

ozone layer over Antarctica. And almost every year since then that ozone hole has grown bigger and bigger and bigger. We have phased out the manufacturing of CFCs—we do not use it anymore to spray our hair with; and we have substitutes for air-conditioning and refrigeration. Nevertheless, if you saw the Post this morning, the current estimates are that the ozone hole is deeper and wider than it has ever been, and has been growing almost every year since 1975 when we first discovered it.

The good news is, while scientists were shocked by the size of the ozone hole in their current study, they still believe that it can be stabilized by the year 2050. Well, let's hope so, because if it isn't, we can anticipate 300,000 additional cases of skin cancer.

I ask unanimous consent for 1 additional minute.

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

Mr. BUMPERS. The ozone layer protects us from the ultraviolet rays of the Sun. The hole that we have already caused is going to cause thousands and thousands of cases of skin cancer before we even begin to stabilize the ozone layer.

Mr. President, I tell that little story with some satisfaction, because I dare say there are not many Senators who fought as many losing battles in the U.S. Senate as I have. So the only reason I tell that story is to let people know that sometimes when you cast unpopular votes you will be proven right. A lot of Senators get beat before they ever get a chance to be proven right.

I voted against more constitutional amendments than any Senator in the U.S. Senate. I am proud of every one of them. Rest assured, if they bring the flag desecration amendment up again, I will be happy to vote against that, too, for reasons I will not belabor now.

I see my good friend from Nevada wanting to speak. And I want to follow him on the matter pending before the Senate.

I yield the floor.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I ask unanimous consent to speak as in morning business.

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

Mr. REID. I say to my friend from Arkansas, the mere fact that you lose the vote on the floor does not mean that you lose the issue. And I say to my friend, I have been on the floor on the Senator's side, joining him on a number of causes which we have won and which we have lost; and I have been his adversary on a number of issues. I only wish that everyone had the Senator's demeanor, his ability and his sense of fairness. We would be a much better Senate, a much better country.

Mr. BUMPERS. I thank the Senator for his comments.

#### PRESCRIPTION CONTRACEPTION EQUITY AMENDMENT

Mr. REID. Mr. President, one of the distinct honors I have had is joining with the senior Senator from Maine in legislation that passed unanimously in this body and passed by an overwhelming margin in the House. It was an amendment we placed in the Treasury-Postal Service bill. It was a bill that we had introduced on the floor.

On this occasion, we decided to limit it just to Federal employees, which we did. We were elated that we were able to make great strides on this issue about which we felt so strongly. And we were contemplating the day when this bill would be signed and become law, because certainly it should. It passed over here unanimously; passed the House by an overwhelming margin.

I cannot speak for my colleague from Maine, but I am sure she feels just as disappointed as I am that this bill was stripped during the conference of the Treasury-Postal Service bill for really no reason. There was no debate among the conferees. It was just taken from the bill.

It would be easy for me to be partisan here and say this is some cabal by the Republicans. The fact of the matter is, Mr. President, this bill had bipartisan support. It was not a Democratic bill; it was not a Democratic amendment. It was not a Republican bill, a Republican amendment.

So I am here to complain about the process. This should not have happened. I am not going to point fingers as to why it happened, but it happened. I am tremendously disappointed.

What am I talking about? I am talking about a bill that the senior Senator from Maine and I have been working on for over a year, a bill that has 35 cosponsors in the Senate. It is a bill that recognizes that each year in this country there are 3.6 million unintended pregnancies. Forty-four percent of those pregnancies wind up with abortion. We find that insurance companies' health care providers routinely pay for abortions, vasectomies, tubal ligations, but they don't pay for the simple contraceptives that are approved by the Food and Drug Administration. There are only five. They don't pay for them.

We are saying it should be done. Women pay almost 70 percent more for health care than men. It seems unusual that when Viagra came out there was a mad rush to make sure that there was insurance coverage and every other kind of coverage for Viagra. We said at that time, the Senator from Maine and I, shouldn't we recognize the fact that women pay more, that insurance companies and health maintenance agencies do not pay for contraceptives and they should? We would save huge amounts of money. We would have healthier mothers and healthier babies. But it doesn't appear we are going to have it this year.

Our bill, called the Prescription Contraceptive Fairness Act, would apply

this to Federal health care plans. There are 374 different health care plans under the Federal system that would cover these pills or the other four devices. It would save money.

It was killed in conference based upon some illusion that it had something to do with abortion. It has nothing to do with abortion. In fact, it would cut down on abortions. We are not forcing anyone to use contraceptives if they don't want to. We think they should be made available.

I was on a talk show. A woman called in and said, "I'm pregnant with our third child. I'm a diabetic. I would prefer I were not pregnant. I'm going to carry the baby to term but it could endanger my health. I hope the baby is healthy. My husband's insurance company does not cover contraceptives, and as a result of that, I'm pregnant because the stuff we used doesn't work very well." There are a multitude of stories just like this. Remember, there are 3.6 million unintended pregnancies in our country every year. Not every 10 years—every year.

I am embarrassed this was stripped from the bill for some reason that is not justifiable. The Federal Government serves as a role model for other employers across the Nation. This would have been a great start. It has received support from the American College of Obstetricians and Gynecologists. We have received little static from the insurance companies. Why? It creates an even playing field. If they all have to do the same thing, it doesn't hurt anyone. In the long run, people in the plans would save money.

Individuals who led the effort to strip this historic amendment from this Treasury-Postal Service bill are ignoring the will of both the House and the Senate. The House voted in favor of this amendment in July; the Senate accepted our amendment in July, also. I don't think it is fair. I think these individuals who feel they have the authority to ignore the decision already made in both Houses should consider why they did this. They had no good reason to do it. It has nothing to do with abortion, which is supposedly the reason it was done.

Politics aside, the real losers in this battle are the 1.2 million women covered under the FEHBP system who will continue to be denied the quality in health care coverage they deserve. People who fought behind closed doors to strip this amendment from the bill are using the anti-abortion statement as a defense. That is wrong. They shouldn't do that. This argument is unfounded.

As I said, this bill would lead to healthier mothers, healthier babies, and lower health care costs for all Americans. This legislation doesn't require any woman to use contraceptives, but it gives them a choice.

I see my colleague on the floor. It has been an honor for me to work with her on this legislation. She has been the driving force in getting this legislation to the point we thought we were.

I will yield the floor.

#### INTERNET TAX FREEDOM ACT

The Senate continued with consideration of the bill.

The PRESIDING OFFICER. The Senator from Nebraska.

AMENDMENT NO. 3783

Mr. KERREY. Mr. President, what is the order of business?

The PRESIDING OFFICER. The pending business is the McCain amendment No. 3783 to amendment No. 3719.

Mr. KERREY. Mr. President, I rise to speak against the McCain second-degree amendment which would extend the moratorium on States taxing Internet transactions from 3 years to 4. The Finance Committee had knocked it back to 2 years. We thought that was a reasonable length of time, given that we allowed 15 months to restructure the IRS; 18 months in getting the Medicare Commission to do its work. We believed that 2 years was a reasonable period of time. I was willing to go along with an extension of that from 2 years to 3. To go to 4 years is just much too long a time.

This is an issue where the Federal Government is intervening, saying the States can't raise taxes in a certain way. This is, in my judgment, without precedent.

I am willing to support this piece of legislation. I am willing to provide this moratorium so we can reach an understanding of how we will tax these transactions. But to allow 4 years—when we allow approximately 15 months in getting a commission to restructure the IRS, and 18 months in getting Medicare, Mr. President—is an unreasonable length of time.

I hope my colleagues will vote against the McCain amendment. We have been contacted by our Governors who are actually asking us to go along with the Finance Committee, which was 2 years. As I said, I'm willing to support a compromise to 3 years, but 4 years, given the amount of time we have allowed for some things that are more complicated than this, it is unreasonable and too lengthy a period of time.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, I agree mostly with what the Senator from Nebraska said. I prefer a 2-year moratorium.

As the Senator from Nebraska stated, earlier this year, we passed a bill to reform the Internal Revenue Service. That legislation arose from the IRS Commission, which had a mere 15 statutory months to take a top to bottom look at, and make recommendations on, how to restructure the IRS. The entire commission process plus the legislating process resulted in a bill the President signed in just a shade over two years.

The point I am trying to make is this: Fair taxation of the Internet is not more complicated than restructur-

ing the IRS. The bill to which the two amendments presently pending are offered, is a bill that provides a 2-year moratorium. Two years is enough. To allow any more time would do nothing but prove that the U.S. Senate is knuckling under to the Internet industry.

I see my good friend from Florida on the floor. He and I were both Governors. The Governors signed off on 2 years and now here is a letter saying they hope we will compromise on 3 years. "Do not adopt," they say, "the 4 year moratorium. Accept the compromise of 3 years."

I can tell you, Senator, if I were still Governor of my State, I would be squealing like a pig under a gate. Here a significant percentage of the State's entire tax base is being eroded, literally destroyed, by remote sellers, and the Internet industry and the Governors say let's compromise at 3 years. We are willing not to tax the Internet for a 3-year period. Think about that. In 3 years' time the estimates are that sales over the Internet will be \$300 billion. We know that catalog sales right now are in excess of \$100 billion.

The States are saying they are willing to forgo their right to tax the Internet for 3 years. If there were no catalog sales, if there were no Internet, \$400 billion worth of goods would be sold by Main Street merchants in America on which they would pay a 4, 5, 6, or 7 percent sales tax to support their community schools, their fire departments, their police departments, their landfills, paving their streets and everything else that cities have to do.

Yes, if I were still Governor, trying to raise teachers' salaries, trying to making better schools, trying to increase the size of the police department and reduce crime in my community, if I were charged with the responsibility as mayor or Governor and had the responsibility of our children, our environment, all of those things, I would never sit still. I would never sit still for allowing these people to escape taxation. It has been a mystery to me for 7 years, as I have fought to try to give the States the right—not the mandate, but the right—to make remote sellers collect sales taxes. There are only 7,500 of them. The bill I offered would only affect 675 of them. We exempted everybody that did less than \$3 million in business a year. I have been soundly defeated each time I have tried to correct this problem. And as I leave the U.S. Senate after 24 years, it is a mystery to me. Why do people vote to allow the tax bases in their States to be eroded when their Governors and their mayors and local officials are scrounging for money to improve schools and everything else?

My State has a sales and use tax on all mail-order sales coming into my State. Do you know how much we collect on it? Zero. Do you know why? Because the tax is on the purchaser. I promise you there is not 1 in 10,000 people in the State of Arkansas that even

know that the tax exists. Of course, they don't pay it. Literally millions of dollars of goods come into my State every year on which not one cent of tax is collected, even though it is owed. But it is owed by the person who bought the merchandise, and he or she doesn't even know the tax exists.

When we try to say to the States—Senator GRAHAM, Senator DORGAN and myself—that we are going to help you, we want to honor what you are trying to do, they have all championed my bill. They haven't been very effective, but the Governors and mayors have all championed my legislation every year I have offered it. But the U.S. Senators sit up here, with all their arrogance, and say to their legislatures, Governors and mayors: We don't care what you want, we will decide what you get. For 7 years, so far, and much longer than that, we have said you get nothing. We are not going to let you tax mail-order sales. So quit talking about it. You might as well quit talking about it. I think 30 or 35 votes is my high-water mark in trying to address what I consider a terrible problem.

The Presiding Officer heard me talk a while ago about how the first thing I did when I came here was to try to stop the manufacturing of CFCs that are destroying our ozone. We all know the ozone is being systematically destroyed, but back then we had to study it. It was just a theory. As I said, the best way to kill something in the U.S. Senate is to say let's study it. If you want to never hear of something again, get an amendment adopted that says, no, you can't do that anymore, you have to study it.

That is what we are doing here. We are saying to the mayors and Governors and legislatures of our respective States—45 of the 50 States already have a tax, but it is on the consumer and nobody knows it, and they are desperate. The reason I mention that again is because I will be sitting down in Arkansas, or someplace, a few years from now and this thing will crescendo and will reach a level where the Senate won't have any choice but to deal with it and to give the States that right, because if they don't their schools are going to start crumbling, their police departments are going to go to pot, as are their fire departments.

Did you see in the paper this morning where Amazon.com's stock is selling for over \$100 a share, and they haven't made a nickel profit yet? It is estimated they are selling two-thirds of all the books sold over the Internet, and their sales are growing exponentially. I have a lot of friends that never buy a book from a local bookstore anymore. They buy it over the Internet. Not only do they get a little discount, they pay no sales tax on it. So this morning's paper says Amazon.com has become so terrific and so powerful that a publishing house is buying Barnes & Noble's on-line system. They have a third and Amazon.com has two-thirds. The publishing house knows that they are