

POM-676. A resolution adopted by the House of Representatives of the Commonwealth of Massachusetts; to the Committee on Commerce, Science, and Transportation.

"Whereas, there has been strong indication that Amtrak is seriously considering the elimination of trains 448 and 449, the New England States section of its Lake Shore limited passenger train operating between Boston, Massachusetts and Albany, New York; and

"Whereas, this train provides the only intercity rail passenger service to the city of Pittsfield and the County of Berkshire and interconnects this region to the Amtrak national hub at Chicago, Illinois and there is no commercial airline passenger service in Pittsfield, no interstate highway running through the city or a viable connection to a distant one, and extremely limited intercity bus service in Pittsfield or Berkshire County since the elimination of Greyhound Lines service several years ago; and

"Whereas, several thousand passengers per year use this service Amtrak provides both arriving and departing this city each year and over 1/3 million passengers per year use this train traveling to and from New England; and

"Whereas, the United States Postal Service uses this train to transport substantial amounts of mail generating healthy revenues for Amtrak that covers a large portion of the operating expenses of this train; and

"Whereas, this train provides needed transportation for persons from this area who have no other means of mobility and provides transportation to this area for persons arriving here for business, personal and tourism reasons it generates needed income for many businesses in the area; Therefore be it
"Resolved, That the Massachusetts House of Representatives opposes any discontinuance of this above mentioned rail passenger train service after having made substantial capital investments for Amtrak in improving the local rail passenger station over the last fifteen years and urges Amtrak to continue operating trains 448 and 449 making cost savings in the operation of the trains rather than eliminating them; and be it further

"Resolved, That a copy of these resolutions be forwarded by the Clerk of the House of Representatives to the United States Congress."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SIMPSON, from the Committee on Veterans' Affairs, with an amendment in the nature of a substitute and an amendment to the title:

S. 1359. A bill to amend title 38, United States Code, to revise certain authorities relating to management and contracting in the provision of health care services (Rept. No. 104-372).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. PRESSLER, from the Committee on Commerce, Science, and Transportation:

Jerry M. Melillo, of Massachusetts, to be an Associate Director of the Office of Science and Technology Policy,

Kerri-Ann Jones, of Maryland, to be an Associate Director of the Office of Science and Technology Policy.

(The above nominations were reported with the recommendation that

they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Ms. MOSELEY-BRAUN:

S. 2132. A bill to amend the Internal Revenue Code of 1986 to provide comprehensive pension protection for women; to the Committee on Finance.

By Mr. AKAKA:

S. 2133. A bill to authorize the establishment of the Center for American Cultural Heritage within the National Museum of American History of the Smithsonian Institution, and for other purposes; to the Committee on Rules and Administration.

By Mr. BIDEN (by request):

S. 2134. A bill to amend the Higher Education Act of 1965 to authorize Presidential Honors Scholarships to be awarded to all students who graduate in the top five percent of their secondary school graduating class, to promote and recognize high academic achievement in secondary school, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. COCHRAN (for himself and Mr. CONRAD):

S. 2135. A bill to amend the Internal Revenue Code of 1986 to provide reductions in required contributions to the United Mine Workers of America Combined Benefit Fund, and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SARBANES:

S. Res. 301. A resolution to designate October 13, 1996, as "National Fallen Firefighters Memorial Day"; to the Committee on the Judiciary.

By Mr. LOTT (for himself and Mr. DASCHLE):

S. Res. 302. A resolution to authorize the production of records by the Committee on Indian Affairs; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. MOSELEY-BRAUN:

S. 2132. A bill to amend the Internal Revenue Code of 1986 to provide comprehensive pension protection for women; to the Committee on Finance.

THE WOMEN'S PENSION EQUITY ACT OF 1996

Ms. MOSELEY-BRAUN. Mr. President, this legislation brings together some of the best ideas on women's pension legislation that have come before the House or the Senate. The legislation contains three new proposals to increase the security, the equity and the accessibility of our pension system. As the first permanent woman of the Senate Finance Committee, I have undertaken work in this area precisely

because retirement security is so vitally important to all Americans, but especially to America's women.

Many of America's women face retirement without economic security. The majority of the elderly are women, and the retirement system in our country is, unfortunately, failing them. Younger women are not earning the pension benefits they think they are, and older women are losing the pension benefits they thought they had. To make certain that the "golden years" are not the "disposable years," women need to take charge of their own retirement.

Last year, I introduced, and many of my colleagues cosponsored, the Women's Pension Equity Act of 1996 to begin to address one of the leading causes of poverty for the elderly—little or no pension benefits. Less than a third of all female retirees have pensions, and the majority of those who do earn less than \$5,000 a year from them. The lack of pension benefits for many women means the difference between a comfortable retirement and a difficult one. Three of the six provisions of that bill, the Women's Pension Equity Act, are now law.

Today we have introduced the Comprehensive Women's Pension Protection Act to put Congress on notice that we will continue to push for pension reforms that enable women to achieve a secure retirement. Congress should expect to hear from American women in the coming months about the need for pension policy that allows women to retire with dignity. We are here today, and we will be back in the beginning of the 105th Congress, because addressing pension issues is an integral part of the solution to women's economic insecurity.

In addition, pension issues are critical to our Nation as a whole. In light of the demographic trends facing America, retirement security is increasingly important to the quality of life for all of our citizens. With regard to women's pensions, specifically, though, I believe the first step is for women to take charge of their own retirement.

Women should create their own pension checklist to prepare for economic security when their working days are over. There are eight items that should be on any such checklist. Women should, first, find out if they are earning now or if they have ever earned a pension; second, learn if their employer has a pension plan and how to be eligible for that plan; third, contribute to a pension plan if they have the chance; fourth, not spend pension earnings if given a one-time payment when leaving a job, which is very important, also; fifth, if married, find out if their husband has a pension; sixth, not sign away a future right to their husband's pension if he dies; seventh, during a divorce, if that unfortunately happens, consider the pension to be a valuable, jointly earned asset to be divided; and eighth, find out about their pension rights and fight for them.

Even when women take charge of their own retirement, however, and if they have gone through the steps, they often face a brick wall of pension law that prevent women from investing enough for the future.

The pension laws, when they were originally written, were not written to reflect the patterns of women's work or, frankly, women's lives. Women are more likely than not to move in and out of the work force, to work at home, to earn less for the work that they do, and to work in low-paying industries. These factors limit our ability to access or accrue pension benefits. Women are also more likely to be widowed, to divorce, to live alone, and to live longer in their retirement years without having adequate coverage for retirement.

The bill that we have introduced today, which is also being introduced in the House of Representatives by Congresswoman KENNELLY, a long-time champion of women pension rights, addresses the range of concerns that women face as they consider retirement.

This legislation preserves women's pensions by ending the practice of integration by the year 2000, the practice whereby pension benefits are reduced by a portion of Social Security benefits. It provides for the automatic division of pensions upon divorce if the divorce decree is silent on pension benefits. It allows a widow or divorced widow to collect her husband's civil service pension if he leaves his job and dies before collecting benefits. And it continues the payment of court ordered tier II railroad retirement benefits to a divorced widow.

This legislation protects women's pensions by prohibiting 401(k) plans, the fastest growing type of plans in the country, from investing in collectibles or the companies own stock. It requires annual benefits statements for plan participants. And it applies spousal consent rules governing pension fund withdrawals to 401(k) plans.

This legislation helps prepare women for retirement by creating a women's pension hotline, creating a real opportunity for women to get answers to their questions. Since introducing the Women's Pension Equity Act of 1996, my office has received hundreds of letters and calls from women just wanting information. The hotline is sorely needed.

By preserving and protecting women's pensions and preparing women for retirement, we in Congress can provide women with the tools they need to prepare for their own retirement. By introducing legislation today and again at the beginning of 1997, we are giving notice that pension policy will be at the top of the agenda for the 105th Congress.

Pension policy decisions will determine, in no small part, the kind of life Americans will live in their older years. With a baby boomer turning 50 every 9 seconds, we cannot ignore the

problems facing people as they grow older. Now, more than ever all Americans need to consider the role that pensions play in determining they kind of life every American will lead.

In closing, Mr. President, I would like to add that pension policy retirement security has often been likened to a three-legged stool. There are three constituent parts of retirement security, one being Social Security, another being private savings, and the third being pensions.

First, with regard to Social Security, we are taking up in the Finance Committee and in this body a number of issues going to the protection of Social Security to make certain that that system remains viable.

Second, with regard to private savings, we are looking at the issue pertaining to encouraging people to save, particularly for their retirement, and making their savings plans more accessible to working people.

Third, with regard to the pensions specifically, this is an area in which there are a range of concerns which are being taken up. But, suffice it to say, I think it is vitally important that we begin the dialog now on the importance of retirement savings and the importance for retirement security. The graying of America will mean Americans will need more than ever to have in place the kind of protection for their retirement so we do not have a declining standard of living for retirees, but, as much to the point, so we do not have a diminished standard of living for all Americans.

So it is for those reasons that we have introduced this bill today in arguably the last week of the session of the 104th Congress. But it is done really as a place marker; that this is an area in which we intend to be active and in which we intend to spread the gospel of retirement security and that we intend to work in this Congress collaboratively.

I look forward to a bipartisan effort in this regard. I look forward to working with my colleagues on the Finance Committee as well as in this body—generally both in the House and in the Senate—so that we can put in place pension protections and the pension policy decisions that will allow people, in the first instance, to access pensions, to hold onto the pension rights they have, and not to alienate them, and to allow them to have pension protection that is real for them and that is actually there for them when they retire, avoiding retirement poverty.

I think this is a major aspect of policy that we need to look at given the demographic trends in this country, and I look forward very much to working with my colleagues in the Senate as well as in the House in behalf of the retirement security for Americans.

Mr. President, I ask unanimous consent that a summary of the bill, and a copy of the legislation be printed in the RECORD.

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

S. 2132

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

SECTION 1. SHORT TITLE.

(a) SHORT TITLE.—This Act may be cited as the "Comprehensive Women's Pension Protection Act of 1996".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title.

TITLE I—PENSION REFORM

Sec. 101. Pension integration rules.

Sec. 102. Application of minimum coverage requirements with respect to separate lines of business.

Sec. 103. Division of pension benefits upon divorce.

Sec. 104. Clarification of continued availability of remedies relating to matters treated in domestic relations orders entered before 1985.

Sec. 105. Entitlement of divorced spouses to railroad retirement annuities independent of actual entitlement of employee.

Sec. 106. Effective dates.

TITLE II—PROTECTION OF RIGHTS OF FORMER SPOUSES TO PENSION BENEFITS UNDER CERTAIN GOVERNMENT AND GOVERNMENT-SPONSORED RETIREMENT PROGRAMS

Sec. 201. Extension of tier II railroad retirement benefits to surviving former spouses pursuant to divorce agreements.

Sec. 202. Survivor annuities for widows, widowers, and former spouses of Federal employees who die before attaining age for deferred annuity under civil service retirement system.

Sec. 203. Court orders relating to Federal retirement benefits for former spouses of Federal employees.

Sec. 204. Prevention of circumvention of court order by waiver of retired pay to enhance civil service retirement annuity.

TITLE III—REFORMS RELATED TO 401(K) PLANS

Sec. 301. 401(k) plans prohibited from investing in collectibles.

Sec. 302. Requirement of annual, detailed investment reports applied to certain 401(k) plans.

Sec. 303. 10-percent limitation on acquisition and holding of employer securities and employer real property applied to 401(k) plans.

TITLE IV—MODIFICATIONS OF JOINT AND SURVIVOR ANNUITY REQUIREMENTS

Sec. 401. Modifications of joint and survivor annuity requirements.

TITLE V—SPOUSAL CONSENT REQUIRED FOR DISTRIBUTIONS FROM SECTION 401(K) PLANS

Sec. 501. Spousal consent required for distributions from section 401(k) plans.

TITLE VI—WOMEN'S PENSION TOLL-FREE PHONE NUMBER

Sec. 601. Women's pension toll-free phone number.

TITLE VII—ANNUAL PENSION BENEFITS STATEMENTS

Sec. 701. Annual pension benefits statements.

TITLE I—PENSION REFORM

SEC. 101. PENSION INTEGRATION RULES.

(a) APPLICABILITY OF NEW INTEGRATION RULES EXTENDED TO ALL EXISTING ACCRUED

BENEFITS.—Notwithstanding subsection (c)(1) of section 1111 of the Tax Reform Act of 1986 (relating to effective date of application of nondiscrimination rules to integrated plans) (100 Stat. 2440), effective for plan years beginning after the date of the enactment of this Act, the amendments made by subsection (a) of such section 1111 shall also apply to benefits attributable to plan years beginning on or before December 31, 1988.

(b) INTEGRATION DISALLOWED FOR SIMPLIFIED EMPLOYEE PENSIONS.—

(1) IN GENERAL.—Subparagraph (D) of section 408(k)(3) of the Internal Revenue Code of 1986 (relating to permitted disparity under rules limiting discrimination under simplified employee pensions) is repealed.

(2) CONFORMING AMENDMENT.—Subparagraph (C) of such section 408(k)(3) is amended by striking “and except as provided in subparagraph (D).”.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to taxable years beginning on or after January 1, 1996.

(c) EVENTUAL REPEAL OF INTEGRATION RULES.—Effective for plan years beginning on or after January 1, 2003—

(1) subparagraphs (C) and (D) of section 401(a)(5) of the Internal Revenue Code of 1986 (relating to pension integration exceptions under nondiscrimination requirements for qualification) are repealed, and subparagraph (E) of such section 401(a)(5) is redesignated as subparagraph (C); and

(2) subsection (l) of section 401 of such Code (relating to nondiscriminatory coordination of defined contribution plans with OASDI) is repealed.

SEC. 102. APPLICATION OF MINIMUM COVERAGE REQUIREMENTS WITH RESPECT TO SEPARATE LINES OF BUSINESS.

(a) IN GENERAL.—Subsection (b) of section 410 of the Internal Revenue Code of 1986 (relating to minimum coverage requirements) is amended—

(1) in paragraph (1), by striking “A trust” and inserting “In any case in which the employer with respect to a plan is treated, under section 414(r), as operating separate lines of business for a plan year, a trust”, and by inserting “for such plan year” after “requirements”; and

(2) by redesignating paragraphs (3) through (6) as paragraphs (4) through (7), respectively and by inserting after paragraph (2) the following new paragraph:

“(3) SPECIAL RULE WHERE EMPLOYER OPERATES SINGLE LINE OF BUSINESS.—In any case in which the employer with respect to a plan is not treated, under section 414(r), as operating separate lines of business for a plan year, a trust shall not constitute a qualified trust under section 401(a) unless such trust is designated by the employer as part of a plan which benefits all employees of the employer.”.

(b) LIMITATION ON LINE OF BUSINESS EXCEPTION.—Paragraph (6) of section 410(b) of such Code (as redesignated by subsection (a)(2) of this section) is amended by inserting “other than paragraph (1)(A)” after “this subsection”.

SEC. 103. DIVISION OF PENSION BENEFITS UPON DIVORCE.

(a) AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1986.—

(1) IN GENERAL.—Subsection (a) of section 401 of the Internal Revenue Code of 1986 (relating to requirements for qualification) is amended—

(A) by inserting after paragraph (31) the following new paragraph:

“(32) DIVISION OF PENSION BENEFITS UPON DIVORCE.—

“(A) IN GENERAL.—In the case of a divorce of a participant in a pension plan from a spouse who is, immediately before the di-

vorce, a beneficiary under the plan, a trust forming a part of such plan shall not constitute a qualified trust under this section unless the plan provides that at least 50 percent of the marital share of the accrued benefit of the participant under the plan ceases to be an accrued benefit of such participant and becomes an accrued benefit of such divorced spouse, determined and payable upon the earlier of the retirement of the participant, the participant's death, or the termination of the plan, except to the extent that a qualified domestic relations order in connection with such divorce provides otherwise.

“(B) LIMITATION.—Subparagraph (A) shall not be construed—

“(i) to require a plan to provide any type or form of benefit, or any option, not otherwise provided under the plan,

“(ii) to require the plan to provide increased benefits (determined on the basis of actuarial value),

“(iii) to require the payment of benefits to the divorced spouse which are required to be paid to another individual in accordance with this paragraph or pursuant to a domestic relations order previously determined to be a qualified domestic relations order, or

“(iv) to require payment of benefits to the divorced spouse in the form of a qualified joint and survivor annuity to the divorced spouse and his or her subsequent spouse.

“(C) DEFINITIONS.—For purposes of this paragraph—

“(i) DOMESTIC RELATIONS ORDER; QUALIFIED DOMESTIC RELATIONS ORDER.—The terms ‘domestic relations order’ and ‘qualified domestic relations order’ shall have the meanings provided in section 414(p).

“(ii) MARITAL SHARE.—The term ‘marital share’ means, in connection with an accrued benefit under a pension plan, the product derived by multiplying—

“(I) the actuarial present value of the accrued benefit, by

“(II) a fraction, the numerator of which is the period of time, during the marriage between the spouse and the participant in the plan, which constitutes creditable service by the participant under the plan, and the denominator of which is the total period of time which constitutes creditable service by the participant under the plan.

“(iii) QUALIFIED JOINT AND SURVIVOR ANNUITY.—The term ‘qualified joint and survivor annuity’ has the meaning provided in section 417(b).

“(D) REGULATIONS.—In prescribing regulations under this paragraph, the Secretary shall consult with the Secretary of Labor.”; and

(B) in the last sentence, by striking “and (20)” and inserting “(20), and (32)”.

(2) CONFORMING AMENDMENTS.—

(A) Subparagraph (B) of section 401(a)(13) of such Code (relating to special rules for domestic relations orders) is amended by inserting “or if such creation, assignment, or recognition pursuant to such order is necessary for compliance with the requirements of paragraph (32)” before the period.

(B) Subsection (p) of section 414 of such Code (defining qualified domestic relations orders) is amended—

(i) in paragraph (3)(C), by inserting “or to a divorced spouse of the participant in connection with a previously occurring divorce as required under section 401(a)(32)” before the period; and

(ii) in paragraph (7)(C), by striking “if there had been no order” and inserting “in accordance with section 401(a)(32) as if there had been no qualified domestic relations order”.

(b) AMENDMENTS TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—

(1) IN GENERAL.—Section 206 of Employee Retirement Income Security Act of 1974 (29 U.S.C. 1056) is amended by adding at the end the following new subsection:

“(e)(1) In the case of a divorce of a participant in a pension plan from a spouse who is, immediately before the divorce, a beneficiary under the plan, the plan shall provide that at least 50 percent of the marital share of the accrued benefit of the participant under the plan ceases to be an accrued benefit of such participant and becomes an accrued benefit of such divorced spouse, determined and payable upon the earlier of the retirement of the participant, the participant's death, or the termination of the plan, except to the extent that a qualified domestic relations order in connection with such divorce provides otherwise.

“(2) Paragraph (1) shall not be construed—

“(A) to require a plan to provide any type or form of benefit, or any option, not otherwise provided under the plan,

“(B) to require the plan to provide increased benefits (determined on the basis of actuarial value),

“(C) to require the payment of benefits to the divorced spouse which are required to be paid to another individual in accordance with this subsection or pursuant to a domestic relation order previously determined to be a qualified domestic relations order, or

“(D) to require payment of benefits to the divorced spouse in the form of a joint and survivor annuity to the divorced spouse and his or her subsequent spouse.

“(3) For purposes of this subsection—

“(A) The terms ‘domestic relations order’ and ‘qualified domestic relations order’ shall have the meanings provided in subsection (d)(3)(B).

“(B) The term ‘marital share’ means, in connection with an accrued benefit under a pension plan, the product derived by multiplying—

“(i) the actuarial present value of the accrued benefit, by

“(ii) a fraction—

“(I) the numerator of which is the period of time, during the marriage between the spouse and the participant in the plan, which constitutes creditable service by the participant under the plan, and

“(II) the denominator of which is the total period of time which constitutes creditable service by the participant under the plan.

“(C) The term ‘qualified joint and survivor annuity’ shall have the meaning provided in section 205(d).

“(4) In prescribing regulations under this subsection, the Secretary shall consult with the Secretary of the Treasury.”.

(2) CONFORMING AMENDMENTS.—Section 206(d) of such Act (29 U.S.C. 1056(d)) is amended—

(A) in the first sentence of paragraph (3)(A), by inserting “or if such creation, assignment, or recognition pursuant to such order is necessary for compliance with the requirements of subsection (e)” before the period;

(B) in paragraph (3)(D)(iii), by inserting “or to a divorced spouse of the participant in connection with a previously occurring divorce as required under subsection (e)” before the period; and

(C) in paragraph (3)(H)(iii), by striking “if there had been no order” and inserting “in accordance with subsection (e) as if there had been no qualified domestic relations order”.

SEC. 104. CLARIFICATION OF CONTINUED AVAILABILITY OF REMEDIES RELATING TO MATTERS TREATED IN DOMESTIC RELATIONS ORDERS ENTERED BEFORE 1985.

(a) IN GENERAL.—In any case in which—

(1) under a prior domestic relations order entered before January 1, 1985, in an action for divorce—

(A) the right of a spouse under a pension plan to an accrued benefit under such plan was not divided between spouses,

(B) any right of a spouse with respect to such an accrued benefit was waived without the informed consent of such spouse, or

(C) the right of a spouse as a participant under a pension plan to an accrued benefit under such plan was divided so that the other spouse received less than such other spouse's pro rata share of the accrued benefit under the plan, or

(2) a court of competent jurisdiction determines that any further action is appropriate with respect to any matter to which a prior domestic relations order entered before such date applies,

nothing in the provisions of section 104, 204, or 303 of the Retirement Equity Act of 1984 (Public Law 98-397) or the amendments made thereby shall be construed to require or permit the treatment, for purposes of such provisions, of a domestic relations order, which is entered on or after the date of the enactment of this Act and which supersedes, amends the terms of, or otherwise affects such prior domestic relations order, as other than a qualified domestic relations order solely because such prior domestic relations order was entered before January 1, 1985.

(b) DEFINITIONS.—For purposes of this section—

(1) IN GENERAL.—Terms used in this section which are defined in section 3 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002) shall have the meanings provided such terms by such section.

(2) PRO RATA SHARE.—The term "pro rata share" of a spouse means, in connection with an accrued benefit under a pension plan, 50 percent of the product derived by multiplying—

(A) the actuarial present value of the accrued benefit, by

(B) a fraction—

(i) the numerator of which is the period of time, during the marriage between the spouse and the participant in the plan, which constitutes creditable service by the participant under the plan, and

(ii) the denominator of which is the total period of time which constitutes creditable service by the participant under the plan.

(3) PLAN.—All pension plans in which a person has been a participant shall be treated as one plan with respect to such person.

SEC. 105. ENTITLEMENT OF DIVORCED SPOUSES TO RAILROAD RETIREMENT ANNUITIES INDEPENDENT OF ACTUAL ENTITLEMENT OF EMPLOYEE.

Section 2 of the Railroad Retirement Act of 1974 (45 U.S.C. 231a) is amended—

(1) in subsection (c)(4)(i), by striking "(A) is entitled to an annuity under subsection (a)(1) and (B)"; and

(2) in subsection (e)(5), by striking "or divorced wife" the second place it appears.

SEC. 106. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in subsection (b), the amendments made by this title, other than section 101, shall apply with respect to plan years beginning on or after January 1, 1996, and the amendments made by section 103 shall apply only with respect to divorces becoming final in such plan years.

(b) SPECIAL RULE FOR COLLECTIVELY BARGAINED PLANS.—In the case of a plan maintained pursuant to 1 or more collective bargaining agreements between employee representatives and 1 or more employers ratified on or before the date of the enactment of this Act, subsection (a) shall be applied to benefits pursuant to, and individuals covered

by, any such agreement by substituting for "January 1, 1996" the date of the commencement of the first plan year beginning on or after the earlier of—

(1) the later of—

(A) January 1, 1996, or

(B) the date on which the last of such collective bargaining agreements terminates (determined without regard to any extension thereof after the date of the enactment of this Act), or

(2) January 1, 1999.

(c) PLAN AMENDMENTS.—If any amendment made by this title requires an amendment to any plan, such plan amendment shall not be required to be made before the first plan year beginning on or after January 1, 1996, if—

(1) during the period after such amendment made by this title takes effect and before such first plan year, the plan is operated in accordance with the requirements of such amendment made by this title, and

(2) such plan amendment applies retroactively to the period after such amendment made by this title takes effect and such first plan year.

A plan shall not be treated as failing to provide definitely determinable benefits or contributions, or to be operated in accordance with the provisions of the plan, merely because it operates in accordance with this subsection.

TITLE II—PROTECTION OF RIGHTS OF FORMER SPOUSES TO PENSION BENEFITS UNDER CERTAIN GOVERNMENT AND GOVERNMENT-SPONSORED RETIREMENT PROGRAMS

SEC. 201. EXTENSION OF TIER II RAILROAD RETIREMENT BENEFITS TO SURVIVING FORMER SPOUSES PURSUANT TO DIVORCE AGREEMENTS.

(a) IN GENERAL.—Section 5 of the Railroad Retirement Act of 1974 (45 U.S.C. 231d) is amended by adding at the end the following new subsection:

"(d) Notwithstanding any other provision of law, the payment of any portion of an annuity computed under section 3(b) to a surviving former spouse in accordance with a court decree of divorce, annulment, or legal separation or the terms of any court-approved property settlement incident to any such court decree shall not be terminated upon the death of the individual who performed the service with respect to which such annuity is so computed unless such termination is otherwise required by the terms of such court decree."

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

SEC. 202. SURVIVOR ANNUITIES FOR WIDOWS, WIDOWERS, AND FORMER SPOUSES OF FEDERAL EMPLOYEES WHO DIE BEFORE ATTAINING AGE FOR DEFERRED ANNUITY UNDER CIVIL SERVICE RETIREMENT SYSTEM.

(a) BENEFITS FOR WIDOW OR WIDOWER.—Section 8341(f) of title 5, United States Code, is amended—

(1) in the matter preceding paragraph (1) by—

(A) by inserting "a former employee separated from the service with title to deferred annuity from the Fund dies before having established a valid claim for annuity and is survived by a spouse, or if" before "a Member"; and

(B) by inserting "of such former employee or Member" after "the surviving spouse";

(2) in paragraph (1)—

(A) by inserting "former employee or" before "Member commencing"; and

(B) by inserting "former employee or" before "Member dies"; and

(3) in the undesignated sentence following paragraph (2)—

(A) in the matter preceding subparagraph (A) by inserting "former employee or" before "Member"; and

(B) in subparagraph (B) by inserting "former employee or" before "Member".

(b) BENEFITS FOR FORMER SPOUSE.—Section 8341(h) of title 5, United States Code, is amended—

(1) in paragraph (1) by adding after the first sentence "Subject to paragraphs (2) through (5) of this subsection, a former spouse of a former employee who dies after having separated from the service with title to a deferred annuity under section 8338(a) but before having established a valid claim for annuity is entitled to a survivor annuity under this subsection, if and to the extent expressly provided for in an election under section 8339(j)(3) of this title, or in the terms of any decree of divorce or annulment or any court order or court-approved property settlement agreement incident to such decree."; and

(2) in paragraph (2)—

(A) in subparagraph (A)(ii) by striking "or annuitant," and inserting "annuitant, or former employee"; and

(B) in subparagraph (B)(iii) by inserting "former employee or" before "Member".

(c) PROTECTION OF SURVIVOR BENEFIT RIGHTS.—Section 8339(j)(3) of title 5, United States Code, is amended by inserting at the end the following:

"The Office shall provide by regulation for the application of this subsection to the widow, widower, or surviving former spouse of a former employee who dies after having separated from the service with title to a deferred annuity under section 8338(a) but before having established a valid claim for annuity."

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply only in the case of a former employee who dies on or after such date.

SEC. 203. COURT ORDERS RELATING TO FEDERAL RETIREMENT BENEFITS FOR FORMER SPOUSES OF FEDERAL EMPLOYEES.

(a) CIVIL SERVICE RETIREMENT SYSTEM.—

(1) IN GENERAL.—Section 8345(j) of title 5, United States Code, is amended—

(A) by redesignating paragraph (3) as paragraph (4); and

(B) by inserting after paragraph (2) the following new paragraph:

"(3) Payment to a person under a court decree, court order, property settlement, or similar process referred to under paragraph (1) shall include payment to a former spouse of the employee, Member, or annuitant."

(2) LUMP-SUM BENEFITS.—Section 8342 of title 5, United States Code, is amended—

(A) in subsection (c) by striking "Lump-sum benefits" and inserting "Subject to subsection (j), lump-sum benefits"; and

(B) in subsection (j)(1) by striking "the lump-sum credit under subsection (a) of this section" and inserting "any lump-sum credit or lump-sum benefit under this section".

(b) FEDERAL EMPLOYEES RETIREMENT SYSTEM.—Section 8467 of title 5, United States Code, is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection:

"(c) Payment to a person under a court decree, court order, property settlement, or similar process referred to under subsection (a) shall include payment to a former spouse of the employee, Member, or annuitant."

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 204. PREVENTION OF CIRCUMVENTION OF COURT ORDER BY WAIVER OF RETIRED PAY TO ENHANCE CIVIL SERVICE RETIREMENT ANNUITY.

(a) CIVIL SERVICE RETIREMENT AND DISABILITY SYSTEM.—

(1) IN GENERAL.—Subsection (c) of section 8332 of title 5, United States Code, is amended by adding at the end the following:

“(4) If an employee or Member waives retired pay that is subject to a court order for which there has been effective service on the Secretary concerned for purposes of section 1408 of title 10, the military service on which the retired pay is based may be credited as service for purposes of this subchapter only if, in accordance with regulations prescribed by the Director of the Office of Personnel Management, the employee or Member authorizes the Director to deduct and withhold from the annuity payable to the employee or Member under this subchapter, and to pay to the former spouse covered by the court order, the same amount that would have been deducted and withheld from the employee's or Member's retired pay and paid to that former spouse under such section 1408.”

(2) CONFORMING AMENDMENT.—Paragraph (1) of such subsection is amended by striking out “Except as provided in paragraph (2)” and inserting “Except as provided in paragraphs (2) and (4)”.

(b) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—

(1) IN GENERAL.—Subsection (c) of section 8411 of title 5, United States Code, is amended by adding at the end the following:

“(5) If an employee or Member waives retired pay that is subject to a court order for which there has been effective service on the Secretary concerned for purposes of section 1408 of title 10, the military service on which the retired pay is based may be credited as service for purposes of this chapter only if, in accordance with regulations prescribed by the Director of the Office of Personnel Management, the employee or Member authorizes the Director to deduct and withhold from the annuity payable to the employee or Member under this subchapter, and to pay to the former spouse covered by the court order, the same amount that would have been deducted and withheld from the employee's or Member's retired pay and paid to that former spouse under such section 1408.”

(2) CONFORMING AMENDMENT.—Paragraph (1) of such subsection is amended by striking out “Except as provided in paragraph (2) or (3)” and inserting “Except as provided in paragraphs (2), (3), and (5)”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 1997.

TITLE III—REFORMS RELATED TO 401(K) PLANS

SEC. 301. 401(k) PLANS PROHIBITED FROM INVESTING IN COLLECTIBLES.

(a) IN GENERAL.—Paragraph (4) of section 401(k) of the Internal Revenue Code of 1986 (relating to cash or deferred arrangements) is amended by adding at the end the following new subparagraph:

“(D) INVESTMENT IN COLLECTIBLES TREATED AS DISTRIBUTIONS.—The rules of section 408(m) shall apply to a cash or deferred arrangement of any employer.”

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to plan years beginning after the date of the enactment of this Act.

SEC. 302. REQUIREMENT OF ANNUAL DETAILED INVESTMENT REPORTS APPLIED TO CERTAIN 401(k) PLANS.

(a) IN GENERAL.—Paragraph (4) of section 401(k) of the Internal Revenue Code of 1986 (relating to cash or deferred arrangements), as amended by section 1, is amended by adding at the end the following new subparagraph:

“(E) ANNUAL, DETAILED INVESTMENT REPORTS REQUIRED.—

“(i) IN GENERAL.—A cash or deferred arrangement of any employer with less than 100 participants shall not be treated as a qualified cash or deferred arrangement unless the plan of which it is a part provides to each participant an annual investment report detailing the name of each investment acquired during such plan year and the date and cost of such acquisition, the name of each investment sold during such year and the date and net proceeds of such sale, and the overall rate of return for all investments for such year.

“(ii) EXCEPTION.—Clause (i) shall not apply with respect to any participant described in section 404(c) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1104(c)).”

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to plan years beginning after the date of the enactment of this Act.

SEC. 303. 10-PERCENT LIMITATION ON ACQUISITION AND HOLDING OF EMPLOYER SECURITIES AND EMPLOYER REAL PROPERTY APPLIED TO 401(K) PLANS.

(a) IN GENERAL.—Subparagraph (A) of section 407(d)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1107(d)(3)) is amended by adding at the end the following new sentence: “Such term also excludes an individual account plan that includes a qualified cash or deferred arrangement described in section 401(k) of the Internal Revenue Code of 1986, if such plan, together with all other individual account plans maintained by the employer, owns more than 10 percent of the assets owned by all pension plans maintained by the employer. For purposes of the preceding sentence, the assets of such plan subject to participant control (within the meaning of section 404(c)) shall not be taken into account.”

(b) EFFECTIVE DATE; TRANSITION RULE.—

(1) EFFECTIVE DATE.—Except as provided in paragraph (2), the amendment made by this section shall apply to plans on and after the date of the enactment of this Act.

(2) TRANSITION RULE FOR PLANS HOLDING EXCESS SECURITIES OR PROPERTY.—In the case of a plan which on the date of the enactment of this Act has holdings of employer securities and employer real property (as defined in section 407(d) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1107(d)) in excess of the amount specified in such section 407, the amendment made by this section shall apply to any acquisition of such securities and property on or after such date of enactment, but shall not apply to the specific holdings which constitute such excess during the period of such excess.

TITLE IV—MODIFICATIONS OF JOINT AND SURVIVOR ANNUITY REQUIREMENTS

SEC. 401. MODIFICATIONS OF JOINT AND SURVIVOR ANNUITY REQUIREMENTS.

(a) AMENDMENTS TO ERISA.—

(1) AMOUNT OF ANNUITY.—

(A) IN GENERAL.—Paragraph (1) of section 205(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1055(a)) is amended by inserting “or, at the election of the participant, shall be provided in the form of a qualified joint and two-thirds survivor annuity” after “survivor annuity.”

(B) DEFINITION.—Subsection (d) of section 205 of such Act (29 U.S.C. 1055) is amended—

(i) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively,

(ii) by inserting “(1)” after “(d)”, and

(iii) by adding at the end the following new paragraph:

“(2) For purposes of this section, the term “qualified joint and two-thirds survivor annuity” means an annuity—

“(A) for the participant while both the participant and the spouse are alive with a survivor annuity for the life of the surviving individual (either the participant or the spouse) equal to 66⅔ percent of the amount of the annuity which is payable to the participant while both the participant and the spouse are alive,

“(B) which is the actuarial equivalent of a single annuity for the life of the participant, and

“(C) which, for all other purposes of this Act, is treated as a qualified joint and survivor annuity.”

(2) ILLUSTRATION REQUIREMENT.—Clause (i) of section 205(c)(3)(A) of such Act (29 U.S.C. 1055(c)(3)(A)) is amended to read as follows:

“(i) the terms and conditions of each qualified joint and survivor annuity and qualified joint and two-thirds survivor annuity offered, accompanied by an illustration of the benefits under each such annuity for the particular participant and spouse and an acknowledgement form to be signed by the participant and the spouse that they have read and considered the illustration before any form of retirement benefit is chosen.”

(b) AMENDMENTS TO INTERNAL REVENUE CODE.—

(1) AMOUNT OF ANNUITY.—

(A) IN GENERAL.—Clause (i) of section 401(a)(11)(A) of the Internal Revenue Code of 1986 (relating to requirement of joint and survivor annuity and preretirement survivor annuity) is amended by inserting “or, at the election of the participant, shall be provided in the form of a qualified joint and two-thirds survivor annuity” after “survivor annuity.”

(B) DEFINITION.—Section 417 of such Code (relating to definitions and special rules for purposes of minimum survivor annuity requirements) is amended by redesignating subsection (f) as subsection (g) and by inserting after subsection (e) the following new subsection:

“(f) DEFINITION OF QUALIFIED JOINT AND TWO-THIRDS SURVIVOR ANNUITY.—For purposes of this section and section 401(a)(11), the term “qualified joint and two-thirds survivor annuity” means an annuity—

“(1) for the participant while both the participant and the spouse are alive with a survivor annuity for the life of the surviving individual (either the participant or the spouse) equal to 66⅔ percent of the amount of the annuity which is payable to the participant while both the participant and the spouse are alive,

“(2) which is the actuarial equivalent of a single annuity for the life of the participant, and

“(3) which, for all other purposes of this title, is treated as a qualified joint and survivor annuity.”

(2) ILLUSTRATION REQUIREMENT.—Clause (i) of section 417(a)(3)(A) of such Code (relating to explanation of joint and survivor annuity) is amended to read as follows:

“(i) the terms and conditions of each qualified joint and survivor annuity and qualified joint and two-thirds survivor annuity offered, accompanied by an illustration of the benefits under each such annuity for the particular participant and spouse and an acknowledgement form to be signed by the participant and the spouse that they have read and considered the illustration before any form of retirement benefit is chosen.”

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply to plan years beginning after December 31, 1996.

(2) SPECIAL RULE FOR COLLECTIVELY BARGAINED PLANS.—In the case of a plan maintained pursuant to one or more collective bargaining agreements between employee representatives and one or more employers

ratified on or before the date of the enactment of this Act, the amendments made by this section shall apply to the first plan year beginning on or after the earlier of—

(A) the later of—

(i) January 1, 1997, or

(ii) the date on which the last of such collective bargaining agreements terminates (determined without regard to any extension thereof after the date of the enactment of this Act), or

(B) January 1, 1998.

(3) PLAN AMENDMENTS.—If any amendment made by this section requires an amendment to any plan, such plan amendment shall not be required to be made before the first plan year beginning on or after January 1, 1998, if—

(A) during the period after such amendment made by this section takes effect and before such first plan year, the plan is operated in accordance with the requirements of such amendment made by this section, and

(B) such plan amendment applies retroactively to the period after such amendment made by this section takes effect and such first plan year.

A plan shall not be treated as failing to provide definitely determinable benefits or contributions, or to be operated in accordance with the provisions of the plan, merely because it operates in accordance with this paragraph.

TITLE V—SPOUSAL CONSENT REQUIRED FOR DISTRIBUTIONS FROM SECTION 401(K) PLANS

SEC. 501. SPOUSAL CONSENT REQUIRED FOR DISTRIBUTIONS FROM SECTION 401(K) PLANS.

(a) IN GENERAL.—Paragraph (2) of section 401(k) of the Internal Revenue Code of 1986 (defining qualified cash or deferred arrangement) is amended by striking “and” at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting “, and”, and by adding at the end the following new subparagraph:

“(E) which provides that no distribution may be made unless—

“(i) the spouse of the employee (if any) consents in writing (during the 90-day period ending on the date of the distribution) to such distribution, and

“(ii) requirements comparable to the requirements of section 417(a)(2) are met with respect to such consent.”

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions in plan years beginning after December 31, 1996.

TITLE VI—WOMEN'S PENSION TOLL-FREE PHONE NUMBER

SEC. 601. WOMEN'S PENSION TOLL-FREE PHONE NUMBER.

(a) IN GENERAL.—The Secretary of Labor shall contract with an independent organization to create a women's pension toll-free telephone number and contact to serve as—

(1) a resource for women on pension questions and issues;

(2) a source for referrals to appropriate agencies; and

(3) a source for printed information.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated \$500,000 for each of the fiscal years 1997, 1998, 1999, and 2000 to carry out subsection (a).

TITLE VII—ANNUAL PENSION BENEFITS STATEMENTS

SEC. 701. ANNUAL PENSION BENEFITS STATEMENTS.

(a) IN GENERAL.—Subsection (a) of section 105 of Employee Retirement Income Security Act of 1974 (29 U.S.C. 1025) is amended by striking “shall furnish to any plan participant or beneficiary who so requests in writ-

ing,” and inserting “shall annually furnish to any plan participant and shall furnish to any plan beneficiary who so requests.”

(b) CONFORMING AMENDMENT.—Subsection (a) of section 105 of such Act (29 U.S.C. 1025) is amended by striking “participant or”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after December 31, 1996.

COMPREHENSIVE WOMEN'S PENSION PROTECTION ACT OF 1996

TITLE I

Ends Social Security integration by the year 2000.

Divides pensions not divided at the time of divorce pursuant to a court order (effectively making the Retirement Equity Act retroactive).

Clarifies integration with regard to Simplified Employee Pensions (SEPs).

Provides for the division of pensions in divorce unless otherwise provided in a qualified domestic relations order.

TITLE II

Allows a widow or divorced widow to collect her husband's civil service pensions if he leaves his job and dies before collecting benefits.

Allows a court that awards a woman part of her husband's civil service pension upon divorce, to extend that award to any lump sum payment made if the husband dies before collecting benefits.

Allows a spouse to continue receiving Tier II railroad retirement benefits awarded upon divorce upon the death of her husband.

TITLE III

Prohibits 401(k) plans from investing in collectibles.

Requires annual detailed investment reports of 401(k) plans.

Prevents employers from forcing employees to keep 401(k) contributions in stock of the employer.

TITLE IV

Provides equal survivor annuities to both husbands and wives.

TITLE V

Applies spousal consent rules to Retirement Equity Act to 401(k) plans, thereby requiring a spousal signature before 401(k) money could be withdrawn.

TITLE VI

Gives Labor Department authority to set up a women's pension hotline.

Authorizes appropriations of up to \$500,000 in each of the next four years.

TITLE VII

Requires pension plans to provide participants with annual benefit statements.

By Mr. AKAKA:

S. 2133. A bill to authorize the establishment of the Center for American Cultural Heritage within the National Museum of American History of the Smithsonian Institution, and for other purposes; to the Committee on Rules and Administration.

THE CENTER FOR AMERICAN CULTURAL HERITAGE ACT

• Mr. AKAKA.

Mr. President, this year marks the 150th anniversary of the founding of the Smithsonian Institution, our premier educational institution dedicated to the “increase and diffusion of knowledge among men.” To mark this important anniversary, I am today introducing legislation to expand the scope of the Smithsonian's National

Museum of American History to include a new entity, the Center for American Cultural Heritage.

The Center for American Cultural Heritage would be dedicated to presenting one of the most significant experiences in American history, the complex movement of people, ideas, and cultures across boundaries—whether voluntary or involuntary, internal or external—that resulted in the peopling of America and the development of a unique, pluralist society. In large measure, this experience defines who we are as individuals and ultimately binds us together as a nation.

Under my bill, the Center would serve as:

A location for permanent and temporary exhibits and programs depicting the history of America's diverse peoples and their interactions with each other. The exhibits would form a unified narrative of the historical processes by which the United States was developed.

A center for research and scholarship to ensure that future generations of scholars will have access to resources necessary for telling the story of American pluralism.

A repository for the collection of relevant artifacts, artworks, and documents to be preserved, studied, and interpreted.

A venue for integrated public education programs, including lectures, films, and seminars, based on the Center's collections and research.

A location for a standardized index of resources within the Smithsonian dealing with the heritages of all Americans. The Smithsonian holds millions of artifacts which have not been identified or classified for this purpose.

A clearinghouse for information on ethnic documents, artifacts, and artworks that may be available through non-Smithsonian sources, such as other federal agencies, museums, academic institutions, individuals, or foreign entities.

A folklife center highlighting the cultural expressions of the peoples of the United States. The current Smithsonian Center for Folklife Programs and Cultural Studies, which already performs this function, could be integrated with the Center.

A center to promote mutual understanding and tolerance. The Center would facilitate programs designed to encourage greater understanding of, and respect for, each of America's diverse ethnic and cultural heritages. The Center would also disseminate techniques of conflict resolution currently being developed by social scientists.

An oral history center developed through interviews with volunteers and visitors. The Center would also serve as an oral history repository and a clearinghouse for oral histories held by other institutions.

A user-friendly visitor center providing individually tailored orientation guides to Smithsonian visitors. Visitors would use the Center as an initial

orientation phase for ethnically or culturally related artifacts, artworks, or information that can be found throughout the Smithsonian.

A location for training museum professionals in museum practices relating to the life, history, art, and culture of the peoples of the United States. The Center would sponsor training programs for professionals or students involved in teaching, researching, and interpreting the heritages of America's peoples.

A location for testing and evaluating new museum-related technologies that could facilitate the operation of the Center. The Center could serve as a test bed for cutting-edge technologies that could later be used by other museums.

My legislation also calls for the Center to be organized as an arm of the National Museum of American History, not as a free-standing entity, with the director of the Center reporting to the director of the National Museum. In other words, the Center represents an expansion of an existing Smithsonian entity, National Museum, as opposed to the establishment of a new museum. My bill also stipulates that the Center be located in new or existing Smithsonian facilities on or near the National Mall. Finally, my bill establishes an Advisory Committee on American Cultural Heritage to provide guidance on the operation and direction of the proposed Center.

Mr. President, aside from the original Americans who have lived here for thousands of years, Americans are travellers from other lands. From the most recent immigrants from Southeast Asia to the first Europeans who came as explorers and conquerors, from the Africans who were forcibly brought over as slaves to the Mexicans of Nuevo Mexico and the French of the Louisiana Territory who, through treaty or land purchase or conquest were brought into the American fold through a change in political boundaries—all were once visitors to this great country.

America is thus defined by the movement of its peoples, both internally and externally. This complex journey has shaped our national character and determined who we are as a nation. The grand progress to and across the American landscape, via exploration, the slave trade, traditional immigration, or internal migration, gave rise to the interactions that make the American experience unique in history.

So much of who we are is bound to the cultures and traditions that our forebears brought from other shores, as well as by the new traditions and cultures that were created on arrival. Whether we settled in the agrarian West or the industrialized North, whether we lived in the small towns of the Midwest or the genteel cities of the South, we inevitably formed relationships with peoples of other backgrounds and cultures. It is therefore impossible to comprehend our joint

heritage as Americans unless we know the history of our various American cultures, as they were brought over from other lands and as they were transformed by encounters with other cultures in America. As one eminent cultural scholar has noted:

How can one learn about slavery, holocausts, immigration, ecological adaptation or ways of seeing the world without some type of comparative perspective, without some type of relationship between cultures and peoples. How can we understand the history of any one cultural group—for example, the Irish—without reference to other groups—for example, the British. How can we understand African American culture without placing it in some relationship to its diverse African cultural roots, the creolized cultures of the Caribbean, the Native American bases of Maroon and Black Seminole cultures, the religious, economic and linguistic cultures of the colonial Spanish in Columbia, the French in Haiti, the Dutch in Suriname, and the English in the United States?

The purpose of the Center for American Cultural Heritage is to explore the intercultural and interethnic dialogue of the American people, specifically by exploring our fundamental common experience, the process by which this land was peopled. This manifold experience is central to our appreciation of ourselves as individuals, as representatives of particular ethnic, racial, religious, or regional groups, and ultimately, as citizens of the United States. Understanding the peopling of America process is key to a fuller comprehension of our relationships with each other—past, present, and future.

Mr. President, it is strange and remarkable that the Smithsonian, our leading national educational institution, has never properly devoted itself to presenting this central experience in our history. Aside from occasional, temporary exhibits on a specific immigration or migration subject, such as the National Museum's current exhibit on the northern migration of African Americans, none of the Smithsonian's many museums and facilities has taken it upon itself to examine any aspect of the peopling of America phenomenon, much less offered a global review of the subject.

In part, this derives from the fact that the Smithsonian, for all its reputation as world-class research and educational organization, remains an institution rooted in 19th century intellectual taxonomy. For example, during the early years of the Smithsonian, the cultures of Northern and Western European Americans were originally represented at the Museum of Science and Industry, which eventually became the National Museum of American History. However, African Americans, Asian Americans, Native Americans, and others were treated "ethnographically" as part of the National Museum of Natural History. This artificial bifurcation of our cultural patrimonies is still in place today. Consequently, the collections of various ethnic and cultural groups have been fragmented among various

Smithsonian entities, making it difficult to view these groups in relation to each other or as part of a larger whole.

Mr. President, the establishment of a Smithsonian Center of American Cultural Heritage is long overdue. The saga of the peopling of America deserves a national venue, a place where all Americans, regardless of ethnic origin, can come to discover and celebrate their many-branched roots. The Smithsonian, with its unequalled stature, reputation, resources, and, of course, location in the Nation's Capital, is the only institution capable of telling this magnificent story, one that transformed us from strangers from many different shores into neighbors unified in our inimitable diversity—Americans all.

Mr. President, in May 1995, the Commission on the Future of the Smithsonian Institution, a blue ribbon panel charged with pondering the future of the 150-year-old institution, issued its final report. In its preface, the Commission noted:

The Smithsonian Institution is the principal repository of the nation's collective memory and the nation's largest public cultural space. It is dedicated to preserving, understanding, and displaying the land we inhabit and the diversity and depth of American civilization in all its timbres and color. It holds in common for all Americans that set of beliefs—in the form of artifacts—about our past that, taken together, comprise our collective history and symbolize the ideals to which we aspire as a polity. The Smithsonian—with its 140 million objects, 16 museums and galleries, the national Zoo, and 29 million annual visits—has been, for a century and a half, a place of wonder, a magical place where Americans are reminded of how much we have in common.

The story of America is the story of a plural nation. As epitomized by our nation's motto, America is a composite of peoples. Our vast country was inhabited by various cultures long before the Pilgrims arrived. Slaves and immigrants built a new nation from "sea to shining sea," across mountains, plains, deserts and great rivers, all rich in diverse climates, animals, and plants. One of the Smithsonian's essential tasks is to make the history of our country come alive for each new generation of American children.

We cannot even imagine an "American" culture that is not multiple in its roots and in its branches. In a world fissured by differences of ethnicity and religion, we must all learn to live without the age-old dream of purity—whether of bloodlines or cultural inheritance—and learn to find comfort, solace, and even fulfillment in the rough magic of the cultural mix. And it is the challenge to preserve and embody that marvelous mix—the multi-various mosaic that is our history, culture, land, and the people who have made it—that the Smithsonian Institution, on the eve of the twenty-first century, must rededicate itself.

Mr. President, what more appropriate or compelling argument in favor of a Center for American Cultural Heritage can be found than in these words? What initiative other than the Center for American Cultural Heritage would more directly address the Smithsonian's role in presenting "the diversity and depth of American civilizations in all its timbres and color," or

making "the history of our country come alive for each new generation of American children," or preserving "the multi-various mosaic that is our history, culture, land, and the people who have made it"?

Mr. President, I believe that the Center is a worthy initiative that is consistent with the mission of the Smithsonian. Nevertheless, I understand that my colleagues will need time to consider the merits of this major, new proposal. I am aware that the Smithsonian has a large number of costly projects already underway that require Congress's full attention. For this reason, I harbor no illusions that a Center for American Cultural Heritage can be established anytime soon, perhaps not until the next century. However, I hope that this legislation will initiate a national conversation about the role that the Smithsonian should play in preserving America's diverse cultural patrimony. I look forward to beginning this conversation with my colleagues, the academic community, and the interested public.

Mr. President, I ask unanimous consent that the full 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. 2133

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 "Center for American Cultural Heritage Act".

SEC. 2. FINDINGS.

Congress finds the following:

(1) The history of the United States in large measure the history of how the United States was populated.

(2) The evolution of the American population is broadly termed the "peopling of America" and is characterized by the movement of groups of people across external and internal boundaries of the United States as well as by the interactions of such groups with each other.

(3) Each of these groups has made unique, important contributions to American history, culture, art, and life.

(4) The spiritual, intellectual, cultural, political, and economic vitality of the United States is a result of the pluralism and diversity of the population.

(5) The Smithsonian Institution operates 16 museums and galleries, a zoological park, and 5 major research facilities. None of these public entities is a national institution dedicated to presenting the history of the peopling of the United States as described in paragraph (2).

(6) The respective missions of the National Museum of American History of the Smithsonian Institution and the Ellis Island Immigration Museum of the National Park Service limit the ability of such museums to present fully and adequately the history of the diverse population and rich cultures of the United States.

(7) The absence of a national facility dedicated solely to presenting the history of the peopling of the United States restricts the ability of the citizens of the United States to fully understand the rich and varied heritage of the United States derived from the unique histories of many peoples from many lands.

(8) The establishment of a Center for American Cultural Heritage to conduct educational and interpretive programs on the history of the United States' multiethnic, multiracial character will help to inspire and better inform the citizens of the United States about the rich and diverse cultural heritage of the citizens of the United States.

SEC. 3. ESTABLISHMENT OF THE CENTER FOR AMERICAN CULTURAL HERITAGE.

(a) ESTABLISHMENT.—There is established within the National Museum of American History of the Smithsonian Institution a facility that shall be known as the "Center for American Cultural Heritage".

(b) PURPOSES OF THE CENTER.—The purposes of the Center are to—

(1) promote knowledge of the life, art, culture, and history of the many groups of people who comprise the United States;

(2) illustrate how such groups cooperated, competed, or otherwise interacted with each other; and

(3) explain how the diverse, individual experiences of each group collectively helped form a unified national experience.

(c) COMPONENTS OF THE CENTER.—The Center shall include—

(1) a location for permanent and temporary exhibits depicting the historical process by which the United States was populated;

(2) a center for research and scholarship relating to the life, art, culture, and history of the groups of people of the United States;

(3) a repository for the collection, study, and preservation of artifacts, artworks, and documents relating to the diverse population of the United States;

(4) a venue for public education programs designed to explicate the multicultural past and present of the United States;

(5) a location for the development of a standardized index of documents, artifacts, and artworks in collections that are held by the Smithsonian Institution and classified in a manner consistent with the purposes of the Center;

(6) a clearinghouse for information on documents, artifacts, and artworks on the groups of people of the United States that may be available to researchers, scholars, or the general public through non-Smithsonian collections, such as documents, artifacts, and artworks of such groups held by other Federal agencies, museums, universities, individuals, and foreign institutions;

(7) a folklife center committed to highlighting the cultural expressions of various peoples within the United States;

(8) a center to promote mutual understanding and tolerance among the groups of people of the United States through exhibits, films, brochures, and other appropriate means;

(9) an oral history library developed through interviews with volunteers, including visitors;

(10) a location for a visitor center that shall provide individually tailored orientation guides for visitors to all Smithsonian Institution facilities;

(11) a location for the training of museum professionals and others in the arts, humanities, and sciences with respect to museum practices relating to the life, art, history, and culture of the various groups of people of the United States; and

(12) a location for developing, testing, demonstrating, evaluating, and implementing new museum-related technologies that assist to fulfill the purposes of the Center, enhance the operation of the Center, and improve accessibility of the Center.

SEC. 4. LOCATION AND CONSTRUCTION.

(a) LOCATION.—The Center shall be located in new or existing Smithsonian Institution facilities on or near the National Mall located in the District of Columbia.

(b) CONSTRUCTION.—The Board of Regents is authorized to plan, design, reconstruct, or construct appropriate facilities to house the Center.

SEC. 5. DIRECTOR AND STAFF.

(a) IN GENERAL.—The Secretary of the Smithsonian Institution shall appoint and fix the compensation and duties of a Director, Assistant Director, Secretary, and Chief Curator of the Center and any other officers and employees necessary for the operation of the Center. The Director of the Center shall report to the Director of the National Museum of American History. The Director, Assistant Director, Secretary, and Chief Curator shall be qualified through experience and training to perform the duties of their offices.

(b) APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—The Secretary of the Smithsonian Institution may—

(1) appoint the Director and 5 employees under subsection (a), without regard to the provisions of title 5, United States Code, governing appointments in the competitive service; and

(2) fix the pay of the Director and such 5 employees, without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates.

SEC. 6. ADVISORY COMMITTEE ON AMERICAN CULTURAL HERITAGE.

(a) ESTABLISHMENT OF ADVISORY COMMITTEE.—

(1) ESTABLISHMENT.—There is established an advisory committee to be known as the "Advisory Committee on American Cultural Heritage".

(2) MEMBERSHIP.—

(A) COMPOSITION.—The Committee shall be composed of 15 members who shall—

(i) be appointed by the Secretary;

(ii) have expertise in immigration history, ethnic studies, museum science, or any other academic or professional field that involves matters relating to the cultural heritage of the citizens of the United States; and

(iii) reflect the diversity of the citizens of the United States.

(B) INITIAL APPOINTMENTS.—The initial appointments of the members of the Committee shall be made not later than 6 months after the date of enactment of this Act.

(3) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Committee. Any vacancy in the Committee shall not affect its powers, but shall be filled in the same manner as the original appointment.

(4) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Committee have been appointed, the Committee shall hold its first meeting.

(5) MEETINGS.—The Committee shall meet at the call of the Chairperson, but shall meet not less than 2 times each fiscal year.

(6) QUORUM.—A majority of the members of the Committee shall constitute a quorum, but a lesser number of members may hold hearings.

(7) CHAIRPERSON AND VICE CHAIRPERSON.—The Committee shall select a Chairperson and Vice Chairperson from among its members.

(b) DUTIES OF THE COMMITTEE.—The Committee shall advise the Secretary, the Director of the National Museum of American History, and the Director of the Center on policies and programs affecting the Center.

(c) COMMITTEE PERSONNEL MATTERS.—

(1) COMPENSATION OF MEMBERS.—Each member of the Committee who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive

Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Committee. All members of the Committee who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(2) TRAVEL EXPENSES.—The members of the Committee shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Committee.

(3) STAFF.—

(A) IN GENERAL.—The Chairperson of the Committee may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Committee to perform its duties. The employment of an executive director shall be subject to confirmation by the Committee.

(B) COMPENSATION.—The Chairperson of the Committee may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(4) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Committee without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(5) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Committee may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

SEC. 7. DEFINITIONS.

As used in this Act:

(1) BOARD OF REGENTS.—The term "Board of Regents" means the Board of Regents of the Smithsonian Institution.

(2) CENTER.—The term "Center" means the Center for American Cultural Heritage established under section 3(a).

(3) COMMITTEE.—The term "Committee" means the advisory Committee on American Cultural Heritage established under section 8(a).

(4) SECRETARY.—The term "Secretary" means the Secretary of the Smithsonian Institution.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act such sums as may be necessary for each fiscal year.●

By Mr. BIDEN (by request):

S. 2134. A bill to amend the Higher Education Act of 1965 to authorize Presidential honors scholarships to be awarded to all students who graduate in the top 5 percent of their secondary school graduating class, to promote and recognize high academic achievement in secondary school, and for other purposes; to the Committee on Labor and Human Resources.

THE PRESIDENTIAL HONORS SCHOLARSHIP ACT OF 1996

● Mr. BIDEN. Mr. President, I am pleased today to introduce on behalf of the Administration the Presidential Honors Scholarship Act of 1996. I want to commend President Clinton for this particular initiative and for his overall outstanding leadership on behalf of education.

Over the past 4 years, I have worked with President Clinton most closely on anti-crime and drug legislation. But, I have watched, admired, and tried to help his efforts on behalf of education as well. George Bush said he wanted to be the education president. Bill Clinton has been. And, this bill on merit scholarships is an important part of his agenda.

In August, I introduced comprehensive legislation to make college more affordable for middle-class families. The Growing the Economy for Tomorrow: Assuring Higher Education is Affordable and Dependable Act—GET AHEAD for short—would provide tax cuts for the cost of college, encourage families to save for a college education, and award merit scholarships to high school students in the top of their classes academically.

I included merit scholarships in the Get Ahead Act and I have agreed—even though our proposals differ in a few minor details—to introduce the administration's bill today for one simple reason. We need to reward students who succeed in meeting high academic standards.

If we are going to reform education—I mean, really reform education so that our children will be an educated workforce able to compete in the international economy—then we must first set tough academic standards. Students must know what is expected of them. Parents must know what their children should be learning. Teachers must stay focused on the mission of educating children. And, we all should know that a high school diploma means something.

But, Mr. President, not only should States be setting high academic standards for our students—with support and assistance from the Federal Government—but we should be rewarding those students who meet the high standards. The best way to reward them is to make it just a little bit easier to go to college, which is by the way, another key ingredient—in addition to tough standards—in ensuring a highly educated American workforce.

The Presidential Honors Scholarship Act would provide a \$1,000 scholarship to all graduating seniors in public and private schools who finish in the top 5 percent of their class. These Presidential honors scholars could use the scholarship in their freshman year at the college of their choice, and the scholarship would not be used in determining eligibility for other financial aid.

Although \$1,000 may not seem like a lot, it is about two-thirds of the cost of

the average tuition at a community college. And, more importantly, it is the principle that counts. Those who work hard and succeed ought to be recognized and rewarded.

Now, there are some—and I have heard from them already—who believe that the money for merit scholarships would be better spent helping those in financial need. I do not disagree with the notion that we should help all students who are qualified to go to college get to college. But, of those who finish in the top 5 percent of their high school graduating class—those who would benefit from this bill—81 percent come from families with incomes under \$75,000 per year. I suggest they are exactly the ones in need, given the high cost of college today—and there were reports in this morning's paper that tuition costs at public colleges have gone up another 6 percent, more than double the rate of inflation. But, regardless of who benefits, I also believe that we should start to reward excellence for excellence's sake.

I have no illusions—and the administration does not either—that this bill is going to pass here in the waning days of the 104th Congress. Our intent is merely to introduce the bill now, and to come back next year to try to see it become law as part of the reauthorization of the Higher Education Act. I encourage my colleagues to take a look at this legislation and to support the idea of merit scholarships.●

ADDITIONAL COSPONSORS

S. 684

At the request of Mr. HATFIELD, the names of the Senator from North Carolina [Mr. FAIRCLOTH] and the Senator from Florida [Mr. GRAHAM] were added as cosponsors of S. 684, a bill to amend the Public Health Service Act to provide for programs of research regarding Parkinson's disease, and for other purposes.

S. 729

At the request of Mr. BAUCUS, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as cosponsors of S. 729, a bill to provide off-budget treatment for the Highway Trust Fund, the Airport and Airway Trust Fund, the Inland Waterways Trust Fund, and the Harbor Maintenance Trust Fund, and for other purposes.

S. 1660

At the request of Mr. GLENN, the names of the Senator from Kansas [Mrs. KASSENBAUM] and the Senator from Missouri [Mr. BOND] were added as cosponsors of S. 1660, a bill to provide for ballast water management to prevent the introduction and spread of nonindigenous species into the waters of the United States, and for other purposes.

S. 2091

At the request of Mr. PRESSLER, the name of the Senator from Illinois [Ms. MOSELEY-BRAUN] was added as cosponsors of S. 2091, a bill to provide for