

review provided for in section 123 d. shall commence.

BARACK OBAMA,
THE WHITE HOUSE, January 29, 2014.

MESSAGE FROM THE HOUSE

At 10:33 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 1901. An act to authorize the President to extend the term of the nuclear energy agreement with the Republic of Korea until March 19, 2016.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 7. An act to prohibit taxpayer funded abortions.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 7. An act to prohibit taxpayer funded abortions; to the Committee on Finance.

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-4465. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Federal Employees' Group Life Insurance Program: Election Opportunities for Pathways Participants" (RIN3206-AM98) received in the Office of the President of the Senate on January 15, 2014; to the Committee on Homeland Security and Governmental Affairs.

EC-4466. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Collection by Offset From Indebted Government Employees" (RIN3206-AM14) received in the Office of the President of the Senate on January 15, 2014; to the Committee on Homeland Security and Governmental Affairs.

EC-4467. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Federal Employees Health Benefits Program and Federal Employees Dental and Vision Insurance Program: Eligibility for Pathways Programs Participants" (RIN3206-AM97) received in the Office of the President of the Senate on January 15, 2014; to the Committee on Homeland Security and Governmental Affairs.

EC-4468. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Federal Employees Health Benefits Program and Federal Employees Dental and Vision Insurance Program: Eligibility for Pathways Programs Participants" (RIN3206-AM97) received during adjournment of the Senate in the Office of the President of the Senate on January 17, 2014; to the Committee on Homeland Security and Governmental Affairs.

EC-4469. A communication from the Director, Office of Personnel Management, trans-

mitting, pursuant to law, the report of a rule entitled "Collection by Offset From Indebted Government Employees" (RIN3206-AM14) received during adjournment of the Senate in the Office of the President of the Senate on January 17, 2014; to the Committee on Homeland Security and Governmental Affairs.

EC-4470. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Federal Employees' Group Life Insurance Program: Election Opportunities for Pathways Participants" (RIN3206-AM98) received during adjournment of the Senate in the Office of the President of the Senate on January 17, 2014; to the Committee on Homeland Security and Governmental Affairs.

EC-4471. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled, "Certified Business Enterprise Expenditures of Public-Private Development Construction Projects for Fiscal Year 2013"; to the Committee on Homeland Security and Governmental Affairs.

EC-4472. A communication from the Chief Financial Officer, National Labor Relations Board, transmitting, pursuant to law, a report entitled "Performance and Accountability Report Fiscal Year 2013"; to the Committee on Homeland Security and Governmental Affairs.

EC-4473. A communication from the Special Counsel, Office of Special Counsel, transmitting, pursuant to law, the Office's Performance and Accountability Report for fiscal year 2013; to the Committee on Homeland Security and Governmental Affairs.

EC-4474. A communication from the Acting Commissioner of the Social Security Administration, transmitting, pursuant to law, the Semiannual Report of the Inspector General for the period from April 1, 2013 through September 30, 2013; to the Committee on Homeland Security and Governmental Affairs.

EC-4475. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, the Semiannual Report of the Inspector General for the period from April 1, 2013 through September 30, 2013; to the Committee on Homeland Security and Governmental Affairs.

EC-4476. A communication from the Archivist of the United States, National Archives and Records Administration, transmitting, pursuant to law, the Administration's Performance and Accountability Report for fiscal year 2013; to the Committee on Homeland Security and Governmental Affairs.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-188. A resolution adopted by the House of Representatives of the Commonwealth of Pennsylvania memorializing the Congress of the United States to support the Forest Products Fairness Act of 2013; to the Committee on Agriculture, Nutrition, and Forestry.

HOUSE RESOLUTION NO. 223

Whereas, The Forest Products Fairness Act of 2013 proposes to include forest products in the definition of "biobased product," as well as the USDA Biobased Markets Program; and

Whereas, Including forest products in the USDA Biobased Markets Program will provide the opportunity for forest products to receive increased consumer attention and Federal Government procurement preference; and

Whereas, Forestry is a vital industry in this Commonwealth; and

Whereas, The timber and forest products industry provides more than 100,000 jobs in Pennsylvania; and

Whereas, The industry produces more than \$5 billion worth of products annually; and

Whereas, Pennsylvania hardwood products are exported around the globe and are famous for their beauty and quality; and

Whereas, Forestry material, a biobased product, can be utilized for recycling purposes: Now, therefore, be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania memorialize Congress to support Congressman Glenn Thompson of Pennsylvania's efforts to add to the Farm Bill or his efforts to introduce new legislation known as the Forest Products Fairness Act of 2013; and be it further

Resolved, That copies of this resolution be transmitted to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

POM-189. A resolution adopted by the House of Representatives of the State of Michigan memorializing the Congress of the United States to amend the Communications Decency Act of 1996 to allow the prosecution by state and local governments of individuals who promote prostitution and child sex trafficking through online advertisements; to the Committee on Commerce, Science, and Transportation.

HOUSE RESOLUTION NO. 244

Whereas, As many as 2 million children are subjected to prostitution in the global commercial sex trade. Websites that promote prostitution and sex trafficking through classified ads have become more commonplace, facilitating the organized prostitution of children and providing a facade for sex traffickers to hide behind; and

Whereas, Websites involved in posting ads for prostitution, involving both adults and children, claim protection under the federal Communications Decency Act of 1996 to avoid prosecution. However, the Communications Decency Act was passed to protect Internet Service Providers from defamatory statements made by online users. It was not intended to protect websites involved in criminal activity; and

Whereas, State and local governments are currently unable to take enforcement action against these sites. The state of Washington enacted legislation that criminalizes aiding the sale of sex with a child to force online prostitution sites to verify ages or shut down their adult sections entirely. A preliminary injunction has been issued against the law stating, in part, that potential First Amendment issues may be involved; and

Whereas, Action at the federal level is needed. The National Association of Attorneys General has lobbied Congress to amend the Communications Decency Act of 1996 to allow regulation by state and local governments: Now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to amend the Communications Decency Act of 1996 to allow the prosecution by state and local governments of individuals who promote prostitution and child sex trafficking through online advertisements; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM-190. A concurrent resolution adopted by the General Assembly of the State of Ohio memorializing the Congress of the United

States to oppose any legislation that requires Social Security coverage for members of any of Ohio's state retirement systems; to the Committee on Finance.

HOUSE CONCURRENT RESOLUTION NO. 190

Whereas, Ohio has a long history, pre-dating the creation of Social Security, of providing retirement, disability, and survivor benefits to its state and local public employees through its own state retirement systems; and

Whereas, These state retirement systems, the Public Employees Retirement System, Ohio Police and Fire Pension Fund, State Teachers Retirement System, School Employees Retirement System, and State Highway Patrol Retirement System, have combined assets of over \$165 billion and provide retirement, disability, and survivor benefits to over 1.5 million members, retirees, and beneficiaries; and

Whereas, The state retirement system plans are offered in lieu of Social Security; and

Whereas, Ohio's state retirement systems are required by Ohio law to accumulate and maintain, through employer and employee contributions and investments, the necessary funds to pay all benefits promised by the Ohio General Assembly; and

Whereas, The state retirement systems are well-managed and free of the financial problems facing Social Security; and

Whereas, Any federal mandates that require Ohio public employee participation in Social Security or other federal pension programs would devastate Ohio's state retirement systems, weaken the retirement security of its public employees, and jeopardize their retirement benefits: Now, therefore, be it

Resolved, That we, the members of the 130th General Assembly of the State of Ohio, in adopting this resolution, urge the Congress of the United States to oppose any legislation containing provisions that would require Ohio's public employees who are members of a state retirement system to participate in Social Security or any federal pension program; and be it further

Resolved, That we, the members of the 130th General Assembly of the State of Ohio, either in whole or in part, will meet with the members of the Ohio Congressional delegation whenever feasible to express our opposition to any federal legislation that would require Ohio's public employees who are members of a state retirement system to participate in Social Security or any federal pension program; and be it further

Resolved, That we, the members of the 130th General Assembly of the State of Ohio, encourage our fellow members to personally meet with each Senator and Representative in the Ohio Congressional delegation to further express our opposition to any federal legislation that would require Ohio's public employees who are members of a state retirement system to participate in Social Security or any federal pension program; and be it further

Resolved, That the Clerk of the House of Representatives transmit duly authenticated copies of this resolution to the President of the United States, the President Pro Tempore and Secretary of the United States Senate, the Speaker and Clerk of the United States House of Representatives, each member of the Ohio Congressional delegation, and the news media of Ohio.

POM-191. A resolution adopted by the House of Representatives of the Commonwealth of Pennsylvania memorializing the Congress of the United States to pass and the President of the United States to sign the Marketplace Fairness Act of 2013; to the Committee on Finance.

HOUSE RESOLUTION NO. 571

Whereas, As the result of a series of United States Supreme Court cases dealing with state taxation of mail order catalog retailers, including *Quill Corp. v. North Dakota*, 504 U.S. 298 (1992) and *National Bellas Hess, Inc. v. Department of Revenue of Illinois*, 386 U.S. 753 (1967), a state is generally unable to require a retailer without a physical presence in that state to collect sales and use tax on its behalf; and

Whereas, Pennsylvania has long imposed a sales tax on each sale at retail of tangible personal property or taxable services within this Commonwealth, with the retailer required to collect the tax from the purchaser and to remit the collected tax to the Commonwealth; and

Whereas, If the retailer does not collect the sales tax on a taxable sale at retail, and the purchaser uses the purchased item or service within this Commonwealth, the purchaser is legally required to pay use tax directly to the Commonwealth; and

Whereas, The burden on individual purchasers or consumers to track, calculate and remit the correct amount of use tax is significant, resulting in low rates of compliance and reduced state tax collections; and

Whereas, A 2011 study by Robert Strauss, Professor of Economics and Public Policy at the Heinz College, Carnegie Mellon University, projected that Pennsylvania would lose between \$254 million and \$410 million in sales and use taxes in 2012 due to the inability to require retailers without a physical presence in this Commonwealth to collect sales and use taxes; and

Whereas, The Pennsylvania Department of Revenue has taken measures to improve the collection of this tax, including the addition of a section for the use tax on the standard Pennsylvania tax return form (PA-40) and by clarifying the nexus standard for retailers with physical presence in this Commonwealth through a subsidiary, representative or agent; and

Whereas, While the recent measures by the Department of Revenue to improve collections have resulted in increased compliance, much remains uncollected; and

Whereas, The inability to collect sales and use tax on purchases made from retailers that do not have a physical presence in this Commonwealth has created a disadvantage for this Commonwealth's brick-and-mortar retailers that are required to collect the sales and use tax; and

Whereas, The 2011 study by Professor Strauss projected that uniform collection of the sales and use tax across all retailers would result in job growth by Pennsylvania-based brick-and-mortar retailers of between 1,530 and 2,766 jobs, which would generate between \$66 million and \$119 million in wages; and

Whereas, The growth of retail sales on the Internet has exacerbated the problem for taxpayers and the Commonwealth far beyond the circumstances considered when the *Quill* case was decided; and

Whereas, Congress is in the best position to standardize the nationwide collection of sales and use taxes from retailers that do not have a physical presence in the state where the tax is due; and

Whereas, The United States Supreme Court stated in *Quill* that the problem "is not only one that Congress may be better qualified to resolve, but also one that Congress has the ultimate power to resolve"; and

Whereas, On May 6, 2013, the United States Senate passed the Marketplace Fairness Act of 2013, which would provide nationwide standards for the collection of sales and use taxes from out-of-state retailers, by a vote of 69 to 27; and

Whereas, The Marketplace Fairness Act of 2013 is currently being considered by the Committee on the Judiciary in the United States House of Representatives; and

Whereas, On September 18, 2013, Chairman Bob Goodlatte (R-Va.) and Subcommittee on Regulatory Reform, Commercial and Antitrust Law Chairman Spencer Bachus (R-Ala.) issued a statement outlining the framework the committee will follow when considering the legislation; and

Whereas, The Marketplace Fairness Act of 2013 would simply standardize the collection of existing taxes that are already due; it would not expand an existing tax nor would it create a new tax; and

Whereas, The additional revenue that is already due to the Commonwealth that would be collected under the Marketplace Fairness Act of 2013 could be used to prevent future tax increases and to provide tax relief to all Pennsylvanians; and

Whereas, A 2013 study by economists Arthur B. Laffer and Donna Arduin projects that over the next ten years the enactment of the Marketplace Fairness Act of 2013 could empower states to implement pro-growth tax policies that would result in a nationwide increase in gross domestic product (GDP) of \$563.2 billion and add over 1.5 million new jobs, with \$15.1 billion in GDP growth and 43,000 new jobs in Pennsylvania: Now, therefore, be it

Resolved, That the House of Representatives memorialize the Congress of the United States to pass and the President of the United States to sign the Marketplace Fairness Act of 2013, or a similar act, to provide uniform measures for the collection of states' sales and use taxes; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

POM-192. A resolution adopted by Washington Township, Morris County, New Jersey urging Congress to dedicate additional federal funds for highway maintenance and infrastructure improvements; to the Committee on Commerce, Science, and Transportation.

POM-193. A resolution adopted by the Senate of the Northern Mariana Commonwealth Legislature petitioning the United States Congress to amend the Radiation Exposure Act of 1990; to the Committee on Environment and Public Works.

POM-194. A resolution adopted by the House of Representatives of the Northern Mariana Commonwealth Legislature requesting the United States Congress to eliminate Section 2109 of S.744 and similar legislation which will allow thousands of alien workers, their families, and persons of other ethnic origin who are in the Commonwealth of the Northern Mariana Islands to become permanent residents and subsequently become U.S. citizens; to the Committee on the Judiciary.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. HARKIN for the Committee on Health, Education, Labor, and Pensions.

*Michael Keith Yudin, of the District of Columbia, to be Assistant Secretary for Special Education and Rehabilitative Services, Department of Education.

*David Weil, of Massachusetts, to be Administrator of the Wage and Hour Division, Department of Labor.