

Calendar No. 144106TH CONGRESS
1ST SESSION**S. 606**

For the relief of Global Exploration and Development Corporation, Kerr-McGee Corporation, and Kerr-McGee Chemical, LLC (successor to Kerr-McGee Chemical Corporation), and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 15, 1999

Mr. NICKLES (for himself, Mr. HATCH, Mr. MACK, and Mrs. FEINSTEIN) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

JUNE 10, 1999

Reported by Mr. HATCH, with an amendment

[Insert the part in *italic*]

A BILL

For the relief of Global Exploration and Development Corporation, Kerr-McGee Corporation, and Kerr-McGee Chemical, LLC (successor to Kerr-McGee Chemical Corporation), and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SATISFACTION OF CLAIMS AGAINST THE**
2 **UNITED STATES.**

3 (a) **PAYMENT OF CLAIMS.**—The Secretary of the
4 Treasury shall pay, out of money not otherwise
5 appropriated—

6 (1) to the Global Exploration and Development
7 Corporation, a Florida corporation incorporated in
8 Delaware, \$9,500,000;

9 (2) to Kerr-McGee Corporation, an Oklahoma
10 corporation incorporated in Delaware, \$10,000,000;
11 and

12 (3) to Kerr-McGee Chemical, LLC, a limited li-
13 ability company organized under the laws of Dela-
14 ware, \$0.

15 (b) **CONDITION OF PAYMENT.**—

16 (1) **GLOBAL EXPLORATION AND DEVELOPMENT**
17 **CORPORATION.**—The payment authorized by sub-
18 section (a)(1) is in settlement and compromise of all
19 claims of Global Exploration and Development Cor-
20 poration, as described in the recommendations of the
21 United States Court of Federal Claims set forth in
22 36 Fed. Cl. 776.

23 (2) **KERR-MCGEE CORPORATION AND KERR-**
24 **MCGEE CHEMICAL, LLC.**—The payment authorized
25 by subsections (a)(2) and (a)(3) are in settlement
26 and compromise of all claims of Kerr-McGee Cor-

1 poration and Kerr-McGee Chemical, LLC, as de-
2 scribed in the recommendations of the United States
3 Court of Federal Claims set forth in 36 Fed. Cl.
4 776.

5 **SEC. 2. CRIMINAL PROHIBITION ON THE DISTRIBUTION OF**
6 **CERTAIN INFORMATION RELATING TO EX-**
7 **PLOSIVES, DESTRUCTIVE DEVICES, AND**
8 **WEAPONS OF MASS DESTRUCTION.**

9 (a) UNLAWFUL CONDUCT.—Section 842 of title 18,
10 United States Code, is amended by adding at the end the
11 following:

12 “(p) DISTRIBUTION OF INFORMATION RELATING TO
13 EXPLOSIVES, DESTRUCTIVE DEVICES, AND WEAPONS OF
14 MASS DESTRUCTION.—

15 “(1) DEFINITIONS.—In this subsection—

16 “(A) the term ‘destructive device’ has the
17 same meaning as in section 921(a)(4);

18 “(B) the term ‘explosive’ has the same
19 meaning as in section 844(j); and

20 “(C) the term ‘weapon of mass destruc-
21 tion’ has the same meaning as in section
22 2332a(c)(2).

23 “(2) PROHIBITION.—It shall be unlawful for
24 any person—

1 “(A) to teach or demonstrate the making
2 or use of an explosive, a destructive device, or
3 a weapon of mass destruction, or to distribute
4 by any means information pertaining to, in
5 whole or in part, the manufacture or use of an
6 explosive, destructive device, or weapon of mass
7 destruction, with the intent that the teaching,
8 demonstration, or information be used for, or in
9 furtherance of, an activity that constitutes a
10 Federal crime of violence; or

11 “(B) to teach or demonstrate to any per-
12 son the making or use of an explosive, a de-
13 structive device, or a weapon of mass destruc-
14 tion, or to distribute to any person, by any
15 means, information pertaining to, in whole or in
16 part, the manufacture or use of an explosive,
17 destructive device, or weapon of mass destruc-
18 tion, knowing that such person intends to use
19 the teaching, demonstration, or information for,
20 or in furtherance of, an activity that constitutes
21 a Federal crime of violence.”.

22 (b) PENALTIES.—Section 844 of title 18, United
23 States Code, is amended—

1 (1) in subsection (a), by striking “person who
2 violates any of subsections” and inserting the fol-
3 lowing: “person who—

4 “(1) violates any of subsections”;

5 (2) by striking the period at the end and insert-
6 ing “; and”; and

7 (3) by adding at the end the following:

8 “(2) violates subsection (p)(2) of section 842,
9 shall be fined under this title, imprisoned not more
10 than 20 years, or both.”; and

11 (4) in subsection (j), by striking “and (i)” and
12 inserting “(i), and (p)”.

13 **SEC. ____ . SETTLEMENT OF CLAIMS OF MENOMINEE INDIAN**
14 **TRIBE OF WISCONSIN.**

15 (a) *PAYMENT.*—*The Secretary of the Treasury shall*
16 *pay to the Menominee Indian Tribe of Wisconsin, out of*
17 *any funds in the Treasury of the United States not other-*
18 *wise appropriated, \$32,052,547 for damages sustained by*
19 *the Menominee Indian Tribe of Wisconsin by reason of—*

20 (1) *the enactment and implementation of the Act*
21 *entitled “An Act to provide for a per capita distribu-*
22 *tion of Menominee tribal funds and authorize the*
23 *withdrawal of the Menominee Tribe from Federal ju-*
24 *risdiction”, approved June 17, 1954 (68 Stat. 250 et*
25 *seq., chapter 303); and*

1 (2) *the mismanagement by the United States of*
2 *assets of the Menominee Indian Tribe held in trust by*
3 *the United States before April 30, 1961, the effective*
4 *date of termination of Federal supervision of the Me-*
5 *nominee Indian Tribe of Wisconsin.*

6 (b) *EFFECT OF PAYMENT.*—*Payment of the amount re-*
7 *ferred to in subsection (a) shall be in full satisfaction of*
8 *any claims that the Menominee Indian Tribe of Wisconsin*
9 *may have against the United States with respect to the*
10 *damages referred to in that subsection.*

11 (c) *REQUIREMENTS FOR PAYMENT.*—*The payment to*
12 *the Menominee Indian Tribe of Wisconsin under subsection*
13 *(a) shall—*

14 (1) *have the status of a judgment of the United*
15 *States Court of Federal Claims for the purposes of the*
16 *Indian Tribal Judgment Funds Use or Distribution*
17 *Act (25 U.S.C. 1401 et seq.); and*

18 (2) *be made in accordance with the requirements*
19 *of that Act on the condition that, of the amounts re-*
20 *maining after payment of attorney fees and litigation*
21 *expenses—*

22 (A) *at least 30 percent shall be distributed*
23 *on a per capita basis; and*

1 *(B) the balance shall be set aside and pro-*
2 *grammed to serve tribal needs, including funding*
3 *for—*

4 *(i) educational, economic development,*
5 *and health care programs; and*

6 *(ii) such other programs as the cir-*
7 *cumstances of the Menominee Indian Tribe*
8 *of Wisconsin may justify.*

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