

Smith (OR)  
Snowe  
Specter  
Stabenow

Stevens  
Thomas  
Thompson  
Thurmond

Voinovich  
Warner  
Wyden

# NOT VOTING—5

Helms  
Inouye

Kennedy  
Landrieu

Torricelli

The conference report was agreed to.  
Mr. HOLLINGS. I move to reconsider the vote.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Pennsylvania.

## CHARITY AID RECOVERY AND EMPOWERMENT ACT OF 2002

Mr. SANTORUM. I thank the Presiding Officer. I appreciate the opportunity to speak. I am prepared to offer a unanimous consent on the CARE Act, which is the act that passed out of the Finance Committee 147 days ago. It is the Charity Aid Recovery and Empowerment Act of 2002. I will let the Members know what the legislation does, and then I will ask unanimous consent to consider the legislation before we leave.

This legislation came out of the Finance Committee with 28 bipartisan cosponsors. More than 1,600 small and large charitable organizations support this act because it promotes giving, it promotes savings for low-income individuals, and makes the Tax Code more fair, particularly for the low-income and moderate-income individuals who do not fill out the long form on their tax return.

It provides 86 million Americans the opportunity to itemize charitable organizations, which now they cannot do because they do not fill out the long form. It allows 300,000 low-income individuals the opportunity to build assets through something that Senator LIEBERMAN and Senator FEINSTEIN and others on both sides of the aisle have promoted—individual development accounts. It will provide incentives for \$1 billion in food donations from farmers, restaurants, and corporations. It will provide \$150 million in a compassionate capital fund to provide money for smaller charities.

A lot of charities do not participate in government funding programs because they do not have the technical expertise to do so. We are providing money for technical assistance to some of the community grassroots organizations, faith-based organizations, and non-faith-based organizations to participate in providing social services in a very effective and compassionate way.

This is the way to do it. It adds something Senator LIEBERMAN was a great advocate of, \$1.2 billion in new social service block grant funds to provide social services to those in need in our society. It allows people to give tax-free contributions from their individual retirement accounts. Again, right now if

someone wants to give to a charitable organization, and you want to give it out of your IRA, you have to pay taxes and penalties. This allows for a distribution from people who have money in their IRA's who have a desire to give to charitable organizations. We will allow them to do that, liberating hundreds of millions and billions of dollars to faith-based organizations.

This is legislation designed in response to 9/11 and the recession we have been going through to try to target resources to these small, charitable organizations; to try to get moderate- or low-income individuals the opportunity to deduct the charitable contributions. One of the ways it is paid for is through corporate inversion. I argue we are nailing corporations that are moving their operations out of the United States and avoiding taxes. We are taking money that could be raised by these corporate inversion provisions and channeling it to those most in need in our society.

That is what the legislation does. There is one other provision I make clear. There is equal treatment language in this legislation. Let me state what that does. It is noncontroversial, equal treatment language. It says organizations that receive government funds can display a religious icon, that they can have a religious name. Believe it or not, I have been to many organizations, particularly in the Jewish community, and because they have a Hebrew name, they are automatically left off the list of organizations that can participate in government funds, even though they are not Jewish in nature. They may be Jewish, but they are not in any way affiliated with the Jewish faith. They just happen to be culturally a Jewish organization.

Having a religious name like St. John's should not eliminate you from participating in government funds, if you are not religious in nature, or do something unique for a religious purpose. You can have religious language in your chartering documents, you can quote the Bible in your chartering documents, and it should not eliminate you from Federal funds. Again, these are not controversial. You can use on your governing boards, nonprofits, not paid governing boards some sort of religious criteria as to who serves. So if you are the Mormon Church and have a governing board on your social service agencies, you can require they be Mormons. I don't know that necessarily discriminates against anybody in the sense these are not paid positions. They are church-affiliated. We are not discriminating in the hiring. We are talking about oversight of charitable organizations.

These are the provisions of this act. I believe if you look just at the four walls of this bill, there is not a lot of controversy in this legislation. What we have attempted to do, Senator LIEBERMAN and myself—we have been working this legislation now for almost 150 days. Obviously this is legislation

the President strongly supports. He believes we need to get this money out into communities to try to help those in need in our society.

We have been working with Senator DASCHLE. I thank Senator DASCHLE and Senator REID for their good-faith effort to try to move this legislation forward. As many here in the Chamber know, Senator DASCHLE said publicly over and over, over the past couple of years, he would give the President a vote on this initiative, which is just a piece of the President's faith-based initiative. He has worked diligently to try to make that happen.

We have been hotlining a unanimous consent agreement. The unanimous consent agreement would allow for four Democrat amendments on the substance of the legislation, attacking the substance of the legislation, and one Republican amendment.

I want to repeat we are allowing the Democrat side four amendments and we have accepted it on our side. We hotlined it this week. There is no objection on our side of the aisle to giving four times as many amendments to the Democrats as we have on this side.

I am hopeful that, given the importance of this legislation, given the fact this is going to help those in need at a time of economic distress and uncertainty, we can liberate literally billions of dollars to be targeted to organizations that want to help those in need in our society.

I ask unanimous consent that at a time determined by the majority leader, after consultation with the Republican leader—however, no later than the close of business of the Senate—the Senate proceed to the consideration of Calendar No. 496, H.R. 7, and it be considered under the following limitations: That there be 1 hour for general debate on the bill equally divided between the two managers, the only amendments in order, other than the managers' substitute, be the following: An amendment prohibiting proselytization using public funds, an amendment prohibiting discrimination using public funds, an amendment prohibiting direct funding of religion, an amendment preserving State and local government options—these amendments were provided to us by Senator DASCHLE, I believe to be offered by Senator REID—and a Republican amendment, to be offered by Senator GRAMM, is an amendment expanding benefits of land conservation provisions to all charities; the amendments be limited to 60 minutes each, to be divided between the proponents and opponents, with no second degrees in order. I ask following the disposition of the amendments and expiration of debate, the bill will be read a third time, and the Senate proceed to a vote on passage of the bill with no further intervening action or debate.

Several Senators addressed the Chair.

Mr. LIEBERMAN. Mr. President, reserving the right to object, and I will

not object, I support the request of the Senator from Pennsylvania for unanimous consent. I have been his cosponsor and coworker in this cause for many a year now. This is part of an attempt to find a constitutionally appropriate way to engage. The initial attempt was to engage faith-based groups in making this a better society, using the particular skills they have, and sense of mission that faith-based groups have, to help us deal with some of society's social problems.

Of course, there are thousands of faith-based groups that are doing that today with regard to fundamental human needs such as hunger and homelessness, and going beyond that, to violence, family dysfunction, drug abuse, substance abuse, and a host of other problems. This was an attempt to see if we could find a constitutionally appropriate way to have the Government help these groups do that.

Along the way many concerns were raised. The bill was passed in the House, so-called charitable choice, building, in fact, on a charitable choice provision that was in the welfare reform bill of 1996 and signed by President Clinton. A similar provision was adopted in three other social service programs, but when it came to introducing this legislation last year—which President Bush had coordinated and initiated—there was some opposition and controversy around it.

I must say here, and perhaps it is timely and appropriate to say it, as the pending legislation before the Senate is the homeland security legislation, where this Senator has said several times I have felt the administration, on a particular point, has been inflexible or—in any case, in this measure, with regard to faith-based institutions, the administration has in fact been quite flexible. We have now come together on a proposal that is not really any longer strictly a faith-based initiative. It is a charity initiative. We have eliminated all of the controversial sections that were in the House-passed legislation, passed earlier in the 107th session. We have honed down now to very significant tax incentives for charitable giving, for people to give to charities, faith-based and otherwise, at a time when those charities' income is falling because of the economy and other demands. Yet the needs, if anything, as the economy is stagnating, are even greater.

As to the \$1.2 billion to social services block grants, if there was nothing else in this bill, I would say it was worth it because these are critically important, humane programs that are carried out. Again, they don't just go to faith-based groups. They go to all—they go mostly to nonfaith-based groups. And then technical assistance for charities to be able to qualify for public assistance, the Individual Development Accounts, which were a wonderful way—experimented with in several places around the country—to help poor people build savings that are

matched by financial institutions, to get some wealth and work their way up into the middle class.

I know there remain some concerns about the bill. But they are not about the language of the bill, which I believe is noncontroversial at this point. They are about trying, around this bill, to change some language that is in the statute now—particular language in title VII of the Civil Rights Act that allows faith-based groups to hire people only of the faith of the group. That is an issue on which we can all agree or disagree. But I plead with my colleagues, it is an issue for another day.

The fact is, under the unanimous consent proposal that the Senator from Pennsylvania has made, our colleagues who are concerned about that issue, though it is not specifically within the parameters of this proposal, will have the opportunity to introduce amendments to alter it.

I think this is a very reasonable proposal which is all good and will help charitable groups of all kinds help us make this a better country. Therefore, I appeal to my colleagues to allow this unanimous consent to be adopted so that, before we leave, we can in a sense give a gift, as we approach the holiday season, to those who are most in need in our society and particularly directly to those charitable groups where the focus is on helping those most in need.

I hope we can agree on this unanimous consent proposal.

I yield the floor.

The PRESIDING OFFICER. Is there objection?

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, my problem with this unanimous consent request relates to the limitation on amendments. There have been four amendments specified. I have been trying for weeks and months, in some cases years, and other Members of this body have also been attempting to get other amendments that relate to the Finance Committee's work before this body for a vote.

The Senator from Connecticut talks about the needy. Clearly, he is right. There are needy people in this country. One of the neediest groups is the people who have exhausted their unemployment benefits. We have been trying for months to get an extension of unemployment compensation before this body for a vote. In prior recessions, there have been extensions of unemployment of 29 weeks in 1974, 26 weeks in 1981, 33 weeks in 1990, and 26 weeks in 2002. We need an extension of unemployment benefits. We have a large number of people—900,000 workers—who have exhausted all of their additional weeks of Federal unemployment insurance between May and July of 2002. This number is going to grow to 2.2 million before the end of the year. We have lost 2 million private sector jobs in this country since January of

2001—an actual decline in private sector jobs for the first time in 50 years.

We have economic problems. We have suffering. We want to extend unemployment benefits. Yet I am precluded—as have our other colleagues who have been working diligently on this issue—from offering an amendment to this bill to extend unemployment benefits. It is that limitation, that restriction, that prohibition in the unanimous consent proposal that I have a problem with. I think it is important that those who are fighting for an extension of unemployment compensation have this opportunity on this bill because this is a bill which can pass and offer immediate and critical help to our people.

That is the problem I have with the unanimous consent request.

In addition to the extension of unemployment benefits, I ask if the author of this unanimous consent request would consider modifying his request to allow three amendments I have been trying to get considered by this body. One is the extension of unemployment compensation which many people have been attempting for months to have considered by this body. I would like to see that locked in and guaranteed for consideration on this bill. This bill can pass. No. 1.

No. 2, an amendment relevant to stock options which was blocked. Senator McCain was blocked from offering it a number of months ago. The amendment would simply require the Financial Accounting Standards Board to consider the issue of stock options within a year and report back.

The third is the Securities and Exchange Commission administrative enforcement amendment.

We circulated those amendments. They are clearly within the jurisdiction of this committee. The only way we are going to get these amendments considered is if they are part of a unanimous consent request such as this.

I ask the Senator from Pennsylvania whether he would consider amending his unanimous consent request to allow three additional amendments. That is the only problem I have with his unanimous consent request—it precludes amendments from being offered which are within the jurisdiction of this committee, which are critically important to this country, and which won't be considered unless we can make them part of a unanimous consent request.

That is my question to the sponsor of the unanimous consent.

Mr. SANTORUM. Mr. President, let me address the three amendments.

With respect to the first amendment, I agree with the Senator from Michigan. That is something we should do. Even though I believe it is not germane to the package we have before us, it is certainly within—from the standpoint of what this bill is trying to do, which is help with the financial and economic stress—it certainly meets the overall goal of the legislation.

My understanding is that there is a very good chance the House is going to

pass an extension today and send that over. In fact, I feel very confident about that. They are going to pass an extension and send it over, which I hope we will be able to act upon and pass.

I would say to the Senator from Michigan with respect to this piece of legislation that I think you will have an opportunity to deal with that issue on the bill that certainly will have just as much chance of passing as this bill.

Mr. LEVIN. Will the Senator yield on that point? Is it the Senator's understanding that that extension is simply an extension or part of a larger package which has many other features to it?

Mr. SANTORUM. I do not know if anybody else has a better understanding than I do. If they do, feel free to chime in.

My understanding is they are going to pass a clean extension.

Mr. SARBANES. Mr. President, will the Senator from Michigan yield on that question?

Mr. LEVIN. Yes.

Mr. SARBANES. It is my understanding that the unemployment extension benefits that the House is considering, first of all, are embraced within the package that encompasses other things as well.

Second, and more importantly perhaps, the unemployment insurance benefits issue itself is very limited and falls far short of the sort of amendment the Senator from Michigan is considering in terms of extending these unemployment insurance benefits, which is a growing crisis in the country. We need to recognize that. I certainly support the Senator from Michigan in his effort to ensure the unemployment benefits. But what the House is considering, as I understand it, is grossly inadequate in terms of addressing the unemployment insurance. It doesn't even carry forward a full extension of the current situation beyond that. There are going to be people falling off the cliff here very shortly. Many of them have already fallen off the cliff.

Mr. SANTORUM. Mr. President, the Senator is making the point that he doesn't have another vehicle for an opportunity to offer his amendment. My point is, when this bill comes over, he will have an opportunity to offer an amendment on unemployment extension, and he does not need to use this vehicle. That is the point.

Mr. LEVIN. Is my understanding correct that an unemployment benefit extension is part of a larger package which has many controversial issues in it? If so, then that bill may not go anywhere because of the other parts of it—not because of the unemployment extension, which purportedly everyone favors around here but then wants it to be used to produce other achievements and successes that are highly controversial.

This is not a controversial amendment. This extension we are talking about is not a particularly controver-

sial amendment. The Senator from Pennsylvania favors it. And yet, when I am asking whether he favors an extension—

Mr. SANTORUM. I haven't seen the amendment. I do not know.

Mr. LEVIN. I withdraw that—favors an extension of unemployment compensation, we may be able to sit down and work out something that the Senator from Pennsylvania does favor in the area of unemployment compensation extension and include that in his unanimous consent.

But it seems to me it is absolutely reasonable to ask for a more certain way of getting an unemployment benefit extension passed through this Congress. It is critically important to hundreds of thousands of people who are suffering. It is immediate. It is urgent.

I therefore renew my request that those three amendments be added to the unanimous consent request of the Senator.

Mr. SANTORUM. Mr. President, I would certainly be willing on the first amendment to sit down with the Senator to see if there is an unemployment extension that can be agreed to. I think it is something we need to do. I think there is a willingness on our side to have an unemployment extension. I would have no objection to setting aside the unanimous consent request to try to work out a unanimous agreement on the issue of unemployment compensation.

There are other issues which are really outside the scope of this, and they are very controversial. I understand the Senator—I know because I have been on the floor many times—from Michigan has attempted to get the initiative aired. I understand his passion on it. I respect how he feels about it. But I think the Senator from Michigan would agree with me that these are hotly contested. In fact, one of the co-sponsors of this legislation on the other side of that issue is the Senator from Michigan. I think adding those two amendments that really aren't germane for helping those in need in our society are outside of the scope, and in fact the amendments would sink the entire bill if they were adopted.

I can try to meet the Senator halfway. Let us try to work together on unemployment. If we can do that, and if the Senator is willing to set aside the other two amendments, then we can try to move forward with the consent request. I would be happy to work with him.

Mr. LEVIN. Mr. President, let me ask the Senator from Pennsylvania about the third amendment to which I referred, which wasn't particularly controversial but yet precluded when we considered the Sarbanes bill, which has to do with administrative enforcement by the SEC of their regulations.

The only area that the SEC cannot now administratively enforce with civil fines is the area of regulations involving corporate executives and auditors. When it comes to the stock-

brokers, they are able to enforce administratively their regulations with the use of civil fines, of course subject to the appeals courts. But the area which has been so crucial and so sensitive—violations of regulations which have contributed so much to the suffering in the economy, violations by corporate executives and by auditors—in that area, the SEC does not have the authority to proceed administratively. They want it. I do not know of folks who oppose it. But unless we can act on it this year, there will be another delay.

I ask the Senator from Pennsylvania whether or not his offer to go halfway would include the second of the three amendments relative to the SEC administrative enforcement.

Mr. SANTORUM. My understanding is that third amendment is not a tax-related amendment and would be appropriate to be offered, for example, if you wanted to, on the homeland security bill or another piece of legislation that is coming through. So there isn't a need to have that amendment attached particularly to a tax vehicle.

I understand your second amendment has tax implications and is necessary to offer to a tax bill. But this amendment you could offer, if you wanted to, once we leave this unanimous consent, to homeland security. It probably has a much better chance of being passed and signed by the President in this legislation.

So I would say to the Senator, if he wants to do that, I would argue that the better opportunity for him to do it is on homeland security, not this tax bill.

Mr. LEVIN. Will the Senator yield on that?

Actually, both the amendments have tax revenue implications. Stock options have been, in my judgment, excessively used in an inconsistent way, where a tax deduction is given to a stock option which is not shown as an expense on the books but is taken as an expense on the tax return. So there are very significant tax issues on the stock option issue.

Also, on the auditors and executive issue, there are tax revenue implications because in both cases we have lost significant amounts. Because of violation of regulations by auditors and by executives, we have lost tax revenue.

Mr. SANTORUM. Mr. President, I say to the Senator from Michigan, the third amendment, from my reading of it, is an amendment that is under the jurisdiction of the Banking Committee and not under the jurisdiction of the Finance Committee and not a tax-related amendment. There may be revenue implications, but there are lots of revenue implications of things we do here that are in the jurisdiction of other committees having to do with enforcement. But there is no tax implication. Therefore, there is no need to offer it here in this tax legislation. The second one certainly does.

Mr. LEVIN. On the stock option, there has even been a hearing in the Finance Committee.

Mr. SANTORUM. I understand the third one, that you are arguing for now, is not necessarily appropriate for this legislation.

Mr. LEVIN. Happily, the Senator's argument against it on the third amendment helps me on the second amendment because it is clearly in the jurisdiction—

Mr. SANTORUM. The second amendment is highly controversial and would be an amendment that would surely sink any possibility of this legislation being passed.

Mr. SARBANES. Would the Senator yield for a question about his second amendment on the stock option?

Mr. LEVIN. Yes.

Mr. NICKLES. Regular order.

The PRESIDING OFFICER. The Senator from Pennsylvania has the floor.

Does the Senator from Pennsylvania yield?

Mr. SANTORUM. I yield.

Mr. SARBANES. It is my understanding that the amendment the Senator from Michigan is talking about on stock options does not have a substantive result contained in the amendment. It is simply a request that the Financial Accounting Standards Board study the issue and report back.

Mr. LEVIN. The Senator is correct.

Mr. SARBANES. In that sense, it is neutral on the substance of the issue; is that correct?

Mr. LEVIN. That is correct. There is a requirement that they report back in a year. But the Senator is correct, on the substance of the issue, it is neutral.

I think the Senator from Pennsylvania might also find that some of the people who previously opposed the effort in the area of stock options may not object to having the Financial Accounting Standards Board review this matter and report back in a year, for the very reason that the Senator from Maryland raises, which is that it is substantively neutral.

Mr. DURBIN addressed the Chair.

Mr. NICKLES. Regular order.

The PRESIDING OFFICER (Mr. LIEBERMAN). The Senator from Pennsylvania has the floor.

Is there objection?

Mr. DURBIN. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Thank you very much.

I say to my colleague from Pennsylvania and my colleague from Connecticut, I understand the importance of this issue to each of you personally, and to those who are cosponsors, and why you are anxious to raise the flag and at least raise the issue in the closing days and hours of this session.

I find it interesting, in listening to the presentation here, that we have focused on the Finance Committee and tax implications, referrals from the Finance Committee, and their debate, and really have, unfortunately, not ad-

ressed what I consider to be the larger issue, an issue which should have been addressed by the Judiciary Committee, an issue which goes to constitutionality and the premise of the separation of church and state in the United States of America—something that many of us find fundamental to the American experience and to our American society.

I do not quarrel with the premise of the Senator from Pennsylvania. I could list, and he could, too, so many faith-based charities in his home State and my home State that have done wonderful work, and continue to do so. They receive Government assistance, and they should. I have supported them. I have found appropriations for them. I will continue to do that. I do not believe that is the issue here.

Frankly, if that were the referendum before us, it would receive a unanimous vote. We all concede charitable and faith-based organizations do exceptional work, and governmental assistance, under the right circumstances, can be of benefit to America as a society.

But the President's initiative that you have brought to the floor suggests the way we have done business in America for decades has to be changed substantially, dramatically. Those changes deserve an airing and full debate.

The Senator from Pennsylvania has been kind enough to acknowledge four amendments prepared by Senator JACK REED of Rhode Island as well as myself to bring to the floor. I would argue, perhaps, that 1 hour of debate for each of these amendments, considering the gravity and importance, is not nearly adequate.

But I also say this to my colleague from Pennsylvania. Is it not a fact that with the House minutes or hours away from adjournment, and the fact that no conference committee is likely to ever convene on this issue, there is little that can be accomplished in a substantive way on an issue of this importance?

Is it also not a fact that this issue is of such importance to us that we should take time to engage in a debate which, frankly, will give all sides an opportunity to express themselves, to make certain we do not—

Mr. NICKLES. Regular order.

The PRESIDING OFFICER. The Senator from Oklahoma has called for the regular order.

Mr. DURBIN. Let me say I reserve the right to object.

The PRESIDING OFFICER. The regular order is that a request has been made.

Mr. DURBIN. Well, then, I object.

The PRESIDING OFFICER. And a Senator, when the regular order is called for, must either object or the request will be granted.

Did the Senator from Illinois object?

Mr. DURBIN. I was trying to keep the floor open for those who wanted to express themselves on this issue. If I

am forced to object, I will, but I have other colleagues here who would like to share some concerns with the Senator from Pennsylvania. And as I understood, there was a dialogue between us, or at least I hoped there would be. That was the reason I was asking questions of the Senator. And if it is necessary at this point to object, and it will foreclose my colleagues from making a statement, I did not want that to happen. But if that is where we stand on this, I suppose I have no alternative. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Pennsylvania continues to have the floor.

Mr. SANTORUM. Mr. President, I am very disappointed that there was an objection. I understand the Senator from Illinois and the Senator from Rhode Island have objections to this legislation. As the Senator from Connecticut said very clearly and very articulately in his statement, the objections they have are not with this legislation. They may be with current law, the 1996 Welfare Act and the three other provisions that were signed by President Clinton and passed by this Senate, two of which were passed unanimously, to my recollection.

The objections are to underlying law, not to this legislation. This legislation does not deal with any of the issues that are in the amendments the Senator from Illinois has offered.

The Senator mentioned that an hour's debate is not enough. I am willing to spend as long—2 hours, 3 hours per amendment. I offered an hour of debate as an accommodation to the leader, to the majority leader, in trying to find a reasonable amount of time to finish.

I agree with the Senator from Illinois, this is a very important piece of legislation. But if the problem is that we need more time for debate, I certainly would, and I know the Senator from Connecticut would, be perfectly willing to come here.

I think these are important issues, but I would argue they are not issues about this legislation. They are not issues in your amendments having to do with proselytization using public funds. There is nothing in this legislation that permits that—nothing. Nothing even addresses it or comes close to it. These are tax provisions that allow—

Mr. REED. Will the Senator yield?

Mrs. CLINTON. Mr. President, regular order.

The PRESIDING OFFICER. The Senator from Pennsylvania does have the floor.

Mr. SANTORUM. Thank you, Mr. President. I will yield to the Senator from Rhode Island for a question.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. The Senator from Pennsylvania points out that the legislation is silent on the critical issues, but the

silence is not correct. There are potential constitutional flaws that are inherent in the legislation. As I understand it, part of the legislation is to authorize directly funding religious institutions to provide social services.

Mr. SANTORUM. Reclaiming my time, I will read to you the provisions of this legislation on what the money is expended for. No. 1, it talks about \$2.6 billion of this legislation is a nonitemized or charitable deduction. It is not for religious organizations. It allows people who fill out the short form to deduct charitable contributions.

No. 2, IRA charitable rollovers. What it says is people who have an IRA can roll over that IRA into a charitable organization, qualified under 501(c)(3) or other, whatever organizations would be eligible, and that is \$2.9 billion over the next 10 years—again, nothing to do with faith-based organizations; no direct government dollars to anybody.

Third has to do with enhancing charitable deductions for farmers, restaurateurs, and businesses for food donations. Again, it has nothing to do with charitable choice, nothing to do with any kind of government funds going to charitable organizations.

Fourth, we have enhanced charitable deductions for book donations—again, nothing to do with charitable choice. Incentives for S corporations to give more money to charities—again, nothing to do with faith-based organizations. We have an IDA amendment, which is something the Senator from Connecticut and the Senator from California, Mrs. FEINSTEIN, have championed, and I have worked on our side to allow low-income individuals to have matched savings accounts for purposes of buying a home, going to school, or starting a small business—again, nothing to do with charitable, faith-based organizations.

Also, we have the social services block grant fund which I know is wildly popular on the Democratic side of the aisle. That is \$1.37 billion over the next 2 years.

So if you look at all of these provisions, I understand the Senator from Rhode Island and the Senator from Illinois have serious concerns about the existing charitable choice provisions in law. I accept that. I understand that. I understand the Senators from Rhode Island and from Illinois have problems with the bill the House passed because it did have an expansion of that in the House-passed bill. But the Senator from Connecticut has been very tough at negotiating with the White House and with the Senator from Pennsylvania in leaving every controversial element that could touch on any kind of constitutional infirmity out of this legislation.

You can argue that we don't fix the problem that may be in existing law, but there is nothing in this legislation that even comes close to any of those provisions. You have as much argument, in my opinion, to offer the amendments that you have offered to

homeland security as you do to this bill because neither of them deal with the subject of your amendments.

I understand there is a problem. I understand there is a debate that needs to be had on these issues, but not on this bill because this bill doesn't do what many are suggesting it does.

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

Mr. SANTORUM. I am happy to yield.

Mr. REID. I worked with the two leaders in arranging time that you could offer this unanimous consent request. The two managers are very anxious to get to homeland security. We have two cloture votes facing us. People wanted to offer amendments. I would ask that the Senator from Pennsylvania, as soon as he has completed his statement, yield the floor so we automatically, as I understand it, go back to homeland security. Is that right, Mr. President?

The PRESIDING OFFICER. The Senator from Nevada is right. The Senate would resume consideration of the pending business which is the substitute on homeland security.

Mr. REID. I would say to the Senator from Pennsylvania, we anticipated this taking just a little bit of time. It has taken a large amount of time.

To all my friends who have problems with this legislation, as has been indicated, the homeland defense bill is open for debate and certainly amendment. Anyone who has anything they have not been able to complete saying now on this issue could complete their statements on H.R. 5005.

All I am saying is, I hope the Senator from Pennsylvania won't talk too much longer.

The PRESIDING OFFICER. The Senator from Pennsylvania has the floor.

Mr. SANTORUM. Mr. President, I want to say with all respect to the Senator from Nevada, the Senator from Pennsylvania has been trying to respond, actually giving the opportunity to other Members to express their concerns about this legislation. I did not call for regular order. I did not try to limit in any way those who have concerns about the legislation from having the opportunity to speak. I was using the time I had to give them the opportunity to express their concerns and then, to the extent I could, try to respond to their concerns.

I have no intention of trying to hold up the homeland security bill. I just wanted the opportunity, if we could, to have a discussion to see if we could reach some sort of accord to actually move what many of us believe is a very important piece of legislation. It does not look as if that is going to happen.

I am disappointed because I do not believe the issues that have been raised about infirmities of other pieces of statutory law are in any way impacted by this legislation. It is a tragedy that literally tens of billions of dollars that could go to low-income individuals, incentives for people to give, the oppor-

tunity to have matched savings accounts for low-income individuals to buy a home and to start a small business or to get an education, that is going to be forfeited on issues that have nothing to do with the underlying bill.

That is unfortunate. I am hopeful that now that we have had this discussion, Members will think more about it and hopefully come to a different conclusion as to whether to object to this legislation.

The PRESIDING OFFICER. The Senator from New York.

#### UNANIMOUS CONSENT REQUEST— S. 3009

Mrs. CLINTON. Mr. President, I intend to offer a unanimous consent request that the Senate proceed to immediate consideration of the extension of unemployment insurance. As the dialog between the distinguished Senators from Pennsylvania and Michigan just illustrated, this is an issue that had bipartisan support—really, nonpartisan support.

There are 2.2 million workers who have exhausted or are about to exhaust their benefits without finding a job. Ignoring these people, especially as we are about to enter into the Thanksgiving-Christmas holiday season, will not make them go away. It is not going to help them automatically find a job because they have been out there diligently looking.

The fact is, we don't have enough jobs right now. All of us hope that is going to turn around. But if you look at the statistics available, there are 1.7 million workers who have been unemployed for longer than 6 months as of October. That is an increase of 70,000 over September and over 180,000 over August. One out of every five of these unemployed has been out of work for more than 6 months. That is a proportion larger than at any time in the previous 8 years.

I believe that extending these benefits now sends a message to those who lost their jobs through no fault of their own in States such as mine and that of Senator CANTWELL of Washington. The provision we are asking unanimous consent on would provide 13 more weeks of unemployment insurance for everyone who lost their job, were laid off, cannot find a job. The bill would not provide a single additional benefit, if you look at what the Republicans are proposing. So our bill is a much better one because the Republicans would permit those who are about to crash into the brick wall of December 31 no relief.

I believe it is imperative that we take action before we leave.

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

Mrs. CLINTON. Certainly.

Mr. NICKLES. I wish to ask her a question before she asks unanimous consent. Just to clarify the record, to be correct, I believe she stated her proposal is a 13-week extension. Is her proposal S. 3009?