

or any other Act that provides specific standards for the percentage of ownership interest that must approve a lease or agreement on a specified reservation.

#### **"SEC. 220. APPLICATION TO ALASKA.**

"(a) FINDINGS.—Congress find that—

"(1) numerous academic and governmental organizations have studied the nature and extent of fractionated ownership of Indian land outside of Alaska and have proposed solutions to this problem; and

"(2) despite these studies, there has not been a comparable effort to analyze the problem, if any, of fractionated ownership in Alaska.

"(b) APPLICATION OF ACT TO ALASKA.—Except as provided in this section, this Act shall not apply to land located within Alaska.

"(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to constitute a ratification of any determination by any agency, instrumentality, or court of the United States that may support the assertion of tribal jurisdiction over allotment lands or interests in such land in Alaska."

#### **SEC. 104. JUDICIAL REVIEW.**

Notwithstanding section 207(g)(5) of the Indian Land Consolidation Act (25 U.S.C. 2206(f)(5)), after the Secretary of Interior provides the certification required under section 207(g)(4) of such Act, the owner of an interest in trust or restricted land may bring an administrative action to challenge the application of such section 207 to the devise or descent of his or her interest or interests in trust or restricted lands, and may seek judicial review of the final decision of the Secretary of Interior with respect to such challenge.

#### **SEC. 105. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated not to exceed \$3,000,000 for fiscal year 2001 and each subsequent fiscal year to carry out the provisions of this title (and the amendments made by this title) that are not otherwise funded under the authority provided for in any other provision of Federal law.

#### **SEC. 106. CONFORMING AMENDMENTS.**

(a) PATENTS HELD IN TRUST.—The Act of February 8, 1887 (24 Stat. 388) is amended—

(1) by repealing sections 1, 2, and 3 (25 U.S.C. 331, 332, and 333); and

(2) in the second proviso of section 5 (25 U.S.C. 348)—

(A) by striking "and partition"; and

(B) by striking "except" and inserting "except as provided by the Indian Land Consolidation Act or a tribal probate code approved under such Act and except";

(b) ASCERTAINMENT OF HEIRS AND DISPOSAL OF ALLOTMENTS.—The Act of June 25, 1910 (36 Stat. 855) is amended—

(1) in the first sentence of section 1 (25 U.S.C. 372), by striking "under" and inserting "under the Indian Land Consolidation Act or a tribal probate code approved under such Act and pursuant to"; and

(2) in the first sentence of section 2 (25 U.S.C. 373), by striking "with regulations" and inserting "with the Indian Land Consolidation Act or a tribal probate code approved under such Act and regulations";

(c) TRANSFER OF LANDS.—Section 4 of the Act of June 18, 1934 (25 U.S.C. 464) is amended by striking "member or:" and inserting "member or, except as provided by the Indian Land Consolidation Act,".

### **TITLE II—LEASES OF NAVAJO INDIAN ALLOTTED LANDS**

#### **SEC. 201. LEASES OF NAVAJO INDIAN ALLOTTED LANDS.**

(a) DEFINITIONS.—In this section:

(1) INDIAN TRIBE.—The term "Indian tribe" has the meaning given the term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

(2) INDIVIDUALLY OWNED NAVAJO INDIAN ALLOTTED LAND.—The term "individually owned Navajo Indian allotted land" means Navajo Indian allotted land that is owned in whole or in part by 1 or more individuals.

(3) NAVAJO INDIAN.—The term "Navajo Indian" means a member of the Navajo Nation.

(4) NAVAJO INDIAN ALLOTTED LAND.—The term "Navajo Indian allotted land" means a single parcel of land that—

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

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

(ii) was—

(I) allotted to a Navajo Indian; or

(II) taken into trust or restricted status by the United States for a Navajo Indian.

(5) OWNER.—The term "owner" means, in the case of any interest in land described in paragraph (4)(B)(i), the beneficial owner of the interest.

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

(b) APPROVAL BY THE SECRETARY.—

(1) IN GENERAL.—The Secretary may approve an oil or gas lease or agreement that affects individually owned Navajo Indian allotted land, if—

(A) the owners of not less than the applicable percentage (determined under paragraph (2)) of the undivided interest in the Navajo Indian allotted land that is covered by the oil or gas lease or agreement consent in writing to the lease or agreement; and

(B) the Secretary determines that approving the lease or agreement is in the best interest of the owners of the undivided interest in the Navajo Indian allotted land.

(2) PERCENTAGE INTEREST.—The applicable percentage referred to in paragraph (1)(A) shall be determined as follows:

(A) If there are 10 or fewer owners of the undivided interest in the Navajo Indian allotted land, the applicable percentage shall be 100 percent.

(B) If there are more than 10 such owners, but fewer than 51 such owners, the applicable percentage shall be 80 percent.

(C) If there are 51 or more such owners, the applicable percentage shall be 60 percent.

(3) AUTHORITY OF SECRETARY TO SIGN LEASE OR AGREEMENT ON BEHALF OF CERTAIN OWNERS.—The Secretary may give written consent to an oil or gas lease or agreement under paragraph (1) on behalf of an individual Indian owner if—

(A) the owner is deceased and the heirs to, or devisees of, the interest of the deceased owner have not been determined; or

(B) the heirs or devisees referred to in subparagraph (A) have been determined, but 1 or more of the heirs or devisees cannot be located.

(4) EFFECT OF APPROVAL.—

(A) APPLICATION TO ALL PARTIES.—

(i) IN GENERAL.—Subject to subparagraph (B), an oil or gas lease or agreement approved by the Secretary under paragraph (1) shall be binding on the parties described in clause (ii), to the same extent as if all of the owners of the undivided interest in Navajo Indian allotted land covered under the lease or agreement consented to the lease or agreement.

(ii) DESCRIPTION OF PARTIES.—The parties referred to in clause (i) are—

(I) the owners of the undivided interest in the Navajo Indian allotted land covered under the lease or agreement referred to in clause (i); and

(II) all other parties to the lease or agreement.

(B) EFFECT ON INDIAN TRIBE.—If—

(i) an Indian tribe is the owner of a portion of an undivided interest in Navajo Indian allotted land; and

(ii) an oil or gas lease or agreement under paragraph (1) is otherwise applicable to such portion by reason of this subsection even though the Indian tribe did not consent to the lease or agreement,

then the lease or agreement shall apply to such portion of the undivided interest (including entitlement of the Indian tribe to payment under the lease or agreement), but the Indian tribe shall not be treated as a party to the lease or agreement and nothing in this subsection (or in the lease or agreement) shall be construed to affect the sovereignty of the Indian tribe.

(5) DISTRIBUTION OF PROCEEDS.—

(A) IN GENERAL.—The proceeds derived from an oil or gas lease or agreement that is approved by the Secretary under paragraph (1) shall be distributed to all owners of the undivided interest in the Navajo Indian allotted land covered under the lease or agreement.

(B) DETERMINATION OF AMOUNTS DISTRIBUTED.—The amount of the proceeds under subparagraph (A) distributed to each owner under that subparagraph shall be determined in accordance with the portion of the undivided interest in the Navajo Indian allotted land covered under the lease or agreement that is owned by that owner.

### **RECOGNIZING HEROES PLAZA IN THE CITY OF PUEBLO, COLORADO**

Mr. DEWINE. Mr. President, I ask unanimous consent that the Armed Services Committee be discharged from further consideration of H. Con. Res. 351, and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 351) recognizing Heroes Plaza in the City of Pueblo, Colorado, as honoring recipients of the Medal of Honor.

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

Mr. DEWINE. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and finally that any statements relating to the resolution be printed in the RECORD.

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

### **AUTHORITY FOR UNITED STATES POSTAL SERVICE TO ISSUE SEMIPOSTALS**

Mr. DEWINE. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of H.R. 4437, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4437) to grant to the United States Postal Service the authority to issue semipostals, and for other purposes.

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

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

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

The bill (H.R. 4437) was read the third time and passed.

#### INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT

Mr. DEWINE. Mr. President, I ask unanimous consent that the Chair lay before the Senate a message from the House to accompany H.R. 1167.

There being no objection, the Presiding Officer laid before the Senate the following message from the House of Representatives:

*Resolved*, That the House agree to the amendment of the Senate to the bill (H.R. 1167) entitled "An Act to amend the Indian Self-Determination and Education Assistance Act to provide for further self-governance by Indian tribes, and for other purposes", with the following amendments:

(1) Page 14, line 12, strike [(or of such other agency)].

(2) Page 15, line 1, after "functions" insert: *so*

(3) Page 19, line 4, after "section 106" insert: *other provisions of law*,

(4) Page 20, line 6, strike [305] and insert: *505*

(5) Page 31, line 23, strike [may] and insert: *is authorized to*

(6) Page 39, strike lines 7 through 14, and insert the following:

"(g) *WAGES*.—All laborers and mechanics employed by contractors and subcontractors (excluding tribes and tribal organizations) in the construction, alteration, or repair, including painting or decorating of a building or other facilities in connection with construction projects funded by the United States under this Act shall be paid wages at not less than those prevailing wages on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act of March 3, 1931 (46 Stat. 1494). With respect to construction alteration, or repair work to which the Act of March 3, 1931, is applicable under this section, the Secretary of Labor shall have the authority and functions set forth in the Reorganization Plan numbered 14, of 1950, and section 2 of the Act of June 13, 1934 (48 Stat. 948)."

(7) Page 39, strike line 24 and all that follows through page 40, line 6, and insert the following:

"Regarding construction programs or projects, the Secretary and Indian tribes may negotiate for the inclusion of specific provisions of the Office of Federal Procurement and Policy Act (41 U.S.C. 401 et seq.) and Federal acquisition regulations in any funding agreement entered into under this part. Absent a negotiated agreement, such provisions and regulatory requirements shall not apply."

(8) Page 41, line 1, insert a comma after "Executive orders".

(9) Page 49, strike lines 4 through 10.

(10) Page 56, beginning on line 21, strike [for fiscal years 2000 and 2001].

(11) Page 60, line 6, strike [(a) IN GENERAL.—]

(12) Page 60, strike lines 9 and 10.

(13) Page 60, strike line 16 and all that follows through page 65, line 16.

(14) Page 65, line 17, strike [SEC. 13.] and insert: **SEC. 12.**

(15) Page 66, after line 7, insert the following: **"SEC. 13. EFFECTIVE DATE.**

"Except as otherwise provided, the provisions of this Act shall take effect on the date of the enactment of this Act."

#### INDIAN TRIBAL PURCHASES OF PRESCRIPTION DRUGS IN SELF GOVERNANCE

Mr. HELMS. Mr. President, it would be helpful to get a clarification for the RECORD from the manager of H.R. 1167, the distinguished Chairman of the Senate Committee on Indian Affairs. I understand that H.R. 1167, the bill to amend the Indian Self-Determination and Education Assistance Act to provide for further self-governance by Indian tribes, contains a provision that would allow Indian tribes to purchase prescription drugs from the Federal Supply Schedule for the purpose of providing health services to Indians under contract with the Indian Health Service.

Mr. CAMPBELL. I would be glad to clarify this matter for the distinguished Senator from North Carolina. Your understanding is correct.

Mr. HELMS. I thank the able Senator. Moreover, I understand that the committee intends that the prescription drugs purchased off the Federal Supply Schedule can only be used for Indians whose health care is provided by the tribe, and cannot be purchased or used for resale, nor may they be dispensed to non-Indian employees of a tribe. Is that correct, Mr. Chairman?

Mr. CAMPBELL. It is the Committee's intent that prescription drugs purchased off the Federal Supply Schedule, as authorized under H.R. 1167, are for the exclusive use of tribal members, not for non-Indian employees of a tribe. Furthermore, it is the intent of the committee that prescription drugs purchased through access to the Federal Supply Schedule by tribes are not to be resold.

Mr. DEWINE. Mr. President, I ask unanimous consent that the Senate agree to the amendments of the House.

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

#### FUGITIVE APPREHENSION ACT OF 2000

Mr. DEWINE. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 695, S. 2516.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2516) to fund task forces to locate and apprehend fugitives in Federal, State and local felony criminal cases and give administrative subpoena authority to the United States Marshals Service, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on the Judiciary, with an amendment, as follows:

(Strike out all after the enacting clause and insert the part printed in italic)

S. 2516

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

*This Act may be cited as the "Fugitive Apprehension Act of 2000".*

#### SEC. 2. FUGITIVE APPREHENSION TASK FORCES.

(a) *IN GENERAL*.—The Attorney General shall, upon consultation with appropriate Department of Justice and Department of the Treasury law enforcement components, establish permanent Fugitive Apprehension Task Forces consisting of Federal, State, and local law enforcement authorities in designated regions of the United States, to be directed and coordinated by the United States Marshals Service, for the purpose of locating and apprehending fugitives.

(b) *AUTHORIZATION OF APPROPRIATIONS*.—There are authorized to be appropriated to the United States Marshals Service to carry out the provisions of this section \$30,000,000 for the fiscal year 2001, \$5,000,000 for fiscal year 2002, and \$5,000,000 for fiscal year 2003.

(c) *OTHER EXISTING APPLICABLE LAW*.—Nothing in this section shall be construed to limit any existing authority under any other provision of Federal or State law for law enforcement agencies to locate or apprehend fugitives through task forces or any other means.

#### SEC. 3. ADMINISTRATIVE SUBPOENAS TO APPREHEND FUGITIVES.

(a) *IN GENERAL*.—Chapter 49 of title 18, United States Code, is amended by adding at the end the following:

##### "§ 1075. Administrative subpoenas to apprehend fugitives

"(a) *DEFINITIONS*.—In this section:

"(1) *FUGITIVE*.—The term 'fugitive' means a person who—

"(A) having been accused by complaint, information, or indictment under Federal law or having been convicted of committing a felony under Federal law, flees or attempts to flee from or evades or attempts to evade the jurisdiction of the court with jurisdiction over the felony;

"(B) having been accused by complaint, information, or indictment under State law or having been convicted of committing a felony under State law, flees or attempts to flee from, or evades or attempts to evade, the jurisdiction of the court with jurisdiction over the felony;

"(C) escapes from lawful Federal or State custody after having been accused by complaint, information, or indictment or having been convicted of committing a felony under Federal or State law; or

"(D) is in violation of subparagraph (2) or (3) of the first undesignated paragraph of section 1073.

"(2) *INVESTIGATION*.—The term 'investigation' means, with respect to a State fugitive described in subparagraph (B) or (C) of paragraph (1), an investigation in which there is reason to believe that the fugitive fled from or evaded, or attempted to flee from or evade, the jurisdiction of the court, or escaped from custody, in or affecting, or using any facility of, interstate or foreign commerce, or as to whom an appropriate law enforcement officer or official of a State or political subdivision has requested the Attorney General to assist in the investigation, and the Attorney General finds that the particular circumstances of the request give rise to a Federal interest sufficient for the exercise of Federal jurisdiction pursuant to section 1075.

"(3) *STATE*.—The term 'State' means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

"(b) *SUBPOENAS AND WITNESSES*.—

"(1) *SUBPOENAS*.—In any investigation with respect to the apprehension of a fugitive, the Attorney General may subpoena witnesses for the purpose of the production of any records (including books, papers, documents, electronic data, and other tangible and intangible items that constitute or contain evidence) that the Attorney General finds, based on articulable facts, are relevant to discerning the whereabouts of the fugitive. A subpoena under this subsection shall describe the records or items required to be produced and prescribe a return date within a reasonable period of time within which the