

As a reminder, the Senate will be in session tomorrow. There is a lot of important work remaining before we adjourn for the year.

In addition to the appropriations bills, there is the Military Construction appropriations conference report, and also the Department of Defense authorization conference report is available and will need to be disposed of early this week.

Also, as a reminder, we have a short time agreement with respect to the Syria Accountability Act. We will be scheduling that matter quickly as well.

Mr. MCCAIN. Will the Senator from Kentucky yield?

Mr. MCCONNELL. Yes, I yield.

Mr. MCCAIN. Mr. President, my colleagues may be wondering what happened on the Internet tax moratorium bill. I wish to make a couple of comments. There was significant disagreement over a variety of issues on both sides of the aisle concerning various provisions of S. 150, the Internet tax moratorium bill. It is now narrowed down to one final difference—the rest are negotiable or have been negotiated—and that is the definition of “Internet access.” It sounds pretty technical and a bit arcane, but it is really the vital aspect of this issue.

I think both opponents and supporters of the Internet tax moratorium will agree to some kind of moratorium, but the question of the definition of Internet access, particularly as it has been affected by the development of new technologies that now apply to the Internet, has complicated the issue. Intense negotiations are going on, on both sides. I think there is a recognition on both sides that we need to act on the issue of the Internet tax moratorium. I will be actively engaged in those negotiations, and I hope that absolutely before we leave for the Christmas break, we will have this issue resolved and voted on by the Senate.

I thank my friend from Kentucky.

Mr. MCCONNELL. Mr. President, I thank the Senator from Arizona, the chairman of the Commerce Committee, for his tireless efforts to get this important piece of legislation through the Senate. I wish him well. We really must achieve something in that area before we leave for this year.

Mr. President, I am going to ask for a few moments to address the Senate as in morning business. I don't know whether the Senator from Nevada would like to make a couple of observations prior to that time.

Mr. REID. Mr. President, simply when the Senator completes his statement, I am going to manage the bill for a while until Senator HOLLINGS arrives. I wanted to let everybody know that.

#### RESERVATION OF LEADER TIME

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

Mr. MCCONNELL. Mr. President, I ask permission to address the Senate as in morning business.

The PRESIDENT pro tempore. Is there objection?

Mr. REID. Certainly I have no objection, Mr. President. Could the Senator give us an idea of how long he wishes to speak?

Mr. MCCONNELL. Mr. President, 5 or 10 minutes, maximum.

The PRESIDENT pro tempore. The Senator from Kentucky is recognized for 10 minutes.

#### FUNCTIONING OF THE SENATE

Mr. MCCONNELL. Mr. President, when the Constitution was written, Thomas Jefferson was away in France. He wrote George Washington asking him to explain the function of the Senate. Jefferson understood the role of the House to be a place of great passion and quick reaction, but he wasn't quite sure what this Senate was going to be like. So Washington used a Southern analogy of drinking tea, where folks in those days would pour the hot tea down into the saucer, let it cool, and then pour it back into the cup.

Washington suggested that the Senate was the cooling saucer—a place where things cooled off—of this new Federal Government they were creating, where the heated passions that might bubble over could cool down. That is the way the Senate has worked for over 200 years. I suggest it is unworthy of the Senate when those in it, Members of the Senate, fail to heed to the role of this body, which is to provide cool, reasoned, and less passionate judgment as we do the people's business.

Recently, we have heard the venting of frustration by leaders on the minority side. Callow, petulant characterizations have been directed at our leader, such as “amateur.” Someone on the Senate floor referred to the Republican leader last week as “amateur” and used the term “mismanagement.”

Well, Mr. President, in addition to that being quite unsenatorial, let us recall that this leader is laboring under a one-vote margin, just as the last leader had to endure. Given that same burden, it might be appropriate and timely to compare the hard facts.

Those hard facts deal with the passage of bills through the Senate. With the same one-vote majority, Senator FRIST has pushed 10 appropriations bills across the Senate floor while last year's leadership delivered only 3. That is over three times as many appropriations bills through the Senate in this year compared to last year.

Now, the 11th bill has been the subject of a filibuster, and the remaining 2 should be dealt with this week. Again, last year, three appropriations bills moved through the Senate—the worst record in at least two decades.

Let me repeat that, Mr. President. Last year only three appropriations bills made it through the Senate, the worst record in at least two decades.

Let's look at bills signed into law. With the same one-vote majority as

the other side had last year, Senator FRIST has delivered six appropriations bills into law. Last year only two were delivered.

Using the terms employed by the Democratic leadership, delivering just two appropriations bills into law is the worst Senate management record in 16 years. Let me repeat, Mr. President. Delivering just two bills into law, which is what happened last year, is the worst Senate management record in 16 years.

This year and last year, with the same one-vote majority, Senator FRIST has just done his job in funding the Government for this year. He did the job of last year's leadership by passing last year's funding bills back in January. What is amateur, to use the Democratic leadership's terminology, is not doing your job and blaming someone else. That is what is amateur, not doing your job and blaming someone else.

With a one-vote margin, this leader passed a budget, a jobs package, a prescription drug benefit for seniors, a global AIDS bill with record funding, established the Department of Homeland Security, and is completing the appropriations bills. That is the record of this leader, Senator FRIST.

Mr. GREGG. Will the Senator from Kentucky yield for a question?

Mr. MCCONNELL. I will yield for a question.

Mr. GREGG. Mr. President, the Senator mentioned the budget. As I recall, no budget was passed under the prior leadership in the prior year for the first time in—I don't know how long. Isn't it appropriate to pass a budget of the Government, and didn't the Republican leader pass that budget with a one-vote majority where it was not passed in the prior Congress?

Mr. MCCONNELL. The Senator from New Hampshire is entirely correct. Last year is the first year since the Budget Act was passed when the Senate didn't pass a budget. Last year, the leadership—I was about to get into that—didn't pass a budget and failed to enact all but two of the appropriations bills. They had plenty of time and energy to complain about jobs, and they did nothing about them.

The results are very different this year. We passed a jobs program, and today more Americans are at work than any time in U.S. history, a record 138 million jobs. This new leadership stands in sharp contrast to the past leadership.

Last year, the old leadership stalled desperately needed legislation on homeland security. For months, they could not decide whether to reduce or increase the President's power to fight terrorism. It took an election to break that deadlock. To use the Democratic leadership's words, it took the American people to say that amateur hour was over, and that is what the American people said a year ago.

These are the facts of leadership. When the margin of the majority is the

same but the record of accomplishment is so different, the answer can only be leadership. A one-vote majority this year versus a one-vote majority last year, and I would argue the big difference is the leadership of Senator Bill Frist of Tennessee, the majority leader.

I don't believe these types of attacks help in any way to advance the important business of the American people, the business they, in fact, elected us to do. The people want results, not name calling. We need to focus on the job, stop hurling epithets, stop the blame game, and instead complete the work the American people sent us here to do.

We all know that the last 2 weeks of this session are going to have ample opportunity for tension and disagreement. We have probably been together about as long as we ought to be this year, but the job is going to be finished by November 21, and it would be a lot easier if we could keep our rhetoric in check and not say things in the passion of the moment that we subsequently regret.

Much work remains to be done. We intend to accomplish the major tasks remaining for this year prior to Thanksgiving, and we are well on our way to doing that.

Mr. President, I yield the floor.

DEPARTMENT OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

The PRESIDENT pro tempore. Under the previous order, the Senate will proceed to the consideration of H.R. 2799, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2799) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER (Mr. AL-LARD). The Senator from Nevada.

Mr. REID. Mr. President, this is a most important bill. I understand how important it is. I also understand it is normal procedure to have the chairman of the subcommittee speak first and the ranking member speak second. But I feel it is appropriate, in talking about this bill, to respond very briefly to my friend from Kentucky.

It is obvious to anyone who understands Senate procedure why things did not go well last year. It is because the minority stopped us from doing our work. We worked very hard to allow these pieces of legislation to pass. We have been partners with them. The Senator from Kentucky can talk all he wants about leadership, but everyone knows that the situation where we now have, toward the last few days of this Congress, a time set aside—30 hours—to talk about judges, and the comments in that regard upstairs by Senator DASCHLE and by me indicated that

was something we thought was amateurish.

Mr. President, one of the chief aims of the Commerce-State-Justice appropriations bill is to articulate the priorities of the United States on matters related to business and the economy.

This legislation contains funding for the Small Business Administration, U.S. Trade Representative, the National Trade Administration, the Bureau of Industry, the Economic Development Agency, the Minority Development Business Agency, and a lot more.

I think everyone today should understand we are not going to have any votes for a while. Maybe by 6 o'clock, if people still want to vote they can vote, but I am going to be talking until 6 o'clock today and, if necessary, talk longer than that.

I, of course, understand the rules relating to the Senate. I understand there is a rule that for the first 3 hours, a Senator has to be talking about issues relating to this bill. I can certainly do that. But I say to my friend—and I have the deepest respect and regard for the chairman of this subcommittee, a former Governor of New Hampshire, a former Member of the House of Representatives, and now a Senator—that I am going to be talking for a while. If he wants to hang around and listen to me, he can do that. But this has certainly nothing to do with my friend from New Hampshire. It has everything to do with the way that I, speaking for myself, believe the Senate is being run.

I think it is inappropriate that we are not going to be able to work through this week; that we are going to take 2 days to talk about judges. I don't know the exact count anymore but I think it is about 168, 169 to 4, but yet we are going to take valuable time to deliver a message—I have been told the reason it is being done is to deliver a message to the base. I don't know what that means, except it is being done for reasons that I don't think are appropriate for the Senate.

The legislation that is now before the Senate is important. These entities that I have talked about serve one key mission, and that is to promote the development of American business and the American economy. As we think about how these agencies should carry out this important mission, it is appropriate to spend some time reviewing where the economy stands.

Certainly, one of the most important indicators of how the economy is faring is the unemployment rate. On Friday morning, the Department of Labor issued its report on the October 2003 unemployment figures. The unemployment rate was essentially unchanged, from 6.1 percent last month to 6 percent this month. We heard a lot about the fact that the economy grew by 126,000 new jobs in October. Sounds like a lot of jobs, until we understand it is catchup time and the 126,000 does not even keep up with the current population growth in the United States.

The administration lost no time putting out a series of press releases that said: Stronger growth; 126,000 new jobs in October show President's jobs and growth plan is working, but there is still more to do.

This bill, S. 1585, making appropriations for the Department of Commerce, Justice, State, the Judiciary, and related agencies for the fiscal year ending September 30, 2004, is important legislation. One reason it is important is to talk about how—

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

Mr. REID. No. I will in half an hour or so.

Mr. GREGG. My question was going to be as to how much time the Senator is going to take?

Mr. REID. When the Senator was off the floor—and I will repeat—I indicated my great respect and admiration for someone with a record of accomplishment that certainly is significant—Governor, Member of the House of Representatives, Senator, and I indicated publicly, and I will say again, my speaking today for an extended period of time has nothing to do with my regard for the Senator from New Hampshire. I am going to talk for probably 4 or 5 hours today.

Mr. GREGG. Will the Senator yield for a question? That is not a problem for myself. I would just like to know the approximate time.

Mr. REID. I have answered the Senator's questions, and I would appreciate it if he would not interrupt.

I do not think the President's plan is working for 9 million Americans who are unemployed. I do not think it is working for 2 million of those people who have been out of work for longer than 6 months. Gaining 126,000 new jobs is certainly better than losing an average of 85,000 jobs a month, which is what the country did for the entire first half of the year, but it does not mean their plan is working, and it does not mean it is getting easier to find a job.

In fact, it is not. October job growth does not even keep up with the population growth. October is the best month we have had in a long time in terms of job growth. Even October's job creation does not keep up with the population growth. So that means for the average person who wants a job, it is getting more difficult to land a position, not less difficult. Let me say why.

The number of young people entering the workforce is greater than the number of people retiring out of the workforce. The population of people who want to work rises every month, so there must be some level of increase in the number of jobs every month just to keep pace with this growth. Put another way, between the beginning of the Bush recession in March 2001 and last month, the U.S. working age population increased by almost 8 million people. Since March 2001, the U.S. working-age population has grown by 3.4 percent. Because of this influx of