

explanation as to why Members whose States are on fire should not be entitled to a vote. I would urge the leadership to explain to the people of the western States that are on fire why they are not deserving of a vote.

The amendment is pending. Let us vote. South Dakota got the protection. Are California or New Mexico less important?

Mr. DOMENICI. Will the Senator yield?

Mr. BOND. I am happy to yield.

Mr. DOMENICI. If you think through the Craig-Domenici amendment, which was going to permit us to have a vote in reference to the thinning of forest accumulations in certain parts of the West to avoid fire, here is the logic: We won't let you vote. But do you know why they won't let us vote?

Mr. BOND. I am puzzled why we can't get a vote on this commonsense, sound forest management plan. I defer to my colleague and ask for his guidance.

Mr. DOMENICI. Two reasons: One, some of their Senators would have to vote for it because it is such a good amendment; they know some of them are yearning to vote for it so they get to vote. Secondly, if it got enough votes, they would have to filibuster it—"they" being the other side of the aisle—because it would then be an amendment that the environmentalists who don't support it would insist that their Members on that side vote against.

It is the strangest kind of filibuster you ever saw. It is a filibuster so as to never let an amendment pass so that the majority won't have to vote on it. And if it were to pass, they would have to filibuster it. So they are clean and blaming us for the filibuster.

Mr. BOND. Mr. President, I thank my colleague from New Mexico for the informative discussion. Maybe they have the votes to defeat it. If they defeat it, then there is no problem. But I have to say, having studied this issue and having been added as a cosponsor of this amendment, as one whose hobby and avocation is forestry and having talked to Forest Service personnel in my State, to leading academic foresters from institutions in my State and across the West, this is just common sense. The foresters, the academic foresters, the professional Forest Service people, know you cannot leave the fuel that sets off catastrophic fires in the forests or you will have catastrophic fires.

In my State, we have not only oak decline and beetle infestation; we have had tornadoes. They have knocked over trees. Guess what. It was a very dry summer. These trees have dried out. A spark from lightning or any kind of manmade spark could set these off. Ours is not the biggest problem. The biggest problems are faced by our colleagues in the West. I simply want to get an up-or-down vote. I know somebody might be put in a difficult spot. They have to either vote for their constituents and the safety of forests or

for the environmental groups who don't seem to understand the problems that arise in the forests of the West. I daresay none of those groups live next to the forests, which could become a raging inferno if those fuels are not removed from the forests.

I think we are going to have to make a choice. Do we want to serve our citizens and protect the environment, prevent catastrophic forest fires or do we want to take care of politically active and well-financed interest groups? I can certainly understand the free speech and the desire for people in the environmental groups to have their views and express them, but I don't believe we are obliged to skip a vote on the amendment because they oppose it. They have a right to jump up and explain their arguments and try to urge people not to vote for it. Senator CRAIG, Senator KYL, Senator DOMENICI, and I would be happy to try to discuss that with anybody. But we have discussed it. It is about time we vote. I think it should be resolved with a vote. They can move to table and vote up or down. The effort of Senator CRAIG to prevent forest fires is worth the Senate's time and I would like to hear from somebody why it should not be voted on. We have lost forests the size of New Jersey. Firefighters have died. South Dakota is protected, but Idaho, New Mexico, Montana, Missouri, and other Western States deserve to be protected as well.

I think we at least have a right to have a vote on it. I plead with those objecting to permit us to do what the people sent us to do—cast a vote.

Mr. DOMENICI. Will the Senator yield whatever time he has remaining?

Mr. BOND. Yes. How much time do I have remaining?

The PRESIDING OFFICER. Four minutes.

Mr. BOND. I yield 4 minutes to the Senator from New Mexico.

Mr. DOMENICI. Mr. President, I want to merely comment on the issue raised by my good friend from Missouri. I think the people in the West understand we are not being dealt with fairly. The Western States have this large accumulation of debris and forests are burning down. Our amendment would permit some help to those States where we see these enormous accumulations going up in flames. We could take that out.

NEW FISCAL YEAR—2003

Mr. DOMENICI. Mr. President, Happy New Fiscal Year.

Mr. President, the new fiscal year began at midnight last night and none of the 13 regular appropriation bills has been enacted. Over the last decade, this has happened only two other times—in 1996 and last year.

Now, one could make a good argument that the failure to complete any of the regular appropriations bills last year was completely understandable given the events of last September.

But I think the failure this year to complete any appropriations bills before the beginning of this fiscal year today lies squarely at the foot of the Congress for not adopting a congressional budget resolution last spring.

There is a reason why we have a congressional budget process! And I think if ever we needed an example of why we must not let this process atrophy and die on the vine, this year is a good example of why we need this process.

For the first time in the 27-year history of the Congressional Budget and Impoundment Control Act, the U.S. Senate did not consider and did not adopt its own budget plan for this year.

To be completely accurate, we do have in place a congressional budget resolution but it is the one that I helped to have enacted in the spring of 2001. And that Fiscal Year 2002 budget resolution remains in effect until replaced with a new one, but I think we all know that the economic downturn that became clear after that resolution was adopted and the attacks of last September have made many of the numbers in that resolution outdated for guiding fiscal policy here in the Congress.

Further, let us remember that many of the Budget Enforcement Act provisions that were enacted in 1990 and extended in the negotiated 1997 Balanced Budget agreement, expired at midnight last night.

I am talking about no appropriation spending caps for this year or beyond. This will be the first time since 1987 that we have not had these spending caps to help guide our budgeting and appropriation process.

I am talking about no 60-vote points of order for violation of some of the major points of order in the Budget Act. As I said, until replaced the FY 2002 Budget Resolution with its 10 year numbers is still the enforceable resolution in the Senate even if the numbers in it are outdated. But as of today we can not even enforce that resolution with our normal 60-vote points of order.

We do not have our normal 60-vote point of order for pay-as-you-go violations.

My colleagues will remember that the Senate has operated since the 1990's with this deficit-neutral requirement and they will also know that it was one of our most effective tools in our quest for balanced budgets. In the absence of this pay-as-you-go enforcement provision today, any major tax or entitlement spending program could be considered without addressing the fiscal impact that legislation will have on surpluses or deficits in the future.

Just for the record, in this 107th Congress alone, budgetary points of order have been raised in the Senate over 65 times. And on only 8 occasions did the matter receive sufficient votes—that is 60 or more—to waive the point of order.

I have helped draft with the Chairman of the Budget Committee, Leaders DASCHLE and LOTT, and with the support of President Bush, a simple Senate

resolution to extend these pay-go and other enforcement provisions that expired at midnight last night.

We should adopt this resolution without delay; it is the least we can do to keep some hope alive that the budget process will survive the set backs this last year.

I think, as Chairman Greenspan—maybe I should say Sir Chairman Greenspan in recognition of his knighting last week—that we need to do at least this small resolution to send a signal to the markets and the public that fiscal discipline has not been totally abandoned.

Again, today is the first day of a new year. October 1 is the first day of the new year under our budgets and it has been so for quite some time. It used to be July 1. Everybody thought it was too soon, so they moved it to October so there would be plenty of time. So it is the first day, but we don't have a budget resolution.

Today, we start a budget and start spending money—if we ever get around to it—under a budget that doesn't exist. I think it is time we do that. Seeing the majority leader on the floor, I want to ask in a forthright way—because I know he is aware of this—when does he think we might be able to take up the resolution I am going to introduce with the ranking member of the Budget Committee, the so-called pay-go resolution? I ask the leader, is that on his agenda somewhere? I would be here to help him if there is anything I could do to move the time.

Mr. DASCHLE. If the Senator will yield, I will be happy to respond.

Mr. DOMENICI. Yes.

Mr. DASCHLE. As he knows, we have attempted to bring debate on homeland security to a close now on 5 separate occasions. We failed to do that again this morning. It was my expectation we were going to take up the budget enforcement mechanism prior to the time we moved to the Iraqi resolution. That may be complicated now, in part, because I think we need to get started on the resolution on Iraq prior to the end of this week. But without any doubt, we will address the budget enforcement resolution the Senator has addressed prior to the time we depart, prior to adjournment.

I have made that commitment to the budget chair and I have said it on the floor on several occasions. I think it is essential. I have not heard all of his remarks, but I assume the Senator from New Mexico made a similar statement. So we will make that effort. I am quite confident when we do, it will be successful.

Mr. DOMENICI. That means before we recess, is that correct?

Mr. DASCHLE. The Senator is correct.

Mr. DOMENICI. It only has to be passed by the Senate, and we will have extended the pay-go provisions.

MOTION TO PROCEED—H.R. 2215

Mr. DASCHLE. Mr. President, I move to proceed to the conference report to accompany H.R. 2215, the 21st Century Department of Justice Appropriations Authorization Act.

The PRESIDING OFFICER. Is there objection?

Mr. NICKLES. Mr. President, reserving the right to object. I will ask the majority leader a question. The majority leader is wanting to move to a conference report on the Department of Justice reauthorization bill, is that correct?

Mr. DASCHLE. Correct.

Mr. NICKLES. So we will be setting aside the homeland security bill?

Mr. DASCHLE. No. We will only interrupt the ongoing consideration of homeland security. This does not displace homeland security on the calendar. The regular order would be we would revert right back to homeland security once the conference report has been disposed of, with no additional action required on the part of the Senate.

Mr. NICKLES. Mr. President, I appreciate the Senator's explanation. I know there have been some negotiations, though not as fruitful as we would like, on homeland security, but I trust the negotiations will be ongoing, and maybe we will have some success upon the conclusion of the DOJ authorization bill. I shall not object.

The PRESIDING OFFICER. The question is on agreeing to the motion to proceed.

The motion was agreed to.

Mr. DASCHLE. Mr. President, prior to the clerk reporting the conference report, I ask unanimous consent I be able to speak as in morning business for 3 minutes.

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

HOMELAND SECURITY

Mr. DASCHLE. Mr. President, I simply add to the comments I have just made to the Senator from Oklahoma, that we are going to finish the debate on homeland security, even if it is the night before the election. So I want those Senators on both sides of the aisle thinking that somehow this is going to go away to be very clear. We have voted now on cloture five times: Three times on the pending bill, the original bill, and twice on the Republican amendment—twice on the Republican amendment.

I have offered the Republican leadership the opportunity for an up-or-down vote on the Republican amendment, and I am still told that is not good enough. For the life of me, I do not know what else to do. But we will continue to have cloture votes. We will continue to stay here. To the extent we can, we will interrupt—and I use that word “interrupt” as opposed to “displace”—homeland security with other pieces of business so we do not keep spinning our wheels.

If it is November 4, we will be here. If it is November 7, we will be here. I have heard there are those on the other side who believe somehow they can make this a political issue if we just drag it out and blame the Democrats. We are not going to do that. I think the record is abundantly clear who is holding this up. We will vote on it. We will vote on final passage at some point this fall. I just want to make sure my colleagues all understand that.

This is the sixth week—the sixth week—we have debated this bill, and there are probably 70 or 80 amendments pending. So you tell me when we will finish; I will tell you whenever that is we are going to be here. I yield the floor.

21ST CENTURY DEPARTMENT OF JUSTICE APPROPRIATIONS AUTHORIZATION ACT—CONFERENCE REPORT

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2215), to authorize appropriations for the Department of Justice for fiscal year 2002, and for other purposes, having met, have agreed that the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, and an amendment to the title, signed by all of the conferees on the part of both Houses.

The PRESIDING OFFICER. The Senate will proceed to the consideration of the conference report.

(The report is printed in the House proceedings of the RECORD of September 25, 2002.)

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I thank the distinguished majority leader for moving to the Department of Justice Authorization Act. This is the first one in 21 years. I note for my friend from South Dakota and my friend from Nevada, this passed the House of Representatives 400 to 4. The conferees, Republicans and Democrats, endorsed it unanimously. It should be able to pass, I hope, easily here.

I spoke at some length yesterday about all the items that law enforcement has asked for in this bill.

I know the distinguished Senator from Louisiana is waiting to speak. I will take only a few seconds. I wish to emphasize again, this is legislation that passed 400 to 4 in the other body. It has been endorsed across the political spectrum—law enforcement, antiterrorist groups, schools, those small towns in rural America facing drug problems. They are all looking for the adoption of this conference report.

The high-tech industry is looking for the passage of the Madrid Protocol which is in the bill.

There are 20 new judge positions. Actually, we were trying to get these authorized during the last 6 years of