(A) Programs funded through trust funds which are included with subfunctional categories 551 (Health care services), 601 (General retirement and disability insurance), or 602 (Federal employee retirement and disability).

(B) Retirement pay and retired pay of military personnel on the retired lists of the Army, Navy, Marine Corps, and the Air Force, including the Reserve components thereof, retainer pay for personnel of the Inactive Fleet Reserve; and payments under section 4 of Public Law 92-425 and chapter 73 of title 10, United States Code (survivor's benefits), classified in the fiscal year 1993 budget in subfunctional category 051 (Department of Defense—military).

(C) Retirement pay and medical benefits for retired commissioned officers of the Coast Guard, the Public Health Service Commissioned Corps, and the National Oceanic and Atmospheric Commissioned Corps and their survivors and dependents, classified in the fiscal year 1988 budget in subfunctional category 551 (Health care services) or in subfunctional category 306 (Other natural resources.

(D) Retired pay of military personnel of the Coast Guard and Coast Guard Reserve, members of the former Lighthouse Service, and for annuities payable to beneficiaries of retired military personnel under the retired serviceman's family protection plan (10 U.S.C. 1431–1446) and survivor benefit plan (10 U.S.C. 1447–1455), classified in the fiscal year 1988 budget in subfunctional category 403 (Water transportation).

(E) Payments to the Central Intelligence Agency Retirement and Disability Fund, classified in fiscal year 1993 budget in subfunctional category 054 (Defense-related activities).

(F) Payments to the Civil Service Retirement and Disability Fund for financing unfunded liabilities, classified in fiscal year 1993 budget in subfunctional category 805 (Central personnel management).

(G) Payments to the Foreign Service Retirement and Disability Fund, classified in fiscal year 1993 budget in subfunctional category 153 (Conduct of foreign affairs).

(H) Payments to the Federal Old-Age and Survivors Insurance and the Federal Disability Insurance Trust Funds, classified in fiscal year 1993 budget in various subfunctional categories.

(I) Administration of the retirement and disability programs set forth in this section.

SEC. 104. MISCELLANEOUS PROVISIONS.

(a) MODIFICATION OF SCHEDULE.—The reauthorization schedule contained in section 101(b) may be changed by concurrent resolution of the two Houses of the Congress (except that changes in the schedule affecting permanent appropriations may be made only by law).

(b) COMMITTEE REFERRAL.—All messages, petitions, memorials, concurrent resolutions, and bills proposing changes in section 101(b) and all bills proposing changes in section 103, shall be referred first to the committee with legislative jurisdiction over any program affected by the proposal and sequentially to the Committee on Rules in the House of Representatives or to the Committee on Rules and Administration in the Senate.

(c) COMMITTEE REPORTS.—Except as provided in subsection (e), the Committee on Rules in the House of Representatives or the Committee on Rules and Administration in the Senate shall report with its recommendations any concurrent resolution or bill referred to it under subsection (b) and which previously has been reported favorably by a committee of legislative jurisdiction within 30 days (not counting any day on which the Senate or the House of Representatives is not in session), beginning with the day following the day on which such resolution or bill is so referred.

(d) COMMITTEE RECOMMENDATIONS.—The recommendations of the Committee on Rules or the Committee on Rules and Administration pursuant to subsection (c) or (e) shall include a statement on each of the following matters:

(1) The effect the proposed change would have on the sunset reauthorization schedule.

(2) The effect the proposed change would have on the jurisdictional and reauthorization responsibilities and workloads of the authorizing committees of Congress.

(3) Any suggested grouping of similar programs which would further the goals of this Act to make more effective comparisons between programs having like objective.

(e) COMMITTEE REFERRAL AMENDMENTS TO THIS ACT.—Any concurrent resolution or bill proposing a change in section 101(b) or 103 shall be referred in the House to the Committee on Rules and in the Senate to the Committee on Rules and Administration. Such committee shall report an omnibus concurrent resolution or bill containing its recommendations regarding the proposed changes and consideration of such bill or resolution shall be highly privileged in the House of Representatives and privileged in the Senate. The provisions of subsections (c) and (d) of section 1017 of the Impoundment Control Act of 1974, insofar as they relate to consideration of rescission bills, shall apply to the consideration of concurrent resolutions and bills proposing changes reported pursuant to this subsection, amendments thereto, motions and appeals with respect thereto, and conference reports thereon.

(f) POINT OF ORDER.—It shall not be in order in the Senate or the House of Representatives to consider a bill or resolution reported pursuant to subsection (a), (b), (c), or (e) which proposes a reauthorization date for a program beyond the final reauthorization date of the sunset reauthorization cycle then in progress. Notwithstanding the preceding sentence, it shall be in order to consider a bill or resolution for the purpose of considering an amendment which meets the requirements of this subsection.

TITLE II—PROGRAM INVENTORY

SEC. 201. PROGRAM INVENTORY.

(a) PREPARATION.—The Comptroller General and the Director of the Congressional Budget Office, in cooperation with the Director of the Congressional Research Service, shall prepare an inventory of Federal programs (hereafter in this title referred to as the "program inventory").

(b) PURPOSE.—The purpose of the program inventory is to advise and assist the Congress in carrying out the requirements of titles I and III. Such inventory shall not in any way bind the committees of the Senate or the House of Representatives with respect to their responsibilities under such titles and shall not infringe on the legislative and oversight responsibilities of such committees. The Comptroller General shall compile and maintain the inventory, and the Director of the Congressional Budget Office shall provide budgetary information for inclusion in the inventory.

(c) SUBMISSION DATE.—Not later than April 1, 1993, the Comptroller General, after consultation with the Director of the Congressional Budget Office and the Director of the Congressional Research Service, shall submit the program inventory to the Senate and House of Representatives.

(d) CATEGORIES IN REPORT.—In the report submitted under this section, the Comptroller General, after consultation and in cooperation with and consideration of the views and recommendations of the Director of the Congressional Budget Office, shall group programs into program areas appropriate for the exercise of the review and reexamination requirements of this Act. Such groupings shall identify program areas in a manner which classifies each program in only one functional and only one subfunctional category and which is consistent with the structure of national needs, agency missions, and basic programs developed pursuant to section 1105 of title 31, United States Code.

(e) PROGRAM ANALYSIS.—The program inventory shall set forth for each program each of the following matters:

(1) The specific provision or provisions of law authorizing the program.

(2) The committees of the Senate and the House of Representatives which have legislative or oversight jurisdiction over the program.

(3) A brief statement of the purpose or purposes to be achieved by the program.

(4) The committees which have jurisdiction over legislation providing new budget authority for the program, including the appropriate subcommittees of the Committees on Appropriations of the Senate and the House of Representatives.

(5) The agency and, if applicable, the subdivision thereof responsible for administering the program.

(6) The grants-in-aid, if any, provided by such program to State and local governments.

(7) The next reauthorization date for the program.

(8) A unique identification number which links the program and functional category structure.

(9) The year in which the program was originally established and, where applicable, the year in which the program expires.

(10) Where applicable, the year in which new budget authority for the program was last authorized and the year in which current authorizations of new budget authority expire.

(f) UNAUTHORIZED PROGRAMS.—The inventory shall contain a separate tabular listing of programs which are not required to be reauthorized pursuant to section 101(c).

(g) ANALYSIS OF NEW BUDGET AUTHORITY.—The report also shall set forth for each program whether the new budget authority provided for such programs is—

(1) authorized for a definite period of time;

(2) authorized in a specific dollar amount but without limit of time;

(3) authorized without limit of time or dollar amounts;

(4) not specifically authorized; or

(5) permanently provided,

as determined by the Director of the Congressional Budget Office.

(h) OTHER DATA.—For each program or group of programs, the program inventory also shall include information prepared by the Director of the Congressional Budget Office indicating each of the following matters:

(1) The amounts of new budget authority authorized and provided for the program for each of the preceding four fiscal years and, where applicable, the four succeeding fiscal years.

(2) The functional and subfunctional category in which the program is presently clas-

sified and was classified under the fiscal year 1993 budget.

(3) The identification code and title of the appropriation account in which budget authority is provided for the program.

SEC. 202. EXCHANGE OF INFORMATION.

The General Accounting Office, the Congressional Research Service, and the Congressional Budget Office shall permit the mutual exchange of available information in their possession which would aid in the compilation of the program inventory.

SEC. 203. AGENCY COOPERATION.

The Office of Management and Budget, and the Executive agencies and the subdivisions thereof shall, to the extent necessary and possible, provide the General Accounting Office with assistance requested by the Comptroller General in the compilation of the program inventory.

SEC. 204. CONGRESSIONAL REVIEW.

Each committee of the Senate and the House of Representatives, the Congressional Budget Office, and the Congressional Research Service shall review the program inventory as submitted under section 201 and not later than June 1, 1993, each shall advise the Comptroller General of any revisions in the composition or identification of programs and groups of programs which it recommends. After full consideration of the reports of all such committees and officials, the Comptroller General in consultation with the committees of the Senate and the House of Representatives shall report, not later than July 1, 1993, a revised program inventory to the Senate and the House of Representatives.

SEC. 205. REVISIONS OF INVENTORY.

(a) REVISIONS OF INVENTORY.—The Comptroller General, after the close of each session of the Congress, shall revise the program inventory and report the revisions to the Senate and the House of Representatives.

(b) CONGRESSIONAL REPORT.—After the close of each session of the Congress, the Director of the Congressional Budget Office shall prepare a report, for inclusion in the revised inventory, with respect to each program included in the program inventory and each program established by law during such session, which includes the amount of the new budget authority authorized and the amount of new budget authority provided for the current fiscal year and each of the 5 succeeding fiscal years. If new budget authority is not authorized or provided or is authorized or provided for an indefinite amount for any of such 5 succeeding fiscal years with respect to any program, the Director shall make projections of the amounts of such new budget authority necessary to be authorized or provided for any such fiscal year to maintain a current level of services.

(c) LIST OF PROGRAMS NOT REAUTHORIZED.—Not later than one year after the first or any subsequent reauthorization date, the Director of the Congressional Budget Office, in consultation with the Comptroller General and the Director of the Congressional Research Service, shall compile a list of the provisions of law related to all programs subject to such reauthorization date for which new budget authority was not authorized. The Director of the Congressional Budget Office shall include such a list in the report required by subsection (b). The committees with legislative jurisdiction over the affected programs shall study the affected provisions and make any recommendations they deem to be appropriate with regard to such provisions to the Senate and the House of Representatives.

SEC. 206. ADEQUACY ASSESSMENT.

The Director of the Congressional Budget Office and the Comptroller General shall include in their respective reports to the Congress pursuant to section 202(f) of the Congressional Budget Act of 1974 and section 719 of title 31, United States Code, an assessment of the adequacy of the functional and subfunctional categories contained in section 101(b) of this Act for grouping programs of like missions or objectives.

SEC. 207. REPORT ON PENDING LEGISLATION.

(a) ANNUAL REPORT.—The Director of the Congressional Budget Office shall tabulate and issue an annual report on the progress of congressional action on bills and resolutions reported by a committee of either House or passed by either House which authorize the enactment of new budget authority for programs.

(b) CONTENTS OF REPORT.—The report shall include an up-to-date tabulation for the fiscal year beginning October 1 and the succeeding four fiscal years of the amounts of budget authority—

(1) authorized by law or proposed to be authorized in any bill or resolution reported by any committee of the Senate or the House of Representatives; or

(2) if budget authority is not authorized or proposed to be authorized for any of the 5 fiscal years, the amounts necessary to maintain a current level of services for programs in the inventory.

(c) PROGRAMS SUBJECT TO REAUTHORIZATION.—The Director of the Congressional Budget Office shall issue periodic reports on the programs and the provisions of laws which are scheduled for reauthorization in each Congress pursuant to the reauthorization schedule in section 101(b). In these reports, the Director shall identify each provision of law which authorizes the enactment of new budget authority for programs scheduled for reauthorization and the title of the appropriation bill, or part thereof, which would provide new budget authority pursuant to each authorization.

TITLE III—PROGRAM REEXAMINATION

SEC. 301. REEXAMINATION BY CONGRESS.

(a) COMMITTEE REEXAMINATION.—Each committee of the Senate and the House of Representatives periodically shall provide through the procedures established in section 302, for the conduct of a comprehensive reexamination of selected programs or groups of programs over which it has jurisdiction.

(b) SELECTION CRITERIA.—In selecting programs and groups of programs for reexamination, each committee shall consider each of the following matters:

(1) The extent to which substantial time has passed since the program or group of programs has been in effect.

(2) The extent to which a program or group of programs appears to require significant change.

(3) The resources of the committee with a view toward undertaking reexaminations across a broad range of programs.

(4) The desirability of examining related programs concurrently.

SEC. 302. FUNDING RESOLUTION AND REPORT.

(a) FUNDING RESOLUTION AND REPORT.—(1) The funding resolution first reported by each committee of the Senate in 1994, and thereafter for the first session of each Congress, shall include, and the first funding resolution introduced by each committee of the House of Representatives (and referred to the Committee on House Administration) for such year and thereafter for the first session of each Congress shall include, a section setting forth the committee's plan for reexamination of programs under this title. Such plan shall include each of the following matters:

(A) The programs to be reexamined and the reasons for their selection.

(B) The scheduled completion date for each program reexamination, which date shall not be later than the end of the Congress preceding the Congress in which the reauthorization date applicable to a program occurs as provided in section 101(b), unless the committee explains in a statement in the report accompanying its proposed funding resolution (in the Senate), or in a statement supplied by the respective committee and included in the report of the Committee on House Administration (in the House of Representatives), the reasons for a later completion date, except that reports on programs scheduled for reauthorization during the 103d Congress and selected for reexamination in a committee's plan adopted in 1993 may be submitted at any time on or before February 15, 1994.

(C) The estimated cost for each reexamination.

(2) The report accompanying the funding resolution reported by each committee of the Senate in 1993 and thereafter for the first session of each Congress, shall include, and the report accompanying the funding resolution reported by the Committee on House Administration with respect to each committee of the House of Representatives shall include, a statement of that committee, with respect to each reexamination in its plan, of each of the following matters:

(A) A description of the components of the reexamination.

(B) A statement of whether the reexamination is to be conducted (i) by the committee, or (ii) at the request and under the direction of or under contract with the committee, as the case may be, by one or more instrumentalities of the legislative branch, one or more instrumentalities of the executive branch, or one or more nongovernmental organizations, or (iii) by a combination of the foregoing.

(3) It shall not be in order to consider a funding resolution with respect to a committee of the Senate or the House of Representatives in 1993, and thereafter for the first session of a Congress, unless—

(A) such resolution includes a section containing the information described in paragraph (1) and the report accompanying such resolution contains the information described in paragraph (2); and

(B) the report required by subsection (c) with respect to each program reexamination scheduled for completion during the preceding Congress by such committee has been submitted for printing.

(4) It shall not be in order to consider an amendment to the section of a funding resolution described in paragraph (1) reported by a committee of the Senate for a year, or reported by the Committee on House Administration with respect to a committee of the House of Representatives for a year—

(A) if such amendment would require reexamination of a program which has been reexamined by such committee under this section during any of the five preceding years;

(B) if such amendment would cause such section not to contain the information described in paragraph (1) with respect to each program to be reexamined by such committee; or

(C) if notice of intention to propose such amendment has not been given to such com-

mittee and, in the case of an amendment in the Senate, to the Committee on Rules and Administration of the Senate, or, in the case of an amendment in the House of Representatives, to the Committee on House Administration, not later than January 20 of the calendar year in which such year begins or the first day of the session of the Congress in which such year begins, whichever is later.

The notice required by subparagraph (C) shall include the substance of the amendment intended to be proposed, and, if such amendment would add one or more programs to be reexamined, shall include the information described in paragraphs (1) and (2) with respect to each such program. Subparagraph (C) shall not apply to amendments proposed by such committee or by the Committee on Rules and Administration or House Administration, as the case may be.

(b) CONSULTATION WITH OTHER COMMITTEES.—In order to achieve coordination of program reexamination each committee shall, in preparing each reexamination plan required by subsection (a), consult with appropriate committees of the Senate or appropriate committees of the House of Representatives, as the case may be, and shall inform itself of related activities of and support or assistance that may be provided by (1) the General Accounting Office, the Congressional Budget Office, the Congressional Research Service, and the Office of Technology Assessment, and (2) appropriate instrumentalities in the executive and judicial branches.

(c) COMMITTEE REPORTS.—Each committee shall prepare and have printed a report with respect to each reexamination completed under this title. Each such report shall be delivered to the Secretary of the Senate or the Clerk of the House of Representatives, as the case may be, not later than the date specified in the resolution and printed as a Senate or House document, accordingly. To the extent permitted by law or regulation, such number of additional copies as the committee may order shall be printed for the use of the committee. If two or more committees have legislative jurisdiction over the same program or portions of the same program, such committees may reexamine such program jointly and submit a joint report with respect to such reexamination.

(d) CONTENTS OF COMMITTEE REPORT.—The report pursuant to subsection (c) shall set forth the findings, recommendations, and justifications with respect to the program, and shall include to the extent the committee deems appropriate, each of the following matters:

(1) An identification of the objectives intended for the program and the problem it was intended to address.

(2) An identification of any trends, developments, and emerging conditions which are likely to affect the future nature and extent of the problems or needs which the program is intended to address and an assessment of the potential primary and secondary effects of the proposed program.

(3) An identification of any other program having potentially conflicting or duplicative objectives.

(4) A statement of the number and types of beneficiaries or persons served by the program.

(5) An assessment of the effectiveness of the program and the degrees to which the original objectives of the program or group of programs have been achieved.

(6) An assessment of the cost effectiveness of the program, including where appropriate, a cost-benefit analysis of the operation of the program.

(7) An assessment of the relative merits of alternative methods which could be considered to achieve the purposes of the program.

(8) Information on the regulatory, privacy, and paperwork impacts of the program.

(e) TITLE I SATISFIED.—A report submitted pursuant to this section shall be deemed to satisfy the reauthorization review requirements of title I.

SEC. 303. EXECUTIVE REVIEW.

Each department or agency of the executive branch which is responsible for the administration of a program selected for reexamination pursuant to this title shall, not later than 6 months before the completion date specified for reexamination reports pursuant to section 302(a)(1)(B), submit to the Office of Management and Budget and to the appropriate committee or committees of the Senate and the House of Representatives a report of its findings, recommendations, and justifications with respect to each of the matters set forth in section 302(d), and the Office of Management and Budget shall submit to such committee or committees such comments as it deems appropriate.

SEC. 304. DEFINITIONS.

For the purposes of this title—

(1) the term "funding resolution" means, with respect to each committee of the House of Representatives, the primary funding resolution for such committee which is effective for the duration of a Congress; and

(2) an amendment to a funding resolution includes a resolution of the Senate which amends such funding resolution.

TITLE IV—MISCELLANEOUS

SEC. 401. AGENCY APPROPRIATIONS REQUESTS.

Section 1108(e) of title 31, United States Code, is amended by inserting before the period a comma and "or at the request of a committee of either House of Congress presented after the day on which the President transmits the budget to the Congress under section 1105 of this title for the fiscal year".

SEC. 402. NONDISCLOSURE.

Nothing in this Act shall require the public disclosure of matters that are specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and are in fact properly classified pursuant to such Executive order, or which are otherwise specifically protected by law.

SEC. 403. RULEMAKING.

The provisions of this section and sections 101(a), 101(b), 101(c)(1), 101(c)(2), 101(c)(5), 102, 104(b), 104(c), 104(d), 104(e), 104(f), title III (except section 303), section 405, and section 406 of this Act are enacted by the Congress—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives respectively, and as such they shall be considered as part of the rules of each House, respectively, or of that House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to such House) at any time, in the same manner, and to the same extent as in the case of any other rule of such House.

SEC. 404. EXECUTIVE ASSISTANCE AND REGULATORY DUPLICATION AND CONFLICTS REPORT.

(a) EXECUTIVE ASSISTANCE.—(1) To assist in the review or reexamination of a program, the head of an agency which administers such program and the head of any other agency, when requested, shall provide to each committee of the Senate and the House of Representatives which has legislative jurisdiction over such program such studies, information, analyses, reports, and assistance as the committee may request.

(2) Not later than 6 months before the first reauthorization date specified for a program in section 101(b) the head of the agency which administers such program or the head of any other agency, when requested by a committee of the Senate or the House of Representatives, shall conduct a review of those regulations currently promulgated and in use by that agency which the committee specifically has requested be reviewed and submit a report to the Senate or the House of Representatives as the case may be, setting forth the regulations that agency intends to retain, eliminate, or modify if the program is reauthorized and stating the basis for its decision.

(3) On or before October 1 of the year preceding the beginning of the Congress in which occurs the reauthorization date for a program, the Comptroller General shall furnish to each committee of the Senate and the House of Representatives which has legislative jurisdiction over such program a listing of the prior audits and reviews of such program completed during the preceding 6 years.

(4) Consistent with the discharge of the duties and functions imposed by law on them or their respective Offices or Service, the Comptroller General, the Director of the Congressional Budget Office, the Director of the Office of Technology Assessment, and the Director of the Congressional Research Service shall furnish to each committee of the Senate and the House of Representatives such information, analyses, and reports as the committee may request to assist it in conducting reviews or evaluations of programs.

(b) REGULATORY DUPLICATION AND CONFLICT REPORT.—(1) On or before October 1 of the year preceding the beginning of the Congress in which occurs the reauthorization date for a program, the President, with the cooperation of the head of each appropriate agency, shall submit to the Congress a "Regulatory Duplication and Conflict Report" for all such programs scheduled for reauthorization in the next Congress.

(2) Each such regulatory duplication and conflicts report shall—

(A) identify regulatory policies, including data collection requirements, of such programs or the agencies which administer them, which duplicate or conflict with each other or with rules or regulations or regulatory policies of other programs or agencies, and identify the provisions of law which authorize or require such duplicative or conflicting regulatory policies or the promulgation of such duplicative or conflicting rules or regulations;

(B) identify the regulatory policies, including data collection requirements, of such programs which are, or which tend to be, duplicative of or in conflict with rules or regulations or regulatory policies of State or local governments; and

(C) contain recommendations which address the conflicts or duplications identified in subparagraphs (A) and (B).

(3) The regulatory duplication and conflicts report submitted by the President pursuant to this subsection shall be referred to the committee or committees of the House of Representatives and the Senate with legislative jurisdiction over the programs affected by the reports.

SEC. 405. SUNSET REAUTHORIZATION BILL.

(a) COMMITTEE INTRODUCTION.—Not later than 15 days after the beginning of the sec-

ond regular session of the Congress in which occurs the reauthorization date applicable to a program under section 101(b), the chairmen of the committees of the Senate and the House of Representatives having legislative jurisdiction over such programs shall introduce, in their respective Houses, a bill which, if enacted into law, would constitute a required authorization (as defined in section 101(c)(1)(B)), and such a bill (hereafter in this section referred to as a "sunset reauthorization bill") shall be referred to the appropriate committee of the Senate or the House of Representatives, as the case may be. This subsection shall not apply in the case of a program which has been reauthorized by a required authorization which was signed into law by the President prior to 15 days after the beginning of the second regular session of the Congress in which occurs the reauthorization date applicable to such program.

(b) DISCHARGE FOR FAILURE TO CONSIDER.—If the committee to which a sunset reauthorization bill for a program has not reported such bill by May 15 of the year in which the reauthorization date for such program occurs, and no other bill which would constitute a required authorization for such program has been enacted into law by that date, it is in order to move to discharge the committee from further consideration of the sunset reauthorization bill at any time thereafter.

(c) DISCHARGE PROCEDURES.—The provisions of section 912(a) of title 5, United States Code, as it relates to the discharge of resolutions of disapproval on reorganization plans, shall apply to motions to discharge sunset reauthorization bills, and the provisions of subsections (b)(2), (c) (2) through (5), and (d) of section 1017 of the Impoundment Control Act of 1974, insofar as they relate to the consideration of rescission bills shall apply to the consideration of such sunset reauthorization bills, amendments thereto, motions and appeals with respect thereto, and conference reports thereon.

SEC. 406. COMMITTEE JURISDICTION OVER ACT.

The Committees on Governmental Affairs and on Rules and Administration of the Senate and the Committees on Government Operations and on Rules of the House of Representatives shall review the operation of the procedures established by this Act, and shall submit a report not later than December 31, 1998, and each 5 years thereafter, setting forth their findings and recommendations. Such reviews and reports may be conducted jointly.

SEC. 407. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for fiscal years ending before October 1, 2003, such sums as may be necessary to carry out the review requirement of titles I and III and the requirements for the compilation of the inventory of Federal programs as set forth in title II.

By Mr. BURNS (for himself, Mr. SHELBY, Mr. HOLLINGS, Mr. PRYOR, Mr. BOND, Mr. SASSER, Mr. KEMPTHORNE, Mr. REID, and Mr. PRESSLER):

S. 187. A bill to protect individuals engaged in lawful hunt on Federal lands, to establish an administrative civil penalty for persons who intentionally obstruct, impede, or interfere with the conduct of a lawful hunt, and for other purposes; to the Committee on Energy and Natural Resources.

RECREATIONAL HUNTING SAFETY AND PRESERVATION ACT OF 1993

Mr. BURNS. Mr. President, I rise today to introduce the Recreational Hunting Safety and Preservation Act of 1993.

America's cherished system of hunting, long admired by people throughout the world, is being seriously threatened by the tactics of a small, but well-organized group of antihunting activists.

Because of the dramatic increase in the numbers and nature of well-orchestrated attacks against hunters, 41 States have enacted laws outlawing deliberate acts that disrupt lawful hunts.

Unfortunately, much more remains to be done to reverse these alarming trends. The Federal Government, which owns over 35 percent of Montana and more than one-third of the land in the United States, needs to protect hunters on Federal lands from the harassment of antihunting saboteurs.

These saboteurs have decided not to try and change the laws or beliefs of Americans but instead have chartered a confrontational path of harassment, intimidation, and obstruction aimed at legitimate and law-abiding sport hunters.

This is why Senator SHELBY and I are introducing the Recreational Hunting Safety and Preservation Act, to protect the American hunter.

This bill simply says that any person who knowingly acts with intent to obstruct, impede, or otherwise interfere with the conduct of a lawful hunt on land with a Federal interest may be assessed a civil penalty, injunctive relief, and civil lawsuits.

Harassment of legitimate and lawful hunting is on the rise. Harassment is an unreasonable interference with hunting. Harassment is being done by groups whose true goals are to end all use of animals, including the use of animals in medical research and testing; the raising and eating of meat; the wearing of fur, leather, wool, and silk; circus and rodeos; the keeping of pets, and the many varied uses of animal products in industrial processes.

The groups who pursue these goals are not content with the normal mechanisms offered for debate in our free society.

Hunting is a traditional and beneficial recreation, both for the hunter and for the management of wildlife populations. Nearly one-half of the hunting that takes place in this country today is done on Federal lands.

The 18 million licensed hunters in the United States have been the major financial supporters of wildlife conservation. Over the last 50 years hunters have contributed over $2.5 billion toward wildlife conservation through excise taxes, duck stamps, and license fees. This bill will continue this tradition by contributing all moneys collected as fines to the North American waterfowl management plan and the Pittman-Robertson Act. Both of these programs acquire lands to protect wildlife habitat.

Under the combination of revenue from hunting and management of populations through hunting, wildlife is more varied and abundant today than at any time since the pioneering era.

Even though 41 States have enacted hunter protection laws, it is not clear that those laws would always apply on Federal lands. Even if State laws applied on Federal lands, this legislation would add some unique approaches and avenues that would aid significantly in the control of harassment.

When a person buys a State hunting license, he or she deserves the opportunity for a quality outdoor experience and should not be subjected to harassment by others.

Hunting is a legitimate, lawful sport, and compatible with good management and conservation practices when done properly. Therefore, it is the role of the Federal Government to do what it can to protect the rights of law-abiding citizens engaged in a Government-sanctioned sport and to protect the activists as well.

Mr. SHELBY. Mr. President, I rise today to join my colleague, Senator BURNS, in introducing the Recreational Hunting Safety and Preservation Act of 1993. This bill will protect individuals engaged in a lawful hunt on Federal lands and make it illegal to interfere with and to harass hunters pursuing their sport.

There is a real need for this type of legislation because during the past few years, the incidence of small, well-orchestrated attacks by anti-hunting activists against hunters has increased, dramatically. I believe that these anti-hunting activists may be well-intentioned, but they are not well-informed. They do not realize the need for careful, prudent wildlife management. They fail to see the important contributions hunters and fishermen make to the continued propagation of our wildlife resources. Without hunting and fishing, many of the species that anti-hunting activists seek to protect will be threatened because population control is essential to our ecological system.

In addition, there also is a need to protect hunters on Federal lands since the Federal Government owns more than one-third of the land in the United States. Only 34 States have passed laws to make deliberate acts that disrupt lawful hunts illegal.

As someone who enjoys the outdoors and especially the challenge of hunting fowl, I remain an advocate of wildlife management and the conservation of our environment. Every time I go hunting, I learn more about my surroundings. I always come back to Washington with a greater appreciation for the outdoors. Rarely have I met people more enthusiastic about

preserving wildlife and the environment than hunters and fishermen. These individuals love the outdoors and want to find sensible ways to manage wildlife populations for the benefit of the animals and future sportsmen and women. Therefore, I believe if we continue to support and promote realistic policies, anti-hunting activists will understand that hunting and fishing play a vital role in the management and preservation of the environment.

Most Americans do not realize that the 18 million licensed hunters in the United States have played a major role financially in supporting wildlife conservation. In fact, during the past 50 years, through the collection of Federal excise taxes paid by U.S. hunters and fishermen, the States have collected more than $2.5 billion for sport fish and wildlife restoration, hunter education, research, habitat management, and population control. This is a clear example of the longstanding cooperation America's outdoor sports enthusiasts have had with State and Federal wildlife agencies. We must educate the public about the benefits of hunting and fishing. By teaching the public about the value of our Nation's natural resources and the role hunters and fishermen play in the environment, we will be leading the way in preserving America's great outdoors.

This bill that Senator BURNS and I are introducing today would go a long way in assisting Federal and State wildlife agencies to achieve their desired wildlife management results while providing valuable recreational experiences for hunters and fishermen. The legislation would protect law-abiding sportsmen and women engaged in a lawful activity from being harmed by the misinformed. In addition, the legislation would require that all funds collected as fines be contributed to the North American waterfowl management plan and the Pittman-Robertson Act—programs which acquire lands for the protection of wildlife habitat.

Our forefathers hunted and fished for survival and were held in high esteem in their communities. Although the role of hunters and anglers has changed from a necessity to a recreational activity, the sport provides a beneficial service to mankind by conserving wildlife. It is time that we restored sportsmen and women to a position of respect in our society by protecting them from harassment. This will ensure that generations to come will find the same pleasure in hunting and fishing in America's great outdoors that we have had and that we hope to continue to have in the future.

By Mr. HELMS:

S. 198. A bill to amend the Internal Revenue Code of 1986 to provide that the one-time exclusion of gain from sale of a principal residence shall not be precluded because the taxpayer's spouse, before becoming married to the taxpayer, elected the exclusion; to the Committee on Finance.

S. 199. A bill to amend the Internal Revenue Code of 1986 to allow the one-time exclusion or gain from sale of a principal residence to be taken before age 55 if the taxpayer or family member suffers a catastrophic illness; to the Committee on Finance.

TAX TREATMENT OF THE SALE OF A PRINCIPAL RESIDENCE.

Mr. HELMS. Mr. President, today I am introducing two bills—identical to legislation I introduced in the last Congress—to modify the one-time capital gains tax exclusion that is currently allowed for taxpayers over the age of 55 when they sell a home.

Section 121 of the Internal Revenue Code allows an individual over the age of 55 to exclude from taxable income up to $125,000 of capital gains from the sale of a residence. This exclusion may be claimed only once by the taxpayer or his spouse. However, section 121 has become a threat to the well-being of many Americans who desperately need the Tax Code to work for them and not against them.

The first bill in this package would allow a taxpayer to claim the one-time capital gains exclusion before the age of 55 in the event that the taxpayer or a member of the taxpayer's family suffers a catastrophic illness. The second bill would allow a taxpayer to claim the exclusion on a sale even though his or her spouse may have already claimed such a deduction before they were married.

Mr. President, the first measure is identical to legislation offered in the 101st Congress by our former colleague, Bill Armstrong. It would allow an individual who faces a catastrophic illness in his or her family to take advantage of the one-time capital gains exclusion prior to the age of 55. Under this bill, a taxpayer of any age would be able to exclude from taxable income up to $125,000 capital gains if a parent, spouse, or child of the taxpayer is physically or mentally incapable of self-care and that condition has lasted, or is expected to last, for at least 6 months. Once a taxpayer elects to exercise this exclusion, it would not be available again to that taxpayer.

More and more families face the exorbitant and unexpected cost associated with the onset of a catastrophic illness. Because of the high cost of long-term care, many taxpayers facing these costs are forced to sell their homes to pay medical bills. To add to the burden shouldered by the family, the Federal Government imposes a capital gains tax on the profits the taxpayer may realize.

This legislation provides one small way Congress can help families deal with the costs of long-term care without creating another massive and costly new Federal program and without forcing private businesses to carry the burden.

Mr. President, my second bill would remedy an unintended marriage penalty that exists in section 121. This problem was brought to my attention by Mr. Alan McKease from Hendersonville, NC, who at the time was 70 years old. Mr. McKease's wife suffered from cancer. When she died in 1989, neither she nor Mr. McKease had used the one-time capital gains exclusion that was available to them. They had planned to use the exclusion later to help pay for the cost of a good retirement home.

A couple of years after his wife's death, Mr. McKease married a 70-year-old widow. When he sold his home, he was shocked to learn that he couldn't exercise his one-time capital gains exclusion because his new wife and her late husband had already used the exclusion when they sold a previous residence.

Mr. President, there were ways that Mr. McKease could have avoided this problem. He could have sold his home before he remarried and found a new home, whether or not he was ready to do so. Or, if he and his wife wished to keep his home for the time being, they could have lived together without getting married. In that way, Mr. McKease could have retained his exclusion until he and his second wife decided to sell the home. That is why I referred to this section as containing a marriage penalty.

Mr. President, it should not be necessary for taxpayers to play such games to qualify within the provisions of our income tax laws. That is why I am proposing that we amend section 121, so that taxpayers who find themselves in a situation like that of Mr. McKease will be able to exercise the one-time capital gains exclusion even if their spouse has exercised the exclusion before they were married.

It is about time that Congress does something right. Reforming the tax laws in the manner proposed in these two bills is a good place to start.

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

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 198

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

SECTION 1. ELECTION BY TAXPAYER OF ONE-TIME EXCLUSION OF GAIN ON SALE OF PRINCIPAL RESIDENCE ALLOWED EVEN IF TAXPAYER'S SPOUSE ELECTED THE EXCLUSION BEFORE BECOMING MARRIED TO TAXPAYER.

(a) IN GENERAL.—Paragraph (2) of section 121(b) of the Internal Revenue Code of 1986 (relating to one-time exclusion of gain from sale of principal residence by individual who has attained age 55) is amended to read as follows:

"(2) APPLICATION TO ONLY ONE SALE OR EXCHANGE.—Subsection (a) shall not apply to any sale or exchange if—

"(A) in the case of an unmarried individual, an election by such individual under subsection (a) with respect to any other sale or exchange is in effect, or

"(B) in the case of married individuals, an election by each such individual under subsection (a) with respect to any other sale or exchange is in effect."

(b) TECHNICAL AMENDMENT.—Paragraph (2) of section 121(d) of such Code is amended to read as follows:

"(2) PROPERTY OF DECEASED SPOUSE.—For purposes of this section, in the case of an unmarried individual whose spouse is deceased on the date of the sale or exchange of property, if the deceased spouse (during the 5-year period ending on the date of the sale or exchange) satisfied the holding and use requirements of subsection (a)(2) with respect to such property, then such individual shall be treated as satisfying the holding and use requirements of subsection (a)(2) with respect to such property."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to sales and exchanges after the date of the enactment of this Act.

S. 199

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

SECTION 1. EXCLUSION ON GAIN FROM HOME SALE TO APPLY IF TAXPAYER OR FAMILY MEMBER SUFFERS CATASTROPHIC ILLNESS.

(a) IN GENERAL.—Paragraph (1) of section 121(a) of the Internal Revenue Code of 1986 (relating to one-time exclusion of gain from sale of principal residence by individual who has attained age 55) is amended to read as follows:

"(1) either—

"(A) the taxpayer has attained the age of 55 before the date of such sale or exchange, or

"(B) as of the date of such sale or exchange, the taxpayer, or a parent, spouse, or child of the taxpayer—

"(i) is physically or mentally incapable of self-care, and

"(ii) has had such condition, or has been certified by a medical practitioner licensed under State law as expecting to have such condition, for a period of at least 6 months, and".

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (1) of section 121(d) of the Internal Revenue Code of 1986 is amended by inserting "or condition" after "age" each place it appears.

(2)(A) The heading for section 121 of such Code is amended by striking "WHO HAS ATTAINED AGE 55" and inserting "IN CERTAIN CASES".

(B) The item relating to section 121 in the table of sections for part III of subchapter B of chapter 1 of such Code is amended by striking "who has attained age 55" and inserting "in certain cases".

(3) Each of the following provisions of such Code are amended by striking "who has attained age 55" and inserting "in certain cases":

(A) Section 1033(h)(3).

(B) Section 1034(l).

(C) Section 1038(e)(1)(A).

(D) Section 1250(d)(7)(B).

(E) Section 6012(c).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to sales or exchanges after the date of the enactment of this Act in taxable years ending after such date.

By Mr. HELMS:

S. 200. A bill to amend title 18, United States Code, to establish fair competition between the private sector and the Federal Prison Industries; to the Committee on the Judiciary.

FEDERAL PRISON INDUSTRIES REFORM ACT OF 1993

Mr. HELMS. Mr. President, I am once again offering legislation to reform the Federal Prison Industries, also known as UNICOR, by amending the statute which presently allows prisons to borrow money from the U.S. Treasury and receive a preference when selling prison-made products to the Federal Government.

Mr. President, Federal Prison Industries is, in fact, a vary large corporation. It is engaged in the business of making chairs, tables, desks, and other office products. It uses Federal prisoners to manufacture these items. It borrows money from the Government to finance its activities then sells the products to the Federal Government.

What originally started out as a teaching program for prisoners has now become a corporate giant.

Mr. President, Congress has created a Government-operated company which has a clear competitive edge over private companies. Because of the preference given to it by the Congress, Prison Industries can even keep the Government from giving contracts to private manufacturers.

If that weren't enough, Mr. President, prison products need not even meet the same quality standards which are required of the private sector. This is a multi-million-dollar industry making furniture that the Government must buy without adherence to the high quality expected of products purchased from the private producers.

Mr. President, we must get rid of the preference which Prison Industries receives in securing Government contracts. In other words, Federal Prison Industries receive a special Government benefit at the expense of a lot of hard working people across the country. That does not make sense.

When borrowing authority is extended, small businesses across the country could be destroyed. Prisons hold a clear advantage over any business they care to compete with because they receive preference on all Government contracts they choose to bid on. That is to say Prisons are given a right of first refusal.

Mr. President, as I said earlier this is not a small corporation. In 1990, UNICOR sales represented 25 percent of Federal office furniture purchases. In the same year total sales of prison furniture to the Government went up 14 percent while private sector sales to the Government increased only 0.7 percent.

In fiscal year 1990, metal and wood product sales of Prison Industries were $136.5 million. This would make Prison Industries the 16th largest U.S. furniture manufacturer in terms of sales.

In addition to the competition from UNICOR, the furniture industry also faces competition from prison systems at the State level, as well as billions of dollars entering our Nation from abroad.

Mr. President, we are talking about an industry which claims a net worth over $250 million. Despite that, the Bureau of Prisons continues to add factories to its already enormous industrial plant. How many corporations can boast of a capacity like that?

Nobody is opposed to prisoner training. Certainly, Mr. President, I am not, but this corporation goes far beyond the intent of the original training program. For example, one-quarter of the furniture in this country is manufactured in North Carolina. Prison Industries is out there competing with companies which are already under assault from foreign competition. Think about it: Men and women in North Carolina, and Michigan, and South Carolina, are being put out of work by an agency of the Federal Government—the Federal Bureau of Prisons. We must not allow this to continue.

This legislation institutes four simple reforms designed to bring some fairness to our domestic industries:

It sunsets the borrowing authority in 3 years which will allow us to study the effect this measure has had on business competing with Prison Industries.

It does away with the Prison Industries contract preference so that all of our businesses may compete for Federal contracts on an equal footing.

It requires Prison Industries to comply with GSA standards. The public should know that its tax dollars buy only the best products.

It requires the President to appoint a representative of the effected industries, the people who speak for the furniture and textile companies, to sit on the board of directors. We need to make sure that Prison industries do not undercut the private sector.

Mr. President, I cannot emphasize how important these reforms are. This legislation has received the support of the U.S. Chamber of Commerce, the American Furniture Manufacturers Association, and the National Federation of Independent Business. They understand the illogic of having the Federal prison system get special treatment in the marketplace. We cannot continue to penalize the hard-working, law-abiding people of our country. I urge Senators to support this legislation.

Mr. President, I ask unanimous consent that the entire text of this legislation be printed in the RECORD at the conclusion of my remarks.

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

S. 200

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

SEC. 1. SHORT TITLE.

This Act may be cited as the "Federal Prison Industries Reform Act".

SEC. 2. FEDERAL PROCUREMENT STANDARDS.

Section 4124(a) of title 18, United States Code, is amended—

(1) by striking "shall" and inserting "may" in the first sentence; and

(2) by inserting after the first sentence the following: "In no event shall such a purchase involve a product which does not otherwise meet the same or equivalent quality standards which would be applied by the General Services Administrator to a comparable product if purchased from a private sector source or vendor.".

SEC. 3. BOARD OF DIRECTORS COMPOSITION.

Section 4121 of title 18, United States Code, is amended by inserting at the end thereof the following:

"Not later than 120 days after the date of enactment of this sentence, the President shall appoint one additional member of the Board of Directors of Federal Prison Industries from a list of not more than 5 persons provided by the following organizations: the Chamber of Commerce of the United States, the National Federation of Independent Business, the American Furniture Manufacturers Association, the Printing Industries of America, and the National Association of Wholesale Distributors.".

SEC. 4. EXPIRATION OF BORROWING AUTHORITY.

Section 4129(a)(1) of title 18, United States Code, is amended in the second sentence by striking "authorized" and inserting " authorized, for 3 years after the date of enactment of this amendment,".

By Mr. HELMS:

S. 201. A bill to amend bankruptcy rule 7004 to require that service of process on an insured depository institution be made by personal service on an officer of the institution; to the Committee on the Judiciary.

BANKRUPTCY PROCEEDINGS SERVICE OF PROCESS ACT 1993

Mr. HELMS. Mr. President, I am today introducing a bill to address a problem brought to my attention by one of North Carolina's foremost bankers, Mr. William L. Burns, Jr., president of Central Carolina Bank in Durham.

A few years ago, Bill Burns discussed with me the problems created for banking institutions by the provisions of the rules of bankruptcy procedure governing service of process in bankruptcy adversary proceedings. Specifically, the rules provide that service of process against a bank by an individual or company filing bankruptcy can be accomplished by simply sending a letter by first class mail to a managing agent of the bank.

This process automatically puts a bank at a disadvantage because, first, a legal document received in the large volume of regularly delivered mail received in a bank's many branches is much less likely than certified or registered mail to receive the necessary prompt attention; and second, the person at the bank to whom the letter is addressed often does not have sufficient authority to ensure a response within the time period required by the Bankruptcy Code.

While banking institutions have an interest in seeing this process made more fair, so do the American taxpayers—since they are the ones who ultimately insure most of the deposits in these institutions, So, today, I am introducing legislation which will make this process more fair to all involved, and help ensure that justice is served in bankruptcy proceedings.

This legislation is similar to—but not identical to—a provision I proposed to members of the Judiciary Committee which was included in the bankruptcy reform bill (S. 1985). The provision amended rule 7004(b) of the bankruptcy rules to require that service of process in a bankruptcy proceeding be accomplished by certified or registered mail.

I was pleased the Judiciary Committee included this provision in their bankruptcy reform bill. And while their bill—including the Helms provision—passed the full Senate, it failed to get enacted in the rush of business accompanying the final hours of the 102d Congress.

Mr. President, shortly after the Helms provision was approved by the Judiciary Committee, that committee received a letter of opposition from the Committee on Rules of Practice and Procedure of the Judicial Conference of the United States.

I have since revised my proposed legislation to help meet the objections of the Committee on Rules and Practice, specifically by applying the new provision to service of process only in those instances it is made upon a federally insured depository institution. The legislation I am introducing includes these revisions.

Mr. President, this is obviously a general overview of an issue involving some very technical legal issues. Senators may wish to take a moment—or have their staffs take a moment—to review this issue in more detail by reading the following items, which, Mr. President, I ask unanimous consent to be printed in the RECORD at the conclusion of my remarks:

First, a letter dated September 26, 1991 from Mr. Richard Prentis, Jr., of the Durham, NC, law firm of Stubbs, Cole, Breedlove, Prentis & Biggs to Bill Burns outlining the problems created by the current service of process procedure and discussing proposed improvements to the procedure.

Second, the letter from Robert E. Keeton, chairman of the Committee on Rules of Practice and Procedure of the Judicial Conference of the United States to our colleague and chairman of the Senate Judiciary Committee, JOE BIDEN, outlining the advisory committee's objections to the service of process revisions including in the committee's bankruptcy reform bill.

Third, a letter from Mr. Prentis to Mr. Burns dated December 7, 1992, responding to the arguments made in the aforementioned letter from Mr. Keeton to Senator BIDEN; and,

Fourth, the text of the bankruptcy process reform legislation I am introducing today.

Mr. President, this is an issue of simple fairness: Banks—most of the deposits of which are guaranteed by the American taxpayer—should be provided a reasonable opportunity to respond to court documents when involved in a bankruptcy adversary proceeding. Under current rules of bankruptcy procedure, they often are not afforded this opportunity—which is why the legislation I introduce today is so necessary.

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

S. 201

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

SECTION 1. SERVICE OF PROCESS IN BANKRUPTCY PROCEEDINGS ON AN INSURED DEPOSITORY INSTITUTION.

Rule 7004 of the Bankruptcy Rules is amended—

(1) in subsection (b) by striking "In addition" and inserting "Except as provided in subdivision (h), in addition"; and

(2) by adding at the end the following new subdivisions:

"(H) SERVICE OF PROCESS ON AN INSURED DEPOSITORY INSTITUTION.—Notwithstanding any other provision of this rule or any other rule or law, service on an insured depository institution (as defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813)) shall be made by personal service on an officer of the institution.".

STUBBS COLE, BREEDLOVE,
PRENTIS & BIGGS,
Durham, NC, September 26, 1991.

WILLIAM L. BURNS, Jr.,
President, Central Carolina Bank and Trust Co.
Durham, NC.

DEAR BILL: You have asked me to articulate my concerns and opinions relating to service to process against a bank in a bankruptcy adversary proceeding. An "adversary proceeding" is simply a lawsuit with one or more plaintiffs and one or more defendants which is brought under the jurisdiction of the United States Bankruptcy Court and within the overall context of a pending bankruptcy case. Typically, the plaintiff in such an adversary proceeding will be the Trustee for the Debtor in the bankruptcy proceeding who is seeking some affirmative relief against some third party such as an attempt to recover money to be added to the assets of the bankruptcy estate.

Although the "adversary proceeding" is an expedited procedure since it is brought under the jurisdiction of the Bankruptcy Court rather than through the normal federal court system or through the state court system, the impact of such a proceeding has the same consequences as any litigation in any court.

Rule 7003 of the Rules of Bankruptcy Procedure provides that a Summons and Complaint in an adversary proceeding can be served simply by mailing by first class mail

"to the attention of an officer, a managing or general agent." Thus, under this Bankruptcy Rule, the courts have permitted service of process against a bank simply by the mailing by first class mail to "managing agent" of the bank. We have been extremely concerned that such service of process for a Summons and Complaint which may seek significant affirmative relief, and which certainly requires a timely response, may not be addressed to a person of specific enough authority to insure a prompt response.

I understand that in reviewing a possible legislative revision of this liberal service of process Rule, concerns have been raised that any revision of the Rule remain consistent with the normal Rules of Civil Procedure. In response to that legislative concern, I believe the following points should be addressed.

1. The Federal Rules of Civil Procedure, which govern the filing of a Summons and Compliant in the United States District Court, also permit service upon a domestic or foreign corporation by delivery of a copy of the Summons and Compliant "to an officer, a managing or general agent . . . by mailing a copy of the summons and of the complaint (by first class mail, postage prepaid)." However, the Federal Rules of Civil Procedure contain a "safeguard" which, in Rule 4(c)(2)(C)(ii), further provides as follows:

The mailing of the Summons and Complaint must also be accompanied by "two (2) copies of a notice and acknowledgment . . . and a return envelope, postage prepaid, addressed to the sender. If no acknowledgment of service under this subdivision of this Rule is received by the sender within twenty (20) days after the date of mailing, service of such summons and complaint shall be made by personal delivery by either a deputy United States Marshal or by some other individual who is not a party and who is not less than eighteen (18) years of age.

In other words, even the Federal Rules of Civil Procedure provide that if an attempt is made to serve a Summons and Complaint only by first class mail, the plaintiff must receive an acknowledgment from the defendant that the defendant has been served or the service is deemed ineffective and must be served in person by an individual or a deputy marshal.

2. It is our recommendation that the Rules of Bankruptcy Procedure be amended to at least provide for the addition of the "safeguard" provision as contained in the Federal Rules of Civil Procedure as outlined above. More importantly, we do not feel it would be burdensome upon a plaintiff in a bankruptcy adversary proceeding or the Bankruptcy Court to require that in the case of service of process upon a federally insured banking institution, the plaintiff be required to deliver the document by mail or in person to a specifically named officer of that bank rather than to an unnamed individual merely specified as "managing agent." We believe the amendment to the Rules of Bankruptcy Procedure should provide for this special consideration for banking institutions for the following reasons:

(a) Banks are inherently large institutions with multiple offices, multiple mailing addresses and with individuals in charge of those various offices of varying degrees of experience and responsibility. Service of process upon a banking institution cannot be compared and should not be the same as service of process upon the typical corporation;

(b) the very nature of banking business results in a very high volume of mail and mere service of process by first class mail to an undesignated person inherently contains a great potential of error;

(c) As a federally insured institution, there is a general taxpayer and public interest in insuring that banks are protected against unfair entry of default on filed claims and unnecessary losses.

3. Finally, we think it should be emphasized that the problems which are outlined in this letter will only increase with time. As the trend toward larger banks through merger, acquisition, and normal growth continues, the problem of service of process by mere mail delivery will become increasingly more severe. At the same time, bankruptcy filings are increasing dramatically, bankruptcy proceedings are becoming more litigious, and more theories are being developed for the assertion of claims against banks, including a growing body of law in the area of lender liability, preferences, and violations of governmental regulations.

In summary, the filing of an adversary proceeding Summons and Complaint against a bank in a bankruptcy procedure can carry consequences as significant as the initiation of any litigation in any court against a bank. In order to insure that the bank at least has an opportunity to challenge the plaintiff's allegations and to raise appropriate defenses, the Rules of Bankruptcy Procedure should be modified so as to insure that the plaintiff in such an adversary proceeding is required to prove that, in fact, a responsible officer or agent of the bank received actual notice and knowledge of the filing of the litigation. Expansion of the Federal Rules of Bankruptcy Procedure to include the "safeguard" provision of the Federal Rules of Civil Procedure, and further expansion to require delivery of a summons and complaint to a specific officer of a federally insured banking institution would provide at least the assurance that the bank has received notice that it is a defendant in litigation.

I hope these thoughts are of assistance to you and that you will not hesitate to give me a call if I can address any other concerns or elaborate further upon the points made in this letter.

Sincerely yours,

RICHARD F. PRENTIS, Jr.

COMMITTEE ON RULES OF PRACTICE AND PROCEDURE OF THE JUDICIAL CONFERENCE OF THE UNITED STATES,

Washington, DC, March 26, 1992.

Hon. JOSEPH R. BIDEN, Jr.

Chairman, Committee on the Judiciary, United States Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Senate Judiciary Committee reported out S. 1985, the National Bankruptcy Review Commission Act on March 19, 1992. Section 407 of the pending legislation would amend Bankruptcy Rule 7004(b)(3) to require that service of a complaint and summons upon a corporation in an adversary proceeding be accomplished by certified mail with a return receipt. Under the present rule, service of process in such cases can be made by any form of first class mail, without requiring a return receipt.

Rule 704, the predecessor of 7004(b)(3) of the Bankruptcy Rules of Procedure, was amended in 1976. Prior to the amendment, the rule did require service of process by first class mail with a return receipt. Experience with that procedure, however, proved unsatisfactory. Although the defendant's correct address was used, oftentimes the defendant was unavailable to the delivering postman, either to sign or refuse delivery. This created a good deal of confusion and delay in the litigation process. The rule was amended in 1976 to correct this problem and to permit service of process by first class mail.

The 1976 amendment to rule 704, now set forth as rule 7004(b)(3), has worked well. In most adversary proceedings, the corporation that is served process under rule 7004 is already part of the bankruptcy litigation. The corporation's correct address has been identified and notices of other proceedings in the bankruptcy litigation have been mailed and received by the corporation. As a result, misdirected mailings are infrequent. The change proposed in section 407 is ill-advised and could result in substantial and unnecessary cost to the debtor's estate, thereby reducing the amount available to creditors.

The proposed amendment would reinstitute a procedure that historically proved troublesome and would recreate the problems that had been corrected. In addition, the amendment conflicts with the Rules Enabling Act, 28 U.S.C. §§2071–2077, which provides a formal rule-making process that ensures that each proposed new rule or rule amendment receives wide and critical review. Under the Act, any proposed change to the rules must be published and circulated to the bench and bar, and to the public generally, for comment and suggestion. Public hearings on all proposed changes to the rules are held in most cases. Thereafter, rule changes are promulgated only after the Congress has had an opportunity to review them and has taken no action to defer or otherwise alter them following adoption by the Judicial Conference and the Supreme Court of the United States.

Section 407 of the pending legislation would in effect amend the Federal Rules of Bankruptcy Procedure outside the procedures of the Rules Enabling Act. I am aware of no reason why the normal process should be avoided in this instance. The Judicial Conference's Advisory Committee on Bankruptcy Rules is responsible to carry on a continuous study of the operation and effect of the bankruptcy rules of procedure. Although there has been no demonstrated need for a change in rule 7004(b)(3), the Advisory Committee will take the proposed change under consideration. To allow the proposed rule change to be considered in accordance with established procedures, I request that section 407 be deleted in the final version of the bill.

I appreciate your consideration of this request.

Sincerely,

ROBERT E. KEETON,
Chairman.

STUBBS, COLE, BREEDLOVE, PRENTIS & BIGGS,

Durham, NC, December 7, 1992.

Re bankruptcy rule 7004(b)(3)—proposed amendment.

W.L. BURNS, Jr.,

President, Central Carolina Bank and Trust Co., Durham, NC.

DEAR BILL: I have reviewed the letter dated March 26, 1992 from Robert E. Keeton, Chairman of the Committee on Rules of Practice and Procedure of the Judicial Conference of the United States to Senator Joseph R. Biden, Jr., Chairman of the Committee of the Judiciary.

The letter to Senator Biden recommends against adoption of the proposed amendment to Bankruptcy Rule 7004(b)(3) which would require service of process upon a corporation in a bankruptcy adversary proceeding to be

accomplished by certified mail with a return receipt as opposed to the current version of that Rule which requires only first class mail with no return receipt in order to accomplish service of process. The letter to Senator Biden makes the following points:

1. Prior to 1976 the Bankruptcy Rules did require service by certified mail with return receipt and, according to the author of the letter, this was unsatisfactory as many defendants were "unavailable to the delivery postman . . . or refuse(d) delivery."

2. Service by first class mail is more expedient and any saving of costs of serving summons in adversary proceedings under the current Rule 7004 is a benefit to the Bankrupt estate and all creditors.

3. The adoption of the proposed amendment conflicts with the Rules Enabling Act which requires a formal rule making process to be followed before such an amendment can be adopted.

The proposed amendment to Rule 7004 provides a substantial benefit to the banking industry and our efforts must persist in obtaining an adoption of this amendment. Our initial efforts to obtain some relief for banking institutions resulted in an excellent amendment being proposed by Senator Helms which added a new paragraph (g) to Section 2 of Rule 7004 which provided as follows:

"service upon an insured depository institution, as defined in Section 3(c) of the Federal Deposit Insurance Act (12 U.S.C. 1830(c), may be made by personal service on the vice president or other executive officer of such institution, notwithstanding any other provision of law."

It is my understanding that at the committee level this paragraph (g) was eliminated and as a compromise an attempt was made to render service of process more stringent upon all corporations. The letter to Senator Biden addresses this compromise proposal and the points which are addressed in that letter may have some validity as to service of process on ordinary and usual business corporations but do not have validity when applied to a federally insured banking institution.

With special emphasis upon the unique needs and burdens upon insured banking institutions I would address the points made in the letter to Senator Biden as follows:

1. In any civil litigation including a Bankruptcy adversary proceeding a delay can be incurred if service is attempted by certified mail with return receipt when the defendant is actively attempting to avoid service of process. It is not uncommon for a defendant to change address or to refuse to accept delivery of certified mail. However, this is not the case when banks are adversary proceeding defendants. Bank addresses and locations of business are well defined, highly visible, well known and virtually permanent. A rather loose requirement that the summons be delivered by certified mail return receipt required to any officer of the bank can be easily accomplished at virtually any branch office and presents no impediment, delay or additional cost to the judicial process.

2. The expediency which they are attempting to obtain by not amending Rule 7004 does not equitably balance against the extreme risk to a defendant bank. As the letter to Senator Biden states, there are frequent mailings to creditors in bankruptcy proceedings and, because banks are in the financial transaction business, banks are involved in a higher percentage of Bankruptcy proceedings than any other type of business. As a result banks receive a large volume of mail relating to bankruptcy proceedings. However, a large majority of the mail is not of a critical nature and is for informational purposes only. It is extremely misleading for a bank to receive a mailing of the extreme importance of a summons in an adversary proceeding for which substantial affirmative relief against the bank may be sought in the same mailing format as countless notices are received.

3. A very large percentage of Bankruptcy Adversary proceedings relate to attempts by a Bankruptcy Trustee or creditors to set aside or reduce the value of collateral acquired by other creditors in the Bankruptcy proceeding. Since banks are in the lending business and since most large loans are collateralized, banks constitute a large percentage of defendants in bankruptcy adversary proceedings usually with large claims at stake. Therefore, banks are at a higher risk than other potential defendants.

4. While it may be true that the proposed amendment has not been proposed and reviewed in accordance with the Rules Enabling Act, it is also true and, in my opinion, more important that the proposed amendment conforms with the already existing requirements of the Federal Rules of Civil Procedure. In fact, it is still less burdensome than those Federal Rules. Since the affirmative relief which can be sought against a banking institution in a adversary proceeding in a bankruptcy can be just as burdensome as a law suit filed against the bank in District Court it would seem appropriate that the bank be provided the same safeguards as are provided by the Rules of Civil procedure. Moreover, there appears to be no compelling reason why the Rules for service of process under the Rules of Bankruptcy procedure should be different from the Rules for service of process under the Federal Rules of Civil Procedure.

In summary, in responding to the letter to Senator Biden the following points should be emphasized:

1. Senator Helms' proposed bill provided a specific protection contained in paragraph (g) for banking institutions. This paragraph (g) was eliminated and as a compromise an amendment was proposed making the service of process Rules upon corporations in general more stringent.

2. Concerns which may be raised regarding more restrictive service of process rules as to general corporations are not valid when raised in regard to service of process upon banking institutions. More stringent service of process rules as to banking institution do not impose a greater burden upon the bankruptcy estate and are inherently in the public interest to prevent unwarranted losses by Federally insured institutions.

3. Bankruptcy proceedings should not be "ambush" proceedings designed to "trick" some creditors from losing rights for the benefit of other creditors. If a legitimate claim exists in an adversary proceeding, it should be assured that the defendants have actual notice of the assertion of that claim and a fair opportunity to defend its position.

4. Federally insured banking institutions should be provided special relief and more stringent service of process rules should be applied. If Bankruptcy Rule 7004 is not amended to extend this protection to all corporations then it should at least be amended to extend this protection to banking institutions. It is in the public interest to avoid unwarranted losses by banks, the new proposed rule would not be burdensome upon a bankruptcy estate since banks can be easily served even under the new rule, and the banks should be afforded at least the same protection as provided by the Federal Rules of Civil procedure.

I hope that the information contained in this letter will be of assistance in building a strong case for the adoption of the proposed amendment to Bankruptcy Rule 7004(b)(3) or for adding paragraph (g) back to the proposed amendment. Of course, I would be glad to assist in any way possible.

With kind regards, I am

Sincerely yours,

RICHARD F. PRENTIS, Jr.

By Mr. KENNEDY (for himself, Mr. HATCH, Mr. METZENBAUM, Mr. SIMON, Mr. WELLSTONE, Mr. WOFFORD, Mr. DURENBERGER, and Mr. BINGAMAN):

S. 203. A bill to amend the Public Health Service Act to improve the quality of long-term care insurance through the establishment of Federal standards, and for other purposes; to the Committee on Labor and Human Resources.

LONG-TERM CARE INSURANCE STANDARDS AND ACCOUNTABILITY ACT

Mr. KENNEDY. Mr. President, I am honored to join with Senator HATCH, Senator METZENBAUM, Senator SIMON, Senator WELLSTONE, Senator WOFFORD, Senator DURENBERGER, and Senator BINGAMAN in reintroducing legislation reported by the Committee on Labor and Human Resources last summer to protect citizens who purchase long-term care insurance.

According to studies by the Brookings Institution, between 35 and 50 percent of today's senior citizens will enter a nursing home at some point in their lives. Millions more will need help with basic needs such as walking, eating, and dressing if they are to continue living independently at home or in their communities.

Long-term care is not just a crisis for the elderly—it is a crisis for their families as well. Few relatives are prepared—either financially or emotionally—to take on the heavy responsibility of providing the care that their loved ones need. Medicare does not cover such costs at all. Because of its means test, assistance from Medicaid does not become available until families have virtually exhausted their life savings.

In recent years, to fill the gap in long-term care, the private insurance industry has begun to offer policies to provide protection. The number of citizens with long-term care policies has doubled in the past 3 years, and several million policies have been sold. But this rapid growth is accompanied by serious problems.

These problems include high rates of lapsed policies, abuses by insurance agents, and substantial reductions in the value of benefits during the long time that may elapse between the purchase of a policy and when it is needed.

Too many senior citizens who purchase a policy let it lapse. A recent survey by the Health Insurance Asso-

ciation of America found lapse rates of 12 percent a year. In other words, if 100 senior citizens buy a long-term care policy at age 65, fewer than 2 will still have coverage at age 85, when they are most likely to need it.

In addition, agents' commissions are designed so that 70 to 80 percent of their total compensation on a policy is paid up front, at the time of the initial sale. Only 20 to 30 percent is based on policy renewals. The result is to encourage the sale of multiple policies to senior citizens, and discourage the renewal of existing policies.

Because of rising costs, policies adequate today are likely to provide only minimal protection when they are needed in the future. A nursing home stay that now costs on average of $86 a day will cost $228 20 years from now, assuming a modest inflation rate of just 5 percent a year. The most recent GAO study of States' compliance with voluntary standards for inflation protection found that 40 States were not in compliance.

In response to similar abuses in so-called Medigap policies to protect the elderly against bills not covered by Medicare, Congress passed legislation in 1990 setting basic standards for such policies.

Similar legislation is needed now to correct the abuses in private long-term care policies. The bill we are introducing today is modeled after the Medigap legislation. The key provisions will establish mandatory standards for adequate coverage; require protection against lapses; revise agents' commissions to encourage renewals and discourage multiple sales; and require training for agents in order to reduce the level of misinformation given to elderly purchasers. Agents are to be required to offer inflation protection to every consumer; however, inflation protection is not a mandatory feature of every policy, as last year's bill proposed.

Protection from abuses by the insurance industry is only a small part of the solution to the Nation's long-term care needs. Most senior citizens cannot afford adequate private long-term care insurance. According to a June 1990 study by Families USA Foundation, 84 percent of Americans age 65 to 79 could not afford the average cost of a basic long-term care insurance policy. This cost ranges from about $1,300 annually at age 65 to nearly $4,000 at age 79. Younger persons with disabilities also have great difficulty in obtaining such insurance.

For these reasons, the Nation needs a more comprehensive solution to long-term care. It is time for America to redeem the promise of Medicare and Social Security by adding a vital third component—long-term care for disabled Americans of all ages, with that assistance provided, whenever possible, in a person's own home. The task will be difficult—but we must succeed. No honorable society can deny decent care to its elderly and disabled citizens.

In the meantime, the Long-Term Care Insurance and Accountability Act that we are introducing today will provide the substantial additional protection that millions of senior citizens deserve and need. I am pleased that the Consumers Union, Families USA, the United Seniors Health Cooperative, and the National Association of Home Care have all endorsed this legislation. I urge the Congress to act quickly on this important legislation.

Mr. HATCH. Mr. President, each one of us has either had to face, or will have to face, the day that an aging parent or other loved one will stand in need of long-term care. I am certain that I speak for all of us when I say that we want our parents and loved ones to be cared for in a manner that both preserves their dignity and provides the quality care they need.

Today, many elderly Americans and their families are impoverished by the cost of long-term care. This is a sobering thought, bearing in mind that our society is rapidly aging. This is highlighted by the fact that a baby-boomer was just inaugurated as President.

Owing to the tremendous financial burden such long-term care has upon the individual, the family, and society, the financing of long-term care becomes an increasingly important issue for ourselves and our children.

There are those who say that it should fall upon the shoulders of the Government to ensure that such long-term care is provided. But, this would require yet another expensive entitlement program. Today, we are struggling to balance the budget and our current obligations. It would not be a service to American families if we established such a Federal program that could not deliver on its promises or that compounded the economic difficulties caused by our Federal debt. Even if it were desirable, a long-term care program is not feasible in the near future.

I believe that many Americans have begun to look ahead and are attempting to take responsibility for their own long-term care needs and those of their families. They are doing this by purchasing long-term care insurance, as is evidenced by the number of Americans with such insurance increasing from 100,000 just 5 years ago to over 2 million today. This is not only commendable—it is necessary, and is a trend that I think ought to be encouraged.

If the purchase of long-term care insurance is to be encouraged, measures must be taken to protect consumers and to ensure that the policies they purchase today give them the protection they will need tomorrow. This measure should be beneficial to stimulate consumer confidence in such policies.

However, in proposing legislation in this area, we must carefully balance the need to provide standards with the necessity not erode the benefits by saddling these plans with overbearing regulations that stifle innovation and inhibit growth. Such overregulation would prove most harmful to the consumer in the end.

Bipartisan cooperation has resulted in the creation of the Long-Term Care Insurance Improvement and Accountability Act. This legislation strikes a positive balance between protecting the consumer and allowing the long-term care insurance industry to grow.

Through this legislation, the Government encourages the use of long-term care insurance by establishing guidelines and standards which will protect the purchase of these policies. Several of these provisions include requiring long-term care policies to include a nonforfeiture provision; the usage of uniform language and definitions making long-term care policies easier to compare; information allowing consumers to make better purchasing decisions; and, standards for home-care and community services. Along with the standards proposed in this bill, I believe that tax clarification is also necessary and I will work with my colleagues on the Finance Committee on this aspect of the issue as well.

Mr. President, I believe the provisions of this bill will provide consumer protection as well as allow industry growth. I commend Senator KENNEDY for his spirit of cooperation and diligence in ensuring that this critical policy balance was achieved in this bill. I am pleased to join with him today in introducing this legislation.

Mr. WELLSTONE. Mr. President, I am pleased to be an original cosponsor of the Long-Term Care Insurance Improvement and Accountability Act. I know from my own experience with my parents, both of whom had Alzheimer's disease, how devastating long-term chronic illness can be. It is tragic that this difficult experience is compounded for so many elderly and disabled people in need by unscrupulous insurance company practices, and by inadequate insurance plans.

Health insurance abuse of the elderly is a national scandal. Congress took a positive step in passing legislation that restricted abuses in the marketing of Medigap insurance, and passage of the Long-Term Care Insurance Improvement and Accountability Act will be another important step in protecting some of our most vulnerable consumers from fraudulent insurance practices.

I was moved by the inspiring example of Richard Gehring, who testified at the Labor and Human Resources Committee last year about his own experiences caring for his wife, and about the stories he has heard as chair of the Minnesota Alzheimer's Association regarding long-term care insurance abuses.

I agree with Mr. Gehring's assessment that only comprehensive social insurance for long-term care and acute care will really solve the problem of access to affordable care. I am convinced that as we work toward that goal, passage of this bill will help protect many seniors from needless confusion about benefits, as well as from outright fraud and abuse.

By Mr. WARNER (for himself and Mr. ROBB):

S. 204. A bill to transfer title to certain lands in Shenandoah National Park in the State of Virginia, and for other purposes; to the Committee on Energy and Natural Resources.

SHENANDOAH NATIONAL PARK LANDS ACT

• Mr. WARNER. Mr. President, I rise today to introduce legislation which would authorize the Secretary of the Interior to transfer without reimbursement all right, title, and interest in certain lands in the Shenandoah National Park to the Commonwealth of Virginia.

In order to understand the necessity for this legislation one must first understand the history of the creation of the Shenandoah National Park.

In 1923, Stephen Mather, Director of the National Park Service, persuaded Secretary of the Interior Hubert Work to appoint a five-member committee to investigate the possibility of establishing a national park in the Southern Appalachians. At this time there were no parks in the country east of the Mississippi River. In 1924, the committee was formed to find a site for such a park. Thus began the difficult 11-year effort to establish a park in the Southern Appalachians.

On February 21, 1925, President Coolidge signed into law legislation which had been introduced by Senator Swanson of Virginia and Senator McKellar of Tennessee which called for the creation of a national park in the Southern Appalachians and the Great Smoky Mountains.

In 1926, Congress authorized the park to be acquired by donation, without the expenditure of any Federal funds. This act did not officially create the parks but set forth the conditions of their establishment although in indefinite terms. The Secretary of the Interior and the committee were given the difficult task of raising the necessary funds for land acquisition. Therefore, while there was strong support for the creation of the park, its realization remained highly conditional since no Federal funds would be made available to purchase the park lands.

Although private donations were coming in, then Governor Harry F. Byrd realized the need to pursue other financing means if sufficient funds to acquire the acreage were to be realized. In January 1928, Governor Byrd asked the General Assembly for a one-million-dollar appropriation to make possible the purchase of park lands. A few days later, the legislature agreed and appropriated the funds. This one-million-dollar appropriation coupled with the $1.25 million raised from private sources thus enabled Virginia to purchase the necessary acreage.

With the financial means in hand, the Virginia General Assembly passed in 1928, the National Park Act which authorized the State Commission on Conservation and Development to acquire land for transfer to the Federal Government to establish the Shenandoah National Park. In that same year, Senator Swanson and Representative Temple—both of Virginia—introduced identical legislation in both Houses of Congress "to establish a minimum area for the Shenandoah National Park, for administration, protection, and general development * * *" This legislation passed both Houses of Congress and was signed into law by President Coolidge on February 16, 1928.

Due largely to the appropriation by the State of Virginia and what historians have called Virginia's heroic land acquisition efforts, the necessary acreage was required and the land titles were given to the Federal Government. On December 26, 1935, the Shenandoah National Park was officially established.

The Commonwealth's generous donation of lands to the Federal Government for the creation of this great park has now placed the Commonwealth in an unfortunate situation in which the State can no longer maintain the roads within the park. My legislation addresses this situation.

The transfer of land from the Commonwealth to the Federal Government specifically voided all rights of way for road purposes except for U.S. Highways 211 and 33. According to the deeds, the Commonwealth transferred ownership of all other roads and road rights-of-way on those lands to the Federal Government. Absolutely no reservations were retained by the Commonwealth for such roads.

Since 1935, the National Park Service at Shenandoah National Park has allowed the Commonwealth to maintain existing secondary roads on the fringes of the park that it wished to maintain through documents called special use permits. The Department of the Interior Solicitor has recently reviewed the applicable statutes in 16 United States Code and 23 United States Code and has determined that continuation of these special use permits is not appropriate. Special use permits may be used only to grant a temporary use of lands in National Parks. The Solicitor has ruled that the established roads are not a temporary use and require complete ownership and control of the lands by the user. These permits expired over 2 years ago and the Department of the Interior will not reissue them. VDOT continues to maintain the roads without the permits although there is no guarantee this maintenance will continue. Furthermore, the NPS does not have the necessary equipment to maintain these roads at Shenandoah National Park and therefore, future maintenance of these roads is in serious question.

Federal law does not allow the National Park Service to give away park land for secondary road purposes. The only legal means to grant the Commonwealth road rights-of-way is an equal value land exchange authorized under the Land and Water Conservation Fund Act.

Mr. President, facing this dilemma, the Virginia Department of Transportation has acquired land for this purpose, thereby placing the Commonwealth in the position of buying private land to give to the Federal Government to reacquire the rights-of-way of land that the Common wealth gave away when the park was established.

Due to the unique circumstances of the park's creation, this equal value land exchange requirement is strongly opposed by the local communities and elected officials.

This opposition led to the Virginia General Assembly's passage of Senate Joint Resolution No. 505 on April 15, 1992, which would establish a joint subcommittee to study the purchase of land by the Virginia Department of Transportation, or any other agency of the Commonwealth, for purposes of transfer to the Federal Government in exchange for the rights-of-way of secondary roads within the Shenandoah National Park. The resolution also requires "that the Virginia Department of Transportation and all other agencies of the Commonwealth suspend all activities, for 1 year, involving the acquisition of land and the transfer of such land to the Federal Government in return for road rights-of-way within the Shenandoah National Park * * *."

Mr. President, the U.S. Congress can resolve this controversy by passing this legislation which I am introducing today which would allow the Secretary of the Interior to transfer to the Commonwealth—without reimbursement—all right, title, and interest in and to the roads within the park specified in the legislation.

Due to the Commonwealth's generous donation of lands to the Federal Government for the creation of the park, the Commonwealth should not be required to give the Federal Government land for exchange for maintaining and improving roads within the park.

I ask unanimous consent that the full text of this bill be printed in the RECORD following my remarks.

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

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S. 204

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

SECTION 1. TRANSFER TO THE COMMONWEALTH OF VIRGINIA.

(a) IN GENERAL.—Subject to subsection (b), the Secretary of the Interior may convey, without consideration or reimbursement, all right, title, and interest of the United States in and to the roads specified in subsection (c) to the Commonwealth of Virginia.

(b) CONDITIONS OF CONVEYANCE.—

(1) EXISTING ROADS.—A conveyance pursuant to subsection (a) shall be limited to the roads described in subsection (c) as the roads exist on the date of enactment of this Act.

(2) REVERSION.—A conveyance pursuant to subsection (a) shall be made on the condition that if at any time any road conveyed pursuant to subsection (a) is no longer used as a public roadway, all right, title, and interest in the road shall revert to the United States.

(c) ROADS.—The roads referred to in subsection (a) are those portions of roads within the boundaries of Shenandoah National Park that, as of the date of enactment of this Act, constitute portions of—

(1) Madison County Route 600;
(2) Rockingham County Route 624;
(3) Rockingham County Route 625;
(4) Rockingham County Route 626;
(5) Warren County Route 604;
(6) Page County Route 759;
(7) Page County Route 611;
(8) Page County Route 682;
(9) Page County Route 662;
(10) Augusta County Route 611;
(11) Augusta County Route 619;
(12) Albemarle County Route 614;
(13) Augusta County Route 661; and
(14) Rockingham County Route 663.●

By Mr. ROTH:

S. 205. A bill to establish research, development, and dissemination programs to assist State and local agencies in preventing crime against the elderly, and for other purposes; to the Committee on the Judiciary.

NATIONAL TRIAD PROGRAM ACT OF 1993

●Mr. ROTH. Mr. President, today I rise to introduce the National Triad Program Act of 1993. This legislation is almost identical to the National Triad Program Act of 1992 (S. 2484) which passed the Senate in the final days of last session, but was not considered by the House of Representatives.

I am introducing this important legislation at the start of the session so that it will not get lost in the shuffle as I believe it did in the final days of last session.

As we all know, America is growing older. Today over 30 million Americans are 65 or older. By the year 2030 that number will more than double. At the same time, older Americans are increasingly becoming the victims of often violent crime. For example, in my State of Delaware crimes against older persons have doubled in the past 5 years.

The National Triad Program Act is a positive step in the direction of addressing the many problems associated with the growing criminal victimization of older Americans. The act will assure that older Americans receive the law enforcement attention they deserve and, more importantly, the act will ensure that older Americans do not become victims of crime in the first place.

The triad concept was developed by and involves cooperation between the American Association of Retired Persons [AARP], the International Association of Chiefs of Police, and the National Sheriffs Association to combat crime against older persons. While some States already have local triad programs, the National Triad Program Act will serve the important function of developing and spreading the triad concept.

The National Triad Program Act of 1993 requires that $5,000,000 of the funds authorized to be appropriated to the National Institute of Justice be used to: Set up 20 triad pilot programs—which can include existing programs—fund a national training and technical assistance effort; develop public service announcements concerning the triad concept; conduct a national assessment of crimes against the elderly; and evaluate the pilot programs.

I urge my colleagues to join me in passing this important legislation. Mr. President, I ask unanimous consent that the test of this bill be printed in the RECORD immediately following my remarks.

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

S. 205

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Triad Program Act".

SEC. 2. FINDINGS.

The Congress finds that—

(1) older Americans are among the most rapidly growing segments of our society;

(2) currently, the elderly comprise 15 percent of our society, and predictions are that by the turn of the century they will constitute 18 percent of our Nation's population;

(3) older Americans find themselves uniquely situated in our society, environmentally and physically;

(4) many elderly Americans are experiencing increased social isolation due to fragmented and distant familial relations, scattered associations, limited access to transportation, and other insulating factors;

(5) physical conditions such as hearing loss, poor eyesight, lessened agility, and chronic and debilitating illnesses often contribute to an older person's susceptibility to criminal victimization;

(6) our elders are too frequently the victims of abuse and neglect, violent crime, property crime, consumer fraud, medical quackery, and confidence games;

(7) studies have found that elderly victims of violent crime are more likely to be injured and require medical attention than are younger victims;

(8) victimization data on crimes against the elderly are incomplete and out of date, and data sources are partial, scattered, and not easily obtained;

(9) although a few studies have attempted to define and estimate the extent of elder abuse and neglect, both in their homes and in institutional settings, many experts believe that this crime is substantially underreported and undetected;

(10) similarly, while some evidence suggests that the elderly may be targeted in a range of fraudulent schemes, neither the Uniform Crime Report nor the National Crime Survey collects data on individual- or household-level fraud;

(11) law enforcement officers and social service providers come from different disciplines and frequently bring different perspectives to the problem of crimes against the elderly;

(12) these differences, in turn, can contribute to inconsistent approaches to the problem and inhibit a genuinely effective response;

(13) there are, however, a few efforts currently under way that seek to forge partnerships to coordinate criminal justice and social service approaches to victimization of the elderly;

(14) the Triad program, sponsored by the National Sheriffs' Association (NSA), the International Association of Chiefs of Police (IACP), and the American Association of Retired Persons (AARP), is one such effort;

(15) recognizing that older Americans have the same fundamental desire as other members of our society to live freely, without fear or restriction due to the criminal element, the Federal Government seeks to expand efforts to reduce crime against this growing and uniquely vulnerable segment of our population; and

(16) our goal is to support a coordinated effort among law enforcement and social service agencies to stem the tide of transgenerational violence against the elderly and to support media and nonmedia strategies aimed at increasing both public understanding of the problem and the elderly person's skills in preventing crime against themselves and their property.

SEC. 3. PURPOSE.

The purpose of this Act is to address the problem of crime against the elderly in a systematic and effective manner with a program of practical and focused research, development, and dissemination designed to assist States and units of local government in implementing specific programs of crime prevention, victim assistance, citizen involvement, and public education that offer a high probability of improving the coordinated effectiveness of law enforcement and social service efforts. The efforts of local coalitions, such as the Triad model being piloted in a number of areas by National Sheriffs' Association, International Association of the Chiefs of Police, and American Association of Retired Persons, are of particular interest.

SEC. 4. NATIONAL ASSESSMENT AND DISSEMINATION.

(a) IN GENERAL.—The Director of the National Institute of Justice (referred to as the "Director") shall conduct a national assessment of—

(1) the nature and extent of crimes against the elderly;

(2) the needs of law enforcement, health, and social service organizations in working to prevent, identify, investigate, and provide assistance to victims of those crimes; and

(3) promising strategies to respond effectively to those challenges.

(b) MATTERS TO BE ADDRESSED.—The national assessment made pursuant to subsection (a) shall address—

(1) the analysis and synthesis of data from a range of sources in order to develop accurate information on the nature and extent of crimes against the elderly, including identifying and conducting such surveys and other data collection efforts as are needed and designing a strategy to keep such information current over time;

(2) the problem of the most vulnerable and hard-to-reach elderly who are in poor health, are living alone or without family nearby, or are living in high crime areas;

(3) the problem of elderly who are abused and neglected, sometimes in the home and sometimes in health care facilities, sometimes subjected to physical abuse and at other times to verbal aggression and neglect;

(4) the problem of fear of victimization, which inhibits the freedom of the elderly and can make them prisoners in their homes;

(5) the identification of strategies and techniques that have been shown to be effective, or appear to hold promise of being effective, in responding to the problems described in this subsection and in preventing, reducing, and ameliorating the impact of crime against the elderly;

(6) the analysis of the factors that enhance or inhibit development of a coordinated response by law enforcement, health care, and social service providers to crimes against the elderly and the treatment of elderly victims; and

(7) the research agenda needed to develop a comprehensive understanding of the problems of crimes against the elderly, including the changes anticipated in the crimes themselves and appropriate responses as our society increasingly ages, and the identification and evaluation of effective and fiscally feasible approaches to prevent and reduce victimization of our Nation's elderly citizens.

(c) DISSEMINATION.—Based on the results of the national assessment and analysis of successful or promising strategies in dealing with the problems described in subsection (b) and other problems, including coalition efforts such as the Triad programs referred to in sections 2 and 3, the Director shall disseminate the results through reports, publications, clearinghouse services, public service announcements, and programs of evaluation, demonstration, training, and technical assistance.

SEC. 5. PILOT PROGRAMS.

(a) AWARDS.—The Director may make awards to coalitions of local law enforcement agencies, victim service providers, and organizations representing the elderly for pilot programs and field tests of particularly promising strategies and models for forging partnerships for crime prevention and service provision based on the concepts of the Triad model, which can then be evaluated and serve as the basis for further demonstration and education programs.

(b) ELIGIBILITY.—Pilot programs funded under this section may include existing general service coalitions of law enforcement, victim service, and elder advocate organizations that wish to use additional funds to work at a particular problem in their community, such as fraud, burglary, or abuse and neglect, or to target a particular geographic area in need of intensive services.

SEC. 6. EVALUATION AND DISSEMINATION AWARDS.

In conjunction with the national assessment under section 4 and the pilot programs under section 5, the Director may make awards to—

(1) coalitions of national law enforcement, victim service, and elder advocate organizations, for the purposes of providing training and technical assistance in implementing pilot programs, including programs based on the concepts of the Triad;

(2) research organizations, for the purposes of—

(A) investigating the types of elder victimization shown by the national assessment to present particularly critical problems or to be emerging crimes about which little is known;

(B) evaluating the effectiveness of selected pilot programs; and

(C) conducting the research and development identified through the national assessment as being critical; and

(3) public service advertising coalitions, for the purposes of mounting a program of public service advertisements to increase public awareness and understanding of the issues surrounding crimes against the elderly and promoting ideas or programs to prevent them.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

Of amounts authorized to be appropriated to the National Institute of Justice under section 1001(a)(2) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(2)), $5,000,000 shall be available to carry out this Act, of which—

(1) up to $2,000,000 may be used to fund up to 20 pilot programs;

(2) up to $1,000,000 may be used to fund a national training and technical assistance effort;

(3) up to $1,000,000 may be used to develop public service announcements; and

(4) up to $1,000,000 may be used for the national assessment, the evaluation of pilot programs, and the carrying out of the research agenda.●

By Mr. BROWN (for himself and Mr. CAMPBELL):

S. 206. A bill to designate certain lands in the State of Colorado as components of the National Wilderness Preservation System, and for other purposes; to the Committee on Energy and Natural Resources.

COLORADO WILDERNESS BILL

Mr. BROWN. Mr. President, today Senator CAMPBELL and I introduce the Colorado Wilderness Act of 1993. This bill achieves what is important to Colorado—it protects 766,670 acres of Colorado's most pristine lands, and explicitly protects access to and the use of existing water rights in these areas. Efforts to enact a Colorado wilderness legislation have spanned more than a decade. Senator CAMPBELL and I believe that this bill represents a legitimate and fair compromise of an extremely complex and divisive issue. This bill is the product of compromise between the Colorado delegation and House leaders, and I think represents the compromise that reaches out to preserve the best. It is the same bill that the Senate passed on October 8, 1992.

I would not introduce this bill today if it did not represent a complete and absolute protection of both Colorado's ability to develop and use water allocated to it and existing, absolute and conditional water rights.

The water issues associated with these proposed wilderness areas were particularly difficult to resolve because of the strong and diametrically opposed views held by many members of the water user and environmental communities. Fortunately, we have been able to produce water language that is a true compromise that does not injure the fundamental principles that have much value for Colorado—protection of wild lands and protection of Colorado's future ability to develop and use all of its interstate water entitlements.

The issue of the existence of Federal reserved water rights for the upstream areas is moot, because the bill provides that no one can assert such a right, and no court or agency could ever consider in any fashion such a claim. This ensures that wilderness status will never result in an encroachment on Colorado's ability to use its interstate water allocations. The bill addresses the difficult issue of downstream wilderness study areas, where there could be conflicts with water storage and diversion. Where potential conflict exists, the areas are not classified as wilderness areas. This ensures that there will be no effect on existing and future water use. In order to make this intent crystal clear, there is also an explicit disclaimer of a Federal reserved right for these areas, and the existence of these areas cannot be used as a basis to affect upstream activities as a part of any administrative or regulatory program.

Passage of the Colorado Wilderness Act will not only protect more than three-quarters of a million acres of some of Colorado's most beautiful wilderness, it is another way to ensure preservation of Colorado's past. It is a past rich in history and full of respect for the land that will be given to our children and our children's children.

One of the largest areas to be protected is in Colorado's most majestic mountain range, the Sangre de Cristo. Home to three of the State's 14,000-foot peaks, this area contains some of the most beautiful back-country with cascading waterfalls and sparkling trout-filled streams. In addition, the Sangre de Cristo provides winter range for deer, elk, and bighorn sheep. Adjacent to the Great Sand Dunes, this wilderness area will provide the people of Colorado some of the most spectacular recreational opportunities in the State.

This is just one example of the scenic natural beauty protected by this bill. There are many more. In total, approximately 766,670 acres will be protected, an area nearly as large as the State of Rhode Island.

This bill breaks a 12-year stalemate in the designation of new Colorado wilderness. The water provisions of this bill are designed to both protect the new wilderness additions, including wilderness water values, and at the same time protect Colorado's ability to develop and use its water entitlements.

And while those on either side who refuse to compromise may object, people who truly value Colorado wilderness and water should support this bill so that we as a State and a Nation can move forward with protection and recognition of these important wilderness lands.

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

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

S. 206

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Colorado Wilderness Act of 1993".

SEC. 2. ADDITIONS TO THE WILDERNESS PRESERVATION SYSTEM.

(a) ADDITIONS.—The following lands in the State of Colorado are hereby designated as wilderness, and therefore, as components of the National Wilderness Preservation System:

(1) Certain lands in the Gunnison Basin Resource Area administered by the Bureau of Land Management which comprise approximately 3,390 acres, as generally depicted on a map entitled "America Flats Additions to the Big Blue Wilderness-Proposal (American Flats)", dated January, 1993, and which are hereby incorporated in and shall be deemed to be a part of the wilderness area designated by Public Law 96–560 and renamed "Uncompahgre Wilderness" by section 3(f) of this Act.

(2) Certain lands in the Gunnison Resource Area administered by the Bureau of Land Management which comprise approximately 815 acres, as generally depicted on a map entitled "Bill Hare Gulch and Larson Creek Additions to the Big Blue Wilderness", dated January, 1993, and which are hereby incorporated in and shall be deemed to be a part of the wilderness area designated by Public Law 96–560 and renamed "Uncompahgre Wilderness" by section 3(f) of this Act.

(3) Certain lands in the Pike and San Isabel National Forests which comprise approximately 43,410 acres, as generally depicted on a map entitled "Buffalo Peaks Wilderness Proposal", dated January, 1993, and which shall be known as the Buffalo Peaks Wilderness.

(4) Certain lands in the Gunnison National Forest and in the Bureau of Land Management Powderhorn Primitive Area which comprise approximately 60,100 acres as generally depicted on a map entitled "Powderhorn Wilderness Proposal", dated January, 1993, and which shall be known as the Powderhorn Wilderness.

(5) Certain lands in the Routt National Forest which comprise approximately 20,750 acres, as generally depicted on a map entitled "Davis Peak Additions to Mount Zirkel Wilderness Proposal", dated January, 1993, and which are hereby incorporated in and shall be deemed to be a part of the Mount Zirkel Wilderness designated by Public Law 88–555.

(6) Certain lands in the Grand Mesa, Uncompahgre, and Gunnison National Forests which comprise approximately 33,060 acres as generally depicted on a map entitled "Fossil Ridge Wilderness Proposal", dated January, 1993, and which shall be known as the Wren and Tim Wirth Wilderness Area.

(7) Certain lands in the San Isabel National Forest which comprise approximately 22,040 acres as generally depicted on a map entitled "Greenhorn Mountain Wilderness Proposal", dated January, 1993, and which shall be known as the Greenhorn Mountain Wilderness.

(8) Certain lands within the Pike and San Isabel National Forests which comprise approximately 14,700 acres, as generally depicted on a map entitled "Lost Creek Wilderness Addition Proposal", dated January, 1993, which are hereby incorporated in and shall be deemed to be a part of the Lost Creek Wilderness designated by Public law 96–560: *Provided,* That the Secretary of Agriculture (hereinafter in this Act referred to as the "Secretary") is authorized to acquire, only by donation or exchange, various mineral reservations held by the State of Colorado within the boundaries of the Lost Creek Wilderness additions designated by this Act.

(9) Certain lands in the Grand Mesa, Uncompahgre, and the Gunnison National Forests which comprise approximately 5,500 acres, as generally depicted on a map entitled "Oh-Be-Joyful Addition to the Raggeds Wilderness Proposal", dated January, 1993, and which are hereby incorporated in and shall be deemed to be a part of the Raggeds Wilderness designated by Public Law 96–560.

(10) Certain lands in the Rio Grande National Forest which comprise approximately 226,455 acres, as generally depicted on a map entitled "Sangre de Cristo Wilderness Proposal", dated January, 1993, and which shall be known as the Sangre de Cristo Wilderness.

(11) Certain lands in the Routt National Forest which comprise approximately 47,140 acres, as generally depicted on a map entitled "Service Creek Wilderness Proposal (Sarvis Creek Wilderness)", dated January, 1993, which shall be known as the Sarvis Creek Wilderness: *Provided,* That the Secretary is authorized to acquire by purchase, donation, or exchange, lands or interests therein within the boundaries of the Sarvis Creek Wilderness only with the consent of the owner thereof.

(12) Certain lands in the San Juan National Forest which comprise approximately 31,100 acres, as generally depicted on a map entitled "South San Juan Wilderness Expansion Proposal" (V–Rock Trail and Montezuma Peak), dated January, 1993, and which are hereby incorporated in and shall be deemed to be a part of the South San Juan Wilderness designated by Public law 96–560.

(13) Certain lands in the White River National Forest which comprise approximately 8,330 acres, as generally depicted on a map entitled "Spruce Creek Additions to the Hunter-Fryingpan Wilderness Proposal", dated January, 1993, and which hereby incorporated in and shall be deemed to be a part of the Hunter Fryingpan Wilderness designated by Public law 95–327: *Provided,* That no right, or claim of right, to the diversion and use of the waters of Hunter Creek, the Fryingpan or Roaring Fork Rivers, or any tributaries of said creeks or rivers, by the Fryingpan-Arkansas Project, Public Law 87–590, and the reauthorization thereof by Public law 93–193, as modified as proposed in the September 1959 report of the Bureau of Reclamation entitled "Ruedi Dam and Reservoir, Colorado", and as further modified and described in the description of the proposal contained in the final environmental statement for said project, dated April 16, 1975, under the laws of the State of Colorado, shall be prejudiced, expanded, diminished, altered, or affected by this Act. Nothing in this Act shall be construed to expand, abate, impair, impede, or interfere with the construction, maintenance, or repair of said Fryingpan-Arkansas Project facilities, nor the operation thereof, pursuant to the Operating Principles, House Document 187, Eighty-third Congress, and pursuant to the water laws of the State of Colorado: *Provided further,* That nothing in this Act shall be construed to impede, limit, or prevent the use by the Fryingpan-Arkansas Project of its diversion systems to their full extent.

(14) Certain lands in the Arapaho National Forest which comprise approximately 8,095 acres, as generally depicted on a map entitled "Byers Peak Wilderness Proposal", dated January, 1993, and which shall be known as the Byers Peak Wilderness.

(15) Certain lands in the Arapaho National Forest which comprise approximately 12,300 acres, as generally depicted on a map entitled "Vasquez Peak Wilderness Proposal", dated January, 1993, and which shall be known as the Vasquez Peak Wilderness.

(16) Certain lands in the San Juan National Forest which comprise approximately 28,740 acres, as generally depicted on a map entitled "West Needle Wilderness Proposal and Weminuche Additions", dated January, 1993, and which are hereby incorporated in and shall be deemed to be a part of the Weminuche Wilderness designated by Public Law 93–632.

(17) Certain lands in the Rio Grande National Forest which comprise approximately 25,640 acres, as generally depicted on a map entitled "Wheeler Additions to the La Garita Wilderness Proposal", dated January, 1993, and which shall be incorporated into and shall be deemed to be a part of the La Garita Wilderness.

(18) Certain lands in the Arapaho National Forest which comprise approximately 13,175 acres, as generally depicted on a map entitled "Farr Wilderness Proposal", dated January, 1993, and which shall be known as the Farr Wilderness.

(19) Certain lands in the Arapaho National Forest which comprise approximately 6,990 acres, as generally depicted on a map entitled "Bowen Gulch Additions to Never Summer Wilderness Proposal", dated January, 1993, which are hereby incorporated into and shall be deemed to be a part of the Never Summer Wilderness.

(b) MAPS AND DESCRIPTIONS.—As soon as practicable after the date of enactment of this Act, the appropriate Secretary shall file a map and a legal description of each area designated as wilderness by this Act with the Committee on Energy and Natural Resources of the United States Senate and the Committee on Natural Resources of the United States House of Representatives. Each map and description shall have the same force and effect as if included in this Act, except that the Secretary is authorized to correct clerical and typographical errors in such legal descriptions and maps. Such maps and legal descriptions shall be on file and available for public inspection in the Office of the Chief of Forest Service, Department of Agriculture and the Office of the Director of the Bureau of Land Management, Department of the Interior, as appropriate.

SEC. 3. ADMINISTRATIVE PROVISIONS.

(a) IN GENERAL.—(1) Subject to valid existing rights, lands designated as wilderness by this Act shall be managed by the Secretary of Agriculture or the Secretary of the Interior (in the case of the portion of Powderhorn Wilderness managed by the Bureau of Land Management) in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) and this Act, except that, with respect

to any wilderness areas designated by this Act, any reference in the Wilderness Act to the effective date of the Wilderness Act shall be deemed to be a reference to the date of enactment of this Act.

(2) Administrative jurisdiction over those lands designated as wilderness pursuant to paragraph (2) of section 2(a) of this Act, and which, as of the date of enactment of this Act, are administered by the Bureau of Land Management, is hereby transferred to the Forest Service.

(b) GRAZING.—Grazing of livestock in wilderness areas designated by this Act shall be administered in accordance with the provisions of section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)), as further interpreted by section 108 of Public Law 96-560, and, as regards wilderness managed by the Bureau of Land Management, the guidelines set forth in Appendix A of House Report 101-405 of the 101st Congress.

(c) STATE JURISDICTION.—As provided in Section 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)), nothing in this Act shall be construed as affecting the jurisdiction or responsibilities of the State of Colorado with respect to wildlife and fish in Colorado.

(d) CONFORMING AMENDMENT.—Section 2(e) of the Endangered American Wilderness Act of 1978 (92 Stat. 41) is amended by striking "Subject to" and all that follows through "System".

(e) BUFFER ZONES.—Congress does not intend that the designation by this Act of wilderness areas in the State of Colorado creates or implies the creation of protective perimeters or buffer zones around any wilderness area. The fact that non-wilderness activities or uses can be seen or heard from within a wilderness area shall not, of itself, preclude such activities or uses up to the boundary of the wilderness area.

(f) WILDERNESS NAME CHANGE.—The wilderness area designated as "Big Blue Wilderness" by section 102(a)(1) of Public Law 96-560, and the additions thereto made by paragraphs (1) and (2) of section 2(a) of this Act, shall hereafter be known as the Uncompahgre Wilderness. Any reference to the Big Blue Wilderness in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the Uncompahgre Wilderness.

(g)(1) For the purpose of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-9), the boundaries of affected National Forests, as modified by this subsection, shall be considered to be the boundaries of such National Forests as of January 1, 1965.

(2) Nothing in this subsection shall affect valid existing rights of any person under the authority of law.

(3) Authorizations to use lands transferred by this subsection which were issued prior to the date of enactment of this Act, shall remain subject to the laws and regulations under which they were issued, to the extent consistent with this Act. Such authorizations shall be administered by the Secretary of Agriculture. Any renewal or extension of such authorizations shall be subject to the laws and regulations pertaining to the Forest Service, Department of Agriculture, and the applicable law, including this Act. The change of administrative jurisdiction resulting from the enactment of this subsection shall not in itself constitute a basis for denying or approving the renewal or reissuance of any such authorization.

SEC. 4. WILDERNESS RELEASE.

(a) REPEAL OF WILDERNESS STUDY PROVISIONS.—Sections 105 and 106 of the Act of December 22, 1980 (P.L. 96-560), are hereby repealed.

(b) INITIAL PLANS.—Section 107(b)(2) of the Act of December 22, 1980 (P.L. 96-560) is amended by striking out ", except those lands remaining in further planning upon enactment of this Act, areas listed in section 105 and 106 of this Act, or previously congressionally designated wilderness study areas,".

SEC. 5. FOSSIL RIDGE RECREATION MANAGEMENT AREA.

(a) ESTABLISHMENT.—(1) In order to conserve, protect, and enhance the scenic, wildlife, recreational, and other natural resource values of the Fossil Ridge area, there is hereby established the Fossil Ridge Recreation Management Area (hereinafter referred to as the "recreation management area").

(2) The recreation management area shall consist of certain lands in the Grand Mesa, Uncompahgre, and Gunnison National Forests, Colorado, which comprise approximately 43,900 acres as generally depicted as "Area A" on a map entitled, "Fossil Ridge Wilderness Proposal", dated January, 1993.

(b) ADMINISTRATION.—The Secretary of Agriculture shall administer the recreation management area in accordance with this section and the laws and regulations generally applicable to the National Forest System.

(c) WITHDRAWAL.—Subject to valid existing rights, all lands within the recreation management area are hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws, from location, entry, and patent under the mining laws, and from disposition under the mineral and geothermal leasing laws, including all amendments thereto.

(d) TIMBER HARVESTING.—No timber harvesting shall be allowed within the recreation management area except for any minimum necessary to protect the forest from insects and disease, and for public safety.

(e) LIVESTOCK GRAZING.—The designation of the recreation management are shall not be construed to prohibit, or change the administration of, the grazing of livestock within the recreation management area.

(f) DEVELOPMENT.—No developed campgrounds shall be constructed within the recreation management area. After the date of enactment of this Act, no new roads or trails may be constructed within the recreation management area.

(g) OFF-ROAD RECREATION.—Motorized travel shall be permitted within the recreation management area only on those designated trails and routes existing as of July 1, 1991.

SEC. 6. BOWEN GULCH PROTECTION AREA.

(a) ESTABLISHMENT.—(1) There is hereby established in the Arapaho National Forest, Colorado, the Bowen Gulch Protection Area (hereinafter in this Act referred to as the "protection area").

(2) The protection area shall consist of certain lands in the Arapaho National Forest, Colorado, which comprise approximately 11,600 acres as generally depicted as "Area A" on a map entitled "Bowen Gulch Additions to Never Summer Wilderness Proposal", dated January, 1993.

(b) ADMINISTRATION.—The Secretary shall administer the protection area in accordance with this section and the laws and regulations generally applicable to the National Forest System.

(c) WITHDRAWAL.—Subject to valid existing rights, all lands within the protection area are hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws, from location, entry, and patent under the mining laws, and from disposition under the mineral and geothermal leasing laws, including all amendments thereto.

(d) DEVELOPMENT.—No developed campgrounds shall be constructed within the protection area. After the date of enactment of this Act, no new roads or trails may be constructed within the protection area.

(e) TIMBER HARVESTING.—No timber harvesting shall be allowed within the protection area except for any minimum necessary to protect the forest from insects and disease, and for public safety.

(f) MOTORIZED TRAVEL.—Motorized travel shall be permitted within the protection area only on those designated trails and routes existing as of July 1, 1991, and only during periods of adequate snow cover. At all other times, mechanized, nonmotorized travel shall be permitted within the protection area.

(g) MANAGEMENT PLAN.—During the preparation of the revision of the Land and Resource Management Plan for the Arapaho National Forest, the Forest Service shall develop a management plan for the protection area, after providing for public consultation.

SEC. 7. OTHER LANDS.

Nothing in this Act shall affect ownership or use of lands or interests therein not owned by the United States or access to such lands available under other applicable law.

SEC. 8. WATER.

(a) FINDINGS, PURPOSE, AND DEFINITIONS.—(1) Congress finds that—

(A) the lands designated as wilderness by this Act are located at the headwaters of the streams and rivers on those lands, with few, if any, actual or proposed water resource facilities located upstream from such lands and few, if any, opportunities for diversion, storage, or other uses of water occurring outside such lands that would adversely affect the wilderness values of such lands; and

(B) the lands designated as wilderness by this Act are not suitable for use for development of new water resource facilities, or for the expansion of existing facilities; and

(C) therefore, it is possible to provide for proper management and protection of the wilderness value of such lands in ways different from those utilized in other legislation designating as wilderness lands not sharing the attributes of the lands designated as wilderness by this Act.

(2) The purpose of this section is to protect the wilderness values of the lands designated as wilderness by this Act by means other than those based on a federal reserved water right.

(3) As used in this section, the term "water resource facility" means irrigation and pumping facilities, reservoirs, water conservation works, aqueducts, canals, ditches, pipelines, wells, hydropower projects, and transmission and other ancillary facilities, and other water diversion, storage, and carriage structures.

(b) RESTRICTIONS ON RIGHTS AND DISCLAIMER OF EFFECT.—(1) Neither the Secretary, nor any other officer, employee, representative, or agent of the United States, nor any other person, shall assert in any court or agency, nor shall any court or agency consider, any claim to or for water or water rights in the State of Colorado, which is based on any construction of any portion of this Act, or the designation of any lands as wilderness by this Act, as constituting an express or implied reservation of water or water rights.

(2)(A) Nothing in this Act shall constitute or be construed to constitute either an ex-

press or implied reservation of any water or water rights with respect to the Piedra, Roubideau, and Tabeguache areas identified in section 9 of this Act, or the Bowen Gulch Protection Area or the Fossil Ridge Recreation Management Area identified in sections 5 and 6 of this Act.

(B) Nothing in this Act shall be construed as a creation, recognition, disclaimer, relinquishment, or reduction of any water rights of the United States in the State of Colorado existing before the date of enactment of this Act, except as provided in subsection (g)(2) of this section.

(C) Except as provided in subsection (g) of this section, nothing in this Act shall be construed as constituting an interpretation of any other Act or any designation made by or pursuant thereto.

(D) Nothing in this section shall be construed as establishing a precedent with regard to any future wilderness designations.

(c) NEW OR EXPANDED PROJECTS.—(1) Notwithstanding any other provision of law, on and after the date of enactment of this Act neither the President nor any other officer, employee, or agent of the United States shall fund, assist, authorize, or issue a license or permit for the development of any new water resource facility within the areas described in sections 2, 5, 6 and 9 of this Act or the enlargement of any water resource facility within the areas described in sections 2, 5, 6 and 9 of this Act.

(d) ACCESS AND OPERATION.—(1) Subject to the provisions of this subsection (d), the Secretary shall allow reasonable access to water resource facilities in existence on the date of enactment of this Act within the areas described in sections 2, 5, 6 and 9 of this Act, including motorized access where necessary and customarily employed on routes existing as of the date of enactment of this Act.

(2) Existing access routes within such areas customarily employed as of the date of enactment of this Act may be used, maintained, repaired, and replaced to the extent necessary to maintain their present function, design, and serviceable operation, so long as such activities have no increased adverse impacts on the resources and values of the areas described in sections 2, 5, 6 and 9 of this Act than existed as of the date of enactment of this Act.

(3) Subject to the provisions of subsections (c) and (d), the Secretary shall allow water resource facilities existing on the date of enactment of this Act within areas described in sections 2, 5, 6 and 9 of this Act to be used, operated, maintained, repaired, and replaced to the extent necessary for the continued exercise, in accordance with Colorado state law, of vested water rights adjudicated for use in connection with such facilities by a court of competent jurisdiction prior to the date of enactment of this Act; Provided, That the impact of an existing facility on the water resources and values of the area shall not be increased as a result of changes in the adjudicated type of use of such facility as of the date of enactment of this Act.

(4) Water resource facilities, and access route serving such facilities, existing within the areas described in sections 2, 5, 6 and 9 of this Act on the date of enactment of this Act shall be maintained and repaired when and to the extent necessary to prevent increased adverse impacts on the resources and values of the areas described in sections 2, 5, 6 and 9 of this Act.

(e) Except as provided in subsections (c) and (d) of this section, the provisions of this Act related to the areas described in sections 2, 5, 6, and 9 of this Act, and the inclusion in the National Wilderness Preservation System of the areas described in section 2 of this Act, shall not be construed to affect or limit the use, operation, maintenance, repair, modification, or replacement of water resource facilities in existence on the date of enactment of this Act within the boundaries of the areas described in sections 2, 5, 6, and 9 of this Act.

(f) MONITORING AND IMPLEMENTATION.—The Secretaries of Agriculture and the Interior shall monitor the operation of and access to water resource facilities within the areas described in sections 2, 5, 6, and 9 of this Act and take all steps necessary to implement the provisions of this section.

(g) INTERSTATE COMPACTS AND NORTH PLATTE RIVER.—(1) Nothing in this Act, and nothing in any previous Act designating any lands as wilderness, shall be construed as limiting, altering, modifying, or amending any of the interstate compacts or equitable apportionment decrees that apportion water among and between the State of Colorado and other States. Except as expressly provided in this section, nothing in this Act shall affect or limit the development or use by existing and future holders of vested water rights of Colorado's full apportionment of such waters.

(2) Notwithstanding any other provision of law, neither the Secretary nor any other officer, employee, or agent of the United States, or any other person, shall assert in any court or agency of the United States or any other jurisdiction any rights, and no court or agency of the United States shall consider any claim or defense asserted by any person based upon such rights, which may be determined to have been established for waters of the North Platte River for purposes of the Platte River Wilderness Area established by Public Law 98-550, located on the Colorado-Wyoming state boundary, to the extent such rights would limit the use or development of water within Colorado by present and future holders of vested water rights in the North Platte River and its tributaries, to the full extent allowed under interstate compact or United States Supreme Court equitable decree. Any such rights shall be exercised as if junior to, in a manner so as not to prevent, the use or development of Colorado's full entitlement to interstate waters of the North Platte River and its tributaries within Colorado allowed under interstate compact or United States Supreme Court equitable decree.

SEC. 9. PIEDRA, ROUBIDEAU, AND TABAGUACHE AREAS.

(a) AREAS.—The provisions of this section shall apply to the following areas:

(1) Certain lands in the San Juan National Forest, comprising approximately 62,550 acres as generally depicted on the map entitled "Piedra Area" dated January, 1993; and

(2) Certain lands in the Grand Mesa, Uncompahgre, and Gunnison National Forests, comprising approximately 19,650 acres, as generally depicted on the map entitled "Roubideau Area" dated January, 1993; and

(3) Certain lands in the Grand Mesa, Uncompahgre, and Gunnison National Forests and in the Montrose District of the Bureau of Land Management, comprising approximately 17,240 acres, as generally depicted on the map entitled "Tabeguache Area" dated January, 1993.

(b) MANAGEMENT.—Subject to valid existing rights, the areas described in subsection (a) are withdrawn from all forms of location, leasing, patent, disposition, or disposal under public land, mining, and mineral and geothermal leasing laws of the United States.

(2) The areas described in subsection (a) shall not be subject to any obligation to further study such lands for wilderness designation.

(3) Until Congress determines otherwise, and subject to the provisions of section 8 of this Act, activities within such areas shall be managed by the Secretary of Agriculture and Secretary of the Interior so as to maintain the areas' presently existing wilderness character and potential for the inclusion in the National Wilderness Preservation System.

(4) Livestock grazing in such areas shall be permitted and managed to the same extent and in the same manner as of the date of enactment of this Act. Except as provided by this Act, mechanized or motorized travel shall not be permitted in such areas: Provided, That the Secretary may permit motorized travel on trail number 535 in the San Juan National Forest during periods of adequate snow cover.

(c) DATA COLLECTION.—The Secretary of Agriculture and the Secretary of the Interior, in consultation with the Colorado Water Conservation Board, shall compile data concerning the water resources of the areas described in subsection (a), and existing and proposed water resources facilities affecting such values.

SEC. 10. SPANISH PEAKS FURTHER PLANNING AREA STUDY.

(a) REPORT.—Not later than three years from the date of enactment of this Act, the Secretary shall report to the Committee on Natural Resources of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate on the status of private property interests located within the Spanish Peaks Further Planning area of the Pike-San Isabel National Forest in Colorado.

(b) CONTENTS OF REPORT.—The report required by this section shall identify the location of all private property situated within the exterior boundaries of the Spanish Peaks area; the nature of such property interests; the acreage of such private property interests; and the Secretary's views on whether the owners of said properties would be willing to enter into either a sale or exchange of these properties at fair market value if such a transaction became available in the near future.

(c) NO AUTHORIZATION OF EMINENT DOMAIN.—Nothing contained in this Act authorizes, and nothing in this Act shall be construed to authorize, the acquisition of real property by eminent domain.

(d) For a period of three years from the date of enactment of this Act, the Secretary shall manage the Spanish Peaks Further Planning Area as provided by the Colorado Wilderness Act of 1980.

Mr. CAMPBELL. Mr. President, Senator BROWN and I are reintroducing a wilderness bill for Colorado that we nearly succeeded in passing in the waning hours of the 102d Congress. Although the Senate passed the bill, unfortunately the other body adjourned before it could be passed by unanimous consent. But, like the ball team after a heartbreaking game which the home team loses in the bottom of the ninth, we vowed to return next season and win the championship.

The names of the wilderness areas protected by this bill read like a Colorado history book—the Uncompahgre Wilderness, the Farr Wilderness, the

Sangre De Cristo Wilderness, Cannibal Plateau, Byers Peak, Davis Peak, and on and on.

Twelve years in the making, this bill has taken herculean efforts. It has taken the cooperation, understanding, and help of the House Interior Committee chairmen who stood firm in their demands that these areas be adequately protected. It has taken the work of former Senators Wirth, Hart, and Armstrong and Representative Ray Kogovsek. All laid the groundwork for today's feat.

The Colorado Wilderness Act we are introducing is similar to the bill passed by the House in early September 1992. It protects more than 600,000 acres as wilderness and withdraws another 155,080 from timber harvesting, mineral entry, and restricts motorized entry to trails that exist as of the date of enactment of this act.

The bill adopts an approach I suggested in my substitute last year with regard to release language. My approach simplifies the issue of releasing areas not designated as wilderness by repealing the provisions of the 1980 Colorado Wilderness Act that direct the Forest Service to conduct studies and manage these areas to preserve their wilderness characteristics.

We have resolved the wilderness reserve water rights controversy, at least as it relates to this bill, by closing the courthouse door to the Federal Government and third parties. The bill prohibits the assertion of a Federal reserve water right in court or in any administrative proceeding. We have ensured protection of these areas, however, prohibiting the construction of new projects or the expansion of existing projects if the expansion adversely impacts the wilderness characteristics of the particular area.

Fortunately, because there are few, if any, conflicts or water rights in the areas, this prohibition will not handicap Colorado water users. The language also ensures that irrigators and others will continue to be able to have motorized access to their existing water projects to operate and maintain them.

Finally, because this bill takes the Forest Service out of the water rights arena, with respect to the wilderness areas designated by this bill, we have given the agency the power to monitor the operation and access to water resource facilities and to take all steps necessary to protect the wilderness characteristics of these areas.

It is my firm belief that this bill resolves a decade-year-long stalemate, and I urge my colleagues to help Senator BROWN and myself protect wilderness areas that are second to none and truly belong in a league of their own.

By Mr. LOTT:

S. 207. A bill to amend title II of the Social Security Act to eliminate the earnings test for individuals who have attained retirement age; to the Committee on Finance.

OLDER AMERICANS FREEDOM TO WORK ACT OF 1993

Mr. LOTT. Mr. President, Today I am introducing the Older Americans Freedom To Work Act of 1993 to eliminate the Social Security earnings test for individuals who have attained retirement age.

As the Social Security Act is designed, the Government seems to give little thought to older Americans' ability to make an important contribution to our work force. Senior citizens are subject to taxes such as the Federal Contributions Act [FICA], even in situations were they are receiving Social Security benefits. They are also subject to various Federal, State, and local taxes.

This brings me to the biggest outrage: The Social Security retirement earnings limit. Presently, this limit reduces benefits to persons between ages 65 and 69 who earn more than $10,560 yearly. These reductions amount to $1 in reduced benefits for every $3 in earnings above the aforementioned limit, $1 for $3 withholding rate.

The earnings test is very unfair, but it also poses a serious threat to the labor work force. Demographers tell us that between the years 20000 and 2010 the baby boom generation will be in their retirement years. With fewer babies being born to replace them, this Nation is looking at a severe labor shortage. The skills and expertise of older workers is desperately needed.

An earnings limit for Social Security beneficiaries is an ill-conceived idea and an administrative nightmare for the Social Security Administration [SSA]. SSA spends a great deal of money and devotes a full 8 percent of its employees to police the income levels of retirees. For beneficiaries, the income limit is a frustrating experience of estimating and reporting income levels to SSA.

In the 1930's, when the earned income limit was devised, encouraging the elderly to leave the workplace was seen as a positive act, designed to increase job opportunities for younger workers. Today, with our shrinking labor force, such a policy is absurd. We need the skills, wisdom, and experience of our older workers, and my proposal will encourage them to remain in the labor force.

In the 102d Congress, the Senate adopted an amendment to the Older Americans Reauthorization Amendments to repeal the earnings test. While it was dropped from final passage, this legislation has perennial bipartisan interest and support.

It is a pleasure to again sponsor legislation in the Senate to abolish the onerous retirement earnings test. This begins the process of providing employment opportunities for older Americans without punishing them for their efforts. It is my understanding that the President supports lifting the earnings test for retirees, and I urge my colleagues to join me in supporting this vitally important legislation. Thank you. I ask unamious consent that the text of the bill be printed in the RECORD below my statement.

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

S. 207

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Older Americans' Freedom to Work Act of 1993".

SEC. 2. ELIMINATION OF EARNINGS TEST FOR INDIVIDUALS WHO HAVE ATTAINED RETIREMENT AGE.

Section 203 of the Social Security Act (42 U.S.C. 403) is amended—

(1) in paragraph (1) of subsection (c) and paragraphs (1)(A) and (2) of subsection (d), by striking "the age of seventy" and inserting "retirement age (as defined in section 216(l))";

(2) in subsection (f)(1)(B), by striking "was age seventy or over" and inserting "was at or above retirement age (as defined in section 216(l))";

(3) in subsection (f)(3), by striking "33⅓ percent" and all that follows through "any other individual," and inserting "50 percent of such individual's earnings for such year in excess of the product of the exempt amount as determined under paragraph (8)," and by striking "age 70" and inserting "retirement age (as defined in section 216(l))";

(4) in subsection (h)(1)(A), by striking "age 70" each place it appears and inserting "retirement age (as defined in section 216(l))"; and

(5) in subsection (j), by striking "Age Seventy" in the heading and inserting "Retirement Age", and by striking "seventy years of age" and inserting "having attained retirement age (as defined in section 216(l))".

SEC. 3. CONFORMING AMENDMENTS ELIMINATING THE SPECIAL EXEMPT AMOUNT FOR INDIVIDUALS WHO HAVE ATTAINED RETIREMENT AGE.

(a) UNIFORM EXEMPT AMOUNT.—Section 203(f)(8)(A) of the Social Security Act (42 U.S.C. 403(f)(8)(A)) is amended by striking "the new exempt amounts (separately stated for individuals described in subparagraph (D) and for other individuals) which are to be applicable" and inserting "a new exempt amount which shall be applicable".

(b) CONFORMING AMENDMENTS.—Section 203(f)(8)(B) of such Act (42 U.S.C. 403(f)(8)(B)) is amended—

(1) in the matter preceding clause (i), by striking "Except" and all that follows through "whichever" and inserting "The exempt amount which is applicable for each month of a particular taxable year shall be whichever";

(2) in clause (i), by striking "corresponding"; and

(3) in the last sentence, by striking "an exempt amount" and inserting "the exempt amount".

(c) REPEAL OF BASIS FOR COMPUTATION OF SPECIAL EXEMPT AMOUNT.—Section 203(f)(8)(D) of such Act (42 U.S.C. (f)(8)(D)) is repealed.

SEC. 4. ADDITIONAL CONFORMING AMENDMENTS.

(a) ELIMINATION OF REDUNDANT REFERENCES TO RETIREMENT AGE.—Section 203 of

the Social Security Act (42 U.S.C. 403) is amended—

(1) in the last sentence of subsection (c), by striking "nor shall any deduction" and all that follows and inserting "nor shall any deduction be made under this subsection from any widow's or widower's insurance benefit if the widow, surviving divorced wife, widower, or surviving divorced husband involved became entitled to such benefit prior to attaining age 60."; and

(2) in subsection (f)(1), by striking clause (D) and inserting the following: "(D) for which such individual is entitled to widow's or widower's insurance benefits if such individual became so entitled prior to attaining age 60, or".

(b) CONFORMING AMENDMENT TO PROVISIONS FOR DETERMINING AMOUNT OF INCREASE ON ACCOUNT OF DELAYED RETIREMENT.—Section 202(w)(2)(B)(ii) of such Act (42 U.S.C. 402(w)(2)(B)(ii) is amended—

(1) by striking "either"; and

(2) by striking "or suffered deductions under section 203(b) or 203(c) in amounts equal to the amount of such benefit".

(c) CONTINUED APPLICATION OF RULE GOVERNING ENTITLEMENT OF BLIND BENEFICIARIES.—The second sentence of section 223(d)(4) of such Act (42 U.S.C. 423(d)(4)) is amended by inserting after "subparagraph (D) thereof" where it first appears the following: "(or would be applicable to such individuals but for the amendments made by the Older Americans' Freedom to Work Act of 1993)".

SEC. 5. EFFECTIVE DATE.

The amendments made by this Act shall apply only with respect to taxable years ending after December 31, 1993.

By Mr. BUMPERS:

S. 208. A bill to reform the concessions policies of the National Park Service, and for other purposes; to the Committee on Energy and Natural Resources.

CONCESSIONS POLICY REFORM ACT OF 1993

Mr. BUMPERS. Mr. President, I rise today to introduce a bill to correct what I consider to be one of the major abuses that continues in this country, the way we award concession contracts in our national parks. I introduced this bill last year and held hearings as chairman of the Subcommittee on Public Lands, National Parks, and Forests. This is one of those things that people like "Prime Time Live" and "60 Minutes" and the press, from time to time, like to talk about because it is pretty outrageous the policies we have pursued in granting concession contracts in our national parks for many, many years.

I am obviously determined to do my best to correct this, as I have in the past. Secretary Lujan was aware of it and made some moves toward correcting these abuses. And in discussing this with our new Secretary of Interior, Secretary Babbitt, I feel that he not only is acutely aware of the problems but is willing to do something about them.

Let me just briefly state extemporaneously the present system under which we allow people to operate concession facilities in our national parks.

Mr. President, this issue has been simmering for some time, and the reason it has is because in 1991, which is the last year we have figures for, concessionaires in the national parks had gross incomes of about $620 million. The Park Service received in return, under the existing contracts, $18 million.

Now, if my arithmetic is correct, Mr. President, the U.S. Government and the taxpayers of America got less than a 3 percent return on all these park concession contracts—Yosemite, Grand Canyon, you name it—all those big contracts where they take in tens of millions of dollars, and the Government got less than a 3-percent return on what the park concessionaires earned.

Number two, when a contract expires, as the one in Yosemite is about to do, it is almost impossible under existing law for anybody else to get that contract because the existing concessionaire, barring some charge of a felony or cheating the Government, and so on, has what it called a "preferential right of renewal."

What that means, Mr. President, is that if I chose to go out and bid the contract at Yosemite, which is about to be relet—and, incidentally, I intend to hold a hearing on that contract because it goes right to the heart of what we are talking about. It may be a perfectly good contract and favorable to the Government. But I am going to hold a hearing on it to make sure, because it is one of the biggest contracts in the entire National Park System.

But how would you like to go, as I suggested a moment ago, to the National Park Service and say, "I would like to have the concession contract for example, Yosemite." After all, it is a $100 million operation. "I will give you a 10 percent return," and all of these other things. "I will build a new hotel." I will do all of these things. "The existing concessionaire there is only paying you a 3-percent return. So how about me bidding on it on a competitive basis?"

They say, "That is fine. What is your best offer?"

You tell them what you will do. Do you know what the Park Service does then? They go to the existing concessionaire and say, "We have a bidder who will give us 10 percent of what he takes in."

Do you know what that concessionaire has a right to do under existing law? He can meet my bid, and he gets the contract.

Now, you tell me, how many bidders are you going to attract when they know, no matter what they bid, the existing concessionaire has a right to meet your bid, and he gets the contract?

Now, that is not the way we do business in America, Mr. President. And I am proposing to change that. I want it done on a competitive basis. I said many times on the floor of the Senate that when I was Governor of my State, I assumed if we did anything but competitive bids, I would have gone to the slammer.

Third, Mr. President, is the concept of possessionary interest. And I want you to listen to this one. The concessionaire goes to the Park Service and says, "I would like to add a $10 million addition to the lodge."

So they negotiate with the Park Service, which says, "OK; you build this $10 million addition on the hotel." And here is the way it works. The concessionaire builds a $10 million addition on the hotel and depreciates it, we will say, over a 20-year period. And let us assume he has a 20-year contract. At the end of 20 years, he has taken a tax depreciation. For tax purposes, he has depreciated $500,000 a year. He has depreciated the entire $10 million investment. And then, if he loses the contract at the end of 20 years, he is entitled to what is called "sound value." Do you know what that is? That is essentially fair market value.

Mr. President, it is not inconceivable that the hotel he spent $10 million for is now worth $15 million, even though he has depreciated the entire $10 million for tax purposes.

Now, one of the reasons you do not have active bidding on these contracts is because whoever bids, if he gets the contract, has to pay the old concessionaire sound value, fair market value, of $15 million. Not only has the guy gotten $5 million back more than he paid in for it, but he has depreciated the thing for tax purposes. Now, how silly can we get?

Mr. President, the President pro tempore, who is presiding over the Senate right now, has heard me make a speech about mining law reform no less than 100 times. And if there is an abuse of the taxpayers of this country greater or as great as what is going on in the mining industry—which I will address Thursday on the floor of this body—it is the way we let these contracts to park concessionaires.

Now, Mr. President, every July 4, and at every Chamber of Commerce banquet, all 100 Members of this body go around talking about "I will treat your business as though it is my business; I will handle taxpayers' money as though it is my money. We will do business in a businesslike way." And then we allow this situation to continue.

I want to tell you something else, Mr. President. I have seen the National Rifle Association and some other lobby groups around here stretch their muscle a few times. There is one body, the National Park Concessioners Organization, which is almost as tough as the National Rifle Association. So I have no delusions about the difficulty of getting this bill passed. But it is inexcusable to continue such a policy.

Mr. President, my bill makes a few significant changes from last year's version. Last year, I provided that 50 percent—I believe it was 50 percent—of the franchise fees received by the Government would go to buy these possessionary interests. But I have changed it this year to provide that the money goes back to the Park Service to meet its most pressing needs, and to the park that generated the fees. The parks that generate the greatest fees are usually the ones most used and most abused and most threatened.

Now, there are some other provisions in here, Mr. President.

No contract will be for more than 10 years. Mr. President, you would be interested to know that a lot of these concessionaires have had these contracts in the family for 50 years. They are handed down the way a farm is handed down to the first-born son. And so we make a lot of changes. But first, we say: You do not have a preferential right to this contract. Second, you are going to have to compete with other people for the contract. Third, you do not have a possessionary interest any longer, and we are not going to allow you to continue to abuse the Tax Code—and the people of America at the same time—to your own enrichment.

I have nothing against these people. As a matter of fact, we have a lot of small operators who are outfitters, river runners, and guides, and we have exempted them under our bill from the preferential right of renewal limitation if they do not have a possessionary interest.

But I am telling you for us to sit idly by and go home and talk to the chamber of commerce about how terrible this deficit is and then to accept 3-percent return on park concessions or no return on the 4 billion dollars' worth of minerals being taken off Federal lands every year—we do not get a nickel for that, we get the happy joy of cleaning up the Superfund sites—they lose at a cost of anywhere from $5 to $50 billion.

Mr. METZENBAUM. Will the Senator yield?

Mr. BUMPERS. I yield.

The PRESIDENT pro tempore. The time of the Senator from Arkansas has expired.

Mr. BUMPERS. I ask unanimous consent that I be allowed to proceed in a colloquy with the Senator from Ohio for 3 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. METZENBAUM. Mr. President, I rise to commend my colleague from Arkansas. He is right to target on this issue of the concession contracts. It is not a new issue. It is an issue that some of us fought for before, he fought for and I fought for, and we have run up against a stone wall. And regrettably some of the people in this body who are so anxious to balance the budget and talk about it all the time have been the ones who have been the most difficult in order to make it possible to pass legislation to do something about it.

This is one of the greatest ripoffs in the entire country. The Senator from Arkansas is trying to do something about it. I would consider it a privilege to be associated with him as a cosponsor of his legislation.

I, at the same time, wish him to know that I think once again on the question of grazing fees, another area where he has been the champion and leader in trying to bring about a modification of the present rules, he is right there. He could not be more right.

It is time that we do something to take some of this greed away from some people who are able to pay an unfair amount to the Government for grazing rights, and who are able to pay an unfair amount for concession contracts. It is an absolute absurdity to be getting less than 3 percent on the fees paid for concession contracts in this country.

I thank the Senator for his leadership. I thank him for allowing me the opportunity to publicly state my own view.

Mr. BUMPERS. Mr. President, I thank the Senator from Ohio very much for his kind remarks. I know he sat for years on the Energy Committee meetings where this issue has been debated and hearings have been held. He has always been on the cutting edge along with me. I thank him very much for the remarks.

I ask unanimous consent that the bill also be printed at the conclusion of my formal remarks.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The bill will be received and appropriately referred.

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

S. 208

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Park Service Concessions Policy Reform Act of 1993".

SEC. 2. FINDINGS AND POLICY.

(a) FINDINGS.—In furtherance of the Act of August 25, 1916 (39 Stat. 535), as amended, (16 U.S.C. 1, 2-4), which directs the Secretary of the Interior to administer areas of the National Park System in accordance with the fundamental purpose of preserving their scenery, wildlife, natural and historic objects, and providing for their enjoyment in a manner that will leave them unimpaired for the enjoyment of future generations, the Congress finds that the preservation of park values requires that public accommodations, facilities, and services be limited to those necessary and appropriate to carry out the approved management objectives for each park.

(b) POLICY.—It is the policy of the Congress that—

(1) public facilities or services shall be provided within a park only when the private sector or other public agencies cannot adequately provide such facilities or services in the vicinity of the park;

(2) if the Secretary determines that public facilities or services should be provided within a park, such facilities or services shall be limited to locations and designs consistent with the highest degree of resource preservation and protection of the aesthetic values of the park;

(3) such facilities and services should be awarded through competitive bid procedures; and

(4) such facilities or services should be provided to the public at reasonable rates.

SEC. 3. DEFINITIONS.

As used in this Act, the term—

(1) "bid" means the complete proposal for a concessions contract offered by a potential or existing concessioner in response to the minimum requirements for the contract established by the Secretary;

(2) "concessioner" means a private person, corporation, or other entity to whom a concessions contract has been awarded;

(3) "concessions contract" means a contract, including permits, to provide facilities or services, or both, at a park;

(4) "facilities" means improvements to real property within parks used to provide accommodations, facilities, or services to park visitors;

(5) "park" means a unit of the National Park System; and

(6) "Secretary" means the Secretary of the Interior.

SEC. 4. REPEAL OF CONCESSIONS POLICY ACT OF 1965.

The Act of October 9, 1965, Public Law 89-249 (79 Stat. 969, 16 U.S.C. 20-20g), entitled "An Act relating to the establishment of concession policies administered in the areas administered by the National Park Service and for other purposes", is hereby repealed. The repeal of such Act shall not affect the validity of any contract entered into under such Act, but the provisions of this Act shall apply to any such contract except to the extent such provisions are inconsistent with the express terms and conditions of the contract.

SEC. 5. CONCESSIONS POLICY.

Subject to the findings and policy stated in section 2 of this Act, and upon a determination by the Secretary that facilities or services are necessary and appropriate for the accommodation of visitors at a park, the Secretary shall, consistent with the provisions of this Act, laws relating generally to the administration and management of units of the National Park System, and the park's general management plan, authorize private persons, corporations, or other entities to provide and operate such facilities or services as the Secretary deems necessary and appropriate.

SEC. 6. COMPETITIVE BID PROCEDURES.

(a) IN GENERAL.—Except as provided in subsection (b), and consistent with the provisions of subsection (f), any concessions contract entered into pursuant to this Act shall be awarded only through competitive bid procedures. Within 180 days after the date of enactment of this Act, the Secretary shall promulgate appropriate regulations establishing such procedures.

(b) TEMPORARY CONTRACT.—Notwithstanding the provisions of subsection (a), the Secretary may waive competitive bid procedures and award a temporary concessions contract in order to avoid interruption of services to the public at a park.

(c) PUBLICATION OF CONTRACT REQUIREMENTS.—Prior to soliciting bids for a conces-

sions contract at a park, the Secretary shall publish in the Federal Register the minimum bid requirements for such contract, as set forth in subsection (d). The Secretary shall also publish the terms and conditions of the previous concessions contract awarded for such park, and such financial information of the existing concessioner pertaining directly to the operation of the affected concessions facilities and services during the preceding contract period as the Secretary determines is necessary to allow for the submission of competitive bids. Any concessions contract entered into pursuant to this Act shall provide that the concessioner shall waive any claim of confidentiality with respect to the potential disclosure of such information by the Secretary.

(d) MINIMUM BID REQUIREMENTS.—(1) No bid shall be considered which fails to meet the minimum requirements as determined by the Secretary. Such minimum requirements shall include, but need not be limited to, the amount of franchise fee, the duration of the contract, and facilities or services required to be provided by the concessioner.

(2)(A) The Secretary may reject any bid, notwithstanding the amount of franchise fee offered, if the Secretary determines that the bidder is not qualified, is likely to provide unsatisfactory service, or that the bid is not responsive to the objectives of protecting and preserving park resources and of providing necessary and appropriate facilities or services to the public at reasonable rates.

(3) If all bids submitted to the Secretary either fail to meet the minimum bid requirements or are rejected by the Secretary, the Secretary shall establish new minimum bid requirements and re-initiate the competitive bid process pursuant to this section.

(e) CONGRESSIONAL NOTIFICATION.—(1) The Secretary shall submit any proposed concessions contract with anticipated annual gross receipts in excess of $1,000,000 or a duration of greater than five years to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Natural Resources of the United States House of Representatives.

(2) The Secretary shall not ratify any such proposed contract until at least 60 days subsequent to the notification of both Committees.

(f) NO PREFERENTIAL RIGHTS OF RENEWAL.—(1) Except as provided in paragraph (2), the Secretary shall not grant a preferential right to a concessioner to renew a concessions contract executed pursuant to this Act.

(2)(A) Notwithstanding the provisions of paragraph (1), the Secretary may grant a preferential right of renewal to a concessioner—

(i) for a concessions contract which—

(I) authorizes a concessioner to provide outfitting or guide services (including, but not limited to "river running" or other similar services) within a park; and

(II) does not grant the concessioner any interest in any structure, fixture, or improvement pursuant to section 11 of this Act; and

(ii) where the Secretary determines that the concessioner has operated satisfactorily on all evaluations conducted during the term of the previous contract; and

(iii) where the Secretary determines that the concessioner's bid for the new contract satisfies the minimum bid requirements established by the Secretary.

(B) For the purpose of paragraph (2), the term "preferential right of renewal" means that the Secretary may allow a concessioner satisfying the requirements of subparagraph (A) the opportunity to match any higher bid submitted to the Secretary.

(g) NO PREFERENTIAL RIGHT TO ADDITIONAL SERVICES.—The Secretary shall not grant a preferential right to a concessioner to provide new or additional services at a park.

SEC. 7. FRANCHISE FEES.

(a) IN GENERAL.—Franchise fees, however stated, shall be determined competitively from among those bids determined by the Secretary—

(1) to have satisfied the minimum bid requirements established pursuant to section 6(d); and

(2) to be responsive to the objectives of protecting and preserving park resources and of providing necessary and appropriate facilities or services to the public at reasonable rates.

(b) MINIMUM FEE.—Such fee shall not be less than the minimum fee established by the Secretary for each contract. The minimum fee shall provide the concessioner with a reasonable opportunity to realize a profit on the operation as a whole, commensurate with the capital invested and the obligations assumed.

(c) OBJECTIVES OF FEE.—Consideration of revenue to the United States shall be subordinate to the objectives of protecting and preserving park resources and of providing necessary and appropriate facilities or services to the public at reasonable rates.

SEC. 8. USE OF FRANCHISE FEES.

All receipts collected pursuant to this Act shall be covered into a special account established in the Treasury of the United States. Amounts covered into such account in a fiscal year shall be available for expenditure, subject to appropriation, solely as follows:

(1) 50 percent shall be allocated among the units of the National Park System in the same proportion as franchise fees collected from a specific unit bears to the total amount covered into the account for each fiscal year, to be used for resource management and protection, maintenance activities, interpretation, and research; and

(2) 50 percent shall be allocated among the units of the National Park System on the basis of need, in a manner to be determined by the Secretary, to be used for resource management and protection, maintenance activities, interpretation, and research.

SEC. 9. DURATION OF CONTRACT.

(a) MAXIMUM TERM.—A concessions contract entered into pursuant to this Act shall be awarded for a term not to exceed ten years.

(b) TEMPORARY CONTRACT.—A temporary concessions contract awarded on a non-competitive basis pursuant to section 6(b) of this Act shall be for a term not to exceed two years.

SEC. 10. TRANSFER OF CONTRACT.

(a) IN GENERAL.—(1) No concessions contract may be transferred, assigned, sold, or otherwise conveyed by a concessioner without prior written notification to, and approval of the Secretary. The Secretary shall not approve the transfer of a concessions contract to any individual, corporation or other entity if the Secretary determines that such individual, corporation or entity is, or will be, unable to adequately provide the appropriate facilities or services required by the contract.

(2) The Secretary shall reject any proposal to transfer, assign, sell, or otherwise convey a concessions contract if the Secretary determines that such transfer, assignment, sale or conveyance is not consistent with the objectives of protecting and preserving park resources, and of providing necessary and appropriate facilities or services to the public at reasonable rates.

(b) CONGRESSIONAL NOTIFICATION.—Within 30 days after receiving a proposal to transfer, assign, sell, or otherwise convey a concessions contract, the Secretary shall notify the Committee on Energy and Natural Resources of the United States Senate and the Committee on Natural Resources of the United States House of Representatives of such proposal. Approval of such proposal, if granted by the Secretary, shall not take effect until 60 days after the date of notification of both Committees.

SEC. 11. PROTECTION OF CONCESSIONER INVESTMENT.

(a) EXISTING STRUCTURES.—(1) A concessioner who before the date of the enactment of this Act has acquired or constructed, or has commenced acquisition or construction of any structure, fixture, or improvement upon land owned by the United States within a park, pursuant to a concessions contract, shall have a possessory interest therein, to the extent provided by such contract.

(2) The provisions of this subsection shall not apply to a concessioner whose contract in effect on the date of enactment of this Act does not include recognition of a possessory interest.

(3) With respect to a concessions contract entered into on or after the date of enactment of this Act, the provisions of subsection (b) shall apply to any existing structure, fixture, or improvement as defined in paragraph (a)(1), except that the actual original cost of such structure, fixture, or improvement shall be deemed to be the value of the possessory interest as of the termination date of the previous concessions contract.

(b) NEW STRUCTURES.—(1) On or after the date of enactment of this Act, a concessioner who constructs or acquires a new, additional, or replacement structure, fixture, or improvement upon land owned by the United States within a park, pursuant to a concessions contract, shall have an interest in such structure, fixture, or improvement equivalent to the actual original cost of acquiring or constructing such structure, fixture, or improvement, less straight line depreciation over the estimated useful life of the asset according to Generally Accepted Accounting Principles: *Provided*, That in no event shall the estimated useful life of such asset exceed 31.5 years.

(2) In the event that the contract expires or is terminated prior to the recovery of such costs, the concessioner shall be entitled to receive from the United States or the successor concessioner payment equal to the value of the concessioner's interest in such structure, fixture, or improvement. A successor concessioner may not revalue the interest in such structure, fixture, or improvement, the method of depreciation, or the estimated useful life of the asset.

(3) Such costs shall be accounted for in the schedule of rates and charges established pursuant to section 13 of this Act.

(4) Title to any such structure, fixture, or improvement shall be vested in the United States.

(c) INSURANCE, MAINTENANCE AND REPAIR.—Nothing in this section shall affect the obligation of each concessioner to insure, maintain, and repair any structure, fixture, or improvement assigned to such concessioner and to insure that such structure, fixture, or improvement fully complies with applicable safety and health laws and regulations.

(d) PUBLIC REVIEW.—The construction of any new, additional, or replacement structure, fixture, or improvement involving costs of $1,000,000 or more, provided or financed by

a concessioner, upon land owned by the United States within a park, shall be authorized only after public review, including an opportunity for public hearings, to determine whether such construction is appropriate and consistent with the purposes of the National Park System, the laws relating generally to the administration and management of the system, and the park's general management plan. The requirements of this subsection may be satisfied by the public review and hearings associated with the development of the general management plan for the park.

SEC. 12. UTILITY COSTS.

(a) IN GENERAL.—A concessions contract entered into pursuant to this Act shall provide that the concessioner shall be responsible for all utility costs incurred by the concessioner.

(b) CONFORMING AMENDMENT.—Section 1 of the Act of August 8, 1953 (16 U.S.C. 1b) is amended in paragraph 4 by striking "concessioners,".

SEC. 13. RATES AND CHARGES TO PUBLIC.

The reasonableness of a concessioner's rates and charges to the public shall, unless otherwise provided in the bid specifications and contract, be judged primarily by comparison with those rates and charges for facilities and services of comparable character under similar conditions, with due consideration for length of season, seasonal variance, average percentage of occupancy, accessibility, availability and costs of labor and materials, type of patronage, and other factors deemed significant by the Secretary.

SEC. 14. CONCESSIONER PERFORMANCE EVALUATION.

(a) REGULATIONS.—Within 180 days after the date of enactment of this Act, the Secretary shall publish in the Federal Register, after an appropriate period for public comment, regulations establishing standards and criteria for evaluating the performance of concessions operating within parks.

(b) PERIODIC EVALUATION.—(1) The Secretary shall periodically conduct an evaluation of each concessioner operating under a concessions contract pursuant to this Act, as appropriate, to determine whether such concessioner has performed satisfactorily. If the Secretary's performance evaluation results in an unsatisfactory rating of the concessioner's overall operation, the Secretary shall prepare an analysis of the minimum requirements necessary for the operation to be rated satisfactory, and shall so notify the concessioner in writing.

(2) The concessioner shall be responsible for all costs associated with any subsequent evaluations resulting from an unsatisfactory rating.

(3) If the Secretary terminates a concessions contract pursuant to this section, the Secretary shall solicit bids for a new contract consistent with the provisions of this Act.

(c) CONGRESSIONAL NOTIFICATION.—The Secretary shall notify the Committee on Energy and Natural Resources of the United States Senate and the Committee on Natural Resources of the United States House of Representatives of each unsatisfactory rating and of each concessions contract terminated pursuant to this section.

SEC. 15. RECORDKEEPING REQUIREMENTS.

(a) IN GENERAL.—Each concessioner shall keep such records as the Secretary may prescribe to enable the Secretary to determine that all terms of the concessioner's contract have been, and are being faithfully performed, and the Secretary or any of the Secretary's duly authorized representatives shall, for the purpose of audit and examination, have access to such records and to other books, documents and papers of the concessioner pertinent to the contract and all the terms and conditions thereof as the Secretary deems necessary.

(b) GENERAL ACCOUNTING OFFICE REVIEW.—The Comptroller General of the United States or any of his or her duly authorized representatives shall, until the expiration of five calendar years after the close of the business year for each concessioner or subconcessioner, have access to and the right to examine any pertinent books, documents, papers, and records of the concessioner or subconcessioner related to the contracts or contracts involved.

SEC. 16. EXEMPTION FROM CERTAIN LEASE REQUIREMENTS.

The provisions of section 321 of the Act of June 30, 1932 (47 Stat. 412; 40 U.S.C. 303b), relating to the leasing of buildings and properties of the United States, shall not apply to contracts awarded by the Secretary pursuant to this Act.

SEC. 17. CONFORMING AMENDMENT.

Subsection (h) of section 2 of the Act of August 21, 1935, the Historical Sites, Buildings and Antiquities Act (49 Stat. 666; 16 U.S.C. 462(h)), is amended by striking out the proviso therein.

CONCESSIONS POLICY REFORM ACT OF 1993
COMPARISON OF MAJOR ISSUES

The Concessions Policy Reform Act of 1993 makes several significant changes to existing National Bank concessions policies. Listed below are the major policy changes:

FRANCHISE FEES

Currently, franchise fees are determined by the Secretary, upon consideration of the probable value to the concessioner of the privileges granted by the contract. In 1991, the average franchise fee received by the Federal Government was approximately 2.89 percent of gross revenues.

The Concessions Policy Reform Act provides that franchise fees shall be determined competitively from among bids the Secretary determines are responsive to the objectives of protecting and preserving park resources and of providing necessary and appropriate facilities or services to the public at reasonable rates. The fee shall not be less than the minimum fee established by the Secretary. The minimum fee shall provide the concessioner with a reasonable opportunity to realize a profit on the operation as a whole, commensurate with the capital invested and the obligations assumed.

COMPETITIVE BIDDING

The 1965 Act simply authorizes the Secretary to take such actions as may be appropriate to encourage and enable concessioners to provide and operate services and facilities in the National Park System.

The Concessions Policy Reform Act provides that concessions contracts are to be awarded through competitive bidding procedures. The Secretary is required to publish detailed bid requirements in the Federal Register, including the terms and conditions of the previous concessions contract for the park area; along with such financial information of the existing concessioner pertaining directly to the concessions operation as the Secretary determines necessary to allow for the submission of competitive bids. The Secretary may reject any bid, notwithstanding the franchise fee offered, if the Secretary determines that the bid is not responsive to the objectives of protecting and preserving park resources and of providing necessary and appropriate facilities or services to the public at reasonable rates.

LENGTH OF CONTRACT

The 1965 Act does not provide for any limitation on the length of concessions contracts. At some of the larger national parks, the National Park Service has entered into 30 year contracts.

The Concessions Policy Reform Act of 1993 would limit a concessions contract to a term of no more than 10 years.

PREFERENTIAL RIGHT OF RENEWAL

Existing law provides that the Secretary shall grant a preferential right of renewal to an existing concessioner who has performed satisfactorily. The Secretary is also is authorized, but not required, to grant an existing concessioner a preferential right to provide new or additional services at the park.

The Concessions Policy Reform Act would prohibit the Secretary from granting a concessioner a preferential right of renewal or a preferential right to provide new or additional services at a park area. The only exception would be that outfitter and guide services which have performed satisfactorily and which do not have a possessory interest, would be allowed a preferential right of renewal, provided certain criteria are satisfied. Because there are normally multiple companies providing the same or similar-type outfitter services within a specific park, and because no possessory interest is involved, retention of a preferential right of renewal will not serve as a barrier to increased competition.

POSSESSORY INTEREST

Current law states that a concessioner who acquires or constructs any structure within a National Park pursuant to a concessions contract shall have a possessory interest in such structure. The possessory interest is defined as "all incidents of ownership except legal title" and is valued as the replacement cost of the structure, less depreciation. If the concessioner's contract is terminated, or the contract is awarded to a new concessioner, then the Park Service or (in the case of a new contract) the new concessioner is responsible for compensating the previous concessioner for the possessory interest, which for all practical purposes is the fair market value of the structure.

The Concessions Policy Reform Act provides that an existing concessioner who has already constructed, or who has commenced acquisition or construction of a structure pursuant to a concessions contract, shall have a possessory interest to the extent provided by the current concessions contract. If the concessioner does not currently have a possessory interest, the bill makes clear that no new possessory interest is created.

The bill also provides that with respect to new concessions contracts, a concessioner who constructs or acquires a structure within a National park shall, in the event the contract expires or is terminated, be entitled to receive payment equal to the actual original cost (as compared with the existing law's requirement of replacement cost) of acquiring or constructing the structure, less depreciation.

Finally, the bill states that if an existing concessioner with a possessory interest is awarded a new concessions contract, the value of the existing possessory interest from the date of the new contract will be depreciated over a period not exceeding 31.5 years.

USE OF CONCESSIONS REVENUES

The 1965 law provides that the revenues derived from franchise fees are deposited into

the Treasury of the United States. None of the revenues are specifically designated for part-related funding.

Under the Concessions Policy Reform Act, revenues will be deposited into a special account in the Treasury, to be used for resource management and protection, maintenance activities, interpretation, and research. Subject to appropriation, 50 percent of the revenues are to be allocated among units of the National Park System in the same proportion as franchise fees are collected, and 50 percent are to be allocated among park units on the basis of need, to be determined by the Secretary.

CONCESSIONS POLICY

The 1965 Act states that development of concessions facilities shall be limited to those that are necessary and appropriate for public use and enjoyment of the national park area and that are consistent to the highest practicable degree with the preservation and conservation of the area.

The Concessions Policy Reform Act provides that facilities and services shall be provided within a park area only when the private sector or other public agencies cannot adequately provide such facilities or services in the vicinity of the park area.

If facilities or services are to be provided within a park area, they shall be limited to locations and designs consistent with the highest degree of resource preservation and protection of the aesthetic value of the park. The bill also states that facilities or services should be awarded through competitive bidding procedures and that they should be provided to the public at reasonable rates.

NATIONAL PARK SERVICE CONCESSIONS POLICY REFORM ACT OF 1993—SECTION-BY-SECTION ANALYSIS

Section 1 contains the short title, the "National Park Service Concessions Policy Reform Act of 1993."

Section 2 contains the Congressional findings and policy.

Section 3 defines certain terms used in the Act.

Section 4 repeals the Concessions Policy Act of 1965 in its entirety. The section provides that the repeal is not to affect the validity of existing concessions contracts, except that the provisions of this Act are to apply to existing contracts to the extent the provisions of this Act are not inconsistent with the express terms and conditions of the contract.

Section 5 sets forth the concessions policy for the National Park Service. The section authorizes the Secretary of the Interior (the "Secretary") to permit necessary and appropriate concessions operations within National Parks, consistent with the provisions of this Act, laws relating generally to the management of units of the National Park System, and the specific park's general management plan.

Section 6 provides for awarding of concessions contracts through competitive bid procedures. Subsection (a) states that except for temporary contracts awarded pursuant to subsection (b), and consistent with the preferential right of renewal for certain outfitter and guide concessioners set forth in subsection (f), all contracts are to be awarded only through competitive bid procedures. The Secretary is directed to promulgate appropriate regulations within 180 days after the date of enactment of this Act.

Subsection (b) states that the Secretary may waive competitive bid procedures and award a temporary concessions contract in order to avoid interruption of services to the public at a park.

Subsection (c) requires that the Secretary publish the minimum bid requirements for a concessions contract in the Federal Register prior to soliciting bids for the contract. The Secretary is also directed to publish the terms and conditions of the previous concessions contract and such financial information of the existing concessioner pertaining directly to the operation of the affected concessions facilities and services as the Secretary determines is necessary to allow for the submission of competitive bids.

Subsection (d)(1) provides that the Secretary may not consider any bid which fails to meet the minimum bid requirements as determined by the Secretary. The minimum bid requirements include, but are not limited to, the amount of franchise fee, the duration of the contract, and the facilities or services required to be provided by the concessioner.

Paragraph (2) makes clear that the Secretary may reject any bid, regardless of the franchise fee offered, if the Secretary determines that the bidder is not qualified, is likely to provide unsatisfactory service, or that the bid is not responsive to the objectives of protecting and preserving the park or of providing necessary and appropriate services to the public at reasonable rates.

Paragraph (3) directs the Secretary to establish new minimum bid requirements and reinitiate the competitive bid process if all bids either fail to meet the minimum bid requirements or are rejected by the Secretary.

Subsection (e) requires the Secretary to submit to the appropriate Congressional Committees any proposed concessions contract with anticipated gross receipts in excess of $1,000,000, or for a duration of more than five years. The Secretary is prohibited from ratifying any proposed contract until at least 60 days after such Congressional notification.

Subsection (f)(1) states that except as provided in paragraph (2), the Secretary may not grant a concessioner a preferential right to renew a concessions contract.

Paragraph (2) permits, but does not require, the Secretary to grant a preferential right of renewal for a concessions contract for outfitter or guide services, provided that the contract does not grant the concessioner an interest in real property (as provided in section 11), the Secretary determines that the concessioner has operated satisfactorily for all evaluations conducted during the previous contract period, and the concessioner's bid for the new contract satisfies the minimum bid requirements established by the Secretary.

Subsection (g) prohibits the Secretary from granting a concessioner a preferential right to provide new or additional services at the park.

Section 7(a) provides that franchise fees are to be determined competitively and shall not be less than a minimum level that the—

Subsection (b) states that the franchise fee shall not be less than the minimum fee established by the Secretary for each concessions contract. The minimum fee is to be set so as to provide the concessioner with a reasonable opportunity to realize a profit on the operation as a whole, commensurate with the capital invested and the obligations assumed.

Subsection (c) states that consideration of revenue to the United States shall be subordinate to the objectives of protecting and preserving the park's resources, and of providing appropriate facilities and services to the public at reasonable rates.

Section 8 establishes a special account in the Treasury of the United States for all receipts collected pursuant to this Act. Subject to appropriation, 50 percent of the franchise fees receipts collected are to be allocated among park units in the same proportion as the percent of franchise fees collected, and 50 percent are to be allocated among park units on the basis of need, in a manner to be determined by the Secretary. Monies expended for parks are to be used for resource management and protection, maintenance activities, interpretation, and research.

Section 9 provides that a concessions contract shall be awarded for a term not to exceed ten years.

Subsection (b) states that a temporary concessions contract shall be for a term not to exceed two years.

Section 10(a) provides that no concessions contract may be transferred, assigned, sold, or otherwise conveyed without prior written notification to, and approval of the Secretary. The Secretary is prohibited from approving any conveyance if the Secretary determines that the new concessioner will be unable to adequately provide the facilities or services required by the contract or that the conveyance is not consistent with the objectives of protecting and preserving the park or of providing necessary and appropriate facilities or services to the public at reasonable rates.

Subsection (b) directs the Secretary to notify the appropriate Congressional Committees within 30 days after receiving a proposal to convey a concessions contract. Secretarial approval of any conveyance may not occur until 60 days after such notification to the Committees.

Section 11 pertains to the protection of concessioner investments. Subsection (a) provides that a concessioner who has commenced acquisition or construction of any structure on Federal land within a park shall have a possessory interest in such structure, to the extent provided by such contract. Paragraph (2) makes clear that this provision does not create a new possessory interest for concessioners whose contract does not include recognition of a possessory interest.

Paragraph (3) states that with respect to a concessions contract entered into on or after the date of enactment of this Act, the provisions of subsection (b) (dealing with new structures) shall apply to such structure, except that for the purpose of establishing the value of the interest, the term "actual original cost" of the structure is deemed to be the value of the possessory interest as of the termination date of the previous concessions contract.

Subsection (b)(1) provides that on or after the date of enactment of this Act, a concessioner who constructs or acquires a new, additional, or replacement structure within a park shall be entitled to receive from the United States or a successor concessioner payment equivalent to the actual original cost of acquiring or constructing such structure, less straight line depreciation, in the event the contract expires or is terminated by the Secretary. The structure is to be depreciated over its estimated useful life, not to exceed 31.5 years.

Paragraph (2) states that if the contract expires or is terminated prior to the full depreciation of the structure, the concessioner shall be entitled to receive from the United States or the successor concessioner payment equal to the value of the concessioner's interest in such structure. The paragraph also makes clear that a successor concessioner may not revalue the interest in the

structure, the method of depreciation, or the estimated useful life of the structure.

Paragraphs (3) and (4) provide that the depreciation costs are to be taken into account in the schedule of rates and charges established pursuant to section 13 of this Act. Title to any such structure, fixture or improvement shall be vested in the United States.

Subsection (d) makes clear that the provisions of this section do not affect the obligation of a concessioner to insure, maintain, and repair structures assigned to the concessioner.

Subsection (d) provides that construction of a new, additional, or replacement structure involving costs of $1,000,000 or more, provided or financed by a concessioner on Federal land within a park, shall be authorized only after public review, including an opportunity for public hearings. The Secretary is also required to notify the appropriate Congressional Committees prior to approving any such construction.

Section 12 requires that a concessions contract must provide that the concessioner shall be responsible for all utility costs incurred by the concessioner.

Subsection (b) makes a conforming change to existing law by deleting the Secretary's authority to provide utility services to concessioners on a reimbursement of appropriation basis.

Section 13 provides that the reasonableness of a concessioner's rates and charges to the public shall be judged primarily by comparison with those rates and charges for similar facilities and services.

Section 14(a) directs the Secretary to publish regulations establishing standards and criteria for evaluating the performance of concessions operations within 180 days after the date of enactment of this Act.

Subsection (b) requires the Secretary to conduct periodic evaluations of each concessioner to determine whether such concessioner has performed satisfactorily. The Secretary is to provide a concessioner rated as operating unsatisfactorily with an analysis of the minimum requirements necessary for the operation to receive a satisfactory rating. If the concessioner terminates a contract pursuant to this section, the new contract is to be awarded pursuant to the requirements of this Act.

Subsection (c) states that the Secretary is to notify the appropriate Congressional Committees of each unsatisfactory rating and of each contract terminated pursuant to this section.

Section 15(a) requires each concessioner to maintain such records as the Secretary requires to enable the Secretary to determine that all terms of the concessioner's contract are being faithfully performed. The subsection also authorizes the Secretary to have access to such financial information as the Secretary deems necessary to ensure that the terms and conditions of the contract are being complied with the concessioner.

Subsection (b) provides that the General Accounting Office shall have access to financial records of a concessioner for five years after the close of the fiscal year of each concessioner.

Section 16 states that the provisions of a 1932 Act relating to the leasing of Federal buildings and properties shall not apply to concessions contracts.

Section 17 makes a conforming amendment to the Historic Sites Act of 1935.

By Mr. PELL (for himself and Ms. MIKULSKI):

S. 209. A bill to provide for full statutory wage adjustments for prevailing rate employees, and for other purposes; to the Committee on Governmental Affairs.

THE PREVAILING WAGE RATE ADJUSTMENT ACT OF 1993

• Mr. PELL. Mr. President, I am pleased to be joined today by my distinguished colleague from Maryland, Senator MIKULSKI, in introducing legislation to correct an injustice affecting thousands of Federal Government workers who are paid under the so-called prevailing wage rate system. I am also pleased that my colleague Congressman GEORGE HOCHBRUECKNER of New York is introducing identical legislation in the House of Representatives.

Our bill, the Prevailing Wage Rate Adjustment Reform Act of 1993, will give Federal blue-collar workers in the Federal Wage System [FWS] full adjustments to their pay based on the annual local wage survey of private industries in each wage grade area. This legislation is necessary because in every year since 1979 an appropriations pay cap has been placed on the annual adjustments to FWS pay, limiting any increase to that received by General Schedule [GS] employees.

This pay cap is contrary to the intent of the Congress which established the FWS to pay Federal blue-collar workers according to the private sector wages in each of the 135 geographic wage grade areas across the country. After more than a decade of the continuous application of these pay caps, salaries of FWS workers no longer reflect the local prevailing rate paid to employees in similar jobs in private industry. In fact, FWS worker salaries now lag an average of 10 percent behind those paid in the private sector. In some areas the situation is more severe because private sector wages have risen far more sharply. For example, in the Narragansett Bay wage grade area in Rhode Island, FWS workers are paid on average more than 17 percent less than their private sector counterparts. The pay gap varies both by geographic area and grade level and can range from 0 to 35 percent.

I ask unanimous consent that a list of all the wage grade areas ranked by the average pay gap in each area be included in the RECORD.

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

FEDERAL WAGE SYSTEM APPROPRIATED FUND EMPLOYEE COUNTS AND PAY GAPS

[National average pay gaps = 9.55 percent; sorted by average pay gap]

Wage area name	Number employee	Average pay gap	Gap range	
			Minimum (percent)	Maximum (percent)
Richmond, VA	2,496	32.41	31.05	35.54
Dothan, AL	620	26.12	22.11	30.17

FEDERAL WAGE SYSTEM APPROPRIATED FUND EMPLOYEE COUNTS AND PAY GAPS—Continued

[National average pay gaps = 9.55 percent; sorted by average pay gap]

Wage area name	Number employee	Average pay gap	Gap range	
			Minimum (percent)	Maximum (percent)
New Haven-Hartford, CT	735	24.90	22.38	27.50
Shreveport, LA	567	23.53	20.11	26.42
Huntsville, AL	271	21.97	3.47	32.77
Buffalo, NY	642	20.95	11.29	27.59
Northeastern AZ	2,054	20.94	2.65	32.06
Boston, MA	2,956	20.43	6.57	30.02
Charlotte, NC [1]	335	19.41	4.05	26.55
Southwestern, MI	645	18.94	8.08	25.22
Wichita Falls, TX-SW OK	954	18.64	8.38	41.28
Dallas-Fort Worth, TX	1,654	18.64	.....	30.34
Narragansett Bay, RI	940	17.93	7.51	25.58
Nashville, TN	1,973	17.69	1.00	27.80
Santa Barbara, CA	520	17.37	.....	32.91
Philadelphia, PA	11,276	16.98	1.65	26.72
Wilmington, DE [2]	968	16.79	.....	29.06
Syracuse-Utica-Rome, NY	1,038	16.74	.....	31.13
Eastern TN	480	16.63	12.58	19.14
Indianapolis, IN	1,970	16.36	1.71	25.96
Topeka, KS	1,179	15.87	1.46	30.46
Central and Western MA [2]	861	15.70	13.29	18.62
Albany, GA [2]	1,216	15.44	5.01	24.20
Wichita, KS	760	15.25	2.37	22.89
Tulsa, OK	1,295	15.23	.....	23.55
Corpus Christi, TX	3,694	15.05	1.53	23.93
Portland, ME	223	14.76	12.48	18.73
New London, CT	517	14.49	11.86	16.48
North Dakota	1,288	14.46	.....	31.73
Davnprt, IA-Rck Isd, IL-Moline, IL	1,835	13.92	9.75	20.71
Savannah, GA	1,259	13.49	7.92	16.84
Meridian, MS	626	13.44	4.27	19.29
Detroit, MI	1,818	13.42	5.82	20.95
Texarkana, TX [2]	3,332	13.08	11.26	18.08
Louisville, KY	3,263	13.01	8.28	15.84
Portsmouth, NH [2]	4,885	12.96	11.93	14.39
Orlando, FL	284	12.91	5.36	15.79
Seattle-Everett-Tacoma, WA	13,055	12.65	2.81	20.52
St Louis, MO	2,305	12.65	.....	25.42
Rochester, NY	1,150	12.41	10.86	15.07
Bloomington-Bedford-Washington, IN	1,304	12.28	9.39	19.60
Columbus, OH	3,237	12.06	.....	21.75
Fort Wayne-Marion, IN [2]	813	11.48	3.41	20.11
Madison, WI [1]	181	11.41	.....	21.96
West Virginia	984	11.24	.....	17.89
Roanoke, VA	340	11.20	5.78	16.28
Atlanta, GA	1,948	11.14	5.92	14.31
San Bern-Riverside-Ontario, CA	3,236	11.08	2.25	22.49
Minneapolis, MN-St. Paul, WI	1,444	11.04	2.49	16.00
Cedar Rapids-Iowa City, IA	256	10.87	.48	20.94
Augusta, ME	245	10.70	.....	22.78
Cincinnati, OH	377	10.61	.....	18.50
Omaha, NE	1,403	10.61	.....	20.10
Panama City, FL	599	10.46	9.62	14.67
Washington, DC	15,305	10.21	.....	16.20
Dayton, OH	2,458	10.20	.21	16.25
Central, NC	2,357	10.19	6.93	11.29
Reno, NV	847	10.14	.72	17.93
Southeastern NC (1)	4,081	9.97	6.06	12.27
Pensacola, FL (1)	4,779	9.69	.63	14.61
San Diego, CA	7,787	9.42	.....	20.65
Las Vegas, NV	466	9.36	3.56	12.66
Asheville, NC	290	9.27	8.43	10.60
New York, NY	5,741	9.20	4.13	12.62
Houston-Galveston-Texas City, TX	992	9.06	.39	17.06
Columbia, SC	1,393	9.01	6.51	9.77
Los Angeles, CA	9,043	8.81	.....	20.66
Harrisburg, PA	3,794	8.64	.....	18.80
Jackson, MS	1,284	8.62	.....	16.27
Norfk-Prtsmth-N Nws-Hamptn, VA [2]	15,951	8.60	.12	14.63
San Francisco, CA	14,055	8.54	.....	14.86
Anniston-Gadsden, AL [2]	3,268	8.50	4.41	16.59
Denver, CO	1,862	8.39	.....	19.18
Tampa-St Petersburg, FL	976	8.31	.....	15.76
Albuquerque, NM	1,498	8.29	.....	15.82
Lexington, KY	1,120	8.25	.84	13.40
San Antonio, TX [2]	10,781	8.21	.....	13.43
Northwestern MI	545	8.20	1.23	14.66
Stockton, CA	2,122	8.07	3.28	11.70
Augusta, GA	759	8.04	4.17	18.78
Southeastern WA-Eastern OR	462	7.86	.....	14.32
Albany-Schenectady-Troy, NY	1,614	7.86	.....	17.43
Scranton-Wilkes Barre, PA [2]	2,545	7.60	5.96	9.70
New Orleans, LA [2]	802	7.40	.....	14.02
Oklahoma City, OK [2]	7,702	7.35	1.23	15.89
Pittsburgh, PA	2,020	7.31	.....	13.10
Cocoa Beach-Melbourne, FL	417	7.07	.....	12.02
Lake Charles-Alexandria, LA	1,370	7.07	.....	14.27
Newburgh, NY	1,656	6.76	.86	11.97
Northern NY	1,600	6.70	6.50	7.05
Salinas-Monterey, CA	1,030	6.62	.83	22.54
Duluth, MN [2]	260	6.50	1.97	16.40
Phoenix, AZ	1,590	6.23	.....	14.21
Utah	10,075	6.12	.....	13.92
Hagrtwn, MD-Martins, W VA-Chamb, PA	2,873	5.92	.29	17.03
Cleveland, OH	1,410	5.85	.....	12.49
Kansas City, KS/MO	1,730	5.57	.....	15.30
Columbus-Aberdeen, MS	561	5.44	2.50	10.43

FEDERAL WAGE SYSTEM APPROPRIATED FUND EMPLOYEE COUNTS AND PAY GAPS—Continued

[National average pay gaps = 9.55 percent; sorted by average pay gap]

Wage area name	Number employee	Average pay gap	Gap range	
			Minimum (percent)	Maximum (percent)
Waco, TX	2,280	5.42	1.85	8.77
Champaign-Urbana, IL	880	5.36	.....	11.74
Baltimore, MD	4,567	5.09	.....	8.15
Chicago, IL	3,183	4.71	.....	9.53
Southwestern WI	980	4.55	3.14	5.39
Hawaii	7,691	4.36	1.34	6.28
Sacramento, Ca	7,331	4.18	.....	8.59
Columbus, GA	2,570	4.13	.....	16.21
Milwaukee, WI	870	4.07	.....	9.96
Macon, GA [2]	6,168	3.93	1.30	23.71
Boise, ID [2]	661	3.86	.....	9.96
Portland, OR	1,550	3.58	.....	8.83
Des Moines, IA	827	3.26	.57	5.22
Biloxi, MS	1,385	3.21	2.72	4.40
Wyoming	1,665	3.15	.....	10.75
Puerto Rico	1,103	3.00	.33	5.02
Central and Northern ME	618	2.82	.....	15.01
Great Falls, MT	1,623	2.58	.....	5.80
Oscoda-Alpena, MI	273	2.47	.....	9.98
Fresno, CA	1,386	1.94	.....	6.10
Memphis, TN	2,691	1.86	.18	9.04
Southwestern OR	979	1.75	.....	2.98
Tucson, AZ [2]	1,439	1.69	.....	6.80
Little Rock, AR	2,515	1.51	.45	7.26
Southern MO	684	1.41	.35	3.64
Miami, FL	1,505	1.39	.....	2.73
Southern and Western CO	2,217	1.37	.....	6.81
Spokane, WA	1,025	1.29	.....	4.97
Western TX	670	1.22	.....	2.85
Eastern SD	619	1.17	.....	4.76
Charleston, SC	7,318	1.08	.06	6.65
Jacksonville, FL [2]	3,738	1.01	.....	7.21
El Paso, TX	2,354	.85	.....	2.80
Birmingham, AL [1]	393	.55	.....	1.85
Dubuque IA	136	.46	.....	2.91
Alaska	2,923	.29	.....	2.28
Austin	582	.00	.....	.....
[illegible] averages	326,976	9.55	.....	41.28

[1] Mon[illegible] areas—used non-DoD schedules (most populous schedules)
[2] Mon[illegible] areas—used DoD schedules (most populous schedules).

Note.—This list reflects those schedules in effect on 9/30/91 for regular schedule and production facilitating employees.

Mr. PELL. Federal blue-collar employees are a very important component of our Federal work force and for far too long they have been treated like our poor cousins. These are the workers who help to serve our veterans, who maintain our national parks and Government buildings and equipment, and who support our Nation's defense. The work they do should not be underestimated and it is time to stop treating them like second-class citizens.

The result of the pay cap is not only an injustice to Federal workers, but a severe recruitment and retention problem for Federal Government agencies. The FWS system provides for special exceptions to be made in determining wages in cases where there are recruitment and retention problems, but the pay caps have forced a situation where these special exceptions are not adequate to provide a satisfactory solution. Indeed, the special pay alternatives that do exist are now being used as a substitute for adequate comprehensive pay adjustments instead of for the intended purpose of dealing with unusual and limited recruitment and retention problems.

This situation is unfair. It is unfair to all Federal blue-collar employees who were promised fair wages by Congress when the prevailing rate system was designed. And it is particularly unfair now that the white-collar pay system has been reformed to include locality based comparability payments to bring GS salaries in line with private sector wages in local wage areas. The inequities in the Federal Wage System can no longer be tolerated. The bill which we are introducing will do a very simple thing—it will lift the pay cap on Federal blue-collar wages and allow the system to work as it was intended. While a blanket removal of the pay cap may seem to be an unlikely prospect given the size of the Federal budget deficit, the cost of the bill is a measure of the inequity these employees have suffered. If it is not possible to provide total relief to all FWS workers, I believe consideration must be given to providing some relief to those areas in the country that have fallen farthest behind.

Some authorities have argued that the pay cap should be removed gradually. Both the Office of Personnel Management [OPM] in a report to Congress on the problems in the FWS and the U.S. Merit Systems Protection Board [MSPB] in a report entitled "Federal Blue-Collar Employees: A Workforce in Transition" have called for a phase out of the pay caps. These reports also promote various reforms to the system.

Our bill provides the simplest and most immediate way to make the system more fair and equitable, and would be a good starting point for the discussion of changing the FWS. If other changes or reforms must also be made, it is important that we start that dialogue now. The MSPB interviewed numerous individuals involved in the Federal Wage System and in its report it notes that—

pay was one of the first and most frequently mentioned issues. Virtually all of the comments about pay called for a removal of the pay cap. The cap was consistently seen by blue-collar employees, supervisors, and also more than a few white-collar managers as an unfair restriction on the long standing principle that blue-collar pay be based on prevailing rates.

I could not agree more, and as a simple matter of equity we must act now to close the pay disparity gap for Federal blue-collar workers.

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. 209

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Prevailing Wage Rate Adjustment Reform Act of 1993".

SEC. 2. WAGE RATES.

Without regard to any other provision of law limiting the amounts payable—

(1) to a prevailing rate employee defined under section 5342(a)(2) of title 5, United States Code;

(2) to an employee covered by section 5348 of such title; or

(3) to any other employee subject to section 616 of the Treasury, Postal Service, and General Government Appropriations Act, 1993, Public Law 102-393; 106 Stat. 1768;

such employees shall be paid, beginning on the effective date of each annual wage survey adjustment in the region after the date of the enactment of this Act, wages as determined and established in accordance with the provisions of subchapter IV of chapter 53, title 5, United States Code.●

By Mr. WOFFORD:

S. 210. A bill to provide for cost-of-living adjustments for pay and retirement benefits for Members of Congress and certain senior Federal officials to be limited by the amount of Social Security cost-of-living adjustments, and for other purposes; to the Committee on Governmental Affairs.

LIMITATIONS ON COST-OF-LIVING ADJUSTMENTS FOR MEMBERS OF CONGRESS AND CERTAIN SENIOR FEDERAL OFFICIALS

● Mr. WOFFORD. Mr. President, in this new Congress, I'll be introducing a series of bills designed to improve our economic competitiveness, protect our natural environment, build a system of national and community service and invest in the future of Pennsylvania communities. Most importantly, I'll also continue and intensify my efforts with my colleagues and our new President to craft reform legislation that will control costs and make health care affordable for every American.

Today I am proposing action on one of the other central priorities that President Clinton stressed in his inaugural speech action to ensure that Congress doesn't forget "those people whose toil and sweat sends us here and pays our way." I propose to ensure that no Members of Congress or senior executive branch officials receive a cost-of-living adjustment to their salaries which exceeds that given to those millions of older Americans struggling to make ends meet on their Social Security checks.

Ever since I came to the Senate I've shared the belief that we must "put aside personal advantage so that we can feel the pain and see the promise of America." So I rejected the use of taxpayer-financed, self-promotional mass mail and returned funds intended for that use to the U.S. Treasury. I rejected a congressional pay raise and am giving the increase to charity. And I offered legislation to end the valuable free health care that Members of Congress received from the Office of Attending Physician in the Capitol—a goal that was accomplished as of May 1, 1992, by an agreement between House and Senate leaders.

It's unfair for Members of Congress and senior executive branch officials to receive a higher cost-of-living adjustment to their salaries and pensions than millions of Americans living on Social Security. This year Social Security retirement benefits will increase only 3 percent—which amounts to a $19

increase in the average monthly benefit.

In contrast, Members of Congress and senior executive branch officials are slated to receive a 3.2-percent increase. And unlike most private sector pensions, this automatic increase will also apply to the pensions of Members of Congress and senior executive branch officials. Now more than ever, most people who receive pensions have no assurance that their benefits will be adjusted for inflation. In fact, they increasingly have to worry whether the promise of that pension will be kept at all.

For this year, I have limited the cost-of-living adjustment for my own staff and for myself to that received by Social Security retirees. I urge my colleagues to take this step as well.

For future years, I am introducing legislation to put Members of Congress and senior executive officials on the same footing as those who depend on Social Security for their retirement. It would base the cost-of-living adjustments to the salaries and pensions of Members of Congress and senior executive branch officials on the same formula used to calculate the increase for Social Security retirees. For former Members and senior officials, my bill would ensure that cost-of-living adjustments would be given only on that amount of their pension allowed under Social Security.

This legislation also seeks to end the controversy surrounding whether cost-of-living adjustments for Members of Congress violate the 27th amendment to the Constitution. My bill would allow Members of Congress' salaries to be adjusted only in nonelection years. All working Americans and retirees—deserve to have their wages and pensions reflect the costs of inflation. But at the dawn of this new era in which we resolve to reform our politics and make Government responsible once again to the people, it's important for our elected Representatives and senior officials to be in the same boat as the people they were sent here to serve.●

By Mr. MCCAIN (for himself, Mr. INOUYE, Mr. DOMENICI, Mr. SIMON, Mr. DASCHLE, Mr. GORTON, Mr. BOREN, Mr. MURKOWSKI, Mr. BAUCUS, Mr. CAMPBELL, and Mr. BINGAMAN):

S. 211. A bill to amend the Internal Revenue Code of 1986 to provide tax credits for Indian investment and employment, and for other purposes; to the Committee on Finance.

INDIAN EMPLOYMENT AND INVESTMENT ACT OF 1993

● Mr. MCCAIN. Mr. President, I rise today on behalf of myself and Senators INOUYE, DOMENICI, SIMON, DASCHLE, GORTON, BOREN, MURKOWSKI, BAUCUS, CAMPBELL, and BINGAMAN to introduce the Indian Employment and Investment Act of 1993. This bill is identical to the McCain-Inouye amendment that was offered last year to H.R. 11, the Revenue Act of 1992. That amendment was adopted by the Senate and agreed to in conference.

Before I explain the purpose of this legislation, I want to publicly express my deep appreciation to former chairman and now Treasury Secretary Lloyd Bentsen and Senator BOB PACKWOOD for giving serious consideration to the economic plight of Indian tribes across the Nation and for agreeing to include the McCain-Inouye amendment in H.R. 11. I look forward to working with Chairman MOYNIHAN and Senator PACKWOOD in examining how this legislation might be integrated with the economic stimulus package that will be proposed by the new administration.

The purpose of this legislation is to provide a program of investment and employment incentives that can attract private industry and capital, expand existing industry, and make the private sector a permanent source of economic development on Indian reservations. The bill provides for two Indian tax credits: an investment tax credit and an employment tax credit.

The employment credit provides for a 10-percent credit to the employer based on the qualified wages and qualified health insurance costs paid to an Indian. As an added incentive, a significantly higher employment credit of 30-percent is offered to reservation employers having an Indian work force of at least 85 percent. The amendment is limited to those employees who do not receive wages in excess of $30,000. The credit, which focuses on job creation, would be allowed only for the first 7 years of an Indian's employment.

The investment tax credit is geared specifically to Indian reservations where Indian unemployment levels are unconscionable—the credit being limited in its applicability to businesses locating on Indian reservations where the unemployment rate exceeds the national average by at least 300 percent. This particular credit offers a higher percentage credit for investment in Indian country in order to help mitigate unique problems endemic to Indian country—particularly the enormous lack of infrastructure—which is not commonly shared by other depressed areas. In addition, a higher ITC establishes a differential apart from the rest of the Nation, since Indian country—both historically and at the present time—cannot successfully compete with other areas—including some depressed communities—in attracting businesses due to the double taxation, infrastructure deficits, and related problems.

I want to take a moment to highlight for the benefit of my colleagues several important provisions that are contained in this bill. They include:

First, antigaming restrictions, which would prevent both the investment and employment credits from being used with respect to the development and/or operation of gaming establishments on Indian reservations.

Second, a restriction on the employment credit to new hires only, thereby emphasizing the bill's intent to create new jobs or to expand existing businesses on reservations.

Third, an antichurning amendment to the employer credit provision, to avoid creating an incentive for an employer to discharge current employees and replace them with new or rehired employees after enactment of the bill; and

Fourth, an allowance of one-half of the investment tax credit for qualifying investments on reservations where employment exceeds 150 percent but does not exceed 300 percent of the national unemployment rate, thereby recognizing serious Indian unemployment rates which do not rise to the 300-percent level covered by the general rule.

Mr. President, I harbor no illusion that this legislation is the panacea for all the economic ills afflicting Indian reservations today. I do believe, however, that the adoption of a specific program of Indian tax incentives would be an important first step toward the goal of providing Indian tribal governments with the opportunity to strengthen their economies.

I, of course, remain open to further suggestions as to how this bill can be improved. My goal has always been to fashion a bill that can best meet the needs of Indian communities. I also want to ensure that this bill can be integrated with the economic stimulus package to be worked out between the Congress and the administration. It would be simply unconscionable, however, for the Congress or the administration to allow the existing deplorable socioeconomic conditions to continue within the borders of this Nation. The bill I am introducing today is necessary to ensure that Indian communities—perhaps the most neglected and misunderstood segment of our society—are fully included as we reach out to address the issues of poverty and unemployment in this country. Indian tribal governments—more than any other unit of government within our constitutional system—are deeply affected by the decisions we make here in the Congress.

It has been my privilege to work with Indian tribal governments for over 10 years. During that time one of the fundamental lessons I've learned is that the policies which have been most effective and have brought about meaningful change are those policies which have been closely coordinated with Indian tribal governments.

The Indian Employment and Investment Act meets the threshold test of tribal consultation. In this instance, I have introduced Indian tax incentive

legislation in various forms over the last 10 years. During that time, numerous tribal leaders have offered constructive suggestions as to how such legislation might be amended to better meet their needs. I want to publicly thank all of the tribal leaders who offered their input. I also want to acknowledge the leadership of the Honorable Peterson Zah, president of the Navajo Nation, for his exceptional advocacy on behalf of this specific economic proposal.

I would remind my colleagues that under our Constitution, the Congress has the ultimate authority for Federal Indian policy. For the better part of two centuries, the Congress so poorly exercised that authority that Federal Indian policy became infamous for its shortsightedness, inconsistency, and disruptive consequences.

The reasons for this failure, I believe, is that the Federal Government has tried to dictate and control the development of Indian reservations economies. Government control does not work. Instead, the real economic impact of direct Federal spending has been limited to the planning and other jobs connected to the Federal spending itself. This, of course, disappears once the Federal spending is gone. No long-term viable economy results. Certainly not one that can be self-sustaining.

I believe for several reasons that a strategy of tax incentives such as this legislation proposes is the most effective way that the Federal Government can act to stimulate reservation economic development. Tax incentives do not depend for their effectiveness on the actions of Federal bureaucracies that are often slow moving and unimaginative. The incentives are usable only by viable businesses that expect to earn some profits and hence to have tax obligations against which credits and deductions can be used to diminish their tax obligations. The Federal Government therefore does not spend anything until a real business is created on a reservation and there exist real jobs and real income generated for the benefit for reservation residents. Unlike direct spending programs, if there is no benefit, there is also no cost.

Similarly, there is a minimum of Federal spending required for studies, planning, impact analyses and all the other ways in which substantial Federal funds can be exhausted and yet no businesses, no jobs, and no real economic development are yet in sight. In all too many cases in the past, the real economic impact of direct Federal spending programs has been limited to the planning and other jobs connected to the Federal spending itself. This, of course, disappears once the Federal spending is gone. No long-term viable economy results certainly not one that can be self-sustaining.

The Federal Government has sometimes tried to direct investment into one or another specific area of business activity on reservations—tourism, for example, was a big favorite for a while. By and large, these efforts have not been successful. I believe it is better to establish some general incentives to encourage the private sector to locate on Indian reservations and then to leave it to individual, business, and tribal initiative to determine how these tax incentives will actually be put to use.

The history of this Nation is replete with the devastating results of our ignorance and lack of compassion of the needs of native Americans. Today, we can begin another chapter in our Nation's treatment of native Americans.

Listen to the eloquent but frustrating words of a Hopi mother who is fighting to keep hope alive in her children and appealing to us for action:

MAY 13, 1992.

DEAR SENATOR MCCAIN: I am writing to you in anger and frustration! I realize that you will never read this letter but just putting down the words might make me feel better. When are you people going to do something about jobs for our people?

We are a family of Hopi Indians who have never been on welfare and went to college with much sacrifice on the part of our families because we believed what your culture teaches: "work hard, don't depend on the government and pull yourselves up by your own bootstraps." We have also instilled this in our children. Our sons have now completed school—one with an associate in Computer Electronics and another with a degree in Criminal Justice—and have tried to enter the workforce with their skills only to find no opportunities for them! They cannot even collect unemployment because they have been going to school. We do not mind supporting them and their families while they continue to look for employment but their frustration and discouragement is hard to take! Those of you in power will never know the feelings of a parent to see your grown children's hopes dashed day after day. How long can the human spirit take defeat before turning bitter and hostile? Is it any wonder that people are rioting in L.A. and other cities? Phoenix and other Southwestern Cities will also find themselves in the same situation unless you people remedy this recession.

Wake up! Mr. Congressman, and put your money where your mouth is—give us jobs!

A frustrated mother,

ALFREDA SECAKUKU.

The consistent plea of Indian people through the years is a simple one: that the nature of their situation be recognized and acted upon. I urge my colleagues not to continue to ignore the very real human suffering that has been plaguing native American communities for too long.

Mr. President, I ask unanimous consent that a paper highlighting components of this bill and an excerpt from the joint explanatory statement of the committee of conference on the Indian tax incentives included in H.R. 11, which are identical to the tax incentives included in this bill, be inserted into the CONGRESSIONAL RECORD immediately following my remarks.

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

S. 211

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Indian Employment and Investment Act of 1993".

SEC. 2. INVESTMENT TAX CREDIT FOR PROPERTY ON INDIAN RESERVATIONS.

(a) ALLOWANCE OF INDIAN RESERVATION CREDIT.—Section 46 of the Internal Revenue Code of 1986 (relating to investment credits) is amended by striking "and" at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting ", and", and by adding after paragraph (3) the following new paragraph:

"(4) the Indian reservation credit."

(b) AMOUNT OF INDIAN RESERVATION CREDIT.—

(1) IN GENERAL.—Section 48 of such Code (relating to the energy credit and the reforestation credit) is amended by adding after subsection (b) the following new subsection:

"(c) INDIAN RESERVATION CREDIT.—

"(1) IN GENERAL.—For purposes of section 46, the Indian reservation credit for any taxable year is the Indian reservation percentage of the qualified investment in qualified Indian reservation property placed in service during such taxable year, determined in accordance with the following table:

"In the case of qualified Indian reservation property which is:	Indian reservation percentage is:
Reservation personal property	10
New reservation construction property	15
Reservation infrastructure investment	15.

"(2) QUALIFIED INVESTMENT IN QUALIFIED INDIAN RESERVATION PROPERTY DEFINED.—For purposes of this subpart—

"(A) IN GENERAL.—The term 'qualified Indian reservation property' means property—

"(i) which is—

"(I) reservation personal property,

"(II) new reservation construction property, or

"(III) reservation infrastructure investment, and

"(ii) not acquired (directly or indirectly) by the taxpayer from a person who is related to the taxpayer (within the meaning of section 465(b)(3)(C)).

The term 'qualified Indian reservation property' does not include any property (or any portion thereof) placed in service for purposes of conducting or housing class I, II, or III gaming (as defined in section 4 of the Indian Regulatory Act (25 U.S.C. 2703)).

"(B) QUALIFIED INVESTMENT.—The term 'qualified investment' means—

"(i) in the case of reservation infrastructure investment, the amount expended by the taxpayer for the acquisition or construction of the reservation infrastructure investment; and

"(ii) in the case of all other qualified Indian reservation property, the taxpayer's basis for such property.

"(C) RESERVATION PERSONAL PROPERTY.—The term 'reservation personal property' means qualified personal property which is used by the taxpayer predominantly in the active conduct of a trade or business within an Indian reservation. Property shall not be

treated as 'reservation personal property' if it is used or located outside the Indian reservation on a regular basis.

"(D) QUALIFIED PERSONAL PROPERTY.—The term 'qualified personal property' means property—

"(i) for which depreciation is allowable under section 168,

"(ii) which is not—

"(I) nonresidential real property,

"(II) residential rental property, or

"(III) real property which is not described in (I) or (II) and which has a class life of more than 12.5 years.

For purposes of this subparagraph, the terms 'nonresidential real property', 'residential rental property', and 'class life' have the respective meanings given such terms by section 168.

"(E) NEW RESERVATION CONSTRUCTION PROPERTY.—The term 'new reservation construction property' means qualified real property—

"(i) which is located in an Indian reservation,

"(ii) which is used by the taxpayer predominantly in the active conduct of a trade or business within an Indian reservation, and

"(iii) which is originally placed in service by the taxpayer.

"(F) QUALIFIED REAL PROPERTY.—The term 'qualified real property' means property for which depreciation is allowable under section 168 and which is described in clause (I), (II), or (III) of subparagraph (D)(ii).

"(G) RESERVATION INFRASTRUCTURE INVESTMENT.—

"(i) IN GENERAL.—The term 'reservation infrastructure investment' means qualified personal property or qualified real property which—

"(I) benefits the tribal infrastructure,

"(II) is available to the general public, and

"(III) is placed in service in connection with the taxpayer's active conduct of a trade or business within an Indian reservation.

"(ii) PROPERTY MAY BE LOCATED OUTSIDE THE RESERVATION.—Qualified personal property and qualified real property used or located outside an Indian reservation shall be reservation infrastructure investment only if its purpose is to connect to existing tribal infrastructure in the reservation, and shall include, but not be limited to, roads, power lines, water systems, railroad spurs, and communications facilities.

"(H) COORDINATION WITH OTHER CREDITS.—The term 'qualified Indian reservation property' shall not include any property with respect to which the energy credit or the rehabilitation credit is allowed.

"(3) REAL ESTATE RENTALS.—For purposes of this section, the rental to others of real property located within an Indian reservation shall be treated as the active conduct of a trade or business in an Indian reservation.

"(4) INDIAN RESERVATION DEFINED.—For purposes of this subpart, the term 'Indian reservation' means a reservation, as defined in—

"(A) section 3(d) of the Indian Financing Act of 1974 (25 U.S.C. 1452(d)), or

"(B) section 4(10) of the Indian Child Welfare Act of 1978 (25 U.S.C. 1903(10)).

"(5) LIMITATION BASED ON UNEMPLOYMENT.—

"(A) GENERAL RULE.—The Indian reservation credit allowed under section 46 for any taxable year shall equal—

"(i) if the Indian unemployment rate on the applicable Indian reservation for which the credit is sought exceeds 300 percent of the national average unemployment rate at any time during the calendar year in which the property is placed in service or during the immediately preceding 2 calendar years, 100 percent of such credit,

"(ii) if such Indian unemployment rate exceeds 150 percent but not 300 percent, 50 percent of such credit, and

"(iii) if such Indian unemployment rate does not exceed 150 percent, 0 percent of such credit.

"(B) SPECIAL RULE FOR LARGE PROJECTS.—In the case of a qualified Indian reservation property which has (or is a component of a project which has) a projected construction period of more than 2 years or a cost of more than $1,000,000, subparagraph (A) shall apply by substituting 'during the earlier of the calendar year in which the taxpayer enters into a binding agreement to make a qualified investment or the first calendar year in which the taxpayer has expended at least 10 percent of the taxpayer's qualified investment, or the preceding calendar year' for 'during the calendar year in which the property is placed in service or during the immediately preceding 2 calendar years'.

"(C) DETERMINATION OF INDIAN UNEMPLOYMENT.—For purposes of this paragraph, with respect to any Indian reservation, the Indian unemployment rate shall be based upon Indians unemployed and able to work, and shall be certified by the Secretary of the Interior.

"(6) COORDINATION WITH NONREVENUE LAWS.—Any reference in this subsection to a provision not contained in this title shall be treated for purposes of this subsection as a reference to such provision as in effect on the date of the enactment of this paragraph."

(2) LODGING TO QUALIFY.—Paragraph (2) of section 50(b) of such Code (relating to property used for lodging) is amended—

(A) by striking "and" at the end of subparagraph (C),

(B) by striking the period at the end of subparagraph (D) and inserting "; and" and

(C) by adding at the end thereof the following subparagraph:

"(E) new reservation construction property."

(c) RECAPTURE.—Subsection (a) of section 50 of such Code (relating to recapture in case of dispositions, etc.), is amended by adding at the end thereof the following new paragraph:

"(6) SPECIAL RULES FOR INDIAN RESERVATION PROPERTY.—

"(A) IN GENERAL.—If, during any taxable year, property with respect to which the taxpayer claimed an Indian reservation credit—

"(i) is disposed of, or

"(ii) in the case of reservation personal property—

"(I) otherwise ceases to be investment credit property with respect to the taxpayer, or

"(II) is removed from the Indian reservation, converted or otherwise ceases to be Indian reservation property,

the tax under this chapter for such taxable year shall be increased by the amount described in subparagraph (B).

"(B) AMOUNT OF INCREASE.—The increase in tax under subparagraph (A) shall equal the aggregate decrease in the credits allowed under section 38 by reason of section 48(c) for all prior taxable years which would have resulted had the qualified investment taken into account with respect to the property been limited to an amount which bears the same ratio to the qualified investment with respect to such property as the period such property was held by the taxpayer bears to the applicable recovery period under section 168(g).

"(C) COORDINATION WITH OTHER RECAPTURE PROVISIONS.—In the case of property to which this paragraph applies, paragraph (1) shall not apply and the rules of paragraphs (3), (4), and (5) shall apply."

(d) BASIS ADJUSTMENT TO REFLECT INVESTMENT CREDIT.—Paragraph (3) of section 50(c) of such Code (relating to basis adjustment to investment credit property) is amended by striking "energy credit or reforestation credit" and inserting "energy credit, reforestation credit or Indian reservation credit other than with respect to any expenditure for new reservation construction property".

(e) CERTAIN GOVERNMENTAL USE PROPERTY TO QUALIFY.—Paragraph (4) of section 50(b) of such Code (relating to property used by governmental units or foreign persons or entities) is amended by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F), respectively, and inserting after subparagraph (C) the following new subparagraph:

"(D) EXCEPTION FOR RESERVATION INFRASTRUCTURE INVESTMENT.—This paragraph shall not apply for purposes of determining the Indian reservation credit with respect to reservation infrastructure investment."

(f) APPLICATION OF AT-RISK RULES.—Subparagraph (C) of section 49(a)(1) of such Code is amended by striking "and" at the end of clause (ii), by striking the period at the end of clause (iii) and inserting ", and", and by adding at the end the following new clause:

"(iv) the qualified investment in qualified Indian reservation property."

(g) CLERICAL AMENDMENTS.—

(1) Section 48 of such Code is amended by striking the heading and inserting the following:

"SEC. 48. ENERGY CREDIT; REFORESTATION CREDIT; INDIAN RESERVATION CREDIT."

(2) The table of sections for subpart E of part IV of subchapter A of chapter 1 is amended by striking out the item relating to section 48 and inserting the following:

"Sec. 48. Energy credit; reforestation credit; Indian reservation credit."

(h) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 1993.

SEC. 3. INDIAN EMPLOYMENT CREDIT.

(a) ALLOWANCE OF INDIAN EMPLOYMENT CREDIT.—Section 38(b) of the Internal Revenue Code of 1986 (relating to general business credits) is amended by striking "plus" at the end of paragraph (6), by striking the period at the end of paragraph (7) and inserting ", plus", and by adding after paragraph (7) the following new paragraph:

"(8) the Indian employment credit as determined under section 45(a)."

(b) AMOUNT OF INDIAN EMPLOYMENT CREDIT.—Subpart D of Part IV of subchapter A of chapter 1 of such Code (relating to business related credits) is amended by adding at the end thereof the following new section:

"SEC. 45. INDIAN EMPLOYMENT CREDIT.

"(a) AMOUNT OF CREDIT.—

"(1) IN GENERAL.—For purposes of section 38, the amount of the Indian employment credit determined under this section with respect to any employer for any taxable year is 10 percent (30 percent in the case of an employer with at least 85 percent Indian employees throughout the taxable year) of the sum of—

"(A) the qualified wages paid or incurred during such taxable year, plus

"(B) qualified employee health insurance costs paid or incurred during such taxable year.

In no event shall the amount of the Indian employment credit for any taxable year exceed the credit limitation amount determined under subsection (e) for such taxable year.

"(2) INDIAN EMPLOYEE.—For purposes of paragraph (1), the term 'Indian employee' means an employee who is an enrolled member of an Indian tribe or the spouse of such a member.

"(b) QUALIFIED WAGES; QUALIFIED EMPLOYEE HEALTH INSURANCE COSTS.—For purposes of this section—

"(1) QUALIFIED WAGES.—

"(A) IN GENERAL.—The term 'qualified wages' means any wages paid or incurred by an employer for services performed by an employee while such employee is a qualified employee.

"(B) COORDINATION WITH TARGETED JOBS CREDIT.—The term 'qualified wages' shall not include wages attributable to service rendered during the 1-year period beginning with the day the individual begins work for the employer if any portion of such wages is taken into account in determining the credit under section 51.

"(2) QUALIFIED EMPLOYEE HEALTH INSURANCE COSTS.—

"(A) IN GENERAL.—The term 'qualified employee health insurance costs' means any amount paid or incurred by an employer for health insurance to the extent such amount is attributable to coverage provided to any employee while such employee is a qualified employee.

"(B) EXCEPTION FOR AMOUNTS PAID UNDER SALARY REDUCTION ARRANGEMENTS.—No amount paid or incurred for health insurance pursuant to a salary reduction arrangement shall be taken into account under subparagraph (A).

"(c) QUALIFIED EMPLOYEE.—For purposes of this section—

"(1) IN GENERAL.—Except as otherwise provided in this subsection, the term 'qualified employee' means, with respect to any period, any employee of an employer if—

"(A) substantially all of the services performed during such period by such employee for such employer are performed within an Indian reservation,

"(B) the principal place of abode of such employee while performing such services is on or near the reservation in which the services are performed, and

"(C) the employee began work for such employer on or after January 1, 1994.

"(2) CREDIT ALLOWED ONLY FOR FIRST 7 YEARS.—An employee shall not be treated as a qualified employee for any period after the date 7 years after the day on which such employee first began work for the employer.

"(3) INDIVIDUALS RECEIVING WAGES IN EXCESS OF $30,000 NOT ELIGIBLE.—An employee shall not be treated as a qualified employee for any taxable year of the employer if the total amount of the wages paid or incurred by such employer to such employee during such taxable year (whether or not for services within an Indian reservation) exceeds the amount determined at an annual rate of $30,000. The Secretary shall adjust the $30,000 amount contained in the preceding sentence for years beginning after 1993 at the same time and in the same manner as under section 415(d).

"(4) EMPLOYMENT MUST BE TRADE OR BUSINESS EMPLOYMENT.—An employee shall be treated as a qualified employee for any taxable year of the employer only if more than 50 percent of the wages paid or incurred by the employer to such employee during such taxable year are for services performed in a trade or business of the employer. Any determination as to whether the preceding sentence applies with respect to any employee for any taxable year shall be made without regard to subsection (f)(2).

"(5) CERTAIN EMPLOYEES NOT ELIGIBLE.—The term 'qualified employee' shall not include—

"(A) any individual described in subparagraph (A), (B), or (C) of section 51(i)(1),

"(B) any 5-percent owner (as defined in section 416(i)(1)(B)),

"(C) any individual who is neither an enrolled member of an Indian tribe nor the spouse of an enrolled member of an Indian tribe, and

"(D) any individual if the services performed by such individual for the employer involve the conduct of class I, II, or III gaming as defined in section 4 of the Indian Gaming Regulatory Act (25 U.S.C. 2703), or are performed in a building housing such gaming activity.

"(6) INDIAN TRIBE DEFINED.—The term 'Indian tribe' means any Indian tribe, band, nation, pueblo, or other organized group or community, including any Alaska Native village, or regional or village corporation, as defined in, or established pursuant to, the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

"(7) INDIAN RESERVATION DEFINED.—The term 'Indian reservation' means a reservation, as defined in—

"(A) section 3(d) of the Indian Financing Act of 1974 (25 U.S.C. 1452(d)), or

"(B) section 4(10) of the Indian Child Welfare Act of 1978 (25 U.S.C. 1903(10)).

"(d) EARLY TERMINATION OF EMPLOYMENT BY EMPLOYER.—

"(1) IN GENERAL.—If the employment of any employee is terminated by the taxpayer before the day 1 year after the day on which such employee began work for the employer—

"(A) no wages (or qualified employee health insurance costs) with respect to such employee shall be taken into account under subsection (a) for the taxable year in which such employment is terminated, and

"(B) the tax under this chapter for the taxable year in which such employment is terminated shall be increased by the aggregate credits (if any) allowed under section 38(a) for prior taxable years by reason of wages (or qualified employee health insurance costs) taken into account with respect to such employee.

"(2) CARRYBACKS AND CARRYOVERS ADJUSTED.—In the case of any termination of employment to which paragraph (1) applies, the carrybacks and carryovers under section 39 shall be properly adjusted.

"(3) SUBSECTION NOT TO APPLY IN CERTAIN CASES.—

"(A) IN GENERAL.—Paragraph (1) shall not apply to—

"(i) a termination of employment of an employee who voluntarily leaves the employment of the taxpayer,

"(ii) a termination of employment of an individual who before the close of the period referred to in paragraph (1) becomes disabled to perform the services of such employment unless such disability is removed before the close of such period and the taxpayer fails to offer reemployment to such individual, or

"(iii) a termination of employment of an individual if it is determined under the applicable State unemployment compensation law that the termination was due to the misconduct of such individual.

"(B) CHANGES IN FORM OF BUSINESS.—For purposes of paragraph (1), the employment relationship between the taxpayer and an employee shall not be treated as terminated—

"(i) by a transaction to which section 381(a) applies if the employee continues to be employed by the acquiring corporation, or

"(ii) by reason of a mere change in the form of conducting the trade or business of the taxpayer if the employee continues to be employed in such trade or business and the taxpayer retains a substantial interest in such trade or business.

"(4) SPECIAL RULE.—Any increase in tax under paragraph (1) shall not be treated as a tax imposed by this chapter for purposes of—

"(A) determining the amount of any credit allowable under this chapter, and

"(B) determining the amount of the tax imposed by section 55.

"(e) CREDIT LIMITATION AMOUNT.—For purposes of this section—

"(1) CREDIT LIMITATION AMOUNT.—The credit limitation amount for a taxable year shall be an amount equal to the credit rate (10 or 30 percent as determined under subsection (a)) multiplied by the increased credit base.

"(2) INCREASED CREDIT BASE.—The increased credit base for a taxable year shall be the excess of—

"(A) the sum of any qualified wages and qualified employee health insurance costs paid or incurred by the employer during the taxable year with respect to employees whose wages (paid or incurred by the employer) during the taxable year do not exceed the amount determined under paragraph (3) of subsection (c), over

"(B) the sum of any qualified wages and qualified employee health insurance costs paid or incurred by the employer (or any predecessor) during calendar year 1993 with respect to employees whose wages (paid or incurred by the employer or any predecessor) during 1993 did not exceed $30,000.

"(3) SPECIAL RULE FOR SHORT TAXABLE YEARS.—For any taxable year having less than 12 months—

"(A) the amounts paid or incurred by the employer shall be annualized for purposes of determining the increased credit base, and

"(B) the credit limitation amount shall be multiplied by a fraction, the numerator of which is the number of days in the taxable year and the denominator of which is 365.

"(f) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) WAGES.—The term 'wages' has the same meaning given to such term in section 51.

"(2) CONTROLLED GROUPS.—

"(A) All employers treated as a single employer under section (a) or (b) of section 52 shall be treated as a single employer for purposes of this section.

"(B) The credit (if any) determined under this section with respect to each such employer shall be its proportionate share of the wages and qualified employee health insurance costs giving rise to such credit.

"(3) CERTAIN OTHER RULES MADE APPLICABLE.—Rules similar to the rules of section 51(k) and subsections (c), (d), and (e) of section 52 shall apply.

"(4) COORDINATION WITH NONREVENUE LAWS.—Any reference in this section to a provision not contained in this title shall be treated for purposes of this section as a reference to such provision as in effect on the date of the enactment of this paragraph."

(c) DENIAL OF DEDUCTION FOR PORTION OF WAGES EQUAL TO INDIAN EMPLOYMENT CREDIT.—

(1) Subsection (a) of section 280C of such Code (relating to rule for targeted jobs credit) is amended by striking "51(a)" and inserting "45(a), 51(a), and".

(2) Subsection (c) of section 196 of such Code (relating to deduction for certain unused business credits) is amended by striking "and" at the end of paragraph (5), by striking the period at the end of paragraph (6) and inserting ", and", and by adding at the end the following new paragraph:

"(7) the Indian employment credit determined under section 45(a)."

(d) DENIAL OF CARRYBACKS TO PREENACTMENT YEARS.—Subsection (d) of section 39 of such Code is amended by adding at the end thereof the following new paragraph:

"(4) NO CARRYBACK OF SECTION 45 CREDIT BEFORE ENACTMENT.—No portion of the unused business credit for any taxable year which is attributable to the Indian employment credit determined under section 45 may be carried to a taxable year ending before the date of the enactment of section 45."

(e) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 of such Code is amended by adding at the end thereof the following:

"Sec. 45. Indian employment credit."

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to wages paid or incurred after December 31, 1993.

INDIAN EMPLOYMENT AND INVESTMENT ACT OF 1993

The Indian Employment and Investment Act of 1993 is specifically designed to meet the economic development needs of Indian reservations. The bill provides a program of investment and employment incentives that can attract private industry and capital, expand existing industry, and make the private sector a permanent source of economic development on Indian reservations.

The Employment Credit provides for a 10% credit to the employer based on the qualified wages and qualified health insurance costs paid to an Indian. As an added incentive, a significantly higher employment credit of 30% is offered to reservation employers having an Indian workforce of at least 85%. The amendment is limited to those employees who do not receive wages in excess of $30,000. The credit, which focuses on job creation, would be allowed only for the first seven years of an Indian's employment.

The Investment Tax Credit is geared specifically to reservations where Indian unemployment levels exceed the national average by at least 300 percent. The amendment provides 10% for personal property, 15% for new construction property, and 15% for infrastructure investment on or near reservations.

The bill also includes:

(1) "anti-gaming" restrictions, which would prevent both the investment and employment credits from being used with respect to the development and/or operation of gaming establishments on Indian reservations.

(2) a restriction on the employment credit to "new hires" only, thereby emphasizing the bill's intent to create new jobs (or to expand existing businesses) on reservations.

(3) an "anti-churning" amendment to the employer credit provision, to avoid creating an incentive for an employer to discharge current employees and replace them with new or re-hired employees after enactment of the bill.

(4) an allowance of one-half of the investment tax credit for qualifying investments on reservations where employment exceeds 150% but does not exceed the 300% of the national unemployment rate, thereby recognizing serious Indian unemployment rates which do not rise to the 300% level covered by the general rule.

The Indian Employment and Investment Act of 1993 is consistent with the unique legal and political status of Indian tribal governments and the government-to-government relationship between tribal governments and the United States. The Supreme Court has upheld the constitutionality of Indian legislation on the basis of this status and the relationship with the United States, and has rejected the challenge that such legislation is premised upon an unconstitutional racial classification. (*Morton* v. *Mancari*, 417 U.S. 535 (1974)).

The bill would apply to all federally-recognized tribes in the states of: Alabama, Alaska, Arizona, California, Mississippi, Montana, Nebraska, Nevada, New Mexico, New York, North Carolina, Maine, Massachusetts, Michigan, Minnesota, Rhode Island, South Dakota, Texas, Utah, Washington, Wisconsin, Wyoming, North Dakota, Oklahoma, Oregon, Colorado, Connecticut, Florida, Idaho, Iowa, Kansas, Louisiana.

There are 514 Federally-recognized Indian tribes. The 1990 census counted 2 million Native Americans. However, approximately 1 million Native Americans reside on or near Indian reservations or Alaska native villages. The Indian Employment and Investment Act of 1993 would only apply to businesses locating on an Indian reservation, former Indian reservations in Oklahoma, and land held by incorporated Native groups, regional corporations, and village corporations under the provisions of the Alaska native Claims Settlement Act.●

● Mr. MURKOWSKI. Mr. President, I rise today to join with Senator MCCAIN in introducing the Indian Employment and Investment Act of 1993.

I am pleased to be an original cosponsor of this bill which is designed to help the economic development needs of Indian reservations any land held by incorporated native groups, regional corporations, and village corporations in Alaska.

The Indian Employment and Investment Act will provide employment and investment incentives for the private sector to locate on Indian Reservations and on lands held by Alaska Natives. I believe this is very important.

In addition to business opportunities provided to Alaska's Natives by regional and village corporations, the bill we are introducing today will provide Alaska's Natives with the opportunity to break free from their traditional roles and allow them to work within the private sector on their land.

Specifically, the bill creates an investment tax credit for areas where unemployment levels exceed the national average by at least 300 percent. The bill provides for 10-percent personal property, 15-percent new construction property, and 15-percent infrastructure investment tax credit on such lands. Many Alaska villages will qualify because unemployment in many villages often averages above the approximately 18-percent threshold level.

The bill also provides a 10-percent employment credit to an employer based on the qualified wages and qualified health insurance cost paid to natives. As an added incentive, a significant higher credit of 30 percent is offered in some cases to employers having a work force that is at least 85 percent Indian/native.

Mr. President, we need jobs in rural Alaska, and this measure is one way of helping to stimulate job creation for Native Alaskans.

While many of the regional and village corporations in Alaska have developed and matured into healthy, self-efficient corporations, it is clear that a large number of the natives in Alaska are struggling to make ends meet. By introducing this bill I hope to:

First, revitalize economically and physically distressed native groups, regional corporations and village corporations in Alaska.

Second, promote meaningful employment for Alaska's Natives who are struggling to fulfill their own economic self-determination.

Third, raise Alaska Native incomes which will help promote a healthy standard of living for Alaska's Native community.

Mr. President, there are many problems faced by Alaska's Native community. Poor housing, health care, water, and sewer problems, the list is very long. No, this bill will not solve all of the problems facing Alaska's Native community, however, providing employment and investment incentives for the private sector to locate on native lands is certainly a step in the right direction.

I look forward to working with my colleagues during the 103d Congress on this important legislation.●

Mr. BOREN. Mr. President, in this season of service and investing in people, I join an effort today that would truly empower those who are most in need and impoverished. The dirty secret during tough economic times is that not all groups are equally affected. Some feel the pain and burden more than others. For too long, native Americans have been in that position. Unfortunately Government's answer has been to ignore their unique needs and circumstances. Along with Senator MCCAIN and others, I do not intend for this policy of neglect to continue. I believe the Indian Employment and Investment Act of 1993 is an initiative long overdue and I am proud to be a sponsor.

This bill is an important tax proposal and is promoted by those who have seen the destitution first hand, the tribes themselves. The Navajos, the Cherokees, and other tribes in my State of Oklahoma have called on this Congress and administration to fight the scourge of economic hopelessness. The bill offers commonsense proposals to the continuing senseless poverty. Essential tax credits for businesses that provide employment and invest-

ment on or near Indian reservations are included in this bill. Our goal is to stimulate the development of viable reservation and other tribal economies and more fully integrate them in the national economy.

Of special importance to me and my State is a provision in the bill addressing the unique status of tribes in Oklahoma. In general, the bill would allow the Indian reservation credit, which is an investment tax credit, only when the Indian unemployment rate on a reservation exceeds 300 percent of the national unemployment rate. It is tragic that such conditions even exists. The intent of the 300-percent requirement is to limit the credit to reservations which face the most severe economic circumstances in part as a result of the isolated, insular nature of the circumstances.

One of the strengths of my State is that our native American communities are not confined to reservations but are assimilated throughout the State, often living in rural areas designated as former reservations. Their tribal economies may or may not be partially integrated into the surrounding non-Indian economies, but in nearly all cases these tribes in Oklahoma and other States still suffer intolerably high unemployment rates that demand action. Yet this strength of assimilation can have unintended consequences since bureaucratic proposals do not often take account of this fact. The result is that my State can be shortchanged when proposals assisting native Americans are drafted.

This bill ensures that the needs of Indians in Oklahoma are met. The bill allows one-half of the otherwise available credit on Indian reservations whose unemployment rate is between 150 to 300 percent of the national average. This provision partially extends the benefits of the investment credit to Oklahoma tribes and other tribes similarly situated. A full credit remains available to these tribes whenever the 300-percent threshold is exceeded.

An unfortunate consequence in our legislative process is that good bills are defeated not on its merits but because its fate is tied with more controversial packages. Such was the case for the Indian Employment and Investment Act introduced last year. The Indian tax credits were included in last year's omnibus tax package, H.R. 11. Both the Senate and the House had approved of the credits, but because of its inclusion in the vetoed urban aid bill, the proposal was never enacted into law. It then died an odious political death.

But the need remains and this legislation is long overdue. I will work to include Indian investment and employment tax credit provisions in the economic stimulus and deficit reduction package that will soon be making its way through the Senate. I would also like to make clear that I would like the precise level of benefits in the bill increased. For example, the bill provides an Indian reservation credit ranging from 10 to 15 percent. These percentages reflect a compromise reached last fall to take into account the revenue constraints imposed upon the larger tax bill of which this credit was a part. Since any legislation this year will operate under completely different constraints, I would like to see the Indian reservation credit increased. Our goal should be to provide a credit that is more in line with the percentages used in the original legislation last year, a range of 25 to 33⅓ percent. I intend to work with my colleague Senator MCCAIN and others to achieve this result.

Too often tax law is a thinly veiled attempt to help the rich get richer. if nothing else, this bill is a break from that since it is specifically aimed at those most in need. What is needed are not band-aids but a cure to rid them of unemployment and poverty. This bill does not offer handouts, but economic opportunities. As embattled as native Americans are against unemployment, let us perform a surgical strike against the enemy of joblessness in Indian country. Let us commit ourselves to true economic justice and reform. Let us pledge our energy to help until the work is done and this bill is passed.

By Mr. DORGAN:

S. 212. A bill to modernize the Federal Reserve System and to provide for prompt disclosure of certain decisions of the Federal Open Market Committee; to the Committee on Banking, Housing, and Urban Affairs.

FEDERAL RESERVE REFORM ACT OF 1993

• Mr. DORGAN. Mr. President, today I rise to introduce the Federal Reserve Reform Act of 1993, legislation which would increase the accountability of the Federal Reserve to the American people by shedding some light upon the Federal Reserve's policies and procedures. Congressman LEE HAMILTON of Indiana is introducing companion legislation in the U.S. House of Representatives.

One half of this country's economic policy—monetary policy—is made by the Fed. As a result, the Fed has enormous power over the direction of our economy, thus over the lives of every American—farmers, business owners, homeowners, workers, students, investors, and borrowers alike.

But today, the Federal Reserve continues to operate in near secrecy, and does not conform to the normal standards of Government accountability in a democracy. There is no institutional channel for the discussion of economic goals and policies between the President and the Federal Reserve: Federal Reserve decisions are not made public in a timely manner; and data is not readily available on its budget. As a result, there is no formal way for our system to coordinate fiscal and monetary policies or for Americans to find out what the Fed is doing. This is not the best way for a great economic power to make decisions that affect the well-being of all Americans.

It is not my purpose in this legislation to reduce the independence of the Fed or to criticize monetary policy. The bill does not impose congressional or other outside controls on Federal Reserve policy. Nor would it end policy mistakes. What it would do is create a formal channel of communication between the President and the Federal Reserve and provide Congress and the American people with more and better information on the Federal Reserve's policies and procedures.

Specifically:

First, the President's top economic advisers would be required to meet three times a year with the Federal Open Market Committee. This includes the Secretary of the Treasury, the Chairman of the Council of Economic Advisers, and the Director of the Office of Management and Budget.

Second, the President would be empowered to appoint a new Chairman of the Federal Reserve near the beginning of his term rather than toward the end. The Fed is crucial to the success of any economic policy and the President should not have to contend with a Chairman who is pulling in an opposite direction.

Third, the Fed would be required to disclose immediately any changes in its targets for the money supply. This would provide all investors, large and small, with equal and timely information about monetary policy decisions. Today only the larger firms, which have the financial ability to hire sophisticated Fed watchers, can get a jump on the future direction of monetary policy. Such firms get an unfair advantage over small businesses and investors who can't afford to employ experts to monitor Fed activities.

Fourth, the Comptroller General would be permitted to conduct more thorough audits of Fed operations, including policy procedures and processes. For many years the Fed was totally exempt from any such audits to uncover misdoing or waste. Today the General Accounting Office [GAO] is prohibited from auditing many of the Fed's operations including actions on monetary policy and transactions made under the direction of the Federal Open Market Committee [FOMC]. This bill will remove many of these restrictions.

Fifth, the Fed would be required to publish its budget in the budget of the U.S. Government. Today the Federal Reserve budget is secret; it reveals nothing about its operations to what it considers the unwashed masses. But no governmental agency should take in and spend billions of dollars without making its budget open to the public.

These modest steps will inject fresh air and light into the making of monetary policy without impairing the independence of the Fed. The legislation gets fiscal and monetary policy on the same track by encouraging the Fed to work more closely with the peoples representatives in Congress and in the executive branch.

I urge my colleagues to support this important initiative by cosponsoring the Federal Reserve Reform Act of 1993. And I ask unanimous consent to include the full text of the bill in the RECORD following this statement.

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

S. 212

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Reserve Reform Act of 1993".

SEC. 2. CONSULTATION BETWEEN FEDERAL OPEN MARKET COMMITTEE AND THE SECRETARY OF THE TREASURY, THE DIRECTOR OF THE OMB, AND THE CHAIRMAN OF THE CEA.

Section 2A of the Federal Reserve Act (12 U.S.C. 225a) is amended—

(1) in the first sentence, by striking "The Board of Governors" and inserting "(a) IN GENERAL.—The Board of Governors"; and

(2) by adding at the end the following new subsection:

"(b) CONSULTATION REQUIRED.—The Federal Open Market Committee shall meet and consult with the Secretary of the Treasury, the Director of the Office of Management and Budget, and the chairman of the Council of Economic Advisors—

"(1) during the 30-day period immediately preceding the date on which each report required under the second sentence of subsection (a) is submitted to the Congress by the Board of Governors; and

"(2) during the 30-day period beginning on the date which is 100 days immediately preceding the date by which the President is required to submit the budget under section 1105(a) of title 31, United States Code.".

SEC. 3. APPOINTMENT OF THE CHAIRMAN AND VICE CHAIRMAN.

(a) APPOINTMENT OF THE CHAIRMAN AND VICE CHAIRMAN.—The second paragraph of section 10 of the Federal Reserve Act (12 U.S.C. 242) is amended by striking the third sentence and inserting the following: "The President shall appoint, by and with the advice and consent to the Senate, one member of the Board to serve as Chairman. The term of such member as Chairman shall expire on January 31 of the first calendar year beginning after the end of the term of the President who appointed such member as Chairman. If a member appointed as Chairman does not complete the term of such office as established in the preceding sentence, the President shall appoint, by and with the advice and consent of the Senate, another member to complete the unexpired portion of such term. The President shall also appoint, by and with the advice and consent of the Senate, one member of the Board to serve as Vice Chairman for a term of 4 years. The Chairman and the Vice Chairman may each serve after the end of their respective terms until a successor has taken office.".

(b) PERFORMANCE OF DUTIES.—The second paragraph of section 10 of the Federal Reserve Act (12 U.S.C. 242) (as amended by subsection (a)) is amended by inserting after the seventh sentence the following: "In the event of the absence or unavailability of the Chairman, the Vice Chairman or (in the Vice Chairman's absence) another member of the Board may be designated by the Chairman to perform the duties of the office of the Chairman. If a vacancy occurs in the office of the Chairman, the Vice Chairman shall perform the duties of the Chairman until a successor takes office. If a vacancy occurs in the office of the Vice Chairman while the office of the Chairman is vacant, the member of the Board with the most years of service on the Board shall perform the duties of the Chairman until a successor takes office.".

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall take effect on the date of enactment of this Act.

(2) CURRENT CHAIRMAN TO COMPLETE TERM.—Notwithstanding the amendment made by subsection (a), any member who holds the office of Chairman of the Board of Governors of the Federal Reserve System on the date of enactment of this Act shall continue in such office during the remainder of the term to which such member was appointed.

SEC. 4. DISCLOSURE OF INTERMEDIATE TARGETS.

Section 12A(b) of the Federal Reserve Act (12 U.S.C. 263(b)) is amended by adding at the end the following: "Notwithstanding any other provision of law, each change, of any nature whatsoever, in the intermediate targets for monetary policy, which change is adopted by the Committee, shall be disclosed to the public on the date on which such change is adopted. For purposes of this subsection, the term 'intermediate targets' means any policy objectives regarding monetary aggregates, credit aggregates, prices, interest rates, or bank reserves.".

SEC. 5. AUDIT OF FINANCIAL TRANSACTIONS BY COMPTROLLER GENERAL.

Section 714(b) of title 31, United States Code (relating to audits by the Comptroller General), is amended—

(1) in paragraph (1), by inserting "or" at the end;

(2) by striking paragraphs (2) and (3); and

(3) by amending paragraph (4) to read as follows:

"(2) memoranda, letters, or other written communications between or among members of the Board of Governors of the Federal Reserve System of officers or employees of the Federal Reserve System relating to any transaction described in paragraph (1).".

SEC. 6. BOARD SUBJECT TO BUDGET PROCESS.

Section 1105 of title 31, United States Code (relating to budget contents and submission to Congress), is amended by adding at the end the following new subsection:

"(g) FEDERAL RESERVE BOARD BUDGET TREATMENT.—Not later than October 16 of each year, the estimated receipts and proposed expenditures of the Board of Governors of the Federal Reserve System and all Federal Reserve Banks for the current year and the next 2 succeeding years shall be transmitted by the Board to the President. The President shall transmit to the Congress the information received in accordance with this subsection, without change, together with the budget transmitted to the Congress under subsection (a).".●

By Mr. THURMOND (for himself, Mr. GLENN, Mr. MACK, Mr. HEFLIN, Mr. MCCAIN, Mr. SIMPSON, Mr. SHELBY, Mr. COATS, Mr. D'AMATO, Mr. MOYNIHAN, Mr. MURKOWSKI, Mr. DOLE, Mr. DECONCINI, Mr. COHEN, and Mr. SARBANES):

S. 214. A bill to authorize the construction of a memorial on Federal land in the District of Columbia or its environs to honor members of the Armed Forces who served in World War II and to commemorate U.S. participation in that conflict; to the Committee on Energy and Natural Resources.

WASHINGTON, DC, WORLD WAR II MEMORIAL ACT OF 1993

Mr. THURMOND. Mr. President, as a veteran of World War II, it is a pleasure to rise today to introduce a bill that would establish a memorial to honor members of the Armed Forces who served in World War II and to commemorate the U.S. participation in that conflict.

World War II was one of the most significant wars in our history as a nation. Involving more than 16 million Americans, it was the war which preserved freedom for the Western World. Yet, it was not without a heavy toll. The damage and the human suffering are immeasurable. More than 670,000 Americans were wounded and over 400,000 made the ultimate sacrifice by giving their lives. A tribute to these Americans is richly deserved.

World War II memorials are located all over the world. However, there is no single monument that honors the American veterans of World War II as a group. Our Nation's Capital would be an especially fitting location for such a monument. This legislation would provide for such a location.

Mr. President, section 1 of this bill gives the American Battle Monuments Commission [ABMC] the authority to establish a World War II memorial in Washington, DC, or its environs. It makes sure the establishment of such a memorial is in compliance with the Commemorative Works Act of 1986. It also makes sure the memorial is accessible to the physically handicapped.

Section 2 would establish a World War II Memorial Advisory Board. This presidentially appointed Board would promote the establishment of the memorial and encourage private contributions for the memorial. It would also advise the ABMC on the site and design for the memorial.

Section 3 requires the ABMC to actively seek and accept private contributions for the memorial.

Mr. President, the funding for the project was authorized last Congress with the passage of the World War II 50th Anniversary Commemorative Coins Act. Proceeds from the coin sales and private contributions solicited by the Commission established with this legislation will cover the costs of construction and maintenance of the memorial.

I strongly feel that this memorial should be funded through the sale of

coins and private donations. I believe the ABMC has proven its ability in raising private donations and I encourage the ABMC to do so. There will be no cost to the taxpayer for this memorial.

Mr. President, last year this bill was referred to the Senate Committee on Energy and Natural Resources. Hearings were held and it was favorably reported out of that committee. It then unanimously passed the Senate. I urge my colleagues to join me in support of this worthy measure for our faithful and deserving veterans.

Mr. President, I ask unanimous consent that a copy of the bill appear in the CONGRESSIONAL RECORD following my remarks; that this bill be placed directly on the calendar; and that the attached list of Senators be included as original cosponsors.

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

S. 214

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

SECTION 1. AUTHORITY TO ESTABLISH MEMORIAL.

(a) IN GENERAL.—The American Battle Monuments Commission (hereafter in this Act referred to as the "Commission") is authorized to establish a memorial on Federal land in the District of Columbia or its environs to honor members of the Armed Forces who served in World War II and to commemorate the participation of the United States in that war.

(b) COMPLIANCE WITH STANDARDS FOR COMMEMORATIVE WORKS.—The establishment of the memorial shall be in accordance with the Act entitled "An Act to provide standards for placement of commemorative works on certain Federal lands in the District of Columbia and its environs, and for other purposes" approved November 14, 1986 (40 U.S.C. 1001 et seq.).

(c) HANDICAPPED ACCESS.—The plan, design, construction, and operation of the memorial pursuant to this section shall provide for accessibility by, and accommodations for, the physically handicapped.

SEC. 2. ADVISORY BOARD.

(a) ESTABLISHMENT OF BOARD.—There is established a World War II Memorial Advisory Board (hereafter in this Act referred to as the "Board"), consisting of 12 members, who shall be appointed by the President from among veterans of World War II, historians of World War II, and representatives of veterans organizations, historical associations, and groups knowledgeable about World War II.

(b) APPOINTMENTS.—Members of the Board shall be appointed not later than 3 months after the date of enactment of this Act and shall serve for the life of the Board. The President shall make appointments to fill such vacancies as may occur on the Board.

(c) RESPONSIBILITIES OF BOARD.—The Board shall—

(1) in the manner specified by the Commission, promote establishment of the memorial and encourage donation of private contributions for the memorial; and

(2) upon the request of the Commission, advise the Commission on the site and design for the memorial.

(d) TERMINATION.—The Board shall cease to exist on the last day of the third month after the month in which the memorial is completed or the month of the expiration of the authority for the memorial under section 10(b) of the Act referred to in section 1(b), whichever first occurs.

SEC. 3. PRIVATE CONTRIBUTIONS.

The Commission shall solicit and accept private contributions for the memorial.

SEC. 4. FUND IN THE TREASURY FOR THE MEMORIAL.

(a) IN GENERAL.—There is created in the Treasury a fund which shall be available to the American Battle Monuments Commission for the expenses of establishing the memorial. The fund shall consist of—

(1) amounts deposited, and interest and proceeds credited, under subsection (b);

(2) obligations obtained under subsection (c); and

(3) the amount of surcharges paid to the Commission for the memorial under the World War II 50th Anniversary Commemorative Coins Act.

(b) DEPOSITS AND CREDITS.—The Chairman of the Commission shall deposit in the fund the amounts accepted as contributions under subsection (a). The Secretary of the Treasury shall credit to the fund the interest on, and the proceeds from sale or redemption of, obligations held in the fund.

(c) OBLIGATIONS.—The Secretary of the Treasury shall invest any portion of the fund that, as determined by the Chairman of the Commission, is not required to meet current expenses. Each investment shall be made in an interest bearing obligation of the United States or an obligation guaranteed as to principal and interest by the United States that, as determined by the Chairman of the Commission, has a maturity suitable for the fund.

(d) ABOLITION.—Upon the final settlement of the accounts of the fund, the Secretary of the Treasury shall submit to the Congress draft legislation (including technical and conforming provisions) for the abolition of the fund.

SEC. 5. DEPOSIT OF EXCESS FUNDS.

If, upon payment of all expenses of the establishment of the memorial (including the maintenance and preservation amount provided for in section 8(b) of the Act referred to in section 1(b)), or upon expiration of the authority for the memorial under section 10(b) of that Act, there remains a balance in the fund created by section 4, the Chairman of the Commission shall transmit the amount of the balance to the Secretary of the Treasury for deposit in the account provided for in section 8(b)(1) of that Act.

By Mr. PRESSLER:

S. 215. A bill to amend the Agricultural Act of 1949 to eliminate the loan origination fee for oilseeds, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

OILSEEDS LOANS FEE ELIMINATION ACT OF 1993

Mr. PRESSLER. Mr. President, one reason I voted against the Omnibus Budget Reconciliation Act of 1990 was the fact that the bill established a 2-percent loan origination fee for all supported oilseeds. The loan origination fee was a bad idea when it was agreed to by the budget conferees. It is still wrong today. Instead of raising the expected revenues, the fee has discouraged farmers from entering the loan program, depressed commodity prices and reduced farmers' income protection. It should be eliminated. I am introducing legislation that will do just that.

One might ask why the fee discourages loan participation. Let me explain. The major commodity affected by the fee is soybeans. Today's loan rate for soybeans is $5.02 per bushel. If a farmer takes out a loan, the Government deducts its 2 percent—10 cents a bushel—before issuing the farmer's check. Although, the marketing loan for soybeans is set for a 9-month term, most farmers do not hold their loan for the full term. Remember, the farmer receives $4.92 per bushel if he takes out a loan, but must repay $5.02 per bushel, plus interest. The following chart reflects what the actual annual percentage rate would be on a soybean loan based on the number of months the loan is outstanding:

Months outstanding	Cost in cents per bushel	Annual percentage rate
1	12.4	30.1
2	14.7	17.9
3	17.1	13.9
4	19.4	11.8
5	21.8	10.6
6	24.1	9.8
7	26.5	9.2
8	28.8	8.8
9	31.2	8.4

Assumptions: CCC interest rate equals 5.625 percent, as of Oct. 10, 1991; principal payback equals $5.02; loan proceeds equals $4.92.

Mr. President, with the effective annual interest rate ranging as high as 30 percent, one can see why many soybean farmers are discouraged from taking out soybean marketing loans.

When this fee idea originated, it was estimated that it would generate approximately $32 million in additional Government revenue. That estimate was based on previous participation rates in the soybean program.

With the loan fee now in place, farmers are participating at a significantly lower rate: As of January 7, 1991, soybean loan placement was 192 million bushels; as of January 7, 1992, soybean loan placement was 136 million bushels, a drop of nearly 30 percent from the previous year, and as of January 5, 1993, soybean loan placement was 154 million bushels, a drop of 20 percent from 1991.

Mr. President, anticipated revenue from the fee has never reached the level used to promote the fee. In fact, if actual loan placement of the 1992 soybean crop reaches current estimates of 250 million bushels, the fee would only generate $25,362,000. Estimates for the 1992 crop are the result of record production, and represent the highest placements since 1987.

Mr. President, the loan origination fee has increased costs for American oilseed producers. I believed the loan origination fee was unfair when it was first put into place for the 1991 crop. The fee is unfair today. More than

10,000 soybean farmers in South Dakota strongly agree, as do soybeans farmers throughout the Nation. I urge my colleagues to join with me in cosponsoring this legislation, and putting an end to this unfairness.

By MR. D'AMATO (for himself and Mr. MOYNIHAN):

S. 216. A bill to provide for the minting of coins to commemorate the World University Games; to the Committee on Banking, Housing, and Urban Affairs.

WORLD UNIVERSITY GAMES COMMEMORATIVE COIN ACT

Mr. D'AMATO. Mr. President, I rise today to urge my colleagues to support the World University Games Commemorative Coin Act of 1993.

This legislation provides for the minting of two World University Games commemorative coins designed by LeRoy Nieman, to defray the cost of the United States hosting this amateur sporting event in 1993. Any additional revenue generate by the sale of the coins will be used to fund amateur athletic programs.

The World University games began in 1923, and are recognized throughout the world as an outstanding international sporting event. In fact, Mr. President, the World University games are twice as large as the winter Olympics and second in size only to the summer Olympics.

Mr. President, this is truly a unique opportunity for the United States. In the 70-year history of the World University games, this competitive event has never before been hosted by the United States. The World University games are expected to draw over 7,000 athletes and officials from more than 120 countries. Hosting the World University games will not only give America an occasion to demonstrate a commitment to the continued growth of amateur sports, but will also afford the United States the opportunity to promote the growing spirit of international cooperation.

Over the years, the World University games have come to symbolize the successful combination of academics and athletics. The games provide an academic scholarship program that sets this athletic event apart form all others, and emphasizes the strong relationship between academics and athletics.

Passing this bill will help assure the games' success by financing this historic event at no cost to the U.S. Treasury. By enacting this legislation, Congress will send a clear demonstration of its support of the hard-working athletes of this country.

The World University games provide the opportunity for competition among the best athletes in the world and the United States is fortunate to be the host of these important games. Mr. President, I urge Congress to lend support to the World University games by swiftly enacting this legislation.

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

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

S. 216

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "World University Games Commemorative Coin Act of 1993".

SEC. 2. COIN SPECIFICATIONS.

(a) FIVE-DOLLAR GOLD COINS.—

(1) ISSUANCE.—The Secretary of the Treasury (hereinafter in this Act referred to as the "Secretary") shall issue not more than 200,000 five-dollar coins which shall—

(A) weigh 8.359 grams;

(B) have a diameter of 0.850 inches; and

(C) contain 90 percent gold and 10 percent alloy.

(2) DESIGN.—The design of such five-dollar coins shall be emblematic of the participation of American athletes in the World University Games. On each such coin there shall be a designation of the value of the coin, an inscription of the year "1993", and inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(b) ONE-DOLLAR SILVER COINS.—

(1) ISSUANCE.—The Secretary shall issue not more than 750,000 one-dollar coins which shall—

(A) weigh 26.73 grams;

(B) have a diameter of 1.500 inches; and

(C) contain 90 percent silver and 10 percent copper.

(2) DESIGN.—The design of such dollar coins shall be emblematic of the participation of American athletes in the World University Games. On each such coin there shall be a designation of the value of the coin, an inscription of the year "1993", and inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(c) LEGAL TENDER.—The coins issued under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

SEC. 3. SOURCES OF BULLION.

(a) SILVER BULLION.—The Secretary shall obtain silver for the coins minted under this Act only from stockpiles established under the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98 et seq.).

(b) GOLD BULLION.—The Secretary shall obtain gold for the coins minted under this Act pursuant to the authority of the Secretary under existing law.

SEC. 4. SELECTION OF DESIGN.

The design for each coin authorized by this Act shall be selected by the Secretary, after consultation with the Greater Buffalo Athletic Corporation and the Commission of Fine Arts. As required under section 5135 of title 31, United States Code, the design shall also be reviewed by the Citizens Commemorative Advisory Committee.

SEC. 5. SALE OF THE COINS.

(a) SALE PRICE.—The coins issued under this Act shall be sold by the Secretary at a price equal to the face value, plus the cost of designing and issuing such coins (including labor, materials, dies, use of machinery, and overhead expenses).

(b) BULK SALES.—The Secretary shall make bulk sales at a reasonable discount.

(c) PREPAID ORDERS AT A DISCOUNT.—The Secretary shall accept prepaid orders for the coins prior to the issuance of such coins. Sales under this subsection shall be at a reasonable discount.

(d) SURCHARGE REQUIRED.—All sales shall include a surcharge of $35 per coin for the five-dollar coins and $7 per coin for the one-dollar coins.

SEC. 6. ISSUANCE OF THE COINS.

(a) GOLD COINS.—The five-dollar coins authorized under this Act shall be issued in uncirculated and proof qualities and shall be struck at the United States Bullion Depository at West Point.

(b) SILVER COINS.—The one-dollar coins authorized under this Act may be issued in uncirculated and proof qualities, except that not more than 1 facility of the United States Mint may be used to strike each such quality.

(c) COMMENCEMENT OF ISSUANCE.—The coins authorized and minted under this Act may be issued beginning on July 1, 1993.

(d) TERMINATION OF AUTHORITY.—Coins may not be minted under this Act after June 30, 1994.

SEC. 7. GENERAL WAIVER OF PROCUREMENT REGULATIONS.

No provision of law governing procurement or public contracts shall be applicable to the procurement of goods or services necessary for carrying out the provisions of this Act. Nothing in this section shall relieve any person entering into a contract under the authority of this Act from complying with any law relating to equal employment opportunity.

SEC. 8. DISTRIBUTION OF SURCHARGES.

All surcharges which are received by the Secretary from the sale of coins issued under this Act shall be promptly paid by the Secretary to the Greater Buffalo Athletic Corporation. Such amounts shall be used by the Greater Buffalo Athletic Corporation to support local or community amateur athletic programs, to erect facilities for the use of such athletes, and to underwrite the cost of sponsoring the World University Games.

SEC. 9. AUDITS.

The Comptroller General shall have the right to examine such books, records, documents, and other data of the Greater Buffalo Athletic Corporation as may be related to the expenditures of amounts paid under section 8.

SEC. 10. NUMISMATIC PUBLIC ENTERPRISE FUND.

The coins issued under this Act are subject to the provisions section 5134 of title 31, United States Code, relating to the Numismatic Public Enterprise Fund.

SEC. 11. FINANCIAL ASSURANCES.

It is the sense of the Congress that this coin program should be self-sustaining and should be administered in a manner that results in no net cost to the Numismatic Public Enterprise Fund.

By Mr. RIEGLE (for himself and Mr. LEVIN):

S. 217. A bill to require the Secretary of Agriculture to make crop quality reduction disaster payments to producers of the 1992 crop of corn, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

CORN PRODUCER ASSISTANCE ACT OF 1993

• Mr. RIEGLE. Mr. President, I rise today to introduce legislation that will

assist Michigan corn farmers that have suffered through a tragic growing season last year.

Currently, 25 percent of Michigan's corn crop remains unharvested because of excess moisture. This is a serious problem considering that Michigan's corn crop is valued over $600 million annually. Compounding the harvest problem, Michigan's corn crops have been damaged by early and late frosts, freezing temperatures, excess moisture, and a cool summer.

This has caused the corn that has been harvested to have excess moisture content, mold damage, and low kernel weight. Many of these factors have made the crop almost unmarketable to buyers.

The situation in Michigan is serious. Livestock producers are running short of feed, producers and elevator operators cannot meet contracts, and many in the agriculture community are in financial distress because farmers cannot meet their financial obligations to lending institutions. Current administration policy is forcing farmers to attempt to harvest in these conditions because of financial duress. Harvesting in these conditions could damage equipment, soil condition, or put producers' lives in peril.

The legislation I am introducing today is relatively simple. It requires the Secretary to use his discretionary authority to provide disaster grants to farmers who have crops that are too low in quality because of natural disasters.

On December 3, 1992, I, along with Senator LEVIN and Representatives BOB TRAXLER and DAVE CAMP, asked then Agriculture Secretary Edward Madigan to use his discretionary authority to allow disaster payments to Michigan corn farmers who have harvested or are harvesting corn that is high in quantity but low in quality.

In January of this year, I received a letter dated December 30, 1992, from Secretary Madigan denying our request. Secretary Madigan said "it was determined that the crop quality reduction payment provision in section 2245 [of the 1990 farm bill] would not be implemented." I could not disagree with the former Secretary's decision more vehemently.

That is why in addition to this legislation, I, along with several of my Michigan congressional colleagues, will be using a dual track to get Michigan corn farmers assistance by sending a letter to Secretary Mike Espy today asking him to use his discretionary authority to make crop quality reduction payments to farmers affected by natural disasters. It is my hope that he will act favorably toward this request and assist those Michigan farmers in such a difficult situation.

More importantly, I think it is important to point out that this legislation does not authorize more loans to farmers because the Michigan agriculture community has proven to me that the extent of the disaster is too great to solve with more government loans. Farmers simply cannot burden any more debt than they are currently holding.

Additionally, any farmer who successfully obtains these loans will be required to sign up for crop insurance. This provision will assist farmers to help prepare for the future by purchasing crop insurance when available and avoid these situations that many Michigan corn farmers are suffering with now.

Mr. President, I ask unanimous consent that my letter to Secretary Madigan, his response to our request, and the bill be printed in the RECORD after my remarks.

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

S. 217

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

SECTION 1. CROP QUALITY REDUCTION DISASTER PAYMENTS FOR 1992 CROP OF CORN.

The matter under the heading "COMMODITY CREDIT CORPORATION" under the heading "DEPARTMENT OF AGRICULTURE" of chapter III of title I of Public Law 102-229 (7 U.S.C. 1421 note) is amended by inserting before the period at the end the following: ": *Provided further*, That the Secretary of Agriculture shall make crop quality reduction disaster payments to producers of the 1992 crop of corn under the same terms and conditions as are specified in section 2245 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 1421 note)".

DEPARTMENT OF AGRICULTURE,
Washington, DC, December 30, 1992.

Hon. DONALD W. RIEGLE, Jr.,
U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR DON: Many thanks for your letter regarding administration of the disaster provisions of the Food, Agriculture, Conservation, and Trade Act of 1990 (1990 Act), as amended.

Section 2245 of the 1990 Act provides discretionary authority for making additional disaster payments to producers who suffer losses resulting from the reduced quality of their crops which was caused by damaging weather or related condition. Much consideration has been given to section 2245 of the 1990 Act. However, because of concerns regarding potential cost and subjective eligibility criteria, it was determined that the crop quality reduction payment provision in section 2245 would not be implemented.

Producers are eligible for assistance in accordance with the 1990 Act with respect to unharvested corn if their loss is in excess of 40 percent (35 percent for producers who had obtained crop insurance coverage) of the farm program payment yield established for the farm. County Agricultural Stabilization and Conservation committees are not authorized to consider quality when assigning yields in these cases.

An identical letter is being sent to your colleagues.

Sincerely,

EDWARD MADIGAN,
Secretary.

CONGRESS OF THE UNITED STATES,
Washington, DC, December 3, 1992.

Hon. EDWARD MADIGAN,
U.S. Secretary of Agriculture, 14th and Independence NW, Washington, DC.

DEAR MR. SECRETARY: This year has been very difficult for many Michigan agriculture producers, but especially devastating for Michigan corn growers. It is with that in mind that we are writing you to urge you to allow disaster assistance payments to Michigan corn farmers who have harvested or are harvesting high quantities of low-quality corn, or if it is not economical to harvest the corn.

As Secretary of Agriculture, you have been given the authority in the 1990 Farm Bill to allow disaster payments for program crop producers who have harvested or are harvesting too-low quality commodities, or where it is not economical to harvest the crop. It is that authority we respectfully ask you to exercise.

Corn is Michigan's largest cash crop, valued at over $600 million a year. Michigan's corn producers have suffered through an early and late frost, freezing temperatures, violent thunderstorms, excess moisture, and a very cool summer. Currently, more than 80 percent of Michigan corn remains unharvested because of excessive field moisture. Of the corn that has been harvested—all of which should have been harvested before October—field testing indicates a 28 to 40 percent moisture content, mold damage, and low kernel weight. Many of these factors make the crop unmarketable to buyers.

As you can see, the situation in Michigan is serious. Livestock producers are running short of feed supplies, producers and elevator operators cannot meet contracts, and many in the agriculture community are in financial distress. Forcing farmers to attempt to harvest in these conditions because of financial duress could damage equipment and the condition of the soil, or even put producers' lives in peril.

We would appreciate your immediate attention to this matter that is extremely important to our state. We hope that the Department will make every effort to assist Michigan's producers as they attempt to recover from these heavy losses.

Sincerely,

DONALD W. RIEGLE, JR.
DAVE CAMP.
CARL LEVIN.
BOB TRAXLER.●

By Mr. DECONCINI:

S. 218. A bill to authorize the Secretary of Agriculture to convey certain lands in the State of Arizona, and for other purposes.

SEDONA RANGER STATION ACT OF 1993

● Mr. DECONCINI. Mr. President, today I am reintroducing legislation that I introduced in the 102d Congress that will enable the Forest Service to better serve the residents of Sedona, AZ, and the users of the nearby Coconino National Forest. I am reintroducing this legislation at the beginning of the 103d Congress so that we can move forward and pass it in a timely manner.

Mr. President, the Forest Service is an organization which is only as effective as its ability to reach and serve the users of our national forests. Unfortunately, the current remote and inconvenient location of the Sedona

Ranger Station places barriers between the Forest Service and the very people it is supposed to serve.

Currently, visitors to the Sedona area are met with a frustrating experience in attempting to locate the Sedona Ranger Station. Situated off a residential road and surrounded by a school, a resort and a neighborhood of single family homes, the ranger station has simply outgrown its immediate surroundings. It is a virtual island engulfed by the city of Sedona, concealing it from the millions who visit the area each year.

The current Sedona Ranger Station is situated on 21 acres, 6.5 acres of which are useable. The remaining acreage is comprised primarily of steep hillsides. Additionally, the current location of the station is such that its responsibilities often conflict with the neighbors' expectations of a residential and resort community. During the fire season, the neighborhood is subjected to late night activities, noise, and lights. Normal daytime activities produce congestion and noise not typically encountered in a residential community. Moreover, the increased traffic poses a serious safety hazard for students of the nearby school.

Because the office is actually a renovated Forest Service house, floor loading exceeds code limitations. Employee work space is cramped, the reception area and conference rooms are half of what is needed, and parking is inadequate. Accessibility for persons with the physical disabilities is sorely deficient.

Because the problems with the current Sedona Ranger Station cannot be easily corrected, I am introducing legislation which I believe offers a sensible, cost efficient solution. If enacted, my bill would allow the Department of Agriculture to convey the land on which the current ranger station is located for no less than the fair market value. Funds from the sale would then be made available to the Coconino National Forest for the construction of a new facility for the Sedona Ranger Station. Relocating the station will be good for the Forest Service, the community of Sedona, and the millions who visit this magnificent area each year.

I hope that my colleagues will join me in passing this legislation.

Mr. President, I ask unanimous consent that the full text of the bill as well as letters in support of relocating the Sedona Ranger Station be printed in the RECORD.

Mr. President, I yield the floor.

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

S. 218

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

SECTION 1. SEDONA RANGER STATION LAND CONVEYANCE.

(a) IN GENERAL.—Subject to subsections (b) and (c), the Secretary of Agriculture (referred to in this section as the "Secretary") may convey, by quitclaim deed, all right, title, and interest of the United States in and to the approximately 21.09375-acre tract of lands (including improvements on the lands) that has the following legal description:

GILA AND SALT RIVER MERIDIAN

COCONINO COUNTY, ARIZONA

Township 17 North, Range 6 East, Section 7

NW¼ NW¼ NW¼ SW¼ SE¼, S½ NW¼ NW¼ SW¼ SE¼, SW¼ NW¼ SW¼ SE¼, NW¼ SW¼ SW¼ SE¼, SW¼ SW¼ SW¼ SE¼, SE¼ SW¼ SW¼ SE¼, W½ SW¼ SE¼ SW¼ SE¼, S½ NE¼ SW¼ SE¼ SW¼ SE¼, SE¼ SW¼ SE¼ SW¼ SE¼, SW¼ SE¼ SE¼ SW¼ SE¼, E½ SE¼ SE¼ SW¼ SE¼, E½ W½ NE¼ SE¼ SW¼ SE¼, E½ NE¼ SE¼ SW¼ SE¼, E½ W½ SE¼ NE¼ SW¼ SE¼, E½ SE¼ NE¼ SW¼ SE¼, SE¼ NE¼ NE¼ SW¼ SE¼, E½ SW¼ NE¼ NE¼ SW¼ SE¼, S½ NW¼ SE¼ SE¼ SW¼ SE¼, NE¼ NW¼ SE¼ SE¼ SW¼ SE¼.

(b) CONDITIONS.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), any conveyance pursuant to subsection (a) shall be conditioned on the Secretary's entering into one or more agreements that are sufficient to ensure, to the satisfaction of the Secretary, that, collectively, all persons with whom the agreements are to be made will construct, on a site to be determined by the Secretary, improvements for administrative purposes for the Coconino National Forest in Arizona (referred to in this section as the "administrative improvements") that are equal in value to the lands and improvements authorized to be conveyed by subsection (a).

(2) METHODS OF EXCHANGE.—

(A) SERIES OF TRANSACTIONS.—The lands and improvements may be conveyed by a series of transactions.

(B) PAYMENT.—At the discretion of the Secretary, each person to whom conveyances are to be made under this section may deposit sums in an amount not less than the fair market value, to be determined at the time of conveyance, of the lands and improvements conveyed to the person. The sums deposited with the Secretary shall remain available until expended by the Secretary for the purpose of constructing the administrative improvements.

(3) UNEQUAL VALUE.—

(A) PAYMENT.—If the value of any lands and improvements authorized to be conveyed by subsection (a) to a person exceeds the value of the administrative improvements that the person agrees to have constructed in exchange for the conveyance, the person shall make a payment to the United States in an amount equal to the difference in value.

(B) AVAILABILITY OF FUNDS.—The amount described in subparagraph (A) shall remain available to the Secretary until expended for the purpose of acquiring other lands needed for national forest purposes in the Coconino National Forest in Arizona.

(c) PROCEDURE FOR OFFERS.—

(1) PUBLIC OFFERS.—The Secretary shall solicit public offers for the lands and improvements authorized to be conveyed under subsection (a).

(2) OPENING.—All offers shall be publicly opened at the time and place stated in the solicitation notice issued pursuant to paragraph (1) and in accordance with the administrative requirements of the Secretary.

(3) CONSIDERATION OF VALUES.—The Secretary shall consider the respective values of the lands and improvements authorized to be conveyed under subsection (a) and the administrative improvements before entering into an agreement or land exchange with any person whose offer conforming to the solicitation notice issued pursuant to paragraph (1) is determined by the Secretary to be most advantageous to the Federal Government.

(4) REJECTION OF OFFERS.—Notwithstanding any other provision of this section, the Secretary may reject any offer if the Secretary determines that the rejection is in the public interest.

COCONINO COUNTY
BOARD OF SUPERVISORS,
Flagstaff, AZ, January 7, 1991.

Mr. ROBERT B. GILLIES,
District Ranger, Sedona Ranger District, Coconino National Forest, Sedona, AZ.

DEAR MR. GILLIES: In July 1989 I wrote to support a proposed move of the Sedona Ranger station from its present location to a more visitor-accessible site. I continue to support the proposed move for a variety of reasons. The existing location is concealed and surrounded by residences and therefore difficult for visitors to the area to find. Traffic to and from the station is disruptive to residents and presents a danger to children at the nearby elementary school. It is imperative that the ranger station be highly visible and easily accessible in order to be a source of information about Sedona and the Oak Creek red rock area.

I continue to support the "Chapel" site as the most favorable. It is near a well-known local landmark and is readily accessible from several major tourist routes. A well-designed facility would allow visitors a spectacular view of scenery while informing them of the many local attractions.

The "Chapel" site presents a more efficient use of federal dollars. It will provide more tourists with reasons to remain in the Sedona area and thus benefit the local tourist-based economy. It offers room for expansion as the facility grows without adverse impact on residents already established in the area.

Please feel free to use these comments in any proposal you make to your funding sources. Sedona and Coconino County will benefit from the proposed relocation as well as the Sedona Ranger District Office.

Sincerely,

J. DENNIS WELLS,
Supervisor, District 3.

YAVAPAI COUNTY
BOARD OF SUPERVISORS,
Cottonwood, AZ, January 4, 1991.

Mr. ROBERT B. GILLIES,
District Ranger, Sedona Ranger District, Coconino National Forest, Sedona, AZ.

DEAR BOB: As you requested I am sending a follow-up letter regarding the re-location of the Sedona Ranger Station.

I still concur that your existing site is inconvenient and difficult to find. The new proposed site would be easy to locate and access. This would not only benefit the forest service personnel, but would be an asset to the community, particularly people unfamiliar with the area.

Thank you for requesting my input and I hope this is scheduled for completion soon.

Sincerely,

CARLTON CAMP,
Supervisor.●

By Mr. SARBANES (for himself, Mr. SASSER, Mr. RIEGLE, and Mr. DORGAN):

S. 219. A bill to provide for a Federal Open Market Advisory Committee, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

MONETARY POLICY REFORM ACT OF 1993

• Mr. SARBANES. Mr. President, today I am introducing the Monetary Policy Reform Act of 1993, along with my colleagues, Senators JIM SASSER, chairman of the Senate Budget Committee, DON RIEGLE, chairman of the Senate Banking Committee, and BYRON DORGAN, who sponsored this legislation last year as a Member of the House of Representatives. A companion bill is being introduced in the House of Representatives today by Congressmen LEE H. HAMILTON, a former chairman of the Joint Economic Committee, and DAVID OBEY, who will be chairman of the Joint Economic Committee during this Congress.

The purpose of the Monetary Policy Reform Act is to dissolve the Federal Open Market Committee and make the Board of Governors of the Federal Reserve System solely responsible for the conduct of monetary policy, including the open market operations that determine interest rates.

The need for this bill is rooted both in the recent conduct of monetary policy and the 70-year history of the Federal Reserve System.

Early in 1991, while the Nation's economy was deep in its ninth postwar recession, reports surfaced about a disturbing split among policymakers at the Federal Reserve. Important changes in monetary policy proposed by Federal Reserve Board Chairman Alan Greenspan to stimulate economic recovery were being resisted by the presidents of some of the regional Federal Reserve banks. In a democratic government, it is not unusual for policymakers to disagree. But this was not a split among Government policymakers; a small handful of individuals representing private interests was impeding efforts by responsible public officials to conduct monetary policy in the best interests of the Nation's economy.

Partly as a result of this conflict, monetary policy during the recession and the anemic recovery that followed it has come under more than the usual criticism. Slow money growth since 1988 has been frequently cited as one reason why the economy was too weak to shrug off the shock of the gulf war. When oil prices rose during the fall of 1990 and consumer confidence plunged, the Fed's restrictive path, it is argued, served to deepen and lengthen the recession that had begun only a short time earlier. Since then, the Federal Reserve has done too little too late in its efforts to stimulate economic recovery, according to numerous witnesses who have testified before the Joint Economic Committee, including two Nobel Prize winners, Prof. Paul Samuelson of MIT and James Tobin of Yale, and a former Chairman of the Council of Economic Advisers, Prof. Paul McCracken of the University of Michigan.

Today, the apparent revival of economic activity may diminish concerns over past policy. But it should not diminish concern about a system in which private individuals have an important role in making Government economic policy.

With fiscal policy immobilized in the struggle to reduce the Federal budget deficit, much of the responsibility for the conduct of economic policy has developed to the Federal Reserve. But despite its power, the Fed does not conform to normal standards of Government accountability and is unique among Government institutions here and abroad in the pivotal role played by private individuals in making Government decisions.

BACKGROUND ON DECISIONMAKING AT THE FEDERAL RESERVE

The Federal Reserve System consists of the Board of Governors in Washington and the 12 regional Federal Reserve banks. The Board of Governors has seven members, who are appointed by the President and confirmed by the Senate to 14-year terms. The Governors of the Federal Reserve are thus duly appointed public officials who are responsible to the President and Congress, and through them to the American people, for their conduct in office.

The Federal Reserve bank presidents, in contrast, owe their jobs to the boards of directors of the regional banks—boards dominated by local commercial banks. Neither the President nor Congress has any role in selecting the presidents of the Federal Reserve banks. Some of the bank presidents are career Federal Reserve employees, others have backgrounds in banking, business, and academia; none are duly appointed public officials. Nonetheless, they participate in monetary policy decisions through their membership on the Federal Reserve's Open Market Committee [FOMC], where they cast 5 of the 12 votes that determine monetary policy and interest rates.

Althoug most Government agencies—including the Fed—make extensive use of private citizens as advisers, in no other agency are major policy decisions made by individuals who are not publicly accountable.

LEGISLATIVE HISTORY

1913 FEDERAL RESERVE ACT

The legislative history of the Federal Reserve Act and later amendments suggests that the bank presidents are members of the FOMC not because they serve any useful economic function there, but because of political compromises.

The role of the bank presidents in the conduct of monetary policy has always been a controversial issue. Neither Woodrow Wilson, who was President at the time the Fed was created, nor Franklin Delano Roosevelt, who was President when the banking laws were rewritten during the 1930's, found any justification for having private interests represented on Government bodies.

In 1913, as Congress was drafting the Federal Reserve Act, Representative Carter Glass, who was then chairman of the House Banking Committee, proposed to give the Nation's banks significant representation on the Federal Reserve Board. Senator Owen, chairman of the Senate Banking Committee, strongly opposed this and held instead that the Government should appoint all the members of the proposed Board. Glass' compromise position was to have four members chosen by the Government and three by the banks. Owen and Glass met with President Wilson on this issue. According to Owen (see CONGRESSIONAL RECORD, Vol. 50):

> After a discussion of two hours, approximately, the President coincided with my contention that the Government should control every member of the Board on the ground that it was the function of the government to supervise this system, and no individual, however respectable should be on the Board representing private interests.

According to Glass' 1927 book, "Adventures in Constructive Finance," when a group of bankers went to the White House to protest Wilson's decision, the President turned to the bankers and said:

> Will one of you gentlemen tell me in what civilized country of the Earth there are important government boards of control on which private interests are represented?

After what Glass tells us was a painful silence, President Wilson inquired:

> Which of you gentlemen thinks that railroads should select members of the Interstate Commerce Commission?

As a compromise, Wilson Suggested that as compensation to the banks for not being on the Board, the bill should include a Federal Advisory Council, which would let representatives of the banks meet with the Federal Reserve Board periodically on a purely advisory capacity. Since Glass decided there could have been no convincing reply to either of Wilson's questions, he thereafter gave Wilson's approach his very cordial support. Wilson's views were reflected in the report of the Senate Banking Committee on the 1913 act, which argued:

> The function of the Federal Reserve Board in supervising the banking system is a governmental function in which private persons or private interests have no right to representation, except through the Government itself.

DEVELOPMENT OF THE FEDERAL OPEN MARKET COMMITTEE

One of the most serious omissions from the Federal Reserve Act of 1913 was that it did not provide for a Federal Reserve organ to guide open market operations. Instead, such decisions were left up to the individual Federal Reserve banks.

During the early years, the banks, which received no appropriations from Congress for operating expenses, frequently made open market purchases of Treasury bills and other financial instruments in order to gain earning assets to fund salaries and other bank expenses. Since each bank did this separately and at its own convenience, open market operations occasionally had a disruptive influence on Treasury markets.

In 1922, under pressure from the Treasury, the Governors—as the bank presidents were called before 1935—of the banks of New York, Boston, Chicago, Cleveland, and Philadelphia formed what came to be called the Open Market Investment Committee, to work out an orderly method of buying and selling Government securities. The individual Federal Reserve Banks, however, were not compelled to obey this committee; each bank decided on its own whether to follow the approved policy. The Federal Reserve Board in these early days had no statutory role in open market operations.

THE BANKING ACT OF 1933

The Banking Act of 1933 gave the Open Market Committee statutory recognition and expanded it to include one representative of each Federal Reserve district. But it did little to correct the impotence of the Federal Reserve Board. The Board could not initiate open market operations; it could only approve or disapprove decisions of the Open Market Committee.

When President Roosevelt appointed Marriner Eccles to head the Federal Reserve Board in 1934, Eccles proposed to give the Board increased control over monetary policy by making it, rather than the FOMC, responsible for open market operations.

The House version of the Banking Act of 1935 followed this plan by limiting membership in the Open Market Committee to Federal Reserve Board members. To mollify the Federal Reserve banks, the bill included a provision under which the Board would consult periodically with five representatives of the banks. After consultation, however, the Board would be free to follow its own judgment on monetary policy. Some Members of Congress, particularly Senate Banking Committee Chairman Carter Glass—who joined the Senate in 1919 after a brief term as Treasury Secretary—resisted this plan and insisted that the power be shared with the Federal Reserve banks. The final version of the act compromised on this issue by creating an FOMC which included as voting members the seven members of the Board of Governors and a rotating group of five Federal Reserve bank presidents. As part of the compromise, the FOMC's policy on open market operations was made binding on the Federal Reserve banks. Authority and responsibility for monetary policy was thus centralized in the FOMC, though not in the Federal Reserve Board.

MONETARY POLICY IN OTHER COUNTRIES

This arrangement of giving private individuals a substantial voice in the conduct of monetary policy finds little support in the practice of central banking abroad.

A study recently prepared for the Joint Economic Committee on central bank-government relations in the major industrialized countries found that central bank officials who make monetary policy decisions elsewhere are all duly appointed public officials who are accountable only to the people and not to special interests. In most instances, the policymakers are appointed by the Prime Minister, with input from other Ministers, usually Treasury, or from the Parliament.

Where central bank officials that are not directly appointed by the government have a role, as in Italy, it is usually advisory; ultimately responsibility still rests with government appointees. Even in Germany, which reputedly has the most independent of all central banks, the 11 Land Bank presidents who participate in monetary policy decisions are all appointed by the upper house of the German Parliament. In no instance abroad do private individuals have a binding vote as they do here.

THE MONETARY POLICY REFORM ACT OF 1993

The Monetary Policy Reform Act of 1993, which I am introducing today, would fulfill the original intentions of Presidents Wilson and Roosevelt by making the Board of Governors solely responsible for the conduct of monetary policy.

The bill would do two things. First, the FOMC as presently constituted would be dissolved and its responsibilities would be taken over by the Board of Governors. Second, a Federal Open Market Advisory Council would be created, composed of the presidents of the 12 Federal Reserve banks. Through this Federal Open Market Advisory Council, the bank presidents would have an important consultative role on monetary policy, but would not have a vote. The Fed would still have the benefit of the bank presidents' advice, but monetary policy decisions would be the responsibility of properly appointed public officials.

Power without accountability does not fit the American system of democracy. In no other Government agency do private individuals make government policy. The Monetary Policy Reform Act of 1993 will now apply this same principle of democracy to the Federal Reserve.

Mr. President, I hereby ask unanimous consent that the text of the bill be printed in the RECORD after my remarks.

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

S. 219

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Monetary Policy Reform Act of 1993".

SEC. 2. MEMBERSHIP OF THE FEDERAL OPEN MARKET ADVISORY COMMITTEE.

Section 12A(a) of the Federal Reserve Act (12 U.S.C. 263(a)) is amended to read as follows:

"(a) ESTABLISHMENT OF ADVISORY COMMITTEE.—

"(1) IN GENERAL.—There is established a Federal Open Market Advisory Committee (hereafter in this section referred to as the 'Advisory Committee'), which shall consist of the presidents of the Federal Reserve banks.

"(2) CHAIRPERSON.—The president of the Federal Reserve Bank of New York shall serve as the chairperson of the Advisory Committee.

"(3) MEETINGS.—The meetings of the Advisory Committee shall be held in Washington, District of Columbia, not less than 4 times a year upon the call of the Board of Governors of the Federal Reserve System.

"(4) DUTIES.—The Advisory Committee shall advise the Board on the conduct of open-market operations.

SEC. 3. CONFORMING AMENDMENTS.

"(a) IN GENERAL.—Section 12A of the Federal Reserve Act (12 U.S.C. 263) is amended—

(1) in subsection (b)—

(A) by striking "Committee" each place it appears and inserting "Board"; and

(B) by inserting "REGULATIONS.—" before "NO FEDERAL RESERVE"; and

(2) in subsection (c), by inserting "ACCOMMODATION OF COMMERCE AND BUSINESS.—" before "The time".

(b) UNITED STATES OBLIGATIONS.—Section 14(b)(2) of the Federal Reserve Act (12 U.S.C. 355(2)) is amended by striking "Federal Open Market Committee" and inserting "Board of Governors of the Federal Reserve System".

(c) OTHER REFERENCES IN FEDERAL LAW.—Except as otherwise provided in this section, any reference in Federal law to the Federal Open Market Committee shall be construed to be a reference to the Federal Open Market Advisory Committee.●

Mr. DORGAN. Mr. President, today I'm joining Senators SARBANES, SASSER, and RIEGLE in introducing the Monetary Policy Reform Act of 1993 that would place the responsibility for this country's most important monetary policy decisions exclusively with the Federal Reserve's Board of Governors. This legislation will take back the Nation's monetary policy from private bankers who are accountable only to their bank shareholders, and restore it to people who are accountable to the general public, as the framers of the original Federal Reserve Act intended.

Currently, monetary policy in this country is made primarily by the Fed Reserve's Federal Open Market Committee [FOMC]. The FOMC consists of the 7 members of the Board of Governors and the 12 regional bank presidents who vote on critical monetary policy decisions that affect the Nation's economy. As a result, the FOMC has enormous power over the direction that our economy is heading.

The Board of Governors are appointed by the President and confirmed by the Senate. By contrast, the regional bank presidents—who serve the private interests of their banks—are not appointed by the President or confirmed by Congress. Yet, they are entitled to five votes that vitally affect our national economy—the jobs, businesses, investments, and economic security of every American. Consequently, these private individuals wield enormous power, but they can't be held accountable the way other Government officials can.

This legislation is intended to increase the Fed's accountability to the American people by limiting its voting seats to those officials who have been appointed and confirmed by the President and the Senate, respectively.

Specifically, the Monetary Policy Reform Act of 1993 would dissolve the FOMC and replace it with a Federal Open Market Advisory Committee [FOMAC]. As members of the newly created FOMAC, the bank presidents would continue to advise and consult with the Board of Governors about the course of monetary policy. But voting rights would be left exclusively to the duly appointed Board of Governors who can ultimately be held accountable by the President and Congress.

It shouldn't be a surprise that most other nations limit the power to make monetary policy to accountable government officials. One survey of central bank systems in foreign countries indicates that private individuals may hold advisory positions, but they can't vote on specific items of monetary policy.

The lawmakers who wrote the original Federal Reserve Act of 1913 labored to ensure that the Fed would be an accountable Government institution. While the act was being considered, President Wilson emphasized the necessity of keeping the conduct of monetary policy in the public domain. Today we are attempting to resurrect this worthy democratic goal by eliminating the votes of the bank presidents who are neither appointed by the President nor confirmed by the Senate, but exercise enormous power over the course of this Nation's economic future.

I urge my colleagues to support this important initiative to help make the Fed a more meaningful player in our democratic system by cosponsoring the Monetary Policy Reform Act of 1993.

By Mr. THURMOND:

S.J. Res. 21. A joint resolution to designate the week beginning September 19, 1993, as "National Historically Black Colleges and Universities Week"; to the Committee on the Judiciary.

NATIONAL HISTORICALLY BLACK COLLEGES AND UNIVERSITIES WEEK

Mr. THURMOND. Mr. President, I am pleased to rise today to introduce a joint resolution which authorizes and requests the President to designate the week of September 19, 1993, through September 25, 1993, as "National Historically Black Colleges Week."

This year represents the 10th year that it has been my privilege to sponsor legislation honoring the historically black colleges of our country.

Eight of the 104 historically black colleges, namely Allen University, Benedict College, Claflin College, South Carolina State College, Morris College, Voorhees College, Denmark Technical College, and Clinton Junior College, are located in my home State. These colleges are vital to the higher education system of South Carolina. They have provided thousands of economically disadvantaged young people with the opportunity to obtain a college education.

Mr. President, hundreds of thousands of young Americans have received quality educations at these 104 schools. These institutions have a long and distinguished history of providing the training necessary for participation in a rapidly changing society. Historically black colleges offer to our citizens a variety of curriculums and programs through which young people develop skills and talents, thereby expanding opportunities for continued social progress.

Recent statistics show that historically black colleges and universities have graduated 60 percent of the black pharmacists in the Nation, 40 percent of the black attorneys, 50 percent of the black engineers, 75 percent of the black military officers, and 80 percent of the black members of the judiciary.

Mr. President, through passage of this joint resolution, Congress can reaffirm its support for historically black colleges, and appropriately recognize their important contributions to our Nation. I look forward to the speedy passage of this joint resolution, and I ask unanimous consent that a copy of the joint resolution appear in the CONGRESSIONAL RECORD following my remarks.

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

S.J. RES. 21

Whereas there are 104 historically black colleges and universities in the United States;

Whereas such colleges and universities provide the quality education so essential to full participation in a complex, highly technological society;

Whereas black colleges and universities have a rich heritage and have played a prominent role in American history;

Whereas such institutions have allowed many underprivileged students to attain their full potential through higher education; and

Whereas the achievements and goals of the historically black colleges and universities are deserving of national recognition: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning September 19, 1993, is designated as "National Historically Black Colleges and Universities Week" and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States and interested groups to observe each such week with appropriate ceremonies, activities and programs, thereby demonstrating support for historically black colleges and universities in the United States.

By Mr. SPECTER (for himself, Mr. WOFFORD, Mr. LAUTENBERG, Mr. D'AMATO, and Mr. SIMON):

S.J. Res. 22. A joint resolution designating March 25, 1993 as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy"; to the Committee on the Judiciary.

GREEK INDEPENDENCE DAY

Mr. SPECTER. Mr. President, today I introduce a joint resolution to designate March 25, 1993, as Greek Independence Day: A Celebration of Greek and American Democracy.

One hundred and seventy-two years ago the Greeks began the revolution that would free them from the Ottoman Empire and return Greece to its democratic heritage. It was, of course, the ancient Greeks who developed the concept of democracy in which the supreme power to govern was vested in the people. Our Founding Fathers drew heavily upon the political and philosophical experience of ancient Greece in forming our representative democracy. Thomas Jefferson proclaimed that, "to the ancient Greeks * * * we are all indebted for the light which led ourselves out of Gothic darkness." It is fitting, then, that we should recognize the anniversary of the beginning of their effort to return to that democratic tradition.

The democratic form of government is only one of the most obvious of the many benefits we gained from the Greek people. The ancient Greeks contributed a great deal to the modern world, particularly to the United States of America, in the areas of art, philosophy, science, and law. Today, Greek-Americans continue to enrich our culture and to make valuable contributions to American society, business, and government.

It is my hope that strong support for this joint resolution in Congress will serve as a clear goodwill gesture to the people of Greece with whom we have enjoyed such a close bond throughout history. Similar legislation has been signed into law each of the past several years, with overwhelming support in both the House of Representatives and the Senate. Accordingly, I urge my colleagues to join us in supporting this important resolution.

By Mr. BURNS:

S.J. Res. 23. Joint resolution to designate the week of February 1 through February 7, 1993, as "Travel Agent Ap-

preciation Week"; to the Committee on the Judiciary.

S.J. Res. 24. Joint resolution to designate the week of February 7 through February 13, 1993, as "Travel Agent Appreciation Week"; to the Committee on the Judiciary.

TRAVEL AGENT APPRECIATION WEEK

Mr. BURNS. Mr. President, travel agencies generate hundreds of thousands of dollars in Montana and they are an important part of our business and social community. They help the business community communicate with offices nationwide and worldwide. Agents help the business community sell their products globally as worldwide opportunities for goods and services continue to expand.

Travel agents also help our student travelers. They assist them in arranging study abroad, visiting college campuses for interviews and scholarship funds, returning home for the holidays, or interview for their first jobs.

They help our grandparents visit their first grandchild in other States; they help our grandchildren visit Disney World or Disneyland. They help harried parents get away alone for the weekend. They help families plan reunions. In short, the services they perform touch every segment of our community.

The fine work they do helps all of our Members' States as well. They encourage would-be adventurers to visit museums, shops, restaurants, and tourist sites in all of America's cities and towns. Their computerized network of travel information also allows them instant expertise for any destination in my home State or yours.

Travel agents act as consumer advocates for the traveling public. They have petitioned airlines for lower, simpler fares, or better frequent traveler programs. They have solicited hotels for safer rooms, more nonsmoking facilities, and a wider array of services. Tour operators now provide more comfortable buses because travel agents have passed along the needs of their clients.

Each of us here today has used a travel agent. And when we did, we assumed that they would know everything we care to know about our business or pleasure destination. And since they did, we are here today to say thank you to agents for being our eyes and ears to the world. And so I ask each of you to proudly join with me in declaring February 1 through 7, 1993, as Travel Agent Appreciation Week.

I ask unanimous consent that the joint resolutions be printed in the RECORD following my remarks.

There being no objection, the joint resolutions were ordered to be printed in the RECORD, as follows:

S.J. RES. 23

Whereas travel and tourism has become one of the fastest growing industries in the United States, generating more than $350,000,000,000 in 1992;

Whereas over 40,000 travel agencies in the United States perform many vital services that save American consumers and business valuable time and money;

Whereas both business and leisure travelers have come to rely on the travel agent for accurate, professional advice;

Whereas travel agents are an integral part of the travel and tourism industry;

Whereas travel agents generated over $51,000,000,000 in revenue for the airline industry in 1992 alone;

Whereas travel agents are located in all 50 States, and are an important source of jobs from entry level to middle management in almost every town throughout the country; and

Whereas it is fitting to set aside a time to honor and recognize these highly trained travel professionals: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of February 1 through February 7, 1993 is designated as "Travel Agent Appreciation Week", and the President is authorized to issue a proclamation calling upon the people of the United States to observe this week with appropriate ceremonies and activities.

S.J. RES. 24

Whereas travel and tourism has become one of the fastest growing industries in the United States, generating more than $350,000,000,000 in 1992;

Whereas over 40,000 travel agencies in the United States perform many vital services that save American consumers and business valuable time and money;

Whereas both business and leisure travelers have come to rely on the travel agent for accurate, professional advice;

Whereas travel agents are an integral part of the travel and tourism industry;

Whereas travel agents generated over $51,000,000,000 in revenue for the airline industry in 1992 alone;

Whereas travel agents are located in all 50 States, and are an important source of jobs from entry level to middle management in almost every town throughout the country; and

Whereas it is fitting to set aside a time to honor and recognize these highly trained travel professionals: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of February 7 through February 13, 1994, is designated as "Travel Agent Appreciation Week", and the President is authorized to issue a proclamation calling upon the people of the United States to observe this week with appropriate ceremonies and activities.

ADDITIONAL COSPONSORS

S. 1

At the request of Mr. LEVIN, his name was added as a cosponsor of S. 1, a bill to amend the Public Health Service Act to revise and extend the programs of the National Institutes of Health, and for other purposes.

S. 2

At the request of Mr. LEVIN, his name was added as a cosponsor of S. 2, a bill to establish national voter registration procedures for Federal elections, and for other purposes.

At the request of Mr. FORD, the names of the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Pennsylvania [Mr. WOFFORD], the Senator from Delaware [Mr. BIDEN], the Senator from Massachusetts [Mr. KENNEDY], and the Senator from Arizona [Mr. DECONCINI] were added as cosponsors of S. 2, supra.

S. 4

At the request of Mr. LEVIN, his name was added as a cosponsor of S. 4, a bill to promote the industrial competitiveness and economic growth of the United States by strengthening and expanding the civilian technology programs of the Department of Commerce, amending the Stevenson-Wydler Technology Innovation Act of 1980 to enhance the development and nationwide deployment of manufacturing technologies, and authorizing appropriations for the Technology Administration of the Department of Commerce, including the National Institute of Standards and Technology, and for other purposes.

At the request of Mr. HOLLINGS, the names of the Senator from Rhode Island [Mr. PELL] and the Senator from Nevada [Mr. BRYAN] were added as cosponsors of S. 4, supra.

S. 11

At the request of Mr. BIDEN, the names of the Senator from Maine [Mr. MITCHELL] and the Senator from Maryland [Ms. MIKULSKI] were added as cosponsors of S. 11, a bill to combat violence and crimes against women on the streets and in homes.

S. 25

At the request of Mr. MITCHELL, the names of the Senator from Alabama [Mr. SHELBY], and the Senator from Texas [Mr. KRUEGER] were added as cosponsors of S. 25, a bill to protect the reproductive rights of women, and for other purposes.

S. 27

At the request of Mr. SARBANES, the names of the Senator from Illinois [Ms. MOSELEY-BRAUN], the Senator from Nevada [Mr. REID], the Senator from Rhode Island [Mr. PELL], the Senator from Alabama [Mr. SHELBY], the Senator from Florida [Mr. MACK], and the Senator from Maryland [Ms. MIKULSKI] were added as cosponsors of S. 27, a bill to authorize the Alpha Phi Alpha Fraternity to establish a memorial to Martin Luther King, Jr., in the District of Columbia.

S. 73

At the request of Mr. METZENBAUM, the name of the Senator from California [Mrs. BOXER] was added as a cosponsor of S. 73, a bill to provide for the rehiring by the Federal Aviation Administration of certain former air traffic controllers.

S. 80

At the request of Mr. GRAMM, the name of the Senator from Texas [Mr. KRUEGER] was added as a cosponsor of S. 80, a bill to increase the size of the Big Thicket National Preserve in the State of Texas by adding the Village

Creek Corridor Unit, the Big Sandy Corridor Unit, and the Canyonlands Unit.

S. 81

At the request of Mr. NICKLES, the name of the Senator from Missouri [Mr. DANFORTH] was added as a cosponsor of S. 81, a bill to require analysis and estimates of the likely impact of Federal legislation and regulations upon the private sector and State and local governments, and for other purposes.

S. 159

At the request of Mr. DOLE, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of S. 159, a bill to amend the Internal Revenue Code of 1986 to repeal the luxury excise tax.

S. 171

At the request of Mr. GLENN, the names of the Senator from Montana [Mr. BAUCUS] and the Senator from New Mexico [Mr. BINGAMAN] were added as cosponsors of S. 171, a bill to establish the Department of the Environment, provide for a Bureau of Environmental Statistics and a Presidential Commission on Improving Environmental Protection, and for other purposes.

SENATE JOINT RESOLUTION 7

At the request of Mr. GRAMM, the names of the Senator from Utah [Mr. BENNETT] and the Senator from Wyoming [Mr. SIMPSON] were added as cosponsors of Senate Joint Resolution 7, a joint resolution to provide for a Balanced Budget Constitutional Amendment.

SENATE JOINT RESOLUTION 10

At the request of Mr. HOLLINGS, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of Senate Joint Resolution 10, a joint resolution proposing an amendment to the Constitution relative to contributions and expenditures intended to affect congressional and Presidential elections.

SENATE RESOLUTION 11

At the request of Mr. DECONCINI, the name of the Senator from Maine [Mr. MITCHELL] was added as a cosponsor of Senate Resolution 11, a resolution relating to Bosnia-Hercegovina's right to self-defense.

SENATE RESOLUTION 12

At the request of Mr. PRESSLER, the names of the Senator from Iowa [Mr. GRASSLEY] and the Senator from Idaho [Mr. CRAIG] were added as cosponsors of Senate Resolution 12, a resolution expressing the sense of the Senate that meaningful reforms with respect to agricultural subsidies must be achieved in the GATT negotiations.

SENATE RESOLUTION 25—TO AMEND THE STANDING RULES OF THE SENATE TO PROVIDE A NON-DEBATABLE MOTION TO PROCEED

Mr. MITCHELL submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 25

Resolved, That rule VIII of the Standing Rules of the Senate is amended by striking the "." at the end of paragraph 2 and inserting the following: "; except those motions to proceed made by the Majority Leader, or his designee, on which there shall be a time limitation for debate of two hours equally divided between the majority and the minority leaders, or their designees: *Provided*, That any motion to proceed, by the Majority Leader, or any other Senator, to any motion, resolution, or proposal to change any of the Standing Rules of the Senate shall be debatable.".

SENATE RESOLUTION 26—TO AMEND THE STANDING RULES OF THE SENATE TO REQUIRE A THREE-FIFTHS VOTE TO OVERTURN THE CHAIR POST-CLOTURE

Mr. MITCHELL submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 26

Resolved, That rule XXII of the Standing Rules of the Senate is amended by striking the "." at the end of paragraph 3 of section 2 and inserting in lieu thereof the following: ", such appeals shall require an affirmative vote of three-fifths of the Senators duly chosen and sworn—except on a measure or motion to amend the Senate rules, in which case the necessary affirmative vote shall be two-thirds of the Senators present and voting.".

SENATE RESOLUTION 27—TO AMEND THE STANDING RULES OF THE SENATE TO PROVIDE FOR THE GERMANENESS OF COMMITTEE AMENDMENTS POST-CLOTURE

Mr. MITCHELL submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 27

Resolved, That rule XXII of the Standing Rules of the Senate is amended by adding at the end of paragraph 3 of section 2 the following: "In the case of a measure that has been reported by a committee that contains recommended committee amendments, such amendments shall be considered germane.".

SENATE RESOLUTION 28—TO AMEND THE STANDING RULES OF THE SENATE TO PROVIDE THAT QUORUM CALLS ARE CHARGED AGAINST AN INDIVIDUAL'S TIME UNDER CLOTURE

Mr. MITCHELL submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 28

Resolved, That rule XXII of the Standing Rules of the Senate is amended by striking the "." after speaks in paragraph 3 of section 2 and inserting in lieu thereof the following: ", with the time consumed by quorum calls being charged to the Senator who requested the call of the quorum.".

SENATE RESOLUTION 29—TO AMEND THE STANDING RULES OF THE SENATE TO PROVIDE ONE MOTION TO GO TO CONFERENCE WITH THE HOUSE

Mr. MITCHELL submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 29

Resolved, That rule XV of the Standing Rules of the Senate is amended by adding the following: "6. That whenever the Senate has in its possession a measure that has been passed by both Houses it shall be in order, once the measure has been placed before the Senate, to make one non-divisible motion that contains the following: to insist on the Senate amendment(s), or disagree to the House amendment(s); to request a conference with the House on the disagreeing votes of the two Houses, or agree to the request of the House for the same; and that the Presiding Officer be authorized to appoint the Senate conferees."

SENATE RESOLUTION 30—TO AMEND THE STANDING RULES OF THE SENATE TO DISPENSE WITH THE READING OF CONFERENCE REPORTS

Mr. MITCHELL submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 30

Resolved, That rule XXVIII of the Standing Rules of the Senate is amended by striking "and shall be determined without debate." in paragraph 1. and inserting in lieu thereof the following: "notwithstanding a request for the reading of the conference report, and shall be determined without debate.".

SENATE RESOLUTION 31—TO AMEND THE STANDING RULES OF THE SENATE

Mr. MITCHELL submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 31

Resolved, That Rule XV of the Standing Rules of the Senate is amended by adding at the end thereof the following new paragraph: "6. (a) At any time following the second day of consideration of a measure, regardless of the pendency, it shall twice be in order during a calendar day to move that no amendment, other than the reported committee amendments, which is not relevant to the subject matter of the measure or to the subject matter of an amendment proposed by the committee which reported the measure,

shall thereafter be in order. The motion shall be privileged and shall be decided after two hours of debate, without any intervening action, to be equally divided and controlled by the Majority and the Minority leaders or their designees.

"(b) If a motion made under subparagraph (a) is agreed to by an affirmative vote of three-fifths of the Senators voting, a quorum being present, no amendment not already agreed to (except amendments proposed by the committee which reported the measure) which is not relevant to the subject matter of the measure, or the subject matter of an amendment proposed by the committee which reported the measure, shall be in order.

"(c) When a motion made under subparagraph (a) has been agreed to as provided in subparagraph (b) with respect to a measure, points of order with respect to questions of relevancy of amendments shall be decided without debate, except that the Presiding Officer may entertain debate for his own guidance prior to ruling on the point of order. Appeals from the decision of the Presiding Officer on such points of order shall be decided without debate.

"(d) Whenever an appeal is taken from a decision of the Presiding Officer on the question of relevancy of an amendment, or whenever the Presiding Officer submits the question of relevancy of an amendment to the Senate, the vote necessary to overturn the decision of the Presiding Officer or hold the amendment relevant shall be three-fifths of the Senators voting, a quorum being present. No amendment proposing sense of the Senate or sense of the Congress language that does not directly relate to the measure or matter before the Senate shall be considered relevant.

SENATE RESOLUTION 32—TO AMEND THE STANDING RULES OF THE SENATE

Mr. MITCHELL submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 32

Resolved, That rule VIII of the Standing Rules of the Senate is amended by striking the "." at the end of paragraph 2 and inserting the following: "; except those motions to proceed made by the Majority Leader, or his designee, on which there shall be a time limitation for debate of two hours equally divided between the Majority and the Minority Leaders, or their designees. Provided that any motion to proceed, by the Majority Leader, or any other Senator, to any motion, resolution, or proposal to change any of the Standing Rules of the Senate shall be debatable.".

That rule XXIII of the Standing Rules of the Senate is amended by striking the "." at the end of paragraph 3 of section 2 and inserting in lieu thereof the following: ", such appeals shall require an affirmative vote of three-fifths of the Senators duly chosen and sworn—except on a measure or motion to amend the Senate rules, in which case the necessary affirmative vote shall be two-thirds of the Senators present and voting.".

That rule XXII of the Standing Rules of the Senate is amended by adding at the end of paragraph 3 of section 2 the following: "In the case of a measure that has been reported by a committee that contains recommended committee amendments, such amendments shall be considered germane.".

That rule XXII of the Standing Rules of the Senate is amended by striking the "." after "speaks" in paragraph 3 of section 2 and inserting in lieu thereof the following: ", with the time consumed by quorum calls being charged to the senator who requested the call of the quorum.".

That rule XV of the Standing Rules of the Senate is amended by adding the following: "6. That whenever the Senate has in its possession a measure that has been passed by both Houses it shall be in order, once the measure has been placed before the Senate, to make one non-divisible motion that contains the following: to insist on the Senate amendment(s), or disagree to the House amendment(s); to request a conference with the House on the disagreeing votes of the two Houses, or agree to the request of the House for the same; and that the Presiding Officer be authorized to appoint the Senate conferees."

That rule XXVIII of the Standing Rules of the Senate is amended by striking "and shall be determined without debate." in paragraph 1, and inserting in lieu thereof the following: "notwithstanding a request for the reading of the conference report, and shall be determined without debate."

That rule XV of the Standing Rules of the Senate is amended by adding at the end thereof the following new paragraph:

"6. (a) At any time following the second day of consideration of a measure, regardless of its pendency, it shall twice be in order during a calendar day to move that no amendment, other than the reported committee amendments, which is not relevant to the subject matter of the measure or to the subject matter of an amendment proposed by the committee which reported the measure, shall thereafter be in order. The motion shall be privileged and shall be decided after two hours of debate, without any intervening action, to be equally divided and controlled by the Majority and the Minority leaders or their designees.

"(b) If a motion made under subparagraph (a) is agreed to by an affirmative vote of three-fifths of the Senators voting, a quorum being present, no amendment not already agreed to (except amendments proposed by the committee which reported the measure) which is not relevant to the subject matter of the measure, or the subject matter of an amendment proposed by the committee which reported the measure, shall be in order.

"(c) When a motion made under subparagraph (a) has been agreed to as provided in subparagraph (b) with respect to a measure, points of order with respect to questions of relevancy of amendments shall be decided without debate, except that the Presiding Officer may entertain debate for his own guidance prior to ruling on the point of order. Appeals from the decision of the Presiding Officer on such points of order shall be decided without debate.

"(d) Whenever an appeal is taken from a decision of the Presiding Officer on the question of relevancy of an amendment, or whenever the Presiding Officer submits the question of relevancy of an amendment to the Senate, the vote necessary to overturn the decision of the Presiding Officer or hold the amendment relevant shall be three-fifths of the Senators voting, a quorum being present. No amendment proposing sense of the Senate or sense of the Congress language that does not directly relate to the measure or matter before the Senate shall be considered relevant.

SENATE RESOLUTION 33—TO AMEND SENATE RESOLUTION 338 (WHICH ESTABLISHES THE SELECT COMMITTEE ON ETHICS) TO CHANGE THE MEMBERSHIP OF THE SELECT COMMITTEE FROM MEMBERS OF THE SENATE TO PRIVATE CITIZENS

Mr. HELMS submitted the following resolution; which was placed on the calendar.

S. RES. 33

Resolved, That (a) subsection (a) of the first section of Senate Resolution 338, agreed to July 23, 1964 (88th Congress, 2d session), is amended to read as follows: "(a)(1) there is hereby established a permanent select committee of the Senate to be known as the Select Committee on Ethics (referred to in this resolution as the 'Select Committee') consisting of 6 members all of whom shall be private citizens. Three members of the Select Committee shall be selected by the Majority Leader and 3 shall be selected by the Minority Leader. Each member of the Select Committee shall serve 6 years except that the Majority Leader and the Minority Leader when making their initial appointments shall each designate 1 member to serve only 2 years and 1 member to serve only 4 years. At least 2 members of the Select Committee shall be retired Federal judges, and at least 2 members of the Select Committee shall be former members of the Senate. Members of the Select Committee may be reappointed.

"(2) The Select Committee shall select a chairman and a vice chairman from among its members.

"(3) Members of the Select Committee shall serve without compensation but shall be entitled to travel and per diem expenses in accordance with the rules and regulations of the Senate.".

(b) Subsection (e) of the first section of Senate Resolution 338 (as referred to in subsection (a)) is repealed.

SENATE RESOLUTION 34—TO AMEND SENATE RESOLUTION 338 (WHICH ESTABLISHES THE SELECT COMMITTEE ON ETHICS) TO CHANGE THE MEMBERSHIP OF THE SELECT COMMITTEE FROM MEMBERS OF THE SENATE TO PRIVATE CITIZENS

Mr. HELMS submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 34

Resolved, That (a) subsection (a) of the first section of Senate Resolution 338, agreed to July 23, 1964 (88th Congress, 2d session), is amended to read as follows: "(a)(1) there is hereby established a permanent select committee of the Senate to be known as the Select Committee on Ethics (referred to in this resolution as the 'Select Committee') consisting of 6 members all of whom shall be private citizens. Three members of the Select Committee shall be selected by the Majority Leader and 3 shall be selected by the Minority Leader. Each member of the Select Committee shall serve 6 years except that the Majority Leader and the Minority Leader when making their initial appointments shall each designate 1 member to serve only 2 years and 1 member to serve only 4 years. At least 2 members of the Select Committee

shall be retired Federal judges, and at least 2 members of the Select Committee shall be former members of the Senate. Members of the Select Committee may be reappointed.

"(2) The Select Committee shall select a chairman and a vice chairman from among its members.

"(3) Members of the Select Committee shall serve without compensation but shall be entitled to travel and per diem expenses in accordance with the rules and regulations of the Senate.".

(b) Subsection (e) of the first section of Senate Resolution 338 (as referred to in subsection (a)) is repealed.

SENATE RESOLUTION 35—EXPRESSING THE SENSE OF THE SENATE CONCERNING SYSTEMATIC RAPE IN THE CONFLICT IN THE FORMER SOCIALIST FEDERAL REPUBLIC OF YUGOSLAVIA

Mr. LAUTENBERG (for himself, Mr. DOLE, Ms. MURRAY, Mr. DURENBERGER, Mr. KENNEDY, Mr. LEAHY, Mr. D'AMATO, Mr. PRESSLER, Mr. REID, Mr. CAMPBELL, Mr. PELL, Ms. MIKULSKI, Mr. RIEGLE, Mr. AKAKA, Mr. BRADLEY, and Mr. SASSER) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 35

Whereas the State Department Country Reports on Human Rights Practices for 1992 states that "massive systematic rape, committed by Bosnian Serb military units and prison guards was used as an extension of 'ethnic cleansing' to terrify the population";

Whereas a December report by a European Community investigative team estimates that 20,000 women have been raped since the onset of hostilities;

Whereas women are protected against "any attack on their honour, in particular against rape, enforced prostitution, or any form of indecent assault" under Article 27 of the Geneva Convention Relative to the Protection of Civilian Persons in Time of War, 1949, and are protected against "outrages upon personal dignity, in particular humiliating and degrading treatment, rape, enforced prostitution and any form of indecent assault," under Article 4 of Protocol II Additional to the Geneva Convention, 1977;

Whereas "inhumane acts" are considered "crimes against humanity" under the London Agreement that established the guidelines for the Nuremberg Trials, and "torture or inhumane treatment" and "willfully causing great suffering or serious injury to body or health" and considered "grave breaches" of the Geneva Convention Relative to the Protection of Civilian Persons in Time of War, 1949, under Article 147 of that Convention;

Whereas rape is a deplorable and illegal act of violence in the United States and in every country in Europe;

Whereas systematic rape in the conflict in Bosnia-Herzegovina has been denounced under United Nations Security Council Resolution 798 (1992) and by the Council of Ministers of the European Community in its declaration of December 11, 1992;

Whereas former Secretary of State Lawrence Eagleburger denounced atrocities in this conflict and named individuals that should stand trail in an international court for "crimes against humanity";

Whereas on August 11, 1992, the Senate approved Senate Resolution 330, expressing the sense of the Senate that the United Nations Security Council should convene a tribunal to investigate allegations of war crimes and crimes against humanity committed within the territory of the former Yugoslavia and to accumulate evidence, to charge, and to prepare the basis for trying individuals believed to have committed or to have been responsible for such crimes; and

Whereas the United Nations Commission of Experts has been appointed to collect information and evidence for the eventual establishment of an international tribunal to prosecute war crimes under international law that are committed in this conflict: Now, therefore, be it

Resolved, That (a) the Senate considers—

(1) rape, whether individual or mass rape, to be an unacceptable means of warfare; and

(2) rape and forced pregnancy to be "crimes against humanity" under international law, regardless of the ethnicity or religion of the victims or the perpetrators, and considers that such offenses should be so recognized in any international tribunal to try perpetrators of crimes against humanity and war crimes.

(b) The Senate strongly condemns the systematic and widespread rape of women and girls in Bosnia-Herzegovina.

(c) The Senate commends—

(A) former Secretary of State Eagleburger for denouncing "crimes against humanity" in the conflict in Bosnia-Herzegovina and for calling for an international crimes tribunal to prosecute such crimes; and

(B) the adoption of United National Security Council Resolution 798 (1992) and the declaration of December 11, 1992, of the Council of Ministers of the European Community, both of which denounced the systematic rape of Moslem women in this conflict.

(d) It is the sense of the Senate that—

(1) the President of the United States should—

(A) publicly condemn systematic rape in this conflict,

(B) state that rape, whether individual or mass rape, and forced, pregnancy, as tactics of war, are crimes against humanity and war crimes, and

(C) vigorously support the establishment by the United Nations of an international tribunal to prosecute crimes against humanity and war crimes;

(2) the President of the United States should publicly declare that the United States will offer no safe haven to war criminals;

(3) all countries and organizations participating in humanitarian relief efforts in the former Socialist Federal Republic of Yugoslavia should allocate resources for the treatment of rape victims, including the training of relief workers in the medical and psychological effects of rape;

(4) all parties to the conflict of Bosnia-Herzegovina should immediately take steps to protect the rights of women and girls as recognized in the Geneva Conventions and, specifically, to protect them from rape, forced pregnancy, and the infliction of other indignities; and

(5) the President of the United States should urge the United Nations to provide adequate funding for the United Nations Commission of Experts and an international tribunal for the full investigation and prosecution of rape.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President of the United States and the Secretary General of the United Nations.

Mr. LAUTENBERG. Mr. President, today I am submitting a resolution condemning the systematic rape of women in Bosnia-Herzegovina and demanding that rape, as a crime against humanity under international law, should be punished under an international war crimes tribunal. I am joined by Senators DOLE, MURRAY, DURENBERGER, KENNEDY, LEAHY, D'AMATO, PRESSLER, REID, CAMPBELL, FEINSTEIN, MIKULSKI, and PELL.

State Department, European Community, and human rights reports of widespread incidents of rape in the conflict in Bosnia-Herzegovina are horrifying. They demand our immediate attention and call us to action.

According to a wide range of investigators, while some abuses have been committed by all sides in the conflict, the vast majority of these crimes have been committed by Serb soldiers against Bosnian Moslem women and girls as young as 6 years old.

In many cases, after raping, after degrading these women, Serb soldiers brutally murdered them. Other Moslem women reportedly stand on the verge of giving birth to the children of their Serb rapists, and will bring these children into a society that sees them as permanent outcasts. Still countless other Moslem women and girls face a future tortured by their memories of violence.

Shockingly, these cases are not isolated or sporadic. Thousands of women and girls—perhaps as many as 20,000 to 50,000—have been raped in the conflict in the former Yugoslavia. They also cannot be brushed aside as some of the incidental effects of total warfare. Rape in Bosnia-Herzegovina, particularly the rape of Bosnian Moslem women by Serb soldiers, has been used as a tool of warfare and must be recognized as a systematic crime against humanity.

An interim report on rape commissioned by the European Community concluded that "rape cannot be seen as incidental to the main purposes of the (Serb) aggression but as serving a strategic purpose in itself." The recently released State Department Report on Human rights for 1992 also said that "massive systematic rape, committed by Bosnian-Serb military units and prison guards, was used as an extension of 'ethnic cleansing' to terrify the population."

Last summer, I joined as a member of the majority leader's Senate delegation to the former Yugoslavia, and heard the stories of several women whom I met in a U.N. refugee camp. They told me in graphic terms how a 12-year-old girl was taken from their bus and publicly raped. Those memories haunt me. And now we know this is happening systematically, with the encouragement, sometimes under the orders of, Serb military leaders.

Mr. President, systematic rape in the conflict in Bosnia-Herzegovina has

been denounced under United Nations Security Council Resolution 798. It also has been denounced by the Council of Ministers of the European Community. The U.S. Senate has supported the establishment of a U.N. tribunal to investigate allegations of war crimes and crimes against humanity and to accumulate evidence, to charge, and to prepare the basis for trying individuals who have committed such crimes. It should now join the chorus of voices and condemn the systemic rape of Bosnian Moslem women and explicitly call for prosecution of rape in an international war crimes tribunal.

The perpetrators of rape in the former Yugoslavia should be tried in an appropriate international war crimes tribunal established by the United Nations.

A five-member Commission of experts has been appointed by U.N. Secretary General Boutros-Boutros Ghali to collect information and evidence that could be used for an international tribunal to prosecute war criminals. This is an important step toward prosecuting those guilty of crimes against humanity, including rape. The U.N. Commission should vigorously collect the necessary evidence from a variety of individuals and organizations to enable a war crimes tribunal to prosecute perpetrators of rape.

Mr. President, a report by a team commissioned by the European Community to investigate rape in the former Yugoslavia has recommended emergency help for rape victims. It has urged community governments to help train counselors and increase financial assistance to enable the Croatian and Bosnian governments to cope with the problem. The report states that "without skilled and appropriate counseling, long-term psychological disturbance with risk, of suicide will be the chief result." To that end, the resolution urges the international community to provide assistance.

In Bosnia-Herzegovina, the unthinkable has become commonplace. Rape and other violence are inflicted on innocent people just because they are not Serbs and because they are Muslims. We cannot quietly witness these unspeakable acts. If we do, then we will surely lose our humanity.

If we stand by while a bunch of thugs, murderers, and bullies use rape as a means to perpetuate their plans of genocide, then we have learned nothing from history. We must condemn these acts in the strongest possible terms and put our government on record that this deliberate use of rape as a tool of war is deplorable and unacceptable.

Mr. President, this resolution puts the Senate squarely on record condemning the use of rape as a tool of war. It states the sentiment of the Senate that rape should be prosecuted as a war crime. It calls on the President to condemn publicly systematic rape in the conflict, to vigorously support the establishment by the United Nations of an international tribunal to prosecute crimes against humanity—including rape—and to declare publicly that the United States will not offer safe haven to war criminals from this conflict. It calls upon all countries participating in the humanitarian relief effort in the former Yugoslavia to allocate resources for the treatment of rape victims, including the training of relief workers in the medical and psychological effects of rape.

A similar resolution has been introduced in the House of Representatives by Representatives MILLER and PELOSI. That resolution has 103 cosponsors.

Mr. President, rape is certainly not the only crime that Bosnian Serb soldiers have committed in their aggression against Bosnian Moslems. Other crimes against humanity must be prosecuted as well. Rape, however, is a brutal, hateful crime that is often ignored despite its terrifying effects as a tool of ethnic cleansing.

I hope the Senate Foreign Relations Committee will report this resolution without delay. I urge the Senate to quickly pass this resolution condemning the systematic rape of women in Bosnia-Herzegovina and demanding that rape, as a crime against humanity, be punished under an international war crimes tribunal.

The PRESIDENT pro tempore. Does the Senator ask for immediate consideration of this resolution.

Mr. LAUTENBERG. I ask for its referral, Mr. President, to the appropriate committee.

The PRESIDENT pro tempore. The resolution will be appropriately referred.

Mr. PELL. Mr. President, I would like to join my colleagues, Senator LAUTENBERG, Senator DOLE, and others, in introducing this resolution condemning the systematic rape of women in Bosnia-Herzegovina. The reports of widespread use of rape and forced pregnancy as instruments of war in Bosnia-Herzegovina, which have been documented and proven by independent observers, are truly horrifying.

Last summer, I sent two members of the Foreign Relations Committee staff to report on ethnic cleansing in Bosnia-Herzegovina. It was the first U.S. Government report on the issue, and it found that rape, beatings, and killing occurred in the detention camps. The report also discovered evidence that paramilitary groups from Serbia and Montenegro entered certain camps, often drunk and by night, for the purpose of torturing, killing, and raping. This report was used by the U.S. State Department as part of the submission to the U.N. Human Rights Commission in September.

But it was not until 3 months later that the true scope of the horror was revealed. The recently released annual State Department Human Rights Report found that massive systematic rape, committed by Bosnian Serb military units and prison guards was used as an extension of ethnic cleansing to terrify the population. A December report by the European Community estimates that 20,000 women have been raped since hostilities began last spring, and some estimates put the number as high as 30,000.

It is utterly appalling to think that even after the preliminary reports about rape in the Bosnia conflict last summer, thousands more women and girls were subjected to this unspeakable horror. It is likely that these crimes are continuing—even though the U.N. Security Council and the European Community have denounced systematic rape in Bosnia-Herzegovina.

We often come to the Senate floor to express our concern—or even outrage about one matter or another; so much so that our outrage often becomes routine. But Mr. President, I cannot begin to express the level of outrage I have about the situation in Bosnia. The crimes committed there, including the rape of thousands and thousands of women reveal the darkest side of human behavior, and cannot be excused.

We must not sit idly by while immoral deviants commit these despicable insults to humanity. A half-century ago, after the Holocaust, the world made a decision to prevent such an occurrence from happening ever again. But it did. The State Department Human Rights Report says that the policy of driving out innocent civilians of a different ethnic or religious group from their homes, so-called ethnic cleansing was practiced by Serbian forces in Bosnia on a scale that dwarfs anything seen in Europe since Nazi times. Surely we must follow through on our collective pledge to punish the perpetrators and hold them accountable for their crimes against humanity.

This resolution will facilitate the establishment of an international tribunal to prosecute war crimes under international law. Not only do these criminals have to be stopped, but they have to be punished. We have already failed in our responsibility to humanity by letting these horrors occur. It would be unconscionable for us to fail to bring the criminals to justice.

SENATE RESOLUTION 36—TO MAKE MAJORITY PARTY APPOINTMENTS TO A SENATE COMMITTEE

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

S. RES. 36

Resolved, That the following shall constitute the majority party's membership on the Ethics Committee for the One Hundred and Third Congress, or until their successors are chosen:

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Select Committee on Ethics: Mr. Bryan, Chairman; Ms. Mikulski; and Mr. Daschle.

SENATE RESOLUTION 37—AMENDING THE STANDING RULES OF THE SENATE

Mr. MITCHELL submitted the following resolution; which was placed on the calendar:

S. RES. 37

Resolved, That rule VIII of the Standing Rules of the Senate is amended by striking the "." at the end of paragraph 2 and inserting the following: "; except those motions to proceed made by the majority leader, or his designeee, on which there shall be a time limitation for debate of two hours equally divided between the majority and the minority leaders, or their designees: *Provided*, That any motion to proceed, by the majority leader, or any other Senator, to any motion, resolution, or proposal to change any of the Standing Rules of the Senate shall be debatable.".

That rule XXII of the Standing Rules of the Senate is amended by striking the "." at the end of paragraph 3 of section 2 and inserting in lieu thereof the following: ", such appeals shall require an affirmative vote of three-fifths of the Senators duly chosen and sworn—except on a measure or motion to amend the Senate rules, in which case the necessary affirmative vote shall be two-thirds of the Senators present and voting."

That rule XXII of the Standing Rules of the Senate is amended by adding at the end of paragraph 3 of section 2 the following: "In the case of a measure that has been reported by a committee that contains recommended committee amendments, such amendments shall be considered germane."

That rule XXII of the Standing Rules of the Senate is amended by striking the "," after speaks in paragraph 3 of section 2 and inserting in lieu thereof the following: ", with the time consumed by quorum calls being charged to the Senator who requested the call of the quorum.".

That rule XV of the Standing Rules of the Senate is amended by adding the following:

"6. That whenever the Senate has in its possession a measure that has been passed by both Houses it shall be in order, once the measure has been placed before the Senate, to make one nondivisible motion that contains the following: to insist on the Senate amendment(s), or disagree to the House amendment(s); to request a conference with the house on the disagreeing votes of the two Houses, or agree to the request of the House for the same; and that the Presiding Officer be authorized to appoint the Senate conferees."

That rule XXVIII of the Standing Rules of the Senate is amended by striking "and shall be determined without debate." in paragraph 1. and inserting in lieu thereof the following: "notwithstanding a request for the reading of the conference report, and shall be determined without debate.".

That rule XV of the Standing Rules of the Senate is amended by adding at the end thereof the following new paragraphs:

"6. (a) At any time following the second day of consideration of a measure, regardless of its pendency, it shall twice be in order during a calendar day to move that no amendment, other than the reported committee amendments, which is not relevant to the subject matter of the measure or to the subject matter of an amendment proposed by the committee which reported the measure, shall thereafter be in order. The motion shall be privileged and shall be decided after two hours of debate, without any intervening action, to be equally divided and controlled by the majority and the minority leaders or their designees.

"(b) If a motion made under subparagraph (a) is agreed to by an affirmative vote of three-fifths of the Senators voting, a quorum being present, no amendment not already agreed to (except amendments proposed by the committee which reported the measure) which is not relevant to the subject matter of the measure, or the subject matter of an amendment proposed by the committee which reported the measure, shall be in order.

"(c) When a motion made under subparagraph (a) has been agreed to as provided in subparagraph (b) with respect to a measure, points of order with respect to questions of relevancy of amendments shall be decided without debate, except that the Presiding Officer may entertain debate for his own guidance prior to ruling on the point of order. Appeals from the decision of the Presiding Officer on such points of order shall be decided without debate.

"(d) Whenever an appeal is taken from a decision of the Presiding Officer on the question of relevancy of an amendment, or whenever the Presiding Officer submits the question of relevancy of an amendment to the Senate, the vote necessary to overturn the decision of the Presiding Officer or hold the amendment relevant shall be three-fifths of the Senators voting, a quorum being present. No amendment proposing sense of the Senate or sense-of-the-Congress language that does not directly relate to the measure or matter before the Senate shall be considered relevant."

SENATE RESOLUTION 38—TO MAKE MINORITY PARTY APPOINTMENTS TO A SENATE COMMITTEE

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

S. RES. 38

Resolved, That the following shall constitute minority membership of the Select Committee on Ethics for the One Hundred Third Congress or until their successors are named: Mitch McConnell (Vice Chairman), Ted Stevens (vice, Trent Lott), and Bob Smith (vice, Slade Gorton).

NOTICES OF MEETINGS

COMMITTEE ON RULES AND ADMINISTRATION

Mr. FORD. Mr. President, I wish to announce that the Committee on Rules and Administration will meet to organize on Thursday, January 28, 1993, at 9:30 a.m., in SR-301. At this meeting the committee plans to adopt its rules of procedure and to select members for the Joint Committee on Printing and the Joint Committee of Congress on the Library.

The committee will also consider legislative items currently pending on its agenda, including an original resolution authorizing expenditures by the Committee on Rules and Administration for the 103d Congress.

For further information regarding this meeting, please contact Carole Blessington of the Rules Committee staff on 224-0278.

Mr. President, I wish to announce that the Committee on Rules and Administration will meet in SR-301, Russell Senate Office Building, on Wednesday February 3, and Thursday, February 4, 1993, at 9:30 a.m. on each day, to receive testimony from committee chairmen and ranking members on their committee funding resolutions for 1993 and 1994.

For further information concerning these hearings, please contact Carole Blessington of the Rules Committee staff on 224-0278.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON CONVENTIONAL FORCES AND ALLIANCE DEFENSE

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Conventional Forces and Alliance Defense of the Committee on Armed Services be authorized to meet on Tuesday, January 26, 1993, at 2:30 p.m. in executive session, to meet with the Subcommittee on Defense and Security Cooperation of the North Atlantic Assembly.

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

SUBCOMMITTEE ON INVESTIGATIONS

Mr. FORD. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, be authorized to meet during the session of the Senate on Tuesday, January 26, 1993, to hold a hearing on Oversight of the Insurance Industry: Blue Cross/Blue Shield-National Capital Area.

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

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. FORD. Mr. President, I ask unanimous consent that the Select Committee on Indian Affairs be authorized to meet on Tuesday, January 26, 1993, beginning at 10 a.m., in 485 Russell Senate Office Building, to adopt the committee's operating resolution, jurisdiction and rules of the select committee, and the committee's biennial budget.

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

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Tuesday, January 26, 1993, at 9 a.m., for an executive session considering the NIH Reauthorization Act and the Family and Medical Leave Act.

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

COMMITTEE ON COMMERCE, SCIENCE AND TRANSPORTATION

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transpor-

tation, be authorized to meet during the session of the Senate on January 26, 1993, at 10 a.m. on the nomination of John Gibbons to be Director of the Office of Science and Technology Policy.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, January 26 at 10 a.m. to hold a business meeting.

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

ADDITIONAL STATEMENTS

COSPONSORSHIP OF VIOLENCE AGAINST WOMEN ACT

• Mr. ROCKEFELLER. Mr. President, today I rise to speak about one of the most tragic and growing health threats in our country today: violence against women. National statistics are shocking and demand our concern and action. Every 15 seconds, a woman is beaten by her husband or boyfriend and every 6 minutes, a woman is forcibly raped.

In just 8 months during 1992, 16 West Virginian women died as a result of brutal acts by their current or former husbands or boyfriends. This astonishing figure does not include those women who survived acts of violence and stayed in their homes, or sought refuge in one of West Virginia's 12 domestic violence shelters, last year. Also last year, over 11,000 adults and 3,000 children sought support from local shelters or through the emergency hotline. Over 3,800 adults and children fled their homes and stayed in shelters to avoid domestic violence in 1992.

This horrifying problem not only affects women, but out Nation's children as well. Children living in homes where violence occurs often experience both physical and psychological abuse and trauma. They, too, need our immediate help.

Each incident is a tragedy for the individuals involved. Without our intervention, domestic violence will not disappear. Women in our country deserve protection to end their continuing nightmare.

West Virginians are struggling to respond to the problem of domestic violence. Under the leadership of the West Virginia Coalition Against Domestic Violence, hundreds of volunteers are working in shelters across the State to provide women, who have no other place to turn, the protection, comfort and support that they so desperately need. Such community-based efforts are vital, but we should provide more Federal support and encouragement by swift action on the Violence Against Women Act.

I am proud to be an original cosponsor of the Violence Against Women Act introduced last Thursday by Senator BIDEN, Chairman of the Senate Judiciary Committee. I share his commitment to see the bill enacted into law swiftly. This legislation is a comprehensive effort to address the tragic issue of domestic violence. It seeks to make streets and homes safer for women by investing in law enforcement initiatives targeted to prevent domestic violence. It will make our criminal justice system more responsive to victims of crime. The act would extend equal protection under the law to women by establishing a civil rights remedy for victims.

As we focus our attention on our Nation's health care, we must consider the impact of domestic violence on women and children. We cannot turn our heads, ignore the problem, and quietly hope it goes away. Rather, we must confront the issue with a firm commitment to promote awareness, prevention, and support for victims.

I strongly support the Violence Against Women Act and hope that it will be enacted by this Congress and swiftly signed into law by our new President. Women and children who are the innocent victims of domestic violence deserve the powerful protection and assistance in the Violence Against Women Act.•

TRIBUTE TO ANN BANCROFT AND THE MEMBERS OF THE AMERICAN WOMEN'S TRANS-ANTARCTIC EXPEDITION

• Mr. DURENBERGER. Mr. President, I have often lauded the pioneer spirit of Minnesotans, and Ann Bancroft is one of those Minnesotans who has achieved a number of pioneering firsts.

As a girl growing up in Mendota Heights, she led the fight to get a girl's sports program off the ground at Sibley High School. As an adult, she showed uncommon determination when she became the first woman to reach the North Pole by sled dog as part of Will Steger's team in 1986.

This year, Ann Bancroft became the first woman to have walked both of the Earth's poles. Along with Anne Dal Vera, Sue Giller, and Sunniva Sorby, Ms. Bancroft led the four-member American Women's Trans-Antarctic Expedition hoping to become the first group of women to cross Antarctica without the help of sled dogs or motorized vehicles.

On January 14, the team stopped at the South Pole, 910 miles short of their goal at McMurdo Naval Base on the Ross Sea. By the time they reached the pole they had skied 660 miles, traveling uphill most of the time, against the wind, pulling sleds each packed with 200 pounds of supplies.

Questions have been raised because the Bancroft team stopped short of the Ross Sea. But being a pioneer means more than being the first. It means recognizing the danger signs and knowing when to hold back. It means knowing that tomorrow may hold the key to success.

And, above all, being a pioneer means knowing how to put it all in perspective. As Theodore Roosevelt wrote, this mean of pioneers owes nothing to those who haven't dared to reach for the impossible:

> It is not the critic who counts, not the one who points out how the strong man stumbled or how the doer of deeds might have done them better.
>
> The credit belongs to the one who is actually in the arena, whose face is marred with sweat and dust and blood; who strives valiantly; who errs and comes short again and again; who knows the great enthusiasms, the great devotions, and spends himself in a worthy cause;
>
> Who, if he wins, knows the triumphs of high achievement; and who, if he fails, at least fails while daring greatly, so that his place shall never be with those cold and timid souls who know neither victory nor defeat.

Mr. President, the Bancroft team launched a professional expedition informed by determination and tempered by common sense. Had there been a way to complete the remaining 910 miles of their trek without tremendous suffering, this team would have found the way. On behalf of all Minnesotans I salute Ann Bancroft and the members of the American Women's Trans-Antarctic Expedition.•

WHEELCHAIR SCAVENGER HUNT

• Mr. MCCAIN. Mr. President, on Thursday, February 4, a 1-hour wheelchair scavenger hunt will occur at the Arizona Center. This event is designed to help the public gain a better understanding of the difficulties that wheelchair users face.

I applaud the participants of this unique event and hope that many will benefit from this learning, and enlightening experience.

Mr. President, too often people take for granted the difficulties that disabled Americans face as they move from place to place. Greater public awareness of these difficulties will benefit all.

Two years ago, I hired a young man who used a wheelchair in my Washington, DC, office. Firsthand, I saw the difficulties he faced navigating around in my Senate office. Consequently, I took steps to ensure that my office was 100 percent wheelchair-user friendly. I further called on the entire U.S. Senate to do the same and set a new standard of wheelchair accessibility.

Lastly, Mr. President, let me thank Rehab Systems-Phoenix, which includes Meridian Point Rehabilitation Hospital in Scottsdale and Valley of the Sun Rehabilitation Hospital in Glendale, and the Arizona Wheelchair

Sports Association for their hard work in putting together this fine program. Their work does not go unappreciated.●

TRIBUTE TO AMBASSADOR SMITH HEMPSTONE

● Mr. DURENBERGER. Mr. President, when George Bush appointed Smith Hempstone to be American Ambassador to Kenya, many observers feared the worst. After three decades in the newspaper business, his conservative views were well known to readers of the Washington Star and later the Washington Times. Those seeking a reform minded representative in that country saw in Ambassador Hempstone more of the same.

But if his critics thought Smith Hempstone would uphold the status quo, the Ambassador had other plans. He aggressively sought real reform of the autocratic governments that have ruled Kenya since it gained independence from Britain in 1963.

American policy toward Kenya has always been to encourage democratic reforms, but until the Ambassador's appointment we never seemed to seriously challenge the status quo or the 1982 constitutional amendment that made President Daniel Arap Moi's Kenyan African National Union the country's only legal party.

I first met Smith Hempstone when I was in east Africa in December 1991, to participate in the Africa-wide National Prayer Breakfast gathering. Since then, we have spoken a number of times about events in Kenya generally as well as specific concerns of mine regarding particular opposition leaders with connections to Minnesota.

I can tell you that Smith Hempstone is not your stereotypical Ambassador. He is not a practitioner of stately diplomacy that seeks its ends quietly and politely. He has brought to his post a unique style that, coupled with his unabashed views, have made him a constant irritation to President Moi.

Ambassador Hempstone is credited by many with giving life to the opposition movement that would eventually open the way for a multiparty system. Despite occasional admonitions from back home, and many outbursts against him in Kenya, the Ambassador has persevered.

Mr. President, democracy's interests in Kenya are well served by Smith Hempstone. There is a long way to go before Kenya becomes a fully functioning democracy, but we can now say the odds are in its favor. I applaud Ambassador Hempstone, and I admire his spirit.

Mr. President, I ask that the Washington Post article from January 10, 1993, be included in the RECORD at the conclusion of my remarks.

The article follows:

HEMPSTONE UNTURNED: THE UN-DIPLOMAT BEHIND KENYA'S VOTE

(By Raymond Bonner)

NAIROBI.—"At long last Kenyans can breathe a sigh of relief," said the Kenya Times recently. "Ambassador Smith Hempstone of the United States of America is going back to where he came from."

It was a striking public display of antipathy toward an American envoy, predictable perhaps from a newspaper in, say, Iraq, but not from the organ of the ruling party of Kenya, whose government has long been one of America's friends. Then again, Kenya's foreign minister, Ndolo Ayah, once publicly called Hempstone a "racist" and accused him of acting like a "slave-owner."

What has generated these harsh and undiplomatic outbursts is Hempstone's outspoken and unrelenting advocacy of democracy in Kenya. Thanks in no small part to Hempstone, Kenya held its first multi-party elections in 26 years in late December.

When Hempstone arrived here three years ago, no one could have imagined all this. It was assumed that he would give sustenance to Kenya's President Daniel Arap Moi, who had ruled unchallenged since 1978. That's what American diplomats had been doing for years, and there was little reason to think that Hempstone, an arch-conservative newspaperman appointed by President Bush, would not follow diplomatic convention.

But there is little conventional about Smith Hempstone. With his wide girth, flushed countenance, white beard, heavy drinking and chain-smoking, he bears a marked resemblance to Ernest Hemingway, a comparison he courts. He often acts more like the swashbuckling novelist than a diplomat. During the Persian Gulf War, when American embassies around the world took extra security precautions. Hempstone packed his own .38-caliber pistol, secreted in an oddly feminine leather purse.

Before becoming an ambassador, Hempstone had spent three decades as a journalist. He was the editorial page editor at the Washington Star, and later executive editor of the Washington Times. Hempstone used his journalistic perches to champion the othodoxies of American conservativism. He believed the Vietnam War was a noble cause, that Angolan rebel Jonas Savimbi was a true democrat and that the Reagan administration's covert support of the Nicaraguan contras was an admirable enterprise.

Thus when Hempstone was dispatched to Kenya in 1988, liberals on Capitol Hill anticipated the worst. "I feared we were going to get someone who wasn't really going to do much," recalls Sen. Paul Simon (D-Ill.)., chairman of the foreign relations subcommittee on Africa.

What Washington got was an outspoken maverick. Hempstone is perhaps best-known for two widely publicized diplomatic cables. One on the drought in East Africa reportedly helped Bush focus on the plight of Somalia. The other urged Bush not to intervene there, describing the country (with a memorable lack of tact) as "a tar baby" from which the United States would not be able to free itself—advice which the president obviously ignored.

But Hempstone's real contribution has been as an advocate of change in Kenya. In an address to the Rotary Club in Nairobi in May 1990, Hempstone said that U.S. economic assistance would go to nations that "nourish democratic institutions, defend human rights and practice multi-party politics." An obvious message perhaps, buy Kenyan officials weren't used to hearing anything quite like it from an American diplomat.

Since independence from Britain in 1963, Kenya has had only two presidents. The country's first elected head of state, Jomo Kenyatta, died in office in 1978 and was succeeded by Moi, his vice-president and a former primary school teacher. In 1982, Moi rammed through parliament a constitutional amendment that made the Kenyan African National Union—KANU—the country's only legal party. Because Kenya had bases on the Indian Ocean and was considered important strategically, Washington remained mute in the face of human rights abuses and widescale corruption by the Moi regime. The West poured in billions of dollars in aid that helped sustain Moi's government and enrich his entourage.

Hempstone's comments gave life to an opposition movement, which at the time was not more than a few individuals. "That was really the turning point," says Gitobu Imanyara, a lawyer and early leader of the opposition movement. "Now Kenyans felt they could oppose the government and they would have the support of a major world power."

Moi remained intransigent. He branded the opposition "anarchists" and 'traitors," and threatened to crush them "like rats." He declared that a multi-party system was a "luxury" Africans couldn't afford. He said repeatedly that it would lead to "tribalism"—the "ism" that African dictators use to justify their rule now that communism is dead.

Hempstone remained just as determined. Every time a dissident was arrested or a newspaper shut down, he issued a denunciation, and he went out of his way to be seen with leaders of the opposition, even inviting them to parties at his residence.

Hempstone didn't always have the support of Washington. In fact, his high-decibel approach toward promoting democracy made the traditional diplomats quite nervous. When the deputy assistant secretary of state for Africa, Herman Cohen, visited Kenya, in August 1990, he pointedly did not meet any of the lawyers or church leaders who were leading the opposition. And Cohen sent another reassuring measure to the government, and undercut his ambassador, when he did not take Hempstone along for his meeting with Moi. It's not that Cohen is less committed to democracy than Hempstone, he just prefers to practice traditional "quiet diplomacy."

Deference to his superiors was never Hempstone's strong suit. In June 1990, Secretary of State James A. Baker III sent a message to all ambassadors: no on-the-record interviews without prior approval from the Office of Press Relations.

"If the president's envoys are to be gagged," Hempstone responded, "they will soon become about as useful as the legendary teats on the proverbial bull." The department's edict, he complained, treated ambassadors like children, expecting them to "raise their hands and ask Mommy's permission." He urged Baker "to rescind this obnoxious ukase." Baker didn't.

Hempstone's enemies in Kenya and Washington often used his "drinking problem" as the pretext to express their displeasure with his aggressive and high-profile activities. "You can't take another drink out there; there's no half way," a senior State Department office once sternly admonished the ambassador. Hempstone continued to drink, to give interviews and to speak out against the Kenyan government's authoritarian ways.

Ultimately, the international community followed Hempstone's lead. In November

1991, at a meeting in Paris, 12 governments stated that they would not give any more aid until there were economic and political reforms. Moi got the message. Within a matter of weeks, he legalized political parties, and Kenya became one of the most open political societies in Africa. But before it could be considered a democracy, there had to be an election. Moi resisted calling one, hoping that Hempstone would be recalled—which Moi's government requested on several occasions. But Hempstone stayed on, and in late October Moi finally called an election. Hempstone did not relent. "The spirit of fair play and tolerance that is at the heart of the democratic process seems largely—if not entirely—absent," he said a few weeks before the voting, in a speech to the American Business Association in Nairobi. He noted that "the opposition has been hampered in its efforts to hold meetings or open branch offices in many parts of the country * * *.The registration process has been terminated before one million young people without identification cards have had a chance to register * * *.Teachers, civil servants, the armed forces and the police have been admonished to vote for KANU."

As Hempstone pushed for democracy in Kenya, it was not always easy to discern if he was motivated by a genuine commitment to democracy or by a fondness for public attention. His manner was often brusque, to the point of being bumptious and crude. Maybe it doesn't matter.

The election for Kenya was a milestone, despite the fact that Moi basically controlled the process and defeated seven other candidates. The inability of the opposition leaders to put aside their personal ambitions in order to come up with a single candidate to challenge Moi almost assured his victory even without the fraud. But for all of its flaws, the election put Kenya on a democratic course. It will now we extremely difficult for Moi, or any leader, to again impose one-party rule.

Hempstone, like all political appointees, submitted a pro forma resignation after Bill Clinton won the presidency. But if Clinton were to leave him in Nairobi just for a while longer, it would send a message to the one-party regimes in Africa—Zaire and Malawi in particular—that have long counted on being coddled by Washington.

Raymond Bonner is a journalist who has lived in Nairobi for the past four years.●

TRIBUTE TO BEREA

● Mr. MCCONNELL. Mr. President, I rise today to pay tribute to the town of Berea in Madison County.

Berea is a small town located about 50 miles southeast of Lexington, lying on the ridge where the Bluegrass meets the foothills of the Cumberland Mountains. Even though it is a small community, Berea is making a name for itself not only in Kentucky, but also in the United States.

Just recently, U.S. News & World Report ranked Berea College third best in the South. What makes the school unique is its commitment to serve students with financial need and by not charging tuition. In fact, Berea turns away students who have too much money. Because of the school's unique mission, it attracts strong financial support, resulting in the largest endowment of any college or university in Kentucky.

The craft industry is also very visible in Berea. The town has been officially designated the "Folk Arts and Crafts Capital of Kentucky." Churchill Weavers is the oldest production hand weaver in the United States. It supplies throws, clothing, and other woven goods to fashionable department stores all over the country, with its biggest market in southern California. Berea's craft businesses continue to grow, with three new shops having opened in the last month. In addition, 15 antique shops opened in the last 3 years.

Berea is also home to 10 major industrial facilities. Manufacturers have been flocking to Berea's industrial park, providing at least 2,000 new jobs in the past 5 years. Companies come to the area because of its easy access to Interstate 75, and the quality of life in a small college town.

I applaud Berea's efforts to maintain its smalltown historical charm, but at the same time its move forward, making it one of Kentucky's finest towns.

Mr. President, I ask that this tribute and a recent article from Louisville's Courier-Journal be submitted in today's CONGRESSIONAL RECORD.

The article follows:

[From the Louisville (KY) Courier-Journal, Oct. 19, 1992]

BEREA: AN IDYLLIC PLACE OF IDEALS AND ARTS IS TOWN'S IMAGE

(By Kirsten Haukebo)

Berea College professors like to joke that the college should print bumper stickers and T-shirts that say, "Berea: A Stench in the Nostrils of All Good Kentuckians."

That line was uttered by a supporter of Kentucky's Day Law, which effectively barred black students from the college for the first half of this century. The law, adopted in 1904, was a severe blow to a school that had maintained an integrated student body—often half black and half white—since the Civil War.

The law (named for its sponsor, Rep. Carl Day of Breathitt County) was one in a long string of harsh reminders that Bereans were different; idealistic and courageous—or a menace to society, depending on your viewpoint.

Berea College's ideals haven't changed, although it never recovered the racial balance it achieved during its first two decades. African Americans now account for 14 percent of students.

Another goal was to serve poor whites, particularly southern Appalachians. Eighty percent of students come from the mountains, and all students must show financial need. Berea is unique in that it turns away qualified applicants who have too much money. Students must work at least 10 hours a week, often in traditional crafts, to help pay their expenses.

Over the years, the town of Berea has tended to attract people who agree with the college's mission, said Lila Bellando, co-owner of Churchill Weavers, Berea's oldest crafts business independent of the college.

Tolerance of different races, lack of concern for status symbols and an earthy, environmentalist outlook are some of the characteristics of Bereans, Bellando said.

"I think there are real intrinsic values that attract people. It's what attracted so many craftspeople. If you go back to the root of the thing, it was the college. Students came here and didn't have any money in their pocket. You brought a cow or a coverlet to pay your expenses. From the beginning, the values were a little different here, and I think it has carried through over the years."

The college's crafts program grew out of "Homespun Fairs" that were held on the campus in the late 1800s. Back then, parents sold handmade items to help pay their children's expenses at Berea. Today, student-made furniture, brooms, woven items and ceramics are sold on the campus and in stores in Louisville and Lexington.

Berea College crafts are so widely known that some visitors mistakenly think of the college as a "crafts school." (In fact, Berea is highly rated academically. Last month, U.S. News and World Report ranked the college third best in the South.)

Churchill Weavers is the grandmama of Berea's independent crafts industry. Founded in 1922, it is the oldest production hand weavers in the United States, and it supplies throws, clothing and other woven goods to upscale department stores such as Saks Fifth Avenue. Its biggest market is Southern California.

The proliferation of crafts businesses and the high quality of their wares earned Berea the official designation from the state legislature as the "Folk Arts and Crafts Capital of Kentucky."

Berea's crafts have been a tourism bonanza for the town, said Dr. Clifford Kerby, Berea's mayor for the past 14 years (and a physician who nevertheless smokes cigarettes and races cars).

"It's like Gatlinburg, but no rubber lizards," he said. "The crafts are made right here in Berea."

Many of the shops are in studios where visitors can see a potter at her wheel or smell the freshly cut wood being fashioned into a chair. Despite the national recession, Berea's crafts businesses continue to thrive. Three new shops opened in the historic Old Town district last month. Crafts-related tourism helped spawn the 15 antiques shops that have opened in Berea in the past three years. Although there are no figures on tourist spending in Berea, Madison County as a whole ranked sixth in the state in 1991.

Visitors notice right away that the college is still the town's dominant feature. The main hotel, Boone Tavern, a slightly faded, white-columned landmark on the square, is owned by the college and run by students. College buildings line the main street; the college owns half of the land in Berea.

Truth is, there might not be a Berea if it weren't for the college.

Berea College governed the town for the first 25 years of its existence. It ran the town fire department until 1965, operated the local newspaper until 1984 and still runs the city water and electric utilities. Despite rapid industrial growth in recent years, Berea College remains by far the biggest employer.

In 1854, Kentucky's famous anti-slavery orator Cassius Clay donated the first plot of land for the Berea community, which was founded by preacher John G. Fee. Clay had been impressed with Fee's sermons against slavery and offered Fee 10 acres if he would take up permanent residence. First, Fee founded a church for non-slaveholders. A one-room school—the forerunner to the college—was built in 1855.

Fee set aside lots for blacks next to those for whites so that Berea's neighborhoods would not be segregated.

For the first few years, armed pro-slavery mobs threatened and harassed the Bereans. Richmond, in the northern flatlands of the county, was a slave-holding area, and there was plenty of pro-slavery sentiment in the rest of the Bluegrass as well.

In 1859, a mob nearly twice the size of tiny Berea—then home to only 34 people—drove the residents out of state. The school was re-established after the Civil War.

Berea's government has been remarkably stable for a town that began amid such turmoil. Kerby is only the third mayor since Berea began electing mayors in 1905.

"It's like a lot of small towns. You work things out on the street corner instead of City Hall," said Melissa Gross, the town's tourism director.

The college, too, has had relatively few changes in administration. Current president John Stephenson is just the seventh in 123 years.

Stephenson, who has been president since 1984, has continued a tradition of serving a small number of foreign students. Black South Africans, Liberians and Chinese are among those who have been educated in Berea. Stephenson has shown a special interest in exiled Tibetans. This year, there are eight Tibetan students at Berea—more than at any other U.S. college. Stephenson, a college dean and Tibetan spiritual leader the Dalai Lama handpicked the Tibetans from schools in India. The Tibetans are unwilling to return to a country occupied by the Chinese.

Kaisang Phuntsok, a sophomore, said that Berea "wasn't the America we had in mind"—no skyscrapers or hustle-bustle. But the Tibetans have settled in well to the quiet, friendly atmosphere of the town.

The college is paying for all of the Tibetans' expenses, including airfare. With the largest endowment ($312 million) of any college or university in Kentucky, it can afford to do so.

(The school's unique mission attracts strong financial support, and the fund has been managed aggressively. Earnings on the endowment are relied upon more heavily for operating expenses than at other colleges, because Berea charges no tuition.)

Beyond the college, crafts industry and tourism, there is a nearly invisible, but fast-growing section of Berea hidden among rolling hills on the town's edge. One manufacturer after another has flocked to Berea's industrial park. At least 2,000 jobs have been added in the past five years.

"The town is so beautiful and well laid-out that its hard to realize we have about 10 major industrial facilities here," said Kerby.

Tokico, which makes shock absorbers; KI USA, an auto-parts maker; and Alcan Ingot and Recycling are among the new industrial recruits. (A recycling company is an especially good fit with Berea. Predictably, the town has mandatory recycling.)

Berea is in the enviable position of having turned away new industries because they were too noisy or dirty. A steel-pressing mill was rejected three or four years ago, Kerby said, as was a sawmill.

"We're very selective on what we bring into town because we like our town the way it is, although we like jobs too," he said.

There are far more factory jobs than workers in Berea, so the plants pull employees from nearby counties. A recent study showed that nearly half of the workers at Berea factories live outside of Madison County.

Berea doesn't offer incentives to industries, other than a five-year property-tax abatement. Companies are lured by easy access to Interstate 75, a new sewer plant and the quality of life in a small college town, Kerby said.

The college's dominance has caused surprisingly little friction over the years. The biggest problem, according to Kerby, is jaywalking students.

With 15,000 vehicle trips per day on Chestnut Street and some 5,000 pedestrians crossing the street, it's no wonder there's tension, said Stephenson. A few students have been injured by cars—one fatally. No pedestrian injuries have been reported this year or last.

Stephenson also is concerned about infrequent, but disturbing, racial incidents that still occur in Berea.

"There are still people in the neighborhood who do not believe interracial living is right. Sometimes when they are going through campus in their cars, they will shout racial epithets," he said. Once, a gun was pointed out the window of a car.

Incidents like that, Stephenson said, "remind all of us that we need to stand up for what we believe as Bereans."

Population: (1990): Berea, 9,126; Madison County, 57,608.

Per capita income (1988): $10,932, or $1,898 below the state average.

Jobs in county (1988): Manufacturing, 4,495; Wholesale/retail trade, 5,574; Services, 3,480, State/local government, 3,868; Contract construction, 47E.

Big employers: Berea College, 580 employees; Dresser industries (Industrial Instruments), 382; Hyster Company (Industrial truck lifts) 325.

Education: Berea Independent, 935 students; Madison County Schools, 8,573; Berea College, 1,683 students.

Media: Newspapers—The Berea Citizen, weekly; The Berea Register (an edition of The Richmond Register) weekly. Radio—WKXC-AM/FM (country).

Transportation: Highways—Interstate 75 and U.S. 25 serve Berea. Rail—CSX Transportation. Air—Madison County Airport, six miles north of Berea, and Lackey Airport, five miles north of Berea. Nearest commercial air service is Bluegrass Airport in Lexington, 48 miles northwest of Berea. Trucks—28 companies serve the town.

Topography: Berea lies on a ridge where the Bluegrass meets the foothills of the Cumberland Mountains.

FAMOUS FACTS AND FIGURES

College founder John G. Fee named Berea after a Greek town described in the Bible (Acts 17:11) as a place where citizens "were more noble than those of Thessalonica, in that they received the word with all readiness of mind and searched the scriptures daily. . . ."

A Berea College graduate created what is now known as Black History Month. Carter G. Woodson finished Berea in 1903, just one year before the Kentucky Legislature passed the Day Law, which barred blacks from the college. Woodson later became a distinguished history professor at the University of Chicago and started what was then called Negro History Week.

Juanita Kreps, another graduate, was Secretary of Commerce in President Jimmy Carter's administration.

Berea College students must learn to swim before they graduate, a tradition that dates back to 1929 when the college built a swimming pool. Because of the college's emphasis on lifetime skills rather than competitive sports, it was decided that all freshmen should either pass a swimming test or take lessons.●

LAMAR ALEXANDER, DEPARTING U.S. SECRETARY OF EDUCATION

● Mr. DURENBERGER. Mr. President, no aspect of public life is more important to the future of this country than education. And, over much of the Bush Presidency, one individual has done more than any other to reshape and renew the Federal Government's commitment to quality teaching and learning all over America. That individual is Lamar Alexander, departing Secretary of the U.S. Department of Education.

I first came to know Lamar Alexander in one of his previous lives—as Governor of Tennessee during a period when the relationships between States, cities and counties, and the Federal Government was one of my top priorities as chair of the Senate Subcommittee on Intergovernmental Relations.

During that time, of course, Secretary Alexander became known as one of the first—and best—of the education Governors. His commitment to improving the quality of education in his own State helped stimulate similar reform initiatives in a number of States all during the 1980's.

That commitment to State-based education reform became a central focus of Secretary Alexander's 3 years in the U.S. Department of Education. And, in particular, his role in designing and implementing President's Bush's America 2000 initiative and the New American Schools Development Corporation will be lasting legacies to his time in that important office.

Because of Minnesota's national leadership on State-based education reform, Lamar Alexander made a number of trips to Minnesota during his time in office. Of greatest personal pride to me personally was the visit that he and President Bush made to Minnesota in the spring of 1990 when they unveiled the legislation implementing the President's America 2000 initiative at St. Paul's Saturn School.

And, I also appreciate very much the support that Secretary Alexander gave here in the Congress to two of Minnesota's contributions to education reform—the right of parents to choose the schools their children attend, and the right of parents and teachers to start new, innovative public schools.

For many years, Mr. President, Secretary Alexander and his family have taken a well-deserved summer vacation fishing and relaxing with friends in northern Minnesota. I trust that those vacations will continue and that there may even be a bit more time for relaxing and reflecting on what has now been three decades of public service by this remarkable individual.

But, somehow, I don't think a preoccupation with fishing and relaxing will define Lamar Alexander's future. I suspect we will see many more of his contributions—in education and in

many other aspect of public life—in the year to come. All Americans—and especially our kids—have much more to gain if we do.●

INCREASE IN THE MAXIMUM DEFICIT AMOUNT

● Mr. DOMENICI. Mr. President, in his inaugural address, President Clinton asked us to demand more responsibility from all. He also told us that: "We know we have to face hard truths and take strong steps." Today, we have an opportunity to do just that. Today, President Clinton can set the tone and display his resolve in combating our burgeoning Federal deficit. And, I believe I can safely say, Republicans stand ready to work with President Clinton in reducing deficit spending and putting our Nation on a sound fiscal footing.

Today, President Clinton must notify the Congress today whether he will weaken the discipline in Gramm-Rudman. By preliminary estimates, if he chooses to take the teeth out of Gramm-Rudman and adjust the deficit targets upward, he will increase the deficit by $72.2 billion.

The President will clearly be within his rights in the law on this decision. The 1990 Budget Enforcement Act required President Bush to adjust these targets for deposit insurance, economic, and technical changes for 1991 through 1993. The Bush administration always supported fixed deficit targets and supported the return to fixed deficit targets as contemplated in the law for 1994 and 1995.

The law continues to require President Clinton to make adjustments for deposit insurance, but it gives the new President the option as to whether he wants to stick to fixed deficit targets or allow them to continue to float for economic and technical adjustments.

The law also provides a $6.4 billion dividend in additional spending authority for the Appropriations Committee. If the President adjusts the deficit targets, he must also adjust the spending caps upward for budget authority by an estimated $3.5 billion in 1994 and $2.9 billion in 1995. The outlays associated with this adjustment amount to a total of $3.6 billion for the 2 years.

While I understand the problems with Gramm-Rudman's fixed deficit targets, if nothing else, they serve as an action forcing mechanism. It will force us to work together and confront the deficit and our debt problems this year.

I think the President makes a mistake if he chooses to adjust these deficit targets upward. The American people realize the dangers of a $350 billion deficit and a debt accelerating toward $5 trillion. The budget deficit represents the most serious long-term economic problem facing this country.

While I will not agree with the President if he chooses to make this adjustment, it will not affect my strong desire to work with this administration to meet the President's pledge to cut the deficit in half, down to $141 billion in 1996.

Mr. President, I ask that a letter by the Republican leader and me to President Clinton, along with a table showing maximum deficit amounts be printed in the RECORD.

The material follows:

U.S. SENATE,
Washington, DC, January 21, 1993.

President BILL CLINTON,
The White House, Washington, DC.

DEAR MR. PRESIDENT: Section 254 of the Budget Enforcement Act requires that you notify Congress today of your intention to modify the Gramm-Rudman-Hollings maximum deficit amount (MDAs) for 1994 and 1995 in your upcoming budget submission. We urge you to stick with the current deficit targets.

Your eloquent inauguration speech talked about hope for the future, action on the nation's problems, shared sacrifice, and the need "to break the bad habit of expecting something for nothing." Last year, you promised to cut the deficit in half over four years. Together with Bob Michel, John Kasich, and a number of our Republican colleagues in the House and the Senate, we are willing to work with you to fulfill that goal. Today, in your first full day as President of the United States, you have an opportunity to demonstrate your commitment to reducing the deficit over the next four years.

Sticking with the current Gramm-Rudman targets may be tough medicine, but, we believe that it is the right medicine. Your decision will send a signal about your willingness to tell the American people what they need to know, not what they want to hear. Failure to do so will increase the deficit by at least $26 billion in 1994 and $47 billion in 1995.

Cutting the deficit will not be easy. It will require sacrifice. Today, relaxing the Gramm-Rudman-Hollings deficit targets may look like the easy way out, but failure to make the tough choices now will make it even harder for us to control the deficit in the future.

We sincerely hope that working together, we can do what is right for our children and our grandchildren.

Respectfully,

BOB DOLE,
Republican Leader.
PETE DOMENICI,
Ranking Member,
Senate Budget Committee.

MAXIMUM DEFICIT AMOUNTS [MDA]

[In billions of dollars]

	1994	1995
Oct. 23, 1992 MDA's	307.8	302.5
Mandatory adjustment for deposit insurance	+27.1	+0.1
New MDA's	334.9	302.6
Optional adjustment for economic and technicals	+22.4	+42.8
Optional adjustment for discretionary caps	+1.4	+2.2
Subtotal optional adjustments	+25.5	+46.7
Adjusted MDA's	360.4	349.4

Note.—Based on OMB estimates. The actual adjustments will depend on the assumptions in President Clinton's fiscal year 1994 budget submission. The maximum deficit amount calculations do not include the receipts and disbursements of off-budget programs, such as Social Security.●

EDWARD J. DERWINSKI, FORMER SECRETARY OF THE DEPARTMENT OF VETERANS AFFAIRS

● Mr. DURENBERGER. Mr. President, former Secretary of Veterans Affairs Edward Derwinski became the first Cabinet officer for the Department of Veterans Affairs and, in following this precedent, presided over many other new beginnings within the Department.

The Council on Native American Veterans, the Court of Veterans Appeals, the National Center for PTSD, the Rehabilitation Research Center, the National Medical Ethics Center are a few of the innovations launched during his term of office.

More veterans received more benefits due to Mr. Derwinski's leadership: Service-connection was acknowledged in the case of non-Hodgkin's lymphoma, soft-tissue sarcoma, mustard gas effects, peripheral neuropathy. The agent orange controversy was defused and set on a course to final resolution. Alcohol/drug dependence programs were expanded, as were educational benefits to include vocational and technical training.

An internal view to upgrading the VA medical care system was initiated in the Commission on Future Structure of Veterans Health Care. Secretary Derwinski also strongly supported the accreditation by the Commission on Healthcare Organizations for smoke-free veterans' hospitals.

He faced a war in 1990 and made sure the VA's emergency medical system was in place; he instigated a tracking system of this war's related health problems by installing a war veteran's registry. He waged another war on Hurricane Andrew and awarded Pearl Harbor survivors medals for their service.

When he left office in September 1992, there were 113 national cemeteries, 196 vets centers and 15 geriatric centers. For all his years of public service, we salute him.●

INSPIRATIONAL VOLUNTEER EFFORTS OF DADE COUNTY SENIORS

● Mr. GRAHAM. Mr. President, today I would like to congratulate a group of outstanding citizens in my State of Florida. These men and women have given a great gift to their communities—they have given of themselves.

Their volunteer efforts are an inspiration to all. On Wednesday, January 27, 1993, the Liberty City Christian Association will be honoring these citizens for their unselfish dedication to making their State and community a better place in which to live.

The honorees are activists, ministers, educators, parents, grandparents, and great-grandparents whose tireless services are truly appreciated. Today, I am pleased to recognize Mamie E.P. Chester, Essie Cobbs, Ruth C. Crockett, John B. Dickey, Daisy Hardie, Melvin

Jackson, Pearlie Kinsey, Maggie McBirney, Iola Pugh and Sulian Pugh, Dorothy Quintana, Ruby Thomas, and Evelyn Wilkins.

Florida and Dade County are fortunate to have these inspiring senior citizens. I congratulate them today and wish for them many more productive and healthy years.●

SALUTING PUBLICATION OF CHILD SAFETY BOOK

● Mr. DURENBERGER. Mr. President, I would like to talk to you about safety.

The families of Minnesota and this Nation are acutely aware of how important it is for children to feel safe. If a child is confronted with scary adults or surroundings, he or she ought to be able to do something about it. A feeling of security must be part of the development of a child's self-image, the bedrock of success as girls and boys grow and learn at home, in school and in their neighborhoods.

Moms, dads, and kids can do something to make this world safer. I stand here today, Mr. President, to congratulate Kate Soucheray, a Minnesota mother of three and former elementary school teacher, on the publication of "I Am Safe: A Child's Book of Personal Safety." Ms. Soucheray and her oldest child, Maggie, collaborated to write and illustrate this important book that drives home the message that a child's response to danger can be a powerful deterrent. Page after page, kids are encouraged through clear instructions, activities, quizzes, and pictures they might have drawn themselves to speak up, say "no", when someone makes trouble for them.

Mr. President, Ms. Soucheray took the initiative to learn about the hard realities a child must face. She consulted with experts. As a schooled adult and a loving parent, she understands child sexual abuse, kidnaping, and the fear from simply getting lost at the mall. She lets kids know they can handle such scary things, if only they know how.

Through the eyes of her children, and the children she has touched during years in the classroom, Kate Soucheray has made a great contribution. Mr. President, I salute her, and I thank her.●

THE PASSING OF PROF. JAY MURPHY, DISTINGUISHED ALABAMAN

● Mr. SHELBY. Mr. President, on December 16, the State of Alabama, the University of Alabama, and the Nation lost an individual of singular intelligence, dedication, and integrity. Prof. Jay Murphy was a distinguished labor law professor at the University of Alabama Law School and a leading national labor arbitrator. Professor Murphy was one of my instructors at the University of Alabama Law School. His teaching deeply enriched my legal education and I can truly say that I am a better person for having known him.

Professor Murphy was born in Illinois in 1911. In 1943 and 1944 he earned his J.D. and LL.M. degrees from George Washington University. He joined the faculty at the University of Alabama in 1947 and remained on the faculty for the next 34 years. He was a valued member of the university and Tuscaloosa communities throughout his life. His time in Tuscaloosa left a lasting impression on the university and the community as a whole.

What distinguished Professor Murphy from other individuals was his unwavering integrity, his commitment to deeply held principles, and his intellectual liveliness. Professor Murphy was a committed civil rights activist long before the cause was considered acceptable in Alabama. Widely published in the area of civil rights law, no one could ever argue that Jay Murphy was not absolutely committed to the principles that he espoused. He was absolutely unwilling to cede a matter of principle for the sake of convenience, no matter how unpopular that principle might have been with the general public.

As a labor arbitrator, he was known for his sense of fairness. This commitment to fairness led to an intense demand for his services up until the time of his death. When he died at the age of 81 in December, he was in the middle of arbitrating a case involving a company in Tennessee.

Finally, Professor Murphy's life was characterized by an intense commitment to learning and intellectual growth. He was a widely read individual who had a keen interest in many subjects beyond the field of law. Like all great minds, Jay Murphy did not recognize formal boundaries within academic disciplines. Rather, his varied interests in philosophy, astronomy, and biology reflected the belief that all academic pursuits ultimately drive toward the same spiritual end.

I found Professor Murphy to be one of the most engaging people that I ever encountered, both as a student and as a resident of the Tuscaloosa community. I was saddened to hear of his passing. However, I find comfort in the thought that he lived a full and productive life that enriched the many people who came in contact with him. We are all a little less in his passing, but are all a little better for having had him on this Earth.●

TRIBUTE TO STANLEY E. HUBBARD

● Mr. DURENBERGER. Mr. President, I have always taken great pride in acknowledging the accomplishments of Minnesota's entrepreneurs, and Stanley E. Hubbard stands among the greatest of the State's business pioneers.

Stanley opened the first television station to broadcast in Minnesota; he was the first in the Midwest to broadcast color television signals; and his station became the first NBC–TV affiliate in the United States.

Stanley Hubbard was one of a kind. He operated as if he never heard the phrase, "But we've never done it that way before." He was a risk-taker, and he gave a lot of young people the opportunity to learn the broadcasting business.

He was dedicated to the news, as dedicated as any hard-core beat reporter or photographer in getting the story. He had a lot of the qualities of a dreamer—he wasn't afraid of new technologies and he used them in ways that his contemporaries hadn't thought of.

He will be missed by his friends in the business and in the community, but "the Old Man's" legacy lives on through his son, Stanley S. Hubbard, and his grandchildren, many of whom play a role in Hubbard broadcasting. Stanley S. Hubbard continues to carry on the Hubbard tradition of pioneering in telecommunications, and commitment to the community.

I extend to all of the Hubbard family my sympathies at their loss. It is a loss that I feel personally, as well as on behalf of the people of Minnesota.●

A BIGGER TAX BILL?

● Mr. MACK. Mr. President, just as candidate Clinton promised, this is a time to give tax relief to middle class working men and women. It is definitely not time to pile additional taxes on them. Does President Clinton think differently?

On NBC's "Meet the Press" Sunday, Treasury Secretary Bentsen said, "We have to do things to cut back on consumption and encourage investment for the creation of jobs in this country." In order to do this, he told us, "What you're going to see * * * is some consumption tax is going to take place."

In other words, the new Treasury Secretary is telling us that in order to get Americans to invest more in jobs and businesses, the Federal Government must first send them a bigger tax bill. This makes no sense. Everybody knows that if you tax something, you get less of it. Sure, if you tax consumption more, you will get less consumption, too. But does this automatically mean you will get more investment? No.

If we increase consumption taxes—on energy or anything else—the revenue will go to the Government. And it will do what it always does—spend it. Even if the Government spends the consumption tax revenue on investment, think what this means. We will have more Government spending, and less private spending. We will have more Government investment, and less private investment. We will have more Government jobs and fewer private sector jobs.