

the agency with chain of title questions to determine who the rightful heir is, causing further delays to getting the lands transferred.

Some disputes have been easier to handle than others, resulting in settlement through an administrative appeals process. The Federal agencies have been hampered by many administrative and legal obstacles. There have been court decisions and lawsuit settlements, new legislation creating new rights of changing rules midstream. Old cases have been reopened that have created new land patterns for adjudication and survey. The administrative appeals process was designed to be efficient, and immediately accessible to individuals who believe they have been adversely impacted by actions taken by the BLM. It too many instances this process has resulted in long delays that hinder the BLM from finalizing its work. In the meantime, the applicant suffers at the hands of a process that generally takes years just for a case to be reviewed for resolution.

This legislation will provide the BLM with broader authority for solving many of the problems associated with land claims affecting all disputes that occur in Alaska. When disputes arise over the adjudication of land claims, BLM needs to have full authority to work in a more collaborative environment with its clientele.

This legislation will provide the BLM the opportunity to caucus with its clients. It will allow for a process of negotiation to gain consensus on final resolution of land applications. What has been missing all these years is the flexibility for the Federal agencies to work in such a cooperative fashion. This new process is intended to be free of complicated rules that have plagued the agency to finding solutions. Resolution and closure must come quicker.

Mr. President, I give great credit to the management and the employees of the BLM Alaska for their efforts over the years to transfer the land. They have proven to be dedicated and committed public servants. I believe they have tried to do the right thing; they just need the tools and the resources. They want to close the books on the Alaska conveyance program once and for all, and this bill will help them achieve that goal by 2009.

In 1973 the Alaska Native Claims Appeal Board was established. The Board had jurisdiction over decisions made under the Alaska Native Claims Settlement Act. The Board consisted of four judges, and was able to decide a case within 3 to 6 months of the close of briefing. It usually had a small backlog. While the Board was able to act in a fairly responsive manner, there was criticism the Board did not correctly apply general Federal land law precedent and that some of their rulings were inconsistent with policy of the Department of the Interior. The Board was dissolved in 1981. The backlog of cases was not necessarily attributed to Native Corporation cases; most of the

backlog related to all other matters. This legislation will create a hearings and appeals process located in Alaska. Presently, there are almost 100 appeals of Alaska decisions pending before the Interior Board of Land Appeals. It usually takes this Board several years to rule on a case, sometimes as long as 3 to 5 years. The present process is broken. There should never be a process that controls the fate of someone's livelihood. Matters requiring resolution must not sit and languish for years without resolution. This practice is unacceptable and unreasonable.

Additionally, more than 20 cases are pending before Administrative Law judges at various Office of Hearings Appeals offices—Virginia, Minnesota and Utah. The cases currently in their hands are Native allotments and mining claims. Substantial delays have resulted from the slow pace of scheduling hearings in Alaska. Establishing an Alaska hearings unit to handle all Alaska appeals would significantly speed up the current process. Such a new process would be able to routinely issue decisions within 3 to 6 months of the close of briefing.

Challenges likely to emerge on land actions requiring judicial review will be handled by judges located in Alaska. Moreover, having judges located in Alaska, conducting Alaska business, would ensure an understanding of the special laws that are applicable to Alaska. In addition, this process would include all land transfer matters, not just claims under the Alaska Native Claims Settlement Act.

To achieve the acceleration of land conveyances, we must be able to count on a consistent level of funding. We do not want any aspect of the acceleration plan to be hampered. As I pointed out earlier, almost 90 million acres must be surveyed between now and 2009. The BLM is the single agency of the Federal Government that is charged with the authority and responsibility for surveys and land title record keeping. Official survey plats are the Government's record of the boundaries of an area and the description of such surveyed land is known as the legal land description. Land title or patents are based on such plats of survey. And, until the land is surveyed, the Alaska Natives, the State of Alaska and the Native Corporations will still be waiting way off into the future for this work to be finalized.

The Alaska Land Transfer Acceleration Act of 2003 imposes very strict provisions on the agency to complete land conveyances by 2009 to Alaska Natives, the State of Alaska and to the Native Corporations. Some might view this plan as ambitious. I view it as being long overdue.

## SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 200—EX-PRESSING THE SENSE OF THE SENATE THAT CONGRESS SHOULD ADOPT A CONFERENCE AGREEMENT ON THE CHILD TAX CREDIT AND ON TAX RELIEF FOR MILITARY PERSONNEL

Mr. JOHNSON (for himself, Mr. DASCHLE, Mrs. LINCOLN, Mr. BAUCUS, Mr. KENNEDY, Mr. GRAHAM of Florida, Ms. CANTWELL, Mr. CORZINE, and Mr. LEAHY) submitted the following resolution; which was referred to the Committee on Finance:

S. RES. 200

Whereas the Department of the Treasury will begin sending refund checks to taxpayers reflecting the increase in the child tax credit from \$600 to \$1,000 for 2003;

Whereas over 6,500,000 working families earning between \$10,500 and \$26,625, which include over 12,000,000 children, will not receive an increase in the child tax credit or a refund check;

Whereas nearly 150,000 United States soldiers are in Iraq sacrificing their lives to ensure freedom for Iraqi citizens;

Whereas of the 300,000 soldiers in combat zones throughout the world, 192,000 will have an earned income below \$26,625;

Whereas many military families, which include 1,000,000 children, will not be eligible for the child tax credit unless the Senate Amendment to H.R. 1308 is enacted; and

Whereas many military personnel serving in combat zones and many working families would be eligible for the child tax credit under the Senate Amendment to H.R. 1308: Now, therefore, be it

*Resolved*, That it is the sense of the Senate that—

(1) the committee of conference between the Senate and House of Representatives on H.R. 1308 should agree to a conference report before the August recess;

(2) any conference report on H.R. 1308 should contain the provisions in the Senate Amendment to H.R. 1308 concerning the refundability of the child tax credit;

(3) any conference report on H.R. 1308 should contain the provisions in the Senate Amendment to H.R. 1308 concerning the availability of the child tax credit for military families;

(4) any conference report on H.R. 1308 should contain the provisions in the Armed Forces Tax Fairness Act of 2003; and

(5) any conference report on H.R. 1308 should contain provisions to fully offset its cost.

### SENATE RESOLUTION 201—DESIGNATING THE MONTH OF SEPTEMBER 2003 AS "NATIONAL PROSTATE CANCER AWARENESS MONTH"

Mr. SESSIONS (for himself, Mr. REID, Mr. SHELBY, Mr. KERRY, Mr. BROWNBACK, Ms. CANTWELL, Mr. HATCH, Mrs. BOXER, Ms. COLLINS, Mr. LIEBERMAN, Mr. INHOFE, Mr. BREAUX, Mr. DEWINE, Mrs. LINCOLN, Mr. CRAIG, Mr. MILLER, Ms. SNOWE, Mr. BAYH, Mr. CRAPO, Mr. DOMENICI, Mr. ROBERTS, Mr. NELSON of Florida, Mr. GRASSLEY, Mr. DODD, Mr. SMITH, Mr. DURBIN, Mr. BUNNING, Mrs. FEINSTEIN, Mr. HAGEL, Ms. MIKULSKI, Mr. VOINOVICH, Mr. EDWARDS, Mr. CAMPBELL, Mr. INOUE, Mr.