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 the legislation. The Marketplace Fairness Act takes the Internet down a dangerous path because its passage would endorse the notion that Internet entities should be required to enforce laws outside their home jurisdiction.

Foreign countries have long pressed the notion the Internet should be ceded to their control. Let me repeat that. This has been an objective of a whole number of our global competitors over the years—trying to, in effect, get control over the Internet. There is no difference in New York telling Oregon Internet firms to enforce New York laws than China telling American firms to enforce China's censorship practice. As it is already, many countries are seeking to actually put the United Nations in charge as the Internet's regulator-in-chief, and this bill, to a great extent, endorses that world view.

Today the Senate is being asked to consider schemes to allow States and localities to essentially nationalize their taxes, but tomorrow the Senate may be asked to consider similar schemes to enforce laws and regulations about content, for example, and other issues that are so important to the powerful and the well connected.

The precedent the Marketplace Fairness Act establishes takes the Internet, the American economy, and our society down a dark path. It is a path toward a future where governments can impose their values and their regulatory regimes on Internet businesses anywhere. It is a future in which the sovereignty of the country and the sovereignty of our States is significantly eroded.

Beyond these issues, the proponents of the legislation are spawning myths about the bill that aren't true. One myth is the Marketplace Fairness Act levels the playing field. They are going to argue the Marketplace Fairness Act levels the playing field between brick-and-mortar firms and Internet companies for purposes of collecting and remitting sales taxes. But the facts are the facts, and they indicate otherwise.

Furthermore, even if Best Buy knows the consumer resides in Washington, DC, because Best Buy provides the consumer with a credit card or a rewards card that is associated with a Washington, DC, address, Best Buy is still allowed to assume the television purchased will be consumed in Virginia. The Marketplace Fairness Act, in my view, is a targeted strike against the Internet and a targeted strike against the digital economy.

Another myth being put forward is the myth the MFA isn't about new taxes; that the proposal is about enforcing taxes already owed. The fact is the taxes that would be collected as a result of the Marketplace Fairness Act's passage have generally not been collected. So these are going to be regarded as new taxes. This is money that is going to come out of the pockets of American families that has not come out of their pockets before.

Collecting sales and use taxes for goods or services acquired in another State has long been a low priority for State and local governments. Because these taxes go uncollected and unenforced, the establishment of an unprecedented regime to collect them for the first time is going to require American consumers to pay more sales taxes and pay more use taxes.

Furthermore, the creation of this new trans-State enforcement scheme creates significant new incentives for States to establish new sales taxes and new use taxes and also to increase the tax rates that exist now for these particular items.

Ultimately, the Marketplace Fairness Act is going to require consumers to pay an additional $22 billion in sales taxes they have never had to pay before. In fact, unless the United States pursues the types of international arrangements that govern the Internet economy—the types of arrangements sought by China and a host of other States—foreign Internet retailers will only continue to have the competitive advantage the Marketplace Fairness Act would artificially provide them. That is not what the American economy needs. That is not what is going to promote online innovation and value.

I hope my colleagues will oppose this Marketplace Fairness Act. It is premature. It is, more than anything else, coercive. It is coercive.

We are going to hear about how simple this is. Back when we started writing the first bills about technology and the Internet, we said the key principle is do no harm. This is going to do harm. Just this past weekend, I was in southern Oregon, where we have many small retailers. We have one in Grants Pass, OR—Fire Mountain Gems. It is an exciting new business online, but it is up against very tough international competition. What I fear is that unless there is a thoughtful effort along the lines of what Chairman BAUCUS has tried to do in the Finance Committee to think this through, this bill, in a global economy, will give foreign retailers a significant leg up.

We will have people on the northern border of the United States or the southern border of the United States who will say: I want to do business in the United States. I am a patriotic American, but there are more than 8,000 taxing jurisdictions in America. If we force our businesses, our online retailers, such as the one I represent in southern Oregon, to spend their time and their money trying to comply with scores and scores of tax regimes that are thousands of miles away, it is going to be very tough for them to compete with foreign retailers.

This violates the basic principle we began decades ago with respect to technology; that is, do no harm. Do no harm to the cause of innovation, ensure we have fairness—bricks and clicks together—which is the future of the American economy.

This bill violates that basic principle of technology policy. It will do harm.

I urge my colleagues to oppose it and its premature consideration by the full Senate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I rise today to urge the Senate not to move forward on the Marketplace Fairness Act.

This bill forces small businesses across the country to spend time and resources they should be using to create jobs, jumping through new bureaucratic hoops. In Montana it forces our small businesses to play tax collector for other States, with absolutely no benefit to them. Instead of slapping more redtape on our small businesses, we need to be supporting their work to create jobs and get our economy going.

Let me be very clear. This bill is bad for business and bad for jobs. This bill is not ready for debate on the Senate floor. It has not been completely thought through and is full of unintended consequences that could seriously harm America's small businesses.

Supporters of the Marketplace Fairness Act claim this bill would level the playing field between Main Street businesses and out-of-State businesses by forcing both to collect sales taxes from customers. The bill's sponsors claim this is fair. The reality, however, is this legislation is anything but fair to America's small businesses. This legislation doesn't help businesses expand and grow and hire more employees. Instead, it forces small businesses to hire expensive lawyers and accountants to deal with the burdensome paperwork and added complexity of tax rules and filings across multiple States.

This is a big-box bill. This is not a downtown bill. Our vanishing downtowns are in crisis. We must find ways to revitalize Main Streets across America by supporting our small retailers. In doing so, we foster economic growth and job creation in our communities.

Let me read just one of the hundreds of letters I have received from small business owners in Montana and across America who are opposed to this legislation:

Dear Senator Baucus, at a time when the economy is just recovering, the pending Internet sales tax legislation will cost small business jobs, reduce consumer demand, [and] reduce e-commerce innovation.

As you know, TicketPrinting.com is the largest private employer in Wheatland County. . . . We expect this legislation to cost 13–20 jobs in one of the poorest counties in the United States, where a job means everything. Rather than rewarding the thousands of small businesses for their innovation and our hard work, Congress will be taxing the job engine of the economy and reducing jobs across the nation.

Sincerely, Lance Trebesch.

There are mom-and-pop businesses such as Mr. Trebesch's across the country asking for our help. Unfortunately, this bill does not provide that help. It will not solve the challenges facing Main Street. Instead, the Marketplace Fairness Act only creates new challenges that will put many of America's small businesses at a disadvantage.

This bill imposes additional burdens and compliance demands on businesses already weighed down by Federal and State tax systems that are too complex, too time consuming, and too costly to comply with.

I encourage my colleagues to look at this bill very closely. It requires America's businesses to track thousands of different tax codes in 7,500 different jurisdictions if they do online business out of State. It will force small businesses to hire expensive accountants and implement costly systems to deal with the complexity of collecting sales tax on purchases made in other States.

And who is policing all of this? The bill, as written, has no audit or enforcement protection. As a result, it opens small businesses to aggressive out-of-State tax collectors. States will be taxing businesses beyond their borders. This bill helps States target those businesses that are truly operating out of State and subjects them to the same broken, confusing State sales tax systems that are currently in place. Tell me, how does this grow our economy and how does this create jobs? The promise of simplification in the Marketplace Fairness Act is a ruse.

First of all, they provide no simplification to the businesses that already collect sales taxes in multiple jurisdictions. Those businesses are not even considered in this bill. They are left out.

Second, the bill offers no real simplification for the businesses that will now be required to collect sales taxes. It only adds complexity, with no resources for guidance.

This bill does not streamline the 7,500 different tax rates. It does not require the States to agree on definitions of taxable and exempted products. Think about that for a moment. Each State and many cities and municipalities have different definitions of what is taxable and what products are exempt. They are all different.

It does not establish standard requirements for electronic filing. Think of that for a moment, no standard requirements for electronic filing. It does not establish a central location for registration or filing. It does not offer uniform forms or paperwork. The list goes on and on. These are just a few of the problems this bill is going to create.

Even more concerning, this bill does not establish one audit system for all States. Rather, businesses will be exposed to audit by all 50 States. So any State can decide at any time it wants to audit a business beyond its borders.

This bill does not even establish any rules or procedures for dispute resolution. Got a problem with the tax collector in a State across the country? Good luck. You will have to work it out with that State's court system.

The bill's sponsors tell us not to worry. They say that computer software can calculate the sales taxes owed, collect the money due, and file the reports with the States by linking to the seller's Web site. Is offering a business the chance to pay someone else to calculate their taxes for them what passes for simplification? And those software providers cannot protect the business from exposure to audit, collection, and enforcement by 50 different States.

Still worried? Well, the bill's sponsors tell us they will exempt businesses that have $1 million or less in sales to other States where sales taxes are not being currently collected. Why this threshold?

Studies show that the burden of sales taxes on the very smallest is the highest. It costs approximately 13 percent of the tax collected for these small sellers to comply. As a result, they are not profitable tax collectors for the States. And what about the businesses with $1,000,001 in sales? Are they somehow a more efficient tax collector?

These are not just empty fears. Businesses call me, exasperated with current State law collection requirements. Last Friday I received a call from the director of a farmers cooperative. He explained that many States exempt farmers from sales tax on certain goods. But the laws vary greatly by State on what items qualify for exemptions. Businesses selling to farmers already spend a lot of time determining what qualifies for exemption and what does not. They spend even more time tracking exemption certificates.

The director then went on to explain:

> If the Marketplace Fairness Act becomes law, it appears that a regional agribusiness, which might occasionally make Internet sales to farmers in states outside of its territory, would have to invest just as much time and effort into studying and complying with the sales tax laws of far-flung states, as it does in the half dozen states where it has facilities.
>
> The burden of such compliance would clearly outweigh the benefits of occasional sales.

This legislation is ripe with unintended consequences. Let me give another example. A key loophole in this bill is that States get to decide what is and what is not taxable. A State could decide that stock trades are taxable goods or services. Then when that State's resident purchases shares through his broker, that Wall Street firm will be responsible for registering as a business for sales tax purposes, collecting the sales tax, and remitting the tax to the State. True, States have the authority to decide what is and isn't taxable—to date—even without this bill. But right now the only way to collect taxes on transactions with out-of-State businesses is through use taxes.

If States could now require out-of-State businesses to collect on their behalf, there is an incentive to expand the items that are taxable. This bill is going to make it very desirable for States to start taxing and collecting on all sorts of services—not just the financial world but also on services provided by attorneys, architects, engineers, and accountants. One can only imagine. By not asking the States to do anything to simplify their system in return for the benefit of having out-of-State business collect taxes for them, we are giving a carte blanche to States to impose even more taxes on businesses.

The act is also an abdication of the responsibility given to Congress under the Commerce Clause. We have the duty to recognize that the State sales tax systems are still too complicated and would burden interstate commerce if imposed on more businesses.

The Finance Committee is committed to tackling these issues to provide real relief to America's families and small businesses. We have held more than 30 hearings on tax reform—including one specifically dedicated to State tax issues, such as the Marketplace Fairness Act. I have affirmed repeatedly to Senators ENZI and DURBIN that the Finance Committee would work with them to mark up the bill in the next work period, and I stated that commitment a few moments ago personally to them.

The PRESIDING OFFICER. The Senator has used 10 minutes of his time.

Mr. BAUCUS. Mr. President, I ask unanimous consent to proceed for 2 more minutes.

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

Mr. BAUCUS. Circumventing the committee process allowed this bill to come to the floor full of so many unanswered questions. Avoiding the committee process quashes any chance to improve this bill. Evading the committee process denies the chance to provide a fair playing field among businesses and reduce the heavy burden imposed by State compliance.

I know some may dismiss my concerns as coming from a non-sales-tax State. Granted, I am always proud to protect Montana businesses. But this is not a Montana-only issue, nor is it an issue just for States without sales taxes. Lance Trebesch of TicketPrinting.com and Main Street business owners across America show us that our interests are tied together. We need to stop burdening America's small businesses with more compliance costs and figure out ways to help them grow.

I urge Members to vote against cloture. Do not give small businesses in our States more regulations and more risks with more unintended consequences that have not been addressed. Do not set our Main Street businesses up to be audited by other States' tax collectors. Give the members of the Finance Committee the opportunity to make this bill work and make it fair. I urge a vote against this motion so we can do so.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Ms. AYOTTE. Mr. President, I ask unanimous consent that after I finish speaking, my colleague from Tennessee, Senator ALEXANDER, be permitted to speak.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Reserving the right to object, if the vote is at 5:30, could we allocate time so that each of us could have some time before 5:30? If the Senator would be willing to do that at this point, I would not object.

Ms. AYOTTE. Absolutely. In fact, as I understand it, Senator HATCH is going to be coming to the floor also to speak in opposition to it. I only have some brief comments, and I know Senator ALEXANDER will also. If we want to divide this up, I am fine with that.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. I thank the Senator from New Hampshire for her courtesy. I am perfectly agreeable, following her speech, to dividing it, if Senator DURBIN wishes to suggest an allocation of time.

Mr. DURBIN. As I understand what Ms. AYOTTE has said, there are four members who wish to speak. I don't want to be presumptuous, but if we each speak for 5 minutes, then that leaves 10 minutes for those who might arrive whom we are not aware of. So two Senators on the Republican side speak for 5 minutes, I will speak 5 minutes, and then Senator HATCH can speak for 5 minutes. Is that fair?

Ms. AYOTTE. That is fair. I thank the Senator from Illinois.

Mr. ALEXANDER. I thank the Senator from New Hampshire for her courtesy.

The PRESIDING OFFICER. The Senator from New Hampshire.

Ms. AYOTTE. Mr. President, I rise to support the comments of my colleague from Montana on the so-called Marketplace Fairness Act, which is being brought up today on the floor. I previously said it should be renamed the Internet Tax Collection Act because it is going to make online businesses the tax collectors for the Nation. And as the Wall Street Journal pointed out in an editorial today called ''The Internet Sales Tax Rush,'' it actually puts the Internet businesses in a disadvantage to brick-and-mortar businesses in terms of making requirements on online businesses to collect taxes for transactions that the online businesses would not have to. And for a State such as mine, New Hampshire, where we do not have a sales tax, this is also particularly onerous and tramples on the decision that New Hampshire has made to not have a sales tax.

Most important, where we stand right now with the bill pending on the floor, so many times there is so much around here that happens that does not go through regular order. Yet we have been saying on both sides of the aisle how important it is that when we have a major piece of legislation—which certainly this is—that we must go through regular order.

We just heard the chairman of the Finance Committee saying that this is circumventing the committee process, that there has not been a markup of this legislation, and that there are many concerns being raised by online businesses across this country based on onerous requirements this legislation will put on them to become the tax collectors for States around the Nation.

Many business groups are raising important issues and urging this body to go through the regular process, including the Financial Services Roundtable and the Security Industry and Financial Markets Association.

Technet said:

> Imposing a new Internet sales tax regime is a tremendously complex issue that should be addressed through regular order starting in the Senate Finance Committee and done in a thorough and deliberative manner.

It seems to me that when you have an issue that will impact a growing and robust area of our economy; that is, online businesses that are selling to the Nation, where we have seen tremendous growth, we owe it to the American people to have this go through regular order.

I have heard the Senate leader talk about regular order. I have heard the minority leader, Senator MCCONNELL, talk about regular order. Here we are again not going through regular order. This should go to the Finance Committee. It should be thoroughly marked up in that committee.

I see Senator HATCH. Senator BAUCUS and Senator HATCH both believe this should go through the proper committee of jurisdiction so that we can address the concerns raised by so many about the bill and the way it is drafted.

With that, I urge my colleagues to vote against cloture. This is not the right way to do business. This bill, which has very important and negative implications for many businesses in this country and on a very important area of our economy, should go through regular order to address concerns that have already been raised by many business groups.

Mr. President, I ask my colleagues to vote against cloture today.

I will yield the floor. I know the Senator from Tennessee is coming up now, and I know that he too believes in regular order. I hope that he would, at least for this bill, despite his support for it, ask it go through regular order.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. I thank the Senator from New Hampshire and the Senator from Illinois for allowing me to have 5 minutes.

I do believe in having regular order. I have been looking for it for quite a while on this bill. But let me start with exactly what the point of this bill is. This bill is about two words. It is about States rights. I say that as a former Governor who cares a lot about States rights.

I see another former Governor sitting in the chair up there. What this bill does is it allows the Governor of Tennessee and the Legislature of Tennessee to decide whether to require out-of-State sellers in Tennessee to do the same thing we require of instate sellers in Tennessee. In other words, if the National Boot Company has to collect the State sales tax and send it to the State government when it sells a pair of boots, then an out-of-State catalog seller or an out-of-State online seller who sells boots in Tennessee has to do the same thing. It is that simple.

It is an 11-page bill. That is a rarity around here, an 11-page bill. It doesn't make any of these decisions for the States; it just says the States can make that decision for themselves. With all respect to ourselves, I trust the Governor of Tennessee and the legislators of Tennessee to make tax decisions a lot more than I trust Washington politicians to make them.

This has nothing to do with the Federal Tax Code. It has zero to do with it. It has about as much to do with the Federal Tax Code as the milk production bill. Actually, milk production has more to do with the Federal Tax Code. This is about what a State can decide for itself.

If somebody from Ohio or Illinois wants to sell in Tennessee, they need to play by the same rules everybody in Tennessee has to play by—which is all we are deciding, or at least the Governor and Legislature of Tennessee ought to be able to decide that.

It is going to be done fairly. We have an equal protection clause in the Constitution that says you cannot treat an out-of-State seller in a different way than you do an instate seller, but that is the first point. This is about States rights. It is about the 10th amendment. It is about our saying: Yes, Governor, yes, legislature, you don't have to play ''Mother, may I?'' to the Congress. Make your own decisions about taxes. If you decide you want to treat one set of businesses differently than others and one set of taxpayers differently than others, you have the right to be wrong. That is your business. But if you decide you want to collect taxes that are already owed—that are already owed; this is not a new tax, taxes that are already owed—from everybody who owes the tax so you can lower your tax rate for everybody, you are free to decide that.

That was the argument Art Laffer made in the Wall Street Journal last week. Art Laffer was President Reagan's favorite economist. That is the point he made. States have the right to be right. He said this: States have the right to be wrong. But if Tennessee or Idaho or any State can collect taxes from everybody who owes them, it can lower the tax rate for everybody.

That is why so many conservative leaders support this, Art Laffer, Al Cardenas, the chairman of the American Conservative Union, Gov. Mike Pence, Gov. Mitch Daniels—almost all the Republican Governors support this. But all we are deciding here in this 11-page bill is two words: Do we respect States' rights to decide their own tax policy? Do we respect States rights as the 10th amendment suggests we do?

As far as regular order, I wish the Finance Committee had reported a bill. This legislation was first introduced in some form in 2001. As the chairman of the Finance Committee said, he had a hearing on part of it last year. That was good. The Commerce Committee had a hearing on almost this identical 11-page bill last August. There have been repeated requests of the chairman of the Finance Committee to report the bill. He has not. That is what rule XIV is about.

The majority leader said: If the committee is not going to hold a hearing and report the bill after that amount of time, then let's put it on the floor, let's debate it, let's amendment it.

It has been thoroughly considered. It has been before this body and the American people for a good bit of time. The bill we were to move to today is exactly the bill that was introduced on February 14 of this year, this 11 pages—exactly the bill. It has been out there for everybody to see all that time.

I urge the 75 Senators who voted for this during the budget resolution to reaffirm their vote for States rights—at least vote tonight to move ahead, and let's debate it. Let's put it on the floor. If people have amendments or objections, let's bring them down here and let's debate them and vote on it. If we do not, as Senator HEITKAMP has said, who knows——

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. ALEXANDER. If I may use 30 more seconds?

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

Mr. ALEXANDER. Senator HEITKAMP has pointed out that if we do not act, it will be one big mess. Instead of having a handful of jurisdictions where a seller can simply—when you buy your ice cream over at Williams-Sonoma and put in your credit card and ZIP Code, automatically the tax is collected by the seller out of State and sent to the State. Instead of that, you will have thousands of jurisdictions to contend with. This simplifies the process.

This is States rights. This is an opportunity to debate a bill that has been around for more than a decade and that the country has been able to see for a couple of months.

I urge our colleagues on both sides to take the conservative point of view and vote yes and move forward.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I thank my colleague from Tennessee. If this is truly a bipartisan effort on both sides of the issue, Democrats and Republicans see it differently. The distinguishing feature of those who oppose this is that so far the leading opponents are from States with no sales tax—New Hampshire, Oregon, Montana. One other State in America does not have a sales tax—Delaware. They see it differently. They are supporting the bill.

Here is what it boils down to. If this bill passes as written, at the end of the day a resident of Montana still will not pay sales tax on any purchases they make in a store or on the Internet. Residents of Oregon will not pay a sales tax on any purchase they make in an Oregon store or over the Internet. The same holds true for New Hampshire. They are held harmless from the impact of this measure.

However, if an Internet retailer in any of those no-sales-tax States wants to sell in Maine or Illinois, the terms of doing business under here are that they will collect the sales tax that is owed in that State. It is that simple.

People have tried to make this more complicated. It is not. They have also suggested it is just going to be beyond anyone to calculate what the sales tax might be. That is just plain wrong. We are way beyond the quill pen and ledger days. We are now dealing with software easily available for a very small amount of money that can be given to any retailer to know exactly when Durbin of Bates Avenue in Springfield, IL, 62704, buys a product and what sales tax should be collected. And the bill provides that each State has to provide the retailer, free of charge, with the basic software so that they can use it to collect the appropriate sales tax.

They are trying to make this more complicated than it is. Thanks to computers and thanks to software, it is not that complex, and neither is the issue that is underlying this debate. The issue is this: How in the world can you expect the bricks-and-mortar businesses of America to compete with Internet competition when the bricks-and-mortar businesses have to collect sales tax and the Internet competitor does not? In my State, that is an 8-, 9-, or 10-percent advantage, and it is shifting more sales to the Internet and away from the local stores. I don't think that is fair.

We are asking for a level playing field. A level playing field says that if you want to sell to a consumer in Illinois directly over the counter or over the Internet, you collect the same sales tax. It is just that simple. If you don't want to, if your business in Montana or Oregon does not want to collect sales tax for sales in Illinois, it is simple: You don't sell in Illinois. It is their choice, their call. I think that is basic fairness.

Look at the groups that are supporting this. I could sit here for the rest of my time and read all the organizations supporting this—the obvious ones, the retailers across America, the men and women with the stores. The small businesses we venerate in speeches all the time on the floor of the Senate are begging us to do this so they have a fighting chance against Internet retailers. We are also getting a lot of support from Governors, from mayors, from labor unions. It is a diverse group—business and labor. They believe it not only is fair but it will raise revenue that is badly needed in a lot of these local units of government.

I might also say that when you take a look at the impact of the current situation, you can understand why this is long overdue. MIKE ENZI was on the floor earlier. He has been for 12 years trying to change this. People say: Regular order; we ought to take a little more time. You can understand that our patience is wearing thin—MIKE's more than mine. I have only been at this for a few years. But we reached this point. We had a vote on the budget resolution. We asked the Members of the Senate: What do you think about this issue?

Forty-nine from the Democratic side and 26 from the Republican side said: We favor going forward on this issue.

That is the vote we will have in a few minutes. We should go forward on this too. Those who have constructive, relevant, germane amendments, bring them to the floor. Let's have a conversation. Let's get this issue done this week. Let's make sure we meet the challenge we have been given.

I thank the Senator from Tennessee for making this as clear as I think any former Governor can make it. If you want to do business in Tennessee, play by Tennessee rules and obey Tennessee law. If you don't, it is just that simple and fair. In terms of imposing a new tax, this bill does not create one new tax.

First, there are no Federal taxes in here—none. Second, we don't even have the power to impose a new State sales tax, nor would we try. There are no new taxes. It is simply a question of compliance and collecting the taxes already owed in the 46 States that currently have sales-and-use taxes.

I urge my colleagues to come forward tonight at 5:30 and vote for cloture on the motion to proceed. Let us engage in this important debate. Let us not put this off another day, another week, or another month. Let's bring this to a conclusion in the Senate with a good, wholesome debate on a bipartisan basis. Germane, relevant, and constructive amendments that address these issues are welcome. Bring those amendments forward. Let's not burn up the hours of the day and the hours of the week in quorum calls. Let's get down to the business in the Senate we were meant to do.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

BOSTON TRAGEDY

Mr. HATCH. Mr. President, before I begin, I want to take a moment to say my thoughts and prayers go out to the good people in Boston and other areas where they have had tremendously horrific events and attacks. I hope and pray that all those whose lives were impacted by these tragic events will have a swift and peaceful recovery.

I want to commend all of the law enforcement agencies involved in the investigation that brought the hunt for the perpetrators to a successful end.