

providers should not be subject to data localization requirements. Such requirements are incompatible with the borderless nature of the Internet—

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HATCH. I ask unanimous consent that I be permitted to finish my remarks.

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

Mr. HATCH. Such requirements are incompatible with the borderless nature of the Internet. They are an impediment to online innovation and they are unnecessary to meet the needs of law enforcement. It is time to act to update our electronic communications privacy laws.

Finally, there is widespread consensus and real opportunity for bipartisan bicameral reform of our outdated visa system for economically essential high-skilled immigrants. For too long our country has been unable to meet the ever-increasing demand for workers trained in the science, technology, engineering, and mathematics or STEM fields.

As a result, some of our Nation's top technology markets are in desperate need for qualified STEM workers. We face a high-skilled worker shortage that has become a national crisis. In April, for the second year in a row, the Federal Government reached its current H-1B quota just 5 days after it began accepting applications.

Employers submitted 172,500 petitions for just 85,000 available visas, meaning American companies were unable to hire nearly 90,000 high-skilled workers essential to help grow their domestic businesses, develop innovative technologies at home rather than abroad, and compete internationally. This is one of the principal reasons why I, together with Senators AMY KLOBUCHAR, MARCO RUBIO, and CHRIS COONS, introduced the bipartisan Immigration Innovation or I-Squared Act.

To date the legislation has 26 bipartisan cosponsors. Among other things, the I-Squared Act provides a thoughtful, lasting legislative framework that would increase the number of H-1 visas based on annual market demand to attract highly skilled workers and innovators. The bill also reforms fees on H-1B visas and employment-based green cards for funding a grant-based State program to promote STEM education and worker retraining.

The I-Squared Act addresses the immediate short-term needs to provide American employees with greater access to high-skilled workers, while also addressing long-term needs to invest in America's STEM education. I am confident this two-step approach will enable our country to thrive and help us compete in today's global economy. No doubt, a concrete legislative victory, when there is already considerable consensus, would help build trust and good will among those who disagree sharply over other areas of immigration policy. It would mark a critical first step along the path to broader reform.

I look forward to working with my Senate colleagues in introducing I-Squared early next year. As Senators can see, there is a lot we can agree on and much we can and must accomplish. Looking ahead to the next Congress, I intend to do everything in my power to enact protechnology, pro-innovation policies that will ensure the continued success of our high-tech economy.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

#### MARKETPLACE FAIRNESS ACT

Mr. ENZI. Madam President, I rise to voice my continued support for the enactment of the Marketplace Fairness Act this year. There have been a number of editorials and letters and emails and other messages lately that have left out part of the story and have some of the other parts of the story wrong. I am not sure the people behind these messages have read the bill.

Last year the Senate passed this bill with a strong bipartisan vote of 69 Members. I believe that now is the time to get this issue done. I have been working on this sales tax fairness issue since joining the Senate in 1997, because as a former State legislator, mayor and small business owner, I believe it is important to level the playing field for all retailers—in-store, catalog, and online—so an outdated rule for sales tax collection does not adversely impact small business and Main Street retailers.

In the last century, the Supreme Court challenged us to solve this problem. We have been working on it. Thanks to a suggestion by Senator ALEXANDER, we made this bill a States rights bill. The States passed laws a long time ago that required the collection of sales tax. And those laws say that if the tax is not collected by the retailer out of State, it has to be paid directly by the purchaser in state. Most people do not even know about that requirement, but I do understand in Wyoming we collect about \$1.5 million from people voluntarily realizing the law and complying with it.

But that is a minority of people. Right now, thousands of local businesses are forced to do business at a competitive disadvantage because they have to collect sales and use taxes and remote sellers do not, which in some States can mean that 5 to 10 percent advantage.

I recently talked with a fellow who had a camera store. A person came in. He was interested in this \$2,000 camera and accessories. So of course the store owner helped him to figure it all out and gave him instructions on the camera. Then the guy pulled out his smart phone and clicks on the bar code of the camera and said he could get it cheaper. Of course the owner of the store wondered how much cheaper. It happened to be exactly the amount of sales tax. The small business owner lost the sale.

I am willing to bet that if the person has a problem with the camera, he is going to come back to that store and ask for help with it. Those people who have those small businesses hire locally. It is actually people from the community who are earning money they spend in the same community. They are paying property tax. I would be willing to bet that none of the online companies, unless they are local, are participating in the community the way those businesses are.

Of course, additionally, sales taxes go directly to State and local governments, which brings in the needed revenue for maintaining our schools, fixing our roads, supporting local law enforcement, fire departments, and emergency management crews. An interesting part of that is the smaller the town, the more important that is.

In Wyoming the smaller towns rely on their sales tax to provide police protection and fire protection. People in small towns in Wyoming are sometimes surprised to find out that sales taxes support these services, but realize then that they ought to be paying this sales tax. The smaller the town, the bigger the impact.

If Congress fails to let States collect taxes on remote sales this year, we are implicitly blessing a situation where States will be forced to maybe raise other taxes, such as income or property taxes, to offset the growing loss of sales tax revenue. Do we want this to happen?

There is another side to this too; that is, that some of the people, some of the Governors and legislatures have said: If that passes, we will reduce another tax because sales tax is a more constant flow of dollars that we can rely on more than virtually anything else we do.

So now is the time for Congress to complete action on this issue by enacting the Marketplace Fairness Act this year. Today I want to spend a few minutes debunking some of the myths and allegations that have been raised against the bill. First, some opponents argue the bill is unfairly burdensome to online retailers by forcing them to comply with the various sales tax rates across the country.

In response, I would first note that the Marketplace Fairness Act includes a small seller exemption. It is set at \$1 million in remote sales each year. Until they pass that \$1 million mark in a given year, states cannot make them comply with sales tax laws. If they do pass the million-dollar mark, then the Marketplace Fairness Act requires that the State provide the sellers with software, free of charge, that can calculate the sales and use tax due on each transaction at the time the transaction is completed. It would also file the sales and use tax returns and be updated to reflect any rate changes.

So all they have to know, to be able to do is, is the purchaser's ZIP Code. They are going to have to know the ZIP Code if they are sending something

somewhere. So it is not that complicated a process. Incidentally, some of the online companies opposing this bill sell the very same program. They make it available to a number of providers. So it is already being used by retailers across the country to accurately collect and remit State and local sales and use taxes.

In addition, opponents of the Marketplace Fairness Act argue that our bill violates States rights by setting tax rates. In fact, our bill does not change State law. It does not require States to do anything. The bill does not create new taxes or increase existing taxes. It simply gives the States the ability to collect the taxes owed, to enforce their own sales and use tax laws.

Our bill is a States rights bill, which is why the National Governors Association, the National Conference of State Legislatures, the National Association of Counties, and the National League of Cities support the bill. Wyoming passed a law in 1934. It says: If someone buys something out of State and they do not pay sales tax on it, by the end of the month they have to fill out a form which they have and submit the money. Our bill makes it easier for Wyomingites to comply with this law. Most people don't realize this, but it is much easier if the person who collects the sales tax is the one who sells the item.

Opponents of the Marketplace Fairness Act also suggest it benefits big business at the expense of small online retailers. Remember I mentioned that \$1 million exemption if a business sells less than \$1 million online? They are not subject to this bill. That is to give small businesses a chance to grow into big businesses—and we do hope they do pass that \$1 million threshold. In fact a \$2 million threshold would be fine with me.

But the exemption already protects small businesses. Last year a Small Business Administration study determined that the small seller exemption included in the Marketplace Fairness Act would exempt 99.96 percent of all sellers from the bill's requirements. So it is just the big ones that fall into this bill.

Opponents of marketplace fairness suggest it creates a massive new tax requirement. The truth is the bill that passed the Senate with an overwhelming bipartisan vote of more than two-thirds of the Senate last year does not create any new taxes.

Consumers already owe the sales and use taxes on the goods they purchase if they reside in a State that has a sales tax—whether those purchases are made over the phone, by mail or by the Internet. Unfortunately, as I mentioned, most consumers are unaware that they are required to pay the tax when the retailer does not collect it at the time of the purchase.

Marketplace fairness provides States the authority to reduce the burden of self-reporting from consumers and allow States to enforce the existing

State and local sales and use tax laws, and it eliminates the competitive disadvantage for the small retailers in the State. It is an advantage that is currently enjoyed by the remote retailers at the expense of those small businesses.

Additionally, the Marketplace Fairness Act does not tax Internet use. I repeat that it does not tax Internet use. It doesn't even tax Internet services. For many years I have worked with all the interested parties to find a mutually agreeable legislative package to enact this bill.

This Congress, I've worked with Senator DURBIN, Senator ALEXANDER, who as I mentioned inserted the States rights approach to this issue that reduced the bill from about 35 pages down to about 9 pages, and Senator HEITKAMP, who has been involved in the court case as all of these e-fairness challenges have progressed.

When the Supreme Court heard this challenge and realized there are some other things coming along that could greatly distress States if they don't take some action because of what the courts could do, I worked together with the three colleagues I mentioned and 26 of our Senate colleagues to produce a bipartisan bill that helps sellers, States, and local governments to simplify sales and use tax collection and administration.

We are working with our House supporters, including House of Representative Members STEVE WOMACK, JACKIE SPEIER, PETER WELCH, and JOHN CONYERS, and have found common ground on this important issue that is supported by more than 200 groups. I publicly commend all of my Senate and House colleagues in taking a leadership role in working on this important policy issue.

I strongly encourage my colleagues to support the goals of States rights and a level playing field for all businesses—making sure the revenue that is owed particularly for small towns makes it to the small towns—by pushing for the enactment of the Marketplace Fairness Act this year.

I yield the floor for my colleague, Senator ALEXANDER, who has done an outstanding job on this subject.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Senator ENZI has been a leading proponent of the Marketplace Fairness Act. I congratulate him for his persistence in recognizing its importance.

I will make three points in support of what he said: No. 1, why conservatives support it; No. 2, why it is easy to do; that is, to comply with it; and No. 3 is to ask the basic question, which is: Do you trust Washington or do you trust your Governor and your State legislature to decide what your State taxes ought to be? Do you trust Washington or do you trust people closer to home?

I will begin with why conservatives support it. If I were to ask the question, what do the following people have

in common, and the following people would be Al Cardenas, the most recent chairman of the American Conservative Union; the late William F. Buckley; Art Laffer, who is President Reagan's favorite economist; Governor Mike Pence, the conservative Governor of Indiana; Governor Gary Herbert; Governor Robert Bentley; former Governor Mitch Daniels; and former Governor Jeb Bush, you might say: What do they have in common?

Well, they are Republicans; that is right. They are conservatives; that is true. But the other thing we could say is they all support the Marketplace Fairness Act or the principles that underlie it.

Why is that? Because the Marketplace Fairness Act is a 12-page bill about two words, which are States' rights. If I am the Governor of Tennessee—which I once was—and I am sitting down there thinking: Well, we have a State sales tax in Tennessee such as almost every State has, and the way we collect it is this—let's say I am in my home town of Marysville, TN, and I want to buy a television set. I can go downtown to buy it from one of my local stores. They collect the State sales tax, which in our State, including State and local taxes, is nearly 10 percent. They send it to the State.

If I go online or into a catalog and order the same television set, the seller does not collect it. This bill is about allowing the State of Tennessee to decide whether it wants to require the out-of-state sellers to do the same thing that in-state sellers do, whether it wants to prefer some distant seller over the local man and woman on Main Street, the mom-and-pop stores. That is the decision.

Whatever decision they would make, the question is this. Do you think we should be deciding that for Tennessee? Our Governor doesn't think so, our Lieutenant Governor doesn't think so, our legislature doesn't think so. They don't trust Washington to make the decision. They trust themselves to make that decision.

Ohio doesn't think so. Ohio has already taken a look at this subject and said: We would prefer to collect our sales tax from everybody who owes it. Rather than have everybody in Ohio fill out a form every time they go online to order from a catalog, Ohio wants to require the out-of-State sellers do the same thing in-State sellers do, and that is to collect the tax when they sell it. Ohio has said if they do that, they will lower taxes.

Ohio has already passed a law and says if Congress passes the Marketplace Fairness Act taxes in Ohio will go down.

Madam President, I ask unanimous consent to have printed in the RECORD following my remarks a list of conservatives and Republican Governors who support e-fairness and why they do so.

The other point is how complicated is this for somebody who might sell online? Well, as Senator ENZI said, it exempts 99 percent of all out-of-state

sellers. So if you are selling on eBay today and you are worried about this bill, the chances are 99 out of 100 it is not you this bill affects because it has a \$1 million exemption.

But even if it did affect you, how hard would it be to comply with the requirements. It must not be too hard because you could also go on eBay, I am assured, and you can purchase software from eBay that costs \$15 or \$20 and it will do the work for you. In other words, if you are selling something online and you are selling it to Maryville, TN, they will put the zip code in and tell you the tax. You can collect it and remit it to the State government. It is about as easy as what I do every morning.

I go to my computer, I type in "Google," put my zip code in, and I put "weather." I want to know it is 24 degrees in Washington, DC, this morning. It tells me in an instant.

If you are selling online—unless you are selling more than \$1 million in out of state sales it doesn't affect you at all. If you need some help to figure that out, you can get software that figures out the tax for you.

But remember, all we are asking—we are not even saying that we think if you sell online or if you sell by catalog that you ought to be made to collect the tax when you sell. We are just saying we think States should make the decision about their own tax policy which is consistent with the 10th Amendment to our Constitution.

That leads me to my last point. The real issue here is two words. You can make a lot of good conservative reasons why this bill attracted half the support of Republicans and passed with 69 votes when it was considered by the Senate, and why it has so much support from Governors and mayors of all political persuasions across the country. But the bottom line is all we proposed to do is to let States make decisions about their own tax policy.

The Supreme Court more than 20 years ago said it was too complicated to require businesses to collect, but they invited Congress to create a way that was simple enough to do that. Twenty years has gone by, software is already available, the Internet is advanced, and so today it is very easy to do.

There is no reason in the world for Senators to say: You know, I just flew from Nashville today. It took me an hour. That makes me a lot smarter than the Governor of Tennessee, so I am going to decide for Tennessee whether it can collect all the taxes that are already owed. I am going to say I am going to let the Governor of Tennessee make that decision. If I were the Governor of Tennessee, I would collect it, and I might lower the taxes for everybody. I don't think it is fair to say to shopkeepers in Maryville, TN, that you have to collect the tax and send it to the State, but to say to some seller in Illinois or some catalog seller in North Dakota that you don't have to

collect the tax, because that means our local businesses are being dealt with in an unfair way.

I also don't think Tennesseans appreciate what will happen if we don't act, because do you know what is going to happen? The Governor is going to collect the sales tax. How is he going to do it? Well, he is going to have to start auditing everybody.

If you buy online—which everybody almost does today; just think of the Christmas season coming up—you would have to write down every single thing you bought. You would have to put the tax down, and you would have to send it in—that is the law. That is a very difficult thing to do and most people don't do it.

So the easy way to do this and the right way to do this is for Congress to pass the Marketplace Fairness Act, which is a 12-page bill about two words—States rights—and say to Tennessee, Wisconsin or Wyoming, of course you should make your own decision about how to collect your taxes. Let them decide, as Ohio decided. They will collect the State sales tax which is already owed from everybody who owes it. The collectors of the tax will be anyone who sells into Ohio or Tennessee or Wisconsin or Wyoming.

That is the fair thing to do. That is the right thing to do. That is what respects our constitutional federalism and the 10th Amendment to the Constitution. It shows that we in Washington, DC, aren't so arrogant to think that we should make those state tax decisions.

I conclude by saying I just had the pleasure of going through a reelection campaign. A lot of Members, about one-third of the body, were in an election this year. I was trying to remember this morning if one single person came up to me in the past 2 years and said: I just wish you would give Washington more control over how Tennessee collects its taxes.

I don't think one single person said that to me. But I will guarantee that about every other person said to me: I wish you would stop Washington from telling us to do things or decide things that we should be deciding for ourselves.

That is what this bill is about. This bill empowers every State to make its own decision about how to collect its taxes—to do what Ohio did, to do what other Governors have said. We are going to collect it from everybody who already owes it and, when we do, we are going to lower everyone's taxes. That would be a very happy result.

We have 2 or 3 weeks left in the session. This Senate has fully considered this. The bill is in the House of Representatives. I very much hope that the Speaker and the Members of the House will decide that it is time to pass the Marketplace Fairness Act and recognize the principle of States rights in the spirit of the 10th Amendment of our Constitution.

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

CONSERVATIVES & REPUBLICAN GOVERNORS  
SUPPORT E-FAIRNESS

William F. Buckley, Editor At Large, National Review: "The mattress maker in Connecticut is willing to compete with the company in Massachusetts, but does not like it if out-of-state businesses are, in practical terms, subsidized; that's what the non-tax amounts to. Local concerns are complaining about traffic in mattresses and books and records and computer equipment which, ordered through the Internet, come in, so to speak, duty free." (William F. Buckley, "Get That Internet Tax Right," National Review Online, 10/19/01)

Arthur B. Laffer, Wall Street Journal: "In-state retailers collect sales taxes at the time of purchase. When residents purchase from retailers out of state (including over the Internet) they are supposed to report these purchases and pay the sales taxes owed—which are typically referred to as a "use tax." As you can imagine, few people do. The result is to narrow a state's sales-tax base. It also leads to several inefficiencies that, on net, diminish potential job and economic growth. Exempting Internet purchases from the sales tax naturally encourages consumers to buy goods over the Web; worse, the exemption incentivizes consumers to use in-state retailers as a showroom before they do so. This increases in-state retailers' overall costs and reduces their overall productivity." (Arthur B. Laffer, "Tax Internet Sales, Stimulate Growth," The Wall Street Journal, 4/17/13)

Al Cardenas, former Chairman of the American Conservative Union (ACU): "When it comes to sales tax, it is time to address the area where prejudice is most egregious—our policy towards Internet sales. At issue is the federal government exempting some Internet transactions from sales taxes while requiring the remittance of sales taxes for identical sales made at brick and mortar locations. It is an outdated set of policies in today's super information age, when families every day make decisions to purchase goods and services online or in person. Moreover, it's unfair, punitive to some small businesses and corporations and a boon for others." (Al Cardenas, "The Chief Threat To American Competitiveness: Our Tax Code," National Review Online, 11/8/11)

Charles Krauthammer: "The real issue here is the fairness argument—that if you're an old fashioned store, you have to have your customers and you pay the sales tax and online you don't. Which, I mean, you're already at a disadvantage if you're an old fashioned store: you have to have, you have to cover rent, you have to cover insurance and all that. So I think you want to have something that will level the playing field. You can do it one of two ways. You abolish all sales taxes for real stores and nobody pays. Or you get the Internet people to pay the sales tax as well. I think the second one is the only way to do it, obviously." ("Friday Lightning Round: Internet sales tax bill," Fox News Special Report with Bret Baier, 4/26/13)

Wisconsin Governor Scott Walker: "Since taking office, it has been my priority, and the priority of a number of members of the legislature, to provide tax relief to middle class families, and to foster an environment that promotes job creation. I want to make clear, should federal Marketplace legislation become law, my intention would be for any resulting additional revenue be used to provide individual income tax relief for Wisconsin's taxpayers." (Letter to Wisconsin Congressional Delegation, 5/15/2013)

New Jersey Governor Chris Christie: Governor Chris Christie: "I just want to make clear that I have been working on this issue in my role on the executive committee of the National Governors Association because it is an important issue to all the nation's governors. And I too—along with governors like Governor Daniels and others—urge the federal government and the Congress in particular to get behind Senator Lamar Alexander's legislation to allow states to be able to make these choices for themselves. And I think Senator Alexander's legislation would be a great step forward in that regard. It would give states options to decide how they want to deal with this and not have to any longer deal with the federal prohibition on dealing with it. So, it would allow us to do it in a much more uniform and broader way. So, I'm with Governor Daniels on this and other Republican governors—Governor Snyder of Michigan and others who feel strongly about it. And we've been working on it at the National Governors Association and I know we will continue to and hope to get some type of resolution to it by the end of this year." (Press Conference, Governor Chris Christie, 5/31/12)

Utah Governor Gary Herbert: "On March 24, 2012, Utah Governor Gary Herbert signed into law an affiliate nexus bill that will require certain remote sellers to collect and remit Utah sales tax, effective July 1, 2012. An out-of-state seller will be considered to have nexus in Utah if the seller holds a substantial ownership interest in, or is owned in whole or in substantial part, by a related seller, and the seller sells the same or a substantially similar line of products as the related seller and does so under the same or a substantially similar business name, or the place of business of the related seller or an in-state employee of the related seller is used to advertise, promote, or facilitate sales by the seller to the purchaser." ("Utah Enacts Affiliate Nexus Bill," Sales Tax Institute, 3/24/12)

Tennessee Governor Bill Haslam: "The National Governors Association applauds your efforts to level the playing field between Main Street retailers and online sellers by introducing S. 1832, the 'Marketplace Fairness Act.' This common sense approach will allow states to collect the taxes they are owed, help businesses comply with different state laws, and provide fair competition between retailers that will benefit consumers." (National Governors Association Letter To Sens. Durbin, Enzi, Tim Johnson And Alexander Endorsing S. 1832, The Marketplace Fairness Act, 11/28/11)

Indiana Governor Mike Pence: "I don't think Congress should be in the business of picking winners and losers. Inaction by Congress today results in a system today that does pick winners and losers." (House Judiciary Committee, Hearing On "Constitutional Limitations On States' Authority To Collect Sales Taxes In E-Commerce," 11/30/11)

Michigan Governor Rick Snyder: "Technology currently exists to quickly and effectively calculate taxes due on sales and can be easily be integrated into online retailers' operations," wrote Snyder, a onetime venture capitalist and former executive at the computer company Gateway. "It is time for Congress to grant states the authority to enforce sales tax and use laws on all retailers doing business in their state." (Bernie Becker, "Michigan Governor Joins Online Sales Tax Chorus," The Hill, 5/11/12)

Alabama Governor Robert Bentley: "Alabama's Republican governor has urged lawmakers from his state to support online sales tax legislation, adding to the growing roster of GOP officials who are on board with the idea. Gov. Robert Bentley told Alabama's two senators and seven House members the

online sales tax bills would improve the state's fiscal situation, and stressed that the legislation would not create a new tax. 'The bills will give Alabama the authority to collect sales taxes—as we currently do from local brick-and-mortar retailers—that are already owed from online retailers,' Bentley wrote in a letter dated April 19. 'Allowing us to effectively close this sales tax loophole would help both our state's finances and our state's small businesses.'" (Bernie Becker, "Alabama Governor Gets Behind Online Sales Tax Push," The Hill, 4/25/12)

South Dakota Governor Dennis Daugaard: "On March 11, South Dakota enacted S.B. 146, sales tax legislation that requires out-of-state retailers that sell to in-state residents to notify their customers of their personal use tax obligation. Under the law, online sellers are required to provide clear notice to consumers during the checkout process that a South Dakota use tax is due." (Rosemary Hawkins, "Sales Tax Bills Pass In Arkansas And South Dakota," American Booksellers Association, 3/31/12)

Maine Governor Paul LePage: "Last week, Gov. Paul LePage, R-Maine, wrote his state's two U.S. senators, Republicans Susan Collins and Olympia Snowe, to urge them to back legislation introduced by Sens. Mike Enzi, R-Wyo., Dick Durbin, D-Ill., and Lamar Alexander, R-Tenn., that would close a loophole left by a 1992 Supreme Court decision. The high court ruled that states can't require retailers such as catalog and now online retailers to collect sales taxes from customers in states where those companies have no physical presence. 'There's no denying that passing the bill would give thousands of small Maine businesses a real boost,' LePage wrote. 'Through no fault of their own, federal policy now gives some out-of-state corporations an unfair advantage over other Maine retailers.'" (Juliana Gruenwald, "Tea Party Governor Is Backing Net Sales Tax Bill," National Journal, 3/20/12)

Nevada Governor Brian Sandoval: "The only way to completely resolve this issue is for Congress to enact legislation that, within a simplified nationwide framework, grants states the right to require collection by all sellers," Sandoval said in a statement." (Ed Vogel, "Gov. Sandoval Reaches Sales Tax Deal With Amazon," Las Vegas Review-Journal, 4/24/12)

Idaho Governor C.L. "Butch" Otter: "Gov. C.L. 'Butch' Otter backs taxing Internet sales to level the playing field between virtual businesses and brick-and-mortar establishments on Idaho's Main Street. Otter made the remarks to Idaho chamber of commerce leaders meeting in Boise on Monday." ("Idaho Governor Supports Internet Sales Tax," The Associated Press, 1/30/12)

South Carolina Governor Nikki Haley: "'And I will tell you regardless of what happens with Amazon, we want them. I have told them we want you to do business in this state, but we want you to do it on a level playing field. They got free property, they got tax incentives, they got plenty of things. Don't ask us to give you sales tax relief when we're not giving it to the book store down the street or we're not giving it to the other stores on the other side of town, it's just not a level playing field.'" (Press Conference, Governor Nikki Haley, 4/28/11)

Iowa Governor Terry Branstad Supports Federal E-Fairness Legislation: "Gov. Terry Branstad of Iowa this week became the latest in a string of top Republican state officials to back federal legislation giving states more freedom to collect online sales taxes. Branstad's letter of support, obtained exclusively by The Hill, comes not long after another prominent Republican governor, Chris Christie of New Jersey, also urged Congress to get moving on sales tax legislation . . . In

a letter sent Thursday, Branstad encouraged his home-state senators to support a solution that he said would close a longstanding loophole. 'I understand that the coalition supporting this legislation is now very broad which gives me hope that, under your leadership, this legislation can be passed yet this year,' Branstad wrote to Sens. Chuck Grassley (R) and Tom Harkin (D). 'The Internet is now a robust, mature and dynamic marketplace that does not warrant special protections,' he added. 'The application of sales taxes only to 'brick-and-mortar' retailers, many of which are small businesses, puts those very entities at a competitive disadvantage.'" (Bernie Becker & Kevin Bogardus, "GOP Governors Bolster Sales Tax Push," The Hill, 6/10/12)

Former Indiana Governor Mitch Daniels: "[S]ales taxes that [states] impose ought to be paid, and paid by everybody equally and collected by everybody in the retail business . . . We're not talking about an additional or new tax here—we're talking about the collection of a tax that's existed a long time." (Jeremy Hobson, "Indiana Makes A Deal With Amazon On Sales Taxes," Marketplace Business, 1/12/12)

Former Mississippi Governor Haley Barbour: ". . . [E]-commerce has grown, and there is simply no longer a compelling reason for government to continue giving online retailers special treatment over small businesses who reside on the Main Streets across Mississippi and the country. The time to level the playing field is now . . ." (Letter To Sens. Enzi And Alexander Endorsing S. 1832, The Marketplace Fairness Act, 11/29/11)

Former Florida Governor Jeb Bush: "It seems to me there has to be a way to tax sales done online in the same way that sales are taxed in brick and mortar establishments. My guess is that there would be hundreds of millions of dollars that then could be used to reduce taxes to fulfill campaign promises." (Letter To Florida Governor Rick Scott, 1/2/11)

Mr. ALEXANDER. I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. I know the block of time for the majority leader starts at 2 o'clock, but I wanted to say while Senator ENZI and the senior Senator from Tennessee are on the floor how much I appreciate and admire their advocacy for marketplace fairness.

It is so unfair. I go home to Nevada and I see in those little strip malls "For Lease." One reason they are for lease and they are not operating is because people who can go online don't want to pay the taxes that support the people of the State of Nevada.

It is so wrong, what is going on, and I can't imagine why we can't move this legislation forward. This has taken years and years. It is so unfair.

Many businesses have gone bankrupt, out of business as a result of not having a level playing field. It is very unfortunate we are having problems getting this done.

I do not understand the House—why they feel the way they do. I don't understand it, but they do, and I think it is unfair.

I don't think we are getting the support we should from retail people. They have to talk to their Members when we go home and talk to Senators. Of course, there are people in town who make a lot of money representing these

shopping centers and retail merchants. They get paid a lot of money to represent them in Congress. I think they are not doing a very good job if they can't convince Members of the Senate and the House that this legislation should have passed a long time ago.

Madam President, the hour of 2 o'clock is almost here. Please explain to me and the people who are watching what happens at 2 o'clock.

The PRESIDING OFFICER. Under the previous order, the time until 3 p.m. will be under the control of the majority.

The majority leader.

### IMMIGRATION REFORM

Mr. REID. Madam President, today marks the 510th day as so well represented on the poster the Senator from California had on display. That is how long it has been since we passed an immigration reform bill—comprehensive immigration reform. The House of Representatives simply has refused to address this issue. They have refused to address the fact that we have a broken immigration system that needs to be fixed. All the Speaker would have to do is bring this up for a vote and it would pass. The bill that passed here 510 days ago would pass the House overwhelmingly. But he refuses to bring it up.

In this bill we passed 73 weeks ago, we were able to pass comprehensive immigration reform because Senate Democrats and Republicans recognized that our immigration laws are failing the American people. We sent that same bipartisan bill to the House 17 months ago. For the last 17 months, the House Republicans, led by a small, vocal, really radical group, has forced the Speaker, I assume, not to do anything. They have neglected to tackle the real issues affecting our immigration system.

We have talked about 510 days, we have talked about 73 weeks, and we have talked about 17 months. That is enough time for them to consider the bill the Senate considered and passed in just a few weeks, but they still refuse to do anything, even as families across the country have been ripped apart.

I have been present at meetings, meetings—I remember one of the last at the White House—where the Republican leaders of the House and Senate have said: Give us some time, give us some time. We have given them time—510 days, to be exact. And they are always saying: Let's do something. Well, something is not enough, they need to do comprehensive immigration reform, and they refuse to do that.

So in light of the fact that families are being ripped apart—and there is no question they are. The first time I saw this, where I really felt it in my heart, Bill Richardson, with whom I served in the House—he was Secretary of Energy and Ambassador to the United Nations—he came to Las Vegas, and he said: Let's go out to the Rafael Rivera

Center. It was, at the time, a new place, named after the first non-Indian to see the Las Vegas valley—Rafael Rivera. I have a painting in my office that reflects that. So we went to that center, and I can remember so clearly these mostly women crying over the fact that their husbands had lost their jobs, they were being deported, and they had little American boys and girls there with them. These were boys and girls who had been born in the United States. I thought, gee, that is terrible. I mean the suffering and the sadness. I have never forgotten that, and that is one of the main reasons I have worked so hard on immigration reform.

In light of the Republicans' inaction, and our action and our advocacy of this issue, it seems to me what the President said at his State of the Union Address is really applicable here. Here is what he said: If the Republicans continue to do nothing, I am going to be forced as the President of the United States to do something by Executive order. And I am glad. I am glad he is going, in the next couple of days for sure, to use his constitutionally established authority to fix as much of our broken immigration system as is possible. He told everybody he was going to do it in his State of the Union and he has waited and waited and nothing has happened.

Some Republicans are threatening to shut down the government. They have done it once before, so I guess we should take their threat seriously. They want to shut down the government because of what the President said he is going to do and what he is going to do. But this isn't about the Republicans and President Obama, this is about where the Republicans stand with the immigrant community.

My father-in-law, my wife's dad, was an immigrant. He was born in Russia. He came to the United States to escape the oppression in Russia. So this whole issue is about how Republicans stand with the immigrant community.

The immigrant community is what has made this country what it is. Those who will come forward under this Executive action the President is going to take are, with rare exception, hard-working immigrant dads and moms who are supporting their families. They came to America for the same reasons early immigrants came to America, just like my father-in-law, Earl Gould, did. By the way, he changed his name when he came to the United States. He came here as Israel Goldfarb, and he changed his name, as many immigrants have done.

As my father-in-law did, the people who are going to come here under this Executive order can build a better life for themselves and their families. They have deep ties in America. They work hard. As I have indicated, they have spouses and children. Under our broken immigration system, there is no line for these people to get into, no process for them to sign up for, and no way to remedy this situation. They are in

limbo. They are in the shadows. They are in darkness.

President Obama, fortunately, is going to do something to give them just that, a line to come forward, a line that he recognizes must be done to get the system started.

We can't give these people their green cards and put them on the path to citizenship immediately. Only Congress can and must finish the job in overhauling and rewriting these laws. I want to be clear that Executive action is important, but it is not a substitute for legislation, and the Speaker should understand that.

Yes, we passed a bill. The President will be happy to sign such a bill. But because Republicans have refused to legislate, President Obama is taking what steps he can to keep these families together and enforce the laws. The President is acting within his legal authority to use his Executive power to improve the immigration system.

Did he just dream this up one night meeting with his staff? Did someone suddenly come to him and say, I have a great idea. Why don't we try to do something different? He is going to do something that has been tried 39 times since Dwight Eisenhower was President. Virtually every President since Eisenhower was President has done Executive actions as relates to immigration.

I would also say to my Republican friends who are always talking about, boy, we have to do something important financially for the good of this country, why not pass this bill? It would benefit our country to the tune of \$1 trillion.

I strongly support the steps the President is going to take. I support him, and I hope he does it as soon as possible, because his Executive action will help keep families together and focus law enforcement resources on real criminals.

We have waited a long time for House Republicans. Since they won't act, the President will, and he should act.

The PRESIDING OFFICER (Mr. COONS). The Senator from New York.

Mr. SCHUMER. Mr. President, I rise today to remind my colleagues that it has been over 500 days since the Senate passed a strong bipartisan bill to fix our broken immigration system.

There is a lot of hand-wringing going on on the other side of the aisle about the President taking Executive action, as he has now announced he intends to do. Republicans are saying that anything and everything is on the table to stop the President from taking Executive action. Well, if the bounds are anything and everything, I have a suggestion. Pass our bill. It is a very simple suggestion.

If the House votes on our bipartisan bill, the discussion about Executive action would be made moot. It is the other body of Congress that has led us to the point where we are today. The only reason the administration has to take Executive action is because the