

(1) the services of the officers, employees, and other personnel of the Special Trustee relating to functions transferred to the Office by this section; and

(2) funds appropriated to those functions for such period of time as may reasonably be needed to facilitate the orderly implementation of this section.

(m) REFERENCES.—Any reference in a Federal law, Executive order, rule, regulation, delegation of authority, or document relating to the Special Trustee, with respect to functions transferred under this section, shall be deemed to be a reference to the Under Secretary.

(n) RECOMMENDED LEGISLATION.—Not later than 180 days after the effective date of this title, the Under Secretary, in consultation with the appropriate committees of Congress and the Director of the Office of Management and Budget, shall submit to Congress any recommendations relating to additional technical and conforming amendments to Federal law to reflect the changes made by this section.

(o) EFFECT OF SECTION.—

(1) CONTINUING EFFECT OF LEGAL DOCUMENTS.—Any legal document relating to a function transferred by this section that is in effect on the effective date of this section shall continue in effect in accordance with the terms of the document until the document is modified or terminated by—

- (A) the President;
- (B) the Under Secretary;
- (C) a court of competent jurisdiction; or
- (D) operation of Federal or State law.

(2) PROCEEDINGS NOT AFFECTED.—This section shall not affect any proceeding (including a notice of proposed rulemaking, an administrative proceeding, and an application for a license, permit, certificate, or financial assistance) relating to a function transferred under this section that is pending before the Special Trustee on the effective date of this section.

(p) EFFECTIVE DATE.—This section shall take effect on December 31, 2008.

#### SEC. 506. HIRING PREFERENCE.

In appointing or otherwise hiring any employee to the Office, the Under Secretary shall give preference to Indians in accordance with section 12 of the Act of June 8, 1934 (25 U.S.C. 472).

#### SEC. 507. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this title.

### TITLE VI—AUDIT OF INDIAN TRUST FUNDS

#### SEC. 601. AUDITS AND REPORTS.

(a) FINANCIAL STATEMENTS AND INTERNAL CONTROL REPORT.—

(1) FINANCIAL STATEMENTS.—For each fiscal year beginning after the enactment of this Act, the Secretary of Interior shall prepare financial statements for individual Indian, Indian tribal, and other Indian trust accounts in accordance with generally accepted accounting principles of the Federal Government.

(2) INTERNAL CONTROL REPORT.—Concurrently with the financial statements under by paragraph (1), the Secretary shall prepare an internal control report that—

(A) establishes the responsibility of the Secretary for establishing and maintaining an adequate internal control structure and procedures for financial reporting under this Act; and

(B) assesses the effectiveness of the internal control structure and procedures for financial reporting under subparagraph (A) during the preceding fiscal year.

(b) INDEPENDENT EXTERNAL AUDITOR.—

(1) IN GENERAL.—The Comptroller General of the United States shall enter into a con-

tract with an independent external auditor to conduct an audit and prepare a report in accordance with this subparagraph.

(2) AUDIT REPORT.—An independent external auditor shall submit to the Committee on Indian Affairs of the Senate, and make available to the public, an audit of the financial statements under subsection (a)(1) in accordance with—

(A) generally accepted auditing standards of the Federal Government; and

(B) the financial audit manual jointly issued by the Government Accountability Office and the Council on Integrity and Efficiency of the President.

(3) ATTESTATION AND REPORT.—In conducting the audit under paragraph (2), the independent external auditor shall attest to, and report on, the assessment of internal controls made by the Secretary under subsection (a)(2)(B).

(4) PAYMENT FOR AUDIT AND REPORT.—

(A) TRANSFER OF FUNDS.—On request of the Comptroller General, the Secretary shall transfer to the Government Accountability Office from funds made available for administrative expenses of the Department of Interior the amount requested by the Comptroller General to pay for an annual audit and report.

(B) CREDIT TO ACCOUNT.—

(i) IN GENERAL.—The Comptroller General shall credit the amount of any funds transferred under subparagraph (A) to the account established for salaries and expenses of the Government Accountability Office.

(ii) AVAILABILITY.—Any amount credited under clause (i) shall be made available on receipt, without fiscal year limitation, to cover the full costs of the audit and report.

#### SEC. 602. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this title.

Mr. DORGAN. Mr. President, I am pleased to join Senator MCCAIN in introducing this historic legislation. This bill is a necessary starting point to begin resolution of the longstanding claims in the Cobell v. Norton litigation, which involves the Federal Government's mismanagement of hundreds of thousands of individual Indian money accounts. The bill was drafted in a bipartisan manner and attempts to address the principles recently developed and set forth by Indian Country.

I want to thank the National Congress of American Indians and the InterTribal Monitoring Association for leading the consultative process utilized in developing these principles. Those principles helped guide the drafting of this bill. The current language of the bill, however, is not perfect. Rather, it is intended to be a starting point for substantive and productive dialogue between the parties. Recently, the parties engaged in a 9-month mediation process that failed to result in any type of potential resolution. This litigation is nearly a decade old and has no end in sight. It is my hope that this bill will assist the parties in reaching some type of resolution of this litigation.

The individual Indian trust account system was not a voluntary system elected by the individual Indians, but rather one imposed upon them by the federal government more than one hundred years ago. The Federal Government serves as trustee of these ac-

counts and the individual Indians are beneficiaries. Unfortunately, the Cobell litigation has brought to light a very disturbing problem: the Federal Government, as trustee, may not be able to provide an accurate and proper historical accounting of these accounts. Moreover, the Federal Government may not know the proper balances of these accounts nor have sufficient documentation to determine the value of these accounts. Further, government officials have stated that a full transaction-by-transaction accounting, presuming one can be performed, would cost more than \$10 billion. This cost would not include any monies determined to be unaccounted for or the interest on those monies.

The claims in the Cobell litigation on examples of broken promises and trust responsibilities to the Native Americans of this country, but it is my hope and desire that this bill will help us keep those promises, fulfill our responsibilities to Native Americans, and restore trust and faith in our government. If Congress continues to allow the Cobell litigation to proceed, the individual beneficiaries of these accounts will not be alive to reap the benefits these accounts and the trust resource management system were intended to bestow.

It is an honor to serve as Vice Chairman of the Committee on Indian Affairs alongside chairman MCCAIN. We have publicly pledged that we will make our best effort to resolve this long overdue injustice to the first Americans. The introduction of this bill is the first step toward that goal.

### AMENDMENTS SUBMITTED AND PROPOSED

SA 1303. Mr. VOINOVICH submitted an amendment intended to be proposed by him to the bill H.R. 3057. An act making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table.

SA 1304. Mr. SCHUMER proposed an amendment to the bill H.R. 3057, supra.

SA 1305. Mr. DODD (for himself, Mr. NELSON, of Florida, Mr. REED, Mr. LEAHY, and Mr. BIDEN) proposed an amendment to the bill H.R. 3057, supra.

SA 1306. Mr. MCCONNELL (for Mr. BYRD) proposed an amendment to the bill H.R. 3057, supra.

SA 1307. Mr. MCCONNELL (for Mr. LEAHY (for himself, Mrs. CLINTON, Mr. CHAFEE, Ms. MIKULSKI, Mr. CORZINE, and Mrs. MURRAY)) proposed an amendment to the bill H.R. 3057, supra.

SA 1308. Mr. MCCONNELL (for Mr. FRIST) proposed an amendment to the bill H.R. 3057, supra.

SA 1309. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table.

SA 1310. Mr. GRASSLEY submitted an amendment intended to be proposed by him

to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1311. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1312. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1313. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1314. Mr. WARNER (for himself and Mr. KYL) proposed an amendment to the bill S. 1042, supra.

SA 1315. Mr. WARNER (for himself and Mr. LEVIN) proposed an amendment to the bill S. 1042, supra.

SA 1316. Mr. REED submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1317. Mr. REED submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1318. Mr. WARNER (for himself and Mr. LEVIN) proposed an amendment to the bill S. 1042, supra.

SA 1319. Mr. WARNER (for himself and Mr. LEVIN) proposed an amendment to the bill S. 1042, supra.

SA 1320. Mr. WARNER proposed an amendment to the bill S. 1042, supra.

SA 1321. Mr. WARNER proposed an amendment to the bill S. 1042, supra.

SA 1322. Mr. WARNER (for himself and Mr. LEVIN) proposed an amendment to the bill S. 1042, supra.

SA 1323. Mr. WARNER (for Mr. GRAHAM) proposed an amendment to the bill S. 1042, supra.

SA 1324. Mr. WARNER (for Mr. MCCONNELL (for himself, Mr. ALLARD, Mr. SALAZAR, and Mr. BUNNING)) proposed an amendment to the bill S. 1042, supra.

SA 1325. Mr. LEVIN (for himself and Ms. COLLINS) proposed an amendment to the bill S. 1042, supra.

SA 1326. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1327. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1328. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1329. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1330. Mr. DEWINE submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1331. Mr. DEWINE submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1332. Mr. DEWINE submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1333. Mr. LOTT (for himself and Mr. COCHRAN) submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1334. Mr. BAYH submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1335. Mr. BAYH submitted an amendment intended to be proposed by him to the

bill S. 1042, supra; which was ordered to lie on the table.

SA 1336. Mr. BAYH submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

**SA 1303.** Mr. VOINOVICH submitted an amendment intended to be proposed by him to the bill H.R. 3057, an act making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 175, between lines 6 and 7, insert the following:

(e) It is the sense of Congress that, as the United States pursues a policy of moving forward on negotiations for Kosovo's future status, the funds made available during 2006 under this heading for assistance for Kosovo should be used primarily for programs that will promote progress on the long-term fulfillment in Kosovo of the standards on human rights, rule of law, democracy, and respect for minorities that were established by the United Nations and that are critical to promoting lasting stability and peace in Kosovo and the surrounding region.

**SA 1304.** Mr. SCHUMER proposed an amendment to the bill H.R. 3057, an act making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 326, between lines 10 and 11, insert the following:

#### REPORT ON RECIPROCITY

SEC. 6113. (a) Notwithstanding any other provision of law, no agency or department of the United States may approve a merger between a United States company and a foreign-owned company or an acquisition of a United States company by a foreign-owned company prior to 30 days after the date on which the Secretary of State submits to Congress the report required by subsection (c).

(b) In this section:

(1) The term "appropriate congressional committees" means the Committee on Appropriations, the Committee on Armed Services, the Committee on Banking, Housing, and Urban Affairs, and the Select Committee on Intelligence of the Senate and the Committee on Appropriations, the Committee on Armed Services, the Committee on Financial Services, and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) The term "foreign-owned company" means an entity that is owned or controlled by the government of a foreign country.

(3) The term "entity" means a partnership, association, trust, joint venture, corporation, or other organization.

(4) The term "owned or controlled" means—

(A) in the case of a corporation, the holding of at least 50 percent (by vote or value) of the capital structure of the corporation; and

(B) in the case of any other kind of legal entity, the holding of interests representing at least 50 percent of the capital structure of the entity.

(5) The term "United States company" means an entity that has its primary place of business in the United States and that is

publicly traded on a United States based stock exchange.

(c) The report referred to in subsection (a) is a report submitted to the appropriate congressional committees by the Secretary of State, in consultation with the Secretary of Commerce, on a proposed merger between a United States company and a foreign-owned company or an acquisition of a United States company by a foreign-owned company. Such report shall include an assessment of whether the law and regulations of the government that owns or controls the foreign-owned company would generally permit a United States company in the same industry as the foreign-owned company to purchase, acquire, merge, or otherwise establish a joint relationship with an entity whose primary place of business is located in such foreign country.

**SA 1305.** Mr. DODD (for himself, Mr. NELSON of Florida, Mr. REED, Mr. LEAHY, and Mr. BIDEN) proposed an amendment to the bill H.R. 3057, An act making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 259, at the end of the page add the following new paragraph:

"(c) Funds made available for assistance for Haiti shall be made available to support elections in Haiti after the Secretary of State submits a written report to the Committee on Appropriations, the House International Relations Committee and the Senate Foreign Relations Committee setting forth a detailed plan, in consultation with the Haitian Transitional Government and the United Nations Stabilization Mission (MINUSTAH), which includes an integrated public security strategy to strengthen the rule of law, ensure that acceptable security conditions exist to permit an electoral process with broad based participation by all the political parties, and provide a timetable for the demobilization, disarmament and reintegration of armed groups: Provided, That following the receipt of such report, up to \$3,000,000 of the funds made available under subsection (a)(3) should be made available for the demobilization, disarmament, and reintegration of armed groups in Haiti.

**SA 1306.** Mr. MCCONNELL (for Mr. BYRD) proposed an amendment to the bill H.R. 3057, an act making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 326, between lines 10 and 11, insert the following:

#### RESPONSIBILITIES AND AUTHORITIES OF UNITED STATES-CHINA ECONOMIC AND SECURITY REVIEW COMMISSION

SEC. . (a) MODIFICATION OF RESPONSIBILITIES.—Notwithstanding any provision of section 1238 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (22 U.S.C. 7002), or any other provision of law, the United States-China Economic and Security Review Commission established by subsection (b) of that section should investigate and report exclusively on each of the following areas:

(1) PROLIFERATION PRACTICES.—The role of the People's Republic of China in the proliferation of weapons of mass destruction and other weapons (including dual use technologies), including actions the United States might take to encourage the People's Republic of China to cease such practices.