

On July 3, 2002, President Bush sent a letter to congressional leaders to provide further details on how the \$10 billion fund might be used. This supposed explanation left me scratching my head. I bet it left the Senator from New Mexico scratching his head. Nobody in this Senate understands this budget and the appropriations process any better than he does, if as well as he does. But it left me scratching my head—even more than I had scratched it before. The letter from the President talks about \$10 billion being requested for a reserve fund with no controls and no oversight. But get this:

This request will improve collection, analysis, coordination, and execution of intelligence priorities and plans, as we expand into new theaters—

Oh, oh—

of operation and build new relationships.

That is not my quote. That is the quote in the message from the President.

Let me say that again. Hear me, Senators. The letter from the President states:

This request—

For \$10 billion of your money; your money; your money—

This request will improve collection analysis, coordination, and execution of intelligence priorities and plans as we expand into new theaters of operation and build new relationships.

Mr. President, there is no clarification on what is meant by “expanding into new theaters of operation.” Our imaginations are left to run wild. Are we talking about Iraq? If so, Mr. President, let’s hear it. Tell us. The American people are entitled to know where their money is going to be spent, where their boys and girls, the young men and women of this country, are going to be sent. Tell us.

Our imaginations are left to run wild. An accompanying letter from the Director of the Office of Management and Budget, Mitch Daniels, proposes to elaborate, he is going to explain, explain a bit more, on how the \$10 billion is going to be used. He is a favorite of us Members on the Appropriations Committee in both Houses. Mitch Daniels, the OMB Director, is a great favorite of ours.

According to Mr. Daniels’ letter, the reserve fund would contain—listen to this—the reserve fund would contain “up to \$2.550 billion for military personnel accounts; up to \$5.570 billion for operation and maintenance accounts, as well as military construction on working capital funds; and up to \$1.880 billion for procurement or research, development, test, and evaluation account.”

While this may be seen by some as making some progress in specifying how the requested funds might be used, the devil is still in the details, and we do not have them.

Under the President’s proposal, the allocations could be changed by the Secretary of Defense, after consulta-

tion with the Director of the OMB. Now get that, get that, pay close attention: Under the President’s proposal, the allocations could be changed by the Secretary of Defense, after consultation—get that—after consultation with the Director of OMB and 15 days after providing notification—not a request—but notification to the congressional defense committees. Ha, ha, ha. What are we going to do next?

It is not hard to see how that \$10 billion reserve fund could start out for a legitimate purpose, such as paying the Guardsmen who have been mobilized for homeland security missions, but then be reallocated to fund any program that could be twisted around and redefined to encompass a defense against terrorism.

I suppose that additional missile defense spending could fall within that rubric, as would military action against Iraq. Watch out; be careful while you are back home in August. Be careful.

I could not imagine that a \$10 billion reserve fund would be considered for any other agency in our Government but the Department of Defense. I doubt that any of us would seriously consider a \$10 billion reserve fund that could be spent on health care, prescription drugs, or highway construction. The fiscal conservatives in Congress would hit the roof. “Where is the accountability?” they would say. If any Member of this body proposed on an appropriations bill a \$10 billion reserve funds for education, with no limits on how those funds would be used, I have no doubt that the President would assail that Member for fiscal irresponsibility and ready his veto pen.

It is true that we are engaged in a war on terrorism, and that war is expensive. At the height of our military operations in Afghanistan, we were spending more than \$1 billion a month. But there is already a well-established means of providing that money without resorting to blank checks and reserve funds. Congress passes supplemental appropriations bills to provide additional funds to address contingencies that were not anticipated in the regular appropriations process.

The Senate passed a supplemental appropriations bill on June 7 of this year that fully funds the President’s request for additional funds for the military to pay for the war on terrorism. At his news conference earlier this week, President Bush criticized the Congress for delays in final action on the supplemental bill, but he failed to mention that his administration is greatly responsible for at least partially delaying the legislation.

The administration slowed the supplemental bill down months ago by repeatedly refusing to allow Homeland Security Director Tom Ridge to testify about the funding request. Most recently, the administration, claiming that the supplemental bill invests too much in homeland security, has threatened to veto the legislation, despite its

overwhelming 71 to 22 vote in the Senate. What our country needs is responsible leadership, and Presidential threats about a veto of homeland security funding is nothing short of irresponsible.

This supplemental appropriations bill does not include a reserve fund that will subvert government accountability for how taxpayer money is spent. But the administration continues to seek such a fund for the fiscal year 2003 Defense appropriations bill. I deeply regret this indication that the administration continues to view Congress as an impediment to the national interest, rather than a coequal branch of our Government with its own, non-delegable authorities and responsibilities under the Constitution.

The Founding Fathers granted Congress the power of the purse and the responsibility to provide for our national defense.

Accountability for how the funds are spent must be demanded by Congress as the directly elected representatives of the people. We were not sent here by an electoral college. We are directly accountable to our constituents. If this \$10 billion defense reserve fund is misused, who will have to answer to the letters and the phone calls from John Q. Public? It will not be the Secretary of Defense. It will not be the Director of the Office of Management and Budget. It will be us, the Members of Congress. We have a responsibility to see that funds we appropriate are well spent. We cannot allow ourselves to shirk that responsibility. It is the people’s tax dollars.

If the people are being told these dollars are to go to fight global terrorism, this Congress must never allow these funds to buy cappuccino machines instead.

I again thank all the Senators, and I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

THE SENATE NEEDS A BUDGET

Mr. DOMENICI. Mr. President, I might say to the distinguished Senator from West Virginia, since I like cappuccinos, it would be better than some other things we might buy.

In any event, the Senator from Kansas is going to speak shortly, and I will try not to go too long. The Senator from West Virginia, Mr. BYRD, I have been listening, and not to your entire speech, but I say the Senator from New Mexico agrees with some of what you said. But I would not expect you to lay the blame in Congress where the blame lies in Congress. I believe much of the delay on everything is attributable to the fact that the majority party has not yet as of this day produced a budget. So if we want to talk about delays, as chairman of the Budget Committee, my good friend, you do not know what number to mark to. Nobody has yet told you how many dollars you have to spend. If the budget does anything, it starts with that.

It also ropes in, in some good and major way, the entitlements that are supposed to come up the remainder of this year and next year. We do not have that around either. That is one of the reasons we keep getting 60 votes for every proposal that might be something that we ought to be considering for the American people.

It is given an added burden because we do not have a budget. So I have said this, not as many times as some have urged me to say it, but I have said we need a budget. I do not know if we need it now—it is almost August—but I do believe we have to remind ourselves that whether we like the budget process or not, whether it will be in existence next year, we will know in advance. But as part of the process we go through, clearly it is not good for the American people that it not be done. It causes an awful lot of problems. It can cause us to spend an awful lot of money. It might indeed cause us to be behind schedule on things and we ought not be, especially in an election year when we have to tear ourselves away from an election, a number of the Senators do, plus the rest of the elections in our country.

Mr. BYRD. Will the Senator yield?

Mr. DOMENICI. I am pleased to yield.

Mr. BYRD. Inasmuch as he addressed some of his remarks to me, I share the Senator's concern that there is no budget. I was also concerned the previous year when there was no markup in the Budget Committee of the budget bill. I was a member of that committee.

Mr. DOMENICI. Yes, indeed.

Mr. BYRD. There was no markup. So each side, of course, can find some fault with the other. The point is, we are at the present moment, and Congress is being blamed by the administration for not passing a supplemental bill quickly. I have pointed out that the administration could be more helpful in this regard. Senator STEVENS and I, and other Members of the Appropriations Committee, have been working with a Republican House and we stand ready and have stood ready all along to meet to try and work out these differences.

The administration could be more helpful to us if it would urge the Republican House to move faster. We ought to get that supplemental back—that conference back to both Houses this week. We ought not to be any longer than that.

I am glad to say the distinguished chairman of the House side of the Appropriations Committee is calling me, I believe today, and he is working with Senator STEVENS and Mr. OBEY.

Mr. DOMENICI. Is that the House or the budget chairman?

Mr. BYRD. I beg your pardon?

Mr. DOMENICI. Is that the House or the Budget Committee chairman?

Mr. BYRD. I am glad the Senator pointed to my inadvertence. It is the House Appropriations Committee

chairman, Mr. YOUNG. He is working with Mr. STEVENS, Mr. OBEY, and myself. So we hope to get a supplemental conference report this week.

I thank the distinguished Senator for his courtesy in yielding.

Mr. DOMENICI. I did not intend to get into a debate about the 27 years of budgets that I have been part of in the Senate. I merely call to the attention that right now, this year—we did get a budget last year. We did not get it out of committee, but the statute did not require that.

I do not want to debate that issue. I merely mentioned that my good friend was producing a litany of things that were causing the delay, and I thought it was a little bit lopsided toward blaming the administration for the delays. A lot of them are our fault, starting with the fact that we do not have a budget.

Yes, the President has a different approach to what he wants to use the money for than we do, but we better get on with it. It is not too much different than most Presidents in sending us their budgets, and the sooner we get on with facing up to our responsibility the better we are.

We have been sitting around waiting for somebody else—and it was not the President—for a long time in the Senate, as time ran by and the appropriations were needed. We are going to get them done just like we do every other year. I used to think because it got late and because I was worried we were not in session, that we would not get it done. We will get it some way or another. We always have. We have been late. We have had partial passages of supplementals and then we have had other ways of putting two or three bills together, all of which should not happen. But if you need to do them, you need to do them. That will be the case this year, too, I hope. I hope it will be done expeditiously.

Now, I want to move to the subject I came to the floor about.

Mr. BYRD. Will the Senator yield?

Mr. DOMENICI. I am glad to yield.

Mr. BYRD. I ask that the time for this colloquy not be taken out of the time allotted to the Senator from New Mexico.

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

Mr. DOMENICI. This colloquy will not come off of my time.

Mr. BYRD. I hope the Senator will have all the time he wants.

It is too bad we get into these little kinds of colloquies, but I believe the candidate who said he was going to change the tone in Washington would go a long way towards helping to change that tone if he would stop beating Congress over the head in his public speeches. Just the other day, he complained about the Congress not passing his supplemental bill and the chairman of that committee. I am not at fault for not getting it passed. The Republicans on that committee are not at fault. We voted it out of the com-

mittee solidly, 29 to 0. So we work in a bipartisan fashion in that committee.

Senator STEVENS and I are working in a bipartisan fashion, and the administration does not help things when it lambastes the Congress publicly and talks about the supplemental bill, the delays in getting that bill down to the President.

We put every dollar in that bill that the President asked for for defense, and part of that delay is caused by the administration itself. I cannot help but respond to that kind of partisanship when it is sent out over the public airwaves by the one man in this country who commands the attention of the press. Nobody else can compete with a President when it comes to that, but we all are going to have to answer to voters. I will stand at the judgment bar as well, but we on the Appropriations Committee are doing everything we can to move the bill.

We are scheduled to take up the remaining appropriations bills before this month is out. Senator STEVENS is working with me in that regard, and so is Senator DOMENICI and the others. Let us call it 50/50, a draw, like the All-Americans did last night?

Mr. DOMENICI. Well, you just added another one. You went to the 60. So I have to go to the 60.

Mr. BYRD. The Senator says "you." Under the Senate rules, we are not supposed to address another Senator in the second person.

Mr. DOMENICI. Mr. President, I am not here as much as the Senator and I slip every now and then.

Mr. BYRD. We all slip.

Mr. DOMENICI. It is pretty hard to get that out of your head, but I think I have the floor now. Is that correct?

Mr. BYRD. The Senator does.

Mr. REID. Will the Senator yield for a unanimous consent request?

Mr. DOMENICI. Yes.

Mr. REID. If the Senator will yield, Senator MCCONNELL, if he were here, wished to speak on his amendment, which is the pending matter on the bill that will be before the Senate in a few minutes. I ask unanimous consent that following the statement of the Senator from Minnesota, which is for debate only on the bill, the Senator from Kentucky, Mr. MCCONNELL, be recognized for debate only on his amendment for up to 30 minutes.

Mr. BROWNBACK. Reserving the right to object, if I could inquire, I believe in the former unanimous consent I was to be recognized after Senator DOMENICI. If that is not impacted by the unanimous consent request, I will have no objection.

The PRESIDING OFFICER. That is correct. It would not be affected by the unanimous consent request.

Mr. BROWNBACK. I remove my objection.

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

The Senator from New Mexico.

Mr. DOMENICI. Mr. President, am I limited by a certain amount of time?

The PRESIDING OFFICER. The Senator has 8½ minutes remaining.

FOREST FIRES

Mr. DOMENICI. Mr. President, for a couple of weeks, every time Americans look at their TV screen, they see a huge fire, a piece of America burning. Forests in our Southwest and West are on fire. We have seen huge fires in the State of Arizona, small but significant fires in New Mexico, and very large fires in the State of Colorado.

I do not want to discuss the why of the fires today, but I am very hopeful that another year will not pass in the Congress, at least the Senate, without a thorough analysis and research by a committee of Congress on why our forests are burning. Some say it is natural. Others say it is a terrible management mistake. They claim that we have gone along without pruning, thinning, or taking care of forests and are inviting either manmade fires, lightning, or some kind of natural fire starter.

We have a very serious problem with reference to our national forests and these fires. So far this year, over 3 million acres have burned, and the fire season is not yet over. This is 1 million acres more than the devastating 2000 fire season and twice the 10-year average. So far, twice the 10-year fire average has already occurred in our forests! This fire season has had a detrimental impact on communities throughout the West and Southwest, disrupting thousands of people's lives, hurting the economies in ways we cannot measure, and destroying homes and property. We must act in each instance to put out the fires, to contain them, and, yes, after that, provide whatever help we can to those suffering.

While the fires burn, there are people who need help. There are people in both the BLM and the Agriculture Department who are busy, day by day, using millions and millions of dollars, which we have provided.

I suggest today that the Department of the Interior and the Department of Agriculture indicate they will have to move resources from all kinds of activities that are supposed to occur during the rest of this year over into fire accounts because nobody expected such a huge, onerous, and costly fire season. The Department of the Interior and Department of Agriculture are about \$850 million short for 2002.

Those managing the bills, and the White House, should know it is a very difficult situation to let a supplemental catch up with the problem. That is what happened here. We have a supplemental appropriations bill waiting around. Now we have a new problem that did not exist when the supplemental started—reimbursement to the Departments of our Government that have used their money to pay for the forest fires that are burning down America.

We ought to either find a place for that amendment on the supplemental

or in some way accommodate it. We always say if it is an American problem, we will pay for it. If it is an earthquake, we pay for it. If it is a tornado, we pay for it. That is the collective insurance of America that we will pay for those emergencies, either on the supplemental or on the Interior appropriations bill, neither of which at this moment has money for these forest fires—neither bill, neither the supplemental nor the full yearly appropriation bill.

The whole of next year is ready to be appropriated without the fire money in it. So we need to provide the money the way I see it. It has been waiting long enough. I know the President does not want the supplemental over a certain amount. I will accommodate to arrange the additional funding, however he and others in the appropriations process and the Congress desire.

I repeat, the money that has been used to fight the forest fires has come out of various and sundry accounts, including the accounts for rehabilitation and restoration of burned lands. For those in the West who are suffering from these fires, we will get a bill ready.

I close by saying there is also a growing problem in Texas and other States regarding excessive water. The floods have caught up with this supplemental. I have been discussing the issue with the Senator from Texas, KAY BAILEY HUTCHISON. I have also talked to Senator GRAMM. We will be asking that they present their water issues, and maybe we can provide funding on one emergency supplemental bill to the extent it is necessary to accommodate the emergencies of our people.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Kansas is recognized.

Mr. MCCAIN. Mr. President, will the Senator yield for a unanimous consent to be placed in the queue to speak?

Mr. BROWNBACK. I yield.

Mr. MCCAIN. I ask unanimous consent that at the appropriate time, which I believe is following Senator MCCONNELL, I be allowed 15 minutes to speak in support of the Leahy amendment.

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

The Senator from Kansas.

COMMISSION ON THE ACCOUNTABILITY AND REVIEW OF FEDERAL AGENCIES ACT

Mr. BROWNBACK. Mr. President, I rise to spend a few minutes talking about a growing fiscal and budgetary problem we have in the Senate, something I am not joyous about bringing up, but we have a problem. We are quickly sliding into it, if not falling into it, and we need to get it addressed. We need to address it before we get completely caught up in the fiscal and budgetary track.

Time is growing short. This body has yet to pass a budget resolution. We

have not passed a single 1 of the 13 annual appropriations bills yet. Here we are in the middle of July; no budget resolution, not 1 of the 13 annual appropriations bills. We are quietly moving into position for a fiscal train wreck. Many Members of the body expressed grave concern and doubt in 1998 when we did an omnibus appropriations bill. The course currently being charted by the Senate leadership will make that train wreck look like a fender bender.

We need to first consider the budget resolution created by the Budget Act of 1974. The budget resolution, which the Senate is legally required to pass by April 15—nearly 3 months ago—established caps on total annual discretionary spending. To waive the limits requires a 60-vote point of order. Without the mechanism in place, amendments to increase spending can be passed in the appropriations bills, regardless of their impact on Social Security, by a simple majority. So we are subjecting the Social Security surplus to simple majority movement by this body.

It is astounding, but despite the legal requirements for passage of the budget resolution by April 15, the leadership of the Senate has failed to even bring up the measure for consideration. And in the 27 years since the Budget Act of 1974, the Senate has had a budget.

To further put our current situation in perspective, consider the fact that just a year ago this body was composed of the exact 100 people here today, and we passed a budget resolution offered by Senator DOMENICI with the support of 65 Members.

Regardless of how the votes stack up, at the least, the Senate should pass a budget resolution so we have the fiscal caps in place that would take 60 votes—not just a majority, but 60 votes—to be able to raid the Social Security surplus. That is just prudence on our part that we ought to put the budget mechanisms in place.

I think we are sliding quickly into a situation where we are going to be spending ourselves into a bigger hole and not have any of these restraints or the mechanisms in place to help hold us back.

On the appropriations bills I mentioned at first, when the Senate should have passed 4 or 5 of these at least by this point in time, of the 13, we have passed none. These bills can take weeks to debate and pass. Then there are conference committees to work out the differences between the House and the Senate bills.

When considering these factors, coupled with the finite time remaining on the legislative calendar, it seems evident that a super-omnibus bill, larger than the 1998 omnibus, may very well be necessary to break the inevitable logjam.

Most of us in this Chamber have been privileged enough to serve during the recent period of historic, large federal surpluses. While large surpluses can be