

once one of Roanoke's grandest hotels; its disrepair had taken a toll on civic pride. Now it once again has an elegant lobby, complete with a bar. Some of its 132 apartments are leased by a nearby nursing school for its students.

The building also houses the Music Place, an FM radio station that Mr. Walker bought last year just before it was forced to change formats. With its mix of indie, country and folk—and thrice-weekly interviews with community leaders—it fit with his notion to give Roanoke the feel of, as he grinningly puts it, a funky college town.

The radio station is just breaking even. The conference lost money, but Mr. Walker will hold it again—it “succeeded on a human level,” he said. Otherwise, he is adamant that his projects must serve the bottom line.

He is keen to talk financing—Virginia has generous tax credits for historic renovation, so he helped get a landmark designation for the Wasena neighborhood, where his river project is—in hopes that it will teach others to follow in his footsteps as social entrepreneurs. “Roanoke is a really good small-city laboratory,” he said.

Mayor David Bowers praised Mr. Walker but said the city still had economic, educational and tourism challenges. “We’re not the destination that we should be,” he said.

Even downtown, all is not rosy. Studio Roanoke, a nonprofit black box theater, closed this month because of a lack of money. (“It’s not even bare bones,” Melora Kordos, its artistic director, told *The Roanoke Times*. “We’re just a couple of femurs.”) And there are other signs of struggle, especially in areas that ring the city center, like southeast Roanoke.

Jason Garnett, a former projectionist and theater manager who programs Shadowbox, the movie night at Kirk Avenue Music Hall, makes ends meet with a job as an audio-visual coordinator at a local college.

“I can’t afford to live downtown,” said Mr. Garnett, a 36-year-old father of two. Still, he and his friends are committed to staying, starting even more community-run art spaces. “We’re trying to make Roanoke cool,” he said.

There are indications that it is working. Since 2009, 25 restaurants have opened across 10 blocks downtown, many serving farm-to-table fare, bolstered by a long-running farmer’s market. A glossy monthly devoted to the art scene, *Via Noke Magazine*, began publishing in June. There is an adult kickball league. It adds up to the kind of do-it-yourself creative change that Mr. Walker, a sometime skateboarder whose ethos is more Joe Strummer than Jane Jacobs, advocates.

For Mr. Morrill, the city manager, the developments have already had an impact on the town’s psyche. “Roanoke has this inferiority complex,” he said. “People would say, ‘We could’ve been Charlotte if we’d had a bigger airport, or Greensboro or Asheville.’ And Ed helped them realize, Roanoke is a pretty good place.”

He added: “People aren’t talking about what we’re not anymore. Now they’re talking about what we are. And that’s a huge shift.”

#### 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 2:26 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4157. An act to prohibit the Secretary of Labor from reissuing or issuing a rule substantially similar to a certain proposed rule under the Fair Labor Standards Act of 1938 relating to child labor.

#### ENROLLED BILL SIGNED

At 7:04 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 1335. An act to amend title 49, United States Code, to provide rights for pilots, and for other purposes.

#### MEASURES REFERRED

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

H.R. 4157. An act to prohibit the Secretary of Labor from reissuing or issuing a rule substantially similar to a certain proposed rule under the Fair Labor Standards Act of 1938 relating to child labor; to the Committee on Health, Education, Labor, and Pensions.

#### MEASURES PLACED ON THE CALENDAR

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

S. 3429. A bill to require the Secretary of Veterans Affairs to establish a veterans jobs corps, 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-106. A Concurrent resolution adopted by the Legislature of the State of Utah expressing concerns over portions of the National Defense Authorization Act for Fiscal Year 2012; to the Committee on Armed Services

#### SENATE CONCURRENT RESOLUTION No. 11

Whereas, the Congress of the United States passed the National Defense Authorization Act for Fiscal Year 2012 (“2012 NDAA”) on December 15, 2011;

Whereas, the President of the United States of America signed the 2012 NDAA into law on December 31, 2011;

Whereas, Section 1021 of the 2012 NDAA affirms the authority of the Armed Forces of the United States to detain covered persons pending disposition under the law of war and defines covered persons to include persons associated with the attacks on September 11, 2011 or members and supporters of al-Qaeda, the Taliban, or other associated forces that

are engaged in hostilities against the United States;

Whereas, Section 1022 of the 2012 NDAA requires that members of al-Qaeda captured in the course of hostilities be detained in military custody pending disposition under the laws of war, except that it is not a requirement to detain a citizen of the United States or lawful resident alien of the United States on the basis of conduct taking place within the United States;

Whereas, there is disagreement about the impacts of Sections 1021 and 1022 of the 2012 NDAA;

Whereas, the United States Constitution and the Utah Constitution provide for due process and a speedy trial;

Whereas, the indefinite military detention of a citizen in the United States without charge or trial violates the right to be free from deprivation of life, liberty, or property without due process of law guaranteed by the United States Constitution, Amendment V and Utah Constitution, Article I, Section 14; and

Whereas, it is indisputable that the threat of terrorism is real and that the full force of appropriate and constitutional law must be used to defeat this threat; however, winning the war against terror cannot come at the great expense of mitigating basic, fundamental, constitutional rights: Now, therefore, be it

*Resolved*, That the Legislature of the State of Utah, the Governor concurring therein, reaffirms our rights guaranteed by the United States Constitution and the Utah Constitution, and urges the United States Congress to clarify, or repeal if found necessary, Sections 1021 and 1022 of the 2012 NDAA to ensure protection of the rights guaranteed by the United States Constitution and the Utah Constitution; *be it further*

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

POM-107. A concurrent resolution adopted by the Legislature of the State of Utah expressing support for interconnection of the seven Salt Lake County and Summit County ski resorts; to the Committee on Commerce, Science, and Transportation.

#### SENATE CONCURRENT RESOLUTION No. 10

Whereas, tourism is one of Utah’s major “export industries” that sells services or products to destination visitors and brings money into the state to support our local economy and provide jobs for current and future Utahns;

Whereas, over 20 million people visited the state of Utah in 2010, spending over \$6.5 billion, or 5.5% of Utah’s gross domestic product, contributing over \$840 million in state and local taxes, and sustaining as much as 10% of the jobs in the state;

Whereas, the ski and snowboard industry is a major contributor to Utah’s tourism industry, contributing over \$1.2 billion to the state’s economy as a result of over 4 million skier days, and growth in the ski and snowboard industry will bring additional spending, revenue, and jobs to the state;

Whereas, tourists who ski or snowboard in Utah spend money on lift tickets, equipment rentals, hotels, restaurants, car rentals, and other matters, and this money circulates through the economy, supporting over 20,000 local jobs;

Whereas, the seven ski resorts in Summit County and Salt Lake County are all located in close proximity to one another, offering

the opportunity to connect these resorts, an opportunity that leading competing winter tourism states do not have;

Whereas, connecting the ski resorts in Summit County and Salt Lake County will create a skiing experience unavailable anywhere else in North America and reposition Utah's ski and snowboard experience to be even more competitive and attractive relative to other states, leading to increased tourist visitation and spending, which will in turn lead to an increase in revenue and jobs;

Whereas, it is recognized that Big and Little Cottonwood Canyons are critical watersheds from which more than 500,000 Utah residents, businesses, and visitors throughout Salt Lake County receive their drinking water, and that best management practices would be required in any potential resort connections;

Whereas, the balance of multiple uses in the Wasatch Mountains, including developed recreation, such as skiing and picnicking, and dispersed recreation, such as hiking, mountain biking, and back country skiing, are highly valued by residents, visitors, and businesses in Utah and contribute significantly to the state's economy and quality of life;

Whereas, the roads to ski areas in Summit County and Salt Lake County are congested during certain times of the year, and studies should be conducted by numerous federal, state, local, and private sector entities to comprehensively evaluate alternatives to solve transportation problems;

Whereas, connecting the ski resorts in Summit County and Salt Lake County will improve access to the ski resorts and allow the unique opportunity of skiing at multiple resorts in a single day;

Whereas, connecting the ski resorts in Summit County and Salt Lake County is an issue of state concern because the connection will cross county boundaries, have a tremendously positive impact on the state economy, and may contribute positively to state roadways and airsheds;

Whereas, connecting ski resorts will allow the winter sports industry to grow while making the most efficient and sustainable use of ski terrain, roads, facilities, and parking lots;

Whereas, connecting the ski resorts in Summit County and Salt Lake County may require review and approval of permits by Summit County, Salt Lake County, Salt Lake City, Park City, the town of Alta, and the United States Forest Service;

Whereas, the public will be engaged in meaningful and balanced ways in any potential decision-making processes regarding resort interconnections, and these processes will be open and transparent;

Whereas, many skiers drive from Summit County to ski in the Cottonwood Canyons, or from one Cottonwood Canyon resort to ski in Summit County or at another Cottonwood Canyon resort, contributing to congestion on canyon roads;

Whereas, connecting the ski resorts in Summit County and Salt Lake County will decrease traffic on congested canyon roads and lead to cleaner air and water by reducing automobile-related pollution, and provide emergency evacuation options for Big and Little Cottonwood canyons;

Whereas, the 1988 Governor's Task Force on Interconnect concluded that 3 kA)47 S.C.R. 10 Enrolled Copy interconnecting the Wasatch ski resorts "would provide a substantial boost to Utah's ski industry and have a positive influence on the state's economy"; and

Whereas, the Wasatch Mountains Inter-Resort Transportation Study, completed by Mountainland Association of Governments in 1990, found that connecting the Wasatch

resorts "hold[s] the promise of substantial public benefits in the form of reductions in automobile traffic on congested canyon roadways, watershed and environmental pollution abatement, increased slow-season occupancy of existing facilities, and the potential for future economic expansion": Now, therefore, be it

*Resolved*, That the Legislature of the state of Utah, the Governor concurring therein, support connecting the seven ski resorts in Summit County and Salt Lake County with an inter-resort transportation system based on sound research and balanced public input, and careful evaluation of its impact on transportation, the economy, job creation, the environment, multiple uses, and visitor experience; and be it further

*Resolved*, That the Legislature and Governor encourage Summit County, Salt Lake County, Salt Lake City, Park City, the town of Alta, and the United States Forest Service to fairly consider the benefits of connecting the various resorts and expeditiously approve a low-impact inter-resort transportation system based on appropriate analysis and balanced public input; and be it further

*Resolved*, That a copy of this resolution be sent to the Summit County Council, the Summit County Manager, the mayor of Park City, the Park City Council, the Salt Lake County Council, the town of Alta, the Mayor of Salt Lake County, the Salt Lake City Council, the Mayor of Salt Lake City, the Chief of the National Forest Service, the Uinta-Wasatch-Cache National Forest Supervisor, the Speaker of the United States House of Representatives, the Majority Leader of the United States Senate, and all members of the Utah Congressional Delegation.

POM-108. A joint resolution adopted by the Legislature of the State of Utah petitioning the federal government to transfer title of public lands to the state of Utah; to the Committee on Energy and Natural Resources.

#### HOUSE JOINT RESOLUTION NO. 3

Whereas, in 1780, the United States Congress resolved that "the unappropriated lands that may be ceded or relinquished to the United States, by any particular states, pursuant to the recommendation of Congress of the 6 day of September last, shall be granted and disposed of for the common benefit of all the United States that shall be members of the federal union, and be settled and formed into distinct republican states, which shall become members of the federal union, and have the same rights of sovereignty, freedom and independence, as the other states: . . . and that upon such cession being made by any State and approved and accepted by Congress, the United States shall guaranty the remaining territory of the said States respectively. (Resolution of Congress, October 10, 1780)";

Whereas, the territorial and public lands of the United States are dealt with in Article IV, section 3, clause 2 of the United States Constitution, referred to as the Property Clause, which states, "The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States.;"

Whereas, with this clause, the Constitutional Convention agreed that the Constitution would maintain the "statu quo" that had been established with respect to the federal territorial lands being disposed of only to create new states with the same rights of sovereignty, freedom, and independence as the original states;

Whereas, under these express terms of trust, the land claiming states, over time,

ceded their western land to their confederated union and retained their claims that the confederated government dispose of such lands only to create new states "and for no other use or purpose whatsoever" and apply the net proceeds of any sales of such lands only for the purpose of paying down the public debt;

Whereas, with respect to the disposition of the federal territorial lands, the Northwest Ordinance of July 13, 1787, provides, "The legislatures of those districts or new States, shall never interfere with the primary disposal of the soil by the United States in Congress assembled, nor with any regulations Congress may find necessary for securing the title in such soil to the bona fide purchasers";

Whereas, by resolution in 1790, the United States Congress declared "That the proceeds of sales which shall be made of lands in the Western territory, now belonging or that may hereafter belong to the United States, shall be, and are hereby appropriated towards sinking or discharging the debts for the payment whereof the United States now are, or by virtue of this act may be holden, and shall be applied solely to that use, until the said debt shall be fully satisfied";

Whereas, the intent of the founding fathers to eventually extinguish title to all public lands was reaffirmed by President Andrew Jackson in a message to the United States Senate on December 4, 1833, where he explained the reasons he vetoed a bill entitled "An act to appropriate for a limited time the proceeds of the sales of the public lands of the United States and for granting lands to certain States": "I do not doubt that it is the real interest of each and all the States in the Union, and particularly of the new States, that the price of these lands shall be reduced and graduated, and that after they have been offered for a certain number of years the refuse remaining unsold shall be abandoned to the States and the machinery of our land system entirely withdrawn. It can not be supposed the compacts intended that the United States should retain forever a title to lands within the States which are of no value, and no doubt is entertained that the general interest would be best promoted by surrendering such lands to the States";

Whereas, in 1828, United States Supreme Court Chief Justice John Marshall, in *American Ins. Co. v. 356 Bales of Cotton*, 26 U.S. 511 (1828), confirmed that no provision in the Constitution authorized the federal government to indefinitely exercise control over western public lands beyond the duty to manage these lands pending the disposal of the lands to create new states when he said, "At the time the Constitution was formed, the limits of the territory over which it was to operate were generally defined and recognised (sic). These limits consisted in part, of organized states, and in part of territories, the absolute property and dependencies of the United States. These states, this territory, and future states to be admitted into the Union, are the sole objects of the Constitution; there is no express provision whatever made in the Constitution for the acquisition or government of territories beyond those Limits.;"

Whereas, in 1833, referring to these land cession compacts which arose from the original 1780 congressional resolution, President Andrew Jackson stated, "These solemn compacts, invited by Congress in a resolution declaring the purposes to which the proceeds of these lands should be applied, originating before the constitution, and forming the basis on which it was made, bound the United States to a particular course of policy in relation to them by ties as strong as can be invented to secure the faith of nations" (Land bill veto, December 5, 1833);

Whereas, the United States Supreme Court, in *State of Texas v. White*, 74 U.S. 700 (1868), clarified that a state, by definition, includes a defined sovereign territory, stating that “State,” in the constitutional context, is “a political community of free citizens, occupying a territory of defined boundaries, and organized under a government sanctioned and limited by a written constitution, and established by the consent of the governed”, and added, “This is undoubtedly the fundamental idea upon which the republican institutions of our own country are established”;

Whereas, in *Shively v. Bowlby*, 152 U.S. 1 (1894), the United States Supreme Court confirmed that all federal territories, regardless of how acquired, are held in trust to create new states on an equal footing with the original states when it stated, “Upon the acquisition of a Territory by the United States, whether by cession from one of the States, or by treaty with a foreign country, or by discovery and settlement, the same title and dominion passed to the United States, for the benefit of the whole people, and in trust for the several States to be ultimately created out of the Territory.”;

Whereas, the United States Supreme Court has affirmed that the federal government must honor its trust obligation to extinguish title to the public lands for the sovereignty of the new state to be complete, stating once “the United States shall have fully executed these trusts, the municipal sovereignty of the new states will be complete, throughout their respective borders, and they, and the original states, will be upon an equal footing, in all respects. . .” (*Pollard v. Hagan*, 44 U.S. 212 (1845));

Whereas, the enabling acts of the new states west of the original colonies established the terms upon which all such states were admitted into the union, and contained the same promise to all new states that the federal government would extinguish title to all public lands lying within their respective borders;

Whereas, the United States Supreme Court looks upon the enabling acts which create new states as “solemn compacts” and “bilateral (two-way) agreements” to be performed “in a timely fashion”;

Whereas, under Section 3 of Utah’s Enabling Act, Utah agreed to the same solemn compacts as states preceding in statehood, that until the title to unappropriated public lands lying within the state’s boundaries “shall have been extinguished by the United States, the same shall be and remain subject to the disposition of the United States, and said Indian lands shall remain under the absolute jurisdiction and control of the Congress of the United States; . . . that no taxes shall be imposed by the State on lands or property therein belonging to or which may hereafter be purchased by the United States or reserved for its use”;

Whereas, the trust obligation of the federal government to timely extinguish title to all public lands lying within the boundaries of the state of Utah is made even more clear in Section 9 of Utah’s Enabling Act as follows: “That five per centum of the proceeds of the sales of public lands lying within said State, which shall be sold by the United States subsequent to the admission of said State into the Union, after deducting all the expenses incident to the same shall be paid to the said State, to be used as a Permanent Fund, the interest of which only shall be expended for the support of the common schools within said State”;

Whereas, the federal government confirmed its trust obligation to timely extinguish title to all public lands lying within the boundaries of the state of Utah by and through the 1934 Taylor Grazing Act, which

declared that the act was established “In order to promote the highest use of the public lands pending its final disposal”;

Whereas, in 1976, after nearly 200 years of trust history regarding the obligation of Congress to extinguish title of western lands to create new states and use the proceeds to discharge its public debts, the United States Congress purported to unilaterally change this solemn promise by and through the Federal Land Policy Management Act (FLPMA), which provides, in part, “The Congress declares that it is the policy of the United States that the public lands be retained in Federal ownership, unless . . . it is determined that disposal of a particular parcel will serve the federal interest”;

Whereas, at the time of Utah’s Enabling Act the course and practice of the United States Congress with all prior states admitted to the union had been to fully extinguish title, within a reasonable time, to all lands within the boundaries of such states, except for those Indian lands, or lands otherwise expressly reserved to the exclusive jurisdiction of the United States;

Whereas, the state of Utah did not, and could not have, contemplated or bargained for the United States failing or refusing to abide by its solemn promise to extinguish title to all lands within its defined boundaries within a reasonable time such that the state of Utah and its permanent fund for its common schools could never realize the bargained-for benefit of the deployment, taxation, or economic benefit of all the lands within its defined boundaries;

Whereas, from 1780 forward the federal government only held bare legal title to the western public lands in the nature of a trustee in trust with the solemn obligation to timely extinguish title to such lands to create new states and to use the proceeds to pay the public debt;

Whereas, the federal government complied with its promise and solemn obligation to imminently transfer title of public lands lying within the boundaries of all states to the eastern edge of the state of Colorado and also with the state of Hawaii;

Whereas, by the terms of Utah’s Enabling Act, Utah suspended its sovereign right to eventually tax the public lands within its borders, pending final disposition of the public lands;

Whereas, the federal government has repeatedly and persistently failed to honor its promises and has refused to abide by the terms of its preexisting solemn obligations to imminently extinguish title to all public lands;

Whereas, had Congress honored its promise to Utah to timely extinguish title to all public lands within Utah’s boundaries, Utah would have had sovereign control over lands within its borders;

Whereas, Congress, by and through FLPMA, unilaterally altered its duty in 1976 to extinguish title to all public lands within Utah’s borders by committing to a policy of retention and a process of comprehensive land management and planning coordinated between the federal government, the states, and local governing bodies for access, multiple use, and sustained yield of the public lands;

Whereas, despite the fact that the federal government had not divested all public lands within Utah’s borders by 1976, this did not alleviate the federal government from its duty to extinguish title and divest itself of federal ownership of remaining public land in Utah by ceding such land directly to the state as it did with other states;

Whereas, since the passage of FLPMA, the federal government has engaged in a persistent pattern and course of conduct in direct violation of the letter and spirit of

FLPMA through an abject disregard of local resource management plans, failure and refusal to coordinate and cooperate with the state and local governments, unilateral and oppressive land control edicts to the severe and extreme detriment of the state and its ability to adequately fund education, provide essential government services, secure economic opportunities for wage earners and Utah business, and ensure a stable prosperous future;

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

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

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

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

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

Whereas, Utah has been substantially damaged in its ability to provide funding for education and the common good of the state and to serve a sustainable, vibrant economy into the future because the federal government has unduly retained control of nearly two-thirds of the lands lying within Utah’s borders;

Whereas, Utah consistently ranks highest among all the states in class size and lowest in the nation in per pupil spending for education;

Whereas, had the federal government disposed of the land in or about 1896, Utah would have, from that point forward, generated substantial tax revenues and revenues from the sustainable managed use of its natural resources to the benefit of its public schools and to the common good of the state and nation;

Whereas, the federal government gives Utah less than half of the net proceeds of mineral lease revenues and severance taxes generated from the lands within Utah’s borders;

Whereas, Utah has been substantially damaged in mineral lease revenues and severance taxes in that, had the federal government extinguished title to all public lands, Utah would realize 100% of the mineral lease revenues and severance taxes from the lands;

Whereas, the Bureau of Land Management’s (BLM) failure to act affirmatively on definitive allocation decisions of multiple use activities in resource management plans has created uncertainty in the future of public land use in Utah and has caused capital to flee the state;

Whereas, during the process of finalizing the most recent six Resource Management Plans, the BLM refused to consider state and

local government acknowledgments of R.S. 2477 rights-of-way or other evidence of the existence of R.S. 2477 rights-of-way in the Grand Staircase Escalante National Monument;

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

Whereas, the United States Army Corps of Engineers is proposing to extend its jurisdiction to regulate the waters of the United States to areas traditionally dry, except during severe weather events, in violation of the common definition of jurisdictional waters;

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

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

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

Whereas, Utah initially supported placing into reserve the six National Forests in Utah—Ashley, Fishlake, Manti La-Sal, Dixie, Uinta, and Wasatch-Cache, because Utah was promised this action would preserve the forest lands as watersheds and for agricultural use—namely timber and other wood products, and grazing;

Whereas, this vision and promise of agricultural production on the forest lands is the reason that the United States Forest Service was made part of the United States Department of Agriculture as opposed to the Department of the Interior;

Whereas, the promise of preservation for agricultural use has been broken by the current and recent administrations;

Whereas, logging, timber, and wood products operations on Utah's National Forests have come to a virtual standstill, resulting in forests that are choked with old growth monocultures, loss of aspen diversity, loss of habitat, and a threat to community watersheds due to insect infestation and catastrophic fire;

Whereas, these conditions are the result of a failure to properly manage the forest lands for their intended use, which is responsible and sustained timber production, watersheds, and grazing;

Whereas, the only remedy for federal government breaches of Utah's Enabling Act Compact and breaches to the spirit and letter of the promises of FLPMA is for the state of Utah to take back title and management responsibility of federally-managed public lands, which would restore the promises in the solemn compact made at statehood;

Whereas, under Article I, Section 8, Clause 17 of the United States Constitution, the federal government is only constitutionally authorized to exercise jurisdiction over and above bare right and title over lands that are "purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings";

Whereas, the United States Supreme Court affirmed that the federal government only

holds lands as a mere "ordinary proprietor" and cannot exert jurisdictional dominion and control over public lands without the consent of the state Legislature, stating "Where lands are acquired without such consent, the possession of the United States, unless political jurisdiction be ceded to them in some other way, is simply that of an ordinary proprietor (emphasis added). The property in that case, unless used as a means to carry out the purposes of the government, is subject to the legislative authority and control of the states equally with the property of private individuals." (Ft. Leavenworth R. Co. v. Lowe, 114 U.S. 525 (1885));

Whereas, in a unanimous 2009 decision, the United States Supreme Court, in *Hawaii v. Office of Hawaiian Affairs*, 556 U.S. 163 (2009), affirmed that Congress has no right to change the promises it made to a state's Enabling Act, stating, ". . . [a subsequent act of Congress] would raise grave constitutional concerns if it purported to 'cloud' Hawaii's title to its sovereign lands more than three decades after the State's admission to the Union. . . . [T]he consequences of admission are instantaneous, and it ignores the uniquely sovereign character of that event . . . to suggest that subsequent events somehow can diminish what has already been bestowed". And that proposition applies a fortiori [with even greater force] where virtually all of the State's public lands. . . are at stake" (emphasis added, citation omitted);

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

Whereas, the state of Utah is willing to sponsor, evaluate, and advance the locally driven efforts in a more efficient manner than the federal government, to the benefit of all users, including recreation, conservation, and the responsible and sustainable management of Utah's natural resources;

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

Whereas, the United States Congress disposed of lands within the boundaries of the states of Tennessee and Hawaii directly to those states;

Whereas, because of the entanglements and rights arising over the 116 years that the federal government has failed to honor its promise to timely extinguish title to public lands and because of the federal government's breach of Utah's Enabling Act and breach of FLPMA, among other promises made, and the damages resulting from such breaches, the United States Congress should imminently transfer title to all public lands lying within the State of Utah directly to the State of Utah, as it did with Hawaii and Tennessee;

Whereas, the Legislature of the state of Utah, upon transfer of title by the federal government of the public lands directly to the state, intends to cede the national park land to the federal government on condition that the lands permanently remain national park lands, that they not be sold, transferred, left in disrepair, or conveyed to any party other than the state of Utah;

Whereas, the Legislature of the state of Utah, upon transfer of title by the federal government of the public lands directly to the state, intends to cede to the federal government all lands currently designated as part of the National Wilderness Preservation System pursuant to the Wilderness Act of 1964;

Whereas, in order to effectively address the accumulated entanglements and expectations over Utah's public lands, including open space, access, multiple use, and the management of sustainable yields of Utah's natural resources, a Utah Public Lands Com-

mission should be formed to review and manage multiple use of the public lands and to determine, through a public process, the extent to which public land may be sold, if any; and

Whereas, to the extent that the Public Lands Commission determines through a public process that any such land should be sold to private owners, that 5% of the net proceeds should be paid to the permanent fund for Utah's public schools, and 95% of the net proceeds should be paid to the federal government to pay down the federal debt: Now, therefore, be it

*Resolved* that in order to provide a fair, justified, and equitable remedy for the federal government's past and continuing breaches of its solemn promises to the State of Utah as set forth in this resolution and to provide for the sufficient and necessary funding of Utah's public education system, the Legislature of the state of Utah demands that the federal government imminently transfer title to all of the public lands within Utah's borders directly to the state of Utah. Be it further

*Resolved*, that the Legislature of the state of Utah urges the United States Congress in the most strenuous terms to engage in good faith communication, cooperation, coordination, and consultation with the state of Utah regarding the transfer of public lands directly to the state of Utah. Be it further

*Resolved*, that, upon transfer of the public lands directly to the state of Utah, the Legislature intends to affirmatively cede the national park lands to the federal government, under Article I, Section 8, Clause 17 of the United States Constitution, on condition that the lands permanently remain national park lands, that they not be sold, transferred, left in substantial disrepair, or conveyed to any party other than the state of Utah. Be it further

*Resolved*, that, upon transfer of the public lands directly to the state of Utah, the Legislature intends to affirmatively cede to the federal government all lands currently designated as part of the National Wilderness Preservation System pursuant to the Wilderness Act of 1964. Be it further

*Resolved*, that the Legislature calls for the creation of a Utah Public Lands Commission to review and manage access, open space, sustainable yields, and the multiple use of the public lands and to determine, through a public process, the extent to which public land may be sold. Be it further

*Resolved*, that, to the extent that the Public Lands Commission determines through a public process that any such land should be sold to private owners, that 5% of the net proceeds should be paid to the permanent fund for the public schools, and 95% should be paid to the Bureau of the Public Debt to pay down the federal debt. Be it further

*Resolved*, that copies of this resolution be sent to the United States Department of the Interior, the Majority Leader of the United States Senate, the Speaker of the United States House of Representatives, the members of Utah's congressional delegation, and the Governors, Senate Presidents, and Speakers of the House of the 49 other states.

POM-109. A concurrent resolution adopted by the Legislature of the State of Utah expressing support for new technologies and facilities that allow for, and enhance the production and value of, Uintah Black Wax in the Uintah Basin; to the Committee on Energy and Natural Resources.

#### SENATE CONCURRENT RESOLUTION No. 8

Whereas, the United States is seeking energy development opportunities;

Whereas, using natural resources from all possible energy producing sources is integral to economic growth;

Whereas, within the Uintah Basin of the state of Utah, there is an abundance of crude oil commonly referred to as Black and Yellow Wax crude;

Whereas, geological estimates put the potential of this resource on equal footing with the largest oil developments in the United States;

Whereas, on average, the United States imports from foreign sources more than half of all oil sold in America;

Whereas, a significant amount of imported oil comes from countries and regions hostile to the interests of the United States;

Whereas, conservative estimates indicate that there is more recoverable oil on federal lands in the United States than in Saudi Arabia, a major source of imported oil;

Whereas, a significant amount of the oil in the Uintah Basin is found beneath tribal lands;

Whereas, the Ute Indian Tribes receive significant compensation from oil production on tribal lands;

Whereas, the United States Treasury receives significant revenues from severance taxes paid from oil extraction on federal and tribal lands;

Whereas, the state of Utah receives significant revenues from severance taxes paid from oil extraction on lands within the state;

Whereas, the Utah School and Institutional Trust Lands (SITLA) receives significant revenues from oil extracted on SITLA lands in the Uintah Basin;

Whereas, the economies of the counties in the Uintah Basin depend upon the oil and gas industry;

Whereas, the major producers of oil in the Uintah Basin are actively pursuing opportunities to increase production;

Whereas, because of the molecular nature of the wax crude in the Uintah Basin, the refineries in North Salt Lake are currently the only viable market for producers of the wax crude;

Whereas, an oil upgrading facility could change the molecular structure of the wax crude to liquefy it and allow the wax to be delivered to market via pipeline;

Whereas, an oil upgrading facility in the Uintah Basin would allow for increased production of the wax crude in the Uintah Basin, to the benefit of all Utahns; and

Whereas, private companies are willing and anxious to build an oil upgrading facility on private land in the Uintah Basin: Now, therefore, be it

*Resolved*, That the Legislature of the state of Utah, the Governor concurring therein, supports and encourages new technologies and facilities that allow for, and enhance the production and value of, Uintah Black Wax: be it further

*Resolved*, That the Legislature and the Governor urge that the development of an oil upgrading facility in the Uintah Basin, through the cooperation and consideration of local, state, and federal officials, be conducted in a manner that is prudent, ethical, and lawful: and be it further

*Resolved*, That a copy of this resolution be sent to the United States Secretary of the Interior, the Utah Petroleum Association, the Utah Department of Natural Resources, the Public Service Commission, and the members of Utah's congressional delegation.

POM-110. A memorial adopted by the Legislature of the State of Florida urging Congress to direct the United States Fish and Wildlife Service to reconsider the proposed rule to designate Kings Bay as a manatee refuge and in lieu of the rule partner with the state and local governments in seeking joint long-term solutions to manatee protection; to the Committee on Energy and Natural Resources.

## HOUSE MEMORIAL NO. 611

Whereas, the United States Fish and Wildlife Service established the Crystal River National Wildlife Refuge in 1983 to provide protection and sanctuary for the endangered West Indian manatee within portions of Kings Bay in Crystal River, and

Whereas, the rules currently in effect within the refuge have resulted in a significant increase in manatee population as evidenced by monitoring, sound science, and local data, and

Whereas, the United States Fish and Wildlife Service has proposed a rule to designate all of Kings Bay as a manatee refuge, and

Whereas, adoption of the proposed rule will have a significant adverse impact on the tourism industry, which is a critical part of the Crystal River economy, at a time when its local economy is already seriously weakened by challenges within the national economy, and

Whereas, adoption of the proposed rule will also have a significant adverse impact on the riparian rights of property owners adjacent to Kings Bay and the connecting waterways, and

Whereas, prohibiting the use of any portion of Kings Bay for recreational boating activities, such as swimming, kayaking, and water skiing, will force such activities into the channel of Crystal River, subjecting participants to significant risks associated with sharing the channel with commercial fishing boats and other large watercraft, and

Whereas, there are viable alternatives to the proposed rule, such as increased enforcement of the rules currently in effect, which would accomplish the desired outcome of a reduced incidence rate of manatee injury or death without unduly restricting public use of Kings Bay, a water body that has historically served as the heart of the Crystal River community, and

Whereas, the City Council of the City of Crystal River and the Board of County Commissioners of Citrus County passed unanimous resolutions requesting that the United States Fish and Wildlife Service reconsider the proposed rule, and

Whereas, adoption of the proposed rule without a proper review of the impact on the City of Crystal River and the surrounding communities would be arbitrary and capricious: Now, therefore, be it

*Resolved*, by the Legislature of the State of Florida: That the Congress of the United States is urged to direct the United States Fish and Wildlife Service to reconsider the proposed rule to designate Kings Bay as a manatee refuge and in lieu of the rule partner with the state and local governments in seeking joint long-term solutions to manatee protection; and be it further

*Resolved*, That copies of this memorial be dispatched to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the Florida delegation to the United States Congress.

POM-111. A concurrent resolution adopted by the Legislature of the State of Utah urging Congress to delegate the regulation of hydraulic fracturing to the states; to the Committee on Environment and Public Works.

## SENATE CONCURRENT RESOLUTION NO. 12

Whereas, hydraulic fracturing, a mechanical method of increasing the permeability of rock, thus increasing the amount of oil or gas produced from the rock, has greatly enhanced oil and gas production in Utah;

Whereas, oil and gas production increases have led to growth in employment and economic development as well as promotion of energy independence for the United States;

Whereas, the state of Utah, through the Department of Oil, Gas, and Mining and the Department of Environmental Quality, have proven more than capable of regulating oil and gas recovery processes and ensuring the safety of workers while protecting the environment; and

Whereas, the state is best situated to closely monitor oil and gas drilling and fracturing operations to ensure that they are conducted in an environmentally sound manner: Now, therefore, be it

*Resolved*, That the Legislature of the state of Utah, the Governor concurring therein, urges the Congress of the United States to clearly delegate responsibility for the regulation of hydraulic fracturing to the states; and be it further

*Resolved*, That a copy of this resolution be sent to the United States Secretary of the Interior, the Utah Division of Oil, Gas, and Mining, and the members of Utah's congressional delegation.

POM-112. A joint resolution adopted by the Legislature of the State of Maine urging the President of the United States and the United States Congress to enact the Social Security Fairness Act of 2011; to the Committee on Finance.

## JOINT RESOLUTION

Whereas, under current federal law, an individual who receives a Social Security benefit and a public retirement benefit derived from employment not covered under Social Security is subject to a reduction in the individual's Social Security benefit; and

Whereas, these laws, known as the Government Pension Offset and the Windfall Elimination Provision, greatly affect public employees and the Government Pension Offset requires a reduction in the spousal benefit received under Social Security equal to 2/3 of the surviving spouse's benefit under another government pension plan even though the spousal benefit was fully earned; and

Whereas, the Windfall Elimination Provision reduces the Social Security benefit of a person who is also receiving a pension from a public employer that does not participate in Social Security; and

Whereas, the Government Pension Offset and the Windfall Elimination Provision are particularly burdensome on the finances of low-income and moderate-income public service workers such as school teachers, clerical workers and school cafeteria employees; and

Whereas, the Government Pension Offset and the Windfall Elimination Provision both unfairly reduce benefits for those public employees and their spouses whose careers cross the line between the private and public sectors; and

Whereas, since many lower-paying public service jobs are held by women, both the Government Pension Offset and the Windfall Elimination Provision have a disproportionately adverse effect on women; and

Whereas, in some cases, additional support in the form of income, housing, heating and prescription drug assistance and other safety net assistance from state and local governments is needed to make up for the reductions imposed at the federal level; and

Whereas, other participants in Social Security do not have their benefits reduced in this manner; and

Whereas, to participate or not to participate in Social Security in public sector employment is a decision of employers, even though both the Government Pension Offset and the Windfall Elimination Provision directly punish employees and their spouses; and

Whereas, although the Government Pension Offset was enacted in 1977 and the Windfall Elimination Provision was enacted in

1983, many of the benefits in dispute had been paid into Social Security prior to the enactment of those laws; and

Whereas, H.R. 1332, the Social Security Fairness Act of 2011, a bipartisan bill introduced in the United States House of Representatives, would repeal these 2 unfair federal pension offsets, which penalize so many people in Maine and the rest of the Nation; now, therefore, be it

*Resolved:* That We, your Memorialists, respectfully urge and request that the President of the United States and the United States Congress work together to enact the Social Security Fairness Act of 2011, permitting retention of a combined public pension and Social Security benefit with no applied reductions; and be it further

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

POM-113. A joint memorial adopted by the Legislature of the State of Colorado memorializing Congress to modify certain reporting procedures for small nonprofit organizations to require the Internal Revenue Service to adequately notify such organizations of the procedures and to allow such organizations to remedy reporting deficiencies; to the Committee on Finance.

#### SENATE JOINT MEMORIAL NO. 12-003

Whereas, in 2004, the United States Senate Finance Committee issued a white paper proposing reforms to federal oversight of nonprofit organizations; and

Whereas, Senator Charles Grassley, Chair of the Senate Finance Committee, encouraged formation of a panel of nonprofit leaders to examine these issues in the white paper and submit recommendations to Congress; and

Whereas, in 2005, the Panel on the Nonprofit Sector (panel) issued a "Report to Congress and the Nonprofit Sector on Governance, Transparency, and Accountability"; and

Whereas, as part of its report, the panel recommended that small nonprofit organizations be required to file an annual notice with the Internal Revenue Service. The report also recommended that the Internal Revenue Service should have the authority, "[a]fter an appropriate phase-in period, . . . to suspend the tax-exempt status of organizations that fail to file the required notification form for three consecutive years"; and

Whereas, the panel recommended the annual notice because it ". . . will assist the IRS in providing more accurate information to the public about organizations eligible to receive tax-deductible contributions"; and

Whereas, in 2006, Congress adopted the "Pension Protection Act of 26" (act), which was based in part on the panel's recommendations; and

Whereas, section 1223 of the act, codified at 2006 U.S.C. sec. 6033, created new and unfamiliar annual filing requirements for many small nonprofit organizations by requiring those organizations to annually file Form 990-N, also known as the e-Postcard; and

Whereas, the act requires that an affected organization's tax-exempt status "be considered revoked" rather than "suspended" after failing to file the e-Postcard for three consecutive years; and

Whereas, although the Internal Revenue Service sent an initial mailing in 2007 and has since developed other resources to alert these affected nonprofit organizations of the new filing requirements, nonprofit organiza-

tions with outdated contact information with the Internal Revenue Service did not receive these notices, and many others were not sufficiently aware of how to comply with their new reporting duties; and

Whereas, based on some constituent conversations with Internal Revenue Service representatives and contrary to statements on the Internal Revenue Service's web site, the Internal Revenue Service does not send reminder notices to organizations that do not file their e-Postcards on time and only notifies affected organizations after such revocation has occurred; and

Whereas, approximately 400,000 nonprofit organizations across the United States, including thousands of organizations in Colorado, many of which have annual budgets of less than \$25,000, have had their tax-exempt status automatically revoked by the Internal Revenue Service for failing to file an annual notice for three consecutive years. Although many of these organizations no longer do business, many other organizations continue to operate and could have successfully maintained their tax-exempt status if they had received more timely notice of the impending revocation; and

Whereas, although the Internal Revenue Service allows revoked organizations to apply for retroactive reinstatement of their tax-exempt status, the application process is burdensome and costly for these nonprofit organizations; Now, therefore, be it

*Resolved by the Senate of the Sixty-eighth General Assembly of the State of Colorado, the House of Representatives concurring herein,*

That we, the members of the Colorado General Assembly, hereby memorialize the United States Congress to amend 26 U.S.C. sec. 6033 so that:

(1) The Internal Revenue Service is required to send timely notification to remind small nonprofit organizations when they have not filed the e-Postcard on time and to inform them of any impending revocation or other action affecting their tax-exempt status due to their failure to file an annual notice for three consecutive years; and

(2) The Internal Revenue Service is required to suspend, not revoke, the tax-exempt status of any nonprofit organization that fails to file for three consecutive years so that a nonprofit organization's tax-exempt status may be simply and retroactively restored without the organization being required to reapply for a determination of tax-exempt status; and be it further

*Resolved,* That copies of this Joint Memorial be sent to each member of Colorado's congressional delegation, Speaker of the United States House of Representatives John Boehner, Senate Majority Leader Harry Reid, Secretary of the United States Senate Nancy Erickson, Clerk of the United States House of Representatives Karen L. Haas, and Treasury Secretary Timothy Geithner.

POM-114. A joint resolution adopted by the Legislature of the State of Utah urging the United States Congress to pass legislation for the fair and constitutional collection of state sales tax by both in-state and remote sellers; to the Committee on Finance.

#### HOUSE JOINT RESOLUTION NO. 14

Whereas, United States Supreme Court decisions in National Bellas Hess v. Department of Revenue, 386 U.S. 753 (1967) and Quill Corp. v. N.D., 504 U.S. 298 (1992), have ruled that the Commerce Clause of the United States Constitution denies states the authority to require the collection of sales and use taxes by remote sellers that have no physical presence in the taxing state;

Whereas, the United States Supreme Court also declared in the Quill v. North Dakota decision that Congress could exercise its au-

thority under the Commerce Clause of the United States Constitution to decide "whether, when, and to what extent" the states may require sales and use tax collection on remote sales;

Whereas, states and localities that use sales and use taxes as a revenue source may not collect revenue from some portion of remote sales commerce;

Whereas, since 1999, various state legislators, governors, local elected officials, state tax administrators, and representatives of the private sector have worked together as a Streamlined Sales Tax Project and Governing Board to develop a streamlined sales and use tax system currently adopted in some form in 24 states;

Whereas, between 2001 and 2002, 40 states enacted legislation expressing their intent to simplify the states' sales and use tax collection systems, and to participate in discussions to allow for the collection of states' sales and use taxes;

Whereas, the actions of these states arguably provide some justification for Congress to enact legislation to allow states to require remote sellers to collect the states' sales and use tax;

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-sales or point-of-delivery basis;

Whereas, Congress, in considering federal legislation, should consider the following principles: 1) state-provided or state-certified tax collection and remittance software that is simple to implement and maintain; 2) immunity from civil liability 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 businesses that sell remotely are not adversely affected by the legislation; and 6) fair compensation to the tax-collecting retailer;

Whereas, the Utah State Legislature and some of its sister legislatures in other states have acknowledged the complexities of the current sales and use tax system, have formulated varied alternative collection systems, and have shown the political will to make changes in their respective sales and use tax systems;

Whereas, the enactment of legislation by Congress and the President that allows states to require remote sellers to collect the states' sales and use taxes, will facilitate the states' ability to enforce their current laws for collecting sales and use taxes on remote sales;

Whereas, requiring remote sellers to collect the sales and use taxes may broaden Utah's sales tax base and potentially enable the Utah State Legislature to lower sales and use tax rates; and

Whereas, empowering states to collect sales and use taxes on in-state and remote sales is consistent with the 10th Amendment to the United States Constitution and is a states' rights issue; Now, therefore, be it

*Resolved,* That the Utah State Legislature urges the United States House of Representatives and the United States Senate to pass, without delay, and the President of the United States to sign, federal legislation that provides for the fair and constitutional collection of state sales and use taxes; and be it further

*Resolved,* That the Legislature of the state of Utah urges that, in passing such legislation, Congress consider the following principles: 1) state-provided or state-certified tax collection and remittance software that is

simple to implement and maintain; 2) immunity from civil liability 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 businesses that sell remotely are not adversely affected by the legislation; and 6) fair compensation to the tax-collecting retailer; and be it further

*Resolved*, That the Legislature of the state of Utah, recognizing that such legislation may not include all of these principles, declares that Congress's passage of the legislation will help create consistent standards for retailers forced to collect state sales and use taxes whether on a point-of-delivery basis or a point-of-sale basis, thus leveling the playing field between in-state and remote sellers; and be it further

*Resolved*, That 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 to the members of Utah's congressional delegation.

POM-115. A joint resolution adopted by the Legislature of the State of Utah supporting Social Security reform measures; to the Committee on Finance.

#### SENATE JOINT RESOLUTION NO. 13

Whereas, Social Security is the largest single item in the federal budget;

Whereas, in fiscal year 2011, the federal government spent \$730 billion on Social Security, or 20% of the total \$3.6 trillion federal budget;

Whereas, over the next 75 years, Social Security's unfunded liability is \$6.5 trillion;

Whereas, Social Security has been running a deficit since 2010 and will be incurring annual deficits permanently unless the system is reformed;

Whereas, opponents of Social Security reform argue that Social Security has a \$2.6 trillion trust fund that is backed by the full faith and credit of the United States Government, but these government bonds are simply obligations that the federal government owes itself, so redeeming these Treasury IOU's requires the federal government to cut spending elsewhere, raise taxes, issue more debt to the public, or monetize debt through the Federal Reserve;

Whereas, reform opponents have also falsely claimed that Social Security has not added a single penny to the deficit because Social Security is legally prohibited from deficit spending, but Social Security is now operating at a deficit on a cash basis;

Whereas, while reform opponents counter that the Social Security Trust Fund paid \$118 billion in interest in 2010 and about \$115 billion in interest in 2011, but these payments are not real money, but are accounting mechanisms that transfer phantom money from one government account to another;

Whereas, the Congressional Budget Office projects federal government non-interest spending to reach 25% of the Gross Domestic Product in 2035;

Whereas, including interest, federal spending will reach 34% of the Gross Domestic Product;

Whereas, since these levels are not sustainable, Congress must slow the growth in federal spending;

Whereas, Representative Jason Chaffetz has announced his proposals for Social Security reform that he plans to introduce as legislation in the United States Congress;

Whereas, the proposed reform implements longevity indexing by increasing normal re-

tirement age from 67 for those born in 1960, to 68 for those born in 1966, and to 69 for those born in 1972;

Whereas, in years after 1972, the normal retirement age is increased one month every two years, while keeping early retirement age unchanged at 62;

Whereas, the proposed reform changes the cost of living allowance calculation from the Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W) to chained CPI-W which is a more accurate representation of inflation;

Whereas, the proposed reform adds an additional bend point at the 50th percentile for calculating the primary insurance amount;

Whereas, for workers with lifetime earnings above the 50th percentile, the primary insurance amount grows across generations by a combination of the CPI-W growth and average wage growth instead of just average wage growth;

Whereas, change begins for newly eligible retirees in 2016 and ends in 2055;

Whereas, the proposed reform increases the number of years from 35 to 40 that are included for calculation of Average Indexed monthly earnings by adding one additional computational year for those becoming eligible in 2012, 2014, 2016, 2018, and 2020;

Whereas, the proposed reform indexes the special minimum benefit to wages instead of CPI beginning in 2012;

Whereas, in 2011, the special minimum benefits were \$791 per month for 30 years of coverage and \$394 per month for 20 years of coverage;

Whereas, the proposed reform allows for five years of child care to be included as creditable coverage if not already creditable;

Whereas, the proposed reform increases benefits by 5% for beneficiaries starting at age 85;

Whereas, the proposed reform implements an annual means test that reduces the benefit up to 50% for couples earning more than \$360,000 in the most recent tax year;

Whereas, total Social Security benefits would continue to grow but at a slower rate, allowing the system to avoid insolvency;

Whereas, the vast majority of retirees, particularly those with average or below average lifetime earnings, would receive a larger check than they are getting today;

Whereas, some will actually receive an increase over what they would be getting without reform;

Whereas, using current benefits as a baseline and adjusting these benefits for inflation, middle and lower income retirees in future years will get essentially the same or better benefits than current retirees; and

Whereas, these measures must be taken very soon in order for the Social Security system to avoid an otherwise inevitable collapse: Now, therefore, be it

*Resolved*, That the Legislature of the state of Utah expresses support for the Social Security reform measures proposed by Congressman Jason Chaffetz, and be it further

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

POM-116. A joint resolution adopted by the Legislature of the State of Utah urging the Obama Administration to support Taiwan's meaningful participation in the United Nations as an observer; to the Committee on Foreign Relations.

#### SENATE JOINT RESOLUTION NO. 2

Whereas, in May 2009, Taiwan's inclusion in the World Health Organization raised the possibility for Taiwan to be meaningfully in-

cluded in other United Nations' agencies, programs, and conventions;

Whereas, the Taipei Flight Information Region, under the jurisdiction of the Government of Taiwan, covers an airspace of 176,000 square nautical miles and provides air traffic control services to over 1,350,000 flights annually;

Whereas, Taiwan Taoyuan International Airport is recognized as the world's 8th largest airport by international cargo volume and number of international passengers;

Whereas, exclusion from the International Civil Aviation Organization (ICAO) since 1971 has impeded the efforts of the Government of Taiwan to maintain civil aviation practice that comports with evolving international standards due to its inability to contact the ICAO for up-to-date information on aviation standards and norms in a timely manner;

Whereas, the exclusion of Taiwan from the ICAO has prevented the ICAO from developing a truly global strategy to address security threats based on effective international cooperation; and

Whereas, ICAO rules and existing practices have allowed for the meaningful participation of noncontracting nations, as well as other bodies, in its meetings and activities by granting observer status: Now, therefore, be it

*Resolved*, That the Legislature of the state of Utah urges the Obama Administration to support Taiwan's meaningful participation as an observer in the United Nations' specialized agencies, programs, and conventions; and be it further

*Resolved*, That a copy of this resolution be sent to the president of the United States, the government of Taiwan, and the members of Utah's congressional delegation.

POM-117. A resolution adopted by the Senate of the State of Rhode Island urging the United States Congress to fully fund the Workforce Investment Act (WIA); to the Committee on Health, Education, Labor, and Pensions.

#### SENATE RESOLUTION NO. 2303

Whereas, The United States Congress is considering an appropriations bill that would significantly cut funding to federal workforce programs including the Adult, Dislocated Worker, and Youth programs authorized under the Workforce Investment Act (WIA); and

Whereas, WIA is the major funding source for the employment and training programs in the states, including education, placement, and business support services; and

Whereas, WIA appropriations help fund Rhode Island's comprehensive One-Stop Career Centers, local Workforce Investment Boards, contextualized training, innovative industry partnerships, and a myriad of other services designed to improve the skill level and work preparedness of Rhode Island's workforce; and

Whereas, Programs funded by WIA provide a valuable service to our business community by helping to provide a 21st century skilled workforce that is designed to meet the needs of Rhode Island employers who are struggling to recover from the recent recession; and

Whereas, Over the past two years, the Department of Labor and Training estimates that WIA programs have assisted over 33,600 Rhode Islanders in their efforts to obtain new skills and secure employment; and

Whereas, A significant reduction in federal WIA funding would devastate the workforce development system in Rhode Island, resulting in fewer training and retraining opportunities for unemployed job seekers, reducing funds for valuable on-the-job training, reducing funding for the state's Rapid Response

layoff aversion program, reducing the number of work experience and career exploration programs for vulnerable at-risk youth, and hindering the development and enhancement of a workforce that can compete in the global economy: Now, therefore be it

*Resolved*, That this Senate of the State of Rhode Island and Providence Plantations hereby strongly urges and implores Congress to fully fund the Workforce Investment Act, the cornerstone of the state workforce system that provides vital services to the unemployed, underemployed, and employers as they try to rebound from the recent recession; and be it further

*Resolved*, That the Secretary of State be and he hereby is authorized and directed to transmit duly certified copies of this resolution to the President of the United States Senate, to the Speaker of the United States House of Representatives, to the Honorable Jack Reed and Sheldon Whitehouse, United States Senators, and to the Honorable James R. Langevin and David N. Cicilline, United States Representatives.

POM-118. A joint resolution adopted by the Legislature of the State of Utah recognizing pregnancy care centers and expressing support for their efforts on behalf of those facing unplanned pregnancies; to the Committee on Health, Education, Labor, and Pensions.

#### SENATE JOINT RESOLUTION NO. 21

Whereas, the life-affirming impact of pregnancy care centers on the women, men, children, and communities they serve is considerable and growing;

Whereas, pregnancy care centers serve women in Utah and across the United States with integrity and compassion;

Whereas, more than 2,500 pregnancy care centers across the United States provide comprehensive care to women and men in relation to unplanned pregnancies, including resources to meet their physical, psychological, emotional, and spiritual needs;

Whereas, pregnancy care centers offer women free, confidential, and compassionate services, including pregnancy tests, peer counseling, 24-hour telephone hotlines, childbirth and parenting classes, and referrals to community, health care, and other supportive services;

Whereas, many medical pregnancy care centers offer ultrasounds and other medical services;

Whereas, many pregnancy care centers provide information on adoption and adoption referrals to pregnant women;

Whereas, pregnancy care centers encourage women to make positive life choices by equipping them with complete and accurate information regarding their pregnancy options and the development of their unborn children;

Whereas, pregnancy care centers provide women with compassionate and confidential peer counseling in a nonjudgmental manner regardless of their pregnancy outcomes;

Whereas, pregnancy care centers provide important support and resources for women who choose childbirth over abortion;

Whereas, pregnancy care centers ensure that women are receiving prenatal information and services that lead to the birth of healthy infants;

Whereas, many pregnancy care centers provide grief assistance for women and men who regret the loss of their children from past choices they have made;

Whereas, many pregnancy care centers work to prevent unplanned pregnancies by teaching effective abstinence education in public schools;

Whereas, both federal and state governments are increasingly recognizing the valu-

able services of pregnancy care centers through the designation of public funds for such organizations;

Whereas, pregnancy care centers operate primarily through reliance on the voluntary donations and time of individuals who are committed to caring for the needs of women and promoting and protecting life; and

Whereas, pregnancy care centers provide full disclosure, in both their advertisements and direct contact with women, of the types of services they provide: Now, therefore, be it

*Resolved*, That the Legislature of the state of Utah expresses strong support for pregnancy care centers for their unique, positive contributions to the individual lives of women, men, and babies—both born and unborn; and be it further

*Resolved*, That the Legislature recognizes the compassionate work of tens of thousands of volunteers and paid staff at pregnancy care centers in Utah and across the United States; and be it further

*Resolved*, That the Legislature of the state of Utah strongly encourages the United States Congress and other federal and government agencies to grant pregnancy care centers assistance for medical equipment and abstinence education in a manner that does not compromise the mission or religious integrity of these organizations; and be it further

*Resolved*, That the Legislature of the state of Utah expresses disapproval of the actions of any national, state, or local groups attempting to prevent pregnancy care centers from effectively serving women and men in relation to unplanned pregnancies; and be it further

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

POM-119. A concurrent resolution adopted by the Legislature of the State of Utah urging Congress to continue the Navajo Electrification Demonstration Project and fund it so that the entire Navajo Nation may receive electricity; to the Committee on Indian Affairs.

#### HOUSE CONCURRENT RESOLUTION

Whereas, the Navajo Electrification Demonstration Project was created by the United States Congress and extended to provide funding for the rural electrification of homes on the Navajo Nation Reservation that are not currently being served;

Whereas, under the original law, Navajo Electrification Demonstration Project funding was authorized at an annual level of \$15,000,000 for five years;

Whereas, to date, only \$14,500,000, including a fiscal year 2011 allocation \$1,750,000, has been appropriated to the Navajo Tribal Utility Authority out of the original congressional authorization of \$75,000,000;

Whereas, the Navajo Electrification Demonstration Project expands traditional sources of power and implements renewable energy sources and other advanced electric power technologies;

Whereas, the funds are funneled through the United States Department of Energy and disbursed as grants to the Navajo Nation to provide electricity to approximately 18,000 homes on the Navajo reservation that currently lack this basic service;

Whereas, the act also authorized the United States Department of Energy to provide technical support to the Navajo Nation in the use of advanced power technologies; and

Whereas, despite the passage of laws creating the Navajo Electrification Demonstration Project, Congress must act to appropriate the funds in order for the money to be distributed to the project: Now, therefore, be it

*Resolved*, That the Legislature of the state of Utah, the Governor concurring therein, urges the United States Congress to reauthorize and continue the Navajo Electrification Demonstration Project; and be it further

*Resolved*, That the Legislature and the Governor urge the United States Congress to fund the Navajo Electrification Demonstration Project to provide the necessary funding of \$15,000,000 per year for five years, so that the basic necessity of electricity can become available to the entire Navajo Nation; and be it further

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

POM-120. A concurrent resolution adopted by the Legislature of the State of Utah urging the United States Congress to quickly pass legislation to establish a new management structure to protect the ability of Utah Navajo residents in San Juan County to receive the benefit of Navajo Trust Fund money; to the Committee on Indian Affairs.

#### HOUSE CONCURRENT RESOLUTION NO. 12

Whereas, the United States Congress, in 1933 and again in 1968, authorized the state of Utah to receive 37.5% of the royalties from the production of mineral leases on that portion of the Navajo Reservation in Utah, to be expended for the benefit of the Navajo residents of San Juan County, Utah;

Whereas, oil and gas was discovered in commercial quantities within the boundaries of the Utah portion of the Navajo Reservation in the mid-1950's, and production has continued until the current day;

Whereas, the state of Utah has managed the royalty receipts for the health, education, and welfare of Utah Navajos since that time;

Whereas, the state of Utah managed the funds for many years through a state governmental entity known as the Navajo Trust Fund (Fund);

Whereas, the state of Utah indicated its desire to resign as trustee of the fund in the 2008 General Session of the Utah Legislature in order to allow the Utah Navajo residents of San Juan County the ability to manage the royalty receipts themselves;

Whereas, the Navajo Trust Fund was repealed, effective June 30, 2008, and authority to manage the funds was transferred to the Department of Administrative Services, which created the Utah Navajo Royalties Holding Fund to manage expenditures until a successor management entity could be Congressionally authorized;

Whereas, the Navajo Trust Fund was required to decline any further projects for approval after the statutorily created May 2008 cut-off date, except for applications for assisting new Navajo students with their secondary education expenses;

Whereas, the Utah Navajo Royalties Holding Fund has been winding down expenditures from the activities of the Navajo Trust Fund by completing projects authorized before the May 2008 cut-off date, and by assisting students;

Whereas, the authority to expend funds for any project authorized before the cut-off date in May 2008 expired January 1, 2012, except for new students, which authority expires at the end of June 2012;

Whereas, the Utah Navajo Royalties Holding Fund will begin the process of accounting for all assets of the Fund in preparation for an efficient transfer to the expected Congressionally authorized successor management entity;

Whereas, the State of Utah desires to turn the funds over to a successor management entity as soon as feasible in order to allow the Navajo residents of Utah to manage the funds for their own benefit;

Whereas, Utah Navajos have a great need for expenditure of the royalty receipts for secondary education, housing, power lines, water lines, healthcare, and the creation of jobs, among other pressing needs;

Whereas, Utah's Congressional delegation has been asked to sponsor and advance legislation through the United States Congress designating a successor management entity; and

Whereas, this legislation has not advanced through Congress to this point, and action does not appear imminent: Now, therefore, be it

*Resolved*, That the Legislature of the state of Utah, the Governor concurring therein, urges the United States Congress to quickly pass legislation establishing a successor management structure that protects the ability of the Utah Navajo residents of San Juan County to receive the benefit of Navajo Trust Fund money; and be it further

*Resolved*, That the Legislature and the Governor urge the United States Congress to expedite the required transfer of assets so that Utah's Navajo residents may again receive the benefit of these funds; and be it further

*Resolved*, That a copy of this resolution be sent to the Speaker of the United States House of Representatives, the Majority Leader of the United States Senate, the Chair of the United States House of Representatives' Natural Resources Committee's Subcommittee on Indian and Alaska Native American Affairs, the Chair of the United States Senate Committee on Indian Affairs, and to the members of Utah's congressional delegation.

POM-121. A concurrent resolution adopted by the Legislature of the State of Utah recognizing the remarkable courage and honor displayed by the men and women in law enforcement and the risks they take to keep their communities safe; to the Committee on the Judiciary.

#### HOUSE CONCURRENT RESOLUTION NO. 4

Whereas, on January 4, 2012, Agent Jared Daniel Francom of the Ogden Police Department, serving on the Weber-Morgan Narcotics Strike Force, was fatally wounded serving a search warrant on a residence in Ogden, Utah;

Whereas, Officer Michael Rounkles, Agent Kasey Burrell, and Agent Shawn Grogan of the Ogden Police Department were also wounded in the shooting;

Whereas, Agent Nate Hutchinson, a sergeant in the Weber County Sheriff's Office was also wounded in the shooting;

Whereas, Agent Jason Vanderwarf of the Roy Police Department was also injured in the shooting;

Whereas, the officers on the Weber-Morgan Narcotics Task Force acted quickly and bravely to subdue the suspect, preventing further injury and loss of life;

Whereas, Officer Michael Rounkles, responding to the scene in the course of his patrol duties, displayed incredible courage above and beyond the call of duty in his efforts to rescue and defend the agents of the Task Force who had come under fire;

Whereas, Agent Jared Daniel Francom served with the Ogden Police Department for eight years;

Whereas, Agent Jared Daniel Francom served his community with honor and distinction;

Whereas, Utah has come together to mourn and honor Agent Jared Daniel Francom, with an estimated 4,000 people attending his funeral on January 11, 2012, in Ogden, Utah; and

Whereas, the injury or loss of any police officer is a reminder of the risks taken by all the men and women of law enforcement on behalf of their communities: Now, therefore, be it

*Resolved*, That the Legislature of the state of Utah, the Governor concurring therein, recognizes and honors the sacrifice of Agent Jared Daniel Francom; and be it further

*Resolved*, That the Legislature and the Governor extend their deepest condolences to the family and friends of Agent Jared Daniel Francom; and be it further

*Resolved*, That the Legislature and the Governor express their wishes that Ogden Police Officers Michael Rounkles, Kasey Burrell, and Shawn Grogan will have a full and speedy recovery; and be it further

*Resolved*, That the Legislature and the Governor express their wishes that Agent Nate Hutchinson, sergeant in the Weber County Sheriff's Office, and Roy Police Officer Agent Jason Vanderwarf will have a full and speedy recovery; and be it further

*Resolved*, That the Legislature and the Governor recognize the remarkable courage and honor displayed by the men and women in law enforcement and the risks they take to keep their communities safe; and be it further

*Resolved*, That a copy of this resolution be sent to the family of Agent Daniel Francom; to Ogden Police Officers Michael Rounkles, Kasey Burrell, and Shawn Grogan; to Agent Nate Hutchinson, sergeant in the Weber County Sheriff's Office; to Roy Police Officer Agent Jason Vanderwarf; to the Ogden City Police Department; to the Weber County Sheriff's Office; to the Roy Police Department; and to the members of Utah's congressional delegation.

POM-122. A memorial adopted by the Legislature of the State of Florida urging Congress to propose to the states an amendment to the Constitution of the United States that would limit the consecutive terms of office which a member of the United States Senate or the United States House of Representatives may serve; to the Committee on the Judiciary.

#### HOUSE MEMORIAL NO. 83

Whereas, Article V of the Constitution of the United States authorizes Congress to propose amendments to the Constitution which shall become valid when ratified by the states, and

Whereas, a continuous and growing concern has been expressed that the best interests of this nation will be served by limiting the terms of members of Congress, a concern expressed by the founding fathers, incorporated into the Articles of Confederation, attempted through legislation adopted by state legislatures, and documented in recent media polls: Now, therefore, be it

*Resolved by the Legislature of the State of Florida*, That the Florida Legislature respectfully petitions the Congress of the United States to propose to the states an amendment to the Constitution of the United States to limit the number of consecutive terms which a person may serve in the United States Senate or the United States House of Representatives; and be it further

*Resolved*, That copies of this memorial be dispatched to the President of the United States, to the President of the United States

Senate, to the Speaker of the United States House of Representatives, and to each member of the Florida delegation to the United States Congress.

POM-123. A resolution adopted by the Senate of the State of Rhode Island memorializing the Congress of the United States to take immediate action to make the Republic of Poland eligible for the United States Department of State's Visa Waiver Program; to the Committee on the Judiciary.

#### SENATE RESOLUTION NO. 2063

Whereas, The Republic of Poland is a free, democratic, and independent nation; and

Whereas, The Republic of Poland is an integral member of the European Union and the North Atlantic Treaty Organization; and

Whereas, The Republic of Poland has been and continues to be a proven, indispensable, loyal friend and ally of the United States in the global campaign against terrorism in Iraq, Afghanistan, and elsewhere; and

Whereas, All citizens of the nations constituting the European Union enjoy travel to the United States visa-free as provided by the Visa Waiver Program of the United States Department of State, except for the citizens of Poland, Bulgaria, Cyprus, Malta, and Romania; and

Whereas, The state legislatures of Massachusetts (May 2004), New Jersey (October 2004), Vermont (January 2005), Pennsylvania (April 2005), Connecticut and Maine (May 2005), Nebraska, New York, and Ohio (June 2005), Michigan (June 2006), Arizona (April 2007), Illinois (October 2007), and Massachusetts again (July 2010) passed Visa Waiver for Poland Resolutions in response to their American citizens of Polish descent; and

Whereas, Among the nearly ten million Americans of Polish descent in the nation, the 46,707 Americans of Polish descent in Rhode Island also are disappointed and dismayed that Poland, the nation that provided America with the services of Thaddeus Kosciuszko, who engineered the victory at Saratoga and designed the fortifications at West Point and Casimir Pulaski, the "father of the United States Calvary" during our "Glorious Cause" in the War for Independence from Great Britain, is currently excluded from our nation's Visa Waiver Program; Now, therefore be it

*Resolved*, That this Senate of the State of Rhode Island and Providence Plantations hereby respectfully urges the Congress and the President of the United States to take immediate action to make the Republic of Poland eligible for the United States Department of State's Visa Waiver Program; and be it further

*Resolved*, The Secretary of State be and he hereby is authorized and directed to transmit duly certified copies of this resolution to the clerk of House of Representatives, the President of the United States, the United States Secretary of State, the Secretary of Homeland Security, the Presiding Officers of each chamber of the United States Congress, the members of the Rhode Island Congressional Delegation, and to His Excellency Robert Kupiecki, Ambassador of the Republic of Poland to the United States.

POM-124. A concurrent resolution adopted by the Legislature of the State of Utah expressing support for the establishment of a fund for the assistance of families of fallen police officers in Utah; to the Committee on the Judiciary.

#### SENATE CONCURRENT RESOLUTION NO. 1

Whereas, the Utah 1033 Foundation is named for the police radio code for an officer in trouble;

Whereas, this non-profit foundation was established with private donations and is sustained through a combination of continuing

donations, corporate donors, institutional grant funding, and fundraising events;

Whereas, the primary purpose of the 1033 Foundation is to help the families of slain police officers in Utah;

Whereas, the day after the death of a police officer in the line of duty, someone from the Foundation will visit the widow or widower and deliver a \$25,000 check;

Whereas, eventually, the Foundation hopes to have an endowment to provide college scholarships for the children of living and deceased Utah police officers;

Whereas, it is also hoped that in the future it will be possible to extend the Foundation's service to include the families of fallen firefighters;

Whereas, the fund began as an idea of Tore and Mona Steen, residents of Park City;

Whereas, a native of Norway, Tore received a scholarship after serving in that nation's air force and moved to the United States to attend college;

Whereas, Tore enjoyed great success in the banking and financial industries, and while living in New York, he was involved in advisory capacities with the departments of police, corrections, and housing;

Whereas, as a result of these experiences, and after being invited to ride with two New York City police officers who were called to a domestic dispute, Tore realized, in a small but very real and personal way, what dangers police officers can face every day;

Whereas, many years later, the husband of Mona's daughter's former college roommate, a Colorado Springs police detective, was slain while trying to apprehend a suspect wanted for attempted murder;

Whereas, these brushes with the tragedy and devastation brought to the families of officers killed in the line of duty drove the Steens to form the 1033 Foundation;

Whereas, their efforts continue with the help of many others, including Wade Carpenter, Park City Police Chief; the Law Firm of Van Cott, Bagley, Cornwall & McCarthy, P.C.; and Zions Bank;

Whereas, the 1033 Foundation has made it easy for individuals and organizations to donate to the fund by going to [utah1033.org](http://utah1033.org); and

Whereas, by providing financial and, eventually, scholarship assistance, the 1033 Foundation hopes to provide a means to lift some of the crushing burdens upon the families of Utah's police officers killed in the line of duty; Now, therefore, be it

*Resolved*, That the Legislature of the state of Utah, the Governor concurring therein, expresses support for the efforts of the 1033 Foundation to assist the families of fallen police officers in Utah in their moments of greatest need; and be it further

*Resolved*, That the Legislature and the Governor express appreciation to Tore and Mona Steen, who saw a need and became personally invested in serving the families of slain police officers in Utah, and wish them well in their continuing efforts to serve the citizens of Utah; and be it further

*Resolved*, That the Legislature and the Governor express appreciation to those who have participated in the efforts of the 1033 Foundation and made donations to help those in need; and be it further

*Resolved*, That a copy of this resolution be sent to Tore and Mona Steen; Park City Police Chief Wade Carpenter; the Law Firm of Van Cott, Bagley, Cornwall & McCarthy; Zions Bank President Scott Anderson; Park City Mayor Dana Williams; Summit County Sheriff Dave Edmunds; KPMG Salt Lake City; Utah Department of Public Safety Director Lance Davenport; Colonel Danny Fuhr of the Utah Highway Patrol; the Utah Chiefs of Police Association; the Utah Sheriffs Association; the Utah Peace Officers Association;

the Utah Highway Patrol; Utah Fraternal Order of Police; Howard Wallack; and the members of Utah's congressional delegation.

POM-125. A joint resolution adopted by the Legislature of the State of California calling on the United States Congress to pass the Violence Against Women Act of 2011; to the Committee on the Judiciary.

#### SENATE JOINT RESOLUTION NO. 20

Whereas, The Violence Against Women Act (VAWA) was developed with the input of advocates from around the country and from all walks of life, and addresses the real and most important needs of victims of domestic violence, sexual assault, dating violence, and stalking. VAWA is responsive, streamlined, and constitutionally and fiscally sound, while providing strong accountability measures and appropriate federal government oversight; 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. Critical programs authorized under VAWA include support for victim services, transitional housing, and legal assistance; 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, The Violence Against Women Reauthorization Act of 2011 will provide a five-year reauthorization for VAWA programs, and reduce authorized funding levels by more than \$144 million, or 19 percent, from the law's 2005 authorization; and

Whereas, While annual rates of domestic violence have dropped more than 50 percent, domestic violence remains a serious issue. Every day in the United States, three women are killed by abusive husbands and partners. In California in 2010, there were 166,361 domestic violence calls, including more than 65,000 that involved a weapon; and

Whereas, The Violence Against Women Reauthorization Act of 2011 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) 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.

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

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

(f) Consolidation of programs and reductions in authorization levels to address fiscal

concerns, and renewed focus on programs that have been most successful.

(g) 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. 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, by combating tolerant youth attitudes toward violence.

(b) Improving the response to sexual assault with best practices, training, and communication tools for law enforcement, as well as 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. A growing number, of experts agree that these homicides are predictable, and therefore preventable, if we know the warning signs: Now, therefore, be it

*Resolved by the Senate and the Assembly of the State of California, jointly*, That the Legislature calls on the United States Congress to pass the Violence Against Women Reauthorization Act of 2011, Senate Bill No. 1925 authored by Senators Leahy and Crapo, 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 Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, the Speaker of the House of Representatives, the Majority Leader of the Senate, each Senator and Representative from California in the Congress of the United States, and to the author for appropriate distribution.

POM-126. A concurrent resolution adopted by the Legislature of the State of Louisiana memorializing the United States Congress to take such actions as are necessary to prevent the retirement of A-10 aircraft assigned to the 917th Fighter Group, based at Barksdale Air Force Base; to the Committee on Armed Services.

#### HOUSE CONCURRENT RESOLUTION NO. 115

Whereas, established in 1932, the Barksdale Air Force Base (AFB), a United States Air Force Base located approximately 4.72 miles east-southeast of Bossier City, Louisiana, is named for World War I aviator and test pilot 2nd Lieutenant Eugene Hoy Barksdale (1896-1926); and

Whereas, Barksdale Air Force Base has proudly served Arkansas, Louisiana, and Texas for more than sixty-seven years and is home to the 2d Bomb Wing, 2d Mission Support Group, 2d Operations Group, 2d Maintenance Group, the 2d Medical Group, 8th Air Force Museum, and the Air Force Reserve's 917th Wing; and

Whereas, in December 1999, the 917th Wing received the Air Force outstanding Unit Award, for winning the Chief of Staff Team Excellence Award and Secretary of Defense Award for Self-Inspection Tracking System. The award noted the unit's sponsorship of the Starbase program, which creates interest for local children in math, science, and technology by using an aviation theme; and

Whereas, Barksdale Air Force Base has grown into a major source of revenue and employment for the region by providing jobs for nearly ten thousand military and civilian employees and in 2006, under Base Realignment and Closure (BRAC), the 917th Wing

gained eight A-10 aircraft and a number of full-time and part-time employment positions; and

Whereas, as part of a wide-ranging plan to reduce its total aircraft inventory, the Obama administration intends to propose in the 2013 budget request, the elimination of twenty-four A-10 aircraft that comprise the Air Force Reserve's 917th Fighter Group at Barksdale Air Force Base; and

Whereas, the Air Force plans to rebalance its overall ratio of regular, reserve, and Air National Guard forces at about sixty installations in thirty-three states and retire two hundred twenty-seven aircraft to support a new defense strategy known as the "Air Force Strategy and Structure Overview"; and

Whereas, for nearly eighty years the 917th Wing at Barksdale Air Force Base and the Shreveport-Bossier community have enjoyed a strong partnership, which provides jobs to the community and programs for the local children, and the elimination of the A-10 aircraft will have an adverse effect on not only the economy but the community as well. Therefore, be it

*Resolved*, That the Legislature of Louisiana does hereby memorialize congress to take such actions as are necessary to oppose the elimination of A-10 aircraft assigned to the 917th Fighter Group, based at Barksdale Air Force Base; and be it further

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

POM-127. A joint resolution adopted by the Legislature of the State of California urging the United States Congress to immediately enact the Achieving a Better Life Experience Act of 2011; to the Committee on Finance.

#### SENATE JOINT RESOLUTION NO. 18

Whereas, Many families are searching for a way to plan for the future of a child with developmental disabilities, which are costly to society and to families; and

Whereas, The Achieving a Better Life Experience Act of 2011 (ABLE Act), proposed in H.R. 3423 and S. 1872 and currently debated by Congress, would create disability savings accounts for individuals with developmental or other disabilities and their families, as a way to save for future needs with funds that could accrue interest tax free; and

Whereas, The ABLE Act would give individuals with developmental or other disabilities and their families an option for saving for their future financial needs in a way that supports their unique situation and makes it more feasible to live full and productive lives in their communities; and

Whereas, While many families are currently able to save for the educational needs of children through "529" college tuition plans, these plans do not fit the needs of children with developmental or other disabilities; and

Whereas, Many families recognize that loved ones with developmental or other disabilities may live for many decades beyond the ability of the parents or other family members to provide financial assistance and support; and

Whereas, Many families also want to ensure the financial security of family members who have the level of disability required for Medicaid eligibility, but for now, are managing to function without the use of those benefits and state resources; and

Whereas, The ABLE Act would create a savings fund for those with developmental or other disabilities that could be drawn upon for a variety of essential expenses, including

medical and dental care, education and employment training and support, assistive technology, housing and transportation, personal support services, and other expenses for life necessities; and

Whereas, Savings accounts opened under the ABLE Act would provide substantial flexibility to meet the specific needs of the individual, with a broad array of allowable expenses and no age limitations so that these funds can be used whenever they are needed; and

Whereas, The flexibility in expenses would also allow families to save with confidence even though they cannot always predict how independent their child will become: Now, therefore, be it

*Resolved by the Senate and the Assembly of the State of California, jointly*, That the Legislature urges the President and the Congress of the United States to immediately enact the Achieving a Better Life Experience Act of 2011 (ABLE Act); 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 President pro Tempore of the United States Senate, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the author for appropriate distribution.

POM-128. A resolution adopted by the Odessa Chamber of Commerce, Odessa, Texas, in support of retaining top foreign students earning degrees in the fields of science, technology, engineering and mathematics (STEM) from American Universities; to the Committee on the Judiciary.

#### EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEVIN for the Committee on Armed Services.

\*Sean Sullivan, of Connecticut, to be a Member of the Defense Nuclear Facilities Safety Board for a term expiring October 18, 2015.

Air Force nomination of Colonel Edward E. Metzgar, to be Brigadier General.

Air Force nomination of Col. Russ A. Walz, to be Brigadier General.

\*Air Force nomination of Gen. Mark A. Welsh III, to be General.

Air Force nomination of Brig. Gen. Timothy M. Ray, to be Major General.

Air Force nomination of Lt. Gen. Paul J. Selva, to be General.

Air Force nomination of Maj. Gen. Joseph L. Lengyel, to be Lieutenant General.

Air Force nomination of Brig. Gen. Howard D. Stendahl, to be Major General.

Army nomination of Brig. Gen. Lawrence W. Brock, to be Major General.

Army nomination of Brig. Gen. Reynold N. Hoover, to be Major General.

Army nomination of Maj. Gen. James O. Barclay III, to be Lieutenant General.

Army nomination of Lt. Gen. Donald M. Campbell, Jr., to be Lieutenant General.

\*Army nomination of Lt. Gen. Frank J. Grass, to be General.

Army nomination of Maj. Gen. David R. Hogg, to be Lieutenant General.

Army nomination of Brig. Gen. Joyce L. Stevens, to be Major General.

Navy nomination of Vice Adm. Allen G. Myers, to be Vice Admiral.

Navy nominations beginning with Captain John D. Alexander and ending with Captain Ricky L. Williamson, which nominations were received by the Senate and appeared in the Congressional Record on May 8, 2012.

Navy nomination of Vice Adm. John M. Richardson, to be Admiral.

Navy nomination of Rear Adm. David A. Dunaway, to be Vice Admiral.

\*Marine Corps nomination of Lt. Gen. John F. Kelly, to be General.

Mr. LEVIN. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Air Force nominations beginning with Jolene A. Ainsworth and ending with David C. Zimmerman, which nominations were received by the Senate and appeared in the Congressional Record on April 23, 2012.

Air Force nominations beginning with Uchenna L. Umeh and ending with Daniel X. Choi, which nominations were received by the Senate and appeared in the Congressional Record on June 25, 2012.

Air Force nominations beginning with Catherine M. Fahling and ending with Le T. Zimmerman, which nominations were received by the Senate and appeared in the Congressional Record on June 25, 2012.

Air Force nominations beginning with Sean J. Hislop and ending with Lucas P. Neff, which nominations were received by the Senate and appeared in the Congressional Record on July 17, 2012.

Army nomination of Karen A. Baldi, to be Colonel.

Army nomination of Christopher W. Soika, to be Colonel.

Army nomination of Luis A. Riveraberrios, to be Colonel.

Army nomination of Kimon A. Nicolaidis, to be Colonel.

Army nominations beginning with Penny P. Kalua and ending with Joseph A. Trinidad, which nominations were received by the Senate and appeared in the Congressional Record on June 25, 2012.

Army nominations beginning with Chad S. Abbey and ending with Jared K. Zotz, which nominations were received by the Senate and appeared in the Congressional Record on July 17, 2012.

Army nominations beginning with Jeffrey E. Aycock and ending with Eric W. Young, which nominations were received by the Senate and appeared in the Congressional Record on July 17, 2012.

Army nominations beginning with Brent A. Beckley and ending with Stephen J. Ward, which nominations were received by the Senate and appeared in the Congressional Record on July 17, 2012.

Army nomination of Brian J. Eastridge, to be Colonel.

Navy nominations beginning with Joel A. Ahlgrim and ending with Mark L. Woodbridge, which nominations were received by the Senate and appeared in the Congressional Record on July 11, 2012.

Navy nominations beginning with John E. Bissell and ending with Stephen S. Yune, which nominations were received by the Senate and appeared in the Congressional Record on July 11, 2012.

Navy nominations beginning with Robert L. Anderson II and ending with Carol B. Zwiebach, which nominations were received by the Senate and appeared in the Congressional Record on July 11, 2012.

Navy nominations beginning with Marc S. Brewen and ending with Dustin E. Wallace,