



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 106th CONGRESS, SECOND SESSION

Vol. 146

WASHINGTON, MONDAY, JUNE 12, 2000

No. 72

Senate

The Senate met at 12:03 p.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, You give the hour and provide us with power; You bless each day and show us the way; You plan our week and reveal Your truth to those who seek. We pray for the Senators as they confront the busy schedule of the week ahead. Help them to trust You. Care for their families and loved ones. Lift the burdens they carry. Give them the assurance that they are never alone. You are the unseen presence in every moment, during every conversation, before each decisive decision, and throughout each meeting. Remind them of Your availability, Your affirmation, Your assurance. May this day and all the hours of the week ahead be as one constant conversation with You, a flow of prayer as natural as breathing out tension and breathing in Your strength. You are Sovereign of this Nation, Lord of this Senate, and Saviour of our lives. Amen.

PLEDGE OF ALLEGIANCE

The Honorable SLADE GORTON, a Senator from the State of Washington, 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 ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The Senator from Washington is recognized.

SCHEDULE

Mr. GORTON. Mr. President, today the Senate will be in a period for morn-

ing business until 2 p.m., with Senators DURBIN and THOMAS in control of the time. Following morning business, the Senate will resume consideration of the Department of Defense appropriations bill. Amendments to the bill are expected to be offered and debated during today's session. Any votes ordered with respect to those amendments, however, will be scheduled to occur on Tuesday at a time to be determined. As a reminder, all first-degree amendments to the Defense appropriations bill must be filed by 3 p.m. today.

I thank my colleagues for their attention.

Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JOHNSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GORTON). Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 2 p.m., with Senators permitted to speak therein for up to 10 minutes each. Under the previous order, the time until 1 p.m. shall be under the control of the Senator from Illinois, Mr. DURBIN, or his designee. For that time, the Senator from South Dakota is recognized.

LOCAL TELEVISION AMENDMENT TO THE INTERNET NON-DISCRIMINATION ACT

Mr. JOHNSON. Mr. President, I rise today to discuss an amendment I filed this past week to H.R. 3709, the Internet Nondiscrimination Act. This amendment has a twofold purpose. First, it highlights the need to act on S. 2097, the Launching Our Communities' Access to Local Television Act of 2000. This critical legislation passed the Senate by a unanimous, 97-0, vote on March 30 of this year. The House version of this bill, H.R. 3615, also passed by an overwhelming 375-37 margin. Yet here we are 2½ months later with no effort to move this bipartisan legislation forward toward enactment.

In the meantime, the other body has considered an extension of the Internet tax moratorium for an additional 5 years. I supported the original Internet Nondiscrimination Act which created a 3-year moratorium on new taxes on the Internet while we considered the various ramifications of e-commerce taxation issues.

That original moratorium does not expire until next October. Yet here we are 16 months in advance of that expiration preparing to consider an additional 5-year expansion. Not only that, but with this new legislation, we renege, frankly, on a promise made under the 1998 act which grandfathered existing State taxes on Internet services. That agreement was essential to securing the overwhelming support which S. 442 ultimately received.

I believe we should not be placing taxes on access to the Internet, but that is not the issue. The issue is the implementation of already existing sales tax responsibilities. Sales tax is a critical component of State and local revenues, especially in States such as South Dakota that do not have an income tax. More than half of our State budget derives from the sales tax. That is the money that goes to education,

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



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crimefighting, and other essential services. This online-commerce loophole in sales tax collection results in an unfair situation for South Dakota merchants, and threatens the treasuries of State and local governments with the loss of millions of dollars in revenue. There is a great need for State tax laws to be applied to all sales regardless of whether the sales are made at a local store, over the Internet, or by any other means.

H.R. 3709 does not foreclose the possibility of collecting sales tax on products purchased over the Internet. In fact, it is silent on this issue. That silence, however, is almost as dangerous to State and local government as an explicit rejection of equal treatment for brick and mortar stores. By filing this amendment to H.R. 3709, I want it made clear that I will oppose this legislation moving forward until it establishes a comprehensive review of Internet-related tax policy.

I remain absolutely opposed to any new tax on the Internet. Internet usage ought to be encouraged and kept affordable. Public policy ought to promote tax-free Internet access, but it makes no sense that some sales are subject to sales tax while others are not. We need a level playing field for everyone. It is up to each individual State and municipality to decide for itself whether it wants to have a sales tax—but once that decision is made, it ought to apply uniformly to sales without regard to the particular technology utilized in making the sale. This correction must be considered in the context of any effort to extend the ongoing Internet tax moratorium.

Although there are many pieces of critical legislation which would serve to highlight the tax fairness issues raised by H.R. 3709, I want to focus on S. 2097, the local-into-local television act.

Under legislation we passed this past year, satellite companies are for the first time free to broadcast local network programming into local markets. That ability has already benefited thousands of viewers and promoted competition in the broadcast delivery industry. What S. 2097 seeks to accomplish is to make that benefit a reality for Americans who live outside the largest 40 television markets.

Like many of my colleagues, I represent a State, South Dakota, with rural viewers that should not be left out of the information age. South Dakota is one of the 16 States that do not have a single city among the top 70 markets. Sixteen States have no television markets within the top 70. Without this loan guarantee, markets such as Sioux Falls and Rapid City will never get local-into-local service, and rural South Dakotans will not have an opportunity to receive their local networks over the satellite signals.

This proposal is more than just getting sports or entertainment programming over your local channels. It is a critical way to receive important local

news, storm information, road reports, school closing information, and civic affairs information.

Rural Americans need the same opportunity to access their local networks as do our urban friends. This legislation will provide that opportunity.

We have worked very hard in the Banking Committee and on the floor to achieve strong bipartisan legislation. Senators SARBANES, BAUCUS, GRAMM, BURNS, and others worked diligently to find the accommodations to satisfy everyone's concerns. We have a final product which will ultimately result in local-into-local broadcasting for rural America, and it does so in a fiscally responsible manner that limits the taxpayer exposure.

The overwhelming vote in both the House and Senate demonstrates the soundness of this legislation. It is absolutely critical for the millions of Americans who live outside our major urban areas. It is the promised missing component of last year's Satellite Home Viewer Improvements Act.

This issue has aroused the greatest level of constituent concern in many States in quite some time. S. 2097 provides a fiscally responsible and prudent response to the concerns raised by thousands of our constituents, protecting the taxpayer interests while at the same time helping to provide this service. I intend to offer this legislation to every vehicle possible this year until we have the opportunity to finish what we started and provide this essential service to all Americans.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

VICTIMS OF GUN VIOLENCE

Mr. LEVIN. Mr. President, since Columbine, thousands of Americans have been killed by gunfire, and yet Congress is refusing to act on sensible gun legislation. Until we act, one of us who is trying to get legislation passed will read the names of those who lost their lives through gun violence in the past year and will continue to do so every day while the Senate is in session. In this way, we hope to remember those who have died and to bring closer the day when fewer die from gun violence.

Following are the names of some of the Americans who were killed by gunfire 1 year ago today, on June 12, 1999:

Tyrand Baxter, 24, Atlanta, GA;
D'Ante Bonds, 18, Oakland, CA;
Kenneth Davis, 17, Chicago, IL;
Moises Moctezuma, 49, Charlotte, NC;
Kevin Parks, 26, Chicago, IL;
Cornell Rogers, 31, Washington, DC;
Reginald Rogers, 21, St. Paul, MN;
David Sapp, 42, Charlotte, NC;

Joseph Shrug, 69, Detroit, MI;
Yong S. Suoh, 44, Chicago, IL;
Javier Velasquez, 23, San Antonio, TX;
Joel Vives, 27, Miami-Dade County, FL;
Charles Wachholtz, 80, Dallas, TX;
Antwan Wimberly, 24, Atlanta, GA; and
Timothy Young, 21, Charlotte, NC.

Mr. President, I ask unanimous consent to have printed in the RECORD the names of those who were killed by gunfire last year on the days June 10 and June 11, which was last weekend when the Senate was not in session.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JUNE 10, 1999

Vincent Bolden, 32, Minneapolis, MN;
Sandy Curtis, 37, Gary, IN;
Bynum Gordon, 44, Atlanta, GA;
Dimetrio Hernandez, 33, Houston, TX;
Marvin E. Jordan, 18, Chicago, IL;
Adam Lawrence, 48, New Orleans, LA;
Benjamin Matthews, 36, Kansas City, MO;
Terrance McLeod, Jr., 25, Detroit, MI;
Hayde Montalbo-Valdes, Minneapolis, MN;
Dolores Mueller, 64, St. Louis, MO;
Nicholas Osborne, 20, Bloomington, IN;
Raphael Rivera, 14, Harrisburg, PA;
Brandy Sessions, 20, Rochester, NY;
Stymie Thomas, 20, Chicago, IL;
Unidentified male, 37, Long Beach, CA;
Unidentified male, 26, Long Beach, CA; and
Unidentified male, 28, Long Beach, CA.

JUNE 11, 1999

Wallace Brumfield, San Francisco, CA;
Jerry Joseph Dawson, 47, Detroit, MI;
Kimani Evans, 25, Miami-Dade County, FL;
Majjo Hanna, 40, Detroit, MI;
Kevin James, 29, Baltimore, MD;
David M. Jones, 26, Madison, WI;
Isaac Maldonado, 22, Holyoke, MA;
John Morrison, 34, Miami-Dade County, FL;
Michael Northington, Detroit, MI;
Harvey J. Pierce, 45, Madison, WI;
David L. Shaw, 18, Memphis, TN;
Robert L. Turner, 78, Oklahoma City, OK;
Lajon Wright, 25, New Orleans, LA;
Unidentified male, 57, Norfolk, VA; and
Unidentified male, 31, San Jose, CA.

Mr. LEVIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. THOMAS). Without objection, it is so ordered.

The Senator is recognized for 20 minutes.

PRIVACY ACT VIOLATION

Mr. INHOFE. Mr. President, I have not a speech but a story to tell. The name of that story could very well be "What Would Have Happened To Frankie Vee?" Now, they say confession is good for the soul. I confess that during the Memorial Day recess a couple weeks ago I did not work during the whole recess. I spent some time with my family, with my wife, with my daughter Katie, her husband Brad, their baby, and some of the other kids, and we went to south Texas where we own some property. There is a little