

With that being said, we stand here today objecting to things that we would all like to move forward on. It pains all of us to be in this position. Hopefully, you all can help us, talking to the House and basically asking them to come to their senses and, hopefully, take care of this.

So for that reason, until we have a long-term solution for our miners' health care as included in the Miners Protection Act, S. 3470, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. TILLIS. Mr. President, I would like to direct another question through the Chair to the Senator from West Virginia. I just want to be clear that, hypothetically, if the Senator from Oregon were to come back to the Chamber and offer that motion, would the Senator from West Virginia actually object to that motion?

The PRESIDING OFFICER. Is there objection to the Senator posing a question?

Mr. BROWN. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. TILLIS. Mr. President, we may have that opportunity.

UNANIMOUS CONSENT REQUEST—SENATE
RESOLUTION

Mr. President, I ask unanimous consent that the Senate proceed to the consideration of a Senate resolution at the desk recognizing the 75th anniversary of the attack on Pearl Harbor and the lasting significance of National Pearl Harbor Remembrance Day submitted earlier today. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. BROWN. Mr. President, reserving the right to object, I was incredulous at the beginning of the night, not quite believing that Senator MCCONNELL—I don't know what he is doing now—was sending his people to the floor and finding ways to push back against the mine workers in West Virginia and Ohio and Pennsylvania and Indiana and Virginia, not willing to help those pensioners and widows. Now we have this incredible coincidence that the last two resolutions—we are talking about mine workers—retired mine workers' health care; we are talking about widows of mine workers who have either died on the job or died perhaps from an illness that mine workers so often have—brown lung or some kind of heart disease. Instead, my friend from North Carolina has offered two resolutions, one to honor people who died in a fire—a tragedy—and one to mark the 75th anniversary of Pearl Harbor, both reasonable things. But they are not resolutions to provide college to the children of the people who died in the fire, and they are not to increase benefits for the grandchildren of people who died in Pearl Harbor; they are resolu-

tions that don't mean anything except they are nice. I am for these resolutions. I love to support anything we do to say something nice and pat somebody on the back. But we have these two resolutions saying aren't they nice, aren't we nice, compared to taking care of widows who are going to see their health care expire on December 31. I don't understand the equivalency.

I suppose we could go all night if Senator MCCONNELL were perhaps in his office or perhaps out to dinner or perhaps he went home. But it is ordering or asking or however we do things around here—Senators come to the floor and delay and delay and delay and try to change the subject so that people forget about these mine workers. Well, we are not going to let the Presiding Officer or Senator TILLIS or Senator MCCONNELL or Senator CORNYN or anybody else—we are not going to let you forget the mine workers. We are going to keep talking about this.

I don't mind working late tonight. I don't mind working late tomorrow. I would rather not work until December 24, but Senator MANCHIN said he will, and I will. My wife is not thrilled about it, and my children and my grandkids aren't thrilled about it. But these are thousands of people who are going to lose their health insurance on December 31, and all that Senator MCCONNELL can do, after huge pressure from mine workers around the country and his constituents in Kentucky and from us—all Senator MCCONNELL can do is say, well, we can give you maybe 4 months, and that is supposed to satisfy us. It doesn't matter if it satisfies us; it matters that we take care of these retired mine workers and their widows.

For all of those reasons, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. TILLIS. Mr. President, the distinguished Senator from Ohio did mention a couple of resolutions, but I would add there was also the American Innovation and Competitiveness Act that we worked very hard on to provide much needed resources for a number of States, including Ohio. There are a number of other items, including I think hiring vets, providing programs or providing preferences and trying to do everything we can to get our veterans hired; preventing animal cruelty and torture I think is a worthwhile cause, and a number of other things.

But, again, the point here is that we are trying to move things that we generally have consent on, and for one reason or another—and I don't question the motives of the Senator from West Virginia—they are being held up. We kind of have a double standard in that some of these things do not rise to the same level as the unanimous consent request made by Senator WYDEN earlier.

UNANIMOUS CONSENT REQUEST—H.R. 5456

So I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 527, H.R. 5456; that the Wyden substitute amend-

ment at the desk be agreed to; the bill, as amended, be read a third time and passed, and the motion to reconsider be made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. BROWN. I object.

The PRESIDING OFFICER. Objection is heard.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. MANCHIN. Mr. President, reserving the right to object—

The PRESIDING OFFICER. Objection has been heard.

The Senator from North Carolina is recognized.

Mr. TILLIS. Mr. President, I am happy to yield the floor to the Senator from West Virginia.

The PRESIDING OFFICER. The Senator from North Carolina yields the floor to the Senator from West Virginia.

Mr. MANCHIN. I just want to clarify. I think there is some confusion. It seems like everybody is in a hustle right now. I think they think we are being selective. I want to make it very clear. I have been very clear to everybody. I have had to object on everything. I have had to object on my own pieces of legislation to stop everything. With that being said, I think I was asked about Senator WYDEN's request, and I said, no, I wouldn't at that time, and then I think at that time Senator TILLIS objected. For that you were asked did I object, and I said no.

With that being said, I would have objected to everything, and I think everybody knew where I stood in this body that I will and have to reluctantly—I don't want to be in this position. I am so committed to fulfilling the promise and commitment we have made. That is all.

I am sorry if there has been confusion. I have to, for the position we have taken. I think the good fight that we have here—and, basically, what the House has done to us is not humane to the people we represent. That is all I said. I am sorry for that.

So if there is a motion on the table, I object to that too.

MORNING BUSINESS

Mr. TILLIS. Mr. President, I ask unanimous consent that the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. Reserving the right to object, but I withdraw my reservation.

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

TRIBUTE TO BARBARA BOXER

Mr. DURBIN. Mr. President, in 1922, Rebecca Latimer Felton was the first woman to sit in the U.S. Senate. She served in this body for only 1 day, but

during those 24 hours she made a bold prediction for her time about the future role women would play in the Senate. She said: "When the women of the country come in and sit with you . . . you will get ability, you will get integrity of purpose, you will get exalted patriotism, and you will get unstinted usefulness." I will second that.

BARBARA and I served together in the House—and we have served together in the Senate for 20 years. And let me tell you, no one embodies Senator FELTON's prediction better than BARBARA BOXER.

Throughout the years, I have loved getting to know BARBARA as a colleague, but more importantly as a friend. Loretta and I joined BARBARA and her husband, Stu, on official trips, personal vacations and countless dinners. We have eaten, drank, joked, and bonded. And as her career in the Senate comes to an end, keeping those bonds of friendship strong as she heads west is one my life goals.

BARBARA made quite an impact on the Senate Chamber before she even entered this body. On October 9, 1991, the Senate Judiciary Committee was set to vote on the nomination of Justice Clarence Thomas to serve a lifetime appointment on the U.S. Supreme Court, without listening to Professor Anita Hill's allegations of sexual harassment. At the time, there were two women in the Senate, BARBARA MIKULSKI and Nancy Landon Kassebaum. Now, while this was going on in the Senate, the women of the House tried speaking out in that body. They were censured. And they had enough. So they marched out of the House and over to the Senate—29 women House Members, led by Congresswoman Pat Schroeder from Colorado and BARBARA BOXER from California. American politics has never been the same.

The following year, a number of esteemed women were elected to the U.S. Senate. Several reporters deemed 1992: "the Year of the Woman." Senator MIKULSKI, the dean of women, as she is often referred to, said: "Calling 1992 the Year of the Woman makes it sound like the Year of the Caribou or the Year of the Asparagus. We're not a fad, fancy or a year." She was right. But California made history. For the first time, one State sent two women to represent them in the Senate: DIANNE FEINSTEIN and BARBARA BOXER.

BARBARA often reminds me of the line from Shakespeare's *A Midsummer Night's Dream*: "Though she be but little, she is fierce." In 1994, when Republicans took control of Congress, one of the first things they did was go after environmental regulations, including rules to limit the amount of arsenic in the drinking water. BARBARA immediately launched a good, old-fashioned, 3-day "Ms. Smith Goes to Washington" filibuster. And like most of the fights she takes on, she won.

BARBARA is a call-it-as-you-see-it kind of person. Maybe it is because she grew up in the no-nonsense, working-

class town of Brooklyn. Or maybe it is because her parents and Jewish grandparents, who immigrated to this country from Russia instilled in her a deep love for America's Constitution and freedoms—a sense of obligation to give something back and a determination to fight for underdogs, truth and justice.

She has sponsored or cosponsored more than 1,200 pieces of legislation and helped lead the fight on issues ranging from women's rights to healthcare to protecting California's natural wonders to keeping lead and other potentially lethal hazards out of children's toys.

The vote that sealed our spiritual kinship took place in October 2002 when she and I voted against the Iraq war resolution. One of our dear friends, Paul Wellstone, also voted against the resolution. Paul was in a tough reelection fight that year. A reporter asked him if it was a hard choice to vote against the war. Paul said it was a risk, but not a choice. His conscience wouldn't let him vote any other way. It seems to me that is how BARBARA BOXER approaches every one of her votes in Congress: It might be a risk, but it is not a choice. She listens to her conscience, and the people of California respect her for it. But let me be clear: that doesn't mean she will not work hard to find a compromise.

She proved that in recent years when she and JIM INHOFE—the unlikeliest of odd couples—worked together to pass important legislation updating regulations on toxic chemicals and shepherding through a surface transportation bill that no one thought could be done.

I will close with this. Early in BARBARA'S political career, people used to come up to her and say: How did you get so strong, how did you get so tough? BARBARA would humbly respond: Oh, not tough. I am just an ordinary person, and I do what I think is right. I agree with most of that, but let me tell you—BARBARA is as tough as they come. She can't be bullied or intimidated, and she never loses her courage. I want to thank BARBARA for sacrificing so much time with her own family to make the families of America safer, healthier, and more hopeful. For that and a thousand other reasons, I will miss her in the Senate. But I know I can count on her to keep pushing those of us who remain to listen to our consciences—to fight for change and do the right thing.

MARKETPLACE FAIRNESS BILL

Mr. DURBIN. Mr. President, this past Thanksgiving marked the beginning of the holiday shopping season.

In an effort to find deeply discounted electronics, toys, and other Christmas gifts for family and friends, bargain-hunting shoppers searched for Black Friday and Cyber Monday deals.

While these deals provided great savings for shoppers, Main Street retailers and States did not reap the same benefits.

Because we have let another year and holiday season come and go without closing the online sales tax loophole, States missed out on millions of dollars in sales tax revenue owed to them from online purchases. And Main Street retailers continued to lose business.

However, this was not without trying.

Around this time last year, Senators ENZI, ALEXANDER, HEITKAMP, and myself opposed the air dropping of legislation in the customs conference report that would have taken away a State's right to collect taxes on accessing the internet unless we gave States the ability to collect taxes on internet sales that were already owed, and we leveled the playing field for brick and mortar businesses.

Despite our opposition, the customs bill passed, and Majority Leader MCCONNELL promised to give us a vote later this year on the Marketplace Fairness Act or similar e-fairness legislation.

This would give House Republicans the opportunity to go through regular order, a process they said was necessary to address the issue.

Yet, unfortunately, here we are, at the end of the Congress, and House Republicans have still refused to act.

The Marketplace Fairness Act levels the playing field for retailers by allowing States to treat brick and mortar retailers the same as remote retailers in the collection of State and local sales and use taxes.

Internet retailers benefit under our current system with a 5–10 percent price advantage over their Main Street competitors.

This is because customers visit local retailers, browse goods, use their phone to take a picture of it, and go online to purchase the item tax-free.

Products sold online seem cheaper when sales taxes are not collected at the point of sale. But they are not because the tax is still owed, though not paid, by the customer.

This is not fair, and it is not right.

Thousands of Main Street businesses have worked hard to grow their businesses, but have become showrooms because of this price advantage, making it difficult, and, in some cases, impossible for them to compete.

I have come to this floor in the past to share the stories of Main Street businesses, such as Play It Again Sports in Naperville and Soccer Plus in Palatine, that have gone out of business due, in large part, to the unfair advantage of their online competitors.

Since then, Sports Authority has met that same fate, and many department stores and big-box retailers have closed a number of stores because of the increase in online shopping.

These are local jobs and community anchors that no longer exist.

There is nothing we can do now for these shuttered retailers. But we can,