

overburden and coal waste, the transportation of coal (except by waterway or rail not owned by an employer engaged in the production of coal), repair and maintenance work normally performed at a mine site or central shop of an employer engaged in the production of coal, maintenance of gob piles and mine roads, construction of mine or mine-related facilities including the erection of mine tipples and sinking of mine shafts or slopes performed by employees of the employer engaged in the production of coal, and work of the type customarily related to the foregoing; except that the term shall not mean managerial, supervisory, warehouse, clerical or technical work, unless such work is performed subject to a coal wage agreement binding the employer engaged in the production of coal.

"(2) The term 'coal wage agreement' shall mean—

"(A) the National Bituminous Coal Wage Agreement;

"(B) any agreement substantially identical or substantially similar to such agreement, but only if, as of the date of enactment of this chapter, such agreement provided for contributions to be made to the plans described in section 9721(d); or

"(C) any other agreement entered into between an employer in the bituminous coal industry and the United Mine Workers of America that requires the provision of health benefits to retirees of such employer, eligibility for which is based on years of service credited under a plan established by the settlors and described in section 404(c) or a continuation of such plan.

"(3) The term 'credited service' shall have the same meaning as determined under the applicable defined benefit pension plan, but only if such service was of the type used to determine eligibility under the plan described in section 9721(d)(2)(B).

"(4) The term 'excess pension assets' shall mean the excess of the current value of plan assets (as defined in section 3(26) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(26)) of the plan described in section 9721(c) over the actuarial present value of all benefits for all plan participants under such plan, determined as of the date of enactment, in accordance with the actuarial assumptions and methods which reflect the plan actuary's best estimate of anticipated experience under such plan, except that where excess pension assets are recalculated as required under section 9721(a)(1), the amount of excess pension assets shall be determined as of the July 1 next preceding the date of the recalculation.

"(5) A last signatory operator shall be considered to be in business for purposes of this chapter if any of the following conducts or derives revenue from any business, whether or not within the coal industry—

"(A) such last signatory operator;

"(B) any member of the controlled group of corporations (within the meaning of section 414(b)) of such last signatory operator; or

"(C) any trade or business which is under common control (as determined under section 414(c)) with such last signatory operator.

If a last signatory operator is no longer in business and there is no successor, the relationships described in paragraphs (2) and (3) shall be determined at the time it ceased to be in business.

"(6)(A) The term 'last signatory operator' shall mean, with respect to any orphan miner or other coal industry retiree eligible for medical benefits, a person that meets or at one time met the following conditions:

"(i) A person meets the conditions of this clause if such person is—

"(I) an owner, lessee or other person who operates, controls or supervises a coal mine;

"(II) an independent contractor who operates, controls or supervises a coal mine; or

"(III) in the event a person described in (I) or (II) is no longer in business, any successor to such person, except that a purchaser shall not be considered to be a successor with respect to any orphan miner or other coal industry retiree eligible for medical benefits, if responsibility for the medical benefits of such orphan miner or other coal industry retiree was retained by the seller in the purchase and sale transaction.

"(ii) A person meets the conditions of this clause if such person or, in the case of a person described in clause (i)(III), such person's predecessor—

"(I) was a signatory to a 1978 coal wage agreement, or any subsequent coal wage agreement; and

"(II) was the last coal industry employer of such orphan miner or other retiree.

"(B) Notwithstanding subparagraph (A), if, as of the date of enactment of this chapter, a person has assumed or retained responsibility for retiree medical benefit obligations for individuals who retired from employment under a coal wage agreement, then such person shall be treated as the last signatory operator with respect to such individuals for purposes of this chapter, and any person from whom such responsibility was assumed shall not be treated as the last signatory operator.

"(C) For purposes of this chapter, the last signatory operator of any orphan miner or other coal industry retiree shall be considered to be the last signatory operator with respect to such orphan miner's or other coal industry retiree's spouse, surviving spouse and dependents, if any.

"(7) The term 'National Bituminous Coal Wage Agreement' shall mean the collective bargaining agreement negotiated by the settlors.

"(8) The term 'settlors' means the United Mine Workers of America and the Bituminous Coal Operators' Association, Inc. (hereinafter referred to as the 'BCOA'), except that if the BCOA ceases to exist, members of the BCOA representing more than 50 percent of the tonnage membership of BCOA on the date of enactment of this Act shall collectively be considered a settlor.

"SEC. 9724. SHAM TRANSACTIONS.

"If a principal purpose of any transaction is to evade or avoid liability under this chapter, this chapter shall be applied (and liability shall be imposed) without regard to such transaction. A bona fide, arm's-length sale of an entity subject to liability under this chapter to an unrelated party (within the meaning of section 4204(d) of the Employee Retirement Income Security Act of 1974, as amended), shall not by itself be sufficient to establish a principal purpose to evade or avoid liability within the meaning of this section."

(b) CONFORMING AMENDMENT.—The table of subtitles for the Internal Revenue Code of 1986 is amended by adding at the end thereof the following new subtitle:

"Subtitle J. Coal Industry health benefits."

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

And the Senate agree to the same.

That the Senate recede from its amendment to the title of the bill.

DAN ROSTENKOWSKI,
SAM GIBBONS,
J.J. PICKLE,
CHARLES B. RANGEL,
PETE STARK,

Managers on the part of the House.

LLOYD BENTSEN,
GEORGE MITCHELL,

DANIEL PATRICK MOYNIHAN,
Managers on the part of the Senate.

When said conference report was considered.

After debate,

On motion of Mr. ROSTENKOWSKI, the previous question was ordered on the conference report to its adoption or rejection.

The question being put, viva voce,

Will the House agree to said conference report?

The SPEAKER pro tempore, Mr. McNULTY, announced that the yeas had it.

Mr. ARCHER objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 4, rule XV, and the call was taken by electronic device.

When there appeared	{	Yeas	211
		Nays	189

32.11 [Roll No. 54]
YEAS—211

Abercrombie	Flake	Murphy
Ackerman	Foglietta	Murtha
Alexander	Foley	Nagle
Anderson	Ford (MI)	Natcher
Andrews (ME)	Ford (TN)	Neal (MA)
Andrews (TX)	Frank (MA)	Neal (NC)
Annunzio	Frost	Nowak
Anthony	Gaydos	Oakar
Applegate	Gejdenson	Oberstar
Aspin	Gephardt	Obey
Atkins	Gibbons	Olin
AuCoin	Glickman	Olver
Bacchus	Gonzalez	Ortiz
Bennett	Gordon	Owens (NY)
Berman	Guarini	Panetta
Bevill	Hall (OH)	Pastor
Bilbray	Harris	Payne (NJ)
Blackwell	Hayes (IL)	Payne (VA)
Bonior	Hefner	Pease
Borski	Hertel	Pelosi
Boucher	Hoagland	Penny
Boxer	Hochbrueckner	Perkins
Brewster	Horn	Peterson (FL)
Brooks	Hoyer	Pickle
Browder	Hubbard	Poshard
Brown	Jacobs	Price
Bryant	Jefferson	Rahall
Bustamante	Jenkins	Rangel
Byron	Johnson (SD)	Reed
Campbell (CO)	Johnston	Richardson
Cardin	Jones (NC)	Rose
Chapman	Jontz	Rostenkowski
Clay	Kanjorski	Rowland
Clement	Kaptur	Roybal
Coleman (TX)	Kennedy	Sabo
Collins (MI)	Kennelly	Sanders
Conyers	Kildee	Sangmeister
Costello	Klecicka	Savage
Cox (IL)	Kolter	Sawyer
Coyne	Kopetski	Scheuer
Cramer	Kostmayer	Schroeder
Darden	LaFalce	Schumer
de la Garza	Lancaster	Serrano
DeFazio	Lantos	Sharp
DeLauro	LaRocco	Sikorski
Dellums	Levin (MI)	Slaughter (NY)
Derrick	Lewis (GA)	Smith (FL)
Dicks	Lowe (NY)	Smith (IA)
Dingell	Luken	Snowe
Dixon	Markey	Solarz
Donnelly	Martinez	Spratt
Dooley	Matsui	Staggers
Dorgan (ND)	Mavroules	Stenholm
Downey	Mazzoli	Stokes
Durbin	McCloskey	Studds
Eckart	McDermott	Swift
Edwards (CA)	McHugh	Synar
Edwards (TX)	McNulty	Tallon
Engel	Mfume	Tanner
Erdreich	Mineta	Thornton
Espy	Mink	Torres
Evans	Moakley	Torricelli
Fascell	Mollohan	Towns
Fazio	Moody	Traxler
Feighan	Moran	Unsoeld

Valentine	Waxman	Wolpe
Vento	Weiss	Wyden
Visclosky	Wheat	Yates
Volkmer	Williams	Yatron
Washington	Wilson	
Waters	Wise	

NAYS—189

Allard	Hancock	Peterson (MN)
Allen	Hansen	Petri
Andrews (NJ)	Hastert	Pickett
Archer	Hefley	Porter
Armey	Henry	Quillen
Ballenger	Herger	Ramstad
Barrett	Hobson	Ravenel
Barton	Hopkins	Ray
Bateman	Horton	Regula
Beilenson	Houghton	Rhodes
Bentley	Hughes	Ridge
Bereuter	Hunter	Riggs
Bilirakis	Hutto	Rinaldo
Bliley	Hyde	Ritter
Boehlert	Inhofe	Roberts
Boehner	Ireland	Roe
Broomfield	James	Roemer
Bunning	Johnson (CT)	Rogers
Burton	Johnson (TX)	Rohrabacher
Camp	Jones (GA)	Ros-Lehtinen
Carper	Kasich	Roth
Carr	Klug	Roukema
Clinger	Kolbe	Santorum
Coble	Kyl	Sarpalius
Coleman (MO)	Lagomarsino	Saxton
Combest	Leach	Schaefer
Condit	Lehman (CA)	Schiff
Cooper	Lent	Schulze
Coughlin	Lewis (CA)	Sensenbrenner
Cox (CA)	Lewis (FL)	Shaw
Crane	Lightfoot	Shays
Cunningham	Lloyd	Shuster
Davis	Long	Sisisky
DeLay	Lowery (CA)	Skeen
Doolittle	Machtley	Skelton
Dornan (CA)	Martin	Slattery
Dreier	McCandless	Smith (NJ)
Duncan	McCollum	Smith (OR)
Dwyer	McCrery	Solomon
Early	McCurdy	Spence
Emerson	McDade	Stallings
English	McEwen	Stark
Ewing	McGrath	Stearns
Fawell	McMillan (NC)	Stump
Fields	McMillen (MD)	Sundquist
Fish	Meyers	Sweet
Franks (CT)	Michel	Tauzin
Gallegly	Miller (OH)	Taylor (MS)
Gallo	Miller (WA)	Taylor (NC)
Gekas	Molinari	Thomas (WY)
Geren	Montgomery	Traficant
Gilchrest	Moorhead	Upton
Gillmor	Morella	Vander Jagt
Gilman	Myers	Vucanovich
Goodling	Nichols	Walker
Goss	Nussle	Walsh
Gradison	Owens (UT)	Weber
Grandy	Oxley	Weldon
Green	Packard	Wolf
Gunderson	Pallone	Young (AK)
Hall (TX)	Parker	Young (FL)
Hamilton	Patterson	Zeliff
Hammerschmidt	Paxon	Zimmer

NOT VOTING—35

Baker	Hatcher	Morrison
Barnard	Hayes (LA)	Mrazek
Bruce	Holloway	Orton
Callahan	Huckaby	Pursell
Campbell (CA)	Laughlin	Russo
Chandler	Lehman (FL)	Skaggs
Collins (IL)	Levine (CA)	Smith (TX)
Dannemeyer	Lipinski	Thomas (CA)
Dickinson	Livingston	Thomas (GA)
Dymally	Manton	Whitten
Edwards (OK)	Marlenee	Wylie
Gingrich	Miller (CA)	

So the conference report was agreed to.

A motion to reconsider the vote whereby said conference report was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

32.12 SUBCOMMITTEE TO SIT

On motion of Mr. SWIFT, by unanimous consent, the Subcommittee on

Transportation and Hazardous Materials of the Committee on Energy and Commerce was granted permission to sit during the 5-minute rule on Wednesday, March 25, and Thursday, March 26, 1992.

32.13 ADJOURNMENT OVER

On motion of Mr. GEPHARDT, by unanimous consent,

Ordered, That when the House adjourns today, it adjourn to meet on Tuesday, March 24, 1992.

32.14 CALENDAR WEDNESDAY BUSINESS DISPENSED WITH

On motion of Mr. GEPHARDT, by unanimous consent,

Ordered, That business in order for consideration on Wednesday, March 25, 1992, under clause 7, rule XXIV, the Calendar Wednesday rule, be dispensed with.

And then,

32.15 ADJOURNMENT

On motion of Mr. PENNY, pursuant to the special order heretofore agreed to, at 2 o'clock and 55 minutes p.m., the House adjourned until 12 o'clock noon on Tuesday, March 24, 1992.

32.16 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ROSTENKOWSKI: Committee of conference. Conference report on H.R. 4210 (Rept. No. 102-461). Ordered to be printed.

Mr. GORDON: Committee on Rules. House Resolution 403. Resolution providing for the consideration of H.R. 3553, a bill to amend and extend the Higher Education Act of 1965 (Rept. No. 102-462). Referred to the House Calendar.

Mrs. SCHROEDER: Committee on Armed Services. H.R. 1435. A bill to direct the Secretary of the Army to transfer jurisdiction over the Rocky Mountain Arsenal, CO, to the Secretary of the Interior; with an amendment (Rept. No. 102-463, Pt. 1). Ordered to be printed.

32.17 PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ALEXANDER:

H.R. 4522. A bill to extend the authorization of appropriations of the TRIO Programs under the Higher Education Act of 1965, and for other purposes; to the Committee on Education and Labor.

By Mr. BATEMAN (for himself and Mr. DAVIS):

H.R. 4523. A bill to amend title 46, United States Code, to prohibit the Secretary of the department in which the Coast Guard is operating from establishing any fee or charge for issuing a license, certificate of registry, or merchant mariners' document under that title; to the Committee on Merchant Marine and Fisheries.

By Mr. BENNETT:

H.R. 4524. A bill to amend title 5, United States Code, to provide the Federal employees stationed abroad who qualify for travel and transportation expenses associated with returning to their original place of residence between assignments be afforded the option

of traveling elsewhere, so long as the expenses associated therewith are not more than 80 percent of the amount which otherwise be allowable; to the Committee on Government Operations.

By Mr. TAUZIN (for himself, Mr. HARRIS, Mr. COOPER, and Mr. BOUCHER):

H.R. 4525. A bill to amend the Communications Act of 1934 to enhance competition in the video marketplace; to the Committee on Energy and Commerce.

By Mr. BEREUTER (for himself, Mr. ALLARD, Mr. CAMPBELL of Colorado, Mr. CLINGER, Mr. HORTON, Mr. LAFALCE, Mr. LAGOMARSINO, Mr. MRAZEK, Mr. PENNY, Mr. SMITH of Florida, and Mr. STARK):

H.R. 4526. A bill to authorize the admission to the United States of certain scientist of the Commonwealth of Independent States as employment-based immigrants under the Immigration and Nationality Act, and for other purposes; jointly, to the Committees on the Judiciary and Foreign Affairs.

By Mr. BEREUTER:

H.R. 4527. A bill to amend the Export-Import Bank Act of 1945 to repeal the limitation on financing for exports to the Soviet Union; jointly, to the Committees on Banking, Finance and Urban Affairs and Ways and Means.

By Ms. COLLINS of Michigan (for herself, Mr. PANETTA, Mr. CLAY, Mr. CONYERS, Mr. DE LUGO, Mr. DICKS, Mr. DOWNEY, Mr. DYMALLY, Mr. FORD of Tennessee, Mr. HAYES of Illinois, Mr. HOCHBRUECKNER, Mr. MCDERMOTT, Mr. MARTINEZ, Ms. NOR-TON, Mr. PETERSON of Florida, Mr. RANGEL, Mr. SABO, Mr. SCHEUER, Mr. TOWNS, Mr. BUSTAMANTE, Mrs. COLLINS of Illinois, Mr. MFUME, Mr. JEFFERSON, Ms. PELOSI, Mr. SAVAGE, and Mr. ECKART):

H.R. 4528. A bill to amend the Job Training Partnership Act to authorize the establishment of additional Job Corps centers, and for other purposes; to the Committee on Education and Labor.

By Mr. DIXON:

H.R. 4529. A bill to amend the Internal Revenue Code of 1986 to provide that distributions to unemployed individuals from individual retirement accounts will not be subject to the additional tax on early distributions; to the Committee on Ways and Means.

By Mr. KANJORSKI (for himself, Mr. AUCCOIN, Mr. BRYANT, Mr. CAMPBELL of Colorado, Mr. COBLE, Mr. DORGAN of North Dakota, Mr. DWYER of New Jersey, Mr. FRANK of Massachusetts, Mr. GILCHREST, Ms. HORN, Mr. JACOBS, Mr. JOHNSON of South Dakota, Ms. KAPTUR, Mr. KILDEE, Mr. KOLTER, Mr. KOSTMAYER, Ms. LONG, Mr. LUKEN, Mr. MINETA, Mr. MOODY, Mr. ORTON, Mr. PACKARD, Mr. PALLONE, Mr. PENNY, Mr. RINALDO, Mr. RITTER, Mr. SHAYS, Mr. SLATTERY, Ms. SLAUGHTER, Mr. WOLPE, and Mr. ZIMMER):

H.R. 4530. A bill to provide for greater disclosure of and accountability for Federal Government travel; jointly, to the Committees on Government Operations, House Administration, and the Judiciary.

By Mr. ESPY (for himself, Mr. DE LA GARZA, Mr. HALL of Ohio, Mr. HUCKABY, Mr. TALLON, and Mr. EMERSON):

H.R. 4531. A bill to require the Secretary of Agriculture to include rice in the definition of supplemental foods for purposes of the special supplemental food program for women, infants, and children under section 17 of the Child Nutrition Act of 1966; to the Committee on Education and Labor.

By Mr. EVANS:

H.R. 4532. A bill to amend title 38, United States Code, to require the Secretary of Vet-