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 method 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

the conference. Hopefully, something will come out of that.

Did the Senate pass a prescription drug bill? No. Was it marked up in the Finance Committee? No. Did we have a markup? Did Members on the Finance Committee, some of whom have experience and expertise on prescription drugs and Medicare—every major Medicare expansion has passed through the Finance Committee in a bipartisan vote. We did not have a markup this year. We did not even have a chance to offer amendments. Yet we spent 2, 3, 4 weeks on the floor trying to mark up something on the floor with no result, with no prescription drug benefit being offered. The House was able to pass it. We were not.

The same thing is true for the Medicare give-back bill. The House was able to do that, in conjunction with the prescription drugs. Some are saying let's put together a give-back bill and run that through.

We are going to give providers, hospitals, and doctors more money, but we are not going to give prescription drugs to seniors who really need them, who do not have them, or who are maybe low-income? I am not sure that is very fair.

The Senate is flat not working.

In the Finance Committee last week, we are going to have a small business bill. Two or three Senators put together a bill, $16 billion. There are some tax increases. There was no consensus whatsoever in doing it, except maybe to help somebody politically, but it was not a question of, is this really going to stimulate small business?

Most people realize it is a stalking horse for a person to offer a minimum wage increase which really would hurt small business.

I look at the number of judges, and we have confirmed 78 judges. Some say that is great. In President Bush's first 2 years, 78 judges have been confirmed, which is 61 percent of the judges that he has nominated. Maybe that sounds pretty good, but in looking at President Clinton, he got 129 judges in his first 2 years. He got 90 percent of his judges; President Bush has 61 percent. President Bush 1 got 71 judges. That was 93 percent of the judges he nominated. President Reagan got 89 judges, which was 98 percent of the judges he nominated in his first 2 years, but President Bush only has 61 percent.

When it comes to circuit court judges, the President only has 14 of 32. He has 43 percent of his circuit court judges confirmed. For whatever reason, it seems as if the majority, the Democrats on the Judiciary Committee, do not want circuit court judges to be appointed by President Bush, so they are holding up several outstanding, well-qualified nominees, for ages.

Miguel Estrada is finally going to get a hearing on Thursday. He was nominated a year ago May. He has argued 15 cases before the Supreme Court. He has outstanding qualifications, graduated the top of his class from Columbia and Harvard, was an assistant U.S. attorney, and an assistant solicitor. He finally gets to have a hearing.

Then there is John Roberts who was nominated a year ago May. He has argued 35 cases before the Supreme Court, and he is yet to get a hearing, probably will not get a hearing this year. What is fair about that?

When people are patting themselves on the back because we have confirmed 78 judges and they are saying that is a lot, well, not when Bill Clinton got 90 percent and President Bush gets 61 percent; not when the current President Bush gets 43 percent of his circuit court judges and President Clinton got 86 percent. President Bush 1 and President Reagan both got 95 percent of their circuit court judges.

All of a sudden, when it comes to circuit court judges, we are just going to go slow on those; they are going to have to wait a year and a half to get a hearing, if they get a hearing. I do not think that is fair.

If we add together the fact that we have not done a budget, we have not done appropriations bills, we have not been confirming the number of judges that we traditionally have for the previous three Presidents, when we have not done a prescription drug bill, when we have not marked up an energy bill through the committee so it is stuck in conference, this Congress, this Senate, has not been working.

For people to say it is the President's fault or it is the House's fault, I disagree. The House has been pretty productive in their legislative efforts. They passed a prescription drug bill. They passed a budget. They have passed more appropriations bills than we have, and they would have passed more had we passed a budget. If this Senate would have passed a budget—which, incidentally, 60 votes are not needed to pass a budget. Fifty-one votes are needed to pass a budget. If this Senate would have passed a budget, these appropriations bills could have gone forward.

To cast aspersions blaming the House or the President for not getting the work done, the blame belongs right here. The Senate has not done its work. We have not passed a budget. We have not passed appropriations bills. Next Monday is the end of the fiscal year. Shame on us. This is the first year I have been in the Senate that we have not gotten our work even close to being done. It is not as though the bills are stuck in conference and we have not resolved the differences. We have not gotten the bills out of the Senate, and that is really not very acceptable.

The Senate needs to work. We need to do our work. We have not done our work, certainly this past year.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. CANTWELL). The clerk will call the roll.

The assistant legislative 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.

ORDER OF PROCEDURE

Mr. REID. Madam President, we have a number of Members on the minority side who wish to speak. The Senator from New Hampshire has been waiting for quite some time. He actually wants to offer an amendment on this bill. With the Gramm amendment pending, we would rather he didn't do that at this time. It is my understanding Senator DEWINE wishes to speak as in morning business.

Mr. DEWINE. Actually, it is on the bill.

Mr. REID. On the bill? You are not planning to offer an amendment or anything at this stage?

Mr. DEWINE. No, I am not offering an amendment.

Mr. REID. I see that the floor staff has returned. Could we have the ability to enter into an agreement at this stage?

Mr. GREGG. I suggest that I speak for 10 minutes with the understanding that no amendment be offered, and the Senator from Ohio be allowed to speak for 10 minutes with the understanding that no amendment will be offered.

Mr. REID. It is my understanding the Senator wishes more than 10 minutes.

Mr. GREGG. Twenty minutes?

Mr. DEWINE. Fifteen.

Mr. REID. Madam President, I ask unanimous consent that—we don't have the agreement yet worked out—the Senator from New Hampshire be recognized for up to 10 minutes to speak as in morning business and that the Senator from Ohio—it doesn't matter, you can speak on the bill if you would rather. We are on the bill, so the Senator from New Hampshire will be allowed to speak for up to 10 minutes on the bill, and then the Senator from Ohio will be allowed to speak for up to 15 minutes on the bill. There would be no amendments offered by the two Senators, and following the statement of the Senator from Ohio, the Senator from Nevada would be recognized.

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

HOMELAND SECURITY ACT OF 2002—Continued

The PRESIDING OFFICER. The clerk will report the bill.

The assistant legislative clerk read as follows:

A bill (H.R. 5005) to establish the Department of Homeland Security, and for other purposes.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. Madam President, I thank the leader for his courtesy in orchestrating this so I can speak briefly. I hope to offer an amendment, and I