

cantly higher voter turnout rates. In the 1988 Presidential election, Minnesota, Wisconsin, and Maine had an average voter turnout rate of 60 percent, which was 12 percentage points higher than the national average. In 1992, the average increased to 70 percent, a full 15 percentage points higher than the national average.

The final measure, the Democracy in Presidential Debates Act of 1993, H.R. 1753, which I first introduced last Congress, would institutionalize debates in Presidential election campaigns in requiring all significant candidates to participate in at least one primary election debate and two general election debates. The debates must be organized by a nonpartisan entity, and must be structured to allow the candidates to question each other directly. If a candidate refused to participate in required debates, he or she would lose their Federal matching funds. The Elections Subcommittee will hold a hearing on this measure on May 20th 1993 and I have been asked to testify.

Mr. Speaker, with democracy breaking out around the globe, there remain glaring examples of undemocratic elements in our own political processes. I urge our colleagues to join me in support of more democracy right here at home by sponsoring these measures.

#### TIRES, LEAD-ACID BATTERY, AND NEWSPRINT RECYCLING

##### HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1993

Mr. TORRES. Mr. Speaker, almost 4 years ago, along with the late Senator John Heinz and former Senator Tim Wirth, I introduced a new concept in environmental protection. The idea was simple—use market forces to achieve environmental protection.

My ideas for tire recycling (H.R. 1810); newspaper recycling (H.R. 1809); and lead-acid battery recycling (H.R. 1808) were all well received. Each of the bills received hundreds of cosponsors in the House. Unfortunately, no action was taken on recycling issues during the past two Congresses.

Now, a new day is dawning. The time for a proactive approach to developing markets for recycled products has arrived. And, I am pleased today to observe Earth Day by reintroducing the Tire Recycling Incentives Act, the Newsprint Recycling Incentives Act, and the Lead Battery Recycling Incentives Act. These bills represent sound environmental policymaking which will produce measurably positive environmental results at the least cost to society.

The common approach of these bills involves using market forces to promote environmental protection. This is a radical departure from the traditional approach to environmental policy—that of command and control. But, isn't that what we were sent to Congress to do—to lead, rather than to follow the ways of the past? We can no longer afford to commit society's scarce resources to environmental programs that either do not work or work only at enormous cost to all of society. The concept of using market forces to achieve environmental goals is gaining influence all over the world. One of the fundamental problems that these ideas face is that they do not

have a natural constituency. There is no industry or environmental lobbying group that owns these ideas, therefore, no one is spending any money on a lobbying effort to get these ideas enacted.

But this situation should not stop us from considering and enacting sound policy.

Mr. Speaker, our constituents are demanding that Congress and the Executive begin to produce results. Join me in demonstrating that those of us committed to sound environmental protection at the least cost to society have produced legislation of which we can be proud.

#### TRANSPORTATION, NOT GAMBLING

##### HON. THOMAS H. ANDREWS

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1993

Mr. ANDREWS of Maine. Mr. Speaker, every day citizens travel between the United States and Canada on ferries. These ferries are an extension of the highway system for many people who live near the international border, but who find it quicker or more convenient to travel by water. Tourists take the ferries to enjoy the sea travel and the beautiful scenery. They take less than 12 hours and provide efficient passenger travel between United States and Canadian ports.

Unfortunately, a 1989 departure tax on gambling cruises has unfairly been applied to passenger service ferries that travel through international waters for the purpose of transportation, not gambling.

My bill would simply clarify the application of this tax. Both the House and Senate approved this legislation last year. Unfortunately, President Bush's veto of H.R. 11 prevented its enactment.

Since gambling is legal in international waters, specialty cruise lines offer cruises-to-nowhere beyond U.S. waters with gambling onboard. Congress approved an international departure tax on ship passengers as part of the Omnibus Reconciliation Act of 1989. This fee was intended to be a head tax on passengers who take overnight pleasure cruises and gambling trips.

Passengers who get on ferries to Canada from Maine, Washington State and the Great Lakes, however, are traveling to get to the other side, not to gamble. They shouldn't be forced to pay this tax. Our Nation should be promoting, not discouraging, diverse and efficient means of transportation.

In Maine, for example, there are two ferry lines that serve the coast of Maine and Nova Scotia. Passengers who depart from Maine must pay the departure tax. However, the ferry between Portland, MA and Yarmouth, NS does not represent a gambling cruise. Nearly 90 percent get off at the other side and don't complete the round trip—unlike pleasure cruises. The nominal gambling offered onboard is enjoyed by a very small percentage; less than three percent do more than spend pocket change on a slot machine. Gambling is not the purpose of the trip. Finally, less than 10 percent of the ferry revenue comes from gambling. These revenues are used to offset fare costs and keep the ferry service competitively priced.

Mr. Speaker, this tax is aimed at gamblers, not regular ferry passengers. I urge my colleagues to pass this measure so that the head tax aimed at gambling cruises is applied as the Congress intended.

#### THE NATIVE AMERICAN TRUST FUND ACCOUNTING AND MANAGEMENT REFORM ACT OF 1993

##### HON. MIKE SYNAR

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1993

Mr. SYNAR. Mr. Speaker, I rise today to introduce the Native American Trust Fund Accounting and Management Reform Act of 1993, legislation to require the Secretary of the Interior to invest and pay interest on individual Indian money [IIM] funds held in trust by the Federal Government, to authorize demonstrations of new and innovative approaches for the management of Indian trust funds, to clarify the trust responsibility of the United States with respect to Indians, to establish a program for the training and recruitment of Indians in the management of trust funds, and to require a periodic accounting of Indian trust funds to the account holders. Its enactment is necessary to reform longstanding mismanagement of the Indian trust fund and to give the 300,000 native Americans for whom the Bureau of Indian Affairs [BIA] holds money in trust a greater say in the management of their affairs.

These trust funds include the tribal trust fund and the IIM trust fund. As of September 30, 1991, approximately 330 tribes have an interest in the tribal trust fund; however, some tribes have multiple accounts. As a result, approximately 2,965 separate accounts comprise the tribal trust fund. The tribes do not participate equally in the fund. In fact, according to Bureau of Indian Affairs' Office of Trust Fund Management, 77 percent of the fund assets are held by 8 percent of the tribes. The IIM trust fund is a deposit fund, usually not voluntary, for individual participants and tribes. It was originally intended to provide banking services for legally incompetent Indian adults and Indian minors without legal guardians. In addition to these fiduciary accounts, the IIM trust fund now contains deposit accounts for certain tribal operations and for some tribal enterprises. Approximately 300,000 accounts are held in the IIM trust fund. These Indian trust funds include judgment awards, oil and gas royalty income, land leases, timber stumpage, and investment income. As trustee for lands and money held in trust by the United States, the BIA is responsible for managing and investing almost \$2 billion in tribal and individual Indian funds.

The system of trusteeship and Federal management of Indian funds is deeply rooted in Indian-U.S. history. Treaties are the first and probably most important means by which trust funds were held by the United States for the benefit of individuals or tribes. While the earliest treaties did not provide that the United States retain funds in trust for the tribes, in 1820 the Federal Government adopted the policy of holding tribal funds in trust.

Later, the role of trustee was delegated to the Secretary of the Interior. Since 1918, the Interior Department's Bureau of Indian Affairs

[BIA] has had the legal authority to invest Indian trust funds. In 1938, the Bureau decided that all Individual Indian money [IIM] funds would be invested and managed by its agency offices to do so. Since 1966, the BIA's branch of investment has pooled all IIM accounts for investment purposes. The Bureau allocates interest earned on the investment pool to individual accounts.

Mr. Speaker, in April 1992, the Committee on Government Operations unanimously approved a report, based on a 3-year investigation by my subcommittee of the BIA's mismanagement of the \$2 billion Indian trust fund. That report, House Report 102-499, demonstrated that the BIA's disgracefully indifferent supervision and control of the Indian trust funds has consistently resulted in a failure to exercise its responsibility and has failed all reasonable expectations of the tribal and individual account holders, Congress, and taxpayers.

The Indian trust fund is more than balance sheets and accounting procedures. These moneys are crucial to the daily operations of native American tribes and a source of income to tens of thousands of native Americans. Sadly, however, the Bureau of Indian Affairs [BIA] has failed to fulfill its fiduciary duties to the beneficiaries of the Indian trust fund. The Committee on Government Affairs' report outlined these and other problems and made numerous recommendations to improve the management of the Indian trust fund and thereby improve the protection of the account holders.

The Bureau's management of the Indian trust fund has been grossly inadequate in many important respects. The Bureau has failed to accurately account for trust fund moneys. Indeed, it cannot even provide account holders with meaningful periodic statements on their account balances. It does not consistently and prudently invest trust funds and pay interest to account holders. It does not have consistent written policies or procedures that cover all of its trust fund accounting practices. Under the management of the Bureau of Indian Affairs, the Indian trust funds is equivalent to a bank that doesn't know how much money it has.

Financial management problems in the Bureau of Indian Affairs' management of the trust fund have been neglected for decades. There is a continuing crisis in the BIA's management of the trust fund that can only be cured by radical changes in leadership, organization, accountability, and communication by the Bureau of Indian Affairs and the Department of the Interior.

The real losers in the mismanagement of the Indian trust funds are the tribes and the individual Indian account holders. These account holders are being victimized by the Federal Government. Yet they have had no recourse except to the very agency that is responsible for their predicament.

The legislation I introduce today, the Native American Trust Fund Accounting and Management Reform Act of 1993 was designed to correct these deficiencies. It was prepared with the advice and counsel of many native Americans and tribal officials. It does not contain all the answers for correcting the manifest difficulties presented by the current mismanagement of the Indian trust fund. For example, it does not establish a procedure for directing settlements for account holders caused by past mismanagement by the BIA, because

the dimensions of such losses and any potential settlements will not be known until many of the known accounting problems are corrected. However, the Native American Trust Fund Accounting and Management Reform Act of 1993 does provide a good starting point for discussion and dialog on this subject.

Here is what the Native American Trust Fund Accounting and Management Reform Act of 1993 will do:

Title I amends 25 U.S.C. 162a with the same language as contained in the Native American Trust Fund Equity Act of 1991, H.R. 1756, which I introduced on April 10, 1991. The measure would require the Secretary of the Interior to invest in a productive manner and to pay interest to account holders. It will hold the Secretary accountable for any failure to invest prudently funds held in trust for individual native Americans. Moreover, it will authorize the Secretary of the Interior to pay lost interest resulting from past BIA failures to properly manage IIM investments.

This legislation reinforces our moral and ethical obligations to individual Indian money account holders. By its enactment, Congress will create the authority for the Secretary of the Interior to honor the Federal Government's fiduciary responsibilities to native Americans; however, any expenditures under such authority will be subject to the annual appropriations process.

Title II authorizes demonstration programs that will give Indian tribal governments greater control over the management of tribal and individual Indian funds held in trust by the United States, involve tribal governments in instructing the Secretary to invest tribal and individual Indian trust funds in a manner that will promote economic development in Indian communities, and demonstrate how the principles of native American self-determination can work with respect to trust fund management.

Title III tracks the Government Operations Committee's recommendations to clarify the trust responsibilities of the United States.

Title IV authorizes the Secretary to establish a program to assist Indians obtaining expertise in the management of trust funds.

Title V requires the Secretary of the Interior to account for the daily and annual balances of Indian trust funds, to provide Indian trust fund account holders with periodic statements of account balances, and to obtain an annual audit of such funds.

The scope and severity of the gross mismanagement by the BIA headquarters staff historically has been made worse by the inattentive and indifferent leadership within the Bureau of Indian Affairs and the Department of the Interior. This type of trust fund mismanagement would never be tolerated in other, similar Federal trust activities. That it has taken place in the administration of the Federal Government's sacred trust for native Americans can only be described as a national disgrace.

The trust of the Congress, the taxpayers—and most importantly—the tribes and individual Indian money account holders has been misplaced in the Bureau of Indian Affairs. BIA has failed in the performance of its duties to us all.

Mr. Speaker, clearly, the responsibilities imposed by treaties, statutes, and the courts have established a complex set of responsibilities for the BIA. However, accounting for the

daily and annual balances of the trust fund has been a continuing point of controversy and rightful criticism of BIA management. There are hundreds of thousands of native Americans who look to the BIA for help, understanding, and cooperation. They deserve leadership. They deserve support. They deserve accountability. They deserve a fair shake, honest and competent administration from their Government. They deserve to have greater control over their own destiny. They deserve the Native American Trust Fund Accounting and Management Reform Act of 1993.

I first introduced this legislation as H.R. 6177 on October 10, 1992, to provide my colleagues an opportunity to study the measure and to provide the native American community, including tribal leaders and representatives of Indian trust fund account holders, an opportunity to consult with Congress and the administration on the implications of these important changes in the relationship between native Americans and the Federal Government. After nearly 6 months and a broad set of discussions, the reaction to these proposals has been overwhelmingly positive. Accordingly, the measure I am introducing today is nearly identical to H.R. 6177. I have deleted the original title III, which authorized demonstration programs to promote the development of energy resources on Indian lands. That title was modeled after the provisions relating to Indian natural resource development contained in H.R. 776, the national energy strategy, which was enacted as Public Law 102-486 and became law on October 24, 1992.

The only new matter included in this measure is title V, which specifically requires the Secretary of the Interior to account for daily and annual balances of Indian trust funds, to provide Indian trust fund account holders with periodic statements of account balances, and to obtain an annual audit of such funds. This new requirement operates on the simple principle that information is power. Consequently, the sooner the Secretary is required by statute to account for and report account balances, then the sooner the Department and BIA will take the steps necessary to correct longstanding financial management problems and promote a settlement for account holder losses caused by past mismanagement of the BIA.

Mr. Speaker, the time has come to enact the Native American Trust Fund Accounting and Management Reform Act of 1993. I hope my colleagues will join me in cosponsoring this legislation. I look forward to working with the House Natural Resources Committee and the Senate Committee on Indian Affairs to ensure its rapid enactment.

#### NATIONAL NURSES WEEK

HON. TIM HOLDEN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1993

Mr. HOLDEN. Mr. Speaker, I would like to ask my colleagues to join me in recognizing the National Nurses Week, celebrated on May 6-12, 1993. Our country's nurses deserve acknowledgement for the superior service that they have so selflessly provided in our times of need.