

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Ms. STABENOW:

S. Res. 388. A resolution expressing the sense of the Senate regarding unfair and discriminatory measures of the Government of Japan in failing to apply the Eco-Friendly Vehicle Purchase Program to vehicles made by United States automakers; to the Committee on Finance.

By Mr. SHELBY (for himself and Mr. SESSIONS):

S. Res. 389. A resolution commending The University of Alabama Crimson Tide for being unanimously declared the 2009 NCAA Football Bowl Subdivision National Champions; to the Committee on the Judiciary.

## ADDITIONAL COSPONSORS

S. 428

At the request of Mr. DORGAN, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 428, a bill to allow travel between the United States and Cuba.

S. 476

At the request of Mrs. BOXER, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 476, a bill to amend title 10, United States Code, to reduce the minimum distance of travel necessary for reimbursement of covered beneficiaries of the military health care system for travel for specialty health care.

S. 491

At the request of Mr. WEBB, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 491, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 624

At the request of Mr. DURBIN, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Pennsylvania (Mr. CASEY) were added as cosponsors of S. 624, a bill to provide 100,000,000 people with first-time access to safe drinking water and sanitation on a sustainable basis by 2015 by improving the capacity of the United States Government to fully implement the Senator Paul Simon Water for the Poor Act of 2005.

S. 663

At the request of Mr. NELSON of Nebraska, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 663, a bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to establish the Merchant Mariner Equity Compensation Fund to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II.

S. 841

At the request of Mr. KERRY, the name of the Senator from Wisconsin

(Mr. FEINGOLD) was added as a cosponsor of S. 841, a bill to direct the Secretary of Transportation to study and establish a motor vehicle safety standard that provides for a means of alerting blind and other pedestrians of motor vehicle operation.

S. 870

At the request of Mrs. LINCOLN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 870, a bill to amend the Internal Revenue Code of 1986 to expand the credit for renewable electricity production to include electricity produced from biomass for on-site use and to modify the credit period for certain facilities producing electricity from open-loop biomass.

S. 891

At the request of Mr. BROWNBACK, the names of the Senator from Indiana (Mr. BAYH) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 891, a bill to require annual disclosure to the Securities and Exchange Commission of activities involving columbite-tantalite, cassiterite, and wolframite from the Democratic Republic of Congo, and for other purposes.

S. 1005

At the request of Mr. CARDIN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1005, a bill to amend the Federal Water Pollution Control Act and the Safe Drinking Water Act to improve water and wastewater infrastructure in the United States.

S. 1067

At the request of Mr. FEINGOLD, the names of the Senator from New Mexico (Mr. UDALL), the Senator from Colorado (Mr. UDALL) and the Senator from Arizona (Mr. KYL) were added as cosponsors of S. 1067, a bill to support stabilization and lasting peace in northern Uganda and areas affected by the Lord's Resistance Army through development of a regional strategy to support multilateral efforts to successfully protect civilians and eliminate the threat posed by the Lord's Resistance Army and to authorize funds for humanitarian relief and reconstruction, reconciliation, and transitional justice, and for other purposes.

S. 1076

At the request of Mr. MENENDEZ, the names of the Senator from West Virginia (Mr. BYRD), the Senator from Vermont (Mr. LEAHY), the Senator from Rhode Island (Mr. REED), the Senator from Nevada (Mr. ENSIGN), the Senator from Colorado (Mr. UDALL), the Senator from Virginia (Mr. WARNER) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 1076, a bill to improve the accuracy of fur product labeling, and for other purposes.

S. 1111

At the request of Mr. ROCKEFELLER, the names of the Senator from California (Mrs. FEINSTEIN), the Senator from Oregon (Mr. WYDEN), the Senator

from Connecticut (Mr. DODD) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 1111, a bill to require the Secretary of Health and Human Services to enter into agreements with States to resolve outstanding claims for reimbursement under the Medicare program relating to the Special Disability Workload project.

S. 1156

At the request of Mr. HARKIN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1156, a bill to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to reauthorize and improve the safe routes to school program.

S. 1183

At the request of Mr. DURBIN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1183, a bill to authorize the Secretary of Agriculture to provide assistance to the Government of Haiti to end within 5 years the deforestation in Haiti and restore within 30 years the extent of tropical forest cover in existence in Haiti in 1990, and for other purposes.

S. 1203

At the request of Mr. BAUCUS, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 1203, a bill to amend the Internal Revenue Code of 1986 to extend the research credit through 2010 and to increase and make permanent the alternative simplified research credit, and for other purposes.

S. 1313

At the request of Mr. LUGAR, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1313, a bill to amend the Internal Revenue Code of 1986 to permanently extend and expand the charitable deduction for contributions of food inventory.

S. 1317

At the request of Mr. LAUTENBERG, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1317, a bill to increase public safety by permitting the Attorney General to deny the transfer of firearms or the issuance of firearms and explosives licenses to known or suspected dangerous terrorists.

S. 1389

At the request of Mr. NELSON of Nebraska, the name of the Senator from Nebraska (Mr. JOHANNIS) was added as a cosponsor of S. 1389, a bill to clarify the exemption for certain annuity contracts and insurance policies from Federal regulation under the Securities Act of 1933.

S. 1445

At the request of Mr. LAUTENBERG, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1445, a bill to amend the Public Health Service Act to improve the health of children and reduce the

occurrence of sudden unexpected infant death and to enhance public health activities related to stillbirth.

S. 1582

At the request of Ms. STABENOW, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1582, a bill to amend the Internal Revenue Code of 1986 to provide a credit against income tax to facilitate the accelerated development and deployment of advanced safety systems for commercial motor vehicles.

S. 1744

At the request of Mr. SCHUMER, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1744, a bill to require the Administrator of the Federal Aviation Administration to prescribe regulations to ensure that all crewmembers on air carriers have proper qualifications and experience, and for other purposes.

S. 1771

At the request of Mr. CASEY, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1771, a bill to authorize the Secretary of Health and Human Services to establish a program of grants to newly accredited allopathic medical schools for the purpose of increasing the supply of physicians.

S. 1787

At the request of Mr. BINGAMAN, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. 1787, a bill to reauthorize the Federal Land Transaction Facilitation Act, and for other purposes.

S. 1859

At the request of Mr. ROCKEFELLER, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Illinois (Mr. BURRIS) were added as cosponsors of S. 1859, a bill to reinstate Federal matching of State spending of child support incentive payments.

S. 2128

At the request of Mr. LEMIEUX, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 2128, a bill to provide for the establishment of the Office of Deputy Secretary for Health Care Fraud Prevention.

S. 2743

At the request of Ms. SNOWE, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from Massachusetts (Mr. KIRK) were added as cosponsors of S. 2743, a bill to amend title 10, United States Code, to provide for the award of a military service medal to members of the Armed Forces who served honorably during the Cold War, and for other purposes.

S. 2747

At the request of Mr. BINGAMAN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 2747, a bill to amend the Land and Water Conservation Fund Act of 1965 to provide consistent and reliable

authority for, and for the funding of, the land and water conservation fund to maximize the effectiveness of the fund for future generations, and for other purposes.

S. 2758

At the request of Ms. STABENOW, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 2758, a bill to amend the Agricultural Research, Extension, and Education Reform Act of 1998 to establish a national food safety training, education, extension, outreach, and technical assistance program for agricultural producers, and for other purposes.

S. 2760

At the request of Mr. UDALL of New Mexico, the names of the Senator from West Virginia (Mr. BYRD), the Senator from Oregon (Mr. WYDEN) and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of S. 2760, a bill to amend title 38, United States Code, to provide for an increase in the annual amount authorized to be appropriated to the Secretary of Veterans Affairs to carry out comprehensive service programs for homeless veterans.

S. 2781

At the request of Ms. MIKULSKI, the names of the Senator from California (Mrs. FEINSTEIN), the Senator from Texas (Mrs. HUTCHISON) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 2781, a bill to change references in Federal law to mental retardation to references to an intellectual disability, and to change references to a mentally retarded individual to references to an individual with an intellectual disability.

S. 2789

At the request of Mr. VOINOVICH, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 2789, a bill to establish a scholarship program to encourage outstanding undergraduate and graduate students in mission-critical fields to pursue a career in the Federal Government.

S. 2812

At the request of Mr. BINGAMAN, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 2812, a bill to amend the Energy Policy Act of 2005 to require the Secretary of Energy to carry out programs to develop and demonstrate two small modular nuclear reactor designs, and for other purposes.

S. 2853

At the request of Mr. GREGG, the name of the Senator from Arizona (Mr. MCCAIN) was withdrawn as a cosponsor of S. 2853, a bill to establish a Bipartisan Task Force for Responsible Fiscal Action, to assure the long-term fiscal stability and economic security of the Federal Government of the United States, and to expand future prosperity growth for all Americans.

At the request of Mr. INHOFE, his name was withdrawn as a cosponsor of S. 2853, *supra*.

S. 2858

At the request of Mrs. BOXER, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 2858, a bill to amend the Public Health Service Act to establish an Office of Mitochondrial Disease at the National Institutes of Health, and for other purposes.

S. 2868

At the request of Mr. LIEBERMAN, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 2868, a bill to provide increased access to the General Services Administration's Schedules Program by the American Red Cross and State and local governments.

S. 2869

At the request of Ms. LANDRIEU, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2869, a bill to increase loan limits for small business concerns, to provide for low interest refinancing for small business concerns, and for other purposes.

S. 2886

At the request of Ms. CANTWELL, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 2886, a bill to prohibit certain affiliations (between commercial banking and investment banking companies), and for other purposes.

S. 2908

At the request of Mr. KOHL, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 2908, a bill to amend the Energy Policy and Conservation Act to require the Secretary of Energy to publish a final rule that establishes a uniform efficiency descriptor and accompanying test methods for covered water heaters, and for other purposes.

S.J. RES. 22

At the request of Mr. LEMIEUX, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S.J. Res. 22, a joint resolution proposing an amendment to the Constitution of the United States relative to requiring a balanced budget and granting the President of the United States the power of line-item veto.

S.J. RES. 23

At the request of Mr. FEINGOLD, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S.J. Res. 23, a joint resolution disapproving the rule submitted by the Federal Election Commission with respect to travel on private aircraft by Federal candidates.

S. RES. 316

At the request of Mr. MENENDEZ, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. Res. 316, a resolution calling upon the President to ensure that the foreign policy of the United States reflects appropriate understanding and sensitivity concerning issues related to human rights, ethnic cleansing, and genocide documented in the United

States record relating to the Armenian Genocide, and for other purposes.

S. RES. 373

At the request of Mr. CRAPO, the names of the Senator from Wyoming (Mr. BARRASSO), the Senator from Louisiana (Mr. VITTER), the Senator from Oklahoma (Mr. INHOFE), the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S. Res. 373, a resolution designating the month of February 2010 as “National Teen Dating Violence Awareness and Prevention Month”.

S. RES. 381

At the request of Mr. SPECTER, his name was added as a cosponsor of S. Res. 381, a resolution designating the week of February 1 through February 5, 2010, as “National School Counseling Week”.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRASSLEY (for himself, Mr. CORNYN, and Mr. ROBERTS):

S. 2935. A bill to clarify that the revocation of an alien's visa or other documentation is not subject to judicial review; to the Committee on the Judiciary.

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

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

S. 2935

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

#### SECTION 1. JUDICIAL REVIEW OF VISA REVOCATION.

Section 221(i) of the Immigration and Nationality Act (8 U.S.C. 1201(i)) is amended by striking “There shall be no means of judicial review” and all that follows and inserting the following: “Notwithstanding any other provision of law, including section 2241 of title 28, United States Code, any other habeas corpus provision, and sections 1361 and 1651 of such title, a revocation under this subsection may not be reviewed by any court, and no court shall have jurisdiction to hear any claim arising from, or any challenge to, such a revocation.”.

#### SEC. 2. EFFECTIVE DATE.

The amendment made by section 1 shall—

- (1) take effect on the date of the enactment of this Act; and
- (2) apply to all visas issued before, on, or after such date.

By Mr. BINGAMAN (for himself and Ms. MURKOWSKI) (by request):

S. 2941. A bill to provide supplemental ex gratia compensation to the Republic of the Marshall Islands for impacts of the nuclear testing program of the United States, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President. Today, I join the Ranking Member of the Committee on Energy and Natural Resources, Senator MURKOWSKI, in reintroducing, the Republic of the Mar-

shall Islands Supplemental Nuclear Compensation Act at the request of the President of the Marshall Islands, the Honorable Jurelang Zedkaia.

This legislation is identical to legislation introduced by myself and Senators Domenici, AKAKA and MURKOWSKI in 2007 at the request of then-President Kessai Note. The Committee held a hearing on the bill, S. 1756, on September 25, 2007, S. Hrg 110-243, and staff had follow-up discussions with the administration and with other committees which have interests in matters addressed by the bill. However, before the Committee could formally consider an amendment in the nature of a substitute that was developed during these discussions, the government in the Republic of the Marshall Islands, RMP, was replaced and the position of the new government on the substitute amendment was not obtained until it was too late for further action.

The process for reconsideration of this legislation in the 111th Congress will need to be pushed back because there is a new Administration with new officials who will need to be educated on the issues. There are also new members and staff on many of the Committees who will need to be educated on the history and need for this legislation before they can provide their input. Finally, the fiscal position of the U.S. government has weakened since 2007 and funding this legislation will be more challenging today than it would have been when the legislation was last considered.

To begin this process of education on this issue, I offer the following background.

For over 50 years, the Committee on Energy and Natural Resources has worked with the government of the RMI to respond to the tragic consequences of the U.S. nuclear weapons tests that were conducted in the islands from 1946 to 1958 when the islands were a district of the U.S.-administered, U.N. Trust Territory of the Pacific Islands. In 1986, this Trusteeship ended when the RMI entered into free association with the U.S. pursuant to the Compact of Free Association Act of 1985, (P.L. 99-239). Under Section 177 of the Compact, the U.S. accepted responsibility for damage and injuries resulting from the testing program and the law authorized two basic sources of compensation: 1) a legal settlement of \$150 million under Section 177, and 2) additional ex gratia assistance under sections 103, 105, and 224.

The \$150 million legal settlement and its Subsidiary Agreement funded a Claims Tribunal to adjudicate and pay awards arising from the test program, regular distribution payments to the affected communities, a supplemental health care program, a radiological and health monitoring program, and it allowed the RMI to request additional compensation if there were “changed circumstances”—that is, if information and injuries came to light after the settlement was reached which rendered

the settlement “manifestly inadequate.”

The RMI submitted such a “changed circumstances petition”, CCP, in 2000 in which it sought over \$3 billion in addition compensation from Congress. At the Committee's 2005 hearing on the CCP, S. Hrg 109-178, the administration testified in opposition to further financial compensation because the 1985 settlement was “full and final” and the CCP was not based on new information or injuries arising after the original settlement date. The Administration and other witnesses also questioned the RMI's contention that radiation from the tests caused health injuries well beyond the four northern atolls of the Marshall Islands, and questioned the policies and methodologies used by the Tribunal in determining eligibility for compensation and the amount of awards. The Committee took no further action on the CCP. In 2006, facing the statute of limitations, the atolls of Bikini and Enewetak filed suit in the U.S. Court of Claims, but the Court upheld the U.S. motion to dismiss.

In addition to the \$150 million legal settlement, several sections of the Compact authorized ex gratia compensation, primarily through the capitalization of trust funds for the rehabilitation and resettlement of contaminated lands in three of the affected atolls (Enewetak, Bikini, and Rongelap), and by providing program assistance through existing Federal programs such as USDA Agricultural and Food programs, the DOE Marshall Islands program, and extension of the Section 177 Health Care Program, also known as the “4-Atoll Health Care program”. The rough estimate of this additional ex gratia compensation to date totals at least \$220 million.

It is important to note that while the administration opposed additional financial compensation based on the CCP, the administration's report noted that some of the RMI's requests for additional program assistance, while not qualifying as changed circumstances, “might be desirable”.

The legislation being re-introduced today includes four of the RMI's requests for additional program assistance. I agree with President Zedkaia that these requests should be given consideration by the Congress. Briefly, these requests are:

Runit Island monitoring: Between 1977 and 1980, the U.S. conducted a cleanup of some of the contaminated areas of Enewetak Atoll where 43 tests were conducted. Some of the contaminated soil and debris was removed to Runit Island, mixed with concrete, and placed in Cactus crater that had been formed by one of the tests. Under the Compact settlement, the RMI accepted responsibility for, and control over the utilization of lands in the Marshall Islands affected by the testing. The Compact Act (P.L. 99-239) also reaffirmed a 1980 authorization, under P.L. 96-205, for the Marshall Islands Program of the U.S. Department of Energy (DOE)