

other purposes; to the Committee on Indian Affairs.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SIMPSON:

S. 2188. A bill to provide for the retention of the name of the mountain at the Devils Tower National Monument in Wyoming known as "Devils Tower", and for other purposes; to the Committee on Environment and Public Works.

##### THE DEVILS TOWER NATIONAL MONUMENT ACT OF 1996

• Mr. SIMPSON. Mr. President, I introduce a bill which will enable Devils Tower National Monument to retain its historic name.

This national monument—indeed, our Nation's first national monument—has been known as "Devils Tower" for over 120 years. It is known the world over as perhaps one of the most distinguishing natural features of my State and is universally known for providing some of the best crack climbing in the world.

In short, Mr. President, Devils Tower—and worldwide recognition of it, even through such movies as "Close Encounters of the Third Kind"—is vitally important to my State, which depends so heavily on our tourism industry. But, to no one's surprise, there are always those out there who cannot leave a perfectly good thing alone. William Shakespeare said it well in "King Lear": "Striving to better, oft we mar what's well."

According to a July 17, 1996 release by the U.S. Board of Geographic Names, the National Park Service has advised the Board that several native American groups intend to submit a proposal—it may already have been submitted—to change the name of the monument. The intention—and a perfectly worthy one—is to find a name that is less offensive to native Americans, many of whom regard the monument as sacred.

Mr. President, I am fully sensitive to the feelings of those involved with this initiative. My great-grandfather, Finn Burnett, was asked to be the "boss farmer" for Chief Washaki of the Shoshone Tribe. And my great uncle Deck married a full-blooded Shoshone. However, I do join my House counterpart, Congresswoman BARBARA CUBIN, in earnestly believing that little will be gained from a name change, and much history and tradition could be lost.

Be aware that there is no obvious traditional Indian name standing as the obvious alternative designation. The disparate native American groups behind this proposal cannot even agree on what the proper name should be. They seem only to agree on what it should not be—Devils Tower.

The number of suggested "aboriginal names" is as numerous as the number of different groups clamoring for the change. Among the candidates are Bear's Lodge, Grizzly Bear's Lodge, Bear's Tipi, Bear's Lair, Bear Lodge,

Bear Lodge Butte, Tree Rock, and many others. So we should all understand that this is not a matter of changing the name of Devils Tower back to another which would be widely agreed upon and recognized by most native Americans. Instead, this initiative seems to accomplish little more than to dredge up age-old conflicts and divisions between descendants of European settlers and descendants of native Americans. This is most unfortunate and would result only in economic hardship for the area's citizens—"Indian" and "non-Indian" alike. My legislation would prevent such hardship and preserve the name of Devils Tower, a name widely recognized and certainly the furthest thing from being offensive to any particular ethnic group. I urge my colleagues to support this measure.●

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 2189. A bill to enhance the administrative authority of the president of Southwestern Indian Polytechnic Institute, and for other purposes; to the Committee on Indian Affairs.

##### THE SOUTHWESTERN INDIAN POLYTECHNIC INSTITUTE ADMINISTRATIVE SYSTEMS ACT OF 1996

• Mr. BINGAMAN. Mr. President, today, with Senator DOMENICI, I am introducing the Southwestern Indian Polytechnic Institute Administrative Systems Act of 1996.

The Southwestern Indian Polytechnic Institute [SIPI] is a first class community college in Albuquerque, NM. It offers vocational and academic courses to Indian students from across the country and from all tribes. SIPI has recently celebrated its 25th anniversary, and has developed a long-term plan for expansion of its physical plant and its instructional program.

SIPI is currently operating as a BIA-funded organization governed by the personnel rules of a Federal agency. These rules are not appropriate for an academic institute. For the last year and a half I have been working with the Committee on Indian Affairs to find a way to give the president and board of regents of SIPI control over their own personnel policies.

The purpose of this act is to enhance the authority of the president and board at SIPI to hire and promote faculty appropriately, allowing them to function more like other academic institutions. I applaud Senator KASSEBAUM for the excellent work she has done to develop similar legislation for Haskell Indian Nations University, offering Haskell the same kind of improvements in their personnel policies. Senator DOMENICI and I hope to work with her and Senator INOUE and others to ensure that both of these institutions are provided administrative authority to operate their personnel policies well and appropriately. I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2189

*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 "Southwestern Indian Polytechnic Institute Administrative Systems Act of 1996".

#### SEC. 2. FINDINGS.

The Congress finds that—

(1) the provision of culturally sensitive experiences and vocationally relevant curricula at Southwestern Indian Polytechnic Institute is consistent with the commitment of the Federal Government to the fulfillment of treaty obligations to Indian tribes through the principle of self-determination and the use of Federal resources; and

(2) giving a greater degree of autonomy to Southwestern Indian Polytechnic Institute, while maintaining the institute as an integral part of the Bureau of Indian Affairs, will facilitate the administration and improvement of the academic programs of the institute.

#### SEC. 3. DEFINITIONS.

For purposes of this Act the following definitions shall apply:

(1) INSTITUTE.—The term "institute" means the Southwestern Indian Polytechnic Institute, located in Albuquerque, New Mexico.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

#### SEC. 4. PERSONNEL MANAGEMENT.

(a) INAPPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—Chapters 51, 53, and 63 of title 5, United States Code (relating to classification, pay, and leave, respectively) and the provisions of such title relating to the appointment, performance evaluation, promotion, and removal of civil service employees shall not apply to applicants for employment with, employees of, or positions in or under the institute.

(b) ALTERNATIVE PERSONNEL MANAGEMENT PROVISIONS.—

(1) IN GENERAL.—The president of the institute shall by regulation prescribe such personnel management provisions as may be necessary, in order to ensure the effective administration of the institute, to replace the provisions of law that are inapplicable with respect to the institute by reason of subsection (a).

(2) PROCEDURAL REQUIREMENTS.—The regulations prescribed under this subsection shall—

(A) be prescribed by the president of the institute in consultation with the appropriate governing body of the institute;

(B) be subject to the requirements of subsections (b) through (e) of section 553 of title 5, United States Code; and

(C) not take effect without the prior written approval of the Secretary.

(c) SPECIFIC SUBSTANTIVE REQUIREMENTS.—Under the regulations prescribed under this subsection—

(1) no rate of basic pay may, at any time, exceed—

(A) in the case of an employee who would otherwise be subject to the General Schedule, the maximum rate of basic pay then currently payable for grade GS-15 of the General Schedule (including any amount payable under section 5304 of title 5, United States Code, or other similar authority for the locality involved); or

(B) in the case of an employee who would otherwise be subject to subchapter IV of chapter 53 of title 5, United States Code (relating to prevailing rate systems), the maximum rate of basic pay which (but for this section) would then otherwise be currently payable under the wage schedule covering such employee;

(2) the limitation under section 5307 of title 5, United States Code (relating to limitation on certain payments) shall apply, subject to such definitional and other modifications as may be necessary in the context of the alternative personnel management provisions established under this section;

(3) procedures shall be established for the rapid and equitable resolution of grievances;

(4) no institute employee may be discharged without notice of the reasons therefor and opportunity for a hearing under procedures that comport with the requirements of due process, except that this paragraph shall not apply in the case of an employee serving a probationary or trial period under an initial appointment; and

(5) institute employees serving for a period specified in or determinable under an employment agreement shall, except as otherwise provided in the agreement, be notified at least 30 days before the end of such period as to whether their employment agreement will be renewed.

(d) **RULE OF CONSTRUCTION.**—Nothing in this section shall be considered to affect—

(1) the applicability of any provision of law providing for—

- (A) equal employment opportunity;
- (B) Indian preference; or
- (C) veterans' preference; or

(2) the eligibility of any individual to participate in any retirement system, any program under which any health insurance or life insurance is afforded, or any program under which unemployment benefits are afforded, with respect to Federal employees.

(e) **LABOR-MANAGEMENT PROVISIONS.**—

(1) **COLLECTIVE-BARGAINING AGREEMENTS.**—Any collective-bargaining agreement in effect on the day before the effective date specified under subsection (f)(1) shall continue to be recognized by the institute until altered or amended pursuant to law.

(2) **EXCLUSIVE REPRESENTATIVE.**—Nothing in this Act shall affect the right of any labor organization to be accorded (or to continue to be accorded) recognition as the exclusive representative of any unit of institute employees.

(3) **OTHER PROVISIONS.**—Matters made subject to regulation under this section shall not be subject to collective bargaining, except in the case of any matter under chapter 63 of title 5, United States Code (relating to leave).

(f) **EFFECTIVE DATE.**—

(1) **ALTERNATIVE PERSONNEL MANAGEMENT PROVISIONS.**—The alternative personnel management provisions under this section shall take effect on such date as may be specified in the regulations, except that such date may not be later than 1 year after the date of the enactment of this Act.

(2) **PROVISIONS MADE INAPPLICABLE BY THIS SECTION.**—Subsection (a) shall take effect on the date specified under paragraph (1).

(g) **APPLICABILITY.**—

(1) **IN GENERAL.**—Except as otherwise provided in this subsection, the alternative personnel management provisions under this section shall apply with respect to all applicants for employment with, all employees of, and all positions in or under the institute.

(2) **CURRENT EMPLOYEES NOT COVERED EXCEPT PURSUANT TO A VOLUNTARY ELECTION.**—

(A) **IN GENERAL.**—An institute employee serving on the day before the effective date specified under subsection (f)(1) shall not be subject to the alternative personnel management provisions under this section (and shall instead, for all purposes, be treated in the same way as if this section had not been enacted, notwithstanding subsection (a)) unless, before the end of the 5-year period beginning on such effective date, such employee elects to be covered by such provisions.

(B) **PROCEDURES.**—An election under this paragraph shall be made in such form and in such manner as may be required under the regulations, and shall be irrevocable.

(3) **TRANSITION PROVISIONS.**—

(A) **PROVISIONS RELATING TO ANNUAL AND SICK LEAVE.**—Any individual who—

(i) makes an election under paragraph (2), or

(ii) on or after the effective date specified under subsection (f)(1), is transferred, promoted, or reappointed, without a break in service of 3 days or longer, to an institute position from a noninstitute position with the Federal Government or the government of the District of Columbia,

shall be credited, for the purpose of the leave system provided under regulations prescribed under this section, with the annual and sick leave to such individual's credit immediately before the effective date of such election, transfer, promotion, or reappointment, as the case may be.

(B) **LIQUIDATION OF REMAINING LEAVE UPON TERMINATION.**—

(i) **ANNUAL LEAVE.**—Upon termination of employment with the institute, any annual leave remaining to the credit of an individual within the purview of this section shall be liquidated in accordance with section 5551(a) and section 6306 of title 5, United States Code, except that leave earned or accrued under regulations prescribed under this section shall not be so liquidated.

(ii) **SICK LEAVE.**—Upon termination of employment with the institute, any sick leave remaining to the credit of an individual within the purview of this section shall be creditable for civil service retirement purposes in accordance with section 8339(m) of title 5, United States Code, except that leave earned or accrued under regulations prescribed under this section shall not be so creditable.

(C) **TRANSFER OF REMAINING LEAVE UPON TRANSFER, PROMOTION, OR REEMPLOYMENT.**—In the case of any institute employee who is transferred, promoted, or reappointed, without a break in service of 3 days or longer, to a position in the Federal Government (or the government of the District of Columbia) under a different leave system, any remaining leave to the credit of that individual earned or credited under the regulations prescribed under this section shall be transferred to such individual's credit in the employing agency on an adjusted basis in accordance with regulations which shall be prescribed by the Office of Personnel Management.

(4) **WORK-STUDY.**—Nothing in this section shall be considered to apply with respect to a work-study student, as defined by the president of the institute in writing.

#### **SEC. 5. DELEGATION OF PROCUREMENT AUTHORITY.**

The Secretary shall, to the maximum extent consistent with applicable law and subject to the availability of appropriations therefor, delegate, to the president of the institute, procurement and contracting authority with respect to the conduct of the administrative functions of the institute.

#### **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated for fiscal year 1997, and for each fiscal year thereafter—

(1) the amount of funds made available by appropriations as operations funding for the administration of the institute for fiscal year 1996; and

(2) such additional sums as may be necessary for the operation of the institute pursuant to this Act.●

#### **ADDITIONAL COSPONSORS**

S. 1189

At the request of Mr. DEWINE, the name of the Senator from Virginia [Mr. WARNER] was added as a cosponsor of S. 1189, a bill to provide procedures for claims for compassionate payments with regard to individuals with blood-clotting disorders, such as hemophilia, who contracted human immunodeficiency virus due to contaminated blood products.

S. 2136

At the request of Mr. D'AMATO, the names of the Senator from Hawaii [Mr. AKAKA], the Senator from Alabama [Mr. HEFLIN], and the Senator from Colorado [Mr. BROWN] were added as cosponsors of S. 2136, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the breaking of the color barrier in major league baseball by Jackie Robinson.

SENATE RESOLUTION 292

At the request of Mr. PRESSLER, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of Senate Resolution 292, a resolution designating the second Sunday in October of 1996 as "National Children's Day," and for other purposes.

#### **AMENDMENTS SUBMITTED**

#### **THE CIVIL RIGHTS COMMISSION ACT OF 1983 APPROPRIATIONS REAUTHORIZATION ACT OF 1996**

#### **ASHCROFT (AND MOYNIHAN) AMENDMENT NO. 5425**

(Ordered referred to the Committee on the Judiciary.)

Mr. ASHCROFT (for himself and Mr. MOYNIHAN) submitted an amendment intended to be proposed by them to the bill (S. 2187) to reauthorize appropriations for the Civil Rights Commission Act of 1983, and for other purposes; as follows:

At the appropriate place, insert the following:

#### **SEC. . VOLUNTARY RETIREMENT INCENTIVE PLANS OR ARRANGEMENTS.**

(a) **IN GENERAL.**—Section 4(l) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 623(l)) is amended by adding at the end of the following new paragraph:

"(4) It shall not be a violation of subsection (a), (b), (c), (e), or (i) solely because a plan or arrangement of an institution of higher education (as defined in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a))) offers employees who are serving under a contract of unlimited tenure (or similar arrangement providing for unlimited tenure) benefits upon voluntary retirement that are reduced or eliminated on the basis of age."

(b) **CONSTRUCTION.**—

(1) **APPLICATION.**—Nothing in the amendment made by subsection (a) shall be construed to affect the application of section 4 of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 623) with respect to—

(A) any employer other than an institution of higher education (as defined in section