

LEGISLATIVE SESSION

UNANIMOUS CONSENT
AGREEMENT—H.R. 5005

Mr. REID. Mr. President, I ask unanimous consent that on Thursday, September 19, at 11:30 a.m., the Senate resume consideration of H.R. 5005, and that the time until 12:30 p.m. be for debate only with respect to the cloture motion filed on the Lieberman substitute amendment, with the time equally divided and controlled between Senators LIEBERMAN and THOMPSON or their designees; and that at 12:30 p.m., without further intervening action or debate, the Senate proceed to vote on a motion to invoke cloture on the Lieberman substitute amendment.

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

AUTHORIZING USE OF THE
ROTUNDA OF THE CAPITOL

Mr. REID. I ask unanimous consent the Senate proceed to the consideration of H. Con. Res. 469, received from the House, and which is now at the desk.

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

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 469) authorizing the Rotunda of the Capitol to be used on September 19, 2002, for a ceremony to present the Congressional Gold Medal to General Henry H. Shelton (USA, Ret.).

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

Mr. REID. I ask unanimous consent the concurrent resolution be agreed to and the motion to reconsider be laid on the table without any intervening action or debate.

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

The concurrent resolution (H. Con. Res. 469) was agreed to.

QUINAULT PERMANENT FISHERIES
FUND ACT

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to the consideration of Calendar No. 562, S. 1308.

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

The legislative clerk read as follows:

A bill (S. 1308) to provide for the use and distribution of the funds awarded to the Quinault Indian Nation under United States Claims Court Dockets 772-72, 773-71, and 775-71, and for other purposes.

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

Mr. REID. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid on 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 bill (S. 1308) was read the third time and passed, as follows:

S. 1308

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 "Quinault Permanent Fisheries Fund Act".

SEC. 2. DISTRIBUTION OF JUDGMENT FUNDS.

(a) FUNDS TO BE DEPOSITED INTO SEPARATE ACCOUNTS.—Subject to section 3(c), the funds appropriated on September 19, 1989, in satisfaction of an award granted to the Quinault Indian Nation under Dockets 772-71, 773-71, 774-71, and 775-71 before the United States Claims Court, less attorney fees and litigation expenses, and including all interest accrued to the date of disbursement, shall be disbursed by the Secretary of the Interior and deposited into 3 separate accounts to be established and maintained by the Quinault Indian Nation (hereinafter in this Act referred to as the "Tribe") as follows:

(1) An account for the principal amount of the judgment funds. Such funds shall be used to create a Permanent Fisheries Fund. The principal funds may not be expended by the Tribe and shall be invested by the Tribe in accordance with the Tribe's investment policy.

(2) An account for the investment income earned on the Permanent Fisheries Fund from the date that the funds are disbursed under this section. These funds shall be available for fisheries enhancement projects and the costs associated with administering the Permanent Fisheries Fund. The specific fisheries enhancement projects for which such funds are used shall be specified in the Tribe's approved annual budget.

(3) An account for the investment income earned on the judgment funds from September 19, 1989, to the date of the disbursement of the funds to the Tribe under this section. These funds shall be available to the Tribe for tribal government activities. The specific tribal government activities shall be specified in the Tribe's approved annual budget.

(b) DETERMINATION OF AMOUNT OF FUNDS AVAILABLE.—The Quinault Business Committee, as the governing body of the Tribe, has the discretion to determine the amount of funds available for expenditure under paragraphs (2) and (3) of subsection (a) provided that the amounts are specified in the Tribe's approved annual budget.

(c) ANNUAL AUDIT.—The records and investment activities of the 3 accounts specified in subsection (a) shall be maintained separately by the Tribe and shall be subject to an annual audit.

(d) REPORTING OF INVESTMENT ACTIVITIES AND EXPENDITURES.—Not later than 120 days after the close of the Tribe's fiscal year, a full accounting of the previous fiscal year's investment activities and expenditures from all funds subject to this Act, which may be in the form of the annual audit, shall be made available to the tribal membership.

SEC. 3. GENERAL PROVISIONS.

(a) DEADLINE FOR DISBURSEMENT OF FUNDS.—Not later than 30 days after the date of the enactment of this Act, all funds subject to this Act shall be disbursed to the Tribe.

(b) UNITED STATES LIABILITY.—Upon disbursement to the Tribe of the funds pursuant to this Act, the United States shall no longer have any trust responsibility or liability for the investment, supervision, administration, or expenditure of the judgment funds.

(c) APPLICATION OF OTHER LAW.—All funds distributed under this Act are subject to the provisions of section 7 of the Indian Tribal

Judgment Funds Use or Distribution Act (25 U.S.C. 1407), relating to the use or distribution of certain judgment funds awarded by the Indian Claims Commission or the Court of Claims.

RELIEF OF THE POTTAWATOMI
NATION IN CANADA

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 565, S. 2127.

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

The legislative clerk read as follows:

A bill (S. 2127) for the relief of the Pottawatomie Nation in Canada for settlement of certain claims against the United States.

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

Mr. REID. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid on 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 bill (S. 2127) was read the third time and passed, as follows:

S. 2127

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

SECTION 1. SETTLEMENT OF CERTAIN CLAIMS.

(a) AUTHORIZATION FOR PAYMENT.—Subject to subsection (b), the Secretary of the Treasury shall pay to the Pottawatomie Nation in Canada, notwithstanding any other provision of law, \$1,830,000 from amounts appropriated under section 1304 of title 31, United States Code.

(b) PAYMENT IN ACCORDANCE WITH STIPULATION FOR RECOMMENDATION OF SETTLEMENT.—The payment appropriated under subsection (a) shall be made in accordance with the terms and conditions of the Stipulation for Recommendation of Settlement dated May 22, 2000, entered into between the Pottawatomie Nation in Canada and the United States (in this Act referred to as the "Stipulation for Recommendation of Settlement") and included in the report of the Chief Judge of the United States Court of Federal Claims regarding Congressional Reference No. 94-1037X submitted to the Senate on January 4, 2001, pursuant to the provisions of sections 1492 and 2509 of title 28, United States Code.

(c) FULL SATISFACTION OF CLAIMS.—The payment made under subsection (a) shall be in full satisfaction of all claims of the Pottawatomie Nation in Canada against the United States referred to or described in the Stipulation for Recommendation of Settlement.

(d) NONAPPLICABILITY.—Notwithstanding any other provision of law, the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1401 et seq.) shall not apply to the payment appropriated under subsection (a).

RELIEF OF BARBARA MAKUCH

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 530, H.R. 486.

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

The legislative clerk read as follows:

A bill (H.R. 486) for the relief of Barbara Makuch.

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

Mr. REID. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid on the table, and that any statements relating to this matter be printed in the RECORD with no intervening action or debate.

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

The bill (H.R. 486) was read the third time and passed.

RELIEF OF EUGENE MAKUCH

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 531, H.R. 487.

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

The legislative clerk read as follows:

A bill (H.R. 487) for the relief of Eugene Makuch.

There being no objection, the Senate proceeded to the consideration of the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read a third time, passed, and the motion to reconsider be laid upon the table, and that any statements relating to this matter be printed in the RECORD, with no intervening action or debate.

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

The bill (H.R. 487) was read the third time and passed.

EXTENDING THE IRISH PEACE PROCESS CULTURAL AND TRAINING PROGRAM

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 537, H.R. 4558.

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

The legislative clerk read as follows:

A bill (H.R. 4558) to extend the Irish Peace Process Cultural and Training Program.

There being no objection, the Senate proceeded to the consideration of the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill 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 this matter be printed in the RECORD.

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

The bill (H.R. 4558) was read the third time and passed.

ORDERS FOR THURSDAY, SEPTEMBER 19, 2002

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand

in adjournment until 10 a.m. tomorrow, Thursday, September 19; that following the prayer and the pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of the Interior appropriations bill and remain on it until 11:30 a.m., and that the time prior to 11:30 a.m. be equally divided between the two leaders or their designees, with the first 15 minutes following the prayer and pledge under the control of Senator REID or his designee; that at 11:30 a.m., the Senate resume consideration of H.R. 5005, the homeland security bill, under the previous order; and, further, that Senators have until 12 noon to file second-degree amendments on the homeland security bill.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, the next rollcall vote will occur at approximately 12:30 p.m. tomorrow, which will be on cloture on the Lieberman substitute amendment to the Homeland Security Act. Following that, there will be debate that will continue on the Byrd amendment. Following that, there should be some action taken on that amendment tomorrow.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. Mr. President, I do not believe there is further business to come before the Senate. I therefore ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:57 p.m., adjourned until Thursday, September 19, 2002, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate September 18, 2002:

MISSISSIPPI RIVER COMMISSION

RICKEY DALE JAMES, OF MISSOURI, TO BE A MEMBER OF THE MISSISSIPPI RIVER COMMISSION FOR A TERM OF NINE YEARS. (REAPPOINTMENT)
REAR ADMIRAL NICHOLAS AUGUSTUS PRAHL, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION TO BE A MEMBER OF THE MISSISSIPPI RIVER COMMISSION, UNDER THE PROVISIONS OF SECTION 2 OF AN ACT OF CONGRESS, APPROVED 28 JUNE 1879 (21 STAT. 37) (22 USC 642).

DEPARTMENT OF EDUCATION

JOHN PORTMAN HIGGINS, OF VIRGINIA, TO BE INSPECTOR GENERAL, DEPARTMENT OF EDUCATION, VICE LORRAINE PRATTE LEWIS, RESIGNED.

DEPARTMENT OF DEFENSE

ARTHUR JAMES COLLINGSWORTH, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL SECURITY EDUCATION BOARD FOR A TERM OF FOUR YEARS, VICE JOHN W. HECHINGER, SR., TERM EXPIRED.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. JOHN B. SYLVESTER, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. EDWARD G. ANDERSON III, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. PAUL E. MOCK, 0000

To be brigadier general

COL. BRUCE A. CASELLA, 0000

IN THE MARINE CORPS

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

To be lieutenant general

MAJ. GEN. MICHAEL A. HOUGH, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK(*)) UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

To be major

JEFFREY W * ABOOTT, 0000
EARL E ABONADI, 0000
BRIAN W ADAMS, 0000
JAY R * ADAMS, 0000
JOHNNY D * ADAMS, 0000
LAMAR D ADAMS, 0000
MARK E * ADAMS, 0000
LAWRENCE * AGUILLARD III, 0000
MARK J * AITKEN, 0000
STEPHEN L * AKI, 0000
TOMMY K * ALDERMAN, 0000
BARBI L * ALEANDRE, 0000
RODRIGUE * ALEANDRE, 0000
JOSEPH P * ALESSI, 0000
JOEL O * ALEXANDER, 0000
MARK E * ALEXANDER, 0000
STEPHEN B * ALEXANDER, 0000
CRAIG J ALIA, 0000
JOHN R ALLEN, 0000
PAUL M * ALLMON, 0000
MARK A * ALVAREZ, 0000
ROBERT F * ALVARO, 0000
THOMAS P AMIDON, 0000
MAXWELL J * AMMONS, 0000
BUFORD C * ANDERSON JR., 0000
CURTIS T ANDERSON II, 0000
LYSA L * ANDERSON, 0000
LYLETHA D * ANDERSON, 0000
MICHAEL R ANDERSON, 0000
RICHARD C ANDERSON, 0000
SEAN D ANDERSON, 0000
WILLIAM J ANDERSON, 0000
ROBERT B ANDREW, 0000
CARMEN R ANTHONY, 0000
GEORGE * ANTONE JR., 0000
JOEL K AOKI, 0000
CHAD R * ARCAND, 0000
PATRICIA A * ARCARI, 0000
STEPHEN R * ARCAZA, 0000
KENDRA L ARMSTRONG, 0000
MICHAEL J * ARNOLD, 0000
DUTARY R * ARROCHA, 0000
OSWALDO C * ARROYO, 0000
SPENCER O ASHFORD, 0000
DAVID E * ASKEW, 0000
ERIC E ASLAKSON, 0000
MATTHEW D * ATKINS, 0000
TIMOTHY J ATKINS, 0000
CHARLES H * AUER JR., 0000
MICHAEL A * BACHAND, 0000
CORBIN K BACKMAN, 0000
JOHN M * BAILEY JR., 0000
JOSEPH A BAIRD, 0000
MARION P * BAKALORZ, 0000
ALLAN P * BAKER, 0000
HOUSTON E BAKER, 0000
SHERWOOD P * BAKER II, 0000
ALAN K * BAL, 0000
ANDREW M BALANDA, 0000
STEPHEN H BALES, 0000
MATTHEW C BALLARD, 0000
ROY D * BANZON, 0000
REGGINIAL R * BARDEN II, 0000
BELLARD C BARKER, 0000
LEROY R BARKER JR., 0000
WAYNE E BARKER, 0000
CAROL D * BARNES, 0000
DALLIS L * BARNES, 0000
SEAN W * BARNES, 0000
TROY D BARNES, 0000
ERIC E BARRAS, 0000
JOHN L BARRETT JR., 0000
WILLIAM A BARROW, 0000
KIMMIE M BARTENSLAGER, 0000
SAMUEL S BARTON, 0000
BRENT M * BARTOS, 0000
SEAN T BATEMAN, 0000
RYAN D BATES, 0000
STACY M BATHRICK, 0000