

Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4715. An act to amend the Federal Water Pollution Control Act to reauthorize the National Estuary Program, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 222. Concurrent resolution recognizing the leadership and historical contributions of Dr. Hector Garcia to the Hispanic community and his remarkable efforts to combat racial and ethnic discrimination in the United States of America.

The message further announced that the House agreed to the amendment of the Senate to the bill (H.R. 4851) to provide a temporary extension of certain programs, and for other purposes.

### MEASURES REFERRED

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

H.R. 4715. An act to amend the Federal Water Pollution Control Act to reauthorize the National Estuary Program, and for other purposes; to the Committee on Environment and Public Works.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 222. Concurrent resolution recognizing the leadership and historical contributions of Dr. Hector Garcia to the Hispanic community and his remarkable efforts to combat racial and ethnic discrimination in the United States of America; to the Committee on the Judiciary.

### ENROLLED JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on April 16, 2010, she had presented to the President of the United States the following enrolled joint resolution:

S.J. Res. 25. Joint resolution granting the consent and approval of Congress to amendments made by the State of Maryland, the Commonwealth of Virginia, and the District of Columbia to the Washington Metropolitan Area Transit Regulation Compact.

### 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-94. A joint resolution adopted by the Legislature of the State of Wyoming affirming Wyoming's sovereignty under the Tenth Amendment to the Constitution of the United States of America over all powers not otherwise enumerated and granted to the federal government by the Constitution of the United States of America; to the Committee on Homeland Security and Governmental Affairs.

#### ENROLLED JOINT RESOLUTION No. 2

Whereas, the Tenth Amendment to the Constitution of the United States reads as follows: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to

the States respectively, or to the people"; and

Whereas, the Tenth Amendment defines the total scope of federal power as being that specifically granted by the Constitution of the United States and no more; and

Whereas, the scope of power defined by the Tenth Amendment means that the federal government was created by the states specifically to be an agent of the states; and

Whereas, the states are demonstrably treated as agents of the federal government; and

Whereas, many federal laws are directly in violation of the Tenth Amendment to the Constitution of the United States; and

Whereas, the Tenth Amendment assures that we, the people of the United States of America and each sovereign state in the union of states, now have, and have always had, rights the federal government may not usurp; and

Whereas, Section 4, Article IV, of the Constitution says, "The United States shall guarantee to every State in this Union a Republican Form of Government," and the Ninth Amendment states that "The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people"; and

Whereas, Congress may not simply commandeer the legislative and regulatory processes of the states; and

Whereas, the United States Congress frequently considers and enacts laws, and the executive agencies of the federal government frequently promulgate regulations, the constitutional authority for which is either absent or tenuous, including, without limitation, the Real ID Act, which imposes significant unfunded mandates upon the states with respect to the traditional state function of drivers licensing, the Endangered Species Act, which, as construed by the United States Fish and Wildlife Service, authorizes a federal executive agency to require specific state legislation related to the traditional state function of wildlife management, the Clean Water Act, which, as construed by the Environmental Protection Agency, authorizes a federal executive agency to exercise regulatory jurisdiction over waters that are not subject to federal regulation, the Federal Land Policy and Management Act, which implements a policy of federal lands retention in derogation of the "equal footing" doctrine. Now, therefore, be it

*Resolved by the members of the legislature of the State of Wyoming:*

Section 1. That the State of Wyoming Legislature claims sovereignty on behalf of the State of Wyoming and for its citizens under the Tenth Amendment to the Constitution of the United States over all powers not otherwise enumerated and granted to the federal government or reserved to the people by the Constitution of the United States.

Section 2. That the rights and liberties of Wyoming, its costates and their respective citizens must be protected from any dangers by declaring that Congress is limited by the Tenth Amendment to the Constitution of the United States and that this state calls on its costates for an expression of their sentiments on acts not authorized by the United States Constitution.

Section 3. That this resolution serve as notice and demand to the federal government, as our agent, to cease and desist, effective immediately, from enacting mandates that are beyond the scope of these constitutionally delegated powers. The state of Wyoming will not enforce such mandates.

Section 4. That all compulsory federal legislation that directs states to comply under threat of civil or criminal penalties or sanctions be prohibited or repealed.

Section 5. That the Secretary of State of Wyoming transmit copies of this resolution

to the President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the United States Congress and to the Wyoming Congressional Delegation, with a request that this resolution be officially entered in the congressional record as a memorial to the Congress of the United States of America.

POM-95. A joint resolution adopted by the Legislature of the State of Wyoming requesting Congress oppose House Resolution 980, titled the Northern Rockies Ecosystem Protection Act; to the Committee on Energy and Natural Resources.

#### ENROLLED JOINT RESOLUTION No. 1

Whereas, H.R. 980 was introduced in the United States House of Representatives on February 11, 2009; and

Whereas, H.R. 980 would designate an additional six million five hundred fourteen thousand (6,514,000) acres to the national wilderness system in the Greater Yellowstone Ecosystem, regardless of their unsuitability and failure to meet the wilderness criteria outlined in the 1964 Wilderness Act; and

Whereas, these additions to the National Wilderness System will have tremendous negative impacts to the economies of the counties in which they occur and ultimately to the economy of surrounding counties and the State of Wyoming; and

Whereas, the continuance of all multiple use activities, including motorized recreation, outfitting, grazing, timber harvesting activities and mineral development is crucial to the long term economic diversity of all Wyoming counties and the State of Wyoming; and

Whereas, the Wyoming congressional delegation, representing a state heavily impacted by the proposed wilderness expansion, is not on record in support of the designation; and

Whereas, the United States Congress does not customarily make wilderness designations without first seeking concurrence with the states affected. Now, therefore, be it

*Resolved by the members of the legislature of the State of Wyoming:*

Section 1. That the Legislature of the State of Wyoming is adamantly opposed to the Northern Rockies Ecosystem Protection Act, H.R. 980, and hereby requests that the United States House of Representatives Natural Resources Committee oppose this legislation.

Section 2. That the Secretary of State of Wyoming transmit copies of this resolution to the President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the United States Congress and to the Wyoming Congressional Delegation, with a request that this resolution be officially entered in the congressional record as a memorial to the Congress of the United States of America.

POM-96. A joint resolution adopted by the Legislature of the State of Wyoming relative to Congress amending the tenth amendment of the Constitution of the United States and amending the interstate commerce clause, article 1, section 8 of the Constitution; to the Committee on Homeland Security and Governmental Affairs.

#### ENROLLED JOINT RESOLUTION No. 3

Whereas, the tenth amendment to the Constitution of the United States reads as follows: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."; and

Whereas, the tenth amendment to the Constitution of the United States defines the total scope of federal power as being that

specifically granted by the Constitution of the United States and no more; and

Whereas, the scope of the power defined by the tenth amendment to the Constitution of the United States means that the federal government was created by the states specifically to be an agent of the states; and

Whereas, the states are demonstrably treated as agents of the federal government; and

Whereas, many powers assumed by the federal government and federal mandates are directly in violation of the tenth amendment to the United States Constitution; and

Whereas, the interstate commerce clause in article 1, section 8 of the Constitution of the United States provides that Congress shall have the power: "To regulate Commerce with foreign Nations, and among the several States, and with Indian Tribes;" and

Whereas, the interstate commerce clause is limited to the federal government regulating trade between the states and between the states and other nations, to help prevent conflicts between states over commercial activities and to prevent the erection of barriers to commerce between the states; and

Whereas, the interstate commerce clause should not be used to provide Congress with authority to regulate matters that are primarily intrastate with only an insignificant or collateral effect upon interstate commerce; and

Whereas, many federal laws are beyond the scope and intent of the interstate commerce clause and the tenth amendment to the Constitution of the United States; and

Whereas, the tenth amendment to the Constitution of the United States assures that we, the people of the United States of America and each sovereign state in the union of states, now have, and have always had, rights the federal government may not usurp; and

Whereas, article 4, section 4, of the Constitution of the United States says: "The United States shall guarantee to every State in this Union a Republican Form of Government," and the ninth amendment to the Constitution of the United States adds "The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people."; and

Whereas, Congress may not simply commandeer the legislative and regulatory processes of the states. Now, therefore, be it

*Resolved by the members of the legislature of the State of Wyoming:*

Section 1. That the Wyoming Congressional delegation and Congress take action to initiate the amendment process provided by article 5 of the Constitution of the United States to amend the tenth amendment and article 1, section 8 (the interstate commerce clause), of the Constitution of the United States.

Section 2. That Congress amend the tenth amendment of the Constitution of the United States as follows, with proposed changes indicated in italic text:

The powers not expressly delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people. *This amendment shall be considered by all courts as a rule of interpretation and construction in any case involving an interpretation of any constitutional power claimed by the Congress.*

Section 3. That Congress amend the interstate commerce clause, article 1, section 8, of the Constitution of the United States as follows, with proposed changes indicated in italic text:

To directly regulate Commerce with foreign nations, and among the several states, and with the Indian Tribes, *with no authority in Congress to regulate matters that are primarily*

*intrastate with only an insignificant or collateral effect upon interstate commerce;*

Section 4. That Congress shall specify that the amendments to the tenth amendment and the interstate commerce clause, article 1, section 8, of the Constitution of the United States, as provided herein, shall be operative upon ratification by the legislatures of three-fourths of the several states, provided that such ratification shall occur within seven years from the date of the submission of the amendments to the states by Congress.

Section 5. That this state calls on its co-states for an expression of their sentiments on the need to amend the tenth amendment and article 1, section 8 of the Constitution of the United States as provided in this resolution.

Section 6.

(a) That the Secretary of State of Wyoming transmit copies of this resolution:

(i) To the President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the United States Congress and to the Wyoming Congressional Delegation, with a request that the Wyoming Congressional delegation take all reasonable and necessary actions to initiate the amendment process to amend the Constitution of the United States consistent with the language proposed in this resolution and that this resolution be officially entered in the congressional record as a memorial to the Congress of the United States of America; and

(ii) To the speaker of the house of representatives and president of the senate, or their equivalent, and the governor of each of the other forty-nine states.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. REID (for Mrs. BOXER), from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

S. 1397. A bill to authorize the Administrator of the Environmental Protection Agency to award grants for electronic device recycling research, development, and demonstration projects, and for other purposes (Rept. No. 111-168).

S. 1660. A bill to amend the Toxic Substances Control Act to reduce the emissions of formaldehyde from composite wood products, and for other purposes (Rept. No. 111-169).

By Mr. LEAHY, from the Committee on the Judiciary, with amendments:

S. 3111. A bill to establish the Commission on Freedom of Information Act Processing Delays.

## 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-5409. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Hawker Beechcraft Corporation Model G58 Airplanes" ((RIN2120-AA64) (Docket No. FAA-2009-1176)) received in the Office of the President of the Senate on March 26, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5410. A communication from the Paralegal Specialist, Federal Aviation Adminis-

tration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier, Inc. Model CL-600-2B19 (Regional Jet Series 100 and 440) Airplanes" ((RIN2120-AA64) (Docket No. FAA-2009-0656)) received in the Office of the President of the Senate on March 26, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5411. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A319, A320, and A321 Series Airplanes" ((RIN2120-AA64) (Docket No. FAA-2009-0649)) received in the Office of the President of the Senate on March 26, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5412. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A300 B4-2C, B4-103, and B4-203 Airplanes; and Model A300 B4-601, B4-603, B4-620, B4-622, B4-605R, and B4-622R Airplanes" ((RIN2120-AA64) (Docket No. FAA-2009-0993)) received in the Office of the President of the Senate on March 26, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5413. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A300 B2-1C, B2-203, B2K-3C, B4-103, B4-203, B4-2C Airplanes; Model A310 Series Airplanes; and Model A300 B4-601, B4-603, B4-605R, B4-620, B4-622, and B4-622R Airplanes" ((RIN2120-AA64) (Docket No. FAA-2009-0789)) received in the Office of the President of the Senate on March 26, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5414. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Rolls-Royce plc RB211-Trent 800 Series Turboprop Engines" ((RIN2120-AA64) (Docket No. FAA-2009-1004)) received in the Office of the President of the Senate on April 13, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5415. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Boeing Company Model 757 Airplanes" ((RIN2120-AA64) (Docket No. FAA-2009-0795)) received in the Office of the President of the Senate on April 13, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5416. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model ERJ 170 and Model ERJ 190 Airplanes" ((RIN2120-AA64) (Docket No. FAA-2010-0274)) received in the Office of the President of the Senate on April 13, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5417. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Rolls-Royce plc RB-211-Trent 500, 700, and 800 Series Turboprop Engines" ((RIN2120-AA64) (Docket No. FAA-2009-0674)) received in the Office of the President of the Senate