an article in the July 2003 Journal of Hydrology: The winters in New England are getting shorter. According to U.S. Geological Survey scientists, northern New England winters have receded by 1 or 2 weeks in length over the last 30 years.

The list of what is happening goes on and on.

The chair of the Climate Research Committee of the National Academy of Sciences stated very clearly during an October 1, 2003, hearing before the Commerce Committee: The planet has a fever, and it is time to be taking action.

I caution my colleague from Oklahoma about statements that he attributes to certain members of the scientific community. Specifically, I am referring to two scientists that he referred to before, Dr. Wigley and Dr. Schneider. Dr. Wigley has written to Senators FRIST and DASCHLE about the misrepresentation of his work by Senator INHOFE. He writes a long letter: Senator INHOFE urges that Congress should put stock in scientists who rely on the most objective scientific data. He characterizes me as someone whose credentials cannot be trusted.

Mr. INHOFE. May I interrupt for a question?

Mr. MCCAIN. Yes, but not to take my time.

Mr. INHOFE. I do not believe I mentioned Dr. Wigley in my remarks. It must have been somebody else.

Mr. MCCAIN. Pardon me?

Mr. INHOFE. I do not believe I mentioned Dr. Wigley in my remarks.

Mr. MCCAIN. Dr. Wigley was mentioned by the Senator in his statement on the floor.

He goes through several misrepresentations. Perhaps the most serious one, and this is a quote from his letter: the third representation made by Senator INHOFE concerns the observed record of global mean temperature changes over the past 100 years. This data show a warming to about 1940, little change from 1940 to the mid-1970s, and then further warming. Senator INHOFE implies that these changes are inconsistent with the global warming hypothesis and with climate models. This is categorically incorrect. In order to understand these observed changes, it is necessary to consider all likely causal factors, both human-induced and natural. Human-induced factors include the warming effects of greenhouse gases and the cooling effects of sulfate aerosols. Natural factors include changes in the output of the sun, effects of explosive volcanic eruptions like Mount Pinatubo in 1991. When all these factors are considered, models give an expected pattern of 20th century temperature changes that is in remarkable agreement with the observations, and the models clearly show the three phases as noted above, in particular the leveling off, the warming trend over 1940 to 1975, turns out to be explained largely by the cooling effects of sulfate aerosols, temporarily offsetting the warming due to increasing concentration of greenhouse gases, something which was first pointed out in the paper of mine published in Nature in 1989, which has been clearly stated in a subsequent IPCC report. This remarkable agreement shows quite clearly that human factors have been the dominant cause of global scale climate change over the past 50 years, contrary to the assertion by Senator INHOFE that all observed changes are merely manifestations of natural viability.

For his part, Dr. Schneider had the following to say about Senator INHOFE's statement: It is misrepresenting my views to characterize them as even implying that IPCC is exaggerated or failed to describe the state of the science fairly at the time the assessment reports were completed in the year 2000.

So Dr. Wigley and Dr. Schneider take some exception to how their views were characterized on the floor of the Senate.

I want to point out again that the 17,000, or whoever they were, scientists or those who claimed to be scientists—and there are some interesting signatures to that—were in opposition to the United States signing the Kyoto Treaty.

I know that my colleague, the Senator from Connecticut, would like to say a few words, but I again want to read a letter from 1,010 preeminent scientists who write:

DEAR SENATORS FRIST AND DASCHLE: Two years have elapsed since the publication of the reports by the Intergovernmental Panel on Climate Change and the National Research Council on the state of the science of climate change and its impacts on the United States and the rest of the world. As scientists engaged in research on these subjects, we are writing to confirm that the main findings of these documents continue to represent the consensus opinion of the scientific community. Indeed, these findings have been reinforced rather than weakened by research reported since the documents were released. In brief—

And he goes through a number of aspects of it.

I ask unanimous consent that it be printed in the RECORD.

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

THE STATE OF CLIMATE SCIENCE: JULY 2003—A LETTER FROM U.S. SCIENTISTS

JULY 29, 2003.

U.S. SENATE,
Washington, DC.

DEAR SENATORS FRIST AND DASCHLE: Two years have elapsed since the publication of the most recent reports by the Intergovernmental Panel on Climate Change (IPCC) and the National Research Council (NRC) on the state of the science of climate change and its impacts on the United States and the rest of the world. As scientists engaged in research on these subjects, we are writing to confirm that the main findings of these documents continue to represent the consensus opinion of the scientific community. Indeed, these findings have been reinforced rather than weakened by research reported since the documents were released.

In brief, the findings are that:

(1) Anthropogenic climate change, driven by emissions of greenhouse gases, is already underway and likely responsible for most of the observed warming over the last 50 years—the largest warming that has occurred in the Northern Hemisphere during at least the past 1,000 years;

(2) Over the course of this century the Earth is expected to warm an additional 2.5 to 10.5°F, depending on future emissions levels and on the climate sensitivity—a sustained global rate of change exceeding any in the last 10,000 years;

(3) Temperature increases in most areas of the United States are expected to be considerably higher than these global means because of our nation's northerly location and large average distance from the oceans;

(4) Even under mid-range emissions assumptions, the projected warming could cause substantial impacts in different regions of the U.S., including an increased likelihood of heavy and extreme precipitation events, exacerbated drought, and sea level rise;

(5) Almost all plausible emissions scenarios result in projected temperatures that continue to increase well beyond the end of this century; and,

(6) Due to the long lifetimes of greenhouse gases in the atmosphere, the longer emissions increase, the faster they will ultimately have to be decreased in order to avoid dangerous interference with the climate system.

Evidence that climate change is already underway includes the instrumental record, which shows a surface temperature rise of approximately 1°F over the 20th century, the accelerated sea level rise during that century relative to the last few thousand years, global retreat of mountain glaciers, reduction in snow cover extent, earlier thawing of lake and river ice, the increase in upper air water vapor over most regions in the past several decades, and the 0.09°F warming of the world's deep oceans since the 1950's.

Evidence that the warmth of the Northern Hemisphere during the second half of the last century was unprecedented in the last 1000 years comes from three major reconstructions of past surface temperatures, which used indicators such as tree rings, corals, ice cores, and lake sediments for years prior to 1860, and instrumental records for the interval between 1865 and the present.

On the subject of human causation of this warmth, the NRC report stated that, ''The IPCC's conclusion that most of the observed warming of the last 50 years is likely to have been due to the increase in greenhouse gas concentrations accurately reflects the current thinking of the scientific community on this issue.'' Indeed, computer simulations do not reproduce the late 20th century warmth if they include only natural climate forcing such as emissions from volcanoes and solar activity. The warmth is only captured when the simulations include forcings from human-emitted greenhouse gases present in the atmosphere.

In summary, the main conclusions of the IPCC and NRC reports remain robust consensus positions supported by the vast majority of researchers in the fields of climate

change and its impacts. The body of research carried out since the reports were issued tends to strengthen their conclusions.

Sincerely,

Richard J. Abitz, Ph.D., Director, Fluor Fernald, Inc., Cincinnati, OH.

Vincent J. Abreu, Ph.D., Research Scientist, University of Michigan, Department of Atmospheric, Oceanic, and Space Sciences, Ann Arbor, MI.

Ilse Ackerman, M.S., Doctoral Candidate, Cornell University, Department of Crop and Soil Sciences, Ithaca, NY.

Leslie M. Adams, Ph.D., University of New Hampshire, Department of Plant Biology, Durham, NH.

Steven M. Adler-Golden, Ph.D., Principal Scientist, Spectral Sciences, Inc., Burlington, MA.

David D. Ainley, Ph.D., Senior Ecologist, Harvey and Associates, San Jose, CA.

Neela Malati Akhouri, Ph.D., Information Manager, University of Toledo, Lake Erie Center, Oregon, OH.

Becky Alexander, Ph.D., Post-Doctoral Fellow, Harvard University, Department of Earth and Planetary Sciences, Cambridge, MA.

J. David Allan, Ph.D., Professor, University of Michigan, School of Natural Resources and Environment, Ann Arbor, MI.

Mr. MCCAIN. The letter further states:

Over the course of this century, the Earth is expected to warm an additional 2.5 to 10.5 degrees Fahrenheit, depending on future emissions levels and on the climate sensitivity—a sustained global rate of change exceeding any in the last 10,000 years.

Temperature increases in most areas of the United States are expected to be considerably higher than these global means because of our nation's northerly location and large average distance from the oceans.

Almost all plausible emissions scenarios result in projected temperatures that continue to increase well beyond the end of this century, and

Due to the long lifetimes of greenhouse gases in the atmosphere—

Those are the ones that cause no harm in the view of the opponents of this legislation.

the longer emissions increase, the faster they will ultimately have to be decreased in order to avoid dangerous interference with the climate system.

Evidence that climate change is already underway includes the instrumental record, which shows a surface temperature rise of approximately 1 degree Fahrenheit over the 20th century, the accelerated sea level rise during that century relative to the last few thousand years, global retreat of mountain glaciers, reduction in snow cover extent, earlier thawing of lake and river ice, the increase in upper air water vapor over most regions in the past several decades, and the 0.09 Fahrenheit warming of the world's deep oceans since the 1950s.

Evidence that the warmth of the Northern Hemisphere during the second half of the last century was unprecedented in the last 1,000 years comes from three major reconstructions of past surface temperatures, which used indicators such as tree rings, corals, ice cores, and lake sediments for years prior to 1860, and instrumental records for the interval between 1865 and the present.

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What the Senator from Connecticut and I are doing is an incredibly modest proposal to try to at least stop the increase of greenhouse gases. The overwhelming majority of the scientific community in the United States of America agrees that climate change is taking place. How serious that is, how significant it is, and how longlasting its effect could be the subject of significant debate and discussion.

But the fact is that the loss of jobs, which I do not believe is accurate, is an issue that needs to be addressed. But what about the loss of our environment? What happens if the coral reefs die? What happens if the Arctic icecap melts? What happens if we continue to see increased temperatures?

I don't know all the answers as to what happens. I leave that in the hands of people who are smarter than I am. But if this picture doesn't concern you, then nothing will. I hope we will be able to pass this legislation as a very modest and a very humble beginning to addressing the issue of climate change.

I assure my colleagues of one thing. I will talk about this again tomorrow. We will be back on this issue, just as we were back on the issue of campaign finance reform. We will be back on it because this is not stopping. This is not stopping. More and more evidence will be accumulated and more and more people will become concerned because we love this great country of ours and we love this world and we do not want to see it destroyed.

The overwhelming body of scientific evidence indicates we are placing our globe in jeopardy and the lives and futures of our children and our grandchildren. We may have lived in a very nice time in the history of the world. Our children and grandchildren may be condemned to a much less happy world.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. MCCAIN. As sponsors of the amendment, traditionally, we speak last.

Mr. LIEBERMAN. Would the Chair advise us how much time remains?

The PRESIDING OFFICER. There remain 23 seconds for the proponents of the measure and 3 minutes 23 seconds for the Senator from Oklahoma.

Mr. INHOFE. Since it was called to our attention that tradition would have it you wrap up, you may have the last 23 seconds. Let me say to my good friend from Arizona—and he is a good friend—you can talk about these people. He talked about 1,010 scientists. I talked about over 20,000 scientists who have agreed with this, looked at this, and said it doesn't really exist. I have talked about sources that cannot be impugned by anyone. I am talking about the Smithsonian, Harvard, Standard & Poor's, and others.

Let me just mention I have saved, I think, the best for last because, yes, we are concerned about jobs. That is the biggest concern we have in America now. Wharton Econometric Forecasting Associates came out with something that delineated exactly the damage that would be done to America and that it would cost 2.4 million U.S. jobs. That is why the labor unions are involved in this. It would reduce GDP by 3.2 percent, or about $300 billion, which is more than we spend on primary and secondary education combined.

They said because of Kyoto, American consumers would face higher medical, food, and housing costs. Tomorrow I will delineate exactly how much that is. At the same time, an average household of four would see its real income drop by $2,700 by 2010, and each year thereafter.

They go on to say—this is the Wharton School of Economics:

Under Kyoto, energy and electricity prices would nearly double and gasoline prices would go up an additional 65 cents a gallon.

I know I am almost out of time. Since it was brought up by the distinguished Senator from Connecticut about the farmers, let me tell you who is frantically trying to stop us from destroying the American farmer: the International Dairy Foods Association, the National Association of Wheat Growers, National Cattle and Beef Association, National Food Processors Association, National Grange, the National Oilseed Producers, the American Farm Bureau, the National Corn Growers Association. The list goes on and on, because these people are very much concerned about the competitive disadvantage in which they would find themselves.

I would also have to say I invite my very good friend from Arizona to go back and search the record of my remarks, the 40-minute talk I made a few minutes ago. Nowhere in that talk are the two names—what were they, Wigley and Schneider?—who were mentioned during that time. Tomorrow there will be ample opportunity to address that issue.

We are talking about a big deal. You wonder what the motivation is? I will quote a couple of people. If the science is not real, if it inflicts all this damage on America, then what could possibly be the motivation? I think maybe Jacques Chirac, the President of France, the other day was correct when he said, ''Kyoto is not about climate. It is the first component of an authentic global governance.''

Do we really want to have France dictating policies to us?

Mr. MCCAIN. I ask unanimous consent that the Senator from Oklahoma have an additional 3 minutes.

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

Mr. INHOFE. Let me just say I will yield the remainder of my time. I think it would be only fair if I get an additional 3 minutes, that they get an additional 3 minutes, too, and I don't want that to happen.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I wish to express my appreciation to all who

have engaged in this debate tonight. I wish we had more time. This press of end-of-year business prevents us from doing so. We will be revisiting this issue. I congratulate the Senator from Oklahoma for an articulate presentation of his views. I look forward to our additional 2 hours together tomorrow.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MCCAIN. 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. MCCAIN. I ask unanimous consent that the order for the quorum call be rescinded.

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

MORNING BUSINESS

Mr. MCCAIN. Mr. President, I ask that there now be a period of morning business, with Senators permitted to speak for up to 10 minutes each.

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

LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

I describe a sad and reprehensible display of intimidation that took place in Peoria, IL, on July 6, 2001. That day, Forest Hatley and Charles Lambert decided to burn a cross at a home in Macomb, IL, where an interracial couple lived. The two men constructed a 7-foot by 3-foot cross and doused it with gasoline. Shortly after midnight, the two men transported the cross to the victims' yard, planted it in front of the home, and ignited it. Lambert and Hatley each admitted this action was taken to intimidate the couple because of the male's race and because he was living with a person of another race.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. By passing this legislation and changing current law, we can change hearts and minds as well.

NOMINATION FOR THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Mr. KENNEDY. Mr. President, the nomination of Naomi Churchill-Earp to be a member of the Equal Employment Opportunity Commission in the Department of Labor was approved today by the Health, Education, Labor, and Pensions Committee, despite concerns about her ability to fairly apply employment laws.

Many of us in the committee have strong reservations about her record. A Commissioner of the EEOC must have a record of conduct that supports and promotes equality in the workplace. Ms. Churchill-Earp has served as an equal employment manager at a number of Federal agencies and while serving in these positions, a number of discrimination complaints have been filed against her. African Americans, in particular, say that she has created a hostile working environment by making disparaging remarks about African-American employees. The NAACP and Blacks in Government oppose her nomination, and many of us share their concerns.

The committee did not hold a hearing on this important nomination, and we did not have the opportunity to question her about her qualifications and positions. Unless we have an opportunity to resolve these concerns, I intend to oppose this nomination when it reaches the full Senate.

NOMINATION FOR COMMISSIONER OF EDUCATION STATISTICS

Mr. KENNEDY. Mr. President, the nomination of Robert Lerner to be Commissioner of Education Statistics in the Department of Education was approved today by the Health, Education, Labor and Pensions Committee despite concerns about this nominee's qualifications.

The Commissioner of Statistics must conduct the activities of that office in a manner that is ''objective, secular, neutral and non-ideological'' and ''free of partisan political influence and racial, cultural, general or regional bias.'' The Commissioner must also have ''substantial knowledge'' of the programs assisted by the National Center for Education Statistics.

Many of us feel that Dr. Lerner does not meet these requirements. He has clearly been an advocate for partisan ideological causes, and his advocacy does not seem to be compatible with a non-partisan role as Commissioner. His published writings raise questions about his ability to set aside his ideological views in dealing with statistical analysis.

Previous nominees for this important position have come from academic backgrounds and with experience in dealing with statistical analysis. Dr. Lerner has no such experience or academic background.

The Committee did not have a hearing on this important nomination and we did not have the opportunity to question Dr. Lerner regarding his qualifications and past advocacy. Unless we have an opportunity to resolve these concerns, I intend to oppose this nomination when it reaches the full Senate.

NATIONAL CEMETERY EXPANSION ACT OF 2003

Mr. GRAHAM of Florida. Mr. President, today the House passed important legislation that has already unanimously passed the Senate and authorizes the construction of six new national veterans cemeteries. By passing this bill, we ensure that America's veterans and their families have access to the burial honors they have earned.

The brave men and women who fought for our nation are a population that is aging rapidly. In 2002, America lost 646,264 veterans. Projections show that this rate will continue to climb through the year 2008, when we are expected to lose over 700,000 veterans.

By the end of 2004, only 64 of the 124 veterans national cemeteries will be available for both casketed and cremated remains. As cemetery service capabilities decrease, veterans in areas near cemeteries that are at capacity will lose access to burial options within a reasonable distance of their homes. In order to ensure that burial options are provided for veterans and their family members, we must develop new cemeteries and expand existing cemeteries. This process must start as soon as possible because the construction of a new cemetery takes an average of seven years.

In anticipation of veterans' future needs, the Department of Veterans Affairs conducted a study that identifies veteran population centers not served by an open national or state veterans cemetery. The report, ''Future Burial Needs,'' was initially released in May 2002 and has been recently revised using veteran population estimates from the 2000 census. The report identified 31 locations as areas where cemeteries would need to be established.

Recognizing that it would not be practicable to establish national cemeteries in all 31 locations, especially in areas where state cemeteries could meet the needs of smaller veterans' populations, VA established guidelines to determine the neediest areas. In locations that had more than 170,000 veterans residing more than 75 miles from an open state or national cemetery, VA would establish or expand national cemeteries. Based on revised population estimates and the new guidelines, VA identified 11 locations that required either a new national cemetery or an expansion of an existing national cemetery. Of these locations, five will be served by an already-planned state cemetery funded through VA's State Cemetery Grants Program or by expanding existing national cemeteries. This bill directs the Department of Veterans Affairs to construct veterans cemeteries six cities: Jacksonville, Florida; Sarasota, Florida; Birmingham, Alabama; Bakersfield, California; Philadelphia, Pennsylvania; and Columbia, South Carolina.

We cannot afford to wait any longer to fulfill this commitment to our nation's veterans. Mr. President, I am

proud to have sponsored legislation to help provide peace of mind to veterans and their families at that difficult time. Now, I look forward to working with my colleagues on securing the necessary resources to begin construction of these cemeteries expeditiously.

CONFIRMATION OF THOMAS HARDIMAN

Mr. SANTORUM. Mr. President, in this sadly historic era of unprecedented filibusters of judicial nominees, the truth is an unwelcome visitor to those in the minority who seek to deprive President Bush of his constitutional duty to nominate Article III judges. The latest salvo in this increasingly disappointing game is the ranking member of the Judiciary Committee's written statement regarding Thomas M. Hardiman, who was confirmed by the Senate by unanimous consent on October 22, 2003.

The ranking member claims that Mr. Hardiman has ''no judicial experience,'' which is of course not unusual for district court nominees. Although Mr. Hardiman has not stood for election as a State trial court judge in Allegheny County, a county where Democrats outnumber Republicans by a margin of more than 2–1, Mr. Hardiman is not without significant adjudicatory experience. In 1995 the Disciplinary Board of the Pennsylvania Supreme Court appointed Mr. Hardiman as a Hearing Officer to adjudicate cases involving alleged violations of the Rules of Professional Conduct brought by clients against their lawyers. Mr. Hardiman served with distinction in this capacity, on a pro bono basis, until his recent confirmation. In addition, Mr. Hardiman has adjudicated securities cases as an arbitrator under the auspices of the National Association of Securities Dealers. His work for the Disciplinary Board and the NASD has provided Mr. Hardiman with valuable experience ruling on motions, reviewing evidence, assessing the credibility of witnesses, deciding cases, and researching and writing opinions. Without doubt, Mr. Hardiman's experiences adjudicating these cases has increased his preparedness for the Federal bench.

In addition to his quasi-judicial experience, Mr. Hardiman has impeccable academic credentials. As Senator SPECTER has noted, Mr. Hardiman graduated with honors from both the University of Notre Dame and Georgetown University Law Center. He was appointed to the prestigious position of Notes and Comments Editor of the Georgetown Law Journal, was a semi-finalist in the first-year moot court competition and participated on the Criminal Law moot court team. Mr. Hardiman's academic credentials are especially impressive considering the fact that he is the first in his family to attend college and he worked part-time during most of is law school career.

Consistent with his academic achievements, Thomas Hardiman has had a distinguished career as a litigator and trial lawyer. After working for the prestigious law firm of Skadden, Arps, Slate, Meagher & Flom, Mr. Hardiman and his wife moved to Pittsburgh in 1992 where he has been a rising star in the Pittsburgh legal community. Mr. Hardiman is admitted to practice law in Pennsylvania, Massachusetts, and the District of Columbia. He has been a member of the bar of the Supreme Court of the United States, the U.S. Court of Appeals for the Third Circuit, the U.S. Tax Court, as well as the court he now joins. He has handled well over 60 trials. For the record—and to address the ranking member's semantic game regarding the number of trials Mr. Hardiman has conducted—a ''trial'' is defined as ''A judicial examination and determination of issues between parties to action . . . whether they be issues of law or fact.'' *Black's Laws Dictionary*, 5th ed. 1979. Among these 60-plus cases are: four cases before the Court of Appeals for the Third Circuit, two cases before the Pennsylvania Supreme Court, and 11 cases before the intermediate appellate courts of Pennsylvania. Mr. Hardiman has been lead counsel on several jury and non-jury trials in Federal and State court, and has tried cases to judgment on a variety of dispositive motions at all levels of the Pennsylvania judiciary. Mr. Hardiman has been lead and associate counsel on several equity matters in Federal and State court as well. Finally, he has handled matters involving real estate, contracts, securities, taxation, Medicare fraud, civil rights, and cases arising under the first, fourth, fifth, sixth, seventh, eighth, tenth, eleventh, and fourteenth amendments to the U.S. Constitution. In sum, Thomas Hardiman has deep and broad experience as a trial lawyer which is particularly extraordinary for a man his age.

In a letter dated June 18, 2003, Chief Justice of the Pennsylvania Supreme Court and lifelong Democrat Ralph J. Cappy wrote of Mr. Hardiman: ''As a professional, he is outstanding. His competence and ethics are beyond reproach. It is rare that we see a person of his age and experience argue before our Court, often successfully, with a courtesy and depth of knowledge which could serve as a benchmark for any who appear before us.'' The Chief Justice continued: ''As an individual, Tom is exemplary. He is extremely bright and knowledgeable in the law.'' Another prominent Democrat and Professor of Law at Duquesne Law School, Kenneth Gormley, wrote on June 19, 2003: ''Tom is a first-rate litigator, who is conscientious about every aspect of his work; he is a perfectionist when it comes to representing clients in a professional manner. As an appellate lawyer, Tom possesses an extremely high level of sophistication when it comes to analytical reasoning and writing. His written work product is first-rate. An an oral advocate, he is as good as any appellate lawyer I have seen in action in twenty years.'' Professor Gromley said of Mr. Hardiman: ''He is a lawyer of superior intellect, good judgment, and boundless energy. It is my opinion that he will constitute an excellent addition to the federal bench here in the Western District of Pennsylvania.''

Finally, the dean of the Democratic bar in Allegheny County, David Armstrong, wrote of Mr. Hardiman on June 17, 2003: ''I have come to know Mr. Hardiman as an excellent lawyer and a person of great intellectual curiosity and ability, as well as personal integrity. Mr. Hardiman's temperament, intellect, character and experience in my opinion, would make him an excellent member of the federal bench.'' Significantly, attorney Armstrong came to know Mr. Hardiman through trials they litigated against one another.

As the aforementioned facts demonstrate, the ranking member's unfair criticism and inappropriate reliance on the comments of a disgruntled lawyer in Pittsburgh who was the chief contributor to the local bar's rating of Mr. Hardiman demonstrate beyond doubt that the only partisanship involved with Mr. Hardiman's nomination and confirmation emanated from those who slandered him in an effort to defeat the nomination of a good and able man. It is always more appropriate to raise allegations about a nominee at his hearing rather than after his confirmation by the Senate. I am pleased to have the opportunity to set the record straight and I commend the Senate for its confirmation of Thomas Hardiman who will serve the people of Pennsylvania well as a Federal judge.

TRIBUTE TO THE LATE EARL GOODWIN, FORMER ALABAMA STATE SENATOR

Mr. SHELBY. Mr. President, I pay tribute today to a dear friend and Alabama icon, Mr. Earl Goodwin. Earl passed away on Friday, October 24, 2003 at the age of 93. He and I and our families have been close friends for nearly 40 years, and his death is a great loss for the State of Alabama.

Earl was a soldier in the United States Armed Forces, fighting on the beaches of Normandy. He made multiple trips back to England to pick up more groups of troops bringing them over to France. He completed these missions in aircraft that were unsafe because of their frequent crash landings. Earl was a true war hero, who put love of country before everything else.

After the war, he returned to Alabama and eventually created Bush Hog which became one of the world's foremost manufacturer of farm implements. Bush Hog employs hundreds of Dallas County residents, and has made great contributions in economic development to the region. Earl was a visionary with a smart mind for business. He will certainly be remembered for the tremendous difference he made in Dallas County.

Throughout his time in business, Earl was active in the community and politically astute. A lifelong Democrat, he became a prominent member of the Alabama State Senate, worked for Governor George Wallace, worked to elect Governor Don Siegelman, and served as a National Democratic Committeeman.

Senator Goodwin is an example of the American success story. Born into poverty, Earl took adversity and challenged it in every way possible. He was a war hero, a successful businessman, a husband of 61 years, and a father and grandfather.

Earl Goodwin will be missed by all those who knew him, and I hope this tribute exemplifies, in a small way, the kind of man that he was.

ADDITIONAL STATEMENTS

JOSEPH W. MCCRACKEN

● Mr. SMITH. Madame President, I rise today to acknowledge the passing of Joseph W. McCracken on October 26, 2003.

For over four decades Mr. McCracken represented the forest products industry in Oregon and other western States, as the executive vice President of The Western Forest Industries Association. Mr. McCracken represented a sector of the industry that I hold in particularly high esteem—a sector comprised of small, family owned sawmills and plywood plants.

These are the mills that traditionally depended on our Federal forest lands for their supply of timber. These are the mills that are located in small rural communities where they provide the backbone of the local economy.

During his years of service to his industry, Joe McCracken was a fixture in his town and served as an advisor and mentor to many of our predecessors in this body. Warren Magnusen, Scoop Jackson, Mark Hatfield, Bob Packwood, Frank Church, Jim McClure, Jim Melcher, and other stalwarts of our western Senate delegation looked to Joe for counsel and advice on public land issues affecting his constituents.

He represented them with a passion and commitment that was exemplary. Joe McCracken was a visionary and was responsible for creating and influencing countless pieces of legislation and regulations that benefitted his industry, the people that work in it and the communities that depend on it.

The Small Business Set Aside Program, as just one example, assured small, family-owned mills a fair share of the Federal timber sold from our national forests and lands managed by the Bureau of Land Management.

Joe McCracken was a pioneer in crafting the policies and regulations affecting the Oregon and California Railroad lands in western Oregon, today known as the ''O&C'' lands. He did this both as a professional staff person for the Department of the Interior and as an advocate for his trade association.

Under Joe McCracken's representation, the small, family owned mills throughout the west prospered. Many of them are under second and even third generation management. Unfortunately, many of them no longer exist.

After Joe's retirement in the early 90's, a sea change in Federal policies regulating the management of public forests unfolded to the point that very little timber is being provided from these forest lands and many of the mills have closed.

Unfortunately, these were the mills Mr. McCracken fought so hard to preserve. Those that have survived owe their existence largely to Joe McCracken.

Joe was born in Dillon, MT in 1924. He served his country as a Lieutenant in the United States Marines. He attended Princeton University where he earned a masters degree in political science.

He had a distinguished career with the Department of Interior and, specifically, the Bureau of Land Management prior to taking the leadership position with the Western Forest Industries Association.

Joe McCracken was a unique individual who left a profound imprint on the growth and evolution of public forest policy and the industry that is so closely dependent on public forest lands. His contributions to this body in assisting us in the thoughtful debate and deliberation of these important matters are worthy of our formal recognition.

I extend my heartfelt sympathy to Joe McCracken's wife Janet and his two children.●

WORKPLACE LEARNING CONNECTION

● Mr. HARKIN. Mr. President, in the middle of the last decade, a group of business and education leaders in Cedar Rapids, IA convened a stakeholder group to discuss community concerns. This group identified the need for a highly skilled and well-educated workforce as a top priority.

The fact that this group identified the need to improve workforce development is not news. Nor is the problem they identified unique or isolated to eastern Iowa. What is news and what is unique is the response.

In 1998, area employers, educational institutions and community organizations partnered with Kirkwood Community College and Grant Wood Area Education Agency to create the Workplace Learning Connection to facilitate work-based learning for area students. This project is a winner for everyone involved. Teachers and students get more information about local career opportunities and the skills needed for those careers. Students get experience in relevant, work-based learning activities. Employers get workers with the skills that match the jobs they have.

The Workplace Learning Connection has been recognized as one of the 11 best Tech Prep programs in the Nation, is one of the top 25 school-to-work programs in the country and has been cited in national publications as an exemplary program. Over the past 5 years, TWLC has worked with over 700 employers to organize over 8,000 job shadow experiences and 750 internships; provided professional development activities for teachers impacting thousands of students in 35 area school districts in 7 counties; and facilitated hundreds of business tours and classroom speakers.

The Workplace Learning Connection has been an unqualified success and the community is celebrating the fifth anniversary of this project on October 30, 2003. In commemoration of this event, I wanted to bring this organization to the attention of the Senate and the Nation.●

TRIBUTE TO MARY ALICE ZETTEL

● Mr. BUNNING. Mr. President, I pay tribute to Mary Alice Zettel of Bardstown, KY, on being recognized as one of the Nation's top principals in the 2003 National Distinguished Principal Program by the U.S. Department of Education.

The annual National Distinguished Principals Program was established in 1984 to honor elementary and middle school principals who set high standards for the pace, character, and quality of the education their students receive.

Ms. Zettel, a principal at Holy Trinity Parish School in Louisville, KY, has been recognized by the U.S. Department of Education for her tireless work in exhibiting excellence at Holy Trinity Parish School and has made outstanding contributions to the Louisville community. It has been said when entering Holy Trinity Parish School you will hear Ms. Zettel's laughter and happiness throughout its hallways. Ms. Zettel sets an example of excellence for the rest of the faculty, and the faculty follows that example, and she inspires her students to achieve academically and contribute to the community.

I now ask my fellow colleagues to join me in thanking Mary Alice Zettel for her dedication and commitment to the education of America's future. In order for our society to continue to advance in the right direction, we must have principals like Mary Alice Zettel in our schools and communities.●

TRIBUTE TO RONALD W. BARTON

● Mr. WARNER. Mr. President, I would like to note before the Senate a great professional honor bestowed recently on my constituent, Ronald W. Barton of Arlington: the Chairman's Medal of the Defense Nuclear Facilities Safety Board.

The Safety Board, the Senators will recall, was established by statute in 1988 for the purpose of providing the highest quality of technical oversight of the safe operations of the Nation's nuclear weapons complex—dozens of plants with very high risk radioactive material. To accomplish this very difficult task, the Safety Board has to attract and train the very best technical talent in the nuclear area. Chairman Conway's citation accompanying the award to Mr. Barton says in part:

Mr. Barton joined the Board in 1994, bringing with him more than 25 years of project management and engineering experience in the design, construction, and operation of nuclear reactors for commercial facilities. He became an indispensable leader for the Board's technical staff, and was key to the development of more than half a dozen technical reports, which continue to have an impact on operations in the defense nuclear complex today.

I have examined Mr. Barton's career, and I certainly agree with Chairman Conway. Mr. Barton not only brought his own expertise to the board, but he trained and developed a generation of young engineers to contribute to the admirable technical performance of the safety board, where a technical staff of about 60 oversees the safe operation of a complex of over 100,000 workers with a budget of over $16 billion. This technical staff is superb, and Ron Barton helped build it, and then led it by example.

Now Ron must retire, much too early, because of his leukemia. We wish he were able to continue to serve, but we are grateful for the contributions he made to safety in the nuclear complex. For instance, Ron was the expert lead on at least six very complex and thorough technical studies, on such diverse areas as: DOE emergency management capabilities, confinement ventilation systems, fire protection, criticality safety, and documented safety analysis. This is an extraordinary list of achievements; these reports still guide the Department of Energy operations of these complex, hazardous facilities. We should be grateful to Ron for these contributions.

Ron Barton is the best of the best, and the Nation will miss his contributions. We wish him good health and a happy retirement.●

NETDAY STUDENT VOICES' SPEAK UP DAY ON OCTOBER 29

● Ms. STABENOW. Mr. President, I rise today to ''speak up'' and support ''Speak Up Day,'' a national event where students of all ages and grades, from communities and schools across the country, will go online from their classrooms and share their opinions, ideas and thoughts about how technology should be used in schools. NetDay, a national non-profit organization dedicated to connecting every child to a brighter future through the use of technology, is hosting this inaugural event of student participation in the governmental process.

''Speak Up Day'' is being held as the U.S. Department of Education works on the development the Nation's third National Education Technology Plan as mandated by the No Child Left Behind Act. The Plan will establish a national strategy supporting the effective use of technology to improve student academic achievement and to prepare students for the 21st century.

Today's ''Speak Up Day'' activities will allow the student voice to be heard and involved in crafting this new Technology Plan. NetDay will summarize the student ''Speak Up Day'' comments into a written report that will be submitted for the National Education Technology Plan and will be available online for public discussion. This report will also be a call to action for national, State, and local education leaders to recognize the importance of student input in discussions about how schools and instruction impact their educational experiences.

I think we can all agree that using technology in schools has become a necessity. With the expansion and prevalence of the Internet in our society, it is critical that we teach our children how to use computers, the Internet, and the various other forms of interactive technology that exist today. Yet beyond the necessity of 'learning' technology, it is important that educators and communities understand that so many of our youth today are already 'one' with technology. The challenge lies in understanding how to connect this technological know-how with classroom instruction so that all our children have the best educational experience possible to prepare them for the future. ''Speak Up Day'' is a real life lesson on the impact of technology in the classroom, a forum for students to be civically engaged, and an outlet for our Nation's youth to express their empowerment when technology is paired with education.

Since October 1, over 1,000 schools from all 50 States, the District of Columbia, and over 25 Department of Defense schools have preregistered for NetDay's ''Speak Up Day'' initiative, with over 170,000 students planning to participate. I am pleased that schools across the State of Michigan have registered to take part in this event. Over 5,000 students from small rural schools in Middleville, MI, to suburban schools in West Bloomfield and high schools in Detroit will have the opportunity to express their thoughts on technology in schools. I highly commend NetDay for sponsoring this progressive event, and I look forward to hearing the outcome of the discussion.●

TRIBUTE TO GARRY NEIL DRUMMOND, SR.

● Mr. SHELBY. Mr. President, I pay tribute to a dear friend, Garry Drummond, of Birmingham, AL. Garry Drummond was recently named to the Alabama Business Hall of Fame.

Garry is the chairman and chief executive officer of Drummond Company, Inc., one of Alabama's largest coal producers and a major national producer of foundry coke. The company was founded in 1935 by Mr. Heman Drummond, father of five brothers who are still associated with the company today. The company's executive and administrative offices are in Birmingham, with operational headquarters in Jasper, AL.

Garry was born in Sipsey, AL, on June 8, 1938. He earned his Associate degree from Walker College in 1959. He received his bachelor of science degree in civil engineering from the University of Alabama in 1961. He also holds an honorary doctorate of science from the University of Alabama, awarded in May 1983, and served on the University's board of trustees from 1983 to 2001.

Garry has been active in the coal industry and its State, national, and international organizations. He is the longest running board member of the National Mining Association and is a former member of the board of directors of the American Coal Foundation. He is a founder of the Mining and Reclamation Council of America , MARC, a national trade organization representing primarily surface miners that later merged with the National Coal Association in 1987. Garry served as MARC's first chairman. He is a member of the board of directors and past chairman of the Alabama Coal Association and a former member of the National Coal Council, an advisory group appointed by the U.S. Secretary of Energy. He is also a member of the board of directors of the Center for Energy and Economic Development.

I offer Garry my congratulations and best wishes as he becomes a member of the Alabama Business Hall of Fame.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT RELATIVE TO THE NATIONAL EMERGENCY DECLARED IN EXECUTIVE ORDER 12938 WITH RESPECT TO WEAPONS OF MASS DESTRUCTION—PM 53

The Presiding Officer laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee

on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. Consistent with this provision, I have sent to the *Federal Register* for publication the enclosed notice, stating that the emergency posed by the proliferation of weapons of mass destruction and their delivery systems declared by Executive Order 12938 on November 14, 1994, as amended, is to continue in effect beyond November 14, 2003. the most recent notice continuing this emergency was signed on November 6, 2002, and published in the *Federal Register* on November 12, 2002 (67 Fed. Reg. 68493).

Because the proliferation of weapons of mass destruction and the means of delivering them continues to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States, I have determined the national emergency previously declared must continue in effect beyond November 14, 2003.

GEORGE W. BUSH.

THE WHITE HOUSE, *October 29, 2003.*

REPORT RELATIVE TO THE NATIONAL EMERGENCY WITH RESPECT TO SUDAN RELATIVE TO THE THREAT TO NATIONAL SECURITY AND FOREIGN POLICY OF THE UNITED STATES—PM 54

The Presiding Officer laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating the emergency is to continue in effect beyond the anniversary date. Consistent with this provision, I have sent the enclosed notice, stating the Sudan emergency is to continue in effect beyond November 3, 2003, to the *Federal Register* for publication. The most recent notice continuing this emergency was published in the *Federal Register* on October 31, 2002 (67 Fed. Reg. 66525).

The crisis between the United States and Sudan constituted by the actions and policies of the Government of Sudan that led to the declaration of a national emergency on November 3, 1997, has not been resolved. These actions and policies are hostile to U.S. interests and pose a continuing unusual and extraordinary threat to the national security and foreign policy of the United States. Therefore, I have determined it is necessary to continue the national emergency declared with respect to Sudan and maintain in force the comprehensive sanctions against Sudan to respond to this threat.

GEORGE W. BUSH.

THE WHITE HOUSE, *October 29, 2003.*

MESSAGES FROM THE HOUSE

At 2:59 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills and joint resolution, in which it requests the concurrence of the Senate:

H.R. 1616. An act to authorize the exchange of certain lands within the Martin Luther King, Junior, National Historic Site for lands owned by the City of Atlanta, Georgia, and for other purposes.

H.R. 2744. An act to designate the facility of the United States Postal Service located at 514 17th Street in Moline, Illinois, as the ''David Bybee Post Office Building''.

H.R. 3232. An act to reauthorize certain school lunch and child nutrition programs through March 31, 2004.

H.R. 3234. An act to designate the facility of the United States Postal Service located at 14 Chestnut Street in Liberty, New York, as the ''Ben R. Gerow Post Office Building''.

H.R. 3249. An act to extend the term of the Forest Counties Payments Committee.

H.J. Res. 63. Joint resolution to approve the ''Compact of Free Association, as amended between the Government of the United States of America and the Government of the Federated States of Micronesia,'' and the ''Compact of Free Association, as amended between the Government of the United States of America and the Government of the Republic of the Marshall Islands,'' and otherwise to amend Public Law 99–239, and to appropriate for the purposes of amended Public Law 99–239 for fiscal years ending on or before September 30, 2023, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 268. Concurrent resolution expressing the sense of the Congress regarding the imposition of sanctions on nations that are undermining the effectiveness of conservation and management measures for Atlantic highly migratory species, including marlin, adopted by the International Commission for the Conservation of Atlantic Tunas and that are threatening the continued viability of United States commercial and recreational fisheries.

H. Con. Res. 279. Concurrent resolution recognizing the significance of the anniversary of the American Association for the Advancement of Science Congressional Science and Engineering Fellowship Program, and reaffirming the commitment to support the use of science in governmental decision-making through such Program.

The message further announced that the House has passed the bill (S. 470) to extend the authority for the construction of a memorial to Martin Luther King, Jr., without amendment.

The message also announced that the House had disagreed to the amendment of the Senate to the bill (H.R. 2989) making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2004, and for other purposes, and has agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints the following members to be managers of the conference on the part of the House: Mr. ISTOOK, Mr. WOLF, Mr. LEWIS of California, Mr. ROGERS of Kentucky, Mr. TIAHRT, Mrs. NORTHUP, Mr. ADERHOLT, Mr. SWEENEY, Mr. CULBERSON, Mr. YOUNG of Florida, Mr. HOYER, Mr. OLVER, Mr. PASTOR, Ms. KILPATRICK, Mr. CLYBURN, Mr. ROTHMAN and Mr. OBEY.

At 5:56 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the amendments of the Senate to the bill (H.R. 1516) entitled, ''An Act to provide for the establishment by the Secretary of Veterans Affairs of five additional cemeteries in the National Cemetery System.''.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1616. An act to authorize the exchange of certain lands within the Martin Luther King, Junior, National Historic Site for lands owned by the City of Atlanta, Georgia, and for other purposes to the Committee on Energy and Natural Resources.

H.R. 2744. An act to designate the facility of the United States Postal Service located at 514 17th Street in Moline, Illinois, as the ''David Bybee Post Office Building''; to the Committee on Governmental Affairs.

H.R. 3232. An act to reauthorize certain school lunch and child nutrition programs through March 31, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

H.R. 3234. An act to designate the facility of the United States Postal Service located at 14 Chestnut Street in Liberty, New York, as the ''Ben R. Gerow Post Office Building''; to the Committee on Governmental Affairs.

H.R. 3249. An act to extend the term of the Forest Counties Payments Committee; to the Committee on Energy and Natural Resources.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 268. Concurrent resolution expressing the sense of the Congress regarding the imposition of sanctions on nations that are undermining the effectiveness of conservation and management measures for Atlantic highly migratory species, including marlin, adopted by the continued viability of United States commercial and recreational fisheries; to the Committee on Commerce, Science, and Transportation.

H. Con. Res. 279. Concurrent resolution recognizing the significance of the anniversary of the American Association for the Advancement of Science Congressional Science and Engineering Fellowship Program, and reaffirming the commitment to support the use of science in governmental decision-making through such Program; to the Committee on the Judiciary.

MEASURES PLACED ON THE CALENDAR

The following joint resolution was read the first and second times by unanimous consent, and placed on the calendar.

H. J. Res. 63. Joint resolutions to approve the ''Compact of Free Association, as amended between the Government of the United States of America and the Government of the Federated States of Micronesia,'' and the ''Compact of Free Association, as amended between the Government of the United States of America and the Government of the Republic of the Marshall Islands,'' and otherwise to amend Public Law 99–239, and to appropriate for the purposes of amended Public Law 99–239 for fiscal years ending on or before September 30, 2023, and for other purposes.

The following bill was discharged from the Committee on Commerce, Science, and Transportation, pursuant to the order of September 23, 2003, and placed on the calendar.

S. 150. A bill to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–4725. A communication from the Assistant General Counsel for Regulatory Law, Office of Energy Efficiency and Renewable Energy, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Energy Conservation Program for Consumer Products: Test Procedure for Dishwashers'' (RIN1904–AB10) received on October 7, 2003; to the Committee on Energy and Natural Resources.

EC–4726. A communication from the Assistant General Counsel for Regulatory Law, Office of Energy Efficiency and Renewable Energy, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Acquisition Regulation: Motor Vehicle Fleet Fuel Efficiency'' (RIN1991–AB59) received on October 7, 2003; to the Committee on Energy and Natural Resources.

EC–4900. A communication from the Assistant Secretary, Land and Minerals Management, transmitting, pursuant to law, the report of a rule entitled ''Locating, Recording, and Maintaining Mining Claims or Sites'' (RIN1004–AD31) received on October 27, 2003; to the Committee on Energy and Natural Resources.

EC–4901. A communication from the Assistant Chief Counsel, Federal Highway Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Advanced Construction of Federal-aid Projects'' (RIN2125–AD59) received on October 27, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4902. A communication from the Attorney, Research and Special Programs Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Applicability of the Hazardous Materials Regulations to Loading, Unloading, and Storage'' (RIN2137–AC68) received on October 27, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4903. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.622(b), Table of Allotments, DTV Broadcast Stations, Fayetteville, AR'' (MM Doc. No. 01–55) received on October 27, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4904. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.622(b), Table of Allotments, DTV Broadcast Stations, Butte, MT'' (MB Doc. No. 03–118) received on October 27, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4905. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations, Harrison, Michigan'' (MB Doc. No. 03–176) received on October 27, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4906. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations, Bay City, Michigan'' (MM Doc. No. 01–84) received on October 27, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4907. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations, Payson, Camp Verde, Arizona'' (MB Doc. No. 03–160) received on October 27, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4908. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations, Ozona and Iraan, Texas'' (MB Doc. No. 02–261) received on October 27, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4909. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations, Crisfield, Maryland; Belle Haven, Exmore, Nassawadox, and Poquoson, Virginia'' (MM Doc. No. 02–76) received on October 27, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4910. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations, Buffalo, Oklahoma'' (MB Doc. No. 02–383) received on October 27, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4911. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Daisy, AR; Trona, CA; Muldrow and Rattan, OK)'' (MB Doc. No. 03–42, – 29, –30, –43) received on October 27, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4912. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Saint Joseph, Clayton, Ruston, and Wisner, Louisiana'' (MM Doc. No. 01–19, –27,) received on October 27, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4913. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations, Quartzsite, Arizona'' (MB Doc. No. 03–131) received on October 27, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4914. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Cedar Bluff, Virginia and Gary, West Virginia)'' (MB Doc. No. 02–316) received on October 27, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4915. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''In the Matter of LPTV Digital Data Services Pilot Project'' (FCC01–137) received on October 27, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4916. A communication from the Bureau Chief, Consumer and Governmental Affairs Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''In the Matter of Provision of Improved Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities'' (FCC02–121) received on October 27, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4917. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (31)'' (RIN2120–AA65) received on October 27, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4918. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations: [CGD01–03–101] Mianus River, CT'' (RIN1625–AA09) received on October 27, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4919. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations: [CGD08–03–035] Mississippi River, Iowa and Illinois'' (RIN1625–AA09) received on October 27, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4920. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations: [CGD05–03–166] Hatteras Island, NC'' (RIN1625–AA00) received on October 27, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4921. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation,

transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 747SP and 747SR; 747–100B , 200B, 200C, 200F, 300, 400, and 400D and 767–200 Series Airplanes Doc. No. 2002–NM–106'' (RIN2120–AA64) received on October 27, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4922. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: McDonnell Douglas Model DC–9–31 and DC–9–32 Airplanes Doc. No. 2003–NM–61'' (RIN2120–AA64) received on October 27, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4923. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Pilatus Aircraft Ltd. Models PC–12 and PC–12/45 Airplanes Doc. No. 2003–CE–42'' (RIN2120–AA64) received on October 27, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4924. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Raytheon Aircraft Company Beech Models 1900, 1900C, and 1900D Airplanes Doc. No. 2003–CE–43'' (RIN2120–AA64) received on October 27, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4925. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Stemme GmbH and Co. KG Models STEMME S10–VT Sailplanes Doc. No. 2003–CE–36'' (RIN2120–AA64) received on October 27, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4926. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Cessna Aircraft Company Models 208 and 208B Airplanes Doc. No. 2003–CE–41'' (RIN2120–AA64) received on October 27, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4927. A communication from the Regulatory Contact, Grain Inspection, Packers and Stockyards Administration, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Review Inspection Requirements'' (RIN0580–AA58) received on October 27, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4928. A communication from the Secretary of the Treasury transmitting, a six month periodic report in the national emergency with respect to Sudan that was declared in Executive Order 13067; to the Committee on Banking, Housing, and Urban Affairs.

EC–4929. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Tebufenozide; Extension of Tolerance for Emergency Exemptions'' (FRL#7330–2) received on October 27, 2003; to the Committee on Environment and Public Works.

EC–4930. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Nonpoint Source Program and Grants Guidelines for State and Territories'' received on October 27, 2003; to the Committee on Environment and Public Works.

EC–4931. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the Regional Haze Rule to Correct Mobile Source Provisions in Optional Program for Nine Western States and Eligible Indian Tribes Within that Geographic Area; Direct Final Rule, Removal of Amendments'' (FRL#7579–6) received on October 27, 2003; to the Committee on Environment and Public Works.

EC–4932. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Applicable Federal Rates—November 2003'' (Rev. Rule 2003–114) received on October 27, 2003; to the Committee on Finance.

EC–4933. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Eligibility Criteria for WOTC'' (Rev. Rule 2003–112) received on October 27, 2003; to the Committee on Finance.

EC–4934. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Special Rules for Certain Foreign Business Entities'' (RIN1545–AX39) received on October 27, 2003; to the Committee on Finance.

EC–4935. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''2003 Base Period T-Bill Rate'' (Rev. Rul. 2003–111) received on October 27, 2003; to the Committee on Finance.

EC–4936. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Actual Knowledge of Tax Lien for Priority Under IRC 6323(a)'' (Rev. Rule 2003–108) received on October 27, 2003; to the Committee on Finance.

EC–4937. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Revenue Ruling Permitting Electronic Substantiation of Employee Travel and Entertainment Expenses'' (Rev. Rul. 2003–106) received on October 27, 2003; to the Committee on Finance.

EC–4938. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Qualified Census Tracts—Pacific Islands'' (Rev. Proc. 2003–81) received on October 27, 2003; to the Committee on Finance.

EC–4939. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Bureau of Labor Statistics Price Indexes for Department Stores—August 2003'' (Rev. Rul. 2003–113) received on October 27, 2003; to the Committee on Finance.

EC–4940. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''2004 Per Diem Travel Expenses'' (Rev. Proc. 2003–80) received on October 27, 2003; to the Committee on Finance.

EC–4941. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''2003 Automobile Inflation Adjustment'' (Rev. Proc. 2003–75) received on October 27, 2003; to the Committee on Finance.

EC–4942. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Business Purpose Aggregation'' (Rev. Rul. 2003–110) received on October 27, 2003; to the Committee on Finance.

EC–4943. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles and services in the amount of $50,000,000 or more to the Pacific Ocean (international waters); to the Committee on Foreign Relations.

EC–4944. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad and the export of defense articles or defense services in the amount of $100,000,000 to Japan; to the Committee on Foreign Relations.

EC–4945. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad and the export of defense articles or defense services in the amount of $50,000,000 or more to Mexico; to the Committee on Foreign Relations.

EC–4946. A communication from the Chairman, Broadcasting Board of Governors, transmitting, pursuant to law, a draft of proposed legislation to authorize an education benefit for employees of the Broadcasting Board of Governors serving in the Commonwealth of the Northern Mariana Islands; to the Committee on Foreign Relations.

EC–4947. A communication from the Chair, United States Sentencing Commission, transmitting, an emergency amendment and accompanying report relative to the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (the ''PROTECT'' Act); to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. STEVENS, from the Committee on Appropriations:

Special Report entitled ''Further Revised Allocation to Subcommittees of Budget Totals for Fiscal Year 2004'' (Rept. No. 108–175).

By Mr. GRASSLEY, from the Committee on Finance, with an amendment in the nature of a substitute:

H.R. 743. A bill to amend the Social Security Act and the Internal Revenue Code of 1986 to provide additional safeguards for Social Security and Supplemental Security Income beneficiaries with representative payees, to enhance program protections, and for other purposes (Rept. No. 108–176).

By Mr. INHOFE, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

S. 1066. A bill to correct a technical error from Unit T–07 of the John H. Chafee Coastal Barrier Resources System (Rept. No. 108–177).

By Mr. INHOFE, from the Committee on Environment and Public Works, with amendments:

S. 1643. A bill to exempt certain coastal barrier property from financial assistance and flood insurance limitations under the Coastal Barriers Resources Act and the National Flood Act of 1968 (Rept. No. 108–178).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SANTORUM:

S. 1794. A bill to suspend temporarily the duty on electron guns for cathode ray tubes (CRT's) with a high definition television screen aspect ratio of 16:9 and other parts used in plasma and LCD televisions; to the Committee on Finance.

By Mr. GRAHAM of South Carolina:

S. 1795. A bill to amend title 18, United States Code, and the Federal Rules of Criminal Procedure with respect to bail bond forfeitures; to the Committee on the Judiciary.

By Mr. COLEMAN (for himself, Mr. GRAHAM of South Carolina, and Mr. DEWINE):

S. 1796. A bill to revitalize rural America and rebuild main street, and for other purposes; to the Committee on Finance.

By Mr. DEWINE (for himself and Mr. KOHL):

S. 1797. A bill to implement antitrust enforcement enhancements and cooperation incentives; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CAMPBELL (for himself, Mr. KYL, and Mr. NELSON of Florida):

S. Res. 253. A resolution to recognize the evolution and importance of motorsports; to the Committee on the Judiciary.

By Mr. NELSON of Florida (for himself and Mr. GRAHAM of Florida):

S. Res. 254. A resolution commending the Florida Marlins baseball team for winning the 2003 World Series; considered and agreed to.

ADDITIONAL COSPONSORS

S. 55

At the request of Mr. JOHNSON, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 55, a bill to amend title 38, United States Code, to modify the annual determination of the rate of the basic benefit of active duty educational assistance under the Montgomery GI Bill, and for other purposes.

S. 269

At the request of Mr. JEFFORDS, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 269, a bill to amend the Lacey Act Amendments of 1981 to further the conservation of certain wildlife species.

S. 349

At the request of Mrs. FEINSTEIN, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 349, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 453

At the request of Mrs. HUTCHISON, the name of the Senator from Missouri (Mr. TALENT) was added as a cosponsor of S. 453, a bill to authorize the Health Resources and Services Administration and the National Cancer Institute to make grants for model programs to provide to individuals of health disparity populations prevention, early detection, treatment, and appropriate follow-up care services for cancer and chronic diseases, and to make grants regarding patient navigators to assist individuals of health disparity populations in receiving such services.

S. 557

At the request of Ms. COLLINS, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 557, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts received on account of claims based on certain unlawful discrimination and to allow income averaging for backpay and frontpay awards received on account of such claims, and for other purposes.

S. 623

At the request of Mr. WARNER, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 623, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 982

At the request of Mrs. BOXER, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 982, a bill to halt Syrian support for terrorism, end its occupation of Lebanon, stop its development of weapons of mass destruction, cease its illegal importation of Iraqi oil, and hold Syria accountable for its role in the Middle East, and for other purposes.

S. 1172

At the request of Mr. FRIST, the names of the Senator from Mississippi (Mr. COCHRAN), the Senator from Maryland (Ms. MIKULSKI) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 1172, a bill to establish grants to provide health services for improved nutrition, increased physical activity, obesity prevention, and for other purposes.

S. 1177

At the request of Mr. KOHL, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1177, a bill to ensure the collection of all cigarette taxes, and for other purposes.

S. 1246

At the request of Mr. ROBERTS, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1246, a bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants.

S. 1379

At the request of Mr. JOHNSON, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1379, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 1548

At the request of Mr. GRASSLEY, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. 1548, a bill to amend the Internal Revenue Code of 1986 to provide incentives for the production of renewable fuels and to simplify the administration of the Highway Trust Fund fuel excise taxes, and for other purposes.

S. 1557

At the request of Mr. MCCONNELL, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 1557, a bill to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Armenia.

S. 1570

At the request of Mr. SANTORUM, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 1570, a bill to amend the Internal Revenue Code of 1986 to allow individuals a refundable credit against income tax for the purchase of private health insurance, and to establish State health insurance safety-net programs.

S. 1601

At the request of Mr. CAMPBELL, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1601, a bill to amend the Indian Child Protection and Family Violence Prevention Act to provide for the reporting and reduction of child abuse and family violence incidences on Indian reservations, and for other purposes.

S. 1626

At the request of Mr. DAYTON, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1626, a bill to provide emergency disaster assistance to agricultural producers.

S. 1630

At the request of Mrs. CLINTON, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1630, a bill to facilitate nationwide availability of 2–1–1 telephone service for information and referral services, and for other purposes.

S. 1708

At the request of Mr. KENNEDY, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1708, a bill to provide extended unemployment benefits to displaced workers, and to make other improvements in the unemployment insurance system.

S. 1734

At the request of Mrs. LINCOLN, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 1734, a bill to amend titles XIX and XXI of the Social Security Act to provide States with the option to expand or add coverage of pregnant women under the medicaid and State children's health insurance programs, and for other purposes.

S. CON. RES. 67

At the request of Mr. COCHRAN, the name of the Senator from New Jersey

(Mr. LAUTENBERG) was added as a cosponsor of S. Con. Res. 67, a concurrent resolution expressing the need for enhanced public awareness of traumatic brain injury and supporting the designation of a National Brain Injury Awareness Month.

S. CON. RES. 73

At the request of Mrs. FEINSTEIN, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. Con. Res. 73, a concurrent resolution expressing the deep concern of Congress regarding the failure of the Islamic Republic of Iran to adhere to its obligations under a safeguards agreement with the International Atomic Energy Agency and the engagement by Iran in activities that appear to be designed to develop nuclear weapons.

S. RES. 244

At the request of Mrs. BOXER, the names of the Senator from Connecticut (Mr. DODD) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of S. Res. 244, a resolution congratulating Shirin Ebadi for winning the 2003 Nobel Peace Prize and commending her for her lifetime of work to promote democracy and human rights.

AMENDMENT NO. 1828

At the request of Mr. BENNETT, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of amendment No. 1828 proposed to H.R. 1904, a bill to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to plan and conduct hazardous fuels reduction projects on National Forest System lands and Bureau of Land Management lands aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape, and for other purposes.

AMENDMENT NO. 1966

At the request of Mr. DEWINE, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of amendment No. 1966 proposed to H.R. 2800, a bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes.

AMENDMENT NO. 2000

At the request of Mr. DORGAN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of amendment No. 2000 proposed to H.R. 2800, a bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes.

At the request of Mr. GRAHAM of Florida, his name was added as a cosponsor of amendment No. 2000 proposed to H.R. 2800, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. COLEMAN (for himself, Mr. GRAHAM of South Carolina, and Mr. DEWINE):

S. 1796. A bill to revitalize rural America and rebuild main street, and for other purposes; to the Committee on Finance

Mr. COLEMAN. Mr. President, I ask unanimous consent that the bill I introduce today, the rural Renaissance Act, be printed in the RECORD.

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

S. 1796

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Rural Renaissance Act''.

SEC. 2. RURAL RENAISSANCE CORPORATION.

Subtitle D of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981 et seq.) is amended by adding at the end the following new section:

''SEC. 379E. RURAL RENAISSANCE CORPORATION.

''(a) ESTABLISHMENT AND STATUS.—There is established a body corporate to be known as the 'Rural Renaissance Corporation' (hereafter in this section referred to as the 'Corporation'). The Corporation is not a department, agency, or instrumentality of the United States Government, and shall not be subject to title 31, United States Code.

''(b) PRINCIPAL OFFICE; APPLICATION OF LAWS.—The principal office and place of business of the Corporation shall be in the District of Columbia, and, to the extent consistent with this section, the District of Columbia Business Corporation Act (D.C. Code 29–301 et seq.) shall apply.

''(c) FUNCTIONS OF CORPORATION.—The Corporation shall—

''(1) issue rural renaissance bonds for the financing of qualified projects as required under section 54 of the Internal Revenue Code of 1986,

''(2) establish an allocation plan as required under section 54(f)(2)(A) of such Code,

''(3) establish and operate the Rural Renaissance Trust Account as required under section 54(i) of such Code,

''(4) perform any other function the sole purpose of which is to carry out the financing of qualified projects through rural renaissance bonds, and

''(5) not later than February 15 of each year submit a report to Congress—

''(A) describing the activities of the Corporation for the preceding year, and

''(B) specifying whether the amounts deposited and expected to be deposited in the Rural Renaissance Trust Account are sufficient to fully repay at maturity the principal of any outstanding rural renaissance bonds issued pursuant to such section 54.

''(d) POWERS OF CORPORATION.—The Corporation—

''(1) may sue and be sued, complain and defend, in its corporate name, in any court of competent jurisdiction,

''(2) may adopt, alter, and use a seal, which shall be judicially noticed,

''(3) may prescribe, amend, and repeal such rules and regulations as may be necessary for carrying out the functions of the Corporation,

''(4) may make and perform such contracts and other agreements with any individual, corporation, or other private or public entity however designated and wherever situated, as may be necessary for carrying out the functions of the Corporation,

''(5) may determine and prescribe the manner in which its obligations shall be incurred and its expenses allowed and paid,

''(6) may, as necessary for carrying out the functions of the Corporation, employ and fix the compensation of employees and officers,

''(7) may lease, purchase, or otherwise acquire, own, hold, improve, use, or otherwise deal in and with such property (real, personal, or mixed) or any interest therein, wherever situated, as may be necessary for carrying out the functions of the Corporation,

''(8) may accept gifts or donations of services or of property (real, personal, or mixed), tangible or intangible, in furtherance of the purposes of this section, and

''(9) shall have such other powers as may be necessary and incident to carrying out this section.

''(e) NONPROFIT ENTITY; RESTRICTION ON USE OF MONEYS; CONFLICT OF INTERESTS; INDEPENDENT AUDITS.—

''(1) NONPROFIT ENTITY.—The Corporation shall be a nonprofit corporation and shall have no capital stock.

''(2) RESTRICTION.—No part of the Corporation's revenue, earnings, or other income or property shall inure to the benefit of any of its directors, officers, or employees, and such revenue, earnings, or other income or property shall only be used for carrying out the purposes of this section.

''(3) CONFLICT OF INTERESTS.—No director, officer, or employee of the Corporation shall in any manner, directly or indirectly participate in the deliberation upon or the determination of any question affecting his or her personal interests or the interests of any corporation, partnership, or organization in which he or she is directly or indirectly interested.

''(4) INDEPENDENT AUDITS.—An independent certified public accountant shall audit the financial statements of the Corporation each year. The audit shall be carried out at the place at which the financial statements normally are kept and under generally accepted auditing standards. A report of the audit shall be available to the public and shall be included in the report required under subsection (c)(5).

''(f) TAX EXEMPTION.—The Corporation, including its franchise and income, is exempt from taxation imposed by the United States, by any territory or possession of the United States, or by any State, county, municipality, or local taxing authority.

''(g) MANAGEMENT OF CORPORATION.—

''(1) BOARD OF DIRECTORS; MEMBERSHIP; DESIGNATION OF CHAIRPERSON AND VICE CHAIRPERSON; APPOINTMENT CONSIDERATIONS; TERM; VACANCIES.—

''(A) BOARD OF DIRECTORS.—The management of the Corporation shall be vested in a board of directors composed of 7 members appointed by the President, by and with the advice and consent of the Senate.

''(B) CHAIRPERSON AND VICE CHAIRPERSON.—The President shall designate 1 member of the Board to serve as Chairperson of the Board and 1 member to serve as Vice Chairperson of the Board.

''(C) INDIVIDUALS FROM PRIVATE LIFE.—Five members of the Board shall be appointed from private life.

''(D) FEDERAL OFFICERS AND EMPLOYEES.—Two members of the Board shall be appointed from among officers and employees of agencies of the United States concerned with rural development.

''(E) APPOINTMENT CONSIDERATIONS.—All members of the Board shall be appointed on the basis of their understanding of and sensitivity to rural development processes. Members of the Board shall be appointed so that

not more than 4 members of the Board are members of any 1 political party.

''(F) TERMS.—Members of the Board shall be appointed for terms of 3 years, except that of the members first appointed, as designated by the President at the time of their appointment, 2 shall be appointed for terms of 1 year and 2 shall be appointed for terms of 2 years.

''(G) VACANCIES.—A member of the Board appointed to fill a vacancy occurring before the expiration of the term for which that member's predecessor was appointed shall be appointed only for the remainder of that term. Upon the expiration of a member's term, the member shall continue to serve until a successor is appointed and is qualified.

''(2) COMPENSATION, ACTUAL, NECESSARY, AND TRANSPORTATION EXPENSES.—Members of the Board shall serve without additional compensation, but may be reimbursed for actual and necessary expenses not exceeding $100 per day, and for transportation expenses, while engaged in their duties on behalf of the Corporation.

''(3) QUORUM.—A majority of the Board shall constitute a quorum.

''(4) PRESIDENT OF CORPORATION.—The Board of Directors shall appoint a president of the Corporation on such terms as the Board may determine.''.

SEC. 3. CREDIT TO HOLDERS OF RURAL RENAISSANCE BONDS.

(a) IN GENERAL.—Part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to credits against tax) is amended by adding at the end the following new subpart:

''Subpart H—Nonrefundable Credit for Holders of Rural Renaissance Bonds

''Sec. 54. Credit to holders of rural renaissance bonds.

''SEC. 54. CREDIT TO HOLDERS OF RURAL RENAISSANCE BONDS.

''(a) ALLOWANCE OF CREDIT.—In the case of a taxpayer who holds a rural renaissance bond on a credit allowance date of such bond which occurs during the taxable year, there shall be allowed as a credit against the tax imposed by this chapter for such taxable year an amount equal to the sum of the credits determined under subsection (b) with respect to credit allowance dates during such year on which the taxpayer holds such bond.

''(b) AMOUNT OF CREDIT.—

''(1) IN GENERAL.—The amount of the credit determined under this subsection with respect to any credit allowance date for a rural renaissance bond is 25 percent of the annual credit determined with respect to such bond.

''(2) ANNUAL CREDIT.—The annual credit determined with respect to any rural renaissance bond is the product of—

''(A) the applicable credit rate, multiplied by

''(B) the outstanding face amount of the bond.

''(3) APPLICABLE CREDIT RATE.—For purposes of paragraph (2), the applicable credit rate with respect to an issue is the rate equal to an average market yield (as of the day before the date of sale of the issue) on outstanding long-term corporate debt obligations (determined in such manner as the Secretary prescribes).

''(4) CREDIT ALLOWANCE DATE.—For purposes of this section, the term 'credit allowance date' means—

''(A) March 15,

''(B) June 15,

''(C) September 15, and

''(D) December 15.

Such term includes the last day on which the bond is outstanding.

''(5) SPECIAL RULE FOR ISSUANCE AND REDEMPTION.—In the case of a bond which is issued during the 3-month period ending on a credit allowance date, the amount of the credit determined under this subsection with respect to such credit allowance date shall be a ratable portion of the credit otherwise determined based on the portion of the 3-month period during which the bond is outstanding. A similar rule shall apply when the bond is redeemed.

''(c) LIMITATION BASED ON AMOUNT OF TAX.—

''(1) IN GENERAL.—The credit allowed under subsection (a) for any taxable year shall not exceed the excess of—

''(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

''(B) the sum of the credits allowable under this part (other than this subpart and subpart C).

''(2) CARRYOVER OF UNUSED CREDIT.—If the credit allowable under subsection (a) exceeds the limitation imposed by paragraph (1) for such taxable year, such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such taxable year.

''(d) CREDIT INCLUDED IN GROSS INCOME.—Gross income includes the amount of the credit allowed to the taxpayer under this section (determined without regard to subsection (c)) and the amount so included shall be treated as interest income.

''(e) RURAL RENAISSANCE BOND.—For purposes of this part, the term 'rural renaissance bond' means any bond issued as part of an issue if—

''(1) 95 percent or more of the proceeds from the sale of such issue are to be used—

''(A) for expenditures incurred after the date of the enactment of this section for any qualified project, or

''(B) for deposit in the Rural Renaissance Trust Account for repayment of rural renaissance bonds at maturity,

''(2) the bond is issued by the Rural Renaissance Corporation, is in registered form, and meets the rural renaissance bond limitation requirements under subsection (f),

''(3) except for bonds issued in accordance with subsection (f)(4), the term of each bond which is part of such issue does not exceed 30 years,

''(4) the payment of principal with respect to such bond is the obligation of the Rural Renaissance Corporation, and

''(5) the issue meets the requirements of subsection (g) (relating to arbitrage).

''(f) LIMITATION ON AMOUNT OF BONDS DESIGNATED.—

''(1) NATIONAL LIMITATION.—There is a rural renaissance bond limitation for each calendar year. Such limitation is—

''(A) for 2004—

''(i) with respect to bonds described in subsection (e)(1)(A), $50,000,000,000, plus

''(ii) with respect to bonds described in subsection (e)(1)(B), such amount (not to exceed $15,000,000,000) as determined necessary by the Rural Renaissance Corporation to provide funds in the Rural Renaissance Trust Account for the repayment of rural renaissance bonds at maturity, and

''(B) except as provided in paragraph (3), zero thereafter.

''(2) LIMITATION ALLOCATED TO QUALIFIED PROJECTS AMONG STATES.—

''(A) IN GENERAL.—Subject to subparagraph (B), the limitation applicable under paragraph (1)(A)(i) for any calendar year shall be allocated by the Rural Renaissance Corporation for qualified projects among the States under an allocation plan established by the Corporation and submitted to Congress for consideration.

''(B) MINIMUM ALLOCATIONS TO STATES.—In establishing the allocation plan under subparagraph (A), the Rural Renaissance Corporation shall ensure that the aggregate amount allocated for qualified projects located in each State under such plan is not less than $500,000,000.

''(3) CARRYOVER OF UNUSED LIMITATION.—If for any calendar year—

''(A) the rural renaissance bond limitation amount, exceeds

''(B) the amount of bonds issued during such year by the Rural Renaissance Corporation,

the rural renaissance bond limitation amount for the following calendar year shall be increased by the amount of such excess. Any carryforward of a rural renaissance bond limitation amount may be carried only to calendar year 2005 or 2006.

''(4) ISSUANCE OF SMALL DENOMINATION BONDS.—From the rural renaissance bond limitation for each year, the Rural Renaissance Corporation shall issue a limited quantity of rural renaissance bonds in small denominations suitable for purchase as gifts by individual investors wishing to show their support for investing in rural America.

''(g) SPECIAL RULES RELATING TO ARBITRAGE.—

''(1) IN GENERAL.—Subject to paragraph (2), an issue shall be treated as meeting the requirements of this subsection if as of the date of issuance, the Rural Renaissance Corporation reasonably expects—

''(A) to spend at least 95 percent of the proceeds from the sale of the issue for 1 or more qualified projects within the 3-year period beginning on such date,

''(B) to incur a binding commitment with a third party to spend at least 10 percent of the proceeds from the sale of the issue, or to commence construction, with respect to such projects within the 6-month period beginning on such date, and

''(C) to proceed with due diligence to complete such projects and to spend the proceeds from the sale of the issue.

''(2) RULES REGARDING CONTINUING COMPLIANCE AFTER 3-YEAR DETERMINATION.—If at least 95 percent of the proceeds from the sale of the issue is not expended for 1 or more qualified projects within the 3-year period beginning on the date of issuance, but the requirements of paragraph (1) are otherwise met, an issue shall be treated as continuing to meet the requirements of this subsection if either—

''(A) the Rural Renaissance Corporation uses all unspent proceeds from the sale of the issue to redeem bonds of the issue within 90 days after the end of such 3-year period, or

''(B) the following requirements are met:

''(i) The Rural Renaissance Corporation spends at least 75 percent of the proceeds from the sale of the issue for 1 or more qualified projects within the 3-year period beginning on the date of issuance.

''(ii) The Rural Renaissance Corporation spends at least 95 percent of the proceeds from the sale of the issue for 1 or more qualified projects within the 4-year period beginning on the date of issuance, and uses all unspent proceeds from the sale of the issue to redeem bonds of the issue within 90 days after the end of the 4-year period beginning on the date of issuance.

''(h) RECAPTURE OF PORTION OF CREDIT WHERE CESSATION OF COMPLIANCE.—

''(1) IN GENERAL.—If any bond which when issued purported to be a rural renaissance bond ceases to be such a qualified bond, the Rural Renaissance Corporation shall pay to the United States (at the time required by the Secretary) an amount equal to the sum of—

''(A) the aggregate of the credits allowable under this section with respect to such bond (determined without regard to subsection

(c)) for taxable years ending during the calendar year in which such cessation occurs and the 2 preceding calendar years, and

''(B) interest at the underpayment rate under section 6621 on the amount determined under subparagraph (A) for each calendar year for the period beginning on the first day of such calendar year.

''(2) FAILURE TO PAY.—If the Rural Renaissance Corporation fails to timely pay the amount required by paragraph (1) with respect to such bond, the tax imposed by this chapter on each holder of any such bond which is part of such issue shall be increased (for the taxable year of the holder in which such cessation occurs) by the aggregate decrease in the credits allowed under this section to such holder for taxable years beginning in such 3 calendar years which would have resulted solely from denying any credit under this section with respect to such issue for such taxable years.

''(3) SPECIAL RULES.—

''(A) TAX BENEFIT RULE.—The tax for the taxable year shall be increased under paragraph (2) only with respect to credits allowed by reason of this section which were used to reduce tax liability. In the case of credits not so used to reduce tax liability, the carryforwards and carrybacks under section 39 shall be appropriately adjusted.

''(B) NO CREDITS AGAINST TAX.—Any increase in tax under paragraph (2) shall not be treated as a tax imposed by this chapter for purposes of determining—

''(i) the amount of any credit allowable under this part, or

''(ii) the amount of the tax imposed by section 55.

''(i) RURAL RENAISSANCE TRUST ACCOUNT.—

''(1) IN GENERAL.—The following amounts shall be held in a Rural Renaissance Trust Account by the Rural Renaissance Corporation:

''(A) The proceeds from the sale of all bonds issued under this section.

''(B) The amount of any matching contributions with respect to such bonds.

''(C) The investment earnings on proceeds from the sale of such bonds.

''(D) Any earnings on any amounts described in subparagraph (A), (B), or (C).

''(2) USE OF FUNDS.—Amounts in the Rural Renaissance Trust Account may be used only to pay costs of qualified projects, redeem rural renaissance bonds, and fund the operations of the Rural Renaissance Corporation, except that amounts withdrawn from the Rural Renaissance Trust Account to pay costs of qualified projects may not exceed the aggregate proceeds from the sale of rural renaissance bonds described in subsection (e)(1)(A).

''(3) USE OF REMAINING FUNDS IN RURAL RENAISSANCE TRUST ACCOUNT.—Upon the redemption of all rural renaissance bonds issued under this section, any remaining amounts in the Rural Renaissance Trust Account shall be available to the Rural Renaissance Corporation for any qualified project.

''(j) QUALIFIED PROJECT.—For purposes of this section—

''(1) IN GENERAL.—Subject to paragraph (3), the term 'qualified project' means a project which—

''(A) includes 1 or more of the projects described in paragraph (2),

''(B) is located in a rural area, and

''(C) is proposed by a State and approved by the Rural Renaissance Corporation.

''(2) PROJECTS DESCRIBED.—A project described in this paragraph is—

''(A) a water or waste treatment project,

''(B) a conservation project, including any project to protect water quality or air quality (including odor abatement), any project to prevent soil erosion, and any project to protect wildlife habitat, including any project to assist agricultural producers in complying with Federal, State, or local regulations,

''(C) an affordable housing project,

''(D) a community facility project, including hospitals, fire and police stations, and nursing and assisted-living facilities,

''(E) a value-added agriculture or renewable energy facility project for agricultural producers or farmer-owned entities, including any project to promote the production or processing of ethanol, biodiesel, animal waste, biomass, raw commodities, or wind as a fuel,

''(F) a rural venture capital project for, among others, farmer-owned entities,

''(G) a distance learning or telemedicine project,

''(H) a project to expand broadband technology, and

''(I) a rural teleworks project.

''(3) SPECIAL RULES.—For purposes of this subsection—

''(A) any project described in subparagraph (E) or (F) of paragraph (2) for a farmer-owned entity may be considered a qualified project if such entity is located in a rural area, or in the case of a farmer-owned entity the headquarters of which are located in a nonrural area, if the project is located in a rural area, and

''(B) any project for a farmer-owned entity which is a facility described in paragraph (2)(E) for agricultural producers may be considered a qualified project regardless of whether the facility is located in a rural or nonrural area.

''(3) APPROVAL GUIDELINES AND CRITERIA.—Not later than 60 days after the date of the enactment of this section, the Rural Renaissance Corporation shall consult with the appropriate committees of Congress regarding the development of guidelines and criteria for the approval by the Corporation of projects as qualified projects for inclusion in the allocation plan established under subsection (f)(2)(A) and shall submit such guidelines and criteria to such committees.

''(k) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

''(1) BOND.—The term 'bond' includes any obligation.

''(2) RURAL AREA.—The term 'rural area' means any area other than—

''(A) a city or town which has a population of greater than 50,000 inhabitants, or

''(B) the urbanized area contiguous and adjacent to such a city or town.

''(3) RURAL RENAISSANCE CORPORATION.—The term 'Rural Renaissance Corporation' means the Rural Renaissance Corporation established under section 379E of the Consolidated Farm and Rural Development Act.

''(4) TREATMENT OF CHANGES IN USE.—For purposes of subsection (e)(1)(A), the proceeds from the sale of an issue shall not be treated as used for a qualified project to the extent that the Rural Renaissance Corporation takes any action within its control which causes such proceeds not to be used for a qualified project. The Secretary shall specify remedial actions that may be taken (including conditions to taking such remedial actions) to prevent an action described in the preceding sentence from causing a bond to fail to be a rural renaissance bond.

''(5) PARTNERSHIP; S CORPORATION; AND OTHER PASS-THRU ENTITIES.—In the case of a partnership, trust, S corporation, or other pass-thru entity, rules similar to the rules of section 41(g) shall apply with respect to the credit allowable under subsection (a).

''(6) BONDS HELD BY REGULATED INVESTMENT COMPANIES.—If any rural renaissance bond is held by a regulated investment company, the credit determined under subsection (a) shall be allowed to shareholders of such company under procedures prescribed by the Secretary.

''(7) CREDITS MAY BE STRIPPED.—Under regulations prescribed by the Secretary—

''(A) IN GENERAL.—There may be a separation (including at issuance) of the ownership of a rural renaissance bond and the entitlement to the credit under this section with respect to such bond. In case of any such separation, the credit under this section shall be allowed to the person who on the credit allowance date holds the instrument evidencing the entitlement to the credit and not to the holder of the bond.

''(B) CERTAIN RULES TO APPLY.—In the case of a separation described in subparagraph (A), the rules of section 1286 shall apply to the rural renaissance bond as if it were a stripped bond and to the credit under this section as if it were a stripped coupon.

''(8) REPORTING.—The Rural Renaissance Corporation shall submit reports similar to the reports required under section 149(e).''.

(b) AMENDMENTS TO OTHER CODE SECTIONS.—

(1) REPORTING.—Subsection (d) of section 6049 of the Internal Revenue Code of 1986 (relating to returns regarding payments of interest) is amended by adding at the end the following new paragraph:

''(8) REPORTING OF CREDIT ON RURAL RENAISSANCE BONDS.—

''(A) IN GENERAL.—For purposes of subsection (a), the term 'interest' includes amounts includible in gross income under section 54(d) and such amounts shall be treated as paid on the credit allowance date (as defined in section 54(b)(4)).

''(B) REPORTING TO CORPORATIONS, ETC.—Except as otherwise provided in regulations, in the case of any interest described in subparagraph (A), subsection (b)(4) shall be applied without regard to subparagraphs (A), (H), (I), (J), (K), and (L)(i) of such subsection.

''(C) REGULATORY AUTHORITY.—The Secretary may prescribe such regulations as are necessary or appropriate to carry out the purposes of this paragraph, including regulations which require more frequent or more detailed reporting.''.

(2) TREATMENT FOR ESTIMATED TAX PURPOSES.—

(A) INDIVIDUAL.—Section 6654 of such Code (relating to failure by individual to pay estimated income tax) is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

''(m) SPECIAL RULE FOR HOLDERS OF RURAL RENAISSANCE BONDS.—For purposes of this section, the credit allowed by section 54 to a taxpayer by reason of holding a rural renaissance bond on a credit allowance date shall be treated as if it were a payment of estimated tax made by the taxpayer on such date.''.

(B) CORPORATE.—Subsection (g) of section 6655 of such Code (relating to failure by corporation to pay estimated income tax) is amended by adding at the end the following new paragraph:

''(5) SPECIAL RULE FOR HOLDERS OF RURAL RENAISSANCE BONDS.—For purposes of this section, the credit allowed by section 54 to a taxpayer by reason of holding a rural renaissance bond on a credit allowance date shall be treated as if it were a payment of estimated tax made by the taxpayer on such date.''.

(c) CLERICAL AMENDMENTS.—

(1) The table of subparts for part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

''Subpart H. Nonrefundable Credit for Holders of Rural Renaissance Bonds.''.

(2) Section 6401(b)(1) of such Code is amended by striking ''and G'' and inserting ''G, and H''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after the date of the enactment of this Act.

By Mr. DEWINE (for himself and Mr. KOHL):

S. 1797. A bill to implement antitrust enforcement enhancements and cooperation incentives; to the Committee on the Judiciary.

Mr. KOHL. Mr. President, I rise today, with my colleague Senator DEWINE, to introduce the ''Antitrust Criminal Penalty Enhancement and Reform Act of 2003.'' This important bipartisan antitrust reform bill will strengthen the procedures under which antitrust settlements are reviewed by the courts, will increase criminal penalties for the most egregious antitrust violations, and will enhance the Justice Department's existing leniency program to encourage more antitrust criminal wrongdoers to come forward and thereby significantly assist the Department in detecting and preventing antitrust conspiracies.

This bill will accomplish three important goals. First, it will strengthen the review of the Justice Department's civil antitrust settlements under the Tunney Act. The Tunney Act is an important statute, passed nearly thirty years ago, that insures the public interest and consumers are protected when the Justice Department settles civil antitrust cases. The Tunney Act requires that, before entering any proposed consent judgment proposed by the Justice Department, the court must determine that the judgment is in the public interest. The statute also contains strict procedures for the public disclosure of proposed antitrust consent decrees and an opportunity for public comment.

The Tunney Act was passed in 1974 in response to concerns that some Justice Department settlements were motivated by inappropriate political pressure and were simply inadequate to restore competition or protect consumers. Congress concluded that review by the district courts to be an essential safeguard to deter the Justice Department from settling cases without regard for the public interest or the interest of affected consumers. The Tunney Act was enacted to end the then-prevalent practice of district judges ''rubber stamping'' antitrust consent decrees.

Unfortunately, in recent years, many courts—including specifically the U.S. Court of Appeals for the District of Columbia Circuit—have misconstrued the plain meaning of the Tunney Act and have returned to the practice of ''rubber stamp'' review of antitrust settlements. The controlling precedent in the D.C. Circuit is now that trial courts must enter antitrust consent decrees as long as they do not make a ''mockery of the judicial power.'' This standard is contrary to the intent of the Tunney Act and effectively strips the courts of the ability to engage in meaningful review of antitrust settlements.

Our bill will restore the original intent of the Tunney Act by First, providing that courts are to independently determine that antitrust settlements are in the public interest, second, setting forth a specific list of factors that a court must examine in the course of its public interest review—rather than may consider as the statute is currently written, and third, requiring the government establish that substantial evidence and reasoned analysis supports the government's belief that the consent judgment is in the public interest. These provisions will make clear that the court has the authority to conduct a meaningful review to ensure that antitrust settlements are not contrary to the public interest, or to competition.

Second, the bill will enhance criminal penalties for those who violate our antitrust laws. It will increase the maximum corporate penalty from $10 to $100 million, will increase the maximum individual fine from $350,000 to $1 million, and increase the maximum jail term for individuals who are convicted of criminal antitrust violations from three to ten years. These changes will send the proper message that criminal antitrust violations—crimes such as price fixing and bid rigging—committed by business executives in a boardroom are serious offense that steal from American consumers just as effectively as does a street criminal with a gun. We have all learned through unfortunate experience in the last few years at some of our largest at most respected corporations the serious consequences of crime in the boardroom, with literally tens of millions of dollars being looted from shareholders. These examples of corporate malfeasance teach us that criminal sanctions for white collar crime must be serious enough to deter such misbehavior, and our bill will help ensure our antitrust penalties are strong enough to accomplish this mission.

Finally, this bill will give the Justice Department significant new tools under its antitrust leniency program. The leniency program rewards the first member of a criminal antitrust conspiracy to admit its crime to the Justice Department by granting the wrongdoer criminal amnesty. This is an important tool for law enforcement officials to detect and break up cartels that fix prices and limit supply in our economy. This new provision will give the Justice Department the ability to offer those applying for leniency the additional reward of only facing actual damages in civil suits arising out of the antitrust conspiracy, rather than the treble damage liability to which they would otherwise be subject. This statutory change will remove a significant disincentive to those who would be likely to seek criminal amnesty and should result in a substantial increase in the number of antitrust conspiracies being detected.

Each of these three reforms are important measures will significantly enhance the enforcement of our nation's antitrust laws. I urge my colleagues to support this important measure.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 253—TO RECOGNIZE THE EVOLUTION AND IMPORTANCE OF MOTORSPORTS

Mr. CAMPBELL (for himself, Mr. KYL, and Mr. NELSON of Florida) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 253

Whereas on March 26, 1903, an automotive race was held on a beach in Volusia County, Florida, inaugurating 100 years of motorsports;

Whereas 100 years later, motorsports are the fastest growing sports in the country;

Whereas races occur at hundreds of motorsport facilities in all 50 States;

Whereas racing fans can enjoy a wide variety of motorsports sanctioned by organizations that include Championship Auto Racing Teams (CART), Grand American Road Racing (Grand Am), Indy Racing League (IRL), International Motorsports Association (IMSA), National Association for Stock Car Automobile Racing (NASCAR), National Hot Road Association (NHRA), Sports Car Club of America (SCCA), and United States Auto Club (USAC);

Whereas the research and development of vehicles used in motorsports have directly contributed to improvements in safety and technology for the automobiles and motor vehicles used by hundreds of millions of Americans;

Whereas 13,000,000 fans will attend NASCAR races alone in 2003;

Whereas fans of all ages spend days at motorsport facilities participating in a variety of interactive theme and amusement activities surrounding races;

Whereas motorsport facilities that provide these theme and amusement activities contribute millions of dollars into local economies;

Whereas motorsports make a significant contribution to the national economy; and

Whereas tens of millions of people in the United States enjoy the excitement and speed of motorsports every week: Now, therefore, be it

Resolved, That the Senate recognizes the evolution of motorsports and honors those who have helped create and build this great American pastime.

Mr. CAMPBELL. Mr. President, today I am submitting a resolution that recognizes the importance of motorsports in America and their century of evolution. 100 years ago last March, Ormond-Daytona Beach in Volusia County, Florida was the venue for the very first annual ''Winter Automobile Racing Meet.'' This race is now recognized as the genesis of organized auto racing, giving Ormond-Daytona Beach the title of ''Birthplace of Speed.'' In the decades that have followed, motorsports have evolved from scattered impromptu events to the second most popular sport in the United States.

Motorsports is now the fastest growing sport in the country, drawing millions of spectators and tens of millions of television viewers each year. For example, 13 million fans will attend NASCAR races alone in 2003. Millions of additional fans will attend races sanctioned by the Automobile Racing Club of America, (ACRA); Championship Auto Racing Teams (CART); Indy Racing League (IRL); and the Sports Car Club of America (SCCA).

Tracks are found throughout the country, with over 900 facilities in all 50 States hosting races sponsored by sanctioning bodies. These tracks make significant contributions to the economies of our communities, ranging from smaller facilities that host weekly racing series to the largest superspeedways such as Talladega and Daytona.

Fans travel hundreds and sometimes thousands of miles to attend these races, frequently arriving several days ahead of the headline event. Once at the destination track, they enjoy a variety of interactive entertainment attractions, including racing simulators, concerts, memorabilia vendors, hospitality facilities, opportunities to meet drivers, tours of the track and garage areas, etc. Motorsports entertainment facilities are amusement parks, dedicated to the themes of speed and competition.

My resolution today recognizes the importance and growth of motorsports. I urge my colleagues to support this resolution, which honors the motorsports entertainment industry for its impressive contributions to the national economy and its ongoing evolution.

SENATE RESOLUTION 254—COMMENDING THE FLORIDA MARLINS BASEBALL TEAM FOR WINNING THE 2003 WORLD SERIES

Mr. NELSON of Florida (for himself and Mr. GRAHAM of Florida) submitted the following resolution; which was considered and agreed to:

S. RES. 254

Whereas on October 25, 2003, the Florida Marlins defeated the New York Yankees, 2 to 0, in Game 6 of the World Series, to capture their second World Series title in the 11 seasons of the franchise;

Whereas the Florida Marlins became the first visiting team to celebrate a World Series championship in Yankee Stadium since the Los Angeles Dodgers in 1981;

Whereas under the leadership of manager Jack McKeon, general manager Larry Beinfest, and team owner Jeffrey Loria, the Marlins compiled the best record in baseball since May 23, 2003, becoming only the ninth team in Major League Baseball history to rebound from at least 10 games under .500 to reach the playoffs;

Whereas each player, manager, coach, trainer, and administrator of the Florida Marlins contributed to a magical turnaround that resulted in the Florida Marlins reaching the pinnacle of the sport, a World Series Championship;

Whereas the manager of the Florida Marlins, Jack McKeon, became the oldest manager in Major League Baseball history to win the World Series, and led Florida to the title after joining the team in May of 2003;

Whereas Florida Marlins pitcher Josh Beckett was named World Series Most Valuable Player, after pitching a complete game, 5 hit shutout, on 3 days rest in Yankee Stadium during Game 6 of the World Series;

Whereas young stars like Miguel Cabrera, Juan Pierre, and Luis Castillo combined with established veterans like Ivan Rodriguez and Jeff Conine to produce an exciting, never-say-die team that won over fans around the country during an unexpected march to the World Series;

Whereas the Florida Marlins upset the San Francisco Giants in 4 games to win the Division Series, then stunned the Chicago Cubs by coming back from a 3 games to 1 deficit to win the National League Championship Series in 7 games; and

Whereas fans of the Florida Marlins and the South Florida community demonstrated commendable team support and pride: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Florida Marlins for winning the 2003 World Series;

(2) recognizes the achievements of the players, coaches, and support staff who were instrumental in securing a second World Series title for the Florida Marlins;

(3) commends the support and pride of the fans of the Florida Marlins; and

(4) directs the Secretary of the Senate to transmit for appropriate display an enrolled copy of this resolution to—

(A) the owner of the Florida Marlins, Jeffrey Loria;

(B) the general manager of the Florida Marlins, Larry Beinfest;

(C) the manager of the Florida Marlins, Jack McKeon; and

(D) each player and coach of the 2003 World Series Champion Florida Marlins baseball team.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2025. Mrs. BOXER (for herself, Mrs. CLINTON, and Mr. DAYTON) proposed an amendment to the bill H.R. 1904, to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to plan and conduct hazardous fuels reduction projects on National Forest System lands and Bureau of Land Management lands aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape, and for other purposes.

SA 2026. Mrs. BOXER (for herself and Mrs. CLINTON) proposed an amendment to the bill H.R. 1904, supra.

SA 2027. Mr. CORZINE (for himself, Mr. LAUTENBERG, Mr. DODD, Mr. SCHUMER, Mrs. CLINTON, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill H.R. 1904, supra; which was ordered to lie on the table.

SA 2028. Mr. LIEBERMAN (for himself, Mr. MCCAIN, Ms. SNOWE, Mrs. FEINSTEIN, Mr. CHAFEE, Mr. DURBIN, Mr. AKAKA, Mrs. MURRAY, Mr. LAUTENBERG, Mr. EDWARDS, Mr. BIDEN, Mr. CARPER, Mr. NELSON, of Florida, Mr. CORZINE, and Ms. CANTWELL) proposed an amendment to the bill S. 139, to provide for a program of scientific research on abrupt climate change, to accelerate the reduction of greenhouse gas emissions in the United States by establishing a market-driven system of greenhouse gas tradeable allowances that could be used interchangably with passenger vehicle fuel economy standard credits, to limit greenhouse gas emissions in the United States and reduce dependence upon foreign oil, and ensure benefits to consumers from the trading in such allowances.

SA 2029. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 1904, to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to plan and conduct hazardous fuels reduction projects on National Forest System lands and Bureau of Land Management lands aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2025. Mrs. BOXER (for herself, Mrs. CLINTON, and Mr. DAYTON) proposed an amendment to the bill H.R. 1904, to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to plan and conduct hazardous fuels reduction projects on National Forest System lands and Bureau of Land Management lands aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape, and for other purposes; as follows:

At the appropriate place, insert the following:

TITLE . FIREFIGHTERS MEDICAL MONITORING ACT

SEC. 1. SHORT TITLE.

This Title shall be referred to as the ''Firefighters Medical Monitoring Act of 2003''.

SECTION 2. MONITORING OF FIREFIGHTERS IN DISASTER AREAS.

(a) IN GENERAL.—The National Institute for Occupational Safety and Health shall monitor the long-term medical health of those firefighters who fought fires in any area declared a disaster area by the Federal Government.

(b) HEALTH MONITORING.—The long-term health monitoring referred to in subsection (a) shall include, but not be limited to, pulmonary illness, neurological damage, and cardiovascular damage, and shall utilize the medical expertise in the local areas affected.

(c) AUTHORIZATION.—To carry out this Title, there are authorized to be appropriated such sums as may be necessary in each of fiscal years 2004 through 2008.

SA 2026. Mrs. BOXER (for herself and Mrs. CLINTON) proposed an amendment to the bill H.R. 1904, to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to plan and conduct hazardous fuels reduction projects on National Forest System lands and Bureau of Land Management lands aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape, and for other purposes; as follows:

At the appropriate place, insert the following:

TITLE . DISASTER AIR QUALITY MONITORING ACT

SEC. 1. SHORT TITLE.

This Title shall be referred to as the ''Disaster Air Quality Monitoring Act of 2003''.

SECTION 2. MONITORING OF AIR QUALITY IN DISASTER AREAS.

(a) IN GENERAL.—No later than six (6) months after the enactment of this legislation, the Environmental Protection Agency shall provide each of its regional offices a mobile air pollution monitoring network to monitor the emissions of hazardous air pollutants in areas declared a disaster as referred to in subsection (b), and publish such information on a daily basis on its web site and in other forums, until such time as the Environmental Protection Agency has determined that the danger has subsided.

(b) The areas referred to in subsection (a) are those areas declared a disaster area by the Federal Government.

(c) The monitoring referred to in subsection (a) shall include the continuous and spontaneous monitoring of hazardous air pollutants, as defined in the Public Law 95–95 section 112(b).

(d) AUTHORIZATION.—To carry out this Title, there are authorized to be appropriated $8,000,000.

SA 2027. Mr. CORZINE (for himself, Mr. LAUTENBERG, Mr. DODD, Mr. SCHUMER, Mrs. CLINTON, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill H.R. 1904, to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to plan and conduct hazardous fuels reduction projects on National Forest System lands and Bureau of Land Management lands aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE ____—HIGHLANDS STEWARDSHIP AREA

SECTION ____01. SHORT TITLE.

This title may be cited as the ''Highlands Stewardship Area Act''.

SEC. ____02. FINDINGS.

Congress finds that—

(1) the Highlands region is a physiographic province that encompasses more than 2,000,000 acres extending from eastern Pennsylvania through the States of New Jersey and New York to northwestern Connecticut;

(2) the Highlands region is an environmentally unique area that—

(A) provides clean drinking water to more than 15,000,000 people in metropolitan areas in the States of Connecticut, New Jersey, New York, and Pennsylvania;

(B) provides critical wildlife habitat, including habitat for 247 threatened and endangered species;

(C) maintains an important historic connection to early Native American culture, colonial settlement, the American Revolution, and the Civil War;

(D) contains recreational resources for 14,000,000 visitors annually; and

(E) provides other significant ecological, natural, tourism, recreational, educational, and economic benefits;

(3) an estimated 1 in 12 citizens of the United States live within a 2-hour drive of the Highlands region;

(4) more than 1,400,000 people live in the Highlands region;

(5) the Highlands region forms a greenbelt adjacent to the Philadelphia-New York City-Hartford urban corridor that offers the opportunity to preserve water, forest and agricultural resources, wildlife habitat, recreational areas, and historic sites while encouraging sustainable economic growth and development in a fiscally and environmentally sound manner;

(6) continued population growth and land use patterns in the Highlands region—

(A) reduce the availability and quality of water;

(B) reduce air quality;

(C) fragment the forests;

(D) destroy critical migration corridors and forest habitat; and

(E) result in the loss of recreational opportunities and scenic, historic, and cultural resources;

(7) the water, forest, wildlife, recreational, agricultural, and cultural resources of the Highlands region, in combination with the proximity of the Highlands region to the largest metropolitan areas in the United States, make the Highlands region nationally significant;

(8) the national significance of the Highlands region has been documented in—

(A) the New York-New Jersey Highlands Regional Study conducted by the Forest Service in 1990;

(B) the New York-New Jersey Highlands Regional Study: 2002 Update conducted by the Forest Service;

(C) the bi-State Skylands Greenway Task Force Report;

(D) the New Jersey State Development and Redevelopment Plan;

(E) the New York State Open Space Conservation Plan;

(F) the Connecticut Green Plan: Open Space Acquisition fiscal year 2001–2006;

(G) the open space plans of the State of Pennsylvania; and

(H) other open space conservation plans for States in the Highlands region;

(9) the Highlands region includes or is adjacent to numerous parcels of land owned by the Federal Government or federally designated areas that protect, conserve, restore, promote, or interpret resources of the Highlands region, including—

(A) the Wallkill River National Wildlife Refuge;

(B) the Shawanagunk Grasslands Wildlife Refuge;

(C) the Morristown National Historical Park;

(D) the Delaware and Lehigh Canal Corridors;

(E) the Hudson River Valley National Heritage Area;

(F) the Delaware River Basin;

(G) the Delaware Water Gap National Recreation Area;

(H) the Upper Delaware Scenic and Recreational River;

(I) the Appalachian National Scenic Trail;

(J) the United States Military Academy at West Point, New York;

(K) the Highlands National Millenium Trail;

(L) the Picatinny Arsenal, New Jersey;

(M) the Great Swamp National Wildlife Refuge;

(N) the proposed Crossroads of the Revolution National Heritage Area;

(O) the proposed Musconetcong National Scenic and Recreational River in New Jersey; and

(P) the Farmington River Wild and Scenic Area in Connecticut;

(10) it is in the interest of the United States to protect, conserve, and restore the resources of the Highlands region for the residents of, and visitors to, the Highlands region;

(11) the States of Connecticut, New Jersey, New York, and Pennsylvania and units of local government in the Highlands region have the primary responsibility for protecting, conserving, preserving, restoring and promoting the resources of the Highlands region; and

(12) because of the longstanding Federal practice of assisting States in creating, protecting, conserving, and restoring areas of significant natural and cultural importance, and the national significance of the Highlands region, the Federal Government should, in partnership with the Highlands States and units of local government in the Highlands region, protect, restore, and preserve the water, forest, agricultural, wildlife, recreational, and cultural resources of the Highlands region.

SEC. ____03. PURPOSES.

The purposes of this title are—

(1) to recognize—

(A) the importance of the water, forest, agricultural, wildlife, recreational, and cultural resources of the Highlands; and

(B) the national significance of the Highlands region to the United States;

(2) to authorize the Secretary of the Interior to work in partnership with the Secretary of Agriculture to provide financial assistance to the Highlands States to preserve and protect high priority conservation land in the Highlands region; and

(3) to continue the ongoing Forest Service programs in the Highlands region to assist the Highlands States, units of local government, and private forest and farm landowners in the conservation and stewardship of the land and natural resources in the Highlands region.

SEC. ____04. DEFINITIONS.

In this title:

(1) HIGHLANDS REGION.—The term ''Highlands region'' means the physiographic province, defined by the Reading Prong and ecologically similar adjacent upland areas, that encompasses more than 2,000,000 acres extending from eastern Pennsylvania through the States of New Jersey and New York to northwestern Connecticut.

(2) HIGHLANDS STATE.—The term ''Highlands State'' means—

(A) the State of Connecticut;

(B) the State of New Jersey;

(C) the State of New York;

(D) the State of Pennsylvania; and

(E) any agency or department of any of those States (including the Palisades Interstate Park Commission).

(3) HIGHLANDS STEWARDSHIP AREA.—The term ''Highlands Stewardship Area'' means the stewardship area designated under section ____05.

(4) LAND CONSERVATION PARTNERSHIP PROJECT.—The term ''land conservation partnership project'' means a project in which a Highlands State acquires from a willing seller land or an interest in land in the Highlands Stewardship Area for the purpose of permanently protecting, conserving, or preserving the land or interest in the land through a partnership with the Federal Government.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

(6) STUDY.—The term ''study'' means the New York-New Jersey Highlands Regional Study conducted by the Forest Service in 1990.

(7) UPDATE.—The term ''update'' means the New York-New Jersey Highlands Regional Study: 2002 Update conducted by the Forest Service.

SEC. ___05. DESIGNATION OF HIGHLANDS STEWARDSHIP AREA.

(a) DESIGNATION.—The Secretary and Secretary of the Interior may designate the Highlands Stewardship Area, to be composed of portions of the region identified by the Forest Service as having high conservation values.

(b) CONSULTATION AND RESOURCE ANALYSES.—In designating the Highlands Stewardship Area, the Secretary and the Secretary of the Interior shall—

(1) consult with the Governors of the Highlands States and units of local government; and

(2) use the study, the update, and any additional studies conducted by the Forest Service in the Highlands region.

SEC. ___06. LAND CONSERVATION PARTNERSHIP PROJECTS.

(a) IN GENERAL.—Annually, the Governors of the Highlands States, with input from interested units of local government and the public, may jointly identify land conservation partnership projects within the Highlands Stewardship Area that shall be submitted to the Secretary of the Interior for consideration under subsection (b).

(b) DESIGNATION OF PROJECTS.—From among the projects submitted under subsection (a), the Secretary of the Interior, in consultation with the Secretary, shall annually—

(1) designate land conservation partnership projects that are eligible to receive financial assistance under this section; and

(2) submit proposals for the projects to Congress.

(c) CONDITIONS.—

(1) IN GENERAL.—To be eligible for financial assistance under subsection (a), a Highlands State shall enter into an agreement with the Secretary of the Interior that—

(A) identifies—

(i) the Highlands State that will own or hold and manage the land or interest in land; and

(ii) the source of funds to provide the non-Federal share under paragraph (2);

(B) describes the management objectives for the land that will ensure permanent protection and use of the land for the purpose for which the assistance is provided;

(C) provides that if the Highlands State converts, uses, or disposes of the project for a purpose inconsistent with the purpose for which the assistance was provided, as determined by the Secretary of the Interior, the United States may—

(i) seek specific performance of the conditions of financial assistance in United States District Court; or

(ii) seek reimbursement from the Highlands State in an amount that is, as determined at the time of conversion, use, or disposal, the greater of—

(I) the total amount of the financial assistance provided for the project by the Federal Government under this section; or

(II) the amount by which the financial assistance increased the value of the land or interest in land; and

(D) provides that the land conservation partnership project shall be consistent with areas identified as having high conservation value in—

(i) the Forest Service study and update, including—

(I) Important Areas (study);

(II) Conservation Focal Areas (update);

(III) Conservation Priorities (update); and

(IV) land identified as having higher or highest resource value in the Conservation Values Assessment (update); or

(ii) any similar study conducted by the Forest Service in the Highlands region.

(2) COST-SHARING REQUIREMENT.—The Federal share of the cost of carrying out a land conservation partnership project under this subsection shall not exceed 50 percent of the cost of the land conservation partnership project.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of the Interior from the general funds of the Treasury or the Land and Water Conservation Fund to carry out this section $25,000,000 for each of fiscal years 2005 through 2014, to remain available until expended.

SEC. ___07. DEPARTMENT OF AGRICULTURE PROGRAMS IN THE HIGHLANDS REGION.

(a) IN GENERAL.—To meet land resource goals of, and the stewardship, scientific, and conservation challenges identified in, the study, update, and any future study that the Forest Service may undertake in the Highlands Region, the Secretary (acting through the Chief of the Forest Service), in consultation with the Chief of the Natural Resource Conservation Service, shall continue to assist the Highlands States, units of local government, and private forest and farm landowners in the conservation and stewardship of the land and natural resources in the Highlands region.

(b) DUTIES.—The Secretary shall—

(1) in consultation with the Highlands States and consistent with this title, undertake studies and research in the Highlands Region;

(2) make the findings of the study publicly available and update and maintain a public dialogue regarding implementation; and

(3) assist the Highland States, units of local government, individual landowners, and private organizations in identifying and using technical and financial assistance programs provided by the Forest Service and other units of the Department of Agriculture.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out subsection (b) $1,000,000 for each of fiscal years 2005 through 2014.

SEC. ___08. PRIVATE PROPERTY PROTECTION AND LACK OF REGULATORY EFFECT.

(a) EFFECT OF TITLE.—Nothing in this title—

(1) requires any private property owner to permit public access (including Federal, State, or local government access) to private property; or

(2) modifies any provision of Federal, State, or local law with regard to public access to or use of private land.

(b) LIABILITY.—Designation of the Highlands Stewardship Area shall not create any liability, or have any effect on any liability under any other law, of any private property owner with respect to any person injured on private property.

(c) LAND USE.—Nothing in this title modifies any authority of the Federal Government or State or local government to regulate land use.

(d) PARTICIPATION OF PRIVATE PROPERTY OWNERS IN HIGHLANDS STEWARDSHIP AREA PROGRAMS.—Nothing in this title requires the owner of any private property located within the Highlands Stewardship Area to participate in the land conservation program, financial or technical assistance program, or any other program established under this title.

(e) PURCHASE OF LAND OR INTEREST IN LAND FROM WILLING SELLERS.—Funds made available under this Act may be used to purchase land or interests in land from willing sellers only.

SA 2028. Mr. LIEBERMAN (for himself, Mr. MCCAIN, Ms. SNOWE, Mrs. FEINSTEIN, Mr. CHAFEE, Mr. DURBIN, Mr. AKAKA, Mrs. MURRAY, Mr. LAUTENBERG, Mr. EDWARDS, Mr. BIDEN, Mr. CARPER, Mr. NELSON of Florida, Mr. CORZINE, and Ms. CANTWELL) proposed an amendment to the bill S. 139, to provide for a program of scientific research on abrupt climate change, to accelerate the reduction of greenhouse gas emissions in the United States by establishing a market-driven system of greenhouse gas tradeable allowances that could be used interchangable with passenger vehicle fuel economy standard credits, to limit greenhouse gas emissions in the United States and reduce dependence upon foreign oil, and ensure benefits to consumers from the trading in such allowances; as follows:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Climate Stewardship Act of 2003''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Definitions.

Title I—Federal Climate Change Research and Related Activities.

Sec. 101. National Science Foundation fellowships.
Sec. 102. Commerce Department study of technology transfer barriers.
Sec. 103. Report on United States impact of Kyoto protocol.
Sec. 104. Research grants.
Sec. 105. Abrupt climate change research.
Sec. 106. NIST greenhouse gas functions.
Sec. 107. Development of new measurement technologies.
Sec. 108. Enhanced environmental measurements and standards.
Sec. 109. Technology development and diffusion.
Sec. 110. Agricultural outreach program.

Title II—National Greenhouse Gas Database

Sec. 201. National greenhouse gas database and registry established.
Sec. 202. Inventory of greenhouse gas emissions for covered entities.
Sec. 203. Greenhouse gas reduction reporting.
Sec. 204. Measurement and verification.

Title III—Market-driven Greenhouse Gas Reductions

Subtitle A—Emission Reduction Requirements; Use of Tradeable Allowances

Sec. 301. Covered entities must submit allowances for emissions.
Sec. 302. Compliance.
Sec. 303. Borrowing against future reductions.
Sec. 304. Other uses of tradeable allowances.
Sec. 305. Exemption of source categories.

Subtitle B—Establishment and Allocation of Tradeable Allowances

Sec. 331. Establishment of tradeable allowances.
Sec. 332. Determination of tradeable allowance allocations.
Sec. 333. Allocation of tradeable allowances.
Sec. 334. Ensuring target adequacy.
Sec. 335. Initial allocations for early participation and accelerated participation.
Sec. 336. Bonus for accelerated participation.

Subtitle C—Climate Change Credit Corporation

Sec. 351. Establishment.
Sec. 352. Purposes and functions.

Subtitle D—Sequestration Accounting; Penalties

Sec. 371. Sequestration accounting.
Sec. 372. Penalties.

SEC. 3. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) BASELINE.—The term ''baseline'' means the historic greenhouse gas emission levels of an entity, as adjusted upward by the Administrator to reflect actual reductions that are verified in accordance with—

(A) regulations promulgated under section 201(c)(1); and

(B) relevant standards and methods developed under this title.

(3) CARBON DIOXIDE EQUIVALENTS.—The term ''carbon dioxide equivalents'' means, for each greenhouse gas, the amount of each such greenhouse gas that makes the same contribution to global-warming as one metric ton of carbon dioxide, as determined by the Administrator.

(4) COVERED SECTORS.—The term ''covered sectors'' means the electricity, transportation, industry, and commercial sectors, as such terms are used in the Inventory.

(5) COVERED ENTITY.—The term ''covered entity'' means an entity (including a branch, department, agency, or instrumentality of Federal, State, or local government) that—

(A) owns or controls a source of greenhouse gas emissions in the electric power, industrial, or commercial sectors of the United States economy (as defined in the Inventory), refines or imports petroleum products for use in transportation, or produces or imports hydrofluorocarbons, perfluorocarbons, or sulfur hexafluoride; and

(B) emits, from any single facility owned by the entity, over 10,000 metric tons of greenbouse gas per year, measured in units of carbon dioxide equivalents, or produces or imports—

(i) petroleum products that, when combusted, will emit,

(ii) hydrofluorocarbons, perfluorocarbons, or sulfur hexafluoride that, when used, will emit, or

(iii) other greenhouse gases that, when used, will emit,

over 10,000 metric tons of greenhouse gas per year, measured in units of carbon dioxide equivalents.

(6) DATABASE.—The term ''database'' means the national greenhouse gas database established under section 201.

(7) DIRECT EMISSIONS.—The term ''direct emissions'' means greenhouse gas emissions by an entity from a facility that is owned or controlled by that entity.

(8) FACILITY.—The term ''facility'' means a building, structure, or installation located on any 1 or more contiguous or adjacent properties of an entity in the United States.

(9) GREENHOUSE GAS.—The term ''greenhouse gas'' means—

(A) carbon dioxide;

(B) methane;

(C) nitrous oxide;

(D) hydrofluorocarbons;

(E) perfluorocarbons; and

(F) sulfur hexafluoride.

(10) INDIRECT EMISSIONS.—The term ''indirect emissions'' means greenhouse gas emissions that are—

(A) a result of the activities of an entity; but

(B) emitted from a facility owned or controlled by another entity.

(11) INVENTORY.—The term ''Inventory'' means the Inventory of U.S. Greenhouse Gas Emissions and Sinks, prepared in compliance with the United Nations Framework Convention on Climate Change Decision 3/CP.5).

(12) LEAKAGE.—The term ''leakage'' means—

(A) an increase in greenhouse gas emissions by one facility or entity caused by a reduction in greenhouse gas emissions by another facility or entity; or

(B) a decrease in sequestration that is caused by an increase in sequestration at another location.

(13) PERMANENCE.—The term ''permanence'' means the extent to which greenhouse gases that are sequestered will not later be returned to the atmosphere.

(14) REGISTRY.—The term ''registry'' means the registry of greenhouse gas emission reductions established under section 201(b)(2).

(15) SECRETARY.—The term ''Secretary'' means the Secretary of Commerce.

(16) SEQUESTRATION.—

(A) IN GENERAL.—The term ''sequestration'' means the capture, long-term separation, isolation, or removal of greenhouse gases from the atmosphere.

(B) INCLUSIONS.—The term ''sequestration'' includes—

(i) agricultural and conservation practices;

(ii) reforestation;

(iii) forest preservation; and

(iv) any other appropriate method of capture, long-term separation, isolation, or removal of greenhouse gases from the atmosphere, as determined by the Administrator.

(C) EXCLUSIONS.—The term ''sequestration'' does not include—

(i) any conversion of, or negative impact on, a native ecosystem; or

(ii) any introduction of non-native species.

(17) SOURCE CATEGORY.—The term ''source category'' means a process or activity that leads to direct emissions of greenhouse gases, as listed in the Inventory.

(18) STATIONARY SOURCE.—The term ''stationary source'' means generally any source of greenhouse gases except those emissions resulting directly from an engine for transportation purposes.

TITLE I—FEDERAL CLIMATE CHANGE RESEARCH AND RELATED ACTIVITIES.

SEC. 101. NATIONAL SCIENCE FOUNDATION FELLOWSHIPS.

The Director of the National Science Foundation shall establish a fellowship program for students pursuing graduate studies in global climate change, including capability in observation, analysis, modeling, paleoclimatology, consequences, and adaptation.

SEC. 102. COMMERCE DEPARTMENT STUDY OF TECHNOLOGY TRANSFER BARRIERS.

(a) STUDY.—The Assistant Secretary of Technology Policy at Department of Commerce shall conduct a study of technology transfer barriers, best practices, and outcomes of technology transfer activities at Federal laboratories related to the licensing and commercialization of energy efficient technologies, and other technologies that, compared to similar technology in commercial use, result in reduced emissions of greenhouse gases or increased sequestration of greenhouse gases. The study shall be submitted to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science within 6 months after the date of enactment of this Act. The Assistant Secretary shall work with the existing interagency working group to address identified barriers.

(b) AGENCY REPORT TO INCLUDE INFORMATION ON TECHNOLOGY TRANSFER INCOME AND ROYALTIES.—Paragraph (2)(B) of section 11(f) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710(f)) is amended—

(1) by striking ''and'' after the semicolon in clause (vi);

(2) by redesignating clause (vii) as clause (ix); and

(3) by inserting after clause (vi) the following:

''(vii) the number of fully-executed licenses which received royalty income in the preceding fiscal year for climate-change or energy-efficient technology;

''(viii) the total earned royalty income for climate-change or energy-efficient technology; and''.

(c) INCREASED INCENTIVES FOR DEVELOPMENT OF CLIMATE-CHANGE OR ENERGY-EFFICIENT TECHNOLOGY.—Section 14(a) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710c(a)) is amended—

(1) by striking ''15 percent,'' in paragraph (1)(A) and inserting ''15 percent (25 percent for climate change-related technologies),''; and

(2) by inserting ''($250,000 for climate change-related technologies)'' after ''$150,000'' each place it appears in paragraph (3).

SEC. 103. REPORT ON UNITED STATES IMPACT OF KYOTO PROTOCOL.

Within 6 months after the date of enactment of this Act, the Secretary shall execute a contract with the National Academy of Science for a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science on the effects that the entry into force of the Kyoto Protocol without United States participation will have on—

(1) United States industry and its ability to compete globally;

(2) international cooperation on scientific research and development; and

(3) United States participation in international environmental climate change mitigation efforts and technology deployment.

SEC. 104. RESEARCH GRANTS.

Section 105 of the Global Change Research Act of 1990 (15 U.S.C. 2935) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following:

''(c) RESEARCH GRANTS.—

''(1) COMMITTEE TO DEVELOP LIST OF PRIORITY RESEARCH AREAS.—The Committee shall develop a list of priority areas for research and development on climate change that are not being addressed by Federal agencies.

''(2) DIRECTOR OF OSTP TO TRANSMIT LIST TO NSF.—The Director of the Office of Science and Technology Policy shall transmit the list for the National Science Foundation.

''(3) FUNDING THROUGH NSF.—

''(A) BUDGET REQUEST.—The National Science Foundation shall include, as part of the annual request for appropriations for the Science and Technology Policy Institute, a request for appropriations to fund research in the priority areas on the list developed under paragraph (1).

''(B) AUTHORIZATION.—For fiscal year 2004 and each fiscal year thereafter, there are authorized to be appropriated to the National Science Foundation not less than $25,000,000, to be made available through the Science and Technology Policy Institute, for research in those priority areas.''.

SEC. 105. ABRUPT CLIMATE CHANGE RESEARCH.

(a) IN GENERAL.—The Secretary, through the National Oceanic and Atmospheric Administration, shall carry out a program of scientific research on potential abrupt climate change designed—

(1) to develop a global array of terrestrial and oceanographic indicators of paleoclimate in order sufficiently to identify, and describe past instances of abrupt climate change;

(2) to improve understanding of thresholds and nonlinearities in geophysical systems related to the mechanisms of abrupt climate change;

(3) to incorporate these mechanisms into advanced geophysical models of climate change; and

(4) to test the output of these models against an improved global array of records of past abrupt climate changes.

(b) ABRUPT CLIMATE CHANGE DEFINED.—In this section, the term ''abrupt climate change'' means a change in climate that occurs so rapidly or unexpectedly that human or natural systems may have difficulty adapting to it.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for fiscal year 2004 $60,000,000 to carry out this section, such sum to remain available until expended.

SEC. 106. NIST GREENHOUSE GAS FUNCTIONS.

Section 2(c) of the National Institute of Standards and Technology Act (15 U.S.C. 272 (c)) is amended—

(1) by striking ''and'' after the semicolon in paragraph (21);

(2) by redesignating paragraph (22) as paragraph (23); and

(3) by inserting after paragraph (21) the following:

''(22) perform research to develop enhanced measurements, calibrations, standards, and technologies which will facilitate activities that reduce emissions of greenhouse gases or increase sequestration of greenhouse gases, including carbon dioxide, methane, nitrous oxide, ozone, perfluorocarbons, hydrofluorocarbons, and sulfur hexafluoride; and''.

SEC. 107. DEVELOPMENT OF NEW MEASUREMENT TECHNOLOGIES.

To facilitate implementation of section 204, the Secretary'' shall initiate a program to develop, with technical assistance from appropriate Federal agencies, innovative standards and measurement technologies to calculate greenhouse gas emissions or reductions for which no accurate or reliable measurement technology exists. The program shall include—

(1) technologies (including remote sensing technologies) to measure carbon changes and other greenhouse gas emissions and reductions from agriculture, forestry, and other land use practices; and

(2) technologies to calculate non-carbon dioxide greenhouse gas emissions from transportation.

SEC. 108. ENHANCED ENVIRONMENTAL MEASUREMENTS AND STANDARDS.

The National Institute of Standards and Technology Act (15 U.S.C. 271 et seq.) is amended—

(1) by redesignating sections 17 through 32 as sections 18 through 33, respectively; and

(2) by inserting after section 16 the following:

''SEC. 17. CLIMATE CHANGE STANDARDS AND PROCESSES.

''(a) IN GENERAL.—The Director shall establish within the Institute a program to perform and support research on global climate change standards and processes, with the goal of providing scientific and technical knowledge applicable to the reduction of greenhouse gases (as defined in section 3(8) of the Climate Stewardship Act of 2003) and of facilitating implementation of section 204 of that Act.

''(b) RESEARCH PROGRAM.—

''(1) IN GENERAL.—The Director is authorized to conduct, directly or through contracts or grants, a global climate change standards and processes research program.

''(2) RESEARCH PROJECTS.—The specific contents and priorities of the research program shall be determined in consultation. with appropriate Federal agencies, including the Environmental Protection Agency, the National Oceanic and Atmospheric Administration, and the National Aeronautics and Space Administration. The program generally shall include basic and applied research—

''(A) to develop and provide the enhanced measurements, calibrations, data, models, and reference material standards which will enable the monitoring of greenhouse gases;

''(B) to assist in establishing a baseline reference point for future trading in greenhouse gases and the measurement of progress in emissions reduction;

''(C) that will be exchanged internationally, as scientific or technical information which has the stated purpose of developing mutually recognized measurements, standards, and procedures for reducing greenhouse gases; and

''(D) to assist in developing improved industrial processes designed to reduce or eliminate greenhouse gases.

''(c) NATIONAL MEASUREMENT LABORATORIES.—

''(1) IN GENERAL.—In carrying out this section, the Director shall utilize the collective skills of the National Measurement Laboratories of the National Institute of Standards and Technology to improve the accuracy of measurements that will permit better understanding and control of these industrial chemical processes and result in the reduction or elimination of greenhouse gases.

''(2) MATERIAL, PROCESS, AND BUILDING RESEARCH.—The National Measurement Laboratories shall conduct research under this subsection that includes—

''(A) developing material and manufacturing processes which are designed for energy efficiency and reduced greenhouse gas emissions into the environment;

''(B) developing chemical processes to be used by industry that, compared to similar processes in commercial use, result in reduced emissions of greenhouse gases or increased sequestration of greenhouse gases; and

''(C) enhancing building performance with a focus in developing standards or tools which will help incorporate low- or no-emission technologies into building designs.

''(3) STANDARDS AND TOOLS.—The National Measurement Laboratories shall develop standards and tools under this subsection that include software to assist designers in selecting alternate building materials, performance data on materials; artificial intelligence-aided design procedures for building subsystems and 'smart buildings', and improved test methods and rating procedures for evaluating the energy performance of residential and commercial appliances and products.

''(d) NATIONAL VOLUNTARY LABORATORY ACCREDITATION PROGRAM.—The Director shall utilize the National Voluntary Laboratory Accreditation Program under this section to establish a program to include specific calibration or test. standards and related methods and protocols assembled to satisfy the unique needs for accreditation in measuring the production of greenhouse gases. In carrying out this subsection the Director may cooperate with other departments and agencies of the Federal Government, State and local governments, and private organizations.''.

SEC. 109. TECHNOLOGY DEVELOPMENT AND DIFFUSION.

The Director of the National Institute of Standards and Technology, through the Manufacturing Extension Partnership Program, may develop a program to promote the use, by the more than 380,000 small manufacturers, of technologies and techniques that result in reduced emissions of greenhouse gases or increased sequestration of greenhouse gases.

SEC. 110. AGRICULTURAL OUTREACH PROGRAM.

(a) IN GENERAL.—The Secretary of Agriculture, acting through the Global Change Program Office and in consultation with the heads of other appropriate departments and agencies, shall establish the Climate Change Education and Outreach Initiative Program to educate, and reach out to, agricultural organizations and individual farmers on global climate change.

(b) PROGRAM COMPONENTS.—The program—

(1) shall be designed to ensure that agricultural organizations and individual farmers receive detailed information about—

(A) the potential impact of climate change on their operations and well-being;

(B) market-driven, economic opportunities that may come from storing carbon in soils and vegetation, including emerging private sector markets for carbon storage; and

(C) techniques for measuring, monitoring, verifying, and inventorying such carbon capture efforts;

(2) may incorporate existing efforts in any area of activity referenced in paragraph (1) or in related areas of activity;

(3) shall provide—

(A) outreach materials to interested parties;

(B) workshops; and

(C) technical assistance; and

(4) may include the creation and development of regional centers on climate change or coordination with existing centers (including such centers within NRCS and the Cooperative State Research Education and Extension Service).

TITLE II—NATIONAL GREENHOUSE GAS DATABASE

SEC. 201. NATIONAL GREENHOUSE GAS DATABASE AND REGISTRY ESTABLISHED.

(a) ESTABLISHMENT.—As soon as practicable after the date of enactment of this Act, the Administrator, in coordination with the Secretary, the Secretary of Energy, the Secretary of Agriculture, and private sector and nongovernmental organizations, shall establish, operate, and maintain a database, to be known as the ''National Greenhouse Gas Database'', to collect, verify, and analyze information on greenhouse gas emissions by entities.

(b) NATIONAL GREENHOUSE GAS DATABASE COMPONENTS.—The database shall consist of—

(1) an inventory of greenhouse gas emissions; and

(2) a registry of greenhouse gas emission reductions and increases in greenhouse gas sequestrations.

(c) COMPREHENSIVE SYSTEM.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Administrator shall promulgate regulations to implement a com prehensive system for greenhouse gas emissions reporting, inventorying, and reductions registration.

(2) REQUIREMENTS.—The Administrator shall ensure, to the maximum extent practicable, that—

(A) the comprehensive system described in paragraph (1) is designed to—

(i) maximize completeness, transparency, and accuracy of information reported; and

(ii) minimize costs incurred by entities in measuring and reporting greenhouse gas emissions; and

(B) the regulations promulgated under paragraph (1) establish procedures and protocols necessary—

(i) to prevent the double-counting of greenhouse gas emissions or emission reductions reported by more than 1 reporting entity;

(ii) to provide for corrections to errors in data submitted to the database;

(iii) to provide for adjustment to data by reporting entities that have had a significant organizational change (including mergers, acquisitions, and divestiture), in order to maintain comparability among data in the database over time;

(iv) to provide for adjustments to reflect new technologies or methods for measuring or calculating greenhouse gas emissions;

(v) to account for changes in registration of ownership of emission reductions resulting from a. voluntary private transaction between reporting entities; and

(vi) to clarify the responsibility for reporting in the case of any facility owned or controlled by more than 1 entity.

(3) SERIAL NUMBERS.—Through regulations promulgated under paragraph (1), the Administrator shall develop and implement a system that provides—

(A) for the verification of submitted emissions reductions registered under section 204;

(B) for the provision of unique serial numbers to identify the registered emission reductions made by an entity relative to the baseline of the entity;

(C) for the tracking of the registered reductions associated with the serial numbers; and

(D) for such action as may be necessary to prevent counterfeiting of the registered reductions.

SEC. 202. INVENTORY OF GREENHOUSE GAS EMISSIONS FOR COVERED ENTITIES.

(a) IN GENERAL.—Not later than July 1st of each calendar year after 2008, each covered entity shall submit to the Administrator a report that states, for the preceding calendar year, the entity-wide greenhouse gas emissions (as reported at the facility level), including—

(1) the total quantity of direct greenhouse gas emissions from stationary sources, expressed in units of carbon dioxide equivalents, except those reported under paragraph (3);

(2) the amount of petroleum products sold or imported by the entity and the amount of greenhouse gases, expressed in units of carbon dioxide equivalents, that would be emitted when these products are used for transportation in the United States, as determined by the Administrator under section 301(b);

(3) the amount of hydrofluorocarbons, perfluorocarbons, or sulfur hexafluoride, expressed in units of carbon dioxide equivalents, that are sold or imported by the entity and will ultimately be emitted in the United States, as determined by the Administrator under section 301(d); and

(4) such other categories of emissions as the Administrator determines in the regulations promulgated under section 201(c)(1) may be practicable and useful for the purposes of this Act, such as—

(A) indirect emissions from imported electricity, heat, and steam;

(B) process and fugitive emissions; and

(C) production or importation of greenhouse gases.

(b) COLLECTION AND ANALYSIS OF DATA.—The Administrator shall collect and analyze information reported under subsection (a) for use under title III.

SEC. 203. GREENHOUSE GAS REDUCTION REPORTING.

(a) IN GENERAL.—Subject to the requirements described in subsection (b)—

(1) a covered entity may register greenhouse gas emission reductions achieved after 1990 and before 2010 under this section; and

(2) an entity that is not a covered entity may register greenhouse gas emission reductions achieved at any time since 1990 under this section.

(b) REQUIREMENTS.—

(1) IN GENERAL.—The requirements referred to in subsection (a) are that an entity (other than an entity described in paragraph (2)) shall—

(A) establish a baseline; and

(B) submit the report described in subsection (c)(1).

(2) REQUIREMENTS APPLICABLE TO ENTITIES ENTERING INTO CERTAIN AGREEMENTS.—An entity that enters into an agreement with a participant in the registry for the purpose of a carbon sequestration project shall not be required to comply with the requirements specified in paragraph (1) unless that entity is required to comply with the requirements by reason of an activity other than the agreement.

(c) REPORTS.—

(1) REQUIRED REPORT.—Not later than July 1st of the each calendar year beginning more than 2 years after the date of enactment of this Act, but subject to paragraph (3), an entity described in subsection (a) shall submit to the Administrator a report that states, for the preceding calendar year, the entity-wide greenhouse gas emissions (as reported at the facility level), including—

(A) the total quantity of direct greenhouse gas emissions from stationary sources, expressed in units of carbon dioxide equivalents;

(B) the amount of petroleum products sold or imported by the entity and the amount of greenhouse gases, expressed in units of carbon dioxide equivalents, that would be emitted when these products are used for transportation in the United States, as determined by the Administrator under section 301(b);

(C) the amount of hydrofluorocarbons, perfluorocarbons, or sulfur hexafluoride, expressed in units of carbon dioxide equivalents, that are sold or imported by the entity and will ultimately be emitted in the United States, as determined by the Administrator under section 301(d); and

(D) such other categories of emissions as the Administrator determines in the regulations promulgated under section 201(c)(1) may be practicable and useful for the purposes of this Act, such as—

(i) indirect emissions from imported electricity, heat, and steam;

(ii) process and fugitive emissions; and

(iii) production or importation of greenhouse gases.

(2) VOLUNTARY REPORTING.—An entity described in subsection (a) may (along with establishing a baseline and reporting emissions under this section)—

(A) submit a report described in paragraph (1) before the date specified in that paragraph for the purposes of achieving and commoditizing greenhouse gas reductions through use of the registry and for other purposes; and

(B) submit to the Administrator, for inclusion in the registry, information that has been verified in accordance with regulations promulgated under section 201(c)(1) and that relates to—

(i) any activity that resulted in the net reduction of the greenhouse gas emissions of the entity or a net increase in sequestration by the entity that were carried out during or after 1990 and before the establishment of the database, verified in accordance with regulations promulgated under section 201(c)(1), and submitted to the Administrator before the date that is 4 years after the date of enactment of this Act; and

(ii) with respect to the calendar year preceding the calendar year in which the information is submitted, any project or activity that resulted in the net reduction of the greenhouse gas emissions of the entity or a net increase in net sequestration by the entity.

(3) PROVISION OF VERIFICATION INFORMATION BY REPORTING ENTITIES.—Each entity that submits a report under this subsection shall provide information sufficient for the Administrator to verify, in accordance with measurement and verification methods and standards developed under section 204, that the greenhouse gas report of the reporting entity—

(A) has been accurately reported; and

(B) in the case of each voluntary report under paragraph (2), represents—

(i) actual reductions in direct greenhouse gas emissions—

(I) relative to historic emission levels of the entity; and

(II) after accounting for any increases in indirect emissions described in paragraph (1)(C)(i); or

(ii) actual increases in net sequestration.

(4) FAILURE TO SUBMIT REPORT.—An entity that participates or has participated in the registry, and that fails to submit a report required under this subsection shall be prohibited from using, or allowing another entity to use, its registered emissions reductions or increases in sequestration to satisfy the requirements of section 301.

(5) INDEPENDENT THIRD-PARTY VERIFICATION.—To meet the requirements of this section and section 203, an entity that is required to submit a report under this section may—

(A) obtain independent third-party verification; and

(B) present the results of the third-party verification to the Administrator.

(6) AVAILABILITY OF DATA.—

(A) IN GENERAL.—The Administrator shall ensure that information in the database is—

(i) published; and

(ii) accessible to the public, including in electronic format on the Internet.

(B) EXCEPTION.—Subparagraph (A) shall not apply in any case in which the Administrator determines that publishing or otherwise making available information described in that subparagraph poses a risk to national security or discloses confidential business information that can not be derived from information that is otherwise publicly available and that would cause competitive harm if published.

(7) DATA INFRASTRUCTURE.—The Administrator shall ensure, to the maximum extent practicable, that the database uses, and is integrated with, Federal, State, and regional greenhouse gas data collection and reporting systems in effect as of the date of enactment of this Act.

(8) ADDITIONAL ISSUES TO BE CONSIDERED.—In promulgating the regulations under section 201(c)(1) and implementing the database, the Administrator shall take into consideration a broad range of issues involved in establishing an effective database, including—

(A) the data and information systems and measures necessary to identify, track, and verify greenhouse gas emissions in a manner that will encourage private sector trading and exchanges;

(B) the greenhouse gas reduction and sequestration measurement and estimation methods and standards applied in other countries, as applicable or relevant;

(C) the extent to which available fossil fuels, greenhouse gas emissions, and greenhouse gas production and importation data are adequate to implement the database; and

(D) the differences in, and potential uniqueness of, the facilities, operations, and business and other relevant practices of persons and entities in the private and public sectors that may be expected to participate in the database.

(d) ANNUAL REPORT.—The Administrator shall publish an annual report that—

(1) describes the total greenhouse gas emissions and emission reductions reported to the database during the year covered by the report;

(2) provides entity-by-entity'' and sector-by-sector analyses of the emissions and emission reductions reported;

(4) provides a comparison of current and past atmospheric concentrations of greenhouse gases; and

(5) describes the activity during the year covered by the period in the trading of greenhouse gas emission allowances.

SEC. 204. MEASUREMENT AND VERIFICATION.

(a) STANDARDS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall establish by rule, in coordination with the Administrator, the Secretary of Energy, and the Secretary of Agriculture, comprehensive measurement and verification methods and standards to ensure a consistent and technically accurate record of greenhouse gas emissions, emission reductions, sequestration, and atmospheric concentrations for use in the registry.

(2) REQUIREMENTS.—The methods and standards established under paragraph (1) shall include—

(A) a requirement that a covered entity use a continuous emissions monitoring system, or another system of measuring or estimating emissions that is determined by the Secretary to provide information with precision, reliability, accessibility, and timeliness similar to that provided by a continuous emissions monitoring system where technologically feasible;

(B) establishment of standardized measurement and verification practices for reports made by all entities participating in the registry taking into account—

(i) protocols and standards in use by entities requiring or desiring to participate in the registry as of the date of development of the methods and standards under paragraph (1);

(ii) boundary issues, such as leakage;

(iii) avoidance of double counting of greenhouse gas emissions and emission reductions;

(iv) protocols to prevent a covered entity from avoiding the requirements of this Act by reorganization into multiple entities that are under common control; and

(v) such other factors as the Secretary, in consultation with the Administrator, determines to be appropriate;

(C) establishment of methods of—

(i) estimating greenhouse gas emissions, for those cases in which the Secretary determines that methods of monitoring, measuring or estimating such emissions with precision, reliability, accessibility, and timeliness similar to that provided by a continuous emissions monitoring system are not technologically feasible at present; and

(ii) reporting the accuracy of such estimations;

(D) establishment of measurement and verification standards applicable to actions taken to reduce, avoid, or sequester greenhouse gas emissions;

(E) in coordination with the Secretary of Agriculture, standards to measure the results of the use of carbon sequestration and carbon recapture technologies, including—

(i) soil carbon sequestration practices; and

(ii) forest preservation and reforestation activities that adequately address the issues of permanence, leakage, and verification;

(E) establishment of such other measurement and verification standards as the Secretary, in consultation with the Secretary of Agriculture, the Administrator, and the Secretary of Energy, determines to be appropriate;

(F) establishment of standards for obtaining the Secretary's approval of the suitability of geological storage sites that include evaluation of both the geology of the site and the entity's capacity to manage the site; and

(G) establishment of other features that, as determined by the Secretary, will allow entities to adequately establish a fair and reliable measurement and reporting system.

(b) REVIEW AND REVISION.—The Secretary shall periodically review, and revise as necessary, the methods and standards developed under subsection (a).

(c) PUBLIC PARTICIPATION.—The Secretary shall—

(1) make available to the public for comment, in draft form and for a period of at least 90 days, the methods and standards developed under subsection (a); and

(2) after the 90-day period referred to in paragraph (1), in coordination with the Secretary of Energy, the Secretary of Agriculture, and the Administrator, adopt the methods and standards developed under subsection (a) for use in implementing the database.

(d) EXPERTS AND CONSULTANTS.—

(1) IN GENERAL.—The Secretary may obtain the services of experts and consultants in the private and nonprofit sectors in accordance with section 3109 of title 5, United States Code, in the areas of greenhouse gas measurement, certification, and emission trading.

(2) AVAILABLE ARRANGEMENTS.—In obtaining any service described in paragraph (1), the Secretary may use any available grant, contract, cooperative agreement, or other arrangement authorized by law.

TITLE III—MARKET-DRIVEN GREENHOUSE GAS REDUCTIONS

SUBTITLE A—EMISSION REDUCTION REQUIREMENTS; USE OF TRADEABLE ALLOWANCES

SEC. 301. COVERED ENTITIES MUST SUBMIT ALLOWANCES FOR EMISSIONS.

(a) IN GENERAL—Beginning with calendar year 2010—

(1) each covered entity in the electric generation, industrial, and commercial sectors shall submit to the Administrator one tradeable allowance for every metric ton of greenhouse gases, measured in units of carbon dioxide equivalents, that it emits from stationary sources, except those described in paragraph (2);

(2) each producer or importer of hydrofluorocarbons, perfluorocarbons, or sulfur hexafluoride that is a covered entity shall submit to the Administrator one tradeable allowance for every metric ton of hydrofluorocarbons, perfluorocarbons, or sulfur hexafluoride, measured in units of carbon dioxide equivalents; that it produces or imports and that will ultimately be emitted in the United States, as determined by the Administrator under subsection (d) and

(3) each petroleum refiner or importer that is a covered entity shall submit one tradeable allowance for every unit of petroleum product it sells that will produce one metric ton of greenhouse gases, measured in units of carbon dioxide equivalents, as determined by the Administrator under subsection (b), when used for transportation.

(b) DETERMATION OF TRANSPORTATION SECTOR AMOUNT.—For the transportation sector, the Administrator shall determine the amount of greenhouse gases, measured in units of carbon dioxide. equivalents, that will be emitted when petroleum products are used for transportation.

(c) EXCEPTION FOR CERTAIN DEPOSITED EMISSIONS.—Notwithstanding subsection (a), a covered entity is not required to submit a tradeable allowance for any amount of greenhouse gas that would otherwise have been emitted from a facility under the ownership or control of that entity if—

(1) the emission is deposited in a geological storage facility approved by the Administrator under section 204(a)(2)(F); and

(2) the entity agrees to submit tradeable allowances for any portion of the deposited emission that is subsequently emitted from that facility.

(d) DETERMINATION OF HYDROFLUROCARBON, PERFLUOROCARBON, AND SULFUR HEXAFLUORIDE AMOUNT.—The Administrator shall determine the amounts of hydrofluorocarbons, perfluorocarbons, or sulfur hexafluoride, measured in units of carbon dioxide equivalents, that will be deemed to be emitted for purposes of this Act.

SEC. 302. COMPLIANCE.

(a) IN GENERAL.—

(1) SOURCE OF TRADEABLE ALLOWANCES USED.—A covered entity may use a tradeable allowance to meet the requirements of this section without regard to whether the tradeable allowance was allocated to it under subtitle B or acquired from another entity or the Climate Change Credit Corporation established under section 351.

(2) VERIFICATION BY ADMINISTRATOR.—At various times during each year, the Administrator shall determine whether each covered entity has met the requirements of this section. In making that determination, the Administrator shall—

(A) take into account the tradeable allowances submitted by the covered entity to the Administrator; and

(B) retire the serial number assigned to each such tradeable allowance.

(b) ALTERNATIVE MEANS OF COMPLIANCE.—For the years after 2010, a covered entity may satisfy up to 15 percent of its total allowance submission requirement under this section by—

(1) submitting tradeable allowances from another nation's market in greenhouse gas emissions if—

(A) the Secretary determines that the other nation's system for trading in greenhouse gas emissions is complete, accurate, and transparent and reviews that determination at least once every 5 years;

(B) the other nation has adopted enforceable limits on its greenhouse gas emissions which the tradeable allowances were issued to implement; and

(C) the covered entity certifies that the tradeable allowance has been retired unused in the other nation's market;

(2) submitting a registered net increase in sequestration, as registered in the database, adjusted, if necessary, to comply with the accounting standards and methods established under section 372;

(3) submitting a greenhouse gas emissions reduction (other than a registered net increase in sequestration) that was registered in the database by a person that is not a covered entity; or

(4) submitting credits obtained from the Administrator under section 303.

(c) DEDICATED PROGRAM FOR SEQUESTRATION IN AGRICULTURAL SOILS.—If a covered entity chooses to satisfy 15 percent of its total allowance submission requirements under the provisions of subsection (b), it shall satisfy up to 1.5 percent of its total allowance submission requirement by submitting registered net increases in sequestration in agricultural soils, as registered in the database, adjusted, if necessary, to comply with the accounting standards and methods established under section 371.

SEC. 303. BORROWING AGAINST FUTURE REDUCTIONS.

(a) IN GENERAL.—The Administrator shall establish a program under which a covered entity may—

(1) receive a credit in the current calendar year for anticipated reductions in emissions in a future calendar year; and

(2) use the credit in lieu of a tradeable allowance to meet the requirements of this Act for the current calendar year, subject to the limitation imposed by section 302(b).

(b) DETERMINATION OF TRADEABLE ALLOWANCE CREDITS.—The Administrator may

(b) DETERMINATION OF TRADEABLE ALLOWANCE CREDITS.—The Administrator may make credits available under subsection (a) only for anticipated reductions in emissions that—

(1) are attributable to the realization of capital investments in equipment, the construction, reconstruction, or acquisition of facilities, or the deployment of new technologies—

(A) for which the covered entity has executed a binding contract and secured, or applied for, all necessary permits and operating or implementation authority;

(B) that will not become operational within the current calendar year; and

(C) that will become operational and begin to reduce emissions from the covered entity within 5 years after the year in which the credit is used; and

(2) will be realized within 5 years after the year in which the credit is used.

(c) CARRYING COST.—If a covered entity uses a credit under this section to meet the requirements of this Act for a calendar year (referred to as the use year), the tradeable allowance requirement for the year from which the credit was taken (referred to as the source year) shall be increased by an amount equal to—

(1) 10 percent for each credit borrowed from the source year; multiplied by

(2) the number of years beginning after the use year and before the source year.

(d) MAXIMUM BORROWING PERIOD.—A credit from a year beginning more than 5 years after the current year may not be used to meet the requirements of this Act for the current year.

(e) FAILURE TO ACHIEVE REDUCTIONS GENERATING CREDIT.—If a covered entity that uses a credit under this section fails to achieve the anticipated reduction for which the credit was granted for the year from which the credit was taken, then—

(1) the covered entity's requirements under this Act for that year shall be increased by the amount of the credit, plus the amount determined under subsection (c);

(2) any tradeable allowances submitted by the covered entity for that year shall be counted first against the increase in those requirements; and

(3) the covered entity may not use credits under this section to meet the increased requirements.

SEC. 304. OTHER USES OF TRADEABLE ALLOWANCES.

(a) IN GENERAL.—Tradeable allowances may be sold, exchanged, purchased, retired, or used as provided in this section.

(b) INTERSECTOR TRADING.—Covered entities may purchase or otherwise acquire tradeable allowances from other covered sectors to satisfy the requirements of section 301.

(c) CLIMATE CHANGE CREDIT ORGANIZATION.—The Climate Change Credit Corporation established under section 351 may sell tradeable allowances allocated to it under section 332(a)(2) to any covered entity or to any investor, broker, or dealer in such tradeable allowances. The Climate Change Credit Corporation shall use all proceeds from such sales in accordance with the provisions of section 352.

(d) BANKING OF TRADEABLE ALLOWANCES.—Notwithstanding the requirements of section 301, a covered entity that has more than a sufficient amount of tradeable allowances to satisfy the requirements of section 301, may refrain from submitting a tradeable allowance to satisfy the requirements in order to sell, exchange, or use the tradeable allowance in the future.

SEC. 305. EXEMPTION OF SOURCE CATEGORIES.

(a) IN GENERAL.—The Administrator may grant an exemption from the requirements of this Act to a source category if the Administrator determines, after public notice and comment, that it is not feasible to measure or estimate emissions from that source category, until such time as measurement or estimation becomes feasible.

(b) REDUCTION OF LIMITATIONS.—If the Administrator exempts a source category under subsection (a), the Administrator shall also reduce the total tradeable allowances under section 331(a)(1) by the amount of greenhouse gas emissions that the exempted source category emitted in calendar year 2000, as identified in the 2000 Inventory.

(c) LIMITATION ON EXEMPTION.—The Administrator may not grant an exemption under subsection (a) to carbon dioxide produced from fossil fuel.

SUBTITLE B—ESTABLISHMENT AND ALLOCATION OF TRADEABLE ALLOWANCES

SEC. 331. ESTABLISHMENT OF TRADEABLE ALLOWANCES.

(a) IN GENERAL.—The Administrator shall promulgate regulations to establish tradeable allowances, denominated in units of carbon dioxide equivalents, for calendar years beginning after 2009, equal to—

(1) 5896 million metric tons, measured in units of carbon dioxide equivalents, reduced by

(2) the amount of emissions of greenhouse gases in calendar year 2000 from non-covered entities.

(b) SERIAL NUMBERS.—The Administrator shall assign a unique serial number to each tradeable allowance established under subsection (a), and shall take such action as may be necessary, to prevent counterfeiting of tradeable allowances.

(c) NATURE OF TRADEABLE ALLOWANCES.—A tradeable allowance is not a property right, and nothing in this title or any other provision of law limits the authority of the United States to terminate or limit a tradeable allowance.

(d) NON-COVERED ENTITY.—In this section:

(1) IN GENERAL.—The term ''non-covered entity'' means an entity that—

(A) owns or controls a source of greenhouse gas emissions in the electric power, industrial, or commercial sectors of the United States economy (as defined in the Inventory), refines or imports petroleum products for use in transportation, or produces or imports hydrofluorocarbons, perfluorocarbons, or sulfur hexafluoride; and

(B) is not a covered entity.

(2) EXCEPTION.—Notwithstanding paragraph (1), an entity that is a covered entity for any calendar year beginning after 2009 shall not be considered to be a non-covered entity for purposes of subsection (a) only because it emitted, or its products would have emitted, 10,000 metric tons or less of greenhouse gas, measured in units of carbon dioxide equivalents, in the year 2000.

SEC. 332. DETERMINATION OF TRADEABLE ALLOWANCE ALLOCATIONS.

(a) IN GENERAL.—The Secretary shall determine—

(1) the amount of tradeable allowances to be allocated to each covered sector of that sector's allotments; and

(2) the amount of tradeable allowances to be allocated to the Climate Change Credit Corporation established under section 351.

(b) ALLOCATION FACTORS.—In making the determination required by subsection (a), the Secretary shall consider—

(1) the distributive effect of the allocations on household income and net worth of individuals;

(2) the impact of the allocations on corporate income, taxes, and asset value;

(3) the impact of the allocations on income levels of consumers and on their energy consumption;

(4) the effects of the allocations in terms of economic efficiency;

(5) the ability of covered entities to pass through compliance costs to their customers;

(6) the degree to which the amount of allocations to the covered sectors should decrease over time; and

(7) the need to maintain the international competitiveness of United States manufacturing and avoid the additional loss of United States manufacturing jobs.

(c) ALLOCATION RECOMMENDATIONS AND IMPLEMENTATION.—Before allocating or providing tradeable allowances under subsection (a) and within 24 months after the date of enactment of this Act, the Secretary shall submit the determinations under subsection (a) to the Senate Committee on Commerce, Science, and Transportation, the Senate Committee on Environment and Public Works, the House of Representatives Committee on Science, and the House of Representatives Committee on Energy and Commerce. The Secretary's determinations under paragraph (1), including the allocations and provision of tradeable allowances pursuant to that determination, are deemed to be a major rule (as defined in section 804(2) of title 5, United States Code), and subject to the provisions of chapter 8 of that title.

SEC. 333. ALLOCATION OF TRADEABLE ALLOWANCES.

(a) IN GENERAL.—Beginning with calendar year 2010 and after taking into account any initial allocations under section 334, the Administrator shall—

(1) allocate to each covered sector that sector's allotments determined by the Administrator under section 332 (adjusted for any such initial allocations and the allocation to the Climate Change Credit Corporation established under section 351); and

(2) allocate to the Climate Change Credit Corporation established under section 351 the tradeable allowances allocable to that Corporation.

(b) INTRASECTORIAL ALLOTMENTS.—The Administrator shall, by regulation, establish a process for the allocation of tradeable allowances under this section, without cost to covered entities, that will—

(1) encourage investments that increase the efficiency of the processes that produce greenhouse gas emissions;

(2) minimize the costs to the government of allocating the tradeable allowances;

(3) not penalize a covered entity for emissions reductions made before 2010 and registered with the database; and

(4) provide sufficient allocation for new entrants into the sector.

(c) POINT SOURCE ALLOCATION.—The Administrator shall allocate the tradeable allowances for the electricity generation, industrial, and commercial sectors to the entities owning or controlling the point sources of greenhouse gas emissions within that sector.

(d) HYDROFLUOROCARBONS, PERFLUOROCARBONS, AND SULFUR HEXAFLUORIDE.—The Administrator shall allocate the tradeable allowances for producers or importers of hydrofluorocarbons, perfluorocarbons, or sulfur hexafluoride to such producers or importers.

(e) SPECIAL RULE FOR ALLOCATION WITHIN THE TRANSPORTATION SECTOR.—The Administrator shall allocate the tradeable allowances for the transportation sector to petroleum refiners or importers that produce or import petroleum products that will be used as fuel for transportation.

(f) ALLOCATIONS TO CERTAIN STATES; RURAL ELECTRIC COOPERATIVES.—

(1) IN GENERAL.—The Administrator shall make the allocations described in paragraphs (2) and (3) each year at no cost. The

allocations shall be offset from the allowances allocated to the Climate Change Credit Corporation.

(2) STATE ALLOCATIONS.—The Administrator shall allocate, for all electric generating units located in a State in which the average heating value of coal consumed by electric generating units in 1999 was less than 7,000 Btu per pound, allowances in an amount equal to the greenhouse gas emissions of the units in 2000, multiplied by 1.3.

(3) RURAL ELECTRIC COOPERATIVES.—For each electric generating unit that is owned or operated by a rural electric cooperative and not taken into account for purposes of paragraph (2), the Administrator shall allocate allowances in an amount equal to the greenhouse gas emissions of each such unit in 2000, plus an amount equal to the average emissions growth expected for all such units.

SEC. 334. ENSURING TARGET ADEQUACY.

(a) IN GENERAL.—Beginning 2 years after the date of enactment of this Act, the Under Secretary of Commerce for Oceans and Atmosphere shall review the allowances established by section 331 no less frequently than biennially—

(1) to re-evaluate the levels established by that subsection, after taking into account the best available science and the most currently available data, and

(2) to re-evaluate the environmental and public health impacts of specific concentration levels of greenhouse gases,

to determine whether the allowances established by subsection (a) continue to be consistent with the objective of the United Nations' Framework Convention on Climate Change of stabilizing levels of greenhouse gas emissions at a level that will prevent dangerous anthropogenic interference with the climate system.

(b) REVIEW OF 2010 LEVELS.—The Under Secretary shall specifically review in 2008 the level established under section 331(a)(1), and transmit a report on his reviews, together with any recommendations, including legislative recommendations, for modification of the levels, to the Senate Committee on Commerce, Science, and Transportation, the Senate Committee on Environment and Public Works, the House of Representatives Committee on Science, and the House of Representatives Committee on Energy and Commerce.

SEC. 335. INITIAL ALLOCATIONS FOR EARLY PARTICIPATION AND ACCELERATED PARTICIPATION.

Before making any allocations under section 333, the Administrator shall allocate—

(1) to any covered entity an amount of tradeable allowances equivalent to the amount of greenhouse gas emissions reductions registered by that covered entity in the national greenhouse gas database if—

(A) the covered entity has requested to use the registered reduction in the year of allocation;

(B) the reduction was registered prior to 2010; and

(C) the Administrator retires the unique serial number assigned to the reduction under section 201(c)(3); and

(2) to any covered entity that has entered into an accelerated participation agreement under section 336, such tradeable allowances as the Administrator has determined to be appropriate under that section.

SEC. 336. BONUS FOR ACCELERATED PARTICIPATION.

(a) IN GENERAL.—If a covered entity executes an agreement with the Administrator under which it agrees to reduce its level of greenhouse gas emissions to a level no greater than the level of its greenhouse gas emissions for calendar year 1990 by the year 2010, then, for the 6–year period beginning with calendar year 2010, the Administrator shall—

(1) provide additional tradeable allowances to that entity when allocating allowances under section 334 in order to recognize the additional emissions reductions that will be required of the covered entity;

(2) allow that entity to satisfy 20 percent of its requirements under section 301 by—

(A) submitting tradeable allowances from another nation's market in greenhouse gas emissions under the conditions described in section 312(b)(1);

(B) submitting a registered net increase in sequestration, as registered in the National Greenhouse Gas Database established under section 201, and as adjusted by the appropriate sequestration discount rate established under section 371; or

(C) submitting a greenhouse gas emission reduction (other than a registered net increase in sequestration) that was registered in the National Greenhouse Gas Database by a person that is not a covered entity.

(b) TERMINATION.—An entity that executes an agreement described in subsection (a) may terminate the agreement at any time.

(c) FAILURE TO MEET COMMITMENT.—If an entity that executes an agreement described in subsection (a) fails to achieve the level of emissions to which it committed by calendar year 2010—

(1) its requirements under section 301 shall be increased by the amount of any tradeable allowances provided to it under subsection (a)(1); and

(2) any tradeable allowances submitted thereafter shall be counted first against the increase in those requirements.

SUBTITLE C—CLIMATE CHANGE CREDIT CORPORATION

SEC. 351. ESTABLISHMENT.

(a) IN GENERAL.—The Climate Change Credit Corporation is established as a nonprofit corporation without stock. The Corporation shall not be considered to be an agency or establishment of the United States Government.

(b) APPLICABLE LAWS.—The Corporation shall be subject to the provisions of this title and, to the extent consistent with this title, to the District of Columbia Business Corporation Act.

(c) BOARD OF DIRECTORS.—The Corporation shall have a board of directors of 5 individuals who are citizens of the United States, of whom 1 shall be elected annually by the board to serve as chairman. No more than 3 members of the board serving at any time may be affiliated with the same political party. The members of the board shall be appointed by the President of the United States, by and with the advice and consent of the Senate and shall serve for terms of 5 years.

SEC. 352. PURPOSES AND FUNCTIONS.

(a) TRADING.—The Corporation—

(1) shall receive and manage tradeable allowances allocated to it under section 333(a)(2); and

(2) shall buy and sell tradeable allowances, whether allocated to it under that section or obtained by purchase, trade, or donation from other entities; but

(3) may not retire tradeable allowances unused.

(b) USE OF TRADEABLE ALLOWANCES AND PROCEEDS.—

(1) IN GENERAL.—The Corporation shall use the tradeable allowances, and proceeds derived from its trading activities in tradeable allowances, to reduce costs borne by consumers as a result of the greenhouse gas reduction requirements of this Act. The reductions—

(A) may be obtained by buy-down, subsidy, negotiation of discounts, consumer rebates, or otherwise;

(B) shall be, as nearly as possible, equitably distributed across all regions of the United States; and

(C) may include arrangements for preferential treatment to consumers who can least afford any such increased costs.

(2) TRANSITION ASSISTANCE TO DISLOCATED WORKERS AND COMMUNITIES.—The Corporation shall allocate a percentage of the proceeds derived from its trading activities in tradeable allowances to provide transition assistance to dislocated workers and communities. Transition assistance may take the form of—

(A) grants to employers, employer associations, and representatives of employees—

(i) to provide training, adjustment assistance, and employment services to dislocated workers; and

(ii) to make income-maintenance and needs-related payments to dislocated workers; and

(B) grants to State and local governments to assist communities in attracting new employers or providing essential local government services.

(3) PHASE-OUT OF TRANSITION ASSISTANCE.—The percentage allocated by the Corporation under paragraph (2)—

(A) shall be 20 percent for 2010;

(B) shall be reduced by 2 percentage points each year thereafter; and

(C) may not be reduced below zero.

(4) TECHNOLOGY DEPLOYMENT PROGRAMS.—The Corporation shall establish and carry out a program, through direct grants, revolving loan programs, or other financial measures, to provide support for the deployment of technology to assist in compliance with this Act by distributing the proceeds from no less than 10 percent of the total allowances allocated to it. The support shall include the following:

(A) COAL GASIFICATION COMBINED-CYCLE AND GEOLOGICAL CARBON STORAGE PROGRAM.—The Corporation shall establish and carry out a program, through direct grants, to provide incentives for the repowering of existing facilities or construction of new facilities producing electricity or other products from coal gasification combined-cycle plants that capture and geologically store at least 90 percent of the carbon dioxide produced at the facility in accordance with requirements established by the Administrator to ensure the permanence of the storage and that such storage will not cause or contribute to significant adverse effects on public health or the environment. The Corporation shall ensure that no less than 20 percent of the funding under this program is distributed to rural electric cooperatives.

(B) AGRICULTURAL PROGRAMS.—The Corporation shall establish and carry out a program, through direct grants, revolving loan programs, or other financial measures, to provide incentives for greenhouse gas emissions reductions or net increases in greenhouse gas sequestration on agricultural lands. The program shall include incentives for—

(i) production of wind energy on agricultural lands;

(ii) agricultural management practices that achieve verified, incremental increases in net carbon sequestration, in accordance with the requirements established by the Administrator under section 371; and

(iii) production of renewable fuels that, after consideration of the energy needed to produce such fuels, result in a net reduction in greenhouse gas emissions.

SUBTITLE D—SEQUESTRATION ACCOUNTING; PENALTIES

SEC. 371. SEQUESTRATION ACCOUNTING.

(a) SEQUESTRATION ACCOUNTING.—If a covered entity uses a registered net increase in sequestration to satisfy the requirements of section 301 for any year, that covered entity shall submit information to the Administrator every 5 years thereafter sufficient to

allow the Administrator to determine, using the methods and standards created under section 204, whether that net increase in sequestration still exists. Unless the Administrator determines that the net increase in sequestration continues to exist, the covered entity shall offset any loss of sequestration by submitting additional tradeable allowances of equivalent amount in the calender year following that determination.

(b) REGULATIONS REQUIRED.—The Secretary, acting through the Under Secretary of Commerce for Science and Technology, in coordination with the Secretary of Agriculture, the Secretary of Energy, and the Administrator, shall issue regulations establishing the sequestration accounting rules for all classes of sequestration projects.

(c) CRITERIA FOR REGULATIONS.—In issuing regulations under this section, the Secretary shall use the following criteria:

(1) If the range of possible amounts of net increase in sequestration for a particular class of sequestration project is not more than 10 percent of the median of that range, the amount of sequestration awarded shall be equal to the median value of that range.

(2) If the range of possible amounts of net increase in sequestration for a particular class of sequestration project is more than 10 percent of the median of that range, the amount of sequestration awarded shall be equal to the fifth percentile of that range.

(3) The regulations shall include procedures for accounting for potential leakage from sequestration projects and for ensuring that any registered increase in sequestration is in addition that which would have occurred if this Act had not been enacted.

(d) UPDATES.—The Secretary shall update the sequestration accounting rules for every class of sequestration project at least once every 5 years.

SEC. 372. PENALTIES.

Any covered entity that fails to meet the requirements of section 301 for a year shall be liable for a civil penalty, payable to the Administrator, equal to thrice the market value (determined as of the last day of the year at issue) of the tradeable allowances that would be necessary for that covered entity to meet those requirements on the date of the emission that resulted in the violation.

SA 2029. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 1904, to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to plan and conduct hazardous fuels reduction projects on National Forest System lands and Bureau of Land Management lands aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:

SEC. 8___. INCREASE IN MAXIMUM FINES FOR VIOLATION OF PUBLIC LAND REGULATIONS AND ESTABLISHMENT OF MINIMUM FINE FOR VIOLATION OF PUBLIC LAND FIRE REGULATIONS DURING FIRE BAN.

(a) LANDS UNDER JURISDICTION OF BUREAU OF LAND MANAGEMENT.—Section 303(a) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1733(a)) is amended—

(1) in the second sentence, by striking ''no more than $1,000'' and inserting ''as provided in title 18, United States Code,''; and

(2) by inserting after the second sentence the following: ''In the case of a regulation issued under this section regarding the use of fire by individuals on the public lands, if the violation of the regulation was the result of reckless conduct and occurred in an area subject to a complete ban on open fires, the fine may not be less than $500.''.

(b) NATIONAL PARK SYSTEM LANDS.—

(1) FINES.—Section 3 of the Act of August 25, 1916 (popularly known as the National Park Service Organic Act; 16 U.S.C. 3) is amended—

(A) by striking ''That the Secretary'' at the beginning of the section and inserting ''(a) REGULATIONS FOR USE AND MANAGEMENT OF NATIONAL PARK SYSTEM; ENFORCEMENT.—The Secretary'';

(B) by striking ''$500'' and inserting ''$10,000''; and

(C) by inserting after the first sentence the following: ''In the case of a rule or regulation issued under this subsection regarding the use of fire by individuals on such lands, if the violation of the rule or regulation was the result of reckless conduct and occurred in an area subject to a complete ban on open fires, the fine may not be less than $500.''.

(2) CONFORMING AMENDMENTS.—Such section is further amended—

(A) by striking ''He may also'' the first place it appears and inserting the following: ''(b) SPECIAL MANAGEMENT AUTHORITIES.—The Secretary of the Interior may'';

(B) by striking ''He may also'' the second place it appears and inserting ''The Secretary may''; and

(C) by striking ''No natural,'' and inserting the following:

''(c) LEASE AND PERMIT AUTHORITIES.—No natural''.

(c) NATIONAL FOREST SYSTEM LANDS.—The eleventh undesignated paragraph under the heading ''SURVEYING THE PUBLIC LANDS'' of the Act of June 4, 1897 (16 U.S.C. 551), is amended—

(1) by striking ''$500'' and inserting ''$10,000''; and

(2) by inserting after the first sentence the following: ''In the case of such a rule or regulation regarding the use of fire by individuals on such lands, if the violation of the rule or regulation was the result of reckless conduct and occurred in an area subject to a complete ban on open fires, the fine may not be less than $500.''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. CRAPO. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, October 29, 2003 at 9:30 a.m. on future of NASA.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. CRAPO. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, October 29, 2003 at 9:30 a.m. to hold a Nomination hearing.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. CRAPO. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, October 29, 2003 at 2:30 p.m. to hold a hearing on Challenges for U.S. Policy Toward Colombia: Is Plan Colombia Working?

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. CRAPO. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on Is Intellectual Diversity an Endangered Species on America's College Campuses? during the session of the Senate on Wednesday, October 29, 2003 at 2:00 p.m. in SD–430.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. CRAPO. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet in Executive Session during the session of the Senate on Wednesday, October 29, 2003. The following agenda will be considered:

Agenda

S. , Head Start Improvement and School Readiness Act.

S. , The Poverty Reduction and Prevention Act of 2003.

S. , Pension Stability Act.

S. , Health Care Safety Net Amendments Technical Corrections Act of 2003.

S. 423, Health Care Parity for Legal Transportation and Recreational Activities Act.

S. 1172, Improved Nutrition and Physical Activity Act.

Nominations: Robert Lerner, of Maryland, to be Commissioner of Education Statistics; Leslie Silverman, of Virginia, to be a Member of the Equal Employment Opportunity Commission; Stuart J. Ishimaru, of the District of Columbia, to be a Member of the Equal Employment Opportunity Commission; and any other nominees that have been cleared for action.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. CRAPO. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, October 29, 2003, at 10 a.m., in room 106 of the Dirksen Senate Office Building to conduct a business meeting to consider pending committee business; to be followed immediately by a hearing on S. 1770, the ''Indian Money Account Claims Satisfaction Act of 2003.''

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

COMMITTEE ON THE JUDICIARY

Mr. CRAPO. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Wednesday, October 29, 2003, at 10 a.m., on ''BCS or Bust: Competitive and Economic Effects of the Bowl Championship Series On and Off the Field,'' in

the Dirksen Senate Office Building, Room 226.

Witness List: LaVell Edwards, Former Head Football Coach, Brigham Young University, Provo, UT; Harvey Perlman, Chancellor, University of Nebraska-Lincoln, Lincoln, NE; Dr. Scott S. Cowen, President, Tulane University, New Orleans, LA; Dr. Myles Brand, President, National Collegiate Athletic Association, Indianapolis, IN; and Keith Tribble, Chief Executive Officer, Orange Bowl Committee, Miami, FL.

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

COMMITTEE ON THE JUDICIARY

Mr. CRAPO. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Wednesday, October 29, 2003, at 2 p.m., on ''Nominations,'' in the Dirksen Senate Office Building, Room 226.

Agenda

Panel I: Senators.

Panel II: James B. Comey to be Deputy Attorney General.

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

SUBCOMMITTEE ON SCIENCE, TECHNOLOGY AND SPACE

Mr. CRAPO. Mr. President, I ask unanimous consent that the Subcommittee on Science, Technology and Space be authorized to meet on Wednesday, October 29, 2003, at 2:30 p.m. concerning the International Space Station.

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

PRIVILEGES OF THE FLOOR

Mr. CRAIG. Mr. President, I ask unanimous consent for privileges of the floor be extended to George Bain, a Forest Service Fellow on my staff, for the duration of the Healthy Forests debate.

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

Mr. CRAPO. Mr. President, I ask unanimous consent that privilege of the floor be granted to Trish Aspland, congressional assistant from the U.S. Forest Service, for the remainder of the debate relating to H.R. 1904, the Healthy Forest Restoration Act.

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

Mr. CRAPO. Mr. President, I ask unanimous consent that Doug MacCleery, an employee of the Department of Agriculture, who has been detailed to the Agriculture Committee, and Fred Zepponi, an intern on the committee's staff, be granted the privilege of the floor during debate on H.R. 1904.

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

Mr. HARKIN. Mr. President, I ask consent that Darcy Zotler on my staff and Evan Notman on my staff be permitted floor privileges for the duration of the debate on the healthy forests.

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

Mr. CRAIG. Mr. President, I ask unanimous consent that George Matejko and Ron Hooper, both congressional fellows in Senator BURNS' office, be granted the privilege of the floor during the consideration of H.R. 1904.

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

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that Wendy Miller, an environmental fellow in my office, be granted floor privileges for the duration of our consideration of this bill.

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

Mr. AKAKA. Mr. President, I ask unanimous consent that Ms. Barbara Peichel, a fellow in my office, be granted the privilege of the floor during the debate on the McCain-Lieberman amendment.

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

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that Dr. Bill Roma, who is a fellow working for Senator CLINTON, be given the privilege of the floor for the debate on the McCain-Lieberman amendment.

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

THE CALENDAR

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar Nos. 329 through 331 and Calendar Nos. 333 through 345, en bloc.

The PRESIDING OFFICER. Without objection, the Senate will proceed to those measures en bloc.

Mr. MCCAIN. I ask unanimous consent that the bills be read a third time and passed, the motions to reconsider be laid upon the table, en bloc, and any statements relating to the bills be printed in the RECORD.

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

DAVID BYBEE POST OFFICE BUILDING

The bill (S. 1405) to designate the facility of the United States Postal Service located at 514 17th Street Moline, Illinois, as the ''David Bybee Post Office Building,'' was considered, ordered to a third reading, read the third time and passed, as follows:

S. 1405

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DAVID BYBEE POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 514 17th Street in Moline, Illinois, shall be known and designated as the ''David Bybee Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the David Bybee Post Office Building.

JAMES E. DAVIS POST OFFICE BUILDING

The bill (S. 1590) to redesignate the facility of the United States Postal Service, located at 315 Empire Boulevard in Crown Heights, Brooklyn, New York, as the ''James E. Davis Post Office Building,'' was considered, ordered to a third reading, read the third time and passed, as follows:

S. 1590

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. JAMES E. DAVIS POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 315 Empire Boulevard in Crown Heights, Brooklyn, New York, shall be known and designated as the ''James E. Davis Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the James E. Davis Post Office Building.

JOHN G. DOW POST OFFICE BUILDING

The bill (S. 1659) to designate the facility of the United States Postal Service, located at 57 Old Tappan Road in Tappan, New York, as the ''John G Dow Post Office Building,'' was considered, ordered to a third reading, read the third time and passed, as follows:

S. 1659

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. JOHN G. DOW POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 57 Old Tappan Road in Tappan, New York, shall be known and designated as the ''John G. Dow Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the John G. Dow Post Office Building.

SENATOR JAMES B. PEARSON POST OFFICE

The bill (S. 1718) to designate the facility of the United States Postal Service, located at 3710 West 73rd Terrace in Prairie Village, Kansas, as the ''Senator James B. Pearson Post Office,'' was considered, ordered to a third reading, read the third time and passed, as follows:

S. 1718

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SENATOR JAMES B. PEARSON POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 3710

West 73rd Terrace in Prairie Village, Kansas, shall be known and designated as the ''Senator James B. Pearson Post Office''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the Senator James B. Pearson Post Office.

WALT DISNEY POST OFFICE BUILDING

The bill (H.R. 1610) to redesignate the facility of the United States Postal Service located at 230 East Ritchie Avenue in Marceline, Missouri, as the ''Walt Disney Post Office Building,'' was considered, ordered to a third reading, read the third time and passed.

ARTHUR 'PAPPY' KENNEDY POST OFFICE

The bill (H.R. 1882) to designate the facility of the United States Postal Service located at 440 South Orange Blossom Trail in Orlando, Florida, as the ''Arthur 'Pappy' Kennedy Post Office,'' was considered, ordered to a third reading, read the third time and passed.

EDDIE MAE STEWARD POST OFFICE

The bill (H.R. 1883) to designate the facility of the United States Postal Service located at 1601–1 Main Street in Jacksonville, Florida, as the ''Eddie Mae Steward Post Office,'' was considered, ordered to a third reading, read the third time and passed.

JUDGE EDWARD RODGERS POST OFFICE BUILDING

The bill (H.R. 2075) to designate the facility of the United States Postal Service located at 1905 West Blue Heron Boulevard in West Palm Beach, Florida, as the ''Judge Edward Rodgers Post Office Building,'' was considered, ordered to a third reading, read the third time and passed.

BRUCE WOODBURY POST OFFICE BUILDING

The bill (H.R. 2254) to designate the facility of the United States Postal Service located at 1101 Colorado Street in Boulder City, Nevada, as the ''Bruce Woodbury Post Office building,'' was considered, ordered to a third reading, read the third time and passed.

STEPHEN HORN POST OFFICE BUILDING

The bill (H.R. 2309) to designate the facility of the United States Postal Service located at 2300 Redondo Avenue in Long Beach, California, as the ''Stephen Horn Post Office Building,'' was considered, ordered to a third reading, read the third time and passed.

ROBERT A. BORSKI POST OFFICE BUILDING

The bill (H.R. 2328) to designate the facility of the United States Postal Service located at 2001 East Willard Street in Philadelphia, Pennsylvania, as the ''Robert A. Borski Post Office Building,'' was considered, ordered to a third reading, read the third time and passed.

FRANCISCO A. MARTINEZ FLORES POST OFFICE

The bill (H.R. 2396) to designate the facility of the United States Postal Service located at 1210 Highland Avenue in Duarte, California, as the ''Francisco A. Martinez Flores Post Office,'' was considered, ordered to a third reading, read the third time and passed.

BRIAN C. HICKEY POST OFFICE BUILDING

The bill (H.R. 2452) to designate the facility of the United States Postal Service located at 339 Hicksville Road in Bethpage, New York, as the ''Brian C. Hickey Post Office Building,'' was considered, ordered to a third reading, read the third time and passed.

J.C. LEWIS, JR. POST OFFICE BUILDING

The bill (H.R. 2533) to designate the facility of the United States Postal Service located at 10701 Abercorn Street in Savannah, Georgia, as the ''J.C. Lewis, Jr. Post Office Building,'' was considered, ordered to a third reading, read the third time and passed.

BARBARA B. KENNELLY POST OFFICE BUILDING

The bill (H.R. 2746) to designate the facility of the United States Postal Service located at 141 Weston Street in Hartford, Connecticut, as the ''Barbara B. Kennelly Post Office Building,'' was considered, ordered to a third reading, read the third time and passed.

BOB HOPE POST OFFICE BUILDING

The bill (H.R. 3011) to designate the facility of the United States Postal Service located at 135 East Olive Avenue in Burbank, California, as the ''Bob Hope Post Office Building,'' was considered, ordered to a third reading, read the third time and passed.

COMMENDING THE FLORIDA MARLINS FOR WINNING THE 2003 WORLD SERIES

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 254 submitted earlier today by Senators NELSON and GRAHAM of Florida.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 254) commending the Florida Marlins baseball team for winning the 2003 World Series.

There being no objection, the Senate proceeded to consider the resolution.

Mr. GRAHAM of Florida. Mr. President, I rise today to recognize the Florida Marlins for their outstanding victory in the 2003 World Series. The Marlins, under the leadership of their Managing General Partner Jeffrey Loria, General Manager Larry Beinfest and Manager Jack McKeon, defeated the 26-time World Champion New York Yankees to garner their second World Championship in only their 10th year of existence.

With their combination of youthful energy and veteran experience, the Marlins were able to defeat the defending National League Champion San Francisco Giants in four games in the divisional series before coming back from a three games-to-one deficit to defeat the Chicago Cubs in seven games to win the National League Pennant. Led by the enthusiastic leadership of veteran catcher Ivan Rodriguez and the pitching of budding superstar Josh Beckett, the Marlins have a bright future ahead of them.

Floridians from Key West to Pensacola were riveted by the Marlins comeback style and gritty determination as they watched their home team defeat three of baseball's most storied franchises on their way to the championship. As a silence fell over the boroughs of New York City, a party of historic proportions broke out in my home state as our team emerged from the dugout to celebrate its second championship.

The Florida Marlins continue to be a source of pride for residents of the Sunshine State and this year's team, so often faced with adversity, stood as a fine representative of all that our great state has to offer.

Mr. NELSON of Florida. Mr. President, I rise today to urge passage of a resolution sponsored by Senator GRAHAM and myself commending the Florida Marlins for winning the 2003 World Series.

In their 10th anniversary season the Marlins have once again reached the pinnacle of baseball. They provided us with a magical season many in Florida and elsewhere won't soon forget. They started the season with little fanfare and low expectations, and they struggled at first with a losing record. And just when things seemed as if they couldn't get any worse, they lost their manager. For many the Marlins' early misfortunes signaled another losing season.

But on May 23, the team began a magical run that culminated in a World Series title over the storied New York Yankees. During this remarkable stretch, they compiled the best record in baseball, earned a wild-card playoff

spot, upset the heavily favored San Francisco Giants in the Division series, shocked the Chicago Cubs by rebounding from a three-games-to-one deficit to win the National League Championship and became the first opposing team to capture a World Series title in Yankee Stadium in 22 years.

During their season, and especially the playoffs, the Marlins confidently believed in their abilities and their play made believers out of many all along the way. If nothing else, their season illustrates for everyone a lesson we all should heed—never give up. We offer congratulations to all members of the Florida Marlins organization and to their fans in South Florida.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD, without intervening action or debate.

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

The resolution (S. Res. 254) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 254

Whereas on October 25, 2003, the Florida Marlins defeated the New York Yankees, 2 to 0, in Game 6 of the World Series, to capture their second World Series title in the 11 seasons of the franchise;

Whereas the Florida Marlins became the first visiting team to celebrate a World Series championship in Yankee Stadium since the Los Angeles Dodgers in 1981;

Whereas under the leadership of manager Jack McKeon, general manager Larry Beinfest, and team owner Jeffrey Loria, the Marlins compiled the best record in baseball since May 23, 2003, becoming only the ninth team in Major League Baseball history to rebound from at least 10 games under .500 to reach the playoffs;

Whereas each player, manager, coach, trainer, and administrator of the Florida Marlins contributed to a magical turnaround that resulted in the Florida Marlins reaching the pinnacle of the sport, a World Series Championship;

Whereas the manager of the Florida Marlins, Jack McKeon, became the oldest manager in Major League Baseball history to win the World Series, and led Florida to the title after joining the team in May of 2003;

Whereas Florida Marlins pitcher Josh Beckett was named World Series Most Valuable Player, after pitching a complete game, 5 hit shutout, on 3 days rest in Yankee Stadium during Game 6 of the World Series;

Whereas young stars like Miguel Cabrera, Juan Pierre, and Luis Castillo combined with established veterans like Ivan Rodriguez and Jeff Conine to produce an exciting, never-say-die team that won over fans around the country during an unexpected march to the World Series;

Whereas the Florida Marlins upset the San Francisco Giants in 4 games to win the Division Series, then stunned the Chicago Cubs by coming back from a 3 games to 1 deficit to win the National League Championship Series in 7 games; and

Whereas fans of the Florida Marlins and the South Florida community demonstrated commendable team support and pride: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Florida Marlins for winning the 2003 World Series;

(2) recognizes the achievements of the players, coaches, and support staff who were instrumental in securing a second World Series title for the Florida Marlins;

(3) commends the support and pride of the fans of the Florida Marlins; and

(4) directs the Secretary of the Senate to transmit for appropriate display an enrolled copy of this resolution to—

(A) the owner of the Florida Marlins, Jeffrey Loria;

(B) the general manager of the Florida Marlins, Larry Beinfest;

(C) the manager of the Florida Marlins, Jack McKeon; and

(D) each player and coach of the 2003 World Series Champion Florida Marlins baseball team.

ORDERS FOR THURSDAY, OCTOBER 30, 2003

Mr. MCCAIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9 a.m. Thursday, October 30. I further ask unanimous consent that following the prayer and pledge the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then proceed to executive session to consider Executive Calendar No. 405, the nomination of Charles Pickering to be a United States Circuit Judge for the Fifth Circuit; provided further that there then be 60 minutes equally divided between the chairman and ranking member with the final 10 minutes divided with the first 5 minutes under the control of the Democratic leader or his designee, and the final 5 minutes under the control of the majority leader or his designee; further, that following that debate the Senate proceed to the cloture vote on the nomination.

I further ask unanimous consent that if cloture is not invoked, the Senate return to legislative session and resume consideration of S. 139, the climate change bill; provided further that there be 2 hours of debate remaining under the provisions of the previous order to be equally divided between Senator LIEBERMAN and Senator INHOFE or their designees.

Finally, I ask unanimous consent that following the disposition of S. 139, the Senate resume consideration of H.R. 1904, the Healthy Forests legislation.

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

PROGRAM

Mr. MCCAIN. Mr. President, for the information of all Senators, tomorrow there will be 1 hour of debate on the nomination of Charles Pickering to be a United States Circuit Judge for the Fifth Circuit prior to a cloture vote on that nomination. If cloture is not invoked, the Senate will resume consideration of S. 139, the climate change bill. Under the previous consent, there will 2 hours of debate remaining prior to a vote on that measure. Following that vote, the Senate will resume debate on H.R. 1904, the Healthy Forests legislation. It is the leader's intention to complete action on this measure during tomorrow's session. Senators should expect amendments to be offered and debated throughout the afternoon. Therefore, votes should be anticipated throughout the afternoon as well.

Following completion of the Healthy Forests legislation, the Senate will resume debate on H.R. 2800, the Foreign Operations appropriations bill. We have locked in a final list of amendments during today's session, and it is anticipated that we can complete action on the bill in short order.

The Senate may also consider other conference reports that became available.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. MCCAIN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 9:13 p.m., adjourned until Thursday, October 30, 2003, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate October 29, 2003:

DEPARTMENT OF THE TREASURY

ARNOLD I. HAVENS, OF VIRGINIA, TO BE GENERAL COUNSEL FOR THE DEPARTMENT OF THE TREASURY, VICE DAVID AUFHAUSER.

DEPARTMENT OF EDUCATION

SUSAN K. SCLAFANI, OF THE DISTRICT OF COLUMBIA, TO BE ASSISTANT SECRETARY FOR VOCATIONAL AND ADULT EDUCATION, DEPARTMENT OF EDUCATION, VICE CAROL D'AMICO, RESIGNED.