

S. 1057. A bill to repeal the Volumetric Excise Tax Credit.

### 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-1855. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to the Common Features Project; to the Committee on Environment and Public Works.

EC-1856. A communication from the Acting Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement for the export of defense articles, including, technical data, and defense services to Israel to support the production and integration of hulls, rolling bodies, suspensions, subsystems and electrical systems for the Merkava Armored Personnel Carrier in the amount of \$100,000,000 or more; to the Committee on Foreign Relations.

EC-1857. A communication from the Assistant Secretary of Defense (Legislative Affairs), transmitting legislative proposals relative to the National Defense Authorization Act for Fiscal Year 2012; to the Committee on Foreign Relations.

EC-1858. A communication from the Assistant Secretary of Defense (Legislative Affairs), transmitting legislative proposals relative to the National Defense Authorization Act for Fiscal Year 2012; to the Committee on Foreign Relations.

EC-1859. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "The American Dream Belongs to Everyone"; to the Committee on Health, Education, Labor, and Pensions.

EC-1860. A communication from the General Counsel, Federal Retirement Thrift Investment Board, transmitting, pursuant to law, the report of a rule entitled "Court Orders and Legal Processes Affecting Thrift Savings Plan Accounts" (5 CFR Part 1653) received in the Office of the President of the Senate on May 23, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-1861. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from October 1, 2010 through March 31, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-1862. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, the third quarter fiscal year 2010 quarterly report of the Department's Office of Privacy and Civil Liberties; to the Committee on the Judiciary.

### 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-18. A joint resolution adopted by the Legislature of the State of Utah urging Congress to support and preserve the Navajo Code Talkers' legacy and their substantial contribution to the nation; to the Committee on Armed Services.

### HOUSE JOINT RESOLUTION NO. 9

Whereas, the few, living Navajo Code Talkers are undertaking a multi-year project to build an educational, historical, and humanitarian facility that will bring pride to Native American and non-native American communities alike;

Whereas, this project will educate both young and old and conserve the instruments of freedom gifted to the American people by an awe-inspiring group of young Navajo men who served the country during World War II;

Whereas, during World War II, these modest young Navajo men fashioned from the Navajo language the only unbreakable code ever recorded in military history;

Whereas, these Navajo radio operators transmitted the code throughout the dense jungles and exposed beachheads of the Pacific Theater from 1942 to 1945, passing over 800 error-free messages in 48 hours at Iwo Jima alone;

Whereas, the bravery and ingenuity of these young Navajo men gave the United States and Allied Forces the upper hand they so desperately needed in the Pacific, hastened the war's end, and assured victory for the United States;

Whereas, after being sworn to secrecy for 23 years after World War II, these young Navajo men eventually came to be known as Navajo Code Talkers and were honored by President George W. Bush more than 50 years after the war with congressional gold and silver medals in 2001;

Whereas, the Navajo Code Talkers are now in their eighties and, with fewer than 50 remaining from the original 400, the urgency to capture and share their stories and memorabilia from their service in World War II is critical;

Whereas, these American treasures and revered elders of the Navajo Nation have come together to tell their story, one that has never been heard, from their own hearts and in their own words;

Whereas, the Navajo Code Talkers' heroic story of an ancient language, valiant people, and a decisive victory that changed the path of modern history is the greatest story never told;

Whereas, the Navajo Code Talkers ultimately envision a lasting memorial, the Navajo Code Talkers' Museum and Veterans Center, on donated private land;

Whereas, the Navajo Code Talkers' mission is to create a place where their service will inspire others to achieve excellence and instill core values of pride, discipline, and honor in all those who visit the Center; and

Whereas, through the lead efforts of the Navajo Code Talkers' Foundation and many partners and individuals, the Navajo Code Talkers' legacy, history, language, and code will be preserved to benefit all future generations: Now, therefore, be it

*Resolved*, That the Legislature of the state of Utah urges the United States Congress, the Department of the Interior, the Department of Defense, the Department of Veterans Affairs, the Department of Health and Human Services, the Department of Agriculture, the State Department, and the Department of Energy to support and preserve the Navajo Code Talkers' remarkable legacy; be it further

*Resolved*, That a copy of this resolution be presented to the Majority Leader of the United States Senate, the Speaker of the United States House of Representatives, the Secretary of the Interior, the Secretary of Defense, the Secretary of Veterans Affairs, the Secretary of Health and Human Services, the Secretary of Agriculture, the Secretary of State, the Secretary of Energy, and to the members of Utah's congressional delegation.

POM-19. A concurrent resolution adopted by the Legislature of the State of Utah urg-

ing Congress to implement policies and programs to protect American children from employment related identity theft; to the Committee on Banking, Housing, and Urban Affairs.

### HOUSE CONCURRENT RESOLUTION NO. 1

Whereas, according to the Chief Actuary of the Social Security Administration, millions of people pay payroll taxes with fraudulent Social Security numbers;

Whereas, pedophiles, criminals, deadbeat parents, and many others obtain jobs by using fraudulent documents to hide their true identities;

Whereas, according to the Federal Trade Commission, employment related identity theft accounts for 13% of total identity theft cases in the United States;

Whereas, investigations by the Utah Department of Workforce Services, the Social Security Administration, and the Utah Attorney General's Office have identified thousands of Utah children under age 13 and on public assistance who have had their Social Security numbers fraudulently used by others to obtain jobs;

Whereas, investigations by the Utah Department of Workforce Services, the Social Security Administration, and the Utah Attorney General's Office have identified 1,626 employers paying wages to individuals with Social Security numbers of children who are under 12;

Whereas, these children suffer serious harm, including the destruction of their good names and their credit histories;

Whereas, these children are saddled with arrest records, income tax liabilities on income earned under their stolen Social Security numbers, and compromised medical records with life threatening consequences;

Whereas, current federal laws and regulations prohibit the Department of Workforce Services from sharing information with law enforcement and the Department of Homeland Security about individuals wrongfully using Social Security numbers belonging to children and other American citizens and legal residents;

Whereas, the Social Security Administration does not inform or assist Americans whose Social Security numbers are being used unlawfully;

Whereas, the Social Security Administration assigns numbers being unlawfully used to newborn infants and other new recipients of Social Security numbers; and

Whereas, the Internal Revenue Service does not inform Americans whose Social Security numbers are being used unlawfully about this identity theft as long as taxes are paid on the income earned under the fraudulently obtained numbers: Now, therefore, be it

*Resolved*, That the Legislature of the State of Utah, the Governor concurring therein, urges the United States Congress to protect American children from employment related identity theft by requiring federal agencies to report the fraudulent use of these Social Security numbers to the victims, the appropriate law enforcement agencies, and the Department of Homeland Security; be it further

*Resolved*, That the Legislature and the Governor urge the United States Congress to require federal agencies to assist the victims of child identity theft in recovering their identities, including issuing new Social Security numbers, when appropriate; be it further

*Resolved*, That the Legislature and the Governor urge the United States Congress to require federal agencies to discontinue issuing Social Security numbers to children and other individuals when those numbers are already being used unlawfully; and be it further

*Resolved*, That a copy of this resolution be sent to the Majority Leader of the United States Senate, the Speaker of the United States House of Representatives, and to the members of Utah's congressional delegation.

POM-20. A joint resolution adopted by the Legislature of the State of Utah urging Congress to lift the freeze on longer combination vehicles, so that states may conduct test programs to evaluate routes, configurations, and operating conditions; to the Committee on Commerce, Science, and Transportation.

#### SENATE JOINT RESOLUTION

Whereas, the American West encompasses a huge land mass of approximately 2.4 million square miles, or over two-thirds of the entire nation;

Whereas, the vast distances across the West clearly illustrate the need for efficient surface freight movement of goods throughout this area;

Whereas, one of the most significant ways to improve freight system performance is through the use of more efficient truck and truck combinations;

Whereas, the efficiency of the United States' freight transportation has fallen far behind other developed nations;

Whereas, Canada, Mexico, and the European Union have embraced up-to-date truck configurations;

Whereas, operation of these more productive vehicles, more commonly known as longer combination vehicles (LCVs), has been frozen in the United States by federal law since 1991;

Whereas, in a study requested by the Western Governor's Association, the Federal Highway Administration found that limited increase in the use of LCVs in 13 western states would reduce heavy truck vehicle miles traveled in 2010 by 25%, reduce fuel consumption and emissions by 12%, save shippers \$2 billion a year, reduce pavement costs by as much as 4% over 20 years, and reduce highway noise by 10%;

Whereas, a recent study in Ontario found the widespread use of LCVs there would eliminate 750,000 truck trips per year, remove 2,800 trucks per day from the roads in and around Toronto, and reduce greenhouse gases by 151 kilotons per year;

Whereas, a Canadian federal government study indicated that LCVs have 60% fewer crashes than single trailer vehicles; and

Whereas, the Western States provide an excellent test case for size capacity increases since LCVs are already in use on many western highways: Now, therefore, be it

*Resolved*, That the Legislature of the state of Utah strongly urges the United States Congress to lift the freeze on longer combination vehicles in the states of Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington, and Wyoming, giving these states the flexibility to establish and operate pilot test programs to evaluate longer combination vehicle routes, configurations, and operating conditions; and be it further

*Resolved*, That copies of this resolution be sent to the President of the United States, the United States Secretary of Transportation, the United States Senate Committee on Commerce, Science, and Transportation, the United States House Committee on Transportation and Infrastructure, and to the members of Utah's congressional delegation.

POM-21. A concurrent resolution adopted by the Legislature of the State of Utah recognizing Utah native Philo T. Farnsworth as the inventor of television; to the Committee on Commerce, Science, and Transportation.

#### SENATE CONCURRENT RESOLUTION NO. 9

Whereas, few inventors have impacted the world as much as has Utah native Philo T. Farnsworth;

Whereas, Philo T. Farnsworth has deep roots in Beaver, Utah, where he was born August 19, 1906, in a log cabin;

Whereas, when he was 12, Philo T. Farnsworth's family moved to a farm in Rigby, Idaho, where he was fascinated by the electricity that powered his new home;

Whereas, Farnsworth was intrigued by mechanical and electrical technology and managed to convert his mother's hand-powered washing machine to an electric-powered appliance;

Whereas, as a youth living in Beaver, Utah, Farnsworth won a national contest for a theft-proof car lock;

Whereas, at the age of 14, Philo T. Farnsworth startled one of his high school teachers by sharing with him a diagram of an Electronic Image Dissector, a key component in his eventual invention of television;

Whereas, at age 16, Farnsworth's father died of pneumonia and Farnsworth had to care for his mother and four siblings;

Whereas, after spending a few years in the United States Navy, Farnsworth was honorably discharged and once again pursued his interest in electronics;

Whereas, Farnsworth found investors who were not only willing to help him pursue his work in electronics but also provided a laboratory in Los Angeles where Farnsworth was able to conduct important experiments;

Whereas, before relocating to California, Farnsworth married Elma "Pem" Gardner, the sister of a close friend of his;

Whereas, within a few months after arriving in California, Farnsworth's success led him to apply for several patents for his designs and models;

Whereas, on September 7, 1927, at a laboratory in San Francisco, Farnsworth's image dissector camera tube transmitted its first image, a straight line;

Whereas, in 1928, Farnsworth gave the first demonstration of his television system to the press, and after several improvements, gave his first demonstration to the public in 1934;

Whereas, Farnsworth formed his own company, prevailed in key patent lawsuits against competitors, and developed other important inventions, including a process for sterilizing milk using radio waves and a fog-penetrating beam for ships and airplanes;

Whereas, in 1938, Farnsworth established the Farnsworth Television and Radio Corporation, which was in turn purchased by International Telephone and Telegraph (ITT) in 1951;

Whereas, while in the employ of ITT, Farnsworth developed many more inventions, including a defense early warning signal, submarine detection devices, radar calibration equipment, an infrared telescope, and a PPI Projector, which allowed safe control of air traffic from the ground and was a forerunner of today's air traffic control system;

Whereas, later in life, the Farnsworths relocated to Utah, where Philo passed away in 1971;

Whereas, for many years after his death, Elma Farnsworth worked hard to help her deceased husband retain his rightful place in history;

Whereas, crediting his wife's contribution to his life's work, Farnsworth once stated, "My wife and I started this TV";

Whereas, in 1999, Time Magazine included Farnsworth in the "Time 100: The Most Important People of the Century";

Whereas, the log cabin where Philo T. Farnsworth was born has been restored and can be visited by the public; and

Whereas, a statue of Philo T. Farnsworth is one of two statues representing the state of Utah in the National Statuary Hall Collection in the United States Capitol, a second statue of Farnsworth stands in the Utah State Capitol, and a third statue stands in his hometown of Beaver: Now, therefore, be it

*Resolved*, that the Legislature of the state of Utah, the Governor concurring therein, recognize the life and contributions of Philo T. Farnsworth, Utah native, the inventor of television and of many other inventions that have benefitted millions of people around the world; and be it further

*Resolved*, that a copy of this resolution be sent to the President of the United States, the members of Utah's congressional delegation, the Farnsworth family, the Utah Travel Council, AAA, the tourism directors of each county in Utah, Beaver County, and Beaver City.

POM-22. A concurrent resolution adopted by the Legislature of the State of Utah urging the federal government to protect the communications spectrum that allows Utah's translator system to provide free television access across the state; to the Committee on Commerce, Science, and Transportation.

#### SENATE CONCURRENT RESOLUTION NO. 4

Whereas, the President of the United States has directed the Chairman of the Federal Communications Commission (FCC) to consider removing channels 32 to 51 from the current FCC channels 14 to 51 Television Broadcast Authorization;

Whereas, this action would devastate off-air television reception to urban areas and also cause disruption to off-air viewers nationwide;

Whereas, according to FCC records as listed in FCC MD Docket No. 03-185 (FCC 10-172), page 26, dated September 17, 2010, 4,518 television translator stations, 567 Class A LPTV stations, 2,227 LPTV stations, and 11 TV Booster stations are now on file;

Whereas, according to FCC records, over 4,500 television translator stations presently provide free over-the-air television to rural communities throughout the nation;

Whereas, if this channel repacking were to become a reality, many of these translator stations would no longer remain in operation, requiring viewers to subscribe to either cable or satellite programming;

Whereas, Utah has 649 of these television translator stations, and the state's rural viewers would be forced to either pay for subscription television or have no television reception;

Whereas, after 40 years of analog broadcasting, the United States Congress mandated the broadcasting industry to make a conversion from analog to digital operation;

Whereas, supplying the general public with free over-the-air digital television broadcast signals has been encouraged by elected officials and the FCC;

Whereas, since the mandate, all TV Translator and LPTV licensees in the state of Utah have planned, acquired necessary funding, provided engineering, labor, construction, travel, new and upgraded buildings, air-conditioning, new towers, crane services, and extensive FCC licensing to help make the DTV transition possible;

Whereas, through cooperation of the state's counties, the University of Utah, the state of Utah, and the Federal Communications Commission, the DTV transition has been made possible;

Whereas, the state of Utah has supported the DTV transition through four CIB grants since 2005 in the amount of nearly \$9,000,000;

Whereas, the University of Utah has supported the DTV transition with a recent federal grant of approximately \$2,000,000;

Whereas, Congress developed and funded the coupon program at \$1,500,000,000 for a digital to analog converter box program;

Whereas, the NTIA, a division of the federal government, currently offers all TV translator and LPTV licensees a reimbursement program for the digital to analog conversion;

Whereas, small rural cable companies are beginning to use digital TV translator signals for their systems free of charge instead of paying for satellite feeds;

Whereas, repacking would cause eight Salt Lake City primary television stations to find new channels, causing unaffordable consequences to both urban and rural communities in the state of Utah;

Whereas, it would be impossible to continue the "Utah Daisy Chain" rural digital television translator services if the proposed block of television channels were reclaimed by the FCC, and this action would have a negative local economic impact to the affected counties;

Whereas, broadcasters are required by the FCC to participate in the National Emergency Alert System and are also required to make regular tests to assure their systems are always ready to broadcast any local warnings, including flood conditions, high wind warnings, and bad road conditions, and these warnings are automatically retransmitted through television translator stations to also alert rural viewers;

Whereas, closed captioning for the deaf is also a mandatory requirement of primary broadcast stations and automatically passes through television translators to rural viewers;

Whereas, if these viewers do not have access to any local free over-the-air broadcast signals, they proceed without local warnings or closed captioning for the deaf;

Whereas, counties in Utah are presently licensed with the FCC for 649 digital television translators, or 35%, of the nation's digital television translator licenses;

Whereas, an additional 173 applications are waiting for final approval at the FCC, and when they are awarded, additional digital channels will be available to the remaining few underserved rural Utah communities;

Whereas, the FCC recently passed a rule to allow anyone to operate unlicensed signals on unused channels within the present television bands, while the FCC still requires television translator stations to be licensed in these same bands;

Whereas, these unlicensed devices will cause interference to existing digital television services nationwide, and many television translator viewers will possibly be vulnerable with unacceptable interference because they receive their home signals far beyond the FCC protected contours; and

Whereas, the federal government should ensure that rural communities in Utah and throughout the nation are not forced to either pay for subscription television service or go without television: Now, therefore, be it

*Resolved*, That the Legislature of the state of Utah, the Governor concurring therein, strongly urge the President of the United States and the Federal Communications Commission (FCC) to not remove channels 32 to 51 from the current existing FCC channels 14 to 51 Television Broadcast Authorization because of its negative impact on off-air television reception in urban areas and to off-air viewers nationwide, including rural viewers, who would be forced to either pay for subscription television or go without television service; and be it further

*Resolved*, That a copy of this resolution be sent to the President of the United States, the Majority Leader of the United States Senate, the Speaker of the United States

House of Representatives, the Chairman of the Federal Communications Commission and each commission member, and to the members of Utah's congressional delegation.

POM-23. A resolution adopted by the House of Representatives of the State of Illinois urging Congress to withhold funding to the Department of the Interior's Office of Surface Mining, Reclamation, and Enforcement; to the Committee on Energy and Natural Resources.

#### HOUSE RESOLUTION No. 270

Whereas, The Department of the Interior's Office of Surface Mining, Reclamation, and Enforcement (OSMRE) is considering new sweeping regulations that would cut surface mining production and jobs by 21-30%, cut underground coal mining jobs up to 50%, and risk eliminating over 66,000 direct and indirect jobs nationwide; and

Whereas, Beginning in 2003, OSMRE conducted a 5-year process, including public hearings, the submission of thousands of public comments, and preparation of an environmental impact statement, that culminated in final regulations adding significant new environmental protections regarding the placement of excess spoil and clarifying its regulations relating to stream buffer zones pursuant to the Surface Mining Control and Reclamation Act (SMCRA); and

Whereas, The Secretary of the Interior attempted to avoid a public rulemaking process by asking a court to vacate the 2008 OSMRE stream buffer zone rule without public comment as required under the Administrative Procedure Act, but was rebuked by a federal court which ruled that the Secretary may not repeal the stream buffer zone rule without going through a rulemaking process that includes public notice and comment; and

Whereas, OSMRE, in its own words, admitted that before any public comments were even received on its proposals, it had "already decided to change the (stream buffer zone) rule following the change in administrations on January 20, 2009"; the Office is calling the new rule the "stream protection rule", and it is much broader in scope than the 2008 stream buffer zone rule; and

Whereas, OSMRE has failed to justify why a new stream protection rule is necessary or to explain the problem that the Office is attempting to fix, and such concerns have been echoed by the Interstate Mining Compact Commission, an organization representing state mining regulators with substantial expertise in SMCRA regulation; and

Whereas, OSMRE is inappropriately rushing to complete the rulemaking because of a unilateral settlement agreement with environmental groups, and is committing such flagrant violations of the required National Environmental Policy Act process that 8 of the state cooperating agencies have written to the Office objecting to its quality, completeness and accuracy, as well as calling the document "nonsensical and difficult to follow", and ultimately threatening to pull out of the process; and

Whereas, The coal mining industry is critical to the economic and social well being of the citizens of Illinois, accounting for over 3,500 direct workers and another 24,500 indirect jobs that have an impact of over \$1 billion on the State's economy: Therefore, be it

*Resolved*, by the House of Representatives of the Ninety-Seventh General Assembly of the State of Illinois, that we express serious concern about the scope, justification, and substance of the OSMRE's stream protection rule, as well as about the procedure and process that have been used to adopt that rule; and be it further

*Resolved*, That we call upon OSMRE to immediately suspend work on the environ-

mental impact statement and the stream protection rule until such time as the Office:

(1) clearly and publicly articulates why the 2008 regulation has not been implemented and provides specific details regarding each of its provisions and why the Office believes that they are insufficient;

(2) provides scientific data and other objective information to justify each and every provision of the new proposal;

(3) explains why the Office is contradicting its own annual state inspection reports which indicate good environmental performance and refute the need for this new rule;

(4) justifies why a more limited approach would not achieve the objectives of the Office; and

(5) surveys all of the state regulatory authorities to determine whether they agree that such significant regulatory changes are necessary; and be it further

*Resolved*, That we also urge Congress to oppose this unwarranted effort by the present Presidential Administration by withholding any further funding for OSMRE for the stream protection rule and environmental impact statement until such time as the Office justifies the need for new rules; and be it further

*Resolved*, That suitable copies of this resolution be sent to President Barack Obama, the President pro tempore of the United States Senate, the Speaker of the United States House of Representatives, the Secretary of the Department of the Interior, and each member of the Illinois congressional delegation.

POM-24. A concurrent resolution adopted by the Legislature of the State of Utah urging Congress to honor longstanding commitments to multiple use public lands management; to the Committee on Energy and Natural Resources.

#### HOUSE CONCURRENT RESOLUTION No. 12

Whereas, the wise multiple use of the public lands in Utah and in the Western United States is necessary for economic stability, is critical to the state's future, and is an important part of Utah's culture and heritage;

Whereas, prudent application of sustainable multiple use principles allows the state's renewable and abundant natural resources to be of value to all Americans, while protecting the many unique and sensitive parts of the state;

Whereas, the federal government controls two of every three acres of the state of Utah, second only to Nevada among the contiguous 48 states;

Whereas, the multiple use management of the lands held in common in Utah has contributed to the well being of the state and nation through energy development, mineral development, production of food and fiber, and recreational opportunities;

Whereas, the creation of new wealth is tied directly to the land and the judicious development of the state's natural resources;

Whereas, ownership and private property rights are the catalyst to increasing wealth and improving society's standard of living, and is a belief central to capitalism and a successful free enterprise system;

Whereas, risk and investment capital seek market opportunities that exhibit political and policy stability, the hallmarks of Utah's business climate, but are adversely affected by the political posturing and disregard for state input related to management of 23,000,000 acres of land administered by the United States Department of Interior's Bureau of Land Management;

Whereas, Revised Statute 2477, effective for more than 100 years and purposely protected in the Federal Land Policy Management Act of 1976, provided for the development of Utah's natural resources;

Whereas, the Taylor Grazing Act of 1934 established the legal obligation and responsibility of the federal government to safeguard livestock grazing rights as part of the cultural and social fabric of the West, ultimately upheld as the “chiefly valuable for grazing doctrine”;

Whereas, generations of economically viable livestock grazing operations in Utah have been forged to families combining private and public land resources that ultimately contribute to local economies and are the catalyst for preserving open space in many rapidly developing areas;

Whereas, management of the unreserved federal lands administered by the Interior Department are obligated under the Federal Land Policy Management Act (FLPMA) to incorporate into agency management plans “consistency” in partnership with state and local planning;

Whereas, a fundamental principle espoused by the nation’s Founders called for equality among the states and is referred to as the “Equal Footing Doctrine,” a principle that calls for each state to enter the Union equal in their sovereign power;

Whereas, the Interior Department’s “Treasured Landscapes” internal planning document reveals an agency bias, and outside influences identified as much as 130,000,000 acres of Bureau of Land Management (BLM)-administered lands for special “Wild Lands” designation;

Whereas, the “Treasured Landscapes” internal document also recommends that the Secretary of the Interior circumvent congressional mandates related to wilderness designations, calling for wilderness protection through Presidential Proclamations;

Whereas, on December 23, 2010, the Secretary of the Interior announced Secretarial Order 3310, calling for a re-inventory of Bureau of Land Management lands with “wilderness characteristics” under a new Secretarial definition of “Wild Lands” and diverting funds from critical agency needs;

Whereas, the BLM has inventoried lands with wilderness characteristics, following the National Environmental Policy Act requirements, as part of the agency’s Resource Management Planning process;

Whereas, Secretarial Order 3310 seeks to establish new wilderness study areas in Utah and throughout the West based on the new Wild Lands definition and BLM inventory guidance providing the BLM broader authority to stop energy development, livestock grazing, mineral extraction, and recreational activities;

Whereas, jobs generated through multiple use activities on the public lands provide family sustaining, well paying jobs to hundreds of thousands of Utahns and are the economic backbone of Utah’s rural communities;

Whereas, in recent testimony before Congress’s House Natural Resources Committee, the Director of the BLM indicated that he lacked the statutory authority to implement the policies of Secretarial Order 3310; and

Whereas, the Secretary of the Interior’s decision to withdraw from the 2003 Utah–Interior Settlement Agreement is an insult to Utahns, and Secretarial Order 3310 is a violation of the spirit and the letter of the Wilderness Act of 1964, ultimately undermining the goodwill and collaborative efforts currently underway in Utah to find mutually agreeable land use solutions: Now, therefore, be it

*Resolved*, That the Legislature of the state of Utah, the Governor concurring therein, urge the United States Secretary of the Interior to honor the 2003 Settlement Agreement and abandon the “Wild Lands” wilderness re-inventory; be it further

*Resolved*, That the Legislature and the Governor urge the United States Congress to honor the longstanding commitment to multiple use management of public lands in Utah and the Western United States; and be it further

*Resolved*, That a copy of this resolution be sent to the Majority Leader of the United States Senate, the Speaker of the United States House of Representatives, the United States Secretary of the Interior, the President of the United States, and to the members of Utah’s congressional delegation.

POM-25. A joint resolution adopted by the Legislature of the State of Utah urging Congress to relinquish to the state of Utah all right, title, and jurisdiction in those lands that were committed to the purposes of this state by terms of its enabling act compact with them and that now reside within the state as public lands managed by the Bureau of Land Management that were reserved by Congress after the date of Utah statehood; to the Committee on Energy and Natural Resources.

#### HOUSE JOINT RESOLUTION NO. 39

Whereas, under the United States Constitution, the American states reorganized to form a more perfect union, yielding up certain portions of their sovereign powers to the elected officers of the government of their union, yet retaining the residuum of sovereignty for the purpose of independent internal self-governance;

Whereas, the aims of the Constitutional Convention provided that state governments would clearly retain all the rights of sovereignty and independence which they before had and which were not exclusively delegated to the United States Congress;

Whereas, among the rights of sovereignty held most jealously by the states was the right of sovereignty over the land within their respective borders;

Whereas, in due time, the American states came to own vast tracts of land as federal territories;

Whereas, by compact between the original states, territorial lands were divided into “suitable extents of territory” and upon attaining a certain population, were to be admitted into the union upon “an equal footing” as members possessing “the same rights of sovereignty, freedom and independence” as the original states;

Whereas, the federal trust respecting public lands was established eight years before the Constitution by the Continental Congress and by the states which accepted the terms of the trust;

Whereas, the federal trust respecting public lands was subsequently codified within the text of at least five clauses of the Constitution and is the foundation upon which the Constitution and the American union of states were erected for the benefit of every state without prejudice;

Whereas, the federal trust respecting public lands obligates the United States, through their agent, Congress, to extinguish both their governmental jurisdiction, and their title on the public lands that are held in trust by the United States for the states in which they are located;

Whereas, for, as long as the United States retains title in and jurisdiction over federal public lands in the state of Utah, the state is denied the same complete and independent sovereignty and jurisdiction that was expressly retained by the original states, and its citizens are denied the political right to establish or administer their own republican self-governance as is their right, under the Equal Footing Clause;

Whereas, Utah, by terms of its enabling act compact, disclaimed all right and title in the public lands within its borders;

Whereas, “right and title” are elements of proprietorship, and “right and title” are neither sovereignty nor jurisdiction;

Whereas, Utah is entitled, under the Equal Footing Doctrine, to the same rights of sovereignty, freedom, and independence as the original states;

Whereas, Section 3 of Utah’s Enabling Act, with respect to disposition of public land, reads: “And said Convention shall provide by ordinance irrevocable with the consent, of the United States and the people of said State . . . that until the title (to the unappropriated public lands) have been extinguished by the United States, the same shall be and remain subject to the disposition of the United States”;

Whereas, by these words the United States may only shelter public lands from the obligation of disposal by the consent of the state of Utah;

Whereas, with the passage of the Federal Land Policy and Management Act (FLPMA) of 1976, the United States shifted from a policy of disposal of public lands and extinguishment of the Federal title to one of retention of public lands and their management in perpetuity through the United States Bureau of Land Management (BLM);

Whereas, the BLM now claims jurisdiction of over 22,600,000 acres of public land in Utah, which is nearly twice as much land as the 11,512,000 acres of land in private ownership;

Whereas, the BLM was directed to manage the public lands for multiple use and sustained yield and to afford Utah and other Western States a share of the revenues from the production of the natural resources on public lands, including revenues from timbering, oil and gas production, and mining;

Whereas, the state and federal partnership of public lands management has been eroded by an oppressive and over-reaching federal management agenda that has adversely impacted the sovereignty and the economies of the state of Utah and local governments;

Whereas, Sections 6, 7, 8, and 12 of Utah’s Enabling Act provided for land grants to fund critical public functions such as primary and secondary education, public buildings, and water development;

Whereas, federal courts, including the United States Supreme Court, have recognized this land grant as the establishment of a trust, even a “solemn contract” between the United States and the state of Utah, with the United States in the role as settlor of the trust and the state of Utah in the role of trustee;

Whereas, as settlor of the trust, the United States has an obligation to pursue actions and policies that support the trustee in its efforts to fulfill the purposes of the trust;

Whereas, federal land-management actions, even when applied exclusively to the federal lands, directly impact the ability of the state of Utah to manage its trust lands in accordance with the mandate of the Utah Enabling Act and to meet its obligation to the beneficiaries of the trust;

Whereas, the United States Department of the Interior has arbitrarily and illegally affected private contracts by cancelling duly awarded oil and gas leases at the time of public auction, the validity of which were subsequently upheld by a federal court of competent jurisdiction;

Whereas, in October of 2008, the BLM completed six of its fundamental documents for the allocation of resource use and conservation on BLM lands, called Resource Management Plans, after up to eight years of study, public participation, and the expenditure of millions of dollars;

Whereas, the BLM evaluated the allocation of all multiple-use activities in these plans, including the primary multiple-uses of grazing, timber, minerals, recreation, and conservation, and made definitive allocation decisions at the conclusion of the process;

Whereas, the BLM's failure to act affirmatively on these definitive allocation decisions has created uncertainty in the future of public land use in Utah and has caused capital to flee the state;

Whereas, during the process of finalizing the six Resource Management Plans, the BLM refused to consider state and local government acknowledgments of R.S. 2477 rights-of-way, or other evidence of the existence of R.S. 2477 rights-of-way, which led to the closure of many R.S. 2477 rights-of-way in the Grand Staircase Escalante National Monument;

Whereas, the Congress of the United States recently passed the Omnibus Public Land Management Act of 2009, which included the designation of lands as wilderness and national conservation areas in Washington County, Utah, and released all other lands to the general multiple-use mandate of the BLM;

Whereas, the United States Department of the Interior has arbitrarily created a new category of lands, denominated "Wild Lands," and has superimposed these mandatory protective management provisions upon BLM operations and planning decisions in violation of the provisions of the Federal Land Policy and Management Act, the provisions of the Administrative Procedures Act, and Presidential Executive Order 13563 concerning openness in policymaking;

Whereas, the new Wild Lands provisions threaten to reopen the issue of wilderness in Washington County, in violation of the resolution of the issue through Congressional action;

Whereas, the creation of a new Wild Lands category, and the immediate effect of its mandatory restrictive provisions, has arbitrarily undermined the effectiveness of the six recently completed Resource Management Plans of the BLM in eastern and southern Utah, is contrary to the multiple-use mandate outlined by FLPMA and other federal law, and threatens to derail efforts underway locally to seek certainty in land use allocation decisions through Congressional actions, such as that recently completed in Washington County;

Whereas, other proposals to make use of the important natural resources of the state, such as phosphate and beneficial range improvement proposals, are how under threat from these ill-conceived Wild Lands provisions;

Whereas, the United States Department of the Interior has failed to enunciate a valid source of statutory or constitutional authority for the imposition of the restrictive Wild Lands provisions;

Whereas, the cumulative effect of the Wild Lands provisions, the illegal decision to withdraw validly granted and gas leases, the duplicative Master Leasing Plan process, and the United States Department of Interior's disdain for the use of public review processes, has led to the demise of a robust and viable oil and gas leasing program in Utah, which negates an important revenue source to the state, and eventually jobs for the citizens of Utah;

Whereas, the BLM has demonstrated a chronic inability to handle the proliferation of wild horses and burros on the public lands, to the detriment of the rangeland resource;

Whereas, the United States Department of Agriculture has repeatedly tried to impose severe restrictive management provisions on lands defined as inventoried roadless areas, in violation of Congressional authorities, as reviewed by a federal court of competent jurisdiction.

Whereas, the United States Army Corps of Engineers is proposing to extend its jurisdiction to regulate the waters of the United States to areas traditionally dry, except dur-

ing severe weather events, in violation of the common definition of jurisdictional waters;

Whereas, in 1996, the President of the United States abused the intent of the Antiquities Act by the creation of the Grand Staircase Escalante National Monument without any consultation with state and local authorities or citizens;

Whereas, the BLM's Resource Management Plan for the Kanab Field Office eliminated the filming of movies and filming for commercial purposes within the Grand Staircase-Escalante National Monument, thereby eliminating a source of economic opportunity for Kane County through the loss of use of its iconic "Little Hollywood" film site and other locations;

Whereas, bureaucrats within the United States Department of the Interior are assembling information to prepare for further designations without consultation;

Whereas, the United States Fish and Wildlife Service is making decisions concerning various species on BLM lands under the provisions of the Endangered Species Act without serious consideration of state wildlife management activities and protections designed to prevent the need for a listing, or recognizing the ability to delist a species, thereby affecting the economic vitality of the state and local regions;

Whereas, the BLM has not authorized all necessary rangeland improvement projects involving the removal of pinyon-juniper and other climax vegetation, thereby reducing the biological diversity of the range, reducing riparian viability and water quality, and reducing the availability of forage for both livestock and wildlife;

Whereas, differences of opinion about the appropriate use of the public lands has created a massive logjam in the advancement of any proposal for use of the public lands, whether for energy production, recreation, conservation, timber production, or similar uses;

Whereas, the states have been instrumental in convening groups of stakeholders to consider protection for and responsible use of federal lands;

Whereas, efforts in Washington County, Utah, the Owyhee region of Idaho, and the Front Range region in Montana have involved many various stakeholders, including ranchers, energy officials, environmental groups, and state and local government officials in an effort to achieve agreement on proposals for wilderness and other congressionally established conservation units, lands available for local privatization of lands, and areas available for traditional multiple-use;

Whereas, these efforts led to congressional approval of a jointly prepared proposal in Washington County, Utah, and to other proposals currently pending before Congress;

Whereas, the state is willing to sponsor, evaluate, and advance these locally driven efforts in a more efficient manner than the federal government, to the benefit of all users, including recreation, conservation, and the responsible development of energy, grazing, timber, and other economic industries;

Whereas, citizens of the state of Utah have a love of the land and have demonstrated responsible stewardship of lands within state jurisdiction;

Whereas, the state of Utah has a proven regulatory structure to manage public lands for multiple use and sustained yield;

Whereas, federal land management policies are eroding the fundamental pillars of sovereignty, freedom, and independence upon which all states and the state of Utah founded under the Equal Footing clause;

Whereas, by means provided under the Constitution, damaged states may assert

their rightful claim to the public lands within their borders and restore the constitutional design for the benefit of present and future generations; and

Whereas, Utah fully reserves and asserts all sovereign and constitutional claims to its public lands: Now, therefore, be it

*Resolved*, That the Legislature of the state of Utah calls on the United States, through their agent, Congress, to relinquish to the state of Utah all right, title, and jurisdiction in those lands that were committed to the purposes of this state by terms of its enabling act compact with them and that now reside within the state as public lands managed by the Bureau of Land Management that were reserved by Congress after the date of Utah statehood; and be it further

*Resolved*, That a copy of this resolution be sent to the Secretary of the United States Department of Interior, to the United States Director of the Federal Bureau of Land Management, to the Majority Leader of the United States Senate, to the Speaker of the United States House of Representatives, and to the members of Utah's Congressional delegation.

POM-26. A joint resolution adopted by the Legislature of the State of Utah urging Congress to adopt legislation relative to public lands; to the Committee on Energy and Natural Resources.

#### HOUSE JOINT RESOLUTION No. 21

Whereas, for purposes of this resolution:

(1) "Federally owned land" means all land held in the name of the United States or any agency of the United States, including land held in trust, United States military reservations, Indian reservations, and any other land used for federal purposes.

(2) (a) "Unappropriated public lands" means all land under the management and control of the Bureau of Land Management or United States Forest Service.

(b) "Unappropriated public lands" do not include lands which are:

- (i) held in trust;
- (ii) located within a United States military reservation;
- (iii) a unit of the National Park System;
- (iv) a Wildlife Refuge;
- (v) a Wilderness Area designated by Congress; or
- (vi) a National Historic Site.

(3) "Western States" means Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, New Mexico, Nevada, Oregon, Utah, Washington, and Wyoming.

Whereas, Western States, as a group, are falling behind in education funding as measured from 1979 to 2007 by growth of real per pupil expenditures of 56% compared to 92% in the remaining states;

Whereas, 11 of the 17 states with the lowest real growth in per pupil expenditures are Western States;

Whereas, one effect of less funding for public education in the West is higher pupil-per-teacher ratios;

Whereas, nine of the 12 states with the largest pupil-per-teacher ratios are Western States;

Whereas, on average, the 13 Western States have 3.7 more students per classroom than the remaining 37 states;

Whereas, between 2012 and 2018, the rate of enrollment growth in Western States is projected to increase 9%, while the rate of enrollment growth in other states is projected to increase by only 3.3%;

Whereas, state and local taxes of Western States, as a percentage of personal income, are as high as or higher than other states;

Whereas, despite the fact that Western States tax at a comparable rate and allocate nearly as much of their budgets to public



education as other states, Western States have lower real growth in per pupil expenditures and have higher pupil-per-teacher ratios;

Whereas, the federal government is the source of and has the potential to solve the problem because of the enormous amount of federally owned land in Western States;

Whereas, all states east of an imaginary vertical line from Montana to New Mexico have, on average, 4.1% of their land federally owned, while the Western States on average have 51.9% of their land federally owned;

Whereas, many of the Acts enabling the people of American West territories to form their constitutions and state governments and providing for the admission of those states into the Union on equal footing with the original states, included a common provision of which the following example is typical: "That five per centum of the proceeds of the sales of public land lying within said state, which shall be sold by the United States subsequent to the admission of said State into the Union, after deducting all the expenses incident to the same, shall be paid to the said state, to be used as a permanent fund, the interest of which only shall be expended for the support of the common schools within said state.";

Whereas, the plan language of these enabling acts proclaims that the public land shall be sold by the United States subsequent to the admission of the states into the Union;

Whereas, the United States honored this language by selling public land within the Western States until the passage of the Federal Land Policy and Management Act of 1976, wherein Congress declared that the policy of the United States was to retain public land in federal ownership and management;

Whereas, the United States has broken its solemn compact with the Western States and breached its fiduciary duty to the school children who are designated beneficiaries of the sale of public land under the terms of the respective enabling Acts of many Western States;

Whereas, the current shortfall in funding public education in the Western States requires immediate Congressional action to remedy this discriminatory federal land policy and prevent the further disadvantaging of the school children of the Western States; and

Whereas, the most efficient and cost effective remedy now available to the United States is to grant to the Western States 5% of the remaining federally owned land located within each state and authorize each state to select land from the unappropriated public land of the United States within the boundaries of each state to satisfy the grant: Now, therefore, be it

*Resolved*, that the Legislature of the state of Utah urges Congress to adopt legislation that would include the following provisions:

(1) instead of receiving, for the support of the common schools, 5% of the proceeds of the sales of federally owned land lying within the Western States which have not been sold by the United States, grants of land will be made to each Western State in the amount of land equal to 5% of the number of acres of federally owned land within the state;

(2) each Western State shall select from the unappropriated public lands within the borders of the, state in a manner determined by the legislature of the state, land equal in acreage to 5% of the federally owned land in the state;

(3) selection and transfer of land to Western States, shall not be considered a major federal action for the purposes of section 102(2)(C) of the National Environmental Policy Act of 1969;

(4)(a) all mineral, oil, and gas rights to the land selected by the Western States shall become the property of that Western State unless the federal lessee of the selected land is making royalty payments to the United States from production of minerals, oil, or gas, in which case that leasehold interest shall remain in the Ownership of the United States until the leasehold interest terminates; and

(b) after the leasehold interest described in Subsection (4)(a) terminates, the mineral oil, and gas rights shall become the property of the respective Western State;

(5) all land selected by each of the Western States shall be held in trust by a state educational agency empowered to sell or lease the land, the proceeds of which shall be used as a permanent fund, the interest of which shall be expended only for the support of public education; and

(6) Utah fully and unconditionally reserves all sovereign and constitutional claims to its public lands; and be it further

*Resolved*, that a copy of this resolution be sent to the Majority leader of the United States Senate, the Speaker of the United States House of Representatives, the President of the United States, and Utah's Congressional Delegation.

POM-27. A joint resolution adopted by the Legislature of the State of Utah urging Congress to impose a moratorium on the promulgation of any new greenhouse gas (GHG) emissions regulation by the Environmental Protection Agency for a period of at least two years, except for the need to directly address an imminent health or environmental emergency; to the Committee on Environment and Public Works.

#### HOUSE JOINT RESOLUTION NO. 19

Whereas, concern is growing that with the failure of cap-and-trade legislation in Congress the United States Environmental Protection Agency (EPA) is attempting to reduce greenhouse gas (GHG) emissions through the adoption and implementation of regulations without Congressional approval;

Whereas, the EPA is proposing numerous new rules to regulate GHG emissions as pollutants through the Clean Air Act;

Whereas, the EPA has not performed any comprehensive study of the environmental benefits; its GHG regulation in terms of impacts on global climate;

Whereas, the EPA's regulatory activity of GHG has numerous and overlapping requirements that are likely to have major effects on the nation's economy, jobs, and U.S. competitiveness in worldwide markets;

Whereas, neither the EPA nor the current administration has undertaken any comprehensive study on the cumulative effect that regulating GHGs will have on the nation's economy, jobs, and U.S. competitiveness;

Whereas, state agencies are routinely required to identify the costs of their regulations and to justify those costs in light of the benefits;

Whereas, since the EPA has identified "taking action on climate change and improving air quality" its first strategic goal for the time frame of 2011-15, it should be required to identify the specific actions it intends to take to achieve these goals and to assess the cumulative effect of these actions on public health, climate change, and on the U.S. economy;

Whereas, the primary goal of government at the present time must be to promote economic, recovery and to foster a stable and predictable business environment that will lead to the creation of new jobs; and

Whereas, the public's health and welfare will suffer without significant new job cre-

ation and economic improvement since environmental improvement is most successful in a society that generates wealth: Now, therefore, be it

*Resolved*, That the Legislature of the state of Utah calls on Congress to adopt legislation prohibiting the United States Environmental Protection Agency (EPA) from regulating greenhouse gas (GHG) emissions without Congressional approval, including, if necessary, not funding EPA greenhouse gas regulatory activities; be it further

*Resolved*, That the Legislature calls on Congress to impose a moratorium on, the promulgation of any new GHG regulation by the EPA for a period of at least-two years, except for the need to directly address an imminent health or environmental emergency; be it further

*Resolved*, That the Legislature calls on Congress to require the Administration to carry out a study identifying all regulatory activity that the EPA intends to undertake in furtherance of its goal of "taking action on climate change and improving air quality" and, provide an objective cost-benefit analysis and cumulative effect that EPA's current and planned regulation will have on global climate, public health, the U.S. economy, jobs, and economic competitiveness in worldwide markets; be it further

*Resolved*, That the Legislature expresses its support for continuing improvements to the quality of the nation's air and declares that such improvements can be made without damaging the economy as long as there is a full understanding of the costs and benefits of the regulations at issue; and be it further

*Resolved*, That a copy of this resolution be sent to the Majority Leader of the United States Senate, the Speaker of the United States House of Representatives, the President of the United States, the governor of each state outside of Utah, the Senate President or President pro tem and the Speaker of the House of each state legislature outside of Utah, and to the members of Utah's Congressional Delegation.

POM-28. A concurrent resolution adopted by the Legislature of the State of Utah urging Congress to take action to maintain the integrity of the Endangered Species Act by exempting wolves from the Act in every state and allowing each state to protect its rural economies, game herds, livestock, and pets; to the Committee on Environment and Public Works.

#### SENATE CONCURRENT RESOLUTION NO. 15

Whereas, with a population of 60,000 in North America, wolves are no longer an endangered species;

Whereas, the agreed-upon recovery goals of 30 packs and 300 wolves in the northern Rocky Mountains has been exceeded since 2002;

Whereas, wolf populations currently exceed by more than 600% recovery goals agreed upon by all parties, yet extremist groups and courts block management as all parties had previously agreed upon;

Whereas, excessive wolf populations are causing tremendous negative impacts to game populations, livestock, and pets at the cost of tens of millions of dollars each year to state economies, and the problem is growing exponentially;

Whereas, excessive wolf populations are costing rural economies many jobs;

Whereas, wolves are beginning to threaten and challenge people;

Whereas, the experiences of Montana, Wyoming, Idaho, and Minnesota prove that the administrative and legal process is broken and does not serve the people, private property, wildlife, or rural economies;

Whereas, the United States Fish and Wildlife Service has repeatedly failed to listen to

Utah's entire elected body of Governors, Senators, and bipartisan Congressman to include the entire state of Utah in the Northern Rockies population;

Whereas, the United States Fish and Wildlife Service only included a small portion of northern Utah in the potential delisting zone, leaving nearly the entire state of Utah as an endangered species classification with no hope or promise of a solution to the wolf problem for decades into the future;

Whereas, the United States Fish and Wildlife Service proposes to spend \$25,000,000 to monitor and watch wolf populations grow while they eliminate jobs and destroy game populations, livestock, and pets;

Whereas, the court system has failed to allow the United States Fish and Wildlife Service to delist wolves in spite of scientific data, costing over \$40,000,000 to gather, justifying delisting, with national experts inside and outside the government providing sworn testimony that wolves should be removed from the endangered species list;

Whereas, 32 state wildlife agencies have requested wolves to be removed from the Endangered Species Act through congressional action;

Whereas, state game and fish agencies are much better prepared and capable of managing wolves than the federal government;

Whereas, western states face many habitat conservation challenges, and the focus of investment of limited wildlife funds should be to protect habitats and abundant herds that provide hundreds of millions of dollars each year to rural economies and food for tens of thousands of families; and

Whereas, the state of Utah, in consultation with the United States Fish and Wildlife Service, and based on extensive professional wildlife management input and a two-year public process, has adopted a wolf management plan; now, therefore, be it

*Resolved*, that the Legislature of the state of Utah, the Governor concurring therein, urge the United States Congress to take action to maintain the integrity of the Endangered Species Act by exempting wolves from the Act in every state and allowing each state to protect its rural economies, game herds, livestock, and pets; and be it further

*Resolved*, that a copy of this resolution be sent to the Majority Leader of the United States Senate, the Speaker of the United States House of Representatives, the Director of the United States Fish and Wildlife Service, the executive director of the Utah Department of Natural Resources, the United States Secretary of the Interior, members of Utah's congressional delegation, and governors and presidents of the Senate in all 50 states.

POM-29. A concurrent resolution adopted by the Legislature of the State of Utah urging Congress to defend the democratic right of the Iranian people; to the Committee on Foreign Relations.

#### SENATE CONCURRENT RESOLUTION NO. 16

Whereas, the American people recognize and support the Iranian people in their century-long struggle for democracy, freedom, justice, and human rights;

Whereas, the government of the Islamic Republic's crackdowns on democracy, support for terrorism, and pursuit of nuclear weapons pose a grave threat to the Iranian people as well as the security of the United States, Israel, and their allies in the Persian Gulf;

Whereas, since its establishment in 1979, the government of the Islamic Republic of Iran has engaged in numerous criminal and terrorist acts, including the arbitrary and unlawful judicial murder of thousands of Iranian political and religious dissidents as well as minors and juveniles;

Whereas, the Islamic Republic has also established a system of religious apartheid in which Iranian women are treated as second class citizens, and Iran's minorities are persecuted for exercising their freedom of religion;

Whereas, in 2009, the government of the Islamic Republic of Iran staged a presidential election that was marred by fraud and violence in which President Mahmoud Ahmadinejad dismissed millions of Iranian voters demanding free and fair elections as "dust and dirt";

Whereas, Iran's Supreme Leader, Ali Khamenei, sanctified the rigged election by equating the fundamentals of religion with fraud, force, terrorism, and tyranny;

Whereas, since the fraudulent elections, grieving mothers and families searching for missing relatives and demanding the release of political prisoners have been denied justice;

Whereas, there has been a dramatic surge in death sentences carried out by the government of the Islamic Republic of Iran despite United Nations' calls for a moratorium on executions;

Whereas, there has been a systematic crackdown on students, scholars, workers, teachers, clerics, and journalists for exercising their freedoms of speech and assembly;

Whereas, the American and Iranian people have been and remain steadfast friends and allies;

Whereas, over the past century, the American people's support for Iran's political and economic independence enabled the Iranian government to end the Soviet occupation of Northern Iran and led to the peaceful withdrawal of the Red Army from Iran in the aftermath of the Second World War;

Whereas, the United States played a pivotal role in Iran's economic development from 1946 to 1979, and American aid and assistance helped the Iranian people's efforts to eradicate poverty, famine, disease, and illiteracy;

Whereas, Iranian-Americans have emerged as a vital and vibrant force in American political, economic, and civic life;

Whereas, successive American presidents and statesmen have stood by the Iranian people in their struggle for justice, democracy, peace, and prosperity;

Whereas, the Iranian people's call for democracy and freedom has helped to light the torch of hope, liberty, dignity, and justice not only in Iran but throughout the Middle East and the Islamic world; and

Whereas, the liberation of humankind from under the yoke of fascism, communism, and other false ideologies that elevate the state above the individual depends on the moral conviction of free people everywhere to reject oppression, slavery, tyranny, and terrorism: Now therefore, be it

*Resolved*, That the Legislature of the state of Utah, the Governor concurring therein, declare that the people of Utah stand with the people of Iran in their struggle for freedom, justice, peace, and prosperity for Iran, and reaffirm the bonds of friendship between the people of Utah and the people of Iran; be it further

*Resolved*, That the Legislature and the Governor call on the government of the United States, as well as the international community and the Islamic world, to support the Iranian people by defending the democratic right of the Iranian people to choose their own government through free and fair elections, demanding that Iran's supreme leader recognize and respect the sovereignty of the Iranian people and that he cease abusing his religious and political standing by rigging elections and equating fraud and force with the fundamentals of religion and democracy, to protect Iran's civil society by demanding that the Iranian judiciary end the arbitrary arrest, detention, torture, and execution of Iranian citizens for defending the right to elect their own government, determine their own destiny, and exercise their freedom of religion, to prevent Iran's leaders from using proceeds from the sale of oil to arm and finance private militias, terrorist groups, and other extremists responsible for committing acts of terrorism against the Iranian people as well as the United States and its allies in the Middle East, to deny Iran's leaders the capacity to hold the Iranian people and the rest of the world hostage by developing nuclear weapons and engaging in nuclear blackmail, and to help facilitate the Iranian people's struggle to transform Iran into a bastion of democracy, prosperity, and peace in the region; and be it further

*Resolved*, That a copy of this resolution be sent to the President of the United States, the United States Secretary of State, the Secretary General of the United Nations, the chairman of the United States Senate Committee on Foreign Relations, the chairman of the United States House of Representatives Committee on Foreign Affairs, and to the members of Utah's congressional delegation.

POM-30. A joint resolution adopted by the Legislature of the State of Utah urging Congress to take swift and decisive action to resolve the many pressing immigration issues facing the nation and the states; to the Committee on the Judiciary.

#### SENATE JOINT RESOLUTION NO. 12

Whereas, the national debate over immigration is creating great controversy throughout the United States;

Whereas, measures addressing immigration are also being extensively debated in state legislatures across the nation;

Whereas, since 1875, when the United States Supreme Court stated that "the passage of laws which concern the admission of citizens and subjects of foreign nations to our shores belongs to Congress, and not to the States" (Chy Lung v. Freeman, 92 U.S. 275), states have been severely restricted in their authority to pass legislation governing those individuals not lawfully present within their borders;

Whereas, the expectation of Utah's voters is that, on a subject like immigration, the state Legislature has front line responsibility, and Utah should have an impact on immigration policy within its own borders;

Whereas, in recent years, opportunities for the United States Congress to resolve many pressing immigration issues have failed and left states bearing the brunt of these problems as they impact the health, safety, and welfare of their citizens with little or no authority to act;

Whereas, Utah's congressional delegation should sponsor legislation to resolve the immigration policy stalemate; and

Whereas, if the United States Congress will not act decisively to address the nation's immigration policy challenges, it should grant the states the authority to resolve their unique immigration issues within their borders: Now, therefore, be it

*Resolved*, That the Legislature of the state of Utah recognizes that the United States Congress presently has assumed authority to make immigration policy in the United States; be it further

*Resolved*, That the Legislature of the state of Utah urges Utah's congressional delegation to sponsor and support legislation to resolve the immigration policy issues facing the nation; be it further

*Resolved*, That the Legislature strongly urges the United States Congress to take

swift and decisive action to resolve the many pressing immigration issues facing the nation and the states; be it further

*Resolved*, That the Legislature of the state of Utah urges that if the United States Congress does not have the collective will to resolve the immigration issues facing the nation and the states, that Congress should act to grant authority to the states to resolve the immigration policy challenges within their own borders; be it further

*Resolved*, That the Legislature of the state of Utah calls upon its congressional delegation to advance legislation giving the state of Utah the authority to manage immigration policy and actions within its borders; and be it further

*Resolved*, That a copy of this resolution be sent to the Majority Leader of the United States Senate, the Speaker of the United States House of Representatives, to the members of Utah's congressional delegation, and all states.

POM-31. A concurrent resolution adopted by the Legislature of the State of Utah urging Congress to pass an amendment to the United States Constitution by October 1, 2011, requiring a balanced budget and send it to the states for ratification; to the Committee on the Judiciary.

#### HOUSE CONCURRENT RESOLUTION NO. 3

Whereas, for many years a persistent political issue facing Congress has been whether to require that the budget of the United States to be in balance;

Whereas, although a balanced federal budget has long been held as a political ideal, the accumulation of alarming deficits in recent years has heightened concern that immediate action to require a balance between revenues and expenditures at the national level is necessary if not critical to the financial well being of the United States;

Whereas, while financial and social ills are aggravated by ever increasing personal and family debt, spiraling national debt aggravates ills that may not be immediately felt but are equally harmful to society;

Whereas, the national debt, which is approximately 14 trillion dollars, has increased by over 3 trillion dollars in the last two years alone;

Whereas, out of control deficits and the massive federal debt suggest that tough decisions lie ahead if the United States is to have control of its financial destiny;

Whereas, the leaders of this nation must be held accountable for the financial decisions they make and not be allowed to spend the nation into financial oblivion; and

Whereas, ratifying a proposed constitutional amendment requiring a balanced budget would clearly communicate to the federal government that the states, on behalf of their citizens, insist that their tax money be spent in a manner that demonstrates fiscal responsibility: Now, therefore, be it

*Resolved*, That the Legislature of the state of Utah, the Governor concurring therein, strongly urge the United States Congress to pass an amendment to the United States Constitution by October 1, 2011, requiring a balanced budget and send it to the states for ratification; be it further

*Resolved*, That the Legislature and the Governor urge that the United States Congress approve debt only in the event of a constitutional declaration of war; and be it further

*Resolved*, That a copy of this resolution be sent to the Majority Leader of the United States Senate, the Speaker of the United States House of Representatives, and to the members of Utah's congressional delegation.

POM-32. A concurrent resolution adopted by the Legislature of the State of Utah urg-

ing modification of the current design of the state flag to accurately reflect the description of the flag as approved by the Utah Legislature in 1913; to the Committee on the Judiciary.

#### HOUSE CONCURRENT RESOLUTION NO. 2

Whereas, the first Utah state flag was created in 1903 at the request of Governor Heber M. Wells;

Whereas, the Governor's request came by way of an invitation from the President of the St. Louis World's Fair to have a delegation from Utah travel to St. Louis and dedicate the site of the Utah Exhibit and have the state flag flown in a parade of the 45 states at the World's Fair;

Whereas, the Utah State Society of the Daughters of the Revolution responded to the Governor's request to sponsor the manufacture of the flag;

Whereas, the flag was presented to the Governor by the Society on March 31, 1903;

Whereas, alterations were made to the flag so that its appearance more closely reflected the official state seal from which the design was taken;

Whereas, the Society enlisted Utah artist H.L.A. Culmer to help seamstress and flag maker Agnes Teudt Fernelius in finalizing the design of the flag;

Whereas, on May 1, 1903, the Utah delegation to the St. Louis World's Fair marched proudly alongside the state's new flag in the Parade of States;

Whereas, the flag was formally referred to as the Governor's flag or the Governor's regimental flag until 1911, when the Legislature formally adopted its design as the official state flag;

Whereas, a second flag was finished in early 1913 and presented by the state to the battleship U.S.S. Utah on June 25, 1913.

Whereas, that same year, Representative Annie Wells Cannon successfully introduced House Joint Resolution 1, which established the current flag design reflected in statute;

Whereas, Utah Code Section 63G-1-501 describes the flag as, "a flag of blue field, fringed, with gold borders, with the following device worked in natural colors on the center of the blue field:

The Center is a shield; above the shield and thereon an American eagle: with outstretched wings, the top of the shield pierced with six arrow's arranged crosswise; upon the shield under the arrows the word "Industry" and below the word "Industry" on the center of the shield, a beehive; on each side of the beehive, growing sego lilies; below the beehive, and near the bottom of the shield, the word "Utah," and below the word "Utah" and on the bottom of the shield, the figures "1847", with the appearance of being back of the shield there shall be two American flags on flagstuffs placed crosswise with the flag so draped that they will project beyond each side of the shield, the heads of the flagstuffs appearing in front of the eagle's wings and the bottom of each staff appearing over the face of the draped flag below the shield; below the shield and flags and upon the blue field, the figures "1896"; around the entire design, a narrow circle in gold";

Whereas, a third state flag was prepared in 1922 which mistakenly has the year 1847 beneath the shield instead of on the shield, and the error has been perpetuated to this day; and

Whereas, in the interest of accurately preserving a symbol of the state's rich history, and to follow the wording of Utah Code Section 63G-1-501, all new flags should be made to reflect the statutory flag description and all Utah flags currently in use or in stock should be utilized until unserviceable: now, therefore, be it

*Resolved*, That the Legislature of the state of Utah, the Governor concurring therein,

recognize that Utah Code Section 63G-1-501 accurately reflects the 1913 description of the official state flag of Utah; be it further

*Resolved*, That the Legislature and the Governor urge manufacturers of the state flag to modify the current design of the official flag of the state of Utah to accurately reflect the description of the flag as approved by the Utah Legislature in 1913; be it further

*Resolved*, That the Legislature and the Governor urge that all Utah flags be prepared in honor of past generations and for the benefit of present and future generations; and be it further

*Resolved*, That a copy of this resolution be sent to Colonial Flag, Annin & Company, C.F. Flag, J.C. Schultz Enterprises, Inc./FlagSource, Valley Forge Flag, Flag Zone, Quinn Flags, and to the Dixie Flag Manufacturing Company and North American Vexillological Association.

#### EXECUTIVE REPORT OF COMMITTEE

The following executive report of a nomination was submitted:

By Mrs. FEINSTEIN for the Select Committee on Intelligence.

\*Lisa O. Monaco, of the District of Columbia, to be an Assistant Attorney General.

\*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. CORNYN (for himself and Mr. BURR):

S. 1051. A bill to impose sanctions on individuals who are complicit in human rights abuses committed against nationals of Vietnam or their family members, and for other purposes; to the Committee on Foreign Relations.

By Mr. SCHUMER (for himself and Mr. VITTER):

S. 1052. A bill to amend the Public Health Service Act to create a National Childhood Brain Tumor Prevention Network to provide grants and coordinate research with respect to the causes of and risk factors associated with childhood brain tumors, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. STABENOW (for herself, Mr. COCHRAN, Mr. AKAKA, Mr. BENNET, Mr. BLUNT, Mr. BROWN of Ohio, Mr. CHAMBLISS, Mr. CONRAD, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. JOHNSON of South Dakota, Ms. KLOBUCHAR, Ms. LANDRIEU, Mr. UDALL of Colorado, and Mr. LEAHY):

S. 1053. A bill to amend the National Agricultural Research, Extension and Teaching Policy Act of 1977 to establish a grant program to promote efforts to develop, implement, and sustain veterinary services, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. LEAHY (for himself, Mr. BLUMENTHAL, and Mr. WHITEHOUSE):

S. 1054. A bill to address remedies in bankruptcy for negligent, reckless, or fraudulent