

## REMEMBERING GEORGE PERKINS

• Mr. VITTER. Mr. President, today I wish to honor the memory of George Perkins, a beloved community leader from Hammond, LA, who passed away suddenly in April of this year. George was born in 1942 and would have turned 71 on August 17.

George was born in Walker, LA, and relocated to Hammond in 1979. He immediately became a community leader in the Hammond area. He joined Greenfield Missionary Baptist Church where he served as a deacon, Sunday school teacher, and member of the male chorus. He cochaired the board of deacons and was in charge of the church's video recording.

George was an insurance sales representative and later a cable TV franchise owner by trade, but he was best known as one of the originators of the Tangipahoa Black Festival that began in 1984. In 1987, the name was changed to the Tangipahoa Parish Black Heritage Festival. With the new name, George and other leaders of the organization decided they needed a permanent facility and they contacted the parish school system to purchase a boarded-up school on 7.3 acres of land that was left over from integration. Over the years they have renovated the facility, which has become the Tangipahoa Parish African American Heritage Museum and Veterans Archive. George could be found there on most days working in whatever capacity in which he was needed—from acting as tour guide to researching records to taking on kitchen duty.

He also served his community in other ways. He was a member of the advisory board for North Oaks Hospital and served as the first Black councilman for District 3 in the city of Hammond. He later served as an assistant to State Representative Henry "Tank" Powell and was a founding member of the 2nd Saturday breakfast group—a group which invites members of the community to gather monthly regardless of racial and social divides to discuss issues of concern to the community. He was a member of the Masonic Order Prince Hall affiliation, the past worshipful master of Oak Grove Lodge #117 in Hammond and a grand officer of the Most Worshipful Prince Hall Lodge for the State of Louisiana.

George Perkins was a man of many talents and music was his passion. He wrote and produced many songs including "Cryin' in the Streets"—his No. 1 hit. It sold over 1 million copies and provided him the opportunity to perform at the Apollo Theater.

George will be lovingly remembered by his wife of 42 years, Eloise, 3 daughters, 3 sons, 19 grandchildren, 1 great-grandchild, 6 sisters, 2 brothers, and an entire community. I am pleased to join them in honoring George Perkins, a man who provided a great example of leadership through his service to others and his community. •

## MESSAGE FROM THE HOUSE

At 2:03 p.m., a message from the House of Representatives, delivered by Mrs. Cole, 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. 2218. An act to amend subtitle D of the Solid Waste Disposal Act to encourage recovery and beneficial use of coal combustion residuals and establish requirements for the proper management and disposal of coal combustion residuals that are protective of human health and the environment.

## MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 2218. An act to amend subtitle D of the Solid Waste Disposal Act to encourage recovery and beneficial use of coal combustion residuals and establish requirements for the proper management and disposal of coal combustion residuals that are protective of human health and the environment.

## 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-59. A concurrent resolution adopted by the Legislature of the State of Louisiana memorializing the United States Congress to take such actions as are necessary to codify into law a United States Department of Defense standard for religious freedom that would be applied to all uniformed services; to the Committee on Armed Services.

## HOUSE CONCURRENT RESOLUTION NO. 175

Whereas, the freedom to practice religion and to express religious thought is acknowledged as our first freedom, enshrined in the Bill of Rights of the United States Constitution and is a freedom which belongs to all Americans; and

Whereas, our military has fought to preserve all rights and freedoms enumerated in the United States Constitution; and

Whereas, recent news reports and statements of high ranking military personnel reveal a growing intolerance and in some cases outright hostility toward religious expression and affiliation within segments of our nation's military; and

Whereas, in Section 533 of the United States National Defense Authorization Act (NDAA) for Fiscal Year 2013, the United States Department of Defense is charged with developing regulations that would implement the conscience protections recently passed by the United States Congress; and

Whereas, the same protections have not been established throughout the Department of Defense for all service personnel; and

Whereas, individual branches of the military have adopted policies that are not in keeping with the spirit of Section 533 of the NDAA; and

Whereas, protection of religious freedom is fundamental to all freedoms as Americans: Now, therefore, be it

*Resolved*, That the Legislature of Louisiana does hereby memorialize the United States Congress to take such actions as are necessary to codify into law a United States Department of Defense standard for religious freedom that would be applied to all uniformed services, ensuring that all members of the armed forces may engage in peaceable and noncombative religious speech, includ-

ing noncoercive proselytizing, and that such speech is not in derogation of the good order and discipline of the armed forces; and be it further

*Resolved*, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM-60. A resolution adopted by the House of Representatives of the Commonwealth of Massachusetts recognizing the valor and courage of the 65th Infantry Regiment, known as the Borinqueneers; to the Committee on Armed Services.

## HOUSE RESOLUTION

Whereas, military heroes who served so valiantly and honorably in wars in which this country's freedom was at stake should be recognized by the people of this great nation, who should never forget the courage with which these soldiers fought; and

Whereas, in full accord with its long standing traditions, it is the sense of this legislative body to memorialize the Congress of the United States to recognize the 65th Infantry Regiment, known as the Borinqueneers, and to request that Congress bestow the Congressional Gold Medal upon these war heroes; and

Whereas, this auspicious honor, considered the most distinguished, is an award bestowed by the United States Congress and is, along with the presidential medal of freedom, the highest civilian award in the United States, given to persons who have performed an achievement that has an impact on American history and culture that is likely to be recognized as a major achievement of the Borinqueneers now and in the future; and

Whereas, as mandated by Congress in 1899, the 65th Infantry Regiment, hailing from Puerto Rico, was the only Hispanic-segregated unit ever in the United States Armed Forces that played a prominent role in American military history, having participated in three wars in which the United States was engaged, World War I, World War II, and most notably, the Korean war; and

Whereas, the Borinqueneers were willing to shed their blood, sweat and tears for democracy by enlisting in the United States Armed Forces on their own accord to defend the freedoms of others; and

Whereas, these brave men were one of the first infantrymen of the "Rock of the Marine Division. (3rd Infantry Division) to meet the enemy on the battlefields of Korea, fighting with determination and efficiency; and

Whereas, the 65th Infantry Regiment served with distinction and valor, earning two Presidential Unit Citations, Army Unit Superior Award, Navy Unit Citation, two Republic of Korea Presidential Unit Citations and Bravery Gold Medal of Greece; and

Whereas, the congressional honor would affirm that they are recognized by the people of the United States as true American heroes who served their country with distinction, fighting bravely even while enduring the hardships of segregation and discrimination; and

Whereas, the Borinqueneers are veritable American heroes and deserve to be recognized, commended, acknowledged and remembered by the people of the State of Massachusetts, as well as by all of the citizens of this great Nation: Now therefore, be it

*Resolved*, That the Congress of the United States hereby, respectfully memorialized by this legislative body, recognize the 65th Infantry Regiment known as the Borinqueneers, and request that these war heroes receive the Congressional Gold Medal; and be it further

*Resolved*, That a copy of these resolutions be forwarded by the clerk of the House of Representatives to the President of the Senate of the United States, the Speaker of the House of Representatives of the United States, Congressman Richard Neal, Senator Elizabeth Warren, Senator William Cowan and the Borinqueneers Congressional Gold Medal Alliance.

POM-61. A joint memorial adopted by the Legislature of the State of New Mexico requesting Congress to support and preserve the Navajo Code Talkers' legacy and substantial contribution to the United States; to the Committee on Armed Services.

#### SENATE JOINT MEMORIAL 41

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, educate the young and old and conserve the instruments of freedom gifted to the American people by an awe-inspiring group of young Navajo men during World War II; and

Whereas, during World War II, these modest young Navajo men fashioned from the Navajo language the only unbreakable code in Military History; and

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 eight hundred error-free messages in forty-eight hours at Iwo Jima alone; and

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

Whereas, after being sworn to secrecy for twenty-three years after the war, these brave Navajo men eventually came to be known as Navajo Code Talkers and were honored by President George W. Bush more than fifty years after the war with Congressional Gold and Silver Medals in 2001; and

Whereas, the Navajo Code Talkers are now in their eighties, and with fewer than fifty remaining from the original four hundred, the urgency to capture and share their stories and memorabilia from their service in the war is now critical; and

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; and

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; and

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

Whereas, the Navajo Code Talkers' mission is to create a place where their legacy of service will inspire others to achieve excellence and instill core values of pride, discipline and honor in all those who visit; 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 by the Legislature of the State of New Mexico*, That the United States Congress, Department of the Interior, Department of Veterans Affairs, Department of Health and Human Services, Department of

Defense, Department of Agriculture, Department of State and Department of Energy be requested to support the preservation of the Navajo Code Talkers' remarkable legacy; and be it further

*Resolved*, That copies of this memorial be transmitted to the President Pro Tempore 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 the New Mexico Congressional Delegation.

POM-62. A resolution adopted by the Senate of the State of Michigan memorializing the President and the United States Congress to support continued funding of the United States Department of Defense STARBASE youth science and technology program; to the Committee on Armed Services.

#### SENATE RESOLUTION NO. 31

Whereas, Early childhood access to science, technology, engineering, and mathematics (STEM) education opportunities are critical to the future of the United States as an economic and technological leader of the global marketplace; and

Whereas, The STARBASE program utilizes military resources and technology not otherwise available to Michigan school districts to support STEM education; and

Whereas, The program strives to motivate children to explore STEM-related opportunities and provides vital exposure for traditionally underrepresented communities to technology professions; and

Whereas, Michigan is home to three successful STARBASE program locations based in Alpena, Battle Creek, and Mt. Clemens that annually serve more than 3,500 students; and

Whereas, The value of Michigan STARBASE education programs significantly exceeds the costs, as the fiscal year 2013 STARBASE budget requires as little as \$200 per student in spending; and

Whereas, The STARBASE concept and pilot program originated in Michigan and now has a presence in 40 states through 76 program locations, with a waiting list of more than 35 qualified facilities nationwide: Now, therefore, be it

*Resolved by the Senate*, That we urge the President and the United States Congress to preserve full funding and support for the United States Department of Defense STARBASE youth science and technology program; and be it further

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

POM-63. A concurrent resolution adopted by the Legislature of the State of Louisiana memorializing the United States Congress to take such actions as are necessary to preclude or delay the increase in premium fees for the National Flood Insurance Program until further study can be done, in order to prevent unintended adverse consequences on the residents of St. Charles Parish and the value of their homes; to the Committee on Banking, Housing, and Urban Affairs.

#### HOUSE CONCURRENT RESOLUTION NO. 60

Whereas, the National Flood Insurance Program provides important and necessary

property coverage in the event of flooding for homeowners in St. Charles Parish; and

Whereas, President Barack Obama signed the Biggert-Waters Flood Insurance Reform Act into law on July 6, 2012; and

Whereas, St. Charles Parish is currently in the process of adopting the revised version of the Flood Insurance Rate Maps; and

Whereas, many homeowners of St. Charles Parish constructed and purchased homes in areas based on the existing version of the Flood Insurance Rate Maps which met or exceeded current base flood elevation requirements; and

Whereas, many homeowners of St. Charles Parish have benefitted from locally built and maintained flood control features, including functional levees, which have protected the residents of these areas from flooding for decades; and

Whereas, the existing version of the Flood Insurance Rate Maps took into consideration the benefits provided by the locally built and maintained flood control features; and

Whereas, the proposed revised version of the Flood Insurance Rate Maps do not account for this important source of functional flood protection; and

Whereas, the Biggert-Waters Flood Insurance Act includes provisions that permit the National Flood Insurance Program to increase premium rates for certain policyholders; and

Whereas, the increase of such risk-based premium rates is anticipated to result in a total premium increase of between twenty percent to twenty-five percent per year for certain homeowners, during each of the next five years; and

Whereas, certain areas of St. Charles Parish will experience extreme, sudden, and unaffordable increases in flood insurance premiums that may lead to personal bankruptcy and foreclosure; and

Whereas, the effects of the Biggert-Waters Flood Insurance Reform Act and the revised version of the Flood Insurance Rate Maps would have significant consequences on the housing market and economic health of St. Charles Parish; and

Whereas, the Biggert-Waters Flood Insurance Reform Act also includes provisions, located in Section 207 of such act, that eliminate the "grandfathering" of homes that were built after the existing Flood Insurance Rate Maps in accordance with then existing laws; and

Whereas, coverage by the National Flood Insurance Program is necessary for the affected homeowners; and

Whereas, the Biggert-Waters Flood Insurance Reform Act also includes provisions which require the Federal Emergency Management Agency to conduct a study on ways to educate consumers about the National Flood Insurance Program and flood risks and to encourage consumer participation; and

Whereas, such study shall also research the effects of increased premiums on low-income homeowners and ways to assist such homeowners to afford the increased premiums; and

Whereas, the Act directs the Federal Emergency Management Agency to conclude its study and to issue a report by April 6, 2013; and

Whereas, such study is currently still in progress; and

Whereas, the Federal Emergency Management Agency has yet to create a report based upon the findings of such study; and

Whereas, increased premiums as a result of the Biggert-Waters Flood Insurance Reform Act will have a significant effect on low-income homeowners; and

Whereas, congress should consider the amendment or repeal of Section 207 of the Biggert-Waters Flood Insurance Reform Act to take into account its effects on homes that were built after the adoption of existing Flood Insurance Rate Maps in accordance with then existing laws: Now, therefore, be it

*Resolved*, That the Legislature of Louisiana does hereby memorialize the United States Congress to take such actions as are necessary to direct the National Flood Insurance Program to delay increasing premium rates until such time as the Federal Emergency Management Agency has released its report and congress has had time to study such report, in order to prevent unintended consequences on the residents of St. Charles Parish and the value of their properties; and be it further

*Resolved*, That the Legislature of Louisiana does hereby memorialize the United States Congress to consider the amendment or repeal of Section 207 of the Biggert-Waters Flood Insurance Reform Act in order to take into account its effects on homes that were built after the adoption of existing Flood Insurance Rate Maps in accordance with then existing laws; and be it further

*Resolved*, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM-64. A concurrent resolution adopted by the Legislature of the State of Louisiana memorializing the United States Congress to pass the Strengthen, Modernize and Reform the National Flood Insurance Program Act and the Flood Insurance Implementation Reform Act of 2013; to the Committee on Banking, Housing, and Urban Affairs.

#### HOUSE CONCURRENT RESOLUTION NO. 141

Whereas, the National Flood Insurance Act of 1968 was enacted to provide previously unavailable flood insurance protection to property owners; and

Whereas, the National Flood Insurance Program continues to provide important and necessary property coverage for home and business owners throughout various Louisiana parishes, as well as counties and communities nationwide; and

Whereas, the Biggert-Waters Flood Insurance Reform Act of 2012 was signed into law on July 6, 2012; and

Whereas, the act calls for a revision of the flood insurance rate maps; and

Whereas, such revised flood insurance rate maps do not include the discounts granted by the current rate maps to property owners who have taken action to mitigate property damage by installing and maintaining flood control features, in conformity with the most current federal law available to them, and in conformity with current flood insurance rate maps; and

Whereas, countless Louisiana property owners have built and purchased homes and businesses in accordance with the current flood rate insurance maps which, under the provisions of the Biggert-Waters Flood Insurance Reform Act of 2012, will soon enter obsolescence; and

Whereas, the act also includes provisions, located in Section 207 of such act, that eliminate the "grandfathering" of homes that were built after the existing flood insurance rate maps in accordance with then existing laws; and

Whereas, by purchasing homes and businesses in accordance with the provisions of the former flood rate insurance maps and by investing in previously owned property to install flood mitigation features, Louisiana property owners relied on their strict com-

pliance with federal and state law to protect their purchases and investments; and

Whereas, in light of the provisions of the Biggert-Waters Flood Insurance Reform Act of 2012, the reliance on existing flood insurance rate maps that those property owners demonstrated is now to their personal and financial detriment; and

Whereas, the passage of the Biggert-Waters Flood Insurance Reform Act substantially and immediately devalued the investments made in all properties endowed with flood damage mitigation measures and to properties receiving subsidized insurance premium rates; and

Whereas, the Biggert-Waters Flood Insurance Reform Act also includes provisions that permit the National Flood Insurance Program to increase premium rates for many policyholders; and

Whereas, the elimination of these discounts combined with the certainty of general premium rate increases will result in a premium increase of up to twenty-five percent per year for certain Louisiana property owners over the next four years; and

Whereas, under the changes to the National Flood Insurance Program caused by the Biggert-Waters Flood Insurance Reform Act, Louisiana property owners will struggle to pay exorbitant amounts of money or will lose their flood insurance; and

Whereas, a change in the ability of Louisiana property owners to insure their homes from flood damage without bearing the burden of such a violent rise in cost may lead to financial distress for Louisiana residents and property owners and countless other property owners around this nation; and

Whereas, the premium increases to the National Flood Insurance Program, as mandated by the Biggert-Waters Flood Insurance Reform Act, will affect the entire nation's real estate market; and

Whereas, the premium increases to the National Flood Insurance Program, as mandated by the Biggert-Waters Flood Insurance Reform Act, will affect the nation's banking and mortgage industry; and

Whereas, the premium increases to communities and property owners who made their best efforts to comply with federal law by building property in accordance with soon to be outdated flood insurance rate maps will affect consumer confidence and the entire nation's economy; and

Whereas, on May 21, 2013, the Strengthen, Modernize and Reform the National Flood Insurance Program Act (SMART NFIP) was introduced by Senator Mary Landrieu to address the flaws of the Biggert-Waters Flood Insurance Reform Act; and

Whereas, SMART NFIP, if passed, would delay premium increases, repeal provisions preventing new owners of sold homes to continue subsidized rates, and allow the rebuilding of key community facilities destroyed in a disaster that lie in velocity zones; and

Whereas, on May 23, 2013, the Flood Insurance Implementation Reform Act of 2013 was introduced by Congressman Cedric Richmond in an effort to also address flaws of the Biggert-Waters Flood Insurance Reform Act; and

Whereas, the Flood Insurance Implementation Reform Act is co-sponsored by Congressmen Bill Cassidy, Rodney Alexander, Charles Boustany, and Congresswomen Doris Matsui and Maxine Waters; and

Whereas, the Flood Insurance Implementation Reform Act, would, if passed, in some cases delay, up to five years, major components of the Biggert-Waters Flood Insurance Reform Act, including delaying the increasing of rates previously "grandfathered"; and

Whereas, these instruments would address many of the concerns addressed herein; and

Whereas, the United States Congress should consider the passage of the Strength-

en, Modernize and Reform and National Flood Insurance Program Act and the Flood Insurance Implementation Reform Act of 2013, or, should neither of these acts pass, the United States Congress should consider the amendment or the repeal of Section 205, Section 207, and all such sections of the Biggert-Waters Flood Insurance Reform Act which provide for the increase of premium fees for policyholders of the National Flood Insurance Program, in order to prevent the unduly hazardous effects it will have on home and business owners who invested in property prior to the adoption of the new federal legislation and flood insurance rate maps: Now, therefore, be it

*Resolved*, That the Legislature of Louisiana does hereby memorialize the United States Congress to take such actions as are necessary to undertake the amendment or repeal of all relevant provisions of the Biggert-Waters Flood Insurance Reform Act of 2012, including passage of the Strengthen, Modernize and Reform the National Flood Insurance Program Act and the Flood Insurance Implementation Reform Act of 2013; and be it further

*Resolved*, That the Legislature of Louisiana does hereby memorialize the United States Congress to, in the absence of the amendment or repeal of all relevant provisions of this Act, suspend adoption of new flood insurance rate maps in order to allow communities with a substantial percentage of participation in the National Flood Insurance Program to work with the Federal Emergency Management Agency and the National Flood Insurance Program to provide for the creation of new flood insurance rate maps which do not unjustly and inequitably dispose of the rights created under existing rate maps; and be it further

*Resolved*, That the Legislature of Louisiana does hereby memorialize the United States Congress to, in the absence of the amendment or repeal of all relevant provisions of this Act, provide for a one-year period during which time property owners, in conjunction with the Federal Emergency Management Agency and the National Flood Insurance Program, may enter a special enrollment period wherein property owners may sign up or renew their current National Flood Insurance Program policy using the current flood insurance rate maps on which they relied to purchase and build their homes and businesses; and be it further

*Resolved*, that a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM-65. A joint resolution adopted by the Legislature of the State of Maine memorializing the United States Congress to reinstitute the Glass-Steagall Act; to the Committee on Banking, Housing, and Urban Affairs.

#### JOINT RESOLUTION

Whereas, an effective monetary and banking system is essential to the proper function of the economy; and

Whereas, an effective monetary and banking system must function in the public interest without bias; and

Whereas, the federal Banking Act of 1933, commonly referred to as the Glass-Steagall Act, protected the public interest in matters dealing with the regulation of commercial and investment banks, in addition to insurance companies and securities firms; and

Whereas, the Glass-Steagall Act was repealed in 1999, permitting members of the financial industry to exploit the financial system for their own gain in disregard of the public interest; and

Whereas, many financial industry entities were saved by the United States Treasury at a cost of billions of dollars to American taxpayers; and

Whereas, within the hundreds of pages of the Dodd-Frank Wall Street Reform and Consumer Protection Act there are no prohibitions that prevent “too big to fail” financial services organizations from investing in or undertaking substantial risks involving trillions of dollars of derivative contracts; and

Whereas, the American taxpayers continue to be at risk for the next round of bank failures, as enormous risks are undertaken by financial services organizations; and

Whereas, Congresswoman Marcy Kaptur has introduced H.R. 129, known as the Return to Prudent Banking Act of 2013, to reinstate the provisions of the Glass-Steagall Act, which has gained major bipartisan support; and

Whereas, the Glass-Steagall Act has widespread national support from organizations such as the American Federation of Labor and Congress of Industrial Organizations, the American Federation of Teachers and the International Association of Machinists, as well as from prominent economic and business leaders, many of the major and respected national newspapers and many others: Now, therefore, be it

*Resolved*, That We, your Memorialists, respectfully urge and request that the President of the United States and the United States Congress enact legislation that would reinstate the separation of commercial and investment banking functions that was in effect under the Glass-Steagall Act, the Banking Act of 1933, to prohibit commercial banks and bank holding companies from investing in stocks, underwriting securities or investing in or acting as guarantors to derivative transactions, in order to prevent American taxpayers from being again called upon to bail out financial institutions; and be it further

*Resolved*, That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable Barack H. Obama, President of the United States, the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States, and to each Member of the Maine Congressional Delegation.

POM-66. A concurrent resolution adopted by the Legislature of the State of Louisiana memorializing the United States Congress to take such actions as are necessary to give “qualified mortgage” status to all balloon loans held in portfolio by a bank; to the Committee on Banking, Housing, and Urban Affairs.

#### HOUSE CONCURRENT RESOLUTION NO. 143

Whereas, the Consumer Financial Protection Bureau recently released its “ability-to-repay” rule as mandated by the federal Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010, which was passed by the United States Congress; and

Whereas, the “ability-to-repay” rule provides specific criteria for mortgage lenders to follow in order to make a good faith determination that a borrower has the ability to repay his mortgage loan; and

Whereas, as part of the rule, the Consumer Financial Protection Bureau created “qualified mortgages” which are mortgages with characteristics that are presumed to be in compliance with the “ability-to-repay” rule; and

Whereas, loans designated as “qualified mortgage” loans give lenders important legal protections by deeming those loans to have complied, or giving them a presumption

of compliance, with the borrower “ability-to-repay” requirements contained in the Dodd-Frank Act; and

Whereas, mortgage loans made that do not receive the “qualified mortgage” status will be subject to increased scrutiny and subject those lenders making them to increased potential liability, possibly causing many lenders to stop making nonqualified mortgage loans; and

Whereas, it is vitally important that the Consumer Financial Protection Bureau and the United States Congress adopt proper criteria for qualified mortgage loans to ensure that lenders continue to make certain loans and to avoid a potential decrease in access to credit for some consumers that may already have few credit options and that want and need certain loan features; and

Whereas, Louisiana bankers, especially in rural areas, are very concerned with the narrow “qualified mortgage” designation provided by the Consumer Financial Protection Bureau for balloon loans held in portfolio by the bank and the effect this narrow definition will have on customers; and

Whereas, for various reasons, many consumers do not qualify for loans that can be sold into the secondary market and a balloon loan made and held in portfolio by the local bank may be one of the only options for those consumers; and

Whereas, community banks have prudently, consistently, and historically made balloon loans in order to serve the specific needs of customers; and

Whereas, balloon loans held in portfolio by a bank are generally acknowledged as very safely underwritten loans with lower default rates than other loans because the bank making the loan retains all of the credit risk; and

Whereas, the Consumer Financial Protection Bureau “ability-to-repay” rule provides that beginning January, 2014, only banks predominately in rural or underserved areas can qualify for balloon loan qualified mortgages; and

Whereas, only nineteen parishes in Louisiana will likely be considered “rural” areas under the definition used by the Consumer Financial Protection Bureau; and

Whereas, as provided in the Consumer Financial Protection Bureau definition, parishes excluded are those in metropolitan statistical areas, or micropolitan statistical areas adjacent to a metropolitan statistical area, as those terms are defined by the United States Office of Management and Budget; and

Whereas, the Consumer Financial Protection Bureau commentary states that counties (parishes) included in the definition of “rural” will only result in nine and seven tenths percent of the United States population being included in the definition; and

Whereas, if the United States Congress and the Consumer Financial Protection Bureau do not act to broaden the definition of “rural” currently being used in the rules, many bank customers in Louisiana could be negatively impacted by diminished access to credit: Now, therefore, be it

*Resolved*, That the Legislature of Louisiana does hereby memorialize the United States Congress to take such actions as are necessary to give “qualified mortgage” status to all balloon loans held in portfolio by a bank and to urge and request the Consumer Financial Protection Bureau to expand the definition of “rural” for balloon loan qualified mortgages; and be it further

*Resolved*, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America, to each member of the Louisiana congressional delegation, and to the director of the Consumer Financial Protection Bureau.

POM-67. A concurrent resolution adopted by the Legislature of the State of Louisiana memorializing the Congress of the United States to study the causes, effects, prevention, and treatment of early mortality syndrome in the national and international shrimp industry; to the Committee on Commerce, Science, and Transportation.

#### HOUSE CONCURRENT RESOLUTION NO. 120

Whereas, early mortality syndrome (EMS) has been identified in the shrimp stocks in China, Vietnam, Malaysia, and Thailand, causing large losses among the shrimp farms in those countries; and

Whereas, EMS is characterized by mass mortalities during the first twenty to thirty days of culture in growout ponds along with the clinical signs including slow growth, corkscrew swimming, loose shells, and pale coloration; and

Whereas, affected shrimp consistently show an abnormal shrunken, small, swollen, or discolored hepatopancreas resulting in mortality; and

Whereas, Congress should fully utilize and bring to bear all available means of research and study to determine the causes, effects, prevention, and treatment of early mortality syndrome in the shrimp industry and take all appropriate actions necessary to fully protect the shrimp industry in Louisiana and other states from this disease; and

Whereas, throughout the Gulf of Mexico the shrimp industry in Louisiana and other states is a multibillion dollar industry of vital importance to the economic well-being of the region, and is still threatened by and suffering from the enormous impacts of recent natural and manmade disasters: Now, therefore, be it

*Resolved*, That the Legislature of Louisiana does hereby memorialize the Congress of the United States to study the causes, effects, prevention, and treatment of early mortality syndrome in the national and international shrimp industry and take all appropriate actions necessary to fully protect the shrimp industry in Louisiana and other states from this disease; and be it further

*Resolved*, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM-68. A concurrent resolution adopted by the Legislature of the State of South Carolina memorializing the United States Congress to enact legislation that gives the State of South Carolina authority to manage its stock of Black Sea Bass in both state and federal waters; to the Committee on Commerce, Science, and Transportation.

#### CONCURRENT RESOLUTION

Whereas, the Public Trust Doctrine is a legal principal derived from English Common Law which has been affirmed repeatedly by state and federal courts interpreting the essence of the doctrine to mean that the waters of the state are a public resource owned by and available to all citizens equally for the purposes of navigation, conducting commerce, fishing, recreation, and similar uses; and

Whereas, the amendment to Article I of the Constitution of South Carolina, 1895, prepared under the terms of Joint Resolution 3483 of 2009, having been submitted to the qualified electors at the General Election of 2010 as prescribed in Section 1, Article XVI of the Constitution of South Carolina, 1895, and a favorable vote having been received on the amendment, added Section 25 which reads, “the traditions of hunting and fishing are valuable parts of the state’s heritage, important for conservation, and a protected means

of managing nonthreatened wildlife. The citizens of this State have the right to hunt, fish, and harvest wildlife traditionally pursued, subject to laws and regulations promoting sound wildlife conservation and management as prescribed by the General Assembly. Nothing in this section shall be construed to abrogate any private property rights, existing state laws or regulations, or the state's sovereignty over its natural resources"; and

Whereas, with regard to the management of the state's Black Sea Bass (*Centropristis Striata*) population, South Carolina's Department of Natural Resources along with the state's commercial and recreational fishermen are prime examples of responsible resource stewards, as they place an extremely high value on the quality and existence of our nation's coastal waters and freshwater resources. The Department of Natural Resources, as well as commercial and recreational fishermen respect this species' marine and freshwater habitats because they know that in order for these ecosystems to sustain healthy populations of this species, these must be protected and carefully managed; and

Whereas, allowing the State of South Carolina to manage the state's Black Sea Bass (*Centropristis Striata*) population would provide the best protection for this population so that it may remain a natural resource for current and future generations: Now, Therefore, be it

*Resolved by the House of Representatives, the Senate concurring*, That the members of the General Assembly memorialize Congress to enact legislation that gives the State of South Carolina authority to manage its stock of Black Sea Bass (*Centropristis Striata*) in both state and federal waters; and be it further

*Resolved*, That a copy of this resolution be forwarded to the President of the United States Senate, the Speaker of the United States House of Representatives, and each member of the South Carolina Congressional Delegation.

POM-69. A concurrent resolution adopted by the Legislature of the State of Louisiana memorializing the United States Congress to take such actions as are necessary to adopt and enact the Fixing America's Inequities with Revenue Act; to the Committee on Energy and Natural Resources.

#### HOUSE CONCURRENT RESOLUTION NO. 58

Whereas, offshore producing states face inequities in federal energy policies which allow onshore producing states to keep up to fifty percent of revenues generated from energy production generated within their states; and

Whereas, coastal energy producing states like Louisiana have a limited partnership with the federal government to keep revenues generated from their offshore energy production that is produced for the nation; and

Whereas, the FAIR Act shall address this inequity by authorizing a revenue percentage for all offshore energy producing states like Louisiana, regardless of the type of energy produced and gradually lift the congressionally mandated annual cap on revenue kept by Gulf Coast producing states; and

Whereas, offshore revenue sharing is an integral element to a comprehensive national energy plan, increasing revenue as well as creating additional jobs for the state of Louisiana: Now, therefore be it

*Resolved*, That the Legislature of Louisiana does hereby memorialize the United States Congress to take such actions as are necessary to expedite such revenue sharing as outlined in the Fixing America's Inequities with Revenue (FAIR) Act; and be it further

*Resolved*, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM-70. A joint memorial adopted by the Legislature of the State of Idaho urging the Secretary of the United States Department of Agriculture to declare the Frank Church-River of No Return Wilderness and adjacent national forest lands to be a Natural Resources Disaster Area; to the Committee on Energy and Natural Resources.

#### HOUSE JOINT MEMORIAL NO. 1

We, your Memorialists, the House of Representatives and the Senate of the State of Idaho assembled in the First Regular Session of the Sixty-second Idaho Legislature, do hereby respectfully represent that:

Whereas, the State of Idaho and the vast Frank Church-River of No Return Wilderness and contiguous national forests have suffered numerous and frequent large destructive forest and range fires, most recently in 2012; and

Whereas, the fires have not only incrementally expanded the total burned acreage but have also returned huge areas one or more times; and

Whereas, the cumulative effect of numerous large fires has resulted in tremendous damage and destruction to the watersheds, streams important to the recovery of anadromous fish, wildlife habitat, scenic values, recreational use, loss of native plant species, historic structures, public access and safety, air quality and public health, the trail network and other values and benefits for which the national forests and wilderness were established; and

Whereas, the cumulative and growing loss of wilderness values and attributes is also resulting in serious economic impact to surrounding communities, counties, the State of Idaho and the businesses dependent upon the natural resources inherent in wilderness and the national forests; and

Whereas, hundreds of miles of trails have been severely damaged, blocked, rendered unsafe for travel or simply wiped out by fire, and the continuing destructive aftermath of blowdown, washouts and landslides have not been opened, cleared, repaired or replaced. The backlog of critical restoration work is rapidly growing each year and far exceeds the work performed annually; and

Whereas, the cumulative impact of fires has resulted in the loss of soil and native vegetation and the replacement of native species with noxious and undesirable plants that will also prevent or retard reestablishment of desirable native plants; and

Whereas, the United States Forest Service has underestimated the huge cost of trail and resource restoration when making decisions on active fire strategies in the wilderness due to a decision bias toward minimizing suppression expenditures for wilderness fires at the expense of long-term restoration; and

Whereas, the United States Forest Service has not placed the necessary emphasis and priority on restoration of proper watershed and vegetative conditions within the wilderness, and has also not considered the negative effect of vegetative type conversion resulting from intense and/or repetitive burns; and

Whereas, the United States Forest Service has not placed emphasis and priority on training for forest supervisors, rangers and staff on the importance of safe and effective saddle and pack stock use and management, and the field conditions necessary for reasonable and safe public and employee access to and within the wilderness; and

Whereas, the United States Forest Service has not placed emphasis and priority on eliminating barriers to effective and streamlined contracting procedures and effective use of volunteers in order to respond to the crisis in the wilderness and maximize fieldwork accomplishment; and

Whereas, the Secretary of Agriculture and the Chief of the United States Forest Service have not placed the necessary emphasis and priority of the requirement of Section 5(b) of the Central Idaho Wilderness Act to clear obstructions from all trails within and adjacent to the wilderness on at least an annual basis; and

Whereas, the Chief of the United States Forest Service has not programmed on a continuing basis even normal repair, replacement and maintenance of the trail system and trail structures such as bridges, trail tread, drainage, associated signing and other essential actions to enable safe public use, full and unimpeded public access by foot and horseback and the public services that are vital to public use and enjoyment of the wilderness, in order to prevent cumulative deterioration of the system under even non-fire conditions; and

Whereas, the Chief of the United States Forest Service has not placed emphasis on efficient and economical methods of trail restoration and maintenance, and has in fact aggressively limited methods and tools by Forest Service crews, contractors and volunteers that would greatly increase accomplishment and lower costs without adverse effect on wilderness values or visitors; and

Whereas, use of outfitter and guide permits, contractors and volunteers from various organizations to accomplish trail work is well below potential due to a lack of emphasis by the United States Forest Service on using innovative ways to offset permittee fees and streamline and simplify contracting procedures: Now, therefore, be it

*Resolved, by the members of the First Regular Session of the Sixty-second Idaho Legislature, the House of Representatives and the Senate concurring therein*, That we urge the Secretary of the United States Department of Agriculture to declare the Frank Church-River of No Return Wilderness and adjacent national forest lands to be a Natural Resources Disaster Area; and be it further

*Resolved*, That we urge the Secretary of Agriculture and the Chief of the United States Forest Service to recognize the dire conditions prevailing within and adjacent to the Frank Church-River of No Return Wilderness and adjacent national forests, and further urge that the necessary priorities and emphasis be placed on prompt and practical actions to prevent further cumulative loss of the unique values of the wilderness; and be it further

*Resolved*, That we urge compliance with the specific requirements of the Central Idaho Wilderness Act mandating annual clearing of obstructions from the trail system; and be it further

*Resolved*, That the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress, the congressional delegation representing the State of Idaho in the Congress of the United States, the Secretary of the United States Department of Agriculture and the Chief of the United States Forest Service.

POM-71. A concurrent resolution adopted by the Legislature of the State of Michigan memorializing the President and the Congress of the United States to support the continued and increased development and importation of oil derived from North American reserves; to the Committee on Energy and Natural Resources.

## SENATE CONCURRENT RESOLUTION NO. 6

Whereas, The United States relies—and will continue to rely for many years—on gasoline, diesel, and jet fuel, as well as renewable and alternative sources of energy. In order to fuel our economy, the United States will need more oil and natural gas while also requiring additional alternative energy sources; and

Whereas, The United States accounts for 20 percent of world energy consumption and is the world's largest petroleum consumer. The U.S. consumes more than 18 million barrels of oil each day, and forecasts suggest this will not change for decades. Current imports amount to over 8 million barrels each day, approximately 50 percent of the United States' requirements. Even with new technology, oil discoveries, alternative fuels, and conservation efforts, the U.S. will remain dependent on imported energy for decades to come. A secure supply of crude oil is not only needed for Americans to continue to heat their homes, cook their food, and drive their vehicles, but to allow the U.S. economy to thrive and grow free from the potential threats and disruptions of crude oil supply from less secure parts of the world; and

Whereas, The growing production of conflict-free oil from Canada's oil sands and the Bakken Formation in Saskatchewan, Montana, North Dakota, and South Dakota can replace crude imported from countries that do not share American values. However, additional pipeline capacity to refineries in the U.S. Midwest and Gulf Coast is required; and

Whereas, Increasing energy imports from Canada makes sense for the United States. Canada is a trusted neighbor with stable democratic government, strong environmental standards—equal to that of the U.S. and some of the most stringent human rights and worker protection legislation in the world; and

Whereas, Improvements in production technology have reduced the carbon footprint of Canadian oil sands development by 26 percent on a per-barrel basis since 1990. Oil sands production accounts for 6.9 percent of Canada's greenhouse gas (GHG) emissions and 0.1 percent, or one-thousandth, of global GHG emissions. Total emissions from Canada's oil sands sector was 48 megatons in 2010, equivalent to 0.5 percent of U.S. GHG emissions. Oil sands crude has similar carbon dioxide emissions to other heavy oils and is 9 percent more carbon-intensive than the average crude refined in the U.S. on a wells-to-wheels basis; and

Whereas, The 57 refineries in the Gulf Coast region provide a total refining capacity of approximately 8.7 million barrels per day (bpd), or half of U.S. refining capacity. In 2011, these refineries imported approximately 5 million bpd of crude oil from more than 30 countries, with the top four suppliers being Mexico (22 percent), Saudi Arabia (17 percent), Venezuela (16 percent), and Nigeria (9 percent). Imports from Mexico and Venezuela are declining as production from these countries decreases and supply contracts expire. Once completed, TransCanada's Keystone XL and Gulf Coast Expansion projects could displace roughly 40 percent of the oil the U.S. currently imports from the Persian Gulf and Venezuela; and

Whereas, The Keystone XL pipeline project has been subject to the most thorough public consultation process of any proposed U.S. pipeline. It has also been the focus of multiple environmental impact statements and several U.S. Department of State studies. These analyses have concluded that it poses the least impact to the environment and is much safer than other modes of transporting crude oil; and

Whereas, Pipelines are the safest method for the transportation of petroleum products

when compared to other methods of transportation. The Keystone XL pipeline will replace the equivalent of 200 ocean tankers per year. This will reduce greenhouse gas emissions by as much as 19 million tons, or the equivalent of taking almost 4 million cars off the road; and

Whereas, The original Keystone pipeline, which spans across the northern part of Missouri, supplies over 435,000 barrels of North American crude oil to American refineries in the Midwest. The Keystone XL pipeline will, when completed, carry 700,000 barrels of North American crude oil to American refineries in the Gulf Coast region which will make its way back to Missouri in the form of gasoline, diesel, and jet fuel; and

Whereas, The Keystone XL project will create approximately 9,000 construction jobs. The Gulf Coast project is a \$2.3 billion project that will create approximately 4,000 construction jobs. Combined, they support yet another 7,000 manufacturing jobs. Seventy-five percent of the pipe used to build the Keystone XL in the U.S. will come from North American mills, including half made by U.S. workers. Goods for the pipeline, valued at approximately \$800 million, have already been sourced from U.S. manufacturers: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring), That we:*

1. Support continued and increased development and delivery of oil derived from North American oil reserves to American refineries;

2. Urge the United States Congress to support continued and increased development and delivery of oil from Canada to the United States;

3. Urge the President of the United States to support the continued and increased importation of oil derived from the Bakken Formation in Saskatchewan, Montana, North Dakota, and South Dakota, as well as Canadian oil sands; and

4. Urge the U.S. Secretary of State to approve the newly-routed pipeline application from TransCanada to reduce dependence on unstable governments, create new jobs, improve our national security, and strengthen ties with an important ally; and be it further

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

POM-72. A resolution adopted by the House of Representatives of the Commonwealth of Kentucky urging the President of the United States to encourage oil and natural gas production off the northern coast of Alaska, and to approve the construction of the TransCanada Keystone XL pipeline project; to the Committee on Energy and Natural Resources.

## HOUSE RESOLUTION NO. 122

A Resolution urging the President of the United States to encourage oil and natural gas production off the northern coast of Alaska, and to approve the construction of the TransCanada Keystone XL pipeline project.

Whereas, high oil prices are having a major detrimental impact on families, farms, and businesses in Kentucky and are likely to undercut the prospects for an economic recovery; and

Whereas, the United States currently imports almost half of its oil and petroleum products, making it dependent on foreign sources and subject to interruptions and price fluctuations stemming from geopolitical forces; and

Whereas, such instability has damaging consequences both for our economy and our national security; and

Whereas, the United States Geological Survey estimates a resource of up to 27 billion barrels of oil in the Chukchi and Beaufort Seas of Alaska, providing a vast domestic oil reserve, but opposition and regulatory hurdles are keeping energy producers from accessing these resources; and

Whereas, the TransCanada Keystone XL pipeline project seeks to link expanded oil production from the Canadian oil sands to refineries in the United States and to facilitate the flow of oil from the Dakotas to the Gulf Coast, thereby decreasing our dependence on oil from outside of North America; and

Whereas, Canada is a close friend and ally, with whom we share links of infrastructure and energy networks and other ties, so that dollars spent on Canadian oil will likely contribute to the success of the American economy; and

Whereas, the TransCanada pipeline project is projected to create construction and manufacturing jobs in the United States, adding billions of dollars to our economy: Now, therefore, be it

*Resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:*

Section 1. The House of Representatives of the Commonwealth of Kentucky calls upon President Barack Obama and administration officials to support the increased importation of oil from Canadian oil sands and to approve the newly routed TransCanada Keystone XL pipeline to reduce our oil dependency on unstable governments, strengthen ties with an important ally, and create jobs for American workers.

Section 2. The House of Representatives of the Commonwealth of Kentucky calls upon President Barack Obama and administration officials to support and facilitate permitting for oil production off the northern coast of Alaska to decrease our dependence on foreign oil and spur investment in the American economy.

Section 3. A copy of this Resolution shall be sent to the President and Vice President of the United States of America, the Secretary of State of the United States of America, the Speaker of the United States House of Representatives, and each member of the Kentucky delegation to the United States Congress.

POM-73. A resolution adopted by the Legislature of the Virgin Islands petitioning the United States Congress to pass and adopt H.R. 92, which would authorize a grant of \$100,000,000 to the Virgin Islands Water and Power Authority to alleviate the energy crisis in the Territory and for other purposes; to the Committee on Energy and Natural Resources.

## RESOLUTION NO. 1794

Whereas, the Virgin Islands Water and Power Authority ("the Authority") generates electricity through the use of fossil fuel refined into diesel; and

Whereas, studies have shown that electricity generation accounts for approximately sixty eight percent of total energy usage in the Virgin Islands; and

Whereas, in the last decade the cost of fuel used by the Authority to produce electricity has risen from \$32.06 per barrel in October 2003 to \$138.50 per barrel in February 2013; and

Whereas, the current consumer cost of electrical power in the Virgin Islands, at \$.52 per kilowatt hour for residential customers and \$.58 per kilowatt hour for commercial customers, is the highest under the American flag; and



Whereas, the average monthly electricity bill for Virgin Islands households is \$254, five times the national average; and Whereas, residential and commercial consumers are particularly ill-placed to absorb the high and rising costs of electricity as the per capita income in the Virgin Islands is approximately fifty three percent of the national average; and

Whereas, the increasingly unsupportable cost of electricity has resulted in an exodus of residents and the closure of businesses, including the territory's last remaining dairy operation; and

Whereas, the Virgin Islands Public Services Commission which regulates public utilities in the territory, has publicly stated that the high rates of electricity are depriving the local economy of between \$150-250 million annually and that the current electrical rates cannot be sustained for a significant time without substantial harm to the economy of the Virgin Islands; and

Whereas, the Virgin Islands Water and Power Authority's ("the Authority") efforts to convert to alternate fuels and renewable energy sources cannot be effectuated immediately but will require some years to implement; and

Whereas, the conversion of equipment to burn alternative fuels will cost the Authority millions of dollars; and

Whereas, the major supplier of fuel to the Authority closed its doors and is not refining fossil fuels; and

Whereas, the planned conversion of the Authority's generating plants to utilize less expensive fuels including Liquefied Petroleum Gas and Liquefied Natural Gas are not expected to result in lower electricity rates until at least mid 2014; and

Whereas, the Virgin Islands Delegate to Congress, Donna Christian-Christensen, has introduced legislation, H.R. 92 in the House of Representatives that would authorize a grant of \$100,000,000 to the Authority should it apply and \$15,000,000 for fiscal years 2013 through 2017 for the conversion of fuel oil (diesel) to liquefied natural gas or liquefied petroleum gas; and

Whereas, the fiscal stability and survival of the territory, including hotels, gifts shops, restaurants, bars and the average business is dependent on cost effective electricity to generate a profit and pay taxes which in turn keep schools, hospitals and government department and agencies running; and

Whereas, the territory's efforts at economic recovery and industry recruitment are severely hampered by the high rate of electricity, which discourages new investment and business development: Now, therefore, be it

*Resolved by the Legislature of the Virgin Islands:*

Section 1. The Legislature, on behalf of the People of the Virgin Islands respectfully urges the House of Representatives of the Congress of the United States to adopt H.R. 92 to authorized a one hundred million dollar grant to the Virgin Islands Water and Power Authority and a grant of fifteen million dollars to convert from fuel oil to natural gas.

Section 2. A copy of this Resolution shall be forwarded to the Honorable John Boehner, Speaker of the House, each member of the U.S. Congress, and the U.S. Virgin Islands Delegate to Congress, Donna Christian-Christensen.

Thus passed by the Legislature of the Virgin Islands on April 16, 2013.

POM-74. A joint resolution adopted by the Legislature of the State of Nevada urging Congress to enact the Lyon County Economic Development and Conservation Act; to the Committee on Energy and Natural Resources.

#### SENATE JOINT RESOLUTION NO. 14

Whereas, The Lyon County Economic Development and Conservation Act, H.R. 696, was recently introduced in the 113th Congress; and

Whereas, The intent of this proposed legislation is to promote the preservation of wilderness and develop a sustainable development plan to enable all persons to benefit from the use of land adjacent to the City of Yerington for potential commercial and industrial development, mining activities, recreational opportunities and expansion of community and cultural events; and

Whereas, The provisions of the Lyon County Economic Development and Conservation Act propose to convey federal land to the City of Yerington for the purposes of sustainable economic and industrial development; and

Whereas, Commercial and industrial development of the federal land would enable the community to benefit from the transportation, power and water infrastructure that would be put in place with the concurrent development of commercial and industrial operations; and

Whereas, The federal land proposed for conveyance to the City under the Lyon County Economic Development and Conservation Act is adjacent to the boundaries of the City and would be used to enhance recreational, cultural, commercial and industrial development opportunities in the City; and

Whereas, The provisions of the Lyon County Economic Development and Conservation Act propose to designate federal land as wilderness and as a component of the National Wilderness Preservation System, to be known as the "Wovoka Wilderness"; and

Whereas, The proposed Wovoka Wilderness is named in honor of the Northern Paiute spiritual leader and founder of the Ghost Dance, and contains landscapes and wildlife habitat that have been enjoyed by hunters, outdoor enthusiasts and explorers since John C. Fremont camped along the East Walker River in 1844; and

Whereas, The Lyon County Economic Development and Conservation Act will create an estimated 1,300 jobs and provide much needed economic development for the City of Yerington and Lyon County; and

Whereas, The designation of the proposed Wovoka Wilderness will preserve invaluable prehistoric cultural and natural resources, thereby preserving those resources for future generations: Now, therefore, be it

*Resolved by the Senate and Assembly of the State of Nevada, jointly,* That the members of the 77th Session of the Nevada Legislature hereby urge Congress to enact the Lyon County Economic Development and Conservation Act; and be it further

*Resolved,* That the Secretary of the Senate prepare and transmit a copy of this resolution to the Vice President of the United States as the presiding officer of the Senate, the Speaker of the House of Representatives and each member of the Nevada Congressional Delegation; and be it further

*Resolved,* That this resolution becomes effective upon passage.

POM-75. A joint resolution adopted by the Legislature of the State of Utah declaring and asserting the jurisdictional right of the State of Utah and its political subdivisions to respond to and take action when conditions on federally managed land in the state adversely affect, or may adversely affect, the health, safety, or welfare of the people; to the Committee on Energy and Natural Resources.

#### HOUSE JOINT RESOLUTION 15

Whereas, in its Patient Protection and Affordable Care Act decision, released June

2012, the United States Supreme Court reaffirmed the position of the states as "separate and independent sovereigns";

Whereas, the court made it clear that the federal government "must show that a constitutional grant of power authorizes each of its actions";

Whereas, in contrast, the Supreme Court further explained that "the same does not apply to the States, because the Constitution is not the source of their power. . . . The States thus can and do perform many of the vital functions of modern government . . . even though the Constitution's text does not authorize any government to do so";

Whereas, the Supreme Court added, "Our cases refer to this general power of governing, possessed by the States but not by the federal government, as the 'police power.' . . . Because the police power is controlled by 50 different states instead of one national sovereign, the facets of governing that touch on citizens' daily lives are normally administered by smaller governments closer to the governed. The Framers thus ensured that powers which 'in the ordinary course of affairs, concern the lives, liberties, and properties of the people' were held by governments more local and more accountable than a distant bureaucracy";

Whereas, The Supreme Court also highlighted a vital role of states' authority in relation to the federal government, stating, "The independent power of the States also serves as a check on the power of the Federal Government: 'By denying any one government complete jurisdiction over all the concerns of public life, federalism protects the liberty of the individual from arbitrary power . . . In the typical case we look to the States to defend their prerogatives by adopting "the simple expedient of not yielding" to federal blandishments when they do not want to embrace the federal policies as their own;

Whereas, the Supreme Court, concluding this line of logic, declared, "The States are separate and independent sovereigns. Sometimes they have to act like it";

Whereas, in 1917, the Court, in *Utah Power and Light v. United States*, held that "The power of the United States to protect its property by its own legislation from private trespass and waste does not, and cannot, imply a general police power over the vacant public lands within a State. The section in the Constitution relating to the admission of new States, and the concomitant disposition of the public lands, excludes, by its express terms, any construction by which the United States may claim any additional governmental or police powers within the States in which such public land is situated";

Whereas, Article 1, Section 8, Clause 17, of the United States Constitution states that the federal government will "exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of Particular States, and the Acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings";

Whereas, the domain of exclusive jurisdiction by the federal government is limited to the District of Columbia and other Places purchased by the Consent of the State Legislatures for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings incidental to the powers expressly granted within the Constitution;

Whereas, "other needful Buildings" did not include vast acres of undeveloped land;

Whereas, although Section 3 of the Utah Enabling Act states, in part, "That the people inhabiting said proposed State do agree and declare that they forever disclaim all right and title to the unappropriated public lands lying within the boundaries thereof," the state of Utah did not disclaim its jurisdiction;

Whereas, during the Eisenhower Administration, the United States government published a report entitled "Report of the Interdepartmental Committee for the Study of Jurisdiction Over Federal Areas Within the States" in which four basic areas of federal jurisdiction were identified:

1. Exclusive Legislative Jurisdiction: This term is applied when the federal government possesses, by whichever method acquired, all of the authority of the State, and in which the State concerned has not reserved to itself the right to exercise any of the authority concurrently with the United States except to serve civil or criminal process in the area for activities that occurred outside the area;

2. Concurrent Legislative Jurisdiction: This term is applied in those instances wherein by granting to the United States authority—which would otherwise amount to exclusive legislative jurisdiction over an area—the State concerned has reserved to itself the right to exercise, concurrently with the United States, all of the same authority;

3. Partial Legislative Jurisdiction: This term is applied in those instances wherein a state has granted authority to the federal government to legislate over an area of the state but the State has reserved to itself the right to exercise, by itself or concurrently with the United States, other authority constituting more than merely the right to serve civil or criminal process in the area, or the right to tax private property;

4. Proprietary Interest Only: This term is applied to those instances wherein the federal government has acquired some right or title to an area in a state, but has not obtained any measure of the State's authority over the area. In applying this definition, recognition should be given to the fact that the United States, by virtue of its functions and authority under various provisions of the Constitution, has many powers and immunities not possessed by ordinary landholders with respect to areas in which it acquires an interest, and of the further fact that all its properties and functions are held or performed in a governmental, rather than proprietary, capacity;

Whereas, the report also stated, "It scarcely needs to be said that unless there has been a transfer of jurisdiction pursuant to clause 17 by a Federal acquisition of land with State consent, or by cession from the State to the Federal Government, or unless the Federal Government has reserved jurisdiction upon admission of the State, the Federal Government possesses no legislative jurisdiction over any area within a State, such jurisdiction being for exercise by the State, subject to non-interference by the State with Federal functions. . . . The consent requirement of Article I, Section 8, Clause 17, was intended by the framers of the Constitution to preserve the State's jurisdictional integrity against federal encroachment. The Federal Government cannot, by unilateral action on its part, acquire legislative jurisdiction over any area within the exterior boundaries of a State";

Whereas, an Inventory Report On Jurisdictional Status of Federal Areas Within the States, compiled by the United States General Services Administration, categorizes all United States Forest Service (USFS) and Bureau of Land Management (BLM) land in the state of Utah as #4, Proprietary Interest Only;

Whereas, the USFS and the BLM have caused a public nuisance and safety issue for the people of the state of Utah and Utah's political subdivisions by not removing the condition, persistently in the National Forest and BLM system lands, of imminent fire and not mitigating the effects of recent fires; Whereas, Utah's 2012 Shingle Creek Fire was human caused on USFS land;

Whereas, the fire was one-third contained by the operation of one bulldozer;

Whereas, four bulldozers were ready for use by 6 p.m. on the day of the fire, but since the fire was on USFS land, only one bulldozer was allowed to operate until 10 p.m. and was only allowed to operate one blade wide and to dig no deeper than two inches;

Whereas, as a result, the fire burned more than 8,000 acres, damaged and altered the local watershed, created future risks of debris and mudslides, and will require costly repairs;

Whereas, Utah's 2012 Seeley Fire, which was started by lightning, eventually destroyed over 48,000 acres, or 76 square miles;

Whereas, debris flow and sediment from the Seeley Fire will be a major issue in the surrounding watershed for the next two to five years, impacting local municipalities, power plants, local businesses, homes, roads, bridges, and farms;

Whereas, in one instance, the USFS chose to bulldoze a portion of private land, claiming it was the best place to fight the wildfire;

Whereas, these are just two examples of conditions at the community level that have been made worse by the federal government's mismanagement of federal lands;

Whereas, the jurisdictional right of states and their political subdivisions to mitigate potential risks to the health, safety, or welfare of the state or a political subdivision should not be fettered by the federal bureaucracy; and

Whereas, states should assert their rights to mitigate potential risks to the health, safety, or welfare of the state or a political subdivision and not allow their authority to be eroded by federal government claims of authority; Now, therefore, be it

*Resolved*, That the Legislature of the state of Utah declare and assert its jurisdictional right, and the right of its political subdivisions, to respond to and take action when conditions on federally managed land in the state adversely affect, or may adversely affect, the health, safety, or welfare of the people without the intrusion and interference of the federal government on its efforts to respond to the needs of their citizens; and be it further.

*Resolved*, That the Legislature urges the states to declare and assert their jurisdictional rights, and the rights of their political subdivisions, to respond to and take action when conditions on federally managed land in the states adversely affect, or may adversely affect, the health, safety, or welfare of the people without the intrusion and interference of the federal government on efforts to respond to the needs of their citizens; 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 United States Forest Service, the commissions of each county in the state of Utah, the Council of State Governments, the National Conference of State Legislatures, and the members of Utah's congressional delegation.

POM-76. A concurrent resolution adopted by the Legislature of the State of Utah supporting the transfer of administration of the Utah Navajo oil and gas royalties to the Utah Diné Corporation; to the Committee on Energy and Natural Resources.

#### HOUSE CONCURRENT RESOLUTION No. 11

Whereas, in 1933, Congress enacted 47 Stat. 1418, which expanded the boundaries of the Navajo Reservation north of the San Juan River, in San Juan County, Utah, referred to as the "Aneth Extension," and directed that 37.5% of all royalties from oil and gas extracted from certain portions of the Aneth Extension "shall be expended by the State of Utah in the Tuition of Indian children in white schools and/or in the building or maintenance of roads across the [Aneth Extension], or for the benefit of the Indians residing therein";

Whereas, in 1968, Congress enacted Public Law 90-306, 82 Stat. 121, which expanded the beneficiary class to include all Navajo residing in San Juan County, Utah, (Utah Diné), and which redefined the purposes of the Utah Navajo Trust Fund (UNTF) to include the beneficiaries' "health, education and general welfare";

Whereas, the 1933 act and the 1968 expansion of the beneficiary (Federal Acts) class effectively created a common law discretionary trust whereby the United States is the settlor, Utah is the trustee, and all Utah Diné residing in San Juan County, Utah, are beneficiaries;

Whereas, pursuant to the Federal Acts, Utah is directed to administer the oil and gas royalties for the health, education, and general welfare of the Navajo Indians residing in San Juan County;

Whereas, oil and gas were first extracted in paying quantities from the Aneth Extension during or about the late 1950s;

Whereas, in 2008, the Legislature of the state of Utah enacted H.B. 352, Amendments Related to Monies Derived from Navajo Nation Reservation Lands in Utah, which in part declared, "It is the purpose of this chapter to provide for a transitional process until congressional action designates a new recipient of the Utah Navajo royalties";

Whereas, H.C.R. 4, Concurrent Resolution Encouraging Congressional Action to Designate a New Recipient of Royalties from Navajo Reservation Lands in Utah, also passed by the Utah Legislature in 2008, noted that "the state first received monies from the 37.5% of the oil and gas royalties in 1959 and litigation related to those royalties began almost immediately" and that "the litigious environment surrounding the state's administration of the oil and gas royalties harms the relationship between the state and the San Juan Navajos and complicates all parties' ability to meet the needs of the San Juan Navajos";

Whereas, H.B. 352 incrementally reduced expenditures under the trust duties;

Whereas, H.B. 352 resulted in the establishment of what became known as the Navajo Royalty Holding Fund (NRHF) no later than July 1, 2008, into which all oil and gas royalties monetary assets and future royalty payments would be placed;

Whereas, Utah law, established by H.B. 352, was amended in 2012 by S.B. 155, Transition for Repealed Navajo Trust Fund Act, to allow expenditures from the NRHF for the education of certain beneficiaries up to January 1, 2014;

Whereas, on June 30, 2010, net assets then being held by the state of Utah in the NRHF totaled \$51,352,590;

Whereas, this includes a \$33,000,000 court settlement, the final installment of which is to be paid by the state of Utah in 2013;

Whereas, litigation is now pending in United States District Court seeking to force the state of Utah to resume active administration of the oil and gas royalties for the health, education, and general welfare of the beneficiaries;

Whereas, the health, education, and general welfare of the beneficiaries would be improved by continuing projects previously



funded, wholly or partially, with oil and gas royalties funds, including housing, water development, range improvement, delivery of education, healthcare, and other social services;

Whereas, beneficiaries seeking secondary education are currently unsure whether college financial aid will continue to be available through the NRHF;

Whereas, in certain carefully selected instances, and in partnership with other governmental and private financial institutions, the beneficiaries would benefit from the expenditure of oil and gas royalty money for economic development in San Juan County;

Whereas, the oil and gas royalties should be actively administered in these areas of need for the health, education, and general welfare of the beneficiaries;

Whereas, the Federal Acts provide no mechanism for the state of Utah to resign as trustee of the oil and gas royalties;

Whereas, legislation to amend the Federal Acts to name a successor trustee was introduced in the 111th and 112th Congress, but did not become law;

Whereas, no legislation to amend the Federal Acts to name a successor trustee has been introduced in the 113th Congress;

Whereas, the Legislature of the state of Utah and the Governor stated in H.C.R. 4 that the "removal of the state as a go-between provides an opportunity for Navajos";

Whereas, the Utah Diné Corporation (UDC) is a nonprofit organization formed under the Utah Revised Nonprofit Corporation Act;

Whereas, the UDC is organized exclusively for charitable, religious, educational, and scientific purposes, including the making of distributions to organizations that qualify as exempt organizations under IRC Section 501(c) of the Internal Revenue Code;

Whereas, UDC's proposed amended bylaws ensure transparency and accountability at every level of corporate administration and prohibits real and apparent conflicts of interest, including nepotism, at every level of corporate administration;

Whereas, the UDC's proposed amended bylaws position the Utah Diné to play important roles in oil and gas royalties administration and oversight, require that the overall value of the oil and gas royalties' assets, currently estimated at approximately \$55,000,000, be maintained and, if consistent with applicable law and oil and gas royalties' purposes, grown;

Whereas, the UDC's proposed amended bylaws require that any oil and gas royalties' assets made available for economic development be limited in amount, comprise only a minor portion of any single funding package, be partnered with loans from other chartered financial institutions, be offered only as loans at current market rates for any amount over \$300, and occur only after it is expressly determined that the expenditure will actually promote the beneficiaries' health, education, or general welfare;

Whereas, the UDC's proposed amended bylaws provide that if all oil and gas royalties administrative and fiduciary obligations are transferred to the Utah Diné Corporation, a Request For Proposals addressed to large, chartered financial institutions will be issued immediately, and every three years thereafter, for performing fund management, investing, and auditing services;

Whereas, the members of each Utah chapter of the Navajo Nation have previously resolved to support the UDC's effort to become the trustee of the oil and gas royalties;

Whereas, this support will again be ensured by means deemed reasonable and reliable prior to any transfer of oil and gas royalties administration to the UDC;

Whereas, the San Juan County Board of Commissioners unanimously supports trans-

fer of administrative and fiduciary obligations for the oil and gas royalties to the UDC;

Whereas, the UDC Board of Directors will include representatives elected from each Utah chapter of the Navajo Nation and from one chapter organized to represent Utah Diné that currently do not reside within Navajo Reservation boundaries;

Whereas, the UDC intends to administer the oil and gas royalties pursuant to all applicable laws and regulations, including the common law of Indian trusts that imposes strict and exacting fiduciary obligations upon any trustee administering the property of Native Americans; and

Whereas, any transfer of oil and gas royalties administrative and fiduciary obligations to the UDC must ensure that the state of Utah is indemnified and held harmless for any liability, damages, or litigation costs resulting from oil and gas royalties administration: Now, therefore, be it

*Resolved*, That the Legislature of the state of Utah, the Governor concurring therein, expresses its support for the transfer of all oil and gas royalties administrative and fiduciary obligations to the Utah Diné Corporation conditioned on removal of the state as trustee, by an act of Congress or a federal court order that can then be used to encourage congressional action and that indemnifies and holds harmless the state of Utah from any and all legal and equitable claims; and be it further

*Resolved*, That the Legislature and the Governor declare that any transfer of the oil and gas royalties administrative and fiduciary obligations to the Utah Diné Corporation by Congressional act or federal court order must also indemnify and hold harmless the state of Utah from any and all legal and equitable claims arising from future oil and gas royalties administration by the Utah Diné Corporation and for litigation costs related to any claims; and be it further

*Resolved*, That the Legislature and the Governor declare that any transfer of oil and gas royalties administrative and fiduciary obligations to the Utah Diné Corporation should require that the value of fixed and monetary oil and gas royalties assets remain at least at current levels so that funds will be available to promote future generations of oil and gas royalties beneficiaries' health, education, and general welfare and that the Utah Diné Corporation should operate under bylaws that have the protections described in this resolution; and be it further

*Resolved*, That the Legislature and the Governor declare that, if the foregoing objectives are ensured, the Legislature and the Governor support action by Congress or federal court order to transfer the oil and gas royalties administrative' and fiduciary obligations to the Utah Diné Corporation; and be it further

*Resolved*, That a copy of this resolution be sent to the Navajo Utah Commission, the President of the Navajo Nation, the Speaker of the Navajo Nation Council, the elected secretary of each Utah Diné chapter, the San Juan County Board of Commissioners, the current administrator of the Navajo Royalty Holding Fund, the secretary of the United States Department of the Interior, the United States Attorney General, and the members of Utah's congressional delegation.

POM-77. A concurrent resolution adopted by the Legislature of the State of Utah expressing appreciation for the completion of the Provo Reservoir Canal Enclosure Project; to the Committee on Energy and Natural Resources.

SENATE CONCURRENT RESOLUTION NO. 8

Whereas, the Provo Reservoir Canal Enclosure Project is substantially complete;

Whereas, the benefits of the Enclosure Project are vital and significant, including realizing environmental benefits by saving 8,000 acre-feet of water annually, improving the safety of thousands of people who live near the canal, and providing a significant public recreational benefit;

Whereas, due to the great work of the Utah Congressional Delegation, Congress passed the Provo River Project Transfer Act (P.L. 108-382) in October 2004 that authorized the transfer of title of the Provo Reservoir Canal to the local sponsor, the Provo River Water Users Association;

Whereas, much work has gone into planning the title transfer of the Provo Reservoir Canal and corridor to the local sponsor;

Whereas, one of the main purposes of seeking title transfer from the United States to the Provo River Water Users Association was to take advantage of the managerial benefits of private sector ownership and control; and

Whereas, enormous time and consideration have gone into the completion of the Enclosure Project in preparation for title transfer by the local sponsor, the other participating entities, including Central Utah Water Conservancy District, Metropolitan Water District of Salt Lake and Sandy, and Jordan Valley Water Conservancy District, as well as all the local communities, the Utah State Legislature, the Governor, and the many residents in the affected area: Now, therefore, be it

*Resolved*, That the Legislature of the state of Utah, the Governor concurring therein, recognizes that substantial completion of the Provo Reservoir Canal Enclosure Project is a tremendous accomplishment and expresses support for transfer of title to the Provo Reservoir Canal from the United States to the Provo River Water Users Association, as authorized by the Provo River Project Transfer Act (P.L. 108-382); and be it further

*Resolved*, That the Legislature and the Governor urge the United States Bureau of Reclamation to work with the parties to expeditiously complete the transfer of title; and be it further

*Resolved* That copies of this resolution be sent to Utah's Congressional Delegation, the Provo River Water Users Association, Central Utah Water Conservancy District, Metropolitan Water District of Salt Lake and Sandy, Jordan Valley Water Conservancy District, the United States Bureau of Reclamation, and the Governor.

POM-78. A concurrent resolution adopted by the Legislature of the State of West Virginia urging the United States Congress to update the Renewable Fuel Standard to allow a broader range of domestic fuel sources, such as natural gas and coal, to be used to make liquid ethanol; to the Committee on Environment and Public Works.

SENATE CONCURRENT RESOLUTION NO. 76

Whereas, The United States needs a balanced and sensible domestic energy policy; and

Whereas, Reducing dependence on foreign oil is not only a matter of national security, but a significant opportunity to enhance economic prosperity and job growth in West Virginia; and

Whereas, Today there are multiple routes to ethanol, including traditional fossil fuels such as natural gas and coal, which are plentiful in West Virginia and several other states in the country; and

Whereas, West Virginia is committed to being a leader in development of a sustainable national energy policy: Now, therefore, be it

*Resolved by the Legislature of West Virginia:* That the Legislature hereby Urges Congress to update the Renewable Fuel Standard

to allow a broader range of domestic fuel sources, such as natural gas and coal, to be used to make liquid ethanol; and be it further

*Resolved*, That the Legislature of West Virginia urges Congress to pass legislation that promotes growth of domestic alternative fuel sources and reduces dependence on foreign oil; and be it further

*Resolved*, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to members of the United States Senate representing West Virginia; to members of the West Virginia Congressional delegation; to the President of the United States Senate; and to the Speaker of the United States House of Representatives.

POM-79. A joint resolution adopted by the Legislature of the State of Maine memorializing the President of the United States and the United States Congress to protect the Clean Air Act and fund the infrastructure that ensures healthy air for Maine families and businesses; to the Committee on Environment and Public Works.

#### JOINT RESOLUTION

We, your Memorialists, the Members of the One Hundred and Twenty-sixth Legislature of the State of Maine now assembled in the First Regular Session, most respectfully present and petition the President of the United States and the United States Congress as follows:

Whereas, Maine families and businesses need healthy air to grow and succeed because when people are healthy, children do better in school, workers are more productive and businesses can add jobs because their health care costs are lower; and

Whereas, air pollution does not respect state borders, and Maine's geographic location puts us on the receiving end of life-threatening air pollution produced in states to the south and west of us; and

Whereas, air pollution can lead to asthma attacks, heart attacks, strokes, diabetes, cancer, reproductive and developmental harm and even premature death; and

Whereas, dangerous air pollution levels can increase hospital admissions and emergency room visits as well as missed days of school and work; and

Whereas, unhealthy air can be particularly dangerous for children, the elderly and people with chronic diseases, including the more than 22,700 children and 92,700 adults with asthma and other lung diseases, who may require expensive medical care on unhealthy air days in the State; and

Whereas, air pollution can cause serious health effects at levels once deemed safe and almost half of the people in Maine live in counties with fair to poor air quality; and

Whereas, for more than 4 decades the federal Clean Air Act has protected public health by reducing levels of smog, soot and other air toxins; and

Whereas, the Clean Air Act is a Maine tradition, having been established and subsequently updated and improved under the leadership of Senator Edmund S. Muskie, Senator George J. Mitchell and Senator William S. Cohen; and

Whereas, nationally the Clean Air Act has prevented an estimated 160,000 premature deaths, more than 130,000 heart attacks and over 1.7 million asthma attacks in 2010 alone; and

Whereas, reducing air pollution through the Clean Air Act will provide the United States with \$2 trillion in benefits and prevent 230,000 deaths in 2020; and

Whereas, it is not necessary to choose between improving public health and helping our economy innovate and grow, as evidenced by data showing that between 1970

and 2009 total emissions of the 6 principal air pollutants fell by 63 percent, while private sector jobs and our nation's gross domestic product increased by 86 percent and 210 percent, respectively; and

Whereas, the United States Environmental Protection Agency has concluded that the Clean Air Act has produced economic benefits valued at 30 times the cost of regulation; and

Whereas, the Clean Air Act is continually threatened by attempts to weaken, block, delay or underfund its important public health safeguards: Now, therefore, be it

*Resolved*, That We, your Memorialists, respectfully urge and request that the President of the United States and the United States Congress support the Clean Air Act and fund its enforcement and fund the infrastructure that reduces the dangerous air pollution that crosses into Maine and that ensures the it is safe to breathe for Maine children and adults; and be it further

*Resolved*, That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable Barack H. Obama, President of the United States, the President of the United States Senate and the Speaker of the United States House of Representatives and to each Member of the Maine Congressional Delegation.

POM-80. A joint resolution adopted by the Legislature of the State of Maine memorializing the President of the United States and the United States Congress to not require the use of E15 gasoline; to the Committee on Environment and Public Works.

#### JOINT RESOLUTION

We, your Memorialists, the Members of the One Hundred and Twenty-sixth Legislature of the State of Maine now assembled in the First Regular Session, most respectfully present and petition the President of the United States and the United States Congress, as follows:

Whereas, federal laws and regulations, including the Clean Air Act, the Energy Policy Act of 2005 and the national renewable fuel standard program, have contributed to changes in fuel standards, such as the removal of methyl tertiary butyl ether, or MTBE, as an oxygenate in fuel, leading to the use of ethanol as a replacement for MTBE; and

Whereas, only reformulated gasoline is now available for purchase at public fuel pumps and typically contains a 10 percent corn ethanol blend, known as E10, and in June 2012 the United States Environmental Protection Agency approved the sale of E15, a mixture of 15 percent ethanol and 85 percent gasoline; and

Whereas, using the fuel blend has been promoted as a method of reducing greenhouse gas emissions and our Nation's dependence on foreign oil but these claims are disputed by several automakers and others, such as AAA, which also claims E15 will damage fuel lines and void vehicle warranties; and

Whereas, in addition, AAA claims that automotive engineering experts believe that sustained use of E15, both in newer and older vehicles, could cause accelerated engine wear and failure, fuel system damage and false "check engine" lights for vehicles not approved by manufacturers to use E15; and

Whereas, E15 also has 5 percent less energy than gasoline and about 2 percent less than E10 and therefore could ultimately cost consumers more as a result of reduced fuel economy; and

Whereas, the production of corn ethanol is wasteful of fossil fuel resources and does not increase energy security and with this production, which uses 10 percent of all arable land in the United States, we see increased

degradation of vital land and water resources; and

Whereas, corn ethanol's impact on food prices is huge and corn is now trading at an all-time high and this affects food manufacturing and other industries such as animal feed businesses; and

Whereas, the burning of corn ethanol increases the emissions of gases and hazardous air pollutants that are probable carcinogens and are the causes of numerous health issues such as asthma, chronic bronchitis and other respiratory problems; Now, therefore, be it

*Resolved*, That We, your Memorialists, respectfully urge and request that the President of the United States and members of the United States Congress realize the major problems of corn ethanol as a fuel additive and the numerous negative effects it has on not only Maine citizens but all Americans and we urge and request that the President of the United States and the United States Congress consider reversing the decision of the United States Environmental Protection Agency to move forward with the use of E15; and be it further

*Resolved*, That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable Barack H. Obama, President of the United States, to the Inspector General of the United States Department of Energy, to the United States Environmental Protection Agency, to the President of the United States Senate, to the Speaker of the United States House of Representatives and to each Member of the Maine Congressional Delegation.

POM-81. A concurrent resolution adopted by the Legislature of the State of Michigan urging the United States Department of Energy and the Nuclear Regulatory Commission to fulfill their obligation to establish a permanent repository for high-level nuclear waste; to the Committee on Environment and Public Works.

#### SENATE CONCURRENT RESOLUTION NO. 5

Whereas, Over the past four decades, nuclear power has been a significant source for the nation's production of electricity. According to the U.S. Nuclear Energy Institute, nuclear power provided 19.2 percent of the electricity produced in the United States in 2011. The Michigan Public Service Commission estimates that 22 percent of the electricity generated for use in Michigan is from nuclear energy; and

Whereas, Since the earliest days of nuclear power, the great dilemma associated with this technology is how to deal with used nuclear fuel. This high-level radioactive waste demands exceptional care in all facets of its storage and disposal, including its transportation; and

Whereas, In 1982, Congress passed the Nuclear Waste Policy Act of 1982. This legislation requires the federal government, through the Department of Energy, to build a repository for the permanent storage of high-level radioactive waste from nuclear power plants. This act, which was amended in 1987, includes a specific timetable to identify a suitable location and to establish the waste repository. The costs for this undertaking are paid from a fee that is assessed on all nuclear energy produced; and

Whereas, In accordance with the federal act, customers of Michigan electric utilities have paid \$763 million through September 30, 2010, into the federal Nuclear Waste Fund for construction of the federal nuclear waste repository. Every year, the total Nuclear Waste Fund balance grows by approximately \$750 million in direct ratepayer payments; and

Whereas, There are serious concerns that the federal government is not complying

with the timetables set forth in federal law. Every delay places our country at greater risk for a catastrophe to occur. The large number of temporary storage sites at nuclear facilities across the country make us vulnerable to potential problems. The events since September 11, 2001, clearly illustrate the urgency of the need to establish a safe and permanent high-level nuclear waste repository as soon as possible. The Department of Energy, along with the Nuclear Regulatory Commission, must work diligently to meet its obligation as provided by law. There is too much at stake; Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring),* That we urge the United States Department of Energy and the Nuclear Regulatory Commission to fulfill their obligation to establish a permanent repository for high-level nuclear waste; and be it further

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

POM-82. A resolution adopted by the Senate of the State of Michigan memorializing the Congress of the United States to enact legislation to ensure that amounts credited to the Harbor Maintenance Trust Fund are used solely for the dredging, infrastructure, operation, and maintenance of federally-authorized ports, harbors, and waterways; to the Committee on Environment and Public Works.

#### SENATE RESOLUTION NO. 20

Whereas, Domestic shippers and importers using Great Lakes and coastal ports pay more than a billion dollars per year in federal harbor maintenance taxes. Congress established the tax to fund harbor operation and maintenance, particularly dredging, at these ports; and

Whereas, Despite a nearly \$6.4 billion balance in the Harbor Maintenance Trust Fund, our nation's dredging needs are not being met. Throughout our nation and particularly in the Great Lakes region, the lack of dredging has forced shippers to operate inefficiently and carry lighter loads, costing them millions of dollars each year; and

Whereas, The Obama Administration has only budgeted about half of the revenue collected through the harbor maintenance tax for maintaining our nation's harbors. Last year, nearly \$1.6 billion were collected from shippers, but only \$860 million has been allocated for dredging harbors in Michigan and other coastal states; and

Whereas, During the current turbulent economic conditions, we must make every effort to support economic activity by maintaining the infrastructure necessary for commerce. In essentially using harbor maintenance taxes placed in the Harbor Maintenance Trust Fund to finance and balance other portions of the federal budget, we are breaking our promise to the shippers paying the tax and hurting our nation's economic recovery; and

Whereas, Current congressional legislation (H.R. 335 and S. 218) would ensure that harbor maintenance taxes are only used for their intended purpose to maintain our nation's harbors: Now, therefore, be it

*Resolved by the Senate,* That we memorialize the Congress of the United States to enact legislation to ensure that amounts credited to the Harbor Maintenance Trust Fund are used solely for the dredging, infrastructure, operation, and maintenance of federally-authorized ports, harbors, and waterways; and be it further

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

POM-83. A concurrent resolution adopted by the Legislature of the State of Utah urging the United States Fish and Wildlife Service to exempt or exclude private properties in San Juan County from designation as critical habitat in the proposed listing of the Gunnison sagegrouse under the Endangered Species Act; to the Committee on Environment and Public Works.

#### HOUSE CONCURRENT RESOLUTION NO. 7

Whereas, the United States Fish and Wildlife Service (USFWS) has announced a proposal to add the Gunnison sagegrouse in the Gunnison Basin of southwest Colorado and southeastern Utah, specifically Grand and San Juan Counties in Utah, to the list of species that are candidates for Endangered Species Act Protection;

Whereas, following the USFWS's proposal to list the Gunnison sagegrouse as endangered under the Endangered Species Act, the agency will designate critical habitat for the species, which contains the physical and biological features essential to the conservation and recovery of the species;

Whereas, the USFWS has proposed that 1,704,227 acres be designated as critical habitat in Utah and Colorado;

Whereas, in the Monticello area of San Juan County, the USFWS is proposing that 145,500 acres be designated as critical habitat;

Whereas, of these proposed acres, 95% are private, 4% are Bureau of Land Management lands, and 1% are state lands;

Whereas, San Juan County has approximately 5.2 million acres, making it the largest county in the state of Utah;

Whereas, the federal government owns, controls, or manages approximately 84% of the land base within San Juan County, with 2.1 million acres or 41% of that land base being managed by the Bureau of Land Management;

Whereas, the Navajo Reservation makes up approximately 1.2 million acres, or 23% of the county, while the National Park Service controls 587 acres, or 11% of the county, and the United States Forest Service manages 450,000 acres, or 9%, of San Juan County;

Whereas, the state of Utah has control over 406,000 acres, or 8%, and the Division of State Parks manages approximately 3,000 acres, or less than 1%, of the county;

Whereas, private ownership makes up a fraction of the 5.2 million acres cited above for a total of 406,000, or just under 8%, of county land ownership;

Whereas, according to the 2007 Census of Agriculture, San Juan County has 758 farms and ranches covering 1,546,914 acres, including private, state, and federal lands, for an average farm and ranch size of 2,041 acres;

Whereas, according to the same census, San Juan County farmers and ranchers raised and sold \$10,299,000 in crop and livestock commodities;

Whereas, the proposed area of critical habitat designation has a high potential for oil and gas development, and private landowners have leased their mineral rights for millions of dollars;

Whereas, the result of the proposed listing of the Gunnison sagegrouse and the accompanying designation of critical habitat will negatively impact approximately 35% of the private property base in the Monticello area of San Juan County, potentially jeopardizing these landowners' ability to generate millions of dollars in products and jobs critical

to the survival of the residents of rural San Juan County;

Whereas, under Section 4 of the Endangered Species Act, the secretary of the United States Department of the Interior may exclude habitat from designation based on economic impact;

Whereas, under the Regulatory Flexibility Act, the USFWS must prepare a regulator flexibility analysis describing the effects of the proposed rule on small entities, including small businesses, such as farm and ranch operations, and small government jurisdictions; and

Whereas, Executive Order 12630, titled Governmental actions and interference with constitutionally protected private property rights, states that the USFWS must analyze the potential implications of designating critical habitat in a takings assessment: Now, therefore, be it

*Resolved,* That the Legislature of the state of Utah, the Governor concurring therein, strongly urges the United States Fish and Wildlife Service to recognize and protect private landowner rights and their ability to make viable economic use of their land by exempting or excluding private properties in San Juan County from designation as critical habitat in the proposed listing of the Gunnison sagegrouse under the Endangered Species Act; and be it further

*Resolved,* That a copy of this resolution be sent to the San Juan County Commission, the Grand County Commission, the United States Fish and Wildlife Service, the San Juan County Chamber of Commerce, the Grand County Chamber of Commerce, the secretary of the United States Department of the Interior, the Bureau of Land Management, and the members of Utah's congressional delegation.

POM-84. A joint resolution adopted by the Legislature of the State of Utah declaring that claims of the United States Forest Service on state waters originating on public lands undermine state sovereignty; to the Committee on Environment and Public Works.

#### HOUSE JOINT RESOLUTION NO. 14

Whereas, water is essential to life, health, safety, and welfare, especially in Utah and throughout the West;

Whereas, in its Patient Protection and Affordable Care Act decision released June 28, 2012, the United States Supreme Court reaffirmed that jurisdiction over matters that "concern the lives, liberties, and properties of the people" are "possessed by the States but not the Federal Government";

Whereas, in the exercise of its jurisdiction over water resources within the state, the state of Utah has long established the recognition of water rights to "first in time" users of the water who can demonstrate the ability to put the water to "beneficial use";

Whereas, in short, "beneficial use" means water use that includes domestic use, irrigation, stock watering, manufacturing, mining, hydropower, municipal use, aquaculture, recreation, and fish and wildlife, among others;

Whereas, in disregard for and disrespect of the long-established state jurisdiction over water resources, the federal government, principally by and through the United States Forest Service (USFS), has engaged in a persistent pattern and course of conduct to exert control and influence over water resources within the state and throughout the West;

Whereas, various federal agencies are acting to negatively impact the water resources of Utah and other western states by unilaterally and substantially reducing the number of grazing permits and severely restricting timber harvesting;

Whereas, these federal policies, which overly restrict timber harvesting and grazing, build up dangerous wildfire fuel loads and result in inordinate water absorption for unhealthy vegetation densities;

Whereas, these federal agencies are also threatening to not renew often long-held grazing permits unless the permittee signs a water right change application over to the federal agency, closing roads and access to water resources, diminishing water recreation opportunities, and imposing onerous permit requirements;

Whereas, some specific examples of the disregard for and disrespect of state jurisdiction over water resources by federal agencies include:

1. In the spring of 2012, agents of the USFS coerced Tooele County livestock producers to sign change applications on private livestock water rights under compulsion of prohibiting the livestock producers from turning out their cattle onto their Forest Service allotment if the producers did not comply with the federal agency demand.

2. Near Scipio, the USFS based its diligence claim filings on use by nineteenth century settlers and then used the filings, and the threat of protracted litigation, to dispossess direct descendants of the settlers from their legitimate water rights.

3. For many years, the United States Forest Service and the Bureau of Land Management actively sought to reduce or eliminate the livestock and watering rights of a Nevada rancher. This action resulted in protracted litigation before United States District Court Judge Robert C. Jones, which concluded in the 2012 criminal convictions of two public servants employed by the USFS and the Bureau of Land Management. Both public servants were found guilty of contempt of court and witness intimidation charges. At trial, the regional forester in charge of Utah was found to have lied to the court when asked about the agency's antigrazing plan, which sought to eliminate cattle grazing on public lands.

4. From 2011 to the present, federal agents have barred city of Tombstone officials from accessing their water resources established in the Huachuca Mountains as early as 1881, which were washed out by monsoon rains on the heels of devastating wildfires exacerbated by unmitigated fuel loads. Local officials were at first denied access to repair their water lines, but were then allowed by USFS agents to only use "horses and hand tools" to ascend the mountain on foot in an obviously futile attempt to restore their water services. In attempting to ascend the road they had used for decades to repair their water resources with modern machinery, Tombstone officials were met by armed Forest Service agents and turned back at the threat of arrest and confiscation of expensive, rented heavy machinery. The city of Tombstone is now engaged in protracted litigation with the federal government over its water resources and has been reduced to using arsenic-laced wells that lack the pressure and capacity to withstand any serious fire danger to the wooden town in the middle of a desert in the middle of a drought.

5. The United States Forest Service filed suit in Idaho against the Joyce Livestock Company, arguing the livestock water rights were the property of the United States, based on federal ownership and control of the public lands coupled with the Bureau of Land Management's oversight of the public lands under the Taylor Grazing Act. Through pro-

tracted litigation, the Joyce Livestock Company proved its water rights to have been in place since 1898. The district court found no evidence that the United States had appropriated any water by grazing livestock. Upon appeal, in *Joyce Livestock Company vs. United States*, the Idaho Supreme Court unanimously held that the United States did not actually apply the water to beneficial use under the constitutional method of appropriation and, therefore, had no water right.

6. USFS efforts to exert control over the water rights of Colorado's ski industry were recently delayed on procedural grounds in a lawsuit brought by the ski industry. The USFS, through a new policy clause in the land use permitting process, seeks to require ski industry interests to provide joint ownership of state water rights, relinquish water rights held jointly with the federal government if the use permit is terminated, and grant "limited" power of attorney to the United States to execute documents pertaining to jointly held water rights with the promise that the ski industry will waive any claim against the United States for compensation of water rights lost as a result of the new permit language.

Whereas, John Dickinson, one of the Founding Fathers of this nation, warned, "It will be their own faults, if the several states suffer the federal sovereignty to interfere in the things of their respective jurisdictions";

Whereas, the United States Supreme Court also highlighted a vital role of states' authority in relation to protecting the liberty and property of their citizens by curbing federal government overreach, stating, "The Independent power of the States also serves as a check on the power of the Federal Government: 'By denying any one government complete jurisdiction over all the concerns of public life, federalism protects the liberty of the individual from arbitrary power'";

Whereas, in its recent Patient Protection and Affordable Care Act decision, the United States Supreme Court further admonished states of their jurisdiction to protect matters of health, safety, and welfare, such as the critical life-sustaining issue of water in the West, stating, "Our cases refer to this general power of governing, possessed by the States but not by the Federal Government, as the 'police power.' . . . Because the police power is controlled by 50 different states instead of one national sovereign, the facets of governing that touch on citizens' daily lives are normally administered by smaller governments closer to the governed. The Framers thus ensured that powers which 'in the ordinary course of affairs, concern the lives, liberties, and properties of the people' were held by governments more local and more accountable than a distant federal bureaucracy";

Whereas, after recounting these fundamental principles and the states' inherent powers as "separate and independent sovereigns," the United States Supreme Court admonished, "In the typical case we look to the States to defend their prerogatives by adopting 'the simple expedient of not yielding' to federal blandishments when they do not want to embrace the federal policies as their own. The States are separate and independent sovereigns. Sometimes they have to act like it";

Whereas, the USFS Intermountain Region Guidance Document states that the federal government will not invest in livestock water improvements, "nor," according to the Intermountain Region Director, "will the agency authorize water improvements to be constructed or reconstructed with private funds where the right is held solely by the livestock owner";

Whereas, when the USFS allows improvements, including developing, redeveloping,

and maintaining a livestock permittee's water rights, all improvements are claimed as the property of the United States, even when the investments are made by individual livestock permittees to allow the permittees to put their livestock watering rights to beneficial use as prescribed under state law;

Whereas, the USFS has used pressure tactics to gain control of livestock water rights by seeking change applications from the permittees or joint ownership in water with the federal agency;

Whereas, the USFS has threatened to not allow livestock permittees onto its Forest Service grazing allotments until permittees comply with the request;

Whereas, pre-existing water rights for livestock permittees on federal lands are protected in both the 1934 Taylor Grazing Act and the 1976 Federal Land Policy and Management Act;

Whereas, these actions by federal agencies infringe on recognized state jurisdiction and sovereignty, state law, and water rights established through historic livestock watering on public lands, and Utah's beneficial use doctrine;

Whereas, it is the apparent intention of the federal government to further expand its water holdings in the West, including Utah, through the USFS as provided in 16 U.S.C. Sec. 526, which states, "There are authorized to be appropriated for expenditure by the Forest Service such sums as may be necessary for the investigation and establishment of water rights, including the purchase thereof or of lands or interests in lands or rights-of-way for use and protection of water rights necessary or beneficial in connection with the administration and public use of the national forests";

Whereas, the United States, by and through its various agencies and departments, appears intent upon undermining, or at the very least disregarding, state sovereignty and jurisdiction over water rights and resources, as outlined in the USFS Intermountain Region Guidance Document, which states, "until the court issues a decree accepting these claims, it is not known whether these claims will be recognized as water rights";

Whereas, in seeking to expand the federal government's interest in the Utah water rights portfolio and exert greater control over the natural resources of the state, the USFS has filed more than 16,000 water rights claims of ownership on livestock watering rights located across the state;

Whereas, water rights claimed by the United States, based on its control of public lands, coupled with the Bureau of Land Management's comprehensive management of public lands under the Taylor Grazing Act, do not constitute the application of the water right to beneficial use under Utah's constitutional method of water appropriation and beneficial use;

Whereas, these waters are the property of the citizens of the state of Utah under its constitution, and the control falls under the stewardship and jurisdiction of the Utah State Legislature;

Whereas, it is recognized and understood that the United States cannot obtain sovereign water rights, nor can it obtain historic livestock water rights established on public lands, through federal laws;

Whereas, the consequence of allowing the federal government to exceed its authority over water rights is clearly illustrated by the great difficulty in getting the federal government to acknowledge its encroachment and relinquish its hold on that which the states should have by right;

Whereas, it is the sovereign right of the state of Utah, the second most arid state in

the nation, to exercise its obligation to protect the scarce water resources within its borders for the health, safety, and welfare of its citizens; and

Whereas, to do otherwise would be an abrogation of the Legislature's constitutional responsibility and obligation on behalf of the citizens of Utah, would weaken state authority, and would relinquish to the federal government more control over the water, natural resources, and lands contained within the borders of Utah: Now, therefore, be it

*Resolved*, That the Legislature of the state of Utah affirms the rights established in the Utah Constitution related to the citizens' water and Utah's sovereign ownership, jurisdiction, and control over its water; and be it further

*Resolved*, That the Legislature of the state of Utah declares that 191 the actions related to United States Forest Service claims on state waters originating on public lands undermines state sovereignty and jurisdiction and demands action by the state of Utah to protect its sovereign, recognized water ownership and rights on behalf of the citizens of Utah; and be it further

*Resolved*, That the Legislature of the state of Utah calls on state, county, and local governments to protect, preserve, and defend their jurisdiction and exercise their constitutional obligation to protect the health, safety, and welfare of the citizens of the state of Utah, particularly in defending and maintaining jurisdiction over the water resources of this state; and be it further

*Resolved*, That a copy of this resolution be sent to the United States Department of the Interior, the United States Forest Service, the United States Department of Agriculture, the Bureau of Land Management, the Utah Department of Natural Resources, each county commission in the state of Utah, each municipality in the state of Utah, and the members of Utah's congressional delegation.

POM-85. A concurrent resolution adopted by the Legislature of the State of Louisiana memorializing the United States Congress to take such actions as are necessary to pass the ABLE Act; to the Committee on Finance.

#### HOUSE CONCURRENT RESOLUTION No. 54

Whereas, the Achieving a Better Life Experience Act, also known as the ABLE Act, has been introduced as S. 313 and H.R. 647 in the One Hundred Thirteenth United States Congress; and

Whereas, the ABLE Act would create tax-advantaged savings accounts known as "ABLE accounts" for persons with disabilities and provide that funds may be withdrawn from such accounts to cover costs of health care, employment support, housing, transportation, assistive technology, and lifelong education for those persons; and

Whereas, ABLE accounts would be subject to the same tax treatment as the popular education savings accounts commonly called "529 plans", as they would be created in the same section (Section 529) of the Internal Revenue Code; and

Whereas, the ABLE Act would create a powerful incentive for individuals and families to save private funds for the purpose of supporting persons with disabilities in maintaining health, independence, and quality of life; and

Whereas, a vital component of the ABLE Act is a provision which stipulates that funds held in an ABLE account do not count toward any maximum limit on a person's assets upon which eligibility for a means-tested federal program may be contingent; and

Whereas, savings in an ABLE account would thereby not jeopardize a person's eligibility for programs such as Medicaid and the Supplemental Nutrition Assistance Program (formerly known as food stamps), the asset

limits of which currently force low-income persons into the difficult decision of whether to spend what resources they may have down to two thousand dollars in most cases in order to become eligible for needed assistance; and

Whereas, the ABLE Act includes a fiscal safeguard for states by providing that if the ABLE account beneficiary dies or their disability ceases and assets remain in the account, the assets will be distributed first to any state Medicaid plan that provided assistance to the person; and

Whereas, as evidenced by the party affiliations of its seventy-eight original cosponsors being almost perfectly balanced, the ABLE Act legislation enjoys broad bipartisan support; and

Whereas, the ABLE Act embodies sound economic policy by encouraging savings and asset building; and by providing that every citizen living with a disability has the opportunity to attain independence and an improved quality of life, promotes important values that our nation holds dear: Now, therefore, be it

*Resolved*, That the Legislature of Louisiana does hereby memorialize the United States Congress to take such actions as are necessary to pass the ABLE Act; and be it further

*Resolved*, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM-86. A concurrent resolution adopted by the Legislature of the State of Louisiana memorializing the United States Congress to take such actions as are necessary to repeal that portion of the federal health care reform legislation which imposes a health insurance tax; to the Committee on Finance.

#### HOUSE CONCURRENT RESOLUTION No. 53

Whereas, beginning in 2014, Section 9010 of the Patient Protection and Affordable Care Act (P.L. 111-148), as amended by Section 10905 of that Act and Section 1406 of the Health Care and Education Reconciliation Act (P.L. 111-152), will impose an unprecedented new tax on health insurance that numerous policy experts agree will be passed on to individuals, working families, employers, and seniors, contradicting a primary goal of health care reform by making health care more expensive; and

Whereas, Congressman Charles Boustany (R-LA) and Congressman Jim Matheson (D-UT) have already sponsored bipartisan legislation, H.R.763 of the First Session of the 113th Congress, in the United States House of Representatives, to repeal Section 9010 of the Patient Protection and Affordable Care Act which imposes an annual fee on health insurance providers; and

Whereas, similar legislation, S. 603 of the First Session of the 113th Congress, has also been introduced in the United States Senate by Senator John Barrasso (R-WY); and

Whereas, it has been estimated that the health insurance tax will cause premiums on the individual market to rise an average of two thousand one hundred fifty dollars for individuals and an average of five thousand eighty dollars for families nationally over a ten-year period; and

Whereas, it has also been estimated that, in Louisiana over the next ten years, an individual will pay an average of two thousand one hundred twenty-eight dollars more for single coverage and an average of four thousand five hundred twelve dollars more for family coverage, a small group employer will pay an average of two thousand five hundred eighty-nine dollars more for single coverage and an average of six thousand three hundred ninety-one dollars more for family coverage, and a large group employer will pay

an average of two thousand eight hundred thirty dollars more for single coverage and an average of six thousand eight hundred thirty-six dollars more for family coverage; and

Whereas, it has been further estimated that a Medicare policyholder in Louisiana will pay on average four thousand one hundred eleven dollars more for coverage, all within the same time period; and

Whereas, estimates additionally indicate that the health insurance tax will also impact the national economy over the next ten years by reducing future private sector jobs by as much as one hundred twenty-five thousand, with approximately fifty-nine percent for small businesses, and reducing potential sales by at least eighteen billion dollars, with approximately fifty percent for small businesses; and

Whereas, higher premiums are a disincentive for everyone to obtain insurance coverage, particularly younger, healthier people, who are likely to drop their policies if they become too expensive, further eroding the risk pool and making coverage even less affordable: Now, therefore, be it

*Resolved*, That the Legislature of Louisiana does hereby memorialize the United States Congress to take such actions as are necessary to repeal Section 9010 of the Patient Protection and Affordable Care Act (PL. 111-148), as amended by Section 10905 of that Act and Section 1406 of the Health Care and Education Reconciliation Act (P.L. 111-152), which imposes a health insurance tax, in order to make health care more affordable for working families, individuals, and businesses; and be it further.

*Resolved*, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM-87. A concurrent resolution adopted by the Legislature of the State of Louisiana memorializing the Congress of the United States to review and consider eliminating provisions of federal law which reduce Social Security benefits for those receiving benefits from federal, state, or local government retirement or pension systems, plans, or funds; to the Committee on Finance.

#### HOUSE CONCURRENT RESOLUTION No. 40

Whereas, the Congress of the United States of America has enacted both the Government Pension Offset (GPO), reducing the spousal and survivor Social Security benefit, and the Windfall Elimination Provision (WEP), reducing the earned Social Security benefit for any person who also receives a public pension benefit; and

Whereas, Congress enacted these reduction provisions to provide a disincentive for public employees to receive two pensions; and

Whereas, the GPO negatively affects a spouse or survivor receiving a federal, state, or local government retirement or pension benefit who would also be entitled to a Social Security benefit earned by a spouse; and

Whereas, the GPO formula reduces the spousal or survivor Social Security benefit by two-thirds of the amount of the federal, state, or local government retirement or pension benefit received by the spouse or survivor, in many cases completely eliminating the Social Security benefit even though their spouses paid Social Security taxes for many years; and

Whereas, the GPO often reduces spousal benefits so significantly it makes the difference between self-sufficiency and poverty; and

Whereas, the GPO has a harsh effect on thousands of citizens and undermines the

original purpose of the Social Security dependent survivor benefit; and

Whereas, the WEP applies to those persons who have earned federal, state, or local government retirement or pension benefits, in addition to working in employment covered under Social Security and paying into the Social Security system; and

Whereas, the WEP reduces the earned Social Security benefit using an averaged indexed monthly earnings formula and may reduce Social Security benefits for affected persons by as much as one-half of the retirement benefit earned as a public servant in employment not covered under Social Security; and

Whereas, the WEP causes hardworking individuals to lose a significant portion of the Social Security benefits that they earn themselves; and

Whereas, in certain circumstances both the WEP and GPO can be applied to a qualifying survivor's benefit, each independently reducing the available benefit and in combination eliminating a large portion of the total Social Security benefit available to the survivor; and

Whereas, because of the calculation characteristics of the GPO and the WEP, they have a disproportionately negative effect on employees working in lower-wage government jobs, like policemen, firefighters, teachers, and state employees; and

Whereas, Louisiana is making every effort to improve the quality of life of its citizens and to encourage them to live here lifelong, yet the current GPO and WEP provisions compromise their quality of life; and

Whereas, individuals drastically affected by the GPO or WEP may have no choice but to return to work after retirement in order to make ends meet, but the earnings accumulated during this return to work can further reduce the Social Security benefits the individual is entitled to; and

Whereas, retired individuals affected by both GPO and WEP have significantly less money to support their basic needs and sometimes have to turn to government assistance programs; and

Whereas, the GPO and the WEP penalize individuals who have dedicated their lives to public service by taking away benefits they have earned; and

Whereas, our nation should respect, not penalize, public servants; and

Whereas, the number of people affected by GPO and WEP is growing every day as more and more people reach retirement age; and

Whereas, the GPO and WEP are established in federal law, and repeal of the GPO and the WEP can only be enacted by Congress: Now, therefore, be it

*Resolved*, That the Legislature of Louisiana does hereby memorialize the Congress of the United States of America to review the Government Pension Offset and the Windfall Elimination Provision Social Security benefit reductions and to consider eliminating or reducing them; and be it further

*Resolved*, That the Legislature of Louisiana does hereby memorialize Congress, in the alternative, to repeal the Government Pension Offset and to consider applying the less stringent Windfall Elimination Provision to spousal and survivor benefits; and be it further

*Resolved*, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM-88. A joint resolution adopted by the Legislature of the State of Maine memorializing the President of the United States, the United States Congress and the United

States Trade Representative regarding the use of trade promotion authority in international trade policy; to the Committee on Finance.

#### JOINT RESOLUTION

Whereas, the State strongly supports international trade when fair rules of trade are in place and seeks to be an active participant in the global economy, and the State seeks to maximize the benefits and minimize any negative effects of international trade; and

Whereas, existing trade agreements have effects that extend significantly beyond the bounds of traditional trade matters, such as tariffs and quotas, and can undermine Maine's constitutionally guaranteed authority to protect the public health, safety and welfare and its regulatory authority; and

Whereas, a succession of federal trade negotiators from both political parties over the years have failed to operate in a transparent manner and have failed to meaningfully consult with the State on the far-reaching effect of trade agreements on state and local laws, even when obligating the State to comply with the terms of these agreements; and

Whereas, Article II, Section 2 of the United States Constitution empowers the President of the United States ". . . by and with the advice and consent of the Senate, to make treaties, provided two thirds of Senators present concur . . ."; and

Whereas, the trade promotion authority implemented by the United States Congress and the President of the United States with regard to international trade and investment treaties and agreements entered into over the past several years, commonly known as fast-track negotiating authority, does not adequately provide for the constitutionally required review and approval of treaties; and

Whereas, the United States Trade Representative, at the direction of the President of the United States, is currently negotiating or planning to enter into negotiations for several multilateral trade and investment treaties, including the Trans-Pacific Partnership Agreement and the Trans-Atlantic Trade and Investment Partnership; and

Whereas, proposals are under consideration to review these and future trade and investment agreements pursuant to a fast-track model; and

Whereas, the current process of consultation with states by the Federal Government on trade policy fails to provide a way for states to meaningfully participate in the development of trade policy, despite the fact that trade rules could undermine state sovereignty; and

Whereas, under current trade rules, states have not had channels for meaningful communication with the United States Trade Representative, as both the Intergovernmental Policy Advisory Committee on Trade and the state point of contact system have proven insufficient to allow input from states, and states do not always seem to be considered as a partner in government; and

Whereas, the President of the United States, the United States Trade Representative and the Maine Congressional Delegation will have a role in shaping future trade policy legislation: Now, therefore, be it

*Resolved*, That We, your Memorialists, respectfully urge and request that future trade policy include reforms to improve the process of consultation both between the Executive Branch and Congress and between the Federal Government and the states; and be it further

and agreements not yet under negotiation; and be it further

*Resolved*, That We, your Memorialists, respectfully urge and request that the President of the United States, the United States Congress and the United States Trade Representative seek to develop a new middle ground approach to consultation that meets the constitutional requirements for treaty review and approval while at the same time allowing the United States Trade Representative adequate flexibility to negotiate the increasingly complicated provisions of international trade treaties; and be it further

*Resolved*, That We, your Memorialists, respectfully urge and request that the President of the United States, the United States Congress and the United States Trade Representative seek a meaningful consultation system that increases transparency, promotes information sharing, allows for timely and frequent consultations, provides state-level trade data analysis, provides legal analysis for states on the effect of trade on state laws, increases public participation and acknowledges and respects each state's sovereignty; and be it further

*Resolved*, That We, your Memorialists, respectfully urge and request that each instance in which trade promotion authority is authorized by the United States Congress be limited to a specific trade agreement to help ensure the adequate review and approval of each international trade treaty; and be it further

*Resolved*, That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable Barack H. Obama, President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, to the United States Trade Representative and to each Member of the Maine Congressional Delegation.

POM-89. A joint resolution adopted by the Legislature of the State of California urging the President and the Congress of the United States to exclude social security, Medicare, and Medicaid from being a part of any legislation to reduce the federal deficit; to the Committee on Finance.

#### ASSEMBLY JOINT RESOLUTION NO. 7

Whereas, Social security and Medicare are the foundations of income and health security for older Californians and those with severe work disabilities, providing monthly cash benefits and health insurance to over 5 million Californians, including 3.4 million retirees and nearly 700,000 disabled workers; and

Whereas, Social security is the single most important source of life insurance protection for California's children and provides a vital guaranteed income to 370,000 children throughout the state; and

Whereas, Social security prevents more than 1.1 million Californians from living in poverty; and

Whereas, Social security provides benefits to more than 9 million veterans nationwide, which is roughly four out of 10 veterans; and

Whereas, Social security annually contributes nearly \$67 billion dollars to California's economy by paying benefits to over 5.1 million residents in the state; and

Whereas, Social security's funding is independent of that of the rest of the federal government, and has never contributed to, and by law can never contribute to, the federal deficit; and

Whereas, Social security in fact has a surplus of \$2.7 trillion dollars today that is expected to grow to \$3.1 trillion dollars by 2020; and

Whereas, Social security is not in crisis and has sufficient resources to meet all of its



obligations through 2032 and has dedicated revenues that would—even in the absence of Congressional reforms—meet three-quarters of promised benefits thereafter; and

Whereas, Social security's funding shortfall after 2032 is modest: about one-half of the cost of the Bush tax cuts of 2001 and 2003; and

Whereas, There are many policy options available to close social security's funding shortfall without cutting benefits, including eliminating the cap on earnings subject to the payroll tax, which would eliminate about 80 percent of the 75-year shortfall, or raising the payroll tax rate from 6.2 to 7.2 percent gradually over 20 years, which would eliminate one-half of the shortfall; and

Whereas, Americans prefer raising payroll taxes to cutting social security benefits by a margin of 53 percent to 36 percent; and

Whereas, Social security's modest but vital benefits, averaging just \$12,930 per year in California, are critical to the economic security of those who receive those benefits; and

Whereas, Losses of pensions, 401(k) balances, home equity, and earnings have greatly diminished the retirement income prospects of Californians; and

Whereas, The social security benefit cuts imposed in 1983 will, when fully phased in, cut benefits by roughly 25 percent; and

Whereas, Forty-seven percent of elderly Californians are struggling just to make ends meet and more than one-half of working Californians will not have saved enough to be able to maintain their standard of living in retirement; and

Whereas, Proposals to increase the social security retirement age to 69 would cut benefits by an additional 13 percent on top of the 13 percent cut that occurred when the retirement age increased from 65 to 67; and

Whereas, The physical demands of a job differ from industry to industry and, on average, the longevity of the lives of individuals differ significantly according to their level of income, education, race, and access to health care; and

Whereas, Social security belongs to the people who have worked hard all their lives and contributed to the program, and it is based on a promise that if you pay in, you and your family can collect your money when you retire, experience a severe disability, or die; and

Whereas, Medicare insures almost 4 million California seniors for health care at a fraction of the administrative costs of private plans; and

Whereas, Medicare has controlled its costs better than private insurance plans; and

Whereas, Although increasing the eligibility age for Medicare would save the federal government some money, it would add billions of dollars to what we as a country spend on health care and shift costs onto other governmental entities, businesses, and many individuals who cannot afford those costs; and

Whereas, Medicaid is a critical source of protection for over 11 million low-income children, adults, and elderly Californians, many of whom have severe disabilities or are in need of long-term care; and

Whereas, Our social security, Medicare, and Medicaid systems are fundamental to protecting against risks to which all Californians are subject; and

Whereas, Our social security, Medicare, and Medicaid systems give expression to widely held values, including caring for our families, our neighbors, and ourselves, personal responsibility, hard work, and dignity: Now, therefore, be it

*Resolved by the Assembly and the Senate of the State of California, jointly,* That the California State Legislature urges the President and the Congress of the United States to ex-

clude social security, Medicare, and Medicaid from being a part of any legislation to reduce the federal deficit; and be it further

*Resolved,* That the California State Legislature opposes cuts to social security, Medicare and Medicaid, and calls on our state's representatives in Washington, D.C. to vote against any cuts and consider improving those systems in ways that will strengthen their protections; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Majority Leader of the Senate, and to each Senator and Representative from California in the Congress of the United States.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JOHNSON, of South Dakota, from the Committee on Banking, Housing, and Urban Affairs, with an amendment in the nature of a substitute:

S. 534. A bill to reform the National Association of Registered Agents and Brokers, and for other purposes (Rept. No. 113-82).

By Mr. WYDEN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 783. A bill to amend the Helium Act to improve helium stewardship, and for other purposes (Rept. No. 113-83).

#### 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. HELLER:

S. 1379. A bill to amend the Communications Act of 1934 to consolidate the reporting obligations of the Federal Communications Commission in order to improve congressional oversight and reduce reporting burdens; to the Committee on Commerce, Science, and Transportation.

By Mr. INHOFE:

S. 1380. A bill to direct the Secretary of Transportation to ensure that on-duty time does not include waiting time at a natural gas or oil well site for certain commercial motor vehicle operators, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BLUMENTHAL (for himself, Mr. SANDERS, and Mr. BROWN):

S. 1381. A bill to amend the Lacey Act Amendments of 1981 to clarify provisions enacted by the Captive Wildlife Safety Act, to further the conservation of certain wildlife species, and for other purposes; to the Committee on Environment and Public Works.

By Mr. CARPER (for himself, Mr. COBURN, Mr. PRYOR, Mr. BEGICH, Mr. TESTER, and Mr. PORTMAN):

S. 1382. A bill to require the Federal Government to expedite the sale of underutilized Federal real property; to the Committee on Environment and Public Works.

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

S. 1383. A bill to provide subsidized employment for unemployed, low-income adults, provide summer employment and year-round employment opportunities for low-income youth, and carry out work-related and educational strategies and activities of demonstrated effectiveness, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. GILLIBRAND (for herself, Mr. SCHUMER, Mr. MURPHY, Mr. BLUMENTHAL, and Mr. MERKLEY):

S. 1384. A bill to help ensure that all items offered for sale in any gift shop of the National Park Service or of the National Archives and Records Administration are produced in the United States, and for other purposes; to the Committee on Energy and Natural Resources.

#### ADDITIONAL COSPONSORS

S. 314

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 314, a bill to amend the Public Health Service Act to improve the health of children and help better understand and enhance awareness about unexpected sudden death in early life.

S. 338

At the request of Mr. BAUCUS, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 338, a bill to amend the Land and Water Conservation Fund Act of 1965 to provide consistent and reliable authority for, and for the funding of, the land and water conservation fund to maximize the effectiveness of the fund for future generations, and for other purposes.

S. 360

At the request of Mr. UDALL of New Mexico, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 360, a bill to amend the Public Lands Corps Act of 1993 to expand the authorization of the Secretaries of Agriculture, Commerce, and the Interior to provide service opportunities for young Americans; help restore the nation's natural, cultural, historic, archaeological, recreational and scenic resources; train a new generation of public land managers and enthusiasts; and promote the value of public service.

S. 411

At the request of Mr. ROCKEFELLER, the names of the Senator from Pennsylvania (Mr. CASEY) and the Senator from New York (Mrs. GILLIBRAND) were added as cosponsors of S. 411, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 425

At the request of Ms. STABENOW, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 425, a bill to amend title XI of the Social Security Act to improve the quality, health outcomes, and value of maternity care under the Medicaid and CHIP programs by developing maternity care quality measures and supporting maternity care quality collaboratives.

S. 429

At the request of Mr. NELSON, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 429, a bill to enable concrete masonry products manufacturers to establish, finance, and carry out a coordinated program of research, education, and promotion to improve,