

In 1986, a bill was reported out by the Select Committee on Indian Affairs which would have achieved this goal. The Department of the Interior supported this bill, explaining in a letter to the then Chairman of the Select Committee: "As a general rule, we believe that each distribution of the Indian judgment funds should benefit the aggrieved historic tribe for which the award was made. If the historic tribe is no longer in existence, we believe that judgment funds should be programmed, to the greatest extent possible, to the present-day successor tribe(s) to the historic tribe."

In this Congress, the tribes supported legislation that would have retained the undistributed principal for the lineal descendants and distributed the accrued interest to the three tribes. S. 391, as originally introduced, adopted this approach. H.R. 976, an identical bill introduced in the House, passed last year.

After the House acted on this legislation, the Senate Committee on Indian Affairs held a hearing last October on H.R. 976 and another hearing last July on an S. 391 substitute. The bill before us today is the product of exhaustive negotiations between the parties involved and the subject of frequent consultations between congressional staff and representatives of the Departments of Interior and Justice that occurred in the past 12 months. Every effort has been made to consider and accommodate the concerns of these Departments while making sure that the tribes receive an additional distribution of at least 7.1 percent of the judgment award.

While I believe that this legislation is a fundamentally fair solution to a problem that has remained unsolved for 30 years and that would persist for many more years without congressional intervention, none of the parties is entirely satisfied with the legislation. The tribes accept the legislation for what it provides but continue to maintain that they have a constitutional right to all of the undistributed funds. Certain persons seeking lineal descendant status have alleged that this legislation deprives them of their property.

Because it is in the best interests of the United States and the other parties to bring an end to this problem, the bill provides that if the lineal descendants do not challenge the constitutionality of the bill's distribution to the tribes within one year following enactment, they are barred from bringing such a challenge in the future. On the other hand, if the lineal descendants do bring a timely challenge to the tribal distribution, the bill provides that the tribes have a right to intervene to challenge the constitutionality of the distribution made to lineal descendants. This provision would enable a federal court to finally and conclusively determine on the merits the respective constitutional claims of these parties and permanently put to rest what has been an endless legal dispute.

Even after these legal disputes are settled, the Department of the Interior will continue, pursuant to a federal court order, to identify new lineal descendants who did not receive adequate notice in the 1970's of their right to participate in the judgment distribution. I am concerned about the determination of eligibility to participate of any newly identified lineal descendants. The 1972 act requires that eligibility be based on an individual's ability to trace ancestry to a lineal ancestor who was a member of the Sisseton and Wahpeton Mississippi Sioux Tribe. In their litigation the tribes alleged that only 65 of the 1,988 identified lineal descendants met this requirement. The government did not contradict this allegation but argued that the issue was irrelevant because the 1972 act allows the Secretary to identify ancestors on 20th century rolls. S. 391 changes this provision of the 1972 act to require the use of rolls as contemporaneous as possible to the existence of the aboriginal Sisseton and Wahpeton Mississippi Sioux Tribe in order to assure, consistent with the 1972 act, that a specific lineal ancestor from that tribe can be identified. Finally, it bears reemphasizing that the reason for this legislation is to correct an injustice suffered by the three tribes as a result of the 1972 act. The tribes, not individuals, were wronged by the taking of 27 million acres of treaty-protected lands owned by their aboriginal predecessor. In my view, in 1972 no amount of the judgment awarded for the taking of these lands should have been allocated to lineal descendants. Allocations to lineal descendants from Indian Claims Commission judgments long ago became a discredited policy and were generally abandoned. However, since 26 years have passed since the enactment of the 1972 act, I believe that the lineal descendants should receive a portion of the judgment. S. 391 would distribute about 30% of the undistributed funds to the tribes and about 70% to the unaffiliated lineal descendants.

This split of the undistributed funds would equalize the distribution between tribal lineal descendants and the non-tribal member class of lineal descendants. Capping the non-tribal member class at 600 persons more than the 1,988 already identified lineal descendants was the method the Committee adopted for calculating the percent of the undistributed funds to be allocated to lineal descendants regardless of the final identified number. The split is not an attempt to achieve perfect parity among all lineal descendants, both tribal members and non-tribal members. I recognize that there is some chance that the final identified number of lineal descendants may exceed 2,588. Whatever the final number may be, those lineal descendants will equally share the 70% allocation.

However, the distribution split is justified because the tribes should be the primary beneficiaries of the judgment

they won after 17 years of litigation before the Indian Claims Commission. They were under compensated in the 1972 act based on their numbers and it is important that these judgment funds, to the greatest extent possible, be used to support tribal government programs and services. Moreover, the split is based on actual identified lineal descendants plus a reasonable additional number who may be identified in the future and represents a reasonable and long overdue resolution of this issue.

Finally, I want to clarify the intent of a portion of subsection (f) of section 8, a subsection added to S. 391 in the last few days. The reference in subparagraph (2)(B) of that subsection to "any such claims" includes any claim that may be brought in intervention by a covered Indian tribe.

I urge my colleagues to adopt S. 391.

Mr. COATS. Mr. President, I ask unanimous consent that the committee substitute amendment be agreed to, bill as amended be considered read the third time and passed, the motion to reconsider be laid upon the table and that any statements relating to the bill appear at this point in the RECORD.

The committee amendment was agreed to.

The bill (S. 391), as amended, was considered read the third time, and passed.

#### RECOGNIZING THE 50TH ANNIVERSARY OF THE AMERICAN RED CROSS BLOOD SERVICES

Mr. COATS. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Con. Res. 119, and the Senate then proceed to its immediate consideration.

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

The clerk will report.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 119) recognizing the 50th anniversary of the American Red Cross Blood Services.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. FRIST. Mr. President, I rise today to recognize the 50th anniversary of the American Red Cross Blood Services. The Red Cross Blood Services has been saving lives since its inception during World War II. Today, in a rapidly changing health care environment, with ever increasing challenges, the Red Cross continues to serve patients throughout our country.

The Red Cross is America's first nationwide, volunteer blood collection and distribution system. During World War II, the Red Cross saved soldiers' lives by collecting and distributing blood. This led to the first National Civilian Blood Program, with the opening

of the first blood center in 1948. Today, the Red Cross serves over 3,000 hospitals nationwide by supplying almost half of the nation's blood for transfusion. This life-giving service is made possible by volunteers who generously donate nearly six million units of blood each year.

In 1991, the Red Cross began a comprehensive technology and systems review, to ensure the organization entered the next century with state-of-the-art programs, systems, and facilities. This program, entitled, "Transformation," is a \$287 million modernization of every aspect of blood collection, processing, and distributing. According to Red Cross President Elizabeth Dole, it is the most ambitious project that the Red Cross has ever undertaken. Transformation's goals included the creation of a new centralized management structure, a new information system, and a program of the highest quality. Without objection, I'd like to submit a copy of Mrs. Dole's remarks at the 50th Anniversary Bicentennial Celebration of the Red Cross, which includes comments on Transformation, for the record.

Transformation successfully consolidated 50 individual, non-standardized labs operated by local Blood Regions into eight state-of-the-art National Testing Laboratories that perform 70 million laboratory tests each year. These new labs serve the Red Cross as well as several non-Red Cross blood centers. As part of this Transformation, the American Red Cross has undertaken a Manufacturing and Computer Standardization initiative. This program has integrated 28 different computer systems into one national system, linking Red Cross Blood Regions across the nation to the world's largest information database for transfusion medical research.

In addition, Transformation has led to standardized manufacturing processes throughout the Red Cross system, thereby promoting a consistent standard of high quality blood services. A centrally managed blood inventory system operated by the Red Cross was designed to facilitate consistent availability of blood in every region of the country. Transformation has also created the Quality Assurance Program and a new Charles Drew Biomedical Institute which provides training and other education to personnel, using state of the art technology which does not require staff and volunteers to travel for training. Instructors can now train personnel in a wide range of fields across the country.

Through the American Red Cross Jerome H. Holland Laboratory, a premiere blood research facility, significant progress has been made in improving transfusion safety, and fostering the development of new blood products. Red Cross has shared the knowledge and expertise gained through studies conducted by Holland Laboratory scientists and physicians with the transfusion services of countries throughout

the world. The Red Cross translates research into life-saving products for patients because of its tremendous investment in research and development. Let me just note that the risk of becoming infected with HIV through a blood transfusion has been reduced from one in 220,000 in 1991, to one in 676,000 today—a tremendous improvement in the safety of the blood supply.

I congratulate the 32,000 paid staff and 1.3 million volunteers on their first fifty years of providing blood services, and especially want to recognize Mrs. Elizabeth Dole and her tremendous management team for their vision in the implementation of the Transformation program.

In recognition of their accomplishments, I am introducing the following bill, with ten of my colleagues, Mr. JEFFORDS, Mr. LOTT, Ms. MIKULSKI, Mr. COATS, Ms. MURRAY, Mr. MCCONNELL, Mr. HARKIN, Ms. COLLINS, Mr. GREGG, and Mr. BINGAMAN, to commemorate the 50th anniversary of the American Red Cross Blood Services.

Mr. COATS. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements related to the resolution appear in the RECORD.

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

The concurrent resolution (S. Con. Res. 119) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, is as follows:

S. CON. RES. 119

Whereas the American Red Cross is a non-profit humanitarian organization of 32,000 paid staff, 1,300,000 volunteers, and 4,300,000 blood donors which considers its role in the provision of blood services to be a public trust;

Whereas the American Red Cross Blood Services began by collecting and distributing blood to help save the lives of soldiers on the battlefields of World War II, and has evolved to become a leader in the healthcare industry;

Whereas following World War II the American Red Cross created the first national civilian blood program, opening its first blood center in 1948;

Whereas through the generosity of over 4,300,000 voluntary blood donors the American Red Cross is able to provide half the Nation's blood supply, and everyday, in communities throughout this country, many thousands of people receive lifesaving blood in the 3,000 hospitals served by the 38 American Red Cross Blood Regions;

Whereas in May 1991, the American Red Cross announced its ambitious "Transformation" program, a 7-year, \$287,000,000 comprehensive modernization of every aspect of the American Red Cross Blood Services blood collection, testing, processing, and distribution systems;

Whereas one of the most massive undertakings of Transformation was the Manufacturing and Computer Standardization (MACS) initiative which integrated 28 different computer systems into a single, national system linking American Red Cross Blood Regions nationwide to the world's largest blood information database for transfusion medicine research, and standardized manufacturing processes;

Whereas under Transformation the more than 50 individual, nonstandardized laboratories operated by local American Red Cross Blood Regions were replaced by 8 state-of-the-art National Testing Laboratories, which effectively implement the latest medical technology to perform the testing of approximately 6,000,000 units of blood annually, serving both American Red Cross blood centers and several non-American Red Cross blood centers as well, and are located in Atlanta, Georgia; Charlotte, North Carolina; Dedham, Massachusetts; Detroit, Michigan; Philadelphia, Pennsylvania; Portland, Oregon; St. Louis, Missouri; and St. Paul, Minnesota;

Whereas the American Red Cross Blood Services has created a Quality Assurance program recognized throughout the world as a leader in assuring quality in the manufacture of blood products;

Whereas the creation of the Charles Drew Biomedical Institute has allowed the American Red Cross to provide training and other educational resources to American Red Cross Blood Services' personnel through "One Touch" which is an interactive, distance learning system that allows instructors to train personnel across the country from the institute's location at American Red Cross Biomedical Headquarters in Rosslyn, Virginia;

Whereas Transformation saw the development of a centrally managed blood inventory system to ensure the consistent availability of blood and blood components in every American Red Cross Blood Services Region throughout the country, and the creation of the new centralized organizational structure within American Red Cross Blood Services;

Whereas the American Red Cross Jerome H. Holland Laboratory in Rockville, Maryland, is the world's premiere blood research facility, consistently contributing to the progress of biomedical science, especially transfusion safety and new blood products, and shares its expertise with a number of countries around the world;

Whereas the American Red Cross manages an almost \$30,000,000 investment in research and development, which includes \$8,000,000 in Federal research grants, and is committed to working with others in the biotechnology field to ensure that this pioneering research is translated into lifesaving products available for patient use as quickly as possible;

Whereas the American Red Cross is investigating and implementing the newest technologies to ensure blood safety, including Genome Amplification Technology to test for the human immunodeficiency virus (HIV) and for hepatitis C virus (HCV), solvent detergent treated fresh frozen plasma, virus inactivated plasma for transfusion, use of iodine in plasma filtration, and inactivation of viruses in cellular products (such as red blood cells) through a light-activated dye called 491;

Whereas the American Red Cross is in the constant process of modernization and improvement and at the forefront of new product development, and is prepared to enter the 21st century as a cutting-edge organization providing safe, high quality blood and blood products to the hundreds of thousands of patients in need;

Whereas Congress and the American Red Cross join in celebrating the phenomenal success in the reduction of HIV infection through the use of blood and blood products as evidenced by the fact that in 1991 an American's risk of HIV transmission through a blood transfusion was 1 in 220,000 and today the risk is 1 in 676,000, nearly nonexistent; and

Whereas Congress and the American Red Cross encourage healthy Americans to donate blood by calling the American Red Cross: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring), That Congress—*

(1) joins with the American Red Cross in celebration of the 50th anniversary of American Red Cross Blood Services and the impact of their efforts on modern medicine; and

(2) looks forward to the tremendous possibilities and potential for discovery and innovation as the American Red Cross Blood Services enters the next 50 years of providing the Nation with a safe blood supply.

#### ORDERS FOR SATURDAY, OCTOBER 10, 1998

Mr. COATS. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until 12 noon on Saturday, October 10. I further ask that the time for the two leaders be reserved.

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

Mr. COATS. Mr. President, I further ask unanimous consent that there be a period for the transaction of morning business until 12:30 p.m. with Senators permitted to speak for up to 5 minutes each.

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

#### SCHEDULE

Mr. COATS. Mr. President, for the information of all Senators, on Saturday there will be a period of morning business until 12:30 p.m. Following morning business, the Senate will await an update in relation to the omnibus appropriations bill, and may consider any legislative or executive items cleared for action.

#### ORDER FOR RECESS

Mr. COATS. Mr. President, if there is no further business to come before the

Senate, I ask unanimous consent that, following the remarks of Senator ABRAHAM from Michigan, the Senate stand in recess under the previous order.

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

Mr. ABRAHAM. Mr. President, I ask to be recognized to speak as if in morning business.

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

#### TRIBUTE TO SENATOR DAN COATS

Mr. ABRAHAM. Before he leaves the floor, I would like to pay tribute, as several of our colleagues have, to our distinguished friend, the Senator from the State of Indiana, DAN COATS.

Obviously, his career in the Senate is coming nearly to the end here, but those of us who have had the chance to serve with him and who are friends of his will miss him greatly in this body.

When I came to the Senate 4 years ago, I thought about the kinds of people whose advice and counsel I wanted to have. And the first name on the list as I was planning my first trip to the Senate after the election was DAN COATS. From that point on, he has been a friend, a mentor, somebody whose judgment and advice I have respected as highly as anyone's in this Chamber.

He has served his State with great distinction, but those of us who live in Michigan have a special fondness for him because, of course, he is a native of our State. He grew up in Jackson, MI, so although he represents Indiana in the Senate, to many Michiganites and many of my constituents when I am in the southern portion of my State, they look at DAN COATS as their third Senator.

So he has not only been a great friend to Michigan as a native but also as a Senator who has worked closely with us. I wish to say to him before he

leaves the floor how much I value his friendship, how much I look forward to working with him in the future on other causes, and how much I hope that, at whatever point I bring my career in the Senate to an end, I will be thought of even half as fondly and with half as much respect as he has, because I think all of us who serve here hold him in the very highest of esteem.

Mr. COATS. I thank the Senator.

#### RECESS UNTIL TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate now stands in recess until noon tomorrow, Saturday, October 10, 1998.

Thereupon, the Senate, at 7:50 p.m., recessed until Saturday, October 10, 1998, at 12 noon.

#### NOMINATIONS

Executive nominations received by the Senate October 9, 1998:

##### DEPARTMENT OF STATE

Jack J. Spitzer, of Washington, to be an Alternate Representative of the United States of America to the Fifty-second Session of the General Assembly of the United Nations.

Frank J. Guarini, of New Jersey, to be a Representative of the United States of America to the Fifty-second Session of the General Assembly of the United Nations.

##### CENTRAL INTELLIGENCE

James M. Simon, Jr., of Alabama, to be Assistant Director of Central Intelligence for Administration. (New Position)

##### CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Arthur J. Naparstek, of Ohio, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring October 6, 2003. (Reappointment)