

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

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

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

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

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

THE GRATON RANCHERIA RESTORATION ACT

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

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

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

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

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

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

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

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

CORRECTING THE ENROLLMENT OF H.R. 5528

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

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

The legislative clerk read as follows:

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

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

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

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

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

S. CON. RES. 161

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

(1) Strike title XII and insert the following:

TITLE XII—NAVAJO NATION TRUST LAND LEASING

SEC. 1201. SHORT TITLE.

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

SEC. 1202. CONGRESSIONAL FINDINGS AND DECLARATION OF PURPOSES.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) in subsection (d)—

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

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

(C) by adding at the end the following:

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

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

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

"(C) was—

"(i) allotted to a Navajo Indian; or

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

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

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

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

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

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

(2) by adding at the end the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

TRIBUTE TO SENATOR SLADE GORTON

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

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

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

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

ATLANTIC STRIPED BASS CONSERVATION ACT

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

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

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

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

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

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

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