

load, dead and dying trees, infested trees, nonnative species, creating fuel ladders that allow fires to reach the crowns of large old trees and cause catastrophic fires. Fourthly, we find the U.S. Forest Service and the Department of the Interior should immediately undertake an emergency program to reduce the risk of catastrophic fire. Obviously, the emergency program is confined to those areas I spoke about.

In closing, I thank, first, Senator WYDEN. I also thank Senator BINGAMAN, Senator DASCHLE, Senator CRAIG, Senator DOMENICI, Senator KYL, and Senator BURNS, all of whom have spent an inordinate amount of time trying to reach some agreement.

I restate my belief that the forest fires raging throughout the Western United States represent one of the most severe crises facing our Nation. The devastation has and will continue to be immense. It is the greatest human and ecological threat now facing virtually every Western State. This is a crisis that transcends the issue of party politics, and I deeply regret our inability to reach a meaningful compromise, at least at this time. Because the Interior appropriations bill will be on the floor at least for the next few days, I urge my colleagues on both sides of the aisle to continue to seek a consensus and I, for one, remain open to one.

I am sorry we do not have an agreement to report, but I want to end by thanking Senator WYDEN for his leadership. He has a State that has glorious forests, as do I. He has been wonderful, and I hope there is a change and we may be able to work something out together.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Madam President, let me begin by expressing my thanks to Senator FEINSTEIN. I still hope the Feinstein wisdom will prevail upon the Senate and we can get to common ground on this contentious issue. I want my colleague to know how much I appreciate the many hours and nights we have been at this, shuttling back and forth between our offices and the offices of Senator CRAIG and Senator BINGAMAN.

I share the Senator's commitment that, despite the news we have to deliver that there is no compromise today, we are not going to give up and we expect to revisit this issue in the Senate again soon. I thank my colleague for all her leadership, and particularly for her passion on this issue.

When I came to the Senate, I never felt very comfortable when the news media said I was elected to fill the seat of Senator Morse or Senator Packwood. That is because I do not think the people of Oregon send someone to the U.S. Senate just to fill a seat. The people of Oregon send someone to the Senate to work for what is right. That is what they expect of their Senators:

to do what is right and take your lumps. They can live with that.

With that in mind, Senator FEINSTEIN and I have now spent certainly 6 or 7 weeks trying to help find the common ground in the Senate for a balanced, narrowly focused bill to address the fire threat in our forests. We knew it would be a difficult task when we took it on, and it has certainly lived down to that promise.

This is what the Senate faced, as Senator FEINSTEIN and I tried to move forward. On the one hand, there is one camp of considerable passion that, unfortunately, would be willing to use this summer's horrendous fires to deny citizens the right to seek justice in a court of law or to severely limit those rights. In another camp, there have been many who have said we will accept no changes in these laws whatsoever, even changes that will benefit the environment. Their position, as far as I can tell, is that there is practically a constitutional right to a 5-year delay on forest management decisions.

Given these two camps, Senator FEINSTEIN and I, optimists by nature, said we know there are Senators who want to try to come together to find the common ground. We set out to do it. Unfortunately, as of this afternoon, it seems the Senate is not willing to seize the common ground which Senator FEINSTEIN and I believe is within the Senate's grasp.

Today, in a front page article of the Oregonian newspaper it was suggested that the Bush administration does not think it needs congressional authorization to pursue a solution to the forest health problem. My sense is they agree with Senator FEINSTEIN and myself that the use of, for example, what are called categorical exclusions offers a way to expedite the process required to reduce fire threats and restore diseased and damaged forests. The administration plans to pursue categorical exclusions though history shows there have been successful court challenges to administratively created categorical exclusions in the past. We believe the American people and the forests would have been better served with narrow specific congressional authorization of categorical exclusions—but, due to the lack of a compromise, that congressional action, as of this afternoon, will not happen on this bill.

Though, as we worked over the last few weeks, it seemed a core group Senator FEINSTEIN, Senator CRAIG, Senator BINGAMAN, Senator DOMENICI, and others—were very close to a compromise, we did not get there.

Instead, the result has been so many pieces of stray paper floating around Washington, the country, and the internet, as well as a whole host of poorly informed rumors. So much misinformation is out there that I have posted our joint Feinstein/Wyden proposal on my Web site so that people will see what it is we have sought to do to try to bring the Senate and our constituents together. I will touch on that proposal just briefly.

First, we allow the use of broad categorical exclusions to thin and salvage in the most fire-prone areas within the urban-wildland interface and allow the use of somewhat narrower categorical exclusions to manage fire-prone lands in other areas.

Second, we require people who may want to file an administrative appeal on a project at a later date to participate in the public comment process on that project.

Third, we require judges to periodically review temporary injunctive relief granted and to review those injunctions with updated information every time a project is brought before the court.

My sense is the administration could have accepted the proposal Senator FEINSTEIN and I have pursued—but not enough Senators could see their way there.

If Members want to get something done, they are going to have to take some political risk. I am not here to blame anyone. Senators have worked in good faith. However, I do not think it is too much to ask Senators to take a political risk to solve this critical problem so that families and forests are not facing the ultimate risk of devastating fires summer after summer.

There should be no confusion on this point. Unless there is some willingness on the part of the Senate to take the kind of political risk necessary to find common ground, we will see these devastating unnatural fires summer after summer, as sure as night follows day.

There were a host of obstacles to a compromise today, though in the past we have been able to find common ground. Senator CRAIG and I, for example, led an effort in this body to write the county payments law, a critical law that is used to offer billions of dollars for rural communities to pay for services and schools. People said that could not be done. The Forest Service now calls it the most important law for that agency in 30 years. Senator CRAIG and I came together more recently to try to advance an old growth protection proposal for the Pacific Northwest, though we have a lot more work to do in that arena. My point is, it is possible to find common ground.

I am going to try again, probably a lot sooner than some people think or may want, on this issue. But I do know that two Democrats, despite all the pushing and pulling, do not make a winning hand in the Senate.

Senator FEINSTEIN and I faced some big challenges. I opposed those who hold out for a major overhaul of the judicial process on this bill, though, due to its controversial nature, that approach is not going to allow us, any time soon, to address the risk of fire. We opposed others who may want to grant very broad forest management exemptions for projects conducted within municipal watersheds. That will also make it impossible to find common ground and a compromise.

But like I said earlier, I don't want to blame anyone today. Certainly, with all the misinformation out there about what I have done and supposedly not done or said during the last few weeks—and I am sure other Senators feel the same—this is not a time to offer a litany of charges with respect to any Member of this body.

My bottom line is this: I hope these efforts, laborious though they have been, can someday soon yield fruit. Toward that end, I thank a number of colleagues. Senator CRAIG has worked in good faith, and certainly closely with me. I hold him in the highest regard. Senator FEINSTEIN, as I have already mentioned, was there night and day working on this issue and I appreciate her efforts. Senator DASCHLE and Senator BINGAMAN went out of their ways to try to accommodate Senator FEINSTEIN and me. For their efforts, I am appreciative, as well.

I chair the Subcommittee on Forests and Public Land Management. In Oregon, we have had tragic fires. I have been consumed by this day after day after day. I wish we were in the Senate today saying we had found the common ground. I think it is possible to do it. The Senate cannot leave this subject for too long and will return to it after this bill is done in some form or another. Too many lives and too many communities will be devastated if the Senate washes its hands of this issue. I am committed to working with all my colleagues, on a bipartisan basis, day after day after day, until this gets done.

I hope one day soon I will be able to come to the floor of the Senate and participate with my colleagues on something that all Members can believe is a positive step forward to make sure these treasures, our forests and lands across this country, are managed properly.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

FORESTS

Mr. MURKOWSKI. Madam President, I congratulate my colleague from Oregon and my colleague from California for the effort to try to reach a rationalization relative to the decimation of the forests in the Pacific Northwest.

I am frustrated with regard to the extended negotiations associated with forest health. Any Member, if we are stricken, seeks the very best advice. We do not hold a townhall meeting. We seek out a specialist, a specialist who obviously is well trained, a specialist who bears the brunt of a suit if there is malpractice associated with the care given.

If I may draw a parallel, we have very sick forests. They are sick as a consequence of well-meaning environmental pressures to basically terminate access into the forests, which has always been provided by logging. Many people assume that old growth has al-

ways been. They overlook the reality that a forest is similar in many respects to a field of wheat. If it is harvested, it regenerates.

Depending whether selective logging is used or clearcut logging, the appropriate procedure is reforestation. Reforestation occurs by individually planting trees or it can be done by natural reseeding, which is much the case in my State. But we prolong this argument and take it beyond the realm of addressing in a timely manner the necessary correction. The necessary correction associated with our forests as a consequence of the tremendous exposure of fires is the management of underbrush that is predominant in the second growth. If that is not cleared, why, clearly we expose ourselves to complications associated with a huge fire moving through an area very rapidly and the inability to go in and fight it because we have eliminated access in much of our national forest.

So I beseech my colleagues to consider the ramifications. Let's make these decisions not on emotion; let's make them on the best forest management practice. We have foresters who spend a lifetime in the area of forest health. We have to listen to those people; otherwise, we are kidding ourselves and we are kidding the public. We should be taken to task by the public for not directing this corrective result.

While well-meaning environmental groups say let nature take its course, that is not, if you will, in the opinion of many of us, the appropriate procedure. We can help nature. We can help our forests. The forests are there, and we should recognize that we use the forests. They are a place of recreation; they are a place of productivity. If we have fires, we should take what the salvage capabilities are in the forests and move that timber out while it still has some value.

It is very frustrating to the Senator from Alaska. We have fires in the interior. The Tongass is a very wet area and we have few fires. But to see this debate go on and on with no conclusion, no recognition that decisions should be made on the basis of forest health, is extremely frustrating. I hope my colleagues will consider the bottom line. Let's make a decision on what is good for forest health.

DRAFT JOINT RESOLUTION TO AUTHORIZE THE USE OF U.S. ARMED FORCES AGAINST IRAQ

Mr. MURKOWSKI. Madam President, I am going to briefly turn to another matter, and that is the recognition that today OPEC announced they were not going to increase the production of oil from the OPEC nations. What does this mean? It simply means that as we look at going into a showdown with Iraq, the Mideast nations that control oil—basically OPEC—are not going to increase production. That means to the American consumer a continuation of

high gasoline prices, high oil prices, perhaps well beyond \$30 a barrel.

We have seen the development of that cartel over a period of time. It initiated a program that said, in effect, if the price fell below \$22 a barrel, they would reduce supply to stabilize the price. They wanted a price structure of \$22 to \$28. That puts a tremendous burden on the structure of our society and our economy.

It is rather revealing to recognize that as we continue to address our situation with Iraq, we also continue to import oil from Iraq. I think currently we are importing about 600,000 barrels from Iraq each day.

We have delivered from the White House to the Speaker, majority leader, minority leader, as well as the House minority leader, a transmittal, which is the consequences of discussions with the President, identifying a suggested form of resolution with respect to Iraq. I ask unanimous consent this be printed in the RECORD.

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

THE WHITE HOUSE,
Washington, September 19, 2002.

Hon. J. DENNIS HASTERT,
Speaker of the House of Representatives,
Washington, DC.

Hon. THOMAS A. DASCHLE,
Majority Leader, U.S. Senate,
Washington, DC.

Hon. TRENT LOTT,
Minority Leader, U.S. Senate,
Washington, DC.

Hon. RICHARD A. GEPHARDT,
Minority Leader, House of Representatives,
Washington, DC.

DEAR SPEAKER HASTERT, LEADER DASCHLE, LEADER LOTT, AND LEADER GEPHARDT, As a follow-up to your discussion yesterday morning with the President, we enclose a suggested form of resolution with respect to Iraq. We stand ready to meet with you or your staffs to discuss our proposal.

As the President indicated to you, it is our hope that we can reach early agreement on the proposal at the leadership level to allow you to proceed to consider the resolution in your respective chambers as soon as possible.

Sincerely,

NICHOLAS E. CALIO,
Assistant to the President for Legislative Affairs.

ALBERTO R. GONZALES,
Counsel to the President.

JOINT RESOLUTION TO AUTHORIZE THE USE OF UNITED STATES ARMED FORCES AGAINST IRAQ

Whereas Congress in 1998 concluded that Iraq was then in material and unacceptable breach of its international obligations and thereby threatened the vital interests of the United States and international peace and security, stated the reasons for that conclusion, and urged the President to take appropriate action to bring Iraq into compliance with its international obligations (Public Law 105-235);

Whereas Iraq remains in material and unacceptable breach of its international obligations by, among other things, continuing to possess and develop a significant chemical and biological weapons capability, actively seeking a nuclear weapons capability, and supporting and harboring terrorist organizations, thereby continuing to threaten the national security interests of the United States and international peace and security;

Whereas Iraq persists in violating resolutions of the United Nations Security Council by continuing to engage in brutal repression of its civilian population, including the Kurdish peoples, thereby threatening international peace and security in the region, by refusing to release, repatriate, or account for non-Iraqi citizens wrongfully detained by Iraq, and by failing to return property wrongfully seized by Iraq from Kuwait;

Whereas the current Iraqi regime has demonstrated its capability and willingness to use weapons of mass destruction against other nations and its own people;

Whereas the current Iraqi regime has demonstrated its continuing hostility toward, and willingness to attack, the United States, including by attempting in 1993 to assassinate former President Bush and by firing on many thousands of occasions on United States and Coalition Armed Forces engaged in enforcing the resolutions of the United Nations Security Council;

Whereas members of al Qaida, an organization bearing responsibility for attacks on the United States, its citizens, and interests, including the attacks that occurred on September 11, 2001, are known to be in Iraq;

Whereas Iraq continues to aid and harbor other international terrorist organizations, including organizations that threaten the lives and safety of American citizens;

Whereas the attacks on the United States of September 11, 2001 underscored the gravity of the threat that Iraq will transfer weapons of mass destruction to international terrorist organizations;

Whereas the United States has the inherent right, as acknowledged in the United Nations Charter, to use force in order to defend itself;

Whereas Iraq's demonstrated capability and willingness to use weapons of mass destruction, the high risk that the current Iraqi regime will either employ those weapons to launch a surprise attack against the United States or its Armed Forces or provide them to international terrorists who would do so, and the extreme magnitude of harm that would result to the United States and its citizens from such an attack, combine to justify the use of force by the United States in order to defend itself;

Whereas Iraq is in material breach of its disarmament and other obligations under United Nations Security Council Resolution 687, to cease repression of its civilian population that threatens international peace and security under United Nations Security Council Resolution 688, and to cease threatening its neighbors or United Nations operations in Iraq under United Nations Security Council Resolution 949, and United Nations Security Council Resolution 678 authorizes use of all necessary means to compel Iraq to comply with these "subsequent relevant resolutions";

Whereas Congress in the Authorization for Use of Military Force Against Iraq Resolution (Public Law 102-1) has authorized the President to use the Armed Forces of the United States to achieve full implementation of Security Council Resolutions 660, 661, 662, 664, 665, 666, 667, 669, 670, 674, and 677, pursuant to Security Council Resolution 678;

Whereas Congress in section 1095 of Public Law 102-190 has stated that it "supports the use of all necessary means to achieve the goals of Security Council Resolution 687 as being consistent with the Authorization for Use of Military Force Against Iraq (Public Law 102-1)," that Iraq's repression of its civilian population violates United Nations Security Council Resolution 688 and "constitutes a continuing threat to the peace, security, and stability of the Persian Gulf region," and that Congress "supports the use of all necessary means to achieve the goals of Resolution 688";

Whereas Congress in the Iraq Liberation Act (Public Law 105-338) has expressed its sense that it should be the policy of the United States to support efforts to remove from power the current Iraqi regime and promote the emergence of a democratic government to replace that regime;

Whereas the President has authority under the Constitution to take action in order to deter and prevent acts of international terrorism against the United States, as Congress recognized in the joint resolution on Authorization for Use of Military Force (Public Law 107-40); and

Whereas the President has authority under the Constitution to use force in order to defend the national security interests of the United States: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This joint resolution may be cited as the "Further Resolution on Iraq".

SEC. 2. AUTHORIZATION FOR USE OF UNITED STATES ARMED FORCES.

The President is authorized to use all means that he determines to be appropriate, including force, in order to enforce the United Nations Security Council Resolutions referenced above, defend the national security interests of the United States against the threat posed by Iraq, and restore international peace and security in the region.

Mr. MURKOWSKI. This contains a number of "whereas's." It is transmitted by the Assistant to the President for Legislative Affairs and the Counsel to the President. At the conclusion of the resolution that is going to be before this body is a joint resolution cited as "Further Resolution on Iraq." I will read the "resolved" portion:

The President is authorized to use all means that he determines to be appropriate, including force, in order to enforce United Nations Security Council Resolutions referenced above, defend the national security interests of the United States against the threat posed by Iraq, and restore international peace and security in the region.

We undoubtedly will be addressing this issue in the very near future. I encourage my colleagues to recognize the significance of what this obligation means to each and every Member of the Senate. We know Saddam Hussein is unpredictable. We know he is dangerous. We know he has weapons of mass destruction. We know he has used those weapons—certainly chemical warfare—on his own people.

I had an opportunity several years ago, with a small group of Senators, to visit Baghdad. Later we had an opportunity to meet with Saddam Hussein. His ruthlessness was apparent at that time.

To reflect a little bit on that particular time, there was at issue an allegation that Iraq was importing a delivery capability consisting of a huge cannon-type device that had been intercepted in the docks of London. This was going to have the capability of delivering a projectile farther than any projectile had ever been delivered by conventional methods, as opposed to a missile-type system.

There was allegedly a triggering device also found on the docks of London.

When we confronted Saddam Hussein, he advised us these were parts for his refinery, these were technical developments by the Baghdad Institute of Technology. This was prior to the Persian Gulf war.

My point is, he has been misleading, if you will, the Western World for an extended period of time and continues to do so. The announcement he made that he would welcome U.N. inspectors is a guise. He will not allow U.N. inspectors to have free rein in his country, and we will clearly see this as we continue the process of evaluating our position.

But we have an opportunity now to fish or cut bait. We are going to have this resolution before us. I encourage each and every Member of the Senate to review it in detail and recognize the insecurity of our Nation oil supply. Currently, we are importing somewhere close to 60 percent of our oil, primarily from the Mideast. We have the capability of reducing that dependence here at home. It is an issue in my State. ANWR has been debated in this Chamber. It has been supported by the House but not the Senate.

The technology that we have to develop this area is evident. To suggest we can do it safely is something that most people with an objective view would recognize clearly. The reserves are as much as we would import from Saddam Hussein in 40 years or from Saudi Arabia in 30 years.

This matter is in the conference. It is being discussed. It will be determined by the conference as to what the disposition will be. But I encourage Members to recognize that we have an opportunity to take a position that would affirmatively reduce our dependence on imported oil and send a very strong message to the Mideast that we intend to reduce that dependence.

Recognize that we do have an alternative. I think in future times, as we address our continued vulnerability and dependence on the Mideast, we are going to have to assert ourselves to find some relief. That relief partially might be in the joining together of Canada, Mexico, the United States, Alaska, and Russia as an offset to our dependence on imported oil from the Mideast. While we do not have the depth of reserves, we have substantial reserves collectively. The idea of an energy group made up of those nations could clearly send a message to the Mideast that we will not be held hostage by policies of the cartel which are designated to simply maintain high prices for oil by continuing to keep the availability of oil at a minimum.

As this matter comes before the Senate for further discussion and consideration, as well as the conference, I urge my colleagues to keep an open mind and recognize that, again, we are going to have to vote not on what is necessarily the litany of America's environmental community but what is right for America. To suggest we should not have these jobs in the

United States as if we do not have the technical capability to open up this area safely is not fraught with any degree of accuracy but it is simply misleading arguments that environmental groups continue to use to generate revenue in dollars.

I encourage each Member to recognize the obligation that we have. That obligation is do what is right for America. What is right for America is to produce more energy and and to produce clean energy here at home.

One of the inconsistencies we have is that nobody seems to really care where they get the oil as long as they get it. They do not concern themselves with whether it comes from a scorched Earth, lack of any environmental oversight a field in Iraq, or from fields in Saudi Arabia, or from the rain forests of Colombia. They only care if they get it.

As I have said time and time again, the world will continue to depend on oil, because that is what the world moves on. We have no other alternative.

Some people suggest we have alternatives, but hot air is not going to move us in an out of Washington, DC, although occasionally there is quite a bit of it here.

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

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

ORDER OF PROCEDURE

Mr. REID. Mr. President, under the order previously entered, the Senator from Connecticut is entitled to the floor. I ask unanimous consent that Senator KERRY be recognized, and that he be allowed to speak for—how long does the Senator from Massachusetts wish to speak?

Mr. KERRY. A few minutes.

Mr. REID. Up to 15 minutes.

Mr. KERRY. Not more.

Mr. REID. And following that, I would advise the Senate that we will be in a position, at that time, to ask unanimous consent to proceed with legislation today, tomorrow, and Monday, and maybe into Tuesday. The two leaders have worked this out. It is now being drafted, and the two floor staffs have agreed on what the language should be. It is being typed now, and we should be back in 15 minutes, following the statement from the Senator of Massachusetts.

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

Mr. REID. Mr. President, the business before the Senate is the homeland security bill; is that right?

The PRESIDING OFFICER. That is correct.

Mr. REID. Does the clerk need to report that or is it automatic?

The PRESIDING OFFICER. The clerk does not need to report that.

The Senator from Massachusetts is recognized for 15 minutes.

Mr. KERRY. Mr. President, thank you very much. And I thank the distinguished assistant majority leader.

UNANIMOUS CONSENT REQUEST— S. 2734

Mr. KERRY. Mr. President, I am going to be asking unanimous consent to proceed forward on the bill, but I am not going to do that until someone is here from the other side. And I know they are going to object, or most likely will object.

But let me bring to the attention of my colleagues in the Senate a situation that is not dissimilar to a situation we faced some months ago in trying to provide emergency assistance, under the Small Business Administration, to those who had been affected by the events of September 11 of last year.

We had a lot of small businesses in the country that were hurting that had collateral damage, if you will, as a consequence of those events. Many, many small businesses were dependent on the economy as it flows through all sectors. So whether it was a small dry-cleaner that was affected because they were not doing as much business because hotels were not doing as much business or a limousine company or a taxi company, there are many people who were affected tangentially because of the dropoff in air travel, and so forth.

It took us a number of months, almost six, unfortunately, in the Senate to respond in a way that many of us thought was both appropriate and adequate. And, again, we are sort of running into a strange kind of unexplained resistance by the administration to something that makes common sense, is very inexpensive but also very necessary for a lot of small entrepreneurs in our country. I am specifically referring to the Small Business Drought Relief Act.

In more than 30 States in our country, we have a declared drought emergency. And the drought is as significant in some places as it was during the great Dust Bowl years of the Depression in the United States.

Drought hurts more than farmers, more than ranchers. The purpose of this bill is to try to provide some emergency assistance, in an affordable and sensible way, for those small businesses that are not in agricultural-related fields but desperately cannot get help, and need it, and cannot get it because the SBA does not apply the law uniformly for all victims of drought.

The SBA makes disaster loans to small businesses related to agriculture that are hurt by drought, but they are turning away small businesses that are in industries unrelated to agriculture, and claiming that those businesses are

not entitled to it because drought does not fit the definition of disaster.

That is just wrong. It is wrong because the law does not restrict them from making loans to those small businesses. It is wrong because that is not the intent of the Congress to turn away those small businesses, and they should be following the law and following the intent of Congress.

I might add that the SBA has in effect right now disaster declarations in 30 States that I just talked about. For instance, in South Carolina, the entire State has been declared a disaster by the SBA, but the administration is not helping all of the drought victims in South Carolina that are looking for help.

Let me share with you the declaration of drought itself. It addresses this question of intent.

Small businesses located in all 46 counties may apply for economic injury disaster loan assistance through the SBA.

Let me read to you from the declaration:

Small businesses located in all 46 counties may apply for economic injury disaster loan assistance through the SBA. These are working capital loans to help the business continue to meet its obligations until the business returns to normal conditions. . . . Only small, non-farm agriculture dependent and small agricultural cooperatives are eligible to apply for assistance. Nurseries are also eligible for economic injury caused by drought conditions.

What do I mean by other businesses that may be affected by drought? In South Carolina, conditions are so bad that small businesses dependent on lake and river tourism have seen their revenues drop anywhere from 17 to 80 percent. So you have victims of the drought that range from fish and tackle shops to rafting businesses, from restaurants to motels, from marinas to gas stations. Their livelihood is no less impacted and no less important than those who have been deemed to fit under only the agricultural definition.

Thousands of small businesses make their living in tourism, recreation industries, not just in South Carolina but in many other parts of the country, including my State of Massachusetts, in Texas, Michigan, Delaware, and elsewhere.

In fact, for a lot of States around the Great Lakes Basin, sport fishing, as reported by the Committee on Small Business and Entrepreneurship, brings into the region some \$4 billion a year. There are many industries that are dependent on water that are affected by drought, and they ought to be eligible for this help.

Is this opening Pandora's box with respect to a flow of lending that we cannot afford? The answer is definitively no. The SBA already has the authority, but its lawyers have decided not to help these industries based on their own interpretation of a definition, despite the fact that Congress believes otherwise.

That defies both common sense and fairness. Small businesses with everything on the line desperately need this,

especially at a time when capital is a lot tighter for working capital purposes, where the lending is significantly tighter from the banks and from other traditional credit sources.

Our bill, the drought relief bill, does not expand the existing program. It simply clarifies existing authority. That is a matter of common sense.

In terms of cost, the Congressional Budget Office estimates a cost of about \$5 million annually. What we have here is a resistance by somebody in the U.S. Senate to allowing this to go forward based on about a \$5 million annual estimate by CBO.

This chart of CBO's estimate is a tally of the estimated spending under the SBA's disaster loan program which shows the differential with this particular bill.

This bill is bipartisan. The principal cosponsors are Senator BOND and Senator HOLLINGS. All the members of our committee—the Committee on Small Business and Entrepreneurship—voted in favor of this bill. There are 25 cosponsors, Democrats and Republicans; 17 Governors have written us to express their support of this legislation in hopes we will pass it, including 15 of the Southern Governors' Association.

I ask unanimous consent that letter, and others, be printed in the RECORD.

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

SOUTHERN GOVERNORS' ASSOCIATION,
Washington, DC, August 19, 2002.

Hon. JOHN KERRY,
U.S. Senate, Russell Senate Office Building,
Washington, DC.

DEAR SENATOR KERRY: We are deeply concerned that small businesses in states experiencing drought are being devastated by drought conditions that are expected to continue through the end of the summer. We urge you to support legislation that would allow small businesses to protect themselves against the detrimental effects of drought.

Much like other natural disasters, the effects of drought on local economies can be crippling. Farmers and farm-related businesses can turn in times of drought to the U.S. Department of Agriculture. However, non-farm small businesses have nowhere to go, not even the Small Business Administration (SBA), because their disaster loans are not made available for damage due to drought.

To remedy this omission, Sen. John Kerry (D-Mass.) introduced the Small Business Drought Relief Act (S. 2734) on July 16, 2002, to make SBA disaster loans available to those small businesses debilitated by long drought conditions. This bill was passed by the Senate Small Business Committee just eight days later. Also, the companion legislation (H.R. 5197) was introduced by Rep. Jim DeMint (R-S.C.) on July 24, 2002. Both bills are gaining bipartisan support, and we hope you will cosponsor this important legislation and push for its rapid enactment in the 107th Congress.

As 11 southern states are presently experiencing moderate to exceptional drought conditions this summer, we cannot afford to wait to act. We urge you to cosponsor the Small Business Drought Relief Act and push for its consideration as soon as possible.

Sincerely,

Gov. Don Siegelman of Alabama, Gov.
Mike Huckabee of Arkansas, Gov. Roy

E. Barnes of Georgia, Gov. Paul E. Patton of Kentucky, Gov. M.J. "Mike" Foster, Jr. of Louisiana, Gov. Parris N. Glendening of Maryland, Gov. Ronnie Musgrove of Mississippi, Gov. Bob Holden of Missouri, Gov. Michael F. Easley of North Carolina, Gov. Frank Keating of Oklahoma, Gov. Jim Hodges of South Carolina, Gov. Don Sundquist of Tennessee, Gov. Rick Perry of Texas, Gov. Mark Warner of Virginia, Gov. Bob Wise of West Virginia.

STATE OF SOUTH CAROLINA,
OFFICE OF THE GOVERNOR,
Columbia, SC, July 9, 2002.

Hon. JOHN KERRY,
U.S. Senate,
Washington, DC.

DEAR SENATOR KERRY: The State of South Carolina is in its fifth year of drought status, the worst in over fifty years. Some parts of the state are in extreme drought status and the rest is in severe drought status.

99% of our streams are flowing at less than 10% of their average flow for this time of year. 60% of those same streams are running at lowest flow on record for this date. The levels of South Carolina's lakes have dropped anywhere from five feet to twenty feet. Some lakes have experienced a drop in water level so significant that tourist and recreational use has diminished.

State and national climatologists are not hopeful that we will receive any significant rainfall in the near future. To end our current drought, we would need an extended period of average to above average rainfall.

Droughts, particularly prolonged ones such as we are experiencing now, have extensive economic effects. For farmers who experience the economic effects of such a drought, assistance is available through the USDA. For small businesses, assistance is available only for agriculture related small businesses, i.e. feed and seed stores. For businesses that are based on tourism around Lakes and Rivers, there is currently no assistance available.

We have reports of lake and river tourism dependent businesses experiencing 17% to 80% declines in revenue. The average decline in revenue is probably near 50% across the board.

My staff has contacted Small Business Administration and they are not authorized to offer assistance to these businesses because a drought is not defined as a sudden occurrence. Nonetheless, a drought is an ongoing natural disaster that is causing great economic damage to these small business owners.

I am requesting that you assist us in this situation by proposing that the Small Business and Entrepreneurship Committee take action to at least temporarily amend the SBA authorizing language and allow them to offer assistance to small businesses affected by prolonged drought. This would allow Governors to ask SBA for an administrative declaration of economic injury because of drought. The low interest loans SBA can offer these businesses would allow many of them to weather the drought and remain in business for the long run.

My staff has also been in contact with Senator Hollings' legislative staff. I hope together, we can find an expedient solution to the plight of these small business owners. Short of finding a way to control the weather, this may be our only option to help their dire situation.

Sincerely,

JIM HODGES,
Governor.

STATE OF NORTH CAROLINA,
OFFICE OF THE GOVERNOR,
Raleigh, NC, July 18, 2002.

Hon. JESSE HELMS,
U.S. Senate,
Washington, DC.

DEAR SENATOR HELMS: I am writing to urge your support for legislation recently introduced in the Senate to add drought as a condition for which small businesses may apply for Small Business Administration Economic Injury Disaster Loans.

The Small Business Drought Relief Act (S. 2734) will correct the current situation facing our small businesses in North Carolina. SBA disaster assistance is not available despite a historic drought that is impacting not just our agriculture sector, but causing real business and revenue losses, which threaten some firms with job layoffs or even bankruptcy.

These businesses need help, and access to low-interest SBA loans can offer a lifeline to allow paying bills and making payrolls until business returns to normal.

I urge you to push for rapid action on this important enhancement to SBA's ability to help our people through this time of trouble.

With kindest regards, I remain

Very truly yours,

MICHAEL F. EASLEY,
Governor.

STATE OF NORTH CAROLINA,
OFFICE OF THE GOVERNOR,
Raleigh, NC, July 18, 2002.

Hon. JOHN EDWARDS,
U.S. Senate,
Washington, DC.

DEAR SENATOR EDWARDS: I am writing to thank you for your support for legislation introduced in the Senate to add drought as a condition for which small businesses may apply for Small Business Administration Economic Injury Disaster Loans.

The Small Business Drought Relief Act (S. 2734) will correct the current situation facing our small businesses in North Carolina. SBA disaster assistance is not available despite a historic drought that is impacting not just our agriculture sector, but causing real business and revenue losses, which threaten some firms with job layoffs or even bankruptcy.

These businesses need help, and access to low-interest SBA loans can offer a lifeline to allow paying bills and making payrolls until business returns to normal.

I urge you to push for rapid action on this important enhancement to SBA's ability to help our people through this time of trouble.

With kindest regards, I remain

Very truly yours,

MICHAEL F. EASLEY,
Governor.

OFFICE OF THE GOVERNOR,
July 23, 2002.

Hon. JOHN F. KERRY,
Chairman, Committee on Small Business, Washington, DC.

Hon. CHRISTOPHER BOND,
Ranking Member,
Washington, DC.

DEAR SENATORS KERRY AND BOND: Much of Nevada and the Nation have been experiencing extreme drought over the past several years. In Nevada we have seen the effects of this situation through catastrophic range and forest fires, insect infestations and loss of crops and livestock.

Prolonged drought causes a drastic reduction in stream and river flow levels. This can cause the level of lakes to drop so significantly that existing docks and boat ramps cannot provide access to boats. In the case of range and forest fires we have seen small innkeepers and hunting and fishing related