

S. 2172

SECTION 1. FINDINGS.

The Congress finds that—

(a) The State of Alaska received management authority and responsibility for fish and game resources in the State at the time of statehood.

(b) The Alaska Constitution requires equal access for all the citizens of the state to these fish and game resources.

(c) The State of Alaska developed statutes to implement a rural subsistence priority.

(d) In 1980 Congress passed the Alaska National Interest Lands Conservation Act providing that the "taking on public lands of fish and wildlife for nonwasteful subsistence uses shall be accorded priority over the taking on such lands of fish and wildlife for other purposes."

(e) In 1989 the Alaska Supreme Court ruled in *McDowell v. Alaska* that the rural preference contained in the State's subsistence statute violated the equal provision of the Alaska Constitution putting the State's subsistence program out of compliance with Title VIII of ANILCA resulting in the Secretaries of Agriculture and the Interior assuming subsistence management on the public lands in Alaska.

(f) The Governor and the Lieutenant Governor of Alaska are to be complimented on their several attempts to resolve the issue and return management responsibilities of fish and game back to the state; however, these efforts have not been successful.

(g) There continues to remain an impasse that is creating a divisive atmosphere in Alaska among sport hunters, sport fishermen, commercial fishermen, Alaska natives, as well as urban and rural residents.

(h) The Congress hereby declares that it is timely and essential to conduct a review of Federal and State policies and programs affecting subsistence in order to identify specific actions that may be taken by the United States and the State of Alaska to help assure that a fair subsistence priority is provided to the citizens of Alaska and that management authority over fish and game resources is maintained by the State of Alaska.

SEC. 2. APPOINTMENT OF SPECIAL MASTER.

(a)(1) The President shall hereby appoint a Special Master to mediate the issues involved in this impasse, and

(2) In making the appointment of the Special Master, the President shall give careful consideration to recommendations submitted by the Governor of the State of Alaska and the president of the Alaska State Senate, and the Speaker of the Alaska State House.

(b)(1) The principal office of the Special Master shall be in the State of Alaska.

(2) The Special Master shall—

(A) review existing state and federal laws regarding subsistence use in Alaska, and

(B) after consultation with all interested parties, including, but not limited to, Alaska natives, sport and commercial fishing interests, sport hunting groups recreation groups, the Governor of Alaska, the Alaska legislature, The Secretaries of Agriculture and the Interior, and the members of the Alaska Congressional delegation, recommend specific actions to the Congress and to the State of Alaska including state statutory amendments, changes in existing management structures, constitutional amendments, and changes to Title VIII of the ANILCA, that—

(i) assure the State of Alaska recovers and retains management authority and responsibility for fish and game on all lands in Alaska, and

(ii) provide for the continuation of the opportunity for subsistence uses by residents of Alaska, including both Natives and non-na-

tives, on the public lands and by Alaska Natives on Native lands which is essential for Native physical, economic, traditional, and cultural existence and to non-native physical, economic, traditional, and social existence.

(c) submit, by no later than the date that is six months after appointment, a report on the recommendations developed under paragraph (2), to the Secretary, the Congress, the Governor of the State of Alaska, and the legislature of the State of Alaska, and make such report available to the public.

(d) The Special Master shall have the power to—

(1) procure, as authorized by section 3109 of title 5, United States Code, temporary and intermittent services to the same extent as is authorized by law for agencies in the executive branch, but at rates not to exceed the daily equivalent of the maximum annual rate of basic pay in effect for grade GS-18 of such General Schedule.

(e) service as a Special Master shall not be considered as service or employment bringing such individual within the provisions of any Federal law relating to conflicts of interest or otherwise imposing restrictions, requirements, or penalties in relation to the employment of persons, the performance of services, or the payment or receipt of compensation in connection with claims, proceedings, or matters involving the United States. Service as a Special Master, shall not be considered service in an appointive or elective position in the Government for purposes of section 8344 of title 5, United States Code, or comparable provisions of Federal law.

(f)(1) The Special Master is authorized to—

(A) hold such hearings and sit and act at such times,

(B) take such testimony,

(C) have such printing and binding done,

(D) enter into such contracts and other arrangements,

(E) make such expenditures, and

(F) take such other actions, as the Special Master may seem advisable.

(2) The Special Master is authorized to establish task forces which include individuals appointed for the purpose of gathering information on specific subjects identified by the Special Master as requiring the knowledge and expertise of such individuals. No compensation may be paid to members of a task force solely for their service on the task force, but the Special Master may authorize the reimbursement of members of a task force for travel and per diem in lieu of subsistence expenses during the performance of duties while away from the home, or regular place of business, of the member, in accordance with subchapter I of chapter 57 of title 5, United States Code. The Special Master shall not authorize the appointment of personnel to act as staff for the task force.

(3) The Special Master is authorized to accept gifts of services, or funds and to expend funds derived from sources other than the Federal Government, including the State of Alaska, private nonprofit organizations, corporations, or foundations which are determined appropriate and necessary to carry out the provisions of this section.

(4) The Special Master is authorized to secure directly from any officer, department, agency, establishment, or instrumentality of the Federal Government such information as the Special Master may require for the purpose of this section, and each such officer, department, agency, establishment, or instrumentality is authorized and directed to furnish, to the extent permitted by law, such information, suggestions, estimates, and statistics directly to the Special Master, upon request

(g) The provisions of the Federal Advisory Committee Act shall not apply to the Special Master established under this section.

(h) Upon the request of the Special Master, the head of any Federal department, agency, or instrumentality is authorized to make any of the facilities and services of such department, agency, or instrumentality available to the Special Master and detail any of the personnel of such department, agency, or instrumentality to the commission, on a nonreimbursable basis, to assist the Special Master in carrying out its duties under this section.

(i) The Special Master may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(j) The Special Master shall cease to exist on the date that is one hundred eighty days after the date on which the Special Master submits the report required under subsection (c)(5). All records, documents, and materials of the Special Master shall be transferred to the National Archives and Records Administration on the date on which the Special Master ceases to exist.

(k) There is authorized to be appropriated to the Special Master \$250,000 to provide for the salaries and expenses to carry out the provisions of this section. Such sum shall remain available, without fiscal year limitation, until expended.

ASIAN DEVELOPMENT BANK

Mr. PRESSLER. Mr. President, I would like to take a moment to commend the Asian Development Bank [ADB] for its role in the growth and continuing prosperity in Asian and Pacific developing countries. Further, I urge the ADB to involve our Nation's small business community in efforts to further prosperity in this part of the world. The economic and social evolution underway in Asia has taken place at an incredible rate over the past decade. The ADB is playing an important role in this development, providing funds to improve and strengthen Asia's infrastructure.

As my colleagues know, the Asian Development Bank was founded in 1966 to function as an international development finance institution for the Asian and Pacific region. Headquartered in Manila, in the Philippines, the ADB had 56 member countries—40 within the Asian and Pacific region and 16 from outside the region—as of March 31, 1996. The ADB is engaged in promoting the economic and social progress of the Asian and Pacific region. Development banks in the world today with similar roles include the Inter-American Development Bank, the World Bank, and the African Development Bank.

Specifically, the ADB extends low interest loans to fund special projects in Asian and Pacific developing countries. The ADB finances infrastructure projects such as power plants, roads, bridges, and other ventures which have a strong impact on the designated area. This kind of financial support is critical to further the dynamic growth of Asian economies—growth that presents tremendous opportunities for U.S. businesses. Established businesses in the United States, such as AT&T and Price Waterhouse, as well as smaller agricultural firms, such as Seminole Fertilizer Corp., benefit greatly from the

exponential growth and progress of Asia. I encourage the ADB to seek opportunities for greater participation by U.S. small businesses as part of its future projects. The ADB assists private enterprises in undertaking financially viable projects which also have significant economic development merit and catalyzing the flow of domestic and external resources to such projects. For example, the bank allocated over \$3.3 billion to develop telecommunications services in Asia's poorest areas and will invest almost \$1 billion on telecommunications networks in India alone.

The ADB also provides loans, equity investments, and technical assistance, and also cofinances projects with bilateral and multilateral agencies as well as export credit and commercial sources. As of June 30, 1995, the bank had approved \$51.9 billion in loans for 1,236 projects in 34 countries and \$3.9 billion for 3,539 technical assistance grants.

As a donor member, the United States has contributed to the Asian Development Fund [ADF], which is the ADB's window for concessional lending to its borrowing member countries. Each year, ADB extends loans to fund projects and activities in Asian and Pacific developing countries, and provides several billion U.S. dollars worth of contracts to procure goods and consulting services. In 1995, the United States ranked first among donor member countries in total procurement, with a donor amount of \$333 million dollars. The ADF, which is crucial to the bank's ability to grant loans, is the ADB's main soft-loan program. This soft-loan program lets donor countries apply for grants at a generous interest-free level, which makes it feasible for many poor countries to apply and receive loans to improve their environment, transportation, infrastructure, and communications.

A country that requests an interest-free loan from the ADF must fulfill requirements set by the ADB. The ADB stresses that the member countries have good governance which will permit a successful management of the development process, which encourages economic and political stability in the region. As a development partner, the ADB has a clear and direct interest in the capacity of borrowing governments to fulfill their economic role by implementing the associated policies. The success of the ADB's project investments depends on the efficacy of the institutional framework in development member countries [DMC]. In addition, governments are expected to perform certain key functions, including maintaining macroeconomic stability; developing infrastructure; providing public goods; preventing market failures; and promoting equity. Without macroeconomic stability, business prospects are uncertain and investment risks are high.

Further, the bank advises the developing countries regarding human

rights, social and environmental policies, and other areas before accepting the country for a grant.

Mr. President, the replenishment of the ADF has been an ongoing problem. At present, ADF is expected to run out of money by year-end. In that respect, the ADB, along with other development banks, have been trying to arrange financing through private financial institutions. Multilateral agencies, such as ADB, likely will shift more funding to socially-oriented projects in the future, and have vast projects financed by private financial institutions.

The ADB has confronted and overcome many challenges, thanks to the efforts of its leadership. I would like to commend the diligent efforts of Ambassador Yang of the Asian Development Bank. Former California Savings and Loan Commissioner Linda Tsao Yang of Davis, CA, is the U.S. ambassador on the 12 member board of executive directors of the ADB. Ms. Yang has operated her own financial consulting firm since stepping down from the State S&L post in 1982. Her expertise during these challenging times is certainly welcome at the ADB.

I may not always agree with the bank's direction on a specific issue, but the overall direction of the ADB has been positive. Ambassador Yang is aggressively pursuing creative roles for the ADB to play in a manner which advances our Nation's commercial interests in that part of the world. Thanks in part to these creative efforts, the Asian continent is an exciting and promising region of the world for the residents and for those playing a part in its development.

TRIBUTE TO SENATOR AL SIMPSON

Mr. PRESSLER. Mr. President, we near the close of the 104th Congress will adjourn. Adjournment also will bring to a close the distinguished Senate career of Wyoming's senior Senator, the honorable AL SIMPSON. I am confident that Senate historians will see AL SIMPSON the way his colleagues already see him: as one of the truly great Senators of his era. I will miss AL SIMPSON—his leadership, his guidance, his wit, and most of all, his friendship.

AL SIMPSON and I entered the Senate at the same time—in 1979. At that time, he already had accumulated some Senate experience as the son of another legendary Wyoming Senator, Milward Simpson.

A story is told that Abraham Lincoln once began a meeting of his closest advisors by reading to them a piece from the humorist Artemus Ward. Lincoln seemed to be the only one who enjoyed the piece and found himself the only one laughing. Lincoln was said to have chastised his colleagues: "Why don't you laugh? With the fearful strain that is upon me night and day, if I did not laugh I should die, and you need this medicine as much as I do."

All of my colleagues would agree that the medicine of humor is best dispensed by our senior colleague from Wyoming. Perhaps not since Abraham Lincoln has Washington had a better practitioner in the art of medicinal humor. It has become a fond and regular experience to come to the floor for a vote, or visit the cloakrooms and see a small group of Senators listening delightfully to the yarns spun by our friend from Wyoming. When Senator SIMPSON formally addresses the Senate, we can count on his statements to be both informative and entertaining. I will miss AL SIMPSON's good nature and quick wit.

The full measure of AL SIMPSON is more than good humor. He is a man of enormous intellect and profound leadership. AL SIMPSON is sharp—as sharp as a tack, and as tough as a good piece of saddle leather, as he would probably say. But to see how tough AL SIMPSON is, and to understand his deep belief in the cause of public service, one need only take a look at the issues he has championed. Senator SIMPSON's extraordinary career no doubt will be remembered for his efforts on three very challenging issues—immigration, veterans affairs and entitlement reform. Each of those issues is vitally important, but frankly each can be thankless tasks.

It is appropriate that the 104th Congress will conclude with the passage of a comprehensive bill to address the serious problem of illegal immigration. This is the third major immigration bill shepherded in large measure by our friend from Wyoming. That is quite a record of legislative achievement given the volatile emotions that underlie this issue and the diverse interests involved. It's even more amazing when one considers that Senator SIMPSON hails from a great State not known for being a magnet for illegal immigrants. The tremendous leadership he has demonstrated on this issue is a testament to Senator SIMPSON's commitment to pursue what's in our Nation's interest, and to pursue such issues vigorously.

The same vigor is shown in Senator SIMPSON's commitment to our Nation's veterans. The Senator from Wyoming, like myself, is a veteran of the U.S. Army. Few have the level of understanding, the strong sense of compassion and fairness, that AL SIMPSON has displayed toward our veterans. As chairman of the Veterans Affairs Committee during a time of tremendous budgetary constraints, AL SIMPSON has made sure that this Nation maintains its commitment to the brave veterans who answered the call and made sacrifices for their country. All men and women who once adorned a military uniform to defend our country, as well as this Senate, and this Nation will miss this true friend of the American veteran.

Finally, Senator AL SIMPSON is a man of great vision—a man who believes that Congress has a duty to anticipate and prevent future problems.