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Senate

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. HATCH).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, thank You for listening to our prayers. May our lawmakers use fervent prayer to solve problems and to experience Your wonderful peace. Help the citizens of this land to join our Senators in using intercession to bring healing to our Nation and world.

Lord, thank You for Your promise that if we call You when facing trou-

ble, You will deliver us. Lift the light of Your countenance upon our Nation and world, O Lord, and let Your will be done. Let there be peace on Earth, and let it begin in each of our hearts. Give us minds that are wise with wisdom, hearts that are warm with faith, and lips that are eloquent with truth.

We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER (Mr. COTTON). The majority leader is recognized.

APPROPRIATIONS AND TAX RELIEF NEGOTIATIONS

Mr. McCONNELL. Mr. President, as of this morning we know that committees and Members from both sides are continuing to make important progress in the ongoing fiscal negotiations. That is true on the appropriations side, and it is also true on the tax relief side.

NOTICE

If the 114th Congress, 1st Session, adjourns sine die on or before December 24, 2015, a final issue of the *Congressional Record* for the 114th Congress, 1st Session, will be published on Thursday, December 31, 2015, to permit Members to insert statements.

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By order of the Joint Committee on Printing.

GREGG HARPER, Chairman.

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



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This doesn't mean negotiators have surmounted every obstacle, but it does offer an unmistakable sign of forward momentum. Negotiators are working toward filing legislation today and expect to do so. Many will find that encouraging. For my part, I will continue engaging and consulting colleagues as events move forward.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

OMNIBUS AND TAX EXTENDERS NEGOTIATIONS

Mr. REID. Mr. President, as my friend, the Republican leader, stated, we are continuing to work toward a bipartisan compromise on the omnibus and tax extenders legislation. I have worked hard—we have all worked hard—to get to yes on this massive undertaking, this huge appropriations bill and this big tax bill. I have been involved on a personal basis in every twist and turn of the way.

I want to say a word about the status. We all know that this agreement is not completed, but I have been so impressed with the endurance and the massive amount of experience that these men and women have—both Democrats and Republicans. Senator McCANNELL and I had an event last week. We sat next to one another. I sent him a note about how impressed I was with one of his staff people who is working intimately with one of mine.

So I want to tell all the staff in all these buildings here on Capitol Hill who have been working on this night and day how much I appreciate their hard work and how the American people are so fortunate to have these good men and women working on their behalf. We find that most everyone engaged and working here on Capitol Hill are not involved for the money. They are involved because they want to do something to help change policy and to try to do what they can to be involved in what goes on in this great country. So I appreciate all they have done to this point.

I think we have done a good job as responsible legislators, working to find common ground and strike a balance that can pass Congress and be signed into law by the President. But it is time for a reality check on where we stand on things.

An agreement could be filed right now that covers most everything that we have discussed and would keep the government funded fully for a year. At this point, the only major outstanding issue is Republicans' insistence on raising the export ban on crude oil.

We have made very clear to Republicans that if they insist on including the oil export ban, there must be included in this robust policies to reduce our carbon emissions and encourage the use of renewable energy. So for the

past many days I have worked hard—as a number of others have—to strike the right balance. We have made multiple offers to Republicans that were certainly doable, reasonable, and all Republicans had to do was say yes. Saying yes to any of the offers we put on the table dealing with renewables over the past few days—especially the last 3 days—the ink would be dry, the entire package would be filed, and we would be moving ahead on the floor. I made it very clear to my Republican colleagues that there are offers out there that have been unanswered, and I hope they are answered very quickly.

I have appreciated getting to know the Speaker better than I did before. I found him to be available and someone who understands the policy, and I am encouraged that last night he said when he had his teleconference with all of his Members that he thought we were going to have a deal completed. I hope that in fact is the case.

Republicans can take yes for an answer. That is all they have to do. But Congress is now faced with two clear paths forward. The first is very simple: Pair the oil export ban with much needed policies to reduce our carbon emissions and build more renewable energy. The second path is that we move ahead on the government funding bill and tax package without the package of oil and renewable policies. That would not be my first preference, but we would have to live with it.

We don't have the legislative language yet on the tax package. This isn't pointing fingers at anyone adversely. It is simply the fact that we need to get this done. We don't have the legislative language done yet. At this pace, we are going to be here through Christmas. We need to get that done now.

So these are the two choices. Either path forward will keep the government open and funded. I certainly hope so. Republicans must decide which they prefer.

If Republicans think reducing our carbon emissions and encouraging the use of renewable energy is an unacceptable price to pay, we can move the rest of the package without the oil export ban, but we need not delay anymore. There is no reason to delay any further.

So I say to everyone who is listening here this morning: It is decision time.

Mr. President, would the Chair announce the business of the day.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will be in a period of morning business until 5 p.m., with Senators permitted to speak therein for up to 10 minutes each.

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

The PRESIDING OFFICER. The clerk will call the roll.

The senior 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.

MARKETPLACE FAIRNESS ACT

Mr. DURBIN. Mr. President, 2 years ago Members of the Senate did something that doesn't happen very often. We broke through the gridlock and came together to pass meaningful bipartisan legislation that was called the Marketplace Fairness Act. Senator MIKE ENZI, a Republican from Wyoming, has been the leader on this issue from the start. Senator LAMAR ALEXANDER, a Republican from Tennessee, has been an invaluable ally. Senator HEIDI HEITKAMP, a relatively new Member of the Senate but a person with extraordinary knowledge of this field, joined me and 65 others to pass legislation that would level the playing field for Main Street businesses all across America and allow States and localities to collect sales and use taxes that are already owed under the law.

Since that time—that glorious time 2 years ago—what has happened? Nothing—the bill passed the Senate, went to the House, and disappeared.

In the face of this obstruction, a bipartisan group of Senators have said we will oppose any long-term extension of legislation that would take away a State's right to collect taxes on accessing the Internet unless we give States the ability to collect taxes on Internet sales that are already owed.

The Internet Tax Freedom Act is a law which is going to expire with the continuing resolution—which I would support—and it says that States and localities cannot impose a tax on access to the Internet. I think that is sound policy. But what we are asking in return is to allow those who use the Internet to make retail purchases to pay the sales taxes they already owe for their purchases. It is that simple. It is not fair to tie the hands of States and localities to collect the revenue they need to fund law enforcement, public schools, infrastructure, and other vital services without providing a path for States and localities to replace the revenue if they choose.

The Marketplace Fairness Act levels the playing field for retailers by allowing States to treat all retailers—whether it is a brick-and-mortar store or online—the same when it comes to collecting sales and use taxes. It is not a new tax. We are talking about existing taxes and their collection. In Illinois we have a quaint way of dealing with this. I recall a few years ago, when I was doing my State income tax returns, the bookkeeper called and said: Do you want to declare your