United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 113th CONGRESS, FIRST SESSION

Vol. 159 WASHINGTON, THURSDAY, APRIL 25, 2013 No. 58

Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable WILLIAM M. COWAN, a Senator from the Commonwealth of Massachusetts.

PRAYER

The PRESIDING OFFICER. Today's opening prayer will be offered by Rev. John Edgerton, Old South Church, Boston, MA.

The guest Chaplain offered the following prayer:

Along with the heartbroken of Boston, let us pray.

O God, remember this assembly, which you acquired long ago. Have regard for Your covenant, for the dark places of the land are full of the haunts of violence. Your foes have roared; they have roared within Your holy place; they set up their emblems there. They said to themselves: We will utterly subdue them. But it is God who executes justice, putting down one and lifting up another. For in the hand of the Lord, there is a cup with foaming wine, well mixed. God will pour a draught from it, and the wicked of the Earth shall drain it to the dregs.

Lord, You were favorable to Your land. Restore us again, O God of our salvation. Will You not revive us again, so that Your people may rejoice in You? Let me hear what the Lord will speak. Peace. God speaks peace to the people, to the faithful, to those who turn to the Lord in their hearts. Steadfast love and faithfulness will meet. Righteousness and peace will kiss each other. Faithfulness will spring up from the ground, and righteousness will look down from the sky. It is You who have said so, O God.

Amen.

PLEDGE OF ALLEGIANCE

The Honorable WILLIAM M. COWAN 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.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. LEAHY).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 25, 2013.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable WILLIAM M. COWAN, a Senator from the Commonwealth of Massachusetts, to perform the duties of the Chair.

PATRICK J. LEAHY,
President pro tempore.

Mr. COWAN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will be in a period of morning business until 10:30 this morning. The majority will control the first half, the Republicans the final half. At 10:30 the Senate will recess for an hour to allow for a Senators-only briefing. When the Senate reconvenes, we will resume consideration of the Marketplace Fairness Act. Yesterday I filed cloture on this legislation. As a result the filing deadline for all first-degree amendments is 1 p.m. today. Unless an agreement is reached, Senators should expect a cloture vote on Friday morning.

That was a wonderful prayer. I appreciated it very much.

I would now yield to my friend, the senior Senator from Massachusetts.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

WELCOMING THE GUEST CHAPLAIN

Ms. WARREN. Mr. President, thank you.

Every April a large blue-and-gold banner flies above the entryway at Old South Church, with words from Isaiah: ''May you run and not grow weary, walk and not faint.'' Old South Church sits on the finish line for the Boston Marathon, a distinguished and historical spot that has earned its name, ''Church of the Finish Line.''

Today I welcome Rev. John Edgerton of Old South Church, the Church of the Finish Line, and thank him for coming here to share his faith, resilience, and fortitude.

Less than 2 weeks ago, on the Sunday before the marathon, Old South Church welcomed athletes, friends, families, supporters, and marathon volunteers into the church for the annual premarathon ''Blessing of the Athletes.''

On Marathon Monday, just after 12 p.m., the bells of Old South Church rang in the men's winner of the Boston Marathon, Lelisa Desisa Benti, as he crossed the finish line.

Later that day two blasts from hidden bombs rocked the crowded final stretch on the Boston Marathon. One explosion occurred mere feet from the front of the church. In an instant, Old South Church, the marathon church, the Church of the Finish Line, joined the rest of Boston in helping, comforting, and praying.

The Old South Church was first gathered in 1669 by a group of colonists who wanted to create a more inclusive and welcoming congregation. Since then, it has played an integral role in Boston's history. Meetings that led to the Boston Tea Party were held at the church, and in the 19th century church members were active in the abolitionist movement.

Although Old South Church was closed for more than a week following the explosion, its ministry remained

open. This past Sunday I attended an interfaith service, jointly performed by Old South Church and other local religious institutions, at the corner of Boylston and Berkeley Streets, a few blocks from the site of the bombing. I stood with hundreds of worshipers from a variety of faiths in downtown Boston, praying, signing, remembering. This perseverance and dedication to faith and community is why Boston has not grown weary; it is why Boston has not fainted; it is why Boston is strong.

Reverend Edgerton, thank you for the blessing you brought to the Senate today. I join you in praying for our hometown and for our Nation as we face the challenges ahead. The qualities you and your church exemplify, the spirit of openness and inclusiveness, the power of healing and prayer, and the strength of community are what will bring Boston through these difficult times. I am honored that you joined us today.

I yield the floor.

MEASURE PLACED ON THE CALENDAR—S. 799

Mr. REID. Mr. President, S. 799 is at the desk and due for a second reading; is that right?

The PRESIDING OFFICER (Mr. SCHATZ). The Senator is correct.

The clerk will read the title of the bill for the second time.

The assistant legislative clerk read as follows:

A bill (S. 799) to provide for a sequester replacement.

Mr. REID. Mr. President, I object to any further proceeds with respect to this bill at this time.

The PRESIDING OFFICER. Objection is heard. The bill will be placed on the calendar.

Mr. REID. Mr. President, I now yield to the junior Senator from Massachusetts, Mr. COWAN.

WELCOMING THE GUEST CHAPLAIN

Mr. COWAN. Mr. President, I am pleased to rise this morning to join Senator WARREN in honoring our guest Chaplain from Boston, Rev. John Edgerton, and I thank him for his words this morning.

In the wake of the recent tragedies in Massachusetts, I am glad to welcome a representative of Boston's spiritual community to deliver our invocation today. Reverend Edgerton's church, the Old South Church, is located on Boylston Street, not more than 100 yards past the finish line of the great Boston Marathon.

Since the first marathon 117 years ago, the Old South Church has been known as the Church of the Finish Line. Every year, the Sunday before Patriots' Day, the Old South Church holds a service to bless those running the marathon the very next morning. The service this year included the theme music from ''Chariots of Fire'' and the Olympics as well as a prayer for the athletes. Marathoners from around the Commonwealth, Nation, and world congregate at the Old South Church seeking community, faith, and strength for the upcoming race.

Last Monday explosions rocked the finish line at Boylston Street and brought chaos to the front door of the Old South Church. For over a week the church's doors remained closed, as did much of the neighborhood, as investigators scoured the block for evidence. But today, as we pray here for those lives lost and those still recovering, Old South Church will open its doors once again and pray for our city, our Commonwealth, and our citizens.

As we do in times of hardship and heartbreak, we rely on the guidance of community leaders such as Reverend Edgerton and take comfort in their words. It is through their guidance and wisdom that we find the strength to rebound from tragedy and to find hope to move forward.

In churches all across Massachusetts this week, from the Back Bay to Dorchester and from Medford to Stoneham, bells will toll in their steeples and worshippers of all faiths will gather to remember the lives of Officer Sean Collier, Lingzi Lu, Krystle Campbell, and Martin Richard, and to pray for the scores who were injured.

Again next year, we look forward to the Sunday before Marathon Monday when runners will again gather at the Old South Church to receive their blessings before the running of the 118th Boston Marathon. We will always remember, and we will recover. We are thankful to have leaders such as Reverend Edgerton to guide us as we do.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

HONORING THE VICTIMS OF THE BOSTON BOMBINGS

Ms. WARREN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 115, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 115) commending the heroism, courage, and sacrifice of Sean Collier, an officer in the Massachusetts Institute of Technology Police Department, Martin Richard, an 8-year-old resident of Dorchester, Massachusetts, Krystle Campbell, a native of Medford, Massachusetts, Lu Lingzi, a student at Boston University, and all the victims who are recovering from injuries caused by the attacks in Boston, Massachusetts, including Richard Donohue, Jr., an officer in the Massachusetts Bay Transportation Authority Transit Police Department.

There being no objection, the Senate proceeded to consider the resolution.

Mr. COWAN. I am honored to join the senior Senator from the Commonwealth of Massachusetts in this resolution to honor those who were injured or who lost their lives last week as a result of the attack on the Boston Marathon and during the manhunt to apprehend the suspects.

In this resolution the Senate commends the heroism, courage, and sacrifices of Sean Collier, an officer in the Massachusetts Institute of Technology police force, and Richard Donohue, Jr., an officer in the Massachusetts Bay Transportation Authority police force.

Officer Collier was a 26-year-old native of Wilmington, MA, and was on the force for just over a year in his dream job, a police officer. Before joining the ranks at MIT, Officer Collier served as a civilian employee with the Somerville Police Department, and likely because of his outstanding service at MIT he was going to be invited to return to Somerville in June of this year, this time as an officer.

On Thursday evening last, Officer Collier was murdered in the line of duty, allegedly by the men suspected in the Boston Marathon bombings of last week. MIT Police Chief John DiFave said the following about Officer Collier:

Sean was one of these guys who really looked at police work as a calling. He was born to be a police officer.

Officer Collier was compassionate and stood out for his ability to connect personally with the students and community he served. We will never forget his devotion to protecting the community of MIT and serving as a police officer. He will be sincerely missed. I honor the exemplary service of Officer Collier and I extend my deepest sympathies to his family.

Last week MBTA police officer Richard Donohue, Jr. was working to protect the public at the Boston Marathon, and early Friday morning he raced to assist Cambridge police as they pursued the suspect who shot an MIT officer in Watertown, MA. What Officer Donohue may not have known was that officer down at MIT was his friend and fellow police academy classmate Sean Collier.

In the ensuing gun battle, showing remarkable courage and disregard for his own safety, Officer Donohue endured a barrage of gunfire and explosives unleashed by these suspects, and he himself was seriously wounded. Officer Donohue is recovering from his wounds and remains in critical but stable condition. I wish to thank Officer Donohue for his service, and I wish him a speedy recovery. As he heals, our thoughts are with the entire Donohue family, especially his wife Kim and their young son, who are a constant presence at his hospital bedside.

Ms. WARREN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table, with no intervening action or debate.

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

The resolution (S. Res. 115) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under ''Submitted Resolutions.'')

The PRESIDING OFFICER. The majority leader.

MARKETPLACE FAIRNESS ACT

Mr. REID. Mr. President, the Senate operates by cooperation and consent. So it is unfortunate that we could not reach an agreement yesterday to consider amendments to the Marketplace Fairness Act, a measure that will provide parity between brick-and-mortar retailers and online stores.

A few Senators have held up this important legislation—and I mean a few—legislation which proponents have advocated for 11 years. The able sponsors of this bill—Senators ENZI, DURBIN, and ALEXANDER—are continuing to work to get an agreement on a list of amendments upon which the Senate could vote.

Three-quarters of the Senate support this measure. A number of those who do not vote with us do not oppose this legislation, they are doing it for other reasons. This is overwhelmingly important legislation, but, as we saw with the background check measure and the other gun matters last week, here in the Senate a minority of Senators can block even measures with overwhelming support. We found that on background checks. This bill is no exception. Despite 75 votes to proceed to the Marketplace Fairness Act, just a few individual Senators are vowing to derail this legislation. Absent consent, we will vote on closure on this measure an hour after we convene tomorrow.

I remain open to an agreement to consider amendments to this legislation. The proponents of this legislation have worked for a long time to move forward. They worked all day yesterday and the day before to come up with a list of amendments. No one is trying to prevent amendments, except a handful of Senators. I am eager to conduct an open debate on this bill, but time is winding down. One way or another we are going to finish work on this measure before we leave for our instate work period, even if it takes the weekend. Those people—that handful of people—should understand that. The calendar is simply too full to allow this important measure to hold over until next month.

The Senate must complete work on job-creating water resource legislation and a farm bill during the May work period so we can move forward on the immigration debate in June. We have had eight Senators who have spent days, weeks, working on an immigration bill. We have a bipartisan bill coming to the Senate with a system to fix our broken immigration system, just like we have a bipartisan bill on the Senate floor today.

The only way we get things done around here is with Senators working together. The immigration bill is a good example of that, and this bill is a good example. We cannot let a few people stand in the way of fairness. That is what this is all about.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Republican leader is recognized.

HEALTH CARE

Mr. MCCONNELL. Mr. President, last week one of our most senior Democratic colleagues, a primary author of ObamaCare, referred to the law's implementation as ''a train wreck.'' He warned: ''Small businesses have no idea what to do.'' They have no idea ''what to expect.'' He also expressed concern that the health insurance exchanges for consumers and small businesses could turn into a fiasco. I agree with him. I think just about everyone in my conference agrees with him.

Here is the difference. This is not some grand revelation to Republicans. We have been saying this since day one. We said a government takeover of health care would raise health care costs and premiums. We said it would raise taxes on the middle class. We said it would force millions of Americans to give up insurance plans they liked and wanted to keep. We said it would bury families and small businesses in a literal mountain of regulations, and we said it would cost our country jobs. We shouted these things from the rooftop throughout the health care debate. A few of us have even said it would be a ''train wreck.''

Until now, the President's allies mostly ignored or brushed off our concerns. But do you know what. With each passing day, it appears clearer and clearer that we were right to sound the alarm.

Only now are Washington Democrats starting to come around to the reality of what they passed. Perhaps they thought a ''yes'' vote on this bill would somehow magically cure our country's health care challenges without any cost increases, without hurting the middle class, and without the massive, unnavigable bureaucracy that is being erected literally as I speak.

That is the problem. That is why we are stuck in this mess. Our constituents did not send us here to robotically fall in line behind bad legislation and then pat ourselves on the back for ''doing something.'' They sent us here to eventually elevate public policy and to think about the medium- and long-term consequences of our actions.

Look, ObamaCare's mounting challenges shouldn't come as much of a surprise. It is not just that Republicans have warned about them for so long or that experts echoed our concerns. A lot of the problems in this 2,700-page bill should have been pretty self-evident right from the start.

In some ways I am glad to see more and more Washington Democrats and their allies come around to the reality of what they have done.

Earlier this year Democrats helped us repeal the CLASS Act, for instance. Last month, the Senate voted overwhelmingly, 79 to 20, to repeal the law's job-killing medical device tax. Last week we saw a union reverse course and come out for repeal of the law. I would hope more would come out and join us in repealing it in its entirety, root and branch. I am optimistic we will see more common sense take root in the days to come as the country learns more about this law and the harm it is causing families, businesses, and taxpayers. I suspect we will.

When administration officials are reduced to hoping that the law's implementation will not amount to ''a third world experience,'' then you know there is trouble on the way.

That is why I have also called on the President to address the Nation and give an honest accounting of what many Americans can expect as this law starts to come online: the higher costs, the premium increases, the taxes, the loss of health care plans they like and want to keep. All of that is happening. We asked him to do this in his State of the Union speech. He should have, because the longer he waits to lay out the truth for the American people, the more people are going to get blindsided by all of this. That is simply not right. The President shouldn't waste any more time. In the meantime, Americans can rest assured Republicans will keep working to repeal this law. I hope more of the President's allies will join us in this fight as well, because all of us owe our country better than this.

For the sake of my constituents in Kentucky and for the sake of Americans across the country, I urge my friends on the other side to join with Republicans and stop the train wreck, stop this train wreck before things get even worse.

MARKETPLACE FAIRNESS ACT

On the matter currently before the Senate, I wish to make the following observation about the Internet sales tax bill. Earlier this week I announced my opposition to this bill, which I don't think is in the best interests of Kentuckians or its taxpayers in general. I know everyone in the Chamber doesn't feel that way. This bill may pass. There are Members on both sides who support it. Before it does, I hope the Senate will at least have some chance to offer amendments.

Mr. President, I yield the floor.

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 10:30 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 majority controlling the first half.

Mr. MCCONNELL. 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. DONNELLY. I ask unanimous consent that the order for the quorum call be rescinded.

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

(The remarks of Mr. DONNELLY pertaining to the introduction of S. 810 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. DONNELLY. I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

EXCESSIVE GOVERNMENT WASTE

Mrs. FISCHER. Mr. President, a recent Washington Post headline has grabbed national attention. It reads: U.S. Government spends $890,000 on nothing.

It almost sounds like a bad joke, but this is no laughing matter. The Post reported:

> This year, the government will spend at least $890,000 on service fees for bank accounts that are empty. At last count, Uncle Sam has 13,712 such accounts with a balance of zero.

The American people are no strangers to reports of excessive government waste, from robotic squirrel research to Moroccan pottery classes. This latest example, however, comes at a particularly frustrating moment, as thousands of Americans are stuck waiting for hours in airport terminals with delayed fights—the result of the Federal Aviation Administration's decision to furlough thousands of air traffic controllers due to sequestration. The Post astutely noted:

> If you are a federal worker on furlough this week—or an airline passenger delayed by federal furloughs—you might want to save your blood pressure and go read another story.

Federal law requires the government to reduce overall spending by 5 percent in each agency, totaling $85 billion for the remainder of this fiscal year. While the $890,000 currently spent on unused bank accounts may seem like a drop in the bucket, it nonetheless proves there is plenty of fat to trim in Federal spending. We can do that, and we can do it without directly impacting essential government services and jobs.

The same holds true with the FAA. Similar to many Nebraskans, I remain concerned about the Federal Government's failure to effectively target these required but necessary budget cuts. Of particular concern is the FAA's complete mismanagement of the cost reductions which has resulted in unnecessary travel delays all across this Nation. Since 1996, the FAA's operations budget has grown by an astounding 109 percent, from $4.6 billion to $9.7 billion. A mere 5-percent budget cut would simply return the FAA to the 2010 funding levels.

Despite 2 years to prepare for these budget reductions, the FAA chose to provide Congress and the airline industry with less than 1 week's notice regarding its plans to furlough its workforce, showing complete disregard for the traveling public.

The FAA has insisted on targeting air traffic controllers, rather than solely focusing on lower priority personnel to ensure morale. I wonder if anyone has checked in with the folks waiting in airport terminals—and waiting in those terminals for hours—to determine their current morale. The FAA has 47,000 employees, of which 15,500 are air traffic controllers. While I appreciate the hard work of many Federal employees, air traffic controllers should be the last ones on the FAA's budgetary chopping block.

Rather than selectively ratcheting up the pain of Federal budget cuts on American citizens with these long delays, the FAA should, instead, focus on cutting its $500 million consultant slush fund or the $325 million spent on supplies and travel.

For months, the administration has argued it lacks the flexibility to target the required budget cuts in a smart, responsible manner—in a smart, responsible manner—that mitigates the impact on the public. To that end, I have cosponsored several legislative efforts to provide this administration with the tools to ensure that essential Federal employees continue to provide these vital services, such as our control tower operations.

Most recently I cosponsored the Essential Services Act, which would simply require each Federal agency head to identify and exempt essential employees from any furlough policies by using the same standards that were created by multiple administrations during previous government shutdowns.

Unfortunately, the President and my Democratic colleagues continue to oppose any of these measures to both achieve needed savings without tax hikes and preserve our important government functions.

Notably, FAA Administrator Michael Huerta recently testified at a Senate hearing that he does, in fact, have discretion to prioritize the spending cuts. If that is true, then it appears the FAA is more interested in scoring political points rather than cutting its $2.7 billion in nonpersonnel operation costs.

I am very disappointed in Administrator Huerta's lack of forthrightness with this Congress. When asked at the same hearing about the FAA's possible furlough strategy, Mr. Huerta provided only general statements. Hours later, FAA officials provided detailed furlough plans to airlines—a disturbing move to hide the ball from lawmakers, who were left without the opportunity to mitigate the impact of these extensive furloughs.

I stand here ready to work with the President and any of my colleagues who are committed to making these budget cuts in a smart, effective, and efficient manner, a manner that preserves essential government services.

I thank the chair. I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I rise today to discuss a serious problem confronting the American traveling public and our economy, and later today I will be introducing a bill to remedy this problem. I am very pleased to be joined by several of my Senate colleagues as original cosponsors, including Senator MARK UDALL, Senator RISCH, Senator ROBERTS, Senator ISAKSON, and I expect several more cosponsors to join in this effort over the course of the day.

As the ranking member of the Transportation Appropriations Subcommittee, I have followed the issue of FAA delays and furloughs very closely. In fact, the first thing this morning I met with Secretary of Transportation LaHood and FAA Administrator Huerta to discuss this problem and my proposed solution.

The challenges the FAA faces this fiscal year are daunting. Not only is the agency operating under a continuing resolution but sequestration compounds the problem. It is important that sequestration be implemented in a way that ensures safety and minimizes the impact on travelers as well as on jobs in the hospitality and airline industries.

The FAA recently announced its plans to achieve its sequestration savings by implementing furloughs of air traffic controllers, closing contract towers, eliminating midnight services, among other cuts.

I personally believe the FAA had other choices and could have avoided many of these disastrous outcomes, but there is no doubt that personnel does make up a great deal of the agency's budget and that some furloughs undoubtedly would have been necessary. Whether it was necessary for the FAA to concentrate so many of the cuts in the area of air traffic controllers is an entirely different question. In any event, my bill would restore funding for these essential programs and would do so—and this is an important point—without increasing the funding for the FAA or for the Department of Transportation.

Let me give a little bit of background. The FAA began furloughing 47,000 employees this past Sunday, including nearly 15,000 air traffic controllers. This is essentially 10 percent of its

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

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

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

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

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

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

Specifically, it would give the Secretary the authority to transfer an amount not to exceed $253 million to prevent the furloughs of the air traffic controllers and other essential employees in order to reduce flight delays and at the same time to maintain a safe and efficient national airspace system. Our bill would accomplish this goal by allowing a one-time shift of unused moneys in the Airport Improvement Program to the operations account.

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

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

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

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

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

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

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

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

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

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

Thank you, Mr. President.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

RECESS

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

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

MARKETPLACE FAIRNESS ACT OF 2013

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

The assistant legislative clerk read as follows:

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

Pending:

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

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

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

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

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

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

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Maine.

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

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

Mr. WYDEN. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Oregon.

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

The PRESIDING OFFICER. Is there objection?

The Senator from Montana.

Mr. BAUCUS. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Maine.

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

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

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

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

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

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

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

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

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

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

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

The PRESIDING OFFICER. The Senator from Maine.

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

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

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

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

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

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

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

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

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

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

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

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

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

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

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

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

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

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

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

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

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

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

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

The PRESIDING OFFICER. The Senator from Montana.

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

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

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

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

I have heard no good reason we should not go to the committee. This bill was placed straight on the floor calendar, no committee consideration, none whatsoever—none. The Committee of jurisdiction had no opportunity to look at this bill, none. I think it should, especially when I make a pledge that we will mark it up in the next work period after this next recess.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The PRESIDING OFFICER. The Senator from Tennessee.

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

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

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

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

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

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

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

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

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

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

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. First, I want to deeply thank my two colleagues who previously spoke, Senator COLLINS of Maine and Senator ALEXANDER of Tennessee, for their nice, warm compliments. I deeply appreciate that. It means a lot to me because they are both very fine Senators. They are terrific, as a matter of fact.

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

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

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

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

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

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

Let me make a prediction. Those who are for ramming this bill on the floor without letting it go to committee are doing themselves a disservice, because it makes it more likely this bill will not become law. If the proponents of this bill want this legislation to become law, what they should have done is say yes, let's go to the Finance Committee; the chairman of the Finance Committee has agreed to take it up; he has agreed publicly to markup, not just a hearing. We have had a hearing already. We would have a markup on this bill in the next work period. Then the differences would be worked out and some of the problems solved. Then the bill comes to the floor, and it will not be opposed, probably, at least not in the same way it is opposed now. Then it will more than likely be passed by the other body or at least worked through the other body. That is the better way to do it.

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

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

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

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

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

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

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

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

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

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

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

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

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

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Madam President, I wish to thank the Senator from North Dakota for her comments and her involvement for over 20 years. I feel like a newcomer, with just the 12 years I have been trying to get this passed. Wyoming has recognized the need for it and has had the desire for it. We were one of the first to join the streamlined sales tax effort, and I think we were joined by a number of our surrounding States. The purpose of that, of course, was to make it simpler so it would be easier for people to collect the tax.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

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

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

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

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

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

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

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

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

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

This is the season for parades in Tennessee. On weekends and Fridays, I go home. I have a rule of thumb: Walk in parades. I put on my red-and-black plaid shirt that I walked across Tennessee in. I walked in the Saint Patrick's Day parade in Erin. I walked in the Mule Day parade in Columbia—100,000 people there, lots of mules there. I always try to walk at the front of the Mule Day parade for obvious reasons. And tomorrow I was looking forward to walking in the parade at the Paris Fish Fry. But if we continue to object to every amendment to this bill, I will not get to walk in the Paris Fish Fry tomorrow, but we will pass the bill on Saturday, and I suspect we will pass it with 74 to 75 votes.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

NATIONAL PEDIATRIC BRAIN CANCER AWARENESS DAY

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

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

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

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

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

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

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

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

about the results they hoped for. As doctors desperately sought an answer, Jack's young body continued to be riddled with seizures. Within 5 months, he endured a second brain surgery which removed 95 percent of the remaining tumor. But despite this success, in April 2012 the MRI showed that Jack's cancer had returned and doctors determined it was inoperable. So Jack quickly began 60 weeks of chemotherapy, employing an outdated regimen used by doctors for over 25 years.

Unfortunately, diminished research funding for pediatric brain cancer has stunted medical advancements, so treatment options remain limited. But Jack and his parents didn't despair. They remain hopeful and determined to discover God's will in their hardships.

In a recent Omaha World-Herald story, Jack's father Andy is quoted as saying:

I don't know why God chose Jack to have this. But I do know that we can make something good out of it, and that's promote the improvement of treatments of this disease.

So the Hoffmans set out, they set out on a mission to raise awareness for pediatric brain cancer.

This is a rare but devastating disease that poses unique health and developmental problems for the 3,000 child patients who are diagnosed each year. Jack and other children suffering from brain cancer endure seizures, difficulty speaking, and trouble with their balance. The list, unfortunately, goes on. They spend long periods of time away from their families, friends, and classmates. They miss school, they miss football games, and they miss out on childhood.

The Hoffmans' fundraising efforts through the Team Jack campaign have yielded over $300,000, and it is all for pediatric brain cancer research.

Although there are countless worthy charities across our country, my husband Bruce and I feel a special connection with Team Jack, and we have worked very closely with the Hoffman family to increase awareness of pediatric brain cancer.

While Jack and his family have been friends of mine for many years, he was first introduced to most Americans when he became an overnight football star—complete with his own trading card—and he did this at the Huskers spring football game on April 6, 2013. Jack suited up with football pads and a No. 22 jersey, and little Jack ran 69 yards. He scored a touchdown in front of 60,000 screaming fans in our Memorial Stadium in Lincoln, NE.

In a single dash across the gridiron, little Jack Hoffman touched the hearts of millions of Americans, and that includes 7.6 million YouTube viewers, and he increased awareness of pediatric brain cancer.

It didn't take a touchdown, though, to make Jack a hero. He smiles through the pain. His courage and his resilience represent the very best of the human spirit and the very best of our Nation.

I admire the Hoffmans for their unwavering commitment to transform this very personal trial into a force for good. I am deeply grateful for all they have done to find a cure.

Today the Senate commends the Hoffmans, Team Jack, and all those Americans who work tirelessly to battle and bring attention to pediatric brain cancer. The resolution Senator KLOBUCHAR and I are submitting recognizes the unique struggles of pediatric brain cancer for their patients and their families. It commends scientists, researchers, and health care providers working to modernize and improve the diagnosis and treatment options; and, importantly, it designates September 26, 2013, as ''National Pediatric Brain Cancer Awareness Day'' to encourage efforts toward the early diagnosis and treatment and ultimate cure for this disease.

So at this time I ask unanimous consent that the Senate proceed to the consideration of S. Res. 116, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 116) designating September 26, 2013, as ''National Pediatric Brain Cancer Awareness Day''.

There being no objection, the Senate proceeded to consider the joint resolution.

Mrs. FISCHER. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table with no intervening action or debate.

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

The resolution (S. Res. 116) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under ''Submitted Resolutions.'')

Mrs. FISCHER. Thank you, Mr. President. I yield the floor.

MARKETPLACE FAIRNESS ACT OF 2013—Continued

Mrs. FISCHER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COBURN. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. COBURN. I ask unanimous consent to speak as in morning business.

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

SEQUESTER

Mr. COBURN. I wanted to spend a minute as we have had a lot of discussions over the pain that is being caused by the American traveling public and businesses on the FAA. We heard the majority leader say we couldn't do the sequester because we still have the same amount of money, and there is no way we could cut the $40 billion out of our budget over the next 6 months.

I thought I would just draw a little comparison for us so we could actually see the Federal budget, and then we could make a comparison to the average family budget. Here is the Federal budget. This is last year's Federal budget. We spent $3.7 trillion, we took in $2.46 trillion, and we had a deficit of $1.32 trillion. We added to our total debt, so we have come to a total debt now of $17.57 trillion. The sequester cuts are $85 billion, and $85 billion sounds like a lot of money.

Now let's compare it to the average family household in America. The median household income in America last year was $53,000. By the way, in real dollars that is less than what it was in 1989—less than what it was in 1989.

If we spent money in households the way the Federal Government spends money, we would have spent $81,000. We would have only earned $53,000, but we would have spent $81,000. We would have had an annual credit card debt that we would have chalked up of $28,000 doing exactly what the Federal Government does, which would have made our total credit card debt $375,000.

We are spending $81,000, and if we cut the amount of spending in the sequester as a percentage of the total Federal budget as to the median family income in America, we would have cut $182. That kind of puts it in perspective.

How many families would continue to be able to operate this way? They wouldn't. No credit card company would continue to give them $28,000 worth of credit card debt. They certainly wouldn't let them run up $375,000 and then say: Oh, by the way, what are you doing about getting your finances in order? Your response would be: I have cut $182 out of my budget this next year.

What we are seeing is a farce when we talk about we can't cut $44 billion or $88 billion out of the Federal budget over a year's period. It is an absolute farce.

Then when you talk about the FAA, in fact, they have less controllers now than they did in 2010. If you look at the budget requested in 2013, there is about a $300 million difference between the sequester level and, actually, it is the same as in 2010.

What the FAA and the administration are telling us is there is no way they can possibly do anything to associate less inconvenience and less delayed flights. Yesterday there were 6,800 flights delayed to make it hurt.

I want to enter something into the RECORD that came up on my whistleblower site. This is an employee of the FAA and what they were told in a meeting on Monday by management. Here is what they were told.

''I hope this is the appropriate channel to contact you through.'' I am not going to say who works for the FAA and asked me to e-mail you. We want to ''let you know that the FAA management has stated in meetings that they need to make the furloughs as hard as possible for the public so that they understand how serious it is. Due to this there is management trying to make everyone take the same furlough day so that the FAA shuts down completely on that day. Union employees are supposed to be able to pick their furlough day, but are being pushed by management to take the same day as everyone else. Example, recently there was a meeting between''—and I am not going to say between which group of employees, but at the FAA, ''management, and union where the union reminded a manager that he cannot force them to take off the same day. A union employee wants Wednesdays off so another employee, under the managers orders, tried to make the union employee change his mind. When the union employee asked why, the other employee said to prove a point. I do not know if any of this information is useful or not. If it is I'' will contact you with more information.

Well, the fact is, if that is really going on, that the management at FAA is trying to make union employees all take the same day off, what is that about? Is that about airline travel in America or is that trying to make the sequester hurt? Is that about $182 out of your budget and we can't even do that?

We have the government's management manipulating a program so that it hurts the American public? How cynical, how un-American is that.

I would ask unanimous consent to submit this e-mail for the RECORD.

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

Sent: Wednesday, April 24, 2013 8:16 AM
To: Coburn, Whistleblower (Coburn)
Subject: FAA Furlough

SEN. COBURN: I hope this is the appropriate channel to contact you through. My wife works for the FAA and asked me to email you for her. She wanted me to let you know that the FAA management has stated in meetings that they need to make the furloughs as hard as possible for the public so that they understand how serious it is. Due to this there is management trying to make everyone take the same furlough day so that the FAA shuts down completely on that day. Union employees are supposed to be able to pick their furlough day, but are being pushed by management to take the same day as everyone else. Example, recently there was a meeting between employees, management, and union where the union reminded a manager that he cannot force them to take off the same day. A union employee wants Wednesdays off so another employee, under the managers orders, tried to make the union employee change his mind. When the union employee asked why, the other employee said to prove a point. I do not know if any of this information is useful or not. If it is I can get my wife to contact you with more information.

Mr. COBURN. Here is another from an FAA supervisor: I am an air traffic control supervisor. I am writing you because I don't want to lose my job but, more importantly, I don't want to see safety across the Nation be deteriorated at the risk of the lives of aviators. Sir, I don't need to remind you about the importance of safety and would like to talk to you about what could have happened on the day OSU played OU 16 February 2013. Please call me day or night.

The fact is there is a bigger story behind that, which I will make a speech on tomorrow, to actually detail what is going on.

When we hear there is no risk to safety, and here is a supervisor saying there is, what are we doing? This is a contrived farce to make the American people think we can't cut $182 out of an $81,000 budget, put in simple family budget terms, or we can't cut $85 billion out of a $3.7 trillion budget.

When we get down and look at it in those terms, everybody in America knows it is possible to do that. Everybody knows all it takes is some common sense and the utilization of priorities that are in the best interests of the country, not the best interest of any political party or political philosophy, to actually accomplish this.

I must say I am disappointed in the Department of Transportation. I am disappointed in the FAA that they would be so callous as to carry this forward.

I also want to make some comments about the remarks of the majority leader 2 days ago about the tea party. I have to say I adamantly disagree. The tea party people I know from Oklahoma and the Midwest love our country. They want an effective, efficient government. They want a government that follows the Constitution. They want the rule of law to be supported all the time.

He related and compared them to anarchists. Nothing could be further from the truth. Are there some crazy opinions on both sides of the extremes in both parties? You bet. But the vast majority of people in America understand over the last few years they have had to do more with less at the same time the government is doing less with more.

To indict a group of people who care just as much about this country but see a different way of solving the problems, who say we should live within our means, that we shouldn't borrow against our children's future, that we should follow the Constitution, that we should follow the enumerated powers, that we should honor the Bill of Rights—that we should honor the Bill of Rights asking us to do the very things that our oath calls on us to do—to me, the fact that the majority leader would attack that group of people as a class and relate their motives to that of anarchy is very shameful. They even make the comparison, but it is also made out of ignorance.

Everybody in this country wants the best in the long term. There is a difference in our view of how we get there, but there is no difference that we do have a Constitution, and it is not un-American to think we ought to honor our oath to that Constitution; that we ought to truly follow the Bill of Rights and not pass laws that abandon it; that we truly ought to embrace the enumerated powers.

Over the last 3 years the GAO has shown us where $250 billion a year in waste is, and yet the Congress has done nothing. Senator FEINSTEIN and I eliminated $6 billion a year in terms of the ethanol blenders credit. That is the only thing that has gone through in 3 years that even comes close to addressing what the GAO has recommended out of $250 billion.

You can understand why people might be cynical of Washington—because we don't have our nose pointed in the right direction. We continue to pass laws that ignore the enumerated powers.

One of the results of that is $250 billion of duplicative programs which have no true metrics on them. If they were all working, that would be fine. But, in fact, most aren't.

I think it needs to be countered that there are a lot of disparate views in our country, but the motivation behind them is really love of country. Whether they are on the hard left or on the hard right, it is just a different path. To compare that group of people to anarchists is both insensitive, inaccurate, and outrageous. What we need in our country today is leadership that pulls us together, not leadership that divides us further. What we are seeing is just the opposite.

I would ask my fellow Americans if they think on a comparative basis we couldn't cut $182 out of an $81,000 budget, if that is too much, especially since the fact that this budget has grown 89 percent in the last 10 years while their income has gone down 5 percent. Which is the better way? Should we raise your taxes and spend more of your money or should we actually decrease and eliminate tremendous amounts of wasteful, ineffective, and inefficient government spending and not sacrifice the future of our children?

I don't think the answer is complicated. I think most of America would agree that we could get $182 out of $81,000. That is the comparative ratio of $85 billion out of $3.7 trillion and what we heard the majority leader say that is impossible to do. It is only impossible to do this because we don't want to do it.

I have spent 8 years outlining waste in the Federal Government. Very few of my colleagues have helped eliminate that waste. The reason is they are double minded. In their hearts they want the best for the country, but they also want to get reelected. Every one of those duplicative, wasteful programs has a constituency.

So parochialism trumps patriotism in the Senate. That is the only explanation for why we haven't addressed

what the GAO has plainly said is duplication, waste, and actual stupidity.

When we have over 100 job training programs, 47 for the nondisabled, and all but 3 of them do exactly the same thing, and most of those do not have a metric—in fact, none of them have a metric to say whether they are effective—and we will not reform it, we are saying we do not care; we cannot cut $182.

When we have 110 teacher training programs, and none of those has a metric, across 9 different agencies, not in the Department of Education, and none of those has a metric. We spend about $4 billion a year on them, and we do not know if they are effective and we will not conform them into 1, even if it is a role for the Federal Government, or into 2, and eliminate and get some consolidated savings, what we are saying is we cannot cut $182 out of an $81,000 budget.

You see, the problems are not insolvable. There is no attempt being made to solve them. So we get a choice, America gets a choice: Continue to operate as we are, and what we are actually going to do is put handcuffs on our children and shackle their legs and take away the opportunity of a life equal to ours. We are stealing that from them.

When we have the majority leader of the Senate say it is impossible for us to cut $182 out of an $81,000 budget, what we are saying is our priorities are wrong. I can go through the list. We have 204 science, technology, engineering, and math programs. Twenty-one different agencies run those. Half of them are at the Defense Department. None of them has a metric to see if they are working. They are well intended. Why do we have 204 science and technology programs? Nobody can answer that question. We just have them because somebody saw a need but did not look to see what we were already doing or make what we were already doing work. It is not rocket science. It is common sense. There is not a thimbleful of it in Washington. There is not a thimbleful of common sense in Washington; otherwise, we would be addressing these programs. We would not have a statement saying there is no way we can cut $85 billion out of a $3.7 trillion budget. America does not believe that.

Now we have sequester and a refusal by the administration to even accept flexibility if we were to grant it, or any request for reprogramming to make it better for the American people. What we have is a political stunt by the FAA that not only inconveniences travelers but puts people at risk, markedly affects business, and changes people's lives. When you think about those people who are not going to make the funeral of one of their loved ones because of this stunt or are not going to be at a graduation because of this stunt or the airlines and the significant losses they are incurring every day because of this stunt, you have got to ask: Who in the world is leading this country and where did they get their motivation? It is an embarrassment.

The fact is the Senate has not acted in the best interests of the country in the long term, and what we have denied—the fact is we cannot cut $182 out of an $81,000 budget. We cannot do that; it is too hard. But nobody in America believes that. Nobody believes it. So what we do is call up all of the heartwrenching things we can to say how terrible it is but do not talk about the real fact that we are living way outside of our means. We are living on the backs of our children. Every day we are stealing their future and we refuse to admit to the very real concept that that is morally wrong. It is especially morally wrong when we, if we did our jobs properly, would not be doing it.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. COBURN. Mr. President, I understand there are going to be objections to amendments, but I am going to offer them anyway and let people object. One of the ways the Senate is running now is that we have spent 3 days doing nothing, so I am going to talk about my amendments. If they get objected to, fine. But the fact is the American people should know what we are doing rather than spending all our time in quorum calls.

So I will be calling up several amendments. If they are objected to, I will spend the time talking about those amendments. I have no intention of losing the floor until I have finished calling up all my amendments and talking about each of them.

I just gave a talk on the tremendous waste that is in this government, but there is a lot of other waste and ways to solve it. Most of these amendments have bipartisan sponsors or have had in the past, and they are about good government. I understand there will be objections, and that is fine. Members can defend the objection and the fact that there are not going to be any amendments on the bill, but I am going to offer mine anyway.

The first amendment I would like to call up is amendment No. 753 and I ask unanimous consent for its consideration.

The ACTING PRESIDENT pro tempore. Is there any objection to setting aside the pending amendment?

Mr. DURBIN. I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. COBURN. I will discuss amendment No. 753, and I appreciate the objection by the Senator from Illinois to that amendment.

We have over $4 billion owed to the Federal Government by Federal employees in past due taxes. I am not talking about taxes that have been adjudicated or settled or that have been worked out. I am talking about taxes owed today that haven't been paid. The Federal Government has the ability to garnish those wages, but they will not.

The way we get rid of a $1 trillion deficit is $1 billion at a time. On active Federal employees right now there is $1.1 billion in tax arrears and $2.2 billion from retired. That is undisputed. I am not talking about disputed. This is undisputed and hasn't been paid. So if there is an agreement that has been worked out, if they are working it out, that is fine, this amendment does nothing.

We are laying off people at the FAA. A portion of these people at the FAA, whether it be in communications or a secretary or whatever, owes the Federal Government thousands of dollars, but we are asking somebody else to take a furlough day rather than either terminating this other individual or garnishing their wages. Something is wrong with that picture.

This amendment says we are going to do that. We are going to actually enforce the rule of law and we will apply it equally to Federal employees as we apply it to everybody else in this country.

This will save, over the next 2 to 3 years, about $3 billion. Yet I can't bring up this amendment. I understand the dynamics that are ongoing. I have no personal animosity toward Senator BAUCUS or Senator DURBIN for objecting to the amendment. I know what is happening. But the fact is we can't bring up an amendment to save us $3 billion.

The Marketplace Fairness Act is going to pass this body. Everybody knows that. But what we can't do is the regular work of the American people and we can't get a vote on an amendment that would actually save us $3 billion.

Mr. DURBIN. Would the Senator yield for a question?

Mr. COBURN. I would be happy to yield to my colleague from Illinois.

Mr. DURBIN. The Senator from Oklahoma is my friend, and we have worked together on many occasions. I wish to state for the RECORD, because he knows it and I wish to put it on the RECORD, that we have what is called a blue-slip problem. There are no Federal taxes as part of the underlying bill. In fact, no taxes—no new taxes. If we add a provision, which the Senator has suggested—and he has six or eight amendments each dealing with the Internal Revenue Code, and many of them very meritorious—they would be objected to and the bill would be rejected in the House because revenue measures have to originate in the House of Representatives.

So it is a technical, procedural objection and does not reflect my feelings about the substance or about the sponsor.

Mr. COBURN. I understand that, but I think this amendment has no technical problem because it does not raise new revenues. It is simply a direction for performance of the Federal Government, which is the marketplace fairness. We are directing what will happen to the States and the involvement of the Federal Government in it. So there may very well be a blue-slip problem with some of the others, but I don't think there is with this one.

The point is here we sit. I just gave a speech saying it is $182 out of a $81,000 budget we say we can't cut. That is the equivalent family situation I just lined up here, and here is a way to get $3.2 billion that is owed and due back into the Federal coffers and we are not going to allow it.

So we could allow the amendment and then table it. The fact is we don't want to do that either. In talking to my House colleagues, it is going to be a while, if ever, if this bill actually sees the light of day. So we ought to be voting on the things that will actually make a difference.

I don't disagree it is unfair on the Marketplace Fairness Act. I think the exclusion level is way too low for any business to be able to afford to comply with it, but that is another story. The very fact is we are not doing what we could do to collect the revenue we are due now. This is an example of just saying: Start enforcing the law. Start using the tools at hand at the Treasury and the different agencies. Yet we are not going to get to vote on that. We ought to vote. If they want to table it, fine, but not to allow an amendment to come up? We are not postcloture, but we are not allowing an amendment, which means I don't have the right to modify a bill or even have a vote on modifying the bill.

I understand what is going on, but I think that is a significant amendment. Most Americans don't know Federal employees who are actively working today owe that kind of money to the Federal Government. Yet nothing is being done about it and no consequence for not paying. I guarantee if you are out there and you are not paying, you are feeling the full force of the IRS.

I ask unanimous consent to bring up amendment No. 751 and set aside the pending amendment.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. DURBIN. Mr. President, reserving the right to object, I appreciate I have to object, but I want the Senator from Oklahoma to please explain the amendment.

Mr. COBURN. Can I actually have it read and then the Senator from Illinois object after having it read?

Mr. DURBIN. Whatever way the Senator from Oklahoma wishes to explain it. I will object at this point.

I am sorry, I understand that can't be done.

Mr. COBURN. All right. Let me explain a minute, and the Senator can object ahead of time or later. It doesn't matter when.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. COBURN. This is an amendment to require a report from the Treasury Department on the abuse of tax-exempt status by charitable organizations. What we have seen in studies by the GAO and the IG is that many professional athletes set up charitable organizations and then use them inappropriately to pay the expenses of their lives. All we are asking from the IRS is to take a good look at this. Let's not allow this aspect of a very well-intended tax law to be utilized to skirt expenses and taxes.

On March 31, 2015, ESPN investigative unit ''Outside the Lines'' released the findings of an in-depth look at 115 different charitable organizations founded by prominent athletes. They gave extensive details of that investigation. What they outlined was that 74 percent of these nonprofits fell short of one or more of the acceptable guidelines for nonprofit operating standards. That means they are operating outside the law or do not meet the requirements for a charitable organization. Yet nothing has been done about it.

Here again they are asking for oversight, asking for us to do the right thing, asking us to get the money that is actually due the Federal Government. We are not going to get a vote on it. We are not going to have an ability to vote on it. We are not going to direct the IRS to actually do that and actually recapture some of the money that is actually due to the Federal Government.

All it is is a study: Tell us how bad this problem is and what you are going to do about it. How are you going to fix it? But, no, we are not going to do that. We are going to continue to allow the process to go on so that some of the most wealthy people in our country continue to pay less taxes than what they owe because Congress is dysfunctional.

I am not going into the individuals who were named in the ESPN story. I think it created quite a stir in the media. Yet we have seen no action either in the House or the Senate in this area. All we are asking with this amendment is the number of charitable organizations that existed 10 years ago; the number that had their tax-exempt status revoked each year since 2007; the number and nature of the allegations of the problems made to the Internal Revenue Service with respect to charitable organizations that were founded in this area of expertise for charitable organizations and what the IRS has done about it over the last 6 years; a description of the challenges the Internal Revenue Service faces in trying to enforce and oversee such organizations; the number of criminal investigations of charitable organizations conducted by the IRS since 2010—in other words, what are you doing about the problem—and then finally an explanation of any problems the Internal Revenue Service has had with the U.S. attorneys in prosecuting criminal violations of tax-exempt and charitable organizations.

Mr. DURBIN. Will the Senator yield for a question?

Mr. COBURN. I am happy to.

Mr. DURBIN. I would like to say I would vote for that in a second and I am not ruling out the possibility of agreeing to allow the Senator to offer this as an amendment to the bill. Please let us see if it raises a blue slip issue, which we mentioned earlier, which is a procedural issue, which means if it has a revenue measure in it initiated in the Senate, it would be subject to a blockage or objection in the House, which we are trying to avoid.

This is a measure Senator ENZI worked on for 12 years. I have worked on it for several years. We would like to get this measure up for a vote and for approval in the House. If the Senator from Oklahoma is offering a measure that would not jeopardize that, I am at least going to entertain that idea, and I will talk to my staff about it.

Mr. COBURN. I appreciate the comments of my colleague, and question.

The next amendment I would like to call up is amendment No. 767, which requires all legislation to be reviewed before it is considered by the Senate to determine whether duplicative or overlapping programs are created. I ask that that amendment be called up and the pending amendment be set aside.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. DURBIN. I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. COBURN. Here is one that doesn't get anything as far as a blue slip. What we now have is 3 years' worth of reports by the General Accountability Office showing at least $250 billion in questionable programs that are markedly duplicative of one another. This is multiple areas, and I have them now memorized and all the new ones too. It is layer after layer, agency after agency, program after program.

This is a bipartisan amendment. All this says is that before we create another program in the Senate, we have a report from the Congressional Research Service: Does this duplicate a program that is already out there? If we continue doing what we are doing, we are going to continue to get GAO reports that we are creating programs that duplicate what we are already doing.

It is not the fact that maybe our intent is good, it is the fact that we don't know what is out there now—except GAO does now—and how will we ever know until we put a requirement on ourselves to quit creating new duplicative programs? What the commonsense man would say is that if you have programs that are doing things and they are not working, don't create another one, fix the ones you have. Yet we

refuse to do that. Committee after committee refuses to do the oversight.

There is a bill sitting right now awaiting our determination, coming from the House, that reformed 36 job-training programs that the GAO said were failing and were duplicative and didn't have the metrics, and they converted those to 6, 36 out of 47 because the committee that did this, the SKILLS Act, only had jurisdiction over them. They created six programs, and they put metrics on it. We spend $19.8 billion on those 47 programs. We are going to achieve wonderful savings. But the most important thing we are going to do with the SKILLS Act is we are actually going to give somebody a skill with the money we spend rather than wasting 80 percent in the job-training programs we have, and that is what the oversight says. When you look at it, that is what it says.

For us to not continue adding to the problem, this is an amendment—it does not have a blue slip problem, so what is wrong with considering this amendment? I ask my colleague, what is wrong with considering this amendment? This is common sense. It works. It will actually cause us to not do stupid things in the future. It will actually help us to be better stewards of the public's money. Yet we are going to object to bringing it up.

Mr. DURBIN. If the Senator will yield?

Mr. COBURN. I will be happy to yield.

Mr. DURBIN. Just to restate, we are going through—I think the Senator has six or eight amendments. We are going through those in a good-faith effort to find those which would complement what we are doing and not create a problem substantively. My objection at this moment should not be taken as an objection beyond this moment. We would like to work with the Senator in good faith to do this.

Mr. COBURN. I thank my colleague. I will make my mark on what I am going to reoffer in the future.

I ask unanimous consent to call up amendment No. 766 and have the pending amendment set aside.

The ACTING PRESIDENT pro tempore. Is there objection to setting aside the pending amendment?

Mr. DURBIN. Reserving the right to object, I do not know the substance of the amendment.

Mr. COBURN. I am happy to let the Senator object ahead of time, as he obviously is going to.

Mr. DURBIN. I object. It is a good-faith objection. I hope the Senator understands.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. COBURN. Every 4 years the Federal Government spends $200 million so both political parties can have a party. We are $17.4 trillion in debt as we speak at this moment. That is $50 million a year. The way to get rid of a billion-dollar debt is $50 million at a time. The way to get rid of a trillion-dollar debt is $1 billion at a time. Do we really have the capability right now to borrow $200 million every 4 years for parties for the Democratic and Republican conventions and charge it to our children? All this does is put in a prohibition that we are not ever going to do that again. That is not a wise expenditure of taxpayer money. It is probably not constitutional. It has never been challenged. It certainly does not fall within the enumerated powers of the Constitution, article I, section 8. So it is another way of saving us some money.

I would just repeat my point. We have the FAA out there intentionally causing pain and harm to the American public today, and we have the Senate intentionally not doing what will solve those problems—intentionally not doing what will solve those problems. We are not trying to find the waste. We are not offering bills to eliminate the waste. We are not offering bills to eliminate duplication. We are not trying to refine programs to make them better. We are not trying to save Medicare and we are not trying to save Social Security—the very things that are very important in terms of what is getting ready to happen to us.

We cannot point to the administration and say they are cynical without pointing to ourselves as well. Here is $200 million that we spend every 4 years. Why don't we quit spending it? If the political parties—I have never been to a political convention in my life, but if they want to have a party, they ought to pay for it and we should not charge it to DICK DURBIN's grandkids or MIKE ENZI's grandkids or TOM COBURN's grandkids or anybody else's grandkids, which is what we are doing.

We are probably not going to get a vote on this amendment either, which shows again that our focus is not on what is most important for our country; our focus is on us. We have not set about to solve the big problems for our country.

This is a no-brainer. There are not many people other than those people in the political hierarchy of each party who would be against this. Yet it is not even going to get a vote. What does that say to the American people? Sure, it is only $200 million. Two hundred million dollars. Two hundred thousand thousands. We talk about millions as if they are nothing. Most of our fellow citizens will have trouble making that amount of money in their lifetime, and we flip it off as nothing.

This is a simple amendment. It has been objected to. I understand. I have no animosity toward my colleague. I understand what is going on. But do we really want to solve problems for the American people or do we just want to play this game some more? It is disturbing. It has to be disturbing to the average American.

In the last 5 years the average Oklahoma family has truly struggled to get by, and we have been one of the more fortunate States. But they made very hard choices about their priorities. They have had kids go to an instate school who didn't want to because they couldn't afford to go to an out-of-State school. They have driven a car 2 or 3 years longer than they wanted to and put money into an old automobile because they could not afford to go the other way. They have changed the way they enjoy themselves as a family because of what we have done. They have made hard choices. They have gone through the priorities in their lives and said: What is important based on the amount of money we have?

That is not just in Oklahoma; in every State in this country they have done that. Everybody has done that but the Federal Government—the Federal Government. And once we do take $182 out of a $150,000 family budget, which I showed an example of earlier, what we are told is, we can't do that. There is no way. It is impossible. We can't do that.

Then we have a demonstrated, overt exacerbation of something that was not caused by the sequester, that could have been averted, to prove a point that we cannot cut a penny from the Federal budget.

When $100 billion a year in Medicare and Medicaid fraud is ongoing in this country, we are talking about trimming the availability of Medicare services to seniors, and we have not solved that problem. We are not believable anymore; we are not trustworthy anymore.

This is a very simple, straightforward amendment. I know $200 million doesn't sound like much in Washington, but it is a ton in Muskogee, OK. I will offer my amendment again and there will be objections. What will probably happen is that I will not have a chance to offer it again because it is not germane to the bill, and then when we get postcloture, it will be ruled nongermane.

We will not have a chance for Senator DURBIN or Senator ENZI to object in the future because of the rules we are operating under. We are not going to have any amendments until we get postcloture, which means everything I have talked about so far is not even going to be considered.

We could consider them. We could allow them to be voted on. We could demonstrate to the American people we are actually interested in trying to solve some of the problems up here, but we decided we will not do that. It is pretty frustrating to me as a Senator, but it has to be terribly disappointing to the average American.

I have just outlined about $5 billion worth of savings with the four amendments I have talked about. We are not going to get to vote on them. Now, $5 billion is almost Oklahoma's entire State budget for 1 year. This is easy, simple stuff to do. Mark my words, we will never vote on one of these amendments associated with this bill. Since we don't have real amendment opportunities anymore in the Senate, they

will only come forward when the majority leader decides he wants to vote on them. He has been very recalcitrant in offering to vote on hardly anything that will actually make a difference in our future in terms of finances.

I am going to talk about the other amendments I wish to bring up. I will not make the Senator from Illinois object to them, so I will just talk about them.

Amendment No. 29, which I will not call up, is an amendment on something I think is terribly unfair. If this amendment were passed, it would only save us $90 million a year. Does anyone realize the Professional Golfer's Association is a tax-free organization? They raise billions of dollars every year, but the money that goes into the PGA is tax free—that actually goes into the organization. They are a 501(c)6 tax-exempt organization. Not only does it include the PGA tour, it includes the National Football League, the National Hockey League, and it includes the LPGA.

Can anybody tell me why they are tax-exempt other than it is under a loophole we have created? So if they were not tax-exempt and they paid their taxes as other organizations that are in the business of making money, the IRS would collect about $95 million more a year from just these four organizations.

Professional baseball saw the light and gave this up. They said it was not right. They did it a number of years ago. They said it is not right. Yet we continue to allow the well-heeled in our country to take advantage of the Tax Code as we raise taxes on everybody else. I think this is something we ought to fix.

A lot of my colleagues on my side of the aisle don't like this. I think it is inherently unfair that the very profitable sports organizations in our country don't pay taxes on the income their parent organizations make. I am not saying they don't do some positive things.

The President talked about paying your fair share. This is one that is not fair. Let's make it fair. Let's collect that money. It is not going to make any difference in what they do.

There are a few more organizations to add to this list: The ATP, WTP, the U.S. Tennis Association, Professional Rodeo and Cowboy Association, the National Hot Rod Association, as well as the ones I mentioned earlier also get this benefit.

People say this is going to impact their teaching certification or their charitable activities. They already have a 501(c)3. All of these organizations have a 501(c)3. They have a (c)6 just so they don't have to pay taxes. They have a charitable organization for all of their charitable stuff as well as their certifications.

This amendment will take the extra $90-some million and give it back to the American people. By giving that money back, it is giving it back to our kids because that is $90 million we are not going to borrow against their future.

The final amendment I will mention is on subsidies for millionaires for gambling losses. I will admit to Senator DURBIN that this one does have a blue slip. For anyone who reports $1 million in adjusted gross income a year in this country, they have an unlimited amount of gambling losses they can offset against that.

I am not a big fan of gambling. If it was a great business, we would all be gambling and be better off, but we are not. Most of us are losers when we try to gamble. The fact is the high rollers in this country get to deduct their gambling losses, and it is a large amount of money.

We also don't have any cutoff in terms of taking advantage of a lot of other expenses, which is for a speech another day, but here is one that is not necessarily great for society, yet we incentivize because we give an unlimited availability of deduction for the very wealthy. It ought to be something we change.

Mr. DURBIN. Will the Senator yield for a question?

Mr. COBURN. I will be happy to.

Mr. DURBIN. I am not much of a gambler myself. I make a voluntary tax payment every once in a while and buy a lottery ticket, although I realize I will never win.

Refresh my memory—and the Senator probably knows this—do I recall that the only deduction for gambling losses is against gains in gambling and not against ordinary income?

Mr. COBURN. It is against gains in gambling. The Senator is correct.

Mr. DURBIN. I thank the Senator.

Mr. COBURN. Nevertheless, we give an advantage to those with an adjusted gross income of $1 million or more a year. What we have done is given the well-heeled and well-connected an advantage the average American citizen cannot do. I cannot recall, but this morning I read the exact amount of revenue. The point is it is the principle.

Over the next few months will—regardless of this bill, its outcome—the Congress start addressing the real problems facing our country? We just passed $740 billion worth of increased income taxes and payroll taxes at the end of the year. Supposedly we will start cutting $85 billion over the next 12 months. We will see if that actually happens, as we have grown the government 89 percent over the last 10 years, while the average American family income has declined 5 percent over the same time.

I made the statement earlier—and it can be checked on any Web site—if we go by inflation-adjusted dollars, the average American is where they were in 1989. If we look at the size of government, it is almost four times that size. It doesn't seem to me we are accomplishing a whole lot as far as elevating the prosperity of Americans, but we have certainly elevated the prosperity of the Federal Government, and we have certainly undermined the prosperity of our children.

I am worried about our country. I am worried about the loss of confidence in this body. I am worried about our abandonment of common sense. I am worried about the fact that we ignore the enumerated power and then we wonder why we get GAO reports that talk about the duplication and things that are not effective.

There is a great role for government in a lot of areas in this country, but in many areas we are not effective and certainly not efficient. The reasons our Founders put the enumerated power in was so the decisions that could be made on so many things would be made at the local level so it would be done effectively and efficiently.

When we have this year's GAO report showing that there is $98 billion worth of duplicative waste—$250 billion over the last 3 years of duplicative waste—and we don't do anything about it, what we are saying is it is not important. The future is not important, having the confidence of the American people is not important, our kids' future is not important, and don't worry, we will be able to pay all the debt back.

I will close with this: There are a lot of biblical principles about paying interest and going into debt. Last year we paid about $223 billion in interest costs. If we took our historical pattern over the last 30 years of what our interest is, we are actually paying the same interest we were 25 years ago on one-fourth the debt.

If we took our historical interest rate, which is about 5.88 percent, and applied it to where we are today, what we would see is our interest costs would be $880 billion a year. That is going to happen to us pretty soon. Nobody knows for sure when, but interest rates are not going to stay at zero for the Federal Government. We are not going to have the Federal Reserve continuing to print money, and if we do, then the value of our dollar is going to decline and we will all get taxed through the decrease in value of whatever we have or hold.

The point I want to make is that the interest payment doesn't help the poorest person in this country, it doesn't help the single mom, it doesn't help the kid in Head Start, it doesn't help our schools, it doesn't help our military, it doesn't help our foreign service. It doesn't help anybody except the person who has our debt.

Don't we have an obligation to not let that happen? Don't we have an obligation to start addressing the very real problems in front of us? Not one dollar we pay in interest helps anybody in America in the long-term net way.

Last year the Chinese dumped $250 trillion of our debt. We ought to ask ourselves why. Their perception is that as their currency appreciates, our currency is eventually going to depreciate.

As my friends in Oklahoma say, one of the reasons we are doing so well right now is we are the best-looking horse in the glue factory. We look good because everybody else is looking so bad. We are lulled into a position of thinking we, in fact, can get away with continuing to do what we have done for years in Washington when, in fact, we cannot.

I appreciate the time on the floor and my colleagues' consideration of my amendments. I understand what is happening. I am not happy about what is happening in the Senate. I think we ought to be working on solving real problems. They are the biggest problems in front of our country. Saving Medicare is important. In 13 months, Social Security disability is going to be out of money. Those people who are truly disabled are going to see a cut in their benefits. We are not going to be able to address that.

The time for us to be acting is now. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

Mr. ENZI. Mr. President, I appreciate the comments from the Senator from Oklahoma and have enjoyed working with him the entire time he has been here. He brings up a lot of important issues, part of which is the financial shape our country is in right now. I noticed his comment that we are the best-looking horse in the glue factory and so people are pouring money into the United States.

I went to one of the bond issue auctions where we and some people from other countries were willing to take a negative interest rate in order to buy our bonds, which means they think we are the best hope there is out there. But that could change pretty quickly, and 5.88 percent is the average, which changes to $880 billion a year, which is a lot more than we spend on defense. So we need to be looking at some of those issues.

It is difficult to get a bill up around here. It is difficult to get a vote on an amendment around here. I know, because I have been working on the bill that is on the floor for 12 years, hoping to get an opportunity on the floor. So I would love to give Senators all the amendments they want; I was just hoping their amendments might be relevant—not germane, necessarily, relevant—to what we are doing; that it would be something about the sales tax collection. Those ought to come up. But when amendments are brought up as a result of frustration because people haven't been able to bring them up before—or some have even been brought up before and voted down—I would hope they would kind of constrain themselves on trying to make those an amendment to this bill.

Yes, there ought to be an easier way to get things going around here, and I think that would be in kind of a bipartisan way. This is a bipartisan bill. It is even bicameral. We have Republicans and Democrats on the House end working with us, conferring with us, hopefully, so something can be done, and here, of course, it is Republicans and Democrats—more than half of the people—who are supporting this bill.

As I said, I have worked for 12 years to get the bill to this point, and it usually gets blocked at the committee level. This time it didn't go to committee. I prefer bills to go to committee, but if we can't get them to committee and we get an opportunity to bring one up, we do.

One of the difficulties we have here is there are a lot of things that have to be done in the Senate, there are a lot of things people want to have done in the Senate, and there are a lot of things that have tremendous appeal throughout the United States or at least among certain people.

It is my understanding the next thing we are going to go to is water, and if my colleagues want to talk about a sensitive issue in the West, talk about water. My State gets an average of 16 inches—yes, that is right, just 16 inches—of rainfall a year. Other States get 16 inches in a month. We are considered high desert, and we are conscious of our water. So we will be interested in the water bill.

Following that, I think, is the immigration bill which has gotten a lot of publicity. There are a lot of people working on it, and there are a lot of opinions that I think are actually being worked into some kind of a bill.

Again, if we had a process where people could bring their bills up step by step, we could probably go through with a lot more. Because one of the complaints around here is bills often wind up to be a couple thousand pages long and it is hard to digest that. It is hard to bring the American people along on it. But the bill we are talking about here is an 11-page bill, and I think it is probably one of the most readable bills people have ever had to work on. An 11-page bill shouldn't probably take very long around here, but it takes just as long as any other bill. So I am hoping for this one chance we have to shore up some of the State, county, and town revenues, particularly since they are not going to be able to come to the Federal Government for money.

In fact, the Federal Government is taking money away from them right now and is talking about even more ways of taking money away from the States, the towns, the counties, and the municipalities.

What we did recently in that sequester bill is we took 5.3 percent out of the Federal Government's payment in lieu of taxes. They know they own properties in the States that, if they were in private hands, would result in property tax, but they are in the Federal Government's hands, and the States can't tax the Federal Government. But the Federal Government said, We know that is wrong, so we will pay a tax. The Federal Government decided what that tax would be and they don't raise it, so it has no relationship to the actual value of the property and what that property would raise if it were in private hands, which is why there are some appeals around here to sell off Federal property. But this year the Federal Government said, Well, yes, we owe that, and we haven't been increasing it so it is way below what the property tax ought to be, but we are going to cut you out of another 5.3 percent. I know people across America didn't have a choice of saving 5.3 percent of the money before sending it to the Federal Government, but the Federal Government is saying, For the taxes we owe, we are going to take 5.3 percent out of it first. So there are a lot of things there that are going to infringe on States and counties and municipalities.

I used to be a mayor so I know what the money is going to be used for and I know an essential part of that comes from sales tax—in States that have sales tax—and in those States the property tax is usually pretty low. But if they continue to lose revenue on the remote sales that take their revenue away, they are going to have to probably raise some of those taxes. I know there is a desire to force them to reduce some tax in exchange for whatever tax they get from this, but they have been losing tax and they are going to be losing tax.

This is a States rights bill. That is how we got it shortened down so much. The States actually have to take some action in order to be able to do this. I hope we don't try to dictate to the States what they do with whatever money they raise from this. But, again, that is a possibility on an amendment.

I am sorry the Senator from Oklahoma isn't on the Finance Committee anymore because there is the possibility, as we are doing tax reform right now, to talk about a number of these things he brought up, including gamblers who get to deduct their losses and the 501(C)(6) corporations that are tax-free. We need to be talking about whether some of those things should be tax-free, what their purpose is, where the money goes, how much is in the private sector, and what it is used for. Of course, I have been on the Finance Committee and I have been going through these discussions on reforming the taxes, and every time we get into it, we think of a lot more things we could be spending money on. So sometimes we talk about raising the tax instead of making it fairer and simpler. The two things can actually be separate. The policy of how we spend the money is supposed to be appropriation and authorization from the committees. The committees say what they think the money ought to be spent on and then the appropriators are supposed to stay within those limits. But that isn't the way it exactly happens.

If we are going to have fairer and simpler taxes, they are going to have to be fairer and simpler. I know Senator WYDEN has a principle that is a

one-pager. That would be nice, if it were only one page to fill out for our taxes. Of course, that means getting rid of a lot of things we have come to take as standard policy in our taxes. Again, a lot of those could be handled another way and they could be more forthright and more honest on what exactly we are doing, and probably fairer to the recipients of some of the tax expenditures we get.

I appreciate the amendments brought up by the Senator. I hope others will come and at least explain their amendments, but I hope they will try to stick to amendments that actually affect the sales tax provisions. If we try to put on some other kind of taxes or take off some other kind of taxes, we are actually getting into the Ways and Means in the House which has the right to start all of these kinds of issues, and they call that a blue slip. That means they object to it and it is done for. So if we end up with one of those for this bill, what it actually does is kind of kill the bill.

I am hoping after all the years of work that we don't kill the bill, particularly since we found a way to simplify it and make it a States rights situation, so States have to take some action and so the States understand the action they are taking. I am hoping we can do that. But I appreciate those explanations and perhaps there are some of those that somebody won't object to. I don't object.

At this point, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Ms. WARREN). Without objection, it is so ordered.

Mr. DURBIN. Madam President, my friend and colleague from Utah Senator HATCH is going to give a speech in a moment. I would like to say before he speaks that after he has spoken, I am going to ask for a unanimous consent which renews an earlier request but expands it, and the request is going to be that we call up three amendments, two of which have been objected to already, and a third one, Senator HATCH's amendment.

For my colleagues who are following this debate in their office, the three amendments we are talking about are amendment No. 740, offered by Senators PRYOR and BLUNT, a bipartisan amendment that relates to the Internet Freedom Act, a 10-year extension, which was objected to yesterday; and then I will ask for consent that we go from that, after an agreed to time for debate, to amendment No. 771, offered by Senators COLLINS and KING, another bipartisan amendment that relates to the effective date of the underlying legislation; and then, to Senator HATCH, I would say that we are going to include in this unanimous consent request his amendment No. 754, which I believe he is going to speak to now on the floor, which relates to the substance of the underlying bill, S. 743.

I am not asking for the consent at this moment but giving notice to my colleagues that this is a request that will be made after Senator HATCH has spoken.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Madam President, on Monday, before the cloture vote on the motion to proceed to the Marketplace Fairness Act, I came to the floor to discuss the need to reinstate the committee process in the Senate.

I have come to the floor many times over the past few months to talk about the importance of restoring regular order. I know a number of my colleagues share the same concerns. Yet here we are today debating another piece of legislation that has not gone through the full committee. It has not gone through the full committee process, and, once again, it appears we will be getting less than optimal results.

I think the legislation before us is a prime example of why regular order is so essential. The Marketplace Fairness Act is a complicated piece of legislation that deserves more thorough examination.

I think the bill is well-intentioned, and I am not fundamentally opposed to it. But make no mistake, there are problems with this legislation as it is currently drafted, problems that likely could have been avoided if the Finance Committee had been given an opportunity to fully consider the bill.

I also understand the feelings of those who feel otherwise. But the committee chairman offered to have a hearing on a set date, a markup on a set date, and go to the floor. I thought that was a pretty good offer.

I am not here today to talk about the process failures we have had with regard to this legislation. I think I have made that point, and others have as well. Instead, I am going to take a few minutes to talk about just a few of the specific problems I see with this legislation and how I propose to fix them.

I have filed an amendment that would address some of my concerns. I believe my amendment would make this bill more workable for businesses and consumers around the country.

For example, my amendment would implement a 5-year sunset on the taxing authority provided under this legislation. Like I said, this is a complicated bill, and we are not precisely sure what the impact is going to be.

Whenever Congress deals with legislation this complex, unintended consequences are to be expected. I believe we need to ensure that Congress has an opportunity to revisit these issues once we have had a chance to see how this bill is implemented. A 5-year sunset would provide that opportunity, but that is not enough. If we are really serious about preventing unintended consequences, we need to change some of the specific provisions of the bill.

One particular troublesome aspect of this bill is the preemption provision. In order to downplay the need for regular order on this legislation, proponents of the Marketplace Fairness Act have repeatedly claimed that the bill has been around in some form or another for over 10 years. And, in a sense, that is true.

However, none of the previous versions of this bill—including the version that was introduced just 18 months ago—have included a preemption provision.

Specifically, this provision states that this legislation ''shall not be construed to preempt or limit any power exercised by a State or local jurisdiction under the law of such State or local jurisdiction or under any other Federal law.''

At first glance this sounds innocuous, but why was it only added to this latest version of the bill? Why was it not included in previous drafts?

My concern is that this provision seeks to address an issue that the authors of the Streamlined Sales and Use Tax Agreement have been wrestling with for years, which is that States are reluctant to surrender any taxing authority at all.

I always have been a proponent of States rights. I have fought hard to preserve the right of States to regulate issues within their own spheres in a number of contexts. But we need to recognize, with this provision in place, we would be backing up State laws with Federal enforcement. By passing this legislation as it currently stands, we would be essentially signing off on laws that have not even been written yet.

I think it is only reasonable to consider whether we should, after passing this bill, expect more aggressive State sales tax laws to be enacted with the promise of Federal authority to enforce them.

My amendment would help us avoid the potential problems with this preemption provision by simply striking it from the bill. As I stated, this is a new provision that deserves more careful examination before being enacted into law.

If the Finance Committee had been given an opportunity to examine this provision more thoroughly, it is possible these concerns could have been addressed. But that is not the world in which we are living. Under the current circumstances, this provision should be removed from the bill.

I should point out that I am not the only person expressing concern about the potential impact of enforcing new State sales tax laws with Federal authority. That is an important issue.

Earlier this week the Securities Industry and Financial Markets Association released a statement saying:

We believe the impact of this legislation on trade and services has not been adequately explored by Congress. The bill could

lead to unexpected costs being passed on to consumers of financial services, including sales taxes on services or state-level stock transaction taxes.

On Monday, I quoted from a letter delivered to Senators from the American Society of Pension Professionals and Actuaries that argued:

The legislation would allow states to impose a financial transaction tax that would apply to American workers' 401(k) contributions and other transactions within workers' accounts.

These are not concerns that can just be cast aside. These are experts in the financial services industry saying there is a set of problems with the way this bill is drafted.

I am not saying the Marketplace Fairness Act will automatically create these new taxes on financial services. But unless we are sure the legislation would prohibit such taxes, we may be handing a blank check of Federal power to States that are becoming increasingly aggressive with regard to tax enforcement.

That is why my amendment requires the Government Accountability Office to study whether, and under what circumstances, the authority granted under this legislation might allow States to impose taxes on financial transactions or retirement contributions.

My amendment provides a simple, straightforward way to address a potentially serious problem with the Marketplace Fairness Act. My amendment would also require the GAO to conduct a study on the costs incurred by remote sellers in complying with the new sales tax requirements that would be imposed by States under this bill.

There are serious questions regarding the economic impact of this legislation. We are talking about a bill that would impose new costs on businesses throughout the country—costs that will most certainly impact the ability of these companies to grow and expand.

I do not need to tell you that these are perilous economic times.

What impact will the Marketplace Fairness Act have on job creation? We simply do not know. This study would help provide us with some answers. But we need to do more to ensure that this legislation will not harm small businesses throughout the country.

Another concern I have with this bill is that it could potentially create a situation in which small remote sellers are routinely audited by multiple States at the same time. This would be a severe impediment to small business growth and job creation. I think we need to ensure that this legislation does not impose administrative burdens that crush small remote sellers under an avalanche of paperwork.

To help address this concern my amendment would institute a 3-year statute of limitations on State audits of remote sellers. This would provide a uniform rule for State sales tax audits, one that mirrors the current Federal statute of limitations in situations where fraud is not alleged.

One of the major driving forces behind this legislation is the fact that over the years, the number of tangible goods purchased over the Internet has increased exponentially. Proponents of the Marketplace Fairness Act believe it is necessary to level the playing field between Internet and brick-and-mortar businesses.

While this is a fair point, it does not address the issues surrounding the sale of digital goods. Digital goods are often consumed in places that are not at the location of either the buyer or the seller. That being the case, applying State sales taxes to the purchase of digital goods presents a number of problems that are simply not contemplated or resolved under this bill.

Some of my colleagues in the Senate have spent time working on legislation in this area. In addition, the Streamlined Sales and Use Tax Agreement has also considered this issue. However, the legislation before us is completely silent on this and other matters.

These issues demand more consideration than will be possible under this bill. That is why my amendment includes a carve-out for digital goods. Exempting digital goods from the sales taxes authorized by this legislation will give Congress an opportunity to examine this matter more fully and provide a solution that makes sense.

Another problem with this legislation is that it does not take into account the costs businesses will face as they transition into this new sales tax system. There is just no way around it. This bill represents a change to longstanding policy that will require many companies to incur additional costs.

For example, as the bill stands as written, businesses that sell into multiple States will likely have to incorporate multiple software packages into their operations or create their own program. Anybody who thinks about it can see that is a big set of problems.

Furthermore, an online retailer will still be required to pay interchange fees on all transactions regardless of whether the amounts transacted represent the tax or the price of the item purchased. My amendment would help to address this problem by providing for compensation for remote sellers that will be required to withhold and remit sales taxes as a result of this legislation.

A simple, fair system of vendor compensation will help businesses overcome the difficulties of transitioning into the new sales tax regime. The amendment would phase out vendor compensation over a 5-year period. It would begin at 10 percent of amounts collected for 2 years, 8 percent of amounts collected for an additional 2 years after that, and then 6 percent of amounts collected for 1 year. I think this is a reasonable provision. I think it would solve a lot of the problems folks are raising on this bill.

This is a simple approach. It would go a long way to ensuring that businesses, particularly small businesses, are not unduly harmed by this legislation. If you hadn't noticed, the common theme running through all of the provisions of my amendment is a desire to protect small businesses. I think we all want to ensure small businesses are allowed to grow, expand, and create jobs. While I do not think the proponents of this bill want to intentionally harm small businesses, I do not think they have done enough to protect them from the burdens this 11-page piece of legislation would impose.

Let me give you one more example. Businesses making less than $1 million a year in remote sales would be exempt from the sales taxes authorized under this legislation. That may sound like a fair concession, but it warrants further examination. First of all, previous versions of the bill set the exemption at $5 million a year. Why has that number been reduced over time? Is it an arbitrary number that sounds good or is there a specific target in mind? These are the questions I have when I look at that number. My concern with placing the exemption at $1 million is it could subject smaller regional companies and individual sellers to sales tax burdens in States where they only do a small amount of business. In our already fragile economy the last thing we want to do is discourage the businesses from growing, expanding, and creating new jobs. My amendment would set the exemption at $10 million a year in remote sales. It would also index the level of the exemption to inflation to ensure it does not shrink as the years go by.

I recognize coming up with the exact definition of a small business is no easy task. Any number we use will necessarily be a rough figure because it has to encompass different industries and different business models. But setting the exemption at $10 million would protect small businesses in a number of different sectors and ensure we are not discouraging expansion and investment in those types of companies.

I have a number of concerns with the Marketplace Fairness Act as it is currently drafted. These are just some of the concerns I have. I have more, but I thought I would at least make these concerns noticeable by talking about them on the floor. My amendment would go a long way toward resolving these concerns. I respect my colleagues who have worked on this legislation over the years. But I want to work with them to improve the bill.

I respect the distinguished Senator from Tennessee, the distinguished Senator from Wyoming, the distinguished Senator from Illinois. They are sincere, they are dedicated, they believe they are right. I wish to work with them to improve this bill. Everyone knows if we pass this bill in its current form the House is not going to take it. So we may be doing a thankless act here rather than working, as legislators should do, to improve the bill, make it acceptable, hopefully make it so both

Houses will take it, and the President will sign it. But as you can see, there are simply too many problems and too many unanswered questions surrounding this legislation for me to support it as it is.

As I have stated, I believe these problems could easily be resolved by a simple return to regular order. Indeed, if the Finance Committee had been given an opportunity to fully examine this legislation, many of these problems would undoubtedly have been solved already. There are people who do not want this bill; I understand that. The chairman of the committee does not want this bill. But he was willing, knowing he would lose, to go ahead with a committee markup, a committee hearing, and a committee battle on the floor.

As I said, that is not the world we are living in. Once again, I want to work with my colleagues to improve this bill. I hope they will listen to my concerns and consider the changes my amendment would make. If no changes are made to this legislation, if it is forced through the Senate without any real improvement, I am going to have to vote no. That is not where I want to be, but that is what I would have to do. We have already missed some real opportunities to examine and improve this legislation. I hope we can change course and take a good look at all of these implications surrounding this particular bill.

I ask unanimous consent that the pending amendments be set aside, and that it be in order to call up the following amendments en bloc: Collins 744 or 771; Ayotte 759, as amended; Coats 765; Thune 765, with a GAO study; Thune 778, with a GAO study; Coburn 753; Coburn 767; Thune 743; Lee 768; Ayotte 763; Hatch 754; Portman 772; Cruz 794; Coats 797; Portman 792; Paul 755; Cruz 799; Ayotte 776.

I further ask unanimous consent that each amendment be limited to no more than 1 hour for debate equally divided in the usual form; I further ask consent that following the use or yielding back of time on each of the amendments, the Senate proceed to a vote in relation to each amendment with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

The Senator from Illinois.

Mr. DURBIN. Reserving the right to object, this is the first time I have seen this list. It has 17 Republican amendments on it. An hour apiece with a vote would probably take us around the clock or close to it. I wish to review this list with the Senator from Utah and others interested. I said earlier I was going to make a unanimous consent request. I will not make it at this very moment, but I will be making a unanimous consent request within minutes, which will include at least two of the amendments that are on his list, and it will be a starting point. I will object to the request at this moment.

The PRESIDING OFFICER. Objection is heard.

The Senator from Massachusetts.

Mr. COWAN. Madam President, I rise both early and late in my Senate career in strong support of the Marketplace Fairness Act, legislation that Massachusetts-based merchants and Massachusetts municipalities tell me is long overdue.

First, let me congratulate Senators DURBIN, ENZI, ALEXANDER, and HEITKAMP for their tireless efforts over many years on this issue. I strongly encourage my colleagues to vote for this measure and to continue working with the House so we can finally see it enacted into law.

As I see it, in a sense, this legislation finishes the job that was started in the House by former Congressman, now Senator, WYDEN and former Congressman Christopher Cox, when they first introduced the Internet Tax Freedom Act. That law, which Congress first enacted in 1998, officially declared that the Internet and electronic commerce should not bear a higher tax burden than traditional commerce.

Standing here in 2013, knowing how commerce has evolved, how consumer behavior and expectations have evolved, and how technology itself has evolved, I am happy to report Congress largely has been successful. State tax laws do not discriminate against electronic commerce. These transactions do not need any special protection from State tax collectors. Quite the contrary. On the contrary. Now so much commerce routinely is conducted on line, the pendulum has swung in the other direction. It is time to ensure our State tax laws are uniformly applied no matter how a transaction is consummated.

For more than 300 years, New England Main Streets have been anchored by local merchants who not only offer consumers important goods and services but are key employers for our communities. Those Main Street establishments have always been and will always remain an important part of the fabric of our communities.

Today in Massachusetts, the retail sector employs 550,000 people in 60,000 locations across our 351 cities and towns. They represent 17 percent of all the jobs in the Commonwealth—an important percentage, yet one which has declined from a decade ago.

Consumers today are fortunate to have unlimited choices, meaning extremely competitive pricing from retailers and great service in order to obtain and retain customers. That is good for both the consumer and the economy, but it also means retailers necessarily must have very tight margins in order to stay competitive on price. Those tight margins mean many small businesses thrive or die on a daily basis based upon consumer trends and purchasing decisionmaking.

Those of us in government should foster consumer choice and competition but, equally important, we must also take care to prevent unfair market incentives that drive consumers to spend or not spend at certain establishments based upon government policy and decisions.

I find it interesting that many news reports about the bill we are debating now seemed to lead with the headline ''tax-free shopping on the Internet is about to come to a halt.'' Let's be clear about one thing. There was never such a thing as tax-free shopping over the Internet in States such as mine and so many other States that have a sales or use tax. Under the Commonwealth's sales and use tax law—and the laws that exist in 44 other States in this Nation—if you owe a tax when you walk into a store to buy an item, then you owe a tax when you go online, buy it, and have it shipped to your house. You heard me correctly. If you live in Massachusetts or one of the other 44 States that collect sales tax, you owe taxes today on those Internet purchases already.

For 45 years, Massachusetts merchants have competed against sellers in our neighbor State, New Hampshire, which has no sales tax. Some Massachusetts consumers choose to hop in their cars and drive up Route 93 to make purchases. I understand the frustration of Massachusetts merchants, particularly since the tax is still actually due to the Commonwealth in the form of a consumer-remitted use tax.

For the past decade, the growth in competition based upon sales tax collection avoidance hasn't been from north of the Massachusetts border but, rather, from desktop and laptop computers and today from smart phones and tablets. Consumers who are reeled in by the tax avoidance marketing messages of certain sellers don't have to drive to New Hampshire. Avoiding the State sales tax takes only a few keystrokes on their phones.

Billions of sales that otherwise would go to Massachusetts employers are annually sent elsewhere. Those losses are real for our Main Streets, for our retailers, our retail employers, for all our cities and towns, and the losses are growing every year. The annual sales tax loss in Massachusetts is currently estimated to be $335 million. That number grows to $400 million when you include lost income and property taxes from declining employment and darkened storefronts. If we don't act, if we don't pass this bill, that number will grow to over $1 billion by the year 2020. Allow me to repeat that. That is $1 billion in losses to my State.

A sale is a sale is a sale. With today's technology, it shouldn't matter how it is transacted or where it is transacted. Government must be blind and be a nonfactor in our competitive consumer marketplace and in our application of taxation to that market. We understand this fact in Massachusetts. Increasingly, many online sellers recognize this reality too.

Last year I worked with Gov. Deval Patrick to negotiate with amazon.com

to begin collecting and remitting the Massachusetts sales tax. Amazon did the right thing for Massachusetts employers, workers, our schools, services, and for our cities and towns. Amazon recognized that they use our infrastructure, the airports, the highways, and streets to deliver goods to consumers. Furthermore, they understood that their customers who purchase from them use those very same services in Massachusetts and enjoy our vibrant downtown. Amazon and many of the other businesses that support this legislation have stores in multiple States. They have made their online presence and their brick-and-mortar presence seamless to consumers. They already collect and remit applicable sales tax and follow all the other business rules in the States where they do business. If other States want to compete for their customers in the great Commonwealth of Massachusetts, they also should play by all of our rules, including the obligation to collect and remit our sales tax.

It used to be the case that if you wanted to reach a broader marketplace, you opened a location there. You complied with all the State laws that applied in those jurisdictions because it was worth it to expand your reach and build a broader customer base. Why isn't it the same thing now? Why have we been so unwilling to apply the same rules to online businesses that we do to businesses in our States?

This is not an unreasonable proposal. Every time a business opens a physical space in my State, they set down roots there. They create jobs there. They support our communities, and they contribute to the cost of local services. That means they collect and remit sales taxes on the purchases made by the customers who enter their front door. Every open business in the Commonwealth and every consumer in the Commonwealth understands this relationship. Why should we allow an online business transaction better treatment than we provide to our own folks? Outsiders should not be treated better than insiders. Everybody should be treated equitably.

That is all this bill will do. It will allow a State government to require the same sales tax collection obligations of businesses that sell to State residents online that it does to businesses that sell to State residents on Main Street—nothing different, nothing more burdensome.

There has been a lot of misunderstanding about what this bill does, so let me try to clear it up. This bill will not create a new tax obligation for anyone who doesn't already have one. If you live in a State that already imposes sales and use taxes, online merchants will add the sales tax to your purchase in the same way the neighborhood retailer does. If you live in a State without a sales tax, nothing changes for you—nothing. If you don't pay a tax at a store on Main Street, you won't pay one on the Web. It is that simple.

This bill will not crush small businesses. When I served in State government, small business owners and their associations repeatedly called on us to beg Congress to level the playing field. Those same small business owners are the people who sent us here to represent their interests. When our bosses—the people—tell us they want us to act, they should not have to beg. We should act on the will of the people.

Let me be clear about how this bill will work. Businesses that have less than $1 million in remote sales will be exempt from compliance. States that want businesses to collect and remit the sales tax already due will be required to provide those businesses with the software to do it free of charge. The State will set up a simplified process so that businesses only have one point of contact with the State on collections and audits. No business will have to navigate the thousands of taxing jurisdictions opponents of this bill are so fond of asserting.

If a business really does not want to comply, it is easy: they can forgo the customers in that State. If they do, I assure you, those consumers—a very resourceful group—will quickly fill that void with another business that is willing to follow a State's business rules.

This bill will not impose a tax on financial transactions. I admit that when I heard this assertion, it worried me and many of my constituents, so I went back and I read the bill again. This charge is fiction.

The bill is crystal clear. I quote:

> Nothing in this Act shall be construed as encouraging a State to impose sales and use taxes on any goods or services not subject to taxation prior to the date of the enactment of this Act.

I come from State government, as do several of my colleagues in this body. Trust me, budgeting on the State level is a little different from the process that plays out here in Congress. In Massachusetts we rely on a combination of income taxes and sales taxes to cover the costs of the services our citizens tell us they want and need and provide the appropriate measure of investments—in education, infrastructure, and innovation—we know is necessary for a growing and prosperous State economy. Sales tax revenues represent almost one-quarter of our total tax collections.

Sales taxes are a difficult revenue source, I understand, because they are so dependent upon broader economic conditions. As we saw during the recent recession, when people are out of work or believe their jobs are threatened, they pull back on spending. In fact, many small businesses in my State and in others, I am sure, were told by banks that lines of credit needed to be tightened because consumers were pulling back. It was an unfortunate domino effect that our Main Street businesses are still struggling to overcome. Yet, as they were trying to hang on, they also watched the customers walk into their stores, browse the merchandise, take out a cell phone, and walk out, opting to buy a product from an online retailer that could ignore the State sales tax collection. Guess what. Now there is an app for that.

Our States have limited sources of revenue and significant obligations and investments to fund. We know the reality of this situation—that no matter how much our consumers prefer to shop online rather than on the street, they do not and cannot call a virtual ambulance or an online firetruck. We need to do all we can to keep our businesses in business. We need to ensure them a level playing field in which to compete. We need to protect the integrity of our tax laws that ensure we can provide essential services to our residents.

I have listened carefully to the objections to the bill that have been raised by others here on the floor, in the correspondence sent to my office, and the many tweets on my Twitter feed. While I am sympathetic to some of the assertions made against this bill, respectfully, I am not persuaded by them. There are just too many consumers, small businesses, and struggling communities in the Commonwealth of Massachusetts that are shouldering an ever-growing burden because Congress has yet to join forces with the States to help us efficiently enforce our tax laws in a 21st-century marketplace.

I urge my colleagues to support this bill.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Madam President, let me first thank my colleague from Massachusetts for an excellent statement in support of the legislation pending on the floor.

Let me remind my colleagues that I am planning to make a unanimous consent request on several amendments. I have asked Senator AYOTTE from New Hampshire to come forward with amendments to be included on this list, and I am hoping she will do that momentarily. After Senator PAUL of Kentucky, who is seeking recognition, concludes his statement, I would like to make this unanimous consent request.

May I ask the Senator from Kentucky if he would be kind enough to tell me how long he will be speaking on the floor.

Mr. PAUL. Between 3 and 5 minutes.

Mr. DURBIN. Without objection, I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

NEUROFIBROMATOSIS 2

Mr. PAUL. My nephew Mark Pyeatt has neurofibromatosis 2, NF2, but that is not who he is. He is an indomitable spirit, a courageous young man, a man who knows and faces each day certain that he is one with his God. He is like many young people on Earth—he is in search of the truth. He reads, he thinks, but he no longer hears.

Neurofibromatosis 2 is characterized by recurrent neurologic tumors. Its signature tumor affects the auditory nerves and destroys the hearing. Its relentless course eventually takes all of the hearing. I have never heard Mark complain.

While my signing is only rudimentary, most of his immediate family are proficient, and at Christmas dinner for 40 family members, nearly everyone is trying to learn some signing. The grandkids sing, ''Happy Birthday, Jesus. I am so glad you came.'' The whole family is learning to communicate with their hands. I mostly like to learn insults so I can taunt Mark on the golf course. I can't use most of the signs he taught me on the Senate floor. I don't know this for certain, but I think the seven words George Carlin said you can't say on TV, I think you can't sign them on TV either. I love the way names for people in sign language are created only by the deaf. Mark's mother Lori is ''L'' to the ear because she is on the phone all the time. My wife Kelley is ''K'' sweet. My middle son Duncan is ''D'' in a hoop because he likes basketball.

Neurofibromatosis 2 is a rare disease. Some call it an orphan disease. Orphan diseases face certain obstacles that others do not. Money is typically allocated to research based on how prevalent a disease is. For rare diseases, the resources are likewise rare.

In order for investors to invest in a cure for neurofibromatosis 2, regulatory obstacles need to be cleared. We need to allow foreign drug studies to be accepted in the United States and not repeated. We need to have speedy approval of drugs that are already being used by the general population in other countries.

My chief of staff's sister Karen has pulmonary fibrosis—another orphan disease. She is 40 years old with a young daughter, and she is likely only alive today through a fluke in the system. She takes a medication that is part of an experimental trial in the United States but has been on the general market in Japan for years. If she didn't live near a research center and if her family couldn't afford to pay $1,500 a month out-of-pocket, she wouldn't receive this drug, even though it is legal in Japan.

The drug should have been cleared already, but we are not doing a good enough job of trying to get drugs cleared. It went through trials here. It has already been approved in Europe and Japan, but 200,000 Americans who have a rare deadly terminal disease are being denied this drug.

We all want safety in the drugs and in the cures for disease. We all acknowledge this is a balancing act. We should all acknowledge the regulatory obstacles and burdens new drugs face in our country are oppressive and counterproductive.

My hope is by putting a face to two orphan diseases—my nephew Mark, with neurofibromatosis, and my staff member's sister Karen, with pulmonary fibrosis—this situation will be made more personal. These are people who are close to our families, and we hope others will come to realize we must do something to get rid of government obstacles to cures for rare diseases.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Madam President, I have reached out during the statement of the Senator from Kentucky to try and find the Senator from New Hampshire. I know she has a busy schedule, and I couldn't find her to ask her for her amendments to include on this list. I am going to go ahead and make the unanimous consent request, and I give her my word when she comes to the floor I will be happy to amend it to include two of her amendments, which offer I made to her earlier and I wish to make again.

I ask unanimous consent that the pending Enzi amendment be set aside and it be in order for the following amendments to be called up: the Collins-King amendment No. 771, the Pryor-Blunt amendment No. 740, and Hatch amendment No. 754; further, that no second-degree amendments be in order to any of these amendments prior to votes in relation to the amendments.

Unless someone has another suggestion, I am going to suggest we have 20 minutes of debate equally divided between opponents and proponents of each amendment.

The PRESIDING OFFICER. Is there objection?

Mr. WYDEN. Reserving the right to object, Madam President.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Madam President, over the last few days, I have spent a good chunk of my waking hours trying to find some common ground, some opportunity to bring both sides together. I have repeatedly put specifics on paper and provided those specifics to the proponents of this legislation. By and large—and I believe there is a little bit of a Senate code when one talks around here—the response has been: They have 75 votes, and that is kind of it. But I have been trying to deal with the issues that have been raised.

For example, my colleague from Illinois sincerely believes that unless Oregon's small businesses are not coerced into enforcing out-of-state laws, that Oregon is going to become a small business haven. He says Oregon has to be coerced by this bill or it is going to be a small business haven. I would just say to my colleagues that is not the reality of what we see in the Pacific Northwest every day.

Washington State has a sales tax. Oregon does not have a sales tax. So if my colleague from Illinois was right, we would be seeing moving vans all the time coming across the borders from Washington State to Oregon because somehow Oregon was going to be an Internet tax haven.

We all know States rights means States take different approaches with respect to this issue. To me, what we ought to be looking at are approaches that bring people together. So I offered Senator DURBIN a chance to test out this question of whether Oregon would be an Internet tax haven and try it out for a period of time. That was unacceptable.

So now this amendment includes the Pryor-Blunt legislation, which, for example, says we ought to reauthorize the Internet Tax Freedom Act. Colleagues, I wrote that legislation. It says in section 2 you can't have discriminatory taxes on electronic commerce. The Internet tax freedom proposal Senator DURBIN seeks to include in his base bill is basically trying to add some sugar into a very bitter cup of coffee. He is taking our legislation, which has been a real boost for the economy, and trying to put it into this very bitter cup of coffee that is his legislation.

I just don't think that makes a lot of sense. This bill is going to make it possible—the base bill—for discriminatory treatment of electronic commerce because online retailers in communities across the country are going to be subjected to burdens that brick-and-mortar retailers would not be subject to.

I know my colleague from Montana wishes to speak on this as well, but I would just close by saying I will have to object to the Senator's request because this particular amendment, including the bill I wrote, in effect, is akin to adding sugar to the bitter cup of coffee. The base bill offered by the proponents undermines the Internet Tax Freedom Act by allowing the very discrimination on electronic commerce the Internet Tax Freedom Act was all about.

This effort needs more time to bring about some common ground. I will close with this. Our technology policy over the last few years has been built on three kinds of principles:

No. 1, we would take voluntary steps. We wouldn't use coercion. This bill uses coercion. In fact, it was the voluntary steps, starting with some of the first laws that encouraged investment in social media, that were so important. This bill moves away from any semblance of voluntariness.

No. 2, I have outlined the discriminatory aspect of the legislation where we are going to have brick-and-mortar retailers not have to do certain things that online people do.

Finally, No. 3, what is just breathtaking is this gives foreign retailers a leg up on a Montana business, on an Oregon business, and, frankly, it gives a leg up on every business in the United States because the foreign retailer will not be subjected to what a business in our country is subjected to.

I know my colleague from Montana wants to speak on this issue as well, so I am going to maintain my reservation

so my colleague can speak, but I will have to object.

The PRESIDING OFFICER. The Senator can object or not object.

Mr. WYDEN. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Montana.

Mr. BAUCUS. Mr. President, I am happy the Senator from Oregon is objecting. I am not going to get into how many times the Senator from Illinois and anybody else wrote the Finance Committee to work on this bill. That is frankly irrelevant, and it is not a discussion that is worth getting into. It misses the whole point. The whole point is whether this is sound legislation. The whole point, in my judgment, is we should try to find a process where we do make this sound legislation.

I think I am known around here as not somebody to unnecessarily hold up legislation. I have been here it will be close to 36 years, and that is not my style. That is not who I am. It is not in my DNA. I am someone who wants to work out things fairly, work both sides fairly but not stand and filibuster, not delay for the sake of delay or to try to get leverage. That is not what I do. I think, by and large, that is not very productive.

I have said many times, and I will say it again, we can improve upon this bill if we would go to the Finance Committee and work on the bill the next work period and report the bill out. I have made that commitment; that the Finance Committee will have a markup on this legislation in the next work period and report it out so we can work on a lot of problems that are in this bill. There are a lot of them.

One of the problems that comes to my mind—and I haven't had time to analyze it; nobody has had time to analyze it because there is no forum for it. Sure, Senator ENZI has worked on this for many years, but that was another provision. That was other legislation which States rejected because they couldn't reach agreement. So Senator ENZI found another solution, which is the bill he has introduced, and that has not ever been, to my knowledge, thoroughly examined in any committee.

One of the problems I have is audits—out-of-State audits. Nothing in this bill protects States from an out-of-State audit which is oppressive in duration. This bill says there will only be a single audit. How long is a single audit? How many years is a single audit? How much pressure will an out-of-State taxing authority push on another State's seller—a single seller or a bunch of sellers? What is a single audit; a single audit for all the sellers in a State or a single audit per seller? This legislation doesn't say.

What is the enforcement provision? What if a taxing authority from one State wants to go to another State, feeling that State is not living up to the provisions of this bill? What protection does that State have from an out-of-State taxing authority, an out-of-State audit? There is none here, but there could be. There could be protections if we go to committee and reasonably find a way to deal with this.

Those are just some of the problems with this bill, and there are many others that have not really been thought through—many others. I have deep respect for Senators standing on the floor and pointing out their States are losing some revenue. I understand that argument. But most of those States don't go the next step. Most of those Senators don't go the next step. They have not read the bill. I have read it all. It is right here. It is 11 pages.

As I have pointed out, with respect to audits, with respect to enforcement, there is no protection whatsoever. There are some nice wishful words in this bill, but when we stop to think about it, if someone is a small businessperson, they start asking a lot of questions. What does that out-of-State taxing authority do to me? What does it do to me, an out-of-State taxing authority?

We are not talking about a Federal taxing authority. We are talking about an out-of-State taxing authority as it affects me as a seller in my home State. Whether you are a sales tax State is irrelevant. Let's take Massachusetts and a remote seller in the State of Massachusetts. Let's say, for example, some other State feels that remote seller in Massachusetts isn't properly adhering to the provisions of this bill. Let's say it is a California taxing authority and it goes to the remote seller in the State of Massachusetts and audits that remote seller and brings an enforcement action against that remote seller in the State of Massachusetts—I don't know—or if you are a nonsales tax State, such as the State of Oregon or Montana.

There are a lot of questions. Frankly, I believe very strongly it makes much more sense for this legislation to go to the appropriate committee where we can work on it, especially when the committee has made a promise to report that bill out in the next work period. I grant you it will be a short period of time to work on it, during the next work period, but that is the compromise between those who want this bill up now—who want to ram it through, ram it through—with no significant committee consideration on the one hand and on the other hand having several weeks to work it out and report the bill to the floor.

For that reason, I join my friend from Oregon in objecting to these amendments. We can't write the bill on the floor of the Senate. We have to go to committees where we can work things out.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Madam President, I respect my colleagues from Oregon and Montana, but I respectfully disagree with the way they have described the situation.

We are talking about asking Internet retailers around America, when they make a sale, to collect the sales tax on that sale. That is it.

My colleague, Senator HEITKAMP from North Dakota, was tax commissioner in her State and took a case to the Supreme Court 20 years ago about the collection of sales tax for remote sales—catalog sales, mail order operations.

She took the case to the Supreme Court, across the street, and 20 years ago they said: Congress, you have to fix this problem.

She had hoped she found the solution, but they said, no, you can't fix it State by State. Congress has to fix this problem.

Here we are 20 years later. Senator ENZI of Wyoming has been working on this issue for 12 years. I have joined him for the last 3 or 4, partnering with him in this effort. This is not a new issue. It is not new to me, not new to Senator HEITKAMP or anyone on the floor. As far as this version of the bill, this version of the bill was introduced, if I am not mistaken, in February—is that correct? This version of the bill, 11 pages—by Federal standards, this is not a big, complex piece of legislation.

We asked for hearings before the Finance Committee and we did not get our wish. We brought it directly to the floor. I wish it would have been heard before the Finance Committee. Perhaps they would have made some adjustments or changes that might have been beneficial. But it reached the point where we said we have to get this done. After all these years, we have to get this done.

Why do we have to get it done? First, understand if you happen to be a person who has made a sacrifice and opened a small business in your hometown—think in terms of your sporting goods store to start with—you invested your capital. You and your spouse are there every single day. You are part of the community, to sponsor that Little League team. They came around asking for money for the United Way and you say our sporting goods store always gives to you. We are part of this community.

Then the customers walk in the door and sit down and say I want to try on that pair of running shoes, maybe try the next larger size. Do you have a different color? Once they find the right running shoe, they say, can I write down a few numbers here? And you know what happens next. They walk out the door, go home, get on the Internet, and buy that product without paying sales tax on it. So that sporting goods store down on the corner or at the mall is a showroom for goods they are not selling.

We are trying to change that. We are trying to make sure if you sell goods in a State, you collect the sales tax of that State. We do not create any new taxes. The tax we are collecting is already owed by the consumer. We certainly do not create any new Federal

taxes whatsoever. It is just a matter of collection.

Why are we tied up in knots here? The two States represented by the last two Senators to speak, Oregon and Montana, have no sales tax. There are three other States that have no State sales tax: Alaska, Delaware and New Hampshire. You would think from their arguments, the coercion they are talking about, we are trying to impose a sales tax on Oregonians or Montanans. That is not true. If this bill passes, Oregonians will not be required to pay a penny in sales tax whether they buy over the counter or over the Internet. The only people who will be affected by this are Internet retailers in that State who choose to sell their products in States that have a sales tax. We put an exemption in this bill and said if your Internet retailer has less than $1 million in sales the previous year, you are exempt; you do not have to collect sales tax.

Let's take a look at the specific States that are objecting to this bill. Of the roughly 1,000 Internet retailers who will be affected by this bill across the United States, there are 11 in the State of Oregon. Five already collect sales tax. Let me read their names because you will know them right off the bat: Adidas of Oregon already collects sales tax, Columbia Sportswear is already collecting sales tax, Nike is already collecting sales tax, Harry and David—I have gotten that as a gift once in a while—already collects sales tax. Five of the 11 Internet retailers in Oregon already collect sales tax. This is no new burden on them.

What we are talking about, then, is six Internet retailers in Oregon that I assume do not want to collect sales tax.

In Montana there are two Internet retailers with Web sales above the exemption in this bill—actually there are four in the list of Internet retailers, but one already collects sales tax and the other one is below the exemption level so they are not covered by this bill.

When I hear this objection about stopping this bill and the impact it is going to have on these States, we are talking about five businesses in Oregon, one or two businesses in Montana. That is what it is about.

But it is about much more, because these sales tax revenues are important to States and localities and local units of government. This is the money they use to avoid raising your property taxes and income taxes. This is the money they use to provide basic services for the people who live in the communities around these local stores and it is a question of leveling the playing field for the businesses as well.

What happened today, happened yesterday, and this morning? We attempted to bring to the floor amendments to this bill—and I would say that three of the five amendments we were bringing to the floor were being offered by Senators who oppose the bill. We know it. They don't want to see this bill pass. They want to try to change the bill, perhaps even jeopardize the bill. We are prepared to debate their amendments. How much more fair can you be? We have opened this bill to amendments, we have opened it to amendments that are critical of the bill, and the Senators object to our even debating them.

To the folks on C–SPAN, I am sorry, call for a refund because the Senate is not going to be the Senate today. We are not going to debate. We are not going to vote. We are in the midst of a filibuster where we are trying to bring amendments to the floor for an actual debate and a vote on a bill and we are being stopped from doing that. Is that why we ran for this office, so we can find ways to stop debate, stop amendments? I think not. I think we are sent here to do a job. If someone has a good idea on this bill, I am ready to consider it. The Internet freedom amendment we talked about here is a bipartisan amendment. Senator PRYOR, a Democrat of Arkansas, Senator BLUNT, Republican of Missouri, came together and said we want to extend for 10 years the prohibition against taxing people for using the Internet. I am for that. I am for that amendment. I want to consider it and I want to vote for it.

The Senator from Oregon said, oh, that is a spoonful of sugar in a bitter cup of coffee. For goodness sake, what we are trying to do is improve this legislation, and if he has a good idea, offer it as an amendment. We have opened it—Senator ENZI on the Republican side, I have opened it on the Democratic side. Bring your amendments to the floor. We are ready to debate them. But for the last 2 days consistently, those from no-sales-tax States have stopped every effort to bring an amendment to a vote.

I think that is unfortunate. Eventually this matter will be brought to a vote. We have had three different votes already—75 votes in favor of it, 74 votes in favor of it, and 75 votes. Clearly a bipartisan majority of the Senate wants to finally meet the challenge the Supreme Court gave us 20 years ago. We want to get this done. We put a lot of effort into it—no one more than Senator ENZI of Wyoming.

I thank Senator ALEXANDER of Tennessee and Senator HEITKAMP from North Dakota. I am going to yield the floor at this point and say to my colleagues, I don't know what it takes for the Senate to be the Senate. This notion of sitting here staring at one another, hoping we never get to a vote, is a disappointment, not only to those of us on the floor but I think to those who have a lot more hope for the Senate.

The PRESIDING OFFICER (Mr. COONS). The Senator from Wyoming.

Mr. ENZI. Mr. President, I want to make a couple of comments on what has transpired here this afternoon and for the last several days. One of the toughest things to do is to pass a bill. One of the easiest things to do is to kill a bill. You can do that simply by creating some confusion. Around here you can do it by applying some rules and suggesting that part of the process could be backtracked and done differently and done over.

It is pretty hard to get a bill to the floor. It doesn't happen very much. It could happen easier, it could happen more often. When you get one here, there are still a lot of ways to kill a bill and that is kind of what we are seeing because there are some people who say: Gee, if we don't get our amendment, we are going to kill the bill. We are going to vote against cloture, which is the only way to move on in the Senate because we like debate, we like pretty much unlimited debate.

Debate can be constructive. There are things that need to be done on bills. I heard several good ideas. They have been objected to, so we are not going to get to actually vote on those. But one thing as an accountant that I want to bring up is this thing about audits, because that can loom pretty strong for a business. Audit is something that we know from the IRS and it is very scary. But the audits they are talking about are not going to happen to nearly the extent they think they are going to happen. Somebody will have to be avoiding the sales tax entirely and they will have to have a very strong suspicion that they exceed $1 million online in a year before they will ever audit because it costs money to audit. Especially it would cost money if you went over the border to another State to audit. Then there are some difficulties with being able to collect what is discovered in the audit. But it is only done when something seems very wrong.

One of my clients I worked with for 10 years had big sales in the oilfield—lots of sales in the oilfield. We got audited on sales tax once in 10 years. I am pleased to say they did not find anything. It took them 2 weeks to do the audit and that was a very big business. It was very technical stuff. Of course they looked at it because a lot of them are very big sales. There are some confusing things in the sales too. But you have to have an audit in there for a little bit of honesty. So that is why that is in there. But it is not going to be something the States are going to jump on because it has some costs.

If you are a government that wants to do audits—I remember when I was in the Wyoming legislature they used to talk about how much return they got out of their audit. They would get $20 or $30 to the $1 of cost. Consequently they used that as an argument for hiring even more auditors because they would find a lot more money. The intent of an audit is not to find $1 for every dollar that is expended. It is to find $20 or $30, somebody who is violating the law in a big way so you can afford the cost of the audit. That of course keeps all of the people a little bit more honest. So audit has to be in here but audit is being blown out of

proportion, probably so we can try to kill the bill. I hope that is not the intention.

They talked about needing to go to committee. I have gotten a couple of hearings on this in 12 years but have never been able to get a markup in the committee. This process has gotten this bill to the floor and I am hoping everybody will listen to their retailers and help out on this bill and get it finished. I can tell you, being in charge of this bill and one of the drafters of this bill, it is not a popularity contest you are winning. It is just the right thing to do. It is what the States need if they are going to have the revenue to provide all of the services that are in the municipalities—whether it is police or fire protection or cleaning the streets or whatever is done there, plus all of the charitable work people in the communities do too, because that is the sense of community they have so they contribute. All of that is going to dry up.

If you ask your municipality how much money they get out of sales tax, I think the minimum one of them will say is 30 percent. Probably the maximum is 70 percent. But that is a lot of budget and that is declining as the Internet grows and the sales happen without the tax. So I hope people will help pass this bill and get this into effect. It is only an 11-page bill. That is a miracle around here. It is possible for people to read the bill.

I thank the Senator from Massachusetts and appreciate the comments he made. He is new to the Senate but he obviously read the bill. I am very impressed with the comments he made. I hope people will help pass this bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Ms. HEITKAMP. Mr. President, I will be very brief. I want to respond to a couple of claims that have been made, especially with how they relate to foreign corporations. I think there is a sense that foreign corporations have absolutely no State tax obligations no matter what they do in their State or what their presence is.

I want to clarify a couple of points. People argue that foreign corporations that make remote sales will have an advantage over domestic companies. We need to understand that is not true. The Marketplace Fairness Act treats foreign corporations the same as it treats domestic corporations, and by that I mean corporations which are incorporated in the 50 States in our country.

All online retailers who 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. States currently have and do exert jurisdiction over foreign companies. In fact, States collect different types of tax from foreign companies even when those companies are exempt from Federal taxation.

Locating facilities—there has been a big argument here—means people will now move their operations to Canada and operate out of a foreign country. That has its own brand of problems for any corporation that would consider that, and I will outline some of those.

Locating facilities outside of the 46 States while still selling to the U.S. consumers would actually increase some costs for retailers and complicate the sales process. Locating farther away from customers would increase shipping costs. Many online retailers are moving their distribution and other facilities closer to their consumers so they can be more responsive to their customers. In fact, we are seeing 1-day shipping or same-day shipping.

International sales may be subject to duties. Foreign currency exchanges may be needed to conduct the sale, and so it is a whole brave new world. It is a very complicated world.

The other thing is there is a big discussion about how to enforce it. States can currently request information from Customs and Border Protection about international shipments into their States so they know what products are coming in and where they come from.

I want to take a moment to explain how this works. As my colleagues have heard in this discussion on the floor, I, in fact, was the tax commissioner of the State of North Dakota who initiated the action in Quill, but that is not the extent of my experience. I also spent a great deal of time—in fact, 6 years of my life—as a tax commissioner collecting sales and use taxes.

We frequently have people go across the border and shop in Canada or spend a weekend in Canada. Their Customs reports are filed. We typically would send a sales tax auditor up to review those Customs reports and send use tax collection statements out as a result of that. That kind of compliance is already happening.

States also have enforcement options available to them to ensure that foreign corporation compliance is completed, including liens and other kinds of discussions.

I want to offer a CRS report on this issue, which said:

> Finally, some have noted that U.S. based retailers may respond to the expanded state tax collection authority by shifting operations outside the U.S. to avoid the collection burden. The costs of moving operations and increased shipping costs, however, would seem greater than any benefit conferred by avoiding the collection burden.

Again, as my colleagues have heard over and over, we have heard about how expensive this is. Yet we have vendors out there. In fact, eBay is charging no more than $15 a month to provide this service to businesses they have.

Some may say, Well, that is all fine and good, Senator HEITKAMP, I don't believe that actually happens. I requested some information from our current tax commissioner in the tax department in North Dakota because I know a little bit about sales and use tax, and I know we actually have foreign corporations—Canadian corporations—that are, in fact, licensed or permitted as retailers.

In fact, the State tax department records show that in calendar year 2011 we collected $1.6 million from Canadian companies that were registered and actually remitted the tax. So anyone listening understands the level of business North Dakota is doing; our sales tax is 5 percent. There was a big leap in 2012 as we saw almost $3.8 million. That is, I am sure, due to Canadian companies supplying North Dakota corporations and North Dakota businesses in the oilfield.

We already do this, and very many Canadian companies already know what these requirements are, just like a North Dakota domiciled company that does business and takes advantage of the Canadian marketplace will be subject to Manitoba taxes or subject to Sasquatchian taxes. We know what our obligations are.

It is very important that we do not mix concepts here. I think the Senate is a place where they do understand foreign tax treaties. But provinces of Canada and States such as North Dakota are subnationals, which is their classification within trade law. They are not bound by very many of these treaties. They are not obligated under these foreign tax agreements we hear over and over, and it is not make-believe. The reality is that in States such as North Dakota, we collect taxes from Canadian companies.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I ask unanimous consent that as soon as I finish my brief remarks, the Senator from Montana be recognized to respond to the remarks of the Senator from North Dakota.

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

Mr. REID. Mr. President, this is not a partisan bill. There are times I am on the floor advocating for partisan advantage, but that is not what we have here. We have managers of this bill who have worked very hard for a long time, and this is where we are now. We are to a point where there have been a number of amendments offered, there have been objections made, and so no amendments are allowed to be debated or voted on, and that is where we find ourselves procedurally.

As the manager of the Senate, I am left with no option except to look to the next alternative to try and move things along, which will be after midnight tonight. At 12:30 a.m. or 1 a.m. this morning, we would have a vote on cloture on the bill.

I say to my friends who oppose this—and I know they believe in their opposition to it fervently—it is a big waste of time. We have had overwhelming votes twice. Whether we vote after midnight tonight or at 6 p.m. this evening, it will still be the same result. So I would hope those who oppose this

will take a look at this and maybe arrive at a point so we can have a vote earlier. If that doesn't happen, everyone should understand we are going to come here sometime after midnight tonight and move forward on this legislation. After that, of course, it is only a majority vote to complete this legislation.

The managers are still ready to allow amendments to be offered. It is getting late in the day. The 30 hours is grinding to a halt. I hope we can get something done and move on.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I wish to ask the Senator from North Dakota a question. I guess I will ask the question through the Chair.

Mr. President, I wonder if the Senator from North Dakota would tell me where in this bill—and I have read it—a State would have the authority to audit and bring enforcement action against a remote seller in any other country, such as China. Where in this bill does the State of North Dakota have the taxing authority to go to a remote seller in China that is selling goods in North Dakota? Where in the bill does it say that? What is the language in the bill which allows any State to bring enforcement action against a remote seller in any other country?

Ms. HEITKAMP. Mr. President, I say to the Senator from Montana, what the bill exerts jurisdiction over is remote sellers. It does not differentiate whether they are foreign nationals or domestic corporations. In State law we have the ability to enforce State laws against anyone who is obligated under the jurisdiction of the State to comply. I will tell the Senator that the jurisdiction in here is not over States. It is not over Oregon or New Hampshire. It is over a remote seller. It does not differentiate anywhere in this bill in terms of a remote seller.

I will also tell the Senator that as the former tax commissioner of the State of North Dakota, I have enforced State tax laws against foreign corporations just as foreign corporations have enforced their provincial laws against North Dakota domiciled companies. It happens every day in America.

Mr. BAUCUS. Mr. President, I have another question. This is very similar to the context of this bill, and that is, I have asked the Senator from North Dakota many times to provide me with the authority for that proposition. I am wondering if the Senator from North Dakota could provide me the authority for that proposition rather than just asserting it. What is the authority? Is there a case? Is there a Federal law? Is there a Supreme Court case on that authority? I wish to know.

Ms. HEITKAMP. Mr. President, and my friend from Montana, we will provide the citations and the Supreme Court cases that talk about the exertion of jurisdiction over foreign corporations by State taxing authorities.

I will offer up this document which outlines that we are not parties to foreign treaties: Nelson v. Sears, Roebuck & Co., which is a 1941 Supreme Court case. Felt & Tarrant Manufacturing v. Gallagher, which is a 1939 U.S. Supreme Court case.

It is a well-established and longstanding precedent in this country that if a company is doing business as a foreign company in a State or in our jurisdictions, we have jurisdiction and can apply our State law and our State taxing authority over a foreign company that has jurisdiction and nexus in our——

Mr. BAUCUS. The Senator just said the magic word. The Senator is talking about States where there is nexus. I ask for the proposition where there is no nexus. That is the whole point of a lot of this discussion here.

The point in Quill is that in a State where there is no nexus, a sales tax cannot be enforced. Where there is nexus, it can be enforced. I will bet those cases the Senator cited have to do with whether a State is doing business in another State, and that is nexus. We are not talking about that here. We are talking about remote sellers where there is not nexus and not doing business in the State.

Let's say there is a remote seller in China selling merchandise in North Dakota. I will bet dollars to doughnuts those cases have nothing to do with remote sellers generally.

I will make a second point, that I think North Dakota will have a hard time enforcing the provisions of this bill in some province in China. Is North Dakota going to go to Hunan Province and have the Premier of Hunan Province enforce this? I doubt it. It is not just China, it is any other country.

The Senator is confusing nexus from remote sellers, and that is not the point here. The point is remote sellers. That is just one of the problems of this bill when we start looking at it and start thinking about it and what is in it. That is why this bill should have gone to committee in the first place so we could correct it.

One other point, and I don't think this is understood by very many Senators. This is not just a nonsales-tax issue, by any stretch of the imagination. For example, let's say two States—and they are both sales-tax States. There is a remote seller in one State—let's say Massachusetts—selling to a State such as California, and both have sales taxes. Under this legislation, California State taxing authority could audit the online seller in Massachusetts if it wants to and bring an action against that online seller in Massachusetts.

So this applies to remote sellers in all States. This is not just nonsales-tax States but all States. This bill allows all States to bring enforcement actions and audit actions against remote sellers in any State. This bill does that. That is what it provides. This is not just a nonsales-tax State question. This is a question that affects all small businesses, all remote sellers all around the country in addition to the point I mentioned earlier—and I cannot for the life of me think any State can bring an enforcement action in many countries around the world where that remote seller does not have nexus in the State in question. This is another reason why this bill is fraught with problems and why it should have gone to committee in the first place.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Ms. HEITKAMP. Mr. President, I wish to clarify one point about nexus versus commerce clause, and I think it has been misstated about tax jurisdiction.

There was a case decided in the 1950s called National Bellas Hess that said remote sellers do not have nexus nor can we apply the collection burden because of the commerce clause. When it was decided, what was decided is that, yes, North Dakota had nexus over Quill. We could not apply the sales tax because it was in violation of the commerce clause.

The nexus standards have changed from physical presence to economic activity and that is why we are here. We cannot, in my opinion, as a body—and as a lawyer who has studied this area—we cannot change the nexus standards by any statute in this body, so every State will have to defend their own application of nexus.

What we are talking about is not nexus; it is commerce clause jurisdiction—the ability to apply it and not violate the interstate commerce clause.

So I think we need to be very careful about our terminology.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I wish to engage the Senator from North Dakota, if I may, in a colloquy for a few minutes on the subject, so we may speak through the Chair to each other.

The PRESIDING OFFICER. Does the Senator from North Dakota agree?

Ms. HEITKAMP. Yes.

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

Mr. ALEXANDER. The Senator from Montana has raised a good question about audits. Let me say to the Senator from North Dakota, I wish to paint a picture, and I wish to ask the Senator from North Dakota to help me because she may be one of the newer Members of this body, but she knows more about this subject than most of us put together because of her experience, with all respect to all the Senators already here in the Senate. I wish to paint a picture of what would happen if we don't act.

We are talking about audits. We are talking about businesses. Let's think about what we are talking about. I want to look to Washington from Nashville, TN, or from some other State

capital—the requests that States are making of us is that if I am a Governor of Tennessee or a legislature, I want to be able to make the decision myself as a sovereign State about whether people who sell in our State are treated in the same way.

A person may be a catalog seller or an Internet seller or a brick-and-mortar seller, but if an entity is going to sell in our State and we have decided we are going to have a sales tax instead of an income tax, if we require the local business to collect the tax, we are going to require everybody who sells there to collect the tax. If an entity wants to sell in our State, that is what they need to do. If they want to drive in our State, they follow our speed limit. They follow our criminal laws. If one lives in our State, they pay our income tax. If someone sells in our State, wherever they are in the world, we want them to collect the tax and send it to us. That is what we are talking about, treating everybody the same in that way.

So the obvious thing comes up: What about all these different jurisdictions? We hear a lot about 9,600 taxing jurisdictions, and I live in Maryville, TN. So the city might have a sales tax and the State might have a sales tax and they might be different than what the next city is.

So my question to the Senator from North Dakota is—what this law does is it streamlines these 9,600 jurisdictions. It simplifies the whole process to make it easier for out-of-State sellers. It takes advantage of the technology of the Internet so there could be a single tax return for each State, a single audit for each State, and States often work together with audits and there can only be one audit per year; in other words, it reduces this burden.

Of course, if an entity is in Kansas and they are selling in Tennessee, they may be subject to an audit and they file a report every year electronically. But, according to this, there can only be one a year.

What if we didn't pass this law? Let's say I am an enterprising Governor of Tennessee, which I once was, and I say, the Senate can't get anything done. They can't even agree when they have 75 people on both sides of the aisle who already have voted 3 times for the bill. So I have given up on them. So I am going back to the Supreme Court 20 years later, after Senator HEITKAMP wins as tax collector for North Dakota, and I am going to say, back then, 20 years ago, we didn't know anything about the Internet and this case came to the Supreme Court and the Court said it is too much of a burden on interstate commerce for you to require out-of-State sellers with no physical presence in the State to do the same thing you already require your instate sellers to do on taxes that are already owed—taxes that are already owed. I am going to go back to the Court and say things have changed. Times are different. I can take my computer out and I can put in my ZIP Code and type in ''Williams-Sonoma,'' figure out the sales tax I owe when I buy my ice cream freezer online, and they can collect it and send it to the State of Tennessee. So it is not any sort of burden on interstate commerce.

It is my right as a sovereign State to make everybody who wants to sell online or by catalog into the State of Tennessee—I am going after them. I am going after them if they don't collect the tax. Then, my friends in Mississippi see me do that and they do it too and then Kentucky does it and then the next State does it and then all 9,600 taxing jurisdictions go after this single remote seller.

They might come back to the Senate and say: Why didn't you guys do your job a few years ago? Why didn't you simplify this system? Why didn't you create something that was easy, which limited our liability, which made the States provide us with the software that makes this work, which limited the audits to one a year, which limited the tax to one per State? Why didn't you make it so even a smaller seller—99 percent of the Internet sellers are exempt from this act—a smaller seller wouldn't have to worry about it?

So I ask the Senator from North Dakota if she would respond, given her 20, 30 years of experience in this whole issue, am I exaggerating? What would it be like if the State of Tennessee got tired of the Senate not being able to act after all this time and went back to the Supreme Court and won the case and Tennessee and North Dakota and all the other States started enforcing their laws against remote sellers?

Ms. HEITKAMP. Mr. President, in response to my friend from Tennessee, the first thing I will say is the tools we have today were not available 20 years ago. The simplification, the immediacy of buying a $15 opportunity from e-bay so you can collect sales tax in all jurisdictions on products that are unique to each State, that was not even a thought when we litigated Quill. Yet we came pretty close to convincing the Court this should be allowed under the interstate commerce clause. I think, at the end of the day, the Court decided that case because they were concerned mainly about retroactivity. But now, if we compare the experience of 20 years ago to what we know in terms of data availability and the ease of administration today, which is being further streamlined by requiring a streamlined tax, one single tax base—what do I mean by that? The city of Fargo imposes sales tax. Let's assume for a moment we allow them to tax different products than what the State taxes. This requires one tax per product. We don't get to have different tax bases. So we have streamlined that piece that concerned the Court at the time. When we think about it, local sales taxes were not unique and were prevalent even at the time we litigated Quill.

This argument was overwhelming for the Court. They looked at the burden on interstate commerce, coupled with the potential of retroactive application, which would have meant huge audits where there was no opportunity to collect, and said: You know what. We think this is better left to Congress. We share an obligation with Congress on interstate commerce. We think Congress can do the right thing.

The world has changed since then. What we know that Internet sellers know about us today is remarkable. Can we imagine litigation, I say to my friend from Tennessee, where we show that we simply order—in my case one plus-size blouse—and we get all kinds of plus-size ads on the side. Some people think that is kind of insulting, but I think it is an interesting evaluation of how much these retail sellers know about us individually. If they can know that, they can collect the sales tax.

The other piece of this that is new in this statute that I think further compels us is we are not talking about the small mom-and-pops. The other reason why I am supporting this legislation is I have small beekeepers who make wax candles and maybe they put those wax candles on the Internet; maybe they make $20,000, $30,000 a year selling wax candles. I don't want them, after further litigation, to have a burden of sales tax collection. They are small mom-and-pops, and we are talking about $1 million.

So, in many ways, this legislation is prosmall business, it is prostreamlining tax. If we let this go back to the Court with a better argument than we are not burdening interstate commerce, with an argument that we can do it for $15 a month, the Court is going to be persuaded that there is no impediment to interstate commerce, and that is the risk we run by not acting and not acting soon.

Mr. ALEXANDER. Mr. President, I thank the Senator for her knowledge and her contribution to the debate. Of course, what she is emphasizing is that if we do act, we simplify things for the small businessperson. For one thing, we exempt anyone whose revenues are less than $1 million. That, by some economists' studies, is 99 percent of all Internet sellers. If we don't act and a case is won in the Supreme Court today, that is different than 20 years ago. There is no $1 million exemption—there is no $1 million exemption—and there is exposure to 9,600 tax districts if they win that case.

So the thing to think about is if we do our job, and the Supreme Court said 20 years ago we are the ones to do it—and 74 or 75 of us 3 times now have indicated we think we should through this 12-page bill, we will provide an exemption for virtually all Internet sellers, we will create rules that simplify, and we will give States the opportunity to do what States should have the opportunity to do. My heavens, I hear some people say—and I have said this on the floor—Washington didn't trust the States to make these decisions about tax matters. Nobody in Tennessee

trusts Washington to make decisions about tax matters. So what this bill does is say to the State of Tennessee or Delaware, it is your business; you decide it. If what you want to do is collect tax from some of the people who owe it and not all of the people who owe it—States have the right to be right; States have the right to be wrong. That is what the 10th Amendment is about. In some States, they will use the money to pay teachers more for teaching well.

In the State of Ohio they have already decided if this passes, they are going to lower the income tax. The Governor of Idaho said he already has his eye on a tax he would like to lower. If we can collect taxes from everybody who already owes them—and that is the important point to make. We are not talking about new taxes; we are talking about taxes people aren't paying that they owe. So why should I have to pay my tax, and if the Senator from Delaware is in the same similar situation, why should he not have to pay? So in each State, the same people ought to have to pay.

Art Laffer, the distinguished economist who wrote a good column in the Wall Street Journal endorsing this idea of marketplace fairness, said the best tax, if there has to be a tax, is one that affects the largest number of people at the lowest possible rate. If we have a 10-percent sales tax in Tennessee and 25 percent of the people who buy things are not paying a tax they owe, they ought to be paying it. They ought to be paying it. If they all pay it, we can lower the rate for everybody. That is what—we are not deciding that here; we are just deciding the States could have the right to decide.

But the important point of the Senator from North Dakota is that if we act, we are protecting the small seller by creating the $1 million exemption. We are protecting the small seller or any remote seller by saying you have a limited liability, a limited number of audits, a limited number of States to do it in, and if we don't act and the Supreme Court hears this case, Katy bar the door, and out-of-State sellers all over the world will be coming to the Congress and saying: Why didn't you do your job?

So there is a good reason why we have a majority of Democrats who have voted three times to express their support for this bill and a majority of Republicans who have done the same. There is a good reason why leading observers across the country, from the chairman of the American Conservative Union and others who don't like to see States picking and choosing between winners and losers—there is a good reason all of those people support this. And there is a good reason it is an 11-page bill. It is a simple idea.

We have sovereign States. States make their own tax laws. Unless States, by their tax laws, create an unconstitutional burden on an out-of-State seller, it is no business of ours. We should create the environment the court says to give them the freedom to make those decisions for themselves. Some may do it one way, some may do it another, but States have the right to be right, States have the right to be wrong, and we have the responsibility to recognize the constitutional framework of our country which was created by sovereign States.

Thank you, Mr. President.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. 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. SESSIONS. Mr. President, I ask unanimous consent to be able to speak as in morning business for up to 15 minutes.

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

IMMIGRATION

Mr. SESSIONS. Mr. President, we have an attempt to move and rush through the Senate an immigration bill before the American people can absorb what is in it. I think this is a very bad policy. The bill was introduced at 2 a.m. 8 days ago. It was set for markup in the committee today. Our diligent staff has been trying to read it and absorb it, and they are having a great deal of difficulty sifting through this complicated 844-page bill.

Senator GRASSLEY, the ranking Republican on the committee, has asked for the bill to be put over for 1 week. Next week is a recess, so now it will come up in 2 weeks to be presented and passed out of committee.

On Monday, we had a hearing. I will not say it was a circus, but it was impossible to absorb all the information. Twenty-three witnesses testified, one right after the other, 5 or so minutes each. The Senators who were here on Monday—not a lot—had 5 minutes of questioning and not much was resolved. They did not know what was in the bill either. They were just testifying about policy, basically. Nobody could explain exactly how the bill is going to work.

So people say: You should be able to handle a bill like that. You should be able to read an 844-page bill.

So I just want to show why this is a pretty complicated process and why a piece of legislation such as this has to be carefully read. It is not easy to do so.

So this is page 65 of the bill that I will show you. It deals with an issue I talked about yesterday. Secretary Napolitano issued a prosecutorial directive and guidance to ICE officers that was so upsetting to the ICE officers that they sued her and their Director, Mr. Morton, in Federal court, saying she is directing them not to follow plain U.S. law.

I brought it up in the hearing, and Chairman LEAHY said: Well, a lot of people file lawsuits. Very few win. Well, yesterday or the day before yesterday, the Federal judge basically ruled in favor of the officers and said a Secretary of DHS has no authority to issue guidelines that counteract plain mandatory Federal law. So, basically, the Secretary was saying: Do not remove certain people from the country that current law says must be removed. She was refusing to do what the law of the United States says. This is one of the reasons we have such a problem reforming and fixing immigration law. It is because the American people have little or no confidence in the willingness of our officials to even follow present law, much less new law.

They have planned to fix this in the bill so now the Secretary would have even more power. In the legislation we have already found maybe 200 references to waivers and discretion of the Secretary. But look at page 65:

(B) WAIVER.—

(i) IN GENERAL.—The Secretary may waive the application of subparagraph (A)(i)(III) or any provision of section 212(a) that is not listed in clause (ii) on behalf of an alien for humanitarian purposes, to ensure family unity, or if such waiver is otherwise in the public interest. Any discretionary authority to waive grounds of inadmissibility under section 212(a) conferred under any other provision of this Act shall apply equally to aliens seeking registered provisional status under this section.

(ii) EXCEPTIONS.—

Exceptions to that.

The discretionary authority under clause (i) may not be used to waive—

(I) subparagraph (B), (C), (D)(ii), (E), (G), (H), or (I) of section 212(a)(2);

(II) section 212(a)(3);

(III) subparagraph (A), (C), (D), or (E) of section 212(a)(10). . . .

So if I am a Senator, and I am trying to protect the interests of the people of the United States to understand what a piece of legislation means, I have to go back and read every one of those subparagraph exceptions.

This is gobbledygook. My staff tells me every time they go back and read it, they see more difficulty. I have not even had a chance to look at this. Oh, but do not worry about it, we have set up a vision. We have a vision of this great immigration bill that is going to be comprehensive and fix all our problems. Trust us. Do not worry about it. You will find out what is in it later. Right? Just like health care, I guess.

This is not a way to do business. The immigration policy of the United States is just as important as the health care policy of the United States.

I am not going to consent to this bill. We ought to find out what is in it. It goes on more and more and more, this kind of gobbledygook.

Continuing:

(IV) with respect to misrepresentations relating to the application for registered provisional immigrant status, section 212(a)(6)(C)(i).

And it goes on.

It is not right to say that people who are concerned about the legislation are

obstructing the process. We are trying to find out what the bill does.

A headline yesterday in the Christian Science Monitor said: How many people will be made legal under this bill? It then quoted one of the supporters of the bill as saying: We don't know.

So I asked at the Judiciary Committee this morning—one of the sponsors was there, Senator SCHUMER—I asked: Do you want to tell us how many people are going to be legalized under the bill? Oh, we don't know.

So we do not know that. We do not know answers to other questions, such as: How much will the bill cost the Treasury of the United States? What kind of expenses will be incurred? What is the total number of people who will be admitted?

What we have discovered has revealed that the legislation fails to live up to virtually all the promises that have been made about it so far. I hate to say that, but that is the truth.

Let me list a few instances. These are promises we have been told are taken care of or will be effectuated by the legislation if we just vote for this good bill. Just vote for it. It is 844 pages. Just vote for it. Here are some of the things:

We were told the bill would be enforcement first. But the plan confers immediate legalization in exchange for future promises of plans for enforcement, many of which will likely never occur. We have plain law now that requires removal in lots of cases that the Secretary is failing to follow.

In fact, a major loophole that jeopardizes the entire border security section commands that the Secretary of DHS grant current illegal immigrants permanent legal status and, therefore, a guaranteed path to eventual citizenship after 10 years if just one of the so-called triggers that is supposed to ensure enforcement is prevented from occurring by a lawsuit. So all they have to do is to keep an enforcement trigger tied up in court for ten years, and then the people are not going to be deported if the enforcement does not occur.

We were told the Secretary would be required to build a fence at the border. We passed a law in 2007 that required 700 miles of double-strength fencing at the border—not the whole border but 700 miles. How many miles have been built since then? Thirty. Congress passed a law that said we would do this enforcement in the future, but it has not occurred.

We were told the bill would reduce the deficit. We have been told it will reduce the deficit and strengthen Social Security and Medicare. But the effect will be to legalize large numbers of low-skilled immigrants. Over half of those illegally here today do not have a high school diploma and will add trillions to the unfunded liabilities of Medicare, Social Security, and the President's new ObamaCare health care bill.

We are talking about trillions of dollars when Social Security and Medicare need to be strengthened, not weakened; and the numbers are not going to be disputed. It is not going to strengthen Social Security and Medicare, as many advocates say. It is going to weaken it, and it is also going to weaken the financial stability of the ObamaCare legislation.

We were told illegal immigrants would not have access to public benefits, but the bill ensures that millions of illegal immigrants will immediately be eligible for State and local public assistance. If people need something, need health care, they are going to get it somewhere. Some will get formal benefits in as short as 5 years and will be eligible for all Federal welfare programs at the time of the grant of citizenship.

We were told there was a 10-year path to green cards or permanent legal residence and a 13-year path before one could become a citizen. But 2 to 3 million of those who are in the country illegally are expected to assert that they came into the country as younger people and, therefore, would be eligible for citizenship in 5 years under this remarkably broad DREAM Act provision that removes any age cap on the persons who can assert that they came as a youth. Even those who had been removed from the country can come back and claim the benefits of this bill.

Illegal agriculture workers will also get green cards in 5 years. Individuals working illegally in agriculture today would be able to get legal permanent resident status in just 5 years. This would enable them to receive benefits of some kind. We were told this legislation was for illegal immigrants who have deep roots in the country. But the amnesty is extended to recent arrivals, including those who may have come here alone just over a year ago.

Millions would be legalized who overstayed their visas. People who are not even living in the country anymore could return and receive benefits and legal status. Those who have been deported multiple times could receive benefits under this legislation. That is just what is in this complex 844-page bill.

We were told the legislation would curtail the administration's aggressive undermining of Federal law. That somehow the law was going to be enforced more. But it provides the Secretary of Homeland Security with even more discretion than she has today. It is filled with grants of waiver power and discretionary power. The American people are very dubious of the willingness of our government to do anything that would consistently and effectively enforce laws.

I believe the American people's heart is right about the issue of immigration. I believe the American people should be respected and their opinions valued. What are they saying? They say: We need a lawful system of immigration. People should be treated fairly. They believe in immigration. Right now we are bringing in 1 million people a year legally. The American people say that is about right, although a recent poll showed that over half of the American people believe that number is too high. They would like to see it brought down some at this time of unemployment and falling wages.

They still strongly favor immigration for America. They are not mad at immigrants. They do not hate immigrants. They do not dislike them. They respect people who want to come to America. They understand the desire of good people around the world who would like to come to America. But what they are angry about is people in high office flatly telling them time and time again: We are going to fix this system, we are going to make it lawful, and we will make it one that you can be proud of. Then they do not do it. They say they are going to build a fence, and it does not get built. They say they passed a law that requires removal of certain people who violate the law; they do not get removed. The American people are right about this. It is Congress and the President who have not been fulfilling the right standard.

We were told there would be strict standards for amnesty, but the bill grants amnesty for those who have been convicted of multiple crimes. There are a whole host of exceptions to ineligibility. We were told the bill would make us safer. But Mr. Chris Crane, the head of the ICE association, said it will not; that immigration officers have been undermined. They have voted—the 7,000-member association voted no confidence in Mr. Morton, their supervisor. They filed a lawsuit for the failure of their officials to allow them to enforce the law, basically complaining about their supervisors directing them to violate the law.

That is what they complained about. That is what the judge seemed to take very seriously. We were told this would move us toward a merit-based, high-skilled immigration system with a responsible future flow that would be more effective in identifying people who could be successful in America. This might be the biggest and most dangerous flaw of all. It does not look like it is going to move our numbers in any way in that direction.

The bill would remove limitations on the number of visas for spouses and children of green card holders. That would apply to both those here illegally and all current and future legal immigrants. It would clear the 4.5 million illegal immigration backlog of people who filed to come under chain migration, family migration. Only so many were supposed to be admitted per year. You file and wait until your time comes up, then you get admitted. So, apparently, the drafters of the bill felt bad because people said: You are giving people who came illegally advantage over those who have been waiting their time.

So how did they solve that? That is a pretty brilliant way to solve it. They

agreed to let everybody who has filed to come in immediately and exempt from them from the caps. That would solve the problem all right.

Those who are approved under the DREAM Act, persons who came as younger individuals, can obtain green cards on an expedited status for their spouses and children. We have to be careful that we do not create a system that allows aging parents to be brought to the country in large numbers. That will be a burden on us. Truly, we have to be thoughtful about that. We have to be responsible. As a member of the Budget Committee, we are looking at these numbers. We have to reduce our costs, not add to it wherever possible.

The agriculture worker program is expanded, giving the Secretary of Homeland Security almost unchecked authority to increase the visas to whatever number he or she sees fit. Think about this: The Christian Science Monitor asked: How many will be illegal immigrants will be admitted?

I asked the bill sponsors and supporters today in committee: How many would be admitted over the next 10 years?

Under current law, we should be admitting about 1 million people a year, the largest number any Nation in the world allows, to come into our country legally. That would be 10 million over 10 years. Under this bill, we believe the number would be 30 million-plus.

Let me say to my colleagues, I respect their work and their efforts. I know we have always valued immigration in our country, but it is time to create a system that serves the national interest, a lawful system where those who violate the law are not rewarded, those who do not violate the law are validated, a system that brings in the kind of person that has the best chance to be successful and not be a ward of the State or charge of the State.

There are a lot of things that we really need to do: protect our national security, have a system and a policy that we are proud of, that is morally defensible. I am afraid this bill is not there. That is why I am concerned about it. I look forward to doing the best I can to examine it carefully.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, over the course of the next several weeks, I hope to come to the floor and visit with my colleagues about the immigration bill that will soon be going through the Judiciary Committee. Today I want to share my thoughts on the parts that deal with the border security section of S. 744.

The immigration bill is very likely to allow millions of people who entered our country illegally or overstayed their visa to receive legal status and eventually green cards. However, it is very unlikely to result in true border security. The bill provides that those in a probationary status—and that is known in this legislation as ''registered provisional immigrant status''—be given green cards as soon as the Secretary of Homeland Security certifies that four conditions have been satisfied.

On page 11 of the bill it lays out the process. The Secretary certifies that the border and fencing strategies, and those strategies are ones that she wrote, are substantially deployed, operational, and completed. She also has to implement a mandatory employment verification program and electronic exit system at airports and seaports. The authors of the bill envision that this will happen in 5 or 10 years down the road.

There are three reasons this process is problematic: First, the Secretary has unbridled discretion to conclude that the four provisions have been satisfied even if they have not been satisfied. The Secretary determines if the strategic plans are substantially deployed, operational, and completed according to requirements of the law. For example, the Secretary could say she is using an electronic exit system by collecting visa and passport information even if that system is not totally effective. The bill establishes no deadline for implementing any of these conditions.

Second, the bar is set very low for certifying that these conditions have been met. One of the four triggers to green card is a summation of a border fencing strategy. The bill defines in one sentence in section 5 the contents of that border fencing strategy condition. At a hearing on Tuesday before our Judiciary Committee, Secretary Napolitano testified that fencing was not a priority of this administration.

Considering how sensitive of an issue this is, one would not think she would say that. She did not really want $1.5 billion to be designated just for fencing. She implied that no more fencing was needed. Well, ask the people down on the border if that is true. She testified that the Department would prefer flexibility to use technologies other than fences. She stated that if she determined that little or no additional funding were necessary for fencing, she might then be able to certify this condition very quickly.

Third, litigation could ensure that legalization could occur in 10 years, regardless of whether any and all of the four border security triggers in the bill are met. The bill does this in four ways: First, green cards can be issued if litigation of any kind prevents any conditions from being met. Second, green cards can be issued if the Supreme Court rules that the implementation of any of the conditions is unconstitutional. Third, green cards can be issued if the Supreme Court grants review of litigation on the constitutionality of the implementation of these conditions. I note that this provision is especially ill-considered because it could trigger green cards merely because the Supreme Court agreed to review the condition's constitutionally, a highly likely event even if the Court later upheld that.

Fourth, the bill restricts litigation challenging one particular decision of the Secretary to a constitutional challenge only. But that limitation expressly does not apply to litigation challenging implementation of the conditions. Litigation brought against the conditions can be based on any legal theory.

Under the bill, if any court in this country issues a stay on implementing one of the conditions, then green cards are to be issued after 10 years.

The bill does not specify what sort of ruling must prevent implementation or even that the ruling be based on the merits, nor does the bill require that appeals run their course, even if the appeal upholds the condition. It says that the Secretary ''shall permit''—and this is mandatory language—''shall permit'' applications for adjustment to LPR status if ''litigation . . . has prevented one of the conditions from being implemented.''

Under the plain language of the bill, 10 days after the day that any court prevents any of the border security conditions from being implemented, then, of course, the floodgates for green cards are to be opened. And nothing in the bill stops the administration from agreeing to a consent decree that prevents one of the conditions from being met.

Because I listened to over 7 hours of testimony on Monday and because on Tuesday the Secretary of Homeland Security shared her thoughts, I summarize to this one statement: During all that time, not one person disputed the fact that legalization begins upon the mere submission of both a southern border security and fencing strategy. Thus, the undocumented become legal after the plans are submitted despite the potential that the plans could be flawed and inadequate.

If enacted today, the bill would provide no pressure on this Secretary or future Secretaries to actually secure the border.

Secretary Napolitano has stated that the border is stronger than ever before. She even indicated that Congress should not hold up legalization by adding border security measures and requiring them to be a trigger for the program.

I am concerned that the bill we will be taking up repeats the mistakes we made in 1986. Maybe people will resent my referring to 1986, but I do that because I went through this before, and we thought we were doing it absolutely right in 1986. We didn't secure the border then and assumed legalization alone would stop the flow of more people crossing the border without papers.

Simply, we screwed up. We need to learn a lesson because the basis of this whole legislation is that the borders will be secured. The people don't want some phony language that allows the Secretary to circumvent congressional intent.

I urge all my colleagues to really understand what the bill does in regard to border security and, in the process, to make sure the same mistakes of 1986 aren't repeated and to insist that the border be secured instead of trusting what the Secretary says.

In regard to this whole issue, there has been a lot of finger-pointing going on in Washington in the past 2 weeks as it relates to immigration. It is a lot like the weeks and months after 9/11. What warning signs were missed about the brothers who bombed the Boston Marathon? Law enforcement and intelligence agencies tell conflicting stories. Bureaucracies are gearing up to do battle over who dropped the ball. They are preparing their defenses. They are leaking bits and pieces of information favorable to themselves.

Meanwhile, Congress and the public have a growing number of questions. I have written to the Department of Homeland Security and the FBI. Senator PAUL and I have written on another matter to the FBI. But the Senate Judiciary Committee has not yet received clear answers to our questions, and there are very serious questions about whether our government has forgotten the lessons of 9/11.

The most important of those lessons is this: When extremist fanatics say they want to wage war against us, we should take them seriously. Our government was reportedly warned on multiple occasions that one of these brothers had become a radical jihadist. Do we still have agencies failing to follow up, failing to share information, and failing to connect the dots?

In this morning's Washington Post, the editorial board asked, ''Is the FBI focused enough on the real bad guys?'' The editorial pointed out that in addition to the older brother in Boston, several people who have been investigated by the FBI have gone on to commit attacks. The Post cited 2 examples: the man who shot 2 soldiers at a Little Rock military recruiting office in 2009 and the man who was accused of shooting and killing 13 people at Fort Hood later that year.

According to the editorial, ''Meanwhile, the FBI has devoted considerable resources to sting operations . . . sometimes on what look like dubious grounds.'' For example, the FBI launched an elaborate sting operation in Boston against a man planning to attack the U.S. Capitol with a remote-controlled model airplane loaded with grenades.

The Post concluded:

> In [some cases], it's not clear that a sometimes far-fetched plot would have gone forward without the encouragement and help of FBI informants.

That is a very good point. It may be easier for an FBI informant to draw someone into a far-fetched plan, but it is harder to detect the real terrorist plot, such as the one in Boston. Unfortunately, it is connecting the dots that keeps us safe, not those easy sting operations.

Other warning signs about the older brother may have been missed because tips about him weren't shared between law enforcement. The older brother's best American friend was murdered in an unusual triple homicide. My office has been told that local authorities investigating the murder were unaware of the warnings from Russia about his radicalization. Thus, those local authorities in turn apparently didn't know they should make the FBI aware of the murder.

Four months later the older brother traveled to Russia, just as the Russian Government had warned us. The FBI claims it was unaware of the older brother's trip, even though the Homeland Security Department says its systems alerted them to the travel. Did the Homeland Security Department fail to share that information with the FBI?

The immigration reform bill, with all of its bells and whistles, can't make agencies share information with each other. That bill is supposed to require background checks on the 12 million people who are in our country undocumented. Yet it seems we have a hard time doing successful background checks just on those here legally.

Lack of information-sharing and failure to see real warning signs are probably things that no bill will fix. What has to change is the culture, and, of course, that begins at the top. It requires true leadership.

At the end of the day, this is about much more than who dropped the ball. It is about learning from mistakes and doing a better job next time. In order to do that, we need real transparency about what happened, not just talking points from agencies trying to deflect the blame.

The immigration bill before the Senate will make enforcement of immigration laws more inefficient, time-consuming, and ineffective.

I would refer my colleagues to section 3502 of the bill. That section governs immigration court proceedings. Under current law, people here illegally who are going through removal proceedings are not entitled to legal counsel at government expense, and the Justice Department is not required to provide that. However, this section opens the law wide, making taxpayers foot the bill for attorneys who will represent people here who are undocumented. It provides that ''the Attorney General, in the Attorney General's sole and unreviewable discretion, may appoint or provide counsel to aliens in'' removal proceedings.

The heading of the section implies that court proceedings would run more efficiently, when in actuality the goal is to ensure that people here illegally have every opportunity to fight removal orders. Some of these aliens could be dangerous. They certainly don't deserve free counsel whenever the Attorney General is inclined. Making it harder to deport aliens who should be deported will make it harder to deter aliens from entering the country illegally. Of course, there are organizations, such as law firms, law school clinics, and others, that provide pro bono legal services to aliens at no cost to the taxpayers.

The bill's language is just so astounding. There are very few statutes that say that any government official can do anything in his or her ''sole and unreviewable discretion.'' That means no oversight. However, time and again throughout this bill this language pops up. It means that no court can stop what that official wants to do. That is hard to square with our principles of democracy and a government based on the principles of checks and balances.

Ironically, the title for the section implies that this measure would ''reduce costs,'' but in fact it only increases the costs for taxpayers. This measure to provide legal counsel for people here illegally would be paid for from the newly created fund known as the Comprehensive Immigration Reform and Trust Fund. This fund, on the date of enactment, will have $6.5 billion, which is transferred from the General Treasury. How much will this section cost? We won't know until CBO scores it, but it won't be borne by the people in the removal proceedings, and that is going to be hard for the American people to swallow.

Anything that makes deportation harder or that makes deportation proceedings more likely to be about delaying tactics should be avoided, but the immigration bill appears to desire those results as goals. We should decline that invitation to mischief that is going to be a direct result.

DRUG PREVENTION AND TREATMENT PROGRAMS

Mr. President, I have long been a strong advocate for the responsible stewardship of taxpayer dollars.

Throughout my career I have sent countless requests, letters, and conducted numerous investigations all in the interest of preventing waste, fraud, and abuse of taxpayer dollars. Today, we are confronted with a government that is recklessly spending tax dollars and running up a huge Federal budget deficit and debt. We are also confronted with the need to tighten the government's belt when it comes to this reckless spending.

One area where we need to do a better job of responsibly using taxpayer dollars is through our drug treatment and prevention efforts. I have a strong commitment to ensure drug abuse does not flourish in communities throughout the country. I have championed numerous efforts to prevent drug abuse before it starts including my sponsorship of the Drug Free Communities grant program.

Drug abuse is very costly to society. The National Survey on Drug Use and Health estimates that 22.5 million Americans aged 12 and older used drugs in 2011. This is clearly a problem that needs to be addressed in an aggressive but wise manner.

Senator FEINSTEIN and I requested the Government Accountability Office

to conduct a study of the Federal drug treatment and prevention programs that has recently been released. This report and another, which annually reports on the duplication or overlapping of Federal programs, states that out of 76 drug abuse prevention and treatment programs 59 or nearly 80 percent had evidence of overlapping efforts. In Fiscal Year 2012, 4.5 billion taxpayer dollars were allocated to these programs.

The Government Accountability Office reported that some programs, including the Drug Free Communities program, have a low risk for duplication because they have coordinated their efforts among their respective administering agencies. However, 29 of the 76 programs surveyed reported that no staff have coordinated with other agencies or programs to reduce duplication. This is almost 40 percent of all Federal drug prevention and treatment programs. The report further states that the Office of National Drug Control Policy, which is responsible for coordinating the government's anti-drug efforts, has not systematically assessed drug abuse prevention and treatment programs to examine the extent of overlap or opportunities for coordination.

It is with disappointment that I learned that the President has proposed a significant increase in his Budget to many of these programs. Specifically, the President has proposed a $1.5 billion increase for drug treatment programs, which is an increase of 18 percent from fiscal year 2012. Many of these programs have good intentions and may even do good work, but in a time when we are making many painful cuts throughout most federal agencies and programs to rein in spending should we be making such large increases?

Further, should we be spending more taxpayer dollars on programs that are duplicating efforts before they correct their problems? The last thing we need to be doing now is chasing good money after bad, and this is what the President is proposing with his budget.

Before we start increasing any program budget, we must first ensure that program is responsibly tracking and utilizing every taxpayer dollar it currently has and not wasting it by duplicating the work of another program. One example of success in eliminating duplication can be found with the National Drug Intelligence Center.

This center had repeatedly been listed as a duplicating agency for a number of years. The funding for this center was eventually eliminated in fiscal year 2011 while the work of the center has been consolidated.

I am pleased that the Office of National Drug Control Policy agrees with the recommendation of the Government Accountability Office report to assess the extent of overlap and duplication across all drug prevention and treatment programs by identifying where agencies can better coordinate their efforts. Yet these actions should have been taken years ago. However, it is with disappointment that I saw no mention of any effort to assess prevention and treatment programs in the President's recently released 2013 National Drug Control Strategy.

In fact, it appears that the President wants to expand many of the programs that currently do not coordinate efforts in his strategy. An assessment must be done and actions must be taken to eliminate waste before any expansions take place.

Failure to adhere to the Government Accountability Office recommendation will result in more wasted taxpayer dollars and less recipients benefitting from those dollars. The people most vulnerable to drug abuse, our Nation's youth, require our best efforts with the limited resources we have to ensure they receive the proper education and professional help so that they can grow into healthy adults. By failing to carefully safeguard taxpayer dollars, we are failing our children and grandchildren. We must do better.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. Mr. President, I ask unanimous consent that the vote on the motion to invoke cloture on S. 743 occur this evening at 5:35 p.m.; further, that if cloture is invoked, all postcloture time be considered expired at 5 p.m. Monday, May 6; the Durbin amendment No. 745 then be withdrawn; that no other second-degree amendments be in order; that the Senate then proceed to vote in relation to the Enzi-Durbin amendment No. 741; that upon disposition of the amendment, the Senate proceed to vote on passage of the bill, as amended, if amended; finally, that the filing deadline for second-degree amendments be 4 p.m. Monday, May 6.

Mr. President, just briefly, I appreciate very much the fact this is a consent agreement I had nothing to do with. I appreciate all the good work of everyone who was involved in this.

The ACTING PRESIDENT pro tempore. Is there any objection to the request?

Without objection, it is so ordered.

The clerk will report the motion to invoke cloture.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on S. 743, a bill to restore States' sovereign rights to enforce State and local sales and use tax laws, and for other purposes.

Harry Reid, Richard J. Durbin, Heidi Heitkamp, Martin Heinrich, Amy Klobuchar, Al Franken, Sherrod Brown, Brian Schatz, Benjamin L. Cardin, Angus S. King, Jr., Richard Blumenthal, Sheldon Whitehouse, John D. Rockefeller IV, Joe Manchin III, Thomas R. Carper, Tom Harkin, Patrick J. Leahy.

The ACTING PRESIDENT pro tempore. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on S. 743, a bill to restore States' sovereign rights to enforce State and local sales and use tax laws, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER) and the Senator from New Jersey (Mr. LAUTENBERG) are necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Texas (Mr. CRUZ), the Senator from Texas (Mr. CORNYN), the Senator from Arizona (Mr. FLAKE), the Senator from Ohio (Mr. PORTMAN), and the Senator from Mississippi (Mr. WICKER).

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

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

The yeas and nays resulted—yeas 63, nays 30, as follows:

[Rollcall Vote No. 111 Leg.]

YEAS—63

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

NAYS—30

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

NOT VOTING—7

Boxer	Flake	Wicker
Cornyn	Lautenberg	
Cruz	Portman	

The PRESIDING OFFICER. On this vote the yeas are 63, the nays are 30. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

VOTING EXPLANATION

● Mrs. BOXER. Madam President, I was unable to attend the roll call vote that occurred on April 25, 2013 because of a family obligation. Had I been present, I would have voted in favor of the motion to invoke cloture on S. 743, the Marketplace Fairness Act.

As electronic commerce has grown dramatically, new policies are necessary to maintain a level playing field so that businesses of all types can both compete and prosper. This bipartisan bill has the support of a broad coalition of Governors, mayors, business leaders, and labor groups, and is especially important to our local governments. I look forward to working with my colleagues to ensure that implementation of these changes is manageable for small businesses in California and elsewhere.●

The PRESIDING OFFICER. The majority leader is recognized.

MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent that notwithstanding rule XXII, the Senate proceed to a period of morning business, and during that period of time Senators be allowed to speak for up to 10 minutes each.

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

The Senator from Delaware.

Mr. COONS. Madam President, I ask unanimous consent to enter into a colloquy with the Senator from Alaska for up to 30 minutes.

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

ENERGY STRATEGY

Mr. COONS. Madam President, Senator MURKOWSKI of Alaska is a strong leader on energy issues, and I am proud to work with her on the Energy and National Resources Committee. It is fitting that we are here despite representing different States from different regions of the country to talk about an issue we believe can bring us together.

Republicans and Democrats alike can agree that when it comes to American energy, we need a comprehensive, all-of-the-above strategy, and that is the only way we are going to succeed in securing homegrown and affordable sources of energy for the next generation.

In my view, oil and gas are not going away anytime soon. If renewable sources of energy are going to grow and become central players in the American energy marketplace, we have to make sure they are operating on a level playing field. Right now the playing field is anything but equal.

For nearly 30 years, traditional sources of energy have had access to a very beneficial tax structure called Master Limited Partnerships. This is a financing arrangement that taxes projects like a partnership, a pass-through, but trades their interests like a corporate stock. This prevents double taxation and leaves more cash available for distribution back to investors.

This allows limited partners and general partners to come together and invest capital in a Master Limited Partnership and form an operating company. For the last 30 years, that has been used in natural gas, oil, and coal mining, predominately in pipelines but also in fossil fuels.

Not surprisingly, this structure means MLPs have had access to private capital at a lower cost, and that is something capital-intensive projects, such as oil pipelines, badly need. Frankly, it is something alternative energy projects in the United States need more than ever.

Let's work together and level this playing field. Let's remove the restriction that allows only traditional energy projects, such as, oil, gas, coal, and pipelines, to form MLPs. It is literally in the original statute that only nonrenewable forms of energy are eligible. In my view, we should open it up to include clean and renewable energy and then let the free market take it from there. So this week, Senator MURKOWSKI and I joined Republicans and Democrats from the House and the Senate to introduce the Master Limited Partnerships Parity Act of 2013—a bill that will do just that. We are grateful for the support of Senators JERRY MORAN of Kansas and DEBBIE STABENOW of Michigan, as well as Congressman TED POE of Texas, MIKE THOMPSON of California, PETER WELCH of Vermont, and CHRIS GIBSON of New York, who are original cosponsors.

Our bill does not change these benefits for traditional energy sources at all. It doesn't touch existing MLPs and their well-established benefits for coal and oil and natural gas; it just allows renewable energy projects to compete fairly by also accessing this tax advantage capital formation field. It gives an equal chance for success for projects using energy from wind and the Sun, the heat of the Earth, and biomass; breakthrough technologies to consumers with affordable homegrown energy for generations to come.

This bill is this year a new and improved version of the Master Limited Partnership Parity Act from last year. We introduced a version last year that earned strong support from Republicans and Democrats, as well as outside experts and the business community. This year we are expanding the scope of the bill to also include additional energy projects that qualify as MLPs: waste heat to power, carbon capture and storage, biochemicals, and energy efficiency in buildings. We wanted to include a broader array of clean energy resources because that is how we can get the best competition and deliver the most affordable and efficient energy to consumers from Delaware to Alaska and across our whole country.

MLPs are complicated financial structures, but our bill is very simple. It is just a few pages long. It makes one simple tweak to the Tax Code to bring these renewable energy and clean energy projects into the existing structures of MLPs. It is the embodiment of what I have heard from many colleagues in the last 3 years, that we should not be picking winners and losers in energy technology, and we should have an ''all of the above'' strategy.

This change, in my view, will bring a significant new wave of private capital off the sidelines and into the renewable energy marketplace. It allows the private sector to look at clean energy in a whole new way. Today, master limited partnerships have reached a market capitalization of close to $450 billion with about 80 percent of it devoted to traditional energy projects—oil and gas—and the majority of that to pipelines. Access to this kind of scale of private capital could drive the investment that is essential to creating new jobs in a fast growing new field.

It would also, in my view, bring some fairness, some modernization to this well-established section of our Tax Code. As the Presiding Officer knows, our Tax Code hasn't been broadly modernized in decades. In the mid-1980s, Congress enacted provisions to establish MLPs for oil and gas, timber and coal, and midstream energy industries. This tax benefit hasn't been significantly changed, expanded, or modernized in nearly 30 years.

Just to be clear, we are not talking about taking away any of these benefits for any existing beneficiary industry, just updating them to recognize the modern market reality of new energy technologies and to reflect the changing investment opportunities in the emerging markets of renewable energy. In fact, one of the lead cosponsors of this legislation in the House, Congressman TED POE—Judge POE—a Texas Republican, said at a recent press event we did that over the course of his career, he has represented as many oil refineries as any other Member of Congress. Yet he sees this as an efficient and effective opportunity to expand from its traditional use of pipelines of oil and gas to the broader energy marketplace of the United States, and he is confident expanding this structure to include clean sources of energy would create jobs.

I wish to ask the Senator from Alaska, Ms. MURKOWSKI, if she has seen the same thing in Alaska. Does the Senator from Alaska see this as an opportunity that will help us grow an ''all of the above'' energy strategy for the United States?

Ms. MURKOWSKI. I say to my friend, the Senator from Delaware, yes. In fact, I view this as an opportunity. I view this as a positive direction as we build out an energy policy that works for the entire country.

The Senator's question is specific to my home State of Alaska, an area that is known for its enormous potential with our fossil fuels, our oil, our natural gas, and the opportunities that have been available to a State such as mine where we have the more traditional fossil fuels. But we are also a State that is rich with potential for renewable energy resources whether it is geothermal, whether it is marine

hydrokinetic, whether it is ocean energy potential, harnessing the tides, harnessing the waves; whether it is biomass, whether it is wind, which we have abundant capacity for; whether it is solar, which we don't often get a lot of credit for, but, yes, we, too, have solar.

So from my perspective as a Senator from Alaska, I am looking to try to find those areas where we can branch out, where we can move the energy discussion to what we are all talking about now, which is an ''all of the above'' policy. In order to truly have an ''all of the above'' policy and to avoid picking winners and losers, as the Senator from Delaware has noted, then it is important that when we talk about how we finance these energy projects—and we all know there are considerable dollars at stake with any energy project—then let's work to provide a level of parity, and that is exactly what this bill does.

My hat goes off to the Senator from Delaware. His leadership on this bipartisan measure is extremely important. I can recall when the Senator first came to talk to me about it, and I said: We need to really do wholesome tax reform. I haven't changed my mind on that. But what I have recognized is that if we are to work to build out our energy sector, if we are to work to advance our ''all of the above'' policy, then we need to be a little more expansive in how we are going to look to the financing opportunities.

So I agreed to join the Senator from Delaware as a cosponsor of the Master Limited Partnership Parity Act because fundamentally, at its base, it is about fairness and opportunity. That is a pretty good place to be sitting.

I think too often in this Nation debates about our energy policy kind of devolve into this advocacy where we show preferential treatment for one sector or another sector. As the Senator from Delaware and I have discussed, I am absolutely an advocate for an ''all of the above'' approach. I have spelled that out in a blueprint that I have shared with so many of my colleagues called ''Energy 2020,'' which we released earlier this year. But I do think that with the legislation the Senator from Delaware has spearheaded, we have identified a way to further our progress in that direction.

Right now, the oil and gas sector is able to benefit from the master limited partnership structure, and it is a good thing because it has helped to raise billions of dollars in private markets for much needed pipeline infrastructure. We are going to need that as we work to keep up with the natural gas boom we are having in this country—how we build new infrastructure, how we take care of existing infrastructure. So we need to have these financing mechanisms. That is all great. But why not expand that out to the renewable sector? Currently, as the Senator from Delaware points out, the law does not allow for that. It is time to fix that. So what we do with this legislation is extend the parity to the renewable sector so that businesses that are pursuing investments in biomass, energy efficiency, and other areas are able to structure as an MLP.

I wish to pause here for a moment because I just came back from a bipartisan, bicameral meeting where we were talking about the energy agenda for this Congress moving forward. Of course, as a nation looking at a $16.8 trillion debt, everything we do we have to figure out how we are going to pay for it. When we think about the energy efficiency initiative—and I note our colleague, Senator SHAHEEN from New Hampshire, is on the floor with us.

Senator SHAHEEN and Senator PORTMAN have spearheaded a great piece of legislation focusing on energy efficiency. We think about how we move that forward because that is going to require dollars. Where do we find those dollars? There are not enough rocks with enough money underneath them to advance this. So if we can expand the opportunities for financing to include our renewables and to include energy efficiencies, this is how we move it forward.

Bottom line, when we are talking about the dollars. This is only going to happen if the private markets think the math makes sense. The investments and the structures of the entities that are making them very well might not occur, but, again, that is not our job. We are not here to pick winners and losers. If it is good, if it works, it will happen. But we are helping to provide a financing mechanism that is fair and creates opportunities. Our job, which this bill highlights, is to provide that level playing field. This is about equality of opportunity, not equality of outcome. We can't guarantee that outcome, but what we can do is kind of level the playing field in terms of what options are available.

This bill enables the renewable sector to structure a certain way. I am certainly glad to be supporting it with the Senator from Delaware. I think we have some momentum. I was talking to some folks up in New York where I addressed an energy financial forum, and what everybody was interested in was not what is happening on the R&D side; it was so much interest in the master limited partnership and its ability to expand to other areas; how we can take a tool that has worked very well for us in the oil and gas sector and push it out to renewables and efficiency.

So I think the momentum is there, and I applaud Senator COONS for his leadership in that regard.

The Senator from Delaware also mentioned the expanded scope. Again, I think that is an important aspect of this bill. I am excited about where we are right now, and I look forward to working with the Senator from Delaware as we build out our renewable energy future here.

Mr. COONS. Madam President, I thank the Senator from Alaska. I am grateful for her joining me as an original cosponsor and for her being a strong and engaged advocate for this approach at the conference in New York and in conversations with colleagues and in the image she has laid out. She has been a real champion for a commonsense, ''all of the above'' visionary path forward that will move us on the committee and in the Congress.

As the ranking member of Energy and Natural Resources, the support of the Senator from Alaska is central and significant. I am also glad the chairman is working with me. Senator WYDEN, in a recent public setting, referred to this as ''exactly the right approach.'' I believe, as does the Senator from Alaska, the bill will unleash private capital; that it will help create jobs, modernize our Tax Code, and make it more fair; and I think that is why it has earned support from Republicans and Democrats in the House and in the Senate, but also at some senior levels in the administration.

Former Secretary of Energy Steven Chu said the MLP Parity Act would make ''a world of difference and have a profound effect on private capital and investment.'' Our, hopefully, incoming Energy Secretary, Ernest Moniz, also pointed toward the MLPs as a great opportunity to increase clean energy financing and put it on a level platform.

This legislation has earned backing from business leaders, from investors, from outside experts, from academics. Two experts in energy finance, Felix Mormann and Dan Reicher, from Stanford's Steyer-Taylor Center for Energy Policy and Finance, shared their thoughts in an editorial in the New York Times.

They wrote:

> If renewable energy is going to become fully competitive and a significant source of energy in the United States, then further technological innovation must be accompanied by financial innovation so that clean energy sources gain access to the same low-cost capital that traditional energy sources like coal and oil and gas enjoy.

Our financial innovation has to keep up with our energy innovation. It is just that simple. That is why more than 250 companies and organizations have recently signed a letter supporting our Master Limited Partnerships Parity Act. They range from Fortune 500 NRG to the American Wind Energy Association, the Solar Energy Industries Association, the American Council on Renewable Energy, and many more.

Just one more quote, if I might. David Crane, who is the CEO of NRG Energy, said:

> The MLP Parity Act is a phenomenal idea. It's a fairly arcane part of the tax law, but it's worked well and has been extremely beneficial to private investment in the oil and gas space. The fact that it doesn't currently apply to renewables is just a silly inequity in our current law.

Well, one of the things the folks we work for expect us to do is to find ways to move forward together, to find ways to nail down and address inequities in

the law, and this is one we can fix with a simple, straightforward bill.

I am so grateful for the cosponsorship of the Senator from Alaska and her leadership, and I agree with her that we are seeing growing momentum behind this free market approach. Does the Senator from Alaska wish to add anything else as we advocate for this bill?

Ms. MURKOWSKI. I thank the Senator from Delaware for his leadership as well as for the opportunity to speak to this issue on the floor today. As we talk about the momentum, I think we recognize that oftentimes there will be good ideas that are discussed and debated but often don't get that full body support that allows a good thought to materialize into policy. I want to let the Senator from Delaware know how committed I am to advancing this good policy.

The Senator mentioned the reference to financial innovation, and I think, perhaps, in view of what we have seen in past years with a little bit of chaos on Wall Street and in our banks with derivatives, et cetera, that some people might be concerned about this new financial innovation. We are not recreating the wheel. This has been, as the Senator from Delaware points out, a financing mechanism that has been available to a certain sector of the energy industry for a considerable period of time. And it has benefited them.

This is not financial innovation in that we are building something out of whole cloth and hoping it works. We know it works. What we are trying do with this is contained in the title. This is bringing about parity, allowing for an extension of a good financing mechanism that will benefit our energy sector throughout the country.

Again, I do not mean to repeat myself, but when we talk about an ''all of the above'' energy policy, I think we need to appreciate that there are some things we do from a policy perspective that hinder us from achieving that ''all of the above.'' When we put in regulatory hurdles or when we put in place limitations that would limit our ability to move that ''all of the above,'' then we need to look critically at that, we need to look at how we could address this. So I think the effort, again, to allow for real fairness, equal opportunity, is critical to us.

I want to wrap up my remarks by saying that I think it is important that what we are doing is allowing for this level playing field within the energy sector. So we are not talking about stripping oil and gas pipelines of their eligibility for the MLP status and replacing it with renewables. This is not a swapping-out deal. I would not support that if that were the case. I would also not support it if it extended a false sense of parity by making, let's just say, only wind available for MLP status or only solar. But, as the Senator has noted, this bill includes it all.

We just had a hearing in the Energy Committee this week on hydropower. There is a great bill coming out of the Energy and Natural Resources Committee. I cannot wait until we get it to the floor. Hydropower holds enormous potential for our Nation. When we talk about kind of the backbone of the American energy system, fossil fuels are kind of it right now, but then hydropower is by far the backbone of the renewable energy sector. About 60 percent of our renewable energy comes from hydropower.

So what we are doing is opening this MLP structure to our renewable resources. But it goes beyond. It is kind of like the Ginsu knife: there is more. It includes the marine hydrokinetics, the biorefineries, alternative fuels, biomass, energy efficient buildings, which I have spoken to, storage, solar, wind, and more.

Again, there is no guarantee that we are going to see billions of dollars of private capital that is going to flood immediately into these sectors. We cannot guarantee the outcomes. But we are trying to ensure equal opportunity across an enormous scope of energy sources.

I again thank the Senator for his leadership on this issue, his stick-to-itiveness. I do think that as we move the issues of tax reform forward, as we move more energy matters through the bodies of the Congress, folks will look at this as a sensible and rational way to approach how we build out an energy sector in this country of which we can all be proud. I thank the Senator for his leadership, and I am so pleased to be part of the effort.

Mr. COONS. I thank Senator MURKOWSKI.

If we are going to lead on energy or in anything, we have to listen to each other and we have to work together. I have been so grateful for the way Senator MURKOWSKI and Senator WYDEN have worked closely together and moved the Energy and Natural Resources Committee forward.

As the Senator referenced, we had a great hearing earlier this week on the Shaheen-Portman bill—the energy efficiency bill on which Senator SHAHEEN of New Hampshire has worked so well with Senator PORTMAN of Ohio—and also some bipartisan bills on hydropower.

It is my real hope that this strong bipartisan bill—opening up master limited partnerships to energy efficiency, to hydropower, and to a dozen other clean and renewable sources of energy—this sort of simple, straightforward, commonsense, bipartisan bill that creates opportunity, will allow the private sector to then marry up with the innovations of researchers and help with the deployment of new energy sources.

At the end of the day, we in Congress—the Federal Government—have to set a realistic policy pathway forward to sustain innovations in the energy market and then let the financial markets work to their fullest potential. The Master Limited Partnerships Parity Act moves us closer to that goal and that day.

I thank Senator MURKOWSKI for her leadership and for being here with me today, and I thank Senator MORAN and Senator STABENOW, our original Senate cosponsors, and our House counterparts. By leveling the playing field for fair competition, this market-driven solution can provide vital support to the kind of comprehensive, ''all of the above'' energy strategy we all need to power our country for generations to come.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Madam President, I came to the floor this evening to address what is known as the Marketplace Fairness Act, but before I do that, I wish to applaud Senator COONS for his work on the master limited partnerships legislation. I think it is a great bipartisan approach to one of our energy needs. I also applaud Senator MURKOWSKI for her leadership on the Energy Committee and for her willingness to work in a bipartisan way to try to move an energy agenda from which this country can benefit. I thank both Senators very much for their efforts, and I look forward to working with both of them on the Shaheen-Portman energy efficiency legislation, which I know that committee heard this week. I really appreciate the efforts to move that forward as well. So I thank both Senators very much.

MARKETPLACE FAIRNESS ACT

Mrs. SHAHEEN. Madam President, I really came down to the floor today to continue my opposition to the Internet sales tax legislation that is before us.

The proponents of this legislation claim it is about ''fairness,'' but when you really think about it, this bill is anything but fair. In fact, it creates an unfair situation for small businesses in a number of ways.

First, the legislation is particularly unfair for businesses in my State of New Hampshire and in the other four States in this country that do not collect a sales tax.

I filed amendments, as I know a number of my colleagues have—my colleague from New Hampshire, Senator AYOTTE, has filed a number of amendments—that I hope can help address this issue. But I think it is important for everyone here, especially those who are concerned with creating new redtape, to understand how this legislation is going to affect small businesses.

This proposal is going to put new regulatory burdens on small companies across the country, not just in New Hampshire. As a result, it is going to put those small businesses at a disadvantage, making it harder for them to compete with large online retailers.

As a former small business owner myself, I understand how time-consuming regulations and compliance requirements can be. Make no mistake, the bureaucratic nightmare we are

going to be creating for small businesses under this legislation is real. I think it is worth talking for a minute about what that process is going to look like for the small online retailers.

In a recent piece for the Daily Beast, writer Megan McArdle went through what the process would be like for a small business. She pointed to the SBA guidebook for small businesses when they collect sales taxes in multiple States. The guidebook tells small businesses:

> Generally, states require businesses to pay the sales taxes they collect quarterly or monthly. You'll have to use a special tax return for sales taxes, and report all sales, [all] taxable sales, [all] exempt sales and amount of tax due. Not paying on time can result in penalties. As always, check with your state or local government about the process in your location.

McArdle points out that, despite claims from the proponents of the Marketplace Fairness Act that tax collection will be easy and streamlined, the bottom line for a small business is that ''you've still got to keep fifty states worth of records and file 40-odd states worth of returns.''

McArdle went on to say:

> For Amazon—the actual target of these laws—this is trivial. Their staff of crack accountants can probably roll these things out before their Monday morning coffee break. For a small vendor, however, that's a whole lot of paperwork.

And that is what this legislation is really about—those small business owners who are working hard to grow their companies. They do not need an additional paperwork burden to distract them from running their companies.

Let me provide one example. There is a small company in the town of Epsom, NH. It is called Michele's Sweet Shoppe. Michele's sells popcorn and other gourmet treats both at their brick-and-mortar store in Epsom and online. This is a small business that is growing, and it wants to create jobs. They sell locally in New Hampshire at their brick-and-mortar store, but a big part of their future strategy for growth is taking advantage of new markets through the Internet.

Under this legislation, however, there is an arbitrary ceiling on this company's growth because as they get closer to $1 million in online revenue—as they have said to me—they are going to have to ask themselves, is it worth going through the bureaucratic nightmare of complying with 46 different States' sales taxes? Unfortunately, for them and for too many other businesses, the answer is more than likely to be no.

For Amazon and online retailers, this is not even a question. This is exactly the reason why this bill is good for big businesses and bad for small businesses. It makes it harder for small mom-and-pop stores to compete.

Small businesses—certainly in New Hampshire and in most of the country—are really the economic engine of our economy. Two out of three of the new businesses that are going to be created are going to be created by small business. We should really think twice before we pass this kind of legislation that will keep them from growing and that is really designed to help those big businesses.

I support a number of amendments to this bill. I would like to see them at least voted on. I hope some might be adopted because I think they would make the legislation fairer for small businesses. One of those is a bipartisan amendment we have worked on with Senator TOOMEY to raise the threshold for small businesses under the legislation. I have also filed an amendment to address a fundamental flaw in the legislation that I think must be addressed because this legislation is anything but fair to States such as New Hampshire, States such as Alaska, Montana, the other States in this country that do not collect a sales tax.

This is a proposal that fundamentally violates State sovereignty. It enables one State to impose the enforcement of its laws on the 49 other States and territories without their approval, and it provides zero benefit for the nonsales tax States while it creates an additional and unnecessary burden on our small businesses. That is why I filed an amendment to create an exemption for businesses in States such as New Hampshire. States will be able to force New Hampshire companies to collect sales taxes—especially when our States get no benefit whatsoever—and this amendment is designed to prevent that.

I am disappointed this evening that it does not look as though we are going to be allowed to vote on any of these amendments, although I am still hopeful that we might get a hearing.

I urge my colleagues, again, to think twice about this legislation. I urge them to look at the amendments when they are filed—if we are able to get an amendment process—and to think about supporting those amendments so the legislation really could live up to its billing as the Marketplace Fairness Act because right now it certainly does not meet that standard for the State of New Hampshire and our small businesses.

Thank you very much, Madam President.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. Madam President, I appreciate being here in the Chamber to hear the comments from my friend the Senator from New Hampshire. As she has noted, there is a small handful of States that for a host of different reasons have chosen not to impose a sales tax on their residents. As she has very well stated, this so-called Marketplace Fairness Act is not fair. It is not fair to those States that have put in place other mechanisms. Yet what we are doing through this legislation that we have pending on the floor right now is to tell States such as New Hampshire to tell States such as Alaska regardless of what your State chose to do, those who are engaged in online sales and activity are going to be scooped into the requirement of whatever State in which the individual purchasing your product lives.

To me, that is absolutely not fairness within the marketplace. I think the people in Alaska, when they think about their marketplace, are looking at where they are and assuming their State's laws are going to be what they are dealing with. I thank the Senator for her comments, and in laying out very well how this measure impacts these few States.

Maybe that is our problem. Maybe we do not have enough of us in terms of those States that have opted to not move forward with a sales tax. We are at a point in the evening where we had a vote to move on. We are told we are going to be taking up this measure when the Senate returns in about a week. It is my understanding at this point in time there will be no amendments allowed despite the efforts of many of my colleagues to help address, to help bring about some fairness to this legislative measure. We will not be allowed to do that. It is a real challenge today as we discuss this, recognizing that these few States might be impacted disproportionately in a way that I think does not demonstrate any level of fairness.

Mrs. SHAHEEN. Will the Senator yield for a question?

Ms. MURKOWSKI. Certainly.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. My friend from Alaska and I, as she pointed out, represent States neither of which has a sales tax. Would the Senator agree with me that if this passes it sets a dangerous precedent that says at any point this Congress could impose on States such as ours, despite what we have chosen to do in our home States, a tax we may totally disagree with, and that that is a very dangerous precedent for us to set?

Ms. MURKOWSKI. I would absolutely agree. As the Senator points out, it is Alaska, Oregon, Montana, Delaware, and New Hampshire that are in this situation. Basically, if this legislation were to pass, the message to those within these States is it does not make any difference what your State laws are with regard to a State sales tax. It does not make any difference, because we have made this directive back here that there is going to be uniform application. I have a tough time with that. I think our States may be somewhat similarly situated in the sense that there is a real sense of States rights, State sovereignty. I believe your motto is ''Live Free or Die.'' We feel pretty independent up North as well. I do feel this is a hard push against States' rights and their ability to impose local taxes within their State boundaries.

I am very concerned about the direction we have taken. I note again, for

the States without sales tax and use taxes like these five States my colleagues and I have been talking about, and that are not members of the Streamlined Sales and Use Tax Agreement, this legislation creates an inherent unfairness.

Again, I do think it is somewhat ironic that the bill's sponsors chose to call it the Marketplace Fairness Act. We have noted here on the floor what the requirements under this legislation would mean. Senator SHAHEEN from New Hampshire has indicated exactly what it means to a small business. A remote seller in Alaska who makes an online sale to someone in Vermont who is a member of the Streamlined Sales and Use Tax Agreement will have to comply, collect, and file a return in the State of Vermont. The seller otherwise has zero connection to Vermont.

So it does beg the question, is this fair? I would contend not. Does it present a burden on interstate commerce? Absolutely. The drafters of this bill will argue it creates no new taxes, but I would also respectfully disagree. This bill essentially forces States such as ours to adopt its requirements to ensure parity. Currently no State can impose its local sales tax on another, short of meeting constitutional nexus requirements. So we have made clear that you cannot do that.

This legislation again scoops in everybody. States that wish to enter into agreements with other States for this purpose are able to do so. Let those individual States decide whether they want to participate in the Streamlined Use and Tax Agreement but do not mandate it. That is what this measure would do. Only 24 States could agree to do this.

You have to ask, is 24 States a mandate for Congress? I do not think so. Again, it begs the question, is this fair? Absolutely not. This law presents a backdoor mandate to States such as Alaska, such as New Hampshire, to effectively adopt a sales tax. I think Congress has to respect a State's right to determine how to implement and how to enforce its tax laws and not impose how it must do so.

The Senator has mentioned the burden on small business owners, and the Senator spoke to an article that detailed some of the concerns. This is an issue that has generated considerable interest in my State. I have had over 600 constituents who have written to me in opposition to this bill.

Here are a couple of the examples of the mail I am getting. I have a constituent in Fairbanks, AK, who says:

> I am a small business woman selling books off of my Web site. I do not want to be a tax collector for other States. I especially do not want my customers running off to other non-tax parts of the world.

I have got another constituent who owns a business in Anchorage who writes:

> I do not support a measure that would allow individual States to collect sales taxes on any on-line purchases regardless of which State an on-line retailer is located. As a small business owner, this legislation will affect me, because I often have clients that start our transaction out of State, and we do not have the staff to handle collecting taxes for 50 States.

Then, finally, a constituent from Eagle River writes:

> As a former small business owner, I am very aware of the constant and increasing burden that government subjects our businesses to. Requiring on-line businesses to collect local sales taxes would be a horrendous administrative burden that would undoubtedly cause many businesses to fail. Governments at all levels should be trying to encourage businesses to succeed, rather than trying to squeeze every last dollar of revenue out of the businesses and their customers.

These are three examples of some of the correspondence I have received from folks who are worried about the burden it is going to inflict on our small business owners. Of course, we hear this from all of the other States, certainly heard it just now from the Senator from New Hampshire.

The communities I mentioned we have been hearing from are all on the road system, as we call it in Alaska, are bigger communities. But in many of our rural communities, for those that are offroad, where economies are very limited, there is no major business, there are no big stores. We have been encouraging folks in our villages to use the Internet to bring the world marketplace to your door, and to sell their products on line, and to sell—whether it is arts and crafts or whatever it may be. So we are encouraging them to do this.

Now the concern we are hearing is, I do not want to be the one who is the tax collector for California taxes. I am trying to get myself up and going and make a business, make an economy in a very small area.

I know there is a carveout or an exemption for the smaller businesses. I think that is critical. That is important. That is going to help the very small mom-and-pop operators. But I think we recognize it will have a burden on our small businesses, not only in Alaska but around the country.

The ability of a small business owner to comply with the reporting requirements that will be required by this bill, which would include the 50 States plus the District of Columbia and the U.S. territories, I think deters new startups. I think it acts as a hurdle, if you will. I do not think our businesses need that, particularly now. We already have regulatory burdens that our small businesses are concerned and worried about. I do not think we need to impose that on these States that have, again, made that determination that they would not apply a sales tax within their State boundaries.

So for these reasons, as well as so many of the reasons that have been outlined by others on this floor earlier, I cannot support this measure. We will see whether we have got the opportunity to have any amendments in the week following our recess. Again, I feel it was important to express the concerns of many of the individuals I represent in the State of Alaska.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. RUBIO. Madam President, are we in morning business?

The PRESIDING OFFICER. We are.

IMMIGRATION

Mr. RUBIO. Madam President, I wanted to speak for a few minutes here on the floor as we finish the business of this work period and we return to our home States for about a week. We will be back here on May 6. At that time, I will continue this important conversation we are having on a number of issues. But one of them is this issue of immigration, which was recently back in the news as a result of some efforts we have had here.

Let's begin by describing the reality the United States faces today. First and foremost, this is a country that does not need to be convinced of the benefits of legal immigration, because virtually every single one of us, including those watching here now, the people who work in this building and across this country, are all but a generation or two removed from someone who came here from somewhere else. So we do not need to be convinced of the virtues of immigration, because we have lived them. We see them every single day. In fact, we read about them as well in terms of great innovations that have changed the American economy and made this country different from any in the history of the world.

There may be some debate, but not much, about the value, the importance of legal immigration to the United States. The problem we face is we have a legal immigration system right now that is broken. It has not worked well in a very long time. Efforts to reform it over the last 20 to 30 years have failed.

Let me describe what is wrong with our immigration process. No. 1, it is bureaucratic and complicated. It is very difficult to navigate the legal immigration process, the result of long backlogs and a bureaucracy that has to be dealt with.

You have to lawyer up just to legally come here. That comes with its own set of problems.

The second problem is the illegal immigration system, quite frankly, isn't based on the 21st century. It is actually based on the middle part of the last century and a very different economic time in our world and certainly in our country.

That is why you are not going to get a lot of debate from people when you

say we need to have a legal immigration system that reflects the modern era, that reflects our global economy, that reflects our knowledge-based economy. We need a legal immigration system that is good for America's economy. That means a lot of different things.

For agriculture, it means the ability to find workers when they need them, and that is usually most of the time—foreign workers who come as guests and work on a temporary basis or even on a year-round basis but a way to access those workers in a legal way. It also means to continue the flow of legal immigrants to the United States through a safe but reliable and nonbureaucratic process that is cost-effective and encourages people to come here legally. It also means, by the way, that in some industries and some sectors from time to time you will need guest workers, people who are not going to stay permanently but people who fill in the gaps, particularly in times of very low unemployment when you cannot find a domestic worker to do that work. You need a legal way to be able to do all these things.

Perhaps the most important initiative we need is a legal immigration system that is based on merit and on skill. Right now the legal immigration system is based on whether you know someone who lives here. If you know someone who lives here as a family member, they can bring you with them. It is this term you hear a lot about: ''chain migration.'' There is nothing inherently wrong with that. The problem is today our economy has changed, and our immigration system has to change with it.

I think there is a growing consensus around the country that we need a legal immigration system that is no longer solely based on whether you know a family member who lives here but, rather, having one that is built on whether you are going to bring a special skill, talent or fill a certain void that exists in our economy today.

The second problem with our legal immigration system is that our laws are not being enforced. I can tell you that in the last 9 or 10 days since we introduced a bipartisan bill that we are working on as a starting point for this debate, if there is one thing that has become abundantly clear, it is the complete lack of trust people have in the Federal Government and its ability or willingness to enforce our laws.

I want you to know that of all the impediments that stand in the way of immigration reform, none looms larger than that lack of trust in the Federal Government. I would say that lack of trust in the Federal Government is pervasive across every policy, but it is especially pronounced on the issue of legal immigration.

Too many people simply do not believe the Federal Government is enforcing the law or is willing to enforce the law. As a result, it is going to make efforts for immigration reform very difficult, unless we are able not just to convince people but to show people that the measures we are pursuing in immigration reform are efforts that once and for all will begin to deal with this problem effectively.

The third problem we have is this reality that we have millions of human beings living in this country illegally. Some came legally and overstayed the visa. They came and they were supposed to be here for 90 days and they stayed. Others crossed the border illegally.

The point is, by the way, of the people who overstayed, that is about 40 percent. In my home State of Florida it is much larger. The point is we have millions of people living in this country right now who are illegally here, people who do not have a right to be here legally. No one has the right to violate the immigration laws of the United States.

On the other hand, the decisions that created that problem were made in 1985 and in 1986, when I remind people that I was in ninth grade. As a policymaker, what I now confront is this reality that we have 9, 10, 11 million human beings living in the United States in violation of our immigration laws. To add to that, most of these people have been here more than a decade. They have children who are U.S. citizens. They may even own property. They work, they are here, and they are never going to go back. We have to deal with that fundamental reality as well.

With all that in mind, this is how I decided to get involved in this immigration reform debate. Let me explain. There is very little political benefit to this issue, believe me.

No. 1, I would rather be on the floor debating issues such as taxes, debt, and the impediment they place on our economy and its growth. I hope we can get to those issues. This is also an important issue, and it was an issue that was going to come up.

I remind Members of my party we are not the majority here. I wish we were, and we will continue to make that happen. But we are not the majority, and this issue is going to come up on the floor of the Senate with or without us.

It is a legitimate problem the country faces. Therefore, I decided it was best for us to be engaged and try to come up with something that works. That is why I endeavored to get involved in this issue, and that is why I continue to be involved.

As a result, I have laid out some pretty clear principles about what I think immigration reform should look like. It should modernize our system. It should create real systems for enforcement so we never have this problem again. It deals with the people who are here illegally in a way that is compassionate and humane, true to our heritage as a compassionate people but also in a way that ensures it is not fair to the people who did it right and doesn't encourage people to do this wrong in the future. Those are my principles.

Based on those principles, I entered into negotiations with seven other Senators to work on a bill that begins as a starting point of this debate. I have heard criticism about that process. People say, well, it is a secret process; it is behind doors.

Let me clue everybody in on something. Every bill around here is drafted at the beginning in someone's office. Most people here, when they draft a bill or an amendment to bring to the floor, they don't do it in some auditorium. They are working on it in their office with their staff. That is just the starting point. That bill has to be filed. We are not voting upon a sheet of paper. We are voting on a bill that people read and analyze.

That is what this bill is. It is a starting point. It is eight Senators, four Democrats and four Republicans, who spent 2 to 3 months working on a bill that we present to our colleagues and say this is what we were able to come up with. Now it is your turn to make it better.

We actually have a process to do that, and here is how this process works. I don't mean to be patronizing, but it is important to remind people of that process.

Here is how that process works. You file a bill. Committees hold hearings on that bill. Then they do what they call markup. Basically, what it means, for those watching at home, is a bunch of Senators sit around and they literally vote on changing the bill. People offer ideas about how to make it better and how to change it. That is an important process. That has to happen, and it has to happen with this bill. Two weeks from today they will begin that process.

I have heard my colleagues come to the floor some and express concerns about different provisions in the bill. I don't have time to rebut every point but, frankly, they raise some very valid points too. Suffice it to say, some of the concerns they have are not valid, and I think we can address that with them. Others are just disagreements, and they need to be worked out through the legislative process.

Here is my encouragement to my colleagues who don't agree with the bill we have crafted. Change it. Let's work on changing it. If you believe that what we have today is broken, if you believe the status quo on immigration is chaos and a disaster, if that is what you believe, as I do, then let's solve it. The way we solve it is by working together. In essence, don't just be against it. Offer ideas to change it.

For example, if you don't think the border security provisions of the bill we have drafted are strong enough or enforceable enough, offer some ideas to change them. Right now I stand on the floor of the Senate and I ask any of my colleagues who have a bill to guarantee border security to please bring it to my office. Please offer it as an amendment. I continue to extend that offer. I am looking for ideas to improve what we have drafted.

Quite frankly, I think we can get it to be even better. I think those of us who worked on it would agree. If people disagree with the way we modernized the legal immigration system—let's say they think we don't bring enough high-tech workers or enough farmworkers—change it. File an amendment to change it.

Here is what I would say. Unless you actually believe we don't need to do anything—and listen, if you believe that is valid, that is fine—if you believe that what we have is OK, if you believe we don't need to do anything about immigration, just leave it the way it is, then that is fine. I respect that view. I disagree with it, but I respect it.

If what you think that what we have is a disaster—and I think that is most of us—then let's work on it together to change it. In essence, don't view the bill we drafted as something that is being shoved down your throat, because it is not. View it as a starting point product upon which we can build something that I hope most of us can support.

If you are opposed to this bill or elements of it, try to change it. Try to improve it. That is why we have something called the amendment process. By the way, that is just in the Judiciary Committee. Beyond that, it has to come to the floor of the Senate, where I expect there to be open debate, where I expect there to be an open amendment process. If it passes here, then it has to go to the House and we have to work with them to get a product we all agree on.

Here is my point. If you are going to be against anything no matter what we file or, no matter what, you just don't want to do immigration reform, then that is fine. If you believe, as I do, that our legal immigration system is broken and needs to be modernized, then let's work to change it. If you believe we need to be realistic about the fact that we have 11 million human beings in this country who are going to be here for the rest of their lives, whether we deal with them or not, and that it is not good for America to have that many people here whom we don't know, have no idea who they are, where they are, and many of them are not paying taxes, then let's work together to find a way to deal with it.

If you believe our laws are not being enforced and we need to pass laws that force the administration—this one and a future one—to enforce our law, let's change it. Let's work on something that comes up with that.

I am all ears. I am open-minded about that and so are my colleagues. Let's not leave it the way it is. The way it is is chaos. It is bad for our country. What we have today is not good for the United States. Our job as policymakers is not just to come and criticize, our job is to come and to make a difference. Our job is not just to come to the floor and make speeches or go back home and give speeches or do television interviews, our job is not just to poke holes, our job is to plug holes too. Our job is not just to criticize but to make better. What we have now doesn't work. It is not good for our country. We can't leave it this way.

We have a chance now to truly improve it. This is not an effort to force anything down anyone's throat. This bill we have worked on is a starting point. It is not a take-it-or-leave-it proposition. It never has been. To pretend it is isn't fair. To pretend that somehow something is being crafted that is being forced down someone's throat with no options to amend it or make it better, that is not true. You know that.

I have talked to almost all of my colleagues here and extended an open hand and said let's work together to make this better. I truly think we have to.

Is this the most important issue America faces? No. We owe $17 trillion, and we have no idea how we are going to pay it back. We have an economy that is not growing, and we need to do something about it. This is an important issue and, by the way, it is related to that issue. There actually is a growing consensus that we have a chance to do something about it once and for all.

Let's work together. Let's work together to come up with a solution that modernizes our legal immigration system so it is good for our economy, that once and for all forces the administration, this one and a future one, to enforce our immigration laws. Once and for all this will deal with the 11 million people who are here illegally in a way that is fair and compassionate but also fair to the people who did it right and also in a way to ensure this never, ever happens again.

I hope when we come back in a few days we will begin to work on that together for the good of our country and the future of our great Nation.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceed to call the roll.

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

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

WATER RESOURCES DEVELOPMENT ACT OF 2013—MOTION TO PROCEED

Mr. REID. Mr. President, I move to proceed to Calendar No. 44, S. 601.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

Motion to proceed to the bill (S. 601) to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

CLOTURE MOTION

Mr. REID. Madam President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 44, S. 601, a bill to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the Unites States, and for other purposes.

Harry Reid, Barbara Boxer, Thomas R. Carper, Tom Harkin, John D. Rockefeller IV, Patrick J. Leahy, Debbie Stabenow, Christopher A. Coons, Charles E. Schumer, Bill Nelson, Benjamin L. Cardin, Jon Tester, Mary L. Landrieu, Mark Begich, Joe Manchin III, Richard J. Durbin, Mark L. Pryor.

Mr. REID. I ask unanimous consent that the mandatory quorum required under rule XXII be waived, and that the cloture vote occur on Monday, May 6, following the disposition of the Marketplace Fairness Act.

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

OBSERVING WORLD IP DAY

Mr. LEAHY. Madam President, this Friday, April 26, is ''World IP Day,'' when countries around the world celebrate the role of intellectual property in encouraging innovation and creativity. It is an opportunity for us to acknowledge the authors, artists, and musicians who enrich our lives; the inventors whose work is transforming our digital economy; and creators around the world.

Whether you are an inventor, a creative artist, or a small business owner protecting your brand, you deserve the benefit of your work. By protecting those works, we incentivize future developments that benefit us all. As lawmakers, our goal must be to provide strong and effective protections for creators, while ensuring that their creations can be appreciated, used, and enjoyed. This policy is central to the American economy, where 35 percent of our GDP is generated by IP-related industries. A vibrant intellectual property system fosters growth not only in our country, but also around the world.

Earlier this month, I introduced legislation that would strengthen an innovation program created by the Patent and Trademark Office, the Patents for Humanity Program. The Patents for Humanity Program rewards a select number of exceptional innovators who apply their intellectual property to address global humanitarian needs. At the first Patents for Humanity Awards ceremony 2 weeks ago, I was proud to honor inventors who had worked to improve the diagnosis of devastating diseases, supply access to clean water, and

combat the spread of dangerous counterfeit drugs. Our patent system protects that life-changing work and, in the case of the Patents for Humanity Program, helps promote its use for the global good.

As we find ways to incentivize and promote widespread innovation, we must uphold the vital protections that allow innovators to grow and thrive. We must work to deter and prevent the theft of intellectual property, which hurts creators, costs jobs, and impedes economic growth. In our interconnected age, no country, or even group of countries, can address that problem alone. More than ever, we need to work together to recognize the value of intellectual property so that inventors and creators around the world may receive the benefit of their work and continue to create it.

We must also come together to streamline processes that will help innovators to fuel growth in the future. Eighteen months ago, Congress took an important step with passage of the Leahy-Smith America Invents Act, which modernized our patent system for the 21st century and helped harmonize our laws with systems around the world. Last December, I was pleased to expand on those improvements with passage of the Patent Law Treaties Implementation Act, which will help American inventors by simplifying and expediting the process for obtaining patent protections overseas.

There is more Congress can do to improve the patent system and address the problem of patent trolling, by increasing transparency and accountability. I intend to work in a bipartisan and bicameral manner on legislation that will ensure the real party in interest of a patent is disclosed, protect unknowing and innocent purchasers of allegedly infringing products from unwarranted suits, and continue to improve patent quality, and we will explore other means to make trolling activity unprofitable.

Our intellectual property system supports the creative and inventive talents of our citizens and provides the vital fuel of our economy. I hope others will join me in celebrating World IP Day.

AMERICA INVENTS ACT

Mr. SCHUMER. Mr. President, In September of 2011 this body debated and passed landmark patent legislation which was subsequently signed by the President and is now law.

The America Invents Act—AIA—updated, for the first time in many years, the way patents are issued and prosecuted, and in some instances the means by which businesses defend themselves against lawsuits filed by the ever-growing cottage industry of patent assertion entities.

The AIA made many important improvements to our patent law. But more needs to be done. Even in just the short time since the bill passed, the problem of so-called ''patent trolls'' has continued to grow exponentially. In fact, patent trolls cost operating companies $29 billion in 2011 alone. Many of these suits are the result of poor-quality patents being asserted by highly litigious parties against ordinary businesses, large and small, who are left with only unacceptable options: pay a costly licensing fee, settle a court case to avoid litigation costs, or expend millions in litigation fees in hope of prevailing at the end of the day in court.

This has been especially problematic in the universe of technology startups—a booming industry in New York in particular. These small businesses have everything going for them—good ideas, smart employees, and loyal customers. But they risk being entirely undercut by a clever patent troll who takes advantage of them in court. In fact, I have heard from businesses that actually had to fold as a result of a single poor-quality patent lawsuit. This is anathema not only to a pro-growth business culture, but also to the very principles of the intellectual property system.

I believe we can address this problem, and I believe there is a clear and simple way to do so; in fact, we have a model in Section 18 of the AIA. Section 18, the Schumer-Kyl provision, established a post grant review by the experts at the PTO of covered business method patents—the very patents which have been wreaking havoc in the courts and in boardrooms across the country. Section 18 allows a petitioner to request that the PTO review a covered patent and if they find it more likely than not to be invalid, to take a second look at it and return a decision promptly.

During debate of Section 18, I took the opportunity to make clear that District Courts should stay proceedings in patent cases if the PTO is reviewing the same patents because the PTO decision regarding the patent's standing would prove dispositive in court and obviate the need for further court proceedings.

I am pleased to note that district judges have been giving deference to the legislative history and that in at least 2 cases, have stayed their proceedings pending a PTO decision. Section 18 is not only providing patent holders and accused infringers with an alternative to court, but judges are able to better manage their dockets through the use of this new post-grant proceeding.

In the approximately 6 months since the process authorized by Section 18 began, around 20 patents have been challenged through it at the PTO. And those cases are being considered at the PTO in a more cost-effective way than litigation.

It is apparent that Section 18 is working the way we intended; the only problem with it is that it is too limited in two respects: first, it was only authorized as a temporary program and second the types of patents that are allowed to be considered under it are limited. For this reason, I will be introducing a bill when we return from recess to improve Section 18 by removing its temporary status and making more ''likely invalid'' business-method patents eligible for review. I look forward to working with Chairman LEAHY and my colleagues on the Judiciary Committee on legislation to improve further the patent granting and patent prosecution system. A great place to start is to make sure the experts at the PTO get a chance to review low-quality patents against relevant prior art so that they cannot be used as a weapon against legitimate business.

RECOGNIZING THE 30TH ANNIVERSARY OF THE MAUREEN AND MIKE MANSFIELD FOUNDATION

Mr. BAUCUS. Mr. President, Senator TESTER and I wish to recognize the 30th anniversary of the Maureen and Mike Mansfield Foundation.

Nearly 30 years ago Congress passed legislation authorizing funds for a foundation honoring Mike Mansfield. Mike was the pride of Montana, and represented the State in the U.S. Congress from his election to the House of Representatives in 1942 to his retirement from the Senate in 1977. Mike Mansfield once said he reached the height of his political aspirations when he was elected senator from Montana. Montanans remember him fondly as a national leader who put Montana first.

Mr. TESTER. Mr. President, respect and admiration for Mike Mansfield reached beyond his Montana roots to Washington, where he shaped the character of the modern Senate as the longest-serving Senate Majority Leader. It also reached across the Pacific, where he combined his voice of wisdom and sense of moderation with his love of Asian culture and became the longest-serving U.S. ambassador to Japan.

Mr. BAUCUS. Mike Mansfield was enamored with the Far East when he traveled there as a young United States Marine in the 1920s. This early experience shaped his outlook on the Pacific Basin and the world. He went on to teach East Asian history at the University of Montana, and was a leading expert on Asia while in Congress. He then continued his life of public service as U.S. Ambassador to Japan from 1977 to 1989. He and his wife Maureen shared a love for Asia and a commitment to building relationships that would support strong U.S.-Asia relations.

Mr. TESTER. The Mansfield Foundation has been committed to carrying out this mission since it was established in 1983. For the past 30 years, the Foundation has offered important opportunities for U.S. and Asian leaders in government and business to exchange views and build relationships that strengthen cooperation between our countries. These exchanges, policy dialogues, and research and education

opportunities are the legacies of Mike Mansfield's passion for broader cultural understanding.

Mr. BAUCUS. For example, the Mike Mansfield Fellowship Program, a centerpiece of the Foundation's work, has been building a corps of U.S. Federal Government employees with Japan expertise since it was established by Congress in 1994. This program allows U.S. officials to gain practical experience working in the Japanese government. More than 100 Fellows representing 23 U.S. agencies and the U.S. Congress have entered the Fellowship Program since its establishment. The Foundation's other programs include:

Exchanges that allow U.S. and Asian government officials, researchers and policy experts to explore best practices, expand their contacts, and gain expertise and experience. The many exchanges organized by the Foundation include Washington, D.C. visits for members of Japan's Diet, Korea's National Assembly, and the Chinese government.

Policy dialogues that facilitate substantive discussions on complex U.S.-Asian issues including international trade, national security, the rule of law, energy and environmental challenges.

Programs that identify and foster new generations of American Asia experts with the goal of strengthening dialogue, research, and cooperation between the United States and Asia into the future.

Research and education initiatives, including support for the Maureen and Mike Mansfield Center at the University of Montana.

Mr. TESTER. Mike Mansfield served Montanans in Congress as a fair player who was focused on building consensus. He recognized the importance of fostering relationships between the United States and our friends across the Pacific. For 30 years, his vision for U.S.-Asia relations has continued through the work of the Mansfield Foundation. We are pleased to recognize the Foundation's 30th anniversary and to commend the Foundation for its continued efforts to build bridges of understanding with the region that Mike and Maureen Mansfield long recognized as the place ''where our future lies.''

TAKE OUR DAUGHTERS AND SONS TO WORK DAY

Ms. LANDRIEU. Madam President, today, young women and men from Louisiana and the Washington, DC, area are my special guests for Take Our Daughters and Sons to Work Day. We were joined by over 100 young women and men here at the Capitol today with their parents, grandparents, and guardians to participate in work in the Senate.

I want to acknowledge the Ms. Foundation that started the national Take Our Daughters and Sons to Work Day program over 20 years ago. I would like to particularly thank Leader REID and Leader MCCONNELL for opening up the Senate floor today for these wonderful young people.

I ask unanimous consent that the names of the young women and men be printed in the RECORD.

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

Donald Cravins III, from Opelousas, LA, son of Donald and Yvette Cravins;

Antonio Clayton Jr., from Oscar, LA, son of Tony and Paula Clayton;

Giselle Mayorkas, from Washington DC, daughter of Alejandro and Tanya Mayorkas;

Kathleen Boulet, from Lafayette, LA, daughter of David and Monique Boulet;

Gabriella Trentacoste, from Gretna, LA, daughter of Gerard and Theresa Trentacoste;

Olivia Sensenbrenner, from New Orleans, LA, daughter of Paige Sensenbrenner and Madeline Landrieu;

Laura Lagomasino, from Fairfax, VA, daughter of Whitney Reitz;

Louis Lagomasino, from Fairfax, VA, son of Whitney Reitz;

Sarah Campbell, from Washington Grove, MD, daughter of Paul Campbell and Wendy Harris;

Karrington Knight, from New Orleans, LA, daughter of Brian and Lori Knight;

Lindsey Shankle, from New Orleans, LA, daughter of Kim Harper;

Isabella Hotard, from New Orleans, LA, daughter of Jim and Jane Hotard;

Niels Mitchell from Washington, DC, son of Luke and Kirsten Mitchell;

Madison Smith from New Orleans, daughter of Glen and Marilyn Smith;

Macie Grubbs from Gretna, LA, daughter of Kevin and Melissa Grubbs.

Please join me in welcoming my exceptional guests, and their family members who have accompanied them, to the United States Senate.

ADDITIONAL STATEMENTS

REMEMBERING DOUGLAS CARPENTER

● Mr. JOHNSON of South Dakota. Madam President, I rise to honor a man who dedicated his life to his family and community, Douglas ''Doug'' Carpenter. On April 17, 2013, Mr. Carpenter passed away in his Watertown, SD, home at the age of 87.

Born in the small South Dakota town of Fedora, Mr. Carpenter was raised with his nine brothers and sisters. After graduating from Fedora High School, he enlisted with the U.S. Army and served as a bandsman for 2 years during World War II. Mr. Carpenter's musical aptitude was recognized on numerous occasions. He served over 20 years as first chair trombone and trombone soloist with the South Dakota Army National Guard.

Music became a focus of study for Mr. Carpenter. He graduated from Dakota Wesleyan University in 1950 and, later, received his masters of music from the University of South Dakota. After meeting his loving wife, Donna, he taught courses including band and singing in Geddes, Tripp, and eventually Watertown. Together, Mr. and Mrs. Carpenter raised a beautiful family and shared their love of music with students and the community.

Mr. Carpenter was the director of the Watertown Municipal Band for more than 45 years, and was recognized for his musical achievements and outstanding dedication to his students. In 1975, he was elected Teacher of the Year. The same year he retired from teaching, 1987, the American Bandmasters Association honored him and, in 1992, the South Dakota Bandmasters Association inducted him into their Hall of Fame. The Watertown community acknowledged his expertise by granting him the privilege of serving as the adjudicator for many parades, marching contests, and music competitions.

The countless contributions and selfless dedication of Mr. Carpenter will not be forgotten. I extend my deepest condolences to the Carpenter family; his children Barry Carpenter, Kay Prchal, Lee Ann McCallum, and David Carpenter; his nine grandchildren, two great grandchildren, two sisters, and many nieces and nephews. South Dakota lost a truly talented and giving friend.●

RECOGNIZING MEADOW BRIDGE HIGH SCHOOL

● Mr. MANCHIN. Madam President, today I wish to speak with great pride about a high school in my home State of West Virginia and the important role it is playing in our American democracy—Meadow Bridge High School in Fayette County.

For the 12th year in a row, 100 percent of the senior class at Meadow Bridge High School is registered to vote. This is a truly incredible accomplishment, and I am unaware of any school in our great State—or any school anywhere in the country, for that matter—that has registered every student in their senior class every year for the past 12 years.

Young voters eligible to vote today are 44 million strong—more than one-fifth of the country's electorate—and they are changing the face of American democracy.

They are engaged in their communities, they are passionate about issues, and they are politically aware. In the most recent elections, they have turned out in record numbers.

They may be the future of our country, but their voices—and their votes—count NOW.

This is just what West Virginia's own Jennings Randolph expected when he was working relentlessly in the Senate to win passage of the 26th Amendment to our Constitution—the Amendment that lowered the voting age in America from 21 to 18. It became law in 1971, and our country is all the better for it.

Every vote counts. And every voter has not only a right but also a responsibility to take an active role in our electoral process.

I tell young people all the time that you cannot just sit on the sidelines—you have to get in the game and get active, especially when it is the future of America that is at stake. Democracy is not a spectator sport.

When I served as Secretary of State in West Virginia, from 2000 to 2004, one of my top priorities was to educate our young people about the electoral process and encourage them to get involved. That was the purpose of the Sharing History and Reaching Every Student Program, also known as the SHARES program.

I am proud to say that before I left the office of Secretary of State, we had registered 42,000 high school students to vote. And, of course, those efforts have continued for the past dozen years since the SHARES program began, but nowhere more successfully than at Meadow Bridge High School.

It would be remarkable enough if 100 percent of any high school senior class was registered to vote. But to accomplish that 12 years in a row is truly extraordinary—not just a testament to the dedication of the school's staff but also a reflection of the students' commitment to their community and civic responsibility.

In fact, Principal Al Martine reports that the students themselves now take on the challenge of reaching the 100 percent registration mark. It's a matter of pride and patriotism.

The right to vote is so precious because it is the right by which all our other rights are protected. So by getting our young adults involved, we are preparing them to be active and passionate defenders of our rights as Americans.

This is not a Democrat or Republican issue, but one that all Americans can and should embrace, the way the students, faculty and staff at Meadow Bridge High School have done. And I congratulate them on the example they have set for high school seniors everywhere.●

REMEMBERING ROBERT EARL HOLDING

● Mr. RISCH. Madam President, my colleague, Senator MIKE CRAPO joins me today in recognizing the extraordinary life of Robert Earl Holding.

Idaho has lost a great visionary with his recent passing. As an entrepreneur, he saw potential in many businesses, including the Idaho resort Sun Valley.

Earl Holding came from modest means. It is well-documented how he started his business empire with the purchase of a motel called Little America in Green River, WY. He expanded the chain and added gas and oil businesses that operate in the western United States.

Earl purchased the Sun Valley Resort in 1977 and he had a long-term vision for the resort that was business as well as a labor of love.

Restoring Sun Valley Resort to its glory days took great attention to detail and substantial investment. He built ski lodges with stunning views, added high-speed quad lifts and state-of-the-art snowmaking equipment. Earl worked to create a superb skiing experience that brought Idahoans and out of staters to its slopes to an extent that wasn't possible in the past. His focus on excellence resulted in Sun Valley being regularly ranked as a top snow skiing destination.

His transformation of Sun Valley, coupled with his involvement in the 2002 Winter Olympics and the hosting of the 2009 International Special Olympics at the Sun Valley Nordic Center, led to his induction into the U.S. Ski and Snowboard Hall of Fame in 2011.

Earl renovated the Sun Valley Lodge more than once and upgraded the resort's golf course. He made Sun Valley into a year-round resort that allowed area businesses to expand and create new jobs. Local governments and residents have greatly appreciated his vision and long-term commitment to the resort.

Sun Valley is a special place to my wife, Vicki, and me. Our whole family has spent numerous nights in the Sun Valley Lodge—a tradition we continue to this day. It was always a pleasure to run into Earl and his wife, Carol and sit and talk in such a beautiful place. They were very gracious and it was always an enjoyable time with them.

We cannot forget in every step of the way, he had a wonderful partner in Carol. They were a great team and for every story of Earl waiting tables, there is a story of Carol cleaning rooms. For 64 years, they were partners in every sense of the word. Our thoughts and prayers are with Carol and their three children during this time.

Earl Holding was a devoted husband and father and an accomplished businessman. He had integrity in his business dealings and was loyal to his employees. He valued his customers and he was generous in many ways.

Idaho and America has had a great man pass from our midst, but we are all better off because of his presence.●

TRIBUTE TO FREDRICK MAYER

● Mr. ROCKEFELLER. Madam President, I would like to speak today about a remarkable constituent of mine, Mr. Fredrick Mayer. His story is one of truly incredible bravery, and Mr. Mayer is one of the great unsung heroes of World War II. His selfless patriotism and unique service to the United States merit our recognition.

Born to a Jewish family in Germany, Mr. Mayer was forced to flee the rise of nazism in his home country, and as a young man he immigrated to the United States with his family. After the attack on Pearl Harbor, Mr. Mayer enlisted in the U.S. Army. There, his talents were quickly recognized, and Mr. Mayer was soon recruited into the Office of Strategic Services, OSS—a predecessor to the CIA. Once in the OSS, Mr. Mayer was presented with an unimaginably dangerous mission—to be clandestinely sent back into Nazi territory to collect critical military intelligence from behind enemy lines.

Mr. Mayer accepted his mission with full knowledge that as a Jewish-American spy, he would almost surely be killed if he was captured. Having escaped Nazi Germany only years earlier, he also accepted this mission with a unique appreciation for the injustices that were being done by Nazi forces and with a deep sense of duty to help his new home country—the United States—put an end to those injustices.

What happened next is perhaps best told in the words of Mr. Mayer's commanding officer in a May 31, 1945, written assessment of Mr. Mayer's performance:

> Technical Sergeant Mayer parachuted into enemy occupied territory and remained there for three months, gathering secret intelligence and rallying Austrian resistance elements. During this period Technical Sergeant Mayer exhibited not only the highest degree of courage under constant risk of his life, but remarkable qualities of leadership and organization which made it possible for him to contact and win the support of anti-Nazi elements of all classes and walks of life, and eventually to arrange the surrender of Innsbruck to American troops.

Ultimately, Mr. Mayer spent nearly 3 months living behind enemy lines, often wearing a German officer's uniform and using forged papers to move openly without capture. In that guise, Mr. Mayer covertly organized a network of anti-Nazi Austrians and clandestinely collected vital intelligence that was then relayed by his radio operator to OSS headquarters in Italy. According to now unclassified documents, Mr. Mayer collected and relayed information on a wide array of critical subjects—important Nazi war factories, schedules relating to the movement of Nazi troops and material to and from the battlefront, the status of Nazi defenses at key tunnels, bridges, and highway bottlenecks, and the whereabouts of Mussolini, Daladier, and Hitler.

In one case, intelligence gathered by Mr. Mayer about the assembly and schedules of 26 military trains that were being sent to the Italian front led to the trains' destruction and blocked the Brenner Pass completely until well after the war ended.

After months of successful operations, Mr. Mayer was betrayed by one of his contacts. He was then arrested by the Gestapo and brutally tortured while in captivity. Nevertheless, throughout the harsh interrogations, Mr. Mayer refused to give up the location of his radio operator.

As a prisoner, Mr. Mayer was able to use his language skills and quick thinking to convince his captors to grant him a meeting with senior Nazi officers, and as American troops approached, he helped persuade the Nazi

commanders to surrender Innsbruck—likely preventing a final battle with U.S. forces that would have resulted in even greater casualties.

In the end, Mr. Mayer led what is now regarded as one of the most successful OSS covert operations of World War II—Operation GREENUP. His bravery, remarkable in any context, is even more noteworthy given his willingness to selflessly return to enemy territory, not far from the childhood home he was forced to flee. He did this to help win the war, and he did this in service to the United States.

Mr. Mayer is now 92 years old and lives in Charles Town, WV. He is a very humble man who does not brag about his wartime accomplishments. Thankfully, that deep humility does not mean that his amazing story has been lost, and I am honored to recognize Fred's service here today.●

REMEMBERING GIFFORD PHILLIPS

● Mr. UDALL of New Mexico. Madam President, today I wish to remember Gifford Phillips, who passed away on April 17 at the age of 94. Over the course of a long life, Gifford was a truly great champion of the arts. He was also a friend to all who had the good fortune to know him. My wife Jill and I count ourselves among that very fortunate number.

Gifford was born on June 30, 1918, in Chevy Chase, MD, into a prominent family. He began life with great advantages, but also with a great loss. His father, James Phillips, died that same year from the influenza epidemic when Gifford was just 4 months old.

The Phillips family has long been a dedicated benefactor of the arts in our country. The Phillips Collection in Washington, DC, was begun in 1921 by Gifford's uncle, Duncan Phillips. Duncan founded the museum in memory of his brother, James, and their father, who had died in 1917. Mourning these profound losses, Duncan Phillips found solace in art. ''Sorrow all but overwhelmed me,'' he later recalled. ''Then I turned to my love of painting for the will to live.''

Gifford no doubt also learned these lessons well: that privilege without generosity is hollow, that life brings the pain of grief but also the joy of art. He lived his life in a way that reflected that understanding. In doing so, he was a credit to a renowned family, and he helped enrich the culture of our nation.

His life as an art philanthropist began early, when he donated a painting by Cezanne to the Phillips Collection in memory of his father. Gifford and Joann, his wife of 60 years, were not just avid collectors of art but tireless advocates for art. Richard Diebenkorn. Mark Rothko. Claire Falkenstein—these are just a few of the contemporary artists they championed.

Gifford was a successful businessman, but it was his passion for the arts and his political activism that seemed to most animate his life. As a patron of the arts and as a political activist, he wanted to share his advantages with others. And he had a great deal of fun along the way. He was a prominent supporter of George McGovern's Presidential campaign in 1972 and, to his delight, earned a place on President Nixon's enemies list.

Like his Uncle Duncan, the words ''founded by'' often precede his name. Gifford founded Frontier magazine, a west coast political monthly, with editor Phil Kirby in 1949. He published it until 1966, when it merged with the Nation magazine. He was the founding chairman of the Contemporary Art Council at the Los Angeles County Museum of Art in 1961.

In 1989, he and Joann began the Chamiza Foundation in Santa Fe to support Pueblo culture. The Chamiza Foundation was recognized by the New Mexico Legislature in 2009 for its efforts to sustain the cultural continuity of New Mexico's Pueblo tribes.

Gifford Phillips will be remembered for his generous spirit, for his passion for the arts, for his commitment to social justice. Gifford found joy in art, in those lasting creations that inspire us, that move us, and that make us more fully human. He wanted others to share that joy, and it is his great legacy that people from all walks of life, for generations to come, will do so.

Jill and I were proud to call Gifford Phillips a friend. We extend to Joann and the Phillips family our sincere condolences.●

RECOGNIZING THE FREDERICKSBURG BIG BAND

● Mr. WARNER. Madam President, I am pleased to honor the Fredericksburg Big Band for their significant contribution to culture and charitable organizations in central Virginia.

In March of 1966 the Fredericksburg Big Band was formed when a group of musicians gathered at the old American Legion Hall in Fredericksburg and began a revival of 1930s and 1940s big band music. They initially began playing simply because they enjoyed the music. Later that year the band was asked to play for the King George Fall Festival and began making public appearances. Soon after, they had the idea of playing for charities because these civic-minded musicians wanted to make a difference for people in their communities. The mission of the band soon became to provide music at charity events throughout the central Virginia area. The band continues that tradition to this day.

Since the inception of the band in March of 1966, it has performed at many charity events in the central Virginia area and helped local organizations to collectively raise well over $2 million. Of notable mention are two long standing events: The Fredericksburg Big Band has performed a September concert sponsored by the Salvation Army Women's Auxillary since 1988 and Fredericksburg Parks and Recreation has sponsored the Fredericksburg Big Band March concert at the University of Mary Washington since 1987 as a means for the band to give back to the community.

The Big Band consists of local business and music professionals who donate their time to the group's mission, including past directors Philip Heim, DuVal Hicks, Richard Phillips, Joseph Ulman, and current director Stephen Sanford, who has been a member of the band since 1975. The current members of the band are: Stephen Sanford, director; Ron Pronk, Karen Blake, Jeremy Cooper, Terry Rooker, and John Robie on saxophone; Paul Rawlins, Stephen Sanford, Earl Sam, and Jim Breakiron on trombone; Marc Weigel, Kevin Shipe, James Canty, and Dave Greenfield on trumpet; Kathryn Hichborn on keyboard; Frankie Blackburn on guitar; Michael Rinckey on string bass; Dave Fosdick and Ray Homoroc on drums; and Mary Jo Prouty as vocalist. Current substitutes include Luke Grey on string bass, Gary Carper on trombone and Mike Sanders on trumpet.

Despite the many changes in the Fredericksburg Big Band membership over the past 47 years, their mission of supporting charitable organizations and their dedication to keeping the sound of the big band alive remains strong. I ask the U.S. Senate to join me in congratulating the Fredericksburg Big Band on their civic-minded, philanthropic success and dedication to the arts.●

TRIBUTE TO W. RUSSELL RAMSEY

● Mr. WARNER. Madam President, I rise today to congratulate my friend Russ Ramsey as he completes his successful tenure as the chairman of the Board of the George Washington University. After 15 years on the board of trustees—six as chairman—uss will step down this June. Over the last few years he has overseen the remarkable growth and success of GW and worked to focus the institution on opportunities in Virginia, throughout the region, and around the globe.

He has presided over a renewal in GW's commitment to their Virginia Science and Technology Campus. That campus now totals more than 100 acres and includes 17 research laboratories in areas such as high-performance computing, renewable energy, and computational biology. Perhaps most importantly, it is the home to GW's new School of Nursing—the first of GW's 10 schools to be located in the Commonwealth. Chairman Ramsey has overseen the creation of a Virginia committee of the board of trustees, the development and acquisition of new buildings on the VSTC, innovative partnerships with institutions like the Textile Museum, and the redevelopment of Barcroft Field in collaboration with Arlington County.

Beyond GW's efforts in Virginia, Chairman Ramsey has worked to elevate GW to the status of a world-class institution leading the search for GW's 16th president, Dr. Steven Knapp, overseeing a remarkable growth in fundraising, and guiding GW to make new investments in scientific research, technology transfer and entrepreneurship.

Russ Ramsey is himself a successful entrepreneur, having built multibillion-dollar businesses primarily in the fields of investment banking and money management. He is most widely known as cofounder of Friedman, Billings, Ramsey Group. In 2001, he founded Ramsey Asset Management, a long/short equity hedge fund based in McLean, VA, where he is chairman, CEO, and CIO today.

He attended the George Washington University School of Business on a baseball scholarship and earned his bachelor of business administration in 1981. He is a native Washingtonian and lives with his wife Norma and their four children in Northern Virginia. Through the W. Russell and Norma G. Ramsey Foundation, they are actively committed to philanthropic causes dedicated to at-risk families through education and health programs. The Ramseys are founding investors of Venture Philanthropy Partners, which has invested nearly $80 million in nonprofits in the greater Washington area over the last 10 years.

Please join me in congratulating my friend Russ Ramsey for all of his contributions to the George Washington University, the Commonwealth of Virginia, and the greater Washington region.●

RECOGNIZING REBEKAH FORMAN

● Mr. BARRASSO. Madam President, I would like to take the opportunity to express my appreciation to Rebekah Forman for her continued hard work as an intern in my Cheyenne office. I recognize her efforts and contributions to my office as well as to the State of Wyoming.

Rebekah is a native of Sheridan, WY, and a graduate of Sheridan High School. She currently attends the Laramie County Community College. She has once again demonstrated a strong work ethic, which has made her an invaluable asset to our office. The quality of her work is reflected in her great efforts over the last several months.

I thank Rebekah for the dedication she has shown while working for me and my staff. It was a pleasure to have her as part of our team. I know she will have continued success with all of her future endeavors. I wish her all my best on her next journey.●

RECOGNIZING BRANDI HAUPT

● Mr. BARRASSO. Madam President, I would like to take the opportunity to express my appreciation to Brandi Haupt for her hard work as an intern in my Casper office. I recognize her efforts and contributions to my office as well as to the State of Wyoming.

Brandi is a native of Casper, WY, and is a graduate of Kelly Walsh High School. She currently attends Casper College, where she is majoring in chemistry and prepharmacy. She has demonstrated a strong work ethic, which has made her an invaluable asset to our office. The quality of her work is reflected in his great efforts over the last several months.

I thank Brandi for the dedication she has shown while working for me and my staff. It was a pleasure to have her as part of our team. I know she will have continued success with all of her future endeavors. I wish her all my best on her next journey.●

RECOGNIZING DUSTIN HONAKER

● Mr. BARRASSO. Madam President, I would like to take the opportunity to express my appreciation to Dustin Honaker for his hard work as an intern in my Republican policy committee office. I recognize his efforts and contributions to my office as well as to the State of Wyoming.

Dustin is a native of Rock Springs, WY. He is a graduate of the University of Wyoming, where he earned a degree in political science. He has demonstrated a strong work ethic, which has made him an invaluable asset to our office. The quality of his work is reflected in his great efforts over the last several months.

I thank Dustin for the dedication he has shown while working for me and my staff. It was a pleasure to have him as part of our team. I know he will have continued success with all of his future endeavors. I wish him all my best on his next journey.●

RECOGNIZING BROUCK KUCZYNSKI

● Mr. BARRASSO. Madam President, I would like to take the opportunity to express my appreciation to Brouck Kuczynski for her hard work as an intern in my Republican policy committee office. I recognize her efforts and contributions to my office as well as to the State of Wyoming.

Brouck is a native of Virginia and a graduate of Villanova University in Pennsylvania. She currently attends the University of Pittsburgh School of Law, where she is expected to graduate in a few weeks. She has demonstrated a strong work ethic, which has made her an invaluable asset to our office. The quality of her work is reflected in her great efforts over the last several months.

I thank Brouck for the dedication she has shown while working for me and my staff. It was a pleasure to have her as part of our team. I know she will have continued success with all of her future endeavors. I wish her all my best on her next journey.●

RECOGNIZING CHRIS PERRY

● Mr. BARRASSO. Madam President, I would like to take the opportunity to express my appreciation to Chris Perry for his hard work as an intern in my Casper office. I recognize his efforts and contributions to my office as well as to the State of Wyoming.

Chris is from Casper, WY, and a graduate of Natrona County High School. He currently attends Casper College, where he is majoring in business administration. He has demonstrated a strong work ethic, which has made him an invaluable asset to our office. The quality of his work is reflected in his great efforts over the last several months.

I thank Chris for the dedication he has shown while working for me and my staff. It was a pleasure to have him as part of our team. I know he will have continued success with all of his future endeavors. I wish him all my best on his next journey.●

RECOGNIZING AMBER PRICE

● Mr. BARRASSO. Madam President, I would like to take the opportunity to express my appreciation to Amber Price for her hard work as an intern in my Washington, DC, office. I recognize her efforts and contributions to my office as well as to the State of Wyoming.

Amber is a native of Gilbert, AZ. She graduated from the University of California, San Diego, with a degree in political science. She has demonstrated a strong work ethic, which has made her an invaluable asset to our office. The quality of her work is reflected in her great efforts over the last several months.

I thank Amber for the dedication she has shown while working for me and my staff. It was a pleasure to have her as part of our team. I know she will have continued success with all of her future endeavors. I wish her all my best on her next journey.●

RECOGNIZING ADAM STAHL

● Mr. BARRASSO. Madam President, I would like to take the opportunity to express my appreciation to Adam Stahl for his hard work as an intern in my Washington, DC, office. I recognize his efforts and contributions to my office as well as to the State of Wyoming.

Adam is a native of Guilford, CT, and a graduate of the University of Rochester, where he earned a degree in history. He has demonstrated a strong work ethic, which has made him an invaluable asset to our office. The quality of his work is reflected in his great efforts over the last several months.

I thank Adam for the dedication he has shown while working for me and my staff. It was a pleasure to have him as part of our team. I know he will have continued success with all of his future endeavors. I wish him all my best on his next journey.●

RECOGNIZING CRAIG THOMAS

● Mr. BARRASSO. Madam President, I would like to take the opportunity to express my appreciation to Craig Thomas for his hard work as an intern in my Washington, DC, office. I recognize his efforts and contributions to my office as well as to the State of Wyoming.

Craig is a native of Rock Springs, WY. He grew up in Fairfax, VA, where he graduated from Oakton High School. Craig currently attends the University of Alabama, where he is majoring in business management. He has demonstrated a strong work ethic, which has made him an invaluable asset to our office. The quality of his work is reflected in his great efforts over the last several months.

I thank Craig for the dedication he has shown while working for me and my staff. It was a pleasure to have him as part of our team. I know he will have continued success with all of his future endeavors. I wish him all my best on his next journey.●

RECOGNIZING MICHAEL TRUJILLO

● Mr. BARRASSO. Madam President, I would like to take the opportunity to express my appreciation to Michael Trujillo for his hard work as an intern in my Cheyenne office. I recognize his efforts and contributions to my office as well as to the State of Wyoming.

Michael is a native of Laramie and a graduate of Laramie Senior High School. He currently attends the University of Wyoming, where he is majoring in political science and journalism. He has demonstrated a strong work ethic, which has made him an invaluable asset to our office. The quality of his work is reflected in his great efforts over the last several months.

I thank Michael for the dedication he has shown while working for me and my staff. It was a pleasure to have him as part of our team. I know he will have continued success with all of his future endeavors. I wish him all my best on his next journey.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, 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 which were referred to the appropriate committees.

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

MESSAGE FROM THE HOUSE

At 1:46 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H. R. 360. An act to award posthumously a Congressional Gold Medal to Addie Mae Collins, Denise McNair, Carole Robertson, and Cynthia Wesley to commemorate the lives they lost 50 years ago in the bombing of the Sixteenth Street Baptist Church, where these 4 little Black girls' ultimate sacrifice served as a catalyst for the Civil Rights Movement.

H. R. 1071. An act to specify the size of the precious-metal blanks that will be used in the production of the National Baseball Hall of Fame commemorative coins.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 799. A bill to provide for a sequester replacement.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–1326. A communication from the Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDTC 13–056, of the proposed sale or export of defense articles and/or defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Foreign Relations.

EC–1327. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Azoxystrobin; Pesticide Tolerances'' (FRL No. 9384–2) received in the Office of the President of the Senate on April 23, 2013; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1328. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Bacillus mycoides isolate J; Time-Limited Exemption from the Requirement of a Tolerance'' (FRL No. 9383–1) received in the Office of the President of the Senate on April 23, 2013; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1329. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Vice Admiral William R. Burke, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

EC–1330. A communication from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting, a report relative to a vacancy in the Department of the Navy, received in the Office of the President of the Senate on April 23, 2013; to the Committee on Armed Services.

EC–1331. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to Yemen that was originally declared in Executive Order 13611 on May 16, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC–1332. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to Burma that was declared in Executive Order 13047 of May 20, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC–1333. A communication from the Assistant to the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled ''Definitions of 'Predominantly Engaged In Financial Activities' and 'Significant' Nonbank Financial Company and Bank Holding Company'' (RIN7100–AD64) received in the Office of the President of the Senate on April 22, 2013; to the Committee on Banking, Housing, and Urban Affairs.

EC–1334. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Evaluations of Explosions Postulated to Occur at Nearby Facilities and on Transportation Routes Near Nuclear Power Plants'' (Regulatory Guide 1.91) received in the Office of the President of the Senate on April 23, 2013; to the Committee on Environment and Public Works.

EC–1335. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Oregon: Open Burning and Enforcement Procedures'' (FRL No. 9793–5) received in the Office of the President of the Senate on April 23, 2013; to the Committee on Environment and Public Works.

EC–1336. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; District of Columbia; Volatile Organic Compounds Emissions Reductions Regulations'' (FRL No. 9806–6) received in the Office of the President of the Senate on April 23, 2013; to the Committee on Environment and Public Works.

EC–1337. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Federal Plan Requirements for Hospital/Medical/Infectious Waste Incinerators Constructed On or Before December 1, 2008, and Standards of Performance for New Stationary Sources: Hospital/Medical/Infectious Waste Incinerators'' (FRL No. 9802–3) received in the Office of the President of the Senate on April 23, 2013; to the Committee on Environment and Public Works.

EC–1338. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Applicable Federal Rates—May 2013'' (Rev. Rul. 2013–11) received in the Office of the President of the Senate on April 23, 2013; to the Committee on Finance.

EC–1339. A communication from the Secretary of the Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled ''Clearing Exemption for Swaps Between Certain Affiliated Entities'' (RIN3038–AD47) received in the Office of the President of the Senate on April 22, 2013; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1340. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to

law, the 2012 annual report on voting practices in the United Nations; to the Committee on Foreign Relations.

EC–1341. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report consistent with the Authorization for Use of Military Force Against Iraq Resolution of 2002 (P.L. 107–243) and the Authorization for the Use of Force Against Iraq Resolution (P.L. 102–1) for the December 22, 2012–February 19, 2013 reporting period; to the Committee on Foreign Relations.

EC–1342. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 13–014); to the Committee on Foreign Relations.

EC–1343. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled ''Visas: Documentation of Immigrants Under the Immigration and Nationality Act, as Amended'' (RIN1400–AD39) received during adjournment of the Senate in the Office of the President of the Senate on April 19, 2013; to the Committee on Foreign Relations.

EC–1344. A communication from the Acting Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the issuance of a determination to waive certain restrictions on maintaining a Palestine Liberation Organization (PLO) Office in Washington and on the receipt and expenditure of PLO funds for a period of six months; to the Committee on Foreign Relations.

EC–1345. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, an annual report on mining activities as required by the Mine Improvement and New Emergency Response Act of 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–1346. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled ''Report to Congress on Dual Language Learners in Head Start and Early Head Start Programs''; to the Committee on Health, Education, Labor, and Pensions.

EC–1347. A communication from the Members of the Railroad Retirement Board, transmitting, pursuant to law, the Board's Congressional Justification of Budget Estimates Report for fiscal year 2014; to the Committee on Health, Education, Labor, and Pensions.

EC–1348. A communication from the Assistant Secretary for the Employment and Training Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Wage Methodology for the Temporary Non-Agricultural Employment H–2B Program, Part 2'' (RIN1205–AB69) received in the Office of the President of the Senate on April 22, 2013; to the Committee on Health, Education, Labor, and Pensions.

EC–1349. A communication from the Acting Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report entitled ''2012 Report to Congress on the Benefits and Costs of Federal Regulations and Unfunded Mandates on State, Local, and Tribal Entities''; to the Committee on Homeland Security and Governmental Affairs.

EC–1350. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Prevailing Rate Systems; Redefinition of the St. Louis, MO; Southern Missouri; Cleveland, OH; and Pittsburgh, PA, Appropriated Fund Federal Wage System Wage Areas'' (RIN3206–AM70) received in the Office of the President of the Senate on April 23, 2013; to the Committee on Homeland Security and Governmental Affairs.

EC–1351. A communication from the President and Chief Executive Officer, Overseas Private Investment Corporation, transmitting, pursuant to law, the Corporation's fiscal year 2012 annual report relative to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002; to the Committee on Homeland Security and Governmental Affairs.

EC–1352. A communication from the Acting Director, Environmental Protection Agency, transmitting, pursuant to law, the Agency's fiscal year 2012 annual report relative to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002; to the Committee on Homeland Security and Governmental Affairs.

EC–1353. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the Office's fiscal year 2012 annual report relative to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002; to the Committee on Homeland Security and Governmental Affairs.

EC–1354. A communication from the Federal Liaison Officer, Patent and Trademark Office, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Changes to Implement the Technical Corrections to the Leahy-Smith America Invents Act as to Inter Partes Review'' (RIN0651–AC83) received in the Office of the President of the Senate on April 16, 2013; to the Committee on the Judiciary.

EC–1355. A communication from the Principal Deputy Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, the Annual Report to Congress for the Office of Justice Programs' Bureau of Justice Assistance for fiscal year 2011; to the Committee on the Judiciary.

EC–1356. A communication from the Chief of the Office of Regulatory Affairs, Bureau of Alcohol, Tobacco, Firearms, and Explosives, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Importation of Defense Articles and Defense Services—U.S. Munitions Import List'' (RIN1140–AA46) received in the Office of the President of the Senate on April 22, 2013; to the Committee on the Judiciary.

EC–1357. A communication from the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Agency, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Schedules of Controlled Substances: Placement of Methylone Into Schedule I'' (Docket No. DEA–357) received in the Office of the President of the Senate on April 15, 2013; to the Committee on the Judiciary; to the Committee on the Judiciary.

EC–1358. A communication from the General Counsel, Executive Office for Immigration Review, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Registry for Attorneys and Representatives'' (RIN1125–AA39) received in the Office of the President of the Senate on April 15, 2013; to the Committee on the Judiciary.

EC–1359. A communication from the General Counsel, Executive Office for Immigration Review, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Forwarding of Asylum Applications to the Department of State'' (RIN1125–AA65) received in the Office of the President of the Senate on April 15, 2013; to the Committee on the Judiciary.

EC–1360. A communication from the Chief Justice of the Supreme Court of the United States, transmitting, pursuant to law, the amendments to the Federal Rules of Criminal Procedure that have been adopted by the Supreme Court of the United States; to the Committee on the Judiciary.

EC–1361. A communication from the Chief Justice of the Supreme Court of the United States, transmitting, pursuant to law, the amendments to the Federal Rules of Evidence that have been adopted by the Supreme Court of the United States; to the Committee on the Judiciary.

EC–1362. A communication from the Chief Justice of the Supreme Court of the United States, transmitting, pursuant to law, the amendments to the Federal Rules of Appellate Procedure that have been adopted by the Supreme Court of the United States; to the Committee on the Judiciary.

EC–1363. A communication from the Chief Justice of the Supreme Court of the United States, transmitting, pursuant to law, the amendments to the Federal Rules of Bankruptcy Procedure that have been adopted by the Supreme Court of the United States; to the Committee on the Judiciary.

EC–1364. A communication from the Chief Justice of the Supreme Court of the United States, transmitting, pursuant to law, the amendments to the Federal Rules of Civil Procedure that have been adopted by the Supreme Court of the United States; to the Committee on the Judiciary.

EC–1365. A communication from the Principal Deputy Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report entitled ''Debt Collection Recovery Activities of the Department of Justice for Civil Debts Referred for Collection Annual Report for Fiscal Year 2012''; to the Committee on the Judiciary.

EC–1366. A communication from the Principal Deputy Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report entitled ''Report of the Attorney General to the Congress of the United States on the Administration of the Foreign Agents Registration Act of 1938, as amended for the six months ending June 30, 2012''; to the Committee on the Judiciary.

EC–1367. A communication from the Chairman of the United States Commission on Civil Rights, transmitting, pursuant to law, the Commission's Strategic Plan for fiscal years 2014–2018; to the Committee on the Judiciary.

EC–1368. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Northeast Multispecies Fishery Management Plan; Amendment 19'' (RIN0648–BC48) received in the Office of the President of the Senate on April 24, 2013; to the Committee on Commerce, Science, and Transportation.

EC–1369. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 620 in the Gulf of Alaska'' (RIN0648–XC575) received in the Office of the President of the Senate on April 24, 2013; to the Committee on Commerce, Science, and Transportation.

EC–1370. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in the West Yakutat District of the Gulf of Alaska'' (RIN0648–XC582) received in the Office of the President of the Senate on April 24, 2013; to the Committee on Commerce, Science, and Transportation.

EC–1371. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to

law, the report of a rule entitled ''Accessible Emergency Information, and Apparatus Requirements for Emergency Information and Video Description: Implementation of the Twenty-First Century Communications and Video Accessibility Act of 2010. . . .'' (RIN3065–AJ85) received during recess of the Senate in the Office of the President of the Senate on April 19, 2013; to the Committee on Commerce, Science, and Transportation.

EC–1372. A communication from the Deputy Chief Counsel for Regulations and Security Standards, Transportation Security Administration, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Provisions for Fees Related to Hazardous Materials Endorsements and Transportation Worker Identification Credentials'' ((49 CFR Part 1572) (Amendment No. 1572–10)) received in the Office of the President of the Senate on April 23, 2012; to the Committee on Commerce, Science, and Transportation.

EC–1373. A communication from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting, pursuant to law, a report entitled ''Energy Conservation Program: Energy Conservation Standards for Distribution Transformers'' (RIN1904–AC04) received in the Office of the President of the Senate on April 24, 2013; to the Committee on Energy and Natural Resources.

EC–1374. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled ''Innovative Products and Treatments to Achieve Abstinence From Tobacco Use, Reductions in Consumption of Tobacco, and Reductions in the Harm Associated With Continued Tobacco Use''; to the Committee on Health, Education, Labor, and Pensions.

EC–1375. A communication from the Diversity and Inclusion Programs Director, Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the Board's fiscal year 2012 annual report relative to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002; to the Committee on Homeland Security and Governmental Affairs.

EC–1376. A communication from the Chairman, Merit Systems Protection Board, transmitting, pursuant to law, the Board's fiscal year 2012 Annual Performance Report and the fiscal years 2013–2014 Annual Performance Plan; to the Committee on Homeland Security and Governmental Affairs.

EC–1377. A communication from the Director, Office of Diversity Management and Equal Opportunity, Office of the Under Secretary of Defense (Readiness and Force Management), transmitting, pursuant to law, a compilation of fiscal year 2012 reports from the Department of Defense Components relative to the implementation of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002; to the Committee on Homeland Security and Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment:

S. 607. A bill to improve the provisions relating to the privacy of electronic communications.

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. DONNELLY:

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; to the Committee on Armed Services.

By Mrs. GILLIBRAND:

S. 811. A bill to amend the Emergency Food Assistance Act of 1983 to provide for the increased purchase of Kosher and Halal food and to modify the labeling of the commodities list under the emergency food assistance program to enable Kosher and Halal food bank operators to identify which commodities to obtain from local food banks; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. WYDEN (for himself and Ms. MURKOWSKI):

S. 812. A bill to authorize the Secretary of the Interior to take actions to implement the Agreement between the United States of America and the United Mexican States Concerning Transboundary Hydrocarbon Reservoirs in the Gulf of Mexico; to the Committee on Energy and Natural Resources.

By Mr. REID (for Mr. LAUTENBERG (for himself, Mrs. SHAHEEN, Mrs. BOXER, Mrs. GILLIBRAND, Mrs. MURRAY, Ms. WARREN, and Mr. MURPHY)):

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; to the Committee on Foreign Relations.

By Mr. REID (for Mr. LAUTENBERG):

S. 814. A bill to provide stronger penalties for violations of the Chemical Facility Anti-Terrorism Standards; to the Committee on Homeland Security and Governmental Affairs.

By Mr. MERKLEY (for himself, Mr. HARKIN, Mr. KIRK, Ms. COLLINS, and Ms. BALDWIN):

S. 815. A bill to prohibit the employment discrimination on the basis of sexual orientation or gender identity; to the Committee on Health, Education, Labor, and Pensions.

By Mr. UDALL of Colorado (for himself and Mr. BENNET):

S. 816. A bill to amend the Omnibus Public Land Management Act of 2009 to provide for the conduct of stewardship end result contracting projects; to the Committee on Energy and Natural Resources.

By Mrs. GILLIBRAND (for herself and Mr. ROCKEFELLER):

S. 817. A bill to exempt the Federal Aviation Administration from sequestration, and for other purposes; to the Committee on Finance.

By Ms. COLLINS (for herself, Mr. UDALL of Colorado, Mr. RISCH, Mr. TOOMEY, Mrs. HAGAN, Mr. ISAKSON, and Mr. ROBERTS):

S. 818. A bill to provide the Secretary of Transportation with the flexibility to transfer certain funds to prevent furloughs by the Federal Aviation Administration, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BURR:

S. 819. A bill to amend title 38, United States Code, to require a program of mental health care and rehabilitation for veterans for service-related post-traumatic stress disorder, depression, anxiety disorder, or a related substance use disorder, and for other purposes; to the Committee on Veterans' Affairs.

By Mrs. FEINSTEIN (for herself, Ms. STABENOW, and Ms. COLLINS):

S. 820. A bill to provide for a uniform national standard for the housing and treatment of egg-laying hens, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. GILLIBRAND (for herself, Mr. BROWN, Mr. COWAN, Mr. CASEY, Mr. SANDERS, Mr. SCHUMER, Mr. HARKIN, and Mr. FRANKEN):

S. 821. A bill to amend the Department of Agriculture Reorganization Act of 1994 to establish in the Department of Agriculture a Healthy Food Financing Initiative; to the Committee on Agriculture, Nutrition, and Forestry.

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

S. 822. A bill to protect crime victims' rights, to eliminate the substantial backlog of DNA samples collected from crime scenes and convicted offenders, to improve and expand the DNA testing capacity of Federal, State, and local crime laboratories, to increase research and development of new DNA testing technologies, to develop new training programs regarding the collection and use of DNA evidence, to provide post conviction testing of DNA evidence to exonerate the innocent, to improve the performance of counsel in State capital cases, and for other purposes; to the Committee on the Judiciary.

By Mr. WHITEHOUSE:

S. 823. A bill to authorize the appropriation of $500,000,000 for fiscal year 2014 to provide grants to States for surface transportation projects of national and regional significance; to the Committee on Environment and Public Works.

By Mr. MENENDEZ (for himself, Mrs. SHAHEEN, Mr. BEGICH, Mr. BLUMENTHAL, Mr. BROWN, Mr. LAUTENBERG, Mr. LEAHY, Mr. MERKLEY, and Mr. UDALL of New Mexico):

S. 824. A bill to amend the Securities Exchange Act of 1934 to require shareholder authorization before a public company may make certain political expenditures, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

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

S. 825. A bill to amend title 38, United States Code, to improve the provision of services for homeless veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. REID (for Mr. LAUTENBERG (for himself, Mr. BLUMENTHAL, Mr. HARKIN, and Mr. DURBIN)):

S. 826. A bill to amend the Internal Revenue Code of 1986 to reform and enforce taxation of tobacco products; to the Committee on Finance.

By Mr. MENENDEZ (for himself, Mr. NELSON, Mr. DURBIN, Mr. REED, and Mr. WHITEHOUSE):

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; to the Committee on Finance.

By Mr. MENENDEZ (for himself, Mr. NELSON, Mr. DURBIN, Mr. REED, and Mr. WHITEHOUSE):

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; to the Committee on Environment and Public Works.

By Mrs. HAGAN:

S. 829. A bill to improve the financial literacy of students; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MANCHIN (for himself, Ms. MURKOWSKI, Mr. ROCKEFELLER, Mr. HOEVEN, Ms. LANDRIEU, Mr. PORTMAN, and Mr. VITTER):

S. 830. A bill to amend the Federal Water Pollution Control Act to clarify and confirm the authority of the Environmental Protection Agency to deny or restrict the use of defined areas as disposal sites for the discharge of dredged or fill material; to the Committee on Environment and Public Works.

By Mr. COATS (for himself, Mr. LEE, Mr. BARRASSO, Mr. CHAMBLISS, Mr. COBURN, Mr. CRAPO, Mr. ENZI, Mr. HOEVEN, Mr. ISAKSON, Mr. RISCH, Mr. VITTER, Mr. WICKER, Mr. SESSIONS, and Mr. HATCH):

S. 831. A bill to limit the authority of the Secretary of the Interior to issue regulations before December 31, 2017, under the Surface Mining Control and Reclamation Act of 1977; to the Committee on Energy and Natural Resources.

By Mr. DONNELLY:

S. 832. A bill to require the Secretary of Veterans Affairs to carry out pilot programs on furnishing case management services and assisted living to children of Vietnam veterans and certain Korea service veterans born with spina bifida and children of women Vietnam veterans born with certain birth defects, and for other purposes; to the Committee on Veterans' Affairs.

By Mrs. MURRAY (for herself and Mr. FRANKEN):

S. 833. A bill to amend subtitle B of title VII of the McKinney-Vento Homeless Assistance Act to provide education for homeless children and youths, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. MURRAY (for herself and Mr. FRANKEN):

S. 834. A bill to amend the Child Care and Development Block Grant Act of 1990 to ensure access to high-quality child care for homeless children and families, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SCHUMER (for himself, Mr. MENENDEZ, Ms. STABENOW, Mr. ROCKEFELLER, Mr. BROWN, Mr. CARDIN, Mr. WHITEHOUSE, and Mr. DURBIN):

S. 835. A bill to amend the Internal Revenue Code of 1986 to extend and modify the American Opportunity Tax Credit, and for other purposes; to the Committee on Finance.

By Mr. BROWN (for himself, Mr. DURBIN, Mr. SCHUMER, Mr. BAUCUS, Mr. ROCKEFELLER, Mr. WYDEN, Ms. STABENOW, Mr. MENENDEZ, Mr. CARDIN, Mr. CASEY, Mrs. MURRAY, Mr. LAUTENBERG, Mrs. GILLIBRAND, Mr. COWAN, Mr. WHITEHOUSE, Mr. REED, Ms. HIRONO, Mr. HARKIN, Mr. LEVIN, Mrs. BOXER, Mr. BLUMENTHAL, Mr. BEGICH, Mr. SCHATZ, Ms. KLOBUCHAR, Mr. FRANKEN, Mr. BENNET, Ms. WARREN, Mr. JOHNSON of South Dakota, Mr. MERKLEY, and Mr. MURPHY):

S. 836. A bill to amend the Internal Revenue Code of 1986 to strengthen the earned income tax credit and make permanent certain tax provisions under the American Recovery and Reinvestment Act of 2009; to the Committee on Finance.

By Mr. HARKIN (for himself, Mr. LEAHY, Mr. BROWN, Mr. TESTER, Mr. CASEY, Ms. KLOBUCHAR, Mr. UDALL of New Mexico, Mr. MERKLEY, Mr. FRANKEN, and Mr. JOHNSON of South Dakota):

S. 837. A bill to expand and improve opportunities for beginning farmers and ranchers, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. MCCASKILL (for herself and Mr. BLUNT):

S. 838. A bill to amend the Internal Revenue Code of 1986 to protect employees in the building and construction industry who are participants in multiemployer plans, and for other purposes; to the Committee on Finance.

By Mr. NELSON (for himself, Mr. ROCKEFELLER, Mr. SCHATZ, and Ms. HIRONO):

S. 839. A bill to reauthorize the Coral Reef Conservation Act of 2000, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. FRANKEN (for himself and Mr. BENNET):

S. 840. A bill to recruit, support, and prepare principals to improve student academic achievement at eligible schools; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BENNET (for himself and Mr. UDALL of Colorado):

S. 841. A bill to designate certain Federal land in the San Juan National Forest in the State of Colorado as wilderness, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SCHUMER (for himself and Mr. GRASSLEY):

S. 842. A bill to amend title XVIII of the Social Security Act to provide for an extension of the Medicare-dependent hospital (MDH) program and the increased payments under the Medicare low-volume hospital program; to the Committee on Finance.

By Mr. INHOFE:

S. 843. A bill to limit the amount of ammunition purchased or possessed by certain Federal agencies for a 6-month period; to the Committee on Homeland Security and Governmental Affairs.

By Mr. SANDERS (for himself, Ms. MIKULSKI, and Mr. BROWN):

S. 844. A bill to amend the Elementary and Secondary Education Act of 1965 in order to support the community schools model; to the Committee on Health, Education, Labor, and Pensions.

By Mr. TESTER (for himself and Mr. MORAN):

S. 845. A bill to amend title 38, United States Code, to improve the Department of Veterans Affairs Health Professionals Educational Assistance Program, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. DURBIN:

S. 846. 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. CRAPO (for himself and Mr. RISCH):

S. 847. A bill to amend the Marine Mammal Protection Act of 1972 to allow the importation of polar bear trophies taken in sport hunts in Canada before the date on which the polar bear was determined to be a threatened species under the Endangered Species Act of 1973; to the Committee on Commerce, Science, and Transportation.

By Mr. REED (for himself and Mr. GRASSLEY):

S. 848. A bill to promote transparency by permitting the Public Company Accounting Oversight Board to allow its disciplinary proceedings to be open to the public, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BENNET (for himself, Mr. BAUCUS, and Mr. UDALL of Colorado):

S. 849. A bill to amend the Healthy Forests Restoration Act of 2003 to provide for the conduct of stewardship contracting projects, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. ALEXANDER (for himself, Mr. JOHANNS, Mr. ENZI, Mr. ROBERTS, Mr. BLUNT, Mr. INHOFE, Mr. ISAKSON, Mr. SCOTT, Mr. KIRK, Mr. RUBIO, Mr. COBURN, and Mr. RISCH):

S. 850. A bill to prohibit the National Labor Relations Board from taking any action that requires a quorum of the members of the Board until such time as Board constituting a quorum shall have been confirmed by the Senate, the Supreme Court issues a decision on the constitutionality of the appointments to the Board made in January 2012, or the adjournment sine die of the first session of the 113th Congress; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SANDERS:

S. 851. A bill to amend title 38, United States Code, to extend to all veterans with a serious service-connected injury eligibility to participate in the family caregiver services program; to the Committee on Veterans' Affairs.

By Mr. SANDERS:

S. 852. A bill to improve health care furnished by the Department of Veterans Affairs by increasing access to complementary and alternative medicine and other approaches to wellness and preventive care, and for other purposes; to the Committee on Veterans' Affairs.

By Ms. COLLINS (for herself, Mr. ROCKEFELLER, Mr. THUNE, Mr. UDALL of Colorado, Mr. RISCH, Mrs. HAGAN, Mr. ROBERTS, Mr. ISAKSON, Mr. TOOMEY, Mrs. MCCASKILL, Ms. MURKOWSKI, Mr. WARNER, Mr. CHAMBLISS, Mr. NELSON, Mr. BEGICH, and Mr. HELLER):

S. 853. A bill 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; considered and passed.

By Mr. MERKLEY (for himself, Mr. FRANKEN, and Mr. BEGICH):

S. 854. A bill to improve student academic achievement in science, technology, engineering, and mathematics subjects; to the Committee on Health, Education, Labor, and Pensions.

By Mr. NELSON:

S. 855. A bill to increase the portion of community development block grants that may be used to provide public services, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. JOHANNS (for himself, Mr. WYDEN, and Mrs. FISCHER):

S.J. Res. 14. A joint resolution amending title 36, United States Code, to designate the last Friday in April as Arbor Day; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Ms. WARREN (for herself, Mr. COWAN, Mr. REID, Mr. MCCONNELL, Mr. ALEXANDER, Ms. AYOTTE, Ms. BALDWIN, Mr. BARRASSO, Mr. BAUCUS, Mr. BEGICH, Mr. BENNET, Mr. BLUMENTHAL, Mr. BLUNT, Mr. BOOZMAN, Mrs. BOXER, Mr. BROWN, Mr. BURR, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mr. COATS, Mr. COBURN, Mr. COCHRAN, Ms. COLLINS, Mr. COONS, Mr. CORKER, Mr. CORNYN, Mr. CRAPO, Mr. CRUZ, Mr. DONNELLY, Mr. DURBIN, Mr. ENZI, Mrs. FEINSTEIN, Mrs. FISCHER, Mr. FLAKE, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. GRASSLEY, Mrs. HAGAN, Mr. HARKIN, Mr. HATCH, Mr. HEINRICH, Ms. HEITKAMP, Mr. HELLER, Ms. HIRONO, Mr. HOEVEN, Mr. INHOFE, Mr. ISAKSON, Mr. JOHANNS, Mr. JOHNSON of Wisconsin, Mr. JOHNSON of South Dakota, Mr.

KAINE, Mr. KING, Mr. KIRK, Ms. KLOBUCHAR, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEE, Mr. LEVIN, Mr. MANCHIN, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Mr. MORAN, Ms. MURKOWSKI, Mr. MURPHY, Mrs. MURRAY, Mr. NELSON, Mr. PAUL, Mr. PORTMAN, Mr. PRYOR, Mr. REED, Mr. RISCH, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. RUBIO, Mr. SANDERS, Mr. SCHATZ, Mr. SCHUMER, Mr. SCOTT, Mr. SESSIONS, Mrs. SHAHEEN, Mr. SHELBY, Ms. STABENOW, Mr. TESTER, Mr. THUNE, Mr. TOOMEY, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. VITTER, Mr. WARNER, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN):

S. Res. 115. A resolution commending the heroism, courage, and sacrifice of Sean Collier, an officer in the Massachusetts Institute of Technology Police Department, Martin Richard, an 8-year-old resident of Dorchester, Massachusetts, Krystle Campbell, a native of Medford, Massachusetts, Lu Lingzi, a student at Boston University, and all the victims who are recovering from injuries caused by the attacks in Boston, Massachusetts, including Richard Donohue, Jr., an officer in the Massachusetts Bay Transportation Authority Transit Police Department; considered and agreed to.

By Mrs. FISCHER (for herself and Ms. KLOBUCHAR):

S. Res. 116. A resolution designating September 26, 2013, as ''National Pediatric Brain Cancer Awareness Day''; considered and agreed to.

By Mr. CASEY (for himself and Mr. FRANKEN):

S. Res. 117. A resolution recognizing and supporting the goals and ideals of National Sexual Assault Awareness and Prevention Month; to the Committee on the Judiciary.

By Ms. STABENOW (for herself, Mr. UDALL of Colorado, Mr. ISAKSON, and Mr. JOHANNS):

S. Res. 118. A resolution supporting the designation of April as Parkinson's Awareness Month; considered and agreed to.

By Mr. COONS (for Mr. WICKER (for himself, Mr. COONS, Mr. RUBIO, Mr. BOOZMAN, Mr. COCHRAN, Mr. CARDIN, Mr. INHOFE, Mr. KIRK, Mr. ISAKSON, Mrs. MURRAY, Mr. DURBIN, Mr. LAUTENBERG, Ms. MIKULSKI, and Mr. BROWN)):

S. Res. 119. A resolution supporting the goals and ideals of World Malaria Day; considered and agreed to.

By Mr. LEAHY (for Mr. WICKER (for himself, Mr. LEAHY, Mr. SCHUMER, and Mr. GRASSLEY)):

S. Res. 120. A resolution supporting the mission and goals of 2013 National Crime Victims' Rights Week to increase public awareness of the rights, needs, and concerns of, and services available to assist, victims and survivors of crime in the United States; considered and agreed to.

By Mrs. MCCASKILL (for herself and Mr. BLUNT):

S. Res. 121. A resolution expressing support for the designation of May 1, 2013, as ''Silver Star Service Banner Day''; considered and agreed to.

By Mr. UDALL of Colorado (for himself, Mr. CORNYN, Mr. REID, Mr. MENENDEZ, Mr. UDALL of New Mexico, Mr. ENZI, and Mr. CRUZ):

S. Res. 122. A resolution recognizing the historic significance of the Mexican holiday of Cinco de Mayo; considered and agreed to.

By Ms. KLOBUCHAR (for herself and Mr. FRANKEN):

S. Res. 123. A resolution congratulating the University of Minnesota women's ice hockey team on winning its second straight National Collegiate Athletic Association Women's Ice Hockey Championship; considered and agreed to.

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

S. Res. 124. A resolution to authorize testimony in writing, documents, and representation in Whitnum v. Town of Greenwich, et al; considered and agreed to.

By Mr. MENENDEZ (for himself, Mr. REID, Mr. CRAPO, Mr. DURBIN, Mrs. MURRAY, Ms. LANDRIEU, and Mr. LAUTENBERG):

S. Res. 125. A resolution designating April 30, 2013, as ''Dia de los Ninos: Celebrating Young Americans''; considered and agreed to.

By Mr. REID (for Mr. LAUTENBERG):

S. Res. 126. A resolution recognizing the teachers of the United States for their contributions to the development and progress of our country; to the Committee on Health, Education, Labor, and Pensions.

By Ms. AYOTTE (for herself and Mrs. SHAHEEN):

S. Res. 127. A resolution commemorating the 10-year anniversary of the loss of the State symbol of New Hampshire, the Old Man of the Mountain; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 123

At the request of Mrs. GILLIBRAND, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of S. 123, a bill to modernize voter registration, promote access to voting for individuals with disabilities, protect the ability of individuals to exercise the right to vote in elections for Federal office, and for other purposes.

S. 138

At the request of Mr. VITTER, the name of the Senator from Ohio (Mr. PORTMAN) 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. 154

At the request of Mr. COBURN, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of S. 154, a bill to amend title I of the Patient Protection and Affordable Care Act to ensure that the coverage offered under multi-State qualified health plans offered in Exchanges is consistent with the Federal abortion funding ban.

S. 226

At the request of Mr. TESTER, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of S. 226, a bill to amend the Family and Medical Leave Act of 1993 to provide leave because of the death of a son or daughter.

S. 257

At the request of Mr. BOOZMAN, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 257, a bill to amend title 38, United States Code, to require courses of education provided by public institutions of higher education that are approved for purposes of the educational assistance programs administered by the Secretary of Veterans Affairs to charge veterans tuition and fees at the in-State tuition rate, and for other purposes.

S. 296

At the request of Mr. LEAHY, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 296, a bill to amend the Immigration and Nationality Act to eliminate discrimination in the immigration laws by permitting permanent partners of United States citizens and lawful permanent residents to obtain lawful permanent resident status in the same manner as spouses of citizens and lawful permanent residents and to penalize immigration fraud in connection with permanent partnerships.

S. 313

At the request of Mr. CASEY, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 313, a bill to amend the Internal Revenue Code of 1986 to provide for the tax treatment of ABLE accounts established under State programs for the care of family members with disabilities, and for other purposes.

S. 338

At the request of Mr. BAUCUS, the name of the Senator from Wisconsin (Ms. BALDWIN) was added as a cosponsor of S. 338, a bill to amend the Land and Water Conservation Fund Act of 1965 to provide consistent and reliable authority for, and for the funding of, the land and water conservation fund to maximize the effectiveness of the fund for future generations, and for other purposes.

S. 367

At the request of Mr. CARDIN, the name of the Senator from New Mexico (Mr. HEINRICH) was added as a cosponsor of S. 367, a bill to amend title XVIII of the Social Security Act to repeal the Medicare outpatient rehabilitation therapy caps.

S. 375

At the request of Mr. TESTER, the name of the Senator from California (Mrs. BOXER) 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 Texas (Mr. CORNYN) 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. 411

At the request of Mr. ROCKEFELLER, the names of the Senator from Nevada (Mr. HELLER) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 411, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 462

At the request of Mrs. BOXER, the name of the Senator from Nevada (Mr.

HELLER) was added as a cosponsor of S. 462, a bill to enhance the strategic partnership between the United States and Israel.

S. 502

At the request of Mr. CASEY, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 502, a bill to assist States in providing voluntary high-quality universal prekindergarten programs and programs to support infants and toddlers.

S. 534

At the request of Mr. TESTER, the names of the Senator from Montana (Mr. BAUCUS), the Senator from New Hampshire (Mrs. SHAHEEN) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 534, a bill to reform the National Association of Registered Agents and Brokers, and for other purposes.

S. 541

At the request of Mr. HEINRICH, his name was added as a cosponsor of S. 541, a bill to prevent human health threats posed by the consumption of equines raised in the United States.

S. 577

At the request of Mr. NELSON, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 577, a bill to amend title XVIII of the Social Security Act to provide for the distribution of additional residency positions, and for other purposes.

S. 579

At the request of Mr. MENENDEZ, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 579, a bill to direct the Secretary of State to develop a strategy to obtain observer status for Taiwan at the triennial International Civil Aviation Organization Assembly, and for other purposes.

S. 623

At the request of Mr. CARDIN, the name of the Senator from New Mexico (Mr. HEINRICH) 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. 635

At the request of Mr. BROWN, the names of the Senator from Arkansas (Mr. BOOZMAN), the Senator from Alaska (Mr. BEGICH), the Senator from Ohio (Mr. PORTMAN) and the Senator from Connecticut (Mr. MURPHY) were added as cosponsors of S. 635, a bill to amend the Gramm-Leach-Bliley Act to provide an exception to the annual written privacy notice requirement.

S. 675

At the request of Ms. AYOTTE, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 675, a bill to prohibit contracting with the enemy.

S. 728

At the request of Mr. SCHUMER, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 728, a bill to amend the Internal Revenue Code of 1986 to extend the exclusion from gross income for employer-provided health coverage for employees' spouses and dependent children to coverage provided to other eligible designated beneficiaries of employees.

S. 749

At the request of Mr. CASEY, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 749, a bill to amend the Internal Revenue Code of 1986 to permanently extend the 15-year recovery period for qualified leasehold improvement property, qualified restaurant property, and qualified retail improvement property.

S. 751

At the request of Mr. COATS, the name of the Senator from Wisconsin (Mr. JOHNSON) was added as a cosponsor of S. 751, a bill to amend the Food, Conservation, and Energy Act of 2008 to authorize producers on a farm to produce fruits and vegetables for processing on the base acres of the farm.

S. 783

At the request of Mr. WYDEN, the name of the Senator from Maine (Mr. KING) was added as a cosponsor of S. 783, a bill to amend the Helium Act to improve helium stewardship, and for other purposes.

S. 789

At the request of Mr. BAUCUS, the names of the Senator from Oregon (Mr. WYDEN) and the Senator from Alaska (Ms. MURKOWSKI) 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. 790

At the request of Mrs. MCCASKILL, the names of the Senator from Tennessee (Mr. CORKER) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 790, a bill to require the United States International Trade Commission to recommend temporary duty suspensions and reductions to Congress, and for other purposes.

S. 794

At the request of Mr. HOEVEN, the name of the Senator from New Mexico (Mr. HEINRICH) was withdrawn as a cosponsor of S. 794, a bill to prevent an increase in flight delays and cancellations, and for other purposes.

At the request of Mr. HOEVEN, the names of the Senator from Louisiana (Mr. VITTER) and the Senator from Missouri (Mrs. MCCASKILL) were added as cosponsors of S. 794, supra.

S. 798

At the request of Mr. BROWN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 798, a bill to address equity capital requirements for financial institutions, bank holding companies, subsidiaries, and affiliates, and for other purposes.

S. 805

At the request of Mr. ROCKEFELLER, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 805, a bill to improve compliance with mine and occupational safety and health laws, and empower workers to raise safety concerns, prevent future mine and other workplace tragedies, and establish rights of families of victims of workplace accidents, and for other purposes.

S. CON. RES. 15

At the request of Mr. HARKIN, the names of the Senator from Connecticut (Mr. MURPHY) and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of S. Con. Res. 15, a concurrent resolution expressing the sense of Congress that the Chained Consumer Price Index should not be used to calculate cost-of-living adjustments for Social Security or veterans benefits, or to increase the tax burden on low- and middle-income taxpayers.

AMENDMENT NO. 746

At the request of Mr. MERKLEY, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of amendment No. 746 intended to be proposed to S. 743, a bill to restore States' sovereign rights to enforce State and local sales and use tax laws, and for other purposes.

AMENDMENT NO. 747

At the request of Mr. MERKLEY, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of amendment No. 747 intended to be proposed to S. 743, a bill to restore States' sovereign rights to enforce State and local sales and use tax laws, and for other purposes.

AMENDMENT NO. 749

At the request of Mr. TOOMEY, the names of the Senator from Oregon (Mr. MERKLEY) and the Senator from New Hampshire (Mrs. SHAHEEN) were added as cosponsors of amendment No. 749 intended to be proposed to S. 743, a bill to restore States' sovereign rights to enforce State and local sales and use tax laws, and for other purposes.

AMENDMENT NO. 757

At the request of Mrs. SHAHEEN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of amendment No. 757 intended to be proposed to S. 743, a bill to restore States' sovereign rights to enforce State and local sales and use tax laws, and for other purposes.

AMENDMENT NO. 760

At the request of Ms. AYOTTE, the name of the Senator from Texas (Mr. CRUZ) was added as a cosponsor of amendment No. 760 intended to be proposed to S. 743, a bill to restore States' sovereign rights to enforce State and local sales and use tax laws, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DONNELLY:

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; to the Committee on Armed Services.

Mr. DONNELLY. Mr. President, I wish to take time to speak about an important issue that needs immediate attention, suicide among our servicemembers and veterans. Last year, we lost more servicemen and women to suicide than we lost in combat in Afghanistan.

In 2012, approximately 349 members of the U.S. military, including Active-Duty, Guard, and Reserve, committed suicide—more than the total number of servicemembers who died in combat operations. This number does not even include the more than 6,000 veterans we lost last year to suicide. This is unacceptable. This has to end.

Today, I am introducing my first bill as a Senator, the Jacob Sexton Military Suicide Prevention Act of 2013. We are doing this to address this pervasive issue. This bill seeks to better identify servicemembers struggling with mental health issues and to ensure they receive the assistance they need before resorting to this tragic act.

I named this bill after a member of the Indiana National Guard, Jacob Sexton, a native of farmland Indiana, who tragically took his life in 2009 while home on a 15-day leave from Afghanistan. His death came as a shock to his family and his friends as well as his fellow Guard members.

This is a picture of Jacob while on duty. He is an American hero. He did everything he could to serve his country and to help people from another country, to help people around the world live a better life.

A couple months ago, I heard from Jacob's dad Jeff, and I have since learned about his childhood in Indiana, Jacob's service to our Nation, and the big heart he always showed through his dedication to bringing winter coats to all the kids he met in Afghanistan during his deployment.

Jeff, along with his wife and Jacob's mom Barbara, has since become an advocate for suicide prevention. They want to make sure what happened to Jacob doesn't happen to anyone else. They helped inspire this bill, and I thank them for their dedication to preventing these tragedies for other parents and loved ones of men and women in uniform.

This is a collage made in honor of Jacob by his mom Barbara, and it is a reflection of who he was, the things he did, the people he served, and the wonderful spirit of ''can do'' and ''how can I help my country'' that permeated who he was. My hope is we can help men and women similar to Jacob who are struggling with mental health issues to get the help they need before they resort to taking their own life.

The facts on military suicides are stark. According to the Department of Veterans Affairs and the Centers for Disease Control, at least 30,000 veterans and military members have committed suicide since the Department of Defense began closely tracking these numbers in 2009. It is important to note suicide is not necessarily linked to deployments abroad. Since the Defense Department Suicide Prevention Office began keeping detailed records in 2008, less than half of suicide victims had deployed and few were involved in combat.

Most of DOD's existing suicide prevention programs work within the context of deployments. As we draw down in Afghanistan and away from the strain of multiple deployments, it is time to find a more integrated solution that does not rely on the deployment cycle to the servicemember's mental health. Instead, research has shown that other risk factors, such as relationship issues, legal or financial issues or substance abuse play a larger role in suicides than a servicemember's deployment history.

We have heard this firsthand from crisis intervention officers right in my home State of Indiana. Further, many of these suicide victims did not communicate their intent to take their own life nor did they have known behavioral health issues. Given the facts before us, what does the current mental health system look like? The current mental health systems for both Active and Retired military rely on a servicemember's or a veteran's willingness to self-report suicidal thoughts and to seek out assistance. The backup to this system is if family members, peers or coworkers identify changes in behavior and then recommend their loved one or friend seek assistance.

How do we improve this system? The Jacob Sexton Military Suicide Prevention Act of 2013 would establish a pilot program in each of the military services and also the Reserve components to integrate annual mental health assessments into a servicemember's periodic health assessment—or PHA. That is an annual review designed to track whether a servicemember is fit to serve. The pilot program would expand that review to include a more detailed mental health review and to identify those risk factors for mental illness so servicemembers can receive preventive care and help.

By building on the system that monitors the member from induction to transition into veteran status, an expanded review, including a mental health assessment, would create a holistic picture of a servicemember's readiness to serve. The servicemember can carry this record with them as they leave the service, and it could help inform any future claims for veterans' benefits.

The Jacob Sexton Military Suicide Prevention Act would also integrate a first-line supervisor's input. The first-line supervisor plays an important role in a servicemember's life and may be aware of relationships or financial problems but not be able to address them unless the servicemember speaks up. Sometimes these problems affect performance. The supervisor's input would help identify potential triggers for stress and suicidal tendencies or problems in work performance.

The results of the whole questionnaire would be reviewed by mental health specialists. If problems or risk factors are identified, servicemembers would be referred to behavioral health specialists for further evaluation and medical care.

I included in this legislation—and this is critical—privacy protections to ensure information collected through the survey is used only for medical purposes. It cannot be used for promotion, retention or disciplinary purposes. I strongly believe a servicemember should not bear any consequence for reporting on their mental health or trying to seek out mental health assistance.

Finally, as I think we should expect of all government programs and proposals, my bill would require an assessment as to whether it is actually working. To determine the effectiveness of the program and the ways to move forward, this bill would require a report from the Department of Defense to Congress on the impact of the program in identifying behavioral health concerns and interventions in suicides.

We have lost far too many men and women such as Jacob. Let us come together in a bipartisan fashion to honor the memories of Jacob and all those Americans we have lost by working to improve our ability to spot warning signs before it is too late. I urge my colleagues to support this legislation on behalf of those who sacrifice so much for our Nation every day.

By Mrs. FEINSTEIN (for herself, Ms. STABENOW, and Ms. COLLINS):

S. 820. A bill to provide for a uniform national standard for the housing and treatment of egg-laying hens, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce the Egg Products Inspection Act Amendments of 2013 with Agriculture Committee Chairwoman DEBBIE STABENOW and Senator COLLINS as original cosponsors.

This legislation establishes a single, national standard for the humane treatment of egg-laying hens.

The bill text represents a historic compromise between the United Egg Producers, who represent about 90 percent of the eggs produced in the United States, and the Humane Society, the Nation's largest animal-welfare organization.

The bill is supported by 14 agriculture and egg producer groups, the four major veterinary groups involved in avian medicine, five consumer organizations, and hundreds more groups nationwide.

Nearly 10 years ago, voters started taking an interest in insuring that

their eggs were being produced humanely. This resulted in State level legislation and a number of initiatives, including Proposition 2 in California, to reform the agriculture industry.

Many of these efforts were successful. State laws governing egg production were enacted in 6 states, and a patchwork of differing state-based regulation has emerged.

Compounding the problem is the lack of a standard for egg labeling. This makes it difficult for consumers to know exactly what they are purchasing and understand what the labels mean.

This situation has two principal effects.

First, the uncertainty stifles economic growth in this important industry. Egg producers now face difficult choices when it comes to investing in their businesses. Why expand facilities and invest in new technologies when rules may change and invalidate your investment? Why expand into new markets when those new markets may be closed to you in just a few short years?

Second, consumers are limited in their ability to make choices. At the supermarket, consumers are bombarded with different labels, ''humanely-raised,'' ''cage-free,'' and ''all-natural.'' But the definitions of these labels vary, and even when they are consistent the terms are vague. One person's ''all-natural'' may not be another person's ''all-natural.'' One company's ''cage-free'' may not be another company's ''cage-free.''

This legislation addresses both problems.

It increases the size of hen cages over the next 18 years and adds enrichments like perches and nests so chickens can engage in natural ''chicken'' behaviors, like scratching and nesting.

It outlaws the practice of depriving hens of food and water, a once-common practice to increase egg production.

It sets minimum air quality standards for hen houses, protecting workers and birds.

It establishes clear requirements for egg labeling so consumers know whether the eggs they buy come from hens that are caged, cage-free, free-range, or housed in enriched cages.

Farmers with 3,000 birds or fewer are exempted from the provisions of this legislation.

Also, organic, cage-free and free-range egg producers will be unaffected by the housing provisions of the bill. However, they may see increased sales, as consumers are able to more clearly tell what is available on store shelves as a result of the labeling provisions.

The legislation offers significant phase-in time to allow producers to make the necessary changes in the regular course of replacing their equipment. It is my understanding that hen cages generally last 10 to 15 years. So the 18-year phase-in included in the bill should offer sufficient time to implement changes to enriched cages.

This legislation is important in part because it represents a compromise between old adversaries.

In this agreement, egg producers and the Humane Society have joined forces to meet consumer demand, address concerns of the animal welfare community and resolve a decade-old struggle. The result is a bill widely supported by the industry, animal welfare advocates and consumers.

It is an example of commonsense cooperation in what has historically been a contentious space.

This bill also reflects changes already being made because of consumer demand. McDonalds, Burger King, Costco, Safeway and other companies are already phasing in new humane handling requirements for the production of the food that they sell.

Further, a survey by an independent research company, the Bantam Group, found that consumers support the industry transitioning to larger cages with enrichments by a ratio of 12 to 1.

Importantly, the Congressional Budget Office scores this legislation as having no cost, and a study by Agralytica, a consulting firm, found that this legislation would not have a substantial price effect on consumers. That means we can achieve these goals at little to no cost to taxpayers and consumers.

This legislation has been endorsed by leading scientists in the egg industry, the American Veterinary Medical Association and the two leading avian veterinary groups. Studies show these new cages can result in lower mortality and higher productivity for hens, making them more efficient for egg producers.

As many of my colleagues know, the legislation was the subject of a June 2012 Senate Agriculture Committee hearing. The hearing was attended by egg farmers from around the country—Georgia, Michigan, California, Mississippi, Iowa, Indiana, Minnesota, Ohio—all united in their support for uniform regulations.

The Secretary of Agriculture himself suggested that the legislation is a good example of ''thinking differently,'' and possibly even a way to get more Americans to support the farm bill and other rural issues. As he pointed out, egg producers deserve to know the rules of the road

The agreement in this bill is just the sort of reasonable thinking and compromise that we need more of in Washington.

I urge you to join me in supporting this legislation.

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

S. 822. A bill to protect crime victims' rights, to eliminate the substantial backlog of DNA samples collected from crime scenes and convicted offenders, to improve and expand the DNA testing capacity of Federal, State, and local crime laboratories, to increase research and development of new DNA testing technologies, to develop new training programs regarding the collection and use of DNA evidence, to provide post conviction testing of DNA evidence to exonerate the innocent, to improve the performance of counsel in State capital cases, and for other purposes; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, today, I am proud to introduce the Justice for All Reauthorization Act of 2013. The Justice for All Act, originally enacted in 2004, was an unprecedented bipartisan piece of criminal justice legislation. It was the most significant step Congress had taken in many years to improve the quality of justice in this country. I am pleased to be joined this year by Senator CORNYN as an original cosponsor of this legislation. I know that Senator CORNYN shares my commitment to ensuring public confidence in the integrity of the American justice system.

It is fitting that we introduce this bill now, during Crime Victims' Rights week, as we honor the victims of crime across the country, and reaffirm our commitment to seeking justice on their behalf. That commitment feels particularly important now, in light of this year's horrific events in Boston and Newtown. Nothing can eliminate the pain inflicted by those tragedies, but we can work together to ensure that the needs of those families are met so that they can find healing and begin to rebuild their lives.

This legislation takes important steps to strengthen rights for victims of crime. For example, it establishes an affirmative right to be informed of their rights under the Crime Victims' Rights Act and other key laws, and it takes several steps to make it easier for crime victims to assert those rights in court.

In addition to being Crime Victims' Rights Week, today is National DNA Day and it is appropriate to acknowledge the power DNA testing has had in improving our criminal justice system. One example of that impact has been in the testing of rape kits. This legislation reauthorizes the Debbie Smith DNA Backlog Reduction Act, which has provided significant funding to reduce the backlog of untested rape kits so that victims need not live in fear while kits languish in storage. That program is named after Debbie Smith who waited years after being attacked before her rape kit was tested and the perpetrator was caught. She and her husband Rob have worked tirelessly to ensure that others will not experience the ordeal she went through. I thank Debbie and Rob for their continuing help on this extremely important cause.

The legislation also includes significant measures to improve the administration of justice in our courts, including the use of post-conviction DNA testing. The bill is built on the work I began in 2000, when I introduced the Innocence Protection Act, which sought to ensure that defendants in the most serious cases receive competent representation and, where appropriate, access to post-conviction DNA testing

necessary to prove their innocence in those cases where the system got it grievously wrong.

The Innocence Protection Act became a key component of the Justice for All Act. The act also included vital provisions to ensure that crime victims would have the rights and protections they need and deserve and that States and communities would take major steps to reduce the backlog of untested rape kits and ensure prompt justice for victims of sexual assault. These and other important criminal justice provisions made the Justice for All Act a groundbreaking achievement in criminal justice reform.

The programs created by the Justice for All Act have had an enormous impact, and it is crucial that we reauthorize them. Unfortunately, it is clear that simply reauthorizing the existing law is not enough. Significant problems remain, and we must work together to address them.

In the years since the Justice for All Act passed, we have seen too many cases of people found to be innocent after spending years in jail. A California man, Brian Banks, was exonerated after spending five years in prison for a rape he did not commit. He recently signed with the Atlanta Falcons and will realize his dream of playing professional football. Brian's story had a happy ending, but too many wrongly convicted people are not as lucky. It is an outrage when an innocent person is punished, and this injustice is compounded when the true perpetrator remains on the streets, able to commit more crimes. We are all less safe when the system gets it wrong.

To that end, this legislation strengthens the Kirk Bloodsworth Post Conviction DNA Testing Grant Program, one of the key programs created in the Innocence Protection Act. Kirk Bloodsworth was a young man just out of the Marines when he was arrested, convicted, and sentenced to death for a heinous crime that he did not commit. He was the first person in the United States to be exonerated from a death row crime through the use of DNA evidence.

This program provides grants to States for testing in cases like Kirk's where someone has been convicted, but where significant DNA evidence was not tested. The last administration resisted implementing the program for several years, but we worked hard to see the program put into place. Now, money has gone out to a number of States, and is having an impact. The legislation we introduce today clarifies the conditions set for this program so that participating States are required to preserve key evidence, which is crucial, but are given further guidance about how to do so in a way that is attainable and will allow more states to participate.

This legislation takes important steps to ensure that all criminal defendants, including those who cannot afford a lawyer, receive effective representation. It requires the Department of Justice to assist States in developing an effective and efficient system of indigent defense. I know as a former prosecutor, that the system only works as it should when each side is well represented by competent and well-trained counsel. Fifty years after the Supreme Court's landmark decision in Gideon v. Wainwright, it is past time to ensure that all criminal defendants have effective representation before government authority takes away their liberty.

The bill also asks States to produce comprehensive plans for their criminal justice systems, which will help to ensure that criminal justice systems operate effectively as a whole and that all parts of the system work together and receive the resources they need.

The bill reauthorizes and improves key grant programs in a variety of areas throughout the criminal justice system. Importantly, it increases authorized funding for the Paul Coverdell Forensic Science Improvement Grant program, which is a vital program to assist forensic laboratories in performing the many forensic tests that are essential to solving crimes and prosecuting perpetrators.

In these times of tight budgets, it is important to note that this bill would make all of these improvements while responsibly reducing the total authorized funding under the Justice For All Act and that many of these changes will help States, communities, and the Federal Government save money in the long term.

I thank the many law enforcement and criminal justice organizations that have helped to pinpoint the needed improvements that this law attempts to solve and I appreciate their ongoing support in seeing it passed.

Today, we rededicate ourselves to building a criminal justice system in which the innocent remain free, the guilty are punished, and all sides have the tools, resources, and knowledge they need to advance the cause of justice. Americans need and deserve a criminal justice system which keeps us safe, ensures fairness and accuracy, and fulfills the promise of our constitution. This bill will take important steps to bring us closer to that goal.

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. 822

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 ''Justice for All Reauthorization Act of 2013''.

SEC. 2. CRIME VICTIMS' RIGHTS.

(a) IN GENERAL.—Section 3771 of title 18, United States Code, is amended—

(1) in subsection (a), by adding at the end the following:

''(9) The right to be informed of the rights under this section and the services described in section 503(c) of the Victims' Rights and Restitution Act of 1990 (42 U.S.C. 10607(c)) and provided contact information for the Office of the Victims' Rights Ombudsman of the Department of Justice.'';

(2) in subsection (d)(3), in the fifth sentence, by inserting '', unless the litigants, with the approval of the court, have stipulated to a different time period for consideration'' before the period; and

(3) in subsection (e)—

(A) by striking ''this chapter, the term'' and inserting the following: ''this chapter:

''(1) COURT OF APPEALS.—The term 'court of appeals' means—

''(A) the United States court of appeals for the judicial district in which a defendant is being prosecuted; or

''(B) for a prosecution in the Superior Court of the District of Columbia, the District of Columbia Court of Appeals.

''(2) CRIME VICTIM.—

''(A) IN GENERAL.—The term'';

(B) by striking ''In the case'' and inserting the following:

''(B) MINORS AND CERTAIN OTHER VICTIMS.—In the case''; and

(C) by adding at the end the following:

''(3) DISTRICT COURT; COURT.—The terms 'district court' and 'court' include the Superior Court of the District of Columbia.''.

(b) CRIME VICTIMS FUND.—Section 1402(d)(3) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(d)(3) is amended—

(1) by inserting ''(A)'' before ''Of the sums''; and

(2) by adding at the end the following:

''(B) Amounts made available under subparagraph (A) may not be used for any purpose that is not specified in subparagraph (A).''.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS FOR GRANTS FOR CRIME VICTIMS.

(a) CRIME VICTIMS LEGAL ASSISTANCE GRANTS.—Section 103(b) of the Justice for All Act of 2004 (Public Law 108–405; 118 Stat. 2264) is amended—

(1) in paragraph (1), by striking ''$2,000,000'' and all that follows through ''2009'' and inserting ''$5,000,000 for each of fiscal years 2014, 2015, 2016, 2017, and 2018'';

(2) in paragraph (2), by striking ''$2,000,000'' and all that follows through ''2009,'' and inserting ''$5,000,000 for each of fiscal years 2014, 2015, 2016, 2017, and 2018'';

(3) in paragraph (3), by striking ''$300,000'' and all that follows through ''2009,'' and inserting ''$500,000 for each of fiscal years 2014, 2015, 2016, 2017, and 2018'';

(4) in paragraph (4), by striking ''$7,000,000'' and all that follows through ''2009,'' and inserting ''$11,000,000 for each of fiscal years 2014, 2015, 2016, 2017, and 2018''; and

(5) in paragraph (5), by striking ''$5,000,000'' and all that follows through ''2009,'' and inserting ''$7,000,000 for each of fiscal years 2014, 2015, 2016, 2017, and 2018''.

(b) CRIME VICTIMS NOTIFICATION GRANTS.—Section 1404E(c) of the Victims of Crime Act of 1984 (42 U.S.C. 10603e(c)) is amended by striking ''this section—'' and all that follows and inserting ''this section $5,000,000 for each of fiscal years 2014, 2015, 2016, 2017, and 2018.''.

SEC. 4. DEBBIE SMITH DNA BACKLOG GRANT PROGRAM.

Section 2(j) of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135(j)) is amended by striking ''fiscal years 2009 through 2014'' and inserting ''fiscal years 2014 through 2018''

SEC. 5. RAPE EXAM PAYMENTS.

Section 2010(d)(2) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–4(d)(2)) is amended by striking ''enactment of this Act'' and inserting ''enactment of the Violence Against Women Reauthorization Act of 2013''.

SEC. 6. ADDITIONAL REAUTHORIZATIONS.

(a) DNA TRAINING AND EDUCATION FOR LAW ENFORCEMENT.—Section 303(b) of the Justice for All Act of 2004 (42 U.S.C. 14136(b)) is amended by striking ''$12,500,000 for each of fiscal years 2009 through 2014'' and inserting ''$5,000,000 for each of fiscal years 2014 through 2018''.

(b) SEXUAL ASSAULT FORENSIC EXAM PROGRAM GRANTS.—Section 304(c) of the Justice for All Act of 2004 (42 U.S.C. 14136a(c)) is amended by striking ''$30,000,000 for each of 2014 through 2018'' and inserting ''$15,000,000 for each of fiscal years 2014 through 2018''.

(c) DNA RESEARCH AND DEVELOPMENT.—Section 305(c) of the Justice for All Act of 2004 (42 U.S.C. 14136b(c)) is amended by striking ''$15,000,000 for each of fiscal years 2005 through 2009'' and inserting ''$5,000,000 for each of fiscal years 2014 through 2018''.

(d) FBI DNA PROGRAMS.—Section 307(a) of the Justice for All Act of 2004 (Public Law 108–405; 118 Stat. 2275) is amended by striking ''$42,100,000 for each of fiscal years 2005 through 2009'' and inserting ''$10,000,000 for each of fiscal years 2014 through 2018''.

(e) DNA IDENTIFICATION OF MISSING PERSONS.—Section 308(c) of the Justice for All Act of 2004 (42 U.S.C. 14136d(c)) is amended by striking ''fiscal years 2005 through 2009'' and inserting ''fiscal years 2014 through 2018''.

SEC. 7. PAUL COVERDELL FORENSIC SCIENCES IMPROVEMENT GRANTS.

Section 1001(a)(24) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(24)) is amended—

(1) in subparagraph (H), by striking ''and'' at the end;

(2) in subparagraph (I), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(J) $25,000,000 for each of fiscal years 2014 through 2018.''.

SEC. 8. IMPROVING THE QUALITY OF REPRESENTATION IN STATE CAPITAL CASES.

Section 426 of the Justice for All Act of 2004 (42 U.S.C. 14163e) is amended—

(1) in subsection (a), by striking ''$75,000,000 for each of fiscal years 2005 through 2009'' and inserting ''$30,000,000 for each of fiscal years 2014 through 2018''; and

(2) in subsection (b), by inserting before the period at the end the following: '', or upon a showing of good cause, and at the discretion of the Attorney General, the State may determine a fair allocation of funds across the uses described in sections 421 and 422''.

SEC. 9. POST-CONVICTION DNA TESTING.

(a) IN GENERAL.—Section 3600 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1)(B)(i), by striking ''death''; and

(B) in paragraph (3)(A), by striking ''and the applicant did not—'' and all that follows through ''knowingly fail to request'' and inserting ''and the applicant did not knowingly fail to request''; and

(2) in subsection (g)(2)(B), by striking ''death''.

(b) PRESERVATION OF BIOLOGICAL EVIDENCE.—Section 3600A(c) of title 18, United States Code, is amended—

(1) by striking paragraph (2); and

(2) by redesignating paragraphs (3), (4), and (5) as paragraphs (2), (3), and (4), respectively.

SEC. 10. INCENTIVE GRANTS TO STATES TO ENSURE CONSIDERATION OF CLAIMS OF ACTUAL INNOCENCE.

(a) IN GENERAL.—Section 413 of the Justice for All Act of 2004 (42 U.S.C. 14136 note) is amended—

(1) in the matter preceding paragraph (1), by striking ''fiscal years 2005 through 2009'' and inserting ''fiscal years 2014 through 2018''; and

(2) by striking paragraph (2) and inserting the following:

''(2) for eligible entities that are a State or unit of local government, provide a certification by the chief legal officer of the State in which the eligible entity operates or the chief legal officer of the jurisdiction in which the funds will be used for the purposes of the grants, that the State or jurisdiction—

''(A) provides DNA testing of specified evidence under a State statute or a State or local rule or regulation to persons convicted after trial and under a sentence of imprisonment or death for a State felony offense, in a manner intended to ensure a reasonable process for resolving claims of actual innocence that ensures post-conviction DNA testing in at least those cases that would be covered by section 3600(a) of title 18, United States Code, had they been Federal cases, and, if the results of the testing exclude the applicant as the perpetrator of the offense, permits the applicant to apply for post-conviction relief, notwithstanding any provision of law that would otherwise bar the application as untimely; and

''(B) preserves biological evidence, as defined in section 3600A of title 18, United States Code, under a State statute or a State or local rule, regulation, or practice in a manner intended to ensure that reasonable measures are taken by the State or jurisdiction to preserve biological evidence secured in relation to the investigation or prosecution of, at a minimum, murder, non-negligent manslaughter and sexual offenses.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 412(b) of the Justice for All Act of 2004 (42 U.S.C. 14136e(b)) is amended by striking ''$5,000,000 for each of fiscal years 2005 through 2009'' and inserting ''$10,000,000 for each of fiscal years 2014 through 2018''.

SEC. 11. ESTABLISHMENT OF BEST PRACTICES FOR EVIDENCE RETENTION.

(a) IN GENERAL.—Subtitle A of title IV of the Justice for All Act of 2004 (Public Law 108–405; 118 Stat. 2278) is amended by adding at the end the following:

''SEC. 414. ESTABLISHMENT OF BEST PRACTICES FOR EVIDENCE RETENTION.

''(a) IN GENERAL.—The Director of the National Institute of Justice, in consultation with Federal, State, and local law enforcement agencies and government laboratories, shall—

''(1) establish best practices for evidence retention to focus on the preservation of biological evidence; and

''(2) assist State, local, and tribal governments in adopting and implementing the best practices established under paragraph (1).

''(b) DEADLINE.—Not later than 1 year after the date of enactment of this section, the Director of the National Institute of Justice shall publish the best practices established under subsection (a)(1).

''(c) LIMITATION.—Nothing in this section shall be construed to require or obligate compliance with the best practices established under subsection (a)(1).''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Justice for All Act of 2004 (Public Law 108–405; 118 Stat. 2260) is amended by inserting after the item relating to section 413 the following:

''Sec. 414. Establishment of best practices for evidence retention.''.

SEC. 12. EFFECTIVE ADMINISTRATION OF CRIMINAL JUSTICE.

(a) SHORT TITLE.—This section may be cited as the ''Effective Administration of Criminal Justice Act of 2013''.

(b) STRATEGIC PLANNING.—Section 502 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3752) is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''To request a grant''; and

(2) by adding at the end the following:

''(6) A comprehensive State-wide plan detailing how grants received under this section will be used to improve the administration of the criminal justice system, which shall—

''(A) be designed in consultation with local governments, and all segments of the criminal justice system, including judges, prosecutors, law enforcement personnel, corrections personnel, and providers of indigent defense services, victim services, juvenile justice delinquency prevention programs, community corrections, and reentry services;

''(B) include a description of how the State will allocate funding within and among each of the uses described in subparagraphs (A) through (G) of section 501(a)(1);

''(C) describe the process used by the State for gathering evidence-based data and developing and using evidence-based and evidence-gathering approaches in support of funding decisions; and

''(D) be updated every 5 years, with annual progress reports that—

''(i) address changing circumstances in the State, if any;

''(ii) describe how the State plans to adjust funding within and among each of the uses described in subparagraphs (A) through (G) of section 501(a)(1);

''(iii) provide an ongoing assessment of need;

''(iv) discuss the accomplishment of goals identified in any plan previously prepared under this paragraph; and

''(v) reflect how the plan influenced funding decisions in the previous year.

''(b) TECHNICAL ASSISTANCE.—

''(1) STRATEGIC PLANNING.—Not later than 90 days after the date of enactment of this subsection, the Attorney General shall begin to provide technical assistance to States and local governments requesting support to develop and implement the strategic plan required under subsection (a)(6).

''(2) PROTECTION OF CONSTITUTIONAL RIGHTS.—Not later than 90 days after the date of enactment of this subsection, the Attorney General shall begin to provide technical assistance to States and local governments, including any agent thereof with responsibility for administration of justice, requesting support to meet the obligations established by the Sixth Amendment to the Constitution of the United States, which shall include—

''(A) public dissemination of practices, structures, or models for the administration of justice consistent with the requirements of the Sixth Amendment; and

''(B) assistance with adopting and implementing a system for the administration of justice consistent with the requirements of the Sixth Amendment.

''(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $5,000,000 for each of fiscal years 2014 through 2018 to carry out this subsection.''.

(c) APPLICABILITY.—The requirement to submit a strategic plan under section 501(a)(6) of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as added by subsection (b), shall apply to any application submitted under such section 501 for a grant for any fiscal year beginning after the date that is 1 year after the date of enactment of this Act.

SEC. 13. OVERSIGHT AND ACCOUNTABILITY.

All grants awarded by the Department of Justice that are authorized under this Act shall be subject to the following:

(1) AUDIT REQUIREMENT.—Beginning in fiscal year 2014, and each fiscal year thereafter,

the Inspector General of the Department of Justice shall conduct audits of recipients of grants under this Act to prevent waste, fraud, and abuse of funds by grantees. The Inspector General shall determine the appropriate number of grantees to be audited each year.

(2) MANDATORY EXCLUSION.—A recipient of grant funds under this Act that is found to have an unresolved audit finding shall not be eligible to receive grant funds under this Act during the 2 fiscal years beginning after the 12-month period described in paragraph (5).

(3) PRIORITY.—In awarding grants under this Act, the Attorney General shall give priority to eligible entities that, during the 3 fiscal years before submitting an application for a grant under this Act, did not have an unresolved audit finding showing a violation in the terms or conditions of a Department of Justice grant program.

(4) REIMBURSEMENT.—If an entity is awarded grant funds under this Act during the 2-fiscal-year period in which the entity is barred from receiving grants under paragraph (2), the Attorney General shall—

(A) deposit an amount equal to the grant funds that were improperly awarded to the grantee into the General Fund of the Treasury; and

(B) seek to recoup the costs of the repayment to the fund from the grant recipient that was erroneously awarded grant funds.

(5) DEFINED TERM.—In this section, the term ''unresolved audit finding'' means an audit report finding in the final audit report of the Inspector General of the Department of Justice that the grantee has utilized grant funds for an unauthorized expenditure or otherwise unallowable cost that is not closed or resolved within a 12-month period beginning on the date when the final audit report is issued.

(6) NONPROFIT ORGANIZATION REQUIREMENTS.—

(A) DEFINITION.—For purposes of this section and the grant programs described in this Act, the term ''nonprofit organization'' means an organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and is exempt from taxation under section 501(a) of such Code.

(B) PROHIBITION.—The Attorney General shall not award a grant under any grant program described in this Act to a nonprofit organization that holds money in offshore accounts for the purpose of avoiding paying the tax described in section 511(a) of the Internal Revenue Code of 1986.

(C) DISCLOSURE.—Each nonprofit organization that is awarded a grant under a grant program described in this Act and uses the procedures prescribed in regulations to create a rebuttable presumption of reasonableness for the compensation of its officers, directors, trustees and key employees, shall disclose to the Attorney General, in the application for the grant, the process for determining such compensation, including the independent persons involved in reviewing and approving such compensation, the comparability data used, and contemporaneous substantiation of the deliberation and decision. Upon request, the Attorney General shall make the information disclosed under this subsection available for public inspection.

(7) ADMINISTRATIVE EXPENSES.—Unless otherwise explicitly provided in authorizing legislation, not more than 7.5 percent of the amounts authorized to be appropriated under this Act may be used by the Attorney General for salaries and administrative expenses of the Department of Justice.

(8) CONFERENCE EXPENDITURES.—

(A) LIMITATION.—No amounts authorized to be appropriated to the Department of Justice under this Act may be used by the Attorney General or by any individual or organization awarded discretionary funds through a cooperative agreement under this Act, to host or support any expenditure for conferences that uses more than $20,000 in Department funds, unless the Deputy Attorney General or the appropriate Assistant Attorney General, Director, or principal deputy as the Deputy Attorney General may designate, provides prior written authorization that the funds may be expended to host a conference.

(B) WRITTEN APPROVAL.—Written approval under subparagraph (A) shall include a written estimate of all costs associated with the conference, including the cost of all food and beverages, audio/visual equipment, honoraria for speakers, and any entertainment.

(C) REPORT.—The Deputy Attorney General shall submit an annual report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives on all conference expenditures approved by operation of this paragraph.

(9) PROHIBITION ON LOBBYING ACTIVITY.—

(A) IN GENERAL.—Amounts authorized to be appropriated under this Act may not be utilized by any grant recipient to—

(i) lobby any representative of the Department of Justice regarding the award of grant funding; or

(ii) lobby any representative of a Federal, state, local, or tribal government regarding the award of grant funding.

(B) PENALTY.—If the Attorney General determines that any recipient of a grant under this Act has violated subparagraph (A), the Attorney General shall—

(i) require the grant recipient to repay the grant in full; and

(ii) prohibit the grant recipient from receiving another grant under this Act for not less than 5 years.

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

S. 825. A bill to amend title 38, United States Code, to improve the provision of services for homeless veterans, and for other purposes; to the Committee on Veterans' Affairs.

Mr. SANDERS. Mr. President, as Chairman of the Senate Committee on Veterans' Affairs, I rise to introduce the Homeless Veterans Prevention Act of 2013. I would like to thank Ranking Member BURR for joining me to introduce this bill. At a time when too many veterans are sleeping in the streets, in cars, and on couches, the Department of Veterans Affairs has taken on an aggressive initiative to end homelessness among veterans by 2015.

This high level commitment has led to a 17 percent decrease in the homeless veteran population between 2009 and 2012. These declining numbers are a reflection of the combined efforts of VA and its Federal, State, Local, Tribal, and community partners as they work to eliminate veteran homelessness by 2015. However on one night in January 2012, an estimated 62,000 veterans were still without a place to call home. We must continue to work toward removing any remaining barriers to housing for veterans.

The legislation we are introducing today would reaffirm this commitment by improving upon VA's programs to prevent and end homelessness among veterans. VA's transitional housing programs for homeless veterans must modernize to ensure that they are meeting the needs of the homeless veterans they are serving. With increasing numbers of women joining the military and eventually becoming veterans, VA is facing a growing homeless women veteran population. Many of these women are single mothers or have experienced military sexual trauma, making their housing needs even more complex.

The Government Accountability Office and VA's Office of the Inspector General both found that homeless women veterans were not able to safely access services through VA's transitional housing programs. The Homeless Veterans Prevention Act of 2013 would remove these barriers by requiring grantees to ensure that facilities can safely serve the needs of the populations that will be living there. It also would allow VA to reimburse grantees for housing the children of homeless veterans, keeping families together and encouraging parents to come forth and be housed without having to worry about splitting their families up.

As VA focuses on resolving homelessness, instead of just managing it, housing stability is increasingly a focus. This bill also modifies the transitional housing program to allow VA to incentivize grantees to avoid the challenges that veterans completing time-limited transitional housing programs can face as they search for permanent housing. More specifically, this bill allows VA to focus on housing stability by allowing certain transitional housing grantees to turn a portion of their transitional housing units into permanent housing units as veterans are stabilized and linked to support services.

Access to stable and safe housing is a priority, but it is also critical to find ways to prevent homelessness among veterans who are at-risk of becoming homeless. This bill would also increase access to legal services and dental care for our veterans, two things that homeless veterans themselves have identified as unmet needs. Access to these services would greatly increase their chances of finding gainful employment, avoid foreclosure or eviction, obtain identification, and deal with legal issues that have resulted from the criminalization of homelessness, among other things.

Veterans have a number of services and resources available to meet their needs. At its very simplest, homelessness among veterans is preventable when all of these programs work together to lift a veteran up. Conversely, homelessness occurs when a veteran slips through the cracks. We cannot sit by idly and allow another veteran to slip through the cracks. We must reach out and let them know when, where and how to get the help that they need and that they have earned.

This is not a full summary of all the provisions within this legislation. However, I hope that I have provided an appropriate overview of the major benefits this legislation would provide.

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. 825

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 ''Homeless Veterans Prevention Act of 2013''.

SEC. 2. IMPROVEMENTS TO GRANT PROGRAM FOR COMPREHENSIVE SERVICE PROGRAMS FOR HOMELESS VETERANS.

(a) MODIFICATION OF AUTHORITY TO PROVIDE CAPITAL IMPROVEMENT GRANTS FOR PROGRAMS THAT ASSIST HOMELESS VETERANS.—Subsection (a) of section 2011 of title 38, United States Code, is amended, in the matter before paragraph (1)—

(1) by striking ''or modifying'' and inserting '', modifying, or maintaining''; and

(2) by inserting ''privately, safely, and securely,'' before ''the following''.

(b) REQUIREMENT THAT RECIPIENTS OF GRANTS MEET PHYSICAL PRIVACY, SAFETY, AND SECURITY NEEDS OF HOMELESS VETERANS.—Subsection (f) of such section is amended by adding at the end the following new paragraph:

''(6) To meet the physical privacy, safety, and security needs of homeless veterans receiving services through the project.''.

SEC. 3. INCREASED PER DIEM PAYMENTS FOR TRANSITIONAL HOUSING ASSISTANCE THAT BECOMES PERMANENT HOUSING FOR HOMELESS VETERANS.

Section 2012(a)(2) of title 38, United States Code, is amended—

(1) by redesignating subparagraphs (B) through (D) as subparagraphs (C) through (E), respectively;

(2) in subparagraph (C), as redesignated, by striking ''in subparagraph (D)'' and inserting ''in subparagraph (E)'';

(3) in subparagraph (D), as redesignated, by striking ''under subparagraph (B)'' and inserting ''under subparagraph (C)'';

(4) in subparagraph (E), as redesignated, by striking ''in subparagraphs (B) and (C)'' and inserting ''in subparagraphs (C) and (D)''; and

(5) in subparagraph (A)—

(A) by striking ''The rate'' and inserting ''Except as otherwise provided in subparagraph (B), the rate''; and

(B) by striking ''under subparagraph (B)'' and all that follows through the end and inserting the following: ''under subparagraph (C).

''(B)(i) Except as provided in clause (ii), in no case may the rate determined under this paragraph exceed the rate authorized for State homes for domiciliary care under subsection (a)(1)(A) of section 1741 of this title, as the Secretary may increase from time to time under subsection (c) of that section.

''(ii) In the case of services furnished to a homeless veteran who is placed in housing that will become permanent housing for the veteran upon termination of the furnishing of such services to such veteran, the maximum rate of per diem authorized under this section is 150 percent of the rate described in clause (i).''.

SEC. 4. AUTHORIZATION OF PER DIEM PAYMENTS FOR FURNISHING CARE TO DEPENDENTS OF CERTAIN HOMELESS VETERANS.

Subsection (a) of section 2012 of title 38, United States Code, is amended by adding at the end the following new paragraph:

''(4) Services for which a recipient of a grant under section 2011 of this title (or an entity described in paragraph (1)) may receive per diem payments under this subsection may include furnishing care for a dependent of a homeless veteran who is under the care of such homeless veteran while such homeless veteran receives services from the grant recipient (or entity).''.

SEC. 5. REQUIREMENT FOR DEPARTMENT OF VETERANS AFFAIRS TO ASSESS COMPREHENSIVE SERVICE PROGRAMS FOR HOMELESS VETERANS.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall assess and measure the capacity of programs for which entities receive grants under section 2011 of title 38, United States Code, or per diem payments under section 2012 or 2061 of such title.

(b) ASSESSMENT AT NATIONAL AND LOCAL LEVELS.—In assessing and measuring under subsection (a), the Secretary shall develop and use tools to examine the capacity of programs described in such subsection at both the national and local level in order to assess the following:

(1) Whether sufficient capacity exists to meet the needs of homeless veterans in each geographic area.

(2) Whether existing capacity meets the needs of the subpopulations of homeless veterans located in each geographic area.

(3) The amount of capacity that recipients of grants under sections 2011 and 2061 and per diem payments under section 2012 of such title have to provide services for which the recipients are eligible to receive per diem under section 2012(a)(2)(B)(ii) of title 38, United States Code, as added by section 3(5)(B).

(c) USE OF INFORMATION.—The Secretary shall use the information collected under this section as follows:

(1) To set specific goals to ensure that programs described in subsection (a) are effectively serving the needs of homeless veterans.

(2) To assess whether programs described in subsection (a) are meeting goals set under paragraph (1).

(3) To inform funding allocations for programs described in subsection (a).

(4) To improve the referral of homeless veterans to programs described in subsection (a).

(d) REPORT.—Not later than 180 days after the date on which the assessment required by subsection (b) is completed, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on such assessment and such recommendations for legislative and administrative action as the Secretary may have to improve the programs and per diem payments described in subsection (a).

SEC. 6. REPEAL OF REQUIREMENT FOR ANNUAL REPORTS ON ASSISTANCE TO HOMELESS VETERANS.

(a) IN GENERAL.—Section 2065 of title 38, United States Code, is hereby repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 20 of such title is amended by striking the item relating to section 2065.

SEC. 7. REPEAL OF SUNSET ON AUTHORITY TO CARRY OUT PROGRAM OF REFERRAL AND COUNSELING SERVICES FOR VETERANS AT RISK FOR HOMELESSNESS WHO ARE TRANSITIONING FROM CERTAIN INSTITUTIONS.

Section 2023 of title 38, United States Code, is amended—

(1) by striking subsection (d); and

(2) by redesignating subsection (e) as subsection (d).

SEC. 8. PARTNERSHIPS WITH PUBLIC AND PRIVATE ENTITIES TO PROVIDE LEGAL SERVICES TO HOMELESS VETERANS AND VETERANS AT RISK OF HOMELESSNESS.

(a) IN GENERAL.—Chapter 20 of title 38, United States Code, is amended by inserting after section 2022 the following new section:

''§ 2022A. Partnerships with public and private entities to provide legal services to homeless veterans and veterans at risk of homelessness

''(a) PARTNERSHIPS AUTHORIZED.—Subject to the availability of funds for that purpose, the Secretary may enter into partnerships with public or private entities to fund a portion of the general legal services specified in subsection (c) that are provided by such entities to homeless veterans and veterans at risk of homelessness.

''(b) LOCATIONS.—The Secretary shall ensure that, to the extent practicable, partnerships under this section are made with entities equitably distributed across the geographic regions of the United States, including rural communities and tribal lands.

''(c) LEGAL SERVICES.—Legal services specified in this subsection include legal services provided by public or private entities that address the needs of homeless veterans and veterans at risk of homelessness as follows:

''(1) Legal services related to housing, including eviction defense and representation in landlord-tenant cases.

''(2) Legal services related to family law, including assistance in court proceedings for child support, divorce, and estate planning.

''(3) Legal services related to income support, including assistance in obtaining public benefits.

''(4) Legal services related to criminal defense, including defense in matters symptomatic of homelessness, such as outstanding warrants, fines, and driver's license revocation, to reduce recidivism and facilitate the overcoming of reentry obstacles in employment or housing.

''(d) CONSULTATION.—In developing and carrying out partnerships under this section, the Secretary shall, to the extent practicable, consult with public and private entities—

''(1) for assistance in identifying and contacting organizations described in subsection (c); and

''(2) to coordinate appropriate outreach relationships with such organizations.

''(e) REPORTS.—The Secretary may require entities that have entered into partnerships under this section to submit to the Secretary periodic reports on legal services provided to homeless veterans and veterans at risk of homelessness pursuant to such partnerships.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 20 of such title is amended by adding after the item relating to section 2022 the following new item:

''2022A. Partnerships with public and private entities to provide legal services to homeless veterans and veterans at risk of homelessness.''.

SEC. 9. EXPANSION OF DEPARTMENT OF VETERANS AFFAIRS AUTHORITY TO PROVIDE DENTAL CARE TO HOMELESS VETERANS.

Subsection (b) of section 2062 of title 38, United States Code, is amended to read as follows:

''(b) ELIGIBLE VETERANS.—(1) Subsection (a) applies to a veteran who—

''(A) is enrolled for care under section 1705(a) of this title; and

''(B) for a period of 60 consecutive days, is receiving—

''(i) assistance under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)); or

''(ii) care (directly or by contract) in any of the following settings:

''(I) A domiciliary under section 1710 of this title.

''(II) A therapeutic residence under section 2032 of this title.

''(III) Community residential care coordinated by the Secretary under section 1730 of this title.

''(IV) A setting for which the Secretary provides funds for a grant and per diem provider.

''(2) For purposes of paragraph (1), in determining whether a veteran has received assistance or care for a period of 60 consecutive days, the Secretary may disregard breaks in the continuity of assistance or care for which the veteran is not responsible.''.

SEC. 10. EXTENSIONS OF AUTHORITIES.

(a) COMPREHENSIVE SERVICE PROGRAMS.—Section 2013 of title 38, United States Code, is amended by striking paragraphs (4) through (6) and inserting the following:

''(4) $250,000,000 for each of fiscal years 2012 through 2014.

''(5) $150,000,000 for fiscal year 2015 and each subsequent fiscal year.''.

(b) HOMELESS VETERANS REINTEGRATION PROGRAMS.—Section 2021(e)(1)(F) of such title is amended by striking ''2013'' and inserting ''2014''.

(c) TREATMENT AND REHABILITATION FOR SERIOUSLY MENTALLY ILL AND HOMELESS VETERANS.—Section 2031(b) of such title is amended by striking ''December 31, 2013'' and inserting ''December 31, 2014''.

(d) CENTERS FOR THE PROVISION OF COMPREHENSIVE SERVICES TO HOMELESS VETERANS.—Section 2033(d) of such title is amended by striking ''December 31, 2013'' and inserting ''December 31, 2014''.

(e) HOUSING ASSISTANCE FOR HOMELESS VETERANS.—Section 2041(c) of such title is amended by striking ''December 31, 2013'' and inserting ''December 31, 2014''.

(f) FINANCIAL ASSISTANCE FOR SUPPORTIVE SERVICES FOR VERY LOW-INCOME VETERAN FAMILIES IN PERMANENT HOUSING.—

(1) IN GENERAL.—Paragraph (1) of section 2044(e) of such title is amended by adding at the end the following new subparagraph (F):

''(F) $300,000,000 for fiscal year 2014.''.

(2) TRAINING ENTITIES FOR PROVISION OF SUPPORTIVE SERVICES.—Paragraph (3) of such section is amended by striking ''2012'' and inserting ''2014''.

(g) GRANT PROGRAM FOR HOMELESS VETERANS WITH SPECIAL NEEDS.—Section 2061(d)(1) of such title is amended by striking ''for each of'' through ''shall be available'' and inserting ''for each of fiscal years 2007 through 2014, $5,000,000 shall be available''.

(h) TECHNICAL ASSISTANCE GRANTS FOR NONPROFIT COMMUNITY-BASED GROUPS.—Section 2064(b) of such title is amended by striking ''2012'' and inserting ''2014''.

(i) ADVISORY COMMITTEE ON HOMELESS VETERANS.—Section 2066(d) of such title is amended by striking ''December 31, 2013'' and inserting ''December 31, 2014''.

By Mr. BROWN (for himself, Mr. DURBIN, Mr. SCHUMER, Mr. BAUCUS, Mr. ROCKEFELLER, Mr. WYDEN, Ms. STABENOW, Mr. MENENDEZ, Mr. CARDIN, Mr. CASEY, Mrs. MURRAY, Mr. LAUTENBERG, Mrs. GILLIBRAND, Mr. COWAN, Mr. WHITEHOUSE, Mr. REED, Ms. HIRONO, Mr. HARKIN, Mr. LEVIN, Mrs. BOXER, Mr. BLUMENTHAL, Mr. BEGICH, Mr. SCHATZ, Ms. KLOBUCHAR, Mr. FRANKEN, Mr. BENNET, Ms. WARREN, Mr. JOHNSON of South Dakota, Mr. MERKLEY, and Mr. MURPHY):

S. 836. A bill to amend the Internal Revenue Code of 1986 to strengthen the earned income tax credit and make permanent certain tax provisions under the American Recovery and Reinvestment Act of 2009; to the Committee on Finance.

Mr. DURBIN. Mr. President, today, Senator BROWN and I are introducing important legislation to extend tax relief to working families: The Working Families Tax Relief Act of 2013.

This legislation will ensure that taxes do not increase on working families in the coming years, and will expand an effective incentive to work.

The Working Families Tax Relief Act of 2013 is pro-family, pro-work legislation that would permanently extend critical refundable tax credit provisions that have helped lift millions of working families out of poverty.

These provisions were only extended for 5 years in the American Taxpayer Relief Act, the same bill that permanently lowered the estate tax for the wealthiest Americans.

The Child Tax Credit, CTC, and the Earned Income Tax Credit, EITC, are refundable tax credits that encourage work, help families make ends meet, and lead to healthier and better educated children.

Both the Senate-passed budget and the President's FY 2014 budget request call for making these provisions permanent.

Consistent with the original goals for the EITC, the Working Families Tax Relief Act would help the only group that our Tax Code pushes into poverty: childless workers.

The EITC was designed to help childless workers offset their payroll tax liability. In reality, employees bear the burden of both the employee and employer portion of the payroll tax.

As a result, a typical single childless adult will begin to owe Federal income taxes in addition to payroll taxes when his or her income is still significantly below the poverty line. These changes will result in a full-time worker receiving the minimum wage to be eligible for the maximum earned income credit amount.

This may sound complicated, but these CTC and EITC provisions have real-world impacts.

An analysis of Census data showed that these CTC provisions lifted 900,000 people above the poverty line in 2011, using a poverty measure that counts not only cash income but also taxes and government benefits.

According to recent estimates, letting the expanded CTC expire will increase taxes on 12 million families who will see the size of their CTC credit shrink, and 5 million families will no longer be eligible for the credit at all.

The EITC has long been one of the most effective anti-poverty measures in our toolkit. In 2011, according to the Internal Revenue Service, the EITC lifted 6.6 million Americans out of poverty, 3.3 million of whom were children.

In Illinois last year, 1 million taxpayers claimed the EITC and received an average credit of about $2,300. That money isn't a hand-out, it is food on the table, school clothes for children and maybe a little bit leftover to buy Christmas presents.

When Ronald Reagan signed the 1986 Tax Reform package, he had this to say about its provisions that expanded the EITC:

> The Earned Income Tax Credit is the best anti-poverty, the best pro-family, the best job creation measure to come out of Congress.

I could not have said it better myself.

I thank Senator BROWN for his leadership on this, as a new member of the Finance Committee.

I look forward to working with him and many of my colleagues to ensure that these provisions are included in tax reform.

By Mr. HARKIN (for himself, Mr. LEAHY, Mr. BROWN, Mr. TESTER, Mr. CASEY, Ms. KLOBUCHAR, Mr. UDALL of New Mexico, Mr. MERKLEY, Mr. FRANKEN, and Mr. JOHNSON of South Dakota):

S. 837. A bill to expand and improve opportunities for beginning farmers and ranchers, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. HARKIN. Mr. President, for many years we have witnessed with great regret the aging of America's farmers and ranchers and the decline in the number of agricultural operations in our country. Simply put, our nation will be stronger and better if more beginning farmers and ranchers are able to succeed those who inevitably retire and leave the business. We need new generations of farmers and ranchers to produce critical supplies of food, fuel, and fiber, to care for and conserve our soil, water, and other natural resources, and to contribute as members of healthy and vibrant rural communities. Many people across America yearn for an opportunity to get a start and build a successful agricultural operation, yet they face daunting challenges and obstacles.

The legislation we are introducing today will help families and individuals across our nation apply their talents, motivation, and dedication to start and continue farm and ranch operations and revitalize rural America. Beginning farmers and ranchers will benefit from practical assistance in this bill, including effective training and mentoring, better access to and careful use of credit, enhanced support for conservation, and help in starting and succeeding in profitable enterprises such as value-added businesses.

We have previously adopted a number of successful initiatives to assist beginning farmers and ranchers, including in the 2002 and 2008 farm bills enacted

when I was proud to serve as chairman of the Agriculture, Nutrition, and Forestry Committee. This bill will extend, build upon, and strengthen existing programs and initiatives and ensure their continued effectiveness and success.

A key feature of the Beginning Farmer and Rancher Opportunity Act of 2013 is to extend and strengthen the beginning farmer and rancher development program, which we enacted in 2008. In this program, USDA provides competitively-awarded grants to qualified organizations that deliver training and education for beginning farmers and ranchers. This new legislation makes it a new priority for USDA to issue grants to support agricultural rehabilitation and vocational training for military veterans and to deliver training and education to help veterans who are beginning farmers and ranchers. The bill also would extend and increase mandatory funding for this development program to $20 million in each of fiscal years 2014 through 2018.

This legislation also strengthens in several ways the assistance USDA provides to enable beginning farmers and ranchers to assemble the financial resources they need to start and build a successful operation. It codifies in statute a microloan program in which young beginning farmers and ranchers who qualify could borrow up to $35,000 for operating expenses at reduced interest rates and with simplified paperwork. Also included in this bill is mandatory funding at $5 million a year to carry out the individual development accounts pilot program that was enacted in the 2008 farm bill. Grants under this pilot program would support State-level individual development account initiatives to help beginning farmers and ranchers build savings that can then be invested in their agricultural operations. Several other provisions of the bill update and improve the existing USDA programs to help beginning farmers and ranchers obtain loans for operating expenses, land purchases, and conservation practices.

To encourage and assist beginning farmers and ranchers in maintaining and adopting sound conservation practices, the bill extends and strengthens several initiatives enacted in previous farm bills. Of special importance, the bill expands the options and financial incentives for maintaining conservation on land that comes out of Conservation Reserve Program, CRP, contracts if it is leased or sold to beginning farmers or ranchers. Beginning farmers and ranchers would also receive more help through the Farm and Ranch Land Protection Program, enhanced whole-farm conservation planning and technical assistance, and increased advanced conservation cost-share payments.

Other features of the bill will help beginning and socially disadvantaged farmers and ranchers better understand and utilize insurance programs and risk management systems. In order to help beginning farmers and ranchers build markets and increase income through adding value to their commodities, the bill enhances opportunities for beginning farmers and ranchers to receive USDA value-added producer grants and provides new, increased mandatory funding for such grants. It also creates a special USDA veterans agricultural liaison position to focus upon helping veterans understand and benefit from USDA programs, especially those for beginning farmers and ranchers.

In conclusion, I am proud of the initiatives we have previously enacted to help beginning farmers and ranchers create and pursue opportunities and realize their goals and dreams. By building on the success of the existing programs, this legislation will lend more help to beginning farmers and ranchers and in doing so strengthen American agriculture, our rural communities, and our nation as a whole. I am grateful to the cosponsors of this bill and urge all of my colleagues to support it.

By Mr. DURBIN:

S. 846. 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.

Mr. DURBIN. Mr. President, I rise today to introduce the Family and Medical Leave Inclusion Act. This bill, which I have also introduced in the previous two Congresses, would extend the important protections of the Family and Medical Leave Act to grandparents, grandchildren, siblings, adult children, and same-sex spouses and domestic partners throughout America.

I am pleased to introduce this bill with a coalition of Senators who are committed to ensuring justice and equality for all Americans. I would like to thank Senators LEAHY, WHITEHOUSE, SANDERS, MURRAY, COONS, GILLIBRAND, LAUTENBERG, and BLUMENTHAL for standing with me in support of the Family and Medical Leave Inclusion Act.

In 1993, Congress passed the Family and Medical Leave Act to, among other things, protect American workers facing either a personal health crisis, or that of a close family member.

People in the workforce who suffer a serious illness or significant injury should be able to take time to heal, recover, and follow their doctors' orders, without the added stress of worrying about their job status. They should be able to return to their workplaces strong, healthy, and ready to be productive again. Thanks to the FMLA, they can take the needed time knowing that their jobs will be there when they recover.

Most employees, however, are not solely concerned about their own health and wellbeing. They are also concerned about the health and wellbeing of those they love. The FMLA gave workers with a child, parent, or spouse that was sick or injured, an opportunity to provide the needed care and support, knowing that their jobs would still be there when they returned.

When it was passed, the FMLA was an important and historic expansion of our nation's laws. Unfortunately, as families have evolved and expanded, we've learned that the FMLA does not adequately nor equally protect all American families. Under current law, it is impossible for many employees to be with their loved ones during times of medical need.

As I stated when I first introduced this bill, Congress followed the lead of many large and small businesses when it enacted the FMLA. Twenty years ago, many of these businesses had already recognized and addressed the need for employees to take time off to care for themselves or a loved one that was battling a serious health condition. These companies had put in place systems that gave their employees time to heal themselves or their family members, and ensured that those employees would return to work as soon as they could.

The FMLA took the model these companies provided and brought the majority of the American workforce under the same protections.

We once again have an opportunity to learn from the best practices of American businesses who have adjusted their personnel policies and benefit packages to better meet the needs of American families, as we find them today. These businesses have assessed the composition of their workforces and realized that, in order to meet the evolving needs of their employees and enhance productivity, they needed to go one step further than the protections provided by the FMLA.

It's time that we do the same here in Congress, and recognize in law that a healthy workforce, regardless of sexual orientation, is a critical component of a healthy, modern, and efficient national economy. The Human Rights Campaign, a leading civil rights organization that strongly supports the Family and Medical Leave Inclusion Act, reports that at least 580 major American corporations, 17 States, and the District of Columbia now extend FMLA benefits to include leave on behalf' of a same-sex partners and spouses. Moreover, as of January 1st of this year, 47% of Fortune 500 companies provided health benefits to same-sex partners.

When the FMLA was signed into law, it was narrowly tailored to cover individuals caring for a very close family member. The law sought to cover that inner circle of people, where the family member assuming the caretaker role would be one of very few, if not the only person, who could do so. That idea has not changed.

What has changed are the people who might be in that inner circle. The nuclear American family has grown,

sometimes by design, and sometimes by necessity. More and more, that inner circle of close family might include a grandparent or grandchild, siblings, or same-sex domestic partners in loving and committed relationships.

As the law stands right now, too many of these people are excluded from the protections of the FMLA.

In these tough economic times, when unemployment is high and those with jobs are doing everything they can to keep them, we all know the value of job security. Hardworking Americans should not have to make the impossible choice between keeping their jobs and providing care and support for loved ones in their time of need. Twenty years ago, the FMLA ensured that millions of Americans did not have to make that choice. Now, the time has come to bring this protection into the 21st century and ensure that the security afforded by the FMLA is available to a broader range of American workers.

There are many who would understandably question what this kind of change in the law would cost the business community. Ensuring that workers can take the time they need to recover from a health emergency not only benefits an individual family, it benefits the community where the family lives and the businesses for which the family members work.

As I have stated in the past, the FMLA is already a very good law; it is already in place and it is working. It provides for unpaid leave when the need arises, and it only applies to businesses that have enough employees on hand to handle the absence of a single worker without too great a burden.

Ninety percent of the leave time that has been taken under the FMLA has been so that employees can care for themselves or for a child in their care, and those situations are already covered under the law as it stands. What the Family and Medical Leave Inclusion Act would do is provide a little more flexibility, and recognize that there are a few more people in that inner circle of family who we might call upon, or who might call upon us.

We can all agree that family is the first and best safety net in times of personal crisis. Families need to be given the realistic ability to provide that assistance. What the Family and Medical Leave Inclusion Act does is give those family members the ability to help their loved ones in ways that only they can, without fear of losing their jobs in the process.

The Family and Medical Leave Inclusion Act enhances the FMLA. Like the FMLA when it was passed two decades ago, the Family and Medical Leave Inclusion Act is long overdue. Our legislation contains reasonable changes that reflect what many of our nation's most successful businesses have already done and it accurately represents the modem American family.

The Family and Medical Leave Inclusion Act is supported by over 80 organizations from the business, civil rights, LGBT, and labor communities, including: the National Association of Working Women; AFSCME; American Academy of Pediatrics ACLU; Families USA; Gay and Lesbian Advocates and Defenders, GLAD; Human Rights Campaign; People for the American Way; SEIU and; The Leadership Conference on Civil and Human Rights.

The Family and Medical Leave Inclusion Act is the right thing to do, and I hope we can join together and pass it on a bipartisan basis.

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. 846

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 ''Family and Medical Leave Inclusion Act''.

SEC. 2. LEAVE TO CARE FOR A SAME-SEX SPOUSE, DOMESTIC PARTNER, PARENT-IN-LAW, ADULT CHILD, SIBLING, GRANDCHILD, OR GRANDPARENT.

(a) DEFINITIONS.—

(1) INCLUSION OF ADULT CHILDREN AND CHILDREN OF A DOMESTIC PARTNER.—Section 101(12) of such Act (29 U.S.C. 2611(12)) is amended—

(A) by inserting ''a child of an individual's domestic partner,'' after ''a legal ward,''; and

(B) by striking ''who is—'' and all that follows and inserting ''and includes an adult child.''.

(2) INCLUSION OF GRANDCHILDREN, GRANDPARENTS, PARENTS-IN-LAW, SIBLINGS, AND DOMESTIC PARTNERS.—Section 101 of such Act (29 U.S.C. 2611) is further amended by adding at the end the following:

''(20) DOMESTIC PARTNER.—The term 'domestic partner', used with respect to an employee, means—

''(A) the person recognized as the domestic partner of the employee under any domestic partner registry or civil union law of the State or political subdivision of a State where the employee resides, or the person who is lawfully married to the employee under the law of the State where the employee resides and who is the same sex as the employee; or

''(B) in the case of an unmarried employee who lives in a State where a person cannot marry a person of the same sex under the laws of the State, a single, unmarried adult person of the same sex as the employee who is in a committed, personal (as defined in regulations issued by the Secretary) relationship with the employee, who is not a domestic partner to any other person, and who is designated to the employer by such employee as that employee's domestic partner.

''(21) GRANDCHILD.—The term 'grandchild', used with respect to an employee, means any person who is a son or daughter of a son or daughter of the employee.

''(22) GRANDPARENT.—The term 'grandparent', used with respect to an employee, means a parent of a parent of the employee.

''(23) PARENT-IN-LAW.—The term 'parent-in-law', used with respect to an employee, means a parent of the spouse or domestic partner of the employee.

''(24) SIBLING.—The term 'sibling', used with respect to an employee, means any person who is a son or daughter of the employee's parent.

''(25) SON-IN-LAW OR DAUGHTER-IN-LAW.—The term 'son-in-law or daughter-in-law', used with respect to an employee, means any person who is a spouse or domestic partner of a son or daughter of the employee.''.

(b) LEAVE REQUIREMENT.—Section 102 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612) is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (C), by striking ''spouse, or a son, daughter, or parent, of the employee, if such spouse, son, daughter, or parent'' and inserting ''spouse or domestic partner, or a son, daughter, parent, parent-in-law, grandparent, or sibling, of the employee if such spouse, domestic partner, son, daughter, parent, parent-in-law, grandparent, or sibling''; and

(B) in subparagraph (E), by striking ''spouse, or a son, daughter, or parent'' and inserting ''spouse or domestic partner, or a son, daughter, parent, parent-in-law, grandchild, or sibling,'';

(2) in subsection (a)(3), by striking ''spouse, son, daughter, parent,'' and inserting ''spouse or domestic partner, son, daughter, parent, son-in-law or daughter-in-law, grandparent, sibling,'';

(3) in subsection (e)—

(A) in paragraph (2)(A), by striking ''spouse, parent,'' and inserting ''spouse, domestic partner, parent, parent-in-law, grandchild, grandparent, sibling,''; and

(B) in paragraph (3), by striking ''spouse, or a son, daughter, or parent,'' and inserting ''spouse or domestic partner, or a son, daughter, parent, parent-in-law, grandchild, or sibling,''; and

(4) in subsection (f)—

(A) in paragraph (1), by striking ''a husband and wife'' and inserting ''2 spouses or 2 domestic partners''; and

(B) in paragraph (2)—

(i) in subparagraph (A), by striking ''that husband and wife'' and inserting ''those spouses or those domestic partners''; and

(ii) in subparagraph (B), by striking ''the husband and wife'' and inserting ''those spouses or those domestic partners''.

(c) CERTIFICATION.—Section 103 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2613) is amended—

(1) in subsection (a), by striking ''spouse, or parent'' and inserting ''spouse, domestic partner, parent, parent-in-law, grandchild, grandparent, or sibling''; and

(2) in subsection (b)—

(A) in paragraph (4)(A), by striking ''spouse, or parent and an estimate of the amount of time that such employee is needed to care for the son, daughter, spouse, or parent'' and inserting ''spouse, domestic partner, parent, parent-in-law, grandparent, or sibling and an estimate of the amount of time that such employee is needed to care for such son, daughter, spouse, domestic partner, parent, parent-in-law, grandparent, or sibling''; and

(B) in paragraph (7), by striking ''parent, or spouse'' and inserting ''spouse, domestic partner, parent, parent-in-law, grandparent, or sibling''.

(d) EMPLOYMENT AND BENEFITS PROTECTION.—Section 104(c)(3) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2614(c)(3)) is amended—

(1) in subparagraph (A)(i), by striking ''spouse, or parent'' and inserting ''spouse, domestic partner, parent, parent-in-law, grandparent, or sibling''; and

(2) in subparagraph (C)(ii), by striking ''spouse, or parent'' and inserting ''spouse, domestic partner, parent, parent-in-law, grandparent, or sibling''.

SEC. 3. FEDERAL EMPLOYEES.

(a) DEFINITIONS.—

(1) INCLUSION OF ADULT CHILDREN AND CHILDREN OF A DOMESTIC PARTNER.—Section 6381(6) of title 5, United States Code, is amended—

(A) by inserting ''a child of an individual's domestic partner,'' after ''a legal ward,''; and

(B) by striking ''who is—'' and all that follows and inserting ''and includes an adult child.''.

(2) INCLUSION OF GRANDCHILDREN, GRANDPARENTS, PARENTS-IN-LAW, SIBLINGS, AND DOMESTIC PARTNERS.—Section 6381 of such title is further amended—

(A) in paragraph (11)(B), by striking ''; and'' and inserting a semicolon;

(B) in paragraph (12), by striking the period and inserting a semicolon; and

(C) by adding at the end the following:

''(13) the term 'domestic partner', used with respect to an employee, means—

''(A) the person recognized as the domestic partner of the employee under any domestic partner registry or civil union law of the State or political subdivision of a State where the employee resides, or the person who is lawfully married to the employee under the law of the State where the employee resides and who is the same sex as the employee; or

''(B) in the case of an unmarried employee who lives in a State where a person cannot marry a person of the same sex under the laws of the State, a single, unmarried adult person of the same sex as the employee who is in a committed, personal (as defined in regulations issued by the Office of Personnel Management) relationship with the employee, who is not a domestic partner to any other person, and who is designated to the employer by such employee as that employee's domestic partner;

''(14) the term 'grandchild', used with respect to an employee, means any person who is a son or daughter of a son or daughter of the employee;

''(15) the term 'grandparent', used with respect to an employee, means a parent of a parent of the employee;

''(16) the term 'parent-in-law', used with respect to an employee, means a parent of the spouse or domestic partner of the employee;

''(17) the term 'sibling', used with respect to an employee, means any person who is a son or daughter of the employee's parent; and

''(18) the term 'son-in-law or daughter-in-law', used with respect to an employee, means any person who is a spouse or domestic partner of a son or daughter of the employee.''.

(b) LEAVE REQUIREMENT.—Section 6382 of title 5, United States Code, is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (C), by striking ''spouse, or a son, daughter, or parent, of the employee, if such spouse, son, daughter, or parent'' and inserting ''spouse or domestic partner, or a son, daughter, parent, parent-in-law, grandparent, or sibling, of the employee, if such spouse, domestic partner, son, daughter, parent, parent-in-law, grandparent, or sibling''; and

(B) in subparagraph (E), by striking ''spouse, or a son, daughter, or parent'' and inserting ''spouse or domestic partner, or a son, daughter, parent, parent-in-law, grandchild, or sibling,'';

(2) in subsection (a)(3), by striking ''spouse, son, daughter, parent,'' and inserting ''spouse or domestic partner, son, daughter, parent, son-in-law or daughter-in-law, grandparent, sibling,''; and

(3) in subsection (e)—

(A) in paragraph (2)(A), by striking ''spouse, parent'' and inserting ''spouse, domestic partner, parent, parent-in-law, grandchild, grandparent, sibling''; and

(B) in paragraph (3), by striking ''spouse, or a son, daughter, or parent,'' and inserting ''spouse or domestic partner, or a son, daughter, parent, parent-in-law, grandchild, or sibling,''.

(c) CERTIFICATION.—Section 6383 of title 5, United States Code, is amended—

(1) in subsection (a), by striking ''spouse, or parent'' and inserting ''spouse, domestic partner, parent, parent-in-law, grandchild, grandparent, or sibling''; and

(2) in subsection (b)(4)(A), by striking ''spouse, or parent, and an estimate of the amount of time that such employee is needed to care for such son, daughter, spouse, or parent'' and inserting ''spouse, domestic partner, parent, parent-in-law, grandparent, or sibling and an estimate of the amount of time that such employee is needed to care for such son, daughter, spouse, domestic partner, parent, parent-in-law, grandparent, or sibling''.

By Mr. REED (for himself and Mr. GRASSLEY):

S. 848. A bill to promote transparency by permitting the Public Company Accounting Oversight Board to allow its disciplinary proceedings to be open to the public, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. REED. Mr. President, today I am introducing the PCAOB Enforcement Transparency Act of 2013 along with my colleague Senator GRASSLEY. This bill will allow the Public Company Accounting Oversight Board, PCAOB, to make public disciplinary proceedings it has brought against auditors and audit firms earlier in the process.

Slightly over 10 years ago, our markets fell victim to a series of massive financial reporting frauds, including those involving Enron and WorldCom. Public companies had produced fraudulent and materially misleading financial statements, which artificially drove their stock prices up and misrepresented their overall profitability. Once the fraud was discovered, investor confidence plummeted, as did the markets themselves. We all took a step back after this crisis and asked ourselves how such massive financial fraud in public reporting companies could have gone undetected for so long.

The Senate Committee on Banking, Housing, and Urban Affairs conducted a series of hearings on issues that were raised by the revelations raised by fraud at Enron and other public companies. The hearings produced consensus on a number of underlying causes, including weak corporate governance, a lack of accountability, and inadequate oversight of accountants charged with auditing a public company's financial statements.

In order to address the gaps and structural weaknesses revealed by the investigation and hearings, the Senate passed the Sarbanes-Oxley Act of 2002 in a 99 to 0 vote.

The Sarbanes-Oxley Act ensured that corporate officers were directly accountable for their financial reporting and for the quality of their financial statements. The law also created a strong, independent board to oversee the conduct of the auditors of public companies, the Public Company Accounting Oversight Board.

The PCAOB is responsible for overseeing auditors of public companies in order to protect investors who rely on independent audit reports on the financial statements of public companies. The Board operates under the oversight of the U.S. Securities and Exchange Commission (SEC).

The PCAOB oversees more than 2,400 registered auditing firms, as well as the thousands of audit partners and staff who contribute to a firm's work on each audit. The Board's ability to commence proceedings to determine whether there have been violations of its auditing standards or rules of professional practice is an important component of its oversight.

However, unlike other oversight bodies, such as the SEC, the U.S. Department of Labor, the Federal Deposit Insurance Corporation, the U.S. Commodity Futures Trading Commission, the Financial Industry Regulatory Authority, and others, the Board's disciplinary proceedings are not allowed to be public unless the parties consent. Of course, parties subject to disciplinary proceedings have no incentive to consent to publicizing their alleged wrongdoing and thus these proceedings remain cloaked behind a veil of secrecy. In addition, the Board's decisions in disciplinary proceedings are not allowed to be publicized until after the complete exhaustion of an appeals process, which can often take several years.

The PCAOB's nonpublic disciplinary proceedings create a lack of transparency that invites abuse and undermines the Congressional intent behind the establishment of the PCAOB, which was to shine a bright light on auditing firms and practices, and to bolster the accountability of auditors of public companies to the investing public.

Over the last several years, bad actors have taken advantage of the lack of transparency by using it to shield themselves from public scrutiny and accountability. PCAOB Chairman James Doty has repeatedly stated in testimony provided to both the Senate and House of Representatives over the past two years that the secrecy of the proceedings ''has a variety of unfortunate consequences'' and that such secrecy is harmful to investors, the auditing profession, and the public at large.

In one example, an accounting firm that was subject to a disciplinary proceeding continued to issue no fewer than 29 additional audit reports on public companies without any of those companies knowing about the PCAOB disciplinary proceedings. In other words, investors and the public company clients of that audit firm were deprived of relevant and material information about the proceedings against the firm and the substance of any violations.

There are several reasons why the Board's enforcement proceedings should be open and transparent. First,

as I have already noted, the closed proceedings run counter to the public proceedings of other government oversight bodies. Indeed, nearly all administrative proceedings brought by the SEC against those it regulates public companies, brokers, dealers, investment advisers, and others are open, public proceedings. The PCAOB's secret proceedings are not only shielded from the public, but from Congress as well. How can the public and Congress properly evaluate the Board's oversight of auditors and audit firms, and its enforcement program, when no one is entitled to know any of the details of these administrative proceedings, including whether a proceeding has even been initiated?

Second, the incentive to litigate cases in order to continue to shield conduct from the public as long as possible frustrates the process and requires the expenditure of needless resources by both litigants and the PCAOB.

Third, agencies such as the SEC have observed the benefits of open and transparent disciplinary proceedings, which include the benefit of informing peer audit firms of the type of activity that may give rise to enforcement action by the regulator. In effect, transparency of proceedings can serve as a deterrent to misconduct because of a perceived increase in the likelihood of ''getting caught.'' Accordingly, the audit industry as a whole would also benefit from timely, public, and nonsecret enforcement proceedings.

Our bill will make hearings by the PCAOB, and all related notices, orders, and motions, transparent and available to the public unless otherwise ordered by the Board. This would make the PCAOB's procedures similar to those of the SEC for analogous matters.

Increasing the transparency and accountability of audit firms subject to disciplinary proceedings instituted by the PCAOB is a critical component of efforts to bolster and maintain investor confidence in our financial markets, and should better protect companies as well from problematic auditors.

I hope our colleagues will join Senator GRASSLEY and me in taking the legislative steps necessary to enhance transparency in the PCAOB's enforcement process.

By Mr. SANDERS:

S. 851. A bill to amend title 38, United States Code, to extend to all veterans with a serious service-connected injury eligibility to participate in the family caregiver services program; to the Committee on Veterans' Affairs.

Mr. SANDERS. Mr. President, as Chairman of the Senate Committee on Veterans' Affairs, I am proud to introduce the Caregivers Expansion and Improvement Act of 2013, which will address the important needs of veterans' caregivers.

For generations, as the men and women of our armed forces returned home with serious injuries sustained overseas, their wives, husbands, parents and other family members stepped in to care for them. These family members have often provided this care at significant personal sacrifice. These caregivers' dedication to caring for the needs of their injured veterans has often resulted in lost professional opportunities and reduction in income.

Under the Caregivers and Veterans Omnibus Health Services Act of 2010, important services and benefits were made available to seriously injured post–9/11 veterans and their families. These changes improved the lives of caregivers by giving them the support they need which, in turn, improved the lives of veterans. These services and benefits for caregivers include a tax-free monthly stipend, travel expenses, health insurance, mental health services and counseling, caregiver training and respite care for caregivers of seriously injured post–9/11 veterans. However, these services were not made available to pre–9/11 veterans with equally serious injuries and whose caregivers were in equal need of support.

Many caregivers of pre–9/11 veterans have been caring for injured veterans for years with no support from the federal government. It is time to provide equal benefits to veterans and their family members from all eras. My legislation does just that.

I urge my colleagues to join me in supporting equal treatment of the caregivers of our Nation's veterans and cosponsor my legislation.

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. 851

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 ''Caregivers Expansion and Improvement Act of 2013''.

SEC. 2. EXTENSION TO ALL VETERANS WITH A SERIOUS SERVICE-CONNECTED DISABILITY OF ELIGIBILITY FOR PARTICIPATION IN FAMILY CAREGIVER PROGRAM.

Section 1720G(a)(2)(B) of title 38, United States Code, is amended by striking ''on or after September 11, 2001''.

By Mr. SANDERS:

S. 852. A bill to improve health care furnished by the Department of Veterans Affairs by increasing access to complementary and alternative medicine and other approaches to wellness and preventive care, and for other purposes; to the Committee on Veterans' Affairs.

Mr. SANDERS. Mr. President, as Chairman of the Senate Committee on Veterans' Affairs, I am proud to introduce the Veterans Health Promotion Act of 2013, which will address veterans' health and wellness.

The most recent statistics show that VA is providing health care to over 6.5 million individual veterans each year, including over 674,000 veterans from the most recent wars in Iraq and Afghanistan. These veterans are enrolling in VA at a rate of 56 percent, higher than any other group of veterans from previous conflicts. These veterans are receiving some of the best health care this nation has to offer. They can access this care at medical centers, outpatient clinics, vet centers, mobile clinics and through telemedicine.

Despite this access to care, many veterans still struggle with their overall wellbeing. Therefore, it is not enough to treat veterans who are very sick. When we focus solely on disease and illness, we miss the broader goal of wellness. We must expand our understanding of the care options necessary to improve veterans' lives. Therefore, I am introducing legislation which would do just that—expand veterans' access a full spectrum of care including wellness and Complementary and Alternative Medicine—known as CAM.

VA has made significant strides in providing CAM at VA medical centers. As the name describes, CAM therapies can serve as a complement to traditional care or, for some veterans, as an alternative. There is a growing body of evidence to support the value of these therapies but greater understanding can be achieved through the expansion of these services to more veterans. The legislation I am introducing today would do just that.

This expansion would occur through the Veterans Health Administration's Center of Innovation, which is developing, demonstrating and evaluating veteran-centered health care policies. To date, VA has established five such centers. My legislation would increase the number of these Centers of Innovation, establishing at least one in each of VA's 23 Veterans Integrated Service Networks. My legislation would create a total of fifteen pilot sites to provide CAM therapies to veterans throughout the nation. Five of the pilot sites would be located at VA's Polytrauma Centers, which care for veterans with the most complex injuries. The remaining ten would provide CAM therapies within primary care settings.

Additionally, my legislation would require VA to study barriers to providing and promoting preventive and holistic approaches to health care, including CAM and wellness, in the primary care setting. When we understand these barriers we can find a way to break them down, furthering opportunities to enhance the overall health and sense of wellbeing among veterans.

The legislation would also authorize grants to state and city agencies, and community-based nonprofit organizations to provide combat veterans and their family members access to wellness programs. By leveraging these outside organizations while improving their collaboration with VA, we can improve access to wellness programs without sacrificing VA's valuable model of care coordination.

An important component for maintaining a healthy lifestyle is physical activity. One of the best ways to improve the health of a population is to increase access to opportunities for physical activity. When coupled with a healthy diet, physical fitness can help promote weight loss and lower the risk of diabetes, heart attack and stroke. Therefore, my legislation would create a pilot program to provide fitness center memberships for overweight and obese veterans, in consultation with their VA health care provider. The pilot program would be over a 2-year period at 10 pilot sites. Additionally, the legislation would require VA to partner with fitness centers to improve access for veterans.

Finally, we must ensure CAM, wellness and fitness options are not only available to veterans, but are also utilized by veterans. Therefore, my legislation would require VA to study the barriers that exist across VHA in providing and promoting preventative and holistic approaches to health care, to include Complementary and Alternative Medicine and Wellness, in the primary care setting in order to enhance their overall health and sense of wellbeing among veterans.

I urge my colleagues to support this legislation and I look forward to working with them to continue to improve health care access for our veterans.

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. 852

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 ''Veterans' Health Promotion Act of 2013''.

SEC. 2. DESIGNATION AND OPERATION OF CENTERS OF INNOVATION FOR COMPLEMENTARY AND ALTERNATIVE MEDICINE IN HEALTH CARE RESEARCH, EDUCATION, AND CLINICAL ACTIVITIES.

(a) DESIGNATION AND OPERATION OF CENTERS OF INNOVATION.—Subchapter II of chapter 73 of title 38, United States Code, is amended by adding at the end the following new section:

''§ 7330B. Centers of innovation for complementary and alternative medicine in health care research, education, and clinical activities

''(a) DESIGNATION AND OPERATION.—The Secretary, acting through the Director of the Office of Patient Centered Care for Cultural Transformation, shall designate and operate at least one center of innovation for complementary and alternative medicine in health research, education, and clinical activities in each Veterans Integrated Service Networks.

''(b) FUNCTIONS.—The functions of the centers of innovation designated and operated under subsection (a) are as follows:

''(1) To conduct research on the furnishing of complementary and alternative medicine in health care.

''(2) To develop specific models to be used by the Department in furnishing services to veterans consisting of complementary and alternative medicine.

''(3) To provide education and training for health care professionals of the Department on—

''(A) the furnishing of services consisting of complementary and alternative medicine to veterans; or

''(B) providing referrals to veterans for the receipt of such services.

''(4) To develop and implement innovative clinical activities and systems of care for the Department for the furnishing of services consisting of complementary and alternative medicine to veterans.

''(c) GEOGRAPHIC DISPERSION.—The Secretary shall ensure that the centers designated and operated under this section are located at health care facilities that are geographically dispersed throughout the United States.

''(d) FUNDING.—(1) There is authorized to be appropriated to the Secretary such sums as may be necessary for the support of the research and education activities of the centers operated under this section.

''(2) Activities of clinical and scientific investigation at each center operated under this section—

''(A) shall be eligible to compete for the award of funding from funds appropriated for the Medical and Prosthetics Research Account; and

''(B) shall receive priority in the award of funding from such account to the extent that funds are awarded to projects for research on the care of rural veterans.

''(e) COMPLEMENTARY AND ALTERNATIVE MEDICINE DEFINED.—In this section, the term 'complementary and alternative medicine' shall have the meaning given that term in regulations the Secretary shall prescribe for purposes of this section, which shall, to the degree practicable, be consistent with the meaning given such term by the Secretary of Health and Human Services.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 73 of such title is amended by inserting after the item relating to section 7330A the following new item:

''7330B. Centers of Innovation for complementary and alternative medicine in health care research, education, and clinical activities.''.

SEC. 3. PILOT PROGRAM ON ESTABLISHMENT OF COMPLEMENTARY AND ALTERNATIVE MEDICINE CENTERS WITHIN DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTERS.

(a) PILOT PROGRAM REQUIRED.—Commencing not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall carry out, through the Office of Patient Centered Care and Cultural Transformation of the Department of Veterans Affairs, a pilot program to assess the feasibility and advisability of establishing complementary and alternative medicine centers within Department medical centers to promote the use and integration of complementary and alternative medicine services for mental health diagnoses and pain management.

(b) DURATION OF PROGRAM.—The pilot program shall be carried out during the three-year period beginning on the date of the commencement of the pilot program.

(c) LOCATIONS.—

(1) IN GENERAL.—The Secretary shall carry out the pilot program by establishing not fewer than 15 complementary and alternative medicine centers in 15 separate Department medical centers as follows:

(A) Five Department medical centers designated by the Secretary as polytrauma centers.

(B) Ten Department medical center not designated by Secretary as polytrauma centers.

(2) CONSIDERATIONS.—In selecting locations for the pilot program, the Secretary shall consider the feasibility and advisability of selecting locations in—

(A) rural areas;

(B) areas that are not in close proximity to an active duty military installation; and

(C) areas representing different geographic locations, such as census tracts established by the Bureau of the Census.

(d) PROVISION OF SERVICES.—Under the pilot program, the Secretary shall provide covered services to covered veterans through the complementary and alternative medicine centers established under subsection (c)(1).

(e) COVERED VETERANS.—For purposes of the pilot program, a covered veteran is any veteran who has—

(1) a mental health condition diagnosed by a clinician of the Department; or

(2) a pain condition for which the veteran has received a pain management plan from a clinician of the Department.

(f) COVERED SERVICES.—

(1) IN GENERAL.—For purposes of the pilot program, covered services are services consisting of complementary or alternative medicine.

(2) ADMINISTRATION OF SERVICES.—Covered services shall be administered under the pilot program as follows:

(A) Covered services shall be administered by clinicians who exclusively provide services consisting of complementary or alternative medicine.

(B) Covered services shall be included as part of the Patient Aligned Care Teams initiative of the Office of Patient Care Services, Primary Care Program Office.

(C) Covered services shall be made available to both—

(i) covered veterans with mental health conditions or pain conditions described in subsection (e) who have received traditional treatments from the Department for such conditions; and

(ii) covered veterans with mental health conditions or pain conditions described in subsection (e) who have not received traditional treatments from the Department for such conditions.

(g) VOLUNTARY PARTICIPATION.—The participation of a veteran in the pilot program shall be at the election of the veteran and in consultation with a clinician of the Department.

(h) REPORTS TO CONGRESS.—

(1) QUARTERLY REPORTS.—Not later than 90 days after the date of the commencement of the pilot program and not less frequently than once every 90 days thereafter for the duration of the pilot program, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the efforts of the Secretary to carry out the pilot program, including a description of the outreach conducted by the Secretary to veterans and community organizations to inform such organizations about the pilot program.

(2) FINAL REPORT.—

(A) IN GENERAL.—Not later than 180 days after the completion of the pilot program, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the pilot program.

(B) CONTENTS.—The report submitted under subparagraph (A) shall include the following:

(i) The findings and conclusions of the Secretary with respect to the pilot program, including with respect to the utilization and efficacy of the complementary and alternative medicine centers established under the pilot program.

(ii) Such recommendations for the continuation or expansion of the pilot program as the Secretary considers appropriate.

SEC. 4. PILOT PROGRAM ON USE OF WELLNESS PROGRAMS AS COMPLEMENTARY APPROACH TO MENTAL HEALTH CARE FOR VETERANS AND FAMILY MEMBERS OF VETERANS.

(a) PILOT PROGRAM REQUIRED.—

(1) IN GENERAL.—The Secretary of Veterans Affairs shall carry out a pilot program through the award of grants to public or private nonprofit entities to assess the feasibility and advisability of using wellness programs to complement the provision of mental health care to veterans and family members eligible for counseling under section 1712A(a)(1)(C) of title 38, United States Code.

(2) MATTERS TO BE ADDRESSED.—The pilot program shall be carried out so as to assess the following:

(A) Means of improving coordination between Federal, State, local, and community providers of health care in the provision of mental health care to veterans and family members described in paragraph (1).

(B) Means of enhancing outreach, and coordination of outreach, by and among providers of health care referred to in subparagraph (A) on the mental health care services available to veterans and family members described in paragraph (1).

(C) Means of using wellness programs of providers of health care referred to in subparagraph (A) as complements to the provision by the Department of Veterans Affairs of mental health care to veterans and family members described in paragraph (1).

(D) Whether wellness programs described in subparagraph (C) are effective in enhancing the quality of life and well-being of veterans and family members described in paragraph (1).

(E) Whether wellness programs described in subparagraph (C) are effective in increasing the adherence of veterans described in paragraph (1) to the primary mental health services provided such veterans by the Department.

(F) Whether wellness programs described in subparagraph (C) have an impact on the sense of wellbeing of veterans described in paragraph (1) who receive primary mental health services from the Department.

(G) Whether wellness programs described in subparagraph (C) are effective in encouraging veterans receiving health care from the Department to adopt a more healthy lifestyle.

(b) DURATION.—The Secretary shall carry out the pilot program for a period of three years beginning on the date that is 90 days after the date of the enactment of this Act.

(c) LOCATIONS.—The Secretary shall carry out the pilot program at facilities of the Department providing mental health care services to veterans and family members described in subsection (a)(1).

(d) GRANT PROPOSALS.—

(1) IN GENERAL.—A public or private nonprofit entity seeking the award of a grant under this section shall submit an application therefor to the Secretary in such form and in such manner as the Secretary may require.

(2) APPLICATION CONTENTS.—Each application submitted under paragraph (1) shall include the following:

(A) A plan to coordinate activities under the pilot program, to the extent possible, with the Federal, State, and local providers of services for veterans to enhance the following:

(i) Awareness by veterans of benefits and health care services provided by the Department.

(ii) Outreach efforts to increase the use by veterans of services provided by the Department.

(iii) Educational efforts to inform veterans of the benefits of a healthy and active lifestyle.

(B) A statement of understanding from the entity submitting the application that, if selected, such entity will be required to report to the Secretary periodically on standardized data and other performance data necessary to evaluate individual outcomes and to facilitate evaluations among entities participating in the pilot program.

(C) Other requirements that the Secretary may prescribe.

(e) GRANT USES.—

(1) IN GENERAL.—A public or private nonprofit entity awarded a grant under this section shall use the award for purposes prescribed by the Secretary.

(2) ELIGIBLE VETERANS AND FAMILY.—In carrying out the purposes prescribed by the Secretary in paragraph (1), a public or private nonprofit entity awarded a grant under this section shall use the award to furnish services only to individuals specified in section 1712A(a)(1)(C) of title 38, United States Code.

(f) REPORTS.—

(1) PERIODIC REPORTS.—

(A) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter, the Secretary shall submit to Congress a report on the pilot program.

(B) REPORT ELEMENTS.—Each report required by subparagraph (A) shall include the following:

(i) The findings and conclusions of the Secretary with respect to the pilot program during the 180-day period preceding the report.

(ii) An assessment of the benefits of the pilot program to veterans and their family members during the 180-day period preceding the report.

(2) FINAL REPORT.—Not later than 180 days after the end of the pilot program, the Secretary shall submit to Congress a report detailing the recommendations of the Secretary as to the advisability of continuing or expanding the pilot program.

(g) WELLNESS DEFINED.—In this section, the term ''wellness'' shall have the meaning given that term in regulations prescribed by the Secretary.

SEC. 5. PILOT PROGRAM ON HEALTH PROMOTION FOR OVERWEIGHT AND OBESE VETERANS THROUGH SUPPORT OF FITNESS CENTER MEMBERSHIP.

(a) PILOT PROGRAM REQUIRED.—Commencing not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall, through the National Center for Preventive Health, carry out a pilot program to assess the feasibility and advisability of promoting health in covered veterans, including achieving a healthy weight and reducing risks of chronic disease, through support for fitness center membership.

(b) COVERED VETERANS.—For purposes of this section, a covered veteran is any veteran who—

(1) is determined by a clinician of the Department of Veterans Affairs to be overweight or obese as of the date of the commencement of the pilot program; and

(2) resides in a location that is more than 15 minutes driving distance from a fitness center at a facility of the Department that would otherwise be available to the veteran for at least eight hours per day during five or more days per week.

(c) DURATION OF PILOT PROGRAM.—The pilot program shall be carried out during the two-year period beginning on the date of the commencement of the pilot program.

(d) LOCATIONS.—

(1) IN GENERAL.—In carrying out the pilot program, the Secretary shall select—

(A) not less than five medical centers of the Department at which the Secretary shall cover the full reasonable cost of a fitness center membership for covered veterans within the catchment area of such centers; and

(B) not less than five medical centers of the Department at which the Secretary shall cover half the reasonable cost of a fitness center membership for covered veterans within the catchment area of such centers.

(2) CONSIDERATIONS.—In selecting locations for the pilot program, the Secretary shall consider the feasibility and advisability of selecting locations in the following areas:

(A) Rural areas.

(B) Areas that are not in close proximity to an active duty military installation.

(C) Areas in different geographic locations.

(e) PARTICIPATION.—

(1) MAXIMUM NUMBER OF PARTICIPANTS.—The number of covered veterans who may participate in the pilot program at a location selected under subsection (d) may not exceed 100.

(2) VOLUNTARY PARTICIPATION.—The participation of a covered veteran in the pilot program shall be at the election of the covered veteran in consultation with a clinician of the Department.

(f) MEMBERSHIP PAYMENT.—

(1) IN GENERAL.—Except as provided in paragraph (2), in carrying out the pilot program, the Secretary shall pay the following:

(A) The full reasonable cost of a fitness center membership for covered veterans within the catchment area of centers selected under subsection (b)(1)(A) who are participating in the pilot program.

(B) Half the reasonable cost of a fitness center membership for covered veterans within the catchment area of centers selected under subsection (b)(1)(B) who are participating in the pilot program.

(2) LIMITATION.—Payment for a fitness center membership of a covered veteran may not exceed $50 per month of membership.

(g) REPORTS.—

(1) PERIODIC REPORTS.—Not later than 90 days after the date of the commencement of the pilot program and not less frequently than once every 90 days thereafter, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on activities carried out to implement the pilot program, including outreach activities to veterans and community organizations.

(2) FINAL REPORT.—Not later than 180 days after the date of the completion of the pilot program, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the pilot program detailing—

(A) the findings and conclusions of the Secretary as a result of the pilot program; and

(B) recommendations for the continuation or expansion of the pilot program.

SEC. 6. PILOT PROGRAM ON HEALTH PROMOTION FOR VETERANS THROUGH ESTABLISHMENT OF DEPARTMENT OF VETERANS AFFAIRS FITNESS FACILITIES.

(a) PILOT PROGRAM REQUIRED.—Commencing not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall carry out a pilot program to assess the feasibility and advisability of promoting health in covered veterans, including achieving a healthy weight, through establishment of Department of Veterans Affairs fitness facilities.

(b) COVERED VETERANS.—For purposes of this section, a covered veteran is any veteran who is enrolled in the system of annual patient enrollment established and operated by the Secretary under section 1705 of title 38, United States Code.

(c) DURATION OF PILOT PROGRAM.—The pilot program shall be carried out during the three-year period beginning on the date of the commencement of the pilot program.

(d) LOCATIONS.—

(1) IN GENERAL.—The Secretary shall carry out the pilot program by establishing fitness facilities in Department facilities as follows:

(A) In not fewer than five Department of Veterans Affairs medical centers selected by the Secretary for purposes of the pilot program.

(B) In not fewer than five outpatient clinics of the Department selected by the Secretary for purposes of the pilot program.

(2) CONSIDERATIONS.—In selecting locations for the pilot program, the Secretary shall consider the feasibility and advisability of selecting locations in the following areas:

(A) Rural areas.

(B) Areas that are not in close proximity to an active duty military installation.

(C) Areas in different geographic locations.

(e) LIMITATION ON EXPENSES.—In establishing and supporting a fitness facility in a facility of the Department under the pilot program, the Secretary may expend amounts as follows:

(1) For establishment and support of a fitness facility in a Department of Veterans Affairs medical center, not more than $60,000.

(2) For establishment and support of a fitness facility in an outpatient clinic of the Department, not more than $40,000.

(f) RENOVATIONS AND PURCHASES.—Subject to subsection (e), the Secretary may, in carrying out the pilot program, make such renovations to physical facilities of the Department and purchase such fitness equipment and supplies as the Secretary considers appropriate for purposes of the pilot program.

(g) PROHIBITION ON ASSESSMENT OF USER FEES.—The Secretary may not assess a fee upon a covered veteran for use of a fitness facility established under the pilot program.

(h) VOLUNTARY PARTICIPATION.—The participation of a covered veteran in the pilot program shall be at the election of the covered veteran.

(i) REPORTS.—

(1) PERIODIC REPORTS.—Not later than 90 days after the date of the commencement of the pilot program and not less frequently than once every 90 days thereafter, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on activities carried out to implement the pilot program, including outreach activities to veterans and community organizations.

(2) FINAL REPORT.—Not later than 180 days after the date of the completion of the pilot program, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the pilot program detailing—

(A) the findings and conclusions of the Secretary as a result of the pilot program; and

(B) recommendations for the continuation or expansion of the pilot program.

SEC. 7. STUDY OF BARRIERS ENCOUNTERED BY VETERANS IN RECEIVING COMPLEMENTARY AND ALTERNATIVE MEDICINE FROM DEPARTMENT OF VETERANS AFFAIRS.

(a) STUDY REQUIRED.—The Secretary of Veterans Affairs shall conduct a comprehensive study of the barriers encountered by veterans in receiving complementary and alternative medicine from the Department of Veterans Affairs. In conducting the study, the Secretary shall—

(1) survey veterans who seek or receive hospital care or medical services furnished by the Department, as well as veterans who do not seek or receive such care or services;

(2) administer the survey to a representative sample of veterans from each Veterans Integrated Service Network; and

(3) ensure that the sample of veterans surveyed is of sufficient size for the study results to be statistically significant.

(b) ELEMENTS OF STUDY.—In conducting the study required by subsection (a), the Secretary shall study the following:

(1) The perceived barriers associated with obtaining complementary and alternative medicine services from the Department.

(2) The satisfaction of veterans with complementary and alternative medicine in primary care.

(3) The degree to which veterans are aware of eligibility requirements for, and the scope of services available under, complementary and alternative medicine furnished by the Department.

(4) The effectiveness of outreach to veterans on the availability of complementary and alternative medicine for veterans.

(5) Such other barriers as the Secretary considers appropriate.

(c) DISCHARGE BY CONTRACT.—The Secretary shall enter into a contract with a qualified independent entity or organization to carry out the study required by this section.

(d) MANDATORY REVIEW OF DATA BY CERTAIN DEPARTMENT DIVISIONS.—

(1) IN GENERAL.—The Secretary shall ensure that the head of each division of the Department specified in paragraph (2) reviews the results of the study conducted under this section. The head of each such division shall submit findings with respect to the study to the Under Secretary for Health and to other pertinent program offices within the Department with responsibilities relating to health care services for veterans.

(2) SPECIFIED DIVISIONS.—The divisions of the Department specified in this paragraph are the following:

(A) The centers for innovation established under section 7330B of title 38, United States Code, as added by section 2.

(B) The Health Services Research and Development Service Scientific Merit Review Board.

(e) REPORTS.—

(1) REPORT ON IMPLEMENTATION.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the status of the implementation of this section.

(2) REPORT ON STUDY.—

(A) IN GENERAL.—Not later than 45 days after the date of the completion of the study, the Secretary shall submit to Congress a report on the study required by subsection (a).

(B) CONTENTS.—The report required by subparagraph (A) shall include the following:

(i) Recommendations for such administrative and legislative proposals and actions as the Secretary considers appropriate.

(ii) The findings of the head of each division of the Department specified under subsection (d)(2) and of the Under Secretary for Health.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary $2,000,000 to carry out this section.

SEC. 8. COMPLEMENTARY AND ALTERNATIVE MEDICINE DEFINED.

In this Act, the term ''complementary and alternative medicine'' shall have the meaning given such term under section 7330B of title 38, United States Code, as added by section 2.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 115—COMMENDING THE HEROISM, COURAGE, AND SACRIFICE OF SEAN COLLIER, AN OFFICER IN THE MASSACHUSETTS INSTITUTE OF TECHNOLOGY POLICE DEPARTMENT, MARTIN RICHARD, AN 8-YEAR-OLD RESIDENT OF DORCHESTER, MASSACHUSETTS, KRYSTLE CAMPBELL, A NATIVE OF MEDFORD, MASSACHUSETTS, LU LINGZI, A STUDENT AT BOSTON UNIVERSITY, AND ALL THE VICTIMS WHO ARE RECOVERING FROM INJURIES CAUSED BY THE ATTACKS IN BOSTON, MASSACHUSETTS, INCLUDING RICHARD DONOHUE, JR., AN OFFICER IN THE MASSACHUSETTS BAY TRANSPORTATION AUTHORITY TRANSIT POLICE DEPARTMENT

Ms. WARREN (for herself, Mr. COWAN, Mr. REID, Mr. MCCONNELL, Mr. ALEXANDER, Ms. AYOTTE, Ms. BALDWIN, Mr. BARRASSO, Mr. BAUCUS, Mr. BEGICH, Mr. BENNET, Mr. BLUMENTHAL, Mr. BLUNT, Mr. BOOZMAN, Mrs. BOXER, Mr. BROWN, Mr. BURR, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mr. COATS, Mr. COBURN, Mr. COCHRAN, Ms. COLLINS, Mr. COONS, Mr. CORKER, Mr. CORNYN, Mr. CRAPO, Mr. CRUZ, Mr. DONNELLY, Mr. DURBIN, Mr. ENZI, Mrs. FEINSTEIN, Mrs. FISCHER, Mr. FLAKE, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. GRASSLEY, Mrs. HAGAN, Mr. HARKIN, Mr. HATCH, Mr. HEINRICH, Ms. HEITKAMP, Mr. HELLER, Ms. HIRONO, Mr. HOEVEN, Mr. INHOFE, Mr. ISAKSON, Mr. JOHANNS, Mr. JOHNSON of Wisconsin, Mr. JOHNSON of South Dakota, Mr. KAINE, Mr. KING, Mr. KIRK, Ms. KLOBUCHAR, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEE, Mr. LEVIN, Mr. MANCHIN, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Mr. MORAN, Ms. MURKOWSKI, Mr. MURPHY, Mrs. MURRAY, Mr. NELSON, Mr. PAUL, Mr. PORTMAN, Mr. PRYOR, Mr. REED, Mr. RISCH, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. RUBIO, Mr. SANDERS, Mr. SCHATZ, Mr. SCHUMER, Mr. SCOTT, Mr. SESSIONS, Mrs. SHAHEEN, Mr. SHELBY, Ms. STABENOW, Mr. TESTER, Mr. THUNE, Mr. TOOMEY, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. VITTER, Mr. WARNER, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 115

Whereas, in the aftermath of the deadly bombings that occurred on Patriots' Day, April 15, 2013, during the running of the 117th Boston Marathon, the residents of Massachusetts and the people of the United States witnessed the incredible bravery, dedication, and sacrifice of law enforcement officers, first responders, and citizen heroes;

Whereas Sean Collier of Wilmington, Massachusetts, an officer in the Massachusetts Institute of Technology (referred to in this preamble as ''MIT'') Police Department, gave his life in the line of duty, the ultimate sacrifice;

Whereas Officer Sean Collier was protecting the students of MIT when he was killed as he sat in his police cruiser;

Whereas Officer Sean Collier was known by his family, friends, and co-workers as a generous, kind, friendly, and devoted individual and officer;

Whereas the people of the United States join with the family of Officer Sean Collier, the MIT community, and the residents of Massachusetts in mourning the loss of Officer Sean Collier, a dedicated, hardworking, and respected young police officer;

Whereas the people of the United States remember Martin Richard, an 8-year-old boy from Dorchester, Massachusetts;

Whereas Martin Richard loved to play sports and draw pictures, and was dearly loved by his family, friends, classmates, and community;

Whereas the people of the United States will always remember and strive to live by the poignant and powerful message from Martin Richard: ''No more hurting people. Peace.'';

Whereas the people of the United States remember Krystle Campbell, who grew up in Medford, Massachusetts and attended every Boston Marathon since she was a young girl;

Whereas Krystle Campbell will be remembered as a selfless and caring person who was always there for others;

Whereas the people of the United States are inspired by Krystle Campbell and her kind act of caring for her grandmother, who was recovering from an operation;

Whereas the people of the United States remember Lu Lingzi, who came to the United States from China to study statistics at Boston University;

Whereas, on the morning of the Boston Marathon on April 15, 2013, Lu Lingzi posted on a social media site that she was enjoying her day;

Whereas Lu Lingzi is a reminder of our common humanity, and that senseless acts of terrorism, such as the bombings that occurred during the running of the Boston Marathon, are crimes that have no borders;

Whereas Richard Donohue, Jr., an officer in the Massachusetts Bay Transportation Authority Transit Police Department, worked a shift at the Boston Marathon on Monday, April 15, 2013, and was wounded early in the morning on Friday, April 19, 2013, when he raced to assist officers from the MIT and City of Cambridge Police Departments as they pursued the Boston Marathon bombing suspects in Watertown, Massachusetts;

Whereas, during the ensuing shootout with the Boston Marathon bombing suspects, Officer Richard Donohue, Jr., and other officers, acting with complete disregard for their own safety, withstood a barrage of gunfire and explosives unleashed by the suspects;

Whereas, during the shootout with the Boston Marathon bombing suspects, Officer Richard Donohue, Jr., was seriously wounded by a bullet that nearly took his life;

Whereas Officer Richard Donohue, Jr., is recovering from his injuries and remains in critical but stable condition; and

Whereas the people of the United States pray for all the people who were wounded during the attacks, and pledge to assist them in any way possible to help them recover from their injuries: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the people of the United States honor the memories of Officer Sean Collier, Martin Richard, Krystle Campbell, and Lu Lingzi, and express deep condolences to their families and friends;

(2) Officer Sean Collier and Officer Richard Donohue, Jr., represent the best of Massachusetts and of law enforcement;

(3) the people of the United States convey profound gratitude and prayers for a complete recovery to Officer Richard Donohue, Jr., and to all of the other victims who are recovering from injuries caused by the attacks in Boston, Massachusetts;

(4) the service and sacrifice of Officer Sean Collier and Officer Richard Donohue, Jr., will never be forgotten by the residents of Massachusetts or the people of the United States, and will forever serve as an example of incredible bravery and sacrifice; and

(5) the people of the United States express thanks to the men and women of law enforcement in the United States for their unwavering determination, courage, and resolve to bring to justice the people responsible for the bombings that occurred during the running of the 117th Boston Marathon.

SENATE RESOLUTION 116—DESIGNATING SEPTEMBER 26, 2013, AS ''NATIONAL PEDIATRIC BRAIN CANCER AWARENESS DAY''

Mrs. FISCHER (for herself and Ms. KLOBUCHAR) submitted the following resolution; which was considered and agreed to:

S. RES. 116

Whereas pediatric brain cancer, although rare, is the leading cause of cancer deaths among children and poses substantial health and developmental problems for an average of 3,000 child patients and their families in the United States each year;

Whereas children with brain cancer receive treatment at various types of medical establishments, including pediatric hospitals, pediatric oncology centers, and adult cancer facilities;

Whereas the parents, siblings, and families of children with brain cancer face unique difficulties, including ensuring the continuing education and development of children undergoing intensive surgical procedures, chemotherapy, and treatment;

Whereas children with brain cancer courageously face significant psychological, emotional, and social challenges due to their illness and the amount of time spent at treatment facilities away from their families, classmates, and friends;

Whereas a number of organizations, including the Team Jack Legacy Fund, in partnership with CureSearch for Children's Cancer, have worked diligently to raise awareness, encourage diagnosis, and find an ultimate cure to pediatric brain cancer; and

Whereas, on April 6, 2013, 7-year-old pediatric brain cancer patient Jack Hoffman joined the lineup of the University of Nebraska Cornhuskers football team for its spring football game, wearing football pads and a number 22 jersey, and ran 69 yards to score a touchdown in front of more than 60,000 fans at Memorial Stadium in Lincoln, Nebraska, touching the hearts of millions of Americans and raising awareness of pediatric brain cancer: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 26, 2013 as ''National Pediatric Brain Cancer Awareness Day''; and

(2) commends—

(A) children battling brain cancer, and their families and friends, for their courage and perseverance;

(B) organizations, including the Team Jack Legacy Fund and the University of Nebraska, that raise awareness and encourage the accurate and early diagnosis of the rare but devastating disease of pediatric brain cancer; and

(C) the researchers, scientists, and healthcare providers who are dedicated to treating and finding a cure for pediatric brain cancer.

SENATE RESOLUTION 117—RECOGNIZING AND SUPPORTING THE GOALS AND IDEALS OF NATIONAL SEXUAL ASSAULT AWARENESS AND PREVENTION MONTH

Mr. CASEY (for himself and Mr. FRANKEN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 117

Whereas, on average, a person is sexually assaulted in the United States every 2 minutes;

Whereas the Department of Justice reports that more than 200,000 people in the United States are sexually assaulted each year;

Whereas nearly 1 in 5 women and 1 in 71 men have been victims of rape at some point in their lives;

Whereas the Department of Defense received 3,158 reports of sexual assault involving members of the Armed Forces in fiscal year 2010;

Whereas children and young adults are most at risk of sexual assault, as 44 percent of sexual assault victims are under 18 years of age, and 80 percent are under 30 years of age;

Whereas sexual assault affects women, men, and children of all racial, social, religious, age, ethnic, and economic groups in the United States;

Whereas women, men, and children suffer multiple types of sexual violence, including acquaintance, stranger, spousal, and gang rape, incest, child sexual molestation, forced prostitution, trafficking, forced pornography, ritual abuse, sexual harassment, and stalking;

Whereas it is estimated that the percentage of completed or attempted rape victimization among women in institutions of higher education is between 20 and 25 percent over the course of a college career;

Whereas, in addition to the immediate physical and emotional costs, sexual assault has associated consequences that may include post-traumatic stress disorder, substance abuse, major depression, homelessness, eating disorders, and suicide;

Whereas only 41 percent of sexual assault victims pursue prosecution by reporting their attack to law enforcement agencies;

Whereas two-thirds of sexual crimes are committed by persons who are not strangers to the victims;

Whereas sexual assault survivors suffer emotional scars long after the physical scars have healed;

Whereas, because of advances in DNA technology, law enforcement agencies have the potential to identify the rapists in tens of thousands of unsolved rape cases;

Whereas aggressive prosecution can lead to the incarceration of rapists and therefore prevent those individuals from committing further crimes;

Whereas national, State, territory, and tribal coalitions, community-based rape crisis centers, and other organizations across the United States are committed to increasing public awareness of sexual violence and its prevalence, and to eliminating sexual violence through prevention and education;

Whereas important partnerships have been formed among criminal and juvenile justice agencies, health professionals, public health workers, educators, first responders, and victim service providers;

Whereas free, confidential help is available to all survivors of sexual assault through the

National Sexual Assault Hotline, more than 1,000 rape crisis centers across the United States, and other organizations that provide services to assist survivors of sexual assault;

Whereas, according to a 2011 survey of rape crisis centers by the National Alliance to End Sexual Violence, 50 percent of the rape crisis centers have experienced a reduction in staffing, 65 percent of the rape crisis centers have a waiting list for services, and funding and staffing cuts have resulted in 67 percent of the rape crisis centers having to reduce the amount of hours they spend dedicated to prevention and awareness;

Whereas individual and collective efforts reflect the dream of the people of the United States for a country where individuals and organizations actively work to prevent all forms of sexual violence and no sexual assault victim goes unserved or ever feels that there is no path to justice; and

Whereas April is recognized as ''National Sexual Assault Awareness and Prevention Month'': Now, therefore, be it

Resolved, That—

(1) it is the sense of the Senate that—

(A) National Sexual Assault Awareness and Prevention Month provides a special opportunity to educate the people of the United States about sexual violence and to encourage the prevention of sexual assault, the improved treatment of survivors of sexual assault, and the prosecution of perpetrators of sexual assault;

(B) it is appropriate to properly acknowledge the more than 20,000,000 men and women who have survived sexual assault in the United States and salute the efforts of survivors, volunteers, and professionals who combat sexual assault;

(C) national and community organizations and private sector supporters should be recognized and applauded for their work in promoting awareness about sexual assault, providing information and treatment to survivors of sexual assault, and increasing the number of successful prosecutions of perpetrators of sexual assault; and

(D) public safety, law enforcement, and health professionals should be recognized and applauded for their hard work and innovative strategies to increase the percentage of sexual assault cases that result in the prosecution and incarceration of the offenders;

(2) the Senate strongly recommends that national and community organizations, businesses in the private sector, institutions of higher education, and the media promote, through National Sexual Assault Awareness and Prevention Month, awareness of sexual violence and strategies to decrease the incidence of sexual assault; and

(3) the Senate supports the goals and ideals of National Sexual Assault Awareness and Prevention Month.

SENATE RESOLUTION 118—SUPPORTING THE DESIGNATION OF APRIL AS PARKINSON'S AWARENESS MONTH

Ms. STABENOW (for herself, Mr. UDALL of Colorado, Mr. ISAKSON, and Mr. JOHANNS) submitted the following resolution; which was considered and agreed to:

S. RES. 118

Whereas Parkinson's disease is a chronic, progressive, neurological disease and is the second most common neurological disease in the United States;

Whereas there is inadequate comprehensive data on the incidence and prevalence of Parkinson's disease, nevertheless it is estimated that the disease affects 500,000 to 1,500,000 people in the United States and the prevalence will more than double by 2040;

Whereas there are millions of Americans who are caregivers, family members, and friends greatly impacted by Parkinson's disease every day;

Whereas it is estimated that the economic burden of Parkinson's disease is $14,400,000,000, including indirect costs to patients and family members each year;

Whereas although research suggests the cause of Parkinson's disease is a combination of genetic and environmental factors, the exact cause and progression of the disease is still unknown;

Whereas there is no objective test or biomarker for Parkinson's disease, and the rate of misdiagnosis can be high;

Whereas the symptoms of Parkinson's disease vary from person to person and include tremors, slowness of movement, difficulty with balance, swallowing, chewing, speaking, rigidity, cognitive impairment, dementia, mood disorders, such as depression and anxiety, constipation, skin problems, and sleep difficulties;

Whereas there is currently no cure, therapy, or drug to slow or halt the progression of Parkinson's disease;

Whereas medications mask some symptoms of Parkinson's disease for a limited amount of time each day, often with dose-limiting side effects, and ultimately lose their effectiveness, leaving the person unable to move, speak or swallow; and

Whereas increased education and research are needed to find more effective treatments with fewer side effects and, ultimately, an effective treatment or cure for Parkinson's disease: Now, therefore, be it

Resolved, That the Senate—

(1) supports the designation of April as Parkinson's Awareness Month;

(2) supports the goals and ideals of Parkinson's Awareness Month;

(3) continues to support research to find better treatments, and eventually, a cure for Parkinson's disease;

(4) recognizes the people living with Parkinson's who participate in vital clinical trials to advance the knowledge of the disease; and

(5) commends the dedication of State, local, regional, and national organizations, volunteers, researchers and millions of Americans across the United States working to improve the quality of life of persons living with Parkinson's disease and their families.

SENATE RESOLUTION 119—SUPPORTING THE GOALS AND IDEALS OF WORLD MALARIA DAY

Mr. COONS (for Mr. WICKER (for himself, Mr. COONS, Mr. RUBIO, Mr. BOOZMAN, Mr. COCHRAN, Mr. CARDIN, Mr. INHOFE, Mr. KIRK, Mr. ISAKSON, Mrs. MURRAY, Mr. DURBIN, Mr. LAUTENBERG, Ms. MIKULSKI, and Mr. BROWN)) submitted the following resolution; which was considered and agreed to:

S. RES. 119

Whereas April 25th of each year is recognized internationally as World Malaria Day;

Whereas malaria is a leading cause of death and disease in many developing countries, despite being preventable and treatable;

Whereas fighting malaria is in the national security interest of the United States, as reducing the risk of malaria protects members of the Armed Forces of the United States serving overseas in malaria-endemic regions, and reducing malaria deaths helps to lower risks of instability in less developed countries;

Whereas support for efforts to fight malaria is in the diplomatic and moral interest of the United States, as that support generates goodwill toward the United States and highlights the values of the people of the United States through the work of governmental, non-governmental, and faith-based organizations of the United States;

Whereas efforts to fight malaria are in the long-term economic interest of the United States because those efforts help developing countries identify at-risk populations, provide better health services, produce healthier and more productive workforces, advance economic development, and promote stronger trading partners;

Whereas 35 countries, the majority of which are in sub-Saharan Africa, account for 91 percent of malaria deaths in the world;

Whereas young children and pregnant women are particularly vulnerable to and disproportionately affected by malaria;

Whereas malaria greatly affects child health, as children under the age of 5 account for an estimated 86 percent of malaria deaths each year;

Whereas malaria poses great risks to maternal and neonatal health, causing complications during delivery, anemia, and low birth weights, with estimates that malaria infection causes approximately 400,000 cases of severe maternal anemia and between 75,000 and 200,000 infant deaths annually in sub-Saharan Africa;

Whereas heightened national, regional, and international efforts to prevent and treat malaria during recent years have made significant progress and helped save hundreds of thousands of lives;

Whereas the World Malaria Report 2012 by the World Health Organization states that in 2011, approximately 53 percent of households in sub-Saharan Africa owned at least one insecticide-treated mosquito net, and household surveys indicated that 90 percent of people used an insecticide-treated mosquito net if one was available in the household;

Whereas, in 2011, approximately 153,000,000 people were protected by indoor residual spraying;

Whereas the World Malaria Report 2012 further states that between 2000 and 2010—

(1) malaria mortality rates decreased by 26 percent around the world;

(2) in the African Region of the World Health Organization, malaria mortality rates decreased by 33 percent; and

(3) an estimated 1,100,000 malaria deaths were averted globally, primarily as a result of increased interventions;

Whereas the World Malaria Report 2012 further states that out of 99 countries with ongoing transmission of malaria in 2012, 11 countries are classified as being in the pre-elimination phase of malaria control, 10 countries are classified as being in the elimination phase, and 5 countries are classified as being in the prevention of introduction phase;

Whereas continued national, regional, and international investment in efforts to eliminate malaria, including prevention and treatment efforts, the development of a vaccine to immunize children from the malaria parasite, and advancements in insecticides, are critical in order to continue to reduce malaria deaths, prevent backsliding in areas where progress has been made, and equip the United States and the global community with the tools necessary to fight malaria and other global health threats;

Whereas the United States Government has played a leading role in the recent progress made toward reducing the global

burden of malaria, particularly through the President's Malaria Initiative and the contribution of the United States to the Global Fund to Fight AIDS, Tuberculosis, and Malaria;

Whereas, in May 2011, an independent, external evaluation, prepared through the Global Health Technical Assistance Project, examining 6 objectives of the President's Malaria Initiative, found the President's Malaria Initiative to be a successful, well-led component of the Global Health Initiative that has ''earned and deserves the task of sustaining and expanding the United States Government's response to global malaria control efforts'';

Whereas the United States Government is pursuing a comprehensive approach to ending malaria deaths through the President's Malaria Initiative, which is led by the United States Agency for International Development and implemented with assistance from the Centers for Disease Control and Prevention, the Department of State, the Department of Health and Human Services, the National Institutes of Health, the Department of Defense, and private sector entities;

Whereas the President's Malaria Initiative focuses on helping partner countries achieve major improvements in overall health outcomes through improved access to, and quality of, healthcare services in locations with limited resources; and

Whereas the President's Malaria Initiative, recognizing the burden of malaria on many partner countries, has set a target of reducing the burden of malaria by 50 percent for 450,000,000 people, representing 70 percent of the at-risk population in Africa, by 2015: Now, therefore, be it

Resolved, That the Congress—

(1) supports the goals and ideals of World Malaria Day, including the target of ending malaria deaths by 2015;

(2) recognizes the importance of reducing malaria prevalence and deaths to improve overall child and maternal health, especially in sub-Saharan Africa;

(3) commends the recent progress made toward reducing global malaria morbidity, mortality, and prevalence, particularly through the efforts of the President's Malaria Initiative and the Global Fund to Fight AIDS, Tuberculosis, and Malaria;

(4) welcomes ongoing public-private partnerships to research and develop more effective and affordable tools for malaria diagnosis, treatment, and vaccination;

(5) recognizes the goals, priorities, and authorities to combat malaria set forth in the Tom Lantos and Henry J. Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act of 2008 (Public Law 110–293; 122 Stat. 2918);

(6) supports continued leadership by the United States in bilateral, multilateral, and private sector efforts to combat malaria and to work with developing countries to create long-term strategies to increase ownership over malaria programs; and

(7) encourages other members of the international community to sustain and increase their support for and financial contributions to efforts to combat malaria worldwide.

SENATE RESOLUTION 120—SUPPORTING THE MISSION AND GOALS OF 2013 NATIONAL CRIME VICTIMS' RIGHTS WEEK TO INCREASE PUBLIC AWARENESS OF THE RIGHTS, NEEDS, AND CONCERNS OF, AND SERVICES AVAILABLE TO ASSIST, VICTIMS AND SURVIVORS OF CRIME IN THE UNITED STATES.

Mr. LEAHY (for Mr. WICKER (for himself, Mr. LEAHY, Mr. SCHUMER, and Mr. GRASSLEY)) submitted the following resolution; which was considered and agreed to:

S. RES. 120

Whereas, in 2011, there were nearly 6,000,000 victims of violent crime and more than 17,000,000 victims of property crime in the United States;

Whereas, according to National Crime Victimization Survey, non-fatal violent crime increased by 17 percent and property crime increased by 11 percent in the United States between 2010 and 2011;

Whereas, according to the Federal Bureau of Investigation Uniform Crime Reporting, ''law enforcement agencies throughout the nation reported an increase of 1.9 percent in the number of violent crimes brought to their attention for the first 6 months of 2012 when compared with figures reported for the same time in 2011'';

Whereas a just society acknowledges the impact of crime on individuals, families, schools, and communities by protecting the rights of crime victims and ensuring that resources, and services are available to help rebuild lives;

Whereas, despite impressive accomplishments during the last 40 years in increasing the rights of, and services available to, crime victims and survivors, many challenges remain to ensure that all victims are—

(1) treated with dignity, fairness, and respect;

(2) offered support and services regardless of whether victims report crimes committed against them; and

(3) recognized as key participants within the criminal, juvenile, Federal, tribal, and civil justice systems in the United States when victims do report crimes;

Whereas victims and survivors of crime in the United States need and deserve support and assistance to help them cope with the often devastating consequences of crime;

Whereas, during each of the last 31 years, communities across the United States have joined Congress and the Department of Justice in commemorating National Crime Victims' Rights Week to celebrate a shared vision of a comprehensive and collaborative response that identifies and addresses the many needs of crime victims and survivors;

Whereas Congress and the President agree on the need for a renewed commitment to serving all victims of crime in the 21st century;

Whereas the theme of 2013 National Crime Victims' Rights Week, celebrated from April 21 through April 27, 2013, is ''New Challenges, New Solutions'', which highlights the many challenges that confront the fields of crime victim assistance, justice, and public safety; and

Whereas the people of the United States recognize and appreciate the continued importance of promoting the rights of, and services for, crime victims, and of honoring crime victims, survivors, and those who provide services for them: Now, therefore be it

Resolved, That the Senate—

(1) supports the mission and goals of 2013 National Crime Victims' Rights Week to increase individual and public awareness of—

(A) the impact of crime on victims and survivors; and

(B) the challenges to achieving justice for victims, and the many solutions that can meet these challenges; and

(2) recognizes that dignity, fairness, and respect constitute the very foundation of how crime victims and survivors should be treated.

SENATE RESOLUTION 121—EXPRESSING SUPPORT FOR THE DESIGNATION OF MAY 1, 2013, AS ''SILVER STAR SERVICE BANNER DAY''

Mrs. MCCASKILL (for herself and Mr. BLUNT) submitted the following resolution, which was considered and agreed to:

S. RES. 121

Whereas the Senate has always honored the sacrifices made by the wounded and ill members of the Armed Forces;

Whereas the Silver Star Service Banner has come to represent the members of the Armed Forces and veterans who were wounded or became ill in combat in the wars fought by the United States;

Whereas the Silver Star Families of America was formed to help the American people remember the sacrifices made by the wounded and ill members of the Armed Forces by designing and manufacturing Silver Star Service Banners and Silver Star Flags for that purpose;

Whereas the sole mission of the Silver Star Families of America is to evoke memories of the sacrifices of members and veterans of the Armed Forces on behalf of the United States through the presence of a Silver Star Service Banner in a window or a Silver Star Flag flying;

Whereas the sacrifices of members and veterans of the Armed Forces on behalf of the United States should never be forgotten; and

Whereas May 1, 2013, is an appropriate date to designate as ''Silver Star Service Banner Day'': Now, therefore, be it

Resolved, That the Senate supports the designation of May 1, 2013, as ''Silver Star Service Banner Day'' and calls upon the people of the United States to observe the day with appropriate programs, ceremonies, and activities.

SENATE RESOLUTION 122—RECOGNIZING THE HISTORIC SIGNIFICANCE OF THE MEXICAN HOLIDAY OF CINCO DE MAYO

Mr. UDALL of Colordo (for himself, Mr. CORNYN, Mr. REID of Nevada, Mr. MENENDEZ, Mr. UDALL of New Mexico, Mr. ENZI, and Mr. CRUZ) submitted the following resolution; which was considered and agreed to:

S. RES. 122

Whereas May 5, or ''Cinco de Mayo'' in Spanish, is celebrated each year as a date of great importance by the Mexican and Mexican-American communities;

Whereas the Cinco de Mayo holiday commemorates May 5, 1862, the date on which Mexicans who were struggling for independence and freedom fought the Battle of Puebla;

Whereas Cinco de Mayo has become widely celebrated annually by nearly all Mexicans and Mexican-Americans, north and south of the United States-Mexico border;

Whereas the Battle of Puebla was but one of the many battles that the courageous

Mexican people won in their long and brave struggle for independence and freedom;

Whereas the French army, confident that its battle-seasoned troops were far superior to the less-seasoned Mexican troops, expected little or no opposition from the Mexican army;

Whereas the French army, which had not experienced defeat against any of the finest troops of Europe in more than half a century, sustained a disastrous loss at the hands of an outnumbered and ill-equipped, but highly spirited and courageous, Mexican army;

Whereas, after 3 bloody assaults on Puebla in which more than 1,000 French soldiers lost their lives, the French troops were finally defeated and driven back by the outnumbered Mexican troops;

Whereas the courageous spirit that Mexican General Ignacio Zaragoza and his men displayed during that historic battle can never be forgotten;

Whereas many brave Mexicans willingly gave their lives for the causes of justice and freedom in the Battle of Puebla on Cinco de Mayo;

Whereas the sacrifice of the Mexican fighters was instrumental in keeping Mexico from falling under European domination while, in the United States, the Union Army battled Confederate forces in the Civil War;

Whereas Cinco de Mayo serves as a reminder that the foundation of the United States was built by people from many countries and diverse cultures who were willing to fight and die for freedom;

Whereas Cinco de Mayo also serves as a reminder of the close ties between the people of Mexico and the people of the United States;

Whereas, in a larger sense, Cinco de Mayo symbolizes the right of a free people to self-determination, just as Benito Juarez, the president of Mexico during the Battle of Puebla, once said, ''El respeto al derecho ajeno es la paz'' (''Respect for the rights of others is peace''); and

Whereas many people celebrate Cinco de Mayo during the entire week in which the date falls: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the historic struggle of the people of Mexico for independence and freedom, which Cinco de Mayo commemorates; and

(2) encourages the people of the United States to observe Cinco de Mayo with appropriate ceremonies and activities.

SENATE RESOLUTION 123—CONGRATULATING THE UNIVERSITY OF MINNESOTA WOMEN'S ICE HOCKEY TEAM ON WINNING ITS SECOND STRAIGHT NATIONAL COLLEGIATE ATHLETIC ASSOCIATION WOMEN'S ICE HOCKEY CHAMPIONSHIP

Ms. KLOBUCHAR (for herself and Mr. FRANKEN) submitted the following resolution; which was considered and agreed to:

S. RES. 123

Whereas, on Sunday, March 24, 2013, the University of Minnesota Gophers won the 2013 National Collegiate Athletic Association (referred to in this preamble as the ''NCAA'') Women's Ice Hockey Championship;

Whereas the 2013 NCAA Women's Ice Hockey Championship is the second straight national championship for the University of Minnesota women's ice hockey team;

Whereas, on Friday, March 22, 2013, the University of Minnesota defeated Boston College in overtime in the Frozen Four semifinal game by a score of 3 to 2 to advance to the national championship game;

Whereas the national championship game was played before a sold-out crowd at the Ridder Arena in Minneapolis, Minnesota;

Whereas the University of Minnesota won the 2013 NCAA Women's Ice Hockey Championship by defeating Boston University by a score of 6 to 3;

Whereas, by winning the national championship game, the University of Minnesota improved upon its NCAA record for consecutive home wins, claiming its 27th straight victory at Ridder Arena and tying Harvard University for the record for most consecutive home wins;

Whereas the University of Minnesota finished the 2012-2013 season with an unprecedented record of 41 wins, 0 losses, and 0 ties; and

Whereas the University of Minnesota had a postseason record of 7 wins and 0 losses, becoming the first team in the 13–year history of NCAA women's ice hockey to finish the season with a perfect record; Whereas University of Minnesota President Eric Kaler and Athletic Director Norward Teague demonstrated great leadership bringing athletic success to the University of Minnesota: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the achievements of the players, coaches, students, and staff whose hard work and dedication helped the University of Minnesota win the 2013 National Collegiate Athletic Association Women's Ice Hockey Championship.

SENATE RESOLUTION 124—TO AUTHORIZE TESTIMONY IN WRITING, DOCUMENTS, AND REPRESENTATION IN WHITNUM V. TOWN OF GREENWICH, ET AL.

Mr. REID (for himself and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 124

Whereas, in the case of Whitnum v. Town of Greenwich, et al., Case No. 11–1402, pending in Connecticut federal district court, the plaintiff has requested the production of testimony and documents from Senator Richard Blumenthal and the production of documents from the Senator's office;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§ 288b(a) and 288c(a)(2), the Senate may direct its counsel to represent Members and employees of the Senate with respect to any subpoena, order, or request for evidence relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rules VI and XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate; and

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That Senator Richard Blumenthal is authorized to produce testimony in writing and relevant office documents in the case of Whitnum v. Town of Greenwich, et al., except concerning matters for which a privilege or objection should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent the Senator, his office, and any employee of the Senator's office from whom evidence may be sought, in connection with the production of evidence authorized in section one of this resolution.

SENATE RESOLUTION 125—DESIGNATING APRIL 30, 2013, AS ''DIA DE LOS NINOS: CELEBRATING YOUNG AMERICANS''

Mr. MENENDEZ (for himself, Mr. REID, Mr. CRAPO, Mr. DURBIN, Mrs. MURRAY, Ms. LANDRIEU, and Mr. LAUTENBERG) submitted the following resolution; which was considered and agreed to:

S. RES. 125

Whereas many countries throughout the world, and especially within the Western hemisphere, celebrate ''Día de los Niños'', or ''Day of the Children'', on April 30 each year, in recognition and celebration of the future of their country—their children;

Whereas children represent the hopes and dreams of the people of the United States and children are the center of families in the United States;

Whereas the people of the United States should nurture and invest in children to preserve and enhance economic prosperity, democracy, and the spirit of the United States;

Whereas, according to the 2011 American Community Survey by the Bureau of the Census, approximately 17,400,000 of the nearly 52,000,000 individuals of Hispanic descent living in the United States are children under the age of 18, representing more than 33 percent of the total Hispanic population residing in the United States;

Whereas Hispanics, the youngest and fastest growing ethnic community in the United States, continue the tradition of honoring their children on Día de los Niños, and wish to share this custom with the rest of the United States;

Whereas the primary teachers of family values, morality, and culture are parents and family members, and children are responsible for passing on family values, morality, and culture to future generations;

Whereas the importance of literacy and education is most often communicated to children through their family members;

Whereas families should be encouraged to engage in family and community activities that include extended and elderly family members and encourage children to explore and develop confidence;

Whereas the designation of a day to honor the children of the United States will help affirm the significance of family, education, and community for the people of the United States;

Whereas the designation of a day of special recognition for the children of the United States will provide an opportunity for children to reflect on their future, articulate their aspirations, and find comfort and security in the support of their family members and communities;

Whereas the National Latino Children's Institute, serving as a voice for children, has worked with cities throughout the United States to declare April 30, 2013, to be ''Día de los Niños: Celebrating Young Americans'', a day to bring together Hispanics and other communities in the United States to celebrate and uplift children; and

Whereas the children of a country are the responsibility of all of the people of that country, and people should be encouraged to celebrate the gifts of children to society: Now, therefore, be it

Resolved, That the Senate—

(1) designates April 30, 2013, as ''Día de los Niños: Celebrating Young Americans''; and

(2) calls on the people of the United States to join with all children, families, organizations, communities, churches, cities, and States across the United States to observe the day with appropriate ceremonies, including activities that—

(A) center around children and are free or minimal in cost so as to encourage and facilitate the participation of all people;

(B) are positive and uplifting, and help children express their hopes and dreams;

(C) provide opportunities for children of all backgrounds to learn about one another's cultures and share ideas;

(D) include all members of a family, especially extended and elderly family members, so as to promote greater communication among the generations within a family, which will enable children to appreciate and benefit from the experiences and wisdom of their elderly family members;

(E) provide opportunities for families within a community to get acquainted; and

(F) provide children with the support they need to develop skills and confidence and find the inner strength, will, and fire of the human spirit to make their dreams come true.

SENATE RESOLUTION 126—RECOGNIZING THE TEACHERS OF THE UNITED STATES FOR THEIR CONTRIBUTIONS TO THE DEVELOPMENT AND PROGRESS OF OUR COUNTRY

Mr. REID (for Mr. LAUTENBERG) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 126

Whereas education is the foundation of the current and future strength of the United States;

Whereas teachers and other education staff have earned and deserve the respect of students and communities for selfless dedication to children in the United States;

Whereas the purpose of ''National Teacher Appreciation Week'', which is May 6, 2013, through May 10, 2013, is to raise public awareness of the important contributions of teachers and to promote greater respect and understanding for the teaching profession;

Whereas the teachers of the United States play an important role in preparing children to be positive and contributing members of society; and

Whereas students, schools, communities, and a number of organizations host teacher appreciation events in recognition of ''National Teacher Appreciation Week'': Now, therefore, be it

Resolved, That the Senate—

(1) thanks teachers for their service;

(2) promotes the profession of teaching; and

(3) recognizes students, parents, school administrators, and public officials who participate in teacher appreciation events during ''National Teacher Appreciation Week''.

SENATE RESOLUTION 127—COMMEMORATING THE 10-YEAR ANNIVERSARY OF THE LOSS OF THE STATE SYMBOL OF NEW HAMPSHIRE, THE OLD MAN OF THE MOUNTAIN

Ms. AYOTTE (for herself and Mrs. SHAHEEN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 127

Whereas retreating glaciers carved the White Mountains, leaving behind the Old Man of the Mountain (referred to in this preamble as the ''Old Man'') as a sentinel to gaze across their granite majesty;

Whereas granite ledges formed the profile of the Old Man, framed by the sweeping curve of the shoulder of a mountain;

Whereas the native son of New Hampshire and distinguished Member of the Senate, Daniel Webster, wrote: ''Men hang out their signs indicative of their respective trades; shoe makers hang out a gigantic shoe; jewelers a monster watch, and the dentist hangs out a gold tooth; but up in the Mountains of New Hampshire, God Almighty has hung out a sign to show that there He makes men'';

Whereas both the proud visage and the steadfastness of the Old Man embodied the character traits of independence, strength, and a dedication to live free that are embedded in Granite Staters;

Whereas the home of the Old Man, New Hampshire, possesses a clear sense of its place in the history of the United States as—

(1) the first State to adopt its own constitution;

(2) the State whose ratification of the Constitution of the United States helped bring forth this country; and

(3) the State that, as host of the first presidential primary in the United States, has a continuing role in each election of the President;

Whereas the Old Man was visited by sightseers from around the world, who found strength and inspiration in his image;

Whereas visits to the Old Man have inspired reverence for that which is irreplaceable;

Whereas, for 10 millennia, the Old Man survived legendary winds, snow, rain, and ice;

Whereas, on May 3, 2003, the time-worn granite ledges of the visage of the Old Man released their hold on the mountain and fell into history;

Whereas the loss of the Old Man forever changed the face of New Hampshire and was felt by all people of the State accustomed to living under his watchful gaze;

Whereas the Old Man, who lived in the heart of the White Mountains, now lives on in the hearts of the people of New Hampshire; and

Whereas, while Granite Staters mourn the loss of their granite man, they pay tribute with a long glance up at the bare face of the grey mountain and a pause in remembrance of the first citizen of the beloved State: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the 10th anniversary of the loss of the Old Man of the Mountain;

(2) encourages the people of the United States to preserve the legacy of the Old Man of the Mountain;

(3) recognizes the inspiration provided by the Old Man of the Mountain to generations of Granite Staters and visitors to the State of New Hampshire; and

(4) recognizes the Old Man of the Mountain as a symbol of liberty, freedom, and independence.

AMENDMENTS SUBMITTED AND PROPOSED

SA 771. Ms. COLLINS (for herself and Mr. KING) submitted an amendment intended to be proposed by her to the bill S. 743, to restore States' sovereign rights to enforce State and local sales and use tax laws, and for other purposes; which was ordered to lie on the table.

SA 772. Mr. PORTMAN submitted an amendment intended to be proposed by him to the bill S. 743, supra; which was ordered to lie on the table.

SA 773. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 756 submitted by Mr. PAUL and intended to be proposed to the bill S. 743, supra; which was ordered to lie on the table.

SA 774. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 755 submitted by Mr. PAUL and intended to be proposed to the bill S. 743, supra; which was ordered to lie on the table.

SA 775. Mr. BROWN submitted an amendment intended to be proposed by him to the bill S. 743, supra; which was ordered to lie on the table.

SA 776. Ms. AYOTTE submitted an amendment intended to be proposed by her to the bill S. 743, supra; which was ordered to lie on the table.

SA 777. Ms. AYOTTE submitted an amendment intended to be proposed by her to the bill S. 743, supra; which was ordered to lie on the table.

SA 778. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 743, supra; which was ordered to lie on the table.

SA 779. Mr. HOEVEN (for himself and Ms. KLOBUCHAR) submitted an amendment intended to be proposed by him to the bill S. 743, supra; which was ordered to lie on the table.

SA 780. Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 743, supra; which was ordered to lie on the table.

SA 781. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill S. 743, supra; which was ordered to lie on the table.

SA 782. Mr. VITTER (for himself and Mr. HELLER) submitted an amendment intended to be proposed by him to the bill S. 743, supra; which was ordered to lie on the table.

SA 783. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill S. 743, supra; which was ordered to lie on the table.

SA 784. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill S. 743, supra; which was ordered to lie on the table.

SA 785. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill S. 743, supra; which was ordered to lie on the table.

SA 786. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill S. 743, supra; which was ordered to lie on the table.

SA 787. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill S. 743, supra; which was ordered to lie on the table.

SA 788. Ms. COLLINS (for herself and Mr. UDALL of Colorado) submitted an amendment intended to be proposed by her to the bill S. 743, supra; which was ordered to lie on the table.

SA 789. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 743, supra; which was ordered to lie on the table.

SA 790. Mrs. MCCASKILL (for herself and Ms. COLLINS) submitted an amendment intended to be proposed by her to the bill S. 743, supra; which was ordered to lie on the table.

SA 791. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 743, supra; which was ordered to lie on the table.

SA 792. Mr. COATS (for Mr. PORTMAN (for himself, Mr. COATS, and Ms. AYOTTE)) submitted an amendment intended to be proposed by Mr. COATS to the bill S. 743, supra; which was ordered to lie on the table.

SA 793. Mr. HOEVEN submitted an amendment intended to be proposed by him to the bill S. 743, supra; which was ordered to lie on the table.

SA 794. Mr. COATS (for himself, Mr. PORTMAN, and Ms. AYOTTE) submitted an amendment intended to be proposed by him to the bill S. 743, supra; which was ordered to lie on the table.

SA 795. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill S. 743, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 771. Ms. COLLINS (for herself and Mr. KING) submitted an amendment intended to be proposed by her to the bill S. 743, to restore States' sovereign rights to enforce State and local sales and use tax laws, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

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

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

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

(2) during the period beginning on October 1 and ending on December 31 of the first calendar year beginning after such date of enactment.

SA 772. Mr. PORTMAN submitted an amendment intended to be proposed by him to the bill S. 743, to restore States' sovereign rights to enforce State and local sales and use tax laws, and for other purposes; which was ordered to lie on the table; as follows:

On page 10, line 2, insert ''Such term shall not include any sale made through the mail'' after ''Act.''.

SA 773. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 756 submitted by Mr. PAUL and intended to be proposed to the bill S. 743, to restore States' sovereign rights to enforce State and local sales and use tax laws, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. ___. MODIFICATIONS TO ESTATE, GIFT, AND GENERATION-SKIPPING TRANSFER TAXES.

(a) MODIFICATIONS TO ESTATE TAX.—

(1) EXCLUSION AMOUNT.—Paragraph (3) of section 2010(c) of the Internal Revenue Code of 1986 is amended to read as follows:

''(3) BASIC EXCLUSION AMOUNT.—For purposes of this section, the basic exclusion amount is $3,500,000.''.

(2) MAXIMUM ESTATE TAX RATE.—The table in subsection (c) of section 2001 of such Code is amended by striking ''Over $1,000,000'' and all that follows and inserting the following:

Over $1,000,000 but not over $1,250,000.	$345,800, plus 41 percent of the excess of such amount over $1,000,000.
Over $1,250,000 but not over $1,500,000.	$448,300, plus 43 percent of the excess of such amount over $1,250,000.
Over $1,500,000	$555,800, plus 45 percent of the excess of such amount over $1,500,000.''.

(b) MODIFICATION TO GIFT TAX EXCLUSION AMOUNT.—Paragraph (1) of section 2505(a) of the Internal Revenue Code of 1986 is amended to read as follows:

''(1) the applicable credit amount in effect under section 2010(c) for such calendar year (determined as if the basic exclusion amount in section 2010(c)(2)(A) were $1,000,000), reduced by' '''.

(c) MODIFICATIONS OF ESTATE AND GIFT TAXES TO REFLECT DIFFERENCES IN CREDIT RESULTING FROM DIFFERENT EXCLUSION AMOUNTS.—

(1) ESTATE TAX ADJUSTMENT.—Section 2001 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(h) ADJUSTMENT TO REFLECT CHANGES IN EXCLUSION AMOUNT.—

''(1) IN GENERAL.—If, with respect to any gift to which subsection (b)(2) applies, the applicable exclusion amount in effect at the time of the decedent's death is less than such amount in effect at the time such gift is made by the decedent, the amount of tax computed under subsection (b) shall be reduced by the amount of tax which would have been payable under chapter 12 at the time of the gift if the applicable exclusion amount in effect at such time had been the applicable exclusion amount in effect at the time of the decedent's death and the modifications described in subsection (g) had been applicable at the time of such gifts.

''(2) LIMITATION.—The aggregate amount of gifts made in any calendar year to which the reduction under paragraph (1) applies shall not exceed the excess of—

''(A) the applicable exclusion amount in effect for such calendar year, over

''(B) the applicable exclusion amount in effect at the time of the decedent's death.

''(3) APPLICABLE EXCLUSION AMOUNT.—The term 'applicable exclusion amount' means, with respect to any period, the amount determined under section 2010(c) for such period, except that in the case of any period for which such amount includes the deceased spousal unused exclusion amount (as defined in section 2010(c)(4)), such term shall mean the basic exclusion amount (as defined under section 2010(c)(3), as in effect for such period).''.

(2) GIFT TAX ADJUSTMENT.—Section 2502 of such Code is amended by adding at the end the following new subsection:

''(d) ADJUSTMENT TO REFLECT CHANGES IN EXCLUSION AMOUNT.—

''(1) IN GENERAL.—If the taxpayer made a taxable gift in an applicable preceding calendar period, the amount of tax computed under subsection (a) shall be reduced by the amount of tax which would have been payable under chapter 12 for such applicable preceding calendar period if the applicable exclusion amount in effect for such preceding calendar period had been the applicable exclusion amount in effect for the calendar year for which the tax is being computed and the modifications described in subsection (g) had been applicable for such preceding calendar period.

''(2) LIMITATION.—The aggregate amount of gifts made in any applicable preceding calendar period to which the reduction under paragraph (1) applies shall not exceed the excess of—

''(A) the applicable exclusion amount for such preceding calendar period, over

''(B) the applicable exclusion amount for the calendar year for which the tax is being computed.

''(3) APPLICABLE PRECEDING CALENDAR YEAR PERIOD.—The term 'applicable preceding calendar year period' means any preceding calendar year period in which the applicable exclusion amount exceeded the applicable exclusion amount for the calendar year for which the tax is being computed.

''(4) APPLICABLE EXCLUSION AMOUNT.—The term 'applicable exclusion amount' means, with respect to any period, the amount determined under section 2010(c) for such period, except that in the case of any period for which such amount includes the deceased spousal unused exclusion amount (as defined in section 2010(c)(4)), such term shall mean the basic exclusion amount (as defined under section 2010(c)(3), as in effect for such period).''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to estates of decedents dying, and generation-skipping transfers and gifts made, after December 31, 2013.

SA 774. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 755 submitted by Mr. PAUL and intended to be proposed to the bill S. 743, to restore States' sovereign rights to enforce State and local sales and use tax laws, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

TITLE __—CORPORATE TAX DODGING PREVENTION

SEC. __01. SHORT TITLE.

This title may be cited as the ''Corporate Tax Dodging Prevention Act''.

SEC. __02. DEFERRAL OF ACTIVE INCOME OF CONTROLLED FOREIGN CORPORATIONS.

Section 952 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(d) SPECIAL APPLICATION OF SUBPART.—

''(1) IN GENERAL.—For taxable years beginning after December 31, 2013, notwithstanding any other provision of this subpart, the term 'subpart F income' means, in the case of any controlled foreign corporation, the income of such corporation derived from any foreign country.

''(2) APPLICABLE RULES.—Rules similar to the rules under the last sentence of subsection (a) and subsection (d) shall apply to this subsection.''.

SEC. __03. MODIFICATIONS OF FOREIGN TAX CREDIT RULES APPLICABLE TO LARGE INTEGRATED OIL COMPANIES WHICH ARE DUAL CAPACITY TAXPAYERS.

(a) IN GENERAL.—Section 901 of the Internal Revenue Code of 1986 is amended by redesignating subsection (n) as subsection (o) and by inserting after subsection (m) the following new subsection:

''(n) SPECIAL RULES RELATING TO LARGE INTEGRATED OIL COMPANIES WHICH ARE DUAL CAPACITY TAXPAYERS.—

''(1) GENERAL RULE.—Notwithstanding any other provision of this chapter, any amount paid or accrued by a dual capacity taxpayer which is a large integrated oil company to a foreign country or possession of the United States for any period shall not be considered a tax—

''(A) if, for such period, the foreign country or possession does not impose a generally applicable income tax, or

''(B) to the extent such amount exceeds the amount (determined in accordance with regulations) which—

''(i) is paid by such dual capacity taxpayer pursuant to the generally applicable income tax imposed by the country or possession, or

''(ii) would be paid if the generally applicable income tax imposed by the country or possession were applicable to such dual capacity taxpayer.

Nothing in this paragraph shall be construed to imply the proper treatment of any such amount not in excess of the amount determined under subparagraph (B).

''(2) DUAL CAPACITY TAXPAYER.—For purposes of this subsection, the term 'dual capacity taxpayer' means, with respect to any foreign country or possession of the United States, a person who—

''(A) is subject to a levy of such country or possession, and

''(B) receives (or will receive) directly or indirectly a specific economic benefit (as determined in accordance with regulations) from such country or possession.

''(3) GENERALLY APPLICABLE INCOME TAX.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'generally applicable income tax' means an income tax (or a series of income taxes) which is generally imposed under the laws of a foreign country or possession on income derived from the conduct of a trade or business within such country or possession.

''(B) EXCEPTIONS.—Such term shall not include a tax unless it has substantial application, by its terms and in practice, to—

''(i) persons who are not dual capacity taxpayers, and

''(ii) persons who are citizens or residents of the foreign country or possession.

''(4) LARGE INTEGRATED OIL COMPANY.—For purposes of this subsection, the term 'large integrated oil company' means, with respect to any taxable year, an integrated oil company (as defined in section 291(b)(4)) which—

''(A) had gross receipts in excess of $1,000,000,000 for such taxable year, and

''(B) has an average daily worldwide production of crude oil of at least 500,000 barrels for such taxable year.''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxes paid or accrued in taxable years beginning after the date of the enactment of this Act.

(2) CONTRARY TREATY OBLIGATIONS UPHELD.—The amendments made by this section shall not apply to the extent contrary to any treaty obligation of the United States.

SEC. __04. REINSTITUTION OF PER COUNTRY FOREIGN TAX CREDIT.

(a) IN GENERAL.—Subsection (a) of section 904 of the Internal Revenue Code of 1986 is amended to read as follows:

''(a) LIMITATION.—The amount of the credit in respect of the tax paid or accrued to any foreign country or possession of the United States shall not exceed the same proportion of the tax against which such credit is taken which the taxpayer's taxable income from sources within such country or possession (but not in excess of the taxpayer's entire taxable income) bears to such taxpayer's entire taxable income for the same taxable year.''.

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

SEC. __05. TREATMENT OF FOREIGN CORPORATIONS MANAGED AND CONTROLLED IN THE UNITED STATES AS DOMESTIC CORPORATIONS.

(a) IN GENERAL.—Section 7701 of the Internal Revenue Code of 1986 is amended by redesignating subsection (p) as subsection (q) and by inserting after subsection (o) the following new subsection:

''(p) CERTAIN CORPORATIONS MANAGED AND CONTROLLED IN THE UNITED STATES TREATED AS DOMESTIC FOR INCOME TAX.—

''(1) IN GENERAL.—Notwithstanding subsection (a)(4), in the case of a corporation described in paragraph (2) if—

''(A) the corporation would not otherwise be treated as a domestic corporation for purposes of this title, but

''(B) the management and control of the corporation occurs, directly or indirectly, primarily within the United States,

then, solely for purposes of chapter 1 (and any other provision of this title relating to chapter 1), the corporation shall be treated as a domestic corporation.

''(2) CORPORATION DESCRIBED.—

''(A) IN GENERAL.—A corporation is described in this paragraph if—

''(i) the stock of such corporation is regularly traded on an established securities market, or

''(ii) the aggregate gross assets of such corporation (or any predecessor thereof), including assets under management for investors, whether held directly or indirectly, at any time during the taxable year or any preceding taxable year is $50,000,000 or more.

''(B) GENERAL EXCEPTION.—A corporation shall not be treated as described in this paragraph if—

''(i) such corporation was treated as a corporation described in this paragraph in a preceding taxable year,

''(ii) such corporation—

''(I) is not regularly traded on an established securities market, and

''(II) has, and is reasonably expected to continue to have, aggregate gross assets (including assets under management for investors, whether held directly or indirectly) of less than $50,000,000, and

''(iii) the Secretary grants a waiver to such corporation under this subparagraph.

''(C) EXCEPTION FROM GROSS ASSETS TEST.—Subparagraph (A)(ii) shall not apply to a corporation which is a controlled foreign corporation (as defined in section 957) and which is a member of an affiliated group (as defined section 1504, but determined without regard to section 1504(b)(3)) the common parent of which—

''(i) is a domestic corporation (determined without regard to this subsection), and

''(ii) has substantial assets (other than cash and cash equivalents and other than stock of foreign subsidiaries) held for use in the active conduct of a trade or business in the United States.

''(3) MANAGEMENT AND CONTROL.—

''(A) IN GENERAL.—The Secretary shall prescribe regulations for purposes of determining cases in which the management and control of a corporation is to be treated as occurring primarily within the United States.

''(B) EXECUTIVE OFFICERS AND SENIOR MANAGEMENT.—Such regulations shall provide that—

''(i) the management and control of a corporation shall be treated as occurring primarily within the United States if substantially all of the executive officers and senior management of the corporation who exercise day-to-day responsibility for making decisions involving strategic, financial, and operational policies of the corporation are located primarily within the United States, and

''(ii) individuals who are not executive officers and senior management of the corporation (including individuals who are officers or employees of other corporations in the same chain of corporations as the corporation) shall be treated as executive officers and senior management if such individuals exercise the day-to-day responsibilities of the corporation described in clause (i).

''(C) CORPORATIONS PRIMARILY HOLDING INVESTMENT ASSETS.—Such regulations shall also provide that the management and control of a corporation shall be treated as occurring primarily within the United States if—

''(i) the assets of such corporation (directly or indirectly) consist primarily of as sets being managed on behalf of investors, and

''(ii) decisions about how to invest the assets are made in the United States.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning on or after the date which is 2 years after the date of the enactment of this Act.

SA 775. Mr. BROWN submitted an amendment intended to be proposed by him to the bill S. 743, to restore States' sovereign rights to enforce State and local sales and use tax laws, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ____. LIMITATIONS ON STATE WITHHOLDING AND TAXATION OF EMPLOYEE INCOME.

(a) IN GENERAL.—No part of the wages or other remuneration earned by an employee who performs employment duties in more than one State shall be subject to income tax in any State other than—

(1) the State of the employee's residence; and

(2) the State within which the employee is present and performing employment duties for more than 30 days during the calendar year in which the wages or other remuneration is earned.

(b) WAGES OR OTHER REMUNERATION.—Wages or other remuneration earned in any calendar year shall not be subject to State income tax withholding and reporting requirements unless the employee is subject to income tax in such State under subsection (a). Income tax withholding and reporting requirements under subsection (a)(2) shall apply to wages or other remuneration earned as of the commencement date of employment duties in the State during the calendar year.

(c) OPERATING RULES.—For purposes of determining penalties related to an employer's State income tax withholding and reporting requirements—

(1) an employer may rely on an employee's annual determination of the time expected to be spent by such employee in the States in which the employee will perform duties absent—

(A) the employer's actual knowledge of fraud by the employee in making the determination; or

(B) collusion between the employer and the employee to evade tax;

(2) except as provided in paragraph (3), if records are maintained by an employer in the regular course of business that record the location of an employee, such records shall not preclude an employer's ability to rely on an employee's determination under paragraph (1); and

(3) notwithstanding paragraph (2), if an employer, at its sole discretion, maintains a time and attendance system that tracks where the employee performs duties on a daily basis, data from the time and attendance system shall be used instead of the employee's determination under paragraph (1).

(d) DEFINITIONS AND SPECIAL RULES.—For purposes of this section:

(1) DAY.—

(A) Except as provided in subparagraph (B), an employee is considered present and performing employment duties within a State for a day if the employee performs more of the employee's employment duties within such State than in any other State during a day.

(B) If an employee performs employment duties in a resident State and in only one nonresident State during one day, such employee shall be considered to have performed more of the employee's employment duties in the nonresident State than in the resident State for such day.

(C) For purposes of this paragraph, the portion of the day during which the employee is in transit shall not be considered in determining the location of an employee's performance of employment duties.

(2) EMPLOYEE.—The term ''employee'' has the same meaning given to it by the State in which the employment duties are performed, except that the term ''employee'' shall not include a professional athlete, professional entertainer, or certain public figures.

(3) PROFESSIONAL ATHLETE.—The term ''professional athlete'' means a person who performs services in a professional athletic event, provided that the wages or other remuneration are paid to such person for performing services in his or her capacity as a professional athlete.

(4) PROFESSIONAL ENTERTAINER.—The term ''professional entertainer'' means a person who performs services in the professional performing arts for wages or other remuneration on a per-event basis, provided that the wages or other remuneration are paid to such person for performing services in his or her capacity as a professional entertainer.

(5) CERTAIN PUBLIC FIGURES.—The term ''certain public figures'' means persons of prominence who perform services for wages or other remuneration on a per-event basis, provided that the wages or other remuneration are paid to such person for services provided at a discrete event, in the nature of a speech, public appearance, or similar event.

(6) EMPLOYER.—The term ''employer'' has the meaning given such term in section 3401(d) of the Internal Revenue Code of 1986 (26 U.S.C. 3401(d)), unless such term is defined by the State in which the employee's employment duties are performed, in which case the State's definition shall prevail.

(7) STATE.—Notwithstanding section 4(8), the term ''State'' means any of the several States.

(8) TIME AND ATTENDANCE SYSTEM.—The term ''time and attendance system'' means a system in which—

(A) the employee is required on a contemporaneous basis to record his work location for every day worked outside of the State in which the employee's employment duties are primarily performed; and

(B) the system is designed to allow the employer to allocate the employee's wages for income tax purposes among all States in which the employee performs employment duties for such employer.

(9) WAGES OR OTHER REMUNERATION.—The term ''wages or other remuneration'' may be limited by the State in which the employment duties are performed.

(e) EFFECTIVE DATE; APPLICABILITY.—

(1) EFFECTIVE DATE.—This section shall take effect on January 1 of the 2d year that begins after the date of the enactment of this Act.

(2) APPLICABILITY.—This section shall not apply to any tax obligation that accrues before the effective date of this Act.

SA 776. Ms. AYOTTE submitted an amendment intended to be proposed by her to the bill S. 743, to restore States' sovereign rights to enforce State and local sales and use tax laws, and for other purposes; which was ordered to lie on the table; as follows:

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

(d) REQUIREMENT FOR REMOTE SELLER COMPENSATION.—No State shall be authorized to require sellers to collect and remit sales and use taxes with respect to remote sales sourced to that State under subsection (a) or (b) unless such State adopts and implements a requirement providing a remote seller compensation for the collection and remittance of sales and use taxes in an amount equal to any costs or expenses incurred by the remote seller for the collection and remittance of such taxes.

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

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

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

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

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

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

SA 777. Ms. AYOTTE submitted an amendment intended to be proposed by her to the bill S. 743, to restore States' sovereign rights to enforce State and local sales and use tax laws, and for other purposes; which was ordered to lie on the table; as follows:

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

(d) REQUIREMENT FOR REMOTE SELLER COMPENSATION.—No State shall be authorized to require sellers to collect and remit sales and use taxes with respect to remote sales sourced to that State under subsection (a) or (b) unless such State adopts and implements a requirement providing a remote seller compensation for the collection and remittance of sales and use taxes in an amount equal to any costs or expenses incurred by the remote seller for the collection and remittance of such taxes.

SA 778. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 743, to restore States' sovereign rights to enforce State and local sales and use tax laws, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, insert the following:

TITLE II—DIGITAL GOODS AND SERVICES TAX FAIRNESS

SEC. 201. SHORT TITLE.

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

SEC. 202. MULTIPLE AND DISCRIMINATORY TAXES PROHIBITED.

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

SEC. 203. SOURCING LIMITATION.

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

SEC. 204. CUSTOMER TAX ADDRESS.

(a) SELLER OBLIGATION.—

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

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

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

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

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

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

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

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

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

(1) IN GENERAL.—If—

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

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

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

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

(e) MULTIPLE LOCATIONS.—

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

(2) DIRECT CUSTOMER PAYMENT.—

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

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

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

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

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

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

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

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

SEC. 206. NO INFERENCE.

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

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

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

SEC. 207. DEFINITIONS.

In this title, the following definitions shall apply:

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

(2) CUSTOMER TAX ADDRESS.—

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

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

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

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

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

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

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

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

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

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

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

(6) DIGITAL SERVICE.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

property, goods, or services accomplished through other means; or

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

(8) MULTIPLE TAX.—

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

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

(9) PRIMARY USE LOCATION.—

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

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

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

(11) SELLER.—

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

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

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

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

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

(14) TAX.—

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

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

SEC. 208. EFFECTIVE DATE; APPLICATION.

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

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

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

SEC. 209. SAVINGS PROVISION.

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

SA 779. Mr. HOEVEN (for himself and Ms. KLOBUCHAR) submitted an amendment intended to be proposed by him to the bill S. 743, to restore States' sovereign rights to enforce State and local sales and use tax laws, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 7. PREVENTION OF INCREASES IN FLIGHT DELAYS AND CANCELLATIONS.

(a) SHORT TITLE.—This section may be cited as the ''Dependable Air Service Act of 2013''.

(b) PREVENTION OF INCREASES REQUIRED.—The Secretary of Transportation shall ensure that flight delays and cancellations do not result from furloughs of employees of the Federal Aviation Administration implemented as a result of any rescission or reduction in funding for fiscal year 2013 provided for under—

(1) a sequestration order issued by the President pursuant to section 251A(7)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901a(7)(A));

(2) section 3002 or 3004 of the Consolidated and Further Continuing Appropriations Act, 2013 (Public Law 113–6); or

(3) section 251 or 251A of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901 and 901a).

(c) FUNDING.—In carrying out subsection (b), the Secretary of Transportation may—

(1) use amounts available for the operations of the Federal Aviation Administration for fiscal year 2013 as of the day before the date of the enactment of this Act; or

(2) notwithstanding division G of the Consolidated and Further Continuing Appropriations Act, 2013 (Public Law 113–6), or a sequestration order issued by the President pursuant to section 251A(7)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901a(7)(A))—

(A) increase the amount available for the operations of the Federal Aviation Administration for fiscal year 2013 by an amount the Secretary determines to be necessary to ensure that flight delays and cancellations do not result from the furloughs described in subsection (b); and

(B) reduce amounts made available for other programs of the Department of Transportation for fiscal year 2013 by an amount equal to the amount by which funding for the operations of the Federal Aviation Administration is increased under subparagraph (A).

SA 780. Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 743, to restore States' sovereign rights to enforce State and local sales and use tax laws, and for other purposes; which was ordered to lie on the table; as follows:

On page 5, strike lines 4 through 7 and insert the following:

paragraph (H);

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

(iv) remote sellers that collect and remit sales and use taxes under this Act with compensation in an amount that is equal to not less than—

(I) 3 percent of the sales and use taxes collected and remitted to such State during the 36-month period following the date that the exercise of authority under this Act commences; and

(II) 2 percent of the sales and use taxes collected and remitted to such State thereafter.

SA 781. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill S. 743, to restore States' sovereign rights to enforce State and local sales and use tax laws, and for other purposes; which was ordered to lie on the table; as follows:

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

(c) SMALL SELLER EXCEPTION.—

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

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

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

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

(A) if the preceding calendar year is 2012, $1,500,000; and

(B) if the preceding calendar year is 2013 or any year thereafter, $1,000,000.

SA 782. Mr. VITTER (for himself and Mr. HELLER) submitted an amendment intended to be proposed by him to the bill S. 743, to restore States' sovereign rights to enforce State and local sales and use tax laws, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PARTICIPATION OF PRESIDENT, VICE PRESIDENT, MEMBERS OF CONGRESS, POLITICAL APPOINTEES, AND CONGRESSIONAL STAFF IN THE EXCHANGE.

(a) IN GENERAL.—Section 1312(d)(3)(D) of the Patient Protection and Affordable Care Act (42 U.S.C. 18032(d)(3)(D)) is amended to read as follows:

''(D) PRESIDENT, VICE PRESIDENT, POLITICAL APPOINTEES, MEMBERS OF CONGRESS, AND CONGRESSIONAL STAFF IN THE EXCHANGE.—

''(i) IN GENERAL.—Notwithstanding chapter 89 of title 5, United States Code, or any provision of this title the President, the Vice President, each political appointee, each Member of Congress, and each Congressional employee shall be treated as a qualified individual entitled to the right under this paragraph to enroll in a qualified health plan in the individual market offered through an Exchange in the State in which the individual resides.

''(ii) POLITICAL APPOINTEE.—In this subparagraph, the term 'political appointee' means any individual who—

''(I) is employed in a position described under sections 5312 through 5316 of title 5, United States Code, (relating to the Executive Schedule);

''(II) is a limited term appointee, limited emergency appointee, or noncareer appointee in the Senior Executive Service, as defined under paragraphs (5), (6), and (7), respectively, of section 3132(a) of title 5, United States Code; or

''(III) is employed in a position in the executive branch of the Government of a confidential or policy-determining character under schedule C of subpart C of part 213 of title 5 of the Code of Federal Regulations.

''(iii) CONGRESSIONAL EMPLOYEE.—In this subparagraph, the term 'Congressional employee' means an employee whose pay is disbursed by the Secretary of the Senate or the Chief Administrative Officer of the House of Representatives.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the Patient Protection and Affordable Care Act.

SA 783. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill S. 743, to restore States' sovereign rights to enforce State and local sales and use tax laws, and for other purposes; which was ordered to lie on the table; as follows:

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

(d) COMPENSATION FOR COMPLIANCE COSTS.—

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

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

SA 784. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill S. 743, to restore States' sovereign rights to enforce State and local sales and use tax laws, and for other purposes; which was ordered to lie on the table; as follows:

On page 8, between lines 20 and 21, insert the following:

(g) LIMITATION ON PENALTIES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, in the case of a remote seller that is required to collect and remit sales and use taxes to a State pursuant to the authority granted under this Act, a State may only bring an action against the remote seller pursuant to this Act for failure to properly collect and remit such taxes when due and for any interest due on such amounts.

SA 785. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill S. 743, to restore States' sovereign rights to enforce State and local sales and use tax laws, and for other purposes; which was ordered to lie on the table; as follows:

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

(d) COMPENSATION FOR COSTS RELATED TO AUDITS.—

(1) IN GENERAL.—In the case of a remote seller that collects and remits sales and use taxes to a State pursuant to the authority granted under this Act, the State shall fully reimburse the seller for any costs or expenses related to any audit by such State regarding the collection and remittance of such taxes (as determined pursuant to paragraph (2)), provided that the seller has not been determined to have knowingly violated the requirements under this Act.

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

SA 786. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill S. 743, to restore States' sovereign rights to enforce State and local sales and use tax laws, and for other purposes; which was ordered to lie on the table; as follows:

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

(d) AUDIT EXCEPTION.—

(1) IN GENERAL.—For purposes of the authority granted under subsections (a) and (b), a remote seller shall not be subject to an audit by a State regarding collection or remittance of sales and use taxes with respect to remote sales that are sourced to such State if the seller has been subject to an audit by any State pursuant to such authority during the preceding 24 months.

(2) DEFINITION.—For purposes of paragraph (1), the term ''non-sales tax state remote seller'' means a remote seller that is headquartered in and has a majority of its full-time employees located in a State that does not maintain a statewide sales tax or equivalent use tax.

SA 787. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill S. 743, to restore States' sovereign rights to enforce State and local sales and use tax laws, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 7. COMPLIANCE BY REMOTE SELLERS BASED OUTSIDE OF THE UNITED STATES.

(a) IN GENERAL.—Notwithstanding any other provision of law, the provisions of this Act shall not take effect for any non-sales tax state remote seller unless the Secretary of the Treasury has certified that the United States has entered into agreements with other nations that would require remote sellers based outside of the United States to collect and remit sales and use taxes with respect to remote sales sourced to a State, provided that such agreements impose such requirements on the predominant quantity of the cumulative total of such remote sales by such remote sellers within the United States.

SA 788. Ms. COLLINS (for herself and Mr. UDALL of Colorado) submitted an amendment intended to be proposed by her to the bill S. 743, to restore States' sovereign rights to enforce State and local sales and use tax laws, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 7. AUTHORIZATION TO TRANSFER CERTAIN FUNDS TO PREVENT FURLOUGHS BY THE FEDERAL AVIATION ADMINISTRATION.

(a) SHORT TITLE.—This section may be cited as the ''Reducing Flight Delays Act of 2013''.

(b) AUTHORIZATION OF TRANSFER.—Notwithstanding division G of the Consolidated and Further Continuing Appropriations Act, 2013 (Public Law 113–6), any other provision of law, or a sequestration order issued or to be issued by the President pursuant to section 251A(7)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901a(7)(A)), the Secretary of Transportation may transfer during fiscal year 2013 an amount equal to the amount specified in subsection (d) to the appropriations account providing for the operations of the Federal Aviation Administration, for any activity or activities funded by that account, from—

(1) the amount made available for obligation in that fiscal year as discretionary grants-in-aid for airports pursuant to section 47117(f) of title 49, United States Code; or

(2) any other program or account of the Federal Aviation Administration.

(c) AVAILABILITY AND OBLIGATION OF TRANSFERRED AMOUNTS.—An amount transferred under subsection (b)(1) shall—

(1) be available immediately for obligation and expenditure as directly appropriated budget authority; and

(2) be deemed as obligated for grants-in-aid for airports under part B of subtitle VII of title 49, United States Code, for purposes of complying with the limitation on incurring obligations during that fiscal year under the heading ''GRANTS-IN-AID FOR AIRPORTS'' under title I of the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2012 (division C of Public Law 112–55; 125 Stat. 647), and made applicable to fiscal year 2013 by division F of the Consolidated and Further Continuing Appropriations Act, 2013 (Public Law 113–6).

(d) AMOUNT SPECIFIED.—The amount specified in this subsection is the amount, not to exceed $253,000,000, that the Secretary of Transportation determines to be necessary—

(1) to prevent during fiscal year 2013 furloughs of employees of the Federal Aviation

Administration whom the Secretary determines are necessary for ensuring a safe and efficient air transportation system; and

(2) to continue during that fiscal year the operations of air traffic control towers that were operational as of January 1, 2013, under the contract tower program of the Federal Aviation Administration.

SA 789. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 743, to restore States' sovereign rights to enforce State and local sales and use tax laws, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 7. EFFECTIVE DATE.

This Act shall not take effect until the date on which the United States International Trade Commission determines, and reports to Congress, that the provisions of this Act will not injure remote sellers located in the United States as a result of the exclusion of remote sellers located outside of the United States from taxation pursuant to this Act.

SA 790. Mrs. McCASKILL (for herself and Ms. COLLINS) submitted an amendment intended to be proposed by her to the bill S. 743, to restore States' sovereign rights to enforce State and local sales and use tax laws, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. PROHIBITION ON BONUSES AND AWARDS.

(a) DEFINITIONS.—In this section—

(1) the terms ''agency'' and ''employee'' have the meanings given such terms in section 4501 of title 5, United States Code;

(2) the term ''bonus'' means—

(A) an award under subchapter I of chapter 45 of title 5, United States Code; and

(B) an award under section 5384 of title 5, United States Code; and

(3) the term ''sequestration period'' means a period beginning on the date on which a sequestration order is issued under section 251 or 251A of the Balanced Budget and Emergency Deficit Control Act (2 U.S.C. 901 and 901a) and ending on the last day of the fiscal year to which the sequestration order applies.

(b) PROHIBITION.—Notwithstanding any other provision of law, an agency may not award a bonus to an employee—

(1) during a sequestration period; or

(2) that relates to any period of service performed during a fiscal year during which a sequestration order is issued under section 251 or 251A of the Balanced Budget and Emergency Deficit Control Act (2 U.S.C. 901 and 901a).

SA 791. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 743, to restore States' sovereign rights to enforce State and local sales and use tax laws, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PROHIBITION ON ADMISSION TO THE UNITED STATES OF TAX EVADERS.

Section 212(d)(3)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(3)(A)) is amended—

(1) in clause (i), by striking ''and clauses (i) and (ii) of paragraph (3)(E)'' and inserting ''clauses (i) and (ii) of paragraph (3)(E), and paragraph (10)(E)''; and

(2) in clause (ii), by striking ''and clauses (i) and (ii) of paragraph (3)(E)'' and inserting ''clauses (i) and (ii) of paragraph (3)(E), and paragraph (10)(E)''.

SA 792. Mr. COATS (for Mr. PORTMAN (for himself, Mr. COATS, and Ms. AYOTTE)) submitted an amendment intended to be proposed by Mr. Coats to the bill S. 743, to restore States' sovereign rights to enforce State and local sales and use tax laws, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ___. REVENUE-NEUTRALITY LIMITATION.

(a) IN GENERAL.—No State shall be authorized to require sellers to collect and remit sales and use taxes with respect to remote sales sourced to that State under subsection (a) or (b) of section 2 unless such State has enacted into law a reduction in taxes by an amount not less than the net revenue collected and remitted to such State by reason of the authority granted under such subsections, as determined on an annual, biennial, or permanent basis.

(b) COMPLIANCE.—

(1) IN GENERAL.—The Governor of each State which exercises the authority granted under this Act shall certify in writing compliance with subsection (a) no later than 18 months after the State exercises the authority granted by this Act.

(2) NO JUDICIAL REVIEW.—The compliance of a State with subsection (a) shall not be subject to judicial review.

(c) NET REVENUE.—For purposes of subsection (a), the term ''net revenue'' means gross revenues reduced by the amount of any costs incurred in the collection of taxes on remote sales and related administrative costs.

SA 793. Mr. HOEVEN submitted an amendment intended to be proposed by him to the bill S. 743, to restore States' sovereign rights to enforce State and local sales and use tax laws, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 7. PREVENTION OF INCREASES IN FLIGHT DELAYS AND CANCELLATIONS; CONTINUED OPERATION OF CONTRACT TOWER PROGRAM.

(a) SHORT TITLE.—This section may be cited as the ''Dependable Air Service Act of 2013''.

(b) PREVENTION OF INCREASES REQUIRED.—The Secretary of Transportation shall ensure that flight delays and cancellations do not result from furloughs of employees of the Federal Aviation Administration implemented as a result of any rescission or reduction in funding for fiscal year 2013 provided for under—

(1) a sequestration order issued by the President pursuant to section 251A(7)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901a(7)(A));

(2) section 3002 or 3004 of the Consolidated and Further Continuing Appropriations Act, 2013 (Public Law 113–6); or

(3) section 251 or 251A of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901 and 901a).

(c) FUNDING FOR PREVENTING FURLOUGHS.—In carrying out subsection (b), the Secretary of Transportation may—

(1) use amounts available for the operations of the Federal Aviation Administration for fiscal year 2013 as of the day before the date of the enactment of this Act; or

(2) notwithstanding division G of the Consolidated and Further Continuing Appropriations Act, 2013 (Public Law 113–6), or a sequestration order issued by the President pursuant to section 251A(7)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901a(7)(A))—

(A) increase the amount available for the operations of the Federal Aviation Administration for fiscal year 2013 by an amount the Secretary determines to be necessary to ensure that flight delays and cancellations do not result from the furloughs described in subsection (b); and

(B) reduce amounts made available for other programs of the Department of Transportation for fiscal year 2013 by an amount equal to the amount by which funding for the operations of the Federal Aviation Administration is increased under subparagraph (A).

(d) ADDITIONAL AMOUNT FOR CONTRACT TOWER PROGRAM.—

(1) IN GENERAL.—There is appropriated to the Secretary of Transportation $130,000,000 for fiscal year 2013 for the contract tower program of the Federal Aviation Administration.

(2) ADDITIONAL AMOUNT.—The amount appropriated pursuant to paragraph (1) shall be in addition to amounts appropriated for the Federal Aviation Administration under title I of the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2012 (division C of Public Law 112–55; 125 Stat. 641), as made available by section 1101(a)(7) of division F of the Consolidated and Further Continuing Appropriations Act, 2013 (Public Law 113–6).

(3) OFFSET.—Of amounts appropriated for fiscal years before fiscal year 2013 that remain available for obligation as of the date of the enactment of this Act and that are not designated an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985, the following amounts are rescinded from the following accounts:

(A) ''Department of Transportation, Federal Aviation Administration, Facilities and Equipment'', $23,861,002.

(B) ''Department of Transportation, Federal Aviation Administration, Research, Engineering, and Development'', $26,183,998.

SA 794. Mr. COATS (for himself, Mr. PORTMAN, and Ms. AYOTTE) submitted an amendment intended to be proposed by him to the bill S. 743, to restore States' sovereign rights to enforce State and local sales and use tax laws, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ___. REVENUE-NEUTRALITY LIMITATION.

(a) IN GENERAL.—No State shall be authorized to require sellers to collect and remit sales and use taxes with respect to remote sales sourced to that State under subsection (a) or (b) of section 2 unless such State has enacted into law a reduction in taxes by an amount not less than the net revenue collected and remitted to such State by reason of the authority granted under such subsections, as determined on an annual, biennial, or permanent basis.

(b) COMPLIANCE.—

(1) IN GENERAL.—The Governor of each State which exercises the authority granted under this Act shall certify in writing compliance with subsection (a) no later than 18 months after the State exercises the authority granted by this Act.

(2) NO JUDICIAL REVIEW.—The compliance of a State with subsection (a) shall not be subject to judicial review.

(c) NET REVENUE.—For purposes of subsection (a), the term ''net revenue'' means gross revenues reduced by the amount of any costs incurred in the collection of taxes on remote sales and related administrative costs.

SA 795. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill S. 743, to restore States' sovereign rights to enforce State and local sales and use tax laws, and for other purposes; which was ordered to lie on the table; as follows:

On page 8, between lines 20 and 21, insert the following:

(g) PREVENTING DISCRIMINATION IN COMPENSATION FOR COMPLIANCE COSTS.—

(1) IN GENERAL.—In the case of a State that provides reimbursement (other than through a State tax deduction for ordinary and necessary expenses paid or incurred during the taxable year in carrying on any trade or business) for expenses related to collection and remittance of sales and use taxes to sellers that are located within the State, such State shall provide an equivalent rate and method of reimbursement to any remote seller for expenses related to the collection and remittance of sales and use taxes on remote sales sourced to that State.

(2) ADMINISTRATION.—The Secretary of the Treasury may issue such regulations or guidance as may be necessary for the administration of the requirements described in paragraph (1).

NOTICES OF HEARINGS

Mr. President, I would like to announce that the Committee on Indian Affairs will meet during the session of the Senate on May 15, 2013, in room SD–628 of the Dirksen Senate Office Building, at 2:30 p.m., to conduct a hearing ''To Receive the Views and Priorities of Interior Secretary Jewell with Regard to Matters of Indian Affairs.''

Those wishing additional information may contact the Indian Affairs Committee at (202) 224–2251.

Mr. WYDEN. Mr. President, I would like to advise you that the Senate Committee on Energy and Natural Resources will hold a business meeting on Wednesday, May 8, 2013 at 11:30 a.m., in room 366 of the Dirksen Senate Office Building.

The purpose of the business meeting is to consider pending calendar business.

For further information, please contact Sam Fowler at (202) 224–7571 or Abigail Campbell at (202) 224–4905.

Mr. President, I would like to announce that the Committee on Indian Affairs will meet during the session of the Senate on May 8, 2013, in room SD–628 of the Dirksen Senate Office Building, at 2:30 p.m., to conduct a hearing to receive testimony on the following bills: S. 434, to authorize and implement the water rights compact among the Blackfeet Tribe of the Blackfeet Indian Reservation and the State of Montana, and for other purposes, and S. 611, to make a technical amendment to the T'uf Shur Bien Preservation Trust Area Act, and for other purposes.

Those wishing additional information may contact the Indian Affairs Committee at (202) 224–2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on April 25, 2013, at 8:30 a.m.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on April 25, 2013, at 10 a.m., in room SD–366 of the Dirksen Senate Office Building.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate subcommittee hearing on April 25, 2013, at 2:30 p.m., in room SD–366 of the Dirksen Senate Office Building.

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

COMMITTEE ON THE JUDICIARY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on April 25, 2013, at 9:30 a.m. in SD–226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. DURBIN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on April 25, 2013, at 2:30 p.m.

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

SUBCOMMITTEE ON EAST ASIA AND PACIFIC AFFAIRS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on April 25, 2013, at 2 p.m., to hold a East Asia and Pacific Affairs subcommittee hearing entitled, ''Rebalance to Asia II: Security and Defense: Cooperation and Challenges.''

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

PRIVILEGES OF THE FLOOR

Mr. PAUL. Mr. President, I ask unanimous consent that Justin Hamilton, an intern in my office, and Steven Phan of the Sergeant at Arms' office be allowed the privileges of the floor for today's session and that Stephen Phan be allowed to stand next to me to interpret my remarks into American sign language.

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. I ask unanimous consent the Senate proceed to executive session to consider nominations 24, 25, 61, and 89.

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

Mr. REID. I ask unanimous consent that the nominations be confirmed en bloc, the motion to reconsider be considered made and laid on the table, there be no intervening action or debate, and that no further motions be in order to any of the nominations, any statements be printed in the RECORD, and the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

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

The nominations considered and confirmed are as follows:

DEPARTMENT OF THE TREASURY

Christopher J. Meade, of New York, to be General Counsel for the Department of the Treasury.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

William B. Schultz, of the District of Columbia, to be General Counsel of the Department of Health and Human Services.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Jenny R. Yang, of the District of Columbia, to be a Member of the Equal Employment Opportunity Commission for a term expiring July 1, 2017.

IN THE DEPARTMENT OF JUSTICE

Karol Virginia Mason, of Georgia, to be an Assistant Attorney General.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. REID. Madam President, I ask unanimous consent that at a time to be determined by me, in consultation with Senator MCCONNELL, the Senate proceed to executive session to consider Calendar No. 42; there be 1 hour for debate equally divided in the usual form; that upon the use or yielding back of that time, the Senate proceed to vote with no intervening action or debate on the nomination; that the motion to reconsider be considered made and laid on the table, with no intervening action or debate, and no further motions be in order to the nomination; that any statements related to the nomination be printed in the RECORD, and that the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

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

REDUCING FLIGHT DELAYS ACT OF 2013

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to S. 853, introduced earlier today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A 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.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Before we hear from my friend from Maine, I appreciate very much her tenacity, her diligence, and that of Senator ROCKEFELLER and others. This is something that has been difficult, but I think it is the right thing to do. Hopefully when we get back, we can have something broader in scope than just this.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Madam President, I am delighted that the Senate will pass a bipartisan bill to resolve a serious problem confronting the American traveling public and our economy. I thank the majority leader, Senator REID, the minority leader, the Republican leader, Senator MCCONNELL, and all the staff who have worked so hard to make this happen.

I am very pleased to be joined in sponsoring this bill by many of our colleagues, including Senator ROCKEFELLER, Senator THUNE, Senator MARK UDALL, Senator RISCH, Senator ROBERTS, Senator ISAKSON, Senator MCCASKILL, Senator HAGAN, the Presiding Officer, Senator TOOMEY, Senator CHAMBLISS, Senator MURKOWSKI, Senator WARNER, Senator BEGICH, Senator NELSON, and Senator HELLER.

As the ranking member of the Appropriations Transportation Subcommittee, I have been very concerned about the serious delays that have been caused by the FAA furloughs of air traffic controllers. In fact, Secretary of Transportation LaHood and FAA Administrator Huerta met with me this morning to discuss this problem and our proposed solution.

The Collins-Rockefeller-Thune-Udall bill would restore the funding for these essential air traffic controller positions, and that should prevent the onerous delays that were occurring and were only going to get worse as the traveling season reached its peak this summer. That would have had a ripple effect throughout the hospitality industry in particular and caused job losses that we can ill afford.

I just wish to point out that there literally have been thousands of flights delayed since the furloughs went into effect, and I am so happy we were able to work together across the aisle in a bipartisan way to resolve this problem.

The FAA recently began furloughing 47,000 employees this past Sunday, which includes nearly 15,000 air traffic controllers. This is essentially 10 percent of its workforce, which equates to one furlough day per bi-weekly pay period, for a maximum of 11 days through September 30th.

The challenges the FAA faces this fiscal year are daunting; not only is the agency operating under a continuing resolution but sequestration compounds the problem. It is important that sequestration is implemented in a way that ensures safety and minimizes the impact on the traveling public as well as jobs in the hospitality and airline industries. FAA recently announced its plans to achieve savings by implementing furloughs of air traffic controllers.

These cuts have already caused widespread delays to the air transportation system and were expected to get worse. It is estimated that as many as 6,700 flights would be delayed each day, more than double the worst day of flight delays last year. This reduction in staffing of air traffic controllers has been the primary cause of one out of every three delays since the furloughs began.

In fact, on Monday alone, there were 2,660 delays, of which 1,200 were due to the furloughs, and 2,000 delays on Tuesday, of which 1,025 due to the reduced staff. What was even more troubling is that soon we will be approaching the summer peak travel season. Some airports may experience delays of up to three hours during peak travel times.

The FAA acknowledges that these service reductions will adversely affect commercial, corporate, and general aviation operators. The FAA expects that as airlines estimate the potential impacts of these furloughs, they will be forced to change their schedules, cancel flights, and lay off employees.

Our bill, The Reducing Flight Delays Act of 2013, would provide the Secretary of Transportation the flexibility to transfer certain funds to prevent furloughs of essential employees at the FAA. It would give the Secretary the authority to transfer an amount not to exceed $253 million to prevent essential employees at the FAA, such as air traffic controllers, from being furloughed in order to reduce flight delays while maintaining a safe and efficient national airspace system.

My bill would accomplish this goal by allowing a one-time shift of unused monies in the Airport Improvement Program to Operations. I first raised the idea of using AIP carryover balances as a solution at the policy lunch on Tuesday, and many of my colleagues indicated interest in this approach. Our bill has been vetted by the General Counsel offices at both the FAA and the Secretary's office. Secretary LaHood told me this morning that it is an effective, workable solution.

The transfer would come largely from carryover balances within the Airport Improvement Program (AIP). To be clear: this is the discretionary portion of the program and in no way affects the entitlement funds airports are guaranteed to receive. The program has sufficient funding to support this effort. Historically, AIP carryover balances range between $400–450 million and has not been below $300 million in the last decade. In fact, last year there was approximately $700 million of these carryover balances.

Over the past several years, the aviation industry has faced tough economic hardships. I recognize that aviation plays a critical role in driving economic growth, jobs and investment across the country. The Airport Improvement Program is a very important program which supports infrastructure at our nation's airports.

This bill should be recognized as a one-time solution in order to avert the serious national impacts that have resulted from the decisions made by the FAA.

I urge my colleagues to support this bill, and I am grateful to both the Majority and Minority Leaders.

I thank them for their cooperation in making this happen. It is nice to know that when we work together, we really can solve problems.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Madam President, we were able to accomplish two very important things this week. One is the final passage of the Internet tax issue, but that is because it was a bipartisan issue, and we were able to get this done.

Madam President, I ask unanimous consent that the bill be read three times and passed and that the motion to reconsider be laid upon the table, with no intervening action or debate.

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

The bill (S. 853) was ordered to be engrossed for a third reading, was read a third time, and passed, as follows:

S. 853

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 ''Reducing Flight Delays Act of 2013''.

SEC. 2. AUTHORIZATION TO TRANSFER CERTAIN FUNDS TO PREVENT REDUCED OPERATIONS AND STAFFING OF THE FEDERAL AVIATION ADMINISTRATION.

(a) IN GENERAL.—Notwithstanding division G of the Consolidated and Further Continuing Appropriations Act, 2013 (Public Law 113–6), any other provision of law, or a sequestration order issued or to be issued by the President pursuant to section 251A(7)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901a(7)(A)), the Secretary of Transportation may transfer during fiscal year 2013 an amount equal to the amount specified in subsection (c) to the appropriations account providing for the operations of the Federal Aviation Administration, for any activity or activities funded by that account, from—

(1) the amount made available for obligation in that fiscal year as discretionary grants-in-aid for airports pursuant to section 47117(f) of title 49, United States Code; or

(2) any other program or account of the Federal Aviation Administration.

(b) AVAILABILITY AND OBLIGATION OF TRANSFERRED AMOUNTS.—An amount transferred under subsection (a)(1) shall—

(1) be available immediately for obligation and expenditure as directly appropriated budget authority; and

(2) be deemed as obligated for grants-in-aid for airports under part B of subtitle VII of title 49, United States Code, for purposes of complying with the limitation on incurring obligations during that fiscal year under the heading ''GRANTS-IN-AID FOR AIRPORTS'' under title I of the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2012 (division C of Public Law 112–55; 125 Stat. 647), and made applicable to fiscal year 2013 by division F of the Consolidated and Further Continuing Appropriations Act, 2013 (Public Law 113–6).

(c) AMOUNT SPECIFIED.—The amount specified in this subsection is the amount, not to exceed $253,000,000, that the Secretary of Transportation determines to be necessary to prevent reduced operations and staffing of the Federal Aviation Administration during fiscal year 2013 to ensure a safe and efficient air transportation system; and Provided that none of the funds transferred under this subsection may be obligated unless the Secretary notifies the Committees on Appropriations of the House of Representatives and the Senate at least 5 days in advance of such transfer.

Mr. REID. Madam President, I ask unanimous consent that if the Senate receives a bill from the House and the text of that bill is identical to S. 853, the bill then be considered read three times and passed and the motion to reconsider be considered made and laid upon the table.

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

RESOLUTIONS SUBMITTED TODAY

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration en bloc of the following resolutions, which were submitted earlier today: S. Res 118, S. Res. 119, S. Res. 120, S. Res. 121, S. Res. 122, S. Res. 123, S. Res. 124, and S. Res. 125.

There being no objection, the Senate proceeded to consider the resolutions en bloc.

S. RES. 124

Mr. REID. Mr. President, this resolution concerns a request for testimony in writing, documents, and representation in a pro se civil action pending in Connecticut federal district court. In this action, the plaintiff claims that a bar mitzvah was held in the Greenwich Town Hall, allegedly in violation of the Constitutions of the United States and the State of Connecticut.

The plaintiff has issued a subpoena to Senator BLUMENTHAL, who attended a Town Hall event preceding the alleged bar mitzvah, and to his office, requesting the production of a deposition by written questions from the Senator and documents. Senator BLUMENTHAL would like to cooperate by providing testimony in writing and relevant documents. The enclosed resolution would authorize the production of written testimony from the Senator and relevant office documents, where appropriate. It would also authorize the Senate Legal Counsel to represent the Senator, his office, and any employee of the Senator's office from whom evidence may be sought in this case.

S. RES. 122

Mr. UDALL of Colorado. Mr. President, I have submitted, with Senators CORNYN, REID, ENZI, MENENDEZ, UDALL of New Mexico, and CRUZ, a resolution commemorating Cinco de Mayo.

We all love Cinco de Mayo for the food and festivities that we have grown so accustomed to across our country. However, we commemorate Cinco de Mayo in order to celebrate the joint history and values that are shared by both Mexicans and Americans. Cinco de Mayo is a day that reminds us that the citizens of Mexico possess the same courage that we, as Americans, value in ourselves. For that reason, the commemoration of Cinco de Mayo has transcended from being a celebration of the victorious Battle of Puebla that Mexico won over France, to a celebration of courage and a recognition of all contributions that the Mexican-American community has had both in Colorado and in our great Nation. Celebrating Cinco de Mayo brings pride to both the Mexican-American community and all Americans.

The courage displayed by Mexican forces on May 5, 1862, parallels the courage that we as Americans have used to overcome adversity and thrive since our founding. The victory of the beleaguered force of Mexican troops at the Battle of Puebla weakened France's immense resources and limited its ability to meddle in America's Civil War. As Mexico sought to defend itself from European aggression, the Battle of Puebla reminds us that the foundation of the United States was also built through battles in which the United States often found itself as the underdog. Through courage, perseverance, and the willingness to fight and die for freedom, our Nation has become stronger. These contributions that the Mexican-American community has had in our Nation should be celebrated as part of our country's history.

While Cinco de Mayo remains a Mexican national holiday, the commemoration of this holiday has become imbedded in American culture. Both in Colorado and throughout our Nation, the contributions of the millions of Mexican-American families are seen throughout our communities. As in years past, I continue to encourage my fellow Coloradans to celebrate Cinco de Mayo by remembering and educating but also by coming together with friends and neighbors to enjoy food, music, and dancing.

Mr. REID. I ask unanimous consent that the resolutions be agreed to, the preambles be agreed to, and the motions to reconsider be laid on the table en bloc, with no intervening action or debate.

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

The resolutions were agreed to.

The preambles were agreed to.

(The resolutions, with their preambles, are printed in today's RECORD under ''Submitted Resolutions.'')

APPOINTMENTS

The PRESIDING OFFICER. The Chair announces, on behalf of the majority leader, pursuant to Public Law 101–509, the reappointment of Steve Zink, of Nevada, to the Advisory Committee on the Records of Congress.

The Chair announces, on behalf of the Republican leader, pursuant to the provisions of Section 3166 of Public Law 112–239, the appointment of the following individual to be a member of the Congressional Advisory Panel on the Governance of the Nuclear Security Enterprise: Michael R. Anastasio of New Mexico.

The Chair, on behalf of the Republican leader, pursuant to Public Law 111–5, appoints the following individual to the Health Information Technology Policy Committee: Dr. Scott Gottlieb of Connecticut.

APPOINTMENTS AUTHORITY

Mr. REID. I ask unanimous consent that notwithstanding the upcoming recess or adjournment of the Senate, the President of the Senate, the President pro tempore, and the majority and minority leaders be authorized to make appointments to commissions, committees, boards, conferences, or interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate.

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

ORDERS FOR FRIDAY, APRIL 26, 2013 THROUGH MONDAY, MAY 6, 2013

Mr. REID. I ask unanimous consent that when the Senate completes its business today, it adjourn and convene for pro forma sessions only, with no business conducted on the following dates and times, and that following each pro forma session the Senate adjourn until the next pro forma session: Friday, April 26 at 11:30 a.m., Tuesday, April 30 at 10 a.m., and Friday, May 3 at 2 p.m.; and that the Senate adjourn on Friday, May 3 until 2 p.m. on Monday, May 6, 2013; that on Monday, following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, 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 5:30 p.m. with Senators permitted to speak for up to 10 minutes each; further, I ask unanimous consent that the previous order with respect to S. 743 be modified to provide that at 5:30 p.m., the Senate resume consideration of S. 743, all postcloture time be considered expired, and all other provisions remain in effect.

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

PROGRAM

Mr. REID. Madam President, I appreciate the Chair's patience.

There will be up to three rollcall votes Monday, May 6: two votes in order to complete the Marketplace Fairness Act and a third vote on the motion to invoke cloture on the motion to proceed to WRDA.

I am told we may not have to have that third vote.

ADJOURNMENT UNTIL 11:30 A.M. TOMORROW

Mr. REID. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 8:41 p.m., adjourned until Friday, April 26, 2013, at 11:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

CORPORATION FOR PUBLIC BROADCASTING

BRENT FRANKLIN NELSEN, OF SOUTH CAROLINA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR PUBLIC BROADCASTING FOR A TERM EXPIRING JANUARY 31, 2016, VICE GAY HART GAINES, TERM EXPIRED.

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

WILLIAM S. JASIEN, OF VIRGINIA, TO BE A MEMBER OF THE FEDERAL RETIREMENT THRIFT INVESTMENT BOARD FOR A TERM EXPIRING OCTOBER 11, 2015, VICE TERRENCE A. DUFFY, TERM EXPIRED.

POSTAL REGULATORY COMMISSION

NANCI E. LANGLEY, OF HAWAII, TO BE A COMMISSIONER OF THE POSTAL REGULATORY COMMISSION FOR A TERM EXPIRING NOVEMBER 22, 2018. (REAPPOINTMENT)

EXECUTIVE OFFICE OF THE PRESIDENT

HOWARD A. SHELANSKI, OF PENNSYLVANIA, TO BE ADMINISTRATOR OF THE OFFICE OF INFORMATION AND REGULATORY AFFAIRS, OFFICE OF MANAGEMENT AND BUDGET, VICE CASS R. SUNSTEIN, RESIGNED.

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

VICE ADM. MICHELLE J. HOWARD

CONFIRMATIONS

Executive nominations confirmed by the Senate April 25, 2013:

DEPARTMENT OF THE TREASURY

CHRISTOPHER J. MEADE, OF NEW YORK, TO BE GENERAL COUNSEL FOR THE DEPARTMENT OF THE TREASURY.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

WILLIAM B. SCHULTZ, OF THE DISTRICT OF COLUMBIA, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

JENNY R. YANG, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION FOR A TERM EXPIRING JULY 1, 2017.

DEPARTMENT OF JUSTICE

KAROL VIRGINIA MASON, OF GEORGIA, TO BE AN ASSISTANT ATTORNEY GENERAL.