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## Senate

The Senate met at 1 p.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:

Eternal Spirit, who created us for harmony, You decide the number of the stars and call each one by name. Lord, a challenging week beckons and we desperately need Your spirit, power, and wisdom.

Long hours promise to test our patience and civility as unresolved issues seek to exasperate, producing discord. Help the Members of this body to sidestep the divisive power of contention and find common ground. Remind them

that soft answers turn away anger. Destroy the winner-takes-all mentality and help them seek to understand before they are understood.

Make them exemplary models of reconciliation for a nation and world that watch their deliberations. May their serious efforts to build bridges have a ripple effect that will have a positive impact on our Nation and world.

We pray this in the name of the God of peace and concord. 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 ASSISTANT MAJORITY LEADER

The PRESIDENT pro tempore. The assistant majority leader is recognized.

### SCHEDULE

Mr. MCCONNELL. Mr. President, today we will begin consideration of the Commerce-Justice-State appropriations bill.

Several Members have indicated they are prepared to offer amendments during today's session. Senators should expect rollcall votes to occur this afternoon. It is hoped that we can make substantial progress on the bill today.

### NOTICE

If the 108th Congress, 1st Session, adjourns sine die on or before November 21, 2003, a final issue of the Congressional Record for the 108th Congress, 1st Session, will be published on Monday, December 15, 2003, in order to permit Members to revise and extend their remarks.

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By order of the Joint Committee on Printing.

ROBERT W. NEY, *Chairman*.

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



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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