SA 744. Ms. COLLINS (for herself and Mr. KING) submitted an amendment intended to be proposed by her to the bill S. 743, supra; which was ordered to lie on the table.

SA 745. Mr. DURBIN proposed an amendment to amendment SA 741 proposed by Mr. REID (for Mr. ENZI (for himself, Mr. DURBIN, Mr. ALEXANDER, and Ms. HEITKAMP)) to the bill S. 743, supra.

SA 746. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill S. 743, supra; which was ordered to lie on the table.

SA 747. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill S. 743, supra; which was ordered to lie on the table.

SA 748. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill S. 743, supra; which was ordered to lie on the table.

SA 749. Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 743, supra; which was ordered to lie on the table.

SA 750. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 743, supra; which was ordered to lie on the table.

SA 751. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 743, supra; which was ordered to lie on the table.

SA 752. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 743, supra; which was ordered to lie on the table.

SA 753. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 743, supra; which was ordered to lie on the table.

SA 754. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 743, supra; which was ordered to lie on the table.

SA 755. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 743, supra; which was ordered to lie on the table.

SA 756. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 743, supra; which was ordered to lie on the table.

SA 757. Mrs. SHAHEEN (for herself, Mr. WYDEN, Mr. BAUCUS, and Mr. TESTER) submitted an amendment intended to be proposed by her to the bill S. 743, supra; which was ordered to lie on the table.

SA 758. Ms. AYOTTE (for herself and Mrs. SHAHEEN) submitted an amendment intended to be proposed by her to the bill S. 743, supra; which was ordered to lie on the table.

SA 759. Ms. AYOTTE submitted an amendment intended to be proposed by her to the bill S. 743, supra; which was ordered to lie on the table.

SA 760. Ms. AYOTTE submitted an amendment intended to be proposed by her to the bill S. 743, supra; which was ordered to lie on the table.

SA 761. Ms. AYOTTE (for herself and Mrs. SHAHEEN) submitted an amendment intended to be proposed by her to the bill S. 743, supra; which was ordered to lie on the table.

SA 762. Ms. AYOTTE submitted an amendment intended to be proposed by her to the bill S. 743, supra; which was ordered to lie on the table.

SA 763. Ms. AYOTTE submitted an amendment intended to be proposed by her to the bill S. 743, supra; which was ordered to lie on the table.

SA 764. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 743, supra; which was ordered to lie on the table.

SA 765. Mr. COATS submitted an amendment intended to be proposed by him to the bill S. 743, supra; which was ordered to lie on the table.

SA 766. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 743, supra; which was ordered to lie on the table.

SA 767. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 743, supra; which was ordered to lie on the table.

SA 768. Mr. LEE (for himself and Ms. AYOTTE) submitted an amendment intended to be proposed by him to the bill S. 743, supra; which was ordered to lie on the table.

SA 769. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 743, supra; which was ordered to lie on the table.

SA 770. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill S. 743, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 741. Mr. REID (for Mr. ENZI (for himself, Mr. DURBIN, Mr. ALEXANDER, and Ms. HEITKAMP)) proposed an amendment to the bill S. 743, to restore States' sovereign rights to enforce State and local sales and use tax laws, and for other purposes; as follows:

Beginning on page 2, line 10, strike ''if the Streamlined'' and all that follows through page 11, line 5, and insert the following:

if any changes to the Streamlined Sales and Use Tax Agreement made after the date of the enactment of this Act are not in conflict with the minimum simplification requirements in subsection (b)(2). A State may exercise authority under this Act beginning 180 days after the State publishes notice of the State's intent to exercise the authority under this Act, but no earlier than the first day of the calendar quarter that is at least 180 days after the date of the enactment of this Act.

(b) ALTERNATIVE.—A State that is not a Member State under the Streamlined Sales and Use Tax Agreement is authorized notwithstanding any other provision of law to require all sellers not qualifying for the small seller exception described in subsection (c) to collect and remit sales and use taxes with respect to remote sales sourced to that State, but only if the State adopts and implements the minimum simplification requirements in paragraph (2). Such authority shall commence beginning no earlier than the first day of the calendar quarter that is at least 6 months after the date that the State—

(1) enacts legislation to exercise the authority granted by this Act—

(A) specifying the tax or taxes to which such authority and the minimum simplification requirements in paragraph (2) shall apply; and

(B) specifying the products and services otherwise subject to the tax or taxes identified by the State under subparagraph (A) to which the authority of this Act shall not apply; and

(2) implements each of the following minimum simplification requirements:

(A) Provide—

(i) a single entity within the State responsible for all State and local sales and use tax administration, return processing, and audits for remote sales sourced to the State;

(ii) a single audit of a remote seller for all State and local taxing jurisdictions within that State; and

(iii) a single sales and use tax return to be used by remote sellers to be filed with the single entity responsible for tax administration. A State may not require a remote seller to file sales and use tax returns any more frequently than returns are required for nonremote sellers or impose requirements on remote sellers that the State does not impose on nonremote sellers with respect to the collection of sales and use taxes under this Act. No local jurisdiction may require a remote seller to submit a sales and use tax return or to collect sales and use taxes other than as provided by this paragraph.

(B) Provide a uniform sales and use tax base among the State and the local taxing jurisdictions within the State pursuant to paragraph (1).

(C) Source all remote sales in compliance with the sourcing definition set forth in section 4(7).

(D) Provide—

(i) information indicating the taxability of products and services along with any product and service exemptions from sales and use tax in the State and a rates and boundary database;

(ii) software free of charge for remote sellers that calculates sales and use taxes due on each transaction at the time the transaction is completed, that files sales and use tax returns, and that is updated to reflect rate changes as described in subparagraph (H); and

(iii) certification procedures for persons to be approved as certified software providers.

For purposes of clause (iii), the software provided by certified software providers shall be capable of calculating and filing sales and use taxes in all States qualified under this Act.

(E) Relieve remote sellers from liability to the State or locality for the incorrect collection, remittance, or noncollection of sales and use taxes, including any penalties or interest, if the liability is the result of an error or omission made by a certified software provider.

(F) Relieve certified software providers from liability to the State or locality for the incorrect collection, remittance, or noncollection of sales and use taxes, including any penalties or interest, if the liability is the result of misleading or inaccurate information provided by a remote seller.

(G) Relieve remote sellers and certified software providers from liability to the State or locality for incorrect collection, remittance, or noncollection of sales and use taxes, including any penalties or interest, if the liability is the result of incorrect information or software provided by the State.

(H) Provide remote sellers and certified software providers with 90 days notice of a rate change by the State or any locality in the State and update the information described in subparagraph (D)(i) accordingly and relieve any remote seller or certified software provider from liability for collecting sales and use taxes at the immediately preceding effective rate during the 90-day notice period if the required notice is not provided.

(c) SMALL SELLER EXCEPTION.—A State is authorized to require a remote seller to collect sales and use taxes under this Act only if the remote seller has gross annual receipts in total remote sales in the United States in the preceding calendar year exceeding $1,000,000. For purposes of determining whether the threshold in this section is met, the gross annual receipts from remote sales of 2 or more persons shall be aggregated if—

(1) such persons are related to the remote seller within the meaning of subsections (b) and (c) of section 267 or section 707(b)(1) of the Internal Revenue Code of 1986; or

(2) such persons have 1 or more ownership relationships and such relationships were designed with a principal purpose of avoiding the application of these rules.

SEC. 3. LIMITATIONS.

(a) IN GENERAL.—Nothing in this Act shall be construed as—

(1) subjecting a seller or any other person to franchise, income, occupation, or any other type of taxes, other than sales and use taxes;

(2) affecting the application of such taxes; or

(3) enlarging or reducing State authority to impose such taxes.

(b) NO EFFECT ON NEXUS.—This Act shall not be construed to create any nexus or alter the standards for determining nexus between a person and a State or locality.

(c) NO EFFECT ON SELLER CHOICE.—Nothing in this Act shall be construed to deny the ability of a remote seller to deploy and utilize a certified software provider of the seller's choice.

(d) LICENSING AND REGULATORY REQUIREMENTS.—Nothing in this Act shall be construed as permitting or prohibiting a State from—

(1) licensing or regulating any person;

(2) requiring any person to qualify to transact intrastate business;

(3) subjecting any person to State or local taxes not related to the sale of products or services; or

(4) exercising authority over matters of interstate commerce.

(e) NO NEW TAXES.—Nothing in this Act shall be construed as encouraging a State to impose sales and use taxes on any products or services not subject to taxation prior to the date of the enactment of this Act.

(f) NO EFFECT ON INTRASTATE SALES.—The provisions of this Act shall apply only to remote sales and shall not apply to intrastate sales or intrastate sourcing rules. States granted authority under section 2(a) shall comply with all intrastate provisions of the Streamlined Sales and Use Tax Agreement.

(g) NO EFFECT ON MOBILE TELECOMMUNICATIONS SOURCING ACT.—Nothing in this Act shall be construed as altering in any manner or preempting the Mobile Telecommunications Sourcing Act (4 U.S.C. 116–126).

SEC. 4. DEFINITIONS AND SPECIAL RULES.

In this Act:

(1) CERTIFIED SOFTWARE PROVIDER.—The term ''certified software provider'' means a person that—

(A) provides software to remote sellers to facilitate State and local sales and use tax compliance pursuant to section 2(b)(2)(D)(ii); and

(B) is certified by a State to so provide such software.

(2) LOCALITY; LOCAL.—The terms ''locality'' and ''local'' refer to any political subdivision of a State.

(3) MEMBER STATE.—The term ''Member State''—

(A) means a Member State as that term is used under the Streamlined Sales and Use Tax Agreement as in effect on the date of the enactment of this Act; and

(B) does not include any associate member under the Streamlined Sales and Use Tax Agreement.

(4) PERSON.—The term ''person'' means an individual, trust, estate, fiduciary, partnership, corporation, limited liability company, or other legal entity, and a State or local government.

(5) REMOTE SALE.—The term ''remote sale'' means a sale into a State, as determined under the sourcing rules under paragraph (7), in which the seller would not legally be required to pay, collect, or remit State or local sales and use taxes unless provided by this Act.

(6) REMOTE SELLER.—The term ''remote seller'' means a person that makes remote sales in the State.

(7) SOURCED.—For purposes of a State granted authority under section 2(b), the location to which a remote sale is sourced refers to the location where the product or service sold is received by the purchaser, based on the location indicated by instructions for delivery that the purchaser furnishes to the seller. When no delivery location is specified, the remote sale is sourced to the customer's address that is either known to the seller or, if not known, obtained by the seller during the consummation of the transaction, including the address of the customer's payment instrument if no other address is available. If an address is unknown and a billing address cannot be obtained, the remote sale is sourced to the address of the seller from which the remote sale was made. A State granted authority under section 2(a) shall comply with the sourcing provisions of the Streamlined Sales and Use Tax Agreement.

(8) STATE.—The term ''State'' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States, and any tribal organization (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)).

SA 742. Mrs. SHAHEEN (for herself and Ms. AYOTTE) submitted an amendment intended to be proposed by her to the bill S. 743, to restore States' sovereign rights to enforce State and local sales and use tax laws, and for other purposes; which was ordered to lie on the table; as follows:

On page 7, between lines 8 and 9, insert the following:

(d) EXCEPTION FOR REMOTE SELLERS INCORPORATED IN STATES THAT DO NOT HAVE SALES TAX.—A State is not authorized to require a remote seller to collect sales and use taxes under this Act if the remote seller is incorporated in a State that does not collect sales and use taxes with respect to products and services sold in such State.

SA 743. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 743, to restore States' sovereign rights to enforce State and local sales and use tax laws, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, beginning on line 12, strike ''A State'' and all that follows through line 17 and insert the following:

A State may exercise authority under this subsection—

(1) in the case of a State which has adopted or ratified the Streamlined Sales and Use Tax Agreement after December 31, 2010, beginning 90 days after the State publishes notice of the State's intent to exercise the authority under this Act, but no earlier than the first calendar quarter that is at least 90 days after the date of the enactment of this Act; and

(2) in the case of a State which has adopted or ratified the Streamlined Sales and Use Tax Agreement before January 1, 2011, beginning after the date the State enacts legislation to exercise the authority granted under this Act, but no earlier than the first calendar quarter that is at least 90 days after the date of the enactment of this Act.

SA 744. Ms. COLLINS (for herself and Mr. KING) submitted an amendment intended to be proposed by her to the bill S. 743, to restore States' sovereign rights to enforce State and local sales and use tax laws, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ___. LIMITATION ON INITIAL COLLECTION OF SALES AND USE TAXES FROM REMOTE SALES.

Notwithstanding the last sentence of section 2(a) or the second sentence of section 2(b), a State may not begin to exercise the authority under this Act—

(1) before the date that is 1 year after the date of the enactment of this Act; and

(2) during the period beginning on October 1 and ending on December 31 of any calendar year.

SA 745. Mr. DURBIN proposed an amendment to amendment SA 741 proposed by Mr. REID (for Mr. ENZI (for himself, Mr. DURBIN, Mr. ALEXANDER, and Ms. HEITKAMP)) to the bill S. 743, to restore States' sovereign rights to enforce State and local sales and use tax laws, and for other purposes; as follows:

At the end, add the following:

This Act shall become effective 1 day after enactment.

SA 746. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill S. 743, to restore States' sovereign rights to enforce State and local sales and use tax laws, and for other purposes; which was ordered to lie on the table; as follows:

On page 7, between lines 8 and 9, insert the following:

(d) COMPENSATION FOR COMPLIANCE COSTS.—

(1) IN GENERAL.—In the case of a non-sales tax state remote seller that collects and remits sales and use taxes to a State pursuant to the authority granted under this Act, such State shall fully reimburse the seller for any costs or expenses related to the collection and remittance of such taxes (as determined pursuant to paragraph (2)).

(2) DETERMINATION OF REIMBURSEMENT RATE.—For purposes of this subsection, the rate and method of reimbursement shall be determined by the Secretary of the Treasury, pursuant to such criteria as are determined appropriate by the Secretary.

(3) DEFINITION.—For purposes of this subsection, the term ''non-sales tax state remote seller'' means a remote seller that is headquartered in and has a majority of its full-time employees located in a State that does not maintain a statewide sales tax or equivalent use tax.

SA 747. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill S. 743, to restore States' sovereign rights to enforce State and local sales and use tax laws, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 7. DEDUCTION FOR COSTS OF COMPLIANCE.

(a) IN GENERAL.—Part VI of subchapter B of chapter 1 is amended by adding at the end the following new section:

''SEC. 199A. DEDUCTION FOR COSTS OF COMPLIANCE UNDER THE MARKETPLACE FAIRNESS ACT.

''(a) IN GENERAL.—If a non-sales tax state remote seller (as defined in subsection (b))

elects the application of this section, such seller shall be allowed a deduction for the taxable year equal to 1 percent of annual gross receipts.

''(b) DEFINITION.—The term 'non-sales tax state remote seller' means a remote seller (as defined in section 4(6) of the Marketplace Fairness Act of 2013) that is headquartered in and has a majority of its full-time employees located in a State that does not maintain a statewide sales tax or equivalent use tax.

''(c) DENIAL OF DOUBLE BENEFIT.—In the case of a non-sales tax state remote seller that elects application of this section, no deduction shall be allowed for any expense related to the collection and remittance of sales and use taxes pursuant to the requirements of the Marketplace Fairness Act of 2013 for which a deduction is allowed to the seller under any other provision of this chapter.''.

(b) CLERICAL AMENDMENTS.—The table of sections for part VI of subchapter B of chapter 1 is amended by adding at the end the following new item:

''Sec. 199A. Deduction of costs of compliance.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2013.

SA 748. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill S. 743, to restore States' sovereign rights to enforce State and local sales and use tax laws, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 6, strike line 18 and all that follows through page 7, line 8, and insert the following:

(c) SMALL SELLER EXCEPTION.—

(1) IN GENERAL.—A State is authorized to require a remote seller to collect sales and use taxes under this Act only if the remote seller has gross annual receipts in total remote sales in the United States in the preceding calendar year exceeding the applicable amount (as determined under paragraph (2)). For purposes of determining whether the applicable amount in this subsection is met—

(A) the sales of all persons related within the meaning of subsections (b) and (c) of section 267 or section 707(b)(1) of the Internal Revenue Code of 1986 shall be aggregated; or

(B) persons with 1 or more ownership relationships shall also be aggregated if such relationships were designed with a principal purpose of avoiding the application of these rules.

(2) APPLICABLE AMOUNT.—For purposes of paragraph (1), the applicable amount for the preceding calendar year shall be equal to—

(A) for 2012 and 2013, $5,000,000;

(B) for 2014, $4,000,000;

(C) for 2015, $3,000,000; and

(D) for 2016, $2,000,000.

SA 749. Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 743, to restore States' sovereign rights to enforce State and local sales and use tax laws, and for other purposes; which was ordered to lie on the table; as follows:

On page 6, line 22, strike ''$1,000,000'' and insert ''$10,000,000''.

SA 750. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 743, to restore States' sovereign rights to enforce State and local sales and use tax laws, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PROPERLY REDUCING OVEREXEMPTIONS FOR SPORTS ACT.

(a) IN GENERAL.—This section may be cited as the ''Properly Reducing Overexemptions for Sports Act'' or the ''PRO Sports Act''.

(b) FINDINGS.—Congress makes the following findings:

(1) The National Football League (NFL), National Hockey League (NHL), PGA Tour, and Ladies Professional Golf Association (LPGA) each have league offices that are registered with the Internal Revenue Service as non-profit organizations under section 501(c)(6) of the Internal Revenue Code of 1986.

(2) League-wide operations of the NFL, NHL, PGA Tour, and LPGA generate an estimated $13 billion in annual revenue, and these businesses are unmistakably organized for profit and to promote their brands.

(3) Separate from their subsidiaries, the nonprofit league offices of the NFL, NHL, PGA Tour, and LPGA had annual gross receipts of $184.3 million, $89.1 million, $1.4 billion, and $73.7 million in 2010, respectively, for a combined total of over $1.7 billion, according to each organization's publicly available Form 990 filed with the Internal Revenue Service.

(4) According to the Internal Revenue Service, section 501(c)(6) of the Internal Revenue Code of 1986 is for groups looking to promote a ''common business interest and not to engage in a regular business of a kind ordinarily carried on for profit''.

(5) According to the Internal Revenue Service, businesses that conduct operations for profit on a ''cooperative basis'' should not qualify for tax-exempt treatment under section 501(c)(6) of the Internal Revenue Code of 1986.

(c) ELIMINATION OF SPECIFIC EXEMPTION FOR PROFESSIONAL FOOTBALL LEAGUES.—Paragraph (6) of section 501(c) of the Internal Revenue Code of 1986 is amended—

(1) by striking '', or professional football leagues (whether or not administering a pension fund for football players)'', and

(2) by inserting ''or'' after ''real-estate boards,''.

(d) SPECIAL RULES RELATING TO PROFESSIONAL SPORTS LEAGUES.—Section 501 of the Internal Revenue Code of 1986 is amended—

(1) by redesignating subsection (s) as subsection (t), and

(2) by inserting after subsection (r) the following new subsection:

''(s) SPECIAL RULES RELATING TO PROFESSIONAL SPORTS LEAGUES.—No organization or entity shall be treated as described in subsection (c)(6) if such organization or entity—

''(1) is a professional sports league, organization, or association, a substantial activity of which is to foster national or international professional sports competitions (including by managing league business affairs, officiating or providing referees, coordinating schedules, managing sponsorships or broadcast sales, operating loan programs for competition facilities, or overseeing player conduct) and

''(2) has annual gross receipts in excess of $10,000,000.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2013.

SA 751. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 743, to restore States' sovereign rights to enforce State and local sales and use tax laws, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. REPORT ON THE ABUSE OF TAX-EXEMPT STATUS BY CHARITABLE ORGANIZATIONS.

Not later than 120 days after the date of the enactment of this Act, the Secretary of Treasury, or the Secretary's delegate, shall submit to Congress a report on organizations that are described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of the Internal Revenue Code of 1986. Such report shall include information on the following:

(1) The number of such organizations at the time of the report and the number of organizations 10 years prior to that time.

(2) The number of such organizations that have had the exemption from tax under section 501(a) of the Internal Revenue Code of 1986 revoked in each year after 2007.

(3) The number and nature of allegations of problems made to the Internal Revenue Service with respect to such organizations that were founded by prominent athletes, and a description of any actions taken by the Internal Revenue Service in response to any such allegations.

(4) A description of the challenges to the Internal Revenue Services in overseeing such organizations.

(5) The number of criminal investigations of such organizations conducted by the Internal Revenue Service during the period beginning in 2010 and ending on the date the report is submitted.

(6) An explanation of any problems the Internal Revenue Service has had with United States Attorneys in prosecuting any criminal violations by such organizations.

SA 752. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 743, to restore States' sovereign rights to enforce State and local sales and use tax laws, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 7. ELIMINATION OF DEDUCTIONS FOR MILLIONAIRES AND BILLIONAIRES.

(a) NO MORTGAGE INTEREST DEDUCTION FOR MILLIONAIRES AND BILLIONAIRES.—Section 163(h)(4) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

''(G) NO DEDUCTION FOR MILLIONAIRES AND BILLIONAIRES.—No deduction shall be allowed by reason of paragraph (2)(D) for any taxable year with respect to any taxpayer with an adjusted gross income equal to or greater than $1,000,000 for such taxable year.''.

(b) NO RENTAL EXPENSE DEDUCTION FOR MILLIONAIRES AND BILLIONAIRES.—Section 212 of the Internal Revenue Code of 1986 is amended by adding at the end the following new flush sentence:

''Paragraph (2) shall not apply for any taxable year with respect to any taxpayer with an adjusted gross income equal to or greater than $1,000,000 for such taxable year.''.

(c) NO GAMBLING LOSS DEDUCTION FOR MILLIONAIRES AND BILLIONAIRES.—Section 165(d) of the Internal Revenue Code of 1986 is amended by adding at the end the following: ''In the case of a taxpayer with an adjusted gross income equal to or greater than $1,000,000 for the taxable year, the preceding sentence shall not apply for any taxable year.''.

(d) NO DISCHARGE OF INDEBTEDNESS DEDUCTION FOR MILLIONAIRES AND BILLIONAIRES.—Section 108 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(j) NO DEDUCTION FOR MILLIONAIRES AND BILLIONAIRES.—No exclusion shall be allowed by reason of this section for any taxable year

with respect to any taxpayer with an adjusted gross income equal to or greater than $1,000,000 for such taxable year.''.

(e) NO ELECTRIC PLUG-IN VEHICLE TAX CREDIT FOR MILLIONAIRES AND BILLIONAIRES.—Section 30D(f) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(8) NO CREDIT FOR MILLIONAIRES AND BILLIONAIRES.—No credit described in subsection (c)(2) shall be allowed under this section for any taxable year with respect to any taxpayer with an adjusted gross income equal to or greater than $1,000,000 for such taxable year.''.

(f) NO HOUSEHOLD AND DEPENDENT CARE CREDIT FOR MILLIONAIRES AND BILLIONAIRES.—Section 21 of the Internal Revenue Code of 1986 is amended by redesignating subsection (f) as subsection (g) and by inserting after subsection (e) the following new subsection:

''(f) NO CREDIT FOR MILLIONAIRES AND BILLIONAIRES.—No credit shall be allowed under this section for any taxable year with respect to any taxpayer with an adjusted gross income equal to or greater than $1,000,000 for such taxable year.''.

(g) NO RESIDENTIAL ENERGY EFFICIENT PROPERTY CREDIT FOR MILLIONAIRES AND BILLIONAIRES.—Section 25D(e) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(9) NO CREDIT FOR MILLIONAIRES AND BILLIONAIRES.—No credit shall be allowed under this section for any taxable year with respect to any taxpayer with an adjusted gross income equal to or greater than $1,000,000 for such taxable year.''.

(h) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2012.

SA 753. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 743, to restore States' sovereign rights to enforce State and local sales and use tax laws, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. INELIGIBILITY OF PERSONS HAVING SERIOUSLY DELINQUENT TAX DEBTS FOR FEDERAL EMPLOYMENT.

(a) IN GENERAL.—Chapter 73 of title 5, United States Code, is amended by adding at the end the following:

''SUBCHAPTER VIII—INELIGIBILITY OF PERSONS HAVING SERIOUSLY DELINQUENT TAX DEBTS FOR FEDERAL EMPLOYMENT

''§ 7381. Ineligibility of persons having seriously delinquent tax debts for Federal employment

''(a) DEFINITIONS.—For purposes of this section—

''(1) the term 'seriously delinquent tax debt' means an outstanding debt under the Internal Revenue Code of 1986 for which a notice of lien has been filed in public records pursuant to section 6323 of such Code, except that such term does not include—

''(A) a debt that is being paid in a timely manner pursuant to an agreement under section 6159 or section 7122 of such Code; and

''(B) a debt with respect to which a collection due process hearing under section 6330 of such Code, or relief under subsection (a), (b), or (f) of section 6015 of such Code, is requested or pending; and

''(2) the term 'Federal employee' means—

''(A) an employee, as defined by section 2105; and

''(B) an employee of the United States Postal Service or of the Postal Regulatory Commission.

''(b) INELIGIBILITY FOR FEDERAL EMPLOYMENT.—An individual who has a seriously delinquent tax debt shall be ineligible to be appointed, or to continue serving, as a Federal employee.

''(c) REGULATIONS.—The Office of Personnel Management shall, for purposes of carrying out this section with respect to the executive branch, prescribe any regulations which the Office considers necessary.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 73 of title 5, United States Code, is amended by adding at the end the following:

''SUBCHAPTER VIII—INELIGIBILITY OF PERSONS HAVING SERIOUSLY DELINQUENT TAX DEBTS FOR FEDERAL EMPLOYMENT

''7381. Ineligibility of persons having seriously delinquent tax debts for Federal employment.''.

SA 754. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 743, to restore States' sovereign rights to enforce State and local sales and use tax laws, and for other purposes; which was ordered to lie on the table; as follows:

On page 11, strike lines 18 through 23 and insert the following

SEC. ___. TERMINATION OF AUTHORITY.

No State shall be authorized to require sellers to collect and remit sales and use taxes with respect to remote sales sourced in such State after the date that is 5 years after the date of the enactment of this Act.

SEC. ___. REQUIREMENT FOR 3-YEAR STATUTE OF LIMITATIONS.

No State shall be authorized to require sellers to collect and remit sales and use taxes with respect to remote sales sourced to that State under subsection (a) or (b) of section 2 unless such State adopts and implements a requirement providing that no proceeding in court may begin for any failure by a remote seller to collect or remit sales and use taxes under the authority of this Act after the date that is 3 years after the date on which such tax was required to be remitted.

SEC. ___. STUDY ON COSTS OF COMPLIANCE.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study on—

(1) the costs incurred by remote sellers in complying with any requirements imposed by States pursuant to the authority granted under this Act; and

(2) whether, and under what circumstances, the authority granted under this Act allows States to impose taxes on financial transactions or contributions to retirement savings vehicles.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall report to the Committee on Finance of the Senate and the Committee on the Judiciary of the House of Representatives on the results of the study conducted under subsection (a).

SEC. ___. EXCEPTION FOR DIGITAL GOODS.

(a) IN GENERAL.—The authority granted under section 2 shall not apply to remote sales of digital goods.

(b) DIGITAL GOODS.—For purposes of this section , the term ''digital good'' means any good or product that is delivered or transferred electronically, including software, information maintained in digital format, digital audio-visual works, digital audio works, and digital books.

SEC. ___. REQUIREMENT FOR REMOTE SELLER COMPENSATION.

(a) IN GENERAL.—No State shall be authorized to require sellers to collect and remit sales and use taxes with respect to remote sales sourced to that State under subsection (a) or (b) of section 2 unless such State adopts and implements a requirement providing a remote seller compensation for the collection and remission of sales and use taxes in an amount not less than the applicable percentage of the amount of such taxes collected by the remote seller.

(b) APPLICABLE PERCENTAGE.—For purposes of subsection (a), the applicable percentage is—

(1) for any tax collected during the period of beginning on the date the State first exercises the authority under this Act and ending on the date that is 2 years after such date, 10 percent;

(2) for any tax collected during the period beginning on the first day after the period described in paragraph (1) ends and ending on the date that is 2 years after such date, 8 percent;

(3) for any tax collected during the period beginning on the first day after the period described in paragraph (2) ends and ending on the date that is 1 year after such date, 6 percent; and

(4) for any tax collected after the period described in paragraph (3) ends), 0 percent.

SEC. ___. INCREASE AND INFLATION ADJUSTMENT TO THRESHOLD FOR SMALL SELLER EXCEPTION.

(a) INCREASE IN THRESHOLD.—Section 2(c) shall be applied by substituting ''$10,000,000'' for ''$1,000,000''.

(b) INFLATION ADJUSTMENT.—

(1) IN GENERAL.—In the case of a calendar year beginning after 2013, the $10,000,000 amount under subsection (a) shall be increased by an amount equal to—

(A) such dollar amount, multiplied by

(B) the cost-of-living adjustment determined under section 1(f)(3) of the Internal Revenue Code of 1986 for the calendar year, determined by substituting 'calendar year 2012' for 'calendar year 1992' in subparagraph (B) thereof.

(2) ROUNDING.—If any amount as adjusted under paragraph (1) is not a multiple of $10,000, such amount shall be rounded to the next lowest multiple of $10,000.

SA 755. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 743, to restore States' sovereign rights to enforce State and local sales and use tax laws, and for other purposes; which was ordered to lie on the table; as follows:

At the end, insert the following:

SEC. _____. REDUCTION IN CORPORATE TAX RATE.

(a) IN GENERAL.—Subsection (b) of section 11 of the Internal Revenue Code of 1986 is amended to read as follows:

''(b) AMOUNT OF TAX.—The amount of tax imposed by subsection (a) shall be the sum of—

''(1) 15 percent of so much of the taxable income as does not exceed $50,000, and

''(2) 25 percent of so much of the taxable income as exceeds $50,000.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SA 756. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 743, to restore States' sovereign rights to enforce State and local sales and use tax laws, and for other purposes; which was ordered to lie on the table; as follows:

At the end, insert the following:

SEC. _____. REPEAL OF ESTATE AND GIFT TAXES.

(a) IN GENERAL.—Subtitle B of the Internal Revenue Code of 1986 is hereby repealed.

(b) EFFECTIVE DATE.—The repeal made by paragraph (1) shall apply to the estates of decedents dying, and gifts and generation-skipping transfers made, after December 31, 2013.

SA 757. Mrs. SHAHEEN (for herself, Mr. WYDEN, Mr. BAUCUS, and Mr. TESTER) submitted an amendment intended to be proposed by her to the bill S. 743, to restore States' sovereign rights to enforce State and local sales and use tax laws, and for other purposes; which was ordered to lie on the table; as follows:

On page 7, between lines 8 and 9, insert the following:

(c) LIMITATION.—

(1) IN GENERAL.—The authority granted under subsections (a) and (b) shall not apply with respect to any remote seller that is not a qualifying remote seller.

(2) QUALIFYING REMOTE SELLER.—For purposes of this subsection—

(A) IN GENERAL.—The term ''qualifying remote seller'' means—

(i) any remote seller that meets the ownership requirements of subparagraph (B); or

(ii) any remote seller the majority of domestic employees of which are primarily employed at a location in a participating State.

(B) OWNERSHIP REQUIREMENTS.—A remote seller meets the ownership requirements of this subparagraph if—

(i) in the case of a remote seller that is a publicly traded corporation, more than 50 percent of the covered employees (as defined in section 162(m)(3)) of the Internal Revenue Code of 1986) of such corporation reside in participating States;

(ii) in the case of a remote seller that is a corporation (other than a publicly traded corporation), more than 50 percent of the stock (by vote or value) of such corporation is held by individuals residing in participating States;

(iii) in the case of a remote seller that is a partnership, more than 50 percent of the profits interests or capital interests in such partnership is held by individuals residing in participating States; and

(iv) in the case of any other remote seller, more than 50 percent of the beneficial interests in the entity is held by individuals residing in participating States.

(C) ATTRIBUTION RULES.—For purposes of subparagraph (B), the rules of section 318(a) of the Internal Revenue Code of 1986 shall apply.

(D) AGGREGATION RULES.—For purposes of this paragraph, all persons treated as a single employer under subsection (a) or (b) of section 52 of the Internal Revenue Code of 1986 or subsection (m) or (o) of section 414 of such Code shall be treated as one person.

(3) PARTICIPATING STATE.—The term ''participating State'' means—

(A) a Member State under the Streamlined Sales and Use Tax Agreement which has exercised authority under subsection (a); or

(B) a State that—

(i) is not a Member State under the Streamlined Sales and Use Tax Agreement; and

(ii) has met the requirements of paragraphs (1) and (2) of subsection (b) for exercising the authority granted under such subsection.

SA 758. Ms. AYOTTE (for herself and Mrs. SHAHEEN) submitted an amendment intended to be proposed by her to the bill S. 743, to restore States' sovereign rights to enforce State and local sales and use tax laws, and for other purposes; which was ordered to lie on the table; as follows:

On page 4, line 9, insert ''A State may not require a remote seller to transfer any data that such State requests for an audit unless a State in which the remote seller is located first authorizes such transfer.'' after ''paragraph.''.

SA 759. Ms. AYOTTE submitted an amendment intended to be proposed by her to the bill S. 743, to restore States' sovereign rights to enforce State and local sales and use tax laws, and for other purposes; which was ordered to lie on the table; as follows:

On page 7, between lines 8 and 9, insert the following:

(d) ADDITIONAL REQUIREMENT TO REDUCE INCOME OR BUSINESS TAXES.—No State shall be authorized to require sellers to collect and remit sales and use taxes with respect to remote sales sourced to that State under subsection (a) or (b) unless such State has enacted into law a requirement that the revenue collected by such State from income or business taxes be reduced by the amount of any revenue collected and remitted to such State by reason of the authority granted under such subsections.

SA 760. Ms. AYOTTE submitted an amendment intended to be proposed by her to the bill S. 743, to restore States' sovereign rights to enforce State and local sales and use tax laws, and for other purposes; which was ordered to lie on the table; as follows:

On page 7, between lines 8 and 9, insert the following:

(d) EXEMPTION FOR BUSINESSES AFFECTED BY THE PATIENT PROTECTION AND AFFORDABLE CARE ACT.—A State is not authorized to require a remote seller to collect sales and use taxes under this Act if the remote seller submits to the Secretary of the Treasury certification, under penalty of perjury, that, as a result of the Patient Protection and Affordable Care Act (Public Law 11-148), the remote seller—

(1) is subject to higher health care premiums for its employees; or

(2) is unable to hire new employees.

SA 761. Ms. AYOTTE (for herself and Mrs. SHAHEEN) submitted an amendment intended to be proposed by her to the bill S. 743, to restore States' sovereign rights to enforce State and local sales and use tax laws, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ___. PROHIBITION ON TAXPAYER BAILOUTS TO STATES EXERCISING AUTHORITY UNDER THIS ACT.

Notwithstanding any other provision of law, no Federal funds may be used to purchase or guarantee obligations of, issue lines of credit to, provide direct or indirect access to any financing provided by the United States Government to, or provide direct or indirect grants and aid to, any State government, municipal government, local government, or county government that has exercised authority under this Act and which, on or after the date of enactment of this Act, has defaulted on its obligations, is at risk of defaulting, or is likely to default, absent such assistance from the United States Government.

SA 762. Ms. AYOTTE submitted an amendment intended to be proposed by her to the bill S. 743, to restore States' sovereign rights to enforce State and local sales and use tax laws, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 7. PUBLIC REFERENDUM REQUIREMENT.

A State shall not be authorized under this Act to require sellers to collect and remit sales and use taxes with respect to remote sales sourced to that State unless the citizens of the State in which the remote seller is located have voted, by a referendum or other means under the laws of such State, to approve the exercise of such authority.

SA 763. Ms. AYOTTE submitted an amendment intended to be proposed by her to the bill S. 743, to restore States' sovereign rights to enforce State and local sales and use tax laws, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ___. PROHIBITION ON COLLECTION OF PERSONALIZED DATA BY FEDERAL AGENCIES.

A Federal agency shall not collect or otherwise maintain any record that contains personalized data and is generated in connection with the collection and remittance of sales and use taxes from remote sellers under the authority granted under this Act.

SA 764. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 743, to restore States' sovereign rights to enforce State and local sales and use tax laws, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, insert the following:

TITLE II—DIGITAL GOODS AND SERVICES TAX FAIRNESS

SEC. 201. SHORT TITLE.

This title may be cited as the ''Digital Goods and Services Tax Fairness Act of 2013''.

SEC. 202. MULTIPLE AND DISCRIMINATORY TAXES PROHIBITED.

No State or local jurisdiction shall impose multiple or discriminatory taxes on the sale or use of a digital good or a digital service.

SEC. 203. SOURCING LIMITATION.

Subject to section 206(a), taxes on the sale of a digital good or a digital service may only be imposed by a State or local jurisdiction whose territorial limits encompass the customer tax address.

SEC. 204. CUSTOMER TAX ADDRESS.

(a) SELLER OBLIGATION.—

(1) IN GENERAL.—Subject to subsection (e)(2), a seller shall be responsible for obtaining and maintaining in the ordinary course of business the customer tax address with respect to the sale of a digital good or a digital service, and shall be responsible for collecting and remitting the correct amount of tax for the State and local jurisdictions whose territorial limits encompass the customer tax address if the State has the authority to require such collection and remittance by the seller.

(2) CERTAIN TRANSACTIONS.—When a customer tax address is not a business location of the seller under clause (i) of section 207(2)(A)—

(A) if the sale is a separate and discrete transaction, then a seller shall use reasonable efforts to obtain a customer tax address, as such efforts are described in clauses (iii), (iv), and (v) of section 207(2)(A), before resorting to using a customer tax address as

determined by clause (vi) of such section 207(2)(A); and

(B) if the sale is not a separate and discrete transaction, then a seller shall use reasonable efforts to obtain a customer tax address, as such efforts are described in clauses (ii), (iii), (iv), and (v) of section 207(2)(A), before resorting to using a customer tax address as determined by clause (vi) of such section 207(2)(A).

(b) RELIANCE ON CUSTOMER-PROVIDED INFORMATION.—A seller that relies in good faith on information provided by a customer to determine a customer tax address shall not be held liable for any additional tax based on a different determination of that customer tax address by a State or local jurisdiction or court of competent jurisdiction, except if and until binding notice is given as provided in subsection (c).

(c) ADDRESS CORRECTION.—If a State or local jurisdiction is authorized under State law to administer a tax, and the jurisdiction determines that the customer tax address determined by a seller is not the customer tax address that would have been determined under section 207(2)(A) if the seller had the additional information provided by the State or local jurisdiction, then the jurisdiction may give binding notice to the seller to correct the customer tax address on a prospective basis, effective not less than 45 days after the date of such notice, if—

(1) when the determination is made by a local jurisdiction, such local jurisdiction obtains the consent of all affected local jurisdictions within the State before giving such notice of determination; and

(2) before the State or local jurisdiction gives such notice of determination, the customer is given an opportunity to demonstrate in accordance with applicable State or local tax administrative procedures that the address used is the customer tax address.

(d) COORDINATION WITH SOURCING OF MOBILE TELECOMMUNICATIONS SERVICE.—

(1) IN GENERAL.—If—

(A) a digital good or a digital service is sold to a customer by a home service provider of mobile telecommunications service that is subject to being sourced under section 117 of title 4, United States Code, or the charges for a digital good or a digital service are billed to the customer by such a home service provider; and

(B) the digital good or digital service is delivered, transferred, or provided electronically by means of mobile telecommunications service that is deemed to be provided by such home service provider under section 117 of such title,

then the home service provider and, if different, the seller of the digital good or digital service, may presume that the customer's place of primary use for such mobile telecommunications service is the customer tax address described in section 207(2)(B) with respect to the sale of such digital good or digital service.

(2) DEFINITIONS.—For purposes of this subsection, the terms ''home service provider'', ''mobile telecommunications service'', and ''place of primary use'' have the same meanings as in section 124 of title 4, United States Code.

(e) MULTIPLE LOCATIONS.—

(1) IN GENERAL.—If a digital good or a digital service is sold to a customer and available for use by the customer in multiple locations simultaneously, the seller may determine the customer tax addresses using a reasonable and consistent method based on the addresses of use as provided by the customer and determined in agreement with the customer at the time of sale.

(2) DIRECT CUSTOMER PAYMENT.—

(A) ESTABLISHMENT OF DIRECT PAYMENT PROCEDURES.—Each State and local jurisdiction shall provide reasonable procedures that permit the direct payment by a qualified customer, as determined under procedures established by the State or local jurisdiction, of taxes that are on the sale of digital goods and digital services to multiple locations of the customer and that would, absent such procedures, be required or permitted by law to be collected from the customer by the seller.

(B) EFFECT OF CUSTOMER COMPLIANCE WITH DIRECT PAYMENT PROCEDURES.—When a qualified customer elects to pay tax directly under the procedures established under subparagraph (A), the seller shall—

(i) have no obligation to obtain the multiple customer tax addresses under subsection (a); and

(ii) not be liable for such tax, provided the seller follows the State and local procedures and maintains appropriate documentation in its books and records.

SEC. 205. TREATMENT OF BUNDLED TRANSACTIONS AND DIGITAL CODES.

(a) BUNDLED TRANSACTION.—If a charge for a distinct and identifiable digital good or a digital service is aggregated with and not separately stated from one or more charges for other distinct and identifiable goods or services, which may include other digital goods or digital services, and any part of the aggregation is subject to taxation, then the entire aggregation may be subject to taxation, except to the extent that the seller can identify, by reasonable and verifiable standards, one or more charges for the nontaxable goods or services from its books and records kept in the ordinary course of business.

(b) DIGITAL CODE.—The tax treatment of the sale of a digital code shall be the same as the tax treatment of the sale of the digital good or digital service to which the digital code relates.

(c) RULE OF CONSTRUCTION.—The sale of a digital code shall be considered the sale transaction for purposes of this title.

SEC. 206. NO INFERENCE.

(a) CUSTOMER LIABILITY.—Subject to the prohibition provided in section 202, nothing in this title modifies, impairs, supersedes, or authorizes the modification, impairment, or supersession of any law allowing a State or local jurisdiction to impose tax on and collect tax directly from a customer based upon use of a digital good or digital service in such State.

(b) NON-TAX MATTERS.—This title shall not be construed to apply in, or to affect, any non-tax regulatory matter or other context.

(c) STATE TAX MATTERS.—The definitions contained in this title are intended to be used with respect to interpreting this title. Nothing in this title shall prohibit a State or local jurisdiction from adopting different nomenclature to enforce the provisions set forth in this title.

SEC. 207. DEFINITIONS.

In this title, the following definitions shall apply:

(1) CUSTOMER.—The term ''customer'' means a person that purchases a digital good, digital service, or digital code.

(2) CUSTOMER TAX ADDRESS.—

(A) IN GENERAL.—The term ''customer tax address'' means—

(i) with respect to the sale of a digital good or digital service that is received by the customer at a business location of the seller, such business location;

(ii) if clause (i) does not apply and the primary use location of the digital good or digital service is known by the seller, such location;

(iii) if neither clause (i) nor clause (ii) applies, and if the location where the digital good or digital service is received by the customer, or by a donee of the customer that is identified by such customer, is known to the seller and maintained in the ordinary course of the seller's business, such location;

(iv) if none of clauses (i) through (iii) applies, the location indicated by an address for the customer that is available from the business records of the seller that are maintained in the ordinary course of the seller's business, when use of the address does not constitute bad faith;

(v) if none of clauses (i) through (iv) applies, the location indicated by an address for the customer obtained during the consummation of the sale, including the address of a customer's payment instrument, when use of this address does not constitute bad faith; or

(vi) if none of clauses (i) through (v) applies, including the circumstance in which the seller is without sufficient information to apply such paragraphs, the location from which the digital good was first available for transmission by the seller (disregarding for these purposes any location that merely provides for the digital transfer of the product sold), or from which the digital service was provided by the seller.

(B) EXCLUSION.—For purposes of this paragraph, the term ''location'' does not include the location of a server, machine, or device, including an intermediary server, that is used simply for routing or storage.

(3) DELIVERED OR TRANSFERRED ELECTRONICALLY; PROVIDED ELECTRONICALLY.—The term ''delivered or transferred electronically'' means the delivery or transfer by means other than tangible storage media, and the term ''provided electronically'' means the provision remotely via electronic means.

(4) DIGITAL CODE.—The term ''digital code'' means a code that conveys only the right to obtain a digital good or digital service without making further payment.

(5) DIGITAL GOOD.—The term ''digital good'' means any software or other good that is delivered or transferred electronically, including sounds, images, data, facts, or combinations thereof, maintained in digital format, where such good is the true object of the transaction, rather than the activity or service performed to create such good, and includes, as an incidental component, charges for the delivery or transfer of the digital good.

(6) DIGITAL SERVICE.—

(A) IN GENERAL.—The term ''digital service'' means any service that is provided electronically, including the provision of remote access to or use of a digital good, and includes, as an incidental component, charges for the electronic provision of the digital service to the customer.

(B) EXCEPTIONS.—The term ''digital service'' does not include a service that is predominantly attributable to the direct, contemporaneous expenditure of live human effort, skill, or expertise, a telecommunications service, an ancillary service, Internet access service, audio or video programming service, or a hotel intermediary service.

(C) CLARIFYING DEFINITIONS.—For purposes of subparagraph (B)—

(i) the term ''ancillary service'' means a service that is associated with or incidental to the provision of telecommunications services, including, but not limited to, detailed telecommunications billing, directory assistance, vertical service, and voice mail services;

(ii) the term ''audio or video programming service''—

(I) means programming provided by, or generally considered comparable to programming provided by, a radio or television broadcast station; and

(II) does not include interactive on-demand services, as defined in paragraph (12) of section 602 of the Communications Act of 1934 (47 U.S.C. 522(12)), pay-per-view services, or services generally considered comparable to such services regardless of the technology used to provide such services;

(iii) the term ''hotel intermediary service''—

(I) means a service provided by a person that facilitates the sale, use, or possession of a hotel room or other transient accommodation to the general public; and

(II) does not include the purchase of a digital service by a person who provides a hotel intermediary service or by a person who owns, operates, or manages hotel rooms or other transient accommodations;

(iv) the term ''Internet access service'' means a service that enables users to connect to the Internet, as defined in the Internet Tax Freedom Act (47 U.S.C. 151 note), to access content, information, or other services offered over the Internet; and

(v) the term ''telecommunications service''—

(I) means the electronic transmission, conveyance, or routing of voice, data, audio, video, or any other information or signals to a point, or between or among points;

(II) includes such transmission, conveyance, or routing in which computer processing applications are used to act on the form, code, or protocol of the content for purposes of transmission, conveyance, or routing, without regard to whether such service is referred to as voice over Internet protocol service; and

(III) does not include data processing and information services that allow data to be generated, acquired, stored, processed, or retrieved and delivered by an electronic transmission to a purchaser where such purchaser's primary purpose for the underlying transaction is the processed data or information.

(7) DISCRIMINATORY TAX.—The term ''discriminatory tax'' means any tax imposed by a State or local jurisdiction on digital goods or digital services that—

(A) is not generally imposed and legally collectible by such State or local jurisdiction on transactions involving similar property, goods, or services accomplished through other means;

(B) is not generally imposed and legally collectible at the same or higher rate by such State or local jurisdiction on transactions involving similar property, goods, or services accomplished through other means;

(C) imposes an obligation to collect or pay the tax on a person, other than the seller, than the State or local jurisdiction would impose in the case of transactions involving similar property, goods, or services accomplished through other means;

(D) establishes a classification of digital services or digital goods providers for purposes of establishing a higher tax rate to be imposed on such providers than the tax rate generally applied to providers of similar property, goods, or services accomplished through other means; or

(E) does not provide a resale and component part exemption for the purchase of digital goods or digital services in a manner consistent with the State's resale and component part exemption applicable to the purchase of similar property, goods, or services accomplished through other means.

(8) MULTIPLE TAX.—

(A) IN GENERAL.—The term ''multiple tax'' means any tax that is imposed by one State, one or more of that State's local jurisdictions, or both on the same or essentially the same digital goods and digital services that is also subject to tax imposed by another State, one or more local jurisdictions in such other State (whether or not at the same rate or on the same basis), or both, without a credit for taxes paid in other jurisdictions.

(B) EXCEPTION.—The term ''multiple tax'' shall not include a tax imposed by a State and one or more political subdivisions thereof on the same digital goods and digital services or a tax on persons engaged in selling digital goods and digital services which also may have been subject to a sales or use tax thereon.

(9) PRIMARY USE LOCATION.—

(A) IN GENERAL.—The term ''primary use location'' means a street address representative of where the customer's use of a digital good or digital service will primarily occur, which shall be the residential street address or a business street address of the actual end user of the digital good or digital service, including, if applicable, the address of a donee of the customer that is designated by the customer.

(B) CUSTOMERS THAT ARE NOT INDIVIDUALS.—For the purpose of subparagraph (A), if the customer is not an individual, the primary use location is determined by the location of the customer's employees or equipment (machine or device) that make use of the digital good or digital service, but does not include the location of a person who uses the digital good or digital service as the purchaser of a separate good or service from the customer.

(10) SALE AND PURCHASE.—The terms ''sale'' and ''purchase'', and all variations thereof, shall include the provision, lease, rent, license, and corresponding variations thereof.

(11) SELLER.—

(A) IN GENERAL.—The term ''seller'' means a person making sales of digital goods or digital services.

(B) EXCEPTIONS.—A person that provides billing service or electronic delivery or transport service on behalf of another unrelated or unaffiliated person, with respect to the other person's sale of a digital good or digital service, shall not be treated as a seller of that digital good or digital service.

(C) RULE OF CONSTRUCTION.—Nothing in this paragraph shall preclude the person providing the billing service or electronic delivery or transport service from entering into a contract with the seller to assume the tax collection and remittance responsibilities of the seller.

(12) SEPARATE AND DISCRETE TRANSACTION.—The term ''separate and discrete transaction'' means a sale of a digital good, digital code, or a digital service sold in a single transaction which does not involve any additional charges or continued payment in order to maintain possession of the digital good or access to the digital service.

(13) STATE OR LOCAL JURISDICTION.—The term ''State or local jurisdiction'' means any of the several States, the District of Columbia, any territory or possession of the United States, a political subdivision of any State, territory, or possession, or any governmental entity or person acting on behalf of such State, territory, possession, or subdivision and with the authority to assess, impose, levy, or collect taxes.

(14) TAX.—

(A) IN GENERAL.—The term ''tax'' means any charge imposed by any State or local jurisdiction for the purpose of generating revenues for governmental purposes, including any tax, charge, or fee levied as a fixed charge or measured by gross amounts charged, regardless of whether such tax, charge, or fee is imposed on the seller or the customer and regardless of the terminology used to describe the tax, charge, or fee.

(B) EXCLUSIONS.—The term ''tax'' does not include an ad valorem tax, a tax on or measured by capital, a tax on or measured by net income, apportioned gross income, apportioned revenue, apportioned taxable margin, or apportioned gross receipts, or, a State or local jurisdiction business and occupation tax imposed on a broad range of business activity in a State that enacted a State tax on gross receipts after January 1, 1932, and before January 1, 1936.

SEC. 208. EFFECTIVE DATE; APPLICATION.

(a) GENERAL RULE.—This title shall take effect 60 days after the date of enactment of this title.

(b) EXCEPTIONS.—A State or Local jurisdiction shall have 2 years from the date of enactment of this title to modify any State or local tax statue enacted prior to date of enactment of this title to conform to the provisions set forth in sections 204 and 205 of this title.

(c) APPLICATION TO LIABILITIES AND PENDING CASES.—Nothing in this title shall affect liability for taxes accrued and enforced before the effective date of this title, or affect ongoing litigation relating to such taxes.

SEC. 209. GOVERNMENT ACCOUNTABILITY OFFICE REVIEW.

Not later than 3 years after the date of the enactment of this title, the Comptroller General of the United States shall carry out, and submit to Congress a report on the results of, a study that identifies—

(1) which specific statutes and regulations of each State are invalidated as a result of this title; and

(2) the amount of revenue lost (if any) by such State (and local government of such State) by the effect of this title on each such statute and each such regulation so affected.

SEC. 210. SAVINGS PROVISION.

If any provision or part of this title is held to be invalid or unenforceable by a court of competent jurisdiction for any reason, such holding shall not affect the validity or enforceability of any other provision or part of this title unless such holding substantially limits or impairs the essential elements of this title, in which case this title shall be deemed invalid and of no legal effect as of the date that the judgment on such holding is final and no longer subject to appeal.

SA 765. Mr. COATS submitted an amendment intended to be proposed by him to the bill S. 743, to restore States' sovereign rights to enforce State and local sales and use tax laws, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ___. TERMINATION OF AUTHORITY.

No State shall be authorized to require sellers to collect and remit sales and use taxes with respect to remote sales that occur after December 31, 2018.

SA 766. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 743, to restore States' sovereign rights to enforce State and local sales and use tax laws, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SECTION 7. PROHIBITING USE OF PRESIDENTIAL ELECTION CAMPAIGN FUNDS FOR PARTY CONVENTIONS.

(a) IN GENERAL.—Chapter 95 of the Internal Revenue Code of 1986 is amended by striking section 9008.

(b) CLERICAL AMENDMENT.—The table of sections of chapter 95 of such Code is amended by striking the item relating to section 9008.

(c) CONFORMING AMENDMENTS.—

(1) AVAILABILITY OF PAYMENTS TO CANDIDATES.—The third sentence of section

9006(c) of the Internal Revenue Code of 1986 is amended by striking '', section 9008(b)(3),''.

(2) REPORTS BY FEDERAL ELECTION COMMISSION.—Section 9009(a) of such Code is amended—

(A) by adding ''and'' at the end of paragraph (2);

(B) by striking the semicolon at the end of paragraph (3) and inserting a period; and

(C) by striking paragraphs (4), (5), and (6).

(3) PENALTIES.—Section 9012 of such Code is amended—

(A) in subsection (a)(1), by striking the second sentence; and

(B) in subsection (c), by striking paragraph (2) and redesignating paragraph (3) as paragraph (2).

(4) AVAILABILITY OF PAYMENTS FROM PRESIDENTIAL PRIMARY MATCHING PAYMENT ACCOUNT.—The second sentence of section 9037(a) of such Code is amended by striking ''and for payments under section 9008(b)(3)''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to elections occurring after December 31, 2012.

SA 767. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 743, to restore States' sovereign rights to enforce State and local sales and use tax laws, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. PREVENTING THE CREATION OF DUPLICATIVE AND OVERLAPPING FEDERAL PROGRAMS.

(a) REPORTED LEGISLATION.—Paragraph 11 of rule XXVI of the Standing Rules of the Senate is amended—

(1) in subparagraph (c), by striking ''and (b)'' and inserting ''(b), and (c)'';

(2) by redesignating subparagraph (c) and subparagraph (d); and

(3) by inserting after subparagraph (b) the following:

''(c) The report accompanying each bill or joint resolution of a public character reported by any committee (including the Committee on Appropriations and the Committee on the Budget) shall contain—

''(1) an analysis by the Congressional Research Service to determine if the bill or joint resolution creates any new Federal program, office, or initiative that would duplicate or overlap any existing Federal program, office, or initiative with similar mission, purpose, goals, or activities along with a listing of all of the overlapping or duplicative Federal program or programs, office or offices, or initiative or initiatives; and

''(2) an explanation provided by the committee as to why the creation of each new program, office, or initiative is necessary if a similar program or programs, office or offices, or initiative or initiatives already exist.''.

(b) CONSIDERATION OF LEGISLATION.—Rule XVII of the Standing Rules of the Senate is amended by inserting at the end thereof the following:

''6. (a) It shall not be in order in the Senate to proceed to any bill or joint resolution unless the committee of jurisdiction has prepared and posted on the committee website an overlapping and duplicative programs analysis and explanation for the bill or joint resolution as described in subparagraph (b) prior to proceeding.

''(b) The analysis and explanation required by this subparagraph shall contain—

''(1) an analysis by the Congressional Research Service to determine if the bill or joint resolution creates any new Federal program, office, or initiative that would duplicate or overlap any existing Federal program, office, or initiative with similar mission, purpose, goals, or activities along with a listing of all of the overlapping or duplicative Federal program or programs, office or offices, or initiative or initiatives; and

''(2) an explanation provided by the committee as to why the creation of each new program, office, or initiative is necessary if a similar program or programs, office or offices, or initiative or initiatives already exist.

''(c) This paragraph may be waived by joint agreement of the Majority Leader and the Minority Leader of the Senate upon their certification that such waiver is necessary as a result of—

''(1) a significant disruption to Senate facilities or to the availability of the Internet; or

''(2) an emergency as determined by the leaders.''.

SA 768. Mr. LEE (for himself and Ms. AYOTTE) submitted an amendment intended to be proposed by him to the bill S. 743, to restore States' sovereign rights to enforce State and local sales and use tax laws, and for other purposes; which was ordered to lie on the table; as follows:

On page 7, between lines 8 and 9, insert the following:

(d) REQUIREMENT TO ENACT REMOTE SELLER LIABILITY DEFENSE LAWS.—

(1) IN GENERAL.—No State shall be authorized to require sellers to collect and remit sales and use taxes with respect to remote sales sourced to that State under subsection (a) or (b) unless such State has enacted a law which provides remote sellers protection, through an affirmative defense to an action brought by the State or any locality within the State, from liability with respect to sales and use taxes required to be collected and remitted to the State under the authority granted by this Act.

(2) EXCEPTION.—A State or locality may overcome the affirmative defense described in paragraph (1) only if it carries its burden of establishing that—

(A) it has directly notified the remote seller of the obligation to collect and remit sales and use taxes and such remote seller has received such notification;

(B) it directly provided software from a certified software provider and appropriate training on using such software; and

(C) the remote seller has failed to use the software provided by the State.

SA 769. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 743, to restore States' sovereign rights to enforce State and local sales and use tax laws, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. _. PROTECTING ONLINE SALES INTERMEDIARIES FROM ACTIONS IN CONNECTION WITH CERTAIN VIOLATIONS OF PRIVACY.

(a) IN GENERAL.—Online sales intermediaries shall not be subject to—

(1) criminal or civil actions by a State or locality in connection with the refusal to transfer information relating to sales records in connection with the enforcement of sales and use taxes on remote sellers who do not have a legal nexus to the State or locality, except in cases where such action relates to a court order, a warrant, or compliance with an ongoing criminal investigation relating to an individual case; and

(2) actions by remote sellers or customers relating to the transfer of any such records covered by an exception to paragraph (1).

(b) NO INFERENCE.—Nothing in this Act shall be construed as authorizing States or localities to impose record keeping requirements on online sales intermediaries or remote sellers who have no nexus to the State or locality.

SA 770. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill S. 743, to restore States' sovereign rights to enforce State and local sales and use tax laws, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 7. SENSE OF THE SENATE REGARDING RETIREMENT SAVINGS.

(a) FINDINGS.—Congress makes the following findings:

(1) The Social Security Board of Trustees projects that the combined Old-Age and Survivors Insurance (OASI) and the Disability Insurance (DI) trust funds will be exhausted by 2033.

(2) The Social Security Board of Trustees also projects that after the OASI and DI trust funds are exhausted, incoming receipts will only be able to cover around 75 percent of the scheduled annual benefits in 2033.

(3) Employer-based retirement savings, personal savings, and Social Security can combine to provide Americans with meaningful income replacement upon retirement.

(4) Defined contribution plans have a substantial impact on interstate commerce and are affected with a national interest.

(5) 67,000,000 participants are currently covered by approximately 670,000 private sector-defined contribution plans.

(6) The President's budget proposal for fiscal year 2014 seeks to ''limit an individual's total balance across tax-preferred accounts to an amount sufficient to finance an annuity of not more than $205,000 per year in retirement, or about $3,000,000 for someone retiring in 2013.''.

(7) The President's proposal targets private sector-defined contribution plans while providing no cap on government-defined benefit and pension plans.

(8) Savings in traditional retirement accounts are invested and grow tax free, but the money is fully taxed during the withdrawal phase.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Government of the United States—

(1) should not endeavor to define reasonable levels of retirement savings for individuals and their families;

(2) should not limit the balances of traditional IRA, Roth IRA, 401(k), and defined contribution plans; and

(3) should encourage individuals to responsibly save and invest for their retirement.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on April 24, 2013, at 2:30 p.m., in room 253 of the Russell Senate Office Building.

The Committee will hold a hearing entitled, ''A Status Update on the Development of Voluntary Do-Not-Track Standards.''