

S. 1232. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the importation of prescription drugs, 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-27. A joint resolution adopted by the Legislature of the State of Utah urging the opposition of federal legislation that would interfere with a state's authority to direct the transport or processing of horses; to the Committee on Agriculture, Nutrition, and Forestry.

HOUSE JOINT RESOLUTION NO. 7

Whereas, the processing of horses has become a controversial and emotional issue and has resulted in the closing of all horse processing facilities throughout the United States;

Whereas, federal legislation has been introduced to amend the 1970 Horse Protection Act that would prohibit the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines for processing and other purposes;

Whereas, the loss of secondary markets has severely impacted the livestock industry by eliminating the salvage value of horses and has significantly reduced the market value of all horses;

Whereas, prohibitions regarding the processing of horses have resulted in significant increases in abandoned and starving animals and have had significant economic impact on the entire equine industry;

Whereas, the increase in unwanted or unusable horses has overwhelmed private animal welfare agencies and the public's ability to care for surplus domestic horses;

Whereas, the annual number of unwanted or unusable surplus domestic horses in the United States is currently estimated at 100,000 and continues to increase;

Whereas, issues related to the humane handling and slaughter of surplus domestic horses are best addressed by proper regulations and inspection and not by banning or exporting the issues; and

Whereas, state agriculture and rural leaders recognize the necessity and benefit of a state's ability to direct the transport and processing of horses: Now, Therefore, be it

Resolved, That the Legislature of the state of Utah urges the United States Congress to oppose federal legislation that interferes with a state's ability to direct the transport or processing of horses; be it further

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

POM-28. A joint resolution adopted by the Legislature of the State of Utah urging the National Collegiate Athletic Association to abandon the Bowl Championship Series (BCS) structure in favor of a college football playoff system; to the Committee on Commerce, Science, and Transportation.

SENATE JOINT RESOLUTION NO. 11

Whereas, the University of Utah football team finished the 2008 football season as the only undefeated football team in Division I-A, with a perfect 13-0 record;

Whereas, the University of Utah football team capped a season-long string of victories at the Sugar Bowl with an impressive 31-17

win over the University of Alabama, which held the number one ranking in the nation for five weeks;

Whereas, during the regular season, the Mountain West Conference had three teams in the Top 25 and had a 6-1 record against Pac-10 teams;

Whereas, in the 2008 season, the University of Utah football team defeated six bowl teams ranked in the Top 25, and won seven games away from home;

Whereas, as the matter currently stands, the University could go undefeated indefinitely and still not compete for a national title;

Whereas, the Bowl Championship Series (BCS) began in 1998 with the intent of crowning a definite national champion;

Whereas, the BCS relies on a combination of polls and computer rankings to determine which teams play in the BCS national championship game and help set the line-ups for the most prestigious bowl games.

Whereas, although the BCS may be an improvement over past championship determinations, the system is still widely acknowledged as falling short of its goal of establishing a definitive college football champion;

Whereas, many experts have candidly criticized the flaws in the BCS system and often use the 2008 University of Utah football team as the strongest argument for the failings of the system; and

Whereas, a national playoff is the only way to be certain that the team crowned as national champion has earned the designation on the gridiron: Now, therefore, be it

Resolved, That the Legislature of the State of Utah strongly urges the National Collegiate Athletic Association to abandon the Bowl Championship Series (BCS) structure for determining the Division I-A national football champion in favor of a playoff system so that all can be assured that the best college football team is the one crowned as national champion; be it further

Resolved, That a copy of this resolution be sent to the National Collegiate Athletic Association, the BCS, the University of Utah football team, to the members of Utah's congressional delegation, and to President Barack Obama.

POM-29. A concurrent resolution adopted by the Legislature of the State of Utah expressing support for the current Bureau of Land Management resource management plans and the process used to complete the plans; to the Committee on Energy and Natural Resources.

HOUSE CONCURRENT RESOLUTION NO. 8

Whereas, because the nation's dependence on foreign sources of energy leaves the economy vulnerable, serious effort must be devoted to decrease the nation's dependency on foreign energy sources;

Whereas, oil and natural gas form an essential bridge to attaining a future of energy independence sustained by alternative and renewable energy sources;

Whereas, the Federal Land Policy and Management Act (Act) mandates that the Federal Bureau of Land Management (BLM) manage public lands for multiple uses such as outdoor recreation, livestock grazing, energy exploration and production, conservation, and timber production;

Whereas, the Act establishes that the BLM sustain the health, diversity, and, productivity of public lands for the use and enjoyment of present and future generations;

Whereas, in making decisions about land use, the Act requires the BLM to develop resource management plans and update them periodically;

Whereas, these important land use management decision documents require public input and participation;

Whereas, managing the nation's cherished public lands for multiple uses is a constant challenge;

Whereas, citizens expect the BLM to provide responsible energy and minerals development, recreational opportunities, appropriate access, and healthy landscapes, while still providing an adequate level of resource protection to ensure that future generations will continue to benefit from and enjoy these areas;

Whereas, the resource management plan process, developed by the BLM to accomplish these goals, is thorough, deliberative and very public;

Whereas, resource management plans provide administrative protections to some lands, including major constraints such as no surface occupancy and disturbance timing stipulations;

Whereas, extensive state and community input is invited and submitted both in writing and through the public hearing process;

Whereas, resource management plans for the Moab, Richfield, Price, Vernal, Monticello, and Kanab Field Offices recently went into effect after approximately eight years of development and review;

Whereas, hundreds of thousands of public comments were considered during the Enrolled Copy planning process;

Whereas, new environmental restrictions included in the resource management plans provide multiple layers of safeguards to prevent environmental damage to sensitive natural resources;

Whereas, the proposed plans envision maintaining areas open to oil and gas leasing, but also institute protective measures during development like timing limitations, best management practices, and advanced technology to minimize the footprint of developing important resources;

Whereas, there was no cutting of corners or abridgment of processes in preparing the resource management plans;

Whereas, due to the strong feelings regarding the use of public lands, every private group and government entity involved in the process would like to see some changes in the outcome, but all groups were heard and their concerns given thoughtful and careful consideration;

Whereas, the state of Utah and Uintah, Duchesne, Grand, Emery, San Juan, Sevier, Garfield, Kane, Wayne, Piute, and Carbon Counties were cooperating agencies in the BLM's development of the current resource management plans and have interests in preserving the plans;

Whereas, upon approval of these management plans, the BLM offered for lease parcels of land which had been set aside for several years pending completion of the resource management plans;

Whereas, leases do not convey an unlimited right to explore or an unlimited right to develop oil and gas resources, but are subject to terms designed to minimize and mitigate the impacts of development;

Whereas, in addition to proposing an accommodation for the nation's pressing need for energy development, the plans also propose protecting public lands within the six planning areas where there are sensitive natural resources, making these lands off limits to surface disturbing activities and unavailable to oil and gas leasing;

Whereas, this type of protection would extend to almost one million acres of public land in addition to nearly two million acres of existing wilderness study areas;

Whereas, a lawsuit has been filed challenging the legality of the BLM's December 19, 2008, sale of oil and gas leases;

Whereas, the state has been granted permission by the Court to defend its interests in the lawsuit by participating as an intervenor;

Whereas, on February 4, 2008, the United States Department of the Interior rejected the bids offered on 77 of the oil and gas leases presented at the December lease sale; and

Whereas, the lawsuit and the oil and gas lease rejections strike at the heart of a careful, deliberative, lengthy public process to develop resource management plans that would benefit Utahns and the citizens of the United States: Now, therefore, be it

Resolved, That the Legislature of the state of Utah, the Governor concurring therein, express strong support for the Federal Bureau of Land Management's resource management plans developed for the Moab, Richfield, Price, Vernal, Monticello, and Kanab, Utah Field Offices, and most particularly for the lengthy, thoughtful, and public process used to develop the plans; be it further

Resolved, That the Legislature and the Governor oppose current actions taken that may contest and delay implementation of the resource management plans; be it further

Resolved, That the Legislature and the Governor request that the Department of the Interior expedite a review of the 77 bid-rejected parcels to determine which may be offered for leasing in the near future; be it further

Resolved, That a copy of this resolution be sent to the United States Department of the Interior, the Federal Bureau of Land Management and its Utah office, the Southern Utah Wilderness Alliance, the Uintah, Duchesne, Grand, Emery, San Juan Sevier, Garfield, Kane, Wayne, Piute, and Carbon County Commissions, the Moab, Richfield, Price, Vernal, Monticello, and Kanab City Councils, the Utah Public Lands Policy Coordination Office, and to the members of Utah's congressional delegation.

POM-30. A joint resolution adopted by the Legislature of the State of Utah supporting the establishment of an Alternative Energy Training Center in Beaver County, Utah; to the Committee on Energy and Natural Resources.

SENATE JOINT RESOLUTION NO. 10

Whereas, the United States relies heavily on foreign sources of energy;

Whereas, to sustain economic growth in the state and throughout the nation, it will be necessary to invest resources in all forms of power generation, including traditional sources such as coal, natural gas, and nuclear as well as renewable resources such as geothermal, wind, and solar;

Whereas, the Utah Renewable Energy Zones Task Force Phase I Report indicates that theoretical potential resources within Utah include 16,500 fifty megawatt solar renewable energy zones, 51 wind renewable energy zones with a combined generating capacity of approximately 9,145 megawatts, and a total of 2,166 megawatts of geothermal development potential, the bulk of which is located in rural Utah;

Whereas, with the Blundell Geothermal Plant, the newly commissioned Thermo Hot Springs Plant, and the more than 200 megawatt First Wind Project which is currently being developed, Beaver County has either under construction or in production close to 300 megawatts of renewable resource generating capacity, and many of the state's most significant undeveloped resources converge in Beaver County;

Whereas, as renewable generation becomes more widespread in the region, there will be a need to provide training opportunities to people working in that industry;

Whereas, the Milford High School Technology Department has played a key role in attracting investment in renewable energy generation to the Southwest region of the state and has led the way in preparing young

people for promising careers in that industry;

Whereas, the Southwest Applied Technology College in Cedar City is offering classes related to renewable energy in Milford;

Whereas, Milford is an ideal site for a certified renewable energy training center because it has a core of leaders who are willing to make the region the center of renewable energy generation in the state and are prepared to meet any energy goal the state sets;

Whereas, as resource development expands, production of the components of solar generation, wind turbines, and similar equipment also provides opportunities for new and expanded manufacturing businesses in rural Utah where economic development is desperately needed and will increase the need for trained workers;

Whereas, the construction of utility scale renewable energy projects provides unprecedented economic development opportunities for counties lacking traditional energy producing resources; and

Whereas, providing a training center in Utah for renewable energy resource technologies and jobs will enable Utahns to better compete for these new energy resource jobs: Now, therefore, be it

Resolved, That the Legislature of the state of Utah expresses its support for the development and certification of an Alternative Energy Training Center in Beaver County; be it further

Resolved, That a copy of this resolution be sent to the Beaver County Commission, the Milford High School Technology Department, Utah's Energy Advisor, the State Energy Program, the Southwest Applied Technology College, Rocky Mountain Power, First Wind, Raser Technologies, and to the members of Utah's congressional delegation.

POM-31. A joint resolution adopted by the Legislature of the State of Utah supporting new nuclear power development in Utah; to the Committee on Energy and Natural Resources.

SENATE JOINT RESOLUTION NO. 16

Whereas, Utah and the surrounding western states have experienced increased new electricity demands and have forecasted continued increases over the next several decades;

Whereas, Utah requires affordable and abundant energy for homes and businesses to maintain and grow its economy;

Whereas, Utah and the surrounding areas will likely suffer significant financial difficulties without new reliable and affordable electric generating resources being built, adding to and prolonging the depressed economy;

Whereas, Utah enjoys and continues to rely on cost effective coal fired power plants for 85% of its electric generation;

Whereas, Utah's ability to build any new significant coal fired power plants is limited;

Whereas, new emission controls, carbon capture technology, carbon sequestration, and advance coal combustion technologies should be encouraged, but are not projected to be commercially feasible and cost effective for at least 25 years;

Whereas, new natural gas electric generation could increase the volatility of retail electric prices and retail natural gas prices;

Whereas, hydro power resources are constrained and not expected to expand in capacity;

Whereas, nationwide nuclear power provides low cost, long term, stable retail and wholesale pricing for customers;

Whereas, the United States Congress and the United States Nuclear Regulatory Commission worked together to improve the old

process for licensing new nuclear power plants;

Whereas, the new nuclear power plant licensing process presently includes a "one step" Combined Operating License (COL) procedure, which combines construction and operating license applications and reviews into a single process;

Whereas, the new licensing process is more efficient, predictable, and reliable;

Whereas, three Early Site Permits for new nuclear plants, one of the new licensing processes now in place, have been issued with little or no delays from adjudication;

Whereas, the estimated time frame to complete a new nuclear COL is five years;

Whereas, the development of nuclear power plants will provide significant economic benefits to the local, regional, and state populations in the form of many high paying jobs and additional tax revenues;

Whereas, the construction of a new nuclear facility would inject billion of dollars into Utah's economy in the form of 3,500 construction jobs during a two unit construction period spanning up to seven years;

Whereas, one proposed site in Utah would contribute over \$2 million in 2009 to the State Institutional Trust Lands Fund;

Whereas, operations of two new generation units would provide approximately 800 jobs for highly skilled workers over the plant's 60 year projected lifetime;

Whereas, the needed regulatory and legal framework to deploy safe, secure, and cost competitive nuclear power in Utah is in place;

Whereas, Utah already has a nuclear reactor at the University of Utah;

Whereas, the University of Utah Training Research and Isotope Production, General Atomics research reactor in Salt Lake City has been operating safely since 1975;

Whereas, the United States' nuclear industry has accumulated almost 3,400 reactor years of operation since the first plant started up in 1957 without serious injury or death to a single member of the public;

Whereas, the current practice of storing spent fuel in wet or dry storage containers at a nuclear power plant has been proven safe since commercial nuclear power began in 1957;

Whereas, 95% of the energy from a nuclear reactor's spent fuel has significant value and can be reprocessed or recycled for use as fuel in the future when this option is commercialized in the United States;

Whereas, spent fuel from a nuclear reactor is valuable;

Whereas, France, Japan, Russia, the United Kingdom, and Germany currently recycle or reprocess spent fuel successfully; and

Whereas, there is no scientific or safety rationale requiring the near term movement of spent fuel from the power plants where it is generated, and fuel can be safely and securely stored on site for up to 100 years without environmental impacts: Now, therefore, be it

Resolved, That the Legislature of the state of Utah urges that new nuclear power development be pursued within the boundaries of the state; be it further

Resolved, That the Legislature urges that commercial development of new nuclear power be pursued in the state due to its beneficial impact on the economy, fuel diversification, and the environment, and its impressive operational safety and security record, in particular the fact that no member of the public has been seriously injured by operation of the 104 nuclear power plants currently operating in the United States; be it further

Resolved, That the Legislature declares that nuclear power has been shown to be a

viable cost effective option, that current rate payer protection laws and regulations are sufficient, and that no new legislation or special action is needed for the Public Service Commission to recognize nuclear power as a prudent investment; be it further

Resolved, That the Legislature recognizes that no appropriations are needed for special committees or programs to determine whether a nuclear power plant can be built in Utah because the United States Nuclear Regulatory Commission will review and adjudicate the licensing, as needed, and nuclear developers will pay for those costs; be it further

Resolved, That the Legislature encourages investor-owned and municipally owned utilities and power marketers and traders to consider participating in a nuclear power project in Utah; be it further

Resolved, That the Legislature recognizes commercial nuclear power plants as market-based, commercially competitive enterprises due to their safety and security record, the science and performance data, and the economic performance of the present power plants; be it further

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

POM-32. A resolution adopted by the Senate of the Legislature of the State of Utah urging Congress and the Bureau of Reclamation to support development of the Narrows Water Project in Central Utah; to the Committee on Energy and Natural Resources.

Whereas, water is fundamental to the economic base of Central Utah communities, and reliable water storage is necessary for both agricultural and municipal development;

Whereas, agricultural and municipal interests in Central Utah, including Sanpete County, suffer substantial economic hardship because of the lack of water storage facilities;

Whereas, in the early 1900s, local, state, and federal government officials acknowledged the need for water storage in Sanpete County and began efforts to develop the Narrows Water Project;

Whereas, reliable studies by multiple expert water engineering firms have determined the Narrows Water Project to be the least expensive, most cost-effective, and most environmentally sound means of storing water for Sanpete County;

Whereas, various studies, including a recent independent study by Utah State University, show Sanpete County to be among Utah's most effective users of modern conservation methods to conserve the water that is presently available to the county;

Whereas, the Bureau of Reclamation recognized the need for water storage in Sanpete County, and as early as the 1930s proposed a plan that would provide water storage for both Sanpete and Carbon Counties;

Whereas, the component of the Bureau of Reclamation's plan that would provide water storage for Sanpete County was never implemented, initially due to a disruption caused by World War II, and more recently by various questions regarding ownership of the water;

Whereas, numerous judicial decisions have now clearly established and defined the water rights involved in the Narrows Water Project;

Whereas, legal agreements between Sanpete County, Carbon County, the state of Utah, and various federal entities have rec-

ognized Carbon and Sanpete Counties' water rights from Gooseberry Creek; and

Whereas, the residents of Sanpete County, at great financial sacrifice, have waited for almost a century for the Narrows Water Project water storage facility that was promised to them; Now, therefore, be it

Resolved, That the Senate of the state of Utah expresses support for the Narrows Water Project in Central Utah; be it further

Resolved, That the Senate urges Congress and the United States Bureau of Reclamation to support the development of the Narrows Water Project in Central Utah; be it further

Resolved, That a copy of this resolution be sent to the Bureau of Reclamation and to Utah's congressional delegation.

POM-33. A joint resolution adopted by the Legislature of the State of Utah supporting producing hydrogen from coal with carbon capture and sequestration (CCS) technology; to the Committee on Energy and Natural Resources.

HOUSE JOINT RESOLUTION NO. 12

Whereas, coal is one of Utah's most abundant resources and contributes substantially to Utah's economy;

Whereas, coal is an affordable base load fuel providing reliable electric power;

Whereas, demonstration of advanced coal technology for power generation can accelerate the development of the hydrogen energy economy in Utah;

Whereas, producing hydrogen from coal with carbon capture and sequestration (CCS) for newly permitted developments is one possible technology, among many, that has the potential to reduce carbon emissions and help protect and grow Utah's economy while continuing a strong commitment to a clean environment;

Whereas, advanced hydrogen from coal technology and CCS technology as proposed for potential next generation power plants in Utah would produce fewer carbon emissions than conventionally fueled power plants;

Whereas, the new advanced coal technology gasifies coal to produce a mixture of carbon dioxide, hydrogen, and other gases;

Whereas, the clean burning hydrogen can be used to fuel a power plant and the carbon dioxide can be captured and stored using geologic sequestration technology;

Whereas, CCS technology provides for the removal of carbon dioxide from fuel gases, reducing emission into the atmosphere;

Whereas, CCS technology will be crucial to reducing emission of carbon dioxide from newly permitted power plants specifically designed to use CCS technology while still meeting growing energy demand in a responsible manner with domestic fuel;

Whereas, CCS technology can be important to maintain Utah's position as a leader in energy technology and production;

Whereas, CCS technology will enable Utah to use its abundant coal resources while still meeting potential new regulations limiting carbon emissions and protecting and creating high-paying jobs in Utah;

Whereas, Utah's geological characteristics support sequestration technology;

Whereas, Utah is uniquely positioned to potentially lead and benefit from hydrogen production from coal and CCS technology;

Whereas, Utah's support of producing hydrogen from coal and CCS technology could place Utah businesses at the forefront of the new hydrogen and carbon economies;

Whereas, the state welcomes the potential jobs, tax base, economic enhancements and leadership position that could come with supporting advanced coal technology with CCS;

Whereas, the Public Service Commission should consider authorizing the recovery of

cost-effective and prudently incurred costs that reduce carbon emissions;

Whereas, the Public Service Commission should consider hydrogen production from coal and CCS technology to be a reasonable investment for protecting the long-term interests of Utah's utility rate payers;

Whereas, the Legislature supports approving cost recovery of cost-effective and prudent investment in these technologies as determined by the Public Service Commission; and

Whereas, the Legislature supports resolving liability issues stemming from future adverse effects of sequestered carbon and believes the federal government is in the best position to provide a comprehensive liability solution; Now, therefore, be it

Resolved, That the Legislature of the state of Utah expresses support for producing hydrogen production from coal with carbon capture and sequestration (CCS) technology as a means of strengthening Utah's economy and helping Utah to stand at the forefront of energy production; be it further

Resolved, That the Legislature urges the Public Service Commission to consider authorizing recovery of cost-effective and prudently incurred costs that reduce carbon emissions and increase Utah's and the nation's energy security; be it further

Resolved, That the Legislature recommends that the Public Service Commission consider hydrogen production from coal and CCS technology to be a reasonable investment for protecting the long-term interests of Utah's utility rate payers; be it further

Resolved, That the Legislature supports approving cost recovery of cost-effective and prudent investment in these technologies as determined by the Public Service Commission; be it further

Resolved, That the Legislature supports balanced consideration and research to explore all technologies that will continue to maximize future use and availability of coal and gas in an environmentally sound manner; be it further

Resolved, That a copy of this resolution be sent to Utah's Energy Advisor, the State Energy Program, the Public Service Commission, and to the members of Utah's congressional delegation.

POM-34. A resolution adopted by the House of Representatives of the State of Utah urging Congress and the Bureau of Reclamation to support development of the Narrows Water Project in Central Utah; to the Committee on Energy and Natural Resources.

HOUSE RESOLUTION NO. 1

Whereas, water is fundamental to the economic base of Central Utah communities and reliable water storage is necessary for both agricultural and municipal development;

Whereas, agricultural and municipal interests in Central Utah, including Sanpete County, suffer substantial economic hardship because of the lack of water storage facilities;

Whereas, in the early 1900s, local, state, and federal government officials acknowledged the need for water storage in Sanpete County and began efforts to develop the Narrows Water Project;

Whereas, reliable studies by multiple expert water engineering firms have determined the Narrows Water Project to be the least expensive, most cost effective, and most environmentally sound means of storing water for Sanpete County;

Whereas, various studies, including a recent independent study by Utah State University, show Sanpete County to be among Utah's most effective users of modern conservation methods to conserve the water that is presently available to the county;

Whereas, the Bureau of Reclamation recognized the need for water storage in Sanpete County, and as early as the 1930s proposed a plan that would provide water storage for both Sanpete and Carbon Counties;

Whereas, the component of the Bureau of Reclamation's plan that would provide water storage for Sanpete County was never implemented, initially due to a disruption caused by World War II, and more recently by various questions regarding ownership of the water;

Whereas, numerous judicial decisions have now clearly established and defined water rights involved in the Narrows Water Project;

Whereas, legal agreements between Sanpete County, Carbon County, the state of Utah, and various federal entities have recognized Carbon and Sanpete County's water rights from Gooseberry Creek; and

Whereas, the residents of Sanpete County, at great financial sacrifice, have waited for almost a century for the Narrows Water Project water storage facility that was promised to them: Now, therefore, be it

Resolved, That the House of Representatives of the state of Utah expresses support for the Narrows Water Project in Central Utah; be it further

Resolved, That the House of Representatives urges Congress and the United States Bureau of Reclamation to support the development of the Narrows Water Project in Central Utah; be it further

Resolved, That a copy of this resolution be sent to the Bureau of Reclamation and to Utah's congressional delegation.

POM-35. A joint resolution adopted by the Legislature of the State of Utah urging Congress to preserve the exemption for hydraulic fracturing in the Safe Drinking Water Act and to refrain from passing legislation that would remove the hydraulic fracturing exemption; to the Committee on Environment and Public Works.

SENATE JOINT RESOLUTION NO. 17

Whereas, the United States Congress passed the Safe Drinking Water Act (Act) to assure the protection of the nation's drinking water sources;

Whereas, since the enactment of the Act, the Environmental Protection Agency (EPA) has never interpreted hydraulic fracturing as constituting "underground injection" within the Act;

Whereas, in 2004, the EPA published a final report summarizing a study to evaluate the potential threat to underground sources of drinking water from hydraulic fracturing of coal bed methane production wells and the EPA concluded that "additional or further study is not warranted at this time . . ." and "that the injection of hydraulic fracturing fluids into coal bed methane wells poses minimal threat" to underground sources of drinking water;

Whereas, in the Energy Policy Act of 2005, the United States Congress explicitly exempted hydraulic fracturing from the provisions of the Act;

Whereas, the Interstate Oil and Gas Compact Commission (IOGCC) conducted a survey of oil and gas producing states which found that there were no known cases of groundwater contamination associated with hydraulic fracturing;

Whereas, hydraulic fracturing is currently, and has been for decades, a common operation used in exploration and production by the oil and gas industry in all the member states of the IOGCC without groundwater damage;

Whereas, approximately 35,000 wells are hydraulically fractured in the United States annually, and close to 1,000,000 wells have

been hydraulically fractured in the United States since the technique's inception, with no known harm to groundwater;

Whereas, the regulation of oil and gas exploration and production activities, including hydraulic fracturing, has traditionally been the province of the states;

Whereas, the Act was never intended to grant to the federal government authority to regulate oil and gas drilling and production operations, such as "hydraulic fracturing," under the Underground Injection Control program;

Whereas, the member states of the IOGCC have adopted comprehensive laws and regulations to provide safe operations and to protect the nation's drinking water sources, and have trained personnel to effectively regulate oil and gas exploration and production;

Whereas, production of coal seam natural gas, natural gas from shale formations, and natural gas from tight conventional reservoirs is increasingly important to our domestic natural gas supply and will be even more important in the future;

Whereas, domestic production of natural gas will ensure that the United States continues on the path to energy independence;

Whereas, hydraulic fracturing plays a major role in the development of virtually all unconventional oil and gas resources and, in the absence of any evidence that such fracturing has damaged the environment, should not be limited;

Whereas, regulation of hydraulic fracturing as underground injection under the Act would impose significant administrative costs on the state and substantially increase the cost of drilling oil and gas wells with no resulting environmental benefits; and

Whereas, regulation of hydraulic fracturing as underground injection under the Act would increase energy costs to the consumer: Now, therefore, be it

Resolved, That the Legislature of the state of Utah expresses support for maintaining the exemption of hydraulic fracturing in the Safe Drinking Water Act and urges the United States Congress to refrain from passing legislation that would remove the exemption for hydraulic fracturing; be it further

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

POM-36. A concurrent resolution adopted by the Legislature of the State of Utah urging the Environmental Protection Agency to address the problems associated with its configuration of nonattainment areas relating to Utah; to the Committee on Environment and Public Works.

HOUSE CONCURRENT RESOLUTION NO. 5

Whereas, on December 23, 2008, the U.S. Environmental Protection Agency (EPA) published county nonattainment designations for the federal air quality standard (NAAQS) for the fine particulate known as PM2.5;

Whereas, the EPA designated a total of three PM2.5 nonattainment areas within the state;

Whereas, the first area is Utah County; the second area is Salt Lake, Davis, and Weber Counties and portions of Box Elder and Tooele Counties; and the third area is Cache County and Franklin County, Idaho;

Whereas, designating areas two and three as nonattainment areas is contrary to the designations originally recommended by the state;

Whereas, the state has made a strong commitment to conservation and protection of the environment, and Utahns place a high

value on the state's natural resources, including clean air;

Whereas, the state is also growing both in terms of population and businesses that offer jobs to local residents;

Whereas, Utahns are concerned not only with being good stewards of their natural environment, but also fostering strong economic development;

Whereas, the state recommendation for designation for certain counties as nonattainment for PM2.5 will lead to an accurate, timely, and fair resolution of PM2.5 nonattainment issues;

Whereas, the result may create a misperception that Utah has a bigger and more wide-spread air quality problem than is actually true;

Whereas, the current nonattainment area designations made by the EPA have created several problems that must be rectified as soon as possible;

Whereas, one of the PM2.5 nonattainment areas designated by the EPA includes all or a portion of five counties, and these overly broad designations should be pared back;

Whereas, the EPA should not designate areas as nonattainment until it has actual monitoring data justifying such a designation;

Whereas, in the case of Box Elder and Tooele Counties, it is clear that the designations include areas that have pristine air quality and do not exceed the NAAQS;

Whereas, for example, the portion of Tooele County designated "nonattainment" by the EPA includes the Deseret Peak Wilderness Area within the Stansbury Mountain Range;

Whereas, air quality in this wilderness area is widely known to be excellent, particularly in and around the pristine areas of the 11,000 foot Deseret Peak;

Whereas, there is no reason for the EPA to create a nonattainment area in a national wilderness area;

Whereas, one of the PM2.5 nonattainment areas designated by the EPA includes both Cache County in Utah and Franklin County in Idaho, creating a single nonattainment area with jurisdiction under agencies of two different states, and the EPA further creates a nonattainment area under the jurisdiction of two different EPA regions, Region 8 and Region 10; and

Whereas, interstate designations should be eliminated and the EPA should either divide the designation into two nonattainment areas or agree that Cache County can be redesignated attainment for PM2.5 on its own, with oversight solely by EPA Region 8, if monitoring data shows that the NAAQS has not been exceeded: Now, therefore be it

Resolved, That the Legislature of the state of Utah, the Governor concurring therein, urge the EPA to adopt the recommendation for PM2.5 designation as proposed by the state of Utah; be it further

Resolved, That a copy of this resolution be sent to the United States Environmental Protection Agency, the members of Utah's congressional delegation, and to the Utah Department of Environmental Quality.

POM-37. A concurrent resolution adopted by the Legislature of the State of Utah expressing strong opposition to any federal legislation that would expand the reach and scope of the Clean Water Act; to the Committee on Environment and Public Works.

HOUSE CONCURRENT RESOLUTION NO. 6

Whereas, over the past 35 years, the federal Clean Water Act, supported by other federal, state, and local laws, has governed the nation's waters and has helped ensure that Americans enjoy the cleanest rivers and lakes in the world;

Whereas, this landmark statute, further explained and clarified by subsequent Supreme Court cases, has struck a proper balance between clean water and state, local, and federal regulatory authority and responsibilities, while at the same time recognizing and protecting state primacy over water jurisdiction;

Whereas, the proposed Clean Water Restoration Act of 2007, H.R. 2421 and S. 1870, and similar legislation, attempts to make extreme changes to the Clean Water Act and threatens to destroy the careful inter-governmental balance that has been the hallmark of the law throughout its long history;

Whereas, the proposed federal legislation would change federal jurisdiction over water by expanding the definition from “navigable” to “waters of the United States” over which federal jurisdiction extends;

Whereas, that language change would allow federal reach to explicitly include “all interstate and intrastate waters and their tributaries . . .”, essentially establishing under federal law that all wet areas within a state, or areas that have been wet at some time, would fall under federal regulatory authority, including groundwater, ditches, pipes, streets, gutters, desert features, and even pools and puddles;

Whereas, this legislation would give the United States Environmental Protection Agency (EPA) and the United States Army Corps of Engineers (Corps) authority over “all interstate and intrastate waters,” including non-navigable waters, thereby granting to Congress authority far beyond the original scope of the Clean Water Act;

Whereas, this legislation patently exceeds Congress’s constitutional powers, as “non-navigable” waters are unlikely to fall under the Commerce Clause, the principle-enumerated power upon which Congress has relied for passage of environmental laws;

Whereas, this legislation would dramatically expand the reach of the federal bureaucracy, would fundamentally erode the ability of state and local governments to manage their own water resources, and would cause an avalanche of new unfunded mandates to envelope state and local governments;

Whereas, this legislation would essentially grant the EPA and the Corps veto authority over local land use policies, and would grant the EPA and the Corps authority to regulate virtually all activities, private or public, that may affect “waters of the United States,” regardless of whether the activity is occurring in, or may impact, water at all;

Whereas, this legislation would eliminate existing regulatory limitations that allow common sense uses, including prior converted cropland and waste treatment systems, since the proposed definition does not include any regulatory limitations;

Whereas, this omission is particularly important because the existing rules acknowledge two important limitations covering prior converted cropland and waste treatment systems designed to meet Clean Water Act requirements;

Whereas, this legislation’s expanded definition would burden state and local governments administratively and financially and would thrust unfunded mandates on state and local governments by imposing significant new administrative responsibilities upon them;

Whereas, this legislation would require changes at the state level by impacting comprehensive land use plans, floodplain regulations, building and special codes, and watershed and storm water plans;

Whereas, local governments will also be impacted because they are responsible for a number of public infrastructure projects, including water supply, solid waste disposal,

road and drainage channel maintenance, storm water detention, mosquito control, and construction projects; and

Whereas, local government efforts to carry out maintenance of government-owned buildings, including hospitals, schools, and municipal offices, could also be adversely impacted; Now, therefore, be it

Resolved, That the Legislature of the state of Utah, the Governor concurring therein, express its strong opposition to any federal legislation that would expand the reach and scope of the Clean Water Act, and express their commitment to the goals and objectives of the original Act to keep our waters clean; be it further

Resolved, That the Legislature and the Governor assert that it is not in the nation’s interest to regulate ditches, culverts and pipes, desert washes, dry arroyos, farmland, and treatment ponds as “waters of the United States” and therefore subjecting these waters to all of the requirements of federal regulation; be it further

Resolved, That the Legislature and the Governor call upon Congress to preserve the traditional power of states over land and water use and avoid unnecessary alterations to the regulatory reach of the Clean Water Act amendments as proposed in the Clean Water Restoration Act of 2007 and similar federal legislation; be it further

Resolved, That the Legislature and the Governor express their opposition to enacting the Clean Water Restoration Act of 2007 as proposed, as being without merit or justification based on 35 years of experience under the original Act as modified by court decisions and practice; be it further

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

POM-38. A joint resolution adopted by the Legislature of the State of Utah supporting the withdrawal of the United States’ World Trade Organization commitments on gambling; to the Committee on Finance.

HOUSE JOINT RESOLUTION No. 1

Whereas, the World Trade Organization (WTO) Dispute Resolution Body found the United States to have made a commitment under the General Agreement on Trade in Services (GATS) in the category of “Other Recreational Services” that covered gambling services;

Whereas, the Appellate Body of the WTO acknowledged the importance of “public morals” concerns in this WTO dispute and the legitimacy of the United States “public morals” defense in this case;

Whereas, states have considerable authority to regulate and prohibit various forms of gambling;

Whereas, a number of states communicated with the Office of the United States Trade Representative (USTR) to express their concern about the WTO decision and its implications for public morals and for state regulation of gambling;

Whereas, the USTR took steps last year to rescind the United States’ commitment in “Other Recreational Services,” consistent with the wishes of states as expressed through letters and direct communications to USTR, as well as the wishes of Congress as exemplified by the Unlawful Internet Gambling Enforcement Act;

Whereas, in withdrawing this commitment, the United States had to offer compensatory adjustments in its overall schedule of GATS commitments, providing market access opportunities to United States’ trading partners in other sectors;

Whereas, the United States has signed Free Trade Agreements with a number of nations

that are home to major on-line gambling operations;

Whereas, the London-based Remote Gambling Association has already filed a complaint with the European Union asking that Europe bring a new WTO claim against the United States on gambling; and

Whereas, the Utah Legislature created the Utah International Trade Commission in 2006 as a legislative commission to address international trade issues; Now, therefore, be it

Resolved, That the Legislature of the state of Utah expresses its gratitude to the USTR for its forthright position in the WTO gambling commitments dispute, and its willingness to withdraw the United States’ commitment under “Other Recreational Services” once it was determined that this commitment covered gambling; be it further

Resolved, That the Legislature of the state of Utah recognizes that this action reflects the increasing responsiveness of the USTR in addressing the legitimate regulatory concerns of states in light of international trade commitments undertaken by the federal government; be it further

Resolved, That the Legislature of the state of Utah expresses its concern that the terms of the agreement whereby the United States withdrew the commitment under “Other Recreational Services” were withheld from members of Congress, the Intergovernmental Policy Advisory Committee (IGPAC), and state oversight commissions on international trade; be it further

Resolved, That the Legislature of the state of Utah expresses its concern that the USTR’s recent actions are an effort to bypass Congress and IGPAC by proposing a solution outside of the constitutional United States Senate treaty ratification process; be it further

Resolved, That the Legislature of the state of Utah expresses its concern that United States’ trading partners may attempt to bring further claims against federal and state gambling laws under trade and investment agreements that lack the “public morals” exception found in the WTO GATS; be it further

Resolved, That a copy of this resolution be sent to the WTO, USTR, Utah Congressional delegation, and members of the U.S. Senate Finance and House Ways and Means Committees.

POM-39. A concurrent resolution adopted by the Legislature of the State of Utah urging Congress to grant the state of Utah waivers to establish an employer-sponsored work program and other strategies to address illegal immigration in the state; to the Committee on Finance.

SENATE CONCURRENT RESOLUTION No. 1

Whereas, illegal immigration is an increasing concern in many states, including the state of Utah;

Whereas, recent attempts by Congress to make major reforms in immigration law have stalled;

Whereas, without definitive direction from the federal government, states are struggling to adequately address the many issues surrounding illegal immigration within their respective borders;

Whereas, there is an increasing need for state and local governments to address problems associated with illegal immigration, most particularly in the area of job employment;

Whereas, federal waivers would greatly increase the state of Utah’s capacity to address current illegal immigration challenges;

Whereas, a federal waiver would be required for Utah to institute an employer-sponsored work program providing a two-year, renewable guest worker authorization for foreign workers;

Whereas, a second waiver is needed to withhold FICA and Medicare revenue and apply it toward the costs of the program;

Whereas, the proposed employer-sponsored work program will allow for Utah to deal with its current undocumented population in a fair manner;

Whereas, the employer-sponsored work program would also address Utah's need for both unskilled and skilled laborers while ensuring that all available local workers are given ample opportunity to meet that need;

Whereas, if granted a waiver, Utah's employer-sponsored work program should require that potential workers register as a worker with the state, be fingerprinted, have their names processed through the Interagency Border Inspection Name Check System, pass a medical exam, be sponsored by their employer, have health and automobile insurance, and have funds withheld by their employer to cover health insurance and the administrative costs of the work program;

Whereas, through the granting of federal waivers allowing the state to provide the employer-sponsored work program, the state of Utah can address many challenges regarding illegal immigration issues its citizens currently face; and

Whereas, the employer-sponsored work program combines opportunity with enforcement in a responsible manner: Now, therefore, be it

Resolved, That the Legislature of the state of Utah, the Governor concurring therein, urge the United States Congress to grant the state of Utah waivers to implement an employer-sponsored work program, and to withhold federal FICA and Medicare revenue and apply it toward the health insurance and other administrative costs of the program; 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, United States Immigration and Customs Enforcement, United States Department of Homeland Security, the President of the United States, the members of Utah's Congressional Delegation, the Utah Labor Commission, and the Utah Department of Workforce Services.

POM-40. A resolution adopted by the Senate of the Legislature of the State of Utah urging the Government of Turkey to grant the Ecumenical Patriarch international recognition and to respect the property rights and human rights of the Ecumenical Patriarchate; to the Committee on Foreign Relations.

SENATE RESOLUTION NO. 1

Whereas, the Ecumenical Patriarchate, located in Istanbul, Turkey, is the Sacred See that presides in a spirit of brotherhood over a communion of self-governing churches of the Orthodox Christian world;

Whereas, the See is led by Ecumenical Patriarch Bartholomew, who is the 269th in direct succession to the Apostle Andrew and holds titular primacy as *primus inter pares*, meaning "first among equals," in the community of Orthodox churches worldwide;

Whereas, in 1994, Ecumenical Patriarch Bartholomew, along with leaders of the Appeal of Conscience Foundation, cosponsored the Conference on Peace and Tolerance, which brought together Christian, Jewish, and Muslim religious leaders for an interfaith dialogue to help end the Balkan conflict and the ethnic conflict in the Caucasus region;

Whereas, in 1997, the United States Congress awarded Ecumenical Patriarch Bartholomew the Congressional Gold Medal;

Whereas, following the terrorist attacks on our nation on September 11, 2001, Ecumeni-

cal Patriarch Bartholomew gathered a group of international religious leaders to produce the first joint statement with Muslim leaders that condemned the attacks as "antireligious";

Whereas, in October 2005, the Ecumenical Patriarch, along with Christian, Jewish, and Muslim leaders, cosponsored the Conference on Peace and Tolerance II to further promote peace and stability in southeastern Europe, the Caucasus region, and Central Asia via religious leaders' interfaith dialogue, understanding, and action;

Whereas, the Orthodox Christian Church, in existence for nearly 2,000 years, numbers approximately 300 million members worldwide with more than 2 million members in the United States;

Whereas, since 1453, the continuing presence of the Ecumenical Patriarchate in Turkey has been a living testament to the religious coexistence of Christians and Muslims;

Whereas, this religious coexistence is in jeopardy because the Ecumenical Patriarchate is considered a minority religion by the Turkish government;

Whereas, the Government of Turkey has limited the candidates available to hold the office of Ecumenical Patriarch to only Turkish nationals;

Whereas, from the millions of Orthodox Christians living in Turkey at the turn of the 20th century and due to the continued policies during this period by the Turkish government, there remain less than 3,000 of the Ecumenical Patriarch's flock left in Turkey today;

Whereas, the Government of Turkey closed the Theological School on the island of Halki in 1971 and has refused to allow it to reopen, thus impeding training for Orthodox Christian clergy;

Whereas, the Turkish government has confiscated nearly 94% of the Ecumenical Patriarchate's properties and has placed a 42% tax, retroactive to 1999, on the Baloukli Hospital and Home for the Aged, a charity hospital run by the Ecumenical Patriarchate;

Whereas, the European Union, a group of nations with a common goal of promoting peace and the well-being of its peoples, began accession negotiations with Turkey on October 3, 2005;

Whereas, the European Union defined membership criteria for accession at Copenhagen European Council in 1993, obligating candidate countries to achieve certain levels of reform, including stability of institutions guaranteeing democracy, adherence to the rule of law, and respect for and protection of minorities and human rights;

Whereas, the Turkish government's current treatment of the Ecumenical Patriarchate is inconsistent with the membership conditions and goals of the European Union;

Whereas, Orthodox Christians in Utah and throughout the United States stand to lose their spiritual leader because of the continued actions of the Turkish government; and

Whereas, the Archons of the Ecumenical Patriarchate of the Order of St. Andrew the Apostle, a group of laymen who each have been honored with a patriarchal title, or "offikion," by the Ecumenical Patriarch for their outstanding service to the Orthodox Church, will send an American delegation to Turkey to meet with Turkish government officials, as well as the United States Ambassador to the Republic of Turkey, regarding the Turkish government's treatment of the Ecumenical Patriarchate: Now, therefore, be it

Resolved, That the Senate of the state of Utah urges the Government of Turkey to uphold and safeguard religious and human rights without compromise and cease its discrimination of the Ecumenical Patriarchate; be it further

Resolved, That the Senate of the state of Utah urges the Government of Turkey to grant the Ecumenical Patriarch appropriate international recognition, ecclesiastic succession, and the right to train clergy of all nationalities, and to respect the property rights and human rights of the Ecumenical Patriarchate; be it further

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

POM-41. A joint resolution adopted by the Legislature of the State of Utah urging the Obama Administration to support the efforts of the Republic of China (Taiwan) to meaningfully participate in the specialized agencies of the United Nations; to the Committee on Foreign Relations.

SENATE JOINT RESOLUTION NO. 5

Whereas, the mission of the United Nations, as stated in the preamble to the United Nations Charter, is to "reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small";

Whereas, similarly, Article 2 of the Universal Declaration of Human Rights states, "Everyone is entitled to all the rights and freedoms . . . without distinction of any kind . . . no distinction shall be made on the basis of political, jurisdictional or international status of the country or territory to which a person belongs . . .";

Whereas, the global issues addressed by the specialized agencies of the United Nations are closely connected to the well-being of all mankind;

Whereas, as Taiwan cannot attend the conferences, mechanisms, and activities of the specialized agencies, the welfare of its people, as well as the interests of all mankind, have been seriously jeopardized;

Whereas, Taiwan has been campaigning for participation in the World Health Organization (WHO) for years, but has been unable to establish direct access to and communication with the WHO regarding disease prevention;

Whereas, Taiwan is restricted from attending WHO technical conferences and activities and as a result Taiwan can neither acquire the latest medical and health updates nor receive timely assistance when epidemics occur, as was the case with the SARS outbreak;

Whereas, as early as May 2006, Taiwan announced its decision to comply voluntarily with the International Health Regulations (IHR 2005) that went into effect June 15, 2007;

Whereas, although Taiwan has repeatedly submitted updates to the WHO about various diseases, the WHO has not responded;

Whereas, this has been detrimental to the health rights of the 23 million people of Taiwan and foreigners residing in and traveling to Taiwan;

Whereas, it also creates a weakness in the global epidemic surveillance network which can harm the international community;

Whereas, being the world's 18th largest economy and the 20th largest outbound investor, Taiwan possesses significant economic strength;

Whereas, Taiwan hopes to share its development experience with many developing nations;

Whereas, Taiwan is also willing to give back to the world through humanitarian assistance and technical cooperation;

Whereas, the issues that the specialized agencies of the United Nations system handle tend to be functional and technical in nature; and

Whereas, allowing Taiwan's participation with these specialized agencies would be helpful for the two sides of the Taiwan Strait to set aside differences and strengthen cooperation on issues of mutual concern, thereby gradually reducing friction and promoting stability and prosperity in the Asia-Pacific region: Now, therefore, be it

Resolved, That the Legislature of the state of Utah urges the Obama Administration to support Taiwan and its 23 million people in obtaining appropriate and meaningful participation in the specialized agencies of the United Nations system, including the World Health Organization; be it further

Resolved, That the Legislature urges that United States policy include the pursuit of an initiative in the specialized agencies of the United Nations system, such as the World Health Organization, which would give Taiwan meaningful participation in a manner that is consistent with the respective organization's requirements; be it further

Resolved, That a copy of this resolution be sent to the President of the United States, the United States Secretary of State, the Secretary of Health and Human Services, the Majority Leader of the United States Senate, the Speaker of the United States House of Representatives, the members of Utah's congressional delegation, the Government of Taiwan, the United Nations, and the World Health Organization.

POM-42. A resolution adopted by the House of Representatives of the State of Utah urging the Government of Turkey to grant the Ecumenical Patriarch international recognition and to respect the property rights and human rights of the Ecumenical Patriarchate; to the Committee on Foreign Relations.

HOUSE RESOLUTION NO. 2

Whereas, the Ecumenical Patriarchate, located in Istanbul, Turkey, is the Sacred See that presides in a spirit of brotherhood over a communion of self-governing churches of the Orthodox Christian world;

Whereas, the See is led by Ecumenical Patriarch Bartholomew, who is the 269th in direct succession to the Apostle Andrew and holds titular primacy as *primus inter pares*, meaning "first among equals," in the community of Orthodox churches worldwide;

Whereas, in 1994, Ecumenical Patriarch Bartholomew, along with leaders of the Appeal of Conscience Foundation, cosponsored the Conference on Peace and Tolerance, which brought together Christian, Jewish, and Muslim religious leaders for an interfaith dialogue to help end the Balkan conflict and the ethnic conflict in the Caucasus region;

Whereas, in 1997, the United States Congress awarded Ecumenical Patriarch Bartholomew the Congressional Gold Medal;

Whereas, following the terrorist attacks on our nation on September 11, 2001, Ecumenical Patriarch Bartholomew gathered a group of international religious leaders to produce the first joint statement with Muslim leaders that condemned the attacks as "antireligious";

Whereas, in October 2005, the Ecumenical Patriarch, along with Christian, Jewish, and Muslim leaders, cosponsored the Conference on Peace and Tolerance II to further promote peace and stability in southeastern Europe, the Caucasus region, and Central Asia via religious leaders' interfaith dialogue, understanding, and action;

Whereas, the Orthodox Christian Church, in existence for nearly 2,000 years, numbers approximately 300 million members worldwide with more than 2 million members in the United States;

Whereas, since 1453, the continuing presence of the Ecumenical Patriarchate in Tur-

key has been a living testament to the religious coexistence of Christians and Muslims;

Whereas, this religious coexistence is in jeopardy because the Ecumenical Patriarchate is considered a minority religion by the Turkish government;

Whereas, the Government of Turkey has limited the candidates available to hold the office of Ecumenical Patriarch to only Turkish nationals;

Whereas, from the millions of Orthodox Christians living in Turkey at the turn of the 20th century and due to the continued policies during this period by the Turkish government, there remain less than 3,000 of the Ecumenical Patriarch's flock left in Turkey today;

Whereas, the Government of Turkey closed the Theological School on the island of Halki in 1971 and has refused to allow it to reopen, thus impeding training for Orthodox Christian clergy;

Whereas, the Turkish government has confiscated nearly 94% of the Ecumenical Patriarchate's properties and has placed a 42% tax, retroactive to 1999, on the Baloukli Hospital and Home for the Aged, a charity run by the Ecumenical Patriarchate;

Whereas, the European Union, a group of nations with a common goal of promoting peace and the well-being of its peoples, began accession negotiations with Turkey on October 3, 2005;

Whereas, the European Union defined membership criteria for accession at the Copenhagen European Council in 1993, obligating candidate countries to achieve certain levels of reform, including stability of institutions guaranteeing democracy, adherence to the rule of law, and respect for and protection of minorities and human rights;

Whereas, the Turkish government's current treatment of the Ecumenical Patriarchate is inconsistent with the membership conditions and goals of the European Union;

Whereas, Orthodox Christians in Utah and throughout the United States stand to lose their spiritual leader because of the continued actions of the Turkish government; and

Whereas, the Archons of the Ecumenical Patriarchate of the Order of St. Andrew the Apostle, a group of laymen who each have been honored with a patriarchal title, or "offikion," by the Ecumenical Patriarch for their outstanding service to the Orthodox Church, will send an American delegation to Turkey to meet with Turkish governmental officials, as well as the United States Ambassador to the Republic of Turkey, regarding the Turkish government's treatment of the Ecumenical Patriarchate: Now, therefore, be it

Resolved, That the House of Representatives of the state of Utah urges the Government of Turkey to uphold and safeguard religious and human rights without compromise and cease its discrimination of the Ecumenical Patriarchate; be it further

Resolved, That the House of Representatives of the state of Utah urges the Government of Turkey to grant the Ecumenical Patriarch appropriate international recognition, ecclesiastical succession, and the right to train clergy of all nationalities, and to respect the property rights and human rights of the Ecumenical Patriarchate; be it further

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

POM-43. A resolution adopted by the Legislature of the State of Utah designating

September 2009 as Hydrocephalus Awareness Month, and urges the federal government to create a national registry for collecting comprehensive statistics and data regarding hydrocephalus; to the Committee on Health, Education, Labor, and Pensions.

SENATE RESOLUTION NO. 3

Whereas, hydrocephalus is a serious neurological condition characterized by the abnormal buildup of cerebrospinal fluids in the ventricles of the brain;

Whereas, there is no known cure for hydrocephalus, which affects an estimated one million Americans;

Whereas, one in every 2,700 infants are born with hydrocephalus;

Whereas, more than 375,000 older Americans have hydrocephalus, which often remains undetected or incorrectly diagnosed as dementia, Alzheimer's disease, or Parkinson's disease;

Whereas, with appropriate diagnosis and treatment, people with hydrocephalus have the opportunity to live full and productive lives;

Whereas, the standard treatment for hydrocephalus was developed in 1952 and unfortunately carries multiple risks including shunt failure, infection, and over drainage;

Whereas, each year American taxpayers spend more than \$1 billion to treat hydrocephalus;

Whereas, the Hydrocephalus Association is one of the nation's oldest and largest patient and research advocacy and support networks for individuals suffering from hydrocephalus; and

Whereas, the federal government should create a registry for collecting data and statistics on the impact of hydrocephalus: Now, therefore, be it

Resolved, That the Senate of the state of Utah designates September 2009 as Hydrocephalus Awareness Month in the state of Utah; be it further

Resolved, That the Senate of the state of Utah urges the federal government to create a national registry for collecting comprehensive statistics and data regarding hydrocephalus and its impact on American families; be it further

Resolved, That a copy of this resolution be sent to the Hydrocephalus Association, the United States Department of Health and Human Services, the Utah Department of Health, and to the members of Utah's congressional delegation.

POM-44. A joint resolution adopted by the Legislature of the State of Utah supporting congressional action related to the Navajo Nation's ability to collect and track child support payments; to the Committee on Indian Affairs.

HOUSE JOINT RESOLUTION NO. 5

Whereas, the Navajo Nation is the largest Native American tribe within the boundaries of the United States and is larger than ten of the 50 states;

Whereas, Navajo children under the age of 18 comprise almost half the total population, and some 61% of Navajo grandparents are responsible for grandchildren under the age of 18;

Whereas, over half the population of the Navajo Nation lives below the poverty level, an over 40% of persons on the Navajo Nation are unemployed;

Whereas, collecting child support for children whose parents are able to pay child support may be critical in the health and education of a good portion of Navajo children;

Whereas, the federal government granted the Navajo Nation and 39 other tribes the ability to collect child support, establish paternity, and enforce child and medical support obligations, but did not grant the Navajo Nation access to information essential for investigation and enforcement;

Whereas, the federal government has suggested that some states charge the Navajo Nation for access to important personal files of potential payers of child support;

Whereas, the Navajo Nation has collected almost \$3,000,000 in past-due child support and received more than 10,000 acknowledgments of paternity for Navajo children; and

Whereas, the Navajo Nation department of child support enforcement has collected a total of \$7,248,237 in child support during fiscal year 2007; Now, therefore, be it

Resolved, That the Legislature of the state of Utah encourage Utah's congressional delegation to take appropriate steps on behalf of the Navajo Nation to increase its effectiveness in child support collection and enforcement; be it further

Resolved, That Utah's congressional delegation is urged to encourage the federal government to include the Navajo Nation in a web access pilot program to obtain information critical to collection of child support for Navajo children; be it further

Resolved, That copies of this resolution be transmitted to:

- (1) the members of Utah's congressional delegation;
- (2) the president of the Navajo Nation;
- (3) the speaker of the house of the Navajo Nation; and
- (4) the secretary of human services for the Navajo Nation.

POM-45. A resolution adopted by the Legislature of the State of Utah opposing the REAL ID Act of 2005 and its implementation of a national identification card; to the Committee on the Judiciary.

HOUSE RESOLUTION NO. 4

Whereas, the state of Utah recognizes the Constitution of the United States as the nation's charter of liberty, and that the Bill of Rights enshrines the fundamental and inalienable rights of Americans, including privacy and freedom from unreasonable searches;

Whereas, each of Utah's duly elected public servants has sworn to defend and uphold the United States Constitution and the Constitution of the state of Utah;

Whereas, the state of Utah denounces and condemns all acts of terrorism by any entity, wherever the acts occur;

Whereas, terrorist attacks against Americans, like those on September 11, 2001, have necessitated the crafting of effective laws to protect citizens of the United States and others from terrorist attacks;

Whereas, any new security measures of federal, state, or local governments should be carefully designed and employed to enhance public safety without infringing on the civil liberties and rights of innocent citizens of Utah and the United States;

Whereas, Title II of the REAL ID Act of 2005 creates a national identification card by requiring that uniform information be placed on every states' driver license, requiring that the information be machine readable in a standard format, and requiring that the card be used for any federal purpose, including air travel;

Whereas, REAL ID will be a costly unfunded mandate that the Department of Homeland Security estimates will, over the next ten years, cost states 3.9 billion dollars and individuals 5.8 billion dollars;

Whereas, regulations made by the Department of Homeland Security do not adequately address fundamental burdens that the statute imposes on states and individuals, or violations of privacy and constitutional rights;

Whereas, REAL ID requires the creation of a massive public sector database containing the driver license information on every

American with a license, accessible to every state motor vehicle employee and every state and federal law enforcement officer;

Whereas, REAL ID enables the creation of an additional massive private sector database of driver license information gained from scanning the machine-readable information contained on every driver license;

Whereas, these public and private databases are certain to contain numerous errors and false information, creating significant hardships for Americans attempting to verify their identity in order to fly, open a bank account, or perform any of the numerous functions required to live in the United States today;

Whereas, the Federal Trade Commission estimates that 10 million Americans are victims of identity theft annually;

Whereas, these identity thieves are increasingly targeting motor vehicle departments;

Whereas, REAL ID will facilitate the crime of identity theft by making the personal information of all Americans, including name, date of birth, gender, driver license or identification card number, digital photograph, address, and signature accessible from tens of thousands of locations;

Whereas, REAL ID requires driver licenses to contain actual home addresses and makes only limited provisions for securing personal information for individuals in potential danger such as undercover police officers and victims of domestic violence, stalking, or criminal harassment;

Whereas, REAL ID contains no exemption for religion, limits religious liberty, and tramples the beliefs of groups like the Amish and certain Evangelical Christians;

Whereas, REAL ID contains onerous record verification and retention provisions that place unreasonable burdens on both Utah's Motor Vehicle Division and on third parties required to verify records;

Whereas, REAL ID will likely place enormous burdens on individuals seeking a new driver license, including longer lines, higher costs, increased document requests, and a waiting period;

Whereas, REAL ID was passed without sufficient deliberation by Congress and never received a hearing by a congressional committee or any vote solely on its merits;

Whereas, REAL ID eliminated a process of negotiated rulemaking initiated under the Intelligence Reform and Terrorism Prevention Act of 2004, which had convened federal, state, and local policymakers, privacy advocates, and industry experts to address the misuse of identity documents;

Whereas, more than 600 organizations opposed the passage of REAL ID, including the Utah Chapter of the American Civil Liberties Union and the Utah Eagle Forum; and

Whereas, REAL ID would provide little security benefit and still leave identifications systems open to insider fraud, counterfeit documentation, and database failures: Now, therefore, be it

Resolved, That the House of Representatives of the state of Utah supports the United States Government's campaign against terrorism and its commitment that the campaign not be waged at the expense of essential civil rights and liberties of the nation's citizens that are protected in the United States Constitution, including the Bill of Rights; be it further

Resolved, That the House of Representatives opposes any portion of the REAL ID Act that violates the rights and liberties guaranteed under the Utah Constitution or the United States Constitution, including the Bill of Rights; be it further

Resolved, That the House of Representatives expresses its opposition to state legislation, including appropriations, that would

further the REAL ID Act in Utah unless the appropriation is used exclusively for the purpose of undertaking a comprehensive analysis of the costs to implement REAL ID, or to mount a constitutional challenge to the Act by the state Attorney General; be it further

Resolved, That the House of Representatives urges Utah's congressional delegation to support measures to repeal Title II of the REAL ID Act of 2005 and restore the negotiated rulemaking process established under Section 7212 of the Intelligence Reform and Terrorism Prevention Act of 2004; be it further

Resolved, That the House of Representatives urges the Secretary of the Department of Homeland Security to not penalize any state or its citizens for failure to comply with the REAL ID Act pending further congressional consideration of whether to repeal the Act and replace it with an act that assists states in strengthening the security of their driver license system without burdening the finances of the states or the rights of the states' drivers; be it further

Resolved, That a copy of this resolution be sent to the President of the United States, the Majority Leader of the United States Senate, the Speaker of the United States House of Representatives, the Secretary of the Department of Homeland Security, Governor Huntsman, and the members of Utah's congressional delegation.

POM-46. A resolution adopted by Legislature of the State of Utah expressing support for the construction of a museum and civil liberties learning center in Delta, Utah, for the purposes of preserving and educating about the Topaz Internment Camp site; to the Committee on the Judiciary.

SENATE JOINT RESOLUTION NO. 2

Whereas, President Franklin D. Roosevelt signed Executive Order 9066 on February 19, 1942, authorizing the evacuation of 120,000 people of Japanese ancestry from their homes in portions of Hawaii, California, Oregon, Washington, and Arizona to ten remote internment camps in Arkansas, Colorado, Arizona, California, Idaho, Wyoming, and Utah;

Whereas, one of those camps, Topaz, located near Delta, Utah, housed over 11,000 men, women, and children from September 11, 1942, until October 31, 1945, and was Utah's fifth largest city;

Whereas, over 25,000 Japanese Americans, many from Topaz, served in the United States military during World War II and suffered tremendous casualties while their families were confined in the internment camps;

Whereas, President Ronald Reagan signed into law the Civil Liberties Act of 1988, and President George H.W. Bush issued a letter of apology and redress payments to the survivors of these internment camps;

Whereas, the Topaz camp site must be preserved and protected as part of the nation's commitment to equal justice for all;

Whereas, the Topaz Museum Board, a non-profit agency, has raised money to purchase 626 of the 640 acres of the site, has sponsored pilgrimages and teachers' workshops, has conducted Topaz Day for fourth graders in Millard County, has restored a recreation hall from the camp, and collected artifacts and oral histories, in an effort to preserve the site and educate people about the internment of American citizens;

Whereas, the Topaz site was declared a "Save America's Treasures" project in 1999;

Whereas, the 2006 United States House of Representatives passed HB 1492, which authorized the Secretary of the Interior to create a program within the National Park Service to further protect and provide funding for the ten internment camp sites and other significant related areas;

Whereas, Congressman Chris Cannon and Congressman Jim Matheson joined 114 others to co-sponsor HB 1492;

Whereas, Senator Daniel Inouye introduced S1719 as a companion bill to HB 1492, along with five co-sponsors, including Senator Bob Bennett and Senator Orrin Hatch; and

Whereas, in 2007 the National Park Service declared the Topaz site to be Utah's thirteenth National Historic Landmark: Now, therefore, be it

Resolved, That the Legislature of the state of Utah expresses support for the Topaz Museum Board's effort to preserve and protect the site of the Topaz Internment Camp, to build a museum and civil liberties learning center in Delta, Utah, and to educate all citizens about Japanese American internment history, especially Topaz, through artifacts, exhibits, and oral histories; be it further

Resolved, That a copy of this resolution be sent to the Topaz Museum Board, former Congressman Chris Cannon, Senator Daniel Inouye, and the members of Utah's Congressional Delegation.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. DODD for the Committee on Banking, Housing, and Urban Affairs.

*Herbert M. Allison, Jr., of Connecticut, to be an Assistant Secretary of the Treasury.

*Mercedes Marquez, of California, to be an Assistant Secretary of Housing and Urban Development.

By Mrs. BOXER for the Committee on Environment and Public Works.

*Peter Silva Silva, of California, to be an Assistant Administrator of the Environmental Protection Agency.

*Victor M. Mendez, of Arizona, to be Administrator of the Federal Highway Administration.

*Stephen Alan Owens, of Arizona, to be Assistant Administrator for Toxic Substances of the Environmental Protection Agency.

By Mr. DODD for the Committee on Health, Education, Labor, and Pensions.

*Howard K. Koh, of Massachusetts, to be an Assistant Secretary of Health and Human Services.

*Laurie I. Mikva, of Illinois, to be a Member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 2010.

*Martha J. Kanter, of California, to be Under Secretary of Education.

*Jane Oates, of New Jersey, to be an Assistant Secretary of Labor.

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

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. JOHANNIS (for himself, Mr. ENZI, Mr. BROWNBACK, Mr. BOND, Mr. CHAMBLISS, Mr. ROBERTS, Mr. RISCH, Mr. BARRASSO, Mr. THUNE, Mr. CORNYN, Mr. GRAHAM, Mr. MCCAIN, Mr. CRAPO, Mr. INHOFE, Mr. ENSIGN, Mr. KYL, Mr. BUNNING, Mr. VITTER,

Mrs. HUTCHISON, Mr. WICKER, Mr. COBURN, Mr. HATCH, Mr. ISAKSON, Mr. MARTINEZ, Mr. GRASSLEY, Mr. BENNETT, and Mr. DEMINT):

S. 1223. A bill to require prior Congressional approval of emergency funding resulting in Government ownership of private entities; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. WARNER (for himself, Ms. MIKULSKI, Mr. CARDIN, and Mr. WEBB):

S. 1224. A bill to reauthorize the Chesapeake Bay Office of the National Oceanic and Atmospheric Administration, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. SANDERS:

S. 1225. A bill to require the Commodity Futures Trading Commission to take certain actions to prevent the manipulation of energy markets, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. CASEY (for himself, Mr. BENNETT, and Mr. SPECTER):

S. 1226. A bill to amend the Richard B. Russell National School Lunch Act to improve paperless enrollment and efficiency for the national school lunch and school breakfast programs, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DeMINT (for himself, Mr. WICKER, Mr. BUNNING, and Mr. VITTER):

S. 1227. A bill to amend the National Labor Relations Act to protect employer rights; to the Committee on Health, Education, Labor, and Pensions.

By Mr. AKAKA (for himself and Mr. PRYOR):

S. 1228. A bill to amend chapter 63 of title 5, United States Code, to modify the rate of accrual of annual leave for administrative law judges, contract appeals board members, and immigration judges; to the Committee on Homeland Security and Governmental Affairs.

By Ms. LANDRIEU (for herself and Ms. SNOWE):

S. 1229. A bill to reauthorize and improve the entrepreneurial development programs of the Small Business Administration, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mr. ISAKSON (for himself, Mr. LIEBERMAN, Mr. DODD, Mr. CHAMBLISS, Mr. ALEXANDER, Mr. RISCH, Mr. ENSIGN, Mr. BUNNING, Ms. MURKOWSKI, and Mr. VITTER):

S. 1230. A bill to amend the Internal Revenue Code of 1986 to provide a Federal income tax credit for certain home purchases; to the Committee on Finance.

By Mr. DODD:

S. 1231. A bill to create or adopt, and implement, rigorous and voluntary American education content standards in mathematics and science covering kindergarten through grade 12, to provide for the assessment of student proficiency benchmarked against such standards, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DORGAN (for himself, Ms. SNOWE, Mr. GRASSLEY, Mr. KENNEDY, Mr. MCCAIN, Ms. STABENOW, Mr. BINGAMAN, Ms. COLLINS, Mr. DURBIN, Mr. NELSON of Florida, Mr. KOHL, Mr. LEVIN, Mr. LEAHY, Mr. SANDERS, Mr. KERRY, Mr. BROWN, Mr. FEINGOLD, Mr. JOHNSON, Mr. INOUE, Mr. TESTER, Mr. CASEY, Mrs. MCCASKILL, Mr. THUNE, Mr. BEGICH, Mrs. SHAHEEN, Ms. KLOBUCHAR, Mr. SPECTER, Mrs. BOXER, and Mr. VITTER):

S. 1232. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the importation of prescription drugs, and for other purposes; read the first time.

By Ms. LANDRIEU (for herself and Ms. SNOWE):

S. 1233. A bill to reauthorize and improve the SBIR and STTR programs and for other purposes; to the Committee on Small Business and Entrepreneurship.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mrs. MURRAY (for herself and Ms. CANTWELL):

S. Res. 181. A resolution designating June 10, 2009, as "National Pipeline Safety Day"; considered and agreed to.

By Mr. KERRY (for himself, Mr. LUGAR, Mrs. SHAHEEN, Mr. CARDIN, Mr. LIEBERMAN, and Mr. DEMINT):

S. Res. 182. A resolution recognizing the democratic accomplishments of the people of Albania and expressing the hope that the parliamentary elections on June 28, 2009, maintain and improve the transparency and fairness of democracy in Albania; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 211

At the request of Mr. COCHRAN, his name was added as a cosponsor of S. 211, a bill to facilitate nationwide availability of 2-1-1 telephone service for information and referral on human services and volunteer services, and for other purposes.

S. 244

At the request of Mrs. MURRAY, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 244, a bill to expand programs of early childhood home visitation that increase school readiness, child abuse and neglect prevention, and early identification of developmental and health delays, including potential mental health concerns, and for other purposes.

S. 292

At the request of Mr. SPECTER, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 292, a bill to repeal the imposition of withholding on certain payments made to vendors by government entities.

S. 423

At the request of Mr. AKAKA, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 423, a bill to amend title 38, United States Code, to authorize advance appropriations for certain medical care accounts of the Department of Veterans Affairs by providing two-fiscal year budget authority, and for other purposes.

S. 486

At the request of Mr. SANDERS, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 486, a bill to achieve access to comprehensive primary health care services for all Americans and to reform the organization of primary care delivery through an expansion of the