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Senate

The Senate met at 2:15 p.m. and was called to order by the Honorable CRAIG THOMAS, a Senator from the State of Wyoming.

PRAYER

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

Let us pray.

Lord God Almighty, who remembers the weary, lift up Your hand and we shall live. You are king forever. You hear the desires of the afflicted and encourage them. Sustain us with Your might through all the days of our lives. Keep us from the pride of self-suffi-

ciency and remind us that we borrow our heartbeats.

Today, lead our Senators and may their labors honor You. Help them to use their talents to bring unity. Feed them with the bread of kindness and use them as instruments of Your providence.

Lord, let Your image be seen in our Nation that America will be truly great. Make Your face shine upon our land that we may know peace, even in the midst of storms. All of this we ask for Your love's sake. Amen.

PLEDGE OF ALLEGIANCE

The Honorable CRAIG THOMAS 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.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

NOTICE

If the 108th Congress, 2d Session, adjourns sine die on or before November 20, 2004, a final issue of the Congressional Record for the 108th Congress, 2d Session, will be published on Monday, December 13, 2004, in order to permit Members to revise and extend their remarks.

All material for insertion must be signed by the Member and delivered to the respective offices of the Official Reporters of Debates (Room HT-60 or S-123 of the Capitol), Monday through Friday, between the hours of 10:00 a.m. and 3:00 p.m. through Friday, December 10. The final issue will be dated Monday, December 13, 2004, and will be delivered on Tuesday, December 14, 2004.

None of the material printed in the final issue of the Congressional Record may contain subject matter, or relate to any event that occurred after the sine die date.

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Members of the House of Representatives' statements may also be submitted electronically by e-mail, to accompany the signed statement, and formatted according to the instructions for the Extensions of Remarks template at <http://clerk.house.gov/forms>. The Official Reporters will transmit to GPO the template formatted electronic file only after receipt of, and authentication with, the hard copy, and signed manuscript. Deliver statements to the Official Reporters in Room HT-60.

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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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U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, November 17, 2004.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CRAIG THOMAS, a Senator from the State of Wyoming, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. THOMAS thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

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

INCREASING THE PUBLIC DEBT LIMIT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to consideration of S. 2986, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2986) to amend title 31 of the United States Code to increase the public debt limit.

The ACTING PRESIDENT pro tempore. Under the previous order, there will be 6 hours of debate equally divided between the chairman and the ranking member of the Committee on Finance or their designees.

The majority leader.

SCHEDULE

Mr. FRIST. Mr. President, today the Senate will begin consideration of the debt limit extension bill. Last night we were able to lock in the time agreement of up to 6 hours on the measure with no amendments in order. I do not believe all the debate time will be required and therefore would like to vote on that measure, if at all possible, this evening. I will talk to the Democratic leadership about that possibility. I remind all Members that the House has to consider this after we act. Initially we thought about possibly doing it tomorrow night, but we have come to the general agreement to move ahead today because the House is waiting for us to act. Therefore, I appreciate everyone's consideration to go ahead and debate this afternoon and bring this to a vote.

I also announce that we want to set aside some time tomorrow to pay tribute to our departing Members. We want to let our colleagues know, as we look further in the day, what time tomorrow that will occur.

Finally, I remind Members we are still trying to close out other business. I was talking to the Democratic leader about the other items. One is the intelligence bill, the 9/11 Commission. Under our leadership, we set out a plan in late July. I hope we will be able to complete that over the course of today and tomorrow.

Of course, we have the omnibus bill, and we have tremendous cooperation on all parts. It is a large bill. It is a complicated bill. The good news is that in a bipartisan way the subcommittees have been able to address all of these

issues over the last several months. It is a matter of packaging it, bringing it to the floor, and making sure our Senate colleagues have the appropriate opportunity to review that bill.

We have a lot of work to do. I continue to ask for everyone's assistance and patience as we proceed along these final days and this legislative and executive session and address calendar items.

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

Mr. DASCHLE. Mr. President, I share the views just expressed by the majority leader that we are at a point where we may be able to collapse the time that has been originally requested on the debt limit. I know there are a number of Senators who have expressed a great deal of interest in addressing the issue. The distinguished ranking member of the Budget Committee is here and prepared to speak. But it would be my hope, and I would share it with all my colleagues, especially on this side of aisle, we could complete the debate today rather than tomorrow and have a vote sometime prior to the time we leave for the evening. That, I think, is now doable, and I hope that with both sides of the aisle cognizant of our expectation we could complete our work this evening rather than tomorrow, people might take that into account as they consider the amount of time they may want to request.

I understand we are taking up the tax bill, and I am very pleased we have reached an agreement on that. I compliment particularly the distinguished Senator from Oregon for his work in that regard.

I share the cautious optimism just expressed by the majority leader with regard to appropriations. I think we are still making substantial progress, and it would be our hope that prior to the end of the week we will have an opportunity to address the conference report on that as well, in addition to other matters.

It is shaping up to be a reasonably productive week and I look forward to completing our work sometime before the end of this week.

I yield the floor.

CORRECTING THE ENROLLMENT OF S. 150

The ACTING PRESIDENT pro tempore. The Senator from Virginia.

Mr. ALLEN. Mr. President, on behalf of myself and also Senator WYDEN of Oregon, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 146 which was submitted earlier today.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Con. Res. 146) to direct the Secretary of the Senate to make corrections in the enrollment of the bill S. 150.

There being no objection, the Senate proceeded to consider the resolution.

Mr. ALLEN. Mr. President, I ask unanimous consent that the resolution

be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to this matter be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Is there objection?

The Chair hears none, and it is so ordered.

The resolution (S. Con. Res. 146) was agreed to, as follows:

S. CON. RES. 146

Resolved by the Senate (the House of Representatives concurring). That, in the enrollment of the bill (S. 150) to extend the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act, the Secretary of the Senate shall make the following corrections:

(1) Amend subsection (a) of section 1104 of the Internet Tax Freedom Act (47 U.S.C. 151 note), as added by section 3 of the bill, to read as follows:

“(a) PRE-OCTOBER 1998 TAXES.—

“(1) IN GENERAL.—Section 1101(a) does not apply to a tax on Internet access that was generally imposed and actually enforced prior to October 1, 1998, if, before that date—

“(A) the tax was authorized by statute; and

“(B) either—

“(i) a provider of Internet access services had a reasonable opportunity to know, by virtue of a rule or other public proclamation made by the appropriate administrative agency of the State or political subdivision thereof, that such agency has interpreted and applied such tax to Internet access services; or

“(ii) a State or political subdivision thereof generally collected such tax on charges for Internet access.

“(2) TERMINATION.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), this subsection shall not apply after November 1, 2007.

“(B) STATE TELECOMMUNICATIONS SERVICE TAX.—

“(i) DATE FOR TERMINATION.—This subsection shall not apply after November 1, 2006, with respect to a State telecommunications service tax described in clause (ii).

“(ii) DESCRIPTION OF TAX.—A State telecommunications service tax referred to in subclause (i) is a State tax—

“(I) enacted by State law on or after October 1, 1991, and imposing a tax on telecommunications service; and

“(II) applied to Internet access through administrative code or regulation issued on or after December 1, 2002.”.

(2) Insert after section 6 of the bill the following:

SEC. 6A. EXCEPTION FOR TEXAS MUNICIPAL ACCESS LINE FEE.

The Internet Tax Freedom Act (47 U.S.C. 151 note), as amended by section 6, is amended by adding at the end the following:

“SEC. 1109. EXCEPTION FOR TEXAS MUNICIPAL ACCESS LINE FEE.

“Nothing in this Act shall prohibit Texas or a political subdivision thereof from imposing or collecting the Texas municipal access line fee pursuant to Texas Local Govt. Code Ann. ch. 283 (Vernon 2005) and the definition of access line as determined by the Public Utility Commission of Texas in its ‘Order Adopting Amendments to Section 26.465 As Approved At The February 13, 2003 Public Hearing’, issued March 5, 2003, in Project No. 26412.”.

AGREEING TO THE REQUEST OF THE HOUSE—S. 1301

Mr. ALLEN. Finally, Mr. President, I ask unanimous consent that the Senate agree to the request of the House regarding the papers relating to S. 1301.