

report favorably 11 nomination lists in the Air Force, Army, Marine Corps, and Navy which were printed in full in the CONGRESSIONAL RECORDS of January 7, 22, 30, February 5, 6, and 11, 1997, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators:

In the Navy there is 1 promotion to the grade of captain (Bruce G. Lalonde) (Reference No. 60)

In the Navy there are 4 promotions to the grade of captain and below (list begins with Thomas J. Campbell) (Reference No. 62)

In the Navy there are 6 promotions to the grade of commander and below (list begins with Timothy F. Archer) (Reference No. 63)

In the Navy there are 5 promotions to the grade of commander and below (list begins with Donald L. Beem) (Reference No. 64)

In the Naval Reserve there is 1 appointment to the grade of captain (Larry L. Blakesley) (Reference No. 165)

In the Army Reserve there are 157 appointments to the grade of Colonel (list begins with Timothy Albertson) (Reference No. 179)

In the Army Reserve there are 679 appointments to the grade of colonel (list begins with Steven R. Abt) (Reference No. 180)

In the Air Force there is 1 appointment to the grade of Lieutenant colonel (Walter J. James) (Reference No. 193)

In the Air Force Reserve there is 1 appointment to the grade of colonel (Alberto B. Zambrano) (Reference No. 198)

In the Air Force Reserve there are 200 appointments to the grade of colonel (list begins with Guy E. Acheson) (Reference No. 199)

In the Marine Corps there are 563 appointments to the grade of major and below (list begins with Neita A. Armstrong) (Reference No. 203)

Total—1,634.

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

(The nominations ordered to lie on the Secretary's desk were printed in the RECORD of January 7, 22, 30, February 5, 6, and 11, 1997, at the end of the Senate proceedings.)

The following executive reports of committees were submitted:

By Mr. HELMS, from the Committee on Foreign Relations:

Princeton Nathan Lyman, of Maryland, a Career Member of the Senior Foreign Service, Class of Career Minister, to be an Assistant Secretary of State.

Pete Peterson, of Florida, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Socialist Republic of Vietnam.

Nominee: Douglas B. Peterson.

Post: Ambassador to Vietnam.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

*Contributions, amount, date, and donee:*

1. Self: \$100, 7/95, Max Cleland; \$100, 10/95, Brian Moran; \$250, 8/96, Frank Baker; \$200, 10/96, Max Cleland; \$500, 10/96, John Kerry; \$500, 10/96, John Bryon.

Spouse: Charlotta Ann Peterson (deceased).

3. Children and spouses: Michael and Susan Peterson, none; Paula and Ricky Blackburn, none; Douglas Neal Peterson (deceased).

4. Parents: Mary and Albert Peterson (deceased).

5. Grandparents: Minnie and John Underwood (deceased), Bertha and Gus Peterson (deceased).

6. Brothers and spouses: Albert (deceased) and Jean Peterson, no contact since 1989; Theodore and Donna Peterson, no contact since 1989; Clark and Louise Peterson, no contact since 1989.

7. Sisters and spouses: Minnie (deceased) and Chuck Newton, no contact since 1989; Margery and Jack Carlson, none; Alice (deceased) and Chuck Arnold, no contact since 1989; Carol and Max Baker, no contact since 1989; Mary (deceased) and Earl Brown, no contact since 1989; Janet and Wayne Semot, no contact since 1989.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Mr. HELMS. Mr. President, for the Committee on Foreign Relations, I also report favorably one nomination list in the Foreign Service which were printed in full in the CONGRESSIONAL RECORD of January 21, 1997, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators.

The following-named Career Members of the Senior Foreign Service of the Agency for International Development for promotion in the Senior Foreign Service to the classes indicated:

Career Member of the Senior Foreign Service of the United States of America, Class of Career Minister:

Terrence J. Brown, of Virginia  
Kelly C. Kammerer, of the District of Columbia

Linda E. Morse, of Virginia

Career Members of the Senior Foreign Service of the United States of America, Class of Minister-Counselor:

Rose Marie Depp, of Maryland  
Gregory F. Huger, of the District of Columbia

George Jones, of Colorado

Linda N. Lion, of Virginia

Carlos E. Pascual, of the District of Columbia

Eric R. Zallman, of Florida

The following-named Career Members of the Foreign Service of the Agency for International Development for promotion into the Senior Foreign Service:

Career Members of the Senior Foreign Service of the United States of America, Class of Counselor:

Harry F. Birnholz, of New York

Paul A. Bisek, of Illinois

Douglas A. Chiriboga, of Virginia

Paul R. Deuster, of Virginia

William J. Garvelink, of Virginia

Viviann Gary, of Washington

Gene V. George, of New York

Richard H. Goldman, of Florida

Richard J. Goughnour, of Florida

Frederick J. Guymont, of Florida

John Van D. Lewis, of the District of Columbia

John R. Martin, of Illinois

Louis Mundy III, of Florida

Everett B. Orr, of Florida

Karen M. Poe, of Virginia

Thomas Lee Rishoi, of Florida

Terrence P. Tiffany, of Oregon

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

(The nominations ordered to lie on the Secretary's desk were printed in the RECORD of January 21, 1997, at the end of the Senate proceedings.)

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Ms. MIKULSKI:

S. 390. A bill to amend the Older Americans Act of 1965 to provide for Federal-State performance partnerships, to consolidate all nutrition programs under the Act in the Department of Health and Human Services, to extend authorizations of appropriations for programs under the Act through fiscal year 2000, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. DORGAN (for himself, Mr. CONRAD, Mr. JOHNSON, Mr. DASCHLE, Mr. BAUCUS, and Mr. BURNS):

S. 391. A bill to provide for the disposition of certain funds appropriated to pay judgment in favor of the Mississippi Sioux Indians, and for other purposes; to the Committee on Indian Affairs.

By Mr. LOTT:

S.J. Res. 22. A joint resolution to express the sense of the Congress concerning the application by the Attorney General for the appointment of an independent counsel to investigate allegations of illegal fundraising in the 1996 presidential election campaign; read the first time.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. COLLINS (for herself, Mr. WYDEN, and Mrs. HUTCHISON):

S. Res. 60. A resolution to commend students who have participated in the William Randolph Hearst Foundation Senate Youth Program between 1962 and 1997; to the Committee on the Judiciary.

By Mr. GLENN:

S. Res. 61. A resolution funding the Committee on Governmental Affairs for conducting a special investigation of Federal election campaign fundraising and expenditure practices; to the Committee on Rules and Administration.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. MIKULSKI:

S. 390. A bill to amend the Older Americans Act of 1965 to provide for Federal-State performance partnerships, to consolidate all nutrition programs under the act in the Department of Health and Human Services, to extend authorizations of appropriations for programs under the act through fiscal year 2000, and for other purposes; to the Committee on Labor and Human Resources.

THE OLDER AMERICANS ACT AMENDMENTS OF 1997

● Ms. MIKULSKI. Mr. President, I introduce the Older Americans Act amendments of 1997. The Older Americans Act expired in 1995 and we have

not been able to reach consensus on re-authorizing it since then. I am introducing last year's administration bill. This bill may not be perfect. But, I want to get the debate started. The act is critical to meeting the day-to-day needs of America's seniors. This bill serves as a starting point for our deliberations.

The Older Americans Act has been the major vehicle for organizing and delivering social services to the elderly since it was passed in 1965. It has supported a broad array of service programs through a network of 57 State agencies and 670 local area agencies on aging. As a result of this act, our seniors have benefited from millions of contacts and referrals for services. They have benefited from millions of rides and meals provided through the transportation and nutrition programs. They have benefited from the elder abuse program. And, they have benefited from the jobs program. These examples show how coordinated service programs help keep our seniors in their own homes and communities as viable members of society.

The bill I put forth today focuses on increasing flexibility to States, area agencies on aging, and providers. This flexibility will allow them to be innovative in designing and implementing programs and services for the elderly. It takes into account the distinct interest of all partners. It strives to balance those interest between all partners. It focuses on streamlining and enhancing effectiveness of programs for our seniors. It sets the stage for performance partnerships and innovative ways of providing services. It ensures that performance measures mandated under the Government Performance and Results Act [GPRA] are in place so that we can see the results of these programs. It retains the programs for native Americans.

These are some of the things this bill will do. But, it is time for us to take action. It is time for us to address the issues at hand. It is time for us to pass a bill ensuring that the needed services and programs are available to our seniors.●

By Mr. DORGAN (for himself, Mr. CONRAD, Mr. JOHNSON, Mr. DASCHLE, Mr. BAUCUS, and Mr. BURNS):

S. 391. A bill to provide for the disposition of certain funds appropriated to pay judgment in favor of the Mississippi Sioux Indians, and for other purposes; to the Committee on Indian Affairs.

THE MISSISSIPPI SIOUX TRIBES JUDGMENT FUND DISTRIBUTION ACT OF 1997

● Mr. DORGAN. Mr. President, I introduce legislation which will equitably resolve a longstanding problem involving a judgment fund distribution to Sioux tribes in the Dakotas and Montana. Specifically, the bill would distribute the accrued interest on funds awarded by the Indian Claims Commission in 1967 to the Mississippi Sioux

Tribes. I am pleased to be joined by Senators CONRAD, JOHNSON, DASCHLE, BAUCUS, and BURNS in introducing this measure.

In 1972, Congress enacted legislation which authorized the Secretary of the Interior to distribute 75 percent of a \$5,900,000 judgment award to the Spirit Lake Sioux Tribe of North Dakota, the Sisseton and Wahpeton Sioux Tribe of North and South Dakota, and the Assiniboine and Sioux Tribes of the Fort Peck Reservation in Montana. The remaining 25 percent was to be distributed to individuals who could trace their lineal ancestry to a member of the aboriginal Sisseton and Wahpeton Sioux Tribe.

The three Sioux tribes received their respective shares of the judgment award by the mid-1970's. To date, though, the funds allocated to the lineal descendants have not been distributed. This has resulted in a situation in which the accrued interest on the original principal of approximately \$1.5 million has now grown to more than \$13 million.

Today, if the 1,969 lineal descendants identified by the Department of the Interior receive their per capita payments, they will be paid more than 18 times what the 11,829 enrolled tribal members received in the 1970's.

In 1987, the three Sioux tribes filed suit in Federal court to challenge the constitutionality of the lineal descendant provisions of the 1972 act. This litigation is currently in its second appeal. In 1992, Congress enacted legislation which authorized the Attorney General to settle the case on any terms agreed to by the parties involved. I support this approach because I believe that it is long overdue that this matter be resolved. However, the Department of Justice has refused to proceed with any settlement negotiations and has taken the position that the 1992 law did not authorize the Department to settle the case on any terms other than those laid out in the original 1972 Act. While I view this interpretation as flying in the face of Congressional intent, the Department has been unwilling to change its position or actively seek a resolution of this matter outside of the courts.

The legislation I am introducing with my colleagues on behalf of the three Sioux tribes represents a reasonable solution to this protracted matter and a substantial compromise on behalf of the tribes. In the past, the tribes have sought to repeal the lineal descendant provisions of the 1972 Act altogether, and, in 1986, a bill was reported by the Senate Committee on Indian Affairs which would have achieved this goal.

In contrast to the 1986 measure, the Mississippi Sioux Tribes Judgment Fund Distribution Act of 1997 would retain the undistributed principal for the lineal descendants and distribute the accrued interest to the three Sioux tribes. The distributed funds would have to be deposited into a trust fund administered by the tribal governing

body. There would be no per capita payments of these funds, which would have to be used by the tribes for economic development, resource development, or for other programs that collectively benefit tribal members, such as educational and social welfare programs. In addition, the legislation contains an audit requirement by the Secretary of the Interior to ensure that the funds are properly managed.

I believe that this legislation takes a fundamentally fair approach to resolving a matter which will otherwise remain mired in legal disputes for years. It keeps the commitment that the Federal Government made to provide compensation to lineal descendants while ensuring that most of the remaining undistributed funds go to the tribes. It was, after all, the tribes who were wronged and who should be compensated for their losses.

Mr. President, I ask unanimous consent that my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 391

*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 "Mississippi Sioux Tribes Judgment Fund Distribution Act of 1997".

**SEC. 2. DEFINITIONS.**

For purposes of this Act, the following definitions shall apply:

(1) COVERED INDIAN TRIBE.—The term "covered Indian tribe" means an Indian tribe listed in section 4(a).

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

(3) TRIBAL GOVERNING BODY.—The term "tribal governing body" means the duly elected governing body of a covered Indian tribe.

**SEC. 3. DISTRIBUTION TO, AND USE OF CERTAIN FUNDS BY, THE SISSETON AND WAHPETON TRIBES OF SIOUX INDIANS.**

Notwithstanding any other provision of law, including Public Law 92-555 (25 U.S.C. 1300d et seq.), any funds made available by appropriations under chapter II of Public Law 90-352 (82 Stat. 239) to the Sisseton and Wahpeton Tribes of Sioux Indians to pay a judgment in favor of the Tribes in Indian Claims Commission dockets numbered 142 and 359, including interest, after payment of attorney fees and other expenses, that, as of the date of enactment of this Act, have not been distributed, shall be distributed and used in accordance with this Act.

**SEC. 4. DISTRIBUTION OF FUNDS TO TRIBES.**

(a) IN GENERAL.—Subject to section 5, as soon as practicable after the date that is 1 year after the date of enactment of this Act, the Secretary shall distribute an aggregate amount, equal to the funds described in section 3 reduced by \$1,469,831.50, as follows:

(1) 28.9276 percent of such amount shall be distributed to the tribal governing body of the Spirit Lake Sioux Tribe of North Dakota.

(2) 57.3145 percent of such amount shall be distributed to the tribal governing body of the Sisseton and Wahpeton Sioux Tribe of South Dakota.

(3) 13.7579 percent of such amount shall be distributed to the tribal governing body of

the Assiniboine and Sioux Tribes of the Fort Peck Reservation in Montana, as designated under subsection (b).

(b) TRIBAL GOVERNING BODY OF ASSINIBOINE AND SIOUX TRIBES OF FORT PECK RESERVATION.—For purposes of making distributions of funds pursuant to this Act, the Sisseton and Wahpeton Sioux Council of the Assiniboine and Sioux Tribes shall act as the governing body of the Assiniboine and Sioux Tribes of the Fort Peck Reservation.

#### SEC. 5. ESTABLISHMENT OF TRIBAL TRUST FUNDS.

(a) IN GENERAL.—As a condition to receiving funds distributed under section 4, each tribal governing body referred to in section 4(a) shall establish a trust fund for the benefit of the covered Indian tribe under the jurisdiction of that tribal governing body, consisting of—

(1) amounts deposited into the trust fund; and

(2) any interest that accrues from investments made from amounts deposited into the trust fund.

(b) TRUSTEE.—Each tribal governing body that establishes a trust fund under this section shall—

(1) serve as the trustee of the trust fund; and

(2) administer the trust fund in accordance with section 6.

#### SEC. 6. USE OF DISTRIBUTED FUNDS.

(a) PROHIBITION.—No funds distributed to a covered Indian tribe under section 4 may be used to make per capita payments to members of the covered Indian tribe.

(b) PURPOSES.—The funds distributed under section 4 may be used by a tribal governing body referred to in section 4(a) only for the purpose of making investments or expenditures that the tribal governing body determines to be reasonably related to—

(1) economic development that is beneficial to the covered Indian tribe;

(2) the development of resources of the covered Indian tribe; or

(3) the development of a program that is beneficial to members of the covered Indian tribe, including educational and social welfare programs.

#### (c) AUDITS.—

(1) IN GENERAL.—The Secretary shall conduct an annual audit to determine whether each tribal governing body referred to in section 4(a) is managing the trust fund established by the tribal governing body under section 5 in accordance with the requirements of this section.

#### (2) ACTION BY THE SECRETARY.—

(A) IN GENERAL.—If, on the basis of an audit conducted under paragraph (1), the Secretary determines that a covered Indian tribe is not managing the trust fund established by the tribal governing body under section 5 in accordance with the requirements of this section, the Secretary shall require the covered Indian tribe to take remedial action to achieve compliance.

(B) APPOINTMENT OF INDEPENDENT TRUSTEE.—If, after a reasonable period of time specified by the Secretary, a covered Indian tribe does not take remedial action under subparagraph (A), the Secretary, in consultation with the tribal governing body of the covered Indian tribe, shall appoint an independent trustee to manage the trust fund established by the tribal governing body under section 5.

#### SEC. 7. EFFECT OF PAYMENTS TO COVERED INDIAN TRIBES ON BENEFITS.

(a) IN GENERAL.—A payment made to a covered Indian tribe or an individual under this Act shall not—

(1) for purposes of determining the eligibility for a Federal service or program of a covered Indian tribe, household, or individual, be treated as income or resources; or

(2) otherwise result in the reduction or denial of any service or program to which, pursuant to Federal law (including the Social Security Act (42 U.S.C. 301 et seq.)), the covered Indian tribe, household, or individual would otherwise be entitled.

(b) TAX TREATMENT.—A payment made to a covered Indian tribe or individual under this Act shall not be subject to any Federal or State income tax.

#### SEC. 8. DISTRIBUTION OF FUNDS TO LINEAL DESCENDANTS.

Not later than 1 year after the date of enactment of this Act, of the funds described in section 3, the Secretary shall, in the manner prescribed in section 202(c) of Public Law 92-555 (25 U.S.C. 1300d-4(c)), distribute an amount equal to \$1,469,831.50 to the lineal descendants of the Sisseton and Wahpeton Tribes of Sioux Indians.●

#### ADDITIONAL COSPONSORS

S. 182

At the request of Mr. BYRD, the name of the Senator from Alabama [Mr. SESSIONS] was added as a cosponsor of S. 182, a bill to make available for obligation such sums as are necessary to pay the Federal share of completion of construction of the Appalachian development highway system, and for other purposes.

S. 295

At the request of Mr. JEFFORDS, the names of the Senator from North Carolina [Mr. HELMS] and the Senator from North Carolina [Mr. FAIRCLOTH] were added as cosponsors of S. 295, a bill to amend the National Labor Relations Act to allow labor management cooperative efforts that improve economic competitiveness in the United States to continue to thrive, and for other purposes.

S. 323

At the request of Mr. SHELBY, the names of the Senator from Kansas [Mr. ROBERTS] and the Senator from South Carolina [Mr. HOLLINGS] were added as cosponsors of S. 323, a bill to amend title 4, United States Code, to declare English as the official language of the Government of the United States.

S. 362

At the request of Mr. LEAHY, the name of the Senator from Wisconsin [Mr. KOHL] was added as a cosponsor of S. 362, a bill to deter and punish serious gang and violent crime, promote accountability in the juvenile justice system, prevent juvenile and youth crime, and for other purposes.

S. 368

At the request of Mr. BOND, the names of the Senator from West Virginia [Mr. BYRD] and the Senator from Alabama [Mr. SHELBY] were added as cosponsors of S. 368, a bill to prohibit the use of Federal funds for human cloning research.

S. 381

At the request of Mr. ROCKEFELLER, the name of the Senator from California [Mrs. BOXER] was added as a cosponsor of S. 381, a bill to establish a demonstration project to study and provide coverage of routine patient care costs for Medicare beneficiaries

with cancer who are enrolled in an approved clinical trial program.

#### SENATE JOINT RESOLUTION 18

At the request of Mr. HOLLINGS, the name of the Senator from Iowa [Mr. HARKIN] was added as a cosponsor of Senate Joint Resolution 18, a joint resolution proposing an amendment to the Constitution of the United States relating to contributions and expenditures intended to affect elections.

#### SENATE RESOLUTION 19

At the request of Mr. MOYNIHAN, the names of the Senator from New York [Mr. D'AMATO], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Massachusetts [Mr. KERRY], the Senator from Wisconsin [Mr. KOHL], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Iowa [Mr. HARKIN], the Senator from Indiana [Mr. LUGAR], the Senator from Michigan [Mr. LEVIN], the Senator from Florida [Mr. MACK], the Senator from Oregon [Mr. WYDEN], the Senator from Indiana [Mr. COATS], the Senator from Hawaii [Mr. INOUE], the Senator from Arizona [Mr. MCCAIN], and the Senator from Rhode Island [Mr. REED] were added as cosponsors of Senate Resolution 19, a resolution expressing the sense of the Senate regarding United States opposition to the prison sentence of Tibetan ethnomusicologist Ngawang Choephel by the Government of the People's Republic of China.

#### SENATE RESOLUTION 57

At the request of Mr. DORGAN, the name of the Senator from Georgia [Mr. COVERDELL] was added as a cosponsor of Senate Resolution 57, a resolution to support the commemoration of the bicentennial of the Lewis and Clark Expedition.

#### SENATE RESOLUTION 60—RELATIVE TO THE WILLIAM RANDOLPH HEARST FOUNDATION SENATE YOUTH PROGRAM

Ms. COLLINS (for herself, Mr. WYDEN, and Mrs. HUTCHISON of Texas) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 60

Whereas the continued success of our Nation's constitutional democracy is dependent upon our Nation's youth striving toward higher goals;

Whereas a student's intelligence, determination, perseverance and continued interest in the workings of our Nation's political processes must be nurtured and encouraged;

Whereas the pursuit of higher education, and participation and interest in the political processes, remain priorities of young citizens around our Nation; and

Whereas the United States Senate and the William Randolph Hearst Foundation Senate Youth Program have provided high school juniors and seniors who are leaders in education and student government, as well as in their communities, with the opportunity to travel to their Nation's capital and witness the political process, supported solely by private funds with no expense to the Federal Government since the program's inception in 1962: Now, therefore, be it