

H.R. 3578. An act to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to reform the budget baseline; to the Committee on the Budget.

H.R. 3582. An act to amend the Congressional Budget Act of 1974 to provide for macroeconomic analysis of the impact of legislation; to the Committee on the Budget.

#### MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 2064. A bill to amend the Internal Revenue Code of 1986 to terminate certain energy tax subsidies and lower the corporate income tax rate.

#### 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-4906. A communication from the Assistant Secretary of the Navy (Research, Development and Acquisition), transmitting, pursuant to law, a report relative to all repairs and maintenance performed on any covered Navy vessel in any shipyard outside the United States or Guam during the preceding fiscal year; to the Committee on Armed Services.

EC-4907. A communication from the Under Secretary of Defense (Reserve Affairs), transmitting, pursuant to law, a semi-annual report relative to Reserve Component equipment delivery; to the Committee on Armed Services.

EC-4908. A communication from the Director of the Policy Issuances Division, Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Changes to the Schedule of Operations Regulations" (RIN0583-AD35) received in the Office of the President of the Senate on February 1, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4909. A communication from the Associate General Counsel for Legislation and Regulations, Office of Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Federal Housing Administration (FHA) Single Family Lender Insurance Process: Eligibility, Indemnification, and Termination" (RIN2502-AI58) received in the Office of the President of the Senate on February 1, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-4910. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency that was declared in Executive Order 13441 with respect to Lebanon; to the Committee on Banking, Housing, and Urban Affairs.

EC-4911. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a report relative to operation of the Exchange Stabilization Fund (ESF) for fiscal year 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-4912. A communication from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Patent Compensation Board Regulations" (RIN1990-AA33) received in the Office of the President of the Senate on February 1, 2012; to the Committee on Energy and Natural Resources.

EC-4913. A communication from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "DOE Patent Licensing Regulations" (RIN1990-AA41) received in the Office of the President of the Senate on February 1, 2012; to the Committee on Energy and Natural Resources.

EC-4914. A communication from the General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Storage Reporting Requirements of Interstate and Intrastate Natural Gas Companies" (RIN1902-AE25) received in the Office of the President of the Senate on February 1, 2012; to the Committee on Energy and Natural Resources.

EC-4915. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "NRC Procedures for Placement and Monitoring of Work with the U.S. Department of Energy (DOE)" (NRC Management Directive 11.7) received during adjournment of the Senate in the Office of the President of the Senate on February 3, 2012; to the Committee on Energy and Natural Resources.

EC-4916. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the Uniform Resource Locator (URL) for a report entitled "OSRE: Special Accounts and Settlements with PRPs"; to the Committee on Environment and Public Works.

EC-4917. A communication from the Acting Assistant Secretary for Fish and Wildlife and Parks, National Wildlife Refuge System, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Change of Addresses for Regional Offices, Addition of One New Address, and Correction of Names of House and Senate Committees We Must Notify" (RIN1018-AU89) received in the Office of the President of the Senate on February 1, 2012; to the Committee on Environment and Public Works.

EC-4918. A communication from the 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, 2011"; to the Committee on the Judiciary.

EC-4919. A communication from the Director of the Regulation Policy and Management Office of the General Counsel, National Cemetery Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Parents Eligible for Burial" (RIN2900-AO12) received in the Office of the President of the Senate on February 1, 2012; to the Committee on Veterans' Affairs.

EC-4920. A communication from the Director of the Regulation Policy and Management Office of the General Counsel, Veterans Health Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Medical Foster Homes" (RIN2900-AN80) received in the Office of the President of the Senate on February 1, 2012; to the Committee on Veterans' Affairs.

EC-4921. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report entitled "Uninformed Services Employment and Reemployment Rights Act of 1994 (USERRA) Quarterly Report to Congress; Fourth Quarter of Fiscal Year 2011"; to the Committee on Veterans' Affairs.

EC-4922. A communication from the Secretary of the Commission, Bureau of Competition, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled "Revised Jurisdictional Thresholds for Section 7A of the Clayton Act" received in the Office of the President of the Senate on February 1, 2012; to the Committee on Commerce, Science, and Transportation.

EC-4923. A communication from the Acting Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Species: Designation of Critical Habitat for Cook Inlet Beluga Whale" (RIN0648-AX50) received in the Office of the President of the Senate on February 1, 2012; to the Committee on Commerce, Science, and Transportation.

EC-4924. A communication from the Assistant Administrator for Fisheries, Office of Protected Resources, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Species: Final Rule to Revise the Critical Habitat Designation for the Endangered Leatherback Sea Turtle" (RIN0648-AX06) received in the Office of the President of the Senate on February 1, 2012; to the Committee on Commerce, Science, and Transportation.

EC-4925. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Closed Captioning of Internet Protocol-Delivered Video Programming: Implementation of the Twenty-First Century Communications and Video Accessibility Act of 2010" (MB Docket No. 11-154, FCC-12-9) received in the Office of the President of the Senate on February 2, 2012; to the Committee on Commerce, Science, and Transportation.

#### PETITIONS AND MEMORIALS

The following petition or memorial was laid before the Senate and was referred or ordered to lie on the table as indicated:

POM-0964. A joint memorial adopted by the Legislature of the State of Washington requesting the adoption of federal legislation relative to sellers, regardless of nexus, collecting states' sales tax; to the Committee on Finance.

SUBSTITUTE SENATE JOINT MEMORIAL No. 8009

To the Honorable Barack Obama, President of the United States, and to the President of the Senate and the Speaker of the House of Representatives, and to the Senate and House of Representatives of the United States, in Congress assembled:

We, your Memorialists, the Senate and House of Representatives of the State of Washington, in legislative session assembled, respectfully represent and petition as follows:

Whereas, The 1967 *Bellas Hess* and the 1992 *Quill* United States Supreme Court decisions denied states the authority to require the collection of sales and use taxes by out-of-state sellers that have no physical presence in the taxing state; and

Whereas, This puts local, in-state sellers, whether electronic or brick and mortar, at a competitive disadvantage in making sales, because they must collect the sales tax and most remote sellers do not collect sales tax; and

Whereas, The combined weight of the inability to collect sales and use taxes on remote sales through traditional carriers and the tax erosion due to electronic commerce threatens the future viability of the sales

tax as a stable revenue source for state and local governments; and

Whereas, The following federal legislation has been introduced in the United States Congress to grant states the authority to require all sellers, regardless of nexus, to collect those states' sales and use taxes:

(1) The Main Street Fairness Act of 2011 (S. 1452 sponsored by Senators Richard Durbin, Daniel Akaka, Daniel Inouye, Tim Johnson, Jack Reed, and Sheldon Whitehouse; and H.R. 2701 sponsored by Representatives John Conyers, Jr., Michael Capuano, Jesse Jackson, Henry C. "Hank" Johnson, Jr., Heath Shuler, Adam Smith, and Peter Welch);

(2) The Marketplace Fairness Act of 2011 (S. 1832 sponsored by Senators Michael Enzi, Lamar Alexander, Roy Blunt, John Boozman, Bob Corker, Richard Durbin, Tim Johnson, Mark Pryor, Jack Reed, and Sheldon Whitehouse); and

(3) The Marketplace Equity Act of 2011 (H.R. 3179 sponsored by Steve Womack, Michael Capuano, Judy Chu, Eric A. "Rick" Crawford, Theodore E. Deutch, Mario Diaz-Balart, John J. Duncan Jr., Renee L. Ellmers, Gene Green, Carolyn B. Maloney, Betty McCollum, Brad Miller, Kristi L. Noem, Ted Poe, Dennis Ross, Heath Shuler, Jackie Speier, and Peter Welch); and

Whereas, It is estimated that Washington would realize up to \$170.3 million in state and local taxes in the 2011-2013 biennium, and \$483.0 million in state and local taxes in the 2013-2015 biennium, if it had the ability to require remote sellers to collect our state's sales and use taxes; and

Whereas, Since 1999, state legislators, governors, local elected officials, state tax administrators, and representatives of the private sector have worked to develop a Streamlined Sales and Use Tax Collection System for the 21st century; and

Whereas, On November 12, 2002, state delegates unanimously ratified the Streamlined Sales and Use Tax Agreement, which substantially simplifies state and local sales tax systems, removes the burdens to interstate commerce that were of concern to the Supreme Court, protects state sovereignty, and is consistent with the introduced federal legislation; and

Whereas, The Streamlined Sales and Use Tax Agreement provides the states with a blueprint to create a simplified and more uniform sales and use tax collection system that when implemented, allows justification for Congress to overturn the *Bellas Hess* and *Quill* decisions; and

Whereas, Washington State enacted legislation in 2007 to bring this state's sales and use tax statutes into compliance with the Streamlined Sales and Use Tax Agreement; and

Whereas, By November 30, 2011, 24 states: Arkansas, Georgia, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Nebraska, Nevada, New Jersey, North Carolina, North Dakota, Ohio, Oklahoma, Rhode Island, South Dakota, Tennessee, Utah, Vermont, Washington, West Virginia, Wisconsin, and Wyoming, representing over 40 percent of the total population of the United States enacted legislation to bring their state's sales and use tax statutes into compliance with the Agreement; and

Whereas, Over 1,700 businesses have voluntarily registered under the Streamlined Sales and Use Tax Agreement to collect and remit sales and use taxes; and

Whereas, The legislature of Washington and our colleagues in the other states have shown the resolve to acknowledge the complexities of the current sales and use tax collection system, have worked with the business community to formulate a truly simplified and streamlined collection system, and have shown the political will to enact

the necessary changes to make the streamlined collection system the law; and

Whereas, Until Congress and the President enact federal legislation, participation by remote sellers is only voluntary and thus states are unlikely to close the revenue gap between what is owed on remote transactions and what is collected; and

Whereas, Governors and state legislatures have made the difficult choices to reduce spending and where necessary to raise revenue during the recent "great" recession to close the \$417 billion cumulative budget gaps; and

Whereas, After closing \$417 billion in budget gaps for fiscal years 2009-2011, the estimated budget shortfall for states in fiscal year 2012 will be \$82 billion and for fiscal year 2013 will be \$67 billion; and

Whereas, Federal legislation would provide fiscal relief for the states by enabling collections of taxes that are already due;

Now, therefore, Your Memorialists respectfully pray that: The members of our congressional delegation join as cosponsors of the introduced federal legislation and support the Act's swift adoption by the Congress of the United States; and that President Barack Obama sign the legislation, upon its passage by Congress. Be it

*Resolved*, That copies of this Memorial be immediately transmitted to the Honorable Barack Obama, President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 1408. A bill to require Federal agencies, and persons engaged in interstate commerce, in possession of data containing sensitive personally identifiable information, to disclose any breach of such information.

By Mrs. BOXER, from the Committee on Environment and Public Works, with amendments:

S. 1813. A bill to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes.

## 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. CASEY:

S. 2070. A bill to promote the domestic development and deployment of natural gas and clean energy technologies; to the Committee on Finance.

By Mr. WICKER (for himself and Mr. PRYOR):

S. 2071. A bill to grant the Secretary of the Interior permanent authority to authorize States to issue electronic duck stamps, and for other purposes; to the Committee on Environment and Public Works.

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

S. 2072. A bill to discourage disincentives to the housing missions of government sponsored enterprises and require consistent putback risks at the enterprises to assist homeowners; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. MURKOWSKI (for herself and Mr. BEGICH):

S. 2073. A bill to prohibit the permanent relocation of F-16 aircraft assigned to Elson Air Force Base; to the Committee on Armed Services.

By Mr. CARDIN (for himself and Ms. SNOWE):

S. 2074. A bill to amend the Internal Revenue Code of 1986 to expand the rehabilitation credit, and for other purposes; to the Committee on Finance.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. NELSON of Florida (for himself, Mr. RUBIO, Mr. KERRY, Mrs. GILLIBRAND, Mr. COONS, Mr. LEVIN, Mr. LAUTENBERG, Ms. LANDRIEU, Mr. AKAKA, Mr. CARDIN, Mr. CORKER, Mrs. FEINSTEIN, Mr. DURBIN, Mr. LUGAR, and Mr. NELSON of Nebraska):

S. Res. 368. A resolution recognizing the anniversary of the tragic earthquake in Haiti on January 12, 2010, honoring those who lost their lives in that earthquake, and expressing continued solidarity with the people of Haiti; considered and agreed to.

## ADDITIONAL COSPONSORS

S. 165

At the request of Mr. VITTER, the names of the Senator from West Virginia (Mr. MANCHIN) and the Senator from Arkansas (Mr. BOOZMAN) were added as cosponsors of S. 165, a bill to amend the Public Health Services Act to prohibit certain abortion-related discrimination in governmental activities.

S. 402

At the request of Ms. SNOWE, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 402, a bill to amend title 10, United States Code, to provide for the award of a military service medal to members of the Armed Forces who served honorably during the Cold War, and for other purposes.

S. 412

At the request of Mr. LEVIN, the names of the Senator from Virginia (Mr. WARNER) and the Senator from Wisconsin (Mr. JOHNSON) were added as cosponsors of S. 412, a bill to ensure that amounts credited to the Harbor Maintenance Trust Fund are used for harbor maintenance.

S. 807

At the request of Mr. ENZI, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. 807, a bill to authorize the Department of Labor's voluntary protection program and to expand the program to include more small businesses.

S. 973

At the request of Mr. WHITEHOUSE, the names of the Senator from Rhode Island (Mr. REED) and the Senator from Connecticut (Mr. BLUMENTHAL) were added as cosponsors of S. 973, a bill to create the National Endowment for the Oceans to promote the protection and conservation of the United States