

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.

*James H. Shelton III, of the District of Columbia, to be Deputy Secretary of Education.

*Theodore Reed Mitchell, of California, to be Under Secretary of Education.

*Ericka M. Miller, of Virginia, to be Assistant Secretary for Postsecondary Education, Department of Education.

*France A. Cordova, of New Mexico, to be Director of the National Science Foundation for a term of six years.

*James Cole, Jr., of New York, to be General Counsel, Department of Education.

*Steven Joel Anthony, of Virginia, to be a Member of the Railroad Retirement Board for a term expiring August 28, 2018.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

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. MURPHY (for himself, Mr. SCHATZ, Mrs. MURRAY, and Mr. SANDERS):

S. 1969. A bill to provide for higher education reform; to the Committee on Health, Education, Labor, and Pensions.

By Ms. COLLINS (for herself and Mr. NELSON):

S. 1970. A bill to amend the Internal Revenue Code of 1986 to modify safe harbor requirements applicable to automatic contribution arrangements, and for other purposes; to the Committee on Finance.

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

S. 1971. A bill to establish an interagency coordination committee or subcommittee with the leadership of the Department of Energy and the Department of the Interior, focused on the nexus between energy and water production, use, and efficiency; and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BLUMENTHAL (for himself, Mr. MARKEY, Mrs. GILLIBRAND, Mrs. SHAHEEN, Mr. SANDERS, and Mr. MURPHY):

S. 1972. A bill to prohibit discrimination in employment on the basis of an individual's status or history of unemployment; to the Committee on Health, Education, Labor, and Pensions.

By Mr. COONS (for himself and Mr. RUBIO):

S. 1973. A bill to improve management of the National Laboratories, enhance technology commercialization, facilitate public-private partnerships, and for other purposes; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. PRYOR:

S. Res. 341. A resolution observing the 100th birthday of civil rights leader Daisy Bates and honoring her legacy as an American heroine; to the Committee on the Judiciary.

By Ms. BALDWIN (for herself, Ms. WARREN, and Mr. COBURN):

S. Con. Res. 31. A concurrent resolution designating January 2014 as "National Blood Donor Month"; considered and agreed to.

ADDITIONAL COSPONSORS

S. 489

At the request of Mr. THUNE, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 489, a bill to amend the Tariff Act of 1930 to increase and adjust for inflation the maximum value of articles that may be imported duty-free by one person on one day, and for other purposes.

S. 738

At the request of Mr. WICKER, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 738, a bill to grant the Secretary of the Interior permanent authority to authorize States to issue electronic duck stamps, and for other purposes.

S. 942

At the request of Mr. CASEY, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 942, a bill to eliminate discrimination and promote women's health and economic security by ensuring reasonable workplace accommodations for workers whose ability to perform the functions of a job are limited by pregnancy, childbirth, or a related medical condition.

S. 1297

At the request of Mr. KIRK, the name of the Senator from West Virginia (Mr. MANCHIN) was added as a cosponsor of S. 1297, a bill to establish the Government Transformation Commission to review and make recommendations regarding cost control in the Federal Government, and for other purposes.

S. 1467

At the request of Mr. BLUMENTHAL, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1467, a bill to establish the Office of the Special Advocate to provide advocacy in cases before courts established by the Foreign Intelligence Surveillance Act of 1978 and for other purposes.

S. 1517

At the request of Mr. WHITEHOUSE, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 1517, a bill to amend the Public Health Services Act and the Social Security Act to extend health information technology assistance eligibility to behavioral health, mental health, and substance abuse professionals and facilities, and for other purposes.

S. 1687

At the request of Mr. CASEY, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 1687, a bill to amend the Fair Labor Standards Act of 1938 to ensure that employees are not misclassified as non-employees, and for other purposes.

S. 1821

At the request of Ms. HIRONO, the name of the Senator from New Jersey

(Mr. MENENDEZ) was added as a cosponsor of S. 1821, a bill to accelerate the income tax benefits for charitable cash contributions for the relief of victims of Typhoon Haiyan in the Philippines.

S. 1823

At the request of Mr. RUBIO, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1823, a bill to amend part E of title IV of the Social Security Act to better enable State child welfare agencies to prevent human trafficking of children and serve the needs of children who are victims of human trafficking, and for other purposes.

S. 1827

At the request of Mr. MANCHIN, the names of the Senator from Massachusetts (Mr. MARKEY), the Senator from Kansas (Mr. ROBERTS), the Senator from Nevada (Mr. HELLER), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Florida (Mr. RUBIO), the Senator from Wyoming (Mr. ENZI), the Senator from Alabama (Mr. SESSIONS), the Senator from Missouri (Mr. BLUNT) and the Senator from Nebraska (Mr. JOHANNIS) were added as cosponsors of S. 1827, a bill to award a Congressional Gold Medal to the American Fighter Aces, collectively, in recognition of their heroic military service and defense of our country's freedom throughout the history of aviation warfare.

S. 1862

At the request of Mr. BLUNT, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1862, a bill to grant the Congressional Gold Medal, collectively, to the Monuments Men, in recognition of their heroic role in the preservation, protection, and restitution of monuments, works of art, and artifacts of cultural importance during and following World War II.

S. 1869

At the request of Ms. AYOTTE, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 1869, a bill to repeal section 403 of the Bipartisan Budget Act of 2013, relating to an annual adjustment of retired pay for members of the Armed Forces under the age of 62, and to provide an offset.

S. 1909

At the request of Mr. SCOTT, the name of the Senator from Indiana (Mr. COATS) was added as a cosponsor of S. 1909, a bill to expand opportunity through greater choice in education, and for other purposes.

S. 1916

At the request of Mr. MCCONNELL, the name of the Senator from Nebraska (Mr. JOHANNIS) was added as a cosponsor of S. 1916, a bill to amend the Dodd-Frank Wall Street Reform and Consumer Protection Act to provide for an application process for interested parties to apply for a county to be designated as a rural area, and for other purposes.