

Paralympic Winter Games, which were held immediately after the Olympic Winter Games in Torino, Italy;

Whereas the total medal count for the United States Winter Paralympic Team ranked the team 7th among all participating teams;

Whereas members of the United States Winter Olympic Team, such as skater Joey Cheek, who donated his considerable monetary earnings to relief efforts in Darfur, Sudan, and skier Lindsey Kildow, who exhibited considerable courage by returning to the field of competition only days after a painful and horrendous accident, demonstrated the true spirit of generosity and tenacity of the United States and the Olympic Winter Games; and

Whereas the leadership displayed by United States Olympic Committee Board Chairman Peter Ueberroth and Chief Executive Officer Jim Scherr has helped transform the committee into an organization that—

(1) upholds the highest ideals of the Olympic movement; and

(2) discharges the responsibilities of the committee to the athletes and the citizens of the United States in the manner that Congress intended when it chartered the committee in 1978: Now, therefore, be it

Resolved, That the Senate—

(1) commends and congratulates the members of the 2006 United States Winter Olympic and Paralympic Teams;

(2) expresses its appreciation for the firm, inspired, and ethical leadership displayed by the United States Olympic Committee; and

(3) extends its best wishes and encouragement to those athletes of the United States and their numerous supporters who are preparing to represent the United States at the 2008 Olympic Games, which are to be held in Beijing, China.

SENATE CONCURRENT RESOLUTION 88—URGING THE GOVERNMENT OF CHINA TO REINSTATE ALL LICENSES OF GAO ZHISHENG AND HIS LAW FIRM, REMOVE ALL LEGAL AND POLITICAL OBSTACLES FOR LAWYERS ATTEMPTING TO DEFEND CRIMINAL CASES IN CHINA, INCLUDING POLITICALLY SENSITIVE CASES, AND REVISE LAW AND PRACTICE IN CHINA SO THAT IT CONFORMS TO INTERNATIONAL STANDARDS

MR. FEINGOLD (for himself and Mr. BROWNBACK) submitted the following concurrent resolution; which was referred to the Committees on Foreign Relations;

S. CON. RES. 88

Whereas, since November 2005, the Beijing Judicial Bureau has shut down the law firm and suspended the license of Mr. Gao Zhisheng, one of China's best known lawyers and legal rights defenders;

Whereas Mr. Gao has represented citizens of China in lawsuits against various local and administrative governmental bodies of the People's Republic of China over corruption, land seizures, police abuse, and violations of religious freedom;

Whereas Mr. Gao wrote 3 open letters to President Hu Jintao and Premier Wen Jiabao condemning the methods employed by the Government of China in implementing its ban on "evil cults", such as the Falun Gong and an additional letter documenting severe persecution of Christians in Xinjiang Uighur Autonomous Region;

Whereas Mr. Gao's law practice filed a petition to appeal the verdict against Cai Zhuohua, who was found guilty of "illegal business practices" based upon his distribution of Bibles and religious material;

Whereas Mr. Gao's home has been constantly monitored by agents from the Ministry of State Security and Mr. Gao was prevented by the Public Security Ministry from meeting with the representatives of the United Nations Special Rapporteur on Torture during his November 2005 visit to Beijing;

Whereas agents of the Public Security Bureau of China, numbering between 10 and 20, have consistently monitored the activities and whereabouts of Mr. Gao, his wife, and his daughter since late November 2005;

Whereas, on November 10, 2005, an open letter, signed by 138 organizations worldwide, was submitted to President Bush calling on him to voice support of Mr. Gao and his legal practice during the President's November 2005 visit to China;

Whereas other human rights lawyers, collectively known as "rights defenders", or Wei Quan, have also faced harassment, arrest, and detention for their consistent and vigorous activities to defend the fundamental rights of the people of China, contrary to measures within the law of China protecting human rights and rights of lawyers;

Whereas Mr. Chen Guangcheng, a blind human rights lawyer who has exposed cases of violence against women, including forced abortion and forced sterilization perpetrated by authorities of China under the 1-child policy, was beaten on October 10, 2005, and currently remains under house arrest;

Whereas law professor and People's Political Consultative Congress Delegate, Xu Zhiyong, who advocates on behalf of petitioners filing grievances with the Central government in Beijing, was also beaten on October 10, 2005, when meeting with Chen Guangcheng;

Whereas Mr. Yang Maodong (also known as Guo Feixiong), a lawyer representing villagers in Taishi village who attempted to oust their village head in peaceful elections, has been arbitrarily detained repeatedly and remains under consistent surveillance by security agents;

Whereas Mr. Tang Jingling, a Guangdong based lawyer also working on the Taishi village elections case, has been fired from his law firm and was beaten on February 2, 2006, after attempting to meet with Yang Maodong;

Whereas, according to the Department of State 2005 Country Reports on Human Rights Practices, lawyers who aggressively tried to defend their clients continued to face serious intimidation and abuse by police and prosecutors, and some of these lawyers were detained;

Whereas the Constitution of China states that the courts shall, in accordance with the law, exercise judicial power independently, without interference from administrative organs, social organizations, and individuals, but in practice, the judiciary is not independent and it receives policy guidance from both the Government of China and the Communist Party, whose leaders use a variety of means to direct courts on verdicts and sentences, particularly in politically sensitive cases;

Whereas the Criminal Procedure Law of China gives suspects the right to seek legal counsel, but defendants in politically sensitive cases frequently find it difficult to find an attorney;

Whereas the Lawyers Law of the People's Republic of China states that a lawyer may "accept engagement by a criminal suspect in a criminal case to provide him with legal ad-

vice and represent him in filing a petition or charge or obtaining a guarantor pending trial";

Whereas according to Article 306 of the Criminal Law of China, defense attorneys can be held responsible if their clients commit perjury, and prosecutors and judges in such cases have wide discretion in determining what constitutes perjury;

Whereas according to the All-China Lawyers Association, since 1997 more than 500 defense attorneys have been detained on similar charges, and such cases continued during the last year despite promises made by the Government of China to amend Article 306;

Whereas the State Department's 2005 Annual Report on Human Rights states that China's human rights record "remained poor", that authorities of China quickly moved to suppress those who openly expressed dissenting political views, and that writers, religious activists, dissidents, lawyers, and petitioners to the Central Government were particularly targeted;

Whereas directly following their August 2005 visit to China, the United States Commission on International Religious Freedom found that—

(1) the Government of China actively seeks to control and suppress the activities of unregistered religious organizations;

(2) China has outlawed unregistered religious organizations and provides severe penalties for engaging in unregistered religious activities;

(3) leaders of unregistered Protestant organizations have come under increased pressure to register their churches and affiliate with one of the government approved organizations, and those who refuse, for theological or other reasons, are subject to harassment, detention, arrest, and closing of their religious facilities;

(4) groups determined by the Government of China to be "evil cults", such as Falun Gong, are brutally suppressed; and

(5) practitioners of Falun Gong have experienced severe persecution, including arrests, numerous detentions, torture, irregular trials, imprisonment, and subjection to the reeducation through labor system, whereby accused criminals are subject to up to 3 years detention;

Whereas despite questions raised by the Government of the United States and others about the charges made against Pastor Cai Zhuohua, the Government of China sentenced Pastor Cai and other members of his family to 3 years in prison for "illegal business practices" for their printing and distribution of religious materials;

Whereas, according to China's Regulations on Religious Affairs, promulgated in March 2005, any religious organization that carries out activities without registering with the government is subject to civil punishment and to criminal prosecution;

Whereas since the promulgation of the Regulations on Religious Affairs, the Government of China has stepped up its efforts to eliminate unregistered religious activity, with raids on "house church" Christian groups in several provinces, resulting in detention of hundreds of leaders of the house church, dozens of whom remain in custody;

Whereas the Government of China has, on several occasions, stated a commitment to ratify the International Covenant on Civil and Political Rights, but has delayed ratification since signing the document in 1998: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That—

(1) Congress—

(A) commends "rights defense" lawyers and activists of China for their courage and integrity, and expresses moral support for

this grass-roots “rights defense” movement in China;

(B) urges the Government of the People’s Republic of China, at all levels, to cease its harassment of Mr. Gao Zhisheng, overturn the suspension of his license to practice law, and restore his legal right to represent the clients of his choosing as protected by China’s own Constitution, its Criminal Procedure Law, and its Lawyers Law;

(C) urges the Government of the People’s Republic of China to repeal Article 306 of the Criminal Code of China, which provides penalties for lawyers whose clients are accused of perjury and has been used to curtail the active legal defense of individuals accused of political crimes;

(D) urges the Government of the People’s Republic of China to undertake measures to further amend the Lawyers Law to ensure lawyers’ rights to investigate charges brought against their clients, to provide a vigorous defense of their clients, and to remain free of harassment and intimidation throughout the course of representing clients, including clients who are charged with offenses related to political or religious activities;

(E) urges the Government of the People’s Republic of China to respect fully the universality of the right to freedom of religion or belief and other human rights;

(F) urges the Government of the People’s Republic of China to ratify and implement in law the International Covenant on Civil and Political Rights, and to adopt such legislative or other measures as may be necessary to give effect to the rights recognized in the Covenant;

(G) urges the Government of the People’s Republic of China to amend or repeal Article 300 of the Criminal Code of China so it is consistent with international law, and to halt its crackdown on spiritual movements;

(H) urges the Government of the People’s Republic of China to halt arrests, harassment, and intimidation of leaders of unregistered religious organizations on the basis that their organizations violated the law by not registering with the Government of China;

(I) urges the Government of the People’s Republic of China to Amend the Regulations on Religious Affairs to conform more closely with the internationally recognized freedom of thought, conscience, religion or belief and allow all religious believers in China to practice their religion without interference from the government or from government sponsored ‘patriotic religious associations’;

(J) urges the Government of the People’s Republic of China to release Pastor Cai Zhuhua, his wife, and others imprisoned with him, and to allow Pastor Cai to resume religious activities and to resume leadership of his congregation in Beijing; and

(K) urges the Government of the People’s Republic of China to invite the Special Rapporteur of the Commission on Human Rights on freedom of religion or belief to China as promised according to an agreement between the Ministry of Foreign Affairs of China and the Department of State of China in March 2005; and

(L) it is the sense of Congress that—

(A) the Government of the United States should support democracy and human rights programs that strengthen protection of basic rights and freedoms, and should initiate programs to train lawyers, judges, academics, and students in China about international human rights law, to inform citizens of China about international human rights norms, and to build organizations and associations to promote these priorities;

(B) the Government of the United States should support programs to promote legal protections and cultural awareness of the

right to the freedom of religion or belief in China; and

(C) the President should raise the issue of the Government of China’s harassment, arrest, detention, and persecution of rights defense lawyers and activists and the need for the Government of China to respect the basic human rights of its citizens and the rule of law with Chinese President Hu Jintao.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3587. Mr. McCONNELL (for Mr. McCAIN) submitted an amendment intended to be proposed by Mr. McCONNELL to the bill H.R. 3351, to make technical corrections to laws relating to Native Americans, and for other purposes.

TEXT OF AMENDMENTS

SA 3587. Mr. McCONNELL (for Mr. McCAIN) submitted an amendment intended to be proposed by Mr. McCONNELL to the bill H.R. 3351, to make technical corrections to laws relating to Native Americans, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Native American Technical Corrections Act of 2006”.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—TECHNICAL AMENDMENTS AND OTHER PROVISIONS RELATING TO NATIVE AMERICANS

Sec. 101. Alaska Native Claims Settlement Act technical amendment.

Sec. 102. ANCSA amendment.

Sec. 103. Mississippi Band of Choctaw transportation reimbursement.

Sec. 104. Fallon Paiute Shoshone tribes settlement.

TITLE II—INDIAN LAND LEASING

Sec. 201. Prairie Island land conveyance.

Sec. 202. Authorization of 99-year leases.

Sec. 203. Certification of rental proceeds.

TITLE III—NATIONAL INDIAN GAMING COMMISSION FUNDING AMENDMENT

Sec. 301. National Indian Gaming Commission funding amendment.

TITLE IV—INDIAN FINANCING

Sec. 401. Indian Financing Act Amendments.

TITLE V—NATIVE AMERICAN PROBATE REFORM TECHNICAL AMENDMENT

Sec. 501. Clarification of provisions and amendments relating to inheritance of Indian lands.

TITLE I—TECHNICAL AMENDMENTS AND OTHER PROVISIONS RELATING TO NATIVE AMERICANS

SEC. 101. ALASKA NATIVE CLAIMS SETTLEMENT ACT TECHNICAL AMENDMENT.

(a)(1) Section 337(a) of the Department of the Interior and Related Agencies Appropriations Act, 2003 (Division F of Public Law 108-7; 117 Stat. 278; February 20, 2003) is amended—

(A) in the matter preceding paragraph (1), by striking “Section 1629b of title 43, United States Code,” and inserting “Section 36 of the Alaska Native Claims Settlement Act (43 U.S.C. 1629b)”;

(B) in paragraph (2), by striking “by creating the following new subsection;” and inserting “in subsection (d), by adding at the end the following;” and

(C) in paragraph (3), by striking “by creating the following new subsection;” and inserting “by adding at the end the following;”.

(2) Section 36 of the Alaska Native Claims Settlement Act (43 U.S.C. 1629b) is amended in subsection (f), by striking “section 1629e of this title” and inserting “section 39”.

(b)(1) Section 337(b) of the Department of the Interior and Related Agencies Appropriations Act, 2003 (Division F of Public Law 108-7; 117 Stat. 278; February 20, 2003) is amended by striking “Section 1629e(a)(3) of title 43, United States Code,” and inserting “Section 39(a)(3) of the Alaska Native Claims Settlement Act (43 U.S.C. 1629e(a)(3))”.

(2) Section 39(a)(3)(B)(ii) of the Alaska Native Claims Settlement Act (43 U.S.C. 1629e(a)(3)(B)(ii)) is amended by striking “(a)(4) of section 1629b of this title” and inserting “section 36(a)(4)”.

(c) The amendments made by this section take effect on February 20, 2003.

SEC. 102. ANCSA AMENDMENT.

All land and interests in land in the State of Alaska conveyed by the Federal Government under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) to a Native Corporation and reconveyed by that Native Corporation, or a successor in interest, in exchange for any other land or interest in land in the State of Alaska and located within the same region (as defined in section 9(a) of the Alaska Native Claims Settlement Act (43 U.S.C. 1608(a))), to a Native Corporation under an exchange or other conveyance, shall be deemed, notwithstanding the conveyance or exchange, to have been conveyed pursuant to that Act.

SEC. 103. MISSISSIPPI BAND OF CHOCTAW TRANSPORTATION REIMBURSEMENT.

The Secretary of the Interior is authorized and directed, within the 3-year period beginning on the date of enactment of this Act, to accept funds from the State of Mississippi pursuant to the contract signed by the Mississippi Department of Transportation on June 7, 2005, and by the Mississippi Band of Choctaw Indians on June 2, 2005. The amount shall not exceed \$776,965.30 and such funds shall be deposited in the trust account numbered PL7489708 at the Office of Trust Funds Management for the benefit of the Mississippi Band of Choctaw Indians. Thereafter, the tribe may draw down these moneys from this trust account by resolution of the Tribal Council, pursuant to Federal law and regulations applicable to such accounts.

SEC. 104. FALON PAIUTE SHOSHONE TRIBES SETTLEMENT.

(a) SETTLEMENT FUND.—Section 102 of the Fallon Paiute Shoshone Indian Tribes Water Rights Settlement Act of 1990 (Public Law 101-618; 104 Stat. 3289) is amended—

(1) in subsection (C)—

(A) in paragraph (1)—

(i) by striking the matter preceding subparagraph (a) and inserting the following: “Notwithstanding any conflicting provision in the original Fund plan during Fund fiscal year 2006 or any subsequent Fund fiscal year, 6 percent of the average quarterly market value of the Fund during the immediately preceding 3 Fund fiscal years (referred to in this title as the ‘Annual 6 percent Amount’), plus any unexpended and unobligated portion of the Annual 6 percent Amount from any of the 3 immediately preceding Fund fiscal years that are subsequent to Fund fiscal year 2005, less any negative income that may accrue on that portion, may be expended or obligated only for the following purposes:”;

(ii) by adding at the end the following:

“(g) Fees and expenses incurred in connection with the investment of the Fund, for investment management, investment consulting, custodianship, and other transactional services or matters.”; and