

10 minutes for Senator DORGAN, 10 minutes for Senator BUMPERS, 10 minutes for Senator GRAHAM of Florida, 10 minutes for Senator SNOWE and 5 minutes equally divided between Senator MCCAIN and Senator WYDEN.

The PRESIDING OFFICER. Is there objection?

Mr. BUMPERS. Reserving the right to object, and I shall not object, I want to include, if it is agreeable with the manager, 2 minutes for the distinguished Senator from New York to speak on the previous nomination.

Mr. MCCAIN. Will the Senator repeat that?

The PRESIDING OFFICER. Will the Senator repeat the request? Can we have all extraneous conversations taken to the Cloakroom?

Mr. BUMPERS. I suggest to the distinguished floor manager that I will not object to his request, but I want to include 2 minutes immediately for the distinguished Senator from New York to speak on the previous nomination.

Mr. MCCAIN. Mr. President, I ask unanimous consent that prior to resuming debate, the Senator from New York be recognized for 2 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. MCCAIN. I understand the unanimous consent request is now agreed to, Mr. President.

The PRESIDING OFFICER. The Senator is correct.

The Senator from New York is recognized.

NOMINATION OF SONIA SOTOMAYOR, OF NEW YORK, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SECOND CIRCUIT

Mr. MOYNIHAN. Mr. President, the Senate has just passed an enormous milestone in the composition of the American judiciary with the confirmation of Judge Sonia Sotomayor for the appointment to the second circuit court of appeals. It is a fine day for New York, I might say specifically for the Bronx, a fine day for the judiciary.

I thank our distinguished Judiciary Committee chairman, Senator HATCH, Senator LEAHY, and the majority leader, Mr. LOTT, and his colleague, Mr. DASCHLE, and, of course, my colleague, Senator D'AMATO.

It was 7 years ago in March that I had the honor to nominate Sonia Sotomayor to serve on the southern district of New York. President Bush placed her name in nomination, and she was sworn in directly on October 1992. Her subsequent experience on the bench has been admirable. In 5½ years, she has presided over 500 cases and has been overturned only 6 times. She has presided over cases of enormous complexity with skill and confidence that would befit the editor of the Yale Law Journal and a person who rose from the most simple circumstances in south Bronx to the eminence she is now assured.

I thank the Senate, I thank all those involved, and I thank, not least, my friend from Arkansas for yielding me this time.

INTERNET TAX FREEDOM ACT

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Senator from Arkansas.

AMENDMENT NO. 3677

Mr. BUMPERS. Mr. President, let me remind my colleagues of a very simple fact. Don't vote against this amendment because you want to go home and tell your constituents that it imposes a new tax. It does not. For all of you people, when we talked about unfunded mandates, who talked endlessly about States rights, this is a classic States rights issue. If you vote against my amendment, you are saying to the States: We don't trust you; we are not going to let you collect new taxes on remote sales; we are going to stand by while your tax base is eroded, while you try to raise property taxes in order to pay for schools, but we simply cannot trust you and, therefore, we are not going to give you the authority.

I am telling you—I do not know how I can say it more dramatically, more graphically—as a former Main Street merchant, I can tell you it is patently unfair to make the people of my State and your States make Main Street merchants collect sales tax on every single dime they take in, but if you want to move just across the State line and ship it back into the State, you can do it and not charge any sales tax.

I had a cousin who bought a fur coat in New York. The clerk said, "You sound like you're southern." She said, "I am. I'm from Little Rock." The clerk said, "Why don't you let us mail this coat to you? That way you won't have to pay this \$100 or \$300"—whatever it was—"in sales tax." She said, "Fine. Just mail it to me." That is the kind of thing that is going on, and it is going to continue to go on.

On your desk, in about 10 minutes, you will find the list of people in this country who strongly favor the BUMPERS amendment. You know who they are? They are the Governors; they are the mayors; they are the city councils; they are a whole host of Main Street merchant organizations. Look at it before you vote, and figure out what you are going to say to them the next time you address their organizations on why you didn't vote for this amendment. Tell the Governors why their tax base is being eroded.

Mr. President, we exempt in this bill—listen carefully—we exempt every mail-order house in the United States that does less than \$3 million a year. That exempts about 89% of the mail-order companies in the United States. My amendment would make the States put in a 1-800 number so any mail-order house that is confused can call the State and find out what that State's rule is. We have a blended rate so that

the mail-order house only has to collect one rate and the States will distribute it between the cities and the counties. We have done everything in the world to make this as easy as possible for everybody.

Mr. President, here is an article from the New York Times this morning. There is a copy of the article on every member's desk. This article make all the arguments that I have made here this morning.

Let me tell you one other argument they make that I have not made, and that is that people who buy on the Internet are the wealthiest people in the country. They are the ones who are doing most of the buying, because they have Internet access. So if I am a wealthy person, I have a computer in my home, and I am on-line, this sales tax loophole favors me. The guy making \$6 to \$10 an hour does not have a computer in his house. He does not know what is available on the Internet. It is another way of discriminating against those who have the least.

Mr. President, I am really sorry that we are in such a rush. I know a lot of people want to catch planes, and I am sympathetic to that. I have been in that situation myself. But I want to say, No. 1, please read the New York Times article; please look at the list of people that will be on your desk in about 5 minutes who support this amendment; and, finally, if you are going to vote against this amendment, please figure out what you are going to say to the mayors and the Governors who have the responsibility of keeping the schools open, who have the responsibility of funding the fire departments, who have the responsibility of funding the police departments, keeping the streets clean, keeping the landfills in compliance with EPA rules, and all the other things that cost "gazillions" of dollars across the country. Ask them why they are not allowed to collect a little tax to at least help pay the landfill for covering up 4 million tons of catalogs a year, if nothing else.

So, Mr. President, I know everybody is in a hurry. And I guess I have said about all I need to say. I see Senator DORGAN on the floor who wants to speak and who has time allocated. So, Mr. President, I yield the floor.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, let me, in just the 10 minutes that I am allotted, make a comment about the amendment offered by Senator BUMPERS and also to comment about the underlying bill.

Senator BUMPERS offers an amendment that I think is very important and one that I intend to vote for and feel is a good amendment. The bill brought to the floor of the Senate, in its original form when it was passed out of the Commerce Committee, was totally unacceptable to me. I voted against it, worked against it, and felt