

for this war. Congress is culpable to some extent, but is not responsible for it. President Bush is responsible. Now that things are going badly and getting worse—and I say that not because it is pessimism, I say that because it is the truth. JOHN KERRY told the American people the truth. President Bush should start doing the same.

I thank the Chair. I yield the floor.

EXHIBIT 1

[From AOL News]

INTELLIGENCE REPORT OFFERED BLEAK VIEW  
OF IRAQ

(By Katherine Pfleger Shrader)

WASHINGTON (Sept. 16).—The National Intelligence Council presented President Bush this summer with three pessimistic scenarios regarding the security situation in Iraq, including the possibility of a civil war there before the end of 2005.

In a highly classified National Intelligence Estimate, the council looked at the political, economic and security situation in the wartorn country and determined that—at best—a tenuous stability was possible, a U.S. official said late Wednesday, speaking on the condition of anonymity. The document lays out a second scenario in which increased extremism and fragmentation in Iraqi society impede efforts to build a central government and adversely affect efforts to democratize the country.

In a third, worst-case scenario, the intelligence council contemplated “trend lines that would point to a civil war,” the official said. The potential conflict could be among the country’s three main populations—the Sunnis, Shiites and Kurds.

It “would be fair” to call the document “pessimistic,” the official added. But “the contents shouldn’t come as a particular surprise to anyone who is following developments in Iraq. It encapsulates trends that are clearly apparent.”

The ACTING PRESIDENT pro tempore. There is 2½ minutes still under the control of the Democrats.

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DAYTON. I yield back the remainder of our time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Pennsylvania.

#### CHARITABLE GIVING ACT

Mr. SANTORUM. Mr. President, I thank the Senator from Minnesota for yielding back his time.

Shortly, I will be making a unanimous consent request to move certain legislation to conference, the Charitable Giving Act that passed the House, or the CARE Act that passed in the Senate. These two bills, very similar in nature, were passed earlier in this session, actually last year—both

were passed last year—to try to help those organizations that are out on the front lines meeting the needs of our society. These are nonprofit organizations across America. The President refers to them as “arms of compassion,” those who meet human service needs, those who meet educational needs, our not-for-profit sector, which are a vitally important part of what makes America tick and what makes our country the great envy of the world in the sense that we have such strong communities, we have such strong voluntarism, we have such strong commitment to our neighbor.

These community organizations have seen, particularly in light of the decline in the stock market in the early part of this decade, with some of the problems we have had with our economy early in the decade, the amount of charitable giving decline. So as a result, to respond to these pressing needs, and actually to make the Tax Code, I would say, more equitable, we put forward a bipartisan bill offered by Senator JOE LIEBERMAN and me that passed 95 to 5. Support for this bill is pretty overwhelming. In the House, it passed 408 to 13, and in the Senate it passed 95 to 5. So there is strong support to try to help these charitable organizations meet the needs of those in our society.

Unfortunately, we have run into a roadblock. The roadblock is there are differences between the House and Senate bills. We would like to sit down and work out those differences in conference and move to a final solution to help these nonprofit organizations. We have been blocked repeatedly on the Senate floor from appointing conferees on a bill that is virtually noncontroversial, that has almost passed unanimously in both Houses, different versions, but we have not been able to do so.

On eight occasions I have come to the Senate floor and asked for consent to do what we do as a normal course of record, which is to sit down with the House in a conference and come up with a bill to be voted up or down by both the House and Senate. We have had objections to it. In fact, we have had eight objections by the Democratic leadership; 7 times Senator REID objected, and the most recent one Senator DASCHLE objected. I am going to offer another one today.

We are approaching the end of the session. We are approaching a point where all the work that has been done on this legislation is going to come to an end. There are 1,600 groups supporting this legislation. There are 1,600 national nonprofit organizations that have come forward and said: We want this to be passed.

Not only that, Senator DASCHLE himself said in an op-ed—which I ask unanimous consent to have printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Rapid City Journal, Feb. 15, 2002]  
COMPROMISE GOOD FOR SD., AMERICA

(By Senator Tom Daschle)

WASHINGTON—Sept. 11 filled all of us with an overwhelming sense of grief. But like other human tragedies, Sept. 11 also taught us something important about ourselves. It reawakened in Americans a sense of generosity and civic duty. There was a heartfelt outpouring of altruism across the country as Americans united to provide assistance to the victims of Sept. 11.

It is important to continue building on this generous spirit by creating living memorials to the victims of September 11—not just in New York and Washington, but in Sioux Falls and Rapid City, in Newell, Faith, Elk Point and every community across South Dakota and America. We can do this by embracing President Bush’s call to build on the important partnership between the federal government and community-based and faith-based organizations.

President Bush has been working with Democrats and Republicans in Congress to promote charitable giving and encourage community and faith-based groups. On Feb. 8, the president and a bipartisan group of Senators unveiled the Charity Aid, Recovery and Empowerment Act—or CARE Act—that will harness the goodwill of Americans and turn this goodwill into good works.

I strongly support this faith-based initiative, and commend President Bush and Sen. Joseph Lieberman for their joint leadership on an issue that is so close to their hearts and so important to our nation.

Community and faith-based organizations do not seek to replace government. There will always be a need for programs like Social Security, Medicare or Head Start. What this proposal seeks to do is strengthen the partnership whereby charities and government can work side-by-side to meet some of the great unmet needs of our nation.

South Dakotans know the good works charities perform. They have seen success stories. Sioux Falls Promise works with community and religious leaders and educators to meet the needs of children and young people. In Rapid City, Catholic Social Services provides adoption services and family counseling, while in Sioux Falls Lutheran Social Services runs one of the best immigrant assistance programs in the country. In other communities in our state and across the country, religious-based charities tutor and mentor children, give shelter to battered women and children, help young people find jobs, and feed the hungry by running soup kitchens and food pantries.

The bipartisan faith-based initiative announced by President Bush will help meet unmet needs in our communities by providing tax incentives to businesses and individuals to give money to charities, by simplifying the process by which charities can qualify for tax exempt status, and by providing technical assistance for community and faith-based groups.

In the wake of Sept. 11, it will provide a framework and incentives for Americans to take up arms against enemies here at home, including poverty, illiteracy, hunger and homelessness.

The CARE Act isn’t a Republican or a Democratic plan. It is a bipartisan proposal that strikes the right balance between harnessing the best forces of faith in our public life without infringing on the First Amendment. It reflects a broad concept of public service and builds on programs sponsored by presidents from John F. Kennedy to President Bush’s own father. Most importantly, it is representative of what we can accomplish in Washington when we put partisanship and politics aside and focus on what matters. I

look forward to working with President Bush to get this proposal signed into law.

Mr. SANTORUM. He said himself to the *Rapid City Journal* in an op-ed in South Dakota, talking about how good legislation this was:

The CARE Act isn't a Republican or Democratic plan. It is a bipartisan proposal that strikes the right balance between harnessing the best forces of faith in our public life without infringing on the First Amendment . . . I look forward to working with President Bush to get this proposal signed into law.

It is nice that the Democratic leader said that he is looking forward to it being signed into law, but he has done everything to stop it from actually becoming law by standing up and objecting to this legislation going to the conference committee so we can work out differences.

Many of those differences are going to be tough to work out. I will admit, some of the funding issues for social service block grant funds, some of the issues with respect to how much tax relief we are going to give to those who contribute to nonprofits, are going to be difficult issues to deal with, and there are going to be compromises that are going to be needed. There are going to be some things that Republicans are not going to be happy with in this compromise. There are going to be some things that Democrats are not going to be happy with in the compromise. But we need a vehicle to be able to sit down and work out these differences because people are not going to be able to get the benefits of this legislation, and they are profound benefits, unless we act.

Just to go through very quickly what the benefits are, there is a provision to encourage food donations. This is a very important part of meeting the needs of the hungry in America. Yes, we have Federal dollars that go for that purpose, but as my colleagues know, the vast majority of the food that is distributed through food pantries, soup kitchens, or missions comes from private donations. That is where the vast majority of the food comes from.

Yes, we do provide some Federal assistance to America's Second Harvest, to other organizations, but the vast majority comes from donations. There is an area of the law that candidly does not encourage, because of the Tax Code, some purveyors of food to give their surplus food for the hungry in America. So we changed that provision of the law. We believe—not we—America's Second Harvest believes that 878 million meals will be provided, as a result of this provision, for hungry Americans over the next 10 years. This is not a small amount. This is not a minor, trivial matter.

For those who care about hunger in America, and as someone who was a sponsor of the bill in the Senate that passed, the Good Samaritan Food Donation Act, I care a lot about America's Second Harvest and others who

have the food necessary to be able to meet the needs of the hungry in America.

Individual development accounts—Senator LIEBERMAN, Senator FEINSTEIN, myself, and others have been working on this for years to try to help low-income Americans have the opportunity to accumulate wealth, to have savings and investment, to help them to get a college education, to get a GED, or to have the opportunity to own a home or to start a business, 300,000 matched savings accounts, matched with Government and private dollars to help low-income individuals save, to build wealth.

We have heard the President talk about an ownership society. This is a very important part of that ownership society in this bill. There is \$2 billion of educational resources through what is called an IRA charitable rollover. People have IRAs, and some people who have IRAs candidly have a lot of money, and they do not need that money for retirement. If they want to give it to a charity, they are heavily penalized if they do. This will allow them to roll over their IRA. The biggest beneficiaries of this approximately \$3 billion that we believe will be contributed will be educational institutions. Colleges, universities, private schools, maybe charter schools, and other educational institutions will benefit from this provision, and that is why all of the public universities and private universities in the country are for this provision and believe it can be a great help to educating our children and keeping the cost of education down.

Eighty-six million lower and middle-income Americans will benefit from the nonitemized deduction. What does that mean? Two-thirds of Americans do not itemize, period. They fill out the short form, the 1040EZ. We have a certified public accountant in the Chair, and he can explain this better than I can, but I will do my best.

Right now, if someone is one of these two-thirds of Americans who contribute to their church, the Red Cross, the Salvation Army, they cannot deduct the contribution that they made; whereas, if one itemizes, they can. So what we are trying to do is to provide some encouragement for people who do not have complex tax forms to give money to these organizations. That is what this nonitemized deduction for charitable giving is about. Eighty-six million lower- and middle-income Americans will do that, and it will be billions of dollars in increased donations as a result of it.

As JOE LIEBERMAN said—we had a press conference recently—what is left in this bill is all good. There is nothing bad. There is nothing controversial or that would be disagreed upon. There is disagreement on how to pay for this. There is disagreement on how much of this we want to do. There is disagreement as to how much we are going to have in direct Government assistance

to nonprofit organizations, social service block grant funds. All of that is a controversy, but all of it is an argument on how much good we want to do, or how the focus should be.

The idea that we cannot get a discussion on how we can help those in need in our society, how we can help those organizations that want to help those in need, and get that into a form in which we can resolve these differences and come to a solution, to me, is very discouraging.

I have met with Senator DASCHLE from South Dakota. I have asked him to allow us to go to conference, and the Senator from South Dakota basically said: You have to agree before we go to conference to everything I want in this bill. If you don't agree with everything I want in this bill, then you can't go to conference.

What is the point of conference? If we have to do exactly what the Senator from South Dakota wants, to write this bill exactly how he wants it or we can't get a bill, that is hardly the kind of bipartisan cooperation that we have seen in getting this bill to the point it is right now. This is not the way legislating works. It is not my way or the highway from the minority. It is not my way or the highway to the American people, who would like to see some help for those in need in our society. You either do it the way I want to as the Democratic leader of the minority in the Senate, not the way the President would like to do it, nor the way the House would like to do it, nor how the Senate majority would like to do it, but how the Senator from South Dakota would like to do it himself. That, to me, is not bipartisanship. That is not reaching across the aisle to make things happen in a positive direction for an area in the country that is in need.

I am willing to compromise. I have said to the Senator—in fact, I said to the Senator from South Dakota that I am willing to make reductions in areas of this bill that I care most about, and I am willing to give in areas that I care probably less about. I am willing to make that compromise, but it is not all or nothing. It can't be all or nothing. That is what we are being told. To me, that is an insult to the very people we are attempting to help and certainly not in keeping with the comments of the Senator from South Dakota that he made in Rapid City. I understand how he would say those things in South Dakota. But here in Washington, DC, it is a very different story. It is not a story that says to those who are not-for-profit organizations that want to help, that need these resources and are in need, to not come and apply because we are going to deal with you exactly how this bill is going to be written.

This bill has been written in more of a bipartisan fashion than any bill I have ever been involved with in the Senate or in the House where I served. This is all good, the Senator from Connecticut said.

I am hopeful we will have an opportunity to place this good legislation in a situation where we can forge a compromise that will give us not everything I want, not everything the Senator from Connecticut wants, not everything the Representative in the House who is leading the effort on the House side wants, not what others want, but that we can arrive at a compromise in a bipartisan way to allow this bill to provide remedies for the needs of our society by getting this bill passed and signed into law.

UNANIMOUS-CONSENT REQUEST—H.R. 7

I ask unanimous consent that the Finance Committee be discharged from further consideration of H.R. 7, the charitable giving bill, and the Senate proceed to its immediate consideration.

I further ask unanimous consent that all after the enacting clause be stricken, that the substitute amendment, which is the text of S. 476, the Senate-passed version of the charitable giving bill, be agreed to; that the bill, as amended, be read a third time and passed, 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 statements to the bill be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. REID. Objection.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. SANTORUM. Mr. President, if I can conclude and then I would be happy to let the Senator speak, I will submit for the RECORD a letter from Senator LIEBERMAN and I to the conferees on the FSC/ETI bill. We believe this is an important enough measure that we should pass it this year. If we are not able to go to conference and work out differences, Senator LIEBERMAN and I may ask the conferees on this tax bill to please consider the Charitable Giving Act as part of the FSC/ETI conference. I hope if this is not the vehicle, we can get it to conference another way.

I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,  
Washington, DC, July 22, 2004.

DEAR CONFEREES: We are writing on behalf of the charitable community, large and small, across this country seeking to aid families and better their neighborhoods and communities by helping those in need. As you know, both the Senate and the House of Representatives have passed legislation in this Congress with overwhelming bipartisan support that provides significant additional incentives for charitable giving around the country and additional resources for efforts to help those in need including innovative Individual Development Accounts (IDAs), increased Social Services Block Grant (SSBG) funding, and the Compassion Capital Fund.

The Charity Aid, Recovery, and Empowerment Act (CARE) passed the Senate on April 9, 2003, by a vote of 95–5. The House of Representatives passed companion legislation, the Charitable Giving Act, on September 17, 2003, by a vote of 408–13.

Since both the Senate and the House have strongly supported charitable incentives, and since both the Senate and House FSC-ETI (JOBS) bills include charitable reforms which limit existing practices, inclusion of a package of charitable incentives in the FSC-ETI conference is appropriate and within the scope of the conference for this Congress. Furthermore, we believe that any revenue raised through constructive reforms impacting charities should be dedicated to expanding charitable giving incentives in order to help those in need.

We strongly urge the conferees to work with the many sponsors and supporters of the CARE Act in the Senate and the Charitable Giving Act in the House to include the significant provisions shared by both bills and full and fair consideration of those that differ—for the benefit of all Americans. The time has come to expand the tools of generosity and increase resources for those in need in a bipartisan fashion.

Thank you for your consideration of this request. We look forward to working with you in this important effort.

Sincerely,

RICK SANTORUM,  
JOSEPH LIEBERMAN,  
*U.S. Senators.*

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

Mr. REID. Mr. President, I just came to the floor after having presented an award to Senator GORDON SMITH. The Suicide Prevention National Organization gave him an award, which is the No. 1 award that this organization can present. GORDON SMITH's son took his own life at age 22. We passed in the Senate in recent days—in fact, on Garrett Smith's birthday—the Garrett Smith Suicide Prevention Act.

The reason I mention that is that matter was passed and is going to become law. The President will sign it any day.

As a result of what I suggest to my friend from Pennsylvania happened in this instance, we are not objecting to the passage of this bill. We have never objected to the passage of this bill. We are simply saying that it be handled in the way the Garrett Smith legislation passed, and let the House take whatever action on it and we bring it back. If we like what they have done, we will take it; if not, we will amend it and send it back to them.

We have had numerous bills enacted into law without using a conference to negotiate differences between the House and the Senate. I say numerous; I don't say several. I say numerous. I have not counted these, but I assume there are about 100 pieces of legislation.

The PRESIDING OFFICER (Mr. SANTORUM). The time is under the control of the Senator from Wyoming.

Mr. REID. Mr. President, I ask unanimous consent that I be allowed to speak in response to the Senator from Pennsylvania for up to 10 minutes. I will be happy if the Senator wants me to speak afterwards, whatever he wants

me to do. I know we have a recess to take place at 12:30. I want to give fairness, and I should have the opportunity to respond.

Mr. ENZI. Mr. President, the Senator from Nevada may wish to speak after I speak. I will be covering some of the same ground. I will be making a unanimous consent request.

Mr. REID. Would the Senator allow me to respond to him and Senator SANTORUM's unanimous consent request following his statement?

The PRESIDING OFFICER. Is there objection?

Mr. DORGAN. Mr. President, reserving the right to object, if there is to be an agreement soon, I would like to be a part of that agreement. I would like to offer a unanimous consent request to set a date for a vote on the reimportation of prescription drugs. If we reach an agreement, I would like to be a part of that so I can offer a unanimous consent request that the Senate be able to consider that issue.

Mr. ENZI. I am going to object to giving some leeway to the Senator from Nevada to give some kind of response because we are going to be asking unanimous consent. But I have listened for the last 2½ hours to comments from the other side that I have not been able to respond to. To give unlimited additional time to the other side to again make comments that we obviously would like to comment on, too, isn't reasonable at this point in time. We are already into the time of the policy meetings, so we are extending beyond that time. We are having to take that time in order to use our allotted time.

The PRESIDING OFFICER. Objection is heard.

The Senator from Wyoming.

UNANIMOUS CONSENT REQUEST—  
H.R. 1261

Mr. ENZI. Mr. President, I have heard a lot of talk by my colleagues on the other side of the aisle about jobs and workers. But I have to tell you that their actions don't match their words. It is a little disingenuous to come talk about jobs and then block a job training bill.

I point out one very important program we have that helps American workers improve their skills and get a new or better job so they can make a better life for themselves and their families. It is the nation's job training program created under the Workforce Investment Act. This job training legislation would help over 900,000 unemployed workers each year get back to work.

We keep talking about jobs and work, but we haven't been able to get this important bill into conference.

If the other party really wanted to provide working families with the help they need, they would be a lot less talkative, and they would be a lot more active when it comes to moving this bill on job training to conference and enacting it into law.