

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

areas of the country charitable giving is actually off between 20 and 25 percent. Overall, charitable giving is up, but it has been channeled—legitimately so—toward the victims of terror.

As a result of that, and for other reasons, too, Senator LIEBERMAN and I have been working diligently with the President and our colleagues in the House to try to get a bill through the Congress this year because of its timeliness. It is a 2-year bill to try to get emergency help to faith-based organizations—but, frankly, if you read the legislation, to all nonprofit organizations that are out there trying to improve our society. This is a bill targeted at charitable organizations in an attempt to get more resources to them at a time when we have economic distress, wartime distress, as the war on terror goes on, and the distress coming from the terrorist attacks in the United States.

We are trying to respond in a compassionate way with resources to the very organizations that really do meet the human services needs. We are working in the Senate on a strong, bipartisan basis to try to find a consensus.

Now, this issue of the President's faith-based initiative has attracted a lot of controversy. Basically, it is centered around the issue of employment discrimination for those who would receive Federal dollars, whether they would be allowed to—because they are religious organizations—discriminate in employment.

Senator LIEBERMAN and I have attempted to build a bipartisan consensus to try to move a bill through the Senate and have chosen to set that issue aside, basically. Probably Senator LIEBERMAN and I have different views, and there are different views probably on both sides of the aisle. We thought this issue was so important, getting these resources at a time of economic need, at a time of war, to the nonprofit organizations was so important that, even though I believe this hiring discrimination language for nonprofit organizations is important, I was willing to set it aside. The President has agreed to set this aside in order to get bipartisan consensus to really work in the sort of bare bones, or the nuts and bolts, of what the President's initiative was about—getting help to charitable organizations, or to the “armies of compassion,” as he terms it.

Senator LIEBERMAN and I came up with the CARE Act, and I thank Senators BAUCUS and GRASSLEY. It has moved through the Finance Committee and has broad bipartisan support. It has the Presiding Officer's support and also the majority leader's support. He has announced his support for the legislation. It is, I believe, from most people's perspective, a noncontroversial bill.

There are some who I understand have some concerns about the legisla-

tion. We have some on our side, and I understand there are some on the Democratic side of the aisle with specific provisions of the bill. Over the past several months, Senator LIEBERMAN and I have been working with our leadership and the Democratic leadership trying to clear this legislation so we can get the bill considered on the floor, with some sort of time agreement, because we are close to wrapping up the session, and with some limitation on amendments.

I would be perfectly willing to allow for two, three, four, five, or whatever amendments are necessary to meet objections on both sides of the aisle. Frankly, I don't see many objections, per se, to the bill, although I understand there are some. I also know there are people—because this is a tax bill—who would like to see a variety of tax issues considered on this bill. I am willing, if that is how we will reach a consensus, and I think Senator LIEBERMAN will be willing to debate those.

We have been informed by the majority leader that he does not want that debate. He would like to limit this to one amendment on each side with a relatively tight time agreement. That was a little bit of a heavy lift from our side of the aisle, but I proceeded, with the help of the rest of our leadership team, to work through our side of the aisle to get some amendments in the managers' package, and from that side of the aisle also. Yet we came down here with, yes, we can whittle it down.

In fact, last week we cleared a unanimous consent request for one amendment on our side—the one by Senator GRAMM from Texas, who has an amendment to a provision that isn't in the CARE Act, but it is in the package on the floor. Senator GRAMM would like to have an amendment. We submitted that to the Finance Committee 2 weeks ago and to the Democratic leader 2 weeks ago. They have been able to review that amendment. We have been working on a managers' amendment, and last week we were able to get a consensus. I thank Senators GRASSLEY and BAUCUS and their staffs for working diligently in trying to run through and get the consensus managers' amendment, which has been shared with my Republican colleagues.

It is a rather voluminous amendment, I might add. It is 200-some pages. That amendment was shared—and I thank the Finance Committee staff—with the Republican leader and with the minority Finance Committee members. We have that amendment. It is my understanding that amendment has been cleared on both sides.

We are at a point now where we have an amendment that has been available for 2 weeks on our side of the aisle. We have been able to hold off all other amendments, and I guarantee I have a long list of Senators who would like to offer amendments to this bill. But in the spirit of trying to pass what I believe is very important legislation—and I think most Members would agree

getting help to charitable organizations during a time of economic stress and war is a good thing to do. It is a short period. It is not a long and permanent change to the Tax Code. It is a short period of infusion of resources into the charitable community. We now are at a place where we can try to move forward.

I know the Senator from Nevada, who is in the Chamber, the Senator from Connecticut and the Senator from South Dakota, Mr. DASCHLE, have been trying to work on the Democratic side of the aisle to clear this amendment and this bill and try to get unanimous consent.

I will propound a unanimous consent request, and I am curious to hear the comments from the majority whip as to where we are in the state of play on the Democratic side of the aisle at this point. The reason I do so, I want to announce beforehand, is that last week when I came to the floor, having worked this now for several weeks, I said it is important we try to bring this issue to a head, and if we could not get a unanimous consent agreement offered by the leader that I would do so to attempt to provide to the Senate a better understanding of where this process stands and the likelihood for success in getting this done between now and the end of the session.

#### UNANIMOUS CONSENT REQUEST

Madam President, I ask unanimous consent that at a time determined by the majority leader, after consultation with the Republican leader, the Senate proceed to the consideration of Calendar No. 496, H.R. 7, which is the House-passed President's faith-based initiative, and that it be considered under the following limitation: That there be 1 hour for general debate on the bill equally divided between the two managers; that the only amendment in order, other than a managers' substitute, be the following: One first-degree amendment offered by Senator REED of Rhode Island regarding charitable choice; and one first-degree amendment to be offered by Senator GRAMM of Texas regarding land/water sales or exchanges; that the amendments be limited to 60 minutes each to be divided between the proponents and opponents.

Finally, I ask unanimous consent that following the disposition of the above amendments and expiration of debate, the bill be read for a third time and the Senate proceed to a vote on passage of the bill, with no further intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Madam President, reserving the right to object, I think there is agreement by the vast majority of Senators on both sides of the aisle that this faith-based bill is important; that it is an important initiative we need to address. Fortunately, Senator LIEBERMAN, who has worked hand in hand with the Senator from Pennsylvania, is in the Chamber. I do not know

of anyone better qualified to work on this issue than the Senator from Connecticut, who has devoted much of his life to issues such as this and sets an example on faith-based issues generally. We should listen to him, and certainly we will.

Senators LIEBERMAN and SANTORUM have crafted a bill that avoids many of the pitfalls some believe are contained in the House bill. As the Senator from Pennsylvania knows, we have also diligently worked to secure a unanimous consent agreement that would allow for consideration of this important legislation.

It is frustrating. We have not yet been able to work it out, but there is a lot of frustration on a lot of different issues in the Senate at this time.

We have been advised by a number of Senators, as late as this morning, that we need more time to work through some of the details of this unanimous consent request.

Again, I appreciate Senator SANTORUM's and Senator LIEBERMAN's commitment to this issue, but I object at this time.

The PRESIDING OFFICER. Objection is heard.

The Senator from Connecticut.

Mr. LIEBERMAN. Madam President, if I may, objection has been heard, but I thank both my colleague from Pennsylvania and my colleague from Nevada for their statements. I share the frustration of the Senator from Pennsylvania and the disappointment with our inability to reach an agreement to allow for consideration of the CARE Act, which started out much broader. We have worked on it and really got it down to its essence and it is a good bill. It employs an expanding number of tax incentives to encourage charitable contributions.

The Senator from Pennsylvania said not just faith-based organizations but all charitable organizations. It is kind of a community-based or civic-based, nonprofit-based bill. It has the support of 22 cosponsors in the Senate. The occupant of the chair, the junior Senator from New York, is one of our original cosponsors. It is supported by the President, by the majority leader, Senator DASCHLE, as we said, and by 1,600—I repeat, 1,600—religious and community groups and social service providers, large and small, across the country.

We ought to pass this bill. It is one of the best bills we take up this year for not just faith-based groups but for our communities.

For reasons that are sometimes clear and sometimes not, some of our colleagues are holding up action on the CARE Act. Some who are objecting have not yet disclosed their identity. Given the fact that time is slipping away in this session, I appeal to my colleagues to not let this opportunity to help make our country as good as our values slip away, and let's particularly not squander the bipartisan consensus we have achieved on this meth-

od of transforming the good will in our country into more good work.

A lot of effort has gone into crafting this bill by people on both sides. I particularly thank Senator DASCHLE and his staff for the work they have done. Ideally, we can agree, as the Senator's unanimous consent proposal stated, to have one amendment on each side. Maybe we could agree on a couple more, if that is necessary. Let's have an open debate. Let's move the bill forward. Let's deliver this unique CARE package to its rightful destination, which is on the President's desk.

I hate to have Senator SANTORUM and me in a position where we start to look for a vehicle to which we can attach this as an amendment. We should not have to do that. I hope, working together, we can avoid that and get this legislation passed.

I thank my colleagues, and I yield the floor.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

The Senator from Oklahoma.

#### LEGISLATIVE PROGRESS

Mr. NICKLES. Madam President, I will make a couple of comments concerning the budget and the appropriations process. A couple of days ago we heard the majority leader being very critical of the President, talking about his lack of working with Congress and it is his fault we have a budget deficit. Earlier today, we heard the chairman of the Appropriations Committee being critical of the President. It looks like a lot of people are throwing rocks at the White House. Maybe that is the easy thing to do, but we should be looking internally and saying: What have we done?

We have not passed a budget, and because we have not passed a budget for the first time since the Budget Act was passed in 1974, we do not have a budget that has the same figures with the House. Every other year—and I have been in the Senate for 22 years—we have always had a budget.

Basically, the House and the Senate agree on numbers and then we pass appropriations bills. Every year we have been able to do that, except for this year. We have less than a week to go. Next Monday the fiscal year expires, and we have passed 3 out of 13 appropriations bills. That is probably the worst record in Senate history—certainly since the Budget Act passed. Shame on us.

And then to say it is the administration's fault or it is the House's fault—I heard somebody say it is the House's fault because the House has not passed

very many. That is not our constitutional responsibility. Our responsibility is to pass our bills. We do not have to wait for the House. The tradition is, the Senate waits on the House, but we do not have to wait on the House. We certainly do not have to spend 4 weeks on the Interior appropriations bill.

This is our fourth week on the Interior appropriations bill. The Interior bill can, could, and should be done in 1, 2 or, at most, 3 days. It is ridiculous to think we have been on the bill for 4 weeks, and we still do not have an end in sight.

Some have said the Republicans are filibustering the bill. No Republican is filibustering the Interior bill and no Republican is filibustering the homeland security bill; none, not one. We have offered an amendment. I noticed the Democrats offered an amendment. They are entitled to offer amendments. We are entitled to have votes on those amendments. For some reason, the majority has come to this conclusion to file cloture.

Filing cloture on the Interior bill does nothing. Even if cloture was granted, it does not prohibit somebody from offering an amendment. They filed cloture on an amendment, not on the bill. So that process is going nowhere fast.

Now we have another cloture vote scheduled on homeland security, as if that is going to deny us having a chance to vote on the President's homeland security bill. That is not going to happen. It should not happen.

My compliments to Senator GRAMM and Senator MILLER. They have put together the President's package. They have made some modifications to try and accommodate Members. They are entitled to a vote. This idea of we are going to have cloture on the bill so they will not be able to offer their amendment is absurd, and it is not going to happen. So people can file all the cloture motions they want, but it does not move the process of the Senate.

We can move it. We can pass these bills. On the Interior bill, all someone has to do is move to table the amendment. Let's find out where the votes are. That is what we used to do. If the managers of the amendment do not like it, they can move to table it. They do not need to file cloture. They do not need a supermajority; just move to table it. It may well have the votes.

Certainly the President is entitled to have a vote on homeland security. It would be absurd to invoke cloture so that amendment would not be allowed. It brings home the fact the Senate is dysfunctioning; the Senate is not working. We had a very important energy bill. Did it go through committee? No. Did Senators who have experience and expertise in the energy issues get to mark up the bill? No. It came on the floor of the Senate. We spent 6 or 7 weeks working on marking up the bill on the Senate floor, and now it is in