

pick winners and losers. Government should not pick winners and losers—how many times have we heard that? If I had a nickel for every time somebody on the other side of the house said government should not pick winners and losers, I would probably be a wealthy man. But “government should not pick winners and losers” is a principle that really applies in this area because those companies that are operating a brick-and-mortar storefront are paying their taxes—they are paying their taxes—and the noncollection on the Internet sales puts them at an unfair disadvantage.

There are conveniences to Internet sales. Nobody wants to get rid of that. It is an important, growing part of our economy. I am all for that. In fact, I think I have family members who shop that way, including a daughter who is one of the more ardent eBay shoppers in the country, I suspect. But in any event, it is very important that we not add to the natural advantages Internet shopping has by creating this additional, manufactured tax advantage.

It comes down to a point that I think you could appreciate if you can put yourself in the shoes of a small business owner. Imagine that you own an electronic goods store and you sell televisions—imagine that you are a shoestore owner and you sell shoes for kids and adults—and somebody comes into your electronics store and they look at all the TVs, they call over your salesperson and they get the whole briefing on what is best and how you hook it up and all of the technical details about it, and they see exactly what they want. Then, when they have decided what they want, that is the moment when they should reach into their wallet and pull out their credit card and say: I will take that one. I will buy it. Instead, they reach into their pocket and they pull out a notepad and they write down the details of the television they were looking at, and they say thank you very much to the store owner, and they walk out and they buy it off the Internet.

The brick-and-mortar store has put all the expense into having the overhead, into having the television there, and into having the expert salespeople there, and a consumer takes advantage of that but then does not buy it, goes outside. That may still happen, but it will happen less if we can take out the unfair disadvantage that brick-and-mortar store owner has and put that back into balance.

I have had a shoestore owner say the same thing. A parent comes in, sits the kids down, and has the sales clerk bring out boxes of shoes. They try them all on, see which ones the kids like, see which ones fit best. Then, when they are all done and they are ready to make their purchase, again, out with the notepad. They write down the brand of the shoe, the size of the shoe, and then walk out of the store, and there is the sales clerk left to box

up the shoes, wrap them back up in the paper, take them back in the back again, and they took all that effort and all that expense and they never made the sale.

Again, there are advantages to shopping on the Internet, and there are probably times when that kind of behavior by consumers will continue. But why add the subsidy of uncollected taxes to the advantages the Internet shopper has? Our local stores, our local small businesses need to have this set right and set into balance.

There has been a concern raised that the Marketplace Fairness Act would create all this immense bureaucracy and it would be so difficult to do this. That is really not true. The computer and billing systems that exist right now make this a virtually seamless transaction, and States are obliged before they can do it to come into compliance with the Streamlined Sales and Use Tax Agreement, which is a compact among States, developed by them, that has coordinated the different State tax laws so that this process can be easy and streamlined.

So I think this is a good moment coming for us after a very lousy week last week. We have the chance to get together on a bill that in the budget process I think gathered 70 votes—maybe more than 70 votes. I do not remember the exact count, but it was a very strong majority in this body. It was a completely bipartisan vote, with proponents and opponents on either side.

But I think that in the interest of fairness, in the interest of economic efficiency, in the interest of not picking winners and losers, and in the interest of helping to move our economy forward and protecting our stores that are on our Main Streets and in our shopping centers and shopping malls, this is a good thing to do. So I hope we will come together and pass this bill and show that we can act productively and in a bipartisan fashion and that we will do so this week.

I thank the Presiding Officer and again thank the chairman of the Commerce Committee for his leadership and enthusiasm.

I yield the floor and 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. COONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. COONS. I ask unanimous consent to speak for up to 20 minutes.

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

CLIMATE CHANGE

Mr. COONS. Mr. President, today is Earth Day, so I wanted to come to the

floor and reflect on some of the changes our Earth is experiencing and to talk at some length about how those changes are affecting my home State of Delaware and how the Delaware community is studying, planning, and preparing to deal with these important changes.

The recent National Climate Assessment has said that the last decade in the United States was the hottest on record, and that the last year was the hottest year ever recorded through the U.S. Government. We are waking up to fewer mornings with frost on our windshields, to less snow cover, to warmer oceans and freshwater sources, to more frequent and intense storms, to heat waves, to floods and droughts.

These many changes are affecting human health, agriculture, transportation, our water supply, our ecosystem, wildlife, and many other aspects of our daily lives and our American heritage. On top of all of this, we are seeing higher water levels in our oceans and estuaries, including in and around my home State of Delaware.

Sea level rises essentially for two different reasons. First, as the planet's ice sheets are melting, they are adding to the amount of water in the ocean. But second, saltwater actually expands as it warms. So as the planet's average temperature rises, so does the level of its saltwater seas.

The fact that Earth's oceans are rising each year is not new information. It has been rising for as long as we have been keeping track. What is jarring, though, is that the rate of rise is increasing steadily and significantly.

When the data was tracked between 1870 and 1930, sea level was rising at a rate of just under 4 inches per hundred years. Over the next 60 years, the sea level rose at a doubled rate of 8 inches per hundred years. And then just over the last 20 years, sea level has been rising at a rate of more than 12 inches per hundred years.

The water is rising. For those of us from coastal States, in particular for those in Delaware, it is rising fast. At just 60 feet, Delaware actually has the lowest mean elevation of any State in the United States, already making it more susceptible to sea level rise. But here is the thing. We also have another challenge in that the land itself is also sinking. There is a documented vertical movement of the Earth's crust underneath the MidAtlantic coast referred to as subsidence. It has been happening in Delaware since the last ice age, at a pace of roughly 2 millimeters every year. I know 2 millimeters does not sound like much, but it adds up to another 4 inches per century.

In total, that means you have got, between the water rising and the land sinking, making climate change and sea level rise specifically a very real issue for my State and for many other coastal States. An array of scientists of many different disciplines and backgrounds has studied this in and outside

of the U.S. Government. They have developed three models for future scenarios.

In the most conservative model, by the year 2100, the sea level in Delaware will rise above half a meter or about a foot and a half. In another middle range model, the water in Delaware will rise by a full meter. In the most troubling model, it will rise 1.5 meters or about 5 feet between now and the end of this century. Unfortunately, at present, the scientific consensus, their shared estimate, is this is the most likely model.

Well, let's try to make that real, as we have in Delaware through a whole series of planning exercises to engage our coastal communities. Here is what these different projections look like in Bowers Beach, DE. It only takes half a meter of sea level rise, shown here, before much of this community close to Dover Air Force Base in Kent County, DE, is underwater a half a meter, the most conservative scenario. By the end of the century, the majority of this community is underwater. At a meter and a half—the most likely scenario in current estimates—the town is virtually gone.

Here is another chart which we shared with our communities in Delaware of sea level rise. It is a look at South Wilmington. The city of Wilmington, where I live, is very close to the Delaware River. It has a whole lot of low-lying areas, this part of the largest city in our State.

As water rises in the Atlantic, it also rises up the Delaware Bay and the Delaware River and the Christina River which runs through most of New Castle County and through this part of Wilmington. The water rises through the Peterson Wildlife Refuge as well. The impacts are devastating.

We are talking about water every day more than half a foot higher than Delaware experienced during Superstorm Sandy. You can see from the conservative to the moderate to the most likely scenario, it floods, it impacts, and it eliminates, wipes out, puts underwater most of South Wilmington.

The calculation of whether we are going to be hit with half a meter, a full meter or a meter and a half of sea level rise comes down to a question of the rate of acceleration of climate change globally. It is also implicated in the question of whether we should be trying to slow the rate at which climate change is affecting our planet and maybe even have some hope of turning the tide. This is the part of climate change policy known as mitigation. Priority one in this strategy is reducing, cutting the emissions we are pumping into our atmosphere that are driving this change. To do it, we need to diversify our energy sources, reduce our dependence on fossil fuels. Clean energy technology, energy efficiency programs, public transportation, recycling, and many others could help cut down on these emissions. But it will require a global and coordinated effort to

avoid or minimize these projected devastating local impacts.

The second part of climate change policy is adaptation. It is based on accepting the reality our climate is changing and that it will have real effects on our planet and our communities. The truth is, even if we stopped all greenhouse gas emissions today, if we shut down our current powerplants, stopped driving our current automobiles, stopped drilling, using gas-powered equipment on our farms or trains or ships, the amount of greenhouse gases already in the atmosphere would still take decades to dissipate.

Changes in the world's climate are at this point inevitable. It is already happening and affecting our communities. We can expect these impacts to intensify and accelerate as the climate continues to change. In my view, we need to accept these facts and modify our behavior to prevent these effects from becoming cumulatively catastrophic. We can make better choices now to prevent a disaster later.

In Delaware, for example, we have had two laws on the books for decades that helped us to adapt. The first law, championed in 1971 by then-Republican Governor Russ Peterson, was called the Coastal Zone Act and prohibited future industrial development on a vital swath of coastal land, allowing the State and Federal Government to preserve it and to reduce the impacts of flooding and coastal erosion on these vital wetland areas.

The second law empowered our State to protect and replenish the State's beaches, including beaches on the Delaware Bay which are so often overlooked. This has allowed the State to build a series of berm-and-dune systems that protect infrastructure and prevent private property from being washed away. Instead of running away from the science, Delaware's leaders have embraced it. The State agency that manages environmental issues for Delaware is known as DNREC. Under Secretary Collin O'Mara's able leadership, it has taken the lead on a governmentwide project to assess our State's vulnerability to sea level rise and to recommend actions for adaptation.

In fact, Delaware's Sea Level Rise Advisory Committee, whose report I have here, spent 18 months looking at 79 different Statewide resources, vital entities: roads and bridges, fire stations, schools, tourist hotspots, wetlands, and, of course, our people, their homes, their businesses, and layered them on various maps as I have shown, which demonstrated how far the water would reach at different projected sea levels.

If sea level gets to 1.5 meters, we lose more than 10 percent of our State, the water claims 20,000 residential properties, and significant percentages of the State parks and wetlands, farms, highways, industrial sites, rail lines. In Delaware we could lose 21 miles of rail lines to flooding, effectively shutting down Amtrak's Northeast corridor.

The vital Port of Wilmington would be rendered useless in its current footprint. Nearly all the State's acreage of protected wetlands would be inundated, destroyed. Nearly three-quarters of the State's dams, dikes, and levies that we use to hold back the bay would be flooded. It would be simply devastating to our State.

So to those who say: Oh, a few feet of water rising over a century is a modest amount, something we can plan for, something we do not need to be alarmed about, I think this detailed and thorough study demonstrates the devastating consequences to my home State, a State that would lose 11 percent of its territory in the worst-case scenario.

Our own Secretary of Natural Resources Collin O'Mara said:

We are looking at big risks for human health and safety, and not just at the Delaware Bay beaches. We have big concerns about south Wilmington, Delaware City and New Castle. It's more complex than just the bay beaches or a community here or there.

I believe he is right. So once again, if we remember, we have two basic approaches—adaptation and mitigation. Once Delaware compiled its 200-page vulnerability assessment on sea level rise, the committee got to work on an adaptation strategy to protect our State. They came up with more than 60 options and released them publicly, hosting a whole series of townhall meetings to solicit public opinion before the State decides which strategy to implement.

The committee is also now working on a broader vulnerability assessment to examine the full range of impacts from climate change—even beyond sea level rise—changing temperatures, extreme weather, and changes in precipitation. These are impacts which will affect even more of our neighbors.

Climate change will affect the distribution, abundance and behavior of wildlife, as well as the diversity, structure, and function of our complex ecosystems. We are already seeing changes in natural patterns. Many commercial and recreational fish stocks along the east coast have moved northward 25 to 200 miles over the last 40 years as ocean temperatures have steadily but modestly increased, deeply impacting our fishing industries and our fishing-reliant communities.

Scientists expect migratory species to be strongly affected by climate change since animal migration is closely connected to climatic factors, and migratory species use multiple habitats and resources during their migrations. These changes are impacting the multibillion-dollar waterfowl hunting industry vital to my State. It is an important economic driver to Delaware and a vital part of our heritage.

According to the draft National Climate Assessment released in February, our farmers are expected to adapt relatively well to the changing climate over the next 25 years. However, later, as temperatures increase and precipitation extremes become more intense,

crop yields and production of livestock and poultry are expected to decline. More extreme weather events, including droughts and heavy downpours, will further reduce yields, damage soil, stress irrigation water supplies, and increase production costs.

I am proud of my State. I am proud Delaware was the first State to assess its vulnerability and the vulnerability of specific resources in as comprehensive a way as it has. We are determined to confront these changes to our planet head on, protect our own communities, and to protect the way of life we have built. It is an approach which many other States should replicate.

The private sector has a vital role to play, and they are not waiting around for action in this Chamber by the Federal Government. We are already seeing a lot of our companies taking steps on their own to be more sustainable. I see this all the time at home when I visit companies in Delaware, such as Phillips, Kraft, DuPont, Perdue, and Mountaire. This Chamber may still be debating climate change, whether it is real, and what if anything we should do. These companies in communities in our State are reducing their water use, reducing power consumption, slimming their footprint, and finding ways to be energy efficient. They are doing this not only because it is good for the planet, but because it is good for the bottom line. They have learned in measurable ways that reducing their operating costs is good for business and good for the planet.

Frankly, there is only so much the Federal Government can do as far as adapting to climate change. It still plays a very important role, which States and the private sector alone cannot. The Federal Government can ensure States have accurate data on climate trends over the long term on which to base its assessments and calculations; invest in tidal gauges that the National Oceanic and Atmospheric Administration, or NOAA, maintains off all of our coasts, which are critical to monitoring sea level rise; and support the satellites overhead which track changing weather patterns.

The Federal Government facilitates technology transfer and information sharing provides technical assistance and guidance to States and regions such as ours and initiates collaboration and coordination among partners, which is essential. From the U.S. Global Change Research Program, the Interagency Climate Change Adaptation Task Force, to the CDC's grant program to help State and local health departments assess risks the Federal Government is doing a lot. Given the scope and the dire consequences, we need to do more.

This President and this administration understand, but what role can and should Congress play? In my view we need to also lead in the area of mitigation, to support the executive branch as they continue to help States with adaptation. We need to invest wisely in

our efforts to combat and prepare for climate change.

I have been a member of the Senate Energy and Natural Resources Committee for more than 2 years. We have seen some ambitious plans to do our part in mitigation, many of which I have supported. One proposal was from Senator Bingaman, former chair of the Energy Committee in the last Congress, to adopt a clean energy standard.

It would have set a national goal for clean energy usage and establish a transparent framework that lets resources compete based on how clean they are, and then move out of the way and let the market and American ingenuity determine the best path forward. Sadly, this plan failed to attract any bipartisan support and did not make it out of committee.

Although I am an idealist, I am also a pragmatist. I can read the politics of this Chamber. They are deeply divided on this issue at a time when we need to be coming together. Fortunately, there is bipartisan support for some steps to improve our Nation's energy efficiency. We could take up and pass the bipartisan bill recently introduced by Senator SHAHEEN and Senator PORTMAN to increase the use of energy-efficient technologies in residential, commercial, and industrial sectors.

We could level the playing field for financing to help new clean energy technologies get off the ground by giving them access to the same tax advantages currently utilized only by fossil fuel projects. The bipartisan Master Limited Partnerships Parity Act—which I will reintroduce later this week with a bipartisan group of my colleagues, Senators MORAN, STABENOW, and MURKOWSKI—would level the playing field for renewables and give these new technologies a fighting chance in the emerging energy market.

As we take these sorts of steps and others, we must also be mindful of the need to reduce our Nation's dangerous deficits. We also need to ensure we are not taking away the tools we desperately need to prepare for these changes to our planet. This means sustained support for scientific research and protecting the programs which are channeling this vital data to our States.

The bottom line in my view is the climate has already changed. We know this. With this knowledge comes the responsibility to reduce our emissions in order to mitigate the impacts and to prepare for and take action with regard to these coming changes.

Climate change is happening. It is happening right now. While it may have local impacts, it has global causes. We ignore these at our peril. I believe we have a responsibility: a responsibility to God's creation, a responsibility to each other, a responsibility to our home States, and to future generations. We need to do our very best to slow this process, to help this planet, our only home, to survive.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. WYDEN. Mr. President, I ask unanimous consent to speak as in morning business for up to 20 minutes.

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

MARKETPLACE FAIRNESS ACT

Mr. WYDEN. Mr. President, the Senate is on course to consider profoundly misguided legislation. This proposal is known as the Marketplace Fairness Act, but it is anything but fair. The Marketplace Fairness Act is unprecedented in its reach to discriminate against the Internet, employers, and States with modest or no sales taxes.

As the Internet economy has evolved through innovation, and as it expanded because of the value the innovation enabled, traditional brick-and-mortar businesses are seeking to compete through legislation. Big retailers, effectively seeking a legislative bailout, have allied themselves with State governments that see the Marketplace Fairness Act as an opportunity to obtain new tax revenue without enduring the political consequence of enforcing their own tax laws in their own jurisdictions. It is always easier to put the burden of collecting taxes on the people who can't vote for you; isn't that right, Mr. President?

The Marketplace Fairness Act is going to hobble the Internet economy and constrain online commerce. It is, in my view, a recipe for economic stagnation. It would rein in the Internet economy which has helped lead our economy out of the recession that began in 2008. What this proposal does is give each State the ability to require online businesses outside their States to enforce their tax laws. It enables the State of Indiana or the State of South Dakota to require online businesses located in New Hampshire to collect sales taxes on their behalf. Let me repeat that. The Marketplace Fairness Act could require the businesses of New Hampshire, a State that has determined not to have a sales tax, to collect sales taxes for goods or services provided to consumers in Indiana or South Dakota and then send money to those States.

This proposal, in effect, unleashes all the Nation's tax collectors on small Internet businesses—Internet entrepreneurs who have neither the ability to enforce the terms of the Marketplace Fairness Act nor the political influence in this city to be able to shape