EXHIBIT 2

DECEMBER 9, 2010.

Hon. HARRY REID.

Majority Leader, U.S. Senate, Washington, DC.

DEAR SENATOR REID: We write to express the Administration's strong support for the Native Hawaiian Government Reorganization Act of 2010 (S. 3945).

This legislation establishes a process for Native Hawaiians to organize a government roughly akin to the government of an American Indian tribe. Once the Native Hawaiian government is created and its leaders elected, the United States would officially recognize the new governing entity and work with it on a government-to-government basis, just as the United States works with federally recognized Indian tribes in other States.

Senator Akaka first introduced a version of this legislation more than a decade ago. Since 1999, Senator Akaka, Senator Inouye, and other members of Hawaii's congressional delegation have worked tirelessly with the last three Administrations—and especially with our Departments—to greatly improve the bill, which has now received bipartisan support from the House of Representatives, the Senate Committee on Indian Affairs, and Hawaii's Governor and Attorney General.

Of the Nation's there major indigenous groups, Native Hawaiians—unlike American Indians and Alaska Natives—are the only one that currently lacks a government-to-government relationship with the United States. This bill provides Native Hawaiians a means by which to exercise the inherent rights to local self-government, self-determination, and economic self-sufficiency that other Native Americans enjoy.

For these reasons, we urge the Senate to pass the Native Hawaiian Government Reorganization Act of 2010 and send it to the President for his signature.

The Office of Management and Budget has advised that enactment of this legislation would be in accord with the Administration's program.

Sincerely,

ERIC H. HOLDER, JR.,
Attorney General.

KEN SALAZAR,
Secretary of the Interior.

EXHIBIT 3

[From the Honolulu Advertiser, May 3, 2010]

66% OF HAWAII RESIDENTS FAVOR RECOGNITION FOR NATIVE HAWAIIANS—POLL SHOWS SLIGHT UPTICK FROM 2006, WHEN 63% APPROVED

(By Gordon Y.K. Pang)

Hawai'i residents still favor federal recognition of Native Hawaiians by a 2-to-1 margin, the latest Advertiser Hawai'i Poll numbers show.

Polling conducted last week found that 66 percent of the participants support Native Hawaiians being ''recognized by Congress and the federal government as a distinct group, similar to the special recognition given to American Indians and Alaskan Natives.''

Such recognition could come about under a process created by the Akaka bill, formally known as the Native Hawaiian Government Reorganization Act of 2009. The bill passed the U.S. House in February and is awaiting a vote in the Senate.

The Hawai'i Poll appears to indicate that, in recent years, a large segment of Hawai'i residents have settled into how they think about federal recognition and the Akaka bill. In 2000, the Advertiser Hawai'i Poll showed 73 percent in favor of federal recognition. That support appeared to dip in the latter part of the decade, when in 2006 the poll showed 63 percent of respondents in favor of recognition.

The poll was conducted by locally based Ward Research Inc. with a sampling size of 604 respondents.

Over the course of the last decade, during the administrations of President George W. Bush and President Obama, language in the Akaka bill has been widely debated and amended in the effort to get it passed.

Gov. Linda Lingle and her administration oppose the current version of the bill. Lingle had been a strong and influential supporter of the bill, but now believes this version grants too much authority to the Native Hawaiian entity at the onset of negotiations that would take place among the entity and the state and the federal governments.

For instance, it would grant ''sovereign immunity'' to the entity and its employees from the state's criminal, public health, child safety and environmental laws.

Clyde Nāmu'o, administrator of the Office of Hawaiian Affairs, said he is ''not surprised and actually pleased'' by the latest poll numbers, especially given the new opposition by Lingle and others.

''It's fairly consistent with the polls that we did,'' Nāmu'o said. ''Obviously, there's still a majority of the people who still support'' federal recognition.

Two of three major candidates in the 1st Congressional District special election, Democrat Ed Case and Republican Charles Djou, have said they do not support the current language of the bill that passed the House, leaving Democrat Colleen Hanabusa as the sole staunch supporter.

'NOBODY KNOWS'

Longtime opponents of the Akaka bill and/or federal recognition said the Hawai'i Poll numbers show only that a majority of Hawai'i residents don't know what federal recognition means.

''I think the big problem is nobody knows what's inside the bill,'' said Thurston Twigg-Smith, former Honolulu Advertiser owner. ''They keep changing it, people don't have a chance to read it.''

Congress should hold hearings on the measure in Hawai'i so the public can get a better understanding of the language, he said.

Hawaiian rights activist Dennis Pu'uhonua ''Bumpy'' Kanahele said the poll ''only tells me that people aren't even aware of what the Akaka bill is all about.''

The state's politicians and ''mainstream Hawaiian organizations'' support the bill and not other models of self-determination, such as complete independence from the U.S. government, he said.

Kanahele said that's why he's been pushing for a constitutional convention, so Hawaiians can look at the different models and determine what's best.

Among the 115 poll respondents who identified themselves as Native Hawaiians, 82 percent said they support federal recognition. Among other ethnic groups, 66 percent of those describing themselves as Japanese support it, while 61 percent of Filipinos and Caucasians indicated support.

Only 58 percent of those who identified themselves as 55 and older support federal recognition, while 72 percent of those ages 35 to 54 support it, and 79 percent of those under 35 do.

TRIBUTE TO RETIRING SENATORS

BYRON DORGAN

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I rise today to pay tribute to my colleague, Senator BYRON DORGAN. This is his last day voting in the Senate. He is retiring after serving the people of North Dakota in the Congress, the House, and Senate, for 30 years. But BYRON's record in North Dakota goes even beyond that—another 12 years in State office, so a total of 42 years of serving the people of North Dakota.

I want to first say I am not objective when it comes to BYRON DORGAN because he is my best friend. We have been friends and allies for all of those 42 years. In 1968 I was running a campaign to lower the voting age in North Dakota and first met BYRON DORGAN, a young tax commissioner—very young, in his twenties, appointed after the previous tax commissioner took his life. BYRON had extraordinary responsibility thrust on him at a very young age, the youngest statewide official in our State's history. BYRON disposed of those responsibilities with real distinction, becoming recognized as the most influential State leader, even more influential than the Governor of the State, by a major publication in North Dakota.

I met BYRON DORGAN in that year and was so struck by his ability, his charisma, and his vision for our State and our Nation that I thought: This is somebody I want to work with in my career.

We started a friendship that has lasted to this day. In 1970 I was helping run the reelection campaign of Senator Quentin Burdick, who served in this Chamber for more than 30 years. I got to know BYRON even better then. In fact, my wife and I spent time with him and his wife. In the years that followed we became very close friends. In 1974, when I got back from business school, BYRON called me and asked me to come to his office. I did the day after I returned home. We took a walk around the Capitol Grounds of the State of North Dakota and he talked to me about what he saw as the future—the future of our State, things that were happening in the country that needed to be addressed, and how the two of us might, working together, change that future and make a difference.

I agreed that day to be his campaign manager for the House of Representatives. In that campaign, EARL POMEROY, now North Dakota's lone Congressman, was the driver. I was the campaign manager. BYRON is always quick to point out it was the only election he ever lost. He always said it was the fault of the campaign manager. I always said it was the fault of the driver. And EARL always believed we would have won if only he had been the candidate.

Those were incredible days. I remember so well that campaign, the three of us—we bonded in a way that I think is very rare in politics and served together in a way that is unusual. There was never the kind of competition that often exists between Members. But there was always a keen friendship and a real partnership. We were allies, fighting for North Dakota, fighting to

change the country, deeply committed to each other and to our State.

After that campaign BYRON asked me to be his assistant. Weeks later he hired Lucy Calautti. Lucy, years later, became my wife, so I have always credited BYRON with bringing us together. We were also joined by my college roommate who became another assistant to then tax commissioner BYRON DORGAN, a young man named Jim Lang, a very dear friend of mine, an absolute genius, and the four of us worked to build the Democratic Party in North Dakota and to change the political landscape.

Those were incredible times. We fought great battles for a coal severance tax in North Dakota, for an oil severance tax, things that helped build the financial base for our State.

In 1980, BYRON announced that he would seek North Dakota's lone seat in the House of Representatives. I ran to succeed him as tax commissioner. Lucy, who by then was somebody for whom I had great respect, was his campaign manager in that race for the House of Representatives. BYRON was successful, and I was successful in a year in which no other Democrats were successful in our State.

We then had a period of time, 6 years, before the Senate race in which BYRON was in Washington, I was in North Dakota, and we campaigned together day after day, weekend after weekend, month after month, all across North Dakota, building a movement, a movement that resulted in my running for the Senate in 1986.

It was really BYRON's turn. He could have chosen to run, but he decided not to, and so I did, in a race that many thought was impossible for me to win. I started out more than 30 points behind the incumbent. He had over $1 million in the bank. When I got into the race, I think I had $126. But BYRON DORGAN was my ally in that race every step of the way. I think very few others would have done what he did for me. I think very few other Members of the House of Representatives, having someone else leapfrog them to come to the Senate, would have put themselves on the line as much as BYRON DORGAN did for me in that Senate race in 1986. But he was with me in every corner of the State fighting tooth and nail, an uphill battle in which, as I said, I started out 38 points behind.

But on election day, I won a very narrow victory, winning by about 2,000 votes over an incumbent who had won his previous race with over 70 percent of the vote and a man who really looked like a U.S. Senator, Mark Andrews—6 feet 5 inches, booming voice, white mane of hair, very powerful speaker. Yet I was able to win that race in a squeaker, and I never could have without BYRON's extraordinary assistance and support.

For a period of time that I was in the Senate, he was in the House, and then in 1992 I announced I would not seek reelection to my seat because I made a pledge in that 1986 campaign, and the pledge I made was that I would not run for reelection unless the deficit was dramatically reduced. If you have reviewed 1992, you know the deficit was at a record level. After the first Bush administration, deficits were at record levels. So I announced I would not seek reelection, in keeping with my pledge. BYRON DORGAN announced for my seat, and there was Lucy helping to run BYRON's campaign for what was my seat in the Senate—a remarkable time in our lives.

Then later that year, Senator Burdick, the other Senator from North Dakota, died. The Governor called me and said: KENT, you have to run to fill out the 2 years of his term; otherwise, North Dakota is going to lose all its seniority in one fell swoop, lose all of Senator Burdick's more than 30 years of seniority. We are going to lose BYRON'S 12 years of seniority in the House because he is running for your seat in the Senate, and we will lose your 6 years of seniority if you do not run to fill the term of Senator Burdick.

I have always remembered that the media in North Dakota took a poll on whether I should run to fill the 2 years of Senator Burdick's term, and even an overwhelming majority of Republicans thought I should run. So the Governor told me there would be a special election after the regular elections in November. He said: Look, you have kept your pledge. You did not run for reelection to your seat. BYRON is running for election to your seat. You would be in a special election in December.

So I agreed to run, and BYRON and I were running simultaneous campaigns for the Senate in 1992, he for my seat in the regular election, and I was running for the special election in December. Once again, we crisscrossed North Dakota campaigning together, making our case, and both of us won very big victories in 1992.

From that time period forward until today, BYRON and I have served together representing the State of North Dakota—best friends. What a remarkable story.

I can still remember one of the publications here on the Hill—I can't remember if it was The Hill or Roll Call—when the two Senators from Mississippi were fighting for the majority leader position, ran a cartoon that said: Why can't the two Senators from Mississippi be more like the Senators from North Dakota—friends forever. And BYRON and I have been friends forever and will be friends forever.

After the 1992 race, we both served North Dakota, and, unlike so many delegations, we did everything we could to support each other. I can't think of a time when there were ever angry words exchanged between BYRON DORGAN and EARL POMEROY and myself. It was what many people back home called Team North Dakota. And we have been a team, as close as you could be.

During BYRON'S time in the Senate, he has been a fierce fighter for policies that benefit average people and also somebody very suspicious of corporate power. He passionately opposed what he thought were misguided trade policies that contributed to jobs moving overseas. He was one of a handful of Senators who warned against consolidation and the excessive risk that would result from repealing the barriers between commercial and investment banking. He warned at the time, in what has become a famous speech, that if we passed that legislation, we would face a financial crisis in the years ahead. That prediction looks prescient today in light of the financial collapse of 2008. He was a leader in fighting for farm policies to benefit family farmers and ranch families rather than corporate agriculture. In the midst of it all, he wrote two books: take this job and shove it—or ''Take This Job and Ship It'' and ''Reckless! How Debt, Deregulation, and Dark Money Nearly Bankrupted America.''

Most importantly, BYRON DORGAN had a vision, an energy, and a persistence that has played a huge role in building the prosperity of our State.

Robert Kennedy once said: ''There are those that look at things the way they are, and ask why? I dream of things that never were, and ask why not?'' That is really the way BYRON approached service to North Dakota. He did not see limits; he saw opportunity.

He looked at our university system and technology industries and saw no reason they could not be built into the Red River Valley Research Corridor that could power the economy of eastern North Dakota. And he set about making it happen, and he has succeeded.

He looked at our energy industry and saw no reason North Dakota could not be the energy powerhouse for the Nation. Through his position on the Energy Committee and the Energy and Water Subcommittee of Appropriations, he helped build North Dakota into one of the leading energy-producing States in the Nation.

He looked at the growth of the knowledge industries and the Internet and saw no reason North Dakota could not be wired with the same 21st-century telecommunications infrastructure as the rest of the country. He used his position on the Commerce Committee to get that done as well.

The results of his work can be seen in every corner of our State. Modern highways and air terminals, new and improved water infrastructure, a booming energy and agricultural economy, high-tech companies springing up everywhere across our State, the strongest economic growth in the Nation, the lowest unemployment rate in the Nation—by any measure, North Dakota is doing very well. Most of that, BYRON will tell you, is because of the hard work and good judgment of the people of North Dakota. But among them, no one has worked harder or smarter on behalf of North Dakota than Senator BYRON DORGAN.

Let me close by saying that I do not know of a harder working or more productive person than BYRON DORGAN. He produces extraordinary amounts of high-quality work. He is type A squared, but he never forgot his roots.

BYRON DORGAN grew up in Regent, ND, a town of 300. He often reminds us that he graduated in a class of nine and he was in the top five. He is proud of that background, he is proud of that heritage, he is proud of our State, he is proud of our Nation, and we are proud of him.

I will miss BYRON DORGAN'S partnership here every day, but I know he will be with us because BYRON DORGAN will never be far from the fray. BYRON DORGAN has served this body well, served the Nation well, and served our State extraordinarily well.

I yield the floor.

The PRESIDING OFFICER (Mr. FRANKEN.) The Senator from Colorado.

UNANIMOUS-CONSENT REQUEST—H.R. 2476

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that the Senate proceed to Calendar No. 636, H.R. 2476; that the Udall of Colorado substitute amendment which is at the desk be agreed to; the bill, as amended, be read a third time and passed; the Udall of Colorado title amendment which is at the desk be agreed to; the motions to reconsider be laid upon the table, with no intervening action or debate; and any statements relating to the matter be printed in the RECORD.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, on behalf of Senator KYL and Senator MCCAIN, I respectfully object.

The PRESIDING OFFICER. Objection is heard.

Mr. UDALL of Colorado. Mr. President, if I might, I know Senator DURBIN has a pressing unanimous consent request. I ask unanimous consent that when he has concluded his request, Senator BARRASSO and I could engage in a colloquy on the very bill that has been objected to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Illinois.

UNANIMOUS-CONSENT REQUEST—EXECUTIVE CALENDAR

Mr. DURBIN. Mr. President, the Executive Calendar of the Senate notes, on page 5, Calendar No. 1002, James Michael Cole, of the District of Columbia, nominated by the President of the United States to be Deputy Attorney General. That was reported by the Senate Judiciary Committee, his nomination, on July 20 of this year. We are now into December, and this year is coming to an end. This has taken long enough.

I ask that the No. 2 spot in the Department of Justice be filled, that we not continue to have this vacancy and imperil the important mission of that Department.

I ask unanimous consent that the Senate proceed to executive session and to the immediate consideration of Calendar No. 1002, James Michael Cole, of the District of Columbia, to be Deputy Attorney General; that the nomination be confirmed and the motion to reconsider be laid upon the table, with no interviewing action or debate; that any statements be printed in the RECORD, the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. CHAMBLISS. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, the Department of Justice is well aware of some issues that have been raised by the intelligence community, particularly the Senate Intelligence Committee, with respect to this nominee; therefore, I must object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Colorado.

Mr. UDALL of Colorado. Mr. President, if I might, I would like to yield to Senator BARRASSO from Wyoming to discuss the important bill that was just objected to.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. BARRASSO. It was a privilege for me to cosponsor this piece of legislation with the distinguished Senator from Colorado. My colleague Senator ENZI and I have long been advocates of allowing an additional opportunity for jobs and for economic development into the wonderful ski areas around Rocky Mountain West, which is the intent of this bill. It really is aimed at increasing summer activities so that a number of these locations, if you will, on Forest Service land can use that land for an extended season, which would then work toward full-time, year-round employment for the folks in those areas, putting in things such as zip lines and opportunities for recreational advancements to increase the amount of tourism, the amount of visitors to these wonderful places people like to enjoy. We think additional opportunities and enhancements would allow for additional employment. That is why Senator ENZI and I joined with Senator UDALL in support of his efforts on this important piece of legislation.

Mr. UDALL of Colorado. Mr. President, I thank both Senators from Wyoming for their support. I know we will go back to work in the next Congress because, as the Senator pointed out, this bipartisan bill would provide clear authority for the Forest Service to allow additional summertime use of ski areas which would help create jobs and grow sustainable economies in ski country. It is no cost. It is common sense, as the Senator pointed out. That is why it not only has support from the two Wyoming Senators but also Senators RISCH, ENSIGN, BENNETT, and GREGG. It was favorably reported out of the Energy and Natural Resources Committee in September. The CBO projects it will actually generate revenue for the Federal budget and will help improve the economy in a lot of hard-hit mountain communities.

Mr. President, we passed a number of other bills out of the Energy and Natural Resources Committee that, unfortunately, will not receive votes in this Congress. I want to touch on a couple of them.

I begin with the National Forest Insect Disease Emergency Act. I have been working on this concern for the entire time I have served in the Congress, whether in the Senate or the House. We have an enormous bark beetle epidemic in our Western forests. Those who study our forests say that because of climate change and drought and human activity, these epidemics will become more and more common. What the bill would have done is provide the tools and resources to the Forest Service to help address this serious natural disaster. It is slow moving but nonetheless a natural disaster. That disaster is the deaths of millions and millions of acres of trees due to insect infestations.

Senators CRAPO and RISCH were cosponsors. It is a very significant disappointment that we didn't move to consider this bill. I know it would have passed the Senate.

Another bill is the Leadville Mine Drainage Tunnel Act, commonsense legislation that would directly benefit a community in Colorado and, indeed, the entire Arkansas River Valley, one of the significant watersheds in the State of Colorado. This mine drainage tunnel near Leadville, in 2008, was backed up with a large volume of contaminated water which then created a safety hazard to the community, but it was unclear whether the Bureau of Reclamation or the Environmental Protect Agency was responsible for addressing it.

My bill would clarify that the Bureau of Reclamation has the authority to treat this backed-up water and is responsible for maintaining the tunnel so that in the future these kinds of threats will not arise and, if they do, it is clear who is responsible to mitigate them. It is a straightforward bill. It doesn't cost anything. It would give the people of Leadville the certainty they have needed for years.

Finally, I wish to mention the Sugar Loaf Fire Protection District Land Exchange Act. This would help protect public safety. It facilitates a fair exchange of lands on the Arapaho-Roosevelt National Forest near Boulder between the Forest Service and the Sugar Loaf Fire District. The fire district is seeking this exchange so they can upgrade and maintain fire stations which serve this community which has been subjected to wildland/urban fires. We