

**REMOVAL OF INJUNCTION OF SECRECY—EXCHANGE OF NOTES RELATING TO TAX CONVENTION WITH KAZAKHSTAN (TREATY DOCUMENT NO. 104-15)**

Mr. WARNER. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the Exchange of Notes Relating to the Tax Convention with Kazakhstan, Treaty Document No. 104-15, transmitted to the Senate by the President on August 3, 1995; that the treaty be considered as having been read the first time, referred with accompanying papers to the Committee on Foreign Relations and ordered to be printed; and ordered that the President's message be printed in the RECORD.

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

The message of the President is as follows:

*To the Senate of the United States:*

I transmit herewith an exchange of notes dated at Washington July 10, 1995, for Senate advice and consent to ratification in connection with the Senate's consideration of the Convention Between the Government of the United States of America and the Government of the Republic of Kazakhstan for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income and Capital, together with a related Protocol, signed at Almaty on October 24, 1993, and exchanges of notes (the "Taxation Convention"). Also transmitted for the information of the Senate is the report of the Department of State with respect to the exchange of notes.

This exchange of notes addresses the interaction between the Taxation Convention and other treaties that have tax provisions, including in particular the General Agreement on Trade in Services ("GATS"), annexed to the Agreement Establishing the World Trade Organization, done at Marrakesh April 15, 1994.

I recommend that the Senate give favorable consideration to this exchange of notes and give its advice and consent to ratification in connection with the Taxation Convention.

WILLIAM J. CLINTON.

THE WHITE HOUSE, August 3, 1995.

**ALASKA NATIVE CLAIMS SETTLEMENT ACT AMENDMENT**

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 154, H.R. 402.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 402) to amend the Alaska Native Claims Settlement Act, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

**TITLE I—ALASKA NATIVE CLAIMS SETTLEMENT**

**SECTION 101. RATIFICATION OF CERTAIN CASWELL AND MONTANA CREEK NATIVE ASSOCIATIONS CONVEYANCES.**

*The conveyance of approximately 11,520 acres to Montana Creek Native Association, Inc., and the conveyance of approximately 11,520 acres to Caswell Native Association, Inc., by Cook Inlet Region, Inc. in fulfillment of the agreement of February 3, 1976, and subsequent letter agreement of March 26, 1982, among the 3 parties are hereby adopted and ratified as a matter of Federal law. The conveyances shall be deemed to be conveyances pursuant to section 14(h)(2) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(h)(2)). The group corporations for Montana Creek and Caswell are hereby declared to have received their full entitlement and shall not be entitled to receive any additional lands under the Alaska Native Claims Settlement Act. The ratification of these conveyances shall not have any effect on section 14(h) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(h)) or upon the duties and obligations of the United States to any Alaska Native Corporation. This ratification shall not be for any claim to land or money by the Caswell or Montana Creek group corporations or any other Alaska Native Corporation against the State of Alaska, the United States, or Cook Inlet Region, Incorporated.*

**SEC. 102. MINING CLAIMS ON LANDS CONVEYED TO ALASKA REGIONAL CORPORATIONS.**

*Section 22(c) of the Alaska Native Claims Settlement Act (43 U.S.C. 1621(c)) is amended by adding at the end the following:*

*"(3) This section shall apply to lands conveyed by interim conveyance or patent to a regional corporation pursuant to this Act which are made subject to a mining claim or claims located under the general mining laws, including lands conveyed prior to enactment of this paragraph. Effective upon the date of enactment of this paragraph, the Secretary, acting through the Bureau of Land Management and in a manner consistent with section 14(g), shall transfer to the regional corporation administration of all mining claims determined to be entirely within lands conveyed to that corporation. Any person holding such mining claim or claims shall meet such requirements of the general mining laws and section 314 of the Federal Land Management and Policy Act of 1976 (43 U.S.C. 1744), except that any filings that would have been made with the Bureau of Land Management if the lands were within Federal ownership shall be timely made with the appropriate regional corporation. The validity of any such mining claim or claims may be contested by the regional corporation, in place of the United States. All contest proceedings and appeals by the mining claimants of adverse decision made by the regional corporation shall be brought in Federal District Court for the District of Alaska. Neither the United States nor any Federal agency or official shall be named or joined as a party in such proceedings or appeals. All revenues from such mining claims received after passage of this paragraph shall be remitted to the regional corporation subject to distribution pursuant to section 7(i) of this Act, except that in the event that the mining claim or claims are not totally within the lands conveyed to the regional corporation, the regional corporation shall be entitled only to that proportion of revenues, other than administrative fees, reasonably allocated to the portion of the mining claim so conveyed."*

**SEC. 103. SETTLEMENT OF CLAIMS ARISING FROM HAZARDOUS SUBSTANCE CONTAMINATION OF TRANSFERRED LANDS.**

*The Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) is amended by adding at the end the following:*

**"CLAIMS ARISING FROM CONTAMINATION OF TRANSFERRED LANDS**

*"SEC. 40. (a) As used in this section the term 'contaminant' means hazardous substance harmful to public health or the environment, including friable asbestos.*

*"(b) Within 18 months of enactment of this section, and after consultation with the Secretary of Agriculture, State of Alaska, and appropriate Alaska Native corporations and organizations, the Secretary shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate, a report addressing issues presented by the presence of contaminants on lands conveyed or prioritized for conveyance to such corporations pursuant to this Act. Such report shall consist of—*

*"(1) existing information concerning the nature and types of contaminants present on such lands prior to conveyance to Alaska Native corporations;*

*"(2) existing information identifying to the extent practicable the existence and availability of potentially responsible parties for the removal or remediation of the effects of such contaminants;*

*"(3) identification of existing remedies;*

*"(4) recommendations for any additional legislation that the Secretary concludes is necessary to remedy the problem of contaminants on the lands; and*

*"(5) in addition to the identification of contaminants, identification of structures known to have asbestos present and recommendations to inform Native landowners on the containment of asbestos."*

**SEC. 104. AUTHORIZATION OF APPROPRIATIONS FOR THE PURPOSES OF IMPLEMENTING REQUIRED RECONVEYANCES.**

*Section 14(c) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(c)) is amended by adding at the end the following:*

*"There is authorized to be appropriated such sums as may be necessary for the purpose of providing technical assistance to Village Corporations established pursuant to this Act in order that they may fulfill the reconveyance requirements of section 14(c) of this Act. The Secretary may make funds available as grants to ANCSA or nonprofit corporations that maintain in-house land planning and management capabilities."*

**SEC. 105. NATIVE ALLOTMENTS.**

*Section 1431(o) of the Alaska National Interest Lands Conservation Act (94 Stat. 2542) is amended by adding at the end the following:*

*"(5) Following the exercise by Arctic Slope Regional Corporation of its option under paragraph (1) to acquire the subsurface estate beneath lands within the National Petroleum Reserve—Alaska selected by Kuukpik Corporation, where such subsurface estate entirely surrounds lands subject to a Native allotment application approved under 905 of this Act, and the oil and gas in such lands have been reserved to the United States, Arctic Slope Regional Corporation, at its further option and subject to the concurrence of Kuukpik Corporation, shall be entitled to receive a conveyance of the reserved oil and gas, including all rights and privileges therein reserved to the United States, in such lands. Upon the receipt of a conveyance of such oil and gas interests, the entitlement of Arctic Slope Regional Corporation to in-lieu subsurface lands under section 12(a)(1) of the Alaska Native Claims Settlement Act (43 U.S.C. 1611(a)(1)) shall be reduced by the amount of acreage determined by the Secretary to be conveyed to Arctic Slope Regional Corporation pursuant to this paragraph."*

**SEC. 106. REPORT CONCERNING OPEN SEASON FOR CERTAIN NATIVE ALASKA VETERANS FOR ALLOTMENTS.**

*(a) IN GENERAL.—No later than 9 months after the date of enactment of this Act, the Secretary of the Interior, in consultation with the Secretary of Agriculture, the State of Alaska and*

appropriate Native corporations and organizations, shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report which shall include, but not be limited to, the following:

(1) The number of Vietnam era veterans, as defined in section 101 of title 38, United States Code, who were eligible for but did not apply for an allotment of not to exceed 160 acres under the Act of May 17, 1906 (chapter 2469, 34 Stat. 197), as the Act was in effect before December 18, 1971.

(2) An assessment of the potential impacts of additional allotments on conservation system units as that term is defined in section 102(4) of the Alaska National Interest Lands Conservation Act (94 Stat. 2375).

(3) Recommendations for any additional legislation that the Secretary concludes is necessary.

(b) **REQUIREMENT.**—The Secretary of Veterans Affairs shall release to the Secretary of the Interior information relevant to the report required under subsection (a).

#### **SEC. 107. TRANSFER OF WRANGELL INSTITUTE.**

(a) **PROPERTY TRANSFER.**—In order to effect a revision of the ANCSA settlement conveyance to Cook Inlet Region, Incorporated of the approximately 134.49 acres and structures located thereon ("property") known as the Wrangell Institute in Wrangell, Alaska, upon certification to the Secretary by Cook Inlet Region, Incorporated, that the Wrangell Institute property has been offered for transfer to the City of Wrangell, property bidding credits in an amount of \$475,000, together with adjustments from January 1, 1976 made pursuant to the methodology used to establish the Remaining Obligation Entitlement in the Memorandum of Understanding Between the United States Department of the Interior and Cook Inlet Region, Incorporated dated April 11, 1986, shall be restored to the Cook Inlet Region, Incorporated, property account in the Treasury established under section 12(b) of the Act of January 2, 1976 (Public Law 94-204, 43 U.S.C. 1611 note), as amended, referred to in such section as the "Cook Inlet Region, Incorporated, property account". Acceptance by the City of Wrangell, Alaska of the property shall constitute a waiver by the City of Wrangell of any claims for the costs of remediation related to asbestos, whether in the nature of participation or reimbursement, against the United States or Cook Inlet Region, Incorporated. The acceptance of the property bidding credits by Cook Inlet Region, Incorporated, Alaska of the property shall constitute a waiver by Cook Inlet Region, Incorporated of any claims for the costs of remediation related to asbestos, whether in the nature of participation or reimbursement, against the United States. In no event shall the United States be required to take title to the property. Such restored property bidding credits may be used in the same manner as any other portion of the account.

(b) **HOLD HARMLESS.**—Upon acceptance of the property bidding credits by Cook Inlet Region, Inc., the United States shall defend and hold harmless Cook Inlet Region, Incorporated, and its subsidiaries in any and all claims arising from asbestos or any contamination existing at the Wrangell Institute property at the time of transfer of ownership of the property from the United States to Cook Inlet Region, Incorporated.

#### **SEC. 108. SHISHMAREF AIRPORT AMENDMENT.**

The Shishmaref Airport, conveyed to the State of Alaska on January 5, 1967, in Patent No. 1240529, is subject to reversion to the United States, pursuant to the terms of that patent for nonuse as an airport. The Administrator of the Federal Aviation Administration is hereby directed to exercise said reverter in Patent No. 1240529 in favor of the United States within twelve months of the date of enactment of this section. Upon reversion of title, notwithstanding any other provision of law, the United States

shall immediately thereafter transfer all right, title, and interest of the United States in the subject lands to the Shishmaref Native Corporation. Nothing in this section shall relieve the State, the United States, or any other potentially responsible party of liability, if any, under existing law for the cleanup of hazardous or solid wastes on the property, nor shall the United States or Shishmaref Native Corporation become liable for the cleanup of the property solely by virtue of acquiring title from the State of Alaska or from the United States.

#### **SEC. 109. CONFIRMATION OF WOODY ISLAND AS ELIGIBLE NATIVE VILLAGE.**

The Native village of Woody Island, located on Woody Island, Alaska, in the Koniag Region, is hereby confirmed as an eligible Alaska Native Village, pursuant to Section 11(b)(3) of the Alaska Native Claims Settlement Act ("ANCSA"). It is further confirmed that Leisnoi, Inc., is the Village Corporation, as that term is defined in Section 3(j) of ANCSA, for the village of Woody Island.

### **TITLE II—HAWAIIAN HOME LANDS**

#### **SEC. 201. SHORT TITLE**

This title may be cited as the "Hawaiian Home Lands Recovery Act".

#### **SEC. 202. DEFINITIONS.**

As used in this title:

(1) **AGENCY.**—The term "agency" includes—  
(A) any instrumentality of the United States;  
(B) any element of an agency; and  
(C) any wholly owned or mixed-owned corporation of the United States Government.

(2) **BENEFICIARY.**—The term "beneficiary" has the same meaning as is given the term "native Hawaiian" under section 201(7) of the Hawaiian Homes Commission Act.

(3) **CHAIRMAN.**—The term "Chairman" means the Chairman of the Hawaiian Homes Commission of the State of Hawaii.

(4) **COMMISSION.**—The term "Commission" means the Hawaiian Homes Commission established by section 202 of the Hawaiian Homes Commission Act.

(5) **HAWAIIAN HOMES COMMISSION ACT.**—The term "Hawaiian Homes Commission Act" means the Hawaiian Homes Commission Act, 1920 (42 Stat. 108 et. seq., chapter 42).

(6) **HAWAII STATE ADMISSION ACT.**—The term "Hawaii State Admission Act" means the Act entitled "An Act to provide for the admission of the State of Hawaii into the Union", approved March 18, 1959 (73 Stat. 4, chapter 339; 48 U.S.C. note prec. 491).

(7) **LOST USE.**—The term "lost use" means the value of the use of the land during the period when beneficiaries or the Hawaiian Homes Commission have been unable to use lands as authorized by the Hawaiian Homes Commission Act because of the use of such lands by the Federal Government after August 21, 1959.

(8) **SECRETARY.**—The term "Secretary" means the Secretary of the Interior.

#### **SEC. 203. SETTLEMENT OF FEDERAL CLAIMS.**

(a) **DETERMINATION.**—

(1) The Secretary shall determine the value of the following:

(A) Lands under the control of the Federal Government that—

(i) were initially designated as available lands under section 203 of the Hawaiian Homes Commission Act (as in effect on the date of enactment of such Act); and

(ii) were nevertheless transferred to or otherwise acquired by the Federal Government.

(B) The lost use of lands described in subparagraph (A).

(2)(A) Except as provided in subparagraph (B), the determinations of value made under this subsection shall be made not later than 1 year after the date of enactment of this Act. In carrying out this subsection, the Secretary shall use a method of determining value that—

(i) is acceptable to the Chairman; and  
(ii) is in the best interest of the beneficiaries.

(B) The Secretary and the Chairman may mutually agree to extend the deadline for making determinations under this subparagraph beyond the date specified in subparagraph (A).

(3) The Secretary and the Chairman may mutually agree, with respect to the determinations of value described in subparagraphs (A) and (B) of paragraph (1), to provide—

(A) for making any portion of the determinations of value pursuant to subparagraphs (A) and (B) of paragraph (1); and

(B) for making the remainder of the determinations with respect to which the Secretary and the Chairman do not exercise the option described in subparagraph (A), pursuant to an appraisal conducted under paragraph (4).

(4)(A) Except as provided in subparagraph (C), if the Secretary and the Chairman do not agree on the determinations of value made by the Secretary under subparagraphs (A) and (B) of paragraph (1), or, pursuant to paragraph (3), mutually agree to determine the value of certain lands pursuant to this subparagraph, such values shall be determined by an appraisal. An appraisal conducted under this subparagraph shall be conducted in accordance with appraisal standards that are mutually agreeable to the Secretary and the Chairman.

(B) If an appraisal is conducted pursuant to this subparagraph, during the appraisal process—

(i) the Chairman shall have the opportunity to present evidence of value to the Secretary;

(ii) the Secretary shall provide the Chairman a preliminary copy of the appraisal;

(iii) the Chairman shall have a reasonable and sufficient opportunity to comment on the preliminary copy of the appraisal; and

(iv) the Secretary shall give consideration to the comments and evidence of value submitted by the Chairman under this subparagraph.

(C) The Chairman shall have the right to dispute the determinations of values made by an appraisal conducted under this subparagraph. If the Chairman disputes the appraisal, the Secretary and the Chairman may mutually agree to employ a process of bargaining, mediation, or other means of dispute resolution to make the determinations of values described in subparagraphs (A) and (B) of paragraph (1).

(b) **AUTHORIZATION.**—

(1) **EXCHANGE.**—Subject to paragraphs (2) and (5), the Secretary may convey Federal lands described in paragraph (5) to the Department of Hawaiian Home Lands in exchange for the continued retention by the Federal Government of lands described in subsection (a)(1)(A).

(2) **VALUE OF LANDS.**—(A) The value of any lands conveyed to the Department of Hawaiian Home Lands by the Federal Government in accordance with an exchange made under paragraph (1) may not be less than the value of the lands retained by the Federal Government pursuant to such exchange.

(B) For the purposes of this subsection, the value of any lands exchanged pursuant to paragraph (1) shall be determined as of the date the exchange is carried out, or any other date determined by the Secretary, with the concurrence of the Chairman.

(3) **LOST USE.**—Subject to paragraphs (4) and (5), the Secretary may convey Federal lands described in paragraph (5) to the Department of Hawaiian Home Lands as compensation for the lost use of lands determined under subsection (a)(1)(B).

(4) **VALUE OF LOST USE.**—(A) the value of any lands conveyed to the Department of Hawaiian Home Lands by the Federal Government as compensation under paragraph (3) may not be less than the value of the lost use of lands determined under subsection (a)(1)(B).

(B) For the purposes of this subparagraph, the value of any lands conveyed pursuant to paragraph (3) shall be determined as of the date that the conveyance occurs, or any other date determined by the Secretary, with the concurrence of the Chairman.

(5) **FEDERAL LANDS FOR EXCHANGE.**—(A) Subject to subparagraphs (B) and (C), Federal lands located in Hawaii that are under the control of an agency (other than lands within the National Park System or the National Wildlife Refuge System) may be conveyed to the Department of Hawaiian Home Lands under paragraphs (1) and (3). To assist the Secretary in carrying out this Act, the head of an agency may transfer to the Department of the Interior, without reimbursement, jurisdiction and control over any lands and any structures that the Secretary determines to be suitable for conveyance to the Department of Hawaiian Home Lands pursuant to an exchange conducted under this section.

(B) No Federal lands that the Federal Government is required to convey to the State of Hawaii under section 5 of the Hawaii State Admission Act may be conveyed under paragraph (1) or (3).

(C) No Federal lands that generate income (or would be expected to generate income) for the Federal Government may be conveyed pursuant to an exchange made under this paragraph to the Department of Hawaiian Home Lands.

(c) **AVAILABLE LANDS.**—

(1) **IN GENERAL.**—Subject to paragraphs (2) and (3), the Secretary shall require that lands conveyed to the Department of Hawaiian Home Lands under this Act shall have the status of available lands under the Hawaiian Home Commission Act.

(2) **SUBSEQUENT EXCHANGE OF LANDS.**—Notwithstanding any other provision of law, lands conveyed to the Department of Hawaiian Home Lands under this paragraph may subsequently be exchanged pursuant to section 204(3) of the Hawaiian Home Commission Act.

(3) **SALE OF CERTAIN LANDS.**—Notwithstanding any other provision of law, the Chairman may, at the time that lands are conveyed to the Department of Hawaiian Home Lands as compensation for lost use under this Act, designate lands to be sold. The Chairman is authorized to sell such land under terms and conditions that are in the best interest of the beneficiaries. The proceeds of such a sale may only be used for the purposes described in section 207(a) of the Hawaiian Homes Commission Act.

(d) **CONSULTATION.**—In carrying out their respective responsibilities under this section, the Secretary and the Chairman shall—

(1) consult with the beneficiaries and organizations representing the beneficiaries; and

(2) report to such organizations on a regular basis concerning the progress made to meet the requirements of this section.

(e) **HOLD HARMLESS.**—Notwithstanding any other provision of law, the United States shall defend and hold harmless the Department of Hawaiian Home Lands, the employees of the Department, and the beneficiaries with respect to any claim arising from the ownership of any land or structure that is conveyed to the Department pursuant to an exchange made under this section prior to the conveyance to the Department of such land or structure.

(f) **SCREENING.**—

(1) **IN GENERAL.**—Notwithstanding any other provision of law, the Secretary of Defense and the Administrator of General Services shall, at the same time as notice is provided to Federal agencies that excess real property is being screened pursuant to applicable Federal laws (including regulations) for possible transfer to such agencies, notify the Chairman of any such screening of real property that is located within the State of Hawaii.

(2) **RESPONSE TO NOTIFICATION.**—Notwithstanding any other provision of law, not later than 90 days after receiving a notice under paragraph (1), the Chairman may select for appraisal real property, or at the election of the Chairman, portions of real property, that is the subject of a screening.

(3) **SELECTION.**—Notwithstanding any other provision of law, with respect to any real prop-

erty located in the State of Hawaii that, as of the date of enactment of this Act, is being screened pursuant to applicable Federal laws for possible transfer (as described in paragraph (1)) or has been screened for such purpose, but has not been transferred or declared to be surplus real property, the Chairman may select all, or any portion of, such real property to be appraised pursuant to paragraph (4).

(4) **APPRAISAL.**—Notwithstanding any other provision of law, the Secretary of Defense or the Administrator of General Services shall appraise the real property or portions of real property selected by the Chairman using the Uniform Standards for Federal Land Acquisition developed by the Interagency Land Acquisition Conference, or such other standard as the Chairman agrees to.

(5) **REQUEST FOR CONVEYANCE.**—Notwithstanding any other provision of law, not later than 30 days after the date of completion of such appraisal, the Chairman may request the conveyance to the Department of Hawaiian Home Lands of—

(A) the appraised property; or

(B) a portion of the appraised property, to the Department of Hawaiian Home Lands.

(6) **CONVEYANCE.**—Notwithstanding any other provision of law, upon receipt of a request from the Chairman, the Secretary of Defense or the Administrator of the General Services Administration shall convey, without reimbursement, the real property that is the subject of the request to the Department of Hawaiian Home Lands as compensation for lands identified under subsection (a)(1)(A) or lost use identified under subsection (a)(1)(B).

(7) **REAL PROPERTY NOT SUBJECT TO RECOUPMENT.**—Notwithstanding any other provision of law, any real property conveyed pursuant to paragraph (6) shall not be subject to recoupment based upon the sale or lease of the land by the Chairman.

(8) **VALUATION.**—Notwithstanding any other provision of law, the Secretary shall reduce the value identified under subparagraph (A) or (B) of subsection (a)(1), as determined pursuant to such subsection, by an amount equal to the appraised value of any excess lands conveyed pursuant to paragraph (6).

(9) **LIMITATION.**—No Federal lands that generate income (or would be expected to generate income) for the Federal Government may be conveyed pursuant to this subsection to the Department of Hawaiian Home Lands.

**SEC. 204. PROCEDURE FOR APPROVAL OF AMENDMENTS TO HAWAIIAN HOMES COMMISSION ACT.**

(a) **NOTICE TO THE SECRETARY.**—Not later than 120 days after a proposed amendment to the Hawaiian Homes Commission Act is approved in the manner provided in section 4 of the Hawaii State Admission Act, the Chairman shall submit to the Secretary—

(1) a copy of the proposed amendment;

(2) the nature of the change proposed to be made by the amendment; and

(3) an opinion regarding whether the proposed amendment requires the approval of Congress under section 4 of the Hawaii State Admission Act.

(b) **DETERMINATION BY SECRETARY.**—Not later than 60 days after receiving the materials required to be submitted by the Chairman pursuant to subsection (a), the Secretary shall determine whether the proposed amendment requires the approval of Congress under section 4 of the Hawaii State Admission Act, and shall notify the Chairman and Congress of the determination of the Secretary.

(c) **CONGRESSIONAL APPROVAL REQUIRED.**—If, pursuant to subsection (b), the Secretary determines that the proposed amendment requires the approval of Congress, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives—

(1) a draft joint resolution approving the amendment;

(2) a description of the change made by the proposed amendment and an explanation of how the amendment advances the interests of the beneficiaries;

(3) a comparison of the existing law (as of the date of submission of the proposed amendment) that is the subject of the amendment with the proposed amendment;

(4) a recommendation concerning the advisability of approving the proposed amendment; and

(5) any documentation concerning the amendments received from the Chairman.

**SEC. 205. LAND EXCHANGES.**

(a) **NOTICE TO THE SECRETARY.**—If the Chairman recommends for approval an exchange of Hawaiian Home Lands, the Chairman shall submit a report to the Secretary on the proposed exchange. The report shall contain—

(1) a description of the acreage and fair market value of the lands involved in the exchange;

(2) surveys and appraisals prepared by the Department of Hawaiian Home Lands, if any; and

(3) an identification of the benefits to the parties of the proposed exchange.

(b) **APPROVAL OR DISAPPROVAL.**—

(1) **IN GENERAL.**—Not later than 120 days after receiving the information required to be submitted by the Chairman pursuant to subsection (a), the Secretary shall approve or disapprove the proposed exchange.

(2) **NOTIFICATION.**—The Secretary shall notify the Chairman, the Committee on Energy and Natural Resources of the Senate, and the Committee on Resources of the House of Representatives of the reasons for the approval or disapproval of the proposed exchange.

(c) **EXCHANGES INITIATED BY SECRETARY.**—

(1) **IN GENERAL.**—The Secretary may recommend to the Chairman an exchange of Hawaiian Home Lands for Federal lands described in section 203(b)(5), other than lands described in subparagraphs (B) and (C) of such section. If the Secretary initiates a recommendation for such an exchange, the Secretary shall submit a report to the Chairman on the proposed exchange that meets the requirements of a report described in subsection (a).

(2) **APPROVAL BY CHAIRMAN.**—Not later than 120 days after receiving a recommendation for an exchange from the Secretary under paragraph (1), the Chairman shall provide written notification to the Secretary of the approval or disapproval of a proposed exchange. If the Chairman approves the proposed exchange, upon receipt of the written notification, the Secretary shall notify the Committee on Energy and Natural Resources of the Senate, and the Committee on Resources of the House of Representatives of the approval of the Chairman of the proposed exchange.

(3) **EXCHANGE.**—Upon providing notification pursuant to paragraph (2) of a proposed exchange that has been approved by the Chairman pursuant to this section, the Secretary may carry out the exchange.

(d) **SELECTION AND EXCHANGE.**—

(1) **IN GENERAL.**—Notwithstanding any other provision of law, the Secretary may—

(A) select real property that is the subject of screening activities conducted by the Secretary of Defense or the Administrator of General Services pursuant to applicable Federal laws (including regulations) for possible transfer to Federal agencies; and

(B) make recommendations to the Chairman concerning making an exchange under subsection (c) that includes such real property.

(2) **TRANSFER.**—Notwithstanding any other provision of law, if the Chairman approves an exchange proposed by the Secretary under paragraph (1)—

(A) the Secretary of Defense or the Administrator of General Services shall transfer the real property described in paragraph (1)(A) that is the subject of the exchange to the Secretary without reimbursement; and

(B) the Secretary shall carry out the exchange.

(3) **LIMITATION.**—No Federal lands that generate income (or would be expected to generate income) for the Federal Government may be conveyed pursuant to this subsection to the Department of Hawaiian Home Lands.

(c) **SURVEYS AND APPRAISALS.**—

(1) **REQUIREMENT.**—The Secretary shall conduct a survey of all Hawaiian Home Lands based on the report entitled "Survey Needs for the Hawaiian Home Lands", issued by the Bureau of Land Management of the Department of the Interior, and dated July 1991.

(2) **OTHER SURVEYS.**—The Secretary is authorized to conduct such other surveys and appraisals as may be necessary to make an informed decision regarding approval or disapproval of a proposed exchange.

#### **SEC. 206. ADMINISTRATION OF ACTS BY UNITED STATES.**

(a) **DESIGNATION.**—

(1) **IN GENERAL.**—Not later than 120 days after the date of enactment of this Act, the Secretary shall designate an individual from within the Department of the Interior to administer the responsibilities of the United States under this title and the Hawaiian Homes Commission Act.

(2) **DEFAULT.**—If the Secretary fails to make an appointment by the date specified in paragraph (1), or if the position is vacant at any time thereafter, the Assistant Secretary for Policy, Budget, and Administration of the Department of the Interior shall exercise the responsibilities for the Department in accordance with subsection (b).

(b) **RESPONSIBILITIES.**—The individual designated pursuant to subsection (a) shall, in administering the laws referred to in such subsection—

(1) advance the interests of the beneficiaries; and

(2) assist the beneficiaries and the Department of Hawaiian Home Lands in obtaining assistance from programs of the Department of the Interior and other Federal agencies that will promote homesteading opportunities, economic self-sufficiency, and social well-being of the beneficiaries.

#### **SEC. 207. ADJUSTMENT.**

The Act of July 1, 1932 (47 Stat. 564, chapter 369; 25 U.S.C. 386a) is amended by striking the period at the end and adding the following: "Provided further, That the Secretary shall adjust or eliminate charges, defer collection of construction costs, and make no assessment on behalf of such charges for beneficiaries that hold leases on Hawaiian home lands, to the same extent as is permitted for individual Indians or tribes of Indians under this section."

#### **SEC. 208. REPORT.**

(a) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, the Chairman shall report to the Secretary concerning any claims that—

(1) involve the transfer of lands designated as available lands under section 203 of the Hawaiian Homes Commission Act (as in effect on the date of enactment of such Act); and

(2) are not otherwise covered under this title.

(b) **REVIEW.**—Not later than 180 days after receiving the report submitted under subsection (a), the Secretary shall make a determination with respect to each claim referred to in subsection (a), whether, on the basis of legal and equitable considerations, compensation should be granted to the Department of Hawaiian Home Lands.

(c) **COMPENSATION.**—If the Secretary makes a determination under subsection (b) that compensation should be granted to the Department of Hawaiian Home Lands, the Secretary shall determine the value of the lands and lost use in accordance with the process established under section 203(a), and increase the determination of value made under subparagraphs (A) and (B) of section 203(a)(1) by the value determined under this subsection.

#### **SEC. 209. AUTHORIZATION.**

There are authorized to be appropriated such sums as may be necessary for compensation to the Department of Hawaiian Home Lands for the value of the lost use of lands determined under section 203. Compensation received by the Department of Hawaiian Home Lands from funds made available pursuant to this section may only be used for the purposes described in section 207(a) of the Hawaiian Homes Commission Act. To the extent that amounts are made available by appropriations pursuant to this section for compensation paid to the Department of Hawaiian Home Lands for lost use, the Secretary shall reduce the determination of value established under section 203(a)(1)(B) by such amount.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

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

#### **AMENDMENT NO. 2110**

(Purpose: To amend section 7(i) of the Alaska Native Claims Settlement Act to exclude net operating losses from the definition of "revenues")

Mr. WARNER. Mr. President, I send an amendment to the desk on behalf of Senator STEVENS and Senator AKAKA.

The PRESIDING OFFICER. The clerk will report.

The Senator from Virginia [Mr. WARNER], for Mr. STEVENS, for himself and Mr. AKAKA, proposes an amendment numbered 2110.

Mr. WARNER. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

At the end of Title I of H.R. 402, add the following new section 110:

#### **SEC. 110. DEFINITION OF REVENUES.**

(a) Section 7(i) of the Alaska Native Claims Settlement Act, Public Law 92-203 (43 U.S.C. 1606 (i)), is amended—

(1) by inserting "(1)" after "(i)"; and

(2) by adding at the end the following new paragraph:

"(2) For purposes of this subsection, the term 'revenues' does not include any benefit received or realized for the use of losses incurred or credits earned by a Regional Corporation."

(b) This amendment shall be effective as of the date of enactment of the Alaska Native Claims Settlement Act, Public Law 92-203 (43 U.S.C. 1601, et seq.).

Mr. STEVENS. Mr. President, the amendment that my colleague from Hawaii, Senator AKAKA, and I are offering today makes clear that net operating losses under the 1984 and 1986 Tax Reform Acts are not subject to sharing under section 7(i) of the Alaska Native Claims Settlement Act.

Section 60(b)(5) of the Tax Reform Act of 1984, as amended by section 1804(e)(4) of the Tax Reform Act of 1986, allowed Alaska Natives—both regional and village corporations—to sell losses generated by the Federal Government's failure to transfer lands to Native people promised to them 15 years earlier. Other multi-billion dollar corporations had been permitted to sell their tax losses prior to 1984, and my amendment to the 1984 tax bill simply extended the program to Alaska Native corporations who had not been able to participate.

Section 7(i) of ANCSA requires the 12 Alaska Native regional corporations to distribute 70 percent of the natural resource revenues derived from their lands, after deducting expenses, to the other 11 regions. The provision was designed as a mechanism to share the revenues of regional Native corporations in Alaska naturally blessed with timber, minerals, and oil and gas—after the deduction of expenses—with regions which lacked such resources.

Although revenues after expenses from disposition of natural resources must be redistributed, the tax consequences of these natural resource transactions, such as credits or deductions for depletion and losses, remain with the producing region. For more than 20 years, this has been the position of the Internal Revenue Service on which the Native corporations have relied.

When I offered amendments in 1984 and in 1986 to extend the NOL provision to Alaska Native corporations, it was not my intention, nor the intention of Congress, that the revenue generated by the sale of NOL's be subject to sharing under section 7(i). On average, for every \$100 in net operating losses, Native corporations received only \$30 in NOL recovery and in no case more than \$34. A recovery of \$30 by a corporation because it has sold the right to offset its losses against income is not subject to sharing. Revenue recovered from the sale of natural resources NOL's is not revenue from natural resource production.

Congressional intent has been well-understood by most Alaska Native corporations. The provisions in the 1984 and 1986 Tax Reform Acts enabled eleven of the twelve regional corporations subject to ANCSA section 7(i) sharing requirements to partially recoup their losses from natural resource development and kept several Native corporations out of bankruptcy. It also benefited virtually every Native Alaskan. Without exception, the NOL proceeds have been retained by the receiving corporation, as was intended. In fact 10 of the regions signed an agreement to clarify their understanding that NOL proceeds were not subject to sharing under section 7(i). My amendment simply confirms and codifies that understanding. The phrase "losses incurred or credits earned" in the amendment precisely parallels the language in section 1804 of the Tax Reform Act of 1986 and is intended to have the same meaning.

Several of these corporations have already distributed NOL proceeds to their shareholders in reliance on the provisions of the tax reform legislation. To change the rules now would be unfair to both the corporations and the shareholders who received dividends.

A lawsuit was filed on the issue, but it was dismissed for lack of standing. However, to avoid future costly litigation, congressional action is required. My amendment simply clarifies that net operating losses are not revenues

required to be redistributed under section 7(i) of ANCSA.

Mr. AKAKA. Mr. President, the bill before us today contains amendments to the Alaska Native Claims Settlement Act. However, I want to address my remarks to title II of the bill which contains the text of the Hawaiian Home Lands Recovery Act.

As a member of the Senate Energy and Natural Resources Committee, and as the author of the Hawaiian Home Lands Recovery Act during the 103d and 104th Congresses, I would like to speak for a few moments about the process and mechanisms that this legislation would institute. My purpose in doing so is to establish legislative history which will better enable Federal agencies to implement the legislation.

First, let me offer some historical background. More than 70 years ago, Prince Jonah Kuhio Kalanianaʻole issued an urgent plea to the Federal Government expressing concern about the plight of native Hawaiians. During the late 19th century and the early part of this century, the number of native Hawaiians declined dramatically and there was a significant disintegration of Hawaiian culture and society.

The Secretary of the Interior, Franklin Lane, responded to Prince Kuhio by recommending that the Federal Government establish a homesteading program for native Hawaiians. In his testimony before Congress on the Hawaiian homes legislation, Secretary Lane stated that the United States has a "moral obligation to care" for the native Hawaiian people. Secretary Lane went on to say that "the natives on the islands who are our wards, I should say, and for whom in a sense we are trustees, are falling off rapidly in numbers and many of them are in poverty."

In response to this appeal, legislation was drafted to help rejuvenate the Hawaiian people by establishing a home lands to promote housing and agricultural opportunities. The resulting legislation, known as the Hawaiian Homes Commission Act of 1920, set aside 203,000 acres for this purpose. Homesteading opportunities would allow native Hawaiians to, once again, enjoy their traditional lifestyle.

Regrettably, the enlightened program that Secretary Lane envisioned fell far short of expectations. One of the more significant provisions of the Hawaiian Homes Commission Act set aside land for native Hawaiians in perpetuity. The act permitted the transfer of home lands only in exchange for lands of equal value. Unfortunately, the prohibition against alienation of land was overlooked or ignored by the Federal Government. During Hawaii's territorial period, the Federal Government acquired Hawaiian home land in violation of the statutory prohibition against alienation. The Federal Government still retains 1,400 acres of these lands.

During hearings conducted by the Energy Committee on this issue, the committee received a report prepared

by the General Accounting Office on the Hawaiian Home Lands Program. The most significant finding of the GAO report is that land was withdrawn from the home lands by executive action on 37 occasions during Hawaii's territorial period. These withdrawals were in clear violation of the provision of the Hawaiian Homes Commission Act which prohibits the transfer of land unless the home lands receives land of equal value in exchange. Native Hawaiians have always contended that territorial withdrawals violated the 1920 act, and the GAO report confirms this fact.

The Hawaiian Home Lands Recovery Act seeks to redress this issue by authorizing the transfer of Federal lands to the Department of Hawaiian Home Lands in exchange for Hawaiian home lands retained by the Federal Government. Although the term "exchange" is used in this legislation, there is no expectation that DHHL will relinquish land to the Federal Government. DHHL need only relinquish any remaining claim it may have to former home lands now controlled by the Federal Government. The bill would also provide compensation for lost use of Hawaiian home lands controlled by the Federal Government.

In advance of land being conveyed to the Department of Hawaiian Home Lands under sections 203(b) and 203(f) of the bill, the Secretary of the Interior is required to determine the value of lands currently controlled by the Federal Government that were designated as available lands under the Hawaiian Homes Commission Act. It is important to note that section 203(a)(1)(A)(i) states that this determination is to be made based upon the HHCA, as enacted. Thus, the valuation shall include lands designated as home lands under the 1920 Act that are not currently part of the home land inventory, whether the withdrawal occurred as a result of executive action, or through an act of Congress. The Secretary is also required to determine the value of the lost use of lands currently controlled by the Federal Government so that this, too, can be compensated.

The valuation required by the legislation is not intended to be a unilateral action by the Secretary. On the contrary section 203(a)(2)(A) requires the use of a valuation method that is acceptable to the Chair of the Department of Hawaiian Home Lands and, most importantly, is in the best interests of the beneficiaries. These two conditions exist regardless of whether the Secretary uses an appraisal or non-appraisal method of valuation. Section 203(a)(2)(A) requires the Secretary to be an advocate for the best interests of Hawaiian home beneficiaries in reaching a determination of value. Thus the Secretary has a fiduciary responsibility for seeing to it that the beneficiaries receive the maximum possible compensation.

Under section 203(a), the Secretary need not determine the value of land

and lost use by appraisal. The committee included a provision allowing valuation by a method other than appraisal in order to promote a speedy resolution of this longstanding conflict. The committee considers valuation by mutual agreement to be far preferable to the burdensome process of appraisal. During our hearings on this legislation, the Senate Energy and Natural Resources Committee was advised that the State of Hawaii had appraised most of the Federal properties in question. The GAO, in their report to the committee, analyzed and the state appraisals and found the appraisal methodology used by the state was appropriate and that proper accounting principles were employed. The state appraisals therefore supplant the need for a separate appraisal by the Department of the Interior.

In the unfortunate event that the Interior Department decides to proceed with an appraisal, a number of specific safeguards have been instituted to ensure that the Department properly discharges its fiduciary responsibility to protect the interests of the Hawaiian home beneficiaries. These include a guarantee that the Chairman of the Department of Hawaiian Home Lands shall have opportunity to present evidence of the value of the home lands that were lost as well as the value of the lost use of these lands, the right to review and comment on a preliminary copy of the appraisal, and most importantly, the requirement that the Secretary give full consideration of the evidence of value presented by DHHL. Given the responsibility under section 203(a)(2)(A) that the Secretary represent the best interests of the beneficiaries, the requirement in section 203(a)(4)(B) is not ephemeral. When construed together, these provisions require the Secretary to give great weight to the recommendations of the DHHL on matters of value, especially if the interests of home land beneficiaries would be advanced by doing so.

In addition to all these protections, the Chairman of the Department of Hawaiian Home Lands has the right to dispute the determinations of value for land and lost use. Thus it is unmistakably clear that the Secretary and the Chairman of DHHL must mutually consent to the values to be determined under section 203 of the bill.

Section 203(b) authorizes the conveyance of land to the Department of Hawaiian Home Lands as compensation for lost lands, and the lost use of home lands retained by the Federal Government. This section further authorizes the head of any Federal agency to transfer land and structures to the Secretary of the Interior for subsequent conveyance to DHHL. I want to contrast the two-step conveyance process described in section 203(b)(5) with the authority for the General Services Administration or the Department of Defense to convey property directly to DHHL under Section 203(f)(6) of the bill. A section 203(f)(6) conveyance

would be a direct transfer of title, without intervention by the Department of the Interior, whereas the Interior Department would act as a transfer agent for conveyances executed under section 203(b)(5). Let me point out, however, that although jurisdiction and control of land would be transferred to the Interior Department under a section 203(b)(5) conveyance, the Interior Department's responsibility in completing the transfer is nothing more than a ministerial function. In this case the agency serves as a conduit for consummating the transfer of title to the DHHL.

Section 203(f) of the bill establishes a second means of conveying lands to the Department of Hawaiian Home Lands by allowing DHHL to obtain lands that are excess to the needs of individual Federal agencies. Subsection (f) places the Department of Hawaiian Home Lands in the same, or better, status as a Federal agency for the purpose of being notified of excess property and for obtaining the property from the excessing agency. Under no circumstances should the land that has been selected by the Chairman for appraisal under section 203(f)(2), and possible conveyance under section 203(f)(5), be transferred or otherwise disposed of by any Federal agency until the opportunity of the DHHL to obtain the land has expired.

Finally, let me comment on section 207 of the bill. This section establishes a cost sharing for Bureau of Reclamation projects on Hawaiian home lands that is the same as the cost sharing authorized for projects on Indian lands.

Mr. WARNER. Mr. President, I ask unanimous consent that the amendment be agreed to.

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

So the amendment (No. 2110) was agreed to.

Mr. WARNER. Mr. President, I ask unanimous consent that the committee amendment be agreed to, as amended; that the bill be deemed read a third time and passed, as amended; that the motion to reconsider be laid upon the table; and that any statements relating to the bill be placed at the appropriate place in the RECORD.

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

So the bill (H.R. 402) was deemed read the third time and passed, as follows:

[The bill was not available for printing. It will appear in a subsequent issue of the RECORD.]

#### ORDERS FOR FRIDAY, AUGUST 4, 1995

Mr. WARNER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 9 a.m. on Friday, August 4, 1995, that following the prayer, the Journal of the proceedings be deemed approved to date, the time for the two leaders be reserved for their use later in the day,

and the Senate then immediately resume consideration of S. 1026, the Department of Defense authorization bill, with Senator THURMOND to be recognized to offer an amendment regarding title XXXI, under the provisions of the previous order.

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

#### ORDER OF PROCEDURE

Mr. WARNER. For the information of all Senators, the Senate will resume the DOD authorization bill at 9 a.m. Under the unanimous consent agreement, Senator THURMOND will offer a title XXXI amendment, with three amendments to be offered to the Thurmond amendment.

There are approximately 3 hours and 20 minutes of debate time in order to the amendments. Senators can, therefore, expect 4 consecutive rollcall votes at the expiration or yielding back of that time. Additional rollcall votes will occur during Friday's session of the Senate.

#### ORDER FOR 10-MINUTE VOTES

Mr. WARNER. Mr. President, I ask unanimous consent that the first rollcall vote in the sequence tomorrow be 15 minutes in length and the remaining votes in sequence be limited to 10 minutes.

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

#### RECESS UNTIL 9 A.M. TOMORROW

Mr. WARNER. Mr. President, seeing no Senators desiring to be recognized for the purpose of morning business, and since there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 11:28 p.m., recessed until Friday, August 4, 1995, at 9 a.m.

#### NOMINATIONS

Executive nominations received by the Senate August 3, 1995:

##### DEPARTMENT OF AGRICULTURE

JOHN DAVID CARLIN, OF KANSAS, TO BE AN ASSISTANT SECRETARY OF AGRICULTURE, VICE FREDERICK GILBERT SLABACH.

##### NATIONAL COUNCIL ON DISABILITY

MARCA BRISTO, OF ILLINOIS, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 1998. (REAPPOINTMENT)

BONNIE O'DAY, OF MARYLAND, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 1998. (REAPPOINTMENT)

KATE PEW WOLTERS, OF MICHIGAN, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 1998. (REAPPOINTMENT)

##### IN THE MARINE CORPS

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE U.S. MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C. SECTION 601:

MAJ. GEN. JEFFERSON D. HOWELL, JR., 000-00-0000.

##### IN THE ARMY

THE FOLLOWING-NAMED OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY, UNDER THE PROVISIONS OF TITLE 10, U.S.C., SECTIONS 12203(A) AND 3383:

##### To be colonel

GERHARD BRAUN, 000-00-0000  
PAUL M. SHINTAKU, 000-00-0000

##### To be lieutenant colonel

RONALD T. AKEMOTO, 000-00-0000  
DAVID I. DAWLEY, 000-00-0000  
THOMAS D. FARRELL, 000-00-0000  
PAUL C. FRANCIK, 000-00-0000  
LEE M. HAYASHI, 000-00-0000  
RAYMOND RIPPPEL, 000-00-0000  
ROBERT M. SUNDBERG, 000-00-0000

THE FOLLOWING-NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, U.S.C. SECTIONS 12203 AND 3385:

##### To be colonel

JOHN A. BELZER, 000-00-0000  
ALLEN R. BOZEMAN, 000-00-0000  
LAUGHLIN H. HOLLIDAY, 000-00-0000  
LARRY W. JESSUP, 000-00-0000  
DONALD O. KOONCE, 000-00-0000  
DAVID J. REHKAMP, 000-00-0000  
CHESTER M. WAGGONER, 000-00-0000

##### To be lieutenant colonel

ANDREW J. ADAMS III, 000-00-0000  
FRANK A. APPELPELLER, 000-00-0000  
DEBORAH A. ASHENHURST, 000-00-0000  
ROOSEVELT BARFIELD, 000-00-0000  
JEFFERSON T. BENNETT, 000-00-0000  
ROBERT C. BLIX, 000-00-0000  
EDWARD A. CANRIGHT, 000-00-0000  
LAWRENCE D. COOPER, 000-00-0000  
ROGER F. HALL, JR., 000-00-0000  
TERRY G. HAMMETT, 000-00-0000  
CHARLES T. HARDEE, 000-00-0000  
DAVID R. HAYS, 000-00-0000  
DANIEL J. HOTOVY, 000-00-0000  
THOMAS E. JOHNSON, 000-00-0000  
MICHAEL E. JOSE, 000-00-0000  
DENNIS R. KINER, 000-00-0000  
TIM G. KRUEGER, 000-00-0000  
DAVID C. MACKAY, 000-00-0000  
TERRY S. MITCHELL, 000-00-0000  
STUART C. PIKE, 000-00-0000  
MARGARET J. SKELTON, 000-00-0000  
ARNOLD H. SOEDER, 000-00-0000  
PEDRO G. VILLARREAL, 000-00-0000  
JOHN F. YEARWOOD, 000-00-0000

##### ARMY NURSE CORPS

##### To be lieutenant colonel

MONA J. HANLIN, 000-00-0000

##### CHAPLAIN CORPS

##### To be lieutenant colonel

TIMOTHY W. THOMPSON, 000-00-0000

##### THE JUDGE ADVOCATE GENERAL'S CORPS

##### To be lieutenant colonel

JAMES M. ROBINSON, 000-00-0000

##### MEDICAL CORPS

##### To be lieutenant colonel

ROBERT G. MONTGOMERY, 000-00-0000

##### MEDICAL SERVICE CORPS

##### To be lieutenant colonel

CHAUNCEY L. VEATCH III, 000-00-0000

THE FOLLOWING-NAMED OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY, UNDER THE PROVISIONS OF TITLE 10, U.S.C., SECTIONS 12203(A) AND 3383:

##### To be colonel

ROBERT BELLHOUSE, 000-00-0000  
JAMES G. CUSHMAN, 000-00-0000  
RONALD W. DRITELIN, 000-00-0000  
CHARLES T. HEISLER, 000-00-0000  
JOSEPH F. KOPECKY, 000-00-0000  
DAVID E. KRATZER, 000-00-0000  
ANTONIO M. LOPEZ, JR., 000-00-0000  
CARLOS LORAN, 000-00-0000  
STANLEY F. MESSINGER, 000-00-0000  
PATRICK MURPHY, 000-00-0000  
WILLIAM R. SCHULP, 000-00-0000  
JOHN O. STONE, 000-00-0000  
VANCE TIEDE, 000-00-0000  
HOWARD M. WHITTINGTON, 000-00-0000

##### CHAPLAIN CORPS

##### To be colonel

JAMES T. SPIVEY, JR., 000-00-0000

##### MEDICAL SERVICE CORPS

##### To be colonel

DAVID P. MADDOCK, 000-00-0000

##### To be lieutenant colonel

JONATHAN A. ASWEGAN, 000-00-0000  
JOHN N. GLOVER, 000-00-0000  
TIMOTHY J. HIGBEE, 000-00-0000  
BRENDA G. SMITH, 000-00-0000  
WILLIAM R. TETRO, 000-00-0000