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## Senate

(Legislative day of Friday, September 22, 2000)

The Senate met at 5:34 p.m. on the expiration of the recess, and was called to order by the Honorable PETER G. FITZGERALD, a Senator from the State of Illinois.

### PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious God, we believe in You, we love our Nation, and we know we are called to unity. Today we pray very specifically for the resolution of the Presidential election; with the same intensity we intercede for this Senate. Bless the Senators of both parties. We join with millions of Americans in praying that You will give them the courage to keep working until the issues are resolved, the determination to find answers, and the desire to give as well as take in negotiation. You are ready to help those who confess their dependence on You for wisdom to find workable solutions and creative compromises. When we humbly ask for Your guidance together, You open the channels of communication and give us the inspiration to negotiate. We thank You in advance for the answer to this prayer. In the name of our Lord. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable TIM HUTCHINSON, a Senator from the State of Arkansas, led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. THURMOND).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, December 11, 2000.

TO THE SENATE: Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable PETER G. FITZGERALD, a Senator from the State of Illinois, to perform the duties of the Chair.

STROM THURMOND,  
President pro tempore.

### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 6 p.m., with the time to be equally divided in the usual form.

### RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Arkansas is recognized.

### DEATH OF REPRESENTATIVE JULIAN C. DIXON OF CALIFORNIA

Mr. HUTCHINSON. Mr. President, I ask unanimous consent the Senate now proceed to the immediate consideration of S. Res. 387 submitted by Senators LOTT and DASCHLE.

The ACTING PRESIDENT pro tempore. The clerk will state the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 387) relative to the death of Representative Julian C. Dixon, of California.

There being no objection, the Senate proceeded to consider the resolution.

Mrs. FEINSTEIN. Mr. President, I rise today to pay tribute to a remarkable public servant who has been taken from us all too quickly.

The sudden loss of Representative JULIAN DIXON has shocked and saddened us all. Without a doubt, JULIAN served California's Thirty-Second District with passion and distinction. He was a man of the highest integrity and credibility and his departure is a terrible loss to all of us.

He was a gentleman in every sense of the word who was willing to work across partisan lines to improve the lives of his constituents and so many Americans.

I was privileged as a member of the Senate Appropriations to work with JULIAN DIXON, who was a member of the House Appropriations Committee.

In this role, JULIAN always put California's needs first. He helped aid small businesses in Southern California who had been hurt by military base closures and defense downsizing. He also was a champion of the Los Angeles Metro Subway and the Alameda Corridor, an underground connection between the port of Los Angeles and the major east-west rail lines.

He also consistently fought to maintain our Nation's commitment to civil rights and to increase the economic upward mobility of the people of the Thirty-Second District.

JULIAN was also a leader through his role on the Appropriations Committee to secure funds to rebuild after the 1992 Los Angeles riots, the 1994 Northridge earthquake, and to improve public transportation throughout Los Angeles.

JULIAN DIXON served in Congress for 22 years, first being elected in 1978. He completed his undergraduate studies at California State University in Los Angeles and attended Southwestern

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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School of Law. He served in the United States Army, practiced law in Los Angeles and then was elected to the California State Assembly in 1972.

He was also Chair of the Congressional Black Caucus and worked tirelessly to establish a memorial to Dr. Martin Luther King, Jr. here in our Nation's Capital.

In 1999, JULIAN became an active participant in protecting America's national security through his role as ranking Democrat on the Select Intelligence Committee.

JULIAN DIXON was a man of principle and fairness whose grace and humility will be sorely missed.

My thoughts and prayers are with his wife Betty and the entire Dixon family during this very difficult time.

Put simply, this Nation owes much to JULIAN DIXON and the United States Congress was truly made a much better place because of his service.

Mr. HUTCHINSON. Mr. President, I ask unanimous consent the resolution be agreed to and the motion to reconsider be laid upon the table.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The resolution (S. Res. 387) was agreed to, as follows:

#### S. RES. 387

*Resolved*, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Julian C. Dixon, late a Representative from the State of California.

*Resolved*, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

*Resolved*, That when the Senate adjourns or recesses today, it stand adjourned or recessed as a further mark of respect to the memory of the deceased Representative.

#### ORDER OF PROCEDURE

Mr. HUTCHINSON. Mr. President, I ask unanimous consent, notwithstanding the recess or adjournment of the Senate, that when the Senate receives from the House the joint resolution funding the Government until Friday, December 15, the text of which is at the desk, it be considered read a third time and passed, with the motion to reconsider laid upon the table.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### INDIAN TRIBAL JUSTICE TECHNICAL AND LEGAL ASSISTANCE ACT OF 2000

Mr. HUTCHINSON. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill (S. 1508).

The ACTING PRESIDENT pro tempore laid before the Senate the following message from the House of Representatives:

*Resolved*, That the bill from the Senate (S. 1508) entitled "An Act to provide technical and legal assistance to tribal justice systems

and members of Indian tribes, and for other purposes", do pass with the following amendment:

Strike out all after the enacting clause and insert:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Indian Tribal Justice Technical and Legal Assistance Act of 2000".

#### SEC. 2. FINDINGS.

The Congress finds and declares that—

(1) there is a government-to-government relationship between the United States and Indian tribes;

(2) Indian tribes are sovereign entities and are responsible for exercising governmental authority over Indian lands;

(3) the rate of violent crime committed in Indian country is approximately twice the rate of violent crime committed in the United States as a whole;

(4) in any community, a high rate of violent crime is a major obstacle to investment, job creation and economic growth;

(5) tribal justice systems are an essential part of tribal governments and serve as important forums for ensuring the health and safety and the political integrity of tribal governments;

(6) Congress and the Federal courts have repeatedly recognized tribal justice systems as the most appropriate forums for the adjudication of disputes affecting personal and property rights on Native lands;

(7) enhancing tribal court systems and improving access to those systems serves the dual Federal goals of tribal political self-determination and economic self-sufficiency;

(8) there is both inadequate funding and an inadequate coordinating mechanism to meet the technical and legal assistance needs of tribal justice systems and this lack of adequate technical and legal assistance funding impairs their operation;

(9) tribal court membership organizations have served a critical role in providing training and technical assistance for development and enhancement of tribal justice systems;

(10) Indian legal services programs, as funded partially through the Legal Services Corporation, have an established record of providing cost effective legal assistance to Indian people in tribal court forums, and also contribute significantly to the development of tribal courts and tribal jurisprudence; and

(11) the provision of adequate technical assistance to tribal courts and legal assistance to both individuals and tribal courts is an essential element in the development of strong tribal court systems.

#### SEC. 3. PURPOSES.

The purposes of this Act are as follows:

(1) to carry out the responsibility of the United States to Indian tribes and members of Indian tribes by ensuring access to quality technical and legal assistance.

(2) To strengthen and improve the capacity of tribal court systems that address civil and criminal causes of action under the jurisdiction of Indian tribes.

(3) To strengthen tribal governments and the economies of Indian tribes through the enhancement and, where appropriate, development of tribal court systems for the administration of justice in Indian country by providing technical and legal assistance services.

(4) To encourage collaborative efforts between national or regional membership organizations and associations whose membership consists of judicial system personnel within tribal justice systems; non-profit entities which provide legal assistance services for Indian tribes, members of Indian tribes, and/or tribal justice systems.

(5) To assist in the development of tribal judicial systems by supplementing prior Congressional efforts such as the Indian Tribal Justice Act (Public Law 103-176).

#### SEC. 4. DEFINITIONS.

For purposes of this Act:

(1) ATTORNEY GENERAL.—The term "Attorney General" means the Attorney General of the United States.

(2) INDIAN LANDS.—The term "Indian lands" shall include lands within the definition of "Indian country", as defined in 18 U.S.C. 1151; or "Indian reservations", as defined in section 3(d) of the Indian Financing Act of 1974, 25 U.S.C. 1452(d), or section 4(10) of the Indian Child Welfare Act, 25 U.S.C. 1903(10). For purposes of the preceding sentence, such section 3(d) of the Indian Financing Act shall be applied by treating the term "former Indian reservations in Oklahoma" as including only lands which are within the jurisdictional area of an Oklahoma Indian Tribe (as determined by the Secretary of Interior) and are recognized by such Secretary as eligible for trust land status under 25 CFR part 151 (as in effect on the date of enactment of this sentence).

(3) INDIAN TRIBE.—The term "Indian tribe" means any Indian tribe, band, nation, pueblo, or other organized group or community which administers justice or plans to administer justice under its inherent authority or the authority of the United States and which is recognized as eligible for the special programs and services provided by the United States to Indian tribes because of their status as Indians.

(4) JUDICIAL PERSONNEL.—The term "judicial personnel" means any judge, magistrate, court counselor, court clerk, court administrator, bailiff, probation officer, officer of the court, dispute resolution facilitator, or other official, employee, or volunteer within the tribal judicial system.

(5) NON-PROFIT ENTITIES.—The term "non-profit entity" or "non-profit entities" has the meaning given that term in section 501(c)(3) of the Internal Revenue Code.

(6) OFFICE OF TRIBAL JUSTICE.—The term "Office of Tribal Justice" means the Office of Tribal Justice in the United States Department of Justice.

(7) TRIBAL JUSTICE SYSTEM.—The term "tribal court", "tribal court system", or "tribal justice system" means the entire judicial branch, and employees thereof, of an Indian tribe, including, but not limited to, traditional methods and fora for dispute resolution, trial courts, appellate courts, including inter-tribal appellate courts, alternative dispute resolution systems, and circuit rider systems, established by inherent tribal authority whether or not they constitute a court of record.

#### TITLE I—TRAINING AND TECHNICAL ASSISTANCE, CIVIL AND CRIMINAL LEGAL ASSISTANCE GRANTS

##### SEC. 101. TRIBAL JUSTICE TRAINING AND TECHNICAL ASSISTANCE GRANTS.

Subject to the availability of appropriations, the Attorney General, in consultation with the Office of Tribal Justice, shall award grants to national or regional membership organizations and associations whose membership consists of judicial system personnel within tribal justice systems which submit an application to the Attorney General in such form and manner as the Attorney General may prescribe to provide training and technical assistance for the development, enrichment, enhancement of tribal justice systems, or other purposes consistent with this Act.

##### SEC. 102. TRIBAL CIVIL LEGAL ASSISTANCE GRANTS.

Subject to the availability of appropriations, the Attorney General, in consultation with the Office of Tribal Justice, shall award grants to non-profit entities, as defined under section 501(c)(3) of the Internal Revenue Code, which provide legal assistance services for Indian tribes, members of Indian tribes, or tribal justice systems pursuant to federal poverty guidelines that submit an application to the Attorney General in such form and manner as the Attorney General may prescribe for the provision of civil legal assistance to members of Indian tribes and

tribal justice systems, and/or other purposes consistent with this Act.

#### SEC. 103. TRIBAL CRIMINAL ASSISTANCE GRANTS.

Subject to the availability of appropriations, the Attorney General, in consultation with the Office of Tribal Justice, shall award grants to non-profit entities, as defined by section 501(c)(3) of the Internal Revenue Code, which provide legal assistance services for Indian tribes, members of Indian tribes, or tribal justice systems pursuant to federal poverty guidelines that submit an application to the Attorney General in such form and manner as the Attorney General may prescribe for the provision of criminal legal assistance to members of Indian tribes and tribal justice systems, and/or other purposes consistent with this Act. Funding under this title may apply to programs, procedures, or proceedings involving adult criminal actions, juvenile delinquency actions, and/or guardian-ad-litem appointments arising out of criminal or delinquency acts.

#### SEC. 104. NO OFFSET.

No Federal agency shall offset funds made available pursuant to this Act for Indian tribal court membership organizations or Indian legal services organizations against other funds otherwise available for use in connection with technical or legal assistance to tribal justice systems or members of Indian tribes.

#### SEC. 105. TRIBAL AUTHORITY.

Nothing in this Act shall be construed to—

(1) encroach upon or diminish in any way the inherent sovereign authority of each tribal government to determine the role of the tribal justice system within the tribal government or to enact and enforce tribal laws;

(2) diminish in any way the authority of tribal governments to appoint personnel;

(3) impair the rights of each tribal government to determine the nature of its own legal system or the appointment of authority within the tribal government;

(4) alter in any way any tribal traditional dispute resolution fora;

(5) imply that any tribal justice system is an instrumentality of the United States; or

(6) diminish the trust responsibility of the United States to Indian tribal governments and tribal justice systems of such governments.

#### SEC. 106. AUTHORIZATION OF APPROPRIATIONS.

For purposes of carrying out the activities under this title, there are authorized to be appropriated such sums as are necessary for fiscal years 2000 through 2004.

### TITLE II—INDIAN TRIBAL COURTS

#### SEC. 201. GRANTS.

(a) IN GENERAL.—The Attorney General may award grants and provide technical assistance to Indian tribes to enable such tribes to carry out programs to support—

(1) the development, enhancement, and continuing operation of tribal justice systems; and

(2) the development and implementation of—

(A) tribal codes and sentencing guidelines;

(B) inter-tribal courts and appellate systems;

(C) tribal probation services, diversion programs, and alternative sentencing provisions;

(D) tribal juvenile services and multi-disciplinary protocols for child physical and sexual abuse; and

(E) traditional tribal judicial practices, traditional tribal justice systems, and traditional methods of dispute resolution.

(b) CONSULTATION.—In carrying out this section, the Attorney General may consult with the Office of Tribal Justice and any other appropriate tribal or Federal officials.

(c) REGULATIONS.—The Attorney General may promulgate such regulations and guidelines as may be necessary to carry out this title.

(d) AUTHORIZATION OF APPROPRIATIONS.—For purposes of carrying out the activities under this section, there are authorized to be appropriated such sums as are necessary for fiscal years 2000 through 2004.

#### SEC. 202. TRIBAL JUSTICE SYSTEMS.

Section 201 of the Indian Tribal Justice Act (25 U.S.C. 3621) is amended—

(1) in subsection (a), by striking “1994, 1995, 1996, 1997, 1998, 1999, and 2000” and inserting “2000 through 2007”;

(2) in subsection (b), by striking “1994, 1995, 1996, 1997, 1998, 1999, and 2000” and inserting “2000 through 2007”;

(3) in subsection (c), by striking “1994, 1995, 1996, 1997, 1998, 1999, and 2000” and inserting “2000 through 2007”; and

(4) in subsection (d), by striking “1994, 1995, 1996, 1997, 1998, 1999, and 2000” and inserting “2000 through 2007”.

### TITLE III—TECHNICAL AMENDMENTS TO ALASKA NATIVE CLAIMS SETTLEMENT ACT

#### SEC. 301. ALASKA NATIVE VETERANS.

Section 41 of the Alaska Native Claims Settlement Act (43 U.S.C. 1629g) is amended as follows:

(1) Subsection (a)(3)(I)(4) is amended by striking “and Reindeer” and inserting “or”.

(2) Subsection (a)(4)(B) is amended by striking “; and” and inserting “; or”.

(3) Subsection (b)(1)(B)(i) is amended by striking “June 2, 1971” and inserting “December 31, 1971”.

(4) Subsection (b)(2) is amended by striking the matter preceding subparagraph (A) and inserting the following:

“(2) The personal representative or special administrator, appointed in an Alaska State court proceeding of the estate of a decedent who was eligible under subsection (b)(1)(A) may, for the benefit of the heirs, select an allotment if the decedent was a veteran who served in South East Asia at any time during the period beginning August 5, 1964, and ending December 31, 1971, and during that period the decedent—”

#### SEC. 302. LEVIES ON SETTLEMENT TRUST INTERESTS.

Section 39(c) of the Alaska Native Claims Settlement Act (43 U.S.C. 1629e(c)) is amended by adding at the end the following new paragraph:

“(8) A beneficiary’s interest in a settlement trust and the distributions thereon shall be subject to creditor action (including without limitation, levy attachment, pledge, lien, judgment execution, assignment, and the insolvency and bankruptcy laws) only to the extent that Settlement Common Stock and the distributions thereon are subject to such creditor action under section 7(h) of this Act.”

### TITLE IV—NATIONAL LEADERSHIP SYMPOSIUM FOR AMERICAN INDIAN, ALASKAN NATIVE, AND NATIVE HAWAIIAN YOUTH

#### SEC. 401. ADMINISTRATION OF NATIONAL LEADERSHIP SYMPOSIUM FOR AMERICAN INDIAN, ALASKAN NATIVE, AND NATIVE HAWAIIAN YOUTH.

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary of Education for the Washington Workshops Foundation \$2,200,000 for administration of a national leadership symposium for American Indian, Alaskan Native, and Native Hawaiian youth on the traditions and values of American democracy.

(b) CONTENT OF SYMPOSIUM.—The symposium administered under subsection (a) shall—

(1) be comprised of youth seminar programs which study the workings and practices of American national government in Washington, DC, to be held in conjunction with the opening of the Smithsonian National Museum of the American Indian; and

(2) envision the participation and enhancement of American Indian, Alaskan Native, and Native Hawaiian youth in the American political process by interfacing in the first-hand operations of the United States Government.

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that the Senate agree to the amendment of the House.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

### OMNIBUS INDIAN ADVANCEMENT ACT

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 5528, which is at the desk.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 5528) to authorize the construction of a Wakpa Sica Reconciliation Place in Fort Pierre, South Dakota, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

#### ANCSA HISTORIC SITE AND CEMETERY SELECTIONS

Mr. FEINGOLD. Mr. President, I appreciate the work of my colleague from Colorado, Mr. CAMPBELL, and of my colleague from Hawaii, Mr. INOUE on H.R. 5528, the Omnibus Indian Advancement Act. I am pleased that this measure includes several provisions that will benefit Wisconsin tribes.

However, I have concerns regarding title XV of this measure, which reinstates applications for particular parcels of land that are now part of the Chugach National Forest to be conveyed to the Chugach Alaska Corporation, CAC, the Alaska Native Corporation for the Chugach Region. The provisions included in title XV of H.R. 5528 differ from those included in title II of H.R. 2547 and its companion bill in this body S. 1686. These bills are in the jurisdiction of the Senate Energy Committee. Would the Senator be willing to allow me to engage in discussion with the Senator from Alaska, Mr. MURKOWSKI to clarify a few important points about this legislation?

Mr. CAMPBELL. Mr. President, I am pleased to allow the Senator to clarify aspects of this legislation.

Mr. FEINGOLD. As I understand the legislation, it directs the Secretary of the Interior to reinstate applications for the conveyance of seven parcels of land, now in federal ownership as part of the Chugach National Forest, for a determination of eligibility for conveyance to the CAC as historical places or cemetery sites under section 14(h) of the Alaska Native Claims Settlement Act, ANCSA. Is that correct?

Mr. MURKOWSKI. My colleague from Wisconsin is correct.

Mr. FEINGOLD. Am I also correct in my understanding that five of these parcels covered by these applications are currently within the Nellie Juan College Fjord Wilderness Study Area, WSA, designated by Congress in section 704 of Public Law 96-487, the Alaska National Interest Lands Conservation Act, ANILCA?

Mr. MURKOWSKI. My colleague from Wisconsin is correct, and I am sure my colleague shares my concern that the Secretary of Agriculture has not met

the requirement of section 704 of ANILCA that he report to the President and Congress within three years his recommendation as to the suitability and nonsuitability of such lands for wilderness designation. I would also note that the submission of these applications by the CAC pre-dated enactment of ANILCA.

Mr. FEINGOLD. Am I further correct in my understanding that one of these parcels, Coghill Point, is near an area which was determined to be eligible for designation as a wild and scenic river as part of the Chugach National Forest planning process?

Mr. MURKOWSKI. Again, my colleague from Wisconsin is correct, however, the land containing such parcel is not designated as such in the draft forest plan identified by the Forest Service as the preferred alternative.

Mr. FEINGOLD. As the Senator knows, 43 C.F.R. §2653.5 requires that regional corporations that are conveyed cemetery sites or historical places pursuant to section 14(h) of ANCSA agree to accept a covenant in the conveyance that these cemetery sites or historical places will be maintained and preserved solely as cemetery sites or historical places by the regional corporation, in accordance with the provisions for conveyance reservations in 43 C.F.R. §2653.11. Is it the case that, if the Secretary of the Interior chooses to act favorably on these conveyance applications, nothing in this act is intended to prevent the Secretary from complying with the covenant requirements of these regulations in conveying these seven parcels of land to the CAC?

Mr. MURKOWSKI. The Senator from Wisconsin is correct. This legislation is not intended to eliminate any covenant requirements.

Mr. FEINGOLD. As my colleague further knows, the conveyance reservations contained in 43 C.F.R. §2653.11 prohibit the grantee from authorizing any mining or mineral activity of any type, or "any use which is incompatible with or is in derogation of the values of the area as a cemetery or historic place" as defined further by 36 C.F.R. §800.9. Is it the case that nothing in this act is intended to prevent the United States from seeking enforcement of such prohibitions, as authorized under C.F.R. 2653.11?

Mr. MURKOWSKI. The Senator from Wisconsin is correct. This legislation is not intended to prevent enforcement of such prohibitions.

Mr. FEINGOLD. I thank the Senator from Alaska for helping me to clarify these issues.

THE TORRES-MARTINEZ DESERT CAHUILLA  
INDIANS CLAIMS SETTLEMENT ACT OF 2000

Mr. REID. Mr. President, I ask that the distinguished chairman of the Committee on Indian Affairs, Senator CAMPBELL, engage in a brief colloquy regarding the Torres-Martinez Desert Cahuilla Indians Settlement Act of 2000. The purpose of this legislation is to provide for the settlement of issues

and claims related to the trust lands of the Torres-Martinez Desert Cahuilla Indians of California.

In June 1996, after decades of neglect and months of difficult negotiations, representatives of the United States, the Torres-Martinez Tribe, the Imperial Irrigation District, and the Coachella Valley Water District signed a settlement agreement that resolves their conflicting claims and provides for dismissal of litigation. Legislation necessary to ratify this settlement agreement and to authorize the Federal actions and appropriations necessary for its implementation was introduced in 1996. However, because provisions in the legislation dealing with the taking of after-acquired land into trust for purposes of gaming proved very controversial, the legislation never passed the Senate. It has taken this long to get to the point where the bill is again being considered by the Senate, and the bill is still controversial.

The basic settlement provisions involve land and cash in return for dismissal of all claims with regard to the Torres-Martinez Tribe. By far the most controversial of the provisions in the bill are those authorizing the Secretary of the Interior to take lands into trust for the explicit purpose of gaming. These lands are isolated from the principal lands to be taken into trust for the tribe, and have only one purpose—to provide a place to build a casino. It is clear that these lands have been chosen, not because of their cultural or historical relationship to the tribal members, but because of their proximity to an area of high density traffic. While Indian Gaming Regulatory Act, IGRA, authorizes the Secretary to take lands into trust as part of a land settlement, it was never the intent of IGRA to allow the Federal land claims settlement process to be manipulated in this manner.

Personally, I feel that the language in H.R. 4643 is poorly drafted, particularly when it comes to authorizing the taking of land into trust for purposes of gaming. I think we should draft a new bill that more clearly respects the intent of IGRA. However, I understand the hardship that further delay would cause the Torres-Martinez Tribe; and so I am prepared to allow H.R. 5528 to proceed as drafted. I do believe, and I want to make my views clear, that the practice of settling Indian land claims with off-reservation land-into-trust acquisitions for purposes of gaming is something that should not become common practice in settling these claims.

Does the chairman agree that H.R. 5528 represents a unique situation, and the Department of Justice and the Secretary of Interior should work to ensure that when they are negotiating Indian land claims they should try and hammer out fair settlements that fully compensate tribes for legitimate losses they have suffered and that land-into-trust acquisitions for gaming purposes

as a component of such settlements should be avoided?

Mr. CAMPBELL. Mr. President, first I would like to thank my colleague from Nevada for expressing his thoughts and concerns with H.R. 5528, and I want to express my thoughts on this matter as we pass this legislation.

I think that H.R. 5528 does present a unique situation in that the Torres-Martinez Tribe's lands have been inundated by the waters of the Colorado River since the beginning of the 1900s and one that I hope is not in other settlement agreements negotiated by the Department of Justice and presented to Congress for its consideration.

I understand your concerns about the precedent that would be set if as part of land settlements, land-into-trust acquisitions for gaming purposes were routinely proposed in exchange for the settlement of land claims. Though IGRA clearly calls for that situation in section 2719 of the Act, I agree that if a wholesale policy of off-reservation acquisitions as part of a settlement were adopted by the Department of Justice or this Congress, that a great many Senators would call for amendments to the act.

While I appreciate these concerns and would not favor inclusion of off-reservation land-into-trust acquisitions for purposes of land settlement in all cases, the IGRA is clear in providing the authority to do just that if warranted by the facts of the case in question.

Although this legislation is not the most desirable option and does not provide all parties with what they want out of a legislated settlement, it does provide justice to the Torres-Martinez Tribe and I think we are right in approving the bill.

Mr. REID. I thank the chairman and agree with him that this is a matter for which we do not want to set precedent with the bill before us.

COUSHATTA TRIBE OF LOUISIANA

Mr. REID. Mr. President, I ask that Senator BREAU engage in a brief colloquy regarding S. 2792. The purpose of the legislation sponsored by the distinguished senior Senator from Louisiana is to provide that land owned by the Coushatta Tribe of Louisiana but which is not held in trust by the United States for the Tribe may be leased or transferred by the tribe without further approval by the United States.

I am concerned because the language in this bill does not clearly provide that, if there is going to be gaming on this land, it is to be regulated gaming. That is, any land included in this bill is subject to regulation either by the Indian Gaming Regulatory Act, IGRA, if Indians purchase the land, or subject to state and local regulation.

I stand for a conservative interpretation of the IGRA. As such, with all land bills involving Indian land, we must follow IGRA—in statute and intent. Congressional intent for Indian gaming under IGRA was to provide economic flexibility regarding the use of land

which has a cultural or historical relationship to the tribal members. Congress did not provide in IGRA a mechanism for tribes to use to acquire and sell land which is only valuable because of its proximity to a commercially attractive area of high density traffic.

Is it the intent of the Senator from Louisiana that S. 2792 fully comply with the statute and intent of IGRA and that if any gaming takes place on the land covered by this bill, such gaming continues to be subject to the applicable IGRA or state or local regulation?

Mr. BREAUX. Mr. President, first I thank my colleague from Nevada for expressing his thoughts and concerns with S. 2792, and I want to express my thoughts on this matter as we pass this legislation.

I agree that it was never the intent of S. 2792 to circumvent regulation of gaming. This bill simply provides for the Coshatta Tribe to lease or transfer land without further approval. This bill in no way provides for any gaming regulatory loopholes.

Mr. REID. I thank the senior Senator from Louisiana.

#### THE GRATON RANCHERIA RESTORATION ACT

Mrs. BOXER. Mr. President, I thank the Chairman of the Indian Affairs Committee, Senator CAMPBELL, and the distinguished ranking Democrat, Senator INOUE, for moving this important bill to the Senate floor. This bill will restore Federal recognition and associated rights, privileges, and eligibility for Federal services and benefits to the Federated Indians of the Graton Rancheria of California, formerly known as the Coastal Miwok tribe.

This bill provides much needed recognition for the tribe. The Graton Rancheria have been waiting decades for the Government to undo a past wrong. In 1958, the Federal Government stripped the Graton Rancheria of Federal recognition. Recently, it was found that the tribe holds a small parcel of land in Graton, CA that had been set aside as reservation for them in the 1920s.

As passed in the House of Representatives, this bill included language that waived the tribe's gaming rights. I supported that language, as did the Graton Rancheria and the local community. However, it was clear that the Senate Committee on Indian Affairs and the Bureau of Indian Affairs would not support the language. The chairman and ranking member of the Senate Committee on Indian Affairs have offered an amendment that removes the no-gaming clause. In his statement accompanying the amendment, Senator INOUE asserts that the no-gaming clause is unnecessary because the Graton Rancheria have no intention of conducting gaming.

I hope with the Senate passage of this bill that the House, the Senate Committee on Indian Affairs, and the administration can work to resolve the differences over the no-gaming clause

and come to an agreement on either bill or report language.

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that the bill be considered read the third time and passed, the motion to reconsider be laid upon the table, and any statement relating to the bill be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The bill (H.R. 5528) was considered read the third time and passed.

#### CORRECTING THE ENROLLMENT OF H.R. 5528

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 161, submitted earlier today by Senator CAMPBELL.

The ACTING PRESIDENT pro tempore. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 161) to correct the enrollment of H.R. 5528.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to and the motion to reconsider be laid upon the table.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 161) was agreed to, as follows:

#### S. CON. RES. 161

*Resolved by the Senate (the House of Representatives concurring).* That the Clerk of the House of Representatives, in the enrollment of the bill (H.R. 5528) to authorize the construction of a Wakpa Sica Reconciliation Place in Fort Pierre, South Dakota, and for other purposes, shall make the following correction:

(1) Strike title XII and insert the following:

#### TITLE XII—NAVAJO NATION TRUST LAND LEASING

##### SEC. 1201. SHORT TITLE.

This title may be cited as the "Navajo Nation Trust Land Leasing Act of 2000".

##### SEC. 1202. CONGRESSIONAL FINDINGS AND DECLARATION OF PURPOSES.

(a) FINDINGS.—Recognizing the special relationship between the United States and the Navajo Nation and its members, and the Federal responsibility to the Navajo people, Congress finds that—

(1) the third clause of section 8, Article I of the United States Constitution provides that "The Congress shall have Power . . . to regulate Commerce . . . with Indian tribes", and, through this and other constitutional authority, Congress has plenary power over Indian affairs;

(2) Congress, through statutes, treaties, and the general course of dealing with Indian tribes, has assumed the responsibility for the protection and preservation of Indian tribes and their resources;

(3) the United States has a trust obligation to guard and preserve the sovereignty of Indian tribes in order to foster strong tribal governments, Indian self-determination, and economic self-sufficiency;

(4) pursuant to the first section of the Act of August 9, 1955 (25 U.S.C. 415), Congress conferred upon the Secretary of the Interior the power to promulgate regulations governing tribal leases and to approve tribal leases for tribes according to regulations promulgated by the Secretary;

(5) the Secretary of the Interior has promulgated the regulations described in paragraph (4) at part 162 of title 25, Code of Federal Regulations;

(6) the requirement that the Secretary approve leases for the development of Navajo trust lands has added a level of review and regulation that does not apply to the development of non-Indian land; and

(7) in the global economy of the 21st Century, it is crucial that individual leases of Navajo trust lands not be subject to Secretarial approval and that the Navajo Nation be able to make immediate decisions over the use of Navajo trust lands.

(b) PURPOSES.—The purposes of this title are as follows:

(1) To establish a streamlined process for the Navajo Nation to lease trust lands without having to obtain the approval of the Secretary of the Interior for individual leases, except leases for exploration, development, or extraction of any mineral resources.

(2) To authorize the Navajo Nation, pursuant to tribal regulations, which must be approved by the Secretary, to lease Navajo trust lands without the approval of the Secretary of the Interior for the individual leases, except leases for exploration, development, or extraction of any mineral resources.

(3) To revitalize the distressed Navajo Reservation by promoting political self-determination, and encouraging economic self-sufficiency, including economic development that increases productivity and the standard of living for members of the Navajo Nation.

(4) To maintain, strengthen, and protect the Navajo Nation's leasing power over Navajo trust lands.

(5) To ensure that the United States is faithfully executing its trust obligation to the Navajo Nation by maintaining federal supervision through oversight of and record keeping related to leases of Navajo Nation tribal trust lands.

#### SEC. 1203. LEASE OF RESTRICTED LANDS FOR THE NAVAJO NATION.

The first section of the Act of August 9, 1955 (25 U.S.C. 415) is amended—

(1) in subsection (d)—

(A) in paragraph (1), by striking "and" at the end;

(B) in paragraph (2), by striking the period and inserting a semicolon; and

(C) by adding at the end the following:

"(3) the term 'individually owned Navajo Indian allotted land' means a single parcel of land that—

"(A) is located within the jurisdiction of the Navajo Nation;

"(B) is held in trust or restricted status by the United States for the benefit of Navajo Indians or members of another Indian tribe; and

"(C) was—

"(i) allotted to a Navajo Indian; or

"(ii) taken into trust or restricted status by the United States for an individual Indian;

"(4) the term 'interested party' means an Indian or non-Indian individual or corporation, or tribal or non-tribal government whose interests could be adversely affected by a tribal trust land leasing decision made by the Navajo Nation;

"(5) the term 'Navajo Nation' means the Navajo Nation government that is in existence on the date of enactment of this Act or its successor;

"(6) the term 'petition' means a written request submitted to the Secretary for the review of an action (or inaction) of the Navajo Nation that is claimed to be in violation of the approved tribal leasing regulations;

"(7) the term 'Secretary' means the Secretary of the Interior; and

"(8) the term 'tribal regulations' means the Navajo Nation regulations enacted in accordance with Navajo Nation law and approved by the Secretary."; and

(2) by adding at the end the following:

"(e)(1) Any leases by the Navajo Nation for purposes authorized under subsection (a), and any amendments thereto, except a lease for the exploration, development, or extraction of any mineral resources, shall not require the approval of the Secretary if the lease is executed under the tribal regulations approved by the Secretary under this subsection and the term of the lease does not exceed—

"(A) in the case of a business or agricultural lease, 25 years, except that any such lease may include an option to renew for up to 2 additional terms, each of which may not exceed 25 years; and

"(B) in the case of a lease for public, religious, educational, recreational, or residential purposes, 75 years if such a term is provided for by the Navajo Nation through the promulgation of regulations.

"(2) Paragraph (1) shall not apply to individually owned Navajo Indian allotted land.

"(3) The Secretary shall have the authority to approve or disapprove tribal regulations referred to under paragraph (1). The Secretary shall approve such tribal regulations if such regulations are consistent with the regulations of the Secretary under subsection (a), and any amendments thereto, and provide for an environmental review process. The Secretary shall review and approve or disapprove the regulations of the Navajo Nation within 120 days of the submission of such regulations to the Secretary. Any disapproval of such regulations by the Secretary shall be accompanied by written documentation that sets forth the basis for the disapproval. Such 120-day period may be extended by the Secretary after consultation with the Navajo Nation.

"(4) If the Navajo Nation has executed a lease pursuant to tribal regulations under paragraph (1), the Navajo Nation shall provide the Secretary with—

"(A) a copy of the lease and all amendments and renewals thereto; and

"(B) in the case of regulations or a lease that permits payment to be made directly to the Navajo Nation, documentation of the lease payments sufficient to enable the Secretary to discharge the trust responsibility of the United States under paragraph (5).

"(5) The United States shall not be liable for losses sustained by any party to a lease executed pursuant to tribal regulations under paragraph (1), including the Navajo Nation. Nothing in this paragraph shall be construed to diminish the authority of the Secretary to take appropriate actions, including the cancellation of a lease, in furtherance of the trust obligation of the United States to the Navajo Nation.

"(6)(A) An interested party may, after exhaustion of tribal remedies, submit, in a timely manner, a petition to the Secretary to review the compliance of the Navajo Nation with any regulations approved under this subsection. If upon such review the Secretary determines that the regulations were violated, the Secretary may take such action as may be necessary to remedy the violation, including rescinding the approval of the tribal regulations and reassuming responsibility for the approval of leases for Navajo Nation tribal trust lands.

"(B) If the Secretary seeks to remedy a violation described in subparagraph (A), the Secretary shall—

"(i) make a written determination with respect to the regulations that have been violated;

"(ii) provide the Navajo Nation with a written notice of the alleged violation together with such written determination; and

"(iii) prior to the exercise of any remedy or the rescission of the approval of the regulation involved and the reassumption of the lease approval responsibility, provide the Navajo Nation with a hearing on the record and a reasonable opportunity to cure the alleged violation."

#### TRIBUTE TO SENATOR SLADE GORTON

Mr. THURMOND. Mr. President, I rise today to pay tribute to my colleague from the State of Washington, Senator SLADE GORTON.

During the course of working with SLADE over the past several years, I have come to know a dedicated, intelligent individual who is recognized throughout Congress as a work horse. He is a life-long public servant who began his political career in the Washington state legislature, where he was elected by his Republican peers to the position of State House Majority Leader. After his tenure in the state house, he continued to serve the fine people of Washington as Attorney General. While serving in this position he argued fourteen cases before the Supreme Court, winning much acclaim for his proficiency as a lawyer.

We come from opposite coasts, yet there are many common ideological threads we share. I respect SLADE's commitment to fighting for the blue collar worker—the salt-of-the-earth, hard working individuals who I am also pleased to represent—along with his strong support for the law enforcement community and for states' rights. More importantly, I admire SLADE's determination, a trait which enabled him to serve three terms in the United States Senate.

Senator SLADE GORTON is a straightforward individual whose candor will be greatly missed, and I feel that I can speak for all of my colleagues when I express my gratitude for his countless contributions to the Senate. I wish him and his wife Sally health, happiness, and success in the years to come.

#### ATLANTIC STRIPED BASS CONSERVATION ACT

Mr. KERRY. Mr. President, I rise today in support of a provision in H.R. 2903, the Atlantic Striped Bass Conservation Act. This legislation authorizes a population study of Atlantic striped bass to determine if there is sufficient diversity in year classes to ensure successful recruitment and healthy stocks for continued commercial and recreational fishing.

The Atlantic striped bass is considered one of the success stories in recent fisheries management. Striped bass

stocks along the Atlantic coast experienced precipitous declines during the 1970s and early 1980s. This decline was attributed to the increase in the number of recreational and commercial fishermen, and the use of increasingly efficient gear. Because the decline was widespread and encompassed multiple jurisdictions, recovery efforts were delegated to the Atlantic States Marine Fisheries Commission (ASMFC) under the authority of the Striped Bass Conservation Act of 1984, and later the Atlantic Coastal Fisheries Cooperative Act of 1993. The ASMFC consists of coastal member states from Maine to Florida.

In an effort to rebuild striped bass stocks, the ASMFC halted both commercial and recreational fishing for striped bass beginning in the mid-1980s. The ASMFC began to allow limited recreational and commercial fishing for striped bass in the early 1990s, when striped bass began to show signs of recovery. Today even though stock abundance remains high, cautious vigilance of coast-wide fisheries performance and its impact on resource conditions should continue to be a primary task of the ASMFC.

The Atlantic Striped Bass, or stripers as they are known in the Bay state, are the number one recreational fishery in Massachusetts. In 1999 recreational fishermen caught 4.7 million stripers in the Bay state, this represents 33 percent of all stripers caught along the East coast from North Carolina to Maine. While most states allow anglers to keep two fish, Massachusetts allows anglers one fish, so that even though 33 percent of all stripers are caught in Massachusetts, only 10 percent of the recreational landings occur in Massachusetts. The difference between caught and landed fish is fish caught and released. Massachusetts has a small commercial fishery for the striped bass as well. In 1999 commercial fishermen landed 40,000 stripers, which represented 4 percent of the commercial harvest on the East coast.

These figures do not even begin to represent what stripers mean to our economy. In a 1996 US Fish and Wildlife Service survey the agency estimated that 886,000 anglers spent 10.7 million days fishing for striped bass in salt water during 1996. Average expenditures for all Atlantic Coast saltwater trips were about \$800 per angler in 1996, for a total estimated annual expenditure in this fishery of \$762 million.

Stripers are an anadromous fish that frequents brackish waters and depends on a healthy estuarine ecosystem for its survival. As such, it is affected by non-point source pollution and habitat loss and degradation, more so than an offshore fish. I am very concerned that without a national program to identify and reduce sources of non-point pollution, that eventually our striped stocks will again crash as they did in the 1970s. On two occasions the United States Senate has passed S. 1534, the Coastal Zone Management Act of 2000.



This bill authorizes states to apply for funding that specifically targets non-point pollution, and in turn help striped bass populations. Mr. President, the sound policies of S. 1534 will help the striped bass.

#### ADDITIONAL STATEMENTS

##### A TRIBUTE TO JOHN J. HOCK

• Mrs. FEINSTEIN. Mr. President, I rise today to pay tribute to John J. Hock, the devoted father of my press secretary Jim Hock.

John Hock will be remembered by friends and family for his deep devotion to his religious faith, family, and football. His family members recall that although he was not one to yell or scream, he always commanded great respect from everyone who knew him. His greatest treasure was his family. Jim always spoke of the selflessness of this father, who even in his last days, wanted to ensure that his family would be taken care of once he was gone.

A natural athlete, Mr. Hock played in the National Football League as an offensive tackle for the Chicago Cardinals. During the Korean war, Mr. Hock, a participant in the Olympic trials in the late 1940's, also entertained troops while on USO football teams in Japan. After returning from the Korean war, he was traded to the Los Angeles Rams, where he played as a guard from 1953-1957. As captain of the Santa Clara University's football team, Mr. Hock led his teammates to victory over the top-ranked University of Kentucky in the 1965 Orange Bowl.

During the off-season, Mr. Hock taught high school in Los Angeles to make ends meet. It was while he was working as a teacher that he met his wife, Bernadette. His family remembers how devoted they were to one another. Because her husband was too humble to promote himself, Mrs. Hock carried around his paying cards to give to friends. Their son Joseph put it best when he said that his mother and father were one.

In 1960, his pro-football career over and family growing, Mr. Hock moved into sales and marketing at Western Carloading, a Los Angeles-based trucking and shipping company. From 1988 until this year, he worked as a sales agent for Coldwell Baker Realty in Mahwah, spending his freetime with his grandchildren, his family members said.

He is survived by his wife of 45 years, Bernadette, his sister, Ruth Rahe, his children, Jay, Joseph, Jim, Mary, Susan, Anna, and Lisa, and 11 of his grandchildren.

Mr. President, Mr. Hock will be greatly missed, not because he entertained us, but because he stands as a reminder of the importance of family. As the holiday season draws near, let us all remember what John Hock always knew: Family and friends are truly the sweetest rewards.●

#### ON THE DEATH OF SALIM Y. SARAFSA

• Mr. ABRAHAM. Mr. President, I rise today to pay respect to a dear friend of mine who passed away recently. Salim Y. Sarafa helped start the Chaldean-Iraqi Association of Michigan, became its first president in 1954 and served three terms in that post. The association's first facility was built in 1979, and now includes the Southfield Manor and the Shenandoah Golf and Country Club.

Salim served on the St. Michael's School Board and was vice-chairman of the Associated Food Dealers of Michigan. He also helped develop a school that taught students to read, write, and speak Arabic. He was active in the National Association of Arab-Americans, the American-Arab Anti-Discrimination Committee and the Republican Party at the state and national levels.

He was born in Telkaif, Iraq, in 1921. He earned an education degree from the University of Baghdad and became a high school teacher in 1942. He went on to teach in Kut in southern Iraq for four years before being promoted to assistant principal of a school near Baghdad. He left teaching to become director general of the Iraqi Department of Public Works.

Salim came to the United States in 1951. While living with the George Jonna family, he worked in their store, Union Pacific Market, until he opened his own store in 1953. He met and married Margaret George that same year.

In 1957, he and four partners opened Big Dipper Market, Detroit's largest independent supermarket at the time. He also was involved in a construction company, convenience store and wholesale business over the years. He got into the real estate business in 1968 and remained active until retiring in 1995.

He is survived by three sons, Joe, Michael, and Mark; two daughters, Judy Jonna and Doreen Mangrum; and ten grandchildren. His wife Margaret died in 1998.

Salim and Margaret Sarafa lived their lives dedicated to the American way while preserving the core values of the Chaldean culture. They were able to raise their family and start their business in the land of the free while never forgetting the people who were not blessed with the same chance. I am so very proud to call them my friends.●

#### MESSAGE FROM THE HOUSE

##### ENROLLED BILLS SIGNED

Under the authority of the order of the Senate of January 6, 1999, the Secretary of the Senate, on December 8, 2000, during the recess of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bills and joint resolution:

H.R. 3514. An act to amend the Public Health Service Act to provide for a system of sanctuaries for chimpanzees that have been

designated as being no longer needed in research conducted or supported by the Public Health Service, and for other purposes.

H.R. 4640. An act to make grants to States for carrying out DNA analyses for use in the Combined DNA Index System of the Federal Bureau of Investigation, to provide for the collection and analysis of DNA samples from certain violent and sexual offenders for use in such systems, and for other purposes.

H.J. Res. 128. Joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes.

Under authority of the order of the Senate of January 6, 1999, the enrolled bills and joint resolution were signed subsequently by the President pro tempore (Mr. THURMOND).

The message further announced that under authority of the order of the Senate of January 6, 1999, the following enrolled bills, previously signed by the Speaker of the House, were signed on December 8, 2000, by the President pro tempore (Mr. THURMOND):

S. 1972. An act to direct the Secretary of Agriculture to convey to the town of Dolores, Colorado, the current site of the Joe Rowell Park.

S. 2594. An act to authorize the Secretary of the Interior to contract with the Mancos Water Conservancy District to use the Mancos Project facilities for impounding, storage, diverting, and carriage of non-project water for the purpose of irrigation, domestic, municipal, industrial, and any other beneficial purposes.

S. 3137. An act to establish a commission to commemorate the 250th anniversary of the birth of James Madison.

H.R. 3048. An act to amend section 879 of title 18, United States Code, to provide clearer coverage over threats against former Presidents and members of their families, and for other purposes.

H.R. 4281. An act to establish, wherever feasible, guidelines, recommendations, and regulations that promote the regulatory acceptance of new and revised toxicological tests that protect human and animal health and the environment while reducing, refining, or replacing animal tests and ensuring human safety and product effectiveness.

H.R. 4827. An act to amend title 18, United States Code, to prevent the entry by false pretenses to any real property, vessel, or aircraft of the United States or secure area of any airport, to prevent the misuse of genuine and counterfeit police badges by those seeking to commit a crime, and for other purposes.

#### ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on December 8, 2000, he had presented to the President of the United States, the following enrolled bills:

S. 1972. An act to direct the Secretary of Agriculture to convey to the town of Dolores, Colorado, the current site of the Joe Rowell Park.

S. 2594. An act to authorize the Secretary of the Interior to contract with the Mancos Water Conservancy District to use the Mancos Project facilities for impounding, storage, diverting, and carriage of non-project water for the purpose of irrigation, domestic, municipal, industrial, and any other beneficial purposes.

S. 3137. An act to establish a commission to commemorate the 250th anniversary of the birth of James Madison.

## 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. ABRAHAM (for himself and Mr. FEINGOLD):

S. 3276. A bill to make technical corrections to the College Scholarship Fraud Prevention Act of 2000 and certain amendments made by that Act; to the Committee on the Judiciary.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. HUTCHINSON (for Mr. LOTT (for himself and Mr. DASCHLE)):

S. Res. 387. A resolution relative to the death of Representative Julian C. Dixon, of California; considered and agreed to.

By Mr. CAMPBELL:

S. Con. Res. 161. A concurrent resolution to correct the enrollment of H.R. 5528; considered and agreed to.

## ADDITIONAL COSPONSORS

S. 2084

At the request of Mr. LUGAR, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2084, a bill to amend the Internal Revenue Code of 1986 to increase the amount of the charitable deduction allowable for contributions of food inventory, and for other purposes.

S. 2718

At the request of Mr. SMITH of New Hampshire, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2718, a bill to amend the Internal Revenue Code of 1986 to provide incentives to introduce new technologies to reduce energy consumption in buildings.

## SENATE CONCURRENT RESOLUTION—TO CORRECT THE ENROLLMENT OF H.R. 5528

Mr. CAMPBELL submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 161

*Resolved by the Senate (the House of Representatives concurring), That the Clerk of the House of Representatives, in the enrollment of the bill (H.R. 5528) to authorize the construction of a Wakpa Sica Reconciliation Place in Fort Pierre, South Dakota, and for other purposes, shall make the following correction:*

(1) Strike title XII and insert the following:

### TITLE XII—NAVAJO NATION TRUST LAND LEASING

#### SEC. 1201. SHORT TITLE.

This title may be cited as the "Navajo Nation Trust Land Leasing Act of 2000".

#### SEC. 1202. CONGRESSIONAL FINDINGS AND DECLARATION OF PURPOSES.

(a) FINDINGS.—Recognizing the special relationship between the United States and the Navajo Nation and its members, and the Fed-

eral responsibility to the Navajo people, Congress finds that—

(1) the third clause of section 8, Article I of the United States Constitution provides that "The Congress shall have Power...to regulate Commerce . . . with Indian tribes", and, through this and other constitutional authority, Congress has plenary power over Indian affairs;

(2) Congress, through statutes, treaties, and the general course of dealing with Indian tribes, has assumed the responsibility for the protection and preservation of Indian tribes and their resources;

(3) the United States has a trust obligation to guard and preserve the sovereignty of Indian tribes in order to foster strong tribal governments, Indian self-determination, and economic self-sufficiency;

(4) pursuant to the first section of the Act of August 9, 1955 (25 U.S.C. 415), Congress conferred upon the Secretary of the Interior the power to promulgate regulations governing tribal leases and to approve tribal leases for tribes according to regulations promulgated by the Secretary;

(5) the Secretary of the Interior has promulgated the regulations described in paragraph (4) at part 162 of title 25, Code of Federal Regulations;

(6) the requirement that the Secretary approve leases for the development of Navajo trust lands has added a level of review and regulation that does not apply to the development of non-Indian land; and

(7) in the global economy of the 21st Century, it is crucial that individual leases of Navajo trust lands not be subject to Secretarial approval and that the Navajo Nation be able to make immediate decisions over the use of Navajo trust lands.

(b) PURPOSES.—The purposes of this title are as follows:

(1) To establish a streamlined process for the Navajo Nation to lease trust lands without having to obtain the approval of the Secretary of the Interior for individual leases, except leases for exploration, development, or extraction of any mineral resources.

(2) To authorize the Navajo Nation, pursuant to tribal regulations, which must be approved by the Secretary, to lease Navajo trust lands without the approval of the Secretary of the Interior for the individual leases, except leases for exploration, development, or extraction of any mineral resources.

(3) To revitalize the distressed Navajo Reservation by promoting political self-determination, and encouraging economic self-sufficiency, including economic development that increases productivity and the standard of living for members of the Navajo Nation.

(4) To maintain, strengthen, and protect the Navajo Nation's leasing power over Navajo trust lands.

(5) To ensure that the United States is faithfully executing its trust obligation to the Navajo Nation by maintaining federal supervision through oversight of and record keeping related to leases of Navajo Nation tribal trust lands.

#### SEC. 1203. LEASE OF RESTRICTED LANDS FOR THE NAVAJO NATION.

The first section of the Act of August 9, 1955 (25 U.S.C. 415) is amended—

(1) in subsection (d)—

(A) in paragraph (1), by striking "and" at the end;

(B) in paragraph (2), by striking the period and inserting a semicolon; and

(C) by adding at the end the following:

"(3) the term 'individually owned Navajo Indian allotted land' means a single parcel of land that—

"(A) is located within the jurisdiction of the Navajo Nation;

"(B) is held in trust or restricted status by the United States for the benefit of Navajo Indians or members of another Indian tribe; and

"(C) was—

"(i) allotted to a Navajo Indian; or

"(ii) taken into trust or restricted status by the United States for an individual Indian;

"(4) the term 'interested party' means an Indian or non-Indian individual or corporation, or tribal or non-tribal government whose interests could be adversely affected by a tribal trust land leasing decision made by the Navajo Nation;

"(5) the term 'Navajo Nation' means the Navajo Nation government that is in existence on the date of enactment of this Act or its successor;

"(6) the term 'petition' means a written request submitted to the Secretary for the review of an action (or inaction) of the Navajo Nation that is claimed to be in violation of the approved tribal leasing regulations;

"(7) the term 'Secretary' means the Secretary of the Interior; and

"(8) the term 'tribal regulations' means the Navajo Nation regulations enacted in accordance with Navajo Nation law and approved by the Secretary."; and

(2) by adding at the end the following:

"(e)(1) Any leases by the Navajo Nation for purposes authorized under subsection (a), and any amendments thereto, except a lease for the exploration, development, or extraction of any mineral resources, shall not require the approval of the Secretary if the lease is executed under the tribal regulations approved by the Secretary under this subsection and the term of the lease does not exceed—

"(A) in the case of a business or agricultural lease, 25 years, except that any such lease may include an option to renew for up to 2 additional terms, each of which may not exceed 25 years; and

"(B) in the case of a lease for public, religious, educational, recreational, or residential purposes, 75 years if such a term is provided for by the Navajo Nation through the promulgation of regulations.

"(2) Paragraph (1) shall not apply to individually owned Navajo Indian allotted land.

"(3) The Secretary shall have the authority to approve or disapprove tribal regulations referred to under paragraph (1). The Secretary shall approve such tribal regulations if such regulations are consistent with the regulations of the Secretary under subsection (a), and any amendments thereto, and provide for an environmental review process. The Secretary shall review and approve or disapprove the regulations of the Navajo Nation within 120 days of the submission of such regulations to the Secretary. Any disapproval of such regulations by the Secretary shall be accompanied by written documentation that sets forth the basis for the disapproval. Such 120-day period may be extended by the Secretary after consultation with the Navajo Nation.

"(4) If the Navajo Nation has executed a lease pursuant to tribal regulations under paragraph (1), the Navajo Nation shall provide the Secretary with—

"(A) a copy of the lease and all amendments and renewals thereto; and

"(B) in the case of regulations or a lease that permits payment to be made directly to the Navajo Nation, documentation of the lease payments sufficient to enable the Secretary to discharge the trust responsibility of the United States under paragraph (5).

"(5) The United States shall not be liable for losses sustained by any party to a lease executed pursuant to tribal regulations under paragraph (1), including the Navajo Nation. Nothing in this paragraph shall be



construed to diminish the authority of the Secretary to take appropriate actions, including the cancellation of a lease, in furtherance of the trust obligation of the United States to the Navajo Nation.

“(6)(A) An interested party may, after exhaustion of tribal remedies, submit, in a timely manner, a petition to the Secretary to review the compliance of the Navajo Nation with any regulations approved under this subsection. If upon such review the Secretary determines that the regulations were violated, the Secretary may take such action as may be necessary to remedy the violation, including rescinding the approval of the tribal regulations and reassuming responsibility for the approval of leases for Navajo Nation tribal trust lands.

“(B) If the Secretary seeks to remedy a violation described in subparagraph (A), the Secretary shall—

“(i) make a written determination with respect to the regulations that have been violated;

“(ii) provide the Navajo Nation with a written notice of the alleged violation together with such written determination; and

“(iii) prior to the exercise of any remedy or the rescission of the approval of the regulation involved and the reassumption of the lease approval responsibility, provide the Navajo Nation with a hearing on the record and a reasonable opportunity to cure the alleged violation.”.

# SENATE RESOLUTION 387—RELATIVE TO THE DEATH OF REPRESENTATIVE JULIAN C. DIXON, OF CALIFORNIA

Mr. HUTCHINSON (for Mr. LOTT (for himself and Mr. DASCHLE)) submitted the following resolution; which was considered and agreed to.

S. RES. 387

*Resolved*, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Julian C. Dixon, late a Representative from the State of California.

*Resolved*, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

*Resolved*, That when the Senate adjourns or recesses today, it stand adjourned or recessed as a further mark of respect to the memory of the deceased Representative.

## ORDERS FOR THURSDAY, DECEMBER 14, 2000

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that when the Senate completes its business today, it recess until the hour of 10 a.m. on Thursday, December 14. I further ask consent that on Thursday, immediately following the prayer, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period of

morning business until 12 noon, with Senators speaking for up to 10 minutes each, with the time equally divided in the usual form.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## PROGRAM

Mr. HUTCHINSON. For the information of all Senators, the Senate will reconvene on Thursday, December 14, at 10 a.m. There will be no session on Tuesday or Wednesday of this week in order to accommodate the funeral service for Congressman DIXON of California who passed away on Friday. Discussions will continue on the remaining appropriations issues, so the final votes may occur as early as Thursday or Friday.

## RECESS UNTIL THURSDAY, DECEMBER 14, 2000, AT 10 A.M.

Mr. HUTCHINSON. If there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in recess under the provisions of S. Res. 387.

There being no objection, the Senate, at 5:40 p.m., recessed until Thursday, December 14, 2000, at 10 a.m.