

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 Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. MURKOWSKI). Without objection, it is so ordered.

JUDICIAL NOMINATIONS

Mr. ENSIGN. Madam President, this morning I rise to talk about what has been happening in this Chamber with regard to judicial nominations, and especially those nominations that have been put forward by the President with respect to the circuit courts.

The court of appeals is that branch in our Federal court system which is directly under the Supreme Court, an incredibly important place where a lot of judicial precedent is set.

We have had several judges being filibustered this year by the other side; just recently, Charles Pickering, a wonderful man with incredible qualifications, incredible political courage. With all the debate that happened about him and his qualifications—people can check the CONGRESSIONAL RECORD for it—but the bottom line is this man deserves an up-or-down vote. If he is granted an up-or-down vote, he would be approved because he was able to get 54 votes against 43 negative votes. Unfortunately, there is a minority in the Senate choosing to filibuster. That 54 votes should be enough to put him on the circuit court where he deserves to be.

I have no objection to people voting against judges. That is their right to do under the Constitution. But the Constitution specifically spells out only five instances where a supermajority is required in the Senate for approval, and moving to the consideration or the approval of the President's judicial nominees is not on that list.

Why is this debate so important to have on whether we should allow the Senate to filibuster judges or whether we should just have straight up-or-down votes on judges after a good amount of debate? If one side, meaning one political party, chooses to filibuster judges, the other side is going to be forced to filibuster. In other words, a precedent is set.

Someday the Democrats will get back in power in the White House and will be sending judges up to this body, and if they continue to filibuster the President's nominees, a precedent will be set, and our side will have no choice but to filibuster their judges. The reason is very simple: If they filibuster more conservative type judges, and we do not filibuster theirs, our court system will just go further and further to the left.

Politics and the judiciary—we are supposed to try to separate those as much as possible, even though it is impossible to completely separate them.

So, Madam President, I appeal to our colleagues on the other side that this obstructionism purely for political gain is a dangerous precedent to set in

the Senate. We need to become statesmen in this body and do what is right for our Republic. This is really about the future of our Republic. Judges and the third branch of our Government have to have somewhat independence from the legislative branch and from the executive branch. It is critical, I believe, that we have a fair process going forward.

The system really is broken at this point. Another problem we are going to face in the future by staging this political battle on judges is that good people are not going to want to go through the nomination. Miguel Estrada is the perfect example. He was an extraordinary nominee who would have made an extraordinary judge and the ugliness this process has become resulted in him asking the President to withdraw his nomination. The toll of was too great on him and on his family. He could not take it anymore.

If we continue to drag more nominees through this political mess, it is going to be harder to get good people, the kind of people we want serving on the bench.

I make this appeal to my colleagues: This nonsense going on with filibustering circuit court judges needs to stop. I respect the fact that Senators want complete debate. We should have full debate on judges. But once they have their full debate, their complete investigation, questions are asked and answered, then we need an up-or-down vote, straight up-or-down vote. There is no place in the judicial nomination process for filibustering. If we do not correct this problem, and fix this broken process the future our judicial system will be hurt and it will be a great disservice to all Americans.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

HEALTHY FORESTS LEGISLATION

Mr. CRAPO. Madam President, I rise to speak about the Healthy Forests legislation which we recently passed on the Senate floor. Since we passed it—I remind everyone it was a strong bipartisan effort which resulted in 80 votes out of 100 votes in the Senate supporting this effort—we have now run into further procedural snags. As I was sitting here listening to the Senator from Nevada talk about the snag we have run into with regard to trying to get votes on judges, I was reminded of the similarity.

It took us a long time to get this bill to the Senate floor, the Healthy Forests legislation. The process we went through was one in which I believe we showed America how we should be working together in a bipartisan fashion to cross party lines, cross regional lines, and build broad support for meaningful legislation to solve a serious problem.

We did that. We had a bipartisan coalition that came forward with a strong bill. I will talk a little bit about what

the bill would mean to America. We passed it in the Senate with 80 votes. Yet today we are stalled in being able to move forward and appoint conferees to get together with the House and work out the differences between the two bills and come forward with strong legislation.

Unfortunately, this procedural maneuver of stopping us from being able to move forward into a conference with the House is simply another mechanism similar to a filibuster. In fact, it might ultimately be backed up by a filibuster to stop us from procedurally being able to move forward on important legislation. In effect, it allows anybody who wants to vote for the bill, knowing it is going to be stalled and that we will not allow it to then go to conference and keep moving forward.

The Healthy Forests legislation is critically needed. I just received the most recent analysis of the statistics. When we debated the bill, we talked a lot about the damage going on in California with the wildfires then burning there. Just to remind everybody about what those fires meant, a study I have in front of me evaluates just 4 of the 13 fires that were burning in California last week as we considered the legislation.

The estimated cost to date—which is not finished—of fighting just those 4 fires is \$65.8 million. That is 4 of the 13 fires in California. When you look at the rest of the country, as I discussed in the debate last week, we have burned 3.8 million acres in America this year. Last year it was nearly 7 million acres. The year before, it was over 3 million, and the year before that, it was over 7 million acres. The running 9-year average for the number of acres we have burned in our forests is 4.9 million acres per year.

The Forest Service estimates over 100 million acres of forest lands are at unnaturally high risk of catastrophic wildfires and large insect-disease outbreaks because of unhealthy forest conditions. Again, just looking at those 4 fires in California, \$65.8 million worth of cost to fight them so far, 1,622 structures lost. We all know there were many lives lost in those fires. There were lives lost in Idaho this year fighting fires, my State. I am sure if other Senators from the States in which these fires are burning could be here right now, they would point out the damage in their States, not only from the cost of fighting the fires but in terms of the loss of life and the loss of property.

It is important we move ahead with this legislation. I am here to call on my colleagues from the Democratic side of the aisle to work with us again, as we worked in bringing forward the bill, to go into conference and work to achieve the objectives of this legislation.

Some have said: Let's just send our bill to the House and tell the House it must accept our bill. It is our bill or no bill.

Frankly, our constitutional Framers set up a system of government in which there are two Houses of Congress: the Senate and the House of Representatives. I don't think it is realistic for the Senate to simply say to the House you have to take our bill, and not only do you have to take our bill, but we are not going to conference with you if you won't take our bill as is.

I understand the desire by those who negotiated with us to reach the compromise, to build a bipartisan solution, to try to keep the bill we negotiated here intact to the maximum extent possible. In fact, in our negotiations, I committed to them that is what my objective would be if I am able to be on the conference committee. I believe each one of our Senate conferees will fight to the best of their ability to make sure we keep intact the Senate version of this bill. It was a good bill. It had a strong vote. But we must recognize the reality that in order to achieve legislation in this country, both Houses of Congress are entitled to work on the final product.

The refusal to go into conference until there is an agreement in advance that the House will take the Senate bill is a position which could be taken on every bill. If you think about it, every piece of legislation that goes through the Senate, one would think the Senators would prefer over the House. People in the Senate could simply take the position we will not go into conference with the House unless they will take our version of the bill.

If you think about it a little further, it becomes immediately apparent the House could do the same thing. The House could say to the Senate: We are not going to go into conference with you unless you take our bill.

The reality of the way our constitutional system operates is, we have a conference committee between the House and Senate. We work out our differences. We try to come forward with a bill that brings forward the maximum strengths of both systems. Then we come back to both bodies. The Senators in the Senate, the Congressmen in the House, will each then have another chance to register their opinion. If they believe they didn't get a sufficient amount of what they were hoping to see in the legislation, they, again, in the Senate, have the opportunity for a filibuster or to simply vote no on the legislation if they don't want to support it. But to stop us from even being able to take the next procedural step to go to the House and go into conference and try to see what kind of legislation we can come up with to address these critical issues is, in my opinion, inappropriate.

Again, I call on all my colleagues to step forward and allow us to move to the next procedural step to go into conference with the House and work on this critical legislation.

What does it do? This legislation reflects a comprehensive effort to focus

on forest health. As I indicated, we have over 100 million acres in America today that are at an unnaturally high level of risk for fire or insect infestation.

The average loss of acres to fires alone is 5.4 million acres per year. In this bill, we put together a comprehensive effort to improve the health of our forests in terms of both the risk of fire and insect infestation. We will lower the number of catastrophic fires. We will establish new conservation programs to improve water quality and regenerate declining forest ecosystems. We will protect the health of the forests by establishing an accelerated plan to promote information on forest-damaging insects and related diseases. Endangered species, community and homes of Americans will be safeguarded through the stewardship of these forest lands.

We are going to establish a new predecisional administrative review process and allow for additional analysis under NEPA. We are going to improve the management tools available to our forest managers so they can get scientifically supported management practices implemented on our forest lands.

We will direct the Secretary of Agriculture to give priority to communities and watersheds in hazardous fuel reduction projects. We are going to have language in there for the first time ever in this country that specifically protects old-growth forests. We have language to expedite the judicial review process so that we end the litigation paralysis that is probably the most significant thing that is stopping us from effective forest management implementation.

Finally, we are going to significantly increase the resources we are putting into healthy forest management. I just told the number of dollars we are spending on fighting fires—on the fires in California. That was approximately \$66 million. We are going to put in \$760 million annually to help us manage our forests nationwide and preserve these incredible environmental gems for our future while maintaining our ability to have the kind of natural-resource-based economies that grow up around our forests.

Madam President, this is a critical issue; it is critical whether one is concerned about environmental aspects, health and safety aspects, loss of life, loss of property, or simply the loss of our incredibly wonderful Federal forests.

Again, I call on my colleagues to stop the procedural maneuvers that are prohibiting us from proceeding to a conference with the House. At this point, I will conclude my remarks and yield the remainder of my time to the Senator from Missouri.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Madam President, how much time remains?

The PRESIDING OFFICER. There are 13 minutes remaining.

CARE AND TREATMENT OF RETURNING GUARD AND RESERVE FORCES

Mr. BOND. Madam President, a couple of weeks ago we received reports from inquiring UPI reporter Mark Benjamin and a very active veterans advocate Steve Robinson, director of the National Gulf War Resource Center, that there was a significant problem with the care and treatment of returning guardsmen and reserves coming back from Iraq and Afghanistan to Fort Stewart, GA. There were, at the time, indications that some of the Guard and Reserve perceived they were not getting the same priority of care, treatment, and housing as was received by those who had been on active duty before they were sent to the combat theater.

So working with my colleague, Senator LEAHY, with whom I cochair the National Guard caucus, we sent our military LAs to visit Fort Stewart, GA, and on to Fort Knox and Fort Campbell, KY. We wanted to visit other sites and will continue to visit other sites to see if the problems at Fort Stewart were isolated or were they present at other Army mobilization and demobilization sites.

What Senator LEAHY and I found is detailed in the report. I ask unanimous consent that it be printed in the RECORD following my remarks.

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

(See exhibit 1.)

Mr. BOND. Madam President, I don't have time to go over the entire report, but I think many colleagues will find it of interest to know what we experienced.

First, let me say that the Army was very open and responsive to our staff when they came to review the situation. They were most anxious to have us get a complete look at the situation and to offer to help in any way they could. So they recognized there was a problem.

Basically, there are not enough medical personnel—doctors, clinicians, support staff, specialists—available during "peak" mobilization and demobilization phases at a number of mobilization sites. Consequently, injured and ill soldiers have a difficult time scheduling appointments with medical care providers and seeing the specialists required to get the best possible care. Some of them had been waiting literally months to get the kind of care they deserve.

Compounding the problem, large numbers of soldiers either mobilizing or demobilizing created shortages of available housing at mobilization sites, which resulted in some of the returning guards and reservists being placed in housing totally inadequate for their medical condition. Some of these Guard and Reserve members who had been activated and were coming back were put in temporary barracks, with outside latrines, where they normally would house Guard or Reserve members called up for summer maneuvers.