COMMITTEE ON FOREIGN RELATIONS

Mr. SCHUMER. Mr. President, I ask fairs at SBA; unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, July 24, 2002, at 2:30 p.m. to hold a nomination hearing.

Agenda

Nominees:

Ms. Kristie A. Kenney, of Maryland, to be Ambassador to the Republic of Ecuador.

Mr. Larry L. Palmer, of Georgia, to be Ambassador to the Republic of Honduras

Mrs. Barbara C. Moore, of Maryland, to be Ambassador to the Republic of Nicaragua.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Wednesday. July 24, 2002, at 9:30 a.m. for a business meeting to consider pending business.

Agenda

- 1. To authorize withdrawal of the Committee amendments and offering of a floor amendment in the nature of a substitute to the National Homeland Security and Combating Terrorism Act of 2002 (S. 2452) which the Committee ordered reported on May 22, 2002.
 - 2. Nominations:
- (a) James "Jeb" E. Boasberg to be an Associate Judge of the Superior Court of the District of Columbia.
- (b) Michael D. Brown to be Deputy Director of the Federal Emergency Management Agency.
- (c) The Honorable Mark W. Everson to be Deputy Director for Management, Office of Management and Budget.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, July 24, 2002, at 10 a.m. in Room 485 of the Russell Senate Office Building to conduct a hearing on S. 1344, a bill to Encourage Training to Native Americans Interested in Commercial Vehicle Driving Careers.

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

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate on Wednesday, July 24, 2002, beginning at 9:00 a.m. in room 428A of the Russell Senate Office Building to markup pending legislation.

Agenda

S. 2753 Small and Disadvantaged Business Ombudsman for Procurement;

- S. 2335 Office of Native American Af-
 - S. 2734 Non-Farm Drought Relief;
- S. 1994 Small Business Federal Contracts:

HR 2666 Vocational and Technical Entrepreneurship Development Program:

- S. 2483 Pilot Program To Provide Regulatory Compliance Assistance To Small Business;
- S. 2466 Contract Consolidation Requirements.

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Wednesday, July 24, 2002, for a hearing on "Mental Health Care: Can VA Still Deliver."

The hearing will take place in SR-418 of the Russell Senate Office Building at

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

SUBCOMMITTEE ON CRIME AND DRUGS

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on Crime and Drugs be authorized to meet to conduct a hearing on "Ensuring Corporate Responsibility: Using Criminal Sanctions to Deter Wrongdoing," on Wednesday, July 24, 2002, at 2:30 p.m. in SD226.

Tentative Witness List

The Honorable G. William Miller. Former Secretary of the U.S. Treasury, Former Chairman of the Federal Reserve Board, Chairman, G. William Miller & Co.

The Honorable Roderick Hills Former Chairman of the U.S. Securities and Exchange Commission, Founder, Law Firms of Hills & Stern, Chairman, Hills Enterprises Ltd.

The Honorable J. Carter Beese, Jr., Former Commissioner of the U.S. Securities and Exchange Commission, Senior Advisor and Chairman, International Financial Markets Project of the Center for Strategic and International Studies.

The PRESIDING OFFICER. Without objection it is so ordered.

SUBCOMMITTEE ON HOUSING AND TRANSPORTATION

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Subcommittee on Housing and Transportation of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, July 24, 2002, at 2:30 p.m. to conduct an oversight hear-"HUD's Management Chaling on lenges."

The PRESIDING OFFICER. Without objection it is so ordered.

SUBCOMMITTEE ON SCIENCE, TECHNOLOGY, AND SPACE

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Subcommittee on Science, Technology and Space of the Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, July 24. 2002, at 2:30 p.m. on Women in Science and Technology.

The PRESIDING OFFICER. Without objection it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. DAYTON. Madam President, I ask unanimous consent that my staff person, Krystle J. Klema, be able to be on the floor for my colloguy with Senator Wellstone.

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

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the majority leader, pursuant to Public Law 107-171, announces the appointment of the following individuals to serve as members of the Board of Trustees of the Congressional Hunger Fellows Program: the Senator from Iowa (Mr. HARKIN); the Representative from North Carolina (Mrs. CLAYTON).

YANKTON SIOUX TRIBE AND SAN-TEE SIOUX TRIBE EQUITABLE COMPENSATION ACT

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 507, S. 434.

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

The legislative clerk read as follows: A bill (S. 434) to provide equitable compensation to the Yankton Sioux Tribe of South Dakota and the Santee Sioux Tribe of Nebraska for the loss of value of certain

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Indian Affairs with amendments, as follows:

[Omit the part in black brackets and insert the part printed in italic.

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 "Yankton Sioux Tribe and Santee Sioux Tribe Equitable Compensation Act"

SEC. 2. FINDINGS AND PURPOSES.

- (a) FINDINGS.—Congress finds that—
- (1) by enacting the Act of December 22, 1944, commonly known as the "Flood Control Act of 1944" (58 Stat. 887, chapter 665; 33 U.S.C. 701-1 et seq.) Congress approved the Pick-Sloan Missouri River Basin program (referred to in this section as the "Pick-Sloan program")-
- (A) to promote the general economic development of the United States;
- (B) to provide for irrigation above Sioux City, Iowa;
- (C) to protect urban and rural areas from devastating floods of the Missouri River; and
 - (D) for other purposes;

- (2) the waters impounded for the Fort Randall and Gavins Point projects of the Pick-Sloan program have inundated the fertile, wooded bottom lands along the Missouri River that constituted the most productive agricultural and pastoral lands of, and the homeland of, the members of the Yankton Sioux Tribe and the Santee Sioux Tribe;
- (3) the Fort Randall project (including the Fort Randall Dam and Reservoir) overlies the western boundary of the Yankton Sioux Tribe Indian Reservation;
- (4) the Gavins Point project (including the Gavins Point Dam and Reservoir) overlies the eastern boundary of the Santee Sioux Tribe:
- (5) although the Fort Randall and Gavins Point projects are major components of the Pick-Sloan program, and contribute to the economy of the United States by generating a substantial amount of hydropower and impounding a substantial quantity of water, the reservations of the Yankton Sioux Tribe and the Santee Sioux Tribe remain undeveloped:
- (6) the United States Army Corps of Engineers took the Indian lands used for the Fort Randall and Gavins Point projects by condemnation proceedings;
- (7) the Federal Government did not give the Yankton Sioux Tribe and the Santee Sioux Tribe an opportunity to receive compensation for direct damages from the Pick-Sloan program, even though the Federal Government gave 5 Indian reservations upstream from the reservations of those Indian tribes such an opportunity;
- (8) the Yankton Sioux Tribe and the Santee Sioux Tribe did not receive just compensation for the taking of productive agricultural Indian lands through the condemnation referred to in paragraph (6);
- (9) the settlement agreement that the United States entered into with the Yankton Sioux Tribe and the Santee Sioux Tribe to provide compensation for the taking by condemnation referred to in paragraph (6) did not take into account the increase in property values over the years between the date of taking and the date of settlement; and
- (10) in addition to the financial compensation provided under the settlement agreements referred to in paragraph (9)—
- (A) the Yankton Sioux Tribe should receive an aggregate amount equal to \$23,023,743 for the loss value of 2,851.40 acres of Indian land taken for the Fort Randall Dam and Reservoir of the Pick-Sloan program; and
- (B) the Santee Sioux Tribe should receive an aggregate amount equal to \$4,789,010 for the loss value of 593.10 acres of Indian land located near the Santee village.

SEC. 3. DEFINITIONS.

In this Act:

- (1) INDIAN TRIBE.—The term "Indian tribe" has the meaning given that term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).
- (2) SANTEE SIOUX TRIBE.—The term "Santee Sioux Tribe" means the Santee Sioux Tribe of Nebraska.
- (3) YANKTON SIOUX TRIBE.—The term "Yankton Sioux Tribe" means the Yankton Sioux Tribe of South Dakota.

SEC. 4. YANKTON SIOUX TRIBE DEVELOPMENT TRUST FUND.

- (a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the "Yankton Sioux Tribe Development Trust Fund" (referred to in this section as the "Fund"). The Fund shall consist of any amounts deposited in the Fund under this Act.
- (b) FUNDING.—On the first day of the 11th fiscal year that begins after the date of enactment of this Act, the Secretary of the

Treasury shall, from the General Fund of the Treasury, deposit into the Fund established under subsection (a)—

(1) \$23,023,743; and

- (2) an additional amount that equals the amount of interest that would have accrued on the amount described in paragraph (1) if such amount had been invested in interest-bearing obligations of the United States, or in obligations guaranteed as to both principal and interest by the United States, on the first day of the first fiscal year that begins after the date of enactment of this Act and compounded annually thereafter.
- (c) INVESTMENT OF TRUST FUND.—It shall be the duty of the Secretary of the Treasury to invest such portion of the Fund as is not, in the Secretary of Treasury's judgment, required to meet current withdrawals. Such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. The Secretary of the Treasury shall deposit interest resulting from such investments into the Fund.
 - (d) Payment of Interest to Tribe.—
- (1) WITHDRAWAL OF INTEREST.—Beginning on the first day of the 11th fiscal year after the date of enactment of this Act and, on the first day of each fiscal year thereafter, the Secretary of the Treasury shall withdraw the aggregate amount of interest deposited into the Fund for that fiscal year and transfer that amount to the Secretary of the Interior for use in accordance with paragraph (2). Each amount so transferred shall be available without fiscal year limitation.
 - (2) PAYMENTS TO YANKTON SIOUX TRIBE.—
- (A) IN GENERAL.—The Secretary of the Interior shall use the amounts transferred under paragraph (1) only for the purpose of making payments to the Yankton Sioux Tribe, as such payments are requested by that Indian tribe pursuant to tribal resolution
- (B) LIMITATION.—Payments may be made by the Secretary of the Interior under subparagraph (A) only after the Yankton Sioux Tribe has adopted a tribal plan under section
- (C) USE OF PAYMENTS BY YANKTON SIOUX TRIBE.—The Yankton Sioux Tribe shall use the payments made under subparagraph (A) only for carrying out projects and programs under the tribal plan prepared under section 6.
- (e) TRANSFERS AND WITHDRAWALS.—Except as provided in subsections (c) and (d)(1), the Secretary of the Treasury may not transfer or withdraw any amount deposited under subsection (b).

SEC. 5. SANTEE SIOUX TRIBE DEVELOPMENT TRUST FUND.

- (a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the "Santee Sioux Tribe Development Trust Fund" (referred to in this section as the "Fund"). The Fund shall consist of any amounts deposited in the Fund under this Act.
- (b) FUNDING.—On the first day of the 11th fiscal year that begins after the date of enactment of this Act, the Secretary of the Treasury shall, from the General Fund of the Treasury, deposit into the Fund established under subsection (a)—
 - (1) \$4,789,010; and
- (2) an additional amount that equals the amount of interest that would have accrued on the amount described in paragraph (1) if such amount had been invested in interest-bearing obligations of the United States, or in obligations guaranteed as to both principal and interest by the United States, on the first day of the first fiscal year that begins after the date of enactment of this Act and compounded annually thereafter.

- (c) INVESTMENT OF TRUST FUND.—It shall be the duty of the Secretary of the Treasury to invest such portion of the Fund as is not, in the Secretary of Treasury's judgment, required to meet current withdrawals. Such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. The Secretary of the Treasury shall deposit interest resulting from such investments into the Fund.
- (d) PAYMENT OF INTEREST TO TRIBE.-
- (1) WITHDRAWAL OF INTEREST.—Beginning on the first day of the 11th fiscal year after the date of enactment of this Act and, on the first day of each fiscal year thereafter, the Secretary of the Treasury shall withdraw the aggregate amount of interest deposited into the Fund for that fiscal year and transfer that amount to the Secretary of the Interior for use in accordance with paragraph (2). Each amount so transferred shall be available without fiscal year limitation.
 - (2) PAYMENTS TO SANTEE SIOUX TRIBE.—
- (A) IN GENERAL.—The Secretary of the Interior shall use the amounts transferred under paragraph (1) only for the purpose of making payments to the Santee Sioux Tribe, as such payments are requested by that Indian tribe pursuant to tribal resolution.
- (B) LIMITATION.—Payments may be made by the Secretary of the Interior under subparagraph (A) only after the Santee Sioux Tribe has adopted a tribal plan under section 6
- (C) USE OF PAYMENTS BY SANTEE SIOUX TRIBE.—The Santee Sioux Tribe shall use the payments made under subparagraph (A) only for carrying out projects and programs under the tribal plan prepared under section 6.
- (e) TRANSFERS AND WITHDRAWALS.—Except as provided in subsections (c) and (d)(1), the Secretary of the Treasury may not transfer or withdraw any amount deposited under subsection (b).

SEC. 6. TRIBAL PLANS.

- (a) IN GENERAL.—Not later than 24 months after the date of enactment of this Act, the tribal council of each of the Yankton Sioux and Santee Sioux Tribes shall prepare a plan for the use of the payments to the tribe under section 4(d) or 5(d) (referred to in this subsection as a "tribal plan").
- (b) CONTENTS OF TRIBAL PLAN.—Each tribal plan shall provide for the manner in which the tribe covered under the tribal plan shall expend payments to the tribe under [subsection (d)] section 4(d) or 5(d) to promote—
- (1) economic development;
- (2) infrastructure development;
- (3) the educational, health, recreational, and social welfare objectives of the tribe and its members; or
- (4) any combination of the activities described in paragraphs (1), (2), and (3).
 - (c) TRIBAL PLAN REVIEW AND REVISION.-
- (1) IN GENERAL.—Each tribal council referred to in subsection (a) shall make available for review and comment by the members of the triba copy of the tribal plan for the Indian tribe before the tribal plan becomes final, in accordance with procedures established by the tribal council.
- (2) UPDATING OF TRIBAL PLAN.—Each tribal council referred to in subsection (a) may, on an annual basis, revise the tribal plan prepared by that tribal council to update the tribal plan. In revising the tribal plan under this paragraph, the tribal council shall provide the members of the tribe opportunity to review and comment on any proposed revision to the tribal plan.
- (3) CONSULTATION.—In preparing the tribal plan and any revisions to update the plan, each tribal council shall consult with the Secretary of the Interior and the Secretary of Health and Human Services.

(4) AUDIT.—

- (A) IN GENERAL.—The activities of the tribes in carrying out the tribal plans shall be audited as part of the annual single-agency audit that the tribes are required to prepare pursuant to the Office of Management and Budget circular numbered A-133.
- (B) DETERMINATION BY AUDITORS.—The auditors that conduct the audit described in subparagraph (A) shall—
- (i) determine whether funds received by each tribe under this section for the period covered by the audits were expended to carry out the respective tribal plans in a manner consistent with this section; and
- (ii) include in the written findings of the audits the determinations made under clause (i).
- (C) INCLUSION OF FINDINGS WITH PUBLICATION OF PROCEEDINGS OF TRIBAL COUNCIL.—A copy of the written findings of the audits described in subparagraph (A) shall be inserted in the published minutes of each tribal council's proceedings for the session at which the audit is presented to the tribal councils.
- (d) PROHIBITION ON PER CAPITA PAY-MENTS.—No portion of any payment made under this Act may be distributed to any member of the Yankton Sioux Tribe or the Santee Sioux Tribe of Nebraska on a per capita basis.

SEC. 7. ELIGIBILITY OF TRIBE FOR CERTAIN PROGRAMS AND SERVICES.

- (a) IN GENERAL.—No payment made to the Yankton Sioux Tribe or Santee Sioux Tribe pursuant to this Act shall result in the reduction or denial of any service or program to which, pursuant to Federal law—
- (1) the Yankton Sioux Tribe or Santee Sioux Tribe is otherwise entitled because of the status of the tribe as a federally recognized Indian tribe: or
- (2) any individual who is a member of a tribe under paragraph (1) is entitled because of the status of the individual as a member of the tribe.
- (b) EXEMPTIONS FROM TAXATION.—No payment made pursuant to this Act shall be subject to any Federal or State income tax.
- (c) POWER RATES.—No payment made pursuant to this Act shall affect Pick-Sloan Missouri River Basin power rates.

SEC. 8. STATUTORY CONSTRUCTION.

Nothing in this Act may be construed as diminishing or affecting any water right of an Indian tribe, except as specifically provided in another provision of this Act, any treaty right that is in effect on the date of enactment of this Act, or any authority of the Secretary of the Interior or the head of any other Federal agency under a law in effect on the date of enactment of this Act.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act, including such sums as may be necessary for the administration of the Yankton Sioux Tribe Development Trust Fund under section 4 and the Santee Sioux Tribe [of Nebraska] Development Trust Fund under section 5

SEC. 10. EXTINGUISHMENT OF CLAIMS.

Upon the deposit of funds under sections 4(b) and 5(b), all monetary claims that the Yankton Sioux Tribe or the Santee Sioux Tribe of Nebraska has or may have against the United States for loss of value or use of land related to lands described in section 2(a)(10) resulting from the Fort Randall and Gavins Point projects of the Pick-Sloan Missouri River Basin program shall be extinguished.

Mr. REID. Mr. President, I ask unanimous consent that the committee amendments be agreed to; that the bill, as amended, be read a third time,

passed, and the motion to reconsider be laid upon the table, with no intervening action or debate; and that any statements relating to the bill be printed in the RECORD.

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

The committee amendments were agreed to.

The bill (S. 434), as amended, was read the third time and passed.

VICKSBURG NATIONAL MILITARY PARK BOUNDARY MODIFICATION ACT OF 2002

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 546, S. 1175.

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

The legislative clerk read as follows: A bill (S. 1175) to modify the boundary of Vicksburg National Military Park to include the property known as Pemberton's Headquarters, and for other purposes.

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

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

S. 1175

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 "Vicksburg National Military Park Boundary Modification Act of 2001".

[SEC. 2. MODIFICATION OF BOUNDARY.

[The boundary of Vicksburg National Military Park is modified to include the property known as Pemberton's Headquarters, as generally depicted on the map entitled "Boundary Map, Pemberton's Headquarters at Vicksburg National Military Park", numbered 80,015, and dated July, 2001. The map shall be on file in the appropriate offices of the National Park Service of the Department of the Interior.

[SEC. 3. ACQUISITION OF PROPERTY.

[The Secretary of the Interior may acquire the property described in section 2 from a willing seller or donee by donation, purchase with donated or appropriated funds, or exchange.

[SEC. 4. ADMINISTRATION.

[Upon acquiring the property described in Section 2, the Secretary of the Interior shall administer the property as part of Vicksburg National Military Park in accordance with applicable laws and regulations.

[SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

[There are authorized to be appropriated such sums as may be necessary to carry out this Act.]

SECTION 1. SHORT TITLE.

This Act may be cited as the "Vicksburg National Military Park Boundary Modification Act of 2002".

SEC. 2. BOUNDARY MODIFICATION.

The boundary of Vicksburg National Military Park is modified to include the property known as Pemberton's Headquarters, as generally depicted on the map entitled "Boundary Mapemberton's Headquarters at Vicksburg National Military Park", numbered 306/80015A,

and dated August, 2001. The map shall be on file and available for inspection in the appropriate offices of the National Park Service.

SEC. 3. ACQUISITION OF PROPERTY.

(a) PEMBERTON'S HEADQUARTERS.—The Secretary of the Interior is authorized to acquire the properties described in section 2 and 3(b) by purchase, donation, or exchange, except that each property may only be acquired with the consent of the owner thereof.

(b) PARKING.—The Secretary is also authorized to acquire not more than one acre of land, or interest therein, adjacent to or near Pemberton's Headquarters for the purpose of providing parking and other facilities related to the operation of Pemberton's Headquarters. Upon the acquisition of the property referenced in this subsection, the Secretary add it to Vicksburg National Military Park and shall modify the boundaries of the park to reflect its inclusion.

SEC. 4. ADMINISTRATION.

The Secretary shall administer any properties acquired under this Act as part of the Vicksburg National Military Park in accordance with applicable laws and regulations.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as may be necessary to carry out this Act.

Mr. REID. Mr. President, I ask unanimous consent that the committee amendment in the nature of a substitute be agreed to; that the bill, as amended, be read a third time, passed, and 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 committee amendment in the nature of a substitute was agreed to.

The bill (S. 1175), as amended, was read the third time and passed.

HONORING CORINNE "LINDY"
CLAIBORNE BOGGS ON 25TH ANNIVERSARY OF FOUNDING OF
CONGRESSIONAL WOMEN'S CAU-

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to H. Con. Res. 439 just received from the House.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 439) honoring Corinne "Lindy" Claiborne Boggs on the occasion of the 25th anniversary of the founding of the Congressional Women's Caucus.

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

Ms. LANDRIEU. Mr. President, I rise today to express my admiration and gratitude to a woman who served the State of Louisiana and indeed the entire Nation with devotion and sense of unwavering dedication. Throughout her life, she answered every call to service made to her.

Lindy came to Washington in 1940 with her husband, the late Hale Boggs and following his tragic death in 1972, she became the first woman to elected to the House of Representatives from the State of Louisiana. She continued