United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 113th CONGRESS, FIRST SESSION

Vol. 159 WASHINGTON, MONDAY, MAY 6, 2013 No. 62

Senate

The Senate met at 2 p.m. and was called to order by the President pro tempore (Mr. LEAHY).

PRAYER

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

Let us pray.

Our Father, far from the world, we come to You in prayer, boldly entering Your throne room to be blessed by Your sweet presence. Thank You for the calm retreat of fellowship with You.

Thank You for our lawmakers. Continue to inspire and sustain them, as Your wisdom illuminates their path. May they be faithful in their service to this Nation and to you. Lord, dwell in this Chamber and in their minds so that they will think Your thoughts and discover Your solutions.

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 PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader remarks the Senate will be in morning business until 5:30 p.m.

Today at 5:30 p.m. the Senate will resume consideration of S. 743, the Marketplace Fairness Act. There will be two rollcall votes in order to complete action on that bill. The filing deadline for all second-degree amendments to S. 743 is 4 p.m. today.

I have been told, and staff has indicated to me, that we believe there will be an agreement that we will not have to have the vote this evening on the water resources bill; that we can just move to it sometime tomorrow. Otherwise, if we can't work that out, there will be a third rollcall vote on the motion to invoke cloture on the motion to proceed to the Water Resources Development Act.

THE BUDGET

Mr. REID. Mr. President, for 38 straight months private sector companies have added new jobs and put Americans back to work, 7 million Americans in all. They have done it in spite of economic policies that hampered growth—harsh austerity policies Republicans have forced on the economy for the last 2 years. Yet the Dow Jones Industrial Average and the other indicators hit an all-time high last week and the manufacturing sector remains strong.

While the economy isn't back to full strength, and that certainly is the truth, last week's job report shows we have made remarkable progress in 3 years. But just imagine how strong job growth could have been if Republicans had not insisted on round after round of meat axe budget cuts that undercut economic expansion.

Every expert, every respected economist says the best way to encourage a recovery, the best way to create jobs is with targeted investments and balanced deficit reduction. The most responsible way to reduce our deficit is to get away from short-term fixes, last-minute negotiations and, instead, pursue a responsible budget process. We can't begin to find common ground if we never get to the negotiating table. That is why again today I will ask unanimous consent to go to conference with the House on the budget, the budget that we passed.

For 2 years my Republican colleagues have complained the Senate had not passed a budget resolution, even though we had enacted a budget with the force of law and signed by President Obama. Remember, a budget resolution is just an inter-Congress matter. It doesn't have anything to do with the President. He doesn't have to sign that, but we enacted a budget with the force of law and signed by President Obama.

The Republicans complained and complained: Why didn't we do a budget resolution? We had something much better than a budget resolution, but for 2 years Republicans longed for the days of regular order. We know because they told us so. They wanted amendments; we gave them amendments. They wanted bills to go through committee; they got bills reported out of committees. Republicans were desperate for the Senate to vote on a budget resolution that would set spending priorities for the fiscal year. They got them. We passed a budget resolution under regular order, complete with a late-night budget vote-arama that lasted until 5 a.m. that included more than 100 individual votes. Still, the House has refused to go to conference with us. Since they got what they claimed they wanted, their interest in regular order has not just waned, it disappeared.

They don't want to go to conference as we would under the regular order—that they said they wanted. They don't even want to name conferees. We tried to get that out of this body.

The ranking Republican on the Senate Budget Committee admitted these stall tactics were an effort to provide political cover for his colleagues in the House. This is what he said:

There are difficulties in the fact that we haven't been able to have any understanding on how this conference might work and what prospects we have for success might be. I think it's possible that we could succeed, but at this point we're not close enough to anticipate a successful conference and that presents complications for the House.

Can you imagine? They don't have any understanding how this conference might work. Well, probably one of the

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

reasons he doesn't have an understanding of how a conference works is because they have stopped us from going to conference on virtually everything.

He also says: We don't know what the prospects are for success. That is what conference is all about. The Senate passes a bill, the House passes a bill, and we sit down and try to work it out.

He said:

I think it's possible that we could succeed, but at this point we're not close enough to anticipate a successful conference, and that presents complications for the House.

We are the United States Senate, not the United States House of Representatives. We should do our business and not be worried about the tea party-driven House of Representatives. The budget process is the only way to work through our differences without bringing the country to the brink of another artificial crisis. To accelerate job growth and reduce the deficit without harming the economy, we have to make important and smart spending cuts, while asking the most fortunate among us to do a little better, contribute a little more.

The arbitrary across-the-board cuts of the so-called sequester do just the exact opposite. The sequester uses a meat cleaver where a scalpel is needed. The sequester cuts were designed to be too painful—so painful they would force the supercommittee to reach a bipartisan compromise. We all remember what happened there. Republicans refused to allow one penny of revenue. When they did that, they insisted on a cuts-only approach. They ensured the sequester would kick in.

Eliminating sequester is part of a larger challenge: to set sound long-term fiscal policy through the regular order of the budget process, which they said they wanted—they, the Republicans. Now they have walked away from it. That will take cooperation. Remember, Democrats and Republicans voted for these arbitrary cuts, and Democrats and Republicans will have to work together to reverse them.

Why are my Republican colleagues so afraid? We know the two sides will not agree on every aspect of the budget. We know finding common ground will not be easy.

We can get it done. We used to do it until we have been stopped from doing everything by a tea party-driven House of Representatives and the strongly influenced Republicans in the Senate by the tea party. Republicans believe in one set of principles for how the government should spend money and how it should save money.

Democrats have very different principles. Republicans would lower taxes for the rich while the middle class foots the bill. Democrats would ask the wealthiest individuals and corporations to contribute a little more to reduce the deficit. Republicans would turn Medicaid into a voucher program, in effect doing away with Medicaid as we know it.

Democrats would preserve and protect Medicare for future generations. Republicans would use more harsh austerity to reduce the deficit. Democrats would adopt a balanced approach that couples smart spending cuts with new revenue from closing loopholes.

Remember, we have already cut more than $2.5 trillion from the debt. We have our differences, but Democrats aren't afraid to work out those differences. We are ready to go to conference to begin the difficult work of compromise.

If this Congress is serious about reducing the deficit and protecting the economy, we need to go to work now, not wait until this minor impasse—and that is what it is—turns into another major manufactured crisis, which the House loves to send to us at the last minute.

UNANIMOUS CONSENT REQUEST—H. CON. RES. 25

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to the consideration of Calendar No. 33, H. Con. Res. 25; that all after the enacting clause be stricken; that the amendment, which is at the desk, the text of S. Con. Res. 8, the budget resolution passed by the Senate, be inserted in lieu thereof; that H. Con. Res. 25, as amended, be agreed to; the motion to reconsider be considered made and laid upon the table; that the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses, and the chair be authorized to appoint conferees on the part of the Senate, all with no intervening action or debate.

I have just been informed that there is no one from the Republican side to object to this, so I will renew this. I want everyone put on notice that we are going to ask that we follow regular order, which the Republicans have been whining about for 2 years. That is what we want to do, and that is what this consent is all about.

I would withdraw this request until the Republicans show up to object.

The PRESIDING OFFICER (Mr. KAINE). The unanimous consent request is withdrawn.

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 5:30 p.m., with Senators permitted to speak therein for up to 10 minutes each.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

MARKETPLACE FAIRNESS ACT

Mr. ENZI. Mr. President, I rise today to urge my colleagues to vote for the Marketplace Fairness Act in just over an hour or so from now. I have said many times over the past few weeks—and, in fact, I have been saying it for the past 12 years as I have worked on this issue, but it is worth repeating—this bill is about fairness. It is about leveling the playing field between the brick and mortar and online companies and it is about collecting a tax that is already due. It is not about raising taxes, taxing the Internet, or taxing Internet access.

This bill in general, and this bill in particular, has grabbed the attention of Members of the Senate and their constituents back home. Unfortunately, the misinformation that is being disseminated by many has added confusion and anxiety about what the bill does and does not do. For example, the Americans For Tax Reform sent me a detailed letter last week asking many questions. It appears the letter was not meant to find resolution or a path forward with this issue but ultimately to confuse my colleagues prior to tonight's vote. Senator ALEXANDER and I responded to the 16 questions in order to provide clarity for the organization and its members.

Mr. President, I ask unanimous consent to have printed in the RECORD the two letters to which I just referred.

There being no objection, the material was ordered to be printed in the RECORD as follows:

AMERICANS FOR TAX REFORM,
Washington, DC, May 2, 2013.

Hon. MIKE ENZI,
Senate Russell Office Building, Washington, DC.

DEAR SENATOR ENZI: We believe that there are a number of unanswered questions concerning the Marketplace Fairness Act that remain troubling to taxpayers. We would appreciate your leadership in answering the following questions regarding the legislation as it stands and the recent manager's amendment that you filed to S. 743, the Marketplace Fairness Act.

1) What measures protect businesses from tax audits, court proceedings and penalties like tax liens imposed on a business by state departments of revenue where the business has no physical presence? How will businessmen and women be protected over time from politicians in a different state that they cannot vote for or against? Is there a danger of establishing taxation without representation?

2) Does the bill prevent double taxation by removing the Use Tax? If states still have a Use Tax law on the books what provisions of MFA prevent states from charging Use Tax in addition to sales tax?

3) Can states audit remote sellers for customer data and then retroactively (i.e., prior

to the enactment) audit citizens for ''unpaid'' Use Taxes? Some states, such as California, can perform audits reaching back six years. Can states ask remote sellers for historical customer purchasing data and then audit citizens based on this data?

4) While the legislation says that it does not break physical nexus requirements for other types of taxation, some states have ''privilege'' taxes already in law. Some of these privilege taxes require enaction of MFA as written to enforce ''privilege'' tax collections. For example Michigan law states:

''there shall be collected from all persons engaged in the business of making sales at retail, by which ownership of tangible personal property is transferred for consideration, an annual tax for the privilege of engaging in that business equal to 6% of the gross proceeds of the business, plus the penalty and interest if applicable . . .''

Is there anything in MFA that prevents this type of application of MFA collection standards?

5) If states do not conform with MFA requirements or basic simplification requirements, does Section 6 of the MFA permit them to continue to expand ''nexus definition'' laws? Can California collect tax based on economic nexus laws? Can New York collect based on affiliate nexus laws? Could Oklahoma expand its reporting requirement laws across its borders?

6) Why are tribal lands now included as ''states'' in the manager's amendment? Why were tribal lands not included in the original bill? Have any of the tribes agreed to the same rules the states have, or asked to be included?

7) During the floor debate, there were many questions on how the MFA would apply to sellers based in other countries. What is the enforcement process for overseas sellers with no presence in the United States? Are they required to comply with state tax collection duties? Under MFA, do states have the ability to bring enforcement actions against overseas businesses that are selling remotely into the state?

8) Does the MFA protect the small sellers, who would be eligible for the small seller exemption, from states that exercise their Section 6 discretion to expand their tax collection authority through nexus definitions?

9) While the minimum simplification requirements preclude the Streamlined Sales Tax Agreement (SSUTA), if states make changes to the SSUTA after the enaction of MFA do those changes become law?

10) Included in the manager's amendment is language that clarifies that a state may not impose requirements on remote sellers that they do not impose on non-remote sellers. Currently, many states give special state sales tax deals for businesses with in-state presence, while offering remote sellers no such deal. Since this practice is giving preferential treatment to in-state sellers in relation to the collection and remittance of sales taxes, will this be prohibited under MFA. Will there be any limitation on states giving special sales tax breaks to large in-state businesses while forcing strictly out-of-state businesses with no presence to comply?

11) Under SSUTA states agreed that sales price was the cost that a consumer actually paid for an item. However, Nebraska wants to claim that ''sales price'' is the gross price before discounts and coupons, thereby charging the business tax on retail value rather than amount paid (Think discounts from Groupon or Living Social. If the retail cost is $75, but the discount makes it $25, Nebraska would want to collect sales tax on the $75 rather than the amount actually paid, which was $25). Is there anything in the MFA that prevents this type of excessive taxation from occurring in Nebraska or other states? From what we understand the minimum requirements of MFA do not prevent this type of theoretical taxing from occurring.

12) How could MFA requirements affect the financial services sector? Will financial products that are sold over the Internet, like portfolio management services, credit reporting service apps, or insurance service fall under MFA taxation authority?

13) Home-schooling parents meet at state, regional, and national gatherings in part to sell used textbooks and related products that their children have completed. If these transactions are conducted online through an aggregation site, would the transactions be subject to the MFA small-seller exemption in states that exercise their Section 6 discretion to expand their tax collection authority through nexus definitions?

14) How will the MFA affect digital goods and services? Without a clear structure for digital goods taxation, these types of goods could fall under multiple taxation schemes. Does the MFA protect digital goods from multiple taxation?

15) In terms of digital goods, like apps and music, who is responsible for remitting the sales tax: the vendor, an app store or sales platform, or the creator of the digital good?

16) Some states, like Maryland have different sales tax rules for goods that are priced under one dollar. For example:

Effective January 3, 2008, the Maryland sales and use tax rate is 6 percent, as follows:

1 cent on each sale where the taxable price is 20 cents.

2 cents if the taxable price is at least 21 cents but less than 34 cents.

3 cents if the taxable price is at least 34 cents but less than 51 cents.

4 cents if the taxable price is at least 51 cents but less that 67 cents.

5 cents if the taxable price is at least 67 cents but less than 84 cents.

6 cents if the taxable price is at least 84 cents.

On each sale where the taxable price exceeds $1.00, the tax is 6 cents on each exact dollar plus:

1 cent if the excess over an exact dollar is at least 1 cent but less than 17 cents.

2 cents if the excess over an exact dollar is at least 17 cents but less than 34 cents.

3 cents if the excess over an exact dollar is at least 34 cents but less than 51 cents.

4 cents if the excess over an exact dollar is at least 51 cents but less than 67 cents.

5 cents if the excess over an exact dollar is at least 67 cents but less than 84 cents.

6 cents if the excess over an exact dollar is at least 84 cents.

If Maryland, or states wishing to follow suit, do not comply with SSTP or the minimum simplification requirements included in MFA, can they tax low-cost goods in this way? This applies in particular to digital goods like apps and songs. Does the MFA require simple, flat taxes for low cost and digital goods?

Thank you in advance for your consideration and response to our concerns. I look forward to working with you to address these issues and ensure no legislation is passed that harms taxpayers nationwide. If you have any questions or concerns while responding to this letter, please have your staff contact Katie McAuliffe.

Onward,

GROVER G. NORQUIST.

U.S. SENATE,
Washington, DC, May 4, 2013.

MR. GROVER NORQUIST,
Americans for Tax Reform
12th Street, NW., Washington, DC.

DEAR MR. NORQUIST, We appreciate your direct interest in better understanding the Marketplace Fairness Act, and we welcome the opportunity to respond to the questions outlined in your May 2nd letter. Below are answers to your questions regarding S. 743, the Marketplace Fairness Act, and the perfecting amendment filed last week.

1) What measures protect businesses from tax audits, court proceedings and penalties like tax liens imposed on a business by state departments of revenue where the business has no physical presence? How will businessmen and women be protected over time from politicians in a different state that they cannot vote for or against? Is there a danger of establishing taxation without representation?

The Marketplace Fairness Act (MFA) includes many significant benefits for remote sellers, including limits on audits, critical liability protection, and tax and administrative simplification. It is also important to remember that the sales tax is imposed on the consumer by the state where they reside, so that is the ultimate check against excessive taxation. Because the tax is imposed on the consumer, there is no danger of taxation without representation.

2) Does the bill prevent double taxation by removing the Use Tax? If states still have a Use Tax law on the books what provisions of MFA prevent states from charging Use Tax in addition to sales tax?

There is not double taxation between a sales tax and a use tax. A Sales tax is imposed by states on applicable transactions. A use tax only applies if the sales tax is not collected or imposed.

3) Can states audit remote sellers for customer data and then retroactively (i.e., prior to the enactment) audit citizens for ''unpaid'' Use Taxes? Some states, such as California, can perform audits reaching back six years. Can states ask remote sellers for historical customer purchasing data and then audit citizens based on this data?

No. The authority provided by the MFA is prospective and builds in considerable ''waiting periods'' before states can exercise collection authority after they have adopted the minimum simplification requirements.

4) While the legislation says that it does not break physical nexus requirements for other types of taxation, some states have ''privilege'' taxes already in law. Some of these privilege taxes require enaction of MFA as written to enforce ''privilege'' tax collections. For example Michigan law states:

''there shall be collected from all persons engaged in the business of making sales at retail, by which ownership of tangible personal property is transferred for consideration, an annual tax for the privilege of engaging in that business equal to 6% of the gross proceeds of the business, plus the penalty and interest if applicable . . .''

Is there anything in MFA that prevents this type of application of MFA collection standards?

Sales and use taxes are often called by different names, such as the general excise tax in Hawaii, the gross receipts tax in New Mexico or the transaction privilege tax in Arizona. All of these taxes are sales and use taxes, where the retailer is authorized (and in most cases required) to collect the tax directly from the consumer and to identify the tax on the consumer's invoice or receipt.

5) If states do not conform with the MFA requirements or basic simplification requirements, does Section 6 of the MFA permit them to continue to expand ''nexus definition'' laws? Can California collect tax based on economic nexus laws? Can New York collect based on affiliate nexus laws? Could Oklahoma expand its reporting requirement laws across its borders?

Section 6 does not alter nexus standards, as interpreted by the Supreme Court. The

Supreme Court has declined to extend the ''physical presence'' standard beyond sales taxes, and it has not taken any cases to clarify the constitutionality of ''economic nexus'' laws. Other Supreme Court decisions, such as Scripto and Tyler Pipe, have made clear that in regard to sales tax, affiliates and independent contractors can create physical presence for sales tax collection purposes. The MFA addresses these problems by setting specific standards for states who wish to require remote sellers to collect state sales taxes.

6) Why are tribal lands now included as ''states'' in the manager's amendment? Why were tribal lands not included in the original bill? Have any of the tribes agreed to the same rules the states have, or asked to be included?

Tribal governments are required to meet the same conditions as states choosing to participate. Tribal governments were included in earlier versions of this legislation, and they requested that they also be given the ability to collect sales taxes if they choose to exercise the authority granted by this legislation.

7) During the floor debate, there were many questions on how the MFA would apply to sellers based in other countries. What is the enforcement process for overseas sellers with no presence in the United States? Are they required to comply with state tax collection duties? Under MFA, do states have the ability to bring enforcement actions against overseas businesses that are selling remotely into the state?

States currently enforce collection of state taxes against foreign businesses with no physical presence in the United States, and have a number of methods to compel collection by foreign sellers including liens, levies and seizure of assets. The MA treats foreign corporations the same as it does domestic corporations. All online retailers that make over $1 million in remote sales, regardless of where the retailer is located, must collect and remit sales tax to states that require it.

8) Does the MFA protect the small sellers, who would be eligible for the small seller exemption, from states that exercise their Section 6 discretion to expand their tax collection authority through nexus definitions?

The MFA does not alter nexus standards, as interpreted by the Supreme Court.

9) While the minimum simplification requirements preclude the Streamlined Sales Tax Agreement (SSUTA), if states make changes to the SSUTA after the enaction of MFA, do those changes become law?

The MFA does not ''preclude'' the SSUTA, and changes to the SSUTA have no force of law because any changes to the agreement must be enacted by individual states and their legislatures. The MFA recognizes that the SSUTA already incorporates the simplifications and protections embodied within the MFA. Thus, states that have already enacted laws to comply with SSUTA are granted authority by the MFA to require remote sellers to collect tax. The MFA also ensures that future changes to the SSUTA meet the simplifications and protections provided in the MFA.

10) Included in the manager's amendment is language that clarifies that a state may not impose requirements on remote sellers that they do not impose on non-remote sellers. Currently, many states give special state sales tax deals for businesses with in-state presence, while offering remote sellers no such deal. Since this practice is giving preferential treatment to in-state sellers in relation to the collection and remittance of sales taxes, will this be prohibited under MFA? Will there be any limitation on states giving special sales tax breaks to large in-state businesses while forcing strictly out-of-state businesses with no presence to comply?

The MFA does not dictate to the states how they structure their state tax systems; to do so would be a fundamental violation of state sovereignty and the constitutional framework of our government embodied by the 10th Amendment. The MFA simply grants states the authority to enforce state sales tax laws on remote sales.

11) Under SSUTA, states agreed that sales price was the cost that a consumer actually paid for an item. However, Nebraska wants to claim that ''sales price'' is the gross price before discounts and coupons, thereby charging the business tax on retail value rather than amount paid (Think discounts from Groupon or Living Social. If the retail cost is $75, but the discount makes it $25, Nebraska would want to collect sales tax on the $75 rather than the amount actually paid, which was $25). Is there anything in the MFA that prevents this type of excessive taxation from occurring in Nebraska or other states? From what we understand the minimum requirements of MFA do not prevent this type of theoretical taxing from occurring.

The MFA does not dictate to the states how they structure their state tax systems. Residents of Nebraska, not Washington, should determine the appropriate level of state taxation in Nebraska.

12) How could MFA requirements affect the financial services sector? Will financial products that are sold over the Internet, like portfolio management services, credit reporting service apps, or insurance service fall under MFA taxation authority?

The MFA does not affect the financial service sector, and no state imposes a sales tax on financial transactions.

13) Home-schooling parents meet at state, regional, and national gatherings in part to sell used textbooks and related products that their children have completed. If these transactions are conducted online through an aggregation site, would the transactions be subject to the MFA small-seller exemption in states that exercise their Section 6 discretion to expand their tax collection authority through nexus definitions?

The small seller exemption applies to all remote sellers, and no discretion is given to states with respect to the amount of the small seller exemption. The term ''remote seller'' is defined in the bill and means a person that makes remote sales. Only individual remote sellers who make more than $1 million in remote sales each year can be required to collect state sales taxes.

14) How will the MFA affect digital goods and services? Without a clear structure for digital goods taxation, these types of goods could fall under multiple taxation schemes. Does the MFA protect digital goods from multiple taxation?

The MFA does not affect the taxability of goods, digital or otherwise.

15) In terms of digital goods, like apps and music, who is responsible for remitting the sales tax: the vendor, an app store or sales platform, or the creator of the digital good?

The person responsible for remitting sales tax is exactly the same under the MFA as it is under current state law. The question under state law remains as it always has: who is making the ''sale'' as defined in state law? The party making the ''sale'' first collects and then remits the tax.

16) Some states, like Maryland have different sales tax rules for goods that are priced under one dollar. For example:

Effective January 3, 2008, the Maryland sales and use tax rate is 6 percent, as follows:

1 cent on each sale where the taxable price is 20 cents.

2 cents if the taxable price is at least 21 cents but less than 34 cents.

3 cents if the taxable price is at least 34 cents but less than 51 cents.

4 cents if the taxable price is at least 51 cents but less that 67 cents.

5 cents if the taxable price is at least 67 cents but less than 84 cents.

6 cents if the taxable price is at least 84 cents.

On each sale where the taxable price exceeds $1.00, the tax is 6 cents on each exact dollar plus:

1 cent if the excess over an exact dollar is at least 1 cent but less than 17 cents.

2 cents if the excess over an exact dollar is at least 17 cents but less than 34 cents.

3 cents if the excess over an exact dollar is at least 34 cents but less than 51 cents.

4 cents if the excess over an exact dollar is at least 51 cents but less than 67 cents.

5 cents if the excess over an exact dollar is at least 67 cents but less than 84 cents.

6 cents if the excess over an exact dollar is at least 84 cents.

If Maryland, or states wishing to follow suit, do not comply with SSTP or the minimum simplification requirements included in MFA, can they tax low-cost goods in this way? This applies in particular to digital goods like apps and songs. Does the MFA require simple, flat taxes for low cost and digital goods?

The MFA does not require states to adopt the SSUTA. In fact, the legislation does not require states to do anything. However, states must adhere to the simplifications and protections provided in the MFA if they choose to simplify their tax systems and require remote sellers to collect state taxes.

The table reproduced above is an if/then statement of the kind that computers have been able to process for decades. In other words, this apparently complicated rounding method isn't complicated at all for computers to process.

Thank you for giving us the opportunity to respond to your questions. We look forward to working with you to address these issues as we move forward with the enactment of the Marketplace Fairness Act.

Sincerely,

MICHAEL B. ENZI,
U.S. Senate.
LAMAR ALEXANDER,
U.S. Senate.

Mr. ENZI. I would encourage everyone to read the bill. It is short—11 pages. You don't see many like this. You can see through that; right? It is a bill you can read from beginning to end and you can understand what it does, which is very unusual for Washington. It is not like a lot of bills that simply make changes to other bills and require you get hold of those other bills and read them to figure out what is going on. This bill is straightforward.

If a State meets the simplification requirements outlined in the bill, it may choose to require collection of sales taxes that are already due. Congress is not forcing States to do anything. And if States do act, they are collecting taxes already due by consumers—folks such as you and me.

One of the issues that received much attention while debating this bill the past few weeks is the issue on audits. There is some concern small businesses will be subjected to onerous and time-consuming audits by State and local governments if those governments start requiring they collect sales taxes on these remote sales. It is critical to keep in mind that sellers that have under $1 million in remote sales in 1 year are not required to collect and

would not be subject to an audit from any out-of-State government.

In order to obtain authority to require remote sellers to collect, and therefore even have the potential of being audited by remote governments, States either must join the Streamlined Sales Tax and Use Agreement—and I will refer to that as the Streamlined States—or they can simplify their tax structure by creating a single entity within the State responsible for all State and local taxes and use tax administration and audits; establishing a single audit statewide; limiting collection to a uniform State and local tax base; allowing a single sales and use tax return; and providing the program to figure the tax with no liability to the retailer and, therefore, no need for an audit.

For States that join the Streamlined Sales Tax and Use Agreement, a remote business would only be subject to a single audit for participating streamlined States, eliminating the possibility of audits by local governments and the probability of an audit.

For States that do not join the streamlined States but choose to participate in the alternative simplification system outlined in the bill, a business would also be limited to a single audit, per State, per year.

Practically speaking, there is no possibility that streamlined States or nonstreamlined States would ever be able to perform significant audits of remote sellers.

Today, the States audit less than 1 percent of retailers inside their borders. Auditing remote sellers would require additional resources and travel and is simply not a realistic possibility.

For audits that are performed under the new system, the Marketplace Fairness Act demands that States adopt uniform audit procedures which would simplify and reduce business administrative expenses.

Sellers who use the certified sales tax administration software would either not be audited or would have limited scope audits to determine that the software was properly installed.

In addition to the audit protection the Marketplace Fairness Act provides, participating States are required to establish and maintain an accessible database of geographically based tax rates and tax base information to make it easier for remote sellers to collect taxes. These states are also required to hold those sellers harmless for errors in the database.

Compared to today's sales tax administration, where sellers are expected to research and comply with tax rate and tax base information and to understand jurisdictional boundaries without help from the state and local governments, the Marketplace Fairness Act dramatically reduces administrative burden and audit risk.

Some opposed to this bill go so far as to say that this potential overreach of State and local governments will lead to taxation without representation. The Marketplace Fairness Act includes significant benefits for remote sellers, including limits on audits, liability protections, and tax and administrative simplification. The tax is imposed on the consumer by the State where they reside pursuant to tax rates and a tax base established by the State and local governments. This serves as the ultimate check on excessive taxation. Because this tax is imposed on the consumer, there is no danger of taxation without representation.

Another concern raised by a few of my colleagues is that businesses will leave the United States, set up shop outside our borders, and sell into the United States, presumably only because of a sales tax collection requirement. It is important to note that States currently enforce collection of State taxes against foreign businesses with no physical presence in the United States, and have a number of methods to compel collection by foreign sellers, including liens, levies, and seizure of assets. The Marketplace Fairness Act treats foreign corporations the same as it does domestic corporations. All online retailers that make over $1 million in remote sales, regardless of where the retailer is located, must collect and remit sales tax to States that require it.

I would say this. No one works on a bill such as this, works on it 12 years, as a popularity contest. You have to be doing what is right. I have listened to the people, talked to the people, and know this is something that is going to be necessary to keep Main Street in business so people will have the ability to go to the store and make a selection and try the goods, feel the goods, and know it is right and that retailer is not going to have to worry about the person using their iPhone to get the barcode and order it from somebody else because of a sales tax difference. That is what will keep Main Street viable and the downtowns making it look like there is a growing community.

In conclusion, I thank everyone associated with this bill for their hard work and efforts in getting us to this point. I thank Senators ALEXANDER, DURBIN, and HEITKAMP for their unwavering support of this bill and moving it forward in the Senate. I thank all of the cosponsors of the bill. I very much appreciate their support. I thank all the businesses, the trade groups, the constituents who provided constructive feedback as we have attempted to address, as best we can, all the concerns that have been raised.

I thank all of the staff who have worked on this issue—on my staff, my legislative director Randi Reid. She has worked on this as long as I have. She is probably, on the Hill if not the country, the expert on marketplace fairness or any of the other titles this kind of bill may have had.

I also thank my tax counsel, Eric Oman; Corey Tellez, Beth Cook, Dena Morris, Reema Dodin, MJ Kenny; Ben Garmisa on Senator DURBIN's Staff; Allison Martin, Michael Merrell, and David Cleary on Senator ALEXANDER's staff; Jillian Fitzpatrick on Senator HEITKAMP's staff; and all of the staffs of the bill's cosponsors and all of the people in offices that have been taken into the process so we could get the process to work. It is always a team effort, and it takes more than ones who are just leading the effort. I know there are an immeasurable number of hours they have put in on this issue and I thank all of them for their hard work.

I look forward to continuing to work with my House colleagues, Congressman WOMACK, Congresswoman SPEIER, Congressman CONYERS, and Congressman WELCH, as they push forward to the House passage of the Marketplace Fairness Act.

I also thank Senator DURBIN for all of his energy on this bill, the perspective he was able to bring to the bill and his tremendous ability to communicate the issues. I thank Senator ALEXANDER. We were working on a much bigger bill until Senator ALEXANDER lent some expertise to make this a much simpler one, one that is completely readable and only 11 pages.

I think that covers most of the objections. There will be some from the States that do not charge a sales tax at all because if their businesses exceed $1 million in on-line sales, then they will have to. If they sell into States that collect the sales tax, they would have to participate in the collection of that.

As we push forward with House passage of the Marketplace Fairness Act and as we finish in the Senate tonight, as I am confident we will, I thank all who are participating in it, particularly the people of courage.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, today the Senate is voting on whether to take a few more inches off the little guy. I say that because we can tell what this debate is all about by looking at the morning newspaper. All over those newspapers we saw ads taken out by some of the biggest businesses in the country. It is pretty easy to see why. It is because with this vote for the so-called Marketplace Fairness Act, what we have is big businesses being given the ability to force—force, mind you—new regulations onto the startups, onto the small businesses. That is what this bill has always been about.

The big businesses have physical presence. They already pay taxes. The people whom we have said we care about, for the last 15 years, are the startups, the people who are just trying to get off the ground, who have the dream of one day being big. With this proposal that we will vote on in an hour, I fear what we are going to do is crush a lot of those startups, a lot of those small businesses, because not only will they have new regulations,

those small businesses will have new legal regimes, new audits by out-of-State regulators, new legislators, new Governors, new court systems, new accountants, new software, new consultants, and new lawyers. What I hope we will do is ensure, as this process goes forward, that we truly think through the implications of what is being done because on every count it is coercive and discriminatory in nature. It, in fact, gives a leg up to foreign retailers. It, in effect, repudiates a lot of what we have done over the last 15 years to build a sensible policy that will ensure what I call prosperity for both bricks and clicks.

I am sure that is what the Presiding Officer of the Senate wants. It is what we want in Oregon. We want our brick-and-mortar stores to prosper. We want our online stores to prosper. What this bill does is it precipitously overturns the law of the land, the law of the land upheld by the Supreme Court. It would, in unprecedented fashion, stipulate that State and local governments have taxing authorities over businesses that are located thousands and thousands of miles away.

The sponsors are quick to point out that the Court allowed that Congress could enact this sort of extraterritorial taxation. But as the Senate has seen again and again, just because government can doesn't mean government should.

We are going to continue this debate. It will not be done today. One of the central discussion points in this debate going forward will be the damage this bill, in its present form, does to the idea of State sovereignty. Proponents of the bill say the measure is about promoting States rights, but the reality is it is a coercive affront to State sovereignty. If any State does not wish to subject their business to out-of-State government tax collectors, the MFA tells them in effect: Get lost. The MFA enables the State of Indiana or the State of South Dakota to require online businesses located in New Hampshire to collect sales taxes on their behalf. I will repeat that. This so-called Marketplace Fairness Act could require New Hampshire, a State that does not have a sales tax—require New Hampshire businesses to collect sales taxes for goods and services provided to consumers in Indiana and South Dakota and send that money to those States. It enables California and New York to collect taxes from businesses located in Florida or Texas.

Finally, since I know we are in morning business, I think this steers the Internet toward a dangerous path. It would, in effect, endorse the notion that Internet entities should be required to enforce laws outside their home jurisdiction. Foreign countries have long pressed that notion. Foreign countries have specifically pushed that notion, that the Internet ought to cede to their control. As it is already, many countries are seeking to put the United Nations in charge of the Internet's regulator-in-chief, and essentially, if we look at the philosophical foundation of this proposal, it endorses that world view.

The Senate is being asked to consider schemes to allow States and localities to essentially nationalize their taxes, but tomorrow the Senate may be asked to consider similar schemes to enforce law and regulations. I will tell you what truly concerns me about this is it could be laws and regulations about content and other issues that are important to the powerful and well-connected. Make no mistake about it, that is who is pushing this bill today.

Open those morning newspapers and it was not the little guy, the person who does not have PACs and big political committees who was buying ads in the morning newspapers, it was the powerful and the well-connected. It seems to me the last thing this body should do is jeopardize the democratizing power of the Internet and technology through legislation such as this.

I believe the substance of this bill is deeply flawed. I know there have been efforts to improve it.

I see my colleague from Illinois. He wanted to take the bill I wrote years ago, the Internet tax freedom legislation, along with colleagues from both sides of the aisle, and he wanted to put it into this bill. The Internet Tax Freedom Act runs contrary to this bill because this bill allows discrimination.

It specifically allows online retailers to do things that would not be required for offline retailers. The offline retailer doesn't have to chase somebody across the country and try to figure out where they are going to consume a particular product. We ask for things from online retailers that we do not ask from offline retailers.

I understand why the Senator from Illinois wanted to take a bill that has been a big success for both bricks-and-clicks retailers and put it into this bill. In effect, I compared it to trying to dump sugar into a very bitter cup of coffee.

We cannot get healthy with this bill in its present form. It is a deeply flawed piece of legislation. This debate is going to continue.

I urge colleagues to vote no on the bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. I thank my friend and colleague from Oregon for coming to the floor and stating his position on the bill. For those who follow the Senate, we are about to see something that is historic, precedent setting, and nothing short of remarkable in an hour and a half. The Senate is actually going to vote on a bill.

Those who are watching this program on C–SPAN or from galleries may actually see 100 Senators—or close to that number—come to the floor, vote, and perhaps there will be a bipartisan majority supporting the bill. At least that is my hope.

I have joined with Senator ENZI, a Republican from Wyoming; Senator ALEXANDER, a Republican from Tennessee; and Senator HEITKAMP, a Democrat from North Dakota, in a bipartisan effort to solve a problem. It was a problem not out of our creation, it was a problem that came about because commerce has changed in the United States.

Twenty years ago the State of North Dakota went to the Supreme Court and said: We want to collect sales tax from remote sellers. Twenty years ago these were mainly catalog sales. It would give a company that made a catalog sale in the State of North Dakota the ability to collect sales tax.

Nearly 21 years ago the Supreme Court—across the street—said in the Quill decision: We are not going to rule this from the Court. It is up to Congress to write the law.

Well, in lightning-fast speed—the kind of reaction we have come to expect—21 years later, here we are actually debating the bill. We may actually vote on it in an hour and a half.

What is it all about? It is about the way commerce has changed in America. Let's think about it. When did anyone here first make an Internet purchase? Virtually all of us have. I remember doing it and saying: I wonder how this is going to work. They are going to take it off my credit card, I am going to receive this in the mail or UPS will deliver this book from Amazon. Well, it worked out pretty nicely, so I did it again. I bought clothes from Lands End, along with some other things, and pretty soon I am an Internet purchaser.

Well, it turns out there was something going on I didn't know about. In my State of Illinois—and 45 other States—I have a legal obligation to pay sales tax on what I purchase on the Internet. Most people don't know it. It is on the State income tax form, and at the end of the year in Illinois—and many other States—each taxpayer is asked to itemize how much they owe for sales tax to, for instance, the State of Illinois for purchases that were made on the Internet.

A year ago my bookkeeper brought it to my attention and said: Senator, do you want to pay this? I said: I think I should. I started making calculations of what it was. It was my best estimate, and I paid it. It turns out only 5 percent—1 in 20 taxpayers in Illinois—make that payment.

Now repeat that story for 45 States and we will find that so many residents of States—whether it is Maine, Illinois, or California—may have a legal obligation to pay sales tax on their Internet purchases, but they don't do it.

As a result, less money is going into the States, the counties, and the localities that have the sales tax revenue coming their way, but something else has happened that is very significant. The competition of the Internet retailers is a disadvantage.

Unabridged Bookstore is on Broadway in the city of Chicago. It is around

the corner from where my wife and I reside in Chicago. Unabridged is a great bookstore, and I love bookstores. I make a point of going in there. I went in there last Friday, bought a couple of books, and paid my sales tax to the State of Illinois.

As I mentioned earlier, I also buy books on Amazon. Sometimes they collect sales tax and sometimes they don't. It depends on whether the actual seller of the book is a store in Illinois, for example.

So what is the difference? Well, the difference is about 8 or 9 percent on what a purchaser pays for a book. When I bought the book at the store on Broadway—where they are collecting the sales tax as they are required by law, where they pay property tax as they are required by law sustaining the great city of Chicago and all of its services—I paid more than I might have on the Internet.

Here is what this bill says: States can now require the Internet retailers to collect the sales tax at the point of purchase and to remit those proceeds back to the States. So, for example, if Amazon, which supports this bill, sells a book to me in Illinois, they can collect the sales tax and send it to Springfield, the Illinois Department of Revenue. It is just that simple.

As far as the way they collect it, this bill requires that the Internet retailers be given the software they need so when I put in my address either in Chicago or Springfield—I have two places in Illinois—the address is going to identify how much tax is owed. It is not as dramatic and complicated as some on the Senate floor have suggested. In fact, it is done every single day.

What if we don't do it? What we are going to find is that stores that sell books, running shoes, bicycles, and appliances are at a distinct disadvantage. They become showrooms, and they tell a story.

This is a Lacrosse store, and they are going out of business. They sold sporting goods and soccer gear in the suburbs of Chicago. They could not keep up with it anymore because people were coming in and they were showrooming. Potential customers would come into the store and say: I am looking for running shoes, and I cannot decide if it is Nike or Adidas. Can you bring out a few boxes? How about different colors? Let me try a different size. OK. This is perfect. Let me write this down.

Everyone knows what happened next. They walked out of the store, ordered it on the Internet, and paid no sales tax. That is what this store, and many like them, are competing against. We are trying to solve this once and for all, and we have done it in a way I think is fair.

We took a bill that was 80 pages long and turned it into 11 pages so it is simple to follow. We made it easy for the retailers in terms of the software they need to make this collection, and now across the United States there will be a standard which will help a lot of retailers. Sure, it is going to help the biggest ones. I will not make any bones about that. Of course it will. It will help the small ones too such as the Unabridged Bookstore and businesses such as the Lacrosse sporting goods store. They will be helped in the process too. They create jobs. These are entrepreneurs which sustain our communities.

When it comes to things we need in our neighborhood or town, we go to the small stores and ask if they will buy an ad in the church program or support the local baseball team. They are citizens and residents of the community. They are part of the community. This bill is trying to make sure they have a fair and level playing field when it comes to competing. That is what this is all about.

Some may wonder why we have such opposition. The Senator who spoke before me is from the State of Oregon. Oregon is one of five States in the Nation with no State sales tax. For the record, they are Alaska, Oregon, Montana, New Hampshire, and Delaware. Of those five States, four of those States—all eight of those Senators—are actively opposing this bill.

What does it come down to? If this bill passes, will the people of Oregon, who currently have no sales tax, have to collect sales tax from the residents of Oregon? No. Not one penny of sales tax will be imposed on any State where they currently don't have a sales tax. The residents of Oregon will not have to pay sales tax at the counter or over the Internet. It will not apply.

However, the three or four—and there are only three or four companies—Internet retailers in California that want to sell in California, Washington, Maine, and Illinois will be collecting sales tax based on their sales in our States only. That is fair. It doesn't change an Oregonian's sales tax responsibility at all. So for three or four retailers, the argument is being made: Don't change the law.

Just how many Internet retailers are we talking about? We put an exemption in this bill and said: If you had less than $1 million in Internet sales last year, you don't have to collect sales tax this year. What does that $1 million mean? Well, if we set that number at $150,000 instead of $1 million, we would have exempted 99 percent of all the Internet retailers.

What it comes down to is this bill will affect the big boys, such as Amazon and eBay—the big ones. They can certainly—and already do in many instances—collect the sales tax. It does not affect the small Internet retailers, particularly in States that are complaining the most about the passage of this legislation.

I think this is an important measure in terms of leveling the playing field for retailers across America, and it is long overdue. It is bipartisan, and it has the support of the White House. It has the support of the retail community. Stores large and small all across America support this legislation. It has the support of virtually every level of government beyond the Federal level.

All the Governors and mayors in all the different localities—virtually all of them—support it. The labor union supports it as well because money coming back into these States and communities will be used for the good of the people who live there. I don't know about many States, but in my State they are struggling in terms of coming up with enough revenue. This bill will help provide some of the revenue my State needs to deal with some of these problems.

I would like to mention one other issue that was brought up Friday morning by the Wall Street Journal. The Wall Street Journal talked about the number of audits an Internet retailer might face if this bill passes. They suggested—I think improperly in their editorial—that it could be an onslaught of audits. We made it clear—and Senator ENZI said on the floor, as I have—that we are talking about one centralized audit for each State.

It would not be a matter of harassment. At most there would be some 45 audits which these Internet retailers would face. I hope that can be made extremely clear.

I have listened to a lot of speeches on the floor against this measure, and virtually every single one of them has been from a State with no sales tax. My final plea is to the people of Oregon, Montana, New Hampshire, Delaware, and Alaska. If this bill passes, they will not have to pay any new sales tax. This bill creates no new Federal tax and does not create new sales tax anywhere in the United States. It only has a method of collection for those sales taxes that already exist in the States across the Nation.

I hope we can get a good, strong bipartisan vote so we can send it to the House, and I hope they will take it up. It is a timely and important measure. After 21 years I think we have thought it over enough. It is time to act and do something to resolve the issue. This will help small businesses and local governments across America where this revenue will play an important part in their future.

I believe all the speeches I have heard about the value of small business, the value of entrepreneurship, and how important it is to create jobs at the local level. This will be a test vote this afternoon. In fact, we will have a couple of votes. First, there will be the managers' amendment. It is generally an amendment where we look closely and carefully at every single sentence in the bill. We made some slight variations. There were no major changes in the substance of the bill that was originally introduced. However, it is a cleanup amendment, which shows that even with our best efforts, we can improve, and I think that is important. Second, there will be the vote on final passage on the bill.

The last point I want to make is one I expect to hear from my friend from Oregon, Senator WYDEN—and he is my friend. He feels passionately about the Internet, and he should. The Internet has changed America. It has changed the world. It has changed the way we live, the way we research, the way we read books, the way we shop, and so many other things.

Senator WYDEN talks about the virtual issue of the sanctity of the Internet. I could not agree with him more. We have to make sure we preserve some very basic things about the Internet. One of the things we need to preserve is access to the Internet. What if we had to pay a tax every time we went online? That would be awful. So we had an amendment from Senator PRYOR of Arkansas and Senator BLUNT from Missouri which said access to the Internet cannot be taxed. It is called the Internet Freedom Act.

I said put it on here. I agree with that. Let's make it clear that nothing we do here will in any way inhibit a person's access to the Internet.

It is a bill which, frankly, Senator WYDEN had introduced, but because of the nature of this political debate, he objected to our putting an amendment on the bill. I am sure he still supports that bill in principle. This was an effort by us to make it clear that we want to protect access to the Internet and in so doing make sure we also protect something that is fundamental in this country: an opportunity for real competition and a level playing field for all manner of business, large and small, across America.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. 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. ALEXANDER. Mr. President, we have an opportunity to vote today on an important piece of States rights legislation—at least that is the way I look at it as a former Governor of Tennessee.

Here is what the legislation does. It is called the Marketplace Fairness Act. There are many reasons to support it, but the reason I like it is because it gives Governors and legislators the opportunity to decide for themselves whether they can require out-of-State sellers to do the same thing in-state sellers are required to do; that is, to collect the sales tax already owed.

Let me say that again. This legislation is States rights legislation. It allows Governors and legislators in Maine or Tennessee or wherever—Illinois—to decide for themselves whether they want to require out-of-State sellers to do the same thing in-state sellers already do, which is to collect the sales tax that is already owed when something is sold. That is it.

Before I went back to Tennessee, some people here were saying: We don't trust the States to make this decision. I think I know the answer to that from Tennesseans. I have spent the last week going from one end of our State to the other. Everywhere I have gone, I have asked a question. I said: There are some people in Washington who said they trust Washington to make a decision more than they trust Governor Haslam and Speaker Harwell, Lieutenant Governor Ramsey, and the Tennessee Legislature to decide what to do about taxes.

The last time I checked, Tennessee had an AAA bond rating, no State road debt, one of the lowest tax rates in the country, and was named the second freest State in the country. And the last time I checked, Washington, DC, was running up $1 trillion of debt and more every year. Nobody in Tennessee trusts Washington more than the Governor and State legislature to decide what to do about taxes, particularly when it comes to whether we are collecting a tax that is already owed.

This is such an obvious piece of legislation that many of the opponents have resorted to interesting arguments, let's say, in opposition to it.

It has been said that the bill should have gone through committee. Well, it went to committee, but the chairman—a very respected Member of this body—doesn't like the bill, so he didn't report it to the floor. So that is why it didn't get out of committee.

They have said it should have more amendments. All of us, particularly on our side of the aisle—we are in the minority—would like to have as many amendments as we can. But there is one reason this bill didn't have amendments, and that is because opponents to the bill objected to every single amendment, every single one, even amendments they support. Senator PRYOR and Senator BLUNT offered a 10-year extension of the moratorium on Internet access taxes, and the Senator from Oregon objected to that even though he wrote the original act.

Some have suggested that what we are talking about is a tax on the Internet, but every Senator knows there is a law against a tax on the Internet.

Some have said: Well, it is a new tax. But of course it is not. It is an existing tax. One of my colleagues over here said that the only thing he hates worse than a tax is somebody who doesn't pay a tax that is owed. This is a tax that everybody owes that only some people pay. What we are trying to say to the Governor of Maine or to the Governor of Tennessee or to the Governor of Illinois is this: You can decide for yourselves, without playing ''Mother May I'' to Washington, DC, whether a State wants to treat some taxpayers one way and some another way, some businesses one way and some businesses another way.

Then there are some who say it is too complicated. Well, this is how complicated it is. If I order ingredients to make ice cream over the Internet from Williams-Sonoma, I put in my name, my address, and my ZIP Code, and the software figures out the sales tax, collects it, and sends it to the State of Tennessee, how hard is that?

I guess the complete answer to that is that a majority of Internet sales today collect the sales tax that is owed. If it is so hard, how are they doing that? Let me say that again. A majority of the retailers that sell over the Internet today collect the sales tax when it is owed using the software that is as simple as looking up the weather on a person's computer. I look up the weather in Maryville, TN. I type in my ZIP Code, and I type in ''weather,'' and it tells me the weather. That is about how easy this is. A majority of the retailers that sell over the Internet today collect the sales tax when they make the sale, so it can't be not only impossible to do, but it is not hard to do.

Then there are some who say conservatives aren't for this. One of the leading proponents of this legislation is the chairman of the American Conservative Union, Al Cardenas. He sent out an e-mail last week, and he sent out another one today.

Dear Senator: As you continue work next week on the Marketplace Fairness Act, I would like to call your attention to what conservatives are saying about this issue. They recognize as I do that it is not the role of government to pick winners and losers in the marketplace by requiring brick and mortar stores to charge a sales tax while exempting Internet sales.

Sincerely, Al Cardenas, Chairman, American Conservative Union.

He included in his e-mail—I received this e-mail—the comments of Charles Krauthammer, a conservative if there ever was one.

The real issue here is the fairness argument—that if you're an old-fashioned store, you have to have your customers and you pay the sales tax and online you don't . . . So I think you want to have something that will level the playing field. You can do it one of two ways. You abolish all sales tax for real stores and nobody pays. Or you get the Internet people to pay the sales tax as well. I think the second one is the only way to do it, obviously.

Representative PAUL RYAN—he was home this past week too. He was in Janesville, WI. He is a pretty good conservative, last time I checked. I don't go around making a list of who is a good conservative and who is a bad one. I just think most people in America think of PAUL RYAN as a conservative, just as the chairman of the American Conservation Union does.

Representative PAUL RYAN:

To me, I think the concept is right . . . It's only fair that the local brick-and-mortar retailer be treated the same as the big-box online sales company out-of-State.

Lest one think the chairman of the American Conservative Union and Charles Krauthammer and PAUL RYAN are all on another planet somewhere,

here are a few other conservatives who agree with him: William F. Buckley before he died wrote extensively about this; Republican Governors Bob McDonnell, Chris Christie, Robert Bentley, Paul LePage, Bill Haslam, Butch Otter, Terry Branstad, Rick Snyder, Mike Pence, Tom Corbett, and Dennis Daugaard of South Dakota.

This is common sense. This is fairness. This is States rights.

For the life of me, as a former Governor, I do not understand how Congress can say to the conservative Republican Governor of Tennessee, the conservative Lieutenant Governor of Tennessee, to the conservative supermajority Republican legislature: You have to play ''Mother May I'' with Washington, DC. We don't trust you to make decisions about your own tax policy. We think Washington does a better job.

That is laughable. That is just laughable.

What we are doing with this bill—and I will conclude with this—is very simple. It is two words: States rights. It allows our State of Tennessee, our Governor and legislature, to make a decision: Will they decide to require out-of-State sellers to do the very same thing they require in-state sellers to do; that is, collect the sales tax when they sell an item and remit it to the State government? It is a tax that is already owed. It is not a tax on the Internet. It is a tax some people are paying and other people aren't even though they owe it. It discriminates against mom and pop small businesses.

This bill only applies to large retailers—those that sell more than $1 million in remote sales each year.

To the charge that it is too complicated, how could it be too complicated if a majority of Internet sales being made today already collect the sales tax?

All we are saying is that the Governor and the legislature may wish to say to all taxpayers: If you owe the tax, you are going to need to pay it, and if you pay it, we can lower the tax rate for everybody in this State.

I thank Senator DURBIN and Senator ENZI for their leadership and bipartisan support. I regret that we didn't have more amendments, but the opponents used as their tactic to try to kill the bill—which I hope won't be successful—their right to object to every amendment. We can't do much about that.

So after the bill passes, which I hope it does tonight, the House will consider it, and I am sure they will come up with their version of the bill, and we can go to conference and we can pass the Marketplace Fairness Act, a States rights bill that, in my view, is exactly what conservatives hope would happen.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

ORDER OF PROCEDURE

Mr. DURBIN. Mr. President, I ask unanimous consent that the 20 minutes prior to the vote, which is scheduled at 5:30, in relation to amendment No. 741 be equally divided between the proponents and opponents, with proponents controlling the final 10 minutes.

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

Mr. DURBIN. Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CRUZ. Mr. President, I rise today to speak out against the so-called Marketplace Fairness Act. In my view, during a time of economic challenge, as we are in today, the very top priority of every elected official, whether Republican or Democrat, should be to restore economic growth, to get our economy moving, to get back to the economic dynamism, the economic strength that has lifted so many millions out of poverty and toward the American dream. This bill, if enacted into law, would hurt economic growth and would be a mistake.

First of all, more taxes will hurt economic growth, and this bill, if enacted, would in effect create a national Internet sales tax. It would subject small online retailers to paying taxes in 9,600 different jurisdictions all across this country. At a time when so many are hurting, we should be discussing how to reduce regulatory burdens on small businesses and how to reduce tax burdens on small businesses, how to reduce the complexity of taxes on small businesses, and this bill goes in exactly the opposite direction.

In particular, those who will be hurt the most by this bill if it is passed are small mom-and-pop retailers online. The threshold for this bill is $1 million in gross online sales. That is not profit; that is $1 million in total sales, gross sales, and $1 million for a starting business is not a terribly high threshold for their gross, not their profits. That has to cover the costs and all expenses of the business. It has to cover any salary, any rent, any Web costs, communications, travel, accounting, legal services, plus the costs of goods sold. These small- and medium-sized businesses would suddenly find themselves subject to 46 different States and 9,600 local jurisdictions. They would find themselves having to pay tax filings, potentially, in all 46 States monthly or quarterly and to be subjected, potentially, to audits from each of these local counties, each of these local municipalities.

I have with me here today a listing of all of the tax rates of these 9,600 different jurisdictions. It is truly indecipherable, that you can look and pick any State and get the county and see the different tax rates. Indeed, in a lot of counties—for example, I just opened this at random. In Colorado—which I happened to open it to—if you look in Taylor Park, if it happens to come from the 81210 ZIP Code, the tax rate is 4.5 percent, but if it is in the same county that comes from the 81230 ZIP Code, the tax rate is 8.25 percent.

Small businesses—a small mom-and-pop just getting started on the Internet would be required to comply with all of these taxing jurisdictions, to send the taxes to all of these taxing jurisdictions, and to be subject, potentially, to audits from 9,600 taxing jurisdictions. That makes no sense.

I wish to point out also that this is not fundamentally about fairness. The proponents of this act point to small mom-and-pop stores that are their bricks-and-mortar retailers. But those are not the main proponents of these bills. A small bricks-and-mortar retailer right now is losing sales primarily to two different sources: No. 1, big-box bricks-and-mortar retailers. They are losing a lot of sales to big-box large retailers. This bill does nothing about that. No. 2, they are losing substantial sales to large online retailers, the giant corporations.

But here is an interesting statistic. Nine of the ten largest Internet retailers are already paying sales taxes in all 46 States that have sales taxes. Why? Because they have a physical presence in the State.

What the Supreme Court has said is, if you are physically in a State, the State can force you to collect its tax. But if you are not physically there, the Constitution does not let you haul someone in from a distant State and force them to collect your taxes because you do not have any accountability to those individuals in a distant State.

In terms of the small mom-and-pop retailers, they are losing their sales to the big-box and big Internet retailers, all of whom are already paying these taxes.

So what do we have here? We have a bipartisan coalition, unfortunately, that it appears is going to pass this bill in this Senate. But the coalition is driven by the fact that you have big business united. You have the big business bricks-and-mortar companies and the big business online retailers all together because the impact of this bill is to hammer the small business online retailers, to make it harder for the little guys to compete. So you see a strange alliance here in Washington, but one that I think is exactly backwards of what we ought to be doing.

I think it is fundamentally unfair to ask a Texas business to collect taxes for California Governor Jerry Brown or for New York City Mayor Bloomberg and a nanny State, in particular, because they cannot hold those politicians accountable. They do not have a presence there. They do not vote there. They do not have influence there. But yet they are being dragooned into collecting those taxes. I think that is fundamentally not right.

Let me give you an example of how this will hurt small businesses. There is a woman in Texas named Ann Whitley Wood who wrote a letter to our office. She lives in Dallas and had created an online consignment store. Even though it is largely a one-person operation, she may come close to doing $1

million in sales—which, keep in mind, are not profits; those are gross sales. Her letter said:

> Legislators must understand that it is both possible and common for a small seller like me to reach about $1 million in sales with a near-one person operation.

She estimates it could take her 6 weeks a year to comply with the sales tax procedures for all of the collecting States. That impact on a small business is crushing. A giant corporation has accountants, has lawyers, has people designed to deal with that. For a small business, it hits them in particular.

I point out even more fundamentally, the Internet has been this incredible haven of entrepreneurial freedom. It has enabled people to start businesses with nothing, out of their garage, and sell all over the world. It has transformed the ability for single moms and Hispanics and African Americans and people with nothing to go and start a business. Because it used to be that you needed this big distribution network, you needed warehouses, you needed trucks, you needed all of this, so it was difficult for someone to start a small business.

The Internet has transformed all of that. There are 2.3 million Hispanic small business owners. The Internet has been critical to their being able to open those small businesses because it lets them communicate with the world and get their products out.

I believe the Senate should treat the Internet as a safe haven, that it should be treated as free from taxes and regulations that would hamper the entrepreneurial spirit and make it harder for the little guy, for small business to be created, to grow, and thrive. When they become gigantic corporations, they will have a physical presence in the State, and then they will be subject to the taxes. But do not hit them when they are getting started on the Internet. I think it would be absolutely foolish to do anything to impinge on the entrepreneurial freedom of the Internet.

In conclusion, I want to say three very simple things.

No. 1, in my judgment, we should not be taxing the Internet, period. No. 2, we should not be increasing the burdens on small businesses, particularly at a time of economic challenge, period. And, No. 3, we should not be favoring politicians and big business at the expense of the little guy, at the expense of the single mom trying to start a small business to feed her kid, at the expense of the Hispanic immigrant trying to start a small business and work toward the American dream.

We should not be standing with politicians looking for more tax revenue and big businesses looking to make it harder for their competitors to survive. Instead, we should stand up with the little guy, the small business, with the American people.

I urge the Senate to reject this bill. If the Senate does pass it, I would urge the House to listen to the American people and reject the bill as well.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I think we only have 2 or 3 minutes before the 20-minute period that has been reserved equally for both sides. I wish to use those 3 minutes to respond directly to my colleague from the State of Texas.

The first thing he says is, do not tax the Internet. Good news. I just went through the entire bill. There is no tax on the Internet in the bill, none. So we have taken care of point No. 1. In fact, we wanted to add the Internet Freedom Act here, which would have said expressly: We will continue the prohibition against tax on the Internet, and it was objected to by one of the opponents of this bill.

The second thing he says is, do not put a burden on small businesses. I would say to my friend from Texas, what about the small business that does not have Internet sales?

You have just put a burden on them because they cannot compete with Internet retailers that do not collect sales taxes.

I might say also, when it comes to small business exemptions, we exempt those with sales of $1 million or less in the previous year. That exempts 99 percent of all Internet retailers. The small businesses—the Hispanic and non-Hispanic businesses—collect sales taxes in Texas on the first dollar of sales. We exempt $1 million in sales for their competitors in Internet retail.

The final thing the Senator says is, do not favor large businesses. The coalition supporting this bill includes the smallest businesses, the mom-and-pop businesses. Of course, it includes the big-box stores and the big chains. But it goes all the way down the line. They are all in competition.

What we have put in here, with this exemption, exempts 99 percent of all online retailers. When the Senator says he looks at 9,600 different taxing jurisdictions and cannot figure out how in the world we are ever going to figure this out, I refer him to page 3 of the bill. Please start reading at line 14 through 24, where you will see that we expressly provide there must be a single entity within the State responsible for all State and local sales. So you are not going to have 9,600. You are going to have, at most, 45 separate entities—the 45 States with sales taxes—as well as audits; one audit from the State, a single audit.

We do not want to put a burden on any businesses—large, small, Internet or not—but we do want to level the playing field.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Under the previous order, there will now be 20 minutes of debate equally divided.

Who yields time?

If no one yields time, the time will be charged equally.

The Senator from Illinois.

Mr. DURBIN. Parliamentary inquiry: I believe the order suggests that the time is equally divided between the opponents and proponents, and the opponents have the first 10 minutes and the proponents the final 10 minutes. So I would ask the Chair to clarify his ruling.

The PRESIDING OFFICER. The Senator is correct.

The Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, I come to the floor again this afternoon to continue my opposition and concerns about the Internet sales tax legislation that has been submitted.

I appreciate that we are going to vote on this bill in a few minutes, and I appreciate that I am probably going to lose. But I do think it is important to raise these concerns again because I think we have to take a look at the issues that have been raised and see if there are any ways to address them.

There are a number of problems with the bill that in my State of New Hampshire—which has no sales tax—makes it anything but fair. In fact, it creates an unfair situation for small businesses in a number of ways.

First, it is unfair for businesses in my State of New Hampshire and the four other States in this country that do not collect a sales tax. We did not have an opportunity to address this issue through amendments. I think it is not fair for us to pass a bill out of the Senate that fundamentally makes an impact on businesses in States where we have no ability to address the imposition of these taxes.

I also think we should not pass a bill that is going to create unnecessary new redtape for small companies across the country. One of the real benefits of the Internet has been the innovation and the job creation it has spawned. What this legislation does is put in place redtape that is going to put small companies that sell online at a severe disadvantage, making it harder for them to compete with large online retailers.

As a former small business owner myself, I know how time consuming regulations and compliance can be. Make no mistake about it, we are creating a bureaucratic morass for small businesses under this legislation. Small companies will be looking at complying with 46 different State laws. They are going to face audits or lawsuits, potentially, in some of these States.

Small business owners, who are working hard to grow their companies, do not need additional paperwork to distract them from running their companies. I fear that is what this bill will create. I urge my colleagues to take another look and see how we can address those concerns.

I yield the floor.

Mr. LEVIN. Mr. President, the Marketplace Fairness Act is designed to address a simple problem—a significant loss in States' sales tax revenues arising from e-commerce.

Generally, retail businesses are required to collect and remit sales and use taxes on qualifying merchandise or services. While most States require consumers to remit use taxes for purchases from out-of-State vendors, compliance is extraordinarily low as States cannot legally mandate the collection and remittance of taxes by a business unless the business has a physical presence in the State.

This restriction, which was articulated in the 1992 Supreme Court case, Quill Corp. v. North Dakota, went so far as to invite Congress to address the issue. It is time we do that.

In an era of unprecedented e-commerce, Congress's failure so far to address this problem unfairly deprives State treasuries of much-needed tax revenue because Internet-based retailers are not required to charge sales tax to their out-of-State customers. As you might imagine, a large number of State governments have asked for this legislation to fix that problem, including the current Republican Governor of Michigan. In fact, Michigan governors of both political parties have asked Congress to pass this important piece of legislation, and I agree with them.

The Governor of Michigan says that passing this law will help the State of Michigan collect more than $800 million over the next 2 years. Those are revenues that the State desperately needs.

I also think it's important to keep in mind some of the things this bill doesn't do. This bill does not authorize the States to create State-level financial transaction taxes, as some have erroneously argued. In fact, the Marketplace Fairness Act does not create, endorse, or recommend new Federal, State or local taxes of any kind.

This bill gives States the option of pursuing collection authority by simplifying their tax structure, but States can also choose to do nothing differently than they do today. The Marketplace Fairness Act is about more equitably collecting taxes that are already owed.

Over the past decade, many States have worked together to develop a framework to harmonize sales and use tax collection and remittance, known as the Streamlined Sales and Use Tax Agreement. Michigan is 1 of the 24 States that currently participate in that agreement. But, in order for the agreement to be legally enforceable, Congress would need to enact legislation granting States the authority to require out-of-State merchants to remit sales and use taxes. This bill would do that.

I support this effort to simplify and improve sales tax collection, and I am a cosponsor of this bill. This bill will level the playing field between on-line retailers and those with ''brick and mortar'' stores, ensuring that we do not give an unfair tax advantage to one type of retailer over another. This is about ensuring that our States have the ability to collect the taxes they need to fund schools, and law enforcement, and other key priorities.

I will vote for this bill, and I urge my colleagues to do the same.

The PRESIDING OFFICER. The Senator from Illinois

UNANIMOUS CONSENT AGREEMENT—S. 601

Mr. DURBIN. Mr. President, I ask unanimous consent that the cloture motion with respect to the motion to proceed to Calendar No. 44, S. 601, be withdrawn; further, that at 2:15 p.m. on Tuesday, May 7, the motion to proceed to S. 601 be agreed to and the Senate begin consideration of the bill.

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

MARKETPLACE FAIRNESS ACT

Mr. DURBIN. Mr. President, in the closing 10 minutes, the four proponents who will speak will be first Senator HEITKAMP of North Dakota, followed by Senator ALEXANDER of Tennessee, myself, and then Senator ENZI of Wyoming, who has for 11 years been fighting for this vote. I want him to have the last word.

The PRESIDING OFFICER. The Senator from North Dakota.

Ms. HEITKAMP. Mr. President, this is a day that has been 20 years in the making. You have heard argument after argument here about how this bill has been rushed, how it is not ready, how we have not yet had enough debate or deliberation. I tell you on behalf of the small business owners in my State who have told me it is about darn time we do something, I stand today and congratulate this body for taking on this issue and taking a system that has been grossly unjust and incredibly unfair to Main Street businesses in our country and in our State and said, yes, the Senate will not stand back and wait any longer before we give you marketplace fairness.

This bill could not be and could not have a better name than Marketplace Fairness. I got involved in this issue as a very young person—I like to say that because it was 20 years ago—litigating a case before the U.S. Supreme Court. I was moved to take that case to the Court by a woman who approached me and said: Look, I am trying to survive. I am trying to participate as a good businessperson in North Dakota, trying to support my community, trying to do everything right, collect my sales tax, but I am getting killed in the marketplace, because people are sending catalogs; people come into my store; they will look at my products. Then they order this stuff through a mail order business. Please help me.

Those pleas have for the last 20 years gone unheard by this body and by the House of Representatives. But today we have a chance. We have a chance to say to all of those businesspeople throughout our country who have been unfairly treated by a tax system that does not recognize today's modern-day method of marketing, this modern-day way we do business and commerce in our country has not been recognized. They continue to struggle, continue to try. I congratulate the Senate. I congratulate all of the other Senators who have pursued this with such vigor and with such hope. I say today is the day that we say yes to America's small businesses.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I ask I be notified when I have consumed 2½ minutes.

The PRESIDING OFFICER. The Senator will be notified.

Mr. ALEXANDER. Mr. President, I congratulate the Senator from North Dakota on 20 years of work on this issue, Senator ENZI for 11 years of tireless work here, and Senator DURBIN for his effective advocacy. I will make four quick points.

The Senator from Texas said reinvigorating the economy should be the No. 1 priority for Federal and State leaders. That is precisely the first sentence of the column of economist Art Laffer in the Wall Street Journal where he says:

> States can cut their income tax rates if web vendors collect the sales taxes that are legally due.

In other words, if you want economic growth, vote for the Marketplace Fairness Act.

No. 2, the idea that this is too complex to do—more than half of the sales now made on the Internet are by retailers that collect the tax when it is sold. It is a tax that is already owed, so how can it be too complex for anybody else to do? It is already being done. So that is specious.

No. 3, it has been said this should have gone to committee. It did. It just never came out of committee because the chairman, and I say that with great respect, did not want it to. It should have had amendments. Yes, it should have had amendments. Why didn't it have amendments? Because the opponents to the bill resorted to objecting to every single amendment.

Finally, I say this to my Republican colleagues: This is a conservative bill. I just mentioned Mr. Laffer. I read this earlier, but I want to read it again. The comments of the chairman of the American Conservative Union, Al Cardenas:

> Dear Senators, you continue work next week on the Marketplace Fairness Act. I would like to call to your attention what conservatives are saying about the issue. They recognize, as I do, it is not the role of government to pick winners and losers in the marketplace by requiring brick and mortar stores to charge a sales tax while exempting Internet sales.

He then lists the comments of Charles Krauthammer favoring the idea, Representative PAUL RYAN favoring the idea, and, of course, as we know, William F. Buckley did before he

died. Many Governors do. This is an idea for conservatives and for our country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, thanks to my colleagues who are on the floor, especially Senator ALEXANDER. Senator ENZI and I owe the Senator a great debt of gratitude for his work on this bill, in helping us craft the bill and bring the support together.

I ask unanimous consent that the following four editorials be printed in the RECORD, from the New York Times, the Idaho State Journal, the Green Bay Press Gazette, and the Northwest Herald of Illinois.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, May 1, 2013]

FAIRNESS ON SALES TAXES

(Editorial Board)

Twenty-one years is a long time to wait. But that is how long local retailers have waited for Congress to undo a 1992 Supreme Court decision that exempted many online retailers, like Amazon.com, from collecting most state sales taxes. The exemption has given online sellers a 5 percent to 10 percent price advantage over Main Street stores.

The wait, however, may soon be over. Next week, the Senate is expected to pass the Marketplace Fairness Act of 2013, a bipartisan bill that would authorize states to require out-of-state sellers with more than $1 million in sales to collect sales taxes. The states, in turn, must simplify their sales-tax codes and give retailers free software to calculate the taxes—steps already taken by most states. An identical bill in the House also has bipartisan support.

Lawmakers have raised the issue for years, to no avail, and, in the meantime, many brick-and-mortar stores have gone out of business. The willingness to act now is driven in part by the fact that Amazon, which fought hard to preserve the exemption, recently gave up the fight. That's not because the company suddenly developed a belief in sales taxes. Its business model—especially its emphasis on same-day delivery—is changing in ways that would soon cause it to lose the exemption anyway.

Main Street needs a level playing field to compete with the exploding online industry. So do large retailers, like Best Buy, that have cut jobs as shoppers have increasingly tested electronics at local stores and then gone home to buy them online without paying sales tax. Equally important, states need the revenue to help recover from the recession. Noncollection of sales tax on online purchases costs states an estimated $11 billion a year. Another $11 billion goes uncollected on mail-order catalog sales, which would also be covered under pending bills.

In the past, most bills that deal with revenue, no matter how justified, have fallen victim to the knee-jerk refusal among many Republicans to even talk about taxes, urged on by anti-tax groups like Grover Norquist's Americans for Tax Reform. But, as reported in the Times on Monday, lawmakers from both parties have come to see that the argument for sales-tax collection is airtight.

Sales taxes for any state are already legally due on online purchases that would be taxable if the items were bought in a local store. If the retailer does not collect the taxes, the buyer is supposed to send them to the state voluntarily. As a practical matter, however, if the taxes are not collected by retailers, they are virtually never paid.

The proposed law would close that loophole, not impose new taxes. It's a matter of efficiency and fairness, of necessity and competitiveness. If those really are bipartisan values, the Senate will act without further delay to pass the Marketplace Fairness Act, and the House will follow suit.

[From the Idaho State Journal, May 6, 2013]

THERE'S A REASON THIS IS CALLED THE MARKETPLACE FAIRNESS ACT

(Editorial Board)

The Marketplace Fairness Act making its way through Congress is well-named. It would allow state governments to force Internet retailers to collect sales taxes from their customers and remit the proceeds to state and local governments—like, you know—brick-and-mortar retailers are required to do.

The shoppers who buy merchandise off the Internet are supposed to calculate sales taxes on their income tax forms, but the fact is most people don't do that. So it might be said that Idahoans pay an extra 6 percent when they buy from stores at home. That's money that pays to operate schools and other public services, and it's estimated that Idaho would collect about $35 million if Internet sales were taxed.

Because some states, like Idaho, have refused to authorize collection of sales taxes on online purchases, Congress is acting on behalf of hometown merchants with a federal law. The legislation cleared its first procedural hurdle Thursday on a bipartisan Senate vote, 63 to 30. Final Senate passage is scheduled for Monday and that tally is likely to be even more strongly in favor, according to The New York Times. Earlier test votes won as many as 75 yeses, and House action, once seemingly unthinkable, may be unstoppable.

Tax opponents like Grover Norquist and the Heritage Foundation have long opposed any legislation that would require collection of levies on Internet purchases, calling it a tax increase. But Congress is hearing from their hometown constituents, and the tide has turned. Even public officials who signed Norquist's antitax pledge now are changing their minds. Typical is Rep. Scott Rigell, Republican of Virginia, who calls the struggling retailers back home ''the hardworking men and women who have mortgaged their homes to buy or rent a little brick-and-mortar shop.'' Six percent may actually amount to their profit margin.

''I have some concern about the legislation,'' concedes Rep. Bob Goodlatte of Virginia, chairman of the House Judiciary Committee, which has jurisdiction on the issue, ''but we also recognize the fairness issue—certain items being taxed in certain circumstances, other items being not—is a problem, so we're going to try to solve that.'' It can be done.

Norquist should not complain, though he characterizes the bill as a ''money grab by cash-poor state and local governments that would get the power to tax consumers who do not have the power to vote them out of office.'' After all, consumers are already supposed to pay sales taxes even if an Internet merchant does not collect them.

The new law would rectify that, and that's why it is called the Fairness Act.

[From the Green Bay Press Gazette, May 5, 2013]

CONGRESS MUST LEVEL PLAYING FIELD ON INTERNET SALES TAXES

(Editorial Board)

How many of you have entered a dollar amount on Line 36 of the Wisconsin income tax Form 1?

That's the line where you self-report ''sales and use tax due on Internet, mail order, or other out-of-state purchases.'' In other words, if you've ever purchased something from Amazon, for example, you should have entered a dollar amount here when you filed your taxes.

But very few people do. About one of every 100 state taxpayers did when they filed their 2010 income taxes, according to a 2012 story by Steven Walters of WisconsinEye, a nonprofit public affairs channel.

Currently, all retailers in Wisconsin collect sales tax on purchases and pay that money to the state. If you buy something, the state and county sales taxes are part of what you pay.

If you purchase something online from a business that has a physical presence in Wisconsin, you pay sales tax. But if that business doesn't have a store or warehouse in Wisconsin, it doesn't charge a sales tax.

For example, if you went online and purchased a shirt from Lands' End, based in Wisconsin, you'd pay sales tax. If you purchased a similar shirt from L.L. Bean, based in Maine, you would not.

The loophole is courtesy of a 1992 U.S. Supreme Court decision that exempts companies from collecting sales tax from purchasers who live in a state where the business has no physical presence.

A bill that the Senate is expected to vote on Monday would change that. The Marketplace Fairness Act give states the ability to require online and mail order retailers to collect state and local sales tax based on the address of the purchaser.

Wisconsin retailers say this would level the playing field. In a meeting with Press-Gazette Media, area retailers said they don't have a problem competing against other businesses, as long as all play by the same rules and all charge a state sales tax.

Without that level playing field, area businesses find themselves answering a consumer's questions and concerns only to have that consumer order the same item online and not have to pay a sales tax. It reduces local businesses to showrooms. They do all the work; the online retailer collects the money.

What's at stake is millions of dollars as well as the fiscal health of the local community.

The state Department of Revenue estimates that Wisconsin lost $157 million in revenue because taxes were not collected on mail order and other remote sales in 2012—$78 million of that from e-commerce sales.

Also, the health of area businesses is important. They pay taxes, provide jobs and donate to local charitable organizations yet lose sales and money when tax-free purchases are made. The out-of-state online-only retailers aren't invested in your community.

The bill before the Senate sets a threshold of $1 million in online sales so small businesses will not be hurt and calls for the state to provide free software so businesses can comply.

One aspect of the bill calls for the state to ''establish a uniform sales tax base for use throughout the state.'' That concerns us because many counties, like Brown, have a 0.5 percent county sales tax. We wouldn't want to lose out on that money because the state must charge a uniform sales tax. And it's hard to believe that the software will not be able to determine the correct state and local sales taxes. The technology that has given us the ease of online shopping should also be able to clear that hurdle.

So far, the bill has bipartisan support in the Senate, but faces a much more unclear fate in the House.

However, Congress needs to pass this bill. Local businesses are willing to compete as

long as it's a fair fight. Also, the bill is not asking for a new tax; it's asking that the existing tax is applied fairly and uniformly and doesn't put the burden on the consumer to reimburse the state. That's not too much to ask.

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[From the Northwest Herald, May 2, 2013]

WHAT'S FAIR FOR BUSINESS

(Editorial Board)

The scenario described by Play It Again Sports' owner Bob Ruer happens all too often in local businesses.

A customer comes into his Crystal Lake store, looks around, maybe tries out the wares, and then heads home to buy the same product online. Why? Because Internet retailers aren't required to collect sales tax at the buyer's local rate.

U.S. Sen. Dick Durbin, D–Ill., is pushing to end that with the Marketplace Fairness Act. We support Durbin's effort and encourage lawmakers in Washington to pass the act.

The legislation would put the initial costs on the states to provide retailers with the appropriate software to collect taxes. Internet retailers with less than $1 million in annual sales would be granted an exemption.

Opponents of the bill, including large online retailers such as eBay and Overstock.com, have taken issue with the $1 million exemption and suggested it should be bumped higher.

The bill has the support of big-box stores such as Walmart, Best Buy and Target and online giant Amazon.

Beyond the unlevel playing field for businesses, the situation causes the state of Illinois to lose out on a great deal of revenue.

Now, Illinois taxpayers are on an honor system when it comes to paying state sales tax for online purchases. Residents are supposed to note the sales tax they owe from Internet purchases on their state income-tax return. Durbin estimates that only 5 percent of Illinois taxpayers do so. Gov. Pat Quinn said the state stands to collect an additional $200 million annually in sales-tax revenue if the bill passed.

This is not a tax increase. It's not a new tax. These sales taxes and tax rates are already in place.

This is a needed law to level the playing field for local businesses who've been good corporate citizens, hired local employees and paid property taxes that support local schools and other taxing districts.

Mr. DURBIN. Mr. President, what is happening with Internet sales? They are growing dramatically. Listen to these numbers. In 2012 online sales accounted for $225 billion in sales in America. In the next 5 years it will double to $435 billion. It is an endeavor that has become part of our lives. What we are asking in this bill is that those selling on the Internet be treated the same as those selling on the corners of our streets, to make sure the brick-and-mortar businesses have a level playing field. That is all we are asking.

This bill contains no new Federal tax, no new State and local tax. What it does is collect taxes already owed. It simplifies the system by saying there will only be one taxing entity that identifies the taxes to be charged in every single State, one audit from each State. It tries to provide for the retailers the basic software they need to get the job done.

This is a fascinating bill. For those who follow the Senate, it is a rare opportunity for us to have Republicans and Democrats together on the floor supporting a bill that has the endorsement of business and labor and local officials all across the United States. It is clearly an idea whose time has come. I hope we can pass it with a good strong vote and encourage our friends in the House to take it up quickly.

I close by thanking my colleague from Wyoming. He has been a great partner in this effort. He came to it before I did. I replaced Senator Dorgan after Senator Dorgan's retirement and tried to keep this moving forward. Today is our day for a vote. I thank him for all of his hard work on his side of the aisle.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I thank all of the people who have participated, particularly Senator DURBIN who has helped to coalesce things, Senator ALEXANDER who came up with the idea for having a shorter bill, only 11 pages—never see it in the Senate—written in plain English, and it is States rights.

This does not cause the Federal Government to do anything. What it allows is for the States to do what they have already passed laws on. I can see this from the standpoint of an individual. I know in Wyoming if you buy something on the Internet and you are not charged a tax, you are supposed to fill out a form and send it in. That is a difficult thing to do, hard to even keep track of. This will eliminate that problem of individuals wanting to pay the tax but not knowing exactly how to do it.

I know it from the standpoint of a small businessman, if they had the experience of somebody coming in, trying on the goods, finding out exactly what they want, the color, the style, the feel, everything, and then ordering it on the Internet. The even more ironic part of it is when they have a problem with it, they bring it back to the local retailer to fix it.

I have seen it from the standpoint of a mayor. I know in Wyoming at least 30 percent and up to 70 percent of the revenue of the municipalities comes from the sales tax. That is on a declining basis at the moment. That is not only what they run the city's streets and snow removal on; a lot of the police, the fire protection, even education is affected by the sales tax.

I have seen it from the standpoint of a legislator as well. I know when we passed those taxes, we did not say: Okay, we want to discriminate against the local business that pays the property tax, hires people locally, and participates in all the community stuff. If you are out of State, we are going to let you off the hook.

No legislator ever passed a bill like that. This is one that corrects all of those things and brings fairness to the marketplace. I think it will make a significant difference, particularly in communities where they will still be able to help out some of the charitable organizations and activities that would have to go by the wayside if this bill were not to pass.

I look forward to working with people on the House side. I wish to thank Senator DURBIN, Senator ALEXANDER, and Senator HEITKAMP, particularly, for all of their efforts on this bill. I thank Senator HEITKAMP for her persistence over 22 years and knowing the intricacies of how it works on the Canadian border, as well as having been involved in the original case where the Supreme Court challenged us to fix this problem.

Today we have a chance to fix this problem. I ask my colleagues to vote for the bill.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

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.

The PRESIDING OFFICER. Under the previous order, all postcloture time is considered expired.

Under the previous order, amendment No. 745 is withdrawn.

The question is on agreeing to amendment No. 741, offered by the Senator from Nevada, Mr. REID.

Mr. ALEXANDER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Alaska (Mr. BEGICH) are necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from North Carolina (Mr. BURR), the Senator from Texas (Mr. CORNYN), the Senator from South Carolina (Mr. GRAHAM), and the Senator from Kansas (Mr. MORAN).

Further, if present and voting, the Senator from Texas (Mr. CORNYN) would have voted ''nay.''

The PRESIDING OFFICER (Mr. DONNELLY). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 70, nays 24, as follows:

[Rollcall Vote No. 112 Leg.]

YEAS—70

Alexander	Fischer	Murphy
Baldwin	Franken	Murray
Bennet	Gillibrand	Nelson
Blumenthal	Grassley	Portman
Blunt	Hagan	Pryor
Boozman	Harkin	Reed
Boxer	Heinrich	Reid
Brown	Heitkamp	Risch
Cantwell	Hirono	Rockefeller
Cardin	Hoeven	Sanders
Carper	Isakson	Schatz
Casey	Johanns	Schumer
Chambliss	Johnson (SD)	Sessions
Coats	Kaine	Shelby
Cochran	King	Stabenow
Collins	Klobuchar	Thune
Coons	Landrieu	Udall (CO)
Corker	Leahy	Udall (NM)
Cowan	Levin	Warner
Crapo	Manchin	Warren
Donnelly	McCain	Whitehouse
Durbin	McCaskill	Wicker
Enzi	Menendez	
Feinstein	Mikulski	

NAYS—24

Ayotte	Inhofe	Roberts
Barrasso	Johnson (WI)	Rubio
Baucus	Kirk	Scott
Coburn	Lee	Shaheen
Cruz	McConnell	Tester
Flake	Merkley	Toomey
Hatch	Murkowski	Vitter
Heller	Paul	Wyden

NOT VOTING—6

Begich	Cornyn	Lautenberg
Burr	Graham	Moran

The amendment (No. 741) was agreed to.

UNANIMOUS CONSENT REQUEST—H. CON. RES. 25

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, this afternoon I offered a consent agreement dealing with the budget. I withdrew that because we did not have anyone here to object, and I had an inkling there would be an objection if a Republican were here.

We have been asked to move with regular order. We have done that. We have done our very best to do that. People wanted amendments. We have done our best to have bills with amendments. We have been asked, let's do as much work as we can with committees, and we have done that. We have bills reported out from the committee. Those are the bills we have handled here, with rare exception.

Now we have had our Republican friends saying for months and months, let's do things with regular order. We know how hard it was to get a budget passed. We have had over 100 amendments on which we actually voted. We were here until 5 o'clock in the morning. We got a budget, even though—you know, we have been through this before. We do not need to go into more detail. We had a law signed by the President of the United States that gave us our budget allocations for several years. But we decided to do a resolution. It didn't have to be signed by the President. I am glad we did. It was hard. Senators MURRAY and SESSIONS did a good job allowing us to move forward on that, so now it is time to go forward. We have a budget resolution we passed in the Senate. We want to meet with the House and work out our differences. That is what we have done here for two centuries. We should do it on this bill.

I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 33, H. Con. Res. 25; that the amendment which is at the desk, the text of S. Con. Res. 8, the budget resolution passed by the Senate, be inserted in lieu thereof; that H. Con. Res. 25, as amended, be agreed to, with the motions to reconsider being considered made and laid on the table; that the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses, and the Chair be authorized to appoint conferees on the part of the Senate, all without intervening action or debate.

The PRESIDING OFFICER. Is there objection?

The Senator from Texas.

Mr. CRUZ. Mr. President, reserving the right to object, one of my concerns is that this conference report could be used to pass a reconciliation bill that would increase the debt ceiling without sufficient input from the minority party and without addressing the fundamental structural spending problems we have in the Federal Government that are leading to our unsustainable debt. I believe this concern is well founded in history in that reconciliation bills have been used to increase the debt ceiling at least three times—in 1986, 1990, and in 1993. So for that reason, reserving the right to object, I ask consent that the leader modify his request so that it not be in order for the Senate to consider a conference report that includes tax increases or reconciliation instructions to increase taxes or to raise the debt limit.

The PRESIDING OFFICER. Is there objection to the modified request?

Mr. REID. I would make a comment before making a decision on that.

The PRESIDING OFFICER. The majority leader.

Mr. REID. The Senate considered the budget—and that is an understatement. We voted on more than 100 amendments, as I mentioned a few minutes ago. It was hard. The votes were hard. The Senate passed its budget. It should now go to conference, that which the Senate passed. It is our budget. The Senator from Texas was on the losing side. He had his view and it lost, but now he wants us to agree by consent to adopt the losing side's view or else he is not going to allow us to go to conference.

For more than two centuries, I repeat, the two bodies have been able to go work out their differences. The Senate passes something. The House passes something. You talk about regular order, that is it. We are able at that time to sit down and talk about the differences. The debt ceiling—he wants to talk about that. He wants to talk about taxes. We are happy to do that, but let's do it in the context of regular order. That is what we should be doing around here.

My friend from Texas is like the schoolyard bully. He pushes everybody around and is losing, and instead of playing the game according to the rules, he not only takes the ball home with him but changes the rules. That way, no one wins—except the bully who tries to indicate to people that he has won. We are asking the Republicans to play by the rules and let us go to conference.

I don't think it takes a lot of wizardry to figure out that we know how the American people feel about what they want done in this country. They want us to get on a pathway of growth and economic vitality. It has been hindered.

The Republicans have things they want to do. We have things we want to do. Why can't we sit down as reasonable men and women and work out our differences? That is what a conference is all about.

I object to what my friend suggests. It is actually fairly ridiculous, if you want the truth: Before we go to conference, determine what you are going to do or not do in the conference. That is not how we do things around here.

The PRESIDING OFFICER. Objection is heard.

Is there objection to the original request? The Senator from Texas.

Mr. CRUZ. Mr. President, I was not aware we were at a schoolyard.

Mr. REID. Mr. President, is there an objection or no objection? Let's hear about it. We have had enough.

Mrs. BOXER. Regular order.

Mr. CRUZ. Reserving the right to object.

Mr. REID. Mr. President, there is no such thing.

The PRESIDING OFFICER. Is there objection?

Mr. CRUZ. Yes. I object.

The PRESIDING OFFICER. The clerk will read the bill for a third time.

The bill was ordered to be engrossed for a third reading and was read the third time.

IMPLEMENTATION

Ms. COLLINS. Mr. President, I rise to speak on the Marketplace Fairness Act. I applaud Senator ENZI for his many years of work on this legislation, of which I am a cosponsor. This bill rectifies a fundamental unfairness in our current system. Right now, out-of-State Internet sellers, so-called remote sellers, have an advantage over Main Street businesses. Main Street businesses have to collect sales taxes on every transaction. Because remote sellers don't have to charge this tax, they enjoy a price advantage over the mom-and-pop businesses that form the backbone of our communities. This bill would allow States to collect sales taxes on remote sales, thereby leveling the playing field with Main Street businesses.

It is important to recognize that this bill does not authorize any new or higher tax, nor does it impose an Internet tax. It simply helps ensure that taxes already owed are paid.

I would like to engage Senator ENZI in a colloquy regarding the manner in which the bill is to be implemented. As introduced, the bill would require some businesses to start collecting sales taxes in as little as 90 days. I hope that my colleague from Wyoming would agree that is too short a time period, and I appreciate the fact that he has offered an amendment that includes a 6-month delay. I believe, however, that a delay of at least 1 year is needed to allow businesses time to implement the new systems and software necessary for compliance. I do appreciate that the Senator from Wyoming exempted small businesses with sales under $1 million, as I had urged.

Nevertheless, from a covered seller's perspective, complying with the Marketplace Fairness Act requires more than just installing new software. Multichannel retailers—those who sell online, through catalogs, over the phones, and in stores—have their own unique order processing systems. Tax collection software must be programmed to link to each component of their order processing systems. This step alone could involve considerable programming time for each online retailer.

Each retailer's tax department, or outside consultants, will be required to research and develop a comprehensive understanding of the unique sales and use tax policies in every State where their online customers reside to make sure the programming for their tax collection software is correct. That involves answering a number of questions for each State.

The differing treatment of athletic apparel provides a great example of the complexity involved. In some States, clothing and athletic footwear are exempt from tax. In others, they are exempt only up to a certain price level. Yet other States make a distinction between clothing and footwear used for athletic purposes—which they tax—and clothing and footwear used for general purposes—which they do not tax. In those States, systems must be programmed to correctly treat articles that can be viewed as either athletic apparel or general clothing, depending on the user. Board shorts, sneakers, and windbreakers are just a few examples of common items that give rise to substantial complexity.

Retailers will need to invest additional hours in tax analyst and programmer time to ensure their systems are able to address these issues seamlessly. Even with a 1-year delay, retailers will have to begin early, and move quickly, to implement the Marketplace Fairness Act.

Mr. ENZI. I thank my friend from Maine, and wholeheartedly agree with her conclusion that we must ensure that the Marketplace Fairness Act is correctly implemented. I have spent many years working on this legislation and strongly believe that leveling the playing field for Main Street businesses is the right thing to do. We must implement the solution to that problem in a reasonable manner, and I agree with the Senator that the 1-year delay she proposes is appropriate to do this.

Ms. COLLINS. I would also like to note that the collection of sales taxes online will be new not only for many retailers, but also for consumers who are used to the current system. It is important to implement the new law correctly, from the outset, for these retailers and their customers.

In this regard, I believe that it is also important to make sure that the implementation of the new law does not disrupt the busy holiday season. For this reason, I believe that States should be prohibited from exercising their new authority under the Marketplace Fairness Act during the last quarter of the first year after enactment.

Mr. ENZI. I think both the proposals made by my friend from Maine are commonsense items that will improve the Marketplace Fairness Act. As this bill moves through the legislative process, I suggest my colleagues on both sides of the aisle—and in both Chambers—adopt a 1-year delay in implementation and prohibit States from beginning to exercise their new authority to require the collection of sales taxes during the holiday season.

The PRESIDING OFFICER. Under the previous order, the question is on passage of S. 743, as amended.

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Alaska (Mr. BEGICH) and the Senator from New Jersey (Mr. LAUTENBERG) are necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Texas (Mr. CORNYN) and the Senator from Kansas (Mr. MORAN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 69, nays 27, as follows:

[Rollcall Vote No. 113 Leg.]

YEAS—69

Alexander	Cochran	Heinrich
Baldwin	Collins	Heitkamp
Bennet	Coons	Hirono
Blumenthal	Corker	Hoeven
Blunt	Cowan	Isakson
Boozman	Donnelly	Johanns
Boxer	Durbin	Johnson (SD)
Brown	Enzi	Kaine
Burr	Feinstein	King
Cantwell	Fischer	Klobuchar
Cardin	Franken	Landrieu
Carper	Gillibrand	Leahy
Casey	Graham	Levin
Chambliss	Hagan	Manchin
Coats	Harkin	McCain
McCaskill	Reed	Stabenow
Menendez	Reid	Thune
Mikulski	Rockefeller	Udall (CO)
Murphy	Sanders	Udall (NM)
Murray	Schatz	Warner
Nelson	Schumer	Warren
Portman	Sessions	Whitehouse
Pryor	Shelby	Wicker

NAYS—27

Ayotte	Heller	Risch
Barrasso	Inhofe	Roberts
Baucus	Johnson (WI)	Rubio
Coburn	Kirk	Scott
Crapo	Lee	Shaheen
Cruz	McConnell	Tester
Flake	Merkley	Toomey
Grassley	Murkowski	Vitter
Hatch	Paul	Wyden

NOT VOTING—4

Begich	Lautenberg
Cornyn	Moran

The bill (S. 743), as amended, was passed, as follows:

S. 743

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Marketplace Fairness Act of 2013''.

SEC. 2. AUTHORIZATION TO REQUIRE COLLECTION OF SALES AND USE TAXES.

(a) STREAMLINED SALES AND USE TAX AGREEMENT.—Each Member State under the Streamlined Sales and Use Tax Agreement is authorized to require all sellers not qualifying for the small seller exception described in subsection (c) to collect and remit sales and use taxes with respect to remote sales sourced to that Member State pursuant to the provisions of the Streamlined Sales and Use Tax Agreement, but only if any changes to the Streamlined Sales and Use Tax Agreement made after the date of the enactment of this Act are not in conflict with the minimum simplification requirements in subsection (b)(2). A State may exercise authority under this Act beginning 180 days after the State publishes notice of the State's intent to exercise the authority under this Act, but no earlier than the first day of the calendar quarter that is at least 180 days after the date of the enactment of this Act.

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

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

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

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

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

(A) Provide—

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

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

(iii) a single sales and use tax return to be used by remote sellers to be filed with the single entity responsible for tax administration.

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

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

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

(D) Provide—

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

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

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

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

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

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

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

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

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

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

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

SEC. 3. LIMITATIONS.

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

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

(2) affecting the application of such taxes; or

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

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

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

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

(1) licensing or regulating any person;

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

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

(4) exercising authority over matters of interstate commerce.

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

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

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

SEC. 4. DEFINITIONS AND SPECIAL RULES.

In this Act:

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

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

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

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

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

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

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

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

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

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

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

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

(9) STREAMLINED SALES AND USE TAX AGREEMENT.—The term ''Streamlined Sales and Use Tax Agreement'' means the multi-State agreement with that title adopted on November 12, 2002, as in effect on the date of the enactment of this Act and as further amended from time to time.

SEC. 5. SEVERABILITY.

If any provision of this Act or the application of such provision to any person or circumstance is held to be unconstitutional, the remainder of this Act and the application of the provisions of such to any person or circumstance shall not be affected thereby.

SEC. 6. PREEMPTION.

Except as otherwise provided in this Act, this Act shall not be construed to preempt or limit any power exercised or to be exercised by a State or local jurisdiction under the law of such State or local jurisdiction or under any other Federal law.

The PRESIDING OFFICER. The majority leader.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business, with Senators allowed to speak therein for up to 10 minutes each.

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

RECOGNIZING SERVICE OF CHARLES HOUY

Mr. REID. President, today I rise to recognize one of Congress' longest-serving and loyal staffers, Charlie Houy. After three decades of service under Senators Ted Stevens, John Stennis

and Daniel Inouye, Charlie retired April 6, 2013. Today, on his one month retirement anniversary, we reflect on his quiet and steady leadership which was so important to the work of the Appropriations Committee and the Senate.

Charlie began his career on the Appropriations Committee as a professional staff member for the Defense Appropriations Subcommittee in 1987. He was quickly promoted and assumed the role of democratic clerk starting in 1995. In that capacity, Charlie worked on nearly every issue in the defense area from purchasing weapons to personnel issues.

Charlie's work on the Defense Subcommittee enabled our Nation's military to transform itself from a Cold War-era force to the agile and quick response force that exists today. Charlie played a major role in helping modernize our weapon systems, including helping secure funding for the development of Unmanned Aerial Vehicles—UAVs. Funding for UAVs helped to change the tide of the latest conflict in our favor and will continue to play a major role as we continue to prosecute and disrupt terrorist activities worldwide.

The role of UAVs in today's warfare is especially evident in my home State of Nevada. Creech Air Force Base is home to the famed Predator and Reaper aerial vehicles. For decades, Creech Air Force Base was comprised of a few buildings and a single runway, but Charlie's hard work on the Appropriations Committee led to significant investment in infrastructure and increases in Nevada military personnel. These additional resources have transformed Indian Springs Auxiliary base to Creech Air Force Base, the premier UAV installation in the world, supporting air and ground combat, reconnaissance, and search and rescue.

In 2009, Charlie assumed his current role as the staff director for the Senate Appropriations Committee. As our Nation was dealing with the effects of the great recession, Charlie helped develop policies to invest in American infrastructure and jumpstart the economy. His in-depth knowledge about the intricacies of the legislative process, coupled with his sense of humor, allowed him to keep order among the various subcommittees and continue the bipartisan nature of the Committee.

Charlie played a major role in nearly every appropriation issue during the last 5 years. From continuing resolutions to omnibus appropriations measures, Charlie helped navigate the Congressional landscape to ensure passage into law. In particular, Charlie worked with my staff to help avert a government shutdown and enact the Budget Control Act. I will always be grateful for Charlie's hard work on this piece of legislation.

Although the Senate and Nevada will miss Charlie's deep institutional knowledge about the appropriations process and the Federal budget, I am confident that Charlie's work left a lasting mark on our Nation and on Congress. I am happy to thank Charlie for his three decades of service and wish him well in his retirement.

WORKERS MEMORIAL DAY

Mr. HARKIN. Mr. President, more than 20 years ago, family members of workers killed on the job joined with safety advocates to launch Workers Memorial Day—a day of remembrance and advocacy. To honor the creation of the Occupational Safety and Health Administration, OSHA, April 28 was chosen as Workers Memorial Day.

The passage of the Occupational Safety and Health Act, which created OSHA, was one of the monumental legislative achievements of the 20th century. This landmark legislation, passed over four decades ago, reflects the values that all Americans share: that workers shouldn't have to risk their lives to earn their livelihood, and that workers, employers, and the government must all work together to keep people safe and healthy on the job.

Since that time, workplace safety and health conditions have improved dramatically. In the year the OSH Act was enacted, our country saw 13,800 on-the-job deaths. Forty years later, in 2010, that number is down by more than 60 percent. It is without dispute that this legislation has saved the lives of hundreds of thousands of American workers in its 40-year lifespan, a remarkable accomplishment.

In addition to saving lives, OSHA saves our country money. The total financial cost of job injuries and illnesses is enormous—estimated at $250 billion to $300 billion a year. Preventing illnesses and injuries before they happen makes economic sense, in addition to being the right thing to do.

So today, on Worker's Memorial Day, we celebrate the success of OSHA. But we also must acknowledge its limitations. Too many workers remain at serious risk of injury, illness or death on the job, as demonstrated by the recent fertilizer explosion in West Texas that killed at least 14 and injured over 200. In 2011, according to data from the Bureau of Labor Statistics, 4,693 workers were killed on the job—an average of 13 workers every day—and nearly 3 million nonfatal workplace injuries and illnesses were reported that same year. In our great State of Iowa, 93 workers died on the job in 2011. Additionally, 43 Iowans died from injuries sustained while working, and untold numbers of Iowans were injured from exposures in the workplace. We absolutely can—and must—do better.

That's why I am a co-sponsor of the Protecting America's Workers Act, a piece of legislation that would build on OSHA's successes and save the lives of countless additional workers. The bill makes commonsense reforms to bring our workplace safety laws into the 21st century, with minimal burden on the vast majority of employers that comply with the law.

One critical aspect of the Protecting America's Workers Act is that it will enhance the protection provided to workers who blow the whistle on unsafe conditions in the workplace. OSHA does not have the necessary resources to inspect every workplace in the country on a regular basis, so whistleblowers play an essential role in identifying dangerous conditions. Because OSHA enforcement is aided by whistleblowers, it is in all of our interests to protect whistleblowers from unfair retaliation so they are not afraid to come forward. But the whistleblower provision in OSHA has not been significantly amended or improved since it was enacted and has fallen far behind similar retaliation protections in other worker protection, public health, and environmental laws. The Protecting America's Workers Act will remedy that problem by strengthening whistleblower protections so more workers will feel comfortable reporting dangerous conditions and work environments can improve for all.

In addition to protecting whistleblowers, the Protecting America's Workers Act also extends OSHA protections to more workers, increases penalties for employers who break the law, enhances public accountability, and clarifies the duty of employers in providing a safe work environment. These changes together comprise a critical step towards providing a safer workplace for every worker in our country, and I plan to do everything possible to fight for this important legislation.

While we have made tremendous progress in that last 40 years under OSHA, there is much more work to be done. All Americans have the right to a safe workplace, and we should not rest until all of our fathers, mothers, sisters, brothers, families, and friends can go to work each day knowing they will come home safely again each night.

TRIBUTE TO ART GRATIAS

Mr. GRASSLEY. Mr. President, I would like to take a moment to congratulate Art Gratias of Mason City, IA on receiving the Legion of Honor from the French Government for his contribution to the liberation of France. Art Gratias enlisted in the U.S. Army in January of 1942, having begun the enlistment process before the attack on Pearl Harbor that led to the formal participation of the United States in World War II. As a member of the 2nd Infantry Division, he participated in the D-day invasion of Normandy, which took place on his first wedding anniversary. Art fought in numerous campaigns in France and Central Europe, including the Battle of the Bulge. He was wounded on August 16, 1944, receiving the Purple Heart and later returned to combat.

The French Government has expressed its gratitude to Art Gratias for what he did for their country. I would

now like to take this opportunity to thank Art for his service to our country. In fact, despite the fact that he gave more to this country through his military service than we can ever thank him for, he continued to dedicate his life to public service. Art has been a school board member, teacher, and school administrator. He has been very active in the Kiwanis, American Legion, and his church. Art has served on numerous volunteer boards, and in the Iowa Senate. Art Gratias is a prime example of that remarkable American spirit of voluntarism that the French writer Alexis de Tocqueville discovered in the early years of our Nation so it is fitting that he was singled out by the French Government for its highest honor. I am proud to add my voice to those who pay tribute to his life of service.

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

Mr. NELSON. Mr. President, since 1974, the Community Development Block Grant program has provided cities and counties with critical funding to help low and moderate income people through community projects for economic development, revitalization and infrastructure improvements.

The Community Development Block Grant program also gives local governments the flexibility to use some of this funding to provide basic public services directly to the most vulnerable people in their communities.

These essential services include providing meals, clean water, shelter and clothing to low income senior citizens, abused or neglected children, the disabled and the homeless.

For all the good programs that the Community Development Block Grant program does, communities are limited because local governments can only spend a maximum of 15 percent of their funding on these vital services.

For many of our local communities in Florida and across the country, the 15 percent cap is too low to adequately help the number of people in need, especially during these tough times.

In one particular case, the City of Miami wants so desperately to use more of its Community Development Block Grant funds for assistance to seniors for food programs, but they can't because of the 15 percent cap.

That is why I filed S. 855 on April 25, to raise that modest amount so that grant recipients can tailor the program to the needs of their communities, in this particular example, the needs of senior citizens.

This important legislation, which is being reintroduced in the House by Representative ROS-LEHTINEN, allows local governments to spend up to 25 percent of their funding for the Community Block Development program on essential public services, rather than just 15 percent.

The bill does not require local governments to spend 25 percent of their funding on services, but it gives them the flexibility to do so if it is in the best interest of their communities.

Let me be clear, the bill does not increase funding to any part of the Community Development Block Grant program. It simply allows local communities to do more with what they have, which is why both the U.S. Conference of Mayors and the National League of Cities have supported this position.

I hope that we in the Senate will take this critical step to help local governments to ensure that the most, vulnerable will continue to receive the most basic services.

USS ''JOHN RODGERS''

Mr. NELSON. Mr President, I submit these remarks today to honor the achievements of the USS *John Rodgers*, DD–574, a Fletcher-class destroyer of the United States Navy. The USS *John Rodgers* was commissioned on February 9, 1943, with Commander H.O. Parish, USN, commanding.

The USS *John Rodgers* joined the Pacific Fleet upon arrival in Pearl Harbor in June 1943. During her 2 years of almost constant service in the forward area, the USS *John Rodgers* was under frequent air attacks, yet still assisted other ships and planes in destroying innumerable enemy aircraft.

The courageous crew of the USS *John Rodgers* sank an enemy patrol craft, destroyed six mines, rescued twenty-five downed airmen, to include three British personnel, and engaged in eight bombardments of Japanese held territory in support of various amphibious operations.

The sailors of USS *John Rodgers* bravely executed an anti-shipping sweep 30 miles into Suruga Qan, the deepest penetration of Japanese homewaters made by surface vessels during the war. The crew was recognized by the commanding general, Third Marine Division, for outstanding performance while in contact with the enemy.

The commanding officers and squadron commanders who embarked in this vessel and honorably served the USS *John Rodgers*: Captain E.M. Thompson, Captain Henry Crommelin, and Captain Joseph W. Ludewig, Commander H.O. Parish, and Commander J.G. Franklin.

The USS *John Rodgers* earned 12 battle stars in World War II, and remarkably she sustained zero personnel losses during her service. At all times the morale of the crew was excellent and in keeping with the highest traditions of the naval service.

The USS *John Rodgers* was decommissioned on 25 May 1946. I would like to take this opportunity to personally thank the sailors and the families of the USS *John Rodgers* for their commitment, patriotism, and dedication to the USS *John Rodgers*, the United States Navy, and the United States of America.

RECOGNIZING FUTURE MEMBERS OF THE ARMED SERVICES

Mr. PORTMAN. Mr. President, I rise today to honor 453 high school seniors in 8 northeast Ohio counties who deserve this Nation's eternal gratitude for their commendable decision to enlist in the United States Armed Forces. Of these 453 seniors from 130 high schools in 93 towns and cities, 86 will enter the Army, 171 will enter the Marine Corps, 62 will enter the Navy, 43 will enter the Air Force, 3 will enter the Coast Guard, 82 will enter our Ohio Army National Guard, and 6 will enter into the Ohio Air National Guard. In the presence of their parents/guardians, and high school counselors, military leaders, city and business leaders, all 453 will be recognized on May 7, 2013 by ''Our Community Salutes of Northeast Ohio.''

In a few short weeks, these young men and women will join with many of their classmates in celebration of their high school graduation. At a time when many of their peers are looking forward to pursuing vocational training or college degrees, or are uncertain about their future, these young men and women instead have chosen to dedicate themselves to military service in defense of our rights, our freedoms, and our country.

I have no doubt that many are anxious about the uncertainties that await them as members of the Armed Forces. But they do not go forward from their homes and their families alone. They should rest assured that the full support and resources of this Chamber, and the American people, are with them in whatever challenges may lie ahead.

These 453 young men and women are the cornerstone of our liberties. It is thanks to their dedication and the dedication of an untold number of patriots just like them that we are able to meet here today, in the U.S. Senate, and openly debate the best solutions to the many diverse problems that confront our country. It is thanks to their sacrifices that the United States of America remains a beacon of hope and freedom in a dangerous world. We are grateful to them, and we are grateful to their parents and their communities for instilling in them not only the mental and physical abilities our Armed Forces require, but more importantly the character, the values, and the discipline that leads someone to put service to our Nation over self.

Their decision to serve our country will not go unrecognized, not by the veterans who will stop to salute them as they pass, nor by the everyday Americans who will shake their hands in grocery stores and gas stations and airports, just to let them know how much we all appreciate their service. I would like to personally thank these 453 graduating seniors for their selflessness and the courage that they have shown by volunteering to risk their lives in defense of our Nation. We owe them, along with all those who

serve our country, a deep debt of gratitude.

Mr. President, I ask unanimous consent to have printed in the RECORD the names of the 453 high school seniors.

There being no objection, the material was ordered to be printed in the RECORD as follows:

UNITED STATES ARMY—86

Abee—Streetsboro; Acevedo—Ashtabula; Ash—Cleveland; Augustine—Berea; Bennett—Lorain; Boggan—Cleveland; Bowling—Macedonia; Brown, T.—Wellington; Brown, J.—Lorain; Burley—Cleveland; Carver—Lorain; Cowles—Ashtabula; Demand—Cuyahoga Falls; Depew—Wadsworth; Deschields—Akron; Diaz—Lorain; Dreslinski—Norton; Estrella, B.—Cleveland; Estrella, D.—Cleveland; Faix—Norton; Fox—Berea; Frappier—Medina; Gardner—Medina; Gaspar—Cuyahoga Falls; Gates—Strongsville; Hagins—Akron; Hamilton—Cleveland; Hammond—Medina; Hill—Brunswick; Hinkle—LaGrange; Hubert—Cleveland; Hudak—Clinton; Ivcic—Maple Heights; Johnston, C.—Medina; Johnson, R.—Madison; Keller—Vermilion; Klissaroff—North Olmsted; Kogovsek—South Euclid; Kundtz—Avon Lake; Lakes—Parma; Lee—Cleveland; Leutwyler—Concord; Linden—North Olmsted.

Loomis—Parma; Lutz—Mentor; Macik—Solon; Makinson—Akron; Martinez—Parma Heights; McKissack—Maple Heights; McMaster—Lakewood; Miller—Lorain; Mitchell, T.—Akron; Mitchell, A.—Lakewood; Morrisey—Lakewood; Murra—North Ridgeville; Palmer—Grafton; Plant—Akron; Polak—Independence; Politi—Macedonia; Prieto—Akron; Racy—Lakewood; Radigan—North Olmsted; Richmond—Cleveland; Ruiz-Rodriguez—Parma; Sackett—Streetsboro; Sala—Chesterland; Salmons—Medina; Sams—Elyria; Scates—Grafton; Schmidt—Brecksville; Sidlauskas—Mentor; Siglin—Elyria; Sirrine—Rock Creek; Smith—Parma; Sneed—Lakewood; Stark—Oberlin; Staudenbaur—Chagrin Falls; Stewart—Cleveland; Strawderman—Elyria; Surckla—Novelty; Sweeney—Seville; Tanner—Cuyahoga Falls; Tintera—Russell; Titchenell—Brunswick; Watts—Richmond Heights; Wengerd—Middlefield.

UNITED STATES MARINE CORPS—171

Acord—North Ridgeville; Adamo—Parma; Adams—Orwell; Adkins—Lorain; Aiken—Kent; Anderson—Newton Falls; Asad—Brunswick; Ashcraft—Orville; Ashworth—Medina; Askew—Barberton; August—Mayfield Heights; Aussem—Avon Lake; Badalucco—Barberton; Balas—Strongsville; Bannerman—Twinsburg; Battle—Cleveland; Be—North Olmsted; Beairdrhodesden—Akron; Bearden—Parma; Becker—Austinburg; Bell—Andover; Bercaw—Chardon; Bluhm—Euclid; Bodjanac—Stow; Bodkins—Wellington; Brewster—Cleveland Heights; Brown—Orwell; Burkhardt—North Ridgeville; Buser—Cleveland; Camp—Lorain; Campbell—Tallmadge; Carlo—Broadview Heights; Carmichael—Westlake; Carpenter—Medina; Chan—Rocky River; Clark—Cleveland; Clemens—Cuyahoga Falls; Cooper—Windham; Croyle—Eastlake; Cunningham—Akron; Davis—Akron; Demeter—Brunswick; Diocco—LaGrange.

Durham—Cleveland; Easley—Ravenna; Edmonds—Mayfield Heights; Emerman—Painesville; England—Olmsted Falls; Evans—Cleveland; Faciana—Northfield; Fafrak—Cleveland; Fiala—Olmsted Falls; Foltyn—Akron; Frank—Fairview Park; Garcia—Cleveland; Gatson—Cleveland; Gomez—Eastlake; Gordon—Cuyahoga Falls; Guerrero—Cleveland; Guzman—Lyndhurst; Gyurgyik—Shaker Heights; Hall, A.—Cleveland; Hall, R.—Geneva; Hamper—Jefferson; Hartsel—Lakewood; Hayes—North Royalton; Hoff—Conneaut; Hoffman—Wickliffe; Holzhauer—Maple Heights; Howard—Mogadore; Hucks—Parma; Husar—Lorain; Jackson, G.—Akron; Jackson, M.—Lorain; Jamison—Doylestown; Jawaorski—Cleveland; Jenkins—Euclid; Johnson—Ravenna; Johnson-Lisman—Akron; Jones—Maple Heights; Kobus—Macedonia; Kostura—Brunswick; Kovats—Rome; Krabill—Fairview Park.

Kruggel—Litchfield; Kulbnik Medina; Kuzlik—Berea; Latimer—Akron; Leonard—Amherst; Lewis—Akron; Loede—Westlake; Lozitsky—Parma; Lyle—Kingsville; Lynch—Silver Lake; Lynn, C.—Parma; Lynn, M.—Middleburg Heights; Masella—Cleveland; Mattson—North Olmsted; McKee—Akron; Mitchell, C.—Stow; Mitchell, A.—Cleveland; Mohler—Litchfield; Moore—Cleveland Heights; Murray—Valley View; Myers—Doylestown; Nunez—Akron; Odorich—Brunswick; Orris—Barberton; Orsulic—Kingsville; Pagel—Lakewood; Pappas—Westlake; Percun—Seven Hills; Perdue—West Salem; Persinger—Amherst; Pollack—Parma; Porcello—Cleveland; Prince—Mansfield; Provoznik—Wellington; Quotson—Rootstown; Radick—Bay Village; Reese—Euclid; Reyes—Lorain; Richards—Sheffield Lake; Ritzenhalter—Bay Village.

Roche—Kent; Rodriguez—Cleveland; Roland—Westlake; Romanchik—North Olmsted; Rush—Wellington; Saintz—Brook Park; Sandman—Stow; Savel—Wellington; Sayers—Sheffield Lake; Schmitz—Spencer; Schneider—Perry; Schon—Amherst; Selzer—Tallmadge; Shaffer—North Ridgeville; Shemo—Brunswick; Sheppard—Stow; Sherbert—Elyria; Simon—Cleveland; Skvarek—Jefferson; Smith, G.—Clinton; Smith, M.—Elyria; Smith, K.—Cleveland; Smith, J.—Euclid; Steed—Orwell; Stiver—Cleveland; Stovicek—Avon Lake; Streitel—Lakewood; Stutler—Clinton; Swain—Akron; Tamburro—Parma Heights; Thompson—Brunswick; Tijerina—Brunswick; Tompkins—Bedford Heights; Travers—Mentor; Trommer—Medina; Turolebron—Cleveland; Usner—Munroe Falls; Vargas—Parma; Wanda—Conneaut; Ward—Vermilion; Webb—Cleveland; Werner—North Royalton; White—Mayfield Heights; Williford—Cleveland; Witthuhn—Brunswick; Woolfork—Lorain; Wright—Maple Heights.

UNITED STATES NAVY—62

Andino, Jr.—Painesville; Au—Conneaut; Aviles—Wellington; Azbill—Ashtabula; Barnes—Cleveland; Began—Northfield; Boswell—North Ridgeville; Brenneman—Sheffield Lake; Brown—Lorain; Burns—Painesville; Clark—Lorain; Cockerham—Parma; Coffey—Geneva; Coleman—Cleveland; Colon—Cleveland; Corey—Perry; Cozart—Warrensville Heights; Dailey—Cleveland; Davis—Euclid; Dean—Strongsville; Dennis—Cleveland; Eckenrode—North Ridgeville; Etheridge—Warrensville Heights; Flowers—North Olmsted; Gibons—Fairview Park; Gigliotti—Strongsville; Gunkelman—Strongsville; Haavisto—Wickliffe; Hollars—Vermilion.

Hollis—Mentor; Hopkins—Painesville; Inchaurregui—Lorain; James—Orwell; Jordan—South Euclid; Joy—Geneva; Kusar—Kirtland; Leggett—Bedford Heights; Lopez—Avon; Mahamett—North Olmsted; Manley—Cleveland; Martin—Lyndhurst; Mcready—Lakewood; Miller—Geneva; Nichols—Geneva; Noble—Elyria; Oleson—Strongsville; Parkinson—North Olmsted; Randle—Maple Heights; Reilly—Bay Village; Reisinger—Wellington; Roby—Elyria; Schumaker—Wellington; Simpkins—Maple Heights; Smith—Mayfield Heights; Snowden—Cleveland; Solomon—Strongsville; Stocker—Geneva; Wagner—Orwell; Warner—North Ridgeville; Weed—Avon Lake; Weidrick—Wellington; Wilms—Elyria.

UNITED STATES AIR FORCE—43

Adams—South Euclid; Barnard—Berea; Boros—Strongsville; Boukzam—Strongsville; Breeds—Lorain; Camera—Cleveland; Cash—Medina; Conkle—South Euclid; Goodwin—Wadsworth; Hazelett—Amherst; Henderson—Akron; Jedrzejek—Olmsted Falls; Kadow—Avon Lake; Keiter—Wickliffe; Keleman—Wadsworth; Kieswetter—North Olmsted; LaSalvia—Strongsville; Lawrence—Parma Heights; Manning—Kent; McGhee—Euclid; Miller, A.—Lorain; Moccia—Lakewood; Moff—Atwater; Neiger—Middleburg Heights; Nelson—Fairview Park; Pallens—Lorain; Perala—Seven Hills; Pipper—Parma; Plickert—Painesville; Richards—Medina; Roetzel—Parma; Rumpf—LaGrange; Saari—Strongsville; Serago—Concord; Starks—South Euclid; Stewart III—Wellington; Stogioglou—Wellington; Suszynski—Chardon; Tagliarini—Brookpark; Tomor—Barberton; Topoly—Akron; Touma—Cuyahoga Falls; Zavodny II—Euclid.

UNITED STATES COAST GUARD—3

Linden—Norwalk; Simko—Fairport Harbor; Werdebaugh—Wellington.

OHIO ARMY NATIONAL GUARD—82

Batcha—Northfield; Bloch, Jr.—Streetsboro; Caraballo—Columbia Station; Carter—Cleveland; Champlin—Akron;—Cleveland—Cleveland; Clow—Cleveland; Davis-Johnson—Cleveland; Derr—Garrettsville; Distad—Shaker Heights; DoBroka—North Royalton; Dosen—Broadview Heights; Downey—Akron; Drzik—Akron; Dunning—Chardon; Eisenhauer—Doylestown; Eldred—Avon Lake; Fiscus—LaGrange; Franchino—Streetsboro; Freeman—Cleveland; Galik, Jr.—Norton; Georskey—Ashtabula; Golnick—Willoughby Hills; Gonzalez Sanchez—Kenmore; Grimes—Norton; Habeck—Wakeman; Haefka—Lorain; Hallisy—Lorain; Hendrickson—Brookpark; Herman—Chesterland; Hill—Brunswick; Hines—Ashtabula; Jackson—Cleveland; Johnson, A.—Cleveland; Johnson, E.—Elyria; Johnson, G.—Amherst; Jones—Warrensville; Keown—Mogadore; Kingzett—Independence; Knight—Ashtabula; Lee—North Ridgeville.

Loga—Ashtabula; Loraditch—Akron; Macklin—Bedford; Mansfield—Akron; Martin—Elyria; Mathews—Pierpont; May—Akron; Mclaughlin, C.—Strongsville; Mclaughlin, L.—Wasdworth; Milbrandt—Ashtabula; Miller—Ashtabula; Morales—Cleveland; Myers—Akron; Newell—Barberton; Nichols—Akron; Norton, Jr.—Cleveland; O'Connor—Litchfield; Patterson—Lorain; Pedreschi—Avon; Petrella—North Royalton; Phillips—Medina; Powell—Akron; Pozega—Amherst; Raker—Norton; Reid—Elyria; Reyes—Cleveland; Reynolds—Streetsboro; Richard—Oberlin; Rohal—Ravenna; Roldan—Cleveland; Rosa—Lorain; Ryan—Kent; Schwarz—Akron; Sharp—Euclid; Sweeny—Columbia Station; Thomas—Eastlake; Thomas—Akron; Townsend—Twinsburg; Wiley—Avon; Williams—Cleveland; Wolters II—Akron.

OHIO AIR GUARD—6

Berg—Hinckley; Delzoppo—Eastlake; Leonard—Akron; Mele—Willowick; Shamatta—Strongsville; Tushar—North Canton.

ADDITIONAL STATEMENTS

TRIBUTE TO BILL LITTON

• Mr. COCHRAN. Mr. President, on May 17, 2013, Mr. Bill Litton of Greenwood, MS, will conclude his term as the 78th president of the Delta Council. I am pleased to commend him for his

service and contributions to the delta region and the State of Mississippi.

Organized in 1935, Delta Council plays an important role in uniting the agricultural, business, and economic development leadership to solve problems and promote opportunities in the Mississippi Delta region, which includes eighteen counties in northwest Mississippi.

Mr. Litton has put in a strong performance as Delta Council president. His tenure as council president concludes as we are crafting a new, long-term Farm Bill, which will establish Federal policies for American agriculture and other important areas including conservation, agricultural research, and nutrition. Given this bill's importance to the delta's economy, I have appreciated Mr. Litton's advice and counsel related to serving the interests of our State. His input over the past year will contribute to the overall success of this endeavor.

In addition to his role as President of Delta Council, Mr. Litton is the President of Wade Incorporated in Greenwood, MS, which serves as the John Deere equipment dealership in many counties in the delta. He is also director of the Bank of Commerce. Some of his previous leadership positions include Chairman of the Greenwood Utility Commission and President of Delta Wildlife. He has been a recipient of the Silver Beaver Award from the Boy Scouts of America.

Born in New Hampshire, Mr. Litton moved to Greenwood, MS and earned his bachelor's degree from the University of Mississippi. As a Mississippian, Mr. Litton has demonstrated leadership and dedication to improving the quality of life in the delta and the entire State. I commend Bill Litton for his service to Mississippi, and share this appreciation with his wife Ann, and their three children Gerard, Powell, and Wade.●

TRIBUTE TO SYLVIA MEDINA

● Mr. CRAPO. Mr. President, my colleague Senator JIM RISCH joins me today in recognizing the significant accomplishments of Sylvia Medina, who is retiring as president & chief executive officer of North Wind, Inc.

Sylvia is influential locally, regionally, nationally and internationally. She founded North Wind, headquartered in Idaho Falls, which provides engineering, construction and environmental services to Federal and State agencies and private industry. Through her hard work and innovation, she grew North Wind into a leading business employing more than 300 scientific, engineering, construction and professional personnel in 21 offices throughout the country. In 2009, Sylvia sold North Wind to Cook Inlet Regional, Inc., CIRI, but remained on as president and chief executive officer.

Sylvia steps in to address community needs, and she has a strong commitment to community service. She has supported youth and education programs, the arts and environmental conservation efforts. She was also instrumental in raising money for the construction of an animal shelter and dog park. In addition, Sylvia has served in leadership roles for several local and national organizations that include the Idaho State University Foundation, Holy Rosary School, Women Impacting Public Policy, Green Kids Inc., Grow Idaho Falls, Idaho Falls Symphony, the Snake River Animal Shelter, LLC and the Institute for Economic Empowerment of Women.

Sylvia's strong leadership and dedication have been recognized through awards and her selection to assist with important initiatives. For example, she was appointed by Governor Butch Otter to the Leadership in Nuclear Energy Commission. Among her numerous honors, the U.S. Small Business Administration recognized Sylvia as a Small Business Person of the Year in 2008. In 2009, she received the Latina Women Entrepreneur of the Year Award from the Anna Maria Aras Memorial Business Fund and a Torch Award from the Better Business Bureau.

Sylvia leads by example and demonstrates a constant commitment to integrity and bettering the community. It has been great to work with Sylvia. Sylvia, your expertise and insight on small business issues have been valuable and greatly appreciated, and we look forward to continuing to work with you on future joint efforts. We hope that your retirement from North Wind provides you deserved time with your family, including your husband and three children, and your many friends. Thank you, Sylvia, for your hard work and exemplary service.●

TRIBUTE TO WILLIAM LEE RICH

● Mr. TESTER. Mr. President, today I wish to honor William Lee Rich, a career Navy man. Bill, on behalf of all Montanans and all Americans, I stand to say ''thank you'' for your service to this Nation.

It is my honor to share the story of Bill Rich's service in the U.S. Navy, because no story of heroism should ever fall through the cracks.

Bill was born in Jamestown, NY in 1947. After moving around the country with his family, he graduated from Spring Valley High School in New York and enlisted with the U.S. Navy in Poughkeepsie in 1966.

Bill trained with the Seabees in Davisville, RI before transferring to Mobile Construction Battalion 21 at Seabee Headquarters in Gulfport, MS. From there he was deployed to Phu Bai with M-C-B 21, just south of Hue City in Vietnam. While in Vietnam, Bill's unit was responsible for transporting South Vietnamese refugees out of Hue.

In February 1968, his unit saw heavy action during the Tet Counter Offensive. They were responsible for transporting a group of South Vietnamese out of Hue to the refuge center at Phu Bai. It was for their time in Hue that the M-C-B 21 received the Presidential Unit Citation. Bill also earned his Combat Action Ribbon.

Bill's deployment ended after 9 months, and his unit returned to Gulfport, MS before going back to Vietnam, this time to Camp Eagle in the Gia Lai Province. During his 8 months at Camp Eagle, Bill worked on various construction and electrical projects, both around the camp and in Hue. He also worked with the American-Vietnamese Civic Action Program to help construct engineering projects in the region.

After his two tours in Vietnam, Bill transferred to Naval Reserve Construction Battalion 19 for 4 years before returning to active duty.

Back with the Seabees, Bill was assigned to Italy and New Zealand before spending a year in Antarctica as part of Operation Deep Freeze. He was then assigned to Harold E. Holt station in Australia where he married his wife, Debby, a Helena native.

From Australia, Bill went to Winter Harbor, ME and then to M-C-B 74 in Gulfport. He deployed from Gulfport to Japan and Puerto Rico. From battalion he went to Manama, Bahrain in the Persian Gulf as a contract inspector.

From Bahrain, Bill went to the Naval Headquarters in London, England for 4 years where his daughter Mariah was born.

Bill's last assignment was part of a five-man active duty staff for Reserve Construction Battalion 13 at Camp Smith, Peekskill, NY. Before he retired, Bill received both the New York State Conspicuous Service Cross and the Long and Faithful Service Medal.

Upon his retirement, he received both the Navy and Army Achievement Medals. Bill retired with the rank of E–6 Construction Electrician First Class.

Bill transferred to Fleet Reserve and retired after a 30-year naval career.

Petty Officer Bill Rich moved to Helena to start his new life with his wife and daughter. He currently works for the State of Montana Department of Military Affairs here at Fort Harrison as an electrician.

After his service, Bill never received all of the medals he earned from the Navy.

Earlier this month, in the presence of his friends and family, it was my honor to finally present to Bill his Vietnam Campaign Medal with 1960 Device, Navy Expert Rifle Medal with Three Bronze Stars, Navy Expert Pistol Medal, Humanitarian Service Medal, and his Navy & Marine Corps Overseas Service Ribbon with One Silver and Four Bronze Stars.

It was also my honor to present the Antarctica Service Medal with Bronze Clasp, the Vietnam Service Medal with One Silver and Two Bronze Stars, the Navy Good Conduct Medal with Four Bronze Stars, the Naval Reserve Meritorious Service Medal, and the National Defense Service Medal with One Bronze Star.

Earlier this month I also presented to Bill: the Combat Action Ribbon, Presidential Unit Citation, Navy Unit Commendation Ribbon with one Bronze Star, and the Meritorious Unit Commendation with One Bronze Star

These decorations are small tokens, but they are powerful symbols of true heroism. Sacrifice. And dedication to service.

These medals are presented on behalf of a grateful nation.●

EARTH DAY

● Mr. BROWN. Mr. President, on April 22, 1970—after years of planning—Earth Day activities stretched from college campuses, to city parks, to community halls across the country.

The landscape has changed since students, activists, and environmentalists celebrated the first Earth Day. That citizen call to action spurred a new season of environmental protections that have improved the health of our Nation's air, lands, rivers, and the Great Lakes.

Just several decades ago, polluted air and water threatened the public health and safety of our Nation. The Cuyahoga River in Cleveland had caught on fire and oil spills marred the beaches of Santa Barbara.

These catastrophic events served as catalysts that established the Environmental Protection Agency, EPA, passed the Clean Air and Clean Water Acts, and formed a public and political consciousness of the need to safeguard our environment.

Today, the Cuyahoga River—44 years after the fire—is cleaner and healthier, more than 60 different fish species are thriving, and countless families are again enjoying its natural beauty.

Today, Earth Day is celebrated around the world.

Now communities across Ohio and the Nation are spurring on the next generation of environmental innovation.

Seeds planted in places such as Oregon, OH—a city just east of Toledo in northwest Ohio—are beginning to grow.

To reduce energy costs, the Oregon City School District partnered with the Toledo-Lucas County Port Authority to transition away from traditional electricity to wind and solar power. Oregon City Schools set up wind turbines at Clay High School and Eisenhower Middle School. They installed solar panels on the roofs of Jerusalem and Starr Elementary Schools. And these innovative investments have paid off. In just 10 days in October, Clay Campus's wind turbine, Power Wind 56, produced 149 percent of campus energy needs. All computers, all lights, all kitchen activity, and fans on Clay Campus are now wind-powered. This includes the administration building, bus garage, and maintenance building at the stadium. Besides saving on energy costs, as of March 21, the school district is producing 800 fewer tons of carbon dioxide. This means less acid rain-causing sulfur dioxide and nitrous oxide going into the air.

This innovation and activism marks tremendous progress toward a more sustainable environment.

If we fail to protect our natural resources, we risk the health of citizens, the viability of our coastal areas, and the productivity of our State's farms, forests, and fisheries. We risk our long-term economic and national security. Yet we know that choosing between economic growth and environmental protections is a false choice.

Despite our population growing by 50 percent in the past 40 years and the number of cars on the road having doubled over that same time, our air is now 60 percent cleaner than at the time of the first Earth Day in 1970.

Done right, our Nation can become energy independent, improve its global competitiveness, and create new jobs and technologies for our workforce. As we plant the seeds for economic growth—for new jobs in new industries—we are also planting the seeds for a cleaner, more sustainable environment.

The students and parents of the Oregon City School District are a reminder that taking steps to protect our air and water is something that we do every day, not just on April 22.

Earth Day reminds us of our ability and our history of innovation and perseverance to protect our environment for current and future generations.●

TRIBUTE TO EARL HOLDING

● Mr. HATCH. Mr. President, today I wish to pay special tribute to a man I have admired for many years, Earl Holding. Sadly, Earl passed away April 19, 2013 leaving behind a lasting legacy that garnered the respect of many throughout our State and Nation.

Earl was a Utah icon—a businessman who reached the highest echelons of the business world—yet spent time to help people from all walks of life, and in many pursuits and interests. His work ethic is legendary. From a young age, Earl put in long days at whatever business he pursued, and he was truly an example of someone who wasn't afraid to roll up his sleeves and get his hands dirty—right along with his employees.

In 1949 Earl married his life's partner and eternal sweetheart, Carol Orme. Their marriage was a testament to their partnership as companions—at work and at home. Carol was almost always found at the side of Earl working the land, running hotels, and raising children. They are the proud parents of three children and twelve grandchildren whom they deeply love.

Earl's strength as a business leader has been witnessed by many employees he tutored and led in many successful and important companies including the Little America and Grand America hotels, the Snowbasin Ski Resort, and Sinclair Oil.

In the 1990s Earl was a driving force in helping to bring the Winter Olympic Games to Salt Lake City. His willingness to build world-class facilities to help stage the games cannot be overlooked as one of the key factors in the utmost success of the 2002 Winter Olympics. His contributions will never be forgotten.

Earl and Carol loved the land and enjoyed spending time at their ranches or property throughout the West. He loved to hike, bike, fish, or just enjoy nature in our wonderful part of the world. He had a great reverence for the beauty of our country and always sought to build edifices that paid tribute to that splendor.

Utah and our Nation lost a truly great business leader and giant of a man when Earl left this earthly existence. I know that many people will truly miss his strength, leadership, and commitment to excellence. I will miss all of those things, but I will also miss a cherished friend. I am grateful for the relationship Earl and I have enjoyed for many years and the support and wisdom he always shared.

Elaine and I convey our deepest sympathies to Carol and their family. May our Heavenly Father bless them with peace and comfort at this time. The contributions and impact Earl made on his family, his community, Utah and our Nation will be felt and appreciated for generations to come.●

RECOGNIZING EXCEPTIONAL NEVADA MOTHERS

● Mr. HELLER. Mr. President, today I wish to congratulate Mrs. Zan Peterson Hyer, who has been recognized as the 2013 Nevada Mother of the Year, and Mrs. Montsdarrat Wadsworth for being named the 2013 Nevada Young Mother of the Year. These two outstanding mothers have been honored for their commitment to strengthening the moral and spiritual foundations of the family and home.

These exceptional Nevada mothers have received this designation from the American Mothers, Inc. of Nevada, a nonprofit interfaith organization dedicated to honoring motherhood while offering support to mothers in the State of Nevada. American Mothers, Inc. is the official sponsor of Mother's Day and the Mother of the Year.

As a mother of five children and four grandchildren, Mrs. Hyer has demonstrated the great responsibility of motherhood and dedication to living and teaching her children outstanding qualities, such as love, understanding, courage, service, and compassion. As a recipient of this award, Mrs. Hyer will help deliver this message about motherhood to community organizations in Southern Nevada and throughout the State. I wish her all the best in her future endeavors and congratulate her on this well-deserved award.

Mrs. Wadsworth is also a devoted and honorable mother. She and her husband are raising 10 children in

Winnemucca, NV. They live and work on an alfalfa hay farm, and Mrs. Wadsworth homeschools all 10 of their children.

I ask my colleagues to join me today in congratulating these two outstanding Nevada Mothers. It is my hope that they will stand as examples of the important work that mothers do in strengthening our communities.●

TRIBUTE TO CHIEF WARRANT OFFICER 5 BERNARD SATTERFIELD

● Ms. AYOTTE. Mr. President, I rise today to recognize the accomplishments of CW5 Bernard Satterfield. On July 1, 2013, Chief Warrant Officer 5 Satterfield will retire after 40 years of distinguished service to the U.S. Army. With his decades of service and dedication to our country, Chief Warrant Officer 5 Satterfield has earned our deepest gratitude and respect.

In September 1973, Chief Warrant Officer 5 Satterfield entered active duty service after completing basic combat training at Fort Jackson, SC. In 1984, he was appointed to the Warrant Officer Corps. In 2010, he became the regimental chief officer—the highest ranking warrant officer—of the U.S. Army's Ordnance Corps. Chief Satterfield served in multiple overseas tours and deployments to Germany, Panama, South Korea, Kuwait, Iraq, Saudi Arabia, and numerous locations across the United States. His service earned him numerous military awards and decorations, including the Legion of Merit and the Bronze Star, for his faithful service and contribution to the Army's mission.

In retirement, I am confident that Chief Satterfield will continue to serve our Nation. On behalf of the Senate Armed Services Committee and the U.S. Senate, I am proud to thank Chief Satterfield, his wife Deirdre, and their son Steven, for four decades of honorable service to our Nation. I wish him and his family the very best in retirement.●

TRIBUTE TO LARRY RUVO

● Mr. HELLER. Mr. President, today I wish to congratulate Larry Ruvo, a Nevada businessman and philanthropist, for receiving the Horatio Alger Award. This award is reserved for outstanding Americans who exemplify dedication, purpose, and perseverance in their personal lives. Recipients of this award traditionally have started life in humble circumstances and have worked with great diligence to achieve success. Larry Ruvo is one of only 11 recipients of this year's award and exemplifies the dedication that has helped make the State of Nevada great.

Mr. Ruvo was born and raised in Las Vegas and graduated from Las Vegas High School. He has had a successful career as a local businessman and founder of Southern Wine and Spirits of Nevada. In memory of his father, Mr. Ruvo has worked tirelessly to establish a cognitive disease center in Las Vegas. His efforts and generosity helped in the creation of the Cleveland Clinic Lou Ruvo Center for Brain Health located in Las Vegas. Larry Ruvo's efforts to give back to his local community are admirable and inspiring.

I ask my colleagues to join me in congratulating Larry Ruvo for receiving this distinguished honor, and it is my hope that he will serve as an example of what great things a person can accomplish when they work with dedication, purpose, and perseverance.●

TRIBUTE TO LAUREL P. SAYER

● Mr. CRAPO. Mr. President, I rise today to recognize the achievements of Laurel Sayer, who is retiring from congressional service.

For the past 14 years, Laurel has served as the Natural Resources and Idaho National Laboratory policy adviser for my fellow Idaho congressional delegation colleague, Representative MIKE SIMPSON. Throughout her career, Laurel has served as a trusted advisor and resource to many. She has worked hard to develop partnerships and advocate for the interests of Idahoans.

Prior to working for Representative SIMPSON, Laurel served as an integral member of my staff for 6 years when I served in the U.S. House of Representatives. Among her responsibilities, she enhanced outreach efforts and provided valuable input on natural resources issues. Laurel joined my House staff with a wealth of community experience, which quickly translated into a great base for advocating for Idahoans in eastern Idaho. The years that she spent doing volunteer efforts in the community paid off for Idahoans as she transitioned into one of the most effective congressional staffers in the State.

She has been very involved throughout eastern Idaho and developed valuable relationships with local, State, regional, and Federal Government agencies and numerous organizations and individuals. For example, she has served in leadership roles for the Yellowstone Business Partnership, the Idaho Commission on the Arts, the Idaho Falls Arts Council, the Idaho Community Foundation, and the Education Foundation. Laurel has contributed significantly to the arts in Idaho, including promoting related projects, arts councils, and arts groups.

Laurel has served the community, State, and Nation with distinction, and I thank her for her hard work on behalf of Idahoans. I have enjoyed my years of friendship with Laurel and appreciated her kind demeanor, hard work, and tremendous will. Laurel, you have much to be proud of for your many years of dedication and committed service. I congratulate you on your retirement, wish you all the best, and thank you for all you have done for Idahoans.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

(The messages received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE RECEIVED DURING ADJOURNMENT

Under the authority of the order of the Senate of January 3, 2013, the Secretary of the Senate, on April 30, 2013, during the adjournment of the Senate, received a message from the House of Representatives announcing that pursuant to section 13101 of the HITECH Act (Public Law 111–5), and the order of the House of January 3, 2013, the Speaker appoints the following individual on the part of the House of Representatives to the HIT Policy Committee: Mrs. Gayle Harrell of Stuart, Florida.

Under the authority of the order of the Senate of April 25, 2013, the Secretary of the Senate, on April 30, 2013, during the adjournment of the Senate, received a message from the House of Representatives announcing that the House had passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1765. An act to provide the Secretary of Transportation with the flexibility to transfer certain funds to prevent reduced operations and staffing of the Federal Aviation Administration, and for other purposes.

The message also announced that the Clerk of the House be directed to return to the Senate the bill (S. 853) to provide the Secretary of Transportation with the flexibility to transfer certain funds to prevent reduced operations and staffing of the Federal Aviation Administration, and for other purposes, in compliance with a request of the Senate for the return thereof.

ENROLLED BILL SIGNED

The message further announced that the Speaker had signed the following enrolled bill:

H.R. 1765. An act to provide the Secretary of Transportation with the flexibility to transfer certain funds to prevent reduced operations and staffing of the Federal Aviation Administration, and for other purposes.

Under authority of the order of the Senate of January 3, 2013, the enrolled bill was signed on April 30, 2013, during the adjournment of the Senate, by the President pro tempore (Mr. LEAHY).

MESSAGE FROM THE HOUSE

At 2:03 p.m., a message from the House of Representatives, delivered by

Mr. Novtony, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 527. An act to amend the Helium Act to complete the privatization of the Federal helium reserve in a competitive market fashion that ensures stability in the helium markets while protecting the interests of American taxpayers, and for other purposes.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 527. An act to amend the Helium Act to complete the privatization of the Federal helium reserve in a competitive market fashion that ensures stability in the helium markets while protecting the interests of American taxpayers, and for other purposes; to the Committee on Energy and Natural Resources.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. MENENDEZ:

S. 856. A bill to foster stability in Syria, and for other purposes; to the Committee on Foreign Relations.

By Mr. DURBIN (for himself, Mr. LEAHY, Mr. WHITEHOUSE, Mr. SANDERS, Mrs. MURRAY, Mr. COONS, Mrs. GILLIBRAND, Mr. LAUTENBERG, and Mr. BLUMENTHAL):

S. 857. A bill to amend the Family and Medical Leave Act of 1993 to permit leave to care for a same-sex spouse, domestic partner, parent-in-law, adult child, sibling, grandchild, or grandparent who has a serious health condition; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SANDERS (for himself and Mr. LEAHY):

S. 858. A bill to provide for an earlier start for State health care coverage innovation waivers under the Patient Protection and Affordable Care Act, and for other purposes; to the Committee on Finance.

By Mr. BENNET:

S. 859. A bill to amend the Farm Security and Rural Investment Act of 2002 to provide for the conducts of activities to detect, and respond in a timely manner to, threats to animal health; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. FRANKEN (for himself, Mr. HARKIN, Mr. BROWN, Mr. DURBIN, Ms. CANTWELL, Mr. JOHNSON of South Dakota, Mr. COWAN, Ms. HIRONO, Ms. BALDWIN, and Mr. SCHATZ):

S. 860. A bill to amend the Farm Security and Rural Investment Act of 2002 to improve energy programs; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. MCCONNELL (for himself and Mr. PAUL):

S. 861. A bill to amend the Federal Water Pollution Control Act to provide guidance and clarification regarding issuing new and renewal permits, and for other purposes; to the Committee on Environment and Public Works.

By Ms. AYOTTE (for herself, Mr. SCHATZ, Mr. ALEXANDER, Mr. BLUNT, Ms. HIRONO, Mr. KING, Mr. MORAN, and Mr. PAUL):

S. 862. A bill to amend section 5000A of the Internal Revenue Code of 1986 to provide an additional religious exemption from the individual health coverage mandate; to the Committee on Finance.

By Mr. BLUMENTHAL (for himself and Mr. BEGICH):

S. 863. A bill to amend title 38, United States Code, to repeal time limitations on the eligibility for use of educational assistance under All-Volunteer Force Educational Assistance Program, to improve veterans education outreach, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. WICKER (for himself, Ms. HEITKAMP, Mr. COCHRAN, Mr. UDALL of New Mexico, Mr. CRAPO, Ms. KLOBUCHAR, Mr. RISCH, Mr. JOHNSON of South Dakota, Mr. MORAN, Ms. LANDRIEU, Mr. BOOZMAN, Mr. TESTER, Mr. INHOFE, Ms. HIRONO, Mr. BAUCUS, and Mr. VITTER):

S. 864. A bill to amend the Safe Drinking Water Act to reauthorize technical assistance to small public water systems, and for other purposes; to the Committee on Environment and Public Works.

By Mr. WHITEHOUSE (for himself, Mr. HELLER, Mr. WARNER, Mr. GRASSLEY, Mr. BROWN, Mr. REED, Mr. BEGICH, Mr. CASEY, and Mr. FRANKEN):

S. 865. A bill to provide for the establishment of a Commission to Accelerate the End of Breast Cancer; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SCHUMER:

S. 866. A bill to make improvements to the transitional program covered business method patents, and for other purposes; to the Committee on the Judiciary.

By Mr. PRYOR (for himself, Mr. MORAN, Mr. WICKER, and Mr. BOOZMAN):

S. 867. A bill to amend title XVIII of the Social Security Act to provide for pharmacy benefits manager standards under the Medicare prescription drug program, to establish basic audit standards of pharmacies, to further transparency of payment methodology to pharmacies, and to provide for recoupment returns to Medicare; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. HARKIN (for himself, Mrs. MURRAY, and Mrs. GILLIBRAND):

S. Res. 128. A resolution expressing the sense of the Senate that supporting seniors and individuals with disabilities is an important responsibility of the United States, and that a comprehensive approach to expanding and supporting a strong home care workforce and making long-term services and supports affordable and accessible in communities is necessary to uphold the right of seniors and individuals with disabilities in the United States to a dignified quality of life; to the Committee on Health, Education, Labor, and Pensions.

By Ms. HIRONO (for herself, Mr. HELLER, Mrs. BOXER, Mrs. MURRAY, Mr. WARNER, Mr. SCHATZ, Mr. BEGICH, and Mr. CARDIN):

S. Res. 129. A resolution recognizing the significance of May 2013 as Asian/Pacific American Heritage Month as an important time to celebrate the significant contributions of Asian Americans and Pacific Islanders to the history of the United States; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 85

At the request of Mr. COONS, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of S. 85, a bill to provide incentives for States to invest in practices and technology that are designed to expedite voting at the polls and to simplify voter registration.

S. 138

At the request of Mr. VITTER, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 138, a bill to prohibit discrimination against the unborn on the basis of sex or gender, and for other purposes.

S. 232

At the request of Mr. HATCH, the names of the Senator from Nevada (Mr. HELLER) and the Senator from Kentucky (Mr. PAUL) were added as cosponsors of S. 232, a bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on medical devices.

S. 278

At the request of Mr. WHITEHOUSE, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of S. 278, a bill to replace the Budget Control Act sequester for fiscal year 2013 by eliminating tax loopholes.

S. 345

At the request of Mrs. SHAHEEN, the name of the Senator from Wisconsin (Mr. JOHNSON) was added as a cosponsor of S. 345, a bill to reform the Federal sugar program, and for other purposes.

S. 375

At the request of Mr. TESTER, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 375, a bill to require Senate candidates to file designations, statements, and reports in electronic form.

S. 381

At the request of Mr. BROWN, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 381, a bill to award a Congressional Gold Medal to the World War II members of the ''Doolittle Tokyo Raiders'', for outstanding heroism, valor, skill, and service to the United States in conducting the bombings of Tokyo.

S. 423

At the request of Mr. MENENDEZ, the names of the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from Minnesota (Mr. FRANKEN) were added as cosponsors of S. 423, a bill to amend title V of the Social Security Act to extend funding for family-to-family health information centers to help families of children with disabilities or special health care needs make informed choices about health care for their children.

S. 460

At the request of Mr. HARKIN, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 460, a bill to provide for an increase in the Federal minimum wage.

S. 462

At the request of Mrs. BOXER, the names of the Senator from Utah (Mr. HATCH) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of S. 462, a bill to enhance the strategic partnership between the United States and Israel.

S. 496

At the request of Mr. PRYOR, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 496, a bill to direct the Administrator of the Environmental Protection Agency to change the Spill Prevention, Control, and Countermeasure rule with respect to certain farms.

S. 539

At the request of Mrs. SHAHEEN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 539, a bill to amend the Public Health Service Act to foster more effective implementation and coordination of clinical care for people with pre-diabetes and diabetes.

S. 541

At the request of Ms. LANDRIEU, the names of the Senator from Massachusetts (Ms. WARREN) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 541, a bill to prevent human health threats posed by the consumption of equines raised in the United States.

S. 617

At the request of Mr. CASEY, the names of the Senator from California (Mrs. BOXER), the Senator from New Hampshire (Mrs. SHAHEEN) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. 617, a bill to provide humanitarian assistance and support a democratic transition in Syria, and for other purposes.

S. 623

At the request of Mr. CARDIN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 623, a bill to amend title XVIII of the Social Security Act to ensure the continued access of Medicare beneficiaries to diagnostic imaging services.

S. 629

At the request of Mr. PRYOR, the names of the Senator from Hawaii (Ms. HIRONO) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. 629, a bill to amend title 38, United States Code, to recognize the service in the reserve components of the Armed Forces of certain persons by honoring them with status as veterans under law, and for other purposes.

S. 653

At the request of Mr. BLUNT, the names of the Senator from Arkansas (Mr. BOOZMAN) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 653, a bill to provide for the establishment of the Special Envoy to Promote Religious Freedom of Religious Minorities in the Near East and South Central Asia.

S. 654

At the request of Ms. LANDRIEU, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 654, a bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants.

S. 679

At the request of Mr. BROWN, the names of the Senator from Massachusetts (Ms. WARREN) and the Senator from Maine (Mr. KING) were added as cosponsors of S. 679, a bill to promote local and regional farm and food systems, and for other purposes.

S. 689

At the request of Mr. HARKIN, the names of the Senator from New Hampshire (Ms. AYOTTE) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. 689, a bill to reauthorize and improve programs related to mental health and substance use disorders.

S. 690

At the request of Mr. SCHATZ, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 690, a bill to amend title 38, United States Code, to deem certain service in the organized military forces of the Government of the Commonwealth of the Philippines and the Philippine Scouts to have been active service for purposes of benefits under programs administered by the Secretary of Veterans Affairs.

S. 692

At the request of Mr. RUBIO, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 692, a bill to rescind certain Federal funds identified by States as unwanted and use the funds to reduce the Federal debt.

S. 700

At the request of Mr. KAINE, the names of the Senator from Alaska (Ms. MURKOWSKI) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 700, a bill to ensure that the education and training provided members of the Armed Forces and veterans better assists members and veterans in obtaining civilian certifications and licenses, and for other purposes.

S. 709

At the request of Ms. STABENOW, the names of the Senator from California (Mrs. BOXER) and the Senator from Delaware (Mr. COONS) were added as cosponsors of S. 709, a bill to amend title XVIII of the Social Security Act to increase diagnosis of Alzheimer's disease and related dementias, leading to better care and outcomes for Americans living with Alzheimer's disease and related dementias.

S. 724

At the request of Mr. BLUNT, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 724, a bill to provide flexibility to agencies on determining what employees are essential personnel in implementing the sequester.

S. 742

At the request of Mr. CARDIN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 742, a bill to amend the Internal Revenue Code of 1986 and the Small Business Act to expand the availability of employee stock ownership plans in S corporations, and for other purposes.

S. 754

At the request of Mrs. GILLIBRAND, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 754, a bill to amend the Specialty Crops Competitiveness Act of 2004 to include farmed shellfish as specialty crops.

S. 759

At the request of Mr. CASEY, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. 759, a bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for amounts paid by a spouse of a member of the Armed Forces for a new State license or certification required by reason of a permanent change in the duty station of such member to another State.

S. 769

At the request of Mr. DURBIN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 769, a bill to designate as wilderness certain Federal portions of the red rock canyons of the Colorado Plateau and the Great Basin Deserts in the State of Utah for the benefit of present and future generations of people in the United States.

S. 777

At the request of Mrs. GILLIBRAND, the name of the Senator from Maine (Mr. KING) was added as a cosponsor of S. 777, a bill to restore the previous policy regarding restrictions on use of Department of Defense medical facilities.

S. 789

At the request of Mr. BAUCUS, the names of the Senator from Alaska (Mr. BEGICH), the Senator from Connecticut (Mr. BLUMENTHAL), the Senator from North Carolina (Mrs. HAGAN), the Senator from Washington (Mrs. MURRAY) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. 789, a bill to grant the Congressional Gold Medal, collectively, to the First Special Service Force, in recognition of its superior service during World War II.

S. 792

At the request of Mr. SCHUMER, his name was added as a cosponsor of S. 792, a bill to strengthen the enforcement of background checks with respect to the use of explosive materials.

At the request of Mr. WHITEHOUSE, his name was added as a cosponsor of S. 792, supra.

S. 810

At the request of Mr. DONNELLY, the name of the Senator from Hawaii (Mr. SCHATZ) was added as a cosponsor of S. 810, a bill to require a pilot program on an online computerized assessment to

enhance detection of behaviors indicating a risk of suicide and other mental health conditions in members of the Armed Forces, and for other purposes.

S. 813

At the request of Mr. TESTER, his name was added as a cosponsor of S. 813, a bill to require that Peace Corps volunteers be subject to the same limitations regarding coverage of abortion services as employees of the Peace Corps with respect to coverage of such services, and for other purposes.

At the request of Ms. COLLINS, her name was added as a cosponsor of S. 813, supra.

S. 815

At the request of Mr. MERKLEY, the names of the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from Massachusetts (Ms. WARREN), the Senator from New Mexico (Mr. UDALL), the Senator from Michigan (Ms. STABENOW), the Senator from New Hampshire (Mrs. SHAHEEN), the Senator from Vermont (Mr. SANDERS), the Senator from Washington (Mrs. MURRAY), the Senator from Michigan (Mr. LEVIN), the Senator from Vermont (Mr. LEAHY), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Virginia (Mr. KAINE), the Senator from Hawaii (Ms. HIRONO), the Senator from New York (Mrs. GILLIBRAND), the Senator from Delaware (Mr. COONS), the Senator from Ohio (Mr. BROWN), the Senator from California (Mrs. BOXER), the Senator from Montana (Mr. BAUCUS), the Senator from North Carolina (Mrs. HAGAN), the Senator from Connecticut (Mr. MURPHY), the Senator from Colorado (Mr. BENNET), the Senator from Minnesota (Mr. FRANKEN), the Senator from Rhode Island (Mr. REED), the Senator from California (Mrs. FEINSTEIN), the Senator from Missouri (Mrs. MCCASKILL), the Senator from Colorado (Mr. UDALL), the Senator from Virginia (Mr. WARNER), the Senator from Maryland (Ms. MIKULSKI), the Senator from Connecticut (Mr. BLUMENTHAL), the Senator from Massachusetts (Mr. COWAN) and the Senator from Hawaii (Mr. SCHATZ) were added as cosponsors of S. 815, a bill to prohibit the employment discrimination on the basis of sexual orientation or gender identity.

S. 827

At the request of Mr. MENENDEZ, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 827, a bill to amend the Internal Revenue Code of 1986 to require oil polluters to pay the full cost of oil spills, and for other purposes.

S. 828

At the request of Mr. MENENDEZ, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 828, a bill to amend the Oil Pollution Act of 1990 to require oil polluters to pay the full cost of oil spills, and for other purposes.

S. 843

At the request of Mr. INHOFE, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 843, a bill to limit the amount of ammunition purchased or possessed by certain Federal agencies for a 6-month period.

S.J. RES. 10

At the request of Mr. MENENDEZ, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S.J. Res. 10, a joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women.

S.J. RES. 13

At the request of Mr. WARNER, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S.J. Res. 13, a joint resolution amending title 36, United States Code, to designate July 26 as United States Intelligence Professionals Day.

S. RES. 69

At the request of Mr. INHOFE, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. Res. 69, a resolution calling for the protections of religious minority rights and freedoms in the Arab world.

S. RES. 91

At the request of Mr. UDALL of New Mexico, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. Res. 91, a resolution supporting the goals and ideals of National Public Health Week.

S. RES. 126

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. Res. 126, a resolution recognizing the teachers of the United States for their contributions to the development and progress of our country.

At the request of Mr. JOHNSON of South Dakota, his name was added as a cosponsor of S. Res. 126, supra.

At the request of Ms. LANDRIEU, her name was added as a cosponsor of S. Res. 126, supra.

At the request of Mr. WARNER, his name was added as a cosponsor of S. Res. 126, supra.

At the request of Ms. STABENOW, her name was added as a cosponsor of S. Res. 126, supra.

At the request of Mr. COONS, his name was added as a cosponsor of S. Res. 126, supra.

At the request of Mr. BEGICH, his name was added as a cosponsor of S. Res. 126, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MCCONNELL (for himself and Mr. PAUL):

S. 861. A bill to amend the Federal Water Pollution Control Act to provide guidance and clarification regarding issuing new and renewal permits, and for other purposes; to the Committee on Environment and Public Works.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 861

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM.

(a) APPLICABILITY OF GUIDANCE.—Section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342) is amended by adding at the end the following:

''(s) APPLICABILITY OF GUIDANCE.—

''(1) DEFINITIONS.—In this subsection:

''(A) GUIDANCE.—

''(i) IN GENERAL.—The term 'guidance' means draft, interim, or final guidance issued by the Administrator.

''(ii) INCLUSIONS.—The term 'guidance' includes—

''(I) the comprehensive guidance issued by the Administrator and dated April 1, 2010;

''(II) the proposed guidance entitled 'Draft Guidance on Identifying Waters Protected by the Clean Water Act' and dated April 28, 2011;

''(III) the final guidance proposed by the Administrator and dated July 21, 2011; and

''(IV) any other document or paper issued by the Administrator through any process other than the notice and comment rulemaking process.

''(B) NEW PERMIT.—The term 'new permit' means a permit covering discharges from a structure—

''(i) that is issued under this section by a permitting authority; and

''(ii) for which an application is—

''(I) pending as of the date of enactment of this subsection; or

''(II) filed on or after the date of enactment of this subsection.

''(C) PERMITTING AUTHORITY.—The term 'permitting authority' means—

''(i) the Administrator; or

''(ii) a State, acting pursuant to a State program that is equivalent to the program under this section and approved by the Administrator.

''(2) PERMITS.—

''(A) IN GENERAL.—Notwithstanding any other provision of law, in making a determination whether to approve a new permit or a renewed permit, the permitting authority—

''(i) shall base the determination only on compliance with regulations issued by the Administrator or the permitting authority; and

''(ii) shall not base the determination on the extent of adherence of the applicant for the new permit or renewed permit to guidance.

''(B) NEW PERMITS.—If the permitting authority does not approve or deny an application for a new permit by the date that is 270 days after the date of receipt of the application for the new permit, the applicant may operate as if the application were approved in accordance with Federal law for the period of time for which a permit from the same industry would be approved.

''(C) SUBSTANTIAL COMPLETENESS.—In determining whether an application for a new permit or a renewed permit received under this paragraph is substantially complete, the permitting authority shall use standards for determining substantial completeness of similar permits for similar facilities submitted in fiscal year 2007.''.

(b) STATE PERMIT PROGRAMS.—

(1) IN GENERAL.—Section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342) is amended by striking subsection (b) and inserting the following:

''(b) STATE PERMIT PROGRAMS.—

''(1) IN GENERAL.—At any time after the promulgation of the guidelines required by section 304(I)(2), the Governor of each State desiring to administer a permit program for

discharges into navigable waters within the jurisdiction of the State may submit to the Administrator—

''(A) a full and complete description of the program the State proposes to establish and administer under State law or under an interstate compact; and

''(B) a statement from the attorney general (or the attorney for those State water pollution control agencies that have independent legal counsel), or from the chief legal officer in the case of an interstate agency, that the laws of the State, or the interstate compact, as applicable, provide adequate authority to carry out the described program.

''(2) APPROVAL.—The Administrator shall approve each program for which a description is submitted under paragraph (1) unless the Administrator determines that adequate authority does not exist—

''(A) to issue permits that—

''(i) apply, and ensure compliance with, any applicable requirements of sections 301, 302, 306, 307, and 403;

''(ii) are for fixed terms not exceeding 5 years; and

''(iii) can be terminated or modified for cause including—

''(I) a violation of any condition of the permit;

''(II) obtaining a permit by misrepresentation or failure to disclose fully all relevant facts; and

''(III) a change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge;

''(iv) control the disposal of pollutants into wells;

''(B)(i) to issue permits that apply, and ensure compliance with, all applicable requirements of section 308; or

''(ii) to inspect, monitor, enter, and require reports to at least the same extent as required in section 308;

''(C) to ensure that the public, and any other State the waters of which may be affected, receives notice of each application for a permit and an opportunity for a public hearing before a ruling on each application;

''(D) to ensure that the Administrator receives notice and a copy of each application for a permit;

''(E) to ensure that any State (other than the permitting State), whose waters may be affected by the issuance of a permit may submit written recommendations to the permitting State and the Administrator with respect to any permit application and, if any part of the written recommendations are not accepted by the permitting State, that the permitting State will notify the affected State and the Administrator in writing of the failure of the State to accept the recommendations, including the reasons for not accepting the recommendations;

''(F) to ensure that no permit will be issued if, in the judgment of the Secretary of the Army acting through the Chief of Engineers, after consultation with the Secretary of the department in which the Coast Guard is operating, anchorage and navigation of any of the navigable waters would be substantially impaired by the issuance of the permit;

''(G) to abate violations of the permit or the permit program, including civil and criminal penalties and other means of enforcement;

''(H) to ensure that any permit for a discharge from a publicly owned treatment works includes conditions to require the identification in terms of character and volume of pollutants of any significant source introducing pollutants subject to pretreatment standards under section 307(b) into the treatment works and a program to ensure compliance with those pretreatment standards by each source, in addition to adequate notice, which shall include information on the quality and quantity of effluent to be introduced into the treatment works and any anticipated impact of the change in the quantity or quality of effluent to be discharged from the publicly owned treatment works, to the permitting agency of—

''(i) new introductions into the treatment works of pollutants from any source that would be a new source as defined in section 306 if the source were discharging pollutants;

''(ii) new introductions of pollutants into the treatment works from a source that would be subject to section 301 if the source were discharging those pollutants; or

''(iii) a substantial change in volume or character of pollutants being introduced into the treatment works by a source introducing pollutants into the treatment works at the time of issuance of the permit; and

''(I) to ensure that any industrial user of any publicly owned treatment works will comply with sections 204(b), 307, and 308.

''(3) ADMINISTRATION.—Notwithstanding paragraph (2), the Administrator may not disapprove or withdraw approval of a program under this subsection on the basis of the following:

''(A) The failure of the program to incorporate or comply with guidance (as defined in subsection (s)(1)).

''(B) The implementation of a water quality standard that has been adopted by the State and approved by the Administrator under section 303(c).''.

(2) CONFORMING AMENDMENTS.—

(A) Section 309 of the Federal Water Pollution Control Act (33 U.S.C. 1319) is amended—

(i) in subsection (c)—

(I) in paragraph (1)(A), by striking ''402(b)(8)'' and inserting ''402(b)(2)(H)''; and

(II) in paragraph (2)(A), by striking ''402(b)(8)'' and inserting ''402(b)(2)(H)''; and

(ii) in subsection (d), in the first sentence, by striking ''402(b)(8)'' and inserting ''402(b)(2)(H)''.

(B) Section 402(m) of the Federal Water Pollution Control Act (33 U.S.C. 1342(m)) is amended in the first sentence by striking ''subsection (b)(8) of this section'' and inserting ''subsection (b)(2)(H)''.

(c) SUSPENSION OF FEDERAL PROGRAM.—Section 402(c) of the Federal Water Pollution Control Act (33 U.S.C. 1342(c)) is amended—

(1) by redesignating paragraph (4) as paragraph (5); and

(2) by inserting after paragraph (3) the following:

''(4) LIMITATION ON DISAPPROVAL.—Notwithstanding paragraphs (1) through (3), the Administrator may not disapprove or withdraw approval of a State program under subsection (b) on the basis of the failure of the following:

''(A) The failure of the program to incorporate or comply with guidance (as defined in subsection (s)(1)).

''(B) The implementation of a water quality standard that has been adopted by the State and approved by the Administrator under section 303(c).''.

(d) NOTIFICATION OF ADMINISTRATOR.—Section 402(d)(2) of the Federal Water Pollution Control Act (33 U.S.C. 1342(d)(2)) is amended—

(1) by striking ''(2) NO'' and inserting the following:

''(2) OBJECTION BY ADMINISTRATOR.—

''(A) IN GENERAL.—Subject to subparagraph (C), no permit shall issue if—

''(i) not later than 90 days after the date on which the Administrator receives notification under subsection (b)(2)(E), the Administrator objects in writing to the issuance of the permit; or

''(ii) not later than 90 days after the date on which the proposed permit of the State is transmitted to the Administrator, the Administrator objects in writing to the issuance of the permit as being outside the guidelines and requirements of this Act.'';

(2) in the second sentence, by striking ''Whenever the Administrator'' and inserting the following:

''(B) REQUIREMENTS.—If the Administrator''; and

(3) by adding at the end the following:

''(C) EXCEPTION.—The Administrator shall not object to or deny the issuance of a permit by a State under subsection (b) or (s) based on the following:

''(i) Guidance, as that term is defined in subsection (s)(1).

''(ii) The Administrator's interpretation of a water quality standard that has been adopted by the State and approved by the Administrator under section 303(c).''.

SEC. 2. PERMITS FOR DREDGED OR FILL MATERIAL.

(a) IN GENERAL.—Section 404(a) of the Federal Water Pollution Control Act (33 U.S.C. 1344(a)) is amended—

(1) by striking the section heading and all that follows through ''SEC. 404. (a) The Secretary may issue'' and inserting the following:

''SEC. 404. PERMITS FOR DREDGED OR FILL MATERIAL.

''(a) PERMITS.—

''(1) IN GENERAL.—The Secretary may issue''; and

(2) by adding at the end the following:

''(2) DEADLINE FOR APPROVAL.—

''(A) PERMIT APPLICATIONS.—

''(i) IN GENERAL.—Except as provided in clause (ii), if an environmental assessment or environmental impact statement, as appropriate, is required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Secretary shall—

''(I) begin the process not later than 90 days after the date on which the Secretary receives a permit application; and

''(II) approve or deny an application for a permit under this subsection not later than the latter of—

''(aa) if an agency carries out an environmental assessment that leads to a finding of no significant impact, the date on which the finding of no significant impact is issued; or

''(bb) if an agency carries out an environmental assessment that leads to a record of decision, 15 days after the date on which the record of decision on an environmental impact statement is issued.

''(ii) PROCESSES.—Notwithstanding clause (i), regardless of whether the Secretary has commenced an environmental assessment or environmental impact statement by the date described in clause(i)(I), the following deadlines shall apply:

''(I) An environmental assessment carried out under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) shall be completed not later than 1 year after the deadline for commencing the permit process under clause (i)(I).

''(II) An environmental impact statement carried out under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) shall be completed not later than 2 years after the deadline for commencing the permit process under clause (i)(I).

''(B) FAILURE TO ACT.—If the Secretary fails to act by the deadline specified in clause (i) or (ii) of subparagraph (A)—

''(i) the application, and the permit requested in the application, shall be considered to be approved;

''(ii) the Secretary shall issue a permit to the applicant; and

''(iii) the permit shall not be subject to judicial review.''.

(b) STATE PERMITTING PROGRAMS.—

(1) AUTHORITY OF EPA ADMINISTRATOR.—Section 404(c) of the Federal Water Pollution Control Act (33 U.S.C. 1344(c)) is amended by striking ''(c)'' and inserting the following:

''(c) AUTHORITY OF EPA ADMINISTRATOR. .—

''(1) POSSIBLE PROHIBITION OF SPECIFICATION.—Until such time as the Secretary has issued a permit under this section, the Administrator is authorized to prohibit the specification (including the withdrawal of specification) of any defined area as a disposal site, and he is authorized to deny or restrict the use of any defined area for specification (including the withdrawal of specification) as a disposal site, whenever he determines, after notice and opportunity for public hearings, that the discharge of such materials into such area will have an unacceptable adverse effect on municipal water supplies, shellfish beds and fishery areas (including spawning and breeding areas), wildlife, or recreational areas. Before making such determination, the Administrator shall consult with the Secretary. The Administrator shall set forth in writing and make public his findings and his reasons for making any determination under this subsection.

''(2) AUTHORITY OF STATE PERMITTING PROGRAMS.—Paragraph (1) shall not apply to any permit if the State in which the discharge originates or will originate does not concur with the Administrator's determination that the discharge will result in an unacceptable adverse effect as described in paragraph (1).''.

(c) STATE PROGRAMS.—The first sentence of section 404(g)(1) of such Act (33 U.S.C. 1344(g)(1)) is amended by striking ''for the discharge'' and inserting ''for some or all of the discharges''.

SEC. 3. IMPACTS OF EPA REGULATORY ACTIVITY ON EMPLOYMENT AND ECONOMIC ACTIVITY.

(a) ANALYSIS OF IMPACTS OF ACTIONS ON EMPLOYMENT AND ECONOMIC ACTIVITY.—

(1) ANALYSIS.—Before taking a covered action, the Administrator shall analyze the impact, disaggregated by State, of the covered action on employment levels and economic activity, including estimated job losses and decreased economic activity.

(2) ECONOMIC MODELS.—

(A) IN GENERAL.—In carrying out paragraph (1), the Administrator shall utilize the best available economic models.

(B) ANNUAL GAO REPORT.—Not later than December 31st of each year, the Comptroller General of the United States shall submit to Congress a report on the economic models used by the Administrator to carry out this subsection.

(3) AVAILABILITY OF INFORMATION.—With respect to any covered action, the Administrator shall—

(A) post the analysis under paragraph (1) as a link on the main page of the public Internet Web site of the Environmental Protection Agency; and

(B) request that the Governor of any State experiencing more than a de minimis negative impact post such analysis in the Capitol of such State.

(b) PUBLIC HEARINGS.—

(1) IN GENERAL.—If the Administrator concludes under subsection (a)(1) that a covered action will have more than a de minimis negative impact on employment levels or economic activity in a State, the Administrator shall hold a public hearing in each such State at least 30 days prior to the effective date of the covered action.

(2) TIME, LOCATION, AND SELECTION.—A public hearing required under paragraph (1) shall be held at a convenient time and location for impacted residents. In selecting a location for such a public hearing, the Administrator shall give priority to locations in the State that will experience the greatest number of job losses.

(c) NOTIFICATION.—If the Administrator concludes under subsection (a)(1) that a covered action will have more than a de minimis negative impact on employment levels or economic activity in any State, the Administrator shall give notice of such impact to the State's Congressional delegation, Governor, and Legislature at least 45 days before the effective date of the covered action.

(d) DEFINITIONS.—In this section, the following definitions apply:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) COVERED ACTION.—The term ''covered action'' means any of the following actions taken by the Administrator under the Federal Water Pollution Control Act (33 U.S.C. 1201 et seq.):

(A) Issuing a regulation, policy statement, guidance, response to a petition, or other requirement.

(B) Implementing a new or substantially altered program.

(3) MORE THAN A DE MINIMIS NEGATIVE IMPACT.—The term ''more than a de minimis negative impact'' means the following:

(A) With respect to employment levels, a loss of more than 100 jobs. Any offsetting job gains that result from the hypothetical creation of new jobs through new technologies or government employment may not be used in the job loss calculation.

(B) With respect to economic activity, a decrease in economic activity of more than $1,000,000 over any calendar year. Any offsetting economic activity that results from the hypothetical creation of new economic activity through new technologies or government employment may not be used in the economic activity calculation.

SEC. 4. IDENTIFICATION OF WATERS PROTECTED BY THE CLEAN WATER ACT.

(a) IN GENERAL.—The Secretary of the Army and the Administrator of the Environmental Protection Agency may not—

(1) finalize, adopt, implement, administer, or enforce the proposed guidance described in the notice of availability and request for comments entitled ''EPA and Army Corps of Engineers Guidance Regarding Identification of Waters Protected by the Clean Water Act'' (EPA–HQ–OW–2011–0409) (76 Fed. Reg. 24479 (May 2, 2011)); and

(2) use the guidance described in paragraph (1), any successor document, or any substantially similar guidance made publicly available on or after December 3, 2008, as the basis for any decision regarding the scope of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) or any rulemaking.

(b) RULES.—The use of the guidance described in subsection (a)(1), or any successor document or substantially similar guidance made publicly available on or after December 3, 2008, as the basis for any rule shall be grounds for vacating the rule.

SEC. 5. LIMITATIONS ON AUTHORITY TO MODIFY STATE WATER QUALITY STANDARDS.

(a) STATE WATER QUALITY STANDARDS.—Section 303(c)(4) of the Federal Water Pollution Control Act (33 U.S.C. 1313(c)(4)) is amended—

(1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(2) by striking ''(4)'' and inserting ''(4)(A)'';

(3) by striking ''The Administrator shall promulgate'' and inserting the following:

''(B) The Administrator shall promulgate;'' and

(4) by adding at the end the following:

''(C) Notwithstanding subparagraph (A)(ii), the Administrator may not promulgate a revised or new standard for a pollutant in any case in which the State has submitted to the Administrator and the Administrator has approved a water quality standard for that pollutant, unless the State concurs with the Administrator's determination that the revised or new standard is necessary to meet the requirements of this Act.''.

(b) FEDERAL LICENSES AND PERMITS.—Section 401(a) of such Act (33 U.S.C. 1341(a)) is amended by adding at the end the following:

''(7) With respect to any discharge, if a State or interstate agency having jurisdiction over the navigable waters at the point where the discharge originates or will originate determines under paragraph (1) that the discharge will comply with the applicable provisions of sections 301, 302, 303, 306, and 307, the Administrator may not take any action to supersede the determination.''.

SEC. 6. STATE AUTHORITY TO IDENTIFY WATERS WITHIN ITS BOUNDARIES.

Section 303 of the Federal Water Pollution Control Act (33 U.S.C. 1313) is amended by striking subsection (d)(2) and inserting the following:

''(2)(A) Each State shall submit to the Administrator from time to time, with the first such submission not later than 180 days after the date of publication of the first identification of pollutants under section 304(a)(2)(D), the waters identified and the loads established under paragraphs (1)(A), (1)(B), (1)(C), and (1)(D) of this subsection. The Administrator shall approve the State identification and load or announce his disagreement with the State identification and load not later than 30 days after the date of submission and if—

''(i) the Administrator approves the identification and load submitted by the State in accordance with this subsection, such State shall incorporate them into its current plan under subsection (e); and

''(ii) the Administrator announces his disagreement with the identification and load submitted by the State in accordance with this subsection he shall submit, not later than 30 days after the date that the Administrator announces his disagreement with the State's submission, to such State his written recommendation of those additional waters that he identifies and such loads for such waters as he believes are necessary to implement the water quality standards applicable to such waters.

''(B) Upon receipt of the Administrator's recommendation the State shall within 30 days either—

''(i) disregard the Administrator's recommendation in full and incorporate its own identification and load into its current plan under subsection (e);

''(ii) accept the Administrator's recommendation in full and incorporate its identification and load as amended by the Administrator's recommendation into its current plan under subsection (e); or

''(iii) accept the Administrator's recommendation in part, identifying certain additional waters and certain additional loads proposed by the Administrator to be added to such State's identification and load and incorporate the such State's identification and load as amended into its current plan under subsection (e).

''(C)(i) If the Administrator fails to either approve the State identification and load or announce his disagreement with the State identification and load within the time specified in this subsection then such State's identification and load is deemed approved and such State shall incorporate the identification and load that it submitted into its current plan under subsection (e).

''(ii) If the Administrator announces his disagreement with the State identification and load but fails to submit his written recommendation to the State within 30 days as required by subparagraph (A)(ii) then such

State's identification and load is deemed approved and such State shall incorporate the identification and load that it submitted into its current plan under subsection (e).

''(D) This section shall apply to any decision made by the Administrator under this subsection issued on or after March 1, 2013.''.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 128—EXPRESSING THE SENSE OF THE SENATE THAT SUPPORTING SENIORS AND INDIVIDUALS WITH DISABILITIES IS AN IMPORTANT RESPONSIBILITY OF THE UNITED STATES, AND THAT A COMPREHENSIVE APPROACH TO EXPANDING AND SUPPORTING A STRONG HOME CARE WORKFORCE AND MAKING LONG-TERM SERVICES AND SUPPORTS AFFORDABLE AND ACCESSIBLE IN COMMUNITIES IS NECESSARY TO UPHOLD THE RIGHT OF SENIORS AND INDIVIDUALS WITH DISABILITIES IN THE UNITED STATES TO A DIGNIFIED QUALITY OF LIFE

Mr. HARKIN (for himself, Mrs. MURRAY, and Mrs. GILLIBRAND) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 128

Whereas the aging of the baby boom generation will cause the number of individuals in the United States who are 65 years of age or older to increase from 40,000,000 to 70,000,000 during the next 2 decades;

Whereas 12,000,000 adults, nearly half of whom are under 65 years of age, need long-term services and supports due to functional limitations;

Whereas the decision of the Supreme Court in Olmstead v. L.C., 527 U.S. 581 (1999), mandates the end of unnecessary segregation of individuals with disabilities in institutions, and requires that individuals with disabilities receive services in the most integrated setting appropriate to their needs;

Whereas the vast majority of individuals in the United States prefer to receive long-term services and supports in their homes so that they may continue to live independently and with dignity;

Whereas the costs of long-term services and supports for seniors and individuals with disabilities are high;

Whereas the great expense of long-term services and supports can affect all individuals, regardless of income;

Whereas 70 percent of individuals who are 65 years of age or older will need some form of long-term services and supports;

Whereas the number of individuals who need long-term services and supports is projected to grow from 12,000,000 to 27,000,000 by 2050;

Whereas there are approximately 3,200,000 workers in the direct care workforce, leaving a huge gap between the services needed and the size of the current workforce;

Whereas the United States is experiencing a jobs crisis, as 25,000,000 individuals are unemployed or underemployed;

Whereas home care is one of the fastest growing industries in the United States economy, providing critical daily care, services, and supports to millions of individuals and families across the country;

Whereas an estimated 1,800,000 additional home care workers will be needed during the next decade to serve the growing population of seniors and individuals with disabilities;

Whereas the quality of home care jobs is poor, with low wages, few benefits, high turnover, and a high level of job stress and hazards;

Whereas home care and personal assistance workers earn a median hourly wage of $9.53, and nearly half of such workers live in households that also rely on public assistance;

Whereas approximately 55 percent of home care workers work part-time, and approximately 44 percent of those part-time workers would prefer to work more hours;

Whereas nearly 21 percent of the individuals who provide home care services were born outside the United States;

Whereas a stabilized home care workforce would lead to improved continuity and quality of long-term services and supports;

Whereas the issue of long-term services and supports is a critical issue for women, as 70 percent of individuals who need such care are women 65 years of age or older, 90 percent of paid caregivers are women, and 85 percent of family members and friends who informally provide care are women who often have to leave the paid workforce to provide such care, and thus are at a financial disadvantage during their working years and face a reduction in Social Security benefits when they retire; and

Whereas a comprehensive approach that focuses on job creation and job quality, workforce training, pathways to citizenship and career advancement, and support for individuals and families is necessary to build a strong home care workforce and make quality long-term services and supports affordable and accessible for all individuals in the United States: Now, therefore, be it

Resolved, That it is the sense of the Senate that a comprehensive approach to expanding and supporting a strong home care workforce and making long-term services and supports affordable and accessible in communities is necessary to uphold the right of seniors and individuals with disabilities in the United States to a dignified quality of life.

SENATE RESOLUTION 129—RECOGNIZING THE SIGNIFICANCE OF MAY 2013 AS ASIAN/PACIFIC AMERICAN HERITAGE MONTH AS AN IMPORTANT TIME TO CELEBRATE THE SIGNIFICANT CONTRIBUTIONS OF ASIAN AMERICANS AND PACIFIC ISLANDERS TO THE HISTORY OF THE UNITED STATES

Ms. HIRONO (for herself, Mr. HELLER, Mrs. BOXER, Mrs. MURRAY, Mr. WARNER, Mr. SCHATZ, Mr. BEGICH, and Mr. CARDIN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 129

Whereas the United States joins together each May to pay tribute to the contributions of generations of Asian Americans and Pacific Islanders who have enriched the history of the United States;

Whereas the history of Asian Americans and Pacific Islanders in the United States is inextricably tied to the story of the United States;

Whereas the Asian-American and Pacific Islander community is an inherently diverse population comprised of more than 45 distinct ethnicities and more than 100 language dialects;

Whereas, according to the Bureau of the Census, the Asian-American population grew faster than any other racial or ethnic group in the United States during the last decade, surging nearly 46 percent between 2000 and 2010, which is a growth rate 4 times faster than that of the total population of the United States;

Whereas the 2010 decennial census estimated that there are approximately 17,300,000 residents of the United States who identify as Asian and approximately 1,200,000 residents of the United States who identify themselves as Native Hawaiian or other Pacific Islander, making up nearly 6 percent of the total population of the United States;

Whereas the month of May was selected for Asian/Pacific American Heritage Month because the first immigrants from Japan arrived in the United States on May 7, 1843, and the first transcontinental railroad was completed on May 10, 1869, with substantial contributions from immigrants from China;

Whereas 2013 marks 70 years since the repeal of the Act of May 5, 1892 (27 Stat. 25, chapter 60) (commonly known as the ''Geary Act'' or the ''Chinese Exclusion Act''), and 25 years since the passage of the Civil Liberties Act of 1988 (50 U.S.C. App. 1989b et seq.) that granted reparations to Japanese Americans interned during World War II, both cases in which Congress acted to address discriminatory laws that targeted people of Asian descent;

Whereas section 102 of title 36, United States Code, officially designates May as Asian/Pacific American Heritage Month and requests the President to issue an annual proclamation calling on the people of the United States to observe the month with appropriate programs, ceremonies, and activities;

Whereas, in 2013, the Congressional Asian Pacific American Caucus, a bicameral caucus of Members of Congress advocating on behalf of Asian Americans and Pacific Islanders, is composed of 40 Members, including 13 Members of Asian or Pacific Islander descent;

Whereas, in 2013, Asian Americans and Pacific Islanders are serving in State legislatures across the United States in record numbers, including in the States of Alaska, Arizona, California, Connecticut, Colorado, Georgia, Hawaii, Idaho, Maryland, Massachusetts, New York, Pennsylvania, Texas, Utah, Vermont, Virginia, and Washington;

Whereas the number of Federal judges who are Asian Americans or Pacific Islanders more than doubled between 2009 and 2013, reflecting a commitment to diversity in the Federal judiciary that has resulted in the confirmations of high caliber Asian-American and Pacific Islander judicial nominees;

Whereas there remains much to be done to ensure that Asian Americans and Pacific Islanders have access to resources and a voice in the Government of the United States and continue to advance in the political landscape of the United States; and

Whereas celebrating Asian/Pacific American Heritage Month provides the people of the United States with an opportunity to recognize the achievements, contributions, and history of Asian Americans and Pacific Islanders, and to appreciate the challenges faced by Asian Americans and Pacific Islanders: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the significance of May 2013 as Asian/Pacific American Heritage Month as an important time to celebrate the significant contributions of Asian Americans and Pacific Islanders to the history of the United States; and

(2) recognizes that the Asian-American and Pacific Islander community enhances the

rich diversity of and strengthens the United States.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. WYDEN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Tuesday, May 7, 2013, at 9:30 a.m., in room 366 of the Dirksen Senate Office Building.

The purpose of this hearing is to consider S. 783, the Helium Stewardship Act of 2013.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510–6150, or by email to danielle deraney@energy .senate.gov.

For further information, please contact Vickie Gunderson at (202) 224–5479 or Danielle Deraney at (202) 224–1219.

JOINT COMMITTEE OF CONGRESS ON PRINTING

Mr. SCHUMER. Mr. President, I wish to announce that the Joint Committee of Congress on Printing will meet on Tuesday, May 7, 2013, at 10 a.m., in SC–4 to conduct its organization meeting for the 113th Congress.

For further information regarding this hearing, please contact Matt McGowan at the Rules and Administration Committee on (202) 224–6352.

JOINT COMMITTEE OF CONGRESS ON THE LIBRARY

Mr. SCHUMER. Mr. President, I wish to announce that the Joint Committee of Congress on the Library will meet on Tuesday, May 7, 2013, at 10 a.m., in SC–4 to conduct its organization meeting for the 113th Congress.

For further information regarding this hearing, please contact Matt McGowan at the Rules and Administration Committee on (202) 224–6352.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Ms. LANDRIEU. Mr. President, the Committee on Small Business and Entrepreneurship will meet on May 8, 2013, at 10 am in room 106 of the Dirksen Senate Office building to hold a hearing entitled ''Strengthening the Entrepreneurial Ecosystem for Minority Women.''

ORDERS FOR TUESDAY, MAY 7, 2013

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m., on Tuesday, May 7, 2013; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate be in a period of morning business until 11 a.m., with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half; further, that following morning business the Senate proceed to executive session to consider Calendar No. 42, the Medine nomination, as provided under the previous order; and that the Senate then recess from 12:30 p.m. to 2:15 p.m. to allow for the weekly caucus meetings.

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

PROGRAM

Mr. REID. Mr. President, there will be a rollcall vote on the Medine nomination at noon tomorrow. At 2:15 p.m., we will begin consideration of S. 601, the Water Resources Development Act. I have spoken to the two managers of that bill, Chairman BOXER and Ranking Member VITTER, and they are going to manage this bill to the best of their ability. They have experience, they know the issue, and people should be ready to work with them to see if we can move this bill as fast as possible.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 7 p.m., adjourned until Tuesday, May 7, 2013, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

THE JUDICIARY

COLIN STIRLING BRUCE, OF ILLINOIS, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF ILLINOIS, VICE MICHAEL P. MCCUSKEY, RETIRING.

SARA LEE ELLIS, OF ILLINOIS, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF ILLINOIS, VICE JOAN B. GOTTSCHALL, RETIRED.

ANDREA R. WOOD, OF ILLINOIS, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF ILLINOIS, VICE WILLIAM J. HIBBLER, DECEASED.

FOREIGN SERVICE

THE FOLLOWING–NAMED MEMBERS OF THE FOREIGN SERVICE TO BE CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

KATE E. ADDISON, OF VIRGINIA
EHSAN A. ALEAZIZ, OF WASHINGTON
MARVIN J. ALLRED, OF VIRGINIA
JOSEPH A. ANDERSON, OF VIRGINIA
GINA M. ANDREWS, OF TEXAS
CAROLINA J. ASTIGARRAGA, OF VIRGINIA
KRISTIAN T. BARNEY, OF VIRGINIA
CHRISTINE BELL, OF VIRGINIA
JOHN TODD BELMEAR, OF COLORADO
CHARLES M. BENNETT, OF FLORIDA
LADISLAV BERANEK, OF WASHINGTON
ARVIN BHATT, OF NEW YORK
RICHARD BINDRUP, OF NEVADA
KENDALL S. BLACKWELL, OF TEXAS
SARAH M. BOMAN, OF UTAH
EDWARD P. BOUCHER, OF VIRGINIA
MARK J. BOUCHIE, OF VIRGINIA
MEGHAN M. BREEN, OF VIRGINIA
CHEYENNE BROWN, OF VIRGINIA
KATE E. BURNS, OF VIRGINIA
VERONICA CASTRO, OF CALIFORNIA
ALTHEA CAWLEY–MURPHREE, OF WASHINGTON
ANDREW CHIRA, OF THE DISTRICT OF COLUMBIA
SARAH O. CHO, OF VIRGINIA
JAMES P. CHYNOWETH, OF FLORIDA
NICHOLAS CORNELL COHEN, OF INDIANA
ROBERT M. CORNEJO, OF VIRGINIA
MARIA B. CORREA, OF TEXAS
RACHAEL CULLINS, OF INDIANA
MONICA LYNN DAVIS, OF VIRGINIA
EDWARD P. DE MAYE, OF VIRGINIA
JONATHAN L. DECANIO, OF VIRGINIA
MATTHEW P. DORR, OF VIRGINIA
GARY W. DUNCAN, OF VIRGINIA
HADY ELNEIL, OF CALIFORNIA
JESSICA A. FELDMAN, OF VIRGINIA
ROSS FELDMANN, OF THE DISTRICT OF COLUMBIA
RYAN E. FLORY, OF THE DISTRICT OF COLUMBIA
WILBUR C. FREDERICK, OF VIRGINIA
LAURA L. FREEMAN, OF VIRGINIA
JOSEPH GAI, OF VIRGINIA
ELIZABETH G. GAY, OF VIRGINIA
GREG GERARDI, OF VIRGINIA
ANTHONY GIARRIZZI, OF VIRGINIA
MARSHA GOLDING, OF VIRGINIA
CHRISTOPHER DANIEL GOOCH, OF UTAH
LYLE SCOTT GOODE, OF CALIFORNIA
GARRY E. GRABINS, OF ILLINOIS
SHAI E. GRUBER, OF THE DISTRICT OF COLUMBIA
MARK R. GUCWA, OF VIRGINIA
WILLIAM K. HAMBLIN, OF VIRGINIA
YOUNG MOK HAN, OF CALIFORNIA
TIMOTHY J. HANKO, OF VIRGINIA
RYAN MATTHEW HANLON, OF SOUTH DAKOTA
MAXWELL STEINBACH HARRINGTON, OF VIRGINIA
PATRICK BENNETT HARRINGTON, OF CALIFORNIA
CYNTHIA J. HARTMAN, OF VIRGINIA
JANET A. HEG, OF WASHINGTON
MICHELE L. HILTZ, OF VIRGINIA
CHADWICK HOUGHTON, OF THE DISTRICT OF COLUMBIA
SPENCER J. HUBBARD, OF VIRGINIA
JONATHAN JANKORD, OF VIRGINIA
TRAVIS WILLIAM JONES, OF MARYLAND
SETAREH S. JORGENSEN, OF MARYLAND
MARY F. KEFFER, OF VIRGINIA
DEBORAH ANN KERSHNER, OF COLORADO
CHRIS J. KUCHARSKI, OF CALIFORNIA
PATRICK A. LAUGHLIN, OF VIRGINIA
WINSTON LE, OF THE DISTRICT OF COLUMBIA
JENNIFER CARMEN LEE, OF VIRGINIA
JOHN F. LESO, OF THE DISTRICT OF COLUMBIA
EMILY A. LEVASSEUR, OF NEW HAMPSHIRE
STACI K. MACCORKLE, OF OREGON
RICHARD L. MAHY, OF MARYLAND
SAID MAQSODI, OF VIRGINIA
KARON E. MASON, OF VIRGINIA
CHRISTOPHER MCKINNEY, OF TEXAS
JOHN J. MCLOONE III, OF VIRGINIA
DARREN MCMAHON, OF VIRGINIA
JAMES ROBB MCMILLAN, OF VIRGINIA
DAVID E. MERRELL, OF WASHINGTON
CARRIE A. MIRSHAK, OF OHIO
KAREN M. MONTAUDON, OF OREGON
MICHAEL C. MOORE, OF THE DISTRICT OF COLUMBIA
MARIA MORENO, OF CALIFORNIA
DEDRIC J. MORTELMANS, OF VIRGINIA
BRIAN D. MOUZON, OF VIRGINIA
ELISA M. MURPHY, OF VIRGINIA
JENNIFER K. NAMES, OF VIRGINIA
MAXXWELL DAVID NANSON, OF VIRGINIA
ANDREW NISSEN, OF VIRGINIA
ADAM B. NORTON, OF VIRGINIA
EVELYN A. OKOTH, OF MARYLAND
ANDREW JOHN OSORNO, OF CALIFORNIA
JEREMY N. PACE, OF LOUISIANA
SETH PEAVEY, OF NORTH CAROLINA
CHRISTOPHER H. PUHL, OF VIRGINIA
CYNTHIA L. RAPP, OF VIRGINIA
SAMANTHA A. RINGMACHER, OF TEXAS
DAVID ROBBIE, OF COLORADO
JAMES M. ROBINSON, OF WASHINGTON
DAVID A. RONDON, OF VIRGINIA
JEFFREY PAUL SAKURAI, OF CALIFORNIA
NISSA SALOMON, OF THE DISTRICT OF COLUMBIA
JOCELYN M. SMITH, OF VIRGINIA
SEAN Z. SMITH, OF MARYLAND
INGRID SPECHT, OF THE DISTRICT OF COLUMBIA
RICKY D. STROH, OF NORTH CAROLINA
ANNE C. STURTEVANT, OF THE DISTRICT OF COLUMBIA
LIAM O. TOOMEY, OF VIRGINIA
VALERIE M. VASS, OF VERMONT
CONOR M. WALSH, OF VIRGINIA
JESSE WALTER, OF WISCONSIN
MOLLY M. WEAVER, OF VIRGINIA
CHRISTINA C. WEST, OF TEXAS
LINDSEY S. WHITE, OF VIRGINIA
AMY M. WISER, OF VIRGINIA
MICHELE D. WOONACOTT, OF CALIFORNIA
MICHAEL B. WYATT, OF VIRGINIA
JOSEPH H. ZAMOYTA, OF MARYLAND
WILLIAM F. ZEMAN, OF CONNECTICUT

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be brigadier general

COL. ROBERT C. BOLTON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 9335:

To be brigadier general

COL. ANDREW P. ARMACOST

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. RAYMOND A. THOMAS III

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. WILLIAM T. GRISOLI

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JOSEPH ANDERSON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY MEDICAL CORPS TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be brigadier general

COL. JOHN M. CHO

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. BRIAN E. ALVIN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203:

To be major general

BRIGADIER GENERAL WILLIAM F. DUFFY
BRIGADIER GENERAL RONALD E. DZIEDZICKI
BRIGADIER GENERAL MARK T. MCQUEEN
BRIGADIER GENERAL LUCAS N. POLAKOWSKI
BRIGADIER GENERAL RICKY L. WADDELL

To be brigadier general

COLONEL STEVEN W. AINSWORTH
COLONEL RONALD A. BASSFORD
COLONEL JOSE R. BURGOS
COLONEL JOHN E. CARDWELL
COLONEL DANIEL J. CHRISTIAN
COLONEL JOHN J. ELAM
COLONEL BRUCE E. HACKETT
COLONEL JOSEPH J. HECK
COLONEL THOMAS J. KALLMAN
COLONEL WILLIAM B. MASON
COLONEL KENNETH H. MOORE
COLONEL THOMAS T. MURRAY
COLONEL MICHAEL C. O'GUINN
COLONEL MIYAKO N. SCHANELY

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE UNITED STATES MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. ROBERT R. RUARK

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE UNITED STATES MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. GLENN M. WALTERS

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. TED N. BRANCH

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. SEAN A. PYBUS

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADES INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be captain

STEPHEN J. LEPP

To be lieutenant commander

ROBERT G. HOLMES
JOHN C. RUDD

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant commander

SARAH E. NILES

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

RICHARD DIAZ

WITHDRAWAL

Executive message transmitted by the President to the Senate on May 6, 2013 withdrawing from further Senate consideration the following nomination:

NAVY NOMINATION OF JEROME R. PILEWSKI, TO BE COMMANDER, WHICH WAS SENT TO THE SENATE ON MARCH 19, 2013.