

workforce, which equates to one furlough day per biweekly pay period for approximately 11 days through September 30. The FAA also plans to eliminate midnight shifts in more than 70 control towers across the country and will close more than 149 air traffic control towers at airports with fewer than 150,000 flight operations or 10,000 commercial operations per year. In addition, the agency is slated to reduce preventive maintenance and equipment provisioning and support for all National Airspace System equipment.

These are simply irresponsible cuts that have real and detrimental impacts on the traveling public, on the airline industry, on the hospitality industry, and they will cause widespread delays to the air transportation system. It is estimated as many as 6,700 flights could be delayed each day, more than double the worst day of flight delays last year.

In fact, there is one estimate that just since Sunday, 5,800 delays have occurred because of the actions taken by the FAA. This reduction in staffing of air traffic controllers has been the primary cause of at least one out of every three delays since the furloughs began, and the problem is only going to get worse.

To give an example: On Monday there were 2,660 delayed flights, of which 1,200 were due to the furloughs. What is even more troubling is this is only the beginning, and soon we will be approaching the peak travel season. Some airports may experience delays of up to 3 hours during peak travel times, and we know these delays cause a ripple throughout the entire system. What is going to happen is that air travelers are going to decide to cancel trips and will not even bother to go on brief vacations because they don't want to spend 3 hours sitting on the tarmac waiting for their flights to take off.

The FAA acknowledges these service reductions will adversely affect commercial, corporate, and general aviation operators. The agency expects that as the airlines estimate the potential impact of the furloughs, they will be forced to change their schedules, cancel flights, and lay off employees. At a time when our economy is already fragile, that is the last thing we need to happen.

The legislation I am introducing with several of my colleagues, including Senator MARK UDALL, is called the Reducing Flight Delays Act of 2013. Here is how it would work: It would provide the Secretary of Transportation with the flexibility to transfer certain funds to prevent the furloughs of essential employees at the FAA, and certainly air traffic controllers qualify as essential employees.

Specifically, it would give the Secretary the authority to transfer an amount not to exceed \$253 million to prevent the furloughs of the air traffic controllers and other essential employees in order to reduce flight delays and

at the same time to maintain a safe and efficient national airspace system. Our bill would accomplish this goal by allowing a one-time shift of unused moneys in the Airport Improvement Program to the operations account.

I first raised this idea of using the AIP carryover balances as a solution at our Republican policy lunch on Tuesday. Since that time, many of my colleagues from both sides of the aisle have indicated interest in this approach.

I want to emphasize our legislation has been vetted by the general counsel offices at both the FAA and the Secretary's office, so we know it works. Secretary LaHood told me this morning it is an effective, workable solution.

I want to explain further exactly how this would work. Each year funds are distributed according to a formula under the Airport Improvement Program to airports across the country, but each year there are moneys that cannot be used by these airports by the end of the fiscal year. Those moneys come back to the FAA in Washington, and they are then usually reallocated through a competitive grant program.

Last year it was as much as \$700 million that came back to Washington to be reallocated. This year the amount of unused funds is estimated to be approximately \$400 to \$450 million. So we would take \$253 million of that \$400-plus million and use those funds to avoid these very damaging furloughs. The rest of the funds would, as usual, be reallocated to airports that need them through a competitive grant program.

I want to be clear: This is the discretionary portion of the Airport Improvement Program. It in no way affects the entitlement funds that airports are guaranteed to receive. The program has sufficient funding to support this effort. Moreover, this is a one-time shift. It does not in any way provide a permanent change in this program.

There would also be sufficient funds to fully fund and continue operating the contract tower programs, which so many of our colleagues—particularly Senator MORAN—have supported and been concerned about.

This is a commonsense solution. It doesn't involve additional money. It is a one-time shift of unused moneys. It does not make a permanent change in the Airport Improvement Program. It will solve the problem, avoid the need for these delays, for layoffs, and avoid harming our economy at a time when we can least afford to do so.

The Airport Improvement Program is a very important program. It does support infrastructure at our Nation's airports. We are simply taking the unused funds that are generally reallocated and instead using a portion of these funds to avoid these disastrous implications of the direction the FAA has chosen.

Our bill should be recognized as a one-time solution in order to avert these serious national impacts.

I urge my colleagues to support this bill, and I hope we can act very promptly to solve this problem.

Thank you, Mr. President.

## CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

## RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess for 1 hour.

Thereupon, the Senate, at 10:31 a.m., recessed until 11:30 a.m. and reassembled when called to order by the Presiding Officer (Mr. SCHATZ).

## MARKETPLACE FAIRNESS ACT OF 2013

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 743, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 743) to restore States' sovereign rights to enforce State and local sales and use tax laws, and for other purposes.

Pending:

Reid (for Enzi) amendment No. 741, of a perfecting nature.

Durbin amendment No. 745 (to amendment No. 741), to change the enactment date.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. 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. DURBIN. Mr. President, pending on the floor is S. 743. This is a bill which, in its simplest terms, will allow the States to ask Internet retailers, when they sell in the State, to collect sales tax. Currently, every State requires consumers to pay the sales tax, but it is not collected at the point of purchase. So this legislation will respond to a 20-year-old Supreme Court decision that said to Congress: You have to write a law to do this. This is the law.

Senator ENZI and I, Senator HEIDI HEITKAMP, as well as Senator LAMAR ALEXANDER, we have all worked together on this legislation on a bipartisan basis.

This measure was before the Senate last week. It is not a long bill; it is 11 pages. It is certainly within the grasp of any Senator to secure and read it and understand it. It is very straightforward.

We have had efforts made on the Senate floor to delay consideration of this measure. We have taken three votes on it over the past month or so. The first

vote under the budget resolution was a generic vote: Do you support the idea or not? Seventy-five Senators voted in the affirmative—a dramatic commitment from the Democratic side and a majority commitment from the Republican side to this measure. We then faced a vote on cloture—in other words, closing down the debate—on the motion to proceed. We had that vote on Monday. Seventy-four Senators voted to proceed. Yesterday, on the actual motion to proceed: 75 Senators. So this is clearly an issue where a substantial majority of the Senate believes we should move forward and pass this legislation.

We have invited our colleagues—Senator ENZI and I have—if they have amendments, to file their amendments. They have had 6 days—6 days—to prepare the amendments and file them. The deadline is an hour and a half from now for filing amendments. So far we have received 31 amendments.

We sat down last night and said: Let's pick a good number of these amendments. Call them. Let's debate them. Let's vote on them. Let's act like the Senate. Let's see how that works.

We started to do that. We came up with a list. Included in that list are amendments being offered by people we know are going to vote against this bill, so they are not friendly amendments. They are adversarial amendments. But that is all right. Isn't that what we are here for—debate it out; express your point of view; we will express ours; let's vote. I think that is fair. No one can criticize us for not being open to that. We are not trying to fix the outcome. We are ready to bring this to full debate. But when we contacted the Senators who are opposed to the bill and said, call your amendments, they said, we are not ready.

I wish those Senators who said they were not ready could meet the Senators we run into in the hall who say, when is this going to end, when can I go home, because the two of them need to get in conversation. We want to do this in a timely, thoughtful way because it is a critically important issue. But we cannot do it unless our colleagues will come to the floor of the Senate and offer their amendments.

Yesterday we had one amendment we thought was simple and easy. It is an amendment that said: We will not impose across America a tax for you to use the Internet—the Internet Freedom Act it is called. It is bipartisan. Senator MARK PRYOR of Arkansas, a Democrat, and Senator BLUNT of Missouri, a Republican, came together and offered to extend the current policy of the United States on Internet freedom.

Senator ENZI and I looked at that and said: We can put that in this bill. That is something with which we agree. We are not imposing any new taxes in this bill—none. So that is certainly a statement of policy with which we would agree.

We brought this to the floor, and a Senator from Oregon came and objected to considering that amendment yesterday. So yesterday, no amendments. Now we are told that as to any amendments we bring to the floor today, there will be more objections.

I do not think this makes the Senate look very good. I do not think this is in the best interests of this institution nor our government. We were elected to roll up our sleeves and go to work and address the problems facing this country. We understand that with 100 people there will be differences of opinion. We are supposed to engage in civil debate on the floor and then vote. But to lunge from one filibuster to the next and have Members coming to the floor and objecting to amendments puts us in a terrible position.

I have served in the minority, as Senator ALEXANDER and Senator ENZI do at this point. The one thing you really want in the minority is a chance to offer an amendment, to express your point of view, even if you lose. Now we are offering that opportunity, and unfortunately there is a resistance to it. Well, we are going to try it. We are going to test it. If the people who are going to continue to try to block any debate on this bill want to come forward, I hope they will face questions from colleagues as to what their intent is.

Ultimately, we will finish this bill before we go home. If it means staying through the weekend—if that satisfies some Members—we will do it. But it is a terrible waste of opportunity. We have gone 2 straight days with no votes on amendments. And Senators ENZI, ALEXANDER, HEITKAMP and I believe it is time for the Senate to be the Senate. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, 3 times Senators have voted, either with 74 or 75 votes, in favor of this legislation—a majority of Democratic Senators and a majority of Republican Senators. On Monday we were ready for amendments, but the small group of Senators who oppose it objected. On Tuesday we asked to have time given back so we could begin amendments. There was an objection. On Wednesday the Senator from Arkansas asked for a 10-year moratorium on Internet taxes, and there was an objection. And we are ready today, as we will see.

Sometimes we Republicans feel as though Democrats keep us from offering amendments. Whether that is ever true, this is different. In this case, Democrats and Republicans—a small group—are blocking the majority of us, Democrats and Republicans, who want to go forward with the bill and who have been ready to consider amendments since Monday.

We respect the points of view of those 24 or 25 Senators who disagree with us, but with 3 votes of 74, 75 votes, can we not have our amendments, bring this to a conclusion, send it to the House of

Representatives, and let it go through the process it needs to go through?

So this is different. This is both sides—a small group—blocking amendments the large majority on each side wants to move forward with.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I have an amendment at the desk, No. 771, offered on behalf of myself and Senator KING, and I would ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection to laying aside the pending amendment?

Mr. WYDEN. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I am only doing it, I would advise my colleagues—who I know feel strongly about it—Chairman BAUCUS wanted to be able to address this issue. That is the purpose of my reservation.

The PRESIDING OFFICER. Is there objection?

The Senator from Montana.

Mr. BAUCUS. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Maine.

Ms. COLLINS. Mr. President, let me express my frustration and dismay over the objection that has been lodged against considering a very reasonable amendment to this bill.

This is a bipartisan amendment. It is offered by the Independent Senator from Maine, Mr. KING, and me. It has widespread support. It is a very reasonable amendment that simply gives businesses more time to comply with the provisions of this bill. It is consistent with the purpose of this bill and does not undermine it in any way. It simply recognizes that 90 days is simply too short a period of time for implementation of the software and other changes that would be required under this legislation.

I think there is, however, a broader issue. This is a bipartisan bill—a bill that I am a cosponsor of, a bill that has widespread support, a bill that the Governor of Maine strongly supports because of the revenue it would bring in that is now lost to the State even though it is owed to the State.

It is a bill that has widespread support among Main Street retailers who see customers come into their stores, take up the time of their clerks, and then whip out an iPhone to order the exact same merchandise online solely for the purpose of evading the sales tax that is due on the item.

So this bill is a matter of fairness. It imposes no new taxes. In fact, there is a prohibition on taxing the Internet. As Senator ALEXANDER has pointed out and Senator DURBIN has said—and Senator ENZI, who has worked so many years on this bill—this bill has widespread, bipartisan support.

Here we are stymied by a small group of Members on both sides of the aisle

who will not even allow us to debate and consider a bipartisan amendment that simply delays the effective date of this bill by a year to allow businesses more time to make the software changes they need to make in order to ensure they are in full compliance with the bill.

We have reached a very disappointing and unsatisfactory result if that is where we are. If there is opposition to our amendment, I am sure the opponents would have every opportunity to speak against our amendment and to vote against our amendment. But to not allow our amendment to be considered, which is completely relevant to this bill, an amendment that simply alters the date of implementation, is beyond my comprehension. I do not understand it. I think it is wrong. I think it is what frustrates the American people. It is an example of the kind of gridlock that is very frustrating to the American public.

The only good thing I can say about this gridlock is it is bipartisan in this case. But that is a very small comfort indeed. So, again, all our amendment would have done, had we been allowed to consider it, is put a 1-year delay in the final implementation and also say implementation could not begin during the retailers' busiest time of the year; that is, the holiday season.

This was intended to provide adequate lead time for retailers to undertake the complex steps that may be needed: the software changes, the training, et cetera. Retailers are going to have to begin early anyway, but with this 1-year delay we know they will be prepared to fully implement the Marketplace Fairness Act.

Again, it is very disappointing to me that this commonsense amendment that is designed to improve the underlying bill cannot be considered at this time. I have been very pleased to work with my colleague from Maine, Senator KING, on this amendment. He may have some comments as well. I also wish to thank the sponsors of the bill for working very hard with us on this legislation.

The PRESIDING OFFICER. The Senator from Maine.

Mr. KING. Mr. President, I rise to associate myself with the comments from the senior Senator from Maine on this amendment. I consider it virtually a technical amendment. It simply changes the implementation date under the bill so that companies will have adequate time to be sure they integrate the software supplied by the States into their systems and also integrate the definition of which items in their inventory are covered and not covered according to different definitions across the country.

As we know, the software is to be supplied by the States. This is simply, as I say, a change in the implementation date in order to ensure that our online retailers are able to serve their customers adequately and without any interruption of service or otherwise have problems.

I too am puzzled by what is going on here. When I came to Washington in January, I knew in many cases the Senate had to get 60 votes in order to move forward with legislation under rule XXII. This is a piece of legislation that has actually had three votes so far. Each one has been between 70 and 75 votes. If we cannot do anything with a three-quarters majority, then I think the American people are going to say: What gives? Nothing is going to happen even on a piece of legislation that gets over 70 votes on three consecutive times.

I have listened to the debate. I have listened to the arguments from the Senators from three of the four States. I do think it is interesting—there are four States in this country that do not have sales taxes. Three of the four are strenuously objecting to this bill; one of them is not. In fact, one of the Senators from the State of Delaware indicated that he believed this could be an advantage to his State because people would come to Delaware rather than buy something online and avoid the sales tax in a neighboring State.

There is nothing in this bill that will compel the citizens of Oregon or Montana or New Hampshire to pay a sales tax. Something has been argued that this is somehow coercive on companies in those States to collect the sales tax. I would respond by saying if they do not want to collect the sales tax, they do not have to sell into those States that have a sales tax. There is no coercion. They are voluntarily marketing into Maine or Vermont or Texas or wherever there is a sales tax. If they want to avoid the strictures of this bill, they can do so voluntarily.

To me, this makes total common sense. I will conclude with a story that was in our Portland newspaper just this week with regard to this bill of a real-life company that I, in fact, shop at, Johnson Sporting Goods.

The proprietress was talking about people coming into her store, looking at items, feeling them, trying them on, deciding if they liked them, and then walking out and buying the wetsuit or the scuba equipment or whatever it was online. She said: We have become a showroom for Internet marketers. The problem is if this keeps up, we are not going to be here anymore.

It is just fundamentally unfair to our retail community in our towns, which make up the backbone of the commercial district in every town in America, that they are being put at a disadvantage, a 5- or 6- or 7- or whatever percent it is disadvantage with regard to the sale of products.

I, frankly, am puzzled. I just do not understand the vehemence of the opposition from the nonsales-tax States. I guess in those States one cannot even utter the words "sales tax," let alone do something that will not burden their citizens in any way, shape, or form except for the companies that will collect a sales tax under the software that is provided by the States. So I do

not understand why we cannot move forward with these amendments.

We are here, I thought, to do the Nation's business. I think we should do so. So I rise to support the amendment. I hope we can move to the consideration of the amendment and other amendments that will come forward and move this bill through the process.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I rise in support of the amendment by the Senators from Maine. I think it makes a lot of sense. It is symbolic too. Here we have a bipartisan amendment, we have a Republican Senator and an Independent Senator. The Independent Senator is a former Governor, as I once was.

The reason I support the amendment is because it gives more time for anybody who might be affected by this amendment to adjust to it. That is never a bad idea—almost never a bad idea in the Senate.

It gets us to our goal a few months later than we had thought. It makes sure those who might be affected can adjust. Of course, many people who call my office are surprised to learn that it does not affect anyone unless they have revenues of more than \$1 million a year. So about 99 percent of people who sell things online or in catalogs are not affected.

Of course, it does not affect Internet taxes; we have a law against Internet taxes. In fact, another bipartisan amendment by the Senator from Arkansas and the Senator from Missouri was to extend the 10-year moratorium on Internet taxes. That was objected to.

The Collins-King amendment is imminently reasonable. I think it strengthens the bill. It is offered in a good spirit. Some may wish to go faster, but I think it is sensible and reasonable. I fully support it.

I would reiterate that we were ready to accept amendments on Monday, but there was an objection—not a partisan objection but by Democrats and Republicans, a small number.

We were ready on Tuesday to go ahead with amendments, but there was an objection, a bipartisan objection to going forward. We were ready on Wednesday with a bipartisan proposal to put on the 10-year extension of the Internet tax, but there was an objection.

This is like—I have used this before, but this is like joining the Grand Old Opry and not being allowed to sing. This is what we are supposed to do. We are supposed to bring up these bills, consider reasonable amendments, and vote on them.

We are at noon on Thursday. We have not been allowed to do what we could have finished on Tuesday. So I greatly respect the Senators on the other side. I know their feelings; we have strong feelings too. As a former Governor, I do not think it is any of Washington's

business to continue to keep us from making decisions about our own taxes and tax structures. Some people say they do not trust the States. Most of the people in my State do not trust Washington to make decisions about spending. We do a heck of a lot better job of making decisions about taxes and spending and collections than people do here.

So we pretty well made up our minds. Three times now we have had 74, 75 votes for this bill. We are ready to proceed. We have several amendments that have been filed, some by those who oppose the bill. That is fine. Bring them up. Let's vote on them. They may make good sense, just like this amendment makes good sense.

So I thank the Senators from Maine for being constructive, for making a commonsense proposal to the bill. I support it. I hope that very soon we can debate it and vote on it and finish this legislation.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I objected to the last amendment for a very simple reason. The author of the amendment is making my case. This amendment makes my case. What is my case? My case is this bill should go to committee. It has so many problems, unthought-through, unintended consequences. This amendment recognizes that. This amendment says delay; delay for a year. Why delay? Because there are so many problems, because there are so many problems.

The way to solve the problem is for us to deal with the problem in committee. That is the solution. I have made that point many times, many different places: the floor of the Senate, different private meetings. Finally, people are starting to realize all of their problems with this bill. Slowly they are starting to read it. Slowly they are starting to think about it. Slowly it is starting to sink in: Oh, my gosh, I did not think of that. Oh, that problem too affects businesses, not just businesses in nonsales-tax States, businesses across the country, all cross the country.

This amendment makes my case. This amendment seeking a 1-year delay makes my case that there must be problems; we have to delay this bill. That is the basic reason I think we should not pass this bill. We should send it to the committee.

I pledge to Members, my colleagues, my friends, the Finance Committee, which I chair, will hold a markup on this bill in the next work period. I made that pledge. I made that pledge. We can work on all of the problems this bill creates and solve them the best we can during the markup.

I have heard no good reason we should not go to the committee. This bill was placed straight on the floor calendar, no committee consideration, none whatsoever—none. The Committee of jurisdiction had no opportunity to look at this bill, none. I

think it should, especially when I make a pledge that we will mark it up in the next work period after this next recess.

What reasons have I heard why we should not do that? I have heard none whatsoever.

All the reasons I have heard are: Well, gee, Senator, we asked to do this a while ago, several months ago. That is no answer. I say now we will do it. I, for the life of me, can't understand why we don't solve this in the right forum. The right forum is the committee of jurisdiction. We can't do this on the Senate floor without hearings, without consideration.

Senators who have been here a couple of years know the good legislation we have passed around here is legislation from the committee, where staffs go over all the different amendments and they work things out. The Senators work things out, and they try to find compromises, solutions, not for the first time on the floor when the Senators make speeches. They don't think and look for solutions on the floor of the Senate. They just make speeches.

I am suggesting the good place we don't make speeches is in the committee of jurisdiction, the Finance Committee, where we can work out some of these problems. That is the reason I have been objecting and will continue to object. This is a travesty, the way this bill is being considered in the Senate.

The PRESIDING OFFICER (Ms. BALDWIN). The Senator from Maine.

Ms. COLLINS. Madam President, I feel compelled to respond to the comments of my good friend and colleague from Montana. First, let me say I am sorry to learn of his decision to leave the Senate, to retire from the Senate, because I have enjoyed working with him over the years.

I do want to make several points. Senator MIKE ENZI of Wyoming, who came to the Senate the same year I did in 1997, has been talking about this bill for at least a decade. He has introduced it many times before. There has been ample opportunity for there to be consideration by the committee, and the committee chose not to consider his bill. This is not a new concept in any way. It has been talked about and debated at length over the past decade.

Moreover, I would note the amendment I have offered, along with my colleague from Maine, does not in any way change the basic thrust of this legislation. In fact, both Senator KING and I are cosponsors of the underlying bill.

If this bill were so problematic for retailers across the country, why would it have the support of so many retailers across the country? Why would it have the support of national organizations representing retailers across the country?

This is not a complicated bill in concept. What it says is if a retailer is selling into another State, it needs to collect the sales tax and remit it to that State. That is not a complicated concept.

This issue has been litigated before the Supreme Court, another indication it is not a new concept, that it has been carefully considered. The idea that somehow this bill has sprung out of nowhere without proper consideration is not supported by its long history.

In fact, during the budget resolution when we voted on this measure and it received such a strong vote—I think it was something like 70 to 75 votes—I went over to MIKE ENZI and congratulated him because he finally had gotten a preliminary vote on legislation he had been working on for literally more than a decade.

I don't think this is a complicated concept. It is not creating a new tax; it is not imposing a new tax; it is not taxing the Internet. All it is doing is making sure States that have sales taxes receive the revenue they are owed. That is not a complicated concept.

Is it going to require retailers to make changes in their software, particularly large retailers that are selling all over the country? Keep in mind, this bill exempts small retailers. It exempts those with sales of under a million dollars, so they are not affected at all. Is it going to require some changes to be made in software and training by large retailers? Yes, it is. That is why we have offered this commonsense amendment to improve but not change the underlying bill that says rather than giving 90 days for businesses to comply with the sale, let's give them a year so they can fully get the software changes made and installed, their staff trained, and ensure full, complete, and accurate compliance. That is all the Collins-King amendment does. It does not in any way change the thrust of this bill or the underlying provisions of this bill. It simply allows more time for compliance.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Madam President, first let me join the Senator from Maine in expressing to the Senator from Montana my regret that he is retiring. He has had a long and distinguished career here, and I have enjoyed working with him and look forward to working with him the rest of this year and next year. He has a history of independent thinking and working across party lines, which is valuable in the Senate.

On the point the Senator from Maine made—and I see the Senator from Montana may want to say something, so I will be brief. The bill as proposed, the Marketplace Fairness Act, the pending act, has a 6-month implementation period. This would add 6 months to that so there would be a total of a year for implementation of the bill. This is a reasonable period of time.

As far as the bill going to Finance Committee, it has been in the Finance Committee. Nothing would have pleased the sponsor of the bill more than for the chairman and other members of the committee to bring the bill up, mark it up, and send it to the floor, but they didn't do that.

As Senator COLLINS said, Senator ENZI has been introducing different bills for the last decade or so. But he introduced this very basic bill, about 11 or 12 pages, S. 1832, on November 9, 2011. It was referred to the Finance Committee. In April of 2012 there was a Finance Committee hearing on State and local tax issues, including the Marketplace Fairness Act. The Senator from Montana referred to that in his remarks the other day, so there was some other hearing on this very bill in April of 2012. That is a year ago.

Then the Senate Commerce Committee in August held a full hearing on this bill involving many Senators with a lot of testimony, and I was there. It is certainly arguable that the Commerce Committee is at least as involved in this issue as the Finance Committee, because while the Parliamentarian has sent it to the Finance Committee, it has nothing to do with the Tax Code, zero. In any event, that is where it has been.

In this Congress, the Marketplace Fairness Act was introduced, this very 11-page bill, in the second month of this year and referred to the Finance Committee. Sixteen Senators have asked for it to be heard and marked up.

It is certainly the prerogative of the chairman to decide in a busy committee what he has time to do and not to do. It certainly seemed to everyone that the Finance Committee had become a dungeon for the bill and not a place where it was likely to ever come out. I believe that is exactly why rule XIV is in the Senate rules, to allow the majority leader to take a bill, bypass the committee, and bring it to the floor. One that has had this much thought, this much consideration, is an excellent candidate for that.

The cure for that, it seems to me, is to take these amendments and work them through, consider them on the floor, debate them, vote them, and continue the process. Send the bill to the House and let the House do what it will, have a conference if it is necessary. There are plenty of opportunities to deal with the bill.

The point is the Finance Committee ought to have the bill. The Finance Committee has had the bill. The Finance Committee wouldn't act on the bill. Now we are past the point of sending it back to the Finance Committee. It is before us. It has votes of 74 or 75 Members of the Senate. It has the majority of each side. We have been ready ever since Monday to consider the amendments that have been offered to the bill by both proponents and opponents of the legislation.

I would hope the Senators who oppose the bill will not object to the amendments but will participate in the process and allow us to move forward on the bill.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. First, I want to deeply thank my two colleagues who previously spoke, Senator COLLINS of

Maine and Senator ALEXANDER of Tennessee, for their nice, warm compliments. I deeply appreciate that. It means a lot to me because they are both very fine Senators. They are terrific, as a matter of fact.

A couple of points to clear the record. Senator COLLINS said Senator ENZI has been working on this bill for about a decade. That is not accurate. There was an earlier bill called the streamline act, or something like that. I have forgotten what it was. It was an attempt at a compact among States to address this issue. They worked on it and worked on it and worked on it for close to a decade and then couldn't agree. I think 24 States agreed, the remaining States did not agree, so that was the end of that.

This bill is to ram through what other States would not agree to and to try to find "the lowest common denominator." That is basically what this bill is, a new bill. This bill has had, to my knowledge, no vetting at all by any committee in any significant way.

This bill has been referred to the Finance Committee. As the Senator from Tennessee points out, the Finance Committee has not reported out the bill. That is true. Frankly, we know one good reason why it hasn't is because we have been meeting very frequently at the staff levels. My staff of the Finance Committee with the staffs of those who are sponsors of the bill are working out different potential and actual complexities and problems of the bill. There have been a lot of meetings.

I asked my staff, if someone were to be a fly on the wall, were those meetings in good faith? They were in good faith to try to find the answers to the questions. The answer is yes. That is their belief. There have been a lot of meetings to try to work out some of these problems which clearly exist.

Obviously one big problem is represented by the amendment that has been—not offered but consent was asked that it could be offered, asking for a 9-month delay. I cannot think of any reason for a 9-month delay except to say, hey, 90 days isn't working. That is just an example of some of the problems and imperfections of this bill that could have been addressed in committee, and there are many of them. But, no, this bill didn't go to committee.

I stand here again and tell the world, the Senate Finance Committee will report out this bill in the next work period if it has an opportunity to do so and work out all of these different problems, rather than trying to willy-nilly ram this through the floor and preventing changes from being corrected in a good, solid way.

Let me make a prediction. Those who are for ramming this bill on the floor without letting it go to committee are doing themselves a disservice, because it makes it more likely this bill will not become law. If the proponents of this bill want this legislation to be-

come law, what they should have done is say yes, let's go to the Finance Committee; the chairman of the Finance Committee has agreed to take it up; he has agreed publicly to markup, not just a hearing. We have had a hearing already. We would have a markup on this bill in the next work period. Then the differences would be worked out and some of the problems solved. Then the bill comes to the floor, and it will not be opposed, probably, at least not in the same way it is opposed now. Then it will more than likely be passed by the other body or at least worked through the other body. That is the better way to do it.

This way, not going to committee and straight to the floor, reduces the probability that this bill is going to become law. I, frankly, am going to object to other amendments because I do not believe the proper way to do legislation is only on the floor and not go through the proper development in committee.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Ms. HEITKAMP. Madam President, this is a challenge the States have been confronted with since 1992—a challenge of trying to get equity for Main Street businesses. The Supreme Court told us that Congress is best equipped to make a determination on how we implement something that would level the playing fields for Main Street businesses under our notion of what constitutes appropriate regulation and controls of interstate commerce.

The challenge was passed over 20 years ago to Congress, and the Main Street businesses have been waiting for 20 years for equity, for fairness, and for a system that does not discriminate against them. Only in Washington, DC, could waiting 20 years for a solution we are debating today be considered ramming something through Congress. Only in Washington, DC, can a 20-year delay for equity and justice and fairness in our tax policy be considered too soon for a debate.

This is an 11-page bill. This is a very simple bill. I can attest, having been here only a short period of time, to the fact that most Senators have very capable staff. Quite honestly, most Senators have an enormous capacity to read this 11-page bill, understand it, and appreciate what the bill says and to make a determination. In fact, this concept—just in concept—received an overwhelming vote from this body. This bill, in consideration now in two votes, has received an overwhelming show of support because colleagues know their Main Street businesses have waited too long. They know we need to accomplish something. We need to move forward.

We need to do what is easy because we have so many hard things to do in the Congress. We have a budget out of control, we have an energy policy we need to prepare for the future, and we have challenges with sequestration and

making sure we are making the right investments in our future. We have big issues. I would suggest that what we are looking at, albeit a small issue in this body, is a big issue for Main Street businesses.

We heard from a woman just a couple days ago—a woman named Teresa—who runs a little pet food store. She has trained all of her people on what is great nutrition. So when clients or customers come in, she can talk about the age of their pets, she can talk about what the nutritional problems are and give them advice and then, she said, only to watch them walk out the door with that advice and order that product on the Internet.

One might say that is competition or whatever. But she is not afraid of competition. Her challenge is that if they buy in her store, the sales tax her city and State will charge is 9½ percent. So she is immediately at a 9½-percent disadvantage. Yet they use her expertise.

I would like someone to explain to me how we can't be moved by a story such as that and to correct the inequity; how we can't be sophisticated enough as legislators to read an 11-page bill and understand what it says with all the staffing we have.

I am confident, as we go forward, we are doing what is right. Any State that doesn't want to participate, any State that doesn't want to collect remote sales tax in this fashion, either streamlined or under the alternative process provided in the bill, does not have to pursue this collection mechanism. They can continue to do what they are doing.

The bill talks about a remote seller who has sales over \$1 million. This young woman said to us, when she was talking about her pet store, that she also runs a little online business. We asked: How would you feel? She said: I could only hope for \$1 million of online sales. I would be glad to collect the tax if that was my business. She is a small businesswoman.

So if we can't bring equity now, then when? We have been waiting 20 years. We have an opportunity to show this country and show those Main Street businesses, show our friends and neighbors who support the Little League, who support our school newspapers, who support our communities, that someone in this body cares. In fact, the majority of people in this body cares. In fact, a supermajority of this body cares, and we are listening to you. Maybe, in some small way—in some very small way—we will have told them Washington is still a place where people will listen and respond and actually get something done. That is what we are trying to do.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Madam President, I wish to thank the Senator from North Dakota for her comments and her involvement for over 20 years. I feel like a newcomer, with just the 12 years I have

been trying to get this passed. Wyoming has recognized the need for it and has had the desire for it. We were one of the first to join the streamlined sales tax effort, and I think we were joined by a number of our surrounding States. The purpose of that, of course, was to make it simpler so it would be easier for people to collect the tax.

I wish to congratulate the Senators from Maine for putting forward what I consider to be kind of a phase-in part. Of course, there are a lot of people who would like to have it done a lot faster than that, but this would allow 1 year for people to get their program up and running. Part of that time would be taken by the free software that has to come from the States. It will take them a while to get that together, although everybody is hearing from eBay a little bit, and eBay already has one of those sales tax programs. It costs 15 bucks a month if you want to collect sales tax in the States, so it isn't like it is something impossible.

I know L.L.Bean is going through a major computer switchover right now, so they know how difficult that is, and if it were compounded at the same time by having the sales tax collected, it could create some difficulties. In checking around, we have gotten the suggestion there be 1 year allowed before they had to start collecting the taxes.

There is another small provision that says from October 31 through December 31 there wouldn't be a conversion because that is the Christmas season. In retail, that is the big season. If they can't concentrate on their customers at that point in time, they are not going to make their money. It makes the whole year just in those couple of months there. So there is an exclusion the program wouldn't go into effect during that period of time.

So there is this kind of a phase-in for everybody to get everything ready. I know it is a lot more time than what States would like to have. They would like to begin collecting the taxes in 90 days, if they were able to get their program in place in 90 days. But we think that is reasonable. They brought that to the floor, but it was objected to even getting to debate it. So we don't get to vote on that.

Around here a lot of times people say: It is a filibuster if you don't get to, and if there is cloture, then everybody ought to vote against cloture until everybody gets their amendments. How can you do your amendments if one person can object—and has. I think there would probably be three or four who would object, maybe six or eight who would object. But it is hard to do the amendments, and that should definitely not be the reason for anybody to vote against final cloture on this bill and get it enacted. Hopefully, we can still get some amendments through the process. Anything that is germane after cloture can still be voted on.

I know there are a lot of proposals out there. Some of those proposals, of

course, deal with something other than what would be germane to this bill. There would be major changes in the tax structure in other ways. We have tried to keep this to an 11-page bill. We tried to keep it simple, keep it to one topic. It is something anybody can read and understand. In fact, I don't remember a bill that has had language quite as clear.

I thank the Senator from Tennessee, Mr. ALEXANDER, for all his concentration. He looked at the 80-plus page bill we had, which had a lot more stuff in it, and said why don't we make this into a States rights bill. Once we took that approach to it, it made all the language much simpler. We just needed some basics for them to have to participate, and so that is why it is an 11-page bill. We will not see an 11-page bill come through here very often. I would guess some of the amendments being proposed—that have nothing to do with the collection of sales tax—are probably more extensive in pages than what this bill is.

We are hoping people will stick to germane and relevant—or at least relevant; that is a little broader than germane, and we can do some amendments.

But if there is going to be an objection—and I was just in a meeting where I was assured this is going to happen, and there is going to be an objection every time, no matter what the amendment is—I am very disappointed in that.

I do want to point out there is a small seller exemption. If you are a retailer and you do less than \$1 million of sales online during a year, you don't come under this bill. You don't do anything different than what you are doing right now. For a lot of small businesses, \$1 million would be a lot of money. I have heard some proposals that maybe we go to \$10 million or \$20 million. That affects some big retailers that don't want to do it. But to small retailers, \$1 million is a lot of sales when it is just the ones that are done online. We are not talking about their total sales—what they do in their stores. We are just talking about the ones where they put up their Web site and they get orders and they ship out those orders. If that exceeds \$1 million, the next year they would have to start collecting it.

So not only, with the Collins amendment, would there be 1 year built into the time before they would have to start doing it, there would also be another year before they would hit the \$1 million, and if they do not hit the \$1 million, then they have another year and another year and another year until they do. Of course, having been a small businessman, I am pulling for all of them to exceed \$1 million.

Most small businesses I know would be so tickled to hit \$1 million they would think maybe this wouldn't be such a bad deal. This is definitely giving some emphasis to online sales. It is much easier now to get a Web site. In



fact, the Small Business Administration has been going from State to State to State and providing people who will do free Web sites for people who attend a seminar on how to do online sales. I commend the Small Business Administration for doing that. I think it has helped a number of businesses that haven't been able to expand beyond the few thousand dollars they are selling in their own stores to increase their sales. We hope everybody gets to exceed \$1 million.

There is another part of that \$1 million that is kind of interesting. If you are a nursery—and we heard an example of a nursery last night—and you are doing big sales, the chances are pretty good some of those big sales are to other nurseries. If a product is sold to somebody else to be resold, there isn't a sales tax. So that wouldn't count in the \$1 million.

We did hear an example during the press conference of a contractor in a State and the other contractor got all his stuff online and from out of State and on a \$150,000 contract was able to undercut him by 10 percent. It was just a \$150,000 project—a category that small businessmen specialize in—but he was beat out by an out-of-State person who didn't pay sales tax on the products they were bringing into the State and using in construction.

So we do have a small seller exemption. There is also simplification in the bill, and I would be happy to go through that. We haven't had any suggestions for more simplification, at least from those who understand what the simplification is. One of the reasons that is fairly simple now is because computers have come a long way. I don't know how many people here have purchased something online, but when you do, you put in your address where you want something shipped, and when you go over to see what the bill is going to be, not only will there be the price of the product, but there will be a sales tax. In a number of States, people have volunteered to collect it, and for the number of people who have volunteered to collect it, we really appreciate that.

I cannot believe that Senator COLLINS' request to bring up an amendment that would allow a phase-in, that would give everybody extra time, would be objected to, but, as I said, when we checked we found out that everything is going to be objected to, which will bring us to a cloture vote.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Madam President, I know the Senator from Louisiana is coming. When he comes, I will be through.

I say to the Senator from Wyoming who just said that apparently there is an intention to object to any amendment, just to review, we started Monday.

We could have started amendments Monday if there were no objection, but

there were objections, bipartisan objection.

On Tuesday we said that instead of going the full 30 hours of debate, let's give the time back and let's start the amendments. Bipartisan objection.

On Wednesday we brought up the bipartisan proposal of Senator BLUNT and Senator PRYOR to extend the moratorium on the Internet tax. There is already a moratorium on taxing the Internet. You cannot have it. That is the law. We were going to extend it for 10 years. Objection.

Then today Senator COLLINS and Senator KING say: Instead of implementing this in 6 months, let's do it in a year. Objection.

If it continues this way—and I say to the Senator from Wyoming, this is the way I figure the procedure—if there is no consent, always objection to any amendment from both a few Republicans and a few Democrats, then we will have a vote on cloture tomorrow. That would be tomorrow afternoon, I guess—tomorrow morning. Probably for the fourth time, 74 or 75 of us will vote for the Marketplace Fairness Act. Then we will stay here until Saturday afternoon for the full 30 hours, and we will have a vote on the two amendments and final passage. That will be Saturday afternoon. And probably another 74 or 75 votes for that, I hope. That is what will happen if a few Democrats and a few Republicans continue to say: No amendments.

I want to make sure no one on our side of the aisle stands up and says they, the Democrats, are blocking amendments, because they are not. Most Democrats and most Republicans want to offer and vote on amendments. A few Democrats and a few Republicans say no. I believe that is where we are procedurally, if that persists.

I completely respect the point of view of other Senators. I never question a Senator's vote. That is his or her prerogative, and it is their prerogative to keep us here until Saturday afternoon if that is what they wish to do. But that is not really a very good way for the Senate to work when we have three-fourths of us, a majority on both sides of the aisle, who are for something and we are ready to move through it with amendments and improvements and debates. This is not a good procedure, but it is procedure.

This is the season for parades in Tennessee. On weekends and Fridays, I go home. I have a rule of thumb: Walk in parades. I put on my red-and-black plaid shirt that I walked across Tennessee in. I walked in the Saint Patrick's Day parade in Erin. I walked in the Mule Day parade in Columbia—100,000 people there, lots of mules there. I always try to walk at the front of the Mule Day parade for obvious reasons. And tomorrow I was looking forward to walking in the parade at the Paris Fish Fry. But if we continue to object to every amendment to this bill, I will not get to walk in the Paris Fish Fry tomorrow, but we will pass the bill

on Saturday, and I suspect we will pass it with 74 to 75 votes.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### NATIONAL PEDIATRIC BRAIN CANCER AWARENESS DAY

Mrs. FISCHER. Mr. President, I rise today in support of a resolution designating September 26, 2013, as "National Pediatric Brain Cancer Awareness Day."

Childhood is a time for growing—growing bodies, growing minds, and growing hearts. It is a time for bike rides that end in skinned knees and sleepovers in backyard forts. It is a time for wondrous stories of Neverland and family board games. It is a time to learn the difference between right and wrong and the difficult discipline of homework. It is a time—a very brief time—given to us by God to live without fear or physical pain or without burdens and responsibilities.

For too many children, though, childhood is very different. Too many children in this country are forced to grow up far too quickly. The stark realities of hunger and poverty mature them and some have no choice but to learn the hard lessons of courage from the cruel, unyielding teacher of sickness.

Despite this hasty transition from storybooks to the harsh realities of life, these children remain beacons of hope. They inspire us. They challenge us to overcome our own trials which seem trivial in comparison to the heavy burdens they shoulder. They prompt us all to believe in the power of miracles because they have no other choice.

One such child is a friend of mine. He is a personal hero. His name is Jack Hoffman. Jack Hoffman is a 7-year-old boy. He was born and raised in Atkinson, NE.

Jack's early years passed like those of many children his age who live in Nebraska communities. He learned to fish and hunt. He went for long bike rides. He played sports. He started school. He made friends with many of his classmates. I am willing to bet little Jack has also had a fight or two with his siblings.

But childhood for Jack took a quick and unexpected turn on April 22, 2011—almost exactly 2 years ago—when Jack suffered a life-threatening seizure. Upon examining him, doctors had shocking news: Jack had brain cancer.

Jack immediately underwent surgery to remove this cancerous mass on his brain, but the surgery did not bring