

(C) establish appropriate means of verifying and enforcing the use of the aircraft and aircraft parts by the purchaser and other end users in accordance with the conditions set forth in subsections (b) and (e); and

(D) ensure, to the maximum extent practicable, that the Secretary consults with the Administrator of General Services and with the heads of appropriate departments and agencies of the Federal Government regarding alternative requirements for such aircraft and aircraft parts before the sale of such aircraft and aircraft parts under this section.

(e) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary of Defense may require such other terms and conditions in connection with each sale of aircraft and aircraft parts under this section as the Secretary considers appropriate for such sale. Such terms and conditions shall meet the requirements of the regulations prescribed under subsection (d).

(f) **REPORT.**—Not later than March 31, 2000, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on the Secretary's exercise of authority under this section. The report shall set forth—

(1) the number and type of aircraft sold under the authority, and the terms and conditions under which the aircraft were sold;

(2) the persons or entities to which the aircraft were sold; and

(3) an accounting of the current use of the aircraft sold.

(g) **CONSTRUCTION.**—Nothing in this section may be construed as affecting the authority of the Administrator of the Federal Aviation Administration under any other provision of law.

THE NAVAJO-HOPI LAND DISPUTE SETTLEMENT ACT OF 1996

MCCAIN AMENDMENTS NOS. 5407–5411

Mr. LOTT (for Mr. McCain) proposed five amendments to the bill (S. 1973) to provide for the settlement of the Navajo-Hopi land dispute, and for other purposes; as follows:

AMENDMENT NO. 5407

On page 13, between lines 20 and 21, insert the following:

(8) **NEWLY ACQUIRED TRUST LANDS.**—The term "newly acquired trust lands" means lands taken into trust for the Tribe within the State of Arizona pursuant to this Act or the Settlement Agreement.

AMENDMENT NO. 5408

On page 15, line 18, strike "town (as that term is)" and insert "town or city (as those terms are)".

AMENDMENT NO. 5409

On page 12, line 12, strike "and"

On page 12, line 18, strike the period and insert "; and".

On page 12, between lines 18 and 19, insert the following:

(7) neither the Navajo Nation nor the Navajo families residing upon Hopi Partitioned lands were parties to or signers of the Settlement Agreement between the United States and the Hopi Tribe.

AMENDMENT NO. 5410

On page 15, between lines 20 and 21, insert the following:

(4) **EXPEDITIOUS ACTION BY THE SECRETARY.**—Consistent with all other provi-

sions of this Act, the Secretary is directed to take lands into trust under this Act expeditiously and without undue delay.

AMENDMENT NO. 5411

On page 19, after line 15, add the following:

SEC. 11. EFFECT OF THIS ACT ON CASES INVOLVING THE NAVAJO NATION AND THE HOPI TRIBE.

Nothing in this Act or the amendments made by this Act shall be interpreted or deemed to preclude, limit, or endorse, in any manner, actions by the Navajo Nation that seek, in court, an offset from judgments for payments received by the Hopi Tribe under the Settlement Agreement.

SEC. 12. WATER RIGHTS.

(a) IN GENERAL.—

(1) **WATER RIGHTS.**—Subject to the other provisions of this section, newly acquired trust lands shall have only the following water rights:

(A) The right to the reasonable use of groundwater pumped from such lands.

(B) All rights to the use of surface water on such lands existing under State law on the date of acquisition, with the priority date of such right under State law.

(C) The right to make any further beneficial use on such lands which is unappropriated on the date each parcel of newly acquired trust lands is taken into trust. The priority date for the right shall be the date the lands are taken into trust.

(2) **RIGHTS NOT SUBJECT TO FORFEITURE OR ABANDONMENT.**—The Tribe's water rights for newly acquired trust lands shall not be subject to forfeiture or abandonment arising from events occurring after the date the lands are taken into trust.

(b) RECOGNITION AS VALID USES.—

(1) **GROUNDWATER.**—With respect to water rights associated with newly acquired trust lands, the Tribe, and the United States on the Tribe's behalf, shall recognize as valid all uses of groundwater which may be made from wells (or their subsequent replacements) in existence on the date each parcel of newly acquired trust land is acquired and shall not object to such groundwater uses on the basis of water rights associated with the newly acquired trust lands. The Tribe, and the United States on the Tribe's behalf, may object only to the impact of groundwater uses on newly acquired trust lands which are initiated after the date the lands affected are taken into trust and only on grounds allowed by the State law as it exists when the objection is made. The Tribe, and the United States on the Tribe's behalf, shall not object to the impact of groundwater uses on the Tribe's right to surface water established pursuant to subsection (a)(3) when those groundwater uses are initiated before the Tribe initiates its beneficial use of surface water pursuant to subsection (a)(3).

(2) **SURFACE WATER.**—With respect to water rights associated with newly acquired trust lands, the Tribe, and the United States on the Tribe's behalf, shall recognize as valid all uses of surface water in existence on or prior to the date each parcel of newly acquired trust land is acquired and shall not object to such surface water uses on the basis of water rights associated with the newly acquired trust lands, but shall have the right to enforce the priority of its rights against all junior water rights the exercise of which interfere with the actual use of the Tribe's senior surface water rights.

(3) **RULE OF CONSTRUCTION.**—Nothing in paragraph (1) or (2) shall preclude the Tribe, or the United States on the Tribe's behalf, from asserting objections to water rights and uses on the basis of the Tribe's water rights on its currently existing trust lands.

(c) **APPLICABILITY OF STATE LAW ON LANDS OTHER THAN NEWLY ACQUIRED LANDS.**—The

Tribe, and the United States on the Tribe's behalf, further recognize that State law applies to water uses on lands, including subsurface estates, that exist within the exterior boundaries of newly acquired trust lands and that are owned by any party other than the Tribe.

(d) **ADJUDICATION OF WATER RIGHTS ON NEWLY ACQUIRED TRUST LANDS.**—The Tribe's water rights on newly acquired trust lands shall be adjudicated with the rights of all other competing users in the court now presiding over the Little Colorado River Adjudication, or if that court no longer has jurisdiction, in the appropriate State or Federal court. Any controversies between or among users arising under Federal or State law involving the Tribe's water rights on newly acquired trust lands shall be resolved in the court now presiding over the Little Colorado River Adjudication, or, if that court no longer has jurisdiction, in the appropriate State or Federal court. Nothing in this subsection shall be construed to affect any court's jurisdiction; provided, that the Tribe shall administer all water rights established in subsection (a).

(e) **PROHIBITION.**—Water rights for newly acquired trust lands shall not be used, leased, sold, or transported for use off of such lands or the Tribe's other trust lands, provided that the Tribe may agree with other persons having junior water rights to subordinate the Tribe's senior water rights. Water rights for newly acquired trust lands can only be used on those lands or other trust lands of the Tribe located within the same river basin tributary to the main stream of the Colorado River.

(f) **SUBSURFACE INTERESTS.**—On any newly acquired trust lands where the subsurface interest is owned by any party other than the Tribe, the trust status of the surface ownership shall not impair any existing right of the subsurface owner to develop the subsurface interest and to have access to the surface for the purpose of such development.

(g) **STATUTORY CONSTRUCTION WITH RESPECT TO WATER RIGHTS OF OTHER FEDERALLY RECOGNIZED INDIAN TRIBES.**—Nothing in this section shall affect the water rights of any other federally recognized Indian tribe with a priority date earlier than the date the newly acquired trust lands are taken into trust.

(h) **STATUTORY CONSTRUCTION.**—Nothing in this section shall be construed to determine the law applicable to water use on lands owned by the United States, other than on the newly acquired trust lands. The granting of the right to make beneficial use of unappropriated surface water on the newly acquired trust lands with a priority date such lands are taken into trust shall not be construed to imply that such right is a Federal reserved water right. Nothing in this section or any other provision of this Act shall be construed to establish any Federal reserved right to groundwater. Authority for the Secretary to take land into trust for the Tribe pursuant to the Settlement Agreement and this Act shall be construed as having been provided solely by the provisions of this Act.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, September 26, 1996, at 10 a.m. to hold a hearing.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. SANTORUM. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Thursday, September 26, 1996, at 10 a.m. for a hearing on the annual report of the Postmaster General.

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

COMMITTEE ON THE JUDICIARY

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Thursday, September 26, 1996, at 2 p.m. to hold a hearing on annual refugee consultation.

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

SPECIAL COMMITTEE ON AGING

Mr. COHEN. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet during the session of the Senate on Thursday, September 26 at 9 a.m. to hold a hearing to discuss increasing funding for biomedical research.

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

SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Subcommittee on Oversight and Investigations of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Thursday, September 26, 1996, for purposes of conducting a subcommittee hearing which is scheduled to begin at 2 p.m. The purpose of this oversight hearing is to examine the NEPA decisionmaking process including the role of the Council on Environmental Quality.

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

ADDITIONAL STATEMENTS

REPUBLIC OF CHINA'S 85TH NATIONAL DAY

• Mr. HATFIELD. Mr. President, in the last few years, the Republic of China has continued to prosper and develop as a democratic model. It is our sixth largest trading partner and the world's 13th largest trading nation. Its per capita income of \$12,000 is one of the highest in Asia.

Alongside its economic success, Taiwan has embarked upon a course of democratization, including political pluralism, press liberalization, island-wide elections, a first ever presidential election in March 1996, and full constitutional reform.

On the eve of the 85th anniversary of the founding of the Republic of China, I extend my best wishes to President Lee Teng-hui, Foreign Minister John H. Chang, and Ambassador Jason Hu. May they long continue to be a shining example of democracy in Asia. •

RETIREMENT OF AGENT JIM FREEMAN

• Mrs. FEINSTEIN. Mr. President. I rise today to recognize and honor a respected leader in the law enforcement community and a friend. Jim Freeman has graciously served our Nation for over 30 years as a Special Agent at the FBI.

Mr. Freeman began his career by receiving his appointment as a Special Agent of the Federal Bureau of Investigation [FBI] in July 1964, following his receipt of a bachelor of arts degree from San Francisco State University that same year. He has served as special agent in charge of the San Francisco Division of the FBI since August 1993, where he is responsible for approximately 650 employees and a territory that extends from Monterey to the Oregon border. The majority of his assignments in this area deal with organized crime and drugs, white collar crime, violent crimes, terrorism and foreign counterintelligence.

In 1995, Mr. Freeman was named as the FBI's official adviser to the Technology Theft Prevention Foundation, which is comprised of insurance and electronic industry executives with the mission of reducing high-technology crimes through a variety of initiatives awareness training and law enforcement support. During his tenure, the San Francisco Division of the FBI has created a high-tech crimes squad in San Jose which investigates crimes ranging from robbery of components and semiconductors, to the theft of intellectual property, as well as a computer intrusion squad in San Francisco which investigates serious computer hacking crimes. His other assignments have included the development of the Crimes Against Children Task Force in San Francisco in February 1994, and assuming the leadership of the UNABOM Task Force on April 1, 1994.

Mr. President, Mr. Freeman's previous postings were as a special agent in the Oklahoma City and Los Angeles bureau divisions; a supervisory special agent in Los Angeles; assistant special agent in charge in Miami; an inspector in FBI Headquarters' Inspection Division; and special agent in charge of Honolulu Division of the FBI.

In 1986, he was elected as the FBI's representative to the U.S. Department of State's Senior Seminar at the Foreign Service Institute in Rosslyn, VA, for the 1986-1987 session. On November 20, 1988, Mr. Freeman was selected as a member of the Senior Executive Service.

Mr. President, in conclusion, I want to commend Agent Freeman for his leadership and hard work he has demonstrated during his active years as law enforcement officer. His service to the State of California is greatly appreciated and will not be forgotten. I wish him all the best in years to come. •

COMMENDING RONALD A. SMITH

• Mr. LUGAR. Mr. President, I rise today to commend a fellow Hoosier, Ronald A. Smith of Rochester, Indiana who will be installed as president of the Nation's largest insurance association—the Independent Insurance Agents of America [IIAA]. Ron is President of Smith, Sawyer & Smith, Inc., an independent insurance agency located in Rochester.

Ron's career as an independent insurance agent has been marked with outstanding dedication to his clients, his community, IIAA, the Independent Insurance Agents of Indiana, his colleagues and his profession.

At the State level, Ron served as chairman of numerous committees and held several elective offices in the Independent Insurance Agents of Indiana, culminated by a term as president. In recognition of his contributions, his peers named Ron the 1992 Indiana Agent of the Year.

Ron began his service to the national organization by serving as Indiana's representative to IIAA's National Board of State Directors from 1987 to 1993. At the same time, he served the national association as chairman of its membership committee and dues study task force and as a member of the agency/company operating practices task force on solvency and McCarran-Ferguson.

Ron was elected to IIAA's executive committee in 1993. In the time since then, he has exhibited a spirit of dedication and concern for his 300,000 independent agent colleagues around the country.

Outside of IIAA, Ron has served the insurance industry as a member of the board of trustees of the American Institute for CPCU and the Insurance Institute of America and a member of the board of directors for the Insurance Education Foundation, Inc.

Ron's selfless attitude also extends to his involvement in Rochester-area community activities. He currently serves on the Rochester Telephone Co. board of directors and is a member of the Rochester Community School Building Corp. In the past, he served as chairman of the Fulton County United Way, president of the Rochester Kiwanis, president of the Rochester Chamber of Commerce, and chairman of the board of trustees of Grace United Methodist Church.

I am confident that Ron will serve with distinction and provide leadership as president of the Independent Insurance Agents of America over the next year. I wish Ron and his wife Maureen all the best as IIAA's president and first lady. •

AD HOC HEARING ON TOBACCO

• Mr. LAUTENBERG. Mr. President, on September 11, I cochaired with Senator KENNEDY an ad hoc hearing on the problem of teen smoking. We were joined by Senators HARKIN,