

I cannot make a stronger statement or commitment. To reject it is to suggest that the Democratic leadership does not think that I and Senator BAUCUS will continue our tradition of working in a bipartisan spirit on this bill. I cannot believe the leadership of the other side harbors such a view.

So if that is the true reason, concern that Senate Democrats will not be able to meaningfully participate, I have given my word that will not be the case. So we should now be able to go forward with a conference on the legislation that the minority leader stated, when it passed,

... will get meaningful aid to organizations and institutions that are equipped to help those who need help the most.

I am worried that even though I have addressed the stated concern, we will still not see movement on the CARE Act for unspoken reasons.

When it comes to unspoken reasons, it is just a matter of guess, or maybe responding to whispers in the hallways.

It has been discussed widely in the media that many people "hate" President Bush. I fear this hatred is being translated into stopping the President's signature initiative of strengthening our charitable arena.

The sad thing is that the zeal to keep the President from having a "win" will mean, as well noted by the minority leader, "fewer meals for the hungry, fewer beds for the homeless, fewer safe havens for battered wives and children." I think this is most unfortunate.

When I questioned President Clinton's AmeriCorps Program 10 years ago, I did not seek to end that program. I sought to reform it and to make it work the way President Clinton intended that it work. I thought then that President Clinton had a right to a small program for which he had campaigned so aggressively. President Bush deserves the same courtesy by allowing these tax initiatives for charitable giving to go through.

I am also concerned that overlooked is that the CARE Act contains many other provisions Members are stopping. Let us not forget that the CARE Act is paid for by the most sweeping efforts to stop tax shelters in a generation. Those who stop the CARE Act are certainly being cheered on by the hucksters selling tax shelters so that corporations can continue to avoid fair taxation.

In addition, the CARE Act also now includes legislation that will provide tax relief for our military as well as low-income families with children. I have never seen such hand-wringing in this Chamber as has been the case regarding the need to pass military tax relief and expanded child credit for low-income families. Now that we have a chance to have these matters go to conference on a bill that has a real chance of becoming law, we are being stopped by the Democratic minority. I am worried that what is desired by some is an issue—not a solution to the child credit for low-income families and tax relief for military personnel.

Let me close by saying I have addressed the other side's stated concerns. I have given my personal commitment that Democratic Members will be meaningful participants in the conference on the CARE Act. If that is their only reason, then I have put that to rest. If they continue to object, I fear it is for a small reason, maybe a petty reason, a reason that puts partisanship before the welfare of those most in need. If that is the case, I can only state that I am saddened and certainly disappointed.

At this point, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 7, the charitable giving bill. I further ask unanimous consent that all after the enacting clause be stricken; that the Snowe amendment and the Grassley-Baucus amendments which are at the desk be agreed to en bloc; that the substitute amendment which is the text of S. 476, the Senate-passed version of the charitable choice bill, as amended by the Snowe and Grassley-Baucus amendments, be agreed to; that the bill, as amended, be read a third time and passed; that the motion to reconsider be laid upon the table; further, that the Senate insist upon its amendments and request a conference with the House; and, lastly, that the Chair be authorized to appoint conferees with the ratio of 3 to 12, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, reserving the right to object, first of all, I say to my friend that I have the greatest admiration and respect for the Senator from Iowa. I don't say that lightly. No one I know of has ever questioned his ability to be a legislator in the truest sense of the word.

Let me also say—and I speak for myself and I hope I speak for everyone on this side—that I don't hate President Bush. I disagree with him on certain issues. I certainly don't hate him. I don't dislike President Bush. I like him. In all of our meetings, on a personal basis, he has been very cordial. He seems to be a very nice man, and he is President of the United States; I recognize that. But on some issues, I disagree.

This matter of how we should proceed has nothing to do with the integrity of the chairman of the Finance Committee. It has everything to do with what has happened with the Republican leadership in the House and the Senate as to what happened with the bills that need to go to conference. We, of course, over here are very concerned—and it is almost to a point of frightening—with these nonconferences that take place.

I object, and I will put forward my own unanimous consent request.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Mr. President, I ask unanimous consent that the Senate now

proceed to the immediate consideration of H.R. 7, as reported by the Senate Finance Committee; that there be only two amendments in order, which are at the desk; that those amendments be agreed to; that the act, as amended, be read a third time and passed; and the motion to reconsider be laid upon the table without any intervening action or debate.

I think that will move this very important piece of legislation forward, and we can resolve it within a matter of days.

The PRESIDING OFFICER. Is there objection to the request by the Senator from Nevada?

Mr. GRASSLEY. Mr. President, reserving the right to object—and I will object—first of all, we have advanced this bill according to the rules of the Senate with the provisions that are necessary to go to conference. I am disappointed we don't have that opportunity to go to conference. This will not be our last effort to try to get to conference.

I appreciate the unanimous consent request by my friend from Nevada, the assistant minority leader, because I know he is sincere in proceeding along the lines he would like to proceed. But I think it does suggest that there is a nervousness on the other side as to the rightness of my original request and that we ought to get this to conference.

The conference could be settled very quickly. We could get the bill back here and for charitable organizations and for military families, and also try to help low-income families with refundable tax credits, as has been the position of the Senate for a long period of time.

I also suggest he may be legitimately concerned about how the other body handles conferences. I appreciate his understanding that I try to be fair. But in the process, comity dictates that what the other body does the other body does, and we have to work within the environment of what we can control. What we can control is what the Senate does. Along those lines, I have made my commitment that there be full Democrat participation, and that is about as far as I can go.

So I object to the unanimous consent request by the Senator from Nevada, the assistant minority leader.

The PRESIDING OFFICER. Objection is heard.

Mr. GRASSLEY. Mr. President, I yield the floor. I thank the Senator from Nevada.

UNANIMOUS CONSENT REQUEST— H.R. 1904

Mr. McCONNELL. Mr. President, I ask unanimous consent that with respect to H.R. 1904, the Healthy Forests bill, the Senate insist upon its amendments and request a conference with the House. I further ask that the Chair be authorized to appoint conferees at a ratio of 3-2.

Mr. REID. Reserving the right to object, Mr. President, we have had a difficult time with conference committees. A perfect example is the very important Medicare conference. With that matter, we have had the majority say you can have two Democrats attend, but they are the only ones. If anybody else comes into the room who should not be on the conference, we will terminate that session of the conference.

Conferences have not been as we believe they should, where you have Democrats representing the minority and Republicans representing the majority meeting and trying to work out issues. These matters are simply resolved behind closed doors with Democrats having no input. Regarding the very important supplemental, which was completed and voted on and passed today, Senator STEVENS specifically said on the floor he would have a full participation of all conferees. We did that. The conference took 2 days. It was tough and grueling. We won very few issues, but at least we had a conference.

Healthy Forests is a bill I support wholeheartedly. As I indicated with the votes taken by the Senate on this issue, most Democrats support this issue. But we want a conference. We are not going to get one. What we suggest is we take our bill and merge it with the House bill and send it back to the House. If they don't like something, they can send it back with amendments. That is what we recommend and that is how we are going to stand on the issue.

Respectfully, I object to the unanimous consent request.

The PRESIDING OFFICER. Objection is heard.

Mr. MCCONNELL. Mr. President, we have had forest fires raging in the West for a number of years, and this year it finally hit in a big State—California—and destroyed the home of the chairman of the House Armed Services Committee. Finally, it got the attention of large numbers of Americans, including Members of this body.

With all due respect to my friend from Nevada, the way we do legislation is we appoint conferees and the House and Senate work out their differences. I hope some time before we are out of session this year we will be able to follow the normal legislative procedure and give the conferees a chance to reconcile the differences between the House and the Senate and move forward on this most important issue, because it is not going away. It is going to continue to be a problem summer after summer.

Mr. REID. Mr. President, if I may be recognized to respond to my friend.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Mr. President, the fires in California were disastrous. But what happened in California is not going to be changed by virtue of a conference. We believe if the majority really wants a bill—and I believe they do—they

should take our suggestion. It is not anything unique. It has been done many times in the past. We have done it this year; that is, just take what we have passed in the Senate and send it to the House. If there is something they don't like, they can send it back to us with an amendment. That would be my suggestion.

UNANIMOUS CONSENT REQUEST—
H.R. 7

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 7, the charitable giving bill. I further ask unanimous consent that all after the enacting clause be stricken and the Snowe amendment and the Grassley-Baucus amendment, which are at the desk, be agreed to en bloc; that the substitute amendment, which is the text of S. 476, the Senate-passed version of the charitable giving bill, as amended by the Snowe and Grassley-Baucus amendments, be agreed to; that the bill, as amended, be read a third time and passed; that the motion to reconsider be laid upon the table; further, that the Senate insist on its amendment and request a conference with the House; that the Chair be authorized to appoint conferees with a ratio of 3 to 2; and that any statement relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, the chairman of the Finance Committee, Senator GRASSLEY, and this Senator just had a discussion on this same issue.

We are concerned about going to conference because there will wind up being no conference. What we want to do is merge the Senate bill with the House bill, send it back to the House, and if they have a problem, they can send it back to us. Therefore, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. MCCONNELL. Mr. President, as my friend from Nevada indicates, once again the normal legislative process is being prevented by not allowing conferees from the House and Senate to be approved, which is typically the way differences between House and Senate bills are resolved.

FALLEN PATRIOTS TAX RELIEF
ACT

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3365.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3365) to amend title 10, United States Code, and the Internal Revenue Code of 1986 to increase the death gratuity pay-

able with respect to deceased members of the Armed Forces and to exclude such gratuity from gross income.

There being no objection, the Senate proceeded to consider the bill.

Mr. GRASSLEY. Mr. President, we are tonight adopting long overdue legislation to rectify a number of inequities faced by members of our Nation's armed services.

Since the terrorist attacks of September 11, these brave men and women have been called upon to make terrific sacrifices. They have left their families and friends behind for months at a time to willingly cast themselves into harm's way. Whether in Afghanistan, Iraq, or on whatever battlefield the war against terrorism must be fought, these courageous patriots have put their lives on the line to defend our freedoms.

While I realize that we could never begin to fully repay these fine young Americans—not to mention the loved ones they leave behind—the Senate has an opportunity tonight to show our gratitude for their sacrifices.

The legislation before us, which the Finance Committee first developed during the 107th Congress, will ensure that members of the uniformed services, the National Guard, and the foreign service are treated fairly in all aspects of the tax code.

First, this legislation ensures that the families of military personnel called into active duty are not disadvantaged under the home sale exclusion. Unlike most Americans, military personnel who are called to active duty or asked to relocate often lack the flexibility to meet residency requirements under the exclusion and are adversely impacted by these rules. This legislation would suspend the residency test for periods of active duty aggregating no more than 10 years.

We should not punish members of our military and their families who are asked to relocate in the name of service to their country.

This legislation also clarifies that dependent care benefits provided to families of the uniformed services will not be treated as taxable compensation. The provision of affordable childcare is an important function of the military during peacetime; but it is never more critical than during periods of conflict—families.

We must also not forget about the increasing role that Reserve and National Guard members fulfill in our Nation's defense. Currently, more than 157,000 reservists and National Guard are on active duty status—most assisting in Operation Iraqi Freedom. We have begun to rely increasingly on these service personnel to defend our borders and to serve and protect in other areas of the world.

This legislation will allow an above-the-line deduction for travel expenses that these men and women incur related to training assignments. This provision will at least partially reimburse national guard members and reservists for the expenses they incur when they travel for weekend drills.