

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 MCCONNELL 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

Internet purchases and pay the sales taxes you owe? I said: Of course I want to pay the taxes I owe. How do you do that?

Well, you declare them on your State income tax return in Illinois. There is no proof. It is your word, and the fact that you sign is what the State goes by. I estimated my Internet purchases that had not been subject to sales tax and paid the appropriate tax in Illinois. It turns out that very few people in my State who actually do make retail purchases over the Internet pay this tax. We are trying to change that. The change is very simple: If you are an Internet retailer, such as Amazon—the largest in the United States—and I make a purchase for the holidays and I declare my ZIP Code at the end of my address, Amazon then knows by my ZIP Code how much to be collected in sales tax. They assess me that with the purchase, take that amount and send it back to the Illinois Department of Revenue for distribution. It is so simple that there is basic software available, at a very modest cost, that any retailer can use to make that same calculation. There is nothing exotic or difficult in the process, but that is what is missing.

Amazon—I use them as an example—actually collects sales tax, and they support our marketplace fairness bill, as do many other Internet retailers. The difficulty we have run into, though, is there is a resistance to giving fairer treatment to stores across America that are collecting sales taxes every day against retailers on the Internet that may or may not collect those taxes themselves.

What difference does it make? I have talked to some of the people who run big chain stores, and they say it has reached a point that something has to be done. Consumers come into a store, a major store, and they ask to see certain products—running shoes, bicycles, flat-screen TVs. They pick the one they like the best, write down all the information about it, and they are never seen again. Some of them do have the nerve to return at a later date when they make their purchase over the Internet to the bricks-and-mortar store when they are dissatisfied with the product. Of course the bricks and mortar store had nothing to do with the sale of the product. They are being asked to provide some consumer relations on a product they didn't even sell.

What is happening? Take a look at the last Thanksgiving holiday weekend—one of the biggest retail weekends of the year. Early reports suggest that the stores on Main Street and shopping malls across America had flat sales compared to last year. How about Internet retail sales for that weekend? They were up significantly across America.

What we are looking for is parity and some equality. It is not fair to say to the store down the block that is paying the rent, paying the property taxes,

and collecting the sales taxes that we are going to put them at a disadvantage to their Internet competitors. Internet retailers benefit under our current system, sadly, because they don't charge for sales tax—many of them don't. They have a 5-percent or 10-percent advantage over Main Street competitors. When you ask many of these Internet retailers whether they want to continue the current system, they say: Of course, it gives us a break.

It is not fair, it is not right, and it should be changed. Products sold online seem cheaper when sales and use taxes are not collected at the point of sale, but we all know that tax is still owed by the customers. Thousands of Main Street businesses have worked hard to grow their businesses. They employ local people. Now they have become nothing but show rooms because of this unfairness. Examples: Steve Sahli from Play It Again Sports in Naperville, IL, knows this issue of showrooming all too well. For more than 20 years, Play It Again Sports has been serving the Naperville, IL, community. People come into the store, they try out big-ticket items, use their phones sometimes to take a picture, walk out the door, and buy the item online.

Soccer Plus in Palatine, IL, is an example of what happens when it becomes too difficult to compete with online retailers because of their price advantage. Two years ago, Soccer Plus went out of business. We lost good-paying jobs in Palatine, and Palatine lost a business that was paying its property taxes, employing all the people, and sustaining the services of that good city. There is nothing we can do for Soccer Plus now, but we can still help other retailers avoid that same fate.

Even with countless stories like these, the House of Representatives has refused to address this issue. Numerous requests to the chairman of the House Judiciary Committee to mark up e-fairness legislation from ranking members and other members have not resulted in any action whatsoever. The chairman of the House Judiciary Committee is calling for regular order when it comes to e-fairness legislation but has refused to even hold a legislative hearing on the only e-fairness legislation to be introduced in the House. That was by Representative JASON CHAFFETZ, a Republican from Utah. He introduced the bipartisan Remote Transactions Parity Act. We have worked on a bipartisan basis in the Senate with Congressman CHAFFETZ, Congressman WOMACK, and others to come up with a bill that we think is fair that can pass. All we are asking for is a day in court—a legislative hearing, a markup, and bring the matter to the floor of the House. The chairman of the House Judiciary Committee has refused to work with us on this legislation. He has his own approach. I disagree with it, but let's have the debate. Let's have the vote. Isn't that what Congress is supposed to be all about?

These calls for regular order are nothing more than veiled attempts to delay and obstruct in the House. Let's have regular order. Let's bring up the Chaffetz measure. If the chairman of the Judiciary Committee in the House has his own alternative, let him offer that as well.

While House leadership calls for regular order on legislation to level the playing field for Main Street retailers, they bypassed regular order by airdropping a permanent extension of the Internet Tax Freedom Act into a totally unrelated bill. It was a bill in Customs relating to trade agreements. At the very last minute, they dropped in this provision for the permanent Internet Tax Freedom Act.

The same Members of Congress calling for regular order on e-fairness legislation skipped regular order when it came to the Internet Tax Freedom Act. Last week, the Customs reauthorization conference report, which reformed some of our Customs and trade law, was released. Many were surprised to find deep in the bill on page 381 a brand new provision that had nothing to do with Customs, nothing to do with trade, has not had a recent hearing in the Senate and was dropped in at the last minute in this bill—the permanent Internet Tax Freedom Act.

This provision wasn't in the bill that passed either the House or the Senate. It is what happens toward the end of the legislative session when things go bump in the dark. Internet Tax Freedom Act hasn't even been considered by this body. Yet there it was in a conference report meant to resolve differences that had been debated for months.

I do not support the permanent extension of the Internet Tax Freedom Act in the conference report. I am going to oppose any other attempt to move anything longer than the remaining 9-month extension of the Internet Tax Freedom Act until September 30, 2016. I support the merits of the legislation, but it is grossly unfair to speed this through with an airdrop in a conference report without any hearing and to do it at the disadvantage of retailers and businesses across America.

A long-term extension of the Internet Tax Freedom Act should be paired with the Marketplace Fairness Act. We can make them both permanent law. Let's do it and do it together. Let me explain why. We should not cut off States and localities at the knees by preventing them from collecting tax revenues, by reducing Federal funding, and without also providing State and local governments the authority to collect the taxes already owed. The Federal Government has cut funding for States and local governments over the last several years in an attempt to put the Federal Government on the right fiscal path. Tough decisions have had to be made. Many States and local governments are struggling, even in my State. In a one-two punch, some in Congress want to increase this burden by permanently

preventing States and localities from imposing certain types of taxes while denying them the authority to collect sales and tax revenue that is already owed to them.

In 2015 alone, my State of Illinois will lose at least \$390 million under the Internet Tax Freedom Act. Chicago will lose \$197 million. Springfield will lose \$6 million. How do we expect States and localities to fund first responders, firefighters, emergency services, 911 dispatch, health care services, local road maintenance, and all the other services that support our community? Unlike the Federal Government, States and localities can't run deficits to continue these services. The only option they have is to raise other taxes, such as property taxes, or to cut vital services.

There is a reasonable path forward. Congress should pass both a long-term extension of the Internet Tax Freedom Act—which says we will not impose State and local taxes on access to the Internet—and pass the Marketplace Fairness Act, which allows States to opt in so Internet retailers selling in their State will collect the sales tax due and remit to the States and localities.

I hope my colleagues in the House will work with me to do that. I welcome the opportunity to have a serious dialogue about how to move both pieces of legislation forward in an expeditious manner.

Mr. President, I yield the floor.

Mr. LEAHY. Mr. President, will the Senator yield to me for just a moment?

Mr. DURBIN. I am happy to yield to my friend and colleague from Vermont.

Mr. LEAHY. Mr. President, I hope both Senators and Members of the other body listened to what the distinguished senior Senator from Illinois just said. We all extol the virtues of Main Street America—small towns, big towns. I think of the businesses I go into every time I am home in Vermont. These are hard-working people. They are people who support the Little League, the Boy Scout troops, help with all the various charitable drives. And they're being treated unfairly.

What the Senator from Illinois said is absolutely right. There are two different issues. Let's start leveling the playing field. Let's start worrying as much about the citizens of our own community, the people who make our communities work, as we do about some conglomerate that none of us ever see, and our communities never see. So I am proud to say I strongly support what the Senator from Illinois has done.

I yield the floor.

Mr. DURBIN. I thank the Senator from Vermont for his comments.

I yield the floor.

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

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

NUCLEAR AGREEMENT WITH IRAN

Mr. COONS. Mr. President, today our Nation is distracted by grave concerns, by threats abroad and at home, by concerns about our economy and our people. I stand here today to call on us to continue to be focused on something that is not currently at the top of the news but on something that is a pressing and ongoing national concern. We need to be strictly and aggressively enforcing the terms of our nuclear deal with Iran that we reached with a variety of our other international partners and that is currently moving forward. We need to push back on Iran's bad and disruptive behavior, not just in its region but globally, and give our administration and international agencies the resources and the nominees confirmed that will allow them to be successful in enforcing our actions against Iran.

A few short months ago, if you asked anyone what topics would be at the top of the list of America's foreign policy conversation or the upcoming Presidential campaign, you would have been hard-pressed to find anyone who didn't mention the Iran nuclear agreement front and center. It completely centered the debate in this Chamber and around the country last summer and fall. What a difference a few months can make.

This morning many of us are deeply concerned about an alleged bomb threat in Los Angeles that is causing hundreds of thousands of schoolchildren to be sent home mid-school day. And in response to the recent and horrific attacks in Paris and San Bernardino, we are focused on identifying weaknesses in our border security and in finding ways to protect the American people without compromising our fundamental values.

We are rightly focused on expanding the U.S.-led coalition to defeat ISIS and on finding a way to assist our allies in providing safe haven to some of the millions of refugees fleeing terror and chaos abroad. Sadly, we are also distracted by a Republican Presidential primary in which a leading candidate has cast aside the Constitution in favor of incendiary rhetoric. That is why I rise today to make sure we remain focused on one of America's most important challenges to the United States and our key allies, including, centrally, Israel, which is enforcing the terms of the nuclear deal with Iran.

On September 1, after a long study and real reflection and significant debate, I ultimately announced my support for the Joint Comprehensive Plan of Action, or the JCPOA, also known as the Iran nuclear agreement. Just over a week later, the review period ended and Congress failed to reject the deal, so it moved forward. The agreement took effect a month and a half later on October 18, known as adoption day,

when Iran agreed to give the International Atomic Energy Agency, or IAEA, dramatically expanded inspection and verification powers. We are now 3 months into the JCPOA, and I want to take this opportunity today to assess areas where the Obama administration and our international partners have done well over the past 3 months and to highlight areas where we must do more.

Since adoption day, we have seen some progress and some real setbacks on implementing the terms of the deal.

First the positives, and there are some. Iran has begun to reconfigure its plutonium nuclear reactor at Arak so it can no longer produce materials necessary for a nuclear weapon. The government has also started to dismantle its enrichment centrifuges and its infrastructure that would have enabled it to use uranium as a nuclear weapon in the short term. The IAEA has also continued to make preparations to monitor and verify the deal and to increase its number of inspectors on the ground, to deploy modern technologies to monitor Iran's declared nuclear facilities, and to set up a comprehensive oversight program of Iran's centrifuge manufacturing facilities and its entire nuclear fuel cycle, from uranium mines, to mills, to enrichment facilities.

These steps are promising, but by no means do they tell the complete story of Iran's bad behavior since this deal was reached, nor do these few positive steps indicate that implementing the terms of this deal going forward will be anything less than exceptionally difficult. In fact, not only will enforcement of this deal be incredibly tricky, but I believe how effectively and aggressively we enforce the JCPOA in these early months and years will set the table for how we respond when Iran commits violations later. Whether we respond now when Iran commits minor violations around the boundaries of the nuclear deal will send a critical message to our allies and adversaries alike.

I am confident that the actions taken by the United States and our allies to counter and restrain Iran and the Middle East, especially in these early months of the deal, will profoundly impact Iran's behavior going forward.

That brings me to less positive news. When I announced my support for the JCPOA last September, I made it clear that it was based on a deep suspicion of Iran, an inherent distrust of their intentions, and a clear-eyed commitment to aggressively oversee and enforce the terms of the deal.

My concerns proved justified on October 22 when Iran concluded a ballistic missile test in clear violation of U.N. Security Council Resolution 1929. Those unlawful tests came just days after adoption day under the JCPOA. Last week, before the U.N. Security Council could finish their investigations and take any concrete actions, we heard reports of a second Iranian ballistic missile test on November 21.

I fear the Iranians are taking action after action in this area and others to