



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 108<sup>th</sup> CONGRESS, FIRST SESSION

Vol. 149

WASHINGTON, FRIDAY, NOVEMBER 7, 2003

No. 161

## Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. STEVENS].

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray:

God of might and miracles, You are our protection and defense. You are our shelter and savior. You give daily victories to those who trust You. Because of You, our Nation continues to be blessed, for Your greatness is beyond understanding.

Thank You for Your kindness, for being slow to anger and full of constant love. Meet the needs of our Senators as they seek to serve humanity. Be near to them as they weigh important evidence and guide their thoughts.

Show us Your compassion and hear our prayers. Protect all who love Your name and fill us with Your joy. We pray this in Your merciful name. Amen.

### PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

### SCHEDULE

Mr. FRIST. Mr. President, this morning we will immediately resume consideration of the Internet tax moratorium bill. Last night, many colleagues remained in the Chamber to debate the underlying legislation and an amendment that we hope will be offered shortly—as a matter of fact, most of the same Senators are already here this morning and are prepared to resume this important debate. We will proceed with that shortly.

We do want to take a moment to comment on the schedule. Today, it is my expectation to have votes on the Internet tax moratorium and to finish that bill. The tax moratorium expired last week, and I believe it is important for us to work through any amendments and vote on passage of that bill today. With the cooperation of all Senators, we will be able to complete our work on this bill at an early hour this afternoon.

It would also be my intent to begin consideration of the Commerce-Justice-State appropriations bill as soon as possible. We must continue to make steady progress on these appropriation bills in order to complete our work by November 21. Senators can expect votes throughout the morning and afternoon as we work through the end of the Internet tax bill.

### UNANIMOUS CONSENT REQUEST— H.R. 2799

Mr. FRIST. Mr. President, I ask unanimous consent that at a time determined by the majority leader, after consultation with the Democratic leader, the Senate proceed to the consideration of H.R. 2799, the Commerce-Justice-State appropriations bill.

The PRESIDENT pro tempore. Is there objection?

Mr. REID. Mr. President, reserving the right to object, I ask the majority leader—we have, of course, Senator HOLLINGS, the ranking member of the subcommittee, who has asked, at what time do you propose going to that, today or at some other time?

Mr. FRIST. The plan would be to go to it after we finish the Internet tax bill. So we would like to go to that bill today. If it is very late, of course, we will start early Monday morning.

Mr. REID. I respectfully say to my distinguished friend that we are not going to finish the Internet tax bill today. I guess we can finish it by taking it off the floor. On our side there are a significant number of amendments, and we know there are some on your side. Simply, I ask the leader what time does he propose, in effect, that we have had enough talk on the Internet tax bill, because it is not going to be completed today.

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• This “bullet” symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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Mr. FRIST. Again, people were here very late last night. I encourage the managers to do everything humanly possible to finish the Internet tax bill. If, after aggressive work, we cannot do that, then we can make a decision. By the end of today, I would like to lay down the Commerce-Justice-State appropriations bill. If that is the case, I would plan on going to that on Monday. We can talk about the appropriate time. For us to finish our work, we have to keep moving, and it is important to lay down that bill today.

Mr. REID. Mr. President, I say to the majority leader we want to cooperate. We have tried to do that on these appropriations bills, and we will cooperate on Commerce-State-Justice. But until there is some determination made when we are going to go off the Internet tax, I am going to object.

The PRESIDENT pro tempore. Objection is heard.

Mr. MCCAIN. Will the majority leader yield?

Mr. FRIST. I am happy to yield.

Mr. MCCAIN. Mr. President, I point out that we went on to the Internet tax moratorium bill last night with the anticipation of amendments being proposed and votes starting this morning—stacked votes. That is what we usually do on a Thursday evening. Whether that is a good idea or a bad one, it is a very common practice. We had anticipated at least three amendments and then stacked votes this morning and moving forward with the bill.

Then, I was told later in the evening there would be one amendment that would be proposed and we would stack it for this morning; and not too late last night, the sponsors of the amendment said they were going to file the amendment and debate it this morning.

With all due respect, that is not the way we usually do business here. We tell people what we are going to do and go with their word and move forward. I think we need to get this done because the Internet tax moratorium has expired. If we don't want the Internet tax moratorium to prevail, that is a decision to be made by the body. We should make the decision. I hope the majority leader will stick with his comments. There are not that many items of dispute on the Internet tax moratorium. It has been debated on several occasions in past years. So I hope relevant amendments—and I don't think there are more than two or three, to be honest—are offered and we can move forward with those with a reasonable debate time and dispose of this today, understanding that all Members have the problem of scheduling and want to leave.

So I urge the cooperation of all Members so we can dispose of important amendments and move forward. I see my colleague from North Dakota who is ready to speak. I wish he had been here last night to speak. We could have done an amendment and debated it. Instead, we put it off for this morning,

which I hope will make comments more abbreviated so we can move to the substance of the amendment and passage of the bill.

I thank the leader and I appreciate his commitment to try to get this done today.

Mr. FRIST. Mr. President, let me close this out and then we can turn to the bill. I ask all of our colleagues to spend the appropriate time and do our best to cooperate to finish this important bill, which I tried very hard to finish last week with the understanding that we would bring it up this week and we would finish it this week. We cannot point fingers on either side of the aisle because there are challenges on both sides of the aisle. I ask this in order for us to finish the Nation's business.

Last night on the floor—I know we have the Syria accountability bill and Military Construction, which we are going to get. The problem is that we have to finish the business we have on the floor. We have to continue the appropriations process as we go forward, and we cannot do it unless people come together and understand there is an urgency that requires cooperation.

I go back to my original comments. I understand there is objection to going to Commerce-Justice-State. I will continue to discuss that as the day goes forward. I would like to lay that down today at some point.

#### UNANIMOUS CONSENT REQUEST— H.J. RES. 76

Mr. FRIST. Mr. President, I ask unanimous consent that H.J. Res. 76, which is at the desk, be read a third time and passed, and the motion to reconsider be laid upon the table.

The PRESIDENT pro tempore. Is there objection?

Mr. REID. Reserving the right to object.

The PRESIDENT pro tempore. The Senator from Nevada.

Mr. REID. Mr. President, in response to the distinguished chairman of the Commerce Committee, people worked here late last night. No one should criticize anyone for not being here later. I left around 10 o'clock. There may have been a quorum call, but very few. There were good, strong, substantive speeches given on this issue. No one can be criticized, especially my friend from North Dakota, for not being here last night. He was here all during the day yesterday and offered a number of amendments to the Agriculture appropriations bill. My friend from North Dakota might be criticized for some things, but one of them is certainly not that he doesn't work hard. He works as hard as anyone in the Senate.

I also say to the distinguished majority leader, I did last night spend a few minutes indicating and asking why we are not doing the Syria accountability bill and Military Construction. It is obvious—and we should stop feigning—we

have a problem here. The problem is there has been a decision made to spend 30 hours next week on a circus talking about judges—168 to 4.

I am not going to object to this, other than to say let's be realistic here. There are games being played, and we don't want to be part of those games. We want to cooperate. Military Construction should pass now, rather than getting into next week when there is some effort to stop it. That can be passed by a unanimous consent agreement right now.

The PRESIDENT pro tempore. Is there objection?

Mr. DORGAN. Will the Senator from Nevada yield?

Mr. REID. I don't have the floor.

The PRESIDENT pro tempore. Is there objection to the request?

Mr. DORGAN. Reserving the right to object.

The PRESIDENT pro tempore. The Senator from North Dakota reserves the right to object.

Mr. DORGAN. I object.

The PRESIDENT pro tempore. Objection is heard.

#### RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

#### MAKING FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2004

Mr. REID. Mr. President, I ask unanimous consent that H.J. Res. 76, which is at the desk, be read a third time and passed and the motion to reconsider be laid upon the table.

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

The joint resolution (H.J. Res. 76) was read the third time and passed.

#### INTERNET TAX NON- DISCRIMINATION ACT

The PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 150, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 150) to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act.

Pending:

McCain Amendment No. 2136, in the nature of a substitute.

The PRESIDENT pro tempore. The Senator from Nevada.

Mr. REID. Mr. President, I hope we can get things done here. There is so much to be done. I said last night, and I spoke from the heart, people in Nevada at our military bases, Fallon and Ellis, need this Military Construction bill passed. I don't know why we are not going to do it today. If it is brought up next Monday or Tuesday,