

(1) by redesignating paragraph (10) as paragraph (11); and

(2) by inserting after paragraph (9), the following new paragraph:

"(10) **TERMINATION OF INSURANCE OF GUARANTEED DEPOSITORY INSTITUTION.**—The status of any insured depository institution as an insured depository institution shall cease as of the date the institution becomes a guaranteed depository institution."

(d) **INELIGIBILITY OF GUARANTEED DEPOSITORY INSTITUTION FOR DEPOSIT INSURANCE UNDER THE FEDERAL DEPOSIT INSURANCE ACT.**—Section 5(a)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1815(a)(1)) is amended by striking "trust funds (as defined in section 3(p))" and inserting "trust funds (as defined in section 3(p)) and is not a guaranteed depository institution."

(e) **SPECIAL RULE RELATING TO POWERS OF FDIC AS CONSERVATOR OR RECEIVER OF GUARANTEED DEPOSITORY INSTITUTION.**—Section 11(d) of the Federal Deposit Insurance Act (12 U.S.C. 1821(d)) is amended by adding at the end the following new paragraph:

"(20) **SPECIAL RULE IN THE CASE OF GUARANTEED DEPOSITORY INSTITUTION.**—If the Corporation appoints itself conservator or receiver for any guaranteed depository institution in accordance with section 127(a)(1) of the Taxpayer Protection, Deposit Insurance Reform, and Regulatory Relief Act of 1992—

"(A) each subsection of this section other than subsections (a), (b), (c), (m), and (n) shall be applied, for purposes of section 127(a)(2) of such Act, by substituting 'guaranteed depository institution' for 'insured depository institution' each place such term appears in any such subsection;

"(B) the term 'insured deposits', as such term is used in subsection (f), shall be deemed, for purposes of subparagraph (A), to refer to deposits insured under section 128(b) of such Act; and

"(C) the payment of any deposits referred to in subparagraph (B) by the Corporation under subsection (f), as applicable pursuant to subparagraph (A) of this paragraph and section 127(a)(2) of such Act, shall be made from the cross-guarantee backup fund established under section 128(a)(1) of such Act."

(f) **APPLICABILITY OF INSURANCE LOGO PROVISIONS.**—Section 18(a) of the Federal Deposit Insurance Act (12 U.S.C. 1828(a)) is amended by adding at the end the following new paragraph:

"(4) **APPLICABILITY TO GUARANTEED INSTITUTIONS.**—For purposes of this subsection, the terms 'insured bank' and 'insured savings association' shall be deemed to include any bank (as defined in section 3(a) without regard to paragraph (5) of such section) and any savings association (as defined in section 3(b) without regard to paragraph (4) of such section) which is a guaranteed depository institution."

(g) **GUARANTEED DEPOSITORY INSTITUTIONS NOT EXEMPT FROM LIMITATION ON INSURANCE UNDERWRITING.**—Section 24(b) of the Federal Deposit Insurance Act (12 U.S.C. 1831(b)) is amended by adding at the end the following new paragraph:

"(3) **APPLICABILITY TO GUARANTEED DEPOSITORY INSTITUTIONS.**—Notwithstanding section 3(a)(5), the term 'insured State bank' includes, for purposes of this subsection, a State bank which is a guaranteed depository institution."

SEC. 306. AMENDMENTS TO TITLE 11, UNITED STATES CODE.

(a) **DEFINITION OF DEBTOR INCLUDES GUARANTEED COMPANY.**—Section 109 of title 11, United States Code, is amended by adding at the end the following new subsection:

"(h) **GUARANTEED COMPANIES.**—Notwithstanding subsections (b) and (d), a guaranteed company (as defined in section 101(a)(7) of the Taxpayer Protection, Deposit Insur-

ance Reform, and Regulatory Relief Act of 1992) may be a debtor under chapter 7 or 11."

(b) **INVOLUNTARY CASE INVOLVING A GUARANTEED COMPANY MAY BE BROUGHT ONLY UNDER CHAPTER 11.**—Section 303 of title 11, United States Code, is amended by adding at the end the following new subsection:

"(1) **INVOLUNTARY CASES UNDER CHAPTER 11 ONLY.**—An involuntary case against a guaranteed company (as defined in section 101(a)(7) of the Taxpayer Protection, Deposit Insurance Reform, and Regulatory Relief Act of 1992) may be commenced only under chapter 11."

(c) **SPECIAL RULES APPLICABLE TO REORGANIZATION OF GUARANTEED COMPANY.**—

(1) **IN GENERAL.**—Subchapter I of chapter 11 of title 11, United States Code, is amended by adding at the end the following new section:

"§ 1115. Guaranteed company reorganization.

"(a) **CROSS-GUARANTEE SYNDICATE TREATED AS DEBTOR IN POSSESSION.**—The cross-guarantee syndicate of a guaranteed company—

"(1) may assume control of a guaranteed company under section 118 of the Taxpayer Protection, Deposit Insurance Reform, and Regulatory Relief Act of 1992 at any time after a case is commenced against such company under this chapter; and

"(2) shall be treated as the debtor in possession for purposes of this chapter upon assuming such control.

"(b) **OPERATION OF COMPANY BY DEBTOR IN POSSESSION.**—Notwithstanding any other provision of this subchapter, the court may not appoint a trustee for, or otherwise intervene in the operations of, a guaranteed company which is a debtor in a case under this chapter, including a guaranteed company the cross-guarantee syndicate of which has assumed control of the company under section 118 of the Taxpayer Protection, Deposit Insurance Reform, and Regulatory Relief Act of 1992.

"(c) **CONTINUED FULL APPLICABILITY OF CROSS-GUARANTEE CONTRACT.**—No action may be taken by the court or any person under this chapter in connection with a case against a guaranteed company which would alter or affect the applicability or effectiveness of any provision of the cross-guarantee contract in effect with respect to such company.

"(d) **LIABILITY OF DIRECT GUARANTORS FOR DAMAGES CAUSED BY MISMANAGEMENT OR MALFEASANCE BY THE GUARANTEED COMPANY.**—The direct guarantors of any guaranteed company which is a debtor in a case under this chapter shall be liable for any damages suffered by any creditor of the company after the commencement of such case other than for damages or losses incurred in the normal course of business.

"(e) **DEFINITIONS.**—The terms 'cross-guarantee syndicate', 'direct guarantor', and 'guaranteed company' have the meanings given to such terms in section 101 of the Taxpayer Protection, Deposit Insurance Reform, and Regulatory Relief Act of 1992."

(2) **CLERICAL AMENDMENT.**—The table of sections for subchapter I of chapter 11, of title 11, United States Code, is amended by inserting after the item relating to section 114 the following new item:

"1115. Guaranteed company reorganization."

SEC. 307. AMENDMENTS TO OTHER BANKING LAWS.

(a) **EXEMPTION FROM DEPOSITORY INSTITUTION MANAGEMENT INTERLOCKS ACT.**—Section 206 of the Depository Institution Management Interlocks Act (12 U.S.C. 3204) is amended by adding at the end the following new paragraph:

"(10) **GUARANTEED DEPOSITORY INSTITUTION.**—Any guaranteed depository institution and any affiliate of such institution."

(b) **EXEMPTION FROM REAL ESTATE APPRAISAL REQUIREMENTS.**—Section 1121(4) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3350(4)) is amended to read as follows:

"(4) **FEDERALLY RELATED TRANSACTION.**—The term Federally related transaction—

"(A) means any real estate-related financial transaction which—

"(i) a Federal financial institutions regulatory agency or the Resolution Trust Corporation engages in, contracts for, or regulates;

"(ii) requires the services of an appraiser; and

"(B) does not include any real estate-related financial transaction which is regulated by a Federal financial institutions regulatory agency solely by reason of the involvement of a guaranteed depository institution (as defined in section 101(a)(8) of the Taxpayer Protection, Deposit Insurance Reform, and Regulatory Relief Act of 1992) in such transaction."

(c) **EXEMPTION FROM PAYMENT SYSTEM REQUIREMENTS.**—Subtitle A of title IV of the Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 4401 et seq.) is amended by adding at the end the following new section:

"SEC. 408. EXEMPTION FOR GUARANTEED DEPOSITORY INSTITUTIONS.

"This subtitle shall not apply with respect to a depository institution which is a guaranteed depository institution (as defined in section 101(a)(8) of the Taxpayer Protection, Deposit Insurance Reform, and Regulatory Relief Act of 1992)."

(d) **EXEMPTION FROM THE INTERNATIONAL LENDING SUPERVISION ACT OF 1983.**—The last sentence of section 903(2) of the International Lending Supervision Act of 1983 (12 U.S.C. 3902(2)) is amended by inserting "or a guaranteed depository institution (as defined in section 101(a)(8) of the Taxpayer Protection, Deposit Insurance Reform, and Regulatory Relief Act of 1992)" before the period.

SUPPORT FOR THE ANTI-CAR THEFT ACT OF 1992

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 3, 1992

Mr. DOWNEY. Mr. Speaker, I rise today in strong support of the Anti-Car Theft Act of 1992. The recent media attention focusing on violent car jackings clearly reinforces the need to address one of the most prevalent crime problems plaguing our communities. Unfortunately, armed car jacking is not a new crime. In 1990, over 1,000 automobiles were stolen at gunpoint in New York City. Car theft has become one of the most pressing property crime epidemics throughout this country. Over 1 million vehicles were stolen in 1990. It is time that this body takes effective action to crack down on auto theft.

The Anti-Car Theft Act will help reduce the incidences of auto theft. Making it easier for motor vehicle departments to track stolen cars and including tough new penalties for auto theft will make this a far less attractive crime to commit.

This bill will also take the profit out of car theft. Including identification numbers on auto parts will help to close down illegal chop shops which have made the sale and resale of stolen parts possible and profitable.

This legislation will help law enforcement, lower insurance costs, help consumers, and

make our constituents safer. I urge my colleagues to support this legislation.

TRIBUTE TO MRS. LOUISE
FOLLETTE

HON. JON KYL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 3, 1992

Mr. KYL. Mr. Speaker, the closure of various military bases across the country has received praises and criticism. Congress was called upon to make tough decisions and each of us made them with some amount of heartache. This is particularly true for the Arizona delegation. Williams Air Force Base has been a part of our community for over 51 years and we are very sad to see it go.

Not only has "Willie" produced top-notch pilots, it has also congregated top-notch citizens. One of those citizens who stands alone is Louise Follette. In 1941, Louise, came with her husband to the desert as one of the first 20 or so people to open the then Higley Field. She took a job with the base exchange and to this day still manages that store. She has seen Williams Air Force Base come full circle, and with the closure of the base she will grudgingly retire.

I would like to take this time to salute and congratulate Mrs. Louise Follette for her many years of dedication and service. You have provided your country and the men and women of Williams Air Force Base with a noble service, and I would like to thank you personally.

BLACK LUNG BENEFITS
RESTORATION ACT OF 1992

SPEECH OF

HON. CLAUDE HARRIS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1637) to make improvements in the Black Lung Benefits Act:

Mr. HARRIS. Mr. Chairman, I rise in support of H.R. 1637 and urge my colleagues to vote for its passage.

As the representative of a coal producing region, I and my district staff have had more than enough first hand experience with the injustices caused by the present standards and their administration.

I have personally dealt with a retired miner, who had already had to have half a lung removed, who was denied black lung benefits.

I have seen many retirees, old people with little formal education, who worked all their lives in the mines, and who had received their disability rating years ago, and who are now being told that some change will not only cost them their benefits but that they must repay all past benefits as well.

These old people, none of whom are accused of any deception, are being told they must do without necessities and that they face the loss of their homes and life savings. They are being told this even when the law allows forgiveness of debts in the case of financial hardship.

Many of these reversals are unwarranted by any medical standard and this legislation would make clear the intent of Congress as to the relevant medical evidence. It will also address the issue of repayment of benefits where final adjudication has been delayed and no fraud or deception was involved in obtaining benefits.

Mr. Chairman, again I say I know first hand the need for this legislation and I cannot say strongly enough this bill will correct a terrible wrong and save much human misery.

THE YEAR OF THE MILLENNIUM
OF THE SHERIFF

HON. HELEN DELICH BENTLEY

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 3, 1992

Mrs. BENTLEY. Mr. Speaker, my fellow colleagues, 1992 is a very special year for sheriffs across this Nation and throughout the world as this is the year of the millennium of the sheriff.

Rich in heritage and tradition, sheriffs have upheld the law for 1,000 years. Their history dates back to England before the Norman Conquest. In England, the local court was the shire court. In Anglo-Saxon times, the head of the shire, or county as we know it, was an earl who acted through a reeve. The reeve was a local administrative agent who was similar to a bailiff, or a steward, but of more importance. Under the earl, the reeve managed the shire court and oversaw lesser courts throughout the shire and was called the shire reeve. This eventually developed into the term sheriff we use today.

In England, the sheriff ran the shire and was an agent of the king. The sheriff was a position of great distinction and power. However, the position of sheriff began to decline in stature and authority until the settling of America. The need to maintain law and order in the small and often remote settlements of the American frontier brought a return to the stature and importance of the sheriff.

The sheriff in America shares a common history with his English predecessor. The early sheriffs in America were burdened with numerous responsibilities such as tax collecting, peace keeping, census taking, public health and many other duties that often are not associated with the concept of sheriff we have today.

In Maryland, the office of sheriff can be traced back to 1632 when King Charles I granted the power to appoint law enforcement personnel in the State and the sheriff became the first officeholder to be appointed. In 1776, the Maryland Assembly enacted its first Constitution and specifically provided for the office of sheriff as an elected position.

Today, the 24 sheriffs of Maryland are responsible for many different law enforcement duties. Just as Maryland is quite diverse from the rural country side of the Eastern Shore and mountains of Western Maryland to the urban areas of Baltimore, Annapolis and surrounding communities of Washington DC., the sheriffs' departments of Maryland have evolved differently. In many of the rural areas, in the absence of organized police departments, the sheriff is the primary law enforcement figure. In other areas, the sheriff often is

responsible for the supervision of jails, prisoner transportation, court security, serving warrants and civil process service.

Although their duties vary, each share a common history and rightly are proud of that history. Their hard work and dedication to upholding law and order is just as important, if not more so, than it was a 1,000 years ago in England or 360 years ago here in Maryland.

The basics of upholding law and order has never been an easy one. Many of us are familiar with recent events across the Nation that have demonstrated the increasing demands on law enforcement. In Baltimore alone, the last few weeks have seen the shooting of two Baltimore police officers and one Baltimore County Police Officer. Tragically, one of those officers did not survive his attack and the other is still in very serious condition. As one officer said in response to the attacks, when a police officer said in response to the attacks, when a police officer is attacked, it is more than just one attack on a law enforcement officer, it also is an attack on society. I could not agree more. Those sworn to enforce our laws also represent our society and are the first line of defense between law and lawlessness.

The job of law enforcement is, indeed, a very dangerous one. Today it seems that disregard for law and order continues to grow among the criminal element. In their contempt for law and order, many of these criminals appear to place no value on an officer's or civilian's life.

Over the years, society has changed and so have the challenges and demands on law enforcement. Such changes have required our sheriffs to change as well. Without a doubt, the continued effort to increase professionalism through training and education is quite evident. Regardless of what changes the future may bring, I know our sheriffs always will be ready to serve with the same honor and distinction as their predecessors.

Mr. Speaker, my fellow colleagues, it is with utmost respect and admiration that I congratulate the 24 sheriffs of Maryland and the many other sheriff departments here in the United States and around the world on this momentous occasion. For 1,000 years they have upheld law and order. Through protecting life and property, they have given of themselves in service to others. On this, the millennium of the sheriff, I would like to recognize the sheriffs of Maryland. I respectfully submit this list of the sheriffs of Maryland and commend them all on a job well done.

Allegheny County—Gary Simpson.
Anne Arundel County—Robert G. Pepersack, Sr.
Baltimore City—John Anderson.
Baltimore County—Norman M. Pepersack, Jr.

Calvert County—Lawrence C. Stinnett.
Caroline County—Louis Andrew.
Carroll County—John H. Brown.
Cecil County—Rodney E. Kennedy.
Charles County—James F. Garland, II.
Dorchester County—Philip McKevey.
Frederick County—Carl R. Herbaugh.
Garrett County—Martin Van Evans.
Harford County—Robert E. Comes.
Howard County—Michael A. Chuchicko.
Kent County—William T. Bright.
Montgomery County—Ray Knight.
Prince George's County—James V. Ahlsl.
Queen Anne's County—Charles Crossley.