

acquired lands taken into trust after the enactment of IGRA in 1988. The “two-part determination” process allows for federal and state approval, and for input from nearby tribes and local communities.

Circumventing this process can have negative and severe impacts on local citizens and deprive local and tribal governments of their ability to represent their communities on an incredibly important and contentious issue.

If this bill is not approved, the Lytton tribe could take the former card club that serves as their reservation and turn it into a large gaming complex operating outside the regulations set up by the Indian Gaming Regulatory Act. In fact, this is exactly what was proposed in the summer of 2004.

I am pleased that the tribe has abandoned a plan seeking a sizable Class III casino, but without this legislation the tribe could reverse these plans at any time. Allowing this to happen would set a dangerous precedent in California and any state where tribal gaming is permitted.

Instead, Congress should reaffirm its intent that all new gaming facilities should be subject to IGRA without preference or prejudice.

Ms. MURKOWSKI (for herself, Mr. BEGICH, and Mr. INOUE):

S. 342. A bill to provide for the treatment of service as a member of the Alaska Territorial Guard during World War II as active service for purposes of retired pay for members of the Armed Forces; to the Committee on Armed Services.

Ms. MURKOWSKI. Last Thursday evening I came to the floor to speak to a decision by the United States Army, I understand at the urging of the Department of Defense, to reverse its position on whether service in the Alaska Territorial Guard during World War II is creditable toward military retirement. I have asked repeatedly for a copy of the legal opinion supporting this decision. I am still waiting.

One of the most troubling aspects of the decision was that it was to come into effect on February 1, 2009, in the dead of Alaska winter, and without any advance warning to those affected. The decision reduces the retirement pay received by 25 or 26 former members of the Territorial Guard by as much as \$557 a month for one individual. The reduction in retirement pay to several others exceeds \$500 a month. That is a substantial loss of income at any time of the year but it is especially difficult during the winter.

This afternoon, Pete Geren, the Secretary of the Army, announced that the Army would make a onetime gratuitous payment from funds appropriated to cover emergency and extraordinary expenses to these individuals, representing 2 months of the difference between what each would receive if service in the Alaska Territorial Guard were included in the retirement pay

calculation and what each will receive as a retirement check beginning on February 1, 2009. I deeply appreciate Secretary Geren’s compassionate decision. Increases in the cost of food and heat are making it very difficult for our Native people in rural Alaska to make ends meet this winter. I understand that the vast majority, if not the entire list of people who will receive this additional payment live in the villages of rural Alaska.

However, I remain disappointed that the Army cannot continue its policy of paying retirement benefits on account of Alaska Territorial Guard service. Today I join with my colleagues in introducing legislation that clarifies that service in the Alaska Territorial Guard during World War II is creditable toward military retirement.

Since I raised this issue on the floor last Thursday evening the response I have received from around the country has been nothing but overwhelming. I deeply appreciate all of those who have called and written to express their support for our efforts to protect the benefits that the members of our Alaska Territorial Guard earned through their legendary service.

Mr. President, I ask unanimous consent that the text of the bill and supporting material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 342

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. TREATMENT AS ACTIVE SERVICE FOR RETIRED PAY PURPOSES OF SERVICE AS A MEMBER OF THE ALASKA TERRITORIAL GUARD DURING WORLD WAR II.**

(a) IN GENERAL.—Service as a member of the Alaska Territorial Guard during World War II of any individual who was honorably discharged therefrom under section 8147 of the Department of Defense Appropriations Act, 2001 (Public Law 106-259; 114 Stat. 705) shall be treated as active service for purposes of the computation under chapter 71, 371, or 1223 of title 10, United States Code, as applicable, of the retired pay to which such individual may be entitled under title 10, United States Code.

(b) APPLICABILITY.—Subsection (a) shall apply with respect to amounts of retired pay payable under title 10, United States Code, for months beginning on or after August 9, 2000. No retired pay shall be paid to any individual by reason of subsection (a) for any period before that date.

(c) WORLD WAR II DEFINED.—In this section, the term “World War II” has the meaning given that term in section 101(8) of title 38, United States Code.

[From the Anchorage Daily News, Jan. 25, 2009]

**FIX THIS NOW—CUT IS NO WAY TO TREAT OLD VETS**

The Army has decided that some veterans of the World War II Alaska Territorial Guard have been mistakenly drawing retirement pay. So they’ve cut off some men in their 80s who worked for nothing to defend Alaska during the war. The argument is that a law that recognized their service was only in-

tended to provide benefits like health care, not retirement pay. The Army says the law was misinterpreted. Then the Army should stand by its misinterpretation and pay these men. They’re in their 80s. They served their country at a time when neither their country nor their territory fully recognized their rights because they were Natives. Their guard service should count toward retirement pay out of sheer decency. Sens. Lisa Murkowski and Mark Begich are working on legislation to make the misinterpretation stand by making it the law. Good. We don’t care if the means is legislation, executive order, administrative waiver or papal dispensation. Just fix this so that some old men who did honorable service get their due. Now. These soldiers earned their retirement pay. They should receive it.

[From the Fairbanks Daily News-Miner, Jan. 25, 2009]

**CREDIT FOR SERVICE: RESTORE RETIREMENT PAY TO THE ESKIMO SCOUTS**

The wheels of bureaucracy turn slowly, but they grind no less thoroughly for their lack of speed. Unless the federal administration and Alaska’s congressional delegation can reverse a recent decision, retirement pensions for a few dozen old soldiers from Alaska’s Territorial Guard will fall victim to those wheels. The question of whether service in the Territorial Guard—better known as the Eskimo Scouts—counted as active-duty service for purposes of calculating military retirement pay was answered years ago. In 2001, Congress said yes, it counts. At least that’s what most people thought Congress said. The Department of Defense, for example, concluded as much and began sending retirement checks to elderly Alaskans based on their service as Eskimo Scouts. Recently, the Department of Defense reversed its decision. It now asserts that the law requires credit when calculating military benefits such as health care—but not when calculating retirement pay. So, as of Feb. 1, according to the congressional delegation, retirement benefits will be cut by more than \$500 per month in some cases. An Army spokesman said the decision simply reinterprets the 2001 law as it should have been all along. If that’s the case, the law should be clarified. That could take some time for the congressional delegation to accomplish, though. In the meantime, the Defense Department needs to find a better solution than simply cutting the pay to a group of elderly military pensioners. The issue arises because the Eskimo Scouts from 1942 to 1947 were volunteers. Their service was no less real than others in the military, especially since they worked in Alaska, the only place in the country where enemy forces successfully occupied territory during World War II. The Japanese held several islands in the Aleutian chain and bombed Dutch Harbor. It was real military service; those who signed up deserve full credit for it, as Congress intended.

**SUBMITTED RESOLUTIONS**

**SENATE RESOLUTION 24—COMMENDING CHINA’S CHARTER 08 MOVEMENT AND RELATED EFFORTS FOR UPHOLDING THE UNIVERSALITY OF HUMAN RIGHTS AND ADVANCING DEMOCRATIC REFORMS IN CHINA**

Mr. CASEY (for himself and Mr. BROWNBACK) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 24

Whereas the People's Republic of China adopted in 1971 the Universal Declaration of Human Rights, and has signed or ratified numerous international covenants and conventions protecting human rights, including the International Covenant on Civil and Political Rights, done at New York December 16, 1966, and entered into force March 23, 1976, the International Covenant on Economic, Social and Cultural Rights, done at New York December 16, 1966, and entered into force January 3, 1976, and the International Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York, December 10, 1984, and entered into force June 26, 1987, among others;

Whereas the Constitution of the People's Republic of China "protects and guarantees human rights" by providing citizens with equality under the law, freedom of speech, press, assembly, association, procession, and demonstration, the right to own and inherit private property, freedom of religion, equality for women, and numerous other rights consistent with the Universal Declaration of Human Rights and other international human rights conventions and covenants;

Whereas, since 1991, the Governments of the United States and China have held 13 Human Rights Dialogues, the most recent of which took place in May 2008 in Beijing;

Whereas, in January 1977, more than 200 citizens of Czechoslovakia, representing different professions, faiths, and beliefs, formed a "loose, informal, and open association of people... united by the will to strive individually and collectively for respect for human and civil rights" and issued a document called Charter 77, which called on their government to protect basic civic and human rights as enshrined under national laws;

Whereas, inspired by the Charter 77 movement, on December 10, 2008, an informal group of more than 300 citizens of China from a wide array of backgrounds, professions, faiths, and beliefs issued a public statement entitled "Charter 08", a 19-point plan calling for greater rights and political reform in China, increased liberties, democracy, religious freedom, and rule of law;

Whereas authorities in China have detained several affiliates of that Charter 08 effort, including Liu Xiaobo, who remains in custody;

Whereas the Department of State has called on the Government of China to release Liu Xiaobo and cease harassment of all Chinese citizens who peacefully express their desire for internationally-recognized fundamental freedoms; and

Whereas thousands of individuals have added their names to the Charter 08 petition, and the document has been referenced in over 300,000 websites and blogs: Now, therefore, be it

*Resolved*, That the Senate—

(1) notes the numerous commitments the China has made to the international community as a signatory to the United Nations Universal Declaration of Human Rights and other international conventions;

(2) commends the citizens of China who have signed onto Charter 08 and are upholding principles consistent with China's international commitments on human rights and its own constitution;

(3) calls on the Government of China to release all people detained because of their involvement or affiliation with the Charter 08 effort, including Liu Xiaobo, in addition to all prisoners of conscience detained in violation of the domestic law and international commitments of China; and

(4) calls on President Barack Obama and Secretary of State Hillary Clinton to engage

with the Government of China on human rights issues at every reasonable opportunity and using all diplomatic means available, including the U.S.-China Human Rights Dialogue, and resist pressure to replace this dialogue with a weaker alternative.

SENATE RESOLUTION 25—EX-PRESSING SUPPORT FOR DESIGNATION OF JANUARY 28, 2009, AS "NATIONAL DATA PRIVACY DAY"

Mr. DORGAN (for himself, Mr. SPENCER, Mr. LEAHY, Mr. KERRY, Ms. SNOWE, Mrs. FEINSTEIN, Mr. WICKER, and Mrs. BOXER) submitted the following resolution; which was considered and agreed to:

S. RES. 25

Whereas the Internet and the capabilities of modern technology cause data privacy issues to figure prominently in the lives of many people in the United States at work, in their interaction with government and public authorities, in the health field, in e-commerce transactions, and online generally;

Whereas many individuals are unaware of data protection and privacy laws generally and of specific steps that can be taken to help protect the privacy of personal information online;

Whereas "National Data Privacy Day" constitutes an international collaboration and a nationwide and statewide effort to raise awareness about data privacy and the protection of personal information on the Internet;

Whereas government officials from the United States and Europe, privacy professionals, academics, legal scholars, representatives of international businesses, and others with an interest in data privacy issues are working together on this date to further the discussion about data privacy and protection;

Whereas privacy professionals and educators are being encouraged to take the time to discuss data privacy and protection issues with teens in high schools across the country;

Whereas privacy is a central element of the mission of the Federal Trade Commission and the Commission will need to continue to educate consumers about protecting their personal information, and their consumer education campaigns should be part of a National effort;

Whereas the recognition of "National Data Privacy Day" will encourage more people nationwide to be aware of data privacy concerns and to take steps to protect their personal information online; and

Whereas January 28, 2009, would be an appropriate day to designate as "National Data Privacy Day": Now, therefore, be it

*Resolved*, That the Senate—

(1) supports the designation of a "National Data Privacy Day";

(2) encourages State and local governments to observe the day with appropriate activities that promote awareness of data privacy;

(3) encourages privacy professionals and educators to discuss data privacy and protection issues with teens in high schools across the United States; and

(4) encourages individuals across the Nation to be aware of data privacy concerns and to take steps to protect their personal information online.

SENATE CONCURRENT RESOLUTION 3—HONORING AND PRAISING THE NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE ON THE OCCASION OF ITS 100TH ANNIVERSARY

Mr. DODD (for himself, Mr. REID, Mr. LEAHY, Mr. LEVIN, Mr. CARDIN, Mr. HARKIN, Mr. MENENDEZ, Ms. LANDRIEU, Mr. KENNEDY, Mr. BENNET of Colorado, Mr. KERRY, Mr. BROWN, Mr. DURBIN, Mr. SCHUMER, Mr. LAUTENBERG, Mr. LUGAR, Mr. BAYH, Mr. WYDEN, Mr. CRAPO, Mrs. BOXER, Mr. VOINOVICH, Mr. REED, and Ms. MIKULSKI) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 3

Whereas the National Association for the Advancement of Colored People (referred to in this resolution as the "NAACP"), originally known as the National Negro Committee, was founded in New York City on February 12, 1909, the centennial of Abraham Lincoln's birth, by a multiracial group of activists who met in a national conference to discuss the civil and political rights of African-Americans;

Whereas the NAACP was founded by a distinguished group of leaders in the struggle for civil and political liberty, including Ida Wells-Barnett, W.E.B. DuBois, Henry Moscowitz, Mary White Ovington, Oswald Garrison Villard, and William English Walling;

Whereas the NAACP is the oldest and largest civil rights organization in the United States;

Whereas the mission of the NAACP is to ensure the political, educational, social, and economic equality of rights of all persons and to eliminate racial hatred and racial discrimination;

Whereas the NAACP is committed to achieving its goals through nonviolence;

Whereas the NAACP advances its mission through reliance upon the press, the petition, the ballot, and the courts, and has been persistent in the use of legal and moral persuasion, even in the face of overt and violent racial hostility;

Whereas the NAACP has used political pressure, marches, demonstrations, and effective lobbying to serve as the voice, as well as the shield, for minority Americans;

Whereas after years of fighting segregation in public schools, the NAACP, under the leadership of Special Counsel Thurgood Marshall, won one of its greatest legal victories in the Supreme Court's decision in *Brown v. Board of Education*, 347 U.S. 483 (1954);

Whereas in 1955, NAACP member Rosa Parks was arrested and fined for refusing to give up her seat on a segregated bus in Montgomery, Alabama—an act of courage that would serve as the catalyst for the largest grassroots civil rights movement in the history of the United States;

Whereas the NAACP was prominent in lobbying for the passage of the Civil Rights Acts of 1957, 1960, and 1964, the Voting Rights Act of 1965, the Fannie Lou Hamer, Rosa Parks, Coretta Scott King, César E. Chávez, Barbara C. Jordan, William C. Velásquez, and Dr. Hector P. Garcia Voting Rights Act Reauthorization and Amendments Act of 2006, and the Fair Housing Act, laws that ensured Government protection for legal victories achieved;

Whereas in 2005, the NAACP launched the Disaster Relief Fund to help survivors in Louisiana, Mississippi, Texas, Florida, and Alabama to rebuild their lives;