

The Senator from West Virginia.

#### PROGRESS ON THE FISCAL YEAR 2003 APPROPRIATIONS BILLS

Mr. BYRD. Madam President, the appropriations process is stalled. To use an overused expression: It is dead in the water. Certain Members in the other body have asserted that progress on the 13 appropriations bills for the fiscal year that begins October 1 has been slowed because Senate Democrats want to have a spending spree. Nothing could be further from the truth.

Nearly 2 months ago, on July 25, the Senate Appropriations Committee reported the thirteenth and final appropriations bill for fiscal year 2003, the earliest this has been accomplished since 1988. All 13 bills are bipartisan, and all 13 bills are fiscally responsible. There was not a single vote in committee against any of the 13 bills. Republicans and Democrats on the committee voted for these bills.

The bills totaled \$768.1 billion and are consistent with the committee allocation approved by a vote of 29 to 0 in June. The 13 bills are consistent with the \$768.1 billion allocation that was approved by the Senate Budget Committee when it reported its budget resolution last March. The bills are consistent with the \$768.1 billion allocation that was supported by 59 Members of the Senate when the allocation was voted on during floor debate on the Defense authorization bill on June 20.

The holdup in the appropriations process is because the White House is giving marching orders to the House of Representatives. Regrettably, the House Appropriations Committee has reported only 8 of the bills compared to the Senate Appropriations Committee's 13. The House has passed only 5 of those 8 bills.

I stress that the holdup is not the fault of the House Appropriations Committee chaired by Mr. YOUNG of Florida. It is not the fault of that committee. They have wanted to do their work.

The holdup is a result of the House Republican leadership decision to stop all House floor action on appropriations bills. Perhaps the decision is being handed down from on high to the House Republican leadership. The House has not adopted an appropriations bill since July 24. With only 1 week to go before the beginning of the fiscal year, the House has not passed an appropriations bill in almost 9 weeks.

For the record, let me state that there is no scheme in the Senate to explode spending—none. Surely I would have heard about it if there were such. The Senate Appropriations Committee has produced 13 bills that total \$768.1 billion plus \$2.2 billion in emergency spending for FEMA disaster relief, low-income home energy assistance, and funds to fight fires. The committee also approved an additional \$2.2 billion of advance appropriations for programs

to help educate disadvantaged and disabled children. No tricks. As Shakespeare said: There are no tricks in plain and simple faith. No hiding the ball; no hat trick here.

Our 13 bills have been available for all the world to see for 2 months. The House is not moving forward as a result of a political dispute over the ceiling for spending in fiscal year 2003. The House Republican leadership, in collaboration with the White House, is insisting on the level of \$759.1 billion. Yet the House Appropriations Committee has not been able to stretch those dollars far enough to write their bills.

The House Republican leadership has been informed by many members of their own caucus that they cannot vote for the Labor-HHS-Education bill at the levels requested by the President because that bill shortchanges America's classrooms and ignores our pressing health care needs. Yet, inexplicably, instead of changing course, the House Republican leadership has shut the appropriations process down.

Could it be because, with an election looming some members of the House want to avoid certain votes? If the Republican leadership has forsaken its duty to make careful choices for the American people and is driving the Congress toward a long-term continuing resolution, that means putting the Government on auto-pilot. This is the worst possible way to govern. It allows for obfuscation and abuse. It ignores critical needs.

In order to cover the politics involved which are the real reasons for the delay, the administration characterizes the \$13 billion of additional spending in the Senate bills as "wasteful spending." Frankly, this is just simplistic, political rhetoric.

The administration tries to point political fingers at the Senate charging that we are spending too much on domestic programs. But where is the real growth in spending? The President proposed a 13 percent, or \$45 billion, increase in spending for our Nation's defense programs. Let us note that the \$759 billion ceiling forced the House to cut the President's request for the Department of Defense by \$1.6 billion. The \$768 billion ceiling available in the Senate allowed the Senate to restore \$1.2 billion of that cut in DoD and the funds are being used for military readiness programs, for essential military construction programs, and for counter terrorism projects. In addition, the Senate was able to add \$375 million to the President's February request for nuclear programs at the Department of Energy.

The President proposed a 25 percent increase in domestic homeland security programs. The \$768 billion Senate level permitted the Senate to fully fund essential homeland defense investments such as additional fire-fighting funds, additional funds for port security, State and local law enforcement, and border security. Unfor-

tunately, the House ceiling on spending is so low that the House Appropriations Committee has not even been able to mark up the Veterans/HUD/Independent Agencies bill and the Commerce/Justice/State bill which provide funding for many homeland defense programs. Yet the White House requested these increases, and they are obviously critically important for the security of our people.

When it comes to domestic programs other than homeland defense, the President proposed to freeze spending at the FY 2002 levels. That is a hard freeze with no adjustment for inflation or for other factors such as a growing population or growing unemployment. The \$768 billion Senate level permitted the Senate Appropriations Committee to increase domestic programs by 2.6 percent. Not 13 percent, not 25 percent, just 2.6 percent for the domestic programs that serve our Nation.

And for what did we use that 2.6 percent increase?

We used it to increase funding for veterans medical care by \$1.1 billion above the President's request. There are currently over 280,000 veterans on waiting lists for VA medical care. The President's request just did not adequately fund veterans' needs.

If I ever saw a veteran, there sits one in the chair presiding over the Senate of the United States. There is a man who has given everything but his life for this country. I would be ashamed to run against him.

With war drums beating all around us, I think we ought to be very careful to send the message to our veterans that we will take care of their present and future needs.

Last year, Congress passed the No Child Left Behind Act with broad, bipartisan support. But, this law becomes nothing but an unfunded mandate on our local governments if the Federal funding is not there for States to implement the new act. It takes money to reduce class sizes, to provide teacher training, to invest in new technology and to develop meaningful assessment tools. The Senate Committee bill increases education funding by \$3.2 billion, or 6.5 percent, six times the meager 1 percent increase proposed by the President. Rhetoric is fine, but when it comes to our children's education we have to put our money where our mouth is, as the old saying goes.

The Senate used the 2.6 percent increase to make sure that we could keep Amtrak operating. A bankrupt Amtrak would mean that 23,000 employees would be thrown on to the unemployment line. Some 500 communities served by Amtrak would lose intercity passenger rail service forever, including 130 communities that have no air service whatsoever, and 113 communities that don't even have intercity bus service. It means the termination not just of Amtrak service across the Nation but also the termination of commuter rail service from Boston to California because many of these services are either operated under contract

by Amtrak or they run over railroad tracks that are owned by Amtrak. Some 1.7 million citizens that ride Amtrak each month will lose service. So will roughly 4.2 million citizens that use those commuter rail services each month. If you think the highways are crowded during the morning and evening commuting times, just wait until Amtrak and the commuter rail systems are terminated overnight.

Last, January, in the State of the Union, the President said, "When America works, America prospers, so my economic security plan can be summed up in one word: jobs." Yet his budget proposed to dramatically cut highway spending below last year's level. For every billion dollars we spend on highways, we create 42,000 jobs. The Senate bill provides an obligation limit that restores the \$8.6 billion cut proposed by the President's request, saving over 350,000 jobs. The President talks about jobs but the modest increase in domestic spending contained in the Senate bills actually creates jobs.

We used the 2.6 percent increase to provide for a \$184 million increase above the President's request for the Securities and Exchange Commission. If the Congress is serious about rooting out corporate fraud, the SEC needs the resources to hire investigators and to fund the newly established Public Company Accounting Oversight Board, as authorized in the Sarbanes-Oxley Corporate Accountability Act of 2002.

We used the 2.6 percent increase to increase funding for job-training programs by more than half a billion dollars over the President. This is at a time when more than 8 million Americans are unemployed and there has been an increase of more than one million unemployed persons in just the last 12 months.

We used the 2.6 percent increase to restore over \$94 million in cuts proposed by the President in Fossil Energy Research and Development programs and provide for a \$58 million increase.

If the administration wants to reduce the nation's dependence on foreign oil, it is not going to do so by cutting our investment in fossil fuels, as proposed by the President. At a time when a new war in the Gulf may have long-term implications for this nation's energy security, it is vitally important that the United States continue to explore and develop new technologies which allow us to tap our own abundant energy supplies. We should have been working on energy independence diligently for the last 20 years. But the oil interests that bankroll politicians have been too strong. Now we see the cost of bowing to King Oil.

We used the modest increase in domestic spending to increase funding by \$200 million above the President's request for Head Start. In his State of the Union Address, the President stated that: "We need to prepare our children to read and succeed in school with

improved Head Start and early childhood development programs." The Senate bill would result in 17,000 more low-income children being served.

We used the 2.6 percent increase to restore over \$900 million of cuts proposed by the President in Justice Department programs for State and local law enforcement. With State and local governments cutting their budgets—and they are cutting them. We read about cuts in the budgets for the States of Maryland and Virginia. With State and local governments cutting their budgets in response to the recent recession, does the President think that we will make our Nation more secure by cutting law enforcement grants to State and local governments?

These are just a few examples of how the Senate used the modest \$13 billion increase above the House allocation. Is that \$13 billion increase excessive? No. Is it wasteful? No.

I believe it is prudent. It is thoughtful. It is the result of careful decision making, done on a bipartisan basis. And most of it has gone to fund either national defense or homeland security.

The choices we make in the Congress about how we allocate the people's money should be based on hard work and careful analysis. It should not be based on a simplistic review of the facts, nor should it be distorted by the save-your-hide mentality—the save-your-hide mentality—of an election year. Recently, the Congress approved a \$5.1 billion emergency contingency fund, including \$2.5 billion for homeland defense programs. Based on the recommendation of Office of Management and Budget Director Mitch Daniels, the President chose to cancel that funding, explaining that it was "wasteful spending." Yet, with one exception, he chose not to identify the "wasteful spending." Was it the airport security funding or the funding to secure our nation's nuclear weapons complex? Was it the funds to train and equip our Nation's firefighters? Was it the funding for veterans medical care or the funding to fulfill the President's commitment to fight the global AIDS epidemic? Which of these programs that protect American lives does the President consider to be "wasteful"?

The President never answered those questions. Instead, the one example of wasteful spending that the President chose to give was \$2 million for a single project, which the President himself has chosen to fund in the 2003 budget. If it was wasteful spending in 2002, why is it not wasteful spending in 2003? If it is worth spending in 2003, why not spend it in 2002? The rest of the money he did not spend, he gave no reason for withholding. It was money for homeland security. It was money to make us safer here at home. Sometimes, I just have to question the sincerity of an effort on homeland security which seems based almost wholly on sound bites.

The President, through his Director of the Office of Management and Budget, is currently working with the House

Republican leadership to force the funding of the entire domestic side of the Government into a long-term continuing resolution for nearly half the fiscal year. Something is going on. They want to put the education of our children, the care of our veterans, and our investments in homeland security on automatic pilot at last year's funding levels because we are in an election year.

Last week, the President's chief economic adviser, Lawrence Lindsey, was asked by a reporter for the Wall Street Journal what he thought the cost of the war in Iraq might be and what the impact of that cost might be on our Nation's economy. He responded by estimating that the cost would likely be between \$100 billion and \$200 billion. How about that. That is just pocket change—small. Oh, somewhere between \$100 billion and \$200 billion. When asked what the impact of that \$100–\$200 billion expenditure would be on the economy, the President's chief economic adviser said, "That's nothing." Nothing.

The administration believes that \$100–\$200 billion of spending on the war on Iraq will have no impact on the economy, but \$13 billion more of needed spending on our nation's education, public health, veterans medical care and transportation systems is wasteful.

In just 2 years the projected \$359 billion surplus for Fiscal Year 2003 has swung wildly to a projected deficit of \$145 billion. The Senate Budget Committee estimates that of that \$504 billion swing, \$404 billion came from reduced revenues or interest payments on those reduced revenues. In other words, 80 percent of the lost surplus in Fiscal Year 2003 came from reduced revenues. Another 5 percent came from increased defense spending. Another 9 percent of the lost surplus came from expenditures related to the response to the attacks of September 11, 2001. Approximately 4 percent came from increased mandatory spending such as the farm bill. And, how about domestic spending? How much of the \$504 billion swing in the surplus estimate came from domestic discretionary spending? Just 1 percent.

Just 1 percent of that dramatic swing in the surplus estimate for Fiscal Year 2003 came about from increased discretionary spending. Yet, this small portion of the budget is what the White House political manipulators will endeavor to highlight and blame for every blemish in our fiscal picture.

The game, of course, is to wrap the bills up, take them behind closed doors—aha, I have been behind those closed doors—take them behind closed doors, where this White House is most comfortable and do deals that benefit the White House. Never mind about the horrendous and irresponsible policy of government by continuing resolution. Never mind, never mind C.R.s.

Let me give you just a few examples of what will happen if we have a continuing resolution until March, compared to the levels in the bi-partisan

Senate Appropriations Committee-reported bills. Now listen:

The number of farm operating loans, during the most important part of the growing season, will be cut from 6,643 to 3,435. That is not all.

The number of multi-family homes built in rural America will be reduced by 2,500.

The number of homes in rural America that will be rehabilitated for low-income families will be reduced by 8,243.

The funding to help State and local governments—hear me now. Can you hear me now, Governor Wise, down there in Charlestown, WV? Governor Wise, listen.

Funding to help State and local governments develop their capacity to respond to or prevent terrorist attacks would be reduced from \$2 billion in the Senate bill to only \$651 million under the continuing resolution.

The Immigration and Naturalization Service is at a critical juncture in developing a comprehensive entry/exit system to protect our Nation's borders. Only \$13.3 million would be available under a CR compared to \$362 million in the Senate bill, resulting in a significant delay in this system.

I should repeat that statement.

The Immigration and Naturalization Service is at a critical juncture in developing a comprehensive entry/exit system to protect our Nation's borders. Only \$13.3 million would be available under a continuing resolution compared to \$362 million in the Senate bill resulting in a significant delay in this system.

The Securities and Exchange Commission would have to terminate all hiring, including 100 additional staff funded in the last supplemental to investigate corporate fraud.

Hear this now. Nuclear plants in Tennessee and Texas will have to lay off 240 security guards.

Every 6 seconds another person is infected with the AIDS virus. Every 6 seconds—1, 2, 3, 4, 5, 6—another person is infected with the AIDS virus.

AIDS has killed more than 25 million people, and at the rate at which it is spreading, the number of people to die of AIDS-related causes may reach 65 million by the year 2020—just 18 years from now. Each year, mother-to-child transmission of the AIDS virus kills half a million children, and infects another 600,000. On June 19, President Bush announced, with considerable fanfare, a \$500 million initiative to save children from AIDS. He said: "Today, I call on other industrialized nations and international organizations to join this crucial effort to save children from disease and death." Yet under a continuing resolution, international AIDS funding would be cut by \$225 million.

Come, my western friends.

Critical funding for fighting fires that have been raging across the land would be eliminated;

\$716 million worth of anti-terrorism, force protection projects sought by the

Defense Department—projects that are designed to better protect our military installations at home and abroad from terrorist attack—would be put on hold.

More than \$1 billion worth of family housing construction projects and another \$1 billion worth of barracks construction would be stopped dead in their tracks. Military personnel and their families, already facing the strains of war, would be dealt further delays in what is their number one quality-of-life issue.

A long-term continuing resolution will severely undermine the ability of the new Transportation Security Administration to improve aviation security and security in all other transportation modes. Many of the requirements of the new Transportation Security Act are going to require large expenditures in the first quarter of fiscal year 2003. These expenditures involve continued purchases of explosive detection equipment to keep bombs from being placed on our airliners. Funds are also needed to hire new federal screeners and make our nation's seaports more secure.

A long-term continuing resolution will likely result in the bankruptcy of Amtrak. Amtrak is still just barely surviving, managing its available cash to survive on a day-to-day basis until Congress can provide it a major necessary cash infusion as part of the appropriations process for 2003. If we suspend the completion of the appropriations process until the third quarter of the year, Amtrak will be declaring bankruptcy before Christmas. Bye, bye, Santa Claus.

A long-term continuing resolution would seriously undermine air safety. Just this past summer, we came within weeks of seeing the FAA furlough air traffic controllers for lack of available funding. A long term continuing resolution at current rates would result in not replacing the hundreds of air traffic controllers, safety inspectors and maintenance technicians that would retire or leave the agency during the first half of the fiscal year. The safety of our skies will be left to a continuously dwindling number of controllers. All this would be happening at a time when we are trying to get Americans to fly again after the events of September 11.

A long-term continuing resolution would result in the Customs Service having to defer the hiring of more than 628 inspectors and agents for posting at high-risk land and sea ports-of-entry.

Come on, now. Hasn't the President been out there talking about how we should ram through this homeland security bill?

A long-term continuing resolution would result, as I say again, in the Customs Service having to defer the hiring of more than 628 inspectors and agents for posting at high-risk land and sea ports of entry.

A long-term continuing resolution means thousands of FEMA fire grants, grants for interoperable communica-

tions equipment, grants to upgrade emergency operations centers, grants to upgrade search and rescue teams, grants for emergency responder training and grants to improve state and local planning would be delayed for at least 5 months.

Under a long-term CR, the VA health care system will be funded at a level that is \$2.4 billion short of the level proposed in the Senate passed fiscal year 2003 VA-HUD bill. Without increased resources, VA may not be able to sustain open enrollment for all veterans.

Here it is. Friends, Romans, veterans, lend me your ears.

There are currently over 280,000 veterans on waiting lists for VA medical care. Under a long-term continuing resolution, the waiting list will more than double.

The VA will schedule 2.5 million fewer outpatient clinic appointments for veterans, and 235,000 fewer veterans will be treated in VA hospitals.

And these are only the items—I have just named a few—these are the only items which can be known and computed at this time. Only God knows—only God knows—what other nasty little problems will result from the OMB's—the Office of Management and Budget's—interpretation of the continuing resolution.

If President George W. Bush is planning to take our Nation to war again in the Persian Gulf, the American people should not have to worry about whether we are securing our homeland, whether their children are in small classes, with qualified teachers, whether Amtrak will go bankrupt or whether our veterans are getting proper care. This President, so eager for war abroad, should pause for a moment, and lay aside the war plans long enough to work with the Congress on a prudent and responsible level of spending here at home for the American people.

Madam President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. DAYTON. I thank the Chair.

Madam President, I would like to ask the distinguished Senator from West Virginia, if he has a minute, a question.

The President took office saying he was going to change the tone of the debate in Washington. The Senator has served with a number of other Presidents—Democrat and Republican—in the past. I wonder if the Senator believes that the tone has been changed for the better or for the worse?

If I am not correct, hasn't the Senator attempted, on numerous occasions, to work in a constructive and cooperative fashion with the White House

in fashioning this budget, this spending plan; and hasn't the Senator been rebuffed in those efforts?

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. May I respond to the distinguished Senator from Minnesota. If the Senator is referring to the numerous occasions on which my dear colleague, Senator TED STEVENS—who sits across the other side of the aisle—and I sought to have the President send up to the Senate Appropriations Committee, as a witness, the distinguished former Governor of Pennsylvania, the Homeland Security Director, Mr. Tom Ridge, the answer is, yes, yes, yes. And we met with failure in all of our efforts.

We even wrote to the President, asking that he have Senator STEVENS and myself come down to the White House and appear before the President to make our case.

Mr. DAYTON. Madam President, may I also ask—

Mr. BYRD. May I say, Senator STEVENS and I weren't even shown the courtesy of a response from the President. Some of his underlings—I have great respect for them—some of his underlings responded: The answer is no.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. DAYTON. I appreciate the Senator's candor with regard to the numbers that have been presented here today because it is my understanding—and I am glad the Senator refreshed my memory—that the spending proposals that the administration has sent to the Congress were, in fact, a significant increase, 9 percent, or I believe the Senator said a 13-percent increase in discretionary spending from this fiscal year over to the next, an unheard of increase in discretionary spending.

It is also my recollection—I believe the Senator pointed this out—that, with the change in the budget predictions, the country has gone from looking at surpluses over the next decade to looking at a string of deficits over the next decade.

It is this Senator's impression that the administration is trying to put the blame for this fiscal disarray on the Senate or on the House when, in fact, it is the administration's own tax and spending proposals which have created these deficits for this year and for next year, and for as far as the eye can see, and has caused this financial burden to be placed on future generations.

It seems to this Senator that this administration is trying, with these tiny little numbers, relatively speaking, to put the blame where it does not belong, which is on this body.

I wonder if the Senator will comment on that.

Mr. BYRD. Mr. President, the Senator is correct. The Senator from Minnesota is very perspicacious in his observations.

I am at a loss to understand why we should not be working on our appro-

priations bills. Here we have had one on this floor stalled for many days.

The distinguished Republican chairman of the House Appropriations Committee and the Democratic ranking minority member over there, and the ranking minority member over on this side of the Capitol, Senator STEVENS, and I have talked about it, moving our bills.

We had a meeting a few days ago, and the very able chairman of the House Appropriations Committee, Mr. YOUNG, from Florida, importuned me and my friend, Senator TED STEVENS, to please have a meeting with the able Speaker of the House and with the majority leader of the House and with the chairman of the House Appropriations Committee and the ranking member of the House Appropriations Committee—have a meeting and explain to them how necessary it is for us to move, get on these appropriations bills, have the conferences, bring back the conference reports, show some action, some progress on these appropriations bills.

And we got a turndown. We got a turndown, from what I understand through my staff. The House leadership, for whatever its reasons, did not want to have that meeting.

So here we are, marking time. Time is passing. We will soon be at the beginning of a new fiscal year, and the appropriations bills are dead in the water. Why?

Mr. DAYTON. Will the Senator yield for another question?

Mr. BYRD. Yes, I yield for a question.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. DAYTON. I thank the Chair.

On that subject, I say to the Senator, I recall last year, with the new administration, there was considerable delay in the Senate receiving the administration's spending request, so there were delays in the process resulting from that. This year I believe the chairman of the Appropriations Committee took great measures to assure a timely disposition of these spending bills.

It is my understanding that the Senate Appropriations Committee reported these measures out in a very expeditious fashion so they could all be passed by the Senate and conferenced before the beginning of the new fiscal year.

Is that the record as the chairman has lived through it?

Mr. BYRD. Madam President, that is an accurate statement on the part of the able Senator from Minnesota. I believe the Appropriations Committee in the Senate completed our 13 appropriations bills almost 2 months ago—July 25, the earliest since 1988. If the world wants to see a committee that really operates in a bipartisan way, take a look at the Senate Appropriations Committee.

The Republican former chairman, Mr. STEVENS, and I and all of the members on that committee, Democrats and Republicans, work together. The

subcommittee chairmen and the ranking members of those subcommittees work together. There is no bickering about politics in that committee.

Again, we have reported these 13 appropriations bills, and they have been just hanging out there. We can't get any movement. We can't get any work done. Why? Why all this holdup?

Why doesn't the White House, instead of pointing the finger at the Senate and saying, they are guilty of wasteful spending, or pointing to the Congress and saying, pass my homeland security bill, why doesn't the White House meet its responsibilities to the American people and provide homeland security by signing those appropriations bills?

No, the President apparently was advised by persons who seem to prefer to play politics over serving the American people by moving these appropriations bills and enhancing the homeland security of all Americans.

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

Mr. BYRD. I will gladly yield.

Mr. REID. Would the distinguished Senator from West Virginia explain to the American people what he and Senator STEVENS did so that all 13 appropriations bills would be within the so-called budget so that we would not exceed numbers that, if we had come here and passed a budget, it would have been the same?

Mr. BYRD. Madam President, the able Senator from Alaska, Mr. STEVENS—a man who is deserving of the title of “The Alaskan of the 20th Century”—and I always work together closely. Our subcommittee chairmen and our subcommittee ranking members are equally as determined to serve their country by moving these appropriations bills along.

Senator STEVENS and I take the position that if Senators offer an amendment that puts us over the spending level, over the point where there have to be offsets, there will be offsets. The Senator from Alaska and I take a stand together. We will oppose amendments that add up to reckless spending. We don't have that in our committee. It is a fine example, and I am so proud of the service of Senator STEVENS. But our subcommittee chairmen and ranking members are just the same.

The Senator from Nevada is the chairman of the Energy and Water Subcommittee of the Committee on Appropriations. He and Senator DOMENICI work together the same way in their subcommittee.

Mr. REID. Will the Senator yield for another question?

Mr. BYRD. Yes.

Mr. REID. All 13 subcommittees, under the direction of Senators BYRD and STEVENS, made sure that we brought our bills out under the so-called 302(b) allocations, even though we didn't have them; isn't that true?

Mr. BYRD. Absolutely true.

Mr. REID. So all the Senate bills we passed were not budget busters; is that a fair statement?

Mr. BYRD. None of them were budget busters.

Mr. REID. If someone came to the floor and said: The reason we can't pass appropriations bills is because we haven't passed a budget, would it be a fair statement to say that is without basis in fact?

I should say, we don't have a budget, but as far as being the reason we don't do appropriations bills, that wouldn't be a very good reason, would it?

Mr. BYRD. No. We agreed in the committee that we would have a certain top line. We voted for that top line. It was unanimous, Republicans and Democrats there, and Republicans and Democrats in the Senate voted for that \$768 billion top line. Yet the administration insists on standing by the \$759 billion figure. That is just a \$9 billion difference, just \$9 billion. We are hung up over that \$9 billion.

Ask the chairman of the Appropriations Committee in the House. He knows what the problem is. He knows that the administration has its feet in concrete when it comes to that top line figure. He, the chairman on the House side of the Appropriations Committee, knows that we need that top line which we in the Senate have already agreed on, \$768 billion, if we are to come close to meeting the needs of the American people, talking about homeland security also.

Mr. REID. What the Senator is saying is for the Defense appropriations bill, which was approximately \$350 billion, you are saying the other 12 appropriations bills were \$9 billion over what the Office of Management and Budget wanted; is that what the Senator is saying?

Mr. BYRD. I am saying that is the difference, \$9 billion. That is all that is holding us from going forward. Yet Mr. Lawrence Lindsey, the President's economic adviser, says with respect to what the anticipated cost of the war in Iraq will be—

Mr. REID. Up to \$200 billion.

Mr. BYRD. Somewhere between \$100 billion and \$200 billion, chicken feed. That is nothing, he says. That is nothing. Yet \$9 billion is like a bone in the throat to this OMB Director down here, Mitch Daniels, and the President and the administration. They are hung up on \$9 billion. But when it comes to Iraq, no; \$100 billion, no, \$200 billion, no.

Mr. REID. One last question to the Senator from West Virginia, if we passed all of our appropriations bills out of here, including the Defense bill, passed them and took them to the House, we still have to go to conference; is that not true?

Mr. BYRD. That is true.

Mr. REID. And maybe if the President made a good case in conference, we would come back with less than \$9 billion over the OMB; is that right?

Mr. BYRD. Well, I suppose if there were a good case made. But the good case has already been made to the contrary that we need that \$9 billion more.

Mr. REID. But my point is that the process has been going on for 215 years. The House does its work; the Senate does its work. We go to conference. There you work out differences. It is my understanding they are not letting us pass bills because they are not passing House bills that we can even go to conference.

Mr. BYRD. Absolutely. The House has not passed the appropriations bills. The House Appropriations Committee—no fault of the Republican chairman of that committee and others on the committee—has not passed, has not reported out all of the 13 bills in the House. The House has reported eight bills. The House Appropriations Committee has reported 8 of the 13 bills. I am just talking about the reporting out by the committee.

We haven't done very well over here, either, because we are stalled on the Interior appropriations bill which has been before the Senate now for many days.

Mr. DAYTON. Will the Senator yield for one more question?

Mr. BYRD. Madam President, I yield for a question.

Mr. DAYTON. From what I understand from the discussion, the Senate Appropriations Committee has come out on time and on budget, and yet we are hung up in these delays. The Senator who chairs that committee, who has done everything right in order to meet these deadlines, today is on the Senate floor expressing the catastrophic effects that will result across the country from the failure to meet these deadlines.

This Senator presides a great deal and has not heard anyone else come before the Senate to express his dismay at the human consequences of the failure to come to this agreement.

I thank the Senator for bringing these matters to the attention of the Senate and ask, as a final question: What can we do now to try to stave off these catastrophes?

Mr. BYRD. Madam President, I hope the administration will come to its senses and stop playing politics. What I say, I say with great respect personally and individually to the leadership of the House, but for political reasons the House has not passed an appropriations bill—not a single one—in 9 weeks.

I have been in Congress now 50 years this year, and I don't recall, may I say to the distinguished Senator from Pennsylvania over here, ever in any administration, Democratic or Republican, seeing the likes of this. The House will not move its appropriations bills. The House is getting orders from on high—from on Mount Olympus, up there with the gods. So there we are. We are stalled, dead in the water. Here we are, within a few days of the new fiscal year.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. The time for morning business has expired.

Mr. BYRD. Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SANTORUM. Madam President, one quick comment about being stalled. I suggest that in defense of my colleagues in the House—and I try to be a defender of them in the Senate—I suspect one of the reasons is that we don't have a budget. It is very hard to mark up appropriations bills when you don't have an agreement between the two bodies. I think that is difficult.

The fact that the Senate has not passed a budget has put us in a situation where we have been unable to get conference reports—or even bills passed, in some cases—because of the uncertainty of what those numbers are.

Mr. BYRD. Will the Senator yield?

Mr. SANTORUM. I yield for a question.

Mr. BYRD. I will try to put a question mark after it. The House has a bill. We, on this side, agreed on it, and we had a vote in the Senate not too long ago. We got 59 votes; we lack 1 vote, or we would have had a budget. I hope we have another opportunity to vote.

Mr. SANTORUM. Madam President, yes, the House does have a budget, but the Senate does not. The Senate's top line number is higher than the House's. That is why we go through the budget process, so that we can have agreement between the two bodies on the top line number, and we can apportion the money accordingly. There is a discrepancy between the two bodies. That is what creates the problem for the House in being able to move their appropriations bills—that trap into which they may be entering.

That is not the reason I got up to talk. I know the good Senator has spent considerable time talking about this, and I respect his opinion. I wanted to very politely disagree with some of the conclusions in his discussion.

Mr. BYRD. Madam President, I didn't know the Senator disagreed with me.

Mr. SANTORUM. With the conclusion. My mother always told me to try to disagree without being disagreeable. I am trying to do that at this time.

Mr. BYRD. Well, the Senator is talking about mothers now.

Mr. SANTORUM. I figure I am on solid ground in that regard.

Mr. BYRD. Maybe.

#### THE CARE ACT

Mr. SANTORUM. Madam President, I rise to talk about an issue of grave importance. The Presiding Officer is from New York, and she knows of the great tragedy that has befallen her State as a result of 9/11, and the tremendous generosity that has been pouring out to the victims of terrorism in New York, northern Virginia, as well as Pennsylvania.

What I am sure Members know also is that, as a result of that tremendous outpouring of giving, in a lot of other