

SEC. 13005. LAND TO BE PLACED IN TRUST FOR TRIBES.

Effective beginning on the date on which the amounts appropriated pursuant to section 13012 are distributed in accordance with that section to the Blackfoot River Flood Control District No. 7, the non-Indian land shall be considered to be held in trust by the United States for the benefit of the Tribes.

SEC. 13006. TRUST LAND TO BE CONVERTED TO FEE LAND.

Effective beginning on the date on which the amounts appropriated pursuant to section 13012 are distributed in accordance with that section to the tribal trust fund account and the allottee trust account, the Indian land shall be transferred to the Blackfoot River Flood Control District No. 7 for conveyance to the non-Indians acquiring Indian land.

SEC. 13007. TRIBAL TRUST FUND ACCOUNT AND ALLOTTEE TRUST ACCOUNT.**(a) TRIBAL TRUST FUND ACCOUNT.—**

(1) **ESTABLISHMENT.**—There is established in the Treasury of the United States an account, to be known as the “tribal trust fund account”, consisting of such amounts as are deposited in the account under section 13012(b)(1).

(2) **INVESTMENT.**—The Secretary of the Treasury shall invest amounts in the tribal trust fund account for the benefit of the Tribes, in accordance with applicable laws and regulations.

(3) **DISTRIBUTION.**—The Secretary of the Treasury shall distribute amounts in the tribal trust fund account to the Tribes pursuant to a budget adopted by the Tribes that contains a description of—

(A) the amounts required by the Tribes; and

(B) the intended uses of the amounts, in accordance with paragraph (4).

(4) **USE OF FUNDS.**—The Tribes may use amounts in the tribal trust fund account (including interest earned on those amounts), without fiscal year limitation, for activities relating to—

(A) construction of a natural resources facility;

(B) water resources needs;

(C) economic development;

(D) land acquisition; and

(E) such other purposes as the Tribes determine to be appropriate.

(b) ALLOTTEE TRUST ACCOUNT.—

(1) **ESTABLISHMENT.**—There is established in the Treasury of the United States an account, to be known as the “allottee trust account”, consisting of such amounts as are deposited in the account under section 13012(b)(2).

(2) **DEPOSIT INTO HMS.**—Not later than 60 days after the date on which amounts are deposited in the allottee trust account under section 13012(b)(2), the Secretary of the Treasury shall deposit the amounts into individual Indian money accounts for the allottees.

(3) **INVESTMENT.**—The Secretary of the Treasury shall invest amounts in the individual Indian money accounts under paragraph (2) in accordance with applicable laws and regulations.

SEC. 13008. ATTORNEY FEES.

(a) **IN GENERAL.**—Subject to subsection (b), of the amounts appropriated pursuant to section 13012(a), the Secretary shall pay to the attorneys of the Tribes and the non-Indian landowners such attorneys fees as are approved by the Tribes and the non-Indian landowners.

(b) **LIMITATION.**—The total amount of attorneys fees paid by the Secretary under subsection (a) shall not exceed 2 percent of the amounts distributed to the Tribes, allottees, and the non-Indian landowners under section 13012(b).

SEC. 13009. EFFECT ON ORIGINAL RESERVATION BOUNDARY.

Nothing in this title affects the original boundary of the Reservation, as established by Executive order during calendar year 1867 and confirmed by treaty during calendar year 1868.

SEC. 13010. EFFECT ON TRIBAL WATER RIGHTS.

Nothing in this title extinguishes or conveys any water rights of the Tribes, as established in the agreement entitled “1990 Fort Hall Indian Water Rights Agreement” and ratified by section 4 of the Fort Hall Indian Water Rights Act of 1990 (Public Law 101-602; 104 Stat. 3060).

SEC. 13011. DISCLAIMERS REGARDING CLAIMS.

Nothing in this title—

(1) affects in any manner the sovereign claim of the State of Idaho to title in and to the beds and banks of the River under the equal footing doctrine of the Constitution of the United States;

(2) affects any action by the State of Idaho to establish that title under section 2409a of title 28, United States Code (commonly known as the “Quiet Title Act”);

(3) affects the ability of the Tribes or the United States to claim ownership of the beds and banks of the River; or

(4) extinguishes or conveys any water rights of non-Indian landowners or the claims of such landowners to water rights in the Snake River Basin Adjudication.

SEC. 13012. FUNDING.

(a) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this title \$1,000,000.

(b) **DISTRIBUTION.**—After the date on which all attorneys fees are paid under section 13008, the amount appropriated pursuant to subsection (a) shall be distributed among the Tribes, the allottees, and the Blackfoot River Flood Control District No. 7 as follows:

(1) 28 percent shall be deposited into the tribal trust fund account established by section 13007(a)(1).

(2) 25 percent shall be deposited into the allottee trust account established by section 13007(b)(1).

(3) 47 percent shall be provided to the Blackfoot River Flood Control District No. 7 for—

(A) distribution to the non-Indian landowners on a pro rata, per-acre basis; and

(B) associated administrative expenses.

(c) **PER CAPITA PAYMENTS PROHIBITED.**—No amount received by the Tribes under this title shall be distributed to a member of the Tribes on a per capita basis.

SEC. 13013. EFFECTIVE DATE.

This title takes effect on the date on which the amount described in section 13012(a) is appropriated.

DIVISION M—BUDGETARY EFFECTS**SEC. 14001. BUDGETARY EFFECTS.**

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

SA 4846. Mr. VITTER (for himself, Mr. RISCH, Mr. INHOFE, and Mr. BARRASSO) submitted an amendment intended to be proposed by him to Treaty Doc. 111-5, Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed in

Prague on April 8, 2010, with Protocol; which was ordered to lie on the table; as follows:

In Article V of the Treaty, strike section 3.

SA 4847. Mr. LEMIEUX (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to Treaty Doc. 111-5, Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed in Prague on April 8, 2010, with Protocol; which was ordered to lie on the table; as follows:

At the end of Article I of the New START Treaty, add the following:

3. The Parties shall enter into negotiations within one year of ratification of this Treaty to address the disparity between the non-strategic (tactical) nuclear weapons stockpiles of the Parties, in accordance with the September 1991 United States commitments under the Presidential Nuclear Initiatives and Russian Federation commitments made by President Gorbachev in October 1991 and reaffirmed by President Yeltsin in January 1992. The negotiations shall not include discussion of defensive missile systems.

PRIVILEGES OF THE FLOOR

Mr. KERRY. Mr. President, I ask unanimous consent, on behalf of Senator MANCHIN, that Sylvia Pletos, a military fellow and New START treaty specialist on his staff, be granted the privilege of the floor during the balance of today's session.

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

EXECUTIVE SESSION**EXECUTIVE CALENDAR**

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed en bloc to Executive Calendar Nos. 937 and 1093; that the nominations be confirmed en bloc and the motions to reconsider be considered made and laid upon the table; that any statements relating to the nominations be printed in the RECORD as if read; that the President be immediately notified of the Senate's action; further, that on Saturday, December 18, after the cloture votes with respect to the House messages regarding H.R. 5281 and H.R. 2965, and notwithstanding rule XXII, if applicable, the Senate resume executive session and there be 2 minutes of debate equally divided and controlled between Senators LEAHY and SESSIONS or their designees prior to a vote on confirming Calendar No. 656, Albert Diaz, and Calendar No. 936, Ellen Hollander; that upon the use or yielding back of that time, the Senate proceed to vote on confirmation in the order listed; that upon confirmation, the motions to reconsider be considered made and laid upon the table; that any statements relating to the nominations be

printed in the RECORD as if read and the President be immediately notified of the Senate's action; further, that any time consumed during the votes and debate on the judges count postcloture, if applicable, and the Senate then resume legislative session.

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

The nominations considered and confirmed are as follows:

THE JUDICIARY

Susan Richard Nelson, of Minnesota, to be United States District Judge for the District of Minnesota.

Denise Jefferson Casper, of Massachusetts, to be United States District Judge for the District of Massachusetts.

ORDERS FOR SATURDAY, DECEMBER 18, 2010

Mr. DURBIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9 a.m. on Saturday, December 18; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate resume executive session to consider the New START treaty; that following any leader remarks in executive session, the Senate proceed to legislative session and be in

a period of morning business until 10:30 a.m., with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees; at that at 10:30 a.m., the Senate resume consideration of the House message with respect to H.R. 5281 and proceed to vote on the motion to invoke cloture on the motion to concur with respect to H.R. 5281; and that if cloture is not invoked, there be 2 minutes for debate equally divided prior to the next vote.

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

PROGRAM

Mr. DURBIN. Mr. President, Senators should expect a series of up to four rollcall votes at 10:30 a.m. tomorrow. The first vote will be on cloture with respect to the DREAM Act. If cloture is not invoked, the next vote would be cloture with respect to don't ask, don't tell. The final two votes will be on confirmation of two judicial nominations.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. DURBIN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent

that it adjourn under the previous order.

There being no objection, the Senate, at 10:07 p.m., adjourned until Saturday, December 18, 2010, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate:

OFFICE OF SPECIAL COUNSEL

CAROLYN N. LERNER, OF MARYLAND, TO BE SPECIAL COUNSEL, OFFICE OF SPECIAL COUNSEL, FOR THE TERM OF FIVE YEARS, VICE SCOTT J. BLOCH, RESIGNED.

PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD

ELISEBETH COLLINS COOK, OF ILLINOIS, TO BE A MEMBER OF THE PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD FOR A TERM EXPIRING JANUARY 29, 2014. (NEW POSITION)

JAMES XAVIER DEMPSEY, OF CALIFORNIA, TO BE A MEMBER OF THE PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD FOR A TERM EXPIRING JANUARY 29, 2016. (NEW POSITION)

CONFIRMATIONS

Executive nominations confirmed by the Senate, Friday, December 17, 2010:

THE JUDICIARY

SUSAN RICHARD NELSON, OF MINNESOTA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF MINNESOTA.

DENISE JEFFERSON CASPER, OF MASSACHUSETTS, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF MASSACHUSETTS.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.