

SEC. 402. USE OF RESIDENTIAL SUBSTANCE ABUSE TREATMENT GRANTS TO PROVIDE FOR SERVICES DURING AND AFTER INCARCERATION.

Section 1901 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ff) is amended by adding at the end the following:

“(c) **ADDITIONAL USE OF FUNDS.**—States that demonstrate that they have existing in-prison drug treatment programs that are in compliance with Federal requirements may use funds awarded under this part for treatment and sanctions both during incarceration and after release.”

By Mr. FITZGERALD:

S. 2909. A bill to permit landowners to assert otherwise-available state law defenses against property claims by Indian tribes; to the Committee on Indian Affairs.

LANDOWNERS DEFENSES AGAINST PROPERTY CLAIMS BY INDIAN TRIBES LEGISLATION

Mr. FITZGERALD. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2909

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Subchapter 1 of Chapter 6 of Title 25 is amended by inserting as §210 the following:

SECTION 1. DEFENSES TO INDIAN CLAIMS.

Except as provided in Section 2, in any action, or claim by or on behalf of an Indian tribe to enforce a real-property right, or otherwise asserting a claim of Indian title or right, the defendant may assert any affirmative defense that would be available under state law to a defendant opposing an analogous action or claim that does not involve an Indian tribe.

SEC. 2. EXCEPTION FOR GOVERNMENTAL DEFENDANTS.

Section 1 shall not apply to any action or claim against a governmental entity with respect to land that is located within sovereign Indian country.

SEC. 3. RULES OF CONSTRUCTION.

(a) Excepts as provided in subsection (b), this Act shall be construed and applied without regard to the interpretive judicial canon that remaining ambiguities should be resolved in favor of the Indians when standard tools of statutory construction leave no indication as to the meaning of an Indian treaty or statute.

(b) **EXCEPTION.**—Subsection (a) shall not apply to judicial interpretation of an Indian treaty with respect to a determination of whether land was reserved or set aside by the federal government for the use of an Indian tribe as Indian land.

SEC. 4. DEFINITIONS.

(1) The term “Indian tribe,” as used in this Act, means any tribe, band, nation, pueblo, village, or community that is recognized by the Secretary of the Interior pursuant to section 102 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. §479a).

(2) The term “sovereign Indian country” means land—

(A) that is rightfully owned by, or is held in trust by the federal government for, an Indian tribe;

(B) that was reserved or set aside for the use of the Indian tribe as Indian land by the federal government, and is either—

(i) outside the exterior geographical limits of any State; or

(ii) within the exterior geographical limits of a State that subsequently either—

(A) acknowledged Indian title to the land involved when the land was made a part of the State, if that State be one of the original 13 States to form the United States; or

(B) provided, either in the Act providing for the State’s admission to the United States or in the State’s first constitution, that all lands held by Indians within the State shall remain under the jurisdiction and control of the United States, in accordance with Article I, Section 8, clause 17 of the Constitution of the United States, if that State were admitted to the United States after 1790; and

(C) for which the Indian title has not been extinguished or the jurisdiction reservation revoked.

SEC. 5. ATTORNEYS FEES.

(a) Except as provided in subsection (b), in any action or proceeding that is subject to this Act, the court shall allow the prevailing party a reasonable attorney’s fee with respect to a claim presented by the opposing party that was frivolous, unreasonable, or without foundation, or that the opposing party continued to litigate after it clearly became so.

(1) A claim shall be deemed legally frivolous, unreasonable, or without foundation only if it rests upon a legal theory that was clearly unavailable under existing case law.

(2) A claim shall be deemed factually frivolous, unreasonable, or without foundation only if its proponent knew or should have known of those facts that would require judgment for the opposing party as a matter of law.

(b) **EXCEPTION.**—No attorney’s fee shall be assessed under subsection (a) against an Indian tribe seeking to enforce a right to an interest in land if the court determines that the land involved is located within sovereign Indian country.

SEC. 6. TIMING OF APPLICATION.

This Act shall apply to any action, claim, or right described in Section 1 that is pending, filed, or continuing on or after the date of the enactment of this Act, other than a final money-damages judgment to which no one has a right to raise a challenge by any available procedure.

ADDITIONAL COSPONSORS

S. 85

At the request of Mr. BUNNING, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 85, a bill to amend the Internal Revenue Code of 1986 to reduce the tax on vaccines to 25 cents per dose.

S. 162

At the request of Mr. BREAU, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 162, a bill to amend the Internal Revenue Code of 1986 to change the determination of the 50,000-barrel refinery limitation on oil depletion deduction from a daily basis to an annual average daily basis.

S. 345

At the request of Mr. ALLARD, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 345, a bill to amend the Animal Wel-

fare Act to remove the limitation that permits interstate movement of live birds, for the purpose of fighting, to States in which animal fighting is lawful.

S. 482

At the request of Mr. ABRAHAM, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 482, a bill to amend the Internal Revenue Code of 1986 to repeal the increase in the tax on the social security benefits.

S. 514

At the request of Mr. COCHRAN, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 514, a bill to improve the National Writing Project.

S. 522

At the request of Mr. LAUTENBERG, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 522, a bill to amend the Federal Water Pollution Control Act to improve the quality of beaches and coastal recreation water, and for other purposes.

S. 635

At the request of Mr. MACK, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 635, a bill to amend the Internal Revenue Code of 1986 to more accurately codify the depreciable life of printed wiring board and printed wiring assembly equipment.

S. 1086

At the request of Mrs. HUTCHISON, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 1086, a bill to amend the Internal Revenue Code of 1986 to waive the income inclusion on a distribution from an individual retirement account to the extent that the distribution is contributed for charitable purposes.

S. 1227

At the request of Mr. L. CHAFEE, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 1227, a bill to amend title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to provide States with the option to allow legal immigrant pregnant women and children to be eligible for medical assistance under the medical program, and for other purposes.

S. 2078

At the request of Mr. BUNNING, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 2078, a bill to authorize the President to award a gold medal on behalf of Congress to Muhammad Ali in recognition of his outstanding athletic accomplishments and enduring contributions to humanity, and for other purposes.

S. 2217

At the request of Mr. CAMPBELL, the name of the Senator from Texas (Mrs.

HUTCHISON) was added as a cosponsor of S. 2217, a bill to require the Secretary of the Treasury to mint coins in commemoration of the National Museum of the American Indian of the Smithsonian Institution, and for other purposes.

S. 2274

At the request of Mr. GRASSLEY, the names of the Senator from Indiana (Mr. LUGAR), the Senator from Michigan (Mr. ABRAHAM), the Senator from Alaska (Mr. MURKOWSKI), and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. 2274, a bill to amend title XIX of the Social Security Act to provide families and disabled children with the opportunity to purchase coverage under the medicaid program for such children.

S. 2330

At the request of Mr. ROTH, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 2330, a bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communication services.

S. 2394

At the request of Mr. MOYNIHAN, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 2394, a bill to amend title XVIII of the Social Security Act to stabilize indirect graduate medical education payments.

S. 2408

At the request of Mr. BINGAMAN, the names of the Senator from Connecticut (Mr. DODD), the Senator from Montana (Mr. BAUCUS), the Senator from Wisconsin (Mr. KOHL), the Senator from New York (Mr. MOYNIHAN), the Senator from Florida (Mr. GRAHAM), the Senator from Missouri (Mr. BOND), and the Senator from South Carolina (Mr. HOLLINGS) were added as cosponsors of S. 2408, a bill to authorize the President to award a gold medal on behalf of the Congress to the Navajo Code Talkers in recognition of their contributions to the Nation.

S. 2434

At the request of Mr. L. CHAFEE, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 2434, a bill to provide that amounts allotted to a State under section 2401 of the Social Security Act for each of fiscal years 1998 and 1999 shall remain available through fiscal year 2002.

S. 2586

At the request of Mrs. FEINSTEIN, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 2586, a bill to reduce the backlog in the processing of immigration benefit applications and to make improvements to infrastructure necessary for the effective provision of immigration services, and for other purposes.

S. 2609

At the request of Mr. CRAIG, the names of the Senator from Virginia

(Mr. WARNER) and the Senator from Alabama (Mr. SHELBY) were added as cosponsors of S. 2609, a bill to amend the Pittman-Robertson Wildlife Restoration Act and the Dingell-Johnson Sport Fish Restoration Act to enhance the funds available for grants to States for fish and wildlife conservation projects, and to increase opportunities for recreational hunting, bow hunting, trapping, archery, and fishing, by eliminating chances for waste, fraud, abuse, maladministration, and unauthorized expenditures for administration and implementation of those Acts, and for other purposes.

S. 2686

At the request of Mr. COCHRAN, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 2686, a bill to amend chapter 36 of title 39, United States Code, to modify rates relating to reduced rate mail matter, and for other purposes.

S. 2703

At the request of Mr. AKAKA, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 2703, a bill to amend the provisions of title 39, United States Code, relating to the manner in which pay policies and schedules and fringe benefit programs for postmasters are established.

S. 2733

At the request of Mr. SANTORUM, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2733, a bill to provide for the preservation of assisted housing for low income elderly persons, disabled persons, and other families.

S. 2739

At the request of Mr. LAUTENBERG, the names of the Senator from Utah (Mr. BENNETT) and the Senator from Oklahoma (Mr. NICKLES) were added as cosponsors of S. 2739, a bill to amend title 39, United States Code, to provide for the issuance of a semipostal stamp in order to afford the public a convenient way to contribute to funding for the establishment of the World War II Memorial.

S. 2764

At the request of Mr. KENNEDY, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. 2764, a bill to amend the National and Community Service Act of 1990 and the Domestic Volunteer Service Act of 1973 to extend the authorizations of appropriations for the programs carried out under such Acts, and for other purposes.

At the request of Mr. ROBB, his name was added as a cosponsor of S. 2764, supra.

S. 2787

At the request of Mr. BIDEN, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 2787, a bill to reauthorize the Fed-

eral programs to prevent violence against women, and for other purposes.

S. 2806

At the request of Mr. SARBANES, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2806, a bill to amend the National Housing Act to clarify the authority of the Secretary of Housing and Urban Development to terminate mortgage origination approval for poorly performing mortgagees.

S. 2828

At the request of Mr. GRASSLEY, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 2828, a bill to amend title XVIII of the Social Security Act to require that the Secretary of Health and Human Services wage adjust the actual, rather than the estimated, proportion of a hospital's costs that are attributable to wages and wage-related costs.

S. 2841

At the request of Mr. ROBB, the names of the Senator from Connecticut (Mr. DODD) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 2841, a bill to ensure that the business of the Federal Government is conducted in the public interest and in a manner that provides for public accountability, efficient delivery of services, reasonable cost savings, and prevention of unwarranted Government expenses, and for other purposes.

S. 2843

At the request of Mr. BREAUX, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 2843, a bill for the relief of Antonio Costa.

S. 2894

At the request of Mr. LUGAR, the names of the Senator from Minnesota (Mr. GRAMS) and the Senator from Ohio (Mr. DEWINE) were added as cosponsors of S. 2894, a bill to provide tax and regulatory relief for farmers and to improve the competitiveness of American agricultural commodities and products in global markets.

S. 2903

At the request of Mr. ABRAHAM, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 2903, a bill to amend the Internal Revenue Code of 1986 to expand the child tax credit.

S. CON. RES. 130

At the request of Mr. BROWNBACK, the names of the Senator from Alaska (Mr. MURKOWSKI), the Senator from Maine (Ms. SNOWE), and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. Con. Res. 130, concurrent resolution establishing a special task force to recommend an appropriate recognition for the slave laborers who worked on the construction of the United States Capitol.

At the request of Mrs. LINCOLN, the name of the Senator from Washington

(Mr. GORTON) was added as a cosponsor of S. Con. Res. 130, *supra*.

S. J. RES. 48

At the request of Mr. CAMPBELL, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. J. Res. 48, a joint resolution calling upon the President to issue a proclamation recognizing the 25th anniversary of the Helsinki Final Act.

S. J. RES. 50

At the request of Mr. CRAPO, the names of the Senator from North Carolina (Mr. HELMS) and the Senator from South Carolina (Mr. THURMOND) were added as cosponsors of S. J. Res. 50, a joint resolution to disapprove a final rule promulgated by the Environmental Protection Agency concerning water pollution.

S. RES. 294

At the request of Mr. ABRAHAM, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. Res. 294, a resolution designating the month of October 2000 as "Children's Internet Safety Month."

S. RES. 301

At the request of Mr. THURMOND, the names of the Senator from Rhode Island (Mr. REED), the Senator from Kansas (Mr. ROBERTS), the Senator from Virginia (Mr. WARNER), the Senator from Wyoming (Mr. ENZI), the Senator from Washington (Mr. GORTON), the Senator from New York (Mr. SCHUMER), the Senator from California (Mrs. FEINSTEIN), the Senator from Iowa (Mr. GRASSLEY), and the Senator from Arizona (Mr. MCCAIN) were added as cosponsors of S. Res. 301, a resolution designating August 16, 2000, as "National Airborne Day."

S. RES. 304

At the request of Mr. BIDEN, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. Res. 304, a resolution expressing the sense of the Senate regarding the development of educational programs on veterans' contributions to the country and the designation of the week that includes Veterans Day as "National Veterans Awareness Week" for the presentation of such educational programs.

AMENDMENT NO. 3987

At the request of Mr. BINGAMAN, the names of the Senator from Colorado (Mr. CAMPBELL), the Senator from Hawaii (Mr. INOUE), the Senator from New Mexico (Mr. DOMENICI), the Senator from South Dakota (Mr. DASCHLE), the Senator from North Dakota (Mr. DORGAN), the Senator from California (Mrs. FEINSTEIN), the Senator from Utah (Mr. BENNETT), the Senator from Washington (Mrs. MURRAY), the Senator from South Dakota (Mr. JOHNSON), the Senator from Utah (Mr. HATCH), the Senator from Maine (Ms. SNOWE), and the Senator from North Dakota (Mr. CONRAD) were added as cosponsors of amendment No. 3987

proposed to H.R. 4461, a bill making appropriations for Agriculture, Rural Development, Food and Drug Administration and Related Agencies programs for the fiscal year ending September 30, 2001, and for other purposes.

SENATE RESOLUTION 341—AUTHORIZING THE PRINTING OF CERTAIN MATERIALS IN HONOR OF PAUL COVERDELL

Mr. LOTT submitted the following resolution; which was considered and agreed to:

S. RES. 341

Resolved, That the eulogies and other related materials concerning the Honorable Paul Coverdell, late a Senator from the State of Georgia, be printed as a Senate Document.

NOTICES OF HEARINGS

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LUGAR. Mr. President, I would like to announce that the Committee on Agriculture, Nutrition, and Forestry will meet on July 26, 2000, in SH-216 at 8:30 a.m. The purpose of this hearing will be to review the Federal sugar program.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

LUGAR. Mr. President, I would like to announce that the Committee on Agriculture, Nutrition, and Forestry will meet on July 27, 2000, in SH-216 at 9 a.m. The purpose of this hearing will be to review proposals to establish an international school lunch program.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the public that an oversight hearing has been scheduled before the Senate Committee on Energy and Natural Resources.

The hearing will take place on Thursday, August 10, 2000, at 10:30 a.m. in the Alaska Native Brotherhood Hall; 320 Willoughby Ave, Juneau, Alaska 99801.

The purpose of this oversight hearing is to receive testimony to assist in establishing the value of the Brady Glacier mineral deposit within Glacier Bay National Park; and to examine implications of National Park Service restrictions on commercial fishing in Glacier Bay.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. For further information, please call Mike Menge (202) 224-6170

COMMITTEE ON ENERGY AND NATURAL RESOURCES

SUBCOMMITTEE ON WATER AND POWER

Mr. SMITH of New Hampshire. Mr. President, I would like to announce for the information of the Senate and the public that the hearing to conduct

oversight on the status of the Biological Opinions of the National Marine Fisheries Service and the U.S. Fish and Wildlife Service on the operations of the Federal hydropower system of the Columbia River regarding the National Marine Fisheries Service's draft Biological Opinion and its potential impact on the Columbia River operations, which had been previously scheduled for Tuesday, July 25, 2000, at 2:30 p.m. in room SD-366 of the Dirksen Senate Office Building in Washington, DC has been indefinitely postponed.

For further information, please call Trici Heninger, staff assistant, or Colleen Deegan, counsel, at (202) 224-8115.

THE TREASURY AND GENERAL GOVERNMENT BILL

Mr. CAMPBELL. Madam President, I came to the floor to tell my colleagues my disappointment that we are not able to move forward with the Treasury and general government bill. It is certainly not a perfect bill, but it is a darn good bill. As chairman of the subcommittee, I can say that we worked very hard on that. I remind my friends that we only have about 28 working days left—not much to complete the whole appropriations process, which we are required to do by law. That gets us in trouble.

Two years ago, we didn't have the opportunity to complete the Treasury bill, and it ended up in what is commonly referred to as the omnibus bill. People in the Senate understand what that is, but to the millions of Americans who watch these proceedings, the omnibus bill is, in one word, a mess. It is that bill where we stick everything in at the end that we didn't have time to finish. We end up with a bill a foot thick and weighs 30 pounds, with 3,000 to 5,000 pages. Nobody in this body can read it all because we don't have the time before we have to vote on it. That is how we get in trouble. We vote to pass it through as a last-minute emergency. When we go home, people say: Why did you vote to give money to that frivolous thing on page 2,403? And we don't even know why we voted for it, which is why it is so important to get the bills through one by one.

Let me mention a little bit about the Treasury and general government bill as it is going to come to the floor, if we can get an agreement. I don't think there is anybody in this body who doesn't know that we have a sieve, not a border, between the U.S. and Canada and the U.S. and Mexico. Our customs people are severely understaffed and underfunded. If you want to stop drugs at the border, the money to do that is in this bill. We need to do that. The High Intensity Drug Trafficking Areas we started about 8 years ago expanded to about 44 States and many cities. That is the agency that coordinates reduction of drug use and trafficking