

Sioux Falls. In 1983, the Orpheum Theater was added to the National Register of Historic Places.

I am honored to congratulate the Sioux Falls Orpheum Theater Center on their 100th Anniversary and wish them another 100 years of success.●

#### TRIBUTE TO ADAM TIMMERMAN

● Mr. THUNE. Mr. President, today I recognize Adam Timmerman, an intern in my Washington, DC, office, for all of the hard work he has done for me, my staff, and the State of South Dakota.

Adam is a graduate of Sioux Falls Lincoln High School in Sioux Falls, SD. Currently, he is attending University of Kansas, where he is majoring in environmental studies. He is a hard worker who has been dedicated to getting the most out of his internship experience.

I extend my sincere thanks and appreciation to Adam for all of the fine work he has done and wish him continued success in the years to come.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The messages received today are printed at the end of the Senate proceedings.)

#### MESSAGE FROM THE HOUSE

At 4:30 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1300. An act to amend the Fish and Wildlife Act of 1956 to reauthorize the volunteer programs and community partnerships for the benefit of national wildlife refuges, and for other purposes.

H.R. 2094. An act to amend the Public Health Service Act to increase the preference given, in awarding certain asthma-related grants, to certain States (those allowing trained school personnel to administer epinephrine and meeting other related requirements).

H.R. 2754. An act to amend the Hobby Protection Act to make unlawful the provision of assistance or support in violation of that Act, and for other purposes.

The message also announced that pursuant to section 313 of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 1151), as amended by section 1601 of Public Law 111-68, and the order of the House of January 3, 2013, the Speaker appoints the following Mem-

ber on the part of the House of Representatives to the Board of Trustees of the Open World Leadership Center: Mr. MORAN of Virginia.

The message further announced that pursuant to section 491 of the Higher Education Act (20 U.S.C. 1098(c)), and the order of the House of January 3, 2013, and upon the recommendation of the Minority Leader, the Speaker appoints the following individual on the part of the House of Representatives to the Advisory Committee on Student Financial Assistance for a term of 4 years: Mr. Fred Hurst of Flagstaff, Arizona.

The message also announced that pursuant to 22 U.S.C. 2903, and the order of the House of January 3, 2013, the Speaker appoints the following Member on the part of the House of Representatives to the Japan-United States Friendship Commission: Mr. MCDERMOTT of Washington.

The message further announced that pursuant to 22 U.S.C. 6913, and the order of the House of January 3, 2013, the Speaker appoints the following Members on the part of the House of Representatives to the Congressional-Executive Commission on the People's Republic of China: Ms. KAPTUR of Ohio, and Mr. HONDA of California.

#### ENROLLED BILL SIGNED

The President pro tempore (Mr. LEAHY) reported that he had signed the following enrolled bill, which was previously signed by the Speaker of the House:

H.R. 1092. An act to designate the air route traffic control center located in Nashua, New Hampshire, as the "Patricia Clark Boston Air Route Traffic Control Center".

#### MEASURES REFERRED

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

H.R. 1300. An act to amend the Fish and Wildlife Act of 1956 to reauthorize the volunteer programs and community partnerships for the benefit of national wildlife refuges, and for other purposes; to the Committee on Environment and Public Works.

H.R. 2094. An act to amend the Public Health Service Act to increase the preference given, in awarding certain asthma-related grants, to certain States (those allowing trained school personnel to administer epinephrine and meeting other related requirements); to the Committee on Health, Education, Labor, and Pensions.

H.R. 2754. An act to amend the Hobby Protection Act to make unlawful the provision of assistance or support in violation of that Act, and for other purposes; to the Committee on Commerce, Science, and Transportation.

#### MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 1392. A bill to promote energy savings in residential buildings and industry, and for other purposes.

#### 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-90. A joint resolution adopted by the Legislature of the State of Utah urging the United States Congress to pass S. 336 and H.R. 684, the Marketplace Fairness Act; to the Committee on Finance.

#### HOUSE JOINT RESOLUTION NO. 4

Whereas, the Supreme Court of the United States held in *Quill v. North Dakota*, 504 U.S. 298 (1992) that the "dormant" or "negative" Commerce Clause of the Constitution of the United States prohibits a state from requiring a retailer to collect and remit sales tax on sales to consumers in the state unless the retailer has physical presence in the state;

Whereas, the Supreme Court further held "that the underlying issue is not only one that Congress may be better qualified to resolve, but also one that Congress has the ultimate power to resolve";

Whereas, the sales tax, as applied to consumer purchases, can be a transparent tax levied by state and local governments;

Whereas, the sales tax is, from the individual consumer's perspective, one of the simplest taxes imposed by state and local governments;

Whereas, a complex aspect of sales taxation, from the individual consumer's perspective, is the requirement to pay "use" tax directly to the state or locality when sales tax is not collected by the retailer;

Whereas, the electronic commerce industry needs to be left free from government interference, and any argument in favor of taxing sales on the Internet is problematic in light of constitutional provisions regarding interstate commerce and interstate compacts;

Whereas, because there are over 9,600 state and local taxing jurisdictions in the United States, each with unique and changing definitions, rules, and holidays, the sales tax is, from a remote seller's perspective, one of the most complex and costly taxes imposed by state and local governments;

Whereas, consumption taxes can be used to achieve competitiveness;

Whereas, the sales tax has been a stable source of state and local revenue and provides some level of certainty for states and localities;

Whereas, some proposed federal legislation authorizing states to require all retailers whose sales to consumers in those states exceed a minimum threshold to collect sales taxes has garnered support from some businesses and organizations;

Whereas, despite the progress states have made in simplifying state sales tax collection for remote sellers, there remain some inequities between the burden of tax collection obligations imposed upon sellers with physical presence and the burdens those same obligations would impose on remote sellers serving consumers in multiple states without physical presence;

Whereas, any federal legislation should be fair to both in-state and remote sellers, whether such legislation requires sales and use taxes to be collected on a point-of-sale or point-of-delivery basis; and

Whereas, the state of Utah has adopted or supports, and Congress is considering, the following items in federal legislation:

1. State-provided or state-certified tax collection and remittance software that is simple to implement and maintain, and paid for by states;

2. Immunity from civil lawsuits for retailers utilizing state-provided or state-certified software in tax collection and remittance;

3. Tax audit accountability to a single state tax audit authority;

4. Elimination of interstate tax complexity by streamlining taxable good categories;

5. Adoption of a meaningful small business exception so that small, remote seller businesses are not adversely affected; and

6. Fair compensation to the tax-collecting retailer, taking into account such elements as the exchange fees retailers are charged for consumer credit card transactions, which fees apply equally to any state taxes collected on the purchase of goods sold as well as the actual purchase amount;

Whereas, the Marketplace Fairness Act, currently introduced in the United States Senate as S. 336 and the United States House of Representatives as H.R. 684, helps level the playing field between remote sellers and main street sellers by requiring larger remote sales to collect the same sales and use taxes that the brick and mortar stores in Utah already collect;

Whereas, in *Quill Corp. v. North Dakota* (1992), the Supreme Court of the United States indicated that Congress has the ability to resolve this sales tax collection inequity between remote sellers and brick and mortar sellers;

Whereas, the Marketplace Fairness Act will provide states with the authority to require remote sellers to collect and remit the sales tax due if the state is willing to make significant simplifications for sellers;

Whereas, Utah has already shown the way by adopting all the simplifications and uniformity standards required in the Streamlined Sales and Use Tax Agreement;

Whereas, these simplifications, along with the ease of reporting through recent technological advances, have removed the obstacles to remote sellers collecting sales taxes just like any other retailer;

Whereas, this is evidenced by the fact that over 1,800 sellers have voluntarily registered to collect the taxes in the states, including Utah, that have conformed their laws to the requirements of the Streamlined Sales and Use Tax Agreement;

Whereas, there is an urgent need to pass this long overdue legislation to level the playing field for all retailers;

Whereas, the legislation is about fairness, simplification, and stemming the erosion of state sales tax systems;

Whereas, that both houses of Congress have agreed on the approach and legislative language indicates there is a readiness to take this important step to safeguard state sales tax systems;

Whereas, although purchasers still owe a corresponding use tax on taxable purchases from remote retailers, most individuals are either not aware of this requirement or choose to ignore it;

Whereas, while the Internet was essentially unknown to consumers in 1992, the loophole identified in the *Quill Corp. v. North Dakota* decision points out the competitive advantage online and mail order merchants have over traditional brick and mortar stores that are required to collect and remit sales tax from their customers; and

Whereas, no compelling reason exists for government to continue to give remote sales retailers a competitive advantage over in-state merchants who live and work in a community, hire employees, and pay taxes;

Whereas, the United States Congress should act now so businesses compete on the basis of price and service, not on the ability of one form or retailer to avoid collecting taxes;

Whereas, the Marketplace Fairness Act would give states the authority to require remote sellers with more than \$1 million in total remote sales in the preceding calendar

year to collect their state's sales and use tax on sales to customers; and

Whereas, the Marketplace Fairness Act identifies minimum simplification requirements a state must enact before it can require remote sellers to collect its sales and use taxes, making it easier for the remote sellers to comply with the laws of multiple states; Now, therefore, be it

*Resolved*, That the Legislature of the state of Utah urges Congress to enact S. 336 and H.R. 684 to authorize states, consistent with this resolution and principles of taxation espoused by national associations of legislators and governors, and subject to the enactment of any necessary state laws, to establish true fairness in state tax collection for both retailers having physical presence in a state and retailers who are remote sellers; and be it further

*Resolved*, That the Legislature of the state of Utah, having addressed the principles of fairness outlined in this resolution, urges Congress to require all retailers whose sales to consumers exceed a minimum threshold to collect and remit applicable sales taxes on sales in the state; and be it further

*Resolved*, That a copy of this resolution be sent to the members of the United States House of Representatives and to the members of the United States Senate.

POM-91. A resolution adopted by the House of Representatives of the State of Utah urging the United States Congress to repeal portions of the Patient Protection and Affordable Care Act and the Health Care and Education Reconciliation Act; to the Committee on Finance.

#### HOUSE RESOLUTION

Whereas, sections 9010 and 10905 of the Patient Protection and Affordable Care Act, and section 1406 of the Health Care and Education Reconciliation Act, impose an unprecedented new tax on health insurance that numerous policy experts agree will be passed on to individuals, working families, small employers, and senior citizens, contradicting a primary goal of health reform by making care more expensive;

Whereas, the health insurance tax will cause premiums on the individual market to rise an average of \$2,150 for individuals and \$5,080 for families nationally over 10 years and will increase premiums for families over \$4,305 over 10 years;

Whereas, the health insurance tax will impact small employers over the next 10 years, reducing private sector jobs by 125,000;

Whereas, 59% of these lost jobs will come from small businesses;

Whereas, potential sales will be reduced by at least \$18 billion, 50% of which will come from small businesses;

Whereas, in the state of Utah, premiums for small employers will increase by an average of \$2,173 per employer over 10 years and premiums for large employers will increase by an average of \$2,400 over 10 years;

Whereas, the health insurance tax will impact Medicare Advantage beneficiaries in the state of Utah by costing an average of \$2,926 in additional premiums and reduced benefits over 10 years;

Whereas, the health insurance tax will impact Medicaid beneficiaries in the state of Utah enrolled in a coordinated care program by costing an average of \$1,506 over 10 years, putting pressure on already strained state budgets, decreasing benefits, and potentially creating coverage disruption; and

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

*Resolved*, That the House of Representatives of the state of Utah strongly urges the United States Congress to enact legislation to repeal the health insurance tax, sections 9010 and 10905 of the Patient Protection and Affordable Care Act, and section 1406 of the Health Care and Education Reconciliation Act, to make health care more affordable for working families, individuals, and businesses; 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, and the members of Utah's congressional delegation.

POM-92. A resolution adopted by the House of Representatives of the Legislature of the State of Kansas recognizing the many contributions made by the citizens of the Republic of Azerbaijan; to the Committee on Foreign Relations.

#### HOUSE RESOLUTION NO. 6022

Whereas, The Republic of Azerbaijan and the United States of America are long-standing allies, both dearly cherishing the universal values of freedom, democracy and human rights; and

Whereas, The State of Kansas and the Republic of Azerbaijan enjoy a strong, vibrant and mutually beneficial economic relationship with the prospect of further growth; and

Whereas, It is the custom of the State of Kansas to welcome all who come to our state, especially those who come in the interest of friendship and commerce; and

Whereas, It is the policy of the Kansas House of Representatives to recognize the contributions of our allies and the value of maintaining beneficial relationships with the allies of the United States of America, including the contributions made by the Republic of Azerbaijan and the value of our positive relationship with this ally; Now, therefore, be it

*Resolved by the House of Representatives of the State of Kansas*: That we recognize the many contributions made by the citizens of the Republic of Azerbaijan and that it is in the best interest of the State of Kansas to promote relationships with Azerbaijan.

POM-93. A resolution adopted by the Senate of the Commonwealth of Pennsylvania supporting those peaceful political actions that will result in the final reunification of Ireland; to the Committee on Foreign Relations.

#### SENATE RESOLUTION NO. 53

Whereas, Ireland and its people comprise an ancient and distinct island nation, and the people of Ireland have a right and the responsibility to govern themselves; and

Whereas, Human and civil rights derive "their just powers from the consent of the governed" and are best guaranteed by people freely elected by democratic means to an independent government; and

Whereas, The logic of history, international law, human rights and peaceful political actions dictate the reunification of the island of Ireland, and the reality of the moment in the Peace Process, the Good Friday Agreement, the Desolved Assembly and the development of the All-Ireland institutions of governance attest to this momentum; and

Whereas, In the past, the General Assembly adopted the MacBride Principles for Northern Ireland and strongly endorsed passage of the Good Friday Agreement among the parties, in part because of the dedication and bipartisan support of three separate presidents of the United States, in seeing the Good Friday Agreement to fruition and formation of the Assembly; and

Whereas, The contributions of the Irish born and Irish Americans to the United States of America and this Commonwealth are legion; and

Whereas, The Commonwealth of Pennsylvania is home to a significant percentage of Americans whose ancestors migrated in times of famine and war to seek a better life, but in whose hearts still desire peace and unification for their ancestral home: Now, therefore, be it

*Resolved*, That the Senate of Pennsylvania strongly support a United Ireland by supporting those peaceful political actions that will result in the final reunification of Ireland; and be it further

*Resolved*, That a copy of this resolution be forwarded to the President and Vice President of the United States; the United States Secretary of State; all members of the Pennsylvania Congressional Delegation; the Governor of Pennsylvania; and the Taoiseach and President of Ireland; and be it further

*Resolved*, That a copy of this resolution be forwarded to the United States Ambassador to Ireland, who shall be urged to transmit a copy to the United States Ambassador to Great Britain and to Great Britain's Ambassador to the United States.

POM-94. A joint resolution adopted by the Legislature of the State of California memorializing the Congress and the President of the United States to observe the California Week of Remembrance for the Armenian Genocide by participating in the Armenian Genocide Commemorative Project; to the Committee on Foreign Relations.

#### ASSEMBLY JOINT RESOLUTION NO. 2

Whereas, The Armenian Genocide of 1915–1923 was the first genocide of the 20th century, in which 1.5 million men, women, and children lost their lives at the hands of the Turkish Ottoman Empire in their attempt to systematically eliminate the Armenian race; and

Whereas, In their 3,000 year historic homeland in Asia Minor, Armenians were subjected to severe and unjust persecution and brutality by the Turkish rulers of the Ottoman Empire before and after the turn of the 20th century, including widespread acts of destruction and murder during the period from 1894 to 1896, inclusive, and again in 1909; and

Whereas, The massacre of the Armenians constituted one of the most atrocious violations of human rights in the history of the world; and

Whereas, Adolph Hitler, in persuading his army commanders that the merciless persecution and killing of Jews, Poles, and other people would bring no retribution, declared, “Who, after all, speaks today of the annihilation of the Armenians?”; and

Whereas, Unlike other people and governments that have admitted and denounced the abuses and crimes of predecessor regimes, and despite the overwhelming proof of genocidal intent, the Republic of Turkey has inexplicably and adamantly denied the occurrence of the crimes against humanity committed by the Ottoman and Young Turk rulers, and those denials compound the grief of the few remaining survivors of the atrocities, desecrate the memory of the victims, and cause continuing pain to the descendants of the victims; and

Whereas, Leaders of nations with strategic, commercial, and cultural ties to the Republic of Turkey should be reminded of their duty to encourage Turkish officials to cease efforts to distort facts and deny the history of events surrounding the Armenian Genocide; and

Whereas, The determination of those who continue to speak the truth about the Arme-

nian Genocide is tested to this day with some of these speakers of truth being silenced by violent means; and

Whereas, The accelerated level and scope of denial and revisionism, coupled with the passage of time and the fact that very few survivors remain who can serve as reminders of indescribable brutality and tormented lives, compel a sense of urgency in efforts to solidify recognition of historical truth; and

Whereas, By consistently remembering and forcefully condemning the atrocities committed against the Armenians, and honoring the survivors as well as other victims of similar heinous conduct, we guard against repetition of such acts of genocide and provide the American public with a greater understanding of its heritage; and

Whereas, This measure would provide that the Legislature deplores the persistent, ongoing efforts by any person in this country or abroad to deny the historical fact of the Armenian Genocide; and

Whereas, California is home to the largest Armenian-American population in the United States, and Armenians living in California have enriched our state through their leadership in business, agriculture, academia, government, and the arts; and

Whereas, The State of California has been at the forefront of encouraging and promoting a curriculum relating to human rights and genocide in order to empower future generations to prevent recurrence of the crime of genocide: Now, therefore, be it

*Resolved by the Assembly and the Senate of the State of California, jointly*, That the State of California commends its conscientious educators who teach about human rights and genocide; and be it further

*Resolved*, That the Legislature of the State of California hereby designates the week of April 18 to 24, 2013, as “California Week of Remembrance for the Armenian Genocide of 1915–1923”; and be it further

*Resolved*, That California commemorates California Week of Remembrance for the Armenian Genocide through the Armenian Genocide Commemorative Project; and be it further

*Resolved*, That the State of California respectfully calls upon the Congress and the President of the United States to act likewise and to formally and consistently recognize and reaffirm the historical truth that the atrocities committed against the Armenian people constituted genocide; and be it further

*Resolved*, That the Legislature calls upon the Republic of Turkey to acknowledge the facts of the Armenian Genocide and to work toward a just resolution; 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, Members of the United States Congress, the Governor, and the Turkish Ambassador to the United States.

POM-95. A resolution adopted by the Senate of the Commonwealth of Massachusetts reaffirming the friendship between the Commonwealth of Massachusetts and Taiwan; to the Committee on Foreign Relations.

#### RESOLUTIONS

Whereas, The United States and Taiwan share a most important relationship supported by the 2 countries' common values and support for freedom, democracy and a commitment to a free market economy; and

Whereas, The President of Taiwan, Ma Ying-Jeou, has worked tirelessly to uphold democratic principles in Taiwan, ensure the prosperity of Taiwan's 23 million people, promote Taiwan's international standing and further improve relations between the United States and Taiwan; and

Whereas, The United States and Taiwan, and especially the Commonwealth, share a historically close relationship marked by strong bilateral trade, educational and cultural exchange, scientific and technological interests and tourism; and

Whereas, Taiwan is a member of the United States Visa Waiver Program, reflecting the cooperation shared between the 2 countries and making travel between Taiwan and the United States for business and tourism more convenient; and

Whereas, The United States ranks as Taiwan's third largest trading partner and Taiwan was the eleventh largest trading partner of the United States in 2012; and

Whereas, bilateral trade in goods and services between the United States and Taiwan reached \$85 billion in 2011 and the New England region exported approximately \$1.4 billion in goods to Taiwan, of which, \$956 million was exported from the Commonwealth; and

Whereas, Taiwan is the seventeenth largest trading economy in the world and a member of the Asia-Pacific Economic Cooperation, or Apec Forum, which promotes free trade and economic cooperation throughout the Asia-Pacific region: Now therefore, be it

*Resolved*, That the Massachusetts General Court seeks to reaffirm the friendship between the Commonwealth of Massachusetts and Taiwan; and be it further

*Resolved*, That a copy of these resolutions be transmitted forthwith by the clerk of the Senate to the Honorable Barack Obama, President of the United States, to the Massachusetts Delegation of the United States Congress, to the Honorable Deval Patrick, Governor of the Commonwealth, to the Honorable Ma Yingjeou, President of Taiwan and to Anne Hung, Director-General of the Taipei Economic and Cultural Office in Boston.

POM-96. A resolution adopted by the Senate of the State of Michigan urging careful review of the proposed underground nuclear waste repository in Ontario, Canada, and memorializing the United States Congress to do all it can to see that Michigan's concerns are fully addressed; to the Committee on Foreign Relations.

#### SENATE RESOLUTION NO. 58

Whereas, Ontario Power Generation is proposing to construct an underground, long-term burial facility for all of Ontario's low- and intermediate-level radioactive waste at the Bruce Nuclear Generating Station, some of which is long-lived intermediate waste. This site, less than a mile inland from the shore of Lake Huron and about 440 yards below the lake level, is approximately 120 miles upstream from the main drinking water intakes for Southeast Michigan; and

Whereas, Lake Huron and the other Great Lakes are critically-important resources to both the United States and Canada. The Great Lakes contain 95 percent of North America's surface fresh water and provide drinking water to tens of millions of people. Pristine water is important to fishing, boating, recreation, tourism, and agriculture in Michigan and throughout the region. Agriculture, commercial and sport fisheries, shipping, recreation, and tourism are important components of the Great Lakes economy. This proposal to place a permanent nuclear waste burial facility so close to the Great Lakes raises serious concerns; and

Whereas, As part of an effort to protect water quality, Michigan's siting criteria for the disposal of low-level radioactive waste prohibits any site located within ten miles of Lake Michigan, Lake Superior, Lake Huron, Lake Erie, the Saint Mary's River, the Detroit River, the St. Clair River, or Lake St. Clair. It also excludes sites located within a

500-year floodplain, located over a sole source aquifer, or located where the hydrogeology beneath the site discharges groundwater to the land surface within 3,000 feet of the boundaries of the site. We encourage Canada to consider similar siting criteria; and

Whereas, International agreements between the United States and Canada state that radiological contamination should be reduced and emphasize the concept of prevention. We encourage Canada, as part of its public review process, to make known the steps that have been or will be taken to fulfill the requirements of these agreements; and

Whereas, Siting an underground nuclear waste repository in limestone, as proposed by Ontario Power Generation, is the first of its kind. The environmental impact statement for this proposed nuclear waste burial facility noted that the acceptability of an alternative site was "unknown." We encourage the use of sound scientific principles and analyses in determining whether this geologic formation is appropriate for the safe long-term storage of radioactive waste and that before making any further approvals of this proposed facility, this scientific data, along with information regarding the alternative sites that were considered, be made available; and

Whereas, Given the proximity and potential impact to many Michigan residents, we urge Canadian and Ontario officials, along with all relevant governmental agencies, to ensure open communication and information sharing with Michigan citizens about this proposal and to possibly consider extending the public comment period: Now, therefore, be it

*Resolved by the Senate,* That we urge Canadian officials to thoroughly review the proposed underground nuclear waste repository in Ontario, Canada, including the issues raised herein, and we memorialize the United States Congress to do all it can to see that Michigan's concerns are fully addressed; and be it further

*Resolved,* That copies of this resolution be transmitted to the Prime Minister of Canada, the Premier of Ontario, the President of the Canadian Nuclear Safety Commission, the Chairman of the United States 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-97. A concurrent resolution adopted by the Legislature of the State of Utah recognizing the 50th anniversary of the Vietnam War; to the Committee on Foreign Relations.

#### HOUSE CONCURRENT RESOLUTION NO. 6

Whereas, in the late 1950s, the United States began sending advisors to help train the South Vietnamese Army and Air Force to withstand the onslaught from Communist North Vietnam;

Whereas, the Military Assistance and Advisory Group (MAAG), along with 700 other U.S. military advisors, worked for eight years to train the South Vietnamese for conventional warfare;

Whereas, on October 11, 1961, President John F. Kennedy authorized a detachment from the 4400th Combat Crew Training Squadron to deploy to South Vietnam as Project Farm Gate;

Whereas, Operation Mule Train, begun in January 1962, was designed to drop supplies to isolated outposts and transport parachutists into areas controlled by the Vietcong;

Whereas, at the request of South Vietnam's President, the United States Air Force was directed to spray the Vietnamese coun-

tryside with an aerial herbicide that would strip the jungles of all foliage and eliminate the cover and available food for the North Vietnamese;

Whereas, this action, named Operation Ranch Hand, began in 1962;

Whereas, arguments in Washington erupted on whether the spraying actually did any good, or whether the Americans and the South Vietnamese governments were risking the loyalty of the South Vietnamese people whose livelihoods were also at risk;

Whereas, President Kennedy allowed the spraying, but only under limited conditions and as long as crops were not damaged;

Whereas, the planes that dropped the herbicide were modified to carry and spray the defoliants to only attack areas of the jungle where combatants could hide, but by 1971 the policy had changed and even crops were sprayed;

Whereas, the operation continued for nine years and affected 36% of the mangrove forest and 20% of the jungles of South Vietnam;

Whereas, this operation began the controversy over the effects of the defoliant Agent Orange on humans, which continues today;

Whereas, in August 1964, two U.S. destroyers, the USS Turner Joy and the USS Maddox, were performing surveillance patrols in conjunction with the South Vietnamese Navy along the North Vietnamese coast in the Gulf of Tonkin;

Whereas, North Vietnam claimed a 12-mile territorial zone off its coastline, but the United States only recognized a 3-mile border and allowed its ships to sail within 11 miles of the coast;

Whereas, when ships would come into range, the North Vietnamese radar sites on shore would activate and the South Vietnamese Navy would then harass the installations with gunfire;

Whereas, in retaliation, the North Vietnamese Navy sent out several torpedo boats on an attack, which proved unsuccessful;

Whereas, when President Lyndon B. Johnson received notification of the incident, he ordered the first American air strikes against North Vietnamese naval bases;

Whereas, a few days later, Congress passed the Gulf of Tonkin Resolution, which gave President Johnson the authority to increase America's involvement in Vietnam;

Whereas, in February 1965, President Johnson ordered a series of reprisal air strikes after several attacks on U.S. bases by Vietcong units;

Whereas, a series of paved and unpaved roads, rivers, and sometimes narrow footpaths through dense jungle, commonly referred to as the Ho Chi Minh Trail, were being utilized by the North Vietnamese and Vietcong armies to smuggle supplies and troops back and forth from North and South Vietnam;

Whereas, this intricate transportation system stretched throughout the mountains along the Vietnamese-Laos-Cambodia borders and was a large problem for the South Vietnamese and U.S. forces;

Whereas, cutting off the Ho Chi Minh Trail, often called the "Secret War," was controversial because it often entailed constant air strikes to areas in Laos and Cambodia, which were neutral countries, and these tactics were not known to most Americans;

Whereas, after several attacks upon United States Air Force bases, 3,500 United States Marines were dispatched to South Vietnam on March 8, 1965;

Whereas, this marked the beginning of the American ground war, and public opinion at the time overwhelmingly supported the deployment;

Whereas, the initial deployment of 3,500 Marines increased to nearly 200,000 American military personnel by December of 1965;

Whereas, that same month, South Vietnamese forces suffered heavy losses in a battle that both sides viewed as a watershed, and American leaders responded by developing plans for U.S. troops to move from a defensive strategy to an offensive approach to the escalating war;

Whereas, the bombing campaigns that began in 1964, which were intended to force North Vietnam to cease its support for the National Front for the Liberation of South Vietnam, escalated significantly by the end of 1966;

Whereas, where ground combat was sometimes made complicated by unconventional military opposition and difficult terrain, U.S. air superiority remained constant, and throughout the Vietnam War, various policies and strategies were put in place by the U.S. military to take advantage of that strength;

Whereas, over the course of the conflict, U.S. forces dropped over 7 million tons of bombs through Southeast Asia, compared to only about 2 million tons dropped during all of World War II;

Whereas, geared towards suppressing the Pathet Lao's Communist guerrillas in Northern Laos, Operation Barrel Roll, a heavily covert operation, was initiated to provide air support for the Royal Laotian Army, and included the first bombings in Laos in support of the war against North Vietnam;

Whereas, another interdiction effort, Operation Steel Tiger, was aimed at destroying the North Vietnamese flow of supplies and troops along the Ho Chi Minh Trail and involved heavy covert bombing in Southeastern Laos;

Whereas, Operation Tiger Hound, initiated in support of both Barrel Roll and Steel Tiger, focused solely on disrupting movement along the Ho Chi Minh Trail on the lower portion of the Laotian panhandle and was initiated by the South Vietnamese Air Force and by United States Air Force units based in South Vietnam;

Whereas, what was expected to be the usual two-day cease-fire in observance of Tet Nguyen Dan, the lunar New Year and the most important Vietnamese holiday, became an opportunity for the North Vietnamese Army and Vietcong to strike;

Whereas, this large, well-coordinated surprise campaign on cities and U.S. targets throughout South Vietnam, named the Tet Offensive, was North Vietnam's attempt to end the war in one swift blow;

Whereas, the morning of January 31, 1968, saw many provincial capitals and cities such as Saigon and Hue under siege from large numbers of Communist fighters who had apparently infiltrated the South in the months and weeks leading up to the planned offensive;

Whereas, U.S. and South Vietnamese forces, initially unprepared and overwhelmed, countered many of the attacks, and eventually gained back control by early March of all areas where the Vietcong were entrenched;

Whereas, in the aftermath, many cities and towns in South Vietnam were devastated, with thousands of casualties sustained by forces and civilians in the South;

Whereas, the Tet Offensive was evidence of North Vietnam's ability to stage a large-scale attack;

Whereas, this turning point in the war would lead to a change in approach by political and military leadership, and change the way many in the United States viewed the war from home;

Whereas, the first major bombing campaign on North Vietnamese territory, Operation Rolling Thunder was intended to place heavy military pressure on the North Vietnamese leaders and reduce their ability and

desire to wage war against the U.S.-supported South Vietnamese government;

Whereas, from 1965 to 1968, about 643,000 tons of bombs were dropped on North Vietnam;

Whereas, leading up to the Tet Offensive, widespread protests and demonstrations against U.S. involvement and the continued loss of American lives were already taking place in the United States;

Whereas, beginning in 1964, these protests and demonstrations led to a polarization of Americans, with one side continuing to support America's role in Southeast Asia and the other preaching peace and the end to U.S. operations in the region;

Whereas, although most demonstrations were peaceful, some were highlighted by violence and, whether instigated by protestors or police, these confrontational events often received more attention than the war itself;

Whereas, the North Vietnamese-led Tet Offensive in early 1968 brought a new wave of criticism from the American public as images of those events shocked many across the nation;

Whereas, with many news outlets publicizing the horrors encountered in South Vietnam during that period, as well as the depiction of the attack on the American Embassy in Saigon, many Americans questioned the ability of the United States to resolve the conflict by use of military intervention and the validity of previous reports of successful operations in the region;

Whereas, Operation Menu was a highly secretive bombing campaign of Communist-supported supply bases in Cambodia that the North Vietnamese used in aiding attacks on South Vietnam;

Whereas, these controversial B-52 bombing raids in neutral Cambodia, authorized by President Richard Nixon, continued until 1973 when information about those raids was leaked and the devastation to the region was exposed;

Whereas, public protests increased, and on May 4, 1970, the Ohio National Guard fired on Kent State University students, killing four students, during a protest against President Nixon for sending American troops into Cambodia;

Whereas, the killings resulted in a nationwide student strike;

Whereas, the Vietnam War was the central issue of the 1972 presidential election, with President Nixon's opponent, George McGovern, campaigning on a platform of withdrawal from Vietnam;

Whereas, starting in 1969, President Nixon's National Security Adviser, Henry Kissinger, carried on secret negotiations with North Vietnamese officials;

Whereas, in October 1972, an agreement was reached, but South Vietnamese President Nguyen Van Thieu demanded massive changes to the peace proposal;

Whereas, with negotiations deadlocked, President Nixon approved Operation Linebacker II, a massive bombing campaign by B-52 strategic bombers aimed at reassuring the South Vietnamese and forcing the North Vietnamese back to the negotiating table;

Whereas, in just 11 days, over 49,000 tons of bombs were dropped on North Vietnam, devastating the country and forcing North Vietnam back to the table;

Whereas, on January 15, 1973, President Richard Nixon announced the suspension of offensive action against North Vietnam;

Whereas, the Paris Peace Accords, the agreement signed on January 27, 1973, between North Vietnam and the United States and South Vietnam, effectively ended the conflict and began the complete withdrawal of American troops;

Whereas, the key provisions of the agreement included a cease-fire throughout Viet-

nam, withdrawal of U.S. combat forces, the release of prisoners of war, and the reunification of North and South Vietnam through peaceful means;

Whereas, the South Vietnamese government was to remain in place until new elections were held, and North Vietnamese forces in the South were not to advance further or be reinforced;

Whereas, little more than two months after the peace agreement, U.S. combat troops left Vietnam;

Whereas, Operation Homecoming, a result of the Paris Peace Accords, made possible the return of nearly 600 American prisoners of war (POWs) held by North Vietnam;

Whereas, groups of released POWs were selected on the basis of their length of time in prison, with the first group consisting of POWs that had spent six to eight years as prisoners of war;

Whereas, after Operation Homecoming, about 1,350 Americans were still listed as prisoners of war or missing in action, and another 1,200 Americans were reported killed in action without their bodies being recovered;

Whereas, these missing personnel would become the subject of an intense search by the United States Army, Navy, Air Force, and Marine Corps, with many remains of missing personnel located and returned in the decades since;

Whereas, following the refusal of Congress to fund additional U.S. activity in Vietnam, all American troops and equipment were withdrawn from Vietnam;

Whereas, Communist leaders in the North had expected that the cease-fire terms would favor their side, but even before the last American combat troops departed on March 29, 1973, the Communists violated the cease-fire;

Whereas, in Saigon, approximately 7,000 United States Department of Defense civilian employees remained behind to aid South Vietnam in conducting what was beginning to look like a fierce and ongoing war with Communist North Vietnam;

Whereas, Saigon, bolstered by a surge of U.S. aid received just before the cease-fire went into effect, at first started to push back the Vietcong, but by early 1974, full-scale warfare had resumed;

Whereas, the Vietcong recaptured the territory it lost during the previous dry season, and during the rest of 1974 Communist forces took possession of additional areas in the South;

Whereas, at the end of 1974, South Vietnamese authorities reported that 80,000 soldiers and civilians had been killed, making it the costliest year of the war;

Whereas, in the spring of 1975, 20 divisions of the North Vietnamese Army invaded South Vietnam;

Whereas, South Vietnamese forces fell back in disorder and panic, abandoning air bases, weapons, aircraft, fuel, and ammunition, and on April 29, 1975, Communist forces reached Saigon, the South Vietnamese capital, and quickly overran the city;

Whereas, South Vietnam formally surrendered the next day;

Whereas, April 30, 1975, also saw the last American civilians and military personnel still in South Vietnam airlifted out of Saigon by U.S. support forces;

Whereas, statistics from the 1970 census indicate that 27,910 Utahns served in Vietnam; Whereas, 388 Utahns were killed, 14 are still listed as missing in action, and many more were wounded during their service;

Whereas, a new exhibit, which honors and pays tribute to the sacrifices of POWs during the Vietnam War, opened September 12, 2012, at the Hill Air Force Base museum; and

Whereas, it is fitting that in the 50th year since the beginning of the conflict Utahns re-

flect on the Vietnam War and its legacy: Now, therefore, be it

*Resolved*, That the Legislature of the state of Utah, the Governor concurring therein, recognize the 50th Anniversary of the Vietnam War and those who fought, suffered, and died in the conflict; and be it further

*Resolved*, That the Legislature and the Governor urge the citizens of Utah to reflect on the service and sacrifice of many during the Vietnam War; and be it further

*Resolved*, That a copy of this resolution be sent to the Veterans of Foreign Wars USA, the United States Department of Veterans Affairs, the Utah Department of Veterans' Affairs, the Hill Air Force Base museum, and the members of Utah's congressional delegation.

POM-98. A concurrent resolution adopted by the Legislature of the State of Utah recognizing Israel's legal, historical, and moral right of self-governance and self-defense; to the Committee on Foreign Relations.

#### SENATE CONCURRENT RESOLUTION NO. 4

Whereas, the Jewish people have a long standing connection to the land of Israel;

Whereas, the claim and presence of the Jewish people in Israel has remained constant throughout the past 4,000 years;

Whereas, Israel declared its independence and self-governance on May 14, 1948, with the goal of reestablishing a homeland for the Jewish people;

Whereas, the United States, having been the first nation to recognize Israel as an independent nation and as Israel's principal ally, has enjoyed a close and mutually beneficial relationship with Israel and her people;

Whereas, Israel is the greatest friend and ally of the United States in the Middle East and the two countries enjoy strong bonds and common values;

Whereas, there are those in the Middle East who, since the time of Israel's inception as a state, have continually sought to destroy Israel;

Whereas, Israel and the United States have similar goals of democracy and stability in the Middle East; and

Whereas, Utah and Israel have enjoyed a cordial and mutually beneficial relationship since 1948, a friendship that continues to strengthen with each passing year: Now, therefore, be it

*Resolved*, That the Legislature of the state of Utah, the Governor concurring therein, commend Israel for its cordial and mutually beneficial relationship with the United States and with the state of Utah; and be it further

*Resolved*, That the Legislature and the Governor express support for Israel in its legal, historical, and moral right of self-governance and self-defense upon its lands; and be it further

*Resolved*, That the Legislature and the Governor recognize that Israel is not an attacking force of other nations, and that peace can be afforded the region only through combined efforts and trust; and be it further

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

POM-99. A joint resolution adopted by the Legislature of the State of Utah urging the President of the United States and the United States Congress to support free trade with Taiwan; to the Committee on Foreign Relations.

#### SENATE JOINT RESOLUTION NO. 12

Whereas, the state of Utah is proud of the sister-state relationship it has enjoyed with Taiwan since 1980;

Whereas, Taiwan, as a full-fledged democracy, shares the same values of freedom, democracy, human rights, open market, peace, and prosperity with the United States;

Whereas, Taiwan is currently the 18th largest exporter as well as importer, the United States' 10th largest trading partner, and the 6th largest agricultural products market;

Whereas, despite being a member of the World Trade Organization since 2002 and a faithful ally and an important strategic partner of the United States, Taiwan has yet to sign a free trade agreement with the United States;

Whereas, approximately 580,000 people from Taiwan visit the United States annually, and Taiwanese airline carriers currently have more than 40 flights destined for the United States weekly, carrying more than 5,000 passengers daily for business, tourism, study, and other purposes;

Whereas, Taiwanese airlines fly to every corner of the globe and Taiwan aims to ensure that all aspects of its aviation sector conform to the standard formulated by the International Civil Aviation Organization (ICAO) for safety and security;

Whereas, for the past 40 years, however, Taiwan has not been able to enter or meaningfully participate in the ICAO;

Whereas, this hampers Taiwan's voluntary efforts to comply with the ICAO standards due to lack of timely and comprehensive information;

Whereas, Taiwan has recently promoted an East China Sea Peace Initiative, a commendable effort to ease tensions that might seriously endanger peace and prosperity in the region; and

Whereas, resolving disputes in the East China Sea in a rational and peaceful manner is in the best interests of all parties in the region and the United States: Now, therefore, be it

*Resolved*, That the Legislature of the state of Utah reaffirms the friendship, and encourages the sister-state relationship, between Utah and Taiwan; and be it further

*Resolved*, That the Legislature urges the President of the United States and the United States Congress to support a free trade agreement with Taiwan and support Taiwan's participation in multilateral free trade negotiations; and be it further

*Resolved*, That the Legislature expresses its continued support for Taiwan's meaningful participation in United Nations specialized organizations, conventions, and programs, such as acquiring an observer status in the International Civil Aviation Organization; and be it further

*Resolved*, That the Legislature welcomes Taiwan's initiative for peace and stability in the Asia-Pacific Region and urges all parties concerned in East China Sea disputes to refrain from any antagonistic actions and resolve their differences through open dialogue and other peaceful means; 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 President of the Republic of China on Taiwan, and the members of Utah's congressional delegation.

POM-100. A joint resolution adopted by the Legislature of the State of Alaska opposing the United States Food and Drug Administration's preliminary finding relating to genetically engineered salmon; to the Committee on Health, Education, Labor, and Pensions.

#### HOUSE JOINT RESOLUTION No. 5

Whereas the United States Food and Drug Administration recently announced the release of a draft environmental assessment

and preliminary finding of no significant impact concerning genetically engineered AquaBounty AquAdvantage salmon; and

Whereas the state has bountiful fisheries that provide wild, natural, and sustainable seafood; and

Whereas Alaska seafood is naturally high in essential vitamins, including vitamins E, C, D, and A, and minerals, including zinc, iron, calcium, and selenium; and

Whereas fish habitat in the state is cleaner than fish habitat in other locations; and

Whereas fisheries are a vital component of the state's economy; and

Whereas the state's fisheries are managed to ensure that Alaska seafood continues to be the finest in the world for future generations; and

Whereas, in 2009, 95 percent of Pacific salmon landings in the United States occurred in the state; and

Whereas, in 2012, 124,000,000 salmon were harvested in the state, for a value of \$505,000,000; and

Whereas Alaska ports consistently rank among the top ports in the United States based on volume and ex-vessel value for various fisheries, including salmon; and

Whereas the state's fishing industry provides over 70,000 jobs annually and is the second largest source of private sector employment in the state; and

Whereas the United States Food and Drug Administration is accepting comments on the proposal to allow, for the first time, a genetically modified organism to be sold for human consumption; and

Whereas the inevitable accidental release of transgenic fish into the wild could devastate native fish populations and ecosystems; and

Whereas citizens and public interest groups overwhelmingly oppose genetically engineered food and have submitted over 400,000 public comments opposing genetically engineered salmon; and

Whereas the United States Food and Drug Administration has not conducted adequate testing to determine the long-term safety of consuming genetically engineered salmon; and

Whereas the sale of genetically engineered salmon could imperil the state's fishing industry; and

Whereas seven members of the United States Senate continue to have concerns about AquaBounty's proposal and the United States Food and Drug Administration's review of the proposal; and

Whereas the United States Food and Drug Administration's review applies only to a limited set of production and rearing facilities and fails to consider the broader applications of this technology that would assuredly occur should final approval be granted: Now, therefore, be it

*Resolved*, That the Alaska State Legislature urges the United States Food and Drug Administration not to make a final decision regarding genetically engineered salmon until the United States Congress has fully examined the issue and the potential release of genetically engineered fish into the waters of the United States; and be it further

*Resolved*, That the Alaska State Legislature opposes AquaBounty's petition to produce AquAdvantage Salmon, a genetically engineered salmon; and be it further

*Resolved*, That, if the petition is approved by the United States Food and Drug Administration, despite strong environmental and human health concerns, product labeling requirements must include, as required by Alaska law, the words "Genetically Modified" prominently displayed on the front of the product's packaging.

POM-101. A joint resolution adopted by the Legislature of the State of Maine memori-

alizing the United States Congress to oppose section 8 of H.R. 1919; to the Committee on Health, Education, Labor, and Pensions.

#### JOINT RESOLUTION

Whereas, Section 8 of H.R. 1919, "An Act to Amend the Federal Food, Drug, and Cosmetic Act," allows prescription drug manufacturers to decide to supply drug information labels only by electronic means, as opposed to the paper labels currently accompanying prescription drugs upon receipt; and

Whereas, a similar provision is not contained in the United States Senate's version of the bill; and

Whereas, the United States Congress addressed electronic labeling in 2012 and directed the United States Government Accountability Office to study the potential advantages and associated risks of this labeling and the results of the study are due to be released in July 2013; and

Whereas, Congress should await the results of the study it ordered to be undertaken before passing legislation that would require critical medical information, such as information on dangerous side effects and contraindications, to be made available to health care professionals and prescription drug consumers only by electronic means; and

Whereas, Maine would be disproportionately negatively affected by Section 8 of H.R. 1919; and

Whereas, as of 2011, 16.3% of Maine's population was over 65 years of age, compared to only 13.3% for the nation as a whole; and

Whereas, due to its geography, climate and highly dispersed and rural population, significant areas of Maine do not have reliable access to the Internet; and

Whereas, Maine relies on the forest products industry to create and maintain jobs and sustainably manage Maine's forests, and that industry would be negatively affected by Section 8 of H.R. 1919 without further study of the effects: Now, therefore, be it

*Resolved*, That We, your Memorialists, the Members of the One Hundred and Twenty-sixth Legislature now assembled in the First Regular Session, on behalf of the people we represent, take this opportunity to urge and request that Section 8 of H.R. 1919 not be passed until the Government Accountability Office study on the effects of required electronic-only labeling for prescription medications is published, reviewed and considered; and be it further

*Resolved*, That We urge and request that this section of the bill not become law without further consideration and mitigation of the disproportionate negative effects on Maine's elderly, rural and highly dispersed population; and be it further

*Resolved*, That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted 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-102. A joint resolution adopted by the Legislature of the State of California supporting the congressional action to reverse the suspension of new student enrollments in the Job Corps; to the Committee on Health, Education, Labor, and Pensions.

#### ASSEMBLY JOINT RESOLUTION No. 13

Whereas, the State of California serves the largest proportion of Job Corps students administered by the United States Department of Labor. Currently, there are seven Job Corps centers located in California in the Cities of Long Beach, Los Angeles, Sacramento, San Bernardino, San Diego, San Francisco, and San Jose; and

Whereas, these seven Job Corps centers provide a vital piece of California's workforce development system by serving 5,373



disadvantaged youth between 16 and 24 years of age, inclusive, by providing high school diplomas and career technical education to young men and women, all of whom come from very low income households and are unemployed or underemployed; and

Whereas, in addition to academic and employment training, these Job Corps centers provide social skills training and other services to empower these young men and women to obtain and hold a job, enroll in advanced training, attend college, or enter the Armed Forces to defend the interests of the United States around the world; and

Whereas, over 8,000 former dropouts have received fully accredited public high school diplomas at the Job Corps centers and thousands more unemployed youth have received career training and job placement assistance; and

Whereas, the young men and women who participate in the Job Corps gain entry level job skills for well-paying careers in construction, health care, culinary arts, security services, and other employment sectors vital to California's economy; and

Whereas, recent studies demonstrate a significant economic gain from funds invested in dropout recovery by increasing employment, raising individual earnings, improving home and auto sales, increased job and economic growth, greater spending and investments, and tax revenues, and significant reductions in health care costs, crime prevention and corrections expenditures, and other social services provided by California; and

Whereas, the National Job Corps Association reports that the combined economic activity stimulated by the Job Corps centers in California is two hundred forty-three million seven hundred twenty-six thousand five hundred nineteen dollars (\$243,726,519), and that 2,971 local jobs are created by the operation of the Job Corps centers in California; and

Whereas, the United States Department of Labor is entrusted to serve the disadvantaged youth in America. However, the United States Department of Labor recently decided to suspend all new student enrollments to Job Corps centers in California and throughout the 125 Job Corps centers serving the nation, which would prevent as many as 30,000 otherwise eligible young men and women from receiving diplomas and job training; and

Whereas, recent decisions of the United States Department of Labor to implement a 93-day suspension of new student enrollment and a 21-percent reduction in funding for future enrollments appear to be inequitably balancing a budget shortfall on the backs of disadvantaged youth it is entrusted to serve when other alternatives are available for closing the shortfall; and

Whereas, seventy-one members of the United States House of Representatives and 17 members of the United States Senate have sent a bipartisan letter asking Acting Secretary and Deputy Secretary of Labor, Seth D. Harris, to reverse the suspension of new student enrollments in order to protect the opportunities provided to the nation's most disadvantaged youth and to prevent further economic damage to the communities served by the Job Corps; Now, therefore, be it

*Resolved, by the Assembly and the Senate of the State of California, jointly,* That the Legislature supports the United States congressional action to reverse the suspension of new student enrollments in the Job Corps, to prevent any limits to student enrollment until other cost-saving measures have been exhausted, and to maintain the full range of educational and employment services provided by the Job Corps; 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.

POM-103. A concurrent resolution adopted by the Legislature of the State of Louisiana urging and requesting the Department of Health and Hospitals examine the benefits of routine nutritional screening and therapeutic nutrition treatment for those who are malnourished or at risk for malnutrition; to the Committee on Health, Education, Labor, and Pensions.

#### SENATE CONCURRENT RESOLUTION NO. 41

Whereas, the National Black Caucus of State Legislators (NBCSL) has established policy promoting the importance of quality nutrition for all Americans in order to maintain healthy, active, independent lifestyles; and

Whereas, the NBCSL adopted policy supporting increased access to quality nutrition and support for infants and children, as passed by the United States Congress in Resolution HHS-11-19; and

Whereas, leading health and nutrition experts agree that nutrition status is a direct measure of patient health and that good nutrition and good patient health can keep people healthy and out of institutionalized health care facilities, thus reducing healthcare costs; and

Whereas, inadequate or unbalanced nutrition, known as malnutrition, is not routinely viewed as a medical concern in this nation, and that malnutrition is particularly prevalent in vulnerable populations, such as older adults, hospitalized patients, or minority populations that statistically shoulder the highest incidences of the most severe chronic illnesses such as diabetes, kidney disease, and cardiovascular disease; and

Whereas, illness, injury, and malnutrition can result in the loss of lean body mass, leading to complications that impact good patient health outcomes, including recovery from surgery, illness, or disease; the elderly lose lean body mass more quickly and to a greater extent than younger adults and weight assessment (body weight and body mass index) can overlook accurate indicators of lean body mass; and

Whereas, the American Nursing Association defines therapeutic nutrition as the administration of food and fluids to support the metabolic processes of a patient who is malnourished or at high risk of becoming malnourished; and

Whereas, access to therapeutic nutrition is critical in restoring lean body mass such that it resolves malnutrition challenges and, in turn, improves clinical outcomes, reduces health care costs, and can keep people and our communities healthy; and

Whereas, despite the recognized link between good nutrition and good health, nutritional screening and therapeutic nutrition treatment have not been incorporated as routine medical treatments across the spectrum of health care; Now, therefore, be it

*Resolved,* That the Legislature of Louisiana urges and requests that the Department of Health and Hospitals examine the benefits of routine nutritional screening and therapeutic nutrition treatment for those who are malnourished or at risk for malnutrition, as well as examine the benefits of nutrition screening and therapeutic nutrition treatment as part of the standard for evidenced-based hospital care; and be it further

*Resolved,* That the Legislature of Louisiana supports an increased emphasis on nutrition through the reauthorization of the Older Americans Act, as well as for Medicare beneficiaries, to improve their disease management and health outcomes; and be it further

*Resolved,* That the Legislature of Louisiana is encouraged that preventive and wellness services, such as counseling for obesity and chronic disease management, are part of the Essential Health Benefits package included in the Patient Protection and Affordable Care Act; and be it further

*Resolved,* That a copy of this resolution be transmitted to the president of the United States, the vice president of the United States, the secretary of the United States Senate and the clerk of the United States House of Representatives, to each member of the Louisiana delegation to the United States Congress, and to the secretary of the Department of Health and Hospitals.

POM-104. A concurrent resolution adopted by the Legislature of the State of Utah describing the impacts of the federal Patient Protection and Affordable Care Act on Utah families, insurers, health care providers, and the state; to the Committee on Health, Education, Labor, and Pensions.

#### HOUSE CONCURRENT RESOLUTION NO. 10

Whereas, the federal Patient Protection and Affordable Care Act and its companion legislation, the Health Care and Education Reconciliation Act of 2010, referred to jointly as "the Affordable Care Act," "the ACA," or "Obamacare," were enacted in March 2010;

Whereas, under the ACA, Utah families, employers, manufacturers, and insurers will pay at least 18 new or increased taxes and fees that over 10 years will transfer \$500 billion from the private sector to the public sector, suppressing economic growth and reducing employment in the state;

Whereas, hundreds of Utah medical device companies will be subject to the ACA's excise tax on manufacturers and importers of certain medical devices, without regard for company profitability;

Whereas, the tax will threaten the viability of many firms and have a chilling effect on the very innovation needed to drive down health care costs and support economic growth in this state;

Whereas, Utahns will suffer further reductions in employment growth and economic activity as employers comply with uncompensated regulatory burdens imposed by the ACA;

Whereas, Utah families will also pay more for goods and services as employers, insurers, and medical providers pass along various costs imposed by the ACA;

Whereas, health insurance premiums for certain younger, healthier Utahns will more than double in 2014 as the result of various ACA provisions, including a prohibition on medical underwriting and restrictions on the use of age-based premiums;

Whereas, the cost of insurance for many other Utah families will go up as well in response to ACA provisions that are known to drive up costs, including prohibitions on pre-existing condition exclusions, annual benefit limits, and lifetime benefit limits;

Whereas, the ACA will penalize Utah employers that have more than 50 employees if they do not offer health insurance to their employees, even if an employer cannot afford insurance or chooses instead to compensate employees with higher wages, larger retirement contributions, or other employee benefits;

Whereas, working Utah families will have fewer full-time employment opportunities as employers replace full-time workers with part-time workers to avoid ACA penalties;

Whereas, some Utah families will be unable to keep their current health insurance and may have fewer options as employers abandon plans not meeting minimum benefit and affordability requirements in order to avoid ACA penalties;

Whereas, working Utah families will find it even harder to secure employment with health insurance benefits as premium increases continue unabated in response to both the ACA and long-term cost drivers not addressed by the ACA;

Whereas, many Utahns will face increased premiums as their insurers attempt to fund \$81 million in losses created by the ACA's transfer of individuals from publicly funded high-risk pools to the private insurance market;

Whereas, many Utah families with insurance offered by small or midsize employers could be threatened with higher premiums or no insurance at all if commercial insurance risk increases too much as the result of employers dropping coverage or switching to self-insurance arrangements;

Whereas, there is a high likelihood that many Utah families will experience higher premiums due to the ACA's minimum benefit requirements, which threaten to ratchet up plan costs both inside and outside health insurance exchanges;

Whereas, Utah families will pay higher insurance premiums because of ACA provisions that subsidize states with high-cost, poorly managed health care plans at the expense of states like Utah that have low-cost, better managed plans;

Whereas, Utah seniors will likely have fewer care options due to Medicare provider payment reductions made by the ACA;

Whereas, Medicaid enrollees will likely have greater difficulty making appointments with health care providers as Medicaid enrollment expands under the ACA, particularly after the two-year enhanced reimbursement rate for primary care providers ends;

Whereas, Utah hospitals will suffer as a result of ACA reductions in funds paid to hospitals that serve a disproportionate number of low-income individuals;

Whereas, Utah families will suffer if medical facilities close or medical practitioners leave their professions in response to the financial strain created by shrinking provider payments under the ACA;

Whereas, state funding for education, roads, public safety, and other important services will be crowded by a \$46 million annual liability to pay for the ACA's mandatory Medicaid eligibility expansion;

Whereas, we and our children must one day pay the price for entitlements Congress has created but failed to realistically fund, including the ACA;

Whereas, that price already includes tax increases and cost shifting to our posterity, and will likely include benefit reductions and even currency devaluation;

Whereas, that price will tend to include the shifting of greater fiscal responsibility for government programs—including Medicaid—from Washington to the states, even further crowding out funding for education and other essential state services;

Whereas, the real cost of more Utahns having insurance under the ACA will be a far greater dependence on government, not less;

Whereas, under an optional Medicaid expansion the state would incur large, ongoing funding liabilities and both the state and its citizens would be more dependent, not less dependent, on a fiscally unsustainable federal government;

Whereas, Utah has refused to exacerbate the federal fiscal crisis by choosing not to implement the ACA's federally subsidized health insurance exchange, which makes people dependent on large government subsidies and gives priority to publicly funded, rather than privately funded, coverage;

Whereas, because of the ACA, Utah employers, insurers, and health care providers will face more regulation, not less regulation, and will have fewer options, not more

options, for addressing the underlying challenges faced by our health care system;

Whereas, notwithstanding the ACA's focus on preventive care and its acknowledgment of alternative payment and delivery systems, many Utahns will see little relief from premium increases driven by underlying problems the ACA fails to address, including reliance on payment and delivery systems that promote over consumption of health care;

Whereas, implementation of the ACA will tend to destroy the private market for health insurance and move families, insurers, and health care providers ever closer to a single-payer system of federally controlled health care;

Whereas, the state, its citizens, employers, insurers, and health care providers will all suffer as the ACA fails to bring unsustainable health care spending under control and metastasises instead into greater federal regulation and control of not just health care, but most aspects of Utahns' and Americans' daily lives and activities;

Whereas, the ACA disregards state jurisdiction over health care policy and constrains the state's efforts to develop and implement meaningful health care reform; and

Whereas, the Legislature and the Governor believe that successful reform of health care's most vexing problems will require more—not less—state flexibility and innovation: Now, therefore, be it

*Resolved*, That the Legislature of the state of Utah, the Governor concurring therein, urges the state's Congressional delegation to continue its efforts to arrest the devastating impacts of the ACA on Utah's economy, its citizens, its employers, its medical providers, and its insurers, using all means possible, including repeal of the act; and be it further

*Resolved*, That the Legislature and the Governor urge Utah's Congressional delegation to work cooperatively with other members of Congress and officials of this state and other states to develop workable alternatives to the ACA that encourage state innovation, preserve states' policy-making jurisdiction and regulatory authority, and lead to greater enrollment in affordable health insurance; be it further

*Resolved*, That the Legislature and the Governor affirm by this resolution the state's policy that no person in this state should be required to either sponsor or enroll in health insurance, particularly under threat of federal penalty; and be it further

*Resolved*, That the Legislature and the Governor urge the Legislature's Health Reform Task Force to continue working cooperatively with the Governor's Office to ensure that ACA implementation rules address the needs of Utah families, employers, health care providers, insurers, and insurance regulators; and be it further

*Resolved*, That the Legislature and the Governor urge all stakeholders in Utah's health care system—including families, employers, health care providers, and insurers—to continue working cooperatively with the Governor and the Legislature to develop state-based health care reforms with the greatest potential for increasing consumerism, improving quality of care, constraining spending growth, and promoting enrollment in affordable health insurance, regardless of how ACA implementation unfolds; be it further

*Resolved*, That this resolution be sent to the United States Secretary of Health and Human Services, the Governor, the Legislature's Health Reform Task Force, Utah's Congressional delegation, the Utah Health Policy Project and other consumer advocacy groups, the Salt Lake Chamber of Commerce and other employer associations, the Utah Hospital Association, the Utah Medical Asso-

ciation, Utah insurers, the Utah Association of Health Underwriters, and the Speakers and Presidents presiding over the legislatures of each of the 49 other states.

POM-105. A concurrent resolution adopted by the Legislature of the State of Utah urging the federal government to take action to ensure continued funding of cancer education, screening, and treatment services to victims of mill tailings exposure; to the Committee on Health, Education, Labor, and Pensions.

#### SENATE CONCURRENT RESOLUTION NO. 10

Whereas, the Rural Health Care Services Grant Program Outreach, a federally funded project providing cancer education, screening, and treatment services to those who are victims of mill tailings exposure, resulted in the diagnosis of 39 new cancers and 32 cases of precancerous polyps;

Whereas, funding has been exhausted and program activities halted, pending continued federal support;

Whereas, the United States Secretary of Health and Human Services should instruct the Health Resources and Services Administration to fund cancer education, screening, and treatment services to victims of mill tailings exposure until 2044, or until another equitable resolution can be reached through the United States Department of Energy;

Whereas, the assistance of Utah's congressional delegation would help provide federal resources to ensure cancer education, screening, and treatment services to victims of 51 mill tailings exposure through 2044;

Whereas, the United States Attorney General's Office should investigate the United States Department of Energy's federal statutory limitations in providing cancer education, screening, and treatment services to victims of mill tailings exposure and offer suggestions for federal legislation;

Whereas, the Office of the Utah Attorney General should investigate the inclusion of victims of mill tailings exposure in the Energy Employees Occupational Illness Compensation Program Act, which provides medical benefits to workers, contractors, subcontractors, and vendors at specified Department of Energy facilities;

Whereas, the Office of the Utah Attorney General should investigate the inclusion of victims of mill tailings exposure in the Radiation Exposure Compensation Act for their onsite participation and exposure to radiation from the uranium mill and its tailings; and

Whereas, the United States Congress should direct Legacy Management to provide from its budget an annual stipend for victims of mill tailings exposure to use in establishing a consistent cancer education, screening, and treatment services program: Now, therefore, be it

*Resolved*, That the Legislature of the state of Utah, the Governor concurring therein, urge the United States Secretary of Health and Human Services to instruct the Health Resources and Services Administration to fund cancer education, screening, and treatment services to victims of mill tailings exposure until 2044 or until another equitable resolution can be reached through the United States Department of Energy; and, be it further

*Resolved*, That the Legislature and the Governor urge Utah's congressional delegation to help provide federal resources to ensure cancer education, screening, and treatment services to victims of mill tailings exposure through 2044. Be it further

*Resolved*, That the Legislature and the Governor urge the United States Attorney General's Office to investigate the United States Department of



Energy's federal statutory limitations in providing cancer education, screening, and treatment services to victims of mill tailings exposure and offer suggestions for federal legislation. Be it further

*Resolved*, That the Legislature and the Governor urge the Office of the Utah Attorney General to investigate the inclusion of victims of mill tailings exposure in the Energy Employees Occupational Illness Compensation Program Act and their inclusion in the Radiation Exposure Compensation Act for their onsite participation and exposure to radiation from the uranium mill and its tailings. Be it further

*Resolved*, That the Legislature and the Governor urge the United States Congress to direct Legacy Management to provide from its budget an annual stipend for victims of mill tailings exposure to use in establishing a consistent cancer education, screening, and treatment services program. Be it further

*Resolved*, That a copy of this resolution be sent to Victims of Mill Tailings Exposure, the Majority Leader of the United States Senate, the Speaker of the United States House of Representatives, the Office of Legacy Management, the Office of the Utah Attorney General, the United States Attorney General's Office, the United States Department of Energy, the United States Secretary of Health and Human Services, the Health Resources and Services Administration, and the members of Utah's congressional delegation.

POM-106. A concurrent resolution adopted by the Legislature of the State of Hawaii commemorating the twentieth anniversary of Public Law 103-150; to the Committee on Indian Affairs.

#### HOUSE CONCURRENT RESOLUTION NO. 6

Whereas, in 1993, the United States Congress passed Public Law 103-150 (the "Apology Resolution"), acknowledging and apologizing for the critical role of United States diplomats, military forces, and citizens in the overthrow of the sovereign Kingdom of Hawai'i; and

Whereas, the Apology Resolution confirms that the actions of United States agents in the overthrow and occupation of the Hawaiian government violated treaties between the United States and the sovereign Kingdom of Hawai'i, and norms of international law; and

Whereas, the Apology Resolution confirms that one million eight hundred thousand acres of crown and government lands were thereafter ceded to the United States without consent or compensation to the Native Hawaiian people or their sovereign government, as a result of the United States' annexation of Hawai'i; and

Whereas, the Apology Resolution recognizes that the Native Hawaiian people never relinquished their claims to their inherent sovereignty as a people or of their national lands throughout the overthrow, occupation, annexation, and admission of Hawai'i into the United States; and

Whereas, the Apology Resolution recognizes that the health and well-being of the Native Hawaiian people is intrinsically tied to their deep feelings and attachment to the land; and

Whereas, the Apology Resolution recognizes that the Native Hawaiian people are determined to preserve, develop, and transmit to their descendants, both their ancestral lands and their cultural identity; and

Whereas, the Apology Resolution acknowledges that the overthrow has resulted in the suppression of the inherent sovereignty of the Native Hawaiian people; and

Whereas, the Apology Resolution apologizes to the Native Hawaiian people on be-

half of the people of the United States, commends the efforts of reconciliation initiated by the State of Hawaii and the United Church of Christ with the Native Hawaiians, including the appropriation of funds to educate the public regarding Hawaiian sovereignty; and

Whereas, the State Legislature also passed Act 340, Session Laws of Hawaii 1993, mandating that the lands and waters of Kaho 'olawe island be held in the public land trust, directing the State to transfer management and control of these lands and waters to the sovereign Native Hawaiian entity upon its recognition by the United States and the State of Hawai'i, and establishing the Kaho 'olawe Island Reserve Commission to manage these lands and waters in the interim; and

Whereas, the State Legislature passed Act 329, Session Laws of Hawaii 1997, recognizing the deep sense of injustice felt among many Native Hawaiians and others and affirming that reconciliation with the Native Hawaiian people is desired by all people of Hawai'i; and

Whereas, in 2000, the Department of the Interior and the Department of Justice published a report, "From Mauka to Makai: The River of Justice Must Flow Freely," which formally initiated the federal government's efforts to reconcile past injustices, and recognize and establish a government-to-government relationship with the Native Hawaiian people; and

Whereas, in 2000 and 2002, the United States Congress passed Public Law 106-568, the Hawaiian Homelands Homeownership Act, and Public Law 107-110, the reenacted Native Hawaiian Education Act, confirming the special relationship between the federal government and the Native Hawaiian people; and

Whereas, in 2005, Hawai'i's entire congressional delegation, including then-representative and current Governor of Hawai'i, Neil Abercrombie, as well as the then-Hawai'i Governor, expressed to the United States Senate Committee on Indian Affairs their unanimous support for self-governance and self-determination for Native Hawaiians; and

Whereas, in *Office of Hawaiian Affairs v. Housing and Community Development Corporation of Hawaii (HCDCH)*, 117 Hawaii 174, 195 (2008), rev'd and remanded by 556 U.S. 163 (2009), the Supreme Court of the State of Hawai'i held that "the Apology Resolution and related state legislation . . . give rise to the State's fiduciary duty to preserve the corpus of the public lands trust, specifically, the ceded lands, until such time as the unrelinquished claims of the native Hawaiians have been resolved."; and

Whereas, in *Office of Hawaiian Affairs v. HCDCH*, 117 Hawaii 174, 216, the Supreme Court of the State of Hawai'i also recognized the critical importance of the 'āina to Hawaiian people and stated, "We firmly believe that, given the 'crucial importance [of the 'āina or land to] the [n]ative Hawaiian people and their culture, their religion, their economic self-sufficiency, and their sense of personal and community well-being,' any further diminishment of the ceded lands (the 'āina) from the public lands trust will negatively impact the contemplated reconciliation/settlement efforts between native Hawaiians and the State"; and

Whereas, the State Legislature passed Act 195, Session Laws of Hawaii 2011, acknowledging that Native Hawaiians are the only indigenous, aboriginal, maoli population of Hawai'i nei, that the State of Hawai'i has a special political and legal relationship with the Native Hawaiian people, that Native Hawaiians have continued to maintain their identity as a distinctly native political community with rights to self-determination, self-governance, and self-sufficiency, and es-

tablishing a Native Hawaiian roll commission to maintain a roll of qualified Native Hawaiians to facilitate Native Hawaiian self-governance; Now, therefore, be it

*Resolved by the House of Representatives of the Twenty-seventh Legislature of the State of Hawaii, Regular Session of 2013, the Senate concurring*, That the Legislature hereby commemorates the twentieth anniversary of the Apology Resolution, recognizes the progress that has been made towards reconciliation and Native Hawaiian self-governance and self-determination, reaffirms the State's commitment to reconciliation with the Native Hawaiian people for historical injustices, urges the federal government to advance reconciliation efforts with Native Hawaiians, and supports efforts to further the self-determination and sovereignty of Native Hawaiians; and be it further

*Resolved*, That certified copies of this Concurrent Resolution be transmitted to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, the Chief Justice of the Supreme Court of the United States, the Chief Justice of the Supreme Court of Hawai'i, the Governor of the State of Hawai'i, and the Chairperson of the Board of Trustees of the Office of Hawaiian Affairs.

POM-107. A resolution adopted by the General Assembly of the State of New Jersey expressing strong opposition to the recent United States Supreme Court decision in *Citizens United v. Federal Election Commission*; to the Committee on the Judiciary.

#### ASSEMBLY RESOLUTION NO. 86

Whereas, A divided United States Supreme Court, in a 5-to-4 decision issued on January 21, 2010 in *Citizens United v. Federal Elections Commission*, overturned two important precedents by lifting a 20-year ruling in *Austin v. Michigan Chamber of Commerce*, that restricted campaign spending by corporations in support of or in opposition to political candidates; and

Whereas, The Court also overturned part of its 2003 decision in *McConnell v. Federal Elections Commission* by rejecting a large portion of the Bipartisan Campaign Reform Act of 2002, commonly called McCain Feingold, which restricted campaign spending by corporations and unions by banning broadcast, cable or satellite transmissions of electioneering communications paid for by corporations or labor unions from their general funds in the 30 days before a presidential primary and in the 60 days before the general election; and

Whereas, In his 80-page dissent in the *Citizens United* case, Justice Stevens called the decision "a radical change in the law" that ignores "the overwhelming majority of justices who have served on this court" and stated that "In the context of election to public office, the distinction between corporate and human speakers is significant . . . [Corporations] cannot vote or run for office. Because they may be managed and controlled by nonresidents, their interests may conflict in fundamental respects with the interests of eligible voters"; and

Whereas, President Obama recently criticized the ruling as "a green light to a new stampede of special interest money," and declared "It is a major victory for big oil, Wall Street banks, health insurance companies and the other powerful interests that marshal their power every day in Washington to drown out the voices of everyday Americans"; and

Whereas, Senator John McCain who co-wrote the 2002 campaign reform law with

Senator Russell Feingold, said he was “disappointed” by the decision, and Senator Feingold called the decision “a terrible mistake” ignoring “important principles of judicial restraint and respect for precedent”; and

Whereas, For decades, Congress has exercised its constitutional authority to regulate elections by seeking to prevent corporations and unions from exerting undue influence or the appearance of undue influence over federal candidates; and

Whereas, It is fitting and proper for the [Senate] General Assembly of this State to express its opposition to the Citizens United decision and to call upon the Congress of the United States to propose an amendment to the United States Constitution to provide that, with respect to corporation campaign spending, a person is only a natural person for First Amendment protection of free speech; Now, therefore, be it

*Resolved by the General Assembly of the State of New Jersey:*

1. The General Assembly of the State of New Jersey expresses strong opposition to the United States Supreme Court ruling in *Citizens United v. Federal Elections Commission* and calls upon the Congress of the United States to propose an amendment to the United States Constitution to provide that with regard to corporation campaign spending, a person means only a natural person for First Amendment protection of free speech.

2. Duly authenticated copies of this resolution, signed by the Speaker of the General Assembly and attested to by the Clerk of the Assembly, shall be transmitted to the President and Vice President of the United States, the Majority and Minority Leaders of the United States Senate, the Speaker and Minority Leader of the United States House of Representatives, and to each member of the United States Congress elected from this State.

POM-108. A joint resolution adopted by the Legislature of the State of Maine memorializing the United States Congress to pass a constitutional amendment to reverse the ruling of the United States Supreme Court in *Citizens United v. Federal Election Commission*; to the Committee on the Judiciary.

#### JOINT RESOLUTION

Whereas, United States Supreme Court rulings, beginning with *Buckley v. Valeo* and continuing through *Citizens United v. Federal Election Commission* and others, disproportionately elevate the role of wealthy special interests in elections and diminish the voices and influence of ordinary Americans; and

Whereas, Maine citizens wish to develop effective tools for self-governance, including strong laws governing elections and campaign finance; and

Whereas, the current legal landscape severely constrains the range of options available to citizens, frustrating efforts to reduce the influence of moneyed interest in elections and in government: Now, therefore, be it

*Resolved*, That We, your Memorialists, hereby declare our support for an amendment to the United States Constitution regarding campaign finance that would reaffirm the power of citizens through their government to regulate the raising and spending of money in elections; and be it further

*Resolved*, That We, your Memorialists, call upon each Member of the Maine Congressional Delegation to actively support and promote in Congress an amendment to the United States Constitution on campaign finance; and be it further

*Resolved*, That suitable copies of this resolution, duly authenticated by the Secretary

of State, be transmitted 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-109. A joint resolution adopted by the Legislature of the State of Tennessee urging the United States Congress to adopt a balanced budget; to the Committee on the Judiciary.

#### SENATE JOINT RESOLUTION NO. 38

Whereas, with each passing year our nation falls further into debt as federal government expenditures repeatedly exceed available revenue; and

Whereas, the annual federal budget has risen to unprecedented levels, demonstrating an unwillingness or inability of both the Legislative and Executive branches of federal government to control the federal debt; and

Whereas, knowledgeable planning and fiscal prudence require that the budget reflect all federal spending and that the budget be in balance; and

Whereas, fiscal discipline is a powerful means for strengthening our nation; with less of America's future financial resources channeled into servicing the national debt, more of our tax dollars would be available for public endeavors that reflect our national priorities, such as education, health, the security of our nation, and the creation of jobs; and

Whereas, Thomas Jefferson recognized the importance of a balanced budget when he wrote: “The question whether one generation has the right to bind another by the deficit it imposes is a question of such consequence as to place it among the fundamental principles of government. We should consider ourselves unauthorized to saddle posterity with our debts, and morally bound to pay for them ourselves.”; and

Whereas, state legislatures overwhelmingly recognize the necessity of maintaining a balanced budget; whether through constitutional requirement or by statute, forty-nine states require a balanced budget; and

Whereas, the federal government's unlimited ability to borrow involves decisions of such magnitude, with such potentially profound consequences for the nation and its people, today and in the future, that it is of vital importance to the future of the United States of America that a balanced budget be adopted on an annual basis: Now, therefore, be it

*Resolved by the Senate of the One Hundred Eighth General Assembly of the State of Tennessee, the House of Representatives concurring*, That we hereby strongly urge the United States Congress to adopt a balanced federal budget on an annual basis; and be it further

*Resolved*, That an enrolled copy of this resolution be transmitted to the President and the Secretary of the United States Senate, the Speaker and the Clerk of the United States House of Representatives, and each member of Tennessee's Congressional delegation.

POM-110. A concurrent resolution adopted by the Legislature of the State of Oklahoma reaffirming the definition of marriage as the union of one man and one woman; to the Committee on the Judiciary.

#### HOUSE CONCURRENT RESOLUTION NO. 1009

Whereas, marriage is the building block upon which our society is based; and

Whereas, on November 2, 2004, Oklahoma voters expressed their collective intent to define marriage as the union of one man and one woman by approving State Question 711 which was an amendment to Article II of the Oklahoma Constitution; and

Whereas, the power to regulate marriage is a power reserved to the states that lies within the domain of state legislatures and not with the judicial branch of government; and

Whereas, the United States Supreme Court recently heard oral arguments in two separate cases that challenge the constitutionality of the federal Defense of Marriage Act and the authority of states to regulate marriage; and

Whereas, the Oklahoma Legislature commends the Honorable E. Scott Pruitt, Attorney General of Oklahoma, for filing an amicus curiae brief supporting Oklahoma's right to regulate marriage: Now, therefore, be it

*Resolved by the House of Representatives of the 1st Session of the 54th Oklahoma Legislature, the Senate Concurring Therein*, That the Oklahoma Legislature reaffirms its commitment to define marriage as the union of one man and one woman and urges the United States Supreme Court to uphold the Defense of Marriage Act and the right of states to regulate marriage. Be it further

*Resolved*, That a copy of this resolution be distributed to the President and Vice President of the United States and to the Oklahoma Congressional Delegation.

POM-111. A joint resolution adopted by the Legislature of the State of California urging the federal government, including the Department of Homeland Security and the General Services Administration, to fund necessary improvements at the San Ysidro, Calexico, and Otay Mesa Ports of Entry; to the Committee on the Judiciary.

#### ASSEMBLY JOINT RESOLUTION NO. 4

Whereas, The United States, Canada, and Mexico signed the North American Free Trade Agreement (NAFTA) in 1993 to foster trade among the countries, and improve global competitiveness; and

Whereas, Trade between the United States and Mexico has more than quintupled since the implementation of NAFTA, totaling \$500 billion in bilateral trade in 2011; and

Whereas, Mexico continues to be California's number one export market with \$25.8 billion in goods exported to Mexico in 2011, accounting for 16 percent of all California exports; and

Whereas, Ninety-nine percent of trade between California and Mexico is carried by trucks; and

Whereas, The SANDAG 2050 Comprehensive Freight Gateway Study projects that the nearly two million trucks that crossed the California-Mexico border in 2007 will increase to nearly five million trucks in 2050. In 2011, over \$33.5 billion in goods moved between Mexico and the United States at the Otay Mesa Port of Entry and at the Tecate Port of Entry; and

Whereas, The San Diego and Imperial Counties' border traffic congestion and delays cost the U.S. and Mexican economies an estimated \$8.63 billion in gross output and more than 73,900 jobs in 2007; and

Whereas, New land port of entry and improvement projects are under federal jurisdiction with significant influence over local communities; and

Whereas, The San Ysidro-Puerta Mexico Land Port of Entry is the busiest port of entry between the United States and Mexico and is undergoing a major reconfiguration and expansion project; and

Whereas, The Otay Mesa-Mesa de Otay Land Port of Entry has plans for the expansion and modernization of passenger and commercial inspection facilities; and

Whereas, The Calexico West Port of Entry also has plans to renovate and expand the facility to process and expand its operation for pedestrians and automobiles; and

Whereas, The collaboration between federal, state, and local agencies is essential for

the development of border infrastructure projects and security; and

Whereas, The General Accountability Office and the Department of Homeland Security estimate that \$6 billion in border infrastructure is needed to fulfill their mission of preventing unlawful entry and smuggling while facilitating legitimate trade and tourism; and

Whereas, The need for improved border capacity and efficiency comes at a time when traditional federal funding is scarce and increasingly difficult to obtain; and

Whereas, Since February 2009, Congress and the Obama administration have not funded border infrastructure projects; and

Whereas, The San Ysidro project has a stated funding gap of \$285 million, the Calexico project needs \$318 million to complete construction, and the Otay Mesa project requires \$161 million for completion; and

Whereas, Various agencies of the United States, including the Department of Homeland Security and the General Services Administration, should work with Congress to provide funding to support these border infrastructure investments: Now, therefore, be it

*Resolved by the Assembly and the Senate of the State of California, jointly,* That the Legislature urges the federal government, including the Department of Homeland Security and the General Services Administration, to fund necessary improvements at the San Ysidro, Calexico, and Otay Mesa Ports of Entry; 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.

POM-112. A joint resolution adopted by the Legislature of the State of California urging the President to sign and Congress to pass the Violence Against Women Reauthorization Act; to the Committee on the Judiciary.

#### ASSEMBLY JOINT RESOLUTION NO. 8

Whereas, The federal Violence Against Women Act (VAWA) was developed with the input of advocates from around the country with diverse backgrounds and experiences, and addresses the real and most important needs of victims of domestic violence, sexual assault, dating violence, and stalking; and

Whereas, VAWA represents the voices of women and their families, and the voices of victims, survivors, and advocates; and

Whereas, VAWA was first enacted in 1994, and has been the centerpiece of the federal government's efforts to stamp out domestic and sexual violence. VAWA provides millions of dollars to support programs for victim services, transitional housing, and legal assistance, as well as tools that law enforcement, prosecutors, and judges need to hold offenders accountable and keep communities safe while supporting victims; and

Whereas, Domestic violence, sexual assault, dating violence, and stalking, once considered private matters to be dealt with behind closed doors, have been brought out of the darkness; and

Whereas, VAWA has been successful because it has had consistently strong, bipartisan support for nearly two decades; and

Whereas, Senators Patrick Leahy and Mike Crapo and Representative Gwen Moore have introduced identical legislation, the Violence Against Women Reauthorization Act, in their respective houses with language that includes several updates and improvements to the law, including the following:

(a) An emphasis on the need to effectively respond to sexual assault crime by adding new purpose areas and a 25-percent set-aside in the STOP (Services, Training, Officers, and Prosecutors) Violence Against Women Formula Grant Program (STOP Program) and the Grants to Encourage Arrest Policies and Enforcement of Protection Orders Program.

(b) Improvements in tools to prevent domestic violence homicides by training law enforcement, victim service providers, and court personnel to identify and manage high-risk offenders and connecting high-risk victims to crisis intervention services.

(c) Critical improvements that provide important protections for students, immigrant women, as well as the lesbian, gay, bisexual, and transgender and Native American communities.

(d) Improvements in responses to the high rate of violence against women in tribal communities by strengthening concurrent tribal criminal jurisdiction over perpetrators who assault Indian spouses and dating partners in Indian countries.

(e) Measures to strengthen housing protections for victims by applying existing housing protections to nine additional federal housing programs.

(f) Measures to promote accountability to ensure that federal funds are used for their intended purposes.

(g) Consolidation of programs and reductions in authorization levels to address fiscal concerns, and renewed focus on programs that have been most successful.

(h) Technical corrections to update definitions throughout the law to provide uniformity and continuity; and

Whereas, There is a need to maintain services for victims and families at the local, state, and federal levels. VAWA reauthorization would allow existing programs to continue uninterrupted, and would provide for the development of new initiatives to address key areas of concern. These initiatives include the following:

(a) Addressing the high rates of domestic violence, dating violence, and sexual assault among women 16 to 24 years of age, inclusive.

(b) Improving the response to sexual assault with best practices, training, and communication tools for law enforcement, as well as for health care and legal professionals.

(c) Preventing domestic violence homicides through enhanced training for law enforcement, advocates, and others who interact with those at risk: Now, therefore, be it

*Resolved by the Assembly and the Senate of the State of California, jointly,* That the Legislature requests the President to sign and Congress to pass the Violence Against Women Reauthorization Act and ensure the sustainability of vital programs designed to keep women and families safe from violence and abuse; 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, to each Senator and Representative from California in the Congress of the United States, and to the author for appropriate distribution.

POM-113. A resolution adopted by the Senate of the State of California recognizing the critical importance of continued access to safe and legal abortion; to the Committee on the Judiciary.

#### SENATE RESOLUTION NO. 10

Whereas, January 22, 2013, marks the 40th anniversary of the United States Supreme

Court's landmark decision in *Roe v. Wade*, which held that every woman has a fundamental right to control her own reproductive decisions and decide whether to end or continue a pregnancy, and is an occasion that deserves celebration; and

Whereas, The 1973 *Roe v. Wade* decision, making access to abortion safe and legal, has greatly improved the health of women and families; and

Whereas, *Roe v. Wade* has been the cornerstone of women's remarkable strides toward equality in the past four decades, and reproductive freedom is critical to a woman's ability to participate fully in the social, political, and economic life of the community; and

Whereas, California is committed to protecting public health and the welfare of all its residents, and recognizes that access to reproductive health services, including family planning and prenatal care, supports individuals and their families by ensuring that babies are planned, wanted, and healthy; and

Whereas, The public policy of California, as expressed in the Reproductive Privacy Act, and protected by the California Constitution's express right to privacy, is that each woman has the fundamental right to make decisions regarding her reproductive health; and

Whereas, California has a pioneering history in supporting reproductive rights, including the California Supreme Court's 1969 decision in *People v. Belous*, recognizing that a woman's decision to end a pregnancy is protected by her constitutional right to privacy, four years prior to the United States Supreme Court's decision in *Roe v. Wade*; and

Whereas, In a democracy, people may have differing views about abortion, but most Californians recognize that only a pregnant woman can know, and should be entitled to decide, what option is best for herself and her family; and

Whereas, Over 75 percent of Californians oppose efforts to overturn *Roe v. Wade*, which could create a public health crisis if individual states made abortion illegal and unsafe; and

Whereas, The 2012 elections sent a powerful and unmistakable message to Members of Congress and state legislatures that women do not want politics or politicians to interfere with their personal medical decisions; and

Whereas, Violence against abortion providers and laws that create barriers to abortion endanger a woman's health: Now, therefore, be it

*Resolved by the Senate of the State of California,* That on the 40th anniversary of *Roe v. Wade*, the senate of the State of California recognizes the critical importance of continued access to safe and legal abortion and urges the President of the United States and the Congress to protect and uphold the intent and substance of the 1973 United States Supreme Court decision in *Roe v. Wade*; and be it further

*Resolved,* That the Secretary of the Senate 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, to each Senator and Representative from California in the Congress of the United States, and to the author for appropriate distribution.

POM-114. A joint resolution adopted by the Legislature of the State of Maine honoring the victims of the Boston Marathon explosions; to the Committee on the Judiciary.

#### JOINT RESOLUTION

Whereas, on April 15, 2013, multiple explosions at the finish line of the 117th Boston Marathon, a horrific act of terrorism, killed

at least 3 people and injured more than 175 people; and

Whereas, law enforcement's unprecedented response and willingness to put their lives on the line to protect the innocent and bring those responsible to justice is an inspiration to us all; and

Whereas, many of the victims of this tragedy, who are both United States citizens and international visitors, are friends and family members of athletes and spectators celebrating community, sport and the intense effort and sacrifice required to qualify for the Boston Marathon; and

Whereas, many Americans and people of the world watched with horror as the tragedy occurred and the day progressed; and

Whereas, heroic emergency medical technicians, police officers, firefighters, members of the National Guard and other first responders, as well as many marathon participants, volunteers and spectators, saved lives while putting themselves at risk; and

Whereas, Maine and Massachusetts have a special historical, economic and cultural relationship, extending back before our Nation's founding, including our mutual celebration of Patriot's Day as a state holiday, and scores of Maine people run in the Boston Marathon every year: Now, therefore, be it

*Resolved*, That We, the Members of the One Hundred and Twenty-sixth Legislature now assembled in the First Regular Session, on behalf of the people we represent, join the people of Maine, the City of Boston, the Commonwealth of Massachusetts and the rest of the United States in collective sorrow and anguish; and be it further

*Resolved*, That We, the Members of the One Hundred and Twenty-sixth Legislature, stand united with the people of Maine, the City of Boston, the Commonwealth of Massachusetts and the rest of the United States against violence perpetrated against innocents; 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 governors of the State of Maine and Commonwealth of Massachusetts, the President of the Massachusetts Senate, the Speaker of the Massachusetts House of Representatives and the Mayor of the City of Boston.

POM-115. A joint resolution adopted by the Legislature of the State of Utah recommending a name for a new federal courthouse; to the Committee on the Judiciary.

#### HOUSE JOINT RESOLUTION NO. 9

Whereas, a new federal courthouse is currently being constructed at 351 South West Temple in Salt Lake City;

Whereas, if this new structure is to bear the name of an exemplary Utahn, it should be named after Justice George Sutherland, the only Utahn to serve on the United States Supreme Court;

Whereas, to date, Justice Sutherland is Utah's most accomplished attorney, public servant, and judge;

Whereas, before joining the United States Supreme Court, Sutherland was a renowned legal scholar and sage politician, having served in the Utah State Senate, the United States House of Representatives, and the United States Senate;

Whereas, no past or present Utahn has done more for his state or country, or accomplished more as a lawyer;

Whereas, Sutherland was born in England in 1862 to converts to the Church of Jesus Christ of Latter-day Saints (LDS);

Whereas, Sutherland's family immigrated to Utah as part of an oxcart company in October 1863;

Whereas, the Sutherland family first settled in Springville, Utah, and then moved to Tintic, Utah, where George Sutherland, Sr. sold dry goods to miners;

Whereas, George Sutherland, Sr. left the LDS Church in 1870, and young George was never baptized;

Whereas, Sutherland recalled his boyhood as a "period when life was very simple, but, as I can bear testimony, very hard as measured by present day standards. . . . Nobody worried about child labor, the average boy of 10 worked—and often worked very hard";

Whereas, Sutherland grew up in a time when everybody was poor and everybody worked;

Whereas, neither the 8-hour day nor the 40-hour week had arrived, so work began when it was light enough to see and ended when it became too dark;

Whereas, Sutherland worked first in a clothing store in Salt Lake City, then as a Wells Fargo agent and later as a mining recording agent until age 17, when his family moved to Provo;

Whereas, Sutherland had no schooling from ages 12 to 17, but because he was taught well by his parents, he entered the Brigham Young Academy in 1879 as an excellent student and writer;

Whereas, at Brigham Young Academy, he flourished under the tutelage of renowned headmaster Karl Maeser, who nurtured the institution for decades;

Whereas, at Brigham Young Academy, George Sutherland made many lifelong friends, nearly all members of the LDS Church, including Sam Thurman, who later became his law partner, cofounder of the predecessor firm to Snow, Christensen & Martineau, and a Utah Supreme Court Chief Justice; William H. King, his future law partner and political opponent against whom he ran for Congress in 1900 and the United States Senate in 1916; and James E. Talmage and Richard Lyman, future Apostles of the LDS Church;

Whereas, at Brigham Young Academy, he met Rosamond Lee of Beaver, Utah, and several years later they married;

Whereas, George and Rosamond Sutherland were together for nearly 60 years and had three children, a boy who died at 17 and two daughters who survived him;

Whereas, Sutherland graduated from Brigham Young Academy in 1881 and attended the University of Michigan Law School for a year, passed the Michigan Bar, and then married Rosamond and moved to Provo, where he started a practice with his father, by then a self-taught lawyer;

Whereas, Sutherland once stated, "I transacted all kinds of business, both civil and criminal. A lawyer in a small town can't pick and choose—public opinion demands that he shall treat all men alike when they call for his services. I often traveled on horseback in the mountains to try cases before Justices of the Peace";

Whereas, Sutherland earned a well-deserved reputation as a hardworking and honest family man who was smart, empathetic, and kind;

Whereas, in 1886, at age 24, his law partnership with Sam Thurman began, and they were joined by William King two years later;

Whereas, as young lawyers, Sutherland and Thurman defended nine Irish miners accused of lynching, a capital offense; all were tried and convicted but none was executed—a victory for Sutherland and Thurman;

Whereas, Sutherland also represented many members of the LDS Church charged with violating the Federal Edmund's Act outlawing polygamy;

Whereas, through these cases and his general character, he earned respect within the LDS community and at the same time re-

ceived the political support of the non-LDS community;

Whereas, Sutherland did not represent Karl Maeser when he was convicted in 1887 of violating the Edmund's Act, but he nonetheless appeared at Maeser's sentencing and made an impassioned and successful plea to the Court not to jail Maeser, citing his many accomplishments at Brigham Young Academy;

Whereas, the Court did not sentence Maeser to jail, but fined him \$300, which Sutherland immediately paid to the Court;

Whereas, as a young lawyer, Sutherland dove into public service and politics;

Whereas, from 1886 to 1890, Sutherland was an Overseer of the State Hospital in Provo, and in 1890 he ran for Mayor of Provo as a Liberal Party candidate on an antipolygamy platform, and lost;

Whereas, LDS-Church sanctioned polygamy ended in late 1890, gutting the Liberal Party of its purpose, so Sutherland became a Republican and narrowly lost the 1892 Republican nomination for Congress;

Whereas, Sutherland was gratified that Utah's new Constitution provided for women's suffrage, a cause for which he campaigned throughout his political career;

Whereas, Sutherland's legal practice blossomed, and in 1894 he left Thurman & Sutherland and moved to Salt Lake City where he joined the predecessor to the Van Cott law firm;

Whereas, Sutherland helped form the Utah Bar Association in 1895, and in 1896 was elected to the first Utah State Senate, where he chaired the Judiciary Committee, which drafted the first Utah Judicial and Penal Codes;

Whereas, Sutherland proposed the state's first State Workers' Compensation Statute and laws granting eminent domain to miners and those working in irrigation;

Whereas, in 1900, Sutherland narrowly defeated Democrat and former law partner William H. King for Utah's lone seat in the United States House of Representatives;

Whereas, Sutherland remained very active in state and national Republican Party affairs, serving as a party delegate from Utah to every Republican convention between 1900 and 1916;

Whereas, in his only House term, Sutherland was instrumental in passing the Reclamation Act, which allowed Western water projects to be engineered and financed with federal money, allowing the Western States to grow much faster than if water projects had been left to private and state financing;

Whereas, Sutherland chose not to run for a second term and resumed his practice with Van Cott;

Whereas, in 1905, United States Senators were elected by State Legislatures;

Whereas, years earlier, Sutherland had represented United States Senator Reed Smoot's father in a polygamy case and now, with the endorsement of his friend and Senator, Sutherland prevailed in an interparty fight with incumbent Thomas Kearns;

Whereas, Sutherland's two-term Senate career was stellar;

Whereas, through his legal ability, affability, and hard work, Sutherland accomplished much regarding women's suffrage, workers' compensation, reclamation, Indian affairs, and foreign policy;

Whereas, Sutherland was the driving force behind the Federal Employer Liability Act, which created a workers' compensation system;

Whereas, in support of the new system, Sutherland argued, "When we are able to get to the truth as to how these accidents happen we will be able to apply the remedy with greater certainty, so that the law is not only just in providing compensation to all injured

employees, one of the legitimate expenses of the industry, but what is perhaps still more important, it will tend to greatly reduce the number of accidents and consequently the aggregate of human suffering”;

Whereas, Sutherland championed many other labor causes, earning him the praise of Samuel Gompers, President of the American Federation of Labor;

Whereas, Sutherland's Judiciary Committee rewrote the United States Criminal and Judicial codes, “a monumental task” according to Chief Justice Charles Evans Hughes of the United States Supreme Court;

Whereas, in 1907, Sutherland's courtroom skills were well displayed in the Senate where he mounted a detailed and successful defense of Senator Reed Smoot when the Senate considered expelling Smoot due to his religious and alleged polygamous practices;

Whereas, Sutherland sponsored the Nineteenth Amendment to give women the right to vote in 1915 and exerted every effort to assure its passage;

Whereas, Sutherland gave several well received speeches promoting the amendment, including a 1914 speech in which he stated, “I give my assent to woman suffrage because, as the matter appeals to me, there is no justification for denying to half our citizens the right to participate in the operations of a government which is as much their government as it is ours upon the sole ground that they happen to be born women instead of men”;

Whereas, Sutherland was not a pacifist, and contended that security should be won through vigilance and strength;

Whereas, when Germany's new submarine fleet attacked shipping in the open sea, President Wilson's apparent vacillation in 1915 gave rise to sham criticism from Sutherland in the Senate, where he stated, “. . . my own view of the matter is that the new weapon [the submarine] must yield to the law not that the law must yield to the new weapon. . . . I for one am becoming sick and tired of the spineless policy of retreat and scuttle. . . . Instead of warning our own people to exercise their rights at their peril I would like to see issued to other people a warning to interfere with these rights at their peril. The danger of it all is that by this policy of always backing down, instead of backing up, we shall encourage an increased encroachment upon our rights until we shall finally be driven into crises from which nothing but war can extricate us”;

Whereas, during his Senate years, Sutherland was frequently engaged as a speaker on many public issues and he gained a strong reputation as a constitutional scholar;

Whereas, this reputation was enhanced by the fact that he argued three cases before the United States Supreme Court while serving in the Senate;

Whereas, in 1915, Sutherland supported the Seventeenth Amendment, which provided for popular election of United States Senators;

Whereas, in 1916, Sutherland ran for a third term against his old law partner and friend, William King, and lost;

Whereas, although Sutherland had not run a statewide campaign for 16 years, his loss was likely due to the coattail effect of the antiwar fervor that propelled President Wilson to a second term, on the mantra that “He kept us out of war”;

Whereas, many Republican candidates were badly defeated in 1916, but in his consoling words to William Howard Taft on his loss of the presidential race, Sutherland stated, “We are to pass through a period of readjustment, and the present administration, in view of its past history, is not likely to deal with the serious problems which will arise in such a way as to satisfy the country.

The result will be, therefore, that we shall come back into power for a long time”;

Whereas, the Republicans won the next three presidential elections;

Whereas, after leaving the Senate, Sutherland practiced law in Washington, D.C. and argued four cases before the United States Supreme Court;

Whereas, in 1917, Sutherland was elected President of the American Bar Association and gave a series of six lectures at Columbia University Law School on the Constitution and foreign affairs;

Whereas, always a keen political strategist, Sutherland supported Warren G. Harding's seemingly unlikely but successful bid for the Republican presidential nomination, and after Harding was elected he appointed Sutherland as lead counsel for the United States in a seven week trial at The Hague;

Whereas, Sutherland was also counsel to the United States Delegation to the Armament talks of 1921;

Whereas, on September 5, 1922, President Harding nominated Sutherland for an open seat on the United States Supreme Court and the Senate unanimously confirmed him the same day;

Whereas, there was great public interest in and support for Sutherland's appointment because he was the first Utahn to be appointed, one of the few Senators to ascend to the bench, only the fourth foreign born Justice to serve on the Court, and the first to do so since 1793;

Whereas, as he had throughout every aspect of his life, Justice Sutherland worked very hard on the United States Supreme Court;

Whereas, in 15 years he wrote 295 majority opinions, 35 dissents, and 1 concurrence—an average of 20 majority opinions per year, which is double the average production of today's Supreme Court Justices;

Whereas, Justice Sutherland's broad life experiences, sobriety, hard work, and self-reliance brought a valuable perspective to the Court;

Whereas, Justice Sutherland's impoverished upbringing and boyhood years filled with extremely hard work, combined with his intellect and ambition, propelled him into the highest echelon of power on the state and national levels, exposing him to people from all walks of life;

Whereas, Justice Sutherland's extensive experience in the state and national legislative branches gave him a solid foundation as a constitutional scholar and an expert in governmental affairs;

Whereas, having seen temporary factions spring to life from time to time, claiming to have all the answers to society's challenges only to fade away and leave in their wake ill-considered legislation that often infringed on individual rights or violated other constitutional principles, Justice Sutherland was wary of the tyranny of the majority;

Whereas, Justice Sutherland challenged the Congress, the President, and other courts in order to protect individual rights or fundamental constitutional doctrines;

Whereas, in 1935, in *Berger v. United States*, wherein an Assistant U.S. Attorney was guilty of gross misconduct during a criminal trial, Justice Sutherland eloquently set the standard for prosecutorial misconduct when he wrote that the misconduct called for a stern rebuke and repressive measures, stating, “The United States Attorney is the representative not of an ordinary party to a controversy, but of a sovereignty whose obligation to govern impartially is as compelling as its obligation to govern at all; and whose interest, therefore, in a criminal prosecution is not that it shall win a case, but that justice shall be done. As such, he is in peculiar and very definite sense

the servant of the law, the twofold name of which is that guilt shall not escape, or innocents suffer. He may prosecute with earnestness and vigor, indeed he should do so. But, while he may strike hard blows, he is not at liberty to strike foul ones. It is as much his duty to refrain from improper methods calculated to produce a wrongful conviction as it is to use every legitimate means to bring about a just one”;

Whereas, this decision better clarified the prosecutor's role and obligations and gave trial judges a clear directive and authority to punish prosecutorial misconduct;

Whereas, when Franklin D. Roosevelt overwhelmingly defeated President Hoover in 1932, the Congress quickly passed many acts to address the economic calamity, but the laws were not thoroughly assessed from a constitutional point of view before they were passed;

Whereas, this led to scores of court challenges, and many laws were struck down by unanimous vote in 1934, 1935, and 1936, while others were struck down by close votes on various constitutional grounds;

Whereas, the most controversial opinions that Justice Sutherland wrote struck down portions of President Franklin Delano Roosevelt's New Deal legislation;

Whereas, after his landslide 1936 reelection, Roosevelt proposed adding six Justices to the United States Supreme Court, which Justice Sutherland saw as a roadblock to economic recovery;

Whereas, the political upheaval that the court-packing plan sparked caused conservative Justice Owen Roberts to change his votes and to uphold the New Deal legislation;

Whereas, this switch of a vote and strong public opposition to court-packing led to its defeat in the Senate and avoided a constitutional, and perhaps a national, crisis;

Whereas, Justice Sutherland was bitterly disappointed with Justice Roberts's vote change, and when the Supreme Court then reversed recent Supreme Court decisions, Sutherland dissented sharply, contending that political expediency had trumped constitutional principles;

Whereas, much to the disappointment of moderates and conservatives, Justice Sutherland retired in 1938;

Whereas, humble to the end, Sutherland did not mention the Supreme Court or his career in his last public address, the Convocation of the BYU Class of 1941, but instead reminisced about Utah in the 1860s and 70s, his daylong labors as a child, and his education at his beloved Brigham Young Academy;

Whereas, above all he implored graduates to be vigilant caretakers of their character, then to focus on career, family, and church;

Whereas, George Sutherland passed away in 1942;

Whereas, this nation's heritage and good sense teach us to honor distinguished and exemplary forefathers; and

Whereas, other public servants may deserve the recognition of having their names on the new federal courthouse, but none deserves it more than George Sutherland: Now, therefore, be it

*Resolved*, That the Legislature of the state of Utah urge the members of Utah's congressional delegation to work to have the new federal courthouse in Salt Lake City named after Justice George Sutherland; and be it further

*Resolved*, That the Legislature urge the members of Utah's congressional delegation to make this effort in recognition of Justice Sutherland's lifetime of service to the citizens of the state of Utah as a member of the Utah Senate and to the United States as a member of the United States House of Representatives, a member of the United States

Senate, and the only Utahn to serve on the United States Supreme Court, and whose example of humility and integrity in public service is unsurpassed; and be it further

*Resolved*, That a copy of this resolution be sent to the members of Utah's congressional delegation.

POM-116. A concurrent resolution adopted by the Legislature of the State of Utah supporting the Financial Ready Utah enterprise risk management process; to the Committee on the Judiciary.

#### SENATE CONCURRENT RESOLUTION

Whereas, the Legislature of the state of Utah declares that the nation's fiscal recklessness poses a great, clear, and present threat to America's future;

Whereas, David Walker, former Comptroller General of the United States warns, "The most serious threat to the United States is not someone hiding in a cave in Afghanistan or Pakistan, but our own fiscal irresponsibility";

Whereas, the federal government is now in its fourth year of not passing a budget;

Whereas, the national debt has now surpassed \$16.4 trillion, more than \$136,000 per household;

Whereas, annual deficits have exceeded \$1 trillion for each of the last four years, and unfunded obligations for social programs now exceed \$85 trillion, with no apparent Congressional resolution on the horizon;

Whereas, it took 200 years for the United States to accumulate the first trillion dollars in debt and only 286 days to accumulate the most recent trillion;

Whereas, \$85 billion per month of the national debt and annual deficits are now offset through Federal Reserve operations such as "quantitative easing" and "operation twist";

Whereas, more than 40 cents of every dollar the state of Utah spends comes from the federal government that borrows and prints more than 40 cents of every dollar it sends to Utah;

Whereas, last New Year's Eve, the United States Congress merely delayed until March 1, 2013, the implementation of the automatic cuts or "sequestration" of 8-9% of federal discretionary spending, including funds to state and local governments, and 10% of military spending under the Budget Control Act of 2011;

Whereas, in its recently released audit of the federal government's financial statements, the Government Accountability Office declared, "Over the long term, the structural imbalance between spending and revenue will lead to continued growth of debt held by the public as a share of GDP [Gross Domestic Product]; this means the current structure of the federal budget is unsustainable";

Whereas, this fiscal scenario is by all accounts unsustainable for the nation as well as for our state;

Whereas, in May 2012, the American Institute of Certified Public Accountants, in its review of the federal government's most recent annual financial statements, warned, "The U.S. is not exempt from the laws of prudent finance. We must take steps to put our financial house in order. The credit rating agencies have recently issued renewed warnings of U.S. credit downgrades unless substantive reforms are made. Our current fiscal policy results in mortgaging our nation's future without investing in it, leaving our children, grandchildren and future generations to suffer the consequences. This is irresponsible, unethical and immoral";

Whereas, restoring fiscal sanity and sustainability is at the heart of jumpstarting economic growth and fostering a business

climate where companies can grow and begin to hire; and

Whereas, absent credible actions to address this fiscal irresponsibility, uncertainty will continue to dominate business decision making and economic recovery will languish: Now, therefore, be it

*Resolved*, That the Legislature of the state of Utah, the Governor concurring therein, wholeheartedly supports the Financial Ready Utah initiative of fostering within the state of Utah an enterprise risk management process to assess the immediacy, severity, and probability of risks from any reductions of federal funds to the state of Utah and how the state will marshal its resources, both human and capital, to prioritize and provide the most essential government services; and be it further

*Resolved*, That the Legislature and the Governor strongly urge local, state, and national representatives to take immediate and sustained action to eliminate deficit spending and secure economic self-reliance to the state of Utah and to the United States;

*Resolved*, That the Legislature and the Governor strongly urge the President of the United States and the United States Congress to pass a budget each year and adopt a credible and sustainable plan to balance those budgets;

*Resolved*, That the Legislature and the Governor strongly urge Utah's towns, cities, and counties to adopt and implement comprehensive financial risk management measures as soon as possible;

*Resolved*, That copies of this resolution be sent to the Attorney General of the United States, the President of the United States, the Majority Leader of the United States Senate, the Speaker of the United States House of Representatives, the Utah Association of Counties, the Utah League of Cities and Towns, Financial Ready Utah, the Utah State Chamber of Commerce, the Utah Board of Regents, the Utah State Board of Education, and the members of Utah's congressional delegation.

POM-117. A joint resolution adopted by the Legislature of the State of Utah rejecting United Nations Agenda 21 and urging state and local governments across the United States to reject it; to the Committee on the Judiciary.

#### SENATE JOINT RESOLUTION NO. 11

Whereas, the United Nations Agenda 21 was initiated at the United Nations Conference on Environment and Development in Rio de Janeiro, Brazil, in 1992;

Whereas, the United Nations Agenda 21 is being introduced into local communities across the United States through the International Council of Local Environmental Initiatives, through local "sustainable development" policies including Smart Growth America, the Wildlands Project, and Center for Resilient Cities;

Whereas, the United Nations has accredited and enlisted numerous nongovernmental and intergovernmental organizations to assist in the implementation of its policies relative to Agenda 21 around the world;

Whereas, the United Nations Agenda 21 plan of sustainable development views private property ownership, single family homes, private car ownership, individual travel choices, and privately owned farms as destructive to the environment;

Whereas, according to the United Nations Agenda 21 policy, social justice is described as the right and opportunity of all people to benefit equally from the resources afforded citizens by society and the environment, which would be accomplished by redistribution of wealth;

Whereas, according to United Nations Agenda 21 policy, national sovereignty is deemed a social injustice;

Whereas, Utah has a tradition of locally driven community planning efforts dating back to the first settlers who laid out a community plat that formed the basis for most of the cities in Utah;

Whereas, Utah regional planning efforts have focused on citizen participation, local decision making, transparent processes, sound technical data, response to market demand, and respect for due process and private property;

Whereas, Utah's Associations of Governments and Councils of Governments are created and controlled by Utah counties, cities, and towns, predate the adoption of Agenda 21 by more than 20 years, and provide a forum for these local governments to cooperate on issues of regional significance; and

Whereas, cooperative decision making that is locally driven and controlled provides great benefits in terms of cost and service delivery and continues to serve the state of Utah well: Now, therefore, be it

*Resolved*, That the Legislature of the state of Utah rejects United Nations Agenda 21, both its intent and its potential for abuse; and be it further

*Resolved*, That the Legislature urges Utah's state agencies and political subdivisions to not adopt or implement policy recommendations that deliberately or inadvertently infringe or restrict private property rights without due process, as may be required by policy recommendations originating in or traceable to Agenda 21, adopted by the United Nations in 1992 at its Conference on Environment and Development, or any other international law or ancillary plan of action that contravenes the Constitution of the United States or the Constitution of the state of Utah;

*Be it Further Resolved*, That the Legislature urges Utah's state agencies and political subdivisions to not adopt or develop environmental and developmental policies that, without due process, would infringe or restrict the private property rights of property owners;

*Be it Further Resolved*, That the Legislature urges state and local governments across the United States to be well informed regarding the underlying harmful implications of implementing United Nations Agenda 21's strategies for "sustainable development.";

*Be it Further Resolved*, That the Legislature urges state and local governments across the United States to not enter into any agreement, expend any sum of money, contract services, or give financial aid to those nongovernmental and intergovernmental organizations affiliated with United Nations Agenda 21;

*Be it Further Resolved*, That the Legislature urges state and local governments across the United States to reject United Nations Agenda 21 and any grant money or financial aid attached to it;

*Be it Further Resolved*, That the Legislature of the state of Utah supports the locally directed regional planning efforts that are occurring in Utah and encourages other states to look to the Utah model of collaboration that protects local sovereignty and private property rights;

*Be it Further Resolved*, That a copy of this resolution be sent to the Council of State Governments, the National Conference of State Legislatures, the National Association of Counties, the United Nations General Assembly, the Wildlands Project, Smart Growth America, Center for Resilient Cities, the International Council of Local Environmental Initiatives, the Utah Association of Counties, the Utah League of Cities and Towns, the Majority Leader of the United



States Senate, the Speaker of the United States House of Representatives, and the members of Utah's congressional delegation.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Ms. LANDRIEU, from the Committee on Small Business and Entrepreneurship, with an amendment:

S. 415. A bill to clarify the collateral requirement for certain loans under section 7(d) of the Small Business Act, to address assistance to out-of-State small business concerns, and for other purposes (Rept. No. 113-84).

By Mr. CARPER, from the Committee on Homeland Security and Governmental Affairs, without amendment:

H.R. 1171. A bill to amend title 40, United States Code, to improve veterans service organizations access to Federal surplus personal property.

S. 233. A bill to designate the facility of the United States Postal Service located at 815 County Road 23 in Tyrone, New York, as the "Specialist Christopher Scott Post Office Building".

S. 668. A bill to designate the facility of the United States Postal Service located at 14 Main Street in Brockport, New York, as the "Staff Sergeant Nicholas J. Reid Post Office Building".

S. 796. A bill to designate the facility of the United States Postal Service located at 302 East Green Street in Champaign, Illinois, as the "James R. Burgess Jr. Post Office Building".

S. 885. A bill to designate the facility of the United States Postal Service located at 35 Park Street in Danville, Vermont, as the "Thaddeus Stevens Post Office".

S. 1093. A bill to designate the facility of the United States Postal Service located at 130 Caldwell Drive in Hazlehurst, Mississippi, as the "First Lieutenant Alvin Chester Cockrell, Jr. Post Office Building".

## EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

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

\*Robert F. Cohen, Jr., of West Virginia, to be a Member of the Federal Mine Safety and Health Review Commission for a term of six years expiring August 30, 2018.

\*William Ira Althen, of Virginia, to be a Member of the Federal Mine Safety and Health Review Commission for a term of six years expiring August 30, 2018.

\*Catherine Elizabeth Lhamon, of California, to be Assistant Secretary for Civil Rights, Department of Education.

\*Harry R. Hoglander, of Massachusetts, to be a Member of the National Mediation Board for a term expiring July 1, 2014.

\*Linda A. Puchala, of Maryland, to be a Member of the National Mediation Board for a term expiring July 1, 2015.

\*Nicholas Christopher Geale, of Virginia, to be a Member of the National Mediation Board for a term expiring July 1, 2016.

By Mr. CARPER from the Committee on Homeland Security and Governmental Affairs.

\*Katherine Archuleta, of Colorado, to be Director of the Office of Personnel Management for a term of four years.

\*John H. Thompson, of the District of Columbia, to be Director of the Census for the remainder of the term expiring December 31, 2016.

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

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. HOEVEN (for himself, Ms. MURKOWSKI, Mr. BOOZMAN, Mr. COCHRAN, Mr. VITTER, Mr. CRAPO, Mr. BLUNT, Mr. MANCHIN, Mr. WICKER, Mr. ROBERTS, and Mr. CHAMBLISS):

S. 1401. A bill to provide for the development of a plan to increase oil and gas exploration, development, and production under oil and gas leases of Federal land, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BOOZMAN:

S. 1402. A bill to repeal the Federal estate and gift taxes; to the Committee on Finance.

By Mr. PRYOR (for himself and Ms. AYOTTE):

S. 1403. A bill to amend title 49, United States Code, to direct the Assistant Secretary of Homeland Security (Transportation Security Administration) to facilitate the screening of severely injured or disabled members of the Armed Forces and severely injured or disabled veterans at airports, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. COBURN (for himself, Mr. PAUL, Ms. AYOTTE, Mr. BARRASSO, Mr. BLUNT, Mr. BOOZMAN, Mr. BURR, Mr. CHAMBLISS, Mr. COATS, Mr. CORKER, Mr. CORNYN, Mr. CRAPO, Mr. CRUZ, Mr. ENZI, Mrs. FISCHER, Mr. FLAKE, Mr. GRAHAM, Mr. GRASSLEY, Mr. HATCH, Mr. HELLER, Mr. INHOFE, Mr. ISAKSON, Mr. JOHNSON of Wisconsin, Mr. LEE, Mr. MCCAIN, Mr. MCCONNELL, Mr. MORAN, Mr. RISCH, Mr. ROBERTS, Mr. RUBIO, Mr. SCOTT, Mr. SESSIONS, Mr. THUNE, Mr. TOOMEY, Mr. VITTER, and Mr. WICKER):

S. 1404. A bill to prohibit the consideration of any bill by Congress unless the authority provided by the Constitution of the United States for the legislation can be determined and is clearly specified; to the Committee on Rules and Administration.

By Mr. SCHUMER (for himself, Mr. ROBERTS, Mr. LEAHY, and Ms. LANDRIEU):

S. 1405. A bill to amend title XVIII of the Social Security Act to provide for an extension of certain ambulance add-on payments under the Medicare program; to the Committee on Finance.

By Ms. AYOTTE (for herself and Mr. WARNER):

S. 1406. A bill to amend the Horse Protection Act to designate additional unlawful acts under the Act, strengthen penalties for violations of the Act, improve Department of Agriculture enforcement of the Act, and for other purposes; to the Committee on Commerce, Science, and Transportation.

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

S. 1407. A bill to amend the Elementary and Secondary Education Act of 1965 to strengthen elementary and secondary computer science education, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. GILLIBRAND:

S. 1408. A bill to address the dramatic increase of HIV/AIDS in minority communities; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MENENDEZ:

S. 1409. A bill to amend the Internal Revenue Code of 1986 to provide a credit for employer-provided job training, and for other purposes; to the Committee on Finance.

By Mr. DURBIN (for himself, Mr. LEE, and Mr. LEAHY):

S. 1410. A bill to focus limited Federal resources on the most serious offenders; to the Committee on the Judiciary.

By Mr. FRANKEN (for himself and Mr. BOOZMAN):

S. 1411. A bill to specify requirements for the next update of the current strategic plan for the Office of Rural Health of the Department of Veterans Affairs for improving access to, and the quality of, health care services for veterans in rural areas; to the Committee on Veterans' Affairs.

By Mrs. HAGAN (for herself and Mr. GRAHAM):

S. 1412. A bill to provide the Department of Homeland Security, U.S. Customs and Border Protection, and the Department of the Treasury with authority to more aggressively enforce customs and trade laws relating to textile and apparel articles, and for other purposes; to the Committee on Finance.

By Mr. PRYOR (for himself, Mr. BLUNT, Mr. FRANKEN, Mr. MORAN, and Mr. COATS):

S. 1413. A bill to exempt from sequestration certain fees of the Food and Drug Administration; to the Committee on the Budget.

By Mr. WYDEN (for himself and Mr. MERKLEY):

S. 1414. A bill to provide for the conveyance of certain Federal land in the State of Oregon to the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians; to the Committee on Energy and Natural Resources.

By Mr. WYDEN (for himself and Mr. MERKLEY):

S. 1415. A bill to provide for the conveyance of certain Federal land in the State of Oregon to the Cow Creek Band of Umpqua Tribe of Indians; to the Committee on Energy and Natural Resources.

By Mr. ROCKEFELLER:

S. 1416. A bill to protect miners from pneumoconiosis (commonly known as black lung disease), and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. REED (for himself, Ms. MURKOWSKI, Mr. BEGICH, Mrs. HAGAN, Mr. REID, Mr. WHITEHOUSE, Mr. CHAMBLISS, Mr. COCHRAN, Mr. WICKER, Mr. BLUMENTHAL, Mr. TESTER, Mr. BAUCUS, Mr. MORAN, Mr. ISAKSON, Ms. COLLINS, Mr. BLUNT, Mr. BURR, Mr. CASEY, and Mrs. MURRAY):

S. Res. 207. A resolution designating August 16, 2013, as "National Airborne Day"; considered and agreed to.

By Mr. CARDIN (for himself, Ms. COLLINS, Ms. WARREN, Mr. GRASSLEY, Mr. BROWN, Mr. ROCKEFELLER, and Mr. MURPHY):

S. Res. 208. A resolution designating the week beginning September 8, 2013, as "National Direct Support Professionals Recognition Week"; considered and agreed to.