

**SA 3101.** Mr. ALEXANDER submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. 8. VOIP SERVICES.**

Section 1108 of the Internet Tax Freedom Act (47 U.S.C. 151 note), as added by section 6, is amended to read as follows:

**"SEC. 1108. VOIP SERVICES.**

"Section 1101(a) shall not apply to the imposition or collection of any tax, fee, or charge on a service advertised or offered to consumers for the provision of realtime voice telecommunications (as the term 'telecommunications' is defined in section 3(43) of the Communications Act of 1934 (47 U.S.C. 153(43)) regardless of whether such service employs circuit-switched technology, packet-switched technology, or any successor technology or transmission protocol."

**SA 3102.** Mr. ENZI submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**"SEC. 1108. VOIP SERVICES.**

"Notwithstanding any provision of this Act to the contrary, section 1101(a) shall not apply to the imposition or collection of any tax, fee, or charge on a service advertised or offered to consumers for the provision of realtime voice telecommunications (as the term 'telecommunications' is defined in section 3(43) of the Communications Act of 1934 (47 U.S.C. 153(43)) regardless of whether such service employs circuit-switched technology, packet-switched technology, or any successor technology or transmission protocol."

**SA 3103.** Mr. DURBIN submitted an amendment intended to be proposed by him 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; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. —. ADDITIONAL EXCEPTION TO MORATORIUM.**

Section 1101 of the Internet Tax Freedom Act (47 U.S.C. 151 note), as amended by section 2 of this Act, is further amended by adding at the end the following:

"(f) **ADDITIONAL EXCEPTION.**—Subsection (a) shall also not apply with respect to an Internet access provider for any taxable period unless the provider reduces the amount it charges each retail user of its Internet access service during that taxable period by an amount that reflects, on a per-subscriber basis, the amount by which—

"(1) the taxes on Internet access the Internet access provider would have paid or incurred for that taxable period under any State or local government tax law that was in effect on October 31, 2003; exceeds

"(2) the taxes on Internet access actually paid or incurred by the Internet access provider for that taxable period."

**SA 3104.** Mr. MCCAIN (for Mr. LAUTENBERG) proposed an amendment to amendment SA 3048 proposed by Mr. MCCAIN to the 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; as follows:

At the appropriate place, insert the following:

**SEC. —. GAO STUDY OF EFFECTS OF INTERNET TAX MORATORIUM ON STATE AND LOCAL GOVERNMENTS AND ON BROADBAND DEPLOYMENT.**

The Comptroller General shall conduct a study of the impact of the Internet tax moratorium, including its effects on the revenues of State and local governments and on the deployment and adoption of broadband technologies for Internet access throughout the United States, including the impact of the Internet Tax Freedom Act (47 U.S.C. 151 note) on build-out of broadband technology resources in rural under served areas of the country. The study shall compare deployment and adoption rates in States that tax broadband Internet access service with States that do not tax such service, and take into account other factors to determine whether the Internet Tax Freedom Act has had an impact on the deployment or adoption of broadband Internet access services. The Comptroller General shall report the findings, conclusions, and any recommendations from the study to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce no later than November 1, 2005.

**SA 3105.** Mr. MCCAIN proposed an amendment to amendment SA 3048 proposed by Mr. MCCAIN to the 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; as follows:

On page 8 strike lines 1 through 9 and insert the following:

**"SEC. 1108. EXCEPTION FOR VOICE SERVICES OVER THE INTERNET.**

"Nothing in this Act shall be construed to affect the imposition of tax on a charge for voice or similar service utilizing Internet Protocol or any successor protocol. This section shall not apply to any services that are incidental to Internet access, such as voice-capable e-mail or instant messaging"

**SA 3106.** Mr. FRIST (for Ms. SNOWE) proposed an amendment to the bill S. 2267, to amend section 29(k) of the Small Business Act to establish funding priorities for women's business centers; as follows:

On page 2, strike lines 9 through 14, and insert the following:

"(ii) from the funds reserved under paragraph (4)(A), not more than \$125,000 to each eligible women's business center established under subsection (1); and"

**AUTHORITY FOR COMMITTEES TO MEET**

**COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS**

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Com-

mittee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, April 29, 2004, at 10 a.m., to conduct a hearing on "Counter-Terror Initiatives and Concerns in the Terror Finance Program."

Concurrent with the hearing, the Committee intends to vote on the nominations of the Hon. Romolo A. (Roy) Bernardi, of New York, to be Deputy Secretary of Housing and Urban Development; Mr. Dennis C. Shea, of Virginia, to be Assistant Secretary for Policy Development and Research, Department of Housing and Urban Development; and Ms. Cathy M. MacFarlane, of Virginia, to be Assistant Secretary for Public Affairs, Department of Housing and Urban Development.

The PRESIDING OFFICER. Without objection, it is so ordered.

**COMMITTEE ON FOREIGN RELATIONS**

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, April 29, 2004, to hold a business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

**COMMITTEE ON FOREIGN RELATIONS**

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, April 29, 2004, at 2:30 p.m., to hold a hearing on Middle East Broadcasting.

The PRESIDING OFFICER. Without objection, it is so ordered.

**COMMITTEE ON GOVERNMENTAL AFFAIRS**

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Thursday, April 29, 2004, at 10 a.m. to consider the nomination of Dawn Tisdale to be Commissioner, U.S. Postal Rate Commission.

The PRESIDING OFFICER. Without objection, it is so ordered.

**COMMITTEE ON GOVERNMENTAL AFFAIRS**

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Committee on Government Affairs be authorized to meet on Thursday, April 29, 2004, immediately following a 10 a.m. nominations hearing, to consider the nominations of David Safavian to be Administrator for Federal Procurement Policy, Office of Management and Budget.

The PRESIDING OFFICER. Without objection, it is so ordered.

**COMMITTEE ON INDIAN AFFAIRS.**

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Thursday, April 29, 2004, at 10 a.m., in room 485 of the Russell Senate Office Building to conduct a hearing on S. 2301, a discussion draft bill to improve the management of Native American fish and wildlife and gathering, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

## COMMITTEE ON THE JUDICIARY

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, April 29, 2004, at 9:30 a.m. in Dirksen Senate Building Room 226.

## Agenda

I. Nominations: Henry W. Saad to be U.S. Circuit Judge for the Sixth Circuit; William Duane Benton to be United States Circuit Judge for the Eighth Circuit; Robert Bryan Harwell to be United States District Judge for the District of South Carolina; George P. Schiavelli to be United States District Judge for the Central District of California; and Curtis V. Gomez to be Judge for the District Court of the Virgin Islands.

## II. Legislation:

S. 1735. Gang Prevention and Effective Deterrence Act of 2003 [Hatch, Chambliss, Cornyn, Feinstein, Graham, Grassley, Schumer].

S. 2107. A bill to authorize an annual appropriations of \$10,000,000 for mental health courts through fiscal year 2009 [DeWine, Leahy].

S. 2192. Cooperative Research and Technology Enhancement (CREATE) Act of 2004 [Hatch, Feingold, Kohl, Leahy].

S. 1932. Enhancing Federal Obscenity Reporting and Copyright Enforcement (ENFORCE) Act of 2003 [Hatch, Cornyn, Feinstein].

S. 2237. Protecting Intellectual Rights Against Theft and Expropriation (PIRATE) Act of 2004 [Leahy, Hatch].

S. 1932. Artists' Rights and Theft Prevention (ART) Act of 2003 [Cornyn, DeWine, Durbin, Feinstein, Graham, Hatch, Kennedy].

H.R. 1561. United States Patent and Trademark Fee Modernization Act of 2004.

S. 1635. A bill to amend the Immigration and Nationality Act to ensure the integrity of the L-1 visa for intracompany transferees [Chambliss].

S. 1609. Parental Responsibility Obligations Met through Immigration System Enforcement (PROMISE) Act [Hatch, Cornyn].

S. 1129. Unaccompanied Alien Child Protection Act of 2003 [Feinstein, DeWine, Durbin, Edwards, Feingold, Kennedy, Kohl, Leahy, Schumer, Specter].

S. Res. 334. A resolution designating May 2004 as National Electrical Safety Month.

The PRESIDING OFFICER. Without objection, it is so ordered.

## COMMITTEE ON INTELLIGENCE

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on April 29, 2004, at 2:30 p.m. to hold a closed mark-up on the fiscal year 2005 Intelligence Authorization Bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

## SUBCOMMITTEE ON OCEANS, FISHERIES AND COAST GUARD

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Subcommittee on Oceans, Fisheries, and Coast Guard be authorized to meet on Thursday, April 29, 2004, at 10 a.m. on NOAA Oversight, in SR-253.

The PRESIDING OFFICER. Without objection, it is so ordered.

## HIGHWAY BILL EXTENSION

Mr. FRIST. Mr. President, throughout the day we have had discussion regarding the short-term highway extension. My colleague, Senator BOND, has been here throughout the day, working hard and discussing the critical importance of having this body move forward on the 6-year authorization measure on transportation that has passed both Houses.

Obviously, there is a frustration that there has been an objection from the other side to our request to appoint conferees to move this bill to conference. We will do a short-term extension in a moment. However, as majority leader, in the absence of an agreement to move forward on the transportation bill, I am committed, after talking to and working with Senator BOND over the course of the day, to use our procedural options to put the Senate on record next week with regard to going to conference on the highway bill.

The distinguished minority whip is on the floor, and he has been very engaged in this issue as well.

I do thank our colleague, Senator BOND, and all the others involved, for allowing us to move on this short-term extension at this time. Again, I believe it is time for us to follow the regular order and send the 6-year authorization bill to conference.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I also extend my appreciation to Senator BOND. This is not a time to declare winners or losers. This is part of the legislative process. Senator BOND is an experienced legislator. He is a former Governor. He knows the importance of the highway bill. I am confident the resolution of this matter that we have worked out in the last several hours will be good for the country and certainly will be good for the 5,000 people who work at the Department of Transportation.

## SURFACE TRANSPORTATION EXTENSION ACT OF 2004, PART II

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of H.R. 4219, a highway program extension bill, which is at the desk. I further ask consent that the bill be read a third time and passed, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4219) was read the third time and passed.

## EXECUTIVE SESSION

## EXECUTIVE CALENDAR

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on today's Executive Calendar: Calendar Nos. 644 through 653, and all nominations on the Secretary's desk.

For the information of Senators, these are military nominations and Foreign Service officers.

I further ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

## AIR FORCE

The following named officers for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

*To be major general*

Brigadier General James B. Armor, Jr., 0000  
Brigadier General Curtis M. Bedke, 0000  
Brigadier General John T. Brennan, 0000  
Brigadier General Roger W. Burg, 0000  
Brigadier General John J. Catton, Jr., 0000  
Brigadier General Michael A. Collings, 0000  
Brigadier General Daniel J. Darnell, 0000  
Brigadier General Frank R. Faykes, 0000  
Brigadier General Vern M. Findley, II, 0000  
Brigadier General Stephen M. Goldfein, 0000  
Brigadier General Gilmary M. Hostage, III, 0000  
Brigadier General Thomas P. Kane, 0000  
Brigadier General Perry L. Lamy, 0000  
Brigadier General Roosevelt Mercer, Jr., 0000  
Brigadier General Gary L. North, 0000  
Brigadier General Anthony F. Przybyslawski, 0000  
Brigadier General Loren M. Reno, 0000  
Brigadier General Edward A. Rice, Jr., 0000  
Brigadier General Marc E. Rogers, 0000  
Brigadier General Arthur J. Rooney, Jr., 0000  
Brigadier General Stephen T. Sargeant, 0000  
Brigadier General Darryl A. Scott, 0000  
Brigadier General Winfield W. Scott, III, 0000  
Brigadier General Norman R. Seip, 0000  
Brigadier General Loyd S. Utterback, 0000  
Brigadier General Donald C. Wurster, 0000

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

*To be major general*

Brig. Gen. William L. Shelton, 0000

The following officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

*To be brigadier general*

Col. Ronnie D. Hawkins, Jr., 0000

The following officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

*To be brigadier general*

Col. Danny K. Gardner, 0000

The following officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203: