

Realizing the importance of assuring that the benefits of programmatic regulations outweigh their costs, my legislation will also provide Medicare+Choice providers regulatory relief from overreaching HCFA dictates. Rather than devoting substantial human and financial resources toward compliance activities, which leaves fewer resources available for paying for health care services provided to beneficiaries, Medicare+Choice plans ought to be left to the fullest extent possible to the business they know best: providing high quality and cost effective health care to our Medicare beneficiaries.

Congress must devote more adequate funding to the Medicare+Choice program, and work to ensure that resources are allocated in such a way as to assure that the Medicare+Choice program is viable in areas where beneficiaries have already selected health plan options and that the program can expand in areas where such options are not yet widely available. I am sponsoring Beneficiaries' Choice Stabilization Act with just these goals in mind, and I hope my colleagues will join me in a bipartisan effort to save and strengthen the Medicare+Choice program and the valuable health benefits it provides for our Medicare population which relies on them.

DEPARTMENT OF JUSTICE REPORT OF RACE AND GEOGRAPHIC DISPARITIES IN FEDERAL CAPITAL PROSECUTIONS

Mr. FEINGOLD. Mr. President, in recent months, our Nation has begun to question the fairness of the death penalty with greater urgency. Now, with details of the Justice Department report being released, we have learned that just as we feared, the same serious flaws in the administration of the death penalty that have plagued the states also afflict the federal death penalty. The report documents apparent racial and regional disparities in the administration of the federal death penalty. All Americans agree that whether you die for committing a federal crime should not depend arbitrarily on the color of your skin or randomly on where you live. When 5 of our 93 United States Attorneys account for 40 percent of the cases where the death penalty is sought; when 75 percent of federal death penalty cases involve a minority defendant, something may be awry and it's time to stop and take a sober look at the system that imposes the ultimate punishment in our names.

I first urged the President to suspend federal executions to allow time for a thorough review of the death penalty on February 2 of this year. I repeat that request today, more strongly than ever. While I understand the Attorney General plans further studies of some of the issues raised by the report, additional internal reviews alone will not satisfy public concern about our system. With the solemn responsibility

that our government has to the American people to ensure the utmost fairness and justice in the administration of the ultimate punishment, and with the first federal execution since 1963 scheduled to take place before the end of the year, a credible, comprehensive review can be conducted only by an independent commission.

This is what Governor Ryan decided in Illinois. He created an independent, blue ribbon commission to review the criminal justice system in his state, while suspending executions. The wisdom of that bold stroke by Governor Ryan is clear, both to supporters and opponents of capital punishment. The federal government must do the same. The President should appoint a blue ribbon federal commission of prosecutors, judges, law enforcement officials, and other distinguished Americans to address the questions that are raised by the Justice Department report and propose solutions that will ensure fairness in the administration of the federal death penalty.

I urge the President to suspend all federal executions while an independent commission undertakes a thorough review. That is the right thing to do, given the troubling racial and regional disparities in the administration of the federal death penalty. Indeed, it is the only fair and rational response to these disturbing questions. Let's take the time to be sure we are being fair. Let's temporarily suspend federal executions and let a thoughtfully chosen commission examine the system. American ideals of justice demand that much.

CABIN USER FEE FAIRNESS ACT OF 1999

Mr. CRAIG. Mr. President, soon the Senate will take up S. 1938, the Cabin User Fee Fairness Act of 1999. It is designed to set a new course for the Forest Service in determining fees for forest lots on which families and individuals have been authorized to build cabins for seasonal recreation since the early part of this century.

In 1915, under the Term Permit Act, Congress set up a program to give families the opportunity to recreate on our public lands through the so-called recreation residence program. Today, 15,000 of these forest cabins remain, providing generation after generation of families and their friends a respite from urban living and an opportunity to use our public lands.

These cabins stand in sharp contrast to many aspects of modern outdoor recreation, yet are an important aspect of the mix of recreation opportunities for the American public. While many of us enjoy fast, off-road machines and watercraft or hiking to the backcountry with high-tech gear, others enjoy a relaxing weekend at their cabin in the woods with their family and friends.

The recreation residence programs allows families all across the country

an opportunity to use our national forests. This quiet, somewhat uneventful program continues to produce close bonds and remarkable memories for hundreds of thousands of Americans, but in order to secure the future of the cabin program, this Congress needs to reexamine the basis on which fees are now being determined.

Roughly twenty years ago, the Forest Service saw the need to modernize the regulations under which the cabin program is administered. Acknowledging that the competition for access and use of forest resources has increased dramatically since 1915, both the cabin owners and the agency wanted a formal understanding about the rights and obligations of using and maintaining these structures.

New rules that resulted nearly a decade later reaffirmed the cabins as a valid recreational use of forest land. At the same time, the new policy reflected numerous limitations on use that are felt to be appropriate in order keep areas of the forest where cabins are located open for recreational use by other forest visitors. Commercial use of the cabins is prohibited, as is year-round occupancy by the owner. Owners are restricted in the size, shape, paint color and presence of other structures or installations on the cabin lot. The only portion of a lot that is controlled by the cabin owner is that portion of the lot that directly underlies the footprint of the cabin itself.

At some locations, the agency has determined a need to remove cabins for a variety of reasons related to "higher public purposes," and cabin owners wanted to be certain in the writing of new regulations that a fair process would guide any future decisions about cabin removal. At other locations, some cabins have been destroyed by fire, avalanche or falling trees, and a more reliable process of determining whether such cabins might be rebuilt or relocated was needed. It was determined, therefore, that this recreational program would be tied more closely to the forest planning process.

The question of an appropriate fee to be paid for the opportunity of constructing and maintaining a cabin in the woods was also addressed at that time. Although the agency's policies for administration of the cabin program have, overall, held up well over time, the portion dealing with periodic redetermination of fees proved in the last few years to be a failure.

A base fee was determined twenty years ago by an appraisal of sales of "comparable" undeveloped lots in the real estate market adjacent to the national forest where a cabin was located. The new policy called for reappraisal of the value of the lot twenty years later—a trigger that led to initiation of the reappraisal process in 1995.

In the meantime, according to the policy, annual adjustments to the base fee would be tracked by the Implicit Price Deflator (IPD), which proved to be a faulty mechanism for this purpose.