

## Why State Sovereignty Matters

Over decades of time, largely due to federal funding, the Constitutional Divisions of power have been eroded, but the attack on Utah sovereignty at the present time is unprecedented. We assert that the liberty of Utahns is inextricably tied to the principle of a limited federal government, as defined by the enumerated powers found in the Constitution. Much of the strategy for transferring significant power to the federal government and away from the states is being done in the federal registry through rule changes.

### LAND

The BLM has proposed the "Conservation and Landscape Health" rule. This rule, if adopted, would limit the use of our multi-use lands including livestock grazing, mineral extraction, energy production, and recreation.

The National Forest Service proposed the rule, "Law Enforcement; Criminal Prohibitions," on 10/03/2023. This rule cedes police power of the forest service lands to the federal forest service rangers. Currently, the police power for forest service lands resides with local sheriffs. The Western Sheriff's Association is against this proposed rule. It removes authority from Utah and gives it to the federal government.

On Tuesday, November 21, 2023, the BLM proposed a rule to streamline the land closure process. If adopted, the rule change would remove the requirement to publish temporary closure and restriction orders in the Federal Register. The rule does not impose time limitations on the closure.

National Asset Companies pose a significant risk to rural economies by creating a mechanism for public and private land to be permanently removed from productive use in the name of climate change. The New York Stock Exchange withdrew its proposal for the creation of NAC's on January 17, 2024.

### ENERGY

The Environmental Protection Agency finalized the "Good Neighbor Rule" on August 4, 2023. This rule created unattainable emission standards for the State of Utah regarding its coal and gas fired power plants. These power plants are expected to comply or close by the year 2025. This rule also expands the industries the EPA regulates.

### EDUCATION

The Federal Department of Education illegally changed the definition of sex regarding Title IX in the federal register on June 22, 2021. The Administrative Procedure Act was not followed as no time was given to the public for comment. The definition of sex was changed to include sexual orientation and gender identity. The Federal Department of Education said they would fully enforce this definition of sex under Title IX.

On July 12, 2022, the Federal Department of Education proposed another rule change, "Nondiscrimination of the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance." This proposed rule would prohibit federal funding to any state education program that was viewed as discriminatory regarding sexual orientation and gender identity.

## TRANSPORTATION

The Biden Administration has mandated that two out of every three vehicles be battery electrics by 2032. This mandate is in conjunction with the EPA rule regarding emission standards published on January 24, 2023. These emission standards are aggressive and unrealistic. They are harmful to the free market and increase the price of transportation.

## CURRENCY

President Biden issued an executive order, Ensuring Responsible Development of Digital Assets, on March 9, 2022. This executive order was the impetus for the push toward a Central Bank Digital Currency. CBDCs create a direct link between citizens and the central government. This is a radical departure from the existing economic American system. While CBDCs do not offer any unique benefit to the American people, it does pose serious risks to financial privacy and freedom.

## BUSINESS/WORKFORCE

The Federal Department of Labor issued its final rule on independent contractor classifications on January 9, 2024. This rule will make it more difficult for entities to classify as independent contractors. This rule results in a more onerous environment for businesses to operate.

## INFLATION/VALUE OF THE DOLLAR

The national debt is 34 trillion dollars and counting. Due to excessive debt and the continual printing of the dollar, inflation has hit Utah hard. Part of the reason that countries continue to buy America's debt is that oil has traditionally been traded in the dollar. 2023 saw a concerning trend with 20% of oil transactions done in non-dollar currency. The push to trade oil in other currencies is increasing. This is very concerning as it will decrease the demand for the dollar. Our Utah representatives must do all they can to shore up the economic situation of Utah and insulate this state from the tenuous financial situation of the federal government and the economic calamity that is sure to come.

Utah Citizens for the Constitution seeks to work with the Utah State Legislature and Governor to further our path to state sovereignty as outlined in the Constitution of the United States. We assert that the current policies of the federal government are detrimental to the liberty of Utah families. We declare that the primary responsibility of our elected representatives is to safeguard the freedom and prosperity of Utahns.

Sincerely,

Dr. Jen Brown, President of Utah Citizens for the Constitution

Utah Citizens for the Constitution – Impact Council Leadership:

Rob Bishop

Greg Hughes

Phil Lyman

Mike Brown

Carolyn Phippen

Tammy Adair

Fred Hayes

Ryan Kohler

Terry North

Kim Hamblin

Rachel Page

Tonya Christensen

Todd Holland	Amy Unck	Nicholeen Peck
Sebastian Luu	Jen Savage	Kirk Pearson
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Chris Marshall	Kelsey Howell	Lori Squires
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Kent Nelson	Carol Pfeiffer	Kathy Orr



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# Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance

A Proposed Rule by the Education Department on 07/12/2022

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## DOCUMENT DETAILS

**Printed version:**

PDF (<https://www.govinfo.gov/content/pkg/FR-2022-07-12/pdf/2022-13734.pdf>)

**Publication Date:**

07/12/2022 (/documents/2022/07/12)

**Agency:**

Department of Education (<https://www.federalregister.gov/agencies/education-department>)

**Dates:**

Comments must be received on or before September 12, 2022.

**Comments Close:**

09/12/2022

**Document Type:**

Proposed Rule

**Document Citation:**

87 FR 41390

**Page:**

41390-41579 (190 pages)

**CFR:**

34 CFR 106

**Agency/Docket Number:**

Docket ID ED-2021-OCR-0166

**RIN:**

1870-AA16 (<https://www.federalregister.gov/regulations/1870-AA16/nondiscrimination-on-the-basis-of-sex-in-education-programs-or-activities-receiving-federal-financia>)

**Document Number:**

## DOCUMENT STATISTICS

**Page views:**

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as of 02/10/2024 at 10:15 am EST

DOCUMENT STATISTICS

## ENHANCED CONTENT

regulations.gov

**Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance**ED-2021-OCR-0166 (<https://www.regulations.gov/docket/ED-2021-OCR-0166>)

ENHANCED CONTENT

## PUBLISHED DOCUMENT

 Start Printed Page 41390**AGENCY:**

Office for Civil Rights, Department of Education.

**ACTION:**

Notice of proposed rulemaking.

**SUMMARY:**

The U.S. Department of Education (Department) proposes to amend the regulations implementing Title IX of the Education Amendments of 1972 (Title IX). The purpose of the proposed regulations is to better align the Title IX regulatory requirements with Title IX's nondiscrimination mandate, and to clarify the scope and application of Title IX and the obligation of all schools, including elementary schools, secondary schools, postsecondary institutions, and other recipients that receive Federal financial assistance from the Department (referred to below as recipients or schools) to provide an educational environment free from discrimination on the basis of sex, including through responding to incidents of sex discrimination. The Department recognizes that schools vary in size, student populations, and administrative structure. The proposed regulations would enable all schools to meet their obligations to comply fully with Title IX while providing them appropriate discretion and flexibility to account for these variations.

**DATES:**

Comments must be received on or before September 12, 2022.

**ADDRESSES:**

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# Enforcement of Title IX of the Education Amendments of 1972 With Respect to Discrimination Based on Sexual Orientation and Gender Identity in Light of *Bostock v. Clayton County*

A Rule by the Education Department on 06/22/2021

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## DOCUMENT DETAILS

**Printed version:**

PDF (<https://www.govinfo.gov/content/pkg/FR-2021-06-22/pdf/2021-13058.pdf>)

**Publication Date:**

06/22/2021 (/documents/2021/06/22)

**Agency:**

Department of Education (<https://www.federalregister.gov/agencies/education-department>)

**Dates:**

This interpretation is effective June 22, 2021.

**Effective Date:**

06/22/2021

**Document Type:**

Rule

**Document Citation:**

86 FR 32637

**Page:**

32637-32640 (4 pages)

**CFR:**

34 CFR chapter undef

**Document Number:**

2021-13058



**Page views:**

7,153

as of 02/09/2024 at 12:15 am EST

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**PUBLISHED DOCUMENT****AGENCY:**

Office for Civil Rights, Department of Education.

**ACTION:**

Interpretation.

**SUMMARY:**

The U.S. Department of Education (Department) issues this interpretation to clarify the Department's enforcement authority over discrimination based on sexual orientation and discrimination based on gender identity under Title IX of the Education Amendments of 1972 in light of the Supreme Court's decision in *Bostock v. Clayton County*. This interpretation will guide the Department in processing complaints and conducting investigations, but it does not itself determine the outcome in any particular case or set of facts.

**DATES:**

This interpretation is effective June 22, 2021.

**FOR FURTHER INFORMATION CONTACT:**

Alejandro Reyes, Director, Program Legal Group, Office for Civil Rights. Telephone: (202) 245-7272.

Email: [Alejandro.Reyes@ed.gov](mailto:Alejandro.Reyes@ed.gov) (<mailto:Alejandro.Reyes@ed.gov>).

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service (FRS), toll-free, at 1-800-877-8339.

**SUPPLEMENTARY INFORMATION:**

*Background:* Title IX of the Education Amendments of 1972, 20 U.S.C. 1681-1688

(<https://www.govinfo.gov/link/uscode/20/1681>), prohibits discrimination on the basis of sex in any education program or activity offered by a recipient of Federal financial assistance. The Department's Office for Civil Rights (OCR) is responsible for the Department's enforcement of Title IX.

OCR has long recognized that Title IX protects all students, including students who are lesbian, gay, bisexual, and transgender, from harassment and other forms of sex discrimination. OCR also has long recognized that Title IX prohibits harassment and other forms of discrimination against all students for not conforming to stereotypical notions of masculinity and femininity. But OCR at times has stated that Title IX's prohibition on sex discrimination does not encompass discrimination based



# UTAH STATE LEGISLATURE

## FEDERALISM COMMISSION

Utah State Senate  
Utah House of Representatives

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June 12, 2023

Tracy Stone-Manning, Director  
U.S. Department of Interior  
Bureau of Land Management  
1849 C St. NW  
Room 5646  
Washington, DC 20240  
Attention 1004-AE92

Director Stone-Manning,

As chairs of the Utah Commission on Federalism, we are writing to express our significant and abundant concerns regarding the Bureau of Land Management (BLM) proposed rule for “Conservation and Landscape Health” (proposed rule). On April 3, 2023, the BLM released a proposed rule that, if adopted, could fundamentally and dramatically alter the future management of BLM lands to the detriment of recreation, livestock grazing, mineral extraction, renewable energy production, and other common uses on BLM lands. We request that the BLM abandon the proposed rule and start the rulemaking process again, working closely with states and counties on a rule that would truly enhance conservation on BLM lands and incorporate the resource management plans of the state and its 29 counties.

First, the proposed rule would seem to misinterpret the definition of conservation, in favor of a hands-off policy regarding public lands by defining “conservation” as a “use” within FLPMA’s multiple use framework and could push BLM lands into a protection-oriented management regime that appears to be more like the National Park Service than an agency that is statutorily obligated to manage public lands for multiple use and sustained yield. This is a serious concern for Utah. We anticipate that the proposed rule would have a significant impact on the environment. For example, the proposed rule could have a negative impact on the use of vegetative treatment, which is currently used to effectively improve rangelands for both wildlife and livestock while reducing and mitigating the risk of wildfire. The proposed rule could seriously inhibit the BLM’s ability to conduct vegetative treatments on BLM managed lands, based on the proposed rule’s focus on protecting “intact landscapes”. Such a significant change would have a major impact on native plant species, watersheds, air quality, and the health and safety of the citizens of Utah.

Second, we are concerned that no environmental impact statement (EIS) analysis has been conducted to study the possible negative impacts that this proposed rule could have on the environment, the local economy, and the health and safety of Utah’s citizens. Instead, the BLM



has applied a categorical exclusion from an EIS analysis on the grounds that the broad application of the proposed rule would make such an analysis impractical. We respectfully disagree and believe that the BLM's rationale for using a categorical exclusion does not justify the lack of an EIS analysis, given the potentially significant impact this proposed rule would have on the state and local communities.

Third, no public hearings have been held in Utah, nor are we aware of any scheduled to be held in Utah, to consider concerns of the counties or citizens that would be most impacted by the proposed rule. This is unacceptable. Of the 22.8 million acres of land that the BLM manages in Utah (approximately 42% of the land in Utah), 10.1 million acres are already under a restrictive form of protection – national monuments, wilderness areas, wilderness study areas, area of critical environmental concern, etc. This does not include other protected public lands, including National Parks, forest service wilderness areas, and forest service roadless areas. Regarding the remaining 12.7 million acres that is managed by the BLM and is categorized as open to multiple uses, there is still a high level of protection to limit surface disturbing activities and many barriers to development. We respectfully request that the BLM explain why no public hearings have been held in Utah, effectively cutting off those communities and people who would be seriously impacted. We expect that the BLM would respect the input and concerns of the communities that would be most impacted by any such rule change, especially in a state whose public lands are so widely managed and controlled by the BLM.

For these reasons, we request that the proposed rule be abandoned and that the BLM begin a new rulemaking process and work collaboratively with our state and the impacted counties in the interest of protecting the continued multiple-use and sustained yield management of BLM lands, consistent with our 29 counties and state resource management plans. We further request that such a significant rule change not be exempted from the EIS analysis under the National Environmental Policy Act and that public meetings on the proposed rule and its possible impact be held in the counties that are likely to be impacted by the proposed rule change. We believe that the proposed rule represents an egregious violation of the principles of federalism and state sovereignty and that the impacts of the proposed rule violate the authority granted to the BLM by Congress regarding the management of public lands.

Sincerely,

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Senator Ronald M. Winterton  
Chair, Federalism Commission

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Representative Keven J. Stratton  
Chair, Federalism Commission





January 22, 2024

President Joseph R. Biden, Jr.  
The White House  
1600 Pennsylvania Avenue, NW  
Washington, D.C. 20500

Dear Mr. President,

We are writing today on behalf of the American consumer to urge you to change course on your current mandate that two out of every three vehicles be battery electrics by 2032.<sup>1</sup> Instead of using government mandates to drive the vehicle market, allow American consumers to maintain choice in the types of vehicles they choose to drive.

While we are not opposed to the electric vehicle marketplace, we do have concerns with federal government mandates that penalize retailers and do not reflect the will of the consumer. Even with deep price cuts, manufacturers' incentives, and generous government funding, federal mandates on electric vehicles are unrealistic. The American customer should be able to decide what technology makes most sense for them, not the federal government.

Mandates aside, we must also ensure we have the necessary infrastructure to support battery electric vehicles, including grid capacity and reliability, charging stations, and domestic electric vehicle battery production. China currently accounts for 70% of global electric vehicle battery production capacity.<sup>2</sup> Bolstering the domestic critical minerals industry is an essential step to realizing any long-term, responsible electric vehicle battery production. Given China's current action atop the global electric vehicle production, mandating electric vehicle use too quickly can also present a national security risk. Additionally, just this summer, we saw the challenges associated with electric vehicles when your own Secretary of Energy, Secretary Granholm, and her staff got caught in an altercation at a charging station while attempting to reserve one of the limited charging spots for the Secretary's electric vehicle.

There are a number of reasons why consumers are leaving these cars on dealership lots—the cost, the infrastructure required, and the battery content requirements are untenable for today's car buyers. Even if consumers determine over time that battery electric vehicles are appealing,

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<sup>1</sup> The United States Government. (2023, December 15). *Fact sheet: Biden-Harris Administration takes action to accelerate America's Clean Transportation Future*. The White House.

<sup>2</sup> "U.S. Consumer Affairs Service Center: Motor Vehicle Electric Vehicle Batteries (R47227; Aug. 29, 2022), by Brandon S. Tracy.





January 22, 2024

Page 2 of 2

the reality is that the lack of a strong, domestic marketplace makes electric vehicles prohibitively expensive for the American consumer. While battery electric vehicles are a promising technology, we believe it will take time to develop the marketplace, to address consumer access and concerns, and to build out the necessary infrastructure.

Ultimately, we must continue to maintain consumer choice. Your mandates are unrealistic, costly, and prescriptive solutions that harm American consumers. Therefore, we request you remove your mandate that two out of every three vehicles be electric and instead provide a more realistic approach by allowing the free market to determine the direction and timing for the industry's growth rather than the federal government. Let American consumers decide for themselves.

Sincerely,



Governor Sarah Sanders  
State of Arkansas



Governor Brad Little  
State of Idaho



Governor Kim Reynolds  
State of Iowa



Governor Jeff Landry  
State of Louisiana



Governor Tate Reeves  
State of Mississippi



Governor Mike Parson  
State of Missouri



Governor Greg Gianforte  
State of Montana



Governor Jim Pillen  
State of Nebraska



Governor Joe Lombardo  
State of Nevada



Governor Chris Sununu  
State of New Hampshire



Governor Doug Burgum  
State of North Dakota



Governor Kevin Stitt  
State of Oklahoma



Governor Kristi Noem  
State of South Dakota



Governor Greg Abbott  
State of Texas



Governor Spencer Cox  
State of Utah



Governor Glenn Youngkin  
Commonwealth of Virginia



Governor Mark Gordon  
State of Wyoming



## DOL Releases New Independent Contractor Rule

Article By:

Allan S Bloom

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The U.S. Department of Labor issued its long-awaited new rule on independent contractor classification on January 9, 2024. It will be published in the Federal Register on January 10, and take effect on March 10, 2024.

With only a few substantive clarifications (discussed below), the [Final Rule](#) is identical in all material respects to the proposed rule the DOL published in October 2022, discussed at length in [our earlier post](#).

The new rule—which contains the DOL’s “general interpretations for determining whether workers are employees or independent contractors under the FLSA” and will be codified in 29 C.F.R. Part 795—largely mirrors the agency’s position prior to the issuance of a more streamlined rule by the DOL in the waning days of the Trump administration in January 2021. The Trump-era rule reduced the number of primary factors the DOL would consider when determining whether a worker is an independent contractor or an employee to two “core factors”—the nature and degree of control over the work and the worker’s opportunity for profit or loss based on initiative and/or investment.

The new rule returns the inquiry to its historical roots, both at the DOL and in many courts, considering six overarching factors in a “totality of the circumstances” analysis to determine whether, as a matter of economic reality, the workers are either dependent on the potential employer for work or in business for themselves. Those factors are:

- ***Opportunity for profit or loss depending on managerial skill.*** This factor considers whether the worker has opportunities for profit or loss based on managerial skill (including initiative or business acumen or judgment) that affect the worker’s economic success or failure in performing the work.
- ***Investments by the worker and the potential employer.*** This factor considers whether any investments by a worker are “capital or entrepreneurial” in nature. As in the proposed rule, the Final Rule is not very clear on what types of investments the DOL has in mind here, citing only those that “generally support an independent business and serve a business-like function, such as increasing the worker’s ability to do different types of or more work, reducing costs, or extending market reach.” By contrast, “[c]osts to a worker of tools and equipment to perform a specific job, costs of workers’ labor, and costs that the potential



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employer imposes unilaterally on the worker ... are not evidence of capital or entrepreneurial investment and indicate employee status.”

- **Degree of permanence of the work relationship.** This factor weighs in favor of the worker being an employee when the work relationship is “indefinite in duration, continuous, or exclusive of work for other employers.” Where a lack of permanence is due to operational characteristics that are unique or intrinsic to particular businesses or industries and the workers they employ, this factor is “not necessarily” indicative of independent contractor status unless the worker is exercising their own independent business initiative.
- **Nature and degree of control.** This factor considers both active and reserved control (e.g., the right to control) by the entity receiving the services over “the performance of the work and the economic aspects of the working relationship.” Relevant facts include whether the engaging entity:
  - sets the worker’s schedule;
  - supervises the performance of the work, or reserves the right to supervise or discipline the worker;
  - explicitly limits the worker’s ability to work for others, or places demands on the workers’ time that do not allow them to work for others or work when they choose;
  - uses “technological means of supervision (such as by means of a device or electronically);” and
  - controls the prices or rates for services and the marketing of the services or products provided by the worker.

In a bit of a retreat from the proposed rule, the Final Rule notes that “[a]ctions taken by the potential employer for the sole purpose of complying with a specific, applicable Federal, State, Tribal, or local law or regulation are **not** indicative of control.” By contrast, “[a]ctions taken by the potential employer that go beyond compliance with a specific, applicable ... law or regulation and instead serve the potential employer’s own compliance methods, safety, quality control, or contractual or customer service standards may be indicative of control.”

- **Extent to which the work performed is an integral part of the employer’s business.** This factor does not depend on whether any individual worker in particular is an integral part of the business, but rather whether the *function* the worker performs is an integral part—g., whether it is “critical, necessary, or central to the potential employer’s principal business.”
- **Skill and initiative.** This factor considers “whether the worker uses specialized skills to perform the work and whether those skills contribute to business-like initiative.” It supports employee status where the worker does not use specialized skills in performing the work or “where the worker is dependent on training from the employer to perform the work.” In a clarification from the proposed rule, the Final Rule notes that “[w]here the worker brings specialized skills to the work relationship, this fact is not itself indicative of independent contractor status because both employees and independent contractors may be skilled workers.” Rather, “[i]t is the worker’s use of those specialized skills in connection with business-like initiative that indicates that the worker is an independent contractor.

The DOL notes that “[a]dditional factors may be relevant in determining whether the worker is an employee or independent contractor ... if the factors in some way indicate whether the worker is in business for themselves, as opposed to being economically dependent on the employer for work.”

### ***Implications for Businesses***

As the DOL concedes, the courts are the ultimate arbiters of whether a particular individual or group

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of individuals are employees or independent contractors. If the courts grant the rule the same measure of deference as they do with other “interpretive” rules, the weight they will afford the rule should depend on “the thoroughness evident in its consideration, the validity of its reasoning, its consistency with earlier and later pronouncements, and all those factors which give it power to persuade”—as explained by the Supreme Court in *Skidmore v. Swift Co.* We expect legal challenges to the new rule, both in principle (e.g., that the DOL hasn’t adequately explained its departure from its prior policy, shown that its new policy is consistent with the FLSA, or otherwise demonstrated good reasons for the new rule, as required under the Administrative Procedure Act) and in the context of particular fact patterns.

***State Laws Are Still (and Always) in Play.*** Businesses that remain confident in their independent contractor classifications under the new federal rule must still contend with the laws in certain states that apply a more stringent or otherwise different test for worker classification, including (among others) California, Massachusetts, and New Jersey. If a worker is deemed an employee for wage and hour purposes under those state laws—which may have statutes of limitations and remedies that equal or exceed those available under the FLSA—then federal law will not limit the potential exposure.

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National Law Review, Volumess XIV, Number 9

Source URL: <https://www.natlawreview.com/article/dol-releases-new-independent-contractor-rule>





**MARLO M. OAKS**  
STATE TREASURER OF UTAH



🏠 > NATURAL ASSET COMPANIES

# Natural Asset Companies

**BREAKING : THE NEW YORK STOCK EXCHANGE (NYSE) HAS WITHDRAWN ITS PROPOSAL UNDER CONSIDERATION BY THE SECURITIES AND EXCHANGE COMMISSION (SEC) THAT WOULD HAVE ALLOWED FOR THE CREATION AND LISTING OF A NEW TYPE OF COMPANY CALLED NATURAL ASSET COMPANIES (NACS) FOR PUBLIC INVESTMENT.**

The Notice of Withdrawal can be accessed here: <https://www.sec.gov/files/rules/sro/nyse/2024/34-99355.pdf>.

## Natural Asset Companies

Treasurer Oaks opposed a New York Stock Exchange (NYSE) proposal that was under consideration by the Securities and Exchange Commission (SEC) that would allow for the creation and listing of a new type of company called a Natural Asset Company (NAC) for public investment. The proposal posed a significant risk to rural economies by creating a mechanism for public and private land to be permanently removed from productive use in the name of solving climate change.

“The proposed creation of Natural Asset Companies is one of the greatest threats to rural communities in the history of our country,” Treasurer Oaks said. “Under the proposal, private interests, including foreign-controlled sovereign wealth funds, could use their capital to purchase or manage farmland, national and state parks, and other mineral-rich areas and stop essential economic activities like farming, grazing, and energy extraction. Recreating on Utah’s incredible natural lands could also face significant curtailment.”

Unlike other types of companies, the purpose of a NAC is to maximize the value of the land's "ecological services," rather than generate a profit from traditional activities. "Unsustainable extractive activities" including energy extraction and the use of farm machinery and synthetic fertilizers, would be prohibited on NAC-managed land.

In western states, where the federal government owns more than half of the land and is pushing for more conservation easements, the effect could be devastating. Natural Asset Companies could enroll the easements without the landowners' consent.

Treasurer Oaks said, "I am pleased by the NYSE's decision to withdraw this dangerous proposal. I appreciate the efforts of so many to provide input to the SEC, NYSE, and their elected representatives. This news illustrates the impact of public engagement on important issues. It is my hope this news signals an end to this horrible idea and that it does not resurface in other venues."

## Learn More

- Congressman Curtis introduces bill to prevent Wall Street from controlling Utah's land: <https://treasurer.utah.gov/featured-news/curtis-introduces-bill-to-prevent-wall-street-from-controlling-utahs-land/>
- The Notice of NYSE Withdrawal of Proposal: <https://www.sec.gov/files/rules/sro/nyse/2024/34-99355.pdf>.
- Financial Officer Comment Letter: <https://treasurer.utah.gov/wp-content/uploads/NAC-Financial-Officer-Comment-Letter-January-2024.pdf>
- December 21 Posting in Federal Register: <https://www.govinfo.gov/content/pkg/FR-2023-12-28/html/2023-28611.htm>
- American Stewards of Liberty Natural Asset Company Information: <https://americanstewards.us/natural-asset-companies/>
- Utah Department of Natural Resources Public Lands Policy Coordinating Office Comment Letter to SEC: <https://www.sec.gov/comments/sr-nyse-2023-09/srnyse202309-281221-687202.pdf>
- State Financial Officers Foundation Letter from 23 State Financial Officers to SEC Chairman Gary Gensler Requesting an Extension to the Natural Asset Companies Public Comment: [https://treasurer.utah.gov/wp-content/uploads/SEC\\_NAC\\_Extension\\_Request\\_Letter.pdf](https://treasurer.utah.gov/wp-content/uploads/SEC_NAC_Extension_Request_Letter.pdf)
- Wall Street Journal Op-Ed by Treasurer Marlo Oaks: <https://www.wsj.com/articles/biden-administration-invents-companies-that-cant-make-money-ad71f8f3>
- Federal Newswire Article by Treasurer Marlo Oaks: <https://thefederalnewswire.com/stories/652885320-the-sec-rule-on-natural-asset-companies-will-cripple-land-use-in-america>



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## Law Enforcement; Criminal Prohibitions

A Proposed Rule by the Forest Service on 10/03/2023

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### DOCUMENT DETAILS

**Printed version:**

PDF (<https://www.govinfo.gov/content/pkg/FR-2023-10-03/pdf/2023-21563.pdf>)

**Publication Date:**

10/03/2023 (/documents/2023/10/03)

**Agencies:**

Department of Agriculture (<https://www.federalregister.gov/agencies/agriculture-department>)

Forest Service (<https://www.federalregister.gov/agencies/forest-service>)

**Dates:**

Comments on the proposed rule must be received in writing by December 4, 2023.

**Comments Close:**

12/04/2023

**Document Type:**

Proposed Rule

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36 CFR 261

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0596-AD57 (<https://www.federalregister.gov/regulations/0596-AD57/criminal-prohibitions-in-36-cfr-part-261-subparts-a-and-b>)

**Document Number:**

2023-21563



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**DOCUMENT STATISTICS****Page views:**

775

as of 02/12/2024 at 6:15 pm EST

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**DOCUMENT STATISTICS**

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**ENHANCED CONTENT**The logo for regulations.gov, featuring the text "regulations.gov" in a lowercase, sans-serif font with a stylized wave-like underline under "gov".**Law Enforcement; Criminal Prohibitions**FS-2023-0012 (<https://www.regulations.gov/docket/FS-2023-0012>)

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**ENHANCED CONTENT**

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**PUBLISHED DOCUMENT****AGENCY:**

Forest Service, Agriculture.

**ACTION:**

Proposed rule; request for public comment.

**SUMMARY:**

The Forest Service (Forest Service or Agency), United States Department of Agriculture, is proposing to revise the Forest Service's criminal prohibitions to enhance consistency of the Forest Service's law enforcement practices with those of State and other Federal land management agencies. The Forest Service is proposing to streamline enforcement of criminal prohibitions in related to fire and use of vehicles on National Forest System roads and trails by eliminating the requirement to issue an order for enforcement.

**DATES:**

Comments on the proposed rule must be received in writing by December 4, 2023.

**ADDRESSES:**

Comments, identified by RIN 0596-AD57, may be submitted via one of the following methods:

1. *Federal eRulemaking Portal:* <https://www.regulations.gov> (<https://www.regulations.gov>). Follow the instructions for sending comments.
2. *Mail:* Director, Law Enforcement and Investigations Staff, Mail Stop 1140, 1400 Independence Avenue SW, Washington, DC 20250-1140.
3. *Hand Delivery/Courier:* Director, Law Enforcement and Investigations Staff, Room 1SC, 201 14th Street SW, Washington, DC.

# Fifth of Global Oil Trade Used Non-Dollar Currencies in 2023

oilprice.com

A fifth of global oil trade this year was settled in currencies different from the U.S. dollar as countries such as Russia and China move away from the petrodollar.

This is according to JP Morgan's head of global commodities strategy, Natasha Kaneva, who spoke to the Wall Street Journal and said sanctions have been a major motivator for Russia and Iran to start doing their oil business in non-dollar currencies.

"The U.S. dollar is getting some competition in commodities markets," Kaneva said, just a day after news broke that Russia and Iran have agreed to completely stop using the U.S. dollar in bilateral trade.

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Plunging Oil and Gas Sales Drag Russia's Exports to Europe Down by 68%

Plunging Oil and Gas Sales Drag Russia's Exports to Europe Down by 68%

Indeed, some analysts have argued that the barrage of sanctions that the U.S. leveled on Russia is causing other countries to consider ditching the dollar as a way of insulating themselves from the effect of potential sanctions.

"This is something other countries are increasingly concerned about," William Jackson, chief emerging-markets economist at Capital Economics, told the WSJ.

"Some are seeking to reduce their risk of possible sanctions on the use of dollars in trade. China is trying to act as a geopolitical counterweight."

Yet sanctioned oil producers are not the only ones eager to ditch the dollar. China has also been active in replacing dollars in international trade with its own currency, which it seeks to make more global.

Earlier this month Nikkei Asia reported that the Chinese yuan had become the fourth most popular currency in international settlements in November, overtaking the Japanese yen. The report explained the development with the more active trade between Russia and China.



A month earlier, in October, China also completed the first cross-border payment for oil in digital yuan. Before that, state-owned oil companies made several oil and gas purchases paying for them in the Chinese currency rather than dollars.

Per JP Morgan data, there were 12 major commodity contracts that were settled in currencies different from the greenback this year, the WSJ reported, adding that this compared with seven such deals in 2022 and two in the period between 2015 and 2021.

Among the 2023 deals were one between the UAE and India for crude oil deliveries to be paid for in rupees, and another—a currency swap line—between Saudi Arabia and China worth \$7 billion.

By Irina Slav for Oilprice.com

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- **Two Elections that Will Impact Energy and Geopolitics in 2024**

Home (/) > BLM Seeking Comment on Rule to Streamline Land Closure Process

January 2024 Edition | Volume 78, Issue 1 (/outdoor-news-bulletin/January-2024)

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## BLM Seeking Comment on Rule to Streamline Land Closure Process

The Bureau of Land Management (BLM) is seeking comment on a proposed rule (<https://public-inspection.federalregister.gov/2023-25698.pdf>) that would change the process for decisions to restrict access to lands that it manages during emergencies or unforeseen events. According to the Federal Register notice, the BLM "proposes to modernize and streamline how the agency notifies the public of temporary closure and restriction orders; clarify that the BLM may issue temporary closure or restriction orders to implement management responsibilities, avoid conflicts among public land users, and ensure the privacy of Tribal activities for traditional or cultural use; require that all orders specify the date and time that a temporary closure or restriction becomes effective and terminates; and make the penalties for violating temporary closure and restriction orders consistent with current statutory authority."

Currently, emergency or temporary closures require a notice to be published in the Federal Register and to be signed by an authorized officer. The proposed rule would allow the agency to inform the public through local media outlets and a BLM-controlled publicly available communication system including social media. The rule doesn't impose time limitations on a closure, noting that "a temporary closure or restriction order would generally remain in effect until the situation it is addressing has ended or abated, it expires by its own terms, or the BLM issues a superseding decision which can include incorporating the terms of a closure or restriction order into a resource management plan." In addition, the rule doesn't affect the public's ability to comment on the temporary closure or restriction, however the order would go into effect immediately upon signature and would remain in effect pending a decision on an administrative appeal.

The proposed rule would allow exemptions for Tribal members for traditional uses of public lands, as appropriate. It would also specify that any closure or restriction on BLM public lands in Alaska must follow the procedures and limits on subsistence use established in the Alaska National Interest Lands Conservation Act. Requirements from the John D. Dingell, Jr. Conservation, Management, and Recreation Act for public feedback on closures to hunting, fishing, or recreational shooting would be unaffected.



**Jen Brown Rob Bishop Greg Hughes Brooke Johnson Carolyn Phippen Doug Brunnette Debra Poulsen Seth Poulsen  
Kathy Orr Carol Pfeiffer Tammy Adair Lonnie Crockett Mike Brown Phil Lyman Kent Nelsen Diane Anderson**



Utah Citizens for the Constitution is extremely concerned by the Unconstitutional overreach of the Environmental Protection Agency's new proposed "good neighbor rule" that is expected to be finalized spring of 2023.

The new EPA regulations will be unattainable for several important power plants in the state of Utah. These regulations are expected to take effect in 2023. Energy regulation is not an enumerated power in the Constitution of the United States and falls under the jurisdiction of the State of Utah. We call upon our elected officials to do all within their power to guard the Constitutional line and protect the interests of the citizens of the State of Utah. Electricity is essential for the health, safety, and welfare of Utah residents. This kind of egregious overreach of the federal government is sobering and directly weakens the Constitutional framework of our government and compromises Utah sovereignty.

The proposed rule will significantly expand its current approach to regulating the interstate transport of ozone. A little background on this proposal involves ozone measurements taken in Denver that were above the EPA standard. The EPA decided that ten power plants in Wyoming and Utah were primarily to blame. These specific power plants are being targeted in this proposed rule. They provide most of the power to Utah and the western United States. The proposed rule's new reduced nitrogen oxide emission budgets would take effect in 2023.

The proposed "good neighbor rule" will include a "dynamic" ozone budget. This means that the EPA can decide on the numbers at any point in the year instead of setting defined reduction nitrogen oxide targets. This is like playing a game and your opponent sets the rules as you go along. The suggested rule also sets a backstop emission limit. This means that in addition to the previous percentage of emissions reduction, there will also be a defined limit on emissions that cannot be exceeded. A power plant may pass the first percentage reduction but fail the backstop emission limit. The potential rule would also limit the amount of earned credits or allowances by meeting expectations that can be carried forward.

The EPA states that the nitrogen oxide emissions mandate can be achieved by using catalytic converters. The problem with this suggestion is that putting a catalytic converter on all ten of these power plants is unrealistic both due to cost and availability. The EPA knows this will not be feasible.

The proposed rule also expands the industries that the EPA will regulate. The ability to interfere and potentially reduce output from the following industries is significant.

- \*Pipeline transportation of natural gas.
- \*Cement and cement product manufacturing.
- \*Iron and steel mills.
- \*Glass and glass product manufacturing.
- \*Basic chemical manufacturing.
- \*Petroleum and coal products manufacturing.
- \*Pulp, paper, and paperboard mills.

An industry expert was consulted to compose this handout.

**UPDATE: This rule went into effect on August 4<sup>th</sup> 2023**



# TESTIMONY

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## Digital Dollar Dilemma: The Implications of a Central Bank Digital Currency and Private Sector Alternatives

While central bank digital currencies (CBDCs) does not offer any unique benefit to the American people, it does pose serious risks to financial privacy, freedom, markets, and cybersecurity.

SEPTEMBER 14, 2023 • TESTIMONY

By **Norbert Michel**

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**United States House of Representatives Committee on Financial Services  
Subcommittee on Digital Assets, Financial Technology, and Inclusion**

### **I**ntroduction

Chairman McHenry, Ranking Members Waters, Subcommittee Chairman Hill and ranking Member Lynch, and Members of the Committee, thank you for the opportunity to testify at today's hearing. My name is Norbert Michel, and I am Vice President and Director for the Center for Monetary and Financial Alternatives at the Cato Institute. The views I express in this testimony are my own and should not be construed as representing any official position of the Cato Institute.

Central banks around the world are actively exploring and have already started launching central bank digital currencies (CBDCs)<sup>1</sup>, often pointing to a list of purported benefits for citizens. For instance, U.S. Treasury Under Secretary for Domestic Finance, Nellie Liang, recently claimed that "...CBDCs present opportunities to build a





## Regulations for Emissions from Vehicles and Engines

CONTACT US <<https://epa.gov/regulations-emissions-vehicles-and-engines/forms/contact-us-about-regulations-emissions-vehicles>>

# Final Rule and Related Materials for Control of Air Pollution from New Motor Vehicles: Heavy-Duty Engine and Vehicle Standards

### Basic Information

#### Legal Authorities

- 42 U.S.C. §7401 - 7671q

#### Federal Register Citations

- 40 CFR Parts 2, 59, 60, 80, 86, 87, 600, 1030, 1031, 1033, 1036, 1037, 1039, 1042, 1043, 1045, 1048, 1051, 1054, 1060, 1065, 1066, 1068, and 1090

#### Docket Numbers

- EPA-HQ-OAR-2019-0055  <<https://www.regulations.gov/docket/epa-hq-oar-2019-0055>>

#### On this page:



- Rule Summary
- Rule History
- Additional Resources

# Rule Summary

## Related Information

- **Regulations for Greenhouse Gas Emissions from Commercial Trucks & Buses**  
<<https://epa.gov/regulations-emissions-vehicles-and-engines/regulations-greenhouse-gas-emissions-commercial-trucks>>
- **Regulations for Smog, Soot, and Other Air Pollution from Commercial Trucks & Buses**  
<<https://epa.gov/regulations-emissions-vehicles-and-engines/regulations-smog-soot-and-other-air-pollution-commercial>>

On December 20, 2022, EPA adopted a final rule, “Control of Air Pollution from New Motor Vehicles: Heavy-Duty Engine and Vehicle Standards,” that sets stronger emissions standards to further reduce air pollution, including pollutants that create ozone and particulate matter, from heavy-duty vehicles and engines starting in model year 2027. The final program includes new, more stringent emissions standards that cover a wider range of heavy-duty engine operating conditions compared to today's standards, and it requires these more stringent emissions standards to be met for a longer period of time of when these engines operate on the road. This final rule is consistent with President Biden’s Executive Order, “Strengthening American Leadership in Clean Cars and Trucks” and is the first step in the Clean Trucks Plan. The final rule also includes amendments regarding the confidentiality of certain information submitted to EPA for engines, vehicles, and equipment subject to emission standards and other requirements under the Clean Air Act. In addition, the final rule includes other limited amendments to the regulations that implement our air pollutant emission standards for other sectors (e.g., light-duty vehicles, marine diesel engines, locomotives, various types of nonroad engines, vehicles, and equipment).

- **Final Rule (pdf)**  <<https://www.govinfo.gov/content/pkg/fr-2023-01-24/pdf/2022-27957.pdf>> (19.0 MB, Federal Register published version, January 24, 2023)
- **Final Rule (pdf)**  <<https://www.epa.gov/system/files/documents/2023-01/new-motor-veh-air-poll-control-hd-eng-veh-stdn-fm-2022-12-20.pdf>> (8.4 MB, signature version, December 20, 2022)

## Rule History

- **Proposed Rule and Related Materials for Control of Air Pollution from New Motor Vehicles: Heavy-Duty Engine and Vehicle Standards** <<https://epa.gov/regulations-emissions-vehicles-and-engines/proposed-rule-and-related-materials-control-air-1>>



