

the non-Federal share of the costs of wetlands conservation projects in Canada that are funded under that Act, and for other purposes.

At 11:51 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4621. An act to protect the integrity of the constitutionally mandated United States census and prohibit deceptive mail practices that attempt to exploit the decennial census.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 249. Concurrent resolution commemorating the 45th anniversary of Bloody Sunday and the role that it played in ensuring the passage of the Voting Rights Act of 1965.

### MEASURES REFERRED

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

H.R. 4621. An act to protect the integrity of the constitutionally mandated United States census and prohibit deceptive mail practices that attempt to exploit the decennial census; to the Committee on Homeland Security and Governmental Affairs.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 249. Concurrent resolution commemorating the 45th anniversary of Bloody Sunday and the role that it played in ensuring the passage of the Voting Rights Act of 1965; to the Committee on the Judiciary.

### 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-85. A resolution adopted by the Legislature of Guam expressing strong and abiding opposition to any use of eminent domain [condemnation] for the purpose of obtaining Guam lands for either the currently planned military buildup or other U.S. federal government purposes, or both; to the Committee on Armed Services.

#### RESOLUTION No. 258-30 (COR)

Relative to expressing the strong and abiding opposition of *I Liheslaturan Guåhan* and the People of Guam to any use of eminent domain [condemnation] for the purpose of obtaining Guam lands for either the currently planned military buildup or other U.S. federal government purposes, or both.

Be it *Resolved* by *I Mina'Trenta Na Liheslaturan Guåhan*

Whereas, the island of Guam has only one hundred forty-seven thousand (147,000) acres of land available to it for all purposes; and

Whereas, the Department of Defense currently possesses forty thousand (40,000) acres, constituting 27.21 percent of the island's land mass; and

Whereas, the United States National Park Service currently possesses six hundred ninety-five (695) acres, or 0.47 percent of the island; and

Whereas, the United States Fish & Wildlife Service currently possesses three hundred

eighty-five (385) acres, or 0.26 percent of the island; and

Whereas, the Government of Guam currently possesses thirty-seven thousand six hundred seventy-three and thirty-six (37,673.36) acres, or 25.6 percent of the island; and

Whereas, the private lands of Guam consist of only sixty-eight thousand two hundred forty-six (68,246) acres, or 46.43 percent of the island; and

Whereas, the Federal Government, in its draft Environmental Impact Statement (DEIS) for the military buildup, has stated it desires additional land for its buildup for a Proposed Training Range Complex, offering two (2) alternatives: Alternative A, identified as the preferred alternative, calls for acquiring by lease or condemnation nine hundred twenty-one (921) acres for this training range complex, which apparently is limited to public lands belonging to the Chamorro Land Trust Commission and the Ancestral Lands Commission, and Alternative B, east of Andy South, that calls for acquiring by long-term lease or condemnation one thousand one hundred twenty-nine (1,129) additional acres, some private and some public; and

Whereas, the DEIS also states that the military desires the former FAA Housing Area, comprising six hundred eighty (680) acres of Ancestral Lands, which would fill in a gap in the future Marine Corps base between NCTS Finegayan and South Finegayan; and

Whereas, the Joint Guam Program Office (JGPO) has declined to be clear regarding the possibility of eminent domain/condemnation being used as a tool to acquire the desired access to additional land in Guam, either directly or indirectly as a threat to back up "negotiations"; and

Whereas, the Joint Guam Program Office has stated that all options "are on the table" when it comes to additional land needed by the military, and that there is such a thing as "friendly condemnation"; and

Whereas, it appears that the Federal Government has no appreciation for the history of Federal land takings in Guam, or the importance of land to the people of Guam; and

Whereas, the history of land takings and the importance of land in the local culture of a tiny island have resulted in a significant sensitivity to Federal land takings on the part of the local people; and

Whereas, Chamorro historian, Reverend Joaquin Flores Sablan, wrote that land and family lineage continued to be the basis of wealth and prestige: "Land ownership was the greatest security, particularly inherited property which they treated as a sacred trust from their parents. To part with the land was the same as committing suicide." [Destiny's Landfall: A History of Guam, by Robert F. Rogers, University of Hawai'i Press, 1995, page 142]; and

Whereas, the Naval government, from 1898 until 1950, completely ignored the Chamorro people's devotion to the land, issuing their second order, on January 30, 1899, to confiscate land in the Piti area to use for a coal- ing site and Navy yard. The people of Guam were never compensated for that very first land taking, just the "first of a long series of controversial steps whereby United States governmental agencies acquired large portions of land on Guam" [Rogers, page 115]; and

Whereas, the Naval government held over one-third of the island of Guam on the eve of World War II, and within three (3) months of the liberation of the island in 1944, five (5) airfields were built; and

Whereas, by Public Law 594, the Land Acquisition Act passed by the U.S. Congress on August 2, 1946, the Navy Department was au-

thorized to acquire private land needed for permanent military installations on the island, but compensation was inadequate, due in part to a lack of proper land valuation in the largely agrarian island, amounting to only pennies on the dollar for the actual value of the land; and

Whereas, from 1947 to 1950, the main mission of Guam's military command was to complete building facilities, and for this purpose large pieces of land were taken; and

Whereas, the postwar land takings were mixed in time and process with limited and inadequate compensation for personal injury and death and property damage under the Federally-created Land and Claims Commission; and

Whereas, the United States federal government still has not appreciated the connection between compensation for the sufferings of the people of Guam at the hands of the Japanese occupiers and the takings of land; and

Whereas, the Land and Claims Commission condemned land, but became bogged down in the legal complexities of hundreds of property transactions. Rogers states [p. 215] that, "The commission was understaffed as well as inexperienced in real estate matters. Higher commands nonetheless pressured the staff to meet tight deadlines for land transfers in order for construction of new military projects to proceed"; and

Whereas, when former landowners or their heirs attempted to take these injustices to Federal court for redress of the situation, they were told that the statute of limitations had been exceeded; and

Whereas, without consultation with Guam officials or owners of leased properties, the new civilian governor, Carlton Skinner, signed a quitclaim deed on July 31, 1950, the day before the Organic Act went into effect, whereby the Government of Guam transferred all condemned property to the United States of America "for its own use." This left the Navy and Air Force in direct control of about forty-nine thousand six hundred (49,600) acres, or over thirty-six percent (36%) of the island; and

Whereas, the very first case in the new court under the Organic Act, which granted American citizenship to the Chamorros, was a retaking of all of the previous takings, to ensure that no claim could be made that land could not be taken from the Chamorros prior to their becoming American citizens; and

Whereas, in 1977, the creation of the new War in the Pacific Memorial Park saw the condemnation of coastal land in the Agat area, thus preventing the construction of the Agat Marina for many years; and

Whereas, in the 1980's, the U.S. Congress attempted to correct the obvious injustice of the postwar land takings by authorizing the land taking cases to be reopened and additional compensation be paid; and

Whereas, while many former landowners accepted the class action settlement under this law, some previous landowners of large holdings, such as those at Andersen Air Force Base and including the very land at NCTS envisioned by the federal government for the new Marine Corps base, opted out of the settlement and their claims against the federal government under that law have not been settled to this day; and

Whereas, the final insult to the people of Guam came when the three hundred eighty-five (385) acres of the former Naval Facility, Guam at Ritidian Point was declared excess in the 1990's and was grabbed quietly, without fanfare or advance notice, by the U.S. Fish & Wildlife Service, rather than being returned to the original landowners via the Government of Guam; and

Whereas, a former Assistant U.S. Attorney handling land matters in Guam in 2000 and

2001, freely admitted that many Chamorro landowners at the time were cheated out of their land by land agents telling them that the paperwork to be signed was compensation for damage to coconut trees or that the land would be returned to the owner once there was no longer any need for it; and

Whereas, this sordid history of the people of Guam's most precious resource, other than its children, needs to be and must be appreciated by the United States federal government; and

Whereas, in response, I Liheslatura has specifically enacted legislation addressing Federal acquisition of property, including:

(a) Public Law 29-113, specifically §15105 of Chapter 15, Title 21 of the Guam Code Annotated, which calls for duly enacted legislation by I Liheslatura to authorize "the acquisition by condemnation or otherwise of private property" by means of Congressional appropriation to acquire property for public use; and

(b) Public Law 30-21, specifically §2401 (c) of Chapter 24, Title 1 of the Guam Code Annotated, which tasks the Guam First Commission to determine which land the federal government may intend to lease or sub-lease, exchange for other land, or purchase, and to report their findings to I Liheslatura and I Maga'lahi, and also requires Legislative approval of any Federal acquisition of government of Guam property, whether by lease, sub-lease, exchange or sale; Now, therefore, be it

*Resolved*, That I Mina'Trenta Na Liheslaturan Guåhan does hereby, on behalf of the people of Guam, absolutely oppose the use, or threat of use, of eminent domain/condemnation for any acquisition of any additional Guam land, private or public, for any purpose whatsoever related to the planned military buildup; and be it further

*Resolved*, That I Mina'Trenta Na Liheslaturan Guåhan does hereby, on behalf of the people of Guam, demand negotiations at arms length, with a level table, and without undue pressure being exerted on Guam landowners by the United States federal government/Department of Defense, for the acquisition of any additional land, public or private; and be it further

*Resolved*, That I Mina'Trenta Na Liheslaturan Guåhan does hereby, on behalf of the people of Guam, demand dealings concerning land are held in good faith between the United States federal government/Department of Defense and private landowners that are willing to lease/sell their property to the federal government, and are also held in good faith with the official representatives of the people of Guam in discussing the potential lease of land from the government of Guam; and be it further

*Resolved*, That I Mina'Trenta Na Liheslaturan Guåhan does hereby, on behalf of the people of Guam, demand that the federal government renounce any repeat of history, and declares that condemnation SHALL NOT be a tool available to the federal government, either directly or through the use of intimidation, in relation to the Guam military buildup; and be it further

*Resolved*, That I Mina'Trenta Na Liheslaturan Guåhan does hereby, on behalf of the people of Guam, recognize and memorialize the many years of injustice and mistreatment of the people of Guam, as reflected in the foregoing history of Federal land takings; and be it further

*Resolved*, That the Speaker certify, and the Legislative Secretary attest to, the adoption hereof, and that copies of the same be thereafter transmitted to the Honorable Barack Obama, President of the United States; to the Honorable Nancy Pelosi, Speaker of the United States House of Representatives; to the Honorable Robert Byrd, President Pro

Tem of the U.S. Senate; to the Honorable Madeleine Z. Bordallo, Guam Delegate to Congress; to the Honorable Ban Ki-moon, Secretary General of the United Nations; to the Honorable Hillary Rodham Clinton, Secretary of State; to the Honorable William Gates, Secretary of Defense; to the Honorable Ray Mabus, Secretary of the Navy; to the Honorable Michael B. Donley, Secretary of the Air Force; to the Honorable John M. McHugh, Secretary of the Army; to the Honorable Ken Salazar, Secretary of the Interior; to the Honorable Anthony Babauta, Assistant Secretary of the Interior for Insular Affairs; to the Honorable Benigno Fitial, Governor of the Commonwealth of the Northern Mariana Islands; and to the Honorable Felix P. Camacho, I Maga'lahañ Guåhan (Governor of Guam).

POM-86. A joint memorial adopted by the Legislature of the State of New Mexico requesting the support in the preservation of the Navajo Code Talkers' remarkable legacy; to the Committee on Armed Services.

#### SENATE JOINT MEMORIAL NO. 51

Whereas, the few living Navajo Code Talkers are undertaking a multi-year project to build an educational, historical and humanitarian facility that will bring pride to Native American and Non-Native American communities alike, educate the young and old and conserve the instruments of freedom gifted to the American people by an awe-inspiring group of young Navajo men during World War II; and

Whereas, during World War II, these modest young Navajo men fashioned from the Navajo language the only unbreakable code in military history; and

Whereas, these Navajo Radio Operators transmitted the code throughout the dense jungles and exposed beachheads of the Pacific theater from 1942 to 1945, passing over eight hundred error-free messages in forty-eight hours at Iwo Jima alone; and

Whereas, the bravery and ingenuity of these young Navajo men gave the United States and allied forces the upper hand they so desperately needed, finally hastening the war's end and assuring victory for the United States; and

Whereas, after being sworn to secrecy for twenty-three years after the war, these young Navajo men eventually came to be known as Navajo Code Talkers and were honored by President George W. Bush more than fifty years after the war with Congressional Gold and Silver Medals in 2001; and

Whereas, the Navajo Code Talkers are now in their eighties, and with fewer than fifty remaining from the original four hundred, the urgency to capture and share their stories and memorabilia from their service in the war is now critical; and

Whereas, these American treasures and revered elders of the Navajo Nation have come together to tell their story, one that has never been heard, from their own hearts and in their own words; and

Whereas, the Navajo Code Talkers' heroic story of an ancient language, valiant people and a decisive victory that changed the path of modern history is the greatest story never told; and

Whereas, the Navajo Code Talkers ultimately envision a lasting memorial, the Navajo Code Talkers Museum and Veterans Center, on donated private land; and

Whereas, the Navajo Code Talkers' mission is to create a place where their legacy of service will inspire others to achieve excellence and instill core values of pride, discipline and honor in all those who visit; and

Whereas, through the lead efforts of the Navajo Code Talkers foundation and many partners and individuals, the Navajo Code

Talkers' legacy, history, language and code will be preserved to benefit all future generations; Now, therefore, be it

*Resolved by the Legislature of the State of New Mexico*, That the United States Congress, Department of the Interior, Department of Veterans Affairs, Department of Health and Human Services, Department of Defense, Department of Agriculture, Department of State and Department of Energy be requested to support the preservation of the Navajo Code Talkers' remarkable legacy; and, be it further

*Resolved*, That copies of this memorial be transmitted to the President Pro Tempore of the United States Senate, the Speaker of the United States House of Representatives, the Secretary of the Interior, the Secretary of Defense, the Secretary of Veterans Affairs, the Secretary of Health and Human Services, the Secretary of Agriculture, the Secretary of State, the Secretary of Energy and the New Mexico Congressional Delegation.

POM-87. A memorial adopted by the Senate of the State of New Mexico urging Congress to expedite the passage of legislation to enact the necessary amendments to the Surface Mining Control and Reclamation Act of 1977 to clarify that uncertified states have authority to use payments for non-coal mine reclamation projects; to the Committee on Energy and Natural Resources.

#### SENATE MEMORIAL NO. 30

Whereas, New Mexico is known to have some of the richest uranium resources in the nation in the area known as "The Grants Mineral Belt"; and

Whereas, dating back to the 1940s, states such as New Mexico mined uranium for the benefit of the Atomic Energy Commission and the federal government's Nuclear Weapons Program; and

Whereas, the Atomic Energy Commission did not require that early mines be reclaimed; and

Whereas, research shows that many uranium mines were abandoned and never reclaimed; and

Whereas, the federal government has direct responsibility to provide funding, both for the initial surveying of these mines and for potential subsequent reclamation where warranted; and

Whereas, the Surface Mining Control and Reclamation Act of 1977 is a federal law that mandates a reclamation fee on each ton of coal produced in the country, and Title IV of that Act provides for abandoned mine reclamation; and

Whereas, in 2006, the United States Congress passed amendments to Title IV of the Surface Mining Control and Reclamation Act of 1977 providing that the funds collected from the reclamation fees will now go directly to the states rather than be appropriated by Congress; and

Whereas, the Solicitor of the Department of the Interior has interpreted those 2006 amendments to limit uncertified states, such as New Mexico, from using the funds available through the Surface Mining Control and Reclamation Act of 1977 for non-coal mine reclamation; and

Whereas, following the 2006 amendments, the Office of Surface Mining Reclamation and Enforcement promulgated regulations that restrict uncertified states from using funds available through the Surface Mining and Control Reclamation Act of 1977 for non-coal mine reclamation; and

Whereas, Secretary Ken Salazar of the Department of the Interior has suggested that a legislative solution is necessary in order to allow funding distribution under Section 411(h)(1) of the Surface Mining Control and Reclamation Act of 1977 to be used for non-coal mine reclamation; Now, therefore, be it

*Resolved by the Senate of the State of New Mexico,* That Congress be requested to expedite the passage of legislation to enact the necessary amendments to the Surface Mining Control and Reclamation Act of 1977 to clarify that uncertified states have authority to use payments for non-coal mine reclamation projects; and be it further

*Resolved,* That copies of this memorial be transmitted to the Speaker of the United States House of Representatives, the President Pro Tempore of the United States Senate and the New Mexico Congressional Delegation.

POM-88. A resolution adopted by the House of the Legislature of the State of West Virginia urging support of West Virginia's coal industry by encouraging measures that protect miners and their families, provide incentives for the development of advanced coal technologies, enhance the energy independence of the State and the nation, protect the environment from which coal is mined, and supply consumers with cleaner and more affordable energy produced from coal; to the Committee on Energy and Natural Resources.

#### HOUSE RESOLUTION NO. 402

Whereas, the coal industry provides salaries and benefits to thousands of West Virginians; and

Whereas, the coal industry is responsible for millions of dollars of tax revenues that are used to fund important government services and programs; and

Whereas, the coal industry is vitally important to the economic welfare of this State and its citizens; and

Whereas, the Legislature, with the leadership and support of the Governor, has worked to enact legislation to ensure the future of West Virginia coal, including the adoption of sweeping coal mine safety reforms, planning requirements for post-mining land use, an alternative and renewable energy portfolio featuring clean coal technology, and a regulatory framework for carbon capture and sequestration projects; and

Whereas, recent events at the federal level, most notably the debate over "cap and trade" legislation in Congress and obscure regulatory actions by the Environmental Protection Agency, are casting a shadow of doubt and uncertainty over the future of the coal industry in West Virginia; and

Whereas, for the sake of those individuals who depend upon coal to support themselves and their families, the House of Delegates, the Senate, the Governor and West Virginia's congressional delegation must work together to secure the future of the coal industry, and with it the future of the State; therefore, be it

*Resolved by the House of Delegates,* That the West Virginia House of Delegates will continue to support the West Virginia coal industry by encouraging measures that protect miners and their families, provide incentives for the development of advanced coal technologies, enhance the energy independence of the State and the nation, protect the environment from which coal is mined, and supply consumers with cleaner and more affordable energy produced from coal; and, be it further

*Resolved,* That the West Virginia House of Delegates requests that West Virginia's congressional delegation resist and oppose efforts at the federal level to undermine the future of West Virginia's coal industry; and, be it further

*Resolved,* That the Clerk of the House of Delegates forward a certified copy of this resolution to United States Senators Robert C. Byrd and John D. Rockefeller IV and Representatives Nick J. Rahall, Alan B. Molohan and Shelley M. Capito.

POM-89. A memorial from the Public Safety Personnel Retirement System, transmitting, pursuant to Arizona law, a report relative to the Arizona Terrorism Country Divestment act; to the Committee on Banking, Housing, and Urban Affairs.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DORGAN, from the Committee on Indian Affairs, with an amendment in the nature of a substitute:

S. 1011. A bill to express the policy of the United States regarding the United States relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity (Rept. No. 111-162).

By Mr. KERRY, from the Committee on Foreign Relations, with an amendment in the nature of a substitute and with an amended preamble:

S. Res. 400. A resolution urging the implementation of a comprehensive strategy to address instability in Yemen.

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 1132. A bill to amend title 18, United States Code, to improve the provisions relating to the carrying of concealed weapons by law enforcement officers, and for other purposes.

#### EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEAHY for the Committee on the Judiciary.

Jane E. Magnus-Stinson, of Indiana, to be United States District Judge for the Southern District of Indiana.

Christopher Tobias Hoye, of Nevada, to be United States Marshal for the District of Nevada for the term of four years.

Kelvin Cornelius Washington, of South Carolina, to be United States Marshal for the District of South Carolina for the term of four years.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

#### 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. LUGAR (for himself, Mr. KAUFMAN, Mr. FRANKEN, Mr. INOUE, and Mr. RISCH):

S. 3104. A bill to permanently authorize Radio Free Asia, and for other purposes; to the Committee on Foreign Relations.

By Mr. WYDEN:

S. 3105. A bill to expand the scope of the definition of airport planning to include waste management planning; to the Committee on Commerce, Science, and Transportation.

By Mrs. HAGAN (for herself, Mr. BURR, Mr. ISAKSON, Mr. MERKLEY, and Mr. CHAMBLISS):

S. 3106. A bill to authorize States to exempt certain nonprofit housing organizations from the licensing requirements of the S.A.F.E. Mortgage Licensing Act of 2008; to

the Committee on Banking, Housing, and Urban Affairs.

By Mr. AKAKA (for himself, Mr. BURR, Mr. ROCKEFELLER, Mrs. MURRAY, Mr. SANDERS, Mr. BROWN of Ohio, Mr. TESTER, Mr. BEGICH, Mr. BURRIS, Mr. SPECTER, Mr. ISAKSON, and Mr. GRAHAM):

S. 3107. A bill to amend title 38, United States Code, to provide for an increase, effective December 1, 2010, in the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. MENENDEZ (for himself, Mr. LAUTENBERG, Mr. JOHNSON, Mr. FEINGOLD, Mr. BINGAMAN, Mr. CASEY, and Mr. BROWN of Ohio):

S. 3108. A bill to amend title 31 of the United States Code to require that Federal children's programs be separately displayed and analyzed in the President's budget; to the Committee on the Budget.

By Mr. BAUCUS (for himself and Mr. TESTER):

S. 3109. A bill to require the Secretary of the Army to conduct levee system evaluations and certifications on receipt of requests from non-Federal interests; to the Committee on Environment and Public Works.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. BURR (for himself, Mr. INHOFE, Mr. BROWN of Massachusetts, Ms. MURKOWSKI, and Mr. JOHANNES):

S. Res. 451. A resolution expressing support for designation of a "Welcome Home Vietnam Veterans Day"; to the Committee on Veterans' Affairs.

By Mr. JOHANNES (for himself, Mrs. LINCOLN, Mr. CHAMBLISS, Mr. ROBERTS, Mr. BROWNBACK, Mrs. HUTCHISON, Mr. CORNYN, Mr. ENZI, Mr. DORGAN, Mr. CONRAD, Mr. INHOFE, Mr. THUNE, Mr. CRAPO, Mr. PRYOR, Mr. BARRASSO, Mr. BOND, Mr. NELSON of Nebraska, Ms. KLOBUCHAR, Mr. RISCH, Mr. BENNETT, Mr. UDALL of New Mexico, Mr. NELSON of Florida, Mr. VOINOVICH, and Mr. COBURN):

S. Res. 452. A resolution supporting increased market access for exports of United States beef and beef products to Japan; to the Committee on Finance.

By Mr. UDALL of New Mexico (for himself, Mr. BROWN of Ohio, Mr. BURRIS, Mr. WYDEN, Mr. AKAKA, Mr. MENENDEZ, Mr. TESTER, Mr. BEGICH, Mr. DURBIN, and Mr. MERKLEY):

S. Res. 453. A resolution supporting the goals and ideals of "National Public Health Week"; to the Committee on Health, Education, Labor, and Pensions.

#### ADDITIONAL COSPONSORS

S. 148

At the request of Mr. KOHL, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 148, a bill to restore the rule that agreements between manufacturers and retailers, distributors, or wholesalers to set the minimum price below which the manufacturer's product or