

mandate reimbursement bill and send a check to the States, to Minneapolis, Nashville, Tennessee, every year, for whatever the cost of that is.

I remind my colleagues, and I intend to do so as long as I am here, that they were right in 1994 about the Contract With America. They were right when they stood on the steps of the Capitol and promised: No more unfunded mandates. If we break our contract, throw us out. And they were right when they passed by 91 to 9 in 1995 the ban against unfunded Federal mandates.

I hope the 64 of my colleagues who are still here remember that vote.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, to comment on the legislation the Senator from Tennessee was discussing, I have some concerns about the Internet and taxation of the Internet. I listened with great interest to the arguments the Senator from Tennessee has made. I think they are very good arguments.

I have another argument that causes pause for me and that is that, while, yes, everybody is talking about all the commerce that occurs on the Internet, there is a lot more depravity that occurs on the Internet than commerce.

The top Web sites visited on the Internet are Web sites having to do with pornography. As the father of six young kids, I have to tell you that continuing in the sense of subsidies by not allowing taxation concerns me. It seems to me these Internet IFCs and others who are so concerned in coming up here saying don't tax us and don't hold back the potential of the Internet seem to be a heck of a lot less concerned about the impact of culture debasement that is going on as a result of the exposure of pornography and violence and what I would consider anti-social activities that occur with frequency and that are even more harmfully imposed on young kids in pop ads, through e-mail and spam and through other vehicles that these lecherous members of the international community—it is not just in this country—use to try to sell their wares on the Internet.

I am speaking not as a Senator but as a father who is very disturbed about people coming here and crying, Don't tax us, at the same time they are doing very little to stop what I think is one of the scourges that attacks the decency of our society.

As someone who has been a supporter of the moratorium, as someone who has never seen a tax cut I didn't like and never saw a tax I did like, I don't like what I see going on on the Internet. This whole comment about it is commerce, if you look at where the commerce is, it is not the kind of commerce I think we want to be supporting.

#### THE CARE ACT

Mr. SANTORUM. Mr. President, I will not take any more time than nec-

essary because I know the Senator from Nevada, who has spent countless hours here on the floor, would like to leave, like so many others here, but I raise again the issue of H.R. 7.

H.R. 7 is the charitable giving act, the CARE Act, that passed both the House and the Senate. I want to state again for the RECORD this is a bipartisan bill. This is a bill that was worked out in the Senate by Senator LIEBERMAN and myself. I worked with Senators DURBIN and REED of Rhode Island and others when they brought up concerns about this bill. We wanted to have a balanced bill, a bipartisan bill, one that could pass here with the kind of support for a bill which encourages charitable giving and individual development accounts for low-income individuals and social services block grants to help those organizations that meet the needs of people who are hurting in our communities. It should pass on a bipartisan basis. We were able to work that out. I even worked out something I wasn't sure I could work out, which is a commitment to try to work with the House to make sure they didn't include language which Senator REED of Rhode Island requested and Senator DURBIN requested; that it not include language having to do with faith-based organizations and expanding charitable choice.

Charitable choice is a provision in the law that was passed here three times and signed by the President three times to allow faith-based organizations to participate in social service funding programs the Federal Government implements. I said I would do my best to make sure that it was not in the House bill, and lo and behold, I was successful and it is not in the House bill. It is not a conferenceable issue. The biggest concern by about government and faith being mixed together is not in this bill. It is not a conferenceable item. There is no poison pill that can come back in this bill because it is not a conferenceable item. I kept the commitment on a bipartisan basis to keep this bill clean.

There are controversies between the House and Senate bills. The Senate bill is paid for. We have offsets in the bill. The House bill is not paid for. The social services block grant, which is a very important component of this mix, is in the Senate bill and is not in the House bill. There are a variety of different tax provisions that are treated differently in the House and Senate.

This isn't going to necessarily be an easy conference. There will have to be a lot of give and take, as in most conferences, when we are dealing with taxes and spending.

I think it is important that we sit down with the House and have a conference. I will tell you that I fully anticipate needing and wanting support from my colleagues here in the Senate on both sides of the aisle to get this bill done. We are going to need that kind of leverage to go to the House and be able to work out this compromise. I will need their support because I want

to pass this bill. It is a bill that is on the President's agenda. This is one of the bills he really wants to accomplish.

I fully anticipate that if this bill comes back in the form that is not acceptable to the minority, there is probably very little chance they are going to give us the votes to be able to pass it.

To be crass about it, we have to work together. But to be honest about it, I want to work together. I think I have shown throughout the entire legislative history of this act that I have done so, and I have done so honestly and straightforwardly. We have produced a bill that has gotten overwhelming support. Actually a higher percentage of Democrats voted for this bill than Republicans.

I am concerned. I understand the minority has said and the Senator from Nevada has said with frequency they are not being treated fairly in conference. I understand that, and I don't necessarily want to get into that issue. They may have points, and they can take them up with the committee chairman and with the leader. I am talking about this bill. This is the first bill on which this charge has been leveled. We are not going to conference on this bill because of those reasons. I think it is not the best bill to pass. There may be other bills that have not been worked on on a bipartisan basis. But the prospect of having a bipartisan compromise is less likely than with this bill. This is a bill that helps poor kids. This is a bill that is going to provide social services funding to make sure people do not go homeless or hungry. This is a bill that we need to finish before the holiday season.

It makes no sense for us to use this vehicle as sort of the line in the sand that the minority is going to draw to say we are not happy with the way we are being treated. Fine. You are not happy with the way you are being treated, I understand that. But you certainly haven't been treated poorly on this bill. On this bill, you have been treated, I hope, as good as on any bill that has been passed through this Chamber. I anticipate that continuing. I anticipate—in fact, solicit and expect—full participation from Senator BAUCUS, with whom I have talked on this issue, and Senator GRASSLEY, with whom I have talked. Senator GRASSLEY came to the floor yesterday and said he anticipates, as he does with most if not all of the conferences he has been involved with, working on a bipartisan basis as is the custom in the Finance Committee.

I say in conclusion, before I enter into the unanimous consent request, to please look at what this bill has the potential of doing—2 billion pounds of food and more will be donated as a result of this bill passing over the next few years, 2 billion pounds of food that will be donated so people in America who are hungry and people who will be homeless will no longer be hungry and homeless; people who want quality education will have a better opportunity

to get that education; people who want to save and invest and start a small business or to go to school or to buy a home will have the opportunity to do that which they don't have today.

That is what this is all about. This should not be about disappointment over past practices. I hope we can focus on the goodness of this legislation and not take something that is accepted by both sides as a desirable and good thing for those who need help in America and use that as the point of departure of a new idea that says we are not going to go to conference because we have not been treated fairly.

I just hope in searching yourselves on the minority side that you will grab another piece of legislation and use that as the starting point. I don't think this legislation deserves it. I don't think the people who will benefit from it deserve it. I hope after further consideration we can have a reasonable conference and get this accomplished.

UNANIMOUS CONSENT REQUEST—  
H.R. 7

Mr. SANTORUM. 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; the Snowe amendment and the Grassley-Baucus amendment 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-Grassley-Baucus amendments, be agreed to; that the bill, as amended, be read the third time and passed and 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 2 and any statements relating to the bill be printed in the RECORD.

Mr. REID. I object. To say going to a conference is the only way to legislate between the House and the Senate is not a valid argument. I personally favor this legislation. I voted for it and I think it is something that is needed. As everyone knows, I am not a cheerleader for the budget but I think this legislation is important for our country. I commend the President for moving forward on it.

As I indicated, saying that a conference is the only way to legislate between the House and the Senate is not a valid argument. Almost every day, both Houses pass legislation for which a conference is not appointed.

Last night, the Senate passed the Fallen Patriots Tax Relief Act. We amended this piece of legislation, then sent it back to the House without asking for a conference.

We have done this lots of times. Here are bills that are now public laws. These pieces of legislation are now public laws. That is how they became

public laws. We bundled them up, sent them to the House. On some of the occasions they accepted them, other times they sent them back with an amendment with which we dealt. H.R. 1584, H.R. 1298, H.R. 733, H.R. 13, H.R. 3146, H.R. 659 are extremely important pieces of legislation that we thought at the time were important. They are now law.

It is my understanding that the Senate, because of the majority, is not willing to deal with the CARE Act, as has been so forcibly announced here today by the distinguished Senator from Pennsylvania.

I suggest and, in the form of a unanimous consent, request that we treat this legislation as we treat lots of legislation: Send it to the House; they might accept it. If they do not, they can send it back with an amendment or amendments on it. They may like our bill. They may want to amend our bill. They may want to send it back. At least we should give the House this opportunity rather than holding the bill hostage.

Therefore, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 7, which is at the desk; that all after the enacting clause be stricken; the Snowe amendment and the Grassley-Baucus amendment be agreed to en bloc; that the substitute amendment, which is the text of S. 476, as passed by the Senate and amended by the Snowe and Grassley-Baucus amendments, be agreed to; the bill, as amended, be read the third time and passed; and the motion to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. The objection is heard of the request of the Senator from Pennsylvania.

Is there objection to the request of the Senator from Nevada?

Mr. SANTORUM. I object.

Mr. President, I understand the Senator from Nevada has suggested we simply amend the bill we passed earlier this year and send it back to the House.

I respectfully suggest to the Senator from Nevada, through the Presiding Officer, we did that once. We passed this bill once and sent it to the House, and the House struck that bill and sent their version back. I don't think we gain anything by then taking the very bill they rejected and sending it back to them and expecting them to pass it. That is what I would call ping-pong. That is back and forth with nobody getting anywhere. That is why there are things such as conferences, where we actually sit down and try to work out differences.

I am not familiar with the list of bills the Senator from Nevada laid out when he said we have been able to accomplish passing of legislation without having a conference. And that is true. We are going to do one, hopefully, tomorrow, the Syria Accountability Act. But the changes between what the House wanted and what the Senate

wanted were very minor changes, a couple of finding changes and basically a change in the waiver status. We talked to the House and they were willing to accept it because they were minor changes. That is an important piece of legislation. I would consider that a major piece of legislation, but it is not a particularly complex piece of legislation as we are dealing with—with a lot of the moving parts—as we have in the charitable giving act, the CARE Act. This is a rather complex piece of legislation, complex tax law.

There is a whole issue of \$10 billion that is not paid for in one bill, in the House bill, and it is paid for here. How are we going to tell what, if anything, will be paid for and how much; what vehicles, what measures, we will use to offset this? This is a very complicated issue that has not just one—as the Syria Accountability bill—issue. There are many issues. There is the food donation provision. There are provisions on IRA rollovers. There are provisions on people who do not file long forms, people who do not itemize being able to deduct charitable giving. That is just three of probably a dozen issues we are going to have to deal with on this bill.

To suggest we can do so by ping-ponging the bill back and forth and trying to find some equilibrium—I suggest the people who have been in this Chamber for a lot longer than I have would recognize that a bill of this complexity does not get handled that way.

I hope we will recognize we have an obligation to try to finish this legislation. I hope we can do so in a way that will do well by the Senate. We have my commitment, the commitment of the Senator from Pennsylvania, to be inclusive, not just because that is the way we have done it but that is the way we need to do it in order to be successful and get a compromise that will pass both the House and the Senate.

I respectfully have to object to the unanimous consent request of the Senator from Nevada and hope we can continue to think of this and work on it and get to a successful conclusion.

Mr. REID. Mr. President, as my friend has said, we do not want to prolong this, but I make another suggestion that may work. That would be that the two amendments, the Snowe amendment which deals with the child tax credit and the other amendment that deals with tax extenders, really have nothing to do with charitable choice. I suggest those be taken from the bill and the pure bill that passed the Senate be sent to the House forthwith. That may make it easier for the House to deal with—I would hope so—and the other issues which I know are very important, we could deal with at a later time.

That is just a suggestion. I am not asking unanimous consent; I am just saying to my friend who has devoted so much of his time to this bill, which I know he believes in very sincerely, that might be a suggestion that is taken up with the majority leader and