

River below the water's edge and outside the exterior boundaries of an Indian reservation in South Dakota.

“(2) JURISDICTION.—

“(A) TRANSFERRED LAND.—On transfer of the land under this section to the State of South Dakota, jurisdiction over the land shall be the same as that over other land owned by the State of South Dakota.

“(B) LAND BETWEEN THE MISSOURI RIVER WATER'S EDGE AND THE LEVEL OF THE EXCLUSIVE FLOOD POOL.—Jurisdiction over land between the Missouri River water's edge and the level of the exclusive flood pool outside Indian reservations in the State of South Dakota shall be the same as that exercised by the State on other land owned by the State, and that jurisdiction shall follow the fluctuations of the water's edge.

“(D) FEDERAL LAND.—Jurisdiction over land and water owned by the Federal government within the boundaries of the State of South Dakota that are not affected by this Act shall remain unchanged.

“(3) EASEMENTS AND ACCESS.—The Secretary shall provide the State of South Dakota with easements and access on land and water below the level of the exclusive flood pool outside Indian reservations in the State of South Dakota for recreational and other purposes (including for boat docks, boat ramps, and related structures), so long as the easements would not prevent the Corps of Engineers from carrying out its mission under the Act entitled “An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes”, approved December 22, 1944 (commonly known as the ‘Flood Control Act of 1944’) (58 Stat. 887).”;

(5) by adding at the end the following:

“(i) IMPACT AID.—The land transferred under subsection (a) shall be deemed to continue to be owned by the United States for purposes of section 8002 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7702).”

(f) TRANSFER OF CORPS OF ENGINEERS LAND FOR INDIAN TRIBES.—Section 606 of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (112 Stat. 2681-667), is amended—

(1) in subsection (a)(1), by inserting before the period at the end the following: “for their use in perpetuity”;

(2) in subsection (c), in the matter preceding paragraph (1), by striking “waters” and inserting “facilities”;

(3) in subsection (f), by striking paragraph (2) and inserting the following:

“(2) HUNTING AND FISHING.—

“(A) IN GENERAL.—Except as provided in this section, nothing in this title affects jurisdiction over the waters of the Missouri River below the water's edge and within the exterior boundaries of the Cheyenne River Sioux and Lower Brule Sioux Tribe reservations.

“(B) JURISDICTION.—On transfer of the land to the respective tribes under this section, jurisdiction over the land and on land between the water's edge and the level of the exclusive flood pool within the respective Tribe's reservation boundaries shall be the same as that over land held in trust by the Secretary of the Interior on the Cheyenne River Sioux Reservation and the Lower Brule Sioux Reservation, and that jurisdiction shall follow the fluctuations of the water's edge.

“(C) EASEMENTS AND ACCESS.—The Secretary shall provide the Tribes with such easements and access on land and water below the level of the exclusive flood pool inside the respective Indian reservations for recreational and other purposes (including for boat docks, boat ramps, and related structures), so long as the easements would

not prevent the Corps of Engineers from carrying out its mission under the Act entitled “An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes”, approved December 22, 1944 (commonly known as the ‘Flood Control Act of 1944’) (58 Stat. 887).”;

(4) in subsection (e)(2), by striking “804” and inserting “604”; and

(5) by adding at the end the following:

“(g) EXTERIOR INDIAN RESERVATION BOUNDARIES.—Nothing in this section diminishes, changes, or otherwise affects the exterior boundaries of a reservation of an Indian tribe.”.

(g) ADMINISTRATION.—Section 607(b) of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (112 Stat. 2681-669), is amended by striking “land” and inserting “property”.

(h) STUDY.—Section 608 of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (112 Stat. 2681-670), is amended—

(1) in subsection (a)—

(A) by striking “Not later than 1 year after the date of enactment of this Act, the Secretary” and inserting “The Secretary”;

(B) by striking “to conduct” and inserting “to complete, not later than October 31, 1999.”; and

(C) by striking “805(b) and 806(b)” and inserting “605(b) and 606(b)”;

(2) in subsection (b), by striking “805(b) or 806(b)” and inserting “606(b) or 606(b)”;

(3) by adding at the end the following:

“(c) STATE WATER RIGHTS.—The results of the study shall not affect, and shall not be taken into consideration in, any proceeding to quantify the water rights of any State.

“(d) INDIAN WATER RIGHTS.—The results of the study shall not affect, and shall not be taken into consideration in, any proceeding to quantify the water rights of any Indian tribe or tribal nation.”.

(i) AUTHORIZATION OF APPROPRIATIONS.—Section 609(a) of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (112 Stat. 2681-670), is amended—

(1) in paragraph (1), by striking “and” at the end;

(2) in paragraph (2)—

(A) by striking “802(a)” and inserting “605(a)”;

(B) by striking “803(d)(3) and 804(d)(3).” and inserting “603(d)(3) and 604(d)(3); and”;

(3) by adding at the end the following:

“(3) to fund the annual expenses (not to exceed the Federal cost as of the date of enactment of this Act) of operating recreation areas to be transferred under sections 605(c) and 606(c) or leased by the State of South Dakota or Indian tribes, until such time as the trust funds under sections 603 and 604 are fully capitalized.”.

under the control of the chairman and ranking member and Senator WELLSTONE. I further ask that no motions be in order, and that following the expiration of time, the Senate proceed to vote on the adoption of the conference report, with no intervening action or debate.

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

APPOINTMENT BY THE MAJORITY LEADER

The PRESIDING OFFICER. The Chair announces, on behalf of the majority leader, pursuant to Public Law 105-83, the appointment of the Senator from Ohio (Mr. DEWINE) to serve as a member of the National Council on the Arts.

ORDERS FOR WEDNESDAY, APRIL 21, 1999

Mr. ALLARD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10:30 a.m. on Wednesday, April 21. I further ask that on Wednesday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved and the Senate then be in a period of morning business until 12:30 p.m., with Senators permitted to speak for up to 10 minutes each, with the following exceptions: Senator GORTON, 15 minutes; Senator WARNER, 15 minutes; Senator GRAHAM, 10 minutes; Senator BINGAMAN, 10 minutes; Senators REID and BOXER, 30 minutes; Senators NICKLES and LINCOLN, 20 minutes; and Senators McCONNELL and LIEBERMAN, 20 minutes.

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

Mr. ALLARD. I ask unanimous consent that at 12:30, notwithstanding receipt of the papers, the Senate begin consideration of the education flexibility conference report under the previous order.

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

PROGRAM

Mr. ALLARD. Mr. President, the Senate will convene at 10:30 a.m. and be in a period of morning business until 12:30 p.m. Following morning business, the Senate will begin debate on the conference report to accompany the education flexibility bill. A vote can be expected on that conference report at the conclusion or yielding back of that 3-hour debate time. Also, as a reminder, a cloture motion was filed on the lockbox amendment to S. 557. Therefore, Senators should expect that cloture vote on Thursday. On Wednesday, the Senate may also consider any other legislative or executive items cleared for action.

UNANIMOUS-CONSENT AGREEMENT—CONFERENCE REPORT TO ACCOMPANY H.R. 800

Mr. ALLARD. Mr. President, I ask unanimous consent that on Wednesday, April 21, at a time determined by the majority leader, after consultation with the Democratic leader, the Senate proceed to consideration of the conference report to accompany the education flexibility bill, H.R. 800. I further ask unanimous consent that the conference report be considered under the following limitations: 3 hours for debate on the conference report, with the time divided as follows: 1 hour each